

BUNBURY HARBOUR BOARD.

No. 5 of 1967.

AN ACT to amend the Bunbury Harbour Board Act, 1909-1965.

[Assented to 5th October, 1967.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Bunbury Harbour Board Act Amendment Act, 1967.* Short title and citation.

(2) In this Act the Bunbury Harbour Board Act, 1909-1965, is referred to as the principal Act. Act No. 22 of 1909, as amended by Acts Nos. 73 of 1954, 51 of 1957, 48 of 1959, 8 of 1963, 9 of 1965 and 113 of 1965.

(3) The principal Act as amended by this Act may be cited as the Bunbury Port Authority Act, 1909-1967.

Commence-
ment.

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

Long title
repealed and
re-enacted.

3. The long title of the principal Act is repealed and re-enacted as follows—

“AN ACT to constitute the BUNBURY PORT AUTHORITY; to regulate the appointment of the members of the BUNBURY PORT AUTHORITY; to define its powers and authorities and for other purposes incidental thereto.”

S. 1A
added.

4. The principal Act is amended by adding after section one, a section as follows—

Change of
name of
Board to
Bunbury
Port
Authority.

1A. (1) The name of the body corporate constituted under section three of this Act is changed to the Bunbury Port Authority.

(2) Notwithstanding the change of name effected by subsection (1) of this section, the body corporate constituted under this Act by the name of the Bunbury Harbour Board is preserved and continues in existence as a body corporate under and subject to the provisions of this Act, under the name Bunbury Port Authority, but so that the corporate identity of the body corporate and its rights, powers, functions, duties and liabilities, subject to those provisions, shall not be affected.

(3) A reference—

(a) in a law of the State; and

(b) in any document,

in force immediately before the date of the coming into operation of the Bunbury Harbour Board Act Amendment Act, 1967, to the Bunbury Harbour Board shall be read as a reference to the Bunbury Port Authority. .

5. Section two of the principal Act is amended— S. 2 amended.

- (a) by repealing the interpretation, "Board";
- (b) by repealing the interpretation, "Chief Harbour Master" and re-enacting it as follows—

"Chief Harbour Master" means the person for the time being holding the office of Manager of the Harbour and Light Department of the State; ;

- (c) by repealing and re-enacting the interpretation, "Members" as follows—

"Members" means the members of the Port Authority; ;

- (d) by repealing the interpretation, "Minister"; Vide Act No. 30 of 1918, S. 4.
- (e) by adding after the interpretation, "Ship" an interpretation as follows—

"the Port Authority" means the Bunbury Port Authority constituted under this Act; ; and

- (f) by substituting for the word, "harbour" where twice occurring in line one of the interpretation, "The harbour", the word, "port".

6. The heading "Constitution of the Board", following section two of the principal Act is repealed and re-enacted as follows— Heading amended.

"Constitution of the Port Authority."

7. Section three of the principal Act is amended by substituting for the words, "Bunbury Harbour Board" in lines two and three, the words, "Bunbury Port Authority". S. 3 amended.

8. Section five of the principal Act is amended by substituting for the word, "Board" in line two, the words, "Port Authority". S. 5 amended.

S. 9
amended.

9. Section nine of the principal Act is amended by substituting for the word, "Board" in line two of paragraph (c) and of paragraph (d), the words, "Port Authority".

S. 10
amended.

10. Section ten of the principal Act is amended by substituting for the word, "Board" in line two, the words, "Port Authority".

S. 13
amended.

11. Section thirteen of the principal Act is amended by substituting for the word, "Board" in line three, the words, "Port Authority".

S. 14
amended.

12. Section fourteen of the principal Act is amended by substituting for the word, "Board" in line two the words, "Port Authority".

S. 16
amended.

13. Section sixteen of the principal Act is amended by substituting for the word, "Board" in line one, the words, "Port Authority".

S. 17
amended.

14. Section seventeen of the principal Act is amended—

(a) by substituting for the word, "Board" in line one, the words, "Port Authority"; and

(b) by substituting for the word, "their" in lines two and four, the word, "its".

S. 18
repealed and
re-enacted.

15. Section eighteen of the principal Act is repealed and re-enacted as follows—

Appoint-
ment of
officers and
servant
employees.
Vide S. 15
No. 30 of
1918.

