Sewerage Agreements Act 1974

Act No. 73 of 1974 as amended

This compilation was prepared on 28 February 2005
taking into account amendments up to Act No. 8 of 2005

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

Prepared by the Office of Legislative Drafting and Publishing,
Attorney-General’s Department, Canberra
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**Schedule**

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An Act relating to Agreements between Australia and the States of Victoria, Queensland and Western Australia in respect of the Provision of further Financial Assistance for Sewerage Works in those States

WHEREAS the execution, on behalf of the Government of Australia, of agreements between the Government of Australia and the Government of each of the States with respect to the provision of financial assistance for sewerage works, being agreements substantially in accordance with the form set out in the Schedule to the Sewerage Agreements Act 1973, was approved by that Act:

AND WHEREAS the following agreements in accordance with the form set out in the Schedule to that Act have been made:

(a) an agreement between the Government of Australia and the Government of the State of Victoria dated 18 March 1974;
(b) an agreement between the Government of Australia and the Government of the State of Queensland dated 18 March 1974;
(c) an agreement between the Government of Australia and the Government of the State of Western Australia dated 18 January 1974;

AND WHEREAS further agreements varying those agreements have been executed on behalf of the Government of Australia and the Government of each of those States:

AND WHEREAS it is provided in each of those further agreements that the agreement shall have no force or effect until it has been approved by the Parliament of Australia:

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

1 Short title [see Note 1]

This Act may be cited as the Sewerage Agreements Act 1974.

2 Commencement [see Note 1]

This Act shall come into operation on the day on which it receives the Royal Assent.
Section 3

3 Interpretation

In this Act:


State to which this Act applies means the State of Victoria, the State of Queensland or the State of Western Australia.

Supplemental Agreement means:
(a) in relation to the State of Victoria—the agreement a copy of which is set out in Part I of the Schedule;
(b) in relation to the State of Queensland—the agreement a copy of which is set out in Part II of the Schedule; and
(c) in relation to the State of Western Australia—the agreement a copy of which is set out in Part III of the Schedule.

4 Approval of Supplemental Agreements

The Supplemental Agreements in respect of the States to which this Act applies are approved.

5 Certain provisions of Sewerage Agreements Act 1973 cease to have effect

Upon the date of commencement of this Act:
(a) section 4 of the Sewerage Agreements Act 1973 ceases to apply in relation to States to which this Act applies; and
(b) section 6 of the Sewerage Agreements Act 1973 ceases to apply in relation to payments and advances to States to which this Act applies.

6 Financial assistance

The payments and advances by the Government of Australia to the Government of a State to which this Act applies provided for in the Principal Agreement in respect of that State as varied by the Supplemental Agreement in respect of that State may be made, by way of financial assistance to that State, on the terms and
conditions contained in that Principal Agreement as so varied, out of the Consolidated Revenue Fund.

7 Authority to borrow

The Treasurer may, in accordance with the provisions of the Commonwealth Inscribed Stock Act 1911-1973 or in accordance with the provisions of an Act authorizing the issue of Treasury Bills, borrow moneys not exceeding in the aggregate $7,950,000.

8 Application of moneys borrowed

(1) Moneys borrowed under section 7 shall be issued and applied only for the expenses of borrowing and for the purpose of making payments and advances to a State to which this Act applies in accordance with this Act.

(2) Moneys borrowed under section 5 of the Sewerage Agreements Act 1973 may be issued and applied for the purpose of making payments and advances to a State to which this Act applies in accordance with this Act.

10 Appropriation

The Consolidated Revenue Fund is appropriated as necessary for the purposes of this Act.
PART I

AN AGREEMENT made the twenty-sixth day of June One thousand nine hundred and seventy-four between—

THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA (in this agreement called “the Australian Government”) of the one part, and

THE GOVERNMENT OF THE STATE OF VICTORIA (in this agreement called “the State Government”) of the other part.

