



Albury-Wodonga Development Act 1973

Act No. 189 of 1973 as amended

This compilation was prepared on 8 July 2008
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The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
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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:

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

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 Finance Minister.

asset includes:

- (a) any legal or equitable estate or interest in real or personal property, whether actual, contingent or prospective; and
- (b) any right, power, privilege or immunity, whether actual, contingent or prospective.

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.

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Corporation means the Corporation established by this Act.

Finance Minister means the Minister who administers the *Financial Management and Accountability Act 1997*.

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.

land includes an interest in land.

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

member means a member of the Corporation.

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

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

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.

5AA Application of the *Criminal Code*

Chapter 2 of the *Criminal Code* applies to all offences created by this Act.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

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*.

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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 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 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.

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- (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:
- (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.
- (3) Where it appears to the 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 Winding-up 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) 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

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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.

- (6) The Corporation shall comply with any written directions given to it by the Minister 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 Winding-up 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.
- (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.

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
 - (e) 2 other members; and
 - (f) the chief executive officer.
- (2) The appointed members are to be appointed by the Governor-General.
- (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.

- (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.

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.

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.
- (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 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.

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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) 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 Albury-Wodonga region; 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 Minister 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.
 - (4) An offence under subsection (3) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

17 Condition of service—appointed member

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

18 Acting appointments

- (1) Where the Chairperson is, or is expected to be, absent from duty or from Australia or there is a vacancy in the office of Chairperson, the Minister may appoint a person to be acting Chairperson during the absence or until the filling of the vacancy.
- (3) An acting 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 has all the functions, powers and duties of the Chairperson.
- (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 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).
- (7) The 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 Minister determines.

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- (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 appointed members acting jointly, may at any time convene a meeting of the Corporation.
- (4) At a meeting of the Corporation, a quorum is constituted by a majority of the appointed members.
- (5) The Chairperson shall preside at all meetings of the Corporation at which he or she is present.
- (6) If the Chairperson is not present at a meeting of the Corporation, an appointed member, 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.
- (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 by Corporation

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

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:
-

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- (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

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

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- (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.

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:

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- (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:
- (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.

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.

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.
- (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 Finance Minister 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:
 - (b) with the approval of the Finance Minister, 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 Finance Minister 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.

Section 28

- (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 Winding-up Agreement); or
 - (b) in payment of any remuneration or allowances payable to any person under this Act (including the Winding-up 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 Finance Minister;
- but not otherwise.

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 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 or her 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).
- (3) The Auditor-General shall, at least once in each year, report to the Minister the results of the inspection and audit carried out under subsection (1).
- (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.
- (9) An offence under subsection (8) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

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

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.

31B Delegation by Finance Minister

- (1) The Finance Minister may, by written instrument, delegate any of the Finance Minister's powers or functions under section 3 (definition of *approved bank*), 26 or 28 to an official (within the meaning of the *Financial Management and Accountability Act 1997*).
- (2) In exercising powers or functions under a delegation, the official must comply with any directions of the Finance Minister.

32 Annual Report

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

- (a) prepare a report, in the form approved by the Finance Minister, of the Corporation's 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 Minister, for presentation to the Parliament.

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

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 (<i>see 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 (<i>see 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 (<i>see 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 (<i>see 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 (<i>see Gazette</i> 1991, No. S313) Remainder: 17 Feb 1992 (<i>see Gazette</i> 1992, No. S48) | S. 19 |
| 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) | — |

Table of Acts

| Act | Number and year | Date of Assent | Date of commencement | Application, saving or transitional provisions |
|--|-----------------|----------------|---|--|
| <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): 1 Mar 2004 (see <i>Gazette</i> 2004, No. GN8) Remainder: Royal Assent | Sch. 1 (items 65–71) [see Table A] |
| <i>Transport and Regional Services Legislation Amendment (Application of Criminal Code) Act 2001</i> | 143, 2001 | 1 Oct 2001 | 2 Oct 2001 | S. 4 [see Table A] |
| <i>Financial Framework Legislation Amendment Act 2005</i> | 8, 2005 | 22 Feb 2005 | Schedule 2 (items 21–28, 174): Royal Assent | Sch. 2 (item 174) [see Table A] |
| <i>Statute Law Revision Act 2008</i> | 73, 2008 | 3 July 2008 | Schedule 4 (items 44, 45): 4 July 2008 | — |

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.
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Table of Amendments**Table of Amendments**

