



New South Wales

Western City and Aerotropolis Authority Bill 2018

Explanatory note

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

Overview of Bill

This Bill:

- (a) constitutes the Western City and Aerotropolis Authority (the *Authority*) as a statutory corporation subject to the control and direction of the Minister, and
- (b) provides for the Authority to have a governing Board comprising 7 members appointed by the Minister, and
- (c) confers functions on the Authority in relation to the development of land in its operational area which will include the area identified in the proposed Act as the Western Sydney Aerotropolis.

Outline of provisions

Part 1 Preliminary

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

Clause 2 provides for the commencement of the proposed Act.

Clause 3 provides that the object of the proposed Act is to encourage the economic growth and development of the Western Sydney Aerotropolis and the rest of the Western City.

Clause 4 defines certain words and terms used in the proposed Act. The *operational area* of the Authority comprises the Western Sydney Aerotropolis (as identified on the map in Schedule 1 to the proposed Act) and other areas in the Western City that are specified in Schedules 2 and 3 to

the proposed Act once those areas are added by the regulations. The term *Western City* comprises the local government areas of Blue Mountains, Camden, Campbelltown, Fairfield, Hawkesbury, Liverpool, Penrith and Wollondilly.

Clause 5 enables the operational area to be amended by the regulations.

Part 2 Constitution and management of Authority

Clause 6 constitutes the Authority as a corporation and provides that it is a NSW Government agency, which has the effect of conferring the status, privileges and immunities of the Crown on the Authority.

Clause 7 provides that the Authority is subject to the control and direction of the Minister.

Clause 8 establishes a Board of the Authority which will consist of 7 members appointed by the Minister. Three of the members are to be nominated for appointment by the relevant Commonwealth Minister and the appointment of the Chairperson of the Board will require the concurrence of the Commonwealth Minister.

Clause 9 provides that the Board acts for the Authority.

Clause 10 enables the Board to establish committees to give advice or assistance to the Board in connection with any particular matter or function of the Authority.

Clause 11 provides that the Chief Executive Officer of the Authority will be responsible for the day-to-day management of the activities of the Authority.

Clause 12 provides that persons (including the Chief Executive Officer) may be employed in the Public Service to enable the Authority to exercise its functions.

Part 3 Functions of Authority

Clause 13 specifies the functions of the Authority which are exercisable in or in relation to land in the operational area. The Authority will not be able to exercise its functions in relation to the Western Sydney Airport which is Commonwealth land.

Clause 14 provides for the Authority to have a charter that identifies the projects or other matters that are to be given priority by the Authority in exercising its functions and the classes of decisions that are to be referred to the Minister before being made by the Authority.

Clause 15 deals with the provision of information, advice and reports by the Authority.

Clause 16 authorises the Authority to delegate its functions.

Clause 17 specifies the manner in which the functions of the Authority may be exercised.

Clause 18 enables the Authority to form private subsidiary corporations with the approval of the Minister.

Part 4 Miscellaneous

Clause 19 establishes the Western City Fund for the purposes of the proposed Act.

Clause 20 enables the relevant Commonwealth Minister to withdraw from exercising the Commonwealth Minister's functions under the proposed Act.

Clause 21 limits personal liability for matters or things done or omitted to be done in good faith in the execution of the proposed Act.

Clause 22 prohibits the disclosure of information obtained in connection with the administration or execution of the proposed Act.

Clause 23 creates offences relating to the misuse of certain information obtained through association with the Authority.

Clause 24 provides that proceedings for an offence under the proposed Act may be dealt with by the Local Court.

Clause 25 provides for the service of documents on the Authority.

Clause 26 enables the Governor to make regulations for the purposes of the proposed Act (including regulations of a savings or transitional nature consequent on the enactment of the proposed Act or any Act that amends the proposed Act).

Clause 27 substitutes the provision of the proposed Act dealing with investment of the Western City Fund as a consequence of provisions relating to investment being included in the *Government Sector Finance Act 2018*.

Clause 28 makes a consequential amendment to the *Statutory and Other Offices Remuneration Act 1975*.

Schedules

Schedule 1 identifies the Western Sydney Aerotropolis which will be part of the operational area of the Authority.

Schedule 2, which is blank, may contain additional areas in the Western City that will be part of the operational area. It is envisaged that the proposed Greater Penrith to Eastern Creek Growth Area (which will include land required for the North South Rail Link Corridor) will be included after the enactment of the proposed Act.

Schedule 3, which is blank, may contain additional areas that are requested by local councils in the Western City to be included in the operational area.

Schedule 4 contains standard provisions relating to the members and procedure of the Board of the Authority. A member who has been nominated by the relevant Commonwealth Minister for appointment may only be removed from office with the concurrence of that Minister.