

Western Australian Land Authority Act 1992

Compare between:

[22 Jun 2023, 03-f0-00] and [01 Jul 2023, 03-g0-01]

Western Australia

Western Australian Land Authority Act 1992

An Act to establish an agency to provide, or promote the provision of, land, infrastructure, facilities and services for the social, economic and environmental needs of the State and for related purposes.

[Long title inserted: No. 60 of 1998 s. 4; amended: No. 67 of 2004 s. 4.]

Part 1 — Preliminary

1. Short title

This Act may be cited as the Western Australian Land Authority Act 1992.

2. Commencement

- (1) This section and sections 1 and 4 come into operation on the day on which this Act receives the Royal Assent.
- (2) The other provisions of this Act come into operation on such day as is fixed by proclamation but in any event shall come into operation not later than 12 months after the date of Royal Assent.

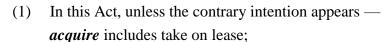
3. Objects

The objects of this Act are —

- (a) the provision and development of industrial, commercial, residential and other land in a range of localities to meet the social and economic needs of the State while taking account of environmental outcomes; and
- (b) the completion of the Joondalup Centre project; and
- (c) the identification and development, or urban renewal, of centres of population and the provision or improvement of land for those centres; and
- (d) to facilitate the development and disposal of surplus public land.

[Section 3 amended: No. 60 of 1998 s. 5; No. 67 of 2004 s. 5.]

4. Terms used



alternate director means a person appointed as such under clause 3 of Part A of Schedule 1;

Authority means the Western Australian Land Authority established by section 5(1);

board means the board of directors of the Authority provided for by section 6(1);

chairperson means the person appointed as such under section 6(2):

chief executive officer means the person appointed as such under section 10:

committee means a committee appointed under clause 6 of Part A of Schedule 1;

Corporations Act means the Corporations Act 2001 of the Commonwealth;

Crown land has the meaning given by the *Land Administration Act 1997*;

develop, in relation to land, includes redevelop;

director means a person appointed to be a member of the board and except in section 6(2) and clauses 1, 2 and 3 of Part A of Schedule 1 includes an alternate director and a member of a committee:

dispose of includes sell, exchange, lease, let, grant a licence and grant any easement or right of way;

executive officer means a member of the staff of the Authority designated under section 14A as an executive officer;

function, except in sections 16(1) and 17(1), includes powers, duties and authorities;

GTE Act means the Government Trading Enterprises Act 2023;

industrial purposes means —

- (a) manufacturing, production, technology advancement, fabrication of materials, packaging, processing, transport, distribution, storage, display of manufactured goods, research, development and service purposes, and the purposes of any other activity of an industrial nature; and
- (b) commercial, recreational, retail, accommodation and other purposes ancillary to purposes referred to in paragraph (a)
 - (i) effected or to be effected in the same general vicinity as that in which purposes referred to in that paragraph are effected or to be effected; and
 - (ii) necessary or desirable for the wellbeing or convenience of businesses operating, and workforces employed, in the general vicinity referred to in subparagraph (i);

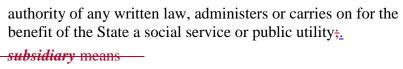
land includes —

- (a) land within the meaning of the *Land Administration Act 1997*; and
- (b) any legal or equitable estate or interest in land; and
- (c) buildings and other structures; and
- (d) infrastructure, facilities and services relating to land;

management, in relation to staff, includes recruitment, selection, appointment, transfer, secondment, performance management, redeployment, discipline and termination of employment;

member of staff means a person engaged under section 11;

public authority means a Minister of the Crown in right of the State, Government department, State trading concern, State instrumentality, State public utility and any other person or body, whether corporate or not, who or which, under the



- (a) a body determined to be a subsidiary of the Authority under subsection (2); or
- (b) an interest or other rights of the Authority in a unit trust, joint venture or partnership where the interest or other rights of the Authority in connection with the unit trust, joint venture or partnership entitle the Authority to
 - (i) control the composition of the governing body of the unit trust, joint venture or partnership; or
 - (ii) cast, or control the casting of, more than one-half of the maximum number of votes that might be cast at a general meeting of the unit trust, joint venture or partnership; or
 - (iii) control the business affairs of the unit trust, joint venture or partnership;

Treasurer means the Treasurer of the State.

(2) Part 1.2 Division 6 of the Corporations Act applies for the purpose of determining whether a body is a subsidiary of the Authority.

[(2) deleted]

[Section 4 amended: No. 14 of 1996 s. 4; No. 31 of 1997 s. 140(1) and 141; No. 60 of 1998 s. 6 and 27; No. 67 of 2004 s. 6; No. 77 of 2006 Sch. 1 cl. 182(1); No. 39 of 2010 s. 88(2)...); No. 13 of 2023 s. 278.]

4A. Relationship to GTE Act

The GTE Act is to be read with this Act as if they formed a single Act.

[Section 4A inserted: No. 13 of 2023 s. 279.]

Division 1

Establishment

s. 5

Part 2 — Western Australian Land Authority

Division 1 — Establishment

5. Authority established

- (1) A body called the Western Australian Land Authority is established.
- (2) The Authority is a body corporate with perpetual succession.
- (3) Proceedings may be taken by or against the Authority in its corporate name.
- (4) The Authority may use and operate under one or more trading names approved by the Minister, being
 - (a) an abbreviation or adaptation of the name conferred by subsection (1); or
 - (b) a name other than that name.

[Section 5 amended: No. 60 of 1998 s. 27; No. 67 of 2004 s. 7.]

5A. Authority is not an agent of Crown

The Authority is not an agent of the Crown and does not have the status, immunities and privileges of the Crown.

[Section 5A inserted: No. 67 of 2004 s. 8.]

5B. Authority and officers not part of public sector

- (1) The Authority is not, and is not to become, a public sector body under the *Public Sector Management Act 1994*.
- (2) Neither the chief executive officer nor any member of staff is to be included in the Senior Executive Service provided for by the *Public Sector Management Act 1994*.

[Section 5B inserted: No. 67 of 2004 s. 8.]

Division 1



- The Authority is to have a board of directors comprising not less than 5 nor more than 7 persons appointed in writing by the Minister.
- (1a) Of the persons appointed under subsection (1), 4 shall be persons each of them having in the opinion of the Minister, knowledge of and experience in any of the fields of town planning, housing, industry, commerce, finance, engineering and land development.
- The Minister is to appoint one of the directors to be chairperson and another to be deputy chairperson of the board.
- (3) The chief executive officer shall not be appointed as a member of the board.
- (4) Schedule 1 has effect with respect to
- (a) the constitution and proceedings of the directors and the board; and
- (b) the duties of the directors.
- <u>| Section 6 amended 8B. Deleted</u>: No. 73<u>13</u> of 1994<u>2023</u> s. 4; No. 60 of 1998 s. 7(1).1

Functions of board

The board is the Authority's governing body and, in the name of the Authority, is to perform the functions of the Authority under this Act or any other written law.

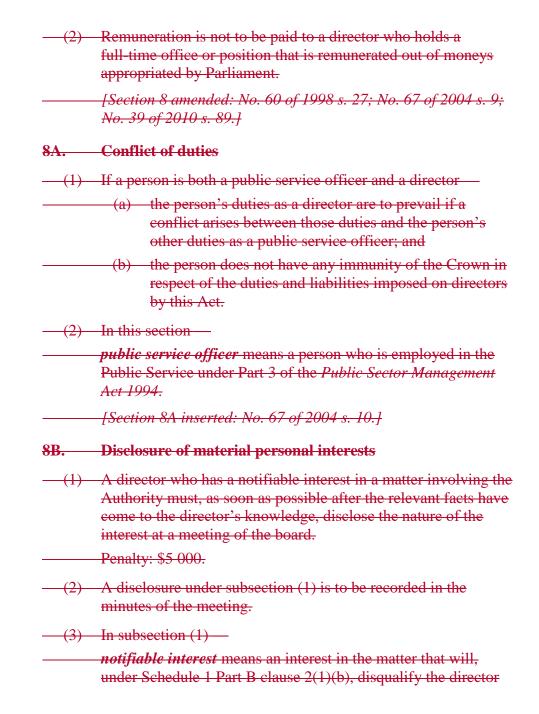
8. Remuneration and expenses of directors

(1) A director is to be paid out of the funds of the Authority such remuneration and travelling and other allowances as are determined in his or her case by the Minister after consultation with the Public Sector Commissioner.

Part 2 Western Australian Land Authority

Division 1 Establishment

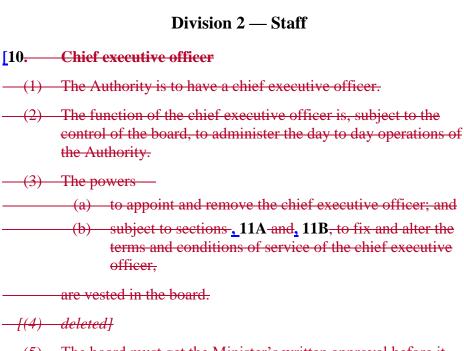
s. 8A



from taking part in any deliberation or decision on the matter at a meeting of the board.

[Section 8B inserted: No. 67 of 2004 s. 10280.]

[9. Deleted: No. 67 of 2004 s. 11.]



- (5) The board must get the Minister's written approval before it exercises any of the powers conferred by subsection (3).
- (6A) Subsection (5) does not apply to the exercise by the board of the power to determine or set remuneration to which section 11A or 11B applies.
- (6) The chief executive officer may resign from office by giving notice in writing to the board.
- (7) If the chief executive officer's terms and conditions of service deal with the matter of resignation, the right to resign under

Staff

Division 2

s. 11A

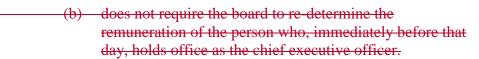
subsection (6) can only be exercised in accordance with those terms and conditions.

- (8) The board may appoint a person to act in the office of chief executive officer during any period when the chief executive officer is, or is expected to be, absent from the State or on leave or unable for any other reason to carry out the duties of the office.
- (9) Sections 11A and 11B apply to a person appointed under subsection (8) to act in the office of chief executive officer as if the references in those provisions to the chief executive officer were references to the person so acting.

[Section 10 inserted, Deleted: No. 67 13 of 2004 2023 s. 12(1); amended: No. 46 of 2016 s. 32281.]

- 11A. Remuneration of chief executive officer while Authority is not a Government entity
- (1) In this section
 - remuneration has the meaning given in the Salaries and Allowances Act 1975 section 4(1).
- (2) This section applies when the Authority is not a Government entity as defined in the *Salaries and Allowances Act 1975* section 7C(1).
- (3) The remuneration, including any variation to the remuneration, of the chief executive officer is to be determined by the board on the recommendation of the Minister.
- (4) Subsection (3)
 - (a) applies regardless of whether the chief executive officer was appointed on, before or after the day on which the Executive Officer Remuneration (Government Entities)

 Legislation Amendment Act 2016 Part 3 comes into operation; but



[Section 11A inserted: No. 46 of 2016 s. 33.]

11B. Remuneration of chief executive officer while Authority is a Government entity

- (1) In this section
 - remuneration has the meaning given in the Salaries and Allowances Act 1975 section 4(1).
- (2) This section applies when the Authority is a Government entity as defined in the *Salaries and Allowances Act 1975* section 7C(1).
- (3) The remuneration of the chief executive officer who is an executive officer, as defined in the Salaries and Allowances Act 1975 section 7C(1), is to be set by the board within the range determined by the Salaries and Allowances Tribunal under section 7C(2) of that Act.
- (4) Any variation to the remuneration of the chief executive officer who, because of the Salaries and Allowances Act 1975 section 7C(4) is not an executive officer as defined in section 7C(1) of that Act, is to be determined by the board on the recommendation of the Minister.

- [Section 11B inserted: No. 46 of 2016 s. 33.]

11. Other staffStaff

- (1) The power to engage and manage the staff of the Authority is vested in the board.
- (2) The power conferred by subsection (1)
 - (a) includes powers to determine remuneration and other terms and conditions of service of staff, to remove,

Division 2

s. 11

2 Staff

- suspend and discipline staff and to terminate the employment of staff; and
- (b) does not preclude the delegation of any matter under section 23.
- (3) The remuneration of and other terms and conditions of employment of staff are not to be less favourable than is provided for in
 - (a) an applicable award, order or agreement under the *Industrial Relations Act 1979*; or
 - (b) the Minimum Conditions of Employment Act 1993.
- (4) There are excluded from the operation of Part II Division 2B of the *Industrial Relations Act 1979*
 - (a) any matters dealt with by an instrument issued under section 12 except
 - (i) rates of remuneration; and
 - (ii) leave; and
 - (iii) hours of duty; and
 - (iv) matters that are similar to matters prescribed for the purposes of section 99(1)(a)(iv) ¹ of the Public Sector Management Act 1994;

and

- (b) matters concerning the management of the staff that are similar to matters prescribed for the purposes of section 99(1)(c) ¹ of the *Public Sector Management Act 1994*.
- (5) A matter referred to in subsection (4) cannot be varied or affected by an employer-employee agreement made under Part VID of the *Industrial Relations Act 1979*.
- (6) Nothing in this section other than subsection (5) affects the operation of Part VID of the *Industrial Relations Act 1979*. [Section 11 inserted: No. 67 of 2004 s. 12(1).]

12. Minimum standards for staff management

- (1) The board must, after consultation with the Public Sector Commissioner, prepare and issue an instrument setting out minimum standards of merit, equity and probity applicable to the management of the staff of the Authority.
- (2) In complying with subsection (1) the board is to have regard to the principles set out in section 8 of the *Public Sector Management Act 1994*.
- (3) Section 10(5) is not affected by An instrument issued under subsection (1) may be expressed to apply to the requirements chief executive officer of the Authority as if the chief executive officer were a member of staff.
- (3A) If an instrument issued under subsection (1) applies to the chief executive officer of the Authority, subsection (2) does not affect the operation of the GTE Act section 37(5).
 - (4) The Public Sector Commissioner may at any time recommend to the board any amendment that the Commissioner thinks should be made to an instrument issued under this section.
 - (5) The board may
 - (a) amend an instrument issued under this section; or
 - (b) revoke it and substitute a new instrument.

but, except where subsection (4) applies, is to do so only after consultation with the Public Sector Commissioner.

[Section 12 inserted: No. 67 of 2004 s. 12(1); amended: No. 39 of 2010 s. 88(3).]; No. 13 of 2023 s. 282.]

13. Reports to Public Sector Commissioner about observance of minimum standards

(1) The Public Sector Commissioner may in writing direct the board —

Division 2

s. 13A

Staff

- (a) to report to the Commissioner on the observance of the minimum standards in force under section 12: and
- (b) to make the reports at such times, but not more often than half-yearly,

as the Commissioner may specify.

- (2) The board must comply with a direction given to it made under subsection (1).
- (3) The Public Sector Commissioner may at any time report to the Minister on the content or observance of the minimum standards in force under section 12.

[Section 13 inserted: No. 67 of 2004 s. 12(1); amended: No. 39 of 2010 s. 88(3).]

