



Albury-Wodonga Development Act 1973

Act No. 189 of 1973 as amended

This compilation was prepared on 2 June 2000
taking into account amendments up to Act No. 46 of 2000

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

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An Act relating to the Development of the Albury-Wodonga Area

Part I—Preliminary

1 Short title [see Note 1]

This Act may be cited as the *Albury-Wodonga Development Act 1973*.

2 Commencement [see Note 1]

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

3 Interpretation

- (1) In this Act, unless the contrary intention appears:

Agreement means the agreement approved by section 6 as amended by the agreements approved by sections 6A and 6B.

appointed member means a member other than the chief executive officer.

approved bank means the Reserve Bank of Australia or another bank approved by the Treasurer.

Australian Public Service means the APS within the meaning of the *Public Service Act 1999*.

Chairperson means the Chairperson of the Corporation.

chief executive officer means the highest ranked member of the staff of the Corporation, however designated.

Corporation means the Corporation established by this Act.

Council representative means a member referred to in paragraph 10(1)(c) or (d).

Section 4

Deputy Chairperson means a Deputy Chairperson of the Corporation.

executive member means the Chairperson or a Deputy Chairperson.

member means a member of the Corporation.

Winding-up Agreement means the Albury-Wodonga Area Development Winding-up Agreement approved by subsection 5B(1).

- (2) Unless the contrary intention appears, expressions defined by the Agreement have the same respective meanings in this Act as they have in the Agreement.

4 Act to bind Crown

This Act binds the Crown in right of the Commonwealth, the State of New South Wales and the State of Victoria.

5 Powers of Australian Minister [see Note 2]

- (1) Where functions and powers (including functions and powers referred to in subsection (2)) are conferred on the Australian Minister by this Act, the Minister shall exercise them in accordance with the Agreement.
- (2) The Australian Minister may exercise all or any of the functions and powers relating to a designated area conferred on him or her by or under a State Act.

Part IA—Albury-Wodonga Area Development Winding-up Agreement

5A Approved form of winding-up agreement

- (1) The Minister may make a written determination that a specified form of agreement is the *approved form of winding-up agreement* for the purposes of this Part.
- (2) The Minister must cause a copy of the determination to be tabled in each House of the Parliament.
- (3) Either House may, following a motion upon notice, pass a resolution disallowing the determination. To be effective, the resolution must be passed within 15 sitting days of the House after the copy of the determination was tabled in the House.
- (4) If neither House passes such a resolution, the determination takes effect on the day immediately after the last day upon which such a resolution could have been passed.
- (5) Subsections (3) and (4) have effect despite anything in:
 - (a) the *Acts Interpretation Act 1901*; or
 - (b) the *Legislative Instruments Act 2000*.

5B Approval of winding-up agreement

- (1) If an agreement substantially in accordance with the approved form of winding-up agreement is signed by or on behalf of the Commonwealth, New South Wales and Victoria, the agreement is approved by the Parliament.
- (2) The agreement approved by subsection (1) is to be known as the *Albury-Wodonga Area Development Winding-up Agreement*.

5C When winding-up agreement takes effect

The Winding-up Agreement may be expressed to take effect on the commencement of Part 2 of Schedule 1 to the *Albury-Wodonga Development Amendment Act 2000*.

Section 5D

5D Termination of the original Commonwealth/State agreement

(1) The Winding-up Agreement is to make provision for the termination of the original Commonwealth/State agreement, with effect from the commencement of Part 2 of Schedule 1 to the *Albury-Wodonga Development Amendment Act 2000*.

(2) In this section:

original Commonwealth/State agreement means the Agreement (as defined by subsection 3(1) as in force at the commencement of this section).

Part II—Albury-Wodonga Area Development Agreement

6 Approval of agreement

The Agreement, called the Albury-Wodonga Area Development Agreement, a copy of which is set out in Schedule 1, is approved.

6A Approval of amendment agreement

The agreement, called the Albury-Wodonga Area Development Agreement Amendment Agreement (No. 1), a copy of which is set out in Schedule 2, is approved.

6B Approval of second amendment agreement

If (whether before or after the commencement of this section) an agreement substantially in accordance with the form of agreement set out in Schedule 3 has been or is executed by the Commonwealth and the States of New South Wales and Victoria, the agreement is approved by the Parliament.

Part III—Establishment, functions and powers of the Albury-Wodonga Development Corporation

7 Albury-Wodonga Development Corporation

- (1) There is established by this Act a Corporation by the name of the Albury-Wodonga Development Corporation.

8 Functions and powers of Corporation

- (1) The functions of the Corporation under this Act are:
 - (a) to provide, in relation to the growth complex, engineering, architectural, town and country planning, building, construction and other services for the Commonwealth and for authorities of the Commonwealth;
 - (b) to facilitate the establishment in designated areas of places of business for use in trade and commerce with other countries or among the States;
 - (c) to facilitate the establishment in designated areas of places of business by trading or financial corporations formed within the limits of Australia or by foreign corporations;
 - (d) to facilitate the settlement in the Area of immigrants to Australia; and
 - (e) to provide, or take part in arrangements for the provision of, accommodation, services and facilities in the Area for Agencies (within the meaning of the *Public Service Act 1999*) and authorities of the Commonwealth and for persons employed in or by those Agencies or authorities, including members of the Defence Force.
- (2) The Corporation has power to do all things necessary or convenient to be done for or in connexion with, or as incidental to, the performance of its functions and, in particular, without limiting the generality of the foregoing, has power, either directly or by arrangement with other persons, to construct buildings and works and carry on services.

Section 8A

- (3) Where it appears to the Australian Minister that an Act of the Parliament of the State of New South Wales or of the State of Victoria or part of such an Act confers or imposes on the Corporation functions, powers or duties for the purposes of the Agreement or for purposes that are otherwise complementary to this Act, the Minister may, by notice published in the *Gazette*, declare that Act or that part of that Act, as the case may be, to be complementary to this Act.
- (4) It is hereby declared to be the intention of the Parliament that the Corporation may have and be subject to functions, powers and duties specified by an Act or part of an Act for the time being declared under subsection (3) to be complementary to this Act.
- (5) The Corporation shall not construct buildings or works outside designated areas without the permission of the Ministerial Council.
- (6) The Corporation shall comply with any directions given to it by the Ministerial Council with respect to the performance of its functions, the exercise of its powers and its procedures.
- (7) The Corporation shall comply in all respects with the provisions of the Agreement that are applicable to it.
- (8) This section shall not be read as limiting the matters that may be dealt with by Departments or authorities of the Commonwealth, other than the Corporation.

8A Chief executive officer's function

The chief executive officer is responsible for the day-to-day management of the Corporation's affairs.

Part IV—Constitution and meetings of the Corporation

9 Nature of Corporation

- (1) The Corporation:
 - (a) is a body corporate with perpetual succession;
 - (b) shall have a common seal;
 - (c) may acquire, hold and dispose of real and personal property; and
 - (d) may sue and be sued in its corporate name.
- (2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Corporation affixed to a document and shall presume that it was duly affixed.

9A *Commonwealth Authorities and Companies Act 1997* does not apply to Corporation

The Corporation is not a Commonwealth authority for the purposes of the *Commonwealth Authorities and Companies Act 1997*.

10 Composition of Corporation

- (1) The Corporation consists of:
 - (a) the Chairperson; and
 - (b) 2 Deputy Chairpersons; and
 - (c) a representative of the Council of the City of Albury; and
 - (d) a representative of the Council of the Rural City of Wodonga; and
 - (e) 2 other members; and
 - (f) the chief executive officer.
- (2) The appointed members are to be appointed by the Governor-General.
- (3) One of the Deputy Chairmen shall be appointed on the nomination of the New South Wales Minister who is a member of the

Ministerial Council and the other Deputy Chairperson shall be appointed on the nomination of the Victorian Minister who is a member of the Ministerial Council.

- (4) The members referred to in paragraph (1)(e) shall be persons selected by the Ministerial Council in accordance with the Agreement.
- (6) The exercise of the functions or powers of the Corporation is not affected by reason of there being a vacancy or vacancies in the membership of the Corporation.
- (7) The appointment of a member is not invalidated and shall not be called in question by reason of a defect or irregularity in, or in connexion with, the member's nomination or selection.
- (8) A nomination under this section shall be made to the Australian Minister.

10A Appointment of chief executive officer

The chief executive officer is to be appointed by the appointed members, and holds office on terms and conditions determined by the appointed members.

11 Period of appointment of appointed members

- (1) An appointed member is to be appointed on a part-time basis for a period not exceeding 3 years.
- (3) A person who has attained the age of 65 years shall not be appointed or re-appointed as an executive member and a person shall not be appointed or re-appointed as an executive member for a period that extends beyond the date on which the person will attain the age of 65 years.

12 Remuneration and allowances for appointed members

- (1) An appointed member shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, a member shall be paid such remuneration as is prescribed.

Section 14

- (2) An appointed member shall be paid such allowances as are prescribed.
- (3) If an appointed member is a person who, if he or she were paid remuneration or allowances under this section, would cease to hold an office or position or cease to be entitled to a pension or other moneys, other than a pension or moneys payable under the *Social Security Act 1991*, the *Veterans' Entitlements Act 1986* or a prescribed law of the Commonwealth or of a State or Territory, the member shall not be paid remuneration or allowances under this section, but shall, subject to the approval of the Australian Minister, be reimbursed such expenses as are reasonably incurred by reason of the person being a member.
- (4) This section has effect subject to the *Remuneration Tribunal Act 1973*.

14 Resignation of members

An appointed member may resign office by writing signed by him or her and delivered to the Governor-General.

15 Dismissal of appointed members

- (1) The Governor-General may terminate the appointment of an appointed member for inability, inefficiency, misbehaviour or physical or mental incapacity.
- (2) If an appointed member:
 - (c) is absent, except on leave granted by the Corporation, from 3 consecutive meetings of the Corporation;
 - (d) becomes bankrupt or applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;
 - (e) is or becomes an officer or employee of the Corporation;
 - (f) being an executive member, in any way, otherwise than as a member, and in common with other members, of an incorporated company consisting of not fewer than twenty-five persons:

- (i) is or becomes directly or indirectly interested in a contract made or proposed to be made by the Corporation; or
 - (ii) participates or claims to participate in the profits of any such contract or in any benefit arising from any such contract; or
 - (g) fails to comply with section 16;
- the Governor-General shall terminate the appointment of the member.

16 Disclosure of interest by members

- (1) Without limiting paragraph 15(2)(f), a member who is directly or indirectly interested in:
 - (a) a contract made or proposed to be made by the Corporation;
 - (b) land in the Area; or
 - (c) an existing or proposed project of the Corporation;shall, as soon as possible after the relevant facts have come to his or her knowledge, disclose the nature of his or her interest at a meeting of the Corporation.
- (2) Without limiting paragraph 15(2)(f), a disclosure under subsection (1) shall be recorded in the minutes of the Corporation, and, unless the Ministerial Council otherwise directs, the member:
 - (a) shall not take part after the disclosure in any deliberation or decision of the Corporation relating to the contract, land or project, as the case requires; and
 - (b) shall be disregarded for the purpose of constituting the quorum for any such deliberation or decision.
- (3) A member who fails to comply with subsection (1) or paragraph (2)(a) is guilty of an offence and is punishable, upon conviction, by a fine not exceeding \$500.

17 Condition of service—appointed member

Subject to this Act, the appointed members hold office on such terms and conditions as the Ministerial Council determines.

Section 18

18 Acting appointments

- (1) Subject to subsection (2), where the Chairperson or a Deputy Chairperson is, or is expected to be, absent from duty or from Australia or there is a vacancy in the office of Chairperson or an office of Deputy Chairperson, the Australian Minister may appoint a person to be acting Chairperson or acting Deputy Chairperson during the absence or until the filling of the vacancy.
- (2) The Australian Minister shall not appoint a person to be an acting Deputy Chairperson unless that person has been nominated by the State Minister who, under subsection 10(3), would nominate the person to hold the relevant office of Deputy Chairperson.
- (3) An acting Chairperson or acting Deputy Chairperson appointed in the event of a vacancy shall not continue in office after the expiration of 12 months after the occurrence of the vacancy.
- (4) An acting Chairperson or acting Deputy Chairperson has all the functions, powers and duties of the Chairperson or Deputy Chairperson, as the case may be.
- (5) In the event of the inability of a member referred to in paragraph 10(1)(e) (whether on account of illness or otherwise) to attend the meetings of the Corporation, the Australian Minister may appoint a person to be an acting member during that inability, and the person so appointed has all the functions, powers and duties of a member referred to in paragraph 10(1)(e).
- (6) The Australian Minister shall not appoint a person to be an acting member under subsection (5) unless that person has been nominated by the Ministerial Council.
- (6A) Where a Council representative is unable (whether on account of illness or otherwise) to attend the Corporation's meetings, the Australian Minister may appoint a member of the relevant Council to be an acting member during the Council representative's absence.
- (6B) Before the Australian Minister makes an appointment under subsection (6A), the Minister must seek advice from the relevant Council as to a possible acting member.

