

Queensland



ANNO VICESIMO SECUNDO

ELIZABETHAE SECUNDAE REGINAE

No. 26 of 1973

**An Act to amend the State and Regional Planning and
Development, Public Works Organization and
Environmental Control Act 1971 in certain
particulars**

[ASSENTED TO 19TH APRIL, 1973]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title and citation. (1) This Act may be cited as the *State and Regional Planning and Development, Public Works Organization and Environmental Control Act Amendment Act 1973*.

(2) The *State and Regional Planning and Development, Public Works Organization and Environmental Control Act 1971* is in this Act referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *State and Regional Planning and Development, Public Works Organization and Environmental Control Act 1971-1973*.

2. Amendment of s. 3. Section 3 of the Principal Act is amended by, in the expression "PART V—REGIONAL CO-ORDINATION (SS. 38-47)", omitting the numeral "47" and inserting the expression "47A".

3. Repeal of and new s. 38. The Principal Act is amended by repealing section 38 and inserting in its stead the following section:—

“**38. Declaration of regions, variation and termination thereof.**

(1) The Governor in Council may, by Order in Council made on the recommendation of the Minister, declare any part of the State or of any area over which the State claims jurisdiction to be a region for the purposes of this Act and may, in like manner,

(a) vary a region by excluding therefrom any part thereof or by including therein any part of the State or any part of any area over which the State claims jurisdiction;

(b) revoke any Order in Council or Orders in Council whereby a region is defined.

(2) Where—

(a) any Order in Council or Orders in Council whereby a region is defined is or are revoked the region shall thereupon cease to exist;

(b) any part of a region is excluded therefrom it shall cease to be comprised in that region.

(3) Every region and every variation of a region shall be delineated on a plan held available for inspection by the public at the office of the Co-ordinator-General and at such other places, in such manner, and at such times as are prescribed.

If the regulations prescribe a procedure by or pursuant to which the declaration or variation or termination of a region is to be made, the declaration, variation or termination, as the case may be, of any region shall be made as prescribed.”

4. Repeal of and new s. 39. (1) The Principal Act is amended by repealing section 39 and inserting in its stead the following section:—

“**39. Responsibility of regional co-ordinators.** One region or two or more regions may be assigned by the Co-ordinator-General to any regional co-ordinator appointed as provided by section 18 and in respect of the region or regions assigned to him the regional co-ordinator shall have such powers, functions and duties as are delegated or assigned to him by the Co-ordinator-General.”

(2) It is hereby declared that any appointment of a regional co-ordinator made prior to the passing of this Act is not void or otherwise prejudiced by reason of the fact that at the time of appointment no region existed under the Principal Act.

5. Amendment of s. 40. Section 40 of the Principal Act is amended by adding the following subsection:—

“(5) The Governor in Council may at any time, by notification published in the Gazette, declare that the Regional Co-ordination Council specified therein shall cease to exist on and from a date specified therein, which date shall not be earlier than the date of publication of the notification in the Gazette.

The council specified in such a notification shall cease to exist on the date so specified and the membership thereof of persons then comprising the council shall terminate on that date.”

6. Amendment of s. 41. Section 41 of the Principal Act is amended by inserting after the words "three years" the words "or, where a less term is specified in the notification of appointment, for that less term".

7. New s. 47A. The Principal Act is amended by inserting after section 47 the following section:

"**47A. Committees.** A Regional Co-ordination Council may appoint such executive committees and advisory committees as it considers necessary to assist it in the efficient performance of its functions.

Any person may be appointed to be a member of an advisory committee whether he is or is not a member of the council by which the committee is appointed."

8. Repeal of and new ss. 48 and 49. The Principal Act is amended by repealing sections 48 and 49 and inserting in their stead respectively the following sections:—

"**48. Declaration of State development areas, variation and termination thereof.** (1) The Governor in Council may, by Order in Council made on the recommendation of the Minister, declare any part of the State or of any area over which the State claims jurisdiction to be a State development area, if he is satisfied that the public interest or general welfare of persons resident in any part of the State requires it, and may, in like manner,

- (a) vary a State development area by excluding therefrom any part thereof or by including therein any part of the State or any part of any area over which the State claims jurisdiction;
- (b) revoke any Order in Council or Orders in Council whereby a State development area is defined.

(2) Where—

- (a) any Order in Council or Orders in Council whereby a State development area is defined is or are revoked the area shall thereupon cease to exist;
- (b) any part of a State development area is excluded therefrom it shall cease to be comprised in that area.

49. Procedure in relation to State development areas. Every State development area and every variation of an area shall be delineated on a plan held available for inspection by the public at the office of the Co-ordinator-General and at such other places, in such manner, and at such times as are prescribed.

If the regulations prescribe a procedure by or pursuant to which the declaration or variation or termination of a State development area is to be made, the declaration, variation or termination, as the case may be, of any area shall be made as prescribed."

