

**ALBURY-WODONGA DEVELOPMENT
(AMENDMENT) ACT, 1978, No. 94**

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 94, 1978.

An Act to amend the Albury-Wodonga Development Act, 1974, with respect to the constitution of the Albury-Wodonga (New South Wales) Corporation; and to approve the Albury-Wodonga Area Development Agreement Amendment Agreement (No. 1) made between the Commonwealth and the States of New South Wales and Victoria. [Assented to, 13th December, 1978.]

Albury-Wodonga Development (Amendment).

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

Short title. **1.** This Act may be cited as the "Albury-Wodonga Development (Amendment) Act, 1978".

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

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

Principal
Act. **3.** The Albury-Wodonga Development Act, 1974, is referred to in this Act as the Principal Act.

Schedules. **4.** This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—SAVINGS AND TRANSITIONAL PROVISIONS.

Amendment
of Act No.
47, 1974. **5.** The Principal Act is amended in the manner set forth in Schedule 1.

Savings and
transitional
provisions. **6.** Schedule 2 has effect.

Albury-Wodonga Development (Amendment).

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 3—

Omit the matter relating to Part II, insert instead :—

PART II.—APPROVAL OF AGREEMENTS—ss. 5,
5A.

(b) Section 3—

After the matter relating to Schedule 1, insert :—

SCHEDULE 1A.—ALBURY-WODONGA AREA
DEVELOPMENT AGREEMENT AMENDMENT
AGREEMENT (No. 1).

(2) (a) Section 4, definition of “Agreement”—

Omit the definition, insert instead :—

“Agreement” means the Agreement approved by
section 5, as amended by the Agreement
approved by section 5A;

(b) Section 4, definition of “appointed member”—

After the definition of “appointed day”, insert :—

“appointed member” means a member other than
a member referred to in section 7 (1) (c);

(c) Section 4, definition of “Deputy Chairman”—

After the definition of “council”, insert:—

“Deputy Chairman” means a Deputy Chairman of
the Corporation;

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(d) Section 4, definition of “executive member”—

After the definition of “Development Corporation”,
insert :—

“executive member” means the Chairman or a
Deputy Chairman of the Corporation;

(3) Part II, heading—

Omit “THE AGREEMENT”, insert instead “AGREEMENTS”.

(4) Section 5 (2)—

After “Agreement”, insert “referred to in subsection (1)”.

(5) Section 5A—

After section 5, insert :—

Approval of
Amendment
Agreement
(No. 1).

5A. (1) The Albury-Wodonga Area Development
Agreement Amendment Agreement (No. 1), a copy of
which is set out in Schedule 1A, is approved.

(2) The execution of the Agreement referred to in
subsection (1) by the Honourable Neville Kenneth Wran
for and on behalf of the State of New South Wales is
ratified.

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(6) (a) Section 7 (1), (1A)—

Omit section 7 (1), insert instead :—

(1) The Corporation shall consist of—

(a) 3 executive members to be appointed by the Governor, of whom—

(i) 1 shall be appointed as Chairman;
and

(ii) 2 shall be appointed as Deputy
Chairmen;

(b) 3 part-time appointed members to be
appointed by the Governor; and

(c) subject to subsection (1A)—

(i) 1 part-time official member, being
the Mayor of the City of Albury;
and

(ii) 1 part-time official member, being
the Mayor of the Rural City of
Wodonga.

(1A) The provisions of—

(a) subsection (1) (c) (i) have no force if the
Mayor of the City of Albury is an appointed
member; and

(b) subsection (1) (c) (ii) have no force if
the Mayor of the Rural City of Wodonga
is an appointed member.

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 7 (4)—

After section 7 (3), insert :—

(4) In this section, “Mayor of the City of Albury” and “Mayor of the Rural City of Wodonga” have the meanings respectively ascribed thereto in the Agreement.

(7) Section 37—

Omit the section, insert instead :—

Disclosure
of interest.

37. (1) If a member, or a member of a committee or sub-committee of the Corporation, has any direct or indirect pecuniary interest in any contract made or proposed to be made by the Corporation or in any other matter in which the Corporation is concerned and is present at a meeting of the Corporation or of any committee or sub-committee of the Corporation at which the contract, proposed contract or other matter is being considered, he shall as soon as practicable declare his interest and leave the room until discussion of and voting on the contract, proposed contract or matter has concluded.

(2) A member of the Corporation, committee or sub-committee may not vote on any question arising at a meeting of the Corporation, committee or sub-committee in which he has a direct or indirect pecuniary interest as referred to in subsection (1), and the vote of any member so interested shall be disallowed.

(3) A person who fails to comply with or contravenes the provisions of subsection (1) or (2) is, unless he proves that he did not know—

(a) that he had a pecuniary interest in the contract, proposed contract or other matter; or

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) that a contract, proposed contract or other matter in which he had a pecuniary interest was the subject of consideration at the meeting, guilty of an offence and liable to a penalty not exceeding \$500.

(4) For the purposes of this section, a person shall be deemed to have an indirect pecuniary interest in a contract, proposed contract or other matter if—

(a) he or any nominee of his is a member of a company or other body with which the contract is made or is proposed to be made or which has a direct or indirect pecuniary interest in the other matter under consideration; or

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

(5) For the purposes of this section, a person shall be deemed not to have a direct or indirect pecuniary interest in a contract, proposed contract or other matter so far as the interest which that person has in the contract, proposed contract or other matter—

(a) arises by reason only of the fact that that person is a member of a council, a ratepayer to the Corporation or a consumer of gas, electricity or water supplied to him by the Corporation in like manner and subject to the like conditions as are applicable in the case of persons who are not members of the Corporation, committee or sub-committee; or

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (b) relates to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.

