

GOLDFIELDS-ESPERANCE DEVELOPMENT AUTHORITY ACT 1990

(No. 39 of 1990)

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GOLDFIELDS-ESPERANCE DEVELOPMENT AUTHORITY ACT

No. 39 of 1990

AN ACT to establish a Goldfields-Esperance Development Authority to plan, co-ordinate and promote the economic and social development of the Goldfields-Esperance Region of Western Australia and Advisory Committees to advise that Authority in the exercise and performance of its functions, to amend certain Acts and for related purposes.

[Assented to 8 November 1990.]

The Parliament of Western Australia enacts as follows:

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Goldfields-Esperance Development Authority Act 1990*.

Commencement

2. The provisions of this Act shall come into operation on such day as is, or days as are respectively, fixed by proclamation.

Interpretation

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

“Advisory Committee” means Advisory Committee established by section 24 (1);

“Advisory Committee chairperson” means chairperson of an Advisory Committee appointed under section 25 (1) (a) or 26 (1) (a);

“Advisory Committee member” means—

(a) Advisory Committee chairperson; or

(b) member of an Advisory Committee appointed under—

(i) section 25 (4) or (5);

(ii) section 26 (4) or (5); or

(iii) clause 2 (4) of Schedule 3;

“Advisory sub-committee” means committee appointed under clause 4 (1) of Schedule 3;

“appointed Board member” means member of the Board appointed under section 6 (1) and includes temporary Board member;

“Board chairperson” means chairperson of the Board appointed under section 6 (1);

“Board committee” means committee appointed under clause 6 (1) of Schedule 2;

“Board member” means Director or appointed Board member;

“deputy Board chairperson” means deputy chairperson of the Board appointed under section 6 (1);

“Director” means person holding or acting in the office of the Director of the Authority referred to in section 15 (1);

“district” has the meaning given by section 6 of the *Local Government Act 1960*;

“local authority” means municipality within the meaning of the *Local Government Act 1960*;

“temporary Board member” means person appointed to act temporarily in the place of an appointed Board member under clause 3 (1) of Schedule 2;

“the Account” means the Goldfields-Esperance Development Authority Account referred to in section 18 (2);

“the Authority” means the Goldfields-Esperance Development Authority established by section 4 (1);

“the Board” means the board of management referred to in section 5 (1);

“the Goldfields area” means the area constituted by the combined districts of the local authorities referred to in Part 2 of Schedule 1;

“the Goldfields-Esperance Region” means the region constituted by the combined districts of the local authorities referred to in Part 1 of Schedule 1;

“the South-East Coastal area” means the area constituted by the combined districts of the local authorities referred to in Part 3 of Schedule 1.

PART 2—GOLDFIELDS-ESPERANCE DEVELOPMENT AUTHORITY

Division 1—Establishment of Authority

Establishment of Goldfields-Esperance Development Authority

4. (1) There is hereby established a body to be called the Goldfields-Esperance Development Authority.

(2) The Authority is a body corporate with perpetual succession and a common seal and, subject to this Act, is capable of—

- (a) acquiring, holding and disposing of real and personal property;
- (b) suing and being sued; and
- (c) doing and suffering all that bodies corporate may do or suffer.

(3) The Authority is an agent of the Crown in right of the State, but nothing in this Act affects or limits the operation of the *Town Planning and Development Act 1928* or the *Local Government Act 1960* or the application of those Acts to any of the activities of the Authority.

Board of management of Authority

5. (1) The Authority shall have a board of management comprising a chairperson, a deputy chairperson, the Director *ex officio* and 7 other members.

(2) The Board is the governing body of the Authority with authority, in the name of the Authority, to exercise and perform the functions of the Authority.

Membership of Board

6. (1) The chairperson, deputy chairperson and other members referred to in section 5 (1) (except the Director) shall be appointed by the Minister.

(2) Appointment as a Board member under subsection (1) does not render the provisions of the *Public Service Act 1978* or of any other Act applying to persons as officers of the Public Service of the State applicable to the person so appointed, or affect or prejudice the application to that person of those provisions if they applied to that person immediately before his or her appointment.

(3) The Minister shall cause each appointment under subsection (1) to be notified in the *Gazette*.

Constitution and proceedings of Board

7. Schedule 2 has effect with respect to the constitution and proceedings of the Board.

Remuneration and allowances of certain Board members and members of Board committees

8. An appointed Board member or a member of a Board committee who is not the Director shall be paid such remuneration and travelling and other allowances as the Minister from time to time after consultation with the Public Service Commissioner determines in respect of that member.

