

Western Australia

**Statutes (Repeals and Minor Amendments)  
Act 2011**

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As at 25 Oct 2011

No. 47 of 2011

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# Statutes (Repeals and Minor Amendments) Act 2011

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Western Australia

## **Statutes (Repeals and Minor Amendments) Act 2011**

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**No. 47 of 2011**

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**An Act to amend the statute law by repealing various written laws  
and making minor amendments to various other written laws.**

*[Assented to 25 October 2011]*

The Parliament of Western Australia enacts as follows:

## **Part 1 — Preliminary matters**

### **1. Short title**

This is the *Statutes (Repeals and Minor Amendments) Act 2011*.

### **2. Commencement**

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent (*assent day*);
- (b) the rest of the Act — on the day after assent day.

## **Part 2 — Repeals and consequential amendments**

### **Division 1 — *Mine Workers' Relief Act 1932 and Miner's Phthisis Act 1922***

#### **3. Written laws repealed**

These written laws are repealed:

- (a) the *Mine Workers' Relief Act 1932*;
- (b) the *Miner's Phthisis Act 1922*;
- (c) the regulations made under the *Miner's Phthisis Act 1922* and published in the *Gazette* on 4 September 1925 (known as the *Miner's Phthisis Regulations*).

#### **4. *Constitution Acts Amendment Act 1899* amended**

- (1) This section amends the *Constitution Acts Amendment Act 1899*.
- (2) In Schedule V Part 3 delete the item for the Mine Workers' Relief Board.

#### **5. *Fatal Accidents Act 1959* amended**

- (1) This section amends the *Fatal Accidents Act 1959*.
- (2) In section 5(2)(c):
  - (a) delete subparagraph (iv) and “or” after it;
  - (b) after each of subparagraphs (i), (ii) and (iii) insert:

or

**6. *Insurance Commission of Western Australia Act 1986*  
amended**

- (1) This section amends the *Insurance Commission of Western Australia Act 1986*.
- (2) Delete section 18(3).

**7. *Workers' Compensation and Injury Management Act 1981*  
amended**

- (1) This section amends the *Workers' Compensation and Injury Management Act 1981*.
- (2) In section 46(1) delete "any provisions of the *Mine Workers' Relief Act 1932* or".

**Division 2 — Other repeals**

**8. *Returned Sailors and Soldiers' Imperial League of Australia, W.A. Branch, Incorporated, Headquarters Building Act 1933*  
repealed**

The *Returned Sailors and Soldiers' Imperial League of Australia, W.A. Branch, Incorporated, Headquarters Building Act 1933* is repealed.

**9. *Marketing of Eggs Act 1945* repealed**

The *Marketing of Eggs Act 1945* is repealed.

**10. *Swan and Canning Rivers (Transitional) Regulations (No. 2) 2007* repealed**

The *Swan and Canning Rivers (Transitional) Regulations (No. 2) 2007* are repealed.



## **Part 3 — Amendments**

### **Division 1 — Amendments relating to *Financial Management Act 2006***

**11. *Commissioner for Children and Young People Act 2006* amended**

- (1) This section amends the *Commissioner for Children and Young People Act 2006*.
- (2) Delete Schedule 1 clause 2.

**12. *Credit (Administration) Act 1984* amended**

- (1) This section amends the *Credit (Administration) Act 1984*.
- (2) In section 44B(2)(a) delete “to the fund” and insert:

to the Account

**13. *Owner-Drivers (Contracts and Disputes) Act 2007* amended**

- (1) This section amends the *Owner-Drivers (Contracts and Disputes) Act 2007*.
- (2) In section 21(3) delete “accountable officer of the Department under the *Financial Administration and Audit Act 1985* section 66.” and insert:

accountable authority of the Department under the  
*Financial Management Act 2006* Part 5.

**14. Parental Support and Responsibility Act 2008 amended**

- (1) This section amends the *Parental Support and Responsibility Act 2008*.
- (2) In section 40(1) delete “*Financial Administration and Audit Act 1985*” and insert:

*Financial Management Act 2006*

- (3) In section 40(2) delete “*Financial Administration and Audit Act 1985*,” and insert:

*Financial Management Act 2006*,

**Division 2 — References to defendant**

**15. Various Acts amended**

- (1) This section amends the Acts listed in the Table.
- (2) Amend the provisions listed in the Table as set out in the Table.

