



# **Supported Accommodation Assistance Act 1985**

**No. 22 of 1985**

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**An Act relating to financial assistance to the States and to the  
Northern Territory in connection with the provision of  
supported accommodation services and related support services**

*[Assented to 15 May 1985]*

BE IT 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 *Supported Accommodation Assistance Act 1985*.

## **Commencement**

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

## **Interpretation**

**3. (1)** In this Act—

“first grant year” means the financial year commencing on 1 July 1985;

“grant” means a payment to a State, by way of financial assistance to that State, under section 5;

“grant period” means—

(a) the period of 6 calendar months commencing on 1 January 1985; or

(b) the first grant year or a subsequent grant year;

“State” includes the Northern Territory;

“subsequent grant year” means a financial year commencing on 1 July 1986, 1 July 1987 or 1 July 1988.

(2) A reference in this Act to an agreement entered into pursuant to sub-section 4 (1) includes a reference to such an agreement that has been varied, as between the Commonwealth and any State or States, by virtue of an agreement or agreements entered into pursuant to sub-section 4 (2).

### **Entering into, and variation, of agreements**

4. (1) The entering into, by or on behalf of the Commonwealth, of an agreement between the Commonwealth and any State or States, being an agreement substantially in accordance with the form contained in the Schedule, is authorized.

(2) Where an agreement (in this sub-section referred to as the “principal agreement”) entered into pursuant to sub-section (1) is in force between the Commonwealth and a State at a particular time—

(a) the entering into at that time, by or on behalf of the Commonwealth, in accordance with the provisions of the principal agreement as so in force that relate to the variation of the principal agreement as so in force, of a further agreement between the Commonwealth and the State is authorized; and

(b) if such a further agreement is so entered into—the Minister shall cause a copy of the further agreement to be laid before each House of the Parliament within 15 sitting days of that House after the further agreement is so entered into.

(3) Where—

(a) at a particular time before the commencement of this Act, an agreement was entered into between the Commonwealth and any State or States; and

(b) the entering into of the agreement at that time would, if this Act as originally enacted had come into operation immediately before that time, have been authorized by sub-section (1),

the agreement—

(c) is approved; and

(d) shall be deemed, for the purposes of this Act, to have been entered into pursuant to sub-section (1).

(4) Where—

- (a) an agreement (in this sub-section referred to as the “principal agreement”) that, by virtue of sub-section (3), is to be deemed to have been entered into pursuant to sub-section (1) was in force between the Commonwealth and a State at a particular time before the commencement of this Act; and
- (b) in accordance with the provisions of the principal agreement as so in force that related to the variation of the principal agreement as so in force, a further agreement was entered into at that time between the Commonwealth and that State,

then—

(c) the further agreement—

- (i) is approved; and
  - (ii) shall be deemed, for the purposes of this Act, to have been entered into pursuant to sub-section (2); and
- (d) the Minister shall cause a copy of the further agreement to be laid before each House of the Parliament within 15 sitting days of that House after the day on which this Act receives the Royal Assent.

(5) A reference in sub-section (4), in relation to a particular time, to an agreement that, by virtue of sub-section (3), is to be deemed to have been entered into pursuant to sub-section (1) includes a reference to such an agreement that has, before that time, been varied, as between the Commonwealth and any State or States, by virtue of an agreement or agreements that, by virtue of a previous application, or previous applications, of sub-section (4), is or are to be deemed to have been entered into pursuant to sub-section (2).

**Grants for supported accommodation services and related support services**

5. (1) Subject to this Act, where an agreement entered into pursuant to sub-section 4 (1) is in force between the Commonwealth and a State, the Minister may authorize the payment to the State, by way of financial assistance, of such amounts as the Minister determines to meet or reimburse expenditure by the State in respect of a grant period, being expenditure for any purpose relating to the provision of supported accommodation services or of related support services.

(2) A grant to a State shall be made on such terms and conditions as are specified in relation to the grant in the agreement entered into pursuant to sub-section 4 (1) and in force between the Commonwealth and the State, being that agreement as so in force at the time when the grant is made.

