

Queensland



# STATE DEVELOPMENT AND PUBLIC WORKS ORGANIZATION ACT 1971

**Reprinted as in force on 8 January 1997  
(includes amendments up to Act No. 37 of 1996)**

**Reprint No. 1A**

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# Information about this reprint

This Act is reprinted as at 8 January 1997. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

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

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

**See endnotes for information about—**

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

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# **STATE DEVELOPMENT AND PUBLIC WORKS ORGANIZATION ACT 1971**

[as amended by all amendments that commenced on or before 8 January 1997]

**An Act to provide for State planning and development through a coordinated system of public works organisation, for environmental coordination, and for related purposes**

## **PART 1—PRELIMINARY**

### **Short title**

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

### **Commencement of Act**

**2.** This Act shall come into operation on a date appointed by the Governor by proclamation published in the Gazette.

### **Repeals and savings**

**4.(1)** Subject to this section the Acts specified in the Schedule to this Act are repealed and in this Act are referred to as the repealed Acts.

**(2A)** A person who immediately before the date of commencement of this Act holds an office provided for in the repealed Acts and provided for in this Act shall continue to hold, subject to the terms of the person's appointment, that office for the purposes of this Act.

**(3)** A board, council, committee or other body established under or for the purposes of the repealed Acts and subsisting immediately before the

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(4) The provisions of the repealed Acts shall be deemed to continue in force and to apply for the purpose of—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

### **Meaning of terms**

5. In this Act—

**“application”** means, in Part 5, an application for approval to rezoning of land or for consent to use land or use or erect any building or other structure for any purpose so as to establish the legal right to use land for a prescribed development.

**“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.

**“approved plan”** means an infrastructure coordination plan approved by the Governor in Council.

**“authorised works”** means works authorised under this Act to be undertaken by the Coordinator-General.

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

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**“Coordinator-General”** means the corporation sole constituted under section 8A of the *State Development and Public Works Organisation Act 1938* and preserved, continued in existence and constituted under section 11 of 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 or private works on or in land or water.

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

**“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.

**“infrastructure”** means those facilities, services and utilities that, in the opinion of the Coordinator-General, are required by or associated with a development or works and includes training schemes relevant to, and accommodation required for a work force related to a development or works and facilities, services and utilities required by or associated with such training schemes or accommodation.

**“infrastructure coordination plan”** means a plan identifying the infrastructure requirements in respect of a prescribed development.

**“land”** includes any estate or interest in land, and any easement, right, power or privilege in, over, or in connection with land, and any wharf.

**“local body”** means a local government, 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 Act 1923* and, when used in relation to a particular area or subject matter, means the local body that has jurisdiction within that area or in connection with that subject matter.

**“prescribed development”** means a proposed development, processing or handling of major economic significance to the State declared by the

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Governor in Council to be a prescribed development.

**“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 the person and the Government and, in particular, includes the provision of housing, water, drainage, sewerage, roads, power and other facilities pursuant to such an agreement in connection with the establishment of a town or other community.

**“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.

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

- (a) that the Crown, the Coordinator-General or other person or body who represents the Crown, or any local body is or may be authorised 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 Coordinator-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 Coordinator-General as works in a program of works, or that is classified by the holder of the office of Coordinator-General as works.

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## **PART 2—ADMINISTRATION**

### *Division 1—Coordinator-General and Deputy Coordinator-General*

#### **Administration of Act**

**6.** This Act shall be administered by the Minister and, subject to the Minister, by the Coordinator-General.

#### **Appointment of Coordinator-General**

**7.(1)** The Governor in Council, may, by commission under his or her hand and the Public Seal, appoint a person to hold the office of Coordinator-General.

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

#### **Appointment of Deputy Coordinator-General**

**8.(1)** The Governor in Council may, by commission under his or her hand and the Public Seal, appoint a person to hold the office of Deputy Coordinator-General.

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

#### **Tenure of appointment under ss 7 and 8**

**9.** Subject to this section, the appointee to the office referred to in section 7 or 8 shall hold office for the period fixed by the Governor in Council and specified in the instrument whereby the appointee is appointed but shall be eligible for reappointment thereto unless the appointee has become debarred under any Act from holding or continuing in such office.

#### **Termination of appointment under ss 7 and 8**

**10.(1)** A person appointed to an office referred to in section 7 or 8 shall

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be deemed to have vacated his or her office—

- (a) if the person engages in remunerative employment save the duties of the office to which the person is so appointed or of any office which the person holds by reason of his or her holding that appointment;
- (b) if the person engages in any trade or business save as a member of a body corporate that consists of more than 20 persons;
- (c) if the person becomes bankrupt or takes advantage of the laws in force for the time being relating to bankrupt or insolvent debtors;
- (d) if the person absents himself or herself 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 the person is convicted in the State of an indictable offence for which the person is liable to be imprisoned for 12 months at the least or is convicted elsewhere of an offence that, if committed by the person in the State would constitute an indictable offence upon conviction whereof the person would be so liable;
- (f) if the person is a patient within the meaning of the *Mental Health Act 1974* or dies;
- (g) if the person is concerned in any agreement made for the purposes of this Act save in the person's capacity as Coordinator-General or, as the case may be, Deputy Coordinator-General or, save as aforesaid, if the person participates in or claims to be entitled to participate in the profits arising from such an agreement;
- (h) if the person resigns by signed written notice addressed to the Governor in Council and furnished to the Minister.

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

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***Division 2—Incorporation of Coordinator-General and functions***

**Incorporation of Coordinator-General**

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

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

**(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 Coordinator-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 Coordinator-General and of the Deputy Coordinator-General and of their respective signatures and of the official seal of the Coordinator-General affixed to any document, and, in the absence of proof to the contrary, shall presume that such signature or seal was duly affixed.

**Coordinator-General represents Crown**

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

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### **Functions and duties of Coordinator-General**

**13.(1)** The Coordinator-General shall have such functions and shall perform such duties as are assigned to the Coordinator-General by this Act or by order in council made under this Act or by or under any other Act.

**(2)** The Coordinator-General shall, of his or her 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 the Coordinator-General thinks necessary or desirable to secure the proper planning, preparation, execution, coordination, control and enforcement of a program of works, planned developments, and environmental coordination for the State and for areas over which the State claims jurisdiction.

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

### **Power of delegation**

**14.(1)** Subject to section 68, the Coordinator-General, with the approval of the Minister, may either generally or otherwise as provided by the instrument of delegation, by writing under the Coordinator-General's seal, delegate to any person or body of persons all or any of the Coordinator-General's 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 Coordinator-General thinks fit including a requirement that the delegate shall report to the Coordinator-General upon the delegate's exercise or performance of the delegated power, function or duty.



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(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 Coordinator-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 Coordinator-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 the Coordinator-General considers necessary or desirable.

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

### **Power to hold inquiry**

**15.(1)** The Coordinator-General may, of his or her own motion, and shall, at the direction of the Minister, institute and conduct an inquiry into any matter that, in the opinion of the Coordinator-General or of the Minister, is one with which the Coordinator-General should be concerned in the proper performance of the Coordinator-General's 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 Act 1950* whereupon the Coordinator-General or, as the case may be, the Coordinator-General's delegate who conducts the inquiry may exercise and shall have the powers, authorities, protection and jurisdiction of a commission under that Act and of a chairperson of such a commission except such as are by that Act confined to a chairperson who is a Judge of the Supreme Court and the provisions of that Act shall apply accordingly.

### **Cooperation with Coordinator-General**

**16.(1)** Subject to this section, it is the duty of—

(a) a local body and, where it is a corporation, of every person who

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comprises it;

- (b) the chief executive of a department of the Government;
- (c) 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;
- (d) the holder of any office provided for by any Act;
- (e) 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 cooperate with the Coordinator-General in the performance by him or her of the functions and duties of the Coordinator-General.

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

- (a) shall consult with and make his or her services available to the Coordinator-General in connection with works, whether constructed, in course of construction, or to be constructed and in connection with any other matter that concerns the Coordinator-General;
- (b) shall confer, as requested by the Coordinator-General, on any matter that concerns development, planning, or environmental effects within the State or within any area over which the State claims jurisdiction and on any other matter that concerns the Coordinator-General;
- (c) shall, as required by the Coordinator-General, furnish to the Coordinator-General accurate information in the possession of or available to that person in the capacity whereby he or she is subject to this section concerning such matters as in the Coordinator-General's opinion would assist the Coordinator-General in the discharge of his or her 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 the person who alleges it;

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- (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 the person's knowledge in the person's official capacity.

### **Appointment of persons to aid Coordinator-General**

17. 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 Coordinator-General in respect of particular works or other matter that concerns the Coordinator-General and the appointee, while the appointee so acts, shall be paid a salary at a rate determined from time to time by the Governor in Council.

### *Division 3—Officers and workers of coordinator-general*

#### **Appointment of workers**

19.(1) The Coordinator-General may employ such workers as the Coordinator-General considers necessary for the proper performance by the Coordinator-General of his or her functions and duties and the proper exercise by the Coordinator-General of his or her powers.

(2) The wages payable to a worker so employed and the conditions of his or her 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 Coordinator-General.

#### **Services of technical advisers**

20.(1) The Coordinator-General may obtain or retain the advice or services of such technical advisers as the Coordinator-General considers necessary for the proper performance by the Coordinator-General of his or her functions and duties and the proper exercise by the Coordinator-General of his or her powers.

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

## **PART 3—PROGRAM OF WORKS**

### **Program of works**

**22.(1)** The Coordinator-General may, of his or her own motion, and shall, at the direction of the Minister, plan in respect of a particular period—

- (a) a program 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 program.