- (6C) An acting member appointed under subsection (6A) has all the functions, powers and duties of a Council representative.
- (7) The Australian Minister may, at any time, terminate an appointment under this section.
- (8) Subject to this section, a person appointed under this section holds office on such terms and conditions as the Ministerial Council determines.
- (9) The validity of an act done by the Corporation shall not be questioned in any proceedings on a ground arising from the fact that the occasion for the appointment of a person purporting to be appointed under this section had not arisen or that an appointment under this section had ceased to have effect.

19 Meetings

- (1) The Corporation shall hold such meetings as are necessary for the performance of its functions.
- (2) The Chairperson or, if for any reason the Chairperson is unable to act, the Deputy Chairmen acting jointly, may at any time convene a meeting of the Corporation.
- (3) The Chairperson or, if for any reason the Chairperson is unable to act, the Australian Minister shall, on receipt of a request in writing signed by two members, convene a meeting of the Corporation.
- (4) At a meeting of the Corporation, a quorum is constituted by a majority of the appointed members, including at least one executive member.
- (5) The Chairperson shall preside at all meetings of the Corporation at which he is present.
- (6) If the Chairperson is not present at a meeting of the Corporation, a Deputy Chairperson, chosen in accordance with the procedure determined for the purpose by the Corporation, shall preside at the meeting.
- (7) Questions arising at a meeting of the Corporation shall be determined by a majority of the votes of the appointed members present and voting.

Section 20

- (8) The member presiding at a meeting of the Corporation has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

20 Delegation

- (1) The Corporation may, by resolution, appoint any of its members to be a Committee, and may delegate to that Committee such of its functions and powers as the Corporation, subject to any directions of the Australian Minister, determines.
- (2) The Corporation may, by resolution, delegate to a member such of its functions and powers as the Corporation, subject to any directions of the Australian Minister, determines.
- (3) A function or power so delegated may be exercised by the delegate in accordance with the resolution.
- (4) A delegation under this section is revocable at the will of the Corporation and does not prevent the exercise of a function or power by the Corporation.

Part V—Staff

21 Officers and employees

- (1) The Corporation may appoint such officers or engage such employees as it thinks necessary for the purposes of this Act.
- (2) The terms and conditions of service or employment (in respect of matters not provided for by this Act) of persons so appointed or engaged are such as are determined by the Corporation.
- (3) The Corporation may arrange with an Agency Head (within the meaning of the *Public Service Act 1999*, or with a body established by an Act, for the services of officers or employees of the Agency or of the body to be made available to the Corporation.
- (4) The Governor-General may enter into an arrangement with the Governor of a State for the services of officers or employees of the Public Service of the State or of an authority of the State to be made available to the Corporation.
- (5) The Corporation may arrange for the services of an officer or employee of the Corporation to be made available to a State, an authority of a State or a local governing body for purposes related to the development of the growth complex.
- (6) In subsection (2), “terms and conditions” include conditions with respect to the duration of service or employment or with respect to dismissal from service or employment.

Part VI—Finance

24 Moneys available to Corporation

- (1) There are payable to the Corporation such moneys as are appropriated by the Parliament for the purposes of the Corporation.
- (2) The Minister for Finance may give directions as to the amounts in which, and the times at which, moneys referred to in subsection (1) are to be paid to the Corporation.

25 Grants to Corporation

The Corporation may receive financial assistance granted to it by the State of New South Wales or the State of Victoria.

26 Borrowing by Corporation

- (1) The Corporation may, with the consent of the Minister:
 - (a) borrow moneys from the State of New South Wales or the State of Victoria;
 - (b) with the approval of the Treasurer, borrow moneys from an approved bank, or any other lender, for the purposes of the Corporation in connexion with the performance of its functions; and
 - (c) give security over any of its assets for the purposes of paragraph (b).
- (2) The Corporation shall not borrow moneys otherwise than in accordance with this section.
- (3) The Treasurer may, on behalf of the Commonwealth, guarantee the repayment of amounts borrowed in accordance with paragraph (1)(b) and the payment of interest on amounts so borrowed.

27 Bank accounts

- (1) The Corporation may open and maintain an account or accounts with an approved bank or approved banks and shall maintain at all times at least one such account.

- (2) The Corporation shall pay all moneys of the Corporation, including moneys borrowed by the Corporation, into an account referred to in subsection (1).

28 Application of moneys

- (1) The moneys of the Corporation may be applied by the Corporation:
- (a) in payment or discharge of the costs, expenses and other obligations of the Corporation under this Act (including the Agreement); or
 - (b) in payment of any remuneration or allowances payable to any person under this Act (including the Agreement);
- but not otherwise.
- (2) Moneys of the Corporation not immediately required for the purposes of the Corporation may be invested:
- (a) on fixed deposit with an approved bank;
 - (b) in securities of the Commonwealth; or
 - (c) in any other manner approved by the Treasurer;
- but not otherwise.

29 Power to enter contracts

The Corporation shall not enter into any contract or acquire or dispose of any property except in accordance with an approval of the Ministerial Council.

30 Audit

- (1) The Auditor-General shall inspect and audit the accounts and records of financial transactions of the Corporation and records relating to assets of, or in the custody of, the Corporation and shall forthwith draw the attention of the Australian Minister to any irregularity disclosed by the inspection and audit that is, in the opinion of the Auditor-General, of sufficient importance to justify his so doing.
- (2) The Auditor-General may dispense with all or any part of the detailed inspection and audit of any accounts or records referred to in subsection (1).

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- (3) The Auditor-General shall, at least once in each year, report to the Australian Minister the results of the inspection and audit carried out under subsection (1).
- (4) When the Australian Minister receives a report under subsection (3), the Minister shall disclose that report to the Ministerial Council.
- (5) The Auditor-General or a person authorized by the Auditor-General is entitled at all reasonable times to full and free access to all accounts, records, documents and papers of the Corporation relating directly or indirectly to the receipt or payment of moneys by the Corporation or to the acquisition, receipt, custody or disposal of assets by the Corporation.
- (6) The Auditor-General or a person authorized by the Auditor-General may make copies of, or take extracts from, any such accounts, records, documents or papers.
- (7) The Auditor-General or a person authorized by the Auditor-General may require any person to provide such information in the possession of the person or to which the person has access as the Auditor-General or authorized person considers necessary for the purposes of the functions of the Auditor-General under this Act, and the person shall comply with the requirement.
- (8) A person who contravenes subsection (7) is guilty of an offence punishable, upon conviction, by a fine not exceeding \$200.

31 Liability to taxation

- (1) Subject to subsection (2), the Corporation is not subject to taxation under any law of the Commonwealth or of a State or Territory.
- (2) The regulations may provide that subsection (1) does not apply in relation to taxation under a specified law.

Part VII—Miscellaneous

32 Annual Report

The Corporation shall, as soon as practicable after each financial year:

- (a) prepare a report, in the form approved by the Minister for Finance, of:
 - (i) the Corporation's operations; and
 - (ii) the State Corporations' operations;during that year together with financial statements in respect of that year; and
- (b) submit a copy of the report and the financial statements to the Australian Minister, for presentation to the Parliament; and
- (c) submit a copy of the report to each State Minister or, if the Ministerial Council so directs, to the Ministerial Council.

33 Annual financial statement

Before furnishing the Corporation's financial statements to the Minister, the Corporation shall submit them to the Auditor-General, who shall report to the Australian Minister:

- (a) whether the statements are based on proper accounts and records;
- (b) whether the statements are in agreement with the accounts and records;
- (c) whether the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the Corporation during the relevant year have been in accordance with this Act; and
- (d) such other matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

34 Regulations

- (1) The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to

Section 34

be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Schedule 1—Albury-Wodonga Area Development Agreement

Section 6

AN AGREEMENT (to be called the ‘Albury-Wodonga Area Development Agreement’) made this twenty-third day of October One thousand nine hundred and seventy-three BETWEEN THE COMMONWEALTH OF AUSTRALIA of the first part, THE STATE OF NEW SOUTH WALES of the second part and THE STATE OF VICTORIA of the third part:

WHEREAS the Australian, New South Wales and Victorian Governments have agreed that a new growth complex should be developed, as a joint project, in the Albury-Wodonga Area and that amenities and services should be provided to foster and serve that growth complex;

AND WHEREAS the intentions of the three Governments are—

- that a development corporation will bring about in the Area, by the development of the growth complex, the creation of a city with a high quality of environment, appropriately planned and developed having full regard to human requirements and the involvement of the public, and
- that that development corporation will involve, as far as possible, the established Australian, State and Local Government authorities in the development of the growth complex:

NOW IT IS HEREBY AGREED by and between the parties to this agreement as follows:—

PART I—GENERAL

Definitions

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

‘Approved Albury-Wodonga Development Plan’ means a plan approved by the Ministerial Council in accordance with sub-clause (6) of clause 9 hereof;

‘Approved Financial Programme’ means a financial programme approved by the Ministerial Council in accordance with sub-clause (6) of clause 9 hereof;

‘Australia’ means the Commonwealth of Australia, and ‘Australian’ is used in a corresponding sense;

‘designated area’ means a designated area the boundaries of which are declared pursuant to sub-clause (4) of clause 3 hereof;

‘financial year’ means a period of twelve months ending the thirtieth day of June;

‘land’ includes an interest in land;

‘State Act’ means the Act of the Parliament of the State of New South Wales or the Parliament of the State of Victoria approving this agreement and, if amended, includes each of those Acts as amended and ‘State Acts’ means both such Acts;

‘State Corporation’ means the Albury-Wodonga (New South Wales) Corporation or the Albury-Wodonga (Victoria) Corporation referred to in clause 7 hereof and includes any corporation succeeding either of those corporations and ‘State Corporations’ means both those corporations including any of their successors;

‘State Minister’ means the New South Wales Minister or the Victorian Minister who is a member of the Ministerial Council;

‘the Area’ means the Albury-Wodonga Area defined in clause 3 hereof;

‘the Australian Act’ means the Act of the Australian Parliament approving this agreement and includes that Act as amended;

‘the Australian Minister’ means the Australian Minister who is a member of the Ministerial Council;

‘the Development Corporation’ means the Albury-Wodonga Development Corporation constituted by the Australian Act and includes any corporation succeeding that corporation;

‘the growth complex’ means the integrated urban complex to be developed by the extension of existing urban areas of Albury and Wodonga and the creation of new urban areas within the Area;

‘the Ministerial Council’ means the Ministerial Council provided for in clause 4 hereof.

Commencement

2. (1) This agreement, other than this sub-clause and sub-clauses (2), (5) and (6) of this clause, shall have no force or effect and shall not be binding on any of the parties hereto unless and until it is approved by the respective Parliaments of Australia, the State of New South Wales and the State of Victoria, but upon being so approved by those Parliaments, it shall be of full force and effect and binding on the parties.

(2) The Australian, New South Wales and Victorian Governments will submit this agreement for approval to their respective Parliaments as soon as practicable after the date of this agreement.

(3) (a) Australia shall—

- (i) provide for the execution by it of its obligations;
- (ii) secure the execution by the Development Corporation of its obligations—
arising pursuant to this agreement.

(b) Each of the States shall—

- (i) provide for the execution by it of its obligations;
- (ii) secure the execution by the State Corporation constituted by legislation of the State of its obligations—
arising pursuant to this agreement.

(4) Each party hereto undertakes to use its best endeavours to secure, as a joint project, the development of the growth complex in the Area in accordance with the intentions of the three Governments expressed in the preamble hereto and from time to time to submit legislation and to take administrative action appropriate to enable the achievement of that purpose.

(5) The Australian Government agrees to include in the legislation submitted to the Australian Parliament for the approval of this agreement provisions—

- (a) constituting the Development Corporation and conferring on it, for the purposes of Australia, functions and powers appropriate to the purposes of this agreement;
- (b) covering the exercise of the functions and powers of the Development Corporation and the discharge of its obligations under this agreement;
- (c) covering the staff of the Development Corporation, its accounts and reports and other appropriate incidental matters.

(6) The Government of each of the States agrees to include in the legislation submitted to the Parliament of the State for the approval of this agreement provisions in such form as will enable the Development Corporation in accordance with this agreement—

- (a) to consult with planning authorities and to carry out investigations and to prepare non-statutory plans for the purpose of co-ordinated planning in the Area;
- (b) to prepare, to supervise and to carry out statutory planning schemes and orders in the designated areas within the State; and
- (c) to carry out and to supervise development (including construction) in that part of the Area within the State—

for the purpose of giving effect to this agreement.

Albury-Wodonga Area

3. (1) For the purposes of this agreement, the Albury-Wodonga Area means an area of land in the State of New South Wales and the State of Victoria approximately five thousand (5,000) square kilometres in total extent contained within the boundaries set out in sub-clause (2) of this clause.

