

South Australia

## Urban Renewal Act 1995

An Act to provide for the planning and redevelopment of specified areas within the State; to provide for various matters relating to the public administration of housing and urban development within the State; to provide for the creation of certain bodies to facilitate development within the State; and for other purposes.

---

### Contents

#### Part 1—Preliminary

- 1 Short title
- 3 Interpretation

#### Part 2—The Minister

- 4 Ministerial powers
- 5 Functions
- 6 Delegations
- 7 Committees and subcommittees

#### Part 2A—Urban Renewal Authority

- 7A Urban Renewal Authority
- 7B Board of management
- 7C Functions of URA
- 7D Specific power of URA
- 7E Application of provisions of *Public Corporations Act 1993* to URA
- 7F Associated matters

#### Part 2B—Urban renewal

- 7G Preliminary
- 7H Establishment of precincts
- 7I Precinct plans
- 7J Certain matters to apply for the purposes of the *Development Act 1993*
- 7K Precinct authority may be authorised to exercise specified powers
- 7L Governor may grant concession or make variation in relation to taxes etc on land within precinct
- 7M Council by-laws to be consistent with precinct plan
- 7N Consultation with LGA on prescribed classes of regulations

#### Part 3—Statutory corporations

##### Division 1—Formation of statutory corporations

- 8 Formation of bodies

## Division 2—Ministerial control

- 9 Ministerial control

## Division 3—Boards

- 10 Appointment of boards of statutory corporations
- 11 Allowances and expenses
- 14 Validity of acts
- 15 Proceedings
- 16 General management duties of board

## Division 4—Staff etc

- 17 Staff

## Division 5—Committees and delegations

- 18 Committees
- 19 Delegations

## Division 6—Operational, property and financial matters

- 20 Common seal
- 21 Specific powers
- 22 Property to be held on behalf of Crown
- 23 Transfer of property etc
- 24 Securities
- 25 Tax and other liabilities
- 26 Dividends
- 27 Audit and accounts

## Division 7—Performance and reporting obligations

- 28 Objectives
- 29 Provision of information and reports to the Minister
- 30 Annual report

## Part 4—Miscellaneous

- 31 Acquisition of land
- 32 Power to enter land
- 33 Satisfaction of Treasurer's guarantee
- 34 Effect of transfers
- 35 Registering authorities to note transfer
- 36 Offences
- 36A Approvals by Minister or Treasurer
- 37 Regulations

## Schedule 2—Transitional provisions

- 1 Interpretation
- 3 Dissolution of Homestart
- 4 Staff
- 5 Vesting of property etc in the Minister
- 6 Statutory fund
- 7 References
- 8 Regulations

---

Legislative history

Appendix—Divisional penalties and expiation fees

---

**The Parliament of South Australia enacts as follows:**

## **Part 1—Preliminary**

### **1—Short title**

This Act may be cited as the *Urban Renewal Act 1995*.

### **3—Interpretation**

- (1) In this Act, unless the contrary intention appears—

**board** in relation to a statutory corporation, means the board of management of the statutory corporation;

**council** means a council within the meaning of the *Local Government Act 1999*;

**Department** means the administrative unit designated from time to time by the Minister by notice in the Gazette as being the Department primarily responsible for assisting the Minister in the administration of this Act;

**domestic partner** means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

**liability** includes contingent liability;

**Minister** means the Minister to whom the administration of this Act is committed, as constituted as a body corporate under the *Administrative Arrangements Act 1994*;

**precinct** means an area established as a precinct under Part 2B;

**relative**, in relation to a person, means the spouse, domestic partner, parent or remoter linear ancestor, son, daughter or remoter issue or brother or sister of the person;

**relevant interest** has the same meaning as in the *Corporations Law*;

**right** includes a right of action;

**SAHT** means the South Australian Housing Trust and includes a subsidiary of the South Australian Housing Trust;

**spouse**—a person is the spouse of another if they are legally married;

**statutory corporation** means a corporate body established under this Act;

**URA** means the Urban Renewal Authority continued in existence under this Act.

- (2) For the purposes of this Act, a person is an associate of another person if—
- (a) the other person is a relative of the person or of the person's spouse or domestic partner; or
  - (b) the other person—
    - (i) is a body corporate; and

- (ii) the person or a relative of the person or of the person's spouse or domestic partner has, or two or more such persons together have, a relevant interest or relevant interests in shares in the body corporate the nominal value of which is not less than 10 per cent of the nominal value of the issued share capital of the body corporate; or
- (c) the other person is a trustee of a trust of which the person, a relative of the person or of the person's spouse or domestic partner or a body corporate referred to in paragraph (b) is a beneficiary; or
- (d) the person is an associate of the other person within the meaning of the regulations.

**Note—**

For definition of divisional penalties (and divisional expiation fees) see Appendix.

## **Part 2—The Minister**

### **4—Ministerial powers**

- (1) The Minister may—
  - (a) sue and be sued;
  - (b) acquire, hold, deal with and dispose of real and personal property (or an interest in real or personal property), and grant or hold a lease or licence;
  - (c) acquire, hold, deal with and dispose of shares in, or securities issued by, another body corporate, or participate in the formation of another body;
  - (d) after consultation with the Treasurer, borrow money and obtain other forms of financial accommodation;
  - (e) establish and operate ADI accounts and invest money;
  - (f) enter into any kind of contract or arrangement;
  - (g) undertake projects and enter into joint ventures;
  - (h) after consultation with the Treasurer—
    - (i) grant a mortgage or charge over an asset of the Minister;
    - (ii) enter into a contract of guarantee or indemnity;
    - (iii) issue debentures or promissory notes that are charged over specified assets of the Minister;
    - (iv) issue inscribed debenture stock in accordance with a scheme prescribed by the regulations;
  - (i) exercise other powers that are necessary, expedient or incidental to the functions of the Minister or the Department.
- (2) The liabilities of the Minister are guaranteed by the Treasurer.
- (3) The Governor may, by proclamation—
  - (a) transfer an asset, right or liability to the Minister;
  - (b) transfer an asset, right or liability of the Minister—

- 
- (i) to the Crown; or
  - (ii) to an agent or instrumentality of the Crown.
- (4) A proclamation under subsection (3) providing for the transfer of an asset, right or liability of the Minister may make other provisions that in the opinion of the Governor are necessary or expedient in connection with the transfer.

## 5—Functions

The functions of the Minister include—

- (aa) to establish precincts for the purposes of urban renewal or redevelopment, and to promote efficient planning and project facilitation in relation to those precincts;
- (a) to promote a strong housing sector within the community and to facilitate the provision of public housing, and housing finance or assistance;
- (b) to initiate, undertake, support and promote the development of land and housing in the public interest and to encourage and facilitate public and private sector investment and participation in the development of the State;
- (c) to promote planning and development systems that support sustainable and affordable housing outcomes within the community;
- (d) to support the undertaking of development that is consistent with achieving the housing outcomes that apply under paragraph (c), including by participating in the scheme established by section 37 of the *Development Act 1993* (to the extent prescribed by regulations under that section);
- (e) to work to ensure that new developments that affect housing outcomes are well-planned and appropriately serviced, and to improve the amenity of existing communities;
- (f) to develop and implement policies and strategies to promote and improve housing and urban development within the State (and to keep those policies and strategies under review);
- (g) to respond to community interest in housing and urban development, to consult with community groups on issues associated with housing and urban development, and to contribute to informed debate on development within the State;
- (h) to ensure that property or other resources within the Minister's portfolio are managed responsibly and in accordance with the policies of the Government;
- (i) to promote the effective, fair and efficient allocation of public resources to benefit housing and urban development within the State;
- (j) to promote a high level of co-operation between the public and private sectors in respect of housing and urban development within the State, and to encourage initiative and achievement within the Department;
- (k) to carry out other functions that are necessary, expedient or incidental to the promotion of housing and urban development, that are assigned to the Minister under this Act or other Acts, or that are determined by the Minister.