18. (1) The Governor, on the nomination of the Port Authority may appoint a managing secretary, berthing master (who shall be the person appointed as harbour master of the port), and wharf manager and on recommendation of the Port Authority may dismiss the managing secretary, berthing master or wharf manager.

(2) The Port Authority may appoint such other officers and servants as may be necessary for the administration of this Act and may dismiss any of those officers or servants.

(3) All persons appointed pursuant to subsection (1) or (2) of this section are subject to the control of the Port Authority. .

16. Section nineteen of the principal Act is amended by substituting for the word, "Board" in line three the words, "Port Authority". S. 19 amended.

17. Section twenty of the principal Act is amended— S. 20 amended

(a) by substituting for the word, "Board" in lines one, nine, eleven and in the last line, the words, "Port Authority"; and

(b) by substituting for the word, "harbour" in lines three and four, five, eight and fourteen the word, "port".

18. Section twenty-one of the principal Act is amended— S. 21 amended.

(a) by substituting for the word, "Board" in lines one, six and seven the words, "Port Authority"; and

(b) by substituting for the word, "their" in line seven, the word, "its".

19. The heading following section twenty-one of the principal Act is repealed and re-enacted as follows— Heading repealed and re-enacted.

"Powers and Duties of the Port Authority."

20. Section twenty-two of the principal Act is amended— S. 22 amended.

(a) by substituting for the word, "Board" in line one, the words, "Port Authority";

- (b) by substituting for the word, "harbour" in line one, the word "port"; and
- (c) by substituting for the word, "them" in line three, the word, "it".

S. 23
amended.

21. Section twenty-three of the principal Act is amended—

- (a) by adding after the section number, "23." the subsection designation, "(1)";
- (b) by substituting for the word, "harbour" in lines one and two, the word, "port";
- (c) by adding after the figures, "1902" in line four, the passage, ", and may be undertaken by the Minister for Works"; and
- (d) by adding subsections as follow—

(2) Without affecting the operation of subsection (1) of this section, the Port Authority may with the prior approval of the Governor, undertake the construction, completion and extension within the port of any port works, the total cost of which does not exceed ten thousand dollars; and for the purpose the Port Authority is a local authority within the meaning of that expression as defined in the Public Works Act, 1902.

(3) In this section the expression "port works" includes pier, quay, wharf, jetty, dock, landing stage, slip, bridge, viaduct, embankment or drain or the reclamation of land from the sea or a river, or excavation, deepening, dredging or widening of any channel, basin or other part of the port. .

S. 24
amended.

22. Section twenty-four of the principal Act is amended—

- (a) by substituting for the word, "Board" in line one, the words, "Port Authority"; and

- (b) by substituting for the word, "them" in line five the word, "it".

23. Section twenty-five of the principal Act is amended— S. 25 amended.

- (a) by substituting for the word, "Board" in line two the words, "Port Authority"; and
(b) by substituting for the word, "them" in line two, the word, "it".

24. Section twenty-six of the principal Act is amended— S. 26 amended.

- (a) by substituting for the word, "Board" in line one the words, "Port Authority";
(b) by substituting for the word, "their" in line one, the word, "its";
(c) by substituting for the word, "they" in lines two and eight, the word "it"; and
(d) by substituting for the word, "them" in line six, the word, "it".

25. The principal Act is amended by adding after section twenty-six a section as follows— S. 26A added.

26A. Subject to this Act, when and as often as land is required for the purposes of this Act, the land may be taken or resumed by the Port Authority under and subject to the provisions of the Public Works Act, 1902. . Power of Port Authority to acquire land compulsorily.

26. Section twenty-seven of the principal Act is amended by substituting for the word, "Board" in lines three and ten, the words, "Port Authority". S. 27 amended.

27. Section twenty-eight of the principal Act is amended by substituting for the word, "Board" in lines one and three, the words, "Port Authority". S. 28 amended.

28. Section twenty-nine of the principal Act is amended by substituting for the word, "harbour" in line two, the word, "port". S. 29 amended.