(2) The boundaries referred to in sub-clause (1) of this clause are lines commencing and running as follows:

- commencing at the intersection of the Western boundary of the Shire of Chiltern and the boundary of the States of Victoria and New South Wales, thence Southerly by the Western boundaries of the Shires of Chiltern and Beechworth and Easterly by the Southern boundary of the last mentioned Shire to its junction with the Shires of Myrtleford and Yackandandah, thence Easterly in a

direct line to the most Southerly corner of Crown Allotment 5, Section 13, Parish of Dederang

- thence Northerly by the Western boundary of Crown Allotment 5, a line across a Government road and the Western boundary of Crown Allotment 4 thence Westerly and Northerly by a Southern and Western boundary of Crown Allotment 2 thence Northerly along a line to House Creek
- thence generally Easterly and North-easterly by House Creek to the Western boundary of Crown Allotment 6, Section B, thence Northerly, North-easterly and Northerly by the Western boundaries of Crown Allotment 6 and Crown Allotment 5, Section B, and a line across a Government road to the Northern boundary of the Parish of Dederang, thence by that boundary South-easterly, Northerly, Easterly, South-easterly, North-easterly and Easterly to the Kiewa River
- thence further Northerly by the Kiewa River to a point in line with the Southern boundary of Crown Allotment 7, Section M, Parish of Gundowring, thence Easterly by a line across a river reserve and Crown Land and along the Southern boundaries of Crown Allotment 7, and across a Government road, Crown Allotment 8, Crown Allotment 8a and a further line across a Government road
- thence Easterly, Southerly and Easterly along the Southern boundary of Crown Allotment 4 and continuing Easterly to the Eastern boundary of the Shire of Yackandandah, thence Northerly by that boundary to the Southern boundary of the Parish of Bolga
- thence generally Easterly by that Parish boundary to the Mitta Mitta River
- thence Northerly by the Mitta Mitta River to the Southern boundary of the Parish of Bullioh, thence generally Easterly and Northerly by the Southern and Eastern boundaries of the Parishes of Bullioh and Bungil to the most Northerly boundary of the last named Parish and thence Westerly by that boundary to the boundary between the States of Victoria and New South Wales
- thence North-westerly by the States' boundary to a point in line with the Eastern boundary of the Parish of Wagra, County of Goulburn thence generally Northerly by a line to the boundary of that Parish

- thence generally Northerly and North-westerly by part of the boundary of that Parish to its intersection with the most Eastern boundary of the Parish of Mullanjandra
- thence by part of the boundary of that Parish generally Northerly, North-westerly and South-westerly to its intersection with the generally North-eastern boundary of the Parish of Yambla
- thence by that boundary generally North-westerly to its intersection with the generally Eastern boundary of the Parish of Gerogery
- thence by part of that boundary generally Northerly to its intersection with the generally Southern boundary of the Parish of Castlestead, County of Hume
- thence generally Northerly and Westerly by the generally Eastern and Northern boundaries of that Parish to the North-western corner of Portion 115 being also a point on the generally Northern boundary of the Shire of Hume
- thence by part of the boundary of that Shire generally South-westerly to its intersection with the generally Eastern boundary of the Parish of Burrumbuttock
- thence generally Westerly by the generally Northern boundary of that Parish to the South-western corner of Portion 88, Parish of Hindmarsh, County of Hume
- thence by part of that boundary of that Shire of Hume generally North-westerly to its Northernmost intersection with the generally Northern boundary of the Parish of Goombargana
- thence by part of the boundary of that Parish generally South-westerly and Southerly to its intersection with the generally Northern boundary of the Parish of Richmond
- thence Southerly by part of the most Western boundary of the aforesaid Shire of Hume to its intersection with the generally Southern boundary of the Parish of Richmond
- thence by part of that boundary of that Parish generally Easterly to its intersection with the generally Western boundary of the aforesaid Shire of Hume
- thence by part of that boundary of that Shire generally Southerly to its intersection with the Northernmost boundary of the Parish of Quat Quatta

- thence by part of the boundaries of that Parish Westerly and Southerly to its intersection with the generally Southern boundary of the Parish of Kentucky
- thence again on the West by part of the boundary of the aforesaid Shire of Hume generally Southerly to its intersection with the boundary between the States of New South Wales and Victoria
- thence generally Easterly and South-easterly by the States' boundary to the point of commencement.

(3) A reference in the previous sub-clause to a boundary of a County, Shire, Parish, Crown Allotment or Section is a reference to the boundary as it exists at the date of this agreement.

(4) For the purposes of this agreement, a designated area is land within the Area specified or described in a declaration on or before the thirtieth day of June One thousand nine hundred and seventy-four and to be known by a name (if any) specified in that declaration.

(5) A declaration pursuant to sub-clause (4) of this clause is a declaration by proclamation—

- (a) in the case of land in the State of New South Wales, by the Governor of that State with the prior approval of the Governor-General and the Governor of the State of Victoria.
- (b) in the case of land in the State of Victoria, by the Governor of that State with the prior approval of the Governor-General and the Governor of the State of New South Wales.

(6) In sub-clause (5) of this clause—

- (a) a reference to the Governor-General is a reference to the person who is, at the date of the giving of the relevant approval, the Governor-General of Australia, or the person administering the Government of Australia, acting with the advice of the Federal Executive Council;
- (b) a reference to the Governor of the State of New South Wales is a reference to the person who is, at the date of the relevant proclamation or the giving of the relevant approval as the case may be, the Governor of that State, or the person lawfully administering the Government of New South Wales, acting with the advice of the Executive Council of that State; and
- (c) a reference to the Governor of Victoria is a reference to the person administering the Government of Victoria with the advice of the

Executive Council of that State at the date of the relevant proclamation or the giving of the relevant approval, as the case may be.

PART II—ORGANIZATION

Ministerial Council

4. (1) For the purposes of this agreement there shall be a Ministerial Council consisting of three members—an Australian Minister, a New South Wales Minister and a Victorian Minister.

(2) (a) The members of the Ministerial Council will be the Australian Minister for Urban and Regional Development, the New South Wales Minister for Decentralisation and Development and the Victorian Minister for State Development and Decentralization.

(b) Notwithstanding the immediately preceding paragraph, a Government may arrange with the other two Governments for a Minister holding another portfolio in that Government to be its representative on the Ministerial Council.

(3) In sub-clause (2) of this clause a reference to a Minister who is a member of the Ministerial Council is a reference to a person who is, at the relevant time, that Minister and includes a Minister for the relevant time being acting for and on behalf of such a person.

(4) The Ministerial Council has, subject to and for the purposes of this agreement—

(a) the function of generally supervising the development of the growth complex;

(b) such other functions as are given to it by this agreement or by or under the Australian Act or a State Act.

(5) The Ministerial Council shall meet at such times as it sees fit and shall, subject to this agreement, determine its own procedure.

(6) A resolution before the Ministerial Council will be carried if, and only if, all three members vote in favour of it.

(7) Each of the members of the Ministerial Council shall be informed forthwith in writing of each of the decisions made at meetings of the Development Corporation.

Development Corporation

5. (1) The Albury-Wodonga Development Corporation will be a corporation aggregate consisting of five members of whom three—the Chairman and the two Deputy Chairmen—will be executive members and two will be part-time members, appointed by the Governor-General, or the person who is at the date of the relevant appointment the person administering the Government of Australia, acting with the advice of the Federal Executive Council, and holding office—

- (a) on such terms and conditions as are set out in the Australian Act; and
- (b) subject to that Act, such other terms and conditions as are determined from time to time by the Ministerial Council.

(2) The Chairman will be appointed on the recommendation of the Australian Minister and, subject to any provisions in the Australian Act concerning his removal from office, will hold office for such period not exceeding seven years as is specified in the instrument of his appointment and will be eligible for reappointment.

(3) Each Deputy Chairman will be appointed on the recommendation of the Australian Minister, one on the nomination of each State Minister and, subject to any provisions in the Australian Act concerning his removal from office, will hold office for such period not exceeding five years as is specified in the instrument of his appointment and will be eligible for reappointment.

(4) Each of the two part-time members, representing the State of New South Wales and the State of Victoria respectively, will be appointed on the recommendation of the Australian Minister—

- (a) following upon his election in accordance with electoral arrangements to be determined by the Ministerial Council; but
- (b) until such electoral arrangements have been made and brought into operation, following upon his selection by the Ministerial Council from a group of persons nominated on a basis to be determined by the Ministerial Council by the Council of the City of Albury, the Council of the Rural City of Wodonga, the Council of the United Shire of Beechworth, the Towong Shire Council, the Hume Shire Council, the Yackandandah Shire Council and the Chiltern Shire Council respectively.

(5) The executive members will be responsible for the detailed day-to-day management and activities of the Development Corporation.

(6) The part-time members will participate fully in meetings of the Development Corporation which they attend but will not participate directly in the detailed day-to-day management and activities of the Development Corporation.

(7) A quorum of the Development Corporation shall be constituted by three persons.

(8) In the absence of the Chairman, a Deputy Chairman will preside at meetings of the Development Corporation. Where the Chairman is absent from such a meeting, the Deputy Chairman to preside will be determined in accordance with the procedure determined for the purpose by the Development Corporation.

(9) Questions arising at a meeting of the Development Corporation will be determined by a majority of votes of the members present and voting.

(10) Subject to this sub-clause, each member will have one vote in respect of each question put at a meeting of the Development Corporation at which he is present. Where there is an equality of votes the Chairman or presiding Deputy Chairman as the case may be shall have a casting vote as well as a deliberative vote.

(11) Subject to any directions given by the Ministerial Council, a member of the Development Corporation may request the Development Corporation to refer any matter with which the Development Corporation is concerned to the Ministerial Council for consideration and decision and the Development Corporation shall comply with such a request.

(12) Subject to this agreement, the functions of the Development Corporation will be to do all things necessary or convenient to be done for or in connexion with the development of the growth complex and without limiting the generality of the foregoing the Development Corporation will:

- (a) carry out and supervise development works including—
 - (i) buildings and structures of all kinds;
 - (ii) gardens and plantations;
 - (iii) roads and streets and associated lighting, parking areas, footpaths, guttering, ramps, and all things necessary for the control of traffic by vehicles, pedestrians and animals;
 - (iv) bridges and associated works;
 - (v) works for the supply and reticulation of water, electricity and gas;
 - (vi) sewerage, sewage treatment works and drainage works;

- (vii) levees and river protection works;
 - (viii) wharves, jetties, marinas and ferries;
 - (ix) public amenities including baths, bathing areas and other areas for sport and recreation; and
 - (x) all other works for or incidental to the foregoing;
- (b) negotiate with Australian, State and Local Government authorities for the purpose of arranging or providing services and facilities in the growth complex;
 - (c) construct shops, offices and factories to be made available to a State Corporation for use on a commercial basis in conjunction with State authorities;
 - (d) create job opportunities by encouraging the setting up of industries and other investment in the growth complex;
 - (e) carry out other functions of a promotional character determined from time to time by the Ministerial Council.

(13) Where at any time a State statutory body is unable to carry out any work in accordance with the relevant current Approved Albury-Wodonga Development Plan, or such Plan as amended as the case may be, the Ministerial Council may direct that the work be carried out by the Development Corporation and, where the Ministerial Council so directs, the funds to meet the cost of carrying out that work will be provided from the source shown in that Plan as the source of the funds to meet that expenditure.

(14) The Development Corporation shall, as far as possible, consult and have regard to the views of the relevant Australian and State officers, Departments and statutory bodies in relation to the development of the growth complex.

(15) Where such an officer or a Department or body has a discretion to determine a matter which relates to the development of the growth complex and agreement is not reached as a result of the consultations in relation to that matter between him or it and the Development Corporation, the matter shall be referred by the Development Corporation through the Australian Minister or relevant State Minister as the case requires to the Ministerial Council to enable the appropriate steps to be taken to resolve the disagreement.

(16) The Ministerial Council may give directions to the Development Corporation concerning the performance of its functions, the exercise of its powers and its procedure, and the Development Corporation shall comply with those directions.

Staff of Development Corporation

6. (1) The terms and conditions of employment of officers and employees of the Development Corporation will be determined as provided for in the Australian Act.

(2) The Australian and State Governments will arrange, as appropriate, that officers and employees of their respective Public Services, instrumentalities and authorities will be available for employment, on a permanent or temporary basis, as officers or employees of the Development Corporation.

(3) The Development Corporation will be authorized to arrange for members of its staff to perform work on a full-time or a part-time basis on behalf of other statutory bodies concerned with the development of the growth complex.

(4) The staff establishment of the Development Corporation shall be as approved from time to time by the Ministerial Council.

State Corporations

7. (1) There will be two State Corporations, namely—

- (a) the Albury-Wodonga (New South Wales) Corporation constituted by an Act of the Parliament of the State of New South Wales; and
- (b) the Albury-Wodonga (Victoria) Corporation constituted by an Act of the Parliament of the State of Victoria,

each of which will be a corporation aggregate consisting of three members appointed by the Governor of the constituting State and holding office on terms and conditions set out in the relevant Act.

(2) In sub-clause (1) of this clause, the reference to the Governor is a reference—

- (a) in the case of the State of New South Wales, to the person who is, at the date of the relevant appointment, the Governor of that State, or the person lawfully administering the Government of New South Wales, acting with the advice of the Executive Council of that State; and
- (b) in the case of the State of Victoria, to the person who is, at the date of the relevant appointment, administering the Government of Victoria with the advice of the Executive Council of that State.

