

Statutes (Repeals and Minor Amendments) Bill 2008

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Western Australia

LEGISLATIVE COUNCIL

**Statutes (Repeals and Minor Amendments)
Bill 2008**

A Bill for

**An Act to amend the statute law by repealing various written laws
and making minor amendments to various other written laws and
for related purposes.**

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Statutes (Repeals and Minor Amendments) Act 2008*.

5 **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 the day after that day.

Part 2 — Repeals

3. Various written laws repealed

(1) These Acts are repealed —

- (a) *Census Act 1891*;
- 5 (b) *Co-opted Medical and Dental Services for the Northern Portion of the State Act 1951*;
- (c) *Fairbridge Farm School Act 1948*;
- (d) *Friendly Societies' Association of Kalgoorlie Investment Validation Act 1919*;
- 10 (e) *Liquefied Petroleum Gas Subsidy Act 1980*;
- (f) *Members of Parliament, (Legislative Council) Retirement Act 1964*;
- (g) *Miscellaneous Regulations (Validation) Act 1985*;
- (h) *Petroleum Products Subsidy Act 1965*;
- 15 (i) *The City Club Act 1965*;
- (j) *Uniforms Act 1895*;
- (k) *White Phosphorus Matches Prohibition Act 1912*;
- (l) *Workmen's Wages Act 1898*.

(2) This subsidiary legislation is repealed —

- 20 (a) *Dampier to Bunbury Pipeline Regulations 1998*;
- (b) *Gas Pipelines Access (Privatized DBNGP System) (Transitional) Regulations 1999*.

4. Acts presumed to have been repealed

25 It is declared that these Acts were repealed by the *Local Government (Superannuation) Legislation Amendment Act 1994* —

- (a) *City of Perth Scheme for Superannuation (Amendments Authorisation) Act 1941*;

s. 4

- (b) *City of Perth Scheme for Superannuation (Amendments Authorisation) Act 1946;*
- (c) *City of Perth Scheme for Superannuation (Amendments Authorisation) Act 1947;*
- 5 (d) *City of Perth Scheme for Superannuation (Amendments Authorisation) Act 1949;*
- (e) *City of Perth Scheme for Superannuation (Amendments Authorisation) Act 1954;*
- 10 (f) *City of Perth Scheme for Superannuation (Amendments Authorisation) Act 1956;*
- (g) *City of Perth Scheme for Superannuation (Amendments Authorisation) Act 1958.*

Part 3 — Amendments

5. *Aboriginal Heritage Act 1972* amended

- (1) The amendments in this section are to the *Aboriginal Heritage Act 1972*.
- 5 (2) Section 57(4) is amended by deleting “Consolidated Fund.” and inserting instead —
 “ Consolidated Account. ”.

6. *Adoption Act 1994* amended

- (1) The amendments in this section are to the *Adoption Act 1994*.
- 10 (2) Section 119 is amended by deleting “section 211(1)” and inserting instead —
 “ section 209A ”.

7. *Armada Redevelopment Act 2001* amended

- 15 (1) The amendments in this section are to the *Armada Redevelopment Act 2001*.
- (2) Section 17(8)(a) is amended by deleting “that section” and inserting instead —
 “ those sections ”.

8. *Commissioner for Children and Young People Act 2006* amended

- 20 (1) The amendments in this section are to the *Commissioner for Children and Young People Act 2006*.
- (2) Section 5 is amended by inserting in the appropriate alphabetical position —
 25 “
 “advisory committee” means an advisory committee or reference group established under s. 52(1) or (2);
 ”.

s. 8

(3) Section 8(1) is amended by deleting “his”.

(4) Section 8(2) is amended as follows:

(a) in paragraph (a) by deleting “his”;

(b) in paragraph (b) by inserting after “himself” —
“ or herself ”;

(c) in paragraph (c) by inserting after “his” —
“ or her ”;

(d) by deleting “he may suspend the Commissioner from his office.” and inserting instead —

“

the Governor may suspend the Commissioner from office.

”.

(5) Section 8(3) is amended as follows:

(a) by deleting from “When” to “he shall be” and inserting instead —

“

If the Commissioner has been suspended from office under subsection (2) the Commissioner is to be

”;

(b) in paragraph (a) by deleting “his” and inserting instead —

“ the ”;

(c) in paragraph (b) by deleting “his removal.” and inserting instead —

“ the removal of the Commissioner. ”.

