

## Notes

<sup>1</sup> This is a compilation of the *Port Authorities Act 1999* and includes all amendments effected by the other Acts referred to in the following Table.

**Table of Acts**

<b>Short Title</b>	<b>Number and Year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Miscellaneous</b>
<i>Port Authorities Act 1999</i>	22 of 1999	29 June 1999	Act, other than Schedule 1 Item 2, 14 August 1999 (see section 2 and <i>Gazette</i> 13 August 1999 p.3823). Schedule 1 Item 2 to be proclaimed	

<sup>2</sup> Schedule 1, item 2 of the *Port Authorities Act 1999* (No. 22 of 1999) is to be proclaimed, it reads as follows —

“

<b>Item</b>	<b>Name of Port</b>	<b>Name of Port Authority</b>
2	Port of Broome	Broome Port Authority

”.

<sup>3</sup> Part 3 of the *Port Authorities (Consequential Provisions) Act 1999* (Act No. 5 of 1999) has transitional provisions that affect this Act. Part 3 reads as follows —

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## Part 3 — Transitional and saving provisions

### 12. Application of *Interpretation Act 1984*

- (1) The provisions of the *Interpretation Act 1984* about the repeal of written laws and the substitution of other written laws for those so repealed (for example, sections 16(1), 36 and 38) apply to the repeal of an existing Act relating to a port authority and the amendment of the *Ports (Functions) Act 1993* in relation to that existing Act and that port authority as if the PA Act —
  - (a) repealed that existing Act; and
  - (b) repealed the *Ports (Functions) Act 1993* insofar as it applied to that port authority,when the item relating to that port authority comes into operation.
- (2) The other provisions of this Part are additional to the provisions applied by subsection (1).

### 13. Existing port authorities continue

- (1) If, immediately before the commencement of an item, there was an existing port authority with the name set out in that item, the port authority named in that item is a continuation of, and the same legal entity as, the existing port authority and the rights and obligations of the existing port authority are not affected.
- (2) If in a written law or other document or instrument there is —
  - (a) a reference to an existing port authority constituted or established under an existing Act; or
  - (b) a reference that is to be read and construed as a reference to an existing port authority,that reference may, where the context so requires, be read as if it had been amended to be a reference to the port authority as established under the PA Act.

### 14. Membership

- (1) The persons who were members or commissioners of a continuing port authority (including the chairman) immediately before the commencement of the item relating to that port authority continue in office, under and subject to the PA Act, as the chairperson and directors of that port authority.
- (2) Subsection (1) does not apply to a person holding office under section 8(1)(d) of the *Dampier Port Authority Act 1985*.
- (3) A person to whom subsection (1) applies is to be regarded as having been appointed under section 7 of the PA Act.

### 15. Staff

- (1) A person who was the general manager of a continuing port authority immediately before the commencement of the item relating to that port authority continues in office, under and subject to the PA Act, as the chief executive officer of that port authority.
- (2) Other people who were in the employment of a continuing port authority immediately before the commencement of the item relating to that port authority continue, under and subject to the PA Act, as members of staff of that port authority.
- (3) Except as otherwise agreed by a chief executive officer or member of staff, the remuneration, existing or accrued rights, rights under a superannuation

scheme or continuity of service of a chief executive officer or member of staff of a continuing port authority are not affected, prejudiced or interrupted by —

- (a) the operation of subsection (1) or (2); or
  - (b) that port authority ceasing to be an SES organization under the *Public Sector Management Act 1994*.
- (4) A person mentioned in subsection (1) or (2) is to be regarded as an employee of an organization for the purposes of Part 6 of the *Public Sector Management Act 1994*.
- (5) Subsection (4) ceases to apply in relation to a continuing port authority at the expiration of 2 years after the item relating to that port authority commences.
- (6) A person mentioned in subsection (2) is to be regarded as having been engaged under section 16 of the PA Act.

## **16. Port descriptions**

- (1) Until an order is made under section 24(1) of the PA Act in relation to a port referred to in item 1, 3, 4, 5, 6, 7 or 8 the description of that port for the purposes of the PA Act is the description that had effect under the relevant existing Act immediately before the commencement of that item.
- (2) Until an order is made under section 24(1) of the PA Act in relation to the Port of Broome the description of that port for the purposes of the PA Act is as follows —

### *Port of Broome*

- (a) all that portion of water and seabed bounded by lines starting from the high water mark of Roebuck Bay at the southern extremity of Fall Point and extending south to an east-west line situate 3 nautical miles south from the southern extremity of Entrance Point; then west to a north-south line situate 3 nautical miles west from the southern extremity of Entrance Point; then north to a point situate west of the summit of Station Hill; then east to the high water mark of the Indian Ocean and then generally southwesterly and generally southeasterly along that mark and generally northeasterly, generally northwesterly, again generally northeasterly and generally easterly along the high water mark of Roebuck Bay to the starting point and including all of the waters of Dampier Creek; and
  - (b) all that portion of land comprised within Broome Lots 616, 698, 848 and 956 as shown bordered in red on Lands and Surveys Reserve Plan 108.
- Lands and Surveys Public Plans: Broome Regional 1:10 000 Sheet 1, Sheet 2, Sheet 3; Roebuck Plains 1:250 000; La Grange 1:250 000.
- (3) A description that has effect under subsection (1) or (2) may be amended under section 24(2) of the PA Act.

## **17. Strategic development plans**

The first strategic development plan for a port authority under Part 5, Division 1 of the PA Act is to be for a period starting when the first financial year starts.

## **18. Statement of corporate intent**

The first statement of corporate intent for a port authority under Part 5, Division 2 of the PA Act is to be for the first financial year.

**19. Borrowing limits**

The first monetary limits under section 86 of the PA Act are to be determined in relation to the first financial year.

**20. Regulations**

- (1) Regulations made by a continuing port authority that were in force immediately before the commencement of the item relating to that port authority continue in force after that commencement as if they were regulations made by the Governor under section 139 of the PA Act in relation to the port of that port authority.
- (2) Subsection (1) does not continue the operation of any regulation that could not be made under section 139 of the PA Act.

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