

Queensland



**INDUSTRIAL
DEVELOPMENT
AMENDMENT BILL 1998**

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1998

A BILL

FOR

An Act to amend the Industrial Development Act 1963

The Parliament of Queensland enacts—	1
Short title	2
Clause 1. This Act may be cited as the <i>Industrial Development Amendment Act 1998</i> .	3 4
Commencement	5
Clause 2. This Act commences on a day to be fixed by proclamation.	6
Act amended	7
Clause 3. This Act amends the <i>Industrial Development Act 1963</i> .	8
Replacement of s 3 (Interpretation of terms)	9
Clause 4. Section 3— <i>omit, insert—</i>	10 11
‘Definitions	12
‘3. In this Act—	13
“ ancillary industry ” includes—	14
(a) an undertaking ancillary to, or associated with, an industry; and	15
(b) an undertaking that provides facilities or services to people employed in an industry located on land dealt with by the corporation.	16 17 18
<i>Examples of paragraph (a)—</i>	19
Business, education and training, professional, storage and transport services.	20
<i>Examples of paragraph (b)—</i>	21
Child care centres, convenience stores, food outlets, public parks and swimming pools and tennis courts.	22 23
“ corporation ” see section 5.	24

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- “deal”**, in land or other property, includes— 1
- (a) acquire, develop, dispose of, hold, lease, license the use or 2
occupation of, manage, sublease and otherwise deal in or with the 3
land or other property, or interests in the land or other property; 4
and 5
 - (b) if the land or other property is contaminated by a hazardous 6
contaminant—remediate the land or other property. 7
- “hazardous contaminant”** see *Environmental Protection Act 1994*, 8
schedule 4.¹ 9
- “industrial purposes”** means purposes for an industry or ancillary 10
industry. 11
- “industry”** includes an undertaking in one or more of the following 12
areas— 13
- (a) information technology and communications, including, for 14
example, producing circuit boards; 15
 - (b) manufacturing, including, for example, textile production and 16
cabinet making; 17
 - (c) processing or reprocessing, including, for example, aluminium 18
smelting and refining and making herbal medicines; 19
 - (d) research and development, including, for example, medical and 20
pharmaceutical research and designing aircraft. 21
- “land”** means— 22
- (a) land; or 23
 - (b) land and improvements on the land; or 24

¹ Schedule 4 is the dictionary and hazardous contaminant is defined in it as follows—

- ‘ **“hazardous contaminant”** means a contaminant that, if improperly treated, stored, disposed of or otherwise managed, is likely to cause serious or material environmental harm because of—
- (a) its quantity, concentration, acute or chronic toxic effects, carcinogenicity, teratogenicity, mutagenicity, corrosiveness, explosiveness, radioactivity or flammability; or
 - (b) its physical, chemical or infectious characteristics.’

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(c) improvements on land. 1

“remediate” land or other property means— 2

(a) rehabilitate the land or other property; or 3

(b) restore the land or other property; or 4

(c) take other action to prevent or minimise serious environmental 5
harm being caused by the hazardous contaminant contaminating 6
the land or other property. 7

“serious environmental harm” see the *Environmental Protection Act* 8
1994, section 17.². 9

Amendment of s 5 (Corporation of the Minister) 10

Clause **5.(1)** Section 5(2)(b), ‘under and within the meaning of this Act’— 11

omit, insert— 12

‘responsible for administering this section’. 13

² Section 17 reads as follows—

‘Serious environmental harm

17.(1) “Serious environmental harm” is environmental harm (other than environmental nuisance)—

(a) that causes actual or potential harm to environmental values that is irreversible, of a high impact or widespread; or

(b) that causes actual or potential harm to environmental values of an area of high conservation value or special significance; or

(c) that causes actual or potential loss or damage to property of an amount of, or amounts totalling, more than the threshold amount; or

(d) that results in costs of more than the threshold amount being incurred in taking appropriate action to—

(i) prevent or minimise the harm; and

(ii) rehabilitate or restore the environment to its condition before the harm.

(2) In this section—

“threshold amount” means \$50 000 or, if a greater amount is prescribed by regulation, the greater amount.’.

