

Industrial Lands Development Authority Act 1966-1980.

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SCHEDULE.

Approved for Reprint 12 March 1981

WESTERN AUSTRALIA.

INDUSTRIAL LANDS DEVELOPMENT AUTHORITY

No. 60 of 1966.¹

[As amended by Acts:

No. 32 of 1968, assented to 4th November, 1968;
No. 17 of 1970,² assented to 29th April, 1970;
No. 54 of 1971, assented to 15th December, 1971;
No. 70 of 1972,³ assented to 16th November, 1972;
No. 127 of 1976, assented to 2nd December, 1976;
No. 68 of 1978, assented to 26th September, 1978;
No. 55 of 1980, assented to 24th November, 1980;

and reprinted pursuant to the Amendments Incorporation Act 1938.]

AN ACT to make further and better provision for Railway Marshalling Yards and Services at or near Kewdale, to make provision for the Development, under existing law, of Lands in the Kewdale and Cloverdale and other Areas for Industry, to establish the Industrial Lands Development Authority, and for incidental and other purposes.

Long title.
Amended by No.
17 of 1970, s. 3.

[Assented to 12th December, 1966.]

BE it enacted—

1. This Act may be cited as the *Industrial Lands Development Authority Act 1966-1980*.

Short title.
Amended by No.
55 of 1980, s. 1.

2. This Act shall come into operation on a date to be fixed by proclamation.¹

Commence-
ment.

3. This Act shall be construed in conjunction with the Metropolitan Region Town Planning Scheme Act 1959, and the Town Planning and Development Act 1928.

Construction.

¹ Came into operation 30th December, 1966. See *Gazette* 30/12/66, p. 3430.

² Came into operation 17th July, 1970. See *Gazette* 17/7/70, pp. 2117-8.

³ Came into operation 8th December, 1972. See *Gazette* 8/12/72, p. 4613.

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Interpretation.
Amended by No.
17 of 1970, s. 4;
No. 55 of 1980, s.
2.

4. In this Act, unless the contrary intention appears,—

“amending Act” means the Kewdale Lands Development Act Amendment Act 1970;

“Authority” means the Metropolitan Region Planning Authority constituted by the Metropolitan Region Town Planning Scheme Act 1959;

“Development Authority” means the Industrial Lands Development Authority established by section five;

“Improvement Plan No. 1” means the plan prepared by the Authority for the development (among other lands) of the land, described in Part III of the Schedule;

“Minister” means the Minister for Industrial Development;

“paragraph” means a paragraph of the section or subsection in which the term appears;

“Schedule” means the Schedule to this Act;

“section” means a section of this Act;

“subsection” means a subsection of the section in which the term appears;

“the Fund” means the Industrial Lands Development Fund established under section six B;

“the Scheme” means the Metropolitan Region Scheme made by the Authority.

Development
Authority.
Amended by No.
17 of 1970, s. 5.

5. (1) A body known as the “Industrial Lands Development Authority” is established.

(2) The Development Authority—

(a) is a body corporate, with perpetual succession, and shall have a common seal;

(b) is capable, in its corporate name, of acquiring, holding, and disposing of, real and personal property in the State and of suing and being sued in that name;

- (c) is a corporate agency of the Crown in right of the State;
- (d) is capable of doing and suffering all such acts and things as bodies corporate may lawfully do and suffer;
- (e) is empowered, with the approval of the Minister, to borrow money, on such terms and conditions (including a term that the Treasurer guarantee the repayment of, and the payment of interest on, the money borrowed) as the Treasurer approves, for the purposes of giving effect to this Act; and
- (f) has, subject to the Minister, the general administration of this Act.

(3) All courts, judges and persons acting judicially shall take notice of the seal of the Development Authority affixed to a document and shall presume that it was duly affixed.

6. (1) The Development Authority shall consist of six persons of whom one shall be—

- (a) the Town Planning Commissioner appointed under the Town Planning and Development Act 1928;
- (b) the Under Secretary for Lands in the Department of Lands and Surveys;
- (c) the person holding the office of Co-ordinator of the Department known as the Department of Industrial Development or such other person employed in that Department as the Minister from time to time nominates;
- (d) a person who is the secretary to, and executive officer of, the Development Authority;
- (e) a person employed in the Treasury Department of the State appointed by the Treasurer for such period not exceeding three years as the Treasurer determines at the time the person is so appointed; and

Constitution of
Development
Authority.

Amended by No.
17 of 1970, s. 6;
No. 54 of 1971, s.
2; No. 70 of
1972, s. 3;
No. 127 of 1976,
s. 2; No. 55 of
1980, s. 3.

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- (f) a person appointed by the Minister from a panel of three names submitted by the body known as The Confederation of Western Australian Industry (Incorporated).

