

ALBANY HARBOUR BOARD.

No. 4 of 1967.

AN ACT to amend the Albany Harbour Board Act, 1926-1965.

[Assented to 5th October, 1967.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Albany Harbour Board Act Amendment Act, 1967*.

Short title and citation.

(2) In this Act the Albany Harbour Board Act, 1926-1965, is referred to as the principal Act.

Act No. 52 of 1926 as amended by Acts Nos. 73 of 1954, 52 of 1955, 50 of 1959, 9 of 1963, 10 of 1965 and 113 of 1965.

(3) The principal Act as amended by this Act may be cited as the Albany Port Authority Act, 1926-1967.

Commence-
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

Long title
repealed and
re-enacted.

3. The long title of the principal Act is repealed and re-enacted as follows—

AN ACT to constitute the ALBANY PORT AUTHORITY; to regulate the appointment of the members of the ALBANY PORT AUTHORITY; to define its powers and authorities; and for other purposes incidental thereto. .

S. 1A
added.

4. The principal Act is amended by adding after section one, a section as follows—

Change of
name of
Board to
Albany Port
Authority.

1A. (1) The name of the body corporate constituted under section three of this Act is changed to the Albany Port Authority.

(2) Notwithstanding the change of name effected by subsection (1) of this section, the body corporate constituted under this Act by the name of the Albany Harbour Board is preserved and continued in existence as a body corporate under and subject to the provisions of this Act, under the name of Albany Port Authority, but so that the corporate identity of the body corporate and its rights, powers, functions, duties and liabilities, subject to those provisions shall not be affected.

(3) A reference—

(a) in a law of the State; and

(b) in any document,

in force immediately before the date of the coming into operation of the Albany Harbour Board Act Amendment Act, 1967, to the Albany Harbour Board shall be read as a reference to the Albany Port Authority. .

S. 2
amended.

5. Section two of the principal Act is amended—

(a) by repealing the interpretation, "Board";

- (b) by repealing the interpretation, "Chief Harbour Master" and re-enacting it as follows—

"Chief Harbour Master" means the person for the time being holding the office of Manager of the Harbour and Light Department of the State; ;

- (c) by repealing and re-enacting the interpretation, "Members" as follows—

"Members" means the members of the Port Authority; ;

- (d) by repealing the interpretation, "Minister"; Vide Act No. 30 of 1918, s. 4.

- (e) by adding after the interpretation, "Ship" an interpretation as follows—

"the Port Authority" means the Albany Port Authority constituted under this Act; ; and

- (f) by substituting for the word, "harbour" where twice occurring in line one of the interpretation, "The harbour", the word, "port".

6. The heading "Constitution of the Board", following section two of the principal Act is repealed and re-enacted as follows— Heading amended.

"Constitution of the Port Authority."

7. Section three of the principal Act is amended by substituting for the words, "Albany Harbour Board" in line three, the words, "Albany Port Authority". S. 3 amended.

8. Section five of the principal Act is amended by substituting for the word, "Board" in line two, the words, "Port Authority". S. 5 amended.

9. Section nine of the principal Act is amended by substituting for the word, "Board" in line two of paragraph (c) and of paragraph (d), the words, "Port Authority". S. 9 amended.

S. 10
amended.

10. Section ten of the principal Act is amended by substituting for the word, "Board" in line two, the words, "Port Authority".

S. 13
amended.

11. Section thirteen of the principal Act is amended by substituting for the word, "Board" in line three, the words, "Port Authority".

S. 14
amended.

12. Section fourteen of the principal Act is amended by substituting for the word, "Board" in line two the words, "Port Authority".

S. 16
amended.

13. Section sixteen of the principal Act is amended by substituting for the word, "Board" in line one, the words, "Port Authority".

S. 17
amended.

14. Section seventeen of the principal Act is amended—

(a) by substituting for the word, "Board" in line one, the words, "Port Authority"; and

(b) by substituting for the word, "their" in lines two and four, the word, "its".

S. 18
repealed and
re-enacted.

15. Section eighteen of the principal Act is repealed and re-enacted as follows—

Appointment
of officers
and servant
employees.
Vide s. 15
No. 30 of
1918.

