This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

R. E. WARD,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 28 *March,* 1974.

New South Wales

ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

* *

Act No. , 1974.

An Act relating to the growth and development of the Albury Area; to approve an Agreement between the Commonwealth and the States of New South Wales and Victoria in relation to the Albury-Wodonga Area; to constitute the Albury-Wodonga (New South Wales) Corporation; to confer and impose certain responsibilities, powers, authorities, duties and functions on that Corporation and on the Albury-Wodonga Development Corporation established under the law of the Commonwealth; to validate certain matters; and for purposes connected therewith.

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BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the "Albury-Wodonga Development Act, 1974".

Commencement.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Sections 21, 22, 23 and 24 shall commence on—

(a) where the day on which a notice under section 8 of the Albury-Wodonga Development Act 1973 of the Parliament of the Commonwealth is published in the Australian Government Gazette that declares this Act to be complementary to that Act and the appointed day are the same day—that day; or

(b) in any other case—on the appointed day or on the day on which that notice is so published, whichever is the later.

(3) Except as provided in subsections (1) and (2), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Division of Act.

3. This Act is divided as follows :—

PART I.—PRELIMINARY—*ss.* 1–4.

PART II.—APPROVAL OF THE AGREEMENT—*s.* 5.

PART III.—CONSTITUTION OF THE ALBURY-WODONGA (NEW SOUTH WALES) CORPORATION—*ss.* 6–8.

PART IV.—RESPONSIBILITIES, POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE CORPORATION—*ss.* 9–20.

PART V.—PROVISIONS RESPECTING THE DEVELOPMENT CORPORATION AND OTHER MATTERS—*ss.* 21–26.

PART VI.—FINANCE—*ss.* 27–32.

PART VII.—GENERAL—*ss.* 33–45.

SCHEDULE 1.—ALBURY-WODONGA AREA DEVELOPMENT AGREEMENT.

SCHEDULE 2.—PROVISIONS RELATING TO THE CONSTITUTION AND PROCEDURE OF THE CORPORATION.

SCHEDULE 3.—MODIFICATION OF THE PUBLIC WORKS ACT, 1912.

SCHEDULE 4.—MODIFICATION OF THE LOCAL GOVERNMENT ACT, 1919.

SCHEDULE 5.—PROVISIONS RELATING TO LOANS.

Interpretation.

4. In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

"Agreement" means the Agreement approved by section 5;

"Albury Area" means such part of the Albury-Wodonga Area as is within the State of New South Wales;

"Albury-Wodonga Area" has the meaning ascribed to "the Area" in the Agreement;

"appointed

"appointed day" means the day appointed and notified under section 2 (3);

"Authority" means The State Planning Authority of New South Wales constituted by the State Planning Authority Act, 1963;

"building" includes any structure or any part thereof;

"Chairman" means the Chairman of the Corporation;

"Corporation" means the Albury-Wodonga (New South Wales) Corporation constituted by this Act;

"council" has the meaning ascribed thereto in the Local Government Act, 1919;

"designated area" means an area of land in respect of which a declaration under section 25 is for the time being in force;

"Development Corporation" means the Albury-Wodonga Development Corporation established by the Albury-Wodonga Development Act 1973 of the Parliament of the Commonwealth;

"growth complex" means the growth complex referred to in the Agreement;

"interim development order" has the meaning ascribed thereto in section 342T of the Local Government Act, 1919;

"local government area" has the meaning ascribed thereto in the Local Government Act, 1919;

"member" means a member of the Corporation;

"Ministerial Council" means the Ministerial Council referred to in the Agreement;

"officer of the Corporation" means a person in respect of whom an arrangement under section 18 is for the time being in force;

"planning scheme" means a scheme prescribed under Part XIIA of the Local Government Act, 1919;

"public

"public authority" means any public or local authority constituted by or under an Act other than this Act;

"regulations" means regulations made under this Act.

PART II.

APPROVAL OF THE AGREEMENT.

5. (1) The Albury-Wodonga Area Development Agreement, a copy of which is set out in Schedule 1, is approved. Approval of Agreement.

(2) The execution of the Agreement by the Honourable Sir Robert Askin for and on behalf of the State of New South Wales is ratified.

PART III.

CONSTITUTION OF THE ALBURY-WODONGA (NEW SOUTH WALES) CORPORATION.

6. (1) There is hereby constituted a corporation under the corporate name "Albury-Wodonga (New South Wales) Corporation". The Corporation.

(2) For the purposes of any Act, the Corporation shall be deemed to be a statutory body representing the Crown.

(3)

(3) The Corporation shall have and may exercise and discharge the responsibilities, powers, authorities, duties and functions conferred or imposed on it—

(a) by or under this or any other Act; or

(b) by an Act or part of an Act of the Parliament of the Commonwealth or of Victoria, being an Act or part for the time being declared under subsection (4) to be an enactment to which this subsection applies.

(4) Where it appears to the Minister that an Act of the Parliament of the Commonwealth or of Victoria, or part of such an Act, confers or imposes a responsibility, power, authority, duty or function on the Corporation, the Minister may, if he thinks fit, by order published in the Gazette, declare that Act or that part of that Act, as the case may be, to be an enactment to which subsection (3) applies.

General provisions relating to the Corporation.

7. (1) The Corporation shall consist of three members, namely—

(a) a Chairman; and

(b) two Deputy Chairmen,

to be appointed by the Governor.

(2) The Chairman shall be subject in all respects to the control and direction of the Minister in the exercise and discharge of his responsibilities, powers, authorities, duties and functions.

(3) Schedule 2 has effect.

Corporation to comply with Agreement and directions of Ministerial Council.

8. The Corporation shall comply with—

(a) the provisions of the Agreement; and

(b) 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.

PART IV

RESPONSIBILITIES, POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE CORPORATION.

General powers of the Corporation.

9. (1) Subject to this Act, the Corporation is charged with the responsibility of acquiring and managing land for the purposes of the growth complex and encouraging and assisting development in designated areas.

(2) Without affecting the generality of subsection (1), the Corporation may—

(a) cause surveys to be made, and plans of survey to be prepared, in relation to any land vested in the Corporation;

(b) by notification published in the Gazette, with the approval of the Minister, close or realign any public road, or part thereof, within or adjoining or in the vicinity or for the purposes of the growth complex;

(c) demolish, or cause to be demolished, any building within or adjoining or in the vicinity of the growth complex of which it has exclusive possession;

(d) provide, or arrange, on such terms and conditions as may be agreed upon, for the location or relocation of, utility services within or adjoining or in the vicinity of the growth complex;

(e) set apart land as sites for buildings or works or for religious, charitable or municipal purposes;

(f) subdivide and re-subdivide land, and consolidate subdivided or re-subdivided land, vested in the Corporation;

(g) set out and construct roads on land vested in the Corporation;

(h) erect, alter, repair and renovate buildings on and make other improvements to land vested in the Corporation or on any other land with the consent of the person in whom it is vested;

(i) cause any work to be done on or in relation to any land vested in the Corporation, or on any other land with the consent of the person in whom it is vested, for the purpose of rendering it fit to be used for any purpose for which it may be used under any interim development order or planning scheme applying to the land; and

(j) without affecting the generality of the foregoing provisions of this subsection, do all things, whether of the same or of a different kind or nature, necessary or desirable for the management and servicing of the growth complex in accordance with the Corporation's powers.

(3) Notwithstanding anything in any Act, upon the publication, pursuant to subsection (2) (b), of a notification closing a public road or part thereof, the estate or interest therein of any person or public authority shall vest in the Corporation, freed and discharged from any trusts affecting it immediately before that publication and freed and discharged from any rights of the public or any person thereto as a public road or highway.

Provisions respecting acquisition of land.

10. Without affecting the generality of section 9, the Corporation may, for the purposes of the growth complex, acquire land (including land previously appropriated or resumed for any purpose) by lease or purchase or by resumption or appropriation in accordance with this Act, being—

(a) land within designated areas;

(b) land outside designated areas which the Corporation considers should be made available in the public interest for any purpose of the growth complex;

(c) land of which that proposed to be acquired under this Act forms part; or

(d) land adjoining or in the vicinity of any land proposed to be acquired under this Act.

Resumption.

11. (1) Resumption or appropriation for the purposes of this Act shall be effected by the Governor under the Public Works Act, 1912, and, without affecting the generality of the foregoing, appropriation under that Act may be effected in respect of any land vested in Her Majesty or any person in trust for Her Majesty.

(2) Such a resumption or appropriation shall be deemed to be for an authorised work and the Corporation shall be deemed to be the Constructing Authority.

(3) Notwithstanding subsection (1), sections 34, 35, 36 and 37 of the Public Works Act, 1912, do not apply in respect of the expenditure on any works constructed in pursuance of this Act, but section 38 of that Act applies in respect of that expenditure.

(4) For the purposes of this section and not otherwise, Schedule 3 has effect.

(5) Notwithstanding anything in this section and Schedule 3, where any land to be so resumed is designated land within the meaning of the Growth Centres (Land Acquisition) Act, 1974, that Act applies to and in respect of that resumption as if this Act had been enacted before the commencement of that Act.

Disposal of land.

12. (1) The Corporation may, with the approval of the Minister and subject to such terms and conditions as the Minister may attach to his approval, sell, lease, exchange or otherwise deal with or dispose of land vested in the Corporation, and may, with the like approval and subject to the like terms and conditions, grant easements or rights-of-way over that land or any part thereof.

(2) Notwithstanding subsection (1), the approval of the Minister shall not be required for a lease of land by the Corporation for a term which is less than three years.

Dedication of land.

13. (1) The Corporation may, by notification published in the Gazette, declare that it proposes to surrender to Her Majesty land described or referred to in the notification to be dedicated for any public purpose specified in the notification or, if so specified in the notification, as a public road.

(2) Upon the surrender of land described or referred to in a notification published pursuant to subsection (1), the land so described or referred to shall be Crown land reserved from sale or lease generally and, upon revocation of the reservation, may be dedicated under the Crown Lands Consolidation Act, 1913, for the public purpose specified in the notification or, as the case may require, under the Public Roads Act 1902 as a public road.

(3) The Corporation may, in a notification published pursuant to subsection (1), limit the description of, or reference to, land to a specified depth below the surface thereof and, where such a description or reference is so limited, subsection (2) does not apply to or in respect of land below the depth so specified.

Covenants in leases.

14. (1) Subject to this section, where the lease of any land set apart as the site for a building under section 9 (2) (e) (in this section referred to as "the building site") contains a covenant on the part of the lessee not to commence the erection of a building on the building site, or any work preparatory or incidental thereto, without the written consent of the Corporation—

(a) the Corporation may give its consent upon the application of a person entitled to apply to a council for its approval to the erection of a building on the building site; and

(b) the Corporation may impose conditions in giving its consent.

(2) The Corporation shall not give a consent pursuant to subsection (1) unless—

(a) the application therefor is accompanied by such plans and specifications of the building in respect of which the consent is sought, and such other information in respect of that building, as may be prescribed or as the Corporation may require; and

(b) the application therefor and the accompanying plans and specifications and other information disclose that the building in all respects will be in conformity

with

with the planning scheme or interim development order that applies to or in respect of the building site and with the proposals of the Corporation as to—

(i) the use to which the building will be put;

(ii) the height and general external design and appearance of the building;

(iii) the area of the building site to be covered by the building; and

(iv) the situation of the building in relation to the boundaries of the building site.

(3) Where a covenant, condition or stipulation in a lease granted by the Corporation excludes, or is inconsistent with the operation of a provision of an Act passed before or after the appointed day, being a provision whereby, but for this subsection—

(a) a right would be conferred, or an obligation imposed, on a lessor or lessee; or

(b) a covenant, condition or stipulation would be implied, or be deemed to be included, in the lease,

the provision shall not to the extent of the exclusion or inconsistency, but subject to any express provision of the lease, operate in respect of the lease.

Corporation to comply with building standards.

15. (1) Except in so far as the regulations specify different building standards applicable to the Corporation, the Corporation shall comply with the provisions of any ordinance made pursuant to Part XI of the Local Government Act, 1919.

(2) Where the regulations specify building standards, as referred to in subsection (1), the Corporation shall comply with those standards.

(3)

(3) The Ministerial Council may, in a particular case, exempt the Corporation from compliance with subsection (1) or (2).

Corporation may enter into contracts.

16. (1) The Corporation may make and enter into contracts with any person for the carrying out of works or the performance of services or the supply of goods or materials in connection with the exercise or discharge by the Corporation of its responsibilities, powers, authorities, duties and functions.

(2) A contract under this section may provide for—

(a) the whole or part of any works to be undertaken by the Corporation;

(b) the whole or any part of the cost of any works to be paid by the Corporation;

(c) a loan to be made by the Corporation to meet the whole or any part of the cost of any works; or

(d) the Corporation to pay the costs of providing any services during a specified period.

(3) A contract under this section shall be deemed for the purposes of the Constitution Act, 1902, to be a contract for or on account of the Public Service of New South Wales.

Corporation may enter into arrangement with other public authorities.

17. (1) The Corporation may enter into an arrangement or agreement with any public authority constituted under the law of New South Wales, of Victoria or of the Commonwealth whereby—

(a) that public authority shall act as agent of the Corporation for the purposes of this Act; or

(b)

(b) the Corporation shall act as agent of that public authority for the purposes of this Act,

on such terms and conditions as are agreed upon between the Corporation and the public authority.

(2) Without affecting the generality of subsection (1), the Authority may, at the request of the Corporation and upon such terms and conditions as may be agreed upon between the Authority and the Corporation, act on behalf of the Corporation in the carrying out of any legal work or other work of any kind in connection with the exercise of any of the Corporation's responsibilities, powers, authorities, duties and functions.

Arrangements as to use of officers or facilities by Corporation.

18. (1) For the purpose of exercising and discharging its responsibilities, powers, authorities, duties and functions, the Corporation may, with the approval of the Minister and of the Department concerned, and on such terms as may be arranged, make use of the services of any officers or employees or the facilities of any Government Department.

(2) For the like purpose, the Corporation may, with the approval of the Minister and of the public authority, Department or statutory body concerned, and on such terms as may be arranged, make use of the services of any officers, employees or servants or the facilities of any public authority, Government Department of the Commonwealth or of Victoria or statutory body constituted by any Act of the Parliament of the Commonwealth or Victoria.

Consultation and negotiation.

19. In the exercise and discharge of its responsibilities, powers, authorities, duties and functions, the Corporation shall, as far as practicable—

(a) consult with public authorities whose responsibilities, powers, authorities, duties and functions include those of the same or of a similar nature; and

(b) negotiate with any such authorities for the purpose of arranging or providing services and facilities in the growth complex.

Council powers may be transferred to the Corporation.

20. (1) The Corporation may request a council, the local government area, or part of the local government area, of which is in a designated area, to agree to transfer all or any of its powers (other than its powers to borrow money under Division 4 of Part VII of that Act), authorities, duties and functions under the Local Government Act, 1919, in relation to that designated area to the Corporation for a specified period.

(2) Notwithstanding anything in any Act, the council is hereby authorised and empowered to enter into an agreement under this section and may do or suffer anything necessary or expedient for carrying any such agreement into effect.

(3) An agreement under this section operates so as to transfer to the Corporation, in accordance with that agreement, the powers, authorities, duties and functions referred to therein.

(4) Where the Corporation requests a council to enter into an agreement under this section and the council refuses or fails within a reasonable time to do so, or where the Corporation and the council fail to agree upon the terms of the agreement, the Corporation or the council may refer the matter to the Minister for Local Government.

(5) The Minister for Local Government may refer the matter to the Governor, who may determine the terms which are to apply between the parties.

(6) The terms determined under subsection (5) shall be deemed to be an agreement entered into by the Corporation and the council.

(7) Where a council transfers its powers to make and levy rates in a designated area to the Corporation, it may be a condition of the agreement that the council receive from the Corporation financial assistance to compensate the council for adverse financial effects on the council created by the acquisition of land in the council's local government area by the Corporation.

(8) The provisions of the Local Government Act, 1919, with such adaptations as are necessary, apply to and in relation to the exercise of powers and authorities, or the carrying out of duties and functions, transferred to the Corporation under this section as if the Corporation were a council and the designated area formed part of that council's local government area.

(9) While the Corporation has any power, authority, duty or function transferred to it by a council under this section, the council does not have that power, authority, duty or function and is not under any obligation in relation thereto.

PART

PART V.

PROVISIONS RESPECTING THE DEVELOPMENT CORPORATION AND OTHER MATTERS.

Power of Development Corporation to exercise powers, etc., under Agreement.

21. For the purpose only of giving effect to the Agreement, the Development Corporation may—

(a) do in the State of New South Wales all such acts, matters and things as the Agreement permits or requires the Development Corporation to do; and

(b) exercise in the State of New South Wales all such powers and authorities as may be necessary to enable the provisions of the Agreement to be carried out in their entirety.

Investigations and plans.

22. Without affecting the generality of section 21, the Development Corporation may carry out investigations, consult with planning authorities in the Albury Area and prepare plans for the purpose of co-ordinating planning in the Albury-Wodonga Area.

Planning schemes and interim development orders.

23. (1) In the application of Part XIIA of the Local Government Act, 1919, to and in respect of land within a designated area or designated areas, that Part applies to and in respect of the Development Corporation as if—

(a) the Development Corporation were a council; and

(b) the designated area or designated areas were that council's local government area,

but a reference in section 342G (5) (a), 342L (2) (b) (iii) or 342V (1A) of that Act to a council does not include a reference to the Development Corporation.

(2) For the purposes of the application of Part XIIA of the Local Government Act, 1919, to and in respect of land within the Albury Area and not otherwise, Schedule 4 has effect.

(3) The Development Corporation may, with respect to land in a designated area or designated areas, prepare a proposed interim development order for consideration by the Minister for Local Government.

(4) Where a responsible authority is required by a planning scheme to consult, as referred to in section 342G (5) (c) of the Local Government Act, 1919, as deemed to be amended by Schedule 4, with the Development Corporation before giving an approval, consent or permission, and a difference arises between the responsible authority and the Development Corporation in relation to the matter, the responsible authority shall not give the approval, consent or permission until the difference is determined.

(5) Where a council is required by an interim development order to consult, as referred to in section 342V (3) (c) of the Local Government Act, 1919, as deemed to be amended by Schedule 4, with the Development Corporation before dealing with an interim development application, and a difference arises between the council and the Development Corporation in relation to the matter, the council shall not grant the application unconditionally or subject to conditions, under section 342V (1A) of that Act, until the difference is determined.

(6) Any approval, consent or permission given in contravention of subsection (4) or (5) has no force or effect.

(7) The Development Corporation or the council may submit any difference referred to in subsection (4) or (5) to the Minister, who may refer the matter for inquiry to some person appointed by him in that behalf, or may himself make an inquiry.

(8) The Minister may determine any difference referred to him under subsection (7) in such manner as in the public interest and in the circumstances of the case may seem to him just and equitable.

(9) In Schedule 4, "Albury Area", "designated area" and "Development Corporation" have the meanings respectively ascribed thereto in section 4.

(10) A reference in a part of Schedule 4 to the Minister is a reference to the Minister for the time being administering that part.

Arrangements between Corporation and Development Corporation.

24. The Corporation shall, at the request of the Development Corporation, enter into an arrangement or arrangements with the Development Corporation providing for the Development Corporation to carry out or to make provision with respect to the carrying out of works (including the erection, alteration, repair and renovation of buildings and the provision of services) on land vested in or under the control of the Corporation in a designated area or on land vested in the Corporation outside a designated area or of works which the Corporation has undertaken or is empowered to carry out pursuant to an agreement with a public authority.

Designated areas.

25. (1) The Governor may—

(a) by proclamation published in the Gazette, declare any area of land wholly within the Albury Area and specified or described therein to be a designated area; and

(b) if he thinks fit, specify in that declaration the name by which that area is to be known,

for the purposes of this Act and the Agreement.

(2)

(2) A declaration under subsection (1) shall be made only with the prior approval of the Governor-General and the Governor of the State of Victoria.

(3) A reference in subsection (2) to—

(a) the Governor-General is a reference to the person referred to in clause 3 (6) (a) of the Agreement; and

(b) the Governor of the State of Victoria is a reference to the person referred to in clause 3 (6) (c) of the Agreement.

(4) A declaration under subsection (1) may be revoked, amended or varied by proclamation published in the Gazette.

Arrangements between the Governor and the Governor-General with regard to officers and employees.

26. (1) The Governor may enter into an arrangement with the Governor-General making available the services of officers or employees of the Public Service or of a public authority (other than a council) to the Development Corporation.

(2) Any such arrangement may provide for the rate of payment to be made by the Development Corporation for the services performed by the officer or employee and any other matters which may require to be adjusted with regard to the performance of those services by the officer or employee.

PART

PART VI.

FINANCE.

Accounts.

27. (1) The Corporation shall cause to be kept proper accounts and records in relation to all of its operations and shall, as soon as practicable after the thirtieth day of June in each year, prepare and submit to the Minister for presentation to Parliament a statement of accounts in a form approved by the Auditor-General, exhibiting a true and correct view of the financial position and transactions of the Corporation.

(2) The Minister shall lay the statement of accounts, or cause it to be laid, before each House of Parliament as soon as practicable after the receipt by him of the statement.

(3) The Corporation shall, if the Minister so directs, cause accounts to be kept with banks at such place or places as the Minister may from time to time determine.

Audit.

28. (1) The accounts of the Corporation shall be audited by the Auditor-General, who shall have in respect thereof all the powers conferred on him by any law for the time being in force relating to the audit of public accounts.

(2) The Audit Act, 1902, shall apply to members and officers of the Corporation in the same way as it applies to accounting officers of public departments.

(3) The Auditor-General shall report to the Corporation and the Minister—

(a) whether in his opinion—

(i) due provision has been made for the repayment of loans;

(ii) the value of assets has (so far as he can judge) been in all cases fairly stated;

(iii) due diligence and care have been shown in the collection and banking of income;

(iv) expenditure incurred has been duly authorised, vouched and supervised;

(v) proper account has been kept of plant, stores and materials; and

(vi) any of the money or other property of the Corporation or over which it has control has been misappropriated or improperly or irregularly dealt with; and

(b) as to any other matters which in his judgment call for special notice or which are prescribed.

(4) Towards defraying the costs and expenses of any such audit, the Corporation shall pay to the Consolidated Revenue Fund such amounts, at such times, as the Treasurer decides.

Surplus funds.

29. The Treasurer may at any time require the Corporation to pay from accumulated funds to the credit of the Consolidated Revenue Fund such amounts as he may determine and notify to the Corporation as being surplus to the requirements of the Corporation from time to time.

Investment.

30. The Corporation may invest money held by it in Government securities of the Commonwealth or of the State of New South Wales or in any securities guaranteed by the Government of that State, or on call or on fixed deposit, or partly on call and partly on fixed deposit, with the Treasurer or with any bank or in such other securities as the Governor approves or as are prescribed.

Temporary accommodation.

31. (1) For the temporary accommodation of the Corporation, it may obtain advances by overdraft of current account in any bank or banks upon the credit of the Corporation's funds to such extent as may, from time to time, be approved by the Governor.

(2) The Treasurer may advance such money to the Corporation, on such terms and conditions as to repayment and interest, as may be agreed upon.

Borrowing.

32. (1) The Corporation may from time to time, with the concurrence of the Treasurer and the approval of the Governor, borrow money for—

(a) the purpose of carrying out and discharging any of its responsibilities, powers, authorities, duties and functions;

(b) the renewal of loans;

(c) the discharge or partial discharge of any loan or any indebtedness to the Treasurer or to any bank; or

(d) any other purpose of this Act.

(2) Schedule 5 has effect.

PART VII.

GENERAL.

Powers of public authorities.

33. Notwithstanding anything in any other Act, any public authority is hereby authorised and empowered to enter into agreements for the purposes of this Act with the Corporation or the Development Corporation and may do or suffer anything necessary or expedient for carrying any such agreement into effect.

34.

Disputes between the Corporation and a council.

34. (1) If any difference, whether arising out of the construction of this Act or not, arises between the Corporation and a council, with respect to the carrying out of the provisions of this Act or with respect to the fulfilment and exercise of the Corporation's responsibilities, powers, authorities, duties, functions or privileges, the Corporation or the council may submit the difference to the Minister, who may refer the matter for inquiry to some person appointed by him in that behalf, or may himself make an inquiry.

(2) The Minister, after consultation with the Minister for Local Government, may thereupon make such order as in the public interest and in the circumstances of the case may seem to him just and equitable, and by the order may direct the payment of any costs and expenses incidental to the conduct of the inquiry.

(3) Any such order may, upon the application of the Minister, the Corporation or the council, by leave of the Supreme Court, be enforced in the same manner as a judgment or order of the Supreme Court to the same effect.

(4) If any such difference arises between the Corporation and any Government Department, the parties to the dispute may mutually agree to submit the matter in dispute to the Minister, and in any such case the provisions of this section shall apply to the settlement of the dispute as if the dispute were between the Corporation and a council.

Consolidation of interim development orders.

35. (1) Notwithstanding anything in the Local Government Act, 1919, the Minister may, after consideration of a report by the Authority, by notification published in the Gazette, make an order consolidating two or more interim development orders with respect to any land within the Albury Area in the one instrument, whether with or without alterations that might have been made to any such order had this section not been enacted.

(2)

(2) An order made under subsection (1) shall be deemed to be an interim development order and, for the purposes of Division 7 of Part XIIA of the Local Government Act, 1919, the order shall, to the extent to which it applies to—

(a) land with respect to which, but for this section, an interim development order would be required to be made under section 342U (5A) or 342Y (3) of that Act—be deemed to be an interim development order made as so required; and

(b) other land—be deemed to be an interim development order made otherwise than as so required.

(3) Anything done before the appointed day that would have been valid if this section had been in force when the thing was done is validated.

Misuse of information.

36. (1) Where, through his association with the Corporation, a person has knowledge of specific information relating to proposals made, or to be made, by the Corporation in respect of the use and development of land and that information is not generally known but, if generally known, might reasonably be expected to affect materially the market price of that land, he is guilty of an offence against this Act if he—

(a) deals, directly or indirectly, in that land for the purpose of gaining an advantage for himself by the use of that information; or

(b) divulges that information for the purpose of enabling another person to gain an advantage by using that information to deal, directly or indirectly, in that land,

and is liable to a penalty not exceeding $2,000.

(2) Where, through his association with the Corporation, a person is in a position to influence proposals made, or to be made, by the Corporation in respect of the use and development of land and does influence the proposals by securing the inclusion or alteration of any matter in, or the exclusion or omission of any matter from, the proposals, he is guilty of an offence against this Act if—

(a) he does so for the purpose of gaining an advantage for himself; or

(b) he does so for the purpose of enabling another person to gain an advantage,

and is liable to a penalty not exceeding $2,000.

(3) Where—

(a) an offence under subsection (1) is committed and an advantage, referred to in that subsection, is gained from any dealing in land to which the offence relates; or

(b) an offence under subsection (2) is committed and an advantage, referred to in that subsection, is gained from any dealing in land which would not have been gained if the proposals concerned had not been influenced,

any person who gained that advantage is, whether or not any person has been prosecuted for or convicted of an offence under subsection (1) or (2), as the case may be, liable to another person for the amount of any loss incurred by that other person by reason of the gaining of that advantage.

(4) Where a loss referred to in subsection (3) is incurred by reason of an advantage gained from a dealing in land, the amount of the loss is the difference between the price at which the dealing was effected and—

(a) in the case of any dealing to which subsection (1) relates, the price that, in the opinion of the court before which it is sought to recover the amount of

the

the loss, would have been the market price of the land at the time of the dealing if the specific information used to gain that advantage had been generally known at that time; or

(b) in any case to which subsection (2) relates, the price that, in the opinion of the court before which it is sought to recover the amount of the loss, would have been the market price of the land at the time of the dealing if the proposals concerned had not been influenced.

(5) An action to recover a loss or profit, referred to in subsection (3), may not be brought after the expiration of five years next succeeding the dealing in land to which the transaction relates.

(6) For the purposes of this section, a person is associated with the Corporation—

(a) if he is a member or officer of the Corporation or a person appointed to a committee or a sub-committee of the Corporation;

(b) if he is an officer or employee of the Department of Decentralisation and Development;

(c) if he is a member or servant of the Authority or a person appointed to a committee or a sub-committee of the Authority established under section 15 of the State Planning Authority Act, 1963, or to a Regional Planning Committee appointed under Part IV of that Act;

(d) if he is an officer or servant of a council;

(e) if he acts or has acted as banker, solicitor, auditor or professional adviser or in any other capacity for the Corporation, the Department of Decentralisation and Development, the Authority or a council; or

(f) where the person, so associated by virtue of paragraph (e), is a body corporate, if he is a director, manager or secretary of that body corporate.

Disclosure of interest.

37. (1) If a member, or a member of a committee or a sub-committee of the Corporation, has an interest, directly or indirectly, in land, proposals in respect of the development or use of which are to be considered by the Corporation, the committee or the sub-committee, as the case may be, or has a pecuniary interest, direct or indirect, in a contract or proposed contract with the Corporation or in any other matter in which the Corporation is concerned and is present at a meeting of the Corporation, the committee or the sub-committee, as the case may be, at which the proposals are or the contract, proposed contract or other matter is the subject of consideration, he shall, at the meeting, as soon as practicable after the commencement thereof, disclose his interest and shall not take part in the consideration or discussion of or vote on any question with respect to the proposals or the contract, proposed contract or other matter.

(2) Notwithstanding subsection (1), this section does not apply to an interest in a contract, proposed contract or other matter which a member of the Corporation, committee or sub-committee may have as a ratepayer to the Corporation or as a consumer of gas, electricity or water supplied to him by the Corporation in like manner and subject to the like conditions as are applicable in the case of persons who are not members of the Corporation, committee or sub-committee or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.

(3) For the purposes of this section, a person shall be treated as having an indirect interest in land or a contract, proposed contract or other matter if—

(a) he or any nominee of his is a member of a company or other body which has an interest in the land, or with which the contract is made or is proposed to be made

made or which has a direct or indirect pecuniary interest in the other matter under consideration; or

(b) he is a partner, or is in the employment of, a person who has an interest in the land, or with whom the contract is made or is proposed to be made or who has a direct or indirect pecuniary interest in the other matter under consideration.

(4) Notwithstanding subsection (3)—

(a) that subsection does not apply to membership of or employment under any council or statutory body within the meaning of the Local Government Act, 1919;

(b) a member of a company or other body shall not, by reason only of his membership, be treated as being so interested if he has no beneficial interest in any shares of that company or other body; and

(c) a member of a company having not less than twenty-five members shall not be treated as having an interest in land or in any contract or proposed contract with the Corporation or in any other matter in which the Corporation is concerned by reason only that the company has an interest in the land or the contract or proposed contract is with or the other matter concerns the company.

(5) In the case of a married man and his wife who are living together, the interest of one spouse shall, if known to the other, be deemed, for the purposes of this section, to be also an interest of the other spouse.

(6) A general notice in writing to the secretary or the prescribed officer of the Corporation by any member referred to in subsection (1) to the effect that he or his spouse is a member, or is in the employment of a specified company or other body, or that he or his spouse is a partner or in the employment of a specified person shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure

of

of his interest in any land in which that company or other body has an interest or in any contract, proposed contract or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

(7) The secretary or officer referred to in subsection (6) shall record in a book to be kept for the purpose particulars of any disclosure made under subsection (1) and of any notice given under subsection (6) and the book shall be open at all reasonable hours to the inspection of any person on payment of such fees as may be determined by the Corporation from time to time.

(8) Subject to subsection (9), if any person fails to comply with the provisions of subsection (1), he is guilty of an offence against this Act and liable to a penalty not exceeding $400, unless he proves that he did not know that proposals in respect of the development and use of the land in which he had an interest were, or that he did not know that a contract, proposed contract or other matter in which he had a pecuniary interest was, the subject of consideration at the meeting.

(9) The Minister may, subject to such conditions as he thinks fit to impose, remove any disability imposed by subsection (1) in any case in which the number of members referred to in subsection (1) so disabled at any one time would be so great a proportion of the whole of the members of the Corporation or a committee or sub-committee, as the case may be, as to impede the transaction of business, or in any other case in which it appears to the Minister that it is in the public interest that the disability should be removed.

(10) The Corporation or a committee or sub-committee may, by resolution, provide for the exclusion of any member thereof from a meeting of the Corporation, committee or sub-committee, as the case may be, while any proposal in respect of any land or any contract, proposed contract or other matter in which that member has an interest as referred to in this section is under consideration.

(11)

(11) In this section, "shares" includes stock.

(12) The provisions of this section apply to a member of a council in relation to an interest in land that is within a designated area and held by him, directly or indirectly, proposals in respect of the development and use of which are to be considered by the council at a meeting of the council in the same way as they apply to a member of the Corporation having an interest, directly or indirectly, in land, proposals in respect of the development and use of which are to be considered by the Corporation at a meeting of the Corporation.

Proceedings at meetings confidential.

38. A person shall not, unless the Corporation otherwise determines, disclose any information with respect to the business discussed at any meeting of the Corporation or of a committee or of a sub-committee of the Corporation.

Penalty: $2,000.

Delegation.

39. (1) The Corporation may, by instrument in writing under seal, delegate to a member or officer of the Corporation the exercise or performance of such of the Corporation's responsibilities, powers (other than this power of delegation), authorities, duties and functions as may be specified in the instrument of delegation, and may, by such an instrument, revoke wholly or in part any such delegation.

(2) A responsibility, power, authority, duty or function, the exercise or performance of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

(3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the responsibilities, powers,

authorities,

authorities, duties or functions delegated, or as to time or circumstance, as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation under this section, the Corporation may continue to exercise or perform all or any of the responsibilities, powers, authorities, duties or functions delegated.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done or suffered by the Corporation and shall be deemed to have been done or suffered by the Corporation.

(6) An instrument purporting to be signed by a delegate of the Corporation in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Corporation under seal and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Corporation under this section.

Annual report.

40. (1) The Corporation shall, as soon as practicable after the thirtieth day of June in each year, prepare and forward to the Minister a report of its work and activities for the twelve months preceding that day.

(2) The Minister shall lay the report, or cause it to be laid, before each House of Parliament as soon as practicable after the receipt by him of the report.

Service of process.

41. Any notice, summons, writ or other proceeding to be served on the Corporation may be served—

(a) by being left; or

(b)

(b) in the case of a notice, by posting it addressed to the Corporation,

at its office or, if it has more than one office, at one of its offices.

Authentication of process.

42. Every summons, process, demand, order, notice, statement, direction or document requiring authentication by the Corporation may be sufficiently authenticated without the seal of the Corporation if signed by a member.

Penalties.

43. (1) Any penalty imposed by this Act or the regulations may be recovered in a summary manner before a stipendiary magistrate or any two justices of the peace in petty sessions.

(2) Where the penalty is a daily penalty it may be recovered either under a separate information or complaint for each day or under an information or complaint for the sum of the daily penalties.

Recovery of money.

44. Any charge, fee or money due to the Corporation may be recovered as a debt or liquidated demand in a court of competent jurisdiction.

Regulations.

45. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to—

(a) forms including forms of lease for use for the purposes of this Act; and

(b) the payment of fees and travelling and out-of-pocket expenses to members of committees or sub-committees of the Corporation for attending meetings, transacting business of the committees or sub-committees and making inspections for the purposes of this Act.

(2) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

(3) A regulation may—

(a) impose a penalty for any breach thereof and also distinct penalties in case of successive breaches thereof but no such penalty shall exceed $100; and

(b) impose also a daily penalty for any continuing breach thereof not exceeding $10 per day.

SCHEDULE

SCHEDULE 1.

Sec. 5.

ALBURY-WODONGA AREA DEVELOPMENT AGREEMENT

Preamble

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23 October 1973

AN

Albury-Wodonga Development.

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 on the thirtieth day of June;

'land'

'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.

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 (5000) square kilometres in total extent contained within the boundaries set out in sub-clause (2) of this clause. Albury–Wodonga area

(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

- 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-west 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 procedures, 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 years

as 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.

(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 subclause (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

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

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 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.

(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

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

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 Australia, in the presence of—

TOM UREN,

Minister for Urban and Regional Development.

E. G. WHITLAM.

SIGNED by the Honourable SIR ROBERT ASKIN, Premier of the State of New South Wales, in the presence of—

JOHN B. FULLER,

Minister for Decentralisation and Development, N.S.W.

R. W. ASKIN.

SIGNED by the Honourable RUPERT JAMES HAMER, Premier of the State of Victoria, in the presence of—

L. E. STONE,

Mayor Rural City of Wodonga.

R. J. HAMER.

SCHEDULE

SCHEDULE 2.

PROVISIONS RELATING TO THE CONSTITUTION AND PROCEDURE OF THE CORPORATION.

Term of office.

1. A member shall be appointed for such term, not exceeding seven years, as is specified in the instrument of appointment and, if otherwise qualified, is eligible for re-appointment.

Person aged 65 years.

2. A person who is of or above the age of sixty-five years shall not be appointed as a member.

Vacation of office.

