Western Australia

Animal Resources Authority Act 1981

This Act was repealed by the *Animal Resources Authority Amendment and Repeal Act 2022* s. 14 (No. 12 of 2022) on 22 Aug 2024 (see s. 2(1)(c) and SL 2024/176 cl. 2).

Western Australia

Animal Resources Authority Act 1981

Contents

Part I — Preliminary

1.	Short title	2
2.	Commencement	2
3.	Terms used	2
3A.	Application of Act limited	2

Part II — Animal Resources Authority

4.	Authority, establishment and nature of	3
5.	Authority constituted by Minister	3

Part III — Functions and powers of Authority

9A.	Authority to continue performing its functions for certain purposes	4
9.	Functions	4
10.	Powers	5
11.	Delegation by Authority	5
12.	Staff of Authority, appointment etc. of	6
13.	Public service officer on staff, provisions about	7
14.	*Superannuation and Family Benefits Act 1938*, application of	7
14A.	Staff in Senior Executive Service, status of etc.	8
15.	Minister may direct Authority	8

Part IV — Financial provisions

16.	Financial management and profits	9

17. Funds and property of Authority 9
18. Animal Resources Authority Account 10
19. Investment powers 10
20. *Financial Management Act 2006* and *Auditor General Act 2006*, application of 10
24. Borrowing powers 11
25. Guarantee by Treasurer 11

Part V — Miscellaneous

26. Execution of documents by Authority 13

Part 6 — Transitional provisions for *Animal Resources Authority Amendment and Repeal Act 2022*

Division 1 — Members of Authority

27. Members go out of office 14

Division 2 — Abolition of authority and related provisions

28. Terms used 14
29. Former Authority abolished 15
30. Staff members 15
31. Transfer of assets, rights, liabilities, proceedings and remedies 16
32. Exemption from State tax 17
33. Closure of Account 17
34. Agreements, instruments and documents 17
35. Completion of things commenced 18
36. Continuing effect of things done 18
37. Effect on other instruments, rights and obligations 19

Notes

Compilation table 20
Uncommenced provisions table 21
Other notes 21

Defined terms

Western Australia

Animal Resources Authority Act 1981

An Act to provide for the winding up of the Animal Resources Authority and related matters.

[Long title inserted: No. 12 of 2022 s. 4.]

Part I — Preliminary

1. Short title

This Act may be cited as the *Animal Resources Authority Act 1981*.

2. Commencement

The provisions of this Act shall come into operation on such day or days as is or are respectively fixed by proclamation.

3. Terms used

In this Act, unless the contrary intention appears —

Authority means the Animal Resources Authority established by section 4;

financial year means the year ending on each 30 June;

laboratory animal means an animal used for teaching, research, or diagnostic purposes or for any purpose incidental thereto;

section means a section of this Act;

subsection means a subsection of the section in which the reference occurs;

transition day means the day on which the *Animal Resources Authority Amendment and Repeal Act 2022* section 12 comes into operation.

[Section 3 amended: No. 12 of 2022 s. 5.]

3A. Application of Act limited

This Act does not apply on or after transition day except as provided in Part 6 Division 2.

[Section 3A inserted: No. 12 of 2022 s. 6.]

Part II — Animal Resources Authority

4. Authority, establishment and nature of

(1) There is hereby established an Authority to be called the Animal Resources Authority.

(2) The Authority is a body corporate with perpetual succession and a common seal and is capable of —

(a) acquiring, holding and disposing of real and personal property; and

(b) suing and being sued; and

(c) doing and suffering all such acts and things as bodies corporate may lawfully do and suffer.

(3) The Authority is an agent of the Crown in right of the State.

5. Authority constituted by Minister

The Authority is constituted by the Minister.

[Section 5 inserted: No. 12 of 2022 s. 7.]

*[**6-8.** Deleted: No. 12 of 2022 s. 7.]*

Part III — Functions and powers of Authority

9A. Authority to continue performing its functions for certain purposes

(1) The Authority must continue to perform its functions under this Act, but only for the following purposes —

(a) to prepare reports and financial statements, including the final report required under the *Financial Management Act 2006* Part 5 Division 3;

(b) to wind up its affairs (including realising its assets and discharging its liabilities) as soon as practicable but, in any case, not later than transition day.

