

**EXPLANATORY MEMORANDUM AND CLAUSE NOTES**

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

**1. Short title**

Provides for the short title of the Act, which will be the *Statutes (Repeals and Minor Amendments) Act 2006*.

**2. Commencement**

Provides for the Act to commence when it receives Royal Assent.

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>                   | <b>AS AMENDED</b> | <b>EXPLANATION</b>  |
|---|-------------------|---|
| <i>Imperial Act Adopting Ordinance 1847</i> | Act is repealed   | <p>Ordinance had the effect of adopting in Western Australia Lord Campbell's <i>Libel Act 1843</i> (UK).</p> <p>The residual application in WA of that Act was terminated by the <i>Defamation Act 2005</i>. This Ordinance therefore has no continuing effect.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>          | <b>AS AMENDED</b> | <b>EXPLANATION</b>  |
|------------------------------------|-------------------|---|
| <i>Land Act Amendment Act 1928</i> | Act is repealed   | This Act was principally an amendment to the <i>Land Act 1898</i> which has now been repealed. However, s.3 was a stand alone provision that is, at least arguably, still operative. It relates to the Group Settlement Board under the <i>Group Settlement Act 1925</i> which has also been repealed. The Act therefore has no continuing operation. |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>                | <b>AS AMENDED</b> | <b>EXPLANATION</b>  |
|--|-------------------|---|
| <i>Life Assurance Companies Act 1889</i> | Act is repealed   | <p>The Act provides for the application of the <i>Joint Stock Companies Ordinance 1858</i> to life assurance companies and regulates the provision of life assurance. The principal requirement being the deposit of securities with the Treasurer.</p> <p>The <i>Joint Stock Companies Ordinance 1858</i> has long since been replaced. The insurance industry is now regulated by Commonwealth legislation and the deposition of securities is no longer required.</p> <p>The Department of Treasury and Finance, Commissioner for Corporate Affairs, the Insurance Commission of Western Australia, the Insurance Council of Australia and the State Solicitor's Office have all indicated that the Act is no longer required.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>                                     | <b>AS AMENDED</b>      | <b>EXPLANATION</b>  |
|---|------------------------|---|
| <p><i>Sailors and Soldiers' Scholarship Fund Act 1938</i></p> | <p>Act is repealed</p> | <p>Allows Trust Fund to be used to provide scholarships to children of members of the Australian Imperial Forces who served in World War I. If no such children are left, trust money is to be paid into a fund established by the <i>Western Australian Aged Sailors, Soldiers and Airmen's Relief Fund Act 1932</i>. The Public Trust Office has advised that the Trust Fund no longer exists, so the Act has no remaining operation.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>                   | <b>AS AMENDED</b> | <b>EXPLANATION</b>   |
|---|-------------------|--|
| <i>Stock Jobbing (Application) Act 1969</i> | Act is repealed   | <p>This Act was passed in response to a NSW Court of Appeal decision (<i>Garrett v Overy</i> on 28 July 1968) which found that the UK Stock Jobbing Act passed in the 7<sup>th</sup> year of the reign of George II chapter 8 of 1734 and a later UK Act which continued the 1734 Act had been adopted as laws of the States of Australia. “Stock jobbing” is a terms which refers to persons who deal as principals in stocks and shares on the stock exchange. The 1734 Act was passed in response to the “South Sea Bubble” company collapses, and outlawed this practice as speculative sharedealing. The 1969 Act terminates the application in WA of two 2 imperial Acts, 7 Geo. II c. 8 and 10 Geo. II c. 8, with effect from 25 July 1968. The Act has had its effect and has no continuing operation.</p> |

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006

| EXISTING PROVISION             | AS AMENDED      | EXPLANATION   |
|--------------------------------|-----------------|---|
| <i>The Bankruptcy Act 1892</i> | Act is repealed | This State Act has no application as it has been superseded by Commonwealth bankruptcy legislation. |



**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>              | <b>EXPLANATION</b>  |
|---|--------------------------------|---|
| <ul style="list-style-type: none"> <li>• <i>Companies Act 1961</i></li> <li>• <i>Companies (Acquisition of Shares) (Application of Laws) Act 1981</i></li> <li>• <i>Companies (Application of Laws) Act 1981</i></li> <li>• <i>Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981</i></li> <li>• <i>Futures Industry (Application of Laws) Act 1986</i></li> <li>• <i>Marketable Securities Transfer Act 1970</i></li> <li>• <i>Securities Industry Act 1975</i></li> <li>• <i>Securities Industry (Application of Laws) Act 1981</i></li> <li>• <i>Securities Industry (Release of Sureties) Act 1977</i></li> <li>• <i>Companies Act (Interstate Corporate Affairs Commission) Amendment Act 1975</i></li> </ul> | <p>These Acts are repealed</p> | <p>The Acts repealed have all been superseded by subsequent legislation, which has now been superseded by the <i>Corporations Act 2001</i> of the Commonwealth and related legislation. The repeal of the Acts will terminate the following Codes –</p> <ul style="list-style-type: none"> <li>• <i>Companies (Acquisition of Shares) (Western Australia) Code;</i></li> <li>• <i>Companies (Western Australia) Code</i></li> <li>• <i>Companies and Securities; (Interpretation and Miscellaneous Provisions) (Western Australia) Code;</i></li> <li>• <i>Futures Industry (Western Australia) Code;</i></li> <li>• <i>Securities Industry (Western Australia) Code.</i></li> </ul> <p>The repeal of the Acts will also repeal the following regulations –</p> <ul style="list-style-type: none"> <li>• <i>Companies Regulations 1976;</i></li> <li>• <i>Companies (Fees) Regulations 1977;</i></li> <li>• <i>Companies (Busselton Beach Resort) Regulations 1982;</i></li> <li>• <i>Companies (Acquisition of Shares) (Western Australia) Regulations;</i></li> <li>• <i>Companies (Acquisition of Shares-Fees) (Western Australia) Regulations;</i></li> <li>• <i>Companies (Acquisition of Shares) (Application of Laws) Regulations 1981;</i></li> </ul> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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|--|--|---|
|  |  | <ul style="list-style-type: none"> <li>• <i>Companies (Acquisition of Shares) (Application of Laws-Regulations) Regulations 1982;</i></li> <li>• <i>Companies (Acquisition of Shares) (Application of Laws) Regulations 1983;</i></li> <li>• <i>Companies (Acquisition of Shares) (Application of Laws) Regulations 1986;</i></li> <li>• <i>Companies (Acquisition of Shares) (Application of Laws) (No. 2) Regulations 1986;</i></li> <li>• <i>Companies (Acquisition of Shares) (Application of Laws) (No. 3) Regulations 1986;</i></li> <li>• <i>Companies (Acquisition of Shares) (Application of Laws) (Penalty Notices) Regulations 1989;</i></li> <li>• <i>Companies (Application of Laws-Regulations) Regulations 1982;</i></li> <li>• <i>Companies (Application of Laws) Regulations 1982;</i></li> <li>• <i>Companies (Application of Laws-Transitional Provisions) Regulations 1982;</i></li> <li>• <i>Companies (Application of Laws-Fees) Regulations 1982;</i></li> <li>• <i>Companies (Fees) (Western Australia) Regulations;</i></li> <li>• <i>Companies (Western Australia) Regulations;</i></li> <li>• <i>Companies (Application of Laws) (No.2) Regulations 1982;</i></li> <li>• <i>Companies (Application of Laws) Regulations 1983;</i></li> </ul> |
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**NAME OF ACT BEING AMENDED:** *Companies Act 1961 etc.*

**CLAUSE NO. 4**

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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|--|--|---|
|  |  | <ul style="list-style-type: none"> <li>• <i>Companies (Application of Laws) – Regulations 1986;</i></li> <li>• <i>Companies (Application of Laws-Regulations) Regulations 1986;</i></li> <li>• <i>Companies (Application of Laws-Regulations) (No. 2) Regulations 1986;</i></li> <li>• <i>Companies (Application of Laws) (No.2) Regulations 1986;</i></li> <li>• <i>Companies (Application of Laws) (No.3) Regulations 1986;</i></li> <li>• <i>Companies (Application of Laws) (Exemption) Regulations 1986;</i></li> <li>• <i>Companies (Application of Laws) (No.2) Regulations 1987;</i></li> <li>• <i>Companies (Application of Laws) (Penalty Notices) Regulations 1989;</i></li> <li>• <i>Companies (Application of Laws) (Amendment) Regulations 1989;</i></li> <li>• <i>Futures Industry (Western Australia) Regulations;</i></li> <li>• <i>Futures Industry (Fees) (Western Australia) Regulations;</i></li> <li>• <i>Futures Industry (Application of Laws) Regulations 1987;</i></li> <li>• <i>Futures Industry (Application of Laws) (Penalty Notices) Regulations 1989;</i></li> <li>• <i>Futures Industry (Application of Laws) (Amendment) Regulations 1989;</i></li> <li>• <i>Marketable Securities Transfer Regulations 1971;</i></li> <li>• <i>Security Industry Regulations 1976;</i></li> <li>• <i>Securities Industry (Western Australia) Regulations;</i></li> </ul> |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

|  |  |  |
|--|--|--|
|  |  | <ul style="list-style-type: none"> <li>• <i>Securities Industry (Fees) (Western Australia) Regulations;</i></li> <li>• <i>Securities Industry (Application of Laws) Regulations 1981;</i></li> <li>• <i>Securities Industry (Application of Laws) Regulations 1982;</i></li> <li>• <i>Securities Industry (Application of Laws-Regulations) Regulations 1982;</i></li> <li>• <i>Securities Industry (Application of Laws) Regulations 1983;</i></li> <li>• <i>Securities Industry (Application of Laws) Regulations 1986;</i></li> <li>• <i>Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Regulations 1986;</i></li> <li>• <i>Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Regulations 1987;</i></li> <li>• <i>Securities Industry (Application of Laws) Regulations 1987;</i></li> <li>• <i>Securities Industry (Application of Laws) (No. 2) Regulations 1987;</i></li> <li>• <i>Securities Industry (Application of Laws) (Penalty Notices) Regulations 1989;</i></li> <li>• <i>Securities Industry (Application of Laws) (Amendment) Regulations 1989;</i></li> <li>• <i>Companies and Securities Industry (Retirement Villages) Regulations 1990.</i></li> </ul> |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>                         | <b>EXPLANATION</b>   |
|---|---|--|
| <p><b>3. Application of Act</b></p> <p>(2) This Act -</p> <p>(a) does not apply to any charge or assignment referred to in section 100(3) of the <i>Companies Act 1961</i> and registered under that Act;</p> <p>(b) subject to that section, continues to apply to any existing charge or assignment that before the coming into operation of the <i>Companies Act 1961</i>, was registered under this Act until it is registered under section 100(9)(b) of the <i>Companies Act 1961</i>, and thereupon this Act continues to apply to that charge or assignment except that it is not subject to avoidance under this Act and its registration under this Act is not required to be renewed.</p> <p>(3) This Act -</p> <p>(a) does not apply to any bill of sale, (not being a bill by way of bailment, or a bill of sale given jointly with another person who is, or other persons of whom at least one is, not a company of a kind referred to in this paragraph) by -</p> <p>(i) a company;</p> | <p>Section 3(2) and (3) are repealed.</p> | <p>Amends s. 3 to delete the references to bills of sale registered under the <i>Companies Act 1961</i> and the <i>Companies (Western Australia) Code</i>.</p> |

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006

(ii) a recognized company or a recognized foreign company within the meaning of the *Companies (Western Australia) Code*; or

(iii) a foreign company which is registered under Division 5 of Part XIII of that Code,

and the provisions of this Act shall be taken not to have or ever to have had effect in relation to any such bill of sale which was entered into, or the registration of which was required to be renewed, on or after 1 July 1982, or to which section 30 of the *Companies (Application of Laws) Act 1981*, or a provision of a law in force in another State or in a Territory of the Commonwealth corresponding to that section, applied; and

(b) subject to paragraph (a), continues to apply to any existing charge or assignment that before the coming into operation of the *Companies (Application of Laws) Act 1981* was registered under this Act unless and until it is registered under Division 9 of Part IV of the *Companies (Western Australia) Code*, or the corresponding provisions of the corresponding law of another State or of a Territory of the Commonwealth, whereupon it is not subject to avoidance under this Act.

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>  | <b>EXPLANATION</b>  |
|--|--|---|
| <p>An Act to continue the office of Commissioner for Corporate Affairs, to establish the Companies Auditors and Liquidators Disciplinary Board, to amend the <i>Companies Act 1961</i>, and for related purposes.</p> <p><b>13. Companies Auditor and Liquidators Disciplinary Board</b></p> <p><b>14. Companies Auditors Board to continue in existence</b></p> | <p>An Act to continue the office of Commissioner for Corporate Affairs, to <del>establish the Companies Auditors and Liquidators Disciplinary Board,</del> to amend the <i>Companies Act 1961</i>, and for related purposes.</p> <p>Sections 13 and 14 are repealed.</p> | <p>Amends the Act to delete provisions relating to the Companies Auditors and Liquidators Disciplinary Board, which no longer exists.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION   | AS AMENDED  | EXPLANATION  |
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| <p><b>79. Incorporation of a company, proof of</b></p> <p>(1) All courts and persons acting judicially shall admit and receive as evidence of the incorporation of a company incorporated or registered in the United Kingdom or in any State or Territory of the Commonwealth, either before or after the commencement of this Act <sup>1</sup>, a certificate of the incorporation or registration thereof which purports to have been signed –</p> <p style="padding-left: 40px;">(a) by the registrar or an assistant or deputy registrar of companies in England, Scotland, or Ireland, or in that State or Territory; or</p> <p style="padding-left: 40px;">(b) by a person whose authority to give the same shall be verified by a statutory declaration made before any judge or justice of the peace of such State or Territory, of whose signature such courts and persons aforesaid shall take judicial notice.</p> <p>(2) Any copy of or extract from any document kept and registered at the office for the registration of companies</p> | <p><b>79. Incorporation of a company, proof of</b></p> <p>(1) All courts and persons acting judicially shall admit and receive as evidence of the incorporation of a company incorporated or registered in the United Kingdom <del>or in any State or Territory of the Commonwealth</del>, either before or after the commencement of this Act <sup>1</sup>, a certificate of the incorporation or registration thereof which purports to have been signed –</p> <p style="padding-left: 40px;">(1) by the registrar or an assistant or deputy registrar of companies in England, Scotland, or Ireland, <del>or in that State or Territory</del>; or</p> <p style="padding-left: 40px;">(2) by a person whose authority to give the same shall be verified by a statutory declaration made before any judge or justice of the peace <del>of such State or Territory</del>, of whose signature such courts and persons aforesaid shall take judicial notice.</p> <p>(2) Any copy of or extract from any document kept and registered at the office for the registration of companies</p> | <p>Amends s. 79 to remove references to corporations incorporated in Australia. All matters dealt with in s. 79 in relation to Australian corporations are dealt with in the <i>Corporations Act 2001</i> (C'th) s. 1274B (in relation to corporations formed under that Act) and s. 1389 (in relation to corporations incorporated under previous legislation).</p> |



**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| <p>in the United Kingdom or any part thereof, or in any State or Territory of the Commonwealth or of or from a transparency (within the meaning of the <i>Companies (Western Australia) Code</i>) of a document which has been kept and registered at any such office if certified under the hand of the registrar or an assistant or deputy registrar, shall, before all courts and persons acting judicially, be admissible in evidence in all cases in which the original document is admissible in evidence and for the same purposes and to the same extent.</p> | <p>in the United Kingdom or any part thereof, or <del>in any State or Territory of the Commonwealth or of or from a transparency (within the meaning of the <i>Companies (Western Australia) Code</i>)</del> of a document which has been kept and registered at any such office if certified under the hand of the registrar or an assistant or deputy registrar, shall, before all courts and persons acting judicially, be admissible in evidence in all cases in which the original document is admissible in evidence and for the same purposes and to the same extent.</p> |  |
| <p>(3)<br/>...<br/>(a) as including a reference to the Corporate Affairs Commission of any State or Territory of the Commonwealth or to a Commissioner of or for Corporate Affairs, an Assistant Commissioner of or for Corporate Affairs or a Deputy Commissioner of or for Corporate Affairs of any State or Territory of the Commonwealth; and<br/>(b) as including a reference to a person holding within the office for the registration of companies in the United Kingdom or any part thereof or in any State or</p>   | <p>(3)<br/>...<br/><del>(b) as including a reference to the Corporate Affairs Commission of any State or Territory of the Commonwealth or to a Commissioner of or for Corporate Affairs, an Assistant Commissioner of or for Corporate Affairs or a Deputy Commissioner of or for Corporate Affairs of any State or Territory of the Commonwealth; and</del><br/>(b) as including a reference to a person holding within the office for the registration of companies in the United Kingdom or any part thereof <del>or in any State or</del></p>                                |  |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

|   |   |  |
|---|---|--|
| <p>Territory of the Commonwealth<br/>an office which corresponds to<br/>the office of Commissioner for<br/>Corporate Affairs or Assistant<br/>Commissioner for Corporate<br/>Affairs or Deputy Commissioner<br/>for Corporate Affairs under the<br/><i>Companies (Administration) Act<br/>1982</i>, the <i>Companies Act 1961</i>,<br/>or any corresponding previous<br/>enactment.</p> | <p><del>Territory of the Commonwealth<br/>an office which corresponds to<br/>the office of Commissioner for<br/>Corporate Affairs or Assistant<br/>Commissioner for Corporate<br/>Affairs or Deputy Commissioner<br/>for Corporate Affairs under the<br/><i>Companies (Administration) Act<br/>1982</i>, the <del><i>Companies Act 1961</i></del>,</del><br/>or any corresponding previous<br/>enactment.</p> |  |
|---|---|--|

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION   | AS AMENDED   | EXPLANATION   |
|--|--|---|
| <p><b>101. Application for forfeiture of mining tenement while holder is a company in process of winding up</b></p> <p>(1) An application under section 96 or 98 for the forfeiture of a mining tenement for breach of the prescribed expenditure conditions applicable thereto while the holder thereof is a company in respect of which a winding up order has been made or a provisional liquidator has been appointed under the Corporations Law, the <i>Companies (Western Australia) Code</i> or the <i>Companies Act 1961</i>, shall not be an action or proceeding for the purposes of subsection (2) of section 471 of that Law (or any provision of that Law which replaces or is substituted for that subsection), section 371(2) of that Code or of section 230(3) of that Act, and notwithstanding anything therein contained to the contrary, the application may be commenced and proceeded with without the leave of the Supreme Court, and the mining tenement is liable to forfeiture accordingly.</p> | <p><b>101. Application for forfeiture of mining tenement while holder is a company in process of winding up</b></p> <p>(1) An application under section 96 or 98 for the forfeiture of a mining tenement for breach of the prescribed expenditure conditions applicable thereto while the holder thereof is a company in respect of which a winding up order has been made or a provisional liquidator has been appointed under the Corporations Law, <del>the <i>Companies (Western Australia) Code</i> or the <i>Companies Act 1961</i></del>, shall not be an action or proceeding for the purposes of subsection (2) of section 471 of that Law (or any provision of that Law which replaces or is substituted for that subsection), <del>section 371(2) of that Code or of section 230(3) of that Act</del>, and notwithstanding anything therein contained to the contrary, the application may be commenced and proceeded with without the leave of the Supreme Court, and the mining tenement is liable to forfeiture accordingly.</p> | <p>Amends s. 101 to delete the references to the <i>Companies (Western Australia) Code</i> and the <i>Companies Act 1961</i>.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>                    | <b>EXPLANATION</b>  |
|---|--------------------------------------|---|
| <p><b>11E. References to the master in other Acts</b><br/>                     ...<br/>                     (2) Subsection (1) does not apply to or in relation to —<br/>                     ...<br/>                     (b) the <i>Companies Act 1961</i>;</p> | <p>Section 11E(2)(b) is deleted.</p> | <p>Amends s. 11E to delete references to the <i>Companies Act 1961</i>.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>  | <b>EXPLANATION</b>  |
|---|--|---|
| <p><b>143. Powers of attorney and revocation thereof</b></p> <p>(1) Subject to the provisions of this section the proprietor of any land under the operation of this Act or of any lease mortgage or charge may appoint any person to act for him in transferring the same or otherwise dealing therewith by signing a power of attorney in the form in the Nineteenth Schedule or to the effect thereof. Every such power may be filed by lodging the original instrument of power of attorney, a duplicate, an office copy referred to in the <i>Powers of Attorney Act 1896</i>, or a copy certified by the Commissioner for Corporate Affairs to be a true copy of a power of attorney recorded pursuant to the <i>Companies (Western Australia) Code</i>, the <i>Companies Act 1961</i>, or any corresponding previous enactment with the Registrar who shall note the effect of the same in a book to be kept for that purpose and such power shall be in force from the time of noting until the registration of a revocation or extinguishment thereof.</p> | <p><b>143. Powers of attorney and revocation thereof</b></p> <p>(1) Subject to the provisions of this section the proprietor of any land under the operation of this Act or of any lease mortgage or charge may appoint any person to act for him in transferring the same or otherwise dealing therewith by signing a power of attorney in the form in the Nineteenth Schedule or to the effect thereof. Every such power may be filed by lodging the original instrument of power of attorney, a duplicate, <u>or</u> an office copy referred to in the <i>Powers of Attorney Act 1896</i>, <del>or a copy certified by the Commissioner for Corporate Affairs to be a true copy of a power of attorney recorded pursuant to the <i>Companies (Western Australia) Code</i>, the <i>Companies Act 1961</i>, or any corresponding previous enactment</del> with the Registrar who shall note the effect of the same in a book to be kept for that purpose and such power shall be in force from the time of noting until the registration of a revocation or extinguishment thereof.</p> | <p>Amends s. 143 to delete the references to the <i>Companies (Western Australia) Code</i> and the <i>Companies Act 1961</i>.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>                                     | <b>EXPLANATION</b>  |
|---|---|---|
| <p><b>9. Prescribed retained money</b></p> <p>(1) Where money –</p> <p>(n) is money, or the proceeds of the sale or disposal of any property, that under section 42(14) of the <i>Companies (Acquisition of Shares)(Western Australia) Code</i> is, or is liable to be, paid or transferred to the Treasurer;</p> <p>(o) is money, or the proceeds of the sale or disposal of any consideration or other property, that under section 318(11) of the <i>Companies (Western Australia) Code</i> is, or is liable to be, paid or transferred to the Treasurer;</p> <p>(p) is money that under section 427(6) of the <i>Companies (Western Australia) Code</i> is, or is liable to be, credited to the Consolidated Fund;</p> <p>(q) represents the proceeds of the sale or disposal of any securities or rights transferred, or liable to be transferred, under section 534 of the <i>Companies (Western Australia) Code</i> <sup>2</sup> to the Treasurer;</p> | <p>Section 9(1)(n), (o), (p) and (q) are deleted.</p> | <p>Amends s. 9 to delete the references to the <i>Companies (Acquisition of Shares) (Western Australia) Code</i> and the <i>Companies (Western Australia) Code</i>.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>               | <b>EXPLANATION</b>  |
|--|---------------------------------|---|
| <ul style="list-style-type: none"> <li>• <i>Public Institutions and Friendly Societies Lands Improvement Act 1892</i></li> <li>• <i>Public Institutions and Friendly Societies Lands Improvement Act 1892, Amendment Act 1893</i></li> </ul> | <p>These Acts are repealed.</p> | <p>These Acts allow trustees of “public institutions” to mortgage the land to raise money to improve the land. “Public Institutions” include Public Libraries, Public Museums, Working Men’s Institutes, Mechanics’ Institutes, Lodges of Freemasons, Lodges of Oddfellows, Agricultural Societies, Lodges of Good Templars, Temperance Societies, Trade Unions, Trades and Labour Councils Friendly Societies, and Associations holding land granted for a public purpose. Bodies such as these either no longer exist or are covered by other legislation (such as the <i>Associations Incorporation Act 1987</i>) under which they have power to mortgage land. These Acts are therefore no longer required.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>   | <b>EXPLANATION</b>  |
|---|---|---|
| <p><b>17. Powers of boards over lands vested in them</b></p> <p>(1) The board of any public hospital shall be deemed to have the powers of an institution within the meaning of the <i>Public Institutions and Friendly Societies Lands Improvement Act 1892</i>, and may exercise in respect of lands vested in it such powers as are thereby given to institutions: Provided that the portions of the Act requiring the concurrence of three-fourths of the members of an institution shall for the purposes of this Act be deemed to be eliminated.</p> <p>...</p> <p>(2a) In addition to the power to borrow conferred by subsection (2) a board may borrow money on such security as the Governor thinks fit for the purposes of the payment of the costs of the establishment and construction of the hospital managed and controlled by the board and for any buildings and equipment incidental thereto, notwithstanding when such costs arose.</p> | <p><b>17. Powers of boards over lands vested in them</b></p> <p>Section 17(1) is repealed.</p> <p>(2a) In addition to the power to borrow conferred by subsection (2) a board may borrow money on such security as the Governor thinks fit for the purposes of the payment of the costs of the establishment and construction of the hospital managed and controlled by the board and for any buildings and equipment incidental thereto, <u>or the improvement of any land held by the board,</u> notwithstanding when such costs arose.</p> | <p>Amends s. 17 to delete the reference to the <i>Public Institutions and Friendly Societies Lands Improvement Act 1892</i> and to directly confer on hospital boards any powers conferred by that Act which are not already covered by section 17(2), (2a) or (3).</p> <p>The power to borrow for the improvement of any land as proposed to be inserted as a new subclause (2a) is consistent with the scope of the powers currently conferred by the <i>Public Institutions and Friendly Societies Lands Improvement Act 1892</i>.</p> |



**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION   | AS AMENDED   | EXPLANATION   |
|--|--|---|
| <p><b>8. Council a body corporate</b></p> <p>(3) The Council is deemed to have the powers of an institution within the meaning of the <i>Public Institutions and Friendly Societies Lands Improvement Act 1892</i>, and with the approval of the Governor may exercise in respect of lands vested in the Council all or any of the powers conferred on institutions by that Act; but the provisions of that Act requiring the concurrence of three-fourths of the members of an institution shall for the purposes of this Act be deemed not to apply.</p> <p><b>9. Powers of Council</b></p> <p>(1)<br/>...</p> | <p><b>8. Council a body corporate</b></p> <p>Section 8(3) is repealed.</p> <p><b>9. Powers of Council</b></p> <p>After section 9(1), the following subsection is inserted –</p> <p><u>(1a) The Council may, with the approval of the Governor –</u></p> <p><u>(a) borrow money for the purpose of erecting, altering or adding to any building on, or otherwise improving, land held by the Council; and</u></p> <p><u>(b) mortgage land held by the Council as security for any such borrowing.</u></p> | <p>Amends s. 8 and 9 to delete the reference to the <i>Public Institutions and Friendly Societies Lands Improvement Act 1892</i> and to directly confer on the Council any powers conferred by that Act which are not already covered by section 9.</p> <p>The powers of the Council as proposed to be inserted as a new subclause (1a) is consistent with the scope of the powers currently conferred by the <i>Public Institutions and Friendly Societies Lands Improvement Act 1892</i>.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>                           | <b>AS AMENDED</b>   | <b>EXPLANATION</b>  |
|---|---------------------|---|
| <i>Acts Amendment (Equality of Status) Act 2003</i> | Part 64 is repealed | The Act amended a large number of Acts in relation to de facto relationships. Part 64 contains a power to make regulations to make consequential amendments to subsidiary legislation. All regulations required for that purpose have now been made so Part 64 is no longer required. |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>         | <b>EXPLANATION</b>   |
|--|---------------------------|--|
| <p><i>Acts Amendment (Federal Courts and Tribunals) Act 2001</i></p> | <p>Part 9 is repealed</p> | <p>Part 9 was to come into operation when Parts 4 to 10 of the <i>Administrative Review Tribunal Act 2001</i> of the Commonwealth came into operation.</p> <p>This Commonwealth Act was not passed, so Part 9 cannot commence and is therefore repealed.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>                    | <b>EXPLANATION</b>   |
|--|--------------------------------------|--|
| <p><b>88. Section 3 amended</b></p> <p>...</p> <p>(3) Section 3 (5) is amended as follows:</p> <p>(a) by deleting “spouse” in the first place where it occurs and inserting instead –</p> <p>“ de facto partner ”,</p> <p>(b) by deleting “includes a reference to a person” and inserting instead –</p> <p>“ means a person “,</p> <p>(c) by deleting “with the Member or relative as a <i>de facto</i> spouse if either –“ and paragraph (a) and “or” after it and inserting instead –</p> <p>“ as a de facto partner of the Member or relative if either –</p> <p>(a) the Member or relative and the person are both parents of the same child: or “.</p> | <p>Section 88(3)(c) is repealed.</p> | <p>Section 88(3)(c) has not been proclaimed and is no longer required.</p> <p>It purported to amend Section 3(5) of the <i>Members of Parliament (Financial Interests) Act 1992</i>. That section was subsequently amended by the <i>Acts Amendment (Equality of Status) Act 2003</i>, such that there is no longer a need for S.88(3)(c).</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION   | AS AMENDED  | EXPLANATION  |
|--|---|--|
| <p><b>42. Decisions of adoption applications committee</b></p> <p>...</p> <p>(2) If, under section 113(2) the Director-General directs the adoption applications committee to review a procedure by which it made a decision, the committee may, after complying with that direction, review its decision.</p> <p>...</p> <p><b>52. Restrictions on placement</b></p> <p>(1) The CEO is not to place a child with a view to the child's adoption unless —</p> <p style="padding-left: 40px;">(a) the prospective adoptive parent -</p> <p>...</p> <p style="padding-left: 80px;">(i)id) is not more than 45 years older than the child in the case where the prospective adoptive parent is a prospective sole adoptive parent and has not adopted a child before (whether as a joint or sole adoptive parent); or</p> | <p><b>42. Decisions of adoption applications committee</b></p> <p>...</p> <p>(2) If, under section 113(2) the <del>Director-General</del><u>CEO</u> directs the adoption applications committee to review a procedure by which it made a decision, the committee may, after complying with that direction, review its decision.</p> <p><b>52. Restrictions on placement</b></p> <p>(1) The CEO is not to place a child with a view to the child's adoption unless —</p> <p style="padding-left: 40px;">(a) the prospective adoptive parent -</p> <p>...</p> <p style="padding-left: 80px;">(i)id) is not more than 45 years older than the child in the case where the prospective adoptive parent is a prospective sole adoptive parent and has not adopted a child before (whether as a joint or sole adoptive parent); <del>or</del></p> | <p>The <i>Children and Community Services Act 2004</i> changed most references in the Act from Director-General to CEO. This one was inadvertently overlooked.</p> <p>Corrects a grammatical error</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>  | <b>EXPLANATION</b>   |
|---|--|--|
| <p>...</p> <p>(2) The requirements of subsection (1) are not affected by any provision of, and cannot be changed, by any provision of an adoption plan.</p> | <p>After each of paragraphs (a) to (c), paragraph (a)(i) to (vb) and paragraph (c)(i), the word "<u>and</u>" is to be inserted.</p> <p>...</p> <p>(2) The requirements of subsection (1) are not affected <del>by any provision of</del>, and cannot be changed, by any provision of an adoption plan.</p> | <p>In line with new drafting policy in relation to the use of conjunctions between paragraphs.</p> <p>Deletes unnecessary words to correct grammar</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>  | <b>EXPLANATION</b>                |
|--|--|-----------------------------------|
| <p><b>10. Security to be lodged by owner of aircraft against damage</b></p> <p>(1) The owner of any aircraft that has been modified to carry out aerial spraying shall —</p> <p style="padding-left: 40px;">(a) lodge with the Director; or</p> <p style="padding-left: 40px;">(b) satisfy the Director that there is lodged in another State or Territory of the Commonwealth with a person acceptable to the Director,</p> <p>security in the form of a contract of insurance which indemnifies the owner to the extent -</p> <p style="padding-left: 40px;">(i) approved by the Director if the contract of insurance is lodged under paragraph (a); or</p> <p style="padding-left: 40px;">(ii) approved by a person acceptable to the Director under paragraph (b) if it is lodged as referred to in that paragraph,</p> | <p><b>10. Security to be lodged by owner of aircraft against damage</b></p> <p>(1) The owner of any aircraft that has been modified to carry out aerial spraying shall —</p> <p style="padding-left: 40px;">(a) lodge with the Director; or</p> <p style="padding-left: 40px;">(b) satisfy the Director that there is lodged in another State or Territory of the Commonwealth with a person acceptable to the Director,</p> <p>security in the form of a contract of insurance which indemnifies the owner to the extent –</p> <p style="padding-left: 40px;"><del>(i)</del><u>(c)</u> approved by the Director if the contract of insurance is lodged under paragraph (a); or</p> <p style="padding-left: 40px;"><del>(ii)</del><u>(d)</u> approved by a person acceptable to the Director under paragraph (b) if it is lodged as referred to in that paragraph,</p> | <p>Corrects a numbering error</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION   | AS AMENDED  | EXPLANATION   |
|--|---|---|
| <p><b>3. Definitions</b></p> <p>...</p> <p><b>“NRA”</b> means the National Registration Authority for Agricultural and Veterinary Chemicals established by the Agricultural and Veterinary Chemicals (Administration) Act;</p> <p>s. 16(2); s. 21(1), (2), (2)(c); s. 22(1), (2); s. 23; s. 24; s. 28(1); s. 30; s. 31(1)(c), (d)(i), (e)(i), (f), (g)(i), (2)(c), (2)(d), (2)</p> | <p><b>3. Definitions</b></p> <p>...</p> <p><del><b>“NRA”</b> means the National Registration Authority for Agricultural and Veterinary Chemicals established by the Agricultural and Veterinary Chemicals (Administration) Act;</del></p> <p>The following definition is inserted in the appropriate alphabetical position –</p> <p><u><b>“APVMA”</b> means the Australian Pesticides and Veterinary Medicines Authority continued in existence by section 6 of the Agricultural and Veterinary Chemicals (Administration) Act;</u></p> <p>These provisions are amended by deleting “NRA” in each place where it occurs and inserting instead –</p> <p><u>“APVMA”</u></p> | <p>The National Registration Authority for Agricultural and Veterinary Chemicals was established under the <i>Agricultural and Veterinary Chemicals (Administration) Act 1992</i> of the Commonwealth. That Act was amended by the <i>Agricultural and Veterinary Chemicals Legislation Amendment (Name Change) Act 2004</i> to change the name of the Authority to the Australian Pesticides and Veterinary Medicines Authority. These amendments reflect that change.</p> |