13A. Superannuation

- (1) The Authority may grant, or make provision for the grant of, retirement benefits to members and former members of staff and their dependants and for that purpose may, subject to section 30 of the *State Superannuation Act 2000*
 - (a) establish, manage and control; or
 - (b) enter into an arrangement with any body for the establishment, management and control by that body either alone or jointly with the Authority of,

any fund or scheme for the purpose of providing for such retirement benefits.

- (2) The Authority may make contributions to any fund or scheme referred to in subsection (1).
- (3) In subsection (1) *members of staff* includes the chief executive officer.
- (4) Nothing in this section affects the operation of the *State Superannuation Act 2000* in relation to the Authority or members or former members of staff or their dependants.

[Section 13A inserted: No. 67 of 2004 s. 12(1).]

14. Saving in respect of public service officer

If a person appointed under section 1011 or 11the GTE Act section 37(1) was, immediately before being so appointed, a public service officer within the meaning of the *Public Sector Management Act* 1994 —

- (a) he or she retains his or her existing and any accruing rights; and
- (b) for the purpose of determining those rights his or her service as such an officer is to be taken into account as if it were service with the Authority.

[Section 14 amended: No. 32 of 1994 s. 1919; No. 13 of 2023 s. 283.]

Division 3 — Conduct and integrity of staff

[Heading inserted: No. 67 of 2004 s. 13.]

[14A. Duties of staff etc. (Sch. 1A)

- (1) Schedule 1A has effect in relation to the chief executive officer, former chief executive officers, members of staff and former members of staff.
- (2) For the purposes of Schedule 1A, the board may designate a member of staff as an executive officer by resolution
 - (a) passed by the board; and
- (b) notified in writing to the member of staff,
- and may in the same manner revoke such a designation.

s. 14B

[Section 14A inserted Deleted: No. 67 13 of 2004 2023 s. 13284.]

14B. Codes of conduct

- (1) The board must, after consultation with the Public Sector Commissioner, prepare and issue a code or codes of conduct setting out minimum standards of conduct and integrity to be observed by members of staff.
- (2) In complying with subsection (1) the board is to have regard to the principles set out in section 9 of the *Public Sector Management Act 1994*.
- (3) The board may, after consultation with the Public Sector Commissioner, amend any code of conduct in force under subsection (1) or revoke it and substitute a new code of conduct.
- (4) In this section and in sections 14C and 14D *members of staff* includes the chief executive officer.

 [Section 14B inserted: No. 67 of 2004 s. 13; amended: No. 39 of 2010 s. 88(3).]

14C. Reports to Public Sector Commissioner about observance of codes of conduct

- (1) The Public Sector Commissioner may in writing direct a board
 - (a) to report to the Commissioner on the observance by members of staff of any code of conduct in force under section 14B; and
 - (b) to make the reports at such times, but not more often than half-yearly,

as the Commissioner may specify.

(2) The board must comply with a direction given to it under subsection (1).

(3) The Public Sector Commissioner may at any time report to the Minister on any matter relating to the observance by members of staff of a code of conduct in force under section 14B that the Commissioner thinks should be brought to the Minister's attention.

[Section 14C inserted: No. 67 of 2004 s. 13; amended: No. 39 of 2010 s. 88(3).]

14D. Reports to Minister about observance of codes of conduct

- (1) The board, when it delivers to the Minister its annual report under the GTE Act section 25BA81, is also to deliver to the Minister a separate report on the observance by members of staff of any code of conduct in force under section 14B.
- (2) The board is to give to the Public Sector Commissioner a copy of each report under subsection (1).

[Section 14D inserted: No. 67 of 2004 s. 13; amended: No. 39 of 2010 s. 88(3).]; No. 13 of 2023 s. 285.]

Part 3 — Functions and powers

[15. Deleted: No. 67 of 2004 s. 14.]

16. Functions

- (1) The Authority has the following functions
 - (a) to be an agency which provides, or promotes the provision of, land for the social and economic needs of the State;
 - (b) to be an agency through which the Crown and public authorities may dispose of land;
 - (c) to be an agency through which local governments, regional local governments and regional subsidiaries may dispose of land in accordance with the *Local Government Act 1995*;
 - (d) to complete the development of the Joondalup Centre, in accordance with the plan referred to in section 18, on the land described in Schedule 2;
 - (e) to identify other potential centres of population, and centres of population in need of urban renewal, and use its powers to bring about the provision, or improvement, of land, infrastructure, facilities or services for the same.
- (1a) It is also a function of the Authority
 - (a) to do things that the board determines to be conducive or incidental to the performance of a function referred to in subsection (1); and
 - (b) to do things that it is authorised to do by any other written law.
- (2) In subsection (1) —

Joondalup Centre means the project for the provision of infrastructure and facilities for a centre of population (including infrastructure and facilities for community, cultural, recreational and sporting purposes) that before the commencement of this

- section was being carried on by the Joondalup Development Corporation under the Act repealed by section 50(1)(c).
- (3) The Authority may perform any of its functions in the State or, with the Minister's approval, elsewhere.

[Section 16 amended: No. 60 of 1998 s. 8; No. 67 of 2004 s. 15; No. 26 of 2016 s. 95.]

[16A. Authority to act in accordance with policy instrument

The Authority is to perform its functions in accordance with its strategic development plan and its statement of corporate intent as existing from time to time.

[Section 16A inserted Deleted: No. 6013 of 1998 2023 s. 9286.]

16B. Authority to consider social etc. outcomes

The Authority is to take account of the social, economic and environmental outcomes of the performance of its functions and is to ensure that those outcomes are balanced so far as is practicable.

[Section 16B inserted: No. 67 of 2004 s. 16.]

[16C. Authority can act at its discretion

The conferral of a function on the Authority does not impose a duty on the Authority to do any particular thing and, subject to any enactment and any direction given to the Authority by the Minister, it has a discretion as to how and when it performs the function.

<u>[Section 16C inserted Deleted</u>: No. 67 13 of 2004 2023 s. 16287.]

17. Powers

(1) The Authority may do all things necessary or convenient to be done for or in connection with the performance of its functions.

- (2) The Authority may for the purpose of performing a function
 - (a) acquire, hold, deal with or dispose of land; and
 - (b) undertake, plan, provide for, promote or coordinate the subdivision, amalgamation, improvement, development, alteration or management of land, whether or not the Authority holds the land in question; and
 - (ba) extract minerals from land; and
 - (c) enter into any contract or arrangement with any person, including a contract or arrangement for the doing of anything that the Authority is authorised to do under this Act
 - (i) by that person; or
 - (ii) by the Authority, for that person;

and

- (d) apply for the grant of any licence or other authority required by the Authority; and
- (e) charge fees for services provided to any person, including a Crown agency; and
- (f) carry out any investigation, survey, exploration or feasibility study; and
- (g) acquire, establish or operate
 - (i) any undertaking necessary or convenient for the performance of the function; and
 - (ii) any associated undertaking;

and

- (h) produce or deal in any equipment, facilities or system associated with, the performance of the function; and
- (i) appoint agents or engage persons under contracts for services to provide professional, technical or other assistance to the Authority; and

- (j) participate in any business arrangement or acquire, hold or dispose of shares, units or other interests in, or relating to, a business arrangement; and
- (k) carry out any investigation, survey, exploration or feasibility study; and
- (l) collaborate in, carry out, or procure the carrying out of, research or publish information that results from research; and
- (m) develop and turn to account any technology, software or other intellectual property that relates to the function and, for that purpose, apply for, hold, exploit and dispose of any patent, patent rights, copyright or similar rights; and
- (n) promote and market the Authority and its activities.
- (3) Subsection (2) does not limit subsection (1) or other powers of the Authority under this Act or any other written law.
- (3A) Subsections (1) and (2) have effect subject to the GTE Act.
 - (4) A contract or arrangement under subsection (2)(c) or (j) may, with the consent of the owner and the occupier, relate to land that is not vested in, or held in fee simple by, the Authority or dedicated to the purposes of this Act.
 - (4a) The Authority may
 - (a) make gifts for charitable purposes or for other purposes of benefit to the community or a section of the community;
 - (b) make any ex gratia payment that the board considers to be in the Authority's interest;
 - (c) accept any gift, devise or bequest if it is absolute, or subject to conditions that are within the functions of the Authority.
 - (5) In this section —

business arrangement means a company, a partnership, a trust, a joint venture, or an arrangement for sharing profits;

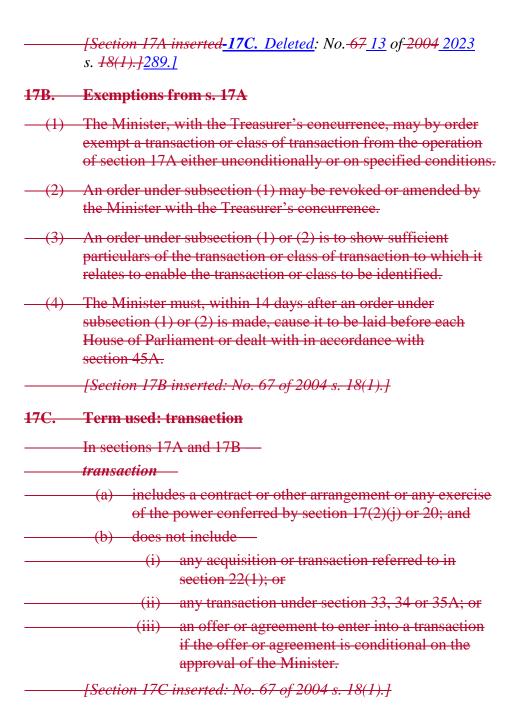
participate includes form, promote, establish, enter, manage, dissolve, wind up, and do things incidental to participating in a business arrangement;

person includes a public authority, local government, regional local government or regional subsidiary.

[Section 17 amended: No. 14 of 1996 s. 4; No. 60 of 1998 s. 10; No. 67 of 2004 s. 17; No. 26 of 2016 s. 9696; No. 13 of 2023 s. 288.]

[17A. Transactions that require Ministerial approval

- (1) Despite sections 16 and 17, the Authority must get the Minister's approval before a transaction to which this section applies is entered into.
- (2) This section applies to a transaction if
 - (a) it is to be entered into by the Authority or a subsidiary of the Authority; and
 - (b) it is not exempt under section 17B; and
 - (c) the Authority's liability exceeds the relevant amount.
- (3) For the purposes of subsection (2)(c)
 - (a) the Authority's liability is the amount or value of the consideration or the amount to be paid or received by the Authority or a subsidiary, ascertained as at the time when the transaction is entered into;
 - (b) the relevant amount is
 - (i) a sum equal to 5% of the value of the total reported assets of the Authority as set out in the most recent annual report of the Authority under section 25BA; or
 - (ii) if a greater sum is prescribed, that greater sum.

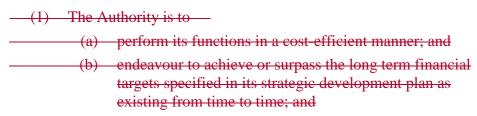


18. Joondalup Centre plan

- (1) The Authority is to perform its functions under section 16(1)(d) in accordance with the plan for the time being in force under this section.
- (2) The plan in force under Part IV of the Act repealed by section 50(1)(c) immediately before that repeal is continued in force for the purposes of this section, subject to any amendments approved under subsection (4).
- (3) The Authority is to
 - (a) keep the plan under review and if requested by the Minister is to review the plan completely; and
 - (b) submit any proposed amendment arising out of a review to the Minister for approval.
- (4) The Minister may approve a proposed amendment or may approve it with such modifications as the Minister thinks fit.
- (5) A copy of the plan for the time being in force is to be kept in the offices of the Authority and is to be available for inspection by the public during office hours free of charge.

[Section 18 amended: No. 60 of 1998 s. 27; No. 67 of 2004 s. 19.]

[19. Authority to act on commercial principles



(c) ensure that no individual project undertaken by the
Authority has an expected internal rate of return that is
less than the minimum rate of return specified in its
strategic development plan as existing from time to time.

- (2) If there is any conflict or inconsistency between
 - (a) the duty imposed by subsection (1) and a direction given by the Minister under section 24; or
 - (b) the duty imposed by subsection (1) and the duty imposed by section 16A,

the direction given under section 24, or the duty imposed by section 16A, prevails.

- [Section 19 inserted Deleted: No. 6013 of 1998 2023 s. 12290.]

20. Compulsory taking of land

- (1) The provision of land under this Act
 - (a) for industrial purposes; or
 - (b) in the performance of the Authority's functions under section 16(1)(e),

is a public work for the purposes of Parts 9 and 10 of the *Land Administration Act 1997* and the *Public Works Act 1902*, and, if necessary for any of those purposes, the Authority is to be taken to be a local authority within the meaning of the *Public Works Act 1902*.

- (2) In applying Parts 9 and 10 of the *Land Administration Act 1997* and the *Public Works Act 1902* for the purposes of this section
 - [(a) deleted]
 - (b) sections 187, 188, 189, 190 and 191 of the *Land Administration Act 1997* do not apply to land that becomes vested in the Authority by Schedule 4 being land that was taken or acquired under the *Public Works Act 1902* before the commencement of this Act.
- (3) If land referred to in subsection (2)(b) is not required for the public work for which it was taken or acquired, the land may be held or used for some other purpose authorised by this Act if

such purpose is one for which the Authority would be entitled to take the land pursuant to this section.

[Section 20 amended: No. 31 of 1997 s. 140(2)-(4); No. 60 of 1998 s. 27; No. 67 of 2004 s. 20.]

21. Dedication of Crown land to purposes of Act

- (1) The Governor may by notice published in the *Gazette*
 - (a) dedicate any Crown land to the purposes of this Act; and
 - (b) cancel any dedication of land made under this subsection.

but may only do so on the recommendation of the Minister and after the Minister has consulted with the Ministers to whom the administration of the *Land Administration Act 1997* and the administration of the *Mining Act 1978* are for the time being respectively committed by the Governor.

- (2) While any land remains dedicated under subsection (1), that land is not to be disposed of otherwise than under the *Land Administration Act 1997* as read with subsection (3).
- (3) The Minister to whom the administration of the *Land Administration Act 1997* is for the time being committed by the Governor may dispose of land dedicated under subsection (1)
 - (a) to the Authority; or
 - (b) with the consent of the Authority, to a person other than the Authority,

and any such disposition is to be taken to have been effected under that Act.

- (4) When land is disposed of under the *Land Administration Act 1997* as read with subsection (3), it ceases to be dedicated under subsection (1).
- (5) Any land
 - (a) that has ceased to be dedicated under subsection (1); but

(b) that has not been disposed of under the *Land Administration Act 1997* as read with subsection (3),

is to be taken to be Crown land.

[Section 21 amended: No. 31 of 1997 s. 141.]