(6) In the case of married persons living together, the interest of one spouse shall, if known to the other, be deemed for the purposes of this section to be also an interest of the other spouse.

(7) A general notice given in writing to the prescribed officer of the Corporation by a member referred to in subsection (1) to the effect that he or his spouse is a member of, or in the employment of, a specified company or other body, or that he or his spouse is a partner of, or in the employment of, a specified person, shall, unless and until the notice is withdrawn, be deemed to be a sufficient declaration of his interest in any contract made or proposed to be made with, or in any other matter relating to, that company or other body or person which may be the subject of consideration after the date of the notice.

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

(9) The Minister may, subject to such conditions as he may think fit to impose, remove any disability from taking part in any consideration or discussion of or voting on any question imposed by subsection (1) or (2) in any

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

case in which the number of members of the Corporation or a committee or sub-committee of the Corporation so disabled at any one time would be so great a proportion of the whole as to impede the transaction of business.

(10) The power of the Minister under subsection (9) to remove any disability imposed by subsection (1) or (2) includes power to remove, either indefinitely or for any specified period, any such disability which would otherwise attach to a member or class of members by reason of such interests, and in respect of such matters, as may be specified by the Minister.

(11) Nothing in this section precludes any person from taking part in the consideration or discussion of, or voting on—

- (a) any question whether the amount payable for goods or services previously supplied or provided under any contract should be paid from the funds of the Corporation; or
- (b) any question whether an application should be made to the Minister for the exercise of the power conferred on him by subsection (9).

(12) Notwithstanding anything to the contrary in subsection (4)—

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

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) a member of a company or other body shall not, by reason only of his membership, be deemed to have an indirect pecuniary interest in a contract, proposed contract or other matter if he does not have a beneficial interest in any shares of that company or other body.

(13) Where a member of the Corporation or of a committee or sub-committee of the Corporation is deemed to have an indirect pecuniary interest in any contract, proposed contract or other matter and would not be so deemed but for the fact that he has a beneficial interest in shares of a company or other body, then if the total nominal value of those shares does not exceed \$1,000 or 1/100th of the total nominal value of the issued share capital of the company or other body (whichever is the less), so much of subsections (1) and (2) as precludes him from taking part in the consideration or discussion of, or voting on, any question with respect to the contract, proposed contract or other matter does not apply to him.

(14) Where the share capital of a company or other body is of more than one class, subsection (13) does not apply if the total nominal value of all the shares of any one class in which a member of the Corporation or of a committee or sub-committee of the Corporation has a beneficial interest exceeds 1/100th of the total nominal value of the issued share capital of that class of the company or other body.

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

(8) Section 42—

Omit "a member", insert instead "an executive member".

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(9) Schedule 1A—

After Schedule 1, insert :—

SCHEDULE 1A.

Sec. 5A.

ALBURY-WODONGA AREA DEVELOPMENT AGREEMENT AMENDMENT
AGREEMENT (No. 1).

AN AGREEMENT (to be called the "Albury-Wodonga Area Development Agreement Amendment Agreement (No. 1)") made this fourth day of September One thousand nine hundred and seventy-eight 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 certain amendments should be made to an agreement made between the parties hereto on the twenty-third day of October One thousand nine hundred and seventy-three and called the "Albury-Wodonga Area Development Agreement" (hereinafter referred to as "the principal agreement"):

NOW IT IS HEREBY AGREED by and between the parties to this agreement as follows:—

1. Unless the contrary intention appears, expressions used in this agreement have the same meanings as they have in the principal agreement.

2. (1) This agreement, other than this sub-clause and sub-clause (2) 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.

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(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.

Definitions

3. Clause 1 of the principal agreement is amended by inserting after the definition of "land" the following definitions:

"Mayor of the City of Albury" means the person for the time being elected to that office under the provisions of the Local Government Act, 1919 of the State of New South Wales;

"Mayor of the Rural City of Wodonga" means the person for the time being elected to that office under the provisions of the Local Government Act 1958 of the State of Victoria;"

Development Corporation

4. (1) Sub-clause 5 (1) of the principal agreement is amended by deleting the word "five" and substituting the word "eight" and by deleting the word "two" where second occurring and substituting the word "five" and further by deleting all words appearing after the words "part-time members".

(2) Clause 5 of the principal agreement is amended by inserting after sub-clause (1) thereof the following sub-clause:

"(1A) The executive members and three of the part-time members will be 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 will hold office—

(a) on such terms and conditions as are set out in the Australian Act; and

(b) subject to that Act, on such other terms and conditions as are determined from time to time by the Ministerial Council."

(3) Sub-clause 5 (4) of the principal agreement is deleted and the following sub-clauses substituted:

"(4) The three part-time members referred to in sub-clause (1A) of this clause will be appointed on the recommendation of the Australian Minister and will comprise:

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (i) one person selected by the Ministerial Council, whether before or after the commencement of this sub-clause, from a group of persons nominated on a basis to be determined from time to time by the Ministerial Council by the Council of the City of Albury, the Hume Shire Council and such other body or bodies as the Ministerial Council determines to be operating within the community in that part of the Area as is within the State of New South Wales;
 - (ii) one person selected by the Ministerial Council, whether before or after the commencement of this sub-clause, from a group of persons nominated on a basis to be determined from time to time by the Ministerial Council by the Council of the Rural City of Wodonga, the Council of the United Shire of Beechworth, the Tallangatta Shire Council, the Yackandandah Shire Council, the Chiltern Shire Council and such other body or bodies as the Ministerial Council determines to be operating within the community in that part of the Area as is within the State of Victoria; and
 - (iii) a person whom the Ministerial Council considers to be a businessman of national standing.
- (4A) A part-time member appointed under sub-clause (4) of this clause will be appointed for a period not exceeding three years as is specified in the instrument of his appointment.
- (4B) The part-time members other than those referred to in sub-clause (1A) of this clause will be the Mayor of the City of Albury and the Mayor of the Rural City of Wodonga who will each hold office—
- (a) on such terms and conditions as are set out in the Australian Act; and
 - (b) subject to that Act, on such other terms and conditions as are determined from time to time by the Ministerial Council.

