

Queensland



INDUSTRIAL DEVELOPMENT ACT 1963

**Reprinted as in force on 8 January 1999
(includes amendments up to Act No. 51 of 1998)**

Reprint No. 2

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

This Act is reprinted as at 8 January 1999. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- use conjunctives and disjunctives consistent with current drafting practice (s 28)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (s 37)
- renumber provisions and references (s 43).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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INDUSTRIAL DEVELOPMENT ACT 1963

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INDUSTRIAL DEVELOPMENT ACT 1963

[as amended by all amendments that commenced on or before 8 January 1999]

An Act relating to industrial development

Short title

1. This Act may be cited as the *Industrial Development Act 1963*.

Dictionary

2. The dictionary in the schedule defines particular words used in this Act.

Corporation of the Minister

3.(1) Subject to this section the corporation sole by the name of the Minister of Industries Assistance (the “**corporation**”) constituted under the provisions repealed by this Act of the *Labour and Industry Act 1946* is hereby preserved, continued in existence and constituted under this Act.

(2) On and from the date of the commencement of this Act—

- (a) the name of the corporation shall be the Minister for Industrial Development of Queensland; and
- (b) the Minister for Industrial Development in office at such date shall constitute the corporation in succession to the then Minister for Labour and Industry and thereafter the corporation shall be constituted in perpetual succession by the persons respectively who are successively the Minister administering this section.

(3) The corporation shall be a corporation sole by the name of the Minister for Industrial Development of Queensland, and by that name shall have perpetual succession and an official seal, and shall be capable in law of

suing and being sued in its corporate name.

(4) All courts, judges and persons acting judicially shall take judicial notice of the seal of the corporation affixed to any document or other writing whatsoever and, until the contrary is proved, shall presume that such seal was duly so affixed.

(5) For all purposes of this Act the corporation shall have and may exercise all or any of the powers, privileges, rights and remedies of the Crown.

(6) Subsection (5) applies so as not to exempt the corporation from any liability in respect of rates or charges or land tax for which a mortgagee of land is liable under the *Local Government Act 1993*, or, in respect of the City of Brisbane the *City of Brisbane Act 1924*, or under the *Land Tax Act 1915*.

Functions of the corporation

4.(1) The primary function of the corporation is to deal in land to facilitate the use of land for industrial purposes.

(2) The functions of the corporation also include—

- (a) dealing in other property to facilitate the use of land or other property for industrial purposes; and
- (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
- (c) performing functions given to the corporation under another Act; and
- (d) performing functions incidental to the corporation's other functions.

Examples of performing an incidental function—

1. Disposing of land when it is no longer required for industrial purposes.
2. Leasing land when it is not immediately required for industrial purposes.

General powers of the corporation

5.(1) The corporation has all the powers of an individual and may, for example—

- (a) deal in land or other property; and
- (b) enter into agreements, arrangements, contracts and deeds; and
- (c) enter into obligations as a purchaser or seller of a service; and
- (d) appoint agents and attorneys; and
- (e) engage consultants and contractors; and
- (f) contribute to or undertake studies about land in the State that may be used for an industrial purpose; and
- (g) exercise powers given to it under another Act; and
- (h) do anything else necessary or convenient to be done, for or in connection with, the performance of its functions.

(2) If the corporation deals in land or other property for industrial purposes, the corporation may—

- (a) lend money, or enter into other financial arrangements, as part of the dealing, including, for example, by providing finance to a purchaser; and
- (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
- (c) enter into joint ventures or other cooperative arrangements, with the Governor in Council's approval.

(3) 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.

(4) If the corporation considers it appropriate for doing anything under subsection (2), the corporation may take any form of security or charge over land or other property.

(5) The corporation may charge a fee for dealing in land or other property, providing services or otherwise exercising its powers.

(6) The corporation shall not, in respect of anything done or omitted to be done by the corporation or by any person acting under the corporation's authority under the corporation's power under this section to construct roads, be subject to any duty, obligation, liability or responsibility except to the extent to which a local government would be subject to that duty, obligation, liability or responsibility were the act or omission committed by it.

