
[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.
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.

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 sub-section, 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 Section 26A of the principal Act is repealed. Section 26A repealed.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—

54FA. 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.


6. (1) In this Part the Bunbury Port Authority Act, 1909-1976, is referred to as the principal Act. Citation. Reprinted as approved 22nd January, 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.
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".

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—

54FA. 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.


10. (1) In this Part the Esperance 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 Esperance Port Authority Act, 1968-1979.

11. 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”;

(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—

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.


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

(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”.

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

58GA. 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,

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.

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

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—

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.