



New South Wales

# Redfern–Waterloo Authority Repeal Bill 2011

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The objects of this Bill are to repeal the *Redfern–Waterloo Authority Act 2004* and to dissolve the Redfern–Waterloo Authority constituted by that Act. The Bill transfers assets, rights, liabilities and certain functions of that Authority to the Sydney Metropolitan Development Authority, which is constituted under the *Growth Centres (Development Corporations) Act 1974* in respect of certain land in Redfern and Waterloo where the Redfern–Waterloo Authority currently operates.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

**Clause 3** repeals the *Redfern–Waterloo Authority Act 2004*.

## **Schedule 1      Amendment of Growth Centres (Development Corporations) Act 1974 No 49**

**Schedule 1 [2]** inserts a new Part 4 into Schedule 6 (Savings, transitional and other provisions) to the *Growth Centres (Development Corporations) Act 1974*.

Proposed clause 12 defines terms for the purposes of the proposed new Part.

Proposed clause 13 dissolves the Redfern–Waterloo Authority (the *former Authority*) on the repeal of the *Redfern–Waterloo Authority Act 2004*.

Proposed clause 14 abolishes the Redfern–Waterloo Fund.

Proposed clauses 15 and 16 provide for the transfer of assets, rights and liabilities of the former Authority. Proposed clause 15 transfers those assets, rights and liabilities to the Sydney Metropolitan Development Authority (*SMDA*) on the repeal of the *Redfern–Waterloo Authority Act 2004*. Proposed clause 16 enables the subsequent transfer of those assets, rights and liabilities, by Ministerial order, to another public sector agency, except for SMDA's interest in Australian Technology Park Sydney Limited (*ATPSL*).

Proposed clause 17 ensures that SMDA has such functions as are necessary or convenient for the purposes of managing the affairs of ATPSL. However, those functions do not include selling or disposing of an interest in that company, or approving of another person becoming a member of ATPSL. The proposed clause also enables ATPSL to continue to exercise any function that it could exercise immediately before the repeal of the *Redfern–Waterloo Authority Act 2004*.

Proposed clause 18 ensures that sections 30–32 of the *Redfern–Waterloo Authority Act 2004*, which relate to the levying of development contributions for development at the relevant sites in Redfern and Waterloo and at the former Carlton United Brewery site at Broadway, Sydney, continue to have effect. The clause also makes savings in relation to planning agreements that the former Authority has entered into, or proposed to enter into, under the *Environmental Planning and Assessment Act 1979*.

Proposed clause 19 provides for the saving of the Redfern–Waterloo Plan in force under the *Redfern–Waterloo Authority Act 2004*.

Proposed clause 20 ensures that section 33 of the *Redfern–Waterloo Authority Act 2004*, which requires the Aboriginal Housing Company and other relevant representatives of the Aboriginal communities to be consulted in relation to the area of land bounded by Eveleigh, Caroline, Louis and Vine Streets, Redfern, continues to have effect.

**Schedule 1 [1]** enables the Governor to make regulations of a savings or transitional nature consequent on the enactment of the proposed Act.

## **Schedule 2      Consequential amendment of other Acts**

**Schedule 2** amends the Acts specified in the Schedule as a consequence of the repeal of the *Redfern–Waterloo Authority Act 2004* and the dissolution of the Redfern–Waterloo Authority.



First print



New South Wales

# Redfern–Waterloo Authority Repeal Bill 2011

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New South Wales

# Redfern–Waterloo Authority Repeal Bill 2011

No. , 2011

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## A Bill for

An Act to repeal the *Redfern–Waterloo Authority Act 2004*; to dissolve the Redfern–Waterloo Authority and to transfer the assets, rights, liabilities and certain functions of that Authority to the Sydney Metropolitan Development Authority; and for other purposes.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Redfern–Waterloo Authority Repeal Act 2011</i> .	3
<b>2 Commencement</b>	4
This Act commences on a day or days to be appointed by proclamation.	5
<b>3 Repeal of Redfern–Waterloo Authority Act 2004 No 107</b>	6
The <i>Redfern–Waterloo Authority Act 2004</i> is repealed.	7