(1a) If at any time the body referred to in paragraph (f) of subsection (1) does not submit a panel of three names under that paragraph within thirty days after being requested in writing by the Minister to do so, the Minister may, notwithstanding that no such panel has been submitted, appoint a suitable person to represent the interests of that body.

(1b) A person appointed by the Minister under subsection (1a) shall for all purposes be deemed to have had his name submitted under paragraph (f) of subsection (1) and to have been appointed under that paragraph and to be the member of the Development Authority representing the body referred to in that paragraph.

(2) The Governor may appoint one of the six persons mentioned in subsection (1) to be Chairman of the Development Authority.

(3) [*Repealed by No. 55 of 1980, s. 3(d).*]

(4) The Development Authority shall hold its meetings at such times and places as it determines but the Minister or the Chairman may, at any time, convene a meeting of the Development Authority.

(5) At any meeting of the Development Authority—

- (a) the Chairman thereof, if present, shall preside thereat and if the Chairman is not present the members of the Development Authority who are present shall select one of their number to be the Chairman for the purposes of that meeting;
- (b) three members of the Development Authority constitute a quorum;
- (c) each member of the Development Authority may cast a deliberative vote on any question;

- (d) any question shall be decided by a majority of the votes of the members present at that meeting, but a question shall not be decided unless at least three members vote thereon;
- (e) in the event of an equality of votes at that meeting, the question concerned shall remain unresolved until a subsequent meeting of the Development Authority and, in the event of an equality of votes at that subsequent meeting, that question shall be deemed to be resolved in the negative.

(6) Subject to paragraph (b) of subsection (5), the performance or exercise of the functions, powers, rights, authorities, duties or obligations of the Development Authority shall not be affected by reason only of there being a vacancy in the office of a member of the Development Authority.

(7) When a member of the Development Authority is not able or available to attend a meeting of the Development Authority that member may appoint in writing a fit and proper person as deputy to attend that meeting and act in the place of the member; and the person while so acting may perform or exercise any function, power, right, authority, duty or obligation which the member for whom he is the deputy, if he attended the meeting, could perform or exercise.

6A. (1) Notwithstanding the change of name of the Development Authority and the increase of the number of its members effected by the amending Act, the body corporate initially constituted under this Act is preserved and continues in existence as a body corporate under and subject to the provisions of this Act, under the name Industrial Lands Development Authority but so that the corporate identity of the body corporate shall not be affected.

(2) A reference in a law of the State and in any instrument in force immediately before the coming into operation of the amending Act, to the Kewdale

Preservation and continued existence of body corporate.
Inserted by No. 17 of 1970, s. 7.

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Development Authority shall be read and taken to refer to the Industrial Lands Development Authority.

Establishment and control of the Fund.
 Inserted by No. 17 of 1970, s. 8
 Amended by No. 55 of 1980, s. 4.

6B. (1) A Fund is hereby established which shall be known as the Industrial Lands Development Fund.

(2) The Fund shall be kept in the Treasury.

(3) The Fund shall consist of—

- (a) the proceeds of sales of land or any interest in land by the Development Authority;
- (b) the proceeds of rents derived from land leased by the Development Authority;
- (c) income derived from the investment of the Fund;
- (d) any moneys that may be appropriated by law for the purposes of this Act;
- (e) any moneys received by the Development Authority from any function carried out by it under the authority conferred on it by this Act including any moneys borrowed under such authority;
- (f) any moneys paid, with the prior approval of the Governor, into the Fund by the Treasurer which in his opinion are necessary for the effectual exercise by the Development Authority of its functions under this Act.

(4) Subject to this Act, the Fund shall be vested in and placed under the control of the Development Authority and may be operated upon in such manner as the Treasurer approves.

Investment of moneys in the Fund.
 Inserted by No. 17 of 1970, s. 9

6C. Moneys standing to the credit of the Fund may, until required by the Development Authority for the purposes of this Act, be temporarily invested by it as the Treasurer may direct—

- (a) in any securities in which moneys in the Public Account as defined in the Audit Act 1904 may lawfully be invested;

(b) on deposit in any bank,
and all interest derived from those securities or
from the deposit shall be paid into the Fund.

6D. (1) Moneys standing to the credit of the Fund shall be available for the Development Authority and may be applied by the Development Authority—

Use of the Fund
and of proceeds
of sales.
Inserted by No.
17 of 1970, s. 10.
Amended by No.
55 of 1980, s. 5.

- (a) to the payment of capital expenditure, costs and other expenses incurred by it in, and in connection with the acquisition of any property, whether the property is land or an estate or interest in land acquired under the authority of this Act;
- (b) to the payment of expenditure incurred by the Development Authority in and in connection with, and as incidental to the maintenance, protection and management of any such property and the exercise of any function exercisable by it under this Act.