**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>  | <b>EXPLANATION</b>             |
|--|--|--------------------------------|
| <p><b>3. Interpretation</b></p> <p>...</p> <p><b>“rural land”</b> means land classified or zoned for agricultural or rural use, or for rural lifestyle living, under a local planning scheme as that term is defined the <i>Planning and Development Act 2005</i>;</p> | <p><b>3. Interpretation</b></p> <p>...</p> <p><b>“rural land”</b> means land classified or zoned for agricultural or rural use, or for rural lifestyle living, under a local planning scheme as that term is defined <u>in</u> the <i>Planning and Development Act 2005</i>;</p> | <p>Inserts a missing word.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>  | <b>EXPLANATION</b>  |
|--|--|---|
| <p><b>58. Failure to comply with disciplinary action</b></p> <p>...</p> <p>(2) The power conferred on the State Administrative Tribunal by subsection (1) is in addition to and not in derogation of the powers conferred on it by this Act or by the <i>State Administrative Tribunal Act 2003</i>.</p> | <p><b>58. Failure to comply with disciplinary action</b></p> <p>...</p> <p>(2) The power conferred on the State Administrative Tribunal by subsection (1) is in addition to and not in derogation of the powers conferred on it by this Act or by the <i>State Administrative Tribunal Act <del>2003</del><u>2004</u></i>.</p> | <p>Corrects the error in the date in the reference to the <i>State Administrative Tribunal Act 2004</i>. This error occurred because both Acts were in Parliament at the same time.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>   | <b>EXPLANATION</b>             |
|--|---|--------------------------------|
| <p><b>20A. Power to borrow money</b></p> <p>...</p> <p>(5) Before a guarantee is given by the Treasurer under this section, the Board shall give to the Treasurer such security as Treasurer may require and shall execute all such instruments as may be necessary for the purpose.</p> | <p><b>20A. Power to borrow money</b></p> <p>...</p> <p>(5) Before a guarantee is given by the Treasurer under this section, the Board shall give to the Treasurer such security as <u>the</u> Treasurer may require and shall execute all such instruments as may be necessary for the purpose.</p> | <p>Inserts a missing word.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>   | <b>EXPLANATION</b>                   |
|---|---|--------------------------------------|
| <p><b>3. Interpretation</b></p> <p>In this Act, unless the contrary intention appears -<br/> “bank” means -<br/> (a) an ADI (authorised deposit-taking institution) as defined in section 5 of the <i>Banking Act 1959</i> of the Commonwealth; or</p> <p>(b) a bank which carries on banking business on behalf of the government of a State under the authority of the laws of that State, and includes a body corporate that is a subsidiary, within the meaning of the <i>Corporations Act 2001</i> of the Commonwealth, of a an ADI mentioned in paragraph (a) or a bank mentioned in paragraph (b);</p> <p align="center">...</p> | <p><b>3. Interpretation</b></p> <p>In this Act, unless the contrary intention appears -<br/> “bank” means -<br/> (a) an ADI (authorised deposit-taking institution) as defined in section 5 of the <i>Banking Act 1959</i> of the Commonwealth; or</p> <p>(b) a bank which carries on banking business on behalf of the government of a State under the authority of the laws of that State, and includes a body corporate that is a subsidiary, within the meaning of the <i>Corporations Act 2001</i> of the Commonwealth, <del>of a an ADI</del> <u>of an ADI</u> mentioned in paragraph (a) or a bank mentioned in paragraph (b);</p> <p align="center">...</p> | <p>Corrects a grammatical error.</p> |

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006

| EXISTING PROVISION                        | AS AMENDED              | EXPLANATION   |
|---|-------------------------|---|
| <i>[11. Has not come into operation.]</i> | Section 11 is repealed. | Repeals provision that has not been, and will not be, proclaimed.<br><br>s. 11 was only required if the privatisation of the Bank was by public float. As it was sold in a trade sale s. 11 was not required. |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>  | <b>EXPLANATION</b>                 |
|--|--|------------------------------------|
| <p><b>20. Entry and inspection of race courses and certain other premises</b></p> <p align="center">...</p> <p>(3) An inspection may be carried out under this section for any or all of the following purposes -</p> <p align="center">...</p> <p>(e) to gather evidence of a suspected contravention of -</p> <p>    (i) this Act;</p> <p>    (ii) a condition of a licence, permit or approval under this Act; or</p> <p>    (ii) the RWWA Act in relation to gambling;</p> <p align="center">...</p> | <p><b>20. Entry and inspection of race courses and certain other premises</b></p> <p align="center">...</p> <p>(3) An inspection may be carried out under this section for any or all of the following purposes -</p> <p align="center">...</p> <p>(e) to gather evidence of a suspected contravention of -</p> <p>    (i) this Act;</p> <p>    (ii) a condition of a licence, permit or approval under this Act; or</p> <p>    <del>(ii)</del> (iii) the RWWA Act in relation to gambling;</p> <p align="center">....</p> | <p>Corrects a numbering error.</p> |



**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>   | <b>EXPLANATION</b>            |
|--|---|-------------------------------|
| <p><b>39. Memorials in redevelopment area</b><br/>                     Where a Board redevelops portion of the land within a cemetery the Board shall erect a memorial showing the names and such other details as the Board considers appropriate of deceased persons buried in the redevelopment area.</p> | <p><b>39. Memorials in redevelopment area</b><br/>                     Where a Board redevelops <u>a</u> portion of the land within a cemetery the Board shall erect a memorial showing the names and such other details as the Board considers appropriate of deceased persons buried in the redevelopment area.</p> | <p>Inserts a missing word</p> |





**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

|  |   |   |
|--|---|---|
| <p><i>Pawnbrokers and Second-hand Dealers Regulations 1996</i></p> <p><b>5. Certain goods not “second-hand” goods</b></p> <p>(1) For the purposes of the definition of “second-hand goods” in section 3(1), goods which have been worn or otherwise used and which belong to a class of goods described in the Table to this subregulation, or goods to which subregulation (2) applies, are goods that are not to be treated as second-hand goods for the purposes of the Act.</p> <p>...</p> <p>3. Goods collected for a charitable purpose within the meaning of the <i>Charitable Collections Act 1946</i> where the collector is a person to whom paragraph (i), (ii) or (iii) of section 6(1) of that Act applies and who is acting in accordance with such licence and authority referred to in that section as applies to that person.</p> | <p><b>5. Certain goods not “second-hand” goods</b></p> <p>(1) For the purposes of the definition of “second-hand goods” in section 3(1), goods which have been worn or otherwise used and which belong to a class of goods described in the Table to this subregulation, or goods to which subregulation (2) applies, are goods that are not to be treated as second-hand goods for the purposes of the Act.</p> <p>...</p> <p>3. Goods collected for a charitable purpose within the meaning of the <i>Charitable Collections Act 1946</i> where the collector is a person to whom <del>paragraph (i), (ii) or (iii) of</del> section 6(1)(e), (f) or (g) of that Act applies and who is acting in accordance with such licence and authority referred to in that section as applies to that person.</p> | <p>Consequential amendment to update cross-reference.</p> |
|--|---|---|

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>   | <b>EXPLANATION</b>  |
|---|---|---|
| <p><b>24. Compensation for extinguishment of security interest</b></p> <p>(3) The Commissioner shall not make an order under this section in relation to an application arising by reason of loss or damage suffered after the cancellation under section 22 of an entry in the register if the applicant did not show cause in accordance with that section unless the Commissioner is satisfied that the applicant did not show cause in accordance with that section why the registration should not be cancelled –</p> <p>(a) because of circumstances beyond the applicant's control; or</p> <p>(b) for reasons that ought to be reasonably to be excused.</p> | <p><b>24. Compensation for extinguishment of security interest</b></p> <p>(3) The Commissioner shall not make an order under this section in relation to an application arising by reason of loss or damage suffered after the cancellation under section 22 of an entry in the register if the applicant did not show cause in accordance with that section unless the Commissioner is satisfied that the applicant did not show cause in accordance with that section why the registration should not be cancelled –</p> <p>(a) because of circumstances beyond the applicant's control; or</p> <p>(b) for reasons that ought to be reasonably to be excused.</p> | <p>Corrects an error identified when the Act was reprinted.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b> | <b>AS AMENDED</b>     | <b>EXPLANATION</b>  |
|---------------------------|-----------------------|---|
| <b>Section 9</b>          | Section 9 is repealed | <p>Repeals a provision that has not been, and will not be, proclaimed.</p> <p>s. 9 would have amended the <i>Child Welfare Act 1947</i>. That Act has been repealed by the <i>Children and Community Services Act 2004</i>, the relevant provisions of which were proclaimed to commence on 1 March 2006. The <i>Interpretation Act 1984</i> s. 33, under which the repeal of an Act also repeals any amendments, did not apply to s. 9 as it does not extend to unproclaimed provisions.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>   | <b>EXPLANATION</b>  |
|---|---|---|
| <p><b>3. Terms used in this Act</b><br/>...</p> <p>s. 34(1), (3); s. 35(1), (3); s. 52(2), (4);<br/>s. 85 (1), (3); s. 86(1), (3); s. 120(4), (5), (6),<br/>(7), (8), (9), (10); s. 135(3), (5); s. 136(4)(a),<br/>(5); s. 231(4)</p> <p><b>Schedule 2</b></p> <p><i>[25. Has not come into operation.]</i></p> | <p><b>3. Terms used in this Act</b></p> <p>The following definition is inserted in the appropriate alphabetical position –</p> <p><u>“judge”</u> means a judge of the Court;</p> <p>These provisions are amended by inserting before “magistrate” in each place where it occurs –</p> <p><u>“ judge or “</u></p> <p><b>Schedule 2</b></p> <p>Clause 25 is repealed.</p> | <p>The Act confers on magistrates of the Children’s Court power to issue warrants and preside at pre-hearing conferences. As the presiding judge of the Court may also be called on to exercise such functions, these amendments are to enable a judge of that Court to exercise those powers as well as a magistrate.</p> <p>Repeals a provision that has not been, and will not be, proclaimed. Clause 25 would have amended the <i>Spent Convictions Act 1988</i> sch 3, cl 2(1) items 3 and 5. Those items have since been deleted, so the clause can have no effect.</p> |

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006

| EXISTING PROVISION   | AS AMENDED   | EXPLANATION  |
|--|--|--|
| <p><b>4. Varying amounts to reflect award rate changes</b><br/>           ...<br/>           (2) The amount for the relevant financial year is obtained —<br/>               (a) by varying the amount for the preceding financial year by the percentage by which the amount that the Australian Statistician published as the Wage Cost Index, ordinary time hourly rates of pay (excluding bonuses) for Western Australia (in this subsection called <b>“the WCI”</b>) varied between the last December quarter before the preceding financial year commenced and the last December quarter before the relevant financial year commenced;<br/>               or<br/>               (b) if the calculation under paragraph (a) cannot be performed for a financial year because the WCI for a relevant quarter was not published, by varying the amount for the preceding financial year in accordance with the regulations,</p> | <p><b>4. Varying amounts to reflect award rate changes</b><br/>           ...<br/>           (2) The amount for the relevant financial year is obtained —<br/>               (a) by varying the amount for the preceding financial year by the percentage by which the amount that the Australian Statistician published as the <u>Labour Price Index (formerly known as the Wage Cost Index)</u><del>Wage Cost Index</del>, ordinary time hourly rates of pay (excluding bonuses) for Western Australia (in this subsection called <b>“the LPI”</b><del>“the WCI”</del>) varied between the last December quarter before the preceding financial year commenced and the last December quarter before the relevant financial year commenced; or<br/>               (b) if the calculation under paragraph (a) cannot be performed for a financial year because the <u>LPI</u><del>WCI</del> for a relevant quarter was not published, by varying the amount for the preceding financial year in accordance with the regulations,</p> | <p>The Index, produced by the Australian Bureau of Statistics, has been renamed.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>   | <b>EXPLANATION</b>   |
|--|---|--|
| <p><b>131A. Tabling of Ministerial directions</b><br/>                     ...<br/>                     (3) A copy of a direction transmitted to the Clerk of a House is to be regarded -<br/>                         (a) as having been laid before that House; and<br/>                         (b) as being a document published by order or under the authority of that House.</p> <p>(4) The laying of a copy of a direction that is regarded as having occurred under subsection (3)(a) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy.</p> | <p><b>131A. Tabling of Ministerial directions</b><br/>                     ...<br/> <del>(3) A copy of a direction transmitted to the Clerk of a House is to be regarded -</del><br/>                         <del>(a) as having been laid before that House; and</del><br/>                         <del>(b) as being a document published by order or under the authority of that House.</del></p> <p><u>(3) A copy of a direction transmitted to the Clerk of a House is taken to have been laid before that House.</u></p> <p>(4) The laying of a copy of a direction that is <del>regarded as having occurred under subsection (3)(a)</del> <u>taken to have occurred under subsection (3)</u> is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy.</p> | <p>Relates to tabling of documents – see note for <i>Legal Practice Act 2003</i> s. 251 for details.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>             | <b>EXPLANATION</b>   |
|---|-------------------------------|--|
| <p><b>51. Part IXA inserted</b></p> <p>After section 125 of the principal Act the following Part is inserted –</p> <p>“ PART IXA – NATURE CONSERVATION TRUST OF WESTERN AUSTRALIA</p> <p><b>125A. Nature Conservation Trust established</b></p> <p>...</p> <p><b>125B. Membership etc. of the Trust</b></p> <p>...</p> <p><b>125C. Functions of the Trust</b></p> <p>...</p> <p><b>125D. Effect of transfer</b></p> <p>...</p> <p><b>125E. Part of the land may be disposed of</b></p> <p>...</p> <p><b>125F. Trust Fund</b></p> <p>...</p> | <p>Section 51 is repealed</p> | <p>Repeals unproclaimed amendments which are no longer required.</p> <p>These amendments were to establish the Nature Conservation Trust of Western Australia but they were adversely affected by subsequent changes to the Commonwealth taxation law. The Trust that would have been created was regarded by the Commonwealth Taxation Commissioner as not being independent in so far as its income was effectively to be directed to support the interests of its controller, the Minister for the Environment, and it could be considered to be a conduit for the donations of money to the State Government. The inability to obtain tax deductibility for donations would have resulted in an ineffectual fund raising capacity.</p> |



**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| <p><b>125G. Ministerial directions</b><br/>...</p> <p><b>125H. Minister to have access to information</b><br/>...</p> <p><b>125I. Staff and support</b><br/>...</p> <p><b>125J. Execution of documents by Trust</b><br/>...</p> <p><b>125K. Applications of <i>Financial Administration and Audit Act 1985</i></b><br/>...</p> <p><b>125L. Review</b><br/>...</p> <p>(2) The Minister shall prepare a report based on the review carried out under subsection (1) and shall, as soon as practicable, cause that report to be laid before each House of Parliament. "</p> <p>...</p> <p><b>Schedule</b></p> <p>1. <i>Constitution Acts Amendment Act 1899</i><br/>In Schedule V, in Part 3, the following item is inserted in the</p> | <p>Items 1, 2 and 6 of the Schedule are repealed.</p> |  |
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STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006

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| <p>appropriate alphabetical position –<br/>“ The Nature Conservation Trust of Western Australia established under Part IXA of the <i>Conservation and Land Management Act 1984</i>. “.</p> <p>2. <i>Financial Administration and Audit Act 1985</i><br/>In Schedule 1, the following item is inserted in the appropriate alphabetical position –<br/>“ Nature Conservation Trust of Western Australia “.</p> <p>...</p> <p>6. <i>Parliamentary Commissioner Act 1971</i><br/>In the Schedule, after the item relating to the Coal Miners' Welfare Board of Western Australia, the following item is inserted –</p> <p>“ Nature Conservation Trust of Western Australia established under Part IXA of the <i>Conservation and Land Management Act 1984</i>. “.</p> |  |  |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>   | <b>EXPLANATION</b>   |
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| <p><b>6. Penalty for neglect by master to provide food, clothing, etc., for servant or apprentice</b></p> <p>Where a master, being legally liable to provide for his servant or apprentice necessary food, clothing, medical aid, or lodging, wilfully, and without lawful excuse, refuses or neglects to provide the same, whereby the health of the servant or apprentice is or is likely to be seriously or permanently injured, he shall, on summary conviction, be liable either to pay a penalty not exceeding \$40.</p> | <p><b>6. Penalty for neglect by master to provide food, clothing, etc., for servant or apprentice</b></p> <p>Where a master, being legally liable to provide for his servant or apprentice necessary food, clothing, medical aid, or lodging, wilfully, and without lawful excuse, refuses or neglects to provide the same, whereby the health of the servant or apprentice is or is likely to be seriously or permanently injured, he shall, on summary conviction, be liable <del>either</del> to pay a penalty not exceeding \$40.</p> | <p>Originally s. 6 read “be liable either to pay a penalty not exceeding \$40 or to be imprisoned...”. The amendment to delete imprisonment accidentally left the word “either”.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>   | <b>EXPLANATION</b>                     |
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| <p><b>51. No action to lie against officials of either House</b></p> <p>No action or other legal proceedings shall lie or be maintained against the President of the Legislative Council, or the Speaker of the Legislative Assembly, or against the Chairman of Committees, or other officer of either House of Parliament, or any member of the Police Force, for anything done by, or under the warrant, or by the direction of, such President, Speaker, or other officer, under or purporting to be under the standing orders or other the order or resolution of the House in which he presides, or of which he is an officer, as the case may be, or under or purporting to be under the provisions of “An Act for defining the Privileges, Immunities, and Powers of the Legislative Council and Legislative Assembly of Western Australia, respectively.”</p> | <p><b>51. No action to lie against officials of either House</b></p> <p>No action or other legal proceedings shall lie or be maintained against the President of the Legislative Council, or the Speaker of the Legislative Assembly, or against the Chairman of Committees, or other officer of either House of Parliament, or any member of the Police Force, for anything done by, or under the warrant, or by the direction of, such President, Speaker, or other officer, under or purporting to be under the standing orders <del>or other the order</del> <u>or any other order</u> or resolution of the House in which he presides, or of which he is an officer, as the case may be, or under or purporting to be under the provisions of “An Act for defining the Privileges, Immunities, and Powers of the Legislative Council and Legislative Assembly of Western Australia, respectively.”</p> | <p>Corrects a typographical error.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>  | <b>EXPLANATION</b>  |
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| <p><b>33. Interest up to determination</b></p> <p>(1) If an appointed adjudicator determines that a party to a payment dispute is liable to make a payment, he or she may also determine that interest is to be paid -</p> <p>...</p> <p>(b) otherwise, on the whole or a part of the payment from the date the payment dispute arose at a rate not greater than the rate prescribed under the <i>Supreme Court Act 1935</i> section 142,</p> <p>...</p> <p><b>39. Payment of amount determined and interest</b></p> <p>...</p> <p>(2) Unless the determination provides otherwise, interest at the rate prescribed under the <i>Supreme Court Act 1935</i> section 142 is to be paid on such of the amount as is unpaid after the date specified in the determination.</p> <p>...</p> <p><b>Schedule 1</b></p> <p>...</p> <p><b>8.</b></p> <p>...</p> | <p><b>33. Interest up to determination</b></p> <p>(1) If an appointed adjudicator determines that a party to a payment dispute is liable to make a payment, he or she may also determine that interest is to be paid -</p> <p>...</p> <p>(b) otherwise, on the whole or a part of the payment from the date the payment dispute arose at a rate not greater than the rate prescribed under the <del><i>Supreme Court Act 1935</i></del> <u><i>Civil Judgements Enforcement Act 2004</i></u> section <u>8(1)(a)</u>,</p> <p>...</p> <p><b>39. Payment of amount determined and interest</b></p> <p>...</p> <p>(2) Unless the determination provides otherwise, interest at the rate prescribed under the <del><i>Supreme Court Act 1935</i></del> <u><i>Civil Judgements Enforcement Act 2004</i></u> section <u>8(1)(a)</u> is to be paid on such of the amount as is unpaid after the date specified in the determination.</p> <p>...</p> <p><b>Schedule 1</b></p> <p>...</p> <p><b>8.</b></p> <p>...</p> | <p>The <i>Supreme Court Act 1935</i> s. 142 provided for interest on judgement debts. That section was replaced by the <i>Civil Judgements Enforcement Act 2004</i> s. 8. References to s. 142 were amended by the <i>Courts Legislation Amendment and Repeal Act 2004</i>. This Act was inadvertently overlooked as it was in Parliament at the same time as the courts legislation.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| <p>(3) The rate of interest at any time is equal to that prescribed for that time under the <i>Supreme Court Act 1935</i> section 142.</p> | <p>(3) The rate of interest at any time is equal to that prescribed for that time under the <del><i>Supreme Court Act 1935</i></del> section 142 <u><i>Civil Judgements Enforcement Act 2004</i></u> section 8(1)(a).</p> |  |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>  | <b>EXPLANATION</b>  |
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| <p><b>6. Membership of the Board</b></p> <p>(1) Subject to this Act the Board shall consist of 7 members appointed by the Minister as follows -</p> <p>...</p> <p>(b) 3 persons appointed from among persons whose names are on a panel of 6 names comprised of 3 names submitted by the body known as the Master Builders' Association of Western Australia and 3 names submitted by the body known as The Confederation of Western Australian Industry (Incorporated); and</p> | <p><b>6. Membership of the Board</b></p> <p>(1) Subject to this Act the Board shall consist of 7 members appointed by the Minister as follows -</p> <p>...</p> <p>(b) 3 persons appointed from among persons whose names are on a panel of 6 names comprised of 3 names submitted by the body known as the Master Builders' Association of Western Australia and 3 names submitted by the body known as <del>The Confederation of Western Australian Industry (Incorporated)</del> <u>the Chamber of Commerce and Industry of Western Australia (Inc)</u>; and</p> | <p>The Confederation has been replaced by the Chamber of Commerce and Industry.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>   | <b>EXPLANATION</b>   |
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| <p><b>3. Interpretation</b></p> <p>(1) In this Act unless the contrary intention appears -</p> <p>...</p> <p><b>“road”</b> means any highway, road or street, open to, or used by, the public; and</p> | <p><b>3. Interpretation</b></p> <p>(1) In this Act unless the contrary intention appears -</p> <p>...</p> <p><b>“road”</b> means any highway, road or street, open to, or used by, the public; <del>and</del></p> | <p>Corrects a grammatical error identified when Act was reprinted.</p> |



STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006

| EXISTING PROVISION   | AS AMENDED  | EXPLANATION  |
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| <p><b>3. Terms used in this Act</b><br/>In this Act unless the contrary intention appears –<br/>...<br/>"legal practitioner" has the meaning given to "practitioner" in the <i>Legal Practitioners Act 1893</i><br/>...<br/><b>27A. Allegations involving parliamentary privilege</b><br/>...<br/>(3) Section 22(3) and Division 4 of Part 2 are excluded in their operation with respect to an allegation made under subsection (1).<br/>...<br/><b>27B. Dealing with referrals under s. 27A(1)</b><br/><br/>(1) The presiding officer, on receipt of a referral made under section 27A(1), must -<br/>    (a) where the allegation is made under paragraph (a), require a committee of the House whose functions include considering matters relating to the practice, procedure and privileges of the House (the "<b>Privileges Committee</b>"), to inquire into the matter;<br/>    (b) where the allegation is made under</p> | <p><b>3. Terms used in this Act</b><br/>In this Act unless the contrary intention appears –<br/>...<br/>"legal practitioner" has the meaning given to "practitioner" in the <del><i>Legal Practitioners Act 1893</i></del> <u><i>Legal Practice Act 2003</i></u>.<br/>...<br/><b>27A. Allegations involving parliamentary privilege</b><br/>...<br/>(3) Section 22(3) and Division 4 of Part 2 are excluded in their operation with respect to an allegation made under subsection (1).<br/>...<br/><b>27B. Dealing with referrals under s. 27A(1)</b><br/><br/>(1) The presiding officer, on receipt of a referral made under section 27A(1), must -<br/>    (a) where the allegation is made under <del>paragraph (a)</del> <u>section 27(1)(a)</u>, require a committee of the House whose functions include considering matters relating to the practice, procedure and privileges of the House (the "<b>Privileges Committee</b>"), to inquire into the matter;<br/>    (b) where the allegation is made under <del>paragraph (b)</del> <u>section 27(1)(b)</u>, require</p> | <p>Corrects the title cross reference of the Act</p> <p>Corrects a cross reference error. The reference is to Division 4 of Part 3 – being the Part containing s. 27A.</p> <p>Corrects cross reference errors.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| <p>paragraph (b), require the Commission to conduct an inquiry.</p> <p>...</p> <p><b>67. Terms used in this Division</b></p> <p>(1) In this Part -</p> <p>...</p> <p><b>77. Hindering removal or modification of fortifications</b></p> <p>(1) A person who does anything intending to prevent, obstruct, or delay, the removal or modification of fortifications in accordance with a fortification removal notice commits a crime.<br/>Penalty: Imprisonment for 5 years and a fine of \$100 000.</p> <p>(2) Subsection (1) applies to the removal or modification of fortifications by a person who –</p> <p>(a) is, or is acting for or on the instructions of, the owner or an interested person; or</p> <p>(b) is acting under section 75(3).</p> <p>...</p> <p><b>78. Planning and other approval issues</b></p> <p>(1) The powers given by this Division may be exercised without regard to whether any statutory or other approval had been given for the fortifications.</p> <p>(2) No statutory or other approval is required for the removal or modification of fortifications in accordance with a fortification removal notice.</p> | <p>the Commission to conduct an inquiry.</p> <p>...</p> <p><b>67. Terms used in this Division</b></p> <p>(1) In this Part <u>Division</u> -</p> <p>...</p> <p><b>77. Hindering removal or modification of fortifications</b></p> <p>(1) A person who does anything intending to prevent, obstruct, or delay, the removal or modification of fortifications in accordance with a fortification removal notice commits a crime.<br/>Penalty: Imprisonment for 5 years and a fine of \$100 000.</p> <p>(2) Subsection (1) applies to the removal or modification of fortifications by a person who –</p> <p>(a) is, or is acting for or on the instructions of, the owner or an interested person; or</p> <p>(b) is acting under <del>section 75(3)</del> <u>section 75</u>.</p> <p>...</p> <p><b>78. Planning and other approval issues</b></p> <p>(1) The powers given by this Division may be exercised without regard to whether any statutory or other approval had been given for the fortifications.</p> <p>(2) No statutory or other approval is required for the removal or modification of fortifications in accordance with a fortification removal notice.</p> | <p>s. 67(1) begins “In this Part” then defines various terms, which appear only in Division 6, not elsewhere in Part 4.</p> <p>To correct a cross reference error</p> <p>To correct a cross reference error</p> |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| <p>(3) Subsection (2) applies to the removal or modification of fortifications by a person who –<br/>(a) is, or is acting for or on the instructions of, the owner or an interested person; or<br/>(b) is acting under section 75(3).</p> | <p>(3) Subsection (2) applies to the removal or modification of fortifications by a person who –<br/>(a) is, or is acting for or on the instructions of, the owner or an interested person; or<br/>(b) is acting under <del>section 75(3)</del> <u>section 75</u>.</p> |  |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| <p>A person who –<br/>...<br/>(b) in purported compliance with a notice served on the person or some other person under this section, furnishes information knowing it to be false or misleading in a material particular,</p> | <p>A person who –<br/>...<br/>(b) in purported compliance with a notice served on the person or some other person under <del>this section</del><u>section 94 or 95</u>, furnishes information knowing it to be false or misleading in a material particular,</p> |  |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION  | AS AMENDED  | EXPLANATION   |
|---|---|---|
| <p><b>Schedule 1 – Offences that may be relevant for Part 4</b><br/>[s. 3, 5]</p> <p>1. An offence under any of the following enactments –</p> <p><i>The Criminal Code</i></p> <p align="center">...</p> <p>s. 393 (except in circumstances in which the maximum penalty that can be imposed is imprisonment for 14 years)<br/>s. 398 (in circumstances in which the maximum penalty that can be imposed is imprisonment for 20 years)<br/>s. 451A(1)<br/>s. 454<br/>s. 557<br/>s. 563A</p> | <p><b>Schedule 1 – Offences that may be relevant for Part 4</b><br/>[s. 3, 5]</p> <p>1. An offence under any of the following enactments –</p> <p><i>The Criminal Code</i></p> <p align="center">...</p> <p>s. 393 (except in circumstances in which the maximum penalty that can be imposed is imprisonment for <u>10 years</u> <u>or</u> 14 years)<br/>s. 398 (in circumstances in which the maximum penalty that can be imposed is imprisonment for 20 years)<br/>s. 451A(1)<br/>s. 454<br/>s. 557<br/>s. 563A</p> | <p>Schedule 1 lists offences that may be relevant for this Act. It includes s. 393 of The Criminal Code (Assault with intent to rob) except in circumstances where the maximum penalty that can be imposed is imprisonment for 14 years.</p> <p>S.393 was amended in December 2001 so that the maximum penalty applying in certain circumstances is 10 years. Those cases should also have been excluded from Schedule 1 of this Act but this was inadvertently overlooked.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION   | AS AMENDED  | EXPLANATION  |
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| <p><b>12. Commission may exercise powers of a local government under the <i>Health Act 1911</i></b></p> <p>For preventing the pollution of water within a catchment area or water reserve, the Commission shall have all the powers and authority of a local government within the meaning of and under the <i>Health Act 1911</i>, including power to make and enforce local laws under that Act, as if the catchment area or water reserve were a health district constituted under that Act, and the Commission were the local government for such district under that Act.</p> <p>...</p> <p><b>12E. Compensation</b></p> <p>...</p> <p>(3) The amount to be paid under this Part as compensation for injurious affection shall be assessed on the basis of values applying at the time at which the claim for compensation is made in accordance with this Part, and, subject to subsection (8), shall include interest computed from 60 days after the date of the making of that claim on the balance of compensation outstanding from time to time at the rate determined at the time at which the claim</p> | <p><b>12. Commission may exercise powers of a local government under the <i>Health Act 1911</i></b></p> <p>For preventing the pollution of water within a catchment area or water reserve, the Commission shall have all the powers and authority of a local government within the meaning of and under the <i>Health Act 1911</i>, including power to make and enforce local laws under that Act, as if the catchment area or water reserve <del>were a health district constituted under that Act, and the Commission were the local government for such district under that Act.</del> <u>were a district for the purposes of that Act, and the Commission were the local government for that district.</u></p> <p>...</p> <p><b>12E. Compensation</b></p> <p>...</p> <p>(3) The amount to be paid under this Part as compensation for injurious affection shall be assessed on the basis of values applying at the time at which the claim for compensation is made in accordance with this Part, and, subject to subsection (8), shall include interest computed from 60 days after the date of the making of that claim on the balance of compensation outstanding from time to time at the rate <del>determined at the time at which the claim</del></p> | <p>The <i>Health Act 1911</i> used to provide for “health districts” to be constituted under that Act. It now operates simply by reference to local government districts. This amendment is to reflect that change.</p> <p>The <i>Supreme Court Act 1935</i> s. 142 provided for interest on judgement debts. That section was replaced by the <i>Civil Judgements Enforcement Act 2004</i> s. 8. References to s. 142 were amended by the <i>Courts Legislation Amendment and Repeal Act 2004</i>. This reference was inadvertently overlooked.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| <p>for compensation is made in respect of judgment debts pursuant to section 142 of the <i>Supreme Court Act 1935</i>.</p> <p>...</p> <p><b>81. How rates may be recovered</b></p> <p>The amount payable to the Corporation in respect of any water supply charges, or interest due thereon shall be recoverable action in a court of competent jurisdiction, or by sale as hereinafter mentioned, and that amount and the amount of all costs, charges and expenses of any proceedings to recover it shall constitute a charge and have priority to every security or claim, including rent, of any description against the estate, real and personal, of the person liable to make payment of the amount.</p> | <p><del>for compensation is made in respect of judgment debts pursuant to section 142 of the <i>Supreme Court Act 1935</i>.</del><u>prescribed under section 8(1)(a) of the <i>Civil Judgements Enforcement Act 2004</i> at the time at which the claim for compensation is made.</u></p> <p>...</p> <p><b>81. How rates may be recovered</b></p> <p>The amount payable to the Corporation in respect of any water supply charges, or interest due thereon shall be recoverable <u>by</u> action in a court of competent jurisdiction, or by sale as hereinafter mentioned, and that amount and the amount of all costs, charges and expenses of any proceedings to recover it shall constitute a charge and have priority to every security or claim, including rent, of any description against the estate, real and personal, of the person liable to make payment of the amount.</p> | <p>Inserts word inadvertently omitted from recent amendment.</p> |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION   | AS AMENDED   | EXPLANATION  |
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| <p><b>25. CEO may authorise certain other persons to exercise powers</b></p> <p>(1) In this section -</p> <p><b>“justice officer”</b> means -</p> <p>(a) a public service officer working in the Department;</p> <p>(b) any other person engaged or appointed to work in or for the Department;</p> <p>(d) a prison officer;</p> <p>(e) a person appointed under section 11 of the <i>Young Offenders Act 1994</i>;</p> <p>(f) an officer of the sheriff;</p> <p>...</p> | <p><b>25. CEO may authorise certain other persons to exercise powers</b></p> <p>(1) In this section -</p> <p><b>“justice officer”</b> means -</p> <p>(a) a public service officer working in the Department; <u>or</u></p> <p>(b) any other person engaged or appointed to work in or for the Department; <u>or</u></p> <p>(g) a prison officer; <u>or</u></p> <p>(h) a person appointed under section 11 of the <i>Young Offenders Act 1994</i>; <u>or</u></p> <p>(i) an officer of the sheriff; <u>or</u></p> <p>...</p> | <p><i>Courts Legislation Amendment and Repeal Act 2004</i> deleted paragraphs (g) and (h) but overlooked inserting the conjunction after paragraph (e).</p> <p>In line with current drafting policy, conjunctions are now inserted after each paragraph.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>                 | <b>EXPLANATION</b>  |
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| <p><b>91. Mortgage of goods to be in writing, and to operate as security only</b><br/>                     ...<br/> <i>[(3) has not come into operation.]</i></p> | <p>Section 91(3) is repealed.</p> | <p>Repeals provisions that have not been, and will not be, proclaimed. s. 91(3) was not proclaimed as it was rendered redundant by the <i>Chattel Securities Act 1987</i> s. 5.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION  | AS AMENDED  | EXPLANATION  |
|---|---|--|
| <p><b>34. Issue of freezing notices</b><br/>                     ...<br/>                     (5) A freezing notice may be issued under subsection (3) for all property acquired after the order is made –<br/>                     (a) by the person; or<br/>                     (b) by another person at the request or direction of the first-mentioned person.<br/>                     ...</p>  | <p><b>34. Issue of freezing notices</b><br/>                     ...<br/>                     (5) A freezing notice may be issued under subsection (3) for all property acquired after the <del>order is made</del> <u>notice is issued</u> –<br/>                     (a) by the person; or<br/>                     (b) by another person at the request or direction of the first-mentioned person.<br/>                     ...</p>   | <p>Corrects reference to order instead of notice</p>                               |
| <p><b>35. Form of freezing notice</b><br/>                     (1) A freezing notice must –<br/>                     ...;<br/>                     (e) advise the recipient to the effect that the property described in the order may be confiscated automatically under this Act unless an objection to the confiscation of the property is filed in the court specified in the notice within 28 days after the date of service of the notice;<br/>                     ...</p> | <p><b>35. Form of freezing notice</b><br/>                     (1) A freezing notice must –<br/>                     ...<br/>                     (e) advise the recipient to the effect that the property described in the <del>order</del> <u>notice</u> may be confiscated automatically under this Act unless an objection to the confiscation of the property is filed in the court specified in the notice within 28 days after the date of service of the notice;<br/>                     ...</p> | <p>Corrects reference to order instead of notice</p>                               |
| <p><b>39. Duration of freezing notice – other property</b><br/>                     (4) However, if the freezing notice was issued on 2 or more grounds, but the notice has not ceased to be in force under subsection (3) or (4) in relation to each of those grounds, the freezing order continues in force as if it had been made on each remaining ground.</p>  | <p><b>39. Duration of freezing notice — other property</b><br/>                     (4) However, if the freezing notice was issued on 2 or more grounds, but the notice has not ceased to be in force under subsection <del>(3) or (4)</del> <u>(2) or (3)</u> in relation to each of those grounds, the freezing <del>order</del> <u>notice</u> continues in force as if it had been made on each remaining ground.</p>  | <p>Corrects cross reference and corrects reference to order instead of notice.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| <p><b>45. Scope of freezing orders</b></p> <p>In a freezing order, the court may do any or all of the following -</p> <p>(a) direct that any income or other property derived from the property while the order is in force is to be treated as part of the property;</p> <p>(b) if the property is moveable - direct that the property is not to be moved except in accordance with the order;</p> <p>(c) appoint the DPP, the Public Trustee or the Commissioner of Police to manage the property while the order is in force;</p> | <p><b>45. Scope of freezing orders</b></p> <p>In a freezing order, the court may do any or all of the following -</p> <p>(a) direct that any income or other property derived from the property while the order is in force is to be treated as part of the property;</p> <p>(b) if the property is moveable - direct that the property is not to be moved except in accordance with the order;</p> <p>(c) appoint <del>the DPP</del>, the Public Trustee or the Commissioner of Police to manage the property while the order is in force;</p> | <p>Removes unnecessary reference to the DPP.</p>  |
| <p><b>82. Release of crime-used property</b></p> <p>...</p> <p>(7) On the application of the DPP or an owner of the property, the court may set aside the freezing notice or freezing order for the property if it also orders the objector to pay to the State an amount equal to the value of the property.</p> <p>...</p>   | <p><b>82. Release of crime-used property</b></p> <p>...</p> <p>(7) On the application of the DPP or an owner of the property, the court may set aside the freezing notice or freezing order for the property if it also orders the objector to pay to the State <del>an amount equal to the value of the property</del> <u>the amount assessed by the court as the amount equal to the value of the property at the time the application to set aside was made.</u></p> <p>...</p>  | <p>Amended to be consistent for crime-used property and crime-derived property. Also to avoid any uncertainty as to which application is being referred to.</p> |