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(4c) Notwithstanding the preceding provisions of this clause, if a person appointed as a member of the Development Corporation is or becomes Mayor of the City of Albury or Mayor of the Rural City of Wodonga sub-clause (4b) of this clause shall not have effect in relation to him, and the membership of the Development Corporation shall be reduced accordingly, for so long as he holds office as an appointed member.”.

(4) Sub-clause 5 (7) of the principal agreement is amended by deleting the words “three persons” and substituting the words “a majority of the members for the time being holding office provided that there shall be present at least one executive member.”.

State
Corpora-
tions

5. (1) Sub-clause 7 (1) of the principal agreement is amended by deleting all words after the words “consisting of” and substituting the words “eight members of whom three—the Chairman and the two Deputy Chairmen—will be executive members and five will be part-time members.”.

(2) Sub-clause 7 (2) of the principal agreement is deleted and the following sub-clause substituted:

“(2) In the case of each State Corporation the executive members and three of the part-time members will be appointed by the Governor of the constituting State.”.

(3) Sub-clause 7 (3) of the principal agreement is deleted and the following sub-clauses substituted:

“(3) In the case of each State Corporation:

- (a) the Chairman will be appointed on the recommendation of the State Minister of the constituting State;
- (b) each Deputy Chairman 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; and
- (c) the three part-time members referred to in sub-clause (2) of this clause will be appointed on the recommendation of the State Minister of the constituting State and will comprise:

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (i) one person selected by the Ministerial Council, whether before or after the commencement of this sub-clause, from a group of persons nominated on a basis to be determined from time to time by the Ministerial Council by the Council of the City of Albury, the Hume Shire Council and such other body or bodies as the Ministerial Council determines to be operating within the community in that part of the Area as is within the State of New South Wales;
- (ii) one person selected by the Ministerial Council, whether before or after the commencement of this sub-clause, from a group of persons nominated on a basis to be determined from time to time by the Ministerial Council by the Council of the Rural City of Wodonga, the Council of the United Shire of Beechworth, the Tallangatta Shire Council, the Yackandandah Shire Council, the Chiltern Shire Council and such other body or bodies as the Ministerial Council determines to be operating within the community in that part of the Area as is within the State of Victoria; and
- (iii) a person whom the Ministerial Council considers to be a businessman of national standing.

(3A) The part-time members other than those referred to in sub-clause (2) of this clause will be the Mayor of the City of Albury and the Mayor of the Rural City of Wodonga.

(3B) Notwithstanding the other provisions of this clause, if a person appointed as a member of a State Corporation is or becomes Mayor of the City of Albury or Mayor of the Rural City of Wodonga sub-clause (3A) of this clause shall not have effect in relation to him, and the membership of the State Corporation shall be reduced accordingly, for so long as he holds office as an appointed member.”.

(4) Sub-clause 7 (5) of the principal agreement is amended by deleting paragraph (a) and substituting the following paragraph:

“(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;

*Albury-Wodonga Development (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (ii) in the case of the Deputy Chairman nominated by the Australian Minister, seven years; and
- (iii) in the case of each part-time member other than those referred to in sub-clause (3A) of this clause, three years

as is specified in the instrument of his appointment;”.

(5) Sub-clause 7 (6) of the principal agreement is amended by deleting the words “two members” and substituting the words “a majority of the members for the time being holding office provided that there shall be present at least one executive member.”.

(6) Clause 7 of the principal agreement is amended by inserting at the end thereof the following sub-clause:

“(12) In 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.”.

Consultative
Council
Advisory
Committees

6. Clause 8 of the principal agreement is deleted and the following clause substituted:

“8. The Development Corporation may establish advisory committees for the purpose of advising it in respect of the carrying out of its functions.”.

Operating
Expenses of
Develop-
ment Corp-
oration

7. Sub-clause 10 (1) (a) of the principal agreement is amended by deleting the words “the Consultative Council” and substituting the words “advisory committees”.

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

IN WITNESS WHEREOF this agreement has been respectively signed for and on behalf of the parties hereto on the day and year first abovementioned.

SIGNED by the Right Honourable JOHN MALCOLM FRASER, Prime Minister of Australia, in the presence of— D. BUDD.	}	MALCOLM FRASER.
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SIGNED by the Honourable NEVILLE KENNETH WRAN, Premier of the State of New South Wales, in the presence of— G. GLEESON.	}	NEVILLE WRAN.
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SIGNED by the Honourable RUPERT JAMES HAMER, Premier of the State of Victoria, in the presence of— K. D. GREEN. J. JACK.	}	R. J. HAMER.
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(10) Schedule 2, clause 1—

Omit "A member", insert instead "An appointed member".

(11) Schedule 2, clause 2—

Omit the clause, insert instead :—

2. (1) A person who is of or above the age of 65 years shall not be appointed as an executive member. Maximum age of appointed members.

(2) A person who is of or above the age of 70 years shall not be appointed as a part-time appointed member.

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(12) (a) Schedule 2, clause 3 (1)—

Omit “A member”, insert instead “An appointed member”.

(b) Schedule 2, clause 3 (1) (b)—

After “if”, insert “, being an executive member,”.

