



New South Wales

# Olympic Co-ordination Authority Act 1995 No 10

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New South Wales

# **Olympic Co-ordination Authority Act 1995 No 10**

Act No 10, 1995

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An Act to constitute the Olympic Co-ordination Authority; to confer functions on the Authority with respect to the preparations for the Sydney Olympic Games; to amend certain Acts; and for other purposes. [Assented to 9 June 1995]

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Clause 1 Olympic Co-ordination Authority Act 1995 No 10

Part 1 Preliminary

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**The Legislature of New South Wales enacts:**

## **Part 1 Preliminary**

### **1 Name of Act**

This Act is the *Olympic Co-ordination Authority Act 1995*.

### **2 Commencement**

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

### **3 Definitions**

In this Act:

**Authority** means the Olympic Co-ordination Authority constituted by this Act.

**Director-General** means the Director-General of the Authority holding office as such under Part 2 of the *Public Sector Management Act 1988*.

**exercise** a function includes perform a duty.

**function** includes a power, authority or duty.

**Government agency** means:

- (a) a Government department or administrative office, or
- (b) a statutory body representing the Crown, or
- (c) a State owned corporation, or
- (d) any other public or local authority constituted by or under an Act.

**Homebush Bay area** means (except to the extent that the regulations otherwise provide) the land described in Part 4 of Schedule 1 to the *Growth Centres (Development Corporations) Act 1974* immediately before the repeal of that Part by this Act.

***interest*** in land means:

- (a) a legal or equitable estate or interest in land, or
- (b) an easement, right, charge, power or privilege over, or in connection with, land.

***land*** includes any interest in land.

***Olympic Games*** means the Games of the XXVII Olympiad in Sydney in the year 2000.

***Olympic venues and facilities*** means venues and facilities that are required for hosting the Olympic Games, including the following:

- (a) venues to conduct sporting events,
- (b) training facilities for competitors,
- (c) media centres and other communication facilities for the media,
- (d) residential accommodation for competitors, officials and members of the media,
- (e) storage facilities for sporting, communication or other equipment,
- (f) catering facilities for venues, training facilities, media centres and residential accommodation,
- (g) helicopter landing facilities,
- (h) any other venue or facility that is prescribed by the regulations.

***SOCOG*** means the Sydney Organising Committee for the Olympic Games constituted by the *Sydney Organising Committee for the Olympic Games Act 1993*.

Clause 4 Olympic Co-ordination Authority Act 1995 No 10

Part 2 Constitution of Olympic Co-ordination Authority

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## **Part 2 Constitution of Olympic Co-ordination Authority**

### **4 Constitution of Authority**

- (1) There is constituted by this Act a body corporate with the corporate name of the Olympic Co-ordination Authority.
- (2) The Authority may also be called OCA and the use of that name has the same effect for all purposes as the use of its corporate name.
- (3) The Authority has the functions conferred or imposed on the Authority by or under this or any other Act or law.

### **5 Status of Authority**

The Authority is, for the purposes of any Act, a statutory body representing the Crown.

## **Part 3 Management of Authority**

### **6 Director-General to manage and control affairs of Authority**

- (1) The affairs of the Authority are to be managed and controlled by the Director-General.
- (2) Any act, matter or thing done in the name of, or on behalf of, the Authority by the Director-General is taken to have been done by the Authority.

### **7 Ministerial control of Authority**

The Authority is, in the exercise of its functions, subject to the control and direction of the Minister.

### **8 Corporate plan**

- (1) The Authority is required to prepare and deliver to the Minister, at least 3 months before the beginning of each financial year of the Authority, a draft corporate plan for the financial year.
- (2) The Authority:
  - (a) must consider any comments on the draft corporate plan that are made by the Minister within 2 months after the plan is delivered to the Minister, and
  - (b) must deliver the completed corporate plan to the Minister before the beginning of the financial year concerned.
- (3) The Authority is, as far as practicable, to exercise its functions in accordance with the relevant corporate plan.
- (4) A corporate plan must specify:
  - (a) the objectives of the activities of the Authority for the financial year concerned and for such future financial years as the Minister directs, and
  - (b) the strategies, policies and budgets for achieving those objectives, and
  - (c) targets and criteria for assessing the performance of the Authority.
- (5) This section is subject to the requirements of any Act or other law, including the requirements of a direction of the Minister under this Act.