## 6—Delegations

- (1) The Minister may delegate powers or functions conferred on or vested in the Minister—
  - (a) to a specified person or body; or
  - (b) to a person occupying a specified office or position.
- (2) A delegation—
  - (a) may be made subject to conditions and limitations specified in the instrument of delegation; and
  - (b) if the instrument of delegation so provides, may be further delegated by the delegate; and
  - (c) is revocable at will and does not prevent the Minister from acting personally in a matter.

## 7—Committees and subcommittees

- (2) The Minister may establish committees and subcommittees for the purposes of this Act.
- (3) The procedures to be observed in relation to the conduct of the business of a committee will be—
  - (a) as determined by the Minister;
  - (b) insofar as the procedure is not determined under paragraph (a)—as determined by the relevant committee.

# Part 2A—Urban Renewal Authority

## 7A—Urban Renewal Authority

- (1) The Urban Renewal Authority established as a statutory corporation under Part 3 of this Act continues as a statutory corporation constituted by these provisions.
- (2) The URA—
  - (a) continues as a body corporate; and
  - (b) subject to a limitation imposed by or under an Act, has all the powers of a natural person together with the powers conferred on it by or under this Act or other Acts.
- (3) Part 3, other than section 8, applies to the URA.

## 7B—Board of management

The board of management of the URA will be constituted of 7 persons.

## 7C—Functions of URA

- (1) The functions of the URA are as follows:
  - (a) to initiate, undertake, support and promote residential, commercial and industrial development in the public interest, particularly for urban renewal purposes, including by—

- (i) acquiring, assembling and using land and other assets in strategic locations, including in areas identified for urban renewal; and
  - (ii) promoting community understanding of, and support for, urban renewal by working with government agencies, local government, community groups and organisations involved in development, in the development or redevelopment of land; and
  - (iii) undertaking preliminary works (including remediation of land) to prepare land for development and other functions such as planning and co-ordination for the purposes of such development;
- (b) to encourage, facilitate and support public and private sector investment and participation in the development of the State, including by performing its functions to facilitate development that is attractive to potential investors;
- (c) to acquire, hold, manage, lease and dispose of land, improvements and property, including land and housing formerly held under the *South Australian Housing Trust Act 1995* transferred to the URA, particularly with a view to—
  - (i) reducing social disadvantage within the community through urban renewal, including the renewal of public housing by promoting, facilitating or undertaking—
    - (A) the creation of a mixture of public and private housing in particular locations; and
    - (B) an increase in the supply of affordable housing and community housing; and
  - (ii) managing projects involving the development of land and housing, including for urban renewal purposes (on its own behalf or on behalf of other agencies or instrumentalities of the Crown); and
  - (iii) managing the orderly development of areas through the management and release of land, including areas of undeveloped or under developed land, as appropriate; and
  - (iv) holding land and other property to be made available, as appropriate, for commercial, industrial, residential or other purposes;
- (d) to act as a landlord in relation to public housing and for this purpose the functions of the URA include the functions that are the same as the functions of SAHT in Part 2 Division 1 of the *South Australian Housing Trust Act 1995* (but nothing in this paragraph prevents the URA from delegating any such function to SAHT);
- (e) to carry out the functions formerly carried out by the Land Management Corporation established under the (revoked) *Public Corporations (Land Management Corporation) Regulations 1997*;
- (f) to support the undertaking of development that is consistent with achieving its other functions and the outcomes that apply under this section, including by participating in the scheme established by section 37 of the *Development Act 1993* (to the extent prescribed by regulations under that section);
- (g) to carry out other functions conferred on the URA by the Minister.

- (2) The URA must, in carrying out functions related to urban renewal, take into account relevant existing or proposed development by private sector bodies and consider involving such bodies in urban renewal projects the URA proposes to undertake.
- (3) Despite section 21(2), the URA may carry out its functions alone, or in a trust scheme, partnership, joint venture, or any other scheme or arrangement for the sharing of profits established in accordance with this Act.

#### **7D—Specific power of URA**

In addition to the powers conferred on the URA under this Act, the URA may, in relation to acting as a landlord in relation to public housing, exercise any power that is the same as a power of SAHT in Part 2 Division 1 of the *South Australian Housing Trust Act 1995* (but nothing in this paragraph prevents the URA from delegating any such power to SAHT).

#### **7E—Application of provisions of *Public Corporations Act 1993* to URA**

Sections 8 to 10 and Part 3 of the *Public Corporations Act 1993* apply to the URA.

#### **7F—Associated matters**

The URA should, so far as is reasonably practicable, ensure that its activities are—

- (a) co-ordinated with the activities of other public authorities; and
- (b) consistent with the planning of a desirable physical and social environment; and
- (c) conducive to the enhancement of the physical or social development objectives of the Government.

### **Part 2B—Urban renewal**

#### **7G—Preliminary**

In this Part—

***Development Assessment Commission*** means the Development Assessment Commission established under the *Development Act 1993*;

***Planning Minister*** means the Minister to whom the administration of the *Development Act 1993* is committed;

***precinct authority***, in relation to a precinct, means the URA, another statutory corporation constituted under this Act, a council or a subsidiary of a council appointed by the Minister as the precinct authority for the precinct under this Part;

***precinct plan*** means a precinct master plan or precinct implementation plan for a precinct established under this Part.

#### **7H—Establishment of precincts**

- (1) The Minister may, at the request of a council or other person or body, by notice in the Gazette, establish a specified area of land as a precinct if the Minister is satisfied that to do so will facilitate—
  - (a) the development of the area for the purposes of urban renewal; or



- (b) the provision of land suitable for commercial, industrial or residential purposes close to public transport; or
  - (c) the establishment of new industries; or
  - (d) other planning and development outcomes for the renewal or redevelopment of a distinct area that promotes the purposes of the Planning Strategy.
- (2) A request under subsection (1) must—
- (a) be in a form determined by the Minister that complies with any requirements prescribed by the regulations; and
  - (b) be accompanied by—
    - (i) a business case in a form determined by the Minister that—
      - (A) proposes a name and identifies the area for the proposed precinct; and
      - (B) proposes the objectives of the precinct that are to apply for the purposes of subsection (8)(b)(i); and
      - (C) proposes the body that is to constitute the precinct authority; and
      - (D) proposes the manner in which consultation with the community relating to the precinct should be conducted; and
      - (E) identifies any assets or infrastructure that might be expected to be transferred to another entity in connection with the establishment or development of the precinct, or if or when the precinct plan is revoked under this Part; and
      - (F) sets out proposed arrangements for the provision of services provided (as at the time of the request) within the proposed precinct by the relevant council (including any agreement with that council); and
      - (G) addresses any other matter, or complies with any other requirement, prescribed by the regulations; and
    - (ii) the fee (if any) prescribed by the regulations.
- (3) Before publishing a notice under subsection (1), the Minister must, within a period prescribed by the regulations—
- (a) consult with and have regard to the views of—
    - (i) the Planning Minister; and
    - (ii) any council within the area of the proposed precinct; and
  - (b) consider the extent to which the establishment of the precinct is consistent with the Planning Strategy.
- (4) The Minister must not publish a notice under subsection (1) that relates to land that forms part of the Adelaide Park Lands within the meaning of the *Adelaide Park Lands Act 2005* unless the Adelaide Park Lands Authority has consented to the publication of the notice.

