



Australian Capital Territory

Gungahlin Development Authority Act 1996 No 38

Republication No 1

Republication date: 20 June 2002

Last amendment made by Act 2001 No 44

Amendments incorporated to 12 September 2001

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Gungahlin Development Authority Act 1996* as in force on 20 June 2002. It includes any amendment, repeal or expiry affecting the republished law to 12 September 2001 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to
12 September 2001



Australian Capital Territory

Gungahlin Development Authority Act 1996

Contents

	Page	
Part 1	Preliminary	
1	Name of Act	2
3	Definitions for Act	2
4	Development area	2
Part 2	Gungahlin development authority	
Division 2.1	Establishment, functions and powers	
5	Establishment	3
6	Principal object of the authority	3
7	Functions	4
8	Powers	5

Contents

	Page
9	6
10	8
11	9
12	10
Division 2.2	Constitution and meetings
13	10
14	10
15	11
16	12
17	12
18	12
19	12
20	13
21	13
22	14
23	14
24	15
Part 3	Chief executive officer, staff and consultants
Division 3.1	Chief executive officer
25	16
26	16
27	16
28	17
29	17
30	17
Division 3.2	Staff and consultants
31	18
32	18
Part 4	Financial management
33	19
34	19
35	20

	Page
35A Liability for ACT taxes etc	22
36 Copy of statement of intent	22
Part 5	
Miscellaneous	
37 Delegations and authorisations	23
38 Information to be included in annual report	23
39 Quarterly reports	23
40 Review of Act	24
41 Regulation-making power	24
Endnotes	
1 About the endnotes	25
2 Abbreviation key	25
3 Legislation history	26
4 Amendment history	26

Amendments incorporated to
12 September 2001



Australian Capital Territory

Gungahlin Development Authority Act 1996

An Act to provide for the development of the Gungahlin central area

Part 1 Preliminary

1 Name of Act

This Act is the *Gungahlin Development Authority Act 1996*.

3 Definitions for Act

In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

authority means the Gungahlin Development Authority established by section 5.

development area means the area from time to time declared as the Gungahlin development area under section 4.

Gungahlin central area means the area referred to as the Gungahlin Town Centre and Central Area in the Territory plan.

Territory plan means the Territory plan as in effect from time to time under the *Land (Planning and Environment) Act 1991*.

4 Development area

- (1) The Minister may, in writing, declare an area within the Gungahlin central area to be the Gungahlin development area.

Note Power given under an Act to make a statutory instrument (including a declaration) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

- (2) A declaration is a notifiable instrument.

Note 1 A notifiable instrument must be notified under the *Legislation Act 2001*.

Note 2 An amendment or repeal of a declaration is also a notifiable instrument (see *Legislation Act 2001*, s 46 (2)).

Part 2 **Gungahlin development authority**

Division 2.1 **Establishment, functions and powers**

5 **Establishment**

- (1) There is hereby established an authority by the name of the Gungahlin Development Authority.
- (2) The authority—
 - (a) is a body corporate with perpetual succession; and
 - (b) shall have a common seal; and
 - (c) may acquire, hold and dispose of real and personal property; and
 - (d) may sue and be sued in its corporate name.
- (3) The common seal of the authority shall be kept in the custody that the authority directs and shall not be used except as authorised by the authority.
- (4) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the authority attached to a document and shall presume that it was duly attached.

6 **Principal object of the authority**

The principal object of the authority is to ensure that the Gungahlin central area is developed in accordance with the principles and policies for that area set out in the Territory plan to provide for the social and economic needs of the community.

7 Functions

- (1) The functions of the authority are—
- (a) to be an agency for the provision, development and management, on behalf of the Territory, of land in the Gungahlin Central Area; and
 - (b) to undertake, promote and coordinate the development of land in the Gungahlin Central Area; and
 - (c) to exercise the functions on behalf of the Executive that it is authorised to exercise by a Territory law or by an instrument; and
 - (d) if appropriate for the purpose of discharging its other functions, to construct buildings, structures and facilities (including community facilities) and to manage and maintain them, or to participate in such construction, management or maintenance; and
 - (e) to act as a concurring authority for controlled activities for the *Land (Planning and Environment) Act 1991* and as an advisory body in relation to implementation plans for the *Buildings (Design and Siting) Act 1964*.
- (2) The authority shall exercise its functions—
- (a) in a way that is consistent with the social and economic needs of the ACT; and
 - (b) in accordance with prudent commercial principles; and
 - (c) in consultation with residents of the ACT and, in particular, of Gungahlin; and
 - (d) in a way that exhibits a sense of social responsibility by having regard to the interests of the community in which it operates; and
 - (e) if its activities affect the environment—in compliance with the principles of ecologically sustainable development.

