

INDUSTRIAL DEVELOPMENT
(KWINANA AREA).

1° Elizabeth II., No. II.

No. 2 of 1952.

AN ACT to Authorise, subject to Special Conditions,
the Acquisition of and Dealing with Certain
Land for Industry and for other Purposes;
and for incidental matters.

[Assented to 27th March, 1952.]

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:—

Short title.

1. This Act may be cited as the *Industrial
Development (Kwinana Area) Act, 1952.*

This Act
to be read
subject to the
*Health Act,
1911-1950.*
Cf. No. 49
of 1945, s. 2.

2. This Act shall be read and construed and
have effect subject to the provisions of the *Health
Act, 1911-1950*, and of such regulations and by-laws
as for the time being are in force thereunder, the
intention being that where any of those provisions
operate or may operate so as to prohibit or restrict
or enable to be prohibited or restricted the use or
dealing with any land set apart, taken or resumed

under the authority of this Act, those provisions shall, notwithstanding this Act, remain in full force and effect in relation to that land.

3. Subject to section two of this Act, this Act shall apply and have effect in relation to the whole of the land within the area delineated and coloured green on the plan in the Schedule to this Act.

except land of the Commonwealth and land required to enable the State to carry out its obligations under the Agreement mentioned in the *Oil Refinery Industry (Anglo-Iranian Oil Company Limited) Act, 1952*, and shall so apply and have effect notwithstanding the provisions of any other Act and notwithstanding anything done, suffered or decided under any other Act.

4. In this Act, unless inconsistent with the Interpretation.
context—

"industry" includes any trade, profession or business.

5. (1) At any time and from time to time within a period expiring on the thirty-first day of December, one thousand nine hundred and fifty-three, the Governor, on the recommendation of the Minister, may set apart, take or resume any part or parts of the land in relation to which this Act applies, as in the opinion of the Minister is or may be, either immediately or in the future, required for an industry or a public work, or for any purpose of town planning mentioned in the First Schedule to the *Town Planning and Development Act, 1928-1947*.

(2) (a) The provisions of the *Public Works Act, 1902-1950*, as modified by paragraph (b) of this subsection, shall apply in respect of any such setting apart, taking or resumption of land in all respects as if the land were required for the purpose of a public work within the meaning of that Act.

(b) For the purpose of determining the amount of compensation, if any, to be awarded for land taken or resumed under this section, the value of the land with any improvements thereon, or the estate or

interest of the claimant therein, shall, for the purposes of paragraph (a) of section sixty-three of the *Public Works Act, 1902-1950*, be regarded as the value as on the first day of January, one thousand nine hundred and fifty-two, notwithstanding that the notice in the *Gazette* of the taking of the land is gazetted at any time during the period expiring on the thirty-first day of December, one thousand nine hundred and fifty-three.

Dealing with
land taken.

6. (a) Subject to the provisions of the succeeding paragraphs of this section, any land set apart, taken or resumed under this Act may thereafter be reserved, used, developed, leased, sold, disposed of by the Minister, or by him be permitted to be used or occupied upon such terms and conditions, including the reservation of restrictive covenants, and for such rental, price or other consideration as the Minister, having regard to the industrial development of the area referred to in section three of this Act and of the State, thinks fit.

(b) Before the Minister exercises any power conferred upon him by paragraph (a) of this section he shall refer his proposal to exercise the power to the Advisory Committee referred to in paragraph (e) of this section.

(c) Unless the Committee approves the proposed exercise of the power the Minister shall not exercise it.

(d) If the Committee recommends to the Minister an alternative proposal for the exercise of his power, the Minister may, but without being obliged to do so, adopt the recommendation and exercise the power accordingly.

(e) The Advisory Committee shall consist of four members *ex officio*, namely, the persons for the time being and from time to time holding respectively the offices of—

(i) Surveyor General;

(ii) Director of Industrial Development;

- (iii) A member of the Town Planning Board as constituted under the Town Planning and Development Act, 1929, such member to be appointed by the Minister; and
- (iv) A representative of the Chamber of Manufactures.
- (f) The four members shall elect one of their number to be the Chairman of the Committee.

(g) Any three members shall form a quorum.

(h) The Committee shall meet at such times and at such place or places and shall transact its business in such manner as it shall determine unless and until regulations are prescribed relating to those matters and when regulations are prescribed in accordance with the regulations.

7. The Minister shall, if required, issue a certificate in writing signed by him of any decision made, or any consent given, by him under this Act, and judicial notice shall be taken of the certificate by courts and persons exercising judicial functions and by persons authorised to record transactions relating to land.

Evidentiary provision.

8. (1) Without limiting the generality of the powers conferred upon the Minister by section six of this Act, he may grant an estate in land to any person subject to the condition that the person shall not mortgage the whole or any part of the estate in the land without the Minister's consent.

Prior consent necessary to leasing or mortgaging land.
Cf. No. 37 of 1933, s. 33 ss. (4) and (5).

(2) The consent of the Minister may be given subject to such conditions and limitations as the Minister, having regard to the industrial development mentioned in section six of this Act thinks fit.

(3) Where a mortgagee of land so mortgaged with the consent of the Minister completes the exercise of the power of sale or foreclosure pursuant to the mortgage, the land shall, by force of this enactment, be freed from any condition, limitation or other restriction created or imposed by the Minister in exercise of the powers conferred by section six of this Act or subsection (1) of this section.

Exemptions.
Cf. No. 49 of
1945, s. 13.

9. Where a person becomes the registered proprietor of an estate in fee simple, or the purchaser under contract of sale, or the lessee, or occupier, or user of land referred to in section six of this Act, he may, while he continues to be such, use and deal with the land for the purpose for which and subject to the terms and conditions on which he has obtained the land, notwithstanding anything contained in the *Town Planning and Development Act, 1928-1947*, or in any town planning scheme or in any by-law of a municipal council or road board made in connection with any of the matters prescribed in the Second Schedule to that Act.

Restrictions
against
dealings
in land
disposed of
under this
Act.
Cf. No. 49 of
1945, s. 14.

10. (1) A person who becomes the registered proprietor of an estate in fee simple, or the purchaser under a contract of sale, or the lessee, or occupier, or user of land referred to in section six of this Act, shall not—

(a) sell, exchange, transfer, assign, or encumber with any mortgage or other security, or sublet or otherwise part with possession of the land, or his lease thereof, or his license to use it, to any other person; or

(b) use the land for any purpose other than that for which he obtained it,

without the consent in writing of the Minister.

(2) If a person enters into or carries out any transaction in contravention of this section, the transaction shall be null and void.

(3) A person who contravenes this section commits an offence.

Penalty—One hundred pounds and, in addition, a daily penalty of five pounds for every day or part of a day during which the offence is continued after notice thereof has been given by the Minister in writing to him.

THE PLAN REFERRED TO IN SECTION 3

OWEN ANCHORAGE

JERVOISE BAY

KWINANA
(T.S. Under R.D. Act.)

COMMON

COCK

WELLARD TOWNSITE

LAKE COOLBELLUP

LAKE COOLONGUP


WHITE LAKE

Scale, 40 Chains to One Inch.

NOTE:
All roads within portions reserved by the Commonwealth have been closed & this plan is not to be used within such portions.

3813 / 3 / 52 - 0

Crown Constrictor Reserved. Western Australia.



W.V.FYFE.
GUYTON, GUYTON