WHEREAS—

(a) by the Sewerage Agreements Act 1973 the Parliament of the Commonwealth of Australia authorized the payment to the Government of a State of Australia of financial assistance for sewerage works on the terms and conditions contained in an agreement between the Australian Government and the Government of the State provided for by section 3 of that Act;

(b) on the eighteenth day of March 1974 the Australian Government and the State Government made an agreement (in this agreement called “the Principal Agreement”) under which financial assistance is provided to the State Government with the objective of eliminating within the shortest feasible time the backlog of sewerage works in the urban centre of Melbourne;

(c) under the Principal Agreement an amount of 9,300,000 dollars was allocated to the State Government by way of financial assistance as aforesaid in respect of backlog sewerage works that are commenced before the first day of July 1974;

(d) the Australian Government and the State Government are desirous of increasing the amount of financial assistance made available to the State Government under the Principal Agreement by a further amount of up to 3,950,000 dollars;

(e) the Parliament of the Commonwealth of Australia will be requested to approve this agreement and to authorize the provision of financial assistance to the State Government to the extent and upon the terms and conditions provided for by this agreement:
NOW IT IS HEREBY AGREED as follows:

1. This agreement shall have no force or effect and shall not be binding upon either party unless and until it has been approved by the Parliament of the Commonwealth of Australia.

2. As from the coming into force of this agreement but with operation deemed to have commenced on the first day of July 1973 as provided in sub-clause 1 (2) of the Principal Agreement, the amount of the financial assistance that may be provided in accordance with the Principal Agreement shall be increased by 3,950,000 dollars, that is, to a total amount of 13,250,000 dollars.

3. As varied by this agreement the Principal Agreement is confirmed to the intent that its provisions shall have effect as terms and conditions of the additional financial assistance provided for by this agreement as well as to the financial assistance made available under the Principal Agreement itself.

IN WITNESS WHEREOF this agreement has been executed as at the day and year first above written.

SIGNED for and on behalf of THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA by THE HONOURABLE EDWARD GOUGH WHITLAM, Prime Minister, in the presence of—

J. J. SPIGELMAN

SIGNED for and on behalf of THE GOVERNMENT OF THE STATE OF VICTORIA by THE HONOURABLE LINDSAY HAMILTON THOMPSON, Acting Premier, in the presence of—

K. D. GREEN

E. G. WHITLAM

L. H. THOMPSON

PART II

AN AGREEMENT made the twenty-seventh day of June One thousand nine hundred and seventy-four between—

THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA (in this agreement called “the Australian Government”) of the one part, and
THE GOVERNMENT OF THE STATE OF QUEENSLAND (in this agreement called “the State Government”) of the other part.

WHEREAS—

(a) by the Sewerage Agreements Act 1973 the Parliament of the Commonwealth of Australia authorized the payment to the Government of a State of Australia of financial assistance for sewerage works on the terms and conditions contained in an agreement between the Australian Government and the Government of the State provided for by section 3 of that Act;

(b) on the eighteenth day of March 1974 the Australian Government and the State Government made an agreement (in this agreement called “the Principal Agreement”) under which financial assistance is provided to the State Government with the objective of eliminating within the shortest feasible time the backlog of sewerage works in the urban centres of Brisbane and the Gold Coast;

(c) under the Principal Agreement an amount of 3,100,000 dollars was allocated to the State Government by way of financial assistance as aforesaid in respect of backlog sewerage works that are commenced before the first day of July 1974;

(d) the Australian Government and the State Government are desirous of increasing the amount of financial assistance made available to the State Government under the Principal Agreement by a further amount of up to 1,000,000 dollars;

(e) the Parliament of the Commonwealth of Australia will be requested to approve this agreement to authorize the provision of financial assistance to the State Government to the extent and upon the terms and conditions provided for by this agreement:

NOW IT IS HEREBY AGREED as follows:

1. This agreement shall have no force or effect and shall not be binding upon either party unless and until it has been approved by the Parliament of the Commonwealth of Australia.

