

ACTS AMENDMENT (STATE PLANNING COMMISSION).

No. 92 of 1985.

AN ACT to amend the Town Planning and Development Act 1928, the Metropolitan Region Town Planning Scheme Act 1959 and the Parliamentary Commissioner Act 1971.

[Assented to 4 December 1985.]

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.

1. This Act may be cited as the *Acts Amendment (State Planning Commission) Act 1985*. Short title.

2. This Act shall come into operation on the day fixed for the commencement of the State Planning Commission Act 1985. Commencement.

PART II.—TOWN PLANNING AND DEVELOPMENT
ACT 1928.

Principal Act.
Reprinted as approved 22 May 1980 and amended by Acts Nos. 107 of 1978, 72 of 1980, 79 of 1981, 73, 120 and 122 of 1982, 32 of 1983 and 7 of 1985.

3. In this Part the Town Planning and Development Act 1928 is referred to as the principal Act.

Section 2 amended.

4. Section 2 of the principal Act is amended in subsection (1)—

- (a) by deleting the definitions of “Authority” and “Board”;
- (b) in the definition of “building line” by deleting “the Authority” in each place where it appears and substituting the following—

“ the Commission ”;
- (c) by deleting the definitions of “Commissioner” and “Deputy Commissioner” and substituting the following—

“ “Commission” means the State Planning Commission established by section 4 of the State Planning Commission Act 1985; ”; and
- (d) in the definition of “lot” by deleting “Board” and substituting the following—

“ Commission ”.

Sections 3, 4, 5 and 5A repealed.

5. Sections 3, 4, 5 and 5A of the principal Act are repealed.

Section 5AA amended.

6. Section 5AA of the principal Act is amended—

- (a) by repealing subsection (1) and substituting the following—

“ (1) Without limiting the generality of section 18 of the State Planning Commission Act 1985, the Commission

may, with the approval of the Minister, prepare statements of planning policy. ”; and

- (b) in subsections (3), (5) and (6) by deleting “Board or The Metropolitan Region Planning Authority, as the case may be,” in each place where it appears, and substituting the following—

“ Commission ”.

7. Section 9 of the principal Act is amended— Section 9 amended.

- (a) in subsection (4) in paragraph (a) by inserting immediately before “Board” the following—

“ Town Planning ”; and

- (b) in subsection (5) in the definition of “proper date” by inserting immediately before “Board” the following—

“ Town Planning ”.

8. Section 25 of the principal Act is amended by deleting “board” and substituting the following— Section 25 amended.

“ Commission ”.

9. Section 29 of the principal Act is amended by deleting “Commissioner or the Board” and substituting the following— Section 29 amended.

“ Commission ”.

10. The principal Act is amended by deleting “Board” wherever it appears in the provisions referred to in the Schedule to this section and substituting the following— References to “Board” amended.

“ Commission ”.

SCHEDULE.

- section 7B (2)
- section 19 (1), (2), (3) and (4)
- section 20 (1) (a) and (2)
- section 20A
- section 20B (1) and (2)
- section 20C (1) and (7)
- section 21 (1) and (2)
- section 22 (1), (2) and (3)
- section 23 (a), (b), (c), (d), (f), (g) and (h)
- section 24 (1), (2) and (3)
- section 26 (1)
- section 27A (1) (a)
- section 28A (4) (a)

PART III—METROPOLITAN REGION TOWN PLANNING
SCHEME ACT 1959.

Principal
Act.
Reprinted as
approved 20
February
1984.

11. In this Part the Metropolitan Region Town Planning Scheme Act 1959 is referred to as the principal Act.

Long title
amended.

12. The long title to the principal Act is amended by deleting “for the purposes of constituting the Metropolitan Region Planning Authority,” and substituting the following—

“ and ”.

Section 6
amended.

13. Section 6 of the principal Act is amended—

(a) by deleting the definition of “Authority” and substituting the following definitions—

“ “Authority” in sections 30, 31, 32, 33B, 33C and 37A (4a) means the Metropolitan Region Planning Authority in existence under section 7

of this Act before the commencement of Part III of the Acts Amendment (State Planning Commission) Act 1985;

“Commission” means the State Planning Commission established by section 4 of the State Planning Commission Act 1985;

“Council” means the Metropolitan Planning Council established by section 24 of the State Planning Commission Act 1985; ”;

and

(b) by deleting the definitions of “Chairman”, “functions” and “member”.