(c) Schedule 2, clause 3 (1) (b1)—

After clause 3 (1) (b), insert :—

(b1) if, being a part-time appointed member, he absents himself, except on leave granted by the Corporation, which leave the Corporation is hereby authorised to grant, from 3 consecutive meetings of the Corporation;

(d) Schedule 2, clause 3 (1) (j)—

Omit the paragraph, insert instead :—

(j) being an executive member, upon his attaining the age of 65 years, or being a part-time appointed member, upon his attaining the age of 70 years.

(e) Schedule 2, clause 3 (2)—

Omit “member”, insert instead “appointed member”.

(13) Schedule 2, clause 4A—

After clause 4, insert :—

4A. (1) Where the Chairman is unable, whether on account of illness or otherwise, to perform the duties of his office or there is a vacancy in the office of Chairman,

Acting
appoint-
ments.

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

the Governor may appoint a person to act as Chairman during the period of inability or until the filling of the vacancy, as the case may be.

(2) Where a Deputy Chairman is unable, whether on account of illness or otherwise, to perform the duties of his office or there is a vacancy in the office of a Deputy Chairman or a Deputy Chairman has been appointed to act as Chairman, the Governor may appoint a person to act as Deputy Chairman during the period of inability or until the filling of the vacancy or while the Deputy Chairman is acting as Chairman, as the case may be.

(3) Where a part-time appointed member is unable, whether on account of illness or otherwise, to perform the duties of his office or there is a vacancy in the office of a part-time appointed member or a part-time appointed member has been appointed to act as Chairman or a Deputy Chairman, the Governor may appoint a person to act as a part-time appointed member during the period of inability or until the filling of the vacancy or while the part-time appointed member is acting as Chairman or a Deputy Chairman, as the case may be.

(4) Where a person has been appointed under this clause to act as Chairman, Deputy Chairman or part-time appointed member or while a Deputy Chairman is acting as Chairman or a part-time appointed member is acting as Chairman or a Deputy Chairman, and the Chairman, Deputy Chairman or part-time appointed member ceases to hold office without having resumed the performance of the duties of his office, the period of appointment of the person so appointed shall be deemed to continue until the appointment is terminated by the Governor or until

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

the expiration of a period of 12 months after the date on which the Chairman, Deputy Chairman or part-time appointed member ceased to hold office (whichever first happens).

(5) In this Act, a reference to the Chairman, a Deputy Chairman or a member shall be taken to refer also to a person acting as Chairman, Deputy Chairman or member pursuant to this clause.

(14) Schedule 2, clause 5—

Omit "A member", insert instead "An appointed member".

(15) (a) Schedule 2, clause 6 (1)—

Omit the subclause, insert instead :—

(1) At a meeting of the Corporation, a majority of the members for the time being holding office constitute a quorum.

(b) Schedule 2, clause 6 (2)—

After "Corporation" where secondly occurring, insert "
", provided at least one of the members present is an executive member".

(16) Schedule 2, clause 11 (1)—

Before the definition of "statutory body", insert :—

"member" means an executive member;

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(17) Schedule 2, clause 12 (1)—

Before the definition of “retiring age”, insert :—
“member” means an executive member;

SCHEDULE 2.

Sec. 6.

SAVINGS AND TRANSITIONAL PROVISIONS.

1. Nothing in this Act affects the continuity of the Corporation constituted by section 6 (1) of the Principal Act.

2. The persons holding office as Chairman and Deputy Chairmen of the Corporation respectively immediately before the commencement of this Schedule shall be deemed to have been appointed to hold office as such under the Principal Act as amended by this Act for the balance of their respective terms of office, and, if otherwise qualified, are eligible for re-appointment.

3. A general notice given under section 37 (6) of the Principal Act and not withdrawn before the commencement of this Schedule shall be deemed to have been given under section 37 (7) of that Act as amended by this Act.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 13th December, 1978.*

State of New York (Amendment)

STATE OF NEW YORK

IN SENATE, January 12, 1978.

REPORT OF THE

COMMISSIONER OF THE DEPARTMENT OF
CORRECTIONS AND INSTITUTIONS

IN SENATE, January 12, 1978.

REPORT OF THE

COMMISSIONER OF THE DEPARTMENT OF

CORRECTIONS AND INSTITUTIONS





ALBURY-WODONGA DEVELOPMENT (AMENDMENT) BILL, 1978

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

THE objects of this Bill are—

- (a) to approve the Albury-Wodonga Area Development Agreement Amendment Agreement (No. 1) made between the Commonwealth and the States of New South Wales and Victoria (Schedule 1 (5));
- (b) to increase, in accordance with the Agreement, the membership of the Albury-Wodonga (New South Wales) Corporation ("the Corporation") from 3 to 8 members, the new members being—
 - (i) 3 part-time members appointed by the Governor;
 - (ii) the Mayor of the City of Albury; and
 - (iii) the Mayor of the Rural City of Wodonga,(Schedule 1 (6));
- (c) to specify 70 as the maximum age for the 3 part-time members mentioned in paragraph (b) (i) above (Schedule 1 (11));
- (d) to provide that each of the 2 members mentioned in paragraph (b) (ii) and (iii) above holds office as a member of the Corporation for as long as he holds office as a Mayor (Schedule 1 (12));
- (e) to substitute provisions dealing with the disclosure of interests by members of the Corporation, the intention being that the provisions will be substantially the same as those applicable in the case of the Albury-Wodonga Development Corporation and the Albury-Wodonga (Victoria) Corporation created under legislation of the Commonwealth and Victoria (Schedule 1 (7));
- (f) to enable the appointment of acting members of the Corporation to be made (Schedule 1 (13)); and
- (g) to make other provisions of a minor, consequential or ancillary nature.

A copy of the Agreement to be approved by the proposed Act is set out in Schedule 1 (9).