Clause 9 Olympic Co-ordination Authority Act 1995 No 10

Part 3 Management of Authority

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## **9 Staff of Authority**

- (1) The staff of the Authority is (subject to this section) to be employed under Part 2 of the *Public Sector Management Act 1988*.
- (2) The Authority may arrange for the use of the services of any staff (by secondment or otherwise) or facilities of a Government agency. For the purposes of this Act, a person whose services are made use of under this section is a member of the staff of the Authority.
- (3) The Authority may engage consultants or other persons for the purpose of getting expert advice.

## **Part 4 Functions of Authority**

### **Division 1 Principal functions**

#### **10 Planning for and provision of Olympic venues and facilities**

- (1) The Authority is to plan for and provide Olympic venues and facilities.
- (2) In exercising that function, the Authority has the following obligations:
  - (a) satisfying the requirements of SOCOG for organising and staging the Olympic Games under the *Sydney Organising Committee for the Olympic Games Act 1993* and the Host City Contract referred to in that Act,
  - (b) ensuring that Olympic venues and facilities are provided within agreed timeframes and budget allocations,
  - (c) ensuring that Olympic venues and facilities (other than temporary venues or facilities) are suitable for use after the Olympic Games and meet the long term requirements of Sydney and ensuring, in particular, the orderly and economic development of the Homebush Bay area.
- (3) This section does not preclude other persons or bodies planning for and providing Olympic venues and facilities in accordance with this Act and other Acts or laws.

#### **11 Olympic Games co-ordination and reporting**

The Authority has the following functions with respect to the Olympic Games:

- (a) assisting the Government in the administration of agreements between the Government and SOCOG and liaising with SOCOG for the purpose of ensuring that the requirements for the Olympic Games are satisfied by the Government and SOCOG,
- (b) monitoring and reporting on all works being carried out for Olympic venues and facilities,

- (c) liaising with the Treasury on the co-ordination and management of capital expenditure for the Olympic Games and reporting to the Government on overall expenditure associated with the Olympic Games,
- (d) co-ordinating initiatives on Olympic Games matters of other Government agencies and private organisations,
- (e) monitoring and reporting progress on key Government tasks associated with the Olympic Games (such as transport, security and emergency services arrangements),
- (f) providing advice and administrative assistance to the Government and Government agencies on matters associated with the Olympic Games, such as the relocation of the Royal Agricultural Society to the Homebush Bay area, venue management and the environmental impacts of development.

## **12 Paralympic Games**

- (1) The Authority may exercise its functions in connection with the Olympic Games also in connection with the Paralympic Games.
- (2) The Paralympic Games are the games for athletes with a disability that are to be held in Sydney in the year 2000.

## **13 Development of Homebush Bay area**

- (1) The Authority has the function of promoting, co-ordinating and managing the orderly and economic development of the Homebush Bay area, including the provision and management of buildings and of transport and other infrastructure to service that area.
- (2) The Authority's functions under this section are not limited to matters related to the Olympic Games.

## **Division 2 Functions relating to land**

### **14 Acquisition of land**

The Authority may acquire land, for the purposes of this Act, by agreement or by compulsory process in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.

**15 Application of Public Works Act 1912**

- (1) For the purposes of the *Public Works Act 1912*, any acquisition of land under this Act is taken to be for an authorised work, and the Authority is, in relation to that authorised work, taken to be the Constructing Authority.
- (2) Sections 34, 35, 36 and 37 of the *Public Works Act 1912* do not apply to or in respect of works constructed under this Act.

