

EXPLANATORY MEMORANDUM AND CLAUSE NOTES
STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2013

Part 1 – Preliminary matters

Clause 1. Short title

Clause 1 provides that when enacted the Act is the *Statutes (Repeals and Minor Amendments) Act 2013 (WA)*.

Clause 2. Commencement

Clause 2 provides that Part 1 comes into effect on Royal Assent but the balance of the proposed Act comes into effect on proclamation.

Part 2 – Repeal

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
Clause 3.	<i>Year 2000 Information Disclosure Act 1999</i> repealed.	The Act is repealed.	The <i>Year 2000 Information Disclosure Act 1999</i> is exhausted and is no longer required.

Part 3 – Amendments

Division 1 – Amendments reflecting the abolition of Local Courts

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
Clause 4. <i>Genetically Modified Crop Free Areas Act 2003</i>	Section 9(4). The amount of compensation	Section 9(4). The amount of compensation	The words “a Local Court” are

amended	payable is to be determined by agreement between the person applying for compensation and the chief executive officer or, in the absence of agreement, by a <u>Local Court</u> on the application of the person applying for compensation or of the chief executive officer.	payable is to be determined by agreement between the person applying for compensation and the chief executive officer or, in the absence of agreement, by <u>the Magistrates Court</u> on the application of the person applying for compensation or of the chief executive officer.	deleted and the words “the Magistrates Court” are inserted. The <i>Local Courts Act 1904</i> was repealed by the <i>Courts Legislation Amendment and Repeal Act 2004</i> , section 4. Local Courts have been replaced by the Magistrates Court.
Clause 5. Residential Tenancies Act 1987 amended	Section 15(2)(d). (2) Upon such an application the court may — (d) authorise payment of the rent under the agreement into a <u>local court</u> until the agreement has been performed or any application for compensation has been determined, and order that such rent be paid out towards the cost of remedying the breach or towards the amount of any compensation or otherwise as it considers appropriate; and	Section 15(2)(d). (2) Upon such an application the court may — (d) authorise payment of the rent under the agreement into <u>the Magistrates Court</u> until the agreement has been performed or any application for compensation has been determined, and order that such rent be paid out towards the cost of remedying the breach or towards the amount of any compensation or otherwise as it considers appropriate; and	The words “a Local Court” are deleted and the words “the Magistrates Court” are inserted. The <i>Local Courts Act 1904</i> was repealed by the <i>Courts Legislation Amendment and Repeal Act 2004</i> , section 4. Local Courts have been replaced by the Magistrates Court.

Division 2 – Amendments adopting the terminology of the *Criminal Procedure Act 2004*

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
<p>Clause 6. <i>Criminal Investigation (Identifying People) Act 2002</i> amended</p>	<p>Section 3(2)(a). (3) For the purposes of this Act a person is charged with an offence when — (a) the officer investigating the offence informs the person that he or she will be charged with the offence, whether or not at that time the officer has <u>made or sworn a complaint in respect</u> of the offence; or</p>	<p>Section 3(2)(a). (3) For the purposes of this Act a person is charged with an offence when — (a) the officer investigating the offence informs the person that he or she will be charged with the offence, whether or not at that time the officer has <u>commenced a prosecution</u> of the offence; or</p>	<p>The word “complaint” is not used in the <i>Criminal Procedure Act 2004</i>. Instead that Act refers to the commencement or discontinuance of a prosecution in a number of places. Accordingly the reference to making or swearing a complaint is deleted for the more appropriate words “commenced a prosecution”.</p>
<p>Clause 7. <i>Petroleum (Submerged Lands) Act 1982</i> amended</p>	<p>Section 137A(1). (1) In a proceeding for an offence against this Act an averment in <u>the complaint</u> that at a particular time — (a) a particular operation was an offshore petroleum operation; (b) a particular vessel or structure was a facility; (c).....</p>	<p>Section 137A(1). (1) In a proceeding for an offence against this Act an averment in <u>the charge of the offence</u> that at a particular time — (a) a particular operation was an offshore petroleum operation; (b) a particular vessel or structure was a facility; (c).....</p>	<p>The word “complaint” is not used in the <i>Criminal Procedure Act 2004</i>. Instead that Act refers to the charge of the offence. Accordingly the reference to a complaint is deleted for the more appropriate words “charge of the offence”.</p>

<p>Clause 8. Petroleum and Geothermal Energy Resources Act 1967 amended</p>	<p>Section 126A(1). (1) In a proceeding for an offence against this Act an averment in <u>the complaint</u> that at a particular time — (a) a particular operation was a petroleum operation or geothermal energy operation; or (b) a particular person was the operator of a petroleum operation or geothermal energy operation; or (c).....</p>	<p>Section 126A(1). (1) In a proceeding for an offence against this Act an averment in <u>the charge</u> that at a particular time — (a) a particular operation was a petroleum operation or geothermal energy operation; or (b) a particular person was the operator of a petroleum operation or geothermal energy operation; or (c).....</p>	<p>The word “complaint” is not used in the <i>Criminal Procedure Act 2004</i>. Instead that Act refers to the charge of the offence. Accordingly the reference to a complaint is deleted for the more appropriate words “charge of the offence”.</p>
<p>Clause 9. Water Efficiency Labelling and Standards Act 2006 amended</p>	<p>Section 40A(1)(b). (1) An infringement notice is to be in the prescribed form and is to — (a) contain a description of the alleged offence; (b) advise that if the alleged offender does not wish to have a <u>complaint</u> of the alleged offence heard and</p>	<p>Section 40A(1)(b). (1) An infringement notice is to be in the prescribed form and is to — (a) contain a description of the alleged offence; (b) advise that if the alleged offender does not wish to have a <u>charge</u> of the alleged offence heard and</p>	<p>The word “complaint” is not used in the <i>Criminal Procedure Act 2004</i>. Instead that Act refers to the charge of the offence. Accordingly the reference to a complaint is deleted for the more appropriate word “charge”.</p>

	<p>determined by a court, the amount of money specified in the notice as being the modified penalty for the offence may be paid to the Regulator within a period of 28 days after the giving of the notice; and</p> <p>(c)....</p>	<p>determined by a court, the amount of money specified in the notice as being the modified penalty for the offence may be paid to the Regulator within a period of 28 days after the giving of the notice; and</p> <p>(c)....</p>	
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Division 3 – Reflecting changes in nomenclature

Subdivision 1 – Registrar of the Mentally Impaired Accused Review Board

ACT AMENDED	EXISTING PROVISION	AS AMENDED	EXPLANATION
11. <i>Electoral Act 1907</i> amended	<p>Section 59(1). (1) In this section —</p> <p>....</p> <p><u>secretary, <i>Mentally Impaired Accused Review Board</i></u> means the secretary of the Mentally Impaired Accused Review Board established under the <u><i>Criminal Law (Mentally Impaired Accused) Act 1996</i></u>.</p>	<p>Section 59(1). (1) In this section —</p> <p>....</p> <p><u>registrar, <i>MIARB</i></u> means the registrar of the Mentally Impaired Accused Review Board established under the <u><i>Criminal Law (Mentally Impaired Accused) Act 1996</i></u>.</p>	<p>The meaning of the term “registrar” of the MIARB is updated from the former term “secretary”. The term is also inserted in the proper alphabetical order in section 59(1).</p>

