

**STATE DEVELOPMENT AND COUNTRY
INDUSTRIES ASSISTANCE AND GOVERNMENT
SAVINGS BANK (AMENDMENT) ACT.**

New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 65, 1972.

An Act to extend the powers of the Minister, as the corporation sole established under the State Development and Country Industries Assistance Act, 1966, with respect to the acquisition of land for industrial purposes and in certain other respects; to establish a Special Industries Agency in the Rural Bank of New South Wales; for these and other purposes to amend that Act, the Government Savings Bank Act, 1906, and the Government Guarantees Act, 1934; and for purposes connected therewith. [Assented to, 28th November, 1972.]

BE

State Development and Country Industries Assistance and Government Savings Bank (Amendment).

No. 65, 1972 **B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. 1. This Act may be cited as the "State Development and Country Industries Assistance and Government Savings Bank (Amendment) Act, 1972".

Amendment of Act No. 10, 1966. 2. The State Development and Country Industries Assistance Act, 1966, is amended—

Long title. (a) by inserting in the long title after the word "industries" the words "and to the acquisition of land for certain other industries";

Sec. 2. (Division into Parts.) (b) (i) by omitting from section 2 the matter relating to Division 1 of Part III and by inserting instead the following matter :—

DIVISION 1—*Objects of the Corporation Sole*—s. 11.

(ii) by omitting from section 2 the matter relating to Division 4 of Part III;

(iii) by inserting in section 2 next after the matter relating to Part III the following new matter :—

PART IIIA.—ACQUISITION OF LAND—ss. 34A–34G.

PART IIIB.—GENERAL—ss. 34H–35.

Sec. 3. (Interpretation.) (c) (i) by omitting from the definition of "Corporation sole" in section 3 the word "nine" and by inserting instead the matter "34H";

(ii)

State Development and Country Industries Assistance and Government Savings Bank (Amendment).

(ii) by inserting in the definition of "Country industry" in section 3 after the word "goods," the words "for the purpose of promoting or developing facilities for tourists,"; No. 65, 1972

(d) by omitting from section 4 (1) the word "twelve" and by inserting instead the word "fourteen"; Sec. 4.
(Development Corporation.)

(e) (i) by inserting next after section 8 (2) the following new subsection :— Sec. 8.
(Powers and functions of the Corporation.)

(2A) The Corporation, or where the Minister so approves, a committee of the Corporation shall, if requested to do so by the Minister, inquire into, and report to the Minister upon—

(a) the conduct of any country industry which is being carried on by a person to whom the Minister has, in his capacity as the corporation sole, made a loan under Part III which has not been repaid or who is a lessee—

(i) of any personal property acquired under Part III; or

(ii) of any real property acquired under Part III at any time before the commencement of the State Development and Country Industries Assistance and Government Savings Bank (Amendment) Act, 1972, or under Part IIIA; or

(b) any proposal by the Minister to exercise, in that capacity, his powers under subsection (1) of section 34G in relation to any real property.

(ii) by inserting in section 8 (3) after the word "two" the matter "or (2A)";

(f)

State Development and Country Industries Assistance and Government Savings Bank (Amendment).

- | | |
|--|---|
| <p>No. 65, 1972
Part III,
Division 1.
(Heading.)
Repeal of
secs. 9 and
10.</p> | <p>(f) by omitting the heading to Division 1 of Part III and by inserting instead the following heading :—

DIVISION 1—<i>Objects of the Corporation Sole.</i></p> <p>(g) by omitting sections 9 and 10;</p> |
| <p>Sec. 11.
(Objects of
corporation
sole.)</p> | <p>(h) by omitting from section 11 the words “section twenty-eight” and by inserting instead the words “subsection (1) of section 34G”;</p> |
| <p>Sec. 12.
(Country
Industries
Assistance
Fund.)</p> | <p>(i) (i) by inserting in section 12 (1) (d) after the word “subsection” the words “and any interest received in respect of any such loan made out of moneys referred to in paragraph (c) ; and”;</p> <p>(ii) by inserting next after section 12 (1) (d) the following new paragraph :—

