

SUBIACO REDEVELOPMENT ACT 1994

(No. 35 of 1994)

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SUBIACO REDEVELOPMENT ACT 1994

No. 35 of 1994

AN ACT to provide for the development and redevelopment of certain land in the City of Subiaco and in the Town of Cambridge, to establish an Authority with planning, development control and other functions in respect of that land, and for related purposes.

[Assented to 8 July 1994.]

The Parliament of Western Australia enacts as follows:

PART 1 — PRELIMINARY

Short title

1. This Act may be cited as the *Subiaco Redevelopment Act 1994*.

Commencement

2. This Act comes into operation on such day as is fixed by proclamation.

Interpretation

3. In this Act, unless the contrary intention appears —

“**Account**” means the Subiaco Redevelopment Authority Account referred to in section 56;

“**acquire**” includes take on lease;

“**Authority**” means the Subiaco Redevelopment Authority;

“**chairperson**” means the chairperson of the Authority;

“**committee**” means a committee established under clause 7 of Schedule 2;

“**council**” means, in relation to the Town of Cambridge, the commission appointed under section 6 of the *City of Perth Restructuring Act 1993* until the commencement of the first properly constituted meeting of the council of the Town of Cambridge;

“**development**” has the same meaning as it has in the Town Planning Act, but does not include any work, act or activity declared by regulations made under section 65 not to constitute development;

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

“environment” has the same meaning as it has in the *Environmental Protection Act 1986*;

“EPA” means Environmental Protection Authority continued in existence under the *Environmental Protection Act 1986*;

“interest in land” includes an easement, right or power affecting land;

“land” includes a legal or equitable estate or interest in land;

“local government authority” means the executive body of a municipality under the *Local Government Act 1960* or a Commissioner appointed under that Act;

“member” means a member of the Authority and except in clauses 1, 2 and 3 of Schedule 2, includes a temporary member and a member of a committee;

“Metropolitan Region Scheme” has the same meaning as it has in the Metropolitan Scheme Act;

“Metropolitan Scheme Act” means the *Metropolitan Region Town Planning Scheme Act 1959*;

“Minister for the Environment” means Minister to whom the administration of the *Environmental Protection Act 1986* is for the time being committed by the Governor;

“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 authority of any written

law, administers or carries on for the benefit of the State a social service or public utility;

“Public Service Act” means the *Public Service Act 1978* or any Act that repeals and replaces that Act;

“redevelopment area” means the area referred to in section 4 (1);

“redevelopment scheme” means a redevelopment scheme in force under Part 4;

“subdivision” has the same meaning as it has in the Town Planning Act;

“temporary member” means a person appointed under clause 3 (1) of Schedule 2;

“Town Planning Act” means the *Town Planning and Development Act 1928*;

“Western Australian Land Authority” means the Western Australian Land Authority established by section 5 of the *Western Australian Land Authority Act 1992*.

Redevelopment area defined

4. (1) The redevelopment area for the purposes of this Act is the area referred to in Schedule 1.

(2) Regulations may be made under section 65 amending Schedule 1 —

- (a) by adding to the redevelopment area any area that is contiguous to that area or by subtracting any area from the redevelopment area; or

- (b) by deleting the redevelopment area and substituting another area for it,

but before any such regulations are made the Minister is to consult with the council of the City of Subiaco or of the Town of Cambridge, as the case requires.

(3) When regulations made under subsection (2) that add an area to the redevelopment area are laid before each House of Parliament under section 42 of the *Interpretation Act 1984*, they are to be accompanied by an explanatory memorandum showing how and why it is intended to amend the redevelopment area in respect of the area that is added.

(4) Regulations made under subsection (2) may provide for the substitution of a plan for that referred to in Schedule 1, or for the amendment of the redevelopment area by reference to any supplementary plan.

(5) In any proceedings, a plan purporting to be a copy of a plan referred to in Schedule 1 or subsection (4) showing the boundaries or any boundary of the redevelopment area is evidence of those boundaries or that boundary.

Transitional provisions where area amended

5. (1) A redevelopment scheme does not extend to any area that becomes part of the redevelopment area under section 4 (2) except by virtue of an amendment to the scheme under section 38.

(2) On and after the day on which an area that is added to the redevelopment area under section 4 (2) becomes subject to the redevelopment scheme, the planning schemes (as defined in section 45 (3)) are repealed in relation to that area.

(3) If an area is subtracted from the redevelopment area under section 4 (2), the redevelopment scheme ceases to apply to that area.

(4) Regulations referred to in section 4 (2) may make further provisions of a transitional nature that are expedient to be made in respect of an amendment to Schedule 1 under that subsection including provision —

- (a) empowering the Minister, if land is subtracted from the redevelopment area, to amend the Metropolitan Region Scheme or a relevant town planning scheme to provide for —
 - (i) the subtracted land to be included in the area to which any such scheme applies; and
 - (ii) the land to have a reservation or zoning under those schemes the same as, or similar to, that which applied to it under the redevelopment scheme in force immediately before it was subtracted;

and

- (b) for the saving of rights existing at the time of the amendment, but subject to any provision of the redevelopment scheme relating to non-conforming uses.

PART 2 — SUBIACO REDEVELOPMENT AUTHORITY

Division 1 — Establishment of Authority

Authority established

6. (1) A body by the name of the Subiaco Redevelopment Authority is established.

(2) The Authority is a body corporate with perpetual succession and a common seal.

(3) Proceedings may be taken by or against the Authority in its corporate name.

(4) The Authority is an agent of the Crown in right of the State and, except as provided in section 18, enjoys the status, immunities and privileges of the Crown.

Membership of Authority

7. (1) The Authority consists of 5 members appointed by the Minister of whom —

- (a) one is to be a person who, in the opinion of the Minister, has a relevant qualification;
- (b) 2 are to be persons nominated by the council of the City of Subiaco from the members of the council and officers of the City of Subiaco;
- (c) one is to be a member of the board of directors of the Western Australian Land Authority; and
- (d) one is to be a person nominated by the Minister to whom the administration of the *Transport Co-ordination Act 1966* is for the time being committed by the Governor.

(2) In subsection (1), “a relevant qualification” means knowledge of, and experience in, one or more of the fields of urban planning, business management, property development, financial management, engineering, transport, housing and community affairs.

(3) As far as is practicable, the membership of the Authority is to comprise persons who between them have knowledge or experience covering all the fields mentioned in subsection (2).

(4) The chief executive officer is not to be appointed as a member of the Authority.

Chairperson and deputy chairperson

8. (1) The member appointed under section 7 (1) (a) is to be the chairperson of the Authority.

(2) The Minister is to appoint another member to be the deputy chairperson of the Authority.

Constitution and proceedings

9. The provisions of Schedule 2 have effect with respect to the constitution and proceedings of the Authority.

Remuneration and expenses of members

10. A member is to be paid out of the funds of the Authority the remuneration and travelling and other allowances that are determined in his or her case by the Minister on the recommendation of the Minister to whom the administration of the Public Service Act is for the time being committed by the Governor.