(2) The Authority may do all things necessary or convenient to be done for or in connection with the purposes specified in subsection (1), including executing a contract, deed or other instrument necessary for its winding up.

(3) This section overrides sections 9 and 10 and those sections must be read as if the Authority's functions were conferred only to give effect to the purposes specified in subsection (1).

[Section 9A inserted: No. 12 of 2022 s. 8.]

9. Functions

The functions of the Authority are —

(a) to breed and rear laboratory animals, and to acquire specialised laboratory animals, of a high quality and free of disease, which are required by institutions and bodies for teaching, research, or diagnostic purposes or for any purpose incidental thereto;

(b) to supply such laboratory animals and tissue of such laboratory animals to those institutions and bodies for payment;

(c) to establish and maintain —

(i) premises, equipment, and facilities; and

(ii) a breeding stock of laboratory animals,

for the purposes mentioned in paragraph (a);

(d) to provide advice to the institutions and bodies mentioned in paragraph (a) as to the housing, feeding, and care of, and the prevention of disease in, laboratory animals;

(e) to undertake and promote any research calculated to further the purposes described in paragraph (a).

10. Powers

The Authority shall have such powers as are reasonably necessary or expedient for the purpose of enabling it to carry out its functions and in particular —

(a) may —

(i) acquire, improve, and dispose of real and personal property;

(ii) enter into, assign, or accept the assignment of any contract,

for that purpose;

(b) after consultation with the governing bodies of the institutions mentioned in section 5(2)(b) and with the approval of the Minister, may fix such charges as it thinks appropriate to be paid for the supply of laboratory animals;

(c) may collaborate with, or engage the services of, any organization or individual, whether in this State or elsewhere, in performing and exercising its functions, powers and duties.

11. Delegation by Authority

(1) The Authority may, either generally or as otherwise provided by the instrument of delegation, in writing delegate to a person appointed under section 12(1)(a), or to a committee, any of its

powers or duties under this Act, other than this power of delegation.

(2) For the purposes of this Act, the exercise of a power or the performance of a duty by a person to whom or a committee to which it has been delegated under this section shall be deemed to be the exercise of the power or the performance of the duty by the Authority.

(3) A delegation under this section may —

(a) be made subject to such conditions, qualifications and exceptions as are set out in the instrument of delegation; and

(b) be revoked or varied by instrument in writing signed by the Authority.

(4) The Authority may exercise a power or perform a duty notwithstanding that it has delegated its exercise or performance under this section.

12. Staff of Authority, appointment etc. of

(1) Subject to subsection (4), the Authority may appoint —

(a) a person, under such title as it thinks fit, to be the chief executive officer of the Authority; and

(b) such other persons as it thinks necessary to be officers or employees of the Authority.

(2) Subject to any relevant award or industrial agreement, the terms and conditions of service of the chief executive officer and the other officers and employees of the Authority (including their remuneration) shall be as determined by the Public Sector Commissioner.

(3) Subject to subsection (4), the Authority may, by arrangement with the governing authority of an institution mentioned in section 5(2)(b) and upon such terms and conditions as may be agreed, make use, either full-time or part-time, of the services of

any member of the staff or employee of that institution in any capacity mentioned in subsection (1)(a) or (b).

(4) The Authority shall not exercise any power conferred on it by subsection (1) or (3) except with the approval of the Minister on the recommendation of the Public Sector Commissioner.

[Section 12 amended: No. 39 of 2010 s. 89.]

13. Public service officer on staff, provisions about

Where the person appointed under section 12(1)(a) as the chief executive officer of the Authority or any other officer or servant of the Authority, immediately prior to his appointment as such, occupied an office under Part 3 of the *Public Sector Management Act 1994*, he shall —

(a) if he resigns his office or employment or if his term of office or employment expires by effluxion of time and he is not reappointed, be entitled to be appointed to an office under that Act not lower in status than the office which he occupied immediately prior to his appointment as the chief executive officer or other officer or servant of the Authority; and

(b) continue to retain his existing and accruing rights, including his rights under the *Superannuation and Family Benefits Act 1938* [1] as if his service as the chief executive officer or other officer or servant of the Authority were service as an officer under Part 3 of the *Public Sector Management Act 1994*.

