



ANNO VICESIMO SEPTIMO

ELIZABETHAE SECUNDAE REGINAE

No. 62 of 1978

**An Act to amend the State and Regional Planning and
Development, Public Works Organization and
Environmental Control Act 1971–1974 in certain
particulars**

[ASSENTED TO 23RD OCTOBER, 1978]

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 1978*.

(2) In this Act the *State and Regional Planning and Development, Public Works Organization and Environmental Control Act 1971–1974* is referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *State Development and Public Works Organization Act 1971–1978*.

2. Amendment of long title. The long title of the Principal Act is amended by—

- (a) omitting the words “and Regional”;
- (b) omitting the word “Controls” and substituting the word “Co-ordination”.

3. Amendment of short title. The Principal Act is amended by repealing section 1 and substituting the following section:—

“**1. Short title.** This Act may be cited as the *State Development and Public Works Organization Act 1971*.”.

4. Amendment of s. 3. Section 3 of the Principal Act is amended by—

- (a) omitting the expression “(ss. 29–37)” and substituting the expression “(s. 29)”;
- (b) omitting the following expression:—
“PART V—REGIONAL CO-ORDINATION (ss. 38–47A)”;
- (c) omitting the expression “(ss. 102–122)” and substituting the expression “(ss. 102–121)”.

5. Amendment of s. 5. Section 5 of the Principal Act is amended by—

- (a) omitting the definitions “Council”, “ecology”, “environment”, “pollution”, “region”, “secretary” and “waste”;
- (b) in the definition “development” inserting after the word “works” the words “or private works”;
- (c) inserting after the definition “development” the following definitions:—

““Director (Administration and Finance)” means the person who at the material time holds the position of Director (Administration and Finance) in the department of the Co-ordinator-General and includes any person who at the material time is performing the duties of that position;

““environmental effects” means the beneficial as well as the detrimental effects of any development on the physical, biological, or social systems within which such development occurs;”;

- (d) in the definition “local body”, omitting the words “*The Local Bodies’ Loans Guarantee Acts 1923 to 1957*” and substituting the words “*the Local Bodies’ Loans Guarantee Act 1923–1975*”;

- (e) in the definition “Minister”, omitting the words “and Minister for State Development”.

6. Amendment of s. 13. Section 13 of the Principal Act is amended by in subsection (2) omitting the words “environmental controls” and substituting the words “environmental co-ordination”.

7. Amendment of s. 16. Section 16 of the Principal Act is amended by in subsection (2) (b) omitting the words “environmental control” and substituting the words “environmental effects”.

8. Amendment of Division III of Part II. The Principal Act is amended by, in the heading appearing immediately above section 18, omitting the words “Secretary, Regional Co-ordinator,” and substituting the words “Director (Administration and Finance)”.

9. Repeal of and new s. 18. The Principal Act is amended by repealing section 18 and substituting the following section:—

“**18. Appointment of officers.** The Governor in Council may appoint a Director (Administration and Finance) and such other officers as he considers necessary for the effectual administration of this Act.

Every appointment shall be made under and in accordance with the *Public Service Act* 1922–1976 and every person appointed shall hold his appointment subject to that Act.”

10. Repeal of and new s. 21. The Principal Act is amended by repealing section 21 and substituting the following section:—

“**21. Authority of Director (Administration and Finance) to attest.** The Director (Administration and Finance), when so authorized in writing by the Co-ordinator-General, may execute any document or writing on behalf of the Co-ordinator-General and affix thereto the official seal of the Co-ordinator-General.”

11. Amendment of s. 25. Section 25 of the Principal Act is amended by omitting the expression “\$10,000” and substituting the expression “\$50 000”.

12. Amendment of s. 28. Section 28 of the Principal Act is amended by omitting paragraphs (iii) and (iv) and substituting the following paragraphs:—

“(iii) the maintaining of continuity of work in the various parts of the State on a basis of reasonable uniformity;

(iv) the provision of ways and means whereby finance in respect of works and the creation of works may be spread over the State in equitable proportions;”.

13. New Part IV. The Principal Act is amended by repealing all sections comprising Part IV of the Principal Act, namely sections 29 to 37 both inclusive and substituting the following section:—

“**29. Supervision of environment.** (1) The Co-ordinator-General shall, of his own motion or at the direction of the Minister, co-ordinate departments of the Government of the State and local bodies throughout the State in activities directed towards ensuring that in any development proper account is taken of the environmental effects.

(2) In considering an application made to it for the granting of approval for a development or in considering the undertaking of works, it is the responsibility of—

(i) any department of the Government of the State;

(ii) any Crown corporation or instrumentality or other person or body representing the Crown;

(iii) any local body;

(iv) any board, body, authority or corporation constituted or incorporated by or under any statute and authorized by statute to perform public functions or carry on a public undertaking,

when it appears that the undertaking of such development or works is likely to have major environmental effects, to take such environmental effects into account, and in doing so to have due

regard to such policies or administrative arrangements as may be approved from time to time by the Minister to the extent that the same are compatible with legislation for the time being in force in the State.”.

14. Repeal of Part V. The Principal Act is amended by—

- (a) omitting the heading appearing immediately above section 38;
- (b) repealing all sections comprising Part V of the Principal Act, namely sections 38 to 47A both inclusive.

15. Amendment of s. 70. Section 70 of the Principal Act is amended by omitting the second paragraph of subsection (3).

16. New s. 70A. The Principal Act is amended by inserting after section 70 the following section:—

“**70A. Chairman and deputy chairman.** (1) Upon each appointment of the whole number of members of a Project Board who are appointed by him, the Governor in Council, on the recommendation of the Minister, shall, in the notification of the appointments, nominate a member of the board (whether an appointed member or not) to be chairman of the board and another member of the board (whether an appointed member or not) to be deputy chairman during the term of the appointments so notified and the persons so nominated shall be chairman and deputy chairman respectively.