(6) Section 19 is amended as follows:

(a) by deleting paragraph (m);

(b) at the end of paragraph (o) by deleting the full stop and inserting a semicolon instead;

(c) after paragraph (o) by inserting —

“

(p) to perform any other function conferred on the
Commissioner by or under this Act or any other
written law.

”.

(7) Section 22(3) is amended by deleting “written”.

(8) Section 52(3) is amended as follows:

(a) by deleting “and reference groups”;

(b) by deleting “children.” and inserting instead —

“ children and young people. ”.

(9) Section 53 is repealed.

(10) Section 54(1) is amended by deleting “Subject to section 52(2),
the” and inserting instead —

“ The ”.

9. *Corruption and Crime Commission Act 2003* amended

(1) The amendments in this section are to the *Corruption and
Crime Commission Act 2003*.

(2) Sections 91(5) and 203(3) are amended by deleting “that
Division.” and inserting instead —

“ that Part. ”.

10. *Country Areas Water Supply Act 1947* amended

(1) The amendment in this section is to the *Country Areas Water
Supply Act 1947*.

(2) The heading to Part VIII is amended by deleting “and
regulations”.

s. 11

11. *Credit (Administration) Act 1984* amended

- (1) The amendments in this section are to the *Credit (Administration) Act 1984*.
- (2) Section 32(7) is amended by deleting “Part, person” and inserting instead —
- 5 “ Part, the person ”.

12. *Criminal and Found Property Disposal Act 2006* amended

- (1) The amendments in this section are to the *Criminal and Found Property Disposal Act 2006*.
- 10 (2) The provisions listed in the Table to this subsection are amended by deleting “Consolidated Fund” and inserting instead —
- “ Consolidated Account ”.

Table

s. 18(1)(c), (d)(i)	s. 29(1), (2)(a)(ii), (3)(c)
s. 19(1)(d)(i)	

15 **13. *East Perth Redevelopment Act 1991* amended**

- (1) The amendments in this section are to the *East Perth Redevelopment Act 1991*.
- (2) Section 19(8)(a) is amended by deleting “that section” and inserting instead —
- 20 “ those sections ”.

14. *Electricity Industry Act 2004* amended

- (1) The amendments in this section are to the *Electricity Industry Act 2004*.

(2) Section 90 is amended in the definition of “licensee” by inserting after “holder of” —

“ a ”.

(3) Section 126(5)(a) and (b) are amended by deleting
5 “circumstances losses” and inserting instead —

“ circumstances, losses ”.

15. *Employers’ Indemnity Supplementation Fund Act 1980* amended

(1) The amendments in this section are to the *Employers’ Indemnity
10 Supplementation Fund Act 1980*.

(2) Section 6A(1) is amended by deleting “credit of the Account” and inserting instead —

“ credit of the Fund ”.

(3) Section 6A(2) is amended by deleting “Account to make up” and inserting instead —
15

“ Fund to make up ”.

16. *Energy Legislation Amendment Act 2003* amended

(1) The amendments in this section are to the *Energy Legislation
Amendment Act 2003*.

(2) Sections 109(4) and (5), 110(4) and 111 are repealed.
20

17. *Family Court Act 1997* amended

(1) The amendments in this section are to the *Family Court
Act 1997*.

s. 18

(2) Section 33(3)(d) and “or” after it are deleted and the following is inserted instead —

“

(d) an excluded child order, as defined in subsection (3a); or

”.

(3) After section 33(3) the following subsection is inserted —

“

(3a) In subsection (3)(d) —

“excluded child order” means —

(a) a parenting order to the extent that it provides that —

(i) a child is to live with a person; or

(ii) a child is to spend time with a person; or

(iii) a child is to communicate with a person; or

(iv) a person is to have parental responsibility for a child;

or

(b) an order in relation to the welfare of a child, other than —

(c) an order until further order; or

(d) an order made in undefended proceedings; or

(e) an order made with the consent of all the parties to the proceedings.

”.

18. Finance Brokers Control Act 1975 amended

(1) The amendments in this section are to the *Finance Brokers Control Act 1975*.

- (2) Section 50(9) is amended by deleting “if it thinks” and inserting instead —

“ if the Commissioner thinks ”.