(e) except as provided by subsection (3) of section 14, all moneys received by the Minister in respect of the sale, lease, exchange or other dealing with or disposition of real or personal property that was acquired by the Minister for the purposes of this Part, or upon the granting of easements or rights-of-way over any land, or any part of land, so acquired.</p> <p>(iii) by omitting from section 12 (2) (e) the word “and”;</p> <p>(iv) by inserting next after section 12 (2) (e) the following new paragraphs :—

(e1) the payment to the Treasurer of the amounts required to be paid under subsection (3) ;

(e2) the payment of any amount for which the Minister is liable by virtue of the exercise of any of his powers—

(i) under Division 3 ;</p> <p style="text-align: right;">(ii)</p> |

State Development and Country Industries Assistance and Government Savings Bank (Amendment).

- (ii) under Part IIIA in relation to the acquisition of land for the purposes of this Part, or in relation to land acquired for the purposes of this Part; or
- (iii) under section 34J; and;
- (v) by omitting section 12 (3) and by inserting instead the following subsections :—
- (3) The Minister shall, at such times as the Treasurer may from time to time determine, pay to the Treasurer such part as the Treasurer may from time to time determine—
- (a) of the rental or other consideration received by the Minister in respect of leases of real or personal property acquired by the Minister for the purposes of this Part; and
- (b) of the purchase moneys received by the Minister in respect of the sale on terms of, or other dealing or disposition on terms with or of, real or personal property acquired by the Minister for the purposes of this Part.
- (4) Any interest received on any loan made under this Part shall, except as provided in paragraph (d) of subsection (1), be paid into the Consolidated Revenue Fund.
- (j) (i) by inserting in section 13 (a) after the word “functions” the words “under this Part”;
- (ii) by inserting in section 13 (c) after the word “bank” the words “under this Part”;
- (iii) by omitting from section 13 (d) the word “Act” and by inserting instead the word “Part”;

No. 65, 1972

Sec. 13.
(Purposes for which money may be borrowed.)

(k)

State Development and Country Industries Assistance and Government Savings Bank (Amendment).

- | | |
|---|---|
| <p>No. 65, 1972
Sec. 20.
(Minister's powers to make grants or loans, pay subsidies and execute guarantees.)</p> | <p>(k) (i) by inserting in section 20 (1) (b) after the words "carriage of" the words "plant or equipment to be used for the conduct of a country industry or the carriage of";</p> <p>(ii) by inserting next after section 20 (1) (c) the following new paragraph :—</p> <p style="padding-left: 40px;">(c1) lend money to any person employed or, in the opinion of the Minister, likely to be employed, in a country industry where the loan is for the purpose of erecting or purchasing a dwelling-house for occupation by that person;</p> <p>(iii) by omitting from section 20 (5) the words "or paragraph (c)" and by inserting instead the matter ", (c) or (c1)";</p> |
| <p>Sec. 21.
(Provisions relating to guarantees given by the Minister.)</p> | <p>(l) (i) by omitting from section 21 (2) (a) the word "value" wherever occurring and by inserting instead the words "estimated value";</p> <p>(ii) by omitting from section 21 (2) (a) the word "cost" where firstly occurring and by inserting instead the words "estimated cost";</p> |
| <p>Repeal of secs. 22, 23, 24, 25, 26, 27, 28.</p> | <p>(m) by omitting sections 22, 23, 24, 25, 26, 27 and 28;</p> |
| <p>Sec. 30.
(Minister's powers to enter into agreements with councils.)</p> | <p>(n) by inserting in section 30 (2) after the word "council" where secondly occurring the words "or in the Minister and the council";</p> |
| <p>Sec. 31.
(Minister's powers to enter into agreements for the provision of services.)</p> | <p>(o) by inserting in section 31 (1) after the words "drainage works," the words "or other works, whether of the same or of a different kind,";</p> <p style="text-align: right;">(p)</p> |

- (p) by inserting at the end of section 33 the following new subsection :—

Sec. 33.
(Rate of interest on loans, and rental, etc., on leases, by Minister.)

