



ELIZABETHAE SECUNDAE REGINAE

No. 55 of 1971

**An Act To Provide for State and Regional Planning and
Development through a co-ordinated system of Public
Works Organization, for Environmental Controls,
and for related purposes**

[ASSENTED TO 2ND DECEMBER, 1971]

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:—

PART I—PRELIMINARY

1. Short title. This Act may be cited as the *State and Regional Planning and Development, Public Works Organization and Environmental Control Act 1971*.

2. Commencement of Act. This Act shall come into operation on a date appointed by the Governor by Proclamation published in the Gazette.

3. Arrangement of Act. This Act is divided into Parts, Divisions of Parts and a Schedule as follows:—

PART I—PRELIMINARY (ss. 1–5);

PART II—ADMINISTRATION (ss. 6–21);

Division I—Co-ordinator-General and Deputy Co-ordinator-General;

Division II—Incorporation of Co-ordinator-General, and Functions;

Division III—Secretary, Regional Co-ordinators, Officers and Workmen of Co-ordinator-General;

PART III—PROGRAMME OF WORKS (ss. 22–28);

PART IV—ENVIRONMENTAL CO-ORDINATION (ss. 29–37);

PART V—REGIONAL CO-ORDINATION (ss. 38–47);

PART VI—PLANNED DEVELOPMENT (ss. 48–91);

Division I—State Development Areas;

Division II—Undertaking of Works by or on behalf of Local Bodies;

Division III—Undertaking of Works by Co-ordinator-General;

Division IV—Project Boards;

Division V—Special Powers Incidental to Planned Development;

PART VII—FINANCE PROVISIONS (ss. 92–101);

PART VIII—MISCELLANEOUS PROVISIONS (ss. 102–122);

Division I—Specific Powers and Duties of Co-ordinator-General;

Division II—Provisions Concerning Legal Liability of Co-ordinator-General;

Division III—Facilitation of Execution of Act;

SCHEDULE.

4. Repeals and savings. (1) Subject to this section the Acts specified in the Schedule to this Act are repealed and in this Act are referred to as the repealed Acts.

(2) The person who immediately before the date of commencement of this Act holds the office of Co-ordinator-General of Public Works for the purposes of the repealed Acts shall continue to hold, subject to the terms of his appointment, the office of Co-ordinator-General for the purposes of this Act.

A person who immediately before the date of commencement of this Act holds an office provided for in the repealed Acts and provided for in this Act shall continue to hold, subject to the terms of his appointment, that office for the purposes of this Act.

(3) A board, council, committee or other body established under or for the purposes of the repealed Acts and subsisting immediately before the date of commencement of this Act shall continue in existence and be deemed to have been established under or, as the case may be, for the purposes of this Act.

(4) The provisions of the repealed Acts shall be deemed to continue in force and to apply for the purpose of—

- (a) the effectual operation of every Order in Council, regulation, order, notification, or delegation made or given thereunder and subsisting at the date of commencement of this Act, the purpose and effect whereof is not exhausted at such date;
- (b) the carrying out and completion of works undertaken for the purposes of the repealed Acts before the date of commencement of this Act, and the payment of costs, charges and expenses incurred therein;
- (c) the completion of any resumption of land or other proceeding commenced before the date of commencement of this Act, and the payment of compensation, costs, charges and expenses payable or incurred in respect thereof.

5. **Meaning of terms.** In this Act, save where the contrary appears—

“ approved development scheme ” means a development scheme relating to land situated in a State development area and approved by the Governor in Council under this Act;

“ authorized works ” means works authorized under this Act to be undertaken by the Co-ordinator-General;

“ body of water ” means water contained in a river, creek, stream, watercourse, lake, lagoon, swamp, marsh or subterranean deposit;

“ Co-ordinator-General ” means the corporation sole constituted under section 8A of *The State Development and Public Works Organisation Act of 1938*, as subsequently amended, and preserved, continued in existence and constituted under section 11 of this Act;

“ Council ” means the Environmental Control Council as established at the material time under this Act;

“ development ” means the use of land or water within the State or over which the State claims jurisdiction and includes the construction, undertaking, carrying out, establishment, maintenance, operation, management and control of any works on or in land or water;

“ ecology ” means the mutual relationship between living organisms and their environment;

“ environment ” means the conditions and influences to which living matter is sensitive and is capable of reacting;

“ foreshore ” means the part of the bed, shore or banks of the sea or of any harbour, including any tidal navigable river, that is ordinarily covered and uncovered by the flow and ebb of the tide at spring tides;

“ land ” includes any estate or interest in land, and any easement, right, power or privilege in, over, or in connexion with land, and any wharf;

“ Local Authority ” includes a Local Authority constituted under the *Local Government Act 1936-1971* and the Brisbane City Council constituted under the *City of Brisbane Act 1924-1969*;

“ local body ” means a Local Authority, a person or body appointed or constituted under any Act and charged with the collection or administration of money or the performance

of a function, in either case for a purpose of local public concern, and a local body within the meaning of *The Local Bodies' Loans Guarantee Acts 1923 to 1957*, and, when used in relation to a particular area or subject-matter, means the local body that has jurisdiction within that area or in connexion with that subject-matter;

“Minister” means the Premier and Minister for State Development, or other Minister of the Crown who, at the material time, is charged with the administration of this Act and includes any Minister of the Crown who is temporarily performing the duties of the Minister;

“pollution” includes the emission, discharge, or accumulation of any substance or substances, whether in a solid, liquid or gaseous state, and any noise, likely to create a nuisance or to contribute to the creation of a nuisance or likely to render any part of the environment harmful to health, safety or welfare, and the presentation, establishment or maintenance in or adjacent to a public place of any thing that is likely to be detrimental to the environment;

“private works” means the whole and every part of any work, project, service, utility, undertaking or function that a person is required or permitted to undertake pursuant to an agreement between himself and the Government of the State and, in particular, includes the provision of housing, water, drainage, sewerage, roads, power and other facilities pursuant to such an agreement in connexion with the establishment of a town or other community;

“region” means a part of the State or of an area over which the State claims jurisdiction, delineated on a plan, and declared under this Act to be a region;

“secretary” means the person who at the material time holds the office of secretary to the Co-ordinator-General and includes any person who at the material time is performing the duties of that office;

“State development area” means a part of the State or of an area over which the State claims jurisdiction, delineated on a plan, and declared under this Act to be a State development area;

“undertake” includes to investigate, plan, construct, provide, effect, establish, carry out, maintain, manage and control;

“waste” means matter whether in a solid, liquid or gaseous state that is discarded and includes effluent, rubbish, refuse, garbage and litter;

“works” means the whole and every part of any work, project, service, utility, undertaking or function—

- (a) that the Crown, the Co-ordinator General or other person or body who represents the Crown, or any local body is or may be authorized under any Act to undertake; or
- (b) that is or has been (before or after the date of commencement of this Act) undertaken by the Crown, the Co-ordinator-General or other person or body who represents the Crown, or any local body under any Act; or
- (c) that is included or is proposed to be included by the Co-ordinator-General as works in a programme of works, or that is classified by the holder of the office of Co-ordinator-General as works.

PART II—ADMINISTRATION

Division I—Co-ordinator-General and Deputy Co-ordinator-General

6. Administration of Act. This Act shall be administered by the Minister and, subject to him, by the Co-ordinator-General.

7. Appointment of Co-ordinator-General. The Governor in Council, may, by commission under his hand and the Public Seal of the State, appoint a person to hold the office of Co-ordinator-General.

The appointee shall be paid, during his tenure of office, a salary at such rate as the Governor in Council determines from time to time.

8. Appointment of Deputy Co-ordinator-General. The Governor in Council may, by commission under his hand and the Public Seal of the State, appoint a person to hold the office of Deputy Co-ordinator-General.

The appointee shall be paid, during his tenure of office, a salary at such rate as the Governor in Council determines from time to time.

9. Tenure of appointment under ss. 7 and 8. Subject to this section, the appointee to the office referred to in section 7 or in section 8 of this Act shall hold his office for the period fixed by the Governor in Council and specified in the instrument whereby he is appointed but shall be eligible for re-appointment thereto unless he has become debarred under any Act or regulations made under any Act from holding or continuing in such office.

10. Termination of appointment under ss. 7 and 8. (1) A person appointed to an office referred to in section 7 or in section 8 of this Act shall be deemed to have vacated his office—

- (a) if he engages in remunerative employment save the duties of the office to which he is so appointed or of any office which he holds by reason of his holding that appointment;
- (b) if he engages in any trade or business save as a member of a body corporate that consists of more than twenty persons;
- (c) if he becomes bankrupt or takes advantage of the laws in force for the time being relating to bankrupt or insolvent debtors;
- (d) if he absents himself from duty for 14 consecutive working days or for a total of 28 days in any calendar year save on account of illness or pursuant to leave approved by the Minister who is hereby empowered so to do;
- (e) if he is convicted in the State of an indictable offence for which he is liable to be imprisoned for 12 months at the least or is convicted elsewhere of an offence that, if committed by him in the State would constitute an indictable offence upon conviction whereof he would be so liable;
- (f) if he is a patient within the meaning of *The Mental Health Acts 1962 to 1964* or dies;

- (g) if he is concerned in any agreement made for the purposes of this Act save in his capacity as Co-ordinator-General or, as the case may be, Deputy Co-ordinator-General or, save as aforesaid, if he participates in or claims to be entitled to participate in the profits arising from such an agreement;
- (h) if he resigns his office by writing under his hand addressed to the Governor in Council and furnished to the Minister.

(2) A person appointed to an office referred to in section 7 or in section 8 of this Act may be removed from his office by the Governor in Council on account of misbehaviour, incapacity, or his being unfit, in the opinion of the Governor in Council, to hold the office.

Division II—Incorporation of Co-ordinator-General, and Functions

11. Incorporation of Co-ordinator-General. (1) The corporation sole constituted under section 8A of *The State Development and Public Works Organisation Act of 1938*, as subsequently amended, is hereby preserved, continued in existence and constituted under this Act under the name and style The Co-ordinator-General.

(2) The corporation sole is constituted by the person who at the material time holds the office of Co-ordinator-General pursuant to section 7 of this Act or, in his absence from duty or during any vacancy in that office, by the person who at the material time holds the office of Deputy Co-ordinator-General pursuant to section 8 of this Act.

(3) The corporation sole under the name and style assigned to it by this section shall have perpetual succession and an official seal and shall be capable in law of suing and being sued and, subject to this Act, may take, acquire by grant, purchase, take on lease, sell, exchange, lease, assign, transfer, surrender to the Crown and hold property real and personal and may do and suffer all such acts and things as are necessary for the proper exercise and performance of the powers, functions and duties of the Co-ordinator-General to the same extent as a natural person might do or suffer.

(4) All courts, judges, justices and persons acting in a judicial capacity shall take judicial notice of the appointment of the Co-ordinator-General and of the Deputy Co-ordinator-General and of their respective signatures and of the official seal of the Co-ordinator-General affixed to any document, and, in the absence of proof to the contrary, shall presume that such signature or seal was duly affixed.