Protection of members and officers

11. A member or the chief executive officer of the Authority, or any person referred to in section 15 whose services are used by the Authority, is not personally liable for any act done or omitted to be done in good faith by the Authority or in the performance of any function under this Act.

Membership not office of profit

12. A person is not by reason only of performing any function under this Act the holder of an office of profit of a municipality for the purposes of section 67 of the *Local Government Act 1960*.

Particular functions of members

13. (1) A member must at all times act honestly and diligently in performing his or her functions under this Act.

(2) If a matter is before a meeting for consideration and a member present at the meeting has a direct or indirect pecuniary interest in the matter, the member must disclose to the other members present at the meeting, as soon as possible after the relevant facts have come to his or her knowledge, that he or she has an interest, and —

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

(3) A member must not disclose any information acquired by virtue of the performance of any function unless the disclosure is made —

- (a) in connection with the carrying out of this Act or under any legal duty;
- (b) for the purposes of any proceedings arising out of this Act or any report of those proceedings; or
- (c) in the case of a member appointed under section 7 (1) (b) who is a member of the council of the City of Subiaco —
 - (i) in connection with the performance of his or her functions as a member of the council; and
 - (ii) to a closed committee meeting of the council.

(4) A member must not make use of any information acquired by virtue of the performance of his or her functions to gain, directly or indirectly, an improper advantage for himself or herself or to cause detriment to the Authority.

(5) A member who commits a breach of any provision of this section —

- (a) is liable to the Authority for any profit made by him or her, or for any damage suffered by the Authority, as a result of the breach of that provision; and
- (b) commits an offence against this Act and is liable to a fine of \$5 000.

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

Division 2 — Staff

Chief executive officer

14. (1) There is to be appointed under the Public Service Act a chief executive officer of the Authority.

(2) The chief executive officer is to administer the day to day operations of the Authority.

Use of staff and facilities of departments, agencies and instrumentalities

15. (1) The Authority may, by arrangement between it and the Minister concerned, and on such terms and conditions as may be agreed by it with that Minister and the Minister to whom the administration of the Public Service Act is for the time being committed by the Governor, make use, either full-time or part-time, of —

- (a) the services of any officer or employee in the Public Service of the State or in a State agency or instrumentality or otherwise in the service of the Crown in right of the State; or
- (b) any facilities of a department of the Public Service of the State or of a State agency or instrumentality.

(2) If —

- (a) there is no arrangement under subsection (1); or
- (b) in the opinion of the Minister, arrangements under subsection (1) are not sufficient to enable the Authority to perform its functions,

an arrangement is to be made for the use by the Authority of the services of officers and other employees of the Western

Australian Land Authority to enable the Authority to perform its functions.

(3) An arrangement under subsection (2) is to be made between the Authority and the Western Australian Land Authority and on the terms and conditions that are agreed by them and approved by the Minister.

(4) If any disagreement arises between the Authority and the Western Australian Land Authority as to the operation of subsection (2), the matter is to be determined as agreed by the Minister and the Minister to whom the administration of the *Western Australian Land Authority Act 1992* is for the time being committed by the Governor.

(5) The Western Australian Land Authority is authorized to comply with this section despite any provision of the *Western Australian Land Authority Act 1992*.

Consultants, etc.

16. The Authority may engage, under a contract for services or other arrangement, any consultants and professional or technical or other assistance that it considers necessary to enable it to perform its functions.

Senior Executive Service

17. Despite anything in this division, if there is, in the case of the chief executive officer who is a member of the Senior Executive Service under the Public Service Act, an inconsistency between this Act and that Act, that Act is to prevail.

PART 3 — FUNCTIONS AND POWERS

Compliance with written laws

18. Subject to sections 19 and 21 (7), nothing in this Act is to be read as conferring on the Authority in the performance of its functions any immunity from the operation of any written law.

Authority exempt from rates, taxes, etc.

19. (1) Subject to subsection (2), the Authority is not liable to pay any local government rate or charge, land tax, metropolitan region improvement tax, water rate, pay-roll tax, stamp duty or other rate, tax, duty, fee or charge imposed by or under a written law.

(2) Subsection (1) does not apply to the liability to pay any rate, charge, tax, duty or fee in respect of land held under a lease or tenancy agreement from the Authority.

Functions

20. The functions of the Authority are —

- (a) to plan, undertake, promote and co-ordinate the development and redevelopment of land in the redevelopment area; and
- (b) for that purpose —
 - (i) under Part 4, to prepare and keep under review a redevelopment scheme for that area; and
 - (ii) under Part 5, to control developments in that area.

Powers

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

(2) Without limiting the generality of subsection (1), the Authority may —

- (a) acquire, hold, manage and dispose of land but, in the case of an acquisition or disposal of land that, in the opinion of the Authority, exceeds \$1 000 000 in value, only with the approval of the Minister and subject to any conditions attached to the approval;
 - (b) subdivide, amalgamate, improve, develop and alter land;
 - (c) subject to section 22 (1) —
 - (i) participate in any business arrangement; or
 - (ii) acquire, hold and dispose of shares, units or other interests in any business arrangement;
- and
- (d) subject to subsection (3), enter into any contract or arrangement with a person, including a public authority or a local government authority for the performance by that person or body of any work or the supply of equipment or services.

(3) If the amount to be paid or received by the Authority under a contract or arrangement under subsection (2) (d) exceeds \$1 000 000, the Authority may enter into the contract or arrangement only with the approval of the Minister and subject to any conditions attached to the approval.

(4) In performing its functions the Authority may act alone or in conjunction with any person or any Department of the Public Service, or other agency or instrumentality, of the State or the Commonwealth.

(5) In performing its functions the Authority is to have regard to, and is to seek to enhance and preserve, the colonial heritage and significance of the redevelopment area and its adjacent areas.

(6) Despite anything in this section or in section 20, the Authority may pay for the carrying out of any work on land that is contiguous to the redevelopment area if the work is, in its opinion, directly related to the improvement of the redevelopment area or to the functions of the Authority.

(7) In exercising any power under this section the Authority is not required to comply with section 20 of the Town Planning and Development Act but —

- (a) anything that would otherwise require the approval of the State Planning Commission under that section may be done with the approval of the Minister and subject to any conditions attached to the approval;
- (b) before the Minister makes any decision required by paragraph (a) he or she is to seek the advice of the State Planning Commission and consider any advice offered; and
- (c) if this section applies, section 21 of the Town Planning Act is to be read as if references to the Commission were references to the Minister.

(8) In subsection (2) (c) —

“business arrangement” means a proprietary limited company, partnership, trust, joint venture or arrangement for sharing profits;

“participate” includes form, promote, establish, enter into, manage, dissolve, wind up and do anything incidental to the doing of any of those things.

