

# AUSTRALIAN DEVELOPMENT ASSISTANCE AGENCY (REPEAL) ACT 1977

## No. 24 of 1977

An Act to repeal the *Australian Development Assistance Agency Act 1974*, and for related purposes.

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

- Short title.        1. This Act may be cited as the *Australian Development Assistance Agency (Repeal) Act 1977*.
- Commence-  
ment.              2. This Act shall come into operation on a date to be fixed by Proclamation.
- Repeal.            3. The *Australian Development Assistance Agency Act 1974* is repealed.
- Definitions.       4. In this Act, unless the contrary intention appears—  
“Agency” means the Australian Development Assistance Agency established by the repealed Act;  
“commencing day” means the day on which this Act comes into operation;  
“repealed Act” means the *Australian Development Assistance Agency Act 1974*.
- Transfer of  
assets,  
liabilities,  
&c.                  5. On the commencing day—  
(a) any rights, property or assets that immediately before that day were vested in the Agency are, by force of this section, vested in the Commonwealth; and  
(b) the Commonwealth becomes, by force of this section, liable to pay and discharge any debts, liabilities or obligations of the Agency that existed immediately before that day.
- Engagements,  
arrangements  
and  
contracts.         6. An engagement, arrangement or contract entered into by or on behalf of the Agency and in force immediately before the commencing day is not affected by the repeal of the repealed Act, but that engagement, arrangement or contract has effect on and after the commencing day as if—  
(a) any reference in the engagement, arrangement or contract to the Agency were (except in relation to matters that occurred before that day) a reference to the Commonwealth; and

- (b) any reference in the engagement, arrangement or contract to the Director of the Agency, or to the Development Assistance Advisory Board or the Chairman or Deputy Chairman of that Board were (except in relation to matters that occurred before that day) a reference to the Minister or a person authorized by the Minister.

7. (1) Notwithstanding the repeal of the repealed Act, but subject to sub-section (2), the Development Assistance Fund established by section 25 of the repealed Act continues in existence as a Trust Account for the purposes of section 62A of the *Audit Act* 1901 and moneys standing to the credit of that Trust Account as so continued in existence may be expended on any project on which they could have been expended if the repealed Act had not been repealed.

Development  
Assistance  
Fund.

(2) The Trust Account mentioned in sub-section (1) shall be closed on the expiration of 30 June 1977 and any moneys standing to the credit of that Trust Account at the time when it is closed shall be paid into the Consolidated Revenue Fund.

8. An instrument or document that the Secretary to the Department of Foreign Affairs or a person authorized by him certifies to have been made, executed or given by reason of, or for a purpose connected with or arising out of, the operation of this Act is not liable to stamp duty or other tax under a law of the Commonwealth or of a State or Territory.

Exemption  
from  
taxation.

9. Where, immediately before the commencing day, proceedings to which the Agency was a party were pending in any court, the Commonwealth is, by force of this section, substituted for the Agency as a party to the proceedings.

Pending  
proceedings.

10. (1) The Minister shall, as soon as practicable after the commencing day, prepare a report of the operations of the Agency during the period that commenced on 1 July 1976 and ended immediately before the commencing day (in this section referred to as the "relevant period"), together with financial statements in respect of that period in such form as the Treasurer approves.

Report on  
operations of  
Agency.

(2) The Minister shall submit the financial statements prepared in accordance with sub-section (1) 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 and expenditure of moneys and the acquisition and disposal of assets by the Agency during the relevant period were in accordance with the repealed Act; and

(d) as to such matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

(3) The Minister shall cause the report and financial statements prepared in accordance with sub-section (1), together with the report of the Auditor-General, to be laid before each House of the Parliament within 15 sitting days of that House after receipt by the Minister of the report from the Auditor-General.

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**NOTE**

1. Act No. 24, 1977; assented to 5 May 1977.