

SWAN RIVER CONSERVATION.

No. 27 of 1966.

AN ACT to amend the Swan River Conservation Act, 1958; and to repeal the Melville Water and Freshwater Bay Road Act, 1912, and the Swan River Improvement Act, 1925-1960.

[Assented to 27th October, 1966.]

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:—

Short title
and citation.

1. (1) This Act may be cited as the *Swan River Conservation Act Amendment Act, 1966*.

(2) In this Act the Swan River Conservation Act, 1958, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the *Swan River Conservation Act, 1958-1966*.

2. Section four of the principal Act is amended by repealing the interpretation, "local authority" and re-enacting it as follows— S. 4
Amended.

"local authority" means a council of a municipality constituted under the Local Government Act, 1960, the whole or any part of whose district is in the Swan River Conservation region; .

3. Subsection (1) of section seven of the principal Act is amended by substituting for the word, "sixteen" in line two the word, "eighteen". S. 7
amended.

4. Section nine of the principal Act is amended— S. 9
amended.

(a) by substituting for the word, "sixteen" in line one of subsection (2) the word, "eighteen";

(b) by substituting for the word, "four" in line one of paragraph (b) of subsection (2), the word, "five";

(c) by adding after paragraph (b) of subsection (2) a paragraph as follows—

(ba) a person who is a biologist nominated by the Minister for Fisheries and Fauna; ;

(d) by repealing subsection (7) and re-enacting it as follows—

(7) Each member of the Board and each deputy for a member of the Board is entitled to such— Remuneration of
members of
the Board.

(a) remuneration for his services as member of the Board or deputy for any member of the Board; and

- (b) reimbursement of travelling and other expenses incurred in carrying out his functions under this Act,

as the Governor may, in the case of the Chairman of the Board and the deputy for the Chairman and in the case of a member other than the Chairman and the deputy for the member, determine from time to time. ;

(e) by adding a subsection as follows—

Expenses of members of the Board who are civil servants.

(8) Notwithstanding the Public Service Act, 1904, a member of the Board or deputy for any member of the Board who is an officer within the meaning of that Act, is entitled to the remuneration and to be reimbursed as provided in subsection (7) of this section.

S. 12 amended.

5. Section twelve of the principal Act is amended by substituting for the word, "nine" in line six the word, "ten".

S. 22 amended.

6. Paragraph (a) of section twenty-two of the principal Act is amended by deleting the passage, " : Provided no resumption or filling in of an area greater than ten acres of the Swan River shall be undertaken until the consent of both Houses of Parliament has been given", in lines eleven to fifteen, inclusive.

S. 22A added.

7. The principal Act is amended by adding after section twenty-two a section as follows—

Control of resumption, filling in or reclamation of certain areas of the Swan River.

22A. (1) Notwithstanding any Act, no person shall resume, fill in or reclaim any area normally covered by water if the area—

(a) is in excess of two acres;

- (b) is required as part of one scheme involving an area of more than two acres that is so covered; or
- (c) together with a contiguous area or areas that was or were so covered and has or have been resumed, filled in or reclaimed at any time within the last preceding twelve months would exceed two acres,

unless and until each House of Parliament passes a resolution approving the resumption, filling in or reclamation of such area.

(2) Notwithstanding any Act, no person shall resume, fill in or reclaim any area normally covered by water, being an area to which subsection (1) of this section does not apply, unless and until the Board approves the resumption, filling in or reclamation of such area.

(3) For the purposes of this section—

“area normally covered by water” means any area of the Swan River or its tributaries to whose foreshores this Act applies that is normally covered by water thereof when the water level measured at the Barrack Street Jetty at Perth is two and one-half feet above low water mark measured at Fremantle Inner Harbour as defined in the First Schedule to the Fremantle Harbour Trust Act, 1902;

“person” includes any instrumentality or agency of the Crown, any body corporate and any local authority. .

8. (1) The Melville Water and Freshwater Bay Road Act, 1912, and the Swan River Improvement Act, 1925-1960, are repealed.

Repeals and saving.

(2) The repeal of the Swan River Improvement Act, 1926-1960, does not prevent the completion of any work that was commenced pursuant to section two of that Act before the repeal, and that work may be completed as though the Act had not been repealed.