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	(2) Section 5(3), (4) and (5)—	1
	<i>omit.</i>	2
	(3) Section 5(6), from ‘and of acquiring’ to ‘and suffer’—	3
	<i>omit.</i>	4
	Insertion of new s 5A	5
Clause	6. After section 5—	6
	<i>insert—</i>	7
	‘Functions of corporation	8
	‘5A.(1) The primary function of the corporation is to deal in land to facilitate the use of land for industrial purposes.	9 10
	‘(2) The functions of the corporation also include—	11
	(a) dealing in other property to facilitate the use of land or other property for industrial purposes; and	12 13
	(b) providing or contributing to the provision of infrastructure to facilitate the use of land under the corporation’s control, including, for example, electricity, gas and water services, and roads; and	14 15 16 17
	(c) performing functions given to the corporation under another Act; and	18 19
	(d) performing functions incidental to the corporation’s other functions.	20 21
	<i>Examples of performing an incidental function—</i>	22
	1. Disposing of land when it is no longer required for industrial purposes.	23
	2. Leasing land when it is not immediately required for industrial purposes.’.	24
	Amendment of s 6 (Functions of the corporation)	25
Clause	7.(1) Section 6, heading—	26
	<i>omit, insert—</i>	27

‘General powers of corporation’.	1
(2) Section 6(1) and (2)—	2
<i>omit, insert—</i>	3
‘6.(1) The corporation has all the powers of an individual and may, for example—	4
(a) deal in land or other property; and	6
(b) enter into agreements, arrangements, contracts and deeds; and	7
(c) enter into obligations as a purchaser or seller of a service; and	8
(d) appoint agents and attorneys; and	9
(e) engage consultants and contractors; and	10
(f) contribute to or undertake studies about land in the State that may be used for an industrial purpose; and	11
(g) exercise powers given to it under another Act; and	13
(h) do anything else necessary or convenient to be done in relation to the performance of its functions.	14
‘(2) If the corporation deals in land or other property for industrial purposes, the corporation may—	16
(a) lend money, or enter into other financial arrangements, as part of the dealing, including, for example, by providing finance to a purchaser; and	18
(b) enter into instalment contracts or other deferred payment arrangements as a creditor, including, for example, by constructing a research facility for an entity and recovering the costs of its construction by a lease of the facility to the entity; and	21
(c) enter into joint ventures or other cooperative arrangements, with the Governor in Council’s approval.	25
‘(2A) However, the corporation may only exercise a power under subsection (2)(a) or (b) if the corporation has considered a matter prescribed under a regulation about lending money, entering into other financial arrangements or entering into instalment contracts or other deferred payment arrangements.	27
‘(2B) If the corporation considers it appropriate for doing anything under	28
	29
	30
	31
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subsection (2), the corporation may take any form of security or charge over land or other property. 1
2

‘(2C) The corporation may charge a fee for dealing in land or other property, providing services or otherwise exercising its powers.’. 3
4