- (5) The Planning Minister may, during the consultation period, consult with the Development Policy Advisory Committee established under the *Development Act 1993*.
- (6) Subject to subsection (7), the Minister must, when publishing a notice under subsection (1), also publish (in the case of the establishment of a precinct pursuant to a request under subsection (1)) a copy of the business case that accompanied the request to which the notice relates.
- (7) Subsection (6) does not require the Minister to publish any part of the business case that, in the opinion of the Minister, contains commercial information of a confidential nature.
- (8) A notice under subsection (1) must—
  - (a) assign a name to the precinct; and
  - (b) specify the objectives of the precinct being matters—
    - (i) that are of importance to the planning and redevelopment of the precinct; and
    - (ii) that must be taken into account in the planning process for the precinct under this Part; and
  - (c) appoint a precinct authority for the precinct.
- (9) The Minister must, within 28 days of the publication of a notice under subsection (1)—
  - (a) provide a report setting out the location, extent and reasons for the establishment of the precinct to the Environment, Resources and Development Committee of the Parliament; and
  - (b) publish a copy of the report on a website determined by the Minister.
- (10) The Minister may, in relation to the objectives referred to in subsection (8)(b), refer the matter to the Development Assessment Commission for the Development Assessment Commission to provide advice on relevant planning, development and assessment issues in the precinct.
- (11) In providing advice, the Development Assessment Commission must take into account—
  - (a) the character of the precinct and adjacent areas; and
  - (b) the potential social, economic and environmental impacts of the proposed redevelopment of the precinct; and
  - (c) the resilience of the environment to cope with urban renewal within the precinct; and
  - (d) the degree of confidence in the prediction of impacts resulting from the proposed redevelopment of the precinct; and
  - (e) the extent to which undesirable impacts which may occur are likely to be irreversible; and
  - (f) the extent to which impacts, and requirements for monitoring and assessing impacts, will be ongoing; and

- 
- (g) the presence of other statutory assessment or policy frameworks which provide other procedures or processes to address any issues of concern.
- (12) The Development Assessment Commission must submit to the Minister a report setting out its advice within the time specified by the Minister.
- (13) The Minister must, on the receipt of a report under subsection (12)—
- (a) give a copy of the report to the precinct authority; and
  - (b) ensure that copies of the report are reasonably available for inspection (without charge) and purchase by the public at places determined by the Minister.
- (14) The precinct authority must, other than in circumstances prescribed by the regulations, establish the following panels in relation to a precinct:
- (a) a design review panel to provide advice to the authority in relation to—
    - (i) design elements (in both public and private areas in the precinct) relating to all aspects of planning and development within the precinct; and
    - (ii) relevant design issues that arise in the planning and development of the precinct; and
    - (iii) practices and procedures that should be adopted in order to promote the use of innovative design solutions to planning and development issues that arise within the precinct (whether due to the nature of the natural or constructed environment within the precinct or for any other reason); and
    - (iv) any other matter relating to design within the precinct;
  - (b) a community reference panel comprising representatives of persons who live in or around the precinct to provide advice to the authority in relation to the views of such persons in relation to the plans for the precinct.
- (15) The precinct authority may establish any other panel considered appropriate to provide advice relating to planning and development within the precinct.
- (16) The precinct authority must comply with any requirements of the Minister in relation to—
- (a) the composition of a panel under this section; and
  - (b) the manner in which consultation with the community relating to a precinct should be conducted; and
  - (c) the manner in which a panel under this section may assist in such consultation.
- (17) A person authorised in writing by a council within the area of a precinct may attend (but not participate in) any meeting of a panel under this section and may have access to papers provided to members of the panel for the purposes of the meeting.
- (18) If the panel considers that a matter dealt with at a meeting attended by a representative of a council should be treated for any reason as confidential, the panel may advise the council of that opinion, giving the reason for the opinion, and the council must treat the matter as confidential.

- (19) Subject to subsection (20), the Minister may, in accordance with the same procedures that apply to the establishment of a precinct under this section—
- (a) vary; or
  - (b) revoke,
- a notice under subsection (1).
- (20) Subsection (19)(a) does not apply with respect to a variation in order to take action which, in the opinion of the Minister, is—
- (a) minor in nature and has no, or no significant, substantive effect; or
  - (b) correcting an error.
- (21) The Minister must, before acting under subsection (19)(b), be satisfied that the precinct authority has consulted with any council within the area of the precinct about—
- (a) the transfer of any assets or infrastructure to the council on the revocation of the notice (including, if relevant, in connection with the operation of section 23); and
  - (b) other matters that appear to be relevant to the council in connection with the provisions of this Part no longer applying in relation to the precinct.

## 7I—Precinct plans

- (1) The precinct authority must prepare and maintain a precinct master plan and precinct implementation plans for a precinct established under this Part.
- (2) A precinct master plan should seek to promote the provisions of the Planning Strategy and may—
  - (a) set out principles and policies for achieving the objectives specified by the Minister in establishing the precinct; and
  - (b) set out the spatial structure of the precinct and how the precinct is to be integrated with surrounding areas; and
  - (c) make provision with respect to the mix of land uses and scale of development intended for the precinct; and
  - (d) identify—
    - (i) existing critical infrastructure within the precinct; and
    - (ii) relevant infrastructure works required in the precinct for the purposes of urban renewal; and
  - (e) specify design guidelines for development, which may include specific design criteria relating to buildings or classes of buildings; and
  - (f) make provision in relation to any matter which a Development Plan under the *Development Act 1993* may provide for, including specifying classes of development within the area that will be taken to be *complying* development for the purposes of the *Development Act 1993*; and

- 
- (g) provide for the provision of open space or the making of payments (insofar as it is relevant to development within the precinct) in connection with the requirements imposed under section 50 of the *Development Act 1993*; and
- (h) address, adopt or incorporate any other matter specified by the Minister.
- (3) A precinct implementation plan—
- (a) may apply to all or part of a precinct; and
- (b) must specify the area to which it applies.
- (4) A precinct implementation plan should, in relation to the area to which it applies, seek to promote the provisions of the Planning Strategy and may—
- (a) specify, in particular—
- (i) detailed plans and maps relating to—
- (A) roads; and
- (B) sizes and arrangements of allotments; and
- (C) building heights and density; and
- (D) public places; and
- (ii) an implementation framework, including in relation to infrastructure works; and
- (b) address, adopt or incorporate any other matter specified by the Minister.
- (5) The precinct authority must, in preparing a precinct plan, have regard to—
- (a) relevant provisions of any Development Plan applying; and
- (b) the Strategic Directions Report of any council,
- in the area to which the precinct plan relates.
- (6) A provision of a precinct plan may—
- (a) refer to or incorporate wholly or partially and with or without modification, a standard or other document prepared or published by a prescribed body, either as in force at the time the provision comes into operation or as in force from time to time; and
- (b) be of general or limited application; and
- (c) make different provision according to the persons, things or circumstances to which it is expressed to apply; and
- (d) provide that any matter or thing is to be determined, dispensed with or regulated according to the discretion of the Minister, precinct authority or any other prescribed person or body.
- (7) A precinct plan is a public document of which a court or tribunal will take judicial notice, without formal proof of its contents.
- (8) The precinct authority must, in relation to any proposal to create or amend a precinct plan—
- (a) prepare a draft of the proposal; and
- (b) take reasonable steps to consult with—

- (i) any design review panel, community reference panel or other panel established for the precinct under section 7H(14); and
  - (ii) any Government Department or other agency that has a direct interest in the matter; and
  - (iii) each council that has a direct interest in the matter,in relation to the proposal; and
- (c) —
  - (i) in the case of a precinct master plan—
    - (A) by public advertisement, give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase and invite interested persons to make written representations on the proposal within a period specified by the precinct authority; and
    - (B) hold a meeting where members of the public may attend and make representations in relation to the proposal, if the Minister considers it necessary or desirable for such a meeting to be held; or
  - (ii) in the case of a precinct implementation plan—undertake such public consultation on the proposal as is determined by the Minister to be appropriate.
- (9) Subsection (8) does not apply to an amendment to a precinct plan—
  - (a) in order to make a change of form (without altering the effect of an underlying policy reflected in a precinct plan); or
  - (b) in order to take action which, in the opinion of the Minister, is—
    - (i) minor in nature and has no, or no significant, substantive effect; or
    - (ii) correcting an error.
- (10) The precinct authority must, after complying with the requirements of subsection (8)—
  - (a) prepare a report on the matters raised during the consultation period; and
  - (b) provide a copy of the report to the Minister and the Planning Minister.
- (11) The Minister and the Planning Minister must take into account the contents of the report received under subsection (10)(b) before taking action under subsection (13)(a) in relation to the precinct plan to which the report relates.
- (12) The Minister may seek the advice of the Development Assessment Commission on a report received under subsection (10)(b) (and, in particular, the Development Assessment Commission may consider and advise on the report in the context of the relevant report prepared by the Development Assessment Commission under section 7H(12)).
- (13) A precinct plan, or an amendment to a precinct plan—
  - (a) has no force or effect until—

