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ELIZABETHAE SECUNDAE REGINAE

VICTORIA

Economic Development Act 1981

No. 9567

An Act with respect to the Economic Development of
Victoria, to amend the *Decentralized Industry Incentive
Payments Act 1972* and for other purposes.

[Assented to 19 May 1981]

BE IT ENACTED by the Queen's Most Excellent Majesty by and
with the advice and consent of the Legislative Council and
the Legislative Assembly of Victoria in this present Parliament
assembled and by the authority of the same as follows (that is to
say):

Short title.

1. (1) This Act may be cited as the *Economic Development Act 1981*.

Commence-
ment.

(2) Except where otherwise expressly provided this Act shall
come into operation on a day to be fixed by proclamation of the
Governor in Council published in the *Government Gazette*.

Interpretation.

2. In this Act unless inconsistent with the context or
subject-matter—

"Area."

"Area" means the territory within which a rating authority
levies rates or taxes.

"Director-
General."

"Director-General" means the Director-General for
Economic Development.

"Ministry."

"Ministry" means the Ministry for Economic Development.

"Prescribed."

"Prescribed" means prescribed by this Act or the regulations.

"Rating

"Rating authority" means—

"Rating
authority."

- (a) the council of any municipality in respect of its powers under any Act;
- (b) any authority under the *Water Act* 1958;
- (c) any sewerage authority under the *Sewerage Districts Act* 1958;
- (d) the Melbourne and Metropolitan Board of Works;
- (e) the Geelong Waterworks and Sewerage Trust; and
- (f) any other authority which levies rates or taxes and is prescribed for the purpose by proclamation of the Governor in Council published in the *Government Gazette*.

"Special project" means any project of works or development declared under section 8 to be a project of special significance to the economic development of the State.

"Special
project."

3. (1) The functions of the Ministry for Economic Development created by Order of the Governor in Council on the 11 March 1981 and published in the *Government Gazette* on the 18 March 1981 shall be to facilitate, encourage promote and carry out either separately or in conjunction with the Victorian Economic Development Corporation the Victorian Government Travel Authority or the Small Business Development Corporation activities leading to—

Functions of
Ministry.

- (a) the balanced economic development of the State;
- (b) the development of industries and business undertakings throughout the State with particular regard to decentralized industries and business undertakings;
- (c) the development of the export capacity of industry throughout the State;
- (d) the development of advanced technology industry throughout the State; and
- (e) the development of the tourist industry throughout the State.

(2) The functions referred to in sub-section (1) include—

- (a) conducting research necessary to assist the development and establishment of industries and business undertakings;
- (b) negotiating with statutory authorities to facilitate the provision of utility services necessary to meet the requirements of industries and business undertakings;
- (c) conducting research necessary to assist the development and establishment of export oriented and advanced technology industry; and
- (d) the promotion of the tourist industry in the State.

(3) The

(3) The Minister may do any thing which in his opinion is necessary or convenient to ensure the co-operation of the Government of the Commonwealth or any other State in carrying out the purposes of this Act including entering into agreements with a Minister of the Crown in right of the Commonwealth or in right of any other State or with any public authority constituted under the law of the Commonwealth or the law of any other State.

(4) In this Act a reference to a decentralized industry or business undertaking means an industry or business undertaking carried on—

- (a) beyond a radius of 80 kilometres from the post office at the corner of Bourke Street and Elizabeth Street in the City of Melbourne; or
- (b) within a radius of 8 kilometres from the principal post office at Bacchus Marsh, Broadford, Gisborne, Kilmore, Kyneton or Woodend.

Director-General.

4. (1) The Director-General for Economic Development—

- (a) shall be appointed by the Governor in Council;
- (b) shall not in respect of his office be subject to the provisions of the *Public Service Act* 1974;
- (c) for the purposes of the *Public Service Act* 1974 shall be the permanent head of the Ministry of Economic Development;
- (d) subject to this Act shall be entitled to hold office for the term (not exceeding five years) for which he is appointed and shall be eligible for re-appointment;
- (e) shall receive such salary and allowances as are determined by the Governor in Council;
- (f) shall not, without the consent of the Minister, during his continuance in office directly or indirectly engage in any paid employment outside the duties of his office.

(2) This section shall be deemed to have come into operation on 10 March 1981.