5 **19. *Financial Management (Transitional Provisions) Act 2006* amended**

- (1) The amendment in this section is to the *Financial Management (Transitional Provisions) Act 2006*.

- (2) Schedule 1 clause 122 is repealed.

10 **20. *Fire Brigades Act 1942* amended and consequential amendment**

- (1) The amendments in this section, other than subsection (3), are to the *Fire Brigades Act 1942*.

- (2) Section 33 is amended as follows:

15 (a) by inserting before “The Director” the subsection designation “(1)”;

(b) by deleting paragraph (e) (including subparagraphs (i) and (ii) and the proviso) and inserting instead —

“

20 (e) he shall at all reasonable times have free access to any premises, and if in his opinion there exists in or on any premises any potential danger to life or property from fire or hazardous materials, he may direct or order the owner or occupier of such premises to abate
25 such danger within reasonable time, as named in the requisition;

”;

(c) by inserting at the end of the section —

“

30 (2) Any person who fails to comply with the requirements of a requisition served under subsection (1)(e) shall be

s. 21

liable on conviction to a penalty not exceeding \$2 500, and also to a further penalty not exceeding \$100 for every day during which the offence continues after that conviction.

- 5 (3) Any person aggrieved by a requisition served under subsection (1)(e) may apply to the State Administrative Tribunal for a review of the requisition and no proceedings shall be instituted against such person pending the hearing of the application or an appeal
10 under the *State Administrative Tribunal Act 2004* section 105.

”.

- (3) The *State Administrative Tribunal Regulations 2004* are
15 amended in Schedule 5, in the item relating to the *Fire Brigades Act 1942* by deleting “33(e)(ii)” and inserting instead —
“ 33(2) ”.

21. *Freedom of Information Act 1992* amended

- (1) The amendments in this section are to the *Freedom of Information Act 1992*.
20 (2) Section 56(3a) is amended by deleting “Consolidated Fund” in both places where it occurs and inserting instead —
“ Consolidated Account ”.

22. *Housing Act 1980* amended

- (1) The amendments in this section are to the *Housing Act 1980*.
25 (2) Section 5(1)(a) is amended in the definition of “the Account” by deleting “The State Housing Commission” and inserting instead —
“ the Housing Authority ”.

- (3) Section 62(2)(a) is amended by deleting “The State Housing Commission” and inserting instead —

“ the Housing Authority ”.

23. *Industrial Relations Act 1979* amended

- 5 (1) The amendments in this section are to the *Industrial Relations Act 1979*.

- (2) Section 7(1) is amended in the definition of “constituent authority” by deleting “means the” and inserting instead —

“ means a ”.

- 10 (3) Section 80D(3) and (4) are amended by deleting “An arbitrator” and inserting instead —

“ A public service arbitrator ”.

- (4) Section 80D(5) and (6) are amended by deleting “an arbitrator” and inserting instead —

15 “ a public service arbitrator ”.

- (5) Section 80E(3) is amended by deleting “An Arbitrator” and inserting instead —

“ The Arbitrator ”.

- 20 (6) Sections 80E, 80F and 80G and Schedule 3 clause 2(3) are amended by deleting “an Arbitrator” in each place where it occurs and inserting instead —

“ the Arbitrator ”.

- (7) Section 93(7) is amended by deleting “Chief Industrial Commissioner” and inserting instead —

25 “ Chief Commissioner ”.

s. 24

24. Interpretation Act 1984 amended

- (1) The amendments in this section are to the *Interpretation Act 1984*.
- (2) Section 52(4) is amended by deleting “notification” and inserting instead —
- 5 “ nomination ”.

25. Juries Act 1957 amended

- (1) The amendments in this section are to the *Juries Act 1957*.
- (2) The Second Schedule Part I clause 2 is amended by deleting “juror —” and inserting instead —
- 10 “ juror, a — ”.

26. Land Administration Act 1997 amended

- (1) The amendments in this section are to the *Land Administration Act 1997*.
- (2) Section 159 is amended by renumbering the paragraph (ea) that refers to the *Water Services Licensing Act 1995* as paragraph (eb).
- 15 (3) Section 160(1) is amended as follows:
- (a) by renumbering the paragraph (ea) that refers to the *Water Services Licensing Act 1995* as paragraph (eb);
- 20 (b) in that paragraph by deleting “section 159(ea)” and inserting instead —
- “ section 159(eb) ”.