(2) The rental or other consideration to be received by the Minister in respect of a lease of real or personal property acquired for the purposes of this Part shall be fixed by the Minister so as to produce an amount not less than such percentage as the Treasurer may direct, in respect of that lease, or of leases of the class to which that lease belongs, of the value of the real or personal property, ascertained in such manner as the Treasurer may direct.

- (q) by inserting next after section 34 the following new Part and heading thereto:—

New Part IIIA.

PART IIIA.

ACQUISITION OF LAND.

34A. (1) The Minister may, for the purpose of providing—

Minister's powers to acquire land.

- (a) sites for country industries, or sites that, in the opinion of the Minister, are likely to be required for the purpose of establishing country industries;
- (b) sites for dwelling-houses for occupation by persons engaged in country industries, or sites that, in the opinion of the Minister, are likely to be required for dwelling-houses for occupation by persons so engaged; or
- (c) sites for industries, other than country industries, which, in the opinion of the Minister, are of special significance to the economic or industrial development of the State or have special requirements or need special services for their efficient operation,

or

No. 65, 1972

or sites that, in the opinion of the Minister, are likely to be required for any such industries,

acquire land, including land previously appropriated or resumed for any purpose, by lease, purchase or exchange or by resumption or appropriation in accordance with this Part.

(2) The Minister shall not exercise his powers to acquire land under paragraph (c) of subsection (1) unless the legal work or other work in connection with the acquisition is carried out by the State Planning Authority of New South Wales in accordance with an agreement referred to in section 34k.

Resumption.

34B. (1) For the purposes of section 34A, the Governor may under the Public Works Act, 1912, resume any land, and appropriate any land vested in Her Majesty, or in any person in trust for Her Majesty.

(2) The resumption or appropriation shall be deemed to be for an authorised work, and the Minister shall be deemed to be the Constructing Authority.

(3) Sections 34, 35, 36 and 37 of the Public Works Act, 1912, shall not apply in respect of the expenditure on any works constructed in pursuance of this Act, but section 38 of that Act shall apply to that expenditure.

Subdivision.

34C. The Minister may cause a plan to be made of any land acquired by him under this Part showing the proposed roads and reserves for public recreation or other public purposes, and the land to be set apart as sites for buildings or works.

34D.

State Development and Country Industries Assistance and Government Savings Bank (Amendment).

34D. (1) The Minister may—

No. 65, 1972

(a) cause any work to be done on or in relation to any land acquired by him under this Part for the purpose of improving it to make it suitable to be used as sites for industries or for dwelling-houses for occupation by persons employed or to be employed in country industries;

Power of Minister to make roads, etc.

(b) dedicate by notification in the Gazette any such land as a reserve for public recreation or for other public purposes, and fence, plant and improve any such reserve, and by notification in the Gazette vest the reserve in the council of the area in which it is situated or in trustees; and

(c) set apart any such land as sites for buildings or works or for local government purposes.

(2) Where any reserve is vested under this section in trustees other than a council, the provisions of the Public Parks Act, 1912, shall be deemed to extend to the reserve.

34E. For the purposes of section 81 of the Public Works Act, 1912, the Minister shall be deemed to be a Constructing Authority.

Minister to be Constructing Authority for purposes of section 81 of Public Works Act, 1912.

34F. (1) The Minister may cause to be erected on land acquired by him under this Part for the purpose referred to in paragraph (a) of subsection (1) of section 34A, buildings suitable for occupation for the purposes of a country industry.

Minister's powers to erect, alter or extend buildings for country industries.