12. Co-ordinator-General represents Crown. For the purposes of this Act the Co-ordinator-General represents the Crown and has and may exercise all the powers, privileges, rights and remedies of the Crown.

13. Functions and duties of Co-ordinator-General. (1) The Co-ordinator-General shall have such functions and shall perform such duties as are assigned to him by this Act or by Order in Council made under this Act or by or under any other Act.

(2) The Co-ordinator-General shall, of his own motion or at the direction of the Minister, undertake and commission such investigations, prepare such plans, devise such ways and means, give such directions, and take such steps and measures, as he thinks necessary or desirable

to secure the proper planning, preparation, execution, co-ordination, control and enforcement of a programme of works, planned developments, and environmental controls for the State and for areas over which the State claims jurisdiction.

(3) The Co-ordinator-General shall furnish to the Minister such recommendations as he thinks fit to make concerning any matter that arises out of or is connected with the performance by him of his functions and duties assigned to him by or under this Act or that may assist in the proper administration of this Act.

14. Power of delegation. (1) Subject to section 68 of this Act, the Co-ordinator-General, with the approval of the Minister, may either generally or otherwise as provided by the instrument of delegation, by writing under his seal, delegate to any person or body of persons all or any of his powers, functions and duties except this power of delegation.

(2) A power, function or duty so delegated, if exercised or performed by the delegate, shall be exercised or performed by the delegate in accordance with the instrument of delegation.

(3) A delegation may be limited to any part or parts of the State and may be made subject to such terms as the Co-ordinator-General thinks fit including a requirement that the delegate shall report to the Co-ordinator-General upon his exercise or performance of the delegated power, function or duty.

(4) Where pursuant to this Act or to any other Act the exercise or performance of any power, function or duty, the subject of a delegation, is made to depend upon the opinion or belief of the Co-ordinator-General in relation to any matter, that power, function or duty may be exercised or performed upon the opinion or belief of the delegate who is considering the exercise or performance of that power, function or duty.

(5) The Co-ordinator-General may make such and so many delegations of the same power, function or duty and to such number of persons or bodies of persons as he considers necessary or desirable.

(6) A delegation is revocable at the will of the Co-ordinator-General and does not prevent the exercise of a power or the performance of a function or duty by him.

15. Power to hold inquiry. (1) The Co-ordinator-General may, of his own motion, and shall, at the direction of the Minister, institute and conduct an inquiry into any matter that, in the opinion of the Co-ordinator-General or of the Minister, is one with which the Co-ordinator-General should be concerned in the proper performance of his functions under any Act or that would further the purposes of this Act.

(2) The Governor in Council may, in relation to a particular inquiry to be conducted under this Act, upon the recommendation of the Minister, declare by Order in Council that the inquiry therein specified shall be conducted as a Commission of Inquiry under *The Commission of Inquiry Acts 1950 to 1954* whereupon the Co-ordinator-General or, as the case may be, his delegate who conducts the inquiry may exercise and shall have the powers, authorities, protection and jurisdiction of a

commission under those Acts and of a chairman of such a commission except such as are by those Acts confined to a chairman who is a Judge of the Supreme Court and the provisions of those Acts shall apply accordingly.

16. Co-operation with Co-ordinator-General. (1) Subject to this section, it is the duty of—

- (i) a local body and, where it is a corporation, of every person who comprises it,
- (ii) the Permanent Head of a department of the Government of the State,
- (iii) a corporation constituted for the purposes of any Act or that, being incorporated by the law of the State, is an instrumentality or agency of the Crown, and of every person who comprises it,
- (iv) the holder of any office provided for by any Act,
- (v) a person in the employ of a local body, or in the employ of such corporation or holder for the purposes of the material Act, or employed in such a department,

to co-operate with the Co-ordinator-General in the performance by him of the functions and duties of the Co-ordinator-General.

(2) Without limit to the duty imposed by subsection (1) of this section a person subject thereto—

- (a) shall consult with and make his services available to the Co-ordinator-General in connexion with works, whether constructed, in course of construction, or to be constructed and in connexion with any other matter that concerns the Co-ordinator-General;
 - (b) shall confer, as requested by the Co-ordinator-General, on any matter that concerns development, planning, or environmental control within the State or within any area over which the State claims jurisdiction and on any other matter that concerns the Co-ordinator-General;
 - (c) shall, as required by the Co-ordinator-General, furnish to him accurate information in the possession of or available to that person in the capacity whereby he is subject to this section concerning such matters as in the Co-ordinator-General's opinion would assist him in the discharge of his functions or duties.
- (3) This section shall be construed to apply—
- (a) save where the Minister directs to the contrary in a particular case, proof whereof shall lie upon him who alleges it;
 - (b) in relation to the furnishing of information, subject to the provisions of any Act that expressly require a person employed under that Act to preserve and aid in preserving secrecy with regard to all matters that may come to his knowledge in his official capacity.

17. Appointment of persons to aid Co-ordinator-General. The Governor in Council may, by Order in Council made on the recommendation of the Minister, appoint any person to act in aid of the Co-ordinator-General in respect of particular works or other matter that concerns the Co-ordinator-General and the appointee, while he so acts, shall be paid a salary at a rate determined from time to time by the Governor in Council.

Division III—Secretary, Regional Co-ordinator, Officers and Workmen of Co-ordinator-General

18. Appointment of secretary, co-ordinators and officers. The Governor in Council may appoint a secretary to the Co-ordinator-General, and such regional co-ordinators and 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 1922–1968* and every person so appointed shall hold his appointment subject to that Act.

19. Appointment of workmen. The Co-ordinator-General may employ such workmen as he considers necessary for the proper performance by him of his functions and duties and the proper exercise by him of his powers.

The wages payable to a workman so employed and the conditions of his employment shall comply with the requirements of any material award of an industrial tribunal or of any material industrial agreement and, subject thereto or where there is no such award or agreement, shall be as determined from time to time by the Co-ordinator-General.

20. Services of technical advisers. The Co-ordinator-General may obtain or retain the advice or services of such technical advisers as he considers necessary for the proper performance by him of his functions and duties and the proper exercise by him of his powers.

Remuneration in respect of such advice or services shall be such as is approved by the Minister.

21. Authority of secretary to attest. The secretary is authorized to execute any document or writing on behalf of the Co-ordinator-General and to affix thereto the official seal of the Co-ordinator-General.

PART III—PROGRAMME OF WORKS

22. Programme of works. (1) The Co-ordinator-General may, of his own motion, and shall, at the direction of the Minister, plan in respect of a particular period—

- (a) a programme of works for the State or for any part of the State or for any area over which the State claims jurisdiction;
- (b) the orderly carrying out over that period or during any portion or portions of that period of the whole or any part of the works included in the programme.

(2) For the purpose of planning a programme of works the Co-ordinator-General may require any person who is required by this Act to co-operate with him to furnish to him—

- (a) particulars of all works proposed to be carried out by or under the authority or supervision of that person during the period in question;
- (b) such information as the Co-ordinator-General considers necessary to enable him to have proper regard to the matters prescribed by section 28 of this Act as matters to be regarded in relation to a programme of works.

Particulars and information furnished to the Co-ordinator-General pursuant to his requisition shall be verified in manner directed by him, including (should he so direct) by way of statutory declaration.

23. Selection of works for programme of works and their performance.

(1) Works to be included in a programme of works shall be at the discretion of the Co-ordinator-General.

(2) A programme of works may include works that have been submitted to the Co-ordinator-General by a local body or other person for inclusion in a programme of works or that are included therein on the initiative of the Co-ordinator-General in addition to or in lieu of works so submitted.

(3) The Co-ordinator-General may plan that works included in a programme of works shall be undertaken by himself or by his agent, or by any local body or person who is required or permitted under or pursuant to any Act so to do.

24. Submission of programme of works to Governor in Council.

(1) The Co-ordinator-General shall furnish his plan for a programme of works to the Minister who, if he approves of it, shall submit the same to the Governor in Council for his approval.

(2) If the Governor in Council approves of the programme submitted to him he may, having regard to the need for Parliamentary appropriation to the material purposes, make an Order in Council that evidences his approval and authorizes the programme to be implemented.

Upon publication of the Order in Council in the Gazette the programme (as altered from time to time by the Co-ordinator-General in accordance with this Act) shall be the programme of works for the State and shall be binding on the Co-ordinator-General and on all other persons concerned in that programme.

(3) If the Governor in Council does not approve of the programme submitted to him, he shall cause the Minister to return the programme together with his objections thereto and comments thereon to the Co-ordinator-General who, upon consideration thereof, shall make to the programme such alterations as he considers warranted in the circumstances.

The programme as so altered shall be again furnished to the Minister and submitted to the Governor in Council as prescribed by subsection (1) of this section.

25. Alterations to approved programme of works. The Co-ordinator-General may make such alterations to a programme of works approved by the Governor in Council as the Co-ordinator-General considers warranted in the circumstances.

The Co-ordinator-General shall not exercise the power conferred on him by this section except with the consent of the Minister first had and obtained save where the alteration will not result in additional expenditure in a sum exceeding \$10,000 or such other amount as is prescribed by the Governor in Council by Order in Council.

26. Implementation of programme of works as approved. In giving effect to a programme of works approved by the Governor in Council no modification or addition shall be made to any of the works included therein save with the consent of the Co-ordinator-General first had and obtained.

27. Local body's application for assistance examined by Co-ordinator-General. (1) Every application that moneys be paid from the Treasury of Queensland in respect of works or proposed works of a local body or that the Treasurer, on behalf of the Government of Queensland, guarantee the amount or any part of the amount of a loan made or to be made in respect of works or proposed works of a local body shall be submitted to the Co-ordinator-General together with such particulars relevant thereto as he considers necessary.

(2) The Co-ordinator-General, having regard to the importance and merit of the works for which the moneys or guarantee is sought relative to any programme of works planned or being planned by him at the time of the submission of the application to him, shall make to the Treasurer such recommendations with respect thereto as he thinks fit.

(3) In determining how an application referred to in subsection (1) should be disposed of due weight shall be given to the recommendations made by the Co-ordinator-General with respect to the application.

