**TABLE OF PROVISIONS**

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PART 1—PRELIMINARY</strong></td>
<td>1</td>
</tr>
<tr>
<td>1. Purpose</td>
<td>1</td>
</tr>
<tr>
<td>2. Commencement</td>
<td>1</td>
</tr>
<tr>
<td>3. Definitions</td>
<td>1</td>
</tr>
<tr>
<td>4. Definition and change of docklands area</td>
<td>4</td>
</tr>
<tr>
<td>5. Act binds the Crown</td>
<td>5</td>
</tr>
<tr>
<td><strong>PART 2—THE DOCKLANDS AUTHORITY</strong></td>
<td>6</td>
</tr>
<tr>
<td>Division 1—Establishment and Constitution</td>
<td>6</td>
</tr>
<tr>
<td>6. Establishment of Authority</td>
<td>6</td>
</tr>
<tr>
<td>7. Constitution</td>
<td>7</td>
</tr>
<tr>
<td>Division 2—Objectives, functions and general powers</td>
<td>7</td>
</tr>
<tr>
<td>8. Extended area of operation</td>
<td>7</td>
</tr>
<tr>
<td>9. Objective of the Authority</td>
<td>7</td>
</tr>
<tr>
<td>10. Functions of the Authority</td>
<td>8</td>
</tr>
<tr>
<td>11. General powers and duties</td>
<td>9</td>
</tr>
<tr>
<td>12. Accountability</td>
<td>9</td>
</tr>
<tr>
<td>13. Delegation</td>
<td>10</td>
</tr>
<tr>
<td>14. Staff</td>
<td>10</td>
</tr>
<tr>
<td><strong>PART 3—PARTICULAR POWERS OF THE AUTHORITY</strong></td>
<td>12</td>
</tr>
<tr>
<td>Division 1—Participation with others</td>
<td>12</td>
</tr>
<tr>
<td>15. Authority may enter into joint ventures etc.</td>
<td>12</td>
</tr>
<tr>
<td>16. Reciprocal arrangements with public sector agencies</td>
<td>12</td>
</tr>
<tr>
<td>Division 2—Obtaining land</td>
<td>14</td>
</tr>
<tr>
<td>17. Surrender or divesting of land of other bodies</td>
<td>14</td>
</tr>
<tr>
<td>18. Grant of land to the Authority</td>
<td>15</td>
</tr>
<tr>
<td>19. Acquisition of land</td>
<td>16</td>
</tr>
<tr>
<td>Section</td>
<td>Page</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td><strong>Division 3—Activities on land</strong></td>
<td>16</td>
</tr>
<tr>
<td>20. Land management and use</td>
<td>16</td>
</tr>
<tr>
<td>21. Revocation of reservations</td>
<td>17</td>
</tr>
<tr>
<td>22. Authority's power to enter land</td>
<td>17</td>
</tr>
<tr>
<td><strong>Division 4—Disposing of and other dealings with land</strong></td>
<td>19</td>
</tr>
<tr>
<td>23. Authority may surrender land to the Crown</td>
<td>19</td>
</tr>
<tr>
<td>24. Disposing of land in other ways</td>
<td>19</td>
</tr>
<tr>
<td><strong>Division 5—Other powers</strong></td>
<td>20</td>
</tr>
<tr>
<td>25. Charges</td>
<td>20</td>
</tr>
<tr>
<td>26. How may a charge be levied?</td>
<td>22</td>
</tr>
<tr>
<td>27. Exemption from charges etc.</td>
<td>22</td>
</tr>
<tr>
<td>28. Transport and port facilities</td>
<td>22</td>
</tr>
<tr>
<td>29. Closing roads</td>
<td>24</td>
</tr>
<tr>
<td>30. Bodies may be required to act promptly</td>
<td>24</td>
</tr>
<tr>
<td>31. Administration of Building Act</td>
<td>24</td>
</tr>
<tr>
<td>32. Docklands may become or cease to be municipal district or port</td>
<td>25</td>
</tr>
<tr>
<td>33. Planning powers of the Authority</td>
<td>26</td>
</tr>
<tr>
<td>34. Disputes between government and semi-government agencies</td>
<td>26</td>
</tr>
<tr>
<td>35. Tendering and other procedures</td>
<td>27</td>
</tr>
<tr>
<td>35A. Negotiation bonds</td>
<td>27</td>
</tr>
<tr>
<td><strong>PART 4—FINANCES</strong></td>
<td>30</td>
</tr>
<tr>
<td>36. General Fund</td>
<td>30</td>
</tr>
<tr>
<td>37–39. Repealed</td>
<td>30</td>
</tr>
<tr>
<td>40. Borrowings</td>
<td>30</td>
</tr>
<tr>
<td>41. Payment of dividends by the Authority</td>
<td>31</td>
</tr>
<tr>
<td><strong>PART 5—GENERAL</strong></td>
<td>32</td>
</tr>
<tr>
<td><strong>Division 1—Advisory Committees</strong></td>
<td>32</td>
</tr>
<tr>
<td>42. Minister may appoint advisory committee</td>
<td>32</td>
</tr>
<tr>
<td>43. Membership of advisory committee not office of profit</td>
<td>33</td>
</tr>
<tr>
<td><strong>Division 2—Confidentiality, evidence and other matters</strong></td>
<td>33</td>
</tr>
<tr>
<td>44. Improper use of information</td>
<td>33</td>
</tr>
<tr>
<td>45. Information to be confidential</td>
<td>33</td>
</tr>
<tr>
<td>46. Who is connected with the Authority?</td>
<td>34</td>
</tr>
<tr>
<td>47. Reappointment to public service</td>
<td>34</td>
</tr>
<tr>
<td>48. Proceedings</td>
<td>35</td>
</tr>
<tr>
<td>49. Evidence</td>
<td>35</td>
</tr>
<tr>
<td>50. Service of documents</td>
<td>37</td>
</tr>
<tr>
<td>51. Other laws not affected</td>
<td>38</td>
</tr>
<tr>
<td>52. Action by Registrar-General and Registrar of Titles</td>
<td>38</td>
</tr>
<tr>
<td>Section</td>
<td>Page</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>53. No compensation payable by Crown</td>
<td>38</td>
</tr>
<tr>
<td><strong>PART 6—BY-LAWS REGULATIONS AND REVIEW</strong></td>
<td><strong>40</strong></td>
</tr>
<tr>
<td>54. By-laws</td>
<td>40</td>
</tr>
<tr>
<td>55. Public availability of by-laws</td>
<td>42</td>
</tr>
<tr>
<td>56. Regulations concerning pecuniary interests</td>
<td>43</td>
</tr>
<tr>
<td>57. Transitional provision</td>
<td>42</td>
</tr>
<tr>
<td><strong>SCHEDULES</strong></td>
<td><strong>45</strong></td>
</tr>
<tr>
<td>SCHEDULE 1—Plan of Docklands Area</td>
<td>45</td>
</tr>
<tr>
<td>SCHEDULE 2—Provisions about membership of the Authority</td>
<td>46</td>
</tr>
<tr>
<td>SCHEDULE 3—Provisions about the procedure of the Authority</td>
<td>46</td>
</tr>
<tr>
<td><strong>NOTES</strong></td>
<td><strong>48</strong></td>
</tr>
<tr>
<td>1. General Information</td>
<td>48</td>
</tr>
<tr>
<td>2. Table of Amendments</td>
<td>49</td>
</tr>
<tr>
<td>3. Explanatory Details</td>
<td>51</td>
</tr>
</tbody>
</table>
The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1. Purpose
The purpose of this Act is to facilitate the development of the docklands area and to establish a Docklands Authority to encourage that development.

2. Commencement
This Act comes into operation on a day or days to be proclaimed.

3. Definitions
In this Act—

"Authority" means the Docklands Authority;

"building" includes—

(a) a structure and part of a building or a structure; and

(b) fences, walls, out-buildings, service installations and other appurtenances of a building; and

(c) a boat or a pontoon which is permanently moored or fixed to land;
"chief executive" means a person appointed under Part 2 as chief executive of the Authority, by whatever name called;

"development" includes—

(a) the construction or carrying out, extension, demolition or removal of a building or works; or

(b) the decoration or alteration of the inside or outside of a building or the alteration of works; or

(c) the subdivision or consolidation of land, airspace or buildings; or

(d) the installation or provision or operation of facilities or services; or

(e) the relocation, deepening or widening of a waterway;

"docklands area" means the area shown on a plan of survey approved for the time being under section 4;

"holding and selling costs" in relation to land means—

(a) any interest, administrative or other costs incurred by the Authority in or incidental to developing the land or selling it; and

(b) any proportion of the costs incurred by the Authority in promoting the whole or part of the docklands area, that is a proportion that the Authority determines after considering the comparative areas of the land sold and the land promoted;
"land" includes—

(a) buildings and other structures
    permanently fixed to land; and
(b) land covered with water; and
(c) any estate, interest, easement,
    servitude, privilege or right in or over
    land;

"limitations" in relation to land means trusts,
    reservations, restrictions, exceptions,
    encumbrances, limitations, estates and
    interests;

"member" in relation to the Authority includes
    the chairperson of the Authority;

"public statutory body" means a body
    established by or under an Act for a public
    purpose or a municipal council;

"road" includes bridge, highway, street, lane,
    footway, square, court, alley or right of
    way, whether a thoroughfare or not and
    whether accessible to the public generally or
    not;

"staff" means any person who is employed or
    engaged by the Authority under section 14;

1"Subordinate instrument" has the same
    meaning as in the Interpretation of
    Legislation Act 1984;

"works" includes any change to the natural or
    existing condition or topography of land
    including the removal, destruction or lopping
    of trees and the removal of vegetation or
    topsoil and land reclamation and land
    decontamination.
4. **Definition and change of docklands area**

(1) On receiving a plan of survey, signed by the Surveyor-General, of the land shown hatched on the plan in Schedule 1, or that land as nearly as practicable, the Minister may recommend that the Governor in Council approve the plan.

(2) The plan of survey may adjust any defect in the boundaries found on survey.

(3) On the Minister's recommendation, the Governor in Council, by Order published in the Government Gazette, may approve the plan.