**Table**

<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
<b>1. Community Protection (Offender Reporting) Act 2004</b>		
s. 3 def. of <i>government custody</i> par. (a) and <i>strict government custody</i>	defendant	accused
s. 3 def. of <i>mentally impaired defendant</i>	<i>defendant</i>	<i>accused</i>

<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
<b>2. <i>Criminal Procedure Act 2004</i></b>		
Sch. 4 cl. 3(2) and (3), 4(3) and (4), 6	a defendant	an accused
<b>3. <i>Fair Trading Act 1987</i></b>		
s. 30(4)	defendant (each occurrence)	accused
<b>4. <i>Petroleum (Submerged Lands) Act 1982</i></b>		
Sch. 5 cl. 77(2), 81	defendant	accused
<b>5. <i>Petroleum and Geothermal Energy Resources Act 1967</i></b>		
Sch. 1 cl. 76(2), 80	defendant	accused
<b>6. <i>Petroleum Pipelines Act 1969</i></b>		
Sch. 1 cl. 76(2), 80	defendant	accused
<b>7. <i>Security and Related Activities (Control) Act 1996</i></b>		
s. 79A(3)	defendant	accused

**Division 3 — References to Registrar of Deeds and Transfers**

**16. Various written laws amended**

- (1) This section amends the written laws listed in the Table.

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**Part 3** Amendments

**Division 3** References to Registrar of Deeds and Transfers

**s. 16**

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(2) Amend the provisions listed in the Table as set out in the Table.

**Table**

<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
<b>1. Amendment of Deeds of Grant Act 1884</b>		
s. 1, 3	Registrar of Deeds (each occurrence)	Registrar of Deeds and Transfers
<b>2. Associations Incorporation Act 1987</b>		
s. 34(4)	Registrar of Deeds	Registrar of Deeds and Transfers
<b>3. Bush Fires Act 1954</b>		
s. 66(1)(b)(i)	Registrar of Deeds or his substitute or an Assistant Registrar of Deeds	Registrar of Deeds and Transfers or an assistant registrar of deeds and transfers
<b>4. Dampier to Bunbury Pipeline Act 1997</b>		
s. 22(4) def. of <i>relevant official</i> , 44(3) def. of <i>relevant official</i> par. (b)	Registrar of Deeds	Registrar of Deeds and Transfers
<b>5. Gas Corporation (Business Disposal) Act 1999</b>		
s. 20(3) def. of <i>relevant official</i> , 23(2)	Registrar of Deeds	Registrar of Deeds and Transfers

Provision	Delete	Insert
<b>6. <i>Hospitals and Health Services Act 1927</i></b>		
s. 7B(8), 16(6)	Registrar of Deeds	Registrar of Deeds and Transfers
<b>7. <i>Kambalda Water and Wastewater Facilities (Transfer to Water Corporation) Act 2004</i></b>		
s. 15 def. of <i>relevant official</i> par. (b)	Registrar of Deeds	Registrar of Deeds and Transfers
<b>8. <i>Land Administration Act 1997</i></b>		
s. 151(1) def. of <i>Registrar of Deeds</i>	Registrar of Deeds under	Registrar of Deeds and Transfers under
<b>9. <i>Land Drainage Act 1925</i></b>		
s. 173(1)(b)(i)	Registrar of Deeds or his deputy,	Registrar of Deeds and Transfers or an assistant registrar of deeds and transfers,
<b>10. <i>Local Government Act 1995</i></b>		
s. 6.71(2), 6.74(3), Sch. 6.3 cl. 2(3) and (4), 4(2) and 8(1)	Registrar of Deeds (each occurrence)	Registrar of Deeds and Transfers
s. 9.41(1)(a)	Registrar of Deeds, a substitute for the Registrar of Deeds, or an assistant Registrar of Deeds,	Registrar of Deeds and Transfers or an assistant registrar of deeds and transfers,

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**Part 3** Amendments

**Division 3** References to Registrar of Deeds and Transfers

**s. 16**

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<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
<b>11. Local Government (Miscellaneous Provisions) Act 1960</b>		
s. 364(2) and (9), 412A(1), (2) and (3)	Registrar of Deeds (each occurrence)	Registrar of Deeds and Transfers
<b>12. Petroleum Pipelines Act 1969</b>		
s. 19(4)(b), 20(3), (4), (5)(a) and (b) and (6)(a)	Registrar of Deeds	Registrar of Deeds and Transfers
<b>13. Rail Freight System Act 2000</b>		
s. 28(3) def. of <i>relevant official</i> , 41(6) def. of <i>relevant official</i> par. (b)	Registrar of Deeds	Registrar of Deeds and Transfers
<b>14. Real Property (Foreign Governments) Act 1951</b>		
s. 5(2)	Registrar of Deeds	Registrar of Deeds and Transfers
<b>15. Redemption of Annuities Act 1909</b>		
s. 2 def. of <i>Registrar</i>	Registrar of Deeds	Registrar of Deeds and Transfers
<b>16. Rights in Water and Irrigation Act 1914</b>		
s. 79(b)(i)	Registrar of Deeds	Registrar of Deeds and Transfers

