

CITIES COMMISSION (REPEAL) ACT 1975

No. 120 of 1975

An Act to repeal the *Cities Commission Act 1972-1973*, and for related purposes.

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

1. This Act may be cited as the *Cities Commission (Repeal) Act 1975*.¹ Short title.

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

3. The *National Urban and Regional Development Authority Act 1972* and the *Cities Commission Act 1973* are repealed. Repeal.

4. In this Act, unless the contrary intention appears— Definitions.

“authorized officer” means the Secretary to the Department of Urban and Regional Development or an officer authorized by him;

“commencing day” means the date on which this Act comes into operation;

“Commission” means the Cities Commission constituted under the *Cities Commission Act 1972-1973*.

5. Upon the commencing day—

(a) all the rights, property and other assets that immediately before that day were vested in the Commission are, by force of this section, vested in Australia; and Transfer of assets, liabilities, &c.

(b) Australia becomes, by force of this section, liable to pay and discharge all the debts, liabilities and obligations of the Commission that existed immediately before that day.

6. Where, at the expiration of the day before the commencing day, the *Officers' Rights Declaration Act 1928-1975* applied in relation to a person who was at that time an officer or employee of the Commission, that Act continues, by force of this section, to apply in relation to that person as if the Acts referred to in section 3 had not been repealed but that person had resigned on that day from his service or employment under the Commission. Officers' Rights Declaration Act.

Appropriation.

7. Where, by an Act, moneys have been appropriated before the commencing day for expenditure under the *Cities Commission Act 1972-1973* in respect of the year ending on 30 June 1976, so much of those moneys as have not been expended before that day are appropriated for expenditure in that year by the Department of Urban and Regional Development in the discharge of the liability imposed upon Australia by paragraph 5(b) and in the discharge of costs, expenses and other obligations incurred in the performance by that Department of functions that could have been performed by the Commission if this Act had not been enacted, but moneys so appropriated by the first-mentioned Act for a particular purpose shall not be expended otherwise than for that purpose.

Agreements and instruments.

8. Any agreement or instrument subsisting immediately before the commencing day to which the Commission was a party has effect on and after that day as if—

- (a) Australia were substituted for the Commission as a party to the agreement or instrument; and
- (b) any reference in the agreement or instrument to the Commission were (except in relation to matters that occurred before that day) a reference to Australia.

Exemption from taxation.

9. An instrument or document that an authorized officer certifies to have been made, executed or given by reason of, or for a purpose connected with or arising out of, the operation of this Act is not liable to stamp duty or other tax under a law of Australia or of a State or Territory.

Pending proceedings.

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

Financial report on operations of Commission.

11. (1) The Minister shall, as soon as practicable after the commencing day, prepare a report of the operations of the Commission during the period that commenced on 1 July 1975 and ended immediately before the commencing day (in this section referred to as “the relevant period”), together with financial statements in respect of that period in such form as the Treasurer approves.

(2) The Minister shall submit the financial statements prepared in accordance with sub-section (1) to the Auditor-General, who shall report to the Minister—

- (a) whether the statements are based on proper accounts and records;
- (b) whether the statements are in agreement with the accounts and records;

- (c) whether the receipt and expenditure of moneys, and the acquisition and disposal of assets, by the Commission during the relevant period have been in accordance with the *Cities Commission Act 1972-1973*; and
- (d) as to such matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

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

NOTE

1. Act No. 120, 1975; assented to 11 November 1975.