**16 Other functions concerning land**

- (1) The Authority may, with the consent of the owner of any land, exercise in relation to the land any function that it could so exercise if it were the owner of the land.
- (2) The Authority may exercise in relation to any land in which it holds an interest any function that a private individual could so exercise if the private individual were the holder of the interest.
- (3) In particular, the Authority:
  - (a) may erect buildings and structures, and
  - (b) may carry out works, and
  - (c) may set out and construct roads,on land owned by it or, with the consent of the owner of the land, on any other land.

**17 Dedication of land**

- (1) The Authority may, by notice published in the Gazette, surrender any of its land to the Crown, to be dedicated:
  - (a) for any public purpose specified in the notice, or
  - (b) if so specified in the notice, as a public road.
- (2) When surrendered, the land becomes Crown land reserved from sale, lease or licence under the *Crown Lands Act 1989*.
- (3) On revocation of the reservation, the land:
  - (a) may be dedicated under the *Crown Lands Act 1989* for the public purpose specified in the notice, or
  - (b) may be dedicated under the *Roads Act 1993* as a public road.

- (4) A notice under this section may be limited in its application to land above or below a specified level or to land between specified levels.

### **Division 3 Miscellaneous provisions relating to functions**

#### **18 Supplemental and incidental functions**

- (1) The Authority may do all things that are supplemental or incidental to the exercise of its functions.
- (2) The Authority may exercise its functions in or outside New South Wales.

#### **19 Delegation of functions**

- (1) The Authority may delegate to an authorised person any of the functions of the Authority, other than this power of delegation.
- (2) A delegate may sub-delegate to an authorised person any function delegated by the Authority if the delegate is authorised in writing to do so by the Authority.
- (3) In this section, authorised person means:
- (a) a member of staff of the Authority, or
  - (b) a subsidiary corporation referred to in section 20, or
  - (c) a person of a class prescribed by the regulations or approved by the Minister.

#### **20 Subsidiary corporations**

- (1) In this section:
- private corporation* means a corporation within the meaning of the *Corporations Law*, whether formed in or outside New South Wales.
- subsidiary corporation* means a private corporation in which the Authority has a controlling interest.
- (2) The Authority:
- (a) may form, or participate in the formation of, private corporations, and
  - (b) may acquire interests in private corporations, and
  - (c) may sell or otherwise dispose of interests in private corporations.

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- (3) However, the Authority must not, without the approval of the Minister:
- (a) form, or participate in the formation of, a subsidiary corporation, or
  - (b) acquire an interest in a private corporation so that, as a result of the acquisition, the corporation becomes a subsidiary corporation, or
  - (c) sell or otherwise dispose of any interest in a subsidiary corporation so that, as a result of the sale or disposal, it ceases to be a subsidiary corporation.
- (4) The Minister must not give such an approval except with the concurrence of the Treasurer.
- (5) A subsidiary corporation is not, and does not represent, the Crown.

## **21 Officers' Committee for the Olympics**

- (1) There is to be a committee called the Officers' Committee for the Olympics.
- (2) The committee is to advise the Government on matters that are relevant to the functions of the Authority and, in particular, on the preparation of Olympic venues and facilities.
- (3) The Authority is to provide the committee with such reports or information about the exercise of its functions as the Minister determines from time to time.
- (4) The committee is to consist of:
- (a) the Director-General, who is to be the chairperson of the committee, and
  - (b) the President of SOCOG, and
  - (c) the Director-General of the Premier's Department, and
  - (d) the Secretary of the Treasury, and
  - (e) the Director of Planning.

## **Part 5 Application of planning and related legislation to Authority**

### **22 Interpretation: Part 5**

- (1) For the purposes of this Part, development is carried out by the Authority if:
  - (a) the development is carried out by, for or on behalf of the Authority, or
  - (b) the Authority makes the application for development consent for the development.
- (2) Words and expressions used in the *Environmental Planning and Assessment Act 1979* and in this Part have the same meanings in this Part as they have in that Act.
- (3) Subsection (2) does not apply to the extent that the context or subject-matter otherwise indicates or requires.

