

# **SOUTH WEST DEVELOPMENT AUTHORITY AMENDMENT ACT**

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**No. 95 of 1990**

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**AN ACT to amend the *South West Development Authority Act 1984*.**

*[Assented to 22 December 1990.]*

The Parliament of Western Australia enacts as follows:

## **Short title**

1. This Act may be cited as the *South West Development Authority Amendment Act 1990*.

## **Commencement**

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

## **Principal Act**

3. In this Act the *South West Development Authority Act 1984\** is referred to as the principal Act.

[\*Act No. 32 of 1984 as amended by Acts Nos. 98 of 1985 and 113 of 1987.]

## **Section 3 amended**

4. Section 3 of the principal Act is amended—

(a) in the definition of “Board chairman” by deleting “by virtue of section 6 (1)” and substituting the following—

“ appointed under section 6 (2) ”;

(b) in the definition of “Board member” by deleting “Board chairman” and substituting the following—

“ Executive Director ”;

(c) by inserting after the definition of “district” the following definition—

“ “Executive Director” means person holding or acting in the office of the Executive Director of the Authority referred to in section 17 (1); ”; and

(d) by deleting the definitions of “clause”, “paragraph”, “Schedule”, “section”, “subclause”, “subparagraph”, “subsection”, “the Deputy Director” and “the Director”.

## **Section 5 amended**

5. Section 5 of the principal Act is amended by repealing subsection (1) and substituting the following subsection—

“ (1) The Authority shall have a board of management comprising—

(a) a chairman;

(b) a deputy chairman;

- (c) the Executive Director by virtue of his office; and
- (d) not more than 4 other members. ”.

## **Section 6 amended**

6. Section 6 of the principal Act is amended—

- (a) by repealing subsection (1);
- (b) in subsection (2) by deleting “The deputy chairman and other member referred to in section 5 (1)” and substituting the following—

“ Subject to subsection (2a), the members of the Board referred to in section 5 (1) (a), (b) and (d) ”;

- (c) by inserting after subsection (2) the following subsections—

“ (2a) Where—

- (a) one person is appointed as a member of the Board referred to in section 5 (1) (d), that person; or

- (b) 2 or more persons are appointed as members of the Board referred to in section 5 (1) (d), one of those persons,

shall be a person nominated by the Minister in accordance with subsection (2b).

(2b) For the purposes of subsection (2a), the Minister shall—

- (a) simultaneously request each local authority in the South West Region to join with every other local authority in that region in submitting to the Minister a panel of the names of 3 councillors able and willing to be nominated for appointment to the Board; and
- (b) nominate from the panel of names so submitted a person for appointment to the Board.

(2c) If a panel of names is not submitted to the Minister within 21 days of the making of the relevant request under subsection (2b) (a), the Minister may nominate a suitable person for appointment to the Board and a person so nominated shall be deemed to be duly nominated under subsection (2b). ”;

and

(d) by inserting after subsection (4) the following subsection—

“ (5) In subsection (2b)—

“councillor” means a member of the executive body of a local authority in the South West Region. ”.

### **Section 8 amended**

7. Section 8 of the principal Act is amended—

(a) by deleting “A Board member or member of a Board committee” and substituting the following—

“ An appointed Board member or a member of a Board committee (not including the Executive Director) ”; and

(b) by deleting “Public Service Board” and substituting the following—

“ Public Service Commissioner ”.

### **Heading to Division 3 of Part II amended**

8. The heading to Division 3 of Part II is amended by deleting “*Director, Deputy Director*” and substituting the following—

“ *Executive Director* ”.

### **Sections 14 to 17 repealed and a section substituted**

9. Sections 14, 15, 16, 16A and 17 of the principal Act are repealed and the following section is substituted—

#### **Appointment and functions of Executive Director and other staff and engagement of consultants**

“ 17. (1) There shall be appointed under and subject to the *Public Service Act 1978* an Executive Director of the Authority and such other officers as may be necessary to enable the Authority to exercise and perform its functions.

(2) Subject to this Act, the functions of the Executive Director are to administer the day to day operations of the Authority and generally to exercise and perform the functions conferred or imposed on him in his capacity as the Executive Director by or under this Act.

(3) The Authority may, with the prior approval of the Minister, engage under contracts for services such consultants and professional, technical or other assistance as the Authority considers necessary to enable it to exercise and perform its functions. ”.

### **Section 18 amended**

10. Section 18 of the principal Act is amended by deleting “Board” and substituting the following—

“ Commissioner ”.

### **Section 20 amended**

11. Section 20 of the principal Act is amended in subsection (2) by deleting “the Director, the Deputy Director” and substituting the following—

“ the Executive Director ”.

**Section 21 amended**

12. Section 21 of the principal Act is amended in subsection (3)—

(a) in paragraph (b)—

(i) by deleting “the Director, the Deputy Director” and substituting the following—

“ the Executive Director ”; and

**Section 38 amended**

13. Section 38 of the principal Act is amended in subsection (1) by deleting “4 years after the commencement of this Act” and substituting the following—

“ as soon as is practicable after the expiry of 3 years from the commencement of the *South West Development Authority Amendment Act 1990* ”.

**Schedule 1 amended**

14. Schedule 1 to the principal Act is amended by inserting after “Augusta-Margaret River,” the following—

“ Boddington, ”.

**Schedule 2 amended**

15. Schedule 2 to the principal Act is amended—

(a) in clause 4 (4) by deleting “2 Board members constitute” and substituting the following—

“ a majority of the Board members constitutes ”;

and

(b) in clause 5 (1) by deleting “the Director, the Deputy Director,”.