(3) An amount repayable by a State to the Commonwealth in accordance with a provision of an agreement entered into pursuant to sub-section 4 (1) and in force between the Commonwealth and the State is a debt due by the State to the Commonwealth.

**Appropriation**

**6. (1)** The Consolidated Revenue Fund is appropriated to the extent necessary for the purpose of making, in respect of the first grant year, grants amounting in the aggregate to \$27,242,000.

**(2)** The Consolidated Revenue Fund is appropriated to the extent necessary for the purpose of making, in respect of a subsequent grant year, grants amounting in the aggregate to the sum of the amounts appropriated for the purpose of making grants in respect of the financial year immediately preceding that subsequent grant year.

**(3)** Grants shall be made out of money appropriated for the purpose of making grants.

**(4)** In this section—

- (a)** a reference to the making of a grant in respect of a particular financial year is a reference to the making of a grant to meet or reimburse expenditure by a State in respect of that financial year; and
- (b)** a reference to an amount, or to money, appropriated for a particular purpose is a reference to an amount, or to money, as the case may be, so appropriated by this Act or by another Act.

**Advances on account of amounts expected to become payable under section 5**

**7.** Where an agreement entered into pursuant to sub-section 4 (1) is in force between the Commonwealth and a State—

- (a)** the Minister may make arrangements for the making to the State, by way of financial assistance to the State, of advances on account of amounts that are expected to become payable to the State under section 5; and
  - (b)** this Act, and the agreement as so in force, apply to and in relation to an advance to the State under paragraph (a) and so apply as if the advance were a grant to the State.
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## **SCHEDULE**

AN AGREEMENT made the \_\_\_\_\_ day of \_\_\_\_\_ One thousand  
nine hundred and eighty-five between—

THE COMMONWEALTH OF AUSTRALIA of the first part,  
THE STATE OF NEW SOUTH WALES of the second part,  
THE STATE OF VICTORIA of the third part,  
THE STATE OF QUEENSLAND of the fourth part,  
THE STATE OF WESTERN AUSTRALIA of the fifth part,  
THE STATE OF SOUTH AUSTRALIA of the sixth part,  
THE STATE OF TASMANIA of the seventh part, and  
THE NORTHERN TERRITORY OF AUSTRALIA of the eighth part.

### **WHEREAS:**

- (A) the Commonwealth has proposed to the States that the Commonwealth will grant financial assistance to the States under section 96 of the Commonwealth of Australia Constitution and like assistance to the Northern Territory for the purpose of the provision of a range of supported accommodation and related support services to assist men, women, young people and their dependants who are permanently homeless, or temporarily homeless as a result of crisis, and that the terms and conditions on which the grant of financial assistance should be made are those set out in this agreement; and
- (B) the Parliament of the Commonwealth has authorized the execution by or on behalf of the Commonwealth of this agreement and the provision of financial assistance to the States and the Northern Territory in accordance with its provisions:

NOW IT IS HEREBY AGREED as follows:

### **PART I—OPERATION OF AGREEMENT**

1. (1) This agreement shall be deemed to have come into force on 1 January 1985 and acts or things consistent with its provisions that have been done by or on behalf of a party in anticipation of this agreement so coming into force shall be regarded as having been done under and in accordance with its provisions.

(2) Notwithstanding that in this agreement all the States and the Northern Territory are named as parties, this agreement shall operate as an agreement between the Commonwealth and the party or parties which sign it as fully and effectually as if that party or those parties were the only party or parties so named other than the Commonwealth.

(3) Subject to clause 19, this agreement shall continue in force until 30 June 1989.

### **PART II—INTERPRETATION**

2. (1) In this agreement, subject to this clause and except where the context otherwise indicates—

- (a) 'the Commonwealth' means the Commonwealth of Australia as the party to this agreement;
- (b) each State is referred to as a 'State' and, except where the context otherwise indicates, 'the States' means all of those States; and
- (c) 'the Northern Territory' means the Northern Territory of Australia.