Further restrictions on exercise of power

22. (1) Any power conferred by section 21 (2) (c) is only exercisable with the approval of the Governor and subject to any conditions attached to the approval.

(2) When the Minister gives any approval under section 21, or the Governor gives any approval under subsection (1), the text of that approval is to be laid before each House of Parliament within 28 sitting days of that House after the day on which the approval is given.

(3) The annual report submitted by the accountable authority of the Authority under section 66 of the *Financial Administration and Audit Act 1985* is to include a summary of any approval referred to in subsection (2).

Conditional disposal of land

23. (1) The Authority may attach any condition or restriction to a disposal of land under section 21 (2) (a).

(2) Without limiting subsection (1), the Authority and a transferee may agree that the transferee —

- (a) is required to make specified improvements to land; or
- (b) is subject to restrictions on the disposal of or dealing with the land,

and the agreement may confer on the Authority rights and remedies against, and the power to impose sanctions on, the transferee in relation to the enforcement of any such condition or restriction.

(3) The Authority may deliver a memorial relating to a condition or restriction under this section to the Registrar who, on payment of the appropriate fee, is to register the memorial against the relevant land.

(4) A memorial under subsection (3) is to be in a form approved by the Registrar.

(5) While a memorial is registered under subsection (3), the Registrar is not to register under the *Transfer of Land Act 1893*, without the consent in writing of the Authority, any instrument affecting the land to which the memorial relates.

(6) As soon as is practicable after the relevant land ceases to be subject to the condition or restriction to which a memorial relates, the Authority is to withdraw the memorial by notice in a form approved by the Registrar, and the Registrar is to cancel the memorial accordingly.

(7) In this section, “Registrar” means Registrar of Titles.

Compulsory taking of land

24. (1) Development or redevelopment of land under, and the carrying out of, this Act and any incidental work is a public work for the purposes of the *Public Works Act 1902*, and the Authority is to be taken to be a local authority within the meaning of that Act.

(2) In applying the *Public Works Act 1902* for the purposes of this section —

- (a) “land” in that Act has the same meaning as it has in section 3 of this Act;
- (b) sections 17 (2) to (7) and 17A of that Act do not apply; and

- (c) section 29 of that Act does not apply to land in the redevelopment area taken or acquired under that Act before the commencement of this Act.

(3) If land referred to in subsection (2) (c) 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 authorized by this Act.

Power of Governor to direct transfer to Authority

25. (1) The Governor may by order direct a public authority to transfer to the Authority all of the estate and interest over which the public authority has power of disposal in a piece of land specified in the order.

(2) The power in subsection (1) is only to be exercised in respect of land in the redevelopment area and if the Governor is satisfied that the land is required by the Authority for development or redevelopment under, or otherwise for the purposes of, this Act.

(3) An order under subsection (1) is to specify the terms and conditions subject to which the transfer is to be made.

(4) A public authority is to comply with a direction given to it under subsection (1), despite any other written law.

Temporary closure of streets

26. (1) Despite any provision of the *Local Government Act 1960*, the Authority may close, or restrict the thoroughfare in, a street in the redevelopment area —

- (a) by causing fences and barriers to be placed on or across the street; or
- (b) in any other manner,

if, and for the period that, the Authority considers that the closure or restriction is necessary for the performance of its functions.

(2) A street may be closed for more than 3 days under subsection (1) only if the Authority has given at least 14 days notice of the closure to the town clerk of the City of Subiaco or of the Town of Cambridge, as the case requires.

(3) In this section and section 27, “street” has the same meaning as it has in the *Local Government Act 1960*.

Permanent closure of streets

27. A street in the redevelopment area may be closed under section 288A of the *Local Government Act 1960* and regulations made under that Act, and for that purpose “council” in that section and in those regulations —

- (a) includes the Authority; and
- (b) does not include the council of the City of Subiaco or of the Town of Cambridge,

in relation to any such street.

Delegation

28. (1) The Authority may by resolution, either generally or as otherwise provided by the resolution, delegate to an eligible person any of its functions under this Act other than this power of delegation.

(2) In subsection (1), “eligible person” means —

- (a) a member or the chief executive officer of the Authority;

- (b) the Western Australian Land Authority, or a member of the board of directors or an officer of that Authority;
- (c) the chief executive officer, or a nominee of the chief executive officer, of the department principally assisting the Minister to whom the administration of the Town Planning Act is committed in the administration of that Act;
- (d) the Commissioner of the Western Australian Government Railways appointed under section 8 of the *Government Railways Act 1904*, or a nominee of the Commissioner; and
- (e) a local government authority or a committee, or an officer, of a local government authority.

(3) The Authority may by resolution revoke a delegation under subsection (1).

Minister may give directions

29. (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 the Authority is to give effect to any such direction.

(2) The text of any direction given under subsection (1) is to be —

- (a) laid before each House of Parliament within 28 sitting days of that House after the day on which the direction is given; and
- (b) included in the annual report submitted by the accountable authority of the Authority under section 66 of the *Financial Administration and Audit Act 1985*.

Minister to have access to information

30. (1) The Minister is entitled to have information in the possession of the Authority and, if the information is in or on a document, to have, and make and retain copies of, that document.

(2) For the purposes of subsection (1) the Minister may —

- (a) request the Authority to provide information to the Minister;
- (b) request the Authority to give the Minister access to information;
- (c) for the purposes of paragraph (b) make use of the staff of the Authority or of the Western Australian Land Authority to obtain the information and provide it to the Minister.

(3) The Authority is to comply with a request under subsection (2) and the Authority and the Western Australian Land Authority are to make their staff and facilities available to the Minister for the purposes of paragraph (c) of that subsection.

(4) In this section —

“document” includes any tape, disc or other device or medium on which information is recorded or stored;

“information” means information specified, or of a description specified, by the Minister that relates to the functions of the Authority.

PART 4 — REDEVELOPMENT SCHEME

Division 1 — General

Authority to comply with redevelopment scheme

31. (1) The Authority is to perform its functions in accordance with the redevelopment scheme for the time being in force under this Part.

(2) Subsection (1) does not affect the discretion conferred on the Authority by section 50 (1).

(3) A copy of the redevelopment scheme 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.

Contents of redevelopment scheme

32. A redevelopment scheme may make any provision that the Authority considers will promote the orderly and proper planning, development and management of the redevelopment area, including any provision that may be made by a town planning scheme under the Town Planning Act.

Division 2 — Preparation and approval of redevelopment scheme

Proposed redevelopment scheme

33. (1) The Authority is to submit a proposed redevelopment scheme to the Minister as soon as is practicable after the commencement of this Act.

(2) The Authority may, under subsection (1), submit a proposed redevelopment scheme in 2 or more stages, each one being applicable to a part of the redevelopment area, and if it does so —

- (a) this Part applies to each stage separately; and
- (b) a reference in this Act or another written law to a, or the, redevelopment scheme may be read as a reference to a redevelopment scheme for part of the redevelopment area as provided for by this subsection.