28. Objectives of comprehensive programme of works. With a view to the co-ordination, regulation and control of a comprehensive programme of works for the development of the State regard shall be had by the Co-ordinator-General and all other persons concerned to the following considerations:—

- (i) the orderly arrangement and revision of a general programme of works for the State;
- (ii) the creation of additional means and methods of development and of employment;
- (iii) the development of the State on an equitable basis, adequate and proper consideration being given to matters of environment, social conditions and regional potential;
- (iv) the provision of ways and means whereby finance for works and for the initiation of works may be spread over the State in equitable proportions, adequate and proper consideration being given to matters of environment, social conditions and regional potential;
- (v) the allocation, on terms advantageous to the welfare of the State generally, of finance by way of loans and otherwise amongst the departments of the Government of the State and local bodies;
- (vi) the examination and review of larger developmental works generally with a view to a selection by the Governor in Council of works that, while conferring a greater amount of aid to the general employment position of the State, also offer greater possibilities as productive works;
- (vii) the establishment of a policy of co-ordinated relationship among departments of the Government of the State and local bodies with a view to—
 - (a) securing co-ordination and co-operation in activities connected with works and construction;
 - (b) evolving schemes for providing employment and for improving the general economic development and the public amenity of the State;
 - (c) avoiding or minimizing duplication and over-lapping in the services and activities of departments of the Government of the State and of local bodies generally;

- (viii) the securing of co-operation and assistance of persons engaged in industry otherwise than within departments of the Government of the State or within local bodies with a view to aiding the general employment position in the State.

PART IV—ENVIRONMENTAL CO-ORDINATION

29. Environmental Control Council. (1) The body called the Environmental Control Council established pursuant to *The State Development and Public Works Organisation Act of 1938*, as subsequently amended, shall be continued in existence.

(2) The Council shall consist of such number of members as is for the time being prescribed and until otherwise prescribed shall consist of the Co-ordinator-General who shall be, *ex officio*, chairman and a representative of each of the following departments of the Government of the State:—

- (i) Treasury;
- (ii) Mines;
- (iii) Main Roads;
- (iv) Justice;
- (v) Education;
- (vi) Primary Industries;
- (vii) Health;
- (viii) Labour and Tourism;
- (ix) Transport;
- (x) Railways;
- (xi) Industrial Development;
- (xii) Lands;
- (xiii) Forestry;
- (xiv) Works;
- (xv) Queensland Housing Commission;
- (xvi) Harbours and Marine;
- (xvii) Irrigation and Water Supply Commission;
- (xviii) Local Government;
- (xix) State Electricity Commission.

30. Nomination of representatives. (1) The Minister of the Crown charged with the administration of a prescribed department entitled to be represented on the Council, upon the request of the Co-ordinator-General and as often as is necessary to ensure representation of the department at all times, shall nominate a person to be the department's representative on the Council.

(2) The Minister of the Crown charged with the administration of a prescribed department represented on the Council may at any time revoke the nomination of the department's representative on the Council and, if the Minister does so, shall nominate another person to be the department's representative in his stead.

(3) Every person nominated to represent a department on the Council shall be nominated from within the department and shall continue to so represent the department until—

- (a) he ceases to be employed upon a full-time basis within the department; or
- (b) the Minister of the Crown concerned nominates another person to be the department's representative in his stead,

whichever event first occurs.

(4) Upon the nomination of a department's representative on the Council the Minister of the Crown concerned shall cause notification of the representative's identity to be given to the Co-ordinator-General.

31. Delegate members. (1) The Chairman of the Council may, either generally or in respect of a particular meeting or in respect of a period of time, designate a person from within the Department of the Co-ordinator-General to be his delegate on the Council.

(2) A member of the Council other than the chairman may, subject to the approval of the Minister of the Crown charged with the administration of the department that he represents, appoint another person from within the department to be his delegate on the Council.

Such an appointment shall be made by notice in writing given to the chairman of the Council and may be made in respect of a particular meeting or in respect of a period of time.

(3) A delegate member of the Council shall, in accordance with the terms of his appointment, be entitled to attend meetings of the Council in the absence of the member for whom he is a delegate and while so attending shall be deemed to be a member of the Council.

(4) A delegate member of the Council shall continue to represent on the Council the department from which he was appointed until—

- (a) the meeting in respect of which he was appointed is concluded;
- (b) the period in respect of which he was appointed has expired;
- (c) he ceases to be employed upon a full-time basis within the department; or
- (d) another delegate member of the Council is appointed as prescribed in his stead,

whichever event is applicable in the circumstances and first occurs.

32. Functions of Council. The functions of the Council shall be—

- (a) to co-ordinate the work of departments of the Government of the State, Local Authorities, statutory bodies, all persons and associations in their respective fields of endeavour directed towards control of the environment and to ensure consistency in their respective policies and objectives;
- (b) to develop and maintain close liaison with local Authorities and with persons and associations working in the fields of control and improvement of the environment;
- (c) to continuously review the state of the environment;
- (d) to review and investigate submissions made to it or referred to it concerning the environment;

- (e) to disseminate information both within the departments of the Government of the State and at large concerning work done or to be done to achieve control of the environment;
- (f) to make recommendations to the Government of the State or to persons or authorities concerned for the prevention or mitigation of deterioration of the environment by pollution or other cause and for the proper disposal of waste;
- (g) to advise the Government of the State on matters concerned with control of the environment.

33. Powers of Council. The Council may initiate investigations into—

- (a) the improvement of the environment generally;
- (b) research projects that the Council considers relevant to control of the environment;
- (c) all matters relevant to control of the environment that the Minister refers to it or that are submitted to it;
- (d) all matters calculated to ensure the efficient performance by the Council of its functions and the achievement of its objects and purpose,

and may make recommendations to the Minister with respect to matters arising out of such investigations.

34. Committees. The Council may appoint such executive committees and advisory committees as it considers necessary to assist it in the efficient performance of its functions or in the achievement of its objects and purpose.

Any person may be appointed to be a member of an advisory committee whether he is or is not a member of the Council.

35. Duty of Co-ordinator-General to Council. The Co-ordinator-General shall provide for the Council such technical, clerical and secretarial assistance as is required for the proper conduct of its affairs.

36. Proceedings of Council. (1) The Council shall meet at such times and places and shall conduct its business in such manner as is prescribed or, in so far as not prescribed, as it determines from time to time.

(2) Any eleven of the members of the Council shall be a quorum for the purposes of a meeting of the Council and shall be competent to transact the business of the Council and to perform the functions and exercise the powers of the Council.

(3) Any matter before a meeting of the Council shall be determined by vote of the majority of the members of the Council (being a quorum) present at the meeting and in the event of an equality of votes upon any matter the person who presides at the meeting at the time of the taking of the vote shall have a second or casting vote.

(4) A member of the Council present at a meeting who abstains from voting shall be taken to have voted in the negative.

37. Presiding at meetings of Council. The Chairman of the Council or, if he is not present, his delegate shall preside at all meetings of the Council.

Should both the chairman and his delegate be absent from a meeting of the Council or should the chairman be absent and a delegate have not been appointed by him the members present at that meeting shall elect a member from amongst those present to preside at the meeting during such absence.

The person other than the chairman, who presides at a meeting of the Council has all the powers and authorities of the chairman while he so presides.

PART V—REGIONAL CO-ORDINATION

38. Declaration of regions. 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.

Every region shall be delineated on a plan held available for inspection by the public at the office of the Co-ordinator-General.

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

40. Regional co-ordination councils. (1) The Governor in Council may establish a Regional Co-ordination Council for—

- (i) the whole of a region or any part of a region; or
- (ii) the whole of two or more regions or any part thereof.

(2) A Regional Co-ordination Council shall be taken to be established upon the publication in the Gazette of notification of the appointment of its appointed members.

(3) A Regional Co-ordination Council shall consist of a chairman, who, in each case, shall be the Co-ordinator-General or his delegate, and four or more other members who shall be appointed by the Governor in Council on the recommendation of the Minister, by notification published in the Gazette.

In making his recommendation to the Governor in Council the Minister shall have regard to the circumstances and requirements of the region or part in respect of which the appointment is to be made.

(4) In the notification of the first appointment of members to a Regional Co-ordination Council the Governor in Council shall specify in such manner as he thinks sufficient the area for which the council in question is thereby established.

The Governor in Council may by notification published in the Gazette vary the specification of the area for which a Regional Co-ordination Council is established.

41. Term of appointment of member of council. An appointment to membership of a Regional Co-ordination Council shall be for a term of three years commencing on the date of notification of the member's appointment in the Gazette save where the appointment is to a casual vacancy therein.

A member of a council shall be eligible for re-appointment.

42. Termination of membership of council. (1) A member of a Regional Co-ordination Council shall be deemed to have vacated his office as a member—

- (a) if, being the chairman, he ceases to be the Co-ordinator-General or, as the case may be, his delegate;
- (b) if he becomes bankrupt or takes advantage of the laws in force for the time being relating to bankrupt or insolvent debtors;
- (c) if he is convicted in the State of an indictable offence for which he is liable to be imprisoned for 12 months at the least or is convicted elsewhere of an offence that, if committed by him in the State would constitute an indictable offence upon conviction whereof he would be so liable;
- (d) if he is a patient within the meaning of *The Mental Health Acts 1962 to 1964* or dies;
- (e) if he resigns his office by writing under his hand addressed to the Governor in Council and furnished to the Minister.

(2) A member of a Regional Co-ordination Council may be removed from his office as such by the Governor in Council on account of misbehaviour, incapacity, or his being unfit, in the opinion of the Governor in Council, to hold the office.

43. Casual vacancies. When a vacancy occurs in the office of a member, other than the chairman, of a Regional Co-ordination Council before the expiration of his term of appointment the Governor in Council shall, on the recommendation of the Minister by notification published in the Gazette, appoint another person thereto.

Unless he sooner vacates or is removed from his office as prescribed, a person appointed to fill such a casual vacancy shall hold office until the time when his predecessor's term of appointment would have expired.

44. Meetings of councils. Meetings of a Regional Co-ordination Council shall be held at such times and its meetings and business shall be conducted in accordance with such procedural rules as are prescribed or, in so far as not prescribed, as the council determines from time to time.

45. Fees of members of councils. Members of a Regional Co-ordination Council, other than the chairman, shall be paid fees for attendance at meetings of the council at such rates as are prescribed or, in so far as not prescribed, as the Minister approves.

A member of a Regional Co-ordination Council, other than the chairman, who for the purposes of attending to the business of the council is required to travel away from the city, town or place where he usually resides shall be paid travelling and sustenance allowances at such rates as are prescribed or, in so far as not prescribed, as the Minister approves.

46. Assistance by Co-ordinator-General to councils. The Co-ordinator-General may provide for each Regional Co-ordination Council such technical, clerical and secretarial assistance as is required for the proper conduct of its affairs.

47. Functions of councils. It is the function of a Regional Co-ordination Council to—

- (a) promote the co-ordination of the objectives, policies, organizations and operations of all departments of the Government of the State and all local bodies in their respective fields of activity concerned with planned development,
- (b) continuously review the state of development,
- (c) review and investigate submissions made to it or referred to it concerning planned development,
- (d) recommend to the Co-ordinator-General concerning—
 - (i) planned regional development;
 - (ii) submissions relating to regional development;
 - (iii) research projects pertinent to the affairs of the council;
 - (iv) matters referred to the council by the Minister;
 - (v) matters relevant to the state of the environment for submission to the Environmental Control Council,
- (e) collect, and disseminate within departments of the Government of the State, local bodies and at large information concerning all aspects of planned regional development,

in respect of the area for which it is established.