(3A) If, under section 31 of the *Melbourne City Link Act 1995*, the Authority surrenders or is divested of any land vested in the Authority, that land on that surrender or divesting to the extent that it forms part of the Docklands area ceases to form part of that area.

(4) The Governor in Council, by Order published in the Government Gazette, may reduce the docklands area and revoke the approval of any plan under this section and approve any new or amended plan to reflect the changes made.

(5) An Order under sub-section (4) may, if the Governor in Council thinks it appropriate—

(a) include in a municipal district land excluded from the docklands area; or

(b) vest land excluded from the docklands area and vested in the Authority in another public statutory body, and amend any land description in any Act or subordinate instrument in any way necessary because of this.

(6) The powers conferred by sub-section (5) are in addition to any power under the *Local...*


Docklands Authority Act 1991
Act No. 22/1991

Government Act 1989 to include an area in or exclude an area from a municipal district.

5. Act binds the Crown

This Act binds the Crown.
PART 2—THE DOCKLANDS AUTHORITY

Division 1—Establishment and Constitution

6. Establishment of Authority

(1) There is established by this Act an Authority to be called the Docklands Authority.

(2) The Authority—

(a) is a body corporate with perpetual succession; and
(b) shall have a common seal; and
(c) may sue or may be sued in its corporate name; and
(d) subject to this Act, is capable of acquiring, holding and disposing of real and personal property; and
(e) is capable of doing or suffering anything which by law bodies corporate may do or suffer.

(3) The Authority—

(a) holds its property on behalf of the Crown;
(b) represents the Crown where—

(i) it does anything in relation to Crown land;
(ii) it administers or enforces the Building Act 1993;
(iii) by agreement, it acts for the Crown or for a public sector agency that represents the Crown;
(iv) it pays a dividend to the Treasurer;
(v) acting as a planning authority or a responsible authority—
but does not otherwise represent the Crown.

(4) The common seal of the Authority must be kept in
the custody directed by the Authority and must
not be used except as authorised by the Authority.

(5) All courts must take judicial notice of the
common seal of the Authority affixed to a
document and must presume that it was duly
affixed.

7. Constitution

(1) The Authority consists of not less than 5 nor more
than 9 members appointed by the Governor in
Council.

(2) Of the members of the Authority one must be
appointed to be chairperson of the Authority.

(3) Schedule 2 has effect with respect to the terms and
conditions of appointment of members of the
Authority.

(4) Schedule 3 has effect with respect to the
procedure of the Authority.

Division 2—Objectives, functions and general powers

8. Extended area of operation

With the Minister's approval, the Authority may
carry out its functions, powers and duties in
relation to an area other than the docklands area, if
the Minister reasonably considers this will
promote the development of the docklands area.

9. Objective of the Authority

(1) The objective of the Authority is to promote,
encourage and facilitate development of the
docklands area and to complete its involvement in
that development by 31 December 2005.

(2) In carrying out its objective, functions and powers the Authority must give full recognition to government objectives, policies and plans for the operation of the Port of Melbourne.

10. Functions of the Authority

The Authority has the following functions—

(a) to develop the docklands area;

(b) to promote and encourage the involvement of the private sector in that development;

(c) to oversee and co-ordinate the development by others of the docklands area;

(d) to investigate development options and prepare and implement development strategies;

(e) to investigate infrastructure options and prepare and implement plans for infrastructure co-ordination;

(f) to take, support or promote measures to encourage people to live and work in the area;

(g) to take, support or promote measures to create in the area an attractive environment;

(h) to encourage appropriate public involvement in that development;

(i) to promote, assist in and co-ordinate the economic, cultural and social development of the docklands area;

(j) to facilitate and, with the consent of the Minister administering the **Port Services Act 1995**, plan and implement the reorganization of port facilities;
Docklands Authority Act 1991
Act No. 22/1991

(k) to facilitate and, with the consent of the Minister administering the **Transport Act 1983**, plan and implement the reorganization of transport facilities;

(l) to promote tourism to, in or for the benefit of the docklands area;

(la) to promote recreational, social and cultural activities in or for the benefit of the docklands area;

(m) to perform any other functions conferred on it by or under this or any other Act.

11. **General powers and duties**

(1) The Authority must, as far as practicable make sure that by the end of its involvement in the development of the docklands area, it has secured a prudent financial return on its overall commercial investment in the area.

(2) The Authority may do all the things that are necessary or convenient to be done for or incidental to achieving its objectives and performing its functions.

(3) For the purpose of achieving its objectives and performing its functions, the Authority also has the powers listed in Part 3, but these powers do not limit its general powers.

12. **Accountability**

(1) The Authority must carry out its functions, powers and duties subject to the general direction and control of the Minister and to any specific direction given by the Minister in relation to a matter or class of matters specified in the direction.
(2) If the Authority has been given a direction by the Minister, it may cause the direction to be published in the Government Gazette.

13. Delegation

(1) The Authority may by instrument delegate all or any of its functions, powers or duties (except this power of delegation and its powers under sections 25 and 54) to—

(a) the chairperson of the Authority; or
(b) a member or group of members of the Authority; or
(c) a member of staff of the Authority (by name or as the holder of a named position; or
(d) with the Minister's consent, any other person, by name or as the holder of a named position.

(2) The Authority may under sub-section (1) delegate a function, power or duty under this or any other Act or under an agreement made under this Act.

14. Staff

(1) The Authority may—

(a) employ people; or
(b) enter into agreements or arrangements for the Authority to make use of the services of people—

on terms and conditions (including payment for services) determined by the Authority.

(3) The Authority may, in accordance with those terms and conditions, terminate any employment, engagement, agreement or arrangement under sub-section (1).
(3) A person is not subject to the Public Service Act 1974 in respect of the person's employment or engagement by the Authority under sub-section (1).

(4) Subject to the Public Service Act 1974, there may be appointed or employed any officers or employees that are necessary for the purposes of this Act.
PART 3—PARTICULAR POWERS OF THE AUTHORITY

Division 1—Participation with others

15. Authority may enter into joint ventures etc.

(1) The Authority, with the approval of the Minister and the Treasurer, may do all or any of the following—

(a) form, or participate in the formation of, a corporation, trust, partnership or other body;

(b) subscribe for, or otherwise acquire, and hold and dispose of shares in, or debentures or other securities of, a corporation;

(c) subscribe for, or otherwise acquire, and hold and dispose of, units in a trust;

(d) acquire and hold and dispose of an interest in a partnership or other body;

(e) enter into any contract or arrangement with a person for the sharing of profits, union of interest, co-operation, joint venture, reciprocal concessions or otherwise.

(2) Sub-section (1) applies whether a person or body referred to in that sub-section or a party to a contract or arrangement under sub-section (1)(e) is formed or carries on business in Victoria or elsewhere.

(3) An approval under this section may be given for a particular case or class of cases.

16. Reciprocal arrangements with public sector agencies

(1) With the consent of the Governor in Council given on the Minister's recommendation the Authority may enter into an agreement or
arrangement with a Minister, government department or public statutory body ("Public Sector Agency") concerning—

(a) the carrying out by the Authority and the Public Sector Agency of any of their respective functions or powers; or

(b) the carrying out or providing by the Authority for the Public Sector Agency, or by the Public Sector Agency for the Authority, of any works or services; or

(c) the use or joint use by the Authority and the Public Sector Agency of their respective facilities or the services of their respective staff; or

(d) the allocating of funds collected under the agreement or arrangement.

(1A) Despite anything to the contrary in this Act, an agreement or arrangement under sub-section (1) may permit the Authority to carry out functions or powers under the agreement or arrangement in relation to land in the vicinity of the docklands area if this would be for the benefit of that land and the docklands area, or would benefit that land directly and indirectly benefit the docklands area.

(2) If the Authority proposes to enter into an agreement or arrangement providing for the allocation of funds to be collected under the agreement or arrangement, the Minister must consult the Treasurer about the proposal before making any recommendation under sub-section (1).
Division 2—Obtaining land

17. Surrender or divesting of land of other bodies

(1) The Governor in Council, by Order published in the Government Gazette may—

(a) require a public statutory body in which land in the docklands area is vested to surrender it to the Crown;

(b) divest land in the docklands area from a public statutory body—

so that the land can be granted to the Authority to be developed.

(2) A public statutory body must comply with a requirement under sub-section (1)(a).

(3) On—

(a) the conveyance to the Crown or the registration of an instrument of transfer and surrender to the Crown of land that a public statutory body is required to surrender under sub-section (1)(a); or

(b) the publication in the Government Gazette of an Order under sub-section (1)(b)—

the land concerned is deemed to be unalienated land of the Crown and, subject to sub-section (4), is freed and discharged from all limitations.

(4) The divesting or surrender of land under this section does not affect any reservation of the land under the Crown Land (Reserves) Act 1978.

(5) The Governor in Council may by Order published in the Government Gazette make any amendments to any land description in any Act or subordinate instrument that are necessary because of the divesting or surrender of land under this section.
Docklands Authority Act 1991
Act No. 22/1991

(6) A power may only be exercised under sub-section (1) or (5) on the joint recommendation of the Minister and the Minister administering the Act under which the public statutory body is created.

18. Grant of land to the Authority

(1) The Governor in Council on behalf of the Crown may grant to the Authority for an estate in fee simple—

(a) land divested or surrendered under this Part;

(b) any other land in the docklands area that is or is deemed to be unalienated land of the Crown and is not reserved under the Crown Lands (Reserves) Act 1978.

(2) As a condition of granting land to the Authority, the Minister may require it to agree to pay into the Consolidated Fund or, if the land was surrendered by or divested from a public statutory body, to that body, the net proceeds of any sale of that land by the Authority, less any holding and selling costs.

(3) The grant—

(a) if it is of land covered with waters of the sea, must be limited to a depth of 60 metres below high water mark; and

(b) if it is for other land, must be limited to a depth of 60 metres below the surface of the land; and

(c) may contain any other terms, covenants, conditions, reservations, exceptions, trusts or limitations that the Governor in Council determines.

(4) Land may be granted to the Authority with or without consideration being given by the Authority.
19. Acquisition of land

(1) The Authority may acquire by agreement an interest in land on any terms (including consideration) that it considers appropriate.

(2) The Authority, with the Minister's approval, may acquire an interest in land by compulsory process.