- (i) in the case of a precinct master plan—adopted by the Governor, on the recommendation of the Minister and the Planning Minister; or
    - (ii) in the case of a precinct implementation plan—adopted by the Minister; and
  - (b) may have effect from the date of publication in the Gazette, or from a later date specified in the precinct plan or amendment (as the case may be).
- (14) Section 27 of the *Development Act 1993* (other than section 27(2)) applies to the adoption or amendment of a precinct master plan as if references in that section to an amendment to a Development Plan under Part 3 Subdivision 2 of the *Development Act 1993* were references to the adoption or amendment of a precinct master plan under this section.
- (15) The precinct authority must, as soon as is reasonably practicable after the adoption of a precinct plan—
- (a) make appropriate provision for the publication of the precinct plan, including by publication in the Gazette; and
  - (b) ensure that copies of the precinct plan are reasonably available for inspection (without charge) and purchase by the public at a place or places determined by the precinct authority; and
  - (c) ensure that public notice is given of any amendment to a precinct plan within a reasonable time after the amendment is adopted or made (as the case may be).
- (16) The Minister must, as soon as is reasonably practicable after the adoption of a precinct plan, publish on a website determined by the Minister—
- (a) a copy of a report provided to the Minister under subsection (10); and
  - (b) any advice received from the Development Assessment Commission under subsection (12) on the report.
- (17) The Governor may, on the recommendation of the Minister and the Planning Minister, by notice in the Gazette, revoke a precinct master plan.
- (18) The Minister may, by notice in the Gazette, revoke a precinct implementation plan.
- (19) The Minister must, within 28 days of the adoption of, or an amendment to, a precinct implementation plan, or the revocation of a precinct plan—
- (a) provide a report on the matter to the Environment, Resources and Development Committee of the Parliament; and
  - (b) publish a copy of the report on a website determined by the Minister.

### **7J—Certain matters to apply for the purposes of the *Development Act 1993***

- (1) A relevant authority within the meaning of the *Development Act 1993* must accept that—
- (a) a proposed development in a precinct is *complying* development under section 35 of the *Development Act 1993* to the extent that the development is certified by the precinct authority as being *complying* development under section 7I(2)(f) of this Act; and

- (b) a proposed division of land in a precinct satisfies the conditions specified in section 33(1)(c) or (d) of the *Development Act 1993* to the extent that such satisfaction is certified by the precinct authority.
- (2) The Minister may, in appointing a precinct authority for a precinct under section 7H(8)(c), if the Minister considers it appropriate to do so, limit the powers of the precinct authority so that the precinct authority may not exercise the power referred to in subsection (1)(b).
- (3) Any requirement imposed by a council or the Development Assessment Commission under section 50 of the *Development Act 1993* must be consistent with any provision made by the precinct authority under section 7I(2)(g) of this Act.
- (4) The *Development Act 1993* must be read subject to the operation of this section.

### **7K—Precinct authority may be authorised to exercise specified powers**

- (1) A precinct authority may, if authorised by the Governor to do so by regulation, exercise, in relation to a matter that is directly relevant to the management, development or enhancement of a precinct established under this Part, a specified statutory power—
  - (a) to grant an approval, consent, licence or exemption; or
  - (b) to provide a service or infrastructure; or
  - (c) to impose and recover a rate, levy or charge; or
  - (d) to make by-laws under the *Local Government Act 1999* or the *Local Government Act 1934*; or
  - (e) prescribed under this paragraph by regulation.
- (2) If an authorisation is given under subsection (1)—
  - (a) in the case of a power to grant an approval, consent, licence or exemption—
    - (i) the statutory power may be exercised by the precinct authority as if the power had been duly delegated to it by the authority, body or person in whom the power is primarily vested; and
    - (ii) the precinct authority must consult with the authority, body or person in relation to the exercise of the power (but is not bound to comply with directions as to the exercise of the power given by that authority, body or person); and
  - (b) any statutory provisions governing, or incidental to, the exercise of the power must be observed by the precinct authority as if it were the authority, body or person in whom the power is primarily vested; and
  - (c) without limiting paragraph (b), the precinct authority may exercise any other statutory power that is necessary or expedient for, or incidental to, the proper exercise of the statutory power that is authorised to be exercised by the Governor under subsection (1); and
  - (d) any statutory provisions for appeal against or review of a decision to exercise, or to refrain from exercising—
    - (i) a statutory power that is authorised to be exercised by the Governor under subsection (1); or



- (ii) a statutory power under paragraph (c),  
apply in relation to a decision by the precinct authority in relation to the exercise of the power.
- (3) If a precinct authority makes a by-law under the *Local Government Act 1999* or the *Local Government Act 1934* under subsection (1)(d), the by-law—
- (a) cannot be altered without the consent of the precinct authority; and
  - (b) is revoked if—
    - (i) the regulation under this section giving the authorisation to make by-laws is revoked; or
    - (ii) the relevant precinct is dissolved.
- (4) Without limiting subsection (1), a precinct authority may, if authorised by the Governor to do so by regulation, in relation to raising revenue for the purposes of the management, development or enhancement of a precinct established under this Part—
- (a) impose a rate under the *Local Government Act 1999* (as if it were a council); and
  - (b) require a council to collect the rate on behalf of the precinct authority.
- (5) If a rate is imposed under subsection (4)—
- (a) Chapter 10 of the *Local Government Act 1999* will apply subject to any modifications prescribed by the regulations; and
  - (b) the council must comply with the requirement made by the precinct authority (and make a payment to the precinct authority of the amount recovered on account of the imposition of the rate); and
  - (c) the precinct authority is liable to pay to the council an amount determined in accordance with the regulations on account of the costs of the council in complying with the requirements imposed by the precinct authority (which may be set off against the amount payable by the council to the precinct authority); and
  - (d) if the precinct to which the rate relates is dissolved—the council may, for a period of 5 years, or such longer period as the Minister may allow, continue to impose any rate imposed by the precinct authority under subsection (4)(a) and applying at the time of the dissolution (and, to avoid doubt, a rate continued under this paragraph is to be treated as if it were a rate imposed under subsection (4)(a)).
- (6) If a regulation is made under this section, the Minister must as soon as practicable after the publication of the regulation, prepare a report on the matter (which must include details of any submissions made by a council in consultation under subsection (8)) and cause copies of the report to be laid before both Houses of Parliament.
- (7) A regulation made under subsection (1)(e) cannot come into operation until the time has passed during which the regulation may be disallowed by resolution of either House of Parliament.

- (8) A regulation cannot be made under—
- (a) subsection (1)(c) authorising the exercise of a power under the *Local Government Act 1999* in relation to the imposition or recovery of a rate, levy or charge; or
  - (b) subsection (4),
- except after consultation with the relevant council.
- (9) The *Subordinate Legislation Act 1978* applies to a regulation made under this section as if references in that Act to the Legislative Review Committee of the Parliament were references to the Environment, Resources and Development Committee of the Parliament.

### **7L—Governor may grant concession or make variation in relation to taxes etc on land within precinct**

- (1) The Governor may, by regulation, with respect to land within a precinct, grant a concession or make a variation in relation to taxes, rates or charges imposed by or under an Act which apply in relation to the land (including so as to modify the provisions of another Act) and any such regulation will have effect according to its terms and despite the provisions of the other Act.
- (2) A regulation cannot be made under subsection (1) in relation to rates or charges imposed under the *Local Government Act 1999* except after consultation with the relevant council.

### **7M—Council by-laws to be consistent with precinct plan**

If a by-law made by a council under the *Local Government Act 1999* or the *Local Government Act 1934* relating to a precinct is inconsistent with a precinct plan, the precinct plan prevails to the extent of the inconsistency.

### **7N—Consultation with LGA on prescribed classes of regulations**

- (1) A regulation of a prescribed class cannot be made for the purposes of this Part unless the Minister has given the LGA notice of the proposal to make the regulation and given consideration to any submission made by the LGA within a period (of between 3 and 6 weeks) specified by the Minister.
- (2) In this section—
- LGA* means the Local Government Association of South Australia.