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

| Provision affected | How affected |
|--------------------|--|
| Part I | |
| S. 3..... | am. No. 96, 1979; No. 60, 1991; No. 146, 1999; No. 46, 2000; No. 8, 2005 |
| S. 4..... | am. No. 96, 1979; No. 60, 1991 |
| S. 5..... | am. No. 60, 1991 rep. No. 46, 2000 |
| S. 5AA..... | ad. No. 143, 2001 |
| Part IA | |
| Part IA..... | ad. No. 46, 2000 |
| Ss. 5A–5D..... | ad. No. 46, 2000 |
| Part II..... | rep. No. 46, 2000 |
| S. 6..... | am. No. 96, 1979 rep. No. 46, 2000 |
| S. 6A..... | ad. No. 96, 1979 rep. No. 46, 2000 |
| S. 6B..... | ad. No. 60, 1991 rep. No. 46, 2000 |
| Part III | |
| S. 8..... | am. No. 96, 1979; No. 60, 1991; No. 146, 1999; No. 46, 2000 |
| S. 8A..... | ad. No. 60, 1991 |
| Part IV | |
| S. 9A..... | ad. No. 152, 1997 |
| S. 10..... | am. No. 96, 1979; No. 60, 1991; No. 46, 2000 |
| S. 10A..... | ad. No. 60, 1991 |
| S. 11..... | am. No. 96, 1979; No. 60, 1991; No. 46, 2000 |
| S. 12..... | rs. No. 96, 1979 am. No. 28, 1986; Nos. 60 and 70, 1991; No. 164, 1994; No. 43, 1996; No. 46, 2000 |
| S. 13..... | rep. No. 60, 1991 |
| S. 14..... | rs. No. 96, 1979 am. No. 60, 1991 |
| S. 15..... | am. No. 96, 1979; No. 60, 1991 (as am. by No. 43, 1996); No. 46, 2000 |
| S. 16..... | am. No. 96, 1979; No. 60, 1991 (as am. by No. 43, 1996); No. 46, 2000; No. 143, 2001 |
| S. 17..... | am. No. 60, 1991; No. 46, 2000 |
| S. 18..... | am. No. 96, 1979; No. 60, 1991; No. 46, 2000 |
| S. 19..... | am. No. 96, 1979; No. 60, 1991; No. 46, 2000; No. 73, 2008 |
| S. 20..... | rs. No. 46, 2000 |

Table of Amendments

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

| Provision affected | How affected |
|-----------------------------|--|
| Part IVA | |
| Part IVA | ad. No. 46, 2000 |
| Ss. 20A, 20B | ad. No. 46, 2000 |
| Part IVB | |
| Part IVB | ad. No. 46, 2000 |
| Ss. 20C–20H | ad. No. 46, 2000 |
| Part V | |
| S. 21 | am. No. 63, 1984; No. 199, 1991; No. 146, 1999; No. 46, 2000 |
| S. 22 | rep. No. 96, 1979 ad. No. 60, 1991 rep. No. 146, 1999 |
| S. 23 | rep. No. 65, 1985 |
| Part VI | |
| S. 24 | am. No. 36, 1978; No. 8, 2005 |
| S. 26 | am. No. 96, 1979; No. 46, 2000; No. 8, 2005 |
| S. 28 | am. No. 96, 1979; No. 46, 2000; No. 8, 2005 |
| S. 29 | rep. No. 46, 2000 |
| S. 30 | am. No. 60, 1991; No. 46, 2000; No. 143, 2001; No. 73, 2008 |
| S. 31 | am. No. 96, 1979 |
| Part VII | |
| S. 31A | ad. No. 46, 2000 |
| S. 31B | ad. No. 8, 2005 |
| S. 32 | am. No. 36, 1978; No. 60, 1991; No. 46, 2000; No. 8, 2005 |
| S. 33 | am. No. 60, 1991; No. 46, 2000 |
| S. 34 | am. No. 96, 1979 |
| Heading to Schedule | rep. No. 96, 1979 |
| Heading to Schedule 1 | ad. No. 96, 1979 rep. No. 46, 2000 |
| Schedule 1 | rep. No. 46, 2000 |
| Schedule 2 | ad. No. 96, 1979 rep. No. 46, 2000 |
| Schedule 3 | ad. No. 60, 1991 rep. No. 46, 2000 |

Table A

Application, saving or transitional provisions

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

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.

Transport and Regional Services Legislation Amendment (Application of Criminal Code) Act 2001 (No. 143, 2001)

4 Application of Amendments

- (1) Each amendment made by this Act applies to acts and omissions that take place after the amendment commences.
 - (2) For the purposes of this section, if an act or omission is alleged to have taken place between 2 dates, one before and one on or after the day on which a particular amendment commences, the act or omission is alleged to have taken place before the amendment commences.
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Financial Framework Legislation Amendment Act 2005 (No. 8, 2005)

Schedule 2

174 Saving provision—provisions that formerly referred to the Treasurer

- (1) Any thing that:
- (a) was done by the Treasurer, or by a delegate of the Treasurer, before the commencing time under an affected provision; and
 - (b) was in effect immediately before the commencing time;
- continues to have effect after the commencing time as if it had been done by the Finance Minister under the affected provision.
- (2) In this item:
- affected provision*** means a provision that is amended by an item in this Schedule so as to replace references to the Treasurer with references to the Finance Minister.
- commencing time*** means the day this Act receives the Royal Assent.
- Finance Minister*** means the Minister who administers the *Financial Management and Accountability Act 1997*.