

National Urban and Regional Development Authority

No. 117 of 1972

An Act to establish a National Urban and Regional
Development Authority.

[Assented to 31 October 1972]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

PART I.—PRELIMINARY.

Short title.

1. This Act may be cited as the *National Urban and Regional Development Authority Act 1972*.

Commencement.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Parts.

3. This Act is divided into Parts, as follows:—

Part I.—Preliminary (Sections 1–4).

Part II.—The National Urban and Regional Development Authority (Sections 5–14).

Part III.—Staff (Sections 15–17).

Part IV.—Finance (Sections 18–22).

Part V.—Miscellaneous (Sections 23–27).

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

Definitions.

“ the Auditor-General ” means the Auditor-General for the Commonwealth;

“ the Authority ” means the National Urban and Regional Development Authority established by this Act;

“ the Commissioner ” means the person constituting the Authority;

“ the Deputy Commissioner ” means the Deputy Commissioner appointed under section 6 of this Act;

“ the Minister ” means the Prime Minister.

PART II.—THE NATIONAL URBAN AND REGIONAL
DEVELOPMENT AUTHORITY.

5.—(1.) For the purposes of this Act, there is hereby established an authority by the name of the National Urban and Regional Development Authority.

National
Urban and
Regional
Development
Authority.

(2.) The Authority shall be constituted by a Commissioner, who shall be appointed by the Governor-General.

(3.) The Authority—

(a) is a body corporate, with perpetual succession;

(b) shall have a common seal;

(c) may acquire, hold and dispose of real and personal property; and

(d) may sue and be sued in its corporate name.

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

6.—(1.) The Commissioner shall be assisted by a Deputy Commissioner, who shall be appointed by the Governor-General.

Deputy
Commissioner.

(2.) The Deputy Commissioner shall give such advice and assistance to the Commissioner as the Commissioner requires and shall perform such duties as the Commissioner directs.

7.—(1.) The Commissioner or the Deputy Commissioner shall be appointed for such period, not exceeding seven years, as the Governor-General specifies in the instrument of appointment but is eligible for re-appointment.

Period of
appointment.

(2.) A person who has attained the age of sixty-five years shall not be appointed or re-appointed as the Commissioner or the Deputy Commissioner and a person shall not be appointed or re-appointed as the Commissioner or the Deputy Commissioner for a period that extends beyond the date on which he will attain the age of sixty-five years.

Remuneration
and
allowances.

8.—(1.) The Commissioner and the Deputy Commissioner shall be paid remuneration at such rate, and an annual allowance at such rate (if any), as the Parliament fixes, but, until the first day of January, One thousand nine hundred and seventy-four, the rate of that remuneration and the rate (if any) of that allowance shall be as prescribed.

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

Leave of
absence.

9. The Minister may grant leave of absence to the Commissioner or the Deputy Commissioner on such terms and conditions as to remuneration and otherwise as the Minister determines.

Termination
of
appointment.

10.—(1.) The Governor-General may terminate the appointment of the Commissioner or Deputy Commissioner for inability, inefficiency or misbehaviour.

(2.) If the Commissioner or the Deputy Commissioner—

- (a) engages in paid employment outside the duties of his office;
- (b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (c) resigns his office by writing under his hand addressed to the Governor-General;
- (d) is absent from duty, except on leave of absence granted by the Minister, for fourteen consecutive days or for twenty-eight days in any twelve months; or
- (e) in any way, otherwise than as a member, and in common with the other members, of an incorporated company consisting of not less than twenty-five persons—
 - (i) becomes concerned or interested in a contract entered into by or on behalf of the Authority; or
 - (ii) participates or claims to participate in the profit of any such contract or in any benefit or emolument arising from any such contract,

the Governor-General shall, by notice in the *Gazette*, declare that the office of Commissioner or Deputy Commissioner is vacant, and thereupon the office shall be deemed to be vacant.

11.—(1.) In the event of the office of Commissioner or Deputy Commissioner becoming vacant, or in the event of the illness or absence of the Commissioner or Deputy Commissioner, the Governor-General may appoint a person to be Acting Commissioner or Acting Deputy Commissioner. Acting appointments.

(2.) An Acting Commissioner or Acting Deputy Commissioner appointed in the event of the office of Commissioner or Deputy Commissioner becoming vacant holds office during the pleasure of the Governor-General but shall not continue in office after the expiration of twelve months after the occurrence of the vacancy in the office of Commissioner or Deputy Commissioner.

(3.) An Acting Commissioner or Acting Deputy Commissioner appointed in the event of the illness or absence of the Commissioner or Deputy Commissioner holds office during that illness or absence but his appointment may at any time be terminated by the Governor-General.

(4.) An Acting Commissioner or Acting Deputy Commissioner has all the powers and shall perform all the duties of the Commissioner or Deputy Commissioner, respectively.

(5.) Subject to this section, an Acting Commissioner or Acting Deputy Commissioner holds office on such terms and conditions as the Governor-General determines.

(6.) If the Deputy Commissioner is at any time appointed Acting Commissioner, his office shall, during the period of his appointment, be deemed, for the purposes of this section, to be vacant.

12.—(1.) The Authority shall investigate, and from time to time report to the Minister on, matters relating to urban or regional development— Duties of Authority.

(a) for the purpose of assisting the Government of the Commonwealth in the consideration by the Government of the grant of financial assistance by the Parliament to a State in connexion with urban or regional development, including the terms and conditions on which that assistance might be granted by the Parliament; and

(b) in so far as those matters relate to any matter with respect to which the Parliament has power to make laws.