(3) Section 6(3) to (7), ‘Minister’— 5

omit, insert— 6

‘corporation’. 7

(4) Section 6(3), ‘Minister’s authority pursuant to his or her power’— 8

omit, insert— 9

‘corporation’s authority under the corporation’s power’. 10

(5) Section 6(6), ‘order in council’— 11

omit, insert— 12

‘gazette notice’. 13

(6) Section 6(8), ‘by order in council pursuant to’— 14

omit, insert— 15

‘under’. 16

(7) Section 6— 17

insert— 18

‘(9) In this section— 19

“power” includes legal capacity.’. 20

Omission of ss 6A and 6B 21

Clause 8. Sections 6A and 6B— 22

omit. 23

Amendment of s 6C (Sale of surplus land) 24

Clause 9.(1) Section 6C(2), from ‘Subject to’ to ‘may’— 25

omit, insert— 26

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	‘The corporation may, on sound commercial terms,’.	1
	(2) Section 6C(2)(c)—	2
	<i>omit, insert—</i>	3
	‘(c) by other means prescribed under a regulation.’.	4
	(3) Section 6C(3) and (4)—	5
	<i>omit.</i>	6
	Replacement of ss 7–22	7
Clause	10. Sections 7 to 22—	8
	<i>omit, insert—</i>	9
	‘Delegations	10
	‘7.(1) The corporation may delegate its powers to the chief executive.	11
	‘(2) The delegation may permit the subdelegation of the power by the chief executive to an appropriately qualified officer or employee of the department.	12 13 14
	‘(3) In subsection (2)—	15
	“appropriately qualified” , for an officer or employee to whom a power under this Act may be delegated, includes having the qualifications, experience or standing appropriate to exercise the power.	16 17 18
	<i>Example of standing—</i>	19
	A person’s classification level in the department.’.	20
	Amendment of s 23 (Security)	21
Clause	11. Section 23, ‘Minister’—	22
	<i>omit, insert—</i>	23
	‘corporation’.	24

	Replacement of s 24 (Minister may provide land for industrial purpose)	1
		2
Clause	12. Section 24—	3
	<i>omit, insert—</i>	4
	‘Corporation may provide land for industrial purpose	5
	‘24. To help a person obtain land on which to establish and carry on, or expand, an undertaking for an industrial purpose, the corporation may enter into arrangements with a person for the grant to the person of an appropriate lease under the <i>Land Act 1994</i> of unallocated State land available for the undertaking.’	6
		7
		8
		9
		10
	Replacement of ss 25–26	11
Clause	13. Sections 25 to 26—	12
	<i>omit, insert—</i>	13
	‘Estates Construction Fund	14
	‘25.(1) The corporation must establish and keep an Estates Construction Fund.	15
		16
	‘(2) The fund is a fund of the trust and special funds under the <i>Financial Administration and Audit Act 1977</i> .	17
		18
	‘(3) The corporation must credit to the estates construction fund—	19
	(a) amounts appropriated to the corporation by Parliament; and	20
	(b) amounts for a lease arranged under section 24, or on the conversion of the lease, that are received by the corporation; and	21
		22
	(c) other amounts received by the corporation, including, for example, proceeds from a dealing in land, proceeds from a borrowing and interest on the corporation’s funds.	23
		24
		25
	‘(4) The amounts credited to the estates construction fund may be applied in payment of any or all of the following—	26
		27
	(a) the corporation’s costs and expenses in performing its functions;	28
	(b) principal and interest for a borrowing;	29
	(c) an amount the Minister and the Treasurer direct the corporation,	30

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in writing, to pay into the consolidated fund or departmental accounts.

‘(5) In this section—

“**borrowing**” means a borrowing by the corporation under the *Statutory Bodies Financial Arrangements Act 1982*, section 34.³

“**lease**” means a lease under the *Land Act 1994*.’.

Replacement of ss 27–29

Clause 14. Sections 27 to 29—

omit, insert—

‘Regulation-making power

‘27. The Governor in Council may make regulations under this Act.

‘Existing arrangements

‘28.(1) This section applies to an arrangement entered into by the corporation and in existence immediately before the commencement of this section.

‘(2) The arrangement continues to have effect after the commencement.

‘(3) This Act as in force immediately before the commencement continues to apply to the arrangement.

‘(4) In this section—

“**arrangement**” includes advances, advances by way of loan and guarantees.’.

Insertion of new ss 30 and 31

Clause 15. At the end—

insert—

³ Section 34 (Statutory bodies may borrow with the Treasurer’s approval)

*Industrial Development Amendment***‘Transitional provision for funds**

1

‘**30.(1)** This section applies to each amount that, immediately before the commencement of the *Industrial Development Amendment Act 1998*, section 13, is the balance credited to each of the following funds—

2

3

4

(a) the Assistance to Industries Fund;

5

(b) the Industrial Estates Construction Fund;

6

(c) the Estates Maintenance Fund.

7

‘**(2)** The corporation must transfer each of the amounts to the estates construction fund.

8

9

‘**(3)** This section expires 6 months after it commences.

10

‘Numbering and renumbering of Act

11

‘**31.** In the next reprint of this Act produced under the *Reprints Act 1992*, the provisions of this Act must be numbered and renumbered as permitted by the *Reprints Act 1992*, section 43.’

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