18. (1) The Governor, on the nomination of the Port Authority may appoint a managing secretary, berthing master (who shall be the person appointed as harbour master of the port) and wharf manager and on the recommendation of the Port Authority may dismiss the managing secretary, berthing master or wharf manager.

(2) The Port Authority may appoint such other officers and servants as may be necessary for the administration of this Act and may dismiss any of those officers or servants.

(3) All persons appointed pursuant to subsection (1) or (2) of this section are subject to the control of the Port Authority. .

16. Section nineteen of the principal Act is amended by substituting for the word, "Board" in line three the words, "Port Authority". S. 19
amended.

17. Section twenty of the principal Act is amended— S. 20
amended.

- (a) by substituting for the word, "Board" in lines one, nine, eleven and sixteen, the words, "Port Authority"; and
- (b) by substituting for the word, "harbour" in lines four, five, eight and fourteen the word, "port".

18. Section twenty-one of the principal Act is amended— S. 21
amended.

- (a) by substituting for the word, "Board" in lines one, six and eight the words, "Port Authority"; and
- (b) by substituting for the word, "their" in line eight, the word, "its".

19. The heading following section twenty-one of the principal Act is repealed and re-enacted as follows— Heading
repealed and
re-enacted.

"Powers and Duties of the Port Authority."

20. Section twenty-two of the principal Act is amended— S. 22
amended.

- (a) by substituting for the word, "Board" in line one, the words, "Port Authority";
- (b) by substituting for the word, "harbour" in line two, the word, "port"; and
- (c) by substituting for the word, "them" in line three, the word, "it".

21. Section twenty-three of the principal Act is amended— S. 23
amended.

- (a) by adding after the section number, "23." the subsection designation, "(1)";

- (b) by substituting for the word, "harbour" in lines one and two, the word, "port";
- (c) by adding after the figures, "1902" in line four, the passage, ", and may be undertaken by the Minister for Works"; and
- (d) by adding subsections as follow—

(2) Without affecting the operation of subsection (1) of this section, the Port Authority may with the prior approval of the Governor, undertake the construction, completion and extension within the port of any port works, the total cost of which does not exceed ten thousand dollars; and for the purpose the Port Authority is a local authority within the meaning of that expression as defined in the Public Works Act, 1902.

(3) In this section the expression "port works" includes pier, quay, wharf, jetty, dock, landing stage, slip, bridge, viaduct, embankment or drain or the reclamation of land from the sea or a river, or excavation, deepening, dredging or widening of any channel, basin or other part of the port. .

S. 24
amended.

22. Section twenty-four of the principal Act is amended—

- (a) by substituting for the word, "Board" in line one, the words, "Port Authority"; and
- (b) by substituting for the word, "them" in line five the word, "it".

S. 25
amended.

23. Section twenty-five of the principal Act is amended—

- (a) by substituting for the word, "Board" in line two the words, "Port Authority"; and
- (b) by substituting for the word, "them" in line two, the word, "it".

24. Section twenty-six of the principal Act is amended— S. 26 amended.

- (a) by substituting for the word, "Board" in lines one, eleven, thirteen and fourteen the words, "Port Authority";
- (b) by substituting for the word, "their" in line one, the word, "its";
- (c) by substituting for the word, "they" in lines three and nine, the word, "it"; and
- (d) by substituting for the word, "them" in line seven, the word, "it".

25. The principal Act is amended by adding after section twenty-six a section as follows— S. 26A added.

26A. Subject to this Act, when and as often as land is required for the purposes of this Act, the land may be taken or resumed by the Port Authority under and subject to the provisions of the Public Works Act, 1902. . Power of Port Authority to acquire land compulsorily.

26. Section twenty-seven of the principal Act is amended by substituting for the word, "Board" in lines four and eleven, the words, "Port Authority". S. 27 amended.

27. Section twenty-eight of the principal Act is amended by substituting for the word, "Board" in lines one, three and four, the words, "Port Authority". S. 28 amended.

28. Section twenty-nine of the principal Act is amended by substituting for the word, "harbour" in line three, the word, "port". S. 29 amended.

29. Section thirty of the principal Act is amended— S. 30 amended.

- (a) by substituting for the word, "Board" in line one, the words, "Port Authority"; and
- (b) by substituting for the word, "harbour" in line two the word, "port".

