

State Development and Industries Assistance Act 1966 No 10

[1966-10]



New South Wales

Status Information

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Previously named**
State Development and Country Industries Assistance Act 1966
- **Does not include amendments by**
[Transport Administration Amendment \(Rail Agencies\) Act 2003 No 96](#) (not commenced — to commence on 1.1.2004)

Authorisation

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State Development and Industries Assistance Act 1966 No 10



New South Wales

An Act to constitute the Minister administering this Act a corporation sole and to confer on the corporation sole certain powers relating to the establishment, expansion and development of certain industries and to the acquisition of land; to amend the *Local Government Act 1919*, the *Government Guarantees Act 1934* and certain other Acts; and for purposes connected therewith.

Part 1 Preliminary

1 Name of Act and commencement

- (1) This Act may be cited as the *State Development and Industries Assistance Act 1966*.
- (2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.
- (3) (Repealed)

2 (Repealed)

3 Definitions

- (1) In this Act, unless the context or subject-matter otherwise indicates or requires:

Area has the same meaning as it has in the *Local Government Act 1993*.

Business undertaking means a natural person who or a partnership, trust or corporation which is carrying on or proposing to carry on any industrial or business activity.

Council, in relation to a local authority, has the same meaning as it has in the *Local Government Act 1993*.

Country industry means any activity, craft, occupation or calling carried on or to be carried on in any part of the State outside the County of Cumberland or the area of the City of Newcastle or the City of Wollongong for the purpose of manufacturing, processing or distributing by wholesale any goods or for a purpose approved by the

Ministerial Corporation.

Director means the Director, Department of Industrial Development and Decentralisation or the person for the time being acting in that office.

Ministerial Corporation means the corporation constituted under section 34H.

Prescribed means prescribed by this Act or the regulations.

prescribed institution means:

- (a) any institution engaged in educational, training or research activities,
- (b) a trade or industrial union registered under any Act or an organisation of employees registered as an organisation under the *Industrial Relations Act 1988* of the Commonwealth, or
- (c) any other prescribed person or body of persons (not being a business undertaking).

Regulations means regulations under this Act.

- (2) A reference in this Act to a business undertaking includes a reference to any person or body of persons who or which is, in the opinion of the Minister, related to or associated with the business undertaking.

(2A) In this Act:

- (a) a reference to a function includes a reference to a power, authority and duty, and
- (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

(3), (4) (Repealed)

Parts 2, 2A

4-8L (Repealed)

Part 3 Industries assistance

Division 1 Functions of Ministerial Corporation

9, 10 (Repealed)

11 Functions of Ministerial Corporation

The functions of the Ministerial Corporation are to promote, encourage and stimulate:

- (a) the establishment, expansion or development of industries, and

- (b) the carrying out, by business undertakings and prescribed institutions, of projects that are likely to assist the establishment, expansion or development of industries.

Division 2

12-19 (Repealed)

Division 3 Powers of the Ministerial Corporation

20 Ministerial Corporation's powers to make grants and pay subsidies

- (1) The Ministerial Corporation may, on application made to it:
 - (a) grant money to any person conducting or proposing to conduct an industry, or
 - (b) grant subsidies to the State Rail Authority or any other person or body in respect of the carriage of plant or equipment to be used for the conduct of an industry or the carriage of goods the product of, or to be used in, an industry, or
 - (c) grant money or pay subsidies to any business undertaking or prescribed institution so that the undertaking or institution may carry out a project likely to assist the establishment, expansion or development of an industry.
- (2) The Ministerial Corporation's decision on any such application shall be final.
- (3) The approval of any such application may be subject to such conditions as the Ministerial Corporation thinks fit.

21-28 (Repealed)

29 Powers of Ministerial Corporation relating to property

Without limiting the generality of section 50 (1) (d) of the [Interpretation Act 1987](#), the Ministerial Corporation may by purchase, exchange, lease or otherwise acquire personal property for the purpose of enabling it to exercise its functions.

30 Powers of Ministerial Corporation to enter into agreement with councils of local authorities

- (1) The Ministerial Corporation may enter into an agreement with the council of a local authority to grant it money for the purpose of:
 - (a) the acquisition of land, and the improvement of any land vested in the council 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 industries,
 - (b) the erection, on any land vested in the council, of buildings suitable for occupation for the purposes of industries,
 - (c) the alteration or extension of any building erected on land vested in the council to

make it suitable for occupation for the purposes of an industry, or

(d) the erection, on any land vested in the council, of dwelling-houses for occupation by persons employed or to be employed in an industry.

