



Western Australia

Western Australian Coastal Shipping Commission Act 1965

Compare between:

[22 May 2009, 01-d0-02] and [17 Sep 2009, 01-e0-03]

Western Australia

Western Australian Coastal Shipping Commission Act 1965

**An Act to establish a Western Australian Coastal Shipping
Commission to operate certain shipping services, and for incidental
and other purposes.**

Part I — Preliminary

1. Short title

This Act may be cited as the *Western Australian Coastal Shipping Commission Act 1965*¹.

2. Commencement

This Act shall come into operation on a date to be fixed by proclamation¹.

[3. Deleted by No. 113 of 1987 s. 3.]

4. Interpretation

In this Act, unless the contrary intention appears —

Commissioner includes an acting Commissioner;

the Chairman means the Chairman of the Commission;

the Commission means the Western Australian Coastal Shipping Commission established by this Act;

the State Shipping Service means the trading concern carried on under and subject to the *State Trading Concerns Act 1916*; and

the Vice-Chairman means the Vice-Chairman of the Commission.

Part II — Western Australian Coastal Shipping Commission

Division 1 — Establishment and constitution of Commission

5. Establishment of Commission

- (1) There is hereby established, for the purposes of this Act, a Commission to be called the “Western Australian Coastal Shipping Commission”.
- (2) The Commission —
 - (a) is a body corporate with perpetual succession and shall have a common seal;
 - (b) is capable, in its corporate name, of acquiring, holding and disposing of real and personal property in or outside the Commonwealth and of suing and being sued in that name;
 - (c) is a corporate agency of the Crown in right of the State;
 - (d) is capable of doing and suffering all such acts and things as bodies corporate may lawfully do and suffer; and
 - (e) has, subject to the Minister, the general administration of this Act.
- (3) All courts, judges and persons acting judicially shall take notice of the seal of the Commission affixed to a document and shall presume that it was duly affixed.
- (4) The exercise or performance of the powers or functions of the Commission shall not be affected by reason only of there being a vacancy in the office of a Commissioner.
- (5) The Minister may give directions in writing to the Commission with respect to its powers and functions, either generally or with respect to a particular matter, and the Commission shall give effect to any such direction.

- (6) The text of any direction received by the Commission under subsection (5) shall be included in the annual report submitted by the accountable authority of the Commission under Part 5 of the *Financial Management Act 2006*.

[Section 5 amended by No. 35 of 1997 s. 4; No. 77 of 2006 s. 17.]

6. Constitution of Commission

- (1) The Commission shall consist of 3 Commissioners who shall be appointed by the Governor.
- (2) The Governor shall appoint one of the Commissioners to be Chairman, and another to be Vice-Chairman, of the Commission.
- (3) The Commissioners first appointed under this Act shall be appointed to hold office —
- (a) in the case of the Chairman, for 5 years;
 - (b) in the case of the Vice-Chairman, for 4 years; and
 - (c) in the case of the remaining Commissioner, for 3 years.
- (4) After the appointment of the 3 Commissioners first appointed under this Act, each further appointment shall, subject to this section, be for a period of 5 years.
- (5) Where a Commissioner ceases to hold office before the termination of the period of his appointment, another Commissioner shall be appointed by the Governor for the remainder of the term of office of the Commissioner in whose place he is appointed.
- (6) A Commissioner is eligible for re-appointment.

7. Acting Commissioners

- (1) Where the Minister is satisfied that any Commissioner is incapacitated by illness, absence, or other sufficient cause, from performing the duties of his office, the Minister may appoint a

person to be an acting Commissioner to act for that Commissioner during his incapacity and that person, while he so acts, —

- (a) shall be deemed to be a Commissioner; and
 - (b) shall be paid such remuneration, travelling and other allowances as the Minister may determine from time to time.
- (2) The Minister may at any time terminate the appointment of an acting Commissioner.
- (3) No appointment of an acting Commissioner and no acts done by him as such shall in any proceedings be questioned on the ground that the occasion for his appointment has not arisen or had ceased.

8. Leave of absence

The Minister may grant leave of absence to a Commissioner upon such terms and conditions as to remuneration or otherwise as the Minister determines.

9. Remuneration of Commissioners

Each Commissioner shall be paid such remuneration, travelling and other allowances, as the Governor from time to time determines.

10. Dismissal of Commissioners

The Governor may terminate the appointment of a Commissioner for inability, inefficiency or misbehaviour.