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| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>   | <b>EXPLANATION</b>  |
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| <p><b>83. Release of crime-derived property</b><br/>                     ...<br/>                     (5) On the application of the DPP or an owner of the property, the court may set aside the freezing notice or freezing order for the property if it also orders the objector to pay to the State the amount assessed by the court as the amount equal to the value of the property at the time of the application.<br/>                     ...</p>  | <p><b>83. Release of crime-derived property</b><br/>                     ...<br/>                     (5) On the application of the DPP or an owner of the property, the court may set aside the freezing notice or freezing order for the property if it also orders the objector to pay to the State the amount assessed by the court as the amount equal to the value of the property at the time <del>of the application</del> <u>the application to set aside was made</u>.<br/>                     ...</p>   | <p>Amended to be consistent for crime-used property and crime-derived property. Also to avoid any uncertainty as to which application is being referred to.</p> |
| <p><b>87. Orders to release confiscated property</b><br/>                     ...<br/>                     (2) If the court orders the release of the property –<br/>                     (a) if the property is money - an amount equal to the amount of the money is to be paid to the objector from the Confiscation Proceeds Account;<br/>                     (b) if the property is not money, and has not been disposed of - the property is to be given to the objector; and<br/>                     (c) if the property is not money, and has been sold - an amount equal to the value of the property is to be paid to the objector from the Confiscation Proceeds Account.</p> | <p><b>87. Orders to release confiscated property</b><br/>                     ...<br/>                     (2) If the court orders the release of the property –<br/>                     (a) if the property is money - an amount equal to the amount of the money is to be paid to the <del>objector</del> <u>applicant</u> from the Confiscation Proceeds Account;<br/>                     (b) if the property is not money, and has not been disposed of - the property is to be given to the <del>objector</del> <u>applicant</u>; and<br/>                     (c) if the property is not money, and has been sold - an amount equal to the value of the property is to be paid to the <del>objector</del> <u>applicant</u> from the</p> | <p>Corrects reference to objector instead of applicant.</p>   |

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| <p>(3) If the objector establishes the matters set out in subsection (1)(a), (b), (c) and (d), but fails to establish the matter set out in subsection (1)(e), the court may order the release of the objector's share of the property.</p> <p>(4) In an order under subsection (3) the court is to specify the proportion that it finds to be the objector's share of the property.</p> <p>(5) If the court makes an order under subsection (3), the objector is to be paid out of the Confiscation Proceeds Account -</p> <p>(a) if the property is money - an amount equal to the objector's share of the money; and</p> <p>(b) if the property is not money - an amount equal to the amount that bears to the value of the property the same proportion as the objector's share of the property bears to the whole property.</p> | <p align="center">Confiscation Proceeds Account.</p> <p>(3) If the <del>objector</del> <u>applicant</u> establishes the matters set out in subsection (1)(a), (b), (c) and (d), but fails to establish the matter set out in subsection (1)(e), the court may order the release of the <del>objector's</del> <u>applicant's</u> share of the property.</p> <p>(4) In an order under subsection (3) the court is to specify the proportion that it finds to be the <del>objector's</del> <u>applicant's</u> share of the property.</p> <p>(5) If the court makes an order under subsection (3), the <del>objector</del> <u>applicant</u> is to be paid out of the Confiscation Proceeds Account -</p> <p>(a) if the property is money - an amount equal to the <del>objector's</del> <u>applicant's</u> share of the money; and</p> <p>(b) if the property is not money - an amount equal to the amount that bears to the value of the property the same proportion as the <del>objector's</del> <u>applicant's</u> share of the property bears to the whole property.</p> |  |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>  | <b>EXPLANATION</b>   |
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| <p><b>94. Sale of deteriorating property</b><br/>                     ...<br/>                     3) If the Public Trustee has the control or management of frozen property under this Act, the Public Trustee may sell the property in the circumstances referred to in subsection (2), without obtaining an order under that subsection, if -<br/>                     (a) the Public Trustee gives adequate notice of the proposed sale to the owner of the property; and<br/>                     (b) the owner does not file an objection to the sale in the court that made the freezing order.<br/>                     ...</p> <p><b>113. Registration of interests in registrable real property</b><br/>                     ...<br/>                     (10) However, despite any other law in force in Western Australia, if an instrument (other than a memorial lodged under this Act) is lodged or registered in relation to frozen registrable real property –<br/>                     (a) the instrument and its lodgement or registration have no effect, at law, in equity or otherwise, while the freezing notice or freezing order is in force; and</p> | <p><b>94. Sale of deteriorating property</b><br/>                     ...<br/>                     3) If the Public Trustee has the control or management of frozen property under this Act, the Public Trustee may sell the property in the circumstances referred to in subsection (2), without obtaining an order under that subsection, if -<br/>                     (a) the Public Trustee gives adequate notice of the proposed sale to the owner of the property; and<br/>                     (b) the owner does not file an objection to the sale in the court <u>in which the freezing notice was filed or that</u> made the freezing order.<br/>                     ...</p> <p><b>113. Registration of interests in registrable real property</b><br/>                     ...<br/>                     (10) However, despite any other law in force in Western Australia, if an instrument (other than a memorial lodged under this Act) is lodged or registered in relation to frozen registrable real property –<br/>                     (a) the instrument and its lodgement or registration have no effect, at law, in equity or otherwise, while the freezing notice or freezing order is in</p> | <p>Refers to frozen property, which may be frozen under a notice or order but refers only to orders. This amendment inserts a reference to freezing notices.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| <p>(b) if the freezing notice or freezing order ceases to be in force, and the property is not confiscated, then the memorial, and its lodgement or registration (if any), have effect as if the property had not been frozen at the time that the instrument was lodged or registered, or at the time that the dealing or purported dealing to which the instrument relates was carried out.</p> <p>...</p> <p><b>117. Interstate registration of freezing notices and orders</b></p> <p>...</p> <p>(2) The notice or order does not apply to property in another State or a Territory except to the extent that –</p> <p>(a) a corresponding law of the State or Territory provides that the notice or order has effect in the State or Territory when it is registered under that law; or</p> <p>(b) if the property is moveable - when the order took effect, the property was not located in a State or Territory in which a corresponding law is in force.</p> | <p>force; and</p> <p>(b) if the freezing notice or freezing order ceases to be in force, and the property is not confiscated, then the <del>memorial instrument</del>, and its lodgement or registration (if any), have effect as if the property had not been frozen at the time that the instrument was lodged or registered, or at the time that the dealing or purported dealing to which the instrument relates was carried out.</p> <p>...</p> <p><b>117. Interstate registration of freezing notices and orders</b></p> <p>...</p> <p>(2) The notice or order does not apply to property in another State or a Territory except to the extent that –</p> <p>(a) a corresponding law of the State or Territory provides that the notice or order has effect in the State or Territory when it is registered under that law; or</p> <p>(b) if the property is moveable - when the <u>notice or</u> order took effect, the property was not located in a State or Territory in which a corresponding law is in force.</p> | <p>Corrects the reference to memorial instead of instrument.</p> <p>Corrects reference to orders instead of notices and orders.</p> |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>   | <b>EXPLANATION</b>   |
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| <p><b>118. Registration of interstate orders</b></p> <p>(1) If an interstate freezing order, or an interstate confiscation declaration, expressly applies to property that is in this State, the order may be registered under this Act.</p> <p>(2) An order is registered under this Act when a copy of the order, sealed by the court that made the order, is registered in accordance with the rules of the Supreme Court.</p> <p>(3) Any amendments made to an interstate freezing order or an interstate confiscation declaration may be registered in the same way, whether the amendments were made before or after the registration of the original declaration, but the amendments are of no effect until they are registered.</p> <p>(4) An application for registration may be made by the applicant for the interstate order or declaration or amendments, by the DPP, or by any person affected by the order or amendments.</p> | <p><b>118. Registration of interstate orders</b></p> <p>(1) If an interstate freezing order, or an interstate confiscation declaration, expressly applies to property that is in this State, the order may be registered under this Act.</p> <p>(2) <del>An order</del> <u>An interstate freezing order or an interstate confiscation declaration</u> is registered under this Act when a copy of the order <u>or declaration</u>, sealed by the court that made the order <u>or declaration</u>, is registered in accordance with the rules of the Supreme Court.</p> <p>(3) Any amendments made to an interstate freezing order or an interstate confiscation declaration may be registered in the same way, whether the amendments were made before or after the registration of the original <u>order or declaration</u>, but the amendments are of no effect until they are registered.</p> <p>(4) An application for registration may be made by the applicant for the interstate order or declaration or amendments, by the DPP, or by any person affected by the order <u>or declaration</u> or amendments.</p> | <p>Corrects reference to order or to declarations instead of both orders and declarations.</p> |

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006

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| <p><b>120. Effect of registration of interstate confiscation declarations</b></p> <p>...</p> <p>(3) A registered interstate confiscation declaration does not operate so as to vest property in this State if the order has already operated to vest the property in the Commonwealth, a Territory or another State, or in some other person or entity.</p> <p><b>121. Duration of registration of interstate orders</b></p> <p>A registered interstate freezing order or registered interstate confiscation declaration is enforceable in this State under this Act until its registration is cancelled under section 122, even if the order has already ceased to be in force under the law of the Commonwealth, or of the State or Territory, under which the order was made.</p> | <p><b>120. Effect of registration of interstate confiscation declarations</b></p> <p>...</p> <p>(3) A registered interstate confiscation declaration does not operate so as to vest property in this State if the <del>order</del> <u>declaration</u> has already operated to vest the property in the Commonwealth, a Territory or another State, or in some other person or entity.</p> <p><b>121. Duration of registration of interstate orders</b></p> <p>A registered interstate freezing order <u>or declaration</u> or registered interstate confiscation declaration is enforceable in this State under this Act until its registration is cancelled under section 122, even if the order <u>or declaration</u> has already ceased to be in force under the law of the Commonwealth, or of the State or Territory, under which the order was made.</p> | <p>Corrects reference to order or to declarations instead of both orders and declarations.</p> <p>Corrects reference to order or to declarations instead of both orders and declarations.</p> |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION   | AS AMENDED   | EXPLANATION  |
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| <p><b>122. Cancellation of registration of interstate orders</b><br/>                     (1) The Supreme Court may cancel the registration of an interstate freezing order or interstate confiscation declaration if –<br/>                     (a) registration was improperly obtained; or<br/>                     (b) the order ceases to be in force under the law of the Commonwealth, or of the State or Territory, under which the order was made.<br/>                     ...</p> | <p><b>122. Cancellation of registration of interstate orders</b><br/>                     (1) The Supreme Court may cancel the registration of an interstate freezing order or interstate confiscation declaration if –<br/>                     (a) registration was improperly obtained; or<br/>                     (b) the order <u>or declaration</u> ceases to be in force under the law of the Commonwealth, or of the State or Territory, under which the order <u>or declaration</u> was made.<br/>                     ...</p> | <p>Corrects reference to orders instead of declarations and orders.</p>  |
| <p><b>148. Crime-derived property</b><br/>                     ...<br/>                     (8) Crime-derived property stops being crime-derived property –<br/>                     (a) when it is acquired by an innocent party;<br/>                     (b) if it is frozen property - when the freezing order is set aside under section 83;<br/>                     ...</p>   | <p><b>148. Crime-derived property</b><br/>                     ...<br/>                     (8) Crime-derived property stops being crime-derived property –<br/>                     (a) when it is acquired by an innocent party;<br/>                     (b) if it is frozen property - when the <u>freezing notice or freezing order</u> is set aside under section 83;<br/>                     ...</p>   | <p>Refers to frozen property, which may be frozen under a notice or order but refers only to orders. This amendment inserts a reference to freezing notices.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| <p><b>152. Value of property sold by State</b></p> <p align="center">...</p> <p>(2) If the property is subject to a mortgage which is also security against other property then, despite any other enactment and any inconsistent term of the mortgage, the extent of the security over the sold property is the proportion that the value of the sold property bore to the total value of all the secured property at the time that the security over the sold property was given.</p> <p><b>Glossary</b></p> <p align="center">...</p> <p><b>“criminal benefit”</b> has the definition given in section 145;</p> <p align="center">...</p> | <p><b>152. Value of property sold by State</b></p> <p align="center">...</p> <p>(2) If the property is subject to a mortgage which is also <del>security</del> <u>secured</u> against other property then, despite any other enactment and any inconsistent term of the mortgage, the extent of the security over the sold property is the proportion that the value of the sold property bore to the total value of all the secured property at the time that the security over the sold property was given.</p> <p><b>Glossary</b></p> <p align="center">...</p> <p><del>“criminal benefit” has the definition given in section 145;</del></p> <p><b>“criminal benefit”</b> <u>means any property, service, advantage or benefit the acquisition of which constitutes the acquisition of a criminal benefit within the meaning of section 145;</u></p> <p align="center">...</p> | <p>Corrects grammatical error.</p> <p>Amended to be consistent with s.145 – which defines the acquisition of a criminal benefit.</p> |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>   | <b>EXPLANATION</b>                  |
|--|---|-------------------------------------|
| <p><b>6. Members of Council</b></p> <p>(2) Of the persons appointed under subsection (1)(c) –</p> <p align="center">...</p> <p>(f) one is to be nominated by either -</p> <ul style="list-style-type: none"> <li>(i) the chief executive officer of Curtin University of Technology;</li> <li>(ii) the chief executive officer of Edith Cowan University;</li> <li>(iii) the Vice-Chancellor of Murdoch University;</li> <li>(iv) the Vice-Chancellor of The University of Western Australia; or</li> <li>(v) the Vice-Chancellor of the University of Notre Dame Australia, as determined by the Minister;</li> </ul> <p align="center">...</p> | <p><b>6. Members of Council</b></p> <p>(2) Of the persons appointed under subsection (1)(c) –</p> <p align="center">...</p> <p>(f) one is to be nominated by either -</p> <ul style="list-style-type: none"> <li>(i) the chief executive officer of <u>the</u> Curtin University of Technology;</li> <li>(ii) the chief executive officer of <u>the</u> Edith Cowan University;</li> <li>(iii) the Vice-Chancellor of Murdoch University;</li> <li>(iv) the Vice-Chancellor of The University of Western Australia; or</li> <li>(v) the Vice-Chancellor of <del>the University</del> <u>The University</u> of Notre Dame Australia, as determined by the Minister;</li> </ul> <p align="center">...</p> | <p>Corrects grammatical errors.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION  | AS AMENDED   | EXPLANATION  |
|---|--|--|
| <p><b>Schedule 2 – Compensation if land injuriously affected</b><br/>                     ...<br/> <b>5. Giving compensation</b><br/>                     ...<br/>                     (2) The compensation to be given is to be assessed on the basis of values applying at the time at which the claim for compensation is made in accordance with this Schedule, and, subject to subclause (4), is to include interest computed from 60 days after the day on which the claim was made on the balance of compensation outstanding from time to time at the rate determined under section 142 of the <i>Supreme Court Act 1935</i> in respect of judgment debts that applies at the time at which the claim for compensation is made.</p> | <p><b>Schedule 2 – Compensation if land injuriously affected</b><br/>                     ...<br/> <b>5. Giving compensation</b><br/>                     ...<br/>                     (2) The compensation to be given is to be assessed on the basis of values applying at the time at which the claim for compensation is made in accordance with this Schedule, and, subject to subclause (4), is to include interest computed from 60 days after the day on which the claim was made on the balance of compensation outstanding from time to time at the rate <del>determined under section 142 of the <i>Supreme Court Act 1935</i></del> <u>in respect of judgment debts that applies prescribed under section 8(1)(a) of the <i>Civil Judgements Enforcement Act 2004</i></u> at the time at which the claim for compensation is made.</p> | <p>The <i>Supreme Court Act 1935</i> s. 142 provided for interest on judgement debts. That section was replaced by the <i>Civil Judgements Enforcement Act 2004</i> s. 8. References to s. 142 were amended by the <i>Courts Legislation Amendment and Repeal Act 2004</i>. This Act was inadvertently overlooked.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b> |  | <b>AS AMENDED</b>    |  | <b>EXPLANATION</b>  |
|---------------------------|--|----------------------|--|---|
| <b>Schedule</b>           |  | <b>Schedule</b>      |  | Inserts the Act numbers that were inadvertently not included. |
| <b>Number of Act</b>      | <b>Title of Act</b>                                      | <b>Number of Act</b> | <b>Title of Act</b>                                      |   |
|                           | <i>Public Transport Authority Act 2003</i>               | <u>31 of 2003</u>    | <i>Public Transport Authority Act 2003</i>               |   |
|                           | Section 79 of the <i>Residential Tenancies Act 1987.</i> | <u>128 of 1987</u>   | Section 79 of the <i>Residential Tenancies Act 1987.</i> |   |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION   | AS AMENDED  | EXPLANATION   |
|--|---|---|
| <p><b>33G. Seizure and destruction</b><br/>                     ...<br/>                     (6) Where –<br/>                         (a) an objection lodged with a local government in accordance with subsection (2)(d)(i) is dismissed and -<br/>                         -<br/>                             (i) no application for review is made to the Local Court;<br/>                     ...<br/> <b>33J. Duration of an order as to control requirements</b><br/>                     An order imposing control requirements in relation to a dog has effect until —<br/>                     ...<br/>                     (c) the decision pursuant to which the order was imposed is quashed, or varied in a relevant manner, by the the State Administrative Tribunal; or</p> | <p><b>33G. Seizure and destruction</b><br/>                     ...<br/>                     (6) Where –<br/>                         (a) an objection lodged with a local government in accordance with subsection (2)(d)(i) is dismissed and -<br/>                             (i) no application for review is made to the <del>Local Court</del><u>State Administrative Tribunal</u>;<br/>                     ...<br/> <b>33J. Duration of an order as to control requirements</b><br/>                     An order imposing control requirements in relation to a dog has effect until —<br/>                     ...<br/>                     (c) the decision pursuant to which the order was imposed is quashed, or varied in a relevant manner, by the <del>the</del> State Administrative Tribunal; or</p> | <p>Reference to Local Court inadvertently overlooked in <i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004</i>.</p> <p>Deletes unnecessary word to correct grammar.</p> |



**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION  | AS AMENDED  | EXPLANATION  |
|---|---|--|
| <p><b>60. Supplementary provision about laying documents before Parliament</b></p> <p>...</p> <p>(2) A copy of a document transmitted to the Clerk of a House is to be regarded —</p> <p style="padding-left: 40px;">(a) as having been laid before that House; and</p> <p style="padding-left: 40px;">(b) as being a document published by order or under the authority of that House.</p> <p>(3) The laying of a copy of a document that is regarded as having occurred under subsection (2)(a) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy.</p> | <p><b>60. Supplementary provision about laying documents before Parliament</b></p> <p>...</p> <p><del>(2) A copy of a document transmitted to the Clerk of a House is to be regarded —</del></p> <p style="padding-left: 40px;"><del>(a) as having been laid before that House; and</del></p> <p style="padding-left: 40px;"><del>(b) as being a document published by order or under the authority of that House.</del></p> <p><u>(2) A copy of a document transmitted to the Clerk of a House is taken to have been laid before that House.</u></p> <p>(3) The laying of a copy of a document that is <del>regarded as having occurred under subsection (2)(a)</del> <u>taken to have occurred under subsection (2)</u> is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy.</p> | <p>Relates to tabling of documents – see note for <i>Legal Practice Act 2003</i> s. 251 for details.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION  | AS AMENDED   | EXPLANATION   |
|---|--|---|
| <p><b>5. Interpretation</b></p> <p>(1) In this Act, unless the context otherwise requires -</p> <p>...</p> <p><b>“transmission works”</b> means any main line, and all poles, switches, transformers and apparatus pertaining thereto, which is or is capable of being or is intended to be used for the purpose of conveying electricity from a generating station to any distribution works;</p> <p>...</p> <p><b>32. Regulations</b></p> <p>...</p> <p>(3) Without prejudice to the generality of subsection (1) or subsection (2), such regulations may —</p> <p>...</p> <p>(f) establish systems of inspection, inquiry, and supervision, (including the appointment of persons as inspectors and specifying their duties and powers, and provide for the Director to exercise disciplinary powers in respect of certain matters and specify disciplinary penalties, other than the suspension or cancellation of a licence, permit, or authorisation, that the Director may impose;</p> | <p><b>5. Interpretation</b></p> <p>(1) In this Act, unless the context otherwise requires -</p> <p>...</p> <p><b>“transmission works”</b> means any main line, and all poles, switches, transformers and apparatus pertaining thereto, which is or is capable of being or is intended to be used for the purpose of conveying electricity from a generating station to any distribution works;</p> <p>...</p> <p><b>32. Regulations</b></p> <p>...</p> <p>(3) Without prejudice to the generality of subsection (1) or subsection (2), such regulations may —</p> <p>...</p> <p>(f) establish systems of inspection, inquiry, and supervision, (including the appointment of persons as inspectors and specifying their duties and powers), and provide for the Director to exercise disciplinary powers in respect of certain matters and specify disciplinary penalties, other than the suspension or cancellation of a licence, permit, or authorisation, that the Director may impose;</p> | <p>Corrects a punctuation error created by the recent repeal of the final definition.</p> <p>Inserts a bracket that was inadvertently deleted and not replaced.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION  | AS AMENDED   | EXPLANATION   |
|---|--|---|
| <p><b>37. Restriction on area in which corporation may operate</b></p> <p>...</p> <p>(3) Subsection (1) does not apply to the performance of the corporation's functions under subparagraph (ii) of section 35(e), but the functions under that subparagraph do not authorise the corporation to own or control any electricity generation plant or equipment.</p> <p>...</p> <p><b>Schedule 5 – Amendments to other Acts</b></p> <p>...</p> <p><b>Division 4 – Electricity Corporation Act 1994</b></p> <p>...</p> <p><b>21. Schedule 6 amended</b></p> <p>...</p> <p>(2) Clause 1 is amended as follows:<br/>           (a) in the definition of “new capacity”</p> | <p><b>37. Restriction on area in which corporation may operate</b></p> <p>...</p> <p>(3) Subsection (1) does not apply to the performance of the corporation's functions under subparagraph (ii) of section 35(e), but the functions under that subparagraph do not authorise the corporation to own or control any electricity generation plant or equipment.</p> <p><u>(4) If -</u><br/> <u>(a) the sources of energy used to generate electricity are a combination of renewable sources and diesel or renewable sources and gas; and</u><br/> <u>(b) the renewable sources comprise a substantial proportion of those sources of energy.</u><br/> <u>then for the purposes of subsection (2) the electricity is taken to be generated from renewable sources.</u></p> <p>...</p> <p><b>Schedule 5 – Amendments to other Acts</b></p> <p>...</p> <p><b>Division 4 – Electricity Corporation Act 1994</b></p> <p>...</p> <p><b>21. Schedule 6 amended</b></p> <p>...</p> <p>(2) Clause 1 is amended as follows:<br/>           (a) in the definition of “new capacity” -</p> | <p>This amendment clarifies that Verve Energy may own and operate the non-renewable portions of wind-diesel and wind-gas generation plants outside the South West Interconnected System. This is in keeping with the policy in place at the time the Act was drafted, which was to allow Verve to run the former Western Power’s Sustainable Energy unit, which included owning and operating such plants. The current wording of s. 37 may be interpreted as not allowing Verve to own the non-renewable portion of wind-diesel and wind-gas plants, even though it was intended that Verve would be allowed to own the non-renewable portion of such plants upon the disaggregation of Western Power.</p> <p>This provision purports to amend a definition in the <i>Electricity Corporation Act 1994</i> by deleting the words “electricity distribution”. As those words appear in that definition 3 times the intended effect of the amendment is unclear and the provision has not been proclaimed and is now to be</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| <p>-</p> <p>(i) by inserting before<br/>“means” —</p> <p>“</p> <p>, in relation to<br/>the electricity<br/>distribution<br/>system operated<br/>by a corporation,<br/>”; and</p> <p>[(ii) has not come into<br/>operation]</p> | <p>(i) by inserting before “means”<br/>—</p> <p>“</p> <p>, in relation to the<br/>electricity<br/>distribution system<br/>operated by a<br/>corporation,<br/>”; and</p> <p>[(ii) has not come into operation]</p> | <p>repealed.</p> |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION  | AS AMENDED   | EXPLANATION  |
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| <p><b>95A. Phasing-out of operation of access and procurement provisions</b></p> <p>...</p> <p>(4) Regulations made under section 96 may -</p> <p>...</p> <p>(b) effect any repeal of or amendment to any other provision of this Part or Schedule 5, 6 or 7 that is consequential on a repeal referred to in paragraph (a); and</p> <p>...</p> | <p><b>95A. Phasing-out of operation of access and procurement provisions</b></p> <p>...</p> <p>(4) Regulations made under section 96 may -</p> <p>...</p> <p>(b) effect any repeal of or amendment to any other provision of this Part or Schedule <u>5 or 6</u>, <del>6 or 7</del> that is consequential on a repeal referred to in paragraph (a); and</p> <p>...</p> | <p>The <i>Electricity Corporations Act 2005</i> repealed Sch 7. Most cross references to Sch 7 were deleted but this one was inadvertently overlooked.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>   | <b>EXPLANATION</b>   |
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| <p><b>10. Payments out of Fund</b></p> <p>WorkCover WA may charge to the Fund –<br/>                     ...<br/>                     (fa) any amounts required to be charged to the Fund under the <i>Waterfront Workers (Compensation for Asbestos Related Diseases) Act 1986</i> or section 154AC of the <i>Workers' Compensation and Injury Management Act 2004</i>; and</p> | <p><b>10. Payments out of Fund</b></p> <p>WorkCover WA may charge to the Fund –<br/>                     ...<br/>                     (fa) any amounts required to be charged to the Fund under the <i>Waterfront Workers (Compensation for Asbestos Related Diseases) Act 1986</i> or section 154AC of the <i>Workers' Compensation and Injury Management Act <del>2004</del>1981</i>; and</p> | <p>The <i>Workers' Compensation Reform Act 2004</i> s. 159(6) amended s. 10(fa) but inadvertently mis-cited the name of the Act.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION   | AS AMENDED  | EXPLANATION   |
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| <p><b>25. Suspension, cancellation and disqualification</b></p> <p>...</p> <p>(4) The State Administrative Tribunal may order that the licence be delivered up to the Commissioner and any person who fails to deliver up his licence to the in accordance with the terms of the order commits an offence against this Act.</p> <p>...</p> <p><b>31. Facilitation of proof</b></p> <p>In any prosecution for an offence against this Act –</p> <p>...</p> <p>(b) a signature purporting to be that of the Commissioner, the a person appointed by the Commissioner shall be taken to be the signature of the person whose signature it purports to be until the contrary is proved;</p> <p><b>40. Statements of account</b></p> <p>Where an employment agent acts for an employee, with the employees written consent, in relation to an engagement which requires the the employer to pay to the employment agent the whole or any part of the remuneration earned by the employee for his services, that</p> | <p><b>25. Suspension, cancellation and disqualification</b></p> <p>...</p> <p>(4) The State Administrative Tribunal may order that the licence be delivered up to the Commissioner and any person who fails to deliver up his licence to the in accordance with the terms of the order commits an offence against this Act.</p> <p>...</p> <p><b>31. Facilitation of proof</b></p> <p>In any prosecution for an offence against this Act –</p> <p>...</p> <p>(b) a signature purporting to be that of the Commissioner, <del>theor</del> a person appointed by the Commissioner shall be taken to be the signature of the person whose signature it purports to be until the contrary is proved;</p> <p><b>40. Statements of account</b></p> <p>Where an employment agent acts for an employee, with the employees written consent, in relation to an engagement which requires the the employer to pay to the employment agent the whole or any part of the remuneration earned by the employee for his services, that</p> | <p>Deletes unnecessary words to correct grammar. Words should have been deleted when section was amended by the <i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004</i> but were overlooked.</p> <p>Corrects grammatical and punctuation error caused by amendment made by <i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004</i> but were overlooked.</p> <p>Deletes a repeated word.</p> |



**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| employment agent is required — | employment agent is required — |  |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>   | <b>EXPLANATION</b>  |
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| <p><b>11L. Application for licence</b><br/>           ...<br/>           (2) Without limiting subsection (1)(a), an applicant for a licence is to inform the Authority of —<br/>               (a) the nature of the business activities undertaken or to be undertaken by the applicant in the gas industry in the State;<br/>               (b) in the case of an application for a trading licence —<br/>                   (i) the methods or principles that the applicant proposes to apply in determining its prices or charges; and<br/>                   [(ii) deleted]</p> <p>...<br/> <b>Schedule 1A – Licence terms and conditions</b></p> <p>A licence may include provisions –<br/>               (a) requiring the licensee to enter into agreements on specified terms or on terms of a specified type, other than agreements relating to the provision</p> | <p><b>11L. Application for licence</b><br/>           ...<br/>           (2) Without limiting subsection (1)(a), an applicant for a licence is to inform the Authority of —<br/>               (a) the nature of the business activities undertaken or to be undertaken by the applicant in the gas industry in the State; <u>and</u><br/>               <del>(b) in the case of an application for a trading licence —</del><br/>                   <del>(i) the methods or principles that the applicant proposes to apply in determining its prices or charges;</del><br/>                   <del>and</del><br/>                   <del>[(ii) deleted]</del></p> <p>    <u>(b) in the case of an application for a trading licence, the methods or principles that the applicant proposes to apply in determining its prices or charges; and</u></p> <p>...<br/> <b>Schedule 1A – Licence terms and conditions</b></p> <p>A licence may include provisions –<br/>               (a) requiring the licensee to enter into agreements on specified terms or on terms of a specified type, other than agreements relating to the provision of</p> | <p>s. 11L(2)(b) formerly consisted of subparagraphs (i) and (ii). Subparagraph (ii) was recently deleted. This combines what was subparagraph (i) with the opening words of paragraph (b).</p> <p>Same as s. 11L. Paragraph (k) of Schedule 1A formerly consisted of subparagraphs (i) and (ii). Subparagraph (ii) was recently deleted. This combines what was subparagraph (i) with the opening words of paragraph (k).</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| <p>of access to gas distribution capacity that are covered by the Gas Pipelines Access (Western Australia) Law;</p> <p>(b) requiring the licensee to observe specified industry codes with such modifications or exemptions as may be determined by the Authority;</p> <p>(c) requiring the licensee to maintain specified accounting records and to prepare accounts according to specified principles;</p> <p>(d) preventing the licensee from engaging in or undertaking specified business activities or any other business in the gas industry in the State;</p> <p>(e) if the licence is a trading licence, specifying methods or principles to be applied by the licensee in determining its fees or charges;</p> <p>(f) specifying methods or standards to be applied in supplying gas under the authority of the licence;</p> <p>(g) specifying procedures for surrender of the licence;</p> <p>(h) requiring the licensee to provide to the Authority, in the manner and form determined by the Authority, specified information on any matter relevant to the operation of the licence, the operation of the licensing scheme provided for in Part 2A, or the performance of the Authority's functions under that Part;</p> | <p>access to gas distribution capacity that are covered by the Gas Pipelines Access (Western Australia) Law; <u>and</u></p> <p>(b) requiring the licensee to observe specified industry codes with such modifications or exemptions as may be determined by the Authority; <u>and</u></p> <p>(c) requiring the licensee to maintain specified accounting records and to prepare accounts according to specified principles; <u>and</u></p> <p>(d) preventing the licensee from engaging in or undertaking specified business activities or any other business in the gas industry in the State; <u>and</u></p> <p>(e) if the licence is a trading licence, specifying methods or principles to be applied by the licensee in determining its fees or charges; <u>and</u></p> <p>(f) specifying methods or standards to be applied in supplying gas under the authority of the licence; <u>and</u></p> <p>(g) specifying procedures for surrender of the licence; <u>and</u></p> <p>(h) requiring the licensee to provide to the Authority, in the manner and form determined by the Authority, specified information on any matter relevant to the operation of the licence, the operation of the licensing scheme provided for in Part 2A, or the performance of the Authority's functions under that Part; <u>and</u></p> <p>(i) regulating the construction, alteration, operation or maintenance of a</p> | <p>The addition of 'and' after each paragraph conforms with current drafting policy to insert conjunctions after each paragraph.</p> |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| <p>(i) regulating the construction, alteration, operation or maintenance of a distribution system;</p> <p>(ia) if the licence is a distribution licence, requiring the licensee to undertake an extension of, or an expansion to, the distribution system located within an area specified in the licence;</p> <p>(ib) if the licence is a trading licence, requiring the licensee to ensure the supply of gas to existing or new customers who require it, in such circumstances as may be specified in the licence whether by reference to a class of gas customer, the amount of gas to be supplied to the customer or customers of a class, where the gas is to be consumed, or any other factor;</p> <p>(ic) if the licence is a trading licence, regulating the extent to which the licensee's gas customers may be of a particular class;</p> <p>(id) requiring the licensee to lodge with the Authority securities in an amount and of a nature acceptable to the Authority securing the performance by the licensee of the requirements, responsibilities and obligations under the licence.</p> <p>(j) relating to the performance of functions by the licensee including -</p> <p style="padding-left: 20px;">(i) the range of functions that may be performed by the</p> | <p>distribution system; <u>and</u></p> <p>(ia) if the licence is a distribution licence, requiring the licensee to undertake an extension of, or an expansion to, the distribution system located within an area specified in the licence; <u>and</u></p> <p>(ib) if the licence is a trading licence, requiring the licensee to ensure the supply of gas to existing or new customers who require it, in such circumstances as may be specified in the licence whether by reference to a class of gas customer, the amount of gas to be supplied to the customer or customers of a class, where the gas is to be consumed, or any other factor; <u>and</u></p> <p>(ic) if the licence is a trading licence, regulating the extent to which the licensee's gas customers may be of a particular class; <u>and</u></p> <p>(id) requiring the licensee to lodge with the Authority securities in an amount and of a nature acceptable to the Authority securing the performance by the licensee of the requirements, responsibilities and obligations under the licence.</p> <p>(j) relating to the performance of functions by the licensee including -</p> <p style="padding-left: 20px;">(i) the range of functions that may be performed by the licensee; <u>and</u></p> |  |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| <p>licensee;</p> <p>...</p> <p>(k) if the licence is a trading licence, specifying —</p> <p>    [(i) deleted]</p> <p>    (ii) any limitation on the capacity of the parties by express agreement to exclude, modify or restrict the terms and conditions of the customer contract;</p> <p>...</p> <p>(n) relating to the disposal or transfer of property, rights or liabilities of a specified kind either during the term of the licence or on or after its expiration by effluxion of time including provisions —</p> <p>    (i) prohibiting any disposal or transfer of property except with the approval of a specified person;</p> <p>    (ii) prohibiting the giving of any encumbrance over specified property except with the approval of the Authority;</p> <p>    (iii) requiring the transfer of property, rights or liabilities of a specified kind to a specified person on or within a specified</p> | <p>...</p> <p><del>(k) if the licence is a trading licence, specifying —</del></p> <p><del>    [(i) deleted]</del></p> <p><del>    (ii) any limitation on the capacity of the parties by express agreement to exclude, modify or restrict the terms and conditions of the customer contract;</del></p> <p><u>(k) if the licence is a trading licence, specifying any limitation on the capacity of the parties by express agreement to exclude, modify or restrict the terms and conditions of the customer contract; and</u></p> <p>...</p> <p>(n) relating to the disposal or transfer of property, rights or liabilities of a specified kind either during the term of the licence or on or after its expiration by effluxion of time including provisions —</p> <p>    (i) prohibiting any disposal or transfer of property except with the approval of a specified person; <u>and</u></p> <p>    (ii) prohibiting the giving of any encumbrance over specified property except with the approval of the Authority; <u>and</u></p> <p>    (iii) requiring the transfer of property, rights or liabilities of a specified kind to a specified person on or within a specified</p> |  |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| time after the expiration of the licence;<br>(iv) with respect to the consideration to be provided in respect of any disposal or transfer;<br>... | time after the expiration of the licence; <u>and</u><br>(iv) with respect to the consideration to be provided in respect of any disposal or transfer; <u>and</u><br>... |  |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>   | <b>EXPLANATION</b>                   |
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| <p><b>3. Interpretation</b><br/>                     (1) In this Act, unless the contrary intention appears –</p> <p><b>“scheme Act”</b> means <i>Armadale Redevelopment Act 2001, East Perth Redevelopment Act 1991, Hope Valley-Wattleup Redevelopment Act 2000, Metropolitan Region Town Planning Scheme Act 1959, Midland Redevelopment Act 1999, Subiaco Redevelopment Act 1994, Town Planning and Development Act 1928 or Western Australian Planning Commission Act 1985;</i></p> | <p><b>3. Interpretation</b><br/>                     (1) In this Act, unless the contrary intention appears –</p> <p><b>“scheme Act”</b> means <u>the</u> <i>Armadale Redevelopment Act 2001, East Perth Redevelopment Act 1991, Hope Valley-Wattleup Redevelopment Act 2000, Metropolitan Region Town Planning Scheme Act 1959, Midland Redevelopment Act 1999, Subiaco Redevelopment Act 1994, Town Planning and Development Act 1928 or Western Australian Planning Commission Act 1985;</i></p> | <p>Corrects a grammatical error.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>   | <b>EXPLANATION</b>  |
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| <p><b>111 Section 70 replaced and transitional provisions</b></p> <p>(4) Section 70 (3) to (11) and 74A of the EP Act apply in relation to a notice given under subsection (3) as if it were a vegetation conservation notice given under section 70(2) (b) of the EP Act and as if the reference to an offence in section 70 (6) were a reference to an offence under an enactment mentioned in the definition of “unlawful clearing” in subsection (2).</p> <p>(5) Section 74A, Part VA and sections 89 and 103 of the EP Act apply in relation to a notice given under subsection (3) as if it were a vegetation conservation notice given under section 70(2)(b) of the EP Act.</p> | <p>Section 4 is repealed</p> <p>(5) <del>Section</del> <u>Sections 70(3) to (11) and 74A, Part VA and sections 89 and 103</u> of the EP Act apply in relation to a notice given under subsection (3) as if it were a vegetation conservation notice given under section 70(2)(b) of the EP Act.</p> | <p>These are transitional provisions relating to the new section 70 to be inserted into the <i>Environmental Protection Act 1986</i>.</p> <p>Section 111(4) referred to a section 70(6) that was in an earlier draft of the Environmental Protection Amendment Bill but which was not enacted. S.111 (4) was inadvertently overlooked and left in the Bill when that s.70(6) was removed.</p> <p>In the absence of section 111(4), section 111(5) needs to include the reference to s.70(3) to (11) which is currently in s.111(4).</p> |



