



New South Wales

Albury-Wodonga Development Repeal Bill 2000

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to repeal the *Albury-Wodonga Development Act 1974* and to dissolve the Albury-Wodonga (New South Wales) Corporation constituted by that Act. The Bill makes provision for the transfer of the assets, contractual rights and obligations, and liabilities of the Corporation to the Albury-Wodonga Development Corporation established by the *Albury-Wodonga Development Act 1973* of the Commonwealth, subject to the consent of the Minister administering the *Albury-Wodonga Development Act 1973* of the Commonwealth (“the relevant Commonwealth Minister”).

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 defines certain words and expressions used in the proposed Act.

Clause 4 repeals the *Albury-Wodonga Development Act 1974*.

Clause 5 dissolves the Albury-Wodonga (New South Wales) Corporation.

Clause 6 provides that the members of the Corporation are to vacate office on the dissolution of the Corporation.

Clause 7 transfers those assets of the Corporation that the relevant Commonwealth Minister has agreed to accept to the Albury-Wodonga Development Corporation established by the *Albury-Wodonga Development Act 1973* of the Commonwealth.

Clause 8 transfers those contractual rights and obligations of the Corporation that the relevant Commonwealth Minister has agreed to accept to the Albury-Wodonga Development Corporation.

Clause 9 transfers those liabilities of the Corporation that the relevant Commonwealth Minister has agreed to accept to the Albury-Wodonga Development Corporation.

Clause 10 provides that the transfer of assets, contractual rights and obligations, and liabilities under clauses 7, 8 and 9 is not to be regarded as a wrongful act of the Corporation and does not give rise to any remedy against it.

Clause 11 provides that any assets, contractual rights and obligations, and liabilities that are not transferred under clauses 7, 8 and 9 on or before the dissolution of the Corporation become assets, rights and obligations, and liabilities, of the Crown.

Clause 12 provides that any references to the Corporation in any other laws or documents are to be construed as references to the Albury-Wodonga Development Corporation.

Clause 13 relates to the entry into an agreement by the Commonwealth, New South Wales and Victoria for the termination of the Agreement (and the amendments to that Agreement) approved by the *Albury-Wodonga Development Act 1974*. The Minister administering the proposed Act is to table in each House of Parliament a

determination that a specified form of agreement is the approved form of winding-up agreement. Either House may disallow the determination within 15 sitting days.

Clause 14 authorises the Minister, if the Minister's determination under clause 13 is not disallowed, to execute on behalf of the State of New South Wales an agreement substantially in accordance with the approved form of winding-up agreement.

Clause 15 provides that if the agreement referred to in clause 14 is signed by or on behalf of the Commonwealth, New South Wales and Victoria, the agreement is approved by Parliament.

Clause 16 enables the Albury-Wodonga Development Corporation of the Commonwealth to exercise certain functions conferred on it by the proposed Act or the winding-up agreement.

Clause 17 is a formal provision that gives effect to the amendment of the Acts specified in Schedule 1.

Clause 18 provides for the making of regulations containing provisions of a savings or transitional nature.

Schedule 1 contains consequential amendments to the *Environmental Planning and Assessment Act 1979*, the *Land Tax Management Act 1956* and the *Public Authorities (Financial Arrangements) Act 1987* to remove from those Acts references to the Corporation.



New South Wales

Albury-Wodonga Development Repeal Bill 2000

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New South Wales

Albury-Wodonga Development Repeal Bill 2000

No. , 2000

A Bill for

An Act to repeal the *Albury-Wodonga Development Act 1974*; to dissolve the Albury-Wodonga (New South Wales) Corporation; to provide for the transfer of assets, contractual rights and obligations, and liabilities of that Corporation to the Albury-Wodonga Development Corporation; and for other purposes.

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| The Legislature of New South Wales enacts: | 1 |
| 1 Name of Act | 2 |
| This Act is the <i>Albury-Wodonga Development Repeal Act 2000</i> . | 3 |
| 2 Commencement | 4 |
| This Act commences on a day or days to be appointed by proclamation. | 5 6 |
| 3 Definitions | 7 |
| In this Act: | 8 |
| <i>asset</i> has the same meaning as in the Commonwealth Act. | 9 |
| <i>Commonwealth Act</i> means the <i>Albury-Wodonga Development Act 1973</i> of the Commonwealth. | 10 11 |
| <i>Commonwealth Minister</i> means the Minister for the time being administering the Commonwealth Act. | 12 13 |
| <i>contract</i> has the same meaning as in section 20C of the Commonwealth Act. | 14 15 |
| <i>Corporation</i> means the Albury-Wodonga (New South Wales) Corporation constituted by the <i>Albury-Wodonga Development Act 1974</i> . | 16 17 18 |
| <i>Development Corporation</i> means the Albury-Wodonga Development Corporation established by the Commonwealth Act. | 19 20 |
| <i>instrument</i> has the same meaning as in section 20C of the Commonwealth Act. | 21 22 |
| <i>liability</i> has the same meaning as in the Commonwealth Act. | 23 |
| <i>transfer day</i> , in relation to an asset, right or obligation under a contract, or liability, of the Corporation, means: | 24 25 |
| (a) the day on which the Corporation is dissolved, or | 26 |
| (b) the day on which the consent of the Commonwealth Minister under section 20D (3), 20E (3) or 20F (3) of the Commonwealth Act is expressed to takes effect in relation to the transfer to the Development Corporation of the asset, right or obligation, or liability, | 27 28 29 30 31 |
| whichever is the earlier. | 32 |