### **23 Development by Authority not to be designated development**

Any development carried out by the Authority is not, despite anything to the contrary in the *Environmental Planning and Assessment Act 1979*, designated development for the purposes of that Act.

### **24 Development by Authority—consultation and matters for consideration**

- (1) This section applies to any development that the Authority proposes to carry out, being development that requires development consent under Part 4 of the *Environmental Planning and Assessment Act 1979*.
- (2) The Authority is to seek the views of the following authorities concerning any proposed development to which this section applies:
  - (a) SOCOG, if the development is for an Olympic venue or facility,

- (b) the council of the local government area in which the development is to be carried out,
  - (c) the council of each local government area adjoining that area if, in the opinion of the Authority, the proposed development could have a significant effect on that local government area,
  - (d) in the case of any proposed water (or land and water) based development affecting the Parramatta River—any relevant advisory committee for development affecting the Parramatta River established under an environmental planning instrument,
  - (e) any other body that the Authority considers appropriate.
- (3) Before carrying out any proposed development to which this section applies, the Authority is to consider such of the following matters as are of relevance to the proposed development:
- (a) any submission made by a body whose views were sought under subsection (2),
  - (b) the impact on long term planning strategy within the area where the proposed development is to be carried out,
  - (c) the purpose and the extent to which the proposed development will be used after the Olympic Games,
  - (d) the consistency of the proposed development with the *Environmental Guidelines For The Summer Olympic Games*, prepared by Sydney Olympic 2000 Bid Limited and dated September 1993,
  - (e) the arrangements made for persons with disabilities,
  - (f) the consistency of the proposed development with ecologically sustainable development,
  - (g) the impact of the proposed development on heritage items, heritage conservation areas and potential archaeological sites,
  - (h) whether satisfactory arrangements have been made with service agencies for the supply of services such as water, gas, electricity and drainage.
- (4) The regulations may make provision for or with respect to the exercise of the Authority's functions under this section.
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Clause 25 Olympic Co-ordination Authority Act 1995 No 10

Part 5 Application of planning and related legislation to Authority

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**25 Local Government Act—exercise of building approval and other powers by Authority**

The functions of a council under Part 1 (Approvals) of Chapter 7 of the *Local Government Act 1993*, and any regulations or other instruments made under that Part, may be exercised by the Authority in the case of development carried out by the Authority. The approval of a council is not required for any activity that is approved by the Authority in the exercise of those functions.

**26 Subdivision legislation—subdivision approval by Authority**

The functions of a council in relation to approvals for plans of subdivision under Part 12 of the *Local Government Act 1919*, the *Strata Titles Act 1973*, the *Strata Titles (Leasehold) Act 1986* or the *Community Land Development Act 1989* may be exercised by the Authority in the case of development carried out by the Authority. The approval of a council is not required for any plan that is approved by the Authority in the exercise of those functions.

## **Part 6      Miscellaneous**

### **27 Powers of Government agencies**

Subject to the provisions of any other Act, any Government agency is authorised and empowered to enter into agreements for the purposes of this Act with the Authority and may do or suffer anything necessary or expedient for carrying any such agreement into effect.

### **28 Authority to publish procedures or guidelines with respect to conflicts of interest**

The Authority may publish procedures or guidelines with respect to:

- (a) the disclosure of conflicts of interest associated with the exercise of the Authority's functions, including for example the disclosure of conflicts of interest that may or may not preclude participation by individuals or bodies in contracts with the Authority, and
- (b) the exclusion or participation by consultants to the Authority in other commercial arrangements involving the Authority, and
- (c) other related matters.

### **29 Disclosure and misuse of information**

(1) A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:

- (a) with the consent of the person from whom the information was obtained, or
- (b) in connection with the administration or execution of this Act, or
- (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or
- (d) in accordance with a requirement imposed under the *Ombudsman Act 1974*, the *Freedom of Information Act 1989* or the *Independent Commission Against Corruption Act 1988*, or
- (e) with other lawful excuse.