Officers and employes.

5. Subject to the *Public Service Act* 1974 there may be appointed such other officers and employes as are necessary for the administration of the functions of the Ministry.

Advisory Committees.

6. (1) The Minister may appoint Advisory Committees to assist him in carrying out his functions under this or any other Act administered by him.

(2) Each committee shall—

- (a) advise the Minister on matters which are referred to it by the Minister; and

(b) consult

- (b) consult with other departments and organizations in relation to those matters.

(3) The members of each committee shall be appointed by the Minister for such term (not exceeding five years) as is specified in the instrument of their appointment and may be removed by the Minister.

(4) Members of a committee shall receive such travelling and other allowances and fees as are prescribed.

(5) Subject to this Act and the regulations each committee shall regulate its own proceedings.

7. Subject to the general direction and control of the Minister the Director-General shall—

Duties of
Director-
General.

- (a) be responsible for the administration of this Act;
- (b) exercise any powers and carry out the duties conferred or imposed upon him by this Act or delegated to him by the Minister; and
- (c) report upon any matter as required by the Minister.

8. (1) The Governor in Council may by Order published in the *Government Gazette* declare any project of works or development being carried out or proposed to be carried out in the State to be a project of special significance to the economic development of the State.

Declaration of
special project.

(2) Every Order made under sub-section (1) shall specify the reasons for the declaration of a project as a project of special significance including the importance of the project with respect to employment and economic activity in the State and in the relevant region.

(3) The Minister shall cause a copy of every Order made under sub-section (1) to be forwarded to each Member of Parliament.

(4) The Governor in Council may in like manner amend or revoke an Order made under sub-section (1).

(5) Every project declared to be a special project under sub-section (1), unless sooner revoked by an Order under sub-section (4), shall cease to be a special project upon the expiration of ten years from the date of its declaration as a special project.

(6) Nothing in sub-section (5) shall prevent the making of any further Order under sub-section (1) in relation to a project of works or development which has ceased to be a special project by virtue of sub-section (5).

9. (1) Notwithstanding

Remission of
rates and taxes.

9. (1) Notwithstanding anything in the *Land Tax Act* 1958, the Treasurer may, on the advice of the Minister, make an order under his hand remitting, for such period as is specified in the order (being a period of not more than five years from the date of the making of the order under section 8) the whole or any part of the tax payable by any person under the *Land Tax Act* 1958 that is attributable to land which is being or is to be used or developed for the purposes of a special project.

(2) Notwithstanding anything in any other Act, where land within the area of a rating authority is being or is to be used or developed for the purposes of a special project, the rating authority may, on the advice of the Minister, by order remit for such period as is specified in the order (being a period of not more than five years from the date of the making of the order under section 8) the whole or any part of any rates or taxes payable to the rating authority in respect of that land.

(3) Any order made by the Treasurer or a rating authority under this section may at any time in like manner and subject to the like consents and conditions (if any) be varied or revoked.

Duties of
responsible
bodies with
respect to
special projects.

10. (1) The Minister may with the consent of the Minister for Conservation and the Minister of Planning request any relevant responsible body to carry out its functions in or in relation to any matter pertaining to the planning construction or operation of a special project within such time as is specified by the Minister.

(2) Subject to any Act or law to the contrary a relevant responsible authority shall comply with any request made under sub-section (1).

(3) Nothing in this section authorizes the Minister to vary any time prescribed by or under any Act of the Parliament for the carrying out of any function by any relevant responsible body.

(4) In this section a reference to a relevant responsible body in relation to a special project means a Minister public statutory body or municipality who or which is declared by the Governor in Council to be a responsible body in relation to a special project.

Policies for
economic
development.

11. The Minister shall in consultation with the appropriate Ministers be responsible—

- (a) for the formulation of policies for the economic development of Victoria;
- (b) for the submission of any policies so formulated to the Governor in Council for approval; and
- (c) for the co-ordination of the implementation of those policies which are approved.

12. (1) Where

12. (1) Where the implementation of any policy approved under section 11 may affect—

Implementa-
tion of
policies.

- (a) the responsibilities of any Minister, the Minister shall confer with and seek the co-operation of that Minister; or
- (b) the responsibilities of any public statutory body or municipality, the Minister shall request the Minister responsible for that public statutory body or municipality to confer with and seek the co-operation of that public statutory body or municipality.