- (3) For subsection (2) (e), ecologically sustainable development is to be taken to require the effective integration of economic and environmental considerations in decision-making processes and to be achievable through implementation of the following principles:
- (a) the precautionary principle, namely, that if there is a threat of serious or irreversible environmental damage, a lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;
 - (b) the inter-generational equity principle, namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;
 - (c) conservation of biological diversity and ecological integrity;
 - (d) improved valuation and pricing of environmental resources.

8 Powers

- (1) The authority has power to do all things necessary and convenient to be done in connection with the performance of its functions.
- (2) Without limiting subsection (1) or of any other power given to the authority by this or any other Act, the authority may—
 - (a) in accordance with any authorisation of the Executive, grant leases of land on its behalf; and
 - (b) hold leases of, or any other interest in, land; and
 - (c) construct roads, lanes, footpaths and passageways; and
 - (d) carry out any works and operations deemed necessary for the purpose of rendering land suitable for professional, commercial, industrial, residential or community purposes; and
 - (e) occupy and use any land or building; and
 - (f) erect, alter, repair or renovate buildings; and

- (g) maintain and manage land, buildings, structures, works or other property; and
 - (h) make charges for work done or services rendered; and
 - (i) form, or participate in the formation of, companies, enter into partnerships or participate in joint ventures; and
 - (j) enter into any other contract or arrangement with any person for the doing of anything that the authority is authorised to do under this or any other Act; and
 - (k) subscribe for or purchase shares in, or debentures or other securities of, companies; and
 - (l) act as agent for other persons; and
 - (m) appoint agents or attorneys.
- (3) The power of the authority to grant leases referred to in subsection (2) (a) includes the power to grant leases to itself.

9 Limitations on formation of companies etc

- (1) The authority shall not, without the written approval of the Minister—
- (a) subscribe for or purchase shares in, or debentures or other securities of, a company; or
 - (b) form, or participate in the formation of, a company that would, on its formation, be a subsidiary of the authority.
- (2) Any approval under subsection (1)—
- (a) shall relate only to a particular company or proposed company; and
 - (b) may be given subject to specified conditions and restrictions.
- (3) If the authority subscribes for or purchases shares in, or debentures or other securities of, a company or participates in, forms or is interested in a company, the Minister shall—

- (a) prepare a statement setting out particulars of, and the reasons for, the subscription or purchase or the participation, formation or interest; and
 - (b) present a copy of the statement to the Legislative Assembly within 15 sitting days after—
 - (i) subject to subparagraph (ii), the subscription or purchase or the participation, formation or interest takes place; or
 - (ii) if the Minister is of the opinion that the disclosure of the subscription or purchase or the participation, formation or interest would adversely affect the commercial interests of the authority—the Minister ceases to be of that opinion.
- (4) Before presenting a copy of a statement to the Legislative Assembly, the Minister may delete from the statement any part dealing with commercially sensitive information but, if he or she does so, he or she shall present to the Legislative Assembly, at the same time as he or she presents the statement, a further statement setting out the general nature of the material deleted and the reason for the deletion.
- (5) If the authority holds a controlling interest in a company, it shall endeavour to ensure that—
- (a) the auditor-general is appointed auditor for the company; and
 - (b) that the company does not do anything that the authority itself is not empowered to do.
- (6) Without limiting subsection (5) (b), the authority shall endeavour to ensure that a company in which it holds a controlling interest does not—
- (a) borrow money otherwise than from the Territory or Commonwealth; or
 - (b) raise money otherwise than by borrowing;

except—

- (c) with the written approval of the Minister for the time being administering the *Financial Management Act 1996*; and
 - (d) on terms and conditions that are specified in, or consistent with, the approval.
- (7) Subsection (6) applies to a borrowing or raising of money whether the money is borrowed or raised by dealing in securities or otherwise, and whether or not the money is borrowed or raised, in whole or in part, in a currency other than Australian currency.
- (8) An approval under subsection (6) may be given in relation to a particular transaction or class of transactions.
- (9) For subsection (6)—
- (a) the issue by a company of an instrument acknowledging a debt in consideration of the payment or deposit of money or of the provision of credit; or
 - (b) the obtaining of credit by the company;
- shall, to the extent of the amount of that money or of that credit be deemed to be a borrowing by that company.
- (10) Section 6 (b) does not apply to a raising of money if that money is raised by way of bona fide payment for services rendered.