(3) The Land Acquisition and Compensation Act 1986 applies to sub-section (2) and for that purpose—

   (a) sub-section (2) is the special Act; and
   (b) the Docklands Authority is the Authority.

(4) In determining the amount of compensation to be paid for the compulsory acquisition of land by the Authority, no allowance is to be made for the enhancement of the value of the land attributable to any action of the Authority.

Division 3—Activities on land

20. Land management and use

(1) This section applies to land in the docklands area that is—

   (a) Crown land; or
   (b) vested in the Authority.

(2) The Authority may—

   (a) grant leases or licences over land to which this section applies; or
   (b) exercise any of its other functions or powers over land to which this section applies.

(3) A lease or licence granted by the Authority over Crown land—

   (a) must be consistent with any reservation of the land; and
Docklands Authority Act 1991
Act No. 22/1991

(b) is not subject to the Land Act 1958 or the Crown Land (Reserves) Act 1978.

(4) The Authority may grant an easement or privilege over land vested in it.

21. Revocation of reservations

(1) The Governor in Council on the recommendation of the Minister and the Minister administering the Crown Land (Reserves) Act 1978 may by Order published in the Government Gazette on or after 1 December 1992 declare that the temporary or permanent reservation under that Act of land which is in the docklands area and is described in the Order is revoked.

(2) On the publication in the Government Gazette of an Order under sub-section (1)—

   (a) any Order in Council reserving the land and any appointment of a committee of management for the land are revoked; and

   (b) unless the Order otherwise provides, the land is, despite any Act or law to the contrary, deemed to be unalienated land of the Crown, freed and discharged from all limitations; and

   (c) if the Order states that this paragraph applies, any Crown grant of that land made before the date of publication of the Order, and any other title document deriving from the grant is, and must be taken always to have been, as valid and effective as if the reservation of that land had been revoked before the grant was made.

22. Authority's power to enter land
(1) A person authorised by the Authority or who is a member of the Authority's staff may enter land in the docklands area for the purpose of—
   
   (a) carrying out surveys or investigations connected with the development of the docklands area; or
   
   (b) doing on the Authority's behalf anything which it is authorised to do on that land in carrying out its functions or powers.

(2) The Authority must give 7 days notice in writing to the occupier of the land to be entered before entry occurs.

(3) The Authority need not give this notice—
   
   (a) if the occupier consents to the entry; or
   
   (b) in an emergency.

(4) A person must not under this section enter land used primarily for residential purposes except between 7.30 a.m. and 6.00 p.m. unless—
   
   (a) the Authority has reasonable grounds for believing that in respect of that land the by-laws are not being complied with; or
   
   (b) the occupier consents to the entry.

(5) In exercising a power under sub-section (1) a person must—
   
   (a) cause as little harm and inconvenience as possible;
   
   (b) not stay on the land for any longer than is reasonably necessary;
   
   (c) remove from the land anything brought on to the land by the person in the exercise of the power, other than anything that the owner or occupier of the land agrees may be left there;
(d) leave the land as nearly as possible in the condition in which he or she found it.

Division 4—Disposing of and other dealings with land

23. Authority may surrender land to the Crown

(1) The Authority is an authority for the purposes of section 22A of the Land Act 1958.

(2) The powers to surrender land or to agree to the transfer or exchange of land conferred on the Authority by section 22A of the Land Act 1958 as applied by this section are in addition to and do not derogate from any of the Authority's other functions or powers and any other provisions of this Part.

24. Disposing of land in other ways

(1) The Authority may—

(a) grant leases or licences over land vested in it or registered in its name; or

(b) on or after 1 December 1992, dispose of its interest in fee simple in any land— on any terms (including consideration) that it considers appropriate.

(2) The Authority may enter into an agreement with another person concerning the use or development of land—

(a) on disposing of the whole of its interest in the land to that person; or

(b) in anticipation of disposing of the whole of its interest in the land to that person.

(3) Division 2 of Part 9 of the Planning and Environment Act 1987 applies to an agreement under sub-section (2) as if—
Docklands Authority Act 1991
Act No. 22/1991

(a) it was an agreement under that Division;
(b) it referred to the Authority instead of the responsible authority for the planning scheme;
(ba) in section 173(4) the expression "unless the vendor assumes the purchaser's rights and obligations under the agreement" were omitted;
(c) section 174(2)(c) were omitted;
(d) sections 177(2), 178 and 179(1) referred to the Minister administering the Docklands Authority Act 1991 instead of the Minister.

Division 5—Other powers

25. Charges

(1) With the prior approval of the Governor in Council the Authority may, by resolution, levy charges on the owners, occupiers or licensees of properties or groups of properties in the docklands area—

(a) for the supply of water, gas, electricity, sewerage, drainage, telecommunications or other services provided by or by agreement with the Authority; or

(b) for the promotion of the docklands area by the Authority; or

(c) for the maintenance or management by or by agreement with the Authority of areas or facilities for common use by groups of properties or users in the docklands area; or

(d) for the provision by or by agreement with the Authority of the infrastructure necessary for the development of the area or any part of it.
(2) Those charges—
   (a) may be different for different classes of properties;
   (b) may vary according to the value or size of land or the nature or extent of use of the service or facility;
   (c) may include minimum charges or a scale of charges;
   (d) need not relate directly to the cost of services or facilities provided;
   (e) may be concessional charges;
   (f) may be waived in whole or in part on any conditions that the Authority determines.

(3) A person liable under this section to pay a charge in respect of a property and who would otherwise be liable under another Act to pay a charge in respect of the same property for the same matter is not liable to pay that other charge, despite anything to the contrary in any Act or law.

(4) Sub-section (3) also applies to charges levied by bodies corporate created on plans of subdivision as if the charges were levied under an Act.

(5) For land that is not rateable under section 154 of the Local Government Act 1989—
   (a) a charge may only be levied under sub-section (1)(a) in respect of the use of works or services; and
   (b) a charge may only be levied under sub-section (1)(a) on the user of those works or services.

(6) Until the commencement of section 154 of the Local Government Act 1989, sub-section (5) of this section has effect as if it referred to section
Docklands Authority Act 1991
Act No. 22/1991


(7) Sections 262, 263, 266 and Division 7 of Part 13 of the Water Act 1989 apply to a charge under this section as if the Authority were an Authority within the meaning of that Act and the charge were a fee imposed under a tariff set by an Authority under that Act.

26. How may a charge be levied?

(1) A resolution under this Division levying a charge has no effect until the Authority causes notice of the making of the resolution to be published in the Government Gazette and in a newspaper circulating generally throughout Victoria.

(2) A resolution levying a charge must state what the charge is for, how the charge is calculated, when it is due, on what properties it is levied and who must pay it.

27. Exemption from charges etc.

(1) Despite anything to the contrary in any Act or law, the Treasurer, on the Minister's advice, may by instrument totally or partially exempt the whole or a specified part of the docklands area from any duty, rate, tax or charge levied under this or any other Act in respect of land.

(2) An exemption must state the time for which it operates and may be subject to any conditions specified in the instrument of exemption.

(3) The Minister must cause notice of an exemption to be published in the Government Gazette.

28. Transport and port facilities

(1) Within the docklands area the Authority may, by resolution, do all or any of the following—
Docklands Authority Act 1991
Act No. 22/1991

(a) construct, extend, realign, relocate, open, operate, close or remove roads, railways, transport facilities and tunnels;

(b) construct, operate or remove port facilities;

(c) deepen, widen or divert any waterway;

(d) deepen or otherwise change the contours of any area of land covered with the waters of the sea;

(e) carry out or operate works or facilities associated with any of the things mentioned in paragraphs (a) to (d).

(2) Before the Authority does anything under subsection (1) to a road, railway, transport facility, tunnel, port facility or waterway vested in or under the control of the Melbourne and Metropolitan Board of Works, Melbourne Port Corporation, Roads Corporation, Public Transport Corporation or the Victorian Channels Authority, the Authority must get the approval of that Board, Authority or Corporation.

(3) The Governor in Council may by Order published in the Government Gazette provide for—

(a) any vesting or divesting of lands;

(b) any amendments to any land descriptions in any Act or subordinate instrument—necessary because of the exercise by the Authority of its powers under sub-section (1).

(4) An Order under sub-section (3) may only be made on the joint recommendation of the Minister and—

(a) any other Minister administering an Act affected by the Order; or

S. 28(2) amended by Nos 82/1995 s. 202(b)(ii)(ii), 63/1997 s. 10(4)(Sch. item 1.2).
Docklands Authority Act 1991

Act No. 22/1991

(b) any other Minister responsible for a body whose land is affected by the Order.

29. Closing roads

(1) A resolution under this Division to close, realign or relocate a road has no effect until the Authority causes notice of it to be published in the Government Gazette and in a newspaper circulating generally throughout Victoria.

(2) On the publication under sub-section (1) of a resolution closing, realigning or relocating a road, the land over which the closed realigned or relocated road ran ceases to be a road, and all rights, easements and privileges existing or claimed either in the public or by any body or person as incident to any express or implied grant, or past dedication or supposed dedication or by user or operation of law or otherwise, cease and that land is deemed to be unalienated land of the Crown.

(3) The Authority may temporarily close a road in the docklands area to traffic if it considers it necessary to do so so that works on the road or neighbouring land can be carried out.

30. Bodies may be required to act promptly

(1) The Governor in Council may require a Minister, Chief Administrator or public statutory body to carry out his, her or its functions in relation to the docklands area within a time specified in the Order, and that person or body must comply with the requirement.

(2) A requirement under sub-section (1) cannot vary any time prescribed by or under an Act.

31. Administration of Building Act

Despite anything to the contrary in the Building Act 1993, the administration and enforcement of
Docklands Authority Act 1991
Act No. 22/1991

32. Docklands may become or cease to be municipal district or port

(1) The Governor in Council may by Order published in the Government Gazette declare—

(a) that land divested under this Act from the Melbourne Port Corporation or the Victorian Channels Authority revests in that Authority or Corporation;

(b) that any land in the docklands area is excluded from any municipal district of which it was a part;

(c) that any land in the docklands area which is not part of any municipal district becomes part of a municipal district specified in the Order;

(d) that land divested under this Act from the Port of Melbourne Authority vests in the Melbourne Port Corporation;

(da) that land divested under this Act from the Melbourne Port Corporation or the Victorian Channels Authority is no longer subject to the Port Services Act 1995;

* * * * *

(ea) that land to which a declaration under paragraph (da) applies is subject to the Port Services Act 1995;
(2) The Governor in Council may in an Order under sub-section (1) make any amendment to any land description in the Port Services Act 1995 or in any subordinate instrument under that Act or under the Local Government Act 1989 that is necessary because of the operation of the Order.

