

STATUTES (REPEALS AND MINOR AMENDMENTS) ACT 1997

No. 57 of 1997

AN ACT to revise the statute law by repealing —

- *the Assistance by Local Authorities in Wiring Dwellings for Electricity Act 1953;*
- *the Death Duty Act 1973;*
- *the Death Duty Assessment Act 1973;*
- *The Fremantle Gas and Coke Company's Act 1886;*
- *The Fremantle Harbour Works and Tramways Act 1893;*
- *The Geraldton Municipal Gas Supply Act 1910;*
- *the Iron Ore (Dampier Mining Company Limited) Agreement Act 1969;*
- *the Nelson Agricultural Society Land Act 1906;*
- *the State (Western Australian) Alunite Industry Act 1946;*
- *the Tax Collection Act 1920;* and
- *the Wood Distillation and Charcoal Iron and Steel Industry Act 1943,*

and by making minor amendments to various enactments and for related purposes.

[Assented to 15 December 1997.]

The Parliament of Western Australia enacts as follows:

s. 1 No. 57] *Statutes (Repeals and Minor Amendments)*
Act 1997

PART 1 — PRELIMINARY

Short title

1. This Act may be cited as the *Statutes (Repeals and Minor Amendments) Act 1997*.

Commencement

2. (1) Subject to subsection (2), this Act comes into operation on the day on which it receives the Royal Assent.

(2) Section 133 is to be taken to have come into operation on 28 June 1996.

PART 2 — VARIOUS ACTS REPEALED

***Assistance by Local Authorities in Wiring Dwellings for Electricity Act 1953* repealed**

3. The *Assistance by Local Authorities in Wiring Dwellings for Electricity Act 1953* is repealed.

***Death Duty Act 1973* repealed**

4. The *Death Duty Act 1973* is repealed.

***Death Duty Assessment Act 1973* repealed, and certain obligations and prohibitions extinguished**

5. (1) The *Death Duty Assessment Act 1973* is repealed.

(2) Where, immediately before the commencement of this section, any provision of the *Death Duty Assessment Act 1973*, or any provision of the *Administration Act 1903* the application of which is continued by section 3 (2) of the *Death Duty Assessment Act 1973* —

- (a) requires anything to be done (including the payment of any duty); or
- (b) prohibits anything from being done without the written consent of the Commissioner,

in relation to the death or estate of a deceased person, then, on the commencement of this section —

- (c) in a case to which paragraph (a) applies, the thing is no longer required to be done; or
- (d) in a case to which paragraph (b) applies, the thing may be done without the consent of the Commissioner.

(3) In subsection (2) —

“**Commissioner**” has the same meaning as it has in the
Death Duty Assessment Act 1973;

“**duty**” includes any interest charged on duty under a
provision referred to in that subsection.

***The Fremantle Gas and Coke Company’s Act 1886 repealed,
and consequential amendment***

6. (1) *The Fremantle Gas and Coke Company’s Act 1886* is
repealed.

(2) Section 23 of the *Gas Undertakings Act 1947** is
amended by deleting “This section shall be read in conjunction
with section 50 of the Fremantle Gas and Coke Company’s Act.”

[* *Reprinted as at 15 January 1991.*
For subsequent amendments see 1995 Index to
Legislation of Western Australia, Table 1, pp. 89-90
and Act No. 14 of 1996.]

***The Fremantle Harbour Works and Tramways Act 1893
repealed***

7. *The Fremantle Harbour Works and Tramways Act 1893* is
repealed.

The Geraldton Municipal Gas Supply Act 1910 repealed

8. *The Geraldton Municipal Gas Supply Act 1910* is repealed.

***Iron Ore (Dampier Mining Company Limited) Agreement
Act 1969 repealed***

9. *The Iron Ore (Dampier Mining Company Limited) Agreement
Act 1969* is repealed.

Nelson Agricultural Society Land Act 1906 repealed

10. The *Nelson Agricultural Society Land Act 1906* is repealed.

State (Western Australian) Alunite Industry Act 1946 repealed

11. The *State (Western Australian) Alunite Industry Act 1946* is repealed.

Tax Collection Act 1920 repealed

12. The *Tax Collection Act 1920* is repealed.

Wood Distillation and Charcoal Iron and Steel Industry Act 1943 repealed

13. The *Wood Distillation and Charcoal Iron and Steel Industry Act 1943* is repealed.

PART 3 — VARIOUS ACTS AMENDED

***Aboriginal Affairs Planning Authority Act 1972* amended**

14. The provisions of the *Aboriginal Affairs Planning Authority Act 1972** mentioned in the Table to this section are amended by deleting “Department for Community Services” and substituting the following —

“
department established under section 4 of the *Community Services Act 1972*
”.

TABLE

section 35 (4)
section 35 (5)
section 48

[* *Reprinted as at 30 July 1986.*
For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, pp. 2-3 and Acts Nos. 78 of 1995 and 49 of 1996.]

***Aboriginal Communities Act 1979* amended**

15. Section 11 of the *Aboriginal Communities Act 1979** is amended by deleting “*Child Welfare Act, 1947*” and substituting the following —

“ *Young Offenders Act 1994* ”.

[* *Act No. 8 of 1979.*
For subsequent amendments see Act No. 78 of 1995.]

***Administration Act 1903* amended**

16. (1) Section 14 (2) (b) of the *Administration Act 1903** is amended by deleting the passage that begins “intestate, which shall” to the end of the paragraph and substituting the following —

“ intestate. ”.

(2) Section 29 (2) is repealed.

[* *Reprinted as at 17 June 1986.*
For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, pp. 3-5 and Act No. 81 of 1996.]

***Adoption Act 1994* amended**

17. Section 4 (1) of the *Adoption Act 1994** is amended in the definition of “Department” by deleting “Department for Community Services” and substituting the following —

“ department ”.

[* *Act No. 9 of 1994.*
For subsequent amendments see Act No. 14 of 1996.]

***Agricultural Products Act 1929* amended**

18. (1) Section 7 of the *Agricultural Products Act 1929** is amended by deleting “Part VIBA of the *Justices Act 1902* and section 8A,” and substituting the following —

“
section 8A and Part 3 of the *Fines, Penalties and Infringement Notices Enforcement Act 1994*,
”.

(2) Section 8B (2) is amended by deleting the portion of the subsection after “as payment” and substituting the following —

“
of modified penalties or other amounts in connection with infringement notices given under section 8A is credited to the Fund.
”.

[* *Authorized for reprint 14 January 1970.
For subsequent amendments see 1995 Index to
Legislation of Western Australia, Table 1, p. 6 and
Act No. 49 of 1996.*]

Albany Port Authority Act 1926 amended

19. Section 54 (2) (b) of the *Albany Port Authority Act 1926** is amended by deleting “at”.

[* *Approved for reprint 24 March 1971.
For subsequent amendments see 1995 Index to
Legislation of Western Australia, Table 1, pp. 8-9 and
Acts Nos. 14 and 49 of 1996.*]

Auction Sales Act 1973 amended

20. Section 5 (1) (a) of the *Auction Sales Act 1973** is amended by deleting “and Surveys”.

[* *Approved for reprint 30 September 1984.
For subsequent amendments see 1995 Index to
Legislation of Western Australia, Table 1, p. 15.*]

***Bail Act 1982* amended**

21. (1) Section 3 (1) of the *Bail Act 1982** is amended —

(a) in the definition of “authorized community services officer” —

(i) in paragraph (c), by deleting “*Child Welfare Act 1947*” and substituting the following —

“ *Young Offenders Act 1994* ”; and

(ii) in paragraph (d), by inserting after “centre” the following —

“ under the *Young Offenders Act 1994* ”;

and

(b) in the definition of “child”, by deleting “in the *Child Welfare Act 1947*” and substituting the following —

“
“young person” has in the *Young Offenders Act 1994*
”.

(2) Section 9 (1) is amended by deleting “section 73 (6) of the *Child Welfare Act 1947*,” and substituting the following —

“ section 26 (2) of the *Young Offenders Act 1994*, ”.

(3) Part C of Schedule 1 is amended —

(a) in clause 2 (2), by deleting “section 33 (3) of the *Child Welfare Act 1947*.” and substituting the following —

“ section 19 (2) of the *Young Offenders Act 1994*. ”;

and

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(b) in clause 3A (3), by deleting “section 33 (3) of the *Child Welfare Act 1947*.” and substituting the following —

“ section 19 (2) of the *Young Offenders Act 1994*. ”.

[* *Reprinted as at 13 March 1997.*
For subsequent amendments see Act No. 69 of 1996.]

Betting Control Act 1954 amended

22. Section 6 (1) of the *Betting Control Act 1954** is amended by deleting “section 28” and substituting the following —

“ section 32 ”.

[* *Reprinted as at 20 August 1992.*
For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 19 and Acts Nos. 63 of 1995 and 14 of 1996.]

Bills of Sale Act 1899 amended

23. The Tenth Schedule to the *Bills of Sale Act 1899** is amended by deleting “and that is shall be lawful” and substituting the following —

“ and that it shall be lawful ”.

[* *Reprinted as at 12 February 1996.*
For subsequent amendments see Acts Nos. 14 and 30 of 1996.]

***Bread Act 1982* amended**

24. (1) Section 3 (1) of the *Bread Act 1982** is amended by inserting after the definition of “bread” the following definition —

“**“chief executive officer”** means the chief executive officer of the department of the Public Service principally assisting the Minister in the administration of this Act;”.

(2) The provisions mentioned in the Table to this subsection are amended by deleting “Permanent Head” in each place where it occurs and substituting in each place the following —

“ chief executive officer ”.

