

FIRST PRINT

**GROWTH CENTRES (DEVELOPMENT CORPORATIONS)
AMENDMENT BILL 1991**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend the Growth Centres (Development Corporations) Act 1974 so as:

- (a) to dissolve the Bathurst-Orange Development Corporation and the Macarthur Development Corporation; and
- (b) to transfer the assets and liabilities of the dissolved corporations to the Ministerial Corporation for Industry constituted under the State Development and Industries Assistance Act 1966.

The Bill also repeals the Growth Centres (Land Acquisition) Act 1974 and makes consequential amendments to other Acts.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act commences on a day or days to be appointed by proclamation.

Clause 3 gives effect to the Schedule of amendments to the Growth Centres (Development Corporations) Act 1974.

Clause 4 gives effect to the Schedule of amendments to certain other Acts.

Clause 5 repeals the Growth Centres (Land Acquisition) Act 1974 which relates to the compensation payable in connection with the resumption of land in growth centres. The Act has ceased to apply to existing development corporations.

Schedule 1 amends the Growth Centres (Development Corporations) Act 1974 so as:

- (a) to dissolve the Macarthur Development Corporation and the Bathurst-Orange Development Corporation and to remove any reference to such a Corporation in that Act; and
- (b) to transfer the assets and liabilities of the dissolved corporations to the Ministerial Corporation for Industry.

Growth Centres (Development Corporations) Amendment 1991

Schedule 2 makes consequential amendments to certain other Acts. In particular, the State Development and Industries Assistance Act 1966 is amended as a consequence of the vesting of the assets of the dissolved corporations in the Ministerial Corporation for Industry. The amendments authorise the payment of part of those assets into the Consolidated Fund at the direction of the Treasurer.

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TABLE OF PROVISIONS

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**SCHEDULE 1—AMENDMENT OF GROWTH CENTRES (DEVELOPMENT
CORPORATIONS) ACT 1974**

SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF OTHER ACTS

**GROWTH CENTRES (DEVELOPMENT CORPORATIONS)
AMENDMENT BILL 1991**

NEW SOUTH WALES



No. , 1991

A BILL FOR

An Act to amend the Growth Centres (Development Corporations) Act 1974 to dissolve the Bathurst-Orange and Macarthur Development Corporations and to transfer the assets and liabilities of those corporations to the Ministerial Corporation for Industry; to repeal the Growth Centres (Land Acquisition) Act 1974; and for other purposes.

Growth Centres (Development Corporations) Amendment 1991

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Growth Centres (Development Corporations) Amendment Act 1991.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Growth Centres (Development Corporations) Act 1974 No. 49

3. The Growth Centres (Development Corporations) Act 1974 is amended as set out in Schedule 1.

Consequential amendment of other Acts

4. The Acts specified in Schedule 2 are amended as set out in that Schedule.

Repeal of Growth Centres (Land Acquisition) Act 1974 No. 1

5. The Growth Centres (Land Acquisition) Act 1974 is repealed.

**SCHEDULE 1—AMENDMENT OF GROWTH CENTRES
(DEVELOPMENT CORPORATIONS) ACT 1974**

(Sec. 3)

(1) Section 3 (**Definitions**):

- (a) From the definition of "corporation" in section 3 (1), omit "or the Macarthur Development Corporation".
- (b) From section 3 (1), omit the definitions of "Director", "Macarthur Development Corporation" and "Macarthur Growth Area".
- (c) Omit section 3 (2) (b).

(2) Section 10 (**Resumption**):

Omit section 10 (5).

