

## VICTORIA.



ANNO QUINTO DECIMO

ELIZABETHÆ SECUNDÆ REGINÆ

No. 7498.

An Act to constitute an Authority to be known as the Port Phillip Authority to make Provision with respect to the Co-ordination of the Development of Port Phillip and certain other Areas and for other purposes.

[20th December, 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 Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title.

1. (1) This Act may be cited as the *Port Phillip Authority Act 1966*.

Commence-  
ment.

(2) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*.

Interpretation.

2. In this Act unless the context otherwise requires—

"Authority."

"Authority" means the Port Phillip Authority constituted under this Act.

"Chairman."

"Chairman" means the Chairman of the Port Phillip Authority.

"Consultative

“Consultative Committee” means the Consultative Committee constituted under this Act.

“Consultative Committee.”

“Foreshore” means all those portions of land—

“Foreshore.”

(a) which abut—

(i) the waters of Port Phillip and are between low water mark and an imaginary line following the course of high water mark at a distance of ten chains landward from high water mark ; or

(ii) the waters of Bass Strait from the Barwon River to Cape Schanck and are between low water mark and an imaginary line following the course of high water mark at a distance of forty chains landward from high water mark ; and

(b) which are—

(i) unalienated land of the Crown whether reserved for any purpose or not ;

(ii) vested in the Crown or in any public authority ; or

(iii) occupied or controlled by the Crown or by any public authority—

together with such other land unalienated vested occupied or controlled as aforesaid as is from time to time by proclamation of the Governor in Council published in the *Government Gazette* added to the foreshore but does not include any land which the Governor in Council has by proclamation published in the *Government Gazette* exempted from the provisions of this Act.

“Inshore waters” means all the waters and the sea-bed under those waters which are—

“Inshore waters.”

(a) between high water mark of Port Phillip and an imaginary line following the course of low water mark at a distance of thirty chains seaward from low water mark ; or

(b) between high water mark of Bass Strait from the Barwon River to Cape Schanck and an imaginary line following the course of low water mark at a distance of thirty chains seaward from low water mark—

together with such other waters and portions of the sea-bed as are from time to time by proclamation of the Governor in Council published in the *Government*

*Gazette*

*Gazette* added to the inshore waters but does not include any waters or sea-bed which the Governor in Council has by proclamation published in the *Government Gazette* exempted from the provisions of this Act.

"Metropolis."

"Metropolis" has the same meaning as in the *Melbourne and Metropolitan Board of Works Act 1958*.

"Port Phillip area."

"Port Phillip area" means the foreshore and the inshore waters.

"Public authority."

"Public authority" means—

(a) any body corporate or unincorporate constituted by or under any Act for public purposes ; and

(b) any municipality.

Port Phillip Authority.

3. (1) For the purposes of this Act there shall be constituted the Port Phillip Authority which by that name shall be a body corporate with perpetual succession and a common seal.

(2) The Authority shall be capable in law of suing and being sued and acquiring holding and disposing of property for the purposes of this Act and the doing and suffering of such acts and things as bodies corporate may by law do and suffer.

Constitution of Authority.

4. (1) There shall be an Authority appointed by the Governor in Council consisting of five members of whom—

(a) one shall be appointed as the full-time chairman of the Authority ;

(b) one shall be an officer of the Department of Crown Lands and Survey nominated for the time being by the Minister of Lands ;

(c) one shall be an officer of the Soil Conservation Authority nominated for the time being by the Soil Conservation Authority ;

(d) one shall be an officer of the Public Works Department experienced in marine works nominated for the time being by the Minister of Public Works ;

(e) one shall be an officer of the Town and Country Planning Board nominated for the time being by the Minister for Local Government.

