

**GROWTH CENTRES (DEVELOPMENT CORPORATIONS)
AMENDMENT ACT, 1981, No. 31**

New South Wales



ANNO TRICESIMO

ELIZABETHÆ II REGINÆ

Act No. 31, 1981.

An Act to amend the Growth Centres (Development Corporations) Act, 1974, so as to constitute a corporation sole for the purpose of exercising and discharging certain responsibilities, powers, authorities, duties and functions with respect to certain land in the City of Campbelltown, the Municipality of Camden, the Shire of Wollondilly, the City of Liverpool and the Shire of Sutherland. [Assented to, 14th May, 1981.]

Growth Centres (Development Corporations) Amendment.

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

Short title.

1. This Act may be cited as the "Growth Centres (Development Corporations) Amendment Act, 1981".

Commencement.

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

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

Amendment of Act No. 49, 1974.

3. The Growth Centres (Development Corporations) Act, 1974, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE GROWTH CENTRES (DEVELOPMENT
CORPORATIONS) ACT, 1974.

(1) (a) Section 2—

Before "CORPORATIONS" wherever occurring, insert
"DEVELOPMENT".

Growth Centres (Development Corporations) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE GROWTH CENTRES DEVELOPMENT
CORPORATIONS) ACT, 1974—*continued.*

(b) Section 2—

After the matter relating to Part III, insert:—

PART IIIA.—CORPORATION SOLE—*ss.* 23A–23D.

(c) Section 2—

After the matter relating to Schedule 1, insert:—

SCHEDULE 1A.—MACARTHUR GROWTH AREA.

(2) (a) Section 3 (1), definitions of “Chairman”, “General Manager”,
“member”—

Before “corporation” wherever occurring, insert “development”.

(b) Section 3 (1), definition of “corporation”—

Omit the definition, insert instead:—

“corporation” means a development corporation or the
corporation sole;

(c) Section 3 (1), definition of “corporation sole”—

After the definition of “corporation”, insert:—

“corporation sole” means the corporation constituted under
section 23A;

(d) Section 3 (1), definitions of “development corporation”,
“Director”—

After the definition of “description”, insert:—

“development corporation” means a corporation constituted
under Part II;

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SCHEDULE 1—*continued.*AMENDMENTS TO THE GROWTH CENTRES (DEVELOPMENT
CORPORATIONS) ACT, 1974—*continued.*

“Director” means the Director of the Department of Industrial Development and Decentralisation or any person acting as the Director of that Department;

(e) Section 3 (1), definition of “Macarthur Growth Area”—

After the definition of “local government area”, insert:—

“Macarthur Growth Area” means the land for the time being described in Schedule 1A;

(f) Section 3 (2)—

Omit the subsection, insert instead:—

(2) The responsibilities, powers, authorities, duties and functions conferred or imposed on a corporation shall be exercised or discharged—

(a) in the case of a development corporation—by the development corporation for the purposes of, or in connection with, the growth centre in respect of which the development corporation was constituted; or

(b) in the case of the corporation sole—by the corporation sole for the purposes of, or in connection with, the Macarthur Growth Area.

(g) Section 3 (3)—

Omit “section 20”, insert instead “section 32A”.

(3) Part II, heading—

Before “CORPORATIONS”, insert “DEVELOPMENT”.

Growth Centres (Development Corporations) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE GROWTH CENTRES (DEVELOPMENT
CORPORATIONS) ACT, 1974—*continued.*

(4) Sections 4, 6—

Before “corporation” wherever occurring, insert “development”.

(5) Part III, heading—

Before “CORPORATIONS”, insert “DEVELOPMENT”.

(6) Part III—

Before “corporation” wherever occurring (except in section 20), insert “development”.

(7) Sections 16 (2) (b), 19 (2)—

Before “corporation’s” wherever occurring, insert “development”.

(8) Section 20—

Omit the section.

(9) Part IIIA—

After Part III, insert:—

PART IIIA.

CORPORATION SOLE.

Director to be corporation sole for certain purposes.

23A. (1) The Director is, for the purpose of exercising or discharging the responsibilities, powers, authorities, duties and functions referred to in section 23B, hereby incorporated as a corporation sole with the corporate name “Director, Macarthur Growth Area”.

Growth Centres (Development Corporations) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE GROWTH CENTRES (DEVELOPMENT
CORPORATIONS) ACT, 1974—*continued.*

(2) The corporation sole—

- (a) has perpetual succession;
- (b) shall have an official seal;
- (c) may take proceedings, and be proceeded against, in its corporate name;
- (d) may, for the purposes for which it is constituted, purchase, exchange, take on lease, hold, dispose of and otherwise deal with property;
- (e) may do and suffer all other things that a body corporate generally may, by law, do and suffer and that are necessary for or incidental to the purposes for which the corporation sole is constituted; and
- (f) is, for the purposes of any Act, a statutory body representing the Crown.

(3) The seal of the corporation sole shall not be affixed to any instrument or document except in the presence of the Director, or an officer of the Department of Industrial Development and Decentralisation for the time being authorised by him for the purpose, who shall attest by his signature the fact and date of the affixing of the seal.

(4) All courts and persons acting judicially—

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

Growth Centres (Development Corporations) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE GROWTH CENTRES (DEVELOPMENT
CORPORATIONS) ACT, 1974—*continued.***Responsibilities, etc., of corporation sole.**

23B. (1) The corporation sole shall have and may exercise and discharge the responsibilities, powers, authorities, duties and functions conferred or imposed on the corporation by or under this or any other Act.

