**Western Australia Agreement (Ord River Irrigation) Act 1980**

**No. 99 of 1980**

**An Act relating to an agreement between the Commonwealth and Western Australia in connection with the Ord Irrigation Area**

[*Assented to 6 June 1980*]

WHEREAS the *Western Australia Agreement (Ord River Irrigation) Act* 1968 authorized the execution, on behalf of the Commonwealth, of an agreement between the Commonwealth and Western Australia to provide financial assistance to Western Australia for the construction of a dam on the Ord River and associated works, being an agreement substantially in accordance with the form of the agreement set out in the Schedule to that Act:

AND WHEREAS on 24 June 1968 the Commonwealth executed an agreement with Western Australia in accordance with that form:

AND WHEREAS it is desirable to authorize the execution, on behalf of the Commonwealth, of a further agreement between the Commonwealth and Western Australia varying the first-mentioned agreement to include certain works for the construction of crop handling and processing facilities for produce from the Ord Irrigation Area in the works to be undertaken by Western Australia pursuant to that Agreement:

BE IT THEREFORE ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

**Short title**

**1.** This Act may be cited as the *Western Australia Agreement (Ord River Irrigation) Act* 1980.

**Commencement**

**2.** This Act shall come into operation on the day on which it receives the Royal Assent.

**Execution of agreement authorized**

**3.** The execution, on behalf of the Commonwealth, of an agreement between the Commonwealth and Western Australia substantially in accordance with the form of the agreement contained in the Schedule is authorized.

**Appropriation**

**4.** **(1)** The payments by the Commonwealth to Western Australia provided for in the revised agreement, including advances by the Minister for Finance, may be made to Western Australia by way of financial assistance on the terms and conditions contained in that agreement.

**(2)** Payments referred to in sub-section (1) shall be made out of the Consolidated Revenue Fund, which is appropriated accordingly.

**(3)** In sub-section (1), “revised agreement” means the agreement executed by the Commonwealth on 24 June 1968 in pursuance of the *Western Australia Agreement (Ord River Irrigation) Act* 1968 as amended by the agreement executed in pursuance of this Act.

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**SCHEDULE** Section 3

AN AGREEMENT made the day of One thousand nine hundred and between—

THE COMMONWEALTH OF AUSTRALIA (in this agreement called “the Commonwealth”) of the one part; and

THE STATE OF WESTERN AUSTRALIA (in this agreement called “the State”) of the other part.

WHEREAS:

(a) by an agreement authorized by the Western Australia Agreement (Ord River Irrigation) Act 1968 of the Commonwealth and made between the Commonwealth and the State the twenty-fourth day of June 1968 (in this agreement referred to as “the Principal Agreement”) the Commonwealth agreed to provide financial assistance to the State to assist in the development of water resources in the Kimberley region of Western Australia;

(b) the Principal Agreement provided that the works to be undertaken by the State should consist of the works described in the Schedule to the Principal Agreement for the construction of a dam on the Ord River and associated irrigation and drainage facilities;

(c) the works described in Part I and part of the works described in Part II of the Schedule to the Principal Agreement have been undertaken by the State and financial assistance has been granted by the Commonwealth to the State in accordance with the provisions of the Principal Agreement;

(d) in order to further assist in the development of water resources in the Kimberley region of Western Australia, it is desirable that, in addition to the works described in the Schedule to the Principal Agreement, certain works for the construction of crop handling and processing facilities for produce from the Ord Irrigation Area should be included in the works to be undertaken by the State;

(e) the Commonwealth and the State have agreed that financial assistance should be provided by the Commonwealth in respect of the carrying out of those additional works and that the Principal Agreement should be amended to provide for that financial assistance; and

**SCHEDULE**—continued

(f) the Parliament of the Commonwealth has authorized the execution on behalf of the Commonwealth of an agreement with the State to amend the Principal Agreement in the form of this agreement and the grant of financial assistance under section 96 of the Commonwealth of Australia Constitution on the terms and conditions contained in the Principal Agreement as amended by the agreement so made:

NOW IT IS HEREBY AGREED as follows:

1. Clause 1 of the Principal Agreement is amended—

(a) by deleting “the Minister for National Development” from the definition of “the Minister” and substituting “the Minister for National Development and Energy”;

(b) by inserting after the definition of “the Minister” the following definition:

“‘the Minister for Finance’ means the Minister for Finance of the Commonwealth and includes such other Minister of State of the Commonwealth or member of the Federal Executive Council as is for the time being acting for and on behalf of that Minister;”; and

(c) by deleting the definition of the “the Treasurer”.

2. The Principal Agreement is amended by deleting “the Treasurer” wherever appearing and substituting “the Minister for Finance”.

3. Clause 6 of the Principal Agreement is amended—

(a) by deleting the number “(1)” from sub-clause (1);

(b) by deleting the reference to “sub-clause (2) of this clause” and substituting “clause 7b of this agreement”; and

(c) by deleting sub-clause (2).

4. Clause 7 of the Principal Agreement is amended by inserting in sub-clause (1) after “State” (second occurring) “in respect of the works described in Part II of the Schedule”.

5. After clause 7 of the Principal Agreement the following clauses are inserted:

“7a. Subject to clause 7bof this agreement, the State shall repay to the Commonwealth so much of the payments made by the Commonwealth under clause 3 of this agreement and of the amounts advanced and not refunded under clause 4 of this agreement as were made or advanced in respect of the works described in Part III of the Schedule, and shall pay interest thereon, on such terms and conditions and, in the case of interest, at such rate as shall be agreed upon, in writing, from time to time between the Minister and the State Treasurer.

“7b. The State may at any time, after giving to the Minister for Finance at least one month’s notice of its intention so to do, repay to the Commonwealth the whole or any part not being less than One hundred thousand dollars of so much as remains unpaid by the State of a payment or advance under clause 3 or 4 of this agreement, together with the interest on the amount repaid accrued to the date of repayment in accordance with clause 7 or clause 7aof this agreement, as the case may be.”

6. Clause 11 of the Principal Agreement is amended by deleting “the Secretary to the Department of National Development and the Secretary to the Department of the Treasury” and substituting “the Secretary to the Department of National Development and Energy and the Secretary to the Department of Finance”.

7. The Schedule to the Principal Agreement is amended by adding at the end thereof the following Part:

“PART III

The construction of crop handling and processing facilities for produce from the Ord Irrigation Area.”

8. The Principal Agreement is confirmed to the intent that, on and from the day of coming into force of this agreement and without otherwise affecting its operation prior to that date, it shall continue in force and have operation as amended by this agreement.

IN WITNESS WHEREOF, &c.