



Western Australia

# **Western Australian Land Authority Act 1992**



# Western Australian Land Authority Act 1992

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Western Australia

## **Western Australian Land Authority Act 1992**

**An Act to establish an agency to provide, or promote the provision of, land, infrastructure, facilities and services for the social, economic and environmental needs of the State and for related purposes.**

*[Long title inserted: No. 60 of 1998 s. 4; amended: No. 67 of 2004 s. 4.]*

## **Part 1 — Preliminary**

### **1. Short title**

This Act may be cited as the *Western Australian Land Authority Act 1992*.

### **2. Commencement**

- (1) This section and sections 1 and 4 come into operation on the day on which this Act receives the Royal Assent.
- (2) The other provisions of this Act come into operation on such day as is fixed by proclamation but in any event shall come into operation not later than 12 months after the date of Royal Assent.

### **3. Objects**

The objects of this Act are —

- (a) the provision and development of industrial, commercial, residential and other land in a range of localities to meet the social and economic needs of the State while taking account of environmental outcomes; and
- (b) the completion of the Joondalup Centre project; and
- (c) the identification and development, or urban renewal, of centres of population and the provision or improvement of land for those centres; and
- (d) to facilitate the development and disposal of surplus public land.

*[Section 3 amended: No. 60 of 1998 s. 5; No. 67 of 2004 s. 5.]*



#### 4. Terms used

(1) In this Act, unless the contrary intention appears —

**acquire** includes take on lease;

**Authority** means the Western Australian Land Authority established by section 5(1);

**Crown land** has the meaning given by the *Land Administration Act 1997*;

**develop**, in relation to land, includes redevelop;

**dispose of** includes sell, exchange, lease, let, grant a licence and grant any easement or right of way;

**function**, except in sections 16(1) and 17(1), includes powers, duties and authorities;

**GTE Act** means the *Government Trading Enterprises Act 2023*;

**industrial purposes** means —

- (a) manufacturing, production, technology advancement, fabrication of materials, packaging, processing, transport, distribution, storage, display of manufactured goods, research, development and service purposes, and the purposes of any other activity of an industrial nature; and
- (b) commercial, recreational, retail, accommodation and other purposes ancillary to purposes referred to in paragraph (a) —
  - (i) effected or to be effected in the same general vicinity as that in which purposes referred to in that paragraph are effected or to be effected; and
  - (ii) necessary or desirable for the wellbeing or convenience of businesses operating, and workforces employed, in the general vicinity referred to in subparagraph (i);

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**land** includes —

- (a) land within the meaning of the *Land Administration Act 1997*; and
- (b) any legal or equitable estate or interest in land; and
- (c) buildings and other structures; and
- (d) infrastructure, facilities and services relating to land;

**management**, in relation to staff, includes recruitment, selection, appointment, transfer, secondment, performance management, redeployment, discipline and termination of employment;

**public authority** means a Minister of the Crown in right of the State, Government department, State trading concern, State instrumentality, State public utility and any other person or body, whether corporate or not, who or which, under the authority of any written law, administers or carries on for the benefit of the State a social service or public utility.

[(2) *deleted*]

*[Section 4 amended: No. 14 of 1996 s. 4; No. 31 of 1997 s. 140(1) and 141; No. 60 of 1998 s. 6 and 27; No. 67 of 2004 s. 6; No. 77 of 2006 Sch. 1 cl. 182(1); No. 39 of 2010 s. 88(2); No. 13 of 2023 s. 278.]*

**4A. Relationship to GTE Act**

The GTE Act is to be read with this Act as if they formed a single Act.

*[Section 4A inserted: No. 13 of 2023 s. 279.]*

## **Part 2 — Western Australian Land Authority**

### **Division 1 — Establishment**

#### **5. Authority established**

- (1) A body called the Western Australian Land Authority is established.
- (2) The Authority is a body corporate with perpetual succession.
- (3) Proceedings may be taken by or against the Authority in its corporate name.
- (4) The Authority may use and operate under one or more trading names approved by the Minister, being —
  - (a) an abbreviation or adaptation of the name conferred by subsection (1); or
  - (b) a name other than that name.

*[Section 5 amended: No. 60 of 1998 s. 27; No. 67 of 2004 s. 7.]*

#### **5A. Authority is not an agent of Crown**

The Authority is not an agent of the Crown and does not have the status, immunities and privileges of the Crown.

*[Section 5A inserted: No. 67 of 2004 s. 8.]*

#### **5B. Authority and officers not part of public sector**

- (1) The Authority is not, and is not to become, a public sector body under the *Public Sector Management Act 1994*.
- (2) Neither the chief executive officer nor any member of staff is to be included in the Senior Executive Service provided for by the *Public Sector Management Act 1994*.

*[Section 5B inserted: No. 67 of 2004 s. 8.]*

**[6-8B.] Deleted: No. 13 of 2023 s. 280.]**

[9. Deleted: No. 67 of 2004 s. 11.]

### **Division 2 — Staff**

[10, 11A, 11B. Deleted: No. 13 of 2023 s. 281.]

#### **11. Staff**

- (1) The power to engage and manage the staff of the Authority is vested in the board.
- (2) The power conferred by subsection (1) —
  - (a) includes powers to determine remuneration and other terms and conditions of service of staff, to remove, suspend and discipline staff and to terminate the employment of staff; and
  - (b) does not preclude the delegation of any matter under section 23.
- (3) The remuneration of and other terms and conditions of employment of staff are not to be less favourable than is provided for in —
  - (a) an applicable award, order or agreement under the *Industrial Relations Act 1979*; or
  - (b) the *Minimum Conditions of Employment Act 1993*.
- (4) There are excluded from the operation of Part II Division 2B of the *Industrial Relations Act 1979* —
  - (a) any matters dealt with by an instrument issued under section 12 except —
    - (i) rates of remuneration; and
    - (ii) leave; and
    - (iii) hours of duty; and
    - (iv) matters that are similar to matters prescribed for the purposes of section 99(1)(a)(iv)<sup>1</sup> of the *Public Sector Management Act 1994*;

and

- (b) matters concerning the management of the staff that are similar to matters prescribed for the purposes of section 99(1)(c)<sup>1</sup> of the *Public Sector Management Act 1994*.
- (5) A matter referred to in subsection (4) cannot be varied or affected by an employer-employee agreement made under Part VID of the *Industrial Relations Act 1979*.
- (6) Nothing in this section other than subsection (5) affects the operation of Part VID of the *Industrial Relations Act 1979*.  
[Section 11 inserted: No. 67 of 2004 s. 12(1).]