11. Vacation of office

- (1) If a Commissioner —
- (a) ~~becomes bankrupt, applies, according to take the benefit of any law for the relief of~~ Interpretation Act 1984 section 13D, a bankrupt or ~~insolvent debtors,~~

~~compounds with his creditors or makes an assignment of his remuneration payable~~ a person whose affairs are under this Act, for their benefit, insolvency laws; or

- (b) resigns his office by writing under his hand addressed to the Governor and his resignation is accepted by the Governor; or
- (c) is absent, without the consent of the Minister, from 3 consecutive meetings of the Commission; or
- (d) fails to comply with his obligation under subsection (2),

the Governor shall, by notice in the *Gazette*, declare that the office of the Commissioner is vacant, and thereupon the office shall be deemed to be vacant.

- (2) A Commissioner who is directly or indirectly interested in a contract made or proposed to be made by the Commission, otherwise than as a member, and in common with the other members, of an incorporated company consisting of not less than 51 persons, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Commission.
- (3) A disclosure under subsection (2) shall be recorded in the minutes of the Commission, and the Commissioner —
 - (a) shall not take part after the disclosure in any deliberation or decision of the Commission with respect to that contract; and
 - (b) shall be disregarded for the purpose of constituting a quorum of the Commission for any such deliberation or decision.
- (4) Subsection (2) does not apply in relation to a contract of carriage of a Commissioner or of any of his goods.

[Section 11 amended by No. 18 of 2009 s. 90.]

12. Meetings of Commission

- (1) The Commission shall hold such meetings as are necessary for the performance of its functions.
- (2) The Minister or the Chairman may at any time convene a meeting of the Commission.
- (3) The Chairman shall convene the first meeting of the Commission as soon as practicable after the coming into operation of this Act and shall preside at all meetings of the Commission at which he is present.
- (4) Where the Chairman is absent from a meeting of the Commission, the Vice-Chairman shall preside at that meeting.
- (5) At a meeting of the Commission —
 - (a) 2 Commissioners form a quorum;
 - (b) a question arising at the meeting shall be determined by a majority of the valid votes of the Commissioners present.
- (6) Subject to this Act and the regulations, the Commission may regulate its procedure in such manner as it thinks fit.

Division 2 — Functions, powers and duties of the Commission

13. Functions of Commission

The functions of the Commission are —

- (a) to maintain and operate shipping services carried on by the State Shipping Service before the coming into operation of this Act; and
- (b) to establish, maintain and operate, or to provide for the establishment, maintenance and operation of additional shipping services for the carriage of passengers, goods and mails —

- (i) between a place in the State and another place in the State;
- (ii) between a place in the State and any other place outside the State;
- (iii) between a place outside the State and another place outside the State;
- (c) to establish, maintain and operate either alone or in conjunction with any other person any shipping service incidental to a shipping service operated by the Commission under the foregoing provisions of this section,

in such manner and to such extent as the Commission thinks fit but the Commission has no legal duty to operate any shipping service.

[Section 13 amended by No. 35 of 1997 s. 5.]

14. Powers of Commission

- (1) Subject to this section, the Commission may do all things necessary or convenient to be done for or in connection with the performance of its functions.
- (2) Without limiting the generality of subsection (1), the Commission may —
 - (a) carry on the general business of a ship owner in relation to any shipping service operated by the Commission;
 - (b) purchase or take on lease or charter, ships required for carrying on the business of the Commission;
 - (c) dispose of, lease or charter, any ship vested in or acquired by the Commission, and sub-lease or sub-charter any ship on lease or charter to the Commission;
 - (d) purchase or take on lease land, buildings, easements or wharves or other property whatsoever which the

Commission considers necessary for carrying on the business of the Commission;

- (e) exchange, dispose of, or grant leases of land, buildings, wharves, or any other property whatsoever acquired by, or vested in, the Commission;
- (f) purchase, or take on hire, plant, equipment, stocks, or other goods necessary for carrying on the business of the Commission;
- (g) dispose of plant, equipment, stocks or other goods acquired by, or vested in, the Commission;
- (h) engage in stevedoring operations;
- (i) appoint agents for the purposes of the business of the Commission;
- (j) act as agent for other persons;
- (k) train, or arrange for the training of, persons to fit them for employment as officers or seamen in merchant ships;
- (l) compound, release or settle claims by or against the Commission, whether in contract or tort; and
- (m) do anything incidental to any of the powers conferred on the Commission by this Act.