33. Planning powers of the Authority

(1) The Authority is a public authority for the purposes of section 11 of the Planning and Environment Act 1987.

(2) The Minister administering the Planning and Environment Act 1987, on the recommendation of the Minister administering this Act, may by instrument specify the Authority as the responsible authority in the docklands area for any specified planning scheme or provision of a planning scheme, and for the purposes of section 13 of that Act that planning scheme or provision must, while the Authority is so specified, be taken to have specified the Authority as the responsible authority in that area.

34. Disputes between government and semi-government agencies

(1) The Governor in Council may determine any dispute or question about anything done or proposed to be done under this or any other Act arising in relation to the docklands area between any of the following—

(a) the Authority;

(b) government departments;

(c) public statutory bodies.

(2) A dispute can only be referred to the Governor in Council for determination on the joint recommendation of the Minister and—
Docklands Authority Act 1991
Act No. 22/1991

27 3-8/12/97

(a) the Minister responsible for any other department concerned;

(b) the Minister administering the Act under which the body concerned operates or is established.

(3) The determination has effect despite anything to the contrary in any other Act and the persons or bodies between whom the dispute or question arose must comply with it.

35. Tendering and other procedures

(1) The Governor in Council may by Order published in the Government Gazette specify the procedures to be followed by the Authority in—

(a) acquiring or disposing of real or personal property other than the compulsory acquiring of interests in land;

(b) making agreements or arrangements.

(2) The Authority must carry out its functions and powers subject to any Order made under this section.

35A. Negotiation bonds

(1) The Authority, with the approval of the Minister, may in writing, request any person to lodge a negotiation bond with the Authority if the person has expressed an interest—

(a) in the development of any precinct or any part of a precinct of the docklands area; or

(b) in the provision of an item or combination of items of trunk infrastructure in the docklands area.

(2) A negotiation bond must not exceed $100 000 for each precinct or for each item or combination of items of trunk infrastructure in
respect of which the person has expressed an interest.

(3) The request may provide that the negotiation bond—

(a) must be in the form of—

(i) a cash deposit; or

(ii) a bank guarantee in a form acceptable to the Authority; and

(b) is to be lodged subject to the conditions specified by the Authority in the request, including conditions relating to the circumstances in which the bond may be forfeited.

(4) If a person does not lodge a negotiation bond with the Authority in accordance with a request under this section within 7 days after the request is made, the Authority may refuse to enter into any arrangement or agreement under this Act with that person in relation to—

(a) the development of the precinct or the provision of trunk infrastructure; or

(b) any lease, licence or disposal of land in the precinct or relating to the provision of trunk infrastructure; or

(c) the use or development of land in the precinct or relating to the provision of trunk infrastructure.

(5) In this section—

"precinct" means any part of the docklands area which the Authority by notice published in the Government Gazette determines to be a precinct of the docklands area;

"infrastructure" includes—\
(a) roads and traffic works;
(b) pedestrian walkways and bicycle paths;
(c) sewerage, storm water drainage, water supply, electricity, gas, telecommunications and other like services;
(d) works to improve water edges and water quality;
(e) wharves, marinas and boat launching and berthing facilities;
(f) light rail, tram and other public transport works;
(g) public parks and public spaces and related works;
(h) art works;
(i) education facilities and community facilities, including kindergartens, libraries, community centres, health facilities and emergency service facilities;

"trunk infrastructure" means any item of infrastructure that provides benefits or services to more than one precinct.
PART 4—FINANCES

36. General Fund

(1) The Authority must establish and keep a fund called the General Fund.

(2) The Authority must ensure that all the money received by it, or on its behalf, is paid into the General Fund.

(3) The Authority may pay money out of the general fund—
   (a) to pay any expenses incurred by it in exercising its functions or powers;
   (b) to repay any money borrowed by it under this Act together with any charges or interest on that money;
   (c) for any other purpose authorized by this Act.

(4) Sections 20 and 21 of the Borrowing and Investment Powers Act 1987 apply to money in the General Fund as if the Authority were an authority listed in Schedule 1 to that Act.

40. Borrowings

(1) The Authority has the powers conferred on it by the Borrowing and Investment Powers Act 1987.
Docklands Authority Act 1991  
Act No. 22/1991  

(4) Money paid out of the Consolidated Fund in respect of a guarantee given for financial accommodation obtained by the Authority must be taken to be an advance to the Authority and must be repaid by the Authority when funds that may properly be used for that purpose become available.

41. Payment of dividends by the Authority

For each financial year the Authority must, at the times and in the manner that the Treasurer may direct, pay to the Treasurer for payment into the Consolidated Fund any amounts by way of dividend that the Treasurer determines after consultation with the Minister.
PART 5—GENERAL

Division 1—Advisory Committees

42. Minister may appoint advisory committee

(1) The Minister may appoint any advisory committees that the Minister considers appropriate to advise him or her in relation to the docklands area or the Authority's functions.

(2) The Minister may do all or any of the following—

(a) determine or vary the functions of an advisory committee;

(b) appoint persons to be chairperson and members of an advisory committee;

(c) determine the terms and conditions of appointment of a chairperson or other member;

(d) at any time remove a chairperson or other member from office.

(3) A chairperson or other member of an advisory committee who is not a member of Parliament, is entitled to receive any travelling or other allowances that are fixed by the Minister for that member.

(4) A member of an advisory committee is not subject to the Public Service Act 1974 in respect of the office of member.

(5) Schedule 3 (but not the by-laws, or the provisions about remuneration or allowances) applies to the procedure of an advisory committee as if it referred to an advisory committee instead of the Authority.
(6) The Minister may at any time dissolve an advisory committee.

43. **Membership of advisory committee not office of profit**

A member of an advisory committee is not to be taken to hold an office or place of profit under the Crown which would—

(a) prevent the member sitting or voting as a member of the Legislative Council or Legislative Assembly; or

(b) make void the member's election to the Legislative Council or Legislative Assembly; or

(c) prevent the member continuing to be a member of the Legislative Council or Legislative Assembly; or

(d) subject the member to any liability or penalty under the **Constitution Act 1975**.

Division 2—Confidentiality, evidence and other matters

44. **Improper use of information**

A person connected with the Authority must not make improper use of information acquired because of that person's connection with the Authority—

(a) to gain directly or indirectly any pecuniary advantage for himself or herself or anyone else; or

(b) with intent to cause detriment to the Authority irrespective of whether detriment was caused.

Penalty: 50 penalty units.

45. **Information to be confidential**
A person connected with the Authority must not make a record of, or divulge or communicate to any person, information about the docklands area or its development gained because of that connection with the Authority except—

(a) in carrying out official duties; or

(b) in carrying out duties or obligations under this Act or the agreement or arrangement or as a participant in relation to the undertaking; or

(c) with the consent of the Minister; or

(d) to a court, in proceedings under this Act or in relation to an agreement or arrangement made under this Act.

Penalty: 50 penalty units.

46. Who is connected with the Authority?

For the purpose of sections 44 and 45, a person is connected with the Authority if the person is or has been—

(a) a member of the Authority or its staff; or

(b) a participant with the Authority in a body (corporate or unincorporate), trust, partnership, joint venture, or other joint undertaking; or

(c) a party to an agreement or arrangement made with the Authority.

47. Reappointment to public service

(1) A person who is a member of the Authority or its staff and who was, immediately before that appointment, an officer of the public service is entitled to be reappointed to any office in the public service with a classification, remuneration, and leave entitlements corresponding with or
higher than those which the person last held in the public service as if the service with the Authority were service in the public service, and to be classified accordingly.

(2) For the purpose of long service leave a person to whom sub-section (1) applies must be taken to continue to have been an officer of the public service while appointed to the Authority or its staff.

(3) A person who at the time of appointment as a member of the Authority or its staff was an officer within the meaning of the Superannuation Act 1988 continues, subject to that Act, to be an officer within the meaning of that Act.

48. Proceedings

Proceedings for an offence under this Act or the by-laws or the regulations may be brought by the Authority or a person authorised in writing by the Authority to do so either generally or in a particular case.

49. Evidence

(1) Proof is not required in the absence of evidence to the contrary—

(a) that the person bringing a proceeding for an offence under this Act or the by-laws is authorised to bring it;

(b) of the validity of appointment of a person purporting to act as delegate of the Authority;

(c) of the constitution of the Authority, the due appointment of its members or the presence of a quorum at its meetings;

(d) of the appointment of any member of the Authority's staff;
Docklands Authority Act 1991
Act No. 22/1991

(e) of the fact that a particular property is located within the docklands area;

(f) that a document appearing to be issued by or on behalf of the Authority was so issued;

(g) of the fixing of a charge by the Authority;

(h) of the validity of the contents of the Authority's records or minutes.

(2) A document appearing to be part of a by-law, resolution, order or notice made or issued by the Authority and appearing to be authenticated by the Authority is admissible in evidence in any proceedings and, in the absence of evidence to the contrary is proof that a by-law, resolution, order or notice in those terms was duly made or issued by the Authority.

(3) A document appearing to be issued by the Authority or appearing to be signed by the chairperson or chief executive of the Authority and—

(a) stating the amount, liability to pay, extent of payment or other particulars relating to a charge; or

(b) stating that a person's name appears in any records kept by a public statutory body as the owner or occupier of land; or

(c) stating that a person's name appears in any records kept under the Transfer of Land Act 1958 as the proprietor of an estate in fee simple or a leasehold estate in land; or

(d) stating that a person's name appears in any records kept in the office of the Registrar-General as the owner of land—

is, in the absence of evidence to the contrary, proof of the matters stated in the document.
Docklands Authority Act 1991
Act No. 22/1991

(4) A document requiring authentication by the Authority must be taken to be sufficiently authenticated without the Authority's seal if signed by the chairperson or chief executive of the Authority or by another person authorised in writing by the Authority to do so, either generally or in a particular case.

