Albury-Wodonga Development Amendment Bill 1991

Date Introduced: 13 March 1991
House: House of Representatives
Portfolio: Local Government

Purpose
To place a Chief Executive Officer on the Albury-Wodonga Development Corporation and to give effect to an agreement between the Commonwealth, New South Wales and Victoria.

Background
On 23 October 1973 the Prime Minister, the Premiers of New South Wales and Victoria signed the Albury-Wodonga Area Development Agreement. The objectives of the Agreement are contained in the preamble to the agreement which states that "...the intentions of the three Governments are - that a development corporation will bring about in the Area (Albury-Wodonga), by the development of a 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 the development corporation, will involve, as far as possible, the established Australian, State and local government authorities in the development of the growth complex. The development of Albury-Wodonga was an element of the Whitlam Government's decentralisation policy. On 21 January 1974, the Albury-Wodonga Development Act 1973 (the Principal Act), which gave effect at Commonwealth law to the Agreement, was proclaimed. Complementary State legislation established separate New South Wales and Victorian Development Corporations. The three corporations act as one integrated corporation.

The Corporation is responsible to a Ministerial Council which is comprised of the Commonwealth Minister for Local Government, the New South Wales Minister for Business and Consumer Affairs and the Victorian Minister for Industry and Economic Planning. The main function of the Ministerial Council is to supervise the development of Albury-Wodonga. In addition, the Ministerial Council has the power to give directions to the Corporation on how it performs its functions.

The functions of the Corporation include: carry out and supervise certain development works; negotiate with Commonwealth, State and local government authorities for the purpose of arranging or providing services and facilities to Albury-Wodonga; and create job opportunities by encouraging the setting up of industries and other investment in Albury-Wodonga.

In 1988, the Ministerial Council established a review committee to examine and report on the role and structure of the Corporation. The report of the review committee, which was presented to the Ministerial Council in 1989 and approved by the Ministerial Council on 8 June 1989 is the origin of the amendments proposed by this Bill, included the following proposals:

*In the next twelve months the Corporation should undergo a period of change, on the basis of a revised mission statement which would be to facilitate the continuing growth of Albury-Wodonga in co-operation with Commonwealth, State, local government and community agencies;
*that the Corporations new goals would be to: contribute to the physical, economic and social planning in Albury-Wodonga in partnership with local government and the community; promote Albury-Wodonga in co-operation with appropriate agencies; and to develop and market Corporation land holdings;
*that a Albury-Wodonga Region Planning Committee (the Committee) be established to overview and co-ordinate the preparation of a regional plan covering physical and social planning in Albury-Wodonga;
*that the Committee review the physical plan of Albury-Wodonga and once agreement has been reached on revisions to the plan, amendments to legislation and planning be arranged and the Corporation relinquish its local planning powers;
*that social service program delivery become the responsibility of the local government and the community;
that the financial operations of the Corporation be improved through the adoption of more commercial practices; and

that the membership of the Corporation be restructured to comprise a part-time Chairperson nominated by the Commonwealth, two part-time State nominated Deputy Chairpersons, and two regional members, one from each State, agreed by the Commonwealth and States.¹

Certain initial media responses to the Ministerial Council’s decision to change the role and structure of the Corporation included that this signalled the scrapping of the Corporation and the failure of regional development and decentralisation plans.² The Commonwealth Minister for Local Government responded to these reports in a News Release of 23 August 1989, saying that news of the death of the Corporation was entirely wrong and that the review of the Corporation has led to a strengthening of the Commonwealth’s, New South Wales and Victoria’s commitment to the region.


Main Provisions
A new section 8A will be inserted into the Principal Act by clause 6. Proposed section 8A provides that the chief executive officer will be responsible for the management of the Corporation. Currently, the Principal Act does not provide for the appointment of a chief executive officer. The position of chief executive officer with responsibility for the day-to-day management is a common feature of Commonwealth statutory corporations.

New sub-sections 10(1) and 10(2) will be substituted into the Principal Act by clause 7. The effect of the amendments will be that the chief executive officer of the Corporation will be a member of the Corporation, replacing one of the three other appointed members.

A new section 10A will be inserted into the Principal Act by clause 8. Proposed section 10A provides for the appointment, by the members of the Corporation, of a chief executive officer. The terms and conditions of employment of the chief executive officer will be decided by the Corporations members. Currently, the Principal Act does not provide for the appointment of a chief executive officer. The appointment of such an official is a common feature of Commonwealth statutory corporations.

A new sub-section 11(1) will be substituted into the Principal Act by clause 9. Proposed sub-section 11(1) provides that Corporation members will hold office on a part-time basis for a maximum of three years. Sub-section 11(1) currently provides for maximum terms of appointment of 7 years for the Chairperson, 5 years for a Deputy Chairperson, and 3 years for part-time members.

A new sub-paragraph 32(a) will be substituted into the Principal Act by clause 16. The effect of proposed sub-paragraph 32(a) will be to require the Corporation to prepare an annual report of its operations together with financial statements and those of the State corporations. The reason given for this amendment is to reduce the duplication present in the current reporting requirements under which separate annual reports are prepared for each Parliament.

Basically, the effect of clause 22 will be to provide staff of the Corporation with the same job mobility entitlements (e.g. to apply for jobs and transfer between jobs within the Commonwealth public service) as apply to other Commonwealth public servants.

Clause 20 provides that the Principal Act will be amended as set out in Schedule 1. Schedule 1 replaces sexist language with non-sexist language.

The text of the Albury-Wodonga Area Development Agreement Amendment Agreement (No. 2), to which this Bill proposes to give effect, is contained in Schedule 2 of this Bill.

References
Albury-Wodonga Development Amendment Bill 1991

For further information, if required, contact the Economics and Commerce Group on 06 2772460.

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

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