[Section 13 amended: No. 32 of 1994 s. 3(2); No. 42 of 1997 s. 8.]

14. *Superannuation and Family Benefits Act 1938*, application of

(1) The Authority may request the Minister to whom the administration of the *Superannuation and Family Benefits Act 1938* [1] is committed to recommend that the Authority be

included as a corporate body in the term ***department*** for the purposes of that Act, and the Treasurer may, on such recommendation and upon the Authority complying with the requirements of that Act, approve of the Authority as, and the Authority shall thereupon be deemed to be, a department for the purposes of that Act.

(2) Neither a person appointed under section 12(1)(a) nor any other officer or servant of the Authority is obliged to become a contributor under the *Superannuation and Family Benefits Act 1938* [1].

14A. Staff in Senior Executive Service, status of etc.

Notwithstanding anything in sections 12, 13 and 14, to the extent that there is in the case of a person who is appointed under section 12(1) to be the chief executive officer, or an officer or employee, of the Authority and who is a member of the Senior Executive Service within the meaning of the *Public Sector Management Act 1994* [2] an inconsistency between this Act and that Act that Act shall prevail.

[Section 14A inserted: No. 113 of 1987 s. 32.]

15. Minister may direct Authority

(1) The Minister may give to the Authority such directions, not inconsistent with this Act, as he thinks fit either —

(a) generally as to a policy to be followed by the Authority; or

(b) as to any particular act or proposed act of the Authority.

(2) The Authority shall in the performance and exercise of its functions, powers and duties give effect to any written directions given to it by the Minister under subsection (1).

Part IV — Financial provisions

16. Financial management and profits

(1) The Authority shall so conduct its affairs as to ensure that its revenues are not less than sufficient to meet all sums properly chargeable to revenue account, taking one year with another, including in particular among such sums proper provision for the depreciation of assets.

(2) The Authority may establish and operate in its books such provisions, reserve accounts and reserve funds as the Treasurer may approve, and shall do so in accordance with any limitations or restrictions he may impose.

(3) Any profit resulting in any financial year from the activities of the Authority under this Act may be employed by it in carrying out its functions under this Act.

17. Funds and property of Authority

The funds and property of the Authority comprise —

(a) money appropriated by Parliament for the purposes of the Authority;

(b) money contributed to the Authority by —

(i) The University of Western Australia;

(ii) Murdoch University;

(iii) Curtin University;

(c) money and property derived or acquired by the Authority in the course of carrying out its functions under section 9;

(d) money borrowed by the Authority under this Act;

(e) money and property representing gifts, bequests or other contributions to the Authority;

(f) the proceeds of the investment of any funds or property of the Authority;

(g) all other money and property lawfully received or held by the Authority for the purposes of this Act.

[Section 17 amended: No. 32 of 2016 s. 179.]

18. Animal Resources Authority Account

The Authority shall have an account at a bank approved by the Treasurer (to be called the Animal Resources Authority Account) and —

(a) the moneys referred to in section 17 shall be paid into and placed to the credit of, and

(b) all expenditure of the Authority shall be charged to,

that account.

[Section 18 amended: No. 49 of 1996 s. 64.]

19. Investment powers

Moneys standing to the credit of the Authority may, until required for the purpose of carrying out its functions under this Act, be temporarily invested as the Treasurer may direct in any securities in which money represented in the Public Bank Account may lawfully be invested, and all interest derived therefrom shall be paid to the Authority.

[Section 19 amended: No. 98 of 1985 s. 3.]

20. *Financial Management Act 2006* and *Auditor General Act 2006*, application of

The provisions of the *Financial Management Act 2006* and the *Auditor General Act 2006* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the Authority and its operations.

[Section 20 inserted: No. 98 of 1985 s. 3; amended: No. 77 of 2006 Sch. 1 cl. 9.]