50. Service of documents

(1) A document required or permitted to be served on the Authority may be served by being left at its principal office with a person authorised in writing by the Authority to accept service of documents on behalf of the Authority.

(2) A document required or permitted to be served by the Authority on a person may be served—

(a) by delivering it personally to that person;

(b) by leaving it at that person's usual or last known place of residence with a person apparently over the age of 16 years and apparently living there;

(c) by serving it by post addressed to that person at the person's last known place of residence;

(d) if the person is an owner or occupier of land whose name and address are not known to the Authority—

(i) by leaving it at the land with a person apparently over the age of 16 years and apparently living there;

(ii) by putting it up on a conspicuous part of the land;

(e) by serving it in any other prescribed way.

(3) If the name and address of the owner or occupier of land are not known to the Authority, a
document may be addressed to the "owner" or "occupier".

(4) If a document is served on the owner or occupier of land the service is binding on any subsequent owner or occupier as if actually served on that person.

51. **Other laws not affected**

(1) This Division adds to and does not take away from any other Act rule or law relating to evidence or the service of documents.

52. **Action by Registrar-General and Registrar of Titles**

(1) On being requested to do so and on production of any relevant instrument or document, the Registrar-General must make all entries upon records of enrolment of any Crown grant and on any memorial relating to any land concerned that are necessary because of the operation of this Act or an Order made under this Act.

(2) On being requested to do so and on delivery of any relevant instrument or document, the Registrar of Titles must make any recordings in the Register that are necessary because of the operation of this Act or an Order made under this Act.

* * * * *

53. **No compensation payable by Crown**

No compensation is payable by the Crown in respect of—

(a) the vesting or divesting of land that occurs by force of this Act or an Order made under this Act; or
Docklands Authority Act 1991
Act No. 22/1991

(b) anything done under or arising out of section 21.
PART 6—BY-LAWS REGULATIONS AND REVIEW

54. By-laws

(1) With the approval of the Governor in Council the Authority may make by-laws in relation to all or any part or parts of the docklands area, for or with respect to prohibiting, controlling or regulating any of the following—

(a) the care, management, development, protection and preservation of the area;

(b) access to and within the area by people, animals or vehicles;

(c) the preservation of good order and decency in the area and the safety of people;

(d) interference with or damage to the property, works or undertakings of the Authority;

(e) traffic in the area including the matters mentioned in items 1 to 14 of Schedule 11 to the Local Government Act 1989;

(f) activities on land held by the Authority and the conduct of people, animals and vehicles on that land;

(g) the discharge of sewage, drainage or trade waste within the area;

(h) excluding or removing from the area people animals or vehicles that contravene specified by-laws;

(i) the making and filling up of excavations and the placing of rubbish or other materials within the area and charges and the recovery of costs in relation to the filling up of excavations made or the removal of materials;
(j) the procedure of the Authority;

(k) the charges (if any) for works and services provided by or by agreement with the Authority;

(l) the recovery in the Magistrates' Court from persons responsible of all expenses incurred by the Authority in connection with contraventions of the by-laws;

(m) noise and other emissions from land in the area and the monitoring and recording of them;

(n) any other matter required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.

(2) The by-laws—

(a) may be of general or limited application;

(b) may differ according to difference in time, place or circumstances;

(c) may confer discretions or powers or impose duties on any person or leave anything to be determined or approved by any person;

(d) may provide for charges by fixing maximum or minimum charges, scales of charges, different charges for different classes of cases, concessional charges or charges according to the size or value of land;

(e) may apply, adopt or incorporate by reference any document formulated or published by any person or body—

   (i) wholly or in part; or

   (ii) with or without modifications; or

   (iii) as in force at a particular date or from time to time;
(f) may provide for exceptions or waivers;
(g) may impose penalties not exceeding 10 penalty units for breach of the by-laws.

55. Public availability of by-laws

(1) The Authority must cause notice of the making of any by-law to be published in the Government Gazette.

(2) The Authority must keep a copy of any unrevoked by-law available for inspection during normal office hours by members of the public, without charge, at the Authority's principal office.

(3) A failure to comply with sub-section (1) or (2) does not affect the validity or, subject to sub-section (4), the operation or effect of the by-law.

(4) A person must not be convicted of an offence consisting of a breach of a by-law where it is proved that, at the time of the alleged breach, notice of the making of the by-law had not been published as provided in sub-section (1) or a copy of the by-law could not be inspected as provided in sub-section (2).

(5) A person must not be prejudicially affected or made subject to any liability by a by-law of the Authority where it is proved that, at the relevant time, notice of making of the by-law had not been published as provided in sub-section (1) or a copy of the by-law could not be inspected as provided in sub-section (2).

(6) Sections 5, 6 and 6A of the Subordinate Legislation Act 1962 apply to the by-laws as if they were a statutory rule within the meaning of that Act, notice of which had been published in the Government Gazette on the day on which notice of the making of the by-laws was so published.
(7) The by-laws may be disallowed, in whole or in part, by resolution of either House of Parliament in accordance with the requirements of section 6(2) of the Subordinate Legislation Act 1962.

(8) Disallowance of a by-law under sub-section (7) must be taken to be disallowance by Parliament for the purposes of the Subordinate Legislation Act 1962.

56. Regulations concerning pecuniary interests

(1) The Governor in Council may make regulations for or with respect to prohibiting or regulating—

(a) direct or indirect pecuniary interests of members of the Authority and those members of staff of the Authority who are or are of a class specified in the regulations in contracts or proposed contracts with the Authority or other matters considered by the Authority, and the duties of persons in relation to those interests;

(b) the disclosure or recording of information about those interests.

(2) The regulations—

(a) may be of general or limited application;

(b) may differ according to differences in time place or circumstances;

(c) may leave anything to be determined or approved by any person;

(d) may impose penalties not exceeding 10 penalty units for breach of the regulations.

(3) The regulations may be disallowed, in whole or in part, by resolution of either House of Parliament in accordance with the requirements of section 6(2) of the Subordinate Legislation Act 1962.
Docklands Authority Act 1991
Act No. 22/1991

(4) Disallowance of a regulation under sub-section (3) must be taken to be disallowance by Parliament for the purposes of the Subordinate Legislation Act 1962.

57. **Transitional provision**

Until the publication in the Government Gazette of an Order approving a plan under section 4(3), the docklands area must be taken to be the area shown hatched on the plan in Schedule 1 as amended by the Miscellaneous Acts (Further Omnibus Amendments) Act 1996.
Docklands Authority Act 1991
Act No. 22/1991

SCHEDULES

SCHEDULE 1

Plan of Docklands Area

Sch. 1
substituted by
Nos.24/1993
s. 10, 73/1996
s. 17.
Docklands Authority Act 1991
Act No. 22/1991

SCHEDULE 2

Section 7

Provisions about membership of the Authority

1. **Chief executive may be a member**

   (1) The chief executive of the Authority may be appointed a member of the Authority.

   (2) The office of a member of the Authority becomes vacant on the member being appointed chief executive of the Authority.

   (3) Sub-clause (2) does not prevent a person who has ceased to hold office as a member of the Authority because of becoming its chief executive from being reappointed as a member under sub-clause (1).

2. **Term of office**

   (1) A member of the Authority may be appointed for any term not exceeding 5 years specified in the member's instrument of appointment but is eligible for reappointment.

   (2) In a member's instrument of appointment the Governor in Council may specify other terms and conditions of appointment.

   (3) A member of the Authority may at any time resign the office of member by writing signed by the member and delivered to the Governor in Council.

   (4) The Governor in Council may at any time remove or suspend a member of the Authority from office.

3. **Remuneration**

   (1) A member of the Authority is entitled to receive any remuneration or travelling or other allowances fixed for that member by the Governor in Council.

   (2) Allowances payable to members of the Authority may be fixed by reference to the allowances payable under any determination of the Public Service Board.
4. Temporary vacancies

(1) If the office of a member of the Authority is vacant or a member of the Authority is unable, whether because of illness or otherwise, to perform the duties of office of member, the Minister may appoint a person to act as a member while the office is vacant or during that period of inability.

(2) A person appointed to act as a member of the Authority has, while so acting, the rights, powers and duties of the member for whom he or she acts.

(3) A person appointed to act as a member is entitled to receive any remuneration, travelling and other allowances fixed for that member by the Minister.

(4) The allowances payable to acting members may be fixed by reference to any determination of the Public Service Board.

5. Other vacancies

(1) The Governor in Council shall remove a member of the Authority from office if—

(a) the member becomes bankrupt or the member's property becomes subject to control under the law relating to bankruptcy; or

(b) the member becomes incapable of performing the duties of the office of member; or

(c) the member is convicted of an offence under section 229 of the Corporations Law of Victoria; or

(d) the member becomes subject to an order made under sections 230 or 600 of the Corporations Law of Victoria.

(2) The office of a member of the Authority becomes vacant if the member—

(a) is convicted of an indictable offence; or

(b) is absent from three consecutive meetings of the Authority without leave from the Minister.

(3) The Governor in Council may fill a vacancy in the office of a member of the Authority whether arising under this clause or otherwise.
Provisions about the procedure of the Authority

1. Authority may act despite vacancy etc.

   An act or decision of the Authority is not invalid only because—
   
   (a) of a vacancy in its membership or a defect or irregularity in the appointment of a member; or
   
   (b) the occasion for a person to be appointed or to act as a member has ceased to exist or has not arisen.

2. Meetings

   (1) The chairperson of the Authority is to preside at a meeting of the Authority at which he or she is present.

   (2) If the chairperson of the Authority is not present at a meeting of the Authority, the members of the Authority present at the meeting must elect one of them to preside.

   (3) A question must not be determined at a meeting of the Authority unless a majority of its current membership ("a quorum") is present.

   (4) The functions, powers and duties of the Authority may be carried out at a meeting of the Authority at which a quorum is present.

   (5) At a meeting a decision of the Authority is the decision of the majority of the members present and voting.

   (6) If voting is equal at a meeting the person presiding at the meeting has, as well as any deliberative vote, a casting vote.

   (7) The Authority must meet at the times and places determined by it or, in the absence of a determination by the Authority, by the chairperson of the Authority.