(2) The costs and expenses of the administration of this Act shall be a charge on the proceeds of the sales conducted by the Development Authority.

6E. (1) All books and accounts relating to the Fund shall be kept in such manner as the Treasurer approves and shall be subject to audit by the Auditor General under the Audit Act 1904.

Audit of
accounts.
Inserted by No.
17 of 1970, s. 11.

(2) A copy of each audit report shall be made available to the Development Authority through the Minister.

[Former section 7 repealed by No. 70 of 1972, s. 4.]

7. The function of the Development Authority is to acquire the land referred to in Parts II, III, IV, V and VI of the Schedule in the manner provided by this Act and, in its discretion—

Function of
Development
Authority.
Inserted by No.
55 of 1980, s. 6.

- (a) to sell or lease or develop;

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(b) to develop and sell; or

(c) to develop and lease,

land for industrial purposes or, with the approval of the Governor, for purposes other than industrial purposes.

Powers of
Development
Authority.
Inserted by No.
55 of 1980, s. 6.

7A. (1) The Development Authority has power to do all things necessary or convenient to be done for or in connection with its function referred to in section seven.

(2) The Development Authority may—

(a) purchase or otherwise acquire by agreement with the owner of the land concerned any land situated outside the metropolitan region as defined in section two of the Town Planning and Development Act 1928; or

(b) in default of agreement referred to in paragraph (a), with the prior consent of the Governor compulsorily acquire land referred to in that paragraph under the Public Works Act 1902 as if that land were required for a public work within the meaning of that Act.

(3) The Development Authority may purchase or otherwise acquire by agreement with the owner of the land concerned any land situated inside the metropolitan region as defined in section two of the Town Planning and Development Act 1928 if—

(a) that land is zoned for industrial purposes under the Town Planning and Development Act 1928 or the Metropolitan Region Town Planning Scheme Act 1959; or

(b) the Minister approves of the purchase or other mode of acquisition of that land by the Development Authority.

(4) Nothing in subsection (3) affects the operation of section seven.

(5) The Development Authority may exercise in relation to any land acquired—

- (a) whether by agreement or compulsorily, under subsection (2); and
- (b) under subsection (3),

any power conferred on it by this section.

(6) For the purposes of this Act and subject to subsection (7), the Development Authority may—

- (a) subdivide, and grant easements and other interests in or rights over;
- (b) provide, construct, adapt, alter and maintain buildings or structures and works ancillary thereto in or on;
- (c) provide, construct, adapt, alter and maintain breakwaters, mooring facilities and any other facilities of any kind whatsoever, whether above, on or below the surface of the sea or land within the limits of the State, which facilities will not be or are not, as the case requires, in or on, but are necessary or desirable for the development of; and
- (d) provide, arrange for the provision of or cause to be provided energy resources, roads, sewerage, drainage, water or any other resource or service conducive to the development of,

land acquired by it.

(7) The Development Authority shall not exercise its powers under subsection (6) in relation to the provision, construction, adaptation or alteration of factory buildings and works ancillary thereto unless the Minister is satisfied that an opportunity has been given to the private sector of the community to provide, construct, adapt or alter suitable factory buildings and works ancillary thereto, but that—

- (a) no such buildings and works have been provided, constructed, adapted or altered; or

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- (b) the terms on which that sector—
- (i) has provided, constructed, adapted or altered; or
 - (ii) is willing to provide, construct, adapt or alter,
- those buildings and works are unsuitable.

(8) Notwithstanding anything in this Act, the Development Authority may, subject to subsection (7), exercise its powers under subsection (6) on behalf of any other person, including the Crown in right of the State, and when acting in that capacity may exercise those powers in respect of any land, whether acquired by the Development Authority or not.

Restrictions on dealing in land acquired, and subsequently sold or leased, by Development Authority.
 Inserted by No. 55 of 1960, s. 6.

7B. (1) A person who has purchased or leased any land to which this subsection applies shall not—

- (a) sell, exchange, transfer, assign or encumber with any mortgage or other security or sublet or otherwise part with the possession of that land or his lease thereof to any other person; or
- (b) use that land for any purpose other than for the purpose for which it was purchased or leased, or originally purchased or leased, as the case requires, from the Development Authority,

without the prior consent in writing of the Minister.

Penalty: \$2 000 and in addition, in the case of an offence involving the use of land for a purpose referred to in paragraph (b), a daily penalty of \$100 for each day or part thereof during which that offence is continued after notice thereof has been given in writing by the Minister to the offender.

