

# METROPOLITAN REGION TOWN PLANNING SCHEME.

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No. 103 of 1973.

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AN ACT to amend the Metropolitan Region Town  
Planning Scheme Act, 1959-1970.

[Assented to 28th December, 1973.]

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. (1) This Act may be cited as the *Metropolitan Region Town Planning Scheme Act Amendment Act, 1973.*

Short title  
and citation.

(2) In this Act the Metropolitan Region Town Planning Scheme Act, 1959-1970 is referred to as the principal Act.

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February,  
1973.

(3) The principal Act as amended by this Act may be cited as the Metropolitan Region Town Planning Scheme Act, 1959-1973.

No. 103.] *Metropolitan Region Town Planning Scheme.* [1973.]

Amendment  
to s. 7.  
(Metropolitan Region  
Planning  
Authority.)

2. Section 7 of the principal Act is amended—

(a) by substituting for the word “Twelve”, in line one of subsection (3), the word “Thirteen”;

(b) by deleting the word “and” following paragraph (d) of subsection (4); and

(c) by substituting for the passage “office.” at the end of the section a passage as follows—

office; and

(f) a representative of the Environmental Protection Authority established under the Environmental Protection Act, 1971.

Amendment  
to s. 28.  
(Approval of  
Minister to  
certain  
expenditure.)

3. Section 28 of the principal Act is amended by substituting for the word “ten”, in line three, the word “twenty-five”.

Addition of  
s. 29A.

4. Part II of the principal Act is amended by adding at the end thereof a section as follows—

Duty and  
liability  
of persons  
exercising  
functions  
under this  
Act.

29A. (1) In this section—

“function” means a function in connection with the execution of this Act;

“meeting” means a meeting held in connection with the execution of this Act;

“member” means a member of—

(a) the Authority;

(b) a District Planning Committee;

(c) a public authority; or

(d) a local authority.

(2) A member shall at all times act honestly in exercising any function.

(3) Where a matter is before a meeting for consideration and a member present at the meeting has a direct or indirect pecuniary interest in the matter, he shall as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest to the other members so present, and—

- (a) the disclosure shall be recorded in the minutes of the meeting; and
- (b) the member shall not thereafter be present during any consideration or discussion of, and shall not vote on any determination of, the matter.

(4) A member shall not disclose any information acquired by virtue of the exercise of any function unless the disclosure is made—

- (a) in connection with the execution of this Act or under any statutory duty; or
- (b) for the purposes of any proceedings arising out of this Act or any report of such proceedings.

(5) A member shall not make use of any information acquired by virtue of the exercise of any function to gain directly or indirectly an improper advantage to himself or to cause detriment to the Authority.

(6) A member who commits a breach of any of the provisions of this section is—

- (a) liable to the Authority for any profit made by him or for any damage suffered by the Authority as a result of the breach of any of those provisions; and
- (b) guilty of an offence against this Act.

Penalty: One thousand dollars.

(7) This section is in addition to and not in derogation of any other law relating to the duty or liability of the holder of a public office.