

**STATUTES (REPEALS AND MINOR
AMENDMENTS) ACT (No. 2) 1998**

No. 10 of 1998

AN ACT to revise the statute law by repealing —

- **the *Albany Woollen Mills Ltd. Agreement Act 1976*;**
- **the *Commonwealth and State Housing Agreement Act 1945*;**
- **the *Commonwealth and State Housing Agreement Act 1956*;**
- **the *Commonwealth and State Housing Agreement Act 1961*;**
- **the *Commonwealth and State Housing Agreement Act 1966*;**
- **the *Commonwealth and State Housing Supplementary Agreement Act 1955*;**
- **the *Housing Agreement (Commonwealth and State) Act 1973*;**
- **the *Housing Agreement (Commonwealth and State) Act 1981*;**
- **the *Imperial Acts (Masters and Apprentices) Adopting Act 1873*;**

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- **the *Industrial Lands (Maddington) Agreement Act 1964*;**
- **the *Kalgoorlie Racecourse Tramways Act 1904*;**
- **the *Road Districts Rates Act 1924*;**
- **the *Secret Harbour Management Trust Act 1984*; and**
- **the *Tourist Development (Secret Harbour) Agreement Act 1983*,**

and by making minor amendments to various enactments and for related purposes.

[Assented to 30 April 1998.]

The Parliament of Western Australia enacts as follows:

PART 1 — PRELIMINARY

Short title

1. This Act may be cited as the *Statutes (Repeals and Minor Amendments) Act (No. 2) 1998*.

Commencement

2. (1) Subject to subsection (2), this Act comes into operation on the day on which it receives the Royal Assent.

(2) If section 61 of the *Vocational Education and Training Act 1996* comes into operation after the day on which this Act receives the Royal Assent, section 11 comes into operation on the day on which that section of that Act comes into operation.

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PART 2 — VARIOUS ACTS REPEALED

***Albany Woollen Mills Ltd. Agreement Act 1976* repealed**

3. The *Albany Woollen Mills Ltd. Agreement Act 1976* is repealed.

***Commonwealth and State Housing Agreement Act 1945* repealed**

4. The *Commonwealth and State Housing Agreement Act 1945* is repealed.

***Commonwealth and State Housing Agreement Act 1956* repealed, and consequential amendment**

5. (1) The *Commonwealth and State Housing Agreement Act 1956* is repealed.

(2) Section 7A (4) (b) of the *Housing Loan Guarantee Act 1957** is deleted and the following paragraph is substituted —

“

- (b) notwithstanding the existence on that undertaking, property or assets, of any other charge or encumbrance.

”.

[* Reprinted as authorized 20 May 1974.
For subsequent amendments see 1996 Index to
Legislation of Western Australia, Table 1, p. 107 and
Act No. 45 of 1996.]

Commonwealth and State Housing Agreement Act 1961
repealed

6. The *Commonwealth and State Housing Agreement Act 1961* is repealed.

Commonwealth and State Housing Agreement Act 1966
repealed

7. The *Commonwealth and State Housing Agreement Act 1966* is repealed.

Commonwealth and State Housing Supplementary Agreement Act 1955
repealed

8. The *Commonwealth and State Housing Supplementary Agreement Act 1955* is repealed.

Housing Agreement (Commonwealth and State) Act 1973
repealed, and consequential amendment

9. (1) The *Housing Agreement (Commonwealth and State) Act 1973* is repealed.

(2) Section 52 (3) of the *Housing Act 1980** is repealed.

[* *Act No. 58 of 1980.*

*For subsequent amendments see 1996 Index to
Legislation of Western Australia, Table 1, p. 106.]*

Housing Agreement (Commonwealth and State) Act 1981
repealed

10. The *Housing Agreement (Commonwealth and State) Act 1981* is repealed.

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***Imperial Acts (Masters and Apprentices) Adopting Act 1873
repealed***

11. The *Imperial Acts (Masters and Apprentices) Adopting Act 1873* is repealed.

***Industrial Lands (Maddington) Agreement Act 1964
repealed***

12. The *Industrial Lands (Maddington) Agreement Act 1964* is repealed.

Kalgoorlie Racecourse Tramways Act 1904 repealed

13. The *Kalgoorlie Racecourse Tramways Act 1904* is repealed.

Road Districts Rates Act 1924 repealed

14. The *Road Districts Rates Act 1924* is repealed.

Secret Harbour Management Trust Act 1984 repealed

15. The *Secret Harbour Management Trust Act 1984* is repealed.

***Tourist Development (Secret Harbour) Agreement Act 1983
repealed***

16. The *Tourist Development (Secret Harbour) Agreement Act 1983* is repealed.

PART 3 — VARIOUS ACTS AMENDED

***Anatomy Act 1930* amended, and transitional and savings**

17. (1) Section 2 of the *Anatomy Act 1930** (“**the Act**”) is amended —

- (a) by inserting before the definition of “Executive Director” the following definition —

“
 “authorized school of anatomy” means a school of anatomy established and conducted under a notice published under section 4;
”;

- (b) by deleting the full stop at the end of the definition of “person” and substituting a semicolon; and

- (c) by inserting after the definition of “person” the following definition —

“
 “practice licence” means a licence granted or renewed under section 5.
”.

(2) Sections 4 and 5 of the Act are repealed and the following sections are substituted —

“

Minister may authorize schools of anatomy

4. (1) The Minister may, by notice published in the *Gazette*, authorize schools of anatomy to be established and conducted at such places as are determined by the Minister and specified in the notice.

(2) An authorization given under subsection (1) is subject to any conditions that are —

- (a) determined by the Minister to be necessary for the proper and efficient conduct of the authorized school of anatomy; and
- (b) specified in the relevant notice.

(3) The Minister may, by notice published in the *Gazette*, vary or revoke an authorization given under subsection (1).

Executive Director may grant and renew licences to practise anatomy

5. (1) On the application in the form approved by the Executive Director of the person in charge of an authorized school of anatomy, the Executive Director may grant or renew a practice licence.

(2) A person who holds a practice licence endorsed in relation to an authorized school of anatomy —

- (a) may practise anatomy at the authorized school of anatomy; and
- (b) may authorize in writing other persons to practise anatomy there.