(7) Without limiting the power to make regulations under section 12, regulations may be made under that section conferring upon the corporation for the purposes of this section any right, power, protection, privilege or obligation relating to roads had by a local government or by the chief executive (of the department in which the *Transport Infrastructure Act 1994* is administered) under the *Local Government Act 1993* or the *Transport Infrastructure Act 1994*.

(8) Without limit to the generality of subsection (7), regulations may be made regulating, prohibiting or restricting traffic or any class of traffic upon any road constructed or under construction by the corporation pursuant to this section or upon any part of any such road or confining traffic or any class of traffic to any specified part of any such road.

(9) At any time after the completion of the construction of any road constructed by the corporation pursuant to this section the Governor in Council may, by gazette notice, fix a date on and after which the provisions of the *Local Government Act 1993* shall apply to the road.

(10) On and after the date so fixed—

- (a) the corporation shall not be subject to any duty, obligation, liability or responsibility whatsoever in respect of the road; and
- (b) any regulations made pursuant to the provisions of this section shall cease to apply to the road; and
- (c) the provisions of the *Local Government Act 1993* shall apply in respect of the road as if it had been constructed by the local government in the area whereof it is situated.

(11) Until the date fixed by the Governor in Council under subsection (9), the *Local Government Act 1993* does not apply to a road

constructed or under construction pursuant to this section.

(12) In this section—

“**power**” includes legal capacity.

Sale of surplus land

6.(1) For the purposes of this section—

“**surplus land**” means land held by or on behalf of the corporation which has been acquired by the corporation for valuable consideration for the purposes of this Act whether at the material time held in fee simple or surrendered to the Crown and which is not required for carrying out the corporation’s functions under this Act.

(2) The corporation may, on sound commercial terms, sell any estate in fee simple in surplus land at its market value—

- (a) by public tender or auction on a cash basis; or
- (b) by private treaty with a department of the Government of the Commonwealth or of the State or a statutory body constituted under any Act of the Commonwealth or of the State; or
- (c) in any other way prescribed under a regulation.

Delegations

7.(1) The corporation may delegate its powers to the chief executive.

(2) The delegation may permit the subdelegation of the power by the chief executive to an appropriately qualified officer or employee of the department.

(3) In subsection (2)—

“**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.

Example of standing—

A person’s classification level in the department.

Security

8. For the purposes of this Act the corporation may hold, until the same can be advantageously disposed of, any property real or personal taken by the corporation or to which the corporation has become entitled as security for or in satisfaction, liquidation, or discharge of any debt owing to it.

Corporation may provide land for industrial purpose

9. 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 *Land Act 1994* of unallocated State land available for the undertaking.

Estates Construction Fund

10.(1) The corporation must establish and keep an Estates Construction Fund.

(2) The fund is a fund of the trust and special funds under the *Financial Administration and Audit Act 1977*.

(3) The corporation must credit to the fund—

- (a) amounts appropriated to the corporation by Parliament; and
- (b) amounts for a lease arranged under section 9, or on the conversion of the lease, that are received by the corporation; and
- (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.

(4) The amounts credited to the fund may be applied in payment of any or all of the following—

- (a) the corporation's costs and expenses in performing its functions;
- (b) principal and interest for a borrowing;
- (c) an amount the Minister and the Treasurer direct the corporation, 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 34.¹

Declaration that corporation is statutory body

11.(1) The corporation is a statutory body for the *Statutory Bodies Financial Arrangements Act 1982*.

(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the corporation’s powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

Regulation-making power

12. The Governor in Council may make regulations under this Act.

Existing arrangements

13.(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.

Transitional provision for funds—Industrial Development Amendment Act 1998

14.(1) This section applies to each amount that, immediately before the commencement of the *Industrial Development Amendment Act 1998*,

¹ *Statutory Bodies Financial Arrangements Act 1982*, section 34 (Statutory bodies may borrow with the Treasurer’s approval)

section 13, was the balance credited to each of the following funds—

- (a) the Assistance to Industries Fund;
- (b) the Industrial Estates Construction Fund;
- (c) the Estates Maintenance Fund.