Protection of Board members and members of Board committees

9. (1) A Board member is not personally liable for any act done or omitted to be done in good faith by the Authority, the Board, a Board committee or by that person acting as a Board member.

(2) In this section—

“Board member” includes member of a Board committee who is not also a Board member.

Disclosure of pecuniary interests

10. (1) A Board member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Board or a Board committee shall, as soon as possible after the relevant facts have come to his or her knowledge, disclose the nature of his or her interest at a meeting of the Board or the Board committee, as the case requires.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting of the Board or the Board committee concerned, as the case requires, and the Board member shall not, unless the Minister or the Board or that Board committee otherwise determines—

- (a) be present during any deliberation; or
- (b) take part in any decision,

of the Board or that Board committee with respect to the matter to which the disclosure relates.

(3) For the purpose of the making of a determination by the Board or the Board committee concerned, as the case requires, under subsection (2) in relation to a Board member who has made a disclosure under subsection (1), a Board member who has a direct or indirect pecuniary interest in the matter to which the disclosure relates shall not—

- (a) be present during any deliberation of the Board or that Board committee for the purpose of making that determination; or
- (b) take part in the making of that determination by the Board or that Board committee.

(4) A Board member who contravenes or fails to comply with a provision of this section commits an offence.

Penalty: \$5 000 or imprisonment for 3 months or both.

(5) In this section—

“Board member” includes member of a Board committee.

Division 2—Functions and powers of Authority

Functions of Authority

11. The functions of the Authority are to plan, co-ordinate and promote the economic and social development of the Goldfields-Esperance Region and for that purpose—

- (a) to provide a framework within which local authorities, statutory bodies, representatives of industry and commerce, employer and employee organizations, education and training institutions and other sections of the community within the Goldfields-Esperance Region may formulate co-ordinated action for the economic and social development of the Goldfields-Esperance Region;
- (b) to co-operate with departments of the Public Service of the State and State agencies and instrumentalities;
- (c) to promote individual projects in the Goldfields-Esperance Region;
- (d) to consult, and have regard to the representations of—
 - (i) departments of the Public Services of, and other agencies and instrumentalities of, both the State and the Commonwealth;
 - (ii) local authorities; and
 - (iii) statutory bodies;
- (e) to undertake major economic and other studies of the Goldfields-Esperance Region;
- (f) to provide local authorities in the Goldfields-Esperance Region with information gained by studies referred to in paragraph (e) and by other research; and

- (g) generally to take steps to encourage, promote, facilitate or assist economic and social development in the Goldfields-Esperance Region.

Powers of Authority

12. (1) The Authority has power to do all things necessary or convenient to be done for or in connection with the performance of its functions under this Act.

(2) Without limiting the generality of subsection (1), the powers of the Authority referred to in that subsection include power—

- (a) to purchase, sell, lease, take on lease, mortgage, exchange or otherwise acquire, deal in or dispose of real and personal property;
- (b) to improve, develop or alter real property;
- (c) to divide land, provide energy, water and other services, build roads and construct other works;
- (d) to appoint agents and attorneys;
- (e) to give directions to the Director and other officers referred to in section 15 (1); and
- (f) to do anything incidental to any of its powers under this Act.

(3) In performing its functions and exercising its powers, the Authority may act alone or in conjunction with—

- (a) any person, firm or body corporate; or
- (b) any Department of the Public Service, or other agency or instrumentality, of the State or the Commonwealth.

Minister may give directions

13. (1) The Minister may give directions in writing to the Authority with respect to the performance of its functions, either generally or in relation to a particular matter, and the Authority shall give effect to any such direction.

(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*.

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 to have information in the possession of the Authority and to have and retain copies of documents.

(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;
- (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 data that is recorded or stored mechanically, photographically, or electronically and any tape, disc or other device or medium on which it is recorded or stored;

“information” means documents or other information relating to the functions of the Authority being information, as so defined, specified, or of a description specified, by the Minister;

“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.

Division 3—Director and other staff of Authority

Appointment and functions of Director and other staff and engagement of consultants

15. (1) There shall be appointed under and subject to the *Public Service Act 1978* a Director of the Authority and such other officers as may be necessary to enable the Authority to exercise and perform its functions.

(2) Subject to this Act, the functions of the Director are, subject to directions given under section 12 (2) (e), to administer the day to day operations of the Authority and generally to exercise and perform the functions conferred or imposed on him or her in his or her capacity as the Director by or under this Act.

(3) The Director or another officer referred to in subsection (1) shall comply with any direction given to him or her under section 12 (2) (e).

