



Christmas Island Agreement Amendment Act 1983

No. 30 of 1983

An Act relating to the Christmas Island Agreement

[Assented to 19 June 1983]

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

Short title, &c.

1. (1) This Act may be cited as the *Christmas Island Agreement Amendment Act 1983*.

(2) The *Christmas Island Agreement Act 1958*¹ is in this Act referred to as the Principal Act.

Commencement

2. This Act shall come into operation on a day to be fixed by Proclamation.

Interpretation

3. Section 4 of the Principal Act is amended by adding at the end thereof the following definition:

“ ‘the termination agreement’ means the agreement a copy of which is set out in Schedule 2.”.

Approval of agreement

4. Section 6 of the Principal Act is amended by omitting “the Schedule to this Act” and substituting “Schedule 1”.

Continuance of Christmas Island Phosphate Commission

5. Section 7 of the Principal Act is amended—

- (a) by adding at the end of sub-section (1) “until the Commission ceases to function in accordance with the termination agreement”; and
- (b) by inserting in sub-section (2) “, until it ceases to function in accordance with the termination agreement,” after “Commission”.

Schedule 1

6. The Schedule to the Principal Act is amended by omitting “THE SCHEDULE” and substituting “SCHEDULE 1”.

Schedule 2

7. The Principal Act is amended by adding at the end thereof the following Schedule:

“SCHEDULE 2

Section 4

**AGREEMENT BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE
GOVERNMENT OF NEW ZEALAND TO PROVIDE FOR THE TERMINATION OF
THE CHRISTMAS ISLAND AGREEMENT 1958-81**

The Government of Australia and the Government of New Zealand, (hereinafter referred to as “the said Governments”),

Desiring to revise their mutual rights and obligations under the Christmas Island Agreement 1958-81, in the light of the proposed winding up of the Christmas Island Phosphate Commission

HAVE AGREED AS FOLLOWS:

ARTICLE I

The Christmas Island Phosphate Commission constituted under the Agreement made on 26 November 1949 between the Government of Australia and the Government of New Zealand, and incorporated by the Christmas Island Agreement Act 1949 of Australia (hereinafter referred to as “the Commission”), shall cease to function as soon as practicable after the date of entry into force of this Agreement.

ARTICLE II

The Commission shall transfer or otherwise divest itself of all licences, authority, powers, assets and liabilities at a date or dates and upon terms acceptable to the said Governments.

ARTICLE III

The administration and distribution of moneys held in the special fund created pursuant to paragraph 3 of Article 6 of the Christmas Island Agreement 1958-81 shall, from the date of entry into force of this Agreement, be the responsibility of the Government of Australia.

ARTICLE IV

The Christmas Island Agreement 1958-81 and this Agreement shall, notwithstanding Article 14 of the Christmas Island Agreement 1958-81, terminate when the Commission ceases to function.

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SCHEDULE 2—continued

ARTICLE V

This Agreement shall enter into force on the date on which the Government of Australia notifies the Government of New Zealand that it has completed the processes necessary in Australia to give effect to this Agreement.

IN WITNESS WHEREOF the undersigned, duly authorised thereto, have signed the present Agreement and affixed thereto their seals.

DONE at Canberra this Twenty-second day of November 1982.

A. A. STREET
For the
Government of Australia

L. J. FRANCIS
For the
Government of New Zealand".

NOTE

1. No. 69, 1958, as amended. For previous amendments, see No. 216, 1973; and No. 107, 1981.