

WESTERN AUSTRALIA

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# STATE ENGINEERING WORKS REPEAL ACT

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No. 19 of 1988

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AN ACT to repeal the *State Engineering Works Act 1984*, to make consequential provisions with respect to the assets and liabilities of the State Engineering Works of Western Australia, to amend the *Financial Administration and Audit Act 1985* and for related purposes.

*[Assented to 9 September 1988]*

The Parliament of Western Australia enacts as follows:

## PART 1—PRELIMINARY

### Short title

1. This Act may be cited as the *State Engineering Works Repeal Act 1988*.

**Commencement**

2. This Act shall come into operation on such day as is fixed by proclamation.

**Interpretation**

3. In this Act unless the contrary intention appears—

“Board” means the Board of directors provided for by section 5 (1) of the *State Engineering Works Act 1984*;

“commencement day” means the day on which this Act comes into operation;

“Corporation” means the State Engineering Works of Western Australia established by the *State Engineering Works Act 1984*;

“Minister” means the Minister of the Crown to whom the administration of the State Taxation Department is for the time being committed by the Governor.

**PART 2—STATE ENGINEERING WORKS ACT 1984****Repeal of the *State Engineering Works Act 1984***

4. The *State Engineering Works Act 1984*\* is repealed.

[\*Act No. 66 of 1984 as amended by Act No. 98 of 1985.]

**Vesting of property and obligations**

5. (1) Subject to this section, all real and personal property and every right and interest therein that immediately before the commencement day was vested in and belonged to the Corporation is vested, without conveyance, transfer or assignment, in the Minister.

(2) The vesting effected by subsection (1) is without prejudice to any debts, trusts or liabilities that immediately before the commencement day affected the property vested.

(3) On the commencement day, the Minister becomes, by virtue of this subsection, liable to pay and discharge all the debts, liabilities and obligations of the Corporation that existed immediately before that day to the same extent as the Corporation would have been liable if this Act had not been enacted.

### **Construction of agreements, instruments, etc.**

6. All agreements, instruments and undertakings subsisting immediately before the commencement day to which the Corporation was a party have effect on and after that day as if—

- (a) the Minister were substituted for the Corporation as a party to the agreement, instrument or undertaking; and
- (b) any reference in the agreement, instrument or undertaking to the Corporation were (except in relation to matters that occurred before that day) a reference to the Minister.

### **Continuance of proceedings**

7. Any proceedings that might, but for this Act, have been continued or commenced by or against the Corporation may be continued or commenced by or against the Minister and all claims and defences that would have been available to the Corporation but for this Act shall be available to the Minister.

### **Final annual report of the Corporation**

8. (1) Notwithstanding the repeal of the *State Engineering Works Act 1984*, the Corporation and the Board, as constituted immediately before the commencement day, shall continue in existence after that day for the purpose of performing, in respect of the period from the end of the immediately preceding financial year in respect of which an annual report has been furnished under the *Financial Administration and Audit Act 1985* to the commencement day, the functions imposed on accountable authorities of statutory authorities by the *Financial Administration and Audit Act 1985*.

(2) Without prejudice to the generality of subsection (1), as soon as practicable after the commencement day, the Corporation shall cause sections 66, 67 and 68 of the *Financial Administration and Audit Act 1985* to be complied with in respect of the period referred to in subsection (1) and for that purpose—

- (a) that period shall be deemed to be a financial year;
- (b) a report prepared under this section shall be deemed to be an annual report for the purposes of section 69 of that Act; and
- (c) a reference in that Act to the Minister shall be deemed to be a reference to the Minister as defined in section 3 of this Act.

PART 3—*FINANCIAL ADMINISTRATION AND AUDIT ACT 1985*

**Schedule 1 amended**

9. The *Financial Administration and Audit Act 1985*\* is amended in Schedule 1 by deleting the item “State Engineering Works of Western Australia”.

[\*Reprinted as at 4 March 1987 and amended by Acts Nos. 94 of 1986, 9, 32, 65, 88, 89, 91, 99 and 113 of 1987 and 4 of 1988 and regulations published in the *Gazette* of 30 June, 25 September and 4 December 1987 and 8 April 1988.]

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