10 Limitations on participation in joint ventures

- (1) The authority shall not, without the written approval of the Minister, participate in a joint venture.
- (2) An approval under subsection (1)—
 - (a) may be of general application or may relate to a particular proposed joint venture; and
 - (b) may be given subject to specified conditions and restrictions.

- (3) If the authority enters into an agreement for a joint venture, the Minister shall—
- (a) prepare a statement setting out particulars of, and the reasons for, the joint venture; and
 - (b) present a copy of the statement to the Legislative Assembly within 15 sitting days after—
 - (i) subject to subparagraph (ii), the agreement is entered into; or
 - (ii) if the Minister is of the opinion that the disclosure of the joint venture would adversely affect the commercial interests of the authority—the Minister ceases to be of that opinion.
- (4) Before presenting a copy of a statement before the Legislative Assembly, the Minister may delete from the statement any part dealing with commercially sensitive information but, if he or she does so, he or she shall present to the Legislative Assembly, at the same time as he or she presents the statement, a further statement setting out the general nature of the material deleted and the reason for the deletion.
- (5) If the authority is able to control the things done by a joint venture in which it is a participant, it shall endeavour to ensure that—
- (a) the auditor-general is appointed auditor for the joint venture; and
 - (b) the joint venture does not do anything that the authority itself is not empowered to do.

11 Ministerial directions

- (1) The Minister may, in writing, give directions to the authority in relation to the exercise of its functions.
- (2) The authority shall comply with a direction given under subsection (1).

- (3) The Minister shall present particulars of any direction under subsection (1) to the Legislative Assembly within 5 sitting days of its being given.

12 Compliance with Territory plan

Nothing in this Act shall be taken to permit the authority to do any act, or authorise the doing of any act, that is inconsistent with the Territory plan.

Division 2.2 Constitution and meetings

13 Meaning of *member* in div 2.2

In this division:

member means—

- (a) a person referred to in section 14 (1) (a) to (j); or
- (b) if a person has been appointed to act as a member under section 20—the person.

14 Membership

- (1) The authority shall consist of—
- (a) a resident of Gungahlin who is familiar with the diversity of interests of residents of Gungahlin, being a person nominated by the Gungahlin Community Council Incorporated; and
 - (b) a resident of Gungahlin who is familiar with the diversity of interests of residents of the ACT; and
 - (c) a person with expertise in the property development industry who has no connection with, or any direct or indirect pecuniary interest in, any land, or any activity carried on, in the Gungahlin central area; and
 - (d) a person with expertise in the retail trade industry who has no connection with, or any direct or indirect pecuniary interest in,

any land, or any activity carried on, in the Gungahlin central area; and

- (e) a person with expertise in the finance industry who has no connection with, or any direct or indirect pecuniary interest in, any land, or any activity carried on, in the Gungahlin central area; and
 - (f) a person with expertise in urban planning and design; and
 - (g) a person with expertise in environment protection; and
 - (h) a person with expertise in the provision of community facilities; and
 - (i) a person with expertise relevant to the management and operations of the authority; and
 - (j) 2 persons who are performing the duties of an executive office in the public service; and
 - (k) the chief executive officer for the authority.
- (2) A member shall be appointed by the Minister in writing.
- (3) The performance of the functions or the exercise of the powers of the authority is not affected only because of there being a vacancy or vacancies in the membership of the authority.

15 Term of office

- (1) Subject to this division, a member holds office for the period, not exceeding 3 years, specified in the instrument of appointment.
- (2) A member is eligible for reappointment.
- (3) A member appointed under section 14 (1) (j) ceases to be a member if he or she ceases to perform the duties of an executive office in the public service.

16 Chairperson and deputy chairperson

The Minister shall appoint from the members—

- (a) a chairperson; and
 - (b) a deputy chairperson;
- of the authority.

17 Leave of absence

The Minister may grant leave of absence to a member on the terms and conditions as to remuneration and otherwise that the Minister determines.

18 Disclosure of interests

- (1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the authority shall, as soon as practicable after the relevant facts have come to the member's knowledge, disclose the nature of the interest to the authority.
- (2) A disclosure shall be recorded in the minutes of the meeting and, unless the Minister otherwise determines, the member shall not—
 - (a) be present during any deliberation of the authority in relation to the matter; or
 - (b) take part in any decision of the authority in relation to that matter.
- (3) In this section:
member includes the chief executive officer.

