

FIRST PRINT

**HOMEBUSH BAY MINISTERIAL CORPORATION
(DISSOLUTION) BILL 1993**

NEW SOUTH WALES



EXPLANATORY NOTE

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

With the creation of the Homebush Bay Development Corporation in 1992, the continued existence of the Homebush Bay Ministerial Corporation constituted by the Homebush Abattoir Corporation (Dissolution and Transfer) Act 1991 has become unnecessary.

The objects of this Bill are:

- (a) to dissolve the Homebush Bay Ministerial Corporation; and
- (b) to transfer the assets and liabilities of the dissolved corporation to the Homebush Bay Development Corporation with effect from 1 November 1992; and
- (c) to amend various Acts consequentially.

PART 1—PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent, except for clause 5 which is taken to have commenced on 1 November 1992.

Clause 3 defines certain terms used in the proposed Act.

**PART 2—DISSOLUTION OF MINISTERIAL CORPORATION AND
TRANSFER OF ASSETS ETC.**

Clause 4 dissolves the Homebush Bay Ministerial Corporation constituted by the Homebush Abattoir (Dissolution and Transfer) Act 1991.

Homebush Bay Ministerial Corporation (Dissolution) 1993

Clause 5 transfers the assets, rights and liabilities of the Homebush Bay Ministerial Corporation to the Homebush Bay Development Corporation with effect from 1 November 1992. The Homebush Bay Development Corporation was constituted in 1992 under the Growth Centres (Development Corporations) Act 1974 and since 1 November 1992 has been exercising similar functions to the Ministerial Corporation. The transfer will confirm an instrument executed by the Minister for Planning to transfer those assets, rights and liabilities to the Development Corporation on 1 November 1992.

Clause 6 provides that instruments connected with the transfer of assets, rights and liabilities from the Homebush Bay Ministerial Corporation to the Homebush Bay Development Corporation are not chargeable with stamp duty.

PART 3—MISCELLANEOUS

Clause 7 enables regulations to be made containing savings and transitional provisions.

Clause 8 repeals the Homebush Abattoir (Dissolution and Transfer) Act 1991.

Clause 9 gives effect to Schedule 1 which amends various other Acts to delete certain references to the Homebush Bay Ministerial Corporation and to change certain other references to that Corporation to the Homebush Bay Development Corporation.

SCHEDULE 1—CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

Schedule 1 amends other Acts consequentially.

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SCHEDULE 1—CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

**HOMEBUSH BAY MINISTERIAL CORPORATION
(DISSOLUTION) BILL 1993**

NEW SOUTH WALES



No. , 1993

A BILL FOR

An Act to dissolve the Homebush Bay Ministerial Corporation; to transfer assets, rights and liabilities of that corporation to the Homebush Bay Development Corporation; to repeal the Homebush Abattoir Corporation (Dissolution and Transfer) Act 1991; to consequentially amend certain Acts; and for other purposes.

Homebush Bay Ministerial Corporation (Dissolution) 1993

The Legislature of New South Wales enacts:

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the Homebush Bay Ministerial Corporation (Dissolution) Act 1993.

Commencement

2. (1) This Act commences on the date of assent, except as provided by subsection (2).

(2) Section 5 is taken to have commenced on 1 November 1992.

10 Definitions

3. In this Act:

“assets” means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description (including money), and includes securities, choses in action and documents;

“Development Corporation” means the Homebush Bay Development Corporation constituted under the Growth Centres (Development Corporations) Act 1974;

“instrument” means an instrument (other than this Act) which creates, modifies or extinguishes rights or liabilities (or would do so if lodged, filed or registered in accordance with any law), and includes any judgment, order and process of a court;

“liabilities” means all liabilities, debts and obligations (whether present or future and whether vested or contingent);

“Ministerial Corporation” means the Homebush Bay Ministerial Corporation constituted by the Homebush Abattoir Corporation (Dissolution and Transfer) Act 1991;

“rights” means all rights, powers, privileges and immunities (whether present or future and whether vested or contingent).