**ALBURY-WODONGA DEVELOPMENT
(AMENDMENT) BILL, 1978**

No. , 1978.

A BILL FOR

**An Act to amend the Albury-Wodonga Development Act, 1974,
with respect to the constitution of the Albury-Wodonga (New
South Wales) Corporation; and to approve the Albury-
Wodonga Area Development Agreement Amendment Agree-
ment (No. 1) made between the Commonwealth and the
States of New South Wales and Victoria.**

[MR DAY—9 November, 1978.]

Albury-Wodonga Development (Amendment).

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

5 **1.** This Act may be cited as the “Albury-Wodonga Develop- Short title.
ment (Amendment) Act, 1978”.

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

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

3. The Albury-Wodonga Development Act, 1974, is referred Principal
to in this Act as the Principal Act. Act.

15 **4.** This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—SAVINGS AND TRANSITIONAL PROVISIONS.

5. The Principal Act is amended in the manner set forth in Amendment
Schedule 1. of Act No.
47, 1974.

20 **6.** Schedule 2 has effect. Savings and
transitional
provisions.

Albury-Wodonga Development (Amendment).

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 3—

Omit the matter relating to Part II, insert instead :—

5 PART II.—APPROVAL OF AGREEMENTS—ss. 5,
 5A.

(b) Section 3—

After the matter relating to Schedule 1, insert :—

10 SCHEDULE 1A.—ALBURY-WODONGA AREA
 DEVELOPMENT AGREEMENT AMENDMENT
 AGREEMENT (No. 1).

(2) (a) Section 4, definition of “Agreement”—

Omit the definition, insert instead :—

15 “Agreement” means the Agreement approved by
 section 5, as amended by the Agreement
 approved by section 5A;

(b) Section 4, definition of “appointed member”—

After the definition of “appointed day”, insert :—

20 “appointed member” means a member other than
 a member referred to in section 7 (1) (c);

(c) Section 4, definition of “Deputy Chairman”—

After the definition of “council”, insert:—

 “Deputy Chairman” means a Deputy Chairman of
 the Corporation;

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(d) Section 4, definition of “executive member”—

After the definition of “Development Corporation”,
insert :—

“executive member” means the Chairman or a
Deputy Chairman of the Corporation;

(3) Part II, heading—

Omit “THE AGREEMENT”, insert instead “AGREEMENTS”.

(4) Section 5 (2)—

After “Agreement”, insert “referred to in subsection (1)”.

(5) Section 5A—

After section 5, insert :—

5A. (1) The Albury-Wodonga Area Development Agreement Amendment Agreement (No. 1), a copy of which is set out in Schedule 1A, is approved.

Approval of
Amendment
Agreement
(No. 1).

(2) The execution of the Agreement referred to in subsection (1) by the Honourable Neville Kenneth Wran for and on behalf of the State of New South Wales is ratified.

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(6) (a) Section 7 (1), (1A)—

Omit section 7 (1), insert instead :—

- 5 (1) The Corporation shall consist of—
- (a) 3 executive members to be appointed by the
 Governor, of whom—
- (i) 1 shall be appointed as Chairman;
 and
- 10 (ii) 2 shall be appointed as Deputy
 Chairmen;
- (b) 3 part-time appointed members to be
 appointed by the Governor; and
- (c) subject to subsection (1A)—
- 15 (i) 1 part-time official member, being
 the Mayor of the City of Albury;
 and
- (ii) 1 part-time official member, being
20 the Mayor of the Rural City of
 Wodonga.
- (1A) The provisions of—
- (a) subsection (1) (c) (i) have no force if the
 Mayor of the City of Albury is an appointed
 member; and
- 25 (b) subsection (1) (c) (ii) have no force if
 the Mayor of the Rural City of Wodonga
 is an appointed member.

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 7 (4)—

After section 7 (3), insert :—

- 5 (4) In this section, “Mayor of the City of Albury”
and “Mayor of the Rural City of Wodonga” have
the meanings respectively ascribed thereto in the
Agreement.

(7) Section 37—

- 10 Omit the section, insert instead :—

- 15 37. (1) If a member, or a member of a committee or
sub-committee of the Corporation, has any direct or
indirect pecuniary interest in any contract made or proposed
to be made by the Corporation or in any other
matter in which the Corporation is concerned and is present
at a meeting of the Corporation or of any committee or
sub-committee of the Corporation at which the contract,
proposed contract or other matter is being considered, he
shall as soon as practicable declare his interest and leave
20 the room until discussion of and voting on the contract,
proposed contract or matter has concluded.

- 25 (2) A member of the Corporation, committee or
sub-committee may not vote on any question arising at a
meeting of the Corporation, committee or sub-committee
in which he has a direct or indirect pecuniary interest as
referred to in subsection (1), and the vote of any member
so interested shall be disallowed.

- 30 (3) A person who fails to comply with or con-
travenes the provisions of subsection (1) or (2) is, unless
he proves that he did not know—

- (a) that he had a pecuniary interest in the contract,
proposed contract or other matter; or

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- 5 (b) that a contract, proposed contract or other matter
 in which he had a pecuniary interest was the
 subject of consideration at the meeting,

 guilty of an offence and liable to a penalty not exceeding
 \$500.

- 10 (4) For the purposes of this section, a person shall
 be deemed to have an indirect pecuniary interest in a
 contract, proposed contract or other matter if—

- 15 (a) he or any nominee of his is a member of a
 company or other body with which the contract
 is made or is proposed to be made or which has
 a direct or indirect pecuniary interest in the other
 matter under consideration; or

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

- 25 (5) For the purposes of this section, a person shall
 be deemed not to have a direct or indirect pecuniary interest
 in a contract, proposed contract or other matter so far as
 the interest which that person has in the contract, proposed
 contract or other matter—

- 30 (a) arises by reason only of the fact that that person
 is a member of a council, a ratepayer to the
 Corporation or a consumer of gas, electricity or
 water supplied to him by the Corporation in like
 manner and subject to the like conditions as are
 applicable in the case of persons who are not
 members of the Corporation, committee or
 sub-committee; or

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) relates to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.