<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
<b>17. Rural Business Development Corporation Act 2000</b>		
s. 11(1) def. of <b>Registrar</b>	Registrar of Deeds	Registrar of Deeds and Transfers
<b>18. The Salvation Army (Western Australia) Property Trust Act 1931</b>		
s. 6(4), 17(1) and (2)	Registrar of Deeds	Registrar of Deeds and Transfers
<b>19. Tree Plantation Agreements Act 2003</b>		
s. 3 def. of <b>Registrar</b> par. (b)	Registrar of Deeds	Registrar of Deeds and Transfers
<b>20. War Service Land Settlement Scheme Act 1954</b>		
s. 8(1) def. of <b>registration authority</b>	Registrar of Deeds	Registrar of Deeds and Transfers
<b>21. Water Agencies (Powers) Act 1984</b>		
s. 8(3)	Registrar of Deeds	Registrar of Deeds and Transfers
<b>22. Water Boards Act 1904</b>		
s. 108(1), (2) and (3), 160(b)(i)	Registrar of Deeds (each occurrence)	Registrar of Deeds and Transfers

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**Part 3** Amendments

**Division 4** References to Returned and Services League

**s. 17**

<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
<b>23. Local Government (Financial Management) Regulations 1996</b>		
r. 76(1) and (2)	Registrar of Deeds	Registrar of Deeds and Transfers

**Division 4 — References to Returned and Services League**

**17. Various written laws amended**

- (1) This section amends the written laws listed in the Table.
- (2) Amend the provisions listed in the Table as set out in the Table.

**Table**

<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
<b>1. Geraldton Sailors and Soldiers' Memorial Institute Act 1929</b>		
s. 2 def. of <i>Returned soldier</i>	“the Returned Sailors' Soldiers' and Airmen's Imperial League of Australia”.	The Returned and Services League of Australia WA Branch Incorporated.
s. 4(4), 6(c)	the Returned Sailors' Soldiers' and Airmen's Imperial League of Australia	The Returned and Services League of Australia WA Branch Incorporated
<b>2. Liquor Control Act 1988</b>		
Sch. 2. cl. 1 def. of <i>the League</i>	The Returned Services League of Australia, W.A. Branch (Incorporated);	The Returned and Services League of Australia WA Branch Incorporated;



Provision	Delete	Insert
<b>3. <i>Returned Servicemen's Badges Act 1953</i></b>		
Long title	<b>The Returned Sailors' Soldiers' and Airmen's Imperial League of Australia, W.A. Branch, Incorporated.</b>	<b>The Returned and Services League of Australia WA Branch Incorporated.</b>
s. 2 def. of <i>the League</i>	The Returned Sailors' Soldiers' and Airmen's Imperial League of Australia, W.A. Branch, Incorporated;	The Returned and Services League of Australia WA Branch Incorporated;
<b>4. <i>Western Australian Aged Sailors, Soldiers and Airmen's Relief Fund Act 1932</i></b>		
s. 2 def. of <i>the League</i>	the Returned Sailors' Soldiers' and Airmen's Imperial League of Australia, W.A. Branch, Incorporated;	The Returned and Services League of Australia WA Branch Incorporated;

<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
<b>5. War Service Land Settlement Scheme Regulations 1954</b>		
r. 24(2)(c)	the Returned Sailors, Soldiers and Airmen's Imperial League of Australia, W.A. Branch Incorporated.	The Returned and Services League of Australia WA Branch Incorporated.
r. 25, 40	the Returned Sailors, Soldiers and Airmen's Imperial League of Australia.	The Returned and Services League of Australia WA Branch Incorporated.

**Division 5 — Other amendments**

**18. Adoption Act 1994 amended**

- (1) This section amends the *Adoption Act 1994*.
- (2) Delete Schedule 1 clause 2(1) and insert:
  - (1) Subject to subclauses (2) and (3), the signing of a form of consent to adoption is to be witnessed by one of the following persons —
    - (a) a person before whom a person may make a statutory declaration under —
      - (i) the *Oaths, Affidavits and Statutory Declarations Act 2005*; or
      - (ii) the *Statutory Declarations Act 1959* (Commonwealth);
    - (b) an enrolment officer under the *Electoral Act 1907*;
    - (c) any other persons prescribed by regulations.