## **Part 3—Statutory corporations**

### **Division 1—Formation of statutory corporations**

#### **8—Formation of bodies**

- (1) The Governor may, by regulation, establish—
- (a) a statutory corporation under this Act;
  - (b) a subsidiary of a statutory corporation under this Act.<sup>1</sup>

- (2) Regulations establishing a statutory corporation—
- (a) must name the body; and
  - (b) must provide for the constitution of a board of management as the body's governing body; and
  - (c) must specify the functions of the body; and
  - (d) may limit the powers of the body; and
  - (e) may specify procedures that will be followed in the event of a proposal to dissolve the body; and
  - (f) may make other provisions (not inconsistent with this Act) that in the opinion of the Governor are necessary or expedient for the purposes of the body.
- (3) A statutory corporation—
- (a) is a body corporate; and
  - (b) subject to a limitation imposed by or under an Act, has all the powers of a natural person together with the powers specifically conferred on it by or under this Act or other Acts.
- (4) The Governor may, by regulation—
- (a) alter the name of a statutory corporation; or
  - (b) vary the constitution of the board of management of a statutory corporation; or
  - (c) alter the functions of a statutory corporation; or
  - (d) alter or limit the powers of a statutory corporation; or
  - (e) make other provisions (not inconsistent with this Act) that in the opinion of the Governor are necessary or expedient for the purposes of the statutory corporation.
- (5) The Governor may, by regulation—
- (a) dissolve a body established under this section; and
  - (b) transfer the assets, rights and liabilities of a body dissolved under this provision (either as a whole or in separate parcels specified by regulation)—
    - (i) to the Minister; or
    - (ii) to another statutory corporation; or
    - (iii) to SAHT; or
    - (iv) to the Crown, or to another agent or instrumentality of the Crown (not established under this Act); or
    - (v) with the agreement with the person or body—to a person or body that is not an agent or instrumentality of the Crown; and
  - (c) make other provisions that in the opinion of the Governor are necessary or expedient in connection with the dissolution of the body.

- (6) However, if a regulation is in force under paragraph (e) of subsection (2) in respect of the statutory corporation, a statutory corporation must not be dissolved unless the Governor is satisfied that any relevant procedure prescribed under that paragraph has been followed.
- (7) If a regulation establishing a statutory corporation under this section is disallowed by either House of Parliament, the assets, rights and liabilities of the statutory corporation become assets, rights and liabilities of the Minister.

**Note—**

- 1 A subsidiary will also be a statutory corporation for the purposes of this Act.

## **Division 2—Ministerial control**

### **9—Ministerial control**

A statutory corporation is subject to the control and direction of the Minister.

## **Division 3—Boards**

### **10—Appointment of boards of statutory corporations**

- (1) A member of a board is appointed by the Governor on conditions determined by the Governor and for a term, not exceeding three years, determined by the Governor and, at the expiration of the term of appointment, is eligible for reappointment.
- (2) The Governor must appoint a member of a board as the board's presiding member.
- (3) The Governor may appoint a suitable person to be the deputy of a member of a board and to act as a member of a board during a period of absence of the member (and a reference in this Act to a member of a board will be taken to include, unless the contrary intention appears, a reference to a deputy while acting as a member of a board).
- (4) The Governor may remove a member of a board from office—
  - (a) for breach of, or non-compliance with, a condition of appointment, or on any other basis specified in the instrument of appointment or under an agreement between the Minister and the member; or
  - (b) for misconduct; or
  - (c) for failure or incapacity to carry out official duties satisfactorily; or
  - (d) if serious irregularities have occurred in the conduct of the board's affairs or the board has failed to carry out its functions satisfactorily and the board's membership should, in the opinion of the Governor, be reconstituted for that reason.
- (5) The office of a member of a board becomes vacant if the member—
  - (a) dies; or
  - (b) completes a term of office and is not reappointed; or
  - (c) resigns by written notice to the Minister; or
  - (d) is convicted of an indictable offence or sentenced to imprisonment for an offence; or

- (e) is removed from office under subsection (4).
- (6) On the office of a member of a board becoming vacant, the Governor may appoint a person to the vacant office.

### **11—Allowances and expenses**

A member of a board is entitled to remuneration, allowances and expenses determined by the Governor.

### **14—Validity of acts**

- (1) An act or proceeding of a board is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

### **15—Proceedings**

- (1) The member appointed to chair meetings of a board will preside at meetings of the board or, in the absence of that member, a member chosen by those present will preside.
- (2) A quorum of a board consists of a number ascertained by dividing the total number of members by half, ignoring any fraction resulting from the division, and adding one (and no business may be transacted at a meeting of the board unless a quorum is present).
- (3) A decision carried by a majority of votes cast by members at a meeting of a board is a decision of the board.
- (4) Each member present at a meeting of a board has one vote on a question arising for decision and, if the votes are equal, the member presiding at the meeting has a second or casting vote.
- (5) A resolution of a board—
  - (a) of which prior notice was given to members of the board in accordance with procedures determined by the board; and
  - (b) in which at least the majority of members of the board expressed their concurrence in writing,

will be taken to be a decision of the board made at a meeting of the board.

- (6) A board must have accurate minutes kept of its proceedings.
- (7) Subject to this Act, a board may determine its own procedures.

### **16—General management duties of board**

- (1) The board of a statutory corporation is responsible to the Minister for overseeing the operations of the statutory corporation (and any subsidiary) with the goal of—
  - (a) securing continuing improvements in performance; and
  - (b) protecting the long term viability of the statutory corporation and the Crown's financial and other interests in the statutory corporation.

- (2) Without limiting the effect of subsection (1), the board must for that purpose ensure as far as practicable—
- (a) that appropriate strategic and operational plans and targets are established; and
  - (b) that the statutory corporation (and any subsidiary) have appropriate management structures and systems for monitoring management performance against plans and targets and that corrective action is taken when necessary; and
  - (c) that appropriate systems and practices are established for management and financial planning and control, including systems and practices for the maintenance of accurate and comprehensive records of all transactions, assets and liabilities and physical and human resources of the statutory corporation (and any subsidiary); and
  - (d) that all such plans, targets, structures, systems and practices are regularly reviewed and revised as necessary to address changing circumstances and reflect best current commercial practices; and
  - (e) that the Minister receives regular reports on the performance of the statutory corporation (and any subsidiary), and on the initiatives of the board; and
  - (f) that the Minister is advised, as soon as practicable, of any material development that affects the financial or operating capacity of the statutory corporation (or any subsidiary) or gives rise to an expectation that the corporation (or any subsidiary) may not be able to meet its debts as and when they fall due.

## **Division 4—Staff etc**

### **17—Staff**

- (1) The Minister will, after consultation with the Chief Executive of the Department and the statutory corporation, determine the staffing arrangements for a statutory corporation (and such staff will, subject to this Act or unless the Minister otherwise determines, be Public Service employees).
- (2) A statutory corporation may, with the approval of the Minister or under an authorisation conferred by regulation, engage agents or consultants, and enter into other forms of contract for the provision of services.
- (3) A statutory corporation may, by arrangement with the appropriate authority, make use of the services, facilities or staff of a government department, agency or instrumentality.
- (4) *HomeStart Finance* (a statutory corporation under this Act) is declared not to be a national system employer for the purposes of the *Fair Work Act 2009* of the Commonwealth.
- (5) The Governor may, by proclamation, fix a day on which subsection (4) will expire.

## **Division 5—Committees and delegations**

### **18—Committees**

- (1) A board must establish such committees (including advisory committees or subcommittees) as the Minister may require.
- (2) A board may establish such other committees (including advisory committees or subcommittees) as the board thinks fit.
- (3) Subject to a direction of the Minister, the membership of a committee will be determined by the board that established the committee and may, but need not, consist of, or include, members of the board.
- (4) The procedures to be observed in relation to the conduct of the business of a committee will be—
  - (a) as determined by the Minister or the relevant board; or
  - (b) insofar as the procedure is not determined under paragraph (a), as determined by the committee.