PART VI—PLANNED DEVELOPMENT

Division I—State Development Areas

48. Declaration of State development areas. The Governor in Council may, by Order in Council made on the recommendation of the Minister, declare any part of the State and 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.

Every development area so declared shall be delineated on a plan held available for inspection by the public at the office of the Co-ordinator-General.

49. Variation and cessation of State development areas. (1) The Governor in Council may, by Order in Council made on the recommendation of the Minister,—

- (a) vary the area comprised in a State development area by excluding therefrom any part thereof or by including therein a further area;
- (b) revoke any Order in Council or Orders in Council that define the area comprised in a State development area.

(2) An area excluded from a State development area under this section shall, upon publication of the exclusion in the Gazette, cease to be comprised in that development area.

Upon publication in the Gazette of a revocation under this section of an Order in Council or Orders in Council that define the area comprised in a development area the area so defined shall cease to be a State development area.

50. Development scheme. As soon as practicable after the declaration of a State development area the Co-ordinator-General shall prepare in relation to that area a development scheme and shall furnish it to the Minister who, if he approves of it, shall submit the same to the Governor in Council for his approval.

51. Approval, implementation, and variation of development scheme.

(1) If the Governor in Council approves a development scheme submitted to him—

- (a) notification of the approval shall be published in the Gazette and in a newspaper that circulates within the locality of the State development area to which the scheme relates;
- (b) a copy of the scheme shall be held available for inspection by the public at the office of the Co-ordinator-General and elsewhere as he directs;
- (c) the Co-ordinator-General shall, as soon as practicable, take all steps necessary to secure the implementation of the scheme.

(2) The Co-ordinator-General may vary a development scheme approved by the Governor in Council but if he does so the scheme as so varied shall again be furnished to the Minister and submitted to the Governor in Council as prescribed by section 50 of this Act.

(3) If the Governor in Council approves a development scheme as so varied the provisions of subsection (1) of this section shall apply in respect thereof and the scheme as so varied shall be the approved development scheme for the State development area to which it relates in lieu of the development scheme theretofore approved.

52. Abrogation of development scheme. If a development scheme approved by the Governor in Council proves to be impracticable to implement or undesirable for the State development area to which it relates the Governor in Council may, on the recommendation of the Minister, abrogate the scheme.

Notification of such abrogation shall be published in the Gazette and in a newspaper that circulates within the locality of the State development area to which the abrogated scheme related.

53. Acquisition of land in State development area. (1) The Co-ordinator-General may take or otherwise acquire land situated in a State development area for the purpose of—

- (a) dealing satisfactorily with conditions of natural disaster or hazard, of act of war or civil strife, of bad layout or obsolete development;
- (b) providing for the establishment or relocation of population, industry or essential services, or for the replacement of open space in the course of the development of any other part of the State.

(2) The power conferred by the preceding subsection may be exercised notwithstanding that at the time of the taking or acquisition the development of the land taken or acquired is not provided for in an approved development scheme.

(3) A taking or acquisition of land situated in a State development area or a disposal of such land shall not be called in question in any proceeding—

- (a) on account of the taking or acquisition of the land from one person and its disposal to another (whether or not development of the land has taken place between the time of its taking or acquisition and the time of its disposal) where the taking or acquisition and the disposal are for the purpose of securing implementation of an approved development scheme that relates to the land; or
- (b) on account of the fact that the Co-ordinator-General will not control the development of the land but will secure such development by way of contract with other persons.

54. Disposal of land in State development area. (1) For as long as an approved development scheme subsists in relation to land situated in a State development area—

- (a) any grant of, demise of, or other dealing with that land made by the Governor in Council shall be subject to such reservations and conditions as are calculated to secure the implementation of that scheme;
- (b) it is not competent to the Co-ordinator-General to sell, lease, or otherwise dispose of such of that land as is held by him unless the sale, lease, or disposal is authorized by subsection (2) of this section.

(2) The Co-ordinator-General may sell, lease or otherwise dispose of land held by him in a development area—

- (a) for the purpose of implementing a development scheme that relates to that development area; and
- (b) with the approval of the Governor in Council first had and obtained.

(3) A sale, lease, or other disposal by the Co-ordinator-General of land held by him in a development area may be on such terms and conditions as he thinks fit, including the condition that the purchaser, lessee or donee of the land shall enter into such covenants (whether positive, restrictive or both) as the Co-ordinator-General requires touching and concerning the use to be made of the land and the right to sell, lease or dispose of it and such terms, conditions and covenants may be varied from time to time in such manner as is agreed by the parties concerned.

(4) For so long as land is comprised in a development area a person shall not breach or attempt to breach a covenant that binds the land or that binds him in respect of the use to be made of the land or of the right to sell, lease or dispose of it.

55. User of land under approved development scheme. Notwithstanding the provisions of any other Act or law that are directed towards the control of use of land or the provisions of any town plan or other regulatory scheme that is directed towards that control a use of land situated in a State development area in accordance with a provision of an approved development scheme that relates to the land in question or in accordance with a reservation, condition, or covenant made to secure implementation of an approved development scheme that relates to the land in question is a lawful user of the land, and, should the case require it, it shall be deemed that the material Local Authority or other authority concerned with the control of use of the land has duly permitted such use.

Division II—Undertaking of Works by or on behalf of Local Bodies

56. Recommendation of certain works. If the Co-ordinator-General recommends to the Minister that particular works should be undertaken by any local body or local bodies, the Minister, if he approves of the recommendation, shall submit the same to the Governor in Council for his approval.

57. Approval of certain works. (1) If the Governor in Council is satisfied the works recommended should be undertaken by the local body or local bodies concerned he may, having regard to representations (if any) made in respect thereof by any local body concerned, by Order in Council approve of the Co-ordinator-General's recommendation and, if he does so, may order the local body or local bodies specified in the recommendation to undertake the works recommended.

(2) If the undertaking of the works concerns more than one local body, the Governor in Council may, by his initial order or by any subsequent order direct—

- (a) that each local body undertake the part of the works directed by him; or
- (b) that the local body specified by him undertake the works and that the costs thereof be apportioned among all the local bodies concerned in such shares as he thinks just.

58. Time limited for works. By order directed to and served on a local body that is required to undertake works by an order made under section 57 of this Act the Minister may specify a time within which the works or any part thereof shall be commenced or completed and may, in like manner, extend the time so specified.

59. Orders to be complied with. A local body to whom is directed an order made under section 57 of this Act shall comply in every respect with the order (as amended from time to time by subsequent order, as the case may be) and—

- (a) where a time is specified in an order made under section 57 of this Act for the doing of any act, shall do that act within that time;
- (b) where a time is not so specified, shall take all steps necessary to comply with the order as soon as practicable,

and in every case shall therein consult and co-operate with the Co-ordinator-General and all other local bodies concerned.

60. Borrowing of money for works. For the purpose of enabling a local body to undertake works and to borrow money to comply with an order made under section 57 of this Act and directed to it the undertaking of works as directed by the order shall be deemed to be a function of that local body under the Act under which the local body is appointed or constituted and, in the case of a local body that is a Local Authority, shall be deemed to be a function of local government.

61. Procedure on local body's default. (1) If, on the report of the Co-ordinator-General, the Governor in Council is satisfied that a local body is in default in complying with an order made under section 57 of this Act and directed to it the Governor in Council may notify that local body that upon the expiration of the period therein specified (being not less than 21 days from the date of the notification) he will authorize

the Co-ordinator-General or a Project Board appointed under this Act to commence and complete or, as the case may require, complete the works or part thereof in respect of which the local body is in default as agent for that local body.

(2) A local body notified pursuant to the preceding subsection may make to the Minister written representations against the Governor in Council effecting his notified intention.

The Minister shall submit such representations to the Governor in Council who, if he thinks the case warrants it, may direct that the issue be heard by such person or persons as he appoints.

The hearing shall be deemed to be an inquiry and shall be conducted as a Commission of Inquiry under *The Commissions of Inquiry Acts 1950 to 1954* and the person or persons conducting the inquiry may exercise and shall have the powers, authorities, protection and jurisdiction of a commission under those Acts and in addition, where there is one such person, that person or, where there are more than one such person, the person appointed as chairman of such inquiry may exercise and shall have the powers, authorities, protection and jurisdiction of a chairman of such a commission except such as are by those Acts confined to a chairman who is a Judge of the Supreme Court and the provisions of those Acts shall apply accordingly.

The finding on the hearing shall be made to the Minister for reference to the Governor in Council who shall give thereto such weight as he thinks fit in determining the issue in question.

(3) If, upon the expiration of the period specified in his notification of intention given to the local body or upon the receipt by him of the finding on the hearing conducted at his direction (whichever event is the later to occur), the Governor in Council decides to effect his intention so notified he may, by Order in Council, authorize the Co-ordinator-General or a Project Board appointed under this Act to commence and complete or, as the case may be, complete the works or part thereof in respect of which the local body is in default as agent for that local body.

62. Borrowing to facilitate remedy of default. For the purpose of remedying a local body's default pursuant to the authority conferred by an Order in Council made under subsection (3) of section 61 of this Act the Co-ordinator-General may exercise all or any of the powers conferred on him by this Act with respect to borrowing money and, where a Project Board is so authorized to remedy the default, the Co-ordinator-General may exercise those powers for the use and benefit of the Board.

63. Liability for costs of work to remedy default. (1) All costs, charges and expenses incurred by the Co-ordinator-General or a Project Board in or in connexion with remedying a local body's default pursuant to the authority conferred by an Order in Council made under subsection (3) of section 61 of this Act, including all sums borrowed for that purpose together with interest and charges in respect thereof, shall be paid by the local body in default and may be recovered from the local body as prescribed.

(2) All sums payable by a local body pursuant to the preceding subsection are payable to the Treasurer of Queensland and shall be paid to him at such times and in such instalments as he requires by order in writing given to the local body.

In addition to any other method prescribed for the recovery of such moneys, there may be filed in the registry of the Supreme Court—

- (a) a certificate by the Treasurer that the amount of costs, charges or expenses claimed in his order given under this subsection as payable by the local body specified in the certificate is duly payable by the local body and that the local body has failed to comply with the order in the amount specified in the certificate; and
- (b) a writing purporting to be a copy of an order of the Treasurer given under this subsection,

whereupon the certificate so filed shall, in the absence of proof to the contrary, be conclusive evidence of the matters contained therein, and such steps and orders may be taken and made to enforce the order of the Treasurer so filed as if it were a judgment of the Supreme Court, duly entered, given against the local body to whom the Treasurer's order is directed that orders the local body to pay to the Treasurer the amount shown in the said certificate as the amount in which the local body has failed to comply with the Treasurer's order.

64. Power to order postponement of works. (1) The Co-ordinator-General may, having regard to the matters specified in section 28 of this Act, recommend to the Minister that works to be undertaken by any local body should be postponed.

If the Minister approves of the recommendation he shall submit the matter to the Governor in Council who may order that the works specified by him shall be postponed for the period specified by him.