TABLE

section 4	section 7 (5)
section 5 (2)	section 7 (6) (b)
section 5 (3) (c)	section 7 (7)
section 5 (6) (h)	section 7 (8)
section 6 (in 2 places)	section 16
section 7 (3) (d)	section 17 (b)
section 7 (3) (e) (in 2 places)	section 17 (c)
section 7 (4) (in 2 places)	section 19 (1) (d)

[* *Act No. 106 of 1982.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 21.]

***Bunbury Port Authority Act 1909* amended**

25. Section 54 (2) (b) of the *Bunbury Port Authority Act 1909** is amended by deleting “at”.

[* *Reprinted as at 2 January 1991.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, pp. 24-5 and Acts Nos. 14 and 49 of 1996.]

Bush Fires Act 1954 amended

26. (1) Section 25 (1aa) (b) (ii) of the *Bush Fires Act 1954** is amended by deleting “local authority’s” and substituting the following —

“ local government’s ”.

(2) The provisions mentioned in the Table to this subsection are amended by deleting “local authority” in each place where it occurs and substituting in each place the following —

“ local government ”.

TABLE

section 36

section 49

section 55 (in 2 places)

(3) Section 66 (1) (a) is amended by deleting “or a extract” and substituting the following —

“ or extract ”.

[* *Reprinted as at 20 January 1997.*]

Cambridge Endowment Lands Act 1920 amended

27. (1) The heading to Part VII of the *Cambridge Endowment Lands Act 1920** is amended by deleting “BY-LAWS” and substituting the following —

“ LOCAL LAWS ”.

(2) Section 42 is amended by inserting after the section designation “**42.**” the subsection designation “(1)”.

[* *Approved for reprint 7 April 1971.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 27, and Act No. 14 of 1996.]

***Casino Control Act 1984* amended**

28. (1) Section 3 (1) of the *Casino Control Act 1984** is amended —

- (a) in the definition of “casino”, by deleting “carried on;” and substituting the following —

“
carried on, in accordance with a casino gaming licence granted under section 21;
”;

and

- (b) in the definition of “public company”, by deleting “*Companies (Western Australia) Code*;” and substituting the following —

“ Corporations Law; ”.

(2) Section 13 is amended by inserting after “Chief Casino Officer” the following —

“ or the Commission ”.

(3) Section 23 (2) is amended —

- (a) by deleting “Where” and substituting the following —

“ Subject to subsection (2a), where ”; and

- (b) in paragraph (i), by inserting after “inspector” the following —

“ or other officer appointed under section 9 (1) ”.

(4) After section 23 (2) the following subsection is inserted —

“

(2a) Subsection (2) does not apply to prohibit a person referred to in that subsection from participating as a player in any game in the casino if the person is required to do so in order to exercise or perform a power, function, or duty conferred or imposed on the person by or under this Act, any other Act, or a casino complex agreement.

”.

[* *Reprinted as at 18 April 1989.*
For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 28 and Acts Nos. 78 of 1995 and 49 of 1996.]

***Cemeteries Act 1986* amended**

29. (1) The heading to Part VIII of the *Cemeteries Act 1986** is amended by inserting after “**LOCAL LAWS**” the following —

“ , **BY-LAWS** ”.

(2) Section 55 (1) (p) is amended by inserting before “by-law” the following —

“ local law or ”.

[* *Act No. 102 of 1986.*
For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 29 and Act No. 14 of 1996.]

Child Welfare Act 1947 amended

30. (1) Section 4 (1) of the *Child Welfare Act 1947** is amended by deleting the definition of “Director-General” and substituting the following definition —

“

“**Director-General**” means the Director-General of the department established under section 4 of the *Community Services Act 1972* appointed under section 7 of that Act;

”.

(2) Section 9A (1) (a) is amended —

(a) by deleting “47D,”; and

(b) by deleting “108B, 108D,”.

(3) Section 9B (6) is amended by deleting “47D,”.

(4) Part IV is amended after section 32 by deleting the heading “*Offending Children*”.

(5) Section 107 (1) is amended by deleting “, 108 (1) or 108A (3).” and substituting the following —

“ or 108 (1). ”.

(6) Section 108 (3) and (4) are amended by deleting “and sections 108A (3) and 108B (1)”.

[* Reprinted as at 12 July 1995.

For subsequent amendments see Acts Nos. 78 and 79 of 1995.]

Children’s Court of Western Australia Act 1988 amended

31. The provisions of the *Children’s Court of Western Australia Act 1988** mentioned in the Table to this section are amended by deleting “Department for Community Services” and substituting the following —

“
department established under section 4 of the *Community Services Act 1972*
”.

TABLE

section 28 (2) (a)	section 42 (1) (aa)
section 33	section 42 (2)
section 36 (1) (c)	section 43 (4) (aa)

[* *Reprinted as at 23 April 1996.*
For subsequent amendments see Act No. 14 of 1996.]

City of Perth Parking Facilities Act 1956 amended

32. (1) Section 8A (2) (b) of the *City of Perth Parking Facilities Act 1956** is amended by deleting “Divisions” and substituting the following —

“ sections ”.

(2) Section 11 (1) (b) (v) is amended by deleting “Council” and substituting the following —

“ City ”.

[* *Reprinted as approved 17 March 1983.*
For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 34 and Acts Nos. 78 of 1995 and 14, 49 and 81 of 1996.]

***City of Perth Restructuring Act 1993* amended**

33. Section 16 (2) (a) of the *City of Perth Restructuring Act 1993** is amended by deleting “principal Act” and substituting the following —

“ *Local Government Act 1995* ”.

[* *Act No. 38 of 1993.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 34 and Act No. 14 of 1996.]

***Community Services Act 1972* amended**

34. (1) The *Community Services Act 1972** is amended in the long title by deleting “**Community Services,**” and substituting the following —

“ **Family and Children’s Services,** ”.

(2) Section 3 is amended —

(a) in the definition of “Department” by deleting “Department for Community Services” and substituting the following —

“ department ”; and

(b) in the definition of “Director-General” by deleting “for Community Services”.

(3) Section 4 is amended by deleting “Community Services.” and substituting the following —

“ Family and Children’s Services. ”.

(4) Section 6 (1) is amended by deleting “Minister for Community Welfare” ” and substituting the following —

“ Minister for Family and Children’s Services” ”.

(5) After section 6 (1) the following subsection is inserted —

“

(1a) The change of name of the body corporate referred to in subsection (1) made by section 34 (4) of the *Statutes (Repeals and Minor Amendments) Act 1997* does not affect the body corporate’s corporate identity or its rights and obligations.

”.

(6) A reference in an instrument subsisting immediately before the commencement of this section to the Minister for Community Welfare is to be read, unless the context otherwise requires, as if it had been amended to be a reference to the Minister for Family and Children’s Services.

(7) After section 6 the following section is inserted —

“

Delegation by Minister

6A. (1) Subject to section 17D (4), the Minister may by written instrument, either generally or as otherwise provided by the instrument of delegation, delegate to a person any of the Minister’s powers, functions or duties under this Act, except this power of delegation.

(2) Section 20 (2), (3) and (5) apply, with appropriate modifications, to a delegation by the Minister under this section.

”.

[* *Reprinted as at 15 October 1986.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 38.]

***Companies (Co-operative) Act 1943* amended**

35. Section 380 (1) of the *Companies (Co-operative) Act 1943** is amended in the definition of “Marketable securities” by deleting “of any municipal or other” and substituting the following —

“ local government or of any ”.

[* *Approved for reprint 16 December 1954.*
For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, pp. 41-2 and Acts Nos. 14 and 49 of 1996.]

***Conservation and Land Management Act 1984* amended**

36. Section 64 (2) (c) of the *Conservation and Land Management Act 1984** is deleted and the following paragraph is substituted —

“ (c) the net proceeds of the sale of any skins or carcasses of fauna taken by or on behalf of the Executive Director from a nature reserve. ”.

[* *Reprinted as at 20 January 1997.*]

***Constitution Acts Amendment Act 1899* amended**

37. Part 3 of Schedule V to the *Constitution Acts Amendment Act 1899** is amended in the item relating to the Mines Occupational Health and Safety Advisory Board by deleting “Health and Safety” and substituting the following —

“ Safety and Health ”.

[* *Reprinted as at 22 January 1997.*]

Construction Industry Portable Paid Long Service Leave Act 1985 amended

38. Section 3 (4) (c) of the *Construction Industry Portable Paid Long Service Leave Act 1985** is amended by deleting “council” and substituting the following —

“ local government ”.

[* *Act No. 72 of 1985.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 48 and Acts Nos. 14 and 49 of 1996.]

Consumer Affairs Act 1971 amended, savings, and consequential amendments

39. (1) The long title to the *Consumer Affairs Act 1971** is amended by deleting “**Consumer Affairs**” and substituting the following —

“ **Fair Trading** ”.

(2) Section 4 (1) is amended in the definition of “Commissioner” by deleting “Consumer Affairs” and substituting the following —

“ Fair Trading ”.

(3) Section 4 (3) is amended —

(a) by inserting before “Commissioner” in the first place where it occurs the following —

“ Commissioner for Consumer Affairs or the ”; and

(b) by deleting “Consumer Affairs as defined” and substituting the following —

“ Fair Trading as defined ”.

(4) Section 5 (2) is amended by deleting “Permanent Head” and substituting the following —

“ chief executive officer ”.

(5) The heading to Part III is deleted and the following heading is substituted —

“ **PART III — COMMISSIONER FOR FAIR TRADING** ”.

(6) Section 15 (1) is amended by deleting “Consumer Affairs” and substituting the following —

“ Fair Trading ”.

(7) Section 15 (1a) is amended by deleting “Consumer Affairs” and substituting the following —

“ Fair Trading ”.