## **12. Minimum standards for staff management**

- (1) The board must, after consultation with the Public Sector Commissioner, prepare and issue an instrument setting out minimum standards of merit, equity and probity applicable to the management of the staff of the Authority.
- (2) In complying with subsection (1) the board is to have regard to the principles set out in section 8 of the *Public Sector Management Act 1994*.
- (3) An instrument issued under subsection (1) may be expressed to apply to the chief executive officer of the Authority as if the chief executive officer were a member of staff.
- (3A) If an instrument issued under subsection (1) applies to the chief executive officer of the Authority, subsection (2) does not affect the operation of the GTE Act section 37(5).
- (4) The Public Sector Commissioner may at any time recommend to the board any amendment that the Commissioner thinks should be made to an instrument issued under this section.
- (5) The board may —
  - (a) amend an instrument issued under this section; or

(b) revoke it and substitute a new instrument,

but, except where subsection (4) applies, is to do so only after consultation with the Public Sector Commissioner.

*[Section 12 inserted: No. 67 of 2004 s. 12(1); amended: No. 39 of 2010 s. 88(3); No. 13 of 2023 s. 282.]*

**13. Reports to Public Sector Commissioner about observance of minimum standards**

(1) The Public Sector Commissioner may in writing direct the board —

- (a) to report to the Commissioner on the observance of the minimum standards in force under section 12; and
- (b) to make the reports at such times, but not more often than half-yearly,

as the Commissioner may specify.

(2) The board must comply with a direction given to it made under subsection (1).

(3) The Public Sector Commissioner may at any time report to the Minister on the content or observance of the minimum standards in force under section 12.

*[Section 13 inserted: No. 67 of 2004 s. 12(1); amended: No. 39 of 2010 s. 88(3).]*

**13A. Superannuation**

(1) The Authority may grant, or make provision for the grant of, retirement benefits to members and former members of staff and their dependants and for that purpose may, subject to section 30 of the *State Superannuation Act 2000* —

- (a) establish, manage and control; or

- (b) enter into an arrangement with any body for the establishment, management and control by that body either alone or jointly with the Authority of, any fund or scheme for the purpose of providing for such retirement benefits.
- (2) The Authority may make contributions to any fund or scheme referred to in subsection (1).
- (3) In subsection (1) —  
***members of staff*** includes the chief executive officer.
- (4) Nothing in this section affects the operation of the *State Superannuation Act 2000* in relation to the Authority or members or former members of staff or their dependants.  
*[Section 13A inserted: No. 67 of 2004 s. 12(1).]*

#### **14. Saving in respect of public service officer**

If a person appointed under section 11 or the GTE Act section 37(1) was, immediately before being so appointed, a public service officer within the meaning of the *Public Sector Management Act 1994* —

- (a) he or she retains his or her existing and any accruing rights; and
- (b) for the purpose of determining those rights his or her service as such an officer is to be taken into account as if it were service with the Authority.

*[Section 14 amended: No. 32 of 1994 s. 19; No. 13 of 2023 s. 283.]*

### **Division 3 — Conduct and integrity of staff**

*[Heading inserted: No. 67 of 2004 s. 13.]*

*[14A. Deleted: No. 13 of 2023 s. 284.]*

#### **14B. Codes of conduct**

- (1) The board must, after consultation with the Public Sector Commissioner, prepare and issue a code or codes of conduct setting out minimum standards of conduct and integrity to be observed by members of staff.
- (2) In complying with subsection (1) the board is to have regard to the principles set out in section 9 of the *Public Sector Management Act 1994*.
- (3) The board may, after consultation with the Public Sector Commissioner, amend any code of conduct in force under subsection (1) or revoke it and substitute a new code of conduct.
- (4) In this section and in sections 14C and 14D —  
***members of staff*** includes the chief executive officer.

*[Section 14B inserted: No. 67 of 2004 s. 13; amended: No. 39 of 2010 s. 88(3).]*

#### **14C. Reports to Public Sector Commissioner about observance of codes of conduct**

- (1) The Public Sector Commissioner may in writing direct a board —
  - (a) to report to the Commissioner on the observance by members of staff of any code of conduct in force under section 14B; and
  - (b) to make the reports at such times, but not more often than half-yearly,

as the Commissioner may specify.



- (2) The board must comply with a direction given to it under subsection (1).
- (3) The Public Sector Commissioner may at any time report to the Minister on any matter relating to the observance by members of staff of a code of conduct in force under section 14B that the Commissioner thinks should be brought to the Minister's attention.

*[Section 14C inserted: No. 67 of 2004 s. 13; amended: No. 39 of 2010 s. 88(3).]*

**14D. Reports to Minister about observance of codes of conduct**

- (1) The board, when it delivers to the Minister its annual report under the GTE Act section 81, is also to deliver to the Minister a separate report on the observance by members of staff of any code of conduct in force under section 14B.
- (2) The board is to give to the Public Sector Commissioner a copy of each report under subsection (1).

*[Section 14D inserted: No. 67 of 2004 s. 13; amended: No. 39 of 2010 s. 88(3); No. 13 of 2023 s. 285.]*

### Part 3 — Functions and powers

[15. Deleted: No. 67 of 2004 s. 14.]

#### 16. Functions

- (1) The Authority has the following functions —
  - (a) to be an agency which provides, or promotes the provision of, land for the social and economic needs of the State;
  - (b) to be an agency through which the Crown and public authorities may dispose of land;
  - (c) to be an agency through which local governments, regional local governments and regional subsidiaries may dispose of land in accordance with the *Local Government Act 1995*;
  - (d) to complete the development of the Joondalup Centre, in accordance with the plan referred to in section 18, on the land described in Schedule 2;
  - (e) to identify other potential centres of population, and centres of population in need of urban renewal, and use its powers to bring about the provision, or improvement, of land, infrastructure, facilities or services for the same.
- (1a) It is also a function of the Authority —
  - (a) to do things that the board determines to be conducive or incidental to the performance of a function referred to in subsection (1); and
  - (b) to do things that it is authorised to do by any other written law.