- (1) Despite sections 16 and 17, the Authority must get the Minister's approval before it acquires a subsidiary or enters into any transaction that will result in the acquisition of a subsidiary.
- (2) The Minister is not to give approval under subsection (1) except with the Treasurer's concurrence.
- (3) The Authority must ensure that the constitution of every subsidiary of the Authority that under a written law or the Corporations Act is required to have a constitution—
- (a) contains provisions to the effect of those required by Schedule 3; and
- (b) is consistent with this Act; and
- (c) is not amended in a way that is inconsistent with this Act.
- (4) The Authority must, to the maximum extent practicable, ensure that every subsidiary of the Authority complies with its constitution and with this Act.
- (5) The provisions of this Act prevail to the extent of any inconsistency with the constitution of any subsidiary of the Authority.
- (6) A director, the chief executive officer or a member of staff may with the approval of the Authority become
- (a) a member of the committee of an incorporated association; or

- (b) a director of a company,
 - that is or is to be a subsidiary of the Authority and may represent the interests of the Authority on that committee or the board of directors of that company.
- (7) Neither subsections (3) and (4), nor provisions referred to in subsection (3)(a) included in the constitution of a subsidiary, make the Authority or the Minister a director of a subsidiary for the purposes of the Corporations Act.
- (8) This section and Schedule 3 are declared to be Corporations legislation displacement provisions for the purposes of section 5G of the Corporations Act in relation to the Corporations legislation as defined in section 9 of the Corporations Act.

Section 22 inserted Deleted: No. 67 13 of 2004 2023 s. 21291.]

23. Delegation

- (1) The Authority may, by instrument in writing, delegate the performance of any of its functions, except this power of delegation.
- (2) A delegation under subsection (1) may be made to
 - (a) a director or directors; or
 - (b) the chief executive officer; or
 - (c) a member of staff; or
 - (d) a committee appointed under the GTE Act section 26; or
 - (e) any other person.
- (3) A delegate cannot subdelegate the performance of any function unless the delegate is expressly authorised by the instrument of delegation to do so.
- (4) A function performed by a delegate is to be taken to be performed by the Authority.

- (5) A delegate performing a function under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (6) Nothing in this section is to be read as limiting the ability of the Authority to act through its officers and agents in the normal course of business.
- (7) This section does not apply to the execution of documents but authority to execute documents on behalf of the Authority can be given under section 45.

Section 23 inserted: No. 60 of 1998 s. 14.]

23A. People dealing with Note for this subsection:

Authority may make assumptions

- (1) A person having dealings with the Authority is entitled to make the assumptions mentioned in section 23C.
- (2) In any proceedings in relation to the dealings, any assertion by the Authority that the matters that the person is entitled to assume were not correct must be disregarded.

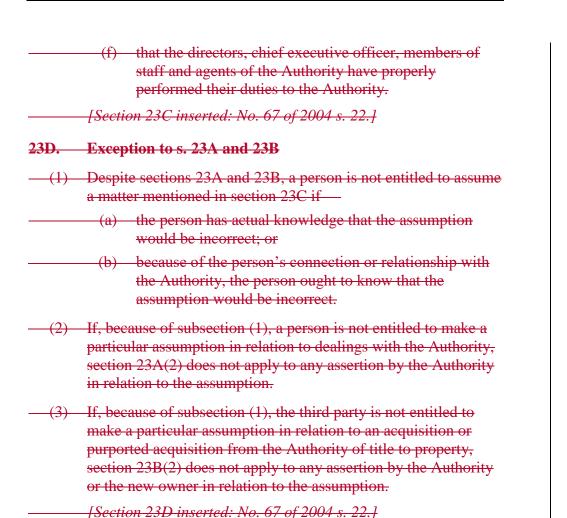
[Section 23A inserted: No. 67 of 2004 s. 22.]

23B. Third parties may make assumptions

- (1) A person (the *third party*) having dealings with a person (the *new owner*) who has acquired, or purports to have acquired, title to property from the Authority (whether directly or indirectly) is entitled to make the assumptions mentioned in section 23C.
- (2) In any proceedings in relation to the dealings, any assertion by the Authority or the new owner that the matters that the third party is entitled to assume were not correct must be disregarded.

[Section 23B inserted: No. 67 of 2004 s. 22.]

23C.	23C. Assumptions that may be made				
		ssumptions that a person is, because of section 23A or entitled to make are			
	(a)	that, at all relevant times, this Act has been complied with; and			
	(b)	that a person who is held out by the Authority to be a director, the chief executive officer, an executive officer, a member of staff or an agent of a particular kind			
		(i) has been properly appointed; and			
		(ii) has authority to perform the functions customarily performed by a director, the chief executive officer, an executive officer, a member of staff or an agent of that kind, as the case may require;			
		and			
	(c)	that a member of staff or agent of the Authority who has authority to issue a documentexecute documents on behalf of the Authority has authority to warrant that the document is genuine; and			
	(d)	that a member of staff or agent of the Authority who has authority to issue a certified copy of a document on behalf of the Authority has authority to warrant that the copy is a true copy; and			
	(e)	that a document has been properly sealed by the Authority if—			
		(i) it bears what appears to be an imprint of the Authority's seal; and			
		(ii) the sealing of the document appears to comply with section 45;			
		and			



Part 3A — Provisions about accountability

[Heading inserted: No. 60 of 1998 s. 15.]

Division 1 Ministerial directions and provision of information

[Heading inserted: No. 60 of 1998 s. 15.]

23E. Independence of Authority

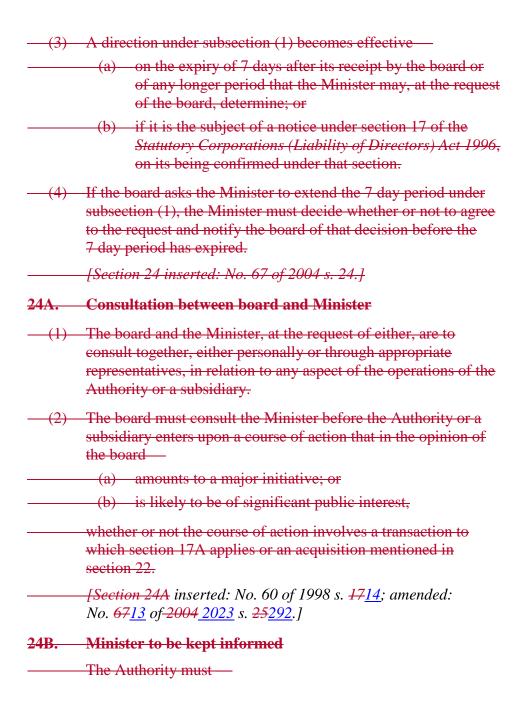
- (1) In this section
 - administrative policy requirement means a direction or administrative request can be given or made by or on behalf of the government to public authorities generally.
- (2) The Authority does not have to comply with an administrative policy requirement unless—
- (a) directed to do so by the Minister-under the GTE Act section 24; or 156.
 - (b) required to do so under any other written law.

[Section 23E inserted: No. 67 of 2004 s. 23.]

24. Minister may give directions

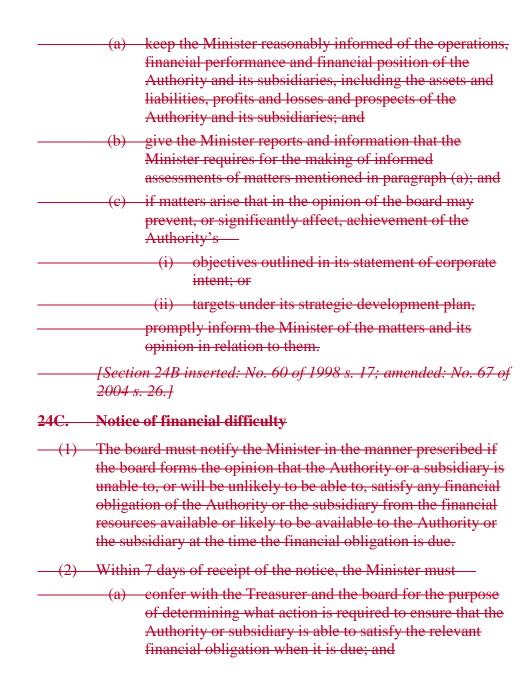
- (1) The Minister may give directions in writing to the Authority with respect to the performance of its functions, either generally or in relation to a particular matter, and, subject to subsection (3), the Authority is to give effect to any such direction.
- (2) The Minister must cause the text of any direction under subsection (1) to be laid before each House of Parliament or dealt with under section 45A
- (a) within 14 days after the direction is given; or
- (b) if the direction is the subject of a notice under section 17 of the *Statutory Corporations* (*Liability of Directors*)

 Act 1996, within 14 days after it is confirmed under that section.

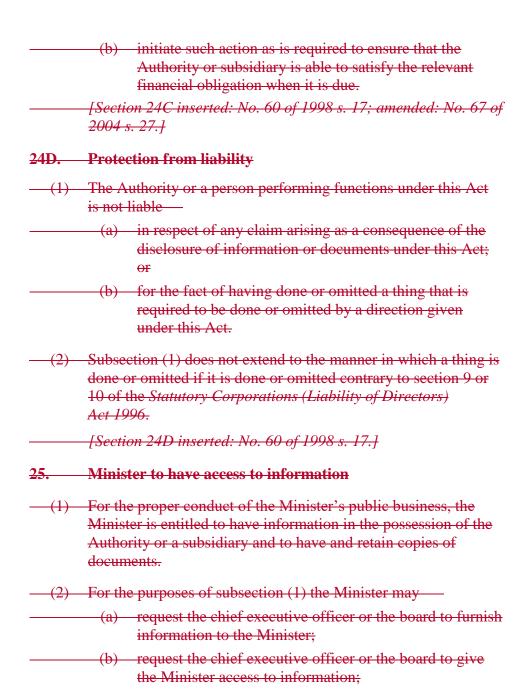


Division 1 Ministerial directions and provision of information

s. 24C



Division 1



Western Australian Land Authority Act 1992

Part 3A Provisions about accountability

Division 2 Strategic development plans and statements of corporate

intent

s. 25A

- (c) for the purposes of paragraph (b) make use of the staff of the Authority or a subsidiary to obtain the information and furnish it to the Minister.
- (3) The chief executive officer or the board is to comply with a request under subsection (2) and make staff and facilities available to the Minister for the purposes of paragraph (c) of that subsection.
- (3a) Where the chief executive officer or the board furnishes or gives access to information to the Minister, the Minister is to be advised whether or not in the opinion of the chief executive officer or the board the public disclosure of the information would adversely affect the commercial interests of the Authority or a subsidiary or of any other person.
- (4) In this section

document includes any data that is recorded or stored mechanically, photographically, or electronically and any tape, disc or other device or medium on which it is recorded or stored;

information means documents or other information relating to the functions of the Authority being information, as so defined, specified, or of a description specified, by the Minister.

[Section 25 amended: No. 60 of 1998 s. 27; No. 67 of 2004 s. 28.]

Division 2 Strategic development plans and statements of corporate intent

[Heading inserted: No. 60 of 1998 s. 18(1).]

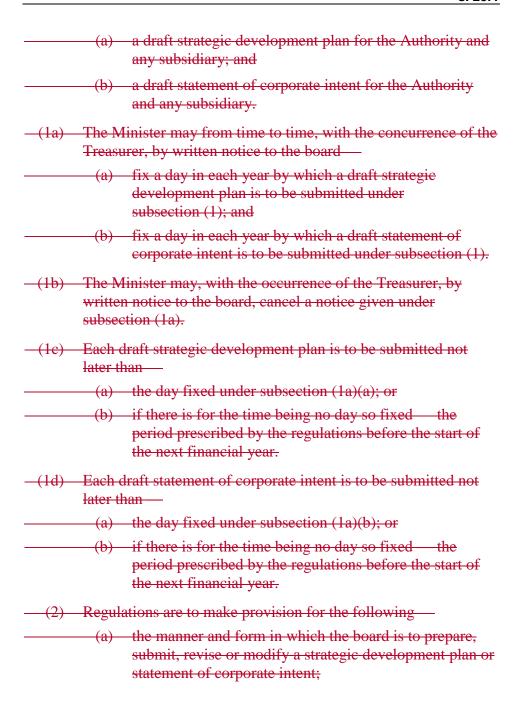
25A. Strategic development plan and statement of corporate intent

— (1) The board must, in each year, prepare and submit to the Minister—

Strategic development plans and statements of corporate

Division 2

s. 25A



Western Australian Land Authority Act 1992

Part 3A Provisions about accountability

Division 2 Strategic development plans and statements of corporate

intent

s. 25A



Division 3—Reporting requirements

[Heading inserted: No. 60 of 1998 s. 18(1).]

25B. Half-yearly reports

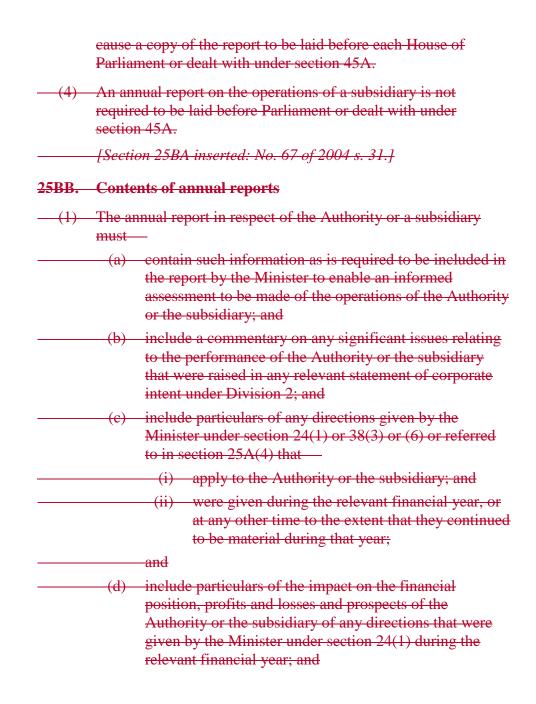
- (1) The Authority must, for the first half of a financial year, give to the Minister a report on the operations of the Authority and of each subsidiary.
- (1a) A half-yearly report is to be prepared on a consolidated basis.
- (2) A half-yearly report
- (a) is to include any information prescribed for inclusion in the report or required to be included in the report by a relevant statement of corporate intent under Division 2; and
- (b) must be given to the Minister within the prescribed period or within the period agreed between the Minister and the board.
- (3) The board must give a copy of each half-yearly report to the Treasurer.
- [Section 25B inserted: No. 60 of 1998 s. 18(1); amended: No. 67 of 2004 s. 30.]

25BA. Annual reports

- (1) The Authority must prepare and deliver to the Minister in each year separate annual reports on the operations of the Authority and of each subsidiary.
- (2) The annual report of the Authority is to be sent to the Minister on or before a day prescribed, or provided for, in Schedule 3A and the other reports are to be sent to the Minister at the same time.
- (3) The Minister must within 21 days after the day on which a copy of an annual report of the Authority is delivered to the Minister

Reporting requirements

s. 25BB



(e)	include total value of payments and details of
	remuneration made to directors of the board of the
	Authority; and

(f) include the information required to be included in the report by a relevant statement of corporate intent under Division 2.

(2) The requirements of section 25BA and this section are in addition to those of Schedule 3A.

[Section 25BB inserted: No. 67 of 2004 s. 31.]

[23A-23D. Deleted: No. 13 of 2023 s. 293.]