*[**21-23.** Deleted: No. 98 of 1985 s. 3.]*

24. Borrowing powers

(1) The Authority may borrow money upon the guarantee of the Treasurer for the purpose of carrying out its functions under this Act, but only —

(a) with the prior approval in writing of the Treasurer; and

(b) on such terms and conditions as he may approve.

(2) Subject to any terms and conditions imposed by the Treasurer, any money borrowed by the Authority may be raised as one loan or as several loans.

25. Guarantee by Treasurer

(1) The Treasurer is hereby authorised to give an approval mentioned in section 24(1) and the guarantee referred to therein, including the guarantee of interest, on behalf of the Crown in right of the State.

(2) Before a guarantee is given under subsection (1) the Authority shall give to the Treasurer such security as he may require, and shall execute all such instruments as may be necessary for that purpose.

(3) The due payment of money payable by the Treasurer under a guarantee given by him under this section —

(a) is hereby guaranteed by the State; and

(b) shall be charged to the Consolidated Account without any further appropriation than this subsection.

(4) The funds and assets of the Authority are hereby charged with —

(a) repayment of any sum paid by the Treasurer under subsection (3); and

(b) payment of any sum required to be paid by the Authority pursuant to any term or condition imposed by the Treasurer under section 24(1).

[Section 25 amended: No. 98 of 1985 s. 3; No. 6 of 1993 s. 11; No. 49 of 1996 s. 64; No. 77 of 2006 s. 4.]

Part V — Miscellaneous

26. Execution of documents by Authority

(1) A document is duly executed by the Authority if —

(a) it is sealed with the seal of the Authority in accordance with subsection (2); or

(b) it is signed on behalf of the Authority by the officer or officers of the Authority authorised to do so.

(2) The common seal of the Authority shall not be affixed to any document except by resolution of the Authority.

[(3) deleted]

(4) A document purporting to be executed in accordance with this section shall be presumed to be duly executed until the contrary is shown.

[Section 26 amended: No. 12 of 2022 s. 9.]

Part 6 — Transitional provisions for *Animal Resources Authority Amendment and Repeal Act 2022*

[Heading inserted: No. 12 of 2022 s. 11.]

Division 1 — Members of Authority

[Heading inserted: No. 12 of 2022 s. 11.]

27. Members go out of office

The members of the Authority go out of office on the day on which the *Animal Resources Authority Amendment and Repeal Act 2022* section 7 comes into operation.

[Section 27 inserted: No. 12 of 2022 s. 11.]

Division 2 — Abolition of authority and related provisions

[Heading inserted: No. 12 of 2022 s. 12.]

28. Terms used

In this Division —

Account means the Animal Resources Authority Account referred to in section 18;

assets —

(a) means legal or equitable estates or interests (whether present or future, whether vested or contingent and whether personal or assignable) in real or personal property of any description; and

(b) includes money, securities, choses in action and documents;

former Authority means the Authority as in existence immediately before transition day;

liabilities means liabilities, duties or obligations whether actual, contingent or prospective, liquidated or unliquidated, or whether

owed alone or jointly or jointly and severally with any other person;

Public Sector has the meaning given in the *Public Sector Management Act 1994* section 3(1);

relevant act means an act, matter or thing done or omitted to be done before transition day by, to or in respect of the former Authority;

rights means rights, powers, privileges or immunities whether actual, contingent or prospective;

staff member means a person appointed by the Authority under section 12(1);

State tax includes —

(a) duty chargeable under the *Duties Act 2008*; and

(b) any other tax, duty, fee, levy or charge under a law of the State;

subsisting, in relation to an agreement, instrument or document, means subsisting immediately before transition day.

[Section 28 inserted: No. 12 of 2022 s. 12.]

29. Former Authority abolished

On transition day, the former Authority is abolished.

[Section 29 inserted: No. 12 of 2022 s. 12.]

30. Staff members

(1) Before transition day, the Minister must, after consulting the Public Sector Commissioner —

(a) for each staff member, nominate a person or body in the Public Sector (the ***new employer***) who will be the employing authority under the *Public Sector Management Act 1994* for the staff member on and after transition day; and

(b) ensure that employment by or under the new employer is arranged for each staff member.

(2) A staff member is, on and after transition day, taken to be employed as an employee of the new employer.

