

# Albury-Wodonga Development Amendment Act 1979

No. 96 of 1979

An Act to amend the *Albury-Wodonga Development Act 1973*.

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

1. (1) This Act may be cited as the *Albury-Wodonga Development Amendment Act 1979*.<sup>1</sup> Short title,  
&c.

(2) The *Albury-Wodonga Development Act 1973*<sup>2</sup> is in this Act referred to as the Principal Act.

2. This Act shall come into operation on a date to be fixed by Proclamation. Commence-  
ment

3. Section 3 of the Principal Act is amended by omitting from sub-section (1) the definition of "Agreement" and substituting the following definitions: Interpret-  
ation

“‘Agreement’ means the agreement approved by section 6 as amended by the agreement approved by section 6A;

“‘appointed member’ means an executive member or a member referred to in paragraph 10 (1) (e);”.

4. Section 6 of the Principal Act is amended by omitting “the Schedule” and substituting “Schedule 1”. Approval of  
agreement

5. After section 6 of the Principal Act the following section is inserted in Part II:

“6A. 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.”. Approval of  
amendment  
agreement

6. (1) Section 10 of the Principal Act is amended— Composition  
of  
Corporation  
(a) by omitting sub-sections (1) and (2) and substituting the following sub-sections:

“(1) The Corporation shall consist of—

(a) the Chairman;

(b) 2 Deputy Chairmen;

(c) the Mayor of the City of Albury;

- (d) the Mayor of the Rural City of Wodonga; and
- (e) 3 other members.

“(2) The members referred to in paragraphs (1) (a), (b) and (e) shall be appointed by the Governor-General, the members referred to in paragraphs (1) (a) and (b) being appointed as full-time members and the members referred to in paragraph (1) (e) being appointed as part-time members.”;

- (b) by omitting sub-sections (4) and (5) and substituting the following sub-sections:

“(4) The members referred to in paragraph (1) (e) shall be persons selected by the Ministerial Council in accordance with the Agreement.

“(5) If, at any time, an appointed member is or becomes the Mayor of the City of Albury or the Mayor of the Rural City of Wodonga, he shall, so long as he holds office as an appointed member, be taken to be a member by virtue only of his appointment under sub-section (2) and, for the purpose of payment of remuneration and allowances or of voting at meetings of the Corporation, his holding office as Mayor shall be disregarded.”; and

- (c) by omitting from sub-section (7) “election” and substituting “selection”.

(2) A person who held office as the Chairman or as a Deputy Chairman of the Corporation immediately before the commencement of this section continues to hold office, for the remainder of his term of office, as if he had been appointed as the Chairman or as a Deputy Chairman, as the case may be, of the Corporation under the Principal Act as amended by this Act.

**Period of  
appointment**

**7. Section 11 of the Principal Act is amended—**

- (a) by omitting from sub-section (1) “A member” (first occurring) and substituting “An appointed member”;
- (b) by omitting paragraph (c) of sub-section (1) and substituting the following paragraph:
 

“(c) in the case of a part-time member—3 years,”; and
- (c) by omitting sub-section (2).

**8. Section 12 of the Principal Act is repealed and the following section substituted:**

**Remuner-  
ation and  
allowances**

“12. (1) A 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, he shall be paid such remuneration as is prescribed.

“(2) A member shall be paid such allowances as are prescribed.

“(3) If a part-time member is a person who, if he 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 Services Act* 1947, the *Repatriation Act* 1920, the *Seamen’s War Pensions and Allowances Act* 1949 or a prescribed law of the Commonwealth or of a State or Territory, he 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 he reasonably incurs by reason of his being a member.

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

9. Section 14 of the Principal Act is repealed and the following section substituted:

“14. An appointed member may resign his office by writing signed by him and delivered to the Governor-General.”. **Resignation of members**

10. Section 15 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “a member” and substituting “an appointed member”;
- (b) by omitting from sub-section (2) “a member” (first occurring) and substituting “an appointed member”; and
- (c) by omitting from paragraph (g) of sub-section (2) “sub-section 16 (1)” and substituting “section 16”.

**Dismissal of members**

11. Section 16 of the Principal Act is amended by adding at the end thereof the following sub-section: **Disclosure of interest by members**

“(3) A member who fails to comply with sub-section (1) or paragraph (2) (a) is guilty of an offence and is punishable, upon conviction, by a fine not exceeding \$500.”.

12. Section 18 of the Principal Act is amended by omitting from sub-section (5) “a part-time member” and substituting “a member referred to in paragraph 10 (1) (e)”. **Acting appointments**

13. Section 19 of the Principal Act is amended by omitting sub-section (4) and substituting the following sub-section: **Meetings**

“(4) At a meeting of the Corporation, a quorum is constituted by a majority of the members, including at least one executive member.”.

14. Section 22 of the Principal Act is repealed.

**Superannuation**

15. Section 34 of the Principal Act is amended by omitting sub-sections (2) and (3). **Regulations**

- Schedule 1      **16.** The Schedule to the Principal Act is amended by omitting "SCHEDULE" and substituting "SCHEDULE 1".
- Schedule 2      **17.** The Principal Act is amended by adding at the end thereof the Schedule set out in Schedule 1 to this Act.
- Further amendments      **18.** The Principal Act is amended as set out in Schedule 2.

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## SCHEDULE 1

Section 17

### SCHEDULE ADDED TO PRINCIPAL ACT

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## SCHEDULE 2

Section 6A

### ALBURY-WODONGA AREA DEVELOPMENT AGREEMENT AMENDMENT AGREEMENT (NO. 1)

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".

## SCHEDULE 1—continued

(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.”

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.”

State  
Corporations

(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.”

## SCHEDULE 1—continued

(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.”

## SCHEDULE 1—continued

(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 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:

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

Consultative  
Council Advisory  
Committees

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”.

Operating  
Expenses of  
Development  
Corporation

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 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 2

Section 18

## FURTHER AMENDMENTS OF PRINCIPAL ACT

The following provisions of the Principal Act are amended by omitting “Australia” (wherever occurring) and substituting “the Commonwealth”:

Section 4, paragraphs 8 (1) (a) and (e), sub-section 8 (8), sub-section 26 (3), paragraph 28 (2) (b) and sub-section 31 (1).

## NOTES

1. Act No. 96, 1979; assented to 17 October 1979.
2. Act No. 189, 1973, as amended. For previous amendments *see* Act No. 36, 1978.