### **19—Delegations**

- (1) A board may delegate a function or power conferred on or vested in the board (or its statutory corporation) under this Act—
  - (a) to a specified person or body; or
  - (b) to a person occupying a specified office or position.
- (2) A delegation—
  - (a) may be made subject to conditions and limitations specified in the instrument of delegation; and
  - (b) if the instrument of delegation so provides, may be further delegated by the delegate; and
  - (c) is revocable at will and does not prevent the board from acting itself in a matter.

## **Division 6—Operational, property and financial matters**

### **20—Common seal**

A statutory corporation must have a common seal and if a document appears to bear the common seal of the statutory corporation, it will be presumed in the absence of proof to the contrary that the common seal of the statutory corporation was properly affixed to the document.

### **21—Specific powers**

- (1) Without limiting another provision of this Act, but subject to a limitation or condition imposed by the Minister in relation to the statutory corporation, a statutory corporation may—
  - (a) sue and be sued;

- (b) acquire, hold, deal with and dispose of real and personal property (or an interest in real or personal property), and grant or hold a lease or licence;
  - (c) with the approval of the Minister or as authorised by regulation—acquire, hold, deal with and dispose of shares in, or securities issued by, another body corporate, or participate in the formation of another body;
  - (d) with the approval of the Minister or as authorised by regulation—borrow money and obtain other forms of financial accommodation;
  - (e) establish and operate ADI accounts and invest money;
  - (f) enter into any kind of contract or arrangement;
  - (g) exercise other powers conferred by regulation;
  - (h) exercise other powers that are necessary, expedient or incidental to the functions of the statutory corporation.
- (2) A statutory corporation must not establish a trust scheme or a partnership or other scheme or arrangement for sharing of profits or joint venture with another person or undertake an operation or transaction pursuant to such a scheme or arrangement.
- (3) However, subsection (2) does not apply if—
- (a) the statutory corporation is acting with the approval of the Minister; or
  - (b) the other party to the scheme or arrangement is another statutory corporation or SAHT; or
  - (c) a regulation provides that subsection (2) does not apply to the statutory corporation.
- (4) The Minister must obtain the concurrence of the Treasurer before giving an approval under subsection (1)(d).

## **22—Property to be held on behalf of Crown**

A statutory corporation holds its property on behalf of the Crown.

## **23—Transfer of property etc**

- (1) The Minister may with the concurrence of the Treasurer, by notice in the Gazette—
- (a) transfer an asset, right or liability of the Minister to a statutory corporation or to SAHT;
  - (b) transfer an asset, right or liability of a statutory corporation—
    - (i) to the Minister; or
    - (ii) to another statutory corporation; or
    - (iii) to SAHT; or
    - (iv) to the Crown, or to another agent or instrumentality of the Crown (not established under this Act); or
    - (v) in prescribed circumstances, subject to prescribed conditions (if any), and with the agreement of the person or body—to a person or body that is not an agent or instrumentality of the Crown;



- (c) on the revocation of a precinct plan under Part 2B, transfer an asset, right or liability of a statutory corporation or an agent or instrumentality of the Crown to a person or body that is not an agent or instrumentality of the Crown, with the agreement of the person or body.
- (2) A notice under subsection (1) may make other provisions that in the opinion of the Minister are necessary or expedient in connection with the relevant transfer.
- (3) However, the Minister must not act under subsection (1)(b) if to do so would contravene an express agreement entered into by the Minister that limits the Minister's powers in relation to the statutory corporation.

## 24—Securities

- (1) A statutory corporation may, with the approval of the Minister—
  - (a) grant a mortgage or charge over an asset of the statutory corporation; or
  - (b) enter into a contract of guarantee or indemnity; or
  - (c) issue debentures or promissory notes that are charged over the assets of the statutory corporation generally, or over specified assets of the statutory corporation; or
  - (d) issue inscribed debenture stock in accordance with a scheme prescribed by the regulations.
- (2) The Minister must obtain the concurrence of the Treasurer before giving an approval under subsection (1).
- (3) A liability of a statutory corporation incurred with the concurrence of the Treasurer is guaranteed by the Treasurer.

## 25—Tax and other liabilities

- (1) The Treasurer may require a statutory corporation to pay all or specified rates, duties, taxes and imposts, and to assume other liabilities and duties (either generally or of a specified kind), as would apply under the law of the State if the statutory corporation were a public company.
- (2) The Treasurer may require a statutory corporation to pay to the Treasurer, for the credit of the Consolidated Account, such amounts as the Treasurer from time to time determines to be equivalent in effect to either (or both) of the following:
  - (a) income tax and other taxes or imposts that the statutory corporation does not pay to the Commonwealth but would be liable to pay under the law of the Commonwealth if it were constituted and organised in such manner as the Treasurer determines to be appropriate for the purposes of this subsection as a public company or, in the case of a statutory corporation with two or more divisions, as two or more public companies; and
  - (b) council rates that the statutory corporation would be liable to pay to a council if the statutory corporation were a public company.
- (3) Amounts determined to be payable under subsection (2) must be paid by the statutory corporation at the times and in the manner determined by the Treasurer.

## 26—Dividends

- (1) A statutory corporation to which this section applies must, before the end of each financial year, recommend to the Minister that the statutory corporation pay a specified dividend, or not pay a dividend, for that financial year, as the statutory corporation considers appropriate.
- (2) The Minister may, in consultation with the Treasurer, by notice to the statutory corporation—
  - (a) approve a recommendation of the statutory corporation under subsection (1); or
  - (b) determine that a specified dividend be paid, or that no dividend be paid, as the Minister and the Treasurer consider appropriate.
- (3) A statutory corporation to which this section applies must, if so required by the Minister at any time during a financial year, recommend to the Minister that a specified interim dividend or specified interim dividends be paid by the statutory corporation for that financial year, or that no such dividend or dividends be paid by the statutory corporation, as the corporation considers appropriate.
- (4) The Minister may, in consultation with the Treasurer, by notice to the statutory corporation—
  - (a) approve a recommendation of the statutory corporation under subsection (3); or
  - (b) determine that an interim dividend or interim dividends be paid, or that no interim dividend be paid, as the Minister and the Treasurer consider appropriate.
- (5) If a dividend or interim dividend or dividends is or are to be paid by a statutory corporation, the dividend or interim dividend or dividends must be paid by the statutory corporation to the Minister in the manner and at the time or times determined by the Minister in consultation with the Treasurer.
- (6) If the Minister receives an amount from a statutory corporation under this section, the Minister may, in consultation with the Treasurer—
  - (a) allocate that amount, or a part of that amount, in a manner determined by the Minister; or
  - (b) pay that amount, or a part of that amount, for the credit of the Consolidated Account.
- (7) A recommendation under this section must be made by the board of the statutory corporation and may not be made by a person or committee pursuant to a delegation.
- (8) This section applies to a statutory corporation that is required to comply with this section by the Minister in consultation with the Treasurer.

## 27—Audit and accounts

- (1) A statutory corporation must, unless exempted by the Minister after consultation with the Treasurer, establish and maintain effective internal auditing of its operations.

- (2) A statutory corporation must keep proper accounting records in relation to its financial affairs, and must have annual statements of accounts prepared in respect of each financial year.
- (3) The accounting records and statements of accounts must comply with any applicable instructions of the Treasurer under section 41 of the *Public Finance and Audit Act 1987*.
- (4) The Auditor-General may at any time audit the accounts of a statutory corporation and must audit the annual statement of accounts.

## **Division 7—Performance and reporting obligations**

### **28—Objectives**

- (1) The Minister may, after consultation with a statutory corporation, prepare a statement setting various objectives, targets or goals that the statutory corporation is to pursue over the period specified in the statement and dealing with such other matters as the Minister considers appropriate.
- (2) The statutory corporation must review the statement whenever it is necessary to do so on account of a direction of the Minister under this Act, and in any event at least once in every twelve month period.
- (3) The Minister may, after consultation with a statutory corporation, amend a statement issued in relation to that statutory corporation at any time.
- (4) The Minister must consult with the Treasurer if the statutory corporation is to be set financial objectives, targets or goals.