(2) For the purpose of planning a program of works the Coordinator-General may require any person who is required by this Act to cooperate with the Coordinator-General to furnish to him or her—

- (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 Coordinator-General considers necessary to enable the Coordinator-General to have proper regard to the matters prescribed by section 28 as matters to be regarded in relation to a program of works.

(3) Particulars and information furnished to the Coordinator-General pursuant to the Coordinator-General's requisition shall be verified in manner directed by the Coordinator-General, including (should the Coordinator-General so direct) by way of statutory declaration.

### **Selection of works for program of works and their performance**

**23.(1)** Works to be included in a program of works shall be at the discretion of the Coordinator-General.

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

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

### **Submission of program of works to Governor in Council**

**24.(1)** The Coordinator-General shall furnish his or her plan for a program of works to the Minister who, if the Minister approves of it, shall submit the same to the Governor in Council for approval.

(2) If the Governor in Council approves of the program submitted the Governor in Council may, having regard to the need for Parliamentary appropriation to the material purposes, make an order in council that evidences the Governor in Council's approval and authorises the program to be implemented.

(2A) Upon publication of the order in council in the Gazette the program (as altered from time to time by the Coordinator-General in accordance with this Act) shall be the program of works for the State and shall be binding on the Coordinator-General and on all other persons concerned in that program.

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

(4) The program as so altered shall be again furnished to the Minister and submitted to the Governor in Council as prescribed by subsection (1).

### **Alterations to approved program of works**

**25.(1)** The Coordinator-General may make such alterations to a program

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of works approved by the Governor in Council as the Coordinator-General considers warranted in the circumstances.

(2) The Coordinator-General shall not exercise the power conferred on him or her 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 \$50 000 or such other amount as is prescribed by the Governor in Council by order in council.

### **Implementation of program of works as approved**

26. In giving effect to a program 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 Coordinator-General first had and obtained.

### **Local body's application for assistance examined by Coordinator-General**

27.(1) Every application that moneys be paid from the Treasury in respect of works or proposed works of a local body or that the Treasurer, on behalf of the Government, 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 Coordinator-General together with such particulars relevant thereto as the Coordinator-General considers necessary.

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

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### **Objectives of comprehensive program of works**

**28.** With a view to the coordination, regulation and control of a comprehensive program of works for the development of the State regard shall be had by the Coordinator-General and all other persons concerned to the following considerations—

- (a) the orderly arrangement and revision of a general program of works for the State;
- (b) the creation of additional means and methods of development and of employment;
- (c) the maintaining of continuity of work in the various parts of the State on a basis of reasonable uniformity;
- (d) the provision of ways and means whereby finance in respect of works and the creation of works may be spread over the State in equitable proportions;
- (e) 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 and local bodies;
- (f) 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;
- (g) the establishment of a policy of coordinated relationship among departments of the Government and local bodies with a view to—
  - (i) securing coordination and cooperation in activities connected with works and construction;
  - (ii) evolving schemes for providing employment and for improving the general economic development and the public amenity of the State;
  - (iii) avoiding or minimising duplication and overlapping in the services and activities of departments of the Government and of local bodies generally;
- (h) the securing of cooperation and assistance of persons engaged in

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industry otherwise than within departments of the Government or within local bodies with a view to aiding the general employment position in the State.

## **PART 4—ENVIRONMENTAL COORDINATION**

### **Supervision of environment**

**29.(1)** The Coordinator-General shall, of the Coordinator-General's own motion or at the direction of the Minister, coordinate departments of the Government and local bodies throughout the State in activities directed towards ensuring that in any development proper account is taken of the environmental effects.

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

- (a) any department of the Government;
- (b) any Crown corporation or instrumentality or other person or body representing the Crown;
- (c) any local body;
- (d) any board, body, authority or corporation constituted or incorporated by or under any statute and authorised by statute to perform public functions or carry on a public undertaking;

when it appears that the undertaking of such development or works is likely to have major environmental effects, to take such environmental effects into account, and in doing so to have due regard to such policies or administrative arrangements as may be approved from time to time by the Minister to the extent that the same are compatible with legislation for the time being in force in the State.



## **PART 5—PRESCRIBED DEVELOPMENT**

### *Division 1—Declaration of prescribed development*

#### **Investigation of developments of State significance**

**30.** If it appears to the Governor in Council in respect of a proposal for the development of the mineral or energy resources of the State or a proposal for the processing or handling of such resources that—

- (a) such development, processing or handling will be of major economic significance to the State; or
- (b) the provision of infrastructure for or in relation to such development, processing or handling—
  - (i) would place an excessive financial burden on the resources of the State or on the residents of the State or of any part thereof; or
  - (ii) would significantly affect the priorities as existing at the material time for the provision of services and facilities by the Crown or any local body;

the Governor in Council may, on the recommendation of the Minister, approve that an investigation of the proposal be undertaken by the Coordinator-General with a view to establishing whether the proposed development, processing or handling should be declared to be a prescribed development.

#### **Effect of investigation on local bodies**

**31.** Upon the Coordinator-General notifying a local body that the Coordinator-General has commenced to undertake an investigation of any proposal pursuant to the Governor in Council's approval under section 30—

- (a) the jurisdiction of the local body to deal with any application that has been made or is subsequently made to it and relates to that proposal shall be suspended until it is further notified by the

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Coordinator-General that its jurisdiction in respect of such application is restored in accordance with this Part, the provision of any law to the contrary notwithstanding; and

- (b) where the local body would but for this section be required to decide within a limited time the matter of any application in respect of which its jurisdiction is suspended by paragraph (a), time shall be taken not to have commenced to run against the local body in relation to such application until its jurisdiction in respect of such application is duly restored.

### **Declaration of prescribed developments**

**32.(1)** The Coordinator-General shall submit the findings of an investigation undertaken by the Coordinator-General under this Part to the Minister.

(2) The Governor in Council may on the recommendation of the Minister, by order in council, declare the proposed development, processing or handling, the subject of the Coordinator-General's investigation, to be a prescribed development or may refuse to so declare.

(3) The Governor in Council may on the recommendation of the Minister, by order in council, revoke a declaration of a prescribed development, if it appears to the Governor in Council to be expedient to do so, whereupon the proposed development, processing or handling to which the declaration related shall cease to be a prescribed development and every application referred to the Coordinator-General under section 42 shall be remitted by the Coordinator-General to the local body from which it was referred to be dealt with by that local body according to law.

### **Notification of decision**

**33.(1)** The Coordinator-General shall, in writing, notify that decision to all local bodies and other persons who in the Coordinator-General's opinion are materially concerned with a decision of the Governor in Council under section 32.

(2) Where—

- (a) the Governor in Council has refused to declare a proposed

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development, processing or handling to be a prescribed development; and

- (b) the jurisdiction of a local body in respect of any application relating to such proposed development, processing or handling is for the time being suspended pursuant to section 31;

the Coordinator-General shall, by notification given to that local body under subsection (1), notify that local body that such jurisdiction is thereby restored to it.

***Division 2—Infrastructure coordination plans***

**Preparation of plans**

**34.(1)** In respect of each prescribed development the Coordinator-General shall prepare an infrastructure coordination plan.

**(2)** A plan required by subsection (1)—

- (a) shall be prepared in such form and shall contain such matters as the Coordinator-General thinks appropriate; and
- (b) shall be prepared in consultation with the appropriate officers of Queensland Treasury and with local bodies that in the Coordinator-General's opinion are concerned with the prescribed development and with such other bodies and persons as the Coordinator-General thinks fit; and
- (c) may identify means for financing and coordinating the provision of infrastructure for the prescribed development; and
- (d) may include infrastructure requirements that are submitted to the Coordinator-General by a local body or other body or person for inclusion therein or that are included therein by the Coordinator-General of his or her own motion in addition to or in lieu of infrastructure requirements so submitted.

**Approval of infrastructure coordination plan**

**35.(1)** Every plan prepared under section 34 shall, after consideration by

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the Treasurer, be submitted to the Minister who, if the Minister approves thereof, shall submit the plan to the Governor in Council.

(2) The Governor in Council may, on the recommendation of the Minister, approve of the plan and thereupon every local body and other person specified in the approved plan shall comply with the requirements of the plan (so far as those requirements are the concern of that local body or other person) in respect of the prescribed development to which the plan relates.

(3) A local body or other person may be specified in an approved plan by name or by reason that it, he or she is one of a class or description of person specified in the plan.

### **Variation of approved plan**

36.(1) The Coordinator-General may prepare in consultation with the appropriate officers of Treasury variations of an approved plan but every such variation shall, after consideration by the Treasurer, be submitted to the Minister and to the Governor in Council for the Governor in Council's approval.

(2) Upon the Governor in Council approving a variation of an approved plan the plan as so varied shall become and be the approved plan in respect of the prescribed development concerned.

### **Effect of approved plan**

37. Where pursuant to any Act an approval is given or a grant is made for the purpose of doing anything that then is or subsequently becomes related to a prescribed development and the person to whom or for whose benefit such approval is given or such grant is made then is or subsequently becomes a person specified in an approved plan relating to that prescribed development such approval or grant shall be deemed to contain and be subject to a condition that such person shall comply in all respects with the requirements of the approved plan (so far as those requirements are the concern of that person) and every instrument conferring title to or rights in land made to give effect to such approval or grant shall be deemed to contain and be subject to the like condition.

