

**GROWTH CENTRES (DEVELOPMENT
CORPORATIONS) ACT.**

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 49, 1974.

An Act relating to the growth and development of certain growth centres; to provide for the constitution of development corporations in respect of those growth centres; to confer and impose certain responsibilities, powers, authorities, duties and functions on those corporations; and for purposes connected therewith. [Assented to, 24th April 1974.]

BE

Growth Centres (Development Corporations).

BE it enacted by the Queen's Most Excellent Majesty, by No. 49, 1974 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:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Growth Centres Short title. (Development Corporations) Act, 1974".

2. This Act is divided as follows :—

Division
of Act.

PART I.—PRELIMINARY—*ss.* 1–3.

PART II.—CONSTITUTION OF CORPORATIONS—*ss.* 4–6.

PART III.—RESPONSIBILITIES, POWERS, AUTHORITIES,
DUTIES AND FUNCTIONS OF CORPORATIONS—*ss.*
7–23.

PART IV.—FINANCE—*ss.* 24–29.

PART V.—GENERAL—*ss.* 30–42.

SCHEDULE 1.—GROWTH CENTRES.

SCHEDULE 2.—PROVISIONS RELATING TO THE CON-
STITUTION AND PROCEDURE OF CORPORATIONS.

SCHEDULE 3.—MODIFICATION OF THE PUBLIC
WORKS ACT, 1912.

SCHEDULE 4.—MODIFICATION OF THE LOCAL
GOVERNMENT ACT, 1919.

SCHEDULE 5.—PROVISIONS RELATING TO LOANS.

3. (1) In this Act, except in so far as the context or Interpretation.
subject-matter otherwise indicates or requires—

“approved scheme” means an approved scheme referred
to in section 15 or 16;

“Authority”

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“Authority” means The State Planning Authority of New South Wales constituted by the State Planning Authority Act, 1963;

“building” includes any structure or any part thereof;

“building site” means land set apart as the site for a building under section 8 (1) (f);

“Chairman”, in relation to a corporation, means the Chairman of the corporation;

“corporation” means a corporation constituted under this Act;

“council” has the meaning ascribed thereto in the Local Government Act, 1919;

“Deputy Chairman”, in relation to a corporation, means the Deputy Chairman of the corporation;

“description”, in relation to land, includes a description of land by reference—

(a) to land within a local government area;

(b) to land within a local government area, other than land specified or described as being excepted or excluded therefrom; and

(c) to plans or other matters, whether of the same or a different kind or nature;

“growth centre” means the land for the time being described in a Part of Schedule 1;

“interim development order” has the meaning ascribed thereto in section 342T of the Local Government Act, 1919;

“local government area” has the meaning ascribed thereto in the Local Government Act, 1919;

“member”, in relation to a corporation, means a member of the corporation;

“planning scheme” means a scheme prescribed under Part XIIA of the Local Government Act, 1919;

“public

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“public authority” means any public or local authority constituted by or under an Act other than this Act; No. 49, 1974

“regulations” means regulations made under this Act.

(2) The responsibilities, powers, authorities, duties and functions conferred or imposed on a corporation shall be exercised or discharged by the corporation for the purposes of or in connection with the growth centre in respect of which the corporation was constituted.

(3) A reference in this Act to an officer or employee of a corporation is a reference to an officer or employee referred to in section 20 appointed or employed for the purpose of enabling the corporation to exercise and discharge its responsibilities, powers, authorities, duties and functions.

PART II.

CONSTITUTION OF CORPORATIONS.

4. (1) Upon an order under section 5 (2) taking effect, there is hereby constituted a corporation in respect of the growth centre specified in the order, under the corporate name specified therein. Constitution of corporations.

(2) For the purposes of any Act, a corporation shall be deemed to be a statutory body representing the Crown.

(3) In the exercise and discharge of its responsibilities, powers, authorities, duties and functions, a corporation shall, except where it makes a recommendation to the Minister, be subject in all respects to the control and direction of the Minister.

5.

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No. 49, 1974 **5.** (1) The Governor may, by order published in the **Orders.** Gazette, amend Schedule 1—

- (a) by inserting one or more Parts, each containing—
 - (i) in Column 1 the number of the Part; and
 - (ii) in Column 2, opposite that number, a description of land;
- (b) by omitting any Part;
- (c) by amending or omitting any description contained in Column 2;
- (d) by inserting in Column 2 of a Part a description of land; or
- (e) by omitting from Column 1 a number and by inserting instead another number.

(2) The Governor may, by order published in the Gazette, declare that a development corporation is constituted in respect of a growth centre specified in the order under the corporate name specified therein.

(3) An order under subsection (1) or (2) takes effect on and from the date of publication of the order or a later date specified in the order.

Provisions relating to constitution and procedure of corporation. **6.** (1) A corporation shall consist of five or more persons to be appointed by the Governor.

(2) The Governor may appoint a person to be a member of a corporation before the order made under section 5 (2) relating to the corporation takes effect, but the term of office of any such member commences on the date on which the order takes effect or a later date specified in the order.

(3) Schedule 2 has effect in relation to each corporation.

PART

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PART III.

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RESPONSIBILITIES, POWERS, AUTHORITIES, DUTIES AND
FUNCTIONS OF CORPORATIONS.

7. (1) Subject to this Act, a corporation is charged with the responsibility of promoting, co-ordinating, managing and securing the orderly and economic development of the growth centre in respect of which it was constituted.

Responsi-
bilities,
etc., of
corporation.

(2) Without affecting the generality of subsection (1), a corporation shall have and may exercise and discharge the following powers, authorities, duties and functions :—

- (a) to submit to the Minister such proposals with respect to the development and use of land within the growth centre in respect of which it was constituted, or the planning of the development and use of that land, as it considers necessary or appropriate, including proposals for the development and use of land in conjunction with the provision of utility services and public transport facilities for or in connection with the growth centre;
- (b) to consider, and furnish reports to and advise and make recommendations to the Minister upon, any matter or proposal with respect to the promotion, co-ordination and management of the growth centre, or the development and use, or the planning of the development and use, of land within the growth centre, which may be referred to it by the Minister;
- (c) to carry out research into problems with respect to the promotion, co-ordination and management of the growth centre, or the development and use, or the planning of the development and use, of land within the growth centre, and prepare and issue memoranda, reports, bulletins, maps or plans relating thereto or any other material;

(d)

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- (d) to assist councils, which the corporation considers may be affected, with respect to matters concerning the promotion, co-ordination and management of the growth centre, or the development and use, or the planning of the development and use, of land within the growth centre;
- (e) to exercise and discharge such other powers, authorities, duties and functions as are conferred or imposed on it by or under this or any other Act; and
- (f) to do such supplemental, incidental and consequential acts as may be necessary or expedient for the exercise or discharge of its responsibilities, powers, authorities, duties and functions.

General powers of corporation.

8. (1) Subject to this Act, a corporation may, for the purposes of this Act—

- (a) manage land vested in the corporation;
- (b) cause surveys to be made, and plans of survey to be prepared, in relation to any land vested in the corporation;
- (c) by notification published in the Gazette, with the approval of the Minister, close or realign any public road, or part thereof, within or adjoining or in the vicinity or for the purposes of the growth centre in respect of which it was constituted;
- (d) demolish, or cause to be demolished, any building within or adjoining or in the vicinity of the growth centre of which it has exclusive possession;
- (e) provide, or arrange, on such terms and conditions as may be agreed upon, for the location or relocation of, utility services within or adjoining or in the vicinity of the growth centre;
- (f) set apart land as sites for buildings or works or for religious, charitable or municipal purposes;
- (g)

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- (g) subdivide and re-subdivide land, and consolidate subdivided or re-subdivided land, vested in the corporation; No. 49, 1974
- (h) set out and construct roads on land vested in the corporation;
- (i) erect, alter, repair and renovate buildings on and make other improvements to land vested in the corporation or on any other land with the consent of the person in whom it is vested; and
- (j) cause any work to be done on or in relation to any land vested in the corporation, or any other land with the consent of the person in whom it is vested, for the purpose of rendering it fit to be used for any purpose for which it may be used under any interim development order or planning scheme applying to the land.