**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>  | <b>EXPLANATION</b>                                |
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| <p><b>46. Payments from the Fund</b></p> <p>The Fund is to be charged with –</p> <p>(a) the payment of any expense directly connected with controlling, eradicating or preventing the spread of any exotic disease, other than money payable in respect of the employment of persons who are or would be employed under the <i>Public Service Act 1978</i><sup>2</sup> irrespective of any outbreak of an exotic disease;</p> <p align="center">...</p> | <p><b>46. Payments from the Fund</b></p> <p>The Fund is to be charged with –</p> <p>(a) the payment of any expense directly connected with controlling, eradicating or preventing the spread of any exotic disease, other than money payable in respect of the employment of persons who are or would be employed under <del>the <i>Public Service Act 1978</i></del> <u>Part 3 of the <i>Public Sector Management Act 1994</i></u> irrespective of any outbreak of an exotic disease;</p> <p align="center">...</p> | <p>Corrects the reference to the current Act.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>  | <b>EXPLANATION</b>   |
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| <p><b>5. Interpretation (TPA s. 4)</b><br/>                     (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires —</p> <p>...</p> <p><b>product information standard</b> means a standard prescribed by regulations referred to in section 58;</p> | <p><b>5. Interpretation (TPA s. 4)</b><br/>                     (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires —</p> <p>...</p> <p><b>product information standard</b> <del>means a standard prescribed by regulations referred to in section 58;</del> <u>means a standard prescribed by regulations referred to in section 59;</u></p> | <p>Corrects a cross referencing error and a typographical error made in the last reprint of the Act.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>                  | <b>EXPLANATION</b>   |
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| <p><b>36U. Local government may credit levy to municipal fund or trust fund</b></p> <p>(1) A local government may credit to its municipal fund or trust fund amounts of levy and levy interest paid to the local government.</p> <p>(2) Despite section 6.9(3) of the <i>Local Government Act 1995</i>, a local government may retain interest earned from investing amounts of levy and levy interest credited to its trust fund.</p> <p>(3) Subsection (2) has effect despite section 6.9(3)(a) of the <i>Local Government Act 1995</i>.</p> | <p>Section 36U(3) is repealed.</p> | <p>Section 36U was inserted by the <i>Fire and Emergency Services Legislation (Emergency Services) Levy Amendments Act 2002</i>.</p> <p>Committee amendments were made to that Act while it was in Parliament which rendered s.36U(3) unnecessary.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>  | <b>EXPLANATION</b>   |
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| <p><b>19AA. Certain offences of lesser severity</b></p> <p>(1) If a person who has been the holder of a Firearm Licence, Firearm Collector's Licence, or Ammunition Collector's Licence does, while that licence has expired but is still capable of being renewed under section 9A, anything that is an offence under this Act but would not have been an offence if the licence had been renewed immediately after its expiry, that offence is not an indictable offence but is triable summarily and is punishable by a fine of \$2 000 instead of the penalty that would otherwise apply for the offence.</p> <p>(2) If a person commits an offence under section 19(1) and the only firearm or ammunition concerned is, or is for, a prescribed paintball gun, that offence is not an indictable offence but is triable summarily and is punishable by a fine of \$2 000 instead of the penalty that would otherwise apply for the offence.</p> | <p><b>19AA. Certain offences of lesser severity</b></p> <p>(1) If a person who has been the holder of a Firearm Licence, Firearm Collector's Licence, or Ammunition Collector's Licence does, while that licence has expired but is still capable of being renewed under section 9A, anything that is an offence under this Act but would not have been an offence if the licence had been renewed immediately after its expiry, that offence is not <del>an indictable offence</del> <u>a crime</u> but is triable summarily and is punishable by a fine of \$2 000 instead of the penalty that would otherwise apply for the offence.</p> <p>(2) If a person commits an offence under section 19(1) and the only firearm or ammunition concerned is, or is for, a prescribed paintball gun, that offence is not <del>an indictable offence</del> <u>a crime</u> but is triable summarily and is punishable by a fine of \$2 000 instead of the penalty that would otherwise apply for the offence.</p> | <p>s. 19AA was inserted by the <i>Firearms Amendment Act 2004</i>. This overlapped with the introduction of the <i>Criminal Code Amendment Act 2004</i> under which the references to 'indictable offence' were changed.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>                             | <b>EXPLANATION</b>  |
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| <p><b>22. Section 23 amended</b></p> <p>...</p> <p>(4) Section 23(5) is amended as follows:<br/>                     (a) by deleting “an indictable offence” and inserting instead -</p> <p align="center">“ a crime “;</p> <p>...</p> <p><b>26. Section 23D amended</b></p> | <p>Sections 22(4)(a) and 26 are repealed.</p> | <p>Repeals provisions that have not been, and will not be, proclaimed. s. 22(4)(a) would have amended s. 23(5) of the <i>Firearms Act 1973</i> but the amendment has already been made by the <i>Criminal Code Amendment Act 2004</i>. s. 26 would have amended s. 23D of the <i>Firearms Act 1973</i>. That section was repealed by the <i>Criminal Code Amendment Act 2004</i>.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>   | <b>EXPLANATION</b>       |
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| <p><b>126. Information to be included in register</b></p> <p>The register must set out the following details in respect of each authorisation, aquaculture lease or exemption —</p> <p>...</p> <p>(c) details relating to any security interest in the authorisation, aquaculture lease that the Registrar is required to note on the register under section 128;</p> | <p><b>126. Information to be included in register</b></p> <p>The register must set out the following details in respect of each authorisation, aquaculture lease or exemption —</p> <p>...</p> <p>(c) details relating to any security interest in the authorisation, <del>or</del> aquaculture lease that the Registrar is required to note on the register under section 128;</p> | <p>Corrects grammar.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>   | <b>EXPLANATION</b>                            |
|---|---|---|
| <p><b>11. Committees of management</b><br/>                     ...<br/>                     (3) The instrument establishing a committee shall –<br/>                     (a) give a name to the committee;<br/>                     (b) describe the fishery or fisheries for which a fisheries adjustment scheme is under consideration;<br/> <i>[(c) repealed]</i><br/>                     (d) provide for the composition of the committee and the appointment of the members for a term not exceeding 2 years; and<br/>                     (e) provide for a chairman of the committee.</p> <p>(4) The Minister may in writing vary or cancel the instrument establishing a committee.</p> | <p><b>11. Committees of management</b><br/>                     ...<br/>                     (3) The instrument establishing a committee shall –<br/>                     (a) give a name to the committee;<br/>                     (b) describe the fishery or fisheries for which <del>a fisheries</del> <u>a voluntary fisheries</u> adjustment scheme is under consideration;<br/> <i>[(c) repealed]</i><br/>                     (d) provide for the composition of the committee and the appointment of the members for a term not exceeding 2 years; and<br/>                     (e) provide for a chairman of the committee.</p> <p>(4) The Minister may in writing vary or cancel the instrument establishing a committee.</p> | <p>Inserts an inadvertently omitted word.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>   | <b>EXPLANATION</b>  |
|---|---|---|
| <p><b>69. Supplementary provision about laying documents before Parliament</b><br/>           ...<br/>           (2) A copy of a document transmitted to the Clerk of a House is to be —<br/>               (a) taken to have been laid before that House; and<br/>               (b) taken to be a document published by order or under the authority of that House.</p> <p>(3) The laying of a copy of a document that is taken to have occurred under subsection (2)(a) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy.</p> <p><b>Schedule 1 – Commissioners</b><br/>           ...<br/> <b>5. Leave of absence</b></p> <p>The commissioners may grant leave of absence to a commissioner on such terms and conditions as it thinks fit.</p> | <p><b>69. Supplementary provision about laying documents before Parliament</b><br/>           ...<br/> <del>(2) A copy of a document transmitted to the Clerk of a House is to be —</del><br/>               <del>(a) taken to have been laid before that House; and</del><br/>               <del>(b) taken to be a document published by order or under the authority of that House.</del></p> <p><u>(2) A copy of a document transmitted to the Clerk of a House is taken to have been laid before that House.</u></p> <p>(3) The laying of a copy of a document that is taken to have occurred under subsection (2)<del>(a)</del> is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy.</p> <p><b>Schedule 1 – Commissioners</b><br/>           ...<br/> <b>5. Leave of absence</b></p> <p>The commissioners may grant leave of absence to a commissioner on such terms and conditions as <del>it think</del><u>they think</u> fit.</p> | <p>Relates to tabling of documents – see note for <i>Legal Practice Act 2003</i> s. 251 for details.</p> <p>Corrects a grammatical error.</p> |



**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION  | AS AMENDED  | EXPLANATION  |
|---|---|--|
| <p><b>8. Powers of the Commission</b></p> <p>...</p> <p>(2) Without derogating from the generality of subsection (1), the Commission may —</p> <p>(a) formulate and implement policies for the administration and control of the conduct of gaming and wagering in the State;</p> <p>(b) approve, or withhold approval from, persons, premises, facilities, gaming or other equipment, games and wagering and gaming operations, for the purposes of this Act or any other written law in relation to gambling;</p> <p>(c) formulate and impose prohibitions or conditions to be applicable to, or in relation to —</p> <p>(i) the conduct of gambling;</p> <p>(ii) the types of wagering which may or may not be conducted;</p> <p>...</p> <p>(d) grant or issue and amend or revoke —</p> <p>(i) approvals, permits, certificates and authorisations relating to gambling and the use of premises for gambling;</p> | <p><b>8. Powers of the Commission</b></p> <p>...</p> <p>(2) Without derogating from the generality of subsection (1), the Commission may —</p> <p>(a) formulate and implement policies for the administration and control of the conduct of gaming and wagering in the State; <u>and</u></p> <p>(b) approve, or withhold approval from, persons, premises, facilities, gaming or other equipment, games and wagering and gaming operations, for the purposes of this Act or any other written law in relation to gambling; <u>and</u></p> <p>(c) formulate and impose prohibitions or conditions to be applicable to, or in relation to —</p> <p>(i) the conduct of gambling;</p> <p><u>and</u></p> <p>(ii) the types of wagering which may or may not be conducted; <u>and</u></p> <p>...</p> <p>(d) grant or issue and amend or revoke —</p> <p>(i) approvals, permits, certificates and authorisations relating to gambling and the use of premises for gambling; <u>and</u></p> | <p>In line with current drafting policy, conjunctions are now inserted after each paragraph.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| <p>...<br/>(iii) subject to the <i>Casino Control Act 1984</i>, licences relating to casinos and the employment of persons in casinos;</p> <p>...<br/>(da) take steps to minimise harm to the community, or any part of the community, caused by gambling;</p> | <p>...<br/>(iii) subject to the <i>Casino Control Act 1984</i>, licences relating to casinos and the employment of persons in casinos; <u>and</u></p> <p>...<br/>(da) take steps to minimise harm to the community, or any part of the community, caused by gambling; <u>and</u></p> |  |
|--|--|--|

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006

| EXISTING PROVISION  | AS AMENDED  | EXPLANATION   |
|---|---|---|
| <p><b>80. Use of government staff etc.</b><br/>           ...<br/>           (5) In this section —<br/> <b>“energy corporation”</b> means —<br/>           (a) the Electricity Corporation established by the <i>Electricity Corporation Act 1994</i>; and<br/>           (b) the Gas Corporation established by the <i>Gas Corporation Act 1994</i>.</p> <p><b>Schedule 1 – Third Party Access to Natural Gas Pipelines</b><br/>           ...<br/> <b>Part 3 – Pipelines</b><br/>           ...<br/> <b>13. Preventing or hindering access</b><br/>           ...<br/>           (7) In this section –<br/> <b>“associate”</b>, in relation to a person, has the meaning it would have under Division 2 of Part 1.2 of the <i>Corporations Act 2001</i> of the Commonwealth if sections 13, 14, 16(2) and 17 of that Law were repealed.</p> | <p><b>80. Use of government staff etc.</b><br/>           ...<br/>           (5) In this section —<br/> <b>“energy corporation”</b> means —<br/>           (a) the <del>Electricity Corporation</del> <u>Western Power Corporation</u> established by the <i>Electricity Corporation Act 1994</i>; and<br/>           (b) the Gas Corporation established by the <i>Gas Corporation Act 1994</i>.</p> <p><b>Schedule 1 – Third Party Access to Natural Gas Pipelines</b><br/>           ...<br/> <b>Part 3 – Pipelines</b><br/>           ...<br/> <b>13. Preventing or hindering access</b><br/>           ...<br/>           (7) In this section –<br/> <b>“associate”</b>, in relation to a person, has the meaning it would have under Division 2 of Part 1.2 of the <i>Corporations Act 2001</i> of the Commonwealth if sections 13, 14, 16(2) and 17 of that <del>Law</del> <u>Act</u> were repealed.</p> | <p>Due to an overlap in the commencement of the <i>Gas Corporation (Business Disposal) Act 1999</i> and the change of the name of the Electricity Corporation to Western Power Corporation, these provisions refer to the Electricity Corporation instead of Western Power.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION  | AS AMENDED   | EXPLANATION  |
|---|--|--|
| <p><b>3. Interpretation</b><br/>                     (1) In this Act, unless the contrary intention appears –<br/>                     “<b>subsidiary</b>” in relation to Gold Corporation, means –<br/>                     (a) the Mint;<br/>                     (b) GoldCorp; and<br/>                     (c) any body corporate that would be a subsidiary of Gold Corporation within the meaning of the Corporations Act if that Act applied to Gold Corporation;</p> <p>(2) A reference in this Act to gold shall be construed as including a reference to silver, other precious metals, precious stones and other minerals.</p> | <p><b>3. Interpretation</b><br/>                     (1) In this Act, unless the contrary intention appears –<br/>                     “<b>subsidiary</b>” in relation to Gold Corporation, means –<br/>                     (a) the Mint;<br/>                     (b) GoldCorp; and<br/> <del>(c) any body corporate that would be a subsidiary of Gold Corporation within the meaning of the Corporations Act if that Act applied to Gold Corporation;</del><br/> <u>(c) a body determined to be a subsidiary of Gold Corporation under subsection (3);</u></p> <p>(2) A reference in this Act to gold shall be construed as including a reference to silver, other precious metals, precious stones and other minerals.</p> <p><u>(3) Part 1.2 Division 6 of the Corporations Act applies for the purpose of determining whether a body is a subsidiary of Gold Corporation.</u></p> | <p>The question of the application of the Corporations Act to bodies corporate established by State law has recently been reconsidered. As a result new legislation contains a new approach to the definition of “subsidiary”.</p> <p>This amendment is to bring this Act into line with the approach.</p> |

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006

| EXISTING PROVISION  | AS AMENDED   | EXPLANATION                          |
|---|--|--------------------------------------|
| <p><b>3. Interpretation</b><br/>In this Act, unless the contrary intention appears –</p> <p>...</p> <p><b>“member of the Governor’s Establishment”</b> means person who is employed as a member of the staff at Government House, Perth;</p> <p>...</p> | <p><b>3. Interpretation</b><br/>In this Act, unless the contrary intention appears –</p> <p>...</p> <p><b>“member of the Governor’s Establishment”</b> means <u>a</u> person who is employed as a member of the staff at Government House, Perth;</p> <p>...</p> | <p>Corrects a grammatical error.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>   | <b>EXPLANATION</b>   |
|---|---|--|
| <p><b>17. Minister may give directions</b><br/>                     ...<br/>                     (4) A copy of a direction transmitted to the Clerk of a House is to be regarded —<br/>                         (a) as having been laid before that House; and<br/>                         (b) as being a document published by order or under the authority of that House.</p> <p>(5) The laying of a copy of a direction that is regarded as having occurred under subsection (4)(a) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy.</p> | <p><b>17. Minister may give directions</b><br/>                     ...<br/> <del>(4) A copy of a direction transmitted to the Clerk of a House is to be regarded —<br/>                         (a) as having been laid before that House; and<br/>                         (b) as being a document published by order or under the authority of that House.</del></p> <p><u>(4) A copy of a direction transmitted to the Clerk of a House is taken to have been laid before that House.</u></p> <p>(5) The laying of a copy of a direction that is regarded as having occurred under subsection (4)<del>(a)</del> is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy.</p> | <p>Relates to tabling of documents – see note for <i>Legal Practice Act 2003</i> s. 251 for details.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION  | AS AMENDED   | EXPLANATION  |
|---|--|--|
| <p><b>3. Interpretation</b></p> <p>(1) In this Act, unless the contrary intention appears –</p> <p align="center">...</p> <p><b>“determination”</b>, in relation to the State Administrative Tribunal, means —</p> <p>...</p> <p style="padding-left: 40px;">(h) the making of, or refusal to make, an order under section 66, 104A(2), 106, 109 or 112(4);</p> <p style="padding-left: 40px;">and</p> <p><b>“guardian”</b> means –</p> <p style="padding-left: 20px;">(a) a person appointed as a guardian (including an alternate guardian) under section 43;</p> <p style="padding-left: 20px;">(b) 2 or more persons appointed as joint guardians under that section; and</p> <p style="padding-left: 20px;">(c) the Public Guardian acting under section 99;</p> <p align="center">...</p> | <p><b>3. Interpretation</b></p> <p>(1) In this Act, unless the contrary intention appears –</p> <p align="center">...</p> <p><b>“determination”</b>, in relation to the State Administrative Tribunal, means —</p> <p>...</p> <p style="padding-left: 40px;">(h) the making of, or refusal to make, an order under section 66, 104A(2), 106, 109 or 112(4);</p> <p style="padding-left: 40px;">and</p> <p><b>“guardian”</b> means –</p> <p style="padding-left: 20px;">(a) a person appointed as a guardian (including an alternate guardian) under section 43;</p> <p style="padding-left: 20px;">(b) 2 or more persons appointed as joint guardians under that section; and</p> <p style="padding-left: 20px;">(c) the Public <del>Guardian</del> <u>Advocate</u> acting under section 99;</p> <p align="center">...</p> | <p><i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004</i> s. 418 inserted “and” after paragraph (g) and deleted paragraphs (i) and (j) but overlooked the “and” between them.</p> <p>Corrects the terminology.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION  | AS AMENDED   | EXPLANATION   |
|---|--|---|
| <p><b>3. Application of Act</b></p> <p>(1) Subject to subsection (2), this Act applies only within 25 miles from the General Post Office at Perth.</p> <p>(2) The Governor may from time to time, on the recommendation of the Minister and the Board, by proclamation declare that this Act shall apply, as from the date specified in the proclamation, to such other area or areas of the State as is or are so specified .</p> <p>(3) A proclamation made under this section may be cancelled or from time to time varied by subsequent proclamation.</p> | <p><b>3. Application of Act</b></p> <p>Section (1) is repealed.</p> <p><u>(1) Subject to subsection (2), this Act applies only within</u></p> <p>a) <u>the South West Division under the Land Administration Act 1997; and</u></p> <p>b) <u>the area that is within 8 km of the Post Office at Kalgoorlie.</u></p> <p>(2) The Governor may from time to time, on the recommendation of the Minister and the Board, by proclamation declare that this Act shall apply, as from the date specified in the proclamation, to such other area or areas of the State as is or are so specified.</p> <p>(3) A proclamation made under this section may be cancelled or from time to time varied by subsequent proclamation.</p> | <p>Section 3 currently provides that the Act applies only within 25 miles from the Perth GPO plus areas specified by proclamation. This amendment consolidates all current proclamations.</p> <p>Section (3) of this Bill revokes all proclamations made under s.3(2) of the <i>Hairdressers Registration Act 1946</i> prior to 9 March 2004</p> <p>Five proclamations have been made since 1946, bringing Bunbury, Geraldton, Albany, Kalgoorlie and the South West under the jurisdiction of the Act.</p> |



**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION  | AS AMENDED   | EXPLANATION  |
|---|--|--|
| <p><b>55. Governor's approval necessary to all schemes</b></p> <p>...</p> <p>(3) The general plan shall be on a scale of not less than one inch to 2 miles, and shall show the character and extent of the works proposed.</p> <p>...</p> <p><b>212B. Regulations as to pet meat</b></p> <p>(1) The Governor may make regulations under section 341 providing for -</p> <p>...</p> <p>(zd) the registration of any body corporate, whether formed or incorporated, or taken to be registered (within the meaning of the <i>Corporations Act 2001</i> of the Commonwealth), in or outside the State, carrying on within the State the business of importing pet meat in carcass or boneless form into the State;</p> | <p><b>55. Governor's approval necessary to all schemes</b></p> <p>...</p> <p>(3) The general plan shall be on a scale of not less than <del>one inch to 2 miles</del> <u>1:1000</u>, and shall show the character and extent of the works proposed.</p> <p>...</p> <p><b>212B. Regulations as to pet meat</b></p> <p>(1) The Governor may make regulations under section 341 providing for -</p> <p>After each of paragraphs (a) to (zc) and (ze) to (zr), the word "<u>and</u>" to be inserted.</p> <p>...</p> <p><del>(zd) the registration of any body corporate, whether formed or incorporated, or taken to be registered (within the meaning of the <i>Corporations Act 2001</i> of the Commonwealth), in or outside the State, carrying on within the State the business of importing pet meat in carcass or boneless form into the State;</del></p> <p><u>(zd) the registration of any body corporate, whether formed or incorporated, or taken to be registered (within the meaning of the <i>Corporations Act 2001</i> of the Commonwealth), in or outside the State, carrying on within the State the business of</u></p> | <p>Updates the imperial measurements to the metric equivalent.</p> <p>In line with the new drafting policy in relation to the use of conjunctions between paragraphs.</p> <p>The <i>Corporations (Consequential Amendments) Act 2001</i> amended the <i>Health Act 1911</i> and purported to replace the word "within".</p> <p>However the word "within" appears twice in paragraph (zd) and only the first occurrence was meant to be replaced.</p> <p>From a strictly legal point of view, the amendment may not have been effective because the amendment is not completely clear which "within" is</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION   | AS AMENDED  | EXPLANATION   |
|--|---|---|
| <p>...</p> <p><b>340B. Constitution and offices of Committee</b></p> <p>...</p> <p>3) Of the 3 persons appointed as permanent members of the Committee -</p> <p style="padding-left: 20px;">(a) one shall be the Professor of Obstetrics of the University of Western Australia, who shall be Chairman of the Committee-</p> <p>...</p> <p><b>340L. When report of investigator may be published</b></p> <p>(1) The Committee may publish, or cause to be published, in any medical journal, or may make available to the Medical School of the University of Western Australia for use in the teaching of medical students or for purposes of medical research, any investigator's report considered by the Committee and its determination relating thereto and any comments made by it, but all reasonable steps shall be taken to preclude disclosure or identification of the person or persons concerning whom the investigation and resultant report was made.</p> <p>...</p> | <p><u>importing pet meat in carcass or boneless form into the State;</u></p> <p>...</p> <p><b>340B. Constitution and offices of Committee</b></p> <p>...</p> <p>3) Of the 3 persons appointed as permanent members of the Committee -</p> <p style="padding-left: 20px;">(a) one shall be the Professor of Obstetrics of <del>the University</del> <u>The University</u> of Western Australia, who shall be Chairman of the Committee-</p> <p>...</p> <p><b>340L. When report of investigator may be published</b></p> <p>(1) The Committee may publish, or cause to be published, in any medical journal, or may make available to the Medical School of <del>the University</del> <u>The University</u> of Western Australia for use in the teaching of medical students or for purposes of medical research, any investigator's report considered by the Committee and its determination relating thereto and any comments made by it, but all reasonable steps shall be taken to preclude disclosure or identification of the person or persons concerning whom the investigation and resultant report was made.</p> <p>...</p> | <p>being amended.</p> <p>This amendment replaces the whole of the affected paragraph in order to remove any confusion.</p> <p>Other amendments relating to the name of The University of Western Australia correct a typographical error.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION   | AS AMENDED   | EXPLANATION |
|--|--|-------------|
| <p><b>340AB. Constitution and offices of Committee</b><br/>                     ...<br/>                     (3) Of the 6 persons appointed as permanent members of the Committee -<br/>                         (a) one shall be the Professor of Obstetrics of the University of Western Australia -<br/>                     ...</p> <p><b>340AL. When report may be published</b><br/>                     (1) The Committee may publish, or cause to be published, in any medical journal, or may make available to the Medical School of the University of Western Australia for use in the teaching of medical students or for purposes of medical research, any investigator's report considered by the Committee and its determination relating thereto and any comments made by it, but all reasonable steps shall, subject to this section, be taken to preclude disclosure or identification of the person or persons, child or children concerning whom the investigation and resultant report was made.<br/>                     ...</p> <p><b>340BB. Constitution and offices of Committee</b><br/>                     ...</p> | <p><b>340AB. Constitution and offices of Committee</b><br/>                     ...<br/>                     (3) Of the 6 persons appointed as permanent members of the Committee -<br/>                         (a) one shall be the Professor of Obstetrics of <del>the University</del> <u>The University</u> of Western Australia -<br/>                     ...</p> <p><b>340AL. When report may be published</b><br/>                     (1) The Committee may publish, or cause to be published, in any medical journal, or may make available to the Medical School of <del>the University</del> <u>The University</u> of Western Australia for use in the teaching of medical students or for purposes of medical research, any investigator's report considered by the Committee and its determination relating thereto and any comments made by it, but all reasonable steps shall, subject to this section, be taken to preclude disclosure or identification of the person or persons, child or children concerning whom the investigation and resultant report was made.<br/>                     ...</p> <p><b>340BB. Constitution and Offices of Committee</b><br/>                     ...</p> |             |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>   | <b>EXPLANATION</b> |
|---|---|--------------------|
| <p>(3) Of the 5 persons appointed as permanent members of the Committee -</p> <p>(a) one shall be nominated by the Western Australian Regional Committee of the Australian and New Zealand College of Anaesthetists, and he shall be Chairman of the Committee -</p> <p>(b) one shall be a medical practitioner nominated by the Commissioner -</p> <p>(c) one shall be a medical practitioner specialising in anaesthetics nominated by the Senate of the University of Western Australia on the advice of the Faculty of Medicine until such time as a Chair of Anaesthesia is created at that University, but thereafter shall be the person for the time being appointed as Professor of Anaesthesia at the University or a person nominated by him -</p> <p>...</p> <p>(4) Of the 7 persons appointed as provisional members of the Committee -</p> <p>...</p> <p>(f) one shall be the person who is for the time being the Professor of Clinical Pharmacology of the University of Western Australia.</p> | <p>(3) Of the 5 persons appointed as permanent members of the Committee -</p> <p>(a) one shall be nominated by the Western Australian Regional Committee of the Australian and New Zealand College of Anaesthetists, and he shall be Chairman of the Committee -</p> <p>(b) one shall be a medical practitioner nominated by the Commissioner -</p> <p>(c) one shall be a medical practitioner specialising in anaesthetics nominated by the Senate of <del>the University</del> <u>The University</u> of Western Australia on the advice of the Faculty of Medicine until such time as a Chair of Anaesthesia is created at that University, but thereafter shall be the person for the time being appointed as Professor of Anaesthesia at the University or a person nominated by him -</p> <p>...</p> <p>(4) Of the 7 persons appointed as provisional members of the Committee -</p> <p>...</p> <p>(f) one shall be the person who is for the time being the Professor of Clinical Pharmacology of <del>the University</del> <u>The University</u> of Western Australia.</p> |                    |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>  | <b>EXPLANATION</b> |
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| <p><b>340BL. When report may be published</b><br/>                     (1) The Committee may publish, or cause to be published, in any reputable health journal, or may make available to the Medical School or the School of Dental Science of the University of Western Australia for use in the teaching of medical or dental students or for purposes of medical or dental research, any investigator's report considered by the Committee and its determination relating thereto and any comments made by it, but all reasonable steps shall be taken to preclude disclosure or identification of the person or persons concerning whom the investigation and resultant report was made.</p> <p>...</p> | <p><b>340BL. When report may be published</b><br/>                     (1) The Committee may publish, or cause to be published, in any reputable health journal, or may make available to the Medical School or the School of Dental Science of <del>the University</del> <u>The University</u> of Western Australia for use in the teaching of medical or dental students or for purposes of medical or dental research, any investigator's report considered by the Committee and its determination relating thereto and any comments made by it, but all reasonable steps shall be taken to preclude disclosure or identification of the person or persons concerning whom the investigation and resultant report was made.</p> |                    |



**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| <p><b>90.</b> The principal Act is amended by inserting after Part VIIA the following Part – PART VIIB – THERAPEUTIC DEVICES, GOODS AND SUBSTANCES AND COSMETICS</p> <p align="center"><i>Division 1 – Preliminary</i></p> <p>Interpretation in Part VIIB<br/>         ---<br/> <i>Division 2 – Licences</i><br/> <i>Subdivision 1 – Matters for which licences required</i></p> <p>Manufacture of therapeutic substances or cosmetics without licence<br/>         ---<br/>         Sale by wholesale of therapeutic substances and cosmetics without licence<br/>         ---<br/>         Manufacture of therapeutic devices without licence<br/>         ---<br/>         Sale by wholesale of therapeutic devices without licence<br/>         ---<br/> <i>Subdivision 2 – Provisions applicable to licences</i><br/>         Classes of licences which may be issued<br/>         ---<br/>         Duration of licence<br/>         ---<br/>         Conditions attaching to licence and variation of licence<br/>         ---</p> | <p>Section 90 is repealed.</p> |  |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| <p>Application for and issue of licences<br/>         ---<br/>         Cancellation or suspension of licence<br/>         ---<br/> <i>Division 3 – Standards</i><br/>         Standards<br/>         ---<br/>         Adoption by reference of standards<br/>         ---<br/>         Sale of goods not in conformity with<br/>         standards<br/>         ---<br/>         Defence<br/>         ---<br/> <i>Division 4 – Advertisements and related<br/>         matters</i><br/>         Interpretation in Division 4<br/>         ---<br/>         Prohibition of certain representations in<br/>         advertisements<br/>         ---<br/>         Advertisement to contain name, address,<br/>         etc.<br/>         ---<br/>         Order prohibiting false or misleading<br/>         representations or names<br/>         ---<br/> <i>Division 5 – Inspection and seizure of<br/>         goods</i><br/>         Powers of public health officials under this<br/>         Part<br/>         ---<br/>         Release of seized goods<br/>         ---<br/>         Order that seized goods be forfeited</p> |  |  |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| <p align="center">- - -</p> <p>Making of orders under this Division</p> <p align="center">- - -</p> <p>Storage of and interference with seized goods</p> <p align="center">- - -</p> <p>Forfeiture of goods with consent</p> <p align="center">- - -</p> <p>Disposal of forfeited goods</p> <p align="center">- - -</p> <p>Obstruction of public health official</p> <p align="center">- - -</p> <p>Analysis</p> <p align="center">- - -</p> <p align="center"><i>Division 6 Miscellaneous</i></p> <p align="center"><i>Subdivision 1 – General</i></p> <p>Executive Director, Public Health, may require information about therapeutic goods or cosmetics</p> <p align="center">- - -</p> <p>Selling therapeutic goods by automatic machines prohibited</p> <p align="center">- - -</p> <p>Hawking, etc., of therapeutic goods</p> <p align="center">- - -</p> <p>Prohibition of sale or supply of certain therapeutic devices</p> <p align="center">- - -</p> <p>Service of notices, etc.</p> <p align="center">- - -</p> <p align="center"><i>Subdivision 2 – Regulations and orders</i></p> <p>Regulations</p> <p align="center">- - -</p> <p>Provisions applicable to regulations and orders</p> |  |  |
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STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006