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**Local bodies may make and perform agreements etc.**

**38.(1)** For the purpose of financing and providing infrastructure for a prescribed development in accordance with an approved plan a local body may, in addition to all other powers had by it, negotiate, enter into and perform such agreements and do all other acts and things as are necessary to enable it to comply with the requirements of that plan.

**(2)** The provisions of any other Act that—

- (a) restrict the power of a local body to negotiate, enter into or perform agreements; or
- (b) make unlawful the doing by local bodies of acts therein specified in connection with rezoning of land, use of land or the approval, consent or permission to use land or to use or erect any building or other structure;

shall not be construed to affect the power conferred on local bodies by subsection (1).

**(3)** An agreement negotiated for the purpose referred to in subsection (1) whether by a local body or any other person—

- (a) shall conform to the requirements of the approved plan for the purposes of which it is negotiated so far as those requirements concern the subject matter of the agreement; and
- (b) shall not be entered into and, if entered into in breach of this provision, shall be of no effect in law unless it has been approved by the Governor in Council.

**Agreements to be furnished to Coordinator-General**

**39.(1)** Every local body or other person that negotiates an agreement for the purpose of financing and providing infrastructure for a prescribed development in accordance with an approved plan shall furnish a copy of the proposed agreement to the Coordinator-General who shall examine the terms thereof in consultation with the appropriate officers of Treasury and with such local bodies or other persons as the Coordinator-General thinks fit.

**(2)** If pursuant to subsection (1) 2 or more persons are required to

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furnish a copy of an agreement it shall be sufficient compliance with that subsection if 1 of such persons furnishes the copy as prescribed.

(3) If in the opinion of the Coordinator-General a proposed agreement furnished to the Coordinator-General under subsection (1) is deficient in any respect the Coordinator-General shall refer the matter to the local body or other person that furnished the proposed agreement to him or her with a view to its alteration in a manner acceptable to the Coordinator-General.

(4) When, in the opinion of the Coordinator-General, a proposed agreement furnished to the Coordinator-General under subsection (1) is satisfactory the Coordinator-General shall after consideration of the agreement by the Treasurer submit the matter of the agreement to the Minister with the Coordinator-General's recommendation that the proposed agreement should be approved.

### **Approval of agreements**

**40.(1)** The Governor in Council may, on the recommendation of the Minister, approve of a proposed agreement referred to in section 38 and furnished to the Coordinator-General under section 39.

(2) Upon the Governor in Council approving a proposed agreement the Coordinator-General shall cause notification of such approval to be given to the local body or other person that furnished a copy of the proposed agreement to the Coordinator-General.

(3) Where the Governor in Council has approved an agreement with respect to any subject matter proposed to be entered into for the purposes of a prescribed development any agreement made with respect to the same subject matter, or so as to include the same subject matter, for the purposes of the same development shall be on the same terms and conditions, so far as they relate to that subject matter, as have been so approved.

(4) If in any case subsection (3) is not complied with the agreement made shall be of no effect in law.

### **Variation of approved agreement**

**41.(1)** If at any time it becomes necessary or desirable to vary an agreement made in accordance with section 40 the local body or other

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person being party to that agreement may negotiate and enter into a variation agreement but every such variation agreement negotiated shall be submitted and dealt with as prescribed by section 39 and that section and section 40 shall apply in relation to such variation agreement.

(2) Upon the Governor in Council approving of a proposed variation agreement and such agreement being entered into, the original agreement as so varied shall become and be the approved agreement with respect to the subject matter concerned.

***Division 3—Applications relating to prescribed development***

**Referral of applications**

**42.(1)** Where a proposed development, processing or handling has been declared to be a prescribed development every application relating to the proposed development, processing or handling that—

- (a) has been made to a local body at the time such declaration is made; or
- (b) at any time after the making of such declaration is made to a local body;

shall be referred by the local body to the Coordinator-General and the local body shall have no jurisdiction to deal with any such application otherwise than is prescribed by this Division unless it is remitted by the Coordinator-General to the local body as hereinafter prescribed.

(2) Reference by a local body to the Coordinator-General of an application shall be made—

- (a) in the case of an application that has been made to the local body at the time the relevant proposed development is declared to be a prescribed development—forthwith upon the local body being notified under section 33 of the declaration; and
- (b) in the case of an application that is made at any time after the relevant proposed development is declared to be a prescribed development—as soon as is practicable after the application is received by the local body.

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(3) An application required by law to be made to a local body shall be made to that local body notwithstanding that it relates to a prescribed development.

### **Remission of applications**

43.(1) In respect of every application referred to the Coordinator-General that relates to a prescribed development the Governor in Council shall, on the recommendation of the Minister, determine whether the application referred should remain with the Coordinator-General or be remitted to the local body to which it was made.

(2) If, pursuant to the determination of the Governor in Council, an application is remitted to the local body to which it was made, it shall be dealt with by that body according to law as if the proposed development to which it relates had not been declared to be a prescribed development but subject to the local body and all other persons concerned complying with the approved plan relating to that development.

### **Applications remaining with Coordinator-General**

44.(1) If pursuant to a determination of the Governor in Council under section 43(1) an application is to remain with the Coordinator-General, the law under which the application was made to the local body shall be construed in relation to that application as if a reference therein to the local body were a reference to the Coordinator-General.

(2) For the purpose of dealing with and determining an application that pursuant to the determination of the Governor in Council is to remain with the Coordinator-General the provisions of law and the constraints that would have affected the dealing with and determination of the application by the local body shall be deemed not to exist.

(3) The Coordinator-General shall deal with an application that pursuant to the determination of the Governor in Council is to remain with the Coordinator-General in accordance with this Act and the Coordinator-General shall submit the matter of the application, the Coordinator-General's recommendations with respect thereto and any



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submissions received by the Coordinator-General with respect thereto to the Minister.

### **Advertisement calling for submissions**

**45.(1)** In respect of an application relating to a prescribed development that is not remitted to a local body—

- (a) the Coordinator-General shall by advertisement in some newspaper or newspapers circulating throughout the area or areas of the State for which the development is proposed give public notice—
  - (i) that the application is before the Coordinator-General; and
  - (ii) that a copy of the application is available for public inspection at the address or addresses specified in the advertisement; and
  - (iii) that submissions with respect to the application including objections thereto may be lodged with the Coordinator-General at the address and on or before the date specified in that behalf in the advertisement;

and shall therein give particulars sufficient in the Coordinator-General's opinion to indicate the general nature of the application;

- (b) the Coordinator-General shall invite the local body to which the application was made to lodge with the Coordinator-General on or before the date specified in the advertisement its representations with respect to the application together with its comments on the circumstances and matters that have influenced its representations.

**(2)** The Coordinator-General shall cause to be kept available for public inspection a copy of an application to which an advertisement under subsection (1) relates at the address or addresses specified for that purpose in the advertisement at all times when that address is or those addresses are open for the conduct of public business.

- (3)** Every submission to the Coordinator-General with respect to an

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application relating to a prescribed development shall be in writing, shall state the grounds on which it is made and shall particularise the circumstances and matters relied on in support of those grounds.

### **Determination of application**

**46.(1)** The Governor in Council, having due regard to the application, any submissions made with respect thereto and any other matters submitted to the Minister by the Coordinator-General, shall, by order in council, determine whether the Governor in Council—

- (a) approves the application unconditionally; or
- (b) approves the application subject to conditions; or
- (c) refuses the application.

**(2)** If the Governor in Council approves an application subject to conditions the Governor in Council shall at the same time determine and specify what those conditions are.

### **Effect of determination**

**47.(1)** The determination by the Governor in Council of an application relating to a prescribed development—

- (a) shall be final and binding on the applicant, the local body to whom it was made, and all other persons concerned, notwithstanding the provisions of any other law applicable in relation to that application; and
- (b) where the Governor in Council approves of that application—shall have effect in law according to its tenor to the intent that the use of land approved by the determination may be undertaken and carried out thereon without challenge or hindrance by a local body or any other person on the ground that such use is contrary to any planning scheme or any local law relating to the use or development of land.

**(2)** Where an application made to a local body under any law is determined by the Governor in Council under this Act as an application relating to a prescribed development—

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- (a) the local body and any other person charged with keeping the appropriate maps shall cause the effect of the determination to be noted on any planning scheme maps (whether coming into force before or after the making of the determination) for the local government area or part of such area in which is situated the land to which the determination relates; and
- (b) the local body is hereby authorised to take all steps that appear to it to be necessary to secure compliance with the determination, including taking proceedings before a court of competent jurisdiction; and
- (c) for the purpose of the local body exercising its authority under paragraph (b), the determination shall be deemed to be a decision of the local body lawfully made in relation to the application pursuant to the law under which the application was made to the local body.

### **Effect of reference on time limitations**

**47A.** Where an application has been referred to the Coordinator-General under section 42—

- (a) the Governor in Council is not bound by any provision of law that limits the time within which a determination of the application would be required to be made had the application remained with a local body; and
- (b) for the purpose of any provision of law such as is referred to in paragraph (a) time shall be taken not to have commenced to run against the local body concerned in relation to the application until the application has been remitted by the Coordinator-General to the local body to be dealt with by it.

### **Prescribed development to await approval**

**47B.** Where it is determined that an application referred to the Coordinator-General under section 42 should remain with the Coordinator-General, neither the applicant nor any other person shall perform any work or carry out any undertaking as part of the development,

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processing or handling to which the application relates unless—

- (a) the application has been approved by the Governor in Council and the approval remains in force; and
- (b) if the approval of the application by the Governor in Council is subject to conditions, the work is performed or the undertaking is carried out in accordance in all respects with those conditions.