- (2) In subsection (1) —

**Joondalup Centre** means the project for the provision of infrastructure and facilities for a centre of population (including infrastructure and facilities for community, cultural, recreational and sporting purposes) that before the commencement of this

section was being carried on by the Joondalup Development Corporation under the Act repealed by section 50(1)(c).

- (3) The Authority may perform any of its functions in the State or, with the Minister's approval, elsewhere.

*[Section 16 amended: No. 60 of 1998 s. 8; No. 67 of 2004 s. 15; No. 26 of 2016 s. 95.]*

*[16A. Deleted: No. 13 of 2023 s. 286.]*

**16B. Authority to consider social etc. outcomes**

The Authority is to take account of the social, economic and environmental outcomes of the performance of its functions and is to ensure that those outcomes are balanced so far as is practicable.

*[Section 16B inserted: No. 67 of 2004 s. 16.]*

*[16C. Deleted: No. 13 of 2023 s. 287.]*

**17. Powers**

- (1) The Authority may do all things necessary or convenient to be done for or in connection with the performance of its functions.
- (2) The Authority may for the purpose of performing a function —
- (a) acquire, hold, deal with or dispose of land; and
  - (b) undertake, plan, provide for, promote or coordinate the subdivision, amalgamation, improvement, development, alteration or management of land, whether or not the Authority holds the land in question; and
  - (ba) extract minerals from land; and
  - (c) enter into any contract or arrangement with any person, including a contract or arrangement for the doing of anything that the Authority is authorised to do under this Act —
    - (i) by that person; or

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- (ii) by the Authority, for that person;
- and
- (d) apply for the grant of any licence or other authority required by the Authority; and
- (e) charge fees for services provided to any person, including a Crown agency; and
- (f) carry out any investigation, survey, exploration or feasibility study; and
- (g) acquire, establish or operate —
  - (i) any undertaking necessary or convenient for the performance of the function; and
  - (ii) any associated undertaking;
- and
- (h) produce or deal in any equipment, facilities or system associated with, the performance of the function; and
- (i) appoint agents or engage persons under contracts for services to provide professional, technical or other assistance to the Authority; and
- (j) participate in any business arrangement or acquire, hold or dispose of shares, units or other interests in, or relating to, a business arrangement; and
- (k) carry out any investigation, survey, exploration or feasibility study; and
- (l) collaborate in, carry out, or procure the carrying out of, research or publish information that results from research; and
- (m) develop and turn to account any technology, software or other intellectual property that relates to the function and, for that purpose, apply for, hold, exploit and dispose of any patent, patent rights, copyright or similar rights; and
- (n) promote and market the Authority and its activities.

- (3) Subsection (2) does not limit subsection (1) or other powers of the Authority under this Act or any other written law.
- (3A) Subsections (1) and (2) have effect subject to the GTE Act.
- (4) A contract or arrangement under subsection (2)(c) or (j) may, with the consent of the owner and the occupier, relate to land that is not vested in, or held in fee simple by, the Authority or dedicated to the purposes of this Act.
- (4a) The Authority may —
- (a) make gifts for charitable purposes or for other purposes of benefit to the community or a section of the community;
  - (b) make any ex gratia payment that the board considers to be in the Authority's interest;
  - (c) accept any gift, devise or bequest if it is absolute, or subject to conditions that are within the functions of the Authority.
- (5) In this section —
- business arrangement** means a company, a partnership, a trust, a joint venture, or an arrangement for sharing profits;
- participate** includes form, promote, establish, enter, manage, dissolve, wind up, and do things incidental to participating in a business arrangement;
- person** includes a public authority, local government, regional local government or regional subsidiary.
- [Section 17 amended: No. 14 of 1996 s. 4; No. 60 of 1998 s. 10; No. 67 of 2004 s. 17; No. 26 of 2016 s. 96; No. 13 of 2023 s. 288.]

[17A-17C. Deleted: No. 13 of 2023 s. 289.]

**18. Joondalup Centre plan**

- (1) The Authority is to perform its functions under section 16(1)(d) in accordance with the plan for the time being in force under this section.
- (2) The plan in force under Part IV of the Act repealed by section 50(1)(c) immediately before that repeal is continued in force for the purposes of this section, subject to any amendments approved under subsection (4).
- (3) The Authority is to —
  - (a) keep the plan under review and if requested by the Minister is to review the plan completely; and
  - (b) submit any proposed amendment arising out of a review to the Minister for approval.
- (4) The Minister may approve a proposed amendment or may approve it with such modifications as the Minister thinks fit.
- (5) A copy of the plan for the time being in force is to be kept in the offices of the Authority and is to be available for inspection by the public during office hours free of charge.

*[Section 18 amended: No. 60 of 1998 s. 27; No. 67 of 2004 s. 19.]*

*[19. Deleted: No. 13 of 2023 s. 290.]*

**20. Compulsory taking of land**

- (1) The provision of land under this Act —
  - (a) for industrial purposes; or
  - (b) in the performance of the Authority's functions under section 16(1)(e),

is a public work for the purposes of Parts 9 and 10 of the *Land Administration Act 1997* and the *Public Works Act 1902*, and, if necessary for any of those purposes, the Authority is to be taken

to be a local authority within the meaning of the *Public Works Act 1902*.

- (2) In applying Parts 9 and 10 of the *Land Administration Act 1997* and the *Public Works Act 1902* for the purposes of this section —

[(a) *deleted*]

- (b) sections 187, 188, 189, 190 and 191 of the *Land Administration Act 1997* do not apply to land that becomes vested in the Authority by Schedule 4 being land that was taken or acquired under the *Public Works Act 1902* before the commencement of this Act.

- (3) If land referred to in subsection (2)(b) is not required for the public work for which it was taken or acquired, the land may be held or used for some other purpose authorised by this Act if such purpose is one for which the Authority would be entitled to take the land pursuant to this section.

[Section 20 amended: No. 31 of 1997 s. 140(2)-(4); No. 60 of 1998 s. 27; No. 67 of 2004 s. 20.]