[Section 14 amended by No. 35 of 1997 s. 6.]

15. Delegation of powers by Commission

- (1) The Commission may, in respect of any particular matters or class of matters or in respect of any particular area, by writing under its seal, delegate to any Commissioner or to the General Manager or to any other person all or any of its powers under this Act, other than this power of delegation, so that the delegated powers may be exercised by him in respect of the matters or class of matters or area specified in the instrument of delegation.

- (2) Every delegation under this section is revocable at will, and no such delegation prevents the exercise of any power by the Commission.

[Section 15 amended by No. 35 of 1997 s. 7.]

16. Work may be carried out by contractors

Subject to the provisions of this Act, the Commission may contract for the execution by any person of any work or service authorised by this Act to be executed by the Commission, in such manner and upon and subject to such terms and conditions, as the Commission thinks fit.

17. Liability of Commission as carrier

Subject in every case to the limitations and provisions of this Act and of any regulations and by-laws or of any contract made by the Commission, the Commission has the same liabilities, obligations, rights and protection as in the case of common carriers.

[18, 19. Deleted by No. 35 of 1997 s. 8.]

20. Charges to be approved by Minister

- (1) The rates of charges of the Commission for the carriage of persons or goods are subject to the approval of the Minister.

[(2) deleted]

[Section 20 amended by No. 8 of 2009 s. 134.]

Division 3 — Staff

21. Appointment of officers

- (1) Subject to this Act, the Commission may appoint such officers or employees as it thinks necessary for the purposes of this Act.

- (2) On the date of the coming into operation of this Act, all officers and employees who were employed immediately preceding that date in the State Shipping Service, and who are willing and able to be employed by the Commission, shall be deemed to be appointed officers and employees of the Commission under this Act on the same terms and conditions as they were employed by the State Shipping Service immediately preceding that date.
- (3) Where an officer or employee appointed or deemed to be appointed in pursuance of this section was, immediately before such appointment, an officer or employee in the State Shipping Service —
- (a) he retains his existing and accruing rights and in particular his rights, if any, under the *Superannuation and Family Benefits Act 1938*², and
 - (b) for the purpose of determining those rights, his service as an officer or employee of the State Shipping Service shall be taken into account as if it were service with the Commission.

22. Terms and conditions of employment

- (1) Subject to this section and to any relevant award or industrial agreement in force under the *Industrial Arbitration Act 1912*³, the terms and conditions of employment of officers or employees shall be such as are determined by the Commission, including conditions with respect to punishment for breaches of discipline.
- (2) The Commission shall not, except with the approval of the Minister, determine the salary of a position in the service of the Commission at a rate exceeding the equivalent of the rate for the time being shown for the classification Group 1, Class 8 Administrative Division in the Public Service of the State.

23. General Manager

- (1) Subject to subsection (2) of section 21 of this Act, and of this section, the Governor, on the recommendation of the Commission, shall appoint a person to be the General Manager of the Commission and the General Manager shall be the Chief Executive Officer of the Commission.
- (2) The person who on the date of the coming into operation of this Act¹ held the office of General Manager of the State Shipping Service shall be deemed to be appointed the General Manager of the Commission under this section.

24. Temporary and casual employees

Subject to any relevant award or industrial agreement in force under the *Industrial Arbitration Act 1912*³, the Commission may employ such temporary or casual employees as it thinks fit, on such terms and conditions as the Commission determines, including conditions with respect to punishment for breaches of discipline.

24A. Status of General Manager, and officers and employees, of Commission who are members of Senior Executive Service

Notwithstanding anything in this Division, to the extent that there is in the case of a person who is appointed under —

- (a) section 21(1) to be an officer or employee; or
- (b) section 23(1) to be the General Manager,

of the Commission and who is a member of the Senior Executive Service within the meaning of the *Public Sector Management Act 1994*⁴ an inconsistency between this Act and that Act that Act shall prevail.

[Section 24A inserted by No. 113 of 1987 s. 32.]

Division 4 — Finances of the Commission

25. Funds of Commission

- (1) The funds available to the Commission for the purpose of enabling it to exercise its powers and functions under this Act are —
 - (a) moneys appropriated from time to time by Parliament;
 - (b) all other moneys received by the Commission; and
 - (c) moneys borrowed by the Commission under this Act.