(2) A reference to a State or the States in this Part and in the succeeding clauses of this agreement shall, except where the contrary intention appears and according to the requirements of the context, be deemed to include a reference to the Northern Territory.

**SCHEDULE—continued**

3. (1) In this agreement—

‘the Commonwealth Minister’ means the Minister of State of the Commonwealth for the time being responsible for the administration of this agreement for the Commonwealth; and

‘the State Minister’ means the Minister of State of a State for the time being responsible for the administration of this agreement for the relevant State and, when there is more than one such Minister, means the Minister having for the time being responsibility for the matter or class of matters in respect of which the relevant provision of this agreement is being applied.

(2) A reference in this agreement to a Minister includes a Minister or other member of the Federal Executive Council or Minister of the relevant State, as the case may require, acting on behalf of or for the time being acting for the Minister referred to.

4. In this agreement, unless the contrary intention appears or the context otherwise requires—

‘advisory processes’ means advisory processes adopted pursuant to sub-clause 8 (3);

‘approved service’ means a service (including a variation of a service) approved pursuant to sub-clause 8 (5);

‘evaluation’ means an evaluation conducted pursuant to clause 9;

‘financial assistance’ means financial assistance provided pursuant to clause 10;

‘financial year’ means a period of 12 calendar months commencing on 1 July;

‘grant period’ means the period of six calendar months commencing on 1 January 1985 or any of the financial years commencing on 1 July 1985, 1986, 1987 or 1988;

‘guidelines’ means guidelines approved pursuant to sub-clause 8 (2);

‘local government’ means a local governing body established by or under a law of a State;

‘non-government organisation’ means:

- (a) an organisation (other than an organisation conducted or controlled by, or by persons appointed by, the Government of the Commonwealth or of a State) that is carried on otherwise than for the purpose of profit or gain to its individual members and is
  - (i) a religious organisation;
  - (ii) an organisation the principal objects or purposes of which are charitable or benevolent; or
  - (iii) any other organisation agreed upon by the Commonwealth Minister and the State Minister for the purpose of this sub-paragraph;
- (b) the trustee or trustees under a trust established by an organisation referred to in paragraph (a) or by a local government;
- (c) a corporation established by an organisation referred to in paragraph (a) or by a local government; or
- (d) the trustee or trustees under a trust established for charitable or benevolent purposes agreed upon by the Commonwealth Minister and the State Minister for the purpose of this paragraph;

‘program’ means a Supported Accommodation Assistance Program established and administered by a State pursuant to clause 7;

‘review’ means a review conducted pursuant to sub-clause 8 (7);

‘salaries component’ means salary or a salary on-cost of a kind referred to in the guidelines;

‘State’s contribution’ means a contribution to be made by a State pursuant to clause 12; and

‘sub-program’ means a sub-program established and administered by a State pursuant to clause 7.

**SCHEDULE—continued**

5. In this agreement, unless the contrary intention appears—

- (a) a reference to a Part or to a clause is to a Part or to a clause of this agreement, as the case may be;
- (b) a reference to a sub-clause is, unless otherwise indicated, to the relevant sub-clause of the clause in which the reference appears; and
- (c) words in the singular number include the plural and vice versa.

**PART III—OBJECTIVE OF AGREEMENT**

6. The objective of this agreement is the provision by non-government organisations or local governments, with financial assistance from the Commonwealth and the States, of a range of supported accommodation services and related support services to assist men, women, young people and their dependants who are permanently homeless, or temporarily homeless as a result of crisis, and who need support to move towards independent living, where possible and appropriate.

