

**SOUTH WEST DEVELOPMENT
AUTHORITY AMENDMENT ACT
1992**

No. 5 of 1992

AN ACT to amend the *South West Development Authority Act 1984*, the *Constitution Acts Amendment Act 1899* and the *Parliamentary Commissioner Act 1971*.

[Assented to 14 May 1992.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *South West Development Authority Amendment Act 1992*.

Commencement

2. This Act shall come into operation on such day as is fixed by proclamation.

Principal Act

3. In this Act the *South West Development Authority Act 1984** is referred to as the principal Act.

[*Act No. 32 of 1984 as amended by Acts Nos. 98 of 1985, 113 of 1987 and 95 of 1990.]

Long title amended

4. The long title to the principal Act is amended by deleting “a South West Development Authority Advisory Committee” and substituting the following—

“ a South West Development Authority Advisory Committee and a Peel Area Advisory Committee ”.

Section 3 amended

5. Section 3 of the principal Act is amended by inserting after the definition of “appointed Board member” the following definitions—

“ “Area Advisory Committee” means the Peel Area Advisory Committee established under section 34B (1);

“Area Advisory Committee member” means member of the Area Advisory Committee appointed under section 34C; ”.

Section 13 amended

6. Section 13 of the principal Act is amended—

(a) by inserting after the section designation “13.” the subsection designation “(1)”;

(b) by inserting after “give directions” the following—

“ in writing ”; and

(c) by inserting the following subsection—

“ (2) The text of any direction given under subsection (1) shall be included in the annual report submitted by the accountable authority of the Authority under section 66 of the *Financial Administration and Audit Act 1985*. ”.

Section 14 inserted

7. After section 13 of the principal Act the following section is inserted—

Minister to have access to information

“ 14. (1) For parliamentary purposes or for the proper conduct of the Minister’s public business, the Minister is entitled—

(a) to have information in the possession of the Authority; and

(b) where the information is in or on a document, to have, and make and retain copies of, that document.

(2) For the purposes of subsection (1) the Minister may—

(a) request the Authority to furnish information to the Minister;

(b) request the Authority to give the Minister access to information;

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- (c) for the purposes of paragraph (b) make use of the staff of the Authority to obtain the information and furnish it to the Minister.

(3) The Authority shall comply with a request under subsection (2) and make its staff and facilities available to the Minister for the purposes of paragraph (c) of that subsection.

(4) In this section—

“document” includes any tape, disc or other device or medium on which information is recorded or stored mechanically, photographically, electronically or otherwise;

“information” means information specified, or of a description specified, by the Minister that relates to the functions of the Authority;

“parliamentary purposes” means the purpose of—

- (a) answering a question asked in a House of Parliament; or
- (b) complying with a written law, or an order or resolution of a House of Parliament, that requires information to be furnished to a House of Parliament. ”.

Section 21 amended

8. Section 21 of the principal Act is amended in subsection (3)—

(a) in paragraph (b) by deleting “and Advisory Committee members” and substituting the following—

“ , Advisory Committee members and Area Advisory Committee members ”;

(b) by inserting after paragraph (c) the following paragraph—

“ (ca) the expenses of the Area Advisory Committee or of any Area Advisory sub-committee in performing its functions under this Act; ”; and

(c) in paragraph (d) by deleting “and (c)” and substituting the following—

“ , (c) and (ca) ”.

Part IIIA inserted

9. After Part III of the principal Act the following Part is inserted—

“ PART IIIA—PEEL AREA ADVISORY COMMITTEE

Interpretation

34A. In this Part—

“the Peel Area” means the area within the South West Region constituted by the combined districts of the Shires of Boddington, Murray and Waroona and the City of Mandurah.

**Establishment and function of
Peel Area Advisory Committee**

34B. (1) There is hereby established a committee to be known as the Peel Area Advisory Committee.

(2) The function of the Area Advisory Committee is to advise the Authority on the exercise and performance of its powers, functions and duties under this Act in relation to the Peel Area.

Composition of Peel Area Advisory Committee

34C. (1) The Area Advisory Committee shall comprise—

- (a) a Board member appointed by the Minister to be the chairman of the Area Advisory Committee;
- (b) 4 persons appointed by the Minister under subsection (2); and
- (c) not more than 8 other persons appointed by the Minister under subsection (4).