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| 4 | Repeal of Albury-Wodonga Development Act 1974 No 47 | 1 |
| | The <i>Albury-Wodonga Development Act 1974</i> is repealed. | 2 |
| 5 | Dissolution of Corporation | 3 |
| | The Corporation is dissolved. | 4 |
| 6 | Members of Corporation to vacate office | 5 |
| | A person who, immediately before the dissolution of the Corporation, held office as a member of the Corporation: | 6 |
| | (a) ceases to hold that office on that dissolution, and | 7 |
| | (b) is not entitled to any remuneration or compensation because of the loss of that office. | 8 |
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| 7 | Transfer of assets of Corporation | 11 |
| | (1) On the transfer day, the assets of the Corporation, the transfer of which has the consent of the Commonwealth Minister under section 20D (3) of the Commonwealth Act, are transferred to the Development Corporation. | 12 |
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| | (2) The assets of the Corporation to which subsection (1) applies vest in the Development Corporation by virtue of this section and without the need for any conveyance, assignment or instrument of transfer. | 16 |
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| | | 18 |
| | (3) In relation to the transfer of an asset: | 19 |
| | (a) an instrument relating to the asset continues to have effect after the asset vests in the Development Corporation as if a reference in the instrument to the Corporation were a reference to the Development Corporation, and | 20 |
| | | 21 |
| | | 22 |
| | | 23 |
| | (b) the Development Corporation becomes the successor in law of the Corporation in relation to an asset immediately after the asset vests in the Development Corporation, and | 24 |
| | | 25 |
| | | 26 |
| | (c) if any proceedings to which the Corporation was a party: | 27 |
| | (i) were pending in any court or tribunal immediately before the transfer, and | 28 |
| | | 29 |
| | (ii) related, in whole or in part, to the asset, | 30 |
| | the Development Corporation is substituted for the Corporation as a party to the proceedings to the extent to which the proceedings relate to the asset. | 31 |
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| 8 | Transfer of contractual rights and obligations of Corporation | 1 |
| (1) | On the transfer day, the Corporation's rights and obligations under any contract to which it is a party, and the transfer of which has the consent of the Commonwealth Minister under section 20E (3) of the Commonwealth Act, are transferred to the Development Corporation. | 2 3 4 5 |
| (2) | On the transfer day, the Corporation's rights and obligations to which subsection (1) applies: | 6 7 |
| (a) | cease to be rights and obligations of the Corporation, and | 8 |
| (b) | become rights and obligations of the Development Corporation. | 9 |
| (3) | In relation to the transfer of rights and obligations under a contract: | 10 |
| (a) | the contract continues to have effect, after the Corporation's rights and obligations under the contract become rights and obligations of the Development Corporation, as if a reference in the contract to the Corporation were a reference to the Development Corporation, and | 11 12 13 14 15 |
| (b) | an instrument relating to the contract continues to have effect, after the Corporation's rights and obligations under the contract become rights and obligations of the Development Corporation, as if a reference in the instrument to the Corporation were a reference to the Development Corporation, and | 16 17 18 19 20 |
| (c) | the Development Corporation becomes the Corporation's successor in law, in relation to the Corporation's rights and obligations under the contract, immediately after the Corporation's rights and obligations under the contract become rights and obligations of the Development Corporation, and | 21 22 23 24 25 |
| (d) | if any proceedings to which the Corporation was a party: | 26 |
| (i) | were pending in any court or tribunal immediately before the transfer, and | 27 28 |
| (ii) | related, in whole or in part, to those rights or obligations, | 29 30 |
| | the Development Corporation is substituted for the Corporation as a party to the proceedings to the extent to which the proceedings relate to those rights or obligations. | 31 32 33 |