(3) The three members will, in each case, comprise—

- (a) a Chairman who will be appointed on the recommendation of the State Minister of the constituting State;
 - (b) two Deputy Chairmen each of whom will be appointed on the recommendation of that State Minister on the nomination of the Australian Minister and the State Minister of the other State respectively.
- (4) The Chairman shall be subject in all respects to the control and direction of the relevant State Minister in the exercise and discharge of his responsibilities, powers, authorities, duties and functions.
- (5) Each member will hold office—
- (a) for such period not exceeding:
 - (i) in the respective cases of the Chairman and the Deputy Chairman nominated by the other State, five years; and
 - (ii) in the case of the Deputy Chairman nominated by the Australian Minister, seven yearsas is specified in the instrument of his appointment;
 - (b) on such terms and conditions as are set out in the relevant Act of the constituting State; and
 - (c) subject to that Act, on such other terms and conditions as are determined from time to time by the Ministerial Council.
- (6) A quorum of a State Corporation shall be constituted by two members.
- (7) In the absence of the Chairman, a Deputy Chairman shall preside at meetings of the State Corporation. Where the Chairman is absent from such a meeting, the Deputy Chairman to preside will be determined in accordance with principles agreed to by the State Corporation.
- (8) Questions arising at a meeting of a State Corporation will be determined by a majority of votes of the members present and voting.
- (9) Subject to this sub-clause, each member of a State Corporation shall have one vote in respect of each question put at a meeting of the Corporation at which he is present. Where there is an equality of votes, the Chairman or presiding Deputy Chairman as the case may be shall have a casting vote as well as a deliberative vote.
- (10) The Ministerial Council may give directions to a State Corporation concerning the performance of its functions and the exercise of its powers and its procedure, and the State Corporation shall comply with those directions.
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(11) In this clause, 'the constituting State' means the State by the Act of whose Parliament the relevant State Corporation was constituted.

Consultative Council

8. (1) For the purposes of this agreement, there shall be a Consultative Council constituted, subject to sub-clause (2) of this clause, as determined from time to time by the Ministerial Council.

(2) Initially the Consultative Council shall consist of sixteen members namely—

- (a) a Chairman, who shall be the Chairman or a Deputy Chairman of the Development Corporation *ex officio* as the Development Corporation may from time to time determine;
- (b) seven members appointed by the Ministerial Council from persons nominated by such Local Government authorities and on such bases as are determined by the Ministerial Council provided that the seven members shall include three members, one of each of whom is nominated respectively by the Council of the City of Albury, the Council of the Rural City of Wodonga and the Hume Shire Council;
- (c) eight members appointed by the Ministerial Council being persons resident in the Area who are, in the opinion of the Ministerial Council, actively interested in community affairs and representative of a wide and varied range of community interests.

(3) Each member referred to in sub-clause (2) of this clause, other than the Chairman, shall be a member for a period of three years from the date of his appointment unless the Ministerial Council directs that his membership shall be for a lesser period or shall be terminated.

(4) The functions of the Consultative Council are to advise the Development Corporation in relation to the development of the growth complex in respect of—

- (a) any matter coming within the scope of the functions of the Development Corporation of direct consequence to the existing or future inhabitants of any designated area in relation to which matter the Consultative Council considers it desirable to tender advice; and
- (b) any matter upon which the Development Corporation requests the advice of the Consultative Council.

(5) Subject to any directions of the Ministerial Council, the procedure of the Consultative Council shall be as determined by the Consultative Council but the meetings of the Consultative Council shall, as far as possible, be held in public.

(6) The Ministerial Council may determine the type and rates of allowances (if any) to be paid to members or categories of members of the Consultative Council.

(7) The Development Corporation shall make suitable arrangements for secretarial services for and meetings of the Consultative Council.

PART III—DEVELOPMENT PLAN AND GENERAL FINANCIAL ARRANGEMENTS

Development Plan and Financial Programme

9. (1) The Development Corporation shall prepare and submit for consideration to the Ministerial Council each year by a date determined by the Ministerial Council a comprehensive proposed forward plan for development of the growth complex (to be called ‘the Proposed Albury-Wodonga Development Plan’ for the period to which it relates and in this clause referred to as ‘the Plan’)—

- (a) covering—
 - (i) development in the public sector (being development by each of the three Governments, Australian and State statutory bodies and Local Government authorities) and development in the private sector (being development by private persons and corporations) during the following five financial years; and
 - (ii) the provision of facilities and services of a high standard in keeping with the intentions of the three Governments expressed in the preamble hereof by such times as the relevant stage of development requires;
 - (b) including statements of estimated expenditure necessary to give effect to the Plan in respect of each of the five financial years to which the Plan relates and, in the case of the public sector, particulars of the sources of the funds to meet that expenditure and the amounts of funds from each source;
 - (c) based on a rate of growth agreed to from time to time by the Ministerial Council; and
 - (d) in such form and containing such categories of information as are determined from time to time by the Ministerial Council.
- (2) (a) The statements referred to in paragraph (b) of sub-clause (1) of this clause that relate to the public sector shall include in summary form statements of estimated expenditure by the Development Corporation and the State Corporations.

(b) In preparing the Plan, the Development Corporation shall, in relation to any proposed works which are within the functions of an Australian or a State authority, ascertain whether that authority will be in a position to carry out the works to be proposed in the Plan and, if the authority indicates that it will be able to do so subject to funds being available, the Development Corporation shall specify in the Plan that the works will be carried out by that authority.

(3) The Development Corporation in conjunction with the State Corporations shall prepare and submit for consideration to the Ministerial Council each year with the Plan—

- (a) a draft financial programme in respect of the next ensuing financial year covering, in detail, estimated revenue and expenditure of the Development Corporation and the two State Corporations and in such form as is determined from time to time by the Ministerial Council; and
- (b) where it appears, at the time when the draft financial programme referred to in paragraph (a) of this sub-clause is being prepared, that the amount of the estimated revenue of a State Corporation during the next ensuing financial year will be less than the amount of the estimated expenditure (including payments of interest on and repayments of loan moneys) of the State Corporation in that financial year—a special report setting out the action by way of the imposition of, or increases in, charges or otherwise which the Development Corporation recommends should be taken to reduce or eliminate the difference between those two amounts.

(4) The Ministerial Council shall each year promptly consider the Plan, the draft financial programme and the special report (if any) after their receipt, shall provisionally approve each of them with or without amendments and shall cause a copy of each of them, as provisionally approved, to be sent to each of the three Governments.

(5) The three Governments will each year consult in relation to the Plan, the financial programme and the special report (if any) as provisionally approved by the Ministerial Council—

- (a) to determine the amounts of money that they will make available, or arrange to be made available, in respect of the next ensuing financial year for the purposes of the public sector of that Plan and that financial programme;

- (b) to establish how far each endorses the proposals, in respect of each of the four financial years thereafter, in that part of the public sector of the provisionally approved Plan applicable to it; and
- (c) if a special report has been received, to decide the rates of rents and charges that should be fixed by the State Corporations.

(6) Thereafter by an appropriate date, the Ministerial Council shall, in the light of the decisions of the Governments pursuant to sub-clause (5) of this clause, review the Plan, the financial programme and the special report (if any) as provisionally approved pursuant to sub-clause (4) of this clause and approve:

- (a) a plan covering development during the five financial years to which the provisionally approved Plan related, to be called the 'Approved Albury-Wodonga Development Plan' for those five financial years and superseding all previous Approved Albury-Wodonga Development Plans including amendments of such Plans;
- (b) a financial programme for the Development Corporation and the two State Corporations in respect of the financial year to which the provisionally approved financial programme related to be called the 'Approved Financial Programme' for that financial year; and
- (c) the rates of rents and charges that the three Governments have decided (if any) should be fixed by the State Corporations.

- (7) (a) the Ministerial Council shall during each financial year keep under review the current Approved Albury-Wodonga Development Plan and the Approved Financial Programme for the current financial year.
- (b) If, in the opinion of the Ministerial Council, circumstances arise which warrant reconsideration by the three Governments of that Approved Albury-Wodonga Development Plan or that Approved Financial Programme, the Ministerial Council may make appropriate submissions to the three Governments.
- (c) Any of the three Governments may, of its own initiative, request the two other Governments to consult with a view to reaching agreement on a variation of that Approved Albury-Wodonga Development Plan or that Approved Financial Programme and the parties will consult accordingly.
- (d) If, following a submission in accordance with paragraph (b) of this sub-clause or of consultation pursuant to paragraph (c) of this sub-clause, the three Governments agree to such a variation, the Ministerial Council shall accordingly amend, and

approve as so amended, the current Approved Albury-Wodonga Development Plan or the Approved Financial Programme or both, as the case may be.

- (e) Where an amount of money is made available for the purpose of an item or items in an Approved Financial Programme under conditions that, if during the financial year to which that Programme relates that amount is not wholly expended, the unexpended balance of that amount may be applied, in whole or in part, in that financial year for expenditure for the purposes of another item or other items in that Programme in circumstances specified by the Government or Governments making available that money, or arranging for it to be made available, the Ministerial Council may approve, or may in an appropriate case authorize the Development Corporation, subject to any terms and conditions specified by the Ministerial Council, to approve, amendments to that Programme to give effect to those conditions according to their terms.
- (f) (i) A reference in paragraphs (a), (b), (c) or (d) to an Approved Albury-Wodonga Development Plan or an Approved Financial Programme includes a reference to such a Plan as amended in accordance with this sub-clause or such a Programme as so amended.
(ii) Where an amendment or further amendment is made pursuant to paragraph (d) or (e) of this sub-clause, the amended Approved Albury-Wodonga Development Plan or amended Approved Financial Programme, as the case may be, shall have the word '(Amended)' included in its title and amended versions shall be numbered consecutively.

(8) Provision of, or arrangements for the provision of, funds to be made available in accordance with sub-clause (5) of this clause will be made—

- (a) by the Australian Government—
 - (i) for facilities and services ordinarily provided by the Australian Government; and
 - (ii) on terms and conditions to be agreed by the parties hereto, for direct capital expenditure by the Development Corporation and the State Corporations and to meet developmental expenses of the Development Corporation referred to in sub-clause (2) of clause 10 to the extent to

which that expenditure and those expenses are not met from the moneys set out in sub-clause (9) of this clause;

- (b) by the parties in equal shares to meet the administrative expenses of the Development Corporation referred to in sub-clause (6) of clause 10 hereof;
- (c) by a party or parties hereto to be agreed between them from time to time to meet expenditure in respect of services carried on by a State Corporation to the extent to which that expenditure cannot be met from revenues available to the State Corporation;
- (d) by the State Governments or State statutory bodies in relation to their respective States—for all other items in the Approved Albury-Wodonga Development Plan (or such Plan as amended) current at the relevant time.

(9) The moneys referred to in sub-paragraph (ii) of paragraph (a) of sub-clause (8) of this clause are—

- (a) loan moneys borrowed by the Development Corporation otherwise than from a party hereto;
- (b) moneys by way of subventions of a capital nature by a State in respect of municipal-type facilities in accordance with general State policy;
- (c) moneys (if any) made available to the Development Corporation from revenues received by a State Corporation; and
- (d) moneys in respect of items in the relevant current Approved Albury-Wodonga Development Plan (including amendments thereof) provided to the Development Corporation acting as the agent of a State Government or State statutory body.

(10) The Development Corporation and each State Corporation shall comply with—

- (a) each current Approved Albury-Wodonga Development Plan or with such a Plan as amended as the case may be;
- (b) the Approved Financial Programme for each financial year or with such a Programme as amended as the case may be; and
- (c) financial policies determined by the Ministerial Council.

(11) The programme covering the commencement of the development of the growth complex during the financial year 1973/74 and the sources of the funds to cover that programme shall be as agreed between the three Governments.

Operating Expenses of Development Corporation

10. (1) (a) Subject to paragraph (b) of this sub-clause, the expenses of operating the Development Corporation, the State Corporations and the Consultative Council (in this Agreement referred to as “operating expenses”), as distinct from direct capital expenditure by any of those corporations, shall be borne by the Development Corporation.
- (b) Operating expenses, as defined in paragraph (a) of this sub-clause, shall not include expenditure in respect of services carried on by a State Corporation.
- (2) Operating expenses shall be classified into—
- (a) developmental expenses; and
- (b) administrative expenses.
- (3) In respect of the financial years 1973/74, 1974/75 and 1975/76, developmental expenses will comprise expenditure—
- (a) by way of salaries, wages and allowances paid to, and superannuation payments made in respect of—
- (i) professional and ancillary staff concerned with the delineation of land for development, physical planning of, design in relation to, and supervision of construction in the growth complex;
- (ii) staff concerned in the activities of the State Corporations, and, to the extent determined by the Ministerial Council,
- (iii) the members of the Development Corporation;
- (b) in relation to the rendering of services by consultants to the Development Corporation or a State Corporation; and
- (c) any other expenditure related to the activities of the staff and members referred to in paragraph (a) of this sub-clause determined by the Ministerial Council to be developmental expenses.
- (4) Not later than the fifteenth day of April 1976 or such later date as agreed between the three Governments, the three Governments will consult to determine whether, and if so which, additional elements of operating expenses are to be included in developmental expenses.
- (5) Developmental expenses shall be met from funds made available by way of loan, grant or otherwise to the Development Corporation for capital expenditure and shall be treated as part of the capital cost of the assets to which they relate.
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(6) Administrative expenses shall comprise all operating expenses that are not developmental expenses.

Accounts of Corporations

11. (1) The Development Corporation and each of the State Corporations shall cause to be kept proper accounts and records of their respective transactions and affairs in accordance with appropriate accounting principles and each shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorized and that adequate control is maintained over the assets belonging to it or in its custody or control and over the incurring of liabilities by it.

