

## KEWDALE LANDS DEVELOPMENT.

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No. 17 of 1970.

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**AN ACT to amend the Kewdale Lands Development Act, 1966-1968.**

[Assented to 29th April, 1970.]

**B**E 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:—

Short title  
and citation.

1. (1) This Act may be cited as the *Kewdale Lands Development Act Amendment Act, 1970.*

(2) In this Act the Kewdale Lands Development Act, 1966-1968, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Industrial Lands Development Authority Act, 1966-1970.

2. This Act shall come into operation on a date to be fixed by proclamation. Commencement.

3. The long title to the principal Act is amended— Amendment of long title.

(a) by adding after the word “Cloverdale” in line five the words “and other”; and

(b) by adding after the word “Industry” in line five the passage “, to establish the Industrial Lands Development Authority”.

4. Section 4 of the principal Act is amended— Amendment to s. 4. (Interpretation.)

(a) by adding before the definition “Authority” a definition as follows—

“amending Act” means the Kewdale Lands Development Act Amendment Act, 1970; ;

(b) by substituting for the definition “Development Authority” a definition as follows—

“Development Authority” means the Industrial Lands Development Authority established by section five; ; and

(c) by adding after the definition “section” a definition as follows—

“the Fund” means the Industrial Lands Development Fund established under section six B; .

5. Section 5 of the principal Act is amended by substituting for the word “Kewdale” in line one of subsection (1) the words “Industrial Lands”. Amendment to s. 5. (Development Authority.)

6. Section 6 of the principal Act is amended— Amendment to s. 6. (Constitution of Development Authority.)

(a) by adding after the word “office” being the last word in subsection (1) the passage “and a person employed in the Treasury

Department of the State appointed by the Treasurer for such period not exceeding three years as the Treasurer determines at the time the person is so appointed"; and

- (b) by adding after the word "in" in line two of subsection (2) the passage "paragraph, (a), (b) or (c) of".

S. 6A added.

7. The principal Act is amended by adding after section 6 a section as follows—

Preservation and continued existence of body corporate.

6A. (1) Notwithstanding the change of name of the Development Authority and the increase of the number of its members effected by the amending Act, the body corporate initially constituted under this Act is preserved and continues in existence as a body corporate under and subject to the provisions of this Act, under the name Industrial Lands Development Authority but so that the corporate identity of the body corporate shall not be affected.

(2) A reference in a law of the State and in any instrument in force immediately before the coming into operation of the amending Act, to the Kewdale Development Authority shall be read and taken to refer to the Industrial Lands Development Authority.

S. 6B added.

8. The principal Act is amended by adding a section as follows—

Establishment and control of the Fund.

6B. (1) A Fund is hereby established which shall be known as the Industrial Lands Development Fund.

(2) The Fund shall be kept in the Treasury.

(3) The Fund shall consist of—

- (a) the proceeds of sales of land or any interest in land by the Development Authority;

- (b) the proceeds of rents derived from land leased by the Development Authority;
- (c) income derived from the investment of the Fund;
- (d) any moneys that may be appropriated by law for the purposes of this Act;
- (e) any moneys received by the Development Authority from any function carried out by it under the authority conferred on it by this Act including any moneys borrowed under such authority;
- (f) any money paid with the prior approval of the Governor, into the Fund by the Treasurer which in his opinion are necessary for the effectual exercise by the Development Authority of its functions under this Act.

(4) Subject to this Act, the Fund shall be vested in and placed under the control of the Development Authority and may be operated upon in such manner as the Treasurer approves.

9. The principal Act is amended by adding a section as follows— B. 6C added.

6C. Moneys standing to the credit of the Fund may, until required by the Development Authority for the purposes of this Act, be temporarily invested by it as the Treasurer may direct— Investment of moneys in the Fund.

- (a) in any securities in which moneys in the Public Account as defined in the Audit Act, 1904, may lawfully be invested;
- (b) on deposit in any bank,

and all interest derived from those securities or from the deposit shall be paid into the Fund.

S. 6D added.

10. The principal Act is amended by adding a section as follows—

Use of the Fund.

6D. Moneys standing to the credit of the Fund shall be available for, and may be applied, by the Development Authority—

- (a) to the payment of capital expenditure, costs and other expenses incurred by it in, and in connection with the acquisition of any property, whether the property is land or an estate or interest in land acquired under the authority of this Act;
- (b) to the payment of expenditure incurred by the Development Authority in and in connection with, and as incidental to the maintenance, protection and management of any such property and the exercise of any function exercisable by it under this Act. .

