

WESTERN AUSTRALIA

ACTS AMENDMENT (PORT AUTHORITIES) ACT

No. 79 of 1986

AN ACT to amend the *Albany Port Authority Act 1926*, the *Bunbury Port Authority Act 1909*, the *Esperance Port Authority Act 1968*, the *Fremantle Port Authority Act 1902*, the *Geraldton Port Authority Act 1968* and the *Port Hedland Port Authority Act 1970* and to provide for matters incidental thereto or connected therewith.

[Assented to 4 December 1986]

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:—

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Acts Amendment (Port Authorities) Act 1986*.

Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

PART II—ALBANY PORT AUTHORITY ACT 1926**Principal Act**

3. In this Part, the *Albany Port Authority Act 1926** is referred to as the principal Act.

[*Reprinted as approved 24 March 1971 and amended by Acts Nos. 12 of 1976, 78 of 1979 and 98 of 1985.]

Section 4 amended

4. Section 4 of the principal Act is amended in subsection (2) by deleting “annually appointed by the Governor as chairman” and substituting the following—

“ appointed by the Governor as the chairman of the Port Authority for such period not exceeding the remainder of the period of office of that member as is specified in the instrument of his appointment as that chairman ”.

**Sections 6 and 7 repealed
and section 6 substituted**

5. Sections 6 and 7 of the principal Act are repealed and the following section is substituted—

Period of office of member

“ 6. Subject to this Act, a member—

(a) holds office for such period not exceeding 3 years as is specified in the instrument of his appointment; and

(b) is, on the expiry of his period of office, eligible for reappointment as a member. ”.

Saving

6. (1) A person who was immediately before the coming into operation of this Act a member of the Port Authority within the meaning of the principal Act shall, subject to the principal Act, continue to hold office as such a member for the remainder of his period of office as if the principal Act had not been amended by this Act.

(2) A member of the Port Authority within the meaning of the principal Act who was immediately before the coming into operation of this Act the chairman of that Port Authority shall, subject to the principal Act, continue to hold office as that chairman for the remainder of his period of office as—

(a) that chairman; or

(b) a member of that Port Authority,

whichever is the shorter period, as if the principal Act had not been amended by this Act.

PART III—*BUNBURY PORT AUTHORITY ACT 1909*

Principal Act

7. In this Part, the *Bunbury Port Authority Act 1909** is referred to as the principal Act.

[*Reprinted as approved 22 January 1970 and amended by Acts Nos. 12 of 1976, 78 of 1979 and 98 of 1985.]

Section 4 amended

8. Section 4 of the principal Act is amended in subsection (2) by deleting “annually appointed by the Governor as chairman” and substituting the following—

“ appointed by the Governor as the chairman of the Port Authority for such period not exceeding the remainder of the period of office of that member as is specified in the instrument of his appointment as that chairman ”.

**Sections 6 and 7 repealed
and section 6 substituted**

9. Sections 6 and 7 of the principal Act are repealed and the following section is substituted—

Period of office of member

“ 6. Subject to this Act, a member—

- (a) holds office for such period not exceeding 3 years as is specified in the instrument of his appointment; and
- (b) is, on the expiry of his period of office, eligible for reappointment as a member. ”.

Saving

10. (1) A person who was immediately before the coming into operation of this Act a member of the Port Authority within the meaning of the principal Act shall, subject to the principal Act, continue to hold office as such a member for the remainder of his period of office as if the principal Act had not been amended by this Act.

(2) A member of the Port Authority within the meaning of the principal Act who was immediately before the coming into operation of this Act the chairman of that Port Authority shall, subject to the principal Act, continue to hold office as that chairman for the remainder of his period of office as—

- (a) that chairman; or
- (b) a member of that Port Authority,

whichever is the shorter period, as if the principal Act had not been amended by this Act.

PART IV—*ESPERANCE PORT AUTHORITY ACT 1968***Principal Act**

11. In this Part, the *Esperance Port Authority Act 1968** is referred to as the principal Act.

[*Act No. 11 of 1968 as amended by Acts Nos. 12 of 1976, 78 of 1979 and 98 of 1985.]