**30 PART 2—DISSOLUTION OF MINISTERIAL CORPORATION
AND TRANSFER OF ASSETS ETC.**

Dissolution of Ministerial Corporation

4. On the commencement of this Act, the Ministerial Corporation is dissolved.

Homebush Bay Ministerial Corporation (Dissolution) 1993

Transfer of assets, rights and liabilities of Ministerial Corporation

5. (1) The assets, rights and liabilities (if any) of the Ministerial Corporation are transferred to the Development Corporation.
- (2) On the transfer, the following provisions have effect:
- (a) the assets of the Ministerial Corporation vest in the Development Corporation by virtue of this section and without the need for any conveyance, transfer, assignment or assurance; 5
 - (b) the rights and liabilities of the Ministerial Corporation become by virtue of this section the rights and liabilities of the Development Corporation; 10
 - (c) all proceedings commenced before the transfer by or against the Ministerial Corporation and pending immediately before the transfer are taken to be proceedings pending by or against the Development Corporation;
 - (d) any act, matter or thing done or omitted to be done before the transfer by, to or in respect of the Ministerial Corporation is (to the extent that that act, matter or thing has any force or effect) taken to have been done or omitted to be done by, to or in respect of the Development Corporation; and 15
 - (e) a reference in an instrument of any kind to the Ministerial Corporation is to be read as a reference to the Development Corporation. 20
- (3) The operation of this section is not to be regarded:
- (a) as a breach of contract or confidence or otherwise as a civil wrong; or 25
 - (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities; or
 - (c) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability. 30
- (4) The operation of this section is not to be regarded as an event of default under any contract or other instrument.
- (5) No attornment to the Development Corporation by a lessee from the Ministerial Corporation is required. 35

Homebush Bay Ministerial Corporation (Dissolution) 1993

Stamp duty

6. Any instrument executed only for:
- (a) a purpose ancillary to or consequential on the operation of section 5; or
 - 5 (b) the purpose of giving effect to that section, is not chargeable with stamp duty.

PART 3—MISCELLANEOUS

Savings and transitional regulations

7. (1) The Governor may make regulations containing provisions of a
10 savings or transitional nature consequent on the enactment of this Act.

(2) Any such provision may, if the regulations so provide, take effect from 1 November 1992 or a later day.

(3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision
15 does not operate so as:

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication; or
- 20 (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

Repeal of Homebush Abattoir Corporation (Dissolution and Transfer) Act 1991 No. 45

8. The Homebush Abattoir Corporation (Dissolution and Transfer)
25 Act 1991 is repealed.

Consequential amendments to other Acts

9. Each Act specified in Schedule 1 is amended as set out in that Schedule.

Homebush Bay Ministerial Corporation (Dissolution) 1993

**SCHEDULE 1—CONSEQUENTIAL AMENDMENTS TO
OTHER ACTS**

(Sec. 9)

Clean Waters Act 1970 No. 78

From the definition of “statutory authority” in section 5, omit “Homebush Bay Ministerial Corporation”, insert instead “Homebush Bay Development Corporation”. 5

**Government and Related Employees Appeal Tribunal Act 1980
No. 39**

From Schedule 4, omit “Homebush Bay Ministerial Corporation.”. 10

Public Authorities (Financial Arrangements) Act 1987 No. 33

From Schedule 1, omit “Homebush Bay Ministerial Corporation.”.

Public Finance and Audit Act 1983 No. 152

From Schedule 2, omit “Homebush Bay Ministerial Corporation.”. 15

Public Sector Management Act 1988 No. 33

From Schedule 3, omit “Homebush Bay Ministerial Corporation.”. 20

Water Act 1912 No. 44

From sections 12 (3) and 14 (1B), omit “Homebush Bay Ministerial Corporation” wherever occurring, insert instead “Homebush Bay Development Corporation”.

MINISTER'S SECOND READING SPEECH

MR PRESIDENT

THE MAIN PURPOSES FOR THIS BILL ARE:

- (i) TO DISSOLVE THE HOMEBUSH BAY MINISTERIAL CORPORATION;
AND
- (ii) TO TRANSFER THE ASSETS RIGHTS AND LIABILITIES OF THE
DISSOLVED CORPORATION TO THE HOMEBUSH BAY
DEVELOPMENT CORPORATION WITH EFFECT FROM 1 NOVEMBER
1992; AND
- (iii) TO AMEND VARIOUS ACTS CONSEQUENTIALLY.

THE HOMEBUSH BAY MINISTERIAL CORPORATION CAME INTO EXISTENCE BY VIRTUE OF THE HOMEBUSH ABATTOIR CORPORATION (DISSOLUTION AND TRANSFER) ACT, 1991. THIS ACT ACHIEVED THE FOLLOWING OBJECTIVES:

- (i) IT DISSOLVED THE HOMEBUSH ABATTOIR CORPORATION; AND
- (ii) IT TRANSFERRED ALL THE ASSETS RIGHTS AND LIABILITIES OF
THE DISSOLVED HOMEBUSH ABATTOIR CORPORATION TO THE
HOMEBUSH BAY MINISTERIAL CORPORATION.