(3) A practice licence has effect for such period as is, and is subject to such conditions as are, specified in the licence.

(4) Without limiting subsection (3), it is a condition of every practice licence that the person who holds the licence shall ensure that the practice of anatomy authorized by the licence, or by the person who holds the licence, is carried out according to the provisions of this Act.

”.

(3) A school of anatomy authorized under section 4 of the Act immediately before the commencement of this section is to be taken, on and after that commencement, to be the subject of an authorization given under section 4 of the Act as amended by this section.

(4) A person in charge of a school of anatomy referred to in subsection (3) immediately before the commencement of this section is to be taken, on and after that commencement, to hold a practice licence granted under section 5 of the Act as amended by this section that is —

- (a) endorsed in relation to the school of anatomy; and
- (b) valid for 6 months from that commencement.

(5) A licence granted by the Governor under section 5 of the Act and in force immediately before the commencement of this section continues to have effect, on and after that commencement, as if this section had not been enacted.

(6) Section 15 of the Act is amended by inserting after “school of anatomy” the following —

“ and under the authority of a practice licence or of a person who holds a practice licence ”.

(7) Section 18 of the Act is amended in the proviso by deleting “licensed person approved by the Executive Director” and substituting the following —

“ person —

- (a) who holds a practice licence or is authorized by a person who holds a practice licence; and
- (b) who is approved in writing by the Executive Director,

”.

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(8) Section 19 of the Act is amended by deleting the passage from and including “No medical practitioner” to and including “this Act, shall” and substituting the following —

“
A person who holds a practice licence, and any person authorized by a person who holds a practice licence, shall not
”.

(9) Section 22 (1) of the Act is amended by deleting “without a license from the Governor, or, having such license,”.

(10) Section 22 (3) (b) of the Act is amended by deleting “mentioned in the” and substituting the following —

“ specified in or applicable to a ”.

[* *Reprint authorized 18 March 1970.*
For subsequent amendments see 1996 Index to Legislation of Western Australia, Table 1, p. 10.]

Associations Incorporation Act 1987 amended

18. Section 3 (1) of the *Associations Incorporation Act 1987** is amended by deleting the definition of “Commissioner” and substituting the following definition —

“
“**Commissioner**” has the same meaning as it has in the
Consumer Affairs Act 1971;
”.

[* *Act No. 59 of 1987.*
For subsequent amendments see 1996 Index to Legislation of Western Australia, Table 1, p. 15, and Act No. 1 of 1997.]

Bulk Handling Act 1967 amended

19. Section 34 (1) of the *Bulk Handling Act 1967** is amended by inserting after “Governor” the following —

“ by Order in Council ”.

[* *Reprinted as at 13 September 1993.*
For subsequent amendments see 1996 Index to
Legislation of Western Australia, Table 1, pp. 24-5.]

Bush Fires Act 1954 amended

20. (1) Section 25 (1) (a) of the *Bush Fires Act 1954** (“**the Act**”) is amended —

(a) by inserting after “for any day” the following —

“ , or any period of a day, ”; and

(b) by inserting after “on that day” the following —

“ or during that period ”.

(2) Section 38 (6) (h) of the Act is amended by inserting after “for any day” the following —

“ , or any period of a day, ”.

(3) Section 65 (3) of the Act is amended —

(a) by inserting after “of any day” the following —

“ , or any period of a day, ”; and

(b) by deleting “day.” and substituting the following —

“ day or that period. ”.

[* *Reprinted as at 20 January 1997.*
For subsequent amendments see Act No. 2 of 1996.]

Business Names Act 1962 amended

21. Section 4 (1) of the *Business Names Act 1962** is amended by deleting the definition of “Commissioner” and substituting the following definition —

“**Commissioner**” has the same meaning as it has in the *Consumer Affairs Act 1971*;

[* *Reprinted as authorized 17 March 1971.*
For subsequent amendments see 1996 Index to Legislation of Western Australia, Table 1, p. 27.]

Conservation and Land Management Act 1984 amended

22. (1) Section 13E (1) of the *Conservation and Land Management Act 1984** (“**the Act**”) is amended —

(a) in the definition of “licence”, by inserting after “law” the following —

“ other than a pipeline licence ”; and

(b) in the definition of “pipeline licence”, by inserting after “or” the following —

“ a licence within the meaning of ”.

(2) Section 26B (1) of the Act is amended by deleting “and” after paragraph (e).

[* *Reprinted as at 20 January 1997.*
For subsequent amendments see Act No. 5 of 1997.]

***Country Areas Water Supply Act 1947* amended, and consequential amendment**

23. (1) After section 115 (1) of the *Country Areas Water Supply Act 1947** the following subsections are inserted —

“

(2) A complaint for an offence against this Act shall be made within 2 years after the commission of the offence.

(3) Subject to sections 46, 71 and 113, proceedings for an offence against this Act shall be dealt with summarily in a court of summary jurisdiction.

”.

[* Reprinted as at 27 May 1996.

For subsequent amendments see 1996 Index to Legislation of Western Australia, Table 1, pp. 52-3.]

(2) Part 16 of the *Sentencing (Consequential Provisions) Act 1995** is repealed.

[* Act No. 78 of 1995.]

***Country Towns Sewerage Act 1948* amended, and consequential amendment**

24. (1) Section 113 of the *Country Towns Sewerage Act 1948** is repealed and the following section is substituted —

“

Prosecution of offences

113. (1) Proceedings for an offence against this Act may be taken by the Corporation or an officer or servant of the Corporation.

(2) Proceedings for an offence against this Act shall be dealt with summarily in a court of summary jurisdiction.

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(3) Any penalty or forfeiture incurred under this Act may be recovered in a court of summary jurisdiction on the complaint of the Corporation or an officer or servant of the Corporation.

”.

[* *Reprinted as at 28 May 1996.*
For subsequent amendments see 1996 Index to Legislation of Western Australia, Table 1, p. 54.]

(2) Part 17 of the *Sentencing (Consequential Provisions) Act 1995** is repealed.