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| <p>---<br/><i>Subdivision 3 – Legal Proceedings</i><br/>Proceedings for offences<br/>---<br/>Appeal to District Court in certain cases<br/>---<br/>Evidence<br/>---<br/>Offence by employer when employee has<br/>committed offence<br/>---<br/>Offences by bodies corporate<br/>---</p> |  |  |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>   | <b>EXPLANATION</b>   |
|---|---|--|
| <p><b>57. Action if a House not sitting</b></p> <p>(1) If either House of Parliament is not sitting the Director may place a report before that House for the purposes of section 56(1) by giving the report to the Clerk of that House, and that report —</p> <ul style="list-style-type: none"> <li>(a) is taken to have been placed before that House;</li> <li>(b) is to be printed by authority of the Clerk of that House; and</li> <li>(c) is taken to be a document published by order or under the authority of that House.</li> </ul> | <p><b>57. Action if a House not sitting</b></p> <p><del>(1) If either House of Parliament is not sitting the Director may place a report before that House for the purposes of section 56(1) by giving the report to the Clerk of that House, and that report —</del></p> <ul style="list-style-type: none"> <li><del>(a) is taken to have been placed before that House;</del></li> <li><del>(b) is to be printed by authority of the Clerk of that House; and</del></li> <li><del>(c) is taken to be a document published by order or under the authority of that House.</del></li> </ul> <p><u>(1) If either House of Parliament is not sitting the Director may place a report before that House for the purposes of section 56(1) by giving the report to the Clerk of that House, and that report is taken to have been placed before that House.</u></p> | <p>Relates to tabling of documents – see note for <i>Legal Practice Act 2003</i> s. 251 for details.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>  | <b>EXPLANATION</b>                   |
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| <p><b>36. Power of court to order delivery of goods unlawfully detained</b><br/>                     (1) Upon application made to a Local Court by an owner who is entitled to take possession of any goods comprised in a hire-purchase agreement or by any person acting on behalf of an owner, it is claimed that the hirer or any person acting on behalf of the hirer has refused or failed to deliver up possession of the goods on the service of a notice of demand made by the owner or by an agent of the owner authorised in that behalf, if it appears to the court hearing the case that the goods are being detained without just cause, the court may order the goods to be delivered up to the owner at or before a time, and at a place, to be specified in the order.</p> <p>(2) A person who fails or refuses to comply with an order made under this section commits an offence against this Act.</p> | <p><b>36. Power of court to order delivery of goods unlawfully detained</b><br/>                     (1) Upon application made to a Local Court by an owner who is entitled to take possession of any goods comprised in a hire-purchase agreement or by any person acting on behalf of an owner, <del>it is claimed</del> <u>claiming</u> that the hirer or any person acting on behalf of the hirer has refused or failed to deliver up possession of the goods on the service of a notice of demand made by the owner or by an agent of the owner authorised in that behalf, if it appears to the court hearing the case that the goods are being detained without just cause, the court may order the goods to be delivered up to the owner at or before a time, and at a place, to be specified in the order.</p> <p>(2) A person who fails or refuses to comply with an order made under this section commits an offence against this Act.</p> | <p>Corrects a grammatical error.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>  | <b>EXPLANATION</b>   |
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| <p><b>25E. Application of this Division</b><br/>                     (1) Subject to subsection (2), this Division applies to residential building work that is performed by an owner-builder.</p> <p>(2) This Division does not apply to residential building work for which a building licence under Part XV of the <i>Local Government (Miscellaneous Provisions) Act 1960</i> was issued before the commencement of the <i>Home Building Contracts Amendment Act 1996</i>.</p> | <p><b>25E. Application of this Division</b><br/>                     (1) Subject to subsection (2), this Division applies to residential building work that is performed by an owner-builder.</p> <p>(2) This Division does not apply to residential building work for which a building licence under Part XV of the <i>Local Government (Miscellaneous Provisions) Act 1960</i> was issued <del>before the commencement of the <i>Home Building Contracts Amendment Act 1996</i></del> <u>before the commencement of the <i>Home Building Contracts Amendment Act 1996</i></u>.</p> | <p>Deletes a repeated word.</p> <p>The repetition occurred as a result of the overlap of the <i>Statutes (Repeals and Minor Amendments) Act 2003</i> and a recent reprint of the Act, which both inserted a missing word, resulting in the word appearing twice.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>  | <b>EXPLANATION</b>  |
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| <p><b>29. Applications, generally</b><br/>                     ...<br/>                     (3) Where the Commissioner of Health is of the opinion that the information provided in relation to the application is insufficient to enable him or her to determine the application, the Commissioner need not consider the application until the applicant has provided it with such further information as it may require.</p> | <p><b>29. Applications, generally</b><br/>                     ...<br/>                     (3) Where the Commissioner of Health is of the opinion that the information provided in relation to the application is insufficient to enable him or her to determine the application, the Commissioner need not consider the application until the applicant has provided <del>it with</del> such further information <u>as it may require the Commissioner requires.</u></p> | <p><i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004</i><br/>                     s. 525(1)(c) was intended to amend s. 29(3) but was ineffective as the words to be deleted were misquoted.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>  | <b>EXPLANATION</b>                         |
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| <p><b>32. Reference of industrial matters for conciliation</b><br/>                     ...<br/>                     (4) The Commission shall -</p> <p style="padding-left: 40px;">(a) if it gives or makes a direction, order or declaration orally under subsection (3), reduce the direction, order or declaration to writing as soon as is practicable thereafter;</p> <p style="padding-left: 40px;">(b) preface each direction, order or declaration given or made by it under subsection (3) –</p> <p>...</p> <p style="padding-left: 40px;">(c) make the text of each direction, order or declaration given or made by it under subsection (3) and of the preamble thereto available to the parties as soon as is practicable after that giving or making.</p> | <p><b>32. Reference of industrial matters for conciliation</b><br/>                     ...<br/>                     (4) The Commission shall -</p> <p style="padding-left: 40px;">(a) if it gives or makes a direction, order or declaration orally under <del>subsection (3)</del>, <u>subsection (8)</u>, reduce the direction, order or declaration to writing as soon as is practicable thereafter;</p> <p style="padding-left: 40px;">(b) preface each direction, order or declaration given or made by it under <del>subsection (3)</del> <u>subsection (8)</u> –</p> <p>...</p> <p style="padding-left: 40px;">(c) make the text of each direction, order or declaration given or made by it under <del>subsection (3)</del> <u>subsection (8)</u> and of the preamble thereto available to the parties as soon as is practicable after that giving or making.</p> | <p>Corrects a cross-referencing error.</p> |
| <p><b>90. Appeal to Court from Commission</b><br/>                     (1) Subject to this section, an appeal lies to the Court in the manner prescribed from any decision of the President, the Full Bench, or the Commission in Court Session -<br/>                     (a) on the ground that the decision is in excess of jurisdiction in that the</p>  | <p><b>90. Appeal to Court from Commission</b><br/>                     (1) Subject to this section, an appeal lies to the Court in the manner prescribed from any decision of the President, the Full Bench, or the Commission in Court Session -<br/>                     (a) on the ground that the decision is in excess of jurisdiction in that the matter the subject of the decision is <del>not on an</del> <u>is not</u></p>   | <p>Corrects minor errors.</p>              |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| <p>matter the subject of the decision is not on an industrial matter;<br/>(b) erroneous in law in that there has been an error in the construction or interpretation of any Act, regulation, award, industrial agreement or order in the course of making the decision appealed against; or<br/>...</p> | <p><u>an</u> industrial matter;<br/>(b) <u>on the grounds that the decision is</u> erroneous in law in that there has been an error in the construction or interpretation of any Act, regulation, award, industrial agreement or order in the course of making the decision appealed against; or<br/>...</p> |  |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION   | AS AMENDED  | EXPLANATION   |
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| <p><b>26. Relationship of Inspector’s functions to other laws</b></p> <p>(1) The Inspector is to ensure that the performance of any of the Inspector's functions is not likely to delay, interfere with or duplicate —</p> <p>(a) an inquiry under the <i>Prisons Act 1981</i> section 9;</p> <p>(b) an inquiry under the <i>Court Security and Custodial Services Act 1999</i> section 44;</p> <p>(c) an investigation, or the taking of further action, as defined in the <i>Anti-Corruption Commission Act 1988</i> section 17, by the Anti-Corruption Commission under that Act; or</p> <p>...</p> | <p><b>26. Relationship of Inspector’s functions to other laws</b></p> <p>(1) The Inspector is to ensure that the performance of any of the Inspector's functions is not likely to delay, interfere with or duplicate —</p> <p>(a) an inquiry under the <i>Prisons Act 1981</i> section 9; <u>or</u></p> <p>(b) an inquiry under the <i>Court Security and Custodial Services Act 1999</i> section 44; <u>or</u></p> <p><del>(c) an investigation, or the taking of further action, as defined in the <i>Anti-Corruption Commission Act 1988</i> section 17, by the Anti-Corruption Commission under that Act; or</del></p> <p><u>(c) an investigation or other action taken by the Corruption and Crime Commission under the <i>Corruption and Crime Commission Act 2003</i>; or</u></p> <p>...</p> | <p>Updates references to the Anti-Corruption Commission (ACC) which has been replaced by the Corruption and Crime Commission.</p> <p>The <i>Inspector of Custodial Services Act 2003</i> was drafted before the <i>Corruption and Crime Commission Act 2003</i> was passed and therefore referred to the ACC. As the two Acts were passed at almost the same time the references to the ACC were not updated.</p> <p>These changes are also in line with new drafting policy in relation to the use of conjunctions between paragraphs.</p> |
| <p><b>44. Disclosure of information permitted for consultation purposes</b></p> <p>(1) The Inspector may consult the Anti-Corruption Commission, the Director of Public Prosecutions or the Parliamentary Commissioner for Administrative</p>  | <p><b>44. Disclosure of information permitted for consultation purposes</b></p> <p>(1) The Inspector may consult the <del>Anti-Corruption Commission</del><u>Corruption and Crime Commission</u>, the Director of</p>   |   |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| <p>Investigations concerning the performance of any of the Inspector's functions.</p> <p>...</p> <p><b>45. Disclosure of certain other information permitted</b></p> <p>A person who is the Inspector or a member of the Inspector's staff authorised for the purposes of this section by the Inspector may disclose information obtained by the Inspector or the Inspector's staff in the course of, or for the purpose of, the performance of a function of the Inspector if the information —</p> <p>(a) is disclosed to a person who is —</p> <p style="padding-left: 40px;">(i) a member of the Anti-Corruption Commission; or</p> <p style="padding-left: 40px;">(ii) an officer or a seconded officer of the Anti-Corruption Commission authorised for the purposes of this subparagraph by the Anti-Corruption Commission,</p> <p>and concerns a matter that is relevant to the functions of the Anti-Corruption Commission;</p> <p>(b) is disclosed to a person who is —</p> <p>...</p> <p>and concerns a matter that is relevant to the functions of either the Anti-Corruption Commission or the Director of Public Prosecutions; or</p> | <p>Public Prosecutions or the Parliamentary Commissioner for Administrative Investigations concerning the performance of any of the Inspector's functions.</p> <p>...</p> <p><b>45. Disclosure of certain other information permitted</b></p> <p>A person who is the Inspector or a member of the Inspector's staff authorised for the purposes of this section by the Inspector may disclose information obtained by the Inspector or the Inspector's staff in the course of, or for the purpose of, the performance of a function of the Inspector if the information —</p> <p>(a) is disclosed to a person who is —</p> <p style="padding-left: 40px;">(i) a member of the <del>Anti-Corruption Commission</del><u>Corruption and Crime Commission</u>; or</p> <p style="padding-left: 40px;">(ii) an officer or a seconded officer of the <del>Anti-Corruption Commission</del><u>Corruption and Crime Commission</u> authorised for the purposes of this subparagraph by the <del>Anti-Corruption Commission</del><u>Corruption and Crime Commission</u>,</p> <p>and concerns a matter that is relevant to the functions of the <del>Anti-Corruption</del></p> |  |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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|  | <p><del>Commission</del><u>Corruption and Crime Commission</u>;</p> <p>(b) is disclosed to a person who is —<br/>...<br/>and concerns a matter that is relevant to the functions of either the <del>Anti-Corruption Commission</del><u>Corruption and Crime Commission</u> or the Director of Public Prosecutions; or</p> |  |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION   | AS AMENDED   | EXPLANATION   |
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| <p><b>6. Functions</b><br/>                     The functions of the Commission are —<br/>                     (a) to issue, or cause to be issued, and undertake liability under policies of insurance as required by the <i>Motor Vehicle (Third Party Insurance) Act 1943</i>;<br/>                     (b) to issue and undertake liability under policies of insurance as required by —<br/>                     (i) section 154(6); or<br/>                     (ii) section 163, of the <i>Workers' Compensation and Rehabilitation Act 1981</i>;</p> <p>(c) to manage and administer insurance and risk management arrangements on behalf of public authorities;<br/>                     (ca) to manage and administer insurance and risk management arrangements on behalf of eligible community organisations;<br/>                     (d) to provide services, facilities and advice to public authorities in respect of the management of claims against them or against funds maintained or administered by them under any written law;<br/>                     (e) to initiate, or participate in, and promote programmes and schemes for —</p> | <p><b>6. Functions</b><br/>                     The functions of the Commission are —<br/>                     (a) to issue, or cause to be issued, and undertake liability under policies of insurance as required by the <i>Motor Vehicle (Third Party Insurance) Act 1943</i>; <u>and</u><br/> <del>(b) to issue and undertake liability under policies of insurance as required by —</del><br/>                     (i) <del>section 154(6); or</del><br/>                     (ii) <del>section 163, of the <i>Workers' Compensation and Rehabilitation Act 1981</i>;</del><br/> <u>(b) to issue and undertake liability under policies of insurance as required by section 163 of the <i>Workers' Compensation and Rehabilitation Act 1981</i>; and</u><br/>                     (c) to manage and administer insurance and risk management arrangements on behalf of public authorities; <u>and</u><br/>                     (ca) to manage and administer insurance and risk management arrangements on behalf of eligible community organisations; <u>and</u><br/>                     (d) to provide services, facilities and advice to public authorities in respect of the management of claims against them or against funds maintained or administered</p> | <p>To remove a redundant cross reference to a provision that no longer exists.</p> <p>In line with the new drafting policy in relation to the use of conjunctions between paragraphs.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| <p>...<br/>being programmes and schemes relevant to risks in respect of which the Commission is to provide insurance under paragraph (a) or (b) or manage and administer arrangements under paragraph (c) or (ca);<br/>(f) to provide advice to the Government on matters relating to insurance and risk management;</p> <p>...<br/><b>16. Establishment and composition of Funds</b><br/>(3) The Compensation (Miscellaneous Risks) Fund shall consist of —<br/>(a) moneys appropriated for, or derived from or in connection with, the Commission's functions under section 6(b)(i);<br/>(b) other property received or acquired by the Commission in connection with the Commission's functions under section 6(b)(i);<br/>and<br/>(c) moneys or other property credited, apportioned or transferred to that Fund under</p> | <p>by them under any written law; <u>and</u><br/>(e) to initiate, or participate in, and promote programmes and schemes for —</p> <p>...<br/>being programmes and schemes relevant to risks in respect of which the Commission is to provide insurance under paragraph (a) or (b) or manage and administer arrangements under paragraph (c) or (ca); <u>and</u><br/>(f) to provide advice to the Government on matters relating to insurance and risk management; <u>and</u></p> <p>...<br/>Section 16(3) is repealed.</p> | <p>Removes a subsection that relates to a provision that no longer exists.</p> |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| <p>section 17 or 18, and, subject to section 18, may be applied for the purpose of carrying out the Commission's functions under section 6(b)(i) and for that purpose only.</p> <p>...</p> <p><b>44. Exemption of certain public authorities from workers' compensation insurance requirements</b></p> <p>For the purposes of any enactment other than sections 165, 166 and 168 of the <i>Workers' Compensation and Injury Management Act 1981</i> (the "<b>WCR Act</b>"), public authorities for which insurance arrangements are managed and administered by the Commission under section 6(c) of this Act, are to be regarded as a group of employers that have been exempted by the Governor under section 164 of the WCR Act from the obligation to insure pursuant to the WCR Act except for the obligation to insure against liability to pay compensation for any industrial disease of the kinds referred to in section 151(a)(iii) of the WCR Act.</p> | <p>...</p> <p><b>44. Exemption of certain public authorities from workers' compensation insurance requirements</b></p> <p>For the purposes of any enactment other than sections 165, 166 and 168 of the <i>Workers' Compensation and Injury Management Act 1981</i> (the "<del>WCR Act</del>" "<b>WC&amp;IM Act</b>"), public authorities for which insurance arrangements are managed and administered by the Commission under section 6(c) of this Act, are to be regarded as a group of employers that have been exempted by the Governor under section 164 of the <del>WCR Act</del><u>WC&amp;IM Act</u> from the obligation to insure pursuant to the <del>WCR Act</del><u>WC&amp;IM Act</u> except for the obligation to insure against liability to pay compensation for any industrial disease of the kinds referred to in section 151(a)(iii) of the <del>WCR Act</del><u>WC&amp;IM Act</u>.</p> | <p>The reference to the <i>Workers' Compensation and Rehabilitation Act 1981</i> was amended by the <i>Workers' Compensation Reform Act 2004</i>. This clause makes a corresponding amendment to the defined abbreviation.</p> |
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STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006

| EXISTING PROVISION   | AS AMENDED   | EXPLANATION  |
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| <p><b>5. Definitions applicable to written laws</b><br/>                     ...<br/>                     “<b>Gazette</b>” or “<b>Government Gazette</b>” means the <i>Government Gazette</i> of Western Australia printed and published, or purporting to be printed and published, by the Government Printer and includes any supplement to the <i>Gazette</i>;<br/>                     ...</p> | <p><b>5. Definitions applicable to written laws</b><br/>                     ...<br/> <del>“<b>Gazette</b>” or “<b>Government Gazette</b>” means the <i>Government Gazette</i> of Western Australia printed and published, or purporting to be printed and published, by the Government Printer and includes any supplement to the <i>Gazette</i>;</del><br/> <u>“<b>Gazette</b>” or “<b>Government Gazette</b>” means the government gazette of Western Australia printed and published, or purporting to be printed and published, by the Government Printer and includes any supplement to that gazette;</u></p> <p>The following definition is inserted in the appropriate alphabetical position –</p> <p><u>“<b>local government district</b>” has the meaning given by section 13C;</u><br/>                     ...<br/>                     After section 13B the following section is inserted –</p> <p><b><u>13C. Local government districts, references to</u></b></p> <p><u>(1) In a written law -</u></p> <p><u>“<b>local government district</b>” means a district under the <i>Local Government Act</i></u></p> | <p>Corrects the use of italics and capital letters.</p> <p>Inserts provisions to allow local government districts to be more conveniently referred to in written laws by name.</p> |

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006

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|  | <p><u>1995.</u></p> <p><u>(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>.</u></p> <p>[Examples: “Perth local government district” refers to the local government district named Perth.<br/>“Albany (Shire) local government district” refers to the local government district named Albany (Shire).<br/>...<br/>After section 15 the following section is inserted –</p> <p><b><u>15A. Reference to a paragraph</u></b></p> <p><u>(1) In this section -</u></p> <p><u>“<b>paragraph</b>” includes a subparagraph, item, sub-item and any other similar provision.</u></p> <p><u>(2) A reference in a written law to a paragraph includes a reference to a conjunction after it connecting it to another paragraph.</u></p> | <p>The provision to be inserted by this clause will make it clear that for referential purposes a conjunction that appears after a paragraph is part of that paragraph. This provision will simplify and streamline the drafting and consideration of amending legislation in that it will no longer be necessary to refer to and deal with conjunctions after paragraphs as if they were separate provisions.</p> |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>   | <b>EXPLANATION</b>   |
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| <p><b>4A. Variation Agreement</b></p> <p>(1) The Variation Agreement is ratified.<br/>                     (2) The implementation of the Variation Agreement is authorised.<br/>                     (3) Without limiting or otherwise affecting the application of the <i>Government Agreements Act 1979</i>, the Variation Agreement shall operate and take effect notwithstanding any other Act or law.</p> | <p><b>4A. Variation Agreement</b></p> <p>(1) The <u>First</u> Variation Agreement is ratified.<br/>                     (2) The implementation of the <u>First</u> Variation Agreement is authorised.<br/>                     (3) Without limiting or otherwise affecting the application of the <i>Government Agreements Act 1979</i>, the <u>First</u> Variation Agreement shall operate and take effect notwithstanding any other Act or law.</p> | <p>When the Second Variation Agreement was added, what was originally the Variation Agreement was renamed the First Variation agreement, but amendments to section 4A were overlooked.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>   | <b>EXPLANATION</b>                                  |
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| <p><b>7. Power to grant licences</b></p> <p>...</p> <p>(2) The Chief Executive Officer may by instrument in writing signed by him delegate to the an officer the power conferred on him by subsection (1).</p> | <p><b>7. Power to grant licences</b></p> <p>...</p> <p>(2) The Chief Executive Officer may by instrument in writing signed by him delegate to <del>the</del>-an officer the power conferred on him by subsection (1).</p> | <p>Deletes unnecessary word to correct grammar.</p> |

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006

| EXISTING PROVISION  | AS AMENDED  | EXPLANATION   |
|---|---|---|
| <p><b>6A. Special federal matters:<br/>Commonwealth authorities or officers<br/>acting under the laws of States</b></p> <p>(1) This section applies to a proceeding (in this section referred to as the <b>“federal matter proceeding”</b>) if —</p> <p>...</p> <p>(c) the matter for determination in the proceeding arises out of, or relates to, another proceeding (in this section referred to as the <b>“State matter proceeding”</b>) pending in any court of this State —</p> <p>(i) that arises, or a substantial part of which arises, under the State enactment or a corresponding enactment of another State; and</p> <p>(ii) none of the matters for determination which are covered by paragraph (c) or (e) of the definition of <b>“special federal matter”</b> in section 3(1) of the <i>Jurisdiction of Courts (Cross-vesting) Act 1987</i> of the Commonwealth, regardless of which proceeding was commenced first.</p> | <p><b>6A. Special federal matters:<br/>Commonwealth authorities or officers<br/>acting under the laws of States</b></p> <p>(1) This section applies to a proceeding (in this section referred to as the <b>“federal matter proceeding”</b>) if —</p> <p>...</p> <p>(c) the matter for determination in the proceeding arises out of, or relates to, another proceeding (in this section referred to as the <b>“State matter proceeding”</b>) pending in any court of this State —</p> <p>(i) that arises, or a substantial part of which arises, under the State enactment or a corresponding enactment of another State; and</p> <p>(ii) none of the matters for determination <u>in</u> which are covered by paragraph (c) or (e) of the definition of <b>“special federal matter”</b> in section 3(1) of the <i>Jurisdiction of Courts (Cross-vesting) Act 1987</i> of the Commonwealth, regardless of which proceeding was commenced first.</p> | <p>This Act mirrors Commonwealth and interstate Acts. The word “in” was inadvertently omitted and is inserted so that section 6A mirrors the equivalent provisions in the Commonwealth legislation.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>  | <b>EXPLANATION</b>   |
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| <p><b>23. Offender may be arrested</b></p> <p>Any member officer or servant of a committee and all persons called by him to his assistance may seize and detain any person who shall have committed any offence against the provisions of this Act or of the by-laws made thereunder and whose name and residence shall not be given to such member officer or servant upon his requiring the same to be given and give such offender in charge to a police constable who shall who shall deal with him according to law.</p> | <p><b>23. Offender may be arrested</b></p> <p>Any member officer or servant of a committee and all persons called by him to his assistance may seize and detain any person who shall have committed any offence against the provisions of this Act or of the by-laws made thereunder and whose name and residence shall not be given to such member officer or servant upon his requiring the same to be given and give such offender in charge to a police constable who shall <del>who shall</del> deal with him according to law.</p> | <p>Deletes repeated words inadvertently inserted by <i>Courts Legislation Amendment and Repeal Act 2004</i>.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION  | AS AMENDED   | EXPLANATION   |
|---|--|---|
| <p><b>35. Forfeiture of interests in Crown land or certain freehold land</b></p> <p>...</p> <p>(8) The Minister may –</p> <p style="padding-left: 20px;">(a) charge the respondent interest at the same rate as the rate determined under section 142(1) of the <i>Supreme Court Act 1935</i> at the date of the forfeiture under subsection (4)(a) of the relevant interest or freehold, compounded in respect of each completed period of 6 months during which any of the moneys concerned remain unpaid, on any moneys payable to the Minister in respect of that interest or freehold before the date of that forfeiture but remaining unpaid; and</p> <p>...</p> <p><b>241. How compensation to be assessed for interest in land taken</b></p> <p>...</p> <p>(11) If the interest in land taken does not produce any rents or profits, interest is to be paid at the rate payable in respect of judgment debts as determined under section 142 of the <i>Supreme Court Act 1935</i> ruling as at the date of entry for construction or carrying out of the work or the date of registration of the taking</p> | <p><b>35. Forfeiture of interests in Crown land or certain freehold land</b></p> <p>...</p> <p>(8) The Minister may –</p> <p style="padding-left: 20px;">(a) charge the respondent interest at the same rate as the rate <del>determined under section 142(1) of the <i>Supreme Court Act 1935</i></del> <u>prescribed under section 8(1)(a) of the <i>Civil Judgements Enforcement Act 2004</i></u> at the date of the forfeiture under subsection (4)(a) of the relevant interest or freehold, compounded in respect of each completed period of 6 months during which any of the moneys concerned remain unpaid, on any moneys payable to the Minister in respect of that interest or freehold before the date of that forfeiture but remaining unpaid; and</p> <p>...</p> <p><b>241. How compensation to be assessed for interest in land taken</b></p> <p>...</p> <p>(11) If the interest in land taken does not produce any rents or profits, interest is to be paid at the rate <del>payable in respect of judgment debts as determined under section 142 of the <i>Supreme Court Act 1935</i></del> <u>prescribed under section *91)(a) of the <i>Civil Judgements Enforcement Act</i></u></p> | <p>The <i>Supreme Court Act 1935</i> s. 142 provided for interest on judgement debts. That section was replaced by the <i>Civil Judgements Enforcement Act 2004</i> s. 8. References to s. 142 were amended by the <i>Courts Legislation Amendment and Repeal Act 2004</i>. These references were inadvertently overlooked.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| order, whichever is earlier, and the interest is payable from –<br>... | <u>2004</u> as at the date of entry for construction or carrying out of the work or the date of registration of the taking order, whichever is earlier, and the interest is payable from –<br>... |  |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>   | <b>EXPLANATION</b>   |
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| <p><b>7. Rules applicable if there are 2 or more tortfeasors</b></p> <p>(1) Subject to Part 1F of the <i>Civil Liability Act 2002</i>, where damage is suffered by any person as the result of a tort -</p> <p>...</p> <p>(b) if more than one action is brought in respect of that damage by or on behalf of the person by whom it was suffered, or for the benefit of the estate, or of the wife, husband, parent or child of that person, against tortfeasors liable in respect of the damage (whether as joint tortfeasors or otherwise) the sums recoverable under the judgments given in those actions by way of damages shall not in the aggregate exceed the amount of the damages awarded by the judgment first given: and in any of those actions, other than that in which judgment is first given, the plaintiff shall not be entitled to costs unless the Court is of opinion that there was reasonable ground for bringing the action.</p> | <p><b>7. Rules applicable if there are 2 or more tortfeasors</b></p> <p>(1) Subject to Part 1F of the <i>Civil Liability Act 2002</i>, where damage is suffered by any person as the result of a tort -</p> <p>...</p> <p>(b) if more than one action is brought in respect of that damage by or on behalf of the person by whom it was suffered, or for the benefit of the estate, <del>or of the wife, husband, parent or child of that</del> person, against tortfeasors liable in respect of the damage (whether as joint tortfeasors or otherwise) the sums recoverable under the judgments given in those actions by way of damages shall not in the aggregate exceed the amount of the damages awarded by the judgment first given: and in any of those actions, other than that in which judgment is first given, the plaintiff shall not be entitled to costs unless the Court is of opinion that there was reasonable ground for bringing the action.</p> | <p>The reference to “the wife, husband, parent or child” of a person was considered in the course of drafting the recent Lesbian and Gay Law Reform legislation. Advice from the agency administering the legislation (the former Department of Justice, now Department of the Attorney General) is that these words should have been deleted when the <i>Fatal Accidents Act 1959</i> was enacted, and should now be deleted.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION   | AS AMENDED  | EXPLANATION  |
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| <p><b>An Act to amend and re-state the law relating to the legal capacity of spouses; and to amend the law relating to proceedings against, and contributions between, tort-feasors; and to amend the law as to the effect of death in relation to causes of action, and to amend the law of property known as the Rule against Perpetuities.</b></p> <p><b>4. Effect of death on certain causes of action</b></p> <p>(1) Subject to the provisions of this section, on the death of any person after the commencement of this Act all causes of action subsisting against or vested in him shall survive against, or, as the case may be, for the benefit of his estate. Provided that this subsection shall not apply to causes of action for defamation or seduction or for inducing one spouse to leave or remain apart from the other or to claims under section 94 of the <i>Supreme Court Act 1935</i><sup>2</sup>, for damages on the ground of adultery.</p> <p>...</p> <p>(5) The rights conferred by this Act for the benefit of the estates of deceased persons shall be in addition to and not in</p> | <p><b>An Act to amend and re-state the law relating to the legal capacity of spouses; and to amend the law relating to proceedings against, and contributions between, tort-feasors; and to amend the law as to the effect of death in relation to causes of action, <del>and to amend the law of property known as the Rule against Perpetuities.</del></b></p> <p><b>4. Effect of death on certain causes of action</b></p> <p>(1) Subject to the provisions of this section, on the death of any person after the commencement of this Act all causes of action subsisting against or vested in him shall survive against, or, as the case may be, for the benefit of his estate. Provided that this subsection shall not apply to causes of action for defamation or seduction or for inducing one spouse to leave or remain apart from the other <del>or to claims under section 94 of the <i>Supreme Court Act 1935</i><sup>2</sup>, for damages on the ground of adultery.</del></p> <p>...</p> <p>Section 4(5) is repealed.</p> | <p>The original s. 5, which related to the rule against perpetuities, was repealed by the <i>Law Reform (Property, Perpetuities, and Succession) Act 1962</i>. The reference in the long title was overlooked.</p> <p>Section 94 of the <i>Supreme Court Act 1932</i> has been repealed. This amendment deletes the reference to claims under that section.</p> <p>Section 4(5) provides that rights conferred by this Act are complementary to rights conferred by Imperial Act 9 &amp; 10 Vic c.93</p> |



**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| <p>derogation of any rights conferred on the dependants of deceased persons by the Imperial Act 9th and 10th Victoria, Chapter 93 (adopted in Western Australia by the Act 12th Victoria No. 21), as amended by the Act No. 37 of 1900, and so much as relates to causes of action against the estates of deceased persons shall apply in relation to causes of action under the said Act as it applies in relation to other causes of action not expressly excepted from the operation of subsection (1).</p> |  | <p><i>("Lord Campbell's Act")</i>.<br/>Lord Campbell's Act of 1846 (which provided for exceptions to the common law rule that it is not a civil wrong to cause the death of a human being) was adopted in WA in 1946 but the Adopting Act was repealed by the <i>Fatal Accidents Act 1959</i>. Consequently section 4(5) no longer has any effect and is repealed.</p> |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION  | AS AMENDED   | EXPLANATION  |
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| <p><b>4. Interpretation</b></p> <p>1) In this Act, unless the contrary intention appears —</p> <p align="center">...</p> <p><b>“Legal Practice Board”</b> means the Board established by section 6 of the <i>Legal Practice Act 2003</i> ;</p> <p align="center">...</p> <p><b>“The Legal Practice Board”</b> means the Board constituted under Part I of the <i>Legal Practitioners Act 1893</i> ;</p> | <p><b>4. Interpretation</b></p> <p>1) In this Act, unless the contrary intention appears —</p> <p align="center">...</p> <p><del><b>“Legal Practice Board”</b> means the Board established by section 6 of the <i>Legal Practice Act 2003</i> ;</del></p> <p><u><b>“Legal Practice Board”</b> means the Board established by section 6 of the <i>Legal Practice Act 2003</i> ;</u></p> <p align="center">...</p> <p><del><b>“The Legal Practice Board”</b> means the Board constituted under Part I of the <i>Legal Practitioners Act 1893</i> ;</del></p> | <p>Due to an overlap in the commencement of the <i>Acts Amendment and Repeal (Courts and Legal Practice) Act 2003</i> and the <i>Statutes (Repeals and Minor Amendments) Act 2003</i>, there is some question as to whether the <i>Acts Amendment and Repeal (Courts and Legal Practice) Act</i> amendment could have proper effect.</p> <p>The <i>Acts Amendment and Repeal (Courts and Legal Practice) Act 2003</i> and the <i>Statutes (Repeals and Minor Amendments) Act 2003</i> inserted different definitions of Legal Practice Board. This repeals both of them and inserts the intended <i>Acts Amendment and Repeal (Courts and Legal Practice) Act</i> definition so there can be no doubt.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION   | AS AMENDED   | EXPLANATION   |
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| <p><b>40. Assisted persons to have private practitioners of their choice</b></p> <p>...</p> <p>(6a) In making an exclusion, removal or limitation of a private practitioner under subsection (6) the Commission may have regard to any order or finding of fact relating to that practitioner made under Part IV of the <i>Legal Practitioners Act 1893</i> by The Legal Practice Board or by the Full Court of the Supreme Court.</p> | <p><b>40. Assisted persons to have private practitioners of their choice</b></p> <p>...</p> <p><del>(6a) In making an exclusion, removal or limitation of a private practitioner under subsection (6) the Commission may have regard to any order or finding of fact relating to that practitioner made under Part IV of the <i>Legal Practitioners Act 1893</i> by The Legal Practice Board or by the Full Court of the Supreme Court.</del></p> <p><u>6(a) In making an exclusion, removal or limitation of a private practitioner under subsection (6) the Commission may have regard to any order or finding of fact relating to that practitioner made under Part 12 of the <i>Legal Practice Act 2003</i> by the Legal Practice Board or by the Full Court of the Supreme Court.</u></p> | <p>The <i>Acts Amendment and Repeal (Courts and Legal Practice) Act</i> and <i>Statutes (Repeals and Minor Amendments) Act</i> had amended this subsection differently. This provision repeals the whole of subsection (6a) and replaces it with one that reads as it should have done after the amendment by the <i>Acts Amendment and Repeal (Courts and Legal Practice) Act</i>.</p> |
| <p><b>64. Secrecy</b></p> <p>...</p> <p>(2c) Notwithstanding anything contained in subsection (2), a person to whom this section applies may, with the approval of the Chairman or the Commission, disclose any information referred to in subsection (2) to The Legal Practice Board for the purposes of the <i>Legal Practitioners Act 1893</i> and, in</p>  | <p><b>64. Secrecy</b></p> <p>...</p> <p><del>(2c) Notwithstanding anything contained in subsection (2), a person to whom this section applies may, with the approval of the Chairman or the Commission, disclose any information referred to in subsection (2) to The Legal Practice Board for the purposes of the <i>Legal Practitioners Act 1893</i> and, in</del></p>   | <p>The <i>Acts Amendment and Repeal (Courts and Legal Practice) Act</i> and <i>Statutes (Repeals and Minor Amendments) Act</i> had amended this subsection differently. This provision repeals the whole of subsection (2c) and replaces it with one that reads as it should have done after the amendment by the <i>Acts Amendment and Repeal (Courts</i></p>                          |