(2) The corporation must transfer each of the amounts to the estates construction fund established under section 10.

SCHEDULE**DICTIONARY**

section 3

“ancillary industry” includes—

- (a) an undertaking ancillary to, or associated with, an industry; and
- (b) an undertaking that provides facilities or services to people employed in an industry located on land dealt with by the corporation.

Examples of paragraph (a)—

Business, education and training, professional, storage and transport services.

Examples of paragraph (b)—

Child care centres, convenience stores, food outlets, public parks and swimming pools and tennis courts.

“corporation” see section 5.

“deal”, in land or other property, includes—

- (a) acquire, develop, dispose of, hold, lease, license the use or occupation of, manage, sublease and otherwise deal in or with the land or other property, or interests in the land or other property; and
- (b) if the land or other property is contaminated by a hazardous contaminant—remediate the land or other property.

SCHEDULE (continued)

“hazardous contaminant” see *Environmental Protection Act 1994*, schedule 4.²

“industrial purposes” means purposes of an industry or ancillary industry.

“industry” includes an undertaking in one or more of the following areas—

- (a) information technology and communications, including, for example, producing circuit boards;
- (b) manufacturing, including, for example, textile production and cabinet making;
- (c) processing or reprocessing, including, for example, aluminium smelting and refining and making herbal medicines;
- (d) research and development, including, for example, medical and pharmaceutical research and designing aircraft.

“land” means—

- (a) land; or
- (b) land and improvements on the land; or
- (c) improvements on land.

“remediate” land or other property means—

- (a) rehabilitate the land or other property; or
- (b) restore the land or other property; or

² 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.’

SCHEDULE (continued)

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

“serious environmental harm” see the *Environmental Protection Act 1994*, section 17.³

³ 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 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 8 January 1999. Future amendments of the Industrial Development Act 1963 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	prev	=	previous
amd	=	amended	(prev)	=	previously
amdt	=	amendment	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
o in c	=	order in council	sch	=	schedule
om	=	omitted	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No. 15 of 1994	2 February 1996
1A	to Act No. 54 of 1996	11 February 1997
1B	to Act No. 54 of 1996	28 July 1997
1C	to Act No. 39 of 1997	5 November 1997

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed citations and remade laws	1
Changed names and titles	1
Obsolete and redundant provisions	1
Renumbered provisions	1

6 List of legislation

Industrial Development Act 1963 No. 28

date of assent 12 December 1963

commenced 9 January 1964 (proc pubd gaz 11 January 1964 p 80)

as amended by—

Industrial Development Act Amendment Act 1964 No. 5

date of assent 31 March 1964

commenced 7 May 1964 (proc pubd gaz 9 May 1964 p 19)

Industrial Development Act Amendment Act 1970 No. 40

date of assent 18 December 1970

ss 3(a), 4 and 8 commenced 1 January 1971 (see s 2)

remaining provisions commenced on date of assent

Industrial Development Act Amendment Act 1973 No. 36

date of assent 26 April 1973

commenced on date of assent

Industrial Development Act Amendment Act 1975 No. 44

date of assent 9 October 1975

commenced on date of assent

Industrial Development Act Amendment Act 1976 No. 61

date of assent 3 November 1976

commenced on date of assent

State Development and Public Works Organization Act and Other Acts Amendment Act 1979 No. 26 pt 7

date of assent 6 June 1979

commenced on date of assent

Industrial Development Act Amendment Act 1981 No. 99

date of assent 11 December 1981

commenced on date of assent

Industrial Development Act Amendment Act 1987 No. 77 (as amd 1989 No. 103 s 3 sch)

date of assent 1 December 1987

commenced on date of assent

Statute Law (Miscellaneous Provisions) Act 1994 No. 15 ss 1–3 sch 1

date of assent 10 May 1994

commenced on date of assent

Public Service Act 1996 No. 37 ss 1–2, 147 sch 2

date of assent 22 October 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 1996 (1996 SL No. 361)