[* *Act No. 78 of 1995.*]

Cremation Act 1929 amended

25. Section 13 (1) of the *Cremation Act 1929** is amended by deleting “, and is over the age of fourteen years,”.

[* *Reprint approved 8 April 1971.*
For subsequent amendments see 1996 Index to Legislation of Western Australia, Table 1, p. 55 and Act No. 2 of 1996.]

Criminal Law (Mentally Impaired Defendants) Act 1996 amended

26. Section 46 (1) (b) of the *Criminal Law (Mentally Impaired Defendants) Act 1996** is amended by deleting “to”.

[* *Act No. 70 of 1996.*]

Dental Act 1939 amended

27. (1) Section 30 (1) of the *Dental Act 1939** (“**the Act**”) is amended by inserting after “The name” the following —

“ of any ”.

(2) Section 30A of the Act is amended by deleting “dentist or a dental therapist” and substituting the following —

“ registered person ”.

(3) Section 30B (1) of the Act is amended by deleting “dentist or a dental therapist” and substituting the following —

“ registered person ”.

(4) Section 44 (1) (a) of the Act is deleted.

[* *Reprint approved 11 January 1979.*
For subsequent amendments see 1996 Index to
Legislation of Western Australia, Table 1, pp. 63-4.]

Dental Prosthetists Act 1985 amended

28. Section 5 (2) (d) (i) of the *Dental Prosthetists Act 1985** is deleted and the following subparagraph is substituted —

“
(i) 1 shall be appointed on the nomination of the
Australian Commercial Dental Laboratories
Association Incorporated;
”.

[* *Act No. 16 of 1985.*
For subsequent amendments see Act No. 4 of 1989.]

Dog Act 1976 amended

29. (1) The provisions of the *Dog Act 1976** (“**the Act**”) mentioned in the Table to this subsection are amended by deleting “council” in each place where it occurs and substituting in each place the following —

“ local government ”.

TABLE

section 3 (definition of “authorized person”) (in 2 places)	section 33G (5)
section 16 (3) (e)	section 33G (6) (a)
section 29 (1) (in 2 places)	section 33H (1) (in 2 places)
section 29 (4) (in 3 places)	section 33H (2) (in 2 places)
section 29 (8)	section 33H (3)
section 33E (1) (in 4 places)	section 33H (5) (in 2 places)
section 33F (1) (in 2 places)	section 33H (5) (a) (in 2 places)
section 33F (2) (b) (i) (in 2 places)	section 33H (5) (b)
section 33F (5) (in 2 places)	section 33I (1) (a)
section 33F (5) (c)	section 33I (1) (a) (i)
section 33F (5) (d)	section 33I (1) (b)
section 33F (6) (in 2 places)	section 33I (1) (d)
section 33F (6) (a) (in 2 places)	section 33I (2) (a)
section 33F (6) (b)	section 33J (b)
section 33F (7)	section 33K (2)
section 33F (8)	section 33K (2) (d)
section 33G (2)	section 33K (3) (in 3 places)
section 33G (2) (c)	section 33K (5)
section 33G (2) (d) (i) (in 2 places)	section 33K (5) (a)
section 33G (3)	section 33L (1) (b)
section 33G (4) (in 2 places)	section 33L (2) (b)
section 33G (4) (a) (in 2 places)	section 33M (1)
section 33G (4) (b)	section 33M (1) (a) (in 2 places)
	section 33M (1) (b) (i)
	section 33M (1) (b)
	section 39 (1) (in 2 places)
	section 39 (1) (b) (i)

(2) Section 6 (4) of the Act is amended by deleting “by-law” and substituting the following —

“ local law ”.

[* Reprinted as at 20 November 1996.]

Edith Cowan University Act 1984 amended, and savings

30. (1) Section 9 (1) of the *Edith Cowan University Act 1984** (“**the Act**”) is amended —

(a) in paragraph (a), by deleting “7 persons” and substituting the following —

“ 6 persons ”; and

(b) in paragraph (f), by deleting “1 person who is” and substituting the following —

“ 2 persons who are ”.

(2) Despite subsection (1) (a), each person appointed and holding office as a member of the Council of the University under section 9 (1) (a) of the Act immediately before the commencement of this section continues, subject to the Act, to hold office as a member for the remainder of the period for which he or she was appointed.

[* *Reprinted as at 16 May 1991.*

For subsequent amendments see 1996 Index to Legislation of Western Australia, Table 1, p. 68.]

Electricity Act 1945 amended

31. Section 33E (1) (f) (v) of the *Electricity Act 1945** is amended by deleting “regulation” and substituting the following —

“ paragraph ”.

[* *Reprinted as at 26 February 1997.*]

Electricity Corporation Act 1994 amended

32. (1) Section 13 (5) of the *Electricity Corporation Act 1994** (“**the Act**”) is amended —

(a) by deleting “officer during — ” and substituting the following —

“ officer — ”; and

(b) in paragraph (a), by inserting before “a vacancy” the following —

“ during ”.

(2) Clause 12 (1) of Schedule 2 to the Act is amended in the penalty provision by deleting “3 months,” and substituting the following —

“ 6 months, ”.

[* *Act No. 86 of 1994.*

For subsequent amendments see Act No. 55 of 1996.]

Equal Opportunity Act 1984 amended

33. (1) Section 67 (1) (f) of the *Equal Opportunity Act 1984** (“**the Act**”) is amended by deleting “III or IV,” and substituting the following —

“ IIA, III, IV, IVA or IVB, ”.

(2) Section 80 of the Act is amended —

(a) by inserting after “possible, sexual harassment” the following —

“ and racial harassment ”;

(b) in paragraph (a), by inserting after “or sexual” the following —

“ or racial ”;

(c) in paragraph (b) (ii), by inserting after “sexual harassment” the following —

“ and racial harassment ”; and

(d) in paragraph (e), by inserting after “subject to sexual” the following —

“ or racial ”.

(3) Section 135 (1) of the Act is amended by deleting “III or IV.” and substituting the following —

“ IIA, III, IV, IVA or IVB. ”.

(4) Section 135 (2) of the Act is amended by deleting “III or IV” and substituting the following —

“ IIA, III, IV, IVA or IVB ”.

