

Western Australia

**Machinery of Government (Miscellaneous  
Amendments) Act 2006**

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# Machinery of Government (Miscellaneous Amendments) Act 2006

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Western Australia

## **Machinery of Government (Miscellaneous Amendments) Act 2006**

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**No. 28 of 2006**

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**An Act to amend various Acts to facilitate the efficient and flexible organisation of the public sector, to amend various other Acts consequentially, and for related purposes.**

*[Assented to 26 June 2006]*

The Parliament of Western Australia enacts as follows:

## Part 1 — Preliminary

### 1. Short title

This is the *Machinery of Government (Miscellaneous Amendments) Act 2006*.

### 2. Commencement

- (1) Subject to this section, this Act comes into operation on a day fixed by proclamation.
- (2) Different days may be fixed under subsection (1) for different provisions.

### 3. Interpretation

In this Part —

“**commencement**” means the time at which this Act, or the relevant provision of this Act, comes into operation;

“**statutory rule**” means a regulation, rule, local law or by-law.

### 4. Regulations — power to amend certain statutory rules

- (1) The Governor, on the recommendation of the Minister, may make regulations amending a statutory rule made under an Act.
- (2) The Minister may make a recommendation under subsection (1) only if the Minister considers that each amendment proposed to be made by the regulations is consequential on the enactment of this Act.
- (3) Nothing in this section prevents a statutory rule from being amended in accordance with the Act under which it is made.

### 5. Regulations — general

The Governor may make regulations dealing with matters of a transitional nature (including matters of an application or savings nature) relating to the transition from the application of an Act amended by this Act as in force immediately before

commencement to the application of that Act as in force immediately after commencement.

## **Part 2 — Agriculture and Forestry**

### **Division 1 — Agricultural Produce Commission Act 1988**

**6. The Act amended**

The amendments in this Division are to the *Agricultural Produce Commission Act 1988*\*.

[\* Reprinted as at 5 April 2002.

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 11 and Act No. 59 of 2004.]*

**7. Section 7 amended**

Section 7(2) is amended by deleting “at the Treasury forming” and inserting instead —

“ as ”.

### **Division 2 — Agriculture and Related Resources Protection Act 1976**

**8. The Act amended**

The amendments in this Division are to the *Agriculture and Related Resources Protection Act 1976*\*.

[\* Reprinted as at 15 October 1999.

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 13.]*

**9. Section 65 amended**

Section 65(1) is amended as follows:

(a) by inserting after “61” —

“

and any other money lawfully received by, made available to or payable to the Protection Board

”;

(b) by deleting “to be kept in the Treasury”.

**10. Section 94 amended**

Section 94(1)(b)(iv) is deleted and the following subparagraph is inserted instead —

“

(iv) the CEO as defined in section 3 of the *Conservation and Land Management Act 1984*, that any person is registered as the holder of a permit, licence or lease under Part VIII of that Act,

”.

**Division 3 — Cattle Industry Compensation Act 1965**

**11. The Act amended**

The amendments in this Division are to the *Cattle Industry Compensation Act 1965*\*.

[\* *Reprinted as at 20 August 1999.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 53-4.]*

**12. Section 21 amended**

Section 21(1) is amended by deleting “and kept at the Treasury, forming” and inserting instead —

“ , as ”.

**Division 4 — Forest Products Act 2000**

**13. The Act amended**

The amendments in this Division are to the *Forest Products Act 2000*\*.

[\* *Act No. 34 of 2000.*

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2004, Table 1, p. 177.]*

**14. Section 3 amended**

Section 3 is amended as follows:

- (a) by inserting the following definitions in the appropriate alphabetical positions —

“

“**CALM Act CEO**” has the meaning given to “CEO”  
by section 3 of the CALM Act;

“**CALM Act Department**” has the meaning given to  
“Department” by section 3 of the CALM Act;

”;

- (b) in the definition of “departmental land” in paragraph (c)  
by deleting “Executive Director” and inserting  
instead —

“ CALM Act CEO ”;

- (c) by deleting the definitions of “Department” and  
“Executive Director”.

**15. Section 6 amended**

Section 6(3)(c) is amended by deleting “Department” and  
inserting instead —

“ CALM Act Department ”.

**16. Section 10 amended**

Section 10(1) is amended as follows:

- (a) in paragraph (l) by deleting “Department” and inserting  
instead —

“ CALM Act CEO ”;

- (b) in paragraph (l) by deleting “the Department’s” and  
inserting instead —

“ that CEO’s ”;

(c) in paragraph (m) by deleting “Department” and inserting instead —

“ CALM Act CEO ”.

**17. Section 42 amended**

Section 42(2)(d) is amended by deleting “Department” and inserting instead —

“ CALM Act CEO ”.

**18. Section 57 amended**

Section 57(2)(a)(ii) and (c) are amended by deleting “Department’s” and inserting instead —

“ CALM Act CEO’s ”.

**19. Section 59 amended**

Section 59(1)(b) and (c) are amended by deleting “Department” and inserting instead —

“ CALM Act CEO ”.

**20. Various references to Executive Director changed to CALM Act CEO**

Each provision listed in the Table to this section is amended by deleting “Executive Director” in each place where it occurs and inserting instead —

“ CALM Act CEO ”.

**Table**

s. 6(3)(c)	s. 57(2)(a) and (b)
s. 10(1)(e), (k) and (o) and (3)(e)	s. 59(1)(d) and (2)

**Division 5 — Marketing of Potatoes Act 1946**

**21. The Act amended**

The amendments in this Division are to the *Marketing of Potatoes Act 1946*\*.

[\* *Reprinted as at 7 January 2000.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 275-6.]*

**22. Section 22B amended**

- (1) Section 22B(5) is amended by deleting “Commissioner for Health” and inserting instead —

“ CEO (Health) ”.

- (2) After section 22B(9) the following subsection is inserted —

“

- (10) In this section —

“**CEO (Health)**” has the meaning given to “CEO” by section 3 of the *Health Legislation Administration Act 1984*.

”.

**Division 6 — Plant Pests and Diseases (Eradication Funds) Act 1974**

**23. The Act amended**

The amendments in this Division are to the *Plant Pests and Diseases (Eradication Funds) Act 1974*\*.

[\* *Reprint 2 as at 12 December 2003.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 345.]*



**24. Sections 5 and 8A amended**

Sections 5(1) and 8A(1) are amended by deleting “and kept at the Treasury, forming” and inserting instead —

“ , as ”.

**Division 7 — *Soil and Land Conservation Act 1945***

**25. The Act amended**

The amendments in this Division are to the *Soil and Land Conservation Act 1945*\*.

[\* *Reprint 6 as at 3 October 2003.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 416.]*

**26. Section 4 amended**

Section 4 is amended in the definition of “Public Authority” in paragraph (f) by deleting “Executive Director within the meaning” and inserting instead —

“ CEO as defined in section 3 ”.

**27. Section 25C amended**

Section 25C(1) is amended by deleting “at the Treasury, forming” and inserting instead —

“ , as ”.

**Division 8 — *Tree Plantation Agreements Act 2003***

**28. The Act amended**

The amendments in this Division are to the *Tree Plantation Agreements Act 2003*\*.

[\* *Act No. 39 of 2003.*]

**29. Section 4 amended**

- (1) Section 4(2)(a) and (b) are amended by deleting “Executive Director of the Department of Conservation and Land Management” and inserting instead —

“ CALM Act CEO ”.

- (2) After section 4(2) the following subsection is inserted —

“

- (3) In this section —

“**CALM Act CEO**” has the meaning given to “CEO”  
by section 3 of the *Conservation and Land  
Management Act 1984*.

”.

## **Part 3 — Attorney General, and Justice**

### **Division 1 — *Bail Act 1982***

#### **30. The Act amended**

The amendments in this Division are to the *Bail Act 1982*\*.

[\* *Reprint 5 as at 1 April 2005.*

*For subsequent amendments see Acts Nos. 45, 59 and 84 of 2004.]*

#### **31. Section 3 amended**

(1) Section 3(1) is amended as follows:

- (a) by inserting the following definitions in the appropriate alphabetical positions —

“

“**CEO**” means the chief executive officer of the Department;

“**Department**” means the department of the Public Service principally assisting in the administration of this Act;

”;

- (b) in the definition of “authorised community services officer” in paragraph (a) by deleting “(Justice)” in both places where it occurs;

- (c) by deleting the definition of “CEO (Justice)”.

(2) Section 3(5) is amended by deleting “department of which he is the chief executive officer” and inserting instead —

“ Department ”.

**32. Section 66A amended**

Section 66A(2) is amended by deleting “department of which the CEO (Justice) is the chief executive officer” and inserting instead —

“ Department ”.

**33. Various references to CEO (Justice) changed to CEO**

Each provision listed in the Table to this section is amended by deleting “CEO (Justice)” in each place where it occurs and inserting instead —

“ CEO ”.

**Table**

s. 3(5)	s. 50E
s. 24A(4)	s. 50F(1), (3), (4) and (5)
s. 27A	s. 50H
s. 50A	s. 50J
s. 50C(4)(a) and (b)	s. 50L(1)
s. 50D(1)(a)	Sch. 1 Part D cl. 3(3)(e)

Note: The headings to sections 27A, 50A, 50E, 50F and 50J will be altered by deleting “(Justice)”.

**Division 2 — Evidence Act 1906**

**34. The Act amended**

The amendments in this Division are to the *Evidence Act 1906*\*.

[\* *Reprint 12 as at 10 October 2003.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 151.]*

**35. Section 61 amended**

Section 61 is amended as follows:

- (a) by deleting “Head of any department of the Government” and inserting instead —

“

chief executive officer of any department of the Public Service

”;

- (b) by deleting “or board” in the first place where it occurs and inserting instead —

“ , listed ”;

- (c) by deleting “board” in the second place where it occurs and inserting instead —

“ body ”.

**36. Section 106A amended**

Section 106A is amended in the definition of “accused” in paragraph (a)(i) by deleting “of the department established under section 4 of the *Community Services Act 1972*” and inserting instead —

“

as defined in section 3 of the *Children and Community Services Act 2004*

”.

**37. The Fifth Schedule amended**

The Fifth Schedule is amended by deleting all the items from and including the item relating to the Lands and Surveys Department and inserting instead —

“

Any department of the Public Service

The chief executive officer of that department

Any body, whether incorporated or not, that is established for a public purpose by a written law	The chief executive officer, the chief employee, the chairman or the secretary (whichever is relevant) of the body
The Police Force	The Commissioner of Police

”.

### **Division 3 — Juries Act 1957**

#### **38. The Act amended**

The amendments in this Division are to the *Juries Act 1957*\*.

[\* Reprinted as at 3 July 2000.

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 232.]*

#### **39. Second Schedule amended**

- (1) The Second Schedule Part I item 2(i) is deleted and the following item is inserted instead —

“

- (i) Officer or employee of the department of the Public Service principally assisting in the administration of this Act, other than an officer in the Public Trust Office;

”.

- (2) The Second Schedule Part I item 2(1) is deleted and the following item is inserted instead —

“

- (1) Officer or employee of the department of the Public Service principally assisting in the administration of the *Police Act 1892*;

”.

**Division 4 — Professional Standards Act 1997**

**40. The Act amended**

The amendments in this Division are to the *Professional Standards Act 1997*\*.

[\* Act No. 22 of 1997.

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 360 and Act No. 25 of 2004.]*

**41. Section 16 amended**

Section 16(2) is amended as follows:

- (a) by deleting “at either”;
- (b) in paragraph (a) by deleting “the Treasury and”;
- (c) in paragraph (b) by inserting before “a bank” —  
“ at ”.

**Division 5 — Spent Convictions Act 1988**

**42. The Act amended**

The amendments in this Division are to the *Spent Convictions Act 1988*\*.

[\* Reprinted as at 1 September 2000.

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 418-9.]*

**43. Schedule 3 amended**

Schedule 3 clause 1 item 10 of the Table is amended by deleting “Community and Juvenile Justice Division or the Prisons Division of the Department of Justice” and inserting instead —

“

department of the Public Service principally  
assisting in the administration of this Act

”.

**Division 6 — Statutory Corporations (Liability of Directors)  
Act 1996**

**44. The Act amended**

The amendments in this Division are to the *Statutory Corporations (Liability of Directors) Act 1996*\*.

[\* *Reprint 3 as at 7 November 2003.*  
*For subsequent amendments see Western Australian  
Legislation Information Tables for 2004, Table 1, p. 431.*]

**45. Schedule 1 amended**

Schedule 1 is amended by deleting the item relating to the State Housing Commission.

**Division 7 — Suitors’ Fund Act 1964**

**46. The Act amended**

The amendments in this Division are to the *Suitors’ Fund Act 1964*\*.

[\* *Reprinted as at 29 October 1999.*  
*For subsequent amendments see Western Australian  
Legislation Information Tables for 2004, Table 1, p. 438.*]

**47. Section 4 amended**

- (1) Section 4(1) is amended by deleting “and kept at the Treasury, forming” and inserting instead —

“ , as ”.

- (2) Section 4(2) is repealed and the following subsection is inserted instead —



“

- (2) The following shall be credited to the Fund —
- (a) the amounts referred to in section 6(2);
  - (b) any other moneys lawfully received by, made available to, or payable to the Board.

”.

## **Part 4 — Consumer and Employment Protection**

### **Division 1 — Associations Incorporation Act 1987**

#### **48. The Act amended**

The amendments in this Division are to the *Associations Incorporation Act 1987*\*.

[\* Reprinted as at 20 August 1999.

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2004, Table 1, p. 28.]*

#### **49. Section 3 amended**

Section 3(1) is amended as follows:

- (a) by inserting the following definition in the appropriate alphabetical position —

“

**“Department”** means the department of the Public Service principally assisting in the administration of this Act;

”;

- (b) by deleting the definition of “Commissioner” and inserting instead —

“

**“Commissioner”** means the person for the time being designated as the Commissioner under section 39A;

”.

**50. Sections 39A to 39E inserted**

After section 39 the following sections are inserted in Part VII —

“

**39A. Commissioner**

- (1) The Minister is required, by notice published in the *Gazette*, to designate a person who is an executive officer of the Department as the Commissioner for the purposes of this Act.
- (2) The Commissioner may be referred to by a title specified by the Minister by notice published in the *Gazette*.
- (3) In this section —  
“**executive officer**” has the meaning given by section 3(1) of the *Public Sector Management Act 1994*.

**39B. Delegation by Commissioner**

- (1) The Commissioner may delegate to any other person employed in the Department any power or duty of the Commissioner under another provision of this Act.
- (2) The delegation must be in writing signed by the Commissioner.
- (3) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- (4) A person exercising or performing a power or duty that has been delegated to the person under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.

- (5) Nothing in this section limits the ability of the Commissioner to perform a function through an officer or agent.

**39C. Information officially obtained to be confidential**

- (1) A person who misuses information obtained by reason of any function that person has, or at any time had, in the administration of this Act, or the repealed Act, commits an offence.

Penalty: \$20 000.

- (2) A person misuses information if it is, directly or indirectly, recorded, used, or disclosed to another person, other than —
- (a) in the course of duty;
  - (b) under this Act;
  - (c) for the purposes of the investigation of any suspected offence or the conduct of proceedings against any person for an offence;
  - (d) in a manner that could not reasonably be expected to lead to the identification of any person to whom the information refers; or
  - (e) with the consent of the person to whom the information relates, or each of them if there is more than one.

- (3) In this section —  
“**information**” means information concerning the affairs of a person.

**39D. Protection from liability for wrongdoing**

- (1) A person is not liable for anything that the person has, in good faith, done in the performance or purported performance of a function under this Act, or the repealed Act.

- (2) The State is also relieved of any liability that it might otherwise have had for another person having done anything as described in subsection (1).
- (3) The protection given by this section applies even though the thing done as described in subsection (1) may have been capable of being done whether or not this Act had been enacted.
- (4) In this section, a reference to the doing of anything includes a reference to an omission to do anything.

**39E. Judicial notice**

All courts, judges and persons acting judicially shall take judicial notice of the official signature of every person who is for the time being and every person who has at any time been the Commissioner and of the fact that such person holds or has held such office.

”.

**Division 2 — Builders' Registration Act 1939**

**51. The Act amended**

The amendments in this Division are to the *Builders' Registration Act 1939*\*.

[\* *Reprinted as at 11 January 2002.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 44.]*

**52. Section 4A amended**

Section 4A(5) is amended by deleting “Commissioner for Fair Trading appointed under section 15” and inserting instead —

“ Commissioner as defined in section 4(1) ”.

**53. Section 37 amended**

Section 37(3) is amended by deleting “Commissioner for Fair Trading referred to in section 15” and inserting instead —

“ Commissioner as defined in section 4(1) ”.

**Division 3 — *Business Names Act 1962***

**54. The Act amended**

The amendments in this Division are to the *Business Names Act 1962*\*.

[\* *Reprinted as at 16 February 2001.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 49.]*

**55. Section 4 amended**

Section 4(1) is amended as follows:

- (a) by inserting the following definition in the appropriate alphabetical position —

“

“**Department**” means the department of the Public Service principally assisting in the administration of this Act;

”;

- (b) by deleting the definition of “Commissioner” and inserting instead —

“

“**Commissioner**” means the person for the time being designated as the Commissioner under section 4AA;

”.

**56. Section 4AA inserted**

After section 4 the following section is inserted —

“

**4AA. Commissioner**

- (1) The Minister is required, by notice published in the *Gazette*, to designate a person who is an executive officer of the Department as the Commissioner for the purposes of this Act.
- (2) The Commissioner may be referred to by a title specified by the Minister by notice published in the *Gazette*.
- (3) In this section —  
“**executive officer**” has the meaning given by section 3(1) of the *Public Sector Management Act 1994*.

”.

**57. Sections 31A to 31D inserted**

After section 31 the following sections are inserted —

“

**31A. Delegation by Commissioner**

- (1) The Commissioner may delegate to any other person employed in the Department any power or duty of the Commissioner under another provision of this Act.
- (2) The delegation must be in writing signed by the Commissioner.
- (3) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- (4) A person exercising or performing a power or duty that has been delegated to the person under this section is to

be taken to do so in accordance with the terms of the delegation unless the contrary is shown.

- (5) Nothing in this section limits the ability of the Commissioner to perform a function through an officer or agent.

**31B. Information officially obtained to be confidential**

- (1) A person who misuses information obtained by reason of any function that person has, or at any time had, in the administration of this Act commits an offence.

Penalty: \$20 000.

- (2) A person misuses information if it is, directly or indirectly, recorded, used, or disclosed to another person, other than —
- (a) in the course of duty;
  - (b) under this Act;
  - (c) for the purposes of the investigation of any suspected offence or the conduct of proceedings against any person for an offence;
  - (d) in a manner that could not reasonably be expected to lead to the identification of any person to whom the information refers; or
  - (e) with the consent of the person to whom the information relates, or each of them if there is more than one.
- (3) In this section —
- “information”** means information concerning the affairs of a person.



**31C. Protection from liability for wrongdoing**

- (1) A person is not liable for anything that the person has, in good faith, done in the performance or purported performance of a function under this Act.
- (2) The State is also relieved of any liability that it might otherwise have had for another person having done anything as described in subsection (1).
- (3) The protection given by this section applies even though the thing done as described in subsection (1) may have been capable of being done whether or not this Act had been enacted.
- (4) In this section, a reference to the doing of anything includes a reference to an omission to do anything.

**31D. Application of certain provisions of the *Consumer Affairs Act 1971***

Sections 19, 20, 21, 22 and 23A of the *Consumer Affairs Act 1971* apply, with such modifications as are necessary, to and in relation to the functions of the Commissioner and persons and matters affected by the exercise of those functions as if the sections were part of this Act.

”.

**Division 4 — *Chattel Securities Act 1987***

**58. The Act amended**

The amendments in this Division are to the *Chattel Securities Act 1987*\*.

[\* *Reprinted as at 13 December 2002.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 57.]*

**59. Section 3 amended**

Section 3(1) is amended as follows:

- (a) by inserting the following definition in the appropriate alphabetical position —

“

“**Department**” means the department of the Public Service principally assisting in the administration of this Act;

”;

- (b) by deleting the definition of “Commissioner” and inserting instead —

“

“**Commissioner**” means the person for the time being designated as the Commissioner under section 3A;

”.

**60. Section 3A inserted**

After section 3 the following section is inserted in Part I —

“

**3A. Commissioner**

- (1) The Minister is required, by notice published in the *Gazette*, to designate a person who is an executive officer of the Department as the Commissioner for the purposes of this Act.
- (2) The Commissioner may be referred to by a title specified by the Minister by notice published in the *Gazette*.
- (3) In this section —
- “**executive officer**” has the meaning given by section 3(1) of the *Public Sector Management Act 1994*.

”.

**61. Heading to Part IV inserted**

After section 28 the following heading is inserted —

“

**Part IV — Miscellaneous**

”

**62. Sections 30A to 30D inserted**

After section 30 the following sections are inserted —

“

**30A. Delegation by Commissioner**

- (1) The Commissioner may delegate to any other person employed in the Department any power or duty of the Commissioner under another provision of this Act.
- (2) The delegation must be in writing signed by the Commissioner.
- (3) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- (4) A person exercising or performing a power or duty that has been delegated to the person under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (5) Nothing in this section limits the ability of the Commissioner to perform a function through an officer or agent.

**30B. Information officially obtained to be confidential**

- (1) A person who misuses information obtained by reason of any function that person has, or at any time had, in the administration of this Act commits an offence.

Penalty: \$20 000.

- (2) A person misuses information if it is, directly or indirectly, recorded, used, or disclosed to another person, other than —
- (a) in the course of duty;
  - (b) under this Act;
  - (c) for the purposes of the investigation of any suspected offence or the conduct of proceedings against any person for an offence;
  - (d) in a manner that could not reasonably be expected to lead to the identification of any person to whom the information refers; or
  - (e) with the consent of the person to whom the information relates, or each of them if there is more than one.
- (3) In this section —
- “information”** means information concerning the affairs of a person.

