



Western Australia

# **Animal Resources Authority Amendment and Repeal Act 2022**

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No. 12 of 2022

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# **Animal Resources Authority Amendment and Repeal Act 2022**

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Western Australia

# **Animal Resources Authority Amendment and Repeal Act 2022**

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**No. 12 of 2022**

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**An Act —**

- **to amend the *Animal Resources Authority Act 1981* to provide for the winding up of the Animal Resources Authority; and**
- **to repeal the *Animal Resources Authority Act 1981*; and**
- **to make consequential amendments to other Acts.**

[Assented to 14 April 2022]

The Parliament of Western Australia enacts as follows:

## **Part 1 — Preliminary matters**

### **1. Short title**

This is the *Animal Resources Authority Amendment and Repeal Act 2022*.

### **2. Commencement**

- (1) This Act comes into operation as follows —
  - (a) Parts 1 and 2 (other than sections 6 and 12) — on the day on which this Act receives the Royal Assent;
  - (b) sections 6 and 12 — on 30 June 2023;
  - (c) the rest of the Act — on a day fixed by proclamation.
- (2) A proclamation cannot be made under subsection (1)(c) unless the Minister is satisfied that there is no reason for the *Animal Resources Authority Act 1981* to remain in operation.

**Part 2 — *Animal Resources Authority Act 1981*  
amended**

**3. Act amended**

This Part amends the *Animal Resources Authority Act 1981*.

**4. Long title replaced**

Delete the long title and insert:

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

**5. Section 3 amended**

- (1) In section 3 delete the definitions of:

*chairman* and *deputy chairman*

*committee*

*member* and *temporary member*

- (2) In section 3 insert in alphabetical order:

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

- (3) In section 3 in the definition of *subsection* delete “occurs.” and  
insert:

occurs;

**6.            Section 3A inserted**

At the end of Part I insert:

**3A.            Application of Act limited**

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

**7.            Sections 5 to 8 replaced**

Delete sections 5 to 8 and insert:

**5.            Authority constituted by Minister**

The Authority is constituted by the Minister.

**8.            Section 9A inserted**

At the beginning of Part III insert:

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

- (1) The Authority must continue to perform its functions  
under this Act, but only for the following purposes —
  - (a) to prepare reports and financial statements,  
including the final report required under the  
*Financial Management Act 2006* Part 5  
Division 3;



- (b) to wind up its affairs (including realising its assets and discharging its liabilities) as soon as practicable but, in any case, not later than transition day.
- (2) The Authority may do all things necessary or convenient to be done for or in connection with the purposes specified in subsection (1), including executing a contract, deed or other instrument necessary for its winding up.
- (3) This section overrides sections 9 and 10 and those sections must be read as if the Authority's functions were conferred only to give effect to the purposes specified in subsection (1).

**9. Section 26 amended**

- (1) In section 26(1)(a) delete “subsections (2) and (3); or” and insert:

subsection (2); or

- (2) In section 26(1)(b) delete “member or members or”.
- (3) Delete section 26(3).

**10. Section 27 deleted**

Delete section 27.

**11.      Part 6 inserted**

After Part V insert:

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

**Division 1 — Members of Authority**

**27.      Members go out of office**

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

**12.      Part 6 Division 2 inserted**

At the end of Part 6 insert:

**Division 2 — Abolition of authority and related provisions**

**28.      Terms used**

In this Division —

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

*assets* —

- (a) means legal or equitable estates or interests (whether present or future, whether vested or contingent and whether personal or assignable)

in real or personal property of any description;  
and

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

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

**liabilities** means liabilities, duties or obligations whether actual, contingent or prospective, liquidated or unliquidated, or whether owed alone or jointly or jointly and severally with any other person;

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

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

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

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

**State tax** includes —

- (a) duty chargeable under the *Duties Act 2008*; and
- (b) any other tax, duty, fee, levy or charge under a law of the State;

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

## **29. Former Authority abolished**

On transition day, the former Authority is abolished.