(2) Subject to subsections (3), (4), (5) and (6), subsection (1) applies to any land—

- (a) referred to in Part IV, V or VI of the Schedule that has been acquired by the Development Authority; or

(b) that the Development Authority has acquired—

(i) under subsection (2) or (3) of section seven A; or

(ii) under subsection (1a) or (1aa) of section eight as that subsection existed at the relevant time before the coming into operation of the Industrial Lands Development Authority Amendment Act 1980,

as the case requires,

and that has subsequently been sold or leased to any person by the Development Authority in the performance of its function—

(c) under section seven; or

(d) under subsection (1) of section eight as that subsection existed at the relevant time before the coming into operation of the Industrial Lands Development Authority Amendment Act 1980.

(3) If a person has purchased or leased land from the Development Authority for purposes other than industrial purposes, subsection (1) does not apply to that land.

(4) If under subsection (1) the Minister gives his consent to the encumbrance with any mortgage of any land to which that subsection applies and if the mortgagee of the land so encumbered completes the exercise of the power of sale or foreclosure conferred by that mortgage, that land ceases on that completion to be land to which that subsection applies.

(5) If the Minister is of the opinion that any land to which subsection (1) applies has been so developed or used for the purpose for which it was purchased or leased, or originally purchased or leased, as the case requires, from the Development Authority as to warrant that land being exempt from subsection (1), the Minister may by writing under his hand directed to the purchaser or lessee for the time being of that land exempt that land from that subsection and thereupon that subsection ceases to apply to that land.

(6) Subsection (1) does not apply to any land in respect of which an exemption has been granted under subsection (5) of section eight as that subsection existed at the relevant time before the coming into operation of the Industrial Lands Development Authority Amendment Act 1980.

Certain transactions to be null and void. Inserted by No. 55 of 1980, s. 6.

7C. (1) If a person sells, exchanges, transfers, assigns or encumbers with any mortgage or other security or sublets or otherwise parts with the possession of any land to which subsection (1) of section seven B applies or his lease thereof to any other person in contravention of that subsection, that sale, exchange, transfer, assignment, encumbrance, subletting or other parting with the possession of that land or his lease thereof, and any instrument relating thereto, are null and void and, in the case of a person who is the lessee of that land, his lease thereof is liable to forfeiture.

(2) If a person has, at any time during the period commencing on 1 September 1980 and ending immediately before the date of coming into operation of the Industrial Lands Development Authority Amendment Act 1980, sold, exchanged, transferred, assigned or encumbered with any mortgage or other security or sublet or otherwise parted with the possession of any land or his lease thereof to any other person in contravention of subsection (4) of section eight as that subsection existed at that time, that sale, exchange, transfer, assignment, encumbrance, subletting or other parting with the possession of that land or his lease thereof, and any instrument relating thereto, are null and void and, in the case of a person who is the lessee of that land, his lease thereof is liable to forfeiture.

(3) The Minister may, within the period of three months commencing on the date of coming into operation of the Industrial Lands Development Authority Amendment Act 1980, from time to time serve on the Registrar of Titles notice in writing that, notwithstanding any registration under the Transfer of Land Act 1893 of an instrument relating

to the void transaction specified in that notice, that void transaction and any instrument relating thereto remain null and void, and thereupon—

(a) that void transaction and any instrument relating thereto shall be deemed to have remained null and void notwithstanding that registration; and

(b) that registration shall be deemed for all purposes not to have taken place.

(4) A sale, exchange, transfer, assignment, encumbrance, subletting or other parting with the possession of land to which a void transaction specified in a notice served under subsection (3) relates or a lease of that land (in this subsection called “the dependent transaction”) and any instrument relating to the dependent transaction, which are null and void by reason of their dependence on that void transaction, shall not cease by reason of any registration under the Transfer of Land Act 1893 of an instrument relating to the dependent transaction to be null and void and any such registration shall be deemed for all purposes not to have taken place.

(5) On the service of a notice under subsection (3), the Registrar of Titles shall endorse the Register Book accordingly in respect of the land concerned and from time to time make such alterations to his records and refunds of fees as may be necessary in consequence of the service of that notice.

(6) In this section—

“the Register Book” has the meaning given by the Transfer of Land Act 1893;

“void transaction” means a sale, exchange, transfer, assignment, encumbrance, subletting or other parting with the possession of land or a lease thereof which is null and void by virtue of subsection (2).

7D. (1) The Development Authority may deliver a memorial in the form approved by the Minister in respect of any land to which subsection (1) of section seven B applies to the Registrar of Titles,

Prohibition on dealings in land to which section 7B (1) applies. Inserted by No. 55 of 1980, s. 6.

who, without payment of a fee, shall register that memorial and endorse the Register Book in respect of that land accordingly.