14. The heading to Part II of the principal Act is deleted and the following heading is substituted— Heading to Part II substituted

“ PART II.—MISCELLANEOUS. ”.

15. Sections 7 to 22 of the principal Act are repealed. Sections 7 to 22 repealed.

16. Section 23 of the principal Act is amended in subsection (3) by deleting “, as soon as practicable after the passing of this Act,” and substituting the following— Section 23 amended.

“ from time to time as occasion requires ”.

17. Section 24 of the principal Act is amended by repealing subsections (3) and (4) and substituting the following subsection— Section 24 amended.

“ (3) Each Committee shall perform such functions of the Council as may be delegated to it under section 37 of the State Planning Commission Act 1985. ”.

Sections 25,
27, 27A, 28,
29 and 29A
repealed.

18. Sections 25, 27, 27A, 28, 29 and 29A of the principal Act are repealed.

Section 38
amended.

19. Section 38 of the principal Act is amended—

(a) in subsection (2) by deleting paragraphs (b) and (c) and substituting the following paragraphs—

“ (b) money borrowed by the Commission for the purpose of the performance of any function referred to in section 18 (1) (e) of the State Planning Commission Act 1985; and

(c) any other payments made to the Commission in connection with the performance of any such function. ”; and

(b) in subsection (3) by deleting paragraphs (b) and (c) and substituting the following paragraphs—

“ (b) all expenses incurred by the Commission in or in connection with the Scheme or an order or the establishment and maintenance of any works in connection with the Scheme or order or the development, maintenance and management of any land held by the Commission that is reserved under the Scheme or the carrying out of any works, including the provision of facilities thereon, incidental to such development, maintenance and management or conducive to the use of such land for any purpose for which it is reserved; and

(c) payment of the remuneration and expenses of the members of the Council. ”.

20. Sections 39 and 40 of the principal Act are repealed. Sections 39 and 40 repealed.

21. Section 43A of the principal Act is amended in subsection (1)— Section 43A amended.

(a) by deleting “Authority” in each place where it appears, except the second place, and substituting the following—

“ Commission ”; and

(b) by deleting “Authority” in the second place where it appears and substituting the following—

“ Commission or the Council ”.

22. The First Schedule to the principal Act is amended by deleting the item relating to the North-West Group and substituting the following— First Schedule amended.

“ Western Suburbs Group—Councils of the Cities of Nedlands and Subiaco, of the Towns of Claremont, Cottesloe and Mosman Park, and of the Shire of Peppermint Grove.

North-West Group—Councils of the City of Stirling and of the City of Wanneroo. ”.

23. The principal Act is amended by deleting “Authority” wherever it appears in the provisions referred to in the Schedule to this section and substituting the following— References to “Authority” amended.

“ Commission ”.

SCHEDULE.

section 23 (1)
 section 24 (1) and (2)
 section 26 (1) and (3)
 section 27A
 section 28
 section 33 (1), (2), (3) and (6)
 section 33A (1) and (2)
 section 33D (1), (2), (3), (6), (7), (8) and (9)
 section 35C (1) and (2)
 section 35E (2), (3), (4), (5) and (6)
 section 36 (1), (2), (2a), (2b), (6), (7) and (8)
 section 36A
 section 36B (3)
 section 36C (1), (2), (3) and (3b)
 section 37
 section 37A (1), (2), (4) and (5)
 section 38
 section 41A
 section 42
 section 43 (1), (2) and (5).

PART IV—PARLIAMENTARY COMMISSIONER ACT 1971.

Schedule
 amended.
 Reprinted as
 approved
 19 July 1983
 and
 amended by
 Act No. 124
 of 1984.

24. The Schedule to the Parliamentary Commissioner Act 1971 is amended—

(a) by deleting the item relating to the Metropolitan Region Planning Authority and substituting the following—

“ Metropolitan Planning Council established under the State Planning Commission Act 1985. ”;

(b) by deleting the item relating to the Town Planning Board; and

(c) by inserting after the item relating to the State Government Insurance Office the following—

“ State Planning Commission established under the State Planning Commission Act 1985. ”.