(2) The Ministerial Corporation may enter into an agreement with the council of a local authority for the construction on land vested in the Ministerial Corporation, the Minister or the council or in the Ministerial Corporation, the Minister and the council of buildings suitable for occupation for the purposes of a country industry, and the sale, lease or exchange of any such land together with the buildings thereon.

(3) In this section, ***land vested in the council*** does not include a public road, public reserve or land held by the council on trust for any purpose.

31 Ministerial Corporation's powers to enter into agreements for the provision of services

(1) The Ministerial Corporation may enter into an agreement with any person with respect to the construction or improvement of roads, works for the supply of water, gas, or electricity, or sewerage or drainage works, or other works, whether of the same or of a different kind, to serve any country industry or any dwelling-houses erected or to be erected for occupation by persons employed or to be employed in a country industry.

(2) An agreement under this section may provide for:

(a) the whole, or any part specified in the agreement, of the cost of the roads or other works to be paid by the Ministerial Corporation, or

(b) a loan to be made by that Corporation to meet the whole, or any part specified in the agreement, of the cost of the roads or other works.

(3) An agreement referred to in subsection (2) (b) shall not be entered into unless the Treasurer has approved of the purpose for which the loan is to be made.

32 Ministerial Corporation's powers to have surveys etc carried out

The Ministerial Corporation may enter into an agreement with any person for the carrying out by that person of any surveys, inquiries or investigations considered by that Corporation to be necessary to enable that Corporation to exercise the functions referred to in section 11.

33 Rental etc on leases by Ministerial Corporation

(1) (Repealed)

(2) The rental or other consideration to be received by the Ministerial Corporation in respect of a lease of real or personal property acquired for the purposes of this Part shall be fixed by that Corporation 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.

34 (Repealed)

Part 3A Acquisition of land

34A Ministerial Corporation's powers to acquire land

- (1) The Ministerial Corporation may, for the purpose of providing:
 - (a) sites for industries, or sites that, in the opinion of that Corporation, are likely to be required for the purpose of establishing industries,
 - (b) sites for dwelling-houses for occupation by persons engaged in industries, or sites that, in the opinion of that Corporation, are likely to be required for dwelling-houses for occupation by persons so engaged, or
 - (c) sites for industries and business undertakings which, in the opinion of that Corporation, 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 sites that, in the opinion of that Corporation, are likely to be required for any such industries and business undertakings,acquire land (including an interest in land) by agreement or by compulsory process in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.
- (2) For the purposes of the *Public Works Act 1912*, any such acquisition of land is taken to be for an authorised work and the Ministerial Corporation is, in relation to that authorised work, taken to be the Constructing Authority.
- (3) Sections 34, 35, 36 and 37 of the *Public Works Act 1912* do not apply in respect of works constructed under this Act.

34B (Repealed)

34C Subdivision

The Ministerial Corporation may cause a plan to be made of any land acquired by that Corporation 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 Power of Ministerial Corporation to make roads etc

- (1) The Ministerial Corporation may:
 - (a) cause any work to be done on or in relation to any land acquired by that Corporation under this Part for the purpose of improving it to make it suitable to be used as sites for industries or business undertakings or for dwelling-houses for

occupation by persons employed or to be employed in country industries,

- (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 Part 3B of the *Crown Lands Consolidation Act 1913* shall be deemed to extend to the reserve.

34E (Repealed)

34F Ministerial Corporation's powers to erect, alter or extend buildings for industries and business undertakings

The Ministerial Corporation may, on land acquired by the Corporation under this Part, cause buildings to be erected, altered or extended for use and operation for the purposes of industries and business undertakings.

34G Disposal of land by the Ministerial Corporation

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

Part 3B General

34H Constitution of Ministerial Corporation

- (1) For the purpose of Parts 3 and 3A and this Part, there is constituted by this section a corporation under the corporate name of the "Ministerial Corporation for Industry".
 - (1A) The affairs of the Ministerial Corporation shall be managed by the Minister.
 - (1B) Any act, matter or thing done in the name of, or on behalf of, the Ministerial Corporation by the Minister, or with the authority of the Minister, shall be deemed to have been done by the Ministerial Corporation.
- (2) The Ministerial Corporation 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.

34I Seal of Ministerial Corporation

- (1) The seal of the Ministerial Corporation shall not be affixed to any instrument or writing except in the presence of the Minister, and the Minister shall attest by his or her signature the fact and date of the seal being so affixed.
- (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.