(6) In the case of married persons living together, the interest of one spouse shall, if known to the other, be deemed for the purposes of this section to be also an interest of the other spouse.

(7) A general notice given in writing to the prescribed officer of the Corporation by a member referred to in subsection (1) to the effect that he or his spouse is a member of, or in the employment of, a specified company or other body, or that he or his spouse is a partner of, or in the employment of, a specified person, shall, unless and until the notice is withdrawn, be deemed to be a sufficient declaration of his interest in any contract made or proposed to be made with, or in any other matter relating to, that company or other body or person which may be the subject of consideration after the date of the notice.

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

(9) The Minister may, subject to such conditions as he may think fit to impose, remove any disability from taking part in any consideration or discussion of or voting on any question imposed by subsection (1) or (2) in any

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 case in which the number of members of the Corporation
or a committee or sub-committee of the Corporation so
disabled at any one time would be so great a proportion
of the whole as to impede the transaction of business.

10 (10) The power of the Minister under subsection
(9) to remove any disability imposed by subsection (1)
or (2) includes power to remove, either indefinitely or
for any specified period, any such disability which would
otherwise attach to a member or class of members by
reason of such interests, and in respect of such matters,
as may be specified by the Minister.

15 (11) Nothing in this section precludes any person
from taking part in the consideration or discussion of, or
voting on—

20 (a) any question whether the amount payable for
goods or services previously supplied or provided
under any contract should be paid from the
funds of the Corporation; or

(b) any question whether an application should be
made to the Minister for the exercise of the
power conferred on him by subsection (9).

25 (12) Notwithstanding anything to the contrary in
subsection (4)—

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

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) a member of a company or other body shall not, by reason only of his membership, be deemed to have an indirect pecuniary interest in a contract, proposed contract or other matter if he does not have a beneficial interest in any shares of that company or other body.

(13) Where a member of the Corporation or of a committee or sub-committee of the Corporation is deemed to have an indirect pecuniary interest in any contract, proposed contract or other matter and would not be so deemed but for the fact that he has a beneficial interest in shares of a company or other body, then if the total nominal value of those shares does not exceed \$1,000 or 1/100th of the total nominal value of the issued share capital of the company or other body (whichever is the less), so much of subsections (1) and (2) as precludes him from taking part in the consideration or discussion of, or voting on, any question with respect to the contract, proposed contract or other matter does not apply to him.

(14) Where the share capital of a company or other body is of more than one class, subsection (13) does not apply if the total nominal value of all the shares of any one class in which a member of the Corporation or of a committee or sub-committee of the Corporation has a beneficial interest exceeds 1/100th of the total nominal value of the issued share capital of that class of the company or other body.

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

(8) Section 42—

Omit "a member", insert instead "an executive member".

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(9) Schedule 1A—

After Schedule 1, insert :—

5

SCHEDULE 1A.

Sec. 5A.

ALBURY-WODONGA AREA DEVELOPMENT AGREEMENT AMENDMENT
AGREEMENT (No. 1).

10 AN AGREEMENT (to be called the “Albury-Wodonga Area
Development Agreement Amendment Agreement (No. 1)”) made
this fourth day of September One thousand nine hundred and
seventy-eight 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:

15 WHEREAS the Australian, New South Wales and Victorian
Governments have agreed that certain amendments should be made
to an agreement made between the parties hereto on the twenty-
third day of October One thousand nine hundred and seventy-three
and called the “Albury-Wodonga Area Development Agreement”
20 (hereinafter referred to as “the principal agreement”):

NOW IT IS HEREBY AGREED by and between the parties to
this agreement as follows:—

25 1. Unless the contrary intention appears, expressions used in
this agreement have the same meanings as they have in the
principal agreement.

30 2. (1) This agreement, other than this sub-clause and sub-clause
(2) 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.

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(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. Clause 1 of the principal agreement is amended by inserting Definitions after the definition of "land" the following definitions:

"'Mayor of the City of Albury' means the person for the time being elected to that office under the provisions of the Local Government Act, 1919 of the State of New South Wales;

'Mayor of the Rural City of Wodonga' means the person for the time being elected to that office under the provisions of the Local Government Act 1958 of the State of Victoria;"

4. (1) Sub-clause 5 (1) of the principal agreement is amended by deleting the word "five" and substituting the word "eight" and by deleting the word "two" where second occurring and substituting the word "five" and further by deleting all words appearing after the words "part-time members".

(2) Clause 5 of the principal agreement is amended by inserting after sub-clause (1) thereof the following sub-clause:

"(1A) The executive members and three of the part-time members will be 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 will hold office—

(a) on such terms and conditions as are set out in the Australian Act; and

(b) subject to that Act, on such other terms and conditions as are determined from time to time by the Ministerial Council."