3. (1) A member shall be deemed to have vacated his office—

(a) if he dies;

(b) if he engages in New South Wales or elsewhere during his term of office in any paid employment outside the duties of his office, otherwise than for the purposes of the Agreement, without the approval of the Minister;

(c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his estate for their benefit;

(d) if he absents himself from duty, otherwise than for the purposes of the Agreement, for a period exceeding fourteen consecutive days, except on leave granted by the Minister, which leave the Minister is hereby authorised to grant, or unless the absence is occasioned by illness or unavoidable cause;

(e) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(f) if he is convicted in New South Wales of a felony or misdemeanour, which is punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be a felony or misdemeanour so punishable;

(g) if he resigns his office by writing under his hand addressed to the Governor;

(h) if he declines office;

(i) if he is removed from office by the Governor; or

(j) upon his attaining the age of sixty-five years.

(2) The Governor may, for any cause which appears to him to be sufficient, remove any member from office.

Public Service Act, 1902, not to apply.

4. The provisions of the Public Service Act, 1902, do not apply to or in respect of the appointment of a member and a member is not, in his capacity as a member, subject to the provisions of that Act during his term of office.

Deputy members.

5. A member may, with the approval of the Minister, nominate in writing a person as his deputy to attend any meeting of the Corporation or of a committee or sub-committee of the Corporation that that member is unable for any reason to attend, and the person so nominated—

(a) shall have and may exercise and perform at that meeting the responsibilities, powers, authorities, duties and functions of the member for whom he is a deputy; and

(b) shall, if he is not otherwise a member, be deemed, for the purposes of that meeting, to be a member.

Meetings.

6. (1) At a meeting of the Corporation two members constitute a quorum.

(2) Any duly convened meeting of the Corporation at which a quorum is present shall be competent to transact any business of the Corporation.

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

(4) The Chairman shall preside at all meetings of the Corporation at which he is present.

(5) If the Chairman is not present at a meeting of the Corporation, a Deputy Chairman, chosen in accordance with the procedure determined for the purpose by the Corporation, shall preside at the meeting.

(6) The person 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.

Minutes.

7. The Corporation shall cause full and accurate minutes to be kept of its proceedings at meetings and submit to the Minister a copy of the minutes of each meeting within one week after the date on which the meeting is held.

Committees and sub-committees.

8. (1) The Corporation may establish committees for the purposes of advising the Corporation upon such matters within the scope of the Corporation's responsibilities, powers, authorities, duties and functions as may be referred to the committees by the Corporation.

(2) The Corporation, or a committee referred to in subclause (1), with the approval of the Corporation, may establish sub-committees for the purposes of advising the committee upon such matters within the scope of the committee's responsibilities, powers, authorities, duties and functions as may be referred to the sub-committees by the Corporation or by such a committee with the approval of the Corporation.

(3) A person may be appointed to any such committee or sub-committee whether or not he is a member of the Corporation.

(4) The office of member of any such committee or sub-committee shall not, for the purposes of any Act, be deemed to be an office or place of profit under the Crown.

General procedure.

9. Subject to this Act, the procedure for the calling of, and for the conduct of business at, meetings of the Corporation shall be as determined by the Corporation.

Protection from liability.

10. (1) No matter or thing done, and no contract entered into, by the Corporation, and no matter or thing done by a member or by any other person acting under the direction or as delegate of the Corporation shall, if the matter or thing was done, or the contract was entered into, in good faith for the purposes of executing this Act or any other Act, or any Act or part of an Act for the time being declared under section 6 (4) to be an enactment to which section 6 (3) applies, conferring or imposing responsibilities, powers, authorities, duties or functions on the Corporation, subject the member or person so acting personally to any action, liability, claim or demand.

(2) Nothing in subclause (1) exempts any member or other person from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General in the accounts of or relating to the Corporation, and which the member or other person authorised or joined in authorising.

Preservation of rights of members previously public servants, etc.

11. (1) In this clause—

"statutory body" means any body declared under clause 13 to be a statutory body for the purposes of this Schedule;

"superannuation scheme" means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

(2) Subject to subclause (3) and to the terms of his appointment, where a member was, immediately before his appointment as a member—

(a) an officer of the Public Service;

(b)

(b) a contributor to a superannuation scheme;

(c) an officer employed by a statutory body; or

(d) a person in respect of whom provision was made by any Act that he retain any rights accrued or accruing to him as an officer or employee,

he—

(e) shall retain any rights accrued or accruing to him as such an officer, contributor or person;

(f) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as a member; and

(g) shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity,

as if he had continued to be such an officer, contributor or person during his service as a member, and—

(h) his service as a member shall be deemed to be service as an officer or employee for the purpose of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and

(i) he shall be deemed to be an officer or employee, and the Corporation shall be deemed to be his employer, for the purpose of the superannuation scheme to which he is entitled to contribute under this clause.

(3) A member who, but for this subclause, would be entitled under subclause (2) to contribute to a superannuation scheme or to receive any payment, pension or gratuity under that scheme shall not be so entitled upon his becoming (whether upon his appointment as a member or at any later time while he holds office as a member) a contributor to any other superannuation scheme, and the provisions of subclause (2) (i) cease to apply to or in respect of him and the Corporation in any case where he becomes a contributor to such another superannuation scheme.

(4) Subclause (3) does not prevent the payment to a member upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of his resignation, to be an officer or employee for the purposes of that scheme.

(5) A member shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

Member entitled to re-appointment in former employment in certain cases.

12. (1) In this clause—

"retiring age" means—

(a) in relation to a person who was, immediately before his appointment as a member, an officer of the Public Service—the age of sixty years; and

(b) in relation to a person who was, immediately before his appointment as a member, an officer or employee of a statutory body—the age at which officers or employees (being officers or employees of the class to which that person belonged immediately before his appointment as a member), as the case may be, of that statutory body are entitled to retire;

"statutory body" means any body declared under clause 13 to be a statutory body for the purposes of this Schedule.

(2) A person who ceases to be a member, otherwise than pursuant to clause 3 (1) (paragraph (g) excepted), shall, if he has not attained the retiring age, be entitled to be appointed, where, immediately before his appointment as a member, he was—

(a) an officer of the Public Service—to some office in the Public Service; or

(b) an officer or employee of a statutory body—to some office in the service of that body,

not lower in classification and salary than that which he held immediately before his appointment as member.

Declaration of statutory bodies.

13. The Governor may, by proclamation published in the Gazette, declare any body constituted by or under any Act to be a statutory body for the purposes of this Schedule.

Validity of certain actions.

14. No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising a person to act as deputy of a member, or in the place of the Chairman, in accordance with clause 5 or 6 (5), and all things done or omitted by a deputy or a Deputy Chairman while so acting shall be as valid and effectual and shall have the same consequences as if they had been done or omitted by the member or Chairman, as the case may be.

Presumptions.

15. In any proceedings by or against the Corporation no proof shall be required (until evidence is given to the contrary) of—

(a) the constitution of the Corporation;

(b) any resolution of the Corporation;

(c) the appointment of any member; or

(d) the presence of a quorum at any meeting of the Corporation.

SCHEDULE

SCHEDULE 3.

Sec. 11.

MODIFICATION OF THE PUBLIC WORKS ACT, 1912.

The Public Works Act, 1912, shall, for the purposes referred to in section 11, be deemed to be amended—

(a) (i) by omitting from section 53 the words "so seised, possessed or entitled as aforesaid";

(ii) by omitting from section 53 the words "as in the preceding section mentioned" and by inserting instead the words "and may claim compensation in respect of the land resumed and agree to, settle and determine with the Constructing Authority the amount of such compensation";

(iii) by inserting in section 53 (3) after the word "release" the words "and to claim, agree to, and settle and determine with the Constructing Authority the amount of compensation";

(iv) by omitting section 53 (5);

(b) (i) by inserting in section 102 after the word "time" where secondly occurring the words "as the Constructing Authority allows or, in default of any such allowance of further time, within such time";

(ii) by omitting from section 102 the words "and upon the Crown Solicitor";

(iii) by inserting at the end of section 102 the following subsection:—

(2) Upon receipt of such notice of claim, the Constructing Authority shall obtain from its solicitor, or the solicitor to any body corporate acting as agent for the Constructing Authority or a solicitor retained by such a body corporate, a report on the title of the land in respect of which the claim has been served by the claimant.

(c) by omitting from section 103 the words "Crown Solicitor he shall forward the same, together with his report thereon to the Constructing Authority, who" and by inserting instead the words "Constructing Authority it";

(d) by omitting section 124 and by inserting instead the following section :—

124. (1) For the purpose of ascertaining the compensation to be paid, regard shall in every case be had by the Court not only to the value of the land taken but also to the

the damage (if any) caused by the severing of the lands taken from other lands of the owner or by the exercise of any statutory powers by the Constructing Authority otherwise injuriously affecting such other lands and the Court shall assess the compensation according to what it finds to have been the value of such lands, estate or interest at the time the notification was published in the Gazette and without being bound in any way by the amount of the valuation notified to such claimant and without reference to any alteration in such value arising from the construction of any works on the lands taken.

(2) Notwithstanding subsection (1), the Court in ascertaining such compensation shall take into consideration and give effect to, by way of set-off or abatement, any enhancement in the value of the interest of any such owner in any land adjoining the land taken or severed therefrom by the construction of any works on the land taken, but in no case does this subsection operate so as to require any payment to be made by such owner to the Constructing Authority in consideration of such enhancement in value as aforesaid.

(3) Notwithstanding subsection (1), in the case of land under the surface taken or acquired by notification in the Gazette for the purpose of constructing a subterranean tunnel, no compensation shall be allowed or awarded unless—

(a) the surface of the overlying soil is disturbed;

(b) the support of such surface is destroyed or injuriously affected by the construction of such tunnel; or

(c) any mines or underground workings in or adjacent to such land are thereby rendered unworkable or are so affected as aforesaid.

(e) by omitting section 126 (3);

(f) (i) by omitting from section 135 (1) the words "such conveyances" and by inserting instead the words "conveyances or assurances of lands taken";

(ii) by omitting from section 135 (2) the words "incurred on the part as well of the vendor as of the purchaser,".

SCHEDULE

SCHEDULE 4.

Sec. 23.

MODIFICATION OF THE LOCAL GOVERNMENT ACT, 1919.

The Local Government Act, 1919, shall, for the purposes referred to in section 23 (2), be deemed to be amended—

(a) by omitting section 342E (2), (3) and (4);

(b) by inserting after section 342G (5) (b) the following paragraph :—

(c) Where a scheme that applies to land within the Albury area provides that any act, matter or thing specified in the scheme shall be done only with the approval, consent or permission of the responsible authority or shall not be done except with the approval, consent or permission of the responsible authority, the scheme may contain provisions requiring the responsible authority, before giving that approval, consent or permission, to consult with the Development Corporation.

(c) (i) by omitting from section 342N (2) the words "appeal to the Tribunal" and by inserting instead the words "appeal—

(a) where the responsible authority is required by the scheme to consult with the Development Corporation before giving the approval, consent or permission—to the Minister; or

(b) in any other case—to the Tribunal";

(ii) by inserting after section 342N (4) the following subsections :—

(4A) Where an appeal has been made to the Minister under this section, he may—

(a) dismiss the appeal;

(b) allow the appeal either unconditionally or subject to such conditions as he thinks proper to impose; or

(c) where the appeal is against the imposition of conditions, refuse to approve the application referred to in the appeal,

but before deciding the appeal, he shall, if either the appellant or the council so desire, afford him or it an opportunity of appearing personally or by counsel, solicitor or agent before, and being heard by, a person appointed by the Minister for the purpose.

(4B) The decision of the Minister under subsection (4A) shall be final and shall have effect as if it were a decision of the council.

(d)

(d) (i) by inserting in section 342v (3) (c) after the word "prescribed" the words "or, without affecting the generality of the foregoing, where the order applies to land within the Albury Area, with the Development Corporation";

(ii) by omitting from section 342v (5) (a) the word "and";

(iii) by inserting after section 342v (5) (a) the following paragraph:—

(ai) where the application is one in respect of which the council is required to consult with the Development Corporation, appeal to the Minister; and

(iv) by inserting after section 342v (6) the following subsections :—

(7) Where an appeal has been made to the Minister under subsection (5), he, after taking into consideration any offer by the council to make a contribution under subsection (4), may—

(a) dismiss the appeal;

(b) allow the appeal either unconditionally or subject to such conditions as he thinks proper to impose; or

(c) where the appeal is against the imposition of conditions, refuse to approve the application referred to in the appeal,

but before deciding the appeal, he shall, if either the appellant or the council so desires, afford him or it an opportunity of appearing personally or by counsel, solicitor or agent before, and being heard by, a person appointed by the Minister for the purpose.

(8) The decision of the Minister under subsection (7) shall be final and shall have effect as if it were a decision of the council.

(e) by omitting Division 14.

SCHEDULE 5.

Sec. 36.

PROVISIONS RELATING TO LOANS.

Reserves for repayments.

1. (1) The Corporation shall establish a reserve for loan repayment fund in respect of each loan or renewal loan raised by the Corporation.

(2) The Corporation shall, during each year, transfer from the revenue of the Corporation to each such fund a sum not less than the sum that the Corporation in its application for approval of the loan, specified that it proposed to transfer to that fund.

(3) Money held as a reserve for loan repayment may be invested in Government securities of the Commonwealth or the State of New South Wales or in debentures, bonds, inscribed stock or other prescribed securities in any loan of the Corporation or in any securities guaranteed by the Government of that State or in such other securities as the Governor may approve or as may be prescribed, in each case at their current market price.

(4) Any interest or profits realized on any such investment shall be added to and form part of the reserve for loan repayment fund from which the investments were made.

(5) All money paid into the reserve for loan repayment fund in respect of any loan or renewal loan may be applied in or towards repayment of any other loan or renewal loan but may not be applied for any other purpose until the loan or renewal loan in respect of which the fund has been established has been repaid.

(6) Where the Corporation decides to cancel debentures, bonds, inscribed stock or other prescribed securities purchased from the reserve for repayment of the loan for which they were issued, the Corporation shall, in addition to the sum otherwise payable to the reserve for repayment of that loan and subject to any agreement to which it is a party whereby it undertakes to pay interest at a higher rate to that reserve, pay to that reserve interest at the rate of four and a half per centum per annum on the face value of the cancelled securities from the date of their cancellation until the maturity of the loan.

(7) If, after a loan has been repaid, there remains in the reserve for repayment of that loan any balance, that balance shall form part of the general funds of the Corporation.

(8) A reserve for loan repayment fund shall not be subject to seizure in satisfaction of any debt other than the loan in respect of which the reserve was created.

(9) This section shall not apply to any loan to be repaid by instalments at intervals of one year or less.

Debentures, etc.

2. (1) For securing repayment of the principal and interest on any money borrowed, the Corporation may, as provided by the regulations, issue debentures, bonds, inscribed stock or other prescribed securities.

(2) Every such debenture or bond and every coupon originally annexed to the debenture or bond, and whether separated therefrom or not, may be transferred by simple delivery.

(3) Inscribed stock shall be transferable in the books of the Corporation in accordance with the regulations.

(4) Debentures, bonds, inscribed stock or prescribed securities issued under this Act shall, as regards both the issue and transfer thereof for full consideration or money or money's worth, be deemed to be included in the general exemptions from stamp duty under Part III of the Stamp Duties Act, 1920, contained in the Second Schedule to that Act.

Payment of debentures and coupons.

3. (1) The holder of a coupon originally annexed to a debenture or bond, and whether separated therefrom or not, shall be entitled to receive payment from the Corporation of the interest specified in the coupon on its presentation on or after the date when, and at the place where, the interest is payable.

(2) The due repayment of any loan in respect of which debentures, bonds, stock or any other prescribed securities have been issued by the Corporation, and the interest thereon, shall be a charge upon the income and revenue of the Corporation from whatever source arising and is hereby guaranteed by the Government.

(3) Any liability arising under the guarantee given by subclause (2) shall be discharged out of money provided by Parliament.

(4) The charge created by subclause (2) shall not prejudice or affect any power of the Corporation to sell, convey, lease or otherwise deal with, free of the charge, any property vested in it.

Raising loans in any country.

4. (1) Notwithstanding any other provision of this Act, any money which the Corporation is authorised to borrow may be borrowed by a loan raised, wholly or in part, in such places outside New South Wales as the Governor on the recommendation of the Treasurer may approve, and may be negotiated and raised in any currency.

(2) Any such loan may be raised wholly or in part by the issue of debentures, bonds, stock or other securities in any form and contain any term, condition or provision permitted under the law of the place where the loan is raised and the Corporation may establish and conduct in that place registries relating to the securities issued in respect of that loan.

(3) The Corporation may, in respect of any such loan, agree that a sinking fund shall be established and controlled at such place and in such manner as may be found necessary or expedient in the circumstances of the case and, where any sinking fund is so established, the provisions of clause 1 shall apply with regard to that loan only in respect of the amount, if any, the repayment of which is not provided for by the sinking fund established under the agreement.

(4) In connection with the raising of any loan under this clause, the Corporation may enter into such agreements as it thinks fit with respect to the form of the debentures, bonds, stock or other securities referred to in subclause (2), or for the sale of those debentures, bonds, stock or other securities, or the granting of an option to purchase those debentures, bonds, stock or other securities, or for services to be performed by any person in Australia or in any other part of the world in connection with that loan or with the issue, management and redemption of or otherwise with respect to those debentures, bonds, stock or other securities, and any such agreement may be upon such terms and conditions and may contain such provisions for the giving or receipt of consideration as the Corporation thinks fit.

(5) Copies of any agreement referred to in subclause (4) shall be forwarded to the Minister who shall cause them to be laid before both Houses of Parliament as soon as possible after the loan is raised.

(6) The Governor may, upon the recommendation of the Corporation, by notification published in the Gazette, appoint two or more persons to enter into for and on behalf of the Corporation all such agreements as the Corporation is by this clause authorised to enter into and to sign, execute or otherwise perfect all such agreements, debentures, bonds, stock or other securities as are by this clause provided for and to do all such things as may be necessary or convenient to be done for the purpose of raising any loan under this Act and may, upon the like recommendation and by a like notification, revoke or vary any such appointment and make any fresh appointment.

(7) The production of a copy of the Gazette containing a notification of any appointment referred to in subclause (6) or the revocation thereof shall, in favour of a lender or of any holder of a security, be conclusive evidence of the appointment or revocation.

(8) All debentures, bonds, stock or other securities, bearing the signatures of the persons so appointed in that behalf, shall be deemed to be securities lawfully issued under the seal of the Corporation and the principal money and interest secured thereby shall be a charge upon the income and revenue of the Corporation from whatever source arising, and the due repayment of that principal money and that interest is hereby guaranteed by the Government, and all agreements and any instruments purporting to be made or issued under the authority of this clause and bearing the signatures of those persons shall be deemed to have been lawfully made or issued by the Corporation and, if they purport to have been sealed by those persons, to have been lawfully executed by the Corporation under seal.

(9) A holder of any such debenture, bond, stock or other security shall not be bound to inquire whether the issue of the debenture, bond, stock or security was, in fact, duly authorised.

(10) Subject to this clause and the law in force in the place where any loan is raised under this clause and applicable to that loan and the securities issued in connection therewith, the provisions of this Schedule, other than clauses 2 (1), 6 (3) and 6 (4), shall apply to and in respect of that loan and those securities in the same way as they apply to and in respect of any other loan and any other securities.

Trustees.

5. (1) Any trustee, unless expressly forbidden by any instrument creating the trust, may invest any trust money in his hands in stock inscribed by the Corporation or in any debentures, bonds or other securities issued in accordance with this Act, and the investment shall be deemed to be an investment authorised by the Trustee Act, 1925.

(2) Any debenture or bond issued, stock inscribed, or other security issued, in pursuance of this Act, shall be a lawful investment for any money which any company, council or body corporate, incorporated by any Act, is authorised or directed to invest in addition to any other investment authorised for the investment of that money.

(3) No notice of any express, implied or constructive trust shall be received by the Corporation or by any officer of the Corporation in relation to any debenture or coupon issued or stock inscribed by the Corporation.

Lost debentures.

6. (1) If any debenture or bond issued by the Corporation is lost, destroyed or defaced before it has been redeemed the Corporation may, subject to the provisions of this clause, issue a new debenture or bond in its place.

(2) A new debenture or bond, issued under subclause (1) with interest coupon annexed, shall bear the same date, number, principal sum and rate of interest as the lost, destroyed or defaced debenture or bond.

(3) Where a debenture or bond is lost or destroyed, a new debenture or bond shall not be issued unless—

(a) it has been established to the satisfaction of the Supreme Court that the debenture or bond has been lost or destroyed before redemption;

(b) such advertisements as the Court may direct have been published;

(c) six months have elapsed since the publication of the last of those advertisements; and

(d) sufficient security has been given to the Corporation to indemnify it against any double payment if the missing debenture or bond is presented for redemption.

(4) Where a debenture or bond is defaced, a new debenture or bond shall not be issued unless and until the defaced debenture or bond is lodged with the Corporation for cancellation.

(5) The provisions of this clause shall apply to and in respect of the case of a lost, destroyed or defaced coupon in the same way as they apply to and in respect of a lost, destroyed or defaced debenture or bond.

(6) Notwithstanding any other provision of this clause, in the case of loss, theft, destruction, mutilation or defacement of any debenture or bond issued under clause 4, a duplicate or new debenture or bond may be issued upon proof to the satisfaction of the Corporation of the loss, theft or destruction, or upon surrender of the mutilated or defaced debenture or bond, as the case may be, and upon the Corporation receiving security or indemnity satisfactory to it against double payment if the missing debenture or bond be at any time thereafter presented for payment.

Protection of investors.

7. (1) A person advancing money to the Corporation shall not be bound to inquire into the application of the money advanced or be in any way responsible for its non-application or misapplication.

(2) A notification in the Gazette of the approval of the Governor having been given to a borrowing by the Corporation shall, in favour of a lender and of any holder of any security given by the Corporation, be conclusive evidence that all conditions precedent to the borrowing have been complied with and, where the approval notified is to a borrowing by the Corporation in a place outside New South Wales and in a particular currency, shall also be conclusive evidence in favour of those persons of the approval of the Governor to the borrowing in the place and in the currency specified in the notification.

Securities rank equally.

8. All debentures, bonds, stock or other securities which are secured upon the income and revenue of the Corporation shall rank pari passu without any preference one above another by reason of priority of date or otherwise.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974

[60c]

No. , 1974.

A BILL

Relating to the growth and development of the Albury Area; to approve an Agreement between the Commonwealth and the States of New South Wales and Victoria in relation to the Albury-Wodonga Area; to constitute the Albury-Wodonga (New South Wales) Corporation; to confer and impose certain responsibilities, powers, authorities, duties and functions on that Corporation and on the Albury-Wodonga Development Corporation established under the law of the Commonwealth; to validate certain matters; and for purposes connected therewith.

[MR BRUXNER—26 *March*, 1974.]

BE

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BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the "Albury-Wodonga Development Act, 1974".

Commencement.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Sections 21, 22, 23 and 24 shall commence on—

(a) where the day on which a notice under section 8 of the Albury-Wodonga Development Act 1973 of the Parliament of the Commonwealth is published in the Australian Government Gazette that declares this Act to be complementary to that Act and the appointed day are the same day—that day; or

(b) in any other case—on the appointed day or on the day on which that notice is so published, whichever is the later.

(3) Except as provided in subsections (1) and (2), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act is divided as follows :— Division of Act.

PART I.—PRELIMINARY—*ss.* 1–4.

PART II.—APPROVAL OF THE AGREEMENT—*s.* 5.

PART III.—CONSTITUTION OF THE ALBURY-WODONGA (NEW SOUTH WALES) CORPORATION—*ss.* 6–8.

PART IV.—RESPONSIBILITIES, POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE CORPORATION—*ss.* 9–20.

PART V.—PROVISIONS RESPECTING THE DEVELOPMENT CORPORATION AND OTHER MATTERS—*ss.* 21–26.

PART VI.—FINANCE—*ss.* 27–32.

PART VII.—GENERAL—*ss.* 33–45.

SCHEDULE 1.—ALBURY-WODONGA AREA DEVELOPMENT AGREEMENT.

SCHEDULE 2.—PROVISIONS RELATING TO THE CONSTITUTION AND PROCEDURE OF THE CORPORATION.

SCHEDULE 3.—MODIFICATION OF THE PUBLIC WORKS ACT, 1912.

SCHEDULE 4.—MODIFICATION OF THE LOCAL GOVERNMENT ACT, 1919.

SCHEDULE 5.—PROVISIONS RELATING TO LOANS.

4. In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

"Agreement" means the Agreement approved by section 5;

"Albury Area" means such part of the Albury-Wodonga Area as is within the State of New South Wales;

"Albury-Wodonga Area" has the meaning ascribed to "the Area" in the Agreement;

"appointed

"appointed day" means the day appointed and notified under section 2 (3);

"Authority" means The State Planning Authority of New South Wales constituted by the State Planning Authority Act, 1963;

"building" includes any structure or any part thereof;

"Chairman" means the Chairman of the Corporation;

"Corporation" means the Albury-Wodonga (New South Wales) Corporation constituted by this Act;

"council" has the meaning ascribed thereto in the Local Government Act, 1919;

"designated area" means an area of land in respect of which a declaration under section 25 is for the time being in force;

"Development Corporation" means the Albury-Wodonga Development Corporation established by the Albury-Wodonga Development Act 1973 of the Parliament of the Commonwealth;

"growth complex" means the growth complex referred to in the Agreement;

"interim development order" has the meaning ascribed thereto in section 342T of the Local Government Act, 1919;

"local government area" has the meaning ascribed thereto in the Local Government Act, 1919;

"member" means a member of the Corporation;

"Ministerial Council" means the Ministerial Council referred to in the Agreement;

"officer of the Corporation" means a person in respect of whom an arrangement under section 18 is for the time being in force;

"planning scheme" means a scheme prescribed under Part XIIA of the Local Government Act, 1919;

"public

"public authority" means any public or local authority constituted by or under an Act other than this Act;

"regulations" means regulations made under this Act.

PART II.

APPROVAL OF THE AGREEMENT.

5. (1) The Albury-Wodonga Area Development Agreement, a copy of which is set out in Schedule 1, is approved. Approval of Agreement.

(2) The execution of the Agreement by the Honourable Sir Robert Askin for and on behalf of the State of New South Wales is ratified.

PART III.

CONSTITUTION OF THE ALBURY-WODONGA (NEW SOUTH WALES) CORPORATION.

6. (1) There is hereby constituted a corporation under the corporate name "Albury-Wodonga (New South Wales) Corporation". The Corporation.

(2) For the purposes of any Act, the Corporation shall be deemed to be a statutory body representing the Crown.

(3)

(3) The Corporation shall have and may exercise and discharge the responsibilities, powers, authorities, duties and functions conferred or imposed on it—

(a) by or under this or any other Act; or

(b) by an Act or part of an Act of the Parliament of the Commonwealth or of Victoria, being an Act or part for the time being declared under subsection (4) to be an enactment to which this subsection applies.

(4) Where it appears to the Minister that an Act of the Parliament of the Commonwealth or of Victoria, or part of such an Act, confers or imposes a responsibility, power, authority, duty or function on the Corporation, the Minister may, if he thinks fit, by order published in the Gazette, declare that Act or that part of that Act, as the case may be, to be an enactment to which subsection (3) applies.

General provisions relating to the Corporation.

7. (1) The Corporation shall consist of three members, namely—

(a) a Chairman; and

(b) two Deputy Chairmen,

to be appointed by the Governor.

(2) The Chairman shall be subject in all respects to the control and direction of the Minister in the exercise and discharge of his responsibilities, powers, authorities, duties and functions.

(3) Schedule 2 has effect.

Corporation to comply with Agreement and directions of Ministerial Council.

8. The Corporation shall comply with—

(a) the provisions of the Agreement; and

(b)

(b) 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.

PART IV

RESPONSIBILITIES, POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE CORPORATION.

General powers of the Corporation.

9. (1) Subject to this Act, the Corporation is charged with the responsibility of acquiring and managing land for the purposes of the growth complex and encouraging and assisting development in designated areas.

(2) Without affecting the generality of subsection (1), the Corporation may—

(a) cause surveys to be made, and plans of survey to be prepared, in relation to any land vested in the Corporation;

(b) by notification published in the Gazette, with the approval of the Minister, close or realign any public road, or part thereof, within or adjoining or in the vicinity or for the purposes of the growth complex;

(c) demolish, or cause to be demolished, any building within or adjoining or in the vicinity of the growth complex of which it has exclusive possession;

(d) provide, or arrange, on such terms and conditions as may be agreed upon, for the location or relocation of, utility services within or adjoining or in the vicinity of the growth complex;

(e) set apart land as sites for buildings or works or for religious, charitable or municipal purposes;

(f) subdivide and re-subdivide land, and consolidate subdivided or re-subdivided land, vested in the Corporation;

(g) set out and construct roads on land vested in the Corporation;

(h) erect, alter, repair and renovate buildings on and make other improvements to land vested in the Corporation or on any other land with the consent of the person in whom it is vested;

(i) cause any work to be done on or in relation to any land vested in the Corporation, or on any other land with the consent of the person in whom it is vested, for the purpose of rendering it fit to be used for any purpose for which it may be used under any interim development order or planning scheme applying to the land; and

(j) without affecting the generality of the foregoing provisions of this subsection, do all things, whether of the same or of a different kind or nature, necessary or desirable for the management and servicing of the growth complex in accordance with the Corporation's powers.

(3) Notwithstanding anything in any Act, upon the publication, pursuant to subsection (2) (b), of a notification closing a public road or part thereof, the estate or interest therein of any person or public authority shall vest in the Corporation, freed and discharged from any trusts affecting it immediately before that publication and freed and discharged from any rights of the public or any person thereto as a public road or highway.

Provisions respecting acquisition of land.

10. Without affecting the generality of section 9, the Corporation may, for the purposes of the growth complex, acquire land (including land previously appropriated or resumed for any purpose) by lease or purchase or by resumption or appropriation in accordance with this Act, being—

(a) land within designated areas;

(b) land outside designated areas which the Corporation considers should be made available in the public interest for any purpose of the growth complex;

(c) land of which that proposed to be acquired under this Act forms part; or

(d) land adjoining or in the vicinity of any land proposed to be acquired under this Act.

Resumption.

11. (1) Resumption or appropriation for the purposes of this Act shall be effected by the Governor under the Public Works Act, 1912, and, without affecting the generality of the foregoing, appropriation under that Act may be effected in respect of any land vested in Her Majesty or any person in trust for Her Majesty.

(2) Such a resumption or appropriation shall be deemed to be for an authorised work and the Corporation shall be deemed to be the Constructing Authority.

(3) Notwithstanding subsection (1), sections 34, 35, 36 and 37 of the Public Works Act, 1912, do not apply in respect of the expenditure on any works constructed in pursuance of this Act, but section 38 of that Act applies in respect of that expenditure.

(4) For the purposes of this section and not otherwise, Schedule 3 has effect.

(5) Notwithstanding anything in this section and Schedule 3, where any land to be so resumed is designated land within the meaning of the Growth Centres (Land Acquisition) Act, 1974, that Act applies to and in respect of that resumption as if this Act had been enacted before the commencement of that Act.

Disposal of land.

12. (1) The Corporation may, with the approval of the Minister and subject to such terms and conditions as the Minister may attach to his approval, sell, lease, exchange or otherwise deal with or dispose of land vested in the Corporation, and may, with the like approval and subject to the like terms and conditions, grant easements or rights-of-way over that land or any part thereof.

(2) Notwithstanding subsection (1), the approval of the Minister shall not be required for a lease of land by the Corporation for a term which is less than three years.

Dedication of land.

13. (1) The Corporation may, by notification published in the Gazette, declare that it proposes to surrender to Her Majesty land described or referred to in the notification to be dedicated for any public purpose specified in the notification or, if so specified in the notification, as a public road.

(2) Upon the surrender of land described or referred to in a notification published pursuant to subsection (1), the land so described or referred to shall be Crown land reserved from sale or lease generally and, upon revocation of the reservation, may be dedicated under the Crown Lands Consolidation Act, 1913, for the public purpose specified in the notification or, as the case may require, under the Public Roads Act 1902 as a public road.

(3) The Corporation may, in a notification published pursuant to subsection (1), limit the description of, or reference to, land to a specified depth below the surface thereof and, where such a description or reference is so limited, subsection (2) does not apply to or in respect of land below the depth so specified.

Covenants in leases.

14. (1) Subject to this section, where the lease of any land set apart as the site for a building under section 9 (2) (e) (in this section referred to as "the building site") contains a covenant on the part of the lessee not to commence the erection of a building on the building site, or any work preparatory or incidental thereto, without the written consent of the Corporation—

(a) the Corporation may give its consent upon the application of a person entitled to apply to a council for its approval to the erection of a building on the building site; and

(b) the Corporation may impose conditions in giving its consent.

(2) The Corporation shall not give a consent pursuant to subsection (1) unless—

(a) the application therefor is accompanied by such plans and specifications of the building in respect of which the consent is sought, and such other information in respect of that building, as may be prescribed or as the Corporation may require; and

(b) the application therefor and the accompanying plans and specifications and other information disclose that the building in all respects will be in conformity

with

with the planning scheme or interim development order that applies to or in respect of the building site and with the proposals of the Corporation as to—

(i) the use to which the building will be put;

(ii) the height and general external design and appearance of the building;

(iii) the area of the building site to be covered by the building; and

(iv) the situation of the building in relation to the boundaries of the building site.

(3) Where a covenant, condition or stipulation in a lease granted by the Corporation excludes, or is inconsistent with the operation of a provision of an Act passed before or after the appointed day, being a provision whereby, but for this subsection—

(a) a right would be conferred, or an obligation imposed, on a lessor or lessee; or

(b) a covenant, condition or stipulation would be implied, or be deemed to be included, in the lease,

the provision shall not to the extent of the exclusion or inconsistency, but subject to any express provision of the lease, operate in respect of the lease.

Corporation to comply with building standards.

15. (1) Except in so far as the regulations specify different building standards applicable to the Corporation, the Corporation shall comply with the provisions of any ordinance made pursuant to Part XI of the Local Government Act, 1919.

(2) Where the regulations specify building standards, as referred to in subsection (1), the Corporation shall comply with those standards.

(3) The Ministerial Council may, in a particular case, exempt the Corporation from compliance with subsection (1) or (2).

Corporation may enter into contracts.

16. (1) The Corporation may make and enter into contracts with any person for the carrying out of works or the performance of services or the supply of goods or materials in connection with the exercise or discharge by the Corporation of its responsibilities, powers, authorities, duties and functions.

(2) A contract under this section may provide for—

(a) the whole or part of any works to be undertaken by the Corporation;

(b) the whole or any part of the cost of any works to be paid by the Corporation;

(c) a loan to be made by the Corporation to meet the whole or any part of the cost of any works; or

(d) the Corporation to pay the costs of providing any services during a specified period.

(3) A contract under this section shall be deemed for the purposes of the Constitution Act, 1902, to be a contract for or on account of the Public Service of New South Wales.

Corporation may enter into arrangement with other public authorities.

17. (1) The Corporation may enter into an arrangement or agreement with any public authority constituted under the law of New South Wales, of Victoria or of the Commonwealth whereby—

(a) that public authority shall act as agent of the Corporation for the purposes of this Act; or

(b)

(b) the Corporation shall act as agent of that public authority for the purposes of this Act,

on such terms and conditions as are agreed upon between the Corporation and the public authority.

(2) Without affecting the generality of subsection (1), the Authority may, at the request of the Corporation and upon such terms and conditions as may be agreed upon between the Authority and the Corporation, act on behalf of the Corporation in the carrying out of any legal work or other work of any kind in connection with the exercise of any of the Corporation's responsibilities, powers, authorities, duties and functions.

Arrangements as to use of officers or facilities by Corporation.

18. (1) For the purpose of exercising and discharging its responsibilities, powers, authorities, duties and functions, the Corporation may, with the approval of the Minister and of the Department concerned, and on such terms as may be arranged, make use of the services of any officers or employees or the facilities of any Government Department.

(2) For the like purpose, the Corporation may, with the approval of the Minister and of the public authority, Department or statutory body concerned, and on such terms as may be arranged, make use of the services of any officers, employees or servants or the facilities of any public authority, Government Department of the Commonwealth or of Victoria or statutory body constituted by any Act of the Parliament of the Commonwealth or Victoria.

Consultation and negotiation.

19. In the exercise and discharge of its responsibilities, powers, authorities, duties and functions, the Corporation shall, as far as practicable—

(a) consult with public authorities whose responsibilities, powers, authorities, duties and functions include those of the same or of a similar nature; and

(b) negotiate with any such authorities for the purpose of arranging or providing services and facilities in the growth complex.

Council powers may be transferred to the Corporation.

20. (1) The Corporation may request a council, the local government area, or part of the local government area, of which is in a designated area, to agree to transfer all or any of its powers (other than its powers to borrow money under Division 4 of Part VII of that Act), authorities, duties and functions under the Local Government Act, 1919, in relation to that designated area to the Corporation for a specified period.

(2) Notwithstanding anything in any Act, the council is hereby authorised and empowered to enter into an agreement under this section and may do or suffer anything necessary or expedient for carrying any such agreement into effect.

(3) An agreement under this section operates so as to transfer to the Corporation, in accordance with that agreement, the powers, authorities, duties and functions referred to therein.

(4) Where the Corporation requests a council to enter into an agreement under this section and the council refuses or fails within a reasonable time to do so, or where the Corporation and the council fail to agree upon the terms of the agreement, the Corporation or the council may refer the matter to the Minister for Local Government.