(4) The Authority may, with the prior approval of the Minister, engage under contracts for services such consultants and professional or technical or other assistance as it considers necessary to enable the Authority to exercise and perform its functions.

Use of staff and facilities of departments, agencies and instrumentalities

16. The Authority may, by arrangement made between it and the Minister concerned, and on such terms and conditions as may be mutually arranged by it with that Minister and with the Public Service Commissioner, make use, either full-time or part-time, of—

- (a) the services of any officer or employee employed in the Public Service of the State or in a State agency or instrumentality or otherwise in the service of the Crown in right of the State; or
- (b) any facilities of a department of the Public Service of the State or of a State agency or instrumentality.

Secrecy

17. (1) A person to whom this section applies shall not, either directly or indirectly, except in the exercise or performance of a function under or in connection with this or any other Act—

- (a) make a record of, or divulge or communicate to any person, any information concerning the affairs of another person

acquired by him or her by reason of his or her office or employment under or for the purposes of this Act; or

- (b) produce to any person any document relating to the affairs of another person furnished for the purposes of this Act.

Penalty: \$2 500.

(2) This section applies to every person who is or has been a Board member, a member of a Board committee, an Advisory Committee member, a member of an Advisory sub-committee, the Director or another officer referred to in section 15 (1), or is rendering or has rendered services to the Authority under section 15 or 16.

Division 4—Financial provisions

Funds of Authority

18. (1) The funds available for the purpose of enabling the Authority to exercise and perform its powers, functions and duties under this Act consist of—

- (a) moneys from time to time appropriated by Parliament;
- (b) moneys advanced to the Authority from moneys referred to in paragraph (a);
- (c) all moneys received by the Authority from performing any of its functions under this Act;
- (d) all moneys borrowed by the Authority under section 19 or 20;
- (e) the proceeds of sales by the Authority of land or any interest in land;
- (f) rents derived from land leased by the Authority; and
- (g) any moneys, other than moneys referred to in paragraphs (a), (b), (c), (d), (e) and (f), lawfully received by, made available to or payable to the Authority.

(2) The funds referred to in subsection (1) shall be paid into and placed to the credit of an account at the Treasury to be called the “Goldfields-Esperance Development Authority Account”.

(3) There shall be paid from the moneys from time to time in the Account—

- (a) interest on and repayments of moneys borrowed by or advanced to the Authority under this Act;
- (b) the remuneration and travelling and other allowances payable to Board members, members of Board committees, the Director and other officers referred to in section 15 (1) and Advisory Committee members;
- (c) the expenses of each Advisory Committee or of any Advisory sub-committee in exercising or performing its functions; and
- (d) all expenditure, other than expenditure referred to in paragraphs (a), (b) and (c), lawfully incurred by the Authority in the exercise or performance of its functions.

Borrowing by Authority from Treasurer

19. (1) The Authority may borrow from the Treasurer such amounts as the Treasurer approves on such conditions relating to repayment and payment of interest as the Treasurer imposes.

(2) By virtue of this subsection the Account and the assets of the Authority are charged with the due performance by the Authority of all obligations arising from any advance made under this section.

Borrowing by Authority generally

20. (1) The provisions of this section are in addition to, and not in derogation from, the provisions of section 19.

(2) The Authority may—

- (a) with the prior approval of the Treasurer in writing and on such terms and conditions as the Treasurer approves, borrow moneys for the purpose of exercising and performing its functions; and
- (b) borrow moneys under this subsection on the guarantee of the Treasurer given under section 21.

(3) Any moneys borrowed by the Authority under subsection (2) may be raised as one loan or as several loans and in such manner as the Treasurer approves, but the amount of the moneys so borrowed shall not in any one financial year exceed in the aggregate such amount as the Treasurer approves.

Guarantee by Treasurer

21. (1) The Treasurer may, in the name and on behalf of the Crown in right of the State, guarantee, in such form and subject to such terms as the Treasurer determines, the payment of any moneys payable by the Authority in respect of moneys borrowed by it under section 20.

(2) The due payment of moneys payable by the Treasurer under a guarantee given under subsection (1)–

(a) is hereby guaranteed by the State; and

(b) shall be made by the Treasurer out of the Consolidated Revenue Fund, which to the necessary extent is appropriated accordingly.

(3) By virtue of this subsection the Account and the assets of the Authority are charged with the due repayment of any payment made by the Treasurer under a guarantee given under subsection (1) and with the performance and observance by the Authority of any covenants and conditions which the Treasurer imposes as a term of that guarantee.

(4) The Treasurer shall cause any amounts received or recovered from the Authority or otherwise in respect of any payment made by the Treasurer under a guarantee given under subsection (1) to be paid into the Consolidated Revenue Fund.