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| <p>construing this subsection, “<b>disclose</b>” includes disclose by producing any relevant document.</p> | <p><del>construing this subsection, “<b>disclose</b>” includes disclose by producing any relevant document.</del></p> <p><u>(2c) Notwithstanding anything contained in subsection (2), a person to whom this section applies may, with the approval of the Chairman or the Commission, disclose any information referred to in subsection (2) to the Legal Practice Board for the purposes of the <i>Legal Practice Act 2003</i> and, in construing this subsection, “<b>disclose</b>” includes disclose by producing any relevant document.</u></p> | <p><i>and Legal Practice) Act.</i></p> |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION  | AS AMENDED  | EXPLANATION  |
|---|---|--|
| <p><b>42. Duration of practice certificate</b></p> <p>A practice certificate –<br/>...<br/>(b) if issued on application by a legal practitioner other than a certificated practitioner —<br/>...<br/>(ii) subject to this Act, remains in force until 30 June next succeeding.</p> <p>...</p> <p><b>69. Banning of incorporated legal practice</b></p> <p align="center">...</p> <p>(3c) that an incorporated legal practice has contravened section 66;</p> <p><b>148. Interpretation</b></p> <p>In this Part, unless the contrary intention appears —<br/>...</p> | <p><b>42. Duration of practice certificate</b></p> <p>A practice certificate –<br/>...<br/>(b) if issued on application by a legal practitioner other than a certificated practitioner —<br/>...<br/>(ii) subject to this Act, remains in force until 30 June next succeeding <u>or such shorter period as is specified in the practice certificate.</u></p> <p>...</p> <p><b>69. Banning of incorporated legal practice</b></p> <p align="center">...</p> <p>(3c) that <del>a</del>n incorporated legal practice has contravened section 66;</p> <p>(3c) that <u>the</u> incorporated legal practice has contravened section 66</p> <p><b>148. Interpretation</b></p> <p>In this Part, unless the contrary intention appears —<br/>...</p> | <p>Amends s. 42(b)(ii) to correspond with s. 42(a)(ii). S. 42(a) relates to practice certificates issued to certificated practitioners (ie. annual renewals). Such certificates usually take effect on 1 July and expire on the following 30 June. However, s. 42(a)(ii) allows a certificate to be issued with an earlier expiry date. s. 42(b) relates to practice certificates issued to legal practitioners who are not currently certificated (eg. new practitioners). Such certificates take effect when issued and expire on the following 30 June. S. 42(b)(ii) does not allow a certificate to be issued with an earlier expiry date. This appears to be an oversight.</p> <p>To correct a grammatical error.</p> <p>ss. 151 and 154 provide for the appointment of a registered foreign lawyer (RFL) to supervise or investigate the practice of another RFL. This was inadvertently</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| <p>“<b>Board’s appointee</b>” means a certificated practitioner appointed by the Board under section 154;</p> <p align="center">...</p> <p>“<b>supervising solicitor</b>” means, as the case requires, a certificated practitioner appointed by the Board —</p> <p><b>251. Laying documents before House of Parliament that is not sitting</b></p> <p>...</p> <p>(2) A copy of the text of a document transmitted to the Clerk of a House is to be regarded —</p> <p style="padding-left: 40px;">(a) as having been laid before that House; and</p> <p style="padding-left: 40px;">(b) as being a document published by order or under the authority of that House.</p> <p>(3) The laying of a copy of the text of a document that is regarded as having occurred under subsection (2)(a) is to be recorded in the Minute, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy.</p> | <p>“<b>Board’s appointee</b>” means a certificated practitioner <u>or registered foreign lawyer</u> appointed by the Board under section 154;</p> <p align="center">...</p> <p>“<b>supervising solicitor</b>” means, as the case requires, a certificated practitioner <u>or registered foreign lawyer</u> appointed by the Board —</p> <p><b>251. Laying documents before House of Parliament that is not sitting</b></p> <p>...</p> <p><del>(2) A copy of the text of a document transmitted to the Clerk of a House is to be regarded —</del></p> <p style="padding-left: 40px;"><del>(a) as having been laid before that House; and</del></p> <p style="padding-left: 40px;"><del>(b) as being a document published by order or under the authority of that House.</del></p> <p><u>(2) A copy of the text of a document transmitted to the Clerk of a House is taken to have been laid before that House.</u></p> <p>(3) The laying of a copy of the text of a document that is <del>regarded as having occurred under subsection (2)(a)</del> <u>taken to have occurred under subsection (2)</u> is to be recorded in the Minute, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received</p> | <p>overlooked in the definitions in s. 148.</p> <p>It is common for legislation to provide that documents that are required to be tabled in Parliament can be transmitted to the Clerks if Parliament is not sitting at the time, and that a copy of a document transmitted to the Clerk of a House is to be regarded as having been laid before that House. Until recently the practice has been to also provide that the document is to be regarded as being a document published by order or under the authority of the House. It has recently been brought to the attention of Parliamentary Counsel that this is not appropriate as not all tabled documents are ordered to be published. Such publication gives them special parliamentary privilege. Such a provision is no longer included in Bills unless specifically required. This amendment is to remove the provision that the document is to be regarded as being a document published by order or under the authority of the House.</p> |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>                     | <b>EXPLANATION</b>   |
|---|---------------------------------------|--|
| <p>2. Section three of the principal Act is hereby amended –</p> <p>(a) by adding after the definition of “certified practitioner” the following new term and definition: -<br/> “Fund” means the Legal Practitioners’ Guarantee Fund established under Part V of this Act.</p> <p>(b) by adding after the definition of “rules” the following new term and definition: -<br/> “Trustees” means the trustees of the fund appointed under Part V of this Act.</p> <p><b>Due to length, section 4 is summarised below</b></p> <p>4. A new part is inserted in the principal Act to stand as Part V</p> <p><b>Part V. – Legal Practitioners’ Guarantee Fund</b></p> <p>28A ...<br/> 28B...<br/> 28C...<br/> 28D (The Fund)<br/> ...<br/> 28E (Fund to be kept in special account at Bank)<br/> ...</p> | <p>Sections 2 and 4 are repealed.</p> | <p>The <i>Acts Amendment (Legal Practitioners) Act (No. 79 of 1969)</i> repealed Part V of the <i>Legal Practitioners Act 1893</i> and re-enacted an amended Part V. However, the Amendment Act did not repeal sections 2 and 4 of the <i>Legal Practitioners Act Amendment Act 1944</i>, by which Part V would also have been amended. These sections have not been proclaimed and have been superseded by the 1969 amendments. Repeal of the unproclaimed sections 2 and 4 addresses the resulting anomaly.</p> <p>As above.</p> |



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| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b> | <b>EXPLANATION</b> |
|--|-------------------|--------------------|
| 28F (How fund is made up)<br>---   |                   |                    |
| 28G (Application of fund)<br>---   |                   |                    |
| 28H (Annual audit of fund by Auditor General)<br>---   |                   |                    |
| 28I ...  |                   |                    |
| 28J (Contributions to be made)<br>---  |                   |                    |
| 28K (No contributions while fund stands at ten thousand pounds)<br>---                       |                   |                    |
| 28L (Provision for levies where fund insufficient to meet claims)<br>---                     |                   |                    |
| 28M (Practitioner to register office and notify change of address or retirement)<br>---      |                   |                    |
| 28N (Investment of moneys to fund)<br>---  |                   |                    |
| 28O (Purpose of the fund)<br>---   |                   |                    |
| 28P (Conditions on which claims may be settled)<br>---                                       |                   | As above.          |
| 28Q (Trustees may make a case for defence as practitioner could against any claimant)<br>--- |                   |                    |

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| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b> | <b>EXPLANATION</b> |
|--|-------------------|--------------------|
| 28R (Trustees right of subrogation)<br>---   |                   |                    |
| 28S (Trustees Board and Law Society not liable)<br>---   |                   |                    |
| 28T (Trustees may obtain insurance)<br>---   |                   |                    |
| 28U (In case of insurance no claim lies against company but shall be made against the fund)<br>--- |                   |                    |
| 28V (Payment to practitioner on retirement in necessitous case)<br>---                             |                   |                    |
| <i>Audit</i>   |                   |                    |
| 28W (Trustees may appoint auditor)<br>---  |                   |                    |
| 28X (Accounts to be kept)<br>---   |                   |                    |
| 28Y (Appropriation of penalties)   |                   |                    |

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| EXISTING PROVISION  | AS AMENDED   | EXPLANATION  |
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| <p><b>9. Membership of the Council</b></p> <p>(1) The Council shall consist of 15 members appointed by the Minister of whom —</p> <p>...</p> <p>(b) one shall be appointed on the nomination of The Confederation to represent the brewing industry;</p> <p>...</p> <p>(d) one shall be appointed on the nomination of The Confederation to represent manufacturers of cans;</p> <p>(e) one shall be appointed on the nomination of The Confederation to represent manufacturers of glass;</p> <p>(f) one shall be appointed on the nomination of The Confederation to represent manufacturers of paper products;</p> <p>...</p> <p>(6) In this section <b>“The Confederation”</b> means the body known as The Confederation of Western Australian Industry (Incorporated).</p> | <p><b>9. Membership of the Council</b></p> <p>(1) The Council shall consist of 15 members appointed by the Minister of whom —</p> <p>...</p> <p>(b) one shall be appointed on the nomination of <del>The Confederation</del><u>the Chamber of Commerce and Industry</u> to represent the brewing industry;</p> <p>...</p> <p>(d) one shall be appointed on the nomination of <del>The Confederation</del><u>the Chamber of Commerce and Industry</u> to represent manufacturers of cans;</p> <p>(e) one shall be appointed on the nomination of <del>The Confederation</del><u>the Chamber of Commerce and Industry</u> to represent manufacturers of glass;</p> <p>(f) one shall be appointed on the nomination of <del>The Confederation</del><u>the Chamber of Commerce and Industry</u> to represent manufacturers of paper products;</p> <p>...</p> <p><del>(6) In this section “The Confederation” means the body known as The Confederation of Western Australian Industry (Incorporated).</del></p> <p><u>(6) In this section –</u></p> <p><b>“Chamber of Commerce and Industry”</b></p> | <p>The Confederation of Western Australian Industry (Inc.) has been replaced by the Chamber of Commerce and Industry (Inc.).</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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|  | <u>means the Chamber of Commerce and Industry of Western Australia (Inc).</u> |  |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION  | AS AMENDED  | EXPLANATION  |
|---|---|--|
| <p><b>1.4. Interpretation</b></p> <p>In this Act, unless the contrary intention appears –</p> <p>...</p> <p><b>“commissioner”</b> means a commissioner appointed to a local government under sections 2.6(4), 2.36A(3), 2.37(4), 2.37A(1), 8.30 or 8.33;</p> <p>...</p> <p><b>2.39. Appointment of commissioner</b></p> <p>A commissioner of a local government can be appointed by the Governor under the power given by section 2.6(4), 2.36A(3), 2.37(4), 2.37A(1), 8.30 or 8.33 and not otherwise.</p> <p>...</p> <p><b>Part 3 – Functions of local governments</b></p> <p>...</p> <p><b>Division 3 – Executive functions of local governments</b></p> <p>...</p> <p><b>Subdivision 4 – Impounding goods involved in certain contraventions</b></p> | <p><b>1.4. Interpretation</b></p> <p>In this Act, unless the contrary intention appears –</p> <p>...</p> <p><b>“commissioner”</b> means a commissioner appointed to a local government under sections 2.6(4), 2.36A(3), 2.37(4), 2.37A(1), 8.30 or 8.33 <u>or appointed under Schedule 2.4 clause 4 to fill a vacancy in the office of a commissioner;</u></p> <p>...</p> <p><b>2.39. Appointment of commissioner</b></p> <p><u>(1)</u> A commissioner of a local government can be appointed by the Governor under the power given by section 2.6(4), 2.36A(3), 2.37(4), 2.37A(1), 8.30 or 8.33 and not otherwise.</p> <p><u>(2) Subsection (1) does not affect the operation of Schedule 2.4 clause 4.</u></p> <p>...</p> <p><b>Part 3 – Functions of local governments</b></p> <p>...</p> <p><b>Division 3 – Executive functions of local governments</b></p> <p>...</p> <p><b>Subdivision 4 – Impounding <u>abandoned vehicle wrecks and</u> goods involved in certain contraventions</b></p> | <p>Schedule 2.4 clause 4 allows the Governor to appoint someone to fill a vacancy in the office of a commissioner of a local government. These amendments are to clarify the relationship between that clause and s. 2.39 and make it clear that such a person is a “commissioner” by including cl. 4 in the definition.</p> <p>A correction is made to a subdivisional heading.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION  | AS AMENDED  | EXPLANATION   |
|---|---|---|
| <p><b>16. Section 1.10 repealed and consequential amendments</b></p> <p>(1) Section 1.4 is amended by deleting the definition of “75% majority”.</p> <p>(2) Section 5.17(1)(a)(i) is amended by deleting “or a 75% majority”.</p> <p>(3) Section 5.43(a) is amended by deleting “or a 75% majority”.</p> <p>...</p> <p>(5) Schedule 2.4 clause 6(3) is amended by deleting “or a special majority”.</p> | <p>Section 16(1), (2), (3), and (5) are repealed.</p> | <p>As drafted when it was introduced, s. 16 would have amended the <i>Local Government Act 1995</i> to amend all provisions requiring a ‘special majority’ to require an absolute majority. This would have rendered redundant the definition and references to “75% majority”, which were therefore to be deleted. However s. 16 was amended in Committee so that not all ‘special majority’ provisions were to be amended. Consequently the definition and references to ‘75% majority’ are still required and the provisions to delete them should have been repealed. This was inadvertently overlooked when the Committee amendments were made but in order to give effect to the Committee amendments that were made those provisions were not proclaimed and it is proposed that they be repealed.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>  | <b>EXPLANATION</b>   |
|---|--|--|
| <p><b>22 . Distribution of lotteries and lotto moneys</b></p> <p>(2) (e)<br/>                     (ii) as recommended by the Commission and approved by the Minister to the University of Western Australia or any other body corporate which is, at the time of the payment, administering or managing the Festival of Perth, for the purpose of assisting the funding of the Festival of Perth.</p> | <p><b>22 . Distribution of lotteries and lotto moneys</b></p> <p>(2) (e)<br/>                     (ii) as recommended by the Commission and approved by the Minister to <del>the</del><u>The</u> University of Western Australia or any other body corporate which is, at the time of the payment, administering or managing the Festival of Perth, for the purpose of assisting the funding of the Festival of Perth.</p> | <p>Corrects grammatical error in the name of the University. Under the <i>University of Western Australia Act 1911</i> s. 3, the word “The” is part of the name of the University.</p> |



**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION  | AS AMENDED  | EXPLANATION   |
|---|---|---|
| <p><b>33. Court's records, access to</b><br/>                     ...<br/>                     (5) In respect of criminal proceedings in the Court, where a conviction or order is made, or a charge is dismissed, any party interested therein is entitled on request —<br/>                         (a) to receive a copy of —<br/>                     ...<br/>                         (iii) any statement of the defendant's convictions that is tendered in the proceedings;<br/>                     and</p> | <p><b>33. Court's records, access to</b><br/>                     ...<br/>                     (5) In respect of criminal proceedings in the Court, where a conviction or order is made, or a charge is dismissed, any party interested therein is entitled on request —<br/>                         (b) to receive a copy of —<br/>                     ...<br/>                         (iii) any statement of the <u>defendant's</u> convictions that is tendered in the proceedings; and</p> | <p>The <i>Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004</i> purported to make this amendment but the amendment was ineffective as it inadvertently referred to subparagraph (ii) instead of (iii).</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>   | <b>EXPLANATION</b>  |
|---|---|---|
| <p><b>First Schedule</b></p> <p align="center">...</p> <p>“Zuytdorp” - 1712 – Forty miles north of the mouth of the Murchison River</p> | <p><b>First Schedule</b></p> <p align="center">...</p> <p>“Zuytdorp” - 1712 – <del>Forty miles</del> <u>33.5 nautical miles</u> north of the mouth of the Murchison River</p> | <p>This amendment is to update imperial measurements to the metric equivalent. This is part of a project involving the Parliamentary Counsel’s Office, the Department of the Premier and Cabinet, and the Department of Consumer and Employment Protection.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION | AS AMENDED  | EXPLANATION   |
|--------------------|---|---|
|                    | <p><b><u>7. Power to amend subsidiary legislation</u></b></p> <p><u>(1) The Governor, on the recommendation of the Minister, may make regulations amending any subsidiary legislation made under any Act.</u></p> <p><u>(2) The Minister may make a recommendation under subsection (1) only if the Minister considers that each amendment proposed to be made by the regulations is solely for the purpose of amending a reference in the subsidiary legislation to a physical quantity that is not expressed in terms of a unit or units in the metric system of measurement by substituting for that reference a reference to a physical quantity expressed in terms of a unit or units in the metric system of measurement.</u></p> <p><u>(3) The quantity to be substituted need not be the exact metric equivalent of the quantity being replaced but must not be more than 10% greater or less than the quantity being replaced.</u></p> | <p>To allow a single set of regulations to be made under the <i>Metric Conversion Act 1972</i> to change all non-metric measurements still in existence in subsidiary legislation made under any Act. The amendment permits a single set of “Omnibus” Regulations, rather than waiting for each Minister to make separate sets of regulations relating to their portfolios.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>   | <b>EXPLANATION</b>  |
|---|---|---|
| <p><b>Schedule 3</b></p> <p align="center">...</p> <p>2<br/>                     (f) when in the opinion of the Insurance Commission of Western Australia a surviving spouse or surviving de facto partner under 60 years of age is eligible to apply for a Commonwealth invalid pension then that surviving spouse or surviving de facto partner shall not be entitled to receive and payment under this Act until such an application has been made and dealt with.</p> | <p><b>Schedule 3</b></p> <p align="center">...</p> <p>2<br/>                     (f) when in the opinion of the Insurance Commission of Western Australia a surviving spouse or surviving de facto partner under 60 years of age is eligible to apply for a Commonwealth invalid pension then that surviving spouse or surviving de facto partner shall not be entitled to receive <del>and</del><u>any</u> payment under this Act until such an application has been made and dealt with</p> | <p>The <i>Acts Amendment Act (Equality of Status) Act 2003</i> amended this provision, however, the word “and” in question was missed when it should have been deleted.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b> | <b>AS AMENDED</b>      | <b>EXPLANATION</b>  |
|---------------------------|------------------------|---|
|                           | Section 9 is repealed. | Repeals provisions that have not been, and will not be, proclaimed. s. 9 would have amended the <i>Mining Act 1978</i> s. 65. It will not be proclaimed as the amendment it effects is inconsistent with subsequent amendments made to the <i>Mining Act 1978</i> . |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION  | AS AMENDED  | EXPLANATION  |
|---|---|--|
| <p><b>19. Period of licence</b></p> <p align="center">...</p> <p>(3) If the holder of an authorisation applies to the Board for the renewal of that authorisation, pays the appropriate prescribed fee and, in the case of an expired authorisation, pays any amount prescribed by way of penalty for a late application —</p> <p>(a) not more than 2 months before the date on which the authorisation expires; and</p> <p>(b) not more than 28 days after the date on which the authorisation expires,</p> <p>the Board may renew the licence for a further prescribed period.</p> <p>...</p> | <p><b>19. Period of licence</b></p> <p align="center">...</p> <p>(3) If the holder of an authorisation applies to the Board for the renewal of that authorisation, pays the appropriate prescribed fee and, in the case of an expired authorisation, pays any amount prescribed by way of penalty for a late application —</p> <p>(a) not more than 2 months before the date on which the authorisation expires; and</p> <p>(b) not more than 28 days after the date on which the authorisation expires,</p> <p>the Board may renew the <del>licence</del> <u>authorisation</u> for a further prescribed period.</p> <p>...</p> | <p>The <i>Motor Vehicle Dealers Amendment Act 2002</i> amended the principal <i>Act</i> to replace licences with authorisations. This reference was previously overlooked.</p> |
| <p><b>37A. Enforcement of orders of Commissioner</b></p> <p>(5) If objection is taken that the registry of the Magistrates Court in which the copy order and the affidavit are filed is not the appropriate one in terms of subsection (3), the Commissioner or the person appointed</p>  | <p><b>37A. Enforcement of orders of Commissioner</b></p> <p>(5) If objection is taken that the registry of the Magistrates Court in which the copy <u>of the</u> order and the affidavit are filed is not the appropriate one in terms of subsection (3), the Commissioner or the person appointed</p>  | <p>Inserts missing words.</p>  |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

|   |   |  |
|---|---|--|
| <p>pursuant to section 37(1) shall determine the question having regard to the relevant principles set out in the <i>Magistrates Court (Civil Proceedings) Act 2004</i> or the Magistrates Court's rules of court, and the determination of the Commissioner or the person so appointed, as the case requires, is final and conclusive.</p> | <p>pursuant to section 37(1) shall determine the question having regard to the relevant principles set out in the <i>Magistrates Court (Civil Proceedings) Act 2004</i> or the Magistrates Court's rules of court, and the determination of the Commissioner or the person so appointed, as the case requires, is final and conclusive.</p> |  |
|---|---|--|

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>   | <b>EXPLANATION</b>                     |
|--|---|--|
| <p><b>53. Payments to Service Corporation by State</b></p> <p>(1) There is payable to the Service Corporation such money as is appropriated by Parliament of this State for the purposes of the Corporation.</p> | <p><b>53. Payments to Service Corporation by State</b></p> <p>(1) There is payable to the Service Corporation such money as is appropriated by <u>the</u> Parliament of this State for the purposes of the Corporation.</p> | <p>To correct a grammatical error.</p> |



**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION   | AS AMENDED   | EXPLANATION  |
|--|--|--|
| <p><b>Schedule</b></p> <p align="center">...</p> <p>(b) To provide for the holding of classes, lectures, seminars, exhibitions, meetings and conferences calculated directly or indirectly to advance the cause of education of members of the public and imparting knowledge of history of places and things of national or local importance as aforesaid and to that end to co-operate with the Department of Education of the State of Western Australia, the University of Western Australia, the Director of Adult Education of the State and any other public educational institution.</p> | <p><b>Schedule</b></p> <p align="center">...</p> <p>(b) To provide for the holding of classes, lectures, seminars, exhibitions, meetings and conferences calculated directly or indirectly to advance the cause of education of members of the public and imparting knowledge of history of places and things of national or local importance as aforesaid and to that end to co-operate with the Department of Education of the State of Western Australia, <del>the</del> <u>The</u> University of Western Australia, the Director of Adult Education of the State and any other public educational institution.</p> | <p>Corrects grammatical error in the name of the University. Under the <i>University of Western Australia Act 1911</i> s. 3, the word "The" is part of the name of the University.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION   | AS AMENDED  | EXPLANATION  |
|--|---|--|
| <p><b>7. Constitution of Board</b></p> <p>(1) The Board shall consist of 5 members appointed by the Governor, of whom one shall be —</p> <p>...</p> <p>(c) a person who is nominated for appointment as a member of the Board by the Minister from the panel of names submitted in accordance with this section, by the body known as The Confederation of Western Australian Industry (Incorporated) and who shall represent the body known as the Australian Paint Manufacturers Federation (W.A. Branch);</p> | <p><b>7. Constitution of Board</b></p> <p>(1) The Board shall consist of 5 members appointed by the Governor, of whom one shall be —</p> <p>...</p> <p>(c) a person who is nominated for appointment as a member of the Board by the Minister from the panel of names submitted in accordance with this section, by the body known as <del>The Confederation of Western Australian Industry (Incorporated)</del><u>the Chamber of Commerce and Industry of Western Australia (Inc)</u> and who shall represent the body known as the Australian Paint Manufacturers Federation (W.A. Branch);</p> | <p>The Confederation of Western Australian Industry (Inc.) has been replaced by the Chamber of Commerce and Industry (Inc.).</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>  | <b>EXPLANATION</b>  |
|--|--|---|
| <p><b>3. Governor to appoint Boards to control and manage certain land</b></p> <p>...</p> <p>(6) Subject to section 5(3), (4), (4a) and (5), if a Board that is constituted a body corporate under subsection (4) —</p> <p>...</p> | <p><b>3. Governor to appoint Boards to control and manage certain land</b></p> <p>...</p> <p>(6) <del>Subject to section 5(3), (4), (4a) and (5),</del> <u>if</u> a Board that is constituted a body corporate under subsection (4) —</p> <p>...</p> | <p>Deletes cross reference to provisions that have been repealed.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>   | <b>EXPLANATION</b>   |
|---|---|--|
| <p><b>17. Employment of manager and other officers or servants</b></p> <p>(3) The terms and conditions of service of the general manager and of the officers or servants of the Trust shall be as determined by the Public Service Board <sup>4</sup>, subject, in the case of the officers or servants, to any relevant award under the <i>Industrial Arbitration Act 1979</i> <sup>5</sup> or to any relevant award or agreement under the <i>Public Service Arbitration Act 1966</i> <sup>6</sup>.</p> <p><b>17A. Employment of casual or temporary staff</b></p> <p>(2) Subject to any relevant award under the <i>Industrial Arbitration Act 1979</i> <sup>5</sup>, the terms and conditions of employment of casual or temporary staff employed under subsection (1) are such terms and conditions as the Trust determines.</p> | <p><b>17. Employment of manager and other officers or servants</b></p> <p>(3) The terms and conditions of service of the general manager and of the officers or servants of the Trust shall be as determined by the Public Service Board <sup>4</sup>, subject, in the case of the officers or servants, to any relevant award under the <i>Industrial Arbitration Relations Act 1979</i> <sup>5</sup> or to any relevant award or agreement under the <i>Public Service Arbitration Act 1966</i> <sup>6</sup>.</p> <p><b>17A. Employment of casual or temporary staff</b></p> <p>(2) Subject to any relevant award under the <i>Industrial Arbitration Relations Act 1979</i> <sup>5</sup>, the terms and conditions of employment of casual or temporary staff employed under subsection (1) are such terms and conditions as the Trust determines.</p> | <p>This amendment is to update statutory references, as the short title of the <i>Industrial Arbitration Act 1979</i> is now the <i>Industrial Relations Act 1979</i>.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION  | AS AMENDED   | EXPLANATION  |
|---|--|--|
| <p><b>111. Non-conforming development by local government or public authority</b><br/>                     ...<br/>                     (2) If –<br/>                     ...<br/>                     (b) after consultation between the local government or public authority wishing to carry out the work or undertaking and the local government administering the order, agreement is not reached concerning the coordination of that work or undertaking with the proposals to be included in that proposed region scheme,<br/>                     ...</p> <p><b>127. Minister may direct local government to modify proposed scheme or amendment</b></p> <p>(1) The Minister may, before approving a proposed local planning scheme, or amendment to a scheme, prepared by a local government under section 124(2) or 125, direct the local government to —<br/>                     ...<br/>                     (b) to forward the proposed local planning scheme or amendment as so modified to the Minister for approval under section 87.<br/>                     ...</p> | <p><b>111. Non-conforming development by local government or public authority</b><br/>                     ...<br/>                     (2) If –<br/>                     ...<br/>                     (b) after consultation between the local government or public authority wishing to carry out the work or undertaking and the local government administering the order, agreement is not reached concerning the coordination of that work or undertaking with the proposals to be included in that proposed <del>region</del><u>planning</u> scheme,<br/>                     ...</p> <p><b>127. Minister may direct local government to modify proposed scheme or amendment</b></p> <p>(1) The Minister may, before approving a proposed local planning scheme, or amendment to a scheme, prepared by a local government under section 124(2) or 125, direct the local government to —<br/>                     ...<br/>                     (b) <del>to</del> forward the proposed local planning scheme or amendment as so modified to the Minister for approval under section 87.<br/>                     ...</p> | <p>This amendment corrects a cross referencing error that incorrectly refers to a region scheme rather than to the local planning scheme that is referred to earlier in subparagraph 111(2)(a).</p> <p>Corrects a grammatical error.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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|---|--|---|
| <p><b>187. Election to acquire instead of compensation</b></p> <p>(1) Where compensation for injurious affection is claimed as a result of the operation of the provisions of section 174(1)(a) or (b), the responsible authority may at its option elect to acquire the land so affected instead of paying compensation.</p> <p>...</p> <p><b>225. Onus of proof in vehicle offence may be shifted</b></p> <p>(1) In this section –</p> <p>“<b>vehicle offence</b>” means an offence against section 220 of which the parking, standing or leaving of a vehicle is an element.</p> <p><b>Schedule 2 – Committees</b></p> <p>...</p> <p><b>7. Coastal Planning and Coordination Council</b></p> <p>...</p> <p>(2) The Coastal Planning and Coordination Council is to consist of —</p> <p style="padding-left: 40px;">(a) a presiding member who is to be the member of the board referred to in section 10(1)(c)(iii);</p> | <p><b>187. Election to acquire instead of compensation</b></p> <p>(1) Where compensation for injurious affection is claimed as a result of the operation of the provisions of section 174(1)(a) or (b), the responsible authority may at its option elect to acquire the land so affected instead of paying compensation.</p> <p>...</p> <p><b>225. Onus of proof in vehicle offence may be shifted</b></p> <p>(2) In this section –</p> <p>“<b>vehicle offence</b>” means an offence against section 220 of which the parking, standing or leaving of a vehicle is an element.</p> <p><b>Schedule 2 – Committees</b></p> <p>...</p> <p><b>7. Coastal Planning and Coordination Council</b></p> <p>...</p> <p>(2) The Coastal Planning and Coordination Council is to consist of —</p> <p style="padding-left: 40px;">(a) a presiding member who is to be the member of the board referred to in section 10(1)(e)(b)(iii);</p> | <p>This amendment is to clarify that a responsible authority may elect to acquire instead of paying compensation in all circumstances where compensation for injurious affection is claimed as a result of the operation of all of s. 174(1), not just paragraphs (a) and (b). This reflects provisions of the repealed Acts intended to be carried forward – ie. <i>Metropolitan Region Town Planning Scheme Act 1959</i> s. 36(2)(a) and <i>Western Australian Planning Commission Act 1985</i> s. 31(1).</p> <p>Corrects a cross reference error.</p> <p>Corrects a cross reference error.</p> |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>                           | <b>EXPLANATION</b>   |
|--|---|--|
| <p><b>Schedule 2</b></p> <p><b>63. <i>Strata Titles Act 1985</i></b></p> <p>(9) Section 25B(3) is amended by deleting “section 26 of the <i>Town Planning and Development Act 1928</i>” and inserting instead –</p> <p>“section 251 of the <i>Planning and Development Act 2005</i>”</p> | <p>Schedule 2 clause 63(9) is repealed.</p> | <p>Clause 63(9) purports to amend the <i>Strata Titles Act 1985</i> s. 25B(3). That subsection has been repealed so the amendment is of no effect.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>  | <b>EXPLANATION</b>  |
|--|--|---|
| <p><b>8. Constitution of Poisons Advisory Committee</b></p> <p align="center">...</p> <p>(3) Of the 10 nominee members referred to in subsection (2)(b) —</p> <p>(a) one shall be a pharmacologist nominated by the Senate of the University of Western Australia;</p> | <p><b>8. Constitution of Poisons Advisory Committee</b></p> <p align="center">...</p> <p>(3) Of the 10 nominee members referred to in subsection (2)(b) —</p> <p>(a) one shall be a pharmacologist nominated by the Senate of <del>the</del> <u>The</u> University of Western Australia;</p> | <p>Corrects grammatical error in the name of the University. Under the <i>University of Western Australia Act 1911</i> s.3, the word “The” is part of the name of the University.</p> |



**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>   | <b>EXPLANATION</b>   |
|--|---|--|
| <p><b>33K. Interpretation</b></p> <p align="center">...</p> <p><b>“legal practitioner”</b> has the same meaning as “practitioner” has in the <i>Legal Practitioners Act 1893</i> ;</p> | <p><b>33K. Interpretation</b></p> <p align="center">...</p> <p><b>“legal practitioner”</b> has the same meaning as “practitioner” has in the <i>Legal Practitioners-Practice Act 1893 2003</i>;</p> | <p>When the <i>Legal Practice Act 2003</i> was passed the <i>Acts Amendment and Repeal (Courts and Legal Practice) Act 2003</i> repealed the <i>Legal Practitioners Act 1893</i> and made consequential amendments to change references in other Acts.</p> <p>This change was overlooked because s. 33K was inserted into the <i>Police Act 1892</i> by a Bill that was in Parliament at the same time as the <i>Acts Amendment and Repeal (Courts and Legal Practice) Bill</i>.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION   | AS AMENDED   | EXPLANATION   |
|--|--|---|
| <p><b>3. Definitions</b></p> <p>...</p> <p>(1) “subsidiary” means —</p> <p>(a) a body that would be a subsidiary of a port authority within the meaning of the Corporations Act; and</p> <p>...</p> <p><b>133. Supplementary provision about laying documents before Parliament</b></p> <p>...</p> <p>(2) A copy of a document transmitted to the Clerk of a House is to be —</p> <p>(a) taken to have been laid before that House; and</p> <p>(b) taken to be a document published by order or under the authority of that House.</p> | <p><b>3. Definitions</b></p> <p>...</p> <p>(1) “subsidiary” means —</p> <p><del>(a) a body that would be a subsidiary of a port authority within the meaning of the Corporations Act; and</del></p> <p><u>(a) a body determined to be a subsidiary of a port authority under subsection (4); or</u></p> <p><u>(4) Part 1.2 Division 6 of the <i>Corporations Act</i> applies for the purpose of determining whether a body is a subsidiary of a port authority.</u></p> <p>...</p> <p><b>133. Supplementary provision about laying documents before Parliament</b></p> <p>...</p> <p><del>(2) A copy of a document transmitted to the Clerk of a House is to be —</del></p> <p><del>(a) taken to have been laid before that House; and</del></p> <p><del>(b) taken to be a document published by order or under the authority of that House.</del></p> <p><u>(2) A copy of a document transmitted to the Clerk of a House is taken to have been laid before that House</u></p> | <p>The question of the application of the <i>Corporations Act</i> to bodies corporate established by State law has recently been reconsidered. As a result, new legislation contains a new approach to the definition of “subsidiary”. This amendment is to bring this Act into line with this approach.</p> <p>To bring Act into line with current drafting practice regarding the tabling of documents. See note for <i>Legal Practice Act 2003</i> s. 251 for details.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| <p>(3) The laying of a copy of a document that is taken to have occurred under subsection (2)(a) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the receipt of the copy by the Clerk.</p> | <p>(3) The laying of a copy of a document that is taken to have occurred under subsection (2)<del>(a)</del> is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the receipt of the copy by the Clerk.</p> |  |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION  | AS AMENDED   | EXPLANATION  |
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| <p><b>24. Offence to participate in contests if unregistered etc.</b></p> <p>A person shall not participate in a contest in a particular class of combat sport -</p> <p>(a) if the person is not registered as a contestant of that class; or</p> <p>(b) while the person's registration as a contestant of that class is suspended under section 23.</p> <p>Penalty: \$1 000 or imprisonment for 6 months or both.</p> | <p><b>24. Offence to participate in contests if unregistered etc.</b></p> <p>A person shall not participate in a contest in a particular class of combat sport -</p> <p>(a) if the person is not registered as a contestant of that class; or</p> <p>(b) while the person's registration as a contestant of that class is suspended under section 23.</p> <p>Penalty: \$1 000 or imprisonment for <u>9 months</u> <del>6 months</del> or both.</p> | <p>This amendment has the effect of reinstating in s. 24 the maximum period of imprisonment of 9 months that was set by the <i>Sentencing Legislation Amendment and Repeal Act 2003</i> (SLA&amp;R Act).</p> <p>Part 5 of the SLA&amp;R Act related to the abolition of prison terms of 6 months or less. It was drafted and passed on the basis that s. 24 of the <i>Boxing Control Act 1987</i> (now called the <i>Professional Combat Sports Act 1987</i>) still had a penalty of "\$1000 or 6 months or both". This was replaced by a penalty of "\$1000 or 9 months".</p> <p>Part 5 of the SLA&amp;R Act commenced on 15 May 2004.</p> <p>Therefore when the <i>Boxing Control Amendment Act 2003</i> came into operation on 12 January 2005 and replaced s. 24 it inadvertently had the effect of changing the penalty back to "\$1000 or 6 months or both".</p> |
| <p><b>32. Renewal of registration</b></p> <p>(1) Where the Commission is satisfied that a person or organisation applying for the renewal of his or its registration as an industry participant -</p>   | <p><b>32. Renewal of registration</b></p> <p>(1) Where the Commission is satisfied that a person or organisation applying for the renewal of his or its registration as an industry participant -</p>  | <p>This amendment corrects a grammatical error and a cross-referencing error.</p>  |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| <p>(a) complies with such of the requirements of section 27 as they apply to that person or organisation;</p> <p>(b) has complied with the provision of this Act and the conditions and restrictions imposed under section 27(3); and</p> <p>(c) has not promoted or arranged a sham contest,</p> <p>the Commission shall renew the registration of that person as an industry participant in the terms sought in the application.</p> <p>...</p> <p><b>38. Offence of damaging medical record book, etc.</b></p> <p>A person shall not wilfully damage or deface a medical record book or a medical record card or, without lawful excuse, remove a medical record card from a medical record book.</p> <p>Penalty: \$1 000 or imprisonment for 6 months or both.</p> | <p>(a) complies with such of the requirements of section 27 as they apply to that person or organisation;</p> <p>(b) has complied with the <u>provisions</u> <del>provision</del> of this Act and the conditions and restrictions imposed under section <u>27(2)</u> <del>27(3)</del>; and</p> <p>(c) has not promoted or arranged a sham contest,</p> <p>the Commission shall renew the registration of that person as an industry participant in the terms sought in the application.</p> <p>...</p> <p><b>38. Offence of damaging medical record book, etc.</b></p> <p>A person shall not wilfully damage or deface a medical record book or a medical record card or, without lawful excuse, remove a medical record card from a medical record book.</p> <p>Penalty: \$1 000 or imprisonment for <u>6</u> months or both.</p> | <p>The <i>Sentencing Legislation Amendment and Repeal Act 2003</i> abolished prison sentences of 6 months or less and made consequential amendments to all the Acts, including this Act (then called the <i>Boxing Control Act</i>), that provided for sentences of 6 months. The passage of that Act coincided with the passage of the <i>Boxing Control Amendment Act 2003</i> which substantially amended this Act. The concurrence of the two amendments led to confusion as to the amendment to be made to s. 38. To resolve this, the SLA&amp;R Act 2003 s. 40(3) – which proposed to amend s. 38 – has not been proclaimed and will be repealed by this Bill, and s. 38 is now amended to change the penalty to</p> |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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|  |  | 9 months in line with the other penalties in the Act and in accordance with the <i>Sentencing Act 1995</i> s. 86. |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>  | <b>EXPLANATION</b>  |
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| <p><b>Second Schedule</b></p> <p>(5) New Year's Day (1st January).</p> <p>Australia Day (26th January or, when that day falls on a Saturday or Sunday, the first Monday following the 26th January).</p> <p>Labor Day (Monday on or first Monday following the 1st March).</p> <p>Good Friday.</p> <p>Easter Monday.</p> <p>Anzac Day (25th April).</p> <p>Foundation Day (Monday on or first Monday following the 1st June).</p> <p>Celebration Day for the Anniversary of the Birthday of the Reigning Sovereign (day to be appointed annually by proclamation published in the Government Gazette at least 3 weeks before the day so appointed).</p> <p align="center">...</p> | <p><b>Second Schedule</b></p> <p>(5) New Year's Day (1st January).</p> <p>Australia Day (26th January or, when that day falls on a Saturday or Sunday, the first Monday following the 26th January).</p> <p>Labor Day (Monday on or first Monday following the 1st March).</p> <p>Good Friday.</p> <p>Easter Monday.</p> <p>Anzac Day (25th April).</p> <p>Foundation Day (Monday on or first Monday following the 1st June).</p> <p>Celebration Day for the Anniversary of the Birthday of the Reigning Sovereign (day to be appointed <u>annually for each year</u> by proclamation published in the Government Gazette at least 3 weeks before the day so appointed).</p> <p align="center">...</p> | <p>It is possible to construe the current wording as requiring that a proclamation be made each year appointing the Celebration Day for that year.</p> <p>In practice, proclamations are made appointing the relevant day for several years at a time and well in advance. This amendment is to clarify the position so that the current practice can continue.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION  | AS AMENDED  | EXPLANATION  |
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| <p><b>12. Obligations under this Act of certain persons limited</b></p> <p>...</p> <p>(2) If a person makes a disclosure of public interest information under this Act –<br/> <del>[(a) deleted]</del><br/>                     (b) to the Parliamentary Commissioner, section 26 of the <i>Parliamentary Commissioner Act 1971</i> applies as if the disclosure were the making of a complaint under that Act.</p> | <p><b>12. Obligations under this Act of certain persons limited</b></p> <p>...</p> <p><del>(2) If a person makes a disclosure of public interest information under this Act –</del><br/> <del>[(a) deleted]</del><br/>                     (b) to the Parliamentary Commissioner, section 26 of the <i>Parliamentary Commissioner Act 1971</i> applies as if the disclosure were the making of a complaint under that Act.</p> <p><u>(2) If a person makes a disclosure of public interest information under this Act to the Parliamentary Commissioner, section 26 of the <i>Parliamentary Commissioner Act 1971</i> applies as if the disclosure were the making of a complaint under the Act</u></p> | <p>s. 12(2) previously included paragraphs (a) and (b). Para (a) has been deleted. This amendment reformats s. 12(2) into a single subsection. The text is not changed.</p>  |
| <p>...</p> <p><b>16. Confidentiality</b></p> <p>...</p> <p>(1) A person must not make a disclosure (an “identifying disclosure”) of information that might identify or tend to identify anyone as a person who has made an appropriate disclosure of public interest information under this Act unless —</p> <p>(a) the person who made the disclosure of public interest information consents to</p>               | <p>...</p> <p><b>16. Confidentiality</b></p> <p>...</p> <p>(1) A person must not make a disclosure (an “identifying disclosure”) of information that might identify or tend to identify anyone as a person who has made an appropriate disclosure of public interest information under this Act unless —</p> <p>(a) the person who made the disclosure of public interest information consents to</p>   | <p>This is to correct an error of the placement of the word “or” that occurred when paragraph (f) was inserted by the <i>Corruption and Crime Commission Act 2003</i>.</p> <p>Section 74(2) of the <i>Corruption and Crime Commission Amendment and Repeal Act 2003</i> has been proclaimed (July 2004).</p> <p>This section gives effect to Schedule 2,</p> |