(5)

(5) The Minister for Local Government may refer the matter to the Governor, who may determine the terms which are to apply between the parties.

(6) The terms determined under subsection (5) shall be deemed to be an agreement entered into by the Corporation and the council.

(7) Where a council transfers its powers to make and levy rates in a designated area to the Corporation, it may be a condition of the agreement that the council receive from the Corporation financial assistance to compensate the council for adverse financial effects on the council created by the acquisition of land in the council's local government area by the Corporation.

(8) The provisions of the Local Government Act, 1919, with such adaptations as are necessary, apply to and in relation to the exercise of powers and authorities, or the carrying out of duties and functions, transferred to the Corporation under this section as if the Corporation were a council and the designated area formed part of that council's local government area.

(9) While the Corporation has any power, authority, duty or function transferred to it by a council under this section, the council does not have that power, authority, duty or function and is not under any obligation in relation thereto.

PART

PART V.

PROVISIONS RESPECTING THE DEVELOPMENT CORPORATION AND OTHER MATTERS.

Power of Development Corporation to exercise powers, etc., under Agreement.

21. For the purpose only of giving effect to the Agreement, the Development Corporation may—

(a) do in the State of New South Wales all such acts, matters and things as the Agreement permits or requires the Development Corporation to do; and

(b) exercise in the State of New South Wales all such powers and authorities as may be necessary to enable the provisions of the Agreement to be carried out in their entirety.

Investigations and plans.

22. Without affecting the generality of section 21, the Development Corporation may carry out investigations, consult with planning authorities in the Albury Area and prepare plans for the purpose of co-ordinating planning in the Albury-Wodonga Area.

Planning schemes and interim development orders.

23. (1) In the application of Part XIIA of the Local Government Act, 1919, to and in respect of land within a designated area or designated areas, that Part applies to and in respect of the Development Corporation as if—

(a) the Development Corporation were a council; and

(b) the designated area or designated areas were that council's local government area,

but a reference in section 342G (5) (a), 342L (2) (b) (iii) or 342V (1A) of that Act to a council does not include a reference to the Development Corporation.

(2) For the purposes of the application of Part XIIA of the Local Government Act, 1919, to and in respect of land within the Albury Area and not otherwise, Schedule 4 has effect.

(3) The Development Corporation may, with respect to land in a designated area or designated areas, prepare a proposed interim development order for consideration by the Minister for Local Government.

(4) Where a responsible authority is required by a planning scheme to consult, as referred to in section 342G (5) (c) of the Local Government Act, 1919, as deemed to be amended by Schedule 4, with the Development Corporation before giving an approval, consent or permission, and a difference arises between the responsible authority and the Development Corporation in relation to the matter, the responsible authority shall not give the approval, consent or permission until the difference is determined.

(5) Where a council is required by an interim development order to consult, as referred to in section 342V (3) (c) of the Local Government Act, 1919, as deemed to be amended by Schedule 4, with the Development Corporation before dealing with an interim development application, and a difference arises between the council and the Development Corporation in relation to the matter, the council shall not grant the application unconditionally or subject to conditions, under section 342V (1A) of that Act, until the difference is determined.

(6) Any approval, consent or permission given in contravention of subsection (4) or (5) has no force or effect.

(7) The Development Corporation or the council may submit any difference referred to in subsection (4) or (5) to the Minister, who may refer the matter for inquiry to some person appointed by him in that behalf, or may himself make an inquiry.

(8) The Minister may determine any difference referred to him under subsection (7) in such manner as in the public interest and in the circumstances of the case may seem to him just and equitable.

(9) In Schedule 4, "Albury Area", "designated area" and "Development Corporation" have the meanings respectively ascribed thereto in section 4.

(10) A reference in a part of Schedule 4 to the Minister is a reference to the Minister for the time being administering that part.

Arrangements between Corporation and Development Corporation.

24. The Corporation shall, at the request of the Development Corporation, enter into an arrangement or arrangements with the Development Corporation providing for the Development Corporation to carry out or to make provision with respect to the carrying out of works (including the erection, alteration, repair and renovation of buildings and the provision of services) on land vested in or under the control of the Corporation in a designated area or on land vested in the Corporation outside a designated area or of works which the Corporation has undertaken or is empowered to carry out pursuant to an agreement with a public authority.

Designated areas.

25. (1) The Governor may—

(a) by proclamation published in the Gazette, declare any area of land wholly within the Albury Area and specified or described therein to be a designated area; and

(b) if he thinks fit, specify in that declaration the name by which that area is to be known,

for the purposes of this Act and the Agreement.

(2)

(2) A declaration under subsection (1) shall be made only with the prior approval of the Governor-General and the Governor of the State of Victoria.

(3) A reference in subsection (2) to—

(a) the Governor-General is a reference to the person referred to in clause 3 (6) (a) of the Agreement; and

(b) the Governor of the State of Victoria is a reference to the person referred to in clause 3 (6) (c) of the Agreement.

(4) A declaration under subsection (1) may be revoked, amended or varied by proclamation published in the Gazette.

Arrangements between the Governor and the Governor-General with regard to officers and employees.

26. (1) The Governor may enter into an arrangement with the Governor-General making available the services of officers or employees of the Public Service or of a public authority (other than a council) to the Development Corporation.

(2) Any such arrangement may provide for the rate of payment to be made by the Development Corporation for the services performed by the officer or employee and any other matters which may require to be adjusted with regard to the performance of those services by the officer or employee.

PART

PART VI.

FINANCE.

Accounts.

27. (1) The Corporation shall cause to be kept proper accounts and records in relation to all of its operations and shall, as soon as practicable after the thirtieth day of June in each year, prepare and submit to the Minister for presentation to Parliament a statement of accounts in a form approved by the Auditor-General, exhibiting a true and correct view of the financial position and transactions of the Corporation.

(2) The Minister shall lay the statement of accounts, or cause it to be laid, before each House of Parliament as soon as practicable after the receipt by him of the statement.

(3) The Corporation shall, if the Minister so directs, cause accounts to be kept with banks at such place or places as the Minister may from time to time determine.

Audit.

28. (1) The accounts of the Corporation shall be audited by the Auditor-General, who shall have in respect thereof all the powers conferred on him by any law for the time being in force relating to the audit of public accounts.

(2) The Audit Act, 1902, shall apply to members and officers of the Corporation in the same way as it applies to accounting officers of public departments.

(3) The Auditor-General shall report to the Corporation and the Minister—

(a) whether in his opinion—

(i) due provision has been made for the repayment of loans;

(ii) the value of assets has (so far as he can judge) been in all cases fairly stated;

(iii) due diligence and care have been shown in the collection and banking of income;

(iv) expenditure incurred has been duly authorised, vouched and supervised;

(v) proper account has been kept of plant, stores and materials; and

(vi) any of the money or other property of the Corporation or over which it has control has been misappropriated or improperly or irregularly dealt with; and

(b) as to any other matters which in his judgment call for special notice or which are prescribed.

(4) Towards defraying the costs and expenses of any such audit, the Corporation shall pay to the Consolidated Revenue Fund such amounts, at such times, as the Treasurer decides.

Surplus funds.

29. The Treasurer may at any time require the Corporation to pay from accumulated funds to the credit of the Consolidated Revenue Fund such amounts as he may determine and notify to the Corporation as being surplus to the requirements of the Corporation from time to time.

Investment.

30. The Corporation may invest money held by it in Government securities of the Commonwealth or of the State of New South Wales or in any securities guaranteed by the Government of that State, or on call or on fixed deposit, or partly on call and partly on fixed deposit, with the Treasurer or with any bank or in such other securities as the Governor approves or as are prescribed.

Temporary accommodation.

31. (1) For the temporary accommodation of the Corporation, it may obtain advances by overdraft of current account in any bank or banks upon the credit of the Corporation's funds to such extent as may, from time to time, be approved by the Governor.

(2) The Treasurer may advance such money to the Corporation, on such terms and conditions as to repayment and interest, as may be agreed upon.

Borrowing.

32. (1) The Corporation may from time to time, with the concurrence of the Treasurer and the approval of the Governor, borrow money for—

(a) the purpose of carrying out and discharging any of its responsibilities, powers, authorities, duties and functions;

(b) the renewal of loans;

(c) the discharge or partial discharge of any loan or any indebtedness to the Treasurer or to any bank; or

(d) any other purpose of this Act.

(2) Schedule 5 has effect.

PART VII.

GENERAL.

Powers of public authorities.

33. Notwithstanding anything in any other Act, any public authority is hereby authorised and empowered to enter into agreements for the purposes of this Act with the Corporation or the Development Corporation and may do or suffer anything necessary or expedient for carrying any such agreement into effect.

34.

Disputes between the Corporation and a council.

34. (1) If any difference, whether arising out of the construction of this Act or not, arises between the Corporation and a council, with respect to the carrying out of the provisions of this Act or with respect to the fulfilment and exercise of the Corporation's responsibilities, powers, authorities, duties, functions or privileges, the Corporation or the council may submit the difference to the Minister, who may refer the matter for inquiry to some person appointed by him in that behalf, or may himself make an inquiry.

(2) The Minister, after consultation with the Minister for Local Government, may thereupon make such order as in the public interest and in the circumstances of the case may seem to him just and equitable, and by the order may direct the payment of any costs and expenses incidental to the conduct of the inquiry.

(3) Any such order may, upon the application of the Minister, the Corporation or the council, by leave of the Supreme Court, be enforced in the same manner as a judgment or order of the Supreme Court to the same effect.

(4) If any such difference arises between the Corporation and any Government Department, the parties to the dispute may mutually agree to submit the matter in dispute to the Minister, and in any such case the provisions of this section shall apply to the settlement of the dispute as if the dispute were between the Corporation and a council.

Consolidation of interim development orders.

35. (1) Notwithstanding anything in the Local Government Act, 1919, the Minister may, after consideration of a report by the Authority, by notification published in the Gazette, make an order consolidating two or more interim development orders with respect to any land within the Albury Area in the one instrument, whether with or without alterations that might have been made to any such order had this section not been enacted.

(2)

(2) An order made under subsection (1) shall be deemed to be an interim development order and, for the purposes of Division 7 of Part XIIA of the Local Government Act, 1919, the order shall, to the extent to which it applies to—

(a) land with respect to which, but for this section, an interim development order would be required to be made under section 342U (5A) or 342Y (3) of that Act—be deemed to be an interim development order made as so required; and

(b) other land—be deemed to be an interim development order made otherwise than as so required.

(3) Anything done before the appointed day that would have been valid if this section had been in force when the thing was done is validated.

Misuse of information.

36. (1) Where, through his association with the Corporation, a person has knowledge of specific information relating to proposals made, or to be made, by the Corporation in respect of the use and development of land and that information is not generally known but, if generally known, might reasonably be expected to affect materially the market price of that land, he is guilty of an offence against this Act if he—

(a) deals, directly or indirectly, in that land for the purpose of gaining an advantage for himself by the use of that information; or

(b) divulges that information for the purpose of enabling another person to gain an advantage by using that information to deal, directly or indirectly, in that land,

and is liable to a penalty not exceeding $2,000.

(2)

(2) Where, through his association with the Corporation, a person is in a position to influence proposals made, or to be made, by the Corporation in respect of the use and development of land and does influence the proposals by securing the inclusion or alteration of any matter in, or the exclusion or omission of any matter from, the proposals, he is guilty of an offence against this Act if—

(a) he does so for the purpose of gaining an advantage for himself; or

(b) he does so for the purpose of enabling another person to gain an advantage,

and is liable to a penalty not exceeding $2,000.

(3) Where—

(a) an offence under subsection (1) is committed and an advantage, referred to in that subsection, is gained from any dealing in land to which the offence relates; or

(b) an offence under subsection (2) is committed and an advantage, referred to in that subsection, is gained from any dealing in land which would not have been gained if the proposals concerned had not been influenced,

any person who gained that advantage is, whether or not any person has been prosecuted for or convicted of an offence under subsection (1) or (2), as the case may be, liable to another person for the amount of any loss incurred by that other person by reason of the gaining of that advantage.

(4) Where a loss referred to in subsection (3) is incurred by reason of an advantage gained from a dealing in land, the amount of the loss is the difference between the price at which the dealing was effected and—

(a) in the case of any dealing to which subsection (1) relates, the price that, in the opinion of the court before which it is sought to recover the amount of

the

the loss, would have been the market price of the land at the time of the dealing if the specific information used to gain that advantage had been generally known at that time; or

(b) in any case to which subsection (2) relates, the price that, in the opinion of the court before which it is sought to recover the amount of the loss, would have been the market price of the land at the time of the dealing if the proposals concerned had not been influenced.

(5) An action to recover a loss or profit, referred to in subsection (3), may not be brought after the expiration of five years next succeeding the dealing in land to which the transaction relates.

(6) For the purposes of this section, a person is associated with the Corporation—

(a) if he is a member or officer of the Corporation or a person appointed to a committee or a sub-committee of the Corporation;

(b) if he is an officer or employee of the Department of Decentralisation and Development;

(c) if he is a member or servant of the Authority or a person appointed to a committee or a sub-committee of the Authority established under section 15 of the State Planning Authority Act, 1963, or to a Regional Planning Committee appointed under Part IV of that Act;

(d) if he is an officer or servant of a council;

(e) if he acts or has acted as banker, solicitor, auditor or professional adviser or in any other capacity for the Corporation, the Department of Decentralisation and Development, the Authority or a council; or

(f) where the person, so associated by virtue of paragraph (e), is a body corporate, if he is a director, manager or secretary of that body corporate.

Disclosure of interest.

37. (1) If a member, or a member of a committee or a sub-committee of the Corporation, has an interest, directly or indirectly, in land, proposals in respect of the development or use of which are to be considered by the Corporation, the committee or the sub-committee, as the case may be, or has a pecuniary interest, direct or indirect, in a contract or proposed contract with the Corporation or in any other matter in which the Corporation is concerned and is present at a meeting of the Corporation, the committee or the sub-committee, as the case may be, at which the proposals are or the contract, proposed contract or other matter is the subject of consideration, he shall, at the meeting, as soon as practicable after the commencement thereof, disclose his interest and shall not take part in the consideration or discussion of or vote on any question with respect to the proposals or the contract, proposed contract or other matter.

(2) Notwithstanding subsection (1), this section does not apply to an interest in a contract, proposed contract or other matter which a member of the Corporation, committee or sub-committee may have as a ratepayer to the Corporation or as a consumer of gas, electricity or water supplied to him by the Corporation in like manner and subject to the like conditions as are applicable in the case of persons who are not members of the Corporation, committee or sub-committee or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.

(3) For the purposes of this section, a person shall be treated as having an indirect interest in land or a contract, proposed contract or other matter if—

(a) he or any nominee of his is a member of a company or other body which has an interest in the land, or with which the contract is made or is proposed to be made

made or which has a direct or indirect pecuniary interest in the other matter under consideration; or

(b) he is a partner, or is in the employment of, a person who has an interest in the land, or with whom the contract is made or is proposed to be made or who has a direct or indirect pecuniary interest in the other matter under consideration.

(4) Notwithstanding subsection (3)—

(a) that subsection does not apply to membership of or employment under any council or statutory body within the meaning of the Local Government Act, 1919;

(b) a member of a company or other body shall not, by reason only of his membership, be treated as being so interested if he has no beneficial interest in any shares of that company or other body; and

(c) a member of a company having not less than twenty-five members shall not be treated as having an interest in land or in any contract or proposed contract with the Corporation or in any other matter in which the Corporation is concerned by reason only that the company has an interest in the land or the contract or proposed contract is with or the other matter concerns the company.

(5) In the case of a married man and his wife who are living together, the interest of one spouse shall, if known to the other, be deemed, for the purposes of this section, to be also an interest of the other spouse.

(6) A general notice in writing to the secretary or the prescribed officer of the Corporation by any member referred to in subsection (1) to the effect that he or his spouse is a member, or is in the employment of a specified company or other body, or that he or his spouse is a partner or in the employment of a specified person shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure

of

of his interest in any land in which that company or other body has an interest or in any contract, proposed contract or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

(7) The secretary or officer referred to in subsection (6) shall record in a book to be kept for the purpose particulars of any disclosure made under subsection (1) and of any notice given under subsection (6) and the book shall be open at all reasonable hours to the inspection of any person on payment of such fees as may be determined by the Corporation from time to time.

(8) Subject to subsection (9), if any person fails to comply with the provisions of subsection (1), he is guilty of an offence against this Act and liable to a penalty not exceeding $400, unless he proves that he did not know that proposals in respect of the development and use of the land in which he had an interest were, or that he did not know that a contract, proposed contract or other matter in which he had a pecuniary interest was, the subject of consideration at the meeting.

(9) The Minister may, subject to such conditions as he thinks fit to impose, remove any disability imposed by subsection (1) in any case in which the number of members referred to in subsection (1) so disabled at any one time would be so great a proportion of the whole of the members of the Corporation or a committee or sub-committee, as the case may be, as to impede the transaction of business, or in any other case in which it appears to the Minister that it is in the public interest that the disability should be removed.

(10) The Corporation or a committee or sub-committee may, by resolution, provide for the exclusion of any member thereof from a meeting of the Corporation, committee or sub-committee, as the case may be, while any proposal in respect of any land or any contract, proposed contract or other matter in which that member has an interest as referred to in this section is under consideration.

(11) In this section, "shares" includes stock.

(12) The provisions of this section apply to a member of a council in relation to an interest in land that is within a designated area and held by him, directly or indirectly, proposals in respect of the development and use of which are to be considered by the council at a meeting of the council in the same way as they apply to a member of the Corporation having an interest, directly or indirectly, in land, proposals in respect of the development and use of which are to be considered by the Corporation at a meeting of the Corporation.

Proceedings at meetings confidential.

38. A person shall not, unless the Corporation otherwise determines, disclose any information with respect to the business discussed at any meeting of the Corporation or of a committee or of a sub-committee of the Corporation.

Penalty: $2,000.

Delegation.

39. (1) The Corporation may, by instrument in writing under seal, delegate to a member or officer of the Corporation the exercise or performance of such of the Corporation's responsibilities, powers (other than this power of delegation), authorities, duties and functions as may be specified in the instrument of delegation, and may, by such an instrument, revoke wholly or in part any such delegation.

(2) A responsibility, power, authority, duty or function, the exercise or performance of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

(3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the responsibilities, powers,

authorities,

authorities, duties or functions delegated, or as to time or circumstance, as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation under this section, the Corporation may continue to exercise or perform all or any of the responsibilities, powers, authorities, duties or functions delegated.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done or suffered by the Corporation and shall be deemed to have been done or suffered by the Corporation.

(6) An instrument purporting to be signed by a delegate of the Corporation in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Corporation under seal and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Corporation under this section.

Annual report.

40. (1) The Corporation shall, as soon as practicable after the thirtieth day of June in each year, prepare and forward to the Minister a report of its work and activities for the twelve months preceding that day.

(2) The Minister shall lay the report, or cause it to be laid, before each House of Parliament as soon as practicable after the receipt by him of the report.

Service of process.

41. Any notice, summons, writ or other proceeding to be served on the Corporation may be served—

(a) by being left; or

(b)

(b) in the case of a notice, by posting it addressed to the Corporation,

at its office or, if it has more than one office, at one of its offices.

Authentication of process.

42. Every summons, process, demand, order, notice, statement, direction or document requiring authentication by the Corporation may be sufficiently authenticated without the seal of the Corporation if signed by a member.

Penalties.

43. (1) Any penalty imposed by this Act or the regulations may be recovered in a summary manner before a stipendiary magistrate or any two justices of the peace in petty sessions.

(2) Where the penalty is a daily penalty it may be recovered either under a separate information or complaint for each day or under an information or complaint for the sum of the daily penalties.

Recovery of money.

44. Any charge, fee or money due to the Corporation may be recovered as a debt or liquidated demand in a court of competent jurisdiction.

Regulations.

45. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to—

(a) forms including forms of lease for use for the purposes of this Act; and

(b) the payment of fees and travelling and out-of-pocket expenses to members of committees or sub-committees of the Corporation for attending meetings, transacting business of the committees or sub-committees and making inspections for the purposes of this Act.

(2) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

(3) A regulation may—

(a) impose a penalty for any breach thereof and also distinct penalties in case of successive breaches thereof but no such penalty shall exceed $100; and

(b) impose also a daily penalty for any continuing breach thereof not exceeding $10 per day.

SCHEDULE

SCHEDULE 1. Sec. 5.

ALBURY-WODONGA AREA DEVELOPMENT AGREEMENT

Preamble

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23 October 1973

AN

Albury-Wodonga Development.

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 on the thirtieth day of June;

'land'

'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)

(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.

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 (5000) square kilometres in total extent contained within the boundaries set out in sub-clause (2) of this clause. Albury–Wodonga area

(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

- 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-west 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 years

as 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.

(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 subclause (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

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 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.

(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

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 Australia, in the presence of—

TOM UREN,

Minister for Urban and Regional Development.

E. G. WHITLAM.

SIGNED by the Honourable SIR ROBERT ASKIN, Premier of the State of New South Wales, in the presence of—

JOHN B. FULLER,

Minister for Decentralisation and Development, N.S.W.

R. W. ASKIN.

SIGNED by the Honourable RUPERT JAMES HAMER, Premier of the State of Victoria, in the presence of—

L. E. STONE,

Mayor Rural City of Wodonga.

R. J. HAMER.

SCHEDULE

SCHEDULE 2.

PROVISIONS RELATING TO THE CONSTITUTION AND PROCEDURE OF THE CORPORATION.

Term of office.

1. A member shall be appointed for such term, not exceeding seven years, as is specified in the instrument of appointment and, if otherwise qualified, is eligible for re-appointment.

Person aged 65 years.

2. A person who is of or above the age of sixty-five years shall not be appointed as a member.

Vacation of office.

3. (1) A member shall be deemed to have vacated his office—

(a) if he dies;

(b) if he engages in New South Wales or elsewhere during his term of office in any paid employment outside the duties of his office, otherwise than for the purposes of the Agreement, without the approval of the Minister;

(c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his estate for their benefit;

(d) if he absents himself from duty, otherwise than for the purposes of the Agreement, for a period exceeding fourteen consecutive days, except on leave granted by the Minister, which leave the Minister is hereby authorised to grant, or unless the absence is occasioned by illness or unavoidable cause;

(e) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(f) if he is convicted in New South Wales of a felony or misdemeanour, which is punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be a felony or misdemeanour so punishable;

(g) if he resigns his office by writing under his hand addressed to the Governor;

(h) if he declines office;

(i) if he is removed from office by the Governor; or

(j) upon his attaining the age of sixty-five years.

(2) The Governor may, for any cause which appears to him to be sufficient, remove any member from office.

Public Service Act, 1902, not to apply.

4. The provisions of the Public Service Act, 1902, do not apply to or in respect of the appointment of a member and a member is not, in his capacity as a member, subject to the provisions of that Act during his term of office.

Deputy members.

5. A member may, with the approval of the Minister, nominate in writing a person as his deputy to attend any meeting of the Corporation or of a committee or sub-committee of the Corporation that that member is unable for any reason to attend, and the person so nominated—

(a) shall have and may exercise and perform at that meeting the responsibilities, powers, authorities, duties and functions of the member for whom he is a deputy; and

(b) shall, if he is not otherwise a member, be deemed, for the purposes of that meeting, to be a member.

Meetings.

6. (1) At a meeting of the Corporation two members constitute a quorum.

(2) Any duly convened meeting of the Corporation at which a quorum is present shall be competent to transact any business of the Corporation.

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

(4) The Chairman shall preside at all meetings of the Corporation at which he is present.

(5) If the Chairman is not present at a meeting of the Corporation, a Deputy Chairman, chosen in accordance with the procedure determined for the purpose by the Corporation, shall preside at the meeting.

(6) The person 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.

Minutes.

7. The Corporation shall cause full and accurate minutes to be kept of its proceedings at meetings and submit to the Minister a copy of the minutes of each meeting within one week after the date on which the meeting is held.

Committees and sub-committees.

8. (1) The Corporation may establish committees for the purposes of advising the Corporation upon such matters within the scope of the Corporation's responsibilities, powers, authorities, duties and functions as may be referred to the committees by the Corporation.

(2)

(2) The Corporation, or a committee referred to in subclause (1), with the approval of the Corporation, may establish sub-committees for the purposes of advising the committee upon such matters within the scope of the committee's responsibilities, powers, authorities, duties and functions as may be referred to the sub-committees by the Corporation or by such a committee with the approval of the Corporation.

(3) A person may be appointed to any such committee or sub-committee whether or not he is a member of the Corporation.

(4) The office of member of any such committee or sub-committee shall not, for the purposes of any Act, be deemed to be an office or place of profit under the Crown.

General procedure.

9. Subject to this Act, the procedure for the calling of, and for the conduct of business at, meetings of the Corporation shall be as determined by the Corporation.

Protection from liability.

10. (1) No matter or thing done, and no contract entered into, by the Corporation, and no matter or thing done by a member or by any other person acting under the direction or as delegate of the Corporation shall, if the matter or thing was done, or the contract was entered into, in good faith for the purposes of executing this Act or any other Act, or any Act or part of an Act for the time being declared under section 6 (4) to be an enactment to which section 6 (3) applies, conferring or imposing responsibilities, powers, authorities, duties or functions on the Corporation, subject the member or person so acting personally to any action, liability, claim or demand.

(2) Nothing in subclause (1) exempts any member or other person from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General in the accounts of or relating to the Corporation, and which the member or other person authorised or joined in authorising.

Preservation of rights of members previously public servants, etc.

11. (1) In this clause—

"statutory body" means any body declared under clause 13 to be a statutory body for the purposes of this Schedule;

"superannuation scheme" means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

(2) Subject to subclause (3) and to the terms of his appointment, where a member was, immediately before his appointment as a member—

(a) an officer of the Public Service;

(b)

(b) a contributor to a superannuation scheme;

(c) an officer employed by a statutory body; or

(d) a person in respect of whom provision was made by any Act that he retain any rights accrued or accruing to him as an officer or employee,

he—

(e) shall retain any rights accrued or accruing to him as such an officer, contributor or person;

(f) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as a member; and

(g) shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity,

as if he had continued to be such an officer, contributor or person during his service as a member, and—

(h) his service as a member shall be deemed to be service as an officer or employee for the purpose of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and

(i) he shall be deemed to be an officer or employee, and the Corporation shall be deemed to be his employer, for the purpose of the superannuation scheme to which he is entitled to contribute under this clause.

(3) A member who, but for this subclause, would be entitled under subclause (2) to contribute to a superannuation scheme or to receive any payment, pension or gratuity under that scheme shall not be so entitled upon his becoming (whether upon his appointment as a member or at any later time while he holds office as a member) a contributor to any other superannuation scheme, and the provisions of subclause (2) (i) cease to apply to or in respect of him and the Corporation in any case where he becomes a contributor to such another superannuation scheme.

(4) Subclause (3) does not prevent the payment to a member upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of his resignation, to be an officer or employee for the purposes of that scheme.

(5) A member shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

Member entitled to re-appointment in former employment in certain cases.

12. (1) In this clause—

"retiring age" means—

(a) in relation to a person who was, immediately before his appointment as a member, an officer of the Public Service—the age of sixty years; and

(b) in relation to a person who was, immediately before his appointment as a member, an officer or employee of a statutory body—the age at which officers or employees (being officers or employees of the class to which that person belonged immediately before his appointment as a member), as the case may be, of that statutory body are entitled to retire;

"statutory body" means any body declared under clause 13 to be a statutory body for the purposes of this Schedule.

(2) A person who ceases to be a member, otherwise than pursuant to clause 3 (1) (paragraph (g) excepted), shall, if he has not attained the retiring age, be entitled to be appointed, where, immediately before his appointment as a member, he was—

(a) an officer of the Public Service—to some office in the Public Service; or

(b) an officer or employee of a statutory body—to some office in the service of that body,

not lower in classification and salary than that which he held immediately before his appointment as member.

Declaration of statutory bodies.

13. The Governor may, by proclamation published in the Gazette, declare any body constituted by or under any Act to be a statutory body for the purposes of this Schedule.

Validity of certain actions.

14. No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising a person to act as deputy of a member, or in the place of the Chairman, in accordance with clause 5 or 6 (5), and all things done or omitted by a deputy or a Deputy Chairman while so acting shall be as valid and effectual and shall have the same consequences as if they had been done or omitted by the member or Chairman, as the case may be.

Presumptions.

15. In any proceedings by or against the Corporation no proof shall be required (until evidence is given to the contrary) of—

(a) the constitution of the Corporation;

(b) any resolution of the Corporation;

(c) the appointment of any member; or

(d) the presence of a quorum at any meeting of the Corporation.

SCHEDULE

SCHEDULE 3.

Sec. 11.

MODIFICATION OF THE PUBLIC WORKS ACT, 1912.

The Public Works Act, 1912, shall, for the purposes referred to in section 11, be deemed to be amended—

(a) (i) by omitting from section 53 the words "so seised, possessed or entitled as aforesaid";

(ii) by omitting from section 53 the words "as in the preceding section mentioned" and by inserting instead the words "and may claim compensation in respect of the land resumed and agree to, settle and determine with the Constructing Authority the amount of such compensation";

(iii) by inserting in section 53 (3) after the word "release" the words "and to claim, agree to, and settle and determine with the Constructing Authority the amount of compensation";

(iv) by omitting section 53 (5);

(b) (i) by inserting in section 102 after the word "time" where secondly occurring the words "as the Constructing Authority allows or, in default of any such allowance of further time, within such time";

(ii) by omitting from section 102 the words "and upon the Crown Solicitor";

(iii) by inserting at the end of section 102 the following subsection:—

(2) Upon receipt of such notice of claim, the Constructing Authority shall obtain from its solicitor, or the solicitor to any body corporate acting as agent for the Constructing Authority or a solicitor retained by such a body corporate, a report on the title of the land in respect of which the claim has been served by the claimant.

(c) by omitting from section 103 the words "Crown Solicitor he shall forward the same, together with his report thereon to the Constructing Authority, who" and by inserting instead the words "Constructing Authority it";

(d) by omitting section 124 and by inserting instead the following section :—

124. (1) For the purpose of ascertaining the compensation to be paid, regard shall in every case be had by the Court not only to the value of the land taken but also to the

the damage (if any) caused by the severing of the lands taken from other lands of the owner or by the exercise of any statutory powers by the Constructing Authority otherwise injuriously affecting such other lands and the Court shall assess the compensation according to what it finds to have been the value of such lands, estate or interest at the time the notification was published in the Gazette and without being bound in any way by the amount of the valuation notified to such claimant and without reference to any alteration in such value arising from the construction of any works on the lands taken.

(2) Notwithstanding subsection (1), the Court in ascertaining such compensation shall take into consideration and give effect to, by way of set-off or abatement, any enhancement in the value of the interest of any such owner in any land adjoining the land taken or severed therefrom by the construction of any works on the land taken, but in no case does this subsection operate so as to require any payment to be made by such owner to the Constructing Authority in consideration of such enhancement in value as aforesaid.

(3) Notwithstanding subsection (1), in the case of land under the surface taken or acquired by notification in the Gazette for the purpose of constructing a subterranean tunnel, no compensation shall be allowed or awarded unless—

(a) the surface of the overlying soil is disturbed;

(b) the support of such surface is destroyed or injuriously affected by the construction of such tunnel; or

(c) any mines or underground workings in or adjacent to such land are thereby rendered unworkable or are so affected as aforesaid.

(e) by omitting section 126 (3);

(f) (i) by omitting from section 135 (1) the words "such conveyances" and by inserting instead the words "conveyances or assurances of lands taken";

(ii) by omitting from section 135 (2) the words "incurred on the part as well of the vendor as of the purchaser,".

SCHEDULE

SCHEDULE 4.

Sec. 23.

MODIFICATION OF THE LOCAL GOVERNMENT ACT, 1919.

The Local Government Act, 1919, shall, for the purposes referred to in section 23 (2), be deemed to be amended—

(a) by omitting section 342E (2), (3) and (4);

(b) by inserting after section 342G (5) (b) the following paragraph :—

(c) Where a scheme that applies to land within the Albury area provides that any act, matter or thing specified in the scheme shall be done only with the approval, consent or permission of the responsible authority or shall not be done except with the approval, consent or permission of the responsible authority, the scheme may contain provisions requiring the responsible authority, before giving that approval, consent or permission, to consult with the Development Corporation.

(c) (i) by omitting from section 342N (2) the words "appeal to the Tribunal" and by inserting instead the words "appeal—

(a) where the responsible authority is required by the scheme to consult with the Development Corporation before giving the approval, consent or permission—to the Minister; or

(b) in any other case—to the Tribunal";

(ii) by inserting after section 342N (4) the following subsections :—

(4A) Where an appeal has been made to the Minister under this section, he may—

(a) dismiss the appeal;

(b) allow the appeal either unconditionally or subject to such conditions as he thinks proper to impose; or

(c) where the appeal is against the imposition of conditions, refuse to approve the application referred to in the appeal,

but before deciding the appeal, he shall, if either the appellant or the council so desire, afford him or it an opportunity of appearing personally or by counsel, solicitor or agent before, and being heard by, a person appointed by the Minister for the purpose.

(4B) The decision of the Minister under subsection (4A) shall be final and shall have effect as if it were a decision of the council.

(d)

(d) (i) by inserting in section 342v (3) (c) after the word "prescribed" the words "or, without affecting the generality of the foregoing, where the order applies to land within the Albury Area, with the Development Corporation";

(ii) by omitting from section 342v (5) (a) the word "and";

(iii) by inserting after section 342v (5) (a) the following paragraph:—

(ai) where the application is one in respect of which the council is required to consult with the Development Corporation, appeal to the Minister; and

(iv) by inserting after section 342v (6) the following subsections :—

(7) Where an appeal has been made to the Minister under subsection (5), he, after taking into consideration any offer by the council to make a contribution under subsection (4), may—

(a) dismiss the appeal;

(b) allow the appeal either unconditionally or subject to such conditions as he thinks proper to impose; or

(c) where the appeal is against the imposition of conditions, refuse to approve the application referred to in the appeal,

but before deciding the appeal, he shall, if either the appellant or the council so desires, afford him or it an opportunity of appearing personally or by counsel, solicitor or agent before, and being heard by, a person appointed by the Minister for the purpose.

(8) The decision of the Minister under subsection (7) shall be final and shall have effect as if it were a decision of the council.

(e) by omitting Division 14.

SCHEDULE 5.

Sec. 36.

PROVISIONS RELATING TO LOANS.

Reserves for repayments.

1. (1) The Corporation shall establish a reserve for loan repayment fund in respect of each loan or renewal loan raised by the Corporation.

(2) The Corporation shall, during each year, transfer from the revenue of the Corporation to each such fund a sum not less than the sum that the Corporation in its application for approval of the loan, specified that it proposed to transfer to that fund.

(3) Money held as a reserve for loan repayment may be invested in Government securities of the Commonwealth or the State of New South Wales or in debentures, bonds, inscribed stock or other prescribed securities in any loan of the Corporation or in any securities guaranteed by the Government of that State or in such other securities as the Governor may approve or as may be prescribed, in each case at their current market price.

(4) Any interest or profits realized on any such investment shall be added to and form part of the reserve for loan repayment fund from which the investments were made.

(5) All money paid into the reserve for loan repayment fund in respect of any loan or renewal loan may be applied in or towards repayment of any other loan or renewal loan but may not be applied for any other purpose until the loan or renewal loan in respect of which the fund has been established has been repaid.

(6) Where the Corporation decides to cancel debentures, bonds, inscribed stock or other prescribed securities purchased from the reserve for repayment of the loan for which they were issued, the Corporation shall, in addition to the sum otherwise payable to the reserve for repayment of that loan and subject to any agreement to which it is a party whereby it undertakes to pay interest at a higher rate to that reserve, pay to that reserve interest at the rate of four and a half per centum per annum on the face value of the cancelled securities from the date of their cancellation until the maturity of the loan.

(7) If, after a loan has been repaid, there remains in the reserve for repayment of that loan any balance, that balance shall form part of the general funds of the Corporation.

(8) A reserve for loan repayment fund shall not be subject to seizure in satisfaction of any debt other than the loan in respect of which the reserve was created.

(9) This section shall not apply to any loan to be repaid by instalments at intervals of one year or less.

Debentures, etc.

2. (1) For securing repayment of the principal and interest on any money borrowed, the Corporation may, as provided by the regulations, issue debentures, bonds, inscribed stock or other prescribed securities.

(2) Every such debenture or bond and every coupon originally annexed to the debenture or bond, and whether separated therefrom or not, may be transferred by simple delivery.

(3) Inscribed stock shall be transferable in the books of the Corporation in accordance with the regulations.

(4) Debentures, bonds, inscribed stock or prescribed securities issued under this Act shall, as regards both the issue and transfer thereof for full consideration or money or money's worth, be deemed to be included in the general exemptions from stamp duty under Part III of the Stamp Duties Act, 1920, contained in the Second Schedule to that Act.

Payment of debentures and coupons.

3. (1) The holder of a coupon originally annexed to a debenture or bond, and whether separated therefrom or not, shall be entitled to receive payment from the Corporation of the interest specified in the coupon on its presentation on or after the date when, and at the place where, the interest is payable.