**PART IV—PROGRAMS, SUB-PROGRAMS AND SERVICES**

7. For the purpose of this agreement, a State shall establish and administer a Supported Accommodation Assistance Program comprising the following sub-programs—

- (a) a General Supported Accommodation Sub-program, being a sub-program for the provision by non-government organisations or local governments of supported accommodation and related support services for men, women and their dependants who are permanently homeless, or temporarily homeless as a result of crisis, and who need support to move towards independent living, where possible and appropriate;
- (b) a Women's Emergency Services Sub-program, being a sub-program for the provision by non-government organisations or local governments of supported accommodation and related support services for women and women with dependent children escaping from intolerable domestic circumstances or other crisis situations who need support to move towards independent living, where possible and appropriate; and
- (c) a Youth Supported Accommodation Sub-program, being a sub-program for the provision by non-government organisations or local governments of supported accommodation and related support services for persons of not less than 12 years of age nor more than 25 years of age and their dependants who are homeless as a result of crisis and who need support to move towards more appropriate accommodation, including independent living where possible and appropriate.

8. (1) In administering a program, a State shall comply with the provisions of this clause.

(2) A program shall be administered in accordance with guidelines from time to time jointly approved by the Commonwealth Minister and the State Ministers and published in the Commonwealth Gazette.

(3) The Commonwealth Minister and the State Minister shall jointly adopt, and may from time to time vary, advisory processes whereby non-government organisations and local governments are consulted and their advice obtained on program needs and priorities.

(4) Commonwealth and State officers shall participate in the making of recommendations to the Commonwealth Minister and the State Minister in relation to the distribution of financial assistance and the State's contribution, matters in which the Commonwealth Minister and the State Minister are required to act jointly by this agreement, and such other matters as are specified in the guidelines.

(5) The Commonwealth Minister and the State Minister may from time to time jointly approve a service, that is:

- (a) a supported accommodation service or a related support service;

**SCHEDULE—continued**

(b) eligible for funding in accordance with the guidelines; and

(c) provided or to be provided by a non-government organisation or a local government,

as an approved service for the purposes of this agreement and may jointly revoke an approval so given and jointly approve a variation of an approved service.

(6) The Commonwealth Minister and the State Minister shall jointly announce the approval of services pursuant to sub-clause (5) and may jointly announce any other action taken jointly by the Ministers in relation to the program.

(7) The Commonwealth and each State shall jointly review the State's program at such times and in such manner as are agreed upon by the Commonwealth Minister and the State Minister.

(8) The administration of the program shall be co-ordinated with the administration of the provisions of the Commonwealth and State Housing Agreement that are relevant to the program.

(9) A State shall be able to exercise maximum autonomy and flexibility, consistently with this agreement and the guidelines, in making arrangements necessary for the administration of the State's program.

9. The Commonwealth and the States shall commence a joint evaluation of the States' programs not later than 30 June 1987.

**PART V—FINANCIAL PROVISIONS**

**SECTION A: FINANCIAL ASSISTANCE**

10. (1) Upon and subject to the provisions of this agreement, the Commonwealth will, out of monies that are from time to time appropriated by the Commonwealth Parliament for the purpose, provide financial assistance to the States in respect of each grant period for the purpose of meeting or reimbursing expenditure in relation to the provision of approved services.

(2) The Commonwealth will provide financial assistance to each State:

(a) in respect of the first grant period, in the amount set out opposite the name of the State in Column 1 of the table below; and

(b) in respect of each grant period thereafter, in the amount set out opposite the name of the State in Column 2 of the table below.

	Column 1	Column 2
	\$	\$
New South Wales . . . . .	4,191,000	9,606,000
Victoria . . . . .	1,857,000	4,430,000
Queensland . . . . .	1,724,000	4,241,000
Western Australia . . . . .	1,475,000	3,096,000
South Australia . . . . .	1,348,000	3,149,000
Tasmania . . . . .	740,000	1,788,000
Northern Territory . . . . .	384,000	932,000
	11,719,000	27,242,000

(3) The Commonwealth may provide financial assistance to a State, in addition to that provided under sub-clause (2), in respect of a grant period, in such amounts and in such manner as are agreed upon by the Commonwealth Minister and the State Minister.