(5) Before a guarantee is given by the Treasurer under subsection (1), the Authority shall give to the Treasurer such security as the Treasurer requires and shall execute all such instruments as are necessary for the purpose.

Temporary investment of funds

22. The Authority may, with the approval of the Treasurer, temporarily invest moneys standing to the credit of the Account in such manner and in such categories of investment as are approved by the Treasurer until those moneys are required for the purpose of the exercise or performance of the functions of the Authority.

Application of *Financial Administration and Audit Act 1985*

23. The provisions of the *Financial Administration and Audit Act 1985* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the Authority and its operations.

PART 3—ADVISORY COMMITTEES

Establishment and functions of Goldfields Advisory Committee and South-East Coastal Advisory Committee

24. (1) There are hereby established 2 committees to be known as the Goldfields Advisory Committee and the South East Coastal Advisory Committee respectively.

(2) The functions of each Advisory Committee are—

- (a) to advise the Authority on the exercise and performance of the functions of the Authority in relation to the relevant area;
- (b) to ensure that the Authority has regular access to a broad cross-section of community views on matters of social and economic development; and
- (c) to comment on, and carry out research into, development opportunities referred by the Board to the Advisory Committee.

(3) Each Advisory Committee shall have and may exercise such powers as are necessary for or incidental to the performance of its functions.

(4) In subsection (2) (a), “the relevant area”, in relation to—

- (a) the Goldfields Advisory Committee, means the Goldfields area; and
- (b) the South-East Coastal Advisory Committee, means the South-East Coastal area.

Composition of Goldfields Advisory Committee

25. (1) The Goldfields Advisory Committee shall comprise—

- (a) one Board member appointed by the Minister on the nomination of the Board chairperson to be the chairperson of the Advisory Committee; and
- (b) not more than 10 other members—
 - (i) of whom a number fixed under subsection (3), being not more than 4, are persons appointed under subsection (4); and
 - (ii) of whom a number fixed under subsection (3), being not more than 6, are persons appointed under subsection (5).

(2) The Minister shall appoint one of the Advisory Committee members to be the deputy chairperson of the Advisory Committee.

(3) For the purpose of subsection (1) (b), the Minister shall, before the making of the first appointments under subsection (4) or (5), fix the number of persons to be appointed under that subsection by notice in writing served on the Board chairperson, and may from time to time alter that number by notice in writing so served.

(4) For the purpose of appointing the Advisory Committee members referred to in subsection (1) (b) (i)—

- (a) the Board chairperson shall—
 - (i) cause advertisements calling for the submission to the Board chairperson of the names of persons resident in the Goldfields area and able and willing to be candidates for appointment as Advisory Committee members to be placed in newspapers circulating in the Goldfields area;
 - (ii) invite such economic or social organizations as the Board chairperson thinks fit to submit to him or her the names of persons resident in the Goldfields area and able and willing to be candidates for appointment as Advisory Committee members;
 - (iii) select a panel of the names of persons referred to in subparagraphs (i) and (ii) from the names of persons submitted in response to the advertisements and invitations referred to in those subparagraphs, which

panel shall contain the names of twice as many persons as there are vacancies in the number for the time being fixed under subsection (3) in relation to this subsection; and

- (iv) submit the panel of names referred to in subparagraph (iii) to the Minister;

and

- (b) the Minister shall appoint from the panel of names submitted under this subsection a sufficient number of persons to fill the vacancies in the number referred to in paragraph (a) (iii).

(5) For the purpose of appointing the Advisory Committee members referred to in subsection (1) (b) (ii)—

- (a) the Board chairperson shall—

- (i) simultaneously request each local authority in the Goldfields area to submit to the Board chairperson the names of persons resident in those districts and able and willing to be candidates for appointment as Advisory Committee members;

- (ii) select a panel of the names of persons referred to in subparagraph (i) from the names of persons submitted in response to requests made under that subparagraph, which panel shall contain the names of twice as many persons as there are vacancies in the number for the time being fixed under subsection (3) in relation to this subsection; and

- (iii) submit the panel of names referred to in subparagraph (ii) to the Minister;

and

- (b) the Minister shall appoint from the panel of names submitted under this subsection a sufficient number of persons to fill the vacancies in the number referred to in paragraph (a) (ii).

(6) The Minister shall, in appointing persons under subsection (4) or (5), ensure as far as is practicable that the Goldfields Advisory Committee is representative of the interests of the people of the Goldfields area and, without limiting the generality of the foregoing, includes persons from local authorities, statutory bodies, industry and commerce, employer and employee organizations, education and training

institutions and other sections of the community within the Goldfields area.