(2) For the purpose of appointing Area Advisory Committee members referred to in subsection (1) (b), the Minister shall—

- (a) request each local authority in the Peel Area to submit to the Minister, within 21 days of the request, a panel of the names of 3 persons resident in the Peel Area who are able and willing to be candidates for appointment as Area Advisory Committee members; and

- (b) appoint from each panel of names submitted under paragraph (a) one person to be an Area Advisory Committee member.

(3) If a local authority fails to submit a panel of names to the Minister within the time specified in subsection (2) (a), the Minister may appoint such person as the Minister thinks fit to be an Area Advisory Committee member in place of one of the persons referred to in subsection (1) (b), and a person so appointed shall be deemed to have been duly appointed under subsection (2).

(4) For the purpose of appointing Area Advisory Committee members referred to in subsection (1) (c), the Minister shall—

- (a) cause advertisements to be placed in newspapers circulating in the Peel Area calling for the submission to the Minister, within the time specified in the relevant advertisement, of the names of persons resident in the Peel Area who are able and willing to be candidates for appointment as Area Advisory Committee members; and
- (b) appoint from the names of persons submitted under paragraph (a) not more than 8 persons to be Area Advisory Committee members.

(5) The Minister shall not appoint a person to be an Area Advisory Committee member under subsection (2) or (4) unless the Minister is satisfied that the person is, at the time of appointment, resident in the Peel Area.

(6) The Minister shall cause each appointment made under subsection (2) or (4) to be notified in the *Gazette*.

**Constitution, operation and proceedings
of Peel Area Advisory Committee**

34D. (1) Subject to this section, the provisions of sections 29 (3) and (4), 30 (7), 32, 33, 34, 36 and Schedule 3 apply to and in relation to the Area Advisory Committee and its members as if a reference in those provisions to—

- (a) the Advisory Committee were a reference to the Area Advisory Committee;
- (b) an Advisory sub-committee were a reference to an Area Advisory sub-committee;
- (c) the Advisory Committee chairman were a reference to the chairman of the Area Advisory Committee; and
- (d) an Advisory Committee member or an appointed Advisory Committee member were a reference to an Area Advisory Committee member.

(2) In the case of an extraordinary vacancy in the office of an Area Advisory Committee member—

- (a) referred to in section 34C (1) (a), the Minister may appoint a person to whom section 34C (1) (a) applies;
- (b) referred to in section 34C (1) (b), the Minister may appoint a person from the most recent panel of names submitted by the relevant local authority under section 34C (2) (a); or
- (c) referred to in section 34C (1) (c), the Minister may appoint a person from the

names of persons submitted following the most recent advertisements under section 34C (4) (a),

to be an Area Advisory Committee member for the residue of the term of the former holder of that office.

(3) At a meeting of the Area Advisory Committee—

(a) the chairman of the Area Advisory Committee; or

(b) in the absence of the chairman, a person elected by the members present at the meeting from among their number,

shall preside. ”.

Section 38 amended

10. Section 38 of the principal Act is amended in subsection (1) (a) and (b) by deleting “and the Advisory Committee” and substituting in each case the following—

“ , the Advisory Committee and the Area Advisory Committee ”.

Schedule 1 amended

11. Schedule 1 to the principal Act is amended—

(a) by deleting “Mandurah,”; and

(b) by deleting “City of Bunbury” and substituting the following—

“ Cities of Bunbury and Mandurah ”.

Consequential amendments

12. (1) Schedule V to the *Constitution Acts Amendment Act 1899** is amended in Part 3 by inserting in the appropriate alphabetical position the following—

“ The Peel Area Advisory Committee established by the *South West Development Authority Act 1984.* ”.

[*Reprinted as at 16 March 1989 and amended by Acts Nos. 75 of 1988, 19 and 28 of 1989, and 6, 10, 16, 27, 38, 39, 40, 73, 91 and 104 of 1990.]

(2) The Schedule to the *Parliamentary Commissioner Act 1971** is amended by inserting in the appropriate alphabetical position the following—

“ South West Development Authority, South West Development Authority Advisory Committee and Peel Area Advisory Committee established by the *South West Development Authority Act 1984.* ”.

[*Reprinted as at 31 March 1989 and amended by Acts Nos. 2 of 1987, 75 of 1988, 28 and 31 of 1989, 6, 10, 16, 39, 40, 73, 97 and 104 of 1990].