## 21. Dedication of Crown land to purposes of Act

- (1) The Governor may by notice published in the *Gazette* —
- (a) dedicate any Crown land to the purposes of this Act; and
  - (b) cancel any dedication of land made under this subsection,

but may only do so on the recommendation of the Minister and after the Minister has consulted with the Ministers to whom the administration of the *Land Administration Act 1997* and the administration of the *Mining Act 1978* are for the time being respectively committed by the Governor.

- (2) While any land remains dedicated under subsection (1), that land is not to be disposed of otherwise than under the *Land Administration Act 1997* as read with subsection (3).

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- (3) The Minister to whom the administration of the *Land Administration Act 1997* is for the time being committed by the Governor may dispose of land dedicated under subsection (1) —
- (a) to the Authority; or
  - (b) with the consent of the Authority, to a person other than the Authority,

and any such disposition is to be taken to have been effected under that Act.

- (4) When land is disposed of under the *Land Administration Act 1997* as read with subsection (3), it ceases to be dedicated under subsection (1).

- (5) Any land —
- (a) that has ceased to be dedicated under subsection (1); but
  - (b) that has not been disposed of under the *Land Administration Act 1997* as read with subsection (3),

is to be taken to be Crown land.

*[Section 21 amended: No. 31 of 1997 s. 141.]*

*[22. Deleted: No. 13 of 2023 s. 291.]*

**23. Delegation**

- (1) The Authority may, by instrument in writing, delegate the performance of any of its functions, except this power of delegation.
- (2) A delegation under subsection (1) may be made to —
- (a) a director or directors; or
  - (b) the chief executive officer; or
  - (c) a member of staff; or
  - (d) a committee appointed under the GTE Act section 26; or
  - (e) any other person.



- (3) A delegate cannot subdelegate the performance of any function unless the delegate is expressly authorised by the instrument of delegation to do so.
- (4) A function performed by a delegate is to be taken to be performed by the Authority.
- (5) A delegate performing a function under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (6) Nothing in this section is to be read as limiting the ability of the Authority to act through its officers and agents in the normal course of business.
- (7) This section does not apply to the execution of documents.

Note for this subsection:

Authority to execute documents on behalf of the Authority can be given under the GTE Act section 156.

*[Section 23 inserted: No. 60 of 1998 s. 14; amended: No. 13 of 2023 s. 292.]*

*[23A-23D. Deleted: No. 13 of 2023 s. 293.]*

*[Part 3A (s. 23E-25C) deleted: No. 13 of 2023 s. 294.]*

*[Part 4 heading and s. 26-30 deleted: No. 60 of 1998 s. 19(1)<sup>2</sup>.]*

*[Part 5 (s. 31-40) deleted: No. 13 of 2023 s. 294.]*

*[Part 6 (s. 41-44) deleted: No. 60 of 1998 s. 23.]*

## Part 7 — Miscellaneous

### 45. Laying documents before Parliament not sitting

If a provision of this Act requires the Minister to cause a document to be laid before a House of Parliament and the House is not sitting, the GTE Act section 159 applies as if the reference in that section to a provision of the GTE Act were a reference to the provision of this Act.

*[Section 45 inserted: No. 13 of 2023 s. 295.]*

*[45AA, 45A. Deleted: No. 13 of 2023 s. 295.]*

*[46. Deleted: No. 60 of 1998 s. 19(2).]*

### 47. Regulations

- (1) The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed for giving effect to the purposes of this Act.
- (2) Regulations under this Act may be expressed to prevail over regulations made under the GTE Act.
- (3) Regulations under subsection (2) must not be made except on the recommendation of —
  - (a) the Minister; and
  - (b) the Minister to whom the administration of the GTE Act is committed.
- (4) If and to the extent that regulations under this Act are so expressed, in the event of a conflict or inconsistency between a provision of those regulations and a provision of regulations made under the GTE Act, the former provision prevails.

*[Section 47 amended: No. 60 of 1998 s. 27; No. 13 of 2023 s. 296.]*

**48. Review of Act**

- (1) The Minister is to carry out a review of the operation and effectiveness of this Act within 6 months after every 5th anniversary of the commencement of the *Western Australian Land Authority Amendment Act 2004*.
- (2) In the course of that review the Minister is to consider and have regard to —
  - (a) the effectiveness of the operations of the Authority; and
  - (b) the need for the continuation of the functions of the Authority; and
  - (c) such other matters as appear to the Minister to be relevant to the operation and effectiveness of this Act.
- (3) The Minister is to prepare a report on the review within 6 months after the review is carried out and cause the report to be laid before each House of Parliament as soon as is practicable after it is prepared.

*[Section 48 inserted: No. 60 of 1998 s. 25; amended: No. 67 of 2004 s. 40.]*

*[49. Omitted under the Reprints Act 1984 s. 7(4)(e).]*

**50. Repeals, savings and transitional (Sch. 4)**

- (1) The following Acts are repealed —
  - (a) the *Industrial Lands Development Authority Act 1966*;
  - (b) the *Industrial Development (Resumption of Land) Act 1945*;
  - (c) the *Joondalup Centre Act 1976*.
- (2) Schedule 4 has effect for the purpose of the transition to the provisions of this Act from those of the Acts repealed by subsection (1).

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**51. Transfer of certain assets etc. of WADC**

- (1) The Authority may agree to acquire property from the WADC if it is of the opinion that such property is suitable for its functions in respect of residential land.
- (2) The price of such property shall be the sum agreed by the Authority and WADC as being the market value of the property and being —
  - (a) in the case of land, not greater than an amount certified by a licensed valuer as being the value of the land, less the agreed value of any liabilities relating to the land; and
  - (b) in the case of any other property not greater than the depreciated value of the property as carried in the accounts of the WADC.
- (3) If the liabilities relating to any land agreed to be acquired under subsection (1) exceed the value of the land, the WADC is liable to the Authority for the amount of the difference.
- (4) Any amount owing by the Authority to the WADC by operation of this section is payable by the Authority on demand by the WADC; but the WADC is not to make such demand unless the Minister consents to its doing so.
- (5) If at the time when all WADC assets have been converted into money there is any debt owing by the Authority to the WADC by operation of this section, the Minister to whom the administration of the *Western Australian Development Corporation Act 1983*<sup>4</sup> is committed by the Governor may by instrument cancel that debt.
- (6) The Ministers shall by order published in the *Gazette* allocate to the Authority the property agreed to be acquired under subsection (1) and, in the case of land, the liabilities of the WADC relating to that land; and shall include in the order a sufficient description to enable the property and liabilities to be identified.