(2) Any Minister to whom a request is made under sub-section (1) (b) shall confer with and seek the co-operation of the public statutory body or municipality concerned in order to implement the approved policy.

(3) Any question difference or dispute arising or about to arise between a Minister and a public statutory body or municipality with respect to any matter raised under sub-section (2) may be finally and conclusively determined by the Governor in Council.

13. (1) The trust account called the Development Fund kept in the Treasury in the Public Account as part of the Trust Fund and established under the *State Development Decentralization and Tourism Act 1978* shall continue as if established under this Act.

Development
Fund.

(2) All moneys appropriated by Parliament for the purposes of this section shall be paid into the Development Fund.

(3) Moneys to the credit of the Development Fund shall be used to assist in facilitating, encouraging, promoting and in carrying out activities leading to the balanced economic development of the State, and without limiting the generality of the foregoing, the Fund may be used to assist in—

- (a) the establishment continuance and expansion of special projects;
- (b) the establishment continuance and expansion of approved industries and business undertakings; and
- (c) the provisions of the utility services necessary to meet the requirements of approved industries and business undertakings having particular regard to decentralized industries and business undertakings.

(4) For the purposes of sub-section (3) "assist in" in relation to the establishment continuance or expansion of approved industries and business undertakings includes the provision of sites for the purposes specified in section 137A of the *Land Act 1958*, the development and servicing of such sites, the provision of any

necessary

necessary facilities and amenities for servicing communities so established, and the development or further development of ancillary business upon which any such approved industries and business undertakings depend.

(5) For the purposes of this section "approved industry or business undertaking" means any industry or business undertaking—

- (a) which is a special establishment within the meaning of the *Decentralized Industry Incentive Payments Act 1972*;
- (b) which is a decentralized establishment within the meaning of the *Decentralized Industry Incentive Payments Act 1972*; or
- (c) which the Minister by writing under his hand declares to be an approved industry or business undertaking for the purposes of this section.

(6) The Minister may by writing under his hand revoke the approval of any industry or business undertaking under sub-section (5) (c).

(7) All moneys received in respect of the repayment of loans made by the Minister from the Development Fund and any charges or interest in connexion therewith shall be paid into the Development Fund.

Tourist Fund.

14. (1) The fund established under the *State Development Decentralization and Tourism Act 1978* and kept in the Treasury and known as the Tourist Fund shall continue as if established under this Act.

(2) All moneys appropriated by Parliament for the purposes of this Act in so far as it relates to tourism and all other moneys received under or for such purposes except moneys received as an agent for or on behalf of any other person shall be paid into the Tourist Fund.

(3) There shall be paid into the Fund out of the Country Roads Board Fund as soon as practicable after 1 July in each year an amount equal to two per centum of the amount credited to the Country Roads Board Fund under paragraph (d) of sub-section (1) of section 38 of the *Country Roads Act 1958* in respect of the financial year then last past.

(4) The amount of two per centum of such amount shall in every year be certified by the Auditor-General; and the certificate of the Auditor-General shall be final and conclusive for all purposes.

(5) Moneys to the credit of the Fund shall be applied to the administration of this Act in so far as it relates to tourism and the Minister may for all or any tourist purposes make payments and apportion

apportion distribute apply or lend any money in the Tourist Fund and without limiting the generality of the foregoing may pay out of the Fund an amount by way of loan or grant to a Minister of the Crown to a municipality or to any other public authority body or organization for the establishment, construction, development, improvement or maintenance of works or facilities in relation to tourist travel or tourist resorts which would improve the tourist facilities of Victoria.

(6) All moneys received in respect of the repayment of loans made by the Minister from the Tourist Fund and any charges or interest in connexion therewith shall be paid into the Tourist Fund.

15. (1) The Minister may from time to time by an instrument in writing delegate to the Director-General or any officer employed in the Ministry such powers and functions under this Act as he considers desirable.

(2) Every delegation under this section shall be revocable at will and no delegation shall prevent the exercise of any power or function by the Minister.

16. (1) As soon as practicable in each year but not later than 31 October the Director-General shall cause to be prepared and delivered to the Minister a report setting out the activities carried out under his control during the year ended on 30 June and including a financial statement.

