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.

2. This Act shall come into operation on the day fixed for the commencement of the State Planning Commission Act 1985.
PART II.—TOWN PLANNING AND DEVELOPMENT ACT 1928.

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

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 ”.

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 Sections 3, 4, 5 and 5A of the principal Act are repealed.

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
Acts Amendment (State Planning Commission).

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

(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—

(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—

"Commission".

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

"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—

"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.

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

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 ".

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 commence-
ment of Part III of the Acts
Amendment (State Planning
Commission) Act 1985;

“Commission” means the State Plan-
ning 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—

“PART II.—MISCELLANEOUS.”.

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

“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—

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 Sections 25, 27, 27A, 28, 29 and 29A of the principal Act are repealed.

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. ".

Section 38 amended.
20. Sections 39 and 40 of the principal Act are repealed.

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

(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—

" 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—

" Commission ".

Sections 39 and 40 repealed.

Section 43A amended.

First Schedule amended.

References to "Authority" amended.
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.

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."