(3) A proposed redevelopment scheme is not to be submitted to the Minister unless it was prepared —

- (a) after consultation with the council of the City of Subiaco and of the Town of Cambridge and the State Planning Commission (whether that consultation occurred before or after the commencement of this Act); and
- (b) having regard to the views of the councils and the Commission.

(4) The Minister may —

- (a) consent or refuse to consent to the public notification of a proposed redevelopment scheme submitted under this section; or
- (b) consent to such public notification subject to modifications being made to the scheme, as directed by the Minister.

(5) If the Minister refuses to consent to the public notification of a proposed redevelopment scheme submitted under this section, the Minister is to give directions to the Authority as to the preparation of a further scheme to be submitted under this section.

(6) The Authority is to comply with any direction of the Minister under subsection (4) or (5).

(7) The text of any direction given under subsection (4) or (5) is to be —

- (a) laid before each House of Parliament within 28 sitting days of that House after the day on which the direction is given; and
- (b) included in the annual report submitted by the accountable authority of the Authority under section 66 of the *Financial Administration and Audit Act 1985*.

Proposed scheme to be publicly notified

34. (1) Public notification of a proposed redevelopment scheme in respect of which the Minister has given consent under section 33 (4) is to be given in accordance with subsection (2).

(2) The proposed redevelopment scheme is to be publicly notified by the Authority by the publication —

- (a) in the *Gazette*; and
- (b) in 2 issues of a daily newspaper circulating in the City of Subiaco and in the Town of Cambridge,

of a notice —

- (c) specifying the places at which —
 - (i) a copy of the scheme may be inspected; and
 - (ii) copies of the scheme may be obtained;
- and
- (d) stating the effect of section 35 and specifying the period referred to in that section.

(3) The Authority may fix and charge a fee for supplying copies of a proposed redevelopment scheme.

Public submissions

35. (1) Written submissions on the proposed redevelopment scheme may be made by any person —

- (a) within a period determined by the Authority that is not less than 60 days after the day on which the notice is published in the *Gazette*; and
- (b) by delivering or posting them so that they are received within that period at the offices of the Authority.

(2) The Authority may modify the proposed redevelopment scheme as it thinks fit to give effect to any submission so received by it.

Approval by Minister

36. (1) The Authority is to submit the proposed redevelopment scheme, with any modifications made under section 35 (2), to the Minister for approval.

(2) The scheme as so submitted is to be accompanied by —

- (a) a summary of all submissions made under section 35; and
- (b) a report by the Authority on the merits of those submissions.

(3) The Minister may —

- (a) approve or refuse to approve the proposed redevelopment scheme; or
- (b) approve the scheme subject to modifications being made to the scheme, as directed by the Minister.

(4) If the Minister refuses to approve a proposed redevelopment scheme submitted under this section, the Minister is to give directions to the Authority as to the preparation of a further scheme to be submitted under section 33 or under subsection (1), as the Minister may specify.

(5) The Authority is to comply with any direction of the Minister under subsection (3) or (4).

(6) The text of any direction given under subsection (3) or (4) is to be —

- (a) laid before each House of Parliament within 28 sitting days of that House after the day on which the direction is given; and
- (b) included in the annual report submitted by the accountable authority of the Authority under section 66 of the *Financial Administration and Audit Act 1985*.

Notice of approval

37. (1) Notice that a redevelopment scheme has been approved by the Minister under section 36 is to be published by the Authority in the *Gazette* together with a note showing where a copy of the redevelopment scheme may be inspected or obtained.

(2) A redevelopment scheme comes into operation on the day of publication in the *Gazette* of a notice under subsection (1), or on any later day that is specified in the scheme.

(3) The Authority may fix and charge a fee for supplying copies of a redevelopment scheme.

Division 3 — Amendment of redevelopment scheme

Amendment of redevelopment scheme

38. (1) A redevelopment scheme may be amended in accordance with this section.

(2) The Authority is to submit any proposed amendment to the Minister.

(3) The following provisions apply for the purposes of this section, with all necessary changes —

- (a) sections 33 (3) and (4), 34 and 36, as if references in those sections to a, or the, proposed redevelopment scheme were references to the proposed amendment to the redevelopment scheme;
- (b) section 33 (5) and (6), as if, in section 33 (5) —
 - (i) the reference to a proposed redevelopment scheme were a reference to the proposed amendment to the redevelopment scheme;
 - (ii) the reference to a further scheme were a reference to another amendment; and
 - (iii) the words “may give” were substituted for “is to give”;
- (c) section 35, as if the reference in that section —
 - (i) to the proposed redevelopment scheme were a reference to a proposed amendment to the redevelopment scheme;
 - (ii) in subsection (1) (a), to the Authority were a reference to the Minister; and

(iii) to 60 days were a reference to 42 days;

and

- (d) section 37, as if references in that section to a redevelopment scheme were references to the amendment to a redevelopment scheme.

Saving

39. A development in respect of which an approval under section 50 is in force immediately before an amendment to a redevelopment scheme comes into force under section 38 may be lawfully carried out as if the amendment had not been made.

Division 4 — Role of Environmental Protection Authority in respect of redevelopment schemes, etc.

Authority may obtain advice from Environmental Protection Authority

40. (1) The Authority may, during the preparation of —

- (a) a proposed redevelopment scheme; or
- (b) a proposed amendment to a redevelopment scheme,

seek advice from the EPA.

(2) The EPA is to provide the advice sought within —

- (a) 60 days after the day on which the Authority sought advice from it concerning the preparation of a proposed redevelopment scheme; or

- (b) 30 days after the day on which the Authority sought advice from it concerning the preparation of a proposed amendment to a redevelopment scheme,

or any longer period that is allowed by the Authority for the purposes of paragraph (a) or (b).

Role of Environmental Protection Authority in preparation of redevelopment schemes, etc.

41. (1) When —

- (a) the Authority has prepared a proposed redevelopment scheme, or a proposed amendment to a redevelopment scheme; and
- (b) the provisions of that redevelopment scheme or amendment may lead to development or subdivision that is likely to have a significant effect on the environment,

the Authority, before submitting that redevelopment scheme or amendment to the Minister under section 33, or section 38 as read with section 33, as the case requires, is to submit that redevelopment scheme or amendment to the EPA and await its advice.

(2) When a proposed redevelopment scheme, or proposed amendment to a redevelopment scheme, is submitted to the EPA under subsection (1), the EPA, within 21 days after the day on which it received that submission, is to consider whether or not the provisions of that redevelopment scheme or amendment may lead to development or subdivision that is likely to have a significant effect on the environment and advise the Authority accordingly.

(3) The EPA is to ask the Authority to provide to the EPA such information as the Authority may reasonably be expected to provide, if —

- (a) the EPA considers that the provisions referred to in subsection (2) may lead to development or subdivision

that is likely to have a significant effect on the environment; and

- (b) the EPA requires further information to enable it to provide the advice referred to in subsection (6).

