

MATRAVILLE OIL REFINERY ACT, 1980, No. 57

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 57, 1980.

An Act to authorise the entry into, on behalf of the State or any authority of the State, of agreements with respect to the expansion and operation of an oil refinery at Matraville, and to make provision for related matters. [Assented to, 28th April, 1980.]

Matraville Oil Refinery.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the “Matraville Oil Refinery Act, ^{Short title.} 1980”.

2. (1) This section and section 1 shall commence on the date ^{Commencement.} of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed in respect thereof and as may be notified by proclamation published in the Gazette.

3. (1) In this Act, except in so far as the context or subject-<sup>Interpre-
tation.</sup> matter otherwise indicates or requires—

“approved agreement” means an agreement entered into pursuant to section 4 (1);

“Authority” means the Energy Authority of New South Wales constituted under the Energy Authority Act, 1976;

“Commission” means The Electricity Commission of New South Wales constituted under the Electricity Commission Act, 1950;

“the oil refinery” means the oil refinery referred to in section 4 (1).

(2) A reference in this Act to—

(a) the State includes a reference to the Government of the State; and

(b) an authority of the State includes a reference to the Governor, any Minister of the Crown and any person, body or organisation under the control or direction of

Matraville Oil Refinery.

the Governor or any Minister of the Crown and also includes a reference to any prescribed body or organisation, but does not include a reference to a council or county council within the meaning of the Local Government Act, 1919, or any prescribed body or organisation.

Agreements. **4.** (1) Subject to subsection (3), the Authority or any Minister of the Crown may, on behalf of the State or any authority of the State, negotiate and enter into agreements for the purposes of, or in connection with, the expansion or operation of an oil refinery on the whole or any part of the land described in Schedules 1 and 2 and for any purpose incidental or ancillary thereto.

(2) An approved agreement may provide for the purchase by the State or any authority of the State of certain petroleum products and for any matters incidental or ancillary thereto.

(3) An agreement may only be entered into by the Authority under subsection (1) with the approval of the Governor given on the recommendation of the Minister with the concurrence of the Treasurer, and may only be executed, on behalf of the Authority, by 2 or more persons authorised for the purpose by the Governor on that recommendation and with that concurrence.

(4) Nothing in this section limits the power of any person or body, other than the Authority, to negotiate and enter into agreements in relation to the oil refinery.

Powers of Authority, etc.

5. (1) The Authority, and any other authority of the State, may do all things authorised or required, by an approved agreement, to be done by them respectively and all things incidental thereto, and may also do such things as are necessary or convenient to be done by them respectively for the purpose of carrying into effect and implementing the terms of any such agreement.

(2) Without affecting the generality of subsection (1), the Authority may acquire, hold, deal with and dispose of shares in any company having (whether expressly or otherwise) among its

Matraville Oil Refinery.

objects the expansion or operation of the oil refinery, and may do all such things as are appropriate by reason of its being a holder of any such shares, including the appointment of any director or directors of any such company.

(3) Any appointment of a director as referred to in subsection (2) shall not be made except with the approval of the Minister and the Treasurer.

6. (1) The Treasurer, with the approval of the Governor ^{Government} given on the recommendation of the Minister, may execute one or ^{guarantee.} more guarantees, either alone or jointly with some other person, in favour of a bank or another person or a body of persons, whether corporate or unincorporate, for the repayment of any money advanced or to be advanced for or in connection with the expansion or operation of the oil refinery.

(2) The maximum amount that may be guaranteed under this section is \$70,000,000 in respect of principal, together with an additional amount in respect of any charges and expenses referred to in section 7 (2) (a).

(3) The execution by the Treasurer, either alone or jointly with some other person, of a guarantee under subsection (1), shall, in favour of the creditor, be conclusive evidence that the requirements of this Act with respect to the guarantee have been complied with.

7. (1) A guarantee executed under section 6 (1) shall be ^{Provisions} in such form and subject to such terms and conditions as the ^{relating to} ^{guarantees.} Treasurer determines.

(2) The following provisions shall apply to and in respect of a guarantee executed under section 6 (1) :—

(a) The guarantee may include any interest charges and expenses chargeable by the creditor against the principal debtor and the expenses of enforcing or obtaining or endeavouring to enforce or obtain the payment of the debt guaranteed and those interest charges and expenses.

Matraville Oil Refinery.

- (b) The guarantee may be expressed to include compound interest.
- (c) The creditor shall not, without the consent in writing of the Treasurer, assign or encumber the benefit of the guarantee.