(3) Except as agreed by a staff member, a change of employment arranged under subsection (1)(a) does not —

(a) affect the staff member's remuneration or other terms and conditions of employment; or

(b) prejudice the staff member's existing or accruing rights; or

(c) affect any rights under a superannuation scheme; or

(d) interrupt the staff member's continuity of service.

[Section 30 inserted: No. 12 of 2022 s. 12.]

31. Transfer of assets, rights, liabilities, proceedings and remedies

(1) On transition day —

(a) the assets and rights of the former Authority immediately before that day vest in or become, by force of this section, the property of the State; and

(b) the liabilities of the former Authority immediately before that day become, by force of this section, the liabilities of the State.

(2) On and after transition day, any proceeding or remedy that, immediately before that day, might have been brought or continued by, or available against or to, the former Authority may be brought or continued by, and is available against or to, the State.

[Section 31 inserted: No. 12 of 2022 s. 12.]

32. Exemption from State tax

(1) State tax is not payable in relation to —

(a) anything that occurs by the operation of this Part; or

(b) anything done (including a transaction entered into or an instrument or document of any kind made, executed, lodged or given) under this Part, or to give effect to this Part, or for a purpose connected with or arising out of giving effect to this Part.

(2) The Minister may certify in writing that —

(a) a specified thing occurred by operation of this Part; or

(b) a specified thing was done under this Part, or to give effect to this Part, or for a purpose connected with or arising out of giving effect to this Part.

(3) For all purposes and in all proceedings, a certificate under subsection (2) is sufficient evidence of the matters it certifies, unless the contrary is shown.

[Section 32 inserted: No. 12 of 2022 s. 12.]

33. Closure of Account

(1) On transition day any moneys standing to the credit of the Account must be credited to the Consolidated Account and the Account must then be closed.

(2) The Consolidated Account must be credited with any money payable to the Account before transition day that is paid on or after that day.

[Section 33 inserted: No. 12 of 2022 s. 12.]

34. Agreements, instruments and documents

(1) A subsisting agreement, instrument or document that contains a reference to the former Authority has effect on and from transition day as if that reference were amended to be a reference to the Minister.

(2) Subsection (1) does not apply to an agreement or instrument to which the former Authority was a party.

(3) A subsisting agreement or instrument to which the former Authority was a party has effect on and from transition day as if —

(a) the Minister were substituted for the former Authority as a party to the agreement or instrument; and

(b) a reference to the former Authority in the agreement or instrument were amended to be a reference to the Minister.

(4) Subsection (1) or (3)(b) does not apply to a reference if that application would be inappropriate in the context in which the reference occurs.

[Section 34 inserted: No. 12 of 2022 s. 12.]

35. Completion of things commenced

Anything commenced to be done by the former Authority before transition day may be continued by the Minister so far as the doing of that thing is within the functions of the Minister.

[Section 35 inserted: No. 12 of 2022 s. 12.]

36. Continuing effect of things done

(1) To the extent that a relevant act has force or significance on or after transition day it is taken, from that day, to have been done or omitted by, to or in respect of the Minister so far as the relevant act is relevant to the functions of the Minister.

(2) This section does not affect the operation of any other provision of this Part.

[Section 36 inserted: No. 12 of 2022 s. 12.]

37. Effect on other instruments, rights and obligations

The operation of this Part must not be regarded —

(a) as a breach of contract or confidence or otherwise a civil wrong; or

(b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities or the disclosure of information; or

(c) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any assets, rights or liabilities; or

(d) as causing any contract or instrument to be void or otherwise unenforceable; or

(e) as releasing or allowing the release of any surety.

[Section 37 inserted: No. 12 of 2022 s. 12.]

[Schedule deleted: No. 12 of 2022 s. 13.]