(4) If the Authority —

- (a) objects to providing all or some of any information asked for by the EPA under subsection (3); and
- (b) is unable to reach agreement with the EPA on that objection,

the Authority may request the Minister and the Minister for the Environment, acting jointly, to decide what information, if any, should be provided by the Authority to the EPA and, if such a request is made, section 42 applies.

(5) When any information asked for by the EPA under subsection (3) is provided by the Authority, the Authority is to incorporate that information in any report prepared by it in respect of the proposed redevelopment scheme concerned, or the proposed amendment to a redevelopment scheme concerned, before submitting that redevelopment scheme or amendment to the Minister under section 33, or section 38 as read with section 33, as the case requires.

(6) If the EPA considers that the provisions referred to in subsection (2) may lead to development or subdivision that is likely to have a significant effect on the environment, the EPA, in addition to providing the Authority with such general advice or comment as it considers necessary or desirable, is to advise the Authority of —

- (a) any alterations that it considers should be made by the Authority to those provisions before they come into operation, together with the reasons for that advice;

- (b) any actions that the EPA wishes the Authority or the owner of any land, or both, to take in respect of environmental matters at any time before that development or subdivision is approved; and
- (c) any conditions that the EPA wishes the Authority or the Minister to impose when approving that development or subdivision,

and if, in the opinion of the Authority, any such alteration, action or condition will result in significant changes to those provisions or will impose substantial obligations on the owner of any land, the Authority is immediately to notify each owner of land affected by those changes or obligations of that alteration, action or condition.

(7) An owner of land who is notified under subsection (6) and objects to the alteration, action or condition to which that notification relates may, within 28 days after the day of that notification, lodge with the Authority a notice setting out the grounds of that objection and the Authority is to object accordingly under subsection (9) on behalf of that owner of land.

(8) If the EPA does not advise the Authority on a proposed redevelopment scheme, or proposed amendment to a redevelopment scheme, submitted to it under subsection (1) —

- (a) within 60 days after the day on which that submission was made; or
- (b) if it asked for information under subsection (3) in respect of that redevelopment scheme or amendment, within 60 days after the day on which it received that information or information provided in respect of that redevelopment scheme or amendment in accordance with a decision made under section 42,

or within any longer period that the Minister allows for the purposes of paragraph (a) or (b), the EPA is to be taken to have no advice to give on that redevelopment scheme or amendment

and the Authority may submit that redevelopment scheme or amendment to the Minister under section 33, or section 38 as read with section 33, as the case requires.

(9) If the EPA has advised the Authority under subsection (6) of any alterations, actions or conditions and the Authority objects to making, taking or imposing any such alterations, actions or conditions, the Authority and the EPA are to attempt to reach an agreement concerning those alterations, actions or conditions.

(10) If the Authority and the EPA are unable to reach an agreement under subsection (9), the Authority may request the Minister and the Minister for the Environment, acting jointly, to decide the matter in dispute, and, if such a request is made, section 42 applies.

(11) If under this section or section 42 it is agreed or decided that —

- (a) certain alterations should be made by the Authority to the provisions of a proposed redevelopment scheme, or proposed amendment to a redevelopment scheme, before it comes into operation, the Authority is to ensure that those alterations are so made;
- (b) certain actions should be taken by the Authority or the owner of any land, or both, in respect of environmental matters at any time before certain development or subdivision is approved, the Authority is to ensure that —
 - (i) details of those actions, identifying the land to which they relate, are kept available for public inspection, together with a copy of the existing redevelopment scheme, at the office of the Authority; and
 - (ii) those actions are so taken;

or

- (c) certain conditions should be imposed by the Authority or the Minister when approving certain development or subdivision, the Authority is to ensure that —
 - (i) a copy of those conditions, identifying the land to which they relate, is kept available for public inspection, together with a copy of the existing redevelopment scheme, at the office of the Authority; and
 - (ii) those conditions are so imposed or are recommended for imposition by the Minister, as the case requires,

and the Authority is to notify any person known to it to be affected by that agreement or decision of the contents of that agreement or decision.

Resolution of certain disputes

42. (1) If the Minister and the Minister for the Environment, acting jointly in response to a request made under section 41 (4) or (10) —

- (a) reach a decision, the Authority and the EPA are to comply with that decision; or
- (b) are unable to reach a decision, they are to inform the Governor accordingly.

(2) If the Governor is informed under subsection (1) (b), the Governor is to decide —

- (a) what information, if any, is to be provided by the Authority to the EPA and, if any information is to be provided, within what period; or

(b) the matter in dispute,

as the case requires, and the Minister is then to inform the Authority and the EPA of, and the Authority and the EPA are to comply with, that decision.

PART 5 — DEVELOPMENT CONTROL

Definition

43. In this Part **“appointed day”** means the day on which a redevelopment scheme comes into operation under section 37 (2).

Crown bound

44. This Part binds the Crown.

Certain planning schemes cease to apply

45. (1) On and after the appointed day, the planning schemes are repealed in relation to the redevelopment area so that they do not apply to a development that commences in that area on or after that day.

(2) Section 37 of the *Interpretation Act 1984* applies in respect of the repeal effected by subsection (1) as if the planning schemes were enactments within the meaning of that section.

(3) In this section, **“planning schemes”** means —

- (a) any town planning scheme under the Town Planning Act that is in operation in the redevelopment area immediately before the appointed day; and
- (b) the Metropolitan Region Scheme.

(4) Subsection (2) has effect subject to any provision of the redevelopment scheme relating to non-conforming uses.

Saving

46. (1) This Part does not apply to a development that was lawfully being carried out in the redevelopment area immediately before the appointed day.

(2) A development referred to in subsection (1), or in respect of which all necessary approvals under the planning schemes referred to in section 45 (3) were in force immediately before the appointed day —

- (a) may be lawfully carried out as if this Part had not been passed; and
- (b) is to be governed by those schemes despite section 45 (1).

Development to be approved

47. (1) A person must not undertake any development or cause any development to be undertaken on land that is in, or partly in, the redevelopment area without the approval of the Authority or in contravention of a condition attached to an approval.

Penalty: \$50 000, and a daily penalty of \$5 000.

(2) The requirements of subsection (1) extend to the Authority.

(3) It is immaterial for the purposes of this Part that a development is undertaken in the performance of a function vested in a person by a written law.

Applications for approval

48. (1) An application for approval under section 47 is to be made to the Authority in the prescribed form with the prescribed fee.

(2) An application is to be accompanied by plans and specifications of the proposed development, and an applicant is also to provide any information or documents relating to the proposed development that the Authority may reasonably require.

Consultation with other authorities

49. (1) The Authority is to refer, by notice in writing, particulars of the proposed development —

- (a) to each public authority that appears to it to have functions that are relevant to, or whose operations are likely to be affected by, the proposed development; and
- (b) to the council of the City of Subiaco and of the Town of Cambridge.