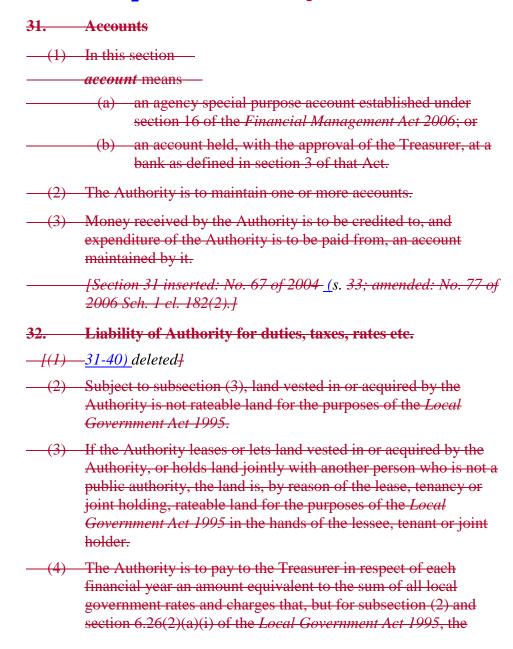
<u>Part 3A (s. 23E-25C.</u> <u>Deletion of commercially sensitive</u> <u>matters from reports</u>

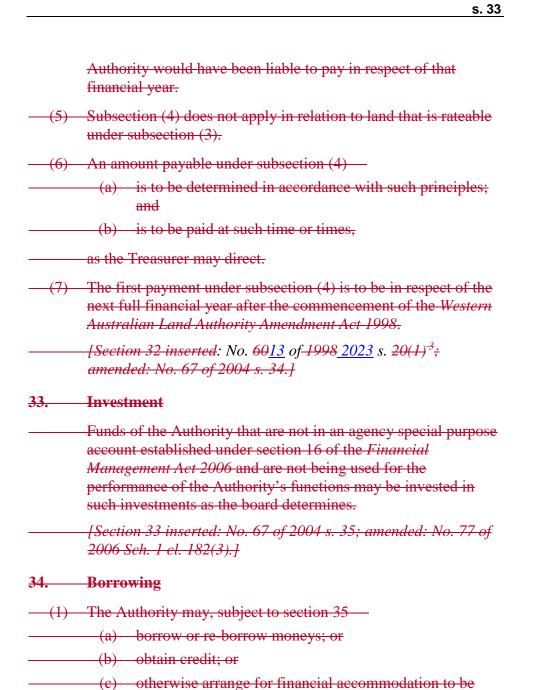
- (1) The board may request the Minister to delete from the copies of a report under section 25B or 25BA (and accompanying documents) that are to be made public, a matter that the board believes, on reasonable grounds, to be of a commercially sensitive nature.
- (1a) The Minister may comply with a request under subsection (1) unless the matter is one that is required under clause 32 of Schedule 3A to be included in the report.
- (2) If the Minister complies with a request under subsection (1) the copies of the report are to include a statement that a matter of a commercially sensitive nature has been) deleted from it.

[Section 25C inserted: No. 6013 of 1998 2023 s. 18(1); amended: No. 67 of 2004 s. 32294.]

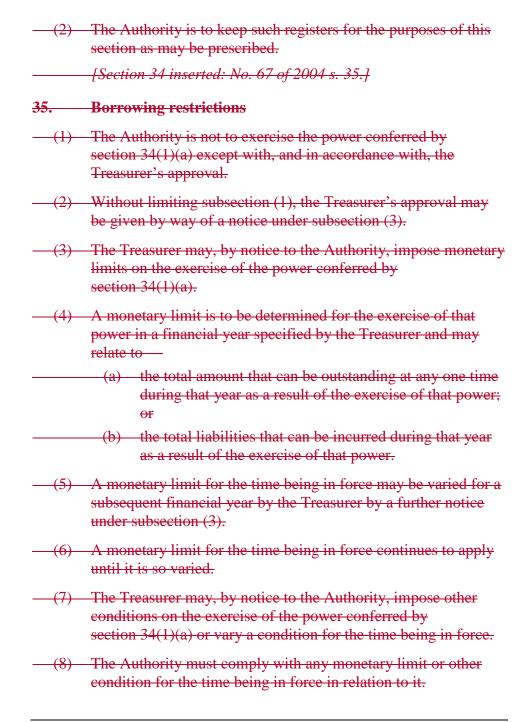
[Part 4 heading and s. 26-30 deleted: No. 60 of 1998 s. 19(1)².]

[Part 5— Financial provisions



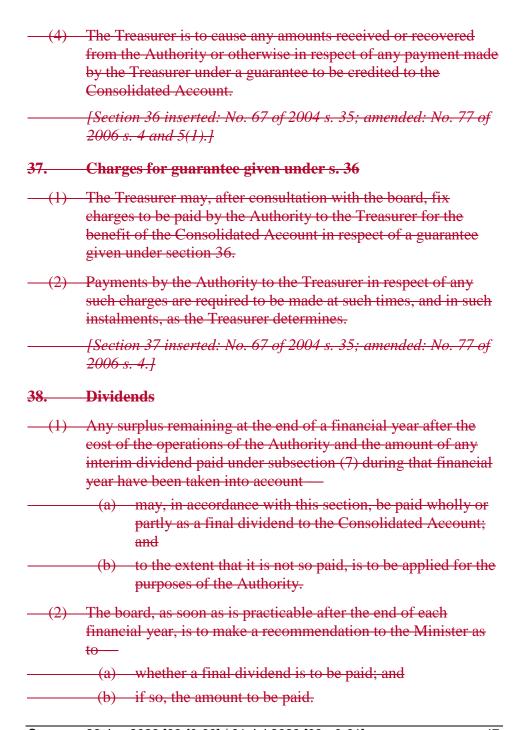


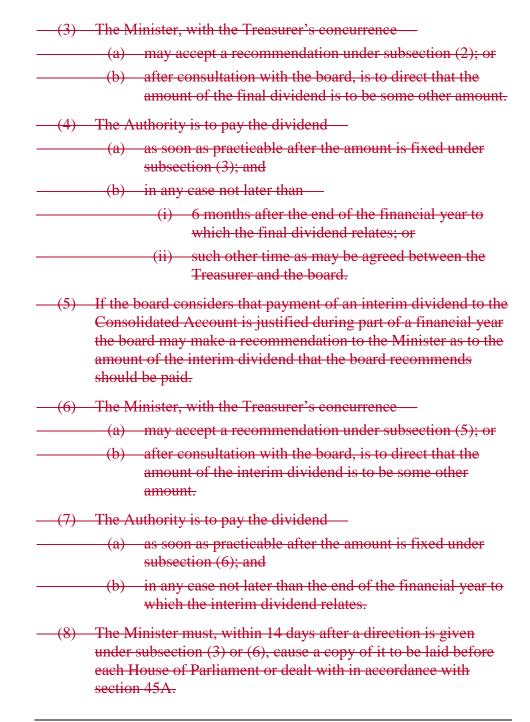
extended to the Authority.



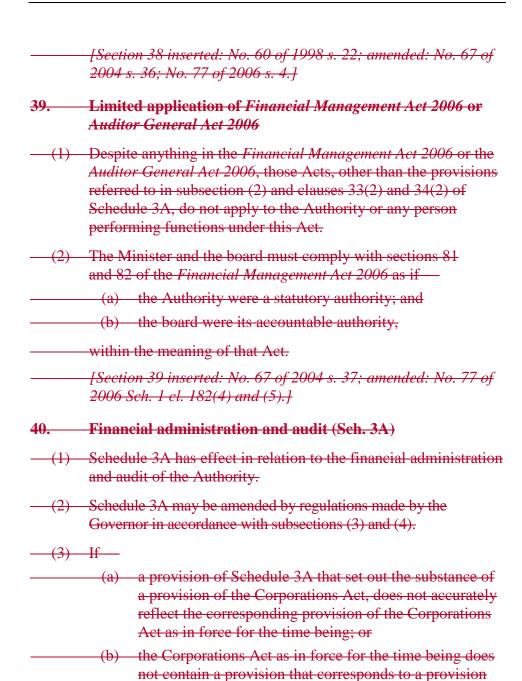
meaning of the Corporations Act;

	(xii) a transaction of such other class as is approved in writing by the Minister, with the Treasurer's concurrence, as a class of transactions to which this paragraph applies;
	(b) enter into an agreement or arrangement to effect any transaction which is a combination of
	(i) 2 or more transactions permitted under paragraph (a); or
	(ii) one or more transactions permitted under paragraph (a) and one or more transactions permitted under section 34.
(2)	In subsection (1)(a)
	interest rate includes coupon rate, discount rate and yield.
	[Section 35A inserted: No. 67 of 2004 s. 35.]
36.	Guarantees by State
—(1)	The Treasurer, with the Minister's concurrence, may, in the name and on behalf of the State, guarantee the performance by the Authority, in the State or elsewhere, of any financial obligation of the Authority arising under section 34.
(2)	A guarantee is to be in such form and subject to such terms and conditions as the Treasurer determines.
(3)	The due payment of moneys payable by the Treasurer under a guarantee
	(a) is by this subsection guaranteed by the State; and
	(b) is to be made by the Treasurer and charged to the Consolidated Account, and this subsection appropriates that Account accordingly.



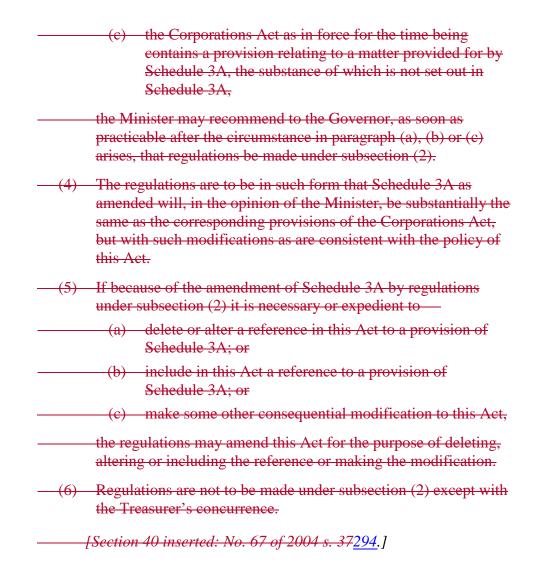


Part 3A



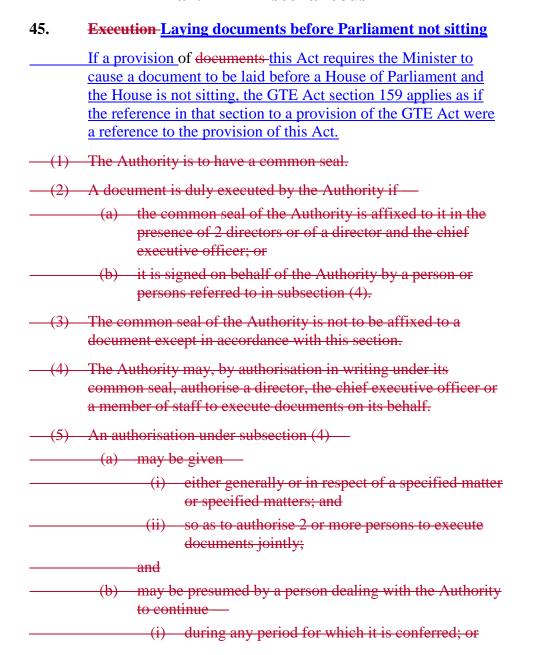
of Schedule 3A that set out the substance of a provision

of the Corporations Act; or



[Part 6 (s. 41-44) deleted: No. 60 of 1998 s. 23.]

Part 7 — Miscellaneous



s. 45A.

- (ii) if subparagraph (i) does not apply, until notice of termination of the authorisation is given to the person so dealing.
- (6) A document executed by a person under an authorisation under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (7) A document purporting to be executed in accordance with this section is to be taken to be duly executed until the contrary is shown.

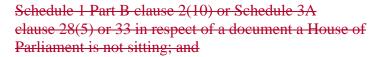
[Section 45 inserted: No. 67 13 of 2004 2023 s. 38295.]

[45AA. Contract formalities

- (1) In so far as the formalities of making, varying or discharging a contract are concerned, a person acting under the authority of the Authority may make, vary or discharge a contract in the name of or on behalf of the Authority in the same manner as if that contract were made, varied or discharged by a natural person.
- (2) The making, variation or discharge of a contract in accordance with subsection (1) is effectual in law and binds the Authority and other parties to the contract.
- (3) Subsection (1) does not prevent the Authority from making, varying or discharging a contract under its common seal.
- <u>[Section 45AA inserted, 45A. Deleted: No. 67 13 of 2004 2023 s. 38.]</u>

45A. Supplementary provision about laying documents before Parliament

- (1) If
- (a) at the commencement of a period referred to in section 17B(4), 24(2), 25A(4), 25BA(3) or 38(8),



- (b) the Minister is of the opinion that that House will not sit during that period,
- the Minister is to transmit a copy of the document to the Clerk of that House.
- (2) A copy of a document transmitted to the Clerk of a House is taken to have been laid before that House.
- (3) The laying of a copy of a document that is taken to have occurred under subsection (2) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the receipt of the copy by the Clerk.
 - [Section 45A inserted: No. 60 of 1998 s. 24; amended: No. 67 of 2004 s. 39; No. 8 of 2009 s. 136295.]
- [46. Deleted: No. 60 of 1998 s. 19(2).]

47. Regulations

- (1) The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed for giving effect to the purposes of this Act.
- $-\frac{f(2)}{deleted}$
- (2) Regulations under this Act may be expressed to prevail over regulations made under the GTE Act.
- (3) Regulations under subsection (2) must not be made except on the recommendation of
 - (a) the Minister; and
 - (b) the Minister to whom the administration of the GTE Act is committed.

(4) If and to the extent that regulations under this Act are so expressed, in the event of a conflict or inconsistency between a provision of those regulations and a provision of regulations made under the GTE Act, the former provision prevails.

[Section 47 amended: No. 60 of 1998 s. 2727; No. 13 of 2023 s. 296.]

48. Review of Act

- (1) The Minister is to carry out a review of the operation and effectiveness of this Act within 6 months after every 5th anniversary of the commencement of the *Western Australian Land Authority Amendment Act 2004*.
- (2) In the course of that review the Minister is to consider and have regard to
 - (a) the effectiveness of the operations of the Authority; and
 - (b) the need for the continuation of the functions of the Authority; and
 - (c) such other matters as appear to the Minister to be relevant to the operation and effectiveness of this Act.
- (3) The Minister is to prepare a report on the review within 6 months after the review is carried out and cause the report to be laid before each House of Parliament as soon as is practicable after it is prepared.

[Section 48 inserted: No. 60 of 1998 s. 25; amended: No. 67 of 2004 s. 40.]

[49. Omitted under the Reprints Act 1984 s. 7(4)(e).]

50. Repeals, savings and transitional (Sch. 4)

- (1) The following Acts are repealed
 - (a) the Industrial Lands Development Authority Act 1966;
 - (b) the Industrial Development (Resumption of Land) Act 1945;

- (c) the Joondalup Centre Act 1976.
- (2) Schedule 4 has effect for the purpose of the transition to the provisions of this Act from those of the Acts repealed by subsection (1).

