

Albury-Wodonga Development Act 1973

No. 189 of 1973

AN ACT

Relating to the Development of the Albury-Wodonga Area.

[Assented to 17 December 1973]

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

PART I—PRELIMINARY

- Short title. 1. This Act may be cited as the *Albury-Wodonga Development Act* 1973.
- Commence-
ment. 2. This Act shall come into operation on a date to be fixed by Proclamation.
- Inter-
pretation. 3. (1) In this Act, unless the contrary intention appears—
“ Agreement ” means the Agreement approved by section 6;
“ approved bank ” means the Reserve Bank of Australia or another bank approved by the Treasurer;
“ Australian Public Service ” means the service established under the *Public Service Act* 1922–1973;

- “ Chairman ” means the Chairman of the Corporation;
- “ Corporation ” means the Corporation established by this Act;
- “ Deputy Chairman ” means a Deputy Chairman of the Corporation;
- “ executive member ” means the Chairman or a Deputy Chairman;
- “ member ” means a member of the Corporation;
- “ part-time member ” means a member other than an executive member.

(2) Unless the contrary intention appears, expressions defined by the Agreement have the same respective meanings in this Act as they have in the Agreement.

4. This Act binds the Crown in right of Australia, the State of New South Wales or the State of Victoria. **Act to bind Crown.**

5. (1) Where functions and powers (including functions and powers referred to in sub-section (2)) are conferred on the Australian Minister by this Act, he shall exercise them in accordance with the Agreement. **Powers of Australian Minister.**

(2) The Australian Minister may exercise all or any of the functions and powers relating to a designated area conferred on him by or under a State Act.

PART II—ALBURY-WODONGA AREA DEVELOPMENT AGREEMENT

6. The Agreement, called the Albury-Wodonga Area Development Agreement, a copy of which is set out in the Schedule, is approved. **Approval of Agreement.**

PART III—ESTABLISHMENT, FUNCTIONS AND POWERS OF THE ALBURY-WODONGA DEVELOPMENT CORPORATION

7. (1) There is established by this Act a Corporation by the name of the Albury-Wodonga Development Corporation. **Albury-Wodonga Development Corporation.**

8. (1) The functions of the Corporation under this Act are—

- (a) to provide, in relation to the growth complex, engineering, architectural, town and country planning, building, construction and other services for Australia and for authorities of Australia;
- (b) to facilitate the establishment in designated areas of places of business for use in trade and commerce with other countries or among the States;
- (c) to facilitate the establishment in designated areas of places of business by trading or financial corporations formed within the limits of Australia or by foreign corporations;
- (d) to facilitate the settlement in the Area of immigrants to Australia; and

Functions and powers of Corporation.

(e) to provide, or take part in arrangements for the provision of, accommodation, services and facilities in the Area for Departments and authorities of Australia and for persons employed in or by those Departments or authorities, including members of the Defence Force.

(2) The Corporation has power to do all things necessary or convenient to be done for or in connexion with, or as incidental to, the performance of its functions and, in particular, without limiting the generality of the foregoing, has power, either directly or by arrangement with other persons, to construct buildings and works and carry on services.

(3) Where it appears to the Australian Minister that an Act of the Parliament of the State of New South Wales or of the State of Victoria or part of such an Act confers or imposes on the Corporation functions, powers or duties for the purposes of the Agreement or for purposes that are otherwise complementary to this Act, he may, by notice published in the *Gazette*, declare that Act or that part of that Act, as the case may be, to be complementary to this Act.

(4) It is hereby declared to be the intention of the Parliament that the Corporation may have and be subject to functions, powers and duties specified by an Act or part of an Act for the time being declared under sub-section (3) to be complementary to this Act.

(5) The Corporation shall not construct buildings or works outside designated areas without the permission of the Ministerial Council.

(6) The Corporation shall comply with 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.

(7) The Corporation shall comply in all respects with the provisions of the Agreement that are applicable to it.