(7) The Minister shall cause each appointment made under subsection (4) or (5) to be notified in the *Gazette*.

Composition of South-East Coastal Advisory Committee

26. (1) The South-East Coastal Advisory Committee shall comprise—

- (a) one Board member appointed by the Minister on the nomination of the Board chairperson to be the chairperson of the Advisory Committee; and
- (b) not more than 6 other members—
 - (i) of whom a number fixed under subsection (3), being not more than 4, are persons appointed under subsection (4); and
 - (ii) of whom a number fixed under subsection (3), being not more than 2, are persons appointed under subsection (5).

(2) The Minister shall appoint one of the Advisory Committee members to be the deputy chairperson of the Advisory Committee.

(3) For the purpose of subsection (1) (b), the Minister shall, before the making of the first appointments under subsection (4) or (5), fix the number of persons to be appointed under that subsection by notice in writing served on the Board chairperson, and may from time to time alter that number by notice in writing so served.

(4) For the purpose of appointing the Advisory Committee members referred to in subsection (1) (b) (i)—

- (a) the Board chairperson shall—
 - (i) cause advertisements calling for the submission to the Board chairperson of the names of persons resident in the South-East Coastal area and able and willing to be candidates for appointment as Advisory Committee members to be placed in newspapers circulating in the South-East Coastal area;
 - (ii) invite such economic or social organizations as the Board chairperson thinks fit to submit to him or her

the names of persons resident in the South-East Coastal area and able and willing to be candidates for appointment as Advisory Committee members;

- (iii) select a panel of the names of persons referred to in subparagraphs (i) and (ii) from the names of persons submitted in response to the advertisements and invitations referred to in those subparagraphs, which panel shall contain the names of twice as many persons as there are vacancies in the number for the time being fixed under subsection (3) in relation to this subsection; and
- (iv) submit the panel of names referred to in subparagraph (iii) to the Minister;

and

- (b) the Minister shall appoint from the panel of names submitted under this subsection a sufficient number of persons to fill the vacancies in the number referred to in paragraph (a) (iii).

(5) For the purpose of appointing the Advisory Committee members referred to in subsection (1) (b) (ii)—

- (a) the Board chairperson shall—

- (i) simultaneously request each local authority in the South-East Coastal area to submit to the Board chairperson the names of persons resident in the South-East Coastal area and able and willing to be candidates for appointment as Advisory Committee members;
- (ii) select a panel of the names of persons referred to in subparagraph (i) from the names of persons submitted in response to requests made under that subparagraph, which panel shall contain the names of twice as many persons as there are vacancies in the number for the time being fixed under subsection (3) in relation to this subsection; and
- (iii) submit the panel of names referred to in subparagraph (ii) to the Minister;

and

- (b) the Minister shall appoint from the panel of names submitted under this subsection a sufficient number of persons to fill the vacancies in the number referred to in paragraph (a) (ii).

(6) The Minister shall, in appointing persons under subsection (4) or (5), ensure as far as is practicable that the South-East Coastal Advisory Committee is representative of the interests of the people of the South-East Coastal area and, without limiting the generality of the foregoing, includes persons from local authorities, statutory bodies, industry and commerce, employer and employee organizations, education and training institutions and other sections of the community within the South-East Coastal area.

(7) The Minister shall cause each appointment made under subsection (4) or (5) to be notified in the *Gazette*.

Constitution and proceedings of Advisory Committees

27. Schedule 3 has effect with respect to the constitution and proceedings of the Advisory Committees.

Relationship of Advisory Committee members to Public Service

28. Appointment as an Advisory Committee member does not render the *Public Service Act 1978* or any other Act applying to persons as officers of the Public Service of the State applicable to the person so appointed, or affect or prejudice the application to that person of that Act if it applied to that person immediately before his or her appointment.

Remuneration and allowances of Advisory Committee members

29. An Advisory Committee member shall be paid such remuneration and travelling and other allowances as the Minister from time to time after consultation with the Public Service Commissioner determines in respect of that member.

Protection of Advisory Committee members and others

30. (1) An Advisory Committee member is not personally liable for any act done or omitted to be done in good faith by an Advisory Committee or an Advisory sub-committee or by that person acting as an Advisory Committee member.

(2) In subsection (1)—

“Advisory Committee member” includes member of an Advisory sub-committee who is not also an Advisory Committee member.