(5) Section 137 of the Act is amended by deleting “III and IV” and substituting the following —

“ IIA, III, IV, IVA and IVB ”.

[* *Reprinted as at 16 April 1996.*

*For subsequent amendments see 1996 Index to
Legislation of Western Australia, Table 1, p. 75.]*

Explosives and Dangerous Goods Act 1961 amended

34. Section 43 of the *Explosives and Dangerous Goods Act 1961** is amended by deleting the subsection designation “(1)”.

[* Reprinted as at 14 May 1992.
For subsequent amendments see 1996 Index to
Legislation of Western Australia, Table 1, p. 78.]

Fire Brigades Act 1942 amended

35. Section 47A of the *Fire Brigades Act 1942** is amended by deleting “*Public Service Act 1978*” and substituting the following —

“ *Public Sector Management Act 1994* ”.

[* Reprinted as at 17 June 1996.
For subsequent amendments see 1996 Index to
Legislation of Western Australia, Table 1, pp. 84-5.]

Fisheries Adjustment Schemes Act 1987 amended

36. (1) Section 10C (3) of the *Fisheries Adjustment Schemes Act 1987** (“**the Act**”) is amended by deleting “, and in a fishing magazine,”.

(2) After section 15A of the Act the following section is inserted —

“
Delegation by Minister

15B. (1) The Minister may, by instrument in writing, delegate to a person, either generally or as otherwise provided in the instrument, any of the functions of the Minister under this Act other than —

(a) this power of delegation; or

- (b) a function of the Minister under section 10B, 11, 14B, 14C, 14H, 14J, 14K (1), 14M, 14O (2), 14P or 14Q.

(2) Anything done by a delegate under this section has the same force and effect as if it had been done by the Minister.

”.

[* *Act No. 57 of 1987.*

For subsequent amendments see 1996 Index to Legislation of Western Australia, Table 1, p. 85.]

Gas Corporation Act 1994 amended

37. (1) Section 13 (5) of the *Gas Corporation Act 1994** (“**the Act**”) is amended —

- (a) by deleting “officer during — ” and substituting the following —

“ officer — ”; and

- (b) in paragraph (a), by inserting before “a vacancy” the following —

“ during ”.

(2) Clause 12 (1) of Schedule 2 to the Act is amended in the penalty provision by deleting “3 months,” and substituting the following —

“ 6 months, ”.

[* *Act No. 87 of 1994.*

For subsequent amendments see Act No. 55 of 1996.]

Government Employees Superannuation Act 1987 amended

38. Section 17B (2) (d) of the *Government Employees Superannuation Act 1987** is deleted and the following paragraph is substituted —

“

- (d) is a member of a superannuation scheme under which benefits in respect of that person are wholly or partly funded by the employer otherwise than through contributions that the person is entitled to choose to forego in favour of receiving remuneration in cash, except that this paragraph does not apply to a member of such a scheme who, by reason of being on leave or for any other reason, is not for the time being accruing such benefits in that scheme;

”.

[* Reprinted as at 27 May 1996.
For subsequent amendments see 1996 Index to
Legislation of Western Australia, Table 1, pp. 95-6,
and Acts Nos. 45 of 1996 and 17 of 1997.]

Health Act 1911 amended, and savings

39. (1) Section 3 (1) of the *Health Act 1911** (“**the Act**”) is amended in the definition of “Public Health Official” by deleting “health surveyor,” and substituting the following —

“ environmental health officer, ”.

(2) Section 246ZR (7) (a) of the Act is amended by deleting “health surveyor” and substituting the following —

“ environmental health officer ”.

(3) Section 247G of the Act is repealed.

(4) Section 337A (2) of the Act is amended by deleting “, and any such school shall be deemed to be a school of dental therapy that is approved by the Dental Board of Western Australia for the purposes of section 50 (2) (e) of the *Dental Act 1939*”.

(5) Section 340B (4) (a) and (b) of the Act are amended by deleting “British Medical Association;” and substituting the following —

“ Australian Medical Association Inc.; ”.

(6) Section 340AB (3) (b) of the Act is amended by deleting “of the Department”.

(7) Section 340BB (3) (a) of the Act is amended by deleting “Faculty of Anaesthetists of the State Branch of the Royal Australian College of Surgeons,” and substituting the following —

“ Western Australian Regional Committee of the Australian and New Zealand College of Anaesthetists, ”.

(8) Despite subsection (7), a person holding office as Chairman of the Anaesthetic Mortality Committee under section 340BB (3) (a) of the Act immediately before the commencement of this section continues, subject to the Act, to hold office as Chairman for the remainder of the period for which he or she was appointed.

(9) Section 340BB (4) (c) of the Act is amended by deleting “Australian” and substituting the following —

“ Australasian ”.

[* Reprinted as at 11 March 1997.
For subsequent amendments see Acts Nos. 34 of 1995
and 2 of 1996.]

Interpretation Act 1984 amended

40. (1) Section 5 of the *Interpretation Act 1984** (“**the Act**”) is amended by moving the definition of “Public Service” to appear in its appropriate alphabetical position.

(2) Section 72 (3) of the Act is amended by inserting after “rules” the following —

“ , local laws ”.

[* *Reprinted as at 15 March 1996.*
For subsequent amendments see 1996 Index to
Legislation of Western Australia, Table 1, p. 112 and
Act No. 23 of 1997.]

Land Drainage Act 1925 amended

41. (1) Section 85 (4) of the *Land Drainage Act 1925** (“**the Act**”) is amended by deleting “a rating” and substituting the following —

“ rating ”.

(2) Section 173 (1) (b) (iii) of the Act is deleted and the following subparagraph is substituted —

“
(iii) the chief executive officer of the Department within the meaning of the *Transfer of Land Act 1893* or the chief executive officer of the Department within the meaning of the *Mining Act 1978* that any person is registered in the relevant Department as the lessee or occupier of any land,
”.

[* *Reprinted as at 15 July 1996.*
For subsequent amendments see Act No. 81 of 1996.]

***Legal Practitioners Act 1893* amended**

42. (1) The provisions of the *Legal Practitioners Act 1893** (“**the Act**”) mentioned in the Table to this subsection are amended by deleting “Public Service Commissioner,” and substituting the following —

“ Minister for Public Sector Management, ”.