51. Transfer of certain assets etc. of WADC

- (1) The Authority may agree to acquire property from the WADC if it is of the opinion that such property is suitable for its functions in respect of residential land.
- (2) The price of such property shall be the sum agreed by the Authority and WADC as being the market value of the property and being
 - (a) in the case of land, not greater than an amount certified by a licensed valuer as being the value of the land, less the agreed value of any liabilities relating to the land; and
 - (b) in the case of any other property not greater than the depreciated value of the property as carried in the accounts of the WADC.
- (3) If the liabilities relating to any land agreed to be acquired under subsection (1) exceed the value of the land, the WADC is liable to the Authority for the amount of the difference.
- (4) Any amount owing by the Authority to the WADC by operation of this section is payable by the Authority on demand by the WADC; but the WADC is not to make such demand unless the Minister consents to its doing so.
- (5) If at the time when all WADC assets have been converted into money there is any debt owing by the Authority to the WADC by operation of this section, the Minister to whom the administration of the *Western Australian Development Corporation Act 1983* 4 is committed by the Governor may by instrument cancel that debt.

- (6) The Ministers shall by order published in the *Gazette* allocate to the Authority the property agreed to be acquired under subsection (1) and, in the case of land, the liabilities of the WADC relating to that land; and shall include in the order a sufficient description to enable the property and liabilities to be identified.
- (7) On the publication of an order under subsection (6)
 - (a) the property to which the order relates vests in the Authority together with all claims, rights and remedies that the WADC had in respect of the property; and
 - (b) the Authority becomes liable to pay, bear or discharge all the liabilities that are allocated under the order; and
 - (c) the Authority is to take delivery of all registers, papers, documents, minutes, receipts, books of account and other records (however compiled, recorded or stored) relating to the operations of the WADC so far as the records relate to property or liabilities allocated to the Authority under the order.
- (8) The transfer of any liability of the WADC under this section to the Authority does not affect any guarantee under section 21 of the *Western Australian Development Corporation Act 1983* ⁴ in force immediately before the transfer and subsection (2) of section 21 of that Act is to be taken to continue to apply after that transfer and notwithstanding that that subsection may be repealed.
- (9) Any agreement or instrument subsisting immediately before the publication of an order under this section to which the WADC was a party or which contains a reference to the WADC or a trading name used by the WADC has effect after that publication as if
 - (a) the Authority were substituted for the WADC as a party to the agreement or instrument; and

(b) any reference in the agreement or instrument to the WADC were (unless the context otherwise requires) a reference to the Authority,

but in this subsection *WADC* means the WADC only in relation to agreements or instruments in respect of any property or liability allocated to the Authority under this section.

- (10) Any legal or other proceedings or any remedies that might, but for this section, have been commenced, continued, discontinued or available by or against or to the WADC in relation to any property or liability allocated to the Authority under this section, may be commenced, continued, discontinued, and shall be available, by or against or to the Authority.
- (11) In this section —

Ministers means the Ministers to whom the administration of this Act and the *Western Australian Development Corporation Act 1983* ⁴ are respectively committed by the Governor, acting jointly;

property and **liabilities** have the respective meanings assigned by clause 1 of Schedule 4;

WADC means the Western Australian Development Corporation established by the *Western Australian Development Corporation Act* 1983 ⁴.

[**52.** Deleted: No. 60 of 1998 s. 27.]

Schedule Schedules 1—Board and directors

[s. 6(4)]

[Heading inserted] A deleted: No. 1913 of 2010 2023 s. 41(2).]

Part A — Constitution and proceedings of directors and board

[Heading inserted: No. 19 of 2010 s. 41(2).]

1. Term of office

- (1) Except as otherwise provided by this Act, a director holds office for such term, not exceeding 3 years, as is specified in the instrument of his or her appointment, but may from time to time be re-appointed.
- A director, unless he or she sooner resigns, is removed from office or his or her office becomes vacant under clause 2(b), continues in office until his or her successor comes into office, notwithstanding that the term for which he or she was appointed may have expired.

2. Resignation, removal etc.

The office of a director becomes vacant if he or she

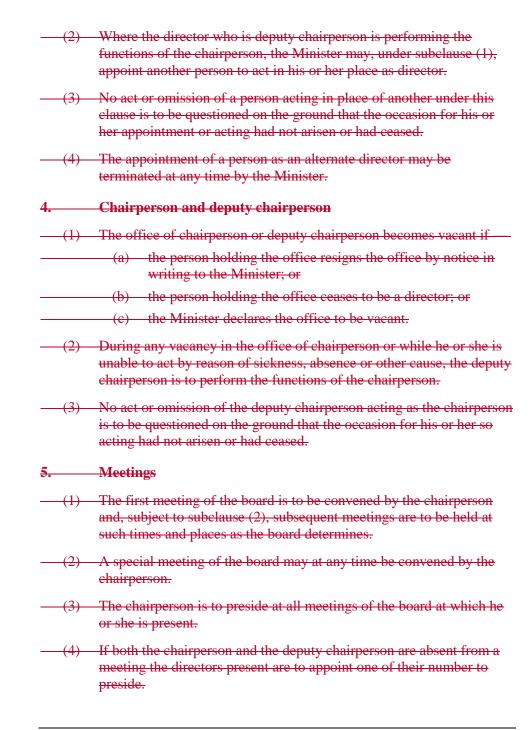
- (a) resigns the office by written notice addressed to the Minister;
- (b) is an insolvent under administration within the meaning of the Corporations Act 2001 of the Commonwealth;
- (c) is removed from office by the Minister on the grounds of neglect of duty, misbehaviour, incompetence or mental or physical incapacity impairing the performance of his or her duties and proved to the satisfaction of the Minister.

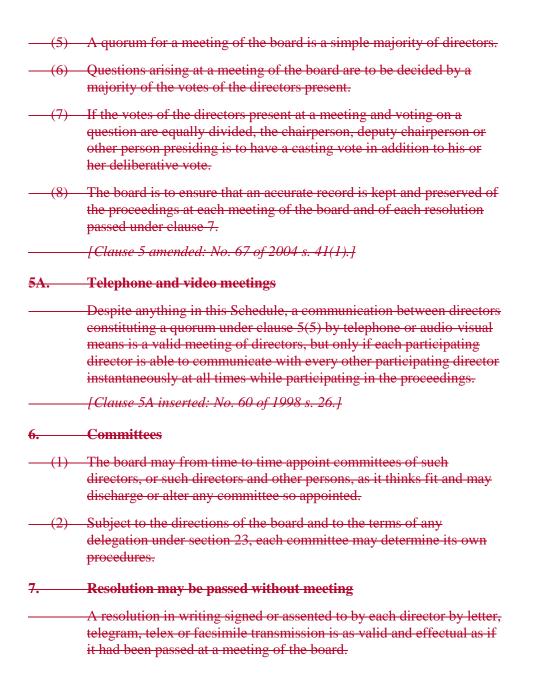
IClause 2 amended: No. 10 of 2001 s. 212(a).1

Alternate directors

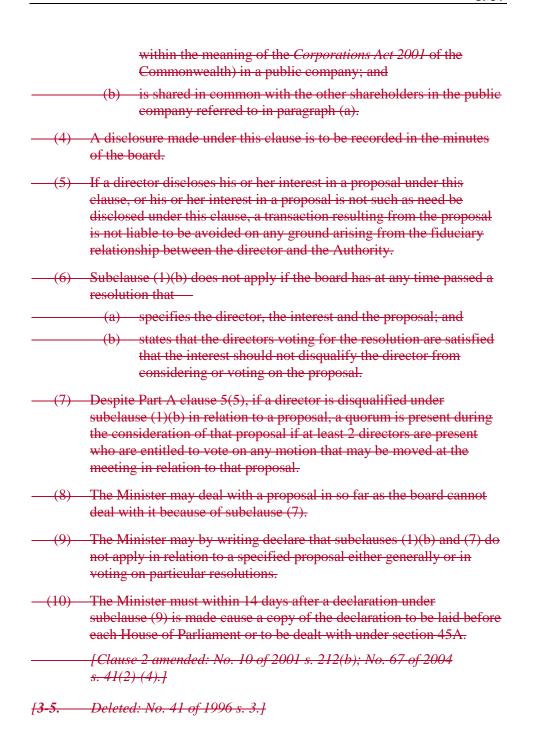
(1) Where a director other than the chairperson is unable to act by reason of sickness, absence or other cause the Minister may appoint another person to act temporarily in his or her place, and while so acting according to the tenor of his or her appointment that other person is to be taken to be a director.

Compare 22 Jun 2023 [03-f0-00] / 01 Jul 2023 [03-g0-01]





8.	Leave of absence
	The board may grant leave of absence to a director on such terms and conditions as the board thinks fit.
9.	Board to determine own procedures
	Subject to this Act, the board is to determine its own procedures.
	Part B — Duties of directors
	[Heading inserted: No. 19 of 2010 s. 41(3).]
1.	- Interpretation
(1)	In this Part <i>near relative</i> , in relation to a director, means a spouse, de facto partner, parent or child of the director.
(2)	In the application of this Part to members of a committee, references to the board are to be read as references to that committee.
	[Clause 1 amended: No. 28 of 2003 s. 208.]
2.	Conflict of interest
	— Subject to subclauses (3) and (6), a director who has a direct or indirect pecuniary interest in a proposal before the board
	Subject to subclauses (3) and (6), a director who has a direct or
	Subject to subclauses (3) and (6), a director who has a direct or indirect pecuniary interest in a proposal before the board (a) is to disclose the nature of that interest to the board as soon as
(1)	Subject to subclauses (3) and (6), a director who has a direct or indirect pecuniary interest in a proposal before the board (a) is to disclose the nature of that interest to the board as soon as he or she becomes aware of that proposal; and (b) is not to take part in any deliberation or decision of the board in respect of that proposal or in respect of any proposed resolution under subclause (6) in relation to the proposal,
— (1) ————————————————————————————————————	Subject to subclauses (3) and (6), a director who has a direct or indirect pecuniary interest in a proposal before the board (a) is to disclose the nature of that interest to the board as soon as he or she becomes aware of that proposal; and (b) is not to take part in any deliberation or decision of the board in respect of that proposal or in respect of any proposed resolution under subclause (6) in relation to the proposal, whether in relation to that or a different director. Without limiting the generality of subclause (1), a director is to be taken to have a direct or indirect pecuniary interest in a proposal for the purposes of that subclause if his or her near relative has such an



Western Australian Land Authority Act 1992

Part 7 Miscellaneous

s. 51

6. Saving

The provisions of this Part are in addition to and not in derogation of any other law relating to the duty or liability of the holder of a public office.

Schedule 1A Provisions about duties of chief executive officer and staff

[Heading inserted: No. 67 of 2004 s. 42.]

[s. 14A]

Division 1 — General duties of chief executive officer

[Heading inserted: No. 67 of 2004 s. 42.]

1. Duties of chief executive officer

- (1) It is declared that the chief executive officer has
 - (a) the same fiduciary relationship with the Authority; and
- (b) the same duties to the Authority to act with loyalty and in good faith,
- as a director of a company incorporated under the Corporations Act has with and to the company.
- (2) The duties referred to in subclause (1) are enforceable by the board of the Authority and not otherwise.
- [Clause 1 inserted: No. 67 of 2004 s. 42.]

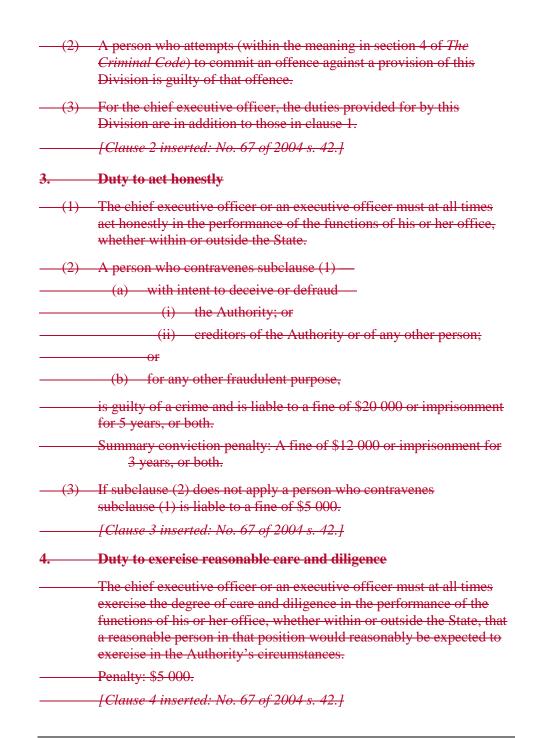
Division 2 — Particular duties stated

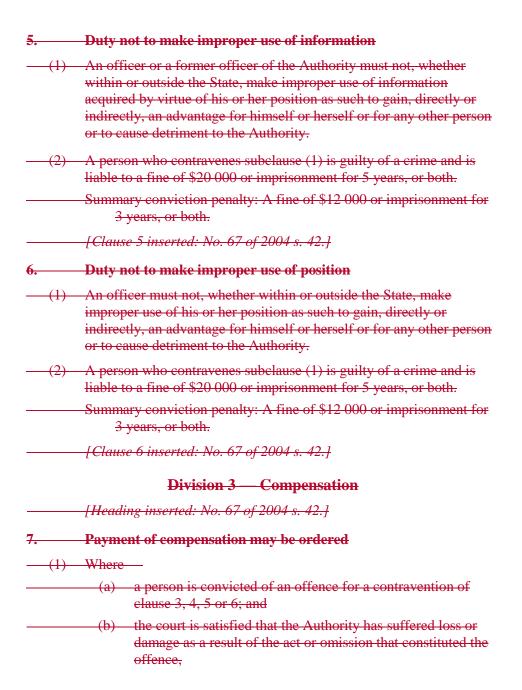
[Heading inserted: No. 67 of 2004 s. 42.]

2. Interpretation

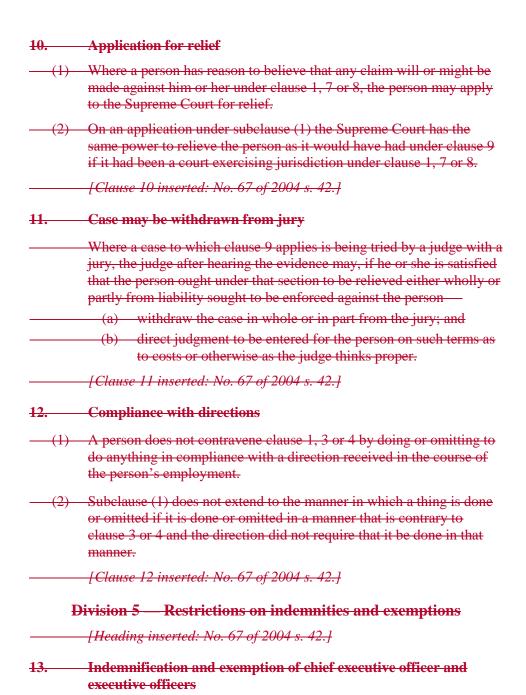
- (1) In this Division
- - (a) the chief executive officer; or
 - (b) an executive officer or other member of staff of the Authority;

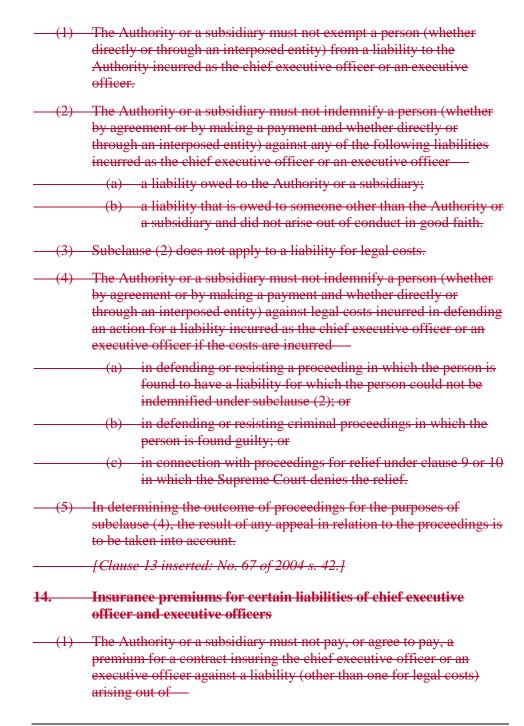
summary conviction penalty, in relation to a crime, has the same meaning as in section 5 of *The Criminal Code*.