(2) The Development Corporation shall each year cause to be prepared in respect of the immediately preceding financial year, by a date and in a form determined by the Ministerial Council, a consolidated statement of revenue received and expenditure incurred by the Development Corporation and the State Corporations during that financial year and shall submit them to the Ministerial Council as directed by it.

Revenue and Repayment of Loans

12. (1) All revenues payable in respect of the use of land vested in a State Corporation or of buildings or other works responsibility for which has passed to a State Corporation shall be payable to that State Corporation until other arrangements are made in that behalf by the parties hereto.

(2) Until such arrangements are made, a State Corporation shall be responsible for the repayment of the principal of and interest on all loans made to it and to the Development Corporation, in relation to the State, for the purposes of this agreement.

(3) The three Governments will consult as necessary for the purpose of making appropriate arrangements to ensure, by means of charges between the State Corporations or otherwise, that the income of each State Corporation is, as far as possible, commensurate with its obligations to make payments of interest on, and repayments of instalments of, loan capital repayable by it.

(4) Where, in respect of a financial year, a State Corporation fixes rents and charges at rates approved by the Ministerial Council and subsequently agreed between the three Governments and the net revenues of the State Corporation available for payment to the State Government are insufficient to meet the obligations of the State in relation to loan moneys made available, from loan moneys provided by the Australian Government, by the State

Government to the Development Corporation and the State Corporation pursuant to this Agreement—

- (a) the Australian Government will not require the State Government to pay in that financial year any amount in excess of those net revenues;
- (b) the outstanding amount will be carried forward as a commitment of the State against the next financial year as though it were a loan made by the Australian Government to the State on the first day of that financial year and repayable, subject to paragraph (c) of this sub-clause, on the terms and conditions agreed when the relevant loan moneys were made available; and
- (c) the three Governments will consult to determine whether the outstanding balance should be dealt with otherwise than on the basis referred to in paragraph (b) of this sub-clause.

PART IV—RESPONSIBILITY FOR ASSETS

Responsibility of Corporations for Sites and Buildings

13. (1) The Development Corporation shall, during the period of construction, have possession of each building or other work that it constructs or arranges to have constructed and the site of each such building or other work.

(2) Upon completion of a building or other work or separable part thereof which has been constructed on land vested in a State Corporation, the Development Corporation shall give to that State Corporation a Certificate of Practical Completion in respect of the building or work or part thereof as the case may be and thereupon the State Corporation shall, subject to this agreement, become responsible for the building, work or part thereof and its site.

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

SIGNED by the Honourable EDWARD
GOUGH WHITLAM, Prime Minister of } E. G. WHITLAM
Australia, in the presence of—
TOM UREN Minister for Urban and
Regional Development

SIGNED by the Honourable SIR ROBERT
ASKIN, Premier of the State of New South } R. W. ASKIN
Wales, in the presence of—
JOHN B. FULLER, Minister for
Decentralisation and Development, N.S.W

SIGNED by the Honourable RUPERT JAMES
HAMER, Premier of the State of Victoria, in the } R. J. HAMER
presence of—
L. E. STONE Mayor Rural City of
Wodonga

Schedule 2—Albury-Wodonga Area Development Agreement Amendment Agreement (No. 1)

Section 6A

AN AGREEMENT (to be called the “Albury-Wodonga Area Development Agreement Amendment Agreement (No. 1)”) made this FOURTH day of SEPTEMBER One thousand nine hundred and seventy-eight BETWEEN THE COMMONWEALTH OF AUSTRALIA of the first part, THE STATE OF NEW SOUTH WALES of the second part and THE STATE OF VICTORIA of the third part:

WHEREAS the Australian, New South Wales and Victorian Governments have agreed that certain amendments should be made to an agreement made between the parties hereto on the twenty-third day of October One thousand nine hundred and seventy-three and called the “Albury-Wodonga Area Development Agreement” (hereinafter referred to as “the principal agreement”):

NOW IT IS HEREBY AGREED by and between the parties to this agreement as follows:—

1. Unless the contrary intention appears, expressions used in this agreement have the same meanings as they have in the principal agreement.

2. (1) This agreement, other than this sub-clause and sub-clause (2) of this clause, shall have no force or effect and shall not be binding on any of the parties hereto unless and until it is approved by the respective Parliaments of Australia, the State of New South Wales and the State of Victoria, but upon being so approved by those Parliaments, it shall be of full force and effect and binding on the parties.

(2) The Australian, New South Wales and Victorian Governments will submit this agreement for approval to their respective Parliaments as soon as practicable after the date of this agreement.

Definitions

3. Clause 1 of the principal agreement is amended by inserting after the definition of “land” the following definitions:

“ ‘Mayor of the City of Albury’ means the person for the time being elected to that office under the provisions of the Local Government Act, 1919 of the State of New South Wales;

‘Mayor of the Rural City of Wodonga’ means the person for the time being elected to that office under the provisions of the Local Government Act 1958 of the State of Victoria;”.

Development Corporation

4. (1) Sub-clause 5 (1) of the principal agreement is amended by deleting the word “five” and substituting the word “eight” and by deleting the word “two” where second occurring and substituting the word “five” and further by deleting all words appearing after the words “part-time members”.

(2) Clause 5 of the principal agreement is amended by inserting after sub-clause (1) thereof the following sub-clause:

“(1A) The executive members and three of the part-time members will be appointed by the Governor-General, or the person who is at the date of the relevant appointment the person administering the Government of Australia, acting with the advice of the Federal Executive Council, and will hold office—

- (a) on such terms and conditions as are set out in the Australian Act; and
- (b) subject to that Act, on such other terms and conditions as are determined from time to time by the Ministerial Council.”.

(3) Sub-clause 5 (4) of the principal agreement is deleted and the following sub-clauses substituted:

“(4) The three part-time members referred to in sub-clause (1A) of this clause will be appointed on the recommendation of the Australian Minister and will comprise:

- (i) one person selected by the Ministerial Council, whether before or after the commencement of this sub-clause, from a group of persons nominated on a basis to be determined from time to time by the Ministerial Council by the Council of the City of Albury, the Hume Shire Council and such other body or bodies as the Ministerial Council determines to be operating within the community in that part of the Area as is within the State of New South Wales;

- (ii) one person selected by the Ministerial Council, whether before or after the commencement of this sub-clause, from a group of persons nominated on a basis to be determined from time to time by the Ministerial Council by the Council of the Rural City of Wodonga, the Council of the United Shire of Beechworth, the Tallangatta Shire Council, the Yackandandah Shire Council, the Chiltern Shire Council and such other body or bodies as the Ministerial Council determines to be operating within the community in that part of the Area as is within the State of Victoria; and
- (iii) a person whom the Ministerial Council considers to be a businessman of national standing.

(4A) A part-time member appointed under sub-clause (4) of this clause will be appointed for a period not exceeding three years as is specified in the instrument of his appointment.

(4B) The part-time members other than those referred to in sub-clause (1A) of this clause will be the Mayor of the City of Albury and the Mayor of the Rural City of Wodonga who will each hold office—

- (a) on such terms and conditions as are set out in the Australian Act; and
- (b) subject to that Act, on such other terms and conditions as are determined from time to time by the Ministerial Council.

(4C) Notwithstanding the preceding provisions of this clause, if a person appointed as a member of the Development Corporation is or becomes Mayor of the City of Albury or Mayor of the Rural City of Wodonga sub-clause (4B) of this clause shall not have effect in relation to him, and the membership of the Development Corporation shall be reduced accordingly, for so long as he holds office as an appointed member.”.

(4) Sub-clause 5 (7) of the principal agreement is amended by deleting the words “three persons” and substituting the words “a majority of the members for the time being holding office provided that there shall be present at least one executive member.”.

State Corporations

5. (1) Sub-clause 7 (1) of the principal agreement is amended by deleting all words after the words “consisting of” and substituting the words “eight members of whom three—the Chairman and the two Deputy Chairmen—will be executive members and five will be part-time members.”.

(2) Sub-clause 7 (2) of the principal agreement is deleted and the following sub-clause substituted:

“(2) In the case of each State Corporation the executive members and three of the part-time members will be appointed by the Governor of the constituting State.”.

(3) Sub-clause 7 (3) of the principal agreement is deleted and the following sub-clauses substituted:

“(3) In the case of each State Corporation:

- (a) the Chairman will be appointed on the recommendation of the State Minister of the constituting State;
- (b) each Deputy Chairman will be appointed on the recommendation of that State Minister on the nomination of the Australian Minister and the State Minister of the other State respectively; and
- (c) the three part-time members referred to in sub-clause (2) of this clause will be appointed on the recommendation of the State Minister of the constituting State and will comprise:
 - (i) one person selected by the Ministerial Council, whether before or after the commencement of this sub-clause, from a group of persons nominated on a basis to be determined from time to time by the Ministerial Council by the Council of the City of Albury, the Hume Shire Council and such other body or bodies as the Ministerial Council determines to be operating within the community in that part of the Area as is within the State of New South Wales;
 - (ii) one person selected by the Ministerial Council, whether before or after the commencement of this sub-clause, from a group of persons nominated on a basis to be determined from time to time by the Ministerial Council by the Council of the Rural City of Wodonga, the Council of the United Shire of

Beechworth, the Tallangatta Shire Council, the Yackandandah Shire Council, the Chiltern Shire Council and such other body or bodies as the Ministerial Council determines to be operating within the community in that part of the Area as is within the State of Victoria; and

- (iii) a person whom the Ministerial Council considers to be a businessman of national standing.

(3A) The part-time members other than those referred to in sub-clause (2) of this clause will be the Mayor of the City of Albury and the Mayor of the Rural City of Wodonga.

(3B) Notwithstanding the other provisions of this clause, if a person appointed as a member of a State Corporation is or becomes Mayor of the City of Albury or Mayor of the Rural City of Wodonga sub-clause (3A) of this clause shall not have effect in relation to him, and the membership of the State Corporation shall be reduced accordingly, for so long as he holds office as an appointed member.”.

(4) Sub-clause 7 (5) of the principal agreement is amended by deleting paragraph (a) and substituting the following paragraph:

“(a) for such period not exceeding:

- (i) in the respective cases of the Chairman and the Deputy Chairman nominated by the other State, five years;
- (ii) in the case of the Deputy Chairman nominated by the Australian Minister, seven years; and
- (iii) in the case of each part-time member other than those referred to in sub-clause (3A) of this clause, three years as is specified in the instrument of his appointment;”

(5) Sub-clause 7 (6) of the principal agreement is amended by deleting the words “two members” and substituting the words “a majority of the members for the time being holding office provided that there shall be present at least one executive member.”.

(6) Clause 7 of the principal agreement is amended by inserting at the end thereof the following sub-clause:

“(12) In this clause, the reference to the Governor is a reference—

- (a) in the case of the State of New South Wales, to the person who is, at the date of the relevant appointment, the Governor of that
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State, or the person lawfully administering the Government of New South Wales, acting with the advice of the Executive Council of that State; and

- (b) in the case of the State of Victoria, to the person who is, at the date of the relevant appointment, administering the Government of Victoria with the advice of the Executive Council of that State.”.

6. Clause 8 of the principal agreement is deleted and the following clause substituted:

Consultative Council Advisory Committees

“8. The Development Corporation may establish advisory committees for the purpose of advising it in respect of the carrying out of its functions.”.

Operating Expenses of Development Corporation

7. Sub-clause 10 (1) (a) of the principal agreement is amended by deleting the words “the Consultative Council” and substituting the words “advisory committees”.

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

SIGNED by the Honourable Right Honourable
JOHN MALCOLM FRASER, Prime Minister of
Australia, in the presence of—
D. BUDD

} MALCOLM FRASER

SIGNED by the Honourable NEVILLE KENNETH
WRAN, Premier of the State of New South Wales,
in the presence of—
G. GLEESON

} NEVILLE WRAN

SIGNED by the Honourable RUPERT JAMES
HAMER, Premier of the State of Victoria, in the
presence of—
K.D GREEN
J. JACK

} R. J. HAMER

Schedule 3—Albury-Wodonga Area Development Agreement Amendment Agreement (No. 2)

Section 6B

AN AGREEMENT (to be called the “Albury-Wodonga Area Development Agreement Amendment Agreement (No. 2)”) made this
day of One thousand nine hundred and

BETWEEN THE COMMONWEALTH OF AUSTRALIA, THE STATE OF
NEW SOUTH WALES, and THE STATE OF VICTORIA.

WHEREAS the Australian, New South Wales and Victorian Governments have agreed that certain amendments should be made to an agreement made between the parties on 23 October 1973 and called the “Albury-Wodonga Area Development Agreement”, as amended by an agreement made between the parties on 4 September 1978 and called the “Albury-Wodonga Area Development Agreement Amendment Agreement (No. 1)”, (hereinafter referred to as “the principal agreement”).

NOW IT IS HEREBY AGREED by and between the parties to this agreement as follows:

1. Unless the contrary intention appears, expressions used in this agreement have the same meanings as they have in the principal agreement.
2. This agreement, other than this clause, shall have no force or effect and shall not be binding on any of the parties unless and until it is approved by the Parliaments of Australia, the State of New South Wales and the State of Victoria, but upon being so approved by all of those Parliaments, it shall be of full force and effect and binding on the parties.

Definitions

3. Clause 1 of the principal agreement is amended by:
 - (a) deleting the definitions of:
 - ‘Approved Albury-Wodonga Development Plan’;
 - ‘Approved Financial Program’;
 - ‘Mayor of the City of Albury’; and

‘Mayor of the Rural City of Wodonga’.