(3) Sub-clause 5 (4) of the principal agreement is deleted and the following sub-clauses substituted:

"(4) The three part-time members referred to in sub-clause (1A) of this clause will be appointed on the recommendation of the Australian Minister and will comprise:

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- 5 (i) one person selected by the Ministerial Council, whether before or after the commencement of this sub-clause, from a group of persons nominated on a basis to be determined from time to time by the Ministerial Council by the Council of the City of Albury, the Hume Shire Council and such other body or bodies as the Ministerial Council determines to be operating within the community in that part of the Area as is within the State of New South Wales;
- 10
- 15 (ii) one person selected by the Ministerial Council, whether before or after the commencement of this sub-clause, from a group of persons nominated on a basis to be determined from time to time by the Ministerial Council by the Council of the Rural City of Wodonga, the Council of the United Shire of Beechworth, the Tallangatta Shire Council, the Yackandandah Shire Council, the Chiltern Shire Council and such other body or bodies as the Ministerial Council determines to be operating within the community in that part of the Area as is within the State of Victoria; and
- 20
- (iii) a person whom the Ministerial Council considers to be a businessman of national standing.
- 25 (4A) A part-time member appointed under sub-clause (4) of this clause will be appointed for a period not exceeding three years as is specified in the instrument of his appointment.
- 30 (4B) The part-time members other than those referred to in sub-clause (1A) of this clause will be the Mayor of the City of Albury and the Mayor of the Rural City of Wodonga who will each hold office—
- (a) on such terms and conditions as are set out in the Australian Act; and
- 35 (b) subject to that Act, on such other terms and conditions as are determined from time to time by the Ministerial Council.

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 (4c) Notwithstanding the preceding provisions of this clause, if a person appointed as a member of the Development Corporation is or becomes Mayor of the City of Albury or Mayor of the Rural City of Wodonga sub-clause (4B) of this clause shall not have effect in relation to him, and the membership of the Development Corporation shall be reduced accordingly, for so long as he holds office as an appointed member.”.

10 (4) Sub-clause 5 (7) of the principal agreement is amended by deleting the words “three persons” and substituting the words “a majority of the members for the time being holding office provided that there shall be present at least one executive member.”.

15 5. (1) Sub-clause 7 (1) of the principal agreement is amended by deleting all words after the words “consisting of” and substituting the words “eight members of whom three—the Chairman and the two Deputy Chairmen—will be executive members and five will be part-time members.”. State Corporations

20 (2) Sub-clause 7 (2) of the principal agreement is deleted and the following sub-clause substituted:

“(2) In the case of each State Corporation the executive members and three of the part-time members will be appointed by the Governor of the constituting State.”.

25 (3) Sub-clause 7 (3) of the principal agreement is deleted and the following sub-clauses substituted:

“(3) In the case of each State Corporation:

- 30 (a) the Chairman will be appointed on the recommendation of the State Minister of the constituting State;
- (b) each Deputy Chairman 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; and
- 35 (c) the three part-time members referred to in sub-clause (2) of this clause will be appointed on the recommendation of the State Minister of the constituting State and will comprise:

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- 5 (i) one person selected by the Ministerial Council, whether before or after the commencement of this sub-clause, from a group of persons nominated on a basis to be determined from time to time by the Ministerial Council by the Council of the City of Albury, the Hume Shire Council and such other body or bodies as the Ministerial Council determines to be operating within the community in that part of the Area as is within the State of New South Wales;
- 10 (ii) one person selected by the Ministerial Council, whether before or after the commencement of this sub-clause, from a group of persons nominated on a basis to be determined from time to time by the Ministerial Council by the Council of the Rural City of Wodonga, the Council of the United Shire of Beechworth, the Tallangatta Shire Council, the Yackandandah Shire Council, the Chiltern Shire Council and such other body or bodies as the Ministerial Council determines to be operating within the community in that part of the Area as is within the State of Victoria; and
- 15 (iii) a person whom the Ministerial Council considers to be a businessman of national standing.
- 20 (3A) The part-time members other than those referred to in sub-clause (2) of this clause will be the Mayor of the City of Albury and the Mayor of the Rural City of Wodonga.
- 25 (3B) Notwithstanding the other provisions of this clause, if a person appointed as a member of a State Corporation is or becomes Mayor of the City of Albury or Mayor of the Rural City of Wodonga sub-clause (3A) of this clause shall not have effect in relation to him, and the membership of the State Corporation shall be reduced accordingly, for so long as he holds office as an appointed member.”
- 30 (4) Sub-clause 7 (5) of the principal agreement is amended by deleting paragraph (a) and substituting the following paragraph:
- 35 “(a) for such period not exceeding:
- 40 (i) in the respective cases of the Chairman and the Deputy Chairman nominated by the other State, five years;

*Albury-Wodonga Development (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (ii) in the case of the Deputy Chairman nominated by the Australian Minister, seven years; and
- 5 (iii) in the case of each part-time member other than those referred to in sub-clause (3A) of this clause, three years
- as is specified in the instrument of his appointment;”.

10 (5) Sub-clause 7 (6) of the principal agreement is amended by deleting the words “two members” and substituting the words “a majority of the members for the time being holding office provided that there shall be present at least one executive member.”.

15 (6) Clause 7 of the principal agreement is amended by inserting at the end thereof the following sub-clause:

“(12) In this clause, the reference to the Governor is a reference—

20 (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

25 (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.”.

6. Clause 8 of the principal agreement is deleted and the following clause substituted:

30 “8. The Development Corporation may establish advisory committees for the purpose of advising it in respect of the carrying out of its functions.”.

Consultative
Council
Advisory
Committees

35 7. Sub-clause 10 (1) (a) of the principal agreement is amended by deleting the words “the Consultative Council” and substituting the words “advisory committees”.

Operating
Expenses of
Develop-
ment Corp-
oration

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 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 Right Honourable
JOHN MALCOLM FRASER, Prime
Minister of Australia, in the presence
of—
10 D. BUDD. } MALCOLM FRASER.

SIGNED by the Honourable NEVILLE
KENNETH WRAN, Premier of the
State of New South Wales, in the
presence of—
15 G. GLEESON. } NEVILLE WRAN.