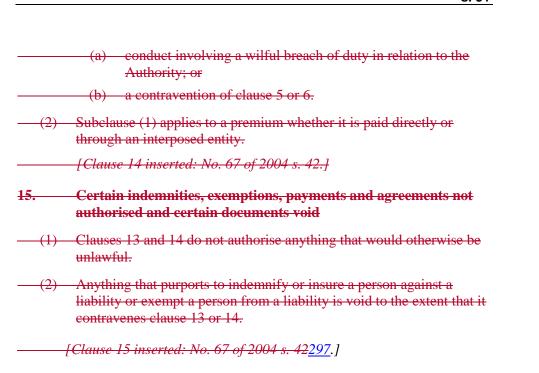




	the court by which the person is convicted may, in addition to imposing a penalty, order the convicted person to pay compensation to the Authority of such amount as the court specifies.
(2)	Any such order may be enforced as if it were a judgment of the court.
-	-{Clause 7 inserted: No. 67 of 2004 s. 42.}
8.	Civil proceedings for recovery
	Where a person contravenes clause 3, 4, 5 or 6, the Authority may, whether or not the person has been convicted of an offence in respect of that contravention, recover from the person as a debt due to the Authority by action in any court of competent jurisdiction
	(a) if that person or any other person made a profit as a result of the contravention, an amount equal to that profit; and
	(b) if the Authority has suffered loss or damage as a result of the contravention, an amount equal to that loss or damage.
	Division 4 — Relief from liability
	[Heading inserted: No. 67 of 2004 s. 42.]
9.	Relief from liability
	For the purposes of clause 1, 7 or 8, if it appears to the court that a person—
	(a) is, or may be, liable under that section; and
	(b) has acted honestly; and
	(c) ought fairly to be excused having regard to all the circumstances of the case, including those connected with the person's appointment,
	the court may relieve the person either wholly or partly from liability on such terms as the court thinks fit.







Schedule 2 — Area comprising Joondalup Centre

[s. 16(1)(ed)]

[Heading amended: No. 19 of 2010 s. 41(4).]; No. 13 of 2023 s. 298.]

All that portion of land bounded by lines starting at the western corner of Swan Location 7898 and extending westerly and northerly along boundaries of Location 3324 and onwards to a point situate 200 metres north of the northern side of Road Number 3590; thence north-easterly to a point on the western boundary of the northern severance of Location 3323, situate 300 metres from the northern side of Road Number 3590; thence north-easterly to a point on the eastern boundary of the northern severance of Location 3323, situate 150 metres from the northern side of Road Number 3590; thence north-easterly to the north-western corner of Lot 4 of Location 1149; as shown on Land Titles Office ⁵ Diagram 40753; thence southerly along the easternmost boundary of Perthshire Location 107 to a northern boundary of Class A Reserve 31048; thence generally north-westerly, generally south-easterly, westerly and again generally south-easterly along boundaries of that reserve to the south-eastern corner of Swan Location 2734; thence south-westerly 475.8 metres along the south-easterly boundary of that location; thence 204 degrees 20 minutes, 14.43 metres; thence 211 degrees 29 minutes, 63.709 metres; thence 218 degrees 39 minutes, 63.709 metres; thence 225 degrees 49 minutes, 63.709 metres; thence 232 degrees 55 minutes, 63.522 metres; thence 237 degrees 53 minutes, 46.984 metres to the northern-most south-western boundary of Perthshire Location 101, as shown on Main Roads Department Plan 7631-305-1; thence south-easterly and south-westerly along boundaries of that location and onwards to the southern side of Mullaloo Drive; thence generally south-westerly along that side to the northern-most north-western corner of Swan Location 8278; thence north-easterly to and along the north-western boundary of Location 7811 to the south-eastern corner of Lot 1 of Location 1370, as shown on Land Titles Office ⁵ Diagram 50288; thence generally westerly along southern boundaries of that lot to the prolongation south-westerly of the north-western boundary of Lot 597, as shown on Land Titles Office ⁵ Plan 10951; thence north-easterly to and north-easterly and north-westerly along boundaries of that lot to a north-easterly boundary of Location 1370; thence north-westerly along that boundary to the starting point, as shown on Town Planning Department Plan 2.0169.

[Schedule 2 amended: No. 81 of 1996 s. 153(3); No. 60 of 2006 s. 119.]

Schedule Schedules 3 — Provisions to be included in constitution of subsidiaries

[Heading inserted and 3A deleted: No. 67 13 of 2004 2023 s. 43.]

1. Disposal of shares

- (1) The Authority is not to sell or otherwise dispose of shares in the subsidiary other than as approved by the Minister.
- (2) The Minister is empowered to execute a transfer of any shares in the subsidiary held by the Authority.

[Clause 1 inserted: No. 67 of 2004 s. 43.]

2. Directors

- (1) The directors of the subsidiary are to be appointed by the Authority, but no such director may be appointed except with the prior written approval of the Minister.
- (2) All decisions relating to the operation of the subsidiary are to be made by or under the authority of the board of the subsidiary in accordance with the statement of corporate intent of the Authority and the subsidiary.
- (3) The board of the subsidiary is accountable to the Minister in the manner set out in Part 3A and in the constitution of the subsidiary.

[Clause 2 inserted: No. 67 of 2004 s. 43.]

3. Further shares

Shares may not be issued or transferred except with the prior written approval of the Minister.

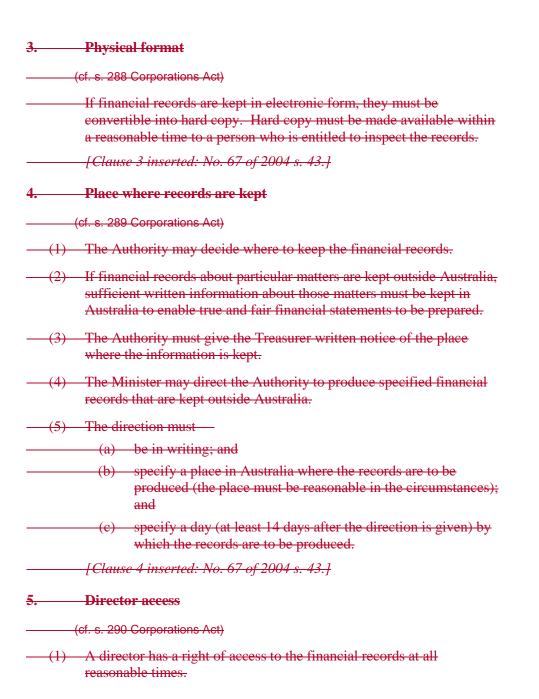
[Clause 3 inserted: No. 67 of 2004 s. 43.]

4. Subsidiaries of subsidiary

(1) The subsidiary may not form, participate in the formation of, or acquire any subsidiary without the prior written approval of the Minister given with the Treasurer's concurrence.

(2)	The subsidiary must ensure that the constitution of each of its subsidiaries at all times comply with this Act.
(3)	The subsidiary must, to the maximum extent practicable, ensure that each of its subsidiaries complies with its constitution and with the requirements of this Act. [Clause 4 inserted: No. 67 of 2004 s. 43.]

Schedule 3A — Financial administration and audit [Heading inserted: No. 67 of 2004 s. 43.] [s. 40(1)]**Division 1**—**Preliminary** [Heading inserted: No. 67 of 2004 s. 43.] 1. Terms used (1) In this Schedule, unless the contrary intention appears *financial year* has the meaning given by clause 23(1); regulations means regulations made under the Corporations Act. (2) In this Schedule, unless the contrary intention appears, expressions (including the expressions accounting standard, company and financial records) have the respective meanings given to those terms in Part 1.2 of the Corporations Act. [Clause 1 inserted: No. 67 of 2004 s. 43.] **Division 2** — Financial records - [Heading inserted: No. 67 of 2004 s. 43.] 2. Obligation to keep financial records (cf. s. 286 Corporations Act) (1) The Authority must keep written financial records that (a) correctly record and explain its transactions and financial position and performance; and (b) would enable true and fair financial statements to be prepared and audited. (2) The obligation to keep financial records of transactions extends to transactions undertaken as trustee. (3) The financial records must be retained for 7 years after the transaction covered by the records are completed. [Clause 2 inserted: No. 67 of 2004 s. 43.]



(2) On application by a director, the Supreme Court may authorise a person to inspect the financial records on the director's behalf.
(3) A person authorised to inspect records may make copies of the records unless the Supreme Court orders otherwise.
— (4) The Supreme Court may make any other orders it considers appropriate, including either or both of the following —
(a) an order limiting the use that a person who inspects the records may make of information obtained during the inspection;
(b) an order limiting the right of a person who inspects the records to make copies in accordance with subclause (3).
Division 3 — Financial reporting
[Heading inserted: No. 67 of 2004 s. 43.]
Subdivision 1 Annual financial reports and directors' reports
[Heading inserted: No. 67 of 2004 s. 43.]
[Heading inserted: No. 67 of 2004 s. 43.]
[Heading inserted: No. 67 of 2004 s. 43.]6. Preparation of annual financial reports and directors' reports
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 [Heading inserted: No. 67 of 2004 s. 43.] Preparation of annual financial reports and directors' reports (cf. s. 292 Corporations Act) A financial report and a directors' report must be prepared for each financial year by the Authority before 30 September. [Clause 6 inserted: No. 67 of 2004 s. 43.] Contents of annual financial report (cf. s. 295 Corporations Act)
 [Heading inserted: No. 67 of 2004 s. 43.] 6. Preparation of annual financial reports and directors' reports (cf. s. 292 Corporations Act) A financial report and a directors' report must be prepared for each financial year by the Authority before 30 September. [Clause 6 inserted: No. 67 of 2004 s. 43.] 7. Contents of annual financial report (cf. s. 295 Corporations Act) (1) The financial report for a financial year consists of

(2)	The financial statements for the year are
	(a) a profit and loss statement for the year; and
	(b) a balance sheet as at the end of the year; and
	(c) a statement of cash flows for the year; and
	(d) if required by the accounting standards—a consolidated profit and loss statement, balance sheet and statement of car flows.
(3)	The notes to the financial statements are
	(a) disclosures required by the regulations; and
	(b) notes required by the accounting standards; and
	(c) any other information necessary to give a true and fair view
(4)	The directors' declaration is a declaration by the directors
	(a) that the financial statements, and the notes referred to in subclause (3)(b), comply with the accounting standards; and
	(b) that the financial statements and notes give a true and fair view; and
	(c) whether, in the directors' opinion, there are reasonable grounds to believe that the Authority will be able to pay its debts as and when they become due and payable; and
	(d) whether, in the directors' opinion, the financial statements and notes are in accordance with this Schedule, including
	(i) clause 8 (compliance with accounting standards and regulations); and
	(ii) clause 9 (true and fair view).
(5)	The declaration must
	(a) be made in accordance with a resolution of the directors; an
	(b) specify the date on which the declaration is made; and
	(c) be signed by at least 2 directors.
	[Clause 7 inserted: No. 67 of 2004 s. 43.]
	Compliance with accounting standards and regulations
	Compliance with accounting standards and regulations

Compare 22 Jun 2023 [03-f0-00] / 01 Jul 2023 [03-g0-01] Published on www.legislation.wa.gov.au

- (1)	The financial report for a financial year must comply with the accounting standards.
(2)	The financial report must comply with any further requirements in the regulations.
	-{Clause 8 inserted: No. 67 of 2004 s. 43.}
9.	True and fair view
	(cf. s. 297 Corporations Act)
(1)	The financial statements and notes for a financial year must give a true and fair view of
	(a) the financial position and performance of the Authority; and
	(b) if consolidated financial statements are required under clause 7(2)(d)—the financial position and performance of the consolidated entity of which the Authority is part.
(2)	This clause does not affect the obligation under clause 8 for a financial report to comply with accounting standards.
	[Clause 9 inserted: No. 67 of 2004 s. 43.]
10.	Annual directors' report
	(cf. s. 298 Corporations Act)
(1)	The Authority must prepare a directors' report for each financial year.
(2)	The report must include—
	(a) the general information required by clause 11; and
	(b) the specific information required by clause 12.
(3)	The report must
	(a) be made in accordance with a resolution of the directors; and
	(b) specify the date on which the report is made; and
	(c) be signed by at least 2 directors.
	-{Clause 10 inserted: No. 67 of 2004 s. 43.}
11.	Annual directors' report general information
	(cf. s. 299-Corporations Act).]

— (1) The	e directors' report for a financial year must
	a) contain a review of operations during the year of the Authority and the results of those operations; and
(1	e) give details of any significant changes in the Authority's state of affairs during the year; and
	state the Authority's principal activities during the year and any significant changes in the nature of those activities during the year; and
	d) give details of any matter or circumstance that has arisen since the end of the year that has significantly affected, or may significantly affect—
	(i) the Authority's operations in future financial years; or
	(ii) the results of those operations in future financial years; or
	(iii) the Authority's state of affairs in future financial years;
	and
	refer to likely developments in the Authority's operations in future financial years and the expected results of those operations; and
	f) if the Authority's operations are subject to any particular and significant environmental regulation under a law of the State or of the Commonwealth or of another State or a Territory give details of the Authority's performance in relation to environmental regulation.
	onsolidated financial statements are required under clause 7(2)(d), report must be on the consolidated entity of which the Authority is
	report may omit material that would otherwise be included under clause (1)(e) if it is likely to result in unreasonable prejudice to
(:	a) the Authority; or
(1	o) if consolidated financial statements are required under clause 7(2)(d)—the consolidated entity or any entity (including the Authority) that is part of the consolidated entity.