### **Withdrawal of applications**

**47C.** An application relating to a prescribed development may be withdrawn at any time prior to its determination by the Governor in Council by notice in writing to that effect signed by the applicant and served on the Coordinator-General.

### *Division 4—Information concerning development*

#### **Coordinator-General may obtain information**

**47D.(1)** With a view to discharging the Coordinator-General's functions under this Part the Coordinator-General may require any local body or other person to furnish to him or her—

- (a) particulars of all works and undertakings proposed to be carried out by or on behalf of or under the authority or supervision of that body or person in connection with any proposed development, processing or handling; and
- (b) such information as in the Coordinator-General's opinion would assist the Coordinator-General in the proper discharge of his or her functions.

**(2)** Particulars and information furnished to the Coordinator-General pursuant to the Coordinator-General's requisition shall be verified in a manner directed by the Coordinator-General, including (should he or she so direct) by way of statutory declaration.

**(3)** This section shall be construed to apply—

- (a) except where the Minister directs to the contrary in a particular

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case, proof whereof shall lie upon him or her who alleges such direction to the contrary; and

- (b) subject to the provisions of any Act that expressly requires a person employed for the purposes of that Act to preserve and aid in preserving secrecy with respect to all matters that may come to the person's knowledge in the person's official capacity.

## **PART 6—PLANNED DEVELOPMENT**

### *Division 1—State development areas*

#### **Declaration of State development areas, variation and termination thereof**

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

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

**(2)** Where—

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

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### **Procedure in relation to State development areas**

**49.(1)** Every State development area and every variation of an area shall be delineated on a plan held available for inspection by the public at the office of the Coordinator-General and at such other places, in such manner, and at such times as are prescribed.

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

### **Development scheme**

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

### **Approval, implementation, and variation of development scheme**

**51.(1)** If the Governor in Council approves a development scheme submitted to the Governor in Council—

- (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 Coordinator-General and elsewhere as the Coordinator-General directs;
- (c) the Coordinator-General shall, as soon as practicable, take all steps necessary to secure the implementation of the scheme.

**(2)** The Coordinator-General may vary a development scheme approved by the Governor in Council but if the Coordinator-General 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.

**(3)** If the Governor in Council approves a development scheme as so

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varied the provisions of subsection (1) 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.

### **Abrogation of development scheme**

**52.(1)** 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.

(2) 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.

### **Acquisition of land in State development area**

**53.(1)** The Coordinator-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 subsection (1) 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

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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 Coordinator-General will not control the development of the land but will secure such development by way of contract with other persons.

### **Disposal of land in State development area**

**54.(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 Coordinator-General to sell, lease, or otherwise dispose of such of that land as is held by the Coordinator-General unless the sale, lease, or disposal is authorised by subsection (2).

**(2)** The Coordinator-General may sell, lease or otherwise dispose of land held by the Coordinator-General 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 Coordinator-General of land held by the Coordinator-General in a development area may be on such terms and conditions as the Coordinator-General thinks fit, including the condition that the purchaser, lessee or disponent of the land shall enter into such covenants (whether positive, restrictive or both) as the Coordinator-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.



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(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 the person in respect of the use to be made of the land or of the right to sell, lease or dispose of it.

### **User of land under approved development scheme**

55. 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 government or other authority concerned with the control of use of the land has duly permitted such use.

### *Division 2—Undertaking of works by or on behalf of local bodies*

#### **Recommendation of certain works**

56. If the Coordinator-General recommends to the Minister that particular works should be undertaken by any local body or local bodies, the Minister, if the Minister approves of the recommendation, shall submit the same to the Governor in Council for the Governor in Council's approval.

#### **Approval of certain works**

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

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(2) If the undertaking of the works concerns more than 1 local body, the Governor in Council may, by the Governor in Council's initial order or by any subsequent order direct—

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

### **Time limited for works**

**58.** By order directed to and served on a local body that is required to undertake works by an order made under section 57 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.

### **Orders to be complied with**

**59.** A local body to whom is directed an order made under section 57 shall comply in every respect with the order and—

- (a) where a time is specified in an order made under section 57 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 cooperate with the Coordinator-General and all other local bodies concerned.

### **Borrowing of money for works**

**60.** For the purpose of enabling a local body to undertake works and to borrow money to comply with an order made under section 57 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

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appointed or constituted and, in the case of a local body that is a local government, shall be deemed to be a function of local government.

### **Procedure on local body's default**

**61.(1)** If, on the report of the Coordinator-General, the Governor in Council is satisfied that a local body is in default in complying with an order made under section 57 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) the Governor in Council will authorise the Coordinator-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 subsection (1) may make to the Minister written representations against the Governor in Council effecting the Governor in Council's notified intention.

**(2A)** The Minister shall submit such representations to the Governor in Council who, if the Governor in Council thinks the case warrants it, may direct that the issue be heard by such person or persons as the Governor in Council appoints.

**(2B)** The hearing shall be deemed to be an inquiry and shall be conducted as a commission of inquiry under the *Commissions of Inquiry Act 1950* and the person or persons conducting the inquiry may exercise and shall have the powers, authorities, protection and jurisdiction of a commission under that Act and in addition, where there is 1 such person, that person or, where there are more than 1 such person, the person appointed as chairperson of such inquiry may exercise and shall have the powers, authorities, protection and jurisdiction of a chairperson of such a commission except such as are by that Act confined to a chairperson who is a Judge of the Supreme Court and the provisions of that Act shall apply accordingly.

**(2C)** 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 the Governor in Council thinks fit in determining the issue in question.

**(3)** If, upon the expiration of the period specified in the Governor in Council's notification of intention given to the local body or upon the receipt

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by the Governor in Council of the finding on the hearing conducted at the Governor in Council's direction (whichever event is the later to occur), the Governor in Council decides to effect the intention so notified the Governor in Council may, by order in council, authorise the Coordinator-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.

### **Borrowing to facilitate remedy of default**

**62.** For the purpose of remedying a local body's default pursuant to the authority conferred by an order in council made under section 61(3) the Coordinator-General may exercise all or any of the powers conferred on the Coordinator-General by this Act with respect to borrowing money and, where a project board is so authorised to remedy the default, the Coordinator-General may exercise those powers for the use and benefit of the board.

### **Liability for costs of work to remedy default**

**63.(1)** All costs, charges and expenses incurred by the Coordinator-General or a project board in or in connection with remedying a local body's default pursuant to the authority conferred by an order in council made under section 61(3), 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 subsection (1) are payable to the Treasurer and shall be paid to the Treasurer at such times and in such instalments as the Treasurer requires by order in writing given to the local body.

**(2A)** 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 the Treasurer's order given under subsection (2) as payable by the local body specified in the

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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 subsection (2);

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.

### **Power to order postponement of works**

**64.(1)** The Coordinator-General may, having regard to the matters specified in section 28, recommend to the Minister that works to be undertaken by any local body should be postponed.

**(1A)** If the Minister approves of the recommendation the Minister shall submit the matter to the Governor in Council who may order that the works specified by the Governor in Council shall be postponed for the period specified by the Governor in Council.

**(2)** An order made under subsection (1A) 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 3—Undertaking of works by Coordinator-General*

### **Recommendation of certain works**

**65.** If the Coordinator-General recommends to the Minister that particular works should be undertaken by the Coordinator-General, the Minister, if the Minister approves of the recommendation, shall submit the same to the Governor in Council for the Governor in Council's approval.

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### **Approval of certain works**

**66.** Where a recommendation is submitted to the Governor in Council—

- (a) pursuant to section 65; or
- (b) pursuant to section 56 and the Governor in Council is satisfied that the works therein recommended should be undertaken by the Coordinator-General instead of by the local body or local bodies recommended;

the Governor in Council, if the Governor in Council is satisfied the works recommended should be undertaken, may, by order in council, approve that the Coordinator-General undertake the works recommended.

### **Coordinator-General to undertake approved works**

**67.(1)** As soon as practicable after approval is granted under section 66 the Coordinator-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 Coordinator-General shall, for the purposes of the *Land Act 1962* be deemed to be public purposes within the meaning of that Act.

### **Delegation of authority of Coordinator-General**

**68.(1)** The provisions of section 14 shall be construed subject to this section.

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

- (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.

**(3)** 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

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directions given in relation thereto by the Coordinator-General.

(4) The Coordinator-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.

### **Borrowing of money for works**

69. For the purpose of enabling a local body to undertake works under the authority of a delegation duly given by the Coordinator-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 government, shall be deemed to be a function of local government.

### ***Division 4—Project boards***

#### **Project boards**

70.(1) The Governor in Council may, in respect 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 the Coordinator-General or the Coordinator-General's delegate and 4 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.

(3A) In making a 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.

(3B) 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 20 members, the person has a pecuniary interest in the undertaking of

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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.

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

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

### **Chairperson and deputy chairperson**

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

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

### **Term of appointment of member of board**

**71.(1)** An appointment to membership of a project board shall be for a term of 3 years or, where a less term is specified in the notification of appointment, for that less term commencing on the date of notification of the member's appointment in the Gazette save where the appointment is to a casual vacancy therein.

(2) A member of a project board shall be eligible for reappointment.



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### **Termination of membership of board**

**72.(1)** A member of a project board shall be deemed to have vacated his or her office as a member—

- (a) if, being a member by reason of being the Coordinator-General or the Coordinator-General's delegate, the member ceases to be the Coordinator-General or such delegate;
- (b) if the member becomes bankrupt or takes advantage of the laws in force for the time being relating to bankrupt or insolvent debtors;
- (c) if the member is convicted in the State of an indictable offence for which the member is liable to be imprisoned for 12 months at the least or is convicted elsewhere of an offence that, if committed by the member in the State would constitute an indictable offence upon conviction whereof the member would be so liable;
- (d) if the member dies;
- (e) if the member becomes a patient within the meaning of the *Mental Health Act 1974*;
- (f) if the member resigns his or her office by signed written notice addressed to the Governor in Council and furnished to the Minister;
- (g) if the member becomes disqualified from being appointed as a member of the board by reason of section 70(3B).