**SCHEDULE—continued**

(4) The amount of financial assistance that is payable to a State pursuant to sub-clause (2), in respect of a grant period other than the first or second grant periods, shall be increased by the sum of—

- (a) an adjustment to the salaries component of that amount to take account of any estimated growth in wages for the grant period agreed upon in the context of the Premiers' Conference held nearest to the commencement of the grant period; and
- (b) the amount of any additional financial assistance provided in respect of the preceding grant period pursuant to sub-clause (3),

and the amount payable in respect of each succeeding grant period shall be increased accordingly.

(5) The Commonwealth Minister shall, as soon as practicable, give notice in writing to each State Minister of an amount of financial assistance to be provided to the State in respect of a grant period.

(6) Financial assistance to be provided to a State in respect of a grant period shall be allocated among sub-programs, and as between non-government organisations and local governments in participating in advisory processes, and for reviews and evaluation, in such manner as is determined by the Commonwealth Minister, after consultation with the State Minister.

(7) Financial assistance shall be by way of interest free non-repayable grants, subject to the provisions of clause 18.

11. Financial assistance provided to a State is granted on the conditions that—

- (a) it shall be applied by the State, in accordance with the guidelines, for the purpose of meeting or reimbursing expenditure incurred by—
  - (i) non-government organisations or local governments in the provision of approved services;
  - (ii) the State in administering the program, to the extent permitted by clause 13, and in participating in reviews and evaluation; and
  - (iii) non-government organisations or local governments in participating in advisory processes, reviews and evaluation;
- (b) subject to paragraph (c), the State will, without undue delay, pay to non-government organisations and local governments having responsibility for the provision of approved services, amounts equal to financial assistance provided to the State in respect of approved services;
- (c) payment to a non-government organisation or local government will not be made unless the non-government organisation or local government, before or at the time of accepting payment, agrees with the State to be bound by the conditions attached to the provision of financial assistance consistent with this agreement and the guidelines and continues to comply with such conditions;
- (d) there will be no significant increase or decrease in the level of funds made available pursuant to this agreement to a non-government organisation or local government in respect of the provision of an approved service except with the approval of the Commonwealth Minister and the State Minister or pursuant to the guidelines; and
- (e) the State will make contributions from its own resources in relation to the provision of approved services in respect of each grant period under this agreement, to the extent and in the manner provided in clause 12.

12. (1) Subject to and in accordance with the succeeding provisions of this clause, a State will contribute from its own resources, in respect of each grant period other than the first grant period, an amount that is not less than the amount ascertained in accordance with the formula  $(90\% \text{ of } X) - Y$ , where—

**X** = the aggregate amount of financial assistance to be provided by the Commonwealth to the State in respect of the grant period; and

**SCHEDULE—continued**

**Y** = the amount set out opposite the name of the State in the table below, or such other amount as is agreed upon by the Commonwealth Minister and the State Minister.

	\$
New South Wales . . . . .	2,034,000
Victoria . . . . .	749,000
Queensland . . . . .	591,000
Western Australia . . . . .	535,000
South Australia . . . . .	906,000
Tasmania . . . . .	433,000
Northern Territory . . . . .	198,000
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	5,446,000

(2) Where the Commonwealth Minister is satisfied that the State's contribution in respect of a grant period is or is likely to be substantially below the full year effect of the amount of financial assistance provided to the State in respect of the first grant period, the State will—

- (a) contribute in respect of that grant period, in lieu of the amount ascertained in accordance with sub-clause (1), such lesser amount as is agreed upon by the Commonwealth Minister and the State Minister; and
- (b) increase its contribution up to the amount ascertained in accordance with sub-clause (1) by such grant period as is agreed upon by the Commonwealth Minister and the State Minister, but so that that amount is contributed at least in respect of the final grant period.

(3) The Commonwealth will provide financial assistance to a State additional to that to be provided pursuant to sub-clauses 10 (2) and 10 (4), beyond an amount equivalent to the full year effect of the amount of financial assistance provided to the State in respect of the first grant period, if, after consulting with the State Minister, the Commonwealth Minister is satisfied that to do so would not make it unduly onerous for the State to make the contribution to be made by the State pursuant to sub-clause (1).