(2) The council of the City of Subiaco and of the Town of Cambridge and a public authority to which particulars are referred under subsection (1) may make submissions on the proposed development to the Authority.

(3) The Authority is not to make a decision under section 50 on the proposed development until —

- (a) the expiration of 42 days after all notices have been given as required by subsection (1); or
- (b) final submissions have been made to it by all authorities to which particulars were referred under that subsection,

whichever is the sooner.

Authority's decision

50. (1) The Authority may grant or refuse to grant approval of the proposed development having regard to —

- (a) the redevelopment scheme;
- (b) consultations under section 49;
- (c) the requirements of orderly and proper planning; and
- (d) the preservation of the amenities of the area.

(2) The Authority may attach to an approval any condition that is within the objects of this Act.

(3) The Authority may limit the time for which an approval remains in force.

(4) An approval under this section is in addition to, and does not derogate from, the requirements of any other written law.

(5) The Authority is to cause notice in writing of its decision to be given to the applicant, the council of the City of Subiaco and of the Town of Cambridge and each public authority to which notice was given under section 49 (1) (a).

Referral of certain applications to Minister

51. (1) If the Authority is the applicant, or has a financial interest in the subject-matter of an application by reason of its participation in a business arrangement, within the meaning in section 21 (8), the Authority is to consider the application in accordance with section 50 (1) and refer the application and all relevant information to the Minister with a recommendation as to the decision to be made.

(2) If an application is referred to the Minister under subsection (1) —

- (a) the Minister is to perform the functions of the Authority under section 50; and

- (b) for the purpose of that section and sections 41 (9), 42, 47 and 52, references to the Authority are to be read as references to the Minister.

Appeal

52. (1) An applicant may appeal, in accordance with Part V of the Town Planning Act, from a decision of the Authority under section 50 in respect of the applicant's application.

(2) An appeal may be allowed with or without conditions, or further conditions may be attached, or the appeal may be rejected in whole or in part.

Liability of officers for offence committed by body corporate

53. (1) If a body corporate is guilty of an offence against section 47 and it is proved that —

- (a) the offence was committed with the consent or connivance of an officer of the body corporate; or
- (b) an officer of the body corporate failed to exercise all the due diligence to prevent the commission of the offence that ought to have been exercised having regard to the nature of the officer's functions and to all the circumstances,

the officer commits the offence.

(2) In subsection (1), "**officer**", in relation to a body corporate, means —

- (a) a director, secretary or executive officer of the body corporate;

- (b) a receiver, or receiver and manager, of property of the body corporate, or any other authorized person who enters into possession or assumes control of property of the body corporate for the purpose of enforcing any charge;
- (c) an official manager or a deputy official manager of the body corporate;
- (d) a liquidator of the body corporate; and
- (e) a trustee or other person administering a compromise or arrangement made between the body corporate and another person or other persons,

and any other person, by whatever name called and whether or not a director of the body corporate, who is concerned, or takes part, in the management of the body corporate.

Power to direct cessation or removal of unlawful development

54. (1) The Authority may —

- (a) by notice in writing served on a person who is undertaking any development in contravention of section 47, direct the person to stop doing so immediately; or
- (b) by notice in writing served on a person who has undertaken any development in contravention of that section, direct the person within a period not less than 21 days after the service of the notice, as is specified in the notice, to remove, pull down, take up, or alter any development undertaken in contravention of that section,

or may by one notice give both directions to a person.

(2) A person on whom a notice is served containing a direction under subsection (1) (b) may, within the period specified in the notice, appeal to the Minister against the direction, and on the appeal the Minister may confirm, vary or cancel the direction.

(3) A notice containing a direction under subsection (1) (b) is suspended as to that direction pending the determination of the appeal.

(4) If the Minister confirms or varies the direction under subsection (2), the Minister may, by notice in writing served on the person, direct the person to comply with the direction as so confirmed or varied, within a period not less than 21 days after the service of the notice, as is specified in the notice.

(5) A person must comply with a notice given to the person under this section.

Penalty: \$50 000, and a daily penalty of \$5 000.

(6) If a person fails to comply with a notice given to the person under subsection (1) (b), the Authority may itself remove, pull down, take up or alter the development and may recover from the person in any court of competent jurisdiction the costs incurred by it in so doing.

Compensation

55. (1) Sections 11 (1), (3) and (4) and 12 of the Town Planning Act apply with all necessary changes to land in the redevelopment area as if —

- (a) the redevelopment scheme were a town planning scheme under that Act;
- (b) the Authority were a local authority or a responsible authority under that Act; and

- (c) in section 11 (3) of that Act, the word “amended” were substituted for “altered or revoked by an order of the Minister under this Act”.

(2) If under the redevelopment scheme any land is reserved, zoned or classified for a public purpose, Part V (other than sections 36A, 37 and 37A) of the Metropolitan Scheme Act applies with all necessary changes as if —

- (a) the land were reserved for a public purpose under the Metropolitan Region Scheme;
- (b) references in that Part to the Commission and the Scheme were references to the Authority and to the redevelopment scheme respectively; and
- (c) in section 36 (1) (b) of that Act, “amended” were substituted for “varied, amplified or revoked by the Commission”.

(3) Compensation is not payable under an Act as applied by subsection (1) or (2) if payment has been made for the same, or substantially the same, injurious affection under that Act as in operation otherwise than as applied by this section.

(4) If a claim for compensation has been made but not disposed of before the appointed day, and is one that might have been made under this section, the claim may be continued after the appointed day as if it had been made under this section.

PART 6 — FINANCIAL PROVISIONS

Funds of Authority

56. (1) The funds available for the purpose of enabling the Authority to perform its functions consist of --

- (a) moneys from time to time appropriated by Parliament;
- (b) moneys received by the Authority from performing any of its functions;
- (c) moneys borrowed by the Authority under section 58 or 59;
- (d) the proceeds of disposals of land by the Authority;
- (e) rents derived from land leased by the Authority;
- (f) income derived from the investment under section 57 of moneys standing to the credit of the Account; and
- (g) any moneys otherwise lawfully received by, made available to or payable to the Authority.

(2) The funds referred to in subsection (1) are to be credited to an account at a bank approved by the Treasurer to be called the "Subiaco Redevelopment Authority Account".

(3) There are to be charged against the moneys from time to time in the Account —

- (a) interest on, fees payable in respect of and repayments of moneys borrowed by or advanced to the Authority under section 58 or 59;
- (b) the remuneration and travelling and other allowances payable to members and to the chief executive officer; and
- (c) all other expenditure lawfully incurred by the Authority in the performance of its functions.

Investment

57. (1) Moneys standing to the credit of the Account may, until required for the purposes of this Act, be temporarily invested as the Treasurer directs in any securities in which moneys standing to the credit of the Public Bank Account, as constituted under the *Financial Administration and Audit Act 1985*, may lawfully be invested.

(2) Income derived from any such investment is to be credited to the Account.