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

### **Casual vacancies**

**73.(1)** When a vacancy occurs in the office of a member of a project board before the expiration of the member's term of appointment the Governor in Council shall, on the recommendation of the Minister, by notification published in the Gazette, appoint another person thereto.

**(1A)** Unless the member sooner vacates or is removed from office as

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prescribed, a person appointed to fill such a casual vacancy shall hold office until the time when the person's predecessor's term of appointment would have expired.

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

### **Meetings of boards**

74.(1) 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.

(2) The chairperson of a project board shall preside at each meeting of the board at which the chairperson is present and, in the chairperson's absence, the deputy chairperson, if the deputy chairperson is present, shall preside at the meeting of the board.

(2A) If both the chairperson and the deputy chairperson are absent from a meeting of the board, the members present, if they constitute a quorum, may appoint one of their number to preside at the meeting and, while so presiding, the appointee shall have and may exercise the powers of the chairperson.

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

(4) The conduct of any business by a project board shall not be rendered void or otherwise prejudiced or be questioned by reason of any vacancy in the membership of the board or of any defect in the constitution of the board.

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### **Fees of members of boards**

**75.(1)** Members of a project board 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.

**(1A)** A member of a project board who for the purposes of attending to the business of the board is required to travel away from the city, town or place where the member 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.

**(2)** A fee shall not be paid to a member of a project board who is an officer of the public service for attendance at any meeting of a board held during the ordinary office working hours of that officer.

### **Assistance by Coordinator-General to boards**

**76.** The Coordinator-General may provide for each project board such technical, clerical and secretarial assistance as is required for the proper conduct of its affairs.

### **Status, powers etc. of project board**

**77.(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)** In addition to the powers conferred on every project board by subsection (1) each project board shall have such powers, functions and duties as are conferred on or assigned to that board by order in council.

**(3A)** The powers, functions and duties to be conferred on or assigned to a project board shall be such as are, in the opinion of the Governor in

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Council, directed to enabling or assisting the board to effectively undertake the works in respect of which it is established and shall be in the unfettered discretion of the Governor in Council.

(4) An order in council made in relation to a project board—

- (a) may provide that the board shall be a local body under and within the meaning of the *Local Bodies' Loans Guarantee Act 1923* whereupon the board shall be such a local body and the provisions of that Act, subject to such modifications as the Governor in Council by such order in council prescribes, shall apply and extend accordingly;
- (b) may empower the board to take land for the purposes of the works in respect of which it is established whereupon the board shall be a constructing authority within the meaning of the *Acquisition of Land Act 1967*;
- (c) may provide for the regulation of the exercise of any power or the performance of any function or duty conferred on or assigned to the board thereby or by another order in council, or for the regulation of the doing of any act incidental to the proper exercise and performance of those powers, functions and duties.

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

- (a) that any provision therein is or is claimed to be inconsistent with any provision of this Act; or
- (b) that this Act or any other Act empowers or requires any person, instrumentality or body to do that which the project board is empowered or required by the order in council to do or to do, whether for the benefit of the project board or not, any act that is incidental to or is apt to assist the effective undertaking of the works in respect of which the board is established; or
- (c) that the works in respect of which the project board is established could be undertaken by any other person, instrumentality or body; or
- (d) that provision for any matter referred to in the order in council

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might have been made in some other manner prescribed by this Act.

### **Audit of project board's accounts**

**77A.(1)** At least once in every calendar year the accounts of each project board shall be audited by the Auditor-General.

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

### ***Division 5—Special powers incidental to planned development***

#### **Power of Coordinator-General to take land**

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

- (a) works that the Coordinator-General is authorised by the Governor in Council to undertake;
- (b) works included in a program of works or a development scheme approved under this Act by the Governor in Council that the Coordinator-General is not authorised 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;
- (d) a purpose specified in Schedule 2 to the *Acquisition of Land Act 1967* and approved by the Governor in Council as a purpose for which the Coordinator-General may take land;
- (e) a purpose of rural or urban development recommended by the Coordinator-General and approved by the Governor in Council.

**(2)** As well as land granted in fee simple, the Coordinator-General may, in accordance with the *Acquisition of Land Act 1967* and as a constructing

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authority under that Act, take land that is held from the Crown for an estate or interest less than fee simple.

(2A) Land referred to in subsection (2) shall, if vested in the Coordinator-General, an instrumentality representing the Crown, a local body, or other person by the proclamation whereby it is taken, be vested in him, her or it for an estate in fee simple.

(2B) The Governor in Council is hereby authorised to grant in fee simple and so vest the land subject to such reservations and conditions as are authorised or required by the *Land Act 1962*.

(3) The *Acquisition of Land Act 1967* shall be read with and subject to all such modifications and adaptations as are necessary to give operation and effect to subsections (2) to (2B) 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.

### **Vesting of land taken**

79.(1) Land taken by the Coordinator-General shall, according as the proclamation whereby it is taken or a later proclamation provides, vest in the Crown, the Coordinator-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 Coordinator-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 Coordinator-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.

### **Payment of costs of taking land and compensation**

80.(1) The Governor in Council may, by the proclamation whereby land is taken by the Coordinator-General or subsequently, by notification published in the Gazette, specify by whom the costs of taking the land and

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the compensation payable therefor are to be paid and thereupon such costs and compensation shall be payable to the Coordinator-General by the person, instrumentality or local body so specified.

(2) An amount payable on account of such costs or compensation that is not paid to the Coordinator-General within 3 months after it becomes payable or after the amount of such costs or compensation is established (whichever last occurs) may be recovered by the Coordinator-General in a court of competent jurisdiction as a debt due and payable to the Coordinator-General by the person, instrumentality or local body by whom it is payable.

### **Power of Governor in Council to alienate land to Coordinator-General**

81. The power conferred on the Governor in Council by the *Land Act 1962*, 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 Coordinator-General of such land pursuant to agreement between the Coordinator-General and the Governor in Council who is hereby there unto authorised.

### **Disposal of land not required for purpose of acquisition**

82. If land taken by the Coordinator-General and held by the Coordinator-General, or any part of it, is not required for or in connection 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.

### **Proof of requirement of land**

83. A writing purporting to be a certificate of the Coordinator-General that land therein specified and taken or acquired by the Coordinator-General was, at the time of its taking or acquisition, required by the Coordinator-General 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.

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**Power of Coordinator-General to negotiate transfer of works undertaken by the Coordinator-General**

**84.(1)** When the Coordinator-General is satisfied that works undertaken by the Coordinator-General as authorised 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 the Coordinator-General 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 authorised or required to undertake works of a similar nature for the acquisition, management, operation and control of the authorised works by such person, instrumentality, or local body (the “**transferee**”).

**(2)** The Minister shall submit to the Governor in Council particulars of an agreement negotiated between the Coordinator-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 an order in council.

**(3)** The transferee is hereby authorised to acquire, manage, operate and control the authorised 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, she or it, as the case may be, is appointed or constituted and, where the transferee is a local government, shall be deemed to be a function of local government.

**(4)** From time to time the Coordinator-General may certify what land vested in the Crown is included in or required for authorised 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.

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



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### **Authorised works that are road traffic facilities**

**85.(1)** Where any authorised works are a road traffic facility within the meaning of the *Tolls on Privately Constructed Road Traffic Facilities Act 1931* the Governor in Council may, by the order in council whereby the Governor in Council authorises the Coordinator-General to undertake the works or by a subsequent order in council, direct that the Coordinator-General shall undertake the works as a road traffic facility under that Act.

**(1A)** Where such direction is given the Coordinator-General shall be, in relation to the authorised works to which the direction relates, the owner within the meaning of that Act.

**(2)** Where a direction is given pursuant to subsection (1) the Governor in Council may, by the order in council whereby the Governor in Council authorises the Coordinator-General to undertake the works in question or by a subsequent order in council—

- (a) direct that the provisions, specified by the Governor in Council, of the *Tolls on Privately Constructed Road Traffic Facilities Act 1931* shall not apply in respect of the authorised works in question;
- (b) direct that the provisions, specified by the Governor in Council, of that Act shall apply in respect of the authorised works in question in a modified form particularised in the order in council.

**(3)** Where authorised works are undertaken as a road traffic facility pursuant to subsection (1) the provisions of the *Tolls on Privately Constructed Road Traffic Facilities Act 1931* shall apply in respect thereof save to the extent that they are excluded pursuant to subsection (2)(a) and, where the Governor in Council has directed as provided in subsection (2)(b), shall apply in the modified form as so particularised.

### **Undertaking private works**

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

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(2) The Governor in Council may, by order in council, authorise the Coordinator-General to undertake works agreed by the Government (whether under subsection (1) or otherwise) to be undertaken by the Coordinator-General and the Coordinator-General is hereby empowered to undertake those works as authorised works subject to and in accordance with the order in council and the material agreement.

**Powers in respect of land for purposes of works**

87.(1) In connection with the undertaking by the Coordinator-General of authorised works or in connection with any other works undertaken or to be undertaken pursuant to authority conferred under this Act, the Coordinator-General or his or her delegate, an officer or employee of the Coordinator-General, or any person authorised in writing by the Coordinator-General or his or her 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, reinstate and repair the same;
- (e) occupy any land;
- (f) on and from any land occupied by or on behalf of the Coordinator-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

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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 subsection (1) 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 7 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.