2. As from the coming into force of this agreement but with operation deemed to have commenced on the first day of July 1973 as provided in sub-clause 1 (2) of the Principal Agreement, the amount of the financial assistance that may be provided in accordance with the Principal Agreement shall be increased by 1,000,000 dollars, that is, to a total amount of 4,100,000 dollars.

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3. As varied by this agreement the Principal Agreement is confirmed to the intent that its provisions shall have effect as terms and conditions of the additional financial assistance provided for by this agreement as well as to the financial assistance made available under the Principal Agreement itself.

IN WITNESS WHEREOF this agreement has been executed as at the day and year first above written.

SIGNED for and on behalf of THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA by THE HONOURABLE EDWARD GOUGH WHITLAM, Prime Minister, in the presence of—

JIM CAIRNS

SIGNED for and on behalf of THE GOVERNMENT OF THE STATE QUEENSLAND by THE HONOURABLE JOHANNES BJELKE-PETERSEN, Premier, in the presence of—

KEITH SPANN

PART III

AN AGREEMENT made the twenty-ninth day of May One thousand nine hundred and seventy-four between—

THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA (in this agreement called “the Australian Government”) of the one part, and

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

WHEREAS—

(a) by the Sewerage Agreements Act 1973 the Parliament of the Commonwealth of Australia authorized the payment to the Government of a State of Australia of financial assistance for sewerage works on the terms and conditions contained in an agreement between the Australian Government and the Government of the State provided for by section 3 of that Act;

(b) on the eighteenth day of January 1974 the Australian Government and the State Government made an agreement (in this agreement called “the
Principal Agreement”) under which financial assistance is provided to the State Government with the objective of eliminating within the shortest feasible time the backlog of sewerage works in the urban centre of Perth;

(c) under the Principal Agreement an amount of 3,800,000 dollars was allocated to the State Government by way of financial assistance as aforesaid in respect of backlog sewerage works that are commenced before the first day of July 1974;

(d) the Australian Government and the State Government are desirous of increasing the amount of financial assistance made available to the State Government under the Principal Agreement by a further amount of up to 3,000,000 dollars;

(e) the Parliament of the Commonwealth of Australia will be requested to approve this agreement and to authorize the provision of financial assistance to the State Government to the extent and upon the terms and conditions provided for by this agreement:

NOW IT IS HEREBY AGREED as follows:

1. This agreement shall have no force or effect and shall not be binding upon either party unless and until it has been approved by the Parliament of the Commonwealth of Australia.

2. As from the coming into force of this agreement but with operation deemed to have commenced on the first day of July 1973 as provided in sub-clause 1 (2) of the Principal Agreement, the amount of the financial assistance that may be provided in accordance with the Principal Agreement shall be increased by 3,000,000 dollars, that is, to a total amount of 6,800,000 dollars.

3. As varied by this agreement the Principal Agreement is confirmed to the intent that its provisions shall have effect as terms and conditions of the additional financial assistance provided for by this agreement as well as to the financial assistance made available under the Principal Agreement itself.

IN WITNESS WHEREOF this agreement has been executed as at the day and year first above written.

8 Sewerage Agreements Act 1974
SIGNED for and on behalf of THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA by THE HONOURABLE EDWARD GOUGH WHITLAM, Prime Minister, in the presence of—

R. F. MILLAR

SIGNED for and on behalf of THE GOVERNMENT OF THE STATE OF WESTERN AUSTRALIA by THE HONOURABLE SIR CHARLES WALTER MICHEAL COURT, Premier, in the presence of—

W. S. LONNIE

E. G. WHITLAM

CHARLES COURT
Notes to the Sewerage Agreements Act 1974

Note 1

The Sewerage Agreements Act 1974 as shown in this compilation comprises Act No. 73, 1974 amended as indicated in the Tables below.

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