(4) Where a State's contribution in respect of a grant period is less than the amount that the State is required to contribute pursuant to sub-clause (1) or sub-clause (2), the amount of financial assistance to be provided by the Commonwealth pursuant to sub-clauses 10 (2) and 10 (4) in respect of the grant period may, after consultation by the Commonwealth Minister with the State Minister, be reduced by the amount of the shortfall and the Commonwealth may distribute that amount among the other States.

(5) Except as provided in sub-clause (4), the Commonwealth will not decrease the amount of financial assistance to be provided to a State in respect of a grant period to less than the full year effect of the amount of financial assistance provided to the State in respect of the first grant period.

(6) A State shall apportion its contribution among sub-programs in respect of each grant period other than the first grant period in such a way as to maintain, at the least, the level of its expenditure on those services provided during the financial year commencing on 1 July 1983 that continue to be provided as approved services pursuant to this agreement.

(7) For the purposes of this clause, a State's contribution may include expenditure incurred by the State in relation to approved services and services other than approved services provided by the State, non-government organisations and local governments that the Commonwealth Minister and the State Minister agree are consistent with the guidelines, but may not include funds which have been used to match financial assistance provided by the Commonwealth otherwise than under this agreement.

(8) In this clause, a reference to the 'full year effect of the amount of financial assistance provided to the State in respect of the first grant period' in relation to a State means the amount set out opposite the name of the State in the table below.

**SCHEDULE—continued**

	\$
New South Wales . . . . .	8,382,000
Victoria . . . . .	3,714,000
Queensland . . . . .	3,448,000
Western Australia . . . . .	2,950,000
South Australia . . . . .	2,696,000
Tasmania . . . . .	1,480,000
Northern Territory . . . . .	768,000
	<hr/> 23,438,000 <hr/>

(9) In the event that no agreement is reached between the Commonwealth and a State, party to this agreement, for the provision of financial assistance after 30 June 1989 for the purpose of supported accommodation and related support services, the State shall have no responsibility in relation to the provision after that date of such financial assistance as was provided by the Commonwealth prior to this agreement entering into force in respect of services which become approved services.

13. (1) Subject to sub-clauses (2) and (3), the amount of financial assistance provided in respect of a grant period that may be applied by a State in meeting or re-imbursing costs incurred by the State in administering the State's program in that grant period shall not exceed—

- (a) in a grant period in respect of which the State's contribution does not exceed the amount ascertained in accordance with sub-clause 12 (1), 2 per cent;
- (b) in a grant period in respect of which the State's contribution exceeds the amount ascertained in accordance with sub-clause 12 (1) but does not exceed the amount of the financial assistance, 4 per cent; and
- (c) in a grant period in respect of which the State's contribution exceeds the amount of the financial assistance, 6 per cent,

of the amount of the financial assistance.

(2) Where—

- (a) paragraph (a) of sub-clause (1) applies to a State's contribution; and
- (b) the amount ascertained in accordance with that paragraph is insufficient to enable the State to employ one person on a full-time basis in administering the State's program,

the amount so ascertained may be increased by such amount as the Commonwealth Minister and the State Minister agree is necessary to enable the State to so employ one person.

(3) Where—

- (a) one of the following sub-paragraphs applies:

- (i) in respect of a grant period, paragraph (a) of sub-clause (1) applies to a State's contribution and in respect of the next succeeding grant period, paragraph (b) or paragraph (c) of sub-clause (1) applies to that State's contribution;
- (ii) in respect of a grant period, paragraph (b) of sub-clause (1) applies to a State's contribution and in respect of the next succeeding grant period, paragraph (c) of sub-clause (1) applies; and

- (b) the amount of financial assistance provided by the Commonwealth in respect of the succeeding grant period exceeds the sum of—

- (i) expenditure incurred or to be incurred by the State in administering the program in that grant period;
- (ii) expenditure incurred or to be incurred in that grant period in respect of the provision of services approved in the preceding grant period; and

**SCHEDULE—continued**

- (iii) expenditure incurred or to be incurred in that grant period for advisory processes, reviews and evaluation,

the State may apply the excess in meeting or reimbursing expenditure incurred by it in administering the program in the succeeding grant period.