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

### **Offences of interference and wilful obstruction**

**88.** 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 Coordinator-General or his or her delegate;
- (b) wilfully obstruct, or attempt to obstruct any person in the exercise by the person of a power conferred on the person by section 87.

### **Powers in respect of water for purposes of works**

**89.** The Coordinator-General or his or her delegate expressly authorised

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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 Coordinator-General or, as the case may be, his or her delegate thinks it necessary for the purpose of or in connection with undertaking—

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

### **Compensation for exercise of power under ss 87 and 89**

**90.(1)** A person who claims to have suffered damage resulting from an exercise of power under section 87 or 89 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* 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 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* had the land in question been taken by the Coordinator-General.

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(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 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 the person lawfully;
  - (ii) is the direct result of the works for or in connection 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 89 the works for or in connection with which the power is exercised are not completed a member of the Land Court may, on the application of the Coordinator-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.

### **Powers in respect of works on foreshore and under waters**

**91.(1)** The Governor in Council may, by order in council, authorise the Coordinator-General to undertake works in, on, over, through or across any

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foreshore or land lying under Queensland waters and may, by that order in council or by a subsequent order in council—

- (a) authorise the Coordinator-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 Act 1955* shall not apply in respect of the exercise of authority conferred on the Coordinator-General pursuant to this subsection.

**(1A)** The Coordinator-General may exercise an authority conferred on the Coordinator-General pursuant to subsection (1) in accordance with the order in council and subject to this section.

**(1B)** The provisions of the *Harbours Act 1955* shall apply according to their terms in respect of an exercise of authority conferred on the Coordinator-General pursuant to subsection (1) save such of those provisions as the Governor in Council directs shall not so apply.

**(2)** In this section—

**“Queensland waters”** means—

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

## **PART 7—FINANCE PROVISIONS**

### **Expenses of works**

**92.(1)** When works are undertaken by the Coordinator-General or a

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project board—

- (a) for the benefit of a local body or a department of the Government;
- (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, 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 Coordinator-General or project board in connection with the works.

(2) Where there is more than 1 local body or person concerned the Governor in Council may apportion the costs and expenses between or among them in such manner as the Governor in Council 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—

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

### **Expenditure generally on work by Coordinator-General**

93. 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 Coordinator-General or the Coordinator-General's delegate.

### **Subsidies or Treasury loans for works**

94. The Treasurer may, with the approval of the Governor in Council and subject to all necessary appropriations by Parliament, expend moneys in

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respect of works referred to in section 92(1), whether by way of grant of subsidy or of Treasury loan, as if such works were being undertaken by a local government.

### **Borrowings etc. by Coordinator-General**

**95.(1)** Subject to this Act, the Coordinator-General may borrow or raise money or make financial arrangements—

- (a) by the sale of debentures, bonds or inscribed stock;
- (b) in such other way as is approved by the Treasurer;
- (c) partly in one way and partly in another way or other ways specified in paragraph (a) or approved pursuant to paragraph (b).

**(2)** Before entering into negotiations to borrow or raise money or make financial arrangements pursuant to subsection (1) the Coordinator-General shall obtain the sanction of the Treasurer authorising the Treasurer to enter upon such negotiations and, for this purpose, shall furnish the Treasurer with such information as the Treasurer requires.

**(3)** The Coordinator-General shall not borrow or raise money or make financial arrangements pursuant to negotiations sanctioned by the Treasurer unless the authority of the Governor in Council thereto is first obtained.

**(3A)** Such authority, if given, shall be given by way of order in council upon such terms and conditions as the Governor in Council thinks fit.

**(4)** The Coordinator-General shall be a local body under and within the meaning of the *Local Bodies' Loans Guarantee Act 1923*, the provisions whereof (other than section 7) shall, subject to such modifications as the Governor in Council prescribes (whether generally or in respect of a particular borrowing, raising or arrangement) apply and extend accordingly.

**(5)** Where pursuant to the *Local Bodies' Loans Guarantee Act 1923* the Treasurer on behalf of the Government guarantees the amount or any part of the amount of any borrowing or raising or the carrying out of any terms and conditions of any financial arrangement made pursuant to subsection (1) (with interest at the agreed rate), all moneys payable by the Treasurer pursuant to the guarantee shall be a charge upon and be paid out



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of Consolidated Fund which is hereby to the necessary extent appropriated accordingly.

### **Application of moneys**

**96.(1)** All moneys borrowed or raised by the Coordinator-General shall be expended for the purpose for which he was authorised to borrow or raise the same and not otherwise.

**(2)** If any amount of moneys borrowed or raised remains unexpended upon the completion of the purpose for which the moneys were borrowed or raised such amount shall be applied as the Treasurer directs.

### **Debentures, bonds and stock**

**97.(1)** All debentures, bonds and inscribed stock issued to secure moneys borrowed by the Coordinator-General—

- (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 Coordinator-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 section 95(3);
- (c) may, in the case of debentures and bonds with the consent of the holder thereof or in the case of inscribed stock with the consent of the registered owner, 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 debentures, bonds or inscribed stock 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 section 95(3) made in respect of the loan to which the debenture, bond or stock relates.

**(3)** Every debenture issued to secure moneys borrowed by the Coordinator-General—

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- (a) shall be sealed with the seal of the Coordinator-General and, so sealed, shall be taken to have been duly issued;
- (b) shall be numbered consecutively so that no 2 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 authorised, be transferable by delivery and payment to the person in possession of the debenture or coupon of the amount named therein shall discharge the Coordinator-General from all liability in respect of that payment due under the debenture.

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

**Entitlement of holder of debenture etc.**

**98.(1)** In the case of a debenture issued 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 Coordinator-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 Coordinator-General in respect of principal or interest or both in accordance with the terms and conditions of the debenture.

(3) A transferee with respect to whom the Coordinator-General has not been given notice as prescribed shall not be entitled to receive and the Coordinator-General shall not be liable to make to such transferee any payment in respect of any debenture issued without coupons save under

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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 Coordinator-General to the lender or to a prior transferee.

(4) The entitlement of a transferee with respect to whom the Coordinator-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 Coordinator-General was given such notice, was made by the Coordinator-General to the lender or a prior transferee.

(5) In subsections (3) and (4)—

**“notice as prescribed”** means a notice in writing signed by the transferor and transferee and verified to the satisfaction of the Coordinator-General.

### **Status of debenture, bond or stock as investment and a security**

**99.(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 authorised investment by the trustee pursuant to the provisions of section 4 of the *Trustees and Executors Act 1897* and such Act shall be read and construed accordingly.

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

(3) A person advancing money to the Coordinator-General or other borrower of moneys under the authority of this Act and receiving in consideration therefor any debentures, bonds or stock duly issued shall not be bound to enquire whether the issue of such debentures, bonds or stock was in fact duly authorised or into the application of the money so advanced or be in any way responsible for the non-application or misapplication thereof.

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### **Brokerage**

**100.(1)** The Coordinator-General may pay moneys by way of brokerage in relation to any borrowing or raising of money or the making of financial arrangements which the Governor in Council has authorised.

(2) However, no moneys shall be paid by the Coordinator-General by way of brokerage unless the Treasurer has approved of the payment of brokerage, which approval may be given by the Treasurer subject to such terms and conditions as the Treasurer thinks fit.

(3) Section 14 of the *Money Lenders Act 1916* shall not apply or extend to brokerage which the Coordinator-General is authorised by this section to pay and which brokerage has been approved by the Treasurer and is agreed to be paid by the Coordinator-General subject to the terms and conditions (if any) imposed by the Treasurer.

### **Moneys recoverable as a debt**

**101.** If the Coordinator-General or other borrower of moneys under the authority of this Act makes default in making a payment, whether of principal or interest, to the holder of any debenture or coupon or bond issued, or to the owner of any stock inscribed under the authority of this Act, that holder or owner may recover the amount thereof as a debt by action against the Coordinator-General or, as the case may be, the borrower other than the Coordinator-General in any court of competent jurisdiction.

### **Regulations relating to loans etc.**

**101A.** The power conferred on the Governor in Council by this Act to make regulations includes power to make regulations relating to the borrowing or raising of money or the making of any financial arrangement under the authority of this Act and to the repayment of moneys borrowed or raised and the payment or repayment of moneys pursuant to any financial arrangement and, without limiting the generality of the foregoing power—

- (a) prescribing the form of and the manner of issuing debentures, bonds or inscribed stock, providing for the keeping and inspection of and the taking of copies of or extracts from the register of debentures and bonds or from any stock ledgers and

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providing for lost or defaced debentures, coupons, bonds or stock certificates and the destruction of discharged debentures, coupons, bonds or stock certificates;

- (b) prescribing matters relating to the raising of loans outside the State;
- (c) providing for sinking funds and other methods for the repayment of moneys borrowed, providing for and appointing trustees of a debt redemption fund with respect thereto and prescribing the powers, functions and duties of such trustees and regulating and controlling all or any matters with respect to such debt redemption funds, trustees, sinking funds or other methods aforesaid.

## **PART 8—MISCELLANEOUS PROVISIONS**

### *Division 1—Specific powers and duties of Coordinator-General*

#### **Power to contract**

**102.(1)** The Coordinator-General may negotiate and enter into contracts for the performance of the Coordinator-General's functions and duties or the exercise of the Coordinator-General's powers imposed or conferred on the Coordinator-General under any Act.