(2) On the registration under subsection (1) of a memorial, the Registrar of Titles shall not, without the consent in writing of the Minister, accept for registration, or register, under the Transfer of Land Act 1893 any instrument affecting the land to which the memorial relates until the memorial is withdrawn under subsection (3).

(3) The Development Authority—

(a) shall, if the land to which a memorial delivered under subsection (1) relates ceases to be land to which subsection (1) of section seven B applies, forthwith; or

(b) may, at any time while the land to which a memorial delivered under subsection (1) relates continues to be land to which subsection (1) of section seven B applies,

by notice in writing delivered to the Registrar of Titles withdraw that memorial.

(4) On the withdrawal of a memorial under subsection (3), the Registrar of Titles shall cancel the registration of the memorial and endorse the Register Book accordingly in respect of the land to which the memorial relates.

(5) In this section—

“the Register Book” has the meaning given by the Transfer of Land Act 1893.

8. (1) If a person has engaged, is engaged or is proposing to engage in any conduct constituting a contravention of subsection (1) of section seven B, the Supreme Court may, on the application of the Minister, grant an injunction restraining the person from engaging in that conduct.

(2) When an application is made to the Supreme Court under subsection (1), the Supreme Court may, if in its opinion it is desirable to do so, before considering the application grant an interim

Minister may obtain injunction. Substituted by No. 55 of 1980, s. 6.

injunction restraining a person from engaging in conduct referred to in that subsection pending the determination of the application.

(3) The Supreme Court may rescind or vary an injunction granted under subsection (1) or (2).

(4) When an application is made to the Supreme Court for the grant of an injunction restraining a person from conduct referred to in subsection (1), the power of the Supreme Court to grant that injunction may be exercised—

(a) if the Supreme Court is satisfied that the person has engaged in that conduct, whether or not it appears to the Supreme Court that the person intends to engage again, or to continue to engage, in that conduct; or

(b) if it appears to the Supreme Court that, should an injunction not be granted, it is likely that the person will engage in that conduct, whether or not the person has previously engaged in that conduct and whether or not there is an imminent danger of frustration of the purposes of this Act or of substantial damage to any person if the firstmentioned person engages in that conduct.

(5) In granting an injunction under subsection (1) or (2), the Supreme Court may make such ancillary order relating to costs or otherwise as the Supreme Court thinks fit.

(6) Nothing in or done under this section affects any prosecution or other proceedings under this Act.

(7) An injunction granted under subsection (1) shall have effect for the period specified therein or until further order of the Supreme Court.

(8) The Supreme Court shall not require the Minister, as a condition of granting an interim injunction under subsection (2), to give any undertakings as to damages.

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(9) References in this section to engaging in conduct include references to doing, or refusing or failing to do, any act or thing.

Validation.
Inserted by No.
127 of 1976, s. 4.

8A. (1) Any acquisition of land made by the Development Authority before the coming into operation of the Industrial Lands Development Authority Act Amendment Act 1976, and any sale, lease or development of, or other thing done in relation to, any land so acquired, shall be deemed to be, and to have always been, as valid and effectual as it would have been if—

- (a) the amended provisions had been in force when that land was acquired, or that sale, lease, development or other thing was made, granted, undertaken or done, as the case may be; and
- (b) any consent or approval that would have been required, in relation thereto if the amended provisions had then been in force, had been given.

(2) In this section “the amended provisions” means the provisions of section eight of this Act as amended by section three of the Industrial Lands Development Authority Act Amendment Act 1976.

Land in Part I of
Schedule taken.

9. The whole or part of the land described in Part I of the Schedule shall, by virtue of the Railways (Standard Gauge) Construction Act 1961, be taken, for the purposes of that Act, in the manner provided by the Public Works Act 1902.

Land in Part II
of Schedule,
acquisition by
Authority.

10. The land described in Part II of the Schedule, being part of the land taken by virtue of the Midland Junction-Welshpool Railway Act 1957, and being land to which paragraph (a) of subsection (7) of section thirty-seven of the Metropolitan Region Town Planning Scheme Act 1959, applies, is deemed to have been declared, under that paragraph, as land to be held for the purposes of the Scheme and is by force of that subsection vested in the Authority for the purposes of the Scheme, that is to say, for inclusion in Improvement Plan No. 1.

11. (1) Subject to the succeeding provisions of this section, the land described in Part III of the Schedule, being part of the land included in Improvement Plan No. 1, shall be acquired by the Authority under the provisions of section thirty-seven A of the Metropolitan Region Town Planning Scheme Act 1959, and, for that purpose, the things required by that section to be done prior to the acquisition are deemed to have been done; and the land when so acquired shall be consolidated in a plan of subdivision with the land mentioned in section ten.