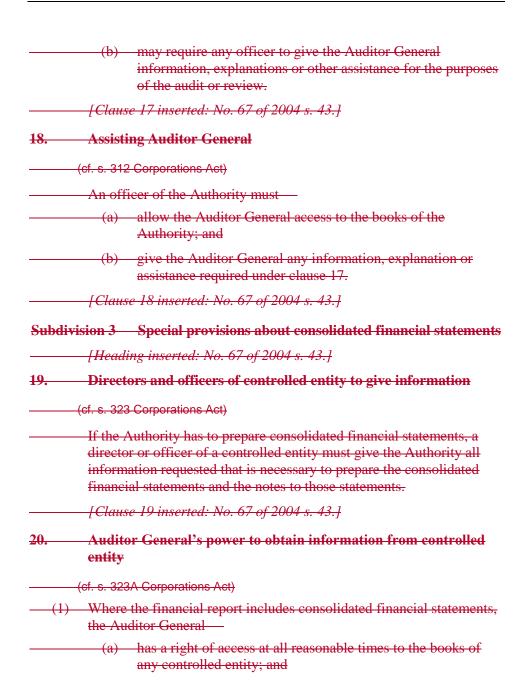
(4) If material is omitted from the report, the report must say so.
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12. Annual directors' report specific information
(cf. s. 300 Corporations Act)
(1) The directors' report for a financial year must include details of
(a) dividends or distributions paid during the year; and
(b) dividends or distributions recommended or declared for payment, but not paid, during the year; and
(c) the name of each person who has been a director of the Authority at any time during or since the end of the year and the period for which they were a director.
— (2) The report must also include details of
(a) each director's qualifications, experience and special responsibilities; and
 (b) the number of meetings of the board held during the year an each director's attendance at those meetings; and
(c) the number of meetings of each board committee held durin the year and each director's attendance at those meetings.
— (3) Details do not have to be included in the directors' report for a financial year if they are included in the financial report for that financial year.
[Clause 12 inserted: No. 67 of 2004 s. 43.]
13. Annual directors' report other specific information
(cf. s. 300A Corporations Act)
The directors' report for a financial year must also include
(a) discussion of board policy for determining the nature and amount of emoluments of senior executives of the Authority and
(b) discussion of the relationship between such policy and the Authority's performance; and

Financial administration and audit Financial reporting

	(c) details of the nature and amount of each element of the emolument of each director and each of the 5 named officers of the Authority receiving the highest emolument.
	[Clause 13 inserted: No. 67 of 2004 s. 43.]
14.	Audit of annual financial report
	(cf. s. 301 Corporations Act)
	The Authority must have the financial report for a financial year audited by the Auditor General in accordance with Subdivision 2 and clauses 33 and 34 and obtain an auditor's report.
	[Clause 14 inserted: No. 67 of 2004 s. 43.]
	Subdivision 2 Audit and auditor's report
	[Heading inserted: No. 67 of 2004 s. 43.]
15.	Audit opinion
	(cf. s. 307 Corporations Act)
	The Auditor General must form an opinion about
	(a) whether the financial report is in accordance with this Schedule, including
	(i) clause 8 (compliance with accounting standards and regulations); and
	(ii) clause 9 (true and fair view);
	and
	(b) whether he or she has been given all information, explanation and assistance necessary for the conduct of the audit; and
	(c) whether the Authority has kept financial records sufficient to enable a financial report to be prepared and audited; and
	(d) whether the Authority has kept other records and registers as required by this Schedule.
	[Clause 15 inserted: No. 67 of 2004 s. 43.]

16.	Auditor General's report on annual financial report
	(cf. s. 308 Corporations Act)
(1)	The Auditor General must report to the Minister on whether he or she is of the opinion that the financial report is in accordance with this Schedule, including
	(a) clause 8 (compliance with accounting standards and regulations); and
	(b) clause 9 (true and fair view).
(2)	If not of that opinion, the Auditor General's report must say why.
(3)	If the Auditor General is of the opinion that the financial report does not comply with an accounting standard, his or her report must, to the extent it is practicable to do so, quantify the effect that non-compliance has on the financial report.
(4)	If it is not practicable to quantify the effect fully, the report must say why.
(5)	The Auditor General's report must describe
	(a) any defect or irregularity in the financial report; and
	(b) any deficiency, failure or shortcoming in respect of the matters referred to in clause 15.
(6)	The report must specify the date on which it is made.
(7)	The Auditor General must give a copy of the report to the directors as soon as practicable after it has been given to the Minister.
	—[Clause 16 inserted: No. 67 of 2004 s. 43.]
17.	Auditor General's power to obtain information
	(cf. s. 310 Corporations Act)
	The Auditor General
	(a) has a right of access at all reasonable times to the books of the Authority; and

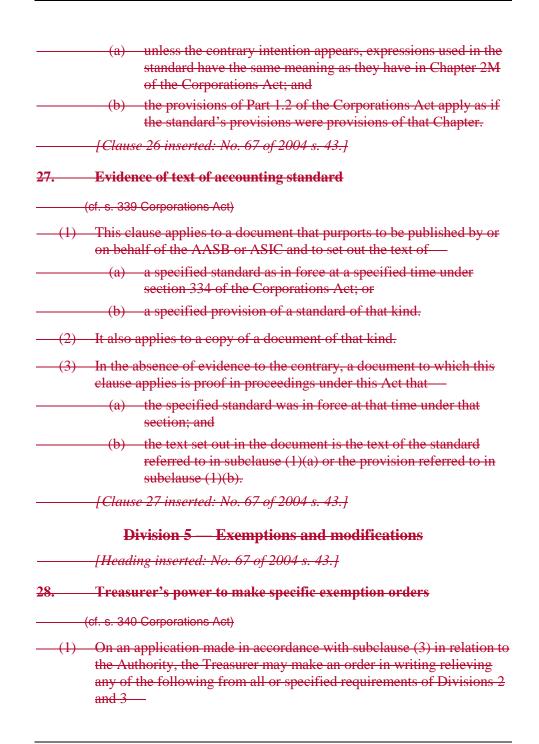
Financial administration and audit
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(b) may require any officer of the entity to give the Auditor General information, explanations or other assistance for the purposes of the audit or review.
(2) Any information, explanation or other assistance required under subclause (1)(b) is to be given at the expense of the Authority.
——————————————————————————————————————
21. Controlled entity to assist Auditor General
(cf. s. 323B Corporations Act)
If the Authority has to prepare a financial report that includes consolidated financial statements, an officer or auditor of a controlled entity must—
(a) allow the Auditor General access to the controlled entity's books; and
(b) give the Auditor General any information, explanation or assistance required under clause 20.
——————————————————————————————————————
22. Application of subdivision to entity that has ceased to be controlled
(cf. s. 323C Corporations Act)
Clauses 19, 20 and 21 apply to the preparation or audit of a financial report that covers a controlled entity even if the entity is no longer controlled by the Authority when its financial report is being prepared or audited.
[Clause 22 inserted: No. 67 of 2004 s. 43.]
Subdivision 4 Financial years of the Authority and the entities it controls
Subdivision 4 Financial years of the Authority and the entities it controls [Heading inserted: No. 67 of 2004 s. 43.]
[Heading inserted: No. 67 of 2004 s. 43.]

Financial administration and audit Accounting standards

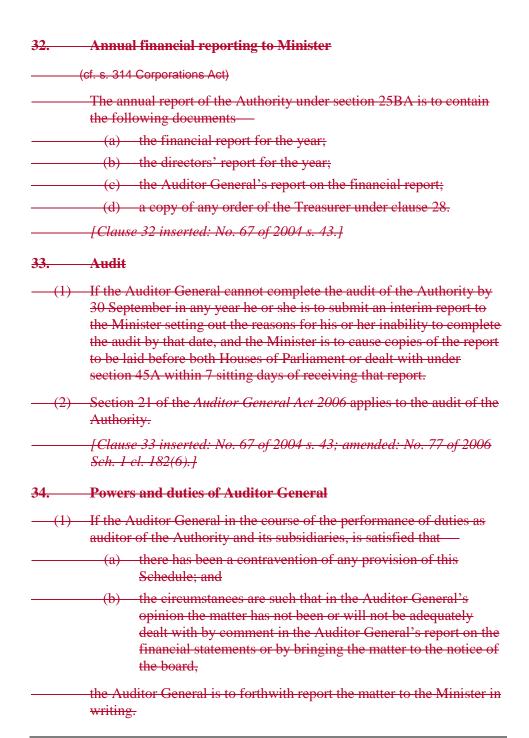
(2)	Where the Authority has to prepare consolidated financial statements, it must do whatever is necessary to ensure that the financial years of the consolidated entities are synchronised with its own financial years.
(3)	It must achieve this synchronisation by the end of 12 months after the situation that calls for consolidation arises.
	[Clause 23 inserted: No. 67 of 2004 s. 43.]
	Division 4 — Accounting standards
	[Heading inserted: No. 67 of 2004 s. 43.]
24.	Accounting standards
	(cf. s. 334 Corporations Act)
(1)	An accounting standard applies to
	(a) periods ending after the commencement of the standard; or
	(b) periods ending, or starting, on or after a later date specified in the standard.
(2)	The Authority may elect to apply the accounting standard to an earlier period unless the standard says otherwise.
(3)	The election must be made in writing by the directors.
	[Clause 24 inserted: No. 67 of 2004 s. 43.]
25.	Equity accounting
	(cf. s. 335 Corporations Act)
	This Schedule (and, in particular, the provisions on consolidation of financial statements) does not prevent accounting standards from incorporating equity accounting principles.
	[Clause 25 inserted: No. 67 of 2004 s. 43.]
26.	Interpretation of accounting standards
	(cf. s. 337 Corporations Act)
	In interpreting an accounting standard



Financial administration and audit Sanctions for contraventions of this Schedule

	(a) the directors;
	(b) the Authority;
	(c) the Auditor General.
(2)	The order may
	(a) be expressed to be subject to conditions; and
	(b) be indefinite or limited to a specified period.
(3)	The application must be
	(a) authorised by a resolution of the directors; and
	(b) in writing and signed by a director; and
	(c) lodged with the Treasurer.
(4)	The Treasurer must give the Authority written notice of the making, revocation or suspension of the order.
(5)	If the Treasurer makes an order under subclause (1) the Treasurer is to cause the text of the order to be laid before each House of Parliament or dealt with under section 45A within 14 days after the order is made.
	[Clause 28 inserted: No. 67 of 2004 s. 43.]
29.	Criteria for specific exemption orders and class orders
	(cf. s. 342 Corporations Act)
	To make an order under clause 28, the Treasurer must be satisfied that complying with the relevant requirements of Divisions 2 and 3 would
	(a) make the financial report or other reports misleading; or
	(b) be inappropriate in the circumstances; or
	(c) impose unreasonable burdens.
	-{Clause 29 inserted: No. 67 of 2004 s. 43.}
D	ivision 6 — Sanctions for contraventions of this Schedule
	Heading inserted: No. 67 of 2004 s. 43.]

30.	— Compliance with Div. 2 and 3
	(cf. s. 344 Corporations Act)
(1)	A director of the Authority must take all reasonable steps to comply with, or to secure compliance with, Divisions 2 and 3.
(2)	A person who contravenes subclause (1) with intent to deceive or defraud the Minister or the Treasurer or creditors of the Authority, is guilty of a crime and is liable to a fine of \$20 000 or imprisonment for 5 years, or both.
	Summary conviction penalty: A fine of \$12 000 or imprisonment for 3 years, or both.
(3)	In subclause (2)
	summary conviction penalty has the same meaning as in section 5 of <i>The Criminal Code</i> .
(4)	If subclause (2) does not apply a person who contravenes subclause (1) is liable to a fine of \$5 000.
(5)	Subclause (1) does not apply to clause 17, 18, 20 or 21.
	[Clause 30 inserted: No. 67 of 2004 s. 43.]
	Division 7 — Miscellaneous
	[Heading inserted: No. 67 of 2004 s. 43.]
31.	Deadline for reporting to Minister
	(cf. s. 315 Corporations Act)
(1)	In subclause (2)
	prescribed day means the fifth working day after receipt by the directors under clause 16 of the Auditor General's report.
(2)	The Authority must as soon as practicable but not later than the close of business on the prescribed day in each year send to the Minister a copy of the annual report required by section 25BA.
	IClause 31 inserted: No. 67 of 2004 s. 43.1



(2)	The provisions of sections 14, 16 to 18, 24 to 37, 45 and 46 of the
(2)	The provisions of sections 14, 10 to 10, 24 to 37, 43 and 40 of the
	Auditor General Act 2006 apply to the Authority as if it were a
	statutory authority named in Schedule 1 to the Financial Management
	Act 2006.

[Clause 34 inserted: No. 67 of 2004 s. 43; amended: No. 77 of 2006 Sch. 1 cl. 182(7).]

35. Extension of time

- (1) Where any provision of this Schedule requires any act or thing to be observed or performed by a certain date or within a specified time by a person, other than the Auditor General, the Minister may on application by that person extend the date of, or the time for observance or performance of such act or thing to such date or time as the Minister thinks appropriate.
- (2) Where the Minister grants an extension of time under subclause (1), clause 28(5) applies to the memorandum evidencing the extension as if it were an order under clause 28(1).

[Clause 35 inserted: No. 67 of 2004 s. 43.]

Schedule 4 — Transitional and savings provisions

[s. 50(2)]

[Heading amended: No. 19 of 2010 s. 41(4).]

1. Terms used

In this Schedule, unless the contrary intention appears — *commencement day* means the day on which section 50 comes into operation;

former body means the Industrial Lands Development Authority established by the Act repealed by section 50(1)(a) and the Joondalup Development Corporation provided for by the Act repealed by section 50(1)(c);

liability includes any obligation, claim or demand, present or future, certain or contingent, ascertained or sounding only in damages;

property means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description and includes things in action and a power of disposition over property.

2. Staff

- (1) All persons who were employed or engaged by a former body immediately before the commencement day are to be taken to be employed or engaged by the Authority under section 11 on the same terms and conditions, including the salary payable, as those on which they were employed or engaged immediately before the commencement day.
- (2) Subclause (1) applies to the General Manager holding office immediately before the commencement day under section 31 of the Act repealed by section 50(1)(c) but after the commencement day he or she does not by virtue of that subclause become the chief executive officer of the Authority.
- (3) On the publication of an order under section 51 such persons as the Minister determines who were employed or engaged immediately before that publication under section 15 of the *Western Australian Development Corporation Act 1983* ⁴ in performing duties relating

exclusively to property allocated to the Authority under that order are to be taken to have been employed or engaged by the Authority under section 11 on the same terms and conditions, including the salary payable, as those on which they were employed immediately before the publication of the order.

- (4) A person to whom subclause (1) or (3) applies retains all his or her existing and accruing rights (including rights under the *Superannuation and Family Benefits Act 1938*) ⁶ as if his or her employment or engagement under this Act were a continuation of his or her employment or engagement immediately before the commencement day.
- (5) Nothing in this clause prevents the exercise by the Authority after the commencement day of its powers in relation to the management of the staff of the Authority.

3. Assets, liabilities etc. to vest in Authority

- (1) On the commencement day
 - (a) any property, whether within or outside the State, which was vested in a former body or, to which a former body was entitled immediately before that day vests in the Authority together with all claims, rights and remedies that the former body then had in respect of the property; and
 - (b) the Authority becomes liable to pay, bear or discharge all the liabilities of a former body that are properly payable; and
 - (c) the Authority is to take delivery of all registers, papers, documents, minutes, receipts, books of account and other records (however compiled, recorded or stored) relating to the operations of a former body.
- (2) Anything commenced by a former body before the commencement day may be continued by the Authority, so far as it is authorised by this Act.

4. Agreements and instruments

Any agreement or instrument subsisting immediately before the commencement day —

(a) to which a former body was a party; or

(b) which contains a reference to a former body,

has effect after that day as if —

- the Authority were substituted for the former body as a party to the agreement or instrument; and
- any reference in the agreement or instrument to a former body (d) were (unless the context otherwise requires) a reference to the Authority.