(2) An order made under the preceding subsection shall be directed and served on the local body concerned and shall be given effect to by that local body and all other persons concerned.

Division III—Undertaking of Works by Co-ordinator-General

65. Recommendation of certain works. If the Co-ordinator-General recommends to the Minister that particular works should be undertaken by the Co-ordinator-General, the Minister, if he approves of the recommendation, shall submit the same to the Governor in Council for his approval.

66. Approval of certain works. Where a recommendation is submitted to him—

- (a) pursuant to section 65 of this Act; or
- (b) pursuant to section 56 of this Act and he is satisfied that the works therein recommended should be undertaken by the Co-ordinator-General instead of by the local body or local bodies recommended,

the Governor in Council, if he is satisfied the works recommended should be undertaken, may, by Order in Council, approve that the Co-ordinator-General undertake the works recommended.

67. Co-ordinator-General to undertake approved works. (1) As soon as practicable after approval is granted under section 66 of this Act the Co-ordinator-General shall, subject to and in accordance with the approval, take and cause to be taken all steps necessary to undertake the works to which the approval relates.

(2) Works approved by the Governor in Council to be undertaken by the Co-ordinator-General shall, for the purposes of the *Land Act* 1962–1971 be deemed to be public purposes within the meaning of that Act.

68. Delegation of authority of Co-ordinator-General. (1) The provisions of section 14 of this Act shall be construed subject to this section.

(2) A power, function, or duty conferred or imposed on the Co-ordinator-General by reason of an approval of the Governor in Council under section 66 of this Act—

(a) shall not be delegated save with the approval of the Governor in Council first had and obtained in lieu of the approval of the Minister;

(b) shall not be delegated to a person other than a local body.

A local body to whom such a power, function or duty is delegated shall, in its performance thereof, be subject to and comply with the directions given in relation thereto by the Co-ordinator-General.

The Co-ordinator-General may, at any time, and shall, at the direction of the Governor in Council, revoke a delegation of such a power, function or duty but such revocation shall not affect anything done or anything arising out of anything done under the authority of the delegation prior to its revocation.

69. Borrowing of money for works. For the purpose of enabling a local body to undertake works under the authority of a delegation duly given by the Co-ordinator-General and subsisting, and to borrow money for that purpose, the undertaking of those works shall be deemed to be a function of that local body under the Act under which the local body is appointed or constituted and, in the case of a local body that is a Local Authority, shall be deemed to be a function of local government.

Division IV—Project Boards

70. Project Boards. (1) The Governor in Council may, in respect of any works, establish a Project Board.

(2) A Project Board shall be taken to be established upon the publication in the Gazette of notification of the appointment of its appointed members.

(3) A Project Board shall consist of a chairman who, in each case, shall be the Co-ordinator-General or his delegate, and four or more other members who shall be appointed by the Governor in Council on the recommendation of the Minister, by notification published in the Gazette.

In making his recommendation to the Governor in Council the Minister shall have regard to the circumstances and requirements of the works in respect of which the board is to be established.

A person is not qualified to be appointed as a member of a Project Board if, otherwise than as a member of a body corporate that consists of at least twenty members, he has a pecuniary interest in the undertaking of the works in respect of which the board is or is to be established, or is likely to benefit financially from any contract that is likely to be made for the purposes of such work or any part thereof.

(4) In the notification of the first appointment of members to a Project Board the Governor in Council shall specify the works in respect of which the board is established.

71. Term of appointment of member of board. An appointment to membership of a Project Board shall be for a term of three years commencing on the date of notification of the member's appointment in the Gazette save where the appointment is to a casual vacancy therein.

A member of a Project Board shall be eligible for re-appointment.

72. Termination of membership of board. (1) A member of a Project Board shall be deemed to have vacated his office as a member—

- (a) if, being the chairman, he ceases to be the Co-ordinator-General or, as the case may be, his delegate;
- (b) if he becomes bankrupt or takes advantage of the laws in force for the time being relating to bankrupt or insolvent debtors;
- (c) if he is convicted in the State of an indictable offence for which he is liable to be imprisoned for 12 months at the least or is convicted elsewhere of an offence that, if committed by him in the State would constitute an indictable offence upon conviction whereof he would be so liable;
- (d) if he is a patient within the meaning of *The Mental Health Acts 1962 to 1964* or dies;
- (e) if he resigns his office by writing under his hand addressed to the Governor in Council and furnished to the Minister;
- (f) if he becomes disqualified from being appointed as a member of the board by reason of subsection (3) of section 70 of this Act.

(2) A member of a Project Board may be removed from his office as such by the Governor in Council on account of misbehaviour, incapacity, or his being unfit, in the opinion of the Governor in Council, to hold the office.

73. Casual vacancies. When a vacancy occurs in the office of a member, other than the chairman, of a Project Board before the expiration of his term of appointment the Governor in Council shall, on the recommendation of the Minister, by notification published in the Gazette, appoint another person thereto.

Unless he sooner vacates or is removed from his office as prescribed, a person appointed to fill such a casual vacancy shall hold office until the time when his predecessor's term of appointment would have expired.

74. Meetings of boards. Meetings of a Project Board shall be held at such times and its meetings and business shall be conducted in accordance with such procedural rules as are prescribed or, in so far as not prescribed, as the board determines from time to time.

75. Fees of members of boards. Members of a Project Board, other than the chairman, shall be paid fees for attendance at meetings of the board at such rates as are prescribed or, in so far as not prescribed, as the Minister approves.

A member of a Project Board, other than the chairman, who for the purposes of attending to the business of the board is required to travel away from the city, town or place where he usually resides shall be paid travelling and sustenance allowances at such rates as are prescribed or, in so far as not prescribed, as the Minister approves.

76. Assistance by Co-ordinator-General to boards. The Co-ordinator-General may provide for each Project Board such technical, clerical and secretarial assistance as is required for the proper conduct of its affairs.

77. Status, powers, etc., of Project Board. (1) A Project Board shall be a body corporate under the name and style assigned to it by Order in Council and shall have perpetual succession and a common seal and shall be capable in law of suing and being sued and of doing and suffering all such acts and things as bodies corporate can in law do and suffer.

(2) All courts, judges, justices and persons acting in a judicial capacity shall take judicial notice of the establishment of a Project Board and of the common seal of a Project Board affixed to any document and, in the absence of proof to the contrary, shall presume that such seal was duly affixed.

(3) A Project Board shall, in addition, have such powers, functions and duties as are conferred on or assigned to it by Order in Council.

(4) An Order in Council made in relation to a Project Board may provide that the board shall be a local body under and within the meaning of *The Local Bodies' Loans Guarantee Acts 1923 to 1957* whereupon the board shall be such a local body and the provisions of those Acts, subject to such modifications as the Governor in Council in such Order in Council prescribes, shall apply and extend accordingly.

Division V—Special Powers Incidental to Planned Development

78. Power of Co-ordinator-General to take land. (1) Without limiting the power to take land otherwise conferred on him by this Act, the Co-ordinator-General may take, in accordance with the *Acquisition of Land Act 1967–1969*, land for any of the following purposes:—

- (a) works that the Co-ordinator-General is authorized by the Governor in Council to undertake;
- (b) works included in a programme of works or a development scheme approved under this Act by the Governor in Council that the Co-ordinator-General is not authorized by the Governor in Council to undertake;
- (c) works undertaken or to be undertaken by a local body or by a Department of the Government of the State;
- (d) a purpose specified in the second schedule to the *Acquisition of Land Act 1967–1969* and approved by the Governor in Council as a purpose for which the Co-ordinator-General may take land;
- (e) a purpose of rural or urban development recommended by the Co-ordinator-General and approved by the Governor in Council.

(2) As well as land granted in fee-simple, the Co-ordinator-General may, in accordance with the *Acquisition of Land Act 1967–1969* and as a constructing authority under that Act, take land that is held from the Crown for an estate or interest less than fee-simple.

Land referred to in this subsection shall, if vested in the Co-ordinator-General, an instrumentality representing the Crown, a local body, or other person by the Proclamation whereby it is taken, be vested in him or it for an estate in fee-simple.

The Governor in Council is hereby authorized to grant in fee-simple and so vest the land subject to such reservations and conditions as are authorized or required by the *Land Act 1962–1971*.

(3) The *Acquisition of Land Act 1967–1969* shall be read with and subject to all such modifications and adaptations as are necessary to give operation and effect to the preceding subsection including by reading a reference therein to the Registrar of Titles as a reference to the person or authority charged with registering instruments evidencing the title to the estate or interest in the land in question held from the Crown.

79. Vesting of land taken. (1) Land taken by the Co-ordinator-General shall, according as the Proclamation whereby it is taken or a later Proclamation provides, vest in the Crown, the Co-ordinator-General, an instrumentality representing the Crown, a local body, or any other person whomsoever.

(2) The Governor in Council may, by Order in Council made upon the recommendation of the Minister, divest any land from the Co-ordinator-General and vest the same in the Crown, an instrumentality representing the Crown, a local body, or other person whomsoever.

(3) Land taken by the Co-ordinator-General and vested in the Crown by the Proclamation whereby it is taken shall be and remain Crown land until the same is, according to the works or purposes for which it is taken, dealt with as prescribed.

80. Payment of costs of taking land and compensation. The Governor in Council may, by the Proclamation whereby land is taken by the Co-ordinator-General or subsequently, by notification published in the Gazette, specify by whom the costs of taking the land and the compensation payable therefor are to be paid and thereupon such costs and compensation shall be payable to the Co-ordinator-General by the person, instrumentality or local body so specified.

An amount payable on account of such costs or compensation that is not paid to the Co-ordinator-General within three months after it becomes payable or after the amount of such costs or compensation is established (whichever last occurs) may be recovered by the Co-ordinator-General in a court of competent jurisdiction as a debt due and payable to him by the person, instrumentality or local body by whom it is payable.

81. Power of Governor in Council to alienate land to Co-ordinator-General. The power conferred on the Governor in Council by the *Land Act 1962-1971*, in the name of Her Majesty, to grant in fee-simple, or demise for a term of years or in perpetuity any Crown land within Queensland includes power to make such a grant or demise to the Co-ordinator-General of such land pursuant to agreement between the Co-ordinator-General and the Governor in Council who is hereby thereunto authorized.

82. Disposal of land not required for purpose of acquisition. If land taken by the Co-ordinator-General and held by him, or any part of it, is not required for or in connexion with the purpose for which it was taken the land not required shall be dealt with in manner directed by the Governor in Council by Order in Council.

83. Proof of requirement of land. A writing purporting to be a certificate of the Co-ordinator-General that land therein specified and taken or acquired by him was, at the time of its taking or acquisition, required by him or by any person, instrumentality, or local body for a purpose therein specified shall be admissible in any proceeding as conclusive evidence of the matters contained therein.