(2) Notwithstanding anything in any Act, upon the publication, pursuant to subsection (1) (c), of a notification closing a public road or part thereof, the estate or interest therein of any person or public authority shall vest in the corporation, freed and discharged from any trusts affecting it immediately before that publication and freed and discharged from any rights of the public or any person thereto as a public road or highway.

9. Without affecting the generality of the foregoing provisions of this Part, a corporation may, for the purposes of this Act, acquire land (including land previously appropriated or resumed for any purpose) by lease or purchase or by resumption or appropriation in accordance with this Act, being—

- (a) land within the growth centre in respect of which the corporation was constituted which the corporation considers should be made available in the public interest for any purpose of the growth centre;

(b)

Provisions
respecting
acquisition
of land.

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No. 49, 1974 (b) land of which that proposed to be acquired under this Act forms part; or

(c) land adjoining or in the vicinity of any land proposed to be acquired under this Act.

Resumption. **10.** (1) Resumption or appropriation for the purposes of this Act shall be effected by the Governor under the Public Works Act, 1912, and, without affecting the generality of the foregoing, appropriation under that Act may be effected in respect of any land vested in Her Majesty or any person in trust for Her Majesty.

(2) Such a resumption or appropriation shall be deemed to be for an authorised work and a corporation shall be deemed to be the Constructing Authority.

(3) Notwithstanding subsection (1), sections 34, 35, 36 and 37 of the Public Works Act, 1912, do not apply in respect of the expenditure on any works constructed in pursuance of this Act, but section 38 of that Act applies in respect of that expenditure.

(4) For the purposes of this section and not otherwise, Schedule 3 has effect.

(5) Notwithstanding anything in this section and Schedule 3, where any land to be so resumed is designated land within the meaning of the Growth Centres (Land Acquisition) Act, 1974, that Act applies to and in respect of that resumption as if this Act had been enacted before the commencement of that Act.

**Disposal
of land.**

11. (1) A corporation may, with the approval of the Minister and subject to such terms and conditions as the Minister may attach to his approval, sell, lease, exchange or otherwise deal with or dispose of land vested in the corporation, and may, with the like approval and subject to the like terms and conditions, grant easements or rights-of-way over that land or any part thereof.

(2)

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(2) Notwithstanding subsection (1), the approval of **No. 49, 1974** the Minister shall not be required for a lease of land by the corporation for a term which is less than three years.

12. (1) A corporation may, by notification published in the Gazette, declare that it proposes to surrender to Her Majesty land described or referred to in the notification to be dedicated for any public purpose specified in the notification or, if so specified in the notification, as a public road. **Dedication of land.**

(2) Upon the surrender of land described or referred to in a notification published pursuant to subsection (1), the land so described or referred to shall be Crown land reserved from sale or lease generally and, upon revocation of the reservation, may be dedicated under the Crown Lands Consolidation Act, 1913, for the public purpose specified in the notification or, as the case may require, under the Public Roads Act 1902 as a public road.

(3) A corporation may, in a notification published pursuant to subsection (1), limit the description of, or reference to, land to a specified depth below the surface thereof and, where such a description or reference is so limited, subsection (2) does not apply to or in respect of land below the depth so specified.

13. (1) Subject to this section, where the lease of a building site contains a covenant on the part of the lessee not to commence the erection of a building on the building site, or any work preparatory or incidental thereto, without the written consent of a corporation— **Covenants in leases.**

- (a) the corporation may give its consent upon the application of a person entitled to apply to a council for its approval to the erection of a building on the building site; and
- (b) the corporation may impose conditions in giving its consent.

(2)

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(2) A corporation shall not give a consent pursuant to subsection (1) unless—

- (a) the application therefor is accompanied by such plans and specifications of the building in respect of which the consent is sought, and such other information in respect of that building, as may be prescribed or as the corporation may require; and
- (b) the application therefor and the accompanying plans and specifications and other information disclose that the building in all respects will be in conformity with the planning scheme or interim development order that applies to or in respect of the building and with the approved scheme applicable to the growth centre in respect of which the corporation was constituted, as to—
 - (i) the use to which the building will be put;
 - (ii) the height and general external design and appearance of the building;
 - (iii) the area of the building site to be covered by the building; and
 - (iv) the situation of the building in relation to the boundaries of the building site.

(3) Where a covenant, condition or stipulation in a lease granted by a corporation excludes, or is inconsistent with the operation of a provision of an Act passed before or after the commencement of this Act, being a provision whereby, but for this subsection—

- (a) a right would be conferred, or an obligation imposed, on a lessor or lessee; or
- (b) a covenant, condition or stipulation would be implied, or be deemed to be included, in the lease,

the provision shall not to the extent of the exclusion or inconsistency, but subject to any express provision of the lease, operate in respect of the lease.

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14. A corporation shall, as soon as practicable after it is constituted, submit to the Minister proposals referred to in section 7 (2) (a). No. 49, 1974
Submission
of scheme.

15. (1) The Minister shall consider the proposals so submitted to him and may then direct the corporation— Approved
scheme.

- (a) to proceed with the scheme constituted by the proposals;
- (b) to proceed with that scheme with such alterations as the Minister deems expedient and notifies in writing to the corporation; or
- (c) not to proceed with that scheme, but to submit another scheme for the Minister's consideration.

(2) If, pursuant to subsection (1) (c), the Minister directs the corporation to submit another scheme, the corporation shall comply with the direction within such period as the Minister may allow, and subsection (1) applies to and in respect of that other scheme as if it were the original scheme.

(3) Where the Minister gives a direction under subsection (1) (a) or (b), the scheme in respect of which the direction is given shall constitute the approved scheme for the growth centre to which it relates for the purposes of this Act.

16. (1) A corporation may recommend to the Minister that the approved scheme for the growth centre in respect of which the corporation was constituted be varied in the manner specified in the recommendation. Variation of
approved
scheme.

(2) The Minister shall consider any such recommendation and may then direct the corporation—

- (a) to vary the approved scheme as recommended by the corporation;

(b)

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- (b) to vary the approved scheme with such alterations, arising out of his consideration of the corporation's recommendation, as the Minister deems expedient and notifies in writing to the corporation; or
 - (c) not to vary the approved scheme.

(3) Where the Minister gives a direction pursuant to subsection (2) (a) or (b), the approved scheme, as varied in accordance with the direction, shall be the approved scheme for the purposes of this Act.

Implementation of approved scheme. **17.** The corporation constituted in respect of a growth centre to which an approved scheme relates shall, as soon as practicable, cause the scheme to be implemented by the exercise of its powers under this Act.

Corporation may enter into contracts. **18.** (1) A corporation may make and enter into contracts with any person for the carrying out of works or the performance of services or the supply of goods or materials in connection with the exercise or discharge by the corporation of its responsibilities, powers, authorities, duties and functions.

(2) A contract under subsection (1) may provide for—

- (a) the whole or part of any works to be undertaken by the corporation;
- (b) the whole or any part of the cost of any works to be paid by the corporation;
- (c) a loan to be made by the corporation to meet the whole or any part of the cost of any works; or
- (d) the corporation to pay the costs of providing any services during a specified period.

(3) A corporation may enter into a contract with any person for the construction on land vested in the corporation or that person, or in the corporation and that person,

of

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of buildings suitable for occupation, or works, for the purposes of the growth centre in respect of which the corporation was constituted, and the sale, lease or exchange of any such land together with the buildings or works thereon. No. 49, 1974

(4) A contract under this section shall be deemed for the purposes of the Constitution Act, 1902, to be a contract for or on account of the Public Service of New South Wales.

