

# NATIONAL CAPITAL DEVELOPMENT COMMISSION ACT 1975

## No. 66 of 1975

An Act to amend the *National Capital Development Commission Act* 1957-1973.

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

1. (1) This Act may be cited as the *National Capital Development Commission Act* 1975.<sup>1</sup> Short title and citation.

(2) The *National Capital Development Commission Act* 1957-1973<sup>2</sup> is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the *National Capital Development Commission Act* 1957-1975.

2. This Act shall come into operation on the day on which it receives the Royal Assent.<sup>1</sup> Commencement.

3. Section 6 of the Principal Act is repealed and the following section substituted:—

“6. (1) The Commissioner and each Associate Commissioner shall be paid such remuneration as is determined by the Remuneration Tribunal.<sup>1</sup> Remuneration and allowances.

“(2) The Commissioner and each Associate Commissioner shall be paid such allowances as are prescribed, but, until regulations for the purposes of this sub-section are in force, they shall be paid allowances at the rates that were applicable immediately before the commencement of this section.

“(3) This section has effect subject to the *Remuneration Tribunals Act* 1973-1974.”.

4. (1) Section 8 of the Principal Act is amended by adding at the end of paragraph (a) of sub-section (2) the words “without the approval of the Minister”. Termination of appointment.

(2) Nothing in sub-section 8 (2) of the Principal Act shall be taken to have prevented a person holding the office of Commissioner from being appointed to hold, at the same time, the office of Chairman under the *Darwin Reconstruction Act* 1975 and—

- (a) for the purposes of sub-sections 4 (3A) and (4) of the *Superannuation Act* 1922-1974, such a person so appointed shall not, by reason only of the appointment and of the operation of this sub-section, be deemed not to have been required, by the terms of his appointment to the office of Commissioner, to give the whole of his time to the duties of that office; and
- (b) the person holding the office of Commissioner and that office of Chairman immediately before the commencement of this sub-section may, after the commencement of this sub-section, continue to hold those offices.

Functions of  
Commission.

5. Section 11 of the Principal Act is amended by omitting from sub-section (3A) the words “under the last preceding sub-section” and substituting the words “under sub-section (3)”.

Placing of  
land under  
control of  
Commission.

6. Section 14 of the Principal Act is amended by omitting from sub-section (4) the words “of this section”.

7. Sections 22 and 23 of the Principal Act are repealed and the following sections substituted:—

Proper  
accounts to  
be kept.

“22. The Commission shall cause to be kept proper accounts and records of the transactions and affairs of the Commission and shall do all things necessary to ensure that all payments out of the moneys of the Commission are correctly made and properly authorized and that adequate control is maintained over the assets of, or in the custody of, the Commission and over the incurring of liabilities by the Commission.

Audit.

“23. (1) The Auditor-General shall inspect and audit the accounts and records of financial transactions of the Commission and the records relating to assets of, or in the custody of, the Commission, and shall forthwith draw the attention of the Minister to any irregularity disclosed by the inspection and audit that, in the opinion of the Auditor-General, is of sufficient importance to justify his so doing.

“(2) The Auditor-General may, at his discretion, dispense with all or any part of the detailed inspection and audit of any accounts or records referred to in sub-section (1).

“(3) The Auditor-General shall, at least once in each financial year, report to the Minister the results of the inspection and audit carried out under sub-section (1).

“(4) The Auditor-General or a person authorized by him is entitled at all reasonable times to full and free access to all accounts, records, documents and papers of the Commission relating directly or indirectly to the receipt or payment of moneys by the Commission or to the acquisition, receipt, custody or disposal of assets by the Commission.

“(5) The Auditor-General or a person authorized by him may make copies of, or take extracts from, any such accounts, records, documents or papers.

“(6) The Auditor-General or a person authorized by him may require a person to furnish him with 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 requirements.

“(7) A person who contravenes sub-section (6) is guilty of an offence punishable, upon conviction, by a fine not exceeding \$200.”.

8. Section 24 of the Principal Act is amended by omitting from sub-section (4) paragraphs (b) and (c) and substituting the following paragraphs:—

“(b) whether the statements are in agreement with the accounts and records;

“(c) whether the receipt and expenditure of moneys, and the acquisition and disposal of assets, by the Commission during the year have been in accordance with this Act; and”.

9. After section 26 of the Principal Act the following sections are inserted:—

“26A. If the Commissioner or an Associate Commissioner engages in employment outside the duties of his office with the approval of the Minister—

(a) for the purposes of sub-section 8 (2), he shall, during any period during which he is absent from duty as Commissioner or as Associate Commissioner, as the case may be, for the purposes of that employment, be deemed to be on leave of absence granted under section 7; and

(b) for the purposes of sub-sections 4 (3A) and (4) of the *Superannuation Act* 1922-1974, he shall not, by reason only of his so engaging in that employment and of the operation of this sub-section, be deemed not to be required, by the terms of his appointment to the office of Commissioner or of Associate Commissioner, as the case may be, to give the whole of his time to the duties of that office.

Rights of Commissioner and Associate Commissioners engaged in other employment.

“26B. Arrangements may be made, with the approval of the Minister, between the Commission and any other body corporate that is incorporated for a public purpose by a law of Australia or of an internal Territory for the services of a person holding the office of Associate Commissioner to be made available to that other body corporate.”.

Assistance to other authorities.

**NOTES**

1. Act No. 66, 1975; assented to 19 June 1975.
2. Act No. 42, 1957, as amended by No. 83, 1960; and No. 216, 1973 (as amended by No. 20, 1974).