WITH THE CLOSURE OF THE ABATTOIR AND THE DECISION TO UTILISE LAND AT HOMEBUSH BAY AS A MAJOR SPORTING AND RECREATIONAL AREA, IT WAS DECIDED THAT A DIFFERENT CORPORATE VEHICLE WAS REQUIRED TO MANAGE THE SITE.

ON 4 SEPTEMBER 1992 THE HOMEBUSH BAY DEVELOPMENT CORPORATION WAS ESTABLISHED BY VIRTUE OF THE PROVISIONS OF THE GROWTH CENTRES (DEVELOPMENT CORPORATIONS) ACT, 1974. THE HOMEBUSH BAY DEVELOPMENT CORPORATION WAS CONSTITUTED IN ORDER TO CO-ORDINATE, PROMOTE, MANAGE AND

SECURE THE ORDERLY AND ECONOMIC DEVELOPMENT OF THE GROWTH CENTRE KNOWN AS HOMEBUSH BAY.

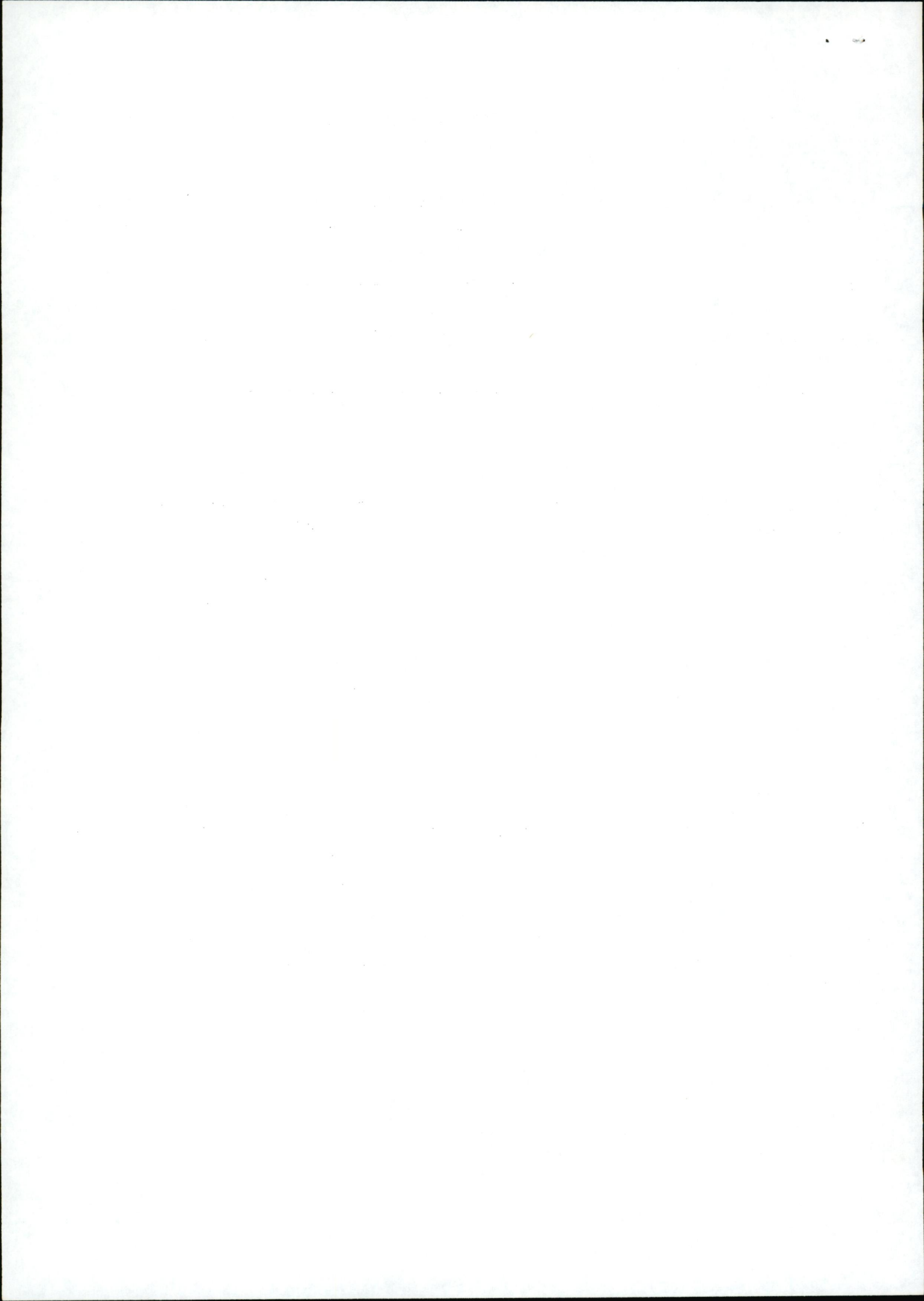
THE PURPOSE OF THE HOMEBUSH BAY DEVELOPMENT CORPORATION IS TO ACT AS THE CO-ORDINATING BODY FOR THE WHOLE OF THE HOMEBUSH BAY SITE, PARTICULARLY IN AREAS OF COMMON INTEREST SUCH AS PLANNING AND DEVELOPMENT AND CO-ORDINATION OF MAJOR EVENTS. AS HONOURABLE MEMBERS OF THE HOUSE WILL KNOW THE REDEVELOPMENT OF HOMEBUSH BAY IS ONE OF THE LARGEST URBAN REDEVELOPMENT PROJECTS UNDERTAKEN IN AUSTRALIA AND FORMS AN INTEGRAL PART OF SYDNEY'S BID FOR THE YEAR 2000 OLYMPICS.