**30C. Protection from liability for wrongdoing**

- (1) Subject to sections 24 and 25, a person is not liable for anything that the person has, in good faith, done in the performance or purported performance of a function under this Act.
- (2) Subject to sections 24 and 25, the State is also relieved of any liability that it might otherwise have had for another person having done anything as described in subsection (1).
- (3) The protection given by this section applies even though the thing done as described in subsection (1) may have been capable of being done whether or not this Act had been enacted.

- (4) In this section, a reference to the doing of anything includes a reference to an omission to do anything.

**30D. Application of certain provisions of the *Consumer Affairs Act 1971***

Sections 19, 20, 21, 22 and 23A of the *Consumer Affairs Act 1971* apply, with such modifications as are necessary, to and in relation to the functions of the Commissioner and persons and matters affected by the exercise of those functions as if the sections were part of this Act.

”.

**Division 5 — *Companies (Co-operative) Act 1943***

**63. The Act amended**

The amendments in this Division are to the *Companies (Co-operative) Act 1943*\*.

[\* *Reprinted as at 14 January 2000.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 74.]*

**64. Section 3 amended**

Section 3 is amended as follows:

- (a) by inserting the following definition in the appropriate alphabetical position —

“

**“Department”** means the department of the Public Service principally assisting in the administration of this Act.

”;

- (b) by deleting the definition of “Registrar” and inserting instead —

“

“**Registrar**” means the person for the time being designated as the Registrar under section 3A.

”.

**65. Division 1A inserted**

After section 3 the following Division is inserted —

“

**Division 1A — Administration**

**3A. Registrar**

- (1) The Minister is required, by notice published in the *Gazette*, to designate a person who is an executive officer of the Department as the Registrar for the purposes of this Act.
- (2) The Registrar may be referred to by a title specified by the Minister by notice published in the *Gazette*.
- (3) In this section —  
“**executive officer**” has the meaning given by section 3(1) of the *Public Sector Management Act 1994*.

**3B. Delegation by Registrar**

- (1) The Registrar may delegate to any other person employed in the Department any power or duty of the Registrar under another provision of this Act.
- (2) The delegation must be in writing signed by the Registrar.
- (3) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- (4) A person exercising or performing a power or duty that has been delegated to the person under this section is to

be taken to do so in accordance with the terms of the delegation unless the contrary is shown.

- (5) Nothing in this section limits the ability of the Registrar to perform a function through an officer or agent.

**3C. Information officially obtained to be confidential**

- (1) A person who misuses information obtained by reason of any function that person has, or at any time had, in the administration of this Act commits an offence.

Penalty: \$20 000.

- (2) A person misuses information if it is, directly or indirectly, recorded, used, or disclosed to another person, other than —
- (a) in the course of duty;
  - (b) under this Act;
  - (c) for the purposes of the investigation of any suspected offence or the conduct of proceedings against any person for an offence;
  - (d) in a manner that could not reasonably be expected to lead to the identification of any person to whom the information refers; or
  - (e) with the consent of the person to whom the information relates, or each of them if there is more than one.
- (3) In this section —
- “information”** means information concerning the affairs of a person.

**3D. Protection from liability for wrongdoing**

- (1) A person is not liable for anything that the person has, in good faith, done in the performance or purported performance of a function under this Act.
- (2) The State is also relieved of any liability that it might otherwise have had for another person having done anything as described in subsection (1).
- (3) The protection given by this section applies even though the thing done as described in subsection (1) may have been capable of being done whether or not this Act had been enacted.
- (4) In this section, a reference to the doing of anything includes a reference to an omission to do anything.

**3E. Judicial notice**

All courts, judges and persons acting judicially shall take judicial notice of the official signature of every person who is for the time being and every person who has at any time been the Registrar and of the fact that such person holds or has held such office.

”.

**66. Section 391 repealed and consequential amendments**

- (1) Section 391 is repealed.
- (2) Sections 25(1), 26(1)(b), 30(6), 319, 329(1)(d), 331(1) and (3), 373(d) and (g) and 392(2) are amended by deleting “and seal”.

**Division 6 — *Competition Policy Reform (Western Australia) Act 1996***

**67. The Act amended**

The amendments in this Division are to the *Competition Policy Reform (Western Australia) Act 1996*\*.



[\* Reprinted as at 6 July 2001.

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2004, Table 1, p. 75-6.]*

**68. Section 45 amended**

Section 45 is amended by deleting the definition of  
“Commissioner” and inserting instead —

“

**“Commissioner”** means the person for the time being  
designated as the Commissioner under section 58;

”.

**69. Division 5 inserted**

After section 57 the following Division is inserted —

“

**Division 5 — Commissioner**

**58. Commissioner**

- (1) The Minister is required, by notice published in the *Gazette*, to designate a person who is an executive officer of the Department as the Commissioner for the purposes of this Part.
- (2) The Commissioner may be referred to by a title specified by the Minister by notice published in the *Gazette*.
- (3) In this section —  
**“executive officer”** has the meaning given by section 3(1) of the *Public Sector Management Act 1994*.

**59. Delegation by Commissioner**

- (1) The Commissioner may delegate to any other person employed in the Department any power or duty of the Commissioner under another provision of this Part.

- (2) The delegation must be in writing signed by the Commissioner.
- (3) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- (4) A person exercising or performing a power or duty that has been delegated to the person under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (5) Nothing in this section limits the ability of the Commissioner to perform a function through an officer or agent.

**60. Information officially obtained to be confidential**

- (1) A person who misuses information obtained by reason of any function that person has, or at any time had, in the administration of this Part commits an offence.  
Penalty: \$20 000.
- (2) A person misuses information if it is, directly or indirectly, recorded, used, or disclosed to another person, other than —
  - (a) in the course of duty;
  - (b) under this Act;
  - (c) for the purposes of the investigation of any suspected offence or the conduct of proceedings against any person for an offence;
  - (d) in a manner that could not reasonably be expected to lead to the identification of any person to whom the information refers; or
  - (e) with the consent of the person to whom the information relates, or each of them if there is more than one.

- (3) In this section —  
“**information**” means information concerning the affairs of a person.

**61. Protection from liability for wrongdoing**

- (1) A person is not liable for anything that the person has, in good faith, done in the performance or purported performance of a function under this Part.
- (2) The State is also relieved of any liability that it might otherwise have had for another person having done anything as described in subsection (1).
- (3) The protection given by this section applies even though the thing done as described in subsection (1) may have been capable of being done whether or not this Part had been enacted.
- (4) In this section, a reference to the doing of anything includes a reference to an omission to do anything.

**62. Judicial notice**

All courts, judges and persons acting judicially shall take judicial notice of the official signature of every person who is for the time being and every person who has at any time been the Commissioner and of the fact that such person holds or has held such office.

”.

**Division 7 — Consumer Affairs Act 1971**

**70. The Act amended**

The amendments in this Division are to the *Consumer Affairs Act 1971*\*.

[\* *Reprint 4 as at 9 July 2004.*

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2004, Table 1, p. 91.]*

**71. Long title amended**

The long title is amended by deleting “appointment of a Commissioner for Fair Trading” and inserting instead —

“ **protection of the interests of consumers** ”.

**72. Section 4 amended**

Section 4(1) is amended by deleting the definition of “Commissioner” and inserting instead —

“

“**Commissioner**” means the person for the time being designated as the Commissioner under section 15;

”.

**73. Section 5 amended**

Section 5(2) is amended by deleting “the person for the time being holding the office of” .

**74. Heading to Part III replaced**

The heading to Part III is deleted and the following heading is inserted instead —

“

**Part III — Administrative provisions**

”.

**75. Sections 15 to 17 replaced**

Sections 15, 15A and 17 are repealed and the following sections are inserted instead —

“

**15. Commissioner**

- (1) The Minister is required, by notice published in the *Gazette*, to designate a person who is an executive officer of the Department as the Commissioner for the purposes of this Act.
- (2) The Commissioner may be referred to by a title specified by the Minister by notice published in the *Gazette*.
- (3) In this section —  
“**executive officer**” has the meaning given by section 3(1) of the *Public Sector Management Act 1994*.

**16. Functions of the Commissioner**

- (1) The functions of the Commissioner include —
  - (a) to promote the interests of consumers and to assist them to a greater awareness in relation to their assessment and use of goods and services;
  - (b) to collect, collate and disseminate information in respect of matters affecting the interests of consumers;
  - (c) to receive complaints from consumers concerning matters affecting their interests as consumers, to consider and, if the Commissioner considers it warranted, to investigate those complaints and to take such action in respect of those complaints as seems proper to the Commissioner;
  - (d) to receive complaints of fraudulent or deceptive practices in relation to matters that affect or are likely to affect the interests of consumers and to make such investigations and inquiries and to

take such other action in respect of those complaints as seems proper to the Commissioner;

- (e) to advise and assist consumers who seek from the Commissioner information or guidance on matters affecting their interests as consumers;
  - (f) to encourage and undertake the dissemination of information concerning consumer affairs to producers, manufacturers and suppliers of goods or services;
  - (g) to perform such other functions as are imposed on the Commissioner by this Act or any other Act.
- (2) Without limiting the generality of subsection (1), the Commissioner is to —
- (a) make such recommendations to the Minister as the Commissioner considers necessary or desirable in the interests of consumers and in particular investigate and make recommendations to the Minister in relation to any matters that concern the need for or desirability of legislative or administrative action in the interests of consumers;
  - (b) advise the Minister on such matters affecting the interests of consumers as the Minister may refer to the Commissioner;
  - (c) make recommendations to the Minister for the establishment and maintenance of means by which —
    - (i) matters that affect the interests of consumers and of persons engaged in the production, manufacture, preparation or supply of goods or in commerce or in the provision of

services may receive adequate consideration; and

- (ii) information concerning those matters and considerations may be disseminated at large.

- (3) The Commissioner may cooperate, associate or consult with organisations that have the power to make investigations of the nature referred to in subsection (2)(a).

**17. Power of Commissioner to publish warnings about unsatisfactory or dangerous goods and services etc.**

- (1) The Commissioner may publish (in any form) a statement identifying and giving warnings or information about any of the following —
  - (a) goods that are unsatisfactory or dangerous and persons who supply or are likely to supply those goods;
  - (b) services supplied in an unsatisfactory or dangerous manner and persons who supply or are likely to supply those services;
  - (c) unfair business practices and persons who engage or are likely to engage in those practices;
  - (d) any other matter which adversely affects or may adversely affect the interests of consumers in connection with the acquisition by them of goods or services.
- (2) A statement under subsection (1) may identify particular goods, services, business practices and persons.

- (3) The Commissioner is not to make or issue a statement under this section unless satisfied that it is in the public interest to do so.

”.

**76. Section 23 replaced**

Section 23 is repealed and the following section is inserted instead —

“

**23. Delegation by Commissioner**

- (1) The Commissioner may delegate to any other person employed in the Department any power or duty of the Commissioner under a provision of this or any other Act, other than this power of delegation.
- (2) The delegation must be in writing signed by the Commissioner.
- (3) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- (4) A person exercising or performing a power or duty that has been delegated to the person under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (5) Nothing in this section limits the ability of the Commissioner to perform a function through an officer or agent.

”.



**77. Section 24 replaced**

Section 24 is repealed and the following section is inserted instead —

“

**24. Information officially obtained to be confidential**

- (1) A person who misuses information obtained by reason of any function that person has, or at any time had, under or in accordance with this Act or any other Act commits an offence.

Penalty: \$20 000.

- (2) A person misuses information if it is, directly or indirectly, recorded, used, or disclosed to another person, other than —
- (a) in the course of duty;
  - (b) under this Act or any other Act;
  - (c) for the purposes of the investigation of any suspected offence or the conduct of proceedings against any person for an offence;
  - (d) in a manner that could not reasonably be expected to lead to the identification of any person to whom the information refers; or
  - (e) with the consent of the person to whom the information relates, or each of them if there is more than one.

- (3) In this section —

**“information”** means information concerning the affairs of a person.

”.

**78. Section 25 amended**

(1) Section 25 is amended as follows:

- (a) by inserting before “Subject” the subsection designation “(1)”;
- (b) in paragraph (b) by inserting after “statement” —  
“ made or ”;
- (c) by inserting after “operations of the Committee or of the Department” —

“

or the administration of this Act or the *Fair Trading Act 1987*

”.

(2) At the end of section 25 the following subsections are inserted —

“

- (2) No liability is incurred by a person for publishing in good faith —
  - (a) a statement referred to in subsection (1)(b); or
  - (b) a fair report or summary of such a statement.
- (3) In this section —  
“**liability**” includes liability for defamation.

”.

**Division 8 — *Co-operative and Provident Societies Act 1903***

**79. The Act amended**

The amendments in this Division are to the *Co-operative and Provident Societies Act 1903*\*.

[\* *Reprinted as at 7 September 2001.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 66-7.]*

**80. Section 2 amended**

Section 2 is amended as follows:

- (a) by inserting the following definitions in the appropriate alphabetical positions —

“

**“Department”** means the department of the Public Service principally assisting in the administration of this Act;

**“Registrar”** means the person for the time being designated as the Registrar under section 67;

”;

- (b) in the definition of “The Minister” by deleting “being;” and inserting instead —

“ being. ”;

- (c) by deleting the definition of “The Registrar”.

**81. Sections 67 to 71 inserted**

After section 66 the following sections are inserted —

“

**67. Registrar**

- (1) The Minister is required, by notice published in the *Gazette*, to designate a person who is an executive officer of the Department as the Registrar for the purposes of this Act.
- (2) The Registrar may be referred to by a title specified by the Minister by notice published in the *Gazette*.
- (3) In this section —

**“executive officer”** has the meaning given by section 3(1) of the *Public Sector Management Act 1994*.

**68. Delegation by Registrar**

- (1) The Registrar may delegate to any other person employed in the Department any power or duty of the Registrar under another provision of this Act.
- (2) The delegation must be in writing signed by the Registrar.
- (3) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- (4) A person exercising or performing a power or duty that has been delegated to the person under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (5) Nothing in this section limits the ability of the Registrar to perform a function through an officer or agent.

**69. Information officially obtained to be confidential**

- (1) A person who misuses information obtained by reason of any function that person has, or at any time had, in the administration of this Act commits an offence.  
Penalty: \$20 000.
- (2) A person misuses information if it is, directly or indirectly, recorded, used, or disclosed to another person, other than —
  - (a) in the course of duty;
  - (b) under this Act;
  - (c) for the purposes of the investigation of any suspected offence or the conduct of proceedings against any person for an offence;

- (d) in a manner that could not reasonably be expected to lead to the identification of any person to whom the information refers; or
- (e) with the consent of the person to whom the information relates, or each of them if there is more than one.

- (3) In this section —  
“**information**” means information concerning the affairs of a person.

**70. Protection from liability for wrongdoing**

- (1) A person is not liable for anything that the person has, in good faith, done in the performance or purported performance of a function under this Act.
- (2) The State is also relieved of any liability that it might otherwise have had for another person having done anything as described in subsection (1).
- (3) The protection given by this section applies even though the thing done as described in subsection (1) may have been capable of being done whether or not this Act had been enacted.
- (4) In this section, a reference to the doing of anything includes a reference to an omission to do anything.

**71. Judicial notice**

All courts, judges and persons acting judicially shall take judicial notice of the official signature of every person who is for the time being and every person who has at any time been the Registrar and of the fact that such person holds or has held such office.

”.

**Division 9 — Credit Act 1984**

**82. The Act amended**

The amendments in this Division are to the *Credit Act 1984*\*.

[\* *Reprinted as at 6 April 2001.*

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2004, Table 1, p. 103-4.]*

**83. Section 5 amended**

Section 5(1) is amended as follows:

- (a) by inserting the following definition in the appropriate alphabetical position —

“

“**Department**” has the meaning given by section 4 of the *Credit (Administration) Act 1984*;

”;

- (b) by deleting the definition of “Commissioner” and inserting instead —

“

“**Commissioner**” has the meaning given by section 4 of the *Credit (Administration) Act 1984*;

”.

**Division 10 — Credit (Administration) Act 1984**

**84. The Act amended**

The amendments in this Division are to the *Credit (Administration) Act 1984*\*.

[\* *Reprint 2 as at 6 August 2004.*

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2004, Table 1, p. 103.]*

**85. Section 4 amended**

Section 4 is amended as follows:

- (a) by inserting the following definition in the appropriate alphabetical position —

“

“**Department**” means the department of the Public Service principally assisting in the administration of this Act;

”;

- (b) by deleting the definition of “Commissioner” and inserting instead —

“

“**Commissioner**” means the person for the time being designated as the Commissioner under section 53;

”.

**86. Section 10 amended**

Section 10(3) is amended by deleting “for Fair Trading” in the 3 places where it occurs.

**87. Section 53 replaced**

Section 53 is repealed and the following sections are inserted instead —

“

**53. Commissioner**

- (1) The Minister is required, by notice published in the *Gazette*, to designate a person who is an executive officer of the Department as the Commissioner for the purposes of the cognate Acts.
- (2) The Commissioner may be referred to by a title specified by the Minister by notice published in the *Gazette*.

- (3) Without limiting any other functions of the Commissioner for the purposes of the cognate Acts, the Commissioner has the following functions —
- (a) to investigate and conduct research into matters relating to the cognate Acts;
  - (b) to publish reports and disseminate information on matters relating to the cognate Acts;
  - (c) to give advice to consumers on the provisions of the cognate Acts;
  - (d) to investigate and attempt to resolve complaints arising under the cognate Acts and to take action by negotiation, prosecution of any offence or otherwise;
  - (e) to make reports to the Minister on matters of importance investigated by the Commissioner, whether or not referred to the Commissioner by the Minister.
- (4) In this section —
- “executive officer”** has the meaning given by section 3(1) of the *Public Sector Management Act 1994*.

**53A. Delegation by Commissioner**

- (1) The Commissioner may delegate to any other person employed in the Department any power or duty of the Commissioner under another provision of the cognate Acts.
- (2) The delegation must be in writing signed by the Commissioner.
- (3) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.



- (4) A person exercising or performing a power or duty that has been delegated to the person under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (5) Nothing in this section limits the ability of the Commissioner to perform a function through an officer or agent.

**53B. Judicial notice**

All courts, judges and persons acting judicially shall take judicial notice of the official signature of every person who is for the time being and every person who has at any time been the Commissioner and of the fact that such person holds or has held such office.

”.

**88. Section 54 amended**

- (1) Section 54(1) is amended by deleting “an authorised officer appointed under the *Consumer Affairs Act 1971*,”.
- (2) Section 54(2) is amended by deleting “, or an authorised officer or” and inserting instead —  
“ or an ”.
- (3) Section 54(3)(a) is amended by deleting “officer” and inserting instead —  
“ person ”.

**89. Section 56 amended**

- (1) Section 56(1) is amended as follows:
  - (a) in paragraph (c) by inserting after “Commissioner” —  
“ or a delegate of the Commissioner ”;
  - (b) in paragraph (d) by deleting “54(1) or”.

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**Division 10** Credit (Administration) Act 1984

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- (2) Section 56(2) is repealed and the following subsections are inserted instead —

“

- (2) A person to whom this section applies shall not misuse information obtained by reason of any function that person has, or at any time had, in the administration of the cognate Acts.

Penalty: \$20 000.

- (3) A person misuses information if it is, directly or indirectly, recorded, used or disclosed to another person, other than —
- (a) in the course of duty;
  - (b) under —
    - (i) the cognate Acts, the *Consumer Affairs Act 1971*, the *State Administrative Tribunal Act 2004*; or

- (ii) the corresponding Acts, or proposed laws, of the legislature of the Commonwealth or of another State or of a Territory;
  - (c) for the purposes of the investigation of any suspected offence or the conduct of proceedings against any person for an offence;
  - (d) in a manner that could not reasonably be expected to lead to the identification of any person to whom the information refers; or
  - (e) with the consent of the person to whom the information relates, or each of them if there is more than one.
- (4) In this section —  
“**information**” means information concerning the affairs of a person.

”.

**90. Section 56A inserted**

After section 56 the following section is inserted —

“

**56A. Protection from liability for wrongdoing**

- (1) A person is not liable for anything that the person has, in good faith, done in the performance or purported performance of a function under this Act.
- (2) The State is also relieved of any liability that it might otherwise have had for another person having done anything as described in subsection (1).
- (3) The protection given by this section applies even though the thing done as described in subsection (1) may have been capable of being done whether or not this Act had been enacted.

- (4) In this section, a reference to the doing of anything includes a reference to an omission to do anything.

”.

### **Division 11 — *Employment Agents Act 1976***

#### **91. The Act amended**

The amendments in this Division are to the *Employment Agents Act 1976*\*.

[\* *Reprinted as at 26 October 2001.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 141.]*

#### **92. Section 4 amended**

Section 4(1) is amended as follows:

- (a) by deleting the definition of “Commissioner” and inserting instead —

“

“**Commissioner**” means the person for the time being designated as the Commissioner under section 9A;

”;

- (b) by deleting the definition of “Department” and inserting instead —

“

“**Department**” means the department of the Public Service principally assisting in the administration of this Act;

”.

**93. Section 9A inserted**

After section 9 the following section is inserted —

“

**9A. Commissioner**

- (1) The Minister is required, by notice published in the *Gazette*, to designate a person who is an executive officer of the Department as the Commissioner for the purposes of this Act.
- (2) The Commissioner may be referred to by a title specified by the Minister by notice published in the *Gazette*.
- (3) In this section —  
“**executive officer**” has the meaning given by section 3(1) of the *Public Sector Management Act 1994*.

”.

**94. Section 48 replaced**

Section 48 is repealed and the following sections are inserted instead —

“

**48. Information officially obtained to be confidential**

- (1) A person who misuses information obtained by reason of any function that person has, or at any time had, in the administration of this Act commits an offence.  
Penalty: \$20 000.
- (2) A person misuses information if it is, directly or indirectly, recorded, used, or disclosed to another person, other than —
  - (a) in the course of duty;
  - (b) under this Act;

- (c) for the purposes of the investigation of any suspected offence or the conduct of proceedings against any person for an offence;
  - (d) in a manner that could not reasonably be expected to lead to the identification of any person to whom the information refers; or
  - (e) with the consent of the person to whom the information relates, or each of them if there is more than one.
- (3) In this section —  
**“information”** means information concerning the affairs of a person.