5. **Registration of documents**

- The Registrar of Titles, the Registrar of Deeds, the Ministers (1) respectively administering the Land Administration Act 1997 and the Mining Act 1978, and any other person authorised by a written law to record and give effect to the registration of documents relating to transactions affecting any estate or interest in land or other property, are to take note of the provisions of this Schedule and section 51 and are empowered to record and register in the appropriate manner such of those documents as are necessary to give effect to this Schedule and section 51.
- (2) Without limiting subclause (1) a statement in an instrument executed by the Authority that any estate or interest in land or other property has become vested in it under this Schedule or section 51 is evidence of that fact.

6. **Funds**

On the commencement day the fund under section 6B of the Industrial Lands Development Authority Act 1966 and the account under section 41(2) of the *Joondalup Centre Act 1976* are to be closed and the moneys placed to the credit of the Account referred to in section 31(2).

7. Particular transitional provisions for Industrial Lands Development Authority Act 1966

(1) In this clause the *repealed Act* means the *Industrial Lands* Development Authority Act 1966.

- (2) On and after the commencement day, the matters referred to in subclause (3) continue to be governed by the repealed Act (except section 14), notwithstanding its repeal, but
 - (a) the functions under that Act are to be performed, for the purposes of this clause, by the Authority established under this Act; and
 - (b) references in that Act to the Fund are to be read as references to the Account referred to in section 31(2).
- (3) Those matters are
 - (a) land to which section 7B(1) of the repealed Act applied immediately before the commencement day other than such land as is freehold land under the *Transfer of Land Act 1893* unless in respect of such last-mentioned land
 - (i) a memorial remained registered under section 7D(1) of the repealed Act on the commencement day; or
 - (ii) immediately before the commencement day, a caveat under Part V of the *Transfer of Land Act 1893* by the Industrial Lands Development Authority or its predecessors or the relevant Minister or a caveat under section 182(iii) of the *Transfer of Land Act 1893* by the Registrar of Titles was in force;
 - (b) any memorial that remained registered under section 7D(1) of the repealed Act on the commencement day in respect of land under the operation of the *Transfer of Land Act 1893*;
 - (c) any injunction or interim injunction granted under section 8 of the repealed Act and in force immediately before the commencement day;
 - (d) any land referred to in
 - (i) Part V of the Schedule to the repealed Act and not acquired by or transferred to the Industrial Lands Development Authority; or
 - (ii) Part VI of the Schedule to the repealed Act and not acquired by or transferred to that Authority from the State Planning Commission,

- under section 12A of the repealed Act before the commencement day;
- (e) any advance made, or guarantee given, by the Treasurer under section 13 of the repealed Act and not repaid, or still in force, as the case may be, immediately before the commencement day.
- (4) For the purposes of subclause (3)(e), section 13(3) of the repealed Act is to be taken to continue to apply after the commencement day notwithstanding the repeal.

8. Guarantees under Joondalup Centre Act 1976

The repeal of the *Joondalup Centre Act 1976* by section 50(1)(c) does not affect any guarantee under section 43 of that Act in force immediately before the commencement day and section 43(8) of that Act is to be taken to continue in force for the purposes of this clause.

9. Particular transitional provisions for *Industrial Development* (Resumption of Land) Act 1945

- (1) In this clause the *repealed Act* means the *Industrial Development* (*Resumption of Land*) Act 1945.
- (2) Land that was, immediately before the commencement day, dedicated under section 11 of the repealed Act is to be taken, on and after that day, to be land dedicated under section 21.
- (3) If a person was, immediately before the commencement day, a proprietor, purchaser or lessee of land to whom section 13 of the repealed Act applied, that section continues, after that day, to apply to the person while he or she continues to be the proprietor, purchaser or lessee of the land in question.
- (4) All land
 - (a) to which section 14 of the repealed Act applied immediately before the commencement day; and
 - (b) in respect of which immediately before that day a caveat under Part V of the *Transfer of Land Act 1893* by the Industrial Lands Development Authority or its predecessors or the relevant Minister or a caveat under section 182(iii) of

the *Transfer of Land Act 1893* by the Registrar of Titles was in force.

shall on the commencement day be taken to be land in respect of which a memorial is for the time being registered under section 26.

(5) Any such caveat shall on and after the commencement day be deemed to be a memorial registered under section 26 in respect of that land and to have ceased to be a caveat in force under Part V or section 188(iii) of the *Transfer of Land Act 1893*.

10. Annual report for part of year

- (1) The accountable authority, within the meaning in the *Financial Administration and Audit Act 1985* 8, of a former body is to report in respect of that body as required by section 66 of that Act, but limited to the period from the preceding 1 July to the commencement day, and Division 14 of Part II of that Act applies as if that period were a full financial year.
- (2) A former body and its accountable authority as constituted immediately before the commencement day continues in existence for the purpose of subclause (1) and for that purpose only.
- (3) The Authority is to arrange for the provision of such clerical and other assistance as is reasonably required for the purpose of subclause (1).

11. Interpretation Act to apply

With respect to the repeals effected by section 50, this Act is supplementary to, and does not displace the operation of, the *Interpretation Act 1984*.

Notes

This is a compilation of the Western Australian Land Authority Act 1992 and includes amendments made by other written laws ¹³. For provisions that have come into operation, and for information about any reprints, see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

Compilation table

Short title	Number and year	Assent	Commencement
Western Australian Land Authority Act 1992	35 of 1992	23 Jun 1992	s. 1, 2 and 4: 23 Jun 1992 (see s. 2(1)); balance: 1 Jul 1992 (see s. 2(2) and <i>Gazette</i> 30 Jun 1992 p. 2869)
Financial Administration Legislation Amendment Act 1993 s. 11	6 of 1993	27 Aug 1993	1 Jul 1993 (see s. 2(1))
Acts Amendment (Public Sector Management) Act 1994 s. 19	32 of 1994	29 Jun 1994	1 Oct 1994 (see s. 2 and <i>Gazette</i> 30 Sep 1994 p. 4948)
Statutes (Repeals and Minor Amendments) Act 1994 s. 4	73 of 1994	9 Dec 1994	9 Dec 1994 (see s. 2)
Local Government (Consequential Amendments) Act 1996 s. 4	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)
Statutory Corporations (Liability of Directors) Act 1996 s. 3	41 of 1996	10 Oct 1996	1 Dec 1996 (see s. 2 and <i>Gazette</i> 12 Nov 1996 p. 6301)
Financial Legislation Amendment Act 1996 s. 64	49 of 1996	25 Oct 1996	25 Oct 1996 (see s. 2(1))
Transfer of Land Amendment Act 1996 s. 153(3)	81 of 1996	14 Nov 1996	14 Nov 1996 (see s. 2)
Western Australian Land Authority Amendment Act 1997	28 of 1997	26 Sep 1997	26 Sep 1997 (see s. 2)

Compare 22 Jun 2023 [03-f0-00] / 01 Jul 2023 [03-g0-01]

Compilation table

Short title	Number and year	Assent	Commencement
Acts Amendment (Land Administration) Act 1997 Pt. 67 and s. 141	31 of 1997	3 Oct 1997	30 Mar 1998 (see s. 2 and <i>Gazette</i> 27 Mar 1998 p. 1765)
Western Australian Land Authority Amendment Act 1998 ^{2, 3, 9, 10}	60 of 1998	31 Dec 1998	31 Dec 1998 (see s. 2)
Reprint of the Western Ausamendments listed above)	stralian Land A	Authority Act 1	992 as at 16 Apr 1999 (includes
Corporations (Consequential Amendments) Act 2001 Pt. 55	10 of 2001	28 Jun 2001	15 Jul 2001 (see s. 2 and Gazette 29 Jun 2001 p. 3257 and Cwlth Gazette 13 Jul 2001 No. S285)
Acts Amendment (Equality of Status) Act 2003 Pt. 61	28 of 2003	22 May 2003	1 Jul 2003 (see s. 2 and <i>Gazette</i> 30 Jun 2003 p. 2579)
Statutes (Repeals and Minor Amendments) Act 2003 s. 129	74 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)
Western Australian Land Authority Amendment Act 2004 Pt. 2 ^{11, 12}	67 of 2004	8 Dec 2004	25 Dec 2004 (see s. 2 and <i>Gazette</i> 24 Dec 2004 p. 6247)
Reprint 2: The Western Au amendments listed above)	ıstralian Land	Authority Act 1	1992 as at 4 Feb 2005 (includes
Land Information Authority Act 2006 s. 119	60 of 2006	16 Nov 2006	1 Jan 2007 (see s. 2(1) and <i>Gazette</i> 8 Dec 2006 p. 5369)
Financial Legislation Amendment and Repeal Act 2006 s. 4, 5(1), 15 and Sch. 1 cl. 182	77 of 2006	21 Dec 2006	1 Feb 2007 (see s. 2(1) and <i>Gazette</i> 19 Jan 2007 p. 137)
Statutes (Repeals and Miscellaneous Amendments) Act 2009 s. 136	8 of 2009	21 May 2009	22 May 2009 (see s. 2(b))
Standardisation of Formatting Act 2010 s. 41	19 of 2010	28 Jun 2010	11 Sep 2010 (see s. 2(b) and <i>Gazette</i> 10 Sep 2010 p. 4341)
Public Sector Reform Act 2010 s. 88 and 89	39 of 2010	1 Oct 2010	1 Dec 2010 (see s. 2(b) and <i>Gazette</i> 5 Nov 2010 p. 5563)

Reprint 3: The *Western Australian Land Authority Act 1992* as at 10 Dec 2010 (includes amendments listed above)

Compare 22 Jun 2023 [03-f0-00] / 01 Jul 2023 [03-g0-01] Published on www.legislation.wa.gov.au

Short title	Number and year	Assent	Commencement
Local Government Legislation Amendment Act 2016 Pt. 3 Div. 34	26 of 2016	21 Sep 2016	21 Jan 2017 (see s. 2(b) and <i>Gazette</i> 20 Jan 2017 p. 648)
Executive Officer Remuneration (Government Entities) Legislation Amendment Act 2016 Pt. 3 Div. 7	46 of 2016	7 Dec 2016	8 Dec 2016 (see s. 2(b))
Government Trading Enterprises Act 2023 Pt. 12 Div. 10	13 of 2023	22 Jun 2023	1 Jul 2023 (see s. 2(b) and SL 2023/89 cl. 2)

Uncommenced provisions table

To view the text of the uncommenced provisions see *Acts as passed* on the WA Legislation website.

Short title	Number and year	Assent	Commencement
State Superannuation (Transitional and Consequential Provisions) Act 2000 s. 72	43 of 2000	2 Nov 2000	To be proclaimed (see s. 2(2))
Government Trading Enterprises Act 2023 Pt. 12 Div. 10	13 of 2023	22 Jun 2023	To be proclaimed (see s. 2(b))

Other notes

- Public Sector Management Act 1994 s. 99 deleted by the Public Sector Reform Act 2010 s. 57.
- The Western Australian Land Authority Amendment Act 1998 s. 19(3) and (4) read as follows:
 - (3) Despite subsections (1) and (2), on and from the commencement of this Act
 - (a) a memorial registered or deemed to be registered under Part 4 before the commencement of this Act remains of

- effect, and may be withdrawn and registered again under Part 4, as if the Part had not been repealed;
- (b) the functions of a relevant official under Part 4 in relation to memorials are to be performed as if the Part had not been repealed;
- (c) a pending memorial
 - (i) may be registered under Part 4;
 - (ii) has effect after registration as if Part 4 had not been repealed; and
 - (iii) may be withdrawn and registered again under Part 4,

as if the Part had not been repealed; and

- (d) Part 4 and section 46 continue to apply and have effect in relation to any memorial referred to in paragraph (a) or(c) and to offences and other matters related to the memorial.
- (4) In subsection (3) —

pending memorial means a memorial in respect of any land disposed of by the Authority pursuant to a transaction entered into before the commencement of this Act;

relevant official has the same meaning as it had under the *Western Australian Land Authority Act 1992* immediately before the commencement of this Act.

- The Western Australian Land Authority Amendment Act 1998 s. 20(2) reads as follows:
 - (2) Section 32 as inserted by subsection (1)
 - (a) does not apply to a deed or other instrument that
 - (i) has been signed or sealed by or on behalf of all parties that are required to do so; or
 - (ii) evidences a transaction that was completed,

before the commencement of this Act; and

- (b) subject to paragraph (a), applies in respect of any duty, tax, rate or other impost the Authority becomes liable to and chargeable with after the commencement of this Act but not otherwise.
- ⁴ Repealed by the WADC and WA Exim Corporation Repeal Act 1998.

- Lands Titles Office diagrams are now being held by the Western Australian Land Information Authority (see the *Land Information Authority Act 2006* s. 100).
- The Superannuation and Family Benefits Act 1938 was repealed by the State Superannuation Act 2000 s. 39, but its provisions continue to apply to and in relation to certain schemes because of the State Superannuation (Transitional and Consequential Provisions) Act 2000 s. 26. See also note 14.
- Under the *Land Administration Act 1997* s. 281(3), a reference to the *Land Act 1933* in a written law is, unless the contrary is intended, to be read and construed as a reference to the *Land Administration Act 1997*. The reference was changed under the *Reprints Act 1984* s. 7(3)(g).
- Under the *Financial Management (Transitional Provisions) Act 2006* s. 19 a reference in a written law or document or instrument to the *Financial Administration and Audit Act 1985* may, where the context so requires, be read as if it had been amended to be a reference to the *Financial Management Act 2006* or to the *Auditor General Act 2006*, or to both those Acts, as the case requires.
- The Western Australian Land Authority Amendment Act 1998 s. 7(2) is a savings provision of no further effect.
- The Western Australian Land Authority Amendment Act 1998 s. 18(2), (3) and (4) are transitional provisions of no further effect.
- The Western Australian Land Authority Amendment Act 2004 s. 12(2)-(8) read as follows:
 - (2) The person who was the chief executive officer immediately before the commencement of this section continues in office, under and subject to the WALA Act, as the chief executive officer as if that person had been appointed by the board.
 - (3) Other people who were in the employment of the Authority immediately before the commencement of this section continue, under and subject to the WALA Act, as members of staff of the Authority.
 - (4) Except as otherwise agreed by the chief executive officer or member of staff, the remuneration, existing or accrued rights, rights under a superannuation scheme or continuity of service of the chief executive officer or a member of staff of the Authority are not affected, prejudiced or interrupted by
 - (a) the operation of subsection (2) or (3); or
 - (b) the Authority ceasing to be an SES organisation under the *Public Sector Management Act 1994*.

- A person mentioned in subsection (2) or (3) is to be regarded as an (5) employee of an organisation for the purposes of Part 6 of the Public Sector Management Act 1994.
- Subsection (5) ceases to apply at the expiration of 2 years after the (6) commencement of this section.
- A person mentioned in subsection (3) is to be regarded as having (7) been engaged under section 11 of the WALA Act.
- (8) Where this section uses a term that is given a meaning in the WALA Act, the term has that meaning in this section.
- 12 The Western Australian Land Authority Amendment Act 2004 s. 18(2) is a transitional provision of no futher effect.
- 13 The amendment in the State Superannuation Amendment Act 2007 s. 88 is not included because it was repealed by the State Superannuation Amendment Act 2011 s. 4 before the amendment purported to come into operation.

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