- (2) An account called The Western Australian Coastal Shipping Account is to be established —
 - (a) as an agency special purpose account under section 16 of the *Financial Management Act 2006*; or
 - (b) with the approval of the Treasurer, at a bank as defined in section 3 of that Act,

to which the funds referred to in subsection (1) are to be credited.

- (3) The Commission shall, out of the moneys standing to the credit of that account —
 - (a) defray the costs, charges and expenses incurred by the Commission in the exercise of its powers and functions under this Act;
 - (b) pay the remuneration, travelling and other allowances of the Commissioners and the salaries, wages and allowances of the General Manager and the officers and employees of the Commission.

[Section 25 amended by No. 49 of 1996 s. 63; No. 28 of 2006 s. 383; No. 77 of 2006 s. 17.]

26. Power of Commission to borrow

- (1) If at any time the funds of the Commission are not sufficient for the purpose of defraying the costs, charges and expenses

incurred by it in the exercise of its powers and functions under this Act, the Commission may borrow from the Treasurer, or from a bank approved by the Treasurer, moneys for that purpose.

- (2) The Commission shall pay to the Treasurer on moneys borrowed by it from him under this section, interest at such rate and at such times as the Treasurer determines.
- (3) The amount of moneys borrowed by the Commission under this section that remains from time to time unpaid, and any interest thereon that is unpaid, is a charge upon the moneys from time to time standing to the credit of the account of the Commission at the Treasury or in any account of the Commission at any bank, and upon any assets vested in the Commission, and the due repayment of that amount and the payment of such interest is hereby guaranteed by the Treasurer in the name and on behalf of the Crown in right of the State.

[Section 26 amended by No. 98 of 1985 s. 3.]

27. Additional power of Commission to borrow

- (1) Subject to subsection (2) the Commission in addition to the powers conferred on it by section 26, may at any time and from time to time, with the approval of the Governor, borrow money on the security of the assets of the Commission or upon a guarantee as provided in subsection (3) —
 - (a) for the effectual exercise by the Commission of its powers and functions under this Act;
 - (b) to discharge the principal moneys and interest thereon owing by the Commission in respect of any existing loan or for the consolidation of the debts of the Commission;
 - (c) for any other purpose approved by the Governor.

- (2) The Governor shall not approve, for the purposes of subsection (1), unless a written proposal specifying —
- (a) the term and particulars of the proposed loan;
 - (b) the rate of interest to be paid on the amount of the loan;
 - (c) the purposes to which the amount of the loan is to be applied; and
 - (d) the manner in which the loan is to be repaid,
- is first submitted by the Commission to, and approved by, the Treasurer.
- (3) The Treasurer may, in the name and on behalf of the Crown in right of the State, guarantee repayment of the principal moneys and interest thereon in respect of moneys borrowed by the Commission under this section and any liability of the Crown arising out of the guarantee is to be charged to the Consolidated Account which, to the necessary extent, is appropriated accordingly.
- (4) Any moneys borrowed by the Commission under this section may be raised as one loan or as several loans and in such manner as may be prescribed or as the Governor may approve.
- (5) The Commission shall set aside half-yearly by way of a sinking fund, for the purpose of redeeming any moneys borrowed by it under this section, an amount calculated at a rate approved by the Governor and the Treasurer.

[Section 27 amended by No. 98 of 1985 s. 3; No. 6 of 1993 s. 11; No. 49 of 1996 s. 64; No. 77 of 2006 s. 4.]

28. Contributions, interest and sinking fund

- (1) There shall be entered and debited each year in the accounts of the Commission such amounts as shall be fixed by the Treasurer as interest and sinking fund contributions payable for the year in respect of such portion of the Consolidated Account as has been

applied to the exercise by the Commission of any of its powers and functions under this Act.

- (2) Such contributions shall be paid by the Commission to the Treasurer.

[Section 28 amended by No. 98 of 1985 s. 3; No. 6 of 1993 s. 15; No. 77 of 2006 s. 4.]

29. Power of Commission to invest certain funds

Any moneys standing to the credit of any account of the Commission may, until required by the Commission for the purposes of this Act, be temporarily invested, as the Treasurer may direct, in any securities in which money in the Public Bank Account constituted under the *Financial Management Act 2006* may lawfully be invested, and all interest derived from those securities shall be credited to an account of the Commission.

[Section 29 amended by No. 98 of 1985 s. 3; No. 49 of 1996 s. 64; No. 77 of 2006 s. 17.]