	<p>Section 59(1). (1) In this section — required information, in relation to a person, means that person’s name, address, date of birth, occupation and <u>sex</u>; </p> <p>Section 59(2)(b) and (3)(b). (2) As soon as practicable after the beginning of each month — (b) the <u>secretary, Mentally Impaired Accused Review Board</u> must forward to the Electoral Commissioner — (i) a list containing the required information for each person who became a mentally impaired accused during the preceding month; and (ii) a list containing the required information for each person who ceased to be a</p>	<p>Section 59(1). (1) In this section — required information, in relation to a person, means that person’s name, address, date of birth, occupation and <u>sex</u>. </p> <p>Section 59(2)(b) and (3)(b). (2) As soon as practicable after the beginning of each month — (b) the <u>registrar, MIARB</u> must forward to the Electoral Commissioner — (i) a list containing the required information for each person who became a mentally impaired accused during the preceding month; and (ii) a list containing the required information for each person who ceased to be a mentally impaired accused during the</p>	<p>The term required information in section 59(1) is amended to delete the semi-colon after the word “sex” and insert a full stop. The amendment is necessary because the definition of required information is now the last matter referred to in section 59(1).</p> <p>The meaning of the term “registrar” of the MIARB is updated from the former term “secretary” where the words occur in sections 59(2)(b) and (3)(b) in the <i>Electoral Act 1907</i>.</p>
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	<p>mentally impaired accused during the preceding month.</p> <p>(3) Within 4 days after the date of the writ for an election —</p> <p>.....</p> <p>(b) the <u>secretary, Mentally Impaired Accused Review Board</u> must forward to the Electoral Commissioner —</p> <p>(i) a list containing the required information for each person who became a mentally impaired accused during the period since a list was last forwarded under subsection (2)(b)(i); and</p> <p>(ii) a list containing the required information for each person who ceased to be a mentally impaired accused during the period since a list was last forwarded under subsection (2)(b)(ii).</p>	<p>preceding month.</p> <p>(3) Within 4 days after the date of the writ for an election —</p> <p>.....</p> <p>(b) the <u>registrar, MIARB</u> must forward to the Electoral Commissioner —</p> <p>(i) a list containing the required information for each person who became a mentally impaired accused during the period since a list was last forwarded under subsection (2)(b)(i); and</p> <p>(ii) a list containing the required information for each person who ceased to be a mentally impaired accused during the period since a list was last forwarded under subsection (2)(b)(ii).</p>	
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<p>Clause 12. Guardianship and Administration Act 1990 amended</p>	<p>Section 98(1). (1) If a person becomes a mentally impaired accused (as defined in Part 5 of the <i>Criminal Law (Mentally Impaired Accused) Act 1996</i>) the <u>secretary</u> to the Mentally Impaired Accused Review Board shall notify the Public Advocate accordingly.</p>	<p>Section 98(1). (1) If a person becomes a mentally impaired accused (as defined in Part 5 of the <i>Criminal Law (Mentally Impaired Accused) Act 1996</i>) the <u>registrar</u> to the Mentally Impaired Accused Review Board shall notify the Public Advocate accordingly.</p>	<p>The term “registrar” is inserted into section 98(1) of the <i>Guardianship and Administration Act 1990</i> in place of the word “secretary”.</p>
<p>Clause 13. Mental Health Act 1996 amended</p>	<p>Section 44. If an order is made under section 43 in respect of a mentally impaired accused who has been released by the Governor on conditions under the <i>Criminal Law (Mentally Impaired Accused) Act 1996</i>, the person making the order must as soon as is practicable give a copy of the order to the <u>secretary</u> of the Mentally Impaired Accused Review Board.</p> <p>Section 94(1). (1) If under Division 4, 5, 7, 8 or 9 a mentally impaired accused is given treatment, the treating psychiatrist is to give a report of the treatment to the <u>secretary</u> of the Mentally Impaired Accused Review Board.</p>	<p>Section 44. If an order is made under section 43 in respect of a mentally impaired accused who has been released by the Governor on conditions under the <i>Criminal Law (Mentally Impaired Accused) Act 1996</i>, the person making the order must as soon as is practicable give a copy of the order to the <u>registrar</u> of the Mentally Impaired Accused Review Board.</p> <p>Section 94(1). (1) If under Division 4, 5, 7, 8 or 9 a mentally impaired accused is given treatment, the treating psychiatrist is to give a report of the treatment to the <u>registrar</u> of the Mentally Impaired Accused Review Board.</p>	<p>The term “registrar” is inserted into section 44 of the <i>Mental Health Act 1996</i> in place of the word “secretary”.</p> <p>The term “registrar” is inserted into section 94(1) of the <i>Mental Health Act 1996</i> in place of the word “secretary”.</p>

Subdivision 2 – Professional accountancy bodies

<p>Clause 14. Commercial Tenancy (Retail Shops) Agreements Act 1985 amended</p>	<p>Section 3. Definition of accountant (1) In this Act, unless the contrary intention appears — accountant means a member of —</p> <ul style="list-style-type: none"> (a) The Institute of Chartered Accountants in Australia; (b) <u>The Australian Society of Certified Practising Accountants; or</u> (c) <u>The National Institute of Accountants;.</u> 	<p>Section 3. Definition of accountant (1) In this Act, unless the contrary intention appears — accountant means a member of —</p> <ul style="list-style-type: none"> (a) The Institute of Chartered Accountants in Australia; (b) <u>CPA Australia Ltd; and</u> (c) <u>the Institute of Public Accountants;</u> 	<p>The definition of accountant in section 3 of the <i>Commercial Tenancy (Retail Shops) Agreement Act 1985</i> is amended to reflect the correct names of two accounting bodies. The names of The Australian Society of Certified Practising Accountants and The National Institute of Accountants are deleted and the new names CPA Australia Ltd and Institute of Public Accountants are inserted.</p>
<p>Clause 15. Legal Profession Act 2008 amended</p>	<p>Section 3. Definition of accountant. In this Act — accountant means a member of —</p> <ul style="list-style-type: none"> (a) The Institute of Chartered Accountants in Australia (AR643BN 084 642 571); or (b) CPA Australia (ACN 008 392 452); or (c) <u>the National Institute of Accountants (ACN 004 130 643);</u> 	<p>Section 3. Definition of accountant. In this Act — accountant means a member of —</p> <ul style="list-style-type: none"> (a) The Institute of Chartered Accountants in Australia (AR643BN 084 642 571); or (b) CPA Australia (ACN 008 392 452); or (c) <u>the Institute of Public Accountants (ACN 004 130 643);</u> 	<p>The definition of accountant in section 3 of the <i>Legal Profession Act 2008</i> is amended to reflect the correct names of the Institute of public Accountants. The name of the National Institute of Accountants is deleted and the new name Institute of Public Accountants is inserted.</p>

