

ACTS AMENDMENT (PORT AUTHORITIES).

No. 78 of 1979.

AN ACT to amend the Albany Port Authority Act, 1926-1976, the Bunbury Port Authority Act, 1909-1976, the Esperance Port Authority Act, 1968-1976, the Fremantle Port Authority Act, 1902-1976, the Geraldton Port Authority Act, 1968-1976, and the Port Hedland Port Authority Act, 1970-1976.

[Assented to 6th December, 1979.]

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. This Act may be cited as the *Acts Amendment (Port Authorities) Act, 1979.* Short title.

PART I.—ALBANY PORT AUTHORITY ACT, 1926-1976.

Citation.
Reprinted as
approved
24th March,
1971 and
amended by
Act No. 12
of 1976.

2. (1) In this Part the Albany Port Authority Act, 1926-1976, is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Albany Port Authority Act, 1926-1979.

Section 23
amended.

3. Section 23 of the principal Act is amended—

- (a) as to subsection (1), by deleting the words “and may be undertaken by the Minister for Works”, in line five, and substituting the following passage—

and—

(a) for the purpose, the Port Authority is a local authority within the meaning of that expression as defined in that Act; and

(b) subject to this Act, when and as often as land is required for the purposes of this Act, the land may be entered upon, surveyed and taken or resumed under the powers contained in and in accordance with the procedure prescribed by that Act ;

(b) as to subsection (2)—

(i) by deleting the passage “Without affecting the operation of subsection (1) of this section, the”, in lines one and two, and substituting the word “The”;

(ii) by deleting the words “with the prior approval of the Governor”, in lines two and three, and substituting the passage “, subject to the prior approval of the Minister” ; and

- (iii) by deleting the passage commencing with the word "works", in line five, and ending with the designation "1902", in the last line of the subsection, and substituting the words "works or other works required for the purposes of this Act".

4. Section 26A of the principal Act is repealed.

Section 26A
repealed.

5. The principal Act is amended by adding a new section, to stand as section 54FA as follows—

Section 54FA
added.

54FA. Notwithstanding that prior to the coming into operation of the Acts Amendment (Port Authorities) Act, 1979, the Port Authority has—

Validation.

- (a) borrowed moneys; or
(b) used income derived by the Port Authority under this Act or moneys appropriated by Parliament,

for a purpose which would have been within the power of the Port Authority had that Act been in operation at the time but which was not then a purpose within the powers of the Port Authority, such borrowing and the use of such income or appropriated moneys, and the doing of any act, matter or thing with respect thereto, shall be deemed to be and to have been duly authorised and lawfully done and is hereby validated. .

PART II.—BUNBURY PORT AUTHORITY ACT, 1909-1976.

6. (1) In this Part the Bunbury Port Authority Act, 1909-1976, is referred to as the principal Act.

Citation.
Reprinted as
approved
22nd Janu-
ary, 1970 and
amended by
Act No. 12 of
1976.

- (2) The principal Act as amended by this Act may be cited as the Bunbury Port Authority Act, 1909-1979.

Section 23
amended.

7. Section 23 of the principal Act is amended—

- (a) as to subsection (1), by deleting the words “and may be undertaken by the Minister for Works”, in line five, and substituting the following passage—

and—

- (a) for the purpose, the Port Authority is a local authority within the meaning of that expression as defined in that Act; and
- (b) subject to this Act, when and as often as land is required for the purposes of this Act, the land may be entered upon, surveyed and taken or resumed under the powers contained in and in accordance with the procedure prescribed by that Act ;
- (b) as to subsection (2)—
- (i) by deleting the passage “Without affecting the operation of subsection (1) of this section, the”, in lines one and two, and substituting the word “The”;
- (ii) by deleting the words “with the prior approval of the Governor”, in lines two and three, and substituting the passage “, subject to the prior approval of the Minister”; and
- (iii) by deleting the passage commencing with the word “works”, in line five, and ending with the designation “1902”, in the last line of the subsection, and substituting the words “works or other works required for the purposes of this Act”.

Section 26A
repealed.

8. Section 26A of the principal Act is repealed.

9. The principal Act is amended by adding a new section, to stand as section 54FA as follows—

Section 54FA added.

54FA. Notwithstanding that prior to the coming into operation of the Acts Amendment (Port Authorities) Act, 1979, the Port Authority has—

Validation.

- (a) borrowed moneys; or
- (b) used income derived by the Port Authority under this Act or moneys appropriated by Parliament,

for a purpose which would have been within the power of the Port Authority had that Act been in operation at the time but which was not then a purpose within the powers of the Port Authority, such borrowing and the use of such income or appropriated moneys, and the doing of any act, matter or thing with respect thereto, shall be deemed to be and to have been duly authorised and lawfully done and is hereby validated.

PART III.—ESPERANCE PORT AUTHORITY ACT, 1968-1976.

10. (1) In this Part the Esperance Port Authority Act, 1968-1976, is referred to as the principal Act.

Citation.

(2) The principal Act as amended by this Act may be cited as the Esperance Port Authority Act, 1968-1979.

11. Section 24 of the principal Act is amended—

Section 24 amended.

