

**HOMEBUSH BAY MINISTERIAL CORPORATION
(DISSOLUTION) ACT 1993 No. 54**

NEW SOUTH WALES



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SCHEDULE 1—CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

**HOME BUSH BAY MINISTERIAL CORPORATION
(DISSOLUTION) ACT 1993 No. 54**

NEW SOUTH WALES



Act No. 54, 1993

An Act to dissolve the Homebush Bay Ministerial Corporation; to transfer assets, rights and liabilities of that corporation to the Homebush Bay Development Corporation; to repeal the Homebush Abattoir Corporation (Dissolution and Transfer) Act 1991; to consequentially amend certain Acts; and for other purposes. [Assented to 24 September 1993]

The Legislature of New South Wales enacts:

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the Homebush Bay Ministerial Corporation (Dissolution) Act 1993.

Commencement

2. (1) This Act commences on the date of assent, except as provided by subsection (2).

(2) Section 5 is taken to have commenced on 1 November 1992.

Definitions

3. In this Act:

“**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;

“**Development Corporation**” means the Homebush Bay Development Corporation constituted under the Growth Centres (Development Corporations) Act 1974;

“**instrument**” means an instrument (other than this Act) which 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 and process of a court;

“**liabilities**” means all liabilities, debts and obligations (whether present or future and whether vested or contingent);

“**Ministerial Corporation**” means the Homebush Bay Ministerial Corporation constituted by the Homebush Abattoir Corporation (Dissolution and Transfer) Act 1991;

“**rights**” means all rights, powers, privileges and immunities (whether present or future and whether vested or Contingent).

**PART 2—DISSOLUTION OF MINISTERIAL CORPORATION
AND TRANSFER OF ASSETS ETC.**

Dissolution of Ministerial Corporation

4 On the commencement of this Act, the Ministerial Corporation is dissolved.

Transfer of assets, rights and liabilities of Ministerial Corporation

5. (1) The assets, rights and liabilities (if any) of the Ministerial Corporation are transferred to the Development Corporation.

(2) On the transfer, the following provisions have effect:

(a) the assets of the Ministerial Corporation vest in the Development Corporation by virtue of this section and without the need for any conveyance, transfer, assignment or assurance;

(b) the rights and liabilities of the Ministerial Corporation become by virtue of this section the rights and liabilities of the Development Corporation;

(c) all proceedings commenced before the transfer by or against the Ministerial Corporation and pending immediately before the transfer are taken to be proceedings pending by or against the Development Corporation;

(d) any act, matter or thing done or omitted to be done before the transfer by, to or in respect of the Ministerial Corporation is (to the extent that that act, matter or thing has any force or effect) taken to have been done or omitted to be done by, to or in respect of the Development Corporation; and

(e) a reference in an instrument of any kind to the Ministerial Corporation is to be read as a reference to the Development Corporation.

(3) The operation of this section 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

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(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.

(4) The operation of this section is not to be regarded as an event of default under any contract or other instrument.

(5) No attornment to the Development Corporation by a lessee from the Ministerial Corporation is required.

Stamp duty

6. Any instrument executed only for:

(a) a purpose ancillary to or consequential on the operation of section 5; or

(b) the purpose of giving effect to that section,
is not chargeable with stamp duty.

PART 3—MISCELLANEOUS

Savings and transitional regulations

7. (1) The Governor may make regulations containing 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 1 November 1992 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.

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Repeal of Homebush Abattoir Corporation (Dissolution and Transfer) Act 1991 No. 45

8. The Homebush Abattoir corporation (Dissolution and Transfer) Act 1991 is repealed.

Consequential amendments to other Acts

9. Each Act specified in Schedule 1 is amended as set out in that Schedule.

**SCHEDULE 1—CONSEQUENTIAL AMENDMENTS TO
OTHER ACTS**

(Sec. 9)

Clean Waters Act 1970 No. 78

From the definition of “statutory authority” in section 5, omit “Homebush Bay Ministerial Corporation”, insert instead “Homebush Bay Development Corporation”.

Government and Related Employees Appeal Tribunal Act 1980 No. 39

From Schedule 4, omit “Homebush Bay Ministerial Corporation.”.

Public Authorities (Financial Arrangements) Act 1987 No. 33

From Schedule 1, omit “Homebush Bay Ministerial Corporation.”.

Public Finance and Audit Act 1983 No. 152

From Schedule 2, omit “Homebush Bay Ministerial Corporation.”.

Public Sector Management Act 1988 No. 33

From Schedule 3, omit “Homebush Bay Ministerial Corporation.”.

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SCHEDULE 1—CONSEQUENTIAL, AMENDMENTS TO OTHER
ACTS—*continued*

Water Act 1912 No. 44

From sections 12 (3) and 14 (1B), omit “Homebush Bay Ministerial Corporation” wherever occurring, insert instead “Homebush Bay Development Corporation”.

*[Minister's second reading speech made in—
Legislative Assembly on 19 May 1993
Legislative Council on 15 September 1993]*