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- 9 Transfer of liabilities of Corporation** 1
- (1) On the transfer day, the liabilities of the Corporation, the transfer of which has the consent of the Commonwealth Minister under section 20F (3) of the Commonwealth Act, are transferred to the Development Corporation. 2
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- (2) On the transfer day, a liability of the Corporation to which subsection (1) applies: 6
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- (a) ceases to be a liability of the Corporation, and 8
- (b) becomes a liability of the Development Corporation. 9
- (3) In relation to the transfer of a liability: 10
- (a) an instrument relating to the liability continues to have effect after the liability becomes a liability of the Development Corporation as if a reference in the instrument to the Corporation were a reference to the Development Corporation, and 11
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- (b) the Development Corporation becomes the successor in law of the Corporation in relation to a liability immediately after the liability becomes a liability of the Development Corporation, and 16
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- (c) if any proceedings to which the Corporation was a party: 20
- (i) were pending in any court or tribunal immediately before the transfer, and 21
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- (ii) related, in whole or in part, to the liability, 23
- the Development Corporation is substituted for the Corporation as a party to the proceedings to the extent to which the proceedings relate to the liability. 24
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- 10 Operation of sections 7, 8 and 9** 27
- (1) The operation of sections 7, 8 and 9 is not to be regarded: 28
- (a) as a breach of contract or confidence or otherwise as a civil wrong, or 29
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- (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, contractual rights and obligations, or liabilities, or 31
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| (c) | as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, contractual right or obligation, or liability. | 1 2 3 4 |
| (2) | The operation of section 7, 8 or 9 is not to be regarded as an event of default under any contract or other instrument. | 5 6 |
| (3) | No attornment to the Development Corporation by a lessee from the Corporation is required. | 7 8 |
| 11 | Assets, contractual rights and obligations, and liabilities not transferred on the transfer day | 9 10 |
| | Any assets, rights and obligations under any contract, and liabilities, of the Corporation that are not transferred to the Development Corporation on or before the dissolution of the Corporation become assets, rights and obligations, and liabilities, of the Crown. | 11 12 13 14 |
| 12 | Construction of references to Corporation | 15 |
| (1) | On and after the dissolution of the Corporation, a reference to the Corporation in any other Act, in any instrument made under any other Act or in any document of any other kind: | 16 17 18 |
| (a) | in so far as it relates to assets, rights and obligations, or liabilities, of the Corporation that have been transferred to the Development Corporation, is to be construed as a reference to the Development Corporation, and | 19 20 21 22 |
| (b) | in so far as it relates to assets, rights and obligations, or liabilities, of the Corporation that have not been transferred to the Development Corporation, is to be construed as a reference to the Crown. | 23 24 25 26 |
| (2) | Nothing in this section affects section 7 (3) (a), 8 (3) (a) or (b), or 9 (3) (a). | 27 28 |
| 13 | Approved form of winding-up agreement | 29 |
| (1) | The Minister may make a written determination that a specified form of agreement is the <i>approved form of winding-up agreement</i> for the purposes of this Act. | 30 31 32 |
| (2) | The Minister must cause a copy of the determination to be tabled in each House of Parliament. | 33 34 |

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| (3) Either House of Parliament may, following a motion upon notice, pass a resolution disallowing the determination. To be effective, the resolution must be passed within 15 sitting days of the House after the copy of the determination was tabled in the House. | 1 2 3 4 |
| (4) If neither House passes such a resolution, the determination takes effect on the day immediately after the last day upon which such a resolution could have been passed. | 5 6 7 |
| 14 Minister may sign winding-up agreement on behalf of State | 8 |
| If the written determination under section 13 is not disallowed under that section by either House of Parliament, the Minister (or another Minister) may sign an agreement substantially in accordance with the approved form of winding-up agreement on behalf of the State of New South Wales. | 9 10 11 12 13 |
| 15 Approval of winding-up agreement | 14 |
| (1) If an agreement substantially in accordance with the approved form of winding-up agreement is signed by or on behalf of the Commonwealth and the States of New South Wales and Victoria, the agreement is approved by Parliament. | 15 16 17 18 |
| (2) The agreement approved by this section is to be known as the <i>Albury-Wodonga Area Development Winding-up Agreement</i> . | 19 20 |
| 16 Functions and powers of Development Corporation | 21 |
| The Development Corporation has, and may exercise and perform, any functions, powers or duties: | 22 23 |
| (a) that the Corporation could have exercised or performed at any time before its dissolution, and | 24 25 |
| (b) that are conferred or imposed on it by or under the Albury-Wodonga Area Development Winding-up Agreement. | 26 27 |
| 17 Amendment of other Acts | 28 |
| An Act specified in Schedule 1 is amended as set out in that Schedule. | 29 |
| 18 Regulations | 30 |
| (1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act. | 31 32 |

- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later date. 1
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- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as: 3
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- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or 6
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- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication. 9
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- (4) A regulation may provide for the interpretation of references to an officer of the Corporation. 12
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- (5) In subsection (4), *officer of the Corporation* means the chief executive officer of the Corporation or a person in respect of whom an arrangement was in force under section 18 of the *Albury-Wodonga Development Act 1974* immediately before its repeal. 14
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| Schedule 1 | Amendment of Acts | 1 |
| | (Section 17) | 2 |
| 1.1 | Environmental Planning and Assessment Act 1979 No 203 | 3 |
| | Section 94A Section 94 conditions imposed by the Minister or Director | 4 5 |
| | Omit subsection (8). Insert instead: | 6 |
| | (8) In this section, <i>growth centre</i> has the same meaning as in the <i>Growth Centres (Development Corporations) Act 1974</i> . | 7 8 |
| 1.2 | Land Tax Management Act 1956 No 26 | 9 |
| | Section 10D Taxation of land owned by certain statutory corporations | 10 11 |
| | Omit subsection (1) (a). | 12 |
| 1.3 | Public Authorities (Financial Arrangements) Act 1987 No 33 | 13 |
| | Schedule 1 Authorities | 14 |
| | Omit “Albury-Wodonga (New South Wales) Corporation.”. | 15 |