27. Land Drainage Act 1925 amended

- (1) The amendment in this section is to the *Land Drainage Act 1925*.
- 25 (2) The heading to Part X is amended by deleting “and regulations”.

28. Land Information Authority Act 2006 amended

- (1) The amendment in this section is to the *Land Information Authority Act 2006*.
- (2) Section 133 is repealed.

5 **29. Liquor Licensing (Moratorium) Amendment Act 1985 amended**

- (1) The amendment in this section is to the *Liquor Licensing (Moratorium) Amendment Act 1985*.
- (2) Section 3 is repealed.

10 **30. Midland Redevelopment Act 1999 amended**

- (1) The amendments in this section are to the *Midland Redevelopment Act 1999*.
- (2) Section 20(7)(a) is amended by deleting “that section” and inserting instead —

15 “ those sections ”.

31. Parole and Sentencing Legislation Amendment Act 2006 amended

- (1) The amendment in this section is to the *Parole and Sentencing Legislation Amendment Act 2006*.
- (2) Section 95(3) is repealed.

20

32. Planning and Development Act 2005 amended

- (1) The amendments in this section are to the *Planning and Development Act 2005*.
- (2) Section 181(15)(a) is amended by deleting “1998” and inserting instead —

25

“ 1988 ”.

s. 33

33. Port Authorities Act 1999 amended

- (1) The amendment in this section is to the *Port Authorities Act 1999*.
- (2) Section 3(1) is amended in the definition of “port charges” by inserting after “section 115” —
- 5 “ as affected by section 136(3) ”.

34. Port Kennedy Development Agreement Act 1992 amended

- (1) The amendments in this section are to the *Port Kennedy Development Agreement Act 1992*.
- 10 (2) Section 3(1) is amended by deleting the definition of “Department of Land Administration”.
- (3) Section 3(2) is amended by deleting “by the Graphic Bank Crown Surveys within the Department of Land Administration.” and inserting instead —
- 15 “
- by the Western Australian Land Information Authority established by the *Land Information Authority Act 2006* section 5.
- ”.
- 20 (4) Section 7(1) is amended in the definition of “chief executive officer” by deleting “Department of Land Administration;” and inserting instead —
- “
- department principally assisting in the administration of the *Land Administration Act 1997*;
- 25
- ”.

35. Public Sector Management Act 1994 amended

- (1) The amendments in this section are to the *Public Sector Management Act 1994*.
- 30

- (2) Section 47(4) is amended by deleting “, on or shortly before” and inserting instead —

“ within 3 months after ”.

36. *Public Works Act 1902* amended

- 5 (1) The amendments in this section are to the *Public Works Act 1902*.

- (2) Section 91(2) is amended by deleting “; and” and inserting a full stop instead.

- (3) Section 91(3) and (4) are amended as follows:

- 10 (a) by deleting “May” and inserting instead —

“ The Governor may ”;

- (b) by deleting “; and” and inserting a full stop instead.

- (4) Section 91(5) is amended by deleting “May” and inserting instead —

- 15 “ The Governor may ”.

37. *Reprints Act 1984* amended

- (1) The amendments in this section are to the *Reprints Act 1984*.

- (2) Section 7(5) is amended as follows:

- 20 (a) at the end of paragraph (c) by deleting the full stop and inserting a semicolon instead;

- (b) after paragraph (c) by inserting —

“

- 25 (d) where in a provision a term that is being defined is enclosed in quotation marks and begins with a definite or indefinite article, amend the provision to —

- (i) delete the article; or

s. 38

- (ii) relocate the article so that it is immediately before the opening quotation mark.

”.

5 **38. *Rights in Water and Irrigation Act 1914* amended**

(1) The amendments in this section are to the *Rights in Water and Irrigation Act 1914*.

(2) Section 26C(3a)(a) is amended by deleting “subsection (1)” and inserting instead —

10 “ subsection (2) ”.

(3) Schedule 1 Division 9 clause 39(1)(c) is amended as follows:

(a) by deleting “under”;

(b) in subparagraphs (i) and (ii) by inserting before “clause” —

15 “ under ”.