Land in Part III of Schedule, acquisition by Authority.
Amended by No. 32 of 1968, s. 2; No. 55 of 1980, s. 7.

(2) Without limiting the power conferred on it by subsection (1), the Authority is not obliged to acquire any part of the land mentioned in that subsection, if the land in that part—

- (a) is vested in the Crown; or in any agency of the Crown, in right of the State; or
- (b) has been so developed for industrial purposes, or been acquired in such manner or subject to such conditions for development for industrial purposes by some other person, as to render it, in the opinion of the Development Authority, unnecessary or undesirable that the land be acquired by the Authority.

(3) The Development Authority may, subject to such conditions as the Treasurer may approve, take a transfer of any part of the land mentioned in subsection (1) that is vested in the Crown, or in an agency of the Crown in right of the State, without the land being first acquired by the Authority.

12. The Authority shall sell the lands consolidated pursuant to section eleven to the Development Authority for the purpose mentioned in subsection (4) of section thirty-seven A of the Metropolitan Region Town Planning Scheme Act 1959, and, to that end, the approval of the Governor is deemed to have been given and notified, as required by that subsection.

Disposition of lands in Parts II and III of Schedule.

Industrial Lands Development Authority.

Acquisition by
Development
Authority of
lands in Parts
IV, V and VI of
Schedule.
Inserted by No.
17 of 1970, s. 13.

12A. (1) The land mentioned in—

- (a) Part IV of the Schedule may, notwithstanding the provisions of the Industrial Development (Kwinana Area) Act 1952, be acquired by and transferred to the Development Authority, upon such terms and conditions as it and the Minister to whom the administration of that Act is for the time being committed by the Governor, agree upon, and of which the Treasurer approves;
- (b) Part V of the Schedule may, notwithstanding the provisions of the Industrial Development (Resumption of Land) Act 1945, be acquired by and transferred to the Development Authority, upon such terms and conditions as it and the Minister as defined in that Act, agree upon, and of which the Treasurer approves;
- (c) Part VI of the Schedule may be acquired by and transferred to the Development Authority from the Authority under subsection (4) of section thirty-seven A of the Metropolitan Region Town Planning Scheme Act 1959.

Finance.

13. (1) The Treasurer is authorized to make such advances as may be necessary to give effect to the provisions of sections ten and eleven of this Act and those moneys shall be repayable by the Authority or the Development Authority, as the case may require, out of moneys resulting from the sale or other disposition of the lands in respect of which the advance was made.

(2) The Treasurer, on behalf of the State, is authorized to guarantee, on such terms and conditions as he thinks fit, the repayment of, and the payment of interest on, any money borrowed by the Development Authority under this Act.

(3) The Treasurer shall cause any money required for fulfilling any guarantee given by him pursuant to this section to be paid out of the Public Account

which account is hereby, to the necessary extent, appropriated accordingly; and the Treasurer shall cause any amounts received or recovered by him from the Development Authority or otherwise in respect of money so paid by him to be paid into the Public Account.

14. (1) This Act shall, subject to this section, continue in operation until 31 December 1990 and no longer.

Duration of Act.
Inserted by No.
55 of 1980, s. 8.

(2) On the expiry of this Act by virtue of subsection (1)—

- (a) all real and personal property and every right or interest therein that immediately before that expiry was vested in the Development Authority shall without any transfer or assignment pass to and become vested in the Minister;
 - (b) all rights, liabilities and obligations of the Development Authority that were in existence immediately before that expiry shall devolve on the Minister;
 - (c) all contracts, agreements and undertakings made by and with the Development Authority and having effect immediately before that expiry shall have effect as contracts, agreements and undertakings made by and with the Minister and may be enforced by or against the Minister accordingly;
- and
- (d) any legal or other proceedings or any remedies that might, but for this section, have been commenced or continued or available by or against or to the Development Authority may be commenced or continued, or shall be available, by or against or to the Minister, as the case requires,

for the purpose of the winding up of the affairs of the Development Authority and the Minister shall as soon as is practicable after that expiry wind up the affairs of the Development Authority.

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(3) For the purposes of this section a reference to the Development Authority in—

- (a) a law of the State in force; or
- (b) a document in existence,

immediately before the expiry of this Act by virtue of subsection (1) shall after that expiry be construed as a reference to the Minister.

(4) Nothing in this section affects or limits any guarantee—

- (a) given by the Treasurer under section thirteen in respect of any money borrowed by the Development Authority under this Act; and
- (b) in force immediately before the expiry of this Act by virtue of subsection (1),

and section thirteen shall continue to apply to that guarantee while that guarantee remains in force as if this section had not come into operation.