- (7) On the publication of an order under subsection (6) —
- (a) the property to which the order relates vests in the Authority together with all claims, rights and remedies that the WADC had in respect of the property; and
  - (b) the Authority becomes liable to pay, bear or discharge all the liabilities that are allocated under the order; and
  - (c) the Authority is to take delivery of all registers, papers, documents, minutes, receipts, books of account and other records (however compiled, recorded or stored) relating to the operations of the WADC so far as the records relate to property or liabilities allocated to the Authority under the order.
- (8) The transfer of any liability of the WADC under this section to the Authority does not affect any guarantee under section 21 of the *Western Australian Development Corporation Act 1983*<sup>4</sup> in force immediately before the transfer and subsection (2) of section 21 of that Act is to be taken to continue to apply after that transfer and notwithstanding that that subsection may be repealed.
- (9) Any agreement or instrument subsisting immediately before the publication of an order under this section to which the WADC was a party or which contains a reference to the WADC or a trading name used by the WADC has effect after that publication as if —
- (a) the Authority were substituted for the WADC as a party to the agreement or instrument; and
  - (b) any reference in the agreement or instrument to the WADC were (unless the context otherwise requires) a reference to the Authority,

but in this subsection **WADC** means the WADC only in relation to agreements or instruments in respect of any property or liability allocated to the Authority under this section.

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- (10) Any legal or other proceedings or any remedies that might, but for this section, have been commenced, continued, discontinued or available by or against or to the WADC in relation to any property or liability allocated to the Authority under this section, may be commenced, continued, discontinued, and shall be available, by or against or to the Authority.
- (11) In this section —
- Ministers* means the Ministers to whom the administration of this Act and the *Western Australian Development Corporation Act 1983*<sup>4</sup> are respectively committed by the Governor, acting jointly;
- property* and *liabilities* have the respective meanings assigned by clause 1 of Schedule 4;
- WADC* means the Western Australian Development Corporation established by the *Western Australian Development Corporation Act 1983*<sup>4</sup>.

[52. Deleted: No. 60 of 1998 s. 27.]

[Schedules 1 and 1A deleted: No. 13 of 2023 s. 297.]

## **Schedule 2 — Area comprising Joondalup Centre**

[s. 16(1)(d)]

*[Heading amended: No. 19 of 2010 s. 41(4); No. 13 of 2023 s. 298.]*

All that portion of land bounded by lines starting at the western corner of Swan Location 7898 and extending westerly and northerly along boundaries of Location 3324 and onwards to a point situate 200 metres north of the northern side of Road Number 3590; thence north-easterly to a point on the western boundary of the northern severance of Location 3323, situate 300 metres from the northern side of Road Number 3590; thence north-easterly to a point on the eastern boundary of the northern severance of Location 3323, situate 150 metres from the northern side of Road Number 3590; thence north-easterly to the north-western corner of Lot 4 of Location 1149; as shown on Land Titles Office<sup>5</sup> Diagram 40753; thence southerly along the easternmost boundary of Perthshire Location 107 to a northern boundary of Class A Reserve 31048; thence generally north-westerly, generally south-easterly, westerly and again generally south-easterly along boundaries of that reserve to the south-eastern corner of Swan Location 2734; thence south-westerly 475.8 metres along the south-easterly boundary of that location; thence 204 degrees 20 minutes, 14.43 metres; thence 211 degrees 29 minutes, 63.709 metres; thence 218 degrees 39 minutes, 63.709 metres; thence 225 degrees 49 minutes, 63.709 metres; thence 232 degrees 55 minutes, 63.522 metres; thence 237 degrees 53 minutes, 46.984 metres to the northern-most south-western boundary of Perthshire Location 101, as shown on Main Roads Department Plan 7631-305-1; thence south-easterly and south-westerly along boundaries of that location and onwards to the southern side of Mullaloo Drive; thence generally south-westerly along that side to the northern-most north-western corner of Swan Location 8278; thence north-easterly to and along the north-western boundary of Location 7811 to the south-eastern corner of Lot 1 of Location 1370, as shown on Land Titles Office<sup>5</sup> Diagram 50288; thence generally westerly along southern boundaries of that lot to the prolongation south-westerly of the north-western boundary of Lot 597, as shown on Land Titles Office<sup>5</sup> Plan 10951; thence north-easterly to and north-easterly and north-westerly along boundaries of that lot to a north-easterly boundary of Location 1370; thence north-westerly along that boundary to the starting point, as shown on Town Planning Department Plan 2.0169.

*[Schedule 2 amended: No. 81 of 1996 s. 153(3); No. 60 of 2006 s. 119.]*

*[Schedules 3 and 3A deleted: No. 13 of 2023 s. 299.]*



## Schedule 4 — Transitional and savings provisions

[s. 50(2)]

*[Heading amended: No. 19 of 2010 s. 41(4).]*

### 1. Terms used

In this Schedule, unless the contrary intention appears —

**commencement day** means the day on which section 50 comes into operation;

**former body** means the Industrial Lands Development Authority established by the Act repealed by section 50(1)(a) and the Joondalup Development Corporation provided for by the Act repealed by section 50(1)(c);

**liability** includes any obligation, claim or demand, present or future, certain or contingent, ascertained or sounding only in damages;

**property** means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description and includes things in action and a power of disposition over property.

### 2. Staff

- (1) All persons who were employed or engaged by a former body immediately before the commencement day are to be taken to be employed or engaged by the Authority under section 11 on the same terms and conditions, including the salary payable, as those on which they were employed or engaged immediately before the commencement day.
- (2) Subclause (1) applies to the General Manager holding office immediately before the commencement day under section 31 of the Act repealed by section 50(1)(c) but after the commencement day he or she does not by virtue of that subclause become the chief executive officer of the Authority.
- (3) On the publication of an order under section 51 such persons as the Minister determines who were employed or engaged immediately before that publication under section 15 of the *Western Australian Development Corporation Act 1983*<sup>4</sup> in performing duties relating

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exclusively to property allocated to the Authority under that order are to be taken to have been employed or engaged by the Authority under section 11 on the same terms and conditions, including the salary payable, as those on which they were employed immediately before the publication of the order.