(2)

No. 65, 1972

(2) The Minister may cause any building erected on land acquired by him under this Part for the purpose referred to in paragraph (a) of subsection (1) of section 34A to be altered or extended to make it suitable for occupation for the purposes of a country industry.

Disposal of
land by the
Minister.

34G. (1) The Minister may, in such manner and subject to such terms and conditions as he thinks fit, sell, lease, exchange or otherwise deal with or dispose of any real or personal property that has been acquired by him under this Part and grant easements or rights-of-way over any land or any part thereof that has been so acquired by him.

(2) Any moneys received by the Minister in respect of any transaction that is entered into by him under subsection (1) and that relates to any land acquired by him for the purpose referred to in paragraph (c) of subsection (1) of section 34A shall be paid to the Rural Bank of New South Wales for the credit of the account relating to the Special Industries Agency established under the Government Savings Bank Act, 1906.

Subst.
heading to
Part III,
Division 4.

- (r) by omitting the heading to Division 4 of Part III and by inserting instead the following heading :—

PART IIIB.

GENERAL.

New secs.
34H, 34I,
34J, 34K.

- (s) by inserting next before section 35 the following new sections :—

Minister
to be a
corporation
sole for
purposes
of Parts III
and IIIA and
this Part.

34H. (1) For the purposes of the exercise and performance of his powers, authorities, duties and functions under Parts III and IIIA and under this Part the Minister is hereby constituted a corporation sole under the name of "Minister for Decentralisation and Development".

(2)

State Development and Country Industries Assistance and Government Savings Bank (Amendment).

(2) The corporation sole shall have perpetual succession and an official seal and, in the corporate name, may sue and be sued and shall be capable of purchasing, holding, granting, demising, disposing of and alienating real and personal property and of doing and suffering all other acts that a body corporate may by law do and suffer. No. 65, 1972

34i. (1) The seal of the corporation sole shall not be affixed to any instrument or writing except in the presence of the Minister, and he shall attest by his signature the fact and date of the seal being so affixed. Seal of corporation sole.

(2) All courts and persons having by law or consent of parties authority to hear, receive or examine evidence—

- (a) shall take judicial notice of the seal of the corporation sole affixed to any instrument or writing; and
- (b) shall until the contrary is proved presume that the seal was properly affixed.

34j. The Minister may cause to be published, or arrange for the publication of, such material as he thinks fit relating to the objects for which the corporation sole is established or the powers, authorities, duties or functions of the corporation sole or generally relating to the administration of this Act. Publications.

34k. (1) The State Planning Authority of New South Wales may, at the request of the Minister and upon such terms and conditions as may be agreed upon between that Authority and the Minister, act on behalf of the Minister in the carrying out of any State Planning Authority may act on behalf of Minister in certain matters.

legal

*State Development and Country Industries Assistance and Government
Savings Bank (Amendment).*

No. 65, 1972

legal work or other work of any kind in connection with the exercise of any of the powers of the corporation sole under this Act.

(2) Notwithstanding subsection (1), the State Planning Authority of New South Wales is not entitled to act on behalf of the Minister as referred to in subsection (1) unless it has in its employ a person who is qualified to act as a solicitor and is employed as a solicitor to that Authority.

**Amendment
of Act No.
57, 1934.**

3. The Government Guarantees Act, 1934, is amended—

Sec. 3A.
(Guarantees
for
industrial
purposes.)

- (a) by omitting from section 3A (2) the word “value” wherever occurring and by inserting instead the words “estimated value”;
- (b) by omitting from section 3A (2) the word “cost” where firstly occurring and by inserting instead the words “estimated cost”.

**Amendment
of Act No.
48, 1906.**

4. The Government Savings Bank Act, 1906, is amended—

Sec. 3.
(Division of
Act.)

- (a) by inserting in section 3 at the end of the matter relating to Part VIB the following matter :—

DIVISION 12.—*Special Industries Agency*—s. 70AB.