19. (1) A corporation may enter into an arrangement or agreement with any public authority—

(a) that public authority shall act as agent of the corporation for the purposes of this Act; or

(b) the corporation shall act as agent of that public authority for the purposes of this Act,

Corporation may enter into arrangement with other public authorities.

on such terms and conditions as are agreed upon between the corporation and the public authority.

(2) Without affecting the generality of subsection (1), the Authority may, at the request of a corporation and upon such terms and conditions as may be agreed upon between the Authority and the corporation, act on behalf of the corporation in the carrying out of any legal work or other work of any kind in connection with the exercise of any of the corporation's responsibilities, powers, authorities, duties and functions.

20. The Governor may, under and subject to the Public Service Act, 1902, appoint and employ such officers and employees as may be necessary to enable a corporation to exercise and discharge its responsibilities, powers, authorities, duties and functions. Officers and employees.

21. (1) For the purpose of exercising and discharging its responsibilities, powers, authorities, duties and functions, a corporation may, with the approval of the Minister and of the Department concerned and on such terms as may be arranged, make use of the services of any officers or employees or the facilities of any Government Department. Arrangements as to use of officers or facilities by corporation.

(2)

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No. 49, 1974 (2) For the like purpose, a corporation may, with the approval of the Minister and of the public authority concerned, and on such terms as may be arranged, make use of the services of any officers, employees or servants or the facilities of any public authority.

Consultation and negotiation. **22.** In the exercise and discharge of its responsibilities, powers, authorities, duties and functions, a corporation shall, as far as practicable—

(a) consult with public authorities whose responsibilities, powers, authorities, duties and functions include those of the same or of a similar nature; **and**

(b) negotiate with any such authorities for the purpose of arranging or providing services and facilities in the growth centre in respect of which the corporation was constituted.

Exercise of council's powers by corporation. **23.** (1) The Minister for Local Government may, by order published in the Gazette, transfer to a corporation specified in the order such of the powers, authorities, duties and functions conferred or imposed on a council by or under the Local Government Act, 1919, as are specified or described in the order.

(2) An order under this section operates so as to transfer to the corporation specified therein, in accordance with the terms of the order, the powers, authorities, duties or functions referred to therein.

(3) The provisions of the Local Government Act, 1919, apply—

(a) subject to paragraph (b)—with such adaptations as are necessary; or

(b)

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(b) with such adaptations as are specified in the order, No. 49, 1974

to and in relation to the exercise of powers and duties, or the performance of duties and functions, specified or described in an order under this section as if the corporation specified in the order were a council and the growth centre in respect of which the corporation was constituted formed part of that council's local government area.

(4) A power, authority, duty or function conferred or imposed on a corporation by an order under this section shall, to the extent specified in the order, be deemed to be transferred from a council specified in the order, and, to that extent, the council thereupon ceases to have that power, authority, duty or function or to be under any obligation in relation thereto.

(5) Without affecting the generality of subsection (2), a power, authority, duty or function conferred or imposed on a corporation by an order under this section shall only be exercised or performed by the corporation in or in relation to the growth centre in respect of which the corporation was constituted.

PART IV.

FINANCE.

24. (1) A corporation shall cause to be kept proper **Accounts.** accounts and records in relation to all of its operations and shall, as soon as practicable after the thirtieth day of June in each year, prepare and submit to the Minister for presentation to Parliament a statement of accounts in a form approved by the Auditor-General, exhibiting a true and correct view of the financial position and transactions of the corporation.

(2) The Minister shall lay the statement of accounts, or cause it to be laid, before each House of Parliament as soon as practicable after the receipt by him of the statement.

25.

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No. 49, 1974 **25.** The accounts of a corporation shall be audited by the Auditor-General, who shall have in respect thereof all the powers conferred on him by any law for the time being in force relating to the audit of public accounts.

Application of Audit Act, 1902. **26.** (1) The Audit Act, 1902, shall apply to members, officers and employees of a corporation in the same way as it applies to accounting officers of public departments.

(2) The Auditor-General shall report to the corporation and the Minister—

(a) whether in his opinion—

- (i) due provision has been made for the repayment of loans;
- (ii) the value of assets has (so far as he can judge) been in all cases fairly stated;
- (iii) due diligence and care have been shown in the collection and banking of income;
- (iv) expenditure incurred has been duly authorised, vouched and supervised;
- (v) proper account has been kept of plant, stores and materials; and
- (vi) any of the money or other property of the corporation or over which it has control has been misappropriated or improperly or irregularly dealt with; and

(b) as to any other matters which in his judgment call for special notice or which are prescribed.

(3) Towards defraying the costs and expenses of any audit under section 25, the corporation shall pay to the Consolidated Revenue Fund such amounts, at such times, as the Treasurer decides.

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27. A corporation may invest money held by it in Government securities of the Commonwealth or of the State of New South Wales or in any securities guaranteed by the Government of that State, or on call or on fixed deposit, or partly on call and partly on fixed deposit, with the Treasurer or with any bank or in such other securities as the Governor approves or as are prescribed. No. 49, 1974
Investment.

28. (1) For the temporary accommodation of a corporation, it may obtain advances by overdraft of current account in any bank or banks upon the credit of the corporation's funds to such extent as may, from time to time, be approved by the Governor. Temporary
accom-
modation.

(2) The Treasurer may advance such money to a corporation, on such terms and conditions as to repayment and interest, as may be agreed upon.

29. (1) A corporation may from time to time, with the concurrence of the Treasurer and the approval of the Governor, borrow money for— Borrowing.

- (a) the purpose of carrying out and discharging any of its responsibilities, powers, authorities, duties and functions;
- (b) the renewal of loans;
- (c) the discharge or partial discharge of any loan or any indebtedness to the Treasurer or to any bank; or
- (d) any other purpose of this Act.

(2) Schedule 4 has effect in relation to each corporation.

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PART V.

GENERAL.

Powers
of public
authorities.

30. Notwithstanding anything in any other Act, any public authority is hereby authorised and empowered to enter into agreements for the purposes of this Act with a corporation and may do or suffer anything necessary or expedient for carrying any such agreement into effect.

Planning
schemes
and
interim
develop-
ment
orders.

31. (1) For the purposes of the application of Part XIII A of the Local Government Act, 1919, to and in respect of a growth centre and not otherwise, Schedule 5 has effect.

(2) Where a responsible authority is required by a planning scheme to consult, as referred to in section 342G (5) (c) of the Local Government Act, 1919, as deemed to be amended by Schedule 5, with a corporation before giving an approval, consent or permission, and a difference arises between the responsible authority and the corporation in relation to the matter, the responsible authority shall not give the approval, consent or permission until the difference is determined.

(3) Where a council is required by an interim development order to consult, as referred to in section 342V (3) (c) of the Local Government Act, 1919, as deemed to be amended by Schedule 5, with a corporation before dealing with an interim development application, and a difference arises between the council and the corporation in relation to the matter, the council shall not grant the application unconditionally or subject to conditions, under section 342V (1A) of that Act, until the difference is determined.

(4) Any approval, consent or permission given in contravention of subsection (2) or (3) has no force or effect.

(5).

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(5) The corporation or the council may submit any difference referred to in subsection (2) or (3) to the Minister, who may refer the matter for inquiry to some person appointed by him in that behalf, or may himself make an inquiry. No. 49, 1974

(6) The Minister may determine any difference referred to him under subsection (5) in such manner as in the public interest and in the circumstances of the case may seem to him just and equitable.

(7) In Schedule 5, "corporation" and "growth centre" have the meanings respectively ascribed thereto in section 3.

(8) A reference in a part of Schedule 5 to the Minister is a reference to the Minister for the time being administering that part.

32. (1) In this section, "difference" does not include a Disputes. difference referred to in section 31.