(3) The Consolidated Revenue Fund is hereby appropriated for the purpose of meeting any liability in respect of any guarantee executed under section 6 (1).

**Vesting of
certain
land.**

8. (1) The parcels of land described by the Governor by proclamations published in the Gazette, being parts of the land described in Schedule 1 and being lots in a deposited plan registered in the office of the Registrar-General and endorsed with the consent of the Authority and the Commission, are, subject to the exceptions specified in the relevant proclamation, vested in the Authority for an estate in fee simple freed and discharged from all trusts, conditions, encumbrances, dedications, reservations, obligations, estates, contracts (being contracts relating to the disposition of any of the land), charges, rates, rights-of-way or other easements.

(2) A proclamation under subsection (1) takes effect on the date of its publication in the Gazette or a later date specified in the proclamation.

(3) Without limiting the operation of section 16 of the Energy Authority Act, 1976, that section applies to and in respect of the land vested in the Authority by this section.

(4) The Treasurer shall, after consultation with the Minister—

- (a) determine the financial adjustments and arrangements to be made and entered into as between the Authority, the Commission and any other authority of the State or as between any of them; and

Matraville Oil Refinery.

(b) without limiting the generality of paragraph (a), determine, or determine any adjustments to be made in respect of, the loan liability of the Authority, the Commission or any other such authority to the Treasurer, consequent on or in connection with the operation of subsections (1) and (2).

(5) Any determination of the Treasurer under subsection (4) shall be given effect to, and any determination respecting the loan liability of the Commission shall be taken into account for the purposes of section 36 of the Electricity Commission Act, 1950.

(6) This section does not, in relation to a particular lot referred to in subsection (1), operate more than once to vest that lot in the Authority.

9. A Minister of the Crown or any other authority of the State Certain shall, where one of the parties to an approved agreement is a persons not company, not be deemed to be a director of the company by deemed to be directors. reason that any director of the company is accustomed to act in accordance with the directions or instructions of any such Minister or authority.

10. There shall be paid by the Authority to the Consolidated Payments Revenue Fund all amounts paid to the Authority by way of rentals to the or other income of the land described in Schedule 1, and such Consolidated other income paid to the Authority as is, in the Treasurer's opinion, Revenue payable under or in connection with an approved agreement. Fund.

11. (1) Service of any document or information under or for Service. the purposes of an approved agreement may be effected upon the Authority in accordance with the provisions of the agreement.

Matraville Oil Refinery.

(2) Unless a contrary intention appears, the provisions of an agreement referred to in subsection (1) are in addition to, and do not derogate from, the provisions of any law applicable with respect to the service of documents or information on the Authority.

Regula-
tions.

12. The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Secs. 4, 8.

SCHEDULE 1.**DESCRIPTION OF LAND TO BE VESTED IN THE AUTHORITY.**

ALL THAT piece or parcel of land situate in the Municipality of Randwick Parish of Botany and County of Cumberland being Lot 25 in Deposited Plan 236738 EXCEPTING THEREOUT:—

- (a) Lot 1 in Deposited Plan 598979; and
- (b) ALL THAT piece or parcel of land being part of Lot 25 in Deposited Plan 236738 COMMENCING on the southern side of Botany Road at a point bearing 267 degrees 57 minutes 50 seconds and distant 103.02 metres from the easternmost corner of Lot 37 in Deposited Plan 236738 and bounded thence on the east by a line bearing 177 degrees 57 minutes 50 seconds 88.735 metres on the south by a line bearing 267 degrees 57 minutes 50 seconds 140.2 metres on the south west by lines bearing successively 349 degrees 22 minutes 50 seconds 10.84 metres and 328 degrees 57 minutes 20 seconds 93.83 metres to the said southern side of Botany Road and on the north by that side of that road bearing successively 97 degrees 44 minutes 40 seconds 5.04 metres 93 degrees 5 minutes 15 seconds 28.135 metres 89 degrees 46 minutes 25 seconds 19.67 metres 88 degrees 7 minutes 55 seconds 18.93 metres and 87 degrees 57 minutes 50 seconds 115.74 metres to the point of commencement having an area of 1.434 hectares or thereabouts. (The bearings quoted are relative to trigonometrical meridian.)

Matraville Oil Refinery.

SCHEDULE 2.

Sec. 4.

DESCRIPTION OF LAND ON WHICH EXISTING REFINERY IS SITUATED.

ALL THAT piece or parcel of land containing an area of 18.32 hectares or thereabouts situate in the Municipality of Randwick Parish of Botany and County of Cumberland being the whole of the land in Conditional Purchase 1973/166 Metropolitan Land District.