30. Treasurer may require payment to Consolidated Account

The Treasurer may, at any time, require the Commission to make a payment to the credit of the Consolidated Account and the Commission shall comply with any such requirement.

[Section 30 inserted by No. 35 of 1997 s. 9; amended by No. 77 of 2006 s. 4.]

31. Application of *Financial Management Act 2006* and *Auditor General Act 2006*

- (1) 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 Commission and its operations.
- (2) The annual report of the Commission shall deal specifically with the operations of the Commission in relation to any service

in respect of which a direction by the Governor under section 18 was in force during the year and the financial statements of the Commission shall show separately the financial results of those operations.

[Section 31 inserted by No. 98 of 1985 s. 3; amended by No. 77 of 2006 s. 17.]

32. Duty of Commission to keep proper accounts

[(1) deleted]

- (2) The Commission may, if the Treasurer approves, in respect of business carried on by it under this Act, establish in its accounts and records such reserve accounts as it thinks fit, and may in each year credit to each of those reserve accounts and establish therein, such sums as it thinks fit.

[Section 32 amended by No. 98 of 1985 s. 3.]

Division 5 — Reports

33. Commission to keep Minister informed and give information when required

The Commission shall —

- (a) from time to time inform the Minister concerning the general conduct of its business; and
- (b) furnish to the Minister such information relating to its operations as the Minister requires.

[34. Deleted by No. 98 of 1985 s. 3.]

Part III — Dissolution of State Shipping Service and transfer of assets

35. Dissolution of State Shipping Service and transfer of assets to Commission

On the date of the coming into operation of this Act —

- (a) the Minister of the Crown charged with the administration of the State Shipping Service (in this section called *the Minister for State Shipping Services*) ceases to be a body corporate under section 6 of the *State Trading Concerns Act 1916*;
- (b) the State Shipping Service ceases to be a State Trading Concern under that Act, and shall discontinue its business and operations;
- (c) all real and personal property and every right and interest therein that immediately before that date was vested in the Minister for State Shipping Services under section 6 of that Act, shall, by force of this section without any conveyance, transfer or assignment be transferred to and vested in and belong to the Commission for the purposes of this Act, subject to any debts, trusts and liabilities affecting them;
- (d) all rights accruing or accrued to the Minister for State Shipping Services in respect of any property vested in the Commission by virtue of this section —
 - (i) are vested in the Commission; and
 - (ii) may be enforced against the Commission;
- (e) all contracts, agreements and undertakings made by the Minister for State Shipping Services and all securities lawfully given to or by that Minister for and on behalf of the State Shipping Service and in force immediately before that date have effect as contracts, agreements and undertakings by and with the Commission and securities

given to or by the Commission and may be enforced by and against the Commission accordingly;

- (f) all debts due and money payable by the Minister for State Shipping Services for and on behalf of the State Shipping Service and all claims, liquidated or unliquidated, recoverable against that Minister shall be debts due and moneys payable by and claims recoverable against the Commission;
- (g) any legal or other proceedings that might, but for this section, have been continued or commenced by or against that Minister under his corporate name may be continued or commenced by or against the Commission under its corporate name.

36. Construction of law and documents

A reference —

- (a) in a law of the State; and
- (b) in any document,

in force immediately before the date of the coming into operation of this Act¹, to the Minister of the Crown charged with the administration of the State Shipping Service or the State Shipping Service shall be read, deemed and taken to refer to the Commission.

Part IV — Miscellaneous

37. Recovery of fares or charges

If on demand a person fails to pay the fares or charges due to the Commission in respect of a service rendered by the Commission, the Commission may, without prejudice to the right to sue for and recover any part of the fares or charges not recovered under this section, detain and sell all or any of the goods of the person that are in its possession, and out of the moneys arising from the sale, retain the fares or charges so payable, and all charges and expenses of the detention and sale, and shall render the surplus, if any, of the moneys arising by the sale, and such of the goods as remain unsold, to the person entitled to the surplus or to the goods, as the case may be.