(2) The due repayment of any loan in respect of which debentures, bonds, stock or any other prescribed securities have been issued by the Corporation, and the interest thereon, shall be a charge upon the income and revenue of the Corporation from whatever source arising and is hereby guaranteed by the Government.

(3) Any liability arising under the guarantee given by subclause (2) shall be discharged out of money provided by Parliament.

(4) The charge created by subclause (2) shall not prejudice or affect any power of the Corporation to sell, convey, lease or otherwise deal with, free of the charge, any property vested in it.

Raising loans in any country.

4. (1) Notwithstanding any other provision of this Act, any money which the Corporation is authorised to borrow may be borrowed by a loan raised, wholly or in part, in such places outside New South Wales as the Governor on the recommendation of the Treasurer may approve, and may be negotiated and raised in any currency.

(2) Any such loan may be raised wholly or in part by the issue of debentures, bonds, stock or other securities in any form and contain any term, condition or provision permitted under the law of the place where the loan is raised and the Corporation may establish and conduct in that place registries relating to the securities issued in respect of that loan.

(3) The Corporation may, in respect of any such loan, agree that a sinking fund shall be established and controlled at such place and in such manner as may be found necessary or expedient in the circumstances of the case and, where any sinking fund is so established, the provisions of clause 1 shall apply with regard to that loan only in respect of the amount, if any, the repayment of which is not provided for by the sinking fund established under the agreement.

(4) In connection with the raising of any loan under this clause, the Corporation may enter into such agreements as it thinks fit with respect to the form of the debentures, bonds, stock or other securities referred to in subclause (2), or for the sale of those debentures, bonds, stock or other securities, or the granting of an option to purchase those debentures, bonds, stock or other securities, or for services to be performed by any person in Australia or in any other part of the world in connection with that loan or with the issue, management and redemption of or otherwise with respect to those debentures, bonds, stock or other securities, and any such agreement may be upon such terms and conditions and may contain such provisions for the giving or receipt of consideration as the Corporation thinks fit.

(5) Copies of any agreement referred to in subclause (4) shall be forwarded to the Minister who shall cause them to be laid before both Houses of Parliament as soon as possible after the loan is raised.

(6) The Governor may, upon the recommendation of the Corporation, by notification published in the Gazette, appoint two or more persons to enter into for and on behalf of the Corporation all such agreements as the Corporation is by this clause authorised to enter into and to sign, execute or otherwise perfect all such agreements, debentures, bonds, stock or other securities as are by this clause provided for and to do all such things as may be necessary or convenient to be done for the purpose of raising any loan under this Act and may, upon the like recommendation and by a like notification, revoke or vary any such appointment and make any fresh appointment.

(7) The production of a copy of the Gazette containing a notification of any appointment referred to in subclause (6) or the revocation thereof shall, in favour of a lender or of any holder of a security, be conclusive evidence of the appointment or revocation.

(8) All debentures, bonds, stock or other securities, bearing the signatures of the persons so appointed in that behalf, shall be deemed to be securities lawfully issued under the seal of the Corporation and the principal money and interest secured thereby shall be a charge upon the income and revenue of the Corporation from whatever source arising, and the due repayment of that principal money and that interest is hereby guaranteed by the Government, and all agreements and any instruments purporting to be made or issued under the authority of this clause and bearing the signatures of those persons shall be deemed to have been lawfully made or issued by the Corporation and, if they purport to have been sealed by those persons, to have been lawfully executed by the Corporation under seal.

(9) A holder of any such debenture, bond, stock or other security shall not be bound to inquire whether the issue of the debenture, bond, stock or security was, in fact, duly authorised.

(10) Subject to this clause and the law in force in the place where any loan is raised under this clause and applicable to that loan and the securities issued in connection therewith, the provisions of this Schedule, other than clauses 2 (1), 6 (3) and 6 (4), shall apply to and in respect of that loan and those securities in the same way as they apply to and in respect of any other loan and any other securities.

Trustees.

5. (1) Any trustee, unless expressly forbidden by any instrument creating the trust, may invest any trust money in his hands in stock inscribed by the Corporation or in any debentures, bonds or other securities issued in accordance with this Act, and the investment shall be deemed to be an investment authorised by the Trustee Act, 1925.

(2) Any debenture or bond issued, stock inscribed, or other security issued, in pursuance of this Act, shall be a lawful investment for any money which any company, council or body corporate, incorporated by any Act, is authorised or directed to invest in addition to any other investment authorised for the investment of that money.

(3) No notice of any express, implied or constructive trust shall be received by the Corporation or by any officer of the Corporation in relation to any debenture or coupon issued or stock inscribed by the Corporation.

Lost debentures.

6. (1) If any debenture or bond issued by the Corporation is lost, destroyed or defaced before it has been redeemed the Corporation may, subject to the provisions of this clause, issue a new debenture or bond in its place.

(2) A new debenture or bond, issued under subclause (1) with interest coupon annexed, shall bear the same date, number, principal sum and rate of interest as the lost, destroyed or defaced debenture or bond.

(3) Where a debenture or bond is lost or destroyed, a new debenture or bond shall not be issued unless—

(a) it has been established to the satisfaction of the Supreme Court that the debenture or bond has been lost or destroyed before redemption;

(b) such advertisements as the Court may direct have been published;

(c)

(c) six months have elapsed since the publication of the last of those advertisements; and

(d) sufficient security has been given to the Corporation to indemnify it against any double payment if the missing debenture or bond is presented for redemption.

(4) Where a debenture or bond is defaced, a new debenture or bond shall not be issued unless and until the defaced debenture or bond is lodged with the Corporation for cancellation.

(5) The provisions of this clause shall apply to and in respect of the case of a lost, destroyed or defaced coupon in the same way as they apply to and in respect of a lost, destroyed or defaced debenture or bond.

(6) Notwithstanding any other provision of this clause, in the case of loss, theft, destruction, mutilation or defacement of any debenture or bond issued under clause 4, a duplicate or new debenture or bond may be issued upon proof to the satisfaction of the Corporation of the loss, theft or destruction, or upon surrender of the mutilated or defaced debenture or bond, as the case may be, and upon the Corporation receiving security or indemnity satisfactory to it against double payment if the missing debenture or bond be at any time thereafter presented for payment.

Protection of investors.

7. (1) A person advancing money to the Corporation shall not be bound to inquire into the application of the money advanced or be in any way responsible for its non-application or misapplication.

(2) A notification in the Gazette of the approval of the Governor having been given to a borrowing by the Corporation shall, in favour of a lender and of any holder of any security given by the Corporation, be conclusive evidence that all conditions precedent to the borrowing have been complied with and, where the approval notified is to a borrowing by the Corporation in a place outside New South Wales and in a particular currency, shall also be conclusive evidence in favour of those persons of the approval of the Governor to the borrowing in the place and in the currency specified in the notification.

Securities rank equally.

8. All debentures, bonds, stock or other securities which are secured upon the income and revenue of the Corporation shall rank pari passu without any preference one above another by reason of priority of date or otherwise.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974
[60c]

PROOF

ALBURY-WODONGA DEVELOPMENT BILL, 1974

EXPLANATORY NOTE

THE objects of this Bill are—

(a) to approve the Albury-Wodonga Area Development Agreement made between the Commonwealth and the States of New South Wales and Victoria, and to authorise its provisions to be implemented in New South Wales;

(b) to constitute a corporation under the name of the Albury-Wodonga (New South Wales) Corporation (hereinafter referred to as "the Corporation"), consisting of a Chairman and two other members to be appointed by the Governor;

(c) to confer and impose on the Corporation certain powers and duties relating to the growth and development of the Albury Area, including powers to—

  (i) acquire land, by purchase, resumption or otherwise;

  (ii) provide services in connection with any such land; and

  (iii) erect buildings on any such land;

(d) to empower the Albury-Wodonga Development Corporation (hereinafter referred to as "the Development Corporation"), established under the Albury-Wodonga Development Act 1973 of the Parliament of the Commonwealth, to prepare, supervise and carry out planning schemes and interim development orders in certain parts of the Albury Area and to exercise and discharge certain other powers and duties;

(e) to provide for the determination by the Minister of appeals arising in relation to certain approvals, consents or permissions under any such schemes or orders;

(f) to provide for the transfer of certain powers and duties of councils to the Corporation;

(g) to provide for the Corporation to enter into arrangements with the Development Corporation respecting the exercise or discharge of any of the Corporation's powers and duties by the Development Corporation;

(h) to provide for the consolidation of interim development orders applying to land in the Albury Area and to validate any consolidations made before the commencement of the proposed Act; and

(i) to make other provisions of a minor, consequential or ancillary nature.

PROOF

No. , 1974.

A BILL

Relating to the growth and development of the Albury Area; to approve an Agreement between the Commonwealth and the States of New South Wales and Victoria in relation to the Albury-Wodonga Area; to constitute the Albury-Wodonga (New South Wales) Corporation; to confer and impose certain responsibilities, powers, authorities, duties and functions on that Corporation and on the Albury-Wodonga Development Corporation established under the law of the Commonwealth; to validate certain matters; and for purposes connected therewith.

[MR BRUXNER—26 *March*, 1974.]

BE

50409 147—A

Albury-Wodonga Development.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the "Albury-Wodonga Development Act, 1974".

Commencement.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Sections 21, 22, 23 and 24 shall commence on—

(a) where the day on which a notice under section 8 of the Albury-Wodonga Development Act 1973 of the Parliament of the Commonwealth is published in the Australian Government Gazette that declares this Act to be complementary to that Act and the appointed day are the same day—that day; or

(b) in any other case—on the appointed day or on the day on which that notice is so published, whichever is the later.

(3) Except as provided in subsections (1) and (2), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Division of Act.

3. This Act is divided as follows :—

PART I.—PRELIMINARY—*ss.* 1–4.

PART II.—APPROVAL OF THE AGREEMENT—*s.* 5.

PART III.—CONSTITUTION OF THE ALBURY-WODONGA (NEW SOUTH WALES) CORPORATION—*ss.* 6–8.

PART IV.—RESPONSIBILITIES, POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE CORPORATION—*ss.* 9–20.

PART V.—PROVISIONS RESPECTING THE DEVELOPMENT CORPORATION AND OTHER MATTERS—*ss.* 21–26.

PART VI.—FINANCE—*ss.* 27–32.

PART VII.—GENERAL—*ss.* 33–45.

SCHEDULE 1.—ALBURY-WODONGA AREA DEVELOPMENT AGREEMENT.

SCHEDULE 2.—PROVISIONS RELATING TO THE CONSTITUTION AND PROCEDURE OF THE CORPORATION.

SCHEDULE 3.—MODIFICATION OF THE PUBLIC WORKS ACT, 1912.

SCHEDULE 4.—MODIFICATION OF THE LOCAL GOVERNMENT ACT, 1919.

SCHEDULE 5.—PROVISIONS RELATING TO LOANS.

Interpretation.

4. In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

"Agreement" means the Agreement approved by section 5;

"Albury Area" means such part of the Albury-Wodonga Area as is within the State of New South Wales;

"Albury-Wodonga Area" has the meaning ascribed to "the Area" in the Agreement;

"appointed

"appointed day" means the day appointed and notified under section 2 (3);

"Authority" means The State Planning Authority of New South Wales constituted by the State Planning Authority Act, 1963;

"building" includes any structure or any part thereof;

"Chairman" means the Chairman of the Corporation;

"Corporation" means the Albury-Wodonga (New South Wales) Corporation constituted by this Act;

"council" has the meaning ascribed thereto in the Local Government Act, 1919;

"designated area" means an area of land in respect of which a declaration under section 25 is for the time being in force;

"Development Corporation" means the Albury-Wodonga Development Corporation established by the Albury-Wodonga Development Act 1973 of the Parliament of the Commonwealth;

"growth complex" means the growth complex referred to in the Agreement;

"interim development order" has the meaning ascribed thereto in section 342T of the Local Government Act, 1919;

"local government area" has the meaning ascribed thereto in the Local Government Act, 1919;

"member" means a member of the Corporation;

"Ministerial Council" means the Ministerial Council referred to in the Agreement;

"officer of the Corporation" means a person in respect of whom an arrangement under section 18 is for the time being in force;

"planning scheme" means a scheme prescribed under Part XIIA of the Local Government Act, 1919;

"public

"public authority" means any public or local authority constituted by or under an Act other than this Act;

"regulations" means regulations made under this Act.

PART II.

APPROVAL OF THE AGREEMENT.

5. (1) The Albury-Wodonga Area Development Agreement, a copy of which is set out in Schedule 1, is approved. Approval of Agreement.

(2) The execution of the Agreement by the Honourable Sir Robert Askin for and on behalf of the State of New South Wales is ratified.

PART III.

CONSTITUTION OF THE ALBURY-WODONGA (NEW SOUTH WALES) CORPORATION.

6. (1) There is hereby constituted a corporation under the corporate name "Albury-Wodonga (New South Wales) Corporation". The Corporation.

(2) For the purposes of any Act, the Corporation shall be deemed to be a statutory body representing the Crown.

(3) The Corporation shall have and may exercise and discharge the responsibilities, powers, authorities, duties and functions conferred or imposed on it—

(a) by or under this or any other Act; or

(b) by an Act or part of an Act of the Parliament of the Commonwealth or of Victoria, being an Act or part for the time being declared under subsection (4) to be an enactment to which this subsection applies.

(4) Where it appears to the Minister that an Act of the Parliament of the Commonwealth or of Victoria, or part of such an Act, confers or imposes a responsibility, power, authority, duty or function on the Corporation, the Minister may, if he thinks fit, by order published in the Gazette, declare that Act or that part of that Act, as the case may be, to be an enactment to which subsection (3) applies.

General provisions relating to the Corporation.

7. (1) The Corporation shall consist of three members, namely—

(a) a Chairman; and

(b) two Deputy Chairmen,

to be appointed by the Governor.

(2) The Chairman shall be subject in all respects to the control and direction of the Minister in the exercise and discharge of his responsibilities, powers, authorities, duties and functions.

(3) Schedule 2 has effect.

Corporation to comply with Agreement and directions of Ministerial Council.

8. The Corporation shall comply with—

(a) the provisions of the Agreement; and

(b)

(b) 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.

PART IV

RESPONSIBILITIES, POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE CORPORATION.

General powers of the Corporation.

9. (1) Subject to this Act, the Corporation is charged with the responsibility of acquiring and managing land for the purposes of the growth complex and encouraging and assisting development in designated areas.

(2) Without affecting the generality of subsection (1), the Corporation may—

(a) cause surveys to be made, and plans of survey to be prepared, in relation to any land vested in the Corporation;

(b) by notification published in the Gazette, with the approval of the Minister, close or realign any public road, or part thereof, within or adjoining or in the vicinity or for the purposes of the growth complex;

(c) demolish, or cause to be demolished, any building within or adjoining or in the vicinity of the growth complex of which it has exclusive possession;

(d) provide, or arrange, on such terms and conditions as may be agreed upon, for the location or relocation of, utility services within or adjoining or in the vicinity of the growth complex;

(e) set apart land as sites for buildings or works or for religious, charitable or municipal purposes;

(f) subdivide and re-subdivide land, and consolidate subdivided or re-subdivided land, vested in the Corporation;

(g) set out and construct roads on land vested in the Corporation;

(h) erect, alter, repair and renovate buildings on and make other improvements to land vested in the Corporation or on any other land with the consent of the person in whom it is vested;

(i) cause any work to be done on or in relation to any land vested in the Corporation, or on any other land with the consent of the person in whom it is vested, for the purpose of rendering it fit to be used for any purpose for which it may be used under any interim development order or planning scheme applying to the land; and

(j) without affecting the generality of the foregoing provisions of this subsection, do all things, whether of the same or of a different kind or nature, necessary or desirable for the management and servicing of the growth complex in accordance with the Corporation's powers.

(3) Notwithstanding anything in any Act, upon the publication, pursuant to subsection (2) (b), of a notification closing a public road or part thereof, the estate or interest therein of any person or public authority shall vest in the Corporation, freed and discharged from any trusts affecting it immediately before that publication and freed and discharged from any rights of the public or any person thereto as a public road or highway.

Provisions respecting acquisition of land.

10. Without affecting the generality of section 9, the Corporation may, for the purposes of the growth complex, acquire land (including land previously appropriated or resumed for any purpose) by lease or purchase or by resumption or appropriation in accordance with this Act, being—

(a) land within designated areas;

(b) land outside designated areas which the Corporation considers should be made available in the public interest for any purpose of the growth complex;

(c) land of which that proposed to be acquired under this Act forms part; or

(d) land adjoining or in the vicinity of any land proposed to be acquired under this Act.

Resumption.

11. (1) Resumption or appropriation for the purposes of this Act shall be effected by the Governor under the Public Works Act, 1912, and, without affecting the generality of the foregoing, appropriation under that Act may be effected in respect of any land vested in Her Majesty or any person in trust for Her Majesty.

(2) Such a resumption or appropriation shall be deemed to be for an authorised work and the Corporation shall be deemed to be the Constructing Authority.

(3) Notwithstanding subsection (1), sections 34, 35, 36 and 37 of the Public Works Act, 1912, do not apply in respect of the expenditure on any works constructed in pursuance of this Act, but section 38 of that Act applies in respect of that expenditure.

(4) For the purposes of this section and not otherwise, Schedule 3 has effect.

(5) Notwithstanding anything in this section and Schedule 3, where any land to be so resumed is designated land within the meaning of the Growth Centres (Land Acquisition) Act, 1974, that Act applies to and in respect of that resumption as if this Act had been enacted before the commencement of that Act.

Disposal of land.

12. (1) The Corporation may, with the approval of the Minister and subject to such terms and conditions as the Minister may attach to his approval, sell, lease, exchange or otherwise deal with or dispose of land vested in the Corporation, and may, with the like approval and subject to the like terms and conditions, grant easements or rights-of-way over that land or any part thereof.

(2) Notwithstanding subsection (1), the approval of the Minister shall not be required for a lease of land by the Corporation for a term which is less than three years.

Dedication of land.

13. (1) The Corporation may, by notification published in the Gazette, declare that it proposes to surrender to Her Majesty land described or referred to in the notification to be dedicated for any public purpose specified in the notification or, if so specified in the notification, as a public road.

(2) Upon the surrender of land described or referred to in a notification published pursuant to subsection (1), the land so described or referred to shall be Crown land reserved from sale or lease generally and, upon revocation of the reservation, may be dedicated under the Crown Lands Consolidation Act, 1913, for the public purpose specified in the notification or, as the case may require, under the Public Roads Act 1902 as a public road.

(3) The Corporation may, in a notification published pursuant to subsection (1), limit the description of, or reference to, land to a specified depth below the surface thereof and, where such a description or reference is so limited, subsection (2) does not apply to or in respect of land below the depth so specified.

Covenants in leases.

14. (1) Subject to this section, where the lease of any land set apart as the site for a building under section 9 (2) (e) (in this section referred to as "the building site") contains a covenant on the part of the lessee not to commence the erection of a building on the building site, or any work preparatory or incidental thereto, without the written consent of the Corporation—

(a) the Corporation may give its consent upon the application of a person entitled to apply to a council for its approval to the erection of a building on the building site; and

(b) the Corporation may impose conditions in giving its consent.

(2) The Corporation shall not give a consent pursuant to subsection (1) unless—

(a) the application therefor is accompanied by such plans and specifications of the building in respect of which the consent is sought, and such other information in respect of that building, as may be prescribed or as the Corporation may require; and

(b) the application therefor and the accompanying plans and specifications and other information disclose that the building in all respects will be in conformity

with

with the planning scheme or interim development order that applies to or in respect of the building site and with the proposals of the Corporation as to—

(i) the use to which the building will be put;

(ii) the height and general external design and appearance of the building;

(iii) the area of the building site to be covered by the building; and

(iv) the situation of the building in relation to the boundaries of the building site.

(3) Where a covenant, condition or stipulation in a lease granted by the Corporation excludes, or is inconsistent with the operation of a provision of an Act passed before or after the appointed day, being a provision whereby, but for this subsection—

(a) a right would be conferred, or an obligation imposed, on a lessor or lessee; or

(b) a covenant, condition or stipulation would be implied, or be deemed to be included, in the lease,

the provision shall not to the extent of the exclusion or inconsistency, but subject to any express provision of the lease, operate in respect of the lease.

Corporation to comply with building standards.

15. (1) Except in so far as the regulations specify different building standards applicable to the Corporation, the Corporation shall comply with the provisions of any ordinance made pursuant to Part XI of the Local Government Act, 1919.

(2) Where the regulations specify building standards, as referred to in subsection (1), the Corporation shall comply with those standards.

(3) The Ministerial Council may, in a particular case, exempt the Corporation from compliance with subsection (1) or (2).

Corporation may enter into contracts.

16. (1) The Corporation may make and enter into contracts with any person for the carrying out of works or the performance of services or the supply of goods or materials in connection with the exercise or discharge by the Corporation of its responsibilities, powers, authorities, duties and functions.

(2) A contract under this section may provide for—

(a) the whole or part of any works to be undertaken by the Corporation;

(b) the whole or any part of the cost of any works to be paid by the Corporation;

(c) a loan to be made by the Corporation to meet the whole or any part of the cost of any works; or

(d) the Corporation to pay the costs of providing any services during a specified period.

(3) A contract under this section shall be deemed for the purposes of the Constitution Act, 1902, to be a contract for or on account of the Public Service of New South Wales.

Corporation may enter into arrangement with other public authorities.

17. (1) The Corporation may enter into an arrangement or agreement with any public authority constituted under the law of New South Wales, of Victoria or of the Commonwealth whereby—

(a) that public authority shall act as agent of the Corporation for the purposes of this Act; or

(b)

(b) the Corporation shall act as agent of that public authority for the purposes of this Act,

on such terms and conditions as are agreed upon between the Corporation and the public authority.

(2) Without affecting the generality of subsection (1), the Authority may, at the request of the Corporation and upon such terms and conditions as may be agreed upon between the Authority and the Corporation, act on behalf of the Corporation in the carrying out of any legal work or other work of any kind in connection with the exercise of any of the Corporation's responsibilities, powers, authorities, duties and functions.

Arrangements as to use of officers or facilities by Corporation.

18. (1) For the purpose of exercising and discharging its responsibilities, powers, authorities, duties and functions, the Corporation may, with the approval of the Minister and of the Department concerned, and on such terms as may be arranged, make use of the services of any officers or employees or the facilities of any Government Department.

(2) For the like purpose, the Corporation may, with the approval of the Minister and of the public authority, Department or statutory body concerned, and on such terms as may be arranged, make use of the services of any officers, employees or servants or the facilities of any public authority, Government Department of the Commonwealth or of Victoria or statutory body constituted by any Act of the Parliament of the Commonwealth or Victoria.

Consultation and negotiation.

19. In the exercise and discharge of its responsibilities, powers, authorities, duties and functions, the Corporation shall, as far as practicable—

(a) consult with public authorities whose responsibilities, powers, authorities, duties and functions include those of the same or of a similar nature; and

(b) negotiate with any such authorities for the purpose of arranging or providing services and facilities in the growth complex.

Council powers may be transferred to the Corporation.

20. (1) The Corporation may request a council, the local government area, or part of the local government area, of which is in a designated area, to agree to transfer all or any of its powers (other than its powers to borrow money under Division 4 of Part VII of that Act), authorities, duties and functions under the Local Government Act, 1919, in relation to that designated area to the Corporation for a specified period.

(2) Notwithstanding anything in any Act, the council is hereby authorised and empowered to enter into an agreement under this section and may do or suffer anything necessary or expedient for carrying any such agreement into effect.

(3) An agreement under this section operates so as to transfer to the Corporation, in accordance with that agreement, the powers, authorities, duties and functions referred to therein.

(4) Where the Corporation requests a council to enter into an agreement under this section and the council refuses or fails within a reasonable time to do so, or where the Corporation and the council fail to agree upon the terms of the agreement, the Corporation or the council may refer the matter to the Minister for Local Government.

(5) The Minister for Local Government may refer the matter to the Governor, who may determine the terms which are to apply between the parties.

(6) The terms determined under subsection (5) shall be deemed to be an agreement entered into by the Corporation and the council.

(7) Where a council transfers its powers to make and levy rates in a designated area to the Corporation, it may be a condition of the agreement that the council receive from the Corporation financial assistance to compensate the council for adverse financial effects on the council created by the acquisition of land in the council's local government area by the Corporation.

(8) The provisions of the Local Government Act, 1919, with such adaptations as are necessary, apply to and in relation to the exercise of powers and authorities, or the carrying out of duties and functions, transferred to the Corporation under this section as if the Corporation were a council and the designated area formed part of that council's local government area.

(9) While the Corporation has any power, authority, duty or function transferred to it by a council under this section, the council does not have that power, authority, duty or function and is not under any obligation in relation thereto.

PART

PART V.

PROVISIONS RESPECTING THE DEVELOPMENT CORPORATION AND OTHER MATTERS.

Power of Development Corporation to exercise powers, etc., under Agreement.

21. For the purpose only of giving effect to the Agreement, the Development Corporation may—

(a) do in the State of New South Wales all such acts, matters and things as the Agreement permits or requires the Development Corporation to do; and

(b) exercise in the State of New South Wales all such powers and authorities as may be necessary to enable the provisions of the Agreement to be carried out in their entirety.

Investigations and plans.

22. Without affecting the generality of section 21, the Development Corporation may carry out investigations, consult with planning authorities in the Albury Area and prepare plans for the purpose of co-ordinating planning in the Albury-Wodonga Area.

Planning schemes and interim development orders.

23. (1) In the application of Part XIIA of the Local Government Act, 1919, to and in respect of land within a designated area or designated areas, that Part applies to and in respect of the Development Corporation as if—

(a) the Development Corporation were a council; and

(b) the designated area or designated areas were that council's local government area,

but a reference in section 342G (5) (a), 342L (2) (b) (iii) or 342V (1A) of that Act to a council does not include a reference to the Development Corporation.

(2) For the purposes of the application of Part XIIA of the Local Government Act, 1919, to and in respect of land within the Albury Area and not otherwise, Schedule 4 has effect.

(3) The Development Corporation may, with respect to land in a designated area or designated areas, prepare a proposed interim development order for consideration by the Minister for Local Government.

(4) Where a responsible authority is required by a planning scheme to consult, as referred to in section 342G (5) (c) of the Local Government Act, 1919, as deemed to be amended by Schedule 4, with the Development Corporation before giving an approval, consent or permission, and a difference arises between the responsible authority and the Development Corporation in relation to the matter, the responsible authority shall not give the approval, consent or permission until the difference is determined.

(5) Where a council is required by an interim development order to consult, as referred to in section 342V (3) (c) of the Local Government Act, 1919, as deemed to be amended by Schedule 4, with the Development Corporation before dealing with an interim development application, and a difference arises between the council and the Development Corporation in relation to the matter, the council shall not grant the application unconditionally or subject to conditions, under section 342V (1A) of that Act, until the difference is determined.

(6) Any approval, consent or permission given in contravention of subsection (4) or (5) has no force or effect.

(7) The Development Corporation or the council may submit any difference referred to in subsection (4) or (5) to the Minister, who may refer the matter for inquiry to some person appointed by him in that behalf, or may himself make an inquiry.

(8) The Minister may determine any difference referred to him under subsection (7) in such manner as in the public interest and in the circumstances of the case may seem to him just and equitable.

(9) In Schedule 4, "Albury Area", "designated area" and "Development Corporation" have the meanings respectively ascribed thereto in section 4.

(10) A reference in a part of Schedule 4 to the Minister is a reference to the Minister for the time being administering that part.

Arrangements between Corporation and Development Corporation.

24. The Corporation shall, at the request of the Development Corporation, enter into an arrangement or arrangements with the Development Corporation providing for the Development Corporation to carry out or to make provision with respect to the carrying out of works (including the erection, alteration, repair and renovation of buildings and the provision of services) on land vested in or under the control of the Corporation in a designated area or on land vested in the Corporation outside a designated area or of works which the Corporation has undertaken or is empowered to carry out pursuant to an agreement with a public authority.

Designated areas.

25. (1) The Governor may—

(a) by proclamation published in the Gazette, declare any area of land wholly within the Albury Area and specified or described therein to be a designated area; and

(b) if he thinks fit, specify in that declaration the name by which that area is to be known,

for the purposes of this Act and the Agreement.

(2)

(2) A declaration under subsection (1) shall be made only with the prior approval of the Governor-General and the Governor of the State of Victoria.

(3) A reference in subsection (2) to—

(a) the Governor-General is a reference to the person referred to in clause 3 (6) (a) of the Agreement; and

(b) the Governor of the State of Victoria is a reference to the person referred to in clause 3 (6) (c) of the Agreement.

(4) A declaration under subsection (1) may be revoked, amended or varied by proclamation published in the Gazette.

Arrangements between the Governor and the Governor-General with regard to officers and employees.

26. (1) The Governor may enter into an arrangement with the Governor-General making available the services of officers or employees of the Public Service or of a public authority (other than a council) to the Development Corporation.

(2) Any such arrangement may provide for the rate of payment to be made by the Development Corporation for the services performed by the officer or employee and any other matters which may require to be adjusted with regard to the performance of those services by the officer or employee.

PART

PART VI.

FINANCE.

Accounts.

27. (1) The Corporation shall cause to be kept proper accounts and records in relation to all of its operations and shall, as soon as practicable after the thirtieth day of June in each year, prepare and submit to the Minister for presentation to Parliament a statement of accounts in a form approved by the Auditor-General, exhibiting a true and correct view of the financial position and transactions of the Corporation.

(2) The Minister shall lay the statement of accounts, or cause it to be laid, before each House of Parliament as soon as practicable after the receipt by him of the statement.

(3) The Corporation shall, if the Minister so directs, cause accounts to be kept with banks at such place or places as the Minister may from time to time determine.

Audit.

28. (1) The accounts of the Corporation shall be audited by the Auditor-General, who shall have in respect thereof all the powers conferred on him by any law for the time being in force relating to the audit of public accounts.

(2) The Audit Act, 1902, shall apply to members and officers of the Corporation in the same way as it applies to accounting officers of public departments.

(3) The Auditor-General shall report to the Corporation and the Minister—

(a) whether in his opinion—

(i) due provision has been made for the repayment of loans;

(ii) the value of assets has (so far as he can judge) been in all cases fairly stated;

(iii) due diligence and care have been shown in the collection and banking of income;

(iv) expenditure incurred has been duly authorised, vouched and supervised;

(v) proper account has been kept of plant, stores and materials; and

(vi) any of the money or other property of the Corporation or over which it has control has been misappropriated or improperly or irregularly dealt with; and

(b) as to any other matters which in his judgment call for special notice or which are prescribed.

(4) Towards defraying the costs and expenses of any such audit, the Corporation shall pay to the Consolidated Revenue Fund such amounts, at such times, as the Treasurer decides.

Surplus funds.

29. The Treasurer may at any time require the Corporation to pay from accumulated funds to the credit of the Consolidated Revenue Fund such amounts as he may determine and notify to the Corporation as being surplus to the requirements of the Corporation from time to time.

Investment.

30. The Corporation may invest money held by it in Government securities of the Commonwealth or of the State of New South Wales or in any securities guaranteed by the Government of that State, or on call or on fixed deposit, or partly on call and partly on fixed deposit, with the Treasurer or with any bank or in such other securities as the Governor approves or as are prescribed.

31.

Temporary accommodation.

31. (1) For the temporary accommodation of the Corporation, it may obtain advances by overdraft of current account in any bank or banks upon the credit of the Corporation's funds to such extent as may, from time to time, be approved by the Governor.

(2) The Treasurer may advance such money to the Corporation, on such terms and conditions as to repayment and interest, as may be agreed upon.

Borrowing.

32. (1) The Corporation may from time to time, with the concurrence of the Treasurer and the approval of the Governor, borrow money for—

(a) the purpose of carrying out and discharging any of its responsibilities, powers, authorities, duties and functions;

(b) the renewal of loans;

(c) the discharge or partial discharge of any loan or any indebtedness to the Treasurer or to any bank; or

(d) any other purpose of this Act.

(2) Schedule 5 has effect.

PART VII.

GENERAL.

Powers of public authorities.

33. Notwithstanding anything in any other Act, any public authority is hereby authorised and empowered to enter into agreements for the purposes of this Act with the Corporation or the Development Corporation and may do or suffer anything necessary or expedient for carrying any such agreement into effect.

34.

Disputes between the Corporation and a council.

34. (1) If any difference, whether arising out of the construction of this Act or not, arises between the Corporation and a council, with respect to the carrying out of the provisions of this Act or with respect to the fulfilment and exercise of the Corporation's responsibilities, powers, authorities, duties, functions or privileges, the Corporation or the council may submit the difference to the Minister, who may refer the matter for inquiry to some person appointed by him in that behalf, or may himself make an inquiry.

(2) The Minister, after consultation with the Minister for Local Government, may thereupon make such order as in the public interest and in the circumstances of the case may seem to him just and equitable, and by the order may direct the payment of any costs and expenses incidental to the conduct of the inquiry.

(3) Any such order may, upon the application of the Minister, the Corporation or the council, by leave of the Supreme Court, be enforced in the same manner as a judgment or order of the Supreme Court to the same effect.

(4) If any such difference arises between the Corporation and any Government Department, the parties to the dispute may mutually agree to submit the matter in dispute to the Minister, and in any such case the provisions of this section shall apply to the settlement of the dispute as if the dispute were between the Corporation and a council.

Consolidation of interim development orders.

35. (1) Notwithstanding anything in the Local Government Act, 1919, the Minister may, after consideration of a report by the Authority, by notification published in the Gazette, make an order consolidating two or more interim development orders with respect to any land within the Albury Area in the one instrument, whether with or without alterations that might have been made to any such order had this section not been enacted.

(2)

(2) An order made under subsection (1) shall be deemed to be an interim development order and, for the purposes of Division 7 of Part XIIA of the Local Government Act, 1919, the order shall, to the extent to which it applies to—

(a) land with respect to which, but for this section, an interim development order would be required to be made under section 342U (5A) or 342Y (3) of that Act—be deemed to be an interim development order made as so required; and

(b) other land—be deemed to be an interim development order made otherwise than as so required.

(3) Anything done before the appointed day that would have been valid if this section had been in force when the thing was done is validated.

Misuse of information.

36. (1) Where, through his association with the Corporation, a person has knowledge of specific information relating to proposals made, or to be made, by the Corporation in respect of the use and development of land and that information is not generally known but, if generally known, might reasonably be expected to affect materially the market price of that land, he is guilty of an offence against this Act if he—

(a) deals, directly or indirectly, in that land for the purpose of gaining an advantage for himself by the use of that information; or

(b) divulges that information for the purpose of enabling another person to gain an advantage by using that information to deal, directly or indirectly, in that land,

and is liable to a penalty not exceeding $2,000.

(2)

(2) Where, through his association with the Corporation, a person is in a position to influence proposals made, or to be made, by the Corporation in respect of the use and development of land and does influence the proposals by securing the inclusion or alteration of any matter in, or the exclusion or omission of any matter from, the proposals, he is guilty of an offence against this Act if—

(a) he does so for the purpose of gaining an advantage for himself; or

(b) he does so for the purpose of enabling another person to gain an advantage,

and is liable to a penalty not exceeding $2,000.

(3) Where—

(a) an offence under subsection (1) is committed and an advantage, referred to in that subsection, is gained from any dealing in land to which the offence relates; or

(b) an offence under subsection (2) is committed and an advantage, referred to in that subsection, is gained from any dealing in land which would not have been gained if the proposals concerned had not been influenced,

any person who gained that advantage is, whether or not any person has been prosecuted for or convicted of an offence under subsection (1) or (2), as the case may be, liable to another person for the amount of any loss incurred by that other person by reason of the gaining of that advantage.

(4) Where a loss referred to in subsection (3) is incurred by reason of an advantage gained from a dealing in land, the amount of the loss is the difference between the price at which the dealing was effected and—

(a) in the case of any dealing to which subsection (1) relates, the price that, in the opinion of the court before which it is sought to recover the amount of

the

the loss, would have been the market price of the land at the time of the dealing if the specific information used to gain that advantage had been generally known at that time; or

(b) in any case to which subsection (2) relates, the price that, in the opinion of the court before which it is sought to recover the amount of the loss, would have been the market price of the land at the time of the dealing if the proposals concerned had not been influenced.

(5) An action to recover a loss or profit, referred to in subsection (3), may not be brought after the expiration of five years next succeeding the dealing in land to which the transaction relates.

(6) For the purposes of this section, a person is associated with the Corporation—

(a) if he is a member or officer of the Corporation or a person appointed to a committee or a sub-committee of the Corporation;

(b) if he is an officer or employee of the Department of Decentralisation and Development;

(c) if he is a member or servant of the Authority or a person appointed to a committee or a sub-committee of the Authority established under section 15 of the State Planning Authority Act, 1963, or to a Regional Planning Committee appointed under Part IV of that Act;

(d) if he is an officer or servant of a council;

(e) if he acts or has acted as banker, solicitor, auditor or professional adviser or in any other capacity for the Corporation, the Department of Decentralisation and Development, the Authority or a council; or

(f) where the person, so associated by virtue of paragraph (e), is a body corporate, if he is a director, manager or secretary of that body corporate.

Disclosure of interest.