Subdivision 3 – Other changes in nomenclature

<p>Clause 16. <i>Geraldton Sailors and Soldiers' Memorial Institute Act 1929</i> amended</p>	<p>Section 6(2). (2) The trustees may, without the approval of the Governor, lease for a term of not longer than 3 years the said land and buildings, and the said chattels to the said Geraldton sub-branch of <u>the Returned Sailors' Soldiers' and Airmen's Imperial League of Australia</u> and, if it does so, the sub-branch shall use such land, buildings, and chattels as a club for returned soldiers..</p>	<p>Section 6(2). (2) The trustees may, without the approval of the Governor, lease for a term of not longer than 3 years the said land and buildings, and the said chattels to the said Geraldton sub-branch of <u>the Returned & Services League of Australia WA Branch Incorporated</u> and, if it does so, the sub-branch shall use such land, buildings, and chattels as a club for returned soldiers.</p>	<p>The <i>Geraldton Sailors and Soldiers' Memorial Institute Act 1929</i> is amended to reflect the correct name of the Returned & Services League of Australia WA Branch Incorporated in the Act.</p>
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Division 4 – Miscellaneous amendments

<p>Clause 17. <i>Bush Fires Act 1954</i> amended</p>	<p>Section 38(14). (14) An approved local government may appoint a committee for the purpose of advising and assisting a fire weather officer or any deputy of a fire weather officer acting in the place of that officer under <u>this</u> subsections (6) to (18).</p>	<p>Section 38(14). (14) An approved local government may appoint a committee for the purpose of advising and assisting a fire weather officer or any deputy of a fire weather officer acting in the place of that officer under subsections (6) to (18).</p>	<p>Section 38(14) of the <i>Bush Fires Act 1954</i> is amended to delete the word “this” as it is superfluous and not needed.</p>
	<p>Section 38(18). (18) Subsections (6) to (18) do not authorise the burning of bush — (i) <u>during</u> the prohibited burning times; or (ii) <u>during</u> the period in which, and in the area of the State in respect of which, a total fire ban is declared under section 22A to have effect.</p>	<p>Section 38(18). (18) Subsections (6) to (18) do not authorise the burning of bush — (a) <u>during</u> the prohibited burning times; or (b) <u>during</u> the period in which, and in the area of the State in respect of which, a total fire ban is declared under section 22A to have effect.</p>	<p>Section 38(18) of the <i>Bush Fires Act 1954</i> is amended in two places to delete small numerals and replace them with alphabeticals in accordance with modern drafting practice.</p>
	<p>Section 44(3)(a). <u>(3)(a)</u> Subject to the provisions of sections 13(6) and 45, where the bush fire brigade of a local</p>	<p>Section 44(3)(a). <u>(3)</u> Subject to the provisions of sections 13(6) and 45, where the bush fire brigade of a local</p>	<p>Section 44(3)(a) of the <i>Bush Fires Act 1954</i> as it presently exists is amended to delete “(a)” from the section numbering as it is not</p>

	<p>government is present at a fire which is burning within the district of the local government, if a bush fire control officer of the local government is not present, the captain or in his absence the next senior officer of the bush fire brigade of the local government, or in the absence of the captain and all other officers of that bush fire brigade, any other member of that bush fire brigade has and shall take supreme control and charge of all operations and the officers and members of another bush fire brigade if present are subject to and shall act under his orders and directions.</p>	<p>government is present at a fire which is burning within the district of the local government, if a bush fire control officer of the local government is not present, the captain or in his absence the next senior officer of the bush fire brigade of the local government, or in the absence of the captain and all other officers of that bush fire brigade, any other member of that bush fire brigade has and shall take supreme control and charge of all operations and the officers and members of another bush fire brigade if present are subject to and shall act under his orders and directions.</p>	<p>required there being no other paragraphs in the subsection.</p>
<p>Clause 18. <i>Children and Community Services Act 2004</i> amended</p>	<p>Section 125A(3B). (3B) An assessor is to be paid such remuneration and allowances (if any) as the CEO, on the recommendation of the <u>Minister for Public Sector</u></p>	<p>Section 125A(3B). (3B) An assessor is to be paid such remuneration and allowances (if any) as the CEO, on the recommendation of the <u>Public Service</u></p>	<p>Section 125A(3B) of the <i>Children and Community Services Act 2004</i> is amended to delete "Minister for Public Sector Management" and insert "Public Service Commission" as this is</p>

	<u>Management</u> , determines.	<u>Commissioner</u> , determines.	now the body that determines remuneration and allowances for CEO's.
Clause 19. <i>Co-operatives Act 2009</i> amended	Section 188(5). (5) The members' liability under <u>subregulation (4)</u> is joint and several.	Section 188(5). (5) The members' liability under <u>subsection (4)</u> is joint and several.	The word "subregulation" is deleted from section 188(5) of the <i>Co-operatives Act 2009</i> and the word "subsection" is inserted. The provision refers to the previous subsection and the reference to subregulation is incorrect.
Clause 20. <i>Credit Act 1984</i> amended	Section 19B(2)(a) and (b). (2) If the credit provider under a contract to which this Act continues to apply acts in accordance with — (a) in respect of any action before <u>[reference date]</u> , the <i>Consumer Credit (Western Australia) Code</i> 3 section 34, 35, 66 to 69, 78 to 99, 163, 171, 172 or 173; or (b) in respect of any action on or after <u>[reference date]</u> , the <i>National Credit Code</i> section 36, 37, 72 to 75, 85 to 107, 185, 194, 195 or 196, the credit provider is taken to have acted in accordance	Section 19B(2)(a) and (b). (2) If the credit provider under a contract to which this Act continues to apply acts in accordance with — (a) in respect of any action before 1 July 2010, the <i>Consumer Credit (Western Australia) Code</i> 3 section 34, 35, 66 to 69, 78 to 99, 163, 171, 172 or 173; or (b) in respect of any action on or after <u>1 July 2010</u> , the <i>National Credit Code</i> section 36, 37, 72 to 75, 85 to 107, 185, 194, 195 or 196, the credit provider is taken to have acted in accordance	Section 19B(2)(a) of the <i>Credit Act 1984</i> is amended in two places to correct a typographical error. The subsections presently refer to "[reference date]" which clearly means that an appropriate date was to be included. The relevant date is 1 July 2010.