**(2)** A contract entered into by the Coordinator-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 Coordinator-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

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Coordinator-General or the Coordinator-General's delegate, 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 Coordinator-General or the Coordinator-General's delegate, and may be varied or discharged in like manner.

### **Power to compound**

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

### **Power to obtain material from watercourse**

**104.** The Coordinator-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 the Coordinator-General for works undertaken by the Coordinator-General.

### **Power as to roads**

**105.(1)** Where in connection with the undertaking of works by the Coordinator-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 Coordinator-General, by order in council close any existing road or part of an existing road that in the Governor in Council's 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 Coordinator-General for an estate in fee simple or in the Crown

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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.

**(1A)** A grant of land made to the Coordinator-General to give effect to an order in council made under subsection (1) shall be subject to such reservations and conditions as are prescribed by the *Land Act 1962*.

**(2)** The Coordinator-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.

**Power to exclude or divert traffic**

**106.(1)** Where the Coordinator-General is satisfied that the proper performance of the Coordinator-General's functions or duties or exercise of the Coordinator-General's powers requires it, the Coordinator-General may—

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

**(1A)** Wherever it is practicable, notice of intention to exercise a power conferred by subsection (1) 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 this section.

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### **Power to manage reserves and other lands**

**107.(1)** The Governor in Council may, by proclamation published in the Gazette, place under the control and management of the Coordinator-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 Coordinator-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 Coordinator-General under this Act and a trust or provision that then regulates the management, control or use thereof shall cease to operate.

**(2A)** The Registrar of Titles 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 Coordinator-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 subsection (2).

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

### **Power to encroach upon roads and lands for purposes of works**

**108.** The Coordinator-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



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the owner and occupier thereof;

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

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

**109.(1)** During the progress of works undertaken by the Coordinator-General the Coordinator-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 the Coordinator-General 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 Coordinator-General or extinguish or move any light placed by the Coordinator-General or on his or her behalf save under the authority of the Coordinator-General.

***Division 2—Provisions concerning legal liability of Coordinator-General***

**Service on Coordinator-General**

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

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

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

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**Limited liability of Coordinator-General for injury to person or property**

**112.(1)** Liability shall not attach to the Coordinator-General, and an action shall not lie against the Coordinator-General, in respect of anything done or omitted to be done by the Coordinator-General or by his or her contractors, officers or workers in or in connection 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 Coordinator-General, the Coordinator-General's officers or workers in connection with the construction, maintenance, management or control thereof.

**(2)** A person shall not be entitled to recover against the Coordinator-General, the Coordinator-General's officers or workers, 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 Coordinator-General's functions or duties or the exercise of the Coordinator-General's powers under any Act or arising out of employment for any of those purposes unless—

- (b) in the case of injury to the person—the person alleged to be injured shall, when so required by the Coordinator-General submit himself or herself for examination by a legally qualified medical practitioner (nominated by the Coordinator-General), who is hereby authorised to make all relevant examinations and tests, and furnish to that medical practitioner all information that the Coordinator-General requires to enable the Coordinator-General 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 Coordinator-General, permit a person nominated by the Coordinator-General to enter upon and inspect the property alleged to be injured and furnish to that person all facilities and information that the Coordinator-General requires to enable the Coordinator-General to ascertain the full nature and extent of the injury and the amount (if any) expended in repairing the property.

**(3)** Noncompliance with all or any of the provisions of subsection (2) shall not act as a bar to the maintenance of an action or to the recovery of

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damages therein if the court that determines the action is of opinion that there was reasonable excuse for such non-compliance.

**Personal injury action adjudicated by Judge alone**

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

**Officers and workers not personally liable**

**115.(1)** An officer or worker of the Coordinator-General or his or her delegate shall not incur any personal liability on account of an act done or omission made by him or her under the direction of the Coordinator-General or his or her delegate and bona fide for the purposes of the performance of the Coordinator-General's functions or duties or the exercise of the Coordinator-General's powers under any Act.

**(2)** An expense incurred by an officer or worker of the Coordinator-General or the Coordinator-General's delegate in respect of an act so done shall be taken to be an expense authorised by this Act or, as the case may be, by the Act that imposes or confers on the Coordinator-General the function, duty or power in question.

***Division 3—Facilitation of execution of Act***

**Offences**

**116.(1)** A person who contravenes or fails to comply with a provision of this Act or fails to comply with a requisition made by the Coordinator-General under this Act and directed to the person commits an offence against this Act and, save where a specific penalty is otherwise

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prescribed, is liable to a penalty of \$500.

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

(3) 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 the person may be convicted from time to time, and is liable to a penalty of \$25 for each day during which the person's failure continues.

### **Mode of prosecution**

**117.** A prosecution for an offence against this Act shall be by way of summary proceeding under the *Justices Act 1886*.

### **Publication of orders in council**

**119.(1)** Every order in council made for the purposes of this Act shall be published in the Gazette.

(2) 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.

(3) 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.

### **Mode of service**

**120.** 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 the person by

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prepaid post addressed to the person at the person's address last known to the sender.

## **Regulations**

**121.(1)** The Governor in Council may make regulations not inconsistent with this Act providing with respect to—

- (a) the preparation of programs of works, development areas, development schemes, environmental coordination and procedures by or pursuant to which State development areas are to be declared or varied or terminated;
- (b) the custody and affixing of the official seal of the Coordinator-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 preservation of the validity of the proceedings of any such body;
- (d) the manner and detail in which the Coordinator-General, and any body, corporate or unincorporate, shall perform a function or duty or exercise a power imposed or conferred upon the Coordinator-General or it by this Act;
- (e) safeguarding and securing against trespass, injury, misuse, or use for or in connection with any purpose not authorised by or under this Act, lands and property vested in or under the management or control of the Coordinator-General or of a project board;
- (f) the use by the public of lands or property vested in or under the management or control of the Coordinator-General or a project board for or in connection with any purpose;
- (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

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necessary or expedient to carry out the objects and purposes of this Act.

(2) Provision made by the regulations may, if the Governor in Council thinks fit, be so made as to require an exercise of discretion or the formation of an opinion by the Minister or by any other person.

### **Annual report**

**122.(1)** The Coordinator-General shall as soon as is practicable after 30 June in each year prepare and furnish to the Minister a report on the operations of the department under the direction of the Coordinator-General during the period of 12 months ended on 30 June last past.

(2) The Minister shall lay the report of the Coordinator-General before the Legislative Assembly within 14 sitting days from the day on which the Minister receives the report.

(3) In this section—

“**sitting days**” means days on which the Legislative Assembly sits for the dispatch of business.

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## SCHEDULE

s 4

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

### 1            **Index to endnotes**

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### 2            **Date to which amendments incorporated**

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 8 January 1997. Future amendments of the State Development and Public Works Organization Act 1971 may be made in accordance with this reprint under the Reprints Act 1992, section 49.



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### 3 Key

**Key to abbreviations in list of legislation and annotations**

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

### 4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

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

Reprint No.	Amendments included	Reprint date
1	to Act No. 18 of 1981	15 December 1994

### 5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

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

## 6 List of legislation

**State Development and Public Works Organization Act 1971 No. 55**

date of assent 2 December 1971

commenced 1 January 1972 (proc pubd gaz 25 December 1971 p 2014)

as amended by—

**State and Regional Planning and Development, Public Works Organization and Environmental Control Act Amendment Act 1973 No. 26**

date of assent 19 April 1973

commenced on date of assent

**State and Regional Planning and Development, Public Works Organization and Environmental Control Act Amendment Act 1974 No. 60**

date of assent 27 September 1974

commenced on date of assent

**Limitation of Actions Act 1974 No. 75 s 4 sch**

date of assent 1 November 1974

commenced 1 July 1975 (see s 2)

**State and Regional Planning and Development, Public Works Organization and Environmental Control Act Amendment Act 1978 No. 62**

date of assent 23 October 1978

commenced on date of assent

**State Development and Public Works Organization Act and Other Acts Amendment Act 1979 No. 26 pts 1–2**

date of assent 6 June 1979

commenced on date of assent

**State Development and Public Works Organization Act Amendment Act 1981 No. 18**

date of assent 24 April 1981

commenced on date of assent

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

date of assent 22 October 1996

ss 1–2 commenced on date of assent

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

## 7 List of annotations

**Long title** amd 1978 No. 62 s 2

**Short title** sub 1978 No. 62 s 3

**Arrangement of Act**

s 3 amd 1973 No. 26 s 2; 1978 No. 62 s 4; 1981 No. 18 s 2  
om R1 (see RA s 36)

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**Repeals and savings**

**s 4** amd R1 (see RA s 37)

**Meaning of terms**

**s 5** def **“application”** ins 1981 No. 18 s 3(a)  
 def **“approved plan”** ins 1981 No. 18 s 3(b)  
 def **“Council”** om 1978 No. 62 s 5(a)  
 def **“development”** amd 1978 No. 62 s 5(b)  
 def **“Director (Administration and Finance)”** ins 1978 No. 62 s 5(c)  
     om 1996 No. 37 s 147 sch 2  
 def **“ecology”** om 1978 No. 62 s 5(a)  
 def **“environment”** om 1978 No. 62 s 5(a)  
 def **“environmental effects”** ins 1978 No. 62 s 5(c)  
 def **“infrastructure”** ins 1981 No. 18 s 3(c)  
 def **“infrastructure coordination plan”** ins 1981 No. 18 s 3(c)  
 def **“local authority”** om R1 (see RA s 39)  
 def **“local body”** amd 1978 No. 62 s 5(d)  
 def **“Minister”** amd 1978 No. 62 s 5(e)  
     om R1 (see RA s 39)  
 def **“pollution”** om 1978 No. 62 s 5(a)  
 def **“prescribed development”** ins 1981 No. 18 s 3(d)  
 def **“region”** om 1978 No. 62 s 5(a)  
 def **“secretary”** om 1978 No. 62 s 5(a)  
 def **“waste”** om 1978 No. 62 s 5(a)