THERE ARE THUS TWO SEPARATE AND DISTINCT STATUTORY CORPORATIONS, THE HOMEBUSH BAY MINISTERIAL CORPORATION AND THE HOMEBUSH BAY DEVELOPMENT CORPORATION, WITH ALMOST IDENTICAL POWERS AND RESPONSIBILITIES IN RELATION TO THE SAME AREA OF LAND, A SITUATION WHICH IS UNNECESSARY AND CAN ONLY LEAD TO CONFUSION.

AS THE HOMEBUSH BAY MINISTERIAL CORPORATION WAS CREATED BY STATUTE, THE HOMEBUSH ABATTOIR CORPORATION (DISSOLUTION AND TRANSFER) ACT, 1991, ITS EXISTENCE CAN ONLY BE TERMINATED BY STATUTE IN THE FORM OF THIS BILL.

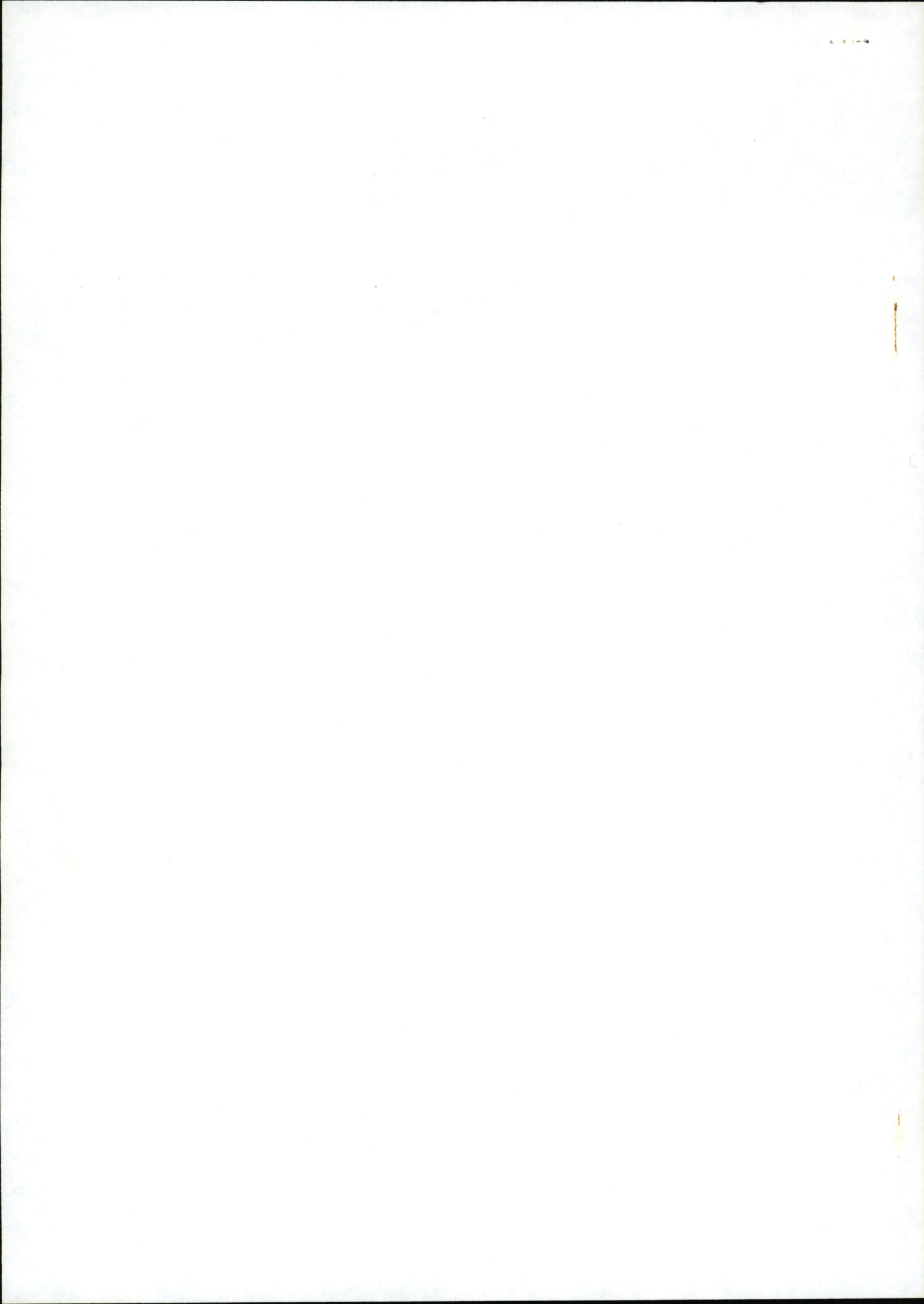
THE BILL WILL TAKE EFFECT FROM 1 NOVEMBER 1992, AND WILL ACT AS CONFIRMATION OF AN INSTRUMENT SIGNED BY THE MINISTER FOR PLANNING ON 1 NOVEMBER 1992, TO TRANSFER THE ASSETS, RIGHTS AND LIABILITIES OF THE HOMEBUSH BAY MINISTERIAL CORPORATION TO THE HOMEBUSH BAY DEVELOPMENT CORPORATION, FURTHERMORE, THE BILL WILL TAKE EFFECT FROM 1 NOVEMBER 1992, TO COINCIDE WITH THE DATE UPON WHICH ALL ACCOUNTING RECORDS HAVE BEEN BASED.

THE OBJECTIVES CONTAINED IN THE BILL PROVIDE A CLEANSING MECHANISM TO TIDY UP AN AREA OF STATUTE LAW WHICH AT PRESENT IS CHARACTERISED BY UNNECESSARY DUPLICATION OF STATUTORY CORPORATIONS. THE BILL DOES NOT CONFER ANY NEW



RIGHTS, ASSETS OR LIABILITIES IN THE HOMEBUSH BAY DEVELOPMENT CORPORATION. THE RIGHTS, OBLIGATIONS AND DUTIES OF THE HOMEBUSH BAY DEVELOPMENT CORPORATION ARE AS CONTAINED IN THE GROWTH CENTRES (DEVELOPMENT CORPORATIONS) ACT, 1974.