SIGNED by the Honourable RUPERT
JAMES HAMER, Premier of the State
of Victoria, in the presence of—
20 K. D. GREEN.
J. JACK. } R. J. HAMER.

(10) Schedule 2, clause 1—

Omit "A member", insert instead "An appointed member".

(11) Schedule 2, clause 2—

Omit the clause, insert instead :—

25 2. (1) A person who is of or above the age of 65 Maximum
years shall not be appointed as an executive member. age of
appointed
members.

(2) A person who is of or above the age of 70
years shall not be appointed as a part-time appointed
member.

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (12) (a) Schedule 2, clause 3 (1)—
- 5 Omit “A member”, insert instead “An appointed member”.
- (b) Schedule 2, clause 3 (1) (b)—
- After “if”, insert “, being an executive member,”.
- (c) Schedule 2, clause 3 (1) (b1)—
- After clause 3 (1) (b), insert :—
- 10 (b1) if, being a part-time appointed member, he absents himself, except on leave granted by the Corporation, which leave the Corporation is hereby authorised to grant, from 3 consecutive meetings of the Corporation;
- 15 (d) Schedule 2, clause 3 (1) (j)—
- Omit the paragraph, insert instead :—
- (j) being an executive member, upon his attaining the age of 65 years, or being a part-time appointed member, upon his attaining the age
- 20 of 70 years.
- (e) Schedule 2, clause 3 (2)—
- Omit “member”, insert instead “appointed member”.
- (13) Schedule 2, clause 4A—
- After clause 4, insert :—
- 25 4A. (1) Where the Chairman is unable, whether on Acting account of illness or otherwise, to perform the duties of his office or there is a vacancy in the office of Chairman, ^{appointments.}

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 the Governor may appoint a person to act as Chairman during the period of inability or until the filling of the vacancy, as the case may be.

10 (2) Where a Deputy Chairman is unable, whether on account of illness or otherwise, to perform the duties of his office or there is a vacancy in the office of a Deputy Chairman or a Deputy Chairman has been appointed to act as Chairman, the Governor may appoint a person to act as Deputy Chairman during the period of inability or until the filling of the vacancy or while the Deputy Chairman is acting as Chairman, as the case may be.

15 (3) Where a part-time appointed member is unable, whether on account of illness or otherwise, to perform the duties of his office or there is a vacancy in the office of a part-time appointed member or a part-time appointed member has been appointed to act as Chairman or a Deputy Chairman, the Governor may appoint a person to act as a part-time appointed member during the period of inability or until the filling of the vacancy or while the part-time appointed member is acting as Chairman or a Deputy Chairman, as the case may be.

20

25 (4) Where a person has been appointed under this clause to act as Chairman, Deputy Chairman or part-time appointed member or while a Deputy Chairman is acting as Chairman or a part-time appointed member is acting as Chairman or a Deputy Chairman, and the Chairman, Deputy Chairman or part-time appointed member ceases to hold office without having resumed the performance of the duties of his office, the period of appointment of the person so appointed shall be deemed to continue until the appointment is terminated by the Governor or until

30

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 the expiration of a period of 12 months after the date on which the Chairman, Deputy Chairman or part-time appointed member ceased to hold office (whichever first happens).

10 (5) In this Act, a reference to the Chairman, a Deputy Chairman or a member shall be taken to refer also to a person acting as Chairman, Deputy Chairman or member pursuant to this clause.

(14) Schedule 2, clause 5—

Omit “A member”, insert instead “An appointed member”.

(15) (a) Schedule 2, clause 6 (1)—

Omit the subclause, insert instead :—

15 (1) At a meeting of the Corporation, a majority of the members for the time being holding office constitute a quorum.

(b) Schedule 2, clause 6 (2)—

20 After “Corporation” where secondly occurring, insert “, provided at least one of the members present is an executive member”.

(16) Schedule 2, clause 11 (1)—

Before the definition of “statutory body”, insert :—

“member” means an executive member;

Albury-Wodonga Development (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(17) Schedule 2, clause 12 (1)—

Before the definition of “retiring age”, insert :—
5 “member” means an executive member;

SCHEDULE 2.

Sec. 6.

SAVINGS AND TRANSITIONAL PROVISIONS.

1. Nothing in this Act affects the continuity of the Corporation constituted by section 6 (1) of the Principal Act.
- 10 2. The persons holding office as Chairman and Deputy Chairmen of the Corporation respectively immediately before the commencement of this Schedule shall be deemed to have been appointed to hold office as such under the Principal Act as amended by this Act for the balance of their respective terms of office, and, if otherwise qualified, are eligible for
15 re-appointment.
3. A general notice given under section 37 (6) of the Principal Act and not withdrawn before the commencement of this Schedule shall be deemed to have been given under section 37 (7) of that Act as amended by this Act.

Aluminum-Water Complexes (Chelates)

SCHWABE, J. C.

Answer to the Principal Author's Comments

(17) Schedule 2, Item 1 (1)

Medium 17 is defined as "medium 17, item 1" in the text of the report on Schedule 2, item 1.

sec. 6.

SCHWABE, J. C.

Answer to the Principal Author's Comments

1. The text of the report on Schedule 2, item 1, is as follows: "Medium 17 is defined as 'medium 17, item 1' in the text of the report on Schedule 2, item 1."

10. (17) Medium 17 is defined as "medium 17, item 1" in the text of the report on Schedule 2, item 1. The text of the report on Schedule 2, item 1, is as follows: "Medium 17 is defined as 'medium 17, item 1' in the text of the report on Schedule 2, item 1."

11. The text of the report on Schedule 2, item 1, is as follows: "Medium 17 is defined as 'medium 17, item 1' in the text of the report on Schedule 2, item 1."