**48A. Delegation by Commissioner**

- (1) The Commissioner may delegate to any other person employed in the Department any power or duty of the Commissioner under another provision of this Act.
- (2) The delegation must be in writing signed by the Commissioner.
- (3) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- (4) A person exercising or performing a power or duty that has been delegated to the person under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (5) Nothing in this section limits the ability of the Commissioner to perform a function through an officer or agent.

”.

**95. Section 49A inserted**

After section 49 the following section is inserted —

“

**49A. Judicial notice**

All courts, judges and persons acting judicially shall take judicial notice of the official signature of every person who is for the time being and every person who has at any time been the Commissioner and of the fact that such person holds or has held such office.

”

**Division 12 — *Fair Trading Act 1987***

**96. The Act amended**

The amendments in this Division are to the *Fair Trading Act 1987*\*.

[\* *Reprinted as at 16 November 2001.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 154-5.]*

**97. Section 5 amended**

Section 5(1) is amended as follows:

- (a) by deleting the definition of “Commissioner” and inserting instead —

“

“**Commissioner**” has the meaning given by section 4(1) of the *Consumer Affairs Act 1971*;

”;

- (b) by deleting the definition of “Department” and inserting instead —

“

“**Department**” has the meaning given by section 4(1) of the *Consumer Affairs Act 1971*;

”;

(c) by deleting the definition of “investigator”.

**98. Section 73 amended**

Section 73(10)(a) is amended by deleting “of Consumer Affairs”.

**99. Section 75 amended**

Section 75(1)(b) is amended by deleting “Commissioner” and inserting instead —

“ Minister ”.

**Division 13 — Hire-Purchase Act 1959**

**100. The Act amended**

The amendments in this Division are to the *Hire-Purchase Act 1959*\*.

[\* *Reprint 6 as at 2 July 2004.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 204-5.]*

**101. Section 2 amended**

Section 2(1) is amended as follows:

(a) by inserting the following definition in the appropriate alphabetical position —

“

**“Department”** means the department of the Public Service principally assisting in the administration of this Act;

”;



- (b) by deleting the definition of “Commissioner” and inserting instead —

“

“**Commissioner**” means the person for the time being designated as the Commissioner under section 23A;

”;

- (c) by deleting the definition of “Deputy Commissioner”.

**102. Section 23W replaced**

Section 23W is repealed and the following sections are inserted instead —

“

**23A. Commissioner**

- (1) The Minister is required, by notice published in the *Gazette*, to designate a person who is an executive officer of the Department as the Commissioner for the purposes of this Act.
- (2) The Commissioner may be referred to by a title specified by the Minister by notice published in the *Gazette*.
- (3) In this section —  
“**executive officer**” has the meaning given by section 3(1) of the *Public Sector Management Act 1994*.

**23B. Delegation by Commissioner**

- (1) The Commissioner may delegate to any other person employed in the Department any power or duty of the Commissioner under another provision of this Act.
- (2) The delegation must be in writing signed by the Commissioner.

- (3) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- (4) A person exercising or performing a power or duty that has been delegated to the person under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (5) Nothing in this section limits the ability of the Commissioner to perform a function through an officer or agent.

”.

**103. Section 36C replaced**

Section 36C is repealed and the following section is inserted instead —

“

**36C. Application of certain provisions of the *Consumer Affairs Act 1971***

Sections 19, 20, 21, 22, 23A, 24 and 25 of the *Consumer Affairs Act 1971* apply, with such modifications as are necessary, to and in relation to the functions of the Commissioner and persons and matters affected by the exercise of those functions as if the sections were part of this Act.

”.

**Division 14 — *Limited Partnerships Act 1909***

**104. The Act amended**

The amendments in this Division are to the *Limited Partnerships Act 1909*\*.

[\* *Reprint 3 as at 6 June 2003.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 253.]*

**105. Section 15 replaced**

Section 15 is repealed and the following section is inserted instead —

“

**15. Registrar of limited partnerships**

- (1) The Minister is required, by notice published in the *Gazette*, to designate a person who is an executive officer of the department principally assisting in the administration of this Act as the Registrar for the purposes of this Act.
- (2) The Registrar may be referred to by a title specified by the Minister by notice published in the *Gazette*.
- (3) Sections 19, 20, 21, 22, 23, 23A, 24 and 25 of the *Consumer Affairs Act 1971* apply, with such modifications as are necessary, to and in relation to the functions of the Registrar and persons and matters affected by the exercise of those functions as if the sections were part of this Act.
- (4) In this section —  
“**executive officer**” has the meaning given by section 3(1) of the *Public Sector Management Act 1994*.

”.

**Division 15 — Motor Vehicle Dealers Act 1973**

**106. The Act amended**

The amendments in this Division are to the *Motor Vehicle Dealers Act 1973*\*.

[\* *Reprinted as at 14 November 1996.*  
*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 300.*]

**107. Section 5 amended**

Section 5(1) is amended as follows:

- (a) by inserting the following definition in the appropriate alphabetical position —

“

“**Department**” means the department of the Public Service principally assisting in the administration of this Act;

”;

- (b) by deleting the definition of “Commissioner” and inserting instead —

“

“**Commissioner**” means the person for the time being designated as the Commissioner under section 5AA;

”.

**108. Section 5AA inserted**

After section 5A the following section is inserted —

“

**5AA. Commissioner**

- (1) The Minister is required, by notice published in the *Gazette*, to designate a person who is an executive officer of the Department as the Commissioner for the purposes of this Act and the *Motor Vehicle Repairers Act 2003*.
- (2) The Commissioner may be referred to by a title specified by the Minister by notice published in the *Gazette*.

(3) In this section —

“**executive officer**” has the meaning given by section 3(1) of the *Public Sector Management Act 1994*.

”.

**109. Section 6 amended**

(1) Section 6(1) is repealed and the following subsection is inserted instead —

“

(1) Sections 19, 20, 21, 22, 23, 23A, 24 and 25 of the *Consumer Affairs Act 1971* apply, with such modifications as are necessary, to and in relation to the functions of the Commissioner and persons and matters affected by the exercise of those functions as if the sections were part of this Act.

”.

(2) Section 6(2) is amended by deleting “Permanent Head of the Department within the meaning of the *Consumer Affairs Act 1971*” and inserting instead —

“ chief executive officer of the Department ”.

(3) Section 6(3) is amended by inserting after “*Act 1971*” —

“ (as applied by subsection (1)) ”.

**Division 16 — Motor Vehicle Repairers Act 2003**

**110. The Act amended**

The amendments in this Division are to the *Motor Vehicle Repairers Act 2003*\*.

[\* *Act No. 68 of 2003*.

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 301.]*

**111. Section 3 amended**

Section 3(1) is amended by deleting the definition of “Commissioner” and inserting instead —

“

“**Commissioner**” has the meaning given to that term in section 5(1) of the *Motor Vehicle Dealers Act 1973*;

”.

**112. Section 7 replaced**

Section 7 is repealed and the following section is inserted instead —

“

**7. Commissioner’s powers**

Sections 19, 20, 21, 22, 23, 23A, 24 and 25 of the *Consumer Affairs Act 1971* apply, with such modifications as are necessary, to and in relation to the functions of the Commissioner and persons and matters affected by the exercise of those functions as if the sections were part of this Act.

”.

**Division 17 — Petroleum Products Pricing Act 1983**

**113. The Act amended**

The amendments in this Division are to the *Petroleum Products Pricing Act 1983*\*.

[\* *Reprinted as at 11 January 2002.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 337.]*

**114. Section 3 amended**

Section 3(1) is amended as follows:

- (a) by inserting the following definition in the appropriate alphabetical position —

“

“**Department**” means the department of the Public Service principally assisting in the administration of this Act;

”;

- (b) by deleting the definition of “Commissioner” and inserting instead —

“

“**Commissioner**” means the person for the time being designated as the Commissioner under section 5;

”.

**115. Section 5 replaced**

Section 5 is repealed and the following section is inserted instead —

“

**5. Commissioner**

- (1) The Minister is required, by notice published in the *Gazette*, to designate a person who is an executive officer of the Department as the Commissioner for the purposes of this Act and the *Petroleum Retailers Rights and Liabilities Act 1982*.
- (2) The Commissioner may be referred to by a title specified by the Minister by notice published in the *Gazette*.

- (3) In this section —  
“**executive officer**” has the meaning given by  
section 3(1) of the *Public Sector Management  
Act 1994*.

”.

**116. Section 7 amended**

- (1) Section 7(1) is amended as follows:
- (a) by deleting “under this Act”;
  - (b) in paragraph (a) by inserting after “generally” —  
“ and ”;
  - (c) in paragraphs (a) and (b) by inserting after “this Act” —  
“  
and the *Petroleum Retailers Rights and  
Liabilities Act 1982*

”.

- (2) Section 7(4) is amended by inserting after “this Act” —  
“  
and the *Petroleum Retailers Rights and Liabilities  
Act 1982*

”.

- (3) Section 7(5) is repealed.

**117. Section 23 amended**

Section 23(1), (2) and (3) are amended by inserting after “this  
Act” in each place where it occurs —

“  
or the *Petroleum Retailers Rights and Liabilities  
Act 1982*

”.



**118. Section 24 amended**

Section 24(2) is amended by inserting after “this Act” in the second place where it occurs —

“

or the *Petroleum Retailers Rights and Liabilities Act 1982*

”.

**119. Section 26 amended**

Section 26 is amended by inserting after “this Act” —

“

or the *Petroleum Retailers Rights and Liabilities Act 1982*

”.

**120. Section 27A amended**

Section 27A(1) and (4) are amended by inserting after “this Act” in each place where it occurs —

“

or the *Petroleum Retailers Rights and Liabilities Act 1982*

”.

**121. Section 27B amended**

Section 27B is amended by inserting after “this Act” in both places where it occurs —

“

or the *Petroleum Retailers Rights and Liabilities Act 1982*

”.

**122. Section 28 amended**

Section 28 is amended as follows:

- (a) in paragraph (a) by deleting “within the meaning of the *Consumer Affairs Act 1971*”;
- (b) by inserting after “this Act” —

“

or the *Petroleum Retailers Rights and Liabilities Act 1982*

”.

**123. Section 29 amended**

Section 29 is amended by inserting after “this Act” —

“

or the *Petroleum Retailers Rights and Liabilities Act 1982*

”.

**124. Section 31 amended**

Section 31 is amended by inserting after “this Act” —

“

or the *Petroleum Retailers Rights and Liabilities Act 1982*

”.

**125. Section 31H amended**

Section 31H(3) is amended in the definition of “officer” by deleting “referred to in section 5(2)(a) or (b)” and inserting instead —

“ of the Department ”.

**126. Sections 32A to 32C inserted**

After section 32 the following sections are inserted —

“

**32A. Delegation by Commissioner**

- (1) The Commissioner may delegate to any other person employed in the Department any power or duty of the Commissioner under another provision of this Act or the *Petroleum Retailers Rights and Liabilities Act 1982*.
- (2) The delegation must be in writing signed by the Commissioner.
- (3) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- (4) A person exercising or performing a power or duty that has been delegated to the person under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (5) Nothing in this section limits the ability of the Commissioner to perform a function through an officer or agent.

**32B. Protection from liability for wrongdoing**

- (1) A person is not liable for anything that the person has, in good faith, done in the performance or purported performance of a function under this Act or the *Petroleum Retailers Rights and Liabilities Act 1982*.
- (2) The State is also relieved of any liability that it might otherwise have had for another person having done anything as described in subsection (1).
- (3) The protection given by this section applies even though the thing done as described in subsection (1)

may have been capable of being done whether or not this Act or the *Petroleum Retailers Rights and Liabilities Act 1982* had been enacted.

- (4) In this section, a reference to the doing of anything includes a reference to an omission to do anything.

**32C. Judicial notice**

All courts, judges and persons acting judicially shall take judicial notice of the official signature of every person who is for the time being and every person who has at any time been the Commissioner and of the fact that such person holds or has held such office.

”.

**127. Section 33 amended**

- (1) Section 33(1) is amended as follows:

- (a) by deleting “an officer referred to in section 5(2)” and inserting instead —

“ an officer of the Department ”;

- (b) by inserting after “this Act” —

“

or the *Petroleum Retailers Rights and Liabilities Act 1982*

”.

- (2) Section 33(2) is amended as follows:

- (a) in paragraph (a) by inserting after “this Act” in both places where it occurs —

“

or the *Petroleum Retailers Rights and Liabilities Act 1982*

”;

- (b) in paragraph (d) by deleting “the *Consumer Affairs Act 1971*” and inserting instead —  
“ another Act administered by the Minister ”.

**Division 18 — *Petroleum Retailers Rights and Liabilities Act 1982***

**128. The Act amended**

The amendments in this Division are to the *Petroleum Retailers Rights and Liabilities Act 1982*\*.

[\* *Reprinted as at 22 November 2002.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 337.]*

**129. Section 3 amended**

Section 3(1) is amended as follows:

- (a) by inserting the following definition in the appropriate alphabetical position —

“

“**Department**” has the meaning given by section 3 of the *Petroleum Products Pricing Act 1983*;

”;

- (b) by deleting the definition of “Commissioner” and inserting instead —

“

“**Commissioner**” has the meaning given by section 3 of the *Petroleum Products Pricing Act 1983*;

”.

**Division 19 — Real Estate and Business Agents Act 1978**

**130. The Act amended**

The amendments in this Division are to the *Real Estate and Business Agents Act 1978*\*.

[\* *Reprint 5 as at 8 April 2005.*

*For subsequent amendments see Acts Nos. 59 and 84 of 2004.]*

**131. Sections 131H and 131K amended**

Sections 131H(2)(c) and (3)(c) and 131K(2)(b) are amended by deleting “The State Housing Commission” in each place where it occurs and inserting instead —

“ the Housing Authority ”.

**Division 20 — Residential Tenancies Act 1987**

**132. The Act amended**

The amendments in this Division are to the *Residential Tenancies Act 1987*\*.

[\* *Reprinted as at 22 January 1999.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 384-5.]*

**133. Section 3 amended**

Section 3 is amended as follows:

- (a) by deleting the definition of “Commissioner” and inserting instead —

“

“**Commissioner**” means the person for the time being designated as the Commissioner under section 7A;

”;

- (b) by deleting the definition of “Department” and inserting instead —

“

**“Department”** means the department of the Public Service principally assisting in the administration of this Act;

”.

**134. Section 7A inserted**

Before section 8 the following section is inserted in Part II —

“

**7A. Commissioner**

- (1) The Minister is required, by notice published in the *Gazette*, to designate a person who is an executive officer of the Department as the Commissioner for the purposes of this Act.
- (2) The Commissioner may be referred to by a title specified by the Minister by notice published in the *Gazette*.
- (3) In this section —  
**“executive officer”** has the meaning given by section 3(1) of the *Public Sector Management Act 1994*.

”.

**135. Section 8 amended**

- (1) Section 8(1) is amended as follows:
- (a) by deleting “Without limiting section 17 of the *Consumer Affairs Act 1971*, the Department” and inserting instead —  
“ The Commissioner ”;

- (b) in paragraph (e) by deleting “Department” in both places where it occurs and inserting instead —  
“ Commissioner ”;
  - (c) in paragraph (e) by deleting “it” and inserting instead —  
“ the Commissioner ”.
- (2) Section 8(2) is repealed.

Note: The heading to section 8 will be altered to read “**Functions of the Commissioner**”.

**136. Sections 11A and 11B inserted**

After section 11 the following sections are inserted in Part II —

“

**11A. Information officially obtained to be confidential**

- (1) A person who misuses information obtained by reason of any function that person has, or at any time had, in the administration of this Act commits an offence.  
Penalty: \$20 000.
- (2) A person misuses information if it is, directly or indirectly, recorded, used, or disclosed to another person, other than —
  - (a) in the course of duty;
  - (b) under this Act;
  - (c) for the purposes of the investigation of any suspected offence or the conduct of proceedings against any person for an offence;
  - (d) in a manner that could not reasonably be expected to lead to the identification of any person to whom the information refers; or
  - (e) with the consent of the person to whom the information relates, or each of them if there is more than one.



(3) In this section —

**“information”** means information concerning the affairs of a person.

**11B. Application of certain provisions of the *Consumer Affairs Act 1971***

Sections 19, 20, 21, 22 and 23A of the *Consumer Affairs Act 1971* apply, with such modifications as are necessary, to and in relation to the functions of the Commissioner and persons and matters affected by the exercise of those functions as if the sections were part of this Act.

”.

**137. Schedule 1 amended**

Schedule 1 clause 3(1) is amended by deleting “and kept at Treasury”.

**Division 21 — *Retirement Villages Act 1992***

**138. The Act amended**

The amendments in this Division are to the *Retirement Villages Act 1992*\*.

[\* *Reprint 2 as at 1 April 2005.*]

**139. Section 3 amended**

Section 3 is amended as follows:

- (a) by deleting the definition of “Commissioner” and inserting instead —

“

**“Commissioner”** means the person for the time being designated as the Commissioner under section 7A;

”;

- (b) by deleting the definition of “Department” and inserting instead —

“

**“Department”** means the department of the Public Service principally assisting in the administration of this Act;

”.

**140. Section 7A inserted**

Before section 8 the following section is inserted in Part 2 —

“

**7A. Commissioner**

- (1) The Minister is required, by notice published in the *Gazette*, to designate a person who is an executive officer of the Department as the Commissioner for the purposes of this Act.
- (2) The Commissioner may be referred to by a title specified by the Minister by notice published in the *Gazette*.
- (3) In this section —  
**“executive officer”** has the meaning given by section 3(1) of the *Public Sector Management Act 1994*.

”.

**141. Section 8 amended**

- (1) Section 8(1) is amended as follows:
- (a) by deleting “Without limiting section 17 of the *Consumer Affairs Act 1971*, the Department” and inserting instead —  
“ The Commissioner ”;

(b) in paragraph (e) by deleting “Department” in both places where it occurs and inserting instead —

“ Commissioner ”;

(c) in paragraph (e) by deleting “it” and inserting instead —

“ the Commissioner ”.

(2) Section 8(2) is repealed.

Note: The heading to section 8 will be altered to read “**Functions of the Commissioner**”.

**142. Sections 11A and 11B inserted**

After section 11 the following sections are inserted —

“

**11A. Information officially obtained to be confidential**

(1) A person who misuses information obtained by reason of any function that person has, or at any time had, in the administration of this Act commits an offence.

Penalty: \$20 000.

(2) A person misuses information if it is, directly or indirectly, recorded, used, or disclosed to another person, other than —

(a) in the course of duty;

(b) under this Act;

(c) for the purposes of the investigation of any suspected offence or the conduct of proceedings against any person for an offence;

(d) in a manner that could not reasonably be expected to lead to the identification of any person to whom the information refers; or

(e) with the consent of the person to whom the information relates, or each of them if there is more than one.

- (3) In this section —  
“**information**” means information concerning the affairs of a person.

**11B. Application of certain provisions of the *Consumer Affairs Act 1971***

Sections 19, 20, 21, 22 and 23A of the *Consumer Affairs Act 1971* apply, with such modifications as are necessary, to and in relation to the functions of the Commissioner and persons and matters affected by the exercise of those functions as if the sections were part of this Act.

”.

**143. Sections 57 and 58 amended**

Sections 57(6)(a) and 58(3)(a) are amended by deleting “Department of Health” and inserting instead —

“

Department as defined in section 3 of the *Health Legislation Administration Act 1984*

”.

**144. Section 78 repealed**

Section 78 is repealed.

**Division 22 — *Travel Agents Act 1985***

**145. The Act amended**

The amendments in this Division are to the *Travel Agents Act 1985*\*.

[\* *Reprint 2 as at 6 June 2003.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 465-6.]*



**148. Section 50 amended**

Section 50(1) is amended by deleting “an officer appointed under section 15(1) of the *Consumer Affairs Act 1971* to assist the Commissioner” and inserting instead —

“ an officer of the Department ”.

**149. Section 50A inserted**

After section 50 the following section is inserted —

“

**50A. Protection from liability for wrongdoing**

- (1) A person is not liable for anything that the person has, in good faith, done in the performance or purported performance of a function under this Act.
- (2) The State is also relieved of any liability that it might otherwise have had for another person having done anything as described in subsection (1).
- (3) The protection given by this section applies even though the thing done as described in subsection (1) may have been capable of being done whether or not this Act had been enacted.
- (4) In this section, a reference to the doing of anything includes a reference to an omission to do anything.

”.

**150. Section 52 amended**

- (1) Section 52(2) is amended by deleting “\$2 000” and inserting instead —

“ \$20 000 ”.

(2) Section 52(3) is amended as follows:

- (a) by deleting paragraphs (a) and (b) and “or” after paragraph (b) and inserting the following paragraphs instead —

“

- (a) in the course of duty;  
(b) under this Act;

”;

- (b) after paragraph (c) by deleting the full stop and inserting instead —

“

;

- (d) for the purposes of the investigation of any suspected offence or the conduct of proceedings against any person for an offence;  
(e) in a manner that could not reasonably be expected to lead to the identification of any person to whom the information refers; or  
(f) with the consent of the person to whom the information relates, or each of them if there is more than one.

”.

### **Division 23 — Transitional provisions**

#### **151. Commissioner for Fair Trading**

- (1) On commencement, the person holding the office of Commissioner for Fair Trading immediately before commencement is to be taken to have been designated as the Commissioner or Registrar (as the case requires) for the purposes of each of the following enactments —
- (a) the *Associations Incorporation Act 1987*;  
(b) the *Business Names Act 1962*;

- (c) the *Chattel Securities Act 1987*;
  - (d) the *Companies (Co-operative) Act 1943*;
  - (e) Part 8 of the *Competition Policy Reform (Western Australia) Act 1996*;
  - (f) the *Consumer Affairs Act 1971*;
  - (g) the *Co-operative and Provident Societies Act 1903*;
  - (h) the *Credit Act 1984*;
  - (i) the *Credit (Administration) Act 1984*;
  - (j) the *Employment Agents Act 1976*;
  - (k) the *Hire-Purchase Act 1959*;
  - (l) the *Limited Partnerships Act 1909*;
  - (m) the *Motor Vehicle Dealers Act 1973*;
  - (n) the *Petroleum Products Pricing Act 1983*;
  - (o) the *Petroleum Retailers Rights and Liabilities Act 1982*;
  - (p) the *Residential Tenancies Act 1987*;
  - (q) the *Retirement Villages Act 1992*;
  - (r) the *Travel Agents Act 1985*.
- (2) A thing done or omitted to be done by, to or in relation to, the Commissioner for Fair Trading (including in his or her capacity as the Prices Commissioner) before commencement under a provision of the *Consumer Affairs Act 1971* for the purposes of another enactment listed in subsection (1) has the same effect after commencement, to the extent that it has any force or significance after commencement, as if it had been done or omitted —
- (a) by, to or in relation to, the Commissioner or Registrar (as the case requires) as defined in that other enactment as in force after commencement; and
  - (b) where relevant, under the corresponding provision of that other enactment as in force after commencement.