(8) This section shall not be read as limiting the matters that may be dealt with by Departments or authorities of Australia, other than the Corporation.

PART IV—CONSTITUTION AND MEETINGS OF THE CORPORATION

Nature of Corporation.

9. (1) The Corporation—

- (a) is a body corporate with perpetual succession;
- (b) shall have a common seal;
- (c) may acquire, hold and dispose of real and personal property; and
- (d) may sue and be sued in its corporate name.

(2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Corporation affixed to a document and shall presume that it was duly affixed.

Composition of Corporation.

10. (1) The Corporation shall consist of five members, namely—

- (a) the Chairman;
- (b) two Deputy Chairmen; and
- (c) two other members.

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

(3) One of the Deputy Chairmen shall be appointed on the nomination of the New South Wales Minister who is a member of the Ministerial Council and the other Deputy Chairman shall be appointed on the nomination of the Victorian Minister who is a member of the Ministerial Council.

(4) Subject to sub-section (5), the part-time members shall be persons elected for the purpose in accordance with regulations under sub-section 34 (2).

(5) Until the commencement of the operation of regulations under sub-section 34 (2), the part-time members shall be persons selected by the Ministerial Council in accordance with the Agreement.

(6) The exercise of the functions or powers of the Corporation is not affected by reason of there being a vacancy or vacancies in the membership of the Corporation.

(7) The appointment of a member is not invalidated and shall not be called in question by reason of a defect or irregularity in, or in connexion with, his nomination or election.

(8) A nomination under this section shall be made to the Australian Minister.

11. (1) A member shall be appointed for a period, not exceeding—

(a) in the case of the Chairman—7 years; or

(b) in the case of a Deputy Chairman—5 years; or

(c) in the case of a part-time member, other than a member to whom sub-section 10 (5) applies—a prescribed period,

as the Governor-General specifies in the instrument of appointment, but is eligible for re-appointment.

(2) A part-time member to whom sub-section 10 (5) applies shall hold office during the pleasure of the Governor-General.

(3) A person who has attained the age of 65 years shall not be appointed or re-appointed as an executive member and a person shall not be appointed or re-appointed as an executive member for a period that extends beyond the date on which he will attain the age of 65 years.

12. (1) The Chairman and the Deputy Chairmen shall be paid remuneration at such rate, and an annual allowance at such rate (if any), as the Parliament fixes but, until 1 January 1975, the rate of remuneration and the rate (if any) of that allowance shall be as prescribed.

(2) The Chairman and the Deputy Chairmen shall be paid such allowances (not including an annual allowance) as are prescribed.

Period of
appointment.

Remunera-
tion and
allowances.

(3) Subject to sub-section (4), part-time members shall be paid, in respect of attendance at meetings of the Corporation, or while engaged (whether in Australia or overseas), with the approval of the Corporation, on business of the Corporation such fees and allowances as are prescribed.

(4) If a part-time member is also a member of the Parliament or is a person who, if he were paid fees or allowances under sub-section (3), would cease to hold an office or position or cease to be entitled to a pension or other moneys, other than a pension or moneys payable under the *Social Services Act 1947-1973*, the *Repatriation Act 1920-1970*, the *Seamen's War Pensions and Allowances Act 1949-1973* or a prescribed law of Australia or of a State or Territory, he shall not be paid fees or allowances under sub-section (3), but shall, subject to the approval of the Australian Minister, be reimbursed such expenses as he reasonably incurs by reason of his attendance at meetings of the Corporation or of his engagement (whether in Australia or overseas), with the approval of the Corporation, on business of the Corporation.

Leave of absence.

13. The Australian Minister may grant leave of absence to an executive member on such terms and conditions as to remuneration or otherwise as the Australian Minister determines.

Resignation of members.

14. A member may resign his office by writing under his hand addressed to the Governor-General.

Dismissal of members.

15. (1) The Governor-General may terminate the appointment of a member for inability, inefficiency, misbehaviour or physical or mental incapacity.

