

ACTS AMENDMENT
(AMERICA'S CUP DEFENCE
AND SPECIAL EVENTS).

No. 102 of 1985.

AN ACT to amend certain Acts for the purposes of facilitating certain activities that may take place in connection with or incidentally to the holding of the World 12 Metre Yacht Championships and the America's Cup Yacht Race and for incidental and other purposes.

[Assented to 5 December 1985.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY.

1. This Act may be cited as the *Acts Amendment (America's Cup Defence and Special Events) Act 1985*. Short title.

Proclamation by Governor.

2. (1) For the purpose of facilitating certain activities that may be held in connection with or incidentally to the holding of the World 12 Metre Yacht Championships or the America's Cup Yacht Race, or both, the Governor may from time to time by proclamation appoint a period or periods during which the provisions of this Act or such of the provisions of this Act as are specified in the proclamation have effect.

(2) Where a proclamation is in force under this section the provisions of this Act or the provisions thereof specified in the proclamation, as the case may be, have effect accordingly.

(3) If, by reason of any change in plans for the holding of an event referred to in subsection (1), or for any other reason deemed by the Governor to be sufficient, the Governor is of the opinion that a proclamation under subsection (1) should be altered or cancelled, the Governor may by proclamation amend or cancel a proclamation made under this section.

PART II—LOTTERIES (CONTROL) ACT 1954.

Principal Act Reprinted as approved 19 April 1979 and amended by Acts Nos. 103 of 1981, 24 and 72 of 1982, 21, 29 and 43 of 1983, 22, 40 and 107 of 1984 and 10 and 19 of 1985.

3. In this Part the Lotteries (Control) Act 1954 is referred to as the principal Act.

Section 9 amended.

4. Section 9 of the principal Act shall be read as if it were amended by the insertion after subsection (2) of the following subsection—

“ (3) Notwithstanding anything in this section but subject to subsection (1), where the Commission conducts an instant lottery by reference to the America's Cup Yacht Race the Commission shall after—

(a) payment of prize moneys; and

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(b) deduction of the expenses referred
to in subsection (1) (e),

pay into the Consolidated Revenue Fund the
moneys received in respect of such a
lottery. ”.

PART III—LIQUOR ACT 1970.

5. In this Part the Liquor Act 1970 is referred to
as the principal Act.

Principal Act
Reprinted as
approved
27 July 1984
and
amended by
Acts Nos. 10,
19 and 29
of 1985.

6. The principal Act shall be read as if it were
amended by the insertion after section 176 of the
following section—

Section 176A
inserted.

“ 176A. (1) Notwithstanding anything in
this Act, where the Minister is of the opinion
that it is necessary or convenient to facilitate
the sale, supply or consumption of liquor for
the purposes of an occasion that is, or, in
the circumstances that are connected with or
incidental to a special event the Minister may,
by order in writing and whether or not
application to that effect is made—

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(a) extend the hours between which, or,
enlarge the period or periods within
those hours during which, a licensee
or permit holder is authorized by
this Act to keep his premises open
for the sale, supply or consumption
of liquor;

(b) exempt a licence or permit holder
from all or any of the provisions of
this Act that restrict the persons
to whom, the places where, or the
circumstances in which the licensee
or permit holder is authorized to
sell or supply liquor or permit

liquor to be drunk or consumed on the premises in respect of which the licence or permit applies; or

- (c) where no objection is made, or if made, the Minister does not uphold the objection, permit a person to sell and supply liquor and permit liquor to be drunk or consumed in areas or places that are not licensed premises.

subject to such terms and conditions as may be specified in the order and the order shall have effect accordingly.

(2) Before making an order under subsection (1) (c) the Minister may ascertain from any person or organization who or which in the opinion of the Minister may be affected by the order whether or not that person or organization objects to the order.

(3) The Minister may by order specify the kinds of occasions on which and the kinds of circumstances in which an application shall be made for an order under subsection (1).

(4) An order under subsection (3) may specify the fees (if any) payable in respect of an application under subsection (3).

(5) A copy of an order under this section signed or purporting to be signed by the Minister is a defence in any proceedings for an offence against this Act.

(6) An order under this section shall be communicated to the Court as soon as is practicable after the order is made.

(7) The Minister may by further order cancel or vary an order made under this section.

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(8) Section 43 (7), (8) and (9) of the Interpretation Act 1984 apply to an order under this section as though the order were subsidiary legislation.