19 Resignation

A member may resign his or her office by written notice signed by the member and given to the Minister.

20 Acting members

(1) If a member—

- (a) has been granted leave of absence; or
- (b) has resigned;

the Minister may, in writing, appoint a person to act in place of that member while the member is on leave or until another member is appointed under section 14, as the case requires.

(2) A person shall not be appointed under subsection (1) unless the person would be eligible for appointment under section 14 in place of the member who is absent or has resigned.

(3) Anything done by the authority while its membership includes a person purporting to act under this section is not invalid on the ground that—

- (a) the occasion for the person's appointment had not arisen; or
- (b) there is a defect or irregularity in connection with the person's appointment; or
- (c) the person's appointment had ceased to have effect; or
- (d) the occasion for the person to act had not arisen or had ceased.

21 Termination of appointment

(1) The Minister may terminate the appointment of a member or acting member because of the misbehaviour or physical or mental incapacity of the member or acting member.

(2) If a member or acting member—

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for their benefit; or

(b) is absent, except on leave granted under section 17, for 3 consecutive meetings; or

(c) without reasonable excuse contravenes section 18;

the Minister shall terminate the appointment of that member or acting member.

22 Meetings

The chairperson, or if he or she is unable to do so, the deputy chairperson, shall call the authority meetings—

(a) that the chairperson or the deputy chairperson, as the case requires, considers necessary for the efficient exercise of its functions; or

(b) that the Minister directs by written notice given to the chairperson or the deputy chairperson.

23 Procedure at meetings

- (1) The chairperson shall preside at all the board meetings at which he or she is present.
- (2) If the chairperson is not present at a meeting the deputy chairperson shall preside.
- (3) If the chairperson and the deputy chairperson are both absent from a meeting, the members present shall elect 1 of their number to preside.
- (4) The member presiding at a meeting may give directions regarding the procedure to be followed in connection with the meeting.
- (5) Questions arising at a meeting shall be decided by a majority of the votes of the members present and voting.
- (6) The member presiding at a meeting has a deliberative vote and, in the event of an equality of votes, a casting vote.
- (7) The Board shall keep minutes of its proceedings.

(8) In subsection (5):

member includes the chief executive officer.

24 Quorum

(1) At a meeting of the board, a majority of the members of the board constitutes a quorum.

(2) In subsection (1):

member includes the chief executive officer.

Part 3 Chief executive officer, staff and consultants

Division 3.1 Chief executive officer

25 Appointment

- (1) The Minister shall, in writing, appoint a person to be chief executive officer for the authority.
- (2) The chief executive officer holds office for the period, not exceeding 5 years, specified in the instrument of appointment.
- (3) The chief executive officer holds office on the terms and conditions (in relation to matters not determined under the *Remuneration Tribunal Act 1995*) that are determined by the Minister in writing.
- (4) A retiring chief executive officer is eligible for reappointment.

26 Leave of absence

The authority may, in writing, grant leave of absence to the chief executive officer.

27 Disclosure of interests

- (1) A person appointed to be the chief executive officer or to act as chief executive officer shall, on his or her appointment and on each subsequent 30 June, give written notice to the Minister of all his or her direct or indirect pecuniary interests.
- (2) If the chief executive officer or a person acting as chief executive officer has or acquires a direct or indirect pecuniary interest in a matter which, to his or her knowledge, is being considered or about to be considered by the authority, the chief executive officer shall give written notice to the Minister of that interest.

28 Resignation

The chief executive officer may resign office by written notice signed by him or her and given to the Minister.

29 Termination of appointment

- (1) The Minister may terminate the appointment of the chief executive officer for misbehaviour or physical or mental incapacity.
- (2) The Minister shall terminate the appointment of the chief executive officer if he or she—
 - (a) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or
 - (b) without reasonable excuse, contravenes section 27; or
 - (c) is absent from duty, except on leave of absence granted by the authority, for 14 consecutive days or for 28 days in any period of 1 year.

30 Acting chief executive officer

- (1) The Minister may, after consultation with the authority, in writing appoint a suitably qualified and experienced person to act as chief executive officer—
 - (a) during a vacancy in the office of chief executive officer, whether or not an appointment has previously been made to the office; or
 - (b) during any period, or during all periods, when the chief executive officer is absent from duty or from the ACT or is, for any other reason, unable to exercise the functions of that office;but a person appointed to act during a vacancy shall not continue to do so for more than 12 months.