37. (1) If a member, or a member of a committee or a sub-committee of the Corporation, has an interest, directly or indirectly, in land, proposals in respect of the development or use of which are to be considered by the Corporation, the committee or the sub-committee, as the case may be, or has a pecuniary interest, direct or indirect, in a contract or proposed contract with the Corporation or in any other matter in which the Corporation is concerned and is present at a meeting of the Corporation, the committee or the sub-committee, as the case may be, at which the proposals are or the contract, proposed contract or other matter is the subject of consideration, he shall, at the meeting, as soon as practicable after the commencement thereof, disclose his interest and shall not take part in the consideration or discussion of or vote on any question with respect to the proposals or the contract, proposed contract or other matter.

(2) Notwithstanding subsection (1), this section does not apply to an interest in a contract, proposed contract or other matter which a member of the Corporation, committee or sub-committee may have as a ratepayer to the Corporation or as a consumer of gas, electricity or water supplied to him by the Corporation in like manner and subject to the like conditions as are applicable in the case of persons who are not members of the Corporation, committee or sub-committee or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.

(3) For the purposes of this section, a person shall be treated as having an indirect interest in land or a contract, proposed contract or other matter if—

(a) he or any nominee of his is a member of a company or other body which has an interest in the land, or with which the contract is made or is proposed to be made

made or which has a direct or indirect pecuniary interest in the other matter under consideration; or

(b) he is a partner, or is in the employment of, a person who has an interest in the land, or with whom the contract is made or is proposed to be made or who has a direct or indirect pecuniary interest in the other matter under consideration.

(4) Nothwithstanding subsection (3)—

(a) that subsection does not apply to membership of or employment under any council or statutory body within the meaning of the Local Government Act, 1919;

(b) a member of a company or other body shall not, by reason only of his membership, be treated as being so interested if he has no beneficial interest in any shares of that company or other body; and

(c) a member of a company having not less than twenty-five members shall not be treated as having an interest in land or in any contract or proposed contract with the Corporation or in any other matter in which the Corporation is concerned by reason only that the company has an interest in the land or the contract or proposed contract is with or the other matter concerns the company.

(5) In the case of a married man and his wife who are living together, the interest of one spouse shall, if known to the other, be deemed, for the purposes of this section, to be also an interest of the other spouse.

(6) A general notice in writing to the secretary or the prescribed officer of the Corporation by any member referred to in subsection (1) to the effect that he or his spouse is a member, or is in the employment of a specified company or other body, or that he or his spouse is a partner or in the employment of a specified person shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure

of

of his interest in any land in which that company or other body has an interest or in any contract, proposed contract or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

(7) The secretary or officer referred to in subsection (6) shall record in a book to be kept for the purpose particulars of any disclosure made under subsection (1) and of any notice given under subsection (6) and the book shall be open at all reasonable hours to the inspection of any person on payment of such fees as may be determined by the Corporation from time to time.

(8) Subject to subsection (9), if any person fails to comply with the provisions of subsection (1), he is guilty of an offence against this Act and liable to a penalty not exceeding $400, unless he proves that he did not know that proposals in respect of the development and use of the land in which he had an interest were, or that he did not know that a contract, proposed contract or other matter in which he had a pecuniary interest was, the subject of consideration at the meeting.

(9) The Minister may, subject to such conditions as he thinks fit to impose, remove any disability imposed by subsection (1) in any case in which the number of members referred to in subsection (1) so disabled at any one time would be so great a proportion of the whole of the members of the Corporation or a committee or sub-committee, as the case may be, as to impede the transaction of business, or in any other case in which it appears to the Minister that it is in the public interest that the disability should be removed.

(10) The Corporation or a committee or sub-committee may, by resolution, provide for the exclusion of any member thereof from a meeting of the Corporation, committee or sub-committee, as the case may be, while any proposal in respect of any land or any contract, proposed contract or other matter in which that member has an interest as referred to in this section is under consideration.

(11)

(11) In this section, "shares" includes stock.

(12) The provisions of this section apply to a member of a council in relation to an interest in land that is within a designated area and held by him, directly or indirectly, proposals in respect of the development and use of which are to be considered by the council at a meeting of the council in the same way as they apply to a member of the Corporation having an interest, directly or indirectly, in land, proposals in respect of the development and use of which are to be considered by the Corporation at a meeting of the Corporation.

Proceedings at meetings confidential.

38. A person shall not, unless the Corporation otherwise determines, disclose any information with respect to the business discussed at any meeting of the Corporation or of a committee or of a sub-committee of the Corporation.

Penalty: $2,000.

Delegation.

39. (1) The Corporation may, by instrument in writing under seal, delegate to a member or officer of the Corporation the exercise or performance of such of the Corporation's responsibilities, powers (other than this power of delegation), authorities, duties and functions as may be specified in the instrument of delegation, and may, by such an instrument, revoke wholly or in part any such delegation.

(2) A responsibility, power, authority, duty or function, the exercise or performance of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

(3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the responsibilities, powers,

authorities.

authorities, duties or functions delegated, or as to time or circumstance, as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation under this section, the Corporation may continue to exercise or perform all or any of the responsibilities, powers, authorities, duties or functions delegated.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done or suffered by the Corporation and shall be deemed to have been done or suffered by the Corporation.

(6) An instrument purporting to be signed by a delegate of the Corporation in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Corporation under seal and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Corporation under this section.

Annual report.

40. (1) The Corporation shall, as soon as practicable after the thirtieth day of June in each year, prepare and forward to the Minister a report of its work and activities for the twelve months preceding that day.

(2) The Minister shall lay the report, or cause it to be laid, before each House of Parliament as soon as practicable after the receipt by him of the report.

Service of process.

41. Any notice, summons, writ or other proceeding to be served on the Corporation may be served—

(a) by being left; or

(b)

(b) in the case of a notice, by posting it addressed to the Corporation,

at its office or, if it has more than one office, at one of its offices.

Authentication of process.

42. Every summons, process, demand, order, notice, statement, direction or document requiring authentication by the Corporation may be sufficiently authenticated without the seal of the Corporation if signed by a member.

Penalties.

43. (1) Any penalty imposed by this Act or the regulations may be recovered in a summary manner before a stipendiary magistrate or any two justices of the peace in petty sessions.

(2) Where the penalty is a daily penalty it may be recovered either under a separate information or complaint for each day or under an information or complaint for the sum of the daily penalties.

Recovery of money.

44. Any charge, fee or money due to the Corporation may be recovered as a debt or liquidated demand in a court of competent jurisdiction.

Regulations.

45. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to—

(a) forms including forms of lease for use for the purposes of this Act; and

(b) the payment of fees and travelling and out-of-pocket expenses to members of committees or sub-committees of the Corporation for attending meetings, transacting business of the committees or sub-committees and making inspections for the purposes of this Act.

(2) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

(3) A regulation may—

(a) impose a penalty for any breach thereof and also distinct penalties in case of successive breaches thereof but no such penalty shall exceed $100; and

(b) impose also a daily penalty for any continuing breach thereof not exceeding $10 per day.

SCHEDULE

SCHEDULE 1. Sec. 5.

ALBURY-WODONGA AREA DEVELOPMENT AGREEMENT

Preamble

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23 October 1973

AN

Albury-Wodonga Development.

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 on the thirtieth day of June;

'land'

'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.

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 (5000) square kilometres in total extent contained within the boundaries set out in sub-clause (2) of this clause. Albury–Wodonga area

(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 Northwestern 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 Southwesterly 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-west 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 Southwesterly 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 years

as 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.

(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

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 subclause (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

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 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.

(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

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

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 Australia, in the presence of—

TOM UREN,
Minister for Urban and Regional Development.

E. G. WHITLAM.

SIGNED by the Honourable SIR ROBERT ASKIN, Premier of the State of New South Wales, in the presence of—

JOHN B. FULLER,
Minister for Decentralisation and Development, N.S.W.

R. W. ASKIN.

SIGNED by the Honourable RUPERT JAMES HAMER, Premier of the State of Victoria, in the presence of—

L. E. STONE,
Mayor Rural City of Wodonga.

R. J. HAMER.

SCHEDULE

SCHEDULE 2.

PROVISIONS RELATING TO THE CONSTITUTION AND PROCEDURE OF THE CORPORATION.

Term of office.

1. A member shall be appointed for such term, not exceeding seven years, as is specified in the instrument of appointment and, if otherwise qualified, is eligible for re-appointment.

Person aged 65 years.

2. A person who is of or above the age of sixty-five years shall not be appointed as a member.

Vacation of office.

3. (1) A member shall be deemed to have vacated his office—

(a) if he dies;

(b) if he engages in New South Wales or elsewhere during his term of office in any paid employment outside the duties of his office, otherwise than for the purposes of the Agreement, without the approval of the Minister;

(c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his estate for their benefit;

(d) if he absents himself from duty, otherwise than for the purposes of the Agreement, for a period exceeding fourteen consecutive days, except on leave granted by the Minister, which leave the Minister is hereby authorised to grant, or unless the absence is occasioned by illness or unavoidable cause;

(e) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(f) if he is convicted in New South Wales of a felony or misdemeanour, which is punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be a felony or misdemeanour so punishable;

(g) if he resigns his office by writing under his hand addressed to the Governor;

(h) if he declines office;

(i) if he is removed from office by the Governor; or

(j) upon his attaining the age of sixty-five years.

(2) The Governor may, for any cause which appears to him to be sufficient, remove any member from office.

4. The provisions of the Public Service Act, 1902, do not apply to or in respect of the appointment of a member and a member is not, in his capacity as a member, subject to the provisions of that Act during his term of office. Public Service Act, 1902, not to apply.

5. A member may, with the approval of the Minister, nominate in writing a person as his deputy to attend any meeting of the Corporation or of a committee or sub-committee of the Corporation that that member is unable for any reason to attend, and the person so nominated— Deputy members.

(a) shall have and may exercise and perform at that meeting the responsibilities, powers, authorities, duties and functions of the member for whom he is a deputy; and

(b) shall, if he is not otherwise a member, be deemed, for the purposes of that meeting, to be a member.

6. (1) At a meeting of the Corporation two members constitute a quorum. Meetings.

(2) Any duly convened meeting of the Corporation at which a quorum is present shall be competent to transact any business of the Corporation.

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

(4) The Chairman shall preside at all meetings of the Corporation at which he is present.

(5) If the Chairman is not present at a meeting of the Corporation, a Deputy Chairman, chosen in accordance with the procedure determined for the purpose by the Corporation, shall preside at the meeting.

(6) The person 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.

7. The Corporation shall cause full and accurate minutes to be kept of its proceedings at meetings and submit to the Minister a copy of the minutes of each meeting within one week after the date on which the meeting is held. Minutes.

8. (1) The Corporation may establish committees for the purposes of advising the Corporation upon such matters within the scope of the Corporation's responsibilities, powers, authorities, duties and functions as may be referred to the committees by the Corporation. Committees and sub-committees.

(2)

(2) The Corporation, or a committee referred to in subclause (1), with the approval of the Corporation, may establish sub-committees for the purposes of advising the committee upon such matters within the scope of the committee's responsibilities, powers, authorities, duties and functions as may be referred to the sub-committees by the Corporation or by such a committee with the approval of the Corporation.

(3) A person may be appointed to any such committee or sub-committee whether or not he is a member of the Corporation.

(4) The office of member of any such committee or sub-committee shall not, for the purposes of any Act, be deemed to be an office or place of profit under the Crown.

General procedure.

9. Subject to this Act, the procedure for the calling of, and for the conduct of business at, meetings of the Corporation shall be as determined by the Corporation.

Protection from liability.

10. (1) No matter or thing done, and no contract entered into, by the Corporation, and no matter or thing done by a member or by any other person acting under the direction or as delegate of the Corporation shall, if the matter or thing was done, or the contract was entered into, in good faith for the purposes of executing this Act or any other Act, or any Act or part of an Act for the time being declared under section 6 (4) to be an enactment to which section 6 (3) applies, conferring or imposing responsibilities, powers, authorities, duties or functions on the Corporation, subject the member or person so acting personally to any action, liability, claim or demand.

(2) Nothing in subclause (1) exempts any member or other person from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General in the accounts of or relating to the Corporation, and which the member or other person authorised or joined in authorising.

Preservation of rights of members previously public servants, etc.

11. (1) In this clause—

"statutory body" means any body declared under clause 13 to be a statutory body for the purposes of this Schedule;

"superannuation scheme" means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

(2) Subject to subclause (3) and to the terms of his appointment, where a member was, immediately before his appointment as a member—

(a) an officer of the Public Service;

(b)

(b) a contributor to a superannuation scheme;

(c) an officer employed by a statutory body; or

(d) a person in respect of whom provision was made by any Act that he retain any rights accrued or accruing to him as an officer or employee,

he—

(e) shall retain any rights accrued or accruing to him as such an officer, contributor or person;

(f) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as a member; and

(g) shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity,

as if he had continued to be such an officer, contributor or person during his service as a member, and—

(h) his service as a member shall be deemed to be service as an officer or employee for the purpose of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and

(i) he shall be deemed to be an officer or employee, and the Corporation shall be deemed to be his employer, for the purpose of the superannuation scheme to which he is entitled to contribute under this clause.

(3) A member who, but for this subclause, would be entitled under subclause (2) to contribute to a superannuation scheme or to receive any payment, pension or gratuity under that scheme shall not be so entitled upon his becoming (whether upon his appointment as a member or at any later time while he holds office as a member) a contributor to any other superannuation scheme, and the provisions of subclause (2) (i) cease to apply to or in respect of him and the Corporation in any case where he becomes a contributor to such another superannuation scheme.

(4) Subclause (3) does not prevent the payment to a member upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of his resignation, to be an officer or employee for the purposes of that scheme.

(5) A member shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

Member entitled to re-appointment in former employment in certain cases.

12. (1) In this clause—

"retiring age" means—

(a) in relation to a person who was, immediately before his appointment as a member, an officer of the Public Service—the age of sixty years; and

(b) in relation to a person who was, immediately before his appointment as a member, an officer or employee of a statutory body—the age at which officers or employees (being officers or employees of the class to which that person belonged immediately before his appointment as a member), as the case may be, of that statutory body are entitled to retire;

"statutory body" means any body declared under clause 13 to be a statutory body for the purposes of this Schedule.

(2) A person who ceases to be a member, otherwise than pursuant to clause 3 (1) (paragraph (g) excepted), shall, if he has not attained the retiring age, be entitled to be appointed, where, immediately before his appointment as a member, he was—

(a) an officer of the Public Service—to some office in the Public Service; or

(b) an officer or employee of a statutory body—to some office in the service of that body,

not lower in classification and salary than that which he held immediately before his appointment as member.

Declaration of statutory bodies.

13. The Governor may, by proclamation published in the Gazette, declare any body constituted by or under any Act to be a statutory body for the purposes of this Schedule.

Validity of certain actions.

14. No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising a person to act as deputy of a member, or in the place of the Chairman, in accordance with clause 5 or 6 (5), and all things done or omitted by a deputy or a Deputy Chairman while so acting shall be as valid and effectual and shall have the same consequences as if they had been done or omitted by the member or Chairman, as the case may be.

Presumptions.

15. In any proceedings by or against the Corporation no proof shall be required (until evidence is given to the contrary) of—

(a) the constitution of the Corporation;

(b) any resolution of the Corporation;

(c) the appointment of any member; or

(d) the presence of a quorum at any meeting of the Corporation.

SCHEDULE

SCHEDULE 3.

Sec. 11.

MODIFICATION OF THE PUBLIC WORKS ACT, 1912.

The Public Works Act, 1912, shall, for the purposes referred to in section 11, be deemed to be amended—

(a) (i) by omitting from section 53 the words "so seised, possessed or entitled as aforesaid";

(ii) by omitting from section 53 the words "as in the preceding section mentioned" and by inserting instead the words "and may claim compensation in respect of the land resumed and agree to, settle and determine with the Constructing Authority the amount of such compensation";

(iii) by inserting in section 53 (3) after the word "release" the words "and to claim, agree to, and settle and determine with the Constructing Authority the amount of compensation";

(iv) by omitting section 53 (5);

(b) (i) by inserting in section 102 after the word "time" where secondly occurring the words "as the Constructing Authority allows or, in default of any such allowance of further time, within such time";

(ii) by omitting from section 102 the words "and upon the Crown Solicitor";

(iii) by inserting at the end of section 102 the following subsection:—

(2) Upon receipt of such notice of claim, the Constructing Authority shall obtain from its solicitor, or the solicitor to any body corporate acting as agent for the Constructing Authority or a solicitor retained by such a body corporate, a report on the title of the land in respect of which the claim has been served by the claimant.

(c) by omitting from section 103 the words "Crown Solicitor he shall forward the same, together with his report thereon to the Constructing Authority, who" and by inserting instead the words "Constructing Authority it";

(d) by omitting section 124 and by inserting instead the following section :—

124. (1) For the purpose of ascertaining the compensation to be paid, regard shall in every case be had by the Court not only to the value of the land taken but also to the

the damage (if any) caused by the severing of the lands taken from other lands of the owner or by the exercise of any statutory powers by the Constructing Authority otherwise injuriously affecting such other lands and the Court shall assess the compensation according to what it finds to have been the value of such lands, estate or interest at the time the notification was published in the Gazette and without being bound in any way by the amount of the valuation notified to such claimant and without reference to any alteration in such value arising from the construction of any works on the lands taken.

(2) Notwithstanding subsection (1), the Court in ascertaining such compensation shall take into consideration and give effect to, by way of set-off or abatement, any enhancement in the value of the interest of any such owner in any land adjoining the land taken or severed therefrom by the construction of any works on the land taken, but in no case does this subsection operate so as to require any payment to be made by such owner to the Constructing Authority in consideration of such enhancement in value as aforesaid.

(3) Notwithstanding subsection (1), in the case of land under the surface taken or acquired by notification in the Gazette for the purpose of constructing a subterranean tunnel, no compensation shall be allowed or awarded unless—

(a) the surface of the overlying soil is disturbed;

(b) the support of such surface is destroyed or injuriously affected by the construction of such tunnel; or

(c) any mines or underground workings in or adjacent to such land are thereby rendered unworkable or are so affected as aforesaid.

(e) by omitting section 126 (3);

(f) (i) by omitting from section 135 (1) the words "such conveyances" and by inserting instead the words "conveyances or assurances of lands taken";

(ii) by omitting from section 135 (2) the words "incurred on the part as well of the vendor as of the purchaser,".

SCHEDULE

SCHEDULE 4.

Sec. 23.

MODIFICATION OF THE LOCAL GOVERNMENT ACT, 1919.

The Local Government Act, 1919, shall, for the purposes referred to in section 23 (2), be deemed to be amended—

(a) by omitting section 342E (2), (3) and (4);

(b) by inserting after section 342G (5) (b) the following paragraph :—

(c) Where a scheme that applies to land within the Albury area provides that any act, matter or thing specified in the scheme shall be done only with the approval, consent or permission of the responsible authority or shall not be done except with the approval, consent or permission of the responsible authority, the scheme may contain provisions requiring the responsible authority, before giving that approval, consent or permission, to consult with the Development Corporation.

(c) (i) by omitting from section 342N (2) the words "appeal to the Tribunal" and by inserting instead the words "appeal—

(a) where the responsible authority is required by the scheme to consult with the Development Corporation before giving the approval, consent or permission—to the Minister; or

(b) in any other case—to the Tribunal";

(ii) by inserting after section 342N (4) the following subsections :—

(4A) Where an appeal has been made to the Minister under this section, he may—

(a) dismiss the appeal;

(b) allow the appeal either unconditionally or subject to such conditions as he thinks proper to impose; or

(c) where the appeal is against the imposition of conditions, refuse to approve the application referred to in the appeal,

but before deciding the appeal, he shall, if either the appellant or the council so desire, afford him or it an opportunity of appearing personally or by counsel, solicitor or agent before, and being heard by, a person appointed by the Minister for the purpose.

(4B) The decision of the Minister under subsection (4A) shall be final and shall have effect as if it were a decision of the council.

(d)

(d) (i) by inserting in section 342v (3) (c) after the word "prescribed" the words "or, without affecting the generality of the foregoing, where the order applies to land within the Albury Area, with the Development Corporation";

(ii) by omitting from section 342v (5) (a) the word "and";

(iii) by inserting after section 342v (5) (a) the following paragraph:—

(ai) where the application is one in respect of which the council is required to consult with the Development Corporation, appeal to the Minister; and

(iv) by inserting after section 342v (6) the following subsections :—

(7) Where an appeal has been made to the Minister under subsection (5), he, after taking into consideration any offer by the council to make a contribution under subsection (4), may—

(a) dismiss the appeal;

(b) allow the appeal either unconditionally or subject to such conditions as he thinks proper to impose; or

(c) where the appeal is against the imposition of conditions, refuse to approve the application referred to in the appeal,

but before deciding the appeal, he shall, if either the appellant or the council so desires, afford him or it an opportunity of appearing personally or by counsel, solicitor or agent before, and being heard by, a person appointed by the Minister for the purpose.

(8) The decision of the Minister under subsection (7) shall be final and shall have effect as if it were a decision of the council.

(e) by omitting Division 14.

SCHEDULE 5.

Sec. 36.

PROVISIONS RELATING TO LOANS.

Reserves for repayments.

1. (1) The Corporation shall establish a reserve for loan repayment fund in respect of each loan or renewal loan raised by the Corporation.

(2) The Corporation shall, during each year, transfer from the revenue of the Corporation to each such fund a sum not less than the sum that the Corporation in its application for approval of the loan, specified that it proposed to transfer to that fund.

(3) Money held as a reserve for loan repayment may be invested in Government securities of the Commonwealth or the State of New South Wales or in debentures, bonds, inscribed stock or other prescribed securities in any loan of the Corporation or in any securities guaranteed by the Government of that State or in such other securities as the Governor may approve or as may be prescribed, in each case at their current market price.

(4) Any interest or profits realized on any such investment shall be added to and form part of the reserve for loan repayment fund from which the investments were made.

(5) All money paid into the reserve for loan repayment fund in respect of any loan or renewal loan may be applied in or towards repayment of any other loan or renewal loan but may not be applied for any other purpose until the loan or renewal loan in respect of which the fund has been established has been repaid.

(6) Where the Corporation decides to cancel debentures, bonds, inscribed stock or other prescribed securities purchased from the reserve for repayment of the loan for which they were issued, the Corporation shall, in addition to the sum otherwise payable to the reserve for repayment of that loan and subject to any agreement to which it is a party whereby it undertakes to pay interest at a higher rate to that reserve, pay to that reserve interest at the rate of four and a half per centum per annum on the face value of the cancelled securities from the date of their cancellation until the maturity of the loan.

(7) If, after a loan has been repaid, there remains in the reserve for repayment of that loan any balance, that balance shall form part of the general funds of the Corporation.

(8) A reserve for loan repayment fund shall not be subject to seizure in satisfaction of any debt other than the loan in respect of which the reserve was created.

(9) This section shall not apply to any loan to be repaid by instalments at intervals of one year or less.

Debentures, etc.

2. (1) For securing repayment of the principal and interest on any money borrowed, the Corporation may, as provided by the regulations, issue debentures, bonds, inscribed stock or other prescribed securities.

(2) Every such debenture or bond and every coupon originally annexed to the debenture or bond, and whether separated therefrom or not, may be transferred by simple delivery.

(3) Inscribed stock shall be transferable in the books of the Corporation in accordance with the regulations.

(4) Debentures, bonds, inscribed stock or prescribed securities issued under this Act shall, as regards both the issue and transfer thereof for full consideration or money or money's worth, be deemed to be included in the general exemptions from stamp duty under Part III of the Stamp Duties Act, 1920, contained in the Second Schedule to that Act.

Payment of debentures and coupons.

3. (1) The holder of a coupon originally annexed to a debenture or bond, and whether separated therefrom or not, shall be entitled to receive payment from the Corporation of the interest specified in the coupon on its presentation on or after the date when, and at the place where, the interest is payable.

(2) The due repayment of any loan in respect of which debentures, bonds, stock or any other prescribed securities have been issued by the Corporation, and the interest thereon, shall be a charge upon the income and revenue of the Corporation from whatever source arising and is hereby guaranteed by the Government.

(3) Any liability arising under the guarantee given by subclause (2) shall be discharged out of money provided by Parliament.

(4) The charge created by subclause (2) shall not prejudice or affect any power of the Corporation to sell, convey, lease or otherwise deal with, free of the charge, any property vested in it.

Raising loans in any country.

4. (1) Notwithstanding any other provision of this Act, any money which the Corporation is authorised to borrow may be borrowed by a loan raised, wholly or in part, in such places outside New South Wales as the Governor on the recommendation of the Treasurer may approve, and may be negotiated and raised in any currency.

(2) Any such loan may be raised wholly or in part by the issue of debentures, bonds, stock or other securities in any form and contain any term, condition or provision permitted under the law of the place where the loan is raised and the Corporation may establish and conduct in that place registries relating to the securities issued in respect of that loan.

(3) The Corporation may, in respect of any such loan, agree that a sinking fund shall be established and controlled at such place and in such manner as may be found necessary or expedient in the circumstances of the case and, where any sinking fund is so established, the provisions of clause 1 shall apply with regard to that loan only in respect of the amount, if any, the repayment of which is not provided for by the sinking fund established under the agreement.

(4) In connection with the raising of any loan under this clause, the Corporation may enter into such agreements as it thinks fit with respect to the form of the debentures, bonds, stock or other securities referred to in subclause (2), or for the sale of those debentures, bonds, stock or other securities, or the granting of an option to purchase those debentures, bonds, stock or other securities, or for services to be performed by any person in Australia or in any other part of the world in connection with that loan or with the issue, management and redemption of or otherwise with respect to those debentures, bonds, stock or other securities, and any such agreement may be upon such terms and conditions and may contain such provisions for the giving or receipt of consideration as the Corporation thinks fit.

(5) Copies of any agreement referred to in subclause (4) shall be forwarded to the Minister who shall cause them to be laid before both Houses of Parliament as soon as possible after the loan is raised.

(6) The Governor may, upon the recommendation of the Corporation, by notification published in the Gazette, appoint two or more persons to enter into for and on behalf of the Corporation all such agreements as the Corporation is by this clause authorised to enter into and to sign, execute or otherwise perfect all such agreements, debentures, bonds, stock or other securities as are by this clause provided for and to do all such things as may be necessary or convenient to be done for the purpose of raising any loan under this Act and may, upon the like recommendation and by a like notification, revoke or vary any such appointment and make any fresh appointment.

(7) The production of a copy of the Gazette containing a notification of any appointment referred to in subclause (6) or the revocation thereof shall, in favour of a lender or of any holder of a security, be conclusive evidence of the appointment or revocation.

(8) All debentures, bonds, stock or other securities, bearing the signatures of the persons so appointed in that behalf, shall be deemed to be securities lawfully issued under the seal of the Corporation and the principal money and interest secured thereby shall be a charge upon the income and revenue of the Corporation from whatever source arising, and the due repayment of that principal money and that interest is hereby guaranteed by the Government, and all agreements and any instruments purporting to be made or issued under the authority of this clause and bearing the signatures of those persons shall be deemed to have been lawfully made or issued by the Corporation and, if they purport to have been sealed by those persons, to have been lawfully executed by the Corporation under seal.

(9) A holder of any such debenture, bond, stock or other security shall not be bound to inquire whether the issue of the debenture, bond, stock or security was, in fact, duly authorized.

(10) Subject to this clause and the law in force in the place where any loan is raised under this clause and applicable to that loan and the securities issued in connection therewith, the provisions of this Schedule, other than clauses 2 (1), 6 (3) and 6 (4), shall apply to and in respect of that loan and those securities in the same way as they apply to and in respect of any other loan and any other securities.

Trustees.

5. (1) Any trustee, unless expressly forbidden by any instrument creating the trust, may invest any trust money in his hands in stock inscribed by the Corporation or in any debentures, bonds or other securities issued in accordance with this Act, and the investment shall be deemed to be an investment authorised by the Trustee Act, 1925.

(2) Any debenture or bond issued, stock inscribed, or other security issued, in pursuance of this Act, shall be a lawful investment for any money which any company, council or body corporate, incorporated by any Act, is authorised or directed to invest in addition to any other investment authorised for the investment of that money.

(3) No notice of any express, implied or constructive trust shall be received by the Corporation or by any officer of the Corporation in relation to any debenture or coupon issued or stock inscribed by the Corporation.

Lost debentures.

6. (1) If any debenture or bond issued by the Corporation is lost, destroyed or defaced before it has been redeemed the Corporation may, subject to the provisions of this clause, issue a new debenture or bond in its place.

(2) A new debenture or bond, issued under subclause (1) with interest coupon annexed, shall bear the same date, number, principal sum and rate of interest as the lost, destroyed or defaced debenture or bond.

(3) Where a debenture or bond is lost or destroyed, a new debenture or bond shall not be issued unless—

(a) it has been established to the satisfaction of the Supreme Court that the debenture or bond has been lost or destroyed before redemption;

(b) such advertisements as the Court may direct have been published;

(c) six months have elapsed since the publication of the last of those advertisements; and

(d) sufficient security has been given to the Corporation to indemnify it against any double payment if the missing debenture or bond is presented for redemption.

(4) Where a debenture or bond is defaced, a new debenture or bond shall not be issued unless and until the defaced debenture or bond is lodged with the Corporation for cancellation.

(5) The provisions of this clause shall apply to and in respect of the case of a lost, destroyed or defaced coupon in the same way as they apply to and in respect of a lost, destroyed or defaced debenture or bond.

(6) Notwithstanding any other provision of this clause, in the case of loss, theft, destruction, mutilation or defacement of any debenture or bond issued under clause 4, a duplicate or new debenture or bond may be issued upon proof to the satisfaction of the Corporation of the loss, theft or destruction, or upon surrender of the mutilated or defaced debenture or bond, as the case may be, and upon the Corporation receiving security or indemnity satisfactory to it against double payment if the missing debenture or bond be at any time thereafter presented for payment.

Protection of investors.

7. (1) A person advancing money to the Corporation shall not be bound to enquire into the application of the money advanced or be in any way responsible for its non-application or misapplication.

(2) A notification in the Gazette of the approval of the Governor having been given to a borrowing by the Corporation shall, in favour of a lender and of any holder of any security given by the Corporation, be conclusive evidence that all conditions precedent to the borrowing have been complied with and, where the approval notified is to a borrowing by the Corporation in a place outside New South Wales and in a particular currency, shall also be conclusive evidence in favour of those persons of the approval of the Governor to the borrowing in the place and in the currency specified in the notification.

Securities rank equally.

8. All debentures, bonds, stock or other securities which are secured upon the income and revenue of the Corporation shall rank pari passu without any preference one above another by reason of priority of date or otherwise.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974

New South Wales

ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

* *

Act No. 47, 1974.

An Act relating to the growth and development of the Albury Area; to approve an Agreement between the Commonwealth and the States of New South Wales and Victoria in relation to the Albury-Wodonga Area; to constitute the Albury-Wodonga (New South Wales) Corporation; to confer and impose certain responsibilities, powers, authorities, duties and functions on that Corporation and on the Albury-Wodonga Development Corporation established under the law of the Commonwealth; to validate certain matters; and for purposes connected therewith. [Assented to, 24th April, 1974.]

BE

P 57859 [60c]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the "Albury-Wodonga Development Act, 1974".

Commencement.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Sections 21, 22, 23 and 24 shall commence on—

(a) where the day on which a notice under section 8 of the Albury-Wodonga Development Act 1973 of the Parliament of the Commonwealth is published in the Australian Government Gazette that declares this Act to be complementary to that Act and the appointed day are the same day—that day; or

(b) in any other case—on the appointed day or on the day on which that notice is so published, whichever is the later.

(3) Except as provided in subsections (1) and (2), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Division of Act.

3. This Act is divided as follows :—

PART I.—PRELIMINARY—*ss.* 1–4.

PART II.—APPROVAL OF THE AGREEMENT—*s.* 5.

PART III.—CONSTITUTION OF THE ALBURY-WODONGA (NEW SOUTH WALES) CORPORATION—*ss.* 6–8.

PART IV.—RESPONSIBILITIES, POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE CORPORATION—*ss.* 9–20.

PART V.—PROVISIONS RESPECTING THE DEVELOPMENT CORPORATION AND OTHER MATTERS—*ss.* 21–26.

PART VI.—FINANCE—*ss.* 27–32.

PART VII.—GENERAL—*ss.* 33–45.

SCHEDULE 1.—ALBURY-WODONGA AREA DEVELOPMENT AGREEMENT.

SCHEDULE 2.—PROVISIONS RELATING TO THE CONSTITUTION AND PROCEDURE OF THE CORPORATION.

SCHEDULE 3.—MODIFICATION OF THE PUBLIC WORKS ACT, 1912.

SCHEDULE 4.—MODIFICATION OF THE LOCAL GOVERNMENT ACT, 1919.

SCHEDULE 5.—PROVISIONS RELATING TO LOANS.

Interpretation.

4. In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

"Agreement" means the Agreement approved by section 5;

"Albury Area" means such part of the Albury-Wodonga Area as is within the State of New South Wales;

"Albury-Wodonga Area" has the meaning ascribed to "the Area" in the Agreement;

"appointed

"appointed day" means the day appointed and notified under section 2 (3);

"Authority" means The State Planning Authority of New South Wales constituted by the State Planning Authority Act, 1963;

"building" includes any structure or any part thereof;

"Chairman" means the Chairman of the Corporation;

"Corporation" means the Albury-Wodonga (New South Wales) Corporation constituted by this Act;

"council" has the meaning ascribed thereto in the Local Government Act, 1919;

"designated area" means an area of land in respect of which a declaration under section 25 is for the time being in force;

"Development Corporation" means the Albury-Wodonga Development Corporation established by the Albury-Wodonga Development Act 1973 of the Parliament of the Commonwealth;

"growth complex" means the growth complex referred to in the Agreement;

"interim development order" has the meaning ascribed thereto in section 342T of the Local Government Act, 1919;

"local government area" has the meaning ascribed thereto in the Local Government Act, 1919;

"member" means a member of the Corporation;

"Ministerial Council" means the Ministerial Council referred to in the Agreement;

"officer of the Corporation" means a person in respect of whom an arrangement under section 18 is for the time being in force;

"planning scheme" means a scheme prescribed under Part XIIA of the Local Government Act, 1919;

"public

"public authority" means any public or local authority constituted by or under an Act other than this Act;

"regulations" means regulations made under this Act.

PART II.

APPROVAL OF THE AGREEMENT.

Approval of Agreement.

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

(2) The execution of the Agreement by the Honourable Sir Robert Askin for and on behalf of the State of New South Wales is ratified.

PART III.

CONSTITUTION OF THE ALBURY-WODONGA (NEW SOUTH WALES) CORPORATION.

The Corporation.

6. (1) There is hereby constituted a corporation under the corporate name "Albury-Wodonga (New South Wales) Corporation".

(2) For the purposes of any Act, the Corporation shall be deemed to be a statutory body representing the Crown.

(3) The Corporation shall have and may exercise and discharge the responsibilities, powers, authorities, duties and functions conferred or imposed on it—

(a) by or under this or any other Act; or

(b) by an Act or part of an Act of the Parliament of the Commonwealth or of Victoria, being an Act or part for the time being declared under subsection (4) to be an enactment to which this subsection applies.

(4) Where it appears to the Minister that an Act of the Parliament of the Commonwealth or of Victoria, or part of such an Act, confers or imposes a responsibility, power, authority, duty or function on the Corporation, the Minister may, if he thinks fit, by order published in the Gazette, declare that Act or that part of that Act, as the case may be, to be an enactment to which subsection (3) applies.

General provisions relating to the Corporation.

7. (1) The Corporation shall consist of three members, namely—

(a) a Chairman; and

(b) two Deputy Chairmen,

to be appointed by the Governor.

(2) The Chairman shall be subject in all respects to the control and direction of the Minister in the exercise and discharge of his responsibilities, powers, authorities, duties and functions.

(3) Schedule 2 has effect.

Corporation to comply with Agreement and directions of Ministerial Council.

8. The Corporation shall comply with—

(a) the provisions of the Agreement; and

(b) 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.

PART IV.

RESPONSIBILITIES, POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE CORPORATION.

General powers of the Corporation.

9. (1) Subject to this Act, the Corporation is charged with the responsibility of acquiring and managing land for the purposes of the growth complex and encouraging and assisting development in designated areas.

(2) Without affecting the generality of subsection (1), the Corporation may—

(a) cause surveys to be made, and plans of survey to be prepared, in relation to any land vested in the Corporation;

(b) by notification published in the Gazette, with the approval of the Minister, close or realign any public road, or part thereof, within or adjoining or in the vicinity or for the purposes of the growth complex;

(c) demolish, or cause to be demolished, any building within or adjoining or in the vicinity of the growth complex of which it has exclusive possession;

(d) provide, or arrange, on such terms and conditions as may be agreed upon, for the location or relocation of, utility services within or adjoining or in the vicinity of the growth complex;

(e) set apart land as sites for buildings or works or for religious, charitable or municipal purposes;

(f) subdivide and re-subdivide land, and consolidate subdivided or re-subdivided land, vested in the Corporation;

(g) set out and construct roads on land vested in the Corporation;

(h) erect, alter, repair and renovate buildings on and make other improvements to land vested in the Corporation or on any other land with the consent of the person in whom it is vested;

(i) cause any work to be done on or in relation to any land vested in the Corporation, or on any other land with the consent of the person in whom it is vested, for the purpose of rendering it fit to be used for any purpose for which it may be used under any interim development order or planning scheme applying to the land; and

(j) without affecting the generality of the foregoing provisions of this subsection, do all things, whether of the same or of a different kind or nature, necessary or desirable for the management and servicing of the growth complex in accordance with the Corporation's powers.