Statutory Bodies Financial Arrangements Amendment Act 1996 No. 54 ss 1–2, 9 sch

date of assent 20 November 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 June 1997 (1997 SL No. 128)

Cooperatives Act 1997 No. 39 ss 1–2, 472 sch 7

date of assent 25 August 1997

ss 1–2 commenced on date of assent

remaining provisions commenced 1 September 1997 (1997 SL No. 286)

Industrial Development Amendment Act 1998 No. 51

date of assent 27 November 1998

ss 13, 15 commenced on 18 December 1998 (1998 SL No. 335)

remaining provisions commenced on date of assent

7 List of annotations**Short title**

s 1 amd R1 (see RA s 37)

Amendments and repeals of 11 Geo. VI. No. 20

s 2 om R1 (see RA s 40)

Dictionary

s 3 sub 1998 No. 51 s 4

Administration of Act

s 4 amd 1964 No. 5 s 3; 1970 No. 40 s 4

om 1996 No. 37 s 147 sch 2

Corporation of the Minister

s 5 amd 1998 No. 51 s 5

Functions of the corporation

s 5A ins 1998 No. 51 s 6

General powers of the corporation

prov hdg sub 1998 No. 51 s 7(1)

s 6 amd 1970 No. 40 s 5

amd 1998 No. 51 s 7(2)–(7)

Power to lease and sub-lease land

s 6A ins 1970 No. 40 s 6

om 1998 No. 51 s 8

Vesting of Crown land in the Minister

s 6B ins 1970 No. 40 s 7

om 1998 No. 51 s 8

Sale of surplus land

s 6C ins 1987 No. 77 s 2

amd 1998 No. 51 s 9

Delegations

s 7 amd 1964 No. 5 s 4
 sub 1998 No. 51 s 10

Powers of delegation

s 8 amd 1964 No. 5 s 5
 om 1998 No. 51 s 10

Powers etc. of officer

s 9 amd 1964 No. 5 s 6; 1970 No. 40 s 8
 om 1998 No. 51 s 10

Power to make inquiry

s 10 amd 1964 No. 5 s 7
 om 1998 No. 51 s 10

Industries assistance board

s 11 amd 1964 No. 5 s 8
 om 1998 No. 51 s 10

Powers and duties of board

s 12 om 1998 No. 51 s 10

Advances and guarantees

s 13 amd 1975 No. 44 s 2
 om 1998 No. 51 s 10

Application for advance

s 14 om 1998 No. 51 s 10

Board to investigate application

s 15 om 1998 No. 51 s 10

Decision of Minister on application for financial assistance

s 16 amd 1970 No. 40 s 9; 1975 No. 44 s 3; 1976 No. 61 s 4
 om 1998 No. 51 s 10

Limits of financial assistance

s 17 amd 1970 No. 40 s 10; 1975 No. 44 s 4
 om 1998 No. 51 s 10

Powers as to advances

s 18 amd 1976 No. 61 s 5; 1981 No. 99 s 3
 om 1998 No. 51 s 10

Powers as to guarantees

s 19 amd 1975 No. 44 s 5; 1976 No. 61 s 6
 om 1998 No. 51 s 10

Recovery of moneys paid under guarantee

s 20 amd 1981 No. 99 s 4
 om 1998 No. 51 s 10

Obligations etc. of applicant during existence of advance or guarantee

s 21 amd 1981 No. 99 s 5
 om 1998 No. 51 s 10

Inspection, audit etc.

s 22 amd 1964 No. 5 s 9; 1970 No. 40 s 11; 1981 No. 99 s 6
om 1998 No. 51 s 10

Security

s 23 amd 1998 No. 51 s 11

Corporation may provide land for industrial purpose

s 24 amd 1970 No. 40 s 12
sub 1998 No. 51 s 12

Estates Construction Fund

s 25 sub 1998 No. 51 s 13

Industrial estates construction fund

s 25A ins 1973 No. 36 s 3
amd 1979 No. 26 s 41; 1987 No. 77 s 3 (as amd 1989 No. 103 s 3 sch);
1994 No. 15 s 3 sch 2; 1996 No. 54 s 9 sch
om 1998 No. 51 s 13

