

METROPOLITAN REGION TOWN PLANNING SCHEME (No. 2).

No. 73 of 1980.

AN ACT to amend the Metropolitan Region Town Planning Scheme Act 1959-1979.

[Assented to 26 November 1980.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Metropolitan Region Town Planning Scheme Amendment Act (No. 2) 1980*.

Short
title
and
citation.

(2) In this Act the Metropolitan Region Town Planning Scheme Act 1959-1979 is referred to as the principal Act.

Reprint
approved
27 December
1978.
Amended
by Act No.
115 of 1979.

(3) The principal Act as amended by this Act may be cited as the Metropolitan Region Town Planning Scheme Act 1959-1980.

No. 73.] *Metropolitan Region Town Planning Scheme (No. 2).* [1980.]

Section 17A
inserted.

2. After section 17 of the principal Act the following section is inserted—

Transitional
and
validation
provision.

“ 17A. (1) In this section “amending Act” means the Metropolitan Region Town Planning Scheme Amendment Act (No. 2) 1980.

(2) Notwithstanding anything to the contrary in this Act, or in any notice of appointment of a member published in the *Gazette*, the terms of office of the persons most recently appointed to each of the respective offices of members of the Authority before the coming into operation of the amending Act shall expire by effluxion of time on 31 August 1982 and shall be deemed to have always been terms of office expiring on that date.

(3) Where, before the coming into operation of the amending Act, any act, matter, or thing was done under or for the purposes of this Act by, to or in relation to a person mentioned in subsection (2) of this section, or a person acting or purporting to act by reason of being the deputy for the first-mentioned person, that act, matter, or thing shall be, and be deemed to have always been, as valid and effectual as it would have been if, at the time it was done, the first-mentioned person had been holding office, and entitled to hold office, as a member for a term commencing on the day specified in the notice of his appointment published in the *Gazette* as the commencing date of his term and ending on the day specified in subsection (2) of this section. ” .

Section 28
amended.

3. Section 28 of the principal Act is amended by deleting “twenty-five” and substituting the following—

“ one hundred ” .

4. Sections 33D and 33E of the principal Act are repealed and the following section is substituted—

Sections 33D and 33E repealed and section 33D substituted.

“ 33D. (1) Whenever the Minister is of the opinion that it is necessary or desirable to consolidate the Scheme he may direct the Authority to deliver to him a consolidation of the Scheme as in force at the date specified in the direction.

Consolidation of Scheme.

(2) On receipt of a direction under subsection (1) of this section the Authority shall cause to be prepared a consolidation of the Scheme incorporating all amendments to the Scheme in force on the day specified in the direction.

(3) In the preparation of the consolidation there may be included, in addition to or in substitution for any maps, plans and diagrams forming part of the Scheme, such maps, plans or diagrams, prepared on such scale or scales, as, in the opinion of the Authority are necessary to state and represent the scope, effect and details of the Scheme, as amended, in an informative and convenient form, and where such an addition or substitution necessitates the making of any consequential amendment to the text of the Scheme that amendment shall be made in the consolidation.

(4) Without limiting the generality of subsection (3) of this section, on the first occasion upon which a consolidation is prepared under this section the maps, plans and diagrams forming part of the Scheme shall be omitted for the purpose of substituting maps, plans and diagrams which have been prepared on a scale or scales consistent with the metric system of measurement as defined in the Metric Conversion Act 1972 and which show information in a manner consistent with that system.

(5) Where any addition, substitution or other amendment is effected under subsection (3) or (4) of this section the Scheme shall be deemed to have been amended accordingly on and from the publication of notice of the consolidation under subsection (8) of this section but the provisions of—

(a) sections thirty-three and thirty-three A of this Act; and

(b) the Metric Conversion Act 1972,

do not apply to any such addition, substitution or other amendment.

(6) Having prepared the consolidation of the Scheme the Authority shall cause the consolidation to be examined by the Surveyor General in the Department of Lands and Surveys.

(7) If the Surveyor General certifies that the maps, plans and diagrams in the consolidation are correct the Authority shall—

(a) seal the consolidation and certify thereon that it is a correct statement and representation of the Scheme as in force at the date specified in the direction given by the Minister; and

(b) deliver the consolidation to the Minister.

(8) If the Minister approves of the consolidation and endorses his signature thereon the Authority shall publish notice of the consolidation in the *Gazette* and as from the publication of the notice the consolidation shall in all courts and by all tribunals, bodies and persons be judicially noticed and shall be deemed to be a correct statement and representation of the Scheme as in force on the date specified in the Minister's direction unless the contrary is shown.

(9) Where in the opinion of the Minister it is expedient to do so he may instead of directing the Authority to deliver to him a consolidation of the whole Scheme direct the Authority to deliver to him a consolidation of such portion of the Scheme (whether by reference to a map of the Scheme or any other portion thereof) as is specified in his direction and the provisions of this section apply to and in relation to the consolidation of the portion of the Scheme so specified in the direction as though the portion of the Scheme so specified were the whole Scheme. " .