(2) If any difference, whether arising out of the construction of this Act or not, arises between a corporation and a council, with respect to the carrying out of the provisions of this Act or with respect to the fulfilment and exercise of the corporation's responsibilities, powers, authorities, duties, functions or privileges, the corporation or the council may submit the difference to the Minister, who may refer the matter for inquiry to some person appointed by him in that behalf, or may himself make an inquiry.

(3) The Minister, after consultation with the Minister for Local Government, may thereupon make such order as in the public interest and in the circumstances of the case may seem to him just and equitable, and by the order may direct the payment of any costs and expenses incidental to the conduct of the inquiry.

(4)

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(4) Any such order may, upon the application of the Minister, the corporation or the council, by leave of the Supreme Court, be enforced in the same manner as a judgment or order of the Supreme Court to the same effect.

(5) If any such difference arises between a corporation and a Government Department, the parties to the dispute may mutually agree to submit the matter in dispute to the Minister, and in any such case the provisions of this section shall apply to the settlement of the dispute as if the dispute were between a corporation and a council.

Misuse of information.

33. (1) Where, through his association with a corporation, a person has knowledge of specific information relating to proposals made, or to be made, by the corporation in respect of the use and development of land and that information is not generally known but, if generally known, might reasonably be expected to affect materially the market price of that land, he is guilty of an offence against this Act if he—

- (a) deals, directly or indirectly, in that land for the purpose of gaining an advantage for himself by the use of that information; or
- (b) divulges that information for the purpose of enabling another person to gain an advantage by using that information to deal, directly or indirectly, in that land,

and is liable to a penalty not exceeding \$2,000.

(2) Where, through his association with a corporation, a person is in a position to influence proposals made, or to be made, by the corporation in respect of the use and development of land and does influence the proposals by securing the inclusion or alteration of any matter in, or the exclusion or omission of any matter from, the proposals, he is guilty of an offence against this Act if—

- (a) he does so for the purpose of gaining an advantage for himself; or

(b)

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(b) he does so for the purpose of enabling another person to gain an advantage, No. 49, 1974
and is liable to a penalty not exceeding \$2,000.

(3) Where—

- (a) an offence under subsection (1) is committed and an advantage, referred to in that subsection, is gained from any dealing in land to which the offence relates; or
- (b) an offence under subsection (2) is committed and an advantage, referred to in that subsection, is gained from any dealing in land which would not have been gained if the proposals concerned had not been influenced,

any person who gained that advantage is, whether or not any person has been prosecuted for or convicted of an offence under subsection (1) or (2), as the case may be, liable to another person for the amount of any loss incurred by that other person by reason of the gaining of that advantage.

(4) Where a loss referred to in subsection (3) is incurred by reason of an advantage gained from a dealing in land, the amount of the loss is the difference between the price at which the dealing was effected and—

- (a) in the case of any dealing to which subsection (1) relates, the price that, in the opinion of the court before which it is sought to recover the amount of the loss, would have been the market price of the land at the time of the dealing if the specific information used to gain that advantage had been generally known at that time; or
- (b) in any case to which subsection (2) relates, the price that, in the opinion of the court before which it is sought to recover the amount of the loss, would have been the market price of the land at the time of the dealing if the proposals concerned had not been influenced.

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(5) An action to recover a loss or profit, referred to in subsection (3), may not be brought after the expiration of five years next succeeding the dealing in land to which the transaction relates.

(6) For the purposes of this section, a person is associated with a corporation—

- (a) if he is a member or officer or employee of the corporation or a person appointed to a committee or a sub-committee of the corporation;
- (b) if he is an officer or employee of the Department of Decentralisation and Development;
- (c) if he is a member or servant of the Authority or a person appointed to a committee or a sub-committee of the Authority established under section 15 of the State Planning Authority Act, 1963, or to a Regional Planning Committee appointed under Part IV of that Act;
- (d) if he is an officer or servant of a council;
- (e) if he acts or has acted as banker, solicitor, auditor or professional adviser or in any other capacity for the corporation, the Department of Decentralisation and Development, the Authority or a council; or
- (f) where the person, so associated by virtue of paragraph (e), is a body corporate, if he is a director, manager or secretary of that body corporate.

Disclosure of interest.

34. (1) If a member, or a member of a committee or a sub-committee, of a corporation, has an interest, directly or indirectly, in land, proposals in respect of the development or use of which are to be considered by the corporation, the committee or the sub-committee, as the case may be, or has a pecuniary interest, direct or indirect, in a contract or proposed contract with the corporation or in any other matter in which the corporation is concerned and is present at a

meeting

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meeting of the corporation, the committee or the sub-committee, as the case may be, at which the proposals are or the contract, proposed contract or other matter is the subject of consideration, he shall, at the meeting, as soon as practicable after the commencement thereof, disclose his interest and shall not take part in the consideration or discussion of or vote on any question with respect to the proposals or the contract, proposed contract or other matter. No. 49, 1974

(2) For the purposes of this section, a person shall be treated as having an indirect interest in land or a contract, proposed contract or other matter if—

- (a) he or any nominee of his is a member of a company or other body which has an interest in the land, or with which the contract is made or is proposed to be made or which has a direct or indirect pecuniary interest in the other matter under consideration; or
- (b) he is a partner, or is in the employment of, a person who has an interest in the land, or with whom the contract is made or is proposed to be made or who has a direct or indirect pecuniary interest in the other matter under consideration.

(3) Notwithstanding subsection (2)—

- (a) that subsection does not apply to membership of or employment under any council or statutory body within the meaning of the Local Government Act, 1919;
- (b) a member of a company or other body shall not, by reason only of his membership, be treated as being so interested if he has no beneficial interest in any shares of that company or other body; and
- (c) a member of a company having not less than twenty-five members shall not be treated as having an interest in land or in any contract or proposed contract with the corporation or in any other matter

in

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in which the corporation is concerned by reason only that the company has an interest in the land or the contract or proposed contract is with or the other matter concerns the company.

(4) In the case of a married man and his wife who are living together, the interest of one spouse shall, if known to the other, be deemed, for the purposes of this section, to be also an interest of the other spouse.

(5) A general notice in writing to the secretary or the prescribed officer of the corporation by any member referred to in subsection (1) to the effect that he or his spouse is a member, or is in the employment of a specified company or other body, or that he or his spouse is a partner or in the employment of a specified person shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any land in which that company or other body has an interest or in any contract, proposed contract or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

(6) The secretary or officer referred to in subsection (5) shall record in a book to be kept for the purpose particulars of any disclosure made under subsection (1) and of any notice given under subsection (5) and the book shall be open at all reasonable hours to the inspection of any person on payment of such fees as may be determined by the corporation from time to time.

(7) Subject to subsection (8), if any person fails to comply with the provisions of subsection (1), he is guilty of an offence against this Act and liable to a penalty not exceeding \$400, unless he proves that he did not know that proposals in respect of the development and use of the land in which he had an interest were, or that he did not know that a contract, proposed contract or other matter in which he had a pecuniary interest was, the subject of consideration at the meeting.

(8)

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(8) The Minister may, subject to such conditions as **No. 49, 1974** he thinks fit to impose, remove any disability imposed by subsection (1) in any case in which the number of members referred to in subsection (1) so disabled at any one time would be so great a proportion of the whole of the members of the corporation or a committee or sub-committee, as the case may be, as to impede the transaction of business, or in any other case in which it appears to the Minister that it is in the public interest that the disability should be removed.

(9) The corporation or a committee or sub-committee may, by resolution, provide for the exclusion of any member thereof from a meeting of the corporation, committee or sub-committee, as the case may be, while any proposal, in respect of any land or any contract, proposed contract or other matter in which that person has an interest as referred to in this section is under consideration.

(10) In this section, "shares" includes stock.

(11) The provisions of this section apply to a member of a council in relation to an interest in land that is within a growth centre and held by him, directly or indirectly, proposals in respect of the development and use of which are to be considered by the council at a meeting of the council in the same way as they apply to a member of the corporation having an interest, directly or indirectly, in land proposals in respect of the development and use of which are to be considered by the corporation at a meeting of the corporation.