34IA Industries Assistance Fund

- (1) There shall be established in the Special Deposits Account in the Treasury an Industries Assistance Fund into which shall be paid:
 - (a) such portion of the money held in the Country Industries Assistance Fund immediately before the commencement of Schedule 4 (1) to the [State Development and Industries Assistance \(Amendment\) Act 1986](#) as the Ministerial Corporation determines in accordance with arrangements made under Schedule 7 to that Act,
 - (b) such portion of the money held in the Advanced Technology Development Assistance Fund immediately before the commencement of Schedule 3 (2) to the [State Development and Industries Assistance \(Amendment\) Act 1986](#) as the Ministerial Corporation determines in accordance with arrangements made under Schedule 7 to that Act,
 - (c) all money appropriated by Parliament for the purposes of Part 3 or 3A,
 - (d) all money borrowed by the Ministerial Corporation for the purposes of Part 3 or 3A, and
 - (e) all money received by the Ministerial Corporation in respect of the sale, lease, exchange or other dealing with or disposition of real or personal property that has been acquired by the Ministerial Corporation for the purposes of this Act, or on the granting of easements or rights-of-way over any land, or any part of land, so acquired.
- (2) The Fund established by subsection (1) shall be applied for the following purposes:

- (a) the payment of any amount for which the Ministerial Corporation is liable under the *Capital Debt Charges Act 1957*,
 - (b) the repayment of money borrowed by the Ministerial Corporation for the purposes of this Act, the repayment of interest on any such money and the payment of any borrowing expenses,
 - (c) the making of grants, and the payment of subsidies, by the Ministerial Corporation under Part 3,
 - (d) the payment to the Treasurer of the amounts required to be paid under subsection (3),
 - (e) the payment of any amount for which the Ministerial Corporation is liable by virtue of the performance or exercise of any of its functions or powers:
 - (i) under Part 3,
 - (ii) under Part 3A, or
 - (iii) under section 34J.
 - (f) the payment of the expenses of administering Parts 3 and 3A.
- (3) The Ministerial Corporation 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 that Corporation in respect of leases of real or personal property acquired by that Corporation for the purposes of Part 3, and
 - (b) of the purchase money received by that Corporation in respect of the sale on terms of, or other dealing or disposition on terms with or of, real or personal property acquired by that Corporation for the purposes of Part 3.

34J Publications

The Minister may cause to be published or may arrange for the publication of such material as the Minister thinks fit relating to the functions of the Ministerial Corporation under this Act or generally relating to the administration of this Act.

34K-34N (Repealed)

34O Delegation by Ministerial Corporation

- (1) The Ministerial Corporation may delegate to a member of the staff of the Department of Industrial Development and Decentralisation the exercise of any of its functions, other than this power of delegation.

- (2) A delegation under this section:
 - (a) shall be in writing,
 - (b) may be general or limited, and
 - (c) may be revoked, wholly or partly, by the Ministerial Corporation.
- (3) A delegate is, in the exercise of a function delegated under this section, subject to such conditions as are specified in the instrument of delegation.
- (4) A function delegated under this section, when exercised by the delegate, shall be deemed to have been exercised by the Ministerial Corporation.
- (5) A delegation under this section does not prevent the exercise of a function by the Ministerial Corporation.
- (6) A function purporting to have been exercised by a delegate under this section shall, until the contrary is proved, be deemed to have been duly exercised by a delegate under this section.

35 Regulations

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to prescribing any matter which by this Act is required or permitted to be prescribed or which is necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (1A) A provision of a regulation may:
 - (a) apply generally or be limited in its application by reference to specified exceptions or factors,
 - (b) apply differently according to different factors of a specified kind, or
 - (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,or may do any combination of those things.
- (2), (3) (Repealed)

Part 4 Amendments to the [Local Government Act 1919](#), as amended by subsequent Acts, the [Government Guarantees Act 1934](#), as amended by subsequent Acts, and the [Capital Debt Charges Act 1957](#)

36-38 (Repealed)

39 Savings, transitional and other provisions

Schedule 1 has effect.

Schedule 1 Savings, transitional and other provisions

(Section 39)

1 Change of name of Ministerial Corporation

- (1) The Ministerial Corporation for Industry is a continuation of, and the same legal entity as, the corporation sole constituted under the name of “Ministerial Corporation for Industry and Decentralisation, Small Business and Technology”.
- (2) A reference in any other Act or statutory instrument, or in any other instrument or in any contract or agreement to the “Ministerial Corporation for Industry and Decentralisation, Small Business and Technology” shall be construed as a reference to the “Ministerial Corporation for Industry”.

2 Money in Special Industries Agency account

Money in the account relating to the Special Industries Agency on the commencement of the amendments made to this Act by the [Statute Law \(Miscellaneous Provisions\) Act \(No 2\) 1987](#) shall be transferred to such account as the Treasurer directs.