Maximum penalty: 50 penalty units.

- (2) A person must not use, either directly or indirectly, commercial information acquired by the person in the administration or execution of this Act for the purpose of gaining either directly or indirectly any financial advantage for the person, the person's spouse or de facto partner, a relative of the person or any other associate of the person.

Maximum penalty: 50 penalty units.

- (3) For the purposes of subsection (2), **commercial information** is information that is not generally known but if generally known might reasonably be expected to affect materially the market value or price of any land or to influence materially the success of any tender for a contract with the Authority.

### **30 Personal liability**

A matter or thing done or omitted by:

- (a) the Authority, or
- (b) the Director-General, or
- (c) a member of the Officers' Committee for the Olympics, or
- (d) any person acting under the direction of the Authority or that Committee,

does not subject the Director-General, member or person so acting personally to any action, liability, claim or demand, if the matter or thing was done or omitted in good faith for the purposes of executing this or any other Act.

### **31 Financial year**

- (1) The financial year of the Authority is the year commencing on 1 July.
- (2) A different financial year may be determined by the Treasurer under section 4 (1A) of the *Public Finance and Audit Act 1983*.

### **32 Service of documents**

- (1) A document may be served on the Authority by leaving it at, or by sending it by post to:
  - (a) the office of the Authority, or
  - (b) if it has more than one office—any one of its offices.

- (2) Nothing in this section affects the operation of any provision of a law or of the rules of a court authorising a document to be served on the Authority in any other manner.

### **33 Custody and use of seal**

The seal of the Authority is to be kept by the Director-General, or by a member of the staff of the Authority authorised in that behalf by the Director-General, and may be affixed to a document only:

- (a) in the presence of the Director-General or that member of staff, and
- (b) with an attestation by the signature of the Director-General or that member of staff of the fact of the affixing of the seal.

### **34 Recovery of money**

Any charge, fee or money due to the Authority may be recovered as a debt in a court of competent jurisdiction.

### **35 Proceedings for offences**

Proceedings for an offence against this Act are to be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

### **36 Act binds the Crown**

This Act binds the Crown in right of New South Wales and, in so far as the legislative power of Parliament permits, the Crown in all its other capacities.

### **37 Regulations**

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.

### **38 Amendment of other Acts**

The Acts specified in Schedule 1 are amended as set out in that Schedule.

Clause 39 Olympic Co-ordination Authority Act 1995 No 10

Part 6 Miscellaneous

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**39 Savings, transitional and other provisions**

Schedule 2 has effect.

**40 Repeal of Homebush Bay Ministerial Corporation (Dissolution) Act 1993 No 54**

The *Homebush Bay Ministerial Corporation (Dissolution) Act 1993* is repealed.

**41 Review by Minister for purposes of repeal of this Act**

- (1) As soon as practicable after the conclusion of the Olympic Games, the Minister is to conduct a review of this Act for the purposes of its repeal and the dissolution of the Authority.
- (2) The Minister is to cause a report of the results of that review to be tabled in each House of Parliament.

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## **Schedule 1 Amendment of other Acts**

(Section38)

### **1.1 Clean Waters Act 1970 No 78**

#### **Section 5 Definitions**

Omit “, the Homebush Bay Development Corporation” from the definition of *statutory authority*.

### **1.2 Freedom of Information Act 1989 No 5**

#### **Schedule 1 Exempt documents**

Insert “or the Olympic Co-ordination Authority” after “Sydney Organising Committee for the Olympic Games” in clause 22.

### **1.3 Growth Centres (Development Corporations) Act 1974 No 49**

#### **Schedule 1 Growth centres**

Omit Part 4.