(2) In the absence of the chairman of a Project Board or if at any time there is no chairman the deputy chairman shall have and may exercise the powers and shall perform the duties of the chairman of the board.”.

17. Amendment of s. 72. Section 72 of the Principal Act is amended by, in subsection (1), omitting paragraph (a) and substituting the following paragraph:—

“(a) if, being a member by reason of being the Co-ordinator-General or his delegate, he ceases to be the Co-ordinator-General or such delegate;”.

18. Amendment of s. 73. Section 73 of the Principal Act is amended by—

(a) in subsection (1), omitting the words “, other than the chairman;”;

(b) omitting subsection (2) and substituting the following subsection:—

“(2) When a vacancy occurs in the office of chairman or deputy chairman of a Project Board the person appointed in place of the member who held that office shall not, by reason of the appointment alone, be chairman or, as the case may be, deputy chairman, but the Governor in Council, on the recommendation of the Minister, shall, in the notification of appointment, nominate who of the members of the board shall be chairman or, as the case may require, deputy chairman for the balance of the term of appointment then current of members of the board and the member so nominated shall be chairman or, as the case may be, deputy chairman accordingly.”.

19. Amendment of s. 74. Section 74 of the Principal Act is amended by—

(a) omitting subsection (2) and substituting the following subsections:—

“(2) The Chairman of a Project Board shall preside at each meeting of the board at which he is present and, in his absence, the deputy chairman, if he is present, shall preside at the meeting of the board.

If both the chairman and the deputy chairman are absent from a meeting of the board, the members present, if they constitute a quorum, may appoint one of their number to preside at the meeting and, while so presiding, the appointee shall have and may exercise the powers of the chairman.

(3) A quorum of a Project Board shall be a majority of the number of members of the board for the time being holding office.”;

(b) renumbering the existing subsection (3) as subsection (4).

20. Amendment of s. 75. Section 75 of the Principal Act is amended by—

(a) numbering the existing provisions as subsection (1);

(b) omitting from subsection (1), as so numbered, the words “, other than the chairman,” wherever they occur;

(c) inserting after subsection (1), as so numbered, the following subsection:—

“(2) A fee shall not be paid to a member of a Project Board who is an officer of the Public Service of Queensland for attendance at any meeting of a board held during the ordinary office working hours of that officer.”.

21. Repeal of and new s. 77A. The Principal Act is amended by repealing section 77A and substituting the following section:—

“**77A. Audit of Project Board's accounts.** (1) At least once in every calendar year the accounts of each Project Board shall be audited by the Auditor-General.

(2) The provisions of the *Financial Administration and Audit Act 1977* shall apply in relation to the accounts of each Project Board and to the audit thereof.”.

22. Amendment of s. 84. Section 84 of the Principal Act is amended by in subsection (2) omitting the words “the Governor in Council.” where they appear for the second time and substituting the words “an Order in Council.”.

23. Amendment of s. 91. Section 91 of the Principal Act is amended by—

(a) in subsection (1) omitting the expression “*The Harbours Acts 1955 to 1968*” wherever it occurs and substituting in each case the expression “the *Harbours Act 1955-1976*”; and

(b) omitting subsection (2) and substituting the following subsection:—

“(2) In this section the expression “Queensland waters” means—

- (a) the waters of any harbour within the meaning of the *Harbours Act 1955–1976*;
- (b) the waters of the territorial sea of Australia that are adjacent to Queensland; and
- (c) the waters of the sea on the landward side of the territorial sea adjacent to Queensland that are not within the limits of Queensland.”.

24. Amendment of s. 95. Section 95 of the Principal Act is amended by—

(a) in subsection (1) inserting after the word “debentures” the words “or inscribed stock”;

(b) in subsection (2) inserting after the word “debentures” the words “or inscribed stock”; and

(c) in subsection (4) omitting the expression “*The Local Bodies’ Loans Guarantee Acts 1923 to 1957*” and substituting the expression “the *Local Bodies’ Loans Guarantee Act 1923–1975*”.

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

(a) in subsection (1),

(i) inserting after the word “debentures” the words “and inscribed stock”;

(ii) omitting from paragraph (c) thereof the words “may, with the consent of the holder thereof,” and substituting the words “may, in the case of debentures with the consent of the holder thereof or in the case of inscribed stock with the consent of the registered owner,”; and

(b) in subsection (2),

(i) omitting the words “a debenture” and substituting the words “debentures or inscribed stock”;

(ii) inserting at the end thereof the words “made in respect of the loan to which the debenture or stock relates”.

26. Amendment of ss. 110, 111 and 118. Section 110, 111 and 118 of the Principal Act is each amended by—

(a) omitting the word “secretary” wherever it occurs and substituting in each case the words “Director (Administration and Finance)”; and

(b) in the note appearing in and at the beginning of section 118 omitting the word “secretary’s” and inserting after the word “signature” the words “of Director (Administration and Finance)”.

27. Amendment of s. 121. Section 121 of the Principal Act is amended by in subsection (1) omitting paragraph (a) and substituting the following paragraph:—

“(a) the preparation of programmes of works, development areas, development schemes, environmental co-ordination and procedures by or pursuant to which State development areas are to be declared or varied or terminated;”.

28. Repeal of s. 122. Section 122 of the Principal Act is repealed.