SCHEDULE.

PART I.

Extension to the Kewdale Marshalling Yards.

All that portion of land bounded by lines starting from a point on the north-eastern boundary of lot 16 of Swan Location 2753, as shown on Land Titles Office Diagram 21484 situate 6 chains 74 and four tenths links north-westerly from its eastern corner and extending south-south-easterly to the southern corner of lot 4 of location 2776, as shown on Land Titles Office Diagram 17430 and onwards to the south-western side of Sultana Road (Road Number 6009); thence south-south-westerly to a point on the south-eastern boundary of location 1349 situate about 5 chains south-westerly from its eastern corner; thence south-westerly along that boundary and onwards to the north-eastern side of the Gosnells-Beechboro Controlled Access Road; thence southerly to a point on the north-eastern side of Hardey Road situate about one chain south-easterly from the southern corner of location 4617; thence north-westerly along that side to a point situate in prolongation north-easterly of the north-western boundary of lot 13 of Canning Location 292, as shown on Land Titles Office Plan 3217; thence north-easterly along that prolongation to the eastern side of the Midland Junction-Welshpool Railway, as shown on Land Titles Office Plan

Sections 9, 10
and 11.

Amended by No.
32 of 1968, s. 3;
No. 17 of 1970, s.
14.

7494; thence generally northerly along that side to the north-eastern boundary of lot 16 of Swan Location 2753, as shown on Land Titles Office Diagram 21484 aforesaid and thence south-easterly along that boundary to the starting point.

PART II.

Land Excised from Kewdale Marshalling Yards for Development.

All that portion of land bounded by lines starting from the intersection of the north-eastern alignment of Acton Avenue with a north-western boundary of the Marshalling Yard and Road Diversions at Welshpool, as shown on Land Titles Office Plan 7258 and extending north-easterly and generally easterly along northern boundaries of that Marshalling Yard to a point on the south-eastern boundary of lot 17 of Swan Location 33, as shown on Land Titles Office Plan 5216 situate about 2 chains 50 links south-westerly from its eastern corner; thence south to a southern boundary of the Marshalling Yard aforesaid; thence generally westerly, generally south-westerly and generally south-easterly along boundaries of that Marshalling Yard to the northern corner of lot 75 of Canning Location 2, as shown on Land Titles Office Plan 2653; Thence south-westerly, north-westerly, generally westerly and north-easterly along boundaries of the Marshalling Yard and Road Diversions, as shown on Land Titles Office Plan 7258 aforesaid to the south-western alignment of Orrong Road; thence south-easterly and north-easterly along boundaries of Part of Canning Location 2, as shown on Land Titles Office Plan 8167 to the south-western alignment of Paterson Road and thence generally north-easterly along boundaries of the Marshalling Yard and Road Diversions, as shown on Land Titles Office Plan 7258 aforesaid to the starting point.

Less land required for Railway Service Sidings.

All that portion of land bounded by lines starting from a point on the north-western boundary of Lot 18 of Swan Location 33, as shown on Land Titles Office Plan 5216, situate about 2 chains 50 links south-westerly from its northern corner and extending north-easterly and south-easterly along boundaries of that lot and south-easterly along north-eastern boundaries of Lots 33 and 34, as shown on Land Titles Office Diagram 18027 to the western corner of Part of Lot 32 of Swan Location 33 aforesaid, as shown coloured in green on Land Titles Office Plan 7258; thence westerly in prolongation of the northern boundary of that part to a point situate south of the starting point and thence north to that starting point.

All that portion of land bounded by lines starting from a point on the north-western boundary of Lot 11 of Swan Location 33, as shown on Land Titles Office Plan 2799, situate 2 chains 74 and five-tenths links south-westerly from

its northern corner and extending north-easterly and south-easterly along boundaries of that lot to a point on its north-eastern boundary situate 3 chains 48 and three-tenths links south-easterly from its northern corner and thence westerly to the starting point.

All that portion of land bounded by lines starting from a point on the north-western boundary of Swan Location 4871 situate 3 chains 47 and two-tenths links south-westerly from its northern corner and extending north-easterly and south-easterly along boundaries of that location to a point on its north-eastern boundary situate 4 chains 40 and three-tenths links south-easterly from its northern corner and thence westerly to the starting point.

PART III.

Land Acquired for Development.