- (b) inserting the following definition after the definition of ‘Australia’:
‘Comprehensive Forward Plan’ means a plan approved by the Ministerial Council in accordance with clause 9 hereof.
4. Sub-clause 2 (6) of the principal agreement is amended by:
- (a) deleting paragraphs (a) and (b) and substituting the following paragraph:
“(a) to carry out investigations and studies, consult with planning authorities and bodies in or having responsibility for the Area and advise such authorities and bodies on regional planning issues; and”;
 - (b) altering the reference to paragraph (c) to paragraph (b).

Ministerial Council

5. Sub-clause 4 (2) of the principal agreement is amended by deleting paragraph (a) and substituting the following paragraph:
“(a) The members of the Ministerial Council will be the Australian Minister for Immigration, Local Government and Ethnic Affairs, the New South Wales Minister for Business and Consumer Affairs and the Victorian Minister for Manufacturing and Industry Development.”

Development Corporation

6. Clause 5 of the principal agreement is deleted and the following clause substituted:
- “5 (1) The Albury-Wodonga Development Corporation will be a corporation aggregate consisting of eight members, including an ex-officio member, who shall be the chief executive officer of the Development Corporation.
- (2) The members, excepting the ex-officio member, will be appointed by the Governor-General, or the person who is at the date of the relevant appointment the person administering the Government of Australia, acting with the advice of the Federal Executive Council, and will hold office—
- (a) on such terms and conditions as are set out in the Australian Act; and
 - (b) subject to that Act, on such other terms and conditions as are determined from time to time by the Ministerial Council.
- ”
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- (3) The Chairperson will be appointed on the recommendation of the Australian Minister and, subject to any provisions in the Australian Act concerning the Chairperson's removal from office, will hold office for such period, not exceeding three years, as is specified in the instrument of appointment and will be eligible for reappointment.
 - (4) There will be two Deputy Chairpersons each of whom will be appointed on the recommendation of the Australian Minister, one on the nomination of each State Minister and, subject to any provisions in the Australian Act concerning the Deputy Chairperson's removal from office, will hold office for such period, not exceeding three years, as is specified in the instrument of appointment and will be eligible for reappointment.
 - (5) Four of the members will be appointed on the recommendation of the Australian Minister and will comprise:
 - (a) two members recommended by the New South Wales Minister with the concurrence of the Australian Minister, whether before or after the commencement of this sub-clause from the following persons:
 - (i) one from a group of persons nominated, on a basis to be determined from time to time by the Ministerial Council; and
 - (ii) one from the Council of the City of Albury.
 - (b) two members recommended by the Victorian Minister with the concurrence of the Australian Minister, whether before or after the commencement of this sub-clause, from the following persons:
 - (i) one from a group of persons nominated, on a basis to be determined from time to time by the Ministerial Council; and
 - (ii) one from the Council of the Rural City of Wodonga.
 - (6) A member appointed under sub-clause (5) of this clause will be appointed for a period, not exceeding three years, as is specified in the instrument of appointment.
 - (7) The ex-officio member will be responsible for the detailed day-to-day management and activities of the Development Corporation.
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- (8) The members will participate fully in meetings of the Development Corporation which they attend, but will not participate directly in the detailed day-to-day management and activities of the Development Corporation.
- (9) A quorum of the Development Corporation shall be constituted by a majority of the members for the time being holding office, provided that the presence of the ex-officio member shall not be counted for the purpose of determining whether a quorum exists.
- (10) In the absence of the Chairperson, a Deputy Chairperson will preside at meetings of the Development Corporation. Where the Chairperson is absent from such a meeting, the Deputy Chairperson to preside will be determined in accordance with the procedure determined for that purpose by the Development Corporation.
- (11) Questions arising at a meeting of the Development Corporation will be determined by a majority of votes of the members present and voting, except that the ex-officio member shall not have a vote. Where there is an equality of votes, the Chairperson or the Deputy Chairperson, as the case may be, shall have a casting vote, as well as a deliberative vote.
- (12) Subject to any directions given by the Ministerial Council, a member of the Development Corporation may request the Development Corporation to refer any matter with which the Development Corporation is concerned to the Ministerial Council for consideration and decision and the Development Corporation shall comply with such a request.
- (13) Subject to this agreement, the functions of the Development Corporation will be to do all things necessary or convenient to be done for or in connexion with the development of the growth complex and, without limiting the generality of the foregoing, the Development Corporation may:
 - (a) carry out and supervise development works including—
 - (i) buildings and structures of all kinds;
 - (ii) gardens and plantations;
 - (iii) roads and streets and associated lighting, parking areas, footpaths, guttering, ramps, and all things necessary for the control of traffic by vehicles, pedestrians and animals;

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- (iv) bridges and associated works;
 - (v) works for the supply and reticulation of water, electricity and gas;
 - (vi) sewerage, sewage treatment works and drainage works;
 - (vii) levees and river protection works;
 - (viii) wharves, jetties, marinas and ferries;
 - (ix) public amenities including baths, bathing areas and other areas for sport and recreation; and
 - (x) all other works for or incidental to the foregoing;
- (b) negotiate with Australian, State and Local Government authorities for the purpose of arranging or providing services and facilities in the growth complex;
 - (c) construct shops, offices and factories to be made available to a State Corporation for use on a commercial basis in conjunction with State authorities;
 - (d) create job opportunities by encouraging the setting up of industries and other investment in the growth complex;
 - (e) carry out other functions of a promotional character determined from time to time by the Ministerial Council.
- (14) The Development Corporation shall, as far as possible, consult and have regard to the views of the relevant Australian and State officers, Departments and statutory bodies, Local Government bodies and community groups in relation to the development of the growth complex.
- (15) Where such an officer or a Department or body has a discretion to determine a matter which relates to the development of the growth complex and agreement is not reached as a result of the consultations in relation to that matter, the matter may be referred by the Development Corporation through the Australian Minister or relevant State Minister, as the case requires, to the Ministerial Council to enable the Council to take such steps as are appropriate to resolve the matter.
- (16) The Ministerial Council may give directions to the Development Corporation concerning the performance of its functions, the exercise of its powers and its procedure, and the Development Corporation shall comply with those directions.”
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State Corporations

7. Clause 7 of the principal agreement is deleted and the following clause substituted:

“7 (1) There will be two State Corporations, namely—

(a) the Albury-Wodonga (New South Wales) Corporation, constituted by an Act of the Parliament of the State of New South Wales; and

(b) the Albury-Wodonga (Victoria) Corporation, constituted by an Act of the Parliament of the State of Victoria.

each of which will be a corporation aggregate consisting of eight members, including an ex-officio member, who shall be the chief executive officer of the Development Corporation.

(2) In the case of each State Corporation the members, excepting the ex-officio member, will be appointed by the Governor of the constituting State.

(3) In the case of each State Corporation:

(a) the Chairperson will be appointed by the Governor of the State on the recommendation of the State Minister of the constituting State; and

(b) each Deputy Chairperson will be appointed by the Governor of the State, one on the recommendation of the other State Minister and one on the recommendation of the Australian Minister.

(4) In the case of each State Corporation four of the members of each State Corporation will be appointed on the recommendation of the State Minister of the constituting State and will comprise:

(a) two members recommended by the New South Wales Minister with the concurrence of the Australian Minister, whether before or after the commencement of this sub-clause, from the following persons:

(i) one from a group of persons nominated, on a basis to be determined from time to time by the Ministerial Council; and

(ii) one from the Council of the City of Albury.

(b) two members recommended by the Victorian Minister with the concurrence of the Australian Minister, whether before or

after the commencement of this sub-clause, from the following persons:

- (i) one from a group of persons nominated, on a basis to be determined from time to time by the Ministerial Council; and
 - (ii) one from the Council of the Rural City of Wodonga.
- (5) The Chairperson shall be subject in all respects to the control and direction of the relevant State Minister in the exercise and discharge of his responsibilities, powers, authorities, duties and functions.
- (6) Each member, except the ex-officio member, will hold office for such period, not exceeding three years, as is specified in the instrument of appointment:
- (a) on such terms and conditions as are set out in the relevant Act of the constituting State; and
 - (b) subject to that Act, on such other terms and conditions as are determined from time to time by the Ministerial Council.
- (7) A quorum of a State Corporation shall be constituted by a majority of the members for the time being holding office provided that the presence of the ex-officio member shall not be counted for the purpose of determining whether a quorum exists.
- (8) In the absence of the Chairperson, a Deputy Chairperson shall preside at meetings of a State Corporation. Where the Chairperson is absent from such a meeting, the Deputy Chairperson to preside will be determined in accordance with principles agreed to by the State Corporation.
- (9) Questions arising at a meeting of a State Corporation will be determined by a majority of votes of the members present and voting, except the ex-officio member shall not have a vote. Where there is an equality of votes, the Chairperson or presiding Deputy Chairperson, as the case may be, shall have a casting vote, as well as a deliberative vote.
- (10) The Ministerial Council may give directions to a State Corporation concerning the performance of its functions and the exercise of its powers and its procedures, and the State Corporation shall comply with those directions.

- (11) In this clause, “the constituting State” means the State by the Act of whose Parliament the relevant State Corporation was constituted.
- (12) In this clause, the reference to the Governor is a reference—
- (a) in the case of the State of New South Wales, to the person who is, at the date of the relevant appointment, the Governor of that State, or the person lawfully administering the Government of New South Wales, acting with the advice of the Executive Council of that State; and
 - (b) in the case of the State of Victoria, to the person who is, at the date of the relevant appointment, administering the Government of Victoria with the advice of the Executive Council of that State.”
8. Clause 9 of the principal agreement and its heading are deleted and the following clause and heading are substituted:
- “Comprehensive Forward Plan
- 9 (1) The Development Corporation shall prepare and submit for approval by the Ministerial Council each year, by a date determined by the Ministerial Council, a Comprehensive Forward Plan for the development of the growth complex for the period to which it relates in a form, and having the content, specified by the Ministerial Council from time to time.
- (2) The Ministerial Council may amend a Comprehensive Forward Plan, after consultation with the Development Corporation and the State Corporations.
- (3) The Development Corporation and each State Corporation shall comply with any Comprehensive Forward Plan approved by the Ministerial Council.”
9. Clause 10 of the principal agreement and its heading are deleted and the following clause and heading are substituted:
- “Revenues and Expenses of Corporations
10. All revenues of whatsoever nature payable to each State Corporation, including those payable in respect of land, buildings and other assets or works vested in the State Corporation, shall be paid to the Development Corporation, which shall meet all expenditure, approved by the Ministerial Council, for and on behalf of each State Corporation in relation to the growth complex.”
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10. Clause 12 of the principal agreement and its heading are deleted and clause 13 is renumbered clause 12.

Table of Acts**Notes to the *Albury-Wodonga Development Act 1973*****Note 1**

The *Albury-Wodonga Development Act 1973* as shown in this compilation comprises Act No. 189, 1973 amended as indicated in the Tables below.

All relevant information pertaining to application, saving or transitional provisions prior to 3 May 2000 is not included in this compilation. For subsequent information *see* Table A.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Albury-Wodonga Development Act 1973</i>	189, 1973	17 Dec 1973	21 Dec 1973 (see <i>Gazette</i> 1973, No. 193)	
<i>Administrative Changes (Consequential Provisions) Act 1978</i>	36, 1978	12 June 1978	12 June 1978	S. 8
<i>Albury-Wodonga Development Amendment Act 1979</i>	96, 1979	17 Oct 1979	1 Mar 1980 (see <i>Gazette</i> 1980, No. S30)	S. 6(2)
<i>Public Service Reform Act 1984</i>	63, 1984	25 June 1984	S. 151(1): 1 July 1984 (see <i>Gazette</i> 1984, No. S245) (a)	S. 151(9)
<i>Statute Law (Miscellaneous Provisions) Act (No. 1) 1985</i>	65, 1985	5 June 1985	S. 3: 3 July 1985 (b)	—
<i>Veterans' Entitlements (Transitional Provisions and Consequential Amendments) Act 1986</i>	28, 1986	19 May 1986	S. 61: Royal Assent Remainder: 22 May 1986 (see <i>Gazette</i> 1986, No. S225)	—
<i>Albury-Wodonga Development Amendment Act 1991</i>	60, 1991	20 May 1991	Ss. 1, 2 and 5: Royal Assent S. 18: 19 Nov 1991 (see <i>Gazette</i> 1991, No. S313) Remainder: 17 Feb 1992 (see <i>Gazette</i> 1992, No. S48)	S. 19