   (8) Subject to this Schedule and the by-laws, the procedure of the Authority is in its discretion.

3. Minutes
(1) The person presiding at a meeting of the Authority must cause to be kept minutes of the proceedings and decisions of the meeting.

(2) If the Minister so requests, the Authority must give the Minister a copy of any minutes specified in the request as soon as possible after the request is made.

4. Sub-committees

(1) The Authority may establish sub-committees, whether of its members or not.

(2) The Authority may determine the functions, membership and procedure of a sub-committee, determine the terms of appointment of its members and dissolve a sub-committee.

5. Participation in meetings by telephone etc.

(1) The Authority may permit its members to participate in a particular meeting, or all meetings, by—

(a) telephone; or

(b) closed-circuit television; or

(c) any other means of communication.

(2) A member who participates in a meeting under a permission under sub-clause (1) is deemed to be present at the meeting.

6. Resolutions without meetings

(1) If—

(a) the Authority has taken reasonable steps to give notice to each member setting out the terms of a proposed resolution; and

(b) a majority of members for the time being of the Authority sign a document containing a statement that they are in favour of the resolution in the terms set out in the document—

(c) a resolution in those terms is deemed to have been passed at a meeting of the Authority held on the day on which the document is signed or, if the members referred to in paragraph (b) do not sign it on the same day, on the day on which the last of those members signs the document.

(2) For the purposes of sub-clause (1), 2 or more separate documents containing a statement in identical terms, each of
Docklands Authority Act 1991
Act No. 22/1991

which is signed by one or more members, are deemed to constitute one document.

(3) If a resolution is deemed by this section to have been passed at a meeting of the Authority, each member must as soon as practicable be advised of the matter and given a copy of the resolution.
NOTES

1. General Information

Minister's second reading speech—

Legislative Assembly: 26 March 1991
Legislative Council: 23 April 1991

The long title for the Bill for this Act was "A Bill to establish the Docklands Authority and to make other provision to facilitate the development of the docklands area and for other purposes."

The Docklands Authority Act 1991 was assented on 21 May 1991 and came into operation as follows:

Sections 1–30, 32–57 on 5 June 1991: Government Gazette 5.6.91 p. 1450; S. 31 not yet proclaimed
2. Table of Amendments

This Version incorporates amendments made to the Docklands Authority Act 1991 by Acts and subordinate instruments.

Docklands Authority (Amendment) Act 1993, No. 24/1993

Assent Date: 25.5.93
Commencement Date: 25.5.93: s. 2
Current State: All of Act in operation

Building Act 1993, No. 126/1993

Assent Date: 14.12.93
Commencement Date: S. 264(Sch. 5 item 6) on 1.7.94: Special Gazette (No. 42) 1.7.94 p.1
Current State: This information relates only to the provision amending the Docklands Authority Act 1991


Assent Date: 31.5.94
Commencement Date: S. 4 (Sch. 2 item 23) on 1.1.95: Government Gazette 28.7.94 p.2055
Current State: This information relates only to the provision amending the Docklands Authority Act 1991

Port Services Act 1995, No. 82/1995

Assent Date: 8.11.95
Current State: This information relates only to the provision amending the Docklands Authority Act 1991


Assent Date: 5.12.95
Commencement Date: S. 10(1) (Sch. 1 item 3) on 30.4.96: Special Gazette (No. 45) 30.4.96 p.1
Current State: This information relates only to the provision amending the Docklands Authority Act 1991

Melbourne City Link Act 1995, No. 107/1995

Assent Date: 12.12.95
Commencement Date: S. 125 on 14.12.95: Special Gazette (No. 120) 14.12.95 p.3
Current State: This information relates only to the provision amending the Docklands Authority Act 1991


Assent Date: 25.6.96
Commencement Date: 25.6.96.s. 2
Current State: All of Act in operation


3-8/12/97  52
Docklands Authority Act 1991
Act No. 22/1991

Assent Date: 17.12.96
Commencement Date: Pt 9 (ss 15–17) on 17.12.96: s. 2(1)
Current State: This information relates only to the provisions amending the Docklands Authority Act 1991

Port Services (Amendment) Act 1997, No. 63/1997
Assent Date: 5.11.97
Commencement Date: S. 10(4)(Sch. items 1.1–1.6) on 10.12.97: Government Gazette 4.12.97 p. 3290
Current State: This information relates only to the provision/s amending the Docklands Authority Act 1991

Docklands Authority (Amendment) Act 1997, No. 66/1997
Assent Date: 18.11.97
Commencement Date: 18.11.97
Current State: All of Act in operation
3. Explanatory Details

1 S. 3 def. of "Subordinate instrument": The definition describes a subordinate instrument as having the same meaning as in the Interpretation of Legislation Act 1984, No. 10096/1984. As at the date of this Version, that Act provided that:

"Subordinate instrument" means an instrument made or to be made under or pursuant to the provisions of an Act, being an instrument that—

(a) is a statutory rule; or
(b) is not a statutory rule but—

(i) contains regulations, rules, by-laws, proclamations, Orders in Council, orders or schemes; or
(ii) is of a legislative character.

2 S. 24(3): Section 24(3) provides that Part 9 Division 2 of the Planning and Environment Act 1987, No. 45/1987 applies to an agreement between the Authority and a land owner. In the Planning and Environment Act 1987, reprinted 15 February 1996 and incorporating amendments up to Act No. 93/1995, Part 9 Division 2 reads as follows:

Division 2—Agreements

173. Responsible authority may enter into agreements

(1) A responsible authority may enter into an agreement with an owner of land in the area covered by a planning scheme for which it is a responsible authority.

(2) A responsible authority may enter into the agreement on its own behalf or jointly with any other person or body.
(3) A responsible authority may enter into an agreement under sub-section (1) with a person in anticipation of that person becoming the owner of the land.

S. 173(4) substituted by No. 48/1991 s. 63(1).

(4) Despite anything in this Division, if an agreement entered into with a purchaser in anticipation of the purchaser becoming owner is registered by the Registrar of Titles, it does not bind the vendor unless the vendor assumes the purchaser's rights and obligations under the agreement.


* * * * *

174. Form and contents of agreement

(1) An agreement must be under seal and must bind the owner to the covenants specified in the agreement.

(2) An agreement may provide for any one or more of the following matters—

(a) the prohibition, restriction or regulation of the use or development of the land;

(b) the conditions subject to which the land may be used or developed for specified purposes;

(c) any matter intended to achieve or advance—

(i) the objectives of planning in Victoria;

or

(ii) the objectives of the planning scheme or any amendment to the planning scheme of which notice has been given under section 19;
(d) any matter incidental to any one or more of the above matters.

175. Bonds and guarantees
S. 175(1) amended by No. 86/1989 s. 4(2)(k).

(1) An agreement other than an agreement with a Minister may include a condition that the owner is to deposit with the responsible authority—

(a) a sum of money fixed by or determined in accordance with the agreement; or

S. 175(1)(b) amended by No. 86/1989 s. 22.

(b) an undertaking to pay that sum together with security in a form determined by or in accordance with the agreement.

(2) The agreement may provide that the sum or part of the sum is forfeited if there is any failure by the owner to carry out the agreement to the satisfaction of the responsible authority.

(3) Any money paid must be returned to the owner on a date or dates specified in the agreement to the extent that it has not been forfeited.

(4) Any money payable under this section is a charge on the land which is the subject of the agreement.

176. When does an agreement begin?

An agreement may provide that the agreement or any specified provision of the agreement comes into effect on or after—

(a) the coming into operation of a specified amendment to a planning scheme; or

(b) the granting of a permit permitting the use or development of the land or part of the land for a specified purpose; or
(c) the happening of a specified event; or
(d) a specified time; or
(e) the start or completion of a use or development or a specified part of a use or development.

177. When does an agreement end?

S. 177(1) amended by No. 35/1995 s. 9(1)(a).

(1) An agreement may provide that the agreement ends wholly or in part or as to any part of the land on or after—

(a) the happening of any specified event; or
(b) a specified time; or
(c) the cessation of the use or the development of the land or any part of the land for a specified purpose.

S. 177(2) amended by No. 35/1995 s. 9(1)(b).

(2) An agreement may be ended wholly or in part or as to any part of the land by the responsible authority with the approval of the Minister or by agreement between the responsible authority and all persons who are bound by any covenant in the agreement.

178. Amendment of agreements

An agreement may, with the approval of the Minister, be amended by agreement between the responsible authority and all persons who are bound by any covenant in the agreement.

179. Agreement to be lodged with Minister

(1) The responsible authority must lodge a copy of an agreement at the office of the Minister without delay after the agreement is made.
(2) The responsible authority must keep a copy of each agreement indicating any amendment made to it available at its office for any person to inspect during office hours free of charge.

180. Agreement may not breach planning scheme

An agreement must not require or allow anything to be done which would breach a planning scheme or a permit.

181. Registration of agreement

(1) A responsible authority may apply to the Registrar of Titles to register an agreement relating to land under the Transfer of Land Act 1958.

(2) An application must include a copy of the agreement to which it relates and the prescribed particulars.

S. 181(3) amended by No. 18/1989 s. 13 (Sch. 2 item 63(e)).

(3) The Registrar of Titles must make a recording of the agreement on any relevant folio of the Register.

S. 181(4) amended by No. 86/1989 s. 4(2)(l).

(4) If the land is not Crown land and is not under the operation of the Transfer of Land Act 1958, the responsible authority may deliver a memorial of the agreement to the office of the Registrar-General.


S. 182 amended by No. 18/1989 s. 13 (Sch. 2 item 63(f)).

182. Effect of registration
After the registration of a memorial or the making of a recording in the Register—

(a) the burden of any covenant in the agreement runs with the land affected; and

(b) the responsible authority may enforce the covenant against any person deriving title from any person who entered into the covenant as if it were a restrictive covenant despite the fact that it may be positive in nature or that it is not for the benefit of any land of the responsible authority.

183. Cancellation or alteration of registration

S. 183(1) amended by No. 35/1995 s. 9(1)(c).

(1) The responsible authority must tell the Registrar of Titles in the prescribed manner without delay of the ending of any agreement wholly or in part or as to any part of the land or any amendment to an agreement.