(2) If a member—

- (a) being an executive member, engages in paid employment outside the duties of his office, otherwise than for the purposes of the Agreement, without the approval of the Australian Minister;
- (b) being an executive member, is absent from duty, except for the purposes of the Agreement or on leave of absence granted by the Australian Minister, for 14 consecutive days or for 28 days in any 12 months;
- (c) being a part-time member, is absent, except on leave granted by the Corporation, from 3 consecutive meetings of the Corporation;
- (d) becomes bankrupt or 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 remuneration for their benefit;
- (e) is or becomes an officer or employee of the Corporation;
- (f) being an executive member, in any way, otherwise than as a member, and in common with other members, of an incorporated company consisting of not fewer than twenty-five persons—
 - (i) is or becomes directly or indirectly interested in a contract made or proposed to be made by the Corporation; or

- (ii) participates or claims to participate in the profits of any such contract or in any benefit arising from any such contract; or

(g) fails to comply with sub-section 16 (1),
the Governor-General shall terminate the appointment of the member.

16. (1) Without limiting paragraph 15 (2) (f), a member who is directly or indirectly interested in— Disclosure of interest by members.

- (a) a contract made or proposed to be made by the Corporation;
- (b) land in the Area; or
- (c) an existing or proposed project of the Corporation,

shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Corporation.

(2) Without limiting paragraph 15 (2) (f), a disclosure under sub-section (1) shall be recorded in the minutes of the Corporation, and, unless the Ministerial Council otherwise directs, the member—

- (a) shall not take part after the disclosure in any deliberation or decision of the Corporation relating to the contract, land or project, as the case requires; and
- (b) shall be disregarded for the purpose of constituting the quorum for any such deliberation or decision.

17. Subject to this Act, the members hold office on such terms and conditions as the Ministerial Council determines. Conditions of service.

18. (1) Subject to sub-section (2), where the Chairman or a Deputy Chairman is, or is expected to be, absent from duty or from Australia or there is a vacancy in the office of Chairman or an office of Deputy Chairman, the Australian Minister may appoint a person to be acting Chairman or acting Deputy Chairman during the absence or until the filling of the vacancy. Acting appointments.

(2) The Australian Minister shall not appoint a person to be an acting Deputy Chairman unless that person has been nominated by the State Minister who, under sub-section 10 (3), would nominate the person to hold the relevant office of Deputy Chairman.

(3) An acting Chairman or acting Deputy Chairman appointed in the event of a vacancy shall not continue in office after the expiration of 12 months after the occurrence of the vacancy.

(4) An acting Chairman or acting Deputy Chairman has all the functions, powers and duties of the Chairman or Deputy Chairman, as the case may be.

(5) In the event of the inability of a part-time member (whether on account of illness or otherwise) to attend the meetings of the Corporation,

the Australian Minister may appoint a person to be an acting part-time member during that inability, and the person so appointed has all the functions, powers and duties of a part-time member.

(6) The Australian Minister shall not appoint a person to be an acting part-time member unless that person has been nominated by the Ministerial Council.

(7) The Australian Minister may, at any time, terminate an appointment under this section.

(8) Subject to this section, a person appointed under this section holds office on such terms and conditions as the Ministerial Council determines.

(9) The validity of an act done by the Corporation shall not be questioned in any proceedings on a ground arising from the fact that the occasion for the appointment of a person purporting to be appointed under this section had not arisen or that an appointment under this section had ceased to have effect.

Meetings.

19. (1) The Corporation shall hold such meetings as are necessary for the performance of its functions.

(2) The Chairman or, if for any reason the Chairman is unable to act, the Deputy Chairmen acting jointly, may at any time convene a meeting of the Corporation.

(3) The Chairman or, if for any reason the Chairman is unable to act, the Australian Minister shall, on receipt of a request in writing signed by two members, convene a meeting of the Corporation.

(4) At a meeting of the Corporation three members constitute a quorum.