S. 30
amended.

29. Section thirty of the principal Act is amended—

- (a) by substituting for the word, "Board" in line one, the words, "Port Authority"; and
- (b) by substituting for the word, "harbour" in line two the word, "port".

S. 32
amended.

30. Section thirty-two of the principal Act is amended—

- (a) by substituting for the word, "harbour" in line two, the word, "port";
- (b) by substituting for the word, "Board" in lines seven, eleven, twelve, thirteen, seventeen, twenty, twenty-five and thirty-five, the words, "Port Authority"; and
- (c) by substituting for the word, "themselves" in lines seven and eight of subsection (3), the word, "itself".

S. 33
amended.

31. Section thirty-three of the principal Act is amended by substituting for the word, "Board" in lines three, ten and eleven, the words, "Port Authority".

S. 34
amended.

32. Section thirty-four of the principal Act is amended by substituting for the word, "Board" in line three, the words, "Port Authority".

S. 35
amended.

33. Section thirty-five of the principal Act is amended—

- (a) by substituting for the word, "Board" in lines two and five, the words, "Port Authority"; and
- (b) by substituting for the word, "harbour" in lines two and three, the word, "port".

Heading
re-enacted.

34. The heading following section thirty-five of the principal Act is repealed and re-enacted as follows—

"Actions against Port Authority and Officers."

35. Section thirty-six of the principal Act is amended by substituting for the word, "Board" in line one, the words, "Port Authority". S. 36 amended.

36. The principal Act is amended by substituting the word, "Port" for the word, "Harbour" in the heading preceding section thirty-eight and in line one of that section. Heading and S. 38 amended.

37. Section thirty-nine of the principal Act is repealed. S. 39 repealed.

38. Section forty-one of the principal Act is amended— S. 41 amended.

(a) by substituting for the word, "Board" in lines three, five and eight the words, "Port Authority"; and

(b) by substituting for the word, "their" in line five, the word, "its".

39. Section forty-two of the principal Act is amended— S. 42 amended.

(a) by substituting for the word, "Board" in line one the words, "Port Authority"; and

(b) by substituting for the word, "their" in line two the word, "its".

40. Section forty-three of the principal Act is amended by substituting for the word, "Board" in lines eight and thirteen, the words, "Port Authority". S. 43 amended.

41. Section forty-seven of the principal Act is amended— S. 47 amended.

(a) by substituting for the word, "Board" in line one, the words, "Port Authority"; and

(b) by substituting for the word, "them" in line two, the word, "it".

S. 50
amended.

42. Section fifty of the principal Act is amended—

Vide Act No.
113 of 1965,
S. 4 (1).

- (a) by substituting for the words, "twenty dollars" in lines three and five, the words, "two hundred dollars"; and
- (b) by adding after the word, "amount" in line five, the passage, " , and the penalty is in addition to the dues payable by him".

S. 51
amended.

43. Section fifty-one of the principal Act is amended—

- (a) by substituting for the word, "Board" in lines one, five and twelve the words, "Port Authority";
- (b) by substituting for the word, "them" in line seven, the word, "it"; and
- (c) by substituting for the word, "harbour" in lines nine and nine and ten, the word, "port".

S. 52
amended.

44. Section fifty-two of the principal Act is amended by substituting for the word, "Board" in lines two and three, the words, "Port Authority".

S. 53
amended.

45. Section fifty-three of the principal Act is amended by substituting for the word, "commissioners" in line five the words, "Port Authority".

S. 54
amended.

46. Section fifty-four of the principal Act is amended—

- (a) by substituting for the word, "Board" in lines two, six, nine, twenty-five, twenty-nine, thirty-two and thirty-four, the words, "Port Authority";
- (b) by substituting for the words, "Bunbury Harbour Board Account" in lines three and four of subsection (2) and one and two of subsection (3), the words, "Bunbury Port Authority Account"; and
- (c) by substituting for the word, "their" in lines two and three of paragraph (d) of subsection (3), the word, "its".

47. Section fifty-four A of the principal Act is amended— S. 54A
amended.

- (a) by substituting for the word, "Board" in lines one, six, seven, twelve and in the last line, the words, "Port Authority";
- (b) by substituting for the word, "them" in lines two and eight, the word, "it"; and
- (c) by substituting for the words, "Bunbury Harbour Board Account" in line ten and lines nineteen and twenty, the words, "Bunbury Port Authority Account".