- (2) Anything done by or in relation to a person purporting to act as chief executive officer is not invalid because—
- (a) the occasion for the appointment had not arisen; or
 - (b) there is a defect or irregularity in connection with the appointment; or
 - (c) the appointment had ceased to have effect; or
 - (d) the occasion to act had not arisen or had ceased.

Division 3.2 Staff and consultants

31 Staff

- (1) The authority may employ as members of its staff the persons it considers necessary to enable it to properly exercise its functions.
- (2) The authority may make reciprocal arrangements with other public authorities for the purpose of facilitating the transfer of staff between the authority and any of those public authorities.
- (3) In this section, a reference to a public authority (other than the authority) includes as a reference to—
- (a) the Territory; or
 - (b) the Commonwealth, a State or another Territory; or
 - (c) an authority or instrumentality of the Territory, the Commonwealth, a State or another Territory.

32 Consultants

- (1) The authority may engage persons having suitable qualifications and experience as consultants to the authority.
- (2) Nothing in subsection (1) gives the authority a power to enter into a contract of employment.

Part 4 Financial management

33 Proceeds of grant of leases

- (1) Any consideration received by the authority for the grant of a lease of land shall be taken to be, for this Act, income of the authority.
- (2) In subsection (1) the reference to the grant of a lease of land includes the grant, under authorisation of the Executive, of a lease (including a lease to the authority itself) of land that, immediately before the grant, was unleased.

34 Payment of funds to Territory

- (1) The Treasurer may, from time to time, in writing, direct the authority to pay to the Territory—
 - (a) a specified amount; or
 - (b) an amount calculated in a specified way;in the way, at the time or times and on the terms and conditions as the Treasurer specifies by that or another instrument.
- (2) In giving a direction under subsection (1), the Treasurer shall have regard to—
 - (a) the assets and liabilities of the authority; and
 - (b) its income and expenditure; and
 - (c) the ability of the authority to discharge its functions; and
 - (d) the requirement that the Territory obtain a reasonable return from the development and disposal of unleased land.
- (3) For the purpose of making calculations for this section, land within the development area shall be taken to be an asset of the authority.
- (4) Subject to subsection (5), the authority shall, as soon as practicable after the end of each financial year, pay to the Territory an amount

equal to the amount of funds that it holds that are not expected to be required for the discharge of its functions.

- (5) The Treasurer may, in writing, direct that the authority pay a lesser amount than the amount referred to in subsection (4).
- (6) The authority shall comply with a direction under this section.

35 Commonwealth tax equivalents

- (1) In this section:

commissioner means the commissioner for revenue.

equivalent law, subject to subsection (17), means a law of the Commonwealth that deals with taxation or imposes a tax, being a law that does not apply to the authority only because that the authority is an instrumentality of the Territory.

tax includes a duty, fee or charge.

- (2) Subject to this section, the authority shall pay to the Territory an amount (a *Commonwealth tax equivalent*) equivalent to the tax that it would be liable to pay under an equivalent law if the authority were not an instrumentality of the Territory.
- (3) The commissioner may, at any time, make an assessment of the Commonwealth tax equivalent payable by the authority.
- (4) The commissioner may, at any time, amend an assessment by making the alterations or additions he or she considers necessary, notwithstanding that the Commonwealth tax equivalent may have been paid in relation to the assessment.
- (5) An amended assessment is an assessment for this or any other Act.
- (6) The commissioner shall, within 14 days after making an assessment, give a copy of the assessment to the authority.
- (7) A document purporting to be a copy of an assessment is evidence—
 - (a) of the due making of the assessment; and

- (b) except in proceedings by way of review of the assessment or the process of making it—of the Commonwealth tax equivalent payable by the authority.
- (8) Subject to this section, payment of a Commonwealth tax equivalent shall be made on the terms the commissioner determines.
- (9) The authority, if dissatisfied with an assessment or determination of the commissioner, may request the commissioner to refer it to the Treasurer.
- (10) The Treasurer may, in writing, vary an assessment or determination that has been referred to him or her under subsection (9).
- (11) An assessment or determination varied by the Treasurer has effect as varied.
- (12) For the purposes of exercising a function under this section the commissioner has all the powers, and may exercise any discretions, that, by any law of the Commonwealth are vested in the authority or officer administering the equivalent law.
- (13) The authority shall give to the commissioner all the information, returns or documents that, if it were not an instrumentality of the Territory, it would be obliged under a law of the Commonwealth to give to the authority or officer administering the equivalent law.
- (14) The information, returns and documents referred to in subsection (13) shall be given in the way and within the times that they would be required to be given under the law of the Commonwealth.
- (15) The Treasurer may, in writing, declare that a provision of a law of the Commonwealth is not to be an equivalent law in relation to the authority.
- (16) A declaration under subsection (15) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (17) A provision that is the subject of a declaration under subsection (15) is not an equivalent law for this section.