S. 32
amended.

30. Section thirty-two of the principal Act is amended—

- (a) by substituting for the word, “harbour” in line two, the word, “port”;
- (b) by substituting for the word, “Board” in lines seven, eleven, twelve, fourteen, eighteen, twenty-two, twenty-seven and thirty-eight, the words, “Port Authority”; and
- (c) by substituting for the word, “themselves” in lines seven and nine of subsection (3), the word, “itself”.

S. 33
amended.

31. Section thirty-three of the principal Act is amended by substituting for the word, “Board” in lines three, ten and eleven, the words, “Port Authority”.

S. 34
amended.

32. Section thirty-four of the principal Act is amended by substituting for the word, “Board” in line three, the words, “Port Authority”.

S. 35
amended.

33. Section thirty-five of the principal Act is amended—

- (a) by substituting for the word, “Board” in lines two and six, the words, “Port Authority”; and
- (b) by substituting for the word, “harbour” in line three, the word, “port”.

Heading
re-enacted.

34. The heading following section thirty-five of the principal Act is repealed and re-enacted as follows—

“Actions against Port Authority and Officers.”

S. 36
amended.

35. Section thirty-six of the principal Act is amended by substituting for the word, “Board” in line one, the words, “Port Authority”.

Heading and
S. 38
amended.

36. The principal Act is amended by substituting the word, “Port” for the word, “Harbour” in the heading preceding section thirty-eight and in line one of that section.

37. Section thirty-nine of the principal Act is repealed. S. 39
repealed.

38. Section forty-one of the principal Act is amended— S. 41
amended.

- (a) by substituting for the word, “Board” in lines three, six and eight, the words, “Port Authority”; and
- (b) by substituting for the word, “their” in line six, the word, “its”.

39. Section forty-two of the principal Act is amended— S. 42
amended.

- (a) by substituting for the word, “Board” in line one the words, “Port Authority”; and
- (b) by substituting for the word, “their” in line two the word, “its”.

40. Section forty-three of the principal Act is amended by substituting for the word, “Board” in lines eight and thirteen, the words, “Port Authority”. S. 43
amended.

41. Section forty-seven of the principal Act is amended— S. 47
amended.

- (a) by substituting for the word, “Board” in line one, the words, “Port Authority”; and
- (b) by substituting for the word, “them” in line two, the word, “it”.

42. Section fifty of the principal Act is amended— S. 50
amended.

- (a) by substituting for the words, “twenty dollars” in lines three and five, the words, “two hundred dollars”; and Vide Act No.
113 of 1965,
S. 4 (1).
- (b) by adding after the word, “amount” in line six, the passage, “, and the penalty is in addition to the dues payable by him”.

S. 51
amended.

43. Section fifty-one of the principal Act is amended—

- (a) by substituting for the word, “Board” in lines one, five and thirteen the words, “Port Authority”;
- (b) by substituting for the word, “them” in line eight, the word, “it”; and
- (c) by substituting for the word, “harbour” where twice occurring in line ten, the word, “port”.

S. 52
amended.

44. Section fifty-two of the principal Act is amended by substituting for the word, “Board” in lines three and four, the words, “Port Authority”.

S. 53
amended.

45. Section fifty-three of the principal Act is amended by substituting for the word, “commissioners” in lines five and six, the words, “Port Authority”.

S. 54
amended.

46. Section fifty-four of the principal Act is amended—

- (a) by substituting for the word, “Board” in lines two, seven, ten, twenty-eight, thirty-one, thirty-five and thirty-seven, the words, “Port Authority”;
- (b) by substituting for the words, “Albany Harbour Board Account” in lines four of subsection (2) and two of subsection (3), the words, “Albany Port Authority Account”;
- (c) by substituting for the word, “their” in lines two and three of paragraph (d) of subsection (3), the word, “its”.

S. 54A
amended.

47. Section fifty-four A of the principal Act is amended—

- (a) by substituting for the word, “Board” in lines one, six, eight, thirteen and in the last line, the words, “Port Authority”;

- (b) by substituting for the word, "them" in lines two and nine, the word, "it"; and
- (c) by substituting for the words, "Albany Harbour Board Account" in line ten and lines twenty and twenty-one, the words, "Albany Port Authority Account".

