

Statutes (Repeals and Minor Amendments) Bill 2009

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Western Australia

LEGISLATIVE COUNCIL

(As amended in Committee)

**Statutes (Repeals and Minor
Amendments) Bill 2009**

A Bill for

An Act to amend the statute law by —

- **repealing various written laws; and**
- **making minor amendments to various other written laws,
and for related purposes.**

The Parliament of Western Australia enacts as follows:

1

Part 1 — Preliminary

2

1. Short title

3

This is the *Statutes (Repeals and Minor Amendments) Act 2009*.

4

5

2. Commencement

6

This Act comes into operation as follows —

7

(a) Part 1 — on the day on which this Act receives the Royal Assent;

8

9

(b) the rest of the Act — on the day after that day.

1

Part 2 — Repeals

2

3. Various written laws repealed

3

(1) These Acts are repealed:

4

(a) the *Census Act 1891*;

5

(b) the *Co-opted Medical and Dental Services for the Northern Portion of the State Act 1951*;

6

7

(c) the *Fairbridge Farm School Act 1948*;

8

(d) the *Friendly Societies' Association of Kalgoorlie Investment Validation Act, 1919*;

9

10

(e) the *Liquefied Petroleum Gas Subsidy Act 1980*;

11

(f) the *Members of Parliament, (Legislative Council) Retirement Act 1964*;

12

13

(g) the *Miscellaneous Regulations (Validation) Act 1985*;

14

(h) the *Petroleum Products Subsidy Act 1965*;

15

(i) *The City Club Act 1965*;

16

(j) *The Uniforms Act, 1895*;

17

(k) the *Workmen's Wages Act 1898*.

18

(2) These regulations are repealed:

19

(a) the *Dampier to Bunbury Pipeline Regulations 1998*;

20

(b) the *Gas Pipelines Access (Privatized DBNGP System) (Transitional) Regulations 1999*.

21

22

4. Acts presumed to have been repealed

23

It is declared that these Acts were repealed by the *Local Government (Superannuation) Legislation Amendment Act 1994*:

24

25

(a) the *City of Perth Scheme for Superannuation (Amendments Authorisation) Act, 1941*;

26

27

(b) the *City of Perth Scheme for Superannuation (Amendments Authorisation) Act, 1946*;

28

29

s. 4

- 1 (c) the *City of Perth Scheme for Superannuation*
2 *(Amendments Authorisation) Act, 1947;*
3 (d) the *City of Perth Scheme for Superannuation*
4 *(Amendments Authorisation) Act, 1949;*
5 (e) the *City of Perth Scheme for Superannuation*
6 *(Amendments Authorisation) Act, 1954;*
7 (f) the *City of Perth Scheme for Superannuation*
8 *(Amendments Authorisation) Act, 1956;*
9 (g) the *City of Perth Scheme for Superannuation*
10 *(Amendments Authorisation) Act, 1958.*

Part 3 — Amendments

5. Commissioner for Children and Young People Act 2006 amended

(1) This section amends the *Commissioner for Children and Young People Act 2006*.

(2) In section 5 insert in alphabetical order:

advisory committee means an advisory committee or reference group established under section 52(1) or (2);

(3) In section 19:

(a) delete paragraph (m);

(b) in paragraph (o) delete “section 4.” and insert:

section 4;

(c) after paragraph (o) insert:

(p) to perform any other function conferred on the Commissioner by or under this Act or any other written law.

(4) Delete section 53.

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

Table

Provision	Delete	Insert
s. 8(1) and (2)(a)	his office	office
s. 8(2)(b)	himself	himself or herself
s. 8(2)(c)	his	his or her

s. 6

Provision	Delete	Insert
s. 8(2)	he may suspend the Commissioner from his office.	the Governor may suspend the Commissioner from office.
s. 8(3)	When the Commissioner has been suspended from his office under subsection (2) he shall be	If the Commissioner has been suspended from office under subsection (2), the Commissioner is to be
s. 8(3)(a)	his	the
s. 8(3)(b)	his removal.	the removal of the Commissioner.
s. 22(3)	written	
s. 52(3)	and reference groups children.	children and young people.
s. 54(1)	Subject to section 52(2), the	The

- 1 **6. *Energy Legislation Amendment Act 2003* amended**
2 (1) This section amends the *Energy Legislation Amendment*
3 *Act 2003*.
4 (2) Delete section 109(4) and (5).
5 (3) Delete section 110(4).
6 (4) Delete section 111.