Disclosure of pecuniary interests of Advisory Committee members

31. (1) An Advisory Committee member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by an Advisory Committee or by an Advisory sub-committee shall, as soon as possible after the relevant facts have come to his or her knowledge, disclose the nature of his or her interest at a meeting of the Advisory Committee or of the Advisory sub-committee, as the case requires.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting of the Advisory Committee or of the Advisory sub-committee concerned, as the case requires, and the Advisory Committee member shall not, unless the Minister or the Advisory Committee or that Advisory sub-committee otherwise determines—

- (a) be present during any deliberation; or
- (b) take part in any decision,

of the Advisory Committee or of that Advisory sub-committee with respect to the matter to which the disclosure relates.

(3) For the purpose of the making of a determination by the Advisory Committee or by the Advisory sub-committee concerned, as the case requires, under subsection (2) in relation to an Advisory Committee

member who has made a disclosure under subsection (1), an Advisory Committee member who has a direct or indirect pecuniary interest in the matter to which the disclosure relates shall not—

- (a) be present during any deliberation of the Advisory Committee or of that Advisory sub-committee for the purpose of making that determination; or
- (b) take part in the making of that determination by the Advisory Committee or by that Advisory sub-committee.

(4) In this section—

“Advisory Committee member” includes member of an Advisory sub-committee who is not an Advisory Committee member.

PART 4—GENERAL

Execution of documents by Authority

32. (1) A document is duly executed by the Authority, if—

- (a) the common seal of the Authority is affixed to it in accordance with subsections (2) and (3); or
- (b) it is signed on behalf of the Authority by the Board member or Board members or officer or officers of the Authority authorized by the Board to do so.

(2) The common seal of the Authority shall not be affixed to any document except by resolution of the Board.

(3) The common seal of the Authority shall be affixed to a document in the presence of the Board chairperson and one other Board member and each of them shall sign the document to attest that the common seal was so affixed.

(4) A document purporting to be executed in accordance with this section shall be presumed to be duly executed until the contrary is shown.

(5) When a document is produced bearing a seal purporting to be the common seal of the Authority, it shall be presumed that that seal is the common seal of the Authority until the contrary is shown.

Proceedings not affected by irregularities

33. An act, decision or proceeding of the Board or a Board committee or of an Advisory Committee or an Advisory sub-committee shall not be invalid or called in question by reason only of—

- (a) any vacancy in the Board or Board committee or in the Advisory Committee or Advisory sub-committee; or
- (b) any defect or irregularity in appointment to an office under this Act.

Regulations

34. (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 made under this section may prescribe a penalty not exceeding \$2 500 for any contravention of those regulations.

Review of Act

35. (1) The Minister shall carry out a review of the operation and effectiveness of this Act as soon as is practicable after the expiry of 5 years from its commencement and in the course of that review the Minister shall consider and have regard to—

- (a) the effectiveness of the operations of the Authority and the Advisory Committees;
- (b) the need for the continuation of the functions of the Authority and the Advisory Committees; and
- (c) such matters, other than those referred to in paragraphs (a) and (b), as appear to the Minister to be relevant to the operation and effectiveness of this Act.

(2) The Minister shall prepare a report based on the review made under subsection (1) and shall, as soon as is practicable after that preparation, cause that report to be laid before each House of Parliament.

Consequential amendments to other Acts

36. The Acts referred to in the first column of Schedule 4 are amended in the manner set out in the second column of that Schedule.

SCHEDULE 1 (Section 3)

GOLDFIELDS-ESPERANCE REGION, GOLDFIELDS AREA AND SOUTH-EAST COASTAL AREA

PART 1—LOCAL AUTHORITIES COMBINED DISTRICTS OF WHICH CONSTITUTE GOLDFIELDS-ESPERANCE REGION

The Shires of Coolgardie, Dundas, Esperance, Laverton, Leonora, Menzies and Ravensthorpe and the City of Kalgoorlie/Boulder.

PART 2—LOCAL AUTHORITIES COMBINED DISTRICTS OF WHICH CONSTITUTE GOLDFIELDS AREA

The Shires of Coolgardie, Dundas, Laverton, Leonora, Menzies and the City of Kalgoorlie/Boulder.

PART 3—LOCAL AUTHORITIES COMBINED DISTRICTS OF WHICH CONSTITUTE SOUTH-EAST COASTAL AREA

The Shires of Esperance and Ravensthorpe.

SCHEDULE 2 (Section 7)

CONSTITUTION AND PROCEEDINGS OF BOARD

Term of office of appointed Board member

1. (1) Except as otherwise provided by this Act, an appointed Board member shall hold office for such term, being not more than 3 years, as is specified in the member's instrument of appointment, but he or she may from time to time be reappointed.

