



# **Albury-Wodonga Development Corporation (Abolition) Act 2014**

**No. 117, 2014**

**An Act to abolish the Albury-Wodonga  
Development Corporation, and for related  
purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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# **Albury-Wodonga Development Corporation (Abolition) Act 2014**

**No. 117, 2014**

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## **An Act to abolish the Albury-Wodonga Development Corporation, and for related purposes**

*[Assented to 11 November 2014]*

The Parliament of Australia enacts:

### **1 Short title**

This Act may be cited as the *Albury-Wodonga Development Corporation (Abolition) Act 2014*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	11 November 2014
2. Schedule 1, Parts 1 and 2	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the later of: (a) the day after the end of that period; and (b) 1 July 2015.	
3. Schedule 1, Part 3	The day after this Act receives the Royal Assent.	12 November 2014

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

## 3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Amendments**

### **Part 1—Repeals**

#### *Albury-Wodonga Development Act 1973*

##### **1 The whole of the Act**

Repeal the Act.

## Part 2—Amendments

### *Freedom of Information Act 1982*

#### **2 Division 1 of Part II of Schedule 2 (item dealing with the Albury-Wodonga Development Corporation)**

Repeal the item.

### *Remuneration and Allowances Act 1990*

#### **3 Part 3 of Schedule 2 (table item dealing with the Chair of the Albury-Wodonga Development Corporation)**

Repeal the item.

### *Urban and Regional Development (Financial Assistance) Act 1974*

#### **4 Section 3 (definition of *approved body*)**

Repeal the definition, substitute:

*approved body* means a body approved under section 3A.

#### **5 After section 3**

Insert:

##### **3A Approved bodies**

- (1) The Minister may, in writing, approve a body for the purposes of this Act if the body is:
  - (a) an authority of a State; or
  - (b) a local governing body; or
  - (c) a body corporate constituted for purposes other than the acquisition of gain by its individual members.
- (2) An approval under subsection (1) is not a legislative instrument.



## **6 Transitional—approved bodies**

An approval:

- (a) under paragraph (b) of the definition of ***approved body*** in section 3 of the *Urban and Regional Development (Financial Assistance) Act 1974*; and
  - (b) in force immediately before the commencement of this Part;
- continues in force (and may be dealt with) as if it were an approval under subsection 3A(1) of that Act as amended by this Schedule.

## **7 Subsection 6(3)**

Repeal the subsection.

## Part 3—Transitional provisions

### Division 1—Introduction

#### 8 Definitions

In this Part:

*asset* means:

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

*commencement time* means the commencement of Part 1 of this Schedule.

*Commonwealth entity* means an individual or body exercising powers or performing functions under a law of the Commonwealth.

*Corporation* means the Albury-Wodonga Development Corporation.

*instrument* includes:

- (a) a contract, deed, undertaking, arrangement or agreement; and
- (b) a notice, authority, order or instruction; and
- (c) an instrument made under an Act or legislative instrument (within the meaning of the *Legislative Instruments Act 2003*).

*land* means any legal or equitable estate or interest in real property, whether actual, contingent or prospective.

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

*Secretary* means the Secretary of the Department.

### Division 2—Transfer of assets and liabilities

#### 9 Assets

- (1) This item applies to the assets of the Corporation immediately before the commencement time.
- (2) At the commencement time, the assets cease to be assets of the Corporation and become assets of the Commonwealth without any

conveyance, transfer or assignment. The Commonwealth becomes the successor in law in relation to the assets.

## **10 Liabilities**

- (1) This item applies to the liabilities of the Corporation immediately before the commencement time.
- (2) At the commencement time, the liabilities cease to be liabilities of the Corporation and become liabilities of the Commonwealth without any conveyance, transfer or assignment. The Commonwealth becomes the successor in law in relation to the liabilities.

## **11 Transfers of land may be registered**

- (1) If any land vests in the Commonwealth under this Division and the Minister signs a certificate that:
  - (a) identifies the land, whether by reference to a map or otherwise; and
  - (b) states that the land has become vested in the Commonwealth under this Division; and
  - (c) is lodged with the Registrar of Titles or other proper officer of the State or Territory in which the land is situated;the Registrar or other officer may:
  - (d) register the matter in a way that is the same as, or similar to, the way in which dealings in land of that kind are registered; and
  - (e) deal with, and give effect to, the certificate.
- (2) A certificate under subitem (1) is not a legislative instrument.

## **12 Certificates relating to vesting of assets other than land**

- (1) If an asset other than land vests in the Commonwealth under this Division and the Minister signs a certificate that:
    - (a) identifies the asset; and
    - (b) states that the asset has become vested in the Commonwealth under this Division; and
    - (c) is lodged with the person or authority who, under a law of the Commonwealth, a State or a Territory, under a trust instrument or otherwise, has responsibility for keeping a register in relation to assets of that kind;
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the person or authority may:

- (d) deal with, and give effect to, the certificate as if it were a proper and appropriate instrument for transactions in relation to assets of that kind; and
- (e) make such entries in the register as are necessary, having regard to the effect of this Division.

- (2) A certificate under subitem (1) is not a legislative instrument.

### **Division 3—Transfer of other matters**

#### **13 Acts of Corporation to be attributed to the Commonwealth**

Anything done by, or in relation to, the Corporation before the commencement time has effect, at and after that time, as if it had been done by, or in relation to, the Commonwealth.

#### **14 Substitution of the Commonwealth as a party to certain pending proceedings**

If, immediately before the commencement time, the Corporation was a party to proceedings pending in any court or tribunal, the Commonwealth is substituted for the Corporation as a party to the proceedings at and after that time.