(3) Notwithstanding anything in any Act, upon the publication, pursuant to subsection (2) (b), of a notification closing a public road or part thereof, the estate or interest therein of any person or public authority shall vest in the Corporation, freed and discharged from any trusts affecting it immediately before that publication and freed and discharged from any rights of the public or any person thereto as a public road or highway.

Provisions respecting acquisition of land.

10. Without affecting the generality of section 9, the Corporation may, for the purposes of the growth complex, acquire land (including land previously appropriated or resumed for any purpose) by lease or purchase or by resumption or appropriation in accordance with this Act, being—

(a) land within designated areas;

(b) land outside designated areas which the Corporation considers should be made available in the public interest for any purpose of the growth complex;

(c) land of which that proposed to be acquired under this Act forms part; or

(d) land adjoining or in the vicinity of any land proposed to be acquired under this Act.

Resumption.

11. (1) Resumption or appropriation for the purposes of this Act shall be effected by the Governor under the Public Works Act, 1912, and, without affecting the generality of the foregoing, appropriation under that Act may be effected in respect of any land vested in Her Majesty or any person in trust for Her Majesty.

(2) Such a resumption or appropriation shall be deemed to be for an authorised work and the Corporation shall be deemed to be the Constructing Authority.

(3) Notwithstanding subsection (1), sections 34, 35, 36 and 37 of the Public Works Act, 1912, do not apply in respect of the expenditure on any works constructed in pursuance of this Act, but section 38 of that Act applies in respect of that expenditure.

(4) For the purposes of this section and not otherwise, Schedule 3 has effect.

(5) Notwithstanding anything in this section and Schedule 3, where any land to be so resumed is designated land within the meaning of the Growth Centres (Land Acquisition) Act, 1974, that Act applies to and in respect of that resumption as if this Act had been enacted before the commencement of that Act.

Disposal of land.

12. (1) The Corporation may, with the approval of the Minister and subject to such terms and conditions as the Minister may attach to his approval, sell, lease, exchange or otherwise deal with or dispose of land vested in the Corporation, and may, with the like approval and subject to the like terms and conditions, grant easements or rights-of-way over that land or any part thereof.

(2) Notwithstanding subsection (1), the approval of the Minister shall not be required for a lease of land by the Corporation for a term which is less than three years.

Dedication of land.

13. (1) The Corporation may, by notification published in the Gazette, declare that it proposes to surrender to Her Majesty land described or referred to in the notification to be dedicated for any public purpose specified in the notification or, if so specified in the notification, as a public road.

(2) Upon the surrender of land described or referred to in a notification published pursuant to subsection (1), the land so described or referred to shall be Crown land reserved from sale or lease generally and, upon revocation of the reservation, may be dedicated under the Crown Lands Consolidation Act, 1913, for the public purpose specified in the notification or, as the case may require, under the Public Roads Act 1902 as a public road.

(3) The Corporation may, in a notification published pursuant to subsection (1), limit the description of, or reference to, land to a specified depth below the surface thereof and, where such a description or reference is so limited, subsection (2) does not apply to or in respect of land below the depth so specified.

Covenants in leases.

14. (1) Subject to this section, where the lease of any land set apart as the site for a building under section 9 (2) (e) (in this section referred to as "the building site") contains a covenant on the part of the lessee not to commence the erection of a building on the building site, or any work preparatory or incidental thereto, without the written consent of the Corporation—

(a) the Corporation may give its consent upon the application of a person entitled to apply to a council for its approval to the erection of a building on the building site; and

(b) the Corporation may impose conditions in giving its consent.

(2) The Corporation shall not give a consent pursuant to subsection (1) unless—

(a) the application therefor is accompanied by such plans and specifications of the building in respect of which the consent is sought, and such other information in respect of that building, as may be prescribed or as the Corporation may require; and

(b) the application therefor and the accompanying plans and specifications and other information disclose that the building in all respects will be in conformity

with

with the planning scheme or interim development order that applies to or in respect of the building site and with the proposals of the Corporation as to—

(i) the use to which the building will be put;

(ii) the height and general external design and appearance of the building;

(iii) the area of the building site to be covered by the building; and

(iv) the situation of the building in relation to the boundaries of the building site.

(3) Where a covenant, condition or stipulation in a lease granted by the Corporation excludes, or is inconsistent with the operation of a provision of an Act passed before or after the appointed day, being a provision whereby, but for this subsection—

(a) a right would be conferred, or an obligation imposed, on a lessor or lessee; or

(b) a covenant, condition or stipulation would be implied, or be deemed to be included, in the lease,

the provision shall not to the extent of the exclusion or inconsistency, but subject to any express provision of the lease, operate in respect of the lease.

Corporation to comply with building standards.

15. (1) Except in so far as the regulations specify different building standards applicable to the Corporation, the Corporation shall comply with the provisions of any ordinance made pursuant to Part XI of the Local Government Act, 1919.

(2) Where the regulations specify building standards, as referred to in subsection (1), the Corporation shall comply with those standards.

(3) The Ministerial Council may, in a particular case, exempt the Corporation from compliance with subsection (1) or (2).

Corporation may enter into contracts.

16. (1) The Corporation may make and enter into contracts with any person for the carrying out of works or the performance of services or the supply of goods or materials in connection with the exercise or discharge by the Corporation of its responsibilities, powers, authorities, duties and functions.

(2) A contract under this section may provide for—

(a) the whole or part of any works to be undertaken by the Corporation;

(b) the whole or any part of the cost of any works to be paid by the Corporation;

(c) a loan to be made by the Corporation to meet the whole or any part of the cost of any works; or

(d) the Corporation to pay the costs of providing any services during a specified period.

(3) A contract under this section shall be deemed for the purposes of the Constitution Act, 1902, to be a contract for or on account of the Public Service of New South Wales.

Corporation may enter into arrangement with other public authorities.

17. (1) The Corporation may enter into an arrangement or agreement with any public authority constituted under the law of New South Wales, of Victoria or of the Commonwealth whereby—

(a) that public authority shall act as agent of the Corporation for the purposes of this Act; or

(b)

(b) the Corporation shall act as agent of that public authority for the purposes of this Act,

on such terms and conditions as are agreed upon between the Corporation and the public authority.

(2) Without affecting the generality of subsection (1), the Authority may, at the request of the Corporation and upon such terms and conditions as may be agreed upon between the Authority and the Corporation, act on behalf of the Corporation in the carrying out of any legal work or other work of any kind in connection with the exercise of any of the Corporation's responsibilities, powers, authorities, duties and functions.

Arrangements as to use of officers or facilities by Corporation.

18. (1) For the purpose of exercising and discharging its responsibilities, powers, authorities, duties and functions, the Corporation may, with the approval of the Minister and of the Department concerned, and on such terms as may be arranged, make use of the services of any officers or employees or the facilities of any Government Department.

(2) For the like purpose, the Corporation may, with the approval of the Minister and of the public authority, Department or statutory body concerned, and on such terms as may be arranged, make use of the services of any officers, employees or servants or the facilities of any public authority, Government Department of the Commonwealth or of Victoria or statutory body constituted by any Act of the Parliament of the Commonwealth or Victoria.

Consultation and negotiation.

19. In the exercise and discharge of its responsibilities, powers, authorities, duties and functions, the Corporation shall, as far as practicable—

(a) consult with public authorities whose responsibilities, powers, authorities, duties and functions include those of the same or of a similar nature; and

(b) negotiate with any such authorities for the purpose of arranging or providing services and facilities in the growth complex.

Council powers may be transferred to the Corporation.

20. (1) The Corporation may request a council, the local government area, or part of the local government area, of which is in a designated area, to agree to transfer all or any of its powers (other than its powers to borrow money under Division 4 of Part VII of that Act), authorities, duties and functions under the Local Government Act, 1919, in relation to that designated area to the Corporation for a specified period.

(2) Notwithstanding anything in any Act, the council is hereby authorised and empowered to enter into an agreement under this section and may do or suffer anything necessary or expedient for carrying any such agreement into effect.

(3) An agreement under this section operates so as to transfer to the Corporation, in accordance with that agreement, the powers, authorities, duties and functions referred to therein.

(4) Where the Corporation requests a council to enter into an agreement under this section and the council refuses or fails within a reasonable time to do so, or where the Corporation and the council fail to agree upon the terms of the agreement, the Corporation or the council may refer the matter to the Minister for Local Government.

(5) The Minister for Local Government may refer the matter to the Governor, who may determine the terms which are to apply between the parties.

(6) The terms determined under subsection (5) shall be deemed to be an agreement entered into by the Corporation and the council.

(7) Where a council transfers its powers to make and levy rates in a designated area to the Corporation, it may be a condition of the agreement that the council receive from the Corporation financial assistance to compensate the council for adverse financial effects on the council created by the acquisition of land in the council's local government area by the Corporation.

(8) The provisions of the Local Government Act, 1919, with such adaptations as are necessary, apply to and in relation to the exercise of powers and authorities, or the carrying out of duties and functions, transferred to the Corporation under this section as if the Corporation were a council and the designated area formed part of that council's local government area.

(9) While the Corporation has any power, authority, duty or function transferred to it by a council under this section, the council does not have that power, authority, duty or function and is not under any obligation in relation thereto.

PART

PART V.

PROVISIONS RESPECTING THE DEVELOPMENT CORPORATION AND OTHER MATTERS.

Power of Development Corporation to exercise powers, etc., under Agreement.

21. For the purpose only of giving effect to the Agreement, the Development Corporation may—

(a) do in the State of New South Wales all such acts, matters and things as the Agreement permits or requires the Development Corporation to do; and

(b) exercise in the State of New South Wales all such powers and authorities as may be necessary to enable the provisions of the Agreement to be carried out in their entirety.

Investigations and plans.

22. Without affecting the generality of section 21, the Development Corporation may carry out investigations, consult with planning authorities in the Albury Area and prepare plans for the purpose of co-ordinating planning in the Albury-Wodonga Area.

Planning schemes and interim development orders.

23. (1) In the application of Part XIIA of the Local Government Act, 1919, to and in respect of land within a designated area or designated areas, that Part applies to and in respect of the Development Corporation as if—

(a) the Development Corporation were a council; and

(b) the designated area or designated areas were that council's local government area,

but a reference in section 342G (5) (a), 342L (2) (b) (iii) or 342V (1A) of that Act to a council does not include a reference to the Development Corporation.

(2)

(2) For the purposes of the application of Part XIIA of the Local Government Act, 1919, to and in respect of land within the Albury Area and not otherwise, Schedule 4 has effect.

(3) The Development Corporation may, with respect to land in a designated area or designated areas, prepare a proposed interim development order for consideration by the Minister for Local Government.

(4) Where a responsible authority is required by a planning scheme to consult, as referred to in section 342G (5) (c) of the Local Government Act, 1919, as deemed to be amended by Schedule 4, with the Development Corporation before giving an approval, consent or permission, and a difference arises between the responsible authority and the Development Corporation in relation to the matter, the responsible authority shall not give the approval, consent or permission until the difference is determined.

(5) Where a council is required by an interim development order to consult, as referred to in section 342V (3) (c) of the Local Government Act, 1919, as deemed to be amended by Schedule 4, with the Development Corporation before dealing with an interim development application, and a difference arises between the council and the Development Corporation in relation to the matter, the council shall not grant the application unconditionally or subject to conditions, under section 342V (1A) of that Act, until the difference is determined.

(6) Any approval, consent or permission given in contravention of subsection (4) or (5) has no force or effect.

(7) The Development Corporation or the council may submit any difference referred to in subsection (4) or (5) to the Minister, who may refer the matter for inquiry to some person appointed by him in that behalf, or may himself make an inquiry.

(8)

(8) The Minister may determine any difference referred to him under subsection (7) in such manner as in the public interest and in the circumstances of the case may seem to him just and equitable.

(9) In Schedule 4, "Albury Area", "designated area" and "Development Corporation" have the meanings respectively ascribed thereto in section 4.

(10) A reference in a part of Schedule 4 to the Minister is a reference to the Minister for the time being administering that part.

Arrangements between Corporation and Development Corporation.

24. The Corporation shall, at the request of the Development Corporation, enter into an arrangement or arrangements with the Development Corporation providing for the Development Corporation to carry out or to make provision with respect to the carrying out of works (including the erection, alteration, repair and renovation of buildings and the provision of services) on land vested in or under the control of the Corporation in a designated area or on land vested in the Corporation outside a designated area or of works which the Corporation has undertaken or is empowered to carry out pursuant to an agreement with a public authority.

Designated areas.

25. (1) The Governor may—

(a) by proclamation published in the Gazette, declare any area of land wholly within the Albury Area and specified or described therein to be a designated area; and

(b) if he thinks fit, specify in that declaration the name by which that area is to be known,

for the purposes of this Act and the Agreement.

(2) A declaration under subsection (1) shall be made only with the prior approval of the Governor-General and the Governor of the State of Victoria.

(3) A reference in subsection (2) to—

(a) the Governor-General is a reference to the person referred to in clause 3 (6) (a) of the Agreement; and

(b) the Governor of the State of Victoria is a reference to the person referred to in clause 3 (6) (c) of the Agreement.

(4) A declaration under subsection (1) may be revoked, amended or varied by proclamation published in the Gazette.

Arrangements between the Governor and the Governor-General with regard to officers and employees.

26. (1) The Governor may enter into an arrangement with the Governor-General making available the services of officers or employees of the Public Service or of a public authority (other than a council) to the Development Corporation.

(2) Any such arrangement may provide for the rate of payment to be made by the Development Corporation for the services performed by the officer or employee and any other matters which may require to be adjusted with regard to the performance of those services by the officer or employee.

PART

PART VI.

FINANCE.

Accounts.

27. (1) The Corporation shall cause to be kept proper accounts and records in relation to all of its operations and shall, as soon as practicable after the thirtieth day of June in each year, prepare and submit to the Minister for presentation to Parliament a statement of accounts in a form approved by the Auditor-General, exhibiting a true and correct view of the financial position and transactions of the Corporation.

(2) The Minister shall lay the statement of accounts, or cause it to be laid, before each House of Parliament as soon as practicable after the receipt by him of the statement.

(3) The Corporation shall, if the Minister so directs, cause accounts to be kept with banks at such place or places as the Minister may from time to time determine.

Audit.

28. (1) The accounts of the Corporation shall be audited by the Auditor-General, who shall have in respect thereof all the powers conferred on him by any law for the time being in force relating to the audit of public accounts.

(2) The Audit Act, 1902, shall apply to members and officers of the Corporation in the same way as it applies to accounting officers of public departments.

(3) The Auditor-General shall report to the Corporation and the Minister—

(a) whether in his opinion—

(i) due provision has been made for the repayment of loans;

(ii) the value of assets has (so far as he can judge) been in all cases fairly stated;

(iii) due diligence and care have been shown in the collection and banking of income;

(iv) expenditure incurred has been duly authorised, vouched and supervised;

(v) proper account has been kept of plant, stores and materials; and

(vi) any of the money or other property of the Corporation or over which it has control has been misappropriated or improperly or irregularly dealt with; and

(b) as to any other matters which in his judgment call for special notice or which are prescribed.

(4) Towards defraying the costs and expenses of any such audit, the Corporation shall pay to the Consolidated Revenue Fund such amounts, at such times, as the Treasurer decides.

Surplus funds.

29. The Treasurer may at any time require the Corporation to pay from accumulated funds to the credit of the Consolidated Revenue Fund such amounts as he may determine and notify to the Corporation as being surplus to the requirements of the Corporation from time to time.

Investment.

30. The Corporation may invest money held by it in Government securities of the Commonwealth or of the State of New South Wales or in any securities guaranteed by the Government of that State, or on call or on fixed deposit, or partly on call and partly on fixed deposit, with the Treasurer or with any bank or in such other securities as the Governor approves or as are prescribed.

Temporary accommodation.

31. (1) For the temporary accommodation of the Corporation, it may obtain advances by overdraft of current account in any bank or banks upon the credit of the Corporation's funds to such extent as may, from time to time, be approved by the Governor.

(2) The Treasurer may advance such money to the Corporation, on such terms and conditions as to repayment and interest, as may be agreed upon.

Borrowing.

32. (1) The Corporation may from time to time, with the concurrence of the Treasurer and the approval of the Governor, borrow money for—

(a) the purpose of carrying out and discharging any of its responsibilities, powers, authorities, duties and functions;

(b) the renewal of loans;

(c) the discharge or partial discharge of any loan or any indebtedness to the Treasurer or to any bank; or

(d) any other purpose of this Act.

(2) Schedule 5 has effect.

PART VII.

GENERAL.

Powers of public authorities.

33. Notwithstanding anything in any other Act, any public authority is hereby authorised and empowered to enter into agreements for the purposes of this Act with the Corporation or the Development Corporation and may do or suffer anything necessary or expedient for carrying any such agreement into effect.

34.

Disputes between the Corporation and a council.

34. (1) If any difference, whether arising out of the construction of this Act or not, arises between the Corporation and a council, with respect to the carrying out of the provisions of this Act or with respect to the fulfilment and exercise of the Corporation's responsibilities, powers, authorities, duties, functions or privileges, the Corporation or the council may submit the difference to the Minister, who may refer the matter for inquiry to some person appointed by him in that behalf, or may himself make an inquiry.

(2) The Minister, after consultation with the Minister for Local Government, may thereupon make such order as in the public interest and in the circumstances of the case may seem to him just and equitable, and by the order may direct the payment of any costs and expenses incidental to the conduct of the inquiry.

(3) Any such order may, upon the application of the Minister, the Corporation or the council, by leave of the Supreme Court, be enforced in the same manner as a judgment or order of the Supreme Court to the same effect.

(4) If any such difference arises between the Corporation and any Government Department, the parties to the dispute may mutually agree to submit the matter in dispute to the Minister, and in any such case the provisions of this section shall apply to the settlement of the dispute as if the dispute were between the Corporation and a council.

Consolidation of interim development orders.

35. (1) Notwithstanding anything in the Local Government Act, 1919, the Minister may, after consideration of a report by the Authority, by notification published in the Gazette, make an order consolidating two or more interim development orders with respect to any land within the Albury Area in the one instrument, whether with or without alterations that might have been made to any such order had this section not been enacted.

(2)

(2) An order made under subsection (1) shall be deemed to be an interim development order and, for the purposes of Division 7 of Part XIIA of the Local Government Act, 1919, the order shall, to the extent to which it applies to—

(a) land with respect to which, but for this section, an interim development order would be required to be made under section 342U (5A) or 342Y (3) of that Act—be deemed to be an interim development order made as so required; and

(b) other land—be deemed to be an interim development order made otherwise than as so required.

(3) Anything done before the appointed day that would have been valid if this section had been in force when the thing was done is validated.

Misuse of information.

36. (1) Where, through his association with the Corporation, a person has knowledge of specific information relating to proposals made, or to be made, by the Corporation in respect of the use and development of land and that information is not generally known but, if generally known, might reasonably be expected to affect materially the market price of that land, he is guilty of an offence against this Act if he—

(a) deals, directly or indirectly, in that land for the purpose of gaining an advantage for himself by the use of that information; or

(b) divulges that information for the purpose of enabling another person to gain an advantage by using that information to deal, directly or indirectly, in that land,

and is liable to a penalty not exceeding $2,000.

(2)

(2) Where, through his association with the Corporation, a person is in a position to influence proposals made, or to be made, by the Corporation in respect of the use and development of land and does influence the proposals by securing the inclusion or alteration of any matter in, or the exclusion or omission of any matter from, the proposals, he is guilty of an offence against this Act if—

(a) he does so for the purpose of gaining an advantage for himself; or

(b) he does so for the purpose of enabling another person to gain an advantage,

and is liable to a penalty not exceeding $2,000.

(3) Where—

(a) an offence under subsection (1) is committed and an advantage, referred to in that subsection, is gained from any dealing in land to which the offence relates; or

(b) an offence under subsection (2) is committed and an advantage, referred to in that subsection, is gained from any dealing in land which would not have been gained if the proposals concerned had not been influenced,

any person who gained that advantage is, whether or not any person has been prosecuted for or convicted of an offence under subsection (1) or (2), as the case may be, liable to another person for the amount of any loss incurred by that other person by reason of the gaining of that advantage.

(4) Where a loss referred to in subsection (3) is incurred by reason of an advantage gained from a dealing in land, the amount of the loss is the difference between the price at which the dealing was effected and—

(a) in the case of any dealing to which subsection (1) relates, the price that, in the opinion of the court before which it is sought to recover the amount of

the

the loss, would have been the market price of the land at the time of the dealing if the specific information used to gain that advantage had been generally known at that time; or

(b) in any case to which subsection (2) relates, the price that, in the opinion of the court before which it is sought to recover the amount of the loss, would have been the market price of the land at the time of the dealing if the proposals concerned had not been influenced.

(5) An action to recover a loss or profit, referred to in subsection (3), may not be brought after the expiration of five years next succeeding the dealing in land to which the transaction relates.

(6) For the purposes of this section, a person is associated with the Corporation—

(a) if he is a member or officer of the Corporation or a person appointed to a committee or a sub-committee of the Corporation;

(b) if he is an officer or employee of the Department of Decentralisation and Development;

(c) if he is a member or servant of the Authority or a person appointed to a committee or a sub-committee of the Authority established under section 15 of the State Planning Authority Act, 1963, or to a Regional Planning Committee appointed under Part IV of that Act;

(d) if he is an officer or servant of a council;

(e) if he acts or has acted as banker, solicitor, auditor or professional adviser or in any other capacity for the Corporation, the Department of Decentralisation and Development, the Authority or a council; or

(f) where the person, so associated by virtue of paragraph (e), is a body corporate, if he is a director, manager or secretary of that body corporate.

Disclosure of interest.

37. (1) If a member, or a member of a committee or a sub-committee of the Corporation, has an interest, directly or indirectly, in land, proposals in respect of the development or use of which are to be considered by the Corporation, the committee or the sub-committee, as the case may be, or has a pecuniary interest, direct or indirect, in a contract or proposed contract with the Corporation or in any other matter in which the Corporation is concerned and is present at a meeting of the Corporation, the committee or the sub-committee, as the case may be, at which the proposals are or the contract, proposed contract or other matter is the subject of consideration, he shall, at the meeting, as soon as practicable after the commencement thereof, disclose his interest and shall not take part in the consideration or discussion of or vote on any question with respect to the proposals or the contract, proposed contract or other matter.

(2) Notwithstanding subsection (1), this section does not apply to an interest in a contract, proposed contract or other matter which a member of the Corporation, committee or sub-committee may have as a ratepayer to the Corporation or as a consumer of gas, electricity or water supplied to him by the Corporation in like manner and subject to the like conditions as are applicable in the case of persons who are not members of the Corporation, committee or sub-committee or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.

(3) For the purposes of this section, a person shall be treated as having an indirect interest in land or a contract, proposed contract or other matter if—

(a) he or any nominee of his is a member of a company or other body which has an interest in the land, or with which the contract is made or is proposed to be made

made or which has a direct or indirect pecuniary interest in the other matter under consideration; or

(b) he is a partner, or is in the employment of, a person who has an interest in the land, or with whom the contract is made or is proposed to be made or who has a direct or indirect pecuniary interest in the other matter under consideration.

(4) Notwithstanding subsection (3)—

(a) that subsection does not apply to membership of or employment under any council or statutory body within the meaning of the Local Government Act, 1919;

(b) a member of a company or other body shall not, by reason only of his membership, be treated as being so interested if he has no beneficial interest in any shares of that company or other body; and

(c) a member of a company having not less than twenty-five members shall not be treated as having an interest in land or in any contract or proposed contract with the Corporation or in any other matter in which the Corporation is concerned by reason only that the company has an interest in the land or the contract or proposed contract is with or the other matter concerns the company.

(5) In the case of a married man and his wife who are living together, the interest of one spouse shall, if known to the other, be deemed, for the purposes of this section, to be also an interest of the other spouse.

(6) A general notice in writing to the secretary or the prescribed officer of the Corporation by any member referred to in subsection (1) to the effect that he or his spouse is a member, or is in the employment of a specified company or other body, or that he or his spouse is a partner or in the employment of a specified person shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure

of

of his interest in any land in which that company or other body has an interest or in any contract, proposed contract or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

(7) The secretary or officer referred to in subsection (6) shall record in a book to be kept for the purpose particulars of any disclosure made under subsection (1) and of any notice given under subsection (6) and the book shall be open at all reasonable hours to the inspection of any person on payment of such fees as may be determined by the Corporation from time to time.

(8) Subject to subsection (9), if any person fails to comply with the provisions of subsection (1), he is guilty of an offence against this Act and liable to a penalty not exceeding $400, unless he proves that he did not know that proposals in respect of the development and use of the land in which he had an interest were, or that he did not know that a contract, proposed contract or other matter in which he had a pecuniary interest was, the subject of consideration at the meeting.

(9) The Minister may, subject to such conditions as he thinks fit to impose, remove any disability imposed by subsection (1) in any case in which the number of members referred to in subsection (1) so disabled at any one time would be so great a proportion of the whole of the members of the Corporation or a committee or sub-committee, as the case may be, as to impede the transaction of business, or in any other case in which it appears to the Minister that it is in the public interest that the disability should be removed.

(10) The Corporation or a committee or sub-committee may, by resolution, provide for the exclusion of any member thereof from a meeting of the Corporation, committee or sub-committee, as the case may be, while any proposal in respect of any land or any contract, proposed contract or other matter in which that member has an interest as referred to in this section is under consideration.

(11)

(11) In this section, "shares" includes stock.

(12) The provisions of this section apply to a member of a council in relation to an interest in land that is within a designated area and held by him, directly or indirectly, proposals in respect of the development and use of which are to be considered by the council at a meeting of the council in the same way as they apply to a member of the Corporation having an interest, directly or indirectly, in land, proposals in respect of the development and use of which are to be considered by the Corporation at a meeting of the Corporation.

Proceedings at meetings confidential.

38. A person shall not, unless the Corporation otherwise determines, disclose any information with respect to the business discussed at any meeting of the Corporation or of a committee or of a sub-committee of the Corporation.

Penalty: $2,000.

Delegation.

39. (1) The Corporation may, by instrument in writing under seal, delegate to a member or officer of the Corporation the exercise or performance of such of the Corporation's responsibilities, powers (other than this power of delegation), authorities, duties and functions as may be specified in the instrument of delegation, and may, by such an instrument, revoke wholly or in part any such delegation.

(2) A responsibility, power, authority, duty or function, the exercise or performance of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

(3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the responsibilities, powers,

authorities,

authorities, duties or functions delegated, or as to time or circumstance, as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation under this section, the Corporation may continue to exercise or perform all or any of the responsibilities, powers, authorities, duties or functions delegated.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done or suffered by the Corporation and shall be deemed to have been done or suffered by the Corporation.

(6) An instrument purporting to be signed by a delegate of the Corporation in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Corporation under seal and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Corporation under this section.

Annual report.

40. (1) The Corporation shall, as soon as practicable after the thirtieth day of June in each year, prepare and forward to the Minister a report of its work and activities for the twelve months preceding that day.

(2) The Minister shall lay the report, or cause it to be laid, before each House of Parliament as soon as practicable after the receipt by him of the report.

Service of process.

41. Any notice, summons, writ or other proceeding to be served on the Corporation may be served—

(a) by being left; or

(b)

(b) in the case of a notice, by posting it addressed to the Corporation,

at its office or, if it has more than one office, at one of its offices.

Authentication of process.

42. Every summons, process, demand, order, notice, statement, direction or document requiring authentication by the Corporation may be sufficiently authenticated without the seal of the Corporation if signed by a member.

Penalties.

43. (1) Any penalty imposed by this Act or the regulations may be recovered in a summary manner before a stipendiary magistrate or any two justices of the peace in petty sessions.

(2) Where the penalty is a daily penalty it may be recovered either under a separate information or complaint for each day or under an information or complaint for the sum of the daily penalties.

Recovery of money.

44. Any charge, fee or money due to the Corporation may be recovered as a debt or liquidated demand in a court of competent jurisdiction.

Regulations.

45. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to—

(a) forms including forms of lease for use for the purposes of this Act; and

(b) the payment of fees and travelling and out-of-pocket expenses to members of committees or sub-committees of the Corporation for attending meetings, transacting business of the committees or sub-committees and making inspections for the purposes of this Act.

(2) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

(3) A regulation may—

(a) impose a penalty for any breach thereof and also distinct penalties in case of successive breaches thereof but no such penalty shall exceed $100; and

(b) impose also a daily penalty for any continuing breach thereof not exceeding $10 per day.

SCHEDULE

SCHEDULE 1.

Sec. 5.

ALBURY-WODONGA AREA DEVELOPMENT AGREEMENT

Preamble

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23 October 1973

Albury-Wodonga Development.

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 on the thirtieth day of June;

'land'

'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.

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 (5000) square kilometres in total extent contained within the boundaries set out in sub-clause (2) of this clause. Albury–Wodonga area

(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-west 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 years

as 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.

(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 subclause (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)

(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

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

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 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.

(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

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

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 Australia, in the presence of—

TOM UREN,
Minister for Urban and Regional Development.

E. G. WHITLAM.

SIGNED by the Honourable SIR ROBERT ASKIN, Premier of the State of New South Wales, in the presence of—

JOHN B. FULLER,
Minister for Decentralisation and Development, N.S.W.

R. W. ASKIN.

SIGNED by the Honourable RUPERT JAMES HAMER, Premier of the State of Victoria, in the presence of—

L. E. STONE,
Mayor Rural City of Wodonga.

R. J. HAMER.

SCHEDULE

SCHEDULE 2.

PROVISIONS RELATING TO THE CONSTITUTION AND PROCEDURE OF THE CORPORATION.

Term of office.

1. A member shall be appointed for such term, not exceeding seven years, as is specified in the instrument of appointment and, if otherwise qualified, is eligible for re-appointment.

Person aged 65 years.

2. A person who is of or above the age of sixty-five years shall not be appointed as a member.

Vacation of office.

3. (1) A member shall be deemed to have vacated his office—

(a) if he dies;

(b) if he engages in New South Wales or elsewhere during his term of office in any paid employment outside the duties of his office, otherwise than for the purposes of the Agreement, without the approval of the Minister;

(c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his estate for their benefit;

(d) if he absents himself from duty, otherwise than for the purposes of the Agreement, for a period exceeding fourteen consecutive days, except on leave granted by the Minister, which leave the Minister is hereby authorised to grant, or unless the absence is occasioned by illness or unavoidable cause;

(e) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(f) if he is convicted in New South Wales of a felony or misdemeanour, which is punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be a felony or misdemeanour so punishable;

(g) if he resigns his office by writing under his hand addressed to the Governor;

(h) if he declines office;

(i) if he is removed from office by the Governor; or

(j) upon his attaining the age of sixty-five years.

(2) The Governor may, for any cause which appears to him to be sufficient, remove any member from office.

Public Service Act, 1902, not to apply.

4. The provisions of the Public Service Act, 1902, do not apply to or in respect of the appointment of a member and a member is not, in his capacity as a member, subject to the provisions of that Act during his term of office.

Deputy members.

5. A member may, with the approval of the Minister, nominate in writing a person as his deputy to attend any meeting of the Corporation or of a committee or sub-committee of the Corporation that that member is unable for any reason to attend, and the person so nominated—

(a) shall have and may exercise and perform at that meeting the responsibilities, powers, authorities, duties and functions of the member for whom he is a deputy; and

(b) shall, if he is not otherwise a member, be deemed, for the purposes of that meeting, to be a member.

Meetings.

6. (1) At a meeting of the Corporation two members constitute a quorum.

(2) Any duly convened meeting of the Corporation at which a quorum is present shall be competent to transact any business of the Corporation.

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

(4) The Chairman shall preside at all meetings of the Corporation at which he is present.

(5) If the Chairman is not present at a meeting of the Corporation, a Deputy Chairman, chosen in accordance with the procedure determined for the purpose by the Corporation, shall preside at the meeting.

(6) The person 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.

Minutes.

7. The Corporation shall cause full and accurate minutes to be kept of its proceedings at meetings and submit to the Minister a copy of the minutes of each meeting within one week after the date on which the meeting is held.

Committees and sub-committees.

8. (1) The Corporation may establish committees for the purposes of advising the Corporation upon such matters within the scope of the Corporation's responsibilities, powers, authorities, duties and functions as may be referred to the committees by the Corporation.

(2)

(2) The Corporation, or a committee referred to in subclause (1), with the approval of the Corporation, may establish sub-committees for the purposes of advising the committee upon such matters within the scope of the committee's responsibilities, powers, authorities, duties and functions as may be referred to the sub-committees by the Corporation or by such a committee with the approval of the Corporation.

(3) A person may be appointed to any such committee or sub-committee whether or not he is a member of the Corporation.

(4) The office of member of any such committee or sub-committee shall not, for the purposes of any Act, be deemed to be an office or place of profit under the Crown.

General procedure.

9. Subject to this Act, the procedure for the calling of, and for the conduct of business at, meetings of the Corporation shall be as determined by the Corporation.

Protection from liability.

10. (1) No matter or thing done, and no contract entered into, by the Corporation, and no matter or thing done by a member or by any other person acting under the direction or as delegate of the Corporation shall, if the matter or thing was done, or the contract was entered into, in good faith for the purposes of executing this Act or any other Act, or any Act or part of an Act for the time being declared under section 6 (4) to be an enactment to which section 6 (3) applies, conferring or imposing responsibilities, powers, authorities, duties or functions on the Corporation, subject the member or person so acting personally to any action, liability, claim or demand.

(2) Nothing in subclause (1) exempts any member or other person from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General in the accounts of or relating to the Corporation, and which the member or other person authorised or joined in authorising.

Preservation of rights of members previously public servants, etc.

11. (1) In this clause—

"statutory body" means any body declared under clause 13 to be a statutory body for the purposes of this Schedule;

"superannuation scheme" means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

(2) Subject to subclause (3) and to the terms of his appointment, where a member was, immediately before his appointment as a member—

(a) an officer of the Public Service;

(b)

(b) a contributor to a superannuation scheme;

(c) an officer employed by a statutory body; or

(d) a person in respect of whom provision was made by any Act that he retain any rights accrued or accruing to him as an officer or employee,

he—

(e) shall retain any rights accrued or accruing to him as such an officer, contributor or person;

(f) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as a member; and

(g) shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity,

as if he had continued to be such an officer, contributor or person during his service as a member, and—

(h) his service as a member shall be deemed to be service as an officer or employee for the purpose of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and

(i) he shall be deemed to be an officer or employee, and the Corporation shall be deemed to be his employer, for the purpose of the superannuation scheme to which he is entitled to contribute under this clause.

(3) A member who, but for this subclause, would be entitled under subclause (2) to contribute to a superannuation scheme or to receive any payment, pension or gratuity under that scheme shall not be so entitled upon his becoming (whether upon his appointment as a member or at any later time while he holds office as a member) a contributor to any other superannuation scheme, and the provisions of subclause (2) (i) cease to apply to or in respect of him and the Corporation in any case where he becomes a contributor to such another superannuation scheme.

(4) Subclause (3) does not prevent the payment to a member upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of his resignation, to be an officer or employee for the purposes of that scheme.

(5) A member shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

12. (1) In this clause— Member entitled to re-appointment in former employment in certain cases.

"retiring age" means—

(a) in relation to a person who was, immediately before his appointment as a member, an officer of the Public Service—the age of sixty years; and

(b) in relation to a person who was, immediately before his appointment as a member, an officer or employee of a statutory body—the age at which officers or employees (being officers or employees of the class to which that person belonged immediately before his appointment as a member), as the case may be, of that statutory body are entitled to retire;

"statutory body" means any body declared under clause 13 to be a statutory body for the purposes of this Schedule.

(2) A person who ceases to be a member, otherwise than pursuant to clause 3 (1) (paragraph (g) excepted), shall, if he has not attained the retiring age, be entitled to be appointed, where, immediately before his appointment as a member, he was—

(a) an officer of the Public Service—to some office in the Public Service; or

(b) an officer or employee of a statutory body—to some office in the service of that body,

not lower in classification and salary than that which he held immediately before his appointment as member.

13. The Governor may, by proclamation published in the Gazette, declare any body constituted by or under any Act to be a statutory body for the purposes of this Schedule. Declaration of statutory bodies.

14. No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising a person to act as deputy of a member, or in the place of the Chairman, in accordance with clause 5 or 6 (5), and all things done or omitted by a deputy or a Deputy Chairman while so acting shall be as valid and effectual and shall have the same consequences as if they had been done or omitted by the member or Chairman, as the case may be. Validity of certain actions.

15. In any proceedings by or against the Corporation no proof shall be required (until evidence is given to the contrary) of— Presumptions.

(a) the constitution of the Corporation;

(b) any resolution of the Corporation;

(c) the appointment of any member; or

(d) the presence of a quorum at any meeting of the Corporation.

SCHEDULE

Sec. 11.

SCHEDULE 3.

MODIFICATION OF THE PUBLIC WORKS ACT, 1912.