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<b>Schedule 1</b>	<b>Amendment of Growth Centres (Development Corporations) Act 1974 No 49</b>	1 2 3
<b>[1]</b>	<b>Schedule 6 Savings, transitional and other provisions</b>	4
	Insert at the end of clause 3 (1):	5
	<i>Redfern–Waterloo Authority Repeal Act 2011</i>	6
<b>[2]</b>	<b>Schedule 6</b>	7
	Insert after Part 3:	8
<b>Part 4</b>	<b>Redfern–Waterloo Authority Repeal Act 2011</b>	9 10
<b>12</b>	<b>Definitions</b>	11
	In this Part:	12
	<i>ATPSL</i> means Australian Technology Park Sydney Limited (ACN 060 969 119) and, if the name of that company is duly changed, includes the company under its changed name.	13 14 15
	<i>former Authority</i> means the Redfern–Waterloo Authority constituted under the <i>Redfern–Waterloo Authority Act 2004</i> as in force immediately before its repeal.	16 17 18
	<i>Redfern–Waterloo Fund</i> has the same meaning as in the repealed Act.	19 20
	<i>repeal date</i> means the date on which the <i>Redfern–Waterloo Authority Act 2004</i> is repealed by the <i>Redfern–Waterloo Authority Repeal Act 2011</i> .	21 22 23
	<i>repealed Act</i> means the <i>Redfern–Waterloo Authority Act 2004</i> .	24
	<i>SMDA</i> means the Sydney Metropolitan Development Authority.	25
<b>13</b>	<b>Dissolution of former Authority</b>	26
	(1) On the repeal date, the former Authority is dissolved.	27
	(2) On the repeal date:	28
	(a) each person appointed as a member of the Board of the former Authority ceases to hold office as such a member, and	29 30 31
	(b) each person appointed as a member of an advisory committee under section 12 of the repealed Act ceases to hold office as such a member.	32 33 34

Redfern–Waterloo Authority Repeal Bill 2011

Schedule 1      Amendment of Growth Centres (Development Corporations) Act 1974  
No 49

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(3)	A person who ceases to hold office under this clause is not entitled to any remuneration or compensation because of the loss of that office.	1 2 3
(4)	On the repeal date, any member of staff of the Office of the former Authority is transferred to the Office of SMDA.	4 5
(5)	On and from the repeal date, a reference in any Act, in any instrument made under an Act or in a document of any kind:	6 7
(a)	to the former Authority is to be construed as a reference to SMDA, or	8 9
(b)	to the Office of the former Authority (in relation to any member of staff transferred under subclause (4)) is to be construed as a reference to the Office of SMDA.	10 11 12
<b>14</b>	<b>Abolition of Redfern–Waterloo Fund</b>	13
(1)	On the repeal date, the Redfern–Waterloo Fund is abolished.	14
(2)	A reference in this Part to the assets, rights and liabilities of the former Authority extends to assets, rights and liabilities in connection with the Redfern–Waterloo Fund.	15 16 17
<b>15</b>	<b>Transfer of assets, rights and liabilities of former Authority</b>	18
(1)	On the repeal date, the assets, rights and liabilities of the former Authority are transferred to SMDA.	19 20
(2)	Part 2 of Schedule 1A has effect in relation to the transfer under this clause as if a reference in that Part to an order were a reference to this clause.	21 22 23
<b>16</b>	<b>Subsequent transfer of specified assets, rights and liabilities by order</b>	24 25
(1)	The Minister may, by order in writing, transfer to another public sector agency any assets, rights and liabilities transferred to SMDA under clause 15 that are specified or referred to in the order.	26 27 28 29
(2)	Part 2 of Schedule 1A has effect in relation to a transfer under this clause as if a reference in that Part to an order were a reference to an order under this clause.	30 31 32
(3)	This clause does not apply to the asset consisting of the interest, transferred under clause 15, that SMDA has in ATPSL.	33 34
(4)	In this clause, <i>public sector agency</i> means any of the following:	35
(a)	the State (including the Crown in right of the State),	36
(b)	a Minister,	37