(4) Schedule 1 Division 11 clause 42(1)(b) is deleted and the following is inserted instead —

“

20 (b) a security interest (as defined in Part III Division 3E) in a licence is noted on the register referred to in section 26GZI; or

(c) the notation referring to such a security interest is removed from the register or any details of the notation in the register are varied, under
25 section 26GZQ,

”.

39. *Sale of Goods Act 1895* amended

(1) The amendments in this section are to the *Sale of Goods Act 1895*.

(2) Section 60(3) is amended by deleting “insolvent” and inserting instead —

“ **“insolvent”** ”.

40. Sentencing Act 1995 amended

5 (1) The amendment in this section is to the *Sentencing Act 1995*.

(2) Section 84E(3) is amended by inserting after “CEO” —

“ (corrections) ”.

41. Settlement Agents Act 1981 amended

10 (1) The amendments in this section are to the *Settlement Agents Act 1981*.

(2) Section 3(1) is amended by deleting the definition of “Account” (referring to the Board Interest Account) and inserting in the appropriate alphabetical position —

“

15 **“Interest Account”** means the Board Interest Account established under section 103(1);

”.

(3) The provisions listed in the Table to this subsection are amended by deleting “Account” and inserting instead —

20 “ Interest Account ”.

Table

s. 49B(1), (3)	s. 105 (first 2 places)
s. 103(2)	s. 106(1) (first place), (2)
s. 104 (4 places)	

42. Soil and Land Conservation Act 1945 amended

(1) The amendments in this section are to the *Soil and Land Conservation Act 1945*.

s. 43

- (2) Section 9(2)(d) is amended by deleting “body known as the Country Shire Councils’ Association of W.A.” and inserting instead —

“ Western Australian Local Government Association ”.

5 **43. *Subiaco Redevelopment Act 1994* amended**

- (1) The amendments in this section are to the *Subiaco Redevelopment Act 1994*.

- (2) Section 21(7)(a) is amended by deleting “that section” and inserting instead —

10 “ those sections ”.

44. *Swan and Canning Rivers Management Act 2006* amended

- (1) The amendments in this section are to the *Swan and Canning Rivers Management Act 2006*.

- 15 (2) Section 74(4) is amended by deleting “section 22(2)(a)” and inserting instead —

“ section 22 ”.

- (3) Section 123(10) is amended as follows:

- (a) by deleting “subsection (3), (5) or (7)” and inserting instead —

20 “ subsection (5) or (7) ”;

- (b) by deleting “any of those subsections” and inserting instead —

“ either of those subsections ”.

45. *Taxi Act 1994* amended

- 25 (1) The amendment in this section is to the *Taxi Act 1994*.

- (2) Section 16(4)(b) is amended by deleting “subject to subsection (7),”.

46. Terrorism (Extraordinary Powers) Act 2005 amended

- (1) The amendments in this section are to the *Terrorism (Extraordinary Powers) Act 2005*.
- (2) Section 30(2) is amended by deleting “*Financial Administration and Audit Act 1985*.” and inserting instead —
- “ *Financial Management Act 2006*. ”.

47. Tobacco Products Control Act 2006 amended

- (1) The amendments in this section are to the *Tobacco Products Control Act 2006*.

- (2) Schedule 2 Division 2 clause 9 is amended as follows:

(a) in subclause (1) by deleting “Account” in the first place where it occurs and inserting instead —

“ Fund ”;

(b) in subclause (2) by deleting “Account” in the second place where it occurs and inserting instead —

“ Fund ”.

48. University of Notre Dame Australia Act 1989 amended

- (1) The amendments in this section are to the *University of Notre Dame Australia Act 1989*.

- (2) Section 3 is amended by deleting the definition of “Provost”.

- (3) Section 18 is repealed.

49. Water Efficiency Labelling and Standards Act 2006 amended

- (1) The amendments in this section are to the *Water Efficiency Labelling and Standards Act 2006*.

- (2) Section 65(1), (2) and (3) are amended by deleting “Consolidated Fund” and inserting instead —

“ Consolidated Account ”.

s. 50

**50. *Workers' Compensation and Injury Management Act 1981*
amended**

- (1) The amendments in this section are to the *Workers' Compensation and Injury Management Act 1981*.
- 5 (2) The headings to Part V Divisions 3 and 4 are amended by deleting "Fund" and inserting instead —
" **Account** ".

=====