- (3) To the extent that a thing done or omitted to be done by, to or in relation to, the Commissioner for Fair Trading (including in his or her capacity as the Prices Commissioner) before commencement under, or for the purposes of, an enactment listed in subsection (1) is not covered by subsection (2), it has the same effect after commencement, to the extent that it has any force or significance after commencement, as if it had been done or omitted by, to or in relation to, the Commissioner or Registrar (as the case requires) as defined in that enactment as in force after commencement.
- (4) A thing done or omitted to be done by, to or in relation to, the Commissioner for Fair Trading before commencement under, or for the purposes of, an enactment not listed in subsection (1) has the same effect after commencement, to the extent that it has any force or significance after commencement, as if it had been done or omitted by, to or in relation to, the Commissioner as defined in the *Consumer Affairs Act 1971* as in force after commencement.
- (5) A reference in an enactment to the Commissioner for Fair Trading is to have effect after commencement as if it had been amended to be a reference to —
- (a) in the case of an enactment listed in subsection (1) or subsidiary legislation made under such an enactment — the Commissioner or Registrar (as the case requires) as defined in the enactment as in force after commencement; or
  - (b) in the case of any other enactment or subsidiary legislation — the Commissioner as defined in the *Consumer Affairs Act 1971* as in force after commencement.

**152. Commissioner for Corporate Affairs and Registrar of Co-operative and Financial Institutions**

- (1) A thing done or omitted to be done by, to or in relation to, the Commissioner for Corporate Affairs before commencement under, or for the purposes of, the *Companies (Co-operative) Act 1943* has the same effect after commencement as if it had been done or omitted by, to or in relation to, the Registrar as defined in that Act as in force after commencement.
- (2) A thing done or omitted to be done by, to or in relation to, the Registrar of Co-operative and Financial Institutions before commencement under, or for the purposes of, the *Co-operative and Provident Societies Act 1903* has the same effect after commencement as if it had been done or omitted by, to or in relation to, the Registrar as defined in that Act as in force after commencement.

**153. Consumer Affairs Act 1971**

Each office in existence immediately before commencement because of section 15(1) of the *Consumer Affairs Act 1971* does not cease merely because that subsection is repealed by this Act.

**154. Petroleum Products Pricing Act 1983**

Each office in existence immediately before commencement because of section 5(2)(b) of the *Petroleum Products Pricing Act 1983* does not cease merely because that paragraph is deleted by this Act.

**155. Interpretation**

In this Division —

“**commencement**” means the time at which this Division comes into operation;

“**Commissioner for Fair Trading**” means the Commissioner for Fair Trading referred to in section 15 of the *Consumer Affairs Act 1971* as in force before commencement;

**“Prices Commissioner”** means the Prices Commissioner referred to in section 5(1) of the *Petroleum Products Pricing Act 1983* as in force before commencement.

## **Part 5 — Disability Services, and Sport and Recreation**

### **Division 1 — *Disability Services Act 1993***

#### **156. The Act amended**

The amendments in this Division are to the *Disability Services Act 1993*\*.

[\* *Reprinted as at 26 May 2000.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 124.]*

#### **157. Section 15 amended**

Section 15(2) is amended as follows:

- (a) by deleting “at either”;
- (b) in paragraph (a) by deleting “the Treasury and”;
- (c) in paragraph (b) by inserting before “a bank” —  
“ at ”.

#### **158. Section 30 amended**

Section 30 is amended by deleting the definition of “Health Department” and inserting instead —

“

“**Health Department**” has the meaning given to  
“Department” by section 3 of the *Health  
Legislation Administration Act 1984*;

”.

### **Division 2 — *Professional Combat Sports Act 1987***

#### **159. The Act amended**

The amendments in this Division are to the *Professional Combat Sports Act 1987*\*.

[\* *Reprint 1 as at 11 March 2005.*]

**160. Section 12 amended**

- (1) Section 12(1)(a) is amended by deleting “at the Treasury”.
- (2) Section 12(2) is amended after paragraph (c) by deleting the full stop and inserting —
  - “
  - ; and
  - (d) any other moneys lawfully received by, made available to, or payable to the Commission.
  - ”.

**Division 3 — Western Australian Sports Centre Trust Act 1986**

**161. The Act amended**

The amendment in this Division is to the *Western Australian Sports Centre Trust Act 1986*\*.

[\* *Reprinted as at 22 March 2002.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 498.]*

**162. Section 15 amended**

Section 15(2) is amended by deleting “at the Treasury”.

## **Part 6 — Energy**

### **Division 1 — Electricity Act 1945**

**163. The Act amended**

The amendments in this Division are to the *Electricity Act 1945*\*.

[\* *Reprint 5 as at 6 June 2003.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 138.]*

**164. Section 5 amended**

- (1) Section 5(1) is amended by inserting the following definition in the appropriate alphabetical position —

“

“**Minister**” has a meaning that is modified by subsections (2) and (3);

”.

- (2) At the end of section 5 the following subsections are inserted —

“

- (2) A reference in a provision of this Act to the Minister is a reference to —

- (a) if, for the time being, different Ministers administer the provision in respect of different matters — the Minister administering the provision in respect of the matter in respect of which the provision is being applied; or
- (b) if paragraph (a) does not apply — the Minister administering the provision.

- (3) A reference in a regulation made under section 32 to the Minister is a reference to —

- (a) if, for the time being, different Ministers administer section 32 in respect of different matters — the Minister administering section 32 in respect of the matter in respect of which the regulation is being applied; or
  - (b) if paragraph (a) does not apply — the Minister administering section 32.
- (4) Subsections (2) and (3) do not limit the operation of section 12 of the *Interpretation Act 1984*.

”.

**165. Section 32 amended**

Section 32(1) is amended as follows:

- (a) by deleting “matters” in the first place where it occurs;
- (b) in paragraph (r) by deleting “generally in regard to any other matters” and inserting instead —  
“ generally, ”.

**Division 2 — Energy Coordination Act 1994**

**166. The Act amended**

The amendments in this Division are to the *Energy Coordination Act 1994*\*.

[\* *Reprint 2 as at 10 September 2004.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 142.]*

**167. Section 3 amended**

- (1) Section 3 is amended as follows:
  - (a) by inserting before “In” the subsection designation “(1)”;

- (b) by inserting the following definition in the appropriate alphabetical position —

“

“**Minister**” has a meaning that is modified by subsections (2) and (3);

”.

- (2) At the end of section 3 the following subsections are inserted —

“

- (2) A reference in a provision of this Act to the Minister is a reference to —

- (a) if, for the time being, different Ministers administer the provision in respect of different matters — the Minister administering the provision in respect of the matter in respect of which the provision is being applied; or
- (b) if paragraph (a) does not apply — the Minister administering the provision.

- (3) A reference in a regulation made under section 26 to the Minister is a reference to —

- (a) if, for the time being, different Ministers administer section 26 in respect of different matters — the Minister administering section 26 in respect of the matter in respect of which the regulation is being applied; or
- (b) if paragraph (a) does not apply — the Minister administering section 26.

- (4) Subsections (2) and (3) do not limit the operation of section 12 of the *Interpretation Act 1984*.

”.



**168. Part 1A inserted**

After section 3 the following Part is inserted —

“

**Part 1A — Coordinator of Energy**

**4. Coordinator of Energy**

A Coordinator of Energy is to be appointed under Part 3 of the *Public Sector Management Act 1994*.

**4A. Coordinator's functions**

The functions of the Coordinator are —

- (a) to assist the Minister in planning and coordinating the provision of energy in the State;
- (b) to perform the functions vested in the Coordinator by or under this Act or any other written law;
- (c) to advise the Minister on all aspects of energy policy, including —
  - (i) the energy needs of the State;
  - (ii) ways of using energy and sources of energy, including renewable energy;
  - (iii) the introduction and encouragement of competition in the energy industry;
  - (iv) ways of promoting and achieving open access to transmission and distribution systems;
  - (v) ways of achieving greater efficiency in the use of energy;
  - (vi) the use of energy policy to assist in achieving other policy objectives of government;

- (vii) matters relating to the operation of relevant legislation;
- (d) for the purposes of paragraphs (a), (b) and (c) —
  - (i) to monitor the operation of the State's energy industry and its participants; and
  - (ii) to consult with interested groups and persons;
- (e) to promote energy research and development as provided by Schedule 1;
- (f) to promote the development of commercial applications of renewable energy;
- (g) to produce and publish information and reports on energy-related matters;
- (h) to maintain a collection of the information and reports referred to in paragraph (g) and the information and reports produced by the Solar Institute formerly established by the *Solar Energy Research Act 1977*;
- (i) to provide support in the resolution of disputes about energy-related matters.

**4B. Staff for the Coordinator**

Officers may be appointed or made available under Part 3 of the *Public Sector Management Act 1994* to enable the Coordinator to perform his or her functions.

**4C. Delegation by the Coordinator**

- (1) The Coordinator may by instrument in writing delegate to an officer referred to in section 4B the performance of any of his or her functions including functions under a written law, but not including the power to delegate under this section.

- (2) The Coordinator's powers under subsection (1) also extend to delegation of functions to the Director.
- (3) A delegation may be general or as otherwise provided by the instrument of delegation.
- (4) A delegate remains subject to the direction and control of the delegator.
- (5) Performance of a function by a delegate is to be treated as performance by the delegator.

**4D. Minister may give directions to the Coordinator**

- (1) The Minister may give directions in writing to the Coordinator with respect to the performance of his or her functions, either generally or in relation to a particular matter, and he or she is to give effect to any such direction.
- (2) The text of any direction given under subsection (1) is to be —
  - (a) laid before each House of Parliament within 14 sitting days of that House after the direction is given; and
  - (b) included in the annual report submitted by the relevant accountable officer under section 62 of the *Financial Administration and Audit Act 1985*.

**4E. Minister to have access to information from Coordinator**

- (1) The Minister is entitled —
  - (a) to have information in the possession of the Coordinator; 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 Coordinator to furnish information to the Minister;
  - (b) request the Coordinator to give the Minister access to information; and
  - (c) for the purposes of paragraph (b) make use of the staff referred to in section 4B to obtain the information and furnish it to the Minister.
- (3) The Coordinator is to comply with a request under subsection (2) and make staff and facilities available to the Minister for the purposes of paragraph (c) of that subsection.
- (4) In this section —
  - “**document**” includes any tape, disk or other device or medium on which information is recorded or stored mechanically, photographically, electronically or otherwise;
  - “**information**” means information specified, or of a description specified, by the Minister that relates to the functions of the Coordinator.

”.

**169. Heading to Part 2 amended**

The heading to Part 2 is amended by deleting “Coordinator of Energy, and”.

**170. Sections 4 and 6 repealed**

Sections 4 and 6 are repealed.

**171. Section 8 amended**

Section 8 is amended by deleting “the Coordinator and”.

**172. Section 9 amended**

- (1) Section 9(1) is amended by deleting “Each of the Coordinator and the Director” and inserting instead —

“ The Director ”.

- (2) Section 9(2) is repealed.

**173. Section 10 amended**

Section 10(1) is amended by deleting “the Coordinator or”.

**174. Section 11 amended**

- (1) Section 11(1) and (2)(a) and (b) are amended by deleting “the Coordinator or”.

- (2) Section 11(3) is amended by deleting “The Coordinator or the Director” and inserting instead —

“ The Director ”.

- (3) Section 11(4) is amended in the definition of “information” by deleting “the Coordinator or”.

**175. Section 11ZK amended**

Section 11ZK(2) is amended by deleting “responsible for the administration of this Act”.

**176. Section 12 amended**

Section 12(1) is repealed.

**177. Section 13 amended**

Section 13(1) is amended by deleting “The Coordinator or the Director, as the case may require,” and inserting instead —

“ The Director ”.

**178. Section 19 amended**

- (1) Section 19(1) is amended by deleting all of the subsection from and including “manner to — ” and inserting instead —

“ manner to the Director. ”.

- (2) Section 19(2) is amended by deleting “The Coordinator or the Director, as the case may be,” and inserting instead —

“ The Director ”.

**179. Heading to Part 4 replaced and heading to Division 1 inserted**

The heading to Part 4 is deleted and the following headings are inserted instead —

“

**Part 4 — Information**

**Division 1 — Obtaining information — Coordinator**

”.

**180. Heading to Division 2 inserted**

After section 23 the following heading is inserted —

“

**Division 2 — Confidentiality — Coordinator  
and Director**

”.

**181. Various references to Coordinator in Schedule 3 changed to Minister**

Each provision of Schedule 3 listed in the Table to this section is amended by deleting “Coordinator” in each place where it occurs and inserting instead —

“ Minister ”.

**Table**

cl. 1(1) (defn. of “emergency”)	cl. 4
cl. 2(1) and (2)	cl. 6
cl. 3(1), (3)(a) and (4)	cl. 7(4) and (5)

Note: The heading to Schedule 3 clause 4 will be altered by deleting “Coordinator” and inserting instead “Minister”.

## **Part 7 — Environment**

### **Division 1 — Conservation and Land Management Act 1984**

#### **182. The Act amended**

The amendments in this Division are to the *Conservation and Land Management Act 1984*\*.

[\* *Reprint 5 as at 24 September 2004.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 77.]*

#### **183. Section 3 amended**

Section 3 is amended as follows:

- (a) by inserting the following definitions in the appropriate alphabetical positions —

“

“**CEO**” means the chief executive officer of the Department;

“**Department**” means the department of the Public Service principally assisting in the administration of this Act;

“**Executive Body**” means the Conservation and Land Management Executive Body established by section 36;

“**Land Administration Minister**” means the Minister to whom the administration of the *Land Administration Act 1997* is committed;

”;

- (b) by deleting the definitions of “Department”, “Director of Forests”, “Director of National Parks”, “Director of Nature Conservation” and “Executive Director”.



**184. Section 15 amended**

Section 15(1) is amended by deleting “Minister administering the *Land Administration Act 1997*” and inserting instead —

“ Land Administration Minister ”.

**185. Section 16A amended**

Section 16A(1) is amended by deleting “Minister to whom the administration of that Act is committed” and inserting instead —

“ Land Administration Minister ”.

**186. Section 17 amended**

Section 17(5) is amended by deleting “Minister administering the *Land Administration Act 1997*” and inserting instead —

“ Land Administration Minister ”.

**187. Section 17A amended**

Section 17A(2) is amended by inserting after “Department” —

“ (as defined in section 3 of this Act) ”.

**188. Section 22 amended**

Section 22(1) is amended by deleting paragraph (a) and inserting the following paragraph instead —

“

- (a) is the CEO, a member of the staff of the Conservation Commission or an officer of the Department;

”.

**189. Section 23 amended**

- (1) Section 23(3) is amended by deleting “Executive Director’s” and inserting instead —

“ CEO’s ”.

- (2) Section 23(5) is amended by inserting after “actions of” —

“ the CEO or ”.

- (3) Section 23(6) is repealed and the following subsection is inserted instead —

“

- (6) In this section —

“**Director**” means a senior executive officer (within the meaning of the *Public Sector Management Act 1994*) designated by the CEO to be a Director for the purposes of this section.

”.

**190. Section 26D amended**

Section 26D(5)(a) is amended by deleting “Executive Director’s” and inserting instead —

“ CEO’s ”.

**191. Headings to Part IV and Division 1 replaced**

The headings to Part IV and Division 1 are deleted and the following headings are inserted instead —

“

**Part IV — Administration**

**Division 1 — Functions and powers**

”.

**192. Section 32 repealed**

Section 32 is repealed.

**193. Section 33 amended**

(1) Section 33(1) is amended as follows:

- (a) in paragraph (ba) by inserting after “facilities” —  
“ of the Department ”;
- (b) in paragraph (bb) by deleting “Department’s” and inserting instead —  
“ CEO’s ”;
- (c) in paragraph (d) by deleting “, and in particular to be the instrument by which the administration of the *Wildlife Conservation Act 1950* is carried out by the Executive Director pursuant to section 7 of that Act”;
- (d) in paragraph (g) by deleting “Minister to whom the administration of the *Land Administration Act 1997* is committed” and inserting instead —  
“ Land Administration Minister ”.

(2) Section 33(2) is amended by deleting “Minister referred to in subsection (1)(g)” and inserting instead —

“ Land Administration Minister ”.

**194. Section 34 repealed**

Section 34 is repealed.

**195. Section 34A amended**

Section 34A(1) is amended by deleting “The powers conferred by section 34 include power for the Executive Director” and inserting instead —

“ The powers of the CEO include power ”.

**196. Section 34B amended**

Section 34B(1) is amended by deleting “The powers conferred by sections 34 and 34A include power for the Executive Director” and inserting instead —

“ The powers of the CEO include power ”.

**197. Part IV Division 2 replaced**

Part IV Division 2 is repealed and the following Division is inserted instead —

“

**Division 2 — The Conservation and Land Management Executive Body**

**36. The Conservation and Land Management Executive Body**

- (1) The Conservation and Land Management Executive Body is established.
- (2) The Executive Body is a body corporate with perpetual succession.
- (3) Proceedings may be taken by or against the Executive Body in its corporate name.
- (4) The Executive Body is to be governed by the CEO.
- (5) The Executive Body is an agent of the State and has the status, immunities and privileges of the State.

**37. Purpose and nature of the Executive Body**

The Executive Body is established to provide a body corporate through which the CEO can perform any of the CEO’s functions under this Act or the *Wildlife Conservation Act 1950* that can more conveniently be performed by a body corporate than an individual.

**38. Execution of documents by the Executive Body**

- (1) The Executive Body is to have a common seal.
- (2) A document is duly executed by the Executive Body if —
  - (a) the common seal of the Executive Body is affixed to it in accordance with subsections (3) and (4);
  - (b) it is signed on behalf of the Executive Body by the CEO; or
  - (c) it is signed on behalf of the Executive Body, as authorised under subsection (5), by an officer of the Department.
- (3) The common seal of the Executive Body is not to be affixed to a document except as authorised by the Executive Body.
- (4) The common seal of the Executive Body is to be affixed to a document in the presence of the CEO, and the CEO is to sign the document to attest that the common seal was so affixed.
- (5) The Executive Body may, by writing under its common seal, authorise an officer of the Department to sign documents on behalf of the Executive Body, either generally or subject to any conditions or restrictions specified in the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed until the contrary is shown.
- (7) A document executed by the CEO or another person under this section without the common seal of the Executive Body is not to be regarded as a deed unless it is executed as a deed as authorised under subsection (5).

- (8) When a document is produced bearing a seal purporting to be the common seal of the Executive Body, it is to be presumed that the seal is the common seal of the Executive Body until the contrary is shown.
- (9) For the purposes of this Act, a facsimile of —
- (a) the Executive Body’s common seal; or
  - (b) the signature of the CEO or a person authorised under subsection (5) to execute deeds or other documents,
- may be used, and a deed or other document purporting to be endorsed with such a facsimile is, until the contrary is shown, to be regarded as bearing the facsimile under this subsection.

”.

**198. Section 42 repealed**

Section 42 is repealed.

**199. Section 49 amended**

Section 49(c) is amended by deleting “Executive Director referred to in” and inserting instead —

“ CEO as defined in section 4(1) of ”.

**200. Section 50 amended**

Section 50(2) is amended as follows:

- (a) by deleting “34,”;
- (b) by inserting after “officer of the Department” in the first place where it occurs —  
“ , on behalf of or as representative of the CEO, ”;
- (c) by deleting “on behalf of or as representative of the Department”.

**201. Section 64 amended**

Section 64(1)(ga) is amended by deleting “the Department or the Executive Director, as the case requires,” and inserting instead —

“ the CEO ”.

**202. Section 65 amended**

Section 65(a) is amended by deleting “at the Treasury”.

**203. Section 71 amended**

Section 71(1) is amended by deleting “section 34” and inserting instead —

“ the powers of the CEO ”.

**204. Section 72 amended**

Section 72(1) is amended by deleting “by the Department of its functions” and inserting instead —

“ of the CEO’s functions ”.

**205. Section 75 amended**

Section 75 is amended by deleting “of Conservation and Land Management”.

**206. Section 133 amended**

After section 133(2) the following subsection is inserted —

“

- (3) Without limiting the things that may be delegated under subsection (2), they may include things that are to be done in the course of governing the affairs of the Executive Body under section 36(4).

”.

**207. Section 142 amended**

Section 142(2) is amended by deleting “Minister to whom the administration of the *Land Administration Act 1997* is for the time being committed” and inserting instead —

“ Land Administration Minister ”.

**208. Various references to Department changed to CEO**

Each provision listed in the Table to this section is amended by deleting “Department” in each place where it occurs and inserting instead —

“ CEO ”.

**Table**

s. 16(1)	s. 54(3)(a) and (b)
s. 19(1)(g)(i), (ii) and (iii), and (3)	s. 63
s. 25(4) (defn. of “staff”)	s. 64(1)(d), (da) and (g)
s. 26B(1)(f)(i) and (2)	s. 84(1)
s. 26D(4)	s. 87(2)(b)
s. 33(1) and (2)	s. 102(1) (defn. of “land to which this Part applies”)
s. 35(1) and (2)	

**209. Various references to Executive Director changed to CEO**

Each provision listed in the Table to this section is amended by deleting “Executive Director” in each place where it occurs and inserting instead —

“ CEO ”.