### **1.4 Land and Environment Court Act 1979 No 204**

#### **Section 20 Class 4—environmental planning protection and development contract civil enforcement**

Insert in section 20 (3) (a) in alphabetical order of Acts:

Part 5 of the Olympic Co-ordination Authority Act 1995

**1.5 Public Authorities (Financial Arrangements) Act 1987  
No 33**

**Schedule 1 Authorities**

Insert in alphabetical order:

Olympic Co-ordination Authority.

**1.6 Public Finance and Audit Act 1983 No 152**

**Schedule 2 Statutory bodies**

Insert in alphabetical order:

Olympic Co-ordination Authority.

**1.7 Public Sector Management Act 1988 No 33**

**[1] Schedule 1 Departments**

Omit the matter relating to the Olympic Co-ordination Agency.

**[2] Schedule 2 Administrative Offices**

Insert before the matter relating to the Ombudsman:

Olympic Co-ordination Authority	Director-General of the Authority
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**[3] Schedule 3A Chief Executive Positions**

Insert in Part 2 in alphabetical order of public authorities:

Director-General of the Olympic Co-ordination  
Authority

**1.8 Sydney Organising Committee for the Olympic Games Act 1993 No 67**

**Sections 5 (1), 10 (3), 14 (1), 15, 17 (1), 19 (1), 20, 21, 22, 23, 36 (3), 47, 48, 49, 53 and 57**

Omit “Premier” and “Premier’s” wherever occurring.  
Insert instead “Minister” and “Minister’s” respectively.

**1.9 Water Act 1912 No 44**

**Sections 12 (3) and 14 (1B)**

Omit “, the Homebush Bay Development Corporation” wherever occurring.



## Schedule 2 Savings, transitional and other provisions

(Section 39)

### Part 1 General

#### 1 Definitions

In this Schedule:

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

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

*liabilities* means any liabilities, debts or obligations (whether present or future and whether vested or contingent).

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

*the Growth Centres Act* means the *Growth Centres (Development Corporations) Act 1974*.

#### 2 Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act.
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later day.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
  - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or

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

## **Part 2 Provisions relating to Olympic Co-ordination Agency and Homebush Bay Development Corporation**

### **Division 1 Olympic Co-ordination Agency**

#### **3 Abolition of Olympic Co-ordination Agency**

The Olympic Co-ordination Agency (being a Department under the *Public Sector Management Act 1988*) is abolished.

#### **4 Transfer of Olympic Co-ordination Agency assets and liabilities**

- (1) The Minister may direct, by order in writing, that any of the assets, rights and liabilities of the State that relate to the Olympic Co-ordination Agency be transferred to the Authority.
- (2) Such an order may be made on such terms and conditions as are specified or referred to in the order.
- (3) Division 3 applies to the transfer of assets, rights and liabilities under this Division.

#### **5 Transfer of staff of Olympic Co-ordination Agency**

The persons who, immediately before the abolition of the Olympic Co-ordination Agency, were officers or employees of that Agency are transferred to, and become officers or employees of, the Administrative Office (under the *Public Sector Management Act 1988*) comprising the group of staff attached to the Authority.

#### **6 Construction of references to Olympic Co-ordination Agency**

A reference in any Act, in any instrument made under any Act or in any document of any kind to the Olympic Co-ordination Agency is to be construed as a reference to the Authority.

## **Division 2 Homebush Bay Development Corporation**

### **7 Dissolution of Homebush Bay Development Corporation**

The Homebush Bay Development Corporation constituted under the Growth Centres Act is dissolved.

### **8 Members of Homebush Bay Development Corporation to vacate office**

A person who, immediately before the dissolution of the Homebush Bay Development Corporation, held office as a member of the Corporation (including the Managing Director):

- (a) ceases to hold that office, and
- (b) is not entitled to any remuneration or compensation because of the loss of that office.

### **9 Transfer of assets and liabilities of Homebush Bay Development Corporation**

- (1) The assets, rights and liabilities of the Homebush Bay Development Corporation established under the Growth Centres Act are transferred to the Olympic Co-ordination Authority constituted by this Act.
- (2) Division 3 applies to the transfer of assets, rights and liabilities under this Division.