	with the corresponding provision of this Act.	with the corresponding provision of this Act.	
Clause 21. Fair Trading Act 1987 amended	Section 3C(3). (3) To avoid doubt, the <i>Fair Trading (Infringement Notices) Regulations 2006</i> continue in force on and after the commencement day for the purposes of <u>subsection (3)</u> and section 3D and for no other purpose.	Section 3C(3). (3) To avoid doubt, the <i>Fair Trading (Infringement Notices) Regulations 2006</i> continue in force on and after the commencement day for the purposes of <u>subsection (2)</u> and section 3D and for no other purpose.	Section 3C(3) of the <i>Fair Trading Act 1987</i> is amended to correct a cross-reference. At present the subsection erroneously refers to itself rather than the correct subsection.
Clause 22. Guardianship and Administration Act 1990 amended	Section 45(2)(d). (2) Without limiting subsection (1), a plenary guardian may do any of the following — (d) subject to <u>subsection (4)</u> , make treatment decisions for the represented person;	Section 45(2)(d). (2) Without limiting subsection (1), a plenary guardian may do any of the following — (d) subject to <u>subsection (4A)</u> , make treatment decisions for the represented person;	At present there are two subsections 45(4) in the <i>Guardianship and Administration Act 1990</i> . The following subsection of the Bill corrects the typographical error and this amendment makes the appropriate amendment to subsection 45(2).
	Section 45(4). (4) A plenary guardian cannot consent to the sterilisation of the represented person, except in accordance with Division 3 2. (4) A plenary guardian may not make a will or other testamentary disposition on behalf of a represented person but this subsection	Section 45(4). (4A) A plenary guardian cannot consent to the sterilisation of the represented person, except in accordance with Division 3 2. (4) A plenary guardian may not make a will or other testamentary disposition on behalf of a represented person but this subsection	At present there are two subsections 45(4) in the <i>Guardianship and Administration Act 1990</i> . This amendment renumbers the first such section as subsection (4A).

	does not affect the operation of section 111A.	does not affect the operation of section 111A.....	
	<p>Section 76(3). (3) Nothing in this section affects <u>sections 50 and 53</u> of the <i>Public Trustee Act 1941</i>.</p>	<p>Section 76(3). (3) Nothing in this section affects <u>section 50</u> of the <i>Public Trustee Act 1941</i>.</p>	<p>Section 53 of the Public Trustee Act 1941 was deleted by the <i>Public Trustee and Trustee Companies Legislation Amendment Act 2008</i>. As a result it is necessary to delete the reference to section 53 from section 76(3) of the <i>Guardianship and Administration Act 1990</i>.</p>
	<p>Section 110G(1). (1) Subject to this section, an enduring guardian has the same functions under section 45(1) and (2), and is subject to the same limitations under <u>section 45(3) and (4)</u>, in relation to the appointor as a plenary guardian has and is subject to in relation to a represented person.</p>	<p>Section 110G(1). (1) Subject to this section, an enduring guardian has the same functions under section 45(1) and (2), and is subject to the same limitations under <u>section 45(3), (4A) and (4)</u>, in relation to the appointor as a plenary guardian has and is subject to in relation to a represented person.</p>	<p>At present there are two subsections 45(4) in the <i>Guardianship and Administration Act 1990</i>. This amendment renumbers the first such section as subsection (4A) in section 110G of the <i>Guardianship and Administration Act 1990</i>.</p>
<p>Clause 23. Health Act 1911 amended</p>	<p>Section 3(1) definition of <i>public place</i>. <u><i>public place</i>, except in Part IXB, includes every place to which the public ordinarily have access, whether by payment of fee or not;</u></p>	<p>Section 3(1) definition of <i>public place</i>. <u><i>public place</i>, includes every place to which the public ordinarily have access, whether by payment of fee or not;.....</u></p>	<p>This amendment to the definition of <i>public place</i> in section 3 of the <i>Health Act 1911</i> effectively deletes the words “except in Part IXB” from the definition. Part IXB was deleted from the Act by the <i>Tobacco Products Control Act 2006</i>.</p>

<p>Clause 24. Health Services (Quality Improvement) Act 1994 amended</p>	<p><u>Section 12(2).</u> <u>(2) Without limiting subsection (1), for the purposes of section 354 of <i>The Criminal Code</i> —</u> <u>(a) any statement made orally or in writing by a member of a Committee in good faith and in the performance of the functions of a member;</u> <u>and</u> <u>(b) any report or other information published in good faith by the Committee,</u> <u>is to be taken to be published for the information of the public and for the discharge of public functions.</u></p>		<p>Section 12 of the <i>Health Services (Quality Improvement) Act 1994</i> is deleted because section 354 of <i>The Criminal Code</i> was deleted by the section 47 of the <i>Defamation Act 2005</i>. The subsection is therefore redundant in its entirety.</p>
<p>Clause 25. Hire-Purchase Act 1959 amended</p>	<p><u>Section 3(2)(e)(viii).</u> <u>(2) Every hire-purchase agreement —</u> <u>.....</u> <u>(e) shall set out in tabular form —</u> <u>.....</u> <u>(viii) the total of the amounts referred to in subparagraphs (i), (iii), (iv), (v), (vi),</u></p>	<p><u>Section 3(2)(e)(viii).</u> <u>(2) Every hire-purchase agreement —</u> <u>.....</u> <u>(e) shall set out in tabular form —</u> <u>.....</u> <u>(viii) the total of the amounts referred to in subparagraphs (i), (iii), (iv), (v), (vi)</u></p>	<p>Subparagraph (vii) of section 3 of the <i>Hire-Purchase Act 1959</i> was deleted by section 52 of the <i>Personal Property Securities (Consequential Repeals and Amendments) Act 2011</i>. Subparagraph (viiia) of section 3 of the <i>Hire-Purchase Act 1959</i> was deleted by section 39 of the <i>Revenue Laws Amendment and</i></p>

	(vii) and (viii) less the deposit (in this Act called and in the agreement to be described as amount financed);.....	less the deposit (in this Act called and in the agreement to be described as amount financed);.....	<i>Repeal Act 2004.</i> Accordingly, these subparagraphs are now deleted from subparagraph 3(2)(e)(viii) the Act.
Clause 26. Housing Act 1980 amended	Section 6(1). (1) <u>The body corporate constituted under the repealed Act by the name “The State Housing Authority” is preserved and continues in existence for the purposes of this Act as a body corporate retaining the same corporate name and corporate identity.</u>	Section 6(1). (1) <u>The body corporate constituted under the repealed Act by the name “The State Housing Authority” is preserved and continues in existence for the purposes of this Act as a body corporate retaining the same corporate identity.</u>	Section 6(1) of the Housing Act 1980 is effectively amended by the deletion of the words “corporate name and” from the section. The words deleted are redundant.
Clause 27. Interpretation Act 1984 amended	Section 13CA(2). (2) A reference in a written law to a named local government district is a reference to the local government district that has that name under the <i>Local Government Act 1995</i> . [Examples: “Perth local government district” refers to the local government district named Perth. “ <u>Albany</u> (Shire) local government district” refers to the local government district named <u>Albany</u> (Shire).]	Section 13CA(2). (2) A reference in a written law to a named local government district is a reference to the local government district that has that name under the <i>Local Government Act 1995</i> . [Examples: “Perth local government district” refers to the local government district named Perth. “ <u>Narrogin</u> (Shire) local government district” refers to the local government district named <u>Narrogin</u> (Shire).]	The Example presently refers to “Albany Shire”. However, this is not an appropriate example as Albany is a City. The reference to “Albany Shire” is amended to refer to “Narrogin Shire”.

<p>Clause 28. Marketing of Potatoes Act 1946 amended</p>	<p>Section 22(4)(d) and (e).</p> <p>(4) At the hearing of a charge of any offence against this section, evidence —</p> <p>.....</p> <p><u>(d) that the person charged did not produce to the inspector any sales docket, or as the case may be, any delivery note or relevant consignment advice from the grower; or</u></p> <p><u>(e) that the person charged did in fact produce to the inspector a sales docket, or delivery note or relevant consignment advice, but did not contain the prescribed information or that —</u></p> <p><u>(i) the sales docket, or delivery note or relevant consignment advice, did not purport to have been issued by or on behalf of the Corporation or the holder of a relevant permit under section 25; or</u></p> <p><u>(ii) it was not in fact</u></p>	<p>Section 22(4)(d) and (e).</p> <p>(4) At the hearing of a charge of any offence against this section, evidence —</p> <p>.....</p> <p><u>(d) either —</u></p> <p><u>(i) that the person charged did not produce to the inspector any sales docket, delivery note or relevant consignment advice from the grower; or</u></p> <p><u>(ii) that the person charged produced to the inspector a sales docket, delivery note or relevant consignment advice but —</u></p> <p><u>(I) it did not contain the prescribed information; or</u></p> <p><u>(II) it did not purport to have been issued by or on behalf of the Corporation or the holder of a relevant permit under section 25;</u></p>	<p>Subsections 22(4)(d) and (e) of the <i>Marketing of Potatoes Act 1946</i> are deleted and a new section 22(4)(d) is inserted containing the same evidentiary requirements but worded differently.</p>
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	<p><u>issued by or on behalf of the Corporation or the holder of a relevant permit under section 25; or</u></p> <p><u>(iii) if it did so purport or was so issued, the potatoes were not contained in any bags or other containers, or were not contained in bags or other containers branded or marked in accordance with particulars shown in the sales docket or delivery note or relevant consignment advice, or did not correspond with the description given in the sales docket or delivery note or relevant consignment advice,</u></p> <p><u>shall be deemed to be <i>prima facie</i> evidence that the person charged purchased, or as the case may be, took delivery of, the potatoes in a manner contravening the provisions of this Act.</u></p>	<p><u>or</u></p> <p><u>(III) it was not in fact issued by or on behalf of the Corporation or the holder of a relevant permit under section 25;</u></p> <p><u>or</u></p> <p><u>(IV) the potatoes were not contained in any bags or other containers, or were not contained in bags or other containers branded or marked in accordance with particulars shown in the sales docket or delivery note or relevant consignment advice, or did not correspond with the description given in the sales docket or delivery note or relevant consignment</u></p>	
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<p>Clause 29. Mining Act 1978 amended</p>	<p>Section 160AA. (1) A function that the LAA Minister has under a provision of this Act listed in the Table may be performed by a public service officer of the Department, as defined in the <i>Land Administration Act 1997</i> section 3(1), who is authorised in writing by the LAA Minister to do so. (2) Nothing in this section limits the ability of the LAA Minister to otherwise perform a function through an officer or agent.</p> <p style="text-align: center;">Table</p> <p>s. 24(3)(b), (5)(b), as the responsible Minister under s. 24(8) s. 25(2)(b), (3)(b) s. 26(2)(a) s. 55(1), (3), (4) s. 69C(1), (3), (4) s. 94J</p>	<p style="text-align: right;">advice,</p> <p>Section 160AA. (1) A function that the LAA Minister has under a provision of this Act listed in the Table may be performed by a public service officer of the Department, as defined in the <i>Land Administration Act 1997</i> section 3(1), who is authorised in writing by the LAA Minister to do so. (2) Nothing in this section limits the ability of the LAA Minister to otherwise perform a function through an officer or agent.</p> <p style="text-align: center;">Table</p> <p>s. 24(3)(b), (5)(b), as the responsible Minister under s. 24(8) s. 25(2)(b), (3)(b) s. 26(2)(a) s. 55(1), (3), (4) s. 69C(1), (3), (4)</p>	<p>Section 94J of the <i>Mining Act 1978</i> was deleted by section 33 of the <i>Acts Amendment and Repeal (Native Title) Act 1995</i>. The reference to section 94J in the Table to section 160AA is therefore redundant and is deleted from the Table.</p>
<p>Clause 30. Owner Drivers (Contracts and Disputes) Act 2007 amended</p>	<p>Section 3 definition of Council. In this Act, unless the contrary intention appears —</p> <p>....</p> <p>Council means the <u>Road Transport Freight Industry</u></p>	<p>Section 3 definition of Council. In this Act, unless the contrary intention appears —</p> <p>....</p> <p>Council means the <u>Road Freight Transport Industry</u></p>	<p>The definition of Council in section 3 of the <i>Owner Drivers (Contracts and Disputes) Act 2007</i> is amended to reflect the correct name of the relevant</p>

	<u>Council</u> established by section 17;	<u>Council</u> established by section 17;	Council.
Clause 31. <i>Petroleum Legislation Amendment and Repeal Act 2005</i> amended	Section 29(2). (2) Section 51 of the <i>Justices Act 1902</i> as in force immediately before the commencement of subsection (1) applies to an offence against the <i>Petroleum Pipelines Act 1969</i> committed before that commencement as if subsection (1) had not been enacted.		Section 29(2) of the <i>Petroleum Legislation Amendment and Repeal Act 2005</i> is a transitional provision referring to section 51 of the repealed <i>Justices Act 1902</i> . The subsection is no longer required and is repealed.
Clause 32. <i>Professional Standards Act 1997</i> amended	Section 34A(2). (2) <u>limitation</u> that applies under this Act to the occupational liability of a person as a member of an occupational association in respect of a cause of action (the <i>principal cause of action</i>) also applies, in respect of the principal cause of action and any related cause of action, to the liability of any other person to whom the scheme concerned applies as a partner, officer, employee or associate of the member (whether or not the other person's liability is an occupational liability).	Section 34A(2). (2) <u>A limitation</u> that applies under this Act to the occupational liability of a person as a member of an occupational association in respect of a cause of action (the <i>principal cause of action</i>) also applies, in respect of the principal cause of action and any related cause of action, to the liability of any other person to whom the scheme concerned applies as a partner, officer, employee or associate of the member (whether or not the other person's liability is an	Section 34A(2) of the <i>Professional Standards Act 1997</i> is amended to insert "A" at the commencement of the subsection. The amendment corrects a typographical error.

<p>Clause 33. Radiation Safety Act 1975 amended</p>	<p>Section 4 definitions of <i>seller</i>, <i>the repealed Acts</i> and <i>sell</i>. In this Act unless the context otherwise requires —</p> <p>.....</p> <p><u>sell</u>, without limiting the scope of the primary meaning, includes —</p> <p>(a) placing on the market for sale;</p> <p>(b) bargaining, barter, exchange, loaning or giving;</p> <p>(c) supply and use under a contract for work and materials;</p> <p>(d) dealing in, or agreeing, causing, permitting or attempting to sell or allowing to be sold;</p> <p>(e) offering, exposing, receiving, supplying or possessing for the purposes of sale;</p> <p>(f) sending or delivering for sale or on sale with or without consideration;</p> <p>(g) supply or disposal under hire purchase, credit sale or otherwise upon terms; and</p> <p>(h) wholesale, bulk, and retail trading.</p>	<p>occupational liability).</p> <p>Section 4 definitions of <i>seller</i>, <i>the repealed Acts</i> and <i>sell</i>. In this Act unless the context otherwise requires —</p> <p>.....</p> <p><u>sell</u>, without limiting the scope of the primary meaning, includes —</p> <p>(a) placing on the market for sale;</p> <p>(b) bargaining, barter, exchange, loaning or giving;</p> <p>(c) supply and use under a contract for work and materials;</p> <p>(d) dealing in, or agreeing, causing, permitting or attempting to sell or allowing to be sold;</p> <p>(e) offering, exposing, receiving, supplying or possessing for the purposes of sale;</p> <p>(f) sending or delivering for sale or on sale with or without consideration;</p> <p>(g) supply or disposal under hire purchase, credit sale or otherwise upon terms; and</p> <p>(h) wholesale, bulk, and retail trading.</p>	<p>The definitions of <i>seller</i> and <i>the repealed Acts</i> are deleted from section 4 of the <i>Radiation Safety Act 1975</i>. Additionally, because these definitions are deleted a full stop is inserted at the end of the definition of <i>sell</i>.</p> <p>The definitions of <i>seller</i> and <i>the repealed Acts</i> are deleted because the terms no longer appear in the Act.</p>
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	<p><u>and the concepts of sale and purchase shall be construed accordingly;</u> <u>seller includes any person acting or representing himself to be acting for a seller; and</u> <u>the repealed Acts means the Acts repealed by this Act pursuant to section 5.</u></p>	<p><u>and the concepts of sale and purchase shall be construed accordingly.</u></p>	
<p>Clause 34. Rail Safety Act 2010 amended</p>	<p>Section 40 Penalty paragraph. An accredited person must not fail to comply with a condition or restriction of accreditation applying under this Part. Penalty: (a) a fine of \$55 000; (b) for a second or subsequent offence, a fine of \$82 000.</p>	<p>Section 40 Penalty paragraph. An accredited person must not fail to comply with a condition or restriction of accreditation applying under this Part. Penalty: (a) <u>for a first offence</u>, a fine of \$55 000; (b) for a second or subsequent offence, a fine of \$82 000.</p>	<p>The additional words “for a first offence” are inserted into the penalty provision of section 40 to make it clear that the relevant fine relates only to a first offence under the Act.</p>
<p>Clause 35. Road Traffic Act 1974 amended</p>	<p>Section 22(5)(a) (5) An amount equal to the amounts credited to the Consolidated Account under subsections (1) and (4) shall be — (a) credited to the Main Roads Trust <u>Fund</u> maintained under the <i>Main Roads Act 1930</i>; and (b) charged to the Consolidated Account,</p>	<p>Section 22(5)(a) (5) An amount equal to the amounts credited to the Consolidated Account under subsections (1) and (4) shall be — (a) credited to the Main Roads Trust <u>Account</u> maintained under the <i>Main Roads Act 1930</i>; and (b) charged to the Consolidated Account,</p>	<p>Section 22(5)(a) of the <i>Road Traffic Act 1974</i> is amended to delete the word “Fund” and insert the word “Account”. The heading of the section is also amended to refer to “Account” rather than “Fund” The word “Account” is the correct term to use in this case.</p>

	and this subsection appropriates the Consolidated Account accordingly.	and this subsection appropriates the Consolidated Account accordingly.	
Clause 36. Road Traffic Legislation Amendment (Disqualification by Notice) Act 2010 amended	<p>Sections 12(2)(c), (5)(d) and (7)(b).</p> <p>.....</p> <p>(2) In section 76(1a):</p> <p>(a) delete “No” and insert: Subject to subsection (1B), no</p> <p>(b) in paragraph (f) delete “64(2)(a)” and insert: 64(2)(b)</p> <p><u>(c) after each of paragraphs (a) to (f) insert:</u> <u>or</u></p> <p>.....</p> <p>(5) In section 76(3):</p> <p>(a) delete “Subject to subsection (3a), the” and insert: The</p> <p>(b) in paragraph (e) delete “disqualification; and” and insert: disqualification,</p> <p>c) delete paragraph (f);</p> <p><u>(d) after each of paragraphs (a) to (d) insert:</u> <u>and</u></p> <p>.....</p>	<p>Sections 12(2)(c), (5)(d) and (7)(b).</p> <p>.....</p> <p>(2) In section 76(1a):</p> <p>(a) delete “No” and insert: Subject to subsection (1B), no</p> <p>(b) in paragraph (f) delete “64(2)(a)” and insert: 64(2)(b)</p> <p>.....</p> <p>(5) In section 76(3):</p> <p>(a) delete “Subject to subsection (3a), the” and insert: The</p> <p>(b) in paragraph (e) delete “disqualification; and” and insert: disqualification,</p> <p>c) delete paragraph (f);</p> <p>.....</p> <p>(7) In section 76(3b):</p> <p>(a) delete the passage that begins with “For” and ends with “hardship if ” and insert: Despite subsection (3),</p>	<p>Subsections 12(2)(c), (5)(d) and (7)(b) of the <i>Road Traffic Legislation Amendment (Disqualification by Notice) Act 2010</i> proposed to amend section 76 of the <i>Road Traffic Act 1974</i> to insert “or” or “and” at the end of each subparagraph. However, the amendments were effected by another Act and the subsections are now redundant and are deleted.</p>

	<p>(7) In section 76(3b): (a) delete the passage that begins with “For” and ends with “hardship if ” and insert: Despite subsection (3), the court shall not make an order directing the grant of an extraordinary licence unless it is satisfied that <u>(b) after paragraph (a) insert:</u> <u>or</u> </p>	<p>the court shall not make an order directing the grant of an extraordinary licence unless it is satisfied that </p>	
<p>Clause 37. Sentencing Act 1995 amended</p>	<p>Section 46(b). A court sentencing an offender may impose no sentence if it considers that — (a) the circumstances of the offence are trivial or technical; and (b) having regard to — (i) the offender’s character, antecedents, age, health and mental condition; and (ii) any other matter that the court thinks is proper to consider, <u>that it</u> is not just to impose any other sentencing option. Section 108(3).</p>	<p>Section 46(b). A court sentencing an offender may impose no sentence if it considers that — (a) the circumstances of the offence are trivial or technical; and (b) having regard to — (i) the offender’s character, antecedents, age, health and mental condition; and (ii) any other matter that the court thinks is proper to consider, <u>it</u> is not just to impose any other sentencing option. Section 108(3).</p>	<p>Section 46(b) of the <i>Sentencing Act 1995</i> is amended by deleting the word “that” where it appears near the end of the section. The word is deleted because it previously appears at the commencement of the section and is redundant.</p>

	<p>(3) The court must immediately send details of the offence and the order to the Secretary to the department administering the <u>Passports Act 1938</u> of the Commonwealth.</p> <p>Section 108(6).</p> <p>(6) <u>Passport offence</u> means an offence where —</p> <p>(a) a passport is used in the commission of the offence;</p> <p>(b) the commission of the offence is aided or facilitated by the use of a passport;</p> <p>(c) a passport is used after the commission of the offence to provide, or to attempt to provide, a means for the offender to leave the place of the commission of the offence;</p>	<p>(3) The court must immediately send details of the offence and the order to the Secretary to the department administering the <u>Australian Passports Act 2005</u> (Commonwealth).</p> <p>Section 108(6).</p> <p>(6) <u>In this subsection</u> <u>passport offence</u> means an offence where —</p> <p>(a) a passport is used in the commission of the offence;</p> <p>(b) the commission of the offence is aided or facilitated by the use of a passport;</p> <p>(c) a passport is used after the commission of the offence to provide, or to attempt to provide, a means for the offender to leave the place of the commission of the</p>	<p>The <i>Passports Act 1938</i> (Cth) was amended by the Australian <i>Passports (Transitional and Consequential) Act 2005</i> (Cth) and is now the <i>Foreign Passports (Law Enforcement and Security Act 2005</i> (Cth). Australian passports are now regulated under the Australian <i>Passports Act 2005</i> (Cth). Accordingly, the references in section 108(3) of the <i>Sentencing act 1995</i> are amended.</p> <p>The amendment to section 108(6) makes it clear that the term <i>passport offence</i> relates only to section 108 of the Sentencing Act 1995.</p>
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	<p>(d) a passport is used by the offender after the commission of the offence to avoid, or to attempt to avoid, apprehension.</p> <p>Schedule 1 Heading. <u>Person or fund</u> to which a fine under the Act is to be paid or credited</p> <p>item <u>Colleges Act 1978</u> The college that made the by-law under which the fine was imposed</p>	<p>offence; (d) a passport is used by the offender after the commission of the offence to avoid, or to attempt to avoid, apprehension.</p> <p>Schedule 1 Heading. <u>Person or account</u> to which a fine under the Act is to be paid or credited</p>	<p>The heading to column 2 of the Schedule is amended to refer to “account” rather than “fund” and the item relating to the <i>Colleges Act 1978</i> is deleted as that Act was repealed by the <i>Vocational Education and Training Act 1996</i></p>
<p>Clause 38. Sentencing Legislation Amendment and Repeal Act 2003 amended</p>	<p>Section 78. (1) <u>The amendments in this section are to the <i>Maritime Archaeology Act 1973</i>*</u>. (2) <u>Section 9(6) is amended by deleting the penalty clause and inserting the following penalty clause instead —</u> “ <u>Penalty: \$1 000.</u> ”.</p>		<p>Section 78 of the <i>Sentencing Legislation Amendment and Repeal Act 2003</i> has not yet been proclaimed. It is deleted as the current penalty in section 78 of the <i>Maritime Archaeology Act 1973</i> is to continue.</p>
<p>Clause 39. Standardisation of Formatting Act 2010 amended</p>	<p>Section 4 Table. <i>Fish Resources Management Act 1994</i> <u>Schedule 1</u> <u>Schedule 3</u></p>	<p>Section 4 Table. <i>Fish Resources Management Act 1994</i> Schedule 3</p>	<p>The <i>Standardisation of Formatting Act 2010</i> made amendments to Western Australian legislation so that all statutes were in a</p>

	<p><u>Occupational Safety and Health Act 1984</u> <u>Schedule</u> <u>[s. 60(5)]</u></p> <p><u>Security and Related Activities (Control) Act 1996</u> <u>Schedule 1</u></p> <p><u>Shipping and Pilotage Act 1967</u> <u>Schedule</u></p> <p>Section 51 Table. Item 14. Construction Industry Portable Paid Long Service</p>		<p>common format. However, in many cases the amendments proposed to be made by the Act were made prior to this by other legislation. For example, the reference to Schedule 1 of the <i>Occupational Safety and Health Act 1984</i> was amended by the <i>Occupational Safety and Health Legislation and Amendment Act 2009</i> before the <i>Standardisation of Formatting Act 2010</i> came into operation. Accordingly, the reference to this Act in the <i>Standardisation of Formatting Act 2010</i> is redundant and must be repealed. Similar circumstances apply to the other items of the Table of section 4.</p> <p>Schedule 1 of the <i>Security and Related Activities (Control) Act 1996</i> was deleted by the <i>Security and Related Activities (Control) Amendment Act 2008</i>.</p> <p>The Schedule of the <i>Shipping and Pilotage Act 1967</i> was deleted by the <i>Shipping and Pilotage Amendment Act 2006</i>.</p>
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	<p>Leave Act 1985 <u>Sch. cl. 1</u> <u>1. Notwithstanding</u> <i>amended to read</i> <u>1. Service prior to application</u> <u>Notwithstanding</u> <u>Sch. cl. 2</u> <u>2. (1) Notwithstanding</u> <i>amended to read</i> <u>2. Contributions for service</u> <u>prior to appointed day</u> <u>(1) Notwithstanding</u></p> <p>Section 51 Table. Item 31. Housing Act 1980. <u>s. 55(5)</u> <u>or on termination</u> <i>amended to read</i> <u>or (ii) on termination</u></p> <p>Section 52(4) Table. <u>s. 21(1)(1)(a) Where</u> <i>amended to read</i> <u>(1A) Where</u> <u>(b) The Minister</u> <i>amended to read</i> <u>(1B) The Minister</u></p>		<p>This amendment to the <i>Construction Industry Portable Paid Long Service Leave Act 1985</i> was preciously effected by the <i>Labour Relations Legislation Amendment Act 2006</i>. It is deleted as redundant.</p> <p>The reference to the amendment of section 55(5) of <i>the Housing Act 1980</i> in item 31 is deleted as it is redundant.</p> <p>These amendments to the <i>Bush Fires 1954</i> are deleted as they are redundant.</p>
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	<p><u>s. 21(2)(2)(a) Subject amended to read</u> <u>(2A) Subject</u> <u>(b) Permission under this subsection amended to read</u> <u>(2B) Permission under subsection (2A)</u></p> <p><u>s. 21(3)(3)(a) During amended to read</u> <u>(3A) During subsection (1) amended to read</u> <u>subsection (1A)</u> <u>(3B) Where</u> <u>(b) Where amended to read</u> <u>(3B) Where</u></p> <p>.....</p> <p><u>s. 39(2) (2)(a) Where amended to read</u> <u>(2) Where</u></p> <p>Section 52(4) Table</p> <p>.....</p> <p><u>s. 44(3) (3)(a) Where amended to read</u> <u>(3) Where</u></p> <p>Section 52(4) Table</p> <p>...</p> <p><u>s. 45 (a) Where</u></p>		<p>This amendment to the <i>Bush Fires 1954</i> is deleted as it is redundant.</p> <p>These amendments to the <i>Bush</i></p>
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	<p><u>amended to read</u> <u>(1) Where</u> <u>(b) Where</u> <u>amended to read</u> <u>(2) Where</u> s. 47 section 39(2)(a) <u>amended to read</u> section 39(2)</p> <p>Section 52(4) Table s. 64 section 21(2), <u>amended to read</u> section 21(2A) and (2B), section 38(5). <u>amended to read</u> section 38(5A) or (5B).</p>		<p><i>Fires 1954</i> are deleted as they are redundant.</p> <p>This amendment to the <i>Bush Fires 1954</i> is deleted as it is redundant.</p> <p>These amendments to the <i>Bush Fires 1954</i> are deleted as they are redundant.</p>
<p>Clause 40. Superannuation Act 2000 amended</p>	<p>Section 30(2). (2) An Employer may make superannuation contributions for persons who work for the Employer to a superannuation fund or scheme other than — (a) a scheme under this Act; or (b) a superannuation scheme or fund</p>	<p>Section 30(2). (2) An Employer may make superannuation contributions for persons who work for the Employer to a superannuation fund or scheme other than — (a) a scheme under this Act; or (b) a superannuation scheme or fund</p>	<p>The subsection is amended by deleting the words “and only if” near the end. The words are not appropriate having regard to the fact that the Treasurer may approve alternative schemes.</p>

	<p>established in accordance with subsection (1); or</p> <p>(c) a superannuation scheme or fund established before 28 December 1989, if <u>and only if</u> the Treasurer has approved the making of those contributions.</p>	<p>established in accordance with subsection (1); or</p> <p>(c) a superannuation scheme or fund established before 28 December 1989, if the Treasurer has approved the making of those contributions.</p>	
<p>Clause 41. State Trading Concerns Act 1916 amended</p>	<p><u>Section 8(2).</u> <u>(2) Such contributions shall be paid to the trustees appointed by the Governor for the administration of the State Sinking Fund as the Treasurer shall direct.</u></p> <p><u>Section 26.</u> <u>The proceeds of the sale of any assets of a trading concern shall be applied in reduction of the capital of such concern, and in the books of the Treasury the proceeds shall be credited to the Government Property Sales Fund.</u></p>		<p>Sections 8(2) and 26 are deleted as these matters are now subject to the <i>Financial Management Act 2006</i>.</p>
<p>Clause 42. Transport Co-ordination Act 1966 amended</p>	<p><u>Section 4(1) definition of owner.</u> <u>owner</u>, in relation to a vehicle, includes every person who —</p> <p>(a) is the owner or a co-</p>	<p><u>Section 4(1) definition of owner.</u> <u>owner</u>, in relation to a vehicle, includes every person who —</p> <p>(a) is the owner or a co-</p>	<p>The words “a person who” are deleted from paragraph (ab) as these words are already used at</p>

	<p>owner of the vehicle; (aa) is the purchaser or hirer of the vehicle under a contract that for the purposes of the <i>Credit Act 1984</i> is a credit sale contract to which that Act applies or who is the debtor under an agreement that pursuant to that Act is deemed to be a credit sale contract to which that Act applies; (ab) <u>a person who</u> is the purchaser or hirer of a vehicle under a contract that for the purposes of the <i>National Credit Code</i> (Commonwealth) is a credit contract, or is to be regarded as a credit contract, to which that Code applies; (b) has the use of the vehicle under a hiring, lease or hire-purchase agreement, but does not include an unpaid vendor of the vehicle under a hire-purchase agreement;</p>	<p>owner of the vehicle; (aa) is the purchaser or hirer of the vehicle under a contract that for the purposes of the <i>Credit Act 1984</i> is a credit sale contract to which that Act applies or who is the debtor under an agreement that pursuant to that Act is deemed to be a credit sale contract to which that Act applies; (ab) is the purchaser or hirer of a vehicle under a contract that for the purposes of the <i>National Credit Code</i> (Commonwealth) is a credit contract, or is to be regarded as a credit contract, to which that Code applies; (b) has the use of the vehicle under a hiring, lease or hire-purchase agreement, but does not include an unpaid vendor of the vehicle under a hire-purchase agreement;</p>	<p>the beginning of the provision and these latter words are therefore redundant.</p>
<p>Clause 43. Warehousemen's Liens Act 1953 amended</p>	<p><u>Section 13.</u> The Governor may make rules</p>	<p><u>Section 13.</u> The Governor may make rules</p>	<p>Section 13 of the</p>

	and prescribe forms to regulate applications to the Magistrates Court under section 7 and payments into court under <u>section 9</u> and otherwise to regulate proceedings and prescribe fees under those sections and to carry those sections into effect.	and prescribe forms to regulate applications to the Magistrates Court under section 7 and payments into court under <u>section 10(2A)</u> and otherwise to regulate proceedings and prescribe fees under those sections and to carry those sections into effect.	Warehousemen's Liens act 1952 is amended to replace the words "section 9" with the words "section 10(2A)" as this is the correct cross-reference.
Clause 44. Conservation Act amended	Wildlife Act 1950	Section 16. (1) Subject to subsection (3), a person who infringes the protection conferred by <u>subsection (1)</u> or declared pursuant to section 14(2) to (5), by taking fauna while protected, otherwise than by — (a) the authority of a licence issued pursuant to the provisions of section 15; or (b) the authority of the provisions of section 17(2)(c), or of section 23, commits an offence against this Act.	Section 16. (1) Subject to subsection (3), a person who infringes the protection conferred by <u>section 14(1)</u> or declared pursuant to section 14(2) to (5), by taking fauna while protected, otherwise than by — (a) the authority of a licence issued pursuant to the provisions of section 15; or (b) the authority of the provisions of section 17(2)(c), or of section 23, commits an offence against this Act.
			Section 16(1) of the Wildlife Conservation Act is amended to insert the correct cross-reference of section 14(1).