48. Section fifty-four B of the principal Act is amended— S. 54B amended.

- (a) by substituting for the word, "Board" in lines two, nine, sixteen, twenty-one, thirty-six, forty-eight and fifty the words, "Port Authority";
- (b) by substituting for the word, "them" in line ten the word, "it"; and
- (c) by substituting for the words, "Albany Harbour Board" in line eleven of subsection (3), the words, "Albany Port Authority".

49. Section fifty-four C of the principal Act is amended by substituting for the word, "Board" in lines three and four, the words, "Port Authority". S. 54C amended.

50. Section fifty-four D of the principal Act is amended by substituting for the word, "Board" in lines four, six, eight, ten, fourteen and twenty-two, the words, "Port Authority". S. 54D amended.

51. Section fifty-four E of the principal Act is amended by substituting for the word, "Board" in line four the words, "Port Authority". S. 54E amended.

52. Section fifty-four F of the principal Act is amended by substituting for the word, "Board" in line two the words, "Port Authority". S. 54F amended.

53. Section fifty-four G of the principal Act is amended— S. 54G amended.

- (a) by substituting for the words, "Albany Harbour Board Account" in line two the words, "Albany Port Authority Account";

- (b) by substituting for the word, "Board" in lines seven and sixteen, the words, "Port Authority"; and
- (c) by substituting for the word, "them" in lines eight, nine, sixteen and seventeen, the word, "it".

S. 54H
amended.

54. Section fifty-four H of the principal Act is amended—

- (a) by substituting for the word, "Board" in line four the words, "Port Authority"; and
- (b) by substituting for the word, "their" in lines five and six, the word, "its".

S. 54I
amended.

55. Section fifty-four I of the principal Act is amended by substituting for the word, "Board" in lines three and seven, the words, "Port Authority".

S. 54J
amended.

56. Section fifty-four J of the principal Act is amended—

- (a) by substituting for the word, "Board" in lines one and three, the words, "Port Authority"; and
- (b) by substituting for the word, "their" where twice appearing in line four, the word, "its".

S. 55
amended.

57. Section fifty-five of the principal Act is amended—

- (a) by substituting for the word, "Board" in lines two and four, the words, "Port Authority"; and
- (b) by substituting for the word, "Secretary" in line four, the words, "managing secretary".

S. 56
amended.

58. Section fifty-six of the principal Act is amended—

- (a) by substituting for the word, "Board" in lines one and seven, the words, "Port Authority"; and

- (b) by substituting for the word, "them" in lines three and four the word, "it".

59. Section fifty-six A of the principal Act is amended— S. 56A amended.

- (a) by substituting for the word, "Board" in lines one, three and six the words, "Port Authority"; and

- (b) by substituting for the word, "their" in lines one and two, the word, "its".

60. Section fifty-seven of the principal Act is amended by substituting for the words, "ten dollars" in the last line the words, "twenty dollars". S. 57 amended. Vide Act No. 113 of 1965, S. 4 (1).

61. Section fifty-eight of the principal Act is amended— S. 58 amended.

- (a) by substituting for the word, "Board" in line one, the words, "Port Authority"; and

- (b) by substituting for the word, "their" in line one, the word, "its".

62. Section fifty-nine of the principal Act is amended by substituting for the word, "Board" in line one the words, "Port Authority". S. 59 amended.

63. Section sixty of the principal Act is amended by substituting for the word, "Board" in line one, the words, "Port Authority". S. 60 amended.

64. Section sixty-one of the principal Act is amended— S. 61 amended.

- (a) by substituting for the word, "Board" in line one, in line two of paragraph (2), in line four of paragraph (11), in line three of paragraph (12), in line two of paragraph (14), in lines two and seven of paragraph (19), in lines one and four of paragraph (23), in lines five and eight of paragraph (24), in line one of paragraph (25) and in the last line of paragraph (26a) and (27) the words, "Port Authority";

- (b) by substituting for the word, "their" in line one of paragraph (1), line one of paragraph (3) and in line one of paragraph (25) the word, "its"; and
- (c) by substituting for the word, "harbour" in line four of paragraph (8), in line four of paragraph (14), in line two of paragraph (26) and in line two of paragraph (27), the word, "port".

S. 62
amended.

65. Section sixty-two of the principal Act is amended by substituting for the word, "Board" in line five the words, "Port Authority".