**Table**

s. 9(3)(a)	s. 91(2)
s. 14(2)	s. 93
s. 16(1), (2), (3) and (4)	s. 94(1) and (2)



- |                                     |   |
|-------------------------------------|---|
| s. 16B(1)                           | s. 95(2)(b)                             |
| s. 17A(7)(b)                        | s. 97(1)                                |
| s. 20(7)(c)                         | s. 97A(1), (2), (3), (7), (8) and (10)  |
| s. 23(1), (2) and (3)               | s. 99(1)                                |
| s. 26D(5)(a)                        | s. 99A(1), (2), (3), (4) and (6)        |
| s. 33(6)                            | s. 100(1)                               |
| s. 33A(3)(a)                        | s. 101(1), (1a), (1b), (2), (3) and (5) |
| s. 34A(1)                           | s. 101B(1) and (2a)                     |
| s. 34B(2), (3), (4b), (6a) and (7a) | s. 103(2a)(a), (2b) and (3)             |
| s. 35(1)                            | s. 104(2)                               |
| s. 43(2)                            | s. 107(b)                               |
| s. 45(1) and (3a)                   | s. 108A(2)                              |
| s. 46(1)                            | s. 108B                                 |
| s. 48(1), (2) and (3)               | s. 108C(1) and (2)                      |
| s. 50(2)                            | s. 110                                  |
| s. 58(1), (2) and (3)               | s. 113(1)                               |
| s. 64(1)(b) and (2)(c)              | s. 114A(2), (5) and (6)                 |
| s. 66(1), (2) and (3)               | s. 118(2)                               |
| s. 67                               | s. 119A                                 |
| s. 68(3)                            | s. 120                                  |
| s. 69(2)                            | s. 131(1)                               |
| s. 70                               | s. 132                                  |
| s. 71(1), (2) and (3)               | s. 133(1) and (2)                       |
| s. 72(1), (2), (3) and (4)          | s. 134(1)                               |
| s. 73(1) and (2)                    | s. 136(1)                               |
| s. 74(2) and (3)                    | s. 137                                  |
| s. 82(1)                            | s. 138(1)                               |
| s. 83(1)                            | s. 142(2)                               |
| s. 84(1)                            | s. 150(a), (b), (c) and (d)             |
| s. 87A(1)                           |   |

s. 88(1) and (1a)

s. 151(a)(i) and (b)(i)

s. 89(2)(a) and (c)

Note: The headings to sections 23, 72 and 137 will be altered by deleting “Executive Director” and inserting instead “**CEO**”.

The heading to section 33 will be altered by deleting “Department” and inserting instead “**the CEO**”.

The heading to section 35 will be altered by deleting “Department” and inserting instead “**The CEO**”.

### **Division 2 — *Environmental Protection Act 1986***

#### **210. The Act amended**

The amendment in this Division is to the *Environmental Protection Act 1986*\*.

[\* *Reprinted as at 11 January 2002.*

*For subsequent amendments Western Australian Legislation Information Tables for 2004, Table 1, p. 146.]*

#### **211. Section 110H amended**

Section 110H(1) is amended by deleting “at the Treasury,”.

### **Division 3 — *Litter Act 1979***

#### **212. The Act amended**

The amendments in this Division are to the *Litter Act 1979*\*.

[\* *Reprinted as at 4 January 1999.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 256 and Act No. 49 of 2004.]*

**213. Section 9 amended**

Section 9(1)(h) and (i) are deleted and the following paragraphs are inserted instead —

“

- (h) one shall be appointed on the nomination of the Departmental CEO as defined in section 1.4 of the *Local Government Act 1995*;
- (i) one shall be appointed on the nomination of the CEO as defined in section 3 of the *Conservation and Land Management Act 1984*;

”.

**214. Sections 15 and 16 amended**

Sections 15(5) and 16(2) are amended by deleting “*Public Service Act 1978*” and inserting instead —

“ *Public Sector Management Act 1994* ”.

**215. Section 26 amended**

Section 26(2)(c)(i) to (iv) are deleted and the following subparagraphs are inserted instead —

“

- (i) an inspector, under the *Environmental Protection Act 1986*;
- (ii) a conservation and land management officer, forest officer, wildlife officer or ranger, under the *Conservation and Land Management Act 1984*;

”.

**216. Third Schedule amended**

The Third Schedule is amended as follows:

- (a) by deleting the row relating to the *Environmental Protection Act 1971* and inserting instead —

“

Inspectors under the <i>Environmental Protection Act 1986</i>	The CEO as defined in section 3 of the <i>Environmental Protection Act 1986</i>
--	---

”;

- (b) by deleting the rows relating to the *Forests Act 1918*, the *Wildlife Conservation Act 1950* and the *National Parks Authority Act 1976* and inserting instead —

“

Conservation and land management officers, forest officers, wildlife officers or rangers under the <i>Conservation and Land Management Act 1984</i>	The CEO as defined in section 3 of the <i>Conservation and Land Management Act 1984</i>
--	--

”;

- (c) in column 2 of the row relating to the *Fish Resources Management Act 1994* by deleting “Executive Director referred to in” and inserting instead —

“ CEO as defined in section 4(1) of ”;

- (d) in column 2 of the row relating to the *Western Australian Marine Act 1982* by deleting “Manager of the Department of Marine and Harbours” and inserting instead —

“

chief executive officer as defined in section 3(1)  
of the *Western Australian Marine Act 1982*

”.

**Division 4 — Sandalwood Act 1929**

**217. The Act amended**

The amendments in this Division are to the *Sandalwood Act 1929*\*.

[\* *Reprinted as at 4 January 2002.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 405.]*

**218. Section 3 amended**

Section 3(1)(b) is amended by deleting “Executive Director” and inserting instead —

“ CEO ”.

**Division 5 — Wildlife Conservation Act 1950**

**219. The Act amended**

The amendments in this Division are to the *Wildlife Conservation Act 1950*\*.

[\* *Reprint 6 as at 3 September 2004.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 503.]*

**220. Section 6 amended**

Section 6(1) is amended as follows:

- (a) by inserting the following definition in the appropriate alphabetical position —

“

“CEO” has the meaning given by section 3 of the  
*Conservation and Land Management Act 1984*;

”;

- (b) by deleting the definition of “Executive Director”.

**221. Various references to Executive Director changed to CEO**

Each provision listed in the Table to this section is amended by deleting “Executive Director” in each place where it occurs and inserting instead —

“ CEO ”.

**Table**

s. 7	s. 23C(3)(a) and (4)
s. 15(3)(a)	s. 26(3)
s. 23(2)	s. 27B

**Division 6 — Zoological Parks Authority Act 2001**

**222. The Act amended**

The amendments in this Division are to the *Zoological Parks Authority Act 2001*\*.

[\* *Act No. 24 of 2001.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 512 and Act No. 84 of 2004.]*

**223. Section 33 amended**

Section 33(1) is repealed and the following subsection is inserted instead —

“

- (1) The funds referred to in section 32 are to be credited to an account called the “Zoological Parks Authority Account” —
  - (a) forming part of the Trust Fund constituted under section 9 of the *Financial Administration and Audit Act 1985*; or
  - (b) with the approval of the Treasurer, at a bank or other financial institution.

”

### **Division 7 — Transitional provisions**

#### **224. *Conservation and Land Management Act 1984***

- (1) A thing done or omitted to be done before commencement by, to or in relation to the Executive Director (other than as the body corporate referred to in section 38 of the *Conservation and Land Management Act 1984* as in force before commencement) under, or for the purposes of, an enactment has the same effect after commencement, to the extent that it has any force or significance after commencement, as if it had been done or omitted by, to or in relation to the CEO under, or for the purposes of, that enactment.
- (2) The Conservation and Land Management Executive Body established by section 36 of the *Conservation and Land Management Act 1984* (as in force after commencement) is a continuation of, and the same legal person as, the body corporate referred to in section 38 of that Act (as in force before commencement).
- (3) Land placed under the management of the Department under section 33(2) of the *Conservation and Land Management Act 1984* before commencement is to be taken to have been placed, on commencement, under the management of the CEO under that Act.
- (4) The Registrar of Titles or the Registrar of Deeds and Transfers may make any entry in, or any endorsement or notation on, the title, land register or other record in respect of land that is necessary because of subsection (3).
- (5) A reference in a written law or any other instrument to land under the management of the Department under the *Conservation and Land Management Act 1984* is to be read as a reference to land under the management of the CEO.

(6) A reference in a written law or any other instrument to the Director of Nature Conservation, the Director of Forests or the Director of National Parks is to be read as a reference to the CEO.

(7) In this section —

“**CEO**” has the meaning given by section 3 of the *Conservation and Land Management Act 1984* as in force after commencement;

“**commencement**” means the time at which section 183 comes into operation;

“**Executive Director**” means the Executive Director referred to in section 36 of the *Conservation and Land Management Act 1984* as in force before commencement,

and, unless the contrary intention appears, other words and expressions in this section have the same respective meanings as they have in the *Conservation and Land Management Act 1984*.



## Part 8 — Fisheries

### Division 1 — *Fisheries Adjustment Schemes Act 1987*

**225. The Act amended**

The amendments in this Division are to the *Fisheries Adjustment Schemes Act 1987*\*.

[\* Reprinted as at 3 May 2002.

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 175.]*

**226. Section 5 amended**

Section 5(1) is amended by deleting “and kept at the Treasury”.

**227. Section 10 amended**

Section 10 is amended by deleting “Fisheries”.

**228. Various references to Executive Director changed to CEO**

Each provision listed in the Table to this section is amended by deleting “Executive Director” in each place where it occurs and inserting instead —

“ CEO ”.

**Table**

s. 8(3a)

s. 14C(a)

s. 10C(7)

s. 15(1) and (2)

**Division 2 — *Fishing and Related Industries Compensation (Marine Reserves) Act 1997***

**229. The Act amended**

The amendments in this Division are to the *Fishing and Related Industries Compensation (Marine Reserves) Act 1997*\*.

[\* *Reprint 1 as at 6 August 2004.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 175.]*

**230. Section 5 amended**

- (1) Section 5(5), (6), (7), (8) and (9) are amended by deleting “Executive Director” and inserting instead —

“ CEO ”.

- (2) Section 5(5) and (6) are amended by deleting “Executive Director’s” and inserting instead —

“ CEO’s ”.

**Division 3 — *Fish Resources Management Act 1994***

**231. The Act amended**

The amendments in this Division are to the *Fish Resources Management Act 1994*\*.

[\* *Reprint 2 as at 11 March 2005.*

*For subsequent amendments see Acts Nos. 12 of 2003 and 59 of 2004.]*

**232. Section 4 amended**

Section 4(1) is amended as follows:

- (a) by inserting the following definition in the appropriate alphabetical position —

“

“**CEO**” means the chief executive officer of the  
Department;

”;

- (b) by deleting the definition of “Executive Director”.

**233. Section 10 repealed**

Section 10 is repealed.

**234. Section 238 amended**

Section 238(2) is amended by deleting “to be kept at the Treasury”.

**235. Sections 239, 241 and 242 amended**

Sections 239(1), 241(1) and 242(1) are amended by deleting “and kept at the Treasury”.

**236. Various references to Executive Director changed to CEO**

- (1) Each provision listed in the Table to this subsection is amended by deleting “Executive Director” in each place where it occurs and inserting instead —

“ CEO ”.

**Table**

s. 7(1), (3), (4)(a) and (b), (5) and (6)	s. 140(1), (2), (3), (4) and (5) s. 141(1)
s. 13(1) and (2)	s. 142(1), (2), (3), (4), (5) and (6)
s. 29(2)(a)	
s. 33(2)(a)	s. 143(1) and (2)

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**Division 3** Fish Resources Management Act 1994

**s. 236**

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s. 37(2)(a)	s. 144(1), (2) and (3)
s. 58(2)(c), (h), (j) and (k)	s. 145(1)
s. 61(1)(c)	s. 147(1)
s. 62(s)	s. 148(1)
s. 66(1)	s. 149(2)
s. 68	s. 150(b)
s. 69(1)(b), (2) and (3)	s. 151(1) and (3)
s. 71(2)	s. 177(1), (2) and (4)
s. 72(2)	s. 179(1), (3), (6) and (7)
s. 76(4)(a) and (b)	s. 196(1) and (2)
s. 79(1)	s. 197(3) and (4)
s. 80(1)	s. 201(1) and (4)
s. 81(1)(b), (2) and (3)	s. 217(1), (2) and (3)
s. 83(1), (2) and (3)	s. 219(1)
s. 85	s. 224(1) and (2)
s. 87(1), (2)(b), (3) and (4)	s. 227(1)
s. 92(1) and (3)	s. 238(4)(d)
s. 94(1)	s. 244(1)(b)
s. 95(1)(b), (2) and (3)	s. 246(1), (4), (5)(b) and (c)
s. 107(1)	s. 249(1) and (2)
s. 111	s. 257(2)(b), (c) and (e)
s. 123(c)	s. 258(k) and (y)
s. 130(b) and (d)	s. 262
s. 135(1), (2), (3) and (4)	Sch. 1 cl. 2
s. 138(1)	Sch. 1 cl. 3(1) and (2)
s. 139(1)	

(2) Each provision listed in the Table to this subsection is amended by deleting “Executive Director’s” in each place where it occurs and inserting instead —

“ CEO’s ”.

**Table**

s. 140(2)(a)	s. 224(1)(b)
s. 177(3)	s. 246(5)(a)
s. 179(5)	

Note: The headings to sections 13, 147, 148 and 262 will be altered by deleting "Executive Director" and inserting instead "**CEO**".

**Division 4 — Pearling Act 1990**

**237. The Act amended**

The amendments in this Division are to the *Pearling Act 1990*\*.

[\* *Reprinted as at 3 November 2000.*

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2004, Table 1, p. 328.]*

**238. Section 3 amended**

Section 3(1) is amended as follows:

- (a) by inserting the following definitions in the appropriate alphabetical positions —

“

“**CEO**” means the chief executive officer of the  
Department;

“**Department**” has the meaning given by section 4(1)  
of the *Fish Resources Management Act 1994*;

”;

- (b) by deleting the definitions of “Executive Director” and  
“the Department”;

- (c) in the definition of “Fisheries Research and  
Development Fund” by deleting “established under  
section 35L of the *Fisheries Act 1905*” and inserting  
instead —

“

in existence under section 238 of the *Fish Resources Management Act 1994*

”.

**239. Section 35 amended**

Section 35(2) is amended by deleting “an inspector of fisheries appointed under section 5(1c) of the *Fisheries Act 1905*” and inserting instead —

“

a fisheries officer as defined in section 4(1) of the *Fish Resources Management Act 1994*

”.

**240. Section 62A inserted**

After section 62 the following section is inserted —

“

**62A. Delegation by CEO**

- (1) The CEO may delegate to an employee of the Department any power or duty of the CEO under another provision of this Act.
- (2) The delegation must be in writing signed by the CEO.
- (3) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- (4) A person exercising or performing a power or duty that has been delegated to the person under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (5) Nothing in this section limits the ability of the CEO to perform a function through an officer or agent.

”.

**241. Various references to Executive Director changed to CEO**

Each provision listed in the Table to this section is amended by deleting “Executive Director” in each place where it occurs and inserting instead —

“ CEO ”.

**Table**

s. 8(5)	s. 32(3), (4), (5)(a) and (b), (6)
s. 12(1), (2) and (3)	and (7)
s. 16	s. 33(1), (2), (4) and (10)(b)
s. 17(1)	s. 34
s. 22(1), (2) and (3)	s. 35(1) and (3)
s. 23(1), (2), (5), (6), (7) and (8)	s. 37(3) and (4)
s. 24(1) and (3)	s. 38(2)
s. 26(1) and (2)(a)(ii)	s. 52(1)
s. 27(2), (4), (5) and (6)	s. 53(3)
s. 28(1) and (2)	s. 55(1), (2), (4), (5) and (6)
s. 30(2) and (3)	s. 61
s. 31(1)(c)	Sch. 3 cl. 4(1)
	Sch. 3 cl. 5

Note: The heading to section 12 will be altered by deleting “Executive Director” and inserting instead “CEO”.

**Division 5 — Transitional provisions**

**242. References to the Executive Director**

- (1) After commencement, a reference in a written law that is, or is to be taken to be, to the Executive Director (as defined in the *Fish Resources Management Act 1994* as in force before commencement) is to have effect as if it had been amended to be a reference to the CEO (as defined in the *Fish Resources Management Act 1994* as in force after commencement).

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**Division 5** Transitional provisions

**s. 242**

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- (2) Subsection (1) does not apply if a contrary intention appears or the context otherwise requires.
- (3) In this section —  
**“commencement”** means the time at which section 232 comes into operation.



## **Part 9 — Health**

### **Division 1 — *Dental Prosthetists Act 1985***

#### **243. The Act amended**

The amendments in this Division are to the *Dental Prosthetists Act 1985*\*.

[\* *Reprint 1 as at 2 May 2003.*

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2004, Table 1, p. 122.]*

#### **244. Section 3 amended**

Section 3(1) is amended as follows:

- (a) by inserting the following definition in the appropriate alphabetical position —

“

“**CEO**” has the meaning given by section 3 of the  
*Health Legislation Administration Act 1984*;

”;

- (b) by deleting the definition of “Commissioner”.

#### **245. Section 5 amended**

Section 5(2)(b) is deleted and the following paragraph is inserted instead —

“

- (b) 1 person shall be appointed on the nomination of the chief executive officer of the department as defined in section 5(1) of the *Vocational Education and Training Act 1996*;

”.

**246. Sections 19A and 30A amended**

Sections 19A(1)(b) and 30A are amended by deleting “Commissioner’s” and inserting instead —

“ CEO’s ”.

**247. Various references to Commissioner changed to CEO**

Each provision listed in the Table to this section is amended by deleting “Commissioner” in each place where it occurs and inserting instead —

“ CEO ”.

**Table**

s. 5(2)(c)(ii)	s. 20(1), (2), (3) and (4)
s. 12(1)(d) and (e)	s. 22(1) and (2)
s. 13(1), (2)(b) and (5)	s. 23(1)
s. 14(1), (2) and (3)(b)	s. 24(b) and (c)
s. 15(1) and (2)	s. 26
s. 17	s. 27(1), (3) and (6)
s. 18(1)	s. 28(1)(b) and (2)
s. 19A(1) and (2)	s. 29(1), (2) and (3)
s. 19B(1) and (2)	s. 30(1)
s. 19D(1) and (2)(b)	s. 30A

**Division 2 — Health Act 1911**

**248. The Act amended**

The amendments in this Division are to the *Health Act 1911*\*.

[\* *Reprinted as at 31 March 2000.*

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2004, Table 1, p. 200-1.]*

**249. Section 3 amended**

Section 3(1) is amended as follows:

- (a) by inserting the following definition in the appropriate alphabetical position —

“

“**CEO**” has the meaning given by section 3 of the  
*Health Legislation Administration Act 1984*;

”;

- (b) by deleting the definition of “Commissioner”.

**250. Heading to Part II Division 1 amended**

The heading to Part II Division 1 is amended by deleting “Commissioner” and inserting instead —

“ **CEO** ”.

**251. Various references to Commissioner changed to CEO**

Each provision listed in the Table to this section is amended by deleting “Commissioner” in each place where it occurs and inserting instead —

“ **CEO** ”.

**Table**

s. 5(3)	s. 344B
s. 39(1) and (2)	s. 349(1)
s. 324A	s. 351(1), (2) and (5)
s. 330B(2)	s. 354(8)
s. 337A(2)	s. 357
s. 340B(3)(c)	s. 362(2)
s. 340AB(3)(b), (3)(f) and (4)(c)	s. 365(1) s. 366(1) and (2)
s. 340BB(3)(b)	s. 369(1)(c)
s. 341(2)	s. 372(2)

s. 342(1)(b), (2) and (4)

s. 376

s. 344(1)(b)

s. 377(1) and (2)

s. 344A(2) and (3)

Note: The heading to section 324A will be altered by deleting  
“Commissioner” and inserting instead “CEO”.

**Division 3 — Health Legislation Administration Act 1984**

**252. The Act amended**

The amendments in this Division are to the *Health Legislation Administration Act 1984*\*.

[\* Reprinted as at 11 January 2002.]

**253. Section 3 amended**

Section 3 is amended as follows:

- (a) by inserting the following definition in the appropriate alphabetical position —

“

“CEO” means the chief executive officer of the  
Department;

”;

- (b) in the definition of “prescribed officer” by deleting  
“6(1)(a), (b)” and inserting instead —

“ 6(1)(b) ”.

**254. Section 6 amended**

Section 6(1)(a) is deleted.

**255. Section 9 amended**

Section 9(1) is amended by inserting after “the Minister” —

“ , the CEO ”.

**Division 4 — *Health Services (Conciliation and Review) Act 1995***

**256. The Act amended**

The amendments in this Division are to the *Health Services (Conciliation and Review) Act 1995*\*.

[\* *Reprint 2 as at 18 March 2005.*]

**257. Section 3 amended**

(1) Section 3(1) is amended as follows:

- (a) by inserting the following definition in the appropriate alphabetical position —

“

“**Health Department**” has the meaning given to  
“Department” by section 3 of the *Health  
Legislation Administration Act 1984*;

”;

- (b) in the definition of “provider” by deleting paragraph (c) and inserting the following paragraph instead —

“

- (c) the chief executive officer of the Health Department in respect of any health services provided or rendered by persons carrying out the functions of the Health Department, but not including a health service provided or rendered in a public hospital under the *Hospitals and Health Services Act 1927*;

”.

(2) Section 3(3) is amended as follows:

- (a) in paragraph (b) by deleting “Commissioner of Health” and inserting instead —

“ chief executive officer of the Health Department ”;

- (b) by deleting “Commissioner” and inserting instead —

“ chief executive officer ”.

**258. Section 13 amended**

Section 13(1) is amended by deleting “at the Treasury”.

**259. Section 25 amended**

Section 25(2) is amended by deleting “Commissioner of Health” and inserting instead —

“ chief executive officer of the Health Department ”.

**Division 5 — *Hospital Fund Act 1930***

**260. The Act amended**

The amendment in this Division is to the *Hospital Fund Act 1930*\*.

[\* *Reprint in Appendix to Session Volume 1937-1938.*  
*For subsequent amendments see Western Australian*  
*Legislation Information Tables for 2004, Table 1, p. 206.*]

**261. Section 3 amended**

Section 3(2) is amended by deleting “, to be kept at the Treasury”.