35. A person shall not, unless the corporation otherwise determines, disclose any information with respect to the business discussed at any meeting of a corporation or of a committee or of a sub-committee of the corporation. Proceedings at meetings confidential.

Penalty : \$2,000.

Growth Centres (Development Corporations).

No. 49, 1974 **36.** (1) A corporation may, by instrument in writing under seal, delegate to a member or officer or employee of the corporation the exercise or performance of such of the corporation's responsibilities, powers (other than this power of delegation), authorities, duties and functions as may be specified in the instrument of delegation, and may, by such an instrument, revoke wholly or in part any such delegation.

Delegation.

(2) A responsibility, power, authority, duty or function, the exercise or performance of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

(3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the responsibilities, powers, authorities, duties or functions delegated, or as to time or circumstance, as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation under this section, the corporation may continue to exercise or perform all or any of the responsibilities, powers, authorities, duties or functions delegated.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done or suffered by the corporation and shall be deemed to have been done or suffered by the corporation.

(6) An instrument purporting to be signed by a delegate of the corporation in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the corporation under seal and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the corporation under this section.

Growth Centres (Development Corporations).

37. (1) A corporation shall, as soon as practicable after ^{No. 49, 1974} the thirtieth day of June in each year, prepare and forward to the Minister a report of its work and activities for the twelve months preceding that day. ^{Annual report.}

(2) The Minister shall lay the report, or cause it to be laid, before each House of Parliament as soon as practicable after the receipt by him of the report.

38. Any notice, summons, writ or other proceeding to be served on a corporation may be served— ^{Service of process.}

(a) by being left; or

(b) in the case of a notice, by posting it addressed to the corporation,

at its office or, if it has more than one office, at one of its offices.

39. Every summons, process, demand, order, notice, statement, direction or document requiring authentication by a corporation may be sufficiently authenticated without the seal of the corporation if signed by the Chairman or the Deputy Chairman of the corporation. ^{Authentication of process.}

40. (1) Any penalty imposed by this Act or the regulations may be recovered in a summary manner before a stipendiary magistrate or any two justices of the peace in petty sessions. ^{Penalties.}

(2) Where the penalty is a daily penalty it may be recovered either under a separate information or complaint for each day or under an information or complaint for the sum of the daily penalties.

41. Any charge, fee or money due to a corporation may be recovered as a debt or liquidated demand in a court of competent jurisdiction. ^{Recovery of money.}

42.

Growth Centres (Development Corporations).

No. 49, 1974 **42.** (1) 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 and, in particular, for or with respect to—

Regulations.

- (a) forms including forms of lease for use for the purposes of this Act; and
- (b) the payment of fees and travelling and out-of-pocket expenses to members of committees or sub-committees of a corporation for attending meetings, transacting business of the committees or sub-committees and making inspections for the purposes of this Act.

(2) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

(3) A regulation may—

- (a) impose a penalty for any breach thereof and also distinct penalties in case of successive breaches thereof but no such penalty shall exceed \$100; and
- (b) impose also a daily penalty for any continuing breach thereof not exceeding \$10 per day.

Secs. 3 and 5.

SCHEDULE 1.
GROWTH CENTRES.

Column 1.	Column 2.
No. of Part.	Description.
1.	ALL THOSE pieces or parcels of land comprising the whole of the Cities of Bathurst and Orange and the whole of the Shires of Abercrombie, Canobolas, Lyndhurst, Oberon and Turon as shown edged red on maps catalogued respectively Plan Number 8210A, Plan Number 8210C, Plan Number 8210D, Plan Number 8210E, Plan Number 8210F, Plan Number 8210G, Plan Number 8210H in the office of the State Planning Authority of New South Wales.

SCHEDULE

Growth Centres (Development Corporations).

SCHEDULE 2.

No. 49, 1974

PROVISIONS RELATING TO THE CONSTITUTION AND PROCEDURE OF CORPORATIONS. Sec. 6.

1. Two members shall, in and by the instruments by which they are appointed or by another instrument, be respectively appointed by the Governor to be the Chairman and the Deputy Chairman. Chairman and Deputy Chairman.
2. A person who is of or above the age of— Age of members.
- (a) sixty-five years shall not be appointed as the Chairman or the Deputy Chairman; or
- (b) seventy years shall not be appointed as any other member.
3. (1) The Chairman and the Deputy Chairman shall, subject to this Act, be appointed for such term not exceeding five years as may be specified in the instrument of appointment. Term of office.
- (2) A member (not being the Chairman or the Deputy Chairman) shall, subject to this Act, be appointed for such term, not exceeding three years, as may be specified in the instrument of appointment.
- (3) A member, upon the effluxion of the period of time fixed in the instrument of appointment in accordance with the preceding provisions of this clause, if otherwise qualified, shall be eligible for reappointment from time to time.
- (4) Any such reappointment shall be for such term, in accordance with subclause (1) or (2), as the case may be, as may be specified in the instrument of reappointment.
4. (1) The Chairman and the Deputy Chairman shall devote the whole of their time to the duties of their offices and shall receive such annual salaries and allowances as the Governor may from time to time determine. Chairman and Deputy Chairman to devote the whole of their time to the duties of their office.
- (2) Each member (other than the Chairman and the Deputy Chairman) shall receive such remuneration and allowances as the Governor may from time to time determine in respect of him.
- (3) Where, by or under any Act, provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, that provision shall not operate to disqualify him from holding that office and also the office of a member (other than the office of Chairman or Deputy Chairman) under this Act or from accepting and retaining any remuneration or allowances payable to a member under this clause.

SCHEDULE

Growth Centres (Development Corporations).

No. 49, 1974

SCHEDULE 2.—*continued.*

- (4) The office of a member (other than the office of the Chairman and the Deputy Chairman) shall not, for the purposes of any Act, be deemed to be an office or place of profit under the Crown.
- Public Service Act, 1902, not to apply.
5. The provisions of the Public Service Act, 1902, shall not apply to or in respect of the appointment of a member and a member shall not, in his capacity as a member, be subject to the provisions of that Act during his term of office.
- Vacation of office.
6. (1) A member shall be deemed to have vacated his office—
- (a) if he dies;
 - (b) if he engages in New South Wales or elsewhere during his term of office in any paid employment outside the duties of his office without the approval of the Minister;
 - (c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his salary, remuneration, allowances or estate for their benefit;
 - (d) if, being the Chairman or the Deputy Chairman, he absents himself from duty for a period exceeding fourteen consecutive days, except on leave granted by the Minister, which leave the Minister is hereby authorised to grant, or unless the absence is occasioned by illness or unavoidable cause;
 - (e) if, being a member other than the Chairman or the Deputy Chairman, he is absent from four consecutive ordinary meetings of the corporation of which reasonable notice has been given to him, either personally or in the course of post, unless on leave granted by the Minister or, unless, before the expiration of four weeks after the last of those meetings, he is excused by the Minister for his absence from those meetings;
 - (f) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
 - (g) if he is convicted in New South Wales of a felony or misdemeanour, which is punishable by imprisonment for twelve months or upwards or if he is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be a felony or misdemeanour so punishable;
 - (h) if he resigns his office by writing under his hand addressed to the Governor;

SCHEDULE

*Growth Centres (Development Corporations).*SCHEDULE 2.—*continued.*

No. 49, 1974

- (i) if he declines office;
- (j) if he is removed from office by the Governor; or
- (k) upon his attaining—
 - (i) in the case of the Chairman or the Deputy Chairman—the age of sixty-five years; or
 - (ii) in the case of any other member—the age of seventy years.

(2) The Governor may, for any cause which appears to him to be sufficient, remove any member (other than the Chairman or Deputy Chairman) from office.

(3) The Chairman or the Deputy Chairman may be suspended from his office by the Governor for misbehaviour or incompetence, but shall not be removed from office except as provided in subclauses (4) and (5).