(8) Section 23 is amended by deleting “Permanent Head” and substituting the following —

“ chief executive officer ”.

(9) The person appointed and holding office under section 15 (1) as the Commissioner for Consumer Affairs immediately before the commencement of this section continues to hold office after that commencement as the Commissioner for Fair Trading.

(10) The Acts mentioned in column 1 of the Table to this subsection are amended in the corresponding provision or provisions mentioned in column 2 by deleting “Commissioner for Consumer Affairs” in each place where it occurs and substituting in each place the following —

“ Commissioner for Fair Trading ”.

TABLE

<i>Column 1</i>	<i>Column 2</i>
<i>Builders' Registration Act 1939</i>	section 4A (5) section 37 (3)
<i>Commercial Tribunal Act 1984</i>	section 3, definition of "Commissioner"
<i>Credit Act 1984</i>	section 5 (1), definition of "Commissioner"
<i>Credit Administration Act 1984</i>	section 4, definition of "Commissioner" section 10 (3) (in 3 places)
<i>Employment Agents Act 1976</i>	section 4 (1), definition of "Commissioner"
<i>Fair Trading Act 1987</i>	section 5 (1), definition of "Commissioner"
<i>Hire-Purchase Act 1959</i>	section 2 (1), definitions of "Commissioner" and "Deputy Commissioner"
<i>Motor Vehicle Dealers Act 1973</i>	section 5 (1), definition of "Commissioner"

<i>Petroleum Products Pricing Act 1983</i>	section 5 (1) section 5 (2) (a)
<i>Petroleum Retailers Rights and Liabilities Act 1982</i>	section 3 (1), definition of “Commissioner”
<i>Residential Tenancies Act 1987</i>	section 3, definition of “Commissioner”
<i>Retirement Villages Act 1992</i>	section 3 (1), definition of “Commissioner”
<i>Small Claims Tribunals Act 1974</i>	section 14 (4) (b)
<i>Travel Agents Act 1985</i>	section 3 (1), definition of “the Commissioner”

[* Reprinted as at 22 May 1984.

*For subsequent amendments see 1995 Index to
Legislation of Western Australia, Table 1, p. 48 and
Acts Nos. 14 and 49 of 1996.]*

***Consumer Credit (Western Australia) Act 1996* amended**

40. Section 7 (1) (a) (i) of the *Consumer Credit (Western Australia) Act 1996** is amended by inserting after “98,” the following —

“ 99 (3), ”.

[* *Act No. 30 of 1996.*]

Consumer Credit (Western Australia) Code amended

41. (1) After section 66 (1) of the *Consumer Credit (Western Australia) Code** the following subsection is inserted —

“

(1a) The Government Consumer Agency may, if requested in writing by a debtor, assist a debtor in applying for a change in the terms of a credit contract under subsection (1) and in any negotiations with the credit provider relating to the change.

”.

(2) Section 68 (1) is amended by deleting “may either apply to the Court to change the terms of the credit contract or may apply to the Commissioner for assistance in negotiating changing the terms of the credit contract” and substituting the following —

“

may apply to the Court to change the terms of the credit contract

”.

(3) Section 99 (3) is amended by deleting “Tribunal” and substituting the following —

“ Court ”.

[* *Set out in the Appendix to Act No. 30 of 1996.*]

Coroners Act 1996 amended

42. Schedule 1 to the *Coroners Act 1996* is amended by deleting item 11.

[* *Act No. 2 of 1996.*

For subsequent amendments see Act No. 14 of 1996.]

Country Areas Water Supply Act 1947 amended

43. (1) Section 12 of the *Country Areas Water Supply Act 1947** is amended by deleting “by-laws” and substituting the following —

“ local laws ”.

(2) Section 99 is amended in the proviso to the paragraph beginning “Fourthly” by deleting “the districts of 2 or more local authorities” and substituting the following —

“ 2 or more local government districts ”.

[* *Reprinted as at 27 May 1996.*

For subsequent amendments see Acts Nos. 14 and 81 of 1996.]

Country Towns Sewerage Act 1948 amended

44. Section 102 (20) of the *Country Towns Sewerage Act 1948** is amended by deleting “Authority.” and substituting the following —

“ Corporation. ”.

[* *Reprinted as at 26 May 1996.*

For subsequent amendments see Acts Nos. 14 and 81 of 1996.]

Criminal Code Act 1913 amended

45. Section 3 (2), (3), (4) and (5) of the *Criminal Code Act 1913** are amended by inserting after “statutory rule,” the following —

“ local law, ”.

[* *Reprinted as at 17 December 1993 and appearing in Appendix B to the Criminal Code Act Compilation Act 1913.*

For subsequent amendments see Acts Nos. 78 of 1995 and 14 of 1996.]

Dampier Port Authority Act 1985 amended

46. Section 61 (2) (b) of the *Dampier Port Authority Act 1985** is amended by deleting “at”.

[* *Act No. 39 of 1985.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 57 and Acts Nos. 14 and 49 of 1996.]

Declarations and Attestations Act 1913 amended

47. Item 18 of the Schedule to the *Declarations and Attestations Act 1913** is amended by deleting “public” and substituting the following —

“ practising ”.

[* *Reprinted as at 10 September 1992.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 60 and Act No. 14 of 1996.]

District Court of Western Australia Act 1969 amended

48. (1) Section 6 of the *District Court of Western Australia Act 1969** is amended in the definition of “the Court” by deleting “this Act;” and substituting the following —

“ this Act. ”.

(2) Section 10 (2) (b) is amended by deleting “8 years” and substituting the following —

“ 8 years’ ”.

(3) Section 24 (1) is amended by deleting “8 years” and substituting the following —

“ 8 years’ ”.

[* *Reprinted as at 20 February 1996.*
For subsequent amendments see Acts Nos. 14, 36 and 49 of 1996.]

Dog Act 1976 amended

49. The provisions of the *Dog Act 1976** mentioned in the Table to this section are amended by deleting “health surveyor” and substituting the following —

“ environmental health officer ”.

TABLE

section 29 (12)	section 36 (2)
section 36 (1)	section 36 (3)

[* *Reprinted as at 20 November 1996.*]

Eastern Goldfields Transport Board Act 1984 amended

50. Section 29 of the *Eastern Goldfields Transport Board Act 1984** is amended by deleting “municipal councils of the”.

[* *Act No. 5 of 1984.*
For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 65 and Acts Nos. 14 and 41 of 1996.]

Education Act 1928 amended

51. The *Education Act 1928** is amended in the provisions mentioned in the Table to this section by deleting “Department for Community Services” and substituting the following —

“ department established under section 4 of the *Community Services Act 1972* ”.

TABLE

section 17B (2)	section 18 (2)
section 18 (1)	section 18 (3)

[* *Reprinted as at 11 August 1992.*
For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, pp. 65-7 and Acts Nos. 14, 22 and 42 of 1996.]

Electricity Corporation Act 1994 amended

52. Schedule 3 to the *Electricity Corporation Act 1994** is amended —

- (a) in clause 34 (6) (b) —
- (i) by inserting after subparagraph (i) the following —
- “ and ”; and
- (ii) by deleting subparagraph (ii) and “and” after that subparagraph;
- and
- (b) in clause 45 (4) by deleting “96” and substituting the following —
- “ 91 ”.

[* *Act No. 86 of 1994.*]

Energy Coordination Act 1994 amended

53. Section 22 (4) of the *Energy Coordination Act 1994** is amended by deleting “objection” and substituting the following —

“ exemption ”.

[* *Act No. 71 of 1994.*]

Environmental Protection Act 1986 amended

54. (1) Section 38 (7) (a) of the *Environmental Protection Act 1986** is amended by deleting “proponent” and substituting the following —

“ person ”.

(2) Section 40 (1) (a) is amended by deleting “to any relevant decision-making authority” and substituting the following —

“
to the proponent, any relevant decision-making authority or
any other relevant person
”.

(3) Section 43 (1) is repealed and the following subsection is substituted —

“
(1) The Minister may —
(a) if the Authority considers that a proposal referred to it under section 38 should not be assessed by it under this Part; or
(b) during or after the assessment by the Authority of a proposal referred to it under that section,

and after consulting the Authority, direct the Authority to assess that proposal, or to assess or re-assess that proposal

more fully or more publicly or both, as the case requires, in accordance with that direction, and the Authority shall comply with that direction.

”.

(4) Section 96 (1) (a) is amended by deleting “manufacturers” and substituting the following —

“ manufactures ”.

(5) Section 99 (3) is amended by deleting “Authority” and substituting the following —

“ Chief Executive Officer ”.

(6) Section 99 (4) is amended by deleting “Authority” in both places where it occurs and substituting in each place the following —

“ Chief Executive Officer ”.

(7) Section 101 (1) (b) (ii) is deleted and the following subparagraph is substituted —

“

(ii) assessment, further assessment or reassessment, as the case requires, and for that purpose make a direction under section 43,

”.

(8) Section 101 (2) (b) is amended by inserting before “further assessment” the following —

“ assessment, ”.

(9) Section 108 (2) is amended by deleting “writing of Minister” and substituting the following —

“ writing of the Minister ”.

(10) Schedule 4 is amended —

(a) in clause 13 (a) (ii), by deleting “license” and substituting the following —

“ licence ”; and

(b) in clause 14, by deleting “license” in the 3 places where it occurs and substituting in each place the following —

“ licence ”.

[* *Reprinted as at 7 March 1996.*

For subsequent amendments see Acts Nos. 14, 23, 49, 50 and 81 of 1996.]

Equal Opportunity Act 1984 amended

55. (1) Section 27 (2) (f) of the *Equal Opportunity Act 1984** is amended before subparagraph (i) by deleting “position and” and substituting the following —

“ position and — ”.