Growth Centres (Development Corporations) Amendment 1991

SCHEDULE 1—AMENDMENT OF GROWTH CENTRES
(DEVELOPMENT CORPORATIONS) ACT 1974—*continued*

- (3) Part 3A (Macarthur Development Corporation):
Omit the Part.
- (4) Section 31 (Environmental planning instruments):
From section 31 (1), omit “or the Macarthur Growth Area”.
- (5) Section 33 (Misuse of information):
Omit section 33 (6) (ai).
- (6) Section 34 (Disclosure of interest):
- (a) From section 34 (1) and (9), omit “or of the Macarthur Development Corporation” wherever occurring.
 - (b) From section 34 (8), omit “or of the Macarthur Development Corporation, as the case may be,”.
 - (c) From section 34 (11), omit “or the Macarthur Growth Area”.
 - (d) Omit section 34 (12).
- (7) Section 39 (Authentication of process):
Omit section 39 (b).
- (8) Schedule 1 (Growth Centres):
Omit Part 1.
- (9) Schedule 1A (Macarthur Growth Area):
Omit the Schedule.
- (10) Schedule 6 (Savings, Transitional and Other Provisions):
- (a) Before clause 1, insert:
PART 1—CONSTRUCTION OF CERTAIN REFERENCES
 - (b) Omit clause 2 (2).
 - (c) After clause 2, insert:
PART 2—PROVISIONS RELATING TO THE DISSOLUTION
OF BATHURST—ORANGE AND MACARTHUR
DEVELOPMENT CORPORATIONS

Definitions

3. In this Part:

“amending Act” means the Growth Centres
(Development Corporations) Amendment Act 1991;

Growth Centres (Development Corporations) Amendment 1991

SCHEDULE 1—AMENDMENT OF GROWTH CENTRES
(DEVELOPMENT CORPORATIONS) ACT 1974—*continued*

“former corporation” means the Bathurst–Orange Development Corporation or the Macarthur Development Corporation;

“Ministerial Corporation” means the Ministerial Corporation for Industry constituted under section 34H of the State Development and Industries Assistance Act 1966.

Dissolution of corporations

4. The Bathurst–Orange Development Corporation and the Macarthur Development Corporation are dissolved.

Transfer of assets and liabilities of former corporations

5. On the commencement of clause 4, the following provisions have effect:

- (a) all real and personal property (including any estate or interest in, or right to control or manage, real or personal property) that, immediately before that commencement, was vested in a former corporation, vests in the Ministerial Corporation;
- (b) all money that, immediately before that commencement, was payable to a former corporation becomes payable to the Ministerial Corporation;
- (c) any liquidated or unliquidated claim that, immediately before that commencement, was enforceable by or against a former corporation becomes enforceable by or against the Ministerial Corporation;
- (d) any proceeding pending immediately before that commencement at the suit of or against a former corporation becomes a proceeding pending at the suit of or against the Ministerial Corporation;
- (e) any contract or arrangement entered into with a former corporation and in force immediately before that commencement becomes a contract or arrangement entered into with the Ministerial Corporation;
- (f) any security or charge given to or by a former corporation and in force immediately before that commencement becomes a security or charge given to or by the Ministerial Corporation;

Growth Centres (Development Corporations) Amendment 1991

**SCHEDULE 1—AMENDMENT OF GROWTH CENTRES
(DEVELOPMENT CORPORATIONS) ACT 1974—*continued***

- (g) any act, matter or thing done or omitted to be done before that commencement by, to or in respect of a former corporation is (to the extent that that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the Ministerial Corporation.

References

6. In any other Act, or in any instrument made under any Act or in any other document of any kind, a reference to a former corporation (including any reference to the Director, Macarthur Growth Area) is to be read as a reference to the Ministerial Corporation.

Savings and transitional regulations

7. The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the amending Act.

**SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF OTHER
ACTS**

(Sec. 4)

Albury–Wodonga Development Act 1974 No. 47:

Section 11 (Resumption):

Omit section 11 (5).

Public Authorities (Financial Arrangements) Act 1987 No. 33:

From Schedule 1 (Authorities), omit:

Bathurst–Orange Development Corporation.

Macarthur Development Corporation.

State Development and Industries Assistance Act 1966 No. 10:

(1) Section 34GA:

After section 34G, insert:

Growth Centres (Development Corporations) Amendment 1991

SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF OTHER
ACTS—*continued*

Land of former development corporations

34GA. Any land vested in the Ministerial Corporation by virtue of the Growth Centres (Development Corporations) Amendment Act 1991 is taken to have been acquired under this Part.

(2) Section 34IA (**Industries Assistance Fund**):

After section 34IA (3), insert:

(4) There is payable from the Fund into the Consolidated Fund such part of the assets vested in the Ministerial Corporation by virtue of the Growth Centres (Development Corporations) Amendment Act 1991 as the Treasurer may (after consultation with the Minister) from time to time direct.