(4) The Minister shall cause to be laid before each House of Parliament within seven sitting days of that House a full statement of the grounds of suspension.

(5) A Chairman or Deputy Chairman suspended under this clause shall be restored to office unless each House of Parliament, within twenty-one sitting days of that House from the time when the statement has been laid before it, declares by resolution that the Chairman or the Deputy Chairman, as the case may be, ought to be removed from office, and if each House of Parliament within that time does so declare, the Chairman or the Deputy Chairman, as the case may be, shall be removed by the Governor accordingly.

(6) For the purposes of subclauses (4) and (5) sitting days shall be counted, whether or not they occur during the same session.

7. On the occurrence of a vacancy in the office of a member, the Governor may appoint a person to hold office for the balance of his predecessor's term of office. Filling of casual vacancies.

8. In the case of the illness or absence of the Chairman, the Deputy Chairman shall act in his place and while so acting shall have and may exercise and discharge the responsibilities, powers, authorities, duties and functions of the Chairman. Illness or absence of Chairman.

9. (1) Subject to subclause (2), the number of members which shall constitute a quorum at any meeting of the corporation shall—

- (a) where the corporation consists of an even number of members—be one-half of that number; and
- (b) in any other case—be one-half of the even number next above the number of members of the corporation.

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Growth Centres (Development Corporations).

No. 49, 1974

SCHEDULE 2.—*continued.*

(2) One of the members referred to in subclause (1) shall be the Chairman or, in his absence, the Deputy Chairman.

Meetings.

10. (1) Any duly convened meeting of the corporation at which a quorum is present shall be competent to transact any business of the corporation.

(2) Questions arising at a meeting of the corporation shall be determined by a majority of votes of the members present and voting.

(3) The Chairman shall preside at all meetings of the corporation at which he is present.

(4) Without affecting the generality of clause 8, if the Chairman is not present at a meeting of the corporation, the Deputy Chairman shall preside at the meeting.

(5) The person presiding at a meeting of the corporation has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

Minutes.

11. The corporation shall cause full and accurate minutes to be kept of its proceedings at meetings and submit to the Minister a copy of the minutes of each meeting within one week after the date on which the meeting is held.

Committees
and sub-
committees.

12. (1) The corporation may establish committees for the purposes of advising the corporation upon such matters within the scope of the corporation's responsibilities, powers, authorities, duties and functions as may be referred to the committees by the corporation.

(2) The corporation, or a committee referred to in subclause (1), with the approval of the corporation, may establish sub-committees for the purposes of advising the committee upon such matters within the scope of the committee's responsibilities, powers, authorities, duties and functions as may be referred to the sub-committees by the corporation or by such a committee with the approval of the corporation.

(3) A person may be appointed to any such committee or sub-committee whether or not he is a member of the corporation.

(4) The office of member of any such committee or sub-committee shall not, for the purposes of any Act, be deemed to be an office or place of profit under the Crown.

General
procedure.

13. Subject to this Act and any regulations in relation thereto, the procedure for the calling of, and for the conduct of business at, meetings of the corporation shall be as determined by the corporation.

SCHEDULE

*Growth Centres (Development Corporations).*SCHEDULE 2.—*continued.*

No. 49, 1974

14. (1) No matter or thing done, and no contract entered into, by the corporation, and no matter or thing done by a member or by any other person acting under the direction or as delegate of the corporation shall, if the matter or thing was done, or the contract was entered into, in good faith for the purposes of executing this Act or any other Act conferring or imposing responsibilities, powers, authorities, duties or functions on the corporation, subject the member or person so acting personally to any action, liability, claim or demand.

(2) Nothing in subclause (1) exempts any member or other person from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General in the accounts of or relating to the corporation, and which the member or other person authorised or joined in authorising.

15. (1) In this clause—

“member” means the Chairman or the Deputy Chairman of the corporation;

“statutory body” means any body declared under clause 17 to be a statutory body for the purposes of this Schedule;

“superannuation scheme” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

Preservation
of rights
of certain
members
previously
public
servants,
etc.

(2) Subject to subclause (3) and to the terms of his appointment, where a member was, immediately before his appointment as a member—

- (a) an officer of the Public Service;
- (b) a contributor to a superannuation scheme;
- (c) an officer employed by a statutory body; or
- (d) a person in respect of whom provision was made by any Act that he retain any rights accrued or accruing to him as an officer or employee,

he—

- (e) shall retain any rights accrued or accruing to him as such an officer, contributor or person;
- (f) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as a member; and
- (g) shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity,

SCHEDULE

Growth Centres (Development Corporations).

No. 49, 1974

SCHEDULE 2.—*continued.*

as if he had continued to be such an officer, contributor or person during his service as a member, and—

- (h) his service as a member shall be deemed to be service as an officer or employee for the purpose of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and
- (i) he shall be deemed to be an officer or employee, and the corporation shall be deemed to be his employer, for the purpose of the superannuation scheme to which he is entitled to contribute under this clause.

(3) A member who, but for this subclause, would be entitled under subclause (2) to contribute to a superannuation scheme or to receive any payment, pension or gratuity under that scheme shall not be so entitled upon his becoming (whether upon his appointment as a member or at any later time while he holds office as a member) a contributor to any other superannuation scheme, and the provisions of subclause (2) (i) cease to apply to or in respect of him and the corporation in any case where he becomes a contributor to such another superannuation scheme.

(4) Subclause (3) does not prevent the payment to a member upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of his resignation, to be an officer or employee for the purposes of that scheme.

(5) A member shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

Certain members entitled to reappointment in former employment in certain cases.

16. (1) In this clause—

“member” means the Chairman or the Deputy Chairman of the corporation;

“retiring age” means—

- (a) in relation to a person who was, immediately before his appointment as a member, an officer of the Public Service—the age of sixty years; and
- (b) in relation to a person who was, immediately before his appointment as a member, an officer or employee of a statutory body—the age at which officers or employees (being officers or employees of the class to which that person belonged immediately before his appointment as a member), as the case may be, of that statutory body are entitled to retire;

SCHEDULE

*Growth Centres (Development Corporations).*SCHEDULE 2.—*continued.*

No. 49, 1974

“statutory body” means any body declared under clause 17 to be a statutory body for the purposes of this Schedule.

(2) A person who ceases to be a member, otherwise than pursuant to clause 6 (1) (paragraph (h) excepted), shall, if he has not attained the retiring age, be entitled to be appointed, where, immediately before his appointment as a member, he was—

- (a) an officer of the Public Service—to some office in the Public Service; or
- (b) an officer or employee of a statutory body—to some office in the service of that body,

not lower in classification and salary than that which he held immediately before his appointment as member.

17. The Governor may, by proclamation published in the Gazette, declare any body constituted by or under any Act to be a statutory body for the purposes of this Schedule.

Declara-
tion of
statutory
bodies.

18. No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising the Deputy Chairman to act in the place of the Chairman, in accordance with clause 8 or 10 (6), and all things done or omitted by the Deputy Chairman while so acting shall be as valid and effectual and shall have the same consequences as if they had been done or omitted by the Chairman.

Validity
of certain
actions.

19. In any proceedings by or against the corporation no proof shall be required (until evidence is given to the contrary) of—

Presump-
tions.

- (a) the constitution of the corporation;
- (b) any resolution of the corporation;
- (c) the appointment of any member; or
- (d) the presence of a quorum at any meeting of the corporation.

SCHEDULE 3.

Sec. 10.

MODIFICATION OF PUBLIC WORKS ACT, 1912.

The Public Works Act, 1912, shall, for the purposes referred to in section 10, be deemed to be amended—

- (a) (i) by omitting from section 53 the words “so seised, possessed or entitled as aforesaid”;

SCHEDULE

Growth Centres (Development Corporations).