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
as amended by				
<i>Statute Law Revision Act 1996</i>	43, 1996	25 Oct 1996	Schedule 3 (items 1, 2): 20 May 1991 (c)	—
<i>Social Security (Rewrite) Transition Act 1991</i>	70, 1991	25 June 1991	(d)	—
<i>Prime Minister and Cabinet Legislation Amendment Act 1991</i>	199, 1991	18 Dec 1991	18 Dec 1991	—
<i>Veterans' Affairs (1994-95 Budget Measures) Legislation Amendment Act (No. 2) 1994</i>	164, 1994	16 Dec 1994	Part 4 (s. 60): Royal Assent (e)	—
<i>Statute Law Revision Act 1996</i>	43, 1996	25 Oct 1996	Schedule 4 (item 8): Royal Assent (f)	—
<i>Audit (Transitional and Miscellaneous) Amendment Act 1997</i>	152, 1997	24 Oct 1997	Schedule 2 (items 154-156): 1 Jan 1998 (see <i>Gazette</i> 1997, No. GN49) (g)	—
<i>Public Employment (Consequential and Transitional) Amendment Act 1999</i>	146, 1999	11 Nov 1999	Schedule 1 (items 86-91): 5 Dec 1999 (see <i>Gazette</i> 1999, No. S584) (h)	—
<i>Albury-Wodonga Development Amendment Act 2000</i>	46, 2000	3 May 2000	Schedule 1 (items 3-71): [see (i), Note 3 and Table A] Remainder: Royal Assent	Sch. 1 (items 65-71) [see Table A]

Act Notes

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- (a) The *Albury-Wodonga Development Act 1973* was amended by subsection 151(1) only of the *Public Service Reform Act 1984*, subsection 2(4) of which provides as follows:
- (4) The remaining provisions of this Act shall come into operation on such day as is, or on such respective days as are, fixed by Proclamation.
- (b) The *Albury-Wodonga Development Act 1973* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1985*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.
- (c) The *Albury-Wodonga Development Amendment Act 1991* was amended by Schedule 3 (items 1, 2) only of the *Statute Law Revision Act 1996*, subsection 2(3) of which provides as follows:
- (3) Each item in Schedule 3 is taken to have commenced when the Act containing the provision amended by the item received the Royal Assent.
- (d) The *Albury-Wodonga Development Act 1973* was amended by section 6 only of the *Social Security (Rewrite) Transition Act 1991*, section 2 of which provides as follows:
2. This Act commences immediately after the *Social Security Act 1991* commences. The *Social Security Act 1991* commenced on 1 July 1991.
- (e) The *Albury-Wodonga Development Act 1973* was amended by Part 4 (section 60) only of the *Veterans' Affairs (1994-95 Budget Measures) Legislation Amendment Act (No. 2) 1994*, subsection 2(1) of which provides as follows:
- (1) Part 1, Divisions I and II of Part 2 and Parts 3 and 4 commence on the day on which this Act receives the Royal Assent.
- (f) The *Albury-Wodonga Development Act 1973* was amended by Schedule 4 (item 8) only of the *Statute Law Revision Act 1996*, subsection 2(1) of which provides as follows:
- (1) Subject to subsections (2) and (3), this Act commences on the day on which it receives the Royal Assent.
- (g) The *Albury-Wodonga Development Act 1973* was amended by Schedule 2 (items 154-156) only of the *Audit (Transitional and Miscellaneous) Amendment Act 1997*, subsection 2(2) of which provides as follows:
- (2) Schedules 1, 2 and 4 commence on the same day as the *Financial Management and Accountability Act 1997*.
- (h) The *Albury-Wodonga Development Act 1973* was amended by Schedule 1 (items 86-91) only of the *Public Employment (Consequential and Transitional) Amendment Act 1999*, subsections 2(1) and (2) of which provide as follows:
- (1) In this Act, **commencing time** means the time when the *Public Service Act 1999* commences.
- (2) Subject to this section, this Act commences at the commencing time.
- (i) The *Albury-Wodonga Development Act 1973* was amended by Schedule 1 only of the *Albury-Wodonga Development Amendment Act 2000*, Section 2 of which provides as follows:
- (1) The following provisions of this Act commence on the day on which this Act receives the Royal Assent:
- (a) sections 1, 2 and 3;
- (b) Part 1 of Schedule 1;
- (c) Schedule 2.
- (2) Part 2 of Schedule 1 to this Act commences on a day to be fixed by Proclamation. [see Note 3]
- (3) The day fixed by Proclamation for the purposes of subsection (2) must not be a day earlier than the day on which the Albury-Wodonga Area Development Winding-up Agreement is signed by the parties to that agreement. [see Note 3]
-

Act Notes

- (4) If Part 2 of Schedule 1 to this Act does not commence under subsection (2) within the period of 6 months after whichever is the latest of the following days:
- (a) the day on which the NSW Repeal Act receives the Royal Assent (however described);
 - (b) the day on which the Victorian Repeal Act receives the Royal Assent (however described);
 - (c) the day on which the Albury-Wodonga Area Development Winding-up Agreement is signed on behalf of the parties to the agreement;

Part 2 of Schedule 1 to this Act commences on the first day after the end of that period. [see Note 3]

- (5) In this section:

NSW Repeal Act means an Act of New South Wales that repeals the *Albury-Wodonga Development Act 1974* of New South Wales.

Victorian Repeal Act means an Act of Victoria that repeals the *Albury-Wodonga Agreement Act 1973* of Victoria.

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
S. 3.....	am. No. 96, 1979; No. 60, 1991; No. 146, 1999; No. 46, 2000
S. 4.....	am. No. 96, 1979; No. 60, 1991
S. 5.....	am. No. 60, 1991
Part IA	ad. No. 46, 2000
(ss. 5A-5D)	
Ss. 5A-5D.....	ad. No. 46, 2000
S. 6.....	am. No. 96, 1979
S. 6A	ad. No. 96, 1979
S. 6B	ad. No. 60, 1991
S. 8.....	am. No. 96, 1979; No. 60, 1991; No. 146, 1999
S. 8A	ad. No. 60, 1991
S. 9A	ad. No. 152, 1997
S. 10.....	am. No. 96, 1979; No. 60, 1991
S. 10A	ad. No. 60, 1991
S. 11.....	am. No. 96, 1979; No. 60, 1991
S. 12.....	rs. No. 96, 1979 am. No. 28, 1986; Nos. 60 and 70, 1991; No. 164, 1994; No. 43, 1996
S. 13.....	rep. No. 60, 1991
S. 14.....	rs. No. 96, 1979 am. No. 60, 1991
Ss. 15, 16.....	am. No. 96, 1979; No. 60, 1991 (as am. by No. 43, 1996)
S. 17.....	am. No. 60, 1991
Ss. 18, 19.....	am. No. 96, 1979; No. 60, 1991
S. 21.....	am. No. 63, 1984; No. 199, 1991; No. 146, 1999
S. 22.....	rep. No. 96, 1979 ad. No. 60, 1991 rep. No. 146, 1999
S. 23.....	rep. No. 65, 1985
S. 24.....	am. No. 36, 1978
S. 26.....	am. No. 96, 1979
S. 28.....	am. No. 96, 1979
S. 30.....	am. No. 60, 1991
S. 31.....	am. No. 96, 1979
S. 32.....	am. No. 36, 1978; No. 60, 1991
S. 33.....	am. No. 60, 1991
S. 34.....	am. No. 96, 1979
Heading to Schedule	rep. No. 96, 1979
Heading to Schedule 1.....	ad. No. 96, 1979
Schedule 2	ad. No. 96, 1979

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected

How affected

Schedule 3 ad. No. 60, 1991

Note 2

Section 5—Schedule 2 (items 154, 155) of the *Audit (Transitional and Miscellaneous) Amendment Act 1997* provides as follows:

Schedule 2

154 Section 5

Omit “Chairman” (wherever occurring), substitute “Chair”.

155 Subsection 5(1)

Omit “Chairmen”, substitute “Chairs”.

The proposed amendments were misdescribed and are not incorporated in this compilation.

Note 3

Albury-Wodonga Development Amendment Act 2000 (No. 46, 2000)

The following amendments commence 6 months after a prescribed date, if not proclaimed earlier:

Schedule 1

3 Subsection 3(1) (definition of *Agreement*)

Repeal the definition.

4 Subsection 3(1)

Insert:

annual operational plan means a plan prepared under subsection 20B(1).

5 Subsection 3(1)

Insert:

asset includes:

- (a) any legal or equitable estate or interest in real or personal property, whether actual, contingent or prospective; and

Note 3

- (b) any right, power, privilege or immunity, whether actual, contingent or prospective.

6 Subsection 3(1) (definition of *Council representative*)

Repeal the definition.

7 Subsection 3(1) (definition of *Deputy Chairperson*)

Repeal the definition.

8 Subsection 3(1) (definition of *executive member*)

Repeal the definition.

9 Subsection 3(1)

Insert:

joint Commonwealth/State scheme means the scheme:

- (a) under which the Commonwealth, New South Wales and Victoria agreed that:
 - (i) a new integrated urban complex be developed by the extension of existing urban areas of Albury and Wodonga and the creation of new urban areas in the Albury-Wodonga region; and
 - (ii) amenities and services be provided to foster and serve that urban complex; and
- (b) that had as one of its elements the establishment of the Corporation by this Act.

10 Subsection 3(1)

Insert:

land includes an interest in land.

11 Subsection 3(1)

Insert:

liability means any liability, duty or obligation, whether actual, contingent or prospective.

12 Subsection 3(1)

Insert:

winding-up plan means a plan prepared under subsection 20A(1).

13 Subsection 3(2)

Repeal the subsection.

14 Section 5

Repeal the section.

15 Part II

Repeal the Part.

16 Paragraphs 8(1)(a), (b), (c), (d) and (e)

Repeal the paragraphs, substitute:

- (a) to prepare the Corporation, over a period ascertained in accordance with the Winding-up Agreement, for abolition by a future Act; and
- (b) for the purposes of preparing the Corporation for abolition as mentioned in paragraph (a), to dispose of the assets of the Corporation; and
- (c) to assist the Commonwealth and other persons in connection with the winding-up of the Corporation and the joint Commonwealth/State scheme; and
- (d) for the purposes of facilitating the winding-up of the Corporation and the joint Commonwealth/State scheme:
 - (i) to acquire assets that were previously held by the Albury-Wodonga (New South Wales) Corporation or the Albury-Wodonga (Victoria) Corporation; and
 - (ii) to hold such assets; and
 - (iii) to prepare such assets for disposal (including by way of developing or improving such assets); and
 - (iv) to dispose of such assets; and
- (e) if requested by or on behalf of the Commonwealth, or by or on behalf of an authority of the Commonwealth, to do so—to act as the agent of the Commonwealth, or the authority of the Commonwealth, in relation to the disposal of land in the Albury-Wodonga region.

Note 3

17 Subsection 8(2)

Omit all the words after “has” (second occurring), substitute:

power:

- (a) to enter into contracts and agreements; and
- (b) either directly or by arrangement with other persons, to construct buildings and works and carry on services.

18 Subsection 8(3)

Omit “Australian”.

19 Subsection 8(3)

Omit “Agreement”, substitute “Winding-up Agreement”.

20 Subsection 8(5)

Repeal the subsection, substitute:

- (5) For the purposes of subsection (3), each of the following purposes is taken to be a purpose that is complementary to this Act:
 - (a) the purpose of facilitating the disposal of the assets of the Corporation;
 - (b) the purpose of facilitating the winding-up of the Corporation;
 - (c) the purpose of facilitating the winding-up of the joint Commonwealth/State scheme.
- (5A) For the purposes of subsection (3), if an Act of New South Wales, or a part of such an Act, confers or imposes on the Corporation functions, powers or duties of a kind that were previously conferred or imposed on the Albury-Wodonga (New South Wales) Corporation, that Act or that part of that Act, as the case may be, is taken to confer or impose those functions, powers or duties for purposes that are complementary to this Act.
- (5B) For the purposes of subsection (3), if an Act of Victoria, or a part of such an Act, confers or imposes on the Corporation functions, powers or duties of a kind that were previously conferred or imposed on the Albury-Wodonga (Victoria) Corporation, that Act or that part of that Act, as the case may be, is taken to confer or impose those functions, powers or duties for purposes that are complementary to this Act.

21 Subsection 8(6)

Omit “directions given to it by the Ministerial Council”, substitute “written directions given to it by the Minister”.

22 Subsection 8(7)

Omit “Agreement”, substitute “Winding-up Agreement”.

23 At the end of section 8

Add:

- (9) To avoid doubt, a reference in subsection (1) to:
- (a) the abolition or winding-up of the Corporation; or
 - (b) the winding-up of the joint Commonwealth/State scheme;
- does not, by implication:
- (c) require the Corporation to dispose of all of its assets; or
 - (d) prevent functions, powers or duties being conferred or imposed on the Corporation by a law of New South Wales or Victoria.
- (10) It is the intention of the Parliament that subsection (1) is not to apply to the exclusion of a law of New South Wales or Victoria to the extent to which that law is capable of operating concurrently with that subsection.

24 Paragraphs 10(1)(b), (c) and (d)

Repeal the paragraphs.

25 Subsections 10(3) and (4)

Repeal the subsections, substitute:

- (3) A person is not to be appointed as:
- (a) the Chairperson; or
 - (b) a member referred to in paragraph (1)(e);
- unless he or she appears to the Minister to be qualified for appointment because of his or her knowledge and understanding of issues relating to the development of the Albury-Wodonga region.

26 Subsections 10(7) and (8)

Repeal the subsections.

Note 3

27 Subsection 11(3)

Repeal the subsection.

28 Subsection 12(3)

Omit "Australian".

29 Paragraph 15(2)(f)

Omit "being an executive member,".

30 Paragraph 16(1)(b)

Omit "Area", substitute "Albury-Wodonga region".

31 Subsection 16(2)

Omit "Ministerial Council", substitute "Minister".