(2) Section 66J (2) is amended by deleting “applies.” and substituting the following —

“ apply. ”.

(3) Section 74 (1) is amended by deleting “Statute” and substituting the following —

“ statute ”.

(4) Section 80 is amended by inserting a comma after “family responsibility or family status” in the 3 places where it occurs.

(5) Section 115 is amended by deleting “*bona fide* and” in both places where it occurs.

[* *Reprinted as at 16 April 1996.*
For subsequent amendments see Acts Nos. 14, 42 and 43 of 1996.]

***Esperance Port Authority Act 1968* amended**

56. Section 52 (2) (b) of the *Esperance Port Authority Act 1968** is amended by deleting “at”.

[* *Act No. 11 of 1968.*
For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 72 and Acts Nos. 14 and 49 of 1996.]

***Evidence Act 1906* amended**

57. Section 106A of the *Evidence Act 1906** is amended in paragraph (a) (i) of the definition of “defendant” by deleting “Department for Community Services;” and substituting the following —

“ department established under section 4 of the *Community Services Act 1972*;

[* *Reprinted as at 10 September 1996.*
For subsequent amendments see Act No. 49 of 1996.]

***Explosives and Dangerous Goods Act 1961* amended**

58. Section 8 of the *Explosives and Dangerous Goods Act 1961** is amended by deleting “Mines Department.” and substituting the following —

“ Department of Minerals and Energy. ”.

[* *Reprinted as at 21 November 1996.*]

***Fair Trading Act 1987* amended**

59. Section 44 of the *Fair Trading Act 1987** is amended by deleting the subsection designation “(1)”.

[* *Act No. 108 of 1987.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 76 and Act No. 14 of 1996.]

***Fire Brigades Act 1942* amended**

60. Part II of the Second Schedule to the *Fire Brigades Act 1942** is amended by deleting “Shepperton” and substituting the following —

“ Victoria Park ”.

[* *Reprinted as at 17 June 1996.*

For subsequent amendments see Act No. 14 of 1996.]

***Fire Brigades Superannuation Act 1985* amended**

61. Schedule 1 to the *Fire Brigades Superannuation Act 1985** is amended by deleting “Public Service Commissioner” and substituting the following —

“

Minister for Public Sector Management.
Chief executive officer of the Western Australian Fire Brigades Board.

”.

[* *Act No. 87 of 1985.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 81.]

Freedom of Information Act 1992 amended

62. (1) Section 16 (1) (f) of the *Freedom of Information Act 1992** is amended by deleting “sections 94” and substituting the following —

“ section 94 ”.

(2) Section 62 (3) is repealed.

(3) Clause 1 (1) (d) (i) of Schedule 1 is amended by deleting “body, or” and substituting the following —

“ body; or ”.

[* *Reprinted as at 16 January 1996.*
For subsequent amendments see Acts Nos. 75 of 1995
and 11, 14, 29 and 49 of 1996.]

Fremantle Port Authority Act 1902 amended

63. Section 58 (2) (b) of the *Fremantle Port Authority Act 1902** is amended by deleting “at”.

[* *Reprinted as at 23 January 1989.*
For subsequent amendments see 1995 Index to
Legislation of Western Australia, Table 1, pp. 85-6 and
Acts Nos. 14 and 49 of 1996.]

Gas Corporation Act 1994 amended

64. Section 28 (2) (a) of the *Gas Corporation Act 1994** is amended by deleting “are” and substituting the following —

“ is ”.

[* *Act No. 87 of 1994.*]

***Geraldton Port Authority Act 1968* amended**

65. Section 52 (2) (b) of the *Geraldton Port Authority Act 1968** is amended by deleting “at”.

[* *Act No. 10 of 1968.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 90 and Acts Nos. 14 and 49 of 1996.]

***Government Employees Superannuation Act 1987* amended**

66. (1) Section 3 (5) of the *Government Employees Superannuation Act 1987** is amended by inserting after “established” the following —

“ or continued ”.

(2) Section 13C (1) (a) is amended by deleting “resigns,” and substituting the following —

“ terminates his or her membership, or resigns, ”.

(3) Section 55 (1) is amended by deleting “entitled or might” and substituting the following —

“ entitled or which he or she might otherwise ”.

(4) Schedule 4 is amended —

(a) in clause 2 (3), by deleting “Subject to clause 1 of Schedule 3, a” and substituting the following —

“ A ”;

(b) in clause 11 (1) (b), by deleting “, 13 (2) (a) and 13 (3) (a)” and substituting the following —

“ and 13 (2) (a) ”; and

- (c) in clause 13 (7) (b), by inserting after “benefit,” the following —

“ is ”.

[* *Reprinted as at 27 May 1996.*
For subsequent amendments see Acts Nos. 75 of 1995
and 35, 41, 42 and 49 of 1996.]

Guardianship and Administration Act 1990 amended

67. Section 64 (3) (c) of the *Guardianship and Administration Act 1990** is amended —

- (a) by deleting “Department for Community Services” and substituting the following —

“ department established under section 4 of the
Community Services Act 1972 ”;
and

- (b) by deleting “section 14 or 15 of the *Community Services Act 1972*,” and substituting the following —

“ section 14 or 15 of that Act, ”.

[* *Act No. 24 of 1990.*
For subsequent amendments see 1995 Index to
Legislation of Western Australia, Table 1, p. 95 and
Act No. 7 of 1996.]

Health Act 1911 amended

68. (1) Section 103 of the *Health Act 1911** is amended by deleting “local authority’s” and substituting the following —

“ local government’s ”.

(2) Section 360 (2) is amended by deleting “By-laws” and substituting the following —

“ Local laws ”.

(3) The provisions mentioned in the Table to this subsection are amended by deleting “clerk or secretary” and substituting the following —

“ chief executive officer ”.

TABLE

section 146 (2)	section 372 (2)
section 146 (3)	section 377 (1)

(4) Part III of Schedule 5 is amended by deleting “246FZD (3) and (4), 246FZE, 246FZF (1),”.

[* *Reprinted as at 18 December 1990.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, pp. 97-9 and Acts Nos. 88 of 1994, 78 of 1995 and 14, 28, 49, 50, 64 and 81 of 1996.]

***Health Legislation Administration Act 1984* amended**

69. Sections 7 and 8 of the *Health Legislation Administration Act 1984** are amended by deleting “health surveyor” and substituting the following —

“ environmental health officer ”.

[* *Act No. 27 of 1984.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 100 and Act No. 69 of 1996.]

Health Services (Conciliation and Review) Act 1995
amended

70. Section 80 (1) of the *Health Services (Conciliation and Review) Act 1995** is amended by deleting “Division 3” and substituting the following —

“ Division 2 ”.

[* *Act No. 75 of 1995.*]

Heritage of Western Australia Act 1990 amended

71. Section 20 (5) of the *Heritage of Western Australia Act 1990** is repealed.

[* *Act No. 103 of 1990.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 100 and Acts Nos. 14 and 49 of 1996.]

Hire-Purchase Act 1959 amended

72. The provisions of the *Hire-Purchase Act 1959** mentioned in the Table to this section are amended by deleting “Department for Community Services” in each place where it occurs and substituting in each place the following —

“ department established under section 4 of the *Community Services Act 1972*

”.

TABLE

section 18 (9) (c)
section 18 (10) (in 2 places)

[* *Reprinted as at 5 February 1986.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, pp. 100-1 and Acts Nos. 78 of 1995 and 30 of 1996.]

***Home Building Contracts Act 1991* amended**

73. Clause 4 (b) of Schedule 1 to the *Home Building Contracts Act 1991** is amended by deleting “section 20” and substituting the following —

“ section 19 ”.

[* *Act No. 61 of 1991.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 101 and Acts Nos. 14 and 72 of 1996.]

***Hospitals and Health Services Act 1927* amended**

74. (1) Section 3 (1) of the *Hospitals and Health Services Act 1927** is amended —

(a) by inserting after “continues to apply to” the following —

“ the whole or ”; and

(b) by deleting “that part” and substituting the following —

“ that public hospital, or that part, ”.

(2) Section 3 (1a) is amended by inserting after “with respect to” the following —

“ the whole or any ”.

(3) Section 7B (9) is amended by deleting “subsection (7)” and substituting the following —

“ subsection (8) ”.

[* *Reprinted as at 22 April 1993.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 102 and Acts Nos. 14, 17 and 49 of 1996.]

Human Reproductive Technology Act 1991 amended

75. Section 3 (1) of the *Human Reproductive Technology Act 1991** is amended in paragraph (c) of the definition of “authorized officer” by deleting “Department for Community Services” and substituting the following —

“
department established under section 4 of the *Community Services Act 1972*
”.

[* *Act No. 22 of 1991.*
For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 104 and Acts Nos. 78 of 1995 and 1 of 1996.]

Income Tax Assessment Act 1937 amended

76. Section 8 (2) of the *Income Tax Assessment Act 1937** is repealed.

[* *Reprinted in Volume 2 of Reprinted Acts.*
For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 106 and Act No. 14 of 1996.]

Justices Act 1902 amended

77. Section 69 (3) (c) of the *Justices Act 1902** is amended by deleting “101A (1) (b) (ii)” and substituting the following —

“ 101A (e) ”.

[* *Reprinted as at 21 June 1995.*
For subsequent amendments see Acts Nos. 88 of 1994, 78 of 1995 and 8, 14, 36, 49 and 59 of 1996.]

***Land Acquisition and Public Works Act 1902* amended**

78. (1) Section 88 of the *Land Acquisition and Public Works Act 1902** is amended by deleting “by-laws” in each place where it occurs and substituting in each place the following —

“ local laws ”.