- (4) A person to whom subclause (1) or (3) applies retains all his or her existing and accruing rights (including rights under the *Superannuation and Family Benefits Act 1938*)<sup>6</sup> as if his or her employment or engagement under this Act were a continuation of his or her employment or engagement immediately before the commencement day.
- (5) Nothing in this clause prevents the exercise by the Authority after the commencement day of its powers in relation to the management of the staff of the Authority.

**3. Assets, liabilities etc. to vest in Authority**

- (1) On the commencement day —
  - (a) any property, whether within or outside the State, which was vested in a former body or, to which a former body was entitled immediately before that day vests in the Authority together with all claims, rights and remedies that the former body then had in respect of the property; and
  - (b) the Authority becomes liable to pay, bear or discharge all the liabilities of a former body that are properly payable; and
  - (c) the Authority is to take delivery of all registers, papers, documents, minutes, receipts, books of account and other records (however compiled, recorded or stored) relating to the operations of a former body.
- (2) Anything commenced by a former body before the commencement day may be continued by the Authority, so far as it is authorised by this Act.

**4. Agreements and instruments**

Any agreement or instrument subsisting immediately before the commencement day —

- (a) to which a former body was a party; or

- (b) which contains a reference to a former body,  
has effect after that day as if —
  - (c) the Authority were substituted for the former body as a party to the agreement or instrument; and
  - (d) any reference in the agreement or instrument to a former body were (unless the context otherwise requires) a reference to the Authority.

**5. Registration of documents**

- (1) The Registrar of Titles, the Registrar of Deeds, the Ministers respectively administering the *Land Administration Act 1997*<sup>7</sup> and the *Mining Act 1978*, and any other person authorised by a written law to record and give effect to the registration of documents relating to transactions affecting any estate or interest in land or other property, are to take note of the provisions of this Schedule and section 51 and are empowered to record and register in the appropriate manner such of those documents as are necessary to give effect to this Schedule and section 51.
- (2) Without limiting subclause (1) a statement in an instrument executed by the Authority that any estate or interest in land or other property has become vested in it under this Schedule or section 51 is evidence of that fact.

**6. Funds**

On the commencement day the fund under section 6B of the *Industrial Lands Development Authority Act 1966* and the account under section 41(2) of the *Joondalup Centre Act 1976* are to be closed and the moneys placed to the credit of the Account referred to in section 31(2).

**7. Particular transitional provisions for *Industrial Lands Development Authority Act 1966***

- (1) In this clause the *repealed Act* means the *Industrial Lands Development Authority Act 1966*.

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- (2) On and after the commencement day, the matters referred to in subclause (3) continue to be governed by the repealed Act (except section 14), notwithstanding its repeal, but —
- (a) the functions under that Act are to be performed, for the purposes of this clause, by the Authority established under this Act; and
  - (b) references in that Act to the Fund are to be read as references to the Account referred to in section 31(2).
- (3) Those matters are —
- (a) land to which section 7B(1) of the repealed Act applied immediately before the commencement day other than such land as is freehold land under the *Transfer of Land Act 1893* unless in respect of such last-mentioned land —
    - (i) a memorial remained registered under section 7D(1) of the repealed Act on the commencement day; or
    - (ii) immediately before the commencement day, a caveat under Part V of the *Transfer of Land Act 1893* by the Industrial Lands Development Authority or its predecessors or the relevant Minister or a caveat under section 182(iii) of the *Transfer of Land Act 1893* by the Registrar of Titles was in force;
  - (b) any memorial that remained registered under section 7D(1) of the repealed Act on the commencement day in respect of land under the operation of the *Transfer of Land Act 1893*;
  - (c) any injunction or interim injunction granted under section 8 of the repealed Act and in force immediately before the commencement day;
  - (d) any land referred to in —
    - (i) Part V of the Schedule to the repealed Act and not acquired by or transferred to the Industrial Lands Development Authority; or
    - (ii) Part VI of the Schedule to the repealed Act and not acquired by or transferred to that Authority from the State Planning Commission,

under section 12A of the repealed Act before the commencement day;

- (e) any advance made, or guarantee given, by the Treasurer under section 13 of the repealed Act and not repaid, or still in force, as the case may be, immediately before the commencement day.
- (4) For the purposes of subclause (3)(e), section 13(3) of the repealed Act is to be taken to continue to apply after the commencement day notwithstanding the repeal.

**8. Guarantees under *Joondalup Centre Act 1976***

The repeal of the *Joondalup Centre Act 1976* by section 50(1)(c) does not affect any guarantee under section 43 of that Act in force immediately before the commencement day and section 43(8) of that Act is to be taken to continue in force for the purposes of this clause.

**9. Particular transitional provisions for *Industrial Development (Resumption of Land) Act 1945***

- (1) In this clause the **repealed Act** means the *Industrial Development (Resumption of Land) Act 1945*.
- (2) Land that was, immediately before the commencement day, dedicated under section 11 of the repealed Act is to be taken, on and after that day, to be land dedicated under section 21.
- (3) If a person was, immediately before the commencement day, a proprietor, purchaser or lessee of land to whom section 13 of the repealed Act applied, that section continues, after that day, to apply to the person while he or she continues to be the proprietor, purchaser or lessee of the land in question.
- (4) All land —
  - (a) to which section 14 of the repealed Act applied immediately before the commencement day; and
  - (b) in respect of which immediately before that day a caveat under Part V of the *Transfer of Land Act 1893* by the Industrial Lands Development Authority or its predecessors or the relevant Minister or a caveat under section 182(iii) of

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the *Transfer of Land Act 1893* by the Registrar of Titles was in force,

shall on the commencement day be taken to be land in respect of which a memorial is for the time being registered under section 26.

- (5) Any such caveat shall on and after the commencement day be deemed to be a memorial registered under section 26 in respect of that land and to have ceased to be a caveat in force under Part V or section 188(iii) of the *Transfer of Land Act 1893*.