Borrowing by Authority from Treasurer

58. (1) The Authority may borrow from the Treasurer the amounts that the Treasurer approves on the conditions relating to repayment and payment of interest that the Treasurer imposes.

(2) By virtue of this subsection the Account and the assets of the Authority are charged with the due performance by the Authority of all obligations arising from any advance made under this section.

Borrowing by Authority generally

59. (1) This section is in addition to, and not in derogation from, the provisions of section 58.

(2) The Authority may —

- (a) with the prior approval of the Treasurer in writing and on the terms and conditions that the Treasurer approves, borrow moneys for the purpose of performing its functions; and
- (b) borrow moneys under this subsection on the guarantee of the Treasurer given under section 60.

(3) Any moneys borrowed by the Authority under subsection (2) may be raised as one loan or as several loans and in the manner that the Treasurer approves, but the amount of the moneys so borrowed is not in any one financial year to exceed in the aggregate the amount that the Treasurer approves.

Guarantee by Treasurer

60. (1) The Treasurer may, in the name and on behalf of the Crown in right of the State, guarantee, in the form and subject to the terms and conditions that the Treasurer determines, the payment of any moneys payable by the Authority in respect of moneys borrowed by it under section 59.

(2) The due payment of moneys payable by the Treasurer under a guarantee given under subsection (1) —

(a) is guaranteed by the State; and

(b) is to be made by the Treasurer and charged to the Consolidated Fund and this subsection appropriates that Fund accordingly.

(3) By virtue of this subsection the Account and the assets of the Authority are charged with the due repayment of any payment made by the Treasurer under a guarantee given under subsection (1) and with the performance and observance by the Authority of any covenants and conditions that the Treasurer imposes as a term of that guarantee.

(4) The Treasurer is to cause any amounts received or recovered from the Authority or otherwise in respect of any payment made by the Treasurer under a guarantee given under subsection (1) to be credited to the Consolidated Fund.

(5) Before a guarantee is given by the Treasurer under subsection (1), the Authority is to give to the Treasurer the security that the Treasurer requires and is to execute all instruments that are necessary for the purpose.

(6) If a guarantee is given by the Treasurer under subsection (1), the Treasurer is to cause the text of the guarantee to be published in the *Gazette* within 28 days and laid before each House within 14 sitting days of being published.

Application of Financial Administration and Audit Act 1985

61. The provisions of the *Financial Administration and Audit Act 1985* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the Authority and its operations.

Surplus

62. Any surplus in the Account at the end of any financial year that is not reasonably required by the Authority for the purposes of this Act is to be paid by the Authority, in whole or in part as the Treasurer directs, to the credit of the Consolidated Fund.

PART 7 — GENERAL

Modification of other laws

63. Section 33 of the Town Planning Act applies with all necessary modifications for the purposes of carrying out a redevelopment scheme as if the reference in that section —

- (a) to an approved scheme were a reference to that redevelopment scheme;
- (b) to the responsible authority were a reference to the Authority; and
- (c) to an Act were a reference to a written law.

Execution of documents by Authority

64. (1) A document is duly executed by the Authority, if —

- (a) the common seal of the Authority is affixed to it in accordance with subsections (2), (3) and (4); or
- (b) it is signed on behalf of the Authority by persons authorized by the Authority to do so.

(2) The common seal of the Authority is not to be affixed to any document except as authorized by the Authority.

(3) Subject to subsection (4), the common seal of the Authority is to be affixed to a document in the presence of those persons, and that number of persons, determined by the Authority, and each of them is to sign the document to attest that the common seal was so affixed.

(4) At least one of the persons referred to in subsection (3) is to be a member of the Authority.

(5) A person authorized under subsection (1) (b), or determined under subsection (3), is to be a member or the chief executive officer of the Authority, or a member of the board of directors or an officer of the Western Australian Land Authority.

(6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed until the contrary is shown.

(7) When a document is produced bearing a seal purporting to be the common seal of the Authority, it is to be presumed that the seal is the common seal of the Authority until the contrary is shown.

(8) All courts and persons acting judicially are to take notice of the common seal of the Authority.

Regulations

65. (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.

(2) Without limiting subsection (1), regulations may provide for —

- (a) the procedure to be followed in applications for approval under Part 5; and
- (b) the imposition and payment of fees and charges in connection with those applications.

Review of Act

66. (1) The Minister is to carry out a review of the operation and effectiveness of this Act as soon as is practicable after the

expiration of 5 years from its commencement, and in the course of that review the Minister is to consider and have regard to —

- (a) the effectiveness of the operations of the Authority;
- (b) the need for the continuation of the functions of the Authority and for the continuation of this Act; and
- (c) any other matters that appear to the Minister to be relevant to the operation and effectiveness of this Act.

(2) The Minister is to prepare a report based on the review made under subsection (1) and, as soon as is practicable after the report is prepared, cause it to be laid before each House of Parliament.

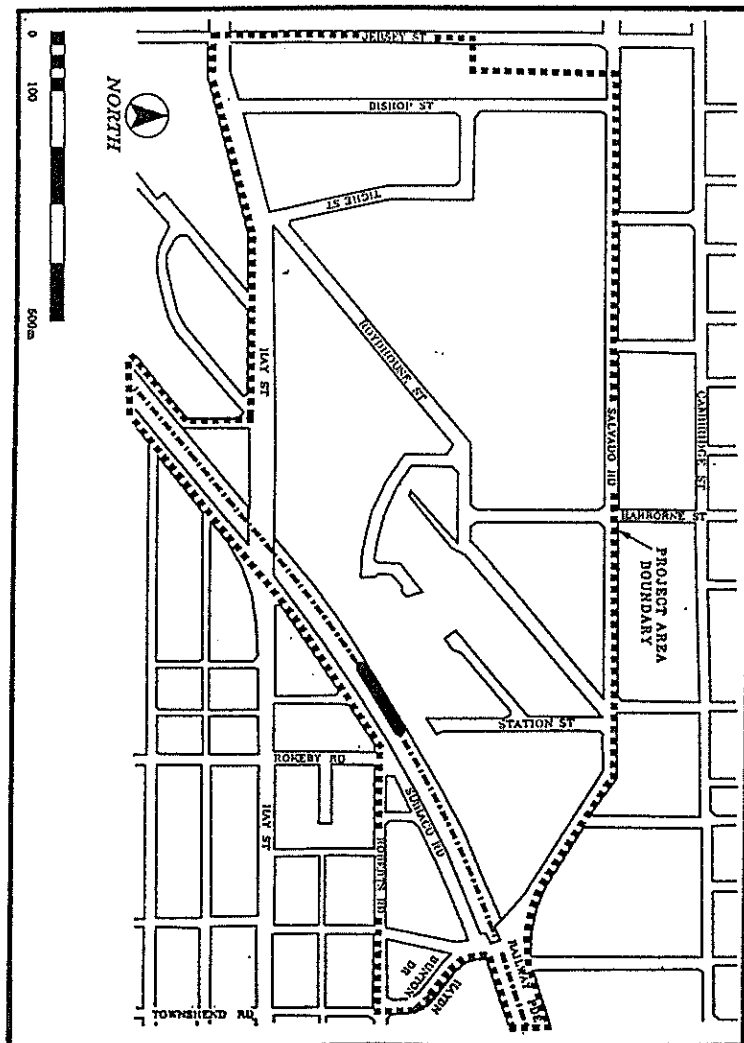
Consequential amendments

67. The Acts referred to in the first column of Schedule 3 are amended in the manner set out in the second column of that Schedule.