**Division 6 — *Hospitals and Health Services Act 1927***

**262. The Act amended**

The amendments in this Division are to the *Hospitals and Health Services Act 1927*\*.

[\* *Reprinted as at 15 October 1999.*  
*For subsequent amendments see Western Australian*  
*Legislation Information Tables for 2004, Table 1, p. 208.*]

**263. Section 2 amended**

Section 2(1) is amended as follows:

- (a) by inserting the following definition in the appropriate alphabetical position —

“

“**CEO**” has the meaning given by section 3 of the  
*Health Legislation Administration Act 1984*;

”;

- (b) by deleting the definition of “Commissioner”.

**264. Various references to Commissioner changed to CEO**

Each provision listed in the Table to this section is amended by deleting “Commissioner” in each place where it occurs and inserting instead —

“ CEO ”.

**Table**

s. 26B(2), (3) and (4)	s. 26J(1)
s. 26C	s. 26K(1)(c)
s. 26D(1), (2), (4), (5)(a) and (b), (6) and (7)	s. 26N(1) and (3) s. 26O(2)(a)
s. 26DA(2), (3) and (4)	s. 26R
s. 26F(1)	s. 26S(1) and (3)
s. 26FA(1)	s. 35A
s. 26G(1), (3) and (4)	s. 37(2f)(d)
s. 26H(3)	s. 38(1)(c)
s. 26I(2)	

Note: The headings to sections 26G and 26S will be altered by deleting “Commissioner” and inserting instead “**CEO**”.

**Division 7 — Human Reproductive Technology Act 1991**

**265. The Act amended**

The amendments in this Division are to the *Human Reproductive Technology Act 1991*\*.

[\* Reprinted as at 12 July 2002.

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 212-13.]*

**266. Section 3 amended**

- (1) Section 3(1) is amended in the definition of “authorised officer” as follows:

- (a) in paragraphs (a) and (d) by deleting “Commissioner of Health” and inserting instead —  
“ CEO ”;
- (b) in paragraph (b) by deleting “Commissioner” and inserting instead —  
“ CEO ”.

- (2) Section 3(1) is amended as follows:

- (a) by inserting the following definition in the appropriate alphabetical position —

“

“**CEO**” has the meaning given by section 3 of the *Health Legislation Administration Act 1984*;

”;

- (b) by deleting the definition commencing with “Commissioner of Health” and the definition of “Director-General”.



**267. Section 13 amended**

Section 13(4) is amended by deleting “department of the Public Service of the State principally assisting the Minister in the administration of the *Health Act 1911*” and inserting instead —

“

Department as defined in section 3 of the *Health Legislation Administration Act 1984*

”.

**268. Section 37 amended**

Section 37(1a) is amended by deleting “Commission of Health” and inserting instead —

“ CEO ”.

**269. Sections 53ZC and 53ZI amended**

Sections 53ZC(1)(c) and 53ZI(c) are amended by deleting “Commissioner as defined in section 3(1) of the *Health Act 1911*” and inserting instead —

“ CEO ”.

**270. Various references to Commissioner of Health changed to CEO**

- (1) Each provision listed in the Table to this subsection is amended by deleting “Commissioner of Health” in each place where it occurs and inserting instead —

“ CEO ”.

**Table**

s. 3(5)(c)	s. 37(1)
s. 5(1), (2) and (5)	s. 38(1), (1a) and (1b)
s. 6(4)	s. 40(1), (2) and (3)
s. 10(2)	s. 41(1) and (3)

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**Division 7** Human Reproductive Technology Act 1991

**s. 270**

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s. 11(1)(c)	s. 42(1) and (3)
s. 12(2)(b)	s. 43(1)
s. 13(1) and (4)	s. 44(1), (2), (3), (4) and (5)
s. 14(1)(b)	s. 45(1)
s. 15(4)	s. 46(3)(b)
s. 19(2)(b)(ii)	s. 47(1)
s. 25(c)	s. 48
s. 26(2)	s. 49(2e)(b), (2f) and (4)(a)
s. 27(1)	s. 50(1)(a)
s. 28A(1)	s. 51(5) and (6)
s. 29(1), (3), (4), (5), (6), (7) and (8)	s. 53(4) s. 53ZQ(4)
s. 30(1)(a) and (4)(a)	s. 54(3)(a) and (6)
s. 31(1)	s. 56(1)(a)
s. 32(1), (2) and (3)	s. 57(1), (4), (5), (7), (8), (9) and (10)
s. 35(1)	s. 59(1), (2) and (4)
s. 36(1), (2), (2a), (2b), (2c) and (3)	s. 61(1)(b)
s. 36A	Sch. cl. 11(1)

- (2) Each provision listed in the Table to this subsection is amended by deleting “Commissioner” in each place where it occurs and inserting instead —

“ CEO ”.

**Table**

s. 5(2), (6), (7), (8) and (9) (defn. of “information”)	s. 33(2)(f), (g), (h) and (j) s. 37(1), (2) and (3)
s. 10(2)	s. 38(1), (1a) and (1b)
s. 11(1) and (2)(a)	s. 40(1)
s. 12(2)(b) and (c)	s. 41(2) and (3)
s. 13(2), (3), (4), (6), (7) and (8)	s. 42(1)
s. 14(3)(b)	s. 44(4) and (5)
s. 20(5)(a)	s. 51(5) and (6)

s. 27(4)(a)	s. 57(4)
s. 28(1)	s. 59(4)
s. 29(1)(c), (2) and (3)	s. 60(3) and (4)(b)
s. 30(1) and (2)(b)	Sch. cl. 11(1) and (2)
s. 32(1)	

Note: The heading to section 13 will be altered by deleting “Commissioner of Health” and inserting instead “**CEO**”.

### **Division 8 — Medical Act 1894**

**271. The Act amended**

The amendments in this Division are to the *Medical Act 1894*\*.

[\* *Reprinted as at 25 February 2000.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 277-8.]*

**272. Section 4 amended**

Section 4(1a)(d) is amended by deleting “chief executive officer of the department principally assisting the Minister charged with the administration” and inserting instead —

“ Commissioner as defined in section 4(1) ”.

### **Division 9 — Mental Health Act 1996**

**273. The Act amended**

The amendments in this Division are to the *Mental Health Act 1996*\*.

[\* *Reprint 1 as at 6 August 2004.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 279.]*

**274. Section 3 amended**

Section 3 is amended as follows:

- (a) by inserting the following definition in the appropriate alphabetical position —

“

“**CEO**” has the meaning given by section 3 of the  
*Health Legislation Administration Act 1984*;

”;

- (b) by deleting the definition of “Commissioner”.

**275. Various references to Commissioner changed to CEO**

Each provision listed in the Table to this section is amended by deleting “Commissioner” in each place where it occurs and inserting instead —

“ CEO ”.

**Table**

s. 10(a) and (e)	s. 173(1) and (2)
s. 11	s. 174(1), (3) and (4)(g)

Note: The headings to sections 11 and 173 will be altered by deleting “Commissioner” and inserting instead “**CEO**”.

**Division 10 — Nurses Act 1992**

**276. The Act amended**

The amendments in this Division are to the *Nurses Act 1992*\*.

[\* *Reprint 2 as at 20 February 2004.*

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2004, Table 1, p. 309.]*

**277. Section 4 amended**

Section 4 is amended as follows:

- (a) by inserting the following definition in the appropriate alphabetical position —

“

“**CEO**” has the meaning given by section 3 of the  
*Health Legislation Administration Act 1984*;

”;

- (b) in the definition of “designated area” by deleting  
“Commissioner of Health” and inserting instead —

“ CEO ”.

**278. Section 9 amended**

Section 9(2a) is amended by deleting “Commissioner of Health (within the meaning of the *Health Act 1911*)” and inserting instead —

“ CEO ”.

**Division 11 — Poisons Act 1964**

**279. The Act amended**

The amendments in this Division are to the *Poisons Act 1964*\*.

[\* *Reprint 6 as at 10 September 2004.*

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2004, Table 1, p. 347.]*

**280. Section 5 amended**

Section 5(1) is amended as follows:

- (a) by inserting the following definition in the appropriate alphabetical position —

“

“**CEO**” has the meaning given by section 3 of the  
*Health Legislation Administration Act 1984*;

”;

- (b) by deleting the definition of “Commissioner of Health”.

**281. Section 55E amended**

- (1) Section 55E(1) is amended by deleting “Commissioner of Health’s” and inserting instead —

“ CEO’s ”.

- (2) Section 55E(1), (2) and (3) are amended by deleting “Commissioner” in each place where it occurs and inserting instead —

“ CEO ”.

**282. Various references to Commissioner of Health changed to CEO**

Each provision listed in the Table to this section is amended by deleting “Commissioner of Health” in each place where it occurs and inserting instead —

“ CEO ”.

**Table**

s. 7(1)	s. 40(ba)
s. 8(2)(a) and (4)	s. 41A(1) and (2)
s. 19	s. 50(3)
s. 23(2) and (4)	s. 59
s. 24(1), (2), (3), (4), (5) and (6)	s. 61(b)(v)

s. 25(1) and (2)	s. 61A
s. 26A(1)(b), (2) and (3)	s. 61B
s. 26B(2) and (3)	s. 63(1)
s. 27	s. 64(1a), (2)(ha), (hb), (ja)
s. 28	and (r)
s. 29(1)	s. 64B
s. 36A	

Note: The headings to sections 28 and 29 will be altered by deleting "Commissioner of Health" and inserting instead "**CEO**".

### **Division 12 — Tobacco Control Act 1990**

#### **283. The Act amended**

The amendments in this Division are to the *Tobacco Control Act 1990*\*.

[\* *Reprinted as at 2 November 2001.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 453.]*

#### **284. Section 4 amended**

Section 4 is amended as follows:

- (a) by inserting the following definition in the appropriate alphabetical position —

“

“**CEO (Health)**” has the meaning given to “CEO” by section 3 of the *Health Legislation Administration Act 1984*;

”;

- (b) by deleting the definition of “the Commissioner of Health”.

**285. Section 17 amended**

- (1) Section 17(1) is amended by deleting paragraph (h) and inserting the following paragraph instead —

“

- (h) one shall be the CEO (Health) or the nominee of the CEO (Health);

”.

- (2) Section 17(8)(b) is amended by deleting “Commissioner of Health” and inserting instead —

“ CEO (Health) ”.

**286. Section 19 amended**

Section 19 is amended by deleting “Public Service Commissioner” and inserting instead —

“ Minister for Public Sector Management ”.

**287. Section 26 amended**

Section 26(3) is amended by deleting “at the Treasury”.

**288. Section 29 amended**

Section 29 is amended by deleting “Commissioner of Health” and inserting instead —

“ CEO (Health) ”.

**Division 13 — Transitional provisions**

**289. Commissioner of Health**

- (1) A thing done or omitted to be done by, to or in relation to, the Commissioner of Health before commencement under, or for the purposes of, an enactment has the same effect after commencement, to the extent that it has any force or



significance after commencement, as if it had been done or omitted by, to or in relation to, the CEO.

(2) In this section —

“**CEO**” has the meaning given by section 3 of the *Health Legislation Administration Act 1984* as in force after commencement;

“**commencement**” means the time at which this Division comes into operation;

“**Commissioner of Health**” means the Commissioner of Health referred to in section 6(1)(a) of the *Health Legislation Administration Act 1984* as in force before commencement.

## **Part 10 — Housing and Works, and Heritage**

### **Division 1 — *Country Housing Act 1998***

**290. The Act amended**

The amendments in this Division are to the *Country Housing Act 1998*\*.

[\* Reprinted as at 13 December 2002.

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 99-100 and Act No. 49 of 2004.]*

**291. Section 9A inserted**

Before section 10 the following section is inserted —

“

**9A. Authority to be an SES organisation**

The Authority is to be an SES organisation under the *Public Sector Management Act 1994*.

”

**292. Section 11 amended**

Section 11(3) is amended in paragraphs (b) and (c) by deleting “with the approval of the Minister,”.

**293. Section 13 amended**

Section 13(2) is deleted and the following subsections are inserted instead —

“

- (2) The Minister must cause a copy of a direction under subsection (1) to be laid before each House of Parliament, or dealt with under subsection (3), within 14 days after the direction is given.

- (3) If —
- (a) at the commencement of the period referred to in subsection (2) a House of Parliament is not sitting; and
  - (b) the Minister is of the opinion that that House will not sit during that period,
- the Minister is to transmit a copy of the direction to the Clerk of that House.
- (4) A copy of a direction transmitted to the Clerk of a House is to be taken to have been laid before that House.
- (5) The laying of a copy of a direction that is regarded as having occurred under subsection (4) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy.
- (6) The text of a direction under subsection (1) is to be included in the annual report submitted by the accountable authority of the Authority under section 66 of the Financial Administration and Audit Act 1985.

”.

**294. Section 15 amended**

Section 15(2) is amended by deleting “at the Treasury”.

**Division 2 — *Government Employees' Housing Act 1964***

**295. The Act amended**

The amendments in this Division are to the *Government Employees' Housing Act 1964*\*.

[\* *Reprinted as at 8 December 2000.*

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2004, Table 1, p. 189.]*

**296. Long title amended**

The long title is amended by deleting “; to provide for the establishment of the Government Employees' Housing Authority;”.

**297. Section 4 amended**

Section 4 is amended as follows:

- (a) after paragraph (a) by inserting —  
“ and ”;
- (b) after paragraph (b) by deleting “; and” and inserting a full stop;
- (c) by deleting paragraph (c).

**298. Section 5 amended**

Section 5 is amended as follows:

- (a) by deleting the definition of “Authority” and inserting instead —

“

“**Authority**” means the Housing Authority referred to in section 6(4) of the *Housing Act 1980*;

”;

- (b) in the definition of “Fund” by deleting “Authority”;
- (c) by deleting the definition of “permanent head”.

**299. Section 6 repealed**

Section 6 is repealed.

**300. Part II repealed**

Part II is repealed.

**301. Section 18 amended**

Section 18(1) and (2) are amended by deleting “permanent head” and inserting instead —

“ chief executive officer of a Department ”.

**302. Section 19 amended**

Section 19 is amended by inserting after “powers conferred on the Authority by this” —

“ or any other ”.

**303. Section 21 repealed**

Section 21 is repealed.

**304. Section 23 amended**

Section 23(a) is amended by deleting “for the purposes of this Act”.

**305. Section 24 amended**

Section 24(1) is amended as follows:

(a) by deleting “and kept at the Treasury, forming” and inserting instead —

“ , as ”;

(b) by deleting “Authority” in the first place where it occurs.

Note: The heading to section 24 will be altered by deleting “Authority”.

**306. Section 25 repealed**

Section 25 is repealed.

**Division 3 — *Heritage of Western Australia Act 1990***

**307. The Act amended**

The amendments in this Division are to the *Heritage of Western Australia Act 1990*\*.

[\* *Reprinted as at 1 June 2001.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 203.]*

**308. Section 14 amended**

(1) Section 14(2)(a) is amended by deleting “for those purposes”.

(2) Section 14(4) is amended by deleting “at the Treasury”.

**Division 4 — *Housing Act 1980***

**309. The Act amended**

The amendments in this Division are to the *Housing Act 1980*\*.

[\* *Reprinted as at 27 May 1999.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 209.]*

**310. Long title amended**

The long title is amended by deleting “preserve and continue The State Housing Commission” and inserting instead —

“

**provide for the Housing Authority by merging the Government Employees’ Housing Authority into The State Housing Commission**

”.

**311. Section 5 amended**

Section 5(1)(a) is amended as follows:

- (a) by inserting the following definitions in the appropriate alphabetical positions —

“

“**Authority**” means the Housing Authority referred to in section 6(4);

“**officer of the Authority**” means —

- (a) the chief executive officer of the Authority;
- (b) an officer referred to in section 17(b); and
- (c) an officer or employee referred to in section 18A(1) whose services the Authority is making use of;

”;

- (b) in the definition of “the Fund” by deleting “The State” and inserting instead —

“ the ”;

- (c) by deleting the definitions of “appointed member”, “chairman”, “member”, “officer of the Commission” and “the Commission”.

**312. Heading to Part II amended**

The heading to Part II is amended by deleting “Commission” and inserting instead —

“ **Authority** ”.

**313. Heading to Part II Division 1 replaced**

The heading to Part II Division 1 is deleted and the following heading is inserted instead —

“

**Division 1 — The Housing Authority**

”.

**314. Section 6 amended**

- (1) Section 6 is amended by inserting before “The” the subsection designation “(1)”.
- (2) At the end of section 6 the following subsections are inserted —

“

- (2) At the merger time the former body merges into The State Housing Commission.
- (3) The State Housing Commission, as renamed by subsection (4), is a continuation of the former body.
- (4) Immediately after the merger time The State Housing Commission is renamed as the Housing Authority.
- (5) In this section —

**“former body”** means the Government Employees’ Housing Authority established by section 8 of the *Government Employees’ Housing Act 1964* as in force before the merger time;

**“merger time”** means the time at which section 314 of the *Machinery of Government (Miscellaneous Amendments) Act 2005* comes into operation.

”.

**315. Section 7 amended**

Section 7(2) is amended by inserting before “affixed” in the first place where it occurs —

“ or the former body (within the meaning of section 6) ”.



**316. Sections 8 to 10 replaced**

Sections 8, 9 and 10 are repealed and the following sections are inserted instead —

“

**8. Authority to be an SES organisation**

The Authority is to be an SES organisation under the *Public Sector Management Act 1994*.

**9. Management**

- (1) The Authority is to be governed by its chief executive officer.
- (2) The chief executive officer, in the name of the Authority, is to perform the functions of the Authority under this Act or any other written law.

”.

**317. Heading to Part II Division 2 amended**

The heading to Part II Division 2 is amended by deleting “Commission” and inserting instead —

“ **Authority** ”.

**318. Section 11 amended**

- (1) Section 11(1) is amended by inserting after “Act” —  
“ and the *Government Employees’ Housing Act 1964* ”.
- (2) Section 11(2) and (3) are repealed.

**319. Sections 11A and 11B inserted**

After section 11 the following sections are inserted —

“

**11A. Minister may give directions**

- (1) The Minister may give written directions to the Authority with respect to the performance of its functions under this or any other Act, either generally or in relation to a particular matter, and the Authority is to give effect to any such direction.
- (2) The Minister must cause a copy of a direction under subsection (1) to be laid before each House of Parliament, or dealt with under subsection (3), within 14 days after the direction is given.
- (3) If —
  - (a) at the commencement of the period referred to in subsection (2) a House of Parliament is not sitting; and
  - (b) the Minister is of the opinion that that House will not sit during that period,the Minister is to transmit a copy of the direction to the Clerk of that House.
- (4) A copy of a direction transmitted to the Clerk of a House is to be taken to have been laid before that House.
- (5) The laying of a copy of a direction that is regarded as having occurred under subsection (4) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy.
- (6) The text of a direction under subsection (1) is to be included in the annual report submitted by the

accountable authority of the Authority under section 66 of the *Financial Administration and Audit Act 1985*.

**11B. Minister to have access to information**

- (1) The Minister is entitled —
  - (a) to have information in the possession of the Authority; and
  - (b) if 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 Authority to furnish information to the Minister;
  - (b) request the Authority to give the Minister access to information;
  - (c) for the purposes of paragraph (b) make use of the staff of the Authority to obtain the information and furnish it to the Minister.
- (3) The Authority has to comply with a request under subsection (2) and make staff and facilities available to the Minister for obtaining information under subsection (2)(c).
- (4) In this section —

**“document”** includes any tape, disk or other device or medium on which information is recorded or stored mechanically, photographically, electronically or otherwise;

**“information”** means information specified, or of a description specified, by the Minister that relates to the functions of the Authority under this or any other Act.

”.

**320. Section 12 amended**

Section 12 is amended by inserting after “for the purposes of this Act” —

“ and the *Government Employees’ Housing Act 1964* ”.

**321. Section 12A amended**

- (1) Section 12A(1) is amended by inserting after “the objects of this Act” —

“ or the *Government Employees’ Housing Act 1964* ”.

- (2) Section 12A(4) is amended by inserting after “exercise under this Act” —

“ or the *Government Employees’ Housing Act 1964* ”.

**322. Section 13 amended**

Section 13(1) is amended as follows:

- (a) by inserting after “under this Act” —

“ or the *Government Employees’ Housing Act 1964* ”.

- (b) by deleting “a member or”.

**323. Section 16 amended**

Section 16(1) is amended by inserting after “this Act” —

“ or the *Government Employees’ Housing Act 1964* ”.

**324. Heading to Part II Division 3 amended**

The heading to Part II Division 3 is amended by deleting “Commission” and inserting instead —

“ **Authority** ”.

**325. Section 17 amended**

- (1) Section 17 is amended as follows:
- (a) by inserting before “To enable” the subsection designation “(1)”;
  - (b) in paragraph (a) by deleting “general manager” and inserting instead —  
“ chief executive officer ”;
  - (c) in paragraph (b) by deleting “, employed or engaged,”;
  - (d) in paragraph (b) by deleting “, employees and other persons”.
- (2) At the end of section 17 the following subsections are inserted —
- “
- (2) The chief executive officer of the Authority cannot be excluded from the Senior Executive Service under section 43(3) of the *Public Sector Management Act 1994*.
  - (3) The chief executive officer is responsible for, and has the necessary powers to administer, the day to day operations of the Authority.
- ”.

**326. Section 18A inserted**

After section 18 the following section is inserted in Part II —

“

**18A. Use of other staff and facilities**

- (1) The Authority may by arrangement with the relevant employing authority make use, either full-time or part-time, of the services of any officer or employee —
- (a) in the Public Service;
  - (b) in a State agency or instrumentality; or

- (c) otherwise in the service of the State.
- (2) The Authority may by arrangement with —
  - (a) a department of the Public Service; or
  - (b) a State agency or instrumentality,make use of any facilities of the department, agency or instrumentality.
- (3) An arrangement under subsection (1) or (2) is to be made on such terms as are agreed to by the parties.
- (4) In this section, “**employing authority**”, “**Public Service**” and other expressions used in the *Public Sector Management Act 1994* have the same respective meanings as they have in that Act.

”.

**327. Section 22 amended**

Section 22(3) is amended by deleting “this Act” and inserting instead —

“ this or any other Act ”.