**Functions and duties of Coordinator-General**

**s 13** amd 1978 No. 62 s 6

**Cooperation with Coordinator-General**

**s 16** amd 1978 No. 62 s 7

**Division 3—Officers and workers of coordinator-general**

**div hdg** amd 1978 No. 62 s 8;  
 sub 1996 No. 37 s 147 sch 2

**Appointment of officers**

**s 18** sub 1978 No. 62 s 9  
 om 1996 No. 37 s 147 sch 2

**Authority of Director (Administration and Finance) to attest**

**s 21** sub 1978 No. 62 s 10  
 om 1996 No. 37 s 147 sch 2

**Alterations to approved program of works**

**s 25** amd 1978 No. 62 s 11

**Objectives of comprehensive program of works**

**s 28** amd 1978 No. 62 s 12

**Supervision of environment**

**s 29** sub 1978 No. 62 s 13

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**PART 5—PRESCRIBED DEVELOPMENT**

**pt hdg** prev pt hdg om 1978 No. 62 s 14(a)  
pres pt hdg ins 1981 No. 18 s 4

**Division 1—Declaration of prescribed development**

**div hdg** ins 1981 No. 18 s 4

**Investigation of developments of State significance**

**s 30** prev s 30 om 1978 No. 62 s 13  
pres s 30 ins 1981 No. 18 s 4

**Effect of investigation on local bodies**

**s 31** prev s 31 om 1978 No. 62 s 13  
pres s 31 ins 1981 No. 18 s 4

**Declaration of prescribed developments**

**s 32** prev s 32 amd 1974 No. 60 s 2  
om 1978 No. 62 s 13  
pres s 32 ins 1981 No. 18 s 4

**Notification of decision**

**s 33** prev s 33 om 1978 No. 62 s 13  
pres s 33 ins 1981 No. 18 s 4

**Division 2—Infrastructure coordination plans**

**div hdg** ins 1981 No. 18 s 4

**Preparation of plans**

**s 34** prev s 34 om 1978 No. 62 s 13  
pres s 34 ins 1981 No. 18 s 4

**Approval of infrastructure coordination plan**

**s 35** prev s 35 om 1978 No. 62 s 13  
pres s 35 ins 1981 No. 18 s 4

**Variation of approved plan**

**s 36** prev s 36 om 1978 No. 62 s 13  
pres s 36 ins 1981 No. 18 s 4

**Effect of approved plan**

**s 37** prev s 37 om 1978 No. 62 s 13  
pres s 37 ins 1981 No. 18 s 4

**Local bodies may make and perform agreements etc.**

**s 38** prev s 38 sub 1973 No. 26 s 3  
om 1978 No. 62 s 14(b)  
pres s 38 ins 1981 No. 18 s 4

**Agreements to be furnished to Coordinator-General**

**s 39** prev s 39 sub 1973 No. 26 s 4  
om 1978 No. 62 s 14(b)  
pres s 39 ins 1981 No. 18 s 4

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**Approval of agreements**

- s 40**      prev s 40 amd 1973 No. 26 s 5  
              sub 1974 No. 60 s 3  
              om 1978 No. 62 s 14(b)  
              pres s 40 ins 1981 No. 18 s 4

**Constitution of Regional Coordination Councils**

- s 40A**     ins 1974 No. 60 s 4  
              om 1978 No. 62 s 14(b)

**Appointment of members of Regional Coordination Councils**

- s 40B**     ins 1974 No. 60 s 5  
              om 1978 No. 62 s 14(b)

**Variation of approved agreement**

- s 41**      prev s 41 amd 1973 No. 26 s 6; 1974 No. 60 s 6  
              om 1978 No. 62 s 14(b)  
              pres s 41 ins 1981 No. 18 s 4

**Division 3—Applications relating to prescribed development**

- div hdg**   ins 1981 No. 18 s 4

**Referral of applications**

- s 42**      prev s 42 amd 1974 No. 60 s 7  
              om 1978 No. 62 s 14(b)  
              pres s 42 ins 1981 No. 18 s 4

**Delegate members**

- s 42A**     ins 1974 No. 60 s 8  
              om 1978 No. 62 s 14(b)

**Remission of applications**

- s 43**      prev s 43 amd 1974 No. 60 s 9  
              om 1978 No. 62 s 14(b)  
              pres s 43 ins 1981 No. 18 s 4

**Applications remaining with Coordinator-General**

- s 44**      prev s 44 amd 1974 No. 60 s 10  
              om 1978 No. 62 s 14(b)  
              pres s 44 ins 1981 No. 18 s 4

**Advertisement calling for submissions**

- s 45**      prev s 45 om 1978 No. 62 s 14(b)  
              pres s 45 ins 1981 No. 18 s 4

**Determination of application**

- s 46**      prev s 46 om 1978 No. 62 s 14(b)  
              pres s 46 ins 1981 No. 18 s 4

**Effect of determination**

- s 47**      prev s 47 om 1978 No. 62 s 14(b)  
              pres s 47 ins 1981 No. 18 s 4

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**Effect of reference on time limitations**

s 47A      prev s 47A ins 1973 No. 26 s 7  
              om 1978 No. 62 s 14(b)  
              pres s 47A ins 1981 No. 18 s 4

**Prescribed development to await approval**

s 47B      ins 1981 No. 18 s 4

**Withdrawal of applications**

s 47C      ins 1981 No. 18 s 4

**Division 4—Information concerning development**

Div hdg    ins 1981 No. 18 s 4

**Coordinator-General may obtain information**

s 47D      ins 1981 No. 18 s 4

**Declaration of State development areas, variation and termination thereof**

s 48        sub 1973 No. 26 s 8

**Procedure in relation to State development areas**

s 49        sub 1973 No. 26 s 8

**Project boards**

s 70        amd 1973 No. 26 s 9; 1974 No. 60 s 11; 1978 No. 62 s 15

**Chairperson and deputy chairperson**

s 70A      amd 1978 No. 62 s 16

**Term of appointment of member of board**

s 71        amd 1973 No. 26 s 10

**Termination of membership of board**

s 72        amd 1974 No. 60 s 12; 1978 No. 62 s 17

**Casual vacancies**

s 73        amd 1974 No. 60 s 13; 1978 No. 62 s 18

**Meetings of boards**

s 74        amd 1974 No. 60 s 14; 1978 No. 62 s 19

**Fees of members of boards**

s 75        amd 1978 No. 62 s 20

**Status, powers etc. of project board**

s 77        amd 1973 No. 26 s 11

**Audit of project board's accounts**

s 77A      ins 1974 No. 60 s 15  
              sub 1978 No. 62 s 21

**Power of Coordinator-General to negotiate transfer of works undertaken by the  
Coordinator-General**

s 84        amd 1978 No. 62 s 22

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**Offences of interference and wilful obstruction**

s 88           amd 1973 No. 26 s 12

**Powers in respect of works on foreshore and under waters**

s 91           amd 1978 No. 62 s 23

**Borrowings etc. by Coordinator-General**

prov hdg   amd 1979 No. 26 s 4(a)

s 95           amd 1978 No. 62 s 24; 1979 No. 26 s 4(b)–(g)

**Application of moneys**

prov hdg   amd 1979 No. 26 s 5(a)

s 96           amd 1979 No. 26 s 5(b)–(c)

**Debentures, bonds and stock**

prov hdg   amd 1979 No. 26 s 6(a)

s 97           amd 1973 No. 26 s 13; 1978 No. 62 s 25; 1979 No. 26 s 6(b)–(c)

**Entitlement of holder of debenture etc.**

s 98           amd 1973 No. 26 s 14

**Status of debenture, bond or stock as investment and a security**

prov hdg   amd 1979 No. 26 s 7(a)

s 99           amd 1973 No. 26 s 15; 1979 No. 26 s 7(b)

**Brokerage**

s 100          amd 1979 No. 26 s 8

**Moneys recoverable as a debt**

s 101          amd 1973 No. 26 s 16; 1979 No. 26 s 9

**Regulations relating to loans etc.**

s 101A       ins 1979 No. 26 s 10

**Power to contract**

s 102          amd 1981 No. 18 s 5; 1996 No. 37 s 147 sch 2

**Signature of documents**

s 110          amd 1978 No. 62 s 26(a)

om 1996 No. 37 s 147 sch 2

**Service on Coordinator-General**

s 111          amd 1978 No. 62 s 26(a); 1996 No. 37 s 147 sch 2

**Limited liability of Coordinator-General for injury to person or property**

s 112          amd 1974 No. 75 s 4 sch

**Notice of action in other cases**

s 113          om 1974 No. 75 s 4 sch

**Offences**

s 116          amd 1981 No. 18 s 6

**Proof of signature of Director (Administration and Finance) not required**

prov hdg   amd 1978 No. 62 s 26(b)

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**s 118**      amd 1978 No. 62 s 26(a)  
              om 1996 No. 37 s 147 sch 2

**Regulations**

**s 121**      amd 1973 No. 26 s 17; 1978 No. 62 s 27; 1979 No. 26 s 11

**Annual report**

**s 122**      prev s 122 om 1978 No. 62 s 28  
              pres s 122 ins 1981 No. 18 s 7