Sec. 70I.
(Separate
accounts of
the several
agencies.)

- (b) (i) by inserting in section 70I (1) after the word “wherein” the words “, in the case of an account in respect of an agency other than the Special Industries Agency,”;
- (ii) by inserting in section 70I (2) (a) (i) after the word “any” the words “amounts or”;

(iii)

State Development and Country Industries Assistance and Government Savings Bank (Amendment).

(iii) by inserting at the end of section 70I (2) (a) the following new subparagraphs :— No. 65, 1972

(v) such part of the proceeds of the sale of debentures or inscribed stock as may be allocated under section 36A to such agency;

(vi) in the case of the account in respect of the Special Industries Agency, moneys paid to that agency by the Minister administering the State Development and Country Industries Assistance Act, 1966, in accordance with subsection (2) of section 34G of that Act;

(iv) by inserting at the end of section 70I (2) (b) the following new subparagraph :—

(vi) in the case of the account relating to the Special Industries Agency, the expenses incurred by the bank in respect of the sale of debentures or inscribed stock, the proceeds of the sale of which have been allocated under section 36A to the Special Industries Agency, the amounts for which the bank is liable in respect of any such debentures or inscribed stock, any amount authorised by section 70P to be debited against the account in respect of that agency, and any amounts paid to the Treasurer under subsection (4) of section 70AB.

(c) by inserting at the end of section 70K the following new subsection :—

(4) This section does not apply to or in respect of moneys standing to the credit of the Special Industries Agency.

Sec. 70K.
(Monthly transfers to Government Agency Department Capital Account and Government Agency Department Revenue Account.)

(d)

State Development and Country Industries Assistance and Government Savings Bank (Amendment).

- No. 65, 1972
Sec. 70M.
(Grouping of agencies.)
- (d) by inserting in section 70M (1) at the end of the matter relating to Group 2 the following words :—
Special Industries Agency.
- Sec. 70o.
(Power of Treasurer to fix interest rates, etc., in certain cases.)
- (e) by inserting at the end of section 70o the following new subsection :—
(2) Subsection (1) does not apply in respect of the Special Industries Agency.
- Sec. 70P.
(Costs of administration.)
- (f) (i) by inserting in section 70P after the word “shall” where firstly occurring the words “, except in the case of the Special Industries Agency,”;
(ii) by inserting in section 70P after the word “accordingly” the words “and, in the case of the Special Industries Agency, shall be debited by the bank against the account for that agency”;
- Sec. 70R.
(Transfer of powers, etc.)
- (g) by inserting at the end of section 70R the following new subsection :—
(7) This section does not apply to or in respect of the Special Industries Agency.
- New Division 12 and heading thereto.
- (h) by inserting next after section 70zz the following new Division and heading thereto :—
DIVISION 12.—*Special Industries Agency.*
- Special Industries Agency.
- 70AB. (1) In this section—
“account” means the account which is kept in the Government Agency Department of the bank in accordance with section 70I and which relates to the Agency;
“Agency” means the Special Industries Agency established under subsection (2).
(2) There shall be an agency in the Government Agency Department called the “Special Industries Agency”.

(3)

State Development and Country Industries Assistance and Government Savings Bank (Amendment).

(3) The bank shall, at the request of the Minister administering the State Development and Country Industries Assistance Act, 1966, make payments from the account for the purpose of the acquisition, the development, or the acquisition and development, of land in accordance with Part IIIA of that Act for the purpose of any special industry as defined in that Part. **No. 65, 1972**

(4) Out of the account, there shall be paid to the Treasurer, at such times as the Treasurer may from time to time determine, such amounts as the Treasurer may from time to time determine.

5. The corporation sole constituted by section 9 of the State Development and Country Industries Assistance Act, 1966, as in force immediately before the commencement of this Act, is continued as the corporation sole constituted by section 34H of that Act, as inserted by section 2 (s) of this Act. **Saving of corporation sole.**

SUPERANNUATION