Notes

This is a compilation of the *Animal Resources Authority Act 1981* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

Compilation table

Short title	Number and year	Assent	Commencement
Animal Resources Authority Act 1981	53 of 1981	25 Sep 1981	2 Jul 1982 (see s. 2 and *Gazette* 2 Jul 1982 p. 2311)
Acts Amendment (Financial Administration and Audit) Act 1985 s. 3	98 of 1985	4 Dec 1985	1 Jul 1986 (see s. 2 and *Gazette* 30 Jun 1986 p. 2255)
Acts Amendment (Public Service) Act 1987 s. 32	113 of 1987	31 Dec 1987	16 Mar 1988 (see s. 2 and *Gazette* 16 Mar 1988 p. 813)
Financial Administration Legislation Amendment Act 1993 s. 11	6 of 1993	27 Aug 1993	1 Jul 1993 (see s. 2(1))
Acts Amendment (Public Sector Management) Act 1994 s. 3(2)	32 of 1994	29 Jun 1994	1 Oct 1994 (see s. 2 and *Gazette* 30 Sep 1994 p. 4948)
Financial Legislation Amendment Act 1996 s. 64	49 of 1996	25 Oct 1996	25 Oct 1996 (see s. 2(1))
Equal Opportunity Amendment Act (No. 3) 1997 s. 8	42 of 1997	9 Dec 1997	6 Jan 1998 (see s. 2)
Reprint of the *Animal Resources Authority Act 1981* as at 9 Nov 2001 (includes amendments listed above)			
Financial Legislation Amendment and Repeal Act 2006 s. 4 and Sch. 1 cl. 9	77 of 2006	21 Dec 2006	1 Feb 2007 (see s. 2(1) and *Gazette* 19 Jan 2007 p. 137)
Acts Amendment (Bankruptcy) Act 2009 s. 9	18 of 2009	16 Sep 2009	17 Sep 2009 (see s. 2(b))
Standardisation of Formatting Act 2010 s. 4	19 of 2010	28 Jun 2010	11 Sep 2010 (see s. 2(b) and *Gazette* 10 Sep 2010 p. 4341)
Public Sector Reform Act 2010 s. 89	39 of 2010	1 Oct 2010	1 Dec 2010 (see s. 2(b) and *Gazette* 5 Nov 2010 p. 5563)
Reprint 2: The *Animal Resources Authority Act 1981* as at 14 Sep 2012 (includes amendments listed above)			

Short title	Number and year	Assent	Commencement
Universities Legislation Amendment Act 2016 Pt. 7 Div. 2	32 of 2016	19 Oct 2016	2 Jan 2017 (see s. 2(b) and *Gazette* 9 Dec 2016 p. 5557)
Animal Resources Authority Amendment and Repeal Act 2022 Pt. 2	12 of 2022	14 Apr 2022	s. 3-5, 7-Pt. 2 (other than s. 6 and 12): 14 Apr 2022 (see s. 2(1)(a)); s. 6 and 12: 30 Jun 2023 (see s. 2(1)(b))
This Act was repealed by the *Animal Resources Authority Amendment and Repeal Act 2022* s. 14 (No. 12 of 2022) on 22 Aug 2024 (see s. 2(1)(c) and SL 2024/176 cl. 2)			

Uncommenced provisions table

To view the text of the uncommenced provisions see *Acts as passed* on the WA Legislation website.

Short title	Number and year	Assent	Commencement
State Superannuation (Transitional and Consequential Provisions) Act 2000 s. 30 [3]	43 of 2000	2 Nov 2000	To be proclaimed (see s. 2(2))

Other notes

[1] The *Superannuation and Family Benefits Act 1938* was repealed by the *State Superannuation Act 2000* s. 39 but its provisions continue to apply to and in relation to certain schemes because of the *State Superannuation (Transitional and Consequential Provisions) Act 2000* s. 26.

[2] Under the *Public Sector Management Act 1994* s. 112(1), a reference in a written law to the *Public Service Act 1978* is to be read as a reference to the *Public Sector Management Act 1994*. The reference was changed under the *Reprints Act 1984* s. 7(3)(g).

[3] On the date as at which this compilation was prepared, the *State Superannuation (Transitional and Consequential Provisions) Act 2000* s. 30 had not come into operation.

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
Account	28
assets	28
Authority	3
financial year	3
former Authority	28
laboratory animal	3
liabilities	28
new employer	30(1)
Public Sector	28
relevant act	28
rights	28
section	3
staff member	28
State tax	28
subsection	3
subsisting	28
transition day	3

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