THE GOVERNMENT IS CONFIDENT THAT THE OBJECTIVES PROVIDED IN THE BILL WILL ASSIST EASE OF UNDERSTANDING AND CERTAINTY. I COMMEND THIS BILL.



**HOMEBUSH BAY MINISTERIAL CORPORATION
(DISSOLUTION) ACT 1993 No. 54**

NEW SOUTH WALES



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6. Stamp duty

PART 3—MISCELLANEOUS

7. Savings and transitional regulations
8. Repeal of Homebush Abattoir Corporation (Dissolution and Transfer) Act 1991 No. 45
9. Consequential amendments to other Acts

SCHEDULE 1—CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

**HOME BUSH BAY MINISTERIAL CORPORATION
(DISSOLUTION) ACT 1993 No. 54**

NEW SOUTH WALES



Act No. 54, 1993

An Act to dissolve the Homebush Bay Ministerial Corporation; to transfer assets, rights and liabilities of that corporation to the Homebush Bay Development Corporation; to repeal the Homebush Abattoir Corporation (Dissolution and Transfer) Act 1991; to consequentially amend certain Acts; and for other purposes. [Assented to 24 September 1993]

Homebush Bay Ministerial Corporation (Dissolution) Act 1993 No. 54

The Legislature of New South Wales enacts:

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the Homebush Bay Ministerial Corporation (Dissolution) Act 1993.