-
- 1 **7. Family Court Act 1997 amended**
- 2 (1) This section amends the *Family Court Act 1997*.
- 3 (2) In section 33(3):
- 4 (a) delete paragraph (d) and “or” after it and insert:
- 5
- 6 (d) an excluded child order, as defined in
- 7 subsection (4A); or
- 8
- 9 (b) after each of paragraphs (a), (b) and (c) insert:
- 10
- 11 or
- 12
- 13 (3) After section 33(3) insert:
- 14
- 15 (4A) In subsection (3)(d) —
- 16 **excluded child order** means —
- 17 (a) a parenting order to the extent that it provides
- 18 that —
- 19 (i) a child is to live with a person; or
- 20 (ii) a child is to spend time with a person; or
- 21 (iii) a child is to communicate with a person;
- 22 or
- 23 (iv) a person is to have parental
- 24 responsibility for a child;
- 25 or
- 26 (b) an order in relation to the welfare of a child,
- 27 other than —
- 28 (c) an order until further order; or
- 29 (d) an order made in undefended proceedings; or
- 30 (e) an order made with the consent of all the parties
- 31 to the proceedings.

s. 8

- 1 **8. *Financial Management (Transitional Provisions) Act 2006***
2 **amended**
- 3 (1) This section amends the *Financial Management (Transitional*
4 *Provisions) Act 2006*.
- 5 (2) Delete Schedule 1 clause 122.
- 6 **9. *Fire Brigades Act 1942* amended**
- 7 (1) This section amends the *Fire Brigades Act 1942*.
- 8 (2) In section 33:
- 9 (a) delete “The Director” and insert:
- 10
- 11 (1) The Director
- 12
- 13 (b) delete paragraph (e) (including subparagraphs (i) and (ii)
- 14 and the proviso) and insert:
- 15
- 16 (e) he shall at all reasonable times have free access
- 17 to any premises, and if in his opinion there
- 18 exists in or on any premises any potential
- 19 danger to life or property from fire or
- 20 hazardous materials, he may direct or order the
- 21 owner or occupier of such premises to abate
- 22 such danger within reasonable time, as named
- 23 in the requisition;
- 24
- 25 (3) At the end of section 33 insert:
- 26
- 27 (2) Any person who fails to comply with the requirements
- 28 of a requisition served under subsection (1)(e) shall be
- 29 liable on conviction to a penalty not exceeding \$2 500,
- 30 and also to a further penalty not exceeding \$100 for
- 31 every day during which the offence continues after that
- 32 conviction.

- 1 (3) Any person aggrieved by a requisition served under
2 subsection (1)(e) may apply to the State Administrative
3 Tribunal for a review of the requisition and no
4 proceedings shall be instituted against such person
5 pending the hearing of the application or an appeal
6 under the *State Administrative Tribunal Act 2004*
7 section 105.
8

9 **10. Consequential amendment to *State Administrative Tribunal***
10 ***Regulations 2004***

- 11 (1) This section amends the *State Administrative Tribunal*
12 *Regulations 2004*.
- 13 (2) In Schedule 5 in the item relating to the *Fire Brigades Act 1942*
14 delete “or 33(e)(ii)” and insert:

15
16 or 33(3)
17

18 **11. *Liquor Licensing (Moratorium) Amendment Act 1985***
19 **amended**

- 20 (1) This section amends the *Liquor Licensing (Moratorium)*
21 *Amendment Act 1985*.
- 22 (2) Delete section 3.

23 **12. *Parole and Sentencing Legislation Amendment Act 2006***
24 **amended**

- 25 (1) This section amends the *Parole and Sentencing Legislation*
26 *Amendment Act 2006*.
- 27 (2) Delete section 95(3).

s. 13

- 1 **13. *Port Kennedy Development Agreement Act 1992* amended**
- 2 (1) This section amends the *Port Kennedy Development Agreement*
- 3 *Act 1992*.
- 4 (2) In section 3(1) delete the definition of ***Department of Land***
- 5 ***Administration***.
- 6 (3) In section 3(2) delete “by the Graphic Bank Crown Surveys
- 7 within the Department of Land Administration.” and insert:
- 8
- 9 by the Western Australian Land Information Authority
- 10 established by the *Land Information Authority*
- 11 *Act 2006* section 5.
- 12
- 13 (4) In section 7(1) in the definition of ***chief executive officer*** delete
- 14 “Department of Land Administration;” and insert:
- 15
- 16 department principally assisting in the administration
- 17 of the *Land Administration Act 1997*;
- 18
- 19 **14. *Rights in Water and Irrigation Act 1914* amended**
- 20 (1) This section amends the *Rights in Water and Irrigation*
- 21 *Act 1914*.
- 22 (2) In section 26C(3a)(a) delete “subsection (1); or” and insert:
- 23
- 24 subsection (2); or
- 25
- 26 (3) In Schedule 1 clause 39(1)(c):
- 27 (a) delete “power under — ” and insert:
- 28
- 29 power —
- 30

1 (b) in subparagraphs (i) and (ii) delete “clause” and insert:

2

3 under clause

4

5 (c) after subparagraph (i) insert:

6

7 or

8

9 (4) Delete Schedule 1 clause 42(1)(b) and insert:

10

11 (b) a security interest (as defined in Part III
12 Division 3E) in a licence is noted on the register
13 referred to in section 26GZI; or

14 (c) the notation referring to such a security interest is
15 removed from the register or any details of the
16 notation in the register are varied, under
17 section 26GZQ,

18

19 **15. *Settlement Agents Act 1981* amended**

20 (1) This section amends the *Settlement Agents Act 1981*.