S. 183(2) amended by No. 48/1991 s. 63(2), substituted by No. 35/1995 s. 9(2).

(2) The Registrar of Titles must, as appropriate, cancel in whole or in part or alter the recording of the agreement in the Register.

S. 183(3) amended by No. 86/1989 s. 4(2)(l).

(3) If an agreement relates to land which is not Crown land and is not under the operation of the Transfer of Land Act 1958, the responsible authority must deliver a memorial of the ending of the agreement or of an amendment to the agreement without delay to the office of the Registrar-General.

(4) The Registrar-General must register the memorial in accordance with Part I of the Property Law Act 1958.
184. Application to Administrative Appeals Tribunal

(1) An owner of land may apply to the Administrative Appeals Tribunal for an amendment to a proposed agreement if—

(a) under a planning scheme or a permit the use or development of land for specified purposes is conditional upon an agreement being entered into under this Division; and

(b) the owner objects to any provision of the agreement.

(2) The Tribunal may approve the proposed agreement with or without amendments.

S. 184(3) inserted by No. 48/1991 s. 63(3).

(3) A purchaser of land who is a party to an agreement, or an owner of land, may apply to the Administrative Appeals Tribunal for an amendment to the agreement to remove the land from the application of the agreement, if the parties to the agreement cannot agree that the agreement should be amended.

S. 184(4) inserted by No. 48/1991 s. 63(3).

(4) The Tribunal may approve the amendment if—

(a) it considers that the land owner is not subject to any further liability under the agreement; or

(b) having regard to any relevant permit, or requirements under the Subdivision Act 1988, it considers it inappropriate that the agreement should continue to apply to the land and the owner.
Note: Section 31(3) of the Planning and Environment (Amendment) Act 1989, No. 86/1989 reads as follows:

(3) Division 2 of Part 9 of the Principal Act continues to apply to an agreement entered into between a responsible authority and the occupier of Crown land before the date of commencement of this section, as if section 4 of this Act had not been enacted.

3 S. 25(7): Section 25(7) provides that certain provisions of the Water Act 1989, No. 80/1989 apply to charges imposed by the Authority. In the Water Act 1989, reprinted 21 March 1996 incorporating amendments up to Act No. 104/1995, sections 262, 263, 266 and Part 13 Division 7 read as follows:

262. Valuations

An Authority that sets a tariff may—

(a) use the most recent municipal valuation; or

S. 262(b) amended by No. 91/1994 s. 36(12).

(b) cause its own valuation to be made by a valuer—

for the purposes of fixing the amount of any fee imposed in relation to that property under the tariff.

263. Supplementary valuations

(1) An Authority may alter the amount of a fee imposed under a tariff in respect of a property if a supplementary valuation of the property is made in accordance with section 13DF of the Valuation of Land Act 1960.

(2) An Authority may request a municipal council to arrange for a supplementary valuation to be made at the Authority's expense.
(3) The Valuation of Land Act 1960 applies, with any necessary modifications to a supplementary valuation made at the request of an Authority as if it were a supplementary valuation made in accordance with section 13DF of that Act.

(4) If a supplementary valuation is made because of an event that happens during a financial year, a proportion of the amount of the fee imposed under the tariff, as altered, is payable for the part of the financial year after the supplementary valuation, and a proportion of the original amount of the fee imposed under the tariff is payable for the part of the financial year before the supplementary valuation.

266. Application for review

(1) A person who is aggrieved by the setting of a tariff, or the imposing of a fee under a tariff, by an Authority may, within 1 month after receipt of the demand for payment, object in writing to the Authority on any of the following grounds:

(a) Where the fee imposed under the tariff is based on valuation of the land, that the land is not rateable;

(b) That the person is not liable for the tariff;

(c) That the tariff was not set in accordance with any plans for tariffs included in the Authority's business plan;

(d) That the Authority did not give the required notice that the property is a serviced property;

(e) That the fee imposed by the Authority is not a correct application of the tariff as set.
(2) An Authority must within 2 months after receipt of an objection from a person, notify the person of its decision on the objection.

(3) If an Authority has not notified the person of its decision within 2 months after the objection was made, the Authority must be taken to have notified the person of its decision to overrule the objection at the expiry of the 2 month period.

(4) A person may apply to the Administrative Appeals Tribunal for review of the Authority's decision on the objection on any of the grounds specified in sub-section (1).

(5) An objection does not prevent the recovery of any fee or interest due under a tariff.

S. 266(6) amended by No. 91/1994 s. 31.

(6) A person who objects to—

   (a) the calculation or application of a valuation equalisation factor; or

   (b) the fixing of different fees imposed under a tariff under section 259(5) that are based on valuation—

may appeal to the Land Valuation division of the Administrative Appeals Tribunal in accordance with Part III of the Valuation of Land Act 1960.

(7) If a tariff is quashed by the Administrative Appeals Tribunal under this section, the Authority may—

   (a) set a new tariff for the particular year, even if the year has ended; and

   (b) retain any amount paid to it by a person in respect of that tariff on account of any
amount payable by that person in respect of
the next effective tariff set.

Division 7—Payment and recovery of money

S. 273A inserted by No. 25/1993 s. 13.

273A. **Occupiers liable for costs based on water supplied**

(1) This section applies if a property to which water is
supplied by an Authority—

(a) is occupied by a tenant under a tenancy
agreement to which the **Residential
Tenancies Act 1980** applies (whether
wholly or partly); or

(b) is a site in a caravan park occupied by a
resident of the caravan park—

and the quantity of water supplied to the property
is measured by a meter provided or installed by
the Authority that only measures that quantity.

(2) The occupier of the property is liable for the cost
of all water supplied to the property during the
time the occupier occupies the property if that cost
is based solely on the amount of water that is
supplied to the property.

(3) If the cost of the water supplied to a property
during the time the occupier occupies the property
is only partly based on the amount of water
supplied to the property, the occupier of the
property is liable for that part of the cost that is
based on the amount of water supplied to the
property.

(4) The owner of a property is not liable for any
amount that an occupier of the property is liable
for under this section and any such amount cannot
be made a charge on the land of the owner.
(5) This section overrides anything to the contrary in section 170 but is subject to anything to the contrary in section 273B.

(6) In this section and section 273B, if an occupier of a property only occupies a part of the property, then a reference to the property is to be read as a reference to the part of the property occupied by the occupier.

(7) In this section, "caravan park", "resident" and "site" have the meanings they have in the Caravan Parks and Movable Dwellings Act 1988.


273B. Authority must read meter when tenant arrives and departs

(1) This section applies if a property to which water is supplied by an Authority—

(a) is occupied, or to be occupied, by a tenant under a tenancy agreement to which the Residential Tenancies Act 1980 applies (whether wholly or partly); or

(b) is a site in a caravan park occupied, or to be occupied, by a resident of the caravan park—and the quantity of water supplied to the property is measured by a meter provided or installed by the Authority that only measures that quantity.

(2) The tenant or resident must notify the Authority that he or she will occupy or vacate, or has occupied or vacated, the property.

(3) The Authority must ensure that the reading on the meter measuring the quantity of water supplied to the property is recorded on the day the tenant or
resident occupies or vacates the property or as soon as is practicable after that day.

(4) Sub-section (3) does not apply unless the Authority is given at least 48 hours notice of the day of occupation or vacation.

(5) If the Authority is not given at least 48 hours notice of the occupation or vacation of a property, it must ensure that the reading on the meter measuring the quantity of water supplied to the property is recorded within 48 hours of it being given notice that a property has been occupied or vacated by a tenant or resident or as soon as is practicable after it is given notice.

(6) If a tenant or resident occupies a property, the landlord or caravan park owner is liable for the cost of all water supplied to the property until the Authority records the reading on the meter on or after the date of occupation.

(7) If a tenant or resident fails to notify the Authority that he or she has occupied a premises within 48 hours of occupying the property—

(a) he or she is liable for the cost of all water supplied to the property since the meter was last read on behalf of the Authority; and

(b) sub-section (6) does not apply.

(8) If a tenant or resident fails to notify the Authority that he or she has vacated a property within 48 hours of vacating the property, he or she is liable for the cost of all water supplied to the property until—

(a) the Authority next records the reading on the meter; or
Docklands Authority Act 1991
Act No. 22/1991

(b) the end of the billing period in which the vacation occurred—whichever happens first.

(9) No time falling on a Saturday, Sunday or holiday is to be included in calculating any period of time for the purposes of this section.

(10) In this section—

(a) "caravan park", "resident" and "site" have the meanings they have in the Caravan Parks and Movable Dwellings Act 1988;

(b) "holiday", in relation to an area, means any public holiday appointed or observed in the area under the Public Sector Management Act 1992.

274. Payment to Authorities


(1) A fee imposed under a tariff is due and must be paid by the date specified in the notice requiring payment, being a date—

(a) after the date on which notice of the resolution that sets the tariff was published under section 260(2); and

(b) at least 28 days after the date of issue of the notice—

unless payment by instalments is available in accordance with a resolution under sub-section (1A) and the person liable to pay the amount chooses to pay by instalments in accordance with sub-sections (2) and (3).
(1A) An Authority—

(a) must by resolution determine that any fee imposed on an annual basis under a tariff is payable to it by instalments as specified in the resolution; and

(b) may by resolution determine that any other fee payable to it under a tariff is payable by instalments as specified in the resolution.

(1B) A resolution under sub-section (1A) has no effect until the day on which notice of the making of the resolution is published in a newspaper circulating generally in the area concerned.

(1C) An Authority must ensure that a resolution under sub-section (1A)(a) is in force at all times from the beginning of the ninetieth day after the commencement of section 8 of the Water (Amendment) Act 1993.

(1D) Despite any resolution in force under sub-section (1A)(a) and anything to the contrary in this section, an Authority is not required to accept payment by instalments of a fee imposed on an annual basis under a tariff if the Minister, at the written request of the Authority, has approved it not being required to do so.
(2) A person who is liable to pay to an Authority—

(a) an amount under Division 6, other than an amount required under section 268(2) or 269; or

(b) a fee imposed under a tariff that, in accordance with a resolution under sub-section (1A), is payable by instalments; or

(c) with the consent of the Authority, any other fee or amount—

may, by notice in writing to the Authority within 14 days after receipt of the notice setting the due date for payment, choose to pay by instalments, and must make each payment, and any payment of interest due in respect of it, by the date specified by the Authority.