TABLE

section 58Q
section 58S

(2) Clause 2 (2) of Part A of Schedule 2 to the Act is amended by inserting after “absence of the chairman” the following —

“ , or during a vacancy in the office of chairman, ”.

(3) Clause 5 of Part C of Schedule 2 to the Act is amended by deleting “Public Service Commissioner,” and substituting the following —

“ Minister for Public Sector Management, ”.

[* *Reprinted as at 27 November 1996.*
For subsequent amendments see Act No. 29 of 1997.]

***Limited Partnerships Act 1909* amended**

43. Section 15 of the *Limited Partnerships Act 1909** is amended by deleting “for Corporate Affairs” and substituting the following —

“ within the meaning of the *Consumer Affairs Act 1971* ”.

[* *Reprinted as at 15 April 1985.*
For subsequent amendments see Act No. 51 of 1992.]

Litter Act 1979 amended

44. Section 27AA of the *Litter Act 1979** is amended by deleting “enforcement of regulations relating to the securing of loads carried by vehicles.” and substituting the following —

“
the serving of infringement notices relating to offences prescribed for the purposes of section 30.
”.

[* *Reprinted as at 14 November 1996.*
For subsequent amendments see Act No. 1 of 1997.]

Local Government Grants Act 1978 amended

45. Section 8 (2) of the *Local Government Grants Act 1978** is amended by deleting “4 members.” and substituting the following —

“ the Chairman or Deputy Chairman and 2 other members. ”.

[* *Act No. 4 of 1978.*
For subsequent amendments see 1996 Index to Legislation of Western Australia, Table 1, p. 139.]

Local Government (Miscellaneous Provisions) Act 1960 amended

46. (1) Section 374 (2) (b) of the *Local Government (Miscellaneous Provisions) Act 1960** (“**the Act**”) is amended by deleting the comma after “notwithstanding”.

(2) Section 374AAA (a) of the Act is amended by deleting “1911” and substituting the following —

“ 1991 ”.

(3) Sections 379 (1) and 380 (1) of the Act are amended by deleting “of the municipality” and substituting the following —

“ for that district ”.

(4) Section 409 (2) of the Act is amended by deleting “notices to be served” and substituting the following —

“ notice to be served ”.

(5) Section 409 (4) of the Act is amended by deleting “unless the requisitions” and substituting the following —

“ unless the requisition ”.

(6) Section 414 of the Act is amended by deleting “*Licensing Act 1911*,” and substituting the following —

“ *Liquor Licensing Act 1988*, ”.

(7) The heading to Division 13 of Part XV of the Act is amended by deleting “**Council**” and substituting the following —

“ **Local Government** ”.

(8) The heading to Division 20 of Part XV of the Act is amended by deleting “**By-laws**” and substituting the following —

“ **Local Laws** ”.

(9) Section 474 (6) of the Act is amended by deleting “local government” in the first place where it occurs and substituting the following —

“ council ”.

[* *Reprinted as at 18 September 1996.*
For subsequent amendments see 1996 Index to Legislation of Western Australia, Table 1, pp. 138-9 and Acts Nos. 34 of 1995 and 72 and 79 of 1996.]

Medical Act 1894 amended

47. (1) Section 1 of the *Medical Act 1894** (“**the Act**”) is amended by deleting the portion of the section from and including “1895,” to the end of the section and substituting the following —

“ 1895. ”.

(2) Section 16A (1) (aa) of the Act is amended by deleting “the fee payable” and substituting the following —

“ fee payable ”.

[* *Reprinted as at 10 March 1988.*

*For subsequent amendments see 1996 Index to
Legislation of Western Australia, Table 1, p. 144-5.]*

Mental Health Act 1996 amended

48. Section 175 of the *Mental Health Act 1996** is amended in the definition of “affected person” by deleting paragraph (c) that begins “any other person who” and substituting the following paragraph —

“

(d) any other person who is in an institution prescribed for the purposes of this section by the regulations.

”.

[* *Act No. 68 of 1996.*]

Metropolitan (Perth) Passenger Transport Trust Act 1957 amended

49. The *Metropolitan (Perth) Passenger Transport Trust Act 1957** is amended after section 78C by deleting the Division

heading “*Division 4. — Exemption*” and inserting the following Division —

“

Division 4 — Ministerial directions, provision of information

Minister may give directions

79. (1) The Minister may give directions to the Trust with respect to the performance by the Trust of its functions, either generally or in relation to a particular matter, and the Trust shall give effect to those directions.

(2) The text of any direction given under subsection (1) shall be included in the annual report submitted by the accountable authority of the Trust under section 66 of the *Financial Administration and Audit Act 1985*.

(3) Subsection (1) has effect subject to the *Statutory Corporations (Liability of Directors) Act 1996*.

Minister to have access to information

79A. (1) The Minister is entitled —

- (a) to have information in the possession of the Trust; and
- (b) where the information is in or on a document, to have, and make and retain copies of, that document.

(2) For the purposes of subsection (1), the Minister may —

- (a) request the Trust to provide information to the Minister;

- (b) request the Trust to give the Minister access to information;
- (c) for the purposes of paragraph (b), make use of the staff and facilities of the Trust to obtain the information and provide it to the Minister.

(3) The Trust shall comply with a request under subsection (2) and make its staff and facilities available to the Minister for the purposes of paragraph (c) of that subsection.

(4) In this section —

“**document**” includes any tape, disc or other device or medium on which information is recorded or stored;

“**information**” means information specified, or of a description specified, by the Minister that relates to the functions of the Trust.

”.

[* *Reprint approved 3 March 1975.*

For subsequent amendments see 1996 Index to Legislation of Western Australia, Table 1, p. 147, and Acts Nos. 1 and 2 of 1997.]

Metropolitan Water Supply, Sewerage, and Drainage Act 1909 amended, and transitional and consequential amendments

50. (1) Section 57B (1) of the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909** (“**the Act**”) is amended by deleting “Commission” and substituting the following —

“ Minister ”.