S. 63
repealed.
Vide S. 36
Act No. 30
of 1918.

66. Section sixty-three of the principal Act is repealed.

S. 64
repealed.
Vide S. 27
Act No. 30
of 1918.

67. Section sixty-four of the principal Act is repealed.

S. 66
amended.
Vide Act No.
113 of 1965,
S. 4 (1).

68. Section sixty-six of the principal Act is amended by substituting for the words, "one hundred dollars" in the last line the words, "two hundred dollars".

S. 67
amended.

69. Section sixty-seven of the principal Act is amended—

- (a) by substituting for the word, "harbour" in lines eight, fifteen and twenty-one, the word, "port"; and

Vide Act No.
113 of 1965,
S. 4 (1).

- (b) by substituting for the words, "forty dollars" in line twenty-three, the words, "one hundred dollars".

S. 69
amended.

70. Section sixty-nine of the principal Act is amended—

- (a) by substituting for the word, "harbour" in line three, the word, "port"; and

Vide Act No.
113 of 1965,
S. 4 (1).

- (b) by substituting for the words, "two hundred dollars" in line five, the words, "three hundred dollars".

S. 70
amended.
Vide Act No.
113 of 1965,
S. 4 (1).

71. Section seventy of the principal Act is amended by substituting for the words, "forty dollars" in line six the words, "one hundred dollars".

72. Section seventy-one of the principal Act is amended— S. 71 amended.

- (a) by substituting for the word, "Board" in the last line of paragraph (c), the words, "Port Authority"; and
- (b) by substituting for the words, "forty dollars" in the last line, the words, "one hundred dollars". Vide Act No. 113 of 1965, S. 4 (1).

73. Section seventy-two of the principal Act is amended— S. 72 amended.

- (a) by substituting for the word, "Board" in line two the words, "Port Authority"; and
- (b) by substituting for the words, "two hundred dollars" in line six, the words, "three hundred dollars". Vide Act No. 113 of 1965, S. 4 (1).

74. Section seventy-four of the principal Act is amended by substituting for the word, "harbour" in line two, the word, "port". S. 74 amended.

75. Section seventy-five of the principal Act is amended by substituting for the word, "Board" in line three, the words, "Port Authority". S. 75 amended.

76. Section seventy-six of the principal Act is amended— S. 76 amended.

- (a) by inserting before the word, "secretary" in line four, the word, "managing"; and
- (b) by substituting for the word, "Board" in the last line the words, "Port Authority".

77. Section seventy-eight of the principal Act is amended— S. 78 amended.

- (a) by substituting for the word, "Board" in line one the words, "Port Authority"; and
- (b) by adding after the figures, "1901" in line three, the passage, ", as amended from time to time, of the Parliament of the Commonwealth".

Second
Schedule
amended.

78. The Second Schedule to the principal Act is amended—

- (a) by substituting the words, "Port Authority" for the word, "Board"—
- (i) in line three and in line four of clause 1 and clause 2;
 - (ii) in line one of clauses 3 and 4 and in lines one, four and thirteen of clause 5;
 - (iii) in lines two, three and five of clause 6;
 - (iv) in line two of clause 7;
 - (v) in line three of Part II;
 - (vi) in line three of clause 2 of Part II;
 - (vii) in lines one and sixteen of clause 6 of Part II;
 - (viii) in lines three, eleven and eighteen of clause 7 of Part II;
 - (ix) in line two of clause 8 of Part II;
 - (x) in lines four and twelve and the last line of clause 9 of Part II;
 - (xi) in lines one and four of clause 1 of Part III;
 - (xii) in line one of clause 2 of Part III and in lines one and two of clause 3 of that Part;
 - (xiii) in line nine of clause 7 of Part III; and
 - (xiv) in lines six, nine and ten and eighteen of clause 8 of Part III;
- (b) by substituting for the word, "them" in the last line of clause 7 of Part II, the word, "it";
- (c) by inserting before the word, "secretary" in lines three, six and fourteen of clause 9 of Part II, the word, "managing";
- (d) by substituting for the words, "Harbour Board" in line three of Part III, the words, "Port Authority"; and
- (e) by substituting for the word, "their" in line one of clause 1 of Part III, the word, "its".