9. Amendment of s. 70. Section 70 of the Principal Act is amended by adding the following subsection:—

"(5) The Governor in Council may at any time, by notification published in the Gazette, declare that the Project Board specified therein shall cease to exist on and from a date specified therein, which date shall not be earlier than the date of publication of the notification in the Gazette.

The board specified in such a notification shall cease to exist on the date so specified and the membership thereof of persons then comprising the board shall terminate on that date.”.

10. Amendment of s. 71. Section 71 of the Principal Act is amended by inserting after the words “three years” the words “or, where a less term is specified in the notification of appointment, for that less term”.

11. Amendment of s. 77. Section 77 of the Principal Act is amended by—

(a) omitting subsection (3) and inserting in its stead the following subsection:—

“(3) In addition to the powers conferred on every Project Board by subsection (1) each Project Board shall have such powers, functions and duties as are conferred on or assigned to that board by Order in Council.

The powers, functions and duties to be conferred on or assigned to a Project Board shall be such as are, in the opinion of the Governor in Council, directed to enabling or assisting the board to effectively undertake the works in respect of which it is established and shall be in the unfettered discretion of the Governor in Council.”;

(b) omitting subsection (4) and inserting in its stead the following subsection:—

“(4) An Order in Council made in relation to a Project Board—

(a) may provide that the board shall be a local body under and within the meaning of the *Local Bodies' Loans Guarantee Act 1923-1972* whereupon the board shall be such a local body and the provisions of that Act, subject to such modifications as the Governor in Council by such Order in Council prescribes, shall apply and extend accordingly;

(b) may empower the board to take land for the purposes of the works in respect of which it is established whereupon the board shall be a constructing authority within the meaning of the *Acquisition of Land Act 1967-1969*;

(c) may provide for the regulation of the exercise of any power or the performance of any function or duty conferred on or assigned to the board thereby or by another Order in Council, or for the regulation of the doing of any act incidental to the proper exercise and performance of those powers, functions and duties.”;

(c) adding the following subsection:—

“(5) An Order in Council made for the purposes of subsection (3) shall not be taken to be ineffectual or in any way defective notwithstanding—

(a) that any provision therein is or is claimed to be inconsistent with any provision of this Act;

- (b) that this Act or any other Act empowers or requires any person, instrumentality or body to do that which the Project Board is empowered or required by the Order in Council to do or to do, whether for the benefit of the Project Board or not, any act that is incidental to or is apt to assist the effective undertaking of the works in respect of which the board is established;
- (c) that the works in respect of which the Project Board is established could be undertaken by any other person, instrumentality or body; or
- (d) that provision for any matter referred to in the Order in Council might have been made in some other manner prescribed by this Act.”.

12. Amendment of s. 88. Section 88 of the Principal Act is amended by omitting the numeral “85” and inserting in its stead the numeral “87”.

13. Amendment of s. 97. Section 97 of the Principal Act is amended by—

(a) in subsection (1), omitting the words “under the authority of this Act” and inserting in their stead the words “to secure moneys borrowed by the Co-ordinator-General”;

(b) in subsection (3), inserting after the words “Every debenture” the words “issued to secure moneys borrowed by the Co-ordinator-General”.

14. Amendment of s. 98. Section 98 of the Principal Act is amended by, in subsection (1), omitting the words “under the authority of this Act”.

15. Amendment of s. 99. Section 99 of the Principal Act is amended by—

(a) in subsection (2),

(i) inserting after the words “The Co-ordinator-General” the words “or other borrower of moneys under the authority of this Act”;

(ii) inserting after the words “the Co-ordinator-General”, wherever they occur, the words “or other borrower”;

(b) in subsection (3), inserting after the words “the Co-ordinator-General” the words “or other borrower of moneys under the authority of this Act”.

16. Amendment of s. 101. Section 101 of the Principal Act is amended by—

(a) inserting after the words “Co-ordinator-General”, where they firstly occur, the words “or other borrower of moneys under the authority of this Act”;

(b) inserting after the words “Co-ordinator-General”, where they secondly occur, the words “or, as the case may be, the borrower other than the Co-ordinator-General”.

17. Amendment of s. 121. Section 121 of the Principal Act is amended by—

- (a) numbering the existing provisions as subsection (1);
- (b) in paragraph (a), adding at the end thereof the words “procedures by or pursuant to which regions and State development areas are to be declared or varied or terminated;”;
- (c) in paragraph (c), adding at the end thereof the words “preservation of the validity of the proceedings of any such body;”
- (d) in paragraph (e), adding at the end thereof the words “or of a Project Board”;
- (e) in paragraph (f), inserting after the words “Co-ordinator-General” the words “or a Project Board”;
- (f) adding the following subsection:—
 - “(2) Provision made by the regulations may, if the Governor in Council thinks fit, be so made as to require an exercise of discretion or the formation of an opinion by the Minister or by any other person.”.