(2) The corporation sole shall have and may exercise and discharge with respect to the Macarthur Growth Area the responsibilities, powers, authorities, duties and functions conferred or imposed on a development corporation by Part III with respect to a growth centre, and accordingly, for the purposes of this subsection, a reference in Part III to—

- (a) a development corporation shall be construed as a reference to the corporation sole; and
- (b) a growth centre shall be construed as a reference to the Macarthur Growth Area.

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

Establishment of committees by corporation sole.

23c. (1) The corporation sole may establish committees for the purposes of advising the corporation sole upon such matters within the scope of the corporation sole's responsibilities, powers, authorities, duties and functions as may be referred to the committees by the corporation sole.

(2) The corporation sole or a committee referred to in subsection (1), with the approval of the corporation sole, may establish sub-committees for the purposes of advising the committee

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SCHEDULE 1—*continued.*AMENDMENTS TO THE GROWTH CENTRES (DEVELOPMENT
CORPORATIONS) ACT, 1974—*continued.*

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 sole or by such a committee with the approval of the corporation sole.

(3) 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.

Orders relating to Schedule 1A.

23D. (1) The Governor may, by order published in the Gazette—

(a) amend Schedule 1A; or

(b) omit Schedule 1A and insert instead a new Schedule 1A, but may do so only if the Minister has first certified to the Governor that the land to be described in the amended or new Schedule is the same or substantially the same as, or is included within, that described in the Schedule to be amended or omitted.

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

(10) Section 31 (1)—

After "growth centre", insert "or the Macarthur Growth Area".

Growth Centres (Development Corporations) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE GROWTH CENTRES (DEVELOPMENT
CORPORATIONS) ACT, 1974—*continued.*

(11) Section 32A—

After section 32, insert:—

Staff.

32A. Such staff as may be necessary to enable a corporation to exercise and discharge its responsibilities, powers, authorities, duties and functions may be employed under and subject to the Public Service Act, 1979.

(12) Section 33 (6) (a), (ai)—

Omit section 33 (6) (a), insert instead:—

(a) in the case of a development corporation—if he is a member or officer or employee of the development corporation or a person appointed to a committee or a sub-committee of the development corporation;

(ai) in the case of the corporation sole—if he is a person appointed to a committee or a sub-committee of the corporation sole;

(13) (a) Section 34 (1)—

Omit “If a member, or a member of a committee or a sub-committee, of a corporation”, insert instead “If a member of a development corporation, or a member of a committee or a sub-committee of a development corporation or of the corporation sole”.

(b) Section 34 (5)—

Omit “corporation by any member referred to in subsection (1)”, insert instead “development corporation by a member, or a member of a committee or a sub-committee, of a development corporation”.

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SCHEDULE 1—*continued.*AMENDMENTS TO THE GROWTH CENTRES (DEVELOPMENT
CORPORATIONS) ACT, 1974—*continued.*

(c) Section 34 (6)—

Before “corporation”, insert “development”.

(d) Section 34 (8), (9)—

Omit “corporation or a committee or sub-committee” wherever occurring, insert instead “development corporation or a committee or sub-committee of a development corporation or of the corporation sole”.

(e) Section 34 (9)—

Before “corporation,”, insert “development”.

(f) Section 34 (11)—

After “growth centre”, insert “or the Macarthur Growth Area”.

(g) Section 34 (11)—

Omit “of the corporation”, insert instead “of a development corporation”.

(h) Section 34 (11)—

Before “corporation” where secondly and thirdly occurring, insert “development”.

(i) Section 34 (12)—

After section 34 (11), insert:—

(12) Where the Director or a delegate of the corporation sole 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 sole, or has a pecuniary interest, direct or indirect, in a contract or proposed contract with the corporation sole or in any other matter in which the corporation sole is concerned, he shall disclose his interest to the Minister.

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE GROWTH CENTRES (DEVELOPMENT
CORPORATIONS) ACT, 1974—*continued.*

(14) (a) Section 35—

Before “corporation” where firstly and secondly occurring, insert
“development”.

(b) Section 35—

Omit “or of a committee or of a sub-committee of the
corporation”.

(15) Section 35A—

After section 35, insert:—

Proceedings at committee meetings confidential.

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

Penalty: \$2,000.

(16) Section 39—

Omit the section, insert instead:—

Authentication of process.

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—

- (a) in the case of a development corporation—by the Chairman
or General Manager of the development corporation; or

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SCHEDULE 1—*continued.*AMENDMENTS TO THE GROWTH CENTRES (DEVELOPMENT
CORPORATIONS) ACT, 1974—*continued.*

- (b) in the case of the corporation sole—by the Director or a delegate of the corporation sole.

(17) Schedule 1A—

After Schedule 1, insert:—

SCHEDULE 1A.

(Secs. 3 and 23D.)

MACARTHUR GROWTH AREA.

All those pieces or parcels of land described in Part 4 of the Schedule to the Growth Centres (Land Acquisition) Act, 1974, as in force on the date of commencement of that Act.

(18) (a) Schedule 2, heading—

Before "CORPORATIONS", insert "DEVELOPMENT".

(b) Schedule 2—

Before "corporation" wherever occurring, insert "development".

(c) Schedule 2, clause 12 (1)—

Before "corporation's", insert "development".