(2) An appointed Board member, unless the member sooner dies or resigns or is removed from office, shall continue in office until a successor comes into office, notwithstanding that the term for which the member was appointed may have expired.

Vacation of office by appointed Board member

2. (1) An appointed Board member may resign office by notice in writing delivered to the Minister.

(2) An appointed Board member may be removed from office at any time by the Minister—

(a) for—

- (i) mental or physical incapacity;
- (ii) incompetence;
- (iii) neglect of duty; or
- (iv) misconduct,

impairing the performance of his or her functions as a member and proved to the satisfaction of the Minister;

- (b) if the member is an insolvent under administration within the meaning of the *Companies (Western Australia) Code*; or
- (c) if the member is absent without leave of the Board from 3 consecutive meetings of the Board of which the member has had notice.

Temporary Board members

3. (1) If an appointed Board member is unable to act by reason of sickness, absence or other cause, the Minister may appoint another person to act temporarily in the member's place, and while so acting according to the tenor of his or her appointment the other person has all the functions of a Board member.

(2) No act or omission of a person acting in place of another under this clause shall be questioned on the ground that the occasion for his or her appointment or acting had not arisen or had ceased.

(3) The appointment of a person as a temporary Board member may be terminated at any time by the Minister.

Meetings of Board

4. (1) The first meeting of the Board shall be convened by the Board chairperson and thereafter, subject to subclause (2), meetings of the Board shall be held at such times and places as the Board determines.

(2) A special meeting of the Board may at any time be convened by the Board chairperson.

(3) At a meeting of the Board—

- (a) the Board chairperson;
- (b) in the absence of the Board chairperson, the deputy Board chairperson; or
- (c) in the absence of the Board chairperson and the deputy Board chairperson, a person elected by the members present at the meeting from among their number,

shall preside.

(4) At any meeting of the Board 6 Board members constitute a quorum.

(5) At any meeting of the Board—

- (a) each Board member present is entitled to a deliberative vote;
- (b) subject to paragraph (c), if the votes cast on a question are equally divided, the question shall remain unresolved until a subsequent meeting of the Board; and
- (c) if the votes cast on a question at a previous meeting of the Board were equally divided and the votes cast on the question at a subsequent meeting of the Board are again equally divided, the question shall be deemed lost.

(6) The Board shall cause accurate minutes to be kept of the proceedings at its meetings.

Delegation by Board

5. (1) The Board may, by resolution, delegate to an appointed Board member, the Director or another officer referred to in section 15 (1) or a Board committee (in this clause called “the delegate”), either generally or otherwise as provided by the instrument of delegation, all or any of its functions (except this power of delegation).

(2) A function delegated under this clause may be exercised or performed by the delegate in accordance with the instrument of delegation and, when so exercised or performed, shall, for the purposes of this Act, be deemed to have been exercised or performed by the Board.

Board committees

6. (1) The Board may from time to time by resolution appoint a committee consisting of—

- (a) such Board members; or
- (b) such Board members and such other persons,

as it thinks fit for the purpose of assisting or advising the Board on any aspect of the functions of the Board and may discharge, alter, continue or reconstitute any committee so appointed.

(2) Subject to the directions of the Board, each Board committee may determine its own procedures.

(3) A Board committee shall report to the Board on a matter referred to it by the Board within such period as the Board directs.

Resolution may be passed without meeting

7. A resolution in writing signed or assented to by letter or telegram by each Board member shall be as valid and effectual as if it had been passed at a meeting of the Board.

Leave of absence

8. The Board may grant leave of absence to a Board member on such terms and conditions as it thinks fit.

Board to determine own procedures

9. Subject to this Act, the Board shall determine its own procedures.

SCHEDULE 3

(Section 27)

CONSTITUTION AND PROCEEDINGS OF ADVISORY COMMITTEES

Term of office of Advisory Committee member

1. (1) Except as otherwise provided by this Act, an Advisory Committee member shall hold office for such term, being not more than 2 years, as is specified in the member's instrument of appointment, but he or she may from time to time be reappointed.

(2) An Advisory Committee member, unless the member sooner dies or resigns or is removed from office, shall continue in office until a successor comes into office, notwithstanding that the term for which the member was appointed may have expired.

Extraordinary vacancies

2. (1) An Advisory Committee member may resign office by notice in writing delivered to the Minister.