(2) Any by-laws made and in operation under section 57B (1) of the Act as in force immediately before the commencement of this section continue in operation and have effect for all purposes as if made under that subsection as amended by this section.

(3) Section 124A (3) of the Act is amended by deleting “Managing Director” and substituting the following —

“ chief executive officer ”.

(4) Section 159 of the Act is repealed and the following section is substituted —

“ **Proceedings for offences etc.**

159. (1) Proceedings for an offence against this Act or the *Metropolitan Water Authority Act 1982* may be taken by the relevant authority or an officer of the relevant authority or a person authorized in that behalf pursuant to a delegation or authorization given by the relevant authority.

(2) Proceedings for an offence against this Act shall be dealt with summarily in a court of summary jurisdiction.

(3) Any penalty or forfeiture incurred under this Act may be recovered in a court of summary jurisdiction on the complaint of the relevant authority or an officer of the relevant authority or a person authorized in that behalf pursuant to a delegation or authorization given by the relevant authority.

(4) In this section —

“**the relevant authority**” means the Commission or the Corporation.

”.

[* Reprinted as at 28 May 1996.
For subsequent amendments see 1996 Index to
Legislation of Western Australia, Table 1, pp. 149-50.]

(5) Section 73 of the *Sentencing (Consequential Provisions) Act 1995** is repealed.

[* *Act No. 78 of 1995.*]

Mines Safety and Inspection Act 1994 amended

51. Section 81 (b) of the *Mines Safety and Inspection Act 1994** is amended by deleting “the coroner.” and substituting the following —

“ a coroner. ”.

[* *Reprinted as at 6 February 1996.*
For subsequent amendments see Acts Nos. 2 and 14 of 1996.]

Mining Act 1978 amended

52. Section 24A (1) (a) of the *Mining Act 1978** is amended by deleting subparagraph (ii) and substituting the following —

“ (ii) applied for, granted, held and renewed,

in a marine nature reserve, marine park or marine management area;

”.

[* *Reprinted as at 27 February 1996.*
For subsequent amendments see 1996 Index to Legislation of Western Australia, Table 1, pp. 153-4 and Act No. 5 of 1997.]

Motor Vehicle Dealers Act 1973 amended

53. (1) Section 19 (4) of the *Motor Vehicle Dealers Act 1973** (“the Act”) is amended —

(a) by deleting “and” after paragraph (a); and

(b) by inserting after paragraph (a) the following —

“ (aa) if it is surrendered under section 19A; and ”.

(2) After section 19 of the Act the following section is inserted —

“

Surrender of licence

19A. (1) The holder of a licence may, by notice in writing given to the Board and accompanied by the relevant licence, surrender that licence.

(2) If a licence is surrendered, the Commissioner shall refund to the former holder of the licence so much of the fee last paid for the licence as the Board, on application by the former holder of the licence, specifies as appropriate to be refunded.

”.

(3) Section 23 (1) of the Act is amended by deleting the passage from and including “section 17A — ” to the end of the subsection and substituting the following —

“

section 17A, 14 days before any change occurs in —

- (a) the membership of the firm; or
- (b) the person or persons concerned in the management and conduct of any corporate member of the firm,

full particulars thereof shall be sent to the secretary.

”.

(4) Section 23 (2) of the Act is amended by deleting the passage from and including “section 17A — ” to the end of the subsection and substituting the following —

“ section 17A, 14 days before any change occurs in the persons concerned in the management and conduct of the body corporate, full particulars thereof shall be sent to the secretary. ”.

(5) Section 23 (3) of the Act is amended by deleting “paragraph (b) of” in the 2 places where it occurs.

(6) Section 23 (4) of the Act is repealed.

[* Reprinted as at 14 November 1996.]

Murdoch University Act 1973 amended

54. (1) Section 3 (1) of the *Murdoch University Act 1973** (“**the Act**”) is amended by deleting the definition of “student” and substituting the following definition —

“ “**student**” means a student enrolled in the University; ”.

(2) Section 10 (5) of the Act is repealed.

(3) Section 11 (2) of the Act is repealed and the following subsections are substituted —

“ (2) Subject to subsection (2a) and section 15, the Pro-Chancellor holds office for the term of 2 years from the date of his election and is eligible for re-election.

(2a) The Pro-Chancellor ceases to hold office if he ceases to be a member of the Senate. ”.

(4) Section 11 (3) of the Act is amended by deleting “except the conferring of degrees”.

(5) Section 18 (1) of the Act is amended by deleting “of its members,” and substituting the following —

“ appointed under this Act or a Statute, ”.

(6) Section 23 (3) of the Act is repealed.

[* *Act No. 20 of 1973.*

For subsequent amendments see 1996 Index to Legislation of Western Australia, Table 1, p. 158 and Act No. 1 of 1997.]

National Environment Protection Council (Western Australia) Act 1996 amended

55. Section 64 (1) (b) of the *National Environment Protection Council (Western Australia) Act 1996** is deleted and the following is substituted —

“ (b) the extent to which the object set out in section 3 of each such Act has been achieved,

to be undertaken as soon as possible after the fifth anniversary of the commencement of that corresponding Act of the Commonwealth.

”.

[* *Act No. 73 of 1996.*]

Occupational Safety and Health Act 1984 amended

56. Section 53 (c) of the *Occupational Safety and Health Act 1984** is deleted and the following paragraph is substituted —

“ (c) a particular person had —

(i) control of a particular workplace; or

(ii) control of the means of access to or egress from a particular workplace;

”.

[* *Reprinted as at 15 May 1996.*]

Parliamentary Commissioner Act 1971 amended

57. (1) Section 5 (10) of the *Parliamentary Commissioner Act 1971** (“**the Act**”) is amended by deleting “Section 34 of the *Interpretation Act 1918*” and substituting the following —

“ Section 52 of the *Interpretation Act 1984* ”.

(2) Section 21 of the Act is amended by deleting the subsection designation “(1)”.

[* Reprinted as at 20 January 1997.]

Pay-roll Tax Assessment Act 1971 amended

58. (1) Section 3 (1) of the *Pay-roll Tax Assessment Act 1971** (“**the Act**”) is amended in the definition of “Commissioner” by deleting “*Public Service Act 1978*,” and substituting the following —

“ *Public Sector Management Act 1994*; ”.