84. Power of Co-ordinator-General to negotiate transfer of works undertaken by him. (1) When the Co-ordinator-General is satisfied that works undertaken by him as authorized works have been completed in accordance with the plans and specifications therefor, or have attained

such a stage as to be available for use for the purpose for which they were undertaken he may, subject to this section, negotiate and enter into agreement—

- (a) with any person or instrumentality representing the Crown, or
- (b) with any local body,

that is authorized or required to undertake works of a similar nature for the acquisition, management, operation and control of the authorized works by such person, instrumentality, or local body (hereinafter in this section called the “transferee”).

(2) The Minister shall submit to the Governor in Council particulars of an agreement negotiated between the Co-ordinator-General and the transferee and no such agreement shall be entered into or, being entered into, have any effect until its terms are approved by the Governor in Council.

(3) The transferee is hereby authorized to acquire, manage, operate and control the authorized works pursuant to an agreement relating thereto approved by the Governor in Council and the same shall be deemed to be a function of the transferee under the Act under which he or it, as the case may be, is appointed or constituted and, where the transferee is a Local Authority, shall be deemed to be a function of local government.

(4) From time to time the Co-ordinator-General may certify what land vested in the Crown is included in or required for authorized works to which an agreement made pursuant to this section relates and for the purpose of securing such land to the transferee the Governor in Council is hereby empowered to grant in fee-simple or demise on an appropriate leasehold tenure or set apart and reserve the land to which the certificate relates.

Every such grant or demise shall be made to the transferee without competition but otherwise shall be subject to the *Land Act 1962-1971*.

85. Authorized works that are road traffic facilities. (1) Where any authorized works are a road traffic facility within the meaning of *The Tolls on Privately Constructed Road Traffic Facilities Act of 1931* the Governor in Council may, by the Order in Council whereby he authorizes the Co-ordinator-General to undertake the works or by a subsequent Order in Council, direct that the Co-ordinator-General shall undertake the works as a road traffic facility under that Act.

Where such direction is given the Co-ordinator-General shall be, in relation to the authorized works to which the direction relates, the owner within the meaning of that Act.

(2) Where a direction is given pursuant to the preceding subsection the Governor in Council may, by the Order in Council whereby he authorizes the Co-ordinator-General to undertake the works in question or by a subsequent Order in Council—

- (a) direct that the provisions, specified by him, of *The Tolls on Privately Constructed Road Traffic Facilities Act of 1931* shall not apply in respect of the authorized works in question;
- (b) direct that the provisions, specified by him, of that Act shall apply in respect of the authorized works in question in a modified form particularized in the Order in Council.

(3) Where authorized works are undertaken as a road traffic facility pursuant to subsection (1) of this section the provisions of *The Tolls on Privately Constructed Road Traffic Facilities Act of 1931* shall apply in

respect thereof save to the extent that they are excluded pursuant to paragraph (a) of subsection (2) of this section and, where the Governor in Council has directed as provided in paragraph (b) of that subsection, shall apply in the modified form as so particularized.

86. Undertaking private works. (1) The Government of the State may enter into an agreement with any person that private works agreed on by them shall be undertaken by the Co-ordinator-General on such terms and conditions as are provided in the agreement.

(2) The Governor in Council may, by Order in Council, authorize the Co-ordinator-General to undertake works agreed by the Government of the State (whether under the preceding subsection or otherwise) to be undertaken by him and the Co-ordinator-General is hereby empowered to undertake those works as authorized works subject to and in accordance with the Order in Council and the material agreement.

87. Powers in respect of land for purposes of works. (1) In connexion with the undertaking by the Co-ordinator-General of authorized works or in connexion with any other works undertaken or to be undertaken pursuant to authority conferred under this Act, the Co-ordinator-General or his delegate, an officer or employee of the Co-ordinator-General, or any person authorized in writing by the Co-ordinator-General or his delegate may—

- (a) enter upon any land;
- (b) on any land, make any inspection, investigation, valuation or survey, or take levels;
- (c) dig and bore into any land to ascertain the nature of the soil or substrata thereof, and set out thereon the lines of any works;
- (d) affix to or set up on any land trigonometrical stations, survey pegs, marks or poles and, from time to time, inspect, alter, remove, re-instate and repair the same;
- (e) occupy any land;
- (f) on and from any land occupied by or on behalf of the Co-ordinator-General—
 - (i) construct or place plant, machinery, equipment or goods;
 - (ii) erect workshops, sheds and other buildings, including buildings for providing housing and other amenities for officers or employees and their dependants;
 - (iii) make roads, cuttings and excavations;
 - (iv) manufacture and work materials of all kinds;
 - (v) deposit clay, earth, gravel, sand, stone, timber, wood, and other material;
 - (vi) take clay, earth, gravel, sand, stone, timber, wood, and other material;
 - (vii) demolish, destroy, and remove plant, machinery, equipment, goods, workshops, sheds, buildings or roads.

(2) The power to enter land conferred by the preceding subsection includes power—

- (a) to enter and re-enter the land from time to time;
- (b) to remain upon the land for such time as is necessary to achieve the purpose of the entry;
- (c) to take such assistants, vehicles, materials, equipment and things as are necessary to achieve the purpose of the entry.

(3) Where practicable, not less than seven days' notice in writing shall be given to the occupier or, if there is no occupier, the owner of land of the intention to enter thereon.

Where entry to land is sought to be or has been made pursuant to authority in writing of the Co-ordinator-General or his delegate, the authority shall be produced and shown to the owner or occupier of the land upon his demand.

88. Offences of interference and wilful obstruction. A person shall not—

- (a) destroy, mutilate, deface, remove, or alter the position of any trigonometrical station, survey peg, mark, or pole affixed to or set up on land pursuant to this Act save under the authority of the Co-ordinator-General or his delegate;
- (b) wilfully obstruct, or attempt to obstruct any person in the exercise by him of a power conferred on him by section 85 of this Act.

89. Powers in respect of water for purposes of works. The Co-ordinator-General or his delegate expressly authorized in that behalf may—

- (a) raise or lower the level of the water in any body of water;
- (b) take, impound, divert or use, either permanently or temporarily the water in any body of water,

to the extent to which the Co-ordinator-General or, as the case may be, his delegate thinks it necessary for the purpose of or in connexion with undertaking—

- (c) authorized works for or connected with the supply of water;
- (d) works authorized under this Act to be undertaken for or connected with the supply of water.

90. Compensation for exercise of power under ss. 87 and 89. (1) A person who claims to have suffered damage resulting from an exercise of power under section 87 or section 89 of this Act may apply for and be awarded compensation as provided for in this section.

(2) Every application for compensation on account of such damage shall be made and dealt with in the manner prescribed by the *Acquisition of Land Act 1967-1969* in relation to applications for compensation made under that Act and the entitlement to such compensation (including right of appeal in respect thereof) and the assessment of such compensation shall be as prescribed by that Act in so far as the provisions of that Act are appropriate to a claim for compensation made on account of such damage and subject always to the provisions of this section.

(3) Compensation that may be payable on a claim made on account of damage resulting from an exercise of power under section 87 of this Act may include compensation in respect of—

- (a) damage of a temporary nature as well as of a permanent nature;
- (b) the taking of clay, earth, gravel, sand, timber, wood, and other material,

but shall not in any case exceed the amount that would have been payable under the *Acquisition of Land Act 1967-1969* had the land in question been taken by the Co-ordinator-General.

(4) The assessment of compensation that may be payable on a claim made on account of damage resulting from an exercise of power under section 89 of this Act is subject to the following conditions—

- (a) compensation is not payable for the taking, impounding, diversion or use, permanently or temporarily, of water from any body of water;
- (b) compensation is not payable on account of a diminution or deterioration in a supply of water to any person unless it—
 - (i) deprives the person of a supply of water theretofore enjoyed by him lawfully;
 - (ii) is the direct result of the works for or in connexion with which the power was exercised;
 - (iii) will be permanent in its duration;
- (c) where the damage appears to be of a permanent or recurrent nature an amount of compensation may be agreed on or awarded on account of damage sustained up to the date of the application for compensation and to be sustained thereafter in full satisfaction of the claim and in such case no further compensation shall be payable on account of future such damage.

(5) Where at the time when an application is made for compensation on account of damage resulting from an exercise of power under section 87 or section 89 of this Act the works for or in connexion with which the power is exercised are not completed a member of the Land Court may, on the application of the Co-ordinator-General, order that the matter of the application for compensation be deferred until the works are completed or for a time limited in the order and thereupon no further proceeding shall be had on the application for compensation (save an application hereinafter in this subsection referred to) until the completion of the works or, as the case may be, the expiration of the time so limited unless a member of the Land Court on the application of the applicant for compensation otherwise orders.

91. Powers in respect of works on foreshore and under waters. (1) The Governor in Council may, by Order in Council, authorize the Co-ordinator-General to undertake works in, on, over, through or across any foreshore or land lying under Queensland waters and may, by that Order in Council or by a subsequent Order in Council—

- (a) authorize the Co-ordinator-General to take from the foreshore or from such land sand, stone, gravel and other material and to use the same for the works specified in the Order in Council;
- (b) direct that the provisions, specified in the Order in Council, of *The Harbours Acts 1955 to 1968* shall not apply in respect of the exercise of authority conferred on the Co-ordinator-General pursuant to this subsection.

The Co-ordinator-General may exercise an authority conferred on him pursuant to this subsection in accordance with the Order in Council and subject to this section.

The provisions of *The Harbours Acts 1955 to 1968* shall apply according to their terms in respect of an exercise of authority conferred on the Co-ordinator-General pursuant to this subsection save such of those provisions as the Governor in Council directs shall not so apply.

(2) In this section the expression “Queensland waters” means waters of any harbour within the meaning of *The Harbours Acts 1955 to 1968* and waters of the sea within a distance of three miles measured

from the mean low water mark at spring tides along the coast of Queensland or, where the coast is broken by a bay, estuary, inlet, or river that flows into the sea, measured from a base line across the mouth of the bay, estuary, inlet or river.

PART VII—FINANCE PROVISIONS

92. Expenses of works. (1) When works are undertaken by the Co-ordinator-General or a Project Board—

- (a) for the benefit of a local body or a Department of the Government of the State;
- (b) for the benefit of a particular person;
- (c) upon the default of or on behalf of a local body,

the Governor in Council may, by Order in Council, require the local body or Department or person concerned to pay to the Treasurer of Queensland, at such time or times and on such terms and conditions as specified in the Order the whole or a proportion, specified in the order, of the costs and expenses incurred by or on behalf of the Co-ordinator-General or Project Board in connexion with the works.

(2) Where there is more than one local body or person concerned the Governor in Council may apportion the costs and expenses between or among them in such manner as he thinks just and may require payment of each local body or person accordingly.

(3) Moneys required pursuant to this section to be paid and unpaid as required may be recovered by the Treasurer of Queensland—

- (a) by action in any court of competent jurisdiction as a debt due and payable to him; or
- (b) by the exercise of all rights and remedies had by him pursuant to the *Local Government Act 1936–1971* in respect of a Treasury loan due and repayable to him by a Local Authority and unpaid.