(2) An Advisory Committee member may be removed from office at any time by the Minister—

(a) for—

- (i) mental or physical incapacity;
- (ii) incompetence;
- (iii) neglect of duty; or
- (iv) misconduct,

impairing the performance of his or her functions as a member and proved to the satisfaction of the Minister;

- (b) if the member is an insolvent under administration within the meaning of the *Companies (Western Australia) Code*; or
- (c) if the member is absent without leave of the Advisory Committee from 3 consecutive meetings of the Advisory Committee of which the member has had notice.

(3) If an Advisory Committee member dies or resigns or is removed from office, the vacancy shall be deemed to be an extraordinary vacancy.

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

- (a) referred to in section 25 (1) (b) (i), the Minister may appoint a person from the most recent panel of names submitted to the Minister under section 25 (4) (a);
- (b) referred to in section 25 (1) (b) (ii), the Minister may appoint a person from the most recent panel of names submitted to the Minister under section 25 (5) (a);
- (c) referred to in section 26 (1) (b) (i), the Minister may appoint a person from the most recent panel of names submitted to the Minister under section 26 (4) (a); or
- (d) referred to in section 26 (1) (b) (ii), the Minister may appoint a person from the most recent panel of names submitted to the Minister under section 26 (5) (a),

to be an Advisory Committee member referred to in section 25 (1) (b) (i) or (ii) or 26 (1) (b) (i) or (ii), as the case requires, for the residue of the term of the former holder of that office.

Meetings of Advisory Committees

3. (1) The first meeting of an Advisory Committee shall be convened by the Advisory Committee chairperson and thereafter, subject to subclauses (2) and (3), meetings of the Advisory Committee shall be held at such times and places as the Advisory Committee determines.

(2) Ordinary meetings of an Advisory Committee shall be held at intervals not exceeding 3 months.

(3) A special meeting of an Advisory Committee may at any time be convened by the Advisory Committee chairperson.

(4) At a meeting of an Advisory Committee—

- (a) the Advisory Committee chairperson;
- (b) in the absence of the Advisory Committee chairperson, the deputy chairperson appointed under section 25 (2) or 26 (2), as the case requires; or
- (c) in the absence of the Advisory Committee chairperson and the deputy chairperson, a person elected by the members present at the meeting from among their number,

shall preside.

(5) At any meeting of an Advisory Committee—

- (a) a majority of the Advisory Committee members constitutes a quorum;
- (b) each Advisory Committee member present, other than the person presiding at that meeting, is entitled to a deliberative vote; and
- (c) if the voting on a question is equally divided, the person presiding at that meeting has a casting vote.

(6) Each Advisory Committee shall cause accurate minutes to be kept of the proceedings at its meetings and shall submit to the Authority a copy of the minutes of each meeting within 14 days of the date on which that meeting was held.

Advisory Committee sub-committees

4. (1) An Advisory Committee may from time to time appoint a committee consisting of—

- (a) such Advisory Committee members; or
- (b) such Advisory Committee members and such other persons,

as it thinks fit and may discharge, alter, continue or reconstitute any committee so appointed.

(2) Subject to the directions of the Advisory Committee, each Advisory sub-committee may determine its own procedures.

Leave of absence

5. An Advisory Committee may grant leave of absence to an Advisory Committee member on such terms and conditions as it thinks fit.

Advisory Committees to determine own procedures

6. Subject to this Act, each Advisory Committee shall determine its own procedures.

SCHEDULE 4 (Section 36)

CONSEQUENTIAL AMENDMENTS

<i>Short title of Act</i>	<i>Amendment</i>
1. <i>Constitution Acts Amendment Act 1899</i>	In Part 3 of Schedule V, insert in the appropriate alphabetical positions the following— “The Board of management of the Goldfields-Esperance Development Authority constituted under the <i>Goldfields-Esperance Development Authority Act 1990</i> . The Goldfields Advisory Committee established under the <i>Goldfields-Esperance Development Authority Act 1990</i> . The South-East Coastal Advisory Committee established under the <i>Goldfields-Esperance Development Authority Act 1990</i> . ”.
2. <i>Parliamentary Commissioner Act 1971</i>	In the Schedule, insert in the appropriate alphabetical position the following— “Goldfields-Esperance Development Authority, Goldfields Advisory Committee and South-East Coastal Advisory Committee established by the <i>Goldfields-Esperance Development Authority Act 1990</i> . ”.
3. <i>Public Service Act 1978</i>	In the Schedule, insert after item 10 the following item— “10A. Goldfields-Esperance Development Authority established by the <i>Goldfields-Esperance Development Authority Act 1990</i> . ”.
4. <i>Financial Administration and Audit Act 1985</i>	In Schedule 1, insert in the appropriate alphabetical position the following— “Goldfields-Esperance Development Authority. ”.