(2) The provisions mentioned in the Table to this subsection are amended by deleting “by-law” in each place where it occurs and substituting the following —

“ local law ”.

TABLE

section 88
section 90
section 121

(3) Section 107 is amended by inserting after “by-law” the following —

“ or local law ”.

[* *Reprinted as at 22 June 1992.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, pp. 119-20 and Acts Nos. 14, 49 and 81 of 1996.]

***Legal Representation of Infants Act 1977* amended**

79. Section 5 (5) of the *Legal Representation of Infants Act 1977** is amended by deleting “Department for Community Services of this State” and substituting the following —

“ department established under section 4 of the *Community Services Act 1972* ”.

[* *Act No. 43 of 1977.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 125 and Act No. 49 of 1996.]

Library Board of Western Australia Act 1951 amended

80. Section 5 (4) (b) and (c) of the *Library Board of Western Australia Act 1951** are deleted and the following paragraphs are substituted —

“ (b) City of Perth;
(c) City of Fremantle;
”.

[* *Approved for reprint 17 May 1984.*
For subsequent amendments see 1995 Index to
Legislation of Western Australia, Table 1, p. 126 and
Acts Nos. 14, 22 and 49 of 1996.]

Local Government Act 1995 amended

81. (1) Clause 4 (2) of Schedule 9.2 to the *Local Government Act 1995** is amended by deleting “Part VII” and substituting the following —

“ Part VI ”.

(2) Clause 14 (3), (4), and (5) of Schedule 9.3 are amended by deleting “subclause (1)” and substituting the following —

“ subclause (2) ”.

(3) Clause 14 (4) of Schedule 9.3 is further amended by inserting a full stop after “Minister”.

(4) Clause 27 (1) of Schedule 9.3 is amended by deleting “is continue” and substituting the following —

“ is to continue ”.

[* *Act No. 74 of 1995.*
For subsequent amendments see Acts Nos. 14 and 81
of 1996 and Gazette 24 June 1996 and 25 October
1996.]

Local Government (Consequential Amendments) Act 1996
amended

82. Schedule 1 to the *Local Government (Consequential Amendments) Act 1996** is amended in the amendments relating to the *Local Government (Miscellaneous Provisions) Act 1960*, in the item with the heading “Sections 379 (1) and 380 (1)”, by deleting “in the second place where it occurs”.

[* Act No. 14 of 1996.]

Local Government (Miscellaneous Provisions) Act 1960
amended

83. (1) Section 295 (3) (d) of the *Local Government (Miscellaneous Provisions) Act 1960** is amended by deleting “council” and substituting the following —

“ local government ”.

(2) Section 377 (6) is amended in the penalty provision at the foot of the subsection —

(a) by deleting “\$400” and substituting the following —

“ \$5 000 ”; and

(b) by deleting “\$16” and substituting the following —

“ \$100 ”.

(3) The heading to Division 13 of Part XV is amended by deleting “*Council*” and substituting the following —

“ *Local Government* ”

(4) The heading to Division 20 of Part XV is amended by deleting “*By-laws*” and substituting the following —

“ *Local Laws* ”

(5) Section 474 (6) is amended by deleting the passage beginning “a member” and ending “shall not” and substituting the following —

“
a member of the council of the local government or the chief executive officer of the local government shall not
”.

[* *Approved for reprint 18 September 1996.*
For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, pp. 130-3 and Acts Nos. 49 and 81 of 1996.]

Main Roads Act 1930 amended

84. (1) Section 13A (3) of the *Main Roads Act 1930** is amended by deleting “local authority’s” and substituting the following —

“ local government’s ”.

(2) Section 28B (3) (b) is amended by deleting “local authority” and substituting the following —

“ local government ”.

[* *Reprinted as at 10 September 1987.*
For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, pp. 134-5 and Acts Nos. 10, 14 and 49 of 1996.]

Mental Health Act 1962 amended

85. Section 19 (3) of the *Mental Health Act 1962** is amended —

(a) by inserting after “by the State, or” the following —

“ the whole or ”; and

- (b) by inserting after “part of a building or place or” the following —

“ the whole or ”.

[* *Approved for reprint 24 August 1979.*
For subsequent amendments see 1995 Index to
Legislation of Western Australia, Table 1, p. 140 and
Act No. 14 of 1996.]

Metropolitan Region Town Planning Scheme Act 1959
amended

- 86.** Item 4 of the First Schedule to the *Metropolitan Region Town Planning Scheme Act 1959** is amended by deleting “Town of Shepperton” and substituting the following —

“ Town of Victoria Park ”.

[* *Reprinted as at 7 March 1996.*
For subsequent amendments see Acts Nos. 14, 23, 49
and 81 of 1996.]

Metropolitan Water Supply, Sewerage, and Drainage
Act 1909 amended

- 87.** Section 146 (1) (24) of the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909** is amended by deleting “Authority.” and substituting the following —

“ Corporation. ”.

[* *Reprinted as at 28 May 1996.*
For subsequent amendments see Acts Nos. 14 and 81
of 1996.]

Mines Safety and Inspection Act 1994 amended

88. (1) Part 5 of the *Mines Safety and Inspection Act 1994** is amended in the heading to Division 2 by deleting “**Health and safety**” and substituting the following —

“ **Safety and health** ”.

(2) The heading to Part 6 is amended by deleting “**HEALTH, SAFETY AND WELFARE**” and substituting the following —

“ **SAFETY AND HEALTH** ”.

(3) Section 77 (2) is amended by deleting “health and safety” and substituting the following —

“ safety and health ”.

[* *Reprinted as at 6 February 1996.*
For subsequent amendments see Act No. 14 of 1996.]

Mining Act 1978 amended

89. (1) Section 46 of the *Mining Act 1978** is amended by inserting after “deemed to be granted subject” the following —

“
to the condition that the holder of the licence will prospect
for minerals and
”.

(2) Section 65 is amended by inserting after subsection (1b) the following subsection —

“
(1ba) Notification referred to in subsection (1b) shall be
given by the Minister by certified mail, and the date on
which the notification is given shall be taken to be the date
on which the notification is posted.
”.

(3) Section 78 (1) (b) is amended by deleting “section 111A (1) (a)” and substituting the following —

“ section 111A (1) (d) ”.

(4) Section 110 is amended by deleting “lease, is,” and substituting the following —

“ lease is, ”.

[* *Reprinted as at 27 February 1996.*

For subsequent amendments see Acts Nos. 14 and 54 of 1996.]

Motor Vehicle Dealers Act 1973 amended

90. (1) After section 14 of the *Motor Vehicle Dealers Act 1973** the following section is inserted —

“

Protection from liability

14A. (1) An action in tort does not lie against a person, other than the Board, for anything that the person has done in good faith in the performance or exercise, or purported performance or exercise, of a function, power, duty or authority under this Act.

(2) The protection given by this section applies even though the thing done in the performance or exercise, or purported performance or exercise, of a function, power, duty or authority under this Act may have been capable of being done whether or not this Act had been enacted.

(3) This section does not relieve the Board or the Crown of any liability that it might have for the doing of anything by a person against whom this section provides that an action does not lie.

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

(2) Section 28 (1) is amended by deleting “prescribed form,” and substituting the following —

“ approved form, ”.

[* *Reprinted as at 14 November 1996.*]

Motor Vehicle Drivers Instructors Act 1963 amended

91. (1) Section 7 (4) of the *Motor Vehicle Drivers Instructors Act 1963** is amended by deleting “the body known as The National Safety Council of Western Australia Incorporated or any other body prescribed for the purposes of this section,” and substituting the following —

“ a body prescribed for the purposes of this section ”.

(2) Section 8 (1) is amended —

(a) by deleting “The National Safety Council of Western Australia Incorporated or other” and substituting the following —

“ A ”; and

(b) in paragraphs (a) and (b), by deleting “the Council or”.

[* *Approved for reprint 12 July 1977.*
For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 149 and Act No. 76 of 1996.]

Murdoch University Act 1973 amended

92. (1) Section 8 of the *Murdoch University Act 1973** is repealed and the following section is substituted —

“

Constitution

8. The University shall consist of —

- (a) the Senate;
- (b) such members of the academic and other staff of the University as are prescribed by Statute;
- (c) Convocation;
- (d) the students for the time being; and
- (e) such other persons, if any, as are prescribed by Statute.

”.

(2) Section 13 is repealed.

(3) Section 14 (1) is amended by deleting “sections 13, 15,” and substituting the following —

“ sections 15 ”.

(4) Section 26 (2) is amended by deleting “Secretary” and substituting the following —

“ Registrar ”.

[* *Act No. 20 of 1973.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 151 and Acts Nos. 78 of 1995 and 22 and 49 of 1996.]

Petroleum Products Pricing Act 1983 amended

93. Section 28 (a) of the *Petroleum Products Pricing Act 1983** is amended by deleting “Permanent Head” and substituting the following —

“ chief executive officer ”.

[* *Act No. 1 of 1983.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 168 and Act No. 14 of 1996.]

Petroleum (Submerged Lands) Act 1982 amended

94. Section 135 of the *Petroleum (Submerged Lands) Act 1982** is amended by deleting “Attorney-General” and substituting the following —

“ Attorney General ”.

[* *Reprinted as at 24 March 1992.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 169.]

Plant Diseases Act 1914 amended

95. Section 35AA (2) of the *Plant Diseases Act 1914** is amended by deleting the portion of the subsection after “as payment” and substituting the following —

“

of modified penalties or other amounts in connection with infringement notices given under section 35 is credited to the Fund.

”.

[* *Reprinted as at 25 September 1991.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, pp. 171-2 and Acts Nos. 14, 49 and 81 of 1996.]