Section 4 repealed

12. Section 4 of the principal Act is repealed.

**Sections 8 and 9 repealed
and section 8 substituted**

13. Sections 8 and 9 of the principal Act are repealed and the following section is substituted—

Period of office of member

“ 8. Subject to this Act, a member—

- (a) holds office for such period not exceeding 3 years as is specified in the instrument of his appointment; and
- (b) is, on the expiry of his period of office, eligible for reappointment as a member. ”.

Saving

14. A person who was immediately before the coming into operation of this Act a member of the Port Authority within the meaning of the principal Act shall, subject to the principal Act, continue to hold office as such a member for the remainder of his period of office as if the principal Act had not been amended by this Act.

PART V—FREMANTLE PORT AUTHORITY ACT 1902**Principal Act**

15. In this Part, the *Fremantle Port Authority Act 1902** is referred to as the principal Act.

[*Reprinted as approved 23 July 1973 and amended by Acts Nos. 12 and 22 of 1976, 78 of 1979, 78 of 1984, 98 of 1985 and 41 of 1986.]

Section 4 amended

16. Section 4 of the principal Act is amended in subsection (2) by deleting “annually appointed by the Governor as chairman” and substituting the following—

“ appointed by the Governor as the chairman of the Port Authority for such period not exceeding the remainder of the period of office of that commissioner as is specified in the instrument of his appointment as that chairman ”.

**Sections 6 and 7 repealed
and section 6 substituted**

17. Sections 6 and 7 of the principal Act are repealed and the following section is substituted—

Period of office of commissioner

- “ 6. Subject to this Act, a commissioner—
- (a) holds office for such period not exceeding 3 years as is specified in the instrument of his appointment; and
 - (b) is, on the expiry of his period of office, eligible for reappointment as a commissioner. ”.

Saving

18. (1) A person who was immediately before the coming into operation of this Act a commissioner of the Port Authority within the meaning of the principal Act shall, subject to the principal Act, continue to hold office as such a commissioner for the remainder of his period of office as if the principal Act had not been amended by this Act.

(2) A commissioner of the Port Authority within the meaning of the principal Act who was immediately before the coming into operation of this Act the chairman of that Port Authority shall, subject to the principal Act, continue to hold office as that chairman for the remainder of his period of office as—

- (a) that chairman; or
- (b) a commissioner of that Port Authority,

whichever is the shorter period, as if the principal Act had not been amended by this Act.

PART VI—GERALDTON PORT AUTHORITY ACT 1968

Principal Act

19. In this Part, the *Geraldton Port Authority Act 1968** is referred to as the principal Act.

[*Act No. 10 of 1968 as amended by Acts Nos. 12 of 1976, 78 of 1979 and 98 of 1985.]

Section 4 repealed

20. Section 4 of the principal Act is repealed.

**Sections 8 and 9 repealed
and section 8 substituted**

21. Sections 8 and 9 of the principal Act are repealed and the following section is substituted—

Period of office of member

- “ 8. Subject to this Act, a member—
- (a) holds office for such period not exceeding 3 years as is specified in the instrument of his appointment; and
 - (b) is, on the expiry of his period of office, eligible for reappointment as a member. ”.

Saving

22. A person who was immediately before the coming into operation of this Act a member of the Port Authority within the meaning of the principal Act shall, subject to the principal Act, continue to hold office as such a member for the remainder of his period of office as if the principal Act had not been amended by this Act.

PART VII—PORT HEDLAND PORT AUTHORITY ACT 1970

Principal Act

23. In this Part, the *Port Hedland Port Authority Act 1970** is referred to as the principal Act.

[*Act No. 30 of 1970 as amended by Acts Nos. 83 of 1973, 12 of 1976, 78 of 1979, 98 of 1985 and 36 of 1986.]

**Sections 7 and 8 repealed
and section 7 substituted**

24. Sections 7 and 8 of the principal Act are repealed and the following section is substituted—

Period of office of member

“ 7. Subject to this Act, a member—

- (a) holds office for such period not exceeding 3 years as is specified in the instrument of his appointment; and
 - (b) is, on the expiry of his period of office—
 - (i) in the case of a member referred to in section 6 (3) or (4), eligible for renomination; and
 - (ii) eligible for reappointment,
- as a member. ”.

Saving

25. A person who was immediately before the coming into operation of this Act a member of the Port Authority within the meaning of the principal Act shall, subject to the principal Act, continue to hold office as such a member for the remainder of his period of office as if the principal Act had not been amended by this Act.