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SCHEDULE 3.—*continued.*

- (ii) by omitting from section 53 the words “as in the preceding section mentioned” and by inserting instead the words “and may claim compensation in respect of the land resumed and agree to, settle and determine with the Constructing Authority the amount of such compensation”;
 - (iii) by inserting in section 53 (3) after the word “release” the words “and to claim, agree to, and settle and determine with the Constructing Authority the amount of compensation”;
 - (iv) by omitting section 53 (5);
- (b) (i) by inserting in section 102 after the word “time” where secondly occurring the words “as the Constructing Authority allows or, in default of any such allowance of further time, within such time”;
- (ii) by omitting from section 102 the words “and upon the Crown Solicitor”;
- (iii) by inserting at the end of section 102 the following subsection:—

(2) Upon receipt of such notice of claim, the Constructing Authority shall obtain from its solicitor, or the solicitor to any body corporate acting as agent for the Constructing Authority or a solicitor retained by such a body corporate, a report on the title of the land in respect of which the claim has been served by the claimant.

- (c) by omitting from section 103 the words “Crown Solicitor he shall forward the same, together with his report thereon to the Constructing Authority, who” and by inserting instead the words “Constructing Authority it”;
- (d) by omitting section 124 and by inserting instead the following section:—

124. (1) For the purpose of ascertaining the compensation to be paid, regard shall in every case be had by the Court not only to the value of the land taken but also to the damage (if any) caused by the severing of the lands taken from other lands of the owner or by the exercise of any statutory powers by the Constructing Authority otherwise injuriously affecting such other lands and the Court shall assess the compensation according to what it finds to have been the value of such lands, estate or interest at the time the notification was published in the Gazette and without being bound in any way by the amount of the

SCHEDULE

*Growth Centres (Development Corporations).*SCHEDULE 3.—*continued.*

No. 49, 1974

valuation notified to such claimant and without reference to any alteration in such value arising from the construction of any works on the lands taken.

(2) Notwithstanding subsection (1), the Court in ascertaining such compensation shall take into consideration and give effect to, by way of set-off or abatement, any enhancement in the value of the interest of any such owner in any land adjoining the land taken or severed therefrom by the construction of any works on the land taken, but in no case does this subsection operate so as to require any payment to be made by such owner to the Constructing Authority in consideration of such enhancement in value as aforesaid.

(3) Notwithstanding subsection (1), in the case of land under the surface taken or acquired by notification in the Gazette for the purpose of constructing a subterranean tunnel, no compensation shall be allowed or awarded unless—

- (a) the surface of the overlying soil is disturbed;
 - (b) the support of such surface is destroyed or injuriously affected by the construction of such tunnel; or
 - (c) any mines or underground workings in or adjacent to such land are thereby rendered unworkable or are so affected as aforesaid.
- (e) by omitting section 126 (3);
- (f) (i) by omitting from section 135 (1) the words “such conveyances” and by inserting instead the words “conveyances or assurances of lands taken”;
- (ii) by omitting from section 135 (2) the words “incurred on the part as well of the vendor as of the purchaser.”.

SCHEDULE 4.

Sec. 29.

PROVISIONS RELATING TO LOANS.

1. (1) The corporation shall establish a reserve for loan repayment fund in respect of each loan or renewal loan raised by the corporation. Reserves for repayments.

(2) The corporation shall, during each year, transfer from the revenue of the corporation to each such fund a sum not less than the sum that the corporation in its application for approval of the loan, specified that it proposed to transfer to that fund.

SCHEDULE

Growth Centres (Development Corporations).

No. 49, 1974

SCHEDULE 4.—*continued.*

(3) Money held as a reserve for loan repayment may be invested in Government securities of the Commonwealth or the State of New South Wales or in debentures, bonds, inscribed stock or other prescribed securities in any loan of the corporation or in any securities guaranteed by the Government of that State or in such other securities as the Governor may approve or as may be prescribed, in each case at their current market price.

(4) Any interest or profits realised on any such investment shall be added to and form part of the reserve for loan repayment fund from which the investments were made.

(5) All money paid into the reserve for loan repayment fund in respect of any loan or renewal loan may be applied in or towards repayment of any other loan or renewal loan but may not be applied for any other purpose until the loan or renewal loan in respect of which the fund has been established has been repaid.

(6) Where the corporation decides to cancel debentures, bonds, inscribed stock or other prescribed securities purchased from the reserve for repayment of the loan for which they were issued, the corporation shall, in addition to the sum otherwise payable to the reserve for repayment of that loan and subject to any agreement to which it is a party whereby it undertakes to pay interest at a higher rate to that reserve, pay to that reserve interest at the rate of four and a half per centum per annum on the face value of the cancelled securities from the date of their cancellation until the maturity of the loan.

(7) If, after a loan has been repaid, there remains in the reserve for repayment of that loan any balance, that balance shall form part of the general funds of the corporation.

(8) A reserve for loan repayment fund shall not be subject to seizure in satisfaction of any debt other than the loan in respect of which the reserve was created.

(9) This section shall not apply to any loan to be repaid by instalments at intervals of one year or less.

**Debentures,
etc.**

2. (1) For securing repayment of the principal and interest on any money borrowed, the corporation may, as provided by the regulations, issue debentures, bonds, inscribed stock or other prescribed securities.

(2) Every such debenture or bond and every coupon originally annexed to the debenture or bond, and whether separated therefrom or not, may be transferred by simple delivery.

(3) Inscribed stock shall be transferable in the books of the corporation in accordance with the regulations.

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(4) Debentures, bonds, inscribed stock or prescribed securities issued under this Act shall, as regards both the issue and transfer thereof for full consideration or money or money's worth, be deemed to be included in the general exemptions from stamp duty under Part III of the Stamp Duties Act, 1920, contained in the Second Schedule to that Act.

3. (1) The holder of a coupon originally annexed to a debenture or bond, and whether separated therefrom or not, shall be entitled to receive payment from the corporation of the interest specified in the coupon on its presentation on or after the date when, and at the place where, the interest is payable. Payment of debentures and coupons.

(2) The due repayment of any loan in respect of which debentures, bonds, stock or any other prescribed securities have been issued by the corporation, and the interest thereon, shall be a charge upon the income and revenue of the corporation from whatever source arising and is hereby guaranteed by the Government.

(3) Any liability arising under the guarantee given by subclause (2) shall be discharged out of money provided by Parliament.

(4) The charge created by subclause (2) shall not prejudice or affect any power of the corporation to sell, convey, lease or otherwise deal with, free of the charge, any property vested in it.

4. (1) Notwithstanding any other provision of this Act, any money which the corporation is authorised to borrow may be borrowed by a loan raised, wholly or in part, in such places outside New South Wales as the Governor on the recommendation of the Treasurer may approve, and may be negotiated and raised in any currency. Raising loans in any country.

(2) Any such loan may be raised wholly or in part by the issue of debentures, bonds, stock or other securities in any form and contain any term, condition or provision permitted under the law of the place where the loan is raised and the corporation may establish and conduct in that place registries relating to the securities issued in respect of that loan.

(3) The corporation may, in respect of any such loan, agree that a sinking fund shall be established and controlled at such place and in such manner as may be found necessary or expedient in the circumstances of the case and, where any sinking fund is so established, the provisions of clause 1 shall apply with regard to that loan only in respect of the amount, if any, the repayment of which is not provided for by the sinking fund established under the agreement.

(4) In connection with the raising of any loan under this clause, the corporation may enter into such agreements as it thinks fit with respect to the form of the debentures, bonds, stock or other

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securities referred to in subclause (2), or for the sale of those debentures, bonds, stock or other securities, or the granting of an option to purchase those debentures, bonds, stock or other securities, or for services to be performed by any person in Australia or in any other part of the world in connection with that loan or with the issue, management and redemption of or otherwise with respect to those debentures, bonds, stock or other securities, and any such agreement may be upon such terms and conditions and may contain such provisions for the giving or receipt of consideration as the corporation thinks fit.