### **10 Construction of references to Homebush Bay Development Corporation**

A reference in any Act, in any instrument made under any Act or in any document of any kind to the Homebush Bay Development Corporation is to be construed as a reference to the Authority.

## **Division 3 Transfer of assets, rights and liabilities**

### **11 Application and interpretation**

- (1) This Division applies to the following transfers of assets, rights or liabilities:
  - (a) transfers under Division 1 from the State to the Authority consequent on an order under that Division,

- (b) transfers under Division 2 from the Homebush Bay Development Corporation to the Authority consequent on the dissolution of that Corporation.
- (2) In this Division, the body or person from whom any assets, rights or liabilities are transferred is called the transferor and the body or person to whom they are being so transferred is called the transferee.

## **12 Vesting of undertaking in transferee**

- (1) When any assets, rights or liabilities are transferred by a transfer to which this Division applies, the following provisions have effect:
  - (a) the assets of the transferor vest in the transferee by virtue of this clause and without the need for any conveyance, transfer, assignment or assurance,
  - (b) the rights or liabilities of the transferor become by virtue of this clause the rights or liabilities of the transferee,
  - (c) all proceedings relating to the assets, rights or liabilities commenced before the transfer by or against the transferor or a predecessor of the transferor and pending immediately before the transfer are taken to be proceedings pending by or against the transferee,
  - (d) any act, matter or thing done or omitted to be done in relation to the assets, rights or liabilities before the transfer by, to or in respect of the transferor is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the transferee.
- (2) The operation of this clause is not to be regarded:
  - (a) as a breach of contract or confidence or otherwise as a civil wrong, or
  - (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or

- (c) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability.
- (3) The operation of this clause is not to be regarded as an event of default under any contract or other instrument.
- (4) No attornment to the transferee by a lessee from the transferor is required.
- (5) In the case of a transfer effected by an order under Division 1, the transfer is subject to the terms and conditions of the order.

### **13 Date of vesting**

A transfer to which this Division applies takes effect:

- (a) in the case of a transfer under Division 1, on the date specified in the relevant order under that Division, or
- (b) in the case of a transfer under Division 2, on the date on which the Homebush Bay Development Corporation is dissolved.

### **14 Consideration for vesting**

The Minister may, by order in writing, specify the consideration on which a transfer to which this Division applies is made and the value or values at which the assets, rights or liabilities are transferred.

### **15 Stamp duty**

Stamp duty is not chargeable in respect of

- (a) a transfer to which this Division applies, or
- (b) anything certified by the Minister as having been done in consequence of such a transfer (for example, the transfer or conveyance of an interest in land).

### **16 Confirmation of vesting in Authority**

- (1) The Minister may, by notice in writing, confirm a transfer of particular assets, rights or liabilities by operation of this Act.
- (2) Such a notice is conclusive evidence of that transfer.

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## Part 3 Other provisions

### 17 Authority successor of Homebush Bay Development Corporation

The Authority is taken for all purposes, including the rules of private international law, to be the successor of the Homebush Bay Development Corporation.

### 18 First corporate plan of Authority

The first corporate plan of the Authority is to be prepared for the financial year commencing 1 July 1995 and is to be delivered to the Minister as soon as practicable after the commencement of this Act.

### 19 Pending EIS

- (1) Nothing in this Act affects any environmental impact statement that was in the course of preparation, or that was prepared, by or on behalf of the Homebush Bay Development Corporation or the Olympic Co-ordination Agency before the commencement of this clause.
- (2) Anything done by or on behalf of that Corporation or Agency before that commencement is taken to have been done by or on behalf of the Authority.
- (3) In this clause, *environmental impact statement* means an environmental impact statement under the *Environmental Planning and Assessment Act 1979*, and includes a fauna impact statement under that Act or the *National Parks and Wildlife Act 1974*.

[Minister's second reading speech made in—  
Legislative Assembly on 23 May 1995  
Legislative Council on 31 May 1995]