**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| <p>the disclosure of information that might identify or tend to identify him or her;<br/>                 (b) it is necessary to do so having regard to the rules of natural justice;<br/>                 (c) it is necessary to do so to enable the matter to be investigated effectively;<br/> <br/> <i>[(d), (e) deleted]</i><br/> <br/>                 (f) the identifying disclosure is made in accordance with section 152 or 153 of the <i>Corruption and Crime Commission Act 2003</i> ; or<br/> <br/>                 Penalty \$24 000 or imprisonment for 2 years.</p> | <p>the disclosure of information that might identify or tend to identify him or her;<br/> <u>or</u><br/>                 (b) it is necessary to do so having regard to the rules of natural justice;<u>or</u><br/>                 (c) it is necessary to do so to enable the matter to be investigated effectively; <u>or</u><br/> <br/> <i>[(d), (e) deleted]</i><br/> <br/>                 (f) the identifying disclosure is made in accordance with section 152 or 153 of the <i>Corruption and Crime Commission Act 2003</i> ;<del>or</del> .<br/> <br/>                 Penalty \$24 000 or imprisonment for 2 years.</p> | <p>Division 2 of that Act. Clause 12 of that Schedule amends section 16(1) of the <i>Public Interest Disclosure Act 2003</i> by deleting paragraphs (d) and (e).<br/> <br/>                 In line with current drafting policy, conjunctions are now inserted after each paragraph.</p> |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>  | <b>EXPLANATION</b>   |
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| <p><b>16. Teaching hospitals on reserve</b><br/>                     ...<br/>                     (4) Subject to subsection (5a), each Appointments Committee of a teaching hospital shall consist of 7 members of whom —</p> <p>(c) 3 shall be persons appointed by the Senate and of those 3 persons one at least shall be a member of the Faculty of Medicine at the University of Western Australia.</p> | <p><b>16. Teaching hospitals on reserve</b><br/>                     ...<br/>                     (4) Subject to subsection (5a), each Appointments Committee of a teaching hospital shall consist of 7 members of whom —</p> <p>(c) 3 shall be persons appointed by the Senate and of those 3 persons one at least shall be a member of the Faculty of Medicine at <del>the</del> <u>The</u> University of Western Australia.</p> | <p>Corrects grammatical error in name of the University. Under the <i>University of Western Australia Act 1911</i> s. 3, the word “The” is part of the name of the University.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION  | AS AMENDED   | EXPLANATION  |
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| <p><b>117. Laying documents before House of Parliament that is not sitting</b></p> <p>...</p> <p>(2) A copy of the text of a document transmitted to the Clerk of a House is to be regarded —</p> <p style="padding-left: 40px;">(a) as having been laid before that House; and</p> <p style="padding-left: 40px;">(b) as being a document published by order or under the authority of that House.</p> <p>(3) The laying of a copy of the text of a document that is regarded as having occurred under subsection (2)(a) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy.</p> | <p><b>117. Laying documents before House of Parliament that is not sitting</b></p> <p>...</p> <p><del>(2) A copy of the text of a document transmitted to the Clerk of a House is to be regarded —</del></p> <p style="padding-left: 40px;"><del>(a) as having been laid before that House; and</del></p> <p style="padding-left: 40px;"><del>(b) as being a document published by order or under the authority of that House.</del></p> <p><u>(2) A copy of the text of a document transmitted to the Clerk of a House is taken to have been laid before that House.</u></p> <p>(3) The laying of a copy of the text of a document that is regarded as having occurred under subsection (2)<del>(a)</del> is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy.</p> | <p>Relates to tabling of documents – see note for <i>Legal Practice Act 2003</i> s. 251 for details.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>   | <b>EXPLANATION</b>                 |
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| <p><b>57. Facilitation of proof</b></p> <p>...</p> <p>(2) Where by any provision of this Act a person who is an owner, occupier, employer, or person in charge of any thing to which this Act applies, is required to give any notice to any other person the burden of proof that the provision has been complied with is on the person required to give the notice.</p> | <p><b>57. Facilitation of proof</b></p> <p>...</p> <p>(2<u>a</u>) Where by any provision of this Act a person who is an owner, occupier, employer, or person in charge of any thing to which this Act applies, is required to give any notice to any other person the burden of proof that the provision has been complied with is on the person required to give the notice.</p> | <p>Corrects a numbering error.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>  | <b>EXPLANATION</b>  |
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| <p><b>3 . Power of foreign Governments to hold land</b></p> <p align="center">...</p> <p>(3) Notwithstanding the provisions of subsection (1), the Government of the United States of America or a minister or member of that Government shall be capable of owning and being registered as the owner of an estate of leasehold in land in Western Australia being portion of the land that is constituted the townsite of Exmouth under the provisions of the <i>Land Administration Act 1997</i> , such portion of the land not to exceed an area of 100 acres in the aggregate.</p> | <p><b>3 . Power of foreign Governments to hold land</b></p> <p align="center">...</p> <p>(3) Notwithstanding the provisions of subsection (1), the Government of the United States of America or a minister or member of that Government shall be capable of owning and being registered as the owner of an estate of leasehold in land in Western Australia being portion of the land that is constituted the townsite of Exmouth under the provisions of the <i>Land Administration Act 1997</i> , such portion of the land not to exceed an area of <del>100</del> <u>40.5 hectares</u> in the aggregate.</p> | <p>Amendment to update imperial measurements to the metric equivalent.</p> <p>This is part of a project involving the Parliamentary Counsel's Office, the Department of the Premier and Cabinet and the Department of Consumer and Employment Protection.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION   | AS AMENDED  | EXPLANATION   |
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| <p><b>30. Return of writ and publication of statement</b></p> <p>(1) After the Electoral Commissioner has received from each of the Returning Officers the statement referred to in section 27(1)(d) and the ballot papers used for voting at general polling places, within the meaning of section 100(3) of the <i>Electoral Act 1907</i>, the early vote ballot papers and the ballot papers for absent voting under section 99A, and provisional voting under section 119(4a), 122(2), or 122A, of the <i>Electoral Act 1907</i> (as applied to the referendum by section 18) have been counted, the Electoral Commissioner shall indorse on the original writ a statement showing as regards each district and as regards the whole State —</p> <p style="padding-left: 40px;">(a) the number of votes marked, respectively, in each of the authorized manners; and</p> <p style="padding-left: 40px;">(b) the number of ballot papers rejected as informal,</p> <p>and shall sign the statement and return the writ to the Clerk of the Writs who shall transmit it to the Governor.</p> | <p><b>30. Return of writ and publication of statement</b></p> <p>(1) After the Electoral Commissioner has received from each of the Returning Officers the statement referred to in section 27(1)(d) and the ballot papers used for voting at general polling places, within the meaning of section 100(3) of the <i>Electoral Act 1907</i>, the early vote ballot papers and the ballot papers for absent voting under section 99A, and provisional voting under section 119(4a), 122(2), or 122A, of the <i>Electoral Act 1907</i> (as applied to the referendum by section 18) have been counted, the Electoral Commissioner shall indorse on the original writ a statement showing as regards each district and as regards the whole State —</p> <p style="padding-left: 40px;">(a) the number of votes marked, respectively, in each of the authorized manners; and</p> <p style="padding-left: 40px;">(b) the number of ballot papers rejected as informal,</p> <p>and shall sign the statement and <del>return the writ to the Clerk of the Writs who shall transmit it to the Governor</del><u>in the case of a referendum as to a Bill, transmit the writ to the Governor.</u></p> | <p>The office of the Clerk of the Writs no longer exists.</p> |

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STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006

| EXISTING PROVISION | AS AMENDED   | EXPLANATION  |
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|                    | <p><b>7 . Amendments of a formal nature</b><br/>...</p> <p>(3)</p> <p>(c)</p> <p><u>(ca) for words, or words and figures, that designate a distance, weight, size, volume or other physical quantity, an expression that designates the same quantity by means of figures followed by an abbreviation of the relevant unit of measurement;</u></p> <p>After section 7(4) the following subsections are inserted –</p> <p><u>(4a) If in a series of 3 paragraphs in a written law –</u><br/>           <u>(a) “and” or “or” (the “<b>relevant conjunction</b>”) appears after the second paragraph; and</u><br/>           <u>(b) there is no conjunction after the first paragraph,</u><br/> <u>an authorised officer may insert the conjunction after the first paragraph.</u></p> <p><u>(4b) If in a series of 4 or more paragraphs in a written law –</u><br/>           <u>(a) “and” or “or” (the “<b>relevant conjunction</b>”) appears after the</u></p> | <p>This would allow Parliamentary Counsel, when reprinting legislation, to change, for example, “three kilograms” to “3kg”.</p> <p>Similar to current powers allowing sums of money expressed in words to be changed to figures, or dates expressed in words to be changed to numbers and months. See s. 7(3) (c) and (d).</p> <p>In all new legislation the practice is now being adopted of including the relevant conjunction (“and” or “or”) after each paragraph in a series of paragraphs instead of only using it immediately before the last paragraph. This brings Western Australia into line with the practice in all other Australian jurisdictions.</p> <p>The provisions to be inserted by this clause will enable existing legislation to be presented in a consistent manner. If, in a series of paragraphs in an Act or regulations, there is a conjunction after</p> |



STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006

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|  | <p><u>paragraph that is next before the last paragraph; and</u><br/><u>(b) there is no conjunction after any preceding paragraph,</u><br/>an authorised officer may insert the relevant conjunction after each preceding paragraph.</p> <p><u>(4c) For the purposes of subsections (4a) and (4b), 2 paragraphs that are separated by text other than a paragraph of the same kind may be regarded as not being in the same series of paragraphs even if their designations are sequential.</u></p> <p><u>(4d) In subsections (4a) to (4c) –</u></p> <p><u>“paragraph” includes a subparagraph, item, subitem and any other similar provision.</u></p> | <p>the paragraph that is next before the last in the series, the officer preparing a reprint of the Act or regulations will be able to insert that conjunction after each preceding paragraph in the series.</p> <p>This change is in the manner of presentation of written laws and does not affect their meaning or operation in any way.</p> |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>   | <b>EXPLANATION</b>            |
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| <p><b>44. Extension of time</b></p> <p>(1) Notwithstanding any other provision of this Act, the State Administrative Tribunal Tribunal may, on application by any person, extend or reduce the period of time for the doing of anything under an applicable code, this Act or the regulations.</p> | <p><b>44. Extension of time</b></p> <p>(1) Notwithstanding any other provision of this Act, the State Administrative Tribunal <del>Tribunal</del> may, on application by any person, extend or reduce the period of time for the doing of anything under an applicable code, this Act or the regulations.</p> | <p>Deletes repeated word.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>  | <b>EXPLANATION</b>  |
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| <p><b>1. Short title</b><br/>                     This Act may be cited as the <i>Road Traffic Amendment (Vehicle Licensing) (Taxing) Act 2001</i>.</p> | <p><b>1. Short title</b><br/>                     This Act may be cited as the <i>Road Traffic <del>Amendment</del> (Vehicle Licensing) (Taxing) Act 2001</i>.</p> | <p>This is to correct the short title of the Act. The Act is a principal Act, not an Amending Act. Because it was part of a package of Acts that included the <i>Road Traffic Amendment (Vehicle Licensing) (Taxing) Act 2001</i>, which is an amending Act, it was inadvertently wrongly titled as an Amendment Act.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>               | <b>EXPLANATION</b>   |
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| <p><b>11.</b> (b) by repealing subsection (3) and substituting the following subsections –</p> <p>(3) If a complaint of an offence under this section has been made by a member of the Police Force and the owner of the vehicle has informed a member of the Police Force of loss or damage arising out of the alleged offence, it shall be the duty of the member of the Police Force by whom the complaint was made to make application to the Court by which the complaint is heard for compensation under this section on behalf of the owner of the vehicle.</p> <p>(4) The Court shall enquire into such application and may, on or after conviction and in addition to any penalty imposed under this section, make such orders for compensation including loss of hire, time, fuel, or other loss and damage sustained by the owner and for the costs of the application against any or all persons convicted of an offence under this section in respect of the vehicle as seems just.</p> <p>(5) In determining the application, the Court shall take into account the</p> | <p>The section is repealed.</p> | <p>Repeals an unproclaimed provision that is no longer required. In the course of designing procedures for the implementation of this provision it became apparent that the process would be unwieldy, resource intensive and unlikely to achieve the desired outcome. It was therefore not proceeded.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b> | <b>EXPLANATION</b> |
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| <p>circumstances of the offence and whether the owner had left the vehicle unlocked or otherwise unsecured and may reduce wholly or in part the amount of compensation accordingly.</p> <p>(6) Until the contrary is proved, any loss or damage sustained to the vehicle or by the owner shall be deemed for the purposes of this section to be the responsibility of the person or persons convicted of an offence under this section in respect of the vehicle.</p> <p>(7) In the exercise of its jurisdiction under this section –</p> <p>    a) the Court shall have the powers of a Local Court under the <i>Local Courts Act 1904</i> and all such orders that it shall make shall be final but the Court shall not make any order for compensation against any person unless an opportunity has been given to show why the order should not be made; and</p> <p>    b) the Court shall not be bound by the strict rules of evidence and may receive any written affidavit or statutory declaration evidencing loss or damage as it considers to be reliable.</p> <p>(8) No order for compensation under</p> |                   |                    |

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| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b> | <b>EXPLANATION</b> |
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| <p>this section shall affect the right of any person to recover by civil proceeding any sum in excess of the amount of the order, and refusal or reduction of compensation under this section shall be no bar to civil proceedings, but no order for compensation against a convicted person shall deprive that person of the right in civil proceedings to contribution from any tortfeasor.</p> <p>(9) In this section “owner of the vehicle”, in relation to an offence under this section, means the owner of the vehicle at the time of the offence and includes a person who was in lawful possession or charge of the vehicle at the time of the offence.</p> <p>Section 719 of <i>The Criminal Code</i> does not apply to an offence under this section.</p> |                   |                    |

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| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>               | <b>EXPLANATION</b>   |
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| <p><b>8.</b><br/>                     (3) Particulars supplied to the Commissioner of Police under subsection (2) –<br/>                     (a) may be used in the performance of the functions of the Commissioner of Police, whether under this Act or otherwise; and<br/>                     (b) may be supplied by the Commissioner of Police to an officer, department or instrumentality of this State, another State, a Territory, the Commonwealth or another country for use in the performance of the functions of that officer, department or instrumentality.</p> | <p>The section is repealed.</p> | <p>Repeals an unproclaimed section that is no longer required.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>   | <b>EXPLANATION</b>   |
|---|---|--|
| <p><b>16. Minister may give directions</b><br/>                     ...<br/>                     (5) A copy of a direction transmitted to the Clerk of a House is to be regarded -<br/>                     (a) as having been laid before that House; and<br/>                     (b) as being a document published by order or under the authority of that House.</p> <p>(6) The laying of a copy of a direction that is regarded as having occurred under subsection (5)(a) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received a copy.</p> | <p><del><b>16. Minister may give directions</b></del><br/> <del>...</del><br/> <del>(5) A copy of a direction transmitted to the Clerk of a House is to be regarded -</del><br/> <del>(a) as having been laid before that House; and</del><br/> <del>(b) as being a document published by order or under the authority of that House.</del></p> <p><u>(5) A copy of a direction transmitted to the Clerk of a House is taken to have been laid before that House.</u></p> <p>(6) The laying of a copy of a direction that is <del>regarded as having occurred under subsection (5)(a)</del><u>taken to have occurred under subsection (5)</u> is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received a copy.</p> | <p>Relates to tabling of documents – see note for <i>Legal Practice Act 2003</i> s. 251 for details.</p> |



**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>  | <b>EXPLANATION</b>  |
|---|--|---|
| <p><b>7. Inquiry into and report on judicial salaries</b></p> <p>(1) Subject to section 5(1) and (1b) of the <i>Judges' Salaries and Pensions Act 1950</i> and section 12(3a) of the <i>District Court of Western Australia Act 1969</i>, the Tribunal shall, from time to time as provided by this Act, inquire into, and report to the Minister on, the question whether any alterations are desirable in the remuneration to be paid or provided to Judges, District Court Judges, Masters of the Supreme Court and magistrates and the Commissioner appointed under the <i>Corruption and Crime Commission Act 2003</i>, the Parliamentary Inspector of the Corruption and Crime Commission appointed under the <i>Corruption and Crime Commission Act 2003</i>, and if the Tribunal reports that any such alterations are desirable it shall, in its report, recommend the nature and extent of the alterations that should be made.</p> | <p><b>7. Inquiry into and report on judicial salaries</b></p> <p>(1) Subject to section 5(1) and (1b) of the <i>Judges' Salaries and Pensions Act 1950</i> and section 12(3a) of the <i>District Court of Western Australia Act 1969</i>, the Tribunal shall, from time to time as provided by this Act, inquire into, and report to the Minister on, the question whether any alterations are desirable in the remuneration to be paid or provided to Judges, District Court Judges, Masters of the Supreme Court and magistrates and <del>the Commissioner appointed under the <i>Corruption and Crime Commission Act 2003</i></del>, the Parliamentary Inspector of the Corruption and Crime Commission appointed under the <i>Corruption and Crime Commission Act 2003</i>, and if the Tribunal reports that any such alterations are desirable it shall, in its report, recommend the nature and extent of the alterations that should be made.</p> | <p>Deletes redundant words. Under the <i>Corruption and Crime Commission Act 2003</i> the Commissioner receives the same salary as a Puisne Judge of the Supreme Court so there is no point in separately reviewing his salary.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION   | AS AMENDED  | EXPLANATION   |
|--|---|---|
| <p><b>9. Statutory penalty: effect of</b></p> <p>(1) Subject to subsection (4), Part 5 applies to and in respect of the statutory penalty for an offence.</p> <p>...</p> <p><b>33A. When PSO may be made</b></p> <p>...</p> <p>(4) If the court makes a PSO in respect of an offender in respect of an imprisonable offence, the PSO applies in respect of any other offence for which the court is sentencing offender, whether an imprisonable offence or not.</p> <p>...</p> <p><b>33O. Re-offending while subject to a PSO</b></p> <p>...</p> <p>(5) A court that may deal with an offender under this subsection may —</p> <p style="padding-left: 40px;">(a) if the PSO is in force —</p> <p>...</p> <p style="padding-left: 80px;">(iii) cancel the PSO and sentence the offender.</p> <p>...</p> <p><b>Schedule 1</b><br/> <b>Acts, fines under which are not to be credited to the Consolidated Fund</b></p> <p align="center">...</p> <p><i>Murdoch University Act 1973 - Senate of the Murdoch University</i></p> | <p><b>9. Statutory penalty: effect of</b></p> <p>(1) <del>Subject to subsection (4),</del> Part 5 applies to and in respect of the statutory penalty for an offence.</p> <p>...</p> <p><b>33A. When PSO may be made</b></p> <p>...</p> <p>(4) If the court makes a PSO in respect of an offender in respect of an imprisonable offence, the PSO applies in respect of any other offence for which the court is sentencing <u>the</u> offender, whether an imprisonable offence or not.</p> <p>...</p> <p><b>33O. Re-offending while subject to a PSO</b></p> <p>...</p> <p>(5) A court that may deal with an offender under this subsection may —</p> <p style="padding-left: 40px;">(a) if the PSO is in force <u>or</u> —</p> <p>...</p> <p style="padding-left: 80px;">(iii) cancel the PSO and sentence the offender.;</p> <p>...</p> <p><b>Schedule 1</b><br/> <b>Acts, fines under which are not to be credited to the Consolidated Fund</b></p> <p align="center">...</p> <p><i>Murdoch University Act 1973 - Senate of the Murdoch University</i></p> | <p>Deletes cross reference to subsection that has been repealed.</p> <p>Inserts a missing “the”.</p> <p>Corrects a grammatical error.</p> <p>Corrects a grammatical error.</p> <p>To correct the name of the University</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>  | <b>EXPLANATION</b>   |
|---|--|--|
| <p><i>University of Notre Dame Australia Act 1989</i> - The Board of Governors of the University of Notre Dame Australia.</p> | <p><i>University of Notre Dame Australia Act 1989</i> - The Board of Governors of <del>the</del><u>The</u> University of Notre Dame Australia.</p> | <p>Under the <i>University of Notre Dame Australia Act 1989</i> s. 4(1), the word “The” is part of the name of the University.</p>                                 |
| <p><i>University of Western Australia Act 1911</i> - Senate of the University of Western Australia.</p>                       | <p><i>University of Western Australia Act 1911</i> - Senate of <del>the</del><u>The</u> University of Western Australia.</p>                       | <p>To correct the name of the University. Under the <i>University of Western Australia Act 1911</i> s.3, the word “The” is part of the name of the University.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION   | AS AMENDED  | EXPLANATION   |
|--|---|---|
| <p><b>40. <i>Boxing Control Act 1987</i> amended</b><br/>                     ...<br/>                     (3) Section 38 is amended by deleting the penalty clause and inserting the following penalty clause instead –<br/><br/>                     “ Penalty: \$1 000. “</p> | <p>Section 40(3) is repealed.</p> <p>Sections 44 and 45 are repealed.</p> | <p>Repeals unproclaimed provision. See note for amendment of <i>Professional Combat Sports Act 1987</i> s. 38.</p> <p>Repeals provisions that have not been, and will not be, proclaimed. ss. 44 and 45 would have amended the <i>Child Welfare Act 1947</i> and <i>Community Services Act 1972</i>. Those Acts were repealed by the <i>Children and Community Development Act 2004</i>, the operational provisions of which were proclaimed to commence with effect from 1 March 2006 (<i>Gazette</i> 14 Feb 2006 p. 695).</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>                 | <b>EXPLANATION</b>   |
|---|-----------------------------------|--|
| <p><b>14. <i>Children’s Court of Western Australia Act 1988</i> amended</b></p> <p>...</p> <p>(2) Section 19(1) is amended by inserting after “78,” -</p> <p>“ 84D, “</p> | <p>Section 14(2) is repealed.</p> | <p>Repeals unproclaimed provision.</p> <p>s. 14(2) is an amendment to s. 19(1) of the <i>Children’s Court of Western Australia Act 1988</i>. That provision was replaced by the <i>Courts Legislation Amendment and Repeal Act 2004</i>, rendering the proposed amendment redundant.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION  | AS AMENDED  | EXPLANATION   |
|---|---|---|
| <p><b>3. Interpretation</b></p> <p>(1) In this Act unless the context otherwise requires -</p> <p>...</p> <p><b>“business”</b> means the business of a settlement agent but does not have that meaning in paragraph (a) of the definition of “business transaction”, in paragraph (b) of the definition of “reward” or in section 45(a);</p> <p><b>“business”</b> in paragraph (a) of the definition of “business transaction” in paragraph (b) of the definition of “reward” and in section 45(a) means any commercial undertaking or enterprise in respect of any profession, trade, employment, vocation, or calling within the State;</p> | <p><b>3. Interpretation</b></p> <p>(1) In this Act unless the context otherwise requires -</p> <p>...</p> <p><del><b>“business”</b> means the business of a settlement agent but does not have that meaning in paragraph (a) of the definition of “business transaction”, in paragraph (b) of the definition of “reward” or in section 45(a);</del></p> <p><del><b>“business”</b> in paragraph (a) of the definition of }business transaction~ in paragraph (b) of the definition of }reward~ and in section 45(a) means any commercial undertaking or enterprise in respect of any profession, trade, employment, vocation, or calling within the State;</del></p> <p><b>“business”</b> means –</p> <p><u>(a) subject to paragraph (b), the business of a settlement agent;</u></p> <p><u>(b) in the definition of “business transaction” and in section 45(a), any commercial undertaking or enterprise in respect of any profession, trade, employment, vocation, or calling within the State;</u></p> | <p>Removes unnecessary cross reference and simplifies drafting. The current definitions of business refer to paragraph (b) of the definition of “reward”. As that definition does not contain the word “business” this reference is incorrect and confusing. This error appears to have been in the Act since it was enacted.</p> |

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006

| EXISTING PROVISION  | AS AMENDED   | EXPLANATION                          |
|---|--|--------------------------------------|
| <p><b>3. Interpretation</b></p> <p>In this Act<br/> <b>“ASDA”</b> means the Australian Sports Drug Agency established by the Commonwealth Act;<br/> <b>“Australian competitor”</b> means a person who is a competitor within the meaning of the Commonwealth Act;<br/> <b>“Commonwealth Act”</b> means the <i>Australian Sports Drug Agency Act 1990</i> of the Commonwealth;<br/> <b>“sample”</b> has the same meaning as it has in the Commonwealth Act;<br/> <b>“sporting competition”</b> has the same meaning as it has in the Commonwealth Act;<br/> <b>“WA competitor”</b> means a person, other than an Australian competitor, who</p> <p>(a) represents, is selected to represent, or purports to represent, Western Australia in sporting competition, whether as an individual or as part of a team;</p> <p>(b) is in a squad formed for the purpose of selecting a person or team to represent Western Australia in sporting competition;</p> <p>....</p> | <p><b>3. Interpretation</b></p> <p>In this Act<br/> <b>“ASDA”</b> means the Australian Sports Drug Agency established by the Commonwealth Act;<br/> <b>“Australian competitor”</b> means a person who is a competitor within the meaning of the Commonwealth Act;<br/> <b>“Commonwealth Act”</b> means the <i>Australian Sports Drug Agency Act 1990</i> of the Commonwealth;<br/> <b>“sample”</b> has the same meaning as it has in the Commonwealth Act;<br/> <b>“sporting competition”</b> has the same meaning as it has in the Commonwealth Act;<br/> <b>“WA competitor”</b> means a person, other than an Australian competitor, <del>who</del></p> <p>(a) <u>who</u> represents, is selected to represent, or purports to represent, Western Australia in sporting competition, whether as an individual or as part of a team;</p> <p>(b) <u>who</u> is in a squad formed for the purpose of selecting a person or team to represent Western Australia in sporting competition;</p> <p>....</p> | <p>Corrects a grammatical error.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

|  |   |                                      |
|--|---|--------------------------------------|
| <p><b>4. Functions of ASDA and Administrative Appeals Tribunal</b></p> <p align="center">...</p> <p>(4) For the purposes of this section the Commonwealth Act is to be read as if</p> <ul style="list-style-type: none"> <li>(a) references to a competitor or an Australian competitor were references to a WA competitor;</li> <li>(b) references to international sporting competition were references to national sporting competition;</li> <li>(c) references to representing Australia were references to representing Western Australia;</li> <li>(d) references to a national team were references to a Western Australian team;</li> <li>(e) references to something occurring within and outside Australia were references to it occurring within or outside Western Australia; and</li> <li>(f) any prescribed changes, and any other necessary changes, had been made.</li> </ul> | <p><b>4. Functions of ASDA and Administrative Appeals Tribunal</b></p> <p align="center">...</p> <p>(4) For the purposes of this section the Commonwealth Act is to be read as if</p> <ul style="list-style-type: none"> <li>(a) references to a competitor or an Australian competitor were references to a WA competitor;</li> <li>(b) references to international sporting competition were references to national sporting competition;</li> <li>(c) references to representing Australia were references to representing Western Australia;</li> <li>(d) references to a national team were references to a Western Australian team;</li> <li>(e) references to something occurring within and outside Australia were references to it occurring within or outside Western Australia; <del>and</del> <u>or</u></li> <li>(f) any prescribed changes, and any other necessary changes, had been made.</li> </ul> | <p>Corrects a grammatical error.</p> |
|--|---|--------------------------------------|