Estates maintenance fund

s 25B ins 1973 No. 36 s 3
amd 1979 No. 26 s 42; 1996 No. 54 s 9 sch
om 1998 No. 51 s 13

Repayment of appropriations

s 25C ins 1973 No. 36 s 3
om 1998 No. 51 s 13

General powers

s 26 om 1998 No. 51 s 13

Power to borrow etc.

s 26A ins 1973 No. 36 s 4
sub 1979 No. 26 s 43; 1996 No. 54 s 9 sch

Application of moneys

prov hdg amd 1979 No. 26 s 44(a)
s 26B ins 1973 No. 36 s 4
amd 1979 No. 26 s 44(b)–(c)
om 1996 No. 54 s 9 sch

Debentures, bonds and stocks

prov hdg sub 1979 No. 26 s 45(a)
s 26C ins 1973 No. 36 s 4
amd 1979 No. 26 s 45(b)
om 1996 No. 54 s 9 sch

Entitlement of holder of debenture

s 26D ins 1973 No. 36 s 4
amd 1981 No. 99 s 7
om 1996 No. 54 s 9 sch

Status of debenture, bond or stock as investment and security

- prov hdg** amd 1979 No. 26 s 46(a)
s 26E ins 1973 No. 36 s 4
 amd 1979 No. 26 s 46(b)–(c)
 om 1996 No. 54 s 9 sch

Brokerage

- s 26F** ins 1973 No. 36 s 4
 amd 1979 No. 26 s 47
 om 1996 No. 54 s 9 sch

Remedy of lender

- prov hdg** amd 1979 No. 26 s 48(a)
s 26G ins 1973 No. 36 s 4
 amd 1979 No. 26 s 48(b)
 om 1996 No. 54 s 9 sch

Regulations relating to loans etc.

- s 26H** ins 1979 No. 26 s 49
 om 1996 No. 54 s 9 sch

Regulation-making power

- s 27** amd 1970 No. 40 s 13; 1973 No. 36 s 5; 1979 No. 26 s 50
 sub 1998 No. 51 s 14

Existing arrangements

- s 28** amd 1976 No. 61 s 7
 sub 1998 No. 51 s 14

Transitional provision for funds—Industrial Development Amendment Act 1998

- s 29** amd 1964 No. 5 s 10
 sub 1998 No. 51 ss 14–15

Numbering and renumbering of Act

- s 30** ins 1998 No. 51 s 15
 om R2 (see RA s 37)

SCHEDULE—DICTIONARY

ins 1998 No. 51 s 14

8 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS [Reprint No. 2]
 under the Reprints Act 1992 s 43 as required by the Industrial Development
 Amendment Act 1998 s 30

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3	2
5	3
5(6)	5(3)
5(6A)	5(4)

5(7)	5(5)
5(8)	5(6)
5A	4
6	5
6(2A)	6(3)
6(2B)	6(4)
6(2C)	6(5)
6(3)	6(6)
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6(6)	6(9)
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6(8)	6(11)
6(9)	6(12)
6C	6
23	8
24	9
25	10
26A	11
27	12
28	13
29	14

9 Transitional and savings provisions

Industrial Development Act Amendment Act 1970 No. 40 s 14 reads as follows—

Validity of certain things done

14. Any thing done prior to the date when this Act (other than paragraph (a) of section 3 and sections 4 and 8) commences which purports to have been done under the authority of the Principal Act, notwithstanding any defect in the doing thereof or in the manner in which such thing was done or in the procedure involved in the doing of such thing, and which would be authorized by the Principal Act as amended by this Act had it been done after the said date shall be deemed to have been authorized by the Principal Act.