**SECTION B: PAYMENTS AND ADVANCES**

14. Financial assistance payable in respect of a grant period shall be made available to the State at such times and in such amounts as are agreed upon by the Commonwealth Minister and the State Minister.

15. (1) The Commonwealth Minister may, at such times and in such amounts as the Commonwealth Minister and the State Minister agree upon, make advances on account of payments of financial assistance that may become payable to the State in accordance with this agreement.

(2) The amount or part of the amount of an advance may be deducted from a payment of financial assistance that subsequently becomes payable.

(3) A State shall ensure that an advance is not used or applied except for the purpose of meeting or reimbursing, as the case may be, the expenditure to which the advance relates.

**PART VI—OBSERVANCE OF AGREEMENT**

16. Each State will supply to the Commonwealth from time to time such information regarding the operation of the State's program, sub-programs or an approved service as the Commonwealth Minister and the State Minister agree should be supplied.

17. (1) Each State Minister will furnish to the Commonwealth Minister by 30 August immediately following the end of each grant period, or such later date as is agreed upon by the Commonwealth Minister and the State Minister, a certificate certifying that the financial assistance provided, and the State's contribution made, under this agreement in respect to the grant period were applied in accordance with this agreement and the guidelines.

(2) A certificate furnished pursuant to sub-clause (1) shall be in such form and contain such other information and be given by such officer of the State as is agreed upon by the Commonwealth Minister and the State Minister.

18. If, following consultation with the State Minister, the Commonwealth Minister, in writing under that Minister's hand, informs the State Minister that the Commonwealth Minister is satisfied that the State has failed to ensure that an amount of financial assistance provided to the State has been applied for the purposes and in the manner provided for by this agreement with respect to that financial assistance, the State will repay that amount, or such part of that amount as the Commonwealth Minister determines, to the Commonwealth.

**PART VII—VARIATION OF AGREEMENT**

19. (1) The provisions of this agreement may be varied as between the Commonwealth and a State by agreement in writing between the Commonwealth Minister and the State Minister.

(2) A copy of an agreement or copies of the documents which constitute an agreement under sub-clause (1) shall be tabled in the Commonwealth Parliament within 15 sitting days from the date upon which the agreement is made.

(3) An agreement under sub-clause (1) shall not affect the operation of this agreement as between the Commonwealth and the States other than that with which the agreement has been made.

**SCHEDULE—continued**

**PART VIII—REPRESENTATION AND COMMUNICATIONS**

20. (1) The Commonwealth shall, subject to sub-clause (2), be represented for the purposes of this agreement by the Department of Community Services and the Commonwealth Minister shall notify the State Minister of the address of that Department and of any change at any time of that address.

(2) In the event that the administration of this agreement for the Commonwealth is allocated to a Minister other than the Minister for Community Services, the Commonwealth shall be represented by the Department administered by that other Minister and that other Minister shall notify the State Minister of the address of that Department.

21. The State shall be represented for the purposes of this agreement by the Department nominated by the State Minister and the State Minister shall notify the Commonwealth Minister of the address of that Department and of any change at any time of the Department or of the address.

22. (1) A notice or other communication under or in connexion with this agreement shall be duly given if it is in writing signed by or on behalf of, or attributed to, the head or other authorised officer of the Department by which it is given and addressed to or delivered at the address of the Department to which it is directed.

(2) For the purposes of this clause writing includes a teleprinter or facsimile message and the address for such a message shall be the teleprinter or facsimile address of the receiving Department.

(3) A notice or other communication shall be given under this clause when it is received in the appropriate form by the Department to which it is directed.

IN WITNESS WHEREOF this agreement has been signed for and on behalf of the parties hereto respectively as at the day and year first above written.

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*[Minister's second reading speech made in—  
House of Representatives on 27 March 1985  
Senate on 19 April 1985]*