**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>  | <b>EXPLANATION</b>                                     |
|--|--|--|
| <p><b>76B. Interpretation in Part IIIC</b><br/>                     ...<br/>                     (2) A reference in this Part to the use of a vehicle for a purpose referred to in section 76D(4)(a), 5(a) or (5a)(a); includes a reference to its use for that purpose and for minor incidental purposes.</p> | <p><b>76B. Interpretation in Part IIIC</b><br/>                     ...<br/>                     (2) A reference in this Part to the use of a vehicle for a purpose referred to in section 76D(4)(a), 5(a) or (5a)(a); includes a reference to its use for that purpose and for minor incidental purposes.</p> | <p>Corrects typographical error made in amendment.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>   | <b>EXPLANATION</b>   |
|---|---|--|
| <p><b>Schedule 1 – Relevant Acts for section 105</b></p> <p><i>Architects Act 1921</i></p> <p>...</p> | <p><b>Schedule 1 – Relevant Acts for section 105</b></p> <p><i>Architects Act <del>1921</del><u>2004</u></i></p> <p>...</p> | <p>The <i>Architects Act 1921</i> was repealed by the <i>Architects Act 2004</i>. Consequential amendments were made to change references in other Acts to the 1921 Act. This one was inadvertently overlooked because the <i>State Administrative Tribunal Act 2004</i> was in Parliament at the same time as the <i>Architects Act 2004</i>.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>  | <b>EXPLANATION</b>  |
|--|--|---|
| <p><b>4. Interpretation</b><br/>In this Part, unless the contrary intention appears —</p> <p><b>“director”</b> means —</p> <ul style="list-style-type: none"> <li>(a) a member of the governing body of a corporation;</li> <li>(b) if the affairs of a corporation are managed by its members, a member of the corporation; or</li> <li>(c) where a corporation consists of one person, that person.</li> </ul> | <p><b>4. Interpretation</b><br/>In this Part, unless the contrary intention appears —</p> <p><b>“director”</b> means —</p> <ul style="list-style-type: none"> <li>(a) a member of the governing body of a corporation <u>or, if that corporation is governed by one person, that person;</u></li> <li>(b) if the affairs of a corporation are managed by its members, a member of the corporation; or</li> <li>(c) where a corporation consists of one person, that person.</li> </ul> | <p>This amendment is required to clarify the application of the definition of “director” in paragraph (a) in a case where a corporation is governed by one person (rather than a board or other governing body). This amendment accommodates changes to the <i>Corporations Act 2001</i> (Cth) which now allows for a corporation to be governed by a single person (formerly, company law required at least two officers for any company).</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>  | <b>EXPLANATION</b>   |
|--|--|--|
| <p><b>8. Appeal Costs Board, constitution</b><br/>...</p> <p>(2) The Board shall consist of 3 members appointed by the Governor of whom —</p> <p>...</p> <p>(c) one shall be a person who is nominated in writing by The Legal Practice Board established by the <i>Legal Practice Act 2003</i> and who is so willing.</p> | <p><b>8. Appeal Costs Board, constitution</b><br/>...</p> <p>(2) The Board shall consist of 3 members appointed by the Governor of whom —</p> <p>...</p> <p><del>(c) one shall be a person who is nominated in writing by The Legal Practice Board established by the <i>Legal Practice Act 2003</i> and who is so willing.</del></p> <p><u>(c) one shall be a person who is nominated in writing by the Legal Practice Board established by the <i>Legal Practice Act 2003</i> and who is so willing.</u></p> | <p>Both the <i>Acts Amendment and Repeal (Courts and Legal Practice) Act 2003</i> and the <i>Statutes (Repeals and Minor Amendments) Act 2003</i> amend this paragraph, but differently. This provision repeals the whole of paragraph (c) and replaces it with one that reads as it should have done after the amendment by the <i>Acts Amendment and Repeal (Courts and Legal Practice) Act</i>.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION   | AS AMENDED   | EXPLANATION   |
|--|--|---|
| <p><b>41. Dealing with records obtained by surveillance devices</b></p> <p>...</p> <p>(3) The Commissioner of Police, the Corruption and Crime Commission, the Corruption and Crime Commission and the National Crime Authority must keep such records concerning the records and reports obtained by the use of surveillance devices under warrants and emergency authorisations as are necessary to enable documents and information to be identified and obligations under this Act to provide reports to be complied with.</p> | <p><b>41. Dealing with records obtained by surveillance devices</b></p> <p>...</p> <p>(3) The Commissioner of <del>Police, the Corruption and Crime Commission, the Corruption and Crime Commission and the</del> <u>Police, the Corruption and Crime Commission and the</u> National Crime Authority must keep such records concerning the records and reports obtained by the use of surveillance devices under warrants and emergency authorisations as are necessary to enable documents and information to be identified and obligations under this Act to provide reports to be complied with.</p> | <p>s. 41(3) was amended by the <i>Corruption and Crime Commission Amendment and Repeal Act 2003</i>.</p> <p>The amendment replaced the “Anti Corruption Commission” with the Corruption and Crime Commission, but inadvertently repeated “Corruption and Crime Commission”.</p> <p>The ACC no longer exists, so this amendment removes the incorrect text and replaces it with the correct reference.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>  | <b>EXPLANATION</b>   |
|---|--|--|
| <p><b>20. Consequential amendments</b></p> <p>(1) Schedule 1 Division 1, and Schedule 1 Division 3 item 3, have effect.</p> <p>(2) Schedule 1 Division 2 has effect.</p> <p>...</p> <p><b>Schedule 1 – Consequential amendments</b></p> <p><b>Division 1 – Consequential amendments</b></p> <p>...</p> <p><b>Division 3 – Alternative amendments to the Metropolitan Region Scheme</b></p> <p><b>3. Metropolitan Region Scheme amended</b></p> <p>...</p> | <p>Section 20(1) and (2) and Schedule 1 Division 1 and Division 3 item 3 are repealed.</p> | <p>s. 20(1), (2) and (3) provided for 3 alternative sets of consequential amendments depending on the order in which this and other Bills in Parliament at the same time came into operation. s. 20(1) and (2), and the related parts of Schedule 1 are not required and will not be proclaimed.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>  | <b>EXPLANATION</b>           |
|---|--|------------------------------|
| <p><b>5. Appointment of Commonwealth employees</b></p> <p>(1) Where a Commonwealth employee to whom a request is made under section 4, not being a person employed in a temporary capacity, elects, in accordance with that section, to be appointed under this Act, chief executive officer is, by force of this section, empowered to appoint that employee under section 64 of the <i>Public Sector Management Act 1994</i>.</p> | <p><b>5. Appointment of Commonwealth employees</b></p> <p>(1) Where a Commonwealth employee to whom a request is made under section 4, not being a person employed in a temporary capacity, elects, in accordance with that section, to be appointed under this Act, <u>the</u> chief executive officer is, by force of this section, empowered to appoint that employee under section 64 of the <i>Public Sector Management Act 1994</i>.</p> | <p>Inserts missing word.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>   | <b>EXPLANATION</b>   |
|---|---|--|
| <p><b>24. Decisions about participation in the Compensation Scheme</b></p> <p>...</p> <p>(2) An order under subsection (4)(b) or (c) shall be given effect as if the corresponding decision had been made in accordance with the law governing the Compensation Scheme.</p> | <p><b>24. Decisions about participation in the Compensation Scheme</b></p> <p>...</p> <p>(2) An order under <del>subsection (4)(b) or (c)</del><u>subsection (1)</u> shall be given effect as if the corresponding decision had been made in accordance with the law governing the Compensation Scheme.</p> | <p>Corrects a cross reference. This amendment was overlooked when Salaries and Allowances Tribunal amendments were made.</p> |



**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION   | AS AMENDED   | EXPLANATION                            |
|--|--|--|
| <p><b>101. Bankers acting on trustees' authority, protection of</b></p> <p align="center">...</p> <p>(5) In this section, “<b>bill of exchange</b>” has the same meaning as in the <i>Bills of Exchange Act 1903</i> of the Commonwealth and its amendments.</p> | <p><b>101. Bankers acting on trustees' authority, protection of</b></p> <p align="center">...</p> <p>(5) In this section, “<b>bill of exchange</b>” has the same meaning as in the <del><i>Bills of Exchange Act 1903</i></del> <u><i>Bills of Exchange Act 1909</i></u> of the Commonwealth and its amendments.</p> | <p>Corrects an incorrect citation.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>   | <b>AS AMENDED</b>   | <b>EXPLANATION</b>  |
|---|---|---|
| <p><b>3. Land may be set apart for purposes of Colleges</b></p> <p align="center">...</p> <p>Such application shall be signed on behalf of such body of persons by trustees authorized in that behalf, and such trustees must satisfy the Senate —</p> <p>(a) That the constitution of the College will provide that the College shall always be governed in every respect by a Council.</p> <p>(b) That within five years the Trustees will have available the sum of fifteen thousand pounds at least for the purpose of erecting all necessary buildings on and improving the said area,</p> <p>and thereupon the Senate may, with the consent of the Governor, set apart for the purposes of the College an area of University land not exceeding five acres.</p> | <p><b>3. Land may be set apart for purposes of Colleges</b></p> <p align="center">...</p> <p>Such application shall be signed on behalf of such body of persons by trustees authorized in that behalf, and such trustees must satisfy the Senate —</p> <p>(a) That the constitution of the College will provide that the College shall always be governed in every respect by a Council.</p> <p>(b) That within five years the Trustees will have available the sum of fifteen thousand pounds at least for the purpose of erecting all necessary buildings on and improving the said area,</p> <p>and thereupon the Senate may, with the consent of the Governor, set apart for the purposes of the College an area of University land not exceeding <del>five acres</del> <u>2.03 hectares</u>.</p> | <p>Amendment to update imperial measurements to the metric equivalent.</p> <p>Part of a project involving the Parliamentary Counsel's Office, the Department of the Premier and Cabinet and the Department of Consumer and Employment Protection.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>   | <b>EXPLANATION</b>             |
|--|---|--------------------------------|
| <p><b>35. Review of refusal to extend time for objection or review</b></p> <p>(1) A person who is dissatisfied with a decision of the Valuer-General to refuse to extend the time for service of an objection against a valuation or for service of a notice requiring the Valuer-General to refer the valuation to the State Administrative Tribunal for a review may serve on the Valuer-General a notice requiring the Valuer-General to refer such decision the decision to refuse to extend time to the State Administrative Tribunal for a review.</p> | <p><b>35. Review of refusal to extend time for objection or review</b></p> <p>(1) A person who is dissatisfied with a decision of the Valuer-General to refuse to extend the time for service of an objection against a valuation or for service of a notice requiring the Valuer-General to refer the valuation to the State Administrative Tribunal for a review may serve on the Valuer-General a notice requiring the Valuer-General to refer <del>such decision</del> the decision to refuse to extend time to the State Administrative Tribunal for a review.</p> | <p>Deletes repeated words.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>   | <b>EXPLANATION</b>   |
|--|---|--|
| <p><b>24. Restoration of name to Register</b></p> <p>(1) Subject to the provisions of subsection (2), where the Board or the State Administrative Tribunal causes or orders the removal of name of any person from the Register, the name of that person shall not again be entered therein except by order of the State Administrative Tribunal upon application for review or by the direction of the Board.</p> | <p><b>24. Restoration of name to Register</b></p> <p>(1) Subject to the provisions of subsection (2), where the Board or the State Administrative Tribunal causes or orders the removal of <u>the</u> name of any person from the Register, the name of that person shall not again be entered therein except by order of the State Administrative Tribunal upon application for review or by the direction of the Board.</p> | <p><i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 s. 1282 amended s. 24 but inadvertently deleted “the”.</i></p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b> | <b>AS AMENDED</b>              | <b>EXPLANATION</b>   |
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|                           | Sections 4 to 12 are repealed. | Repeals provisions that have not been, and will not be, proclaimed. s. 4-12 would have amended the <i>Video Tapes Classification and Control Act 1987</i> . That Act was repealed by the <i>Censorship Act 1996</i> . The <i>Interpretation Act 1984</i> s. 33, under which the repeal of an Act also repeals any amendments, did not apply to s. 4-12 as it does not extend to unproclaimed provisions. |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>   | <b>EXPLANATION</b>   |
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| <p><b>91. Objection or appeal not to affect liability to pay rates</b></p> <p>The making of an objection, whether in respect of an entry in the rating records or in respect of a valuation of rateable land, shall not affect the liability of the ratepayer to pay any rates assessed under this Act pending determination of the objection or the appeal.</p> | <p><b>91. Objection or appeal not to affect liability to pay rates</b></p> <p>The making of an objection, whether in respect of an entry in the rating records or in respect of a valuation of rateable land, shall not affect the liability of the ratepayer to pay any rates assessed under this Act pending determination of the objection <del>or the appeal.</del></p> | <p><i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004</i> s. 1295 was intended to amend s. 91 but was ineffective as the words to be deleted were misquoted.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION   | AS AMENDED  | EXPLANATION  |
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| <p><b>3. Interpretation</b></p> <p>In this Act, unless the contrary intention appears —</p> <p align="center">...</p> <p><b>“subsidiary”</b> means —</p> <p>(a) a body that would be a subsidiary within the meaning of the Corporations Act; and</p> <p>...</p> <p><b>87. Supplementary provision as to laying document before Parliament</b></p> <p>...</p> <p>(2) A copy of a document transmitted to the Clerk of a House is to be —</p> <p>    (a) taken to have been laid before that House; and</p> <p>    (b) taken to be a document published by order or under the</p> | <p><b>3. Interpretation</b></p> <p><u>(1)</u> In this Act, unless the contrary intention appears —</p> <p align="center">...</p> <p><b>“subsidiary”</b> means —</p> <p><del>(a) a body that would be a subsidiary within the meaning of the Corporations Act; and</del></p> <p><u>(a) a body determined to be a subsidiary of the corporation under subsection (2); or</u></p> <p>Inserting the following subsection at the end of the section:</p> <p><u>(2) Part 1.2 Division 6 of the Corporations Act applies for the purpose of determining whether a body is a subsidiary of the corporation.</u></p> <p>...</p> <p><b>87. Supplementary provision as to laying document before Parliament</b></p> <p>...</p> <p><del>(2) A copy of a document transmitted to the Clerk of a House is to be —</del></p> <p><del>    (a) taken to have been laid before that House; and</del></p> <p><del>    (b) taken to be a document published by order or under the</del></p> | <p>The question of the application of the <i>Corporations Act</i> to bodies corporate established by State law has recently been reconsidered. As a result new legislation contains a new approach to the definition of “subsidiary”. This amendment is to bring this <i>Act</i> into line with this approach.</p> <p>Relates to tabling of documents – see note for <i>Legal Practice Act</i> s. 251 for details.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| <p>authority of that House.</p> <p>(3) The laying of a copy of a document that is taken to have occurred under subsection (2)(a) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the receipt of the copy by the Clerk.</p> <p>...</p> <p><b>Schedule 3 – Financial administration and audit</b></p> <p>...</p> <p><b>28. Treasurer’s power to make specific exemption orders</b></p> <p>...</p> <p>(6) If at the commencement of the period referred to in subclause (5) a House of Parliament is not sitting and the Treasurer is of the opinion that that House will not sit during that period, the Treasurer is to transmit a copy of the order to the Clerk of that House and the copy of the order so transmitted is to be —</p> <p style="padding-left: 40px;">(a) taken to have been laid before that House; and</p> <p style="padding-left: 40px;">(b) taken to be a document published by order or under the authority of that House.</p> <p>(7) The laying of a copy of a document</p> | <p><del>authority of that House.</del></p> <p><u>(2) A copy of a document transmitted to the Clerk of a House is taken to have been laid before that House.</u></p> <p>(3) The laying of a copy of a document that is taken to have occurred under subsection (2)<del>(a)</del> is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the receipt of the copy by the Clerk.</p> <p>...</p> <p><b>Schedule 3 – Financial administration and audit</b></p> <p>...</p> <p><b>28. Treasurer’s power to make specific exemption orders</b></p> <p>...</p> <p>(6) If at the commencement of the period referred to in subclause (5) a House of Parliament is not sitting and the Treasurer is of the opinion that that House will not sit during that period, the Treasurer is to transmit a copy of the order to the Clerk of that House and the copy of the order so transmitted is <u>taken to have been laid before that House.</u><del>to be —</del></p> <p style="padding-left: 40px;"><del>(a) taken to have been laid before that House; and</del></p> <p style="padding-left: 40px;"><del>(b) taken to be a document published by order or under the authority of that House.</del></p> <p>(7) The laying of a copy of a document</p> |  |
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| that is taken to have occurred because of subclause (6)(a) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the receipt of the copy by the Clerk. | that is taken to have occurred because of subclause (6) <del>(a)</del> is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the receipt of the copy by the Clerk. |  |
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STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006

| EXISTING PROVISION   | AS AMENDED   | EXPLANATION  |
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| <p><b>27. Licences to be available for inspection</b></p> <p>The Authority is to keep available at the its office for inspection by members of the public during normal office hours —</p> <p>...</p> <p><b>46M. Certain enactments can be applied to holding body</b></p> <p>(2) For the purposes of subsection (1), section 83(2)(a) of the <i>Water Agencies (Powers) Act 1984</i> (which is listed in Schedule 2, Part 1, of this Act) is to be read and construed as though it did not include a reference to section 112A of the <i>Public Works Act 1902</i>.</p> <p>...</p> <p><b>59E. Minister may give directions</b></p> <p>(5) A copy of a direction transmitted to the Clerk of a House is to be —</p> <p>(c) taken to have been laid before that House; and</p> <p>(d) taken to be a document published by order or under the authority of</p> | <p><b>27. Licences to be available for inspection</b></p> <p>The Authority is to keep available at the its office for inspection by members of the public during normal office hours —</p> <p>...</p> <p><b>46M. Certain enactments can be applied to holding body</b></p> <p>(2) For the purposes of subsection (1), section 83(2)(a) of the <i>Water Agencies (Powers) Act 1984</i> (which is listed in Schedule 2, Part 1, of this Act) is to be read and construed as though it did not include a reference to <del>section 112A of the <i>Public Works Act 1902</i></del><u>Division 4 of Part 9 of the <i>Land Administration Act 1997</i></u>.</p> <p>...</p> <p><b>59E. Minister may give directions</b></p> <p><del>(5) A copy of a direction transmitted to the Clerk of a House is to be —</del></p> <p><del>(a) taken to have been laid before that House; and</del></p> <p><del>(b) taken to be a document published by order or under the authority of</del></p> | <p>To correct a grammatical error.</p> <p>Updates a cross reference. s. 46M provides that “section 83(2)(a) of the <i>Water Agencies (Powers) Act 1984</i>...is to be read...as though it did not include a reference to section 112A of the Public Works Act 1902”. s. 83(2)(a) now refers to the <i>Land Administration Act Part 9 Division 2</i> instead of the <i>Public Works Act</i> s. 112A.</p> <p>Relates to tabling of documents – see note for <i>Legal Practice Act 2003</i> s. 251 for details.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| <p>that House.</p> <p>(6) The laying of a copy of a direction that is taken to have occurred under subsection (5)(a) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the receipt of the copy by the Clerk.</p> | <p><del>that House.</del></p> <p><u>(5) A copy of a direction transmitted to the Clerk of a House is taken to have been laid before that House.</u></p> <p>(6) The laying of a copy of a direction that is taken to have occurred under subsection (5)<del>(a)</del> is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the receipt of the copy by the Clerk.</p> |  |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>   | <b>EXPLANATION</b>   |
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| <p><b>20. Charges to be approved by Minister</b></p> <p>(1) The rates of charges of the Commission for the carriage of persons or goods are subject to the approval of the Minister.</p> <p>(2) In exercising his powers under this section the Minister shall have regard to the duties of the Commission under section 19.</p> | <p><b>20. Charges to be approved by Minister</b></p> <p>(1) The rates of charges of the Commission for the carriage of persons or goods are subject to the approval of the Minister.</p> <p><del>(2) In exercising his powers under this section the Minister shall have regard to the duties of the Commission under section 19.</del></p> | <p>As section 19(2) of the Act, which set out the duties of the Commission, has been repealed, section 20(2) is redundant and should also be repealed.</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION   | AS AMENDED   | EXPLANATION  |
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| <p><b>9. Membership of Board</b></p> <p>(1) The Minister is to appoint 9 members to the Board of whom —</p> <p>...</p> <p>(d) 2 are to be nominated jointly by</p> <p>-</p> <p>(i) the chief executive officer of Curtin University of Technology;</p> <p>(ii) the chief executive officer of Edith Cowan University;</p> <p>...</p> <p>(iv) the Vice-Chancellor of the University of Notre Dame Australia; and</p> <p>(v) the Vice-Chancellor of the University of Western Australia;</p> | <p><b>9. Membership of Board</b></p> <p>(1) The Minister is to appoint 9 members to the Board of whom —</p> <p>...</p> <p>(d) 2 are to be nominated jointly by</p> <p>-</p> <p>(i) the chief executive officer of <u>the</u> Curtin University of Technology;</p> <p>(ii) the chief executive officer of <u>the</u> Edith Cowan University;</p> <p>...</p> <p>(iv) the Vice-Chancellor of <del>the</del><u>The</u> University of Notre Dame Australia; and</p> <p>(v) the Vice-Chancellor of <del>the</del><u>The</u> University of Western Australia;</p> | <p>Corrects grammatical errors in names of the Universities. See –</p> <ul style="list-style-type: none"> <li>• <i>University of Notre Dame Australia Act 1989</i> s. 4(1)</li> <li>• <i>University of Western Australia Act 1911</i> s. 3</li> <li>• <i>Curtin University of Technology Act 1966</i> s. 5(1)</li> <li>• <i>Edith Cowan University Act 1984</i> s. 4(1)</li> </ul> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| EXISTING PROVISION   | AS AMENDED  | EXPLANATION  |
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| <p><b>45A. Supplementary provision about laying documents before Parliament</b><br/>                     ...<br/>                     (2) A copy of a document transmitted to the Clerk of a House is to be —<br/>                         (a) taken to have been laid before that House; and<br/>                         (b) taken to be a document published by order or under the authority of that House.</p> <p>(3) The laying of a copy of a document that is taken to have occurred under subsection (2)(a) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the receipt of the copy by the Clerk.</p> | <p><b>45A. Supplementary provision about laying documents before Parliament</b><br/>                     ...<br/> <del>(2) A copy of a document transmitted to the Clerk of a House is to be —<br/>                         (a) taken to have been laid before that House; and<br/>                         (b) taken to be a document published by order or under the authority of that House.</del></p> <p><u>(2) A copy of a document transmitted to the Clerk of a House is taken to have been laid before that House.</u></p> <p>(3) The laying of a copy of a document that is taken to have occurred under subsection (2)<del>(a)</del> is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the receipt of the copy by the Clerk.</p> | <p>Relates to tabling of documents – see note for <i>Legal Practice Act 2003</i> s. 251 for details.</p> |

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| EXISTING PROVISION   | AS AMENDED  | EXPLANATION   |
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| <p><b>64. Duties in case of collision, casualty, etc.</b></p> <p>(5) Where the master or owner of a vessel is required by subsection (1) to send a report to the chief executive officer immediately after the happening of an event of a kind described in that subsection, the master or owner of the vessel shall, if possible within 24 hours after the happening of the event or if it is not so possible within 24 hours then as soon as it is possible, send to the chief executive officer by letter a report signed by the master or owner and containing all of those particulars and confirming the report sent in accordance with subsection (4).</p> <p>...</p> | <p><b>64. Duties in case of collision, casualty, etc.</b></p> <p>(5)Where the master or owner of a vessel is required by subsection (4) (4) to send a report to the chief executive officer immediately after the happening of an event of a kind described in that subsection, the master or owner of the vessel shall, if possible within 24 hours after the happening of the event or if it is not so possible within 24 hours then as soon as it is possible, send to the chief executive officer by letter a report signed by the master or owner and containing all of those particulars and confirming the report sent in accordance with subsection (4).</p> <p>...</p> | <p>To correct a cross-reference error.</p>              |
| <p><b>104. Governor may establish Court of Marine Enquiry</b></p> <p>(5) Subject to section 109(4) sections 15, 16, 35 and 36 and Part 3 Division 2 of the <i>Magistrates Court Act 2004</i> apply to and in a Court of Marine Inquiry and its officers in the same way as they apply to and in relation to the Magistrates Court and its</p>  | <p><b>104. Governor may establish Court of Marine Enquiry</b></p> <p>(5) Subject to section 109(4) sections 15, 16, 35 and 36 and Part 3 Division 2 of the <i>Magistrates Court Act 2004</i> apply to and in <u>relation to</u> a Court of Marine Inquiry and its officers in the same way as they apply to and in relation to the Magistrates Court and its officers.</p>  | <p>Corrects minor error by inserting missing words.</p> |

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| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>  | <b>EXPLANATION</b>   |
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| <p><b>16Q. Procedure where a House is not sitting</b></p> <p>...</p> <p>(2) A copy of a document transmitted to the Clerk of a House shall be —</p> <p style="padding-left: 40px;">(a) taken to have been laid before that House; and</p> <p style="padding-left: 40px;">(b) taken to be a document published by order or under the authority of that House.</p> <p>(3) The laying of a copy of a document that is taken to have occurred under subsection (2)(a) shall be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the receipt of the copy by the Clerk.</p> | <p><b>16Q. Procedure where a House is not sitting</b></p> <p>...</p> <p><del>(2) A copy of a document transmitted to the Clerk of a House shall be —</del></p> <p style="padding-left: 40px;"><del>(a) taken to have been laid before that House; and</del></p> <p style="padding-left: 40px;"><del>(b) taken to be a document published by order or under the authority of that House.</del></p> <p><u>(2) A copy of a document transmitted to the Clerk of a House is taken to have been laid before that House</u></p> <p>(3) The laying of a copy of a document that is taken to have occurred under subsection (2)<del>(a)</del> shall be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the receipt of the copy by the Clerk.</p> | <p>Relates to tabling of documents – see note for <i>Legal Practice Act 2003</i> s. 251 for details.</p> |

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| EXISTING PROVISION   | AS AMENDED  | EXPLANATION   |
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| <p><b>5. Definitions</b></p> <p>(1) In this Act, unless the contrary intention appears -</p> <p>...</p> <p>“NRE amount” means –</p> <p>...</p> <p>(c) in relation to any subsequent financial year, the nearest whole number of dollars to —</p> <p>(i) the amount obtained by varying the NRE amount for the preceding financial year by the percentage by which the amount that the Australian Statistician published as the Wages Cost Index, ordinary time hourly rates of pay (excluding bonuses) for Western Australia (“WCI”) varied between the second-last December quarter before the financial year commenced and the last December quarter before the financial year commenced; or</p> <p>(ii) if the calculation under subparagraph (i) cannot be performed in relation to a financial year because the WCI for a relevant quarter was not published, the amount obtained by varying the NRE amount for the preceding financial year in accordance with</p> | <p><b>5. Definitions</b></p> <p>(1) In this Act, unless the contrary intention appears -</p> <p>...</p> <p>“NRE amount” means –</p> <p>...</p> <p>(c) in relation to any subsequent financial year, the nearest whole number of dollars to —</p> <p>(i) the amount obtained by varying the NRE amount for the preceding financial year by the percentage by which the amount that the Australian Statistician published as the <del>Wages Cost Index</del> <u>Labour Price Index (formerly known as the Wages Cost Index)</u>, ordinary time hourly rates of pay (excluding bonuses) for Western Australia (<del>“WCI”</del> <u>the “LPI”</u>) varied between the second-last December quarter before the financial year commenced and the last December quarter before the financial year commenced; or</p> <p>(ii) if the calculation under subparagraph (i) cannot be performed in relation to a financial year because the <del>WCI</del> <u>LPI</u> for a relevant quarter was not published, the amount obtained by varying the</p> | <p>The Index, produced by the Australian Bureau of Statistics, has been renamed.</p> <p>A definition of “NRE amount” will be inserted by the <i>Workers’ Compensation Reform Act 2004</i> s. 8(2) – which will commence on 14 November 2005.</p> <p>The <i>Workers’ Compensation and Injury Management Regulations 1982</i> reg 2A(2) (which also refer to the Wage Cost Index) are proposed to be amended when the Act has been amended.</p> |

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| <p>the regulations,</p> <p>...</p> <p><b>“prescribed amount”</b> means –</p> <p>...</p> <p>(b) in relation to any subsequent financial year, the nearest whole number of dollars to —</p> <p>(i) the amount obtained by varying the prescribed amount for the preceding financial year by the percentage by which the amount that the Australian Statistician published as the Wages Cost Index, ordinary time hourly rates of pay (excluding bonuses) for Western Australia (the <b>“WCI”</b>) varied between the second-last December quarter before the financial year commenced and the last December quarter before the financial year commenced; or</p> <p>(ii) if the calculation under subparagraph (i) cannot be performed in relation to a financial year because the WCI for a relevant quarter was not published, the amount obtained by varying the prescribed amount for the preceding financial year in accordance with the regulations,</p> <p>...</p> | <p>NRE amount for the preceding financial year in accordance with the regulations,</p> <p>...</p> <p><b>“prescribed amount”</b> means –</p> <p>...</p> <p>(b) in relation to any subsequent financial year, the nearest whole number of dollars to —</p> <p>(i) the amount obtained by varying the prescribed amount for the preceding financial year by the percentage by which the amount that the Australian Statistician published as the <del>Wages Cost Index</del> <u>Labour Price Index (formerly known as the Wages Cost Index)</u>, ordinary time hourly rates of pay (excluding bonuses) for Western Australia (the <b>“WCI”</b> <b>“LPI”</b>) varied between the second-last December quarter before the financial year commenced and the last December quarter before the financial year commenced; or</p> <p>(ii) if the calculation under subparagraph (i) cannot be performed in relation to a financial year because the <del>WCI</del> <u>LPI</u> for a relevant quarter was not published, the amount obtained by varying the prescribed amount for the preceding financial year in accordance with the regulations,</p> <p>...</p> |  |
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| <p><b>93F. Restrictions on awarding and amount of damages if disability less than 30%</b></p> <p>...</p> <p>(8) In this section —</p> <p><b>“Amount A”</b> means -</p> <p>...</p> <p>(b) in relation to any subsequent financial year, the nearest whole number of dollars to —</p> <p>(i) the amount obtained by varying Amount A for the preceding financial year by the percentage by which the amount that the Australian Statistician published as the Wages Cost Index, ordinary time hourly rates of pay (excluding bonuses) for Western Australia (the <b>“WCI”</b>) varied between the second-last December quarter before the financial year commenced and the last December quarter before the financial year commenced; or</p> <p>(ii) if the calculation under subparagraph (i) cannot be performed in relation to a financial year because the WCI for a relevant quarter was not published, the amount obtained by varying</p> | <p><b>93F. Restrictions on awarding and amount of damages if disability less than 30%</b></p> <p>...</p> <p>(8) In this section —</p> <p><b>“Amount A”</b> means -</p> <p>...</p> <p>(b) in relation to any subsequent financial year, the nearest whole number of dollars to —</p> <p>(i) the amount obtained by varying Amount A for the preceding financial year by the percentage by which the amount that the Australian Statistician published as the <del>Wages Cost Index</del> <u>Labour Price Index (formerly known as the Wages Cost Index)</u>, ordinary time hourly rates of pay (excluding bonuses) for Western Australia (the <b>“WCI”</b> <b>“LPI”</b>) varied between the second-last December quarter before the financial year commenced and the last December quarter before the financial year commenced; or</p> <p>(ii) if the calculation under subparagraph (i) cannot be performed in relation to a financial year because the</p> |  |
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| Amount A for the preceding financial year in accordance with the regulations, | <del>WGLPI</del> for a relevant quarter was not published, the amount obtained by varying Amount A for the preceding financial year in accordance with the regulations, |  |
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| EXISTING PROVISION  | AS AMENDED  | EXPLANATION  |
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| <p><b>14. Minister may give directions</b><br/>                     ...<br/>                     (4) A copy of a direction transmitted to the Clerk of a House is to be regarded —<br/>                         (a) as having been laid before that House; and<br/>                         (b) as being a document published by order or under the authority of that House.</p> <p>(5) The laying of a copy of a direction that is regarded as having occurred under subsection (4)(a) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy.</p> | <p><b>14. Minister may give directions</b><br/>                     ...<br/> <del>(4) A copy of a direction transmitted to the Clerk of a House is to be regarded —</del><br/> <del>    (a) as having been laid before that House; and</del><br/> <del>    (b) as being a document published by order or under the authority of that House.</del></p> <p><u>(4) A copy of a direction transmitted to the Clerk of a House is taken to have been laid before that House.</u></p> <p>(5) The laying of a copy of a direction that is regarded as having occurred under subsection (4)<del>(a)</del> is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy.</p> | <p>Relates to tabling of documents – see note for <i>Legal Practice Act 2003</i> s. 251 for details.</p> |



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| EXISTING PROVISION   | AS AMENDED  | EXPLANATION  |
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| <p><i>Bills of Exchange</i> (non-payment) (1832)<br/>(2 &amp; 3 Will. IV c. 98)</p> <p><i>Bills of Exchange</i> (day for payment)<br/>(1836) (6 &amp; 7 Will. IV c. 58)</p> <p><i>Executors Act 1830</i><br/>(11 Geo. IV &amp; 1 Will. IV c. 40)</p> <p><i>Judgements Act 1839</i> s. 11, 12 and 14<br/>(2 &amp; 3 Vict. c. 11)</p> <p><i>Judgements Act 1855</i> s. 9<br/>(18 &amp; 19 Vict. c. 15)</p> | <p>These Imperial Acts, or provisions of Imperial Acts, are repealed in so far as they are part of the law of Western Australia.</p> <p>In respect of each of the above repeals, the <i>Interpretation Act 1984</i> Part V applies as if the Imperial Act were a written law.</p> | <p>The Bills of Exchange Acts were superseded by the Commonwealth <i>Bills of Exchange Act 1909</i>. The <i>Executors Act</i> and provisions of the <i>Judgments Acts</i> are obsolete.</p> <p>The <i>Interpretation Act 1984</i> Part V is applied as if the Imperial Acts were Western Australian Acts. Part V would not otherwise apply as the Imperial Acts, being laws made by the British Parliament, not the Western Australian Parliament, are not “written laws” as defined in the <i>Interpretation Act 1984</i>. Part V of the <i>Interpretation Act 1984</i> sets out general provisions relating to the repeal of written laws. For example, that the repeal of a written law –</p> <ul style="list-style-type: none"> <li>• Includes the repeal of amendments to it;</li> <li>• Does not revive any law repealed by it or anything else not in force when the repeal takes effect; and</li> <li>• Does not affect the operation of the law prior to its repeal (ie. in very general terms, does not affect anything done, any right or interest accrued, or any obligation or liability incurred, under the Act while it was in force).</li> </ul> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

| <b>EXISTING PROVISION</b>  | <b>AS AMENDED</b>  | <b>EXPLANATION</b>  |
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| <p><i>An Act for the Amendment of the Law relating to Dower (1833) (3 &amp; 4 Will. IV c. 105)</i></p> <p><i>An Act for the Amendment of the Law of Inheritance (1833) (3 &amp; 4 Will. IV c. 106)</i></p> | <p>It is declared that these Acts were repealed in so far as they were part of the law of Western Australia on 27 September 1893 by the <i>Real Estates Administration Act (1893) (57 Vict. No. 9)</i></p> | <p>These 2 Acts were adopted in WA by the <i>Imperial Acts Adopting Act 1836</i>. In the 1896 Historical Table of the Statutes these Acts are said to have been practically repealed by the <i>Real Estates Administration Act (1893) 57 Vict. No. 9</i>. They were not included in the 1896 compilation of <i>Statutes of the Realm adopted by Ordinances and Acts of Council</i>. The <i>Real Estates Administration Act (1893)</i> was an Act for “the administration of the real estates of deceased persons”. The Pilot Volume No. 1 repeats the comments from the 1896 Historical Table of the Statutes. This view appears to be supported by the fact that the <i>Administration Act 1903</i> repealed the <i>Real Estates Administration Act (1893)</i> and another Imperial Act (3 &amp; 4 Will. IV c. 104) also adopted by the <i>Imperial Acts Adopting Act 1836</i> but not the Dower and Inheritance Acts – perhaps because they were seen as already having been impliedly repealed.</p> <p>At common law, "Dower is an estate for life, which the law gives the widow in the third part of the lands and tenements of which the husband was solely seised, at any time during the coverture, of an estate in fee or in tail, in possession, and to which estate in the lands and tenements</p> |

**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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| <p><i>An Act for the Removal of Defects in the Administration of Criminal Justice (1848) (11 &amp; 12 Vict. c. 46)</i></p> | <p>It is declared that this Act is repealed in so far as it was part of the law of Western Australia on 20 December 1852 by <i>An Ordinance for the removal of defects in the Administration of Criminal Justice (1852) (16 Vict. No. 5)</i></p> | <p>the issue of such widow might, by possibility, have inherited:" Watkins, Conveyancing, 9th ed. (1833), p. 85, citing 2 Bl. Comm., 129, Litt. b. 1, c. 5, and the Comment; and referring to 2 Bac. Abr., 9 Vin. Ab., and 3 Comyn's Dig., tit. "Dower." In Macqueen's Law of Husband and Wife, 4th ed., p. 130, it is said that "The custom of primogeniture, by which land on the father's death goes exclusively to the eldest son, was qualified, from the earliest times, by allowing a third to the widow for life, not only to support herself, but also for the nurture, maintenance and education of the younger children. This was called her dower."</p> <p>This Act was adopted in WA by the <i>Imperial Act Adopting Ordinance 1850</i>. In the 1896 Historical Table of the Statutes this Act is said to have been superseded by <i>An Ordinance for the removal of defects in the Administration of Criminal Justice (1852) (16 Vict. No. 5)</i>. It was not included in the 1896 compilation of <i>Statutes of the Realm adopted by Ordinances and Acts of Council</i>. The 1852 Ordinance was "for the removal of defects in the administration of Criminal Justice relates" and repeated in all material respects the terms of the adopted Imperial Act. The <i>Criminal Law Consolidation Ordinance 1865 (29 Vict. No. 5)</i> repealed s. 1 to 3 of the adopted</p> |
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**STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2006**

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|  |  | <p>Imperial Act and s. 1 to 3 of the 1852 Ordinance. The <i>Criminal Code Act 1902</i> (1 &amp; 2 Edw. VII No. 14) repealed the 1852 Ordinance but did not mention the adopted Imperial Act.</p> <p>These 3 Acts have for a long time been treated as having been impliedly repealed by Western Australian Acts but have never been expressly repealed. They are now declared to have been repealed by the Acts by which they were presumed to have been impliedly repealed. This is the approach taken in the <i>Statute Law Revision Act 1965</i> to clarify the position of a number of other adopted Imperial Acts in the same position.</p> |
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