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

(6) 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.

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

(8) The member 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.

Delegation.

20. (1) The Corporation may, by resolution, appoint any of its members to be a Committee, and may delegate to that Committee such of its functions and powers as the Corporation, subject to any directions of the Australian Minister, determines.

(2) The Corporation may, by resolution, delegate to a member such of its functions and powers as the Corporation, subject to any directions of the Australian Minister, determines.

(3) A function or power so delegated may be exercised by the delegate in accordance with the resolution.

(4) A delegation under this section is revocable at the will of the Corporation and does not prevent the exercise of a function or power by the Corporation.

PART V—STAFF

21. (1) The Corporation may appoint such officers or engage such employees as it thinks necessary for the purposes of this Act. **Officers and employees.**

(2) The terms and conditions of service or employment (in respect of matters not provided for by this Act) of persons so appointed or engaged are such as are, subject to the approval of the Public Service Board, determined by the Corporation.

(3) The Corporation may arrange with the Permanent Head of any Department of the Australian Public Service, or with a body established by an Act, for the services of officers or employees of the Department or of the body to be made available to the Corporation.

(4) The Governor-General may enter into an arrangement with the Governor of a State for the services of officers or employees of the Public Service of the State or of an authority of the State to be made available to the Corporation.

(5) The Corporation may arrange for the services of an officer or employee of the Corporation to be made available to a State, an authority of a State or a local governing body for purposes related to the development of the growth complex.

(6) In sub-section (2), “terms and conditions” include conditions with respect to the duration of service or employment or with respect to dismissal from service or employment.

22. (1) The Corporation is an approved authority for the purposes of the *Superannuation Act 1922–1973*. **Super-annuation.**

(2) For the purposes of that Act, the executive members shall be taken to be persons who are required, by the terms of their appointment, to give the whole of their time to the duties of their offices.

(3) For the purposes of that Act, the executive members shall be deemed to be employed by the Corporation.

(4) For the purposes of that Act, the termination under sub-section 15 (1) of this Act of the appointment of an executive member by reason of his physical or mental incapacity shall be deemed to be retirement on the ground of invalidity.

Rights of public servants appointed or employed under this Act.

23. Where an executive member or an officer or employee of the Corporation was, immediately before his appointment or engagement, an officer of the Australian Public Service or a person to whom the *Officers' Rights Declaration Act 1928-1969* applied—

- (a) he retains his existing and accruing rights;
- (b) for the purpose of determining those rights, his service under this Act shall be taken into account as if it were service in the Australian Public Service; and
- (c) that Act applies as if this Act and this section had been specified in the Schedule to that Act.

PART VI—FINANCE

Moneys available to Corporation.

24. (1) There are payable to the Corporation such moneys as are appropriated by the Parliament for the purposes of the Corporation.

(2) The Treasurer may give directions as to the amounts in which, and the times at which, moneys referred to in sub-section (1) are to be paid to the Corporation.

Grants to Corporation.

25. The Corporation may receive financial assistance granted to it by the State of New South Wales or the State of Victoria.

Borrowing by Corporation.

26. (1) The Corporation may, with the consent of the Minister—

- (a) borrow moneys from the State of New South Wales or the State of Victoria;
- (b) with the approval of the Treasurer, borrow moneys from an approved bank, or any other lender, for the purposes of the Corporation in connexion with the performance of its functions; and
- (c) give security over any of its assets for the purposes of paragraph (b).

(2) The Corporation shall not borrow moneys otherwise than in accordance with this section.

(3) The Treasurer may, on behalf of Australia, guarantee the repayment of amounts borrowed in accordance with paragraph (1) (b) and the payment of interest on amounts so borrowed.

Bank accounts.

27. (1) The Corporation may open and maintain an account or accounts with an approved bank or approved banks and shall maintain at all times at least one such account.

(2) The Corporation shall pay all moneys of the Corporation, including moneys borrowed by the Corporation, into an account referred to in sub-section (1).