(2) The Minister shall cause such report to be laid before both Houses of Parliament as soon as practicable but not later than 30 November in each year, or, if Parliament is not then sitting, within fourteen days of the next meeting of Parliament.

17. The Governor in Council may make regulations—

- (a) prescribing travelling and other allowances and fees to be paid to members of committees appointed under section 6;
- (b) regulating the procedure of such committees;
- (c) generally prescribing any matter or thing authorized or required to be prescribed under this Act.

18. A reference in any Act, or in any proclamation Order in Council rule regulation order or document whatsoever to the Director of State Development Decentralization and Tourism, shall if not inconsistent with the context or subject-matter be deemed and taken to be a reference to the Director-General for Economic Development.

19. Section

19. Section 2 of the *Decentralized Industry Incentive Payments Act 1972* is amended as follows:

- (a) In sub-section (1) in the interpretation of "Decentralized establishment" for paragraph (a) there shall be substituted the following paragraph:

"(a) an establishment at which a manufacturing or processing industry—

(i) declared by the Governor in Council under sub-section (7) to be a decentralized establishment; or

(ii) in respect of which an approval for the purposes of section 5 of the *Commercial Goods Vehicles Act 1958* was in force on 30 June 1981 and remains in force—

is carried on;" and

- (b) After sub-section (5) there shall be inserted the following sub-sections:

"(6) Any person who carries on a manufacturing or processing industry at a place or places—

(a) beyond a radius of 80 kilometres from the post office at the corner of Bourke Street and Elizabeth Street in the City of Melbourne; or

(b) within a radius of 8 kilometres from the principal post office at Bacchus Marsh, Broadford, Gisborne, Kilmore, Kyneton or Woodend—

may apply in writing to the Minister for a declaration by the Governor in Council that that industry is a decentralized establishment for the purposes of this Act and the applicant shall furnish the Minister with such information as to the industry as he may require.

(7) The Governor in Council may, on any application being made under sub-section (6), declare the manufacturing or processing industry (including any activity carried on in connection therewith) to be a decentralized establishment for the purposes of this Act.

(8) The Governor in Council may at any time revoke any declaration made under sub-section (7) or any approval in force for the purposes of the *Commercial Goods Vehicles Act 1958* on 30 June 1981 and the establishment concerned shall thereupon cease to be a decentralized establishment for the purposes of this Act."

20. The

20. The Acts mentioned in the Schedule to the extent thereby expressed to be repealed or amended are hereby repealed or amended accordingly:

SCHEDULE

No.	Act	Sections
6222	<i>Commercial Goods Vehicles Act 1958</i>	In section 5, sub-sections (4) and (5) for the words "Minister for State Development Decentralization and Tourism" there shall be substituted the words "Minister for the time being administering the <i>Economic Development Act 1981</i> ".
6284	<i>Land Act 1958</i>	In section 137A for the words "Minister for State Development Decentralization and Tourism" (wherever occurring) there shall be substituted the expression "Minister for the time being administering the <i>Economic Development Act 1981</i> ".
6289	<i>Land Tax Act 1958</i>	In section 5 (5) for the words "Director of State Development Decentralization and Tourism" there shall be substituted the expression "Director-General for Economic Development".
6299	<i>Local Government Act 1958</i>	In section 811c for the words "Minister for State Development Decentralization and Tourism" there shall be substituted the expression "Minister for the time being administering the <i>Economic Development Act 1981</i> ".
8383	<i>Decentralized Industry Incentive Payments Act 1972</i>	In sections 7 and 8 for the words "Director of State Development Decentralization and Tourism" (wherever occurring) there shall be substituted the expression "Director-General for Economic Development".
8524	<i>Development Areas Act 1973</i>	In section 4 (4) for the words "Director of State Development Decentralization and Tourism" there shall be substituted the expression "Director-General for Economic Development".
8793	<i>State Co-ordination Council Act 1975</i>	In section 3 (2) for paragraph (v) there shall be substituted the following paragraph: "(v) the Director-General for Economic Development or his nominee".
7232	<i>The Decentralization Advisory Committee Act 1964</i>	In section 3 (1)— (a) in paragraph (a) the words "of State Development" shall be repealed; and (b) in paragraph (b) for the words "Director of the Division of State Development" there shall be substituted the words "Director-General for Economic Development".