All that portion of land bounded by lines starting from the intersection of the north-eastern alignment of Acton Avenue with a north-western boundary of the Marshalling Yard and Road Diversions at Welshpool, as shown on Land Titles Office Plan 7258 and extending generally north-easterly along south-eastern boundaries of Parts of Swan Location 34, as shown on Land Titles Office Plan 8167 to the south-western side of Abernethy Road; thence north-westerly along that side to the north-western side of May Street; thence north-easterly to a point on the south-western side of Belgravia Street situate 5 chains north-westerly from its intersection with the north-western side of May Street aforesaid; thence south-easterly along that side about 35 links; thence about 64 degrees 54 minutes, about 5 chains 26 and two-tenths links; thence about 100 degrees 10 minutes, about 3 chains 49 and four-tenths links to the north-western side, of May Street, aforesaid; thence north-easterly along that side to the north-eastern side of Pearl Road, a point on a south-western boundary of lot 2 of location 30, 31, 32 and 33, as shown on Land Titles Office Plan 7512; thence generally south-easterly along boundaries of that lot and onwards to the south-eastern side of Uranium Street; thence north-easterly to the south-western side of Hardey Road; thence south-easterly along that side to the south-eastern side of Rason Road; thence north-easterly along the prolongation north-easterly of that side to the south-western side of the Gosnells-Beechboro Controlled Access Road, as shown on Land Titles Office Plan 7067; thence south-easterly along that side to a point situate in prolongation north-easterly of the north-western boundary of lot 13 of Canning Location 292, as shown on Land Titles Office Plan 3217; thence south-westerly to the northern corner of that lot; thence south-easterly along the south-western side of Hardey Road aforesaid to the northernmost north-eastern corner of the Marshalling Yard and Road Diversions at Welshpool, as shown on Land Titles Office Plan 7258 aforesaid and thence generally westerly along northern boundaries of that Marshalling Yard to the starting point.

All that portion of land bounded by lines starting from the western corner of Part of Lot 261 of Canning Location 2 as shown coloured in green on Land Titles Office Plan 7258 and extending north-westerly along the north-eastern boundary of Part of Lot 262 to the south-eastern boundary of Part of Canning Location 2 as shown coloured in green on Land Titles Office Plan 8167; thence north-easterly along that boundary and onwards to the northernmost north-western corner of Part of Lot 61 of Swan Location 34 as shown coloured in green in Land Titles Office Plan 7258 aforesaid and thence south-westerly along the north-western boundary of that part and onwards to and along north-western boundaries of Parts of Lots 258, 259, 260 and 261 of Canning Location 2 as shown coloured in green on Land Titles Office Plan 7258 aforesaid to the starting point.

All that portion of land bounded by lines starting from the southern corner of Part of Lot 92 of Canning Location 2 as shown coloured in green on Land Titles Office Plan 7258 and extending northerly and north-westerly along boundaries of that part to the westernmost western corner of Part of Canning Location 2 as shown coloured in green on Land Titles Office Diagram 33010; thence northerly along the western boundary of that part to its northern-most western corner; thence north-easterly about 5 chains along the north-western boundary of that part; thence south-south-westerly to a point on the south-western boundary of Lot 92 aforesaid as shown on Land Titles Office Plan 2653 situate about 50 links south-easterly from the starting point and thence north-westerly along that boundary to the starting point.

All those pieces of land being portion of Canning Location 2 and being—

- (a) Lots 67, 68, 69, 73, 74, 75 and 76, two parts of Lot 66 and part of Lots 71, 72 and 77, on plan 2653, in each case, the whole of the land comprised in the respective Certificates of Title, Volume 1093 Folio 463, Volume 1093 Folio 464, Volume 499 Folio 116, Volume 545 Folio 125, Volume 939 Folio 55, Volume 1300 Folio 549, Volume 1291 Folio 361, Volume 379 Folio 146, Volume 380 Folio 176, Volume 458 Folio 70, Volume 1036 Folio 502 and Volume 1244 Folio 971; and
- (b) part of Lot 92 on plan 7258, the whole of the land comprised in Certificate of Title, Volume 1226 Folio 131.

PART IV.

Any land vested in Her Majesty that—

- (a) was acquired as being required for industry generally under the authority of section five of the Industrial Development (Kwinana Area) Act 1952;

Industrial Lands Development Authority.

(b) is referred to in the Second Schedule to that Act, and which has not already been disposed of under that Act or, if a lease or a licence has been granted to a person under that Act, in respect of the land, such land on the expiration or earlier determination of the lease or licence.

PART V.

Any land vested in Her Majesty and from time to time dedicated under section eleven of the Industrial Development (Resumption of Land) Act 1945, and which has not already been disposed of under the Act, or if leased to a person under that Act, such land on the expiration or earlier determination of the lease.

PART VI.

Any land from time to time acquired by the Authority under the provisions of section thirty-seven A of the Metropolitan Region Town Planning Scheme Act 1959, in order that it may be used for industrial purposes and which has not already been disposed of under that Act, or if leased to a person under that Act, such land on the expiration or earlier determination of the lease.