38. By-laws

The Commission may, with the approval of the Governor, make by-laws not inconsistent with this Act, prescribing matters providing for or in relation to —

- (a) the operation of the shipping services and the conditions governing the performance of any service that the Commission may, under this Act, carry out or authorise;
- (b) the protection and preservation of property of, or property in the custody or under the control of, the Commission;
- (c) the maintenance of order in connection with the operation of the shipping services;
- (d) the sale or other disposal of unclaimed goods in the possession of the Commission and the disposal of the proceeds of any such sale;
- (e) the prohibition of interference with the shipping services or with property of the Commission or of interference with or obstruction of any officer or employee of the Commission;

- (f) the limitation of the liability of, and the conditions governing the making of claims upon, the Commission in respect of damage to or loss of goods; and
- (g) the provision of penalties, not exceeding a fine of \$1 000, for a breach of a by-law.

[Section 38 amended by No. 78 of 1995 s. 147.]

39. Regulations

The Governor may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular for prescribing penalties, not exceeding a fine of \$1 000, for offences against the regulations.

[Section 39 amended by No. 78 of 1995 s. 147.]

Notes

¹ This is a compilation of the *Western Australian Coastal Shipping Commission Act 1965* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Western Australian Coastal Shipping Commission Act 1965</i>	44 of 1965	8 Nov 1965	15 Nov 1965 (see s. 2 and <i>Gazette</i> 12 Nov 1965 p. 3914)
<i>Acts Amendment (Financial Administration and Audit) Act 1985 s. 3</i>	98 of 1985	4 Dec 1985	1 Jul 1986 (see s. 2 and <i>Gazette</i> 30 Jun 1986 p. 2255)
<i>Acts Amendment (Public Service) Act 1987 s. 32</i>	113 of 1987	31 Dec 1987	16 Mar 1988 (see s. 2 and <i>Gazette</i> 16 Mar 1988 p. 813)
<i>Financial Administration Legislation Amendment Act 1993 s. 11 and 15</i>	6 of 1993	27 Aug 1993	1 Jul 1993 (see s. 2(1))
<i>Sentencing (Consequential Provisions) Act 1995 s. 147</i>	78 of 1995	16 Jan 1996	4 Nov 1996 (see s. 2 and <i>Gazette</i> 25 Oct 1996 p. 5632)
<i>Financial Legislation Amendment Act 1996 s. 63 and 64</i>	49 of 1996	25 Oct 1996	25 Oct 1996 (see s. 2(1))
<i>Western Australian Coastal Shipping Commission Amendment Act 1997</i>	35 of 1997	19 Nov 1997	19 Nov 1997 (see s. 3)
Reprint of the <i>Western Australian Coastal Shipping Commission Act 1965</i> as at 8 Mar 2002 (includes amendments listed above)			
<i>Machinery of Government (Miscellaneous Amendments) Act 2006 Pt. 13 Div 3</i>	28 of 2006	26 Jun 2006	1 Jul 2006 (see s. 2 and <i>Gazette</i> 27 Jun 2006 p. 2347)
<i>Financial Legislation Amendment and Repeal Act 2006 s. 4, 17</i>	77 of 2006	21 Dec 2006	1 Feb 2007 (see s. 2(1) and <i>Gazette</i> 19 Jan 2007 p. 137)

Short title	Number and year	Assent	Commencement
<i>Statutes (Repeals and Miscellaneous Amendments) Act 2009</i> s. 134	8 of 2009	21 May 2009	22 May 2009 (see s. 2(b))
<u>Acts Amendment (Bankruptcy) Act 2009 s. 90</u>	<u>18 of 2009</u>	<u>16 Sep 2009</u>	<u>17 Sep 2009 (see s. 2(b))</u>

^{1a} On the date on which this compilation was prepared, provisions referred to in the following table had not come into operation and are therefore not included in this compilation. For the text of the provisions see the endnote referred to after the short title.

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i> s. 71 ⁵	43 of 2000	2 Nov 2000	To be proclaimed (see s. 2(2))

² 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 and those provisions may be amended by regulations under subsection (3) of that section.

³ Repealed by the *Industrial Arbitration Act 1979* which is now called the *Industrial Relations Act 1979*.

⁴ Under the *Public Sector Management Act 1994* s. 112(1), a reference 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).

⁵ On the date on which this compilation was prepared, the *State Superannuation (Transitional and Consequential Provisions) Act 2000* s. 71 had not come into operation. It reads:

“

71. Western Australian Coastal Shipping Commission Act 1965 amended

Section 21(3)(a) of the *Western Australian Coastal Shipping Commission Act 1965* is amended by deleting “and in particular

his rights, if any, under the *Superannuation and Family Benefits Act 1938*".

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