93. Expenditure generally on work by Co-ordinator-General. Where for work of a certain nature, an Act provides for expenditure from any fund or Parliament has appropriated money, moneys may be expended in respect of work of that nature undertaken by the Co-ordinator-General or his delegate.

94. Subsidies or Treasury loans for works. The Treasurer of Queensland may, with the approval of the Governor in Council and subject to all necessary appropriations by Parliament, expend moneys in respect of works referred to in subsection (1) of section 92 of this Act, whether by way of grant of subsidy or of Treasury loan, as if such works were being undertaken by a Local Authority.

95. Borrowings by Co-ordinator-General. (1) Subject to this Act, the Co-ordinator-General may borrow money by the sale of debentures.

(2) Before entering into negotiations to borrow money by the sale of debentures the Co-ordinator-General shall obtain the sanction of the Treasurer of Queensland authorizing him to enter upon such negotiations and, for this purpose, shall furnish the Treasurer with such information as he requires.

(3) The Co-ordinator-General shall not borrow money pursuant to negotiations sanctioned by the Treasurer unless the authority of the Governor in Council thereto is first obtained.

Such authority, if given, shall be given by way of Order in Council.

The Order in Council shall declare the amount that may be borrowed, the purposes for which the loan is to be borrowed, the currency of the loan, the rate of interest payable thereon, the terms and conditions for the redemption of the loan, whether by yearly, half-yearly or quarterly payments or by payments into a sinking fund, and such other conditions as the Governor in Council thinks proper to impose.

(4) The Co-ordinator-General shall be a local body under and within the meaning of *The Local Bodies' Loans Guarantee Acts 1923 to 1957*, the provisions whereof shall, subject to such modifications as the Governor in Council prescribes (whether generally or in respect of a particular loan) apply and extend accordingly.

96. Application of loan moneys. All moneys borrowed by the Co-ordinator-General shall be expended for the purpose for which he was authorized to borrow the same and not otherwise.

If any amount of a loan remains unexpended upon the completion of the purpose for which the loan was borrowed such amount shall be applied as the Treasurer of Queensland directs.

97. Debentures. (1) All debentures issued under the authority of this Act—

- (a) shall, subject to this Act, be issued in such series, at such times and places in or outside the State, and in such manner as the Co-ordinator-General thinks fit;
- (b) shall bear interest at the rate and be redeemable at such date or dates and at such place or places in or outside the State as provided for in the Order in Council referred to in subsection (3) of section 95 of this Act;
- (c) may, with the consent of the holder thereof, be paid off at any time previous to the due date thereof at not more than the amount of the principal sum remaining unpaid at the time or, with the consent of the Governor in Council, at a premium, with interest thereon to the date of payment only.

(2) Interest secured by a debenture shall be payable at such times and at such place or places in or outside the State as provided for in the Order in Council referred to in subsection (3) of section 95 of this Act.

(3) Every debenture—

- (a) shall be sealed with the seal of the Co-ordinator-General and, so sealed, shall be taken to have been duly issued;
- (b) shall be numbered consecutively so that no two debentures in one and the same series shall at any time bear the same number;
- (c) shall have set forth therein the places and times at which the principal sum and interest are payable;
- (d) may, at the option of the lender, have annexed thereto a coupon for each payment to become due, whether of principal or interest or both.

(4) Every debenture and, in the case of a debenture with coupons annexed, every coupon shall, unless the Governor in Council has otherwise provided in the Order in Council whereby the loan evidenced by the debenture was authorized, be transferable by delivery and payment to

the person in possession of the debenture or coupon of the amount named therein shall discharge the Co-ordinator-General from all liability in respect of that payment due under the debenture.

When a debenture or coupon is not transferable by delivery that fact shall be expressly stated on the face thereof.

98. Entitlement of holder of debenture, etc. (1) In the case of a debenture issued under the authority of this Act with coupons, the holder of a coupon, whether the same be separated from the debenture or not, shall be entitled to receive payment from the Co-ordinator-General of the amount named therein upon presentation on or after the due date for payment thereof at the place where the same is expressed to be made payable.

(2) In the case of a debenture issued without coupons, the lender or, in the event of a transfer of the debenture, the transferee for the time being shall, subject to this subsection, be entitled to receive payment from the Co-ordinator-General in respect of principal or interest or both in accordance with the terms and conditions of the debenture.

A transferee with respect to whom the Co-ordinator-General has not been given notice as prescribed shall not be entitled to receive and the Co-ordinator-General shall not be liable to make to such transferee any payment in respect of any debenture issued without coupons save under attachment by process of law and then only to the extent of moneys due and payable to the transferee under the debenture and unpaid by the Co-ordinator-General to the lender or to a prior transferee.

The entitlement of a transferee with respect to whom the Co-ordinator-General has been given notice as prescribed to receive any payment in respect of a debenture issued without coupons shall be subject to any payment which, having become due and payable under such debenture before the Co-ordinator-General was given such notice, was made by him to the lender or a prior transferee.

In this paragraph the expression "notice as prescribed" means a notice in writing signed by the transferor and transferee and verified to the satisfaction of the Co-ordinator-General.

99. Status of debenture as investment and a security. (1) Unless expressly forbidden by the instrument (if any) creating the trust, an investment by a trustee of trust funds in a loan raised under the authority of this Act shall be and be deemed to be an authorized investment by the trustee pursuant to the provisions of section 4 of *The Trustees and Executors Acts 1897 to 1964* and such Acts shall be read and construed accordingly.

(2) The Co-ordinator-General or an officer, servant or agent of the Co-ordinator-General shall not receive and shall be deemed to have not received notice of any trust express, implied or constructive in relation to any debentures issued under the authority of this Act, and the Co-ordinator-General or any such officer, servant or agent shall not be bound to see to the execution of any trust to which any such debentures may be subject.

(3) A person advancing money to the Co-ordinator-General and receiving in consideration therefor any debentures duly issued shall not be bound to enquire whether the issue of such debentures was in fact duly authorized or into the application of the money so advanced or be in any way responsible for the non-application or misapplication thereof.

100. Brokerage. The Co-ordinator-General may pay moneys by way of brokerage in relation to the making, procuring, negotiating, or obtaining the loan of any money which the Governor in Council has authorized the Co-ordinator-General to borrow:

Provided that no moneys shall be paid by the Co-ordinator-General by way of brokerage in relation to the loan of any moneys borrowed by him unless the Treasurer of Queensland has approved of the payment of brokerage, which approval may be given by the Treasurer subject to such terms and conditions as he thinks fit.

Section 14 of the *Money Lenders Act 1916-1969* shall not apply or extend to brokerage which the Co-ordinator-General is authorized by this section to pay and which brokerage has been approved by the Treasurer and is agreed to be paid by the Co-ordinator-General subject to the terms and conditions, if any, imposed by the Treasurer.

101. Moneys recoverable as a debt. If the Co-ordinator-General makes default in making a payment, whether of principal or interest, to the holder of any debenture or coupon, the holder may recover the amount thereof as a debt by action against the Co-ordinator-General in any court of competent jurisdiction.

PART VIII—MISCELLANEOUS PROVISIONS

Division I—Specific Powers and Duties of Co-ordinator-General

102. Power to contract. (1) The Co-ordinator-General may negotiate and enter into contracts for the performance of his functions and duties or the exercise of his powers imposed or conferred on him under any Act.

(2) A contract entered into by the Co-ordinator-General shall be made, varied or discharged as follows:—

- (a) a contract that, if made between private persons, would be required by law to be in writing and under seal, shall be made in writing under the seal of the Co-ordinator-General and shall be varied or discharged in like manner;
- (b) a contract that, if made between private persons, would be required by law to be in writing signed by the parties, shall be made under the hand of the person who holds the office of Co-ordinator-General or his delegate, or the secretary to the Co-ordinator-General and shall be varied or discharged in like manner;
- (c) a contract that, if made between private persons, would be valid in law though not reduced to writing, may be made without writing by the Co-ordinator-General or his delegate, or the secretary to the Co-ordinator-General and may be varied or discharged in like manner.

103. Power to compound. The Co-ordinator-General may compound, for such sum or other consideration as he thinks fit, with any party to a contract with him or with any person by or against whom an action may be or has been commenced against or by the Co-ordinator-General.

104. Power to obtain material from watercourse. The Co-ordinator-General may in and from any river, creek, stream, or watercourse search for, dig, raise, gather, take and carry away clay, earth, gravel, sand, stone or other material required by him for works undertaken by him.

105. Power as to roads. (1) Where in connexion with the undertaking of works by the Co-ordinator-General or the implementation of an approved development scheme a re-arrangement of roads is required to be made the Governor in Council may, on the recommendation of the Co-ordinator-General, by Order in Council close any existing road or part of an existing road that in his opinion is no longer required or will not be required upon the re-arrangement whereupon, notwithstanding any Act or law to the contrary,—

- (a) the dedication of that road or part as a road shall cease;
- (b) the land comprised in such road or part shall, as the Governor in Council in the Order in Council directs, vest in the Co-ordinator-General for an estate in fee-simple or in the Crown as Crown land and may be used for the purposes of the works or development scheme concerned or be disposed of as the Governor in Council directs.

A grant of land made to the Co-ordinator-General to give effect to an Order in Council made under this subsection shall be subject to such reservations and conditions as are prescribed by the *Land Act 1962-1971*.

(2) The Co-ordinator-General may—

- (a) make surveys for new roads;
- (b) open and construct new roads;
- (c) increase the width of a road;
- (d) raise or lower the soil of a road;
- (e) close or partially close temporarily a road;
- (f) divert a road.

106. Power to exclude or divert traffic. (1) Where the Co-ordinator-General is satisfied that the proper performance of his functions or duties or exercise of his powers requires it, he may—

- (a) temporarily exclude from any road, bridge, bridge approaches or any part thereof, all traffic or traffic of a type nominated by him;
- (b) temporarily divert all traffic, or traffic of a type nominated by him, upon any road, bridge or bridge approaches.

Wherever it is practicable, notice of intention to exercise a power conferred by this subsection shall be given by advertisement published in a newspaper that circulates in the locality concerned.

(2) A person shall not fail to comply with a direction given or notice erected in the exercise of a power conferred by the preceding subsection.

107. Power to manage reserves and other lands. (1) The Governor in Council may, by Proclamation published in the Gazette, place under the control and management of the Co-ordinator-General any land reserved and set apart for a public purpose, any cemetery, park, foreshore or other land, and any building, structure, or other thing that has been provided for out of moneys appropriated by Parliament.

(2) Upon publication of the Proclamation—

- (a) the land, building, structure or other thing concerned shall vest in the Co-ordinator-General and, in the case of land, for such estate or interest as is specified in the Proclamation; and
- (b) the control and management of the land, building, structure or other thing concerned shall be a function of the Co-ordinator-General under this Act and a trust or provision that then regulates the management, control or use thereof shall cease to operate.