(9) The Minister may by instrument in writing delegate to an officer of the Public Service of the State any function conferred on the Minister under this section other than this power of delegation.

(10) In this section—

“special event” means the World 12 Metre Yacht Race and the America's Cup Yacht Race. ”.

PART IV—MEDICAL ACT 1894.

7. In this Part the Medical Act 1894 is referred to as the principal Act.

Principal Act
Reprinted
as approved
23 January
1969 in Vol. 22
of the
Reprinted
Acts and
amended by
Acts Nos. 75
of 1975, 70
of 1976, 56 of
1979, 28 of
1981 and 28
of 1984.

8. The principal Act shall be read as if it were amended by the insertion after section 21C of the following section—

Section 21CA
inserted.

“ 21CA. Notwithstanding anything in this Act, it is lawful for a person who is not registered as a medical practitioner under this Act to practise medicine, to hold himself or herself out as a medical practitioner and to receive payment for his or her services as such if—

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(a) that person is entitled to practise medicine or any branch thereof under a law of a State or Territory of Australia or under a law of any other country;

- (b) the practice or holding out is only with respect to a member of a team competing in the World 12 Metre Yacht Championships or the America's Cup Yacht Race to which that person is officially appointed to perform duties of a medical nature;
- (c) for the purpose of prescribing medication the only forms used are forms approved by the Commissioner of Health of the State. ”.

PART V—NURSES ACT 1968.

Principal Act.
Reprinted
as approved
14 September
1981 and
amended by
Act No. 28 of
1984.

9. In this Part the Nurses Act 1968 is referred to as the principal Act.

Section 41A
inserted.

10. The principal Act shall be read as if it were amended by the insertion after section 41 of the following section—

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“ 41A. (1) Notwithstanding anything in this Act, it is lawful for a person who is not registered as a nurse under this Act to practise nursing or any branch thereof or to hold himself or herself out as a nurse and to receive payment for his or her services as such if—

- (a) that person is entitled to practise nursing or any branch thereof under a law of a State or Territory of Australia or under a law of any other country; and
- (b) the practice or the holding out is only with respect to a member of a team competing in the World 12 Metre Yacht Championships or the

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America's Cup Yacht Race to which that person is officially appointed to perform duties of a nursing nature. ”.

PART VI—PHYSIOTHERAPISTS ACT 1950.

11. In this Part the Physiotherapists Act 1950 is referred to as the principal Act.

Principal Act.
Reprinted
as approved
1 July 1976
and
amended by
Acts Nos. 9
of 1977, 70
of 1978, 63
of 1981 and
28 of 1984.

12. The principal Act shall be read as if it were amended by the insertion after section 12 of the following section—

Section 12A
inserted.

“ 12A. Notwithstanding anything in this Act, it is lawful for a person who is not registered under this Act to practise physiotherapy, to hold himself or herself out as a physiotherapist and to receive payment for his or her services as such if—

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(a) that person is entitled to practise physiotherapy or any branch thereof under a law of a State or Territory of Australia or any other country;

and

(b) the practice or holding out is only with respect to a member of a team competing in the World 12 Metre Yacht Championships or the America's Cup Yacht Race to which that person is officially appointed to perform duties of a physiotherapist. ”.

PART VII—CHIROPRACTORS ACT 1964.

Principal Act.
Reprinted
as approved
26 March 1971
and
amended by
Act No. 38
of 1980.

13. In this Part the Chiropractors Act 1964 is referred to as the principal Act.

Section 19A
inserted.

14. The principal Act shall be read as if it were amended by the insertion after section 19 of the following section—

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“ 19A. Notwithstanding anything in this Act, it is lawful for a person who is not registered under this Act to hold himself or herself out as a chiropractor and to receive payment as a chiropractor if—

(a) that person is entitled to practise as a chiropractor under the law of a State or Territory of Australia or under a law of any other country;
and

(b) the holding out is only with respect to a member of a team competing in the World 12 Metre Yacht Championships or the America's Cup Yacht Race to which that person is officially appointed as a chiropractor. ”.

PART VIII—MISCELLANEOUS.

Duration
of Act.

15. (1) This Act shall continue in operation until 30 June 1987 and no longer.

(2) The expiry of this Act shall not affect the previous operation thereof or the validity of any action taken under an Act amended by this Act or affect any payment made or to be made in consequence of such amendment.