**328. Heading to Part IV amended**

The heading to Part IV is amended by deleting “Commission” and inserting instead —

“ **Authority** ”.

**329. Section 50 amended**

Section 50(3) is amended as follows:

- (a) by inserting after “this Act” in the first place where it occurs —

“ or the *Government Employees’ Housing Act 1964* ”.

- (b) by deleting “this Act” in the second place where it occurs and inserting instead —  
“ those Acts ”.

**330. Section 62 amended**

- (1) Section 62(1) is amended by deleting “for that purpose”.
- (2) Section 62(2) is amended by deleting “at the Treasury”.
- (3) Section 62(2), (4), (5), (6) and (8) are amended by deleting “The State” and inserting instead —  
“ the ”.

**331. Section 69 replaced**

Section 69 is repealed and the following section is inserted instead —

“

**69. Protection from personal liability**

- (1) An action in tort does not lie against a person other than the Authority for anything that the person has done, in good faith, in the performance or purported performance of a function under this Act.
- (2) The protection given by subsection (1) applies even though the thing done as described in that subsection may have been capable of being done whether or not this Act had been enacted.
- (3) Despite subsection (1), neither the Authority nor the Crown is relieved of any liability that it might have for another person having done anything as described in that subsection.
- (4) In this section, a reference to the doing of anything includes a reference to an omission to do anything.

”.

**332. References to Commission changed to Authority**

Each provision that contains a reference to the Commission (other than Part IX and provisions deleted or repealed by this Division) is amended by deleting “Commission” in each place where it occurs and inserting instead —

“ Authority ”.

Note: The heading to section 6 will be altered to read “**The Housing Authority**”.

The heading to section 11 will be altered to read “**Authority to implement housing Acts**”.

The heading to section 17 will be altered to read “**Chief executive officer of the Authority and other officers and employees**”.

The heading to section 44 will be altered by deleting “Commission’s” and inserting instead “**Authority’s**”.

The headings to sections 7, 12, 37, 45, 46, 49 and 60 will be altered by deleting “Commission” and inserting instead “**Authority**”.

**Division 5 — Public Works Act 1902**

**333. The Act amended**

The amendments in this Division are to the *Public Works Act 1902*\*.

[\* *Reprinted as at 1 June 2001.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 372.]*

**334. Section 2 amended**

Section 2 is amended in the definition of “Public work” by inserting after paragraph (9) the following paragraph —

“

(9a) Public housing.

”.



**335. Section 9E amended**

Section 9E(2)(a) is amended by deleting “for the purposes of this Part”.

**Division 6 — Transitional matters**

**336. Financial reporting**

(1) Despite the continuation of the former bodies as part of the Housing Authority, section 65A of the *Financial Administration and Audit Act 1985* applies in relation to the preparation and submission of a final report in respect of the former body as if —

- (a) at commencement, it were abolished;
- (b) references in that section to a department were references to the former body; and
- (c) references in that section to provisions of sections 62 to 65 of the *Financial Administration and Audit Act 1985* were references to the equivalent provisions of sections 66 to 70 of that Act,

except that —

- (d) the period to which the final report is to relate is the final period; and
  - (e) the references in sections 66(1), 68 and 70(1) to the end of the financial year are to be read as references to the end of the final period.
- (2) If at commencement, any duty imposed by Part II Division 14 of the *Financial Administration and Audit Act 1985* on the accountable authority of the former body has not been complied with in relation to the former body for any financial year that expired before commencement, that duty subsists and is to be performed by the reporting officer as if the reporting officer were the accountable authority.

- (3) The time within which the reporting officer is to perform a duty referred to in subsection (2) is extended until the end of the day that is 2 months after the day on which the reporting officer is appointed, but this subsection does not prevent the time from being extended again under section 70 of the *Financial Administration and Audit Act 1985*.
- (4) The Housing Authority is to give the reporting officer access to all records necessary for the purposes of this section.
- (5) In this section —
- “**final period**” means the period starting at the beginning of the 1 July immediately before commencement and ending immediately before commencement;
- “**reporting officer**” means the person appointed under section 65A(2) of the *Financial Administration and Audit Act 1985* as applied because of subsection (1).

**337. References to former bodies**

After commencement, a reference to the former body in an instrument or other document is to be taken to be a reference to the Housing Authority unless the contrary intention appears or the context otherwise requires.

**338. Government Employees’ Housing Act 1964**

- (1) The Government Employees’ Housing Fund referred to in section 24(1) of the *Government Employees’ Housing Act 1964* as in force after commencement is a continuation of the Government Employees’ Housing Authority Fund referred to in that section as in force before commencement.
- (2) After commencement, a reference to the Government Employees’ Authority Housing Fund in an instrument or other document is to be taken to be a reference to the Government Employees’ Housing Fund referred to in section 24(1) of the *Government Employees’ Housing Act 1964* as in force after

commencement unless the contrary intention appears or the context otherwise requires.

**339. *Housing Act 1980***

- (1) After commencement, a reference to The State Housing Commission in an instrument or other document is to be taken to be a reference to the Housing Authority unless the contrary intention appears or the context otherwise requires.
- (2) The office of chief executive officer of the Housing Authority is a continuation of the office of general manager of The State Housing Commission referred to in the *Housing Act 1980* as in force before commencement.
- (3) The Housing Authority Fund referred to in section 62(2) of the *Housing Act 1980* as in force after commencement is a continuation of The State Housing Commission Fund referred to in that subsection as in force before commencement.
- (4) After commencement, a reference to The State Housing Commission Fund in an instrument or other document is to be taken to be a reference to the Housing Authority Fund referred to in section 62(2) of the *Housing Act 1980* as in force after commencement unless the contrary intention appears or the context otherwise requires.
- (5) Section 69 of the *Housing Act 1980*, as in force before commencement, continues to apply in relation to things done or omitted to be done and agreements entered into before commencement.

**340. Interpretation**

In this Division —

**“commencement”** means the time at which section 314 comes into operation;

**“former body”** means —

**Machinery of Government (Miscellaneous Amendments) Act 2006**

**Part 10** Housing and Works, and Heritage

**Division 6** Transitional matters

**s. 340**

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- (a) the Country Housing Authority established by section 4 of the *Country Housing Act 1998* as in force before commencement;
- (b) the Government Employees' Housing Authority established by section 8 of the *Government Employees' Housing Act 1964* as in force before commencement;

**“Housing Authority”** means the Housing Authority referred to in section 6(4) of the *Housing Act 1980* as in force after commencement.

## Part 11 — Indigenous Affairs

### Division 1 — *Aboriginal Affairs Planning Authority Act 1972*

#### 341. The Act amended

The amendments in this Division are to the *Aboriginal Affairs Planning Authority Act 1972*\*.

[\* Reprinted as at 5 February 1999.

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 2.]*

#### 342. Long title amended

The long title is amended by deleting “, a Commissioner for Aboriginal Planning”.

#### 343. Section 4 amended

Section 4 is amended as follows:

- (a) by inserting the following definitions in the appropriate alphabetical positions —

“

“**CEO**” means the chief executive officer of the Department;

“**Department**” means the department of the Public Service principally assisting in the administration of this Act;

”;

- (b) by deleting the definitions of “Commissioner” and “the Department”.

#### 344. Section 10 repealed

Section 10 is repealed.

**345. Section 16 repealed**

Section 16 is repealed.

**346. Section 17 amended**

Section 17 is amended by deleting “Commissioner, or deputy of the Commissioner” and inserting instead —

“ CEO ”.

**347. Section 19 amended**

Section 19(1) is amended as follows:

- (a) in paragraph (a) by deleting “Commissioner, or in his absence the deputy of the Commissioner” and inserting instead —

“ CEO ”;

- (b) by deleting paragraph (c) and inserting the following paragraph instead —

“

- (c) the chief executive officer of each of the following —

- (i) the department of the Public Service for which the Under Treasurer is the chief executive officer;
- (ii) the Department as defined in section 3 of the *Health Legislation Administration Act 1984*;
- (iii) the Department as defined in section 3 of the *Children and Community Services Act 2004*;
- (iv) the department referred to in section 228 of the *School Education Act 1999*;
- (v) the Housing Authority.

”;

- (c) in paragraph (c)(iii) by deleting “*Community Services Act 1972*” and inserting instead —

“ *Children and Community Services Act 2004* ”.

**348. Section 43 amended**

- (1) Section 43(1) is amended as follows:

(a) in paragraph (a) by deleting “for the purpose”;

(b) after paragraph (e) by deleting “and”;

(c) after paragraph (f) by deleting the full stop and inserting —

“

; and

(g) any other moneys lawfully received by, made available to, or payable to the Authority.

”.

- (2) Section 43(2) is amended by deleting “at the Treasury”.

**349. Various references to Commissioner changed to CEO**

Each provision listed in the Table to this section is amended by deleting “Commissioner” in each place where it occurs and inserting instead —

“ CEO ”.

**Table**

s. 11(1) and (2)	s. 39(2) and (4)
s. 14(4)(a)	s. 40(a)
s. 31(2)	s. 47(b)
s. 37	First Sch. cl. 6

Note: The heading to section 11 will be altered by deleting “Commissioner” and inserting instead “**CEO**”.

**Division 2 — Transitional provisions**

**350. *Aboriginal Affairs Planning Authority Act 1972***

- (1) A thing done or omitted to be done by, to or in relation to the Commissioner before commencement has the same effect after commencement, to the extent that it has any force or significance after commencement, as if it had been done or omitted by, to or in relation to the CEO.
- (2) Section 35(5) of the *Aboriginal Affairs Planning Authority Act 1972* (as in force before commencement) continues to apply in relation to things done or omitted to be done before commencement by the Director-General of the department established under section 4 of the *Community Services Act 1972* (as in force immediately before commencement).
- (3) In this section —
  - “**CEO**” has the meaning given by section 4 of the *Aboriginal Affairs Planning Authority Act 1972* as in force after commencement;
  - “**commencement**” means the time at which section 342 comes into operation;
  - “**Commissioner**” has the meaning given to “Commissioner for Aboriginal Affairs” by section 10 of the *Aboriginal Affairs Planning Authority Act 1972* as in force before commencement.





**Machinery of Government (Miscellaneous Amendments) Act 2006**

**Part 12** Local Government and Regional Development, and Land Information

**Division 2** Control of Vehicles (Off-road Areas) Act 1978

**s. 355**

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**Table**

s. 18(1), (2) and (4)	s. 44(11) (defn. "owner")
s. 33(1), (2), (3), (4) and (5)	s. 55(5)
s. 34(1), (2), (3) and (4)	s. 82(1) and (4)
s. 35(2) and (4)(b)	s. 83(1), (2) and (4)
s. 36(1) and (3)	s. 89
s. 37(1)(d) and (2)(c)	s. 90(1) and (2)

Note: The heading to section 89 will be altered by deleting "Director General" and inserting instead "CEO".

**Division 2 — Control of Vehicles (Off-road Areas) Act 1978**

**355. The Act amended**

The amendments in this Division are to the *Control of Vehicles (Off-road Areas) Act 1978*\*.

[\* Reprinted as at 2 August 2002.

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 93-4 and Act No. 49 of 2004.]*

**356. Section 3 amended**

Section 3(1) is amended by deleting the definition of "departmental adviser".

**357. Section 21 amended**

Section 21(8) is repealed.

**358. Section 22 repealed**

Section 22 is repealed.

**359. Section 38 amended**

Section 38(2) is amended by deleting paragraphs (a), (b), (c) and (d) and inserting the following paragraphs instead —

“

- (a) an inspector, under the *Environmental Protection Act 1986*;
- (b) a conservation and land management officer, forest officer, wildlife officer or ranger, under the *Conservation and Land Management Act 1984*;

”.

**Division 3 — Local Government Act 1995**

**360. The Act amended**

The amendments in this Division are to the *Local Government Act 1995*\*.

[\* *Reprint 2 as at 2 April 2004.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 266 and Act No. 49 of 2004.]*

**361. Section 1.4 amended**

Section 1.4 is amended as follows:

- (a) by inserting the following definition in the appropriate alphabetical position —

“

**“Departmental CEO”** means the chief executive officer of the Department;

”;

- (b) by deleting the definition of “Executive Director”.

**362. Section 9.58 amended**

Section 9.58(4)(b) is deleted and the following paragraph is inserted instead —

“

- (b) lodge with the Commissioner as defined in section 4(1) of the *Consumer Affairs Act 1971*,

”.

**363. Section 9.67 amended**

Section 9.67(1) is amended by deleting “the Executive Director’s” and inserting instead —

“ the Departmental CEO’s ”.

**364. Various references to Executive Director changed to Departmental CEO**

Each provision listed in the Table to this section is amended by deleting “Executive Director” in each place where it occurs and inserting instead —

“ Departmental CEO ”.

**Table**

s. 7.7	s. 8.36(1)
s. 7.8(2)	s. 8.41(2)
s. 8.1	s. 8.43(2)
s. 8.2(1)	s. 8.44
s. 8.3(1), (2), (3) and (4)	s. 9.45
s. 8.4(2) and (4)	s. 9.66(1)
s. 8.13(3) and (4)	s. 9.67(1)
s. 8.14(1) and (2)	Sch. 2.5 cl. 10
s. 8.35(3)	

Note: The headings to sections 7.7, 8.2, 8.3 and 9.67 will be altered by deleting “Executive Director” and inserting instead “**Departmental CEO**”.

**Division 4 — *Local Government Grants Act 1978***

**365. The Act amended**

The amendments in this Division are to the *Local Government Grants Act 1978*\*.

[\* *Reprinted as at 1 March 2002.*

*For subsequent amendments see Act No. 49 of 2004.]*

**366. Section 3 amended**

Section 3 is amended by inserting the following definition in the appropriate alphabetical position —

“

**“Department”** has the meaning given by section 1.4 of the *Local Government Act 1995*;

”.

**367. Section 5 amended**

Section 5(1)(b) is amended by deleting “of Local Government of the State”.

**368. Section 6 amended**

Section 6(2)(f) is amended by deleting “of Local Government”.

**Division 5 — *Regional Development Commissions Act 1993***

**369. The Act amended**

The amendments in this Division are to the *Regional Development Commissions Act 1993*\*.

[\* *Reprinted as at 26 November 1999.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 382-3 and Act No. 49 of 2004.]*

**Machinery of Government (Miscellaneous Amendments) Act 2006**

**Part 12** Local Government and Regional Development, and Land Information

**Division 6** Valuation of Land Act 1978

**s. 370**

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**370. Section 3 amended**

Section 3(1) is amended by deleting the definition of “Department”.

**371. Section 31 amended**

Section 31(2) is amended by deleting “at the Treasury”.

**Division 6 — Valuation of Land Act 1978**

**372. The Act amended**

The amendments in this Division are to the *Valuation of Land Act 1978*\*.

[\* *Reprinted as at 15 June 2001.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 475.]*

**373. Section 4 amended**

Section 4(1) is amended in the definition of “unimproved value” in paragraph (b)(iv) by deleting “Forests Department” and inserting instead —

“

Department (as defined in section 3 of the *Conservation and Land Management Act 1984*)

”.

## **Part 13 — Planning and Infrastructure**

### **Division 1 — *Land Administration Act 1997***

#### **374. The Act amended**

The amendments in this Division are to the *Land Administration Act 1997*\*.

[\* Reprinted as at 22 June 2001.

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2004, Table 1, p. 240-1.]*

#### **375. Section 3 amended**

Section 3(1) is amended in the definition of “authorised land officer” by deleting “public service officer of the Department” and inserting instead —

“ a person ”.

#### **376. Section 8 amended**

(1) Section 8(1) is amended in the definition of “the Program” by deleting “within the Department”.

(2) Section 8(8) is amended by deleting “the Department” and inserting instead —

“

the department of the Public Service principally  
assisting in the administration of the Program

”.

#### **377. Section 30 amended**

(1) Section 30 is amended as follows:

(a) by inserting before “The Minister” the subsection designation “(1)”;

(b) by deleting “public service officer of the Department” and inserting instead —

“ person employed in or by a public authority ”.

(2) At the end of section 30 the following subsection is inserted —

“

(2) In this section —

“**public authority**” means —

(a) a department of the Public Service; or

(b) a body, whether corporate or unincorporate, established for a public purpose under a written law.

”.

**378. Section 202 amended**

After section 202(3) the following subsection is inserted —

“

(4) In subsection (2)(b) —

“**Department**” means the department of the Public Service principally assisting in the administration of the TLA.

”.

**379. Section 259 amended**

Section 259(2) is amended by inserting after “delegate of the Minister” —

“ , an authorised land officer ”.





(2) Section 25(2)(a) is amended by deleting “at the Treasury”.

**Division 4 — *Western Australian Marine (Sea Dumping) Act 1981***

**384. The Act amended**

The amendments in this Division are to the *Western Australian Marine (Sea Dumping) Act 1981*\*.

[\* *Reprint 1 as at 6 August 2004.*]

**385. Section 14 amended**

Section 14(8)(c)(i) is amended by deleting “Department of Fisheries and Wildlife” and inserting instead —

“

CEO as defined in section 4(1) of the  
*Fish Resources Management Act 1994*

”.

## Part 14 — Police and Emergency Services

### Division 1 — *Bush Fires Act 1954*

#### 386. The Act amended

The amendments in this Division are to the *Bush Fires Act 1954*\*.

[\* *Reprint 6 as at 1 August 2003*

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2004, Table 1, p. 48.]*

#### 387. Section 7 amended

Section 7(1) is amended by inserting the following definitions in the appropriate alphabetical positions —

“

“**CALM Act CEO**” has the meaning given to “CEO” by section 3 of the *Conservation and Land Management Act 1984*;

“**CALM Act Department**” has the meaning given to “Department” by section 3 of the *Conservation and Land Management Act 1984*;

”.

#### 388. Section 28 amended

Section 28(4)(a) and (b) are amended by deleting “Executive Director of the Department of Conservation and Land Management” and inserting instead —

“ CALM Act CEO ”.

**389. Section 34 amended**

Section 34(2) is amended as follows:

- (a) in paragraphs (a) and (b) by deleting “Executive Director of the Department of Conservation and Land Management” and inserting instead —  
“ CALM Act CEO ”;
- (b) in paragraph (a) by deleting “Executive Director” in the second and third places where it occurs and inserting instead —  
“ CALM Act CEO ”.

**390. Section 37 amended**

Section 37(2)(a) and (b) are amended by deleting “Department of Conservation and Land Management” and inserting instead —

“ CALM Act Department ”.

**391. Section 58 amended**

Section 58(3) is amended by deleting “Executive Director of the Department of Conservation and Land Management” and inserting instead —

“ CALM Act CEO ”.

**392. Section 66 amended**

Section 66(1)(b)(iii) is amended as follows:

- (a) by deleting “Executive Director of the Department of Conservation and Land Management” and inserting instead —  
“ CALM Act CEO ”;

- (b) by deleting “Department of Conservation and Land Management” in the second place where it occurs and inserting instead —

“ CALM Act Department ”.

**Division 2 — *Misuse of Drugs Act 1981***

**393. The Act amended**

The amendments in this Division are to the *Misuse of Drugs Act 1981*\*.

[\* *Reprinted as at 11 January 2002.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 296.]*

**394. Section 38D amended**

- (1) Section 38D(1) is repealed and the following subsection is inserted instead —

“

- (1) In this section —

“**CEO (Health)**” has the meaning given to “CEO” by section 3 of the *Health Legislation Administration Act 1984*.

”.

- (2) Section 38D(2) is amended by deleting “Commissioner of Health” in the 2 places where it occurs and inserting instead —

“ CEO (Health) ”.

## **Part 15 — Premier, Public Sector Management, and Water Resources**

### **Division 1 — *Constitution Acts Amendment Act 1899***

**395. The Act amended**

The amendments in this Division are to the *Constitution Acts Amendment Act 1899*\*.

[\* *Reprint 13 as at 18 March 2005.*

*For subsequent amendments see Act No. 59 of 2004.]*

**396. Schedule V amended**

Schedule V Part 3 is amended as follows:

- (a) by deleting the items relating to the Government Employees' Housing Authority and The State Housing Commission;
- (b) by deleting the item relating to the Fishing and Allied Industries Committee.

### **Division 2 — *Public Sector Management Act 1994***

**397. The Act amended**

The amendments in this Division are to the *Public Sector Management Act 1994*\*.

[\* *Reprint 6 as at 14 May 2004.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 368.]*

**398. Schedule 2 amended**

Schedule 2 is amended by deleting item 47 and inserting the following item instead —

“

47 Housing Authority, provided for under the *Housing Act 1980*

”.

**Division 3 — *Water Corporation Act 1995***

**399. The Act amended**

The amendments in this Division are to the *Water Corporation Act 1995*\*.

[\* *Reprint 2 as at 2 July 2004.*]

**400. Section 73 amended**

Section 73(1) is repealed and the following subsection is inserted instead —

“

- (1) Funds of the corporation are to be credited to an account —
  - (a) forming part of the Trust Fund constituted under section 9 of the *Financial Administration and Audit Act 1985*; or
  - (b) with the approval of the Treasurer, at a bank.

”.

## **Part 16 — Racing and Gaming**

### **Division 1 — *Gaming and Wagering Commission Act 1987***

**401. The Act amended**

The amendments in this Division are to the *Gaming and Wagering Commission Act 1987*\*.

[\* *Reprint 3 as at 3 September 2004.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 183.]*

**402. Section 9 amended**

(1) Section 9(1)(a) is amended by deleting “for that purpose”.

(2) Section 9(2)(a) is amended by deleting “at the Treasury”.

**403. Section 110A amended**

Section 110A(1)(a) is amended by deleting “at the Treasury”.

### **Division 2 — *Racing and Wagering Western Australia Act 2003***

**404. The Act amended**

The amendments in this Division are to the *Racing and Wagering Western Australia Act 2003*\*.

[\* *Act No. 36 of 2003.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 374.]*

**405. Section 89 amended**

Section 89 is amended by deleting “not in an account at the Treasury” and inserting instead —

“

in an account described in paragraph (b) of the definition of “account” in section 88(1)(b)



”.

**Division 3 — Racing Penalties (Appeals) Act 1990**

**406. The Act amended**

The amendments in this Division are to the *Racing Penalties (Appeals) Act 1990*\*.