Police Act 1892 amended

96. (1) Section 53A (1) of the *Police Act 1892** is amended by deleting “section 33A of the *Child Welfare Act 1947* where” and substituting the following —

“ section 18 of the *Young Offenders Act 1994,* ”.

(2) Section 96 (8) is amended by deleting “, or of the Council of a Shire”.

[* *Reprinted as at 31 January 1997.*]

Port Hedland Port Authority Act 1970 amended

97. Section 51 (2) (b) of the *Port Hedland Port Authority Act 1970** is amended by deleting “at”.

[* *Act No. 30 of 1970.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, pp. 175-6 and Acts Nos. 14 and 49 of 1996.]

Potato Growing Industry Trust Fund Act 1947 amended

98. Section 6 (4) (a) (ii) of the *Potato Growing Industry Trust Fund Act 1947** is amended by inserting after “Public Service” the following —

“ of the State ”.

[* *Approved for reprint 17 August 1975.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 176 and Acts Nos. 78 of 1995 and 49 of 1996.]

Public Sector Management Act 1994 amended

99. (1) Section 20 (2) of the *Public Sector Management Act 1994** is repealed.

(2) Section 94 (3) (c) (i) is amended by inserting before “registered” the following —

“ a ”.

(3) Section 112 (1) and (2) are amended by deleting “read as” and substituting the following —

“ construed as if it had been amended to be ”.

(4) Schedule 1 is amended by deleting item 19 that begins “Western Australian Greyhound” and inserting the same item, but with the item designation “20.”, in the appropriate numerical position.

(5) Clause 2 (4) of Schedule 6 is amended by deleting “with the meaning” and substituting the following —

“ within the meaning ”.

[* *Reprinted as at 16 May 1995.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 181 and Acts Nos. 73 of 1995 and 14, 42 and 49 of 1996.]

Public Trustee Act 1941 amended

100. Section 19 of the *Public Trustee Act 1941** is repealed.

[* *Reprinted as at 8 September 1993.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, pp. 181-2 and Acts Nos. 7 and 49 of 1996.]

Racing Restriction Act 1917 amended

101. (1) Section 2 (2b) of the *Racing Restriction Act 1917** is amended by deleting “Treasurer” and substituting the following —

“ Minister ”.

(2) Section 3 (4) is amended by deleting “Treasurer” and substituting the following —

“ Minister ”.

[* *Approved for reprint 28 June 1978.*

*For subsequent amendments see 1995 Index to
Legislation of Western Australia, Table 1, p. 184.]*

Rates and Charges (Rebates and Deferments) Act 1992 amended

102. (1) Section 3 (1) of the *Rates and Charges (Rebates and Deferments) Act 1992** is amended in the definition of “State concession card” by deleting “by the Director-General of the Department for Community Services of the State under section 6;” and substituting the following —

“ under section 6 by the Director-General of the department established under section 4 of the *Community Services Act 1972*;

”.

(2) Section 6 (1) is amended by deleting “Department for Community Services of the State,” and substituting the following —

“ department established under section 4 of the *Community Services Act 1972*,

”.

[* *Act No. 31 of 1992.*

*For subsequent amendments see 1995 Index to
Legislation of Western Australia, Table 1, p. 186 and
Act No. 14 of 1996.]*

Reserves Act 1994 amended

103. Section 12 (2) of the *Reserves Act 1994** is amended —

(a) by deleting “313.173 4” and substituting the following —

“ 343.173 4 ”; and

(b) by deleting “337.431 8” and substituting the following —

“ 367.431 8 ”.

[* *Act No. 16 of 1994.*]

Retirement Villages Act 1992 amended

104. Section 8 (1) (d) of the *Retirement Villages Act 1992** is amended by deleting “authorities” and substituting the following —

“ bodies ”.

[* *Act No. 34 of 1992.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 190 and Acts Nos. 14, 49 and 81 of 1996.]

Rights in Water and Irrigation Act 1914 amended

105. (1) Section 26C (4) (c) of the *Rights in Water and Irrigation Act 1914** is amended by deleting “proclamation were made” and substituting the following —

“ proclamation was made ”.

(2) Section 79 (2) (c) is deleted and the following paragraph is substituted —

“
(c) the chief executive officer of the Department of Land Administration or the chief executive officer of the Department of Minerals and Energy, that any person is registered in the Department of Land Administration or Department of Minerals and Energy as the occupier or lessee of any land,
”.

[* *Reprinted as at 2 April 1996.*

For subsequent amendments see Act No. 14 of 1996.]

Road Traffic Act 1974 amended

106. (1) Section 30 (2) of the *Road Traffic Act 1974** is amended by deleting “the Act” and substituting the following —

“ this Act ”.

(2) Section 98 (4) is amended by deleting “the district of a local authority” and substituting the following —

“ a local government district ”.

(3) Section 111 (2) (i) is amended by deleting “identity.” and substituting the following —

“ identity; ”.

[* *Reprinted as at 1 June 1995.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, pp. 191-3, Acts Nos. 78 of 1995 and 14, 30, 37, 49 and 76 of 1996 and Gazettes of 24 May 1996 and 17 December 1996.]

***Rottnest Island Authority Act 1987* amended**

107. (1) Section 41 (1) of the *Rottnest Island Authority Act 1987** is amended —

(a) by deleting “the parent or guardian of that child by” and substituting the following —

“ a responsible adult by ”; and

(b) by deleting “parent or guardian shows” and substituting the following —

“ responsible adult shows ”.

(2) Section 41 (2) is amended by deleting the definition of “parent” and substituting the following definition —

“

“responsible adult”, in relation to a child, has the same meaning as it has in section 58 of the *Young Offenders Act 1994* in relation to a young person within the meaning of that Act.

”.

(3) Section 41 (3) is amended by deleting “section 34E of the *Child Welfare Act 1947*.” and substituting the following —

“ section 58 of the *Young Offenders Act 1994*. ”.

[* *Act No. 91 of 1987*.

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 195 and Acts Nos. 14, 41 and 49 of 1996.]

***Royal Commissions Act 1968* amended**

108. Section 32 (a) of the *Royal Commissions Act 1968** is amended by deleting “transcript or” and substituting the following —

“ transcript of ”.

[* *Reprinted as at 2 November 1995.*]

***The Sale of Goods Act 1895* amended**

109. Section 24 (2) of *The Sale of Goods Act 1895** is amended by deleting “larceny” and substituting the following —

“ stealing ”.

[* *Authorized for reprint 6 October 1981.*
For subsequent amendments see 1995 Index to
Legislation of Western Australia, Table 1, p. 197.]

***Sentence Administration Act 1995* amended**

110. Section 103 (1) (a) of the *Sentence Administration Act 1995** is amended by deleting “Minister” and substituting the following —

“ Attorney General ”.

[* *Act No. 77 of 1995.*
For subsequent amendments see Act No. 11 of 1996.]

***Soil and Land Conservation Act 1945* amended**

111. (1) Section 4 of the *Soil and Land Conservation Act 1945** is amended in the definition of “Chief executive officer,

Land Administration,” by deleting “Administration,” and substituting the following —

“ Administration ”.

(2) Section 4 is further amended in the definition of “Public Authority” —

- (a) in paragraphs (a), (b), (c), (d), (g), and (h), by deleting the first word of each paragraph and substituting the same word but with its first letter in lower case; and
- (b) in paragraphs (a), (b), (c), and (d), by deleting the full stop at the end of each paragraph and substituting a semicolon.

[* *Reprinted as at 30 January 1996.*
For subsequent amendments see Acts Nos. 14, 49 and 81 of 1996.]

Solicitor-General Act 1969 amended

112. (1) Section 2 (1) of the *Solicitor-General Act 1969** is amended —

- (a) by deleting “ “Attorney-General” includes,” and substituting the following —
“ **“Attorney General”** includes, ”; and
- (b) by deleting “Attorney-General the” and substituting the following —
“ Attorney General the ”.

(2) The provisions mentioned in the Table to this subsection are amended by deleting “Attorney-General” in each place where it occurs and substituting in each place the following —

“ Attorney General ”.

TABLE

section 9 (a)
section 13 (1)
section 13 (3)

[* *Act No. 38 of 1969.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 205 and Act No. 49 of 1996.]

Stamp Act 1921 amended

113. (1) Section 29 (1) of the *Stamp Act 1921** is amended by deleting “court arbitrator,” and substituting the following —

“ court, arbitrator ”.

(2) Section 76AI (4) is amended —

(a) by deleting “or” after paragraph (b) (ii); and

(b) by inserting after paragraph (c) the following —

“ or ”.

(3) Section 111 (2) (b) is amended by deleting “orders” and substituting the following —

“ orders, ”.

(4) Section 112I (1) is amended —

(a) by deleting “In this part,” and substituting the following —

“ In this Part, ”; and

(b) in the definition of “service costs”, by deleting “business;” and substituting the following —

“ business. ”.

(5) Section 119 (1) is amended in paragraph (c) of the definition of “exempt body” by deleting “local authority,” and substituting the following —

“ local government, ”.

(6) Items 17 and 19 of the Second Schedule are amended in the third column by deleting “requires,” and substituting the following —

“ requires ”.

[* *Reprinted as at 23 January 1996.*
For subsequent amendments see Acts Nos. 14, 20, 48,
57, 61, 76 and 81 of 1996.]

Stock (Identification and Movement) Act 1970 amended

114. (1) Section 18 (1) (a) (i) of the *Stock (Identification and Movement) Act 1970** is amended by deleting “owner,” and substituting the following —

“ owner; ”.

(2) Section 18 (1) (e) is amended by deleting “subject to section 36 (2),”.

(3) Section 30 (2) (b) is amended by deleting subparagraph (ii) and substituting the following subparagraph —

“

(ii) in the case of a calf, the prescribed details of identification appear on an appropriate waybill.