**10. Annual report for part of year**

- (1) The accountable authority, within the meaning in the *Financial Administration and Audit Act 1985*<sup>8</sup>, of a former body is to report in respect of that body as required by section 66 of that Act, but limited to the period from the preceding 1 July to the commencement day, and Division 14 of Part II of that Act applies as if that period were a full financial year.
- (2) A former body and its accountable authority as constituted immediately before the commencement day continues in existence for the purpose of subclause (1) and for that purpose only.
- (3) The Authority is to arrange for the provision of such clerical and other assistance as is reasonably required for the purpose of subclause (1).

**11. Interpretation Act to apply**

With respect to the repeals effected by section 50, this Act is supplementary to, and does not displace the operation of, the *Interpretation Act 1984*.

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## Notes

This is a compilation of the *Western Australian Land Authority Act 1992* and includes amendments made by other written laws<sup>13</sup>. For provisions that have come into operation, and for information about any reprints, see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

### Compilation table

Short title	Number and year	Assent	Commencement
<i>Western Australian Land Authority Act 1992</i>	35 of 1992	23 Jun 1992	s. 1, 2 and 4: 23 Jun 1992 (see s. 2(1)); balance: 1 Jul 1992 (see s. 2(2) and <i>Gazette</i> 30 Jun 1992 p. 2869)
<i>Financial Administration Legislation Amendment Act 1993 s. 11</i>	6 of 1993	27 Aug 1993	1 Jul 1993 (see s. 2(1))
<i>Acts Amendment (Public Sector Management) Act 1994 s. 19</i>	32 of 1994	29 Jun 1994	1 Oct 1994 (see s. 2 and <i>Gazette</i> 30 Sep 1994 p. 4948)
<i>Statutes (Repeals and Minor Amendments) Act 1994 s. 4</i>	73 of 1994	9 Dec 1994	9 Dec 1994 (see s. 2)
<i>Local Government (Consequential Amendments) Act 1996 s. 4</i>	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)
<i>Statutory Corporations (Liability of Directors) Act 1996 s. 3</i>	41 of 1996	10 Oct 1996	1 Dec 1996 (see s. 2 and <i>Gazette</i> 12 Nov 1996 p. 6301)
<i>Financial Legislation Amendment Act 1996 s. 64</i>	49 of 1996	25 Oct 1996	25 Oct 1996 (see s. 2(1))
<i>Transfer of Land Amendment Act 1996 s. 153(3)</i>	81 of 1996	14 Nov 1996	14 Nov 1996 (see s. 2)
<i>Western Australian Land Authority Amendment Act 1997</i>	28 of 1997	26 Sep 1997	26 Sep 1997 (see s. 2)

**Western Australian Land Authority Act 1992****Notes**                      Compilation table

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<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Acts Amendment (Land Administration) Act 1997</i> Pt. 67 and s. 141	31 of 1997	3 Oct 1997	30 Mar 1998 (see s. 2 and <i>Gazette</i> 27 Mar 1998 p. 1765)
<i>Western Australian Land Authority Amendment Act 1998</i> <sup>2, 3, 9, 10</sup>	60 of 1998	31 Dec 1998	31 Dec 1998 (see s. 2)
<b>Reprint of the Western Australian Land Authority Act 1992 as at 16 Apr 1999</b> (includes amendments listed above)			
<i>Corporations (Consequential Amendments) Act 2001</i> Pt. 55	10 of 2001	28 Jun 2001	15 Jul 2001 (see s. 2 and <i>Gazette</i> 29 Jun 2001 p. 3257 and <i>Cwlth Gazette</i> 13 Jul 2001 No. S285)
<i>Acts Amendment (Equality of Status) Act 2003</i> Pt. 61	28 of 2003	22 May 2003	1 Jul 2003 (see s. 2 and <i>Gazette</i> 30 Jun 2003 p. 2579)
<i>Statutes (Repeals and Minor Amendments) Act 2003</i> s. 129	74 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)
<i>Western Australian Land Authority Amendment Act 2004</i> Pt. 2 <sup>11, 12</sup>	67 of 2004	8 Dec 2004	25 Dec 2004 (see s. 2 and <i>Gazette</i> 24 Dec 2004 p. 6247)
<b>Reprint 2: The Western Australian Land Authority Act 1992 as at 4 Feb 2005</b> (includes amendments listed above)			
<i>Land Information Authority Act 2006</i> s. 119	60 of 2006	16 Nov 2006	1 Jan 2007 (see s. 2(1) and <i>Gazette</i> 8 Dec 2006 p. 5369)
<i>Financial Legislation Amendment and Repeal Act 2006</i> s. 4, 5(1), 15 and Sch. 1 cl. 182	77 of 2006	21 Dec 2006	1 Feb 2007 (see s. 2(1) and <i>Gazette</i> 19 Jan 2007 p. 137)
<i>Statutes (Repeals and Miscellaneous Amendments) Act 2009</i> s. 136	8 of 2009	21 May 2009	22 May 2009 (see s. 2(b))
<i>Standardisation of Formatting Act 2010</i> s. 41	19 of 2010	28 Jun 2010	11 Sep 2010 (see s. 2(b) and <i>Gazette</i> 10 Sep 2010 p. 4341)
<i>Public Sector Reform Act 2010</i> s. 88 and 89	39 of 2010	1 Oct 2010	1 Dec 2010 (see s. 2(b) and <i>Gazette</i> 5 Nov 2010 p. 5563)
<b>Reprint 3: The Western Australian Land Authority Act 1992 as at 10 Dec 2010</b> (includes amendments listed above)			



Short title	Number and year	Assent	Commencement
<i>Local Government Legislation Amendment Act 2016 Pt. 3 Div. 34</i>	26 of 2016	21 Sep 2016	21 Jan 2017 (see s. 2(b) and <i>Gazette</i> 20 Jan 2017 p. 648)
<i>Executive Officer Remuneration (Government Entities) Legislation Amendment Act 2016 Pt. 3 Div. 7</i>	46 of 2016	7 Dec 2016	8 Dec 2016 (see s. 2(b))
<i>Government Trading Enterprises Act 2023 Pt. 12 Div. 10</i>	13 of 2023	22 Jun 2023	1 Jul 2023 (see s. 2(b) and SL 2023/89 cl. 2)

### Uncommenced provisions table

To view the text of the uncommenced provisions see *Acts as passed* on the WA Legislation website.