**19. *Bail Act 1982* amended**

- (1) This section amends the *Bail Act 1982*.
- (2) In Schedule 2 item 1:
  - (a) delete the item for s. 283;
  - (b) insert in numerical order:

s. 283                      Attempt to murder

**20. *Constitution Act 1889* amended**

- (1) This section amends the *Constitution Act 1889*.
- (2) Before Part I insert:

**Part IA — Preliminary**

**1. Short title**

This is the *Constitution Act 1889*.

- (3) Delete section 78.

**21. *Education Amendment Act 1988* amended**

- (1) This section amends the *Education Amendment Act 1988*.
- (2) Delete section 8.

**22. *Home Building Contracts Act 1991* amended**

- (1) This section amends the *Home Building Contracts Act 1991*.

- (2) In section 25A delete the definition of *residential building work* and insert:

*residential building work* means home building work that is —

- (a) home building work described in paragraph (a), (b) or (c) of the definition of that term in section 3; or
- (b) home building work described in paragraph (d) of the definition of that term in section 3, when —
  - (i) it is to be performed under a contract which also includes the performance of home building work described in paragraph (a), (b) or (c) of that definition; or
  - (ii) it is associated work of a prescribed kind,

but does not include home building work where the cost of the building work is the minimum amount or less;

**23. *Machinery of Government (Miscellaneous Amendments) Act 2006* amended**

- (1) This section amends the *Machinery of Government (Miscellaneous Amendments) Act 2006*.
- (2) Delete Part 3 Division 1.
- (3) Delete section 39(1).
- (4) Delete Part 3 Division 5.

**24. *Petroleum Legislation Amendment and Repeal Act 2005* amended**

- (1) This section amends the *Petroleum Legislation Amendment and Repeal Act 2005*.
- (2) Delete section 49(2)(a) and (4)(a).

**25. *Real Estate and Business Agents Act 1978* amended**

- (1) This section amends the *Real Estate and Business Agents Act 1978*.
- (2) In section 4(1) delete the definition of **Account**.
- (3) In section 4(1) insert in alphabetical order:

***Interest Account*** means the Board Interest Account established under section 125(1);

- (4) Amend the provisions listed in the Table as set out in the Table.

**Table**

<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
s. 68B(1) and (3), 125(2), 126, 128(1) and (2)	Account (each occurrence)	Interest Account
s. 127	Account (first and second occurrences)	Interest Account

**26. *Sentencing Act 1995* amended**

- (1) This section amends the *Sentencing Act 1995*.

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**Part 3** Amendments

**Division 5** Other amendments

**s. 26**

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(2) In Schedule 1 delete the entries for:

*Dog Act 1976*

*Fruit Growing Industry (Trust Fund) Act 1941*

*Perth Parking Management Act 1999*

(3) Amend the provisions listed in the Table as set out in the Table.

**Table**

<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
s. 9(5)(a)	is one referred to in paragraphs (a) to (d) of section 39(2); or	is one of the sentencing options in section 39(2)(a) to (d); or
s. 33G(2)(d)	any of the matters in	any matter in
s. 41(2)(b), 42(2)(b)	(other than those in paragraphs (a) or (c) of that section)	(other than a sentencing option in section 39(2)(a) or (c))
s. 60(2)	to the fund,	to the fund or account,
s. 60(7)	person or fund	person, fund or account
s. 66(2)(d), 73(2)(d), 84A(2)(d)	any of the matters in paragraphs (a), (b) or (c);	any matter in paragraph (a), (b) or (c);

<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
Sch. 1 entry for <i>Cattle Industry Compensation Act 1965</i> , <i>Real Estate and Business Agents Act 1978</i> , <i>Settlement Agents Act 1981</i> and <i>Workers' Compensation and Injury Management Act 1981</i>	Fund	Account
Sch. 1 entry for <i>Queen Elizabeth II Medical Centre Act 1966</i>	Queen	The Queen

**27. Other Acts amended**

- (1) This section amends the Acts listed in the Table.
- (2) Amend the provisions listed in the Table as set out in the Table.