”.

[* *Reprinted as at 8 June 1995.*
For subsequent amendments see Acts Nos. 14 and 49 of 1996.]

***Strata Titles Act 1985* amended**

115. (1) The provisions of the *Strata Titles Act 1985** mentioned in the Table to this subsection are amended by deleting “authority” in each place where it occurs.

TABLE

section 5B (2)	section 23 (1) (d)
section 6 (3a)	section 23 (2a)
section 8A (f)	section 24 (2a)

(2) Section 42 (2d) is amended —

(a) by deleting “local government authority” and substituting the following —

“ local government ”; and

(b) by inserting after “consent of that authority” the following —

“ or local government ”.

(3) Section 47 (2) (d) (i) is amended by deleting “or local government authority” and substituting the following —

“ authority or local government ”.

(4) Section 62A (2) is amended by deleting “local government authority” and substituting the following —

“ local government ”.

(5) Clause 11 (b) of Schedule 2 is amended by deleting “local government authority by-laws and ordinances” and substituting the following —

“ local laws ”.

[* *Reprinted as at 20 January 1997.*]

Subiaco Redevelopment Act 1994 amended, and savings

116. (1) Section 7 (1) of the *Subiaco Redevelopment Act 1994** is amended —

(a) by deleting paragraph (a) and substituting the following paragraph —

“
(a) 2 are to be persons who, in the opinion of the Minister, have a relevant qualification;
”;

(b) by inserting “and” after paragraph (b); and

(c) by deleting paragraph (c) and “and” after that paragraph.

(2) The person appointed and holding office under section 7 (1) (c) as a member of the Subiaco Redevelopment Authority immediately before the commencement of this section

continues to hold office after that commencement as if appointed as a member of the Subiaco Redevelopment Authority under section 7 (1) (a).

[* *Act No. 35 of 1994.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 214 and Acts Nos. 14, 23 and 41 of 1996.]

Superannuation and Family Benefits Act 1938 amended

117. (1) Section 6 (1) of the *Superannuation and Family Benefits Act 1938** is amended in paragraph (a) of the definition of “employee” by deleting “his is” and substituting the following —

“ he is ”.

(2) Section 46C (3) and (4) are repealed and the following subsection is substituted —

“
(3) The percentage (if any) by which pensions shall be adjusted in each period referred to in subsection (2) shall be that which the Board declares, as soon as is practicable in that period, to be the percentage by which the Index for the quarter ending at the commencement of that period is greater than the Index for the quarter ending 6 months before the commencement of that period.
”.

(3) Section 46C (8) is amended by deleting “certify to the Treasurer” and substituting the following —

“ declare ”.

[* *Reprinted as at 9 August 1989.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, pp. 214-16 and Acts Nos. 14 and 49 of 1996.]

Supreme Court Act 1935 amended

118. Section 4 of the *Supreme Court Act 1935** is amended in the definition of “Owner,” by deleting “ **“Owner,”** ” and substituting the following —

“ **“Owner,”** ”.

[* *Reprinted as at 23 November 1995.*
For subsequent amendments see Acts Nos. 3, 14, 30
and 49 of 1996.]

Swan River Trust Act 1988 amended

119. Schedule 2 to the *Swan River Trust Act 1988** is amended by deleting “City of Perth” and “Town of Shepperton” and inserting after “Shire of Swan” the following —

“
Town of Victoria Park
Town of Vincent
”.

[* *Act No. 23 of 1988.*
For subsequent amendments see 1995 Index to
Legislation of Western Australia, Table 1, p. 217 and
Acts Nos. 14 and 49 of 1996.]

Tobacco Control Act 1990 amended

120. (1) Section 26 (9) of the *Tobacco Control Act 1990** is amended —

(a) by deleting “disburse the funds received from the State by it for” and substituting the following —

“ commit the funds received from the State by it to ”;

and

(b) by deleting “accumulation” and substituting the following —

“ amount of those funds remaining not so committed ”.

(2) Section 26 (10) is amended by deleting “disbursed” and substituting the following —

“ committed to the objectives of the Foundation ”.

[* *Act No. 104 of 1990.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 220 and Act No. 49 of 1996.]

Town Planning and Development Act 1928 amended

121. (1) The provisions of the *Town Planning and Development Act 1928** mentioned in the Table to this subsection are amended by deleting “local authority” in each place where it occurs and substituting in each place the following —

“ local government ”.

TABLE

section 5AA (8) (a)	section 7A2 (4) (in 2 places)
section 7 (2aa) (in 2 places)	section 7A2 (5) (in 2 places)
section 7 (6)	section 7A3 (in 2 places)
section 7A1 (in 2 places)	section 7A4 (c)
section 7A2 (1) (in 2 places)	section 9 (2b)
section 7A2 (2)	section 24 (2) (b)

(2) Section 7AA (2) (aa) is amended by deleting “local authority’s” and substituting the following —

“ local government’s ”.

(3) Section 9 (4) (a) is amended by deleting “Town Planning Board” and substituting the following —

“ Commission ”.

(4) Section 9 (5) is amended in the definition of “proper date” by deleting “Town Planning Board” and substituting the following —

“ Commission ”.

(5) Sections 20A (1), 27A (1) (a), and 28 (3) (b) (iii) are amended by deleting “*Transfer of Land Amendment Act 1995*” and substituting the following —

“ *Transfer of Land Amendment Act 1996* ”.

(6) Section 54B (2) is amended by deleting “the Court” and substituting the following —

“ the Appeal Tribunal ”.

(7) Clause 23 of the First Schedule is amended by deleting “councils” and substituting the following —

“ local governments ”.

[* *Reprinted as at 21 February 1996.*
For subsequent amendments see Acts Nos. 58 of 1995
and 14, 23, 49 and 81 of 1996.]

***Transport Co-ordination Act 1966* amended**

122. (1) Section 4 (1) of the *Transport Co-ordination Act 1966** is amended —

- (a) by deleting the definition of “Deputy Director General”; and

- (b) in the definition of “omnibus” by deleting “licensed for use as a taxi-car under the *Taxi-cars (Co-ordination and Control) Act 1963*, or” and substituting the following —

“
operating as a taxi using taxi plates issued under the *Taxi Act 1994* or licensed as a taxi-car under
”.

- (2) Section 8 (1) is repealed and the following subsection is substituted —

“
(1) There shall be appointed in the Department under and subject to Part 3 of the *Public Sector Management Act 1994* a Director General of Transport and such other officers as may be necessary for the purposes of carrying out the provisions of this Act.
”.

- (3) Section 18 is repealed.

- (4) Section 58 (2) (c) is amended by deleting “or Deputy Director General”.

[* *Reprinted as at 6 March 1987.*
For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, pp. 225-6, and Acts Nos. 14, 30, 49 and 76 of 1996.]

***Travel Agents Act 1985* amended**

- 123.** (1) Section 10 (1) of the *Travel Agents Act 1985** is repealed and the following subsection is substituted —

“
(1) When an application has been made in accordance with section 9, the Registrar —

(a) shall as soon as practicable publish in a newspaper circulating generally throughout

Western Australia a notice giving particulars of the application; and

- (b) shall send a copy of the application to the Commissioner with a request in writing that the Commissioner make such inquiries with respect to the application and the applicant as the Registrar specifies in that request.

”.

(2) Section 10 (4) is repealed.

(3) Section 11 (1) is amended by deleting “section 10 (4)” and substituting the following —

“ section 10 (1) ”.

[* *Act No. 120 of 1995.*
For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 226 and Acts Nos. 88 of 1994 and 27 and 49 of 1996.]

University of Western Australia Act 1911 amended

124. Section 31 (4) (b) of the *University of Western Australia Act 1911** is amended by deleting “to the Governor under section 41 the Senate shall state” and substituting the following —

“

required to be submitted under section 66 of the *Financial Administration and Audit Act 1985*, the accountable authority of the University shall include

”.

[* *Reprinted as at 31 March 1993.*
For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, pp. 230-1 and Acts Nos. 22 and 49 of 1996.]

***Valuation of Land Act 1978* amended**

125. (1) Section 4 (1) of the *Valuation of Land Act 1978** is amended in the definition of “metropolitan region” —

- (a) by inserting a comma after “Kwinana”; and
- (b) by deleting “Shepperton” and substituting the following —

“ Victoria Park ”.

(2) Section 4 (1) is further amended by deleting the full stop at the end of the definition of “Land Valuation Tribunal” and substituting a semicolon.

(3) Section 32 is amended by deleting the comma at the end of subsection (2) and substituting a full stop.

[* *Reprinted as at 23 April 1996.*
For subsequent amendments see Acts Nos. 14, 77 and 81 of 1996.]

***Water Agencies (Powers) Act 1984* amended**

126. (1) Section 34 (3) (m) (i) of the *Water Agencies (Powers) Act 1984** is amended by deleting “Authority’s” and substituting the following —

“ Corporation’s ”.

(2) Section 85 (2) (a) is amended by deleting “council” and substituting the following —

“ local government ”.

(3) Section 93 (2) is amended by deleting “Authority” and substituting the following —

“ Commission or the Corporation ”.

[* *Reprinted as at 30 April 1966.*
For subsequent amendments see Acts Nos. 78 of 1995
and 12 and 14 of 1996.]

Waterways Conservation Act 1976 amended

127. Section 36 (1) (d) of the *Waterways Conservation Act 1976** is amended by deleting “Responsible” and substituting the following —

“ responsible ”.

[* *Reprinted as at 1 March 1996.*
For subsequent amendments see Act No. 14 of 1996.]