(2) Section 11D (3a) of the Act is amended by inserting after “or 16J” the following —

“ (6) ”.

[* Reprinted as at 12 November 1996.

For subsequent amendments see Act No. 13 of 1996.]

Police Act 1892 amended

59. Section 3 of the *Police Act 1892** is amended by deleting the portion of the section that follows “*Police Act 1892*” and substituting a full stop.

[* Reprinted as at 31 January 1997.]

***Prisoners (Release for Deportation) Act 1989* amended**

60. Section 3 (1) of the *Prisoners (Release for Deportation) Act 1989** is amended in paragraph (c) of the definition of “prison” by inserting before “*Young Offenders Act 1994*” the following —

“ the ”.

[* *Act No. 15 of 1989.*

*For subsequent amendments see 1996 Index to
Legislation of Western Australia, Table 1 p. 183.]*

***Reprints Act 1984* amended**

61. (1) Section 4 of the *Reprints Act 1984** (“**the Act**”) is amended —

(a) by inserting after the section designation “**4.**” the subsection designation “(1)”; and

(b) by inserting the following subsection —

“

(2) For the purposes of this Act, “**written law**” includes rules made under the Royal Prerogative in relation to Queen’s Counsel.

”.

(2) Section 7 (5) of the Act is amended by inserting after paragraph (b) the following paragraph —

“

(ba) correct any inconsistency within a written law in respect of any matter mentioned in paragraph (b);

”.

(3) After section 7 of the Act the following section is inserted —

“

Delegation

7A. The Attorney General may, by instrument in writing, delegate to the Parliamentary Counsel the functions and powers conferred on the Attorney General under sections 5 (1) and (3), 6 (3) and 7 (6).

”.

[* Reprinted as at 18 September 1996.]

***Restraining Orders Act 1997* amended**

62. (1) Section 3 of the *Restraining Orders Act 1997** (“**the Act**”) is amended —

(a) in the definition of “final order”, by inserting after paragraph (b) the following paragraph —

“ (ba) made under section 40 (3); ”; and

(b) in the definition of “final order hearing”, by inserting after “section 33 (1)” the following —

“ , 40 (3) ”.

(2) After section 40 (2) of the Act the following subsections are inserted —

“

(3) When hearing a matter in the absence of the respondent, the court is to —

(a) make a restraining order;

(b) dismiss the application;

- (c) direct the clerk to fix a hearing and summons the respondent to attend the hearing; or
- (d) adjourn the mention hearing.

(4) The clerk is to prepare and serve an order made under subsection (3) (a).

”.

[* *Act No. 19 of 1997.*]

Rights in Water and Irrigation Act 1914 amended

63. Section 27 (ga) of the *Rights in Water and Irrigation Act 1914** is amended by deleting “the licence;” and substituting the following —

“ a licence issued under this Act; ”.

[* *Reprinted as at 2 April 1996.*

For subsequent amendments see 1996 Index to Legislation of Western Australia, Table 1, pp. 197-8.]

Sentencing (Consequential Provisions) Act 1995 amended

64. (1) Section 62 (2) of the *Sentencing (Consequential Provisions) Act 1995** (“**the Act**”) is amended by deleting “section 53” and substituting the following —

“ section 59 ”.

(2) Section 68 of the Act is amended in the Table by deleting the items relating to section 523 (1) and section 672 of the *Local Government Act 1960*.

(3) Part 77 of the Act is repealed.

No. 10] *Statutes (Repeals and Minor Amendments)*
s. 65 *Act (No. 2) 1998*

(4) Part 88 of the Act is amended by deleting the items relating to the —

- (a) *Local Government Act 1960*;
- (b) *Pawnbrokers Act 1860*;
- (c) *Totalisator Agency Board Betting Act 1960*; and
- (d) *Whaling Act 1937*.

[* *Act No. 78 of 1995.*]

***Spent Convictions Act 1988* amended**

65. (1) Section 12 (a) of the *Spent Convictions Act 1988** (“**the Act**”) is amended —

- (a) by inserting “and” after subparagraph (i);
- (b) by deleting “and” after subparagraph (ii); and
- (c) by deleting subparagraph (iii).

(2) Clause 2 (2) (a) of Schedule 3 to the Act is amended by deleting subparagraph (v) and substituting the following subparagraph —

“ (v) Chapter XXXI (sexual offences); ”.

(3) Clause 3 (2) (a) of Schedule 3 to the Act is amended by deleting “the Criminal Code — ” and substituting the following —

“ *The Criminal Code* — ”.

[* *Reprinted as at 19 November 1996.*
For subsequent amendments see Act No. 27 of 1996.]

Strata Titles Act 1985 amended

66. Section 123A of the *Strata Titles Act 1985** (as inserted by Act No. 34 of 1995) —

- (a) is amended by deleting the section designation “**123A.**” and substituting the section designation “**122A.**”; and
- (b) as so amended, is moved to appear after section 122 of the Act.

[* Reprinted as at 20 January 1997.]

Totalisator Agency Board Betting Act 1960 amended

67. Section 3 of the *Totalisator Agency Board Betting Act 1960** is amended by deleting the definition of “Chairman” and substituting the following definition —

“ **“chairperson”** means the chairperson of the Board; ”.

[* Reprinted as at 2 December 1996.]

Town Planning and Development Act 1928 amended

68. (1) Section 7B (8) (a) (ii) of the *Town Planning and Development Act 1928** (“**the Act**”) is deleted and the following is substituted —

“

- (ii) to cease any development commenced, continued or carried out,

in contravention of the provisions of the order on that land, ”.

No. 10] *Statutes (Repeals and Minor Amendments)*
s. 69 *Act (No. 2) 1998*

(2) Section 9 (2b) of the Act is amended by deleting “EPA Act” and substituting the following —

“ EP Act ”.

[* Reprinted as at 21 February 1996.
For subsequent amendments see 1996 Index to Legislation of
Western Australia, Table 1, pp. 230-1.]

Transfer of Land Act 1893 amended

69. (1) Section 106 (2) (b) of the *Transfer of Land Act 1893** (“**the Act**”) is amended by deleting “certified mail” and substituting the following —

“ registered post ”.