35A Liability for ACT taxes etc

The authority is not exempt from liability for any tax (however described), or any fee or charge, under a Territory law.

36 Copy of statement of intent

- (1) The authority shall give to the Minister a copy of the statement of intent that it is required to give to the Treasurer under the *Financial Management Act 1996*.
- (2) The Minister shall present the copy of a statement of intent to the Legislative Assembly within 5 sitting days after receiving it.
- (3) Before presenting a copy of a statement to the Legislative Assembly, the Minister may delete from the statement any part dealing with commercially sensitive information but, if he or she does so, he or she shall present to the Legislative Assembly, at the same time as he or she presents the statement, a further statement setting out the general nature of the material deleted and the reason for the deletion.

Part 5 Miscellaneous

37 Delegations and authorisations

- (1) The authority may, either generally or as otherwise provided by the instrument of delegation, by instrument under its common seal, delegate to the chief executive officer any of its powers under this Act other than this power of delegation or the power to authorise the exercise of a power of the authority referred to in subsection (2).
- (2) The authority may, by instrument under its common seal, authorise a person to act on its behalf in the exercise of a power under this Act or any other Act, other than this power to authorise the exercise of a power of the authority or the power of delegation referred to in subsection (1).

38 Information to be included in annual report

A report presented by the authority, or information provided by the authority, under the *Annual Reports (Government Agencies) Act 1995*, section 8 shall include—

- (a) particulars of any direction under section 11 given by the Minister during the period to which the report or information relates; and
- (b) a statement by the authority indicating how, during the period to which the report or information relates, effect has been given to all directions under section 11 received by it, whether they were received during that period or during an earlier period.

39 Quarterly reports

- (1) The authority shall, as soon as practicable after the end of each quarter, prepare and give to the Minister a report on the operations of this Act and of the authority during that quarter.

- (2) In subsection (1):

quarter means the period of 3 months beginning on 1 January, 1 April, 1 July or 1 September in each year.

40 Review of Act

- (1) Unless this Act is sooner repealed, the Minister shall carry out a review of the operation and effectiveness of this Act as soon as practicable after the end of the period of 5 years beginning on the day when this section commences and shall ensure that, in the course of that review, regard is had to—
- (a) the effectiveness of the operations of the authority; and
 - (b) the need for the continuation of the existence of the authority; and
 - (c) the need for the continuation of this Act; and
 - (d) any other matter that appears to the Minister to be relevant to the operation and effectiveness of this Act.
- (2) The Minister shall prepare a report based on the review made under subsection (1) and shall, as soon as practicable, present it to the Legislative Assembly.

41 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
ins = inserted/added	renum = renumbered
LA = Legislation Act 2001	reloc = relocated
LR = legislation register	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

Gungahlin Development Authority Act 1996 No 38

notified 10 July 1996 (Gaz 1996 No S160)
s 1, s 2 commenced 10 July 1996 (s 2 (1))
remainder commenced 19 August 1996 (s 2 (2) and Gaz 1996
No S212)

as amended by

Acts Revision (Taxation of Territory Authorities) Act 1998 No 35 sch pt 1

notified 14 October 1998 (Gaz 1998 No 41)
commenced 14 October 1998 (s 2)

Legislation (Consequential Amendments) Act 2001 No 44 pt 173

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 173 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

4 Amendment history

Commencement

s 2 om 2001 No 44 amdt 1.1999

Development area

s 4 sub 2001 No 44 amdt 1.2000

Establishment, functions and powers

div 2.1 hdg (prev pt 2 div 1 hdg) renum R1 LA

Constitution and meetings

div 2.2 hdg (prev pt 2 div 2 hdg) renum R1 LA

Chief executive officer

div 3.1 hdg (prev pt 3 div 1 hdg) renum R1 LA

Staff and consultants

div 3.2 hdg (prev pt 3 div 2 hdg) renum R1 LA

Commonwealth tax equivalents

s 35 am 2001 No 44 amdt 1.2001, amdt 1.2002

Liability for ACT taxes etc

s 35A ins 1998 No 35 sch pt 1

Regulation-making power

s 41 sub 2001 No 44 amdt 1.2003

Authorised when accessed at www.legislation.act.gov.au or in authorised printed form

© Australian Capital Territory 2002