48. Section fifty-four B of the principal Act is amended— S. 54B
amended.

- (a) by substituting for the word, "Board" in lines two, nine, sixteen, twenty-one, thirty-six, forty-eight and fifty the words, "Port Authority";
- (b) by substituting for the word, "them" in line ten the word, "it"; and
- (c) by substituting for the words, "Bunbury Harbour Board" in line eleven of subsection (3), the words, "Bunbury Port Authority".

49. Section fifty-four C of the principal Act is amended by substituting for the word, "Board" in lines three and four, the words, "Port Authority". S. 54C
amended.

50. Section fifty-four D of the principal Act is amended by substituting for the word, "Board" in lines four, six, eight, ten, fourteen and twenty-two, the words, "Port Authority". S. 54D
amended.

51. Section fifty-four E of the principal Act is amended by substituting for the word, "Board" in line four the words, "Port Authority". S. 54E
amended.

52. Section fifty-four F of the principal Act is amended by substituting for the word, "Board" in line two the words, "Port Authority". S. 54F
amended.

S. 54G
amended.

53. Section fifty-four G of the principal Act is amended—

- (a) by substituting for the words, “Bunbury Harbour Board Account” in lines two and three the words, “Bunbury Port Authority Account”;
- (b) by substituting for the word, “Board” in lines eight and sixteen, the words, “Port Authority”; and
- (c) by substituting for the word, “them” in lines eight, ten, sixteen and seventeen, the word, “it”.

S. 54H
amended.

54. Section fifty-four H of the principal Act is amended—

- (a) by substituting for the word, “Board” in line four the words, “Port Authority”; and
- (b) by substituting for the word, “their” in lines five and six, the word, “its”.

S. 54I
amended.

55. Section fifty-four I of the principal Act is amended by substituting for the word, “Board” in lines three and seven, the words, “Port Authority”.

S. 54J
amended.

56. Section fifty-four J of the principal Act is amended—

- (a) by substituting for the word, “Board” in lines one and three, the words, “Port Authority”; and
- (b) by substituting for the word, “their” where twice occurring in line four, the word, “its”.

S. 55
amended.

57. Section fifty-five of the principal Act is amended—

- (a) by substituting for the word, “Board” in lines two and four, the words, “Port Authority”; and
- (b) by substituting for the word, “Secretary” in line four, the words, “managing secretary”.

58. Section fifty-six of the principal Act is amended— S. 56
amended.

- (a) by substituting for the word, "Board" in lines one and seven, the words, "Port Authority"; and
- (b) by substituting for the word, "them" in lines three and four the word, "it".

59. Section fifty-six A of the principal Act is amended— S. 56A
amended.

- (a) by substituting for the word, "Board" in lines one, three and six the words, "Port Authority"; and
- (b) by substituting for the word, "their" in lines one and two, the word, "its".

60. Section fifty-seven of the principal Act is amended by substituting for the words, "ten dollars" in the last line the words, "twenty dollars". S. 57
amended.
Vide Act No.
113 of 1965
S. 4 (1)

61. Section fifty-eight of the principal Act is amended— S. 58
amended.

- (a) by substituting for the word, "Board" in line one, the words, "Port Authority"; and
- (b) by substituting for the word, "their" in line one, the word, "its".

62. Section fifty-nine of the principal Act is amended by substituting for the word, "Board" in line one the words, "Port Authority". S. 59
amended.

63. Section sixty of the principal Act is amended by substituting for the word, "Board" in line one, the words, "Port Authority". S. 60
amended.

64. Section sixty-one of the principal Act is amended— S. 61
amended.

- (a) by substituting for the word, "Board" in line one, in line two of paragraph (2), in line four of paragraph (11), in line three of paragraph (12), in line two of paragraph

(14), in lines two and seven of paragraph (19), in lines one and three of paragraph (23), in lines four and seven of paragraph (24), in line one of paragraph (25) and in the last line of paragraph (26a) and (27) the words, "Port Authority";

(b) by substituting for the word, "their" in line one of paragraph (1), line one of paragraph (3) and in line one of paragraph (25) the word, "its"; and

(c) by substituting for the word, "harbour" in line three of paragraph (8), in lines three and four of paragraph (14), in line two of paragraph (26) and in line two of paragraph (27), the word, "port".