(2) Section 121 (2) (b) of the Act is amended by deleting “certified mail” and substituting the following —

“ registered post ”.

[* Reprinted as at 13 May 1997.]

University of Western Australia Act 1911 amended

70. (1) Section 11 (1) of the *University of Western Australia Act 1911** (“**the Act**”) is amended —

(a) by deleting “(1) Except as provided in subsection (2), no” and substituting the following —

“ No ”; and

(b) by deleting paragraph (a).

(2) Section 11 (2) of the Act is repealed.

[* Reprinted as at 31 March 1993.
For subsequent amendments see 1996 Index to Legislation of
Western Australia, Table 1, pp. 237-8.]

***Valuation of Land Act 1978* amended**

71. (1) Section 4 (1) of the *Valuation of Land Act 1978** (“**the Act**”) is amended in paragraph (b) of the definition of “unimproved value” —

(a) in subparagraph (ii) (III), by deleting “rent” and substituting the following —

“ fee ”; and

(b) in subparagraph (ii) (IV), by inserting after “rent” the following —

“ or fee ”.

(2) Section 32 (1) of the Act is amended by deleting “this Act,” and substituting the following —

“ Part III, ”.

[* *Reprinted as at 23 April 1996.*

For subsequent amendments see 1996 Index to Legislation of Western Australia, Table 1, p. 239.]

***Water and Rivers Commission Act 1995* amended**

72. Clause 17 (1) of Schedule 1 to the *Water and Rivers Commission Act 1995** is amended in the penalty provision by deleting “3 months,” and substituting the following —

“ 6 months, ”.

[* *Act No. 71 of 1995.*]

Water Corporation Act 1995 amended

73. (1) Section 13 (5) of the *Water Corporation Act 1995** (“**the Act**”) is amended —

(a) by deleting “officer during — ” and substituting the following —

“ officer — ”; and

(b) in paragraph (a), by inserting before “a vacancy” the following —

“ during ”.

(2) Section 29 (2) (j) of the Act is amended by deleting “section 27 (1) (d),” and substituting the following —

“ section 27 (1) (e), ”.

(3) Clause 12 (1) of Schedule 2 to the Act is amended in the penalty provision by deleting “3 months,” and substituting the following —

“ 6 months, ”.

[* *Act No. 70 of 1995.*

For subsequent amendments see Act No. 55 of 1996.]

Westpac Banking Corporation (Challenge Bank) Act 1996 amended

74. Section 12 of the *Westpac Banking Corporation (Challenge Bank) Act 1996** is amended by deleting “*(Western Australian)*” in the 3 places where it occurs and substituting in each place the following —

“ *(Western Australia)* ”.

[* *Act No. 33 of 1996.*]

***Wildlife Conservation Act 1950* amended**

75. Section 27A (1) of the *Wildlife Conservation Act 1950** is amended by deleting “or proclamation made” and substituting the following —

“ made or a notice published ”.

[* *Reprint approved 30 June 1980.*

For subsequent amendments see 1996 Index to Legislation of Western Australia, Table 1, pp. 250-1.]

Various Acts amended

76. Each Act mentioned in column 1 of the Table to this section is amended by repealing the corresponding provision of the Act mentioned in column 2 of the Table.

TABLE

Column 1 Short title of Act	Column 2 Provision repealed
<i>Alcohol and Drug Authority Act 1974</i>	section 3
<i>Australia and New Zealand Banking Group Act 1970</i>	section 2
<i>Bills of Sale Act 1899</i>	section 2A
<i>Bulk Handling Act 1967</i>	* section 3
<i>Cattle Industry Compensation Act 1965</i>	section 3
<i>Charitable Trusts Act 1962</i>	section 2
<i>Chiropractors Act 1964</i>	section 3
<i>City of Perth Parking Facilities Act 1956</i>	section 2

<i>Companies (Co-operative) Act 1943</i>	section 2
<i>Constitution Act 1889</i>	* section 1
<i>Constitution Acts Amendment Act 1899</i>	* section 4
<i>Disposal of Uncollected Goods Act 1970</i>	section 3
<i>Dividing Fences Act 1961</i>	section 1 (3)
<i>Electoral Act 1907</i>	* section 3
<i>Electricity Act 1945</i>	section 2
<i>Fertilizers Act 1977</i>	section 4
<i>Finance Brokers Control Act 1975</i>	* section 3
<i>Fire Brigades Act 1942</i>	* section 2
<i>Fuel, Energy and Power Resources Act 1972</i>	section 4A
<i>Government Employees' Housing Act 1964</i>	section 3
<i>Grain Marketing Act 1975</i>	* section 3
<i>Income Tax Assessment Act 1937</i>	section 4
<i>Land Valuation Tribunals Act 1978</i>	section 3
<i>Legal Contribution Trust Act 1967</i>	section 3
<i>Life Assurance Companies Act 1889</i>	section 1
<i>Marketing of Eggs Act 1945</i>	section 2

<i>Matrimonial Causes and Personal Status Code 1948</i>	section 2
<i>Optometrists Act 1940</i>	section 2
<i>Parliamentary Commissioner Act 1971</i>	* section 3
<i>Pay-roll Tax Assessment Act 1971</i>	* section 2
<i>Pharmacy Act 1964</i>	section 3
<i>Pig Industry Compensation Act 1942</i>	section 2
<i>Poisons Act 1964</i>	* section 3
<i>Property Law Act 1969</i>	* section 3
<i>Radiation Safety Act 1975</i>	section 3
<i>Sale of Land Act 1970</i>	section 3
<i>Securities Industry Act 1975</i>	section 2
<i>Securities Industry (Application of Laws) Act 1981</i>	section 3
<i>Small Claims Tribunals Act 1974</i>	* section 3
<i>Special Tax Acts Revision Act 1937</i>	section 2
<i>Special Tax Assessment Acts Revision Act 1937</i>	section 2
<i>Statistics Act 1907</i>	section 1A
<i>Stock Diseases (Regulations) Act 1968</i>	section 3
<i>Supreme Court Act 1935</i>	* section 2