- (a) as to subsection (1), by deleting the words “and may be undertaken by the Minister for Works”, in line five, and substituting the following passage—

and—

- (a) for the purpose, the Port Authority is a local authority within the meaning of that expression as defined in that Act; and

- (b) subject to this Act, when and as often as land is required for the purposes of this Act, the land may be entered upon, surveyed and taken or resumed under the powers contained in and in accordance with the procedure prescribed by that Act ;
- (b) as to subsection (2)—
 - (i) by deleting the passage “Without affecting the operation of subsection (1) of this section, the”, in lines one and two, and substituting the word “The”;
 - (ii) by deleting the words “with the prior approval of the Governor”, in lines two and three, and substituting the passage “, subject to the prior approval of the Minister” ; and
 - (iii) by deleting the passage commencing with the word “works”, in line five, and ending with the designation “1902”, in the last line of the subsection, and substituting the words “works or other works required for the purposes of this Act”.

Section 28
repealed.

12. Section 28 of the principal Act is repealed.

Section 58A
added.

13. The principal Act is amended by adding a new section, to stand as section 58A as follows—

Validation.

58A. Notwithstanding that prior to the coming into operation of the Acts Amendment (Port Authorities) Act, 1979, the Port Authority has—

- (a) borrowed moneys; or
- (b) used income derived by the Port Authority under this Act or moneys appropriated by Parliament,

for a purpose which would have been within the power of the Port Authority had that Act been in operation at the time but which was not then a purpose within the powers of the Port Authority, such borrowing and the use of such income or appropriated moneys, and the doing of any act, matter or thing with respect thereto, shall be deemed to be and to have been duly authorised and lawfully done and is hereby validated. .

PART IV.—FREMANTLE PORT AUTHORITY ACT,
1902-1976.

14. (1) In this Part the Fremantle Port Authority Act, 1902-1976, is referred to as the principal Act.

Citation.
Reprinted as
approved
23rd July,
1973 and
amended by
Acts Nos. 12
and 22 of
1976.

(2) The principal Act as amended by this Act may be cited as the Fremantle Port Authority Act, 1902-1979.

15. Section 25 of the principal Act is amended by inserting, after the word "works" in line two of subsection (1), the words "or other works required for the purposes of this Act".

Section 25
amended.

16. The principal Act is amended by adding a new section, to stand as section 58GA as follows—

Section 58GA
added.

58GA. Notwithstanding that prior to the coming into operation of the Acts Amendment (Port Authorities) Act, 1979, the Port Authority has—

Validation.

- (a) borrowed moneys; or
- (b) used income derived by the Port Authority under this Act or moneys appropriated by Parliament,

for a purpose which would have been within the power of the Port Authority had that Act been in operation at the time but which was not then a purpose within the powers of the Port Authority, such borrowing and the use of such income or appropriated moneys, and the doing of any act, matter or thing with respect thereto, shall be deemed to be and to have been duly authorised and lawfully done and is hereby validated. .

PART V.—GERALDTON PORT AUTHORITY ACT, 1968-1976.

Citation.

17. (1) In this Part the Geraldton Port Authority Act, 1968-1976, is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Geraldton Port Authority Act, 1968-1979.

Section 24
amended.

18. Section 24 of the principal Act is amended—

(a) as to subsection (1), by deleting the words “and may be undertaken by the Minister for Works”, in line five, and substituting the following passage—

and—

(a) for the purpose, the Port Authority is a local authority within the meaning of that expression as defined in that Act; and

(b) subject to this Act, when and as often as land is required for the purposes of this Act, the land may be entered upon, surveyed and taken or resumed under the powers contained in and in accordance with the procedure prescribed by that Act ;

(b) as to subsection (2)—

- (i) by deleting the passage “Without affecting the operation of subsection (1) of this section, the”, in lines one and two, and substituting the word “The”;
- (ii) by deleting the words “with the prior approval of the Governor”, in lines two and three, and substituting the passage “, subject to the prior approval of the Minister” ; and
- (iii) by deleting the passage commencing with the word “works”, in line five, and ending with the designation “1902”, in the last line of the subsection, and substituting the words “works or other works required for the purposes of this Act”.

19. Section 28 of the principal Act is repealed.

Section 28
repealed.

20. The principal Act is amended by adding a new section, to stand as section 58A as follows—

Section 58A
added.

58A. Notwithstanding that prior to the coming into operation of the Acts Amendment (Port Authorities) Act, 1979, the Port Authority has—

Validation.

- (a) borrowed moneys; or
- (b) used income derived by the Port Authority under this Act or moneys appropriated by Parliament,

for a purpose which would have been within the power of the Port Authority had that Act been in operation at the time but which was not then a purpose within the powers of the Port Authority, such borrowing and the use of such income or appropriated moneys, and the doing of any act, matter or thing with respect thereto, shall be deemed to be and to have been duly authorised and lawfully done and is hereby validated. .

PART VI.—PORT HEDLAND PORT AUTHORITY ACT,
1970-1976.

Citation.

21. (1) In this Part the Port Hedland Port Authority Act, 1970-1976, is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Port Hedland Port Authority Act, 1970-1979.

Section 23 amended.

22. Section 23 of the principal Act is amended by inserting, after the word "works" in line three of subsection (1), the words "or other works required for the purposes of this Act".

Section 57B added.

23. The principal Act is amended by adding a new section, to stand as section 57B as follows—

Validation.

57B. Notwithstanding that prior to the coming into operation of the Acts Amendment (Port Authorities) Act, 1979, the Port Authority has—

- (a) borrowed moneys; or
- (b) used income derived by the Port Authority under this Act or moneys appropriated by Parliament,

for a purpose which would have been within the power of the Port Authority had that Act been in operation at the time but which was not then a purpose within the powers of the Port Authority, such borrowing and the use of such income or appropriated moneys, and the doing of any act, matter or thing with respect thereto, shall be deemed to be and to have been duly authorised and lawfully done and is hereby validated. .