21 (2) In section 3(1):

22 (a) delete the definition of ***Account*** (referring to the Board
23 Interest Account);

24 (b) insert in alphabetical order:

25

26 ***Interest Account*** means the Board Interest Account
27 established under section 103(1);

28

s. 16

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

2 **Table**

Provision	Delete	Insert
s. 49B(1) and (3), 103(2), 104, 105(a), 106(2)	Account (each occurrence)	Interest Account
s. 105	the Account are	the Interest Account are
s. 106(1)	the Account may,	the Interest Account may,

3 Note: The headings to the amended section listed in the Table are to read as
4 set out in the Table.

5 **Table**

Amended section	Section heading
s. 104	Moneys credited to Interest Account
s. 105	Application of Interest Account
s. 106	Investment of Interest Account

6 **16. *University of Notre Dame Australia Act 1989* amended**

7 (1) This section amends the *University of Notre Dame Australia*
8 *Act 1989*.

9 (2) In section 3 delete the definition of ***Provost***.

10 (3) Delete section 18.

11 **17. Other Acts amended**

12 (1) This section amends the Acts listed in the Table.

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

1

Table

Provision	Delete	Insert
1. Adoption Act 1994		
s. 119	section 211(1)	section 209A
2. Armadale Redevelopment Act 2001		
s. 17(8)(a)	that section	those sections
3. Corruption and Crime Commission Act 2003		
s. 91(5) and 203(3)	that Division.	that Part.
4. Country Areas Water Supply Act 1947		
Pt. VIII heading	and regulations	
5. Credit (Administration) Act 1984		
s. 32(7)	Part, person	Part, the person
6. Criminal and Found Property Disposal Act 2006		
s. 18(1)(c) and (d)(i), 19(1)(d)(i), 29(1), (2)(a)(ii) and (3)(c)	Consolidated Fund	Consolidated Account
7. East Perth Redevelopment Act 1991		
s. 19(8)(a)	that section	those sections
8. Electricity Industry Act 2004		
s. 90 def. of <i>licensee</i>	holder of retail	holder of a retail

s. 17

Provision	Delete	Insert
s. 126(5)(a) and (b)	circumstances losses	circumstances, losses
9. Employers' Indemnity Supplementation Fund Act 1980		
s. 6A(1)	credit of the Account	credit of the Fund
s. 6A(2)	Account to make up	Fund to make up
10. Finance Brokers Control Act 1975		
s. 50(9)	if it thinks	if the Commissioner thinks
11. Housing Act 1980		
s. 5(1)(a) def. of <i>the Account</i> , 62(2)(a)	The State Housing Commission	the Housing Authority
12. Juries Act 1957		
Second Sch. Pt. I cl. 2	juror —	juror, a —
13. Land Administration Act 1997		
s. 159	(ea) the Minister (second occurrence)	(eb) the Minister
s. 160(1)	(ea) in the case of the Minister referred to in section 159(ea), (second occurrence)	(eb) in the case of the Minister referred to in section 159(eb),

Provision	Delete	Insert
14. <i>Land Drainage Act 1925</i>		
Pt. X heading	and regulations	
15. <i>Midland Redevelopment Act 1999</i>		
s. 20(7)(a)	that section	those sections
16. <i>Port Authorities Act 1999</i>		
s. 3(1) def. of <i>port charges</i>	section 115;	section 115 as affected by section 136(3);
17. <i>Public Works Act 1902</i>		
s. 91(2)	such notice; and	such notice.
s. 91(3), (4) and (5)	May	The Governor may
s. 91(3)	management; and	management.
s. 91(4)	one); and	one).
18. <i>Sale of Goods Act 1895</i>		
s. 60(3)	insolvent	<i>insolvent</i>
19. <i>Sentencing Act 1995</i>		
s. 84E(3)	CEO,	CEO (corrections),

s. 17

Provision	Delete	Insert
20. <i>Soil and Land Conservation Act 1945</i>		
s. 9(2)(d)	body known as the Country Shire Councils' Association of W.A.	Western Australian Local Government Association
21. <i>Subiaco Redevelopment Act 1994</i>		
s. 21(7)(a)	that section	those sections
22. <i>Swan and Canning Rivers Management Act 2006</i>		
s. 74(4)	section 22(2)(a),	section 22,
s. 123(10)	subsection (3), (5) or (7), any of those subsections	subsection (5) or (7), either of those subsections
23. <i>Taxi Act 1994</i>		
s. 16(4)(b)	subject to subsection (7),	
24. <i>Terrorism (Extraordinary Powers) Act 2005</i>		
s. 30(2)	<i>Financial Administration and Audit Act 1985.</i>	<i>Financial Management Act 2006.</i>
25. <i>Tobacco Products Control Act 2006</i>		
Sch. 2 cl. 9(1)	Account (first occurrence)	Fund

Provision	Delete	Insert
Sch. 2 cl. 9(2)	Account (second occurrence)	Fund
26. <i>Water Efficiency Labelling and Standards Act 2006</i>		
s. 65(1), (2) and (3)	Consolidated Fund	Consolidated Account
27. <i>Workers' