

**Statutes (Repeals and Minor Amendments)
Bill 2013**

Contents

Part 1 — Preliminary		
1.	Short title	2
2.	Commencement	2
Part 2 — Repeal		
3.	<i>Year 2000 Information Disclosure Act 1999</i> repealed	3
Part 3 — Amendments		
Division 1 — Amendments reflecting the abolition of Local Courts		
4.	<i>Genetically Modified Crops Free Areas Act 2003</i> amended	4
5.	<i>Residential Tenancies Act 1987</i> amended	4
Division 2 — Amendments adopting the terminology of the <i>Criminal Procedure Act 2004</i>		
6.	<i>Criminal Investigation (Identifying People) Act 2002</i> amended	4
7.	<i>Petroleum (Submerged Lands) Act 1982</i> amended	5
8.	<i>Petroleum and Geothermal Energy Resources Act 1967</i> amended	5
9.	<i>Petroleum Pipelines Act 1969</i> amended	5
10.	<i>Water Efficiency Labelling and Standards Act 2006</i> amended	5

	Division 3 — Amendments reflecting changes in nomenclature	
	Subdivision 1 — Registrar of the Mentally Impaired Accused Review Board	
11.	<i>Electoral Act 1907</i> amended	6
12.	<i>Guardianship and Administration Act 1990</i> amended	7
13.	<i>Mental Health Act 1996</i> amended	7
	Subdivision 2 — Professional accountancy bodies	
14.	<i>Commercial Tenancy (Retail Shops) Agreements Act 1985</i> amended	7
15.	<i>Legal Profession Act 2008</i> amended	8
	Subdivision 3 — Other changes in nomenclature	
16.	<i>Geraldton Sailors and Soldiers' Memorial Institute Act 1929</i> amended	8
	Division 4 — Miscellaneous amendments	
17.	<i>Bush Fires Act 1954</i> amended	8
18.	<i>Children and Community Services Act 2004</i> amended	9
19.	<i>Co-operatives Act 2009</i> amended	9
20.	<i>Credit Act 1984</i> amended	9
21.	<i>Fair Trading Act 1987</i> amended	10
22.	<i>Guardianship and Administration Act 1990</i> amended	10
23.	<i>Health Act 1911</i> amended	11
24.	<i>Health Services (Quality Improvement) Act 1994</i> amended	11
25.	<i>Hire-Purchase Act 1959</i> amended	11
26.	<i>Housing Act 1980</i> amended	11
27.	<i>Interpretation Act 1984</i> amended	12
28.	<i>Marketing of Potatoes Act 1946</i> amended	12
29.	<i>Mining Act 1978</i> amended	13
30.	<i>Owner-Drivers (Contracts and Disputes) Act 2007</i> amended	13
31.	<i>Petroleum Legislation Amendment and Repeal Act 2005</i> amended	14
32.	<i>Professional Standards Act 1997</i> amended	14
33.	<i>Radiation Safety Act 1975</i> amended	14
34.	<i>Rail Safety Act 2010</i> amended	14
35.	<i>Road Traffic Act 1974</i> amended	15

36.	<i>Road Traffic Legislation Amendment (Disqualification by Notice) Act 2010</i> amended	15
37.	<i>Sentencing Act 1995</i> amended	15
38.	<i>Sentencing Legislation Amendment and Repeal Act 2003</i> amended	16
39.	<i>Standardisation of Formatting Act 2010</i> amended	16
40.	<i>State Superannuation Act 2000</i> amended	17
41.	<i>State Trading Concerns Act 1916</i> amended	18
42.	<i>Transport Co-ordination Act 1966</i> amended	18
43.	<i>Warehousemen's Liens Act 1952</i> amended	18
44.	<i>Wildlife Conservation Act 1950</i> amended	18

Western Australia

LEGISLATIVE COUNCIL

**Statutes (Repeals and Minor Amendments)
Bill 2013**

A Bill for

An Act to amend the statute law by repealing or amending various enactments.

The Parliament of Western Australia enacts as follows:

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Part 1 — Preliminary

1. Short title

This is the *Statutes (Repeals and Minor Amendments) Act 2013*.

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

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Part 2 — Repeal

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3. *Year 2000 Information Disclosure Act 1999* repealed

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The *Year 2000 Information Disclosure Act 1999* is repealed.

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Part 3 — Amendments

**Division 1 — Amendments reflecting the abolition of
Local Courts**

4. *Genetically Modified Crops Free Areas Act 2003* amended

(1) This section amends the *Genetically Modified Crops Free Areas Act 2003*.

(2) In section 9(4) delete “a Local Court” and insert:

the Magistrates Court

5. *Residential Tenancies Act 1987* amended

(1) This section amends the *Residential Tenancies Act 1987*.

(2) In section 15(2)(d) delete “a local court” and insert:

the Magistrates Court

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

**6. *Criminal Investigation (Identifying People)
Act 2002* amended**

(1) This section amends the *Criminal Investigation (Identifying People) Act 2002*.

(2) In section 3(2)(a) delete “made or sworn a complaint in respect” and insert:

commenced a prosecution

- 1 **7. *Petroleum (Submerged Lands) Act 1982* amended**
- 2 (1) This section amends the *Petroleum (Submerged Lands)*
3 *Act 1982*.
- 4 (2) In section 137A(1) delete “the complaint” and insert:
5
- 6 the charge of the offence
7
- 8 **8. *Petroleum and Geothermal Energy Resources Act 1967***
9 **amended**
- 10 (1) This section amends the *Petroleum and Geothermal Energy*
11 *Resources Act 1967*.
- 12 (2) In section 126A(1) delete “the complaint” and insert:
13
- 14 the charge of the offence
15
- 16 **9. *Petroleum Pipelines Act 1969* amended**
- 17 (1) This section amends the *Petroleum Pipelines Act 1969*.
- 18 (2) In section 66BB(1) delete “the complaint” and insert:
19
- 20 the charge of the offence
21
- 22 **10. *Water Efficiency Labelling and Standards Act 2006* amended**
- 23 (1) This section amends the *Water Efficiency Labelling and*
24 *Standards Act 2006*.
- 25 (2) In section 40A(1)(b) delete “complaint” and insert:
26
- 27 charge
28
-

1 **Division 3 — Amendments reflecting changes in nomenclature**

2 **Subdivision 1 — Registrar of the Mentally Impaired Accused**
3 **Review Board**

4 **11. Electoral Act 1907 amended**

5 (1) This section amends the *Electoral Act 1907*.

6 (2) In section 59(1) delete the definition of *secretary, Mentally*
7 *Impaired Accused Review Board*.

8 (3) In section 59(1) insert in alphabetical order:

9

10 *registrar, MIARB* means the registrar of the Mentally
11 Impaired Accused Review Board established under the
12 *Criminal Law (Mentally Impaired Accused) Act 1996*;

13

14 (4) In section 59(1) in the definition of *required information* delete
15 “sex;” and insert:

16

17 sex.

18

19 (5) In section 59(2)(b) and (3)(b) delete “secretary, Mentally
20 Impaired Review Board” and insert:

21

22 registrar, MIARB

23

1 **12. *Guardianship and Administration Act 1990* amended**

2 (1) This section amends the *Guardianship and Administration*
3 *Act 1990*.

4 (2) In section 98(1) delete “secretary” and insert:

5

6 registrar

7

8 **13. *Mental Health Act 1996* amended**

9 (1) This section amends the *Mental Health Act 1996*.

10 (2) In section 44 delete “secretary” and insert:

11

12 registrar

13

14 (3) In section 94(1) delete “secretary” and insert:

15

16 registrar

17

18 **Subdivision 2 — Professional accountancy bodies**

19 **14. *Commercial Tenancy (Retail Shops) Agreements***
20 ***Act 1985* amended**

21 (1) This section amends the *Commercial Tenancy (Retail Shops)*
22 *Agreements Act 1985*.

23 (2) In section 3 in the definition of **accountant** delete
24 paragraphs (b) and (c) and insert:

25

26 (b) CPA Australia Ltd; or

27 (c) the Institute of Public Accountants;

28

1 **15. *Legal Profession Act 2008* amended**

2 (1) This section amends the *Legal Profession Act 2008*.

3 (2) In section 3 in the definition of **accountant** paragraph (c) delete
4 “National Institute of Accountants” and insert:

5

6 Institute of Public Accountants

7

8 **Subdivision 3 — Other changes in nomenclature**

9 **16. *Geraldton Sailors and Soldiers’ Memorial Institute***
10 ***Act 1929* amended**

11 (1) This section amends the *Geraldton Sailors and Soldiers’*
12 *Memorial Institute Act 1929*.

13 (2) In section 6(2) delete “the Returned Sailors’ Soldiers’ and
14 Airmen’s Imperial League of Australia” and insert:

15

16 the Returned & Services League of Australia WA Branch
17 Incorporated

18

19 **Division 4 — Miscellaneous amendments**

20 **17. *Bush Fires Act 1954* amended**

21 (1) This section amends the *Bush Fires Act 1954*.

22 (2) In section 38(14) delete “this”.

23 (3) In section 38(18):

24 (a) delete “(i) during” and insert:

25

26 (a) during

27

1 (b) delete “(ii) during” and insert:

2

3 (b) during

4

5 (4) In section 44 delete “(3)(a) Subject” and insert:

6

7 (3) Subject

8

9 **18. *Children and Community Services Act 2004* amended**

10 (1) This section amends the *Children and Community Services*
11 *Act 2004*.

12 (2) In section 125A(3B) delete “Minister for Public Sector
13 Management,” and insert:

14

15 Public Service Commissioner,

16

17 **19. *Co-operatives Act 2009* amended**

18 (1) This section amends the *Co-operatives Act 2009*.

19 (2) In section 188(5) delete “subregulation (4)” and insert:

20

21 subsection (4)

22

23 **20. *Credit Act 1984* amended**

24 (1) This section amends the *Credit Act 1984*.

25 (2) In section 19B(2)(a) and (b) delete “[reference date],” and
26 insert:

27

28 1 July 2010,

1

2 **21. *Fair Trading Act 1987* amended**

3 (1) This section amends the *Fair Trading Act 1987*.

4 (2) In section 3C(3) delete “subsection (3)” and insert:

5

6 subsection (2)

7

8 **22. *Guardianship and Administration Act 1990* amended**

9 (1) This section amends the *Guardianship and Administration*
10 *Act 1990*.

11 (2) In section 45(2)(d) delete “subsection (4),” and insert:

12

13 subsection (4A),

14

15 (3) In section 45 delete “(4) A plenary guardian cannot” and insert:

16

17 (4A) A plenary guardian cannot

18

19 (4) In section 76(3) delete “sections 50 and 53” and insert:

20

21 section 50

22

23 (5) In section 110G(1) delete “section 45(3) and (4),” and insert:

24

25 section 45(3), (4A) and (4),

26

1 **23. *Health Act 1911* amended**

2 (1) This section amends the *Health Act 1911*.

3 (2) In section 3(1) delete the definition of **public place** and insert:

4

5 **public place** includes every place to which the public
6 ordinarily have access, whether by payment of fee or
7 not;

8

9 **24. *Health Services (Quality Improvement) Act 1994* amended**

10 (1) This section amends the *Health Services (Quality Improvement)*
11 *Act 1994*.

12 (2) Delete section 12(2).

13 **25. *Hire-Purchase Act 1959* amended**

14 (1) This section amends the *Hire-Purchase Act 1959*.

15 (2) In section 3(2)(e)(viii) delete “subparagraphs (i), (iii), (iv), (v),
16 (vi), (vii) and (viii)” and insert:

17

18 subparagraphs (i), (iii), (iv), (v) and (vi)

19

20 **26. *Housing Act 1980* amended**

21 (1) This section amends the *Housing Act 1980*.

22 (2) Delete section 6(1) and insert:

23

24 (1) The body corporate constituted under the repealed Act
25 by the name “The State Housing Commission” is
26 preserved and continues in existence for the purposes
27 of this Act as a body corporate retaining the same
28 corporate identity.

29

1 **27. *Interpretation Act 1984* amended**

2 (1) This section amends the *Interpretation Act 1984*.

3 (2) In section 13CA(2) in the Examples:

4 (a) delete ““Albany” and insert:

5

6 “Narrogin

7

8 (b) delete “Albany” and insert:

9

10 Narrogin

11

12 **28. *Marketing of Potatoes Act 1946* amended**

13 (1) This section amends the *Marketing of Potatoes Act 1946*.

14 (2) Delete section 22(4)(d) and (e) and insert:

15

16 (d) either —

17 (i) that the person charged did not produce
18 to the inspector any sales docket,
19 delivery note or relevant consignment
20 advice from the grower; or

21 (ii) that the person charged produced to the
22 inspector a sales docket, delivery note
23 or relevant consignment advice but —

24 (I) it did not contain the prescribed
25 information; or

26 (II) it did not purport to have been
27 issued by or on behalf of the
28 Corporation or the holder of a
29 relevant permit under
30 section 25; or

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- (III) it was not in fact issued by or on behalf of the Corporation or the holder of a relevant permit under section 25; or
- (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 advice,

18 **29. *Mining Act 1978* amended**

- 19 (1) This section amends the *Mining Act 1978*.
- 20 (2) In section 160AA in the Table delete “s. 94J”.

21 **30. *Owner-Drivers (Contracts and Disputes) Act 2007* amended**

- 22 (1) This section amends the *Owner-Drivers (Contracts and*
23 *Disputes) Act 2007*.
- 24 (2) In section 3 in the definition of **Council** delete “Road Transport
25 Freight Industry Council” and insert:

26
27
28

Road Freight Transport Industry Council

1 **31. *Petroleum Legislation Amendment and Repeal***
2 ***Act 2005 amended***

3 (1) This section amends the *Petroleum Legislation Amendment and*
4 *Repeal Act 2005*.

5 (2) Delete section 29(2).

6 **32. *Professional Standards Act 1997 amended***

7 (1) This section amends the *Professional Standards Act 1997*.

8 (2) In section 34A(2) delete “limitation” and insert:
9

10 A limitation
11

12 **33. *Radiation Safety Act 1975 amended***

13 (1) This section amends the *Radiation Safety Act 1975*.

14 (2) In section 4 delete the definitions of:

15 *seller*

16 *the repealed Acts*

17 (3) In section 4 in the definition of *sell* delete “accordingly;” and
18 insert:
19

20 accordingly.
21

22 **34. *Rail Safety Act 2010 amended***

23 (1) This section amends the *Rail Safety Act 2010*.

24 (2) In section 40 in the Penalty paragraph (a) before “a fine” insert:
25

26 for a first offence,
27

1 **35. Road Traffic Act 1974 amended**

2 (1) This section amends the *Road Traffic Act 1974*.

3 (2) In section 22(5)(a) delete “Fund” and insert:

4

5 Account

6

7 Note: The heading to amended section 22 is to read:

8

**Certain fees and charges to be credited to Main Roads Trust
Account**

9

10 **36. Road Traffic Legislation Amendment (Disqualification by**
11 **Notice) Act 2010 amended**

12 (1) This section amends the *Road Traffic Legislation Amendment*
13 *(Disqualification by Notice) Act 2010*.

14 (2) Delete section 12(2)(c), (5)(d) and (7)(b).

15 **37. Sentencing Act 1995 amended**

16 (1) This section amends the *Sentencing Act 1995*.