Commencement

2. (1) This Act commences on the date of assent, except as provided by subsection (2).

(2) Section 5 is taken to have commenced on 1 November 1992.

Definitions

3. In this Act:

“**assets**” means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description (including money), and includes securities, choses in action and documents;

“**Development Corporation**” means the Homebush Bay Development Corporation constituted under the Growth Centres (Development Corporations) Act 1974;

“**instrument**” means an instrument (other than this Act) which creates, modifies or extinguishes rights or liabilities (or would do so if lodged, filed or registered in accordance with any law), and includes any judgment, order and process of a court;

“**liabilities**” means all liabilities, debts and obligations (whether present or future and whether vested or contingent);

“**Ministerial Corporation**” means the Homebush Bay Ministerial Corporation constituted by the Homebush Abattoir Corporation (Dissolution and Transfer) Act 1991;

“**rights**” means all rights, powers, privileges and immunities (whether present or future and whether vested or contingent).

**PART 2—DISSOLUTION OF MINISTERIAL CORPORATION
AND TRANSFER OF ASSETS ETC.**

Dissolution of Ministerial Corporation

4. On the commencement of this Act, the Ministerial Corporation is dissolved.

Transfer of assets, rights and liabilities of Ministerial Corporation

5. (1) The assets, rights and liabilities (if any) of the Ministerial Corporation are transferred to the Development Corporation.

(2) On the transfer, the following provisions have effect:

- (a) the assets of the Ministerial Corporation vest in the Development Corporation by virtue of this section and without the need for any conveyance, transfer, assignment or assurance;
- (b) the rights and liabilities of the Ministerial Corporation become by virtue of this section the rights and liabilities of the Development Corporation;
- (c) all proceedings commenced before the transfer by or against the Ministerial Corporation and pending immediately before the transfer are taken to be proceedings pending by or against the Development Corporation;
- (d) any act, matter or thing done or omitted to be done before the transfer by, to or in respect of the Ministerial Corporation is (to the extent that that act, matter or thing has any force or effect) taken to have been done or omitted to be done by, to or in respect of the Development Corporation; and
- (e) a reference in an instrument of any kind to the Ministerial Corporation is to be read as a reference to the Development Corporation.

(3) The operation of this section is not to be regarded:

- (a) as a breach of contract or confidence or otherwise as a civil wrong; or
- (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities; or

Homebush Bay Ministerial Corporation (Dissolution) Act 1993 No. 54

(c) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability.

(4) The operation of this section is not to be regarded as an event of default under any contract or other instrument.

(5) No attornment to the Development Corporation by a lessee from the Ministerial Corporation is required.

Stamp duty

6. Any instrument executed only for:

(a) a purpose ancillary to or consequential on the operation of section 5; or

(b) the purpose of giving effect to that section,

is not chargeable with stamp duty.

PART 3—MISCELLANEOUS

Savings and transitional regulations

7. (1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act.

(2) Any such provision may, if the regulations so provide, take effect from 1 November 1992 or a later day.

(3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:

(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication; or

(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

Homebush Bay Ministerial Corporation (Dissolution) Act 1993 No. 54

Repeal of Homebush Abattoir Corporation (Dissolution and Transfer) Act 1991 No. 45

8. The Homebush Abattoir Corporation (Dissolution and Transfer) Act 1991 is repealed.

Consequential amendments to other Acts

9. Each Act specified in Schedule 1 is amended as set out in that Schedule.

**SCHEDULE 1—CONSEQUENTIAL AMENDMENTS TO
OTHER ACTS**

(Sec. 9)

Clean Waters Act 1970 No. 78

From the definition of “statutory authority” in section 5, omit “Homebush Bay Ministerial Corporation”, insert instead “Homebush Bay Development Corporation”.

**Government and Related Employees Appeal Tribunal Act 1980
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From Schedule 2, omit “Homebush Bay Ministerial Corporation.”.

Public Sector Management Act 1988 No. 33

From Schedule 3, omit “Homebush Bay Ministerial Corporation.”.

Homebush Bay Ministerial Corporation (Dissolution) Act 1993 No. 54

SCHEDULE 1—CONSEQUENTIAL AMENDMENTS TO OTHER
ACTS—*continued*

Water Act 1912 No. 44

From sections 12 (3) and 14 (1B), omit “Homebush Bay Ministerial Corporation” wherever occurring, insert instead “Homebush Bay Development Corporation”.

[*Minister's second reading speech made in—
Legislative Assembly on 19 May 1993
Legislative Council on 15 September 1993*]