**Table**

<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
<b>1. <i>Amendment of Deeds of Grant Act 1884</i></b>		
s. 3	other the owner	other owner
<b>2. <i>Biosecurity and Agriculture Management Act 2007</i></b>		
s. 186(1)(b)	30 December	31 December

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**Part 3** Amendments

**Division 5** Other amendments

**s. 27**

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<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
<b>3. Coal Miners' Welfare Act 1947</b>		
s. 10(1)	union	Council or other body
s. 10(2)	union	Union or other body
s. 12(1)	relevant union,  union becomes  union.	Council, Union or other prescribed body, as the case requires, (the <i>relevant entity</i> ),  relevant entity becomes  relevant entity.
<b>4. Criminal Investigation (Extra-territorial Offences) Act 1987</b>		
s. 8A(8)	purposes this	purposes of this
<b>5. Electricity Act 1945</b>		
s. 33B(2)	advertised (first occurrence)	advertises
<b>6. Evidence Act 1906</b>		
s. 73U(2)	stamp	
<b>7. Fines, Penalties and Infringement Notices Enforcement Act 1994</b>		
s. 3(1) def. of <i>driver's licence</i>	issued (each occurrence)	granted



<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
s. 10	driver's	drivers'
s. 22(4)(c)	court proceedings have been commenced under section 21(6)	a prosecution has been commenced under section 21(4)
s. 22(4)(c)(i)	they are,	it is,
<b>8. Government Financial Responsibility Act 2000</b>		
s. 8(1)	Australian Accounting Standard 31 (Financial Reporting by Governments).	Australian Accounting Standards Board AASB 1049 Whole of Government and General Government Sector Financial Reporting.
s. 8(2)	Australian Accounting Standard 31,	Australian Accounting Standards Board AASB 1049,
<b>9. Hospitals and Health Services Act 1927</b>		
s. 26K(c)(i)	Commissioner	CEO
<b>10. Judges' Salaries and Pensions Act 1950</b>		
s. 5(1b)	subsection (1)(c)	subsection (1)

**Statutes (Repeals and Minor Amendments) Act 2011**

**Part 3** Amendments

**Division 5** Other amendments

**s. 27**

---

<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
<b>11. Legal Profession Act 2008</b>		
s. 21(2)(c)	practical training	practical legal training
s. 42(10)	class of description	class or description
s. 52(2)	section 47(3)(a)(1),	section 47(3)(a)(i),
s. 327(1) def. of <i>Law Mutual Fund</i>	section 329(1);	section 330(1);
<b>12. Liquor Control Act 1988</b>		
s. 3(1) def. of <i>small bar licence</i>	section 41(1)(aa);	section 41(1aa);
<b>13. Magistrates Court (Civil Proceedings) Act 2004</b>		
s. 25(10)(f)	lawyer's	legal practitioner's
<b>14. Minerals and Energy Research Act 1987</b>		
s. 20(1)(a)	body know as	body known as
<b>15. Owner-Drivers (Contracts and Disputes) Act 2007</b>		
s. 3 def. of <i>gross vehicle mass</i>	section 103B(4);	section 111AB(4);
s. 33(2)	not fail to — comply with	not — fail to comply with

Provision	Delete	Insert
<b>16. Queen Elizabeth II Medical Centre Act 1966</b>		
s. 3(1) def. of <i>member</i>	means member	means a member
<b>17. Reprints Act 1984</b>		
s. 4(2)	Prerogative in relation to Queen's Counsel.	Prerogative.
<b>18. State Superannuation Act 2000</b>		
[See note at end of clause for changes to section headings]		
s. 64(2), 75U(2)	Stamp duty under the <i>Stamp Act 1921</i>	Duty under the <i>Duties Act 2008</i>
s. 64(4), 75U(4)	stamp	
<b>19. Supreme Court Act 1935</b>		
s. 11A(3)	the provisions of section 11B(4) and (5),	the <i>Judges' Retirement Act 1937</i> ,
s. 26(5)	the 3 next succeeding sections,	sections 27 and 28,
<b>20. Swan and Canning Rivers Management Act 2006</b>		
s. 22(4), (5)	Trust	chairman
s. 29(8)	section 14 —	section 13 —
s. 111(1), 113(1)	investigation purposes.	investigative purposes.

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**Part 3** Amendments

**Division 5** Other amendments

**s. 27**

---

<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
Sch. 4 item for <b>Reserve 48325</b>	Lot 13690 on Deposited Plan 220927,	Lot 351 on Deposited Plan 59844,
<b>21. Western Australian Meat Industry Authority Act 1976</b>		
s. 13	(other than the members referred to in section 8(1)(a) and (b) and the deputies of those members)	(other than the member referred to in section 8(1)(a) and the deputy of that member)
<b>22. Workers' Compensation and Injury Management Act 1981</b>		
s. 5(1) def. of <i>self-insurer</i>	means employer whom, or employer belonging	means an employer whom, or an employer belonging
s. 27	Act and in particular section 118,	Act,

Note: In the *State Superannuation Act 2000* the headings to each of the amended sections 64 and 75U are to read:

**Duty and other taxes**

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