### **29—Provision of information and reports to the Minister**

- (1) A statutory corporation must, at the request of the Minister, furnish the Minister with such information or records in the possession or control of the statutory corporation as the Minister may require in such manner and form as the Minister may require.
- (2) If a record in the possession or control of a statutory corporation is furnished to the Minister under this section, the Minister may make, retain and deal with copies of the record as the Minister thinks fit.
- (3) If a statutory corporation considers that information or record furnished under this section contains matters that should be treated for any reason as confidential, the statutory corporation may advise the Minister of that opinion giving the reason for the opinion, and the Minister may, subject to subsection (4), act on that advice as the Minister thinks fit.
- (4) If the Minister is satisfied on the basis of the statutory corporation's advice under subsection (3) that the statutory corporation owes a duty of confidence in respect of a matter, the Minister must ensure the observance of that duty in respect of the matter, but this subsection does not prevent the Minister from disclosing the matter as required in the proper performance of ministerial functions or duties.

### **30—Annual report**

- (1) A statutory corporation must, on or before 30 September in each year, prepare and present to the Minister a report on the operations of the statutory corporation during the financial year that ended on the preceding 30 June.

- (2) The report must incorporate the audited accounts and financial statements of the statutory corporation.
- (3) The Minister must, within 12 sitting days after receiving a report under this section, have copies of the report laid before both Houses of Parliament.

## Part 4—Miscellaneous

### 31—Acquisition of land

A statutory corporation may, with the consent of the Minister, acquire land for a purpose associated with the performance of its functions under and in accordance with the *Land Acquisition Act 1969*.

### 32—Power to enter land

- (1) A person authorised in writing by the Minister to do so may enter land and conduct a survey, valuation, test or examination that the Minister considers necessary or expedient for the purposes of this Act.
- (2) A person must not enter land under this section unless the person has given reasonable notice of his or her intention to do so to the occupier of the land.
- (3) A person must not, without reasonable excuse, hinder a person in the exercise of a power under this section.  
Penalty: Division 6 fine.
- (4) This section does not limit a power conferred by or under an agreement or mortgage, or by or under another Act or law.

### 33—Satisfaction of Treasurer's guarantee

A liability of the Treasurer arising by virtue of a guarantee under this Act is to be paid out of the Consolidated Account (which is appropriated to the necessary extent).

### 34—Effect of transfers

- (1) The transfer of an asset, right or liability under this Act operates by force of this Act and despite the provisions of another law.
- (2) The transfer of a liability under this Act operates to discharge the body from which the liability was transferred from the liability.

### 35—Registering authorities to note transfer

- (1) The Registrar-General or another authority required or authorised under a law of the State to register or record transactions affecting assets, rights or liabilities, or documents relating to such transactions, must, on application under this section, register or record in an appropriate manner the transfer to the Minister or another body of an asset, right or liability by regulation, proclamation or notice under this Act.
- (2) An instrument relating to an asset, right or liability that has transferred to the Minister or a body by regulation, proclamation or notice under this Act must, if the instrument is executed by the Minister or the body and is otherwise in an appropriate form, be registered or recorded by the Registrar-General or another appropriate authority despite the fact that the Minister or the body has not been registered or recorded as the proprietor of the property under subsection (1).

- (3) The vesting of property by regulation, proclamation or notice under this Act, and an instrument evidencing or giving effect to that vesting, are exempt from stamp duty.

### **36—Offences**

- (1) A prosecution for an offence against this Act may be commenced within three years after the date of the alleged commission of the offence or, with the authorisation of the Attorney-General, at a later time within five years after the date of the alleged commission of the offence.
- (2) An apparently genuine document purporting to be signed by the Attorney-General and to authorise the commencement of proceedings for an offence against this Act will be accepted in legal proceedings, in the absence of proof to the contrary, as proof of the authorisation.

### **36A—Approvals by Minister or Treasurer**

A matter under this Act for which the approval of the Minister or the Treasurer is required will be regarded as having that approval—

- (a) whether the approval is given in respect of that particular matter or a class of matters to which it belongs; and
- (b) whether the approval is given by the Minister or Treasurer or by a person acting with the authority of the Minister or Treasurer.

### **37—Regulations**

- (1) The Governor may make regulations that are contemplated by, or necessary or expedient for the purposes of, this Act.
- (2) Without limiting the generality of subsection (1), the regulations may—
- (a) make provision for, or in relation to, the form or content of any agreement between a statutory corporation and another party;
- (b) make provision in relation to—
- (i) the operations of a statutory corporation;
- (ii) the dissolution of a statutory corporation;
- (c) make provision for matters relevant to landlord and tenant issues arising from the provision of public housing;
- (d) make provision for information to be kept by statutory corporations, and for the provision of reports or returns to the Minister or a prescribed person or authority;
- (e) prescribe penalties, not exceeding \$500, for a breach of a regulation.
- (3) The regulations may—
- (a) be of general or limited application; and
- (b) make different provision according to the persons, things or circumstances to which they are expressed to apply; and
- (c) provide that a matter or thing is to be determined, dispensed with, regulated or prohibited according to the discretion of the Minister or a prescribed person or authority.

## Schedule 2—Transitional provisions

### 1—Interpretation

In this Schedule—

*Homestart* means *Homestart Finance Ltd* (ACN 008 272437);

*relevant day* means the day on which this Schedule comes into operation;

*Urban Land Trust* means the South Australian Urban Land Trust (as in existence immediately before the relevant day).

### 3—Dissolution of Homestart

Homestart is, by force of this clause, dissolved.

### 4—Staff

- (1) The Governor may, by proclamation, transfer the employment of a person who was an officer or employee of Homestart or the Urban Land Trust immediately before the relevant day—
  - (a) to the Department; or
  - (b) to SAHT; or
  - (c) to a statutory corporation established under this Act.
- (2) The transfer of a person under subclause (1) does not affect—
  - (a) existing conditions of employment or existing or accruing rights to leave; or
  - (b) a process commenced for variation of those conditions or rights.

### 5—Vesting of property etc in the Minister

- (1) The Minister succeeds to all the property, assets, rights, powers, liabilities and obligations of Homestart and the Urban Land Trust.
- (2) However, subclause (1) does not apply to property, assets, rights, powers, liabilities or obligations vested by the Governor, by proclamation, in—
  - (a) the Crown; or
  - (b) another Minister of the Crown; or
  - (c) an agent or instrumentality of the Crown; or
  - (d) a statutory corporation established under this Act.
- (3) The vesting of property by this clause, and an instrument evidencing or giving effect to that vesting, are exempt from stamp duty.
- (4) The Registrar-General or another authority required or authorised under a law of the State to register or record transactions affecting assets, rights or liabilities, or documents relating to such transactions, must, on application under this clause, register or record in an appropriate manner a vesting under this clause.

- (5) An instrument relating to an asset, right or liability that has vested in the Minister or a body under this clause must, if the instrument is executed by the Minister or the body and is otherwise in an appropriate form, be registered or recorded by the Registrar-General or another appropriate authority despite the fact that the Minister or the body has not been registered or recorded as the proprietor of the property under subclause (4).

## **6—Statutory fund**

The South Australian Urban Land Trust Fund vests in the Minister.

## **7—References**

The Governor may, by proclamation, declare that a reference in an Act or instrument (or an instrument of a specified class) to Homestart or the Urban Land Trust is to be taken to be a reference to the Minister, or to a body specified in the proclamation.

## **8—Regulations**

The regulations may contain other provisions of a saving or transitional nature consequent on the enactment of this Act.