[Section 4]

All of the land in the area described as the redevelopment area on Plan No. 1 held at the office of the Authority, that plan being certified by the Minister as being the plan prepared for the purpose of defining the redevelopment area.

For guidance, the redevelopment area is indicated in the following representation of Plan No. 1 —



SCHEDULE 2

[Section 9]

**PROVISIONS AS TO CONSTITUTION AND PROCEEDINGS OF
THE AUTHORITY**

Term of office

1. (1) Except as otherwise provided by this Act, a member holds office for the term, not exceeding 3 years, that is specified in the instrument of his or her appointment, but may from time to time be re-appointed.

(2) Unless —

- (a) he or she sooner resigns;
- (b) he or she is removed from office; or
- (c) his or her office becomes vacant under clause 2 (b),

a member continues in office until his or her successor comes into office, despite the term for which the member was appointed having expired.

Resignation, removal, etc.

2. The office of a member becomes vacant if he or she —

- (a) resigns the office by written notice addressed to the Minister;
- (b) is an undischarged bankrupt or a person whose property is subject to an order or arrangement under the laws relating to bankruptcy;
- (c) is removed from office by the Governor on the grounds of neglect of duty, misbehaviour, incompetence or mental or physical incapacity impairing the performance of his or her functions and proved to the satisfaction of the Governor;
- (d) in the case of a member appointed under section 7 (1) (b), ceases to be a member of the council or an officer of the City of Subiaco, as the case may be; or
- (e) in the case of a member appointed under section 7 (1) (c), ceases to be a member of the board of directors of the Western Australian Land Authority.

Temporary members

3. (1) If a member 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 deemed to be a member of the Authority.

(2) If the member who is deputy chairperson is performing the functions of the chairperson, the Minister may, under subclause (1), appoint another person to act in his or her place as member.

(3) No act or omission of a person acting in place of another under this clause is to be questioned on the ground that the occasion for his or her appointment or acting had not arisen or had ceased.

(4) The appointment of a person as a temporary member may be terminated at any time by the Minister.

Resignation, etc., of deputy chairperson

4. The office of deputy chairperson becomes vacant if —

- (a) the person holding the office resigns the office by notice in writing to the Minister;
- (b) the person holding the office ceases to be a member of the Authority; or
- (c) the Minister declares the office to be vacant.

Function of deputy chairman

5. (1) During any vacancy in the office of chairperson, or while he or she is unable to act by reason of sickness, absence or other cause, the deputy chairperson is to perform the functions of the chairperson.

(2) No act or omission of the deputy chairperson acting as the chairperson is to be questioned on the ground that the occasion for his or her so acting had not arisen or had ceased.

Meetings

6. (1) The first meeting of the Authority is to be convened by the chairperson and subsequently, subject to subclause (2), meetings are to be held at the times and places that the Authority determines.

(2) A special meeting of the Authority may at any time be convened by the chairperson.

(3) The chairperson is to preside at all meetings of the Authority at which he or she is present.

(4) If both the chairperson and the deputy chairperson are absent from a meeting the members present are to appoint one of their number to preside.

(5) A quorum for a meeting of the Authority is 3 members.

(6) At any meeting of the Authority the chairperson, deputy chairperson or other person presiding is to have a deliberative vote and, in the case of an equality of votes, is also to have a casting vote.

(7) The Authority is to cause accurate minutes to be kept of the proceedings at its meetings.

Committees

7. (1) The Authority may from time to time appoint committees of those members, or those members and other persons, that it thinks fit and may discharge or alter any committee so appointed.

(2) Subject to the directions of the Authority and to the terms of any delegation under section 28, each committee may determine its own procedures.

Resolution may be passed without meeting

8. A resolution in writing signed or assented to by each member by letter, telegram, telex or facsimile transmission is as valid and effectual as if it had been passed at a meeting of the Authority.

Leave of absence

9. The Authority may grant leave of absence to a member on the terms and conditions that the Authority thinks fit.

Authority to determine own procedures

10. Subject to this Act, the Authority is to determine its own procedures.

SCHEDULE 3
CONSEQUENTIAL AMENDMENTS

[Section 67]

<i>Short title of Act</i>	<i>Amendment</i>
1. <i>Constitution Acts Amendment Act 1899</i>	In Part 3 of Schedule V, insert in the appropriate alphabetical position the following — “The Subiaco Redevelopment Authority established by the <i>Subiaco Redevelopment Act 1994</i> .”.
2. <i>Financial Administration and Audit Act 1985</i>	In Schedule 1, insert in the appropriate alphabetical position the following — “ Subiaco Redevelopment Authority. ”.
3. <i>Government Employees Superannuation Act 1987</i>	In Part B of Schedule 1, insert in the appropriate alphabetical position the following — “ Subiaco Redevelopment Authority. ”.
4. <i>Metropolitan Region Town Planning Scheme Act 1959</i>	1. In section 32A, in subsection (2) that commences “Without limiting” — (a) delete the subsection designation “(2)” and substitute the following subsection designation — “ (3) ”; (b) insert after “1991” the following — “ or section 45 of the <i>Subiaco Redevelopment Act 1994</i> ”; and (c) delete “that Act” in both places where it occurs and substitute, in each case, the following — “ either of those Acts ”.

2. In section 38 (4), insert after "1991" the following —

“ or the *Subiaco Redevelopment Act 1994* ”.
5. *Parliamentary Commissioner Act 1971* In the Schedule, insert in the appropriate alphabetical position the following —

“ Subiaco Redevelopment Authority established by the *Subiaco Redevelopment Act 1994*. ”.
6. *Public Service Act 1978* In the Schedule, insert after item 36 the following item —

“ 36A. Subiaco Redevelopment Authority established under the *Subiaco Redevelopment Act 1994* ”.
7. *Town Planning and Development Act 1928*
 1. In section 6 (4) —
 - (a) insert after "1991" the following —

“ or in the *Subiaco Redevelopment Act 1994*, ”;

and
 - (b) delete "that Act" and substitute the following —

“ either of those Acts ”.
 2. In section 31 (2a), insert after "1991" the following —

“ or under Part 4 of the *Subiaco Redevelopment Act 1994* ”.
 3. In section 37, in the definition of "appeal", insert after paragraph (ba) the following paragraph —

“ (bb) an appeal under section 52 of the *Subiaco Redevelopment Act 1994*; ”.