[\* *Reprinted as at 19 October 2001.*

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2004, Table 1, p. 374.]*

**407. Section 24 amended**

- (1) Section 24(1)(a) is amended by deleting “for that purpose”.
- (2) Section 24(8)(a) is amended by deleting “at the Treasury,”.

## **Part 17 — Treasurer, and Government Enterprises**

### **Division 1 — *Anzac Day Act 1960***

#### **408. The Act amended**

The amendments in this Division are to the *Anzac Day Act 1960*\*.

[\* *Reprinted as at 24 May 2002.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 24.]*

#### **409. Section 10 amended**

- (1) Section 10(1) is amended by deleting “at the Treasury, forming” and inserting instead —

“ , as ”.

- (2) Section 10(2) is amended as follows:

- (a) by deleting “the Treasury to the credit of”;
- (b) after paragraph (c) by deleting “and”;
- (c) after paragraph (d) by deleting the full stop and inserting —

“

; and

- (e) any other moneys lawfully received by, made available to, or payable to the Trust.

”.

### **Division 2 — *Economic Regulation Authority Act 2003***

#### **410. The Act amended**

The amendments in this Division are to the *Economic Regulation Authority Act 2003*\*.

[\* *Act No. 67 of 2003.*]

**411. Section 23 amended**

Section 23(2) is amended as follows:

- (a) by deleting “and” in the second place where it occurs;
- (b) by inserting after “function of the Authority” —

“

and need only be complied with to the extent practicable

”.

**Division 3 — *Financial Administration and Audit Act 1985***

**412. The Act amended**

The amendments in this Division are to the *Financial Administration and Audit Act 1985*\*.

[\* *Reprint 8 as at 9 July 2004.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 165.]*

**413. Schedule 1 amended**

Schedule 1 is amended as follows:

- (a) by deleting “Government Employees’ Housing Authority”;
- (b) by deleting “The State Housing Commission”;
- (c) by inserting in the appropriate alphabetical position the following item —

“ Housing Authority ”.

**Division 4 — Gold Corporation Act 1987**

**414. The Act amended**

The amendments in this Division are to the *Gold Corporation Act 1987*\*.

[\* *Reprinted as at 2 January 2001.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 187.]*

**415. Section 3 amended**

Section 3(1) is amended as follows:

- (a) by inserting the following definition in the appropriate alphabetical position —

“

“**Treasury**” means the department of the Public Service for which the Under Treasurer is the chief executive officer.

”;

- (b) in the definition of “Treasurer” by deleting “State.” and inserting instead —

“ State; ”.

**416. Heading to Part II amended**

The heading to Part II is amended by inserting after “Constitution” —

“ **and administration** ”.

**417. Section 9 amended**

Section 9(1)(a) is amended by inserting after “officer” —

“ of Gold Corporation ”.

**418. Sections 9A, 9B and 9C inserted**

After section 9 the following sections are inserted —

“

**9A. Duty to observe policy instruments**

Gold Corporation is to perform its functions in accordance with its strategic development plan and its statement of corporate intent as existing from time to time.

**9B. Strategic development plan and statement of corporate intent**

- (1) The Board must, at the prescribed times, prepare and submit to the Minister —
  - (a) a strategic development plan for Gold Corporation; and
  - (b) a statement of corporate intent for Gold Corporation.
- (2) The regulations may make provision for the following —
  - (a) the manner and form in which the Board is to prepare, submit, revise or modify a strategic development plan or statement of corporate intent;
  - (b) the period a strategic development plan or statement of corporate intent is to cover;
  - (c) the matters to be set out in a strategic development plan or statement of corporate intent;
  - (d) the functions of the Board, the Minister and the Treasurer in relation to the development, approval or modification of a strategic

development plan or statement of corporate intent;

(e) the operation of a strategic development plan or statement of corporate intent.

- (3) If a regulation referred to in subsection (2) enables the Minister to give directions to the Board, the Minister must within 14 days after a direction is given under the regulation cause a copy of the direction to be laid before each House of Parliament or be dealt with in accordance with section 9C.
- (4) Regulations referred to in subsection (2) are not to be made except with the Treasurer's concurrence.

**9C. Laying directions about strategic development plan or statement of corporate intent before Parliament**

- (1) If —
- (a) a House of Parliament is not sitting at the commencement of the period referred to in section 9B(3) in respect of a direction; and
- (b) the Minister is of the opinion that that House will not sit during that period,

the Minister is to transmit a copy of the direction to the Clerk of that House.

- (2) A copy of a direction transmitted to the Clerk of a House is to be taken to have been laid before that House.
- (3) The laying of a copy of a direction that is regarded as having occurred under subsection (2) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy.

- (4) The text of a direction referred to in section 9B(3) is to be included in the annual report submitted by the accountable authority of Gold Corporation under section 66 of the *Financial Administration and Audit Act 1985*.

”.

**419. Section 16 amended**

- (1) Section 16(1) is amended as follows:

- (a) in paragraphs (a) and (b) by deleting “Treasurer” and inserting instead —

“ Minister with the Treasurer’s concurrence ”;

- (b) after paragraph (c)(i) by deleting “or” and inserting —

“

- (ia) the Minister; or

”.

- (2) Section 16(2)(a) is amended by deleting “Treasurer” and inserting instead —

“ Minister ”.

**420. Section 21 amended**

- (1) Section 21(1) is amended by deleting “Treasurer” and inserting instead —

“ Minister, with the concurrence of the Treasurer, ”.

- (2) Section 21(2) is amended by inserting after “Treasurer” —

“ or Minister ”.

- (3) Section 21(4), (5) and (6) are amended by deleting “Treasurer” and inserting instead —

“ Minister ”.

**421. Section 40 amended**

Section 40(2) is amended by inserting after “officer” —  
“ of Gold Corporation ”.

**422. Section 51 amended**

Section 51(2) is amended by inserting after “officer” —  
“ of Gold Corporation ”.

**423. Schedule 1 amended**

- (1) Schedule 1 clause 1(1) is amended by deleting “, the deputy chief executive officer or” and inserting instead —

“  
or deputy chief executive officer of Gold Corporation or  
who  
”.

- (2) Schedule 1 clause 3(1) is amended by inserting after “officer” in the second place where it occurs —

“ of Gold Corporation ”.

- (3) Schedule 1 clause 4 is amended by deleting “, the deputy chief executive officer” and inserting instead —

“ or deputy chief executive officer of Gold Corporation ”.

- (4) Schedule 1 clause 5(3) is amended by deleting “, the deputy chief executive officer” and inserting instead —

“  
and the deputy chief executive officer of Gold Corporation,  
”.



**Division 5 — Insurance Commission of Western Australia  
Act 1986**

**424. The Act amended**

The amendment in this Division is to the *Insurance Commission of Western Australia Act 1986*\*.

[\* *Reprinted as at 12 November 1999.*

*For subsequent amendments see Western Australian  
Legislation Information Tables for 2004, Table 1, p. 221.]*

**425. Division 3A inserted**

After section 14 the following Division is inserted —

“

**Division 3A — Strategic development plan and  
statement of corporate intent**

**14A. Duty to observe policy instruments**

The Commission is to perform its functions in accordance with its strategic development plan and its statement of corporate intent as existing from time to time.

**14B. Strategic development plan and statement of  
corporate intent**

- (1) The board of commissioners must, at the prescribed times, prepare and submit to the Minister —
  - (a) a strategic development plan for the Commission; and
  - (b) a statement of corporate intent for the Commission.

- (2) The regulations may make provision for the following —
- (a) the manner and form in which the board of commissioners is to prepare, submit, revise or modify a strategic development plan or statement of corporate intent;
  - (b) the period a strategic development plan or statement of corporate intent is to cover;
  - (c) the matters to be set out in a strategic development plan or statement of corporate intent;
  - (d) the functions of the board of commissioners, the Minister and the Treasurer in relation to the development, approval or modification of a strategic development plan or statement of corporate intent;
  - (e) the operation of a strategic development plan or statement of corporate intent.
- (3) If a regulation referred to in subsection (2) enables the Minister to give directions to the board of commissioners, the Minister must cause a copy of a direction given under the regulation to be laid before each House of Parliament or be dealt with in accordance with section 14C —
- (a) within 14 days after the direction is given; or
  - (b) if the direction is the subject of a notice under section 17 of the *Statutory Corporations (Liability of Directors) Act 1996*, within 14 days after it is confirmed under that section.
- (4) Regulations referred to in subsection (2) are not to be made except with the Treasurer's concurrence.

**14C. Laying directions about strategic development plan or statement of corporate intent before Parliament**

- (1) If —
- (a) a House of Parliament is not sitting at the commencement of the applicable period referred to in section 14B(3) in respect of a direction; and
  - (b) the Minister is of the opinion that that House will not sit during that period,

the Minister is to transmit a copy of the direction to the Clerk of that House.

- (2) A copy of a direction transmitted to the Clerk of a House is to be taken to have been laid before that House.
- (3) The laying of a copy of a direction that is regarded as having occurred under subsection (2) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy.
- (4) The text of a direction referred to in section 14B(3) is to be included in the annual report submitted by the accountable authority of the Commission under section 66 of the *Financial Administration and Audit Act 1985*.

”.

**Division 6 — Lotteries Commission Act 1990**

**426. The Act amended**

The amendments in this Division are to the *Lotteries Commission Act 1990*\*.

[\* Reprinted as at 6 August 1999.]

**427. Sections 8A, 8B and 8C inserted**

After section 8 the following sections are inserted —

“

**8A. Duty to observe policy instruments**

The Commission is to perform its functions in accordance with its strategic development plan and its statement of corporate intent as existing from time to time.

**8B. Strategic development plan and statement of corporate intent**

- (1) The members of the Commission must, at the prescribed times, prepare and submit to the Minister —
  - (a) a strategic development plan for the Commission; and
  - (b) a statement of corporate intent for the Commission.
- (2) The regulations may make provision for the following —
  - (a) the manner and form in which the members of the Commission are to prepare, submit, revise or modify a strategic development plan or statement of corporate intent;
  - (b) the period a strategic development plan or statement of corporate intent is to cover;
  - (c) the matters to be set out in a strategic development plan or statement of corporate intent;
  - (d) the functions of the members of the Commission, the Minister and the Treasurer in relation to the development, approval or

modification of a strategic development plan or statement of corporate intent;

(e) the operation of a strategic development plan or statement of corporate intent.

(3) If a regulation referred to in subsection (2) enables the Minister to give directions to the members of the Commission, the Minister must cause a copy of a direction given under the regulation to be laid before each House of Parliament or be dealt with in accordance with section 8C —

(a) within 14 days after the direction is given; or

(b) if the direction is the subject of a notice under section 17 of the *Statutory Corporations (Liability of Directors) Act 1996*, within 14 days after it is confirmed under that section.

(4) Regulations referred to in subsection (2) are not to be made except with the Treasurer's concurrence.

**8C. Laying directions about strategic development plan or statement of corporate intent before Parliament**

(1) If —

(a) a House of Parliament is not sitting at the commencement of the applicable period referred to in section 8B(3) in respect of a direction; and

(b) the Minister is of the opinion that that House will not sit during that period,

the Minister is to transmit a copy of the direction to the Clerk of that House.

(2) A copy of a direction transmitted to the Clerk of a House is to be taken to have been laid before that House.

- (3) The laying of a copy of a direction that is regarded as having occurred under subsection (2) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy.
- (4) The text of a direction referred to in section 8B(3) is to be included in the annual report submitted by the accountable authority of the Commission under section 66 of the *Financial Administration and Audit Act 1985*.

”.

**428. Section 22 amended**

Section 22(1) is amended by deleting “at the Treasury forming” and inserting instead —

“ , as ”.

**Division 7 — Parliamentary Superannuation Act 1970**

**429. The Act amended**

The amendments in this Division are to the *Parliamentary Superannuation Act 1970*\*.

[\* *Reprint 3 as at 4 April 2003.*]

**430. Section 6 amended**

- (1) Section 6(3)(a) is amended by deleting “Treasurer” and inserting instead —

“ Minister ”.

- (2) Section 6(5) is amended by deleting “Treasurer” in both places where it occurs and inserting instead —

“ Minister ”.

**Division 8 — *Rates and Charges (Rebates and Deferments) Act 1992***

**431. The Act amended**

The amendments in this Division are to the *Rates and Charges (Rebates and Deferments) Act 1992*\*.

[\* *Reprinted as at 19 May 2000.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 379.]*

**432. Section 46 amended**

Section 46(2) is amended by deleting “The State Housing Commission” in both places where it occurs and inserting instead —

“ the Housing Authority ”.

**Division 9 — *State Superannuation Act 2000***

**433. The Act amended**

The amendment in this Division is to the *State Superannuation Act 2000*\*.

[\* *Act No. 42 of 2000.*

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 428.]*

**434. Sections 33A, 33B and 33C inserted**

After section 33 the following sections are inserted —

“

**33A. Duty to observe policy instruments**

The Board is to perform its functions in accordance with its strategic development plan and its statement of corporate intent as existing from time to time.

**33B. Strategic development plan and statement of corporate intent**

- (1) The Board must, at the prescribed times, prepare and submit to the Minister —
  - (a) a strategic development plan for the Board; and
  - (b) a statement of corporate intent for the Board.
- (2) The regulations may make provision for the following —
  - (a) the manner and form in which the Board is to prepare, submit, revise or modify a strategic development plan or statement of corporate intent;
  - (b) the period a strategic development plan or statement of corporate intent is to cover;
  - (c) the matters to be set out in a strategic development plan or statement of corporate intent;
  - (d) the functions of the Board, the Minister and the Treasurer in relation to the development, approval or modification of a strategic development plan or statement of corporate intent;
  - (e) the operation of a strategic development plan or statement of corporate intent.
- (3) If a regulation referred to in subsection (2) enables the Minister to give directions to the Board, the Minister must cause a copy of a direction given under the regulation to be laid before each House of Parliament or be dealt with in accordance with section 33C —
  - (a) within 14 days after the direction is given; or
  - (b) if the direction is the subject of a notice under section 17 of the *Statutory Corporations*



*(Liability of Directors) Act 1996*, within  
14 days after it is confirmed under that section.

- (4) Regulations referred to in subsection (2) are not to be made except with the Treasurer's concurrence.

**33C. Laying directions about strategic development plan or statement of corporate intent before Parliament**

- (1) If —
- (a) a House of Parliament is not sitting at the commencement of the applicable period referred to in section 33B(3) in respect of a direction; and
  - (b) the Minister is of the opinion that that House will not sit during that period,

the Minister is to transmit a copy of the direction to the Clerk of that House.

- (2) A copy of a direction transmitted to the Clerk of a House is to be taken to have been laid before that House.
- (3) The laying of a copy of a direction that is regarded as having occurred under subsection (2) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy.
- (4) The text of a direction referred to in section 33B(3) is to be included in the annual report submitted by the accountable authority of the Board under section 66 of the *Financial Administration and Audit Act 1985*.

”.

**Division 10 — State Supply Commission Act 1991**

**435. The Act amended**

The amendment in this Division is to the *State Supply Commission Act 1991*\*.

[\* Reprinted as at 7 June 2002.

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 429.]*

**436. Section 30 amended**

Section 30(2) is amended by deleting “at the Treasury”.

**Division 11 — Western Australian Treasury Corporation Act 1986**

**437. The Act amended**

The amendments in this Division are to the *Western Australian Treasury Corporation Act 1986*\*.

[\* Reprinted as at 5 January 2001.

*For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 499.]*

**438. Section 3 amended**

Section 3(1) is amended by inserting the following definition in the appropriate alphabetical position —

“

“**Treasury**” means the department of the Public Service of which the Under Treasurer is the chief executive officer;

”.

**439. Section 5B amended**

Section 5B(1)(c) is amended by inserting before “for the time being” —

“ of the Corporation ”.

**440. Section 8A amended**

Section 8A is amended by inserting after “officer” —

“ of the Corporation ”.

**441. Section 9B inserted**

After section 9A the following section is inserted —

“

**9B. Duty to observe policy instruments**

The Corporation is to perform its functions in accordance with its strategic development plan and its statement of corporate intent as existing from time to time.

”.

**442. Section 10 amended**

Section 10(2)(fa)(xii) is amended by deleting “Treasurer” and inserting instead —

“ Minister, with the concurrence of the Treasurer, ”.

**443. Section 16HA inserted**

After section 16H the following section is inserted —

“

**16HA. Concurrence of Treasurer**

The Minister is not to —

- (a) agree to a draft strategic development plan under section 16G; or
- (b) agree to or direct any modification of a strategic development plan under section 16H,

except with the concurrence of the Treasurer.

”.

**444. Section 16PA inserted**

After section 16P the following section is inserted —

“

**16PA. Concurrence of Treasurer**

The Minister is not to —

- (a) agree to a draft statement of corporate intent under section 16O; or
- (b) agree to or direct any modification of a statement of corporate intent under section 16P,

except with the concurrence of the Treasurer.

”.

**445. Section 17A amended**

Section 17A(3) is amended by deleting “Treasurer” and inserting instead —

“ Minister, with the concurrence of the Treasurer, ”.

**446. Section 18 amended**

Section 18(1a) is amended in the definition of “eligible person” in paragraph (a) by inserting after “officer” —

“ of the Corporation ”.

**447. Section 21A amended**

After section 21A(3) the following subsection is inserted —

“

- (3a) This section also applies as if each reference in it to the Treasurer were instead a reference to the Minister.

”.

**448. Section 21B amended**

After section 21B(3) the following subsection is inserted —

“

- (3a) The Corporation must give a copy of each quarterly report to the Treasurer.

”.

**449. Schedule 2 amended**

Schedule 2 clause 5 is amended by inserting after “officer,” in the second place where it occurs —

“ of the Corporation ”.

**450. Various references to Treasurer changed to Minister**

Each provision listed in the Table to this section is amended by deleting “Treasurer” in each place where it occurs and inserting instead —

“ Minister ”.

**Table**

s. 5B(1)(d)	s. 16N(1) and (2)
s. 5D	s. 16O(1), (2) and (3)
s. 8(3)	s. 16P(1), (2), (3) and (4)
s. 16A(1)	s. 16Q(1)
s. 16C(3)	s. 17A(2)
s. 16D	s. 19(1) and (2)
s. 16E(1), (3) and (5)	s. 20(1) and (2)
s. 16F(1) and (2)	s. 21B(1), (3) and (4)
s. 16G	Sch. 2 cl. 2(1) and (2)
s. 16H(1), (2), (3) and (4)	Sch. 2 cl. 6(1) and (2)
s. 16I	Sch. 2 cl. 15(2)
s. 16K(2) and (3)	Sch. 2 cl. 20(2)

s. 16L Sch. 2 cl. 21(1) and (2)

s. 16M(1), (3) and (5)

Note: The heading to section 21A will be altered by inserting “**and Minister**” after “Treasurer”.

The headings to sections 16A, 16I, 19 and 20 and to Schedule 2 clause 21 will be altered by deleting “Treasurer” and inserting instead “**Minister**”.

The headings to sections 16E, 16G, 16M and 16O will be altered by deleting “Treasurer’s” and inserting instead “**Minister’s**”.

### **Division 12 — Transitional provisions**

**451. *Western Australian Treasury Corporation Act 1986 and Gold Corporation Act 1987***

- (1) A thing done by the Treasurer before commencement under, or for the purposes of —
- (a) section 10(2)(fa)(xii) or 17A(3) of the *Western Australian Treasury Corporation Act 1986*; or
  - (b) section 16(1)(a) or (b) or 21(1) of the *Gold Corporation Act 1987*,

has the same effect after commencement, to the extent that it has any force or significance after commencement, as if it had been done by the Minister with the concurrence of the Treasurer.

- (2) A thing done or omitted to be done by, to or in relation to, the Treasurer before commencement under, or for the purposes of —
- (a) a provision of the *Western Australian Treasury Corporation Act 1986* amended by section 450; or
  - (b) section 16(2)(a) or 21(2), (4), (5) or (6) of the *Gold Corporation Act 1987*,

has the same effect after commencement, to the extent that it has any force or significance after commencement, as if it had been done or omitted by, to or in relation to, the Minister.

(3) In this section —

**“commencement”** means the time at which this Division comes into operation;

**“Minister”** means the Minister to whom the administration of the *Western Australian Treasury Corporation Act 1986* is committed.

**Part 18 — Various references to Permanent Head amended**

**452. Various references to Permanent Head changed to chief executive officer**

- (1) Each provision listed in the Table to this subsection is amended by deleting “Permanent Head” in each place where it occurs and inserting instead —

“ chief executive officer ”.

**Table**

<i>Country Areas Water Supply Act 1947</i>	s. 85(7) s. 120(1)(b)(iv)
<i>Dental Act 1939</i>	s. 51A(2)(a)
<i>Equal Opportunity Act 1984</i>	s. 141(a)
<i>Housing Loan Guarantee Act 1957</i>	s. 6(1)

- (2) Each provision listed in the Table to this subsection is amended by deleting “permanent head” in each place where it occurs and inserting instead —

“ chief executive officer ”.

**Table**

<i>Industrial Training Act 1975</i>	s. 7 s. 37E(1) and (2)
<i>Street Alignment Act 1844</i>	s. 7



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## **Part 19 — General transitional provisions**

### **453. References to Department by a former name**

- (1) If —
- (a) a written law refers, or is to be taken to refer, to a department of the Public Service by a title that was given by a provision of an Act (the “**principal Act**”); and
  - (b) the provision has been amended to remove that title, or has been repealed, by this Act,

then, on and after the day on which this Act comes into operation, the reference has effect as a reference to the department of the Public Service principally assisting in the administration of the principal Act.

- (2) Subsection (1) does not apply if a contrary intention appears or the context otherwise requires.

### **454. References to chief executive officer by a former name**

- (1) If —
- (a) a written law refers, or is to be taken to refer, to a chief executive officer by a title that was given by a provision of an Act (the “**principal Act**”); and
  - (b) the provision has been amended to remove that title, or has been repealed, by this Act,

then, on and after the day on which this Act comes into operation, the reference has effect as a reference to the chief executive officer within the meaning of the principal Act.

- (2) Subsection (1) does not apply if a contrary intention appears or the context otherwise requires.