## Legislative history

### Notes

- Amendments of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Formerly

*Housing and Urban Development (Administrative Arrangements) Act 1995*

### Legislation repealed by principal Act

The *Urban Renewal Act 1995* repealed the following:

*Urban Land Trust Act 1981*

### Legislation amended by principal Act

The *Urban Renewal Act 1995* amended the following:

*Housing Improvement Act 1940*

### Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1995	42	<i>Housing and Urban Development (Administrative Arrangements) Act 1995</i>	4.5.1995	1.7.1995 ( <i>Gazette</i> 15.6.1995 p2842)
1995	109	<i>South Australian Housing Trust Act 1995</i>	21.12.1995	1.1.1996 ( <i>Gazette</i> 21.12.1995 p1759)
1999	33	<i>Financial Sector Reform (South Australia) Act 1999</i>	17.6.1999	Sch (item 29)—1.7.1999 being the date specified under s 3(16) of the <i>Financial Sector Reform (Amendments and Transitional Provisions) Act (No. 1) 1999</i> of the Commonwealth as the transfer date for the purposes of that Act: s 2(2)
2006	43	<i>Statutes Amendment (Domestic Partners) Act 2006</i>	14.12.2006	Pt 46 (s 128)—1.6.2007 ( <i>Gazette</i> 26.4.2007 p1352)
2007	20	<i>Statutes Amendment (Affordable Housing) Act 2007</i>	14.6.2007	Pt 4 (ss 85—91)—1.7.2007 ( <i>Gazette</i> 28.6.2007 p2826)



2009	58	<i>Statutes Amendment (National Industrial Relations System) Act 2009</i>	26.11.2009	Pt 5 (s 31)—1.1.2010 ( <i>Gazette 17.12.2009 p6351</i> )
2009	84	<i>Statutes Amendment (Public Sector Consequential Amendments) Act 2009</i>	10.12.2009	Pt 79 (s 189)—1.2.2010 ( <i>Gazette 28.1.2010 p320</i> )
2013	45	<i>Housing and Urban Development (Administrative Arrangements) (Urban Renewal) Amendment Act 2013</i>	24.10.2013	Pt 2 (ss 4—10) & Sch 1 (cl 3)—18.9.2014 ( <i>Gazette 18.9.2014 p5251</i> )
<b>2015</b>	<b>8</b>	<b><i>Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2015</i></b>	<b>18.6.2015</b>	<b>Pt 41 (ss 267 &amp; 268)—1.7.2015 (<i>Gazette 25.6.2015 p3076</i>)</b>
2016	14	<i>Planning, Development and Infrastructure Act 2016</i>	21.4.2016	Sch 6 (cll 25 to 30)—19.3.2021 ( <i>Gazette 4.3.2021 p822</i> )

## Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Long title	amended under <i>Legislation Revision and Publication Act 2002</i>	
	amended by 45/2013 s 4	18.9.2014
Pt 1		
s 1	amended by 45/2013 s 5	18.9.2014
s 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	
s 3		
s 3(1)		
council	inserted by 45/2013 s 6(1)	18.9.2014
Department	substituted by 20/2007 s 85(1)	1.7.2007
domestic partner	inserted by 43/2006 s 128(1)	1.6.2007
precinct	inserted by 45/2013 s 6(2)	18.9.2014
relative	amended by 43/2006 s 128(2)	1.6.2007
SACHA	<i>inserted by 109/1995 Sch 1 cl 3(a)</i>	<i>1.1.1996</i>
	<i>deleted by 20/2007 s 85(2)</i>	<i>1.7.2007</i>
SAHT	amended by 109/1995 Sch 1 cl 3(b)	1.1.1996
spouse	substituted by 43/2006 s 128(3)	1.6.2007
URA	inserted by 45/2013 s 6(3)	18.9.2014
s 3(2)	amended by 43/2006 s 128(4)	1.6.2007
Pt 2		
s 4		
s 4(1)	amended by 109/1995 Sch 1 cl 3(c)	1.1.1996
	amended by 33/1999 Sch (item 29(a))	1.7.1999
s 4(2)	amended by 109/1995 Sch 1 cl 3(d)	1.1.1996

## Urban Renewal Act 1995—1.7.2015 to 18.3.2021

### Legislative history

---

s 4(3)	amended by 109/1995 Sch 1 cl 3(e)	1.1.1996
s 5	amended by 20/2007 s 86(1)—(4)	1.7.2007
	amended by 45/2013 s 7	18.9.2014
s 6		
s 6(1)	amended by 109/1995 Sch 1 cl 3(f)	1.1.1996
s 7		
s 7(1)	<i>deleted by 8/2015 s 267(1)</i>	<b>1.7.2015</b>
s 7(2)	<b>amended by 8/2015 s 267(2)</b>	<b>1.7.2015</b>
Pt 2A	inserted by 45/2013 s 8	18.9.2014
Pt 2B	inserted by 45/2013 s 8	18.9.2014
Pt 3		
ss 12 and 13	<i>deleted by 20/2007 s 87</i>	<i>1.7.2007</i>
s 14		
s 14(2)—(4)	<i>deleted by 20/2007 s 88</i>	<i>1.7.2007</i>
s 17		
s 17(1)	amended by 20/2007 s 89	1.7.2007
	amended by 84/2009 s 189	1.2.2010
s 17(4)	inserted by 58/2009 s 31	1.1.2010
	may expire by proclamation: s 17(5)	
s 17(5)	inserted by 58/2009 s 31	1.1.2010
s 21		
s 21(1)	amended by 33/1999 Sch (item 29(b))	1.7.1999
s 21(3)	amended by 109/1995 Sch 1 cl 3(g)	1.1.1996
	amended by 20/2007 s 90	1.7.2007
s 23		
s 23(1)	amended by 109/1995 Sch 1 cl 3(h)	1.1.1996
	amended by 20/2007 s 91	1.7.2007
	amended by 45/2013 s 9	18.9.2014
s 25		
s 25(1)	amended by 109/1995 Sch 1 cl 3(i)	1.1.1996
s 25(2)	amended by 109/1995 Sch 1 cl 3(j), (k)	1.1.1996
s 25(4)	<i>deleted by 109/1995 Sch 1 cl 3(l)</i>	<i>1.1.1996</i>
s 28		
s 28(2)	amended by 109/1995 Sch 1 cl 3(m)	1.1.1996
Pt 4		
s 36A	inserted by 109/1995 Sch 1 cl 3(n)	1.1.1996
Sch 1	<i>omitted under Legislation Revision and Publication Act 2002</i>	
Sch 2		
cl 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	

---

## Transitional etc provisions associated with Act or amendments

### *Housing and Urban Development (Administrative Arrangements) (Urban Renewal) Amendment Act 2013, s 10 and Sch 1 cl 3*

#### 10—Review

- (1) The Minister must cause a review of the operation and impact of this Act to be conducted and a report on the results of the review to be submitted to him or her within 2 years after the commencement of this Act.
- (2) The Minister must, within 6 sitting days after receiving the report, cause copies of the report to be laid before both Houses of Parliament.

#### 3—Transitional provision

- (1) The Governor may, during the first 12 months after commencement of this clause, by regulation, exempt a precinct authority from compliance with the requirements of section 7I(8) of the *Urban Renewal Act 1995* (as inserted by this Act) relating to consultation on or publication of a draft precinct plan.
- (2) Terms used in this clause and also in Part 2B of the *Urban Renewal Act 1995* (as inserted by this Act) have the same meanings in this clause as they have in Part 2B.

### *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2015*

#### 268—Transitional provision

A member of an advisory committee established under section 7(1) of the *Urban Renewal Act 1995* as in force immediately before the commencement of section 267 of this Act ceases to hold office on the commencement of this section.

## Historical versions

Reprint No 1—1.1.1996

Reprint No 2— 1.7.1999

1.6.2007

1.7.2007

1.1.2010

1.2.2010

18.9.2014

## Appendix—Divisional penalties and expiation fees

At the date of publication of this version divisional penalties and expiation fees are, as provided by section 28A of the *Acts Interpretation Act 1915*, as follows:

Division	Maximum imprisonment	Maximum fine	Expiation fee
1	15 years	\$60 000	—
2	10 years	\$40 000	—
3	7 years	\$30 000	—

**Urban Renewal Act 1995—1.7.2015 to 18.3.2021**  
Appendix—Divisional penalties and expiation fees

---

<b>Division</b>	<b>Maximum imprisonment</b>	<b>Maximum fine</b>	<b>Expiation fee</b>
4	4 years	\$15 000	—
5	2 years	\$8 000	—
6	1 year	\$4 000	\$300
7	6 months	\$2 000	\$200
8	3 months	\$1 000	\$150
9	—	\$500	\$100
10	—	\$200	\$75
11	—	\$100	\$50
12	—	\$50	\$25

*Note: This appendix is provided for convenience of reference only.*