(2.) The Authority shall comply with any directions given to it by the Minister with respect to the matters to be investigated by the Authority.

(3.) The Authority shall furnish its first report to the Minister not later than the thirtieth day of June, One thousand nine hundred and seventy-three, and that report shall be in respect of matters relating to urban and regional development during the period of five years immediately after that date.

Powers of Authority.

13.—(1.) The Authority has power to do all things that are necessary or convenient to be done for or in connexion with the performance of its duties and, in particular, without limiting the generality of the foregoing, the Authority may engage persons, or make arrangements with persons, to advise and inform the Authority on any matter being investigated by the Authority.

(2.) The powers of a body established by an Act extend to entering into arrangements with the Authority as mentioned in the last preceding sub-section.

National Urban and Regional Development Advisory Committee.

14.—(1.) There shall be a National Urban and Regional Development Advisory Committee to advise the Authority in connexion with its duties and powers under this Act.

(2.) The Committee shall consist of the Commissioner and eleven other members.

(3.) The Commissioner shall be the chairman of the Committee.

(4.) The members of the Committee other than the Commissioner shall be appointed by the Minister and hold office, subject to good behaviour, for a period of three years but a retiring member is eligible for re-appointment.

(5.) The members of the Committee appointed by the Minister shall be persons who, in the opinion of the Minister, by their knowledge and experience, can assist the Authority in the performance of its duties.

(6.) In the event of a member of the Committee other than the Commissioner ceasing to hold office before the end of the period of his appointment, the Minister may appoint another member for the remainder of that period.

(7.) A vacancy in the membership of the Committee does not affect the exercise of the powers of the Committee.

(8.) Members of the Committee other than the Commissioner shall be paid such fees and allowances (other than annual allowances) as are prescribed.

(9.) The Deputy Commissioner shall, if the Commissioner so requests, attend a meeting of the Committee in place of the Commissioner and, while so attending, shall be the chairman of the Committee.

PART III.—STAFF.

Officers and employees.

15.—(1.) The Authority may appoint such officers or engage such employees as it thinks necessary for the purposes of this Act.

(2.) The terms and conditions of service or employment of persons so appointed or engaged are such as are, subject to the approval of the Public Service Board, determined by the Authority.

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

16.—(1.) The Authority is an approved authority for the purposes of the *Superannuation Act 1922-1971*. Superannuation.

(2.) For the purposes of that Act, the Commissioner and the Deputy Commissioner shall each be taken to be a person who is required to give the whole of his time to the duties of his office.

17. Where the Commissioner, the Deputy Commissioner or an officer or employee of the Authority was, immediately before his appointment or engagement, an officer of the Public Service of the Commonwealth (including an unattached officer)— Rights of public servants appointed or employed under this Act.

(a) he retains his existing and accruing rights;

(b) for the purpose of determining those rights, his service under this Act shall be taken into account as if it were service in the Public Service of the Commonwealth; and

(c) the *Officers' Rights Declaration Act 1928-1969* applies as if this Act and this section had been specified in the Schedule to that Act.

PART IV.—FINANCE.

18.—(1.) There are payable to the Authority such moneys as are appropriated by the Parliament for the purposes of the Authority. Moneys payable to Authority.

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

19.—(1.) The Authority shall prepare estimates, in such form as the Minister directs, of its expenditure for each financial year and for such other period (if any) as the Minister directs and shall submit those estimates to the Minister not later than such date as the Minister directs. Estimates.

(2.) Moneys shall not be expended by the Authority otherwise than in accordance with estimates of expenditure approved by the Minister.

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

(2.) The Authority shall pay all moneys of the Authority into an account referred to in this section.

(3.) In this section, “ approved bank ” means the Reserve Bank of Australia or another bank approved by the Treasurer.

**Application
of moneys.**

21. The moneys of the Authority may be applied by the Authority—
- (a) in payment or discharge of the costs and expenses of the Authority under this Act; and
 - (b) in payment of any remuneration or allowances payable to any person under this Act,

but not otherwise.

**Exemption
from taxation.**

22. The Authority is not subject to taxation under any law of the Commonwealth or of a State or Territory of the Commonwealth.

PART V.—MISCELLANEOUS.

Reports.

23.—(1.) The Authority shall, as soon as practicable after each thirtieth day of June, prepare and furnish to the Minister, for presentation to the Parliament, a report of its operations during the year ended on that date, together with financial statements in respect of that year in such form as the Treasurer approves.

(2.) Before furnishing the financial statements to the Minister, the Authority shall submit them 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 Authority during the year have been in accordance with this Act; and
- (d) as to such other matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

Audit.

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

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

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

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

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

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

(7.) A person who contravenes the last preceding sub-section is guilty of an offence punishable, upon conviction, by a fine not exceeding Two hundred dollars.

25. The Authority shall cause to be kept proper accounts and records of the transactions and affairs of the Authority and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorized and that adequate control is maintained over the assets of, or in the custody of, the Authority and over the incurring of liabilities by the Authority. Proper accounts to be kept.

26.—(1.) The Minister may establish one or more committees, in addition to the committee established by section 14 of this Act, to advise the Authority in connexion with its duties and powers under this Act. Committees.

(2.) The Commissioner shall be a member of and chairman of each such committee.

(3.) The Deputy Commissioner shall, if the Commissioner so requests, attend a meeting of a committee in place of the Commissioner and, while so attending, shall be the chairman of the committee.

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