17 (2) In section 46(b) delete “that it” and insert:

18

19 it

20

21 (3) In section 108(3) delete “the *Passports Act 1938* of the
22 Commonwealth.” and insert:

23

24 the *Australian Passports Act 2005* (Commonwealth).

25

26 (4) In section 108(6) delete “*Passport offence*” and insert:

27

28 In this subsection —

29 *passport offence*

30

- 1 (5) In Schedule 1:
- 2 (a) in the heading column 2 delete “**Person or fund**” and
- 3 insert:
- 4
- 5 **Person or account**
- 6
- 7 (b) delete the row relating to:
- 8 *Colleges Act 1978*
- 9 **38. *Sentencing Legislation Amendment and Repeal Act 2003***
- 10 **amended**
- 11 (1) This section amends the *Sentencing Legislation Amendment and*
- 12 *Repeal Act 2003*.
- 13 (2) Delete section 78.
- 14 **39. *Standardisation of Formatting Act 2010* amended**
- 15 (1) This section amends the *Standardisation of Formatting*
- 16 *Act 2010*.
- 17 (2) In section 4 in the Table:
- 18 (a) in the row relating to the *Fish Resources Management*
- 19 *Act 1994* Schedule 1 delete “Schedule 1”;
- 20 (b) delete the row relating to the *Occupational Safety and*
- 21 *Health Act 1984*;
- 22 (c) delete the row relating to the *Security and Related*
- 23 *Activities (Control) Act 1996*;
- 24 (d) delete the row relating to the *Shipping and Pilotage*
- 25 *Act 1967*.
- 26 (3) In section 51 in the Table delete item 14.

- 1 (4) In section 51 in the Table in item 31 in the row relating to
2 section 55(5):
- 3 (a) in column 2 delete “or on termination”;
- 4 (b) in column 3 delete “or (ii) on termination”.
- 5 (5) In section 52(4) in the Table delete the rows relating to
6 sections 21(1), (2) and (3) and 39(2).
- 7 (6) In section 52(4) in the Table in the row relating to section 44(3):
- 8 (a) in column 2 delete “(3)(a) Where”;
- 9 (b) in column 3 delete “(3) Where”.
- 10 (7) In section 52(4) in the Table delete the rows relating to
11 sections 45 and 47.
- 12 (8) In section 52(4) in the Table in the row relating to section 64:
- 13 (a) in column 2 delete “section 21(2),”;
- 14 (b) in column 3 delete “section 21(2A) and (2B),”.

15 **40. *State Superannuation Act 2000* amended**

- 16 (1) This section amends the *State Superannuation Act 2000*.
- 17 (2) Delete section 30(2) and insert:
- 18
- 19 (2) An Employer may make superannuation contributions
20 for persons who work for the Employer to a
21 superannuation fund or scheme other than —
- 22 (a) a scheme under this Act; or
- 23 (b) a superannuation scheme or fund established in
24 accordance with subsection (1); or
- 25 (c) a superannuation scheme or fund established
26 before 28 December 1989,
- 27 if the Treasurer has approved the making of those
28 contributions.
29

1 **41. *State Trading Concerns Act 1916* amended**

2 (1) This section amends the *State Trading Concerns Act 1916*.

3 (2) Delete section 8(2).

4 (3) Delete section 26.

5 **42. *Transport Co-ordination Act 1966* amended**

6 (1) This section amends the *Transport Co-ordination Act 1966*.

7 (2) In section 4(1) in the definition of *owner* paragraph (ab) delete
8 “a person who”.

9 **43. *Warehousemen’s Liens Act 1952* amended**

10 (1) This section amends the *Warehousemen’s Liens Act 1952*.

11 (2) In section 13 delete “section 9” and insert:

12

13 section 10(2A)

14

15 **44. *Wildlife Conservation Act 1950* amended**

16 (1) This section amends the *Wildlife Conservation Act 1950*.

17 (2) In section 16(1) delete “subsection (1)” and insert:

18

19 section 14(1)

20

21