The Public Works Act, 1912, shall, for the purposes referred to in section 11, be deemed to be amended—

(a) (i) by omitting from section 53 the words "so seised, possessed or entitled as aforesaid";

(ii) by omitting from section 53 the words "as in the preceding section mentioned" and by inserting instead the words "and may claim compensation in respect of the land resumed and agree to, settle and determine with the Constructing Authority the amount of such compensation";

(iii) by inserting in section 53 (3) after the word "release" the words "and to claim, agree to, and settle and determine with the Constructing Authority the amount of compensation";

(iv) by omitting section 53 (5);

(b) (i) by inserting in section 102 after the word "time" where secondly occurring the words "as the Constructing Authority allows or, in default of any such allowance of further time, within such time";

(ii) by omitting from section 102 the words "and upon the Crown Solicitor";

(iii) by inserting at the end of section 102 the following subsection:—

(2) Upon receipt of such notice of claim, the Constructing Authority shall obtain from its solicitor, or the solicitor to any body corporate acting as agent for the Constructing Authority or a solicitor retained by such a body corporate, a report on the title of the land in respect of which the claim has been served by the claimant.

(c) by omitting from section 103 the words "Crown Solicitor he shall forward the same, together with his report thereon to the Constructing Authority, who" and by inserting instead the words "Constructing Authority it";

(d) by omitting section 124 and by inserting instead the following section :—

124. (1) For the purpose of ascertaining the compensation to be paid, regard shall in every case be had by the Court not only to the value of the land taken but also to the

the damage (if any) caused by the severing of the lands taken from other lands of the owner or by the exercise of any statutory powers by the Constructing Authority otherwise injuriously affecting such other lands and the Court shall assess the compensation according to what it finds to have been the value of such lands, estate or interest at the time the notification was published in the Gazette and without being bound in any way by the amount of the valuation notified to such claimant and without reference to any alteration in such value arising from the construction of any works on the lands taken.

(2) Notwithstanding subsection (1), the Court in ascertaining such compensation shall take into consideration and give effect to, by way of set-off or abatement, any enhancement in the value of the interest of any such owner in any land adjoining the land taken or severed therefrom by the construction of any works on the land taken, but in no case does this subsection operate so as to require any payment to be made by such owner to the Constructing Authority in consideration of such enhancement in value as aforesaid.

(3) Notwithstanding subsection (1), in the case of land under the surface taken or acquired by notification in the Gazette for the purpose of constructing a subterranean tunnel, no compensation shall be allowed or awarded unless—

(a) the surface of the overlying soil is disturbed;

(b) the support of such surface is destroyed or injuriously affected by the construction of such tunnel; or

(c) any mines or underground workings in or adjacent to such land are thereby rendered unworkable or are so affected as aforesaid.

(e) by omitting section 126 (3);

(f) (i) by omitting from section 135 (1) the words "such conveyances" and by inserting instead the words "conveyances or assurances of lands taken";

(ii) by omitting from section 135 (2) the words "incurred on the part as well of the vendor as of the purchaser,".

SCHEDULE

Sec. 23.

SCHEDULE 4.

MODIFICATION OF THE LOCAL GOVERNMENT ACT, 1919.

The Local Government Act, 1919, shall, for the purposes referred to in section 23 (2), be deemed to be amended—

(a) by omitting section 342E (2), (3) and (4);

(b) by inserting after section 342G (5) (b) the following paragraph :—

(c) Where a scheme that applies to land within the Albury area provides that any act, matter or thing specified in the scheme shall be done only with the approval, consent or permission of the responsible authority or shall not be done except with the approval, consent or permission of the responsible authority, the scheme may contain provisions requiring the responsible authority, before giving that approval, consent or permission, to consult with the Development Corporation.

(c) (i) by omitting from section 342N (2) the words "appeal to the Tribunal" and by inserting instead the words "appeal—

(a) where the responsible authority is required by the scheme to consult with the Development Corporation before giving the approval, consent or permission—to the Minister; or

(b) in any other case—to the Tribunal";

(ii) by inserting after section 342N (4) the following subsections :—

(4A) Where an appeal has been made to the Minister under this section, he may—

(a) dismiss the appeal;

(b) allow the appeal either unconditionally or subject to such conditions as he thinks proper to impose; or

(c) where the appeal is against the imposition of conditions, refuse to approve the application referred to in the appeal,

but before deciding the appeal, he shall, if either the appellant or the council so desire, afford him or it an opportunity of appearing personally or by counsel, solicitor or agent before, and being heard by, a person appointed by the Minister for the purpose.

(4B) The decision of the Minister under subsection (4A) shall be final and shall have effect as if it were a decision of the council.

(d)

(d) (i) by inserting in section 342v (3) (c) after the word "prescribed" the words "or, without affecting the generality of the foregoing, where the order applies to land within the Albury Area, with the Development Corporation";

(ii) by omitting from section 342v (5) (a) the word "and";

(iii) by inserting after section 342v (5) (a) the following paragraph:—

(ai) where the application is one in respect of which the council is required to consult with the Development Corporation, appeal to the Minister; and

(iv) by inserting after section 342v (6) the following subsections :—

(7) Where an appeal has been made to the Minister under subsection (5), he, after taking into consideration any offer by the council to make a contribution under subsection (4), may—

(a) dismiss the appeal;

(b) allow the appeal either unconditionally or subject to such conditions as he thinks proper to impose; or

(c) where the appeal is against the imposition of conditions, refuse to approve the application referred to in the appeal,

but before deciding the appeal, he shall, if either the appellant or the council so desires, afford him or it an opportunity of appearing personally or by counsel, solicitor or agent before, and being heard by, a person appointed by the Minister for the purpose.

(8) The decision of the Minister under subsection (7) shall be final and shall have effect as if it were a decision of the council.

(e) by omitting Division 14.

SCHEDULE 5.

Sec. 36.

PROVISIONS RELATING TO LOANS.

Reserves for repayments.

1. (1) The Corporation shall establish a reserve for loan repayment fund in respect of each loan or renewal loan raised by the Corporation.

(2) The Corporation shall, during each year, transfer from the revenue of the Corporation to each such fund a sum not less than the sum that the Corporation in its application for approval of the loan, specified that it proposed to transfer to that fund.

(3)

(3) Money held as a reserve for loan repayment may be invested in Government securities of the Commonwealth or the State of New South Wales or in debentures, bonds, inscribed stock or other prescribed securities in any loan of the Corporation or in any securities guaranteed by the Government of that State or in such other securities as the Governor may approve or as may be prescribed, in each case at their current market price.

(4) Any interest or profits realized on any such investment shall be added to and form part of the reserve for loan repayment fund from which the investments were made.

(5) All money paid into the reserve for loan repayment fund in respect of any loan or renewal loan may be applied in or towards repayment of any other loan or renewal loan but may not be applied for any other purpose until the loan or renewal loan in respect of which the fund has been established has been repaid.

(6) Where the Corporation decides to cancel debentures, bonds, inscribed stock or other prescribed securities purchased from the reserve for repayment of the loan for which they were issued, the Corporation shall, in addition to the sum otherwise payable to the reserve for repayment of that loan and subject to any agreement to which it is a party whereby it undertakes to pay interest at a higher rate to that reserve, pay to that reserve interest at the rate of four and a half per centum per annum on the face value of the cancelled securities from the date of their cancellation until the maturity of the loan.

(7) If, after a loan has been repaid, there remains in the reserve for repayment of that loan any balance, that balance shall form part of the general funds of the Corporation.

(8) A reserve for loan repayment fund shall not be subject to seizure in satisfaction of any debt other than the loan in respect of which the reserve was created.

(9) This section shall not apply to any loan to be repaid by instalments at intervals of one year or less.

Debentures, etc.

2. (1) For securing repayment of the principal and interest on any money borrowed, the Corporation may, as provided by the regulations, issue debentures, bonds, inscribed stock or other prescribed securities.

(2) Every such debenture or bond and every coupon originally annexed to the debenture or bond, and whether separated therefrom or not, may be transferred by simple delivery.

(3) Inscribed stock shall be transferable in the books of the Corporation in accordance with the regulations.

(4)

(4) Debentures, bonds, inscribed stock or prescribed securities issued under this Act shall, as regards both the issue and transfer thereof for full consideration or money or money's worth, be deemed to be included in the general exemptions from stamp duty under Part III of the Stamp Duties Act, 1920, contained in the Second Schedule to that Act.

Payment of debentures and coupons.

3. (1) The holder of a coupon originally annexed to a debenture or bond, and whether separated therefrom or not, shall be entitled to receive payment from the Corporation of the interest specified in the coupon on its presentation on or after the date when, and at the place where, the interest is payable.

(2) The due repayment of any loan in respect of which debentures, bonds, stock or any other prescribed securities have been issued by the Corporation, and the interest thereon, shall be a charge upon the income and revenue of the Corporation from whatever source arising and is hereby guaranteed by the Government.

(3) Any liability arising under the guarantee given by subclause (2) shall be discharged out of money provided by Parliament.

(4) The charge created by subclause (2) shall not prejudice or affect any power of the Corporation to sell, convey, lease or otherwise deal with, free of the charge, any property vested in it.

Raising loans in any country.

4. (1) Notwithstanding any other provision of this Act, any money which the Corporation is authorised to borrow may be borrowed by a loan raised, wholly or in part, in such places outside New South Wales as the Governor on the recommendation of the Treasurer may approve, and may be negotiated and raised in any currency.

(2) Any such loan may be raised wholly or in part by the issue of debentures, bonds, stock or other securities in any form and contain any term, condition or provision permitted under the law of the place where the loan is raised and the Corporation may establish and conduct in that place registries relating to the securities issued in respect of that loan.

(3) The Corporation may, in respect of any such loan, agree that a sinking fund shall be established and controlled at such place and in such manner as may be found necessary or expedient in the circumstances of the case and, where any sinking fund is so established, the provisions of clause 1 shall apply with regard to that loan only in respect of the amount, if any, the repayment of which is not provided for by the sinking fund established under the agreement.

(4)

(4) In connection with the raising of any loan under this clause, the Corporation may enter into such agreements as it thinks fit with respect to the form of the debentures, bonds, stock or other securities referred to in subclause (2), or for the sale of those debentures, bonds, stock or other securities, or the granting of an option to purchase those debentures, bonds, stock or other securities, or for services to be performed by any person in Australia or in any other part of the world in connection with that loan or with the issue, management and redemption of or otherwise with respect to those debentures, bonds, stock or other securities, and any such agreement may be upon such terms and conditions and may contain such provisions for the giving or receipt of consideration as the Corporation thinks fit.

(5) Copies of any agreement referred to in subclause (4) shall be forwarded to the Minister who shall cause them to be laid before both Houses of Parliament as soon as possible after the loan is raised.

(6) The Governor may, upon the recommendation of the Corporation, by notification published in the Gazette, appoint two or more persons to enter into for and on behalf of the Corporation all such agreements as the Corporation is by this clause authorised to enter into and to sign, execute or otherwise perfect all such agreements, debentures, bonds, stock or other securities as are by this clause provided for and to do all such things as may be necessary or convenient to be done for the purpose of raising any loan under this Act and may, upon the like recommendation and by a like notification, revoke or vary any such appointment and make any fresh appointment.

(7) The production of a copy of the Gazette containing a notification of any appointment referred to in subclause (6) or the revocation thereof shall, in favour of a lender or of any holder of a security, be conclusive evidence of the appointment or revocation.

(8) All debentures, bonds, stock or other securities, bearing the signatures of the persons so appointed in that behalf, shall be deemed to be securities lawfully issued under the seal of the Corporation and the principal money and interest secured thereby shall be a charge upon the income and revenue of the Corporation from whatever source arising, and the due repayment of that principal money and that interest is hereby guaranteed by the Government, and all agreements and any instruments purporting to be made or issued under the authority of this clause and bearing the signatures of those persons shall be deemed to have been lawfully made or issued by the Corporation and, if they purport to have been sealed by those persons, to have been lawfully executed by the Corporation under seal.

(9) A holder of any such debenture, bond, stock or other security shall not be bound to inquire whether the issue of the debenture, bond, stock or security was, in fact, duly authorised.

(10) Subject to this clause and the law in force in the place where any loan is raised under this clause and applicable to that loan and the securities issued in connection therewith, the provisions of this Schedule, other than clauses 2 (1), 6 (3) and 6 (4), shall apply to and in respect of that loan and those securities in the same way as they apply to and in respect of any other loan and any other securities.

Trustees.

5. (1) Any trustee, unless expressly forbidden by any instrument creating the trust, may invest any trust money in his hands in stock inscribed by the Corporation or in any debentures, bonds or other securities issued in accordance with this Act, and the investment shall be deemed to be an investment authorised by the Trustee Act, 1925.

(2) Any debenture or bond issued, stock inscribed, or other security issued, in pursuance of this Act, shall be a lawful investment for any money which any company, council or body corporate, incorporated by any Act, is authorised or directed to invest in addition to any other investment authorised for the investment of that money.

(3) No notice of any express, implied or constructive trust shall be received by the Corporation or by any officer of the Corporation in relation to any debenture or coupon issued or stock inscribed by the Corporation.

Lost debentures.

6. (1) If any debenture or bond issued by the Corporation is lost, destroyed or defaced before it has been redeemed the Corporation may, subject to the provisions of this clause, issue a new debenture or bond in its place.

(2) A new debenture or bond, issued under subclause (1) with interest coupon annexed, shall bear the same date, number, principal sum and rate of interest as the lost, destroyed or defaced debenture or bond.

(3) Where a debenture or bond is lost or destroyed, a new debenture or bond shall not be issued unless—

(a) it has been established to the satisfaction of the Supreme Court that the debenture or bond has been lost or destroyed before redemption;

(b) such advertisements as the Court may direct have been published;

(c)

(c) six months have elapsed since the publication of the last of those advertisements; and

(d) sufficient security has been given to the Corporation to indemnify it against any double payment if the missing debenture or bond is presented for redemption.

(4) Where a debenture or bond is defaced, a new debenture or bond shall not be issued unless and until the defaced debenture or bond is lodged with the Corporation for cancellation.

(5) The provisions of this clause shall apply to and in respect of the case of a lost, destroyed or defaced coupon in the same way as they apply to and in respect of a lost, destroyed or defaced debenture or bond.

(6) Notwithstanding any other provision of this clause, in the case of loss, theft, destruction, mutilation or defacement of any debenture or bond issued under clause 4, a duplicate or new debenture or bond may be issued upon proof to the satisfaction of the Corporation of the loss, theft or destruction, or upon surrender of the mutilated or defaced debenture or bond, as the case may be, and upon the Corporation receiving security or indemnity satisfactory to it against double payment if the missing debenture or bond be at any time thereafter presented for payment.

Protection of investors.

7. (1) A person advancing money to the Corporation shall not be bound to inquire into the application of the money advanced or be in any way responsible for its non-application or misapplication.

(2) A notification in the Gazette of the approval of the Governor having been given to a borrowing by the Corporation shall, in favour of a lender and of any holder of any security given by the Corporation, be conclusive evidence that all conditions precedent to the borrowing have been complied with and, where the approval notified is to a borrowing by the Corporation in a place outside New South Wales and in a particular currency, shall also be conclusive evidence in favour of those persons of the approval of the Governor to the borrowing in the place and in the currency specified in the notification.

Securities rank equally.

8. All debentures, bonds, stock or other securities which are secured upon the income and revenue of the Corporation shall rank pari passu without any preference one above another by reason of priority of date or otherwise.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974

I certify that this PUBLIC BILL, *which originated in the* LEGISLATIVE ASSEMBLY, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

R. E. WARD,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 3 *April,* 1974.

New South Wales

ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

* *

Act No. 47, 1974.

An Act relating to the growth and development of the Albury Area; to approve an Agreement between the Commonwealth and the States of New South Wales and Victoria in relation to the Albury-Wodonga Area; to constitute the Albury-Wodonga (New South Wales) Corporation; to confer and impose certain responsibilities, powers, authorities, duties and functions on that Corporation and on the Albury-Wodonga Development Corporation established under the law of the Commonwealth; to validate certain matters; and for purposes connected therewith. [Assented to, 24th April, 1974.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

J. H. BROWN,
Chairman of Committees of the Legislative Assembly.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the "Albury-Wodonga Development Act, 1974".

Commencement.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Sections 21, 22, 23 and 24 shall commence on—

(a) where the day on which a notice under section 8 of the Albury-Wodonga Development Act 1973 of the Parliament of the Commonwealth is published in the Australian Government Gazette that declares this Act to be complementary to that Act and the appointed day are the same day—that day; or

(b) in any other case—on the appointed day or on the day on which that notice is so published, whichever is the later.

(3) Except as provided in subsections (1) and (2), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act is divided as follows :— Division of Act.

PART I.—PRELIMINARY—*ss.* 1–4.

PART II.—APPROVAL OF THE AGREEMENT—*s.* 5.

PART III.—CONSTITUTION OF THE ALBURY-WODONGA (NEW SOUTH WALES) CORPORATION—*ss.* 6–8.

PART IV.—RESPONSIBILITIES, POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE CORPORATION—*ss.* 9–20.

PART V.—PROVISIONS RESPECTING THE DEVELOPMENT CORPORATION AND OTHER MATTERS—*ss.* 21–26.

PART VI.—FINANCE—*ss.* 27–32.

PART VII.—GENERAL—*ss.* 33–45.

SCHEDULE 1.—ALBURY-WODONGA AREA DEVELOPMENT AGREEMENT.

SCHEDULE 2.—PROVISIONS RELATING TO THE CONSTITUTION AND PROCEDURE OF THE CORPORATION.

SCHEDULE 3.—MODIFICATION OF THE PUBLIC WORKS ACT, 1912.

SCHEDULE 4.—MODIFICATION OF THE LOCAL GOVERNMENT ACT, 1919.

SCHEDULE 5.—PROVISIONS RELATING TO LOANS.

4. In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

"Agreement" means the Agreement approved by section 5;

"Albury Area" means such part of the Albury-Wodonga Area as is within the State of New South Wales;

"Albury-Wodonga Area" has the meaning ascribed to "the Area" in the Agreement;

"appointed

"appointed day" means the day appointed and notified under section 2 (3);

"Authority" means The State Planning Authority of New South Wales constituted by the State Planning Authority Act, 1963;

"building" includes any structure or any part thereof;

"Chairman" means the Chairman of the Corporation;

"Corporation" means the Albury-Wodonga (New South Wales) Corporation constituted by this Act;

"council" has the meaning ascribed thereto in the Local Government Act, 1919;

"designated area" means an area of land in respect of which a declaration under section 25 is for the time being in force;

"Development Corporation" means the Albury-Wodonga Development Corporation established by the Albury-Wodonga Development Act 1973 of the Parliament of the Commonwealth;

"growth complex" means the growth complex referred to in the Agreement;

"interim development order" has the meaning ascribed thereto in section 342T of the Local Government Act, 1919;

"local government area" has the meaning ascribed thereto in the Local Government Act, 1919;

"member" means a member of the Corporation;

"Ministerial Council" means the Ministerial Council referred to in the Agreement;

"officer of the Corporation" means a person in respect of whom an arrangement under section 18 is for the time being in force;

"planning scheme" means a scheme prescribed under Part XIIA of the Local Government Act, 1919;

"public

"public authority" means any public or local authority constituted by or under an Act other than this Act;

"regulations" means regulations made under this Act.

PART II.

APPROVAL OF THE AGREEMENT.

Approval of Agreement.

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

(2) The execution of the Agreement by the Honourable Sir Robert Askin for and on behalf of the State of New South Wales is ratified.

PART III.

CONSTITUTION OF THE ALBURY-WODONGA (NEW SOUTH WALES) CORPORATION.

The Corporation.

6. (1) There is hereby constituted a corporation under the corporate name "Albury-Wodonga (New South Wales) Corporation".

(2) For the purposes of any Act, the Corporation shall be deemed to be a statutory body representing the Crown.

(3) The Corporation shall have and may exercise and discharge the responsibilities, powers, authorities, duties and functions conferred or imposed on it—

(a) by or under this or any other Act; or

(b) by an Act or part of an Act of the Parliament of the Commonwealth or of Victoria, being an Act or part for the time being declared under subsection (4) to be an enactment to which this subsection applies.

(4) Where it appears to the Minister that an Act of the Parliament of the Commonwealth or of Victoria, or part of such an Act, confers or imposes a responsibility, power, authority, duty or function on the Corporation, the Minister may, if he thinks fit, by order published in the Gazette, declare that Act or that part of that Act, as the case may be, to be an enactment to which subsection (3) applies.

General provisions relating to the Corporation.

7. (1) The Corporation shall consist of three members, namely—

(a) a Chairman; and

(b) two Deputy Chairmen,

to be appointed by the Governor.

(2) The Chairman shall be subject in all respects to the control and direction of the Minister in the exercise and discharge of his responsibilities, powers, authorities, duties and functions.

(3) Schedule 2 has effect.

Corporation to comply with Agreement and directions of Ministerial Council.

8. The Corporation shall comply with—

(a) the provisions of the Agreement; and

(b) 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.

PART IV.

RESPONSIBILITIES, POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE CORPORATION.

General powers of the Corporation.

9. (1) Subject to this Act, the Corporation is charged with the responsibility of acquiring and managing land for the purposes of the growth complex and encouraging and assisting development in designated areas.

(2) Without affecting the generality of subsection (1), the Corporation may—

(a) cause surveys to be made, and plans of survey to be prepared, in relation to any land vested in the Corporation;

(b) by notification published in the Gazette, with the approval of the Minister, close or realign any public road, or part thereof, within or adjoining or in the vicinity or for the purposes of the growth complex;

(c) demolish, or cause to be demolished, any building within or adjoining or in the vicinity of the growth complex of which it has exclusive possession;

(d) provide, or arrange, on such terms and conditions as may be agreed upon, for the location or relocation of, utility services within or adjoining or in the vicinity of the growth complex;

(e) set apart land as sites for buildings or works or for religious, charitable or municipal purposes;

(f) subdivide and re-subdivide land, and consolidate subdivided or re-subdivided land, vested in the Corporation;

(g) set out and construct roads on land vested in the Corporation;

(h) erect, alter, repair and renovate buildings on and make other improvements to land vested in the Corporation or on any other land with the consent of the person in whom it is vested;

(i) cause any work to be done on or in relation to any land vested in the Corporation, or on any other land with the consent of the person in whom it is vested, for the purpose of rendering it fit to be used for any purpose for which it may be used under any interim development order or planning scheme applying to the land; and

(j) without affecting the generality of the foregoing provisions of this subsection, do all things, whether of the same or of a different kind or nature, necessary or desirable for the management and servicing of the growth complex in accordance with the Corporation's powers.

(3) Notwithstanding anything in any Act, upon the publication, pursuant to subsection (2) (b), of a notification closing a public road or part thereof, the estate or interest therein of any person or public authority shall vest in the Corporation, freed and discharged from any trusts affecting it immediately before that publication and freed and discharged from any rights of the public or any person thereto as a public road or highway.

Provisions respecting acquisition of land.

10. Without affecting the generality of section 9, the Corporation may, for the purposes of the growth complex, acquire land (including land previously appropriated or resumed for any purpose) by lease or purchase or by resumption or appropriation in accordance with this Act, being—

(a) land within designated areas;

(b) land outside designated areas which the Corporation considers should be made available in the public interest for any purpose of the growth complex;

(c) land of which that proposed to be acquired under this Act forms part; or

(d) land adjoining or in the vicinity of any land proposed to be acquired under this Act.

Resumption.

11. (1) Resumption or appropriation for the purposes of this Act shall be effected by the Governor under the Public Works Act, 1912, and, without affecting the generality of the foregoing, appropriation under that Act may be effected in respect of any land vested in Her Majesty or any person in trust for Her Majesty.

(2) Such a resumption or appropriation shall be deemed to be for an authorised work and the Corporation shall be deemed to be the Constructing Authority.

(3) Notwithstanding subsection (1), sections 34, 35, 36 and 37 of the Public Works Act, 1912, do not apply in respect of the expenditure on any works constructed in pursuance of this Act, but section 38 of that Act applies in respect of that expenditure.

(4) For the purposes of this section and not otherwise, Schedule 3 has effect.

(5)

(5) Notwithstanding anything in this section and Schedule 3, where any land to be so resumed is designated land within the meaning of the Growth Centres (Land Acquisition) Act, 1974, that Act applies to and in respect of that resumption as if this Act had been enacted before the commencement of that Act.

Disposal of land.

12. (1) The Corporation may, with the approval of the Minister and subject to such terms and conditions as the Minister may attach to his approval, sell, lease, exchange or otherwise deal with or dispose of land vested in the Corporation, and may, with the like approval and subject to the like terms and conditions, grant easements or rights-of-way over that land or any part thereof.

(2) Notwithstanding subsection (1), the approval of the Minister shall not be required for a lease of land by the Corporation for a term which is less than three years.

Dedication of land.

13. (1) The Corporation may, by notification published in the Gazette, declare that it proposes to surrender to Her Majesty land described or referred to in the notification to be dedicated for any public purpose specified in the notification or, if so specified in the notification, as a public road.

(2) Upon the surrender of land described or referred to in a notification published pursuant to subsection (1), the land so described or referred to shall be Crown land reserved from sale or lease generally and, upon revocation of the reservation, may be dedicated under the Crown Lands Consolidation Act, 1913, for the public purpose specified in the notification or, as the case may require, under the Public Roads Act 1902 as a public road.

(3) The Corporation may, in a notification published pursuant to subsection (1), limit the description of, or reference to, land to a specified depth below the surface thereof and, where such a description or reference is so limited, subsection (2) does not apply to or in respect of land below the depth so specified.

Covenants in leases.

14. (1) Subject to this section, where the lease of any land set apart as the site for a building under section 9 (2) (e) (in this section referred to as "the building site") contains a covenant on the part of the lessee not to commence the erection of a building on the building site, or any work preparatory or incidental thereto, without the written consent of the Corporation—

(a) the Corporation may give its consent upon the application of a person entitled to apply to a council for its approval to the erection of a building on the building site; and

(b) the Corporation may impose conditions in giving its consent.

(2) The Corporation shall not give a consent pursuant to subsection (1) unless—

(a) the application therefor is accompanied by such plans and specifications of the building in respect of which the consent is sought, and such other information in respect of that building, as may be prescribed or as the Corporation may require; and

(b) the application therefor and the accompanying plans and specifications and other information disclose that the building in all respects will be in conformity

with

with the planning scheme or interim development order that applies to or in respect of the building site and with the proposals of the Corporation as to—

(i) the use to which the building will be put;

(ii) the height and general external design and appearance of the building;

(iii) the area of the building site to be covered by the building; and

(iv) the situation of the building in relation to the boundaries of the building site.

(3) Where a covenant, condition or stipulation in a lease granted by the Corporation excludes, or is inconsistent with the operation of a provision of an Act passed before or after the appointed day, being a provision whereby, but for this subsection—

(a) a right would be conferred, or an obligation imposed, on a lessor or lessee; or

(b) a covenant, condition or stipulation would be implied, or be deemed to be included, in the lease,

the provision shall not to the extent of the exclusion or inconsistency, but subject to any express provision of the lease, operate in respect of the lease.

Corporation to comply with building standards.

15. (1) Except in so far as the regulations specify different building standards applicable to the Corporation, the Corporation shall comply with the provisions of any ordinance made pursuant to Part XI of the Local Government Act, 1919.

(2) Where the regulations specify building standards, as referred to in subsection (1), the Corporation shall comply with those standards.

(3) The Ministerial Council may, in a particular case, exempt the Corporation from compliance with subsection (1) or (2).

Corporation may enter into contracts.

16. (1) The Corporation may make and enter into contracts with any person for the carrying out of works or the performance of services or the supply of goods or materials in connection with the exercise or discharge by the Corporation of its responsibilities, powers, authorities, duties and functions.

(2) A contract under this section may provide for—

(a) the whole or part of any works to be undertaken by the Corporation;

(b) the whole or any part of the cost of any works to be paid by the Corporation;

(c) a loan to be made by the Corporation to meet the whole or any part of the cost of any works; or

(d) the Corporation to pay the costs of providing any services during a specified period.

(3) A contract under this section shall be deemed for the purposes of the Constitution Act, 1902, to be a contract for or on account of the Public Service of New South Wales.

Corporation may enter into arrangement with other public authorities.

17. (1) The Corporation may enter into an arrangement or agreement with any public authority constituted under the law of New South Wales, of Victoria or of the Commonwealth whereby—

(a) that public authority shall act as agent of the Corporation for the purposes of this Act; or

(b)

(b) the Corporation shall act as agent of that public authority for the purposes of this Act,

on such terms and conditions as are agreed upon between the Corporation and the public authority.

(2) Without affecting the generality of subsection (1), the Authority may, at the request of the Corporation and upon such terms and conditions as may be agreed upon between the Authority and the Corporation, act on behalf of the Corporation in the carrying out of any legal work or other work of any kind in connection with the exercise of any of the Corporation's responsibilities, powers, authorities, duties and functions.

Arrangements as to use of officers or facilities by Corporation.

18. (1) For the purpose of exercising and discharging its responsibilities, powers, authorities, duties and functions, the Corporation may, with the approval of the Minister and of the Department concerned, and on such terms as may be arranged, make use of the services of any officers or employees or the facilities of any Government Department.

(2) For the like purpose, the Corporation may, with the approval of the Minister and of the public authority, Department or statutory body concerned, and on such terms as may be arranged, make use of the services of any officers, employees or servants or the facilities of any public authority, Government Department of the Commonwealth or of Victoria or statutory body constituted by any Act of the Parliament of the Commonwealth or Victoria.

19.

Consultation and negotiation.

19. In the exercise and discharge of its responsibilities, powers, authorities, duties and functions, the Corporation shall, as far as practicable—

(a) consult with public authorities whose responsibilities, powers, authorities, duties and functions include those of the same or of a similar nature; and

(b) negotiate with any such authorities for the purpose of arranging or providing services and facilities in the growth complex.

Council powers may be transferred to the Corporation.

20. (1) The Corporation may request a council, the local government area, or part of the local government area, of which is in a designated area, to agree to transfer all or any of its powers (other than its powers to borrow money under Division 4 of Part VII of that Act), authorities, duties and functions under the Local Government Act, 1919, in relation to that designated area to the Corporation for a specified period.

(2) Notwithstanding anything in any Act, the council is hereby authorised and empowered to enter into an agreement under this section and may do or suffer anything necessary or expedient for carrying any such agreement into effect.

(3) An agreement under this section operates so as to transfer to the Corporation, in accordance with that agreement, the powers, authorities, duties and functions referred to therein.

(4) Where the Corporation requests a council to enter into an agreement under this section and the council refuses or fails within a reasonable time to do so, or where the Corporation and the council fail to agree upon the terms of the agreement, the Corporation or the council may refer the matter to the Minister for Local Government.

(5) The Minister for Local Government may refer the matter to the Governor, who may determine the terms which are to apply between the parties.

(6) The terms determined under subsection (5) shall be deemed to be an agreement entered into by the Corporation and the council.

(7) Where a council transfers its powers to make and levy rates in a designated area to the Corporation, it may be a condition of the agreement that the council receive from the Corporation financial assistance to compensate the council for adverse financial effects on the council created by the acquisition of land in the council's local government area by the Corporation.

(8) The provisions of the Local Government Act, 1919, with such adaptations as are necessary, apply to and in relation to the exercise of powers and authorities, or the carrying out of duties and functions, transferred to the Corporation under this section as if the Corporation were a council and the designated area formed part of that council's local government area.

(9) While the Corporation has any power, authority, duty or function transferred to it by a council under this section, the council does not have that power, authority, duty or function and is not under any obligation in relation thereto.

PART

PART V.

PROVISIONS RESPECTING THE DEVELOPMENT CORPORATION AND OTHER MATTERS.

Power of Development Corporation to exercise powers, etc., under Agreement.

21. For the purpose only of giving effect to the Agreement, the Development Corporation may—

(a) do in the State of New South Wales all such acts, matters and things as the Agreement permits or requires the Development Corporation to do; and

(b) exercise in the State of New South Wales all such powers and authorities as may be necessary to enable the provisions of the Agreement to be carried out in their entirety.

Investigations and plans.

22. Without affecting the generality of section 21, the Development Corporation may carry out investigations, consult with planning authorities in the Albury Area and prepare plans for the purpose of co-ordinating planning in the Albury-Wodonga Area.

Planning schemes and interim development orders.

23. (1) In the application of Part XIIA of the Local Government Act, 1919, to and in respect of land within a designated area or designated areas, that Part applies to and in respect of the Development Corporation as if—

(a) the Development Corporation were a council; and

(b) the designated area or designated areas were that council's local government area,

but a reference in section 342G (5) (a), 342L (2) (b) (iii) or 342V (1A) of that Act to a council does not include a reference to the Development Corporation.

(2) For the purposes of the application of Part XIIA of the Local Government Act, 1919, to and in respect of land within the Albury Area and not otherwise, Schedule 4 has effect.

(3) The Development Corporation may, with respect to land in a designated area or designated areas, prepare a proposed interim development order for consideration by the Minister for Local Government.

(4) Where a responsible authority is required by a planning scheme to consult, as referred to in section 342G (5) (c) of the Local Government Act, 1919, as deemed to be amended by Schedule 4, with the Development Corporation before giving an approval, consent or permission, and a difference arises between the responsible authority and the Development Corporation in relation to the matter, the responsible authority shall not give the approval, consent or permission until the difference is determined.

(5) Where a council is required by an interim development order to consult, as referred to in section 342V (3) (c) of the Local Government Act, 1919, as deemed to be amended by Schedule 4, with the Development Corporation before dealing with an interim development application, and a difference arises between the council and the Development Corporation in relation to the matter, the council shall not grant the application unconditionally or subject to conditions, under section 342V (1A) of that Act, until the difference is determined.

(6) Any approval, consent or permission given in contravention of subsection (4) or (5) has no force or effect.

(7) The Development Corporation or the council may submit any difference referred to in subsection (4) or (5) to the Minister, who may refer the matter for inquiry to some person appointed by him in that behalf, or may himself make an inquiry.

(8) The Minister may determine any difference referred to him under subsection (7) in such manner as in the public interest and in the circumstances of the case may seem to him just and equitable.

(9) In Schedule 4, "Albury Area", "designated area" and "Development Corporation" have the meanings respectively ascribed thereto in section 4.

(10) A reference in a part of Schedule 4 to the Minister is a reference to the Minister for the time being administering that part.

Arrangements between Corporation and Development Corporation.

24. The Corporation shall, at the request of the Development Corporation, enter into an arrangement or arrangements with the Development Corporation providing for the Development Corporation to carry out or to make provision with respect to the carrying out of works (including the erection, alteration, repair and renovation of buildings and the provision of services) on land vested in or under the control of the Corporation in a designated area or on land vested in the Corporation outside a designated area or of works which the Corporation has undertaken or is empowered to carry out pursuant to an agreement with a public authority.

Designated areas.

25. (1) The Governor may—

(a) by proclamation published in the Gazette, declare any area of land wholly within the Albury Area and specified or described therein to be a designated area; and

(b) if he thinks fit, specify in that declaration the name by which that area is to be known,

for the purposes of this Act and the Agreement.

(2) A declaration under subsection (1) shall be made only with the prior approval of the Governor-General and the Governor of the State of Victoria.

(3) A reference in subsection (2) to—

(a) the Governor-General is a reference to the person referred to in clause 3 (6) (a) of the Agreement; and

(b) the Governor of the State of Victoria is a reference to the person referred to in clause 3 (6) (c) of the Agreement.

(4) A declaration under subsection (1) may be revoked, amended or varied by proclamation published in the Gazette.

Arrangements between the Governor and the Governor-General with regard to officers and employees.

26. (1) The Governor may enter into an arrangement with the Governor-General making available the services of officers or employees of the Public Service or of a public authority (other than a council) to the Development Corporation.

(2) Any such arrangement may provide for the rate of payment to be made by the Development Corporation for the services performed by the officer or employee and any other matters which may require to be adjusted with regard to the performance of those services by the officer or employee.

PART

PART VI.

FINANCE.

Accounts.

27. (1) The Corporation shall cause to be kept proper accounts and records in relation to all of its operations and shall, as soon as practicable after the thirtieth day of June in each year, prepare and submit to the Minister for presentation to Parliament a statement of accounts in a form approved by the Auditor-General, exhibiting a true and correct view of the financial position and transactions of the Corporation.

(2) The Minister shall lay the statement of accounts, or cause it to be laid, before each House of Parliament as soon as practicable after the receipt by him of the statement.

(3) The Corporation shall, if the Minister so directs, cause accounts to be kept with banks at such place or places as the Minister may from time to time determine.

Audit.

28. (1) The accounts of the Corporation shall be audited by the Auditor-General, who shall have in respect thereof all the powers conferred on him by any law for the time being in force relating to the audit of public accounts.

(2) The Audit Act, 1902, shall apply to members and officers of the Corporation in the same way as it applies to accounting officers of public departments.

(3) The Auditor-General shall report to the Corporation and the Minister—

(a) whether in his opinion—

(i) due provision has been made for the repayment of loans;

(ii) the value of assets has (so far as he can judge) been in all cases fairly stated;

(iii) due diligence and care have been shown in the collection and banking of income;

(iv) expenditure incurred has been duly authorised, vouched and supervised;

(v) proper account has been kept of plant, stores and materials; and

(vi) any of the money or other property of the Corporation or over which it has control has been misappropriated or improperly or irregularly dealt with; and

(b) as to any other matters which in his judgment call for special notice or which are prescribed.