Weights and Measures Act 1915 amended

128. (1) Section 4 (1) of the *Weights and Measures Act 1915** is amended by inserting before the definition of “Chief Inspector” the following definition —

“**Chief executive officer**” means the chief executive officer of the department of the Public Service principally assisting the Minister in the administration of this Act.
”.

(2) Section 5 is amended by deleting “Permanent Head,” and substituting the following —

“ chief executive officer, ”.

(3) Sections 7 and 8 are amended by deleting “Permanent Head” and substituting the following —

“ chief executive officer ”.

[* *Reprinted as approved 21 July 1971.*
For subsequent amendments see 1995 Index to
Legislation of Western Australia, Table 1, p. 237 and
Acts Nos. 14 and 49 of 1996.]

Welfare and Assistance Act 1961 amended

129. (1) Section 4 of the *Welfare and Assistance Act 1961** is amended —

(a) in the definition of “Department”, by deleting “Department for Community Services” and substituting the following —

“ department ”; and

(b) in the definition of “Director-General”, by deleting “for Community Services”.

(2) Section 8 (c) is amended by deleting “not exceeding thirty-five pounds in any one instance”.

(3) Section 24 (2) is amended —

(a) in paragraph (a), by deleting “fifty pounds;” and substituting the following —

“ \$500; ”; and

(b) in paragraph (b), by deleting “one pound” and substituting the following —

“ \$10 ”.

(4) Section 31 is amended in the penalty provision at the foot of the section by deleting “Ten pounds” and substituting the following —

“ \$100 ”.

(5) Section 33 (2) is amended by deleting “fifty pounds.” and substituting the following —

“ \$500. ”.

[* *Act No. 22 of 1961.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 237 and Acts Nos. 78 of 1995 and 49 of 1996.]

Western Australian Marine Act 1982 amended

130. (1) Section 3 (1) of the *Western Australian Marine Act 1982** is amended by deleting the definition of “passenger vessel” and substituting the following definition —

“
“**passenger vessel**” means a vessel that carries, or is certified to carry, more than 12 passengers;
”.

(2) Section 26 (3) is amended by deleting “If” and substituting the following —

“ Subject to section 28 (3), if ”.

(3) Section 28 is amended —

(a) in subsection (1), by deleting “subsection (2),” and substituting the following —

“ subsections (2) and (3), ”; and

- (b) by inserting after subsection (2) the following subsection —

“ (3) If it is to be determined for the purposes of subsection (1) or section 26 (3) whether the number of persons on board a ship exceeds the number permitted by the certificate of survey, no account shall be taken of —

- (a) an inspector;
- (b) a fisheries officer; or
- (c) a police officer,

or any other person who has boarded the ship in order to exercise or perform a power, function, or duty conferred or imposed on the person under any written law.

”.

[* *Act No. 55 of 1982.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, pp. 239-40 and Acts Nos. 78 of 1995 and 49 of 1996.]

Western Australian Planning Commission Act 1985
amended

131. The *Western Australian Planning Commission Act 1985** is amended in the provisions mentioned in the Table to this section by deleting “local” in each place where it occurs immediately before “local government”

TABLE

section 5 (1) (b) (i) and (ii)	section 19 (1e) (a) (viii)
section 18 (1) (c)	section 19 (1g) (a) (ix)
section 19 (1c) (a) (vi)	section 19 (1i) (a) (iv)

[* *Act No. 91 of 1985.*

For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 240 and Acts Nos. 14, 22, 23 and 49 of 1996.]

Wildlife Conservation Act 1950 amended

132. (1) Section 6 (1) of the *Wildlife Conservation Act 1950** is amended —

- (a) in the definition of “fauna”, by deleting “means — ” and substituting the following —

“ means, subject to sections 20 (6) and 27 (4) — ”;

- (b) in the definition of “license”, by deleting “ “license” means a license” and substituting the following —

“ **“licence”** means a licence ”;

- (c) in the definition of “processing establishment”, by deleting “or whales”;

- (d) in the definition of “to process”, by inserting after “treat,” the following —

“ chill, ”; and

- (e) in the definition of “wildlife officer”, by inserting after “1984” the following —

“
or an honorary wildlife officer when performing a function conferred on the officer that is referred to in section 46 (3) of that Act
”.

(2) Section 6 (3a) is amended by deleting “section thirty-six of the Interpretation Act, 1918,” and substituting the following —

“ section 42 of the *Interpretation Act 1984*, ”.

- (3) Section 15 (1a) and (1b) are repealed.

(4) Section 15 (5) is amended by deleting “of fauna or flora,” and substituting the following —

“ or management of fauna or flora or the management of animals that are not fauna, ”.

(5) Section 17 (2) (f) is amended by deleting “fauna;” and substituting the following —

“ fauna or flora; ”.

(6) Section 18 (4) is amended —

(a) by deleting “Officers” and substituting the following —

“ Wildlife officers or officers ”; and

(b) by inserting after “royalty is paid,” the following —

“ or affix or cause to be affixed to each such skin or carcass a prescribed tag, ”.

(7) Section 18 (5) is amended —

(a) by inserting after “branded by the” the following —

“ wildlife officer or the ”; and

(b) by inserting after “prescribed brand” the following —

“ or shall have a prescribed tag affixed to them by that officer ”.

(8) Section 18 (6) is amended by inserting after “of this section” the following —

“ a wildlife officer or ”.

(9) Section 20 (2) is amended by deleting “who is not a member of the Police Force and”.

(10) After section 20 (5) the following subsection is inserted —

“

(6) In subsections (2) and (2a) and section 20A (1) —

“**fauna**” means any animal and includes in relation to any animal the carcass, skin, plumage or fur.

”.

(11) Section 20A (1) is amended by inserting after “Where” the following —

“ a wildlife officer or ”.

(12) Section 20A (2) is amended by deleting “Audit Act, 1904,” and substituting the following —

“ *Financial Administration and Audit Act 1985,* ”.

(13) Section 23C (2a) is repealed and the following subsection is substituted —

“

(2a) Subject to subsection (5), a licence is valid from the date of issue for the period stated in the licence.

”.

(14) Section 23D (3) is amended by deleting “Any owner or occupier of private land may” and substituting the following —

“

A person —

(a) who is an owner or occupier of private land; or

- (b) who is authorized to take any protected flora on private land by an owner or occupier of the private land,

may

”.

(15) Section 23D (5a) is repealed and the following subsection is substituted —

“

(5a) Subject to subsection (6), a licence is valid from the date of issue for the period stated in the licence.

”.

(16) Section 25 (2) and (3) are repealed.

(17) After section 27 (3) the following subsection is inserted —

“

(4) In subsection (1) —

“**fauna**” means any animal and includes in relation to any animal the carcass, skin, plumage or fur.

”.

(18) Section 27A (1) is amended —

(a) by deleting “or honorary wildlife officer”;

(b) by inserting after “fauna or flora” in the first place where it occurs the following —

“

or any animal other than fauna (“**other animal**”)

”;

(c) by inserting after “fauna or flora” in the second place where it occurs the following —

“ or other animal ”; and

(d) by inserting after “made under this Act,” the following —

“
or the other animal had been brought into the State in contravention of section 17 (2) (f) or had been released from confinement, or kept in confinement, in contravention of section 17 (2) (h),
”.

(19) Section 27A (2) is amended by inserting after “fauna or flora” in both places where it occurs the following —

“ or animal other than fauna ”.

(20) Section 27B is amended by inserting after “fauna or flora” the following —

“ or animals other than fauna ”.

(21) Section 28 (1) (i) is amended by deleting “or birds” in both places where it occurs.

(22) The provisions mentioned in the Table to this subsection are amended by deleting “or the regulations” in each place where it occurs.

TABLE

section 20 (2) (in 4 places)
section 20 (2a) (b)
section 27 (1)

(23) The provisions mentioned in the Table to this subsection are amended by deleting “license” in each place where it occurs and substituting in each place the following —

“ licence ”.

TABLE

section 15 (1)	section 23C (4a)
section 15 (1a) (in 2 places)	section 23C (5) (in 2 places)
section 15 (1b) (in 3 places)	section 23D (2) (a) (in 2 places)
section 15 (2) (a)	section 23D (2) (b) (in 6 places)
section 15 (2) (b) (in 4 places)	section 23D (2) (c)
section 15 (2) (c) (in 3 places)	section 23D (3) (in 2 places)
section 15 (2) (d)	section 23D (5) (in 3 places)
section 15 (4)	section 23D (5b)
section 15 (5) (in 3 places)	section 23D (6) (a) (in 2 places)
section 16 (1)	section 23D (6) (b)
section 17 (2) (in 4 places)	section 23DA (in 2 places)
section 17A (c)	section 23F (4) (a)
section 17A (d)	section 23F (4) (d)
section 23B (1)	section 23F (4) (e)
section 23C (1) (in 2 places)	section 25 (1) (b) (in 2 places)
section 23C (2) (in 3 places)	section 25 (1) (c)
section 23C (2a) (in 2 places)	section 25 (1) (g)
section 23C (3) (in 6 places)	section 26 (1)
section 23C (4)	section 28 (1) (g) (in 2 places)

(24) The provisions mentioned in the Table to this subsection are amended by deleting “licenses” and substituting the following —

“ licences ”.

TABLE

section 15 (1)
section 28 (1) (g)

[* Reprinted as at 30 June 1980.

*For subsequent amendments see 1995 Index to
Legislation of Western Australia, Table 1, pp. 242-3
and Acts Nos. 14 and 49 of 1996.]*

Witness Protection (Western Australia) Act 1996 amended

133. Clause 2 of Schedule 1 to the *Witness Protection (Western Australia) Act 1996** is amended by deleting “section 97 (2)” and substituting the following —

“ section 98 (2) ”.

[* *Act No. 11 of 1996.*]