(5) Copies of any agreement referred to in subclause (4) shall be forwarded to the Minister who shall cause them to be laid before both Houses of Parliament as soon as possible after the loan is raised.

(6) The Governor may, upon the recommendation of the corporation, by notification published in the Gazette, appoint two or more persons to enter into for and on behalf of the corporation all such agreements as the corporation is by this clause authorised to enter into and to sign, execute or otherwise perfect all such agreements, debentures, bonds, stock or other securities as are by this clause provided for and to do all such things as may be necessary or convenient to be done for the purpose of raising any loan under this Act and may, upon the like recommendation and by a like notification, revoke or vary any such appointment and make any fresh appointment.

(7) The production of a copy of the Gazette containing a notification of any appointment referred to in subclause (6) or the revocation thereof shall, in favour of a lender or of any holder of a security, be conclusive evidence of the appointment or revocation.

(8) All debentures, bonds, stock or other securities, bearing the signatures of the persons so appointed in that behalf, shall be deemed to be securities lawfully issued under the seal of the corporation and the principal money and interest secured thereby shall be a charge upon the income and revenue of the corporation from whatever source arising, and the due repayment of that principal money and that interest is hereby guaranteed by the Government, and all agreements and any instruments purporting to be made or issued under the authority of this clause and bearing the signatures of those persons shall be deemed to have been lawfully made or issued by the corporation and, if they purport to have been sealed by those persons, to have been lawfully executed by the corporation under seal.

(9) A holder of any such debenture, bond, stock or other security shall not be bound to inquire whether the issue of the debenture, bond, stock or security was, in fact, duly authorised.

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(10) Subject to this clause and the law in force in the place where any loan is raised under this clause and applicable to that loan and the securities issued in connection therewith, the provisions of this Schedule, other than clauses 2 (1), 6 (3) and 6 (4), shall apply to and in respect of that loan and those securities in the same way as they apply to and in respect of any other loan and any other securities.

5. (1) Any trustee, unless expressly forbidden by any instrument **Trustees.** creating the trust, may invest any trust money in his hands in stock inscribed by the corporation or in any debentures, bonds or other securities issued in accordance with this Act, and the investment shall be deemed to be an investment authorised by the Trustee Act, 1925.

(2) Any debenture or bond issued, stock inscribed, or other security issued, in pursuance of this Act, shall be a lawful investment for any money which any company, council or body corporate, incorporated by any Act, is authorised or directed to invest in addition to any other investment authorised for the investment of that money.

(3) No notice of any express, implied or constructive trust shall be received by the corporation or by any officer or employee of the corporation in relation to any debenture or coupon issued or stock inscribed by the corporation.

6. (1) If any debenture or bond issued by the corporation is lost, **Lost** destroyed or defaced before it has been redeemed the corporation **debentures.** may, subject to the provisions of this clause, issue a new debenture or bond in its place.

(2) A new debenture or bond, issued under subclause (1) with interest coupon annexed, shall bear the same date, number, principal sum and rate of interest as the lost, destroyed or defaced debenture or bond.

(3) Where a debenture or bond is lost or destroyed, a new debenture or bond shall not be issued unless—

- (a) it has been established to the satisfaction of the Supreme Court that the debenture or bond has been lost or destroyed before redemption;
- (b) such advertisements as the Court may direct have been published;
- (c) six months have elapsed since the publication of the last of those advertisements; and
- (d) sufficient security has been given to the corporation to indemnify it against any double payment if the missing debenture or bond is presented for redemption.

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(4) Where a debenture or bond is defaced, a new debenture or bond shall not be issued unless and until the defaced debenture or bond is lodged with the corporation for cancellation.

(5) The provisions of this clause shall apply to and in respect of the case of a lost, destroyed or defaced coupon in the same way as they apply to and in respect of a lost, destroyed or defaced debenture or bond.

(6) Notwithstanding any other provision of this clause, in the case of loss, theft, destruction, mutilation or defacement of any debenture or bond issued under clause 4, a duplicate or new debenture or bond may be issued upon proof to the satisfaction of the corporation of the loss, theft or destruction, or upon surrender of the mutilated or defaced debenture or bond, as the case may be, and upon the corporation receiving security or indemnity satisfactory to it against double payment if the missing debenture or bond be at any time thereafter presented for payment.

Protection
of investors.

7. (1) A person advancing money to the corporation shall not be bound to inquire into the application of the money advanced or be in any way responsible for its non-application or misapplication.

(2) A notification in the Gazette of the approval of the Governor having been given to a borrowing by the corporation shall, in favour of a lender and of any holder of any security given by the corporation, be conclusive evidence that all conditions precedent to the borrowing have been complied with and, where the approval notified is to a borrowing by the corporation in a place outside New South Wales and in a particular currency, shall also be conclusive evidence in favour of those persons of the approval of the Governor to the borrowing in the place and in the currency specified in the notification.

Securities
rank
equally.

8. All debentures, bonds, stock or other securities which are secured upon the income and revenue of the corporation shall rank *pari passu* without any preference one above another by reason of priority of date or otherwise.

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Growth Centres (Development Corporations).

SCHEDULE 5.

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MODIFICATION OF THE LOCAL GOVERNMENT ACT, 1919.

Sec. 31.

The Local Government Act, 1919, shall, for the purposes referred to in section 31, be deemed to be amended—

- (a) by inserting after section 342G (5) (b) the following paragraph:—

(c) Where a scheme that applies to land within a growth centre provides that any act, matter or thing specified in the scheme shall be done only with the approval, consent or permission of the responsible authority or shall not be done except with the approval, consent or permission of the responsible authority, the scheme may contain provisions requiring the responsible authority, before giving that approval, consent or permission, to consult with the corporation constituted in respect of the growth centre.

- (b) (i) by omitting from section 342N (2) the words “appeal to the Tribunal” and by inserting instead the words “appeal—

(a) where the responsible authority is required by the scheme to consult with a corporation before giving the approval, consent or permission— to the Minister; or

(b) in any other case—to the Tribunal”;

- (ii) by inserting after section 342N (4) the following subsections:—

(4A) Where an appeal has been made to the Minister under this section, he may—

(a) dismiss the appeal;

(b) allow the appeal either unconditionally or subject to such conditions as he thinks proper to impose; or

(c) where the appeal is against the imposition of conditions, refuse to approve the application referred to in the appeal,

but before deciding the appeal, he shall, if either the appellant or the council so desire, afford him or it an opportunity of appearing personally or by counsel, solicitor or agent before, and being heard by, a person appointed by the Minister for the purpose.

(4B) The decision of the Minister under subsection (4A) shall be final and shall have effect as if it were a decision of the council.

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SCHEDULE 5.—*continued.*

- (c) (i) by inserting in section 342v (3) (c) after the word "prescribed" the words "or, without affecting the generality of the foregoing, where the order applies to land within a growth centre, with the corporation constituted in respect of the growth centre";
- (ii) by omitting from section 342v (5) (a) the word "and";
- (iii) by inserting after section 342v (5) (a) the following paragraph:—
- (ai) where the application is one in respect of which the council is required to consult with a corporation, appeal to the Minister; and
- (iv) by inserting after section 342v (6) the following subsections:—
- (7) Where an appeal has been made to the Minister under subsection (5), he, after taking into consideration any offer by the council to make a contribution under subsection (4), may—
- (a) dismiss the appeal;
- (b) allow the appeal either unconditionally or subject to such conditions as he thinks proper to impose; or
- (c) where the appeal is against the imposition of conditions, refuse to approve the application referred to in the appeal,
- but before deciding the appeal, he shall, if either the appellant or the council so desires, afford him or it an opportunity of appearing personally or by counsel, solicitor or agent before, and being heard by, a person appointed by the Minister for the purpose.
- (8) The decision of the Minister under subsection (7) shall be final and shall have effect as if it were a decision of the council.