(3) The date specified for the payment of the first instalment must be at least 14 days after the date of issue of the notice to the person that payment is required.

(3A) A person who is liable to pay to an Authority an amount under Division 6 which under sub-section (1) the person has, on or after the commencement of section 195(2) of the Water Industry Act 1994, chosen to pay by instalments, is liable to pay interest in accordance with section 281 on any part of that amount that is unpaid from the due date for payment despite the arrangement for payment of that amount by instalments.

S. 274(2)(b) amended by No. 69/1993 s. 8(c).

S. 274(3A) inserted by No. 121/1994 s. 195(2).

S. 274(4) amended by No. 25/1993 s. 14(b)(ii).
(4) Any amount due to an Authority in relation to a property (including interest and including any amount in respect of a licence under Part 4 or 5) is a debt due to the Authority by the person liable to pay the amount.

S. 274(4A) inserted by No. 25/1993 s. 14(b)(iii).

(4A) If the person liable to pay an amount to an Authority in relation to a property owns the property, the amount due is a charge on the property, whether or not the Authority has agreed to defer the payment of the whole or any part of that amount.

S. 274(5) amended by No. 25/1993 s. 14(b)(iv).

(5) In sub-sections (4) and (4A), "Authority" includes the Minister.

S. 274(6) inserted by No. 78/1991 s. 20.

(6) At the written request of the person liable to make a payment to an Authority, the Authority may send the notice requiring the payment to a person specified in the request.

275. Person who acquires property is liable

S. 275(1) amended by No. 25/1993 s. 14(c).

(1) A person who becomes the owner of a property must pay to the Authority at the time the person becomes the owner of the property any amount that is, under section 274(4A), a charge on that property.

(2) In sub-section (1), "Authority" includes the Minister.

276. Authority may require occupier to pay rent to it

S. 276(1) amended by No. 25/1993 s. 14(d).
(1) An Authority may, by notice in writing to the occupier of a property in respect of which any payment or fee, or any amount in respect of a licence under Part 4 or 5, is due by the owner of the property and has not been paid, require the occupier to pay rent to the Authority instead of to the lessor until the amount outstanding (including any interest) has been paid.

(2) The Authority must give to the lessor 7 days' notice of its intention to act under sub-section (1).

(3) An occupier who pays rent to the Authority as required by a notice under sub-section (1)—

(a) is entitled to deduct from the rent due to the lessor any amount so paid; and

(b) must for the purposes of any tenancy law, be treated as paying that amount as rent to the lessor.

(4) Sub-section (3) does not apply if the occupier has, independently of the Authority, agreed with the lessor to pay to the Authority the payments or fees due in relation to the property.

(5) The Authority must not require to be paid to it any amount that exceeds the amount of rent due to the lessor.

(6) If an occupier fails to pay any amount due to the Authority under this section, the Authority may recover the unpaid amount as a debt due to it by the occupier.

(7) In this section, "Authority" includes the Minister.

277. Recovery as between owner and occupier
(1) If an Authority recovers any contribution or fee, or any amount in respect of a licence under Part 4 or 5, from an owner, and the owner had an agreement with the occupier that the occupier would pay the fee, contribution or amount, the owner may recover from the occupier, as a debt due to the owner, the amount paid to the Authority by the owner.

(2) For the purposes of sub-section (1)—

(a) the owner has the burden of proving that the occupier had agreed to pay the fee, contribution or amount; and

(b) "Authority" includes the Minister.

278. Disposal of property for unpaid contributions, fees and other amounts

(1) An Authority may sell, or cause to be transferred to itself, any property in relation to which—

(a) any fee imposed under a tariff; or

(b) any payment under Division 6; or

(c) any payment under an agreement to service or supply the property; or

(d) any payment in respect of a licence under Part 4 or 5—

has been due to the Authority and unpaid for at least 3 years.

(2) Sub-section (1) does not apply if—

(a) the contribution, fee or amount has been waived; or

(b) the contribution, fee or amount has been deferred for the period for which it is unpaid; or
Docklands Authority Act 1991
Act No. 22/1991

S. 278(2)(c) amended by No. 25/1993 s. 14(e).

(c) the person liable to pay has arranged with the
Authority for payment by instalments of the
amount due, and any instalments that have
become due have been paid; or

S. 278(2)(d) inserted by No. 25/1993 s. 14(e).

(d) the person liable to pay is not the owner of
the property.

(3) An Authority must not sell the property or cause it
to be transferred, unless it has at least once in the
3 years tried, under section 274, 275, 276(1) or
276(6), to recover the money due to it.

S. 278(4) amended by No. 91/1994 s. 36(12).

(4) An Authority must pay, for a transfer of property
under sub-section (1), an amount equal to or
greater than a valuation of the property that is
made by a valuer not more than 6 months before
the date of the proposed transfer.

(5) An Authority must in selling property under sub-
section (1)—

(a) sell the property by auction; or

S. 278(5)(b) amended by No. 91/1994 s. 12.

(b) sell the property for an amount equal to or
greater than a valuation of the property that
is made by a valuer not more than 6 months
before the date of the proposed sale.

(6) At least 4 weeks before selling any property, or
causing it to be transferred, under sub-section (1),
the Authority must—
Docklands Authority Act 1991
Act No. 22/1991

(a) give public notice of its intention to do so;
and
(b) serve, on any person who appears from the
register or from any document registered in
the office of the Registrar-General to have an
estate or interest in the property, a notice
requiring payment of any outstanding
amounts referred to in sub-section (1).

S. 278(6A) inserted by No. 62/1995 s. 38.

(6A) The Registrar of Titles may register a transfer of
property by an Authority under this section if the
transfer is in a form approved by the Registrar of
Titles.

S. 278(6B) inserted by No. 62/1995 s. 38.

(6B) The Registrar of Titles may dispense with the
production of the certificate of title for the
purpose of registering the transfer.

(7) In this section, "Authority" includes the
Minister.

279. Application of proceeds

(1) An Authority that sells property, or causes it to be
transferred, under section 278 must apply the
proceeds of the sale, or the amount for which the
land was transferred, as follows:

(a) First, in payment of all expenses incurred in
connection with the sale or transfer;
(b) Secondly, in payment of the outstanding
contributions, fees and other amounts,
including interest;
(c) Thirdly, in discharging any mortgages or
charges, registered or not—
(i) of which the Authority has notice; and
Docklands Authority Act 1991

Act No. 22/1991

(ii) over which the Authority's charge has priority—

according to the priority of those mortgages or charges.

(2) The Authority must, if the owner of the property can be traced, refund to the owner any surplus after the payments required by sub-section (1)(a) to (c) have been made.

(3) If the owner cannot be traced, the Authority may, subject to sub-section (5), retain and use any surplus after the payments required by sub-section (1)(a) to (c) have been made.

(4) A person who claims an estate or interest in the property may apply to the Authority for payment of the value of that estate or interest from any surplus retained by the Authority.

(5) If the Authority is satisfied that an applicant is entitled to any payment it must make that payment.

(6) In this section, "Authority" includes the Minister.

280. Sale or transfer cancels encumbrances

When an Authority sells property, or causes it to be transferred, under section 278—

(a) the sale or transfer is free from all estates and interests over which the Authority's charge has priority; and

(b) if the land is under the Transfer of Land Act 1958, the Registrar of Titles must, when
registering the transfer, cancel any mortgages or charges registered as encumbrances on the land.

### 281. Interest on unpaid money

S. 281(1) amended by No. 78/1991 s. 22(1).

(1) Any money due to an Authority under this Act, including an agreement which does not provide otherwise, bears interest at the rate set from time to time for the purposes of this section by the Authority from the date that the money becomes due to the date that it is paid.

S. 281(1A) inserted by No. 78/1991 s. 22(2).

(1A) The rate set by the Authority must not be more than the rate fixed from time to time for the purposes of sub-section (1) by the Governor in Council by Order.

S. 281(1B) inserted by No. 78/1991 s. 22(2).

(1B) The Governor in Council may fix a maximum rate—

(a) by expressing it as a percentage; or

(b) by tying it to a specific floating institutional rate charged for loans or paid for borrowings by a public or commercial institution.

S. 281(1C) inserted by No. 78/1991 s. 22(2).

(1C) If the Authority sets a new rate, the new rate takes effect on the date set by the Authority, and applies from that date to all money (other than interest) owing to the Authority on that date.

(2) No interest is payable—

S. 281(2)(a) substituted by No. 69/1993 s. 9(a).
Docklands Authority Act 1991
Act No. 22/1991

(a) in respect of a fee imposed under a tariff if the amount due is paid within the period after it becomes due fixed by the Authority by resolution; or

S. 281(2)(b) amended by No. 121/1994 s. 195(3).

(b) except in the case of an amount under Division 6, if the person liable to pay the amount has arranged with the Authority for payment by instalments of the amount due, and any instalments that have become due have been paid.

S. 281(2A) inserted by No. 69/1993 s. 9(b).

(2A) A resolution under sub-section (2)(a) has no effect until the day on which notice of the making of the resolution is published in a newspaper circulating generally in the area concerned.

(3) An Authority may exempt any person from paying the whole or part of any interest either generally or specifically.

(4) In this section, "Authority" includes the Minister.

Note:
Ss. 265, 268–270, 281: The Crown is bound by these sections (see s. 5(h)).
Ss. 274(1)–(1D)(2)(b), 281(2)(a)(2A): Section 10 of the Water (Amendment) Act 1993, No. 69/1993 reads as follows:

10. Transitional provision

The amendments made to the Principal Act by sections 8 and 9 apply only with respect to fees that become due on or after the commencement of those sections.

4 Sch. 1: Section 12 of the Docklands Authority (Amendment) Act 1993, No. 24/1993 reads as follows:
12. **Transitional provisions**

Until the publication in the Government Gazette of an Order approving a plan under section 4(3) of the Principal Act, the docklands area must be taken to be the area shown hatched on the plan in Schedule 1 of the Principal Act as in force immediately before the commencement of this Act.

At the date of publication of this Version Orders had been published in the following Government Gazettes: 16 December 1993 page 3351, Special Gazette (No. 96) 22 December 1993 page 1, Government Gazette 9 June 1994 page 1451.