The Registrar of Titles, Registrar of Dealings and any other person charged with the duty of recording in a public register dealings affecting the land concerned shall, on the request of the Co-ordinator-General and production of sufficient notification of the making of the Proclamation, make in the register that relates to the instrument of title to the land all entries necessary to give effect to the Proclamation and the provisions of this subsection.

(3) The Co-ordinator-General may, according to the nature of that which the Proclamation vests in him and the purpose for which it is so vested, do all such things as he thinks fit to effect that purpose and subject thereto to improve the land, building, structure or thing vested in him.

108. Power to encroach upon roads and lands for purposes of works. The Co-ordinator-General may cause to be laid, led or carried under, on, through or over—

- (a) any road;
- (b) any land other than a road, upon payment of just compensation to the owner and occupier thereof,

all tracks, lines, pipes, conduits, and material of every description required for the proper functioning of works.

109. Duty to take care at work-sites and power to prevent traffic.

(1) During the progress of works undertaken by him the Co-ordinator-General—

- (a) shall take proper precautions against accident and to prevent injury to land adjoining the site of the works or to buildings and structures on such land;
- (b) shall cause the site of the works to be adequately lighted and guarded during the hours of darkness;
- (c) may cause such barricades to be erected across or in any road as he thinks fit and thereby prevent the passage of traffic.

(2) A person shall not take down, remove or alter the position of any barricade erected by or on behalf of the Co-ordinator-General or extinguish or move any light placed by him or on his behalf save under the authority of the Co-ordinator-General.

Division II—Provisions Concerning Legal Liability of Co-ordinator-General

110. Signature of documents. A notice, order, process, summons, contract or other document that, but for this section, would require the signature of the Co-ordinator-General shall be taken to be sufficiently signed by him if it bears the signature of the secretary.

111. Service on Co-ordinator-General. A notice, order, process, summons, or document of any kind that is to be served on the Co-ordinator-General shall be—

- (a) delivered to the secretary personally; or
- (b) sent by prepaid post addressed to the secretary,

and in either case shall be taken to have been served when it is received by the secretary.

112. Limited liability of Co-ordinator-General for injury to person or property. (1) Liability shall not attach to the Co-ordinator-General, and an action shall not lie against him, in respect of anything done or omitted to be done by him or by his contractors, officers or workmen in or in connexion with the construction, maintenance, management or control of any road, bridge or culvert or the approaches to any bridge or culvert save in respect of the negligent acts of the Co-ordinator-General, his officers or workmen in connexion with the construction, maintenance, management or control thereof.

(2) A person shall not be entitled to recover against the Co-ordinator-General, his officers or workmen, damages in respect of any injury to the person or to property on account of anything done or omitted for the purposes of the performance of the Co-ordinator-General's functions or duties or the exercise of his powers under any Act or arising out of employment for any of those purposes unless—

(a) in the case of injury to property, notice in writing that injury has been sustained is given to the Co-ordinator-General within three months, and the action for recovery of damages is commenced within six months from the date when the injury is sustained;

(b) in the case of injury to the person, the person alleged to be injured shall, when so required by the Co-ordinator-General submit himself for examination by a legally qualified medical practitioner (nominated by the Co-ordinator-General), who is hereby authorized to make all relevant examinations and tests, and furnish to that medical practitioner all information that he requires to enable him to ascertain the true nature and extent of the injury;

(c) in the case of injury to property, the plaintiff shall, when so required by the Co-ordinator-General, permit a person nominated by the Co-ordinator-General to enter upon and inspect the property alleged to be injured and furnish to that person all facilities and information that he requires to enable him to ascertain the full nature and extent of the injury and the amount, if any, expended in repairing the property.

(3) Non-compliance with all or any of the provisions of the preceding subsection shall not act as a bar to the maintenance of an action or to the recovery of damages therein if the court that determines the action is of opinion that there was reasonable excuse for such non-compliance.

(4) A notice given under subsection (2) of this section shall—

(a) disclose the full name and place of residence of the person alleged to be injured or of the owner of the property alleged to be injured;

(b) state in ordinary language the cause of the injury;

(c) specify the date and place when and where the injury was sustained.

A defect or inaccuracy in such a notice shall not render the notice void or ineffective unless the court that determines the action brought in respect of the injury to which the notice relates is of opinion that—

- (a) the Co-ordinator-General is thereby prejudiced in his defence; and
- (b) the defect or inaccuracy was intentional and for the purpose of misleading.

113. Notice of action in other cases. (1) An action, other than an action referred to in subsection (2) of section 112 of this Act, shall not lie against the Co-ordinator-General, his officers or workmen, on account of anything done or to be done purportedly for the purposes of this Act until the expiration of one month after notice in writing has been given to the Co-ordinator-General or, as the case may be, the officer or workman concerned that—

- (a) states clearly the cause of action; and
- (b) discloses the full name and place of residence of the intending plaintiff and the name and address of his solicitor or agent.

Unless the giving of a proper such notice is proved or admitted in the action the court that determines the action shall find for the defendant.

(2) Where notice is given pursuant to the preceding subsection the plaintiff shall not, on the trial of the ensuing action, be allowed to go into evidence of any cause of action that is not stated in the notice.

(3) An action to which subsection (1) of this section applies shall be commenced within six months from the date when the cause of action arose, and not afterwards.

(4) A person to whom notice is given under subsection (1) of this section may tender amends to the person who claims to be aggrieved and, if such tender is not accepted, may plead the tender.

114. Personal injury action adjudicated by judge alone. Every claim for damages in respect of injury to the person, fatal or non-fatal, that is made in an action against the Co-ordinator-General, his officers or workmen on account of anything done or omitted for the purposes of the performance of the Co-ordinator-General's functions or duties or the exercise of his powers under any Act or arising out of employment for any of those purposes shall, where action is brought in the Supreme Court of Queensland, be heard and determined by a judge without a jury.

115. Officers and workmen not personally liable. An officer or workman of the Co-ordinator-General or his delegate shall not incur any personal liability on account of an act done or omission made by him under the direction of the Co-ordinator-General or his delegate and bona fide for the purposes of the performance of the Co-ordinator-General's functions or duties or the exercise of his powers under any Act.

An expense incurred by an officer or workman of the Co-ordinator-General or his delegate in respect of an act so done shall be taken to be an expense authorized by this Act or, as the case may be, by the Act that imposes or confers on the Co-ordinator-General the function, duty or power in question.

Division III—Facilitation of Execution of Act

116. Offences. (1) A person who contravenes or fails to comply with a provision of this Act commits an offence against this Act and, save where a specific penalty is otherwise prescribed, is liable to a penalty of \$500.

(2) A person whose offence consists of a failure to furnish to the Co-ordinator-General accurate information may, upon his conviction therefor, be ordered by the adjudicating court to furnish the information within the time specified by the court.

A person who, having been so ordered, fails to comply with the order commits an offence against this Act, which shall be deemed a continuing offence for which he may be convicted from time to time, and is liable to a penalty of \$25 for each day during which his failure continues.

117. Mode of prosecution. A prosecution for an offence against this Act shall be by way of summary proceeding under *The Justices Acts 1886 to 1968*.

118. Proof of secretary's signature not required. A signature that purports to be that of the secretary shall, in any proceeding, be deemed, without proof, to be what it purports until the contrary is proved.

119. Publication of Orders in Council. Every Order in Council made for the purposes of this Act shall be published in the Gazette.

Every such Order in Council shall be laid before the Legislative Assembly within 14 sitting days after its publication in the Gazette if the Assembly is in session and, if not, then within 14 sitting days after the commencement of its next session.

If the Legislative Assembly disallows an Order in Council by resolution of which notice has been given at any time within 14 sitting days after the order has been laid before it that Order in Council shall thereupon cease to have effect but without prejudice to the validity of anything done or omitted thereunder in the meantime or to the making of a further Order in Council.

120. Mode of service. In addition to any other mode of service available a writing that is to be served on any person under this Act may be sent to him by prepaid post addressed to him at his address last known to the sender.

121. Regulations. The Governor in Council may make regulations not inconsistent with this Act providing with respect to—

- (a) the preparation of programmes of works, regional co-ordination and regional planning, development areas and development schemes, and environmental control;

- (b) the custody and affixing of the official seal of the Co-ordinator-General or any body corporate established under this Act;
- (c) the procedure of meetings and the conduct of the business of any body, corporate or unincorporate, established under this Act;
- (d) the manner and detail in which the Co-ordinator-General, and any body, corporate or unincorporate, shall perform a function or duty or exercise a power imposed or conferred upon him or it by this Act;
- (e) safeguarding and securing against trespass, injury, misuse, or use for or in connexion with any purpose not authorized by or under this Act, lands and property vested in or under the management or control of the Co-ordinator-General;
- (f) the use by the public of lands or property vested in or under the management or control of the Co-ordinator-General for or in connexion with any purpose;
- (g) standard forms of debentures;
- (h) forms to be used for the purposes of this Act and the particular purposes for which the forms shall respectively be used;
- (i) penalties not exceeding \$50 for any breach of the regulations;
- (j) all matters required or permitted by this Act to be prescribed;
- (k) all matters, whether general or to meet particular cases, that may be convenient for the administration of this Act or that may be necessary or expedient to carry out the objects and purposes of this Act.

122. Publication of regulations. (1) Every regulation made under this Act—

- (a) shall be published in the Gazette;
- (b) shall, upon such publication, be judicially noticed;
- (c) shall take effect from the date of such publication unless a later date is specified in the regulation for its commencement when, in such event, it shall take effect from that later date; and
- (d) shall be laid before the Legislative Assembly within 14 sitting days after such publication if it is in session and, if not, then within 14 sitting days after the commencement of its next session.

(2) If the Legislative Assembly disallows a regulation or any part thereof by resolution of which notice has been given at any time within 14 sitting days after the regulation has been laid before it that regulation or part shall thereupon cease to have effect but without prejudice to the validity of anything done or omitted thereunder in the meantime or to the making of a further regulation.

(3) In this section the expression "sitting days" means days on which the Legislative Assembly sits for the despatch of business.

SCHEDULE

[s. 4]

<i>The State Development and Public Works Organisation Act of 1938</i>	2 G. 6 No. 3
<i>The State Development and Public Works Organisation Act Amendment Act of 1940</i>	4 G. 6 No. 2
<i>The State Development and Public Works Organisation Act Amendment Act of 1949</i>	13 G. 6 No. 41
<i>The State Development and Public Works Organisation Act Amendment Act of 1951</i>	15 G. 6 No. 19
<i>The State Development and Public Works Organisation Act Amendment Act of 1954</i>	3 Eliz. 2 No. 48
<i>The State Development and Public Works Organisation Act Amendment Act of 1958</i>	7 Eliz. 2 No. 48
<i>The State Development and Public Works Organisation Act Amendment Act of 1964</i>	No. 65 of 1964
<i>State Development and Public Works Organisation Act Amendment Act 1970</i>	No. 32 of 1970