(2) The Chairman—

(a) shall be entitled to receive such annual salary or other remuneration as is fixed by the Governor in Council ;

(b) shall be entitled to receive such travelling expenses as are fixed from time to time by the Governor in Council ;

(c) except

- (c) except with the consent of the Governor in Council shall not during his continuance in the office of chairman engage in any employment other than in connexion with the duties of that office ;
  - (d) shall not in respect of his office as such chairman be subject to the provisions of the *Public Service Act* 1958.
- (3) The office of chairman shall become vacant—
- (a) at the expiration of his term of office ;
  - (b) if he dies ;
  - (c) if he resigns his office by writing addressed to the Governor in Council ;
  - (d) if he is removed from office by the Governor in Council ;
  - (e) if without the consent in writing of the Minister he fails to attend four consecutive meetings of the Authority.
- (4) If immediately prior to the appointment of any person to the office of chairman he is an officer of the public service he shall—
- (a) be eligible on the recommendation of the Public Service Board to be re-appointed at the termination of his office as chairman to some office in the public service with a classification and emolument corresponding with or higher than that which he held in the public service immediately prior to his appointment as chairman as if his service as chairman had been service in the public service, and to be classified accordingly ; and
  - (b) for the purposes of section 63 of the *Public Service Act* 1958 be deemed to continue to be a member of the public service while he is chairman.
- (5) If immediately prior to the appointment of any person to the office of chairman he is an officer within the meaning of the *Superannuation Act* 1958 or any corresponding previous enactment he shall subject to the *Superannuation Act* 1958 continue during his term of office as chairman to be an officer within the meaning of that Act.
- (6) A member shall subject to sub-sections (3) and (7) hold office for the period not exceeding five years for which he is appointed but shall upon the expiration of such period be eligible for re-appointment.

(7) A member

- (7) A member shall cease to be a member of the Authority—
- (a) if not being the chairman he resigns from the Public Service of Victoria ; or
  - (b) if he is removed from office by the Governor in Council.

(8) The members other than the chairman shall act in a part-time capacity.

(9) In the case of the illness or absence of any member the Minister or Authority concerned may nominate subject to the approval of the Governor in Council some other qualified person to be a member in his place during such illness or absence.

(10) While dealing with any matter or any phase of any matter or any class of matters the Authority may invite to its meeting any person who by reason of his experience or knowledge in connexion therewith should be of assistance to the Authority in relation thereto.

(11) If at any meeting of the Authority the chairman is not present the members present may appoint one of their number to be chairman of the meeting.

(12) At any meeting of the Authority three members shall form a quorum.

(13) Subject to this Act the Authority may regulate its own proceedings.

(14) Subject to the *Public Service Act* 1958 there shall be appointed a secretary of the Authority.

Duties of  
Authority.

5. (1) The Authority shall be responsible for advising the Minister on methods of—

- (a) co-ordinating development in the Port Phillip area ;
- (b) preserving the existing beaches and natural beauty of the Port Phillip area and preventing deterioration of the foreshore ;
- (c) improving facilities in the Port Phillip area to enable the full enjoyment of the area by the people.

Power of  
Authority.

(2) The Authority may recommend to the Minister that—

- (a) surveys investigations and experiments be carried out to determine the present condition of foreshores and the best method of preserving and improving foreshores including beaches ;
- (b) preventative and remedial measures in respect of the Port Phillip area be investigated or designed ;

(c) results

- (c) results be published of any surveys investigations and experiments undertaken by or on behalf of the Authority ;
- (d) information be disseminated with regard to the use and preservation of the Port Phillip area ;
- (e) necessary or expedient measures be taken to prevent pollution of inshore waters.

(3) The Minister shall before acting upon any advice or recommendation of the Authority concerning a matter which is in his opinion a major matter of general and public importance obtain and consider the advice and report of the Consultative Committee.

6. (1) No structure shall be erected and no works shall be undertaken on or vegetation removed from any land in the Port Phillip area without the consent of the Authority. Control of structures and works.

(2) In consideration of any proposed structure or works or removal of vegetation the Authority shall have regard—

- (a) to the effect on the natural beauty and on the future use and enjoyment of the Port Phillip area by the public ; and
- (b) whether such structure or works or removal of vegetation is likely to cause any deterioration of the Port Phillip area by virtue of erosion or the deposition of sand or silt—

and may grant or refuse its consent to the proposal.

(3) Any consent given by the Authority pursuant to this section may be given subject to such terms conditions restrictions or limitations as it thinks fit.

(4) The Governor in Council may by regulations made from time to time on the recommendation of the Authority exempt any class or type of structures or works or vegetation from the provisions of this section.