28. (1) The moneys of the Corporation may be applied by the Corporation— **Application of moneys.**

- (a) in payment or discharge of the costs, expenses and other obligations of the Corporation under this Act (including the Agreement); or
- (b) in payment of any remuneration or allowances payable to any person under this Act (including the Agreement),

but not otherwise.

(2) Moneys of the Corporation not immediately required for the purposes of the Corporation may be invested—

- (a) on fixed deposit with an approved bank;
- (b) in securities of Australia; or
- (c) in any other manner approved by the Treasurer,

but not otherwise.

29. The Corporation shall not enter into any contract or acquire or dispose of any property except in accordance with an approval of the Ministerial Council. **Power to enter contracts.**

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

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

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

(4) When the Australian Minister receives a report under sub-section (3), he shall disclose that report to the Ministerial Council.

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

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

(7) The Auditor-General or a person authorized by him may require any person to furnish him with such information in the possession of the person or to which the person has access as the Auditor-General or authorized person considers necessary for the purposes of the functions of the Auditor-General under this Act, and the person shall comply with the requirement.

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

Liability to taxation.

31. (1) Subject to sub-section (2), the Corporation is not subject to taxation under any law of Australia or of a State or Territory.

(2) The regulations may provide that sub-section (1) does not apply in relation to taxation under a specified law.

PART VII—MISCELLANEOUS

Annual report.

32. The Corporation shall, as soon as practicable after each financial year—

- (a) prepare a report of its operations during that year together with financial statements in respect of that year in such form as the Treasurer approves;
- (b) submit a copy of the report and the financial statements to the Australian Minister, for presentation to the Parliament; and
- (c) submit a copy of the report to each State Minister or, if the Ministerial Council so directs, to the Ministerial Council.

Annual financial statement.

33. Before furnishing the financial statements to the Minister, the Corporation shall submit them to the Auditor-General, who shall report to the Australian Minister—

- (a) whether the statements are based on proper accounts and records;
- (b) whether the statements are in agreement with the accounts and records;
- (c) whether the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the Corporation during the relevant year have been in accordance with this Act; and
- (d) such other matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

Regulations.

34. (1) The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting sub-section (1), the Governor-General may make regulations, in accordance with the Agreement, for the purposes of the election of persons to be appointed to be part-time members.

(3) The Governor-General shall not make regulations referred to in sub-section (2) or regulations for the purpose of paragraph 11 (1) (c) unless the Ministerial Council has recommended to the Australian Minister that they be so made.

SCHEDULE

Section 6

ALBURY-WODONGA AREA DEVELOPMENT AGREEMENT

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

1. In this agreement, unless the contrary intention appears—

Definitions

- '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 the thirtieth day of June;
- '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.

SCHEDULE—*continued*Commence-
ment

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.

Albury-
Wodonga Area

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 (5,000) square kilometres in total extent contained within the boundaries set out in sub-clause (2) of this clause.

(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

SCHEDULE—*continued*

- 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-western 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.

SCHEDULE—*continued*

(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.

SCHEDULE—*continued*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;

SCHEDULE—*continued*

- (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.

SCHEDULE—*continued*

- (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.
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

SCHEDULE—*continued*

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 sub-clause (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.

SCHEDULE—*continued*

(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.

SCHEDULE—*continued*

- (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 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.

SCHEDULE—*continued*

(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.

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.

Operating Expenses of 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.

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.

Accounts of Corporations

(2) The Development Corporation shall each year cause to be prepared in respect of the immediately preceding financial year, 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.

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.

Revenue and Repayment of Loans

(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.

SCHEDULE—*continued*

(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—

E. G. WHITLAM

TOM UREN Minister for Urban and Regional
Development

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

R. W. ASKIN

JOHN B. FULLER, Minister for Decentralisation and
Development, N.S.W.

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

R. J. HAMER

L. E. STONE Mayor Rural City of Wodonga