**30. Staff members**

- (1) Before transition day, the Minister must, after consulting the Public Sector Commissioner —
  - (a) for each staff member, nominate a person or body in the Public Sector (the *new employer*) who will be the employing authority under the *Public Sector Management Act 1994* for the staff member on and after transition day; and
  - (b) ensure that employment by or under the new employer is arranged for each staff member.
- (2) A staff member is, on and after transition day, taken to be employed as an employee of the new employer.
- (3) Except as agreed by a staff member, a change of employment arranged under subsection (1)(a) does not —
  - (a) affect the staff member's remuneration or other terms and conditions of employment; or
  - (b) prejudice the staff member's existing or accruing rights; or
  - (c) affect any rights under a superannuation scheme; or
  - (d) interrupt the staff member's continuity of service.

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

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

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

**32. Exemption from State tax**

- (1) State tax is not payable in relation to —
  - (a) anything that occurs by the operation of this Part; or
  - (b) anything done (including a transaction entered into or an instrument or document of any kind made, executed, lodged or given) under this Part, or to give effect to this Part, or for a purpose connected with or arising out of giving effect to this Part.
- (2) The Minister may certify in writing that —
  - (a) a specified thing occurred by operation of this Part; or
  - (b) a specified thing was done under this Part, or to give effect to this Part, or for a purpose connected with or arising out of giving effect to this Part.
- (3) For all purposes and in all proceedings, a certificate under subsection (2) is sufficient evidence of the matters it certifies, unless the contrary is shown.

**33. Closure of Account**

- (1) On transition day any moneys standing to the credit of the Account must be credited to the Consolidated Account and the Account must then be closed.
- (2) The Consolidated Account must be credited with any money payable to the Account before transition day that is paid on or after that day.

**34. Agreements, instruments and documents**

- (1) A subsisting agreement, instrument or document that contains a reference to the former Authority has effect on and from transition day as if that reference were amended to be a reference to the Minister.
- (2) Subsection (1) does not apply to an agreement or instrument to which the former Authority was a party.
- (3) A subsisting agreement or instrument to which the former Authority was a party has effect on and from transition day as if —
  - (a) the Minister were substituted for the former Authority as a party to the agreement or instrument; and
  - (b) a reference to the former Authority in the agreement or instrument were amended to be a reference to the Minister.
- (4) Subsection (1) or (3)(b) does not apply to a reference if that application would be inappropriate in the context in which the reference occurs.

**35. Completion of things commenced**

Anything commenced to be done by the former Authority before transition day may be continued by

the Minister so far as the doing of that thing is within the functions of the Minister.

**36. Continuing effect of things done**

- (1) To the extent that a relevant act has force or significance on or after transition day it is taken, from that day, to have been done or omitted by, to or in respect of the Minister so far as the relevant act is relevant to the functions of the Minister.
- (2) This section does not affect the operation of any other provision of this Part.

**37. Effect on other instruments, rights and obligations**

The operation of this Part must not be regarded —

- (a) as a breach of contract or confidence or otherwise a civil wrong; or
- (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities or the disclosure of information; or
- (c) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any assets, rights or liabilities; or
- (d) as causing any contract or instrument to be void or otherwise unenforceable; or
- (e) as releasing or allowing the release of any surety.

**13. Schedule deleted**

Delete the Schedule.

## **Part 3 — Repeal and amendments to other Acts**

### **Division 1 — Repeal**

**14. *Animal Resources Authority Act 1981* repealed**

The *Animal Resources Authority Act 1981* is repealed.

### **Division 2 — Other Acts amended**

**15. *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 Animal Resources Authority.

**16. *Financial Management Act 2006* amended**

- (1) This section amends the *Financial Management Act 2006*.
- (2) In Schedule 1 delete “Animal Resources Authority”.

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