32 Section 17

Omit "Ministerial Council", substitute "Minister".

33 Subsection 18(1)

Omit "Subject to subsection (2), where", substitute "Where".

34 Subsection 18(1)

Omit "or a Deputy Chairperson".

35 Subsection 18(1)

Omit "or an office of Deputy Chairperson".

36 Subsection 18(1)

Omit "Australian".

37 Subsection 18(1)

Omit "or acting Deputy Chairperson".

38 Subsection 18(2)

Repeal the subsection.

39 Subsection 18(3)

Omit "or acting Deputy Chairperson".

40 Subsection 18(4)

Omit “or acting Deputy Chairperson”.

41 Subsection 18(4)

Omit “or Deputy Chairperson, as the case may be”.

42 Subsection 18(5)

Omit “Australian”.

43 Subsections 18(6), (6A), (6B) and (6C)

Repeal the subsections.

44 Subsection 18(7)

Omit “Australian”.

45 Subsection 18(8)

Omit “Ministerial Council”, substitute “Minister”.

46 Subsection 19(2)

Omit “Deputy Chairmen”, substitute “appointed members”.

47 Subsection 19(3)

Repeal the subsection.

48 Subsection 19(4)

Omit “, including at least one executive member”.

49 Subsection 19(6)

Omit “a Deputy Chairperson”, substitute “an appointed member”.

50 Section 20

Repeal the section, substitute:

20 Delegation by Corporation

(1) The Corporation may, by writing, delegate any or all of its functions and powers to:

(a) a member; or

Note 3

- (b) an officer or employee of the Corporation.
- (2) The delegate is, in the exercise of the function or power delegated under subsection (1), subject to the directions of the Corporation.

51 After Part IV

Insert:

Part IVA—Winding-up plan and annual operational plans

20A Winding-up plan

- (1) The Corporation must:
 - (a) prepare a plan setting out the manner in which the Corporation proposes to perform the functions conferred on it by paragraphs 8(1)(a), (b), (c) and (d); and
 - (b) give a copy of the plan to the Minister.
- (2) The Corporation must do this as soon as practicable, and in any event within 90 days, after the commencement of this section.

Note: Paragraphs 8(1)(a), (b), (c) and (d) deal with the winding-up of the Corporation and the joint Commonwealth/State scheme.
- (3) The plan is to be known as the *winding-up plan*.
- (4) The winding-up plan is to be expressed to relate to the period mentioned in paragraph 8(1)(a).

Note: The period mentioned in paragraph 8(1)(a) is the period over which the Corporation is to prepare itself for abolition by a future Act.
- (5) The Corporation must keep the Minister informed about matters that arise that might significantly affect the carrying out of the winding-up plan.
- (6) The Corporation may vary the winding-up plan.
- (7) If the Corporation varies the winding-up plan, the Corporation must give a copy of the variation to the Minister.

- (8) The Minister may direct the Corporation to vary the winding-up plan.
- (9) The Corporation must comply with a direction under subsection (8).

20B Annual operational plans

- (1) Before the beginning of each financial year, the Corporation must:
 - (a) prepare a plan for the financial year concerned, setting out the details of:
 - (i) the strategies the Corporation proposes to pursue; and
 - (ii) the activities the Corporation proposes to carry out; and
 - (iii) the resources the Corporation proposes to allocate to each such activity;during the financial year in giving effect to the winding-up plan; and
 - (b) give a copy of the first-mentioned plan to the Minister.
- (2) A plan prepared under subsection (1) is to be known as *an annual operational plan*.
- (3) The Corporation must keep the Minister informed about matters that arise that might significantly affect the carrying out of an annual operational plan.
- (4) The Corporation may vary an annual operational plan.
- (5) If the Corporation varies the annual operational plan, the Corporation must give a copy of the variation to the Minister.
- (6) The Minister may direct the Corporation to vary an annual operational plan.
- (7) The Corporation must comply with a direction under subsection (6).

Part IVB—Transfers of assets, contracts and liabilities from State bodies to the Corporation

Note 3

20C Definitions

In this Part:

contract includes:

- (a) a deed; and
- (b) a deed poll.

instrument includes a document.

relevant State body:

- (a) in relation to New South Wales—means the Albury-Wodonga (New South Wales) Corporation; and
- (b) in relation to Victoria—means the Albury-Wodonga (Victoria) Corporation.

20D Transfer of assets to Corporation

- (1) It is the intention of the Parliament that a law of New South Wales or Victoria may:
 - (a) transfer an asset from the relevant State body to the Corporation; and
 - (b) provide for matters incidental to the transfer.
- (2) Such a transfer may be by way of a provision that vests the asset in the Corporation without any conveyance, assignment or instrument of transfer.

Minister must consent to transfer

- (3) However, a law of New South Wales or Victoria is not effective to transfer the asset from the relevant State body to the Corporation unless the Minister, by notice in the *Gazette*, consents to the transfer of:
 - (a) the asset; or
 - (b) a class of assets in which the asset is included.

Matters incidental to transfer

- (4) The following are examples of matters incidental to the transfer of an asset from a relevant State body to the Corporation:

- (a) that an instrument relating to the asset continues to have effect after the asset vests in the Corporation as if a reference in the instrument to the relevant State body were a reference to the Corporation;
- (b) that the Corporation becomes the successor in law of the relevant State body in relation to an asset immediately after the asset vests in the Corporation;
- (c) if any proceedings to which the relevant State body was a party:
 - (i) were pending in any court or tribunal immediately before the transfer; and
 - (ii) related, in whole or in part, to the asset;that the Corporation is substituted for the relevant State body as a party to the proceedings to the extent to which the proceedings relate to the asset.

20E Transfer of contractual rights and obligations to Corporation

- (1) It is the intention of the Parliament that a law of New South Wales or Victoria may:
 - (a) transfer the relevant State body's rights and obligations under a contract from the relevant State body to the Corporation; and
 - (b) provide for matters incidental to the transfer.
- (2) Such a transfer may be by way of a provision under which a relevant State body's rights and obligations under the contract:
 - (a) cease to be rights and obligations of the relevant State body at a particular time; and
 - (b) become rights and obligations of the Corporation at that time.

Minister must consent to transfer

- (3) However, a law of New South Wales or Victoria is not effective to transfer the relevant State body's rights and obligations under the contract from the relevant State body to the Corporation unless the Minister, by notice in the *Gazette*, consents to the transfer of:
 - (a) rights and obligations under the contract; or
 - (b) rights and obligations under a class of contracts in which the contract is included.

Note 3

Matters incidental to transfer

- (4) The following are examples of matters incidental to the transfer of a relevant State body's rights and obligations under a contract from the relevant State body to the Corporation:
- (a) that the contract continues to have effect, after the relevant State body's rights and obligations under the contract become rights and obligations of the Corporation, as if a reference in the contract to the relevant State body were a reference to the Corporation;
 - (b) that an instrument relating to the contract continues to have effect, after the relevant State body's rights and obligations under the contract become rights and obligations of the Corporation, as if a reference in the instrument to the relevant State body were a reference to the Corporation;
 - (c) that the Corporation becomes the relevant State body's successor in law, in relation to the relevant State body's rights and obligations under the contract, immediately after the relevant State body's rights and obligations under the contract become rights and obligations of the Corporation;
 - (d) if any proceedings to which the relevant State body was a party:
 - (i) were pending in any court or tribunal immediately before the transfer; and
 - (ii) related, in whole or in part, to those rights or obligations;that the Corporation is substituted for the relevant State body as a party to the proceedings to the extent to which the proceedings relate to those rights or obligations.

20F Transfer of liabilities to Corporation

- (1) It is the intention of the Parliament that a law of New South Wales or Victoria may:
 - (a) transfer a liability from the relevant State body to the Corporation; and
 - (b) provide for matters incidental to the transfer.
- (2) Such a transfer may be by way of a provision under which the liability:

Note 3

- (a) ceases to be a liability of the relevant State body at a particular time; and
- (b) becomes a liability of the Corporation at that time.

Minister must consent to transfer

- (3) However, a law of New South Wales or Victoria is not effective to transfer the liability from the relevant State body to the Corporation unless the Minister, by notice in the *Gazette*, consents to the transfer of:
 - (a) the liability; or
 - (b) a class of liabilities in which the liability is included.

Matters incidental to transfer

- (4) The following are examples of matters incidental to the transfer of a liability from the relevant State body to the Corporation:
 - (a) that an instrument relating to the liability continues to have effect after the liability becomes a liability of the Corporation as if a reference in the instrument to the relevant State body were a reference to the Corporation;
 - (b) that the Corporation becomes the relevant State body's successor in law in relation to the liability immediately after the liability becomes a liability of the Corporation;
 - (c) if any proceedings to which the relevant State body was a party:
 - (i) were pending in any court or tribunal immediately before the transfer; and
 - (ii) related, in whole or in part, to the liability;that the Corporation is substituted for the relevant State body as a party to the proceedings to the extent to which the proceedings relate to the liability.

20G This Part does not authorise the imposition of taxation

This Part does not authorise the imposition of taxation within the meaning of section 55 of the Constitution.

Note 3

20H Compensation—constitutional safety-net

- (1) If:
 - (a) apart from this section, the operation of this Part would result in the acquisition of property from a person otherwise than on just terms; and
 - (b) the acquisition would be invalid because of paragraph 51(xxxi) of the Constitution;the Commonwealth is liable to pay compensation of a reasonable amount to the person in respect of the acquisition.
- (2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in the Federal Court of Australia for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.
- (3) In this section:

acquisition of property has the same meaning as in paragraph 51(xxxi) of the Constitution.

just terms has the same meaning as in paragraph 51(xxxi) of the Constitution.

52 Subsection 21(5)

Omit “for purposes related to the development of the growth complex”.

53 Paragraph 26(1)(a)

Repeal the paragraph.

54 Subsection 28(1)

Omit “Agreement” (wherever occurring), substitute “Winding-up Agreement”.

55 Section 29

Repeal the section.

56 Subsection 30(1)

Omit “Australian”.

57 Subsection 30(3)

Omit “Australian”.

58 Subsection 30(4)

Repeal the subsection.

59 Before section 32

Insert:

31A Delegation by Minister

- (1) The Minister may, by writing, delegate to:
 - (a) the Secretary to the Department; or
 - (b) a person holding or performing the duties of a Senior Executive Service office (within the meaning of the *Public Service Act 1922*); or
 - (c) an SES employee or acting SES employee;all or any of the Minister’s powers under this Act (other than section 5A).
- (2) The delegate is, in the exercise of the power delegated under subsection (1), subject to the directions of the Minister.

60 Paragraph 32(a)

Omit all the words after “Finance,”, substitute “of the Corporation’s operations during that year together with financial statements in respect of that year; and”.

61 Paragraph 32(b)

Omit “Australian Minister, for presentation to the Parliament; and”, substitute “Minister, for presentation to the Parliament.”.

62 Paragraph 32(c)

Repeal the paragraph.

63 Section 33

Omit “Australian”.

64 Schedules 1, 2 and 3

Note 3

Repeal the Schedules.

As at 2 June 2000 the amendments are not incorporated in this compilation.

Table A

Table A

Application, saving or transitional provisions

Albury-Wodonga Development Amendment Act 2000 (No. 46, 2000)

The following provisions commence 6 months after a prescribed date, if not proclaimed earlier:

Schedule 1

65 Application—subsection 10(3) of the *Albury-Wodonga Development Act 1973*

Subsection 10(3) of the *Albury-Wodonga Development Act 1973* as amended by this Act applies to appointments made after the commencement of this item.

66 Application—subsection 10(7) of the *Albury-Wodonga Development Act 1973*

Despite the repeal of subsection 10(7) of the *Albury-Wodonga Development Act 1973* by this Schedule, that subsection continues to apply, in relation to appointments made before the commencement of this item, as if that repeal had not happened.

67 Transitional—chief executive officer

To avoid doubt, the amendments of the *Albury-Wodonga Development Act 1973* made by this Schedule do not affect the continuity of anything done under section 10A of that Act before the commencement of this item.

68 Transitional—section 17 of the *Albury-Wodonga Development Act 1973*

- (1) This item applies to a determination that was in force under section 17 of the *Albury-Wodonga Development Act 1973* immediately before the commencement of this item.
- (2) The determination has effect, after the commencement of this item, as if it were a determination made by the Minister under section 17 of the *Albury-Wodonga Development Act 1973* as amended by this Act.

Table A

69 Transitional—subsection 18(8) of the *Albury-Wodonga Development Act 1973*

- (1) This item applies to a determination that was in force under subsection 18(8) of the *Albury-Wodonga Development Act 1973* immediately before the commencement of this item.
- (2) The determination has effect, after the commencement of this item, as if it were a determination made by the Minister under subsection 18(8) of the *Albury-Wodonga Development Act 1973* as amended by this Act.

70 Transitional—subsection 20B(1) of the *Albury-Wodonga Development Act 1973*

Subsection 20B(1) of the *Albury-Wodonga Development Act 1973* applies to a financial year that commences after the commencement of this item.

71 Application—paragraph 32(a) of the *Albury-Wodonga Development Act 1973*

Despite the amendment of paragraph 32(a) of the *Albury-Wodonga Development Act 1973* made by this Schedule, that paragraph continues to apply, in relation to a financial year during any part of which a State Corporation is in existence, as if that amendment had not been made.