S. 62
amended.

65. Section sixty-two of the principal Act is amended by substituting for the word, "Board" in line five the words, "Port Authority".

S. 63
repealed.
Vide S. 36
Act No. 30
of 1918.

66. Section sixty-three of the principal Act is repealed.

S. 64
repealed.
Vide S. 27
Act No. 30
of 1918.

67. Section sixty-four of the principal Act is repealed.

S. 66
amended.
Vide Act No.
113 of 1965,
S. 4 (1).

68. Section sixty-six of the principal Act is amended by substituting for the words, "one hundred dollars" in the last line the words, "two hundred dollars".

S. 67
amended.

69. Section sixty-seven of the principal Act is amended—

(a) by substituting for the word, "harbour" in lines seven, fourteen and nineteen, the word, "port"; and

Vide Act No.
113 of 1965,
S. 4 (1).

(b) by substituting for the words, "forty dollars" in line twenty-two, the words, "one hundred dollars".

70. Section sixty-nine of the principal Act is amended—

(a) by substituting for the word, "harbour" in line two, the word, "port"; and

(b) by substituting for the words, "two hundred dollars" in line five, the words, "three hundred dollars".

S. 69
amended.

Vide Act No.
113 of 1965,
S. 4 (1).

71. Section seventy of the principal Act is amended by substituting for the words, "forty dollars" in line five the words, "one hundred dollars".

S. 70
amended.
Vide Act No.
113 of 1965,
S. 4 (1).

72. Section seventy-one of the principal Act is amended—

(a) by substituting for the word, "Board" in the last line of paragraph (c), the words, "Port Authority"; and

(b) by substituting for the words, "forty dollars" in the last line, the words, "one hundred dollars".

S. 71
amended.

Vide Act No.
113 of 1965,
S. 4 (1).

73. Section seventy-two of the principal Act is amended—

(a) by substituting for the word, "Board" in line two the words, "Port Authority"; and

(b) by substituting for the words, "two hundred dollars" in line six, the words, "three hundred dollars".

S. 72
amended.

Vide Act No.
113 of 1965,
S. 4 (1).

74. Section seventy-four of the principal Act is amended by substituting for the word, "harbour" in line two, the word, "port".

S. 74
amended.

75. Section seventy-five of the principal Act is amended by substituting for the word, "Board" in line two, the words, "Port Authority".

S. 75
amended.

76. Section seventy-six of the principal Act is amended by substituting for the words, "Secretary to the Board" in the last line, the words, "managing secretary to the Port Authority".

S. 76
amended.

Second
Schedule
amended.

77. The Second Schedule to the principal Act is amended—

- (a) by substituting the words, "Port Authority" for the word, "Board"—
 - (i) in line four and in line four of clause 1 and clause 2;
 - (ii) in line one of clauses 3, and 4 and in lines one, three and twelve of clause 5;
 - (iii) in lines two, three and five of clause 6;
 - (iv) in line one of clause 7;
 - (v) in line three of Part II;
 - (vi) in line three of clause 2 of Part II;
 - (vii) in lines one and sixteen of clause 6 of Part II;
 - (viii) in lines three, eleven and eighteen of clause 7 of Part II;
 - (ix) in line two of clause 8 of Part II;
 - (x) in lines four and twelve and the last line of clause 9 of Part II;
 - (xi) in lines one and four of clause 1 of Part III;
 - (xii) in line one of clause 2 of Part III and in lines one and two of clause 3 of that Part;
 - (xiii) in line nine of clause 7 of Part III; and
 - (xiv) in lines six, nine and ten and eighteen of clause 8 of Part III;
- (b) by substituting for the word, "them" in the last line of clause 7 of Part II, the word, "it";
- (c) by inserting before the word, "secretary" in lines three, six and fourteen of Clause 9 of Part II, the word, "managing";
- (d) by substituting for the words, "Harbour Board" in line two of Part III, the words, "Port Authority"; and
- (e) by substituting for the word, "their" in line one of clause 1 of Part III, the word, "its".