(5) This section shall not apply to the erection of any structure or undertaking of any works by the Melbourne Harbor Trust Commissioners in pursuance of the duties imposed on them by the *Melbourne Harbor Trust Act 1958* or by the Geelong Harbor Trust Commissioners in pursuance of the duties imposed on them by the *Geelong Harbor Trust Act 1958*.

7. (1) For the purposes of this Act there shall be a Consultative Committee consisting of the members of the Authority and ten other members appointed by the Governor in Council (hereinafter called the appointed members) of whom— Consultative Committee.

- (a) one shall be appointed on the nomination of the Tourist Development Authority ;
- (b) one shall be a person experienced in foreshore works appointed on the nomination of the Melbourne and Metropolitan Board of Works ;

(c) one

- (c) one shall be appointed on the nomination of the State Rivers and Water Supply Commission ;
- (d) four shall be appointed on the nomination of the Municipal Association of Victoria one of whom shall represent the interests of municipalities wholly or partly outside the metropolis whose municipal areas include part of the foreshore east of a line drawn from the General Post Office Elizabeth-street in the City of Melbourne to Point Nepean one of whom shall represent the interests of such municipalities whose municipal areas include part of the foreshore west of such line and two of whom shall represent the interests of municipalities wholly within the metropolis whose municipal areas include part of the foreshore ;
- (e) two shall be appointed on the nomination of the Chief Secretary ;
- (f) one shall be a person representing organizations or bodies having a special interest in the Port Phillip area.

(2) An appointed member shall subject to this Act hold office for such term not exceeding five years as is fixed by the terms of the instrument of appointment.

(3) A member appointed pursuant to paragraph (d) of sub-section (1) shall cease to be a member of the Consultative Committee if he ceases to be a councillor of a municipality.

(4) A quorum of the Consultative Committee shall consist of not less than five members and subject to there being a quorum the Consultative Committee may act notwithstanding any vacancy in its membership.

(5) At any meeting of the Consultative Committee the chairman or in his absence a member of the Authority elected by the members present to be chairman of the meeting shall preside.

(6) Meetings of the Consultative Committee shall be held once in every three months and at such other times as the chairman appoints.

(7) Subject to this Act the Consultative Committee may regulate its own proceedings.

(8) Subject to the *Public Service Act* 1958 the secretary of the Authority shall be the secretary of the Consultative Committee.

Functions of  
Consultative  
Committee.

8. The functions of the Consultative Committee shall be to advise and report to the Minister on all matters concerning the Port Phillip area referred to the Consultative Committee by the Minister or the Authority.

9. Any

9. Any person who is aggrieved by a decision of the Authority in relation to an application under section 6 may appeal to the Minister against the decision of the Authority and the decision of the Minister shall be final and conclusive.

Appeals  
against  
decisions of the  
Authority.

10. (1) The Authority may from time to time issue memoranda reports bulletins maps or plans relating to the development and use of the Port Phillip area.

(2) The Authority shall at least once in every year make a report to the Governor in Council on the operation of this Act and may at any time make particular reports to the Governor in Council upon any matters which it has investigated.

(3) Every such report shall be laid before both Houses of Parliament within 14 days after the making thereof if Parliament is then sitting and if Parliament is not then sitting then within 14 days after the next meeting of Parliament.

11. (1) Save as otherwise expressly provided nothing in this Act shall affect any rights powers authorities or duties of any Government department or public authority or the provisions of any other Act for the time being in force regarding permits or licences or compliance with procedures specified thereunder.

Saving as to  
Government  
departments  
&c.

(2) Where the exercise of any rights powers or authorities or the discharge of any duties by the Authority may affect the exercise of any rights powers or authorities or the discharge of any duties by any Government department or public authority the Authority shall so far as practicable confer and co-operate with such department or public authority.

Authority to  
confer and  
co-operate  
with other  
departments,  
&c.

(3) Any question difference or dispute arising or about to arise between the Authority and any Government department or public authority with respect to the exercise of any rights powers or authorities or the discharge of any duties by either or both of them may be finally and conclusively determined by the Governor in Council.

Settlement of  
disputes.

12. The Governor in Council may make regulations for or with respect to any matters or things which are by this Act authorized or permitted to be prescribed or which are necessary or expedient to be prescribed in order to carry the purposes of this Act into effect.

Regulations.