Short title	Number and year	Assent	Commencement
<i>State Superannuation (Transitional and Consequential Provisions) Act 2000 s. 72</i>	43 of 2000	2 Nov 2000	To be proclaimed (see s. 2(2))

### Other notes

- <sup>1</sup> *Public Sector Management Act 1994* s. 99 deleted by the *Public Sector Reform Act 2010* s. 57.
- <sup>2</sup> The *Western Australian Land Authority Amendment Act 1998* s. 19(3) and (4) read as follows:
  - (3) Despite subsections (1) and (2), on and from the commencement of this Act —
    - (a) a memorial registered or deemed to be registered under Part 4 before the commencement of this Act remains of effect, and may be withdrawn and registered again under Part 4, as if the Part had not been repealed;

- (b) the functions of a relevant official under Part 4 in relation to memorials are to be performed as if the Part had not been repealed;
  - (c) a pending memorial —
    - (i) may be registered under Part 4;
    - (ii) has effect after registration as if Part 4 had not been repealed; and
    - (iii) may be withdrawn and registered again under Part 4,as if the Part had not been repealed; and
  - (d) Part 4 and section 46 continue to apply and have effect in relation to any memorial referred to in paragraph (a) or (c) and to offences and other matters related to the memorial.
- (4) In subsection (3) —
- pending memorial* means a memorial in respect of any land disposed of by the Authority pursuant to a transaction entered into before the commencement of this Act;
- relevant official* has the same meaning as it had under the *Western Australian Land Authority Act 1992* immediately before the commencement of this Act.

<sup>3</sup> The *Western Australian Land Authority Amendment Act 1998* s. 20(2) reads as follows:

- (2) Section 32 as inserted by subsection (1) —
  - (a) does not apply to a deed or other instrument that —
    - (i) has been signed or sealed by or on behalf of all parties that are required to do so; or
    - (ii) evidences a transaction that was completed, before the commencement of this Act; and
  - (b) subject to paragraph (a), applies in respect of any duty, tax, rate or other impost the Authority becomes liable to and chargeable with after the commencement of this Act but not otherwise.

<sup>4</sup> Repealed by the *WADC and WA Exim Corporation Repeal Act 1998*.

<sup>5</sup> Lands Titles Office diagrams are now being held by the Western Australian Land Information Authority (see the *Land Information Authority Act 2006* s. 100).

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- <sup>6</sup> The *Superannuation and Family Benefits Act 1938* was repealed by the *State Superannuation Act 2000* s. 39, but its provisions continue to apply to and in relation to certain schemes because of the *State Superannuation (Transitional and Consequential Provisions) Act 2000* s. 26. See also note 14.
- <sup>7</sup> Under the *Land Administration Act 1997* s. 281(3), a reference to the *Land Act 1933* in a written law is, unless the contrary is intended, to be read and construed as a reference to the *Land Administration Act 1997*. The reference was changed under the *Reprints Act 1984* s. 7(3)(g).
- <sup>8</sup> Under the *Financial Management (Transitional Provisions) Act 2006* s. 19 a reference in a written law or document or instrument to the *Financial Administration and Audit Act 1985* may, where the context so requires, be read as if it had been amended to be a reference to the *Financial Management Act 2006* or to the *Auditor General Act 2006*, or to both those Acts, as the case requires.
- <sup>9</sup> The *Western Australian Land Authority Amendment Act 1998* s. 7(2) is a savings provision of no further effect.
- <sup>10</sup> The *Western Australian Land Authority Amendment Act 1998* s. 18(2), (3) and (4) are transitional provisions of no further effect.
- <sup>11</sup> The *Western Australian Land Authority Amendment Act 2004* s. 12(2)-(8) read as follows:
- (2) The person who was the chief executive officer immediately before the commencement of this section continues in office, under and subject to the WALA Act, as the chief executive officer as if that person had been appointed by the board.
  - (3) Other people who were in the employment of the Authority immediately before the commencement of this section continue, under and subject to the WALA Act, as members of staff of the Authority.
  - (4) Except as otherwise agreed by the chief executive officer or member of staff, the remuneration, existing or accrued rights, rights under a superannuation scheme or continuity of service of the chief executive officer or a member of staff of the Authority are not affected, prejudiced or interrupted by —
    - (a) the operation of subsection (2) or (3); or
    - (b) the Authority ceasing to be an SES organisation under the *Public Sector Management Act 1994*.
  - (5) A person mentioned in subsection (2) or (3) is to be regarded as an employee of an organisation for the purposes of Part 6 of the *Public Sector Management Act 1994*.

- (6) Subsection (5) ceases to apply at the expiration of 2 years after the commencement of this section.
- (7) A person mentioned in subsection (3) is to be regarded as having been engaged under section 11 of the WALA Act.
- (8) Where this section uses a term that is given a meaning in the WALA Act, the term has that meaning in this section.

<sup>12</sup> The *Western Australian Land Authority Amendment Act 2004* s. 18(2) is a transitional provision of no further effect.

<sup>13</sup> The amendment in the *State Superannuation Amendment Act 2007* s. 88 is not included because it was repealed by the *State Superannuation Amendment Act 2011* s. 4 before the amendment purported to come into operation.

## Defined terms

*[This is a list of terms defined and the provisions where they are defined.*

*The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
acquire.....	4(1)
Authority.....	4(1)
business arrangement .....	17(5)
commencement day .....	Sch. 4 cl. 1
Crown land.....	4(1)
develop.....	4(1)
dispose of .....	4(1)
former body.....	Sch. 4 cl. 1
function .....	4(1)
GTE Act.....	4(1)
industrial purposes .....	4(1)
Joondalup Centre .....	16(2)
land .....	4(1)
liabilities .....	51(11)
liability .....	Sch. 4 cl. 1
management.....	4(1)
members of staff .....	13A(3), 14B(4)
Ministers .....	51(11)
participate .....	17(5)
person.....	17(5)
property.....	51(11), Sch. 4 cl. 1
public authority .....	4(1)
repealed Act .....	Sch. 4 cl. 7(1) and 9(1)
WADC .....	51(9) and (11)