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(c)	the Ministerial Development Corporation,	1
(d)	the Ministerial Holding Corporation constituted by the <i>State Owned Corporations Act 1989</i> ,	2 3
(e)	a State owned corporation within the meaning of the <i>State Owned Corporations Act 1989</i> ,	4 5
(f)	a public authority of the State,	6
(g)	any other person acting on behalf of the State (or the Crown in right of the State).	7 8
(5)	An order may not be made under this clause more than 2 years after the commencement of this clause.	9 10
<b>17</b>	<b>Australian Technology Park Sydney Limited</b>	11
(1)	On and from the repeal date, SMDA has such functions as are necessary or convenient for the purposes of managing the affairs of ATPSL.	12 13 14
(2)	Those functions are additional to the functions that SMDA has, as a development corporation, under this or any other Act.	15 16
(3)	However, SMDA cannot:	17
(a)	sell or dispose of an interest in ATPSL, or	18
(b)	approve of another person becoming a member of ATPSL.	19
(4)	ATPSL may continue to exercise any function that it could exercise immediately before the repeal date.	20 21
<b>18</b>	<b>Development contributions</b>	22
(1)	This clause applies on and from the repeal date.	23
(2)	Sections 30–32 of the repealed Act continue to have effect.	24
(3)	A reference in those sections or in any related contributions instrument to payment of money into the Redfern–Waterloo Fund is taken to be a reference to payment into a fund used by SMDA for the purposes of those sections.	25 26 27 28
(4)	A reference in section 32 of the repealed Act or in any related contributions instrument:	29 30
(a)	to the former Authority is taken to be a reference to SMDA, or	31 32
(b)	to the Minister administering the repealed Act is taken to be a reference to the Minister administering this Act.	33 34

(5)	For the purposes of enabling SMDA to enter into a planning agreement under Division 6 of Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> , any public notice given or other action taken by the former Authority for the purposes of the agreement, is taken to have been given or taken by SMDA.	1 2 3 4 5
(6)	In this clause, <i>related contributions instrument</i> means any of the following:	6 7
(a)	any condition referred to in section 30 or 31 of the repealed Act,	8 9
(b)	any contributions plan referred to in section 32 of the repealed Act,	10 11
(c)	any planning agreement entered into under section 28A of the repealed Act.	12 13
<b>19</b>	<b>Saving of Redfern–Waterloo Plan</b>	<b>14</b>
(1)	The Redfern–Waterloo Plan is taken to be an approved scheme:	15
(a)	for any part of the growth centre in respect of which SMDA is constituted that is within the operational area, and	16 17 18
(b)	to the extent that the Plan contains proposals of the kind referred to in section 7 (2) (a).	19 20
(2)	This clause ceases to have effect when another approved scheme for the growth centre in respect of which SMDA is constituted takes effect.	21 22 23
(3)	In this clause: <i>operational area</i> has the same meaning as under the repealed Act. <i>Redfern–Waterloo Plan</i> means the plan of that name, as in force immediately before the repeal date, under section 27 of the repealed Act.	24 25 26 27 28 29
<b>20</b>	<b>Matters affecting the Aboriginal Housing Company and “the Block”</b>	<b>30 31</b>
(1)	Section 33 of the repealed Act continues to have effect as if a reference to the Minister administering the repealed Act were a reference to the Minister administering this Act.	32 33 34
(2)	This clause ceases to have effect when the area of land bounded by Eveleigh, Caroline, Louis and Vine Streets, Redfern, ceases to be within the growth centre in respect of which SMDA is constituted.	35 36 37 38

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<b>Schedule 2</b>	<b>Consequential amendment of other Acts</b>	1
<b>2.1</b>	<b>Fines Act 1996 No 99</b>	2
	<b>Schedule 1 Statutory provisions under which penalty notices issued</b>	3
	Omit the following:	4
	<i>Redfern–Waterloo Authority Act 2004</i> , section 47	5
<b>2.2</b>	<b>Public Finance and Audit Act 1983 No 152</b>	6
	<b>Schedule 2 Statutory bodies</b>	7
	Omit “Redfern–Waterloo Authority”.	8
<b>2.3</b>	<b>Public Sector Employment and Management Act 2002 No 43</b>	9
	<b>Schedule 1 Divisions of the Government Service</b>	10
	Omit the matter relating to the Office of the Redfern–Waterloo Authority from Division 2 of Part 1.	11 12
<b>2.4</b>	<b>Statute Law (Miscellaneous Provisions) Act (No 2) 2008 No 114</b>	13 14
	<b>Schedule 2 Amendments by way of statute law revision</b>	15
	Omit Schedule 2.23.	16