S. 6E added.

11. The principal Act is amended by adding a section as follows—

Audit of Accounts.

6E. (1) All books and accounts relating to the Fund shall be kept in such manner as the Treasurer approves and shall be subject to audit by the Auditor General under the Audit Act, 1904.

(2) A copy of each audit report shall be made available to the Development Authority through the Minister. .

Amendment to s. 8.  
(Function of Development Authority.)

12. Section 8 of the principal Act is amended—

- (a) by substituting for the passage “and III” in line three of subsection (1) the passage “III, IV, V and VI”;
- (b) by adding after the word “sell” in line five of subsection (1) the words “or develop and lease” ; and

- (c) by adding after subsection (1) subsections as follows—

(1a) The Development Authority may purchase or otherwise acquire by agreement with the owner of the land, any land situated outside the Metropolitan region as defined in section two of the Town Planning and Development Act, 1928, or in default of such agreement the Development Authority may, with the prior consent of the Governor, compulsorily acquire such land under the provisions of the Public Works Act, 1902, as if the land were required for a public work within the meaning of that Act.

(1b) The Development Authority may exercise in relation to any land acquired, whether by agreement or compulsorily, under subsection (1a) of this section, any power conferred on it by this section.

- (d) by adding after subsection (3) subsections as follows—

(4) A person who has purchased or leased from the Development Authority any land referred to in Part IV, V or VI that has been acquired by the Development Authority or any land that the Development Authority has acquired under subsection (1a) of this section shall not—

Restrictions  
against  
dealings  
in land  
acquired  
under this  
section.

(a) sell, exchange, transfer, assign or encumber with any mortgage or other security or sublet or otherwise part with the possession of such land or his lease thereof to any other person; or

(b) use such land for any purpose other than for the purpose for which he obtained it from the Development Authority,

without the prior consent in writing of the Minister.

Penalty: One thousand dollars.

(5) Where the Minister is of opinion that a person has to such a degree developed or used the land for the purpose for which it was obtained by him as to warrant the person being exempt from the provisions of subsection (4) of this section, the Minister may by writing under his hand, grant exemption to that person from those provisions and thereupon they cease to apply to the person and the land.

s. 12A added. 13. The principal Act is amended by adding a section as follows—

Acquisition  
by Develop-  
ment  
Authority of  
lands in  
Parts IV, V  
and VI.

12A. (1) The land mentioned in—

- (a) Part IV of the Schedule may, notwithstanding the provisions of the Industrial Development (Kwinana Area) Act, 1952, be acquired by and transferred to the Development Authority, upon such terms and conditions as it and the Minister to whom the administration of that Act is for the time being committed by the Governor, agree upon, and of which the Treasurer approves;
- (b) Part V of the Schedule may, notwithstanding the provisions of the Industrial Development (Resumption of Land) Act, 1945, be acquired by and transferred to the Development Authority, upon such terms and conditions as it and the Minister as defined in that Act, agree upon, and of which the Treasurer approves;
- (c) Part VI of the Schedule may be acquired by and transferred to the Development Authority from the Authority under subsection (4) of section thirty-seven A of the Metropolitan Region Town Planning Scheme Act, 1959. .

14. The Schedule to the principal Act is <sup>Amendment</sup> amended— <sup>to Schedule.</sup>

(a) by adding a Part as follows—

PART IV.

Any land vested in Her Majesty that—

(a) was acquired as being required for industry generally under the authority of section five of the Industrial Development (Kwinana Area) Act, 1952;

(b) is referred to in the Second Schedule to that Act

and which has not already been disposed of under that Act or, if a lease or a licence has been granted to a person under that Act, in respect of the land, such land on the expiration or earlier determination of the lease or licence. ;

(b) by adding a Part as follows—

PART V.

Any land vested in Her Majesty and from time to time dedicated under section eleven of the Industrial Development (Resumption of Land) Act, 1945, and which has not already been disposed of under the Act, or if leased to a person under that Act, such land on the expiration or earlier determination of the lease. ; and

(c) by adding a part as follows—

PART VI.

Any land from time to time acquired by the Authority under the provisions of section thirty-seven A of the Metropolitan Region Town Planning Scheme Act, 1959, in order that it may be used for industrial purposes and which has not already been disposed of under that Act, or if leased to a person under that Act, such land on the expiration or earlier determination of the lease. .