(4) Towards defraying the costs and expenses of any such audit, the Corporation shall pay to the Consolidated Revenue Fund such amounts, at such times, as the Treasurer decides.

Surplus funds.

29. The Treasurer may at any time require the Corporation to pay from accumulated funds to the credit of the Consolidated Revenue Fund such amounts as he may determine and notify to the Corporation as being surplus to the requirements of the Corporation from time to time.

Investment.

30. The Corporation may invest money held by it in Government securities of the Commonwealth or of the State of New South Wales or in any securities guaranteed by the Government of that State, or on call or on fixed deposit, or partly on call and partly on fixed deposit, with the Treasurer or with any bank or in such other securities as the Governor approves or as are prescribed.

31.

Temporary accommodation.

31. (1) For the temporary accommodation of the Corporation, it may obtain advances by overdraft of current account in any bank or banks upon the credit of the Corporation's funds to such extent as may, from time to time, be approved by the Governor.

(2) The Treasurer may advance such money to the Corporation, on such terms and conditions as to repayment and interest, as may be agreed upon.

Borrowing.

32. (1) The Corporation may from time to time, with the concurrence of the Treasurer and the approval of the Governor, borrow money for—

(a) the purpose of carrying out and discharging any of its responsibilities, powers, authorities, duties and functions;

(b) the renewal of loans;

(c) the discharge or partial discharge of any loan or any indebtedness to the Treasurer or to any bank; or

(d) any other purpose of this Act.

(2) Schedule 5 has effect.

PART VII.

GENERAL.

Powers of public authorities.

33. Notwithstanding anything in any other Act, any public authority is hereby authorised and empowered to enter into agreements for the purposes of this Act with the Corporation or the Development Corporation and may do or suffer anything necessary or expedient for carrying any such agreement into effect.

34.

Disputes between the Corporation and a council.

34. (1) If any difference, whether arising out of the construction of this Act or not, arises between the Corporation and a council, with respect to the carrying out of the provisions of this Act or with respect to the fulfilment and exercise of the Corporation's responsibilities, powers, authorities, duties, functions or privileges, the Corporation or the council may submit the difference to the Minister, who may refer the matter for inquiry to some person appointed by him in that behalf, or may himself make an inquiry.

(2) The Minister, after consultation with the Minister for Local Government, may thereupon make such order as in the public interest and in the circumstances of the case may seem to him just and equitable, and by the order may direct the payment of any costs and expenses incidental to the conduct of the inquiry.

(3) Any such order may, upon the application of the Minister, the Corporation or the council, by leave of the Supreme Court, be enforced in the same manner as a judgment or order of the Supreme Court to the same effect.

(4) If any such difference arises between the Corporation and any Government Department, the parties to the dispute may mutually agree to submit the matter in dispute to the Minister, and in any such case the provisions of this section shall apply to the settlement of the dispute as if the dispute were between the Corporation and a council.

Consolidation of interim development orders.

35. (1) Notwithstanding anything in the Local Government Act, 1919, the Minister may, after consideration of a report by the Authority, by notification published in the Gazette, make an order consolidating two or more interim development orders with respect to any land within the Albury Area in the one instrument, whether with or without alterations that might have been made to any such order had this section not been enacted.

(2)

(2) An order made under subsection (1) shall be deemed to be an interim development order and, for the purposes of Division 7 of Part XIIA of the Local Government Act, 1919, the order shall, to the extent to which it applies to—

(a) land with respect to which, but for this section, an interim development order would be required to be made under section 342U (5A) or 342Y (3) of that Act—be deemed to be an interim development order made as so required; and

(b) other land—be deemed to be an interim development order made otherwise than as so required.

(3) Anything done before the appointed day that would have been valid if this section had been in force when the thing was done is validated.

Misuse of information.

36. (1) Where, through his association with the Corporation, a person has knowledge of specific information relating to proposals made, or to be made, by the Corporation in respect of the use and development of land and that information is not generally known but, if generally known, might reasonably be expected to affect materially the market price of that land, he is guilty of an offence against this Act if he—

(a) deals, directly or indirectly, in that land for the purpose of gaining an advantage for himself by the use of that information; or

(b) divulges that information for the purpose of enabling another person to gain an advantage by using that information to deal, directly or indirectly, in that land,

and is liable to a penalty not exceeding $2,000.

(2)

(2) Where, through his association with the Corporation, a person is in a position to influence proposals made, or to be made, by the Corporation in respect of the use and development of land and does influence the proposals by securing the inclusion or alteration of any matter in, or the exclusion or omission of any matter from, the proposals, he is guilty of an offence against this Act if—

(a) he does so for the purpose of gaining an advantage for himself; or

(b) he does so for the purpose of enabling another person to gain an advantage,

and is liable to a penalty not exceeding $2,000.

(3) Where—

(a) an offence under subsection (1) is committed and an advantage, referred to in that subsection, is gained from any dealing in land to which the offence relates; or

(b) an offence under subsection (2) is committed and an advantage, referred to in that subsection, is gained from any dealing in land which would not have been gained if the proposals concerned had not been influenced,

any person who gained that advantage is, whether or not any person has been prosecuted for or convicted of an offence under subsection (1) or (2), as the case may be, liable to another person for the amount of any loss incurred by that other person by reason of the gaining of that advantage.

(4) Where a loss referred to in subsection (3) is incurred by reason of an advantage gained from a dealing in land, the amount of the loss is the difference between the price at which the dealing was effected and—

(a) in the case of any dealing to which subsection (1) relates, the price that, in the opinion of the court before which it is sought to recover the amount of

the

the loss, would have been the market price of the land at the time of the dealing if the specific information used to gain that advantage had been generally known at that time; or

(b) in any case to which subsection (2) relates, the price that, in the opinion of the court before which it is sought to recover the amount of the loss, would have been the market price of the land at the time of the dealing if the proposals concerned had not been influenced.

(5) An action to recover a loss or profit, referred to in subsection (3), may not be brought after the expiration of five years next succeeding the dealing in land to which the transaction relates.

(6) For the purposes of this section, a person is associated with the Corporation—

(a) if he is a member or officer of the Corporation or a person appointed to a committee or a sub-committee of the Corporation;

(b) if he is an officer or employee of the Department of Decentralisation and Development;

(c) if he is a member or servant of the Authority or a person appointed to a committee or a sub-committee of the Authority established under section 15 of the State Planning Authority Act, 1963, or to a Regional Planning Committee appointed under Part IV of that Act;

(d) if he is an officer or servant of a council;

(e) if he acts or has acted as banker, solicitor, auditor or professional adviser or in any other capacity for the Corporation, the Department of Decentralisation and Development, the Authority or a council; or

(f) where the person, so associated by virtue of paragraph (e), is a body corporate, if he is a director, manager or secretary of that body corporate.

Disclosure of interest.

37. (1) If a member, or a member of a committee or a sub-committee of the Corporation, has an interest, directly or indirectly, in land, proposals in respect of the development or use of which are to be considered by the Corporation, the committee or the sub-committee, as the case may be, or has a pecuniary interest, direct or indirect, in a contract or proposed contract with the Corporation or in any other matter in which the Corporation is concerned and is present at a meeting of the Corporation, the committee or the sub-committee, as the case may be, at which the proposals are or the contract, proposed contract or other matter is the subject of consideration, he shall, at the meeting, as soon as practicable after the commencement thereof, disclose his interest and shall not take part in the consideration or discussion of or vote on any question with respect to the proposals or the contract, proposed contract or other matter.

(2) Notwithstanding subsection (1), this section does not apply to an interest in a contract, proposed contract or other matter which a member of the Corporation, committee or sub-committee may have as a ratepayer to the Corporation or as a consumer of gas, electricity or water supplied to him by the Corporation in like manner and subject to the like conditions as are applicable in the case of persons who are not members of the Corporation, committee or sub-committee or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.

(3) For the purposes of this section, a person shall be treated as having an indirect interest in land or a contract, proposed contract or other matter if—

(a) he or any nominee of his is a member of a company or other body which has an interest in the land, or with which the contract is made or is proposed to be made

made or which has a direct or indirect pecuniary interest in the other matter under consideration; or

(b) he is a partner, or is in the employment of, a person who has an interest in the land, or with whom the contract is made or is proposed to be made or who has a direct or indirect pecuniary interest in the other matter under consideration.

(4) Notwithstanding subsection (3)—

(a) that subsection does not apply to membership of or employment under any council or statutory body within the meaning of the Local Government Act, 1919;

(b) a member of a company or other body shall not, by reason only of his membership, be treated as being so interested if he has no beneficial interest in any shares of that company or other body; and

(c) a member of a company having not less than twenty-five members shall not be treated as having an interest in land or in any contract or proposed contract with the Corporation or in any other matter in which the Corporation is concerned by reason only that the company has an interest in the land or the contract or proposed contract is with or the other matter concerns the company.

(5) In the case of a married man and his wife who are living together, the interest of one spouse shall, if known to the other, be deemed, for the purposes of this section, to be also an interest of the other spouse.

(6) A general notice in writing to the secretary or the prescribed officer of the Corporation by any member referred to in subsection (1) to the effect that he or his spouse is a member, or is in the employment of a specified company or other body, or that he or his spouse is a partner or in the employment of a specified person shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure

of

of his interest in any land in which that company or other body has an interest or in any contract, proposed contract or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

(7) The secretary or officer referred to in subsection (6) shall record in a book to be kept for the purpose particulars of any disclosure made under subsection (1) and of any notice given under subsection (6) and the book shall be open at all reasonable hours to the inspection of any person on payment of such fees as may be determined by the Corporation from time to time.

(8) Subject to subsection (9), if any person fails to comply with the provisions of subsection (1), he is guilty of an offence against this Act and liable to a penalty not exceeding $400, unless he proves that he did not know that proposals in respect of the development and use of the land in which he had an interest were, or that he did not know that a contract, proposed contract or other matter in which he had a pecuniary interest was, the subject of consideration at the meeting.

(9) The Minister may, subject to such conditions as he thinks fit to impose, remove any disability imposed by subsection (1) in any case in which the number of members referred to in subsection (1) so disabled at any one time would be so great a proportion of the whole of the members of the Corporation or a committee or sub-committee, as the case may be, as to impede the transaction of business, or in any other case in which it appears to the Minister that it is in the public interest that the disability should be removed.

(10) The Corporation or a committee or sub-committee may, by resolution, provide for the exclusion of any member thereof from a meeting of the Corporation, committee or sub-committee, as the case may be, while any proposal in respect of any land or any contract, proposed contract or other matter in which that member has an interest as referred to in this section is under consideration.

(11) In this section, "shares" includes stock.

(12) The provisions of this section apply to a member of a council in relation to an interest in land that is within a designated area and held by him, directly or indirectly, proposals in respect of the development and use of which are to be considered by the council at a meeting of the council in the same way as they apply to a member of the Corporation having an interest, directly or indirectly, in land, proposals in respect of the development and use of which are to be considered by the Corporation at a meeting of the Corporation.

Proceedings at meetings confidential.

38. A person shall not, unless the Corporation otherwise determines, disclose any information with respect to the business discussed at any meeting of the Corporation or of a committee or of a sub-committee of the Corporation.

Penalty: $2,000.

Delegation.

39. (1) The Corporation may, by instrument in writing under seal, delegate to a member or officer of the Corporation the exercise or performance of such of the Corporation's responsibilities, powers (other than this power of delegation), authorities, duties and functions as may be specified in the instrument of delegation, and may, by such an instrument, revoke wholly or in part any such delegation.

(2) A responsibility, power, authority, duty or function, the exercise or performance of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

(3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the responsibilities, powers,

authorities,

authorities, duties or functions delegated, or as to time or circumstance, as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation under this section, the Corporation may continue to exercise or perform all or any of the responsibilities, powers, authorities, duties or functions delegated.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done or suffered by the Corporation and shall be deemed to have been done or suffered by the Corporation.

(6) An instrument purporting to be signed by a delegate of the Corporation in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Corporation under seal and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Corporation under this section.

Annual report.

40. (1) The Corporation shall, as soon as practicable after the thirtieth day of June in each year, prepare and forward to the Minister a report of its work and activities for the twelve months preceding that day.

(2) The Minister shall lay the report, or cause it to be laid, before each House of Parliament as soon as practicable after the receipt by him of the report.

Service of process.

41. Any notice, summons, writ or other proceeding to be served on the Corporation may be served—

(a) by being left; or

(b)

(b) in the case of a notice, by posting it addressed to the Corporation,

at its office or, if it has more than one office, at one of its offices.

Authentication of process.

42. Every summons, process, demand, order, notice, statement, direction or document requiring authentication by the Corporation may be sufficiently authenticated without the seal of the Corporation if signed by a member.

Penalties.

43. (1) Any penalty imposed by this Act or the regulations may be recovered in a summary manner before a stipendiary magistrate or any two justices of the peace in petty sessions.

(2) Where the penalty is a daily penalty it may be recovered either under a separate information or complaint for each day or under an information or complaint for the sum of the daily penalties.

Recovery of money.

44. Any charge, fee or money due to the Corporation may be recovered as a debt or liquidated demand in a court of competent jurisdiction.

Regulations.

45. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to—

(a) forms including forms of lease for use for the purposes of this Act; and

(b)

(b) the payment of fees and travelling and out-of-pocket expenses to members of committees or sub-committees of the Corporation for attending meetings, transacting business of the committees or sub-committees and making inspections for the purposes of this Act.

(2) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

(3) A regulation may—

(a) impose a penalty for any breach thereof and also distinct penalties in case of successive breaches thereof but no such penalty shall exceed $100; and

(b) impose also a daily penalty for any continuing breach thereof not exceeding $10 per day.

SCHEDULE

SCHEDULE 1.

Sec. 5.

ALBURY-WODONGA AREA DEVELOPMENT AGREEMENT

Preamble

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23 October 1973

AN

Albury-Wodonga Development.

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 on the thirtieth day of June;

'land'

'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.

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 (5000) square kilometres in total extent contained within the boundaries set out in sub-clause (2) of this clause. Albury–Wodonga area

(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-west 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 years

as 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.

(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

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 subclause (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)

(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

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

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 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.

(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

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 Australia, in the presence of—

TOM UREN,

Minister for Urban and Regional Development.

E. G. WHITLAM.

SIGNED by the Honourable SIR ROBERT ASKIN, Premier of the State of New South Wales, in the presence of—

JOHN B. FULLER,

Minister for Decentralisation and Development, N.S.W.

R. W. ASKIN.

SIGNED by the Honourable RUPERT JAMES HAMER, Premier of the State of Victoria, in the presence of—

L. E. STONE,

Mayor Rural City of Wodonga.

R. J. HAMER.

SCHEDULE

SCHEDULE 2.

PROVISIONS RELATING TO THE CONSTITUTION AND PROCEDURE OF THE CORPORATION.

Term of office.

1. A member shall be appointed for such term, not exceeding seven years, as is specified in the instrument of appointment and, if otherwise qualified, is eligible for re-appointment.

Person aged 65 years.

2. A person who is of or above the age of sixty-five years shall not be appointed as a member.

Vacation of office.

3. (1) A member shall be deemed to have vacated his office—

(a) if he dies;

(b) if he engages in New South Wales or elsewhere during his term of office in any paid employment outside the duties of his office, otherwise than for the purposes of the Agreement, without the approval of the Minister;

(c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his estate for their benefit;

(d) if he absents himself from duty, otherwise than for the purposes of the Agreement, for a period exceeding fourteen consecutive days, except on leave granted by the Minister, which leave the Minister is hereby authorised to grant, or unless the absence is occasioned by illness or unavoidable cause;

(e) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(f) if he is convicted in New South Wales of a felony or misdemeanour, which is punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be a felony or misdemeanour so punishable;

(g) if he resigns his office by writing under his hand addressed to the Governor;

(h) if he declines office;

(i) if he is removed from office by the Governor; or

(j) upon his attaining the age of sixty-five years.

(2) The Governor may, for any cause which appears to him to be sufficient, remove any member from office.

Public Service Act, 1902, not to apply.

4. The provisions of the Public Service Act, 1902, do not apply to or in respect of the appointment of a member and a member is not, in his capacity as a member, subject to the provisions of that Act during his term of office.

Deputy members.

5. A member may, with the approval of the Minister, nominate in writing a person as his deputy to attend any meeting of the Corporation or of a committee or sub-committee of the Corporation that that member is unable for any reason to attend, and the person so nominated—

(a) shall have and may exercise and perform at that meeting the responsibilities, powers, authorities, duties and functions of the member for whom he is a deputy; and

(b) shall, if he is not otherwise a member, be deemed, for the purposes of that meeting, to be a member.

Meetings.

6. (1) At a meeting of the Corporation two members constitute a quorum.

(2) Any duly convened meeting of the Corporation at which a quorum is present shall be competent to transact any business of the Corporation.

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

(4) The Chairman shall preside at all meetings of the Corporation at which he is present.

(5) If the Chairman is not present at a meeting of the Corporation, a Deputy Chairman, chosen in accordance with the procedure determined for the purpose by the Corporation, shall preside at the meeting.

(6) The person 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.

Minutes.

7. The Corporation shall cause full and accurate minutes to be kept of its proceedings at meetings and submit to the Minister a copy of the minutes of each meeting within one week after the date on which the meeting is held.

Committees and sub-committees.

8. (1) The Corporation may establish committees for the purposes of advising the Corporation upon such matters within the scope of the Corporation's responsibilities, powers, authorities, duties and functions as may be referred to the committees by the Corporation.

(2) The Corporation, or a committee referred to in subclause (1), with the approval of the Corporation, may establish sub-committees for the purposes of advising the committee upon such matters within the scope of the committee's responsibilities, powers, authorities, duties and functions as may be referred to the sub-committees by the Corporation or by such a committee with the approval of the Corporation.

(3) A person may be appointed to any such committee or sub-committee whether or not he is a member of the Corporation.

(4) The office of member of any such committee or sub-committee shall not, for the purposes of any Act, be deemed to be an office or place of profit under the Crown.

General procedure.

9. Subject to this Act, the procedure for the calling of, and for the conduct of business at, meetings of the Corporation shall be as determined by the Corporation.

Protection from liability.

10. (1) No matter or thing done, and no contract entered into, by the Corporation, and no matter or thing done by a member or by any other person acting under the direction or as delegate of the Corporation shall, if the matter or thing was done, or the contract was entered into, in good faith for the purposes of executing this Act or any other Act, or any Act or part of an Act for the time being declared under section 6 (4) to be an enactment to which section 6 (3) applies, conferring or imposing responsibilities, powers, authorities, duties or functions on the Corporation, subject the member or person so acting personally to any action, liability, claim or demand.

(2) Nothing in subclause (1) exempts any member or other person from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General in the accounts of or relating to the Corporation, and which the member or other person authorised or joined in authorising.

Preservation of rights of members previously public servants, etc.

11. (1) In this clause—

"statutory body" means any body declared under clause 13 to be a statutory body for the purposes of this Schedule;

"superannuation scheme" means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

(2) Subject to subclause (3) and to the terms of his appointment, where a member was, immediately before his appointment as a member—

(a) an officer of the Public Service;

(b)

(b) a contributor to a superannuation scheme;

(c) an officer employed by a statutory body; or

(d) a person in respect of whom provision was made by any Act that he retain any rights accrued or accruing to him as an officer or employee,

he—

(e) shall retain any rights accrued or accruing to him as such an officer, contributor or person;

(f) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as a member; and

(g) shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity,

as if he had continued to be such an officer, contributor or person during his service as a member, and—

(h) his service as a member shall be deemed to be service as an officer or employee for the purpose of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and

(i) he shall be deemed to be an officer or employee, and the Corporation shall be deemed to be his employer, for the purpose of the superannuation scheme to which he is entitled to contribute under this clause.

(3) A member who, but for this subclause, would be entitled under subclause (2) to contribute to a superannuation scheme or to receive any payment, pension or gratuity under that scheme shall not be so entitled upon his becoming (whether upon his appointment as a member or at any later time while he holds office as a member) a contributor to any other superannuation scheme, and the provisions of subclause (2) (i) cease to apply to or in respect of him and the Corporation in any case where he becomes a contributor to such another superannuation scheme.

(4) Subclause (3) does not prevent the payment to a member upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of his resignation, to be an officer or employee for the purposes of that scheme.

(5) A member shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

Member entitled to re-appointment in former employment in certain cases.

12. (1) In this clause—

"retiring age" means—

(a) in relation to a person who was, immediately before his appointment as a member, an officer of the Public Service—the age of sixty years; and

(b) in relation to a person who was, immediately before his appointment as a member, an officer or employee of a statutory body—the age at which officers or employees (being officers or employees of the class to which that person belonged immediately before his appointment as a member), as the case may be, of that statutory body are entitled to retire;

"statutory body" means any body declared under clause 13 to be a statutory body for the purposes of this Schedule.

(2) A person who ceases to be a member, otherwise than pursuant to clause 3 (1) (paragraph (g) excepted), shall, if he has not attained the retiring age, be entitled to be appointed, where, immediately before his appointment as a member, he was—

(a) an officer of the Public Service—to some office in the Public Service; or

(b) an officer or employee of a statutory body—to some office in the service of that body,

not lower in classification and salary than that which he held immediately before his appointment as member.

Declaration of statutory bodies.

13. The Governor may, by proclamation published in the Gazette, declare any body constituted by or under any Act to be a statutory body for the purposes of this Schedule.

Validity of certain actions.

14. No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising a person to act as deputy of a member, or in the place of the Chairman, in accordance with clause 5 or 6 (5), and all things done or omitted by a deputy or a Deputy Chairman while so acting shall be as valid and effectual and shall have the same consequences as if they had been done or omitted by the member or Chairman, as the case may be.

Presumptions.

15. In any proceedings by or against the Corporation no proof shall be required (until evidence is given to the contrary) of—

(a) the constitution of the Corporation;

(b) any resolution of the Corporation;

(c) the appointment of any member; or

(d) the presence of a quorum at any meeting of the Corporation.

SCHEDULE

Sec. 11.

SCHEDULE 3.

MODIFICATION OF THE PUBLIC WORKS ACT, 1912.

The Public Works Act, 1912, shall, for the purposes referred to in section 11, be deemed to be amended—

(a) (i) by omitting from section 53 the words "so seised, possessed or entitled as aforesaid";

(ii) by omitting from section 53 the words "as in the preceding section mentioned" and by inserting instead the words "and may claim compensation in respect of the land resumed and agree to, settle and determine with the Constructing Authority the amount of such compensation";

(iii) by inserting in section 53 (3) after the word "release" the words "and to claim, agree to, and settle and determine with the Constructing Authority the amount of compensation";

(iv) by omitting section 53 (5);

(b) (i) by inserting in section 102 after the word "time" where secondly occurring the words "as the Constructing Authority allows or, in default of any such allowance of further time, within such time";

(ii) by omitting from section 102 the words "and upon the Crown Solicitor";

(iii) by inserting at the end of section 102 the following subsection:—

(2) Upon receipt of such notice of claim, the Constructing Authority shall obtain from its solicitor, or the solicitor to any body corporate acting as agent for the Constructing Authority or a solicitor retained by such a body corporate, a report on the title of the land in respect of which the claim has been served by the claimant.

(c) by omitting from section 103 the words "Crown Solicitor he shall forward the same, together with his report thereon to the Constructing Authority, who" and by inserting instead the words "Constructing Authority it";

(d) by omitting section 124 and by inserting instead the following section :—

124. (1) For the purpose of ascertaining the compensation to be paid, regard shall in every case be had by the Court not only to the value of the land taken but also to the

the damage (if any) caused by the severing of the lands taken from other lands of the owner or by the exercise of any statutory powers by the Constructing Authority otherwise injuriously affecting such other lands and the Court shall assess the compensation according to what it finds to have been the value of such lands, estate or interest at the time the notification was published in the Gazette and without being bound in any way by the amount of the valuation notified to such claimant and without reference to any alteration in such value arising from the construction of any works on the lands taken.

(2) Notwithstanding subsection (1), the Court in ascertaining such compensation shall take into consideration and give effect to, by way of set-off or abatement, any enhancement in the value of the interest of any such owner in any land adjoining the land taken or severed therefrom by the construction of any works on the land taken, but in no case does this subsection operate so as to require any payment to be made by such owner to the Constructing Authority in consideration of such enhancement in value as aforesaid.

(3) Notwithstanding subsection (1), in the case of land under the surface taken or acquired by notification in the Gazette for the purpose of constructing a subterranean tunnel, no compensation shall be allowed or awarded unless—

(a) the surface of the overlying soil is disturbed;

(b) the support of such surface is destroyed or injuriously affected by the construction of such tunnel; or

(c) any mines or underground workings in or adjacent to such land are thereby rendered unworkable or are so affected as aforesaid.

(e) by omitting section 126 (3);

(f) (i) by omitting from section 135 (1) the words "such conveyances" and by inserting instead the words "conveyances or assurances of lands taken";

(ii) by omitting from section 135 (2) the words "incurred on the part as well of the vendor as of the purchaser,".

SCHEDULE

Sec. 23.

SCHEDULE 4.

MODIFICATION OF THE LOCAL GOVERNMENT ACT, 1919.

The Local Government Act, 1919, shall, for the purposes referred to in section 23 (2), be deemed to be amended—

(a) by omitting section 342E (2), (3) and (4);

(b) by inserting after section 342G (5) (b) the following paragraph :—

(c) Where a scheme that applies to land within the Albury area provides that any act, matter or thing specified in the scheme shall be done only with the approval, consent or permission of the responsible authority or shall not be done except with the approval, consent or permission of the responsible authority, the scheme may contain provisions requiring the responsible authority, before giving that approval, consent or permission, to consult with the Development Corporation.

(c) (i) by omitting from section 342N (2) the words "appeal to the Tribunal" and by inserting instead the words "appeal—

(a) where the responsible authority is required by the scheme to consult with the Development Corporation before giving the approval, consent or permission—to the Minister; or

(b) in any other case—to the Tribunal";

(ii) by inserting after section 342N (4) the following subsections :—

(4A) Where an appeal has been made to the Minister under this section, he may—

(a) dismiss the appeal;

(b) allow the appeal either unconditionally or subject to such conditions as he thinks proper to impose; or

(c) where the appeal is against the imposition of conditions, refuse to approve the application referred to in the appeal,

but before deciding the appeal, he shall, if either the appellant or the council so desire, afford him or it an opportunity of appearing personally or by counsel, solicitor or agent before, and being heard by, a person appointed by the Minister for the purpose.

(4B) The decision of the Minister under subsection (4A) shall be final and shall have effect as if it were a decision of the council.

(d)

(d) (i) by inserting in section 342v (3) (c) after the word "prescribed" the words "or, without affecting the generality of the foregoing, where the order applies to land within the Albury Area, with the Development Corporation";

(ii) by omitting from section 342v (5) (a) the word "and";

(iii) by inserting after section 342v (5) (a) the following paragraph:—

(ai) where the application is one in respect of which the council is required to consult with the Development Corporation, appeal to the Minister; and

(iv) by inserting after section 342v (6) the following subsections :—

(7) Where an appeal has been made to the Minister under subsection (5), he, after taking into consideration any offer by the council to make a contribution under subsection (4), may—

(a) dismiss the appeal;

(b) allow the appeal either unconditionally or subject to such conditions as he thinks proper to impose; or

(c) where the appeal is against the imposition of conditions, refuse to approve the application referred to in the appeal,

but before deciding the appeal, he shall, if either the appellant or the council so desires, afford him or it an opportunity of appearing personally or by counsel, solicitor or agent before, and being heard by, a person appointed by the Minister for the purpose.

(8) The decision of the Minister under subsection (7) shall be final and shall have effect as if it were a decision of the council.

(e) by omitting Division 14.

SCHEDULE 5.

Sec. 36.

PROVISIONS RELATING TO LOANS.

Reserves for repayments.

1. (1) The Corporation shall establish a reserve for loan repayment fund in respect of each loan or renewal loan raised by the Corporation.

(2) The Corporation shall, during each year, transfer from the revenue of the Corporation to each such fund a sum not less than the sum that the Corporation in its application for approval of the loan, specified that it proposed to transfer to that fund.

(3) Money held as a reserve for loan repayment may be invested in Government securities of the Commonwealth or the State of New South Wales or in debentures, bonds, inscribed stock or other prescribed securities in any loan of the Corporation or in any securities guaranteed by the Government of that State or in such other securities as the Governor may approve or as may be prescribed, in each case at their current market price.

(4) Any interest or profits realized on any such investment shall be added to and form part of the reserve for loan repayment fund from which the investments were made.

(5) All money paid into the reserve for loan repayment fund in respect of any loan or renewal loan may be applied in or towards repayment of any other loan or renewal loan but may not be applied for any other purpose until the loan or renewal loan in respect of which the fund has been established has been repaid.

(6) Where the Corporation decides to cancel debentures, bonds, inscribed stock or other prescribed securities purchased from the reserve for repayment of the loan for which they were issued, the Corporation shall, in addition to the sum otherwise payable to the reserve for repayment of that loan and subject to any agreement to which it is a party whereby it undertakes to pay interest at a higher rate to that reserve, pay to that reserve interest at the rate of four and a half per centum per annum on the face value of the cancelled securities from the date of their cancellation until the maturity of the loan.

(7) If, after a loan has been repaid, there remains in the reserve for repayment of that loan any balance, that balance shall form part of the general funds of the Corporation.

(8) A reserve for loan repayment fund shall not be subject to seizure in satisfaction of any debt other than the loan in respect of which the reserve was created.

(9) This section shall not apply to any loan to be repaid by instalments at intervals of one year or less.

Debentures, etc.

2. (1) For securing repayment of the principal and interest on any money borrowed, the Corporation may, as provided by the regulations, issue debentures, bonds, inscribed stock or other prescribed securities.

(2) Every such debenture or bond and every coupon originally annexed to the debenture or bond, and whether separated therefrom or not, may be transferred by simple delivery.

(3) Inscribed stock shall be transferable in the books of the Corporation in accordance with the regulations.

(4) Debentures, bonds, inscribed stock or prescribed securities issued under this Act shall, as regards both the issue and transfer thereof for full consideration or money or money's worth, be deemed to be included in the general exemptions from stamp duty under Part III of the Stamp Duties Act, 1920, contained in the Second Schedule to that Act.

Payment of debentures and coupons.

3. (1) The holder of a coupon originally annexed to a debenture or bond, and whether separated therefrom or not, shall be entitled to receive payment from the Corporation of the interest specified in the coupon on its presentation on or after the date when, and at the place where, the interest is payable.

(2) The due repayment of any loan in respect of which debentures, bonds, stock or any other prescribed securities have been issued by the Corporation, and the interest thereon, shall be a charge upon the income and revenue of the Corporation from whatever source arising and is hereby guaranteed by the Government.

(3) Any liability arising under the guarantee given by subclause (2) shall be discharged out of money provided by Parliament.

(4) The charge created by subclause (2) shall not prejudice or affect any power of the Corporation to sell, convey, lease or otherwise deal with, free of the charge, any property vested in it.

Raising loans in any country.

4. (1) Notwithstanding any other provision of this Act, any money which the Corporation is authorised to borrow may be borrowed by a loan raised, wholly or in part, in such places outside New South Wales as the Governor on the recommendation of the Treasurer may approve, and may be negotiated and raised in any currency.

(2) Any such loan may be raised wholly or in part by the issue of debentures, bonds, stock or other securities in any form and contain any term, condition or provision permitted under the law of the place where the loan is raised and the Corporation may establish and conduct in that place registries relating to the securities issued in respect of that loan.

(3) The Corporation may, in respect of any such loan, agree that a sinking fund shall be established and controlled at such place and in such manner as may be found necessary or expedient in the circumstances of the case and, where any sinking fund is so established, the provisions of clause 1 shall apply with regard to that loan only in respect of the amount, if any, the repayment of which is not provided for by the sinking fund established under the agreement.

(4) In connection with the raising of any loan under this clause, the Corporation may enter into such agreements as it thinks fit with respect to the form of the debentures, bonds, stock or other securities referred to in subclause (2), or for the sale of those debentures, bonds, stock or other securities, or the granting of an option to purchase those debentures, bonds, stock or other securities, or for services to be performed by any person in Australia or in any other part of the world in connection with that loan or with the issue, management and redemption of or otherwise with respect to those debentures, bonds, stock or other securities, and any such agreement may be upon such terms and conditions and may contain such provisions for the giving or receipt of consideration as the Corporation thinks fit.

(5) Copies of any agreement referred to in subclause (4) shall be forwarded to the Minister who shall cause them to be laid before both Houses of Parliament as soon as possible after the loan is raised.

(6) The Governor may, upon the recommendation of the Corporation, by notification published in the Gazette, appoint two or more persons to enter into for and on behalf of the Corporation all such agreements as the Corporation is by this clause authorised to enter into and to sign, execute or otherwise perfect all such agreements, debentures, bonds, stock or other securities as are by this clause provided for and to do all such things as may be necessary or convenient to be done for the purpose of raising any loan under this Act and may, upon the like recommendation and by a like notification, revoke or vary any such appointment and make any fresh appointment.

(7) The production of a copy of the Gazette containing a notification of any appointment referred to in subclause (6) or the revocation thereof shall, in favour of a lender or of any holder of a security, be conclusive evidence of the appointment or revocation.

(8) All debentures, bonds, stock or other securities, bearing the signatures of the persons so appointed in that behalf, shall be deemed to be securities lawfully issued under the seal of the Corporation and the principal money and interest secured thereby shall be a charge upon the income and revenue of the Corporation from whatever source arising, and the due repayment of that principal money and that interest is hereby guaranteed by the Government, and all agreements and any instruments purporting to be made or issued under the authority of this clause and bearing the signatures of those persons shall be deemed to have been lawfully made or issued by the Corporation and, if they purport to have been sealed by those persons, to have been lawfully executed by the Corporation under seal.

(9) A holder of any such debenture, bond, stock or other security shall not be bound to inquire whether the issue of the debenture, bond, stock or security was, in fact, duly authorised.

(10) Subject to this clause and the law in force in the place where any loan is raised under this clause and applicable to that loan and the securities issued in connection therewith, the provisions of this Schedule, other than clauses 2 (1), 6 (3) and 6 (4), shall apply to and in respect of that loan and those securities in the same way as they apply to and in respect of any other loan and any other securities.

Trustees.

5. (1) Any trustee, unless expressly forbidden by any instrument creating the trust, may invest any trust money in his hands in stock inscribed by the Corporation or in any debentures, bonds or other securities issued in accordance with this Act, and the investment shall be deemed to be an investment authorised by the Trustee Act, 1925.

(2) Any debenture or bond issued, stock inscribed, or other security issued, in pursuance of this Act, shall be a lawful investment for any money which any company, council or body corporate, incorporated by any Act, is authorised or directed to invest in addition to any other investment authorised for the investment of that money.

(3) No notice of any express, implied or constructive trust shall be received by the Corporation or by any officer of the Corporation in relation to any debenture or coupon issued or stock inscribed by the Corporation.

Lost debentures.

6. (1) If any debenture or bond issued by the Corporation is lost, destroyed or defaced before it has been redeemed the Corporation may, subject to the provisions of this clause, issue a new debenture or bond in its place.

(2) A new debenture or bond, issued under subclause (1) with interest coupon annexed, shall bear the same date, number, principal sum and rate of interest as the lost, destroyed or defaced debenture or bond.

(3) Where a debenture or bond is lost or destroyed, a new debenture or bond shall not be issued unless—

(a) it has been established to the satisfaction of the Supreme Court that the debenture or bond has been lost or destroyed before redemption;

(b) such advertisements as the Court may direct have been published;

(c)

(c) six months have elapsed since the publication of the last of those advertisements; and

(d) sufficient security has been given to the Corporation to indemnify it against any double payment if the missing debenture or bond is presented for redemption.

(4) Where a debenture or bond is defaced, a new debenture or bond shall not be issued unless and until the defaced debenture or bond is lodged with the Corporation for cancellation.

(5) The provisions of this clause shall apply to and in respect of the case of a lost, destroyed or defaced coupon in the same way as they apply to and in respect of a lost, destroyed or defaced debenture or bond.

(6) Notwithstanding any other provision of this clause, in the case of loss, theft, destruction, mutilation or defacement of any debenture or bond issued under clause 4, a duplicate or new debenture or bond may be issued upon proof to the satisfaction of the Corporation of the loss, theft or destruction, or upon surrender of the mutilated or defaced debenture or bond, as the case may be, and upon the Corporation receiving security or indemnity satisfactory to it against double payment if the missing debenture or bond be at any time thereafter presented for payment.

Protection of investors.

7. (1) A person advancing money to the Corporation shall not be bound to inquire into the application of the money advanced or be in any way responsible for its non-application or misapplication.

(2) A notification in the Gazette of the approval of the Governor having been given to a borrowing by the Corporation shall, in favour of a lender and of any holder of any security given by the Corporation, be conclusive evidence that all conditions precedent to the borrowing have been complied with and, where the approval notified is to a borrowing by the Corporation in a place outside New South Wales and in a particular currency, shall also be conclusive evidence in favour of those persons of the approval of the Governor to the borrowing in the place and in the currency specified in the notification.

Securities rank equally.

8. All debentures, bonds, stock or other securities which are secured upon the income and revenue of the Corporation shall rank pari passu without any preference one above another by reason of priority of date or otherwise.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

Government House,
Sydney, 24th April, 1974.