#### **15 Transfer of records to the Department**

Any records or documents that were in the possession of the Corporation immediately before the commencement time are to be transferred to the Department after the commencement time.

Note: The records and documents are Commonwealth records for the purposes of the *Archives Act 1983*.

#### **16 Transfer of pending investigations**

If:

- (a) before the commencement time, a complaint was made to a Commonwealth entity, or a Commonwealth entity began an investigation, under a law of the Commonwealth in relation to an action taken by the Corporation; and
- (b) immediately before the commencement time, the Commonwealth entity had not finally disposed of the matter in accordance with that law;

that law applies after the commencement time as if that action had been taken by the Department.

## **17 References in certain instruments to Corporation**

- (1) If:
- (a) an instrument was in force immediately before the commencement time; and
  - (b) the instrument refers to the Corporation;
- the reference has effect after the commencement time as if it were a reference to the Commonwealth.
- (2) Subitem (1) does not apply to a reference in:
- (a) an Act or regulations; or
  - (b) an instrument made under this Part; or
  - (c) an instrument that is part of, or associated with, a register referred to in item 11 or 12; or
  - (d) the Winding-up Agreement (within the meaning of the *Albury-Wodonga Development Act 1973*, as in force immediately before the commencement time); or
  - (e) an instrument made under that Agreement or under the *Albury-Wodonga Development Act 1973*; or
  - (f) an instrument specified in an instrument under subitem (3).
- (3) The Minister may, by legislative instrument, specify one or more instruments for the purposes of paragraph (2)(f).

## **Division 4—Corporation's staff**

### **18 No transfer of staff under this Part**

Nothing in this Part produces the result that the appointment, engagement or employment of any of the following persons:

- (a) a member of the Corporation;
- (b) the chief executive officer of the Corporation;
- (c) an officer or employee of the Corporation;
- (d) a consultant engaged by the Corporation;

has effect as if it were an appointment, engagement or employment of the person in relation to the Commonwealth.

## Division 5—Corporation’s final annual report

### 19 Final annual report

- (1) The Secretary must prepare and give to the Minister, for presentation to the Parliament, a report (the **final report**) on the Corporation’s activities during the final reporting period.
- (2) Sections 39 and 43 of the *Public Governance, Performance and Accountability Act 2013* apply to the final report in a corresponding way to the way those sections apply to an annual report.
- (3) The Secretary may include the final report in the Department’s annual report for the period that includes the last day of the final reporting period.
- (4) If the Secretary does not include the final report in that annual report for the Department, then:
  - (a) the Secretary must give the final report to the Minister within 3 months after the end of the final reporting period; and
  - (b) the Minister must table the final report in each House of the Parliament as soon as practicable; and
  - (c) the Secretary must publish the final report on the Department’s website as soon as practicable after the final report is tabled in the House of Representatives.
- (5) The Minister may extend the period referred to in paragraph (4)(a) if the Minister is satisfied that special circumstances exist.
- (6) In this item:

**annual report** means a report under section 46 of the *Public Governance, Performance and Accountability Act 2013*.

**final reporting period** means the period:

  - (a) beginning at:
    - (i) if, immediately before the commencement time, no annual report for the Corporation has been given to the Minister for the most recent reporting period that ended before the commencement time—the start of that reporting period; or
    - (ii) otherwise—the start of the reporting period that includes the commencement time; and

(b) ending immediately before the commencement time.

**reporting period** means a reporting period (within the meaning of the *Public Governance, Performance and Accountability Act 2013*) for the Corporation.

## **Division 6—Transitional functions and powers**

### **20 Transitional functions and powers**

- (1) The Commonwealth may, for the purposes of facilitating the winding-up of the joint Commonwealth/State scheme or for purposes consequential to the operation of this Schedule:
  - (a) dispose of the assets that vest in the Commonwealth under Division 2; and
  - (b) do all things necessary or convenient to be done for or in connection with paragraph (a), including:
    - (i) entering into contracts and arrangements; and
    - (ii) constructing buildings and works, and carrying on services, whether directly or indirectly.
- (2) This item does not limit what the Commonwealth may do with, or in relation to, those assets.
- (3) In this item, **joint Commonwealth/State scheme** has the same meaning as in the *Albury-Wodonga Development Act 1973* (as in force immediately before the commencement time).

## **Division 7—Other matters**

### **21 Exemption from stamp duty and other State or Territory taxes**

No stamp duty or other tax is payable under a law of a State or a Territory in respect of the following, or anything connected with the following:

- (a) the vesting of an asset or liability under this Part;
- (b) the operation of this Schedule in any other respect.

### **22 Certificates taken to be authentic**

A document that appears to be a certificate made or issued under a particular provision of this Part:

- (a) is taken to be such a certificate; and
  - (b) is taken to have been properly given;
- unless the contrary is established.

### **23 Delegation by Minister**

- (1) The Minister may, by writing, delegate all or any of his or her powers and functions under this Part to:
  - (a) the Secretary of the Department; or
  - (b) an SES employee, or acting SES employee, in the Department.
- (2) In exercising powers or functions under a delegation, the delegate must comply with any directions of the Minister.

### **24 Compensation for acquisition of property**

- (1) If the operation of this Schedule would result in an acquisition of property (within the meaning of paragraph 51(xxxi) of the Constitution) from a person otherwise than on just terms (within the meaning of that paragraph), the Commonwealth is liable to pay a reasonable amount of compensation to the person.
- (2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in the Federal Court of Australia for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.

### **25 Transitional rules**

The Minister may, by legislative instrument, make rules prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments or repeals made by this Schedule.

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*[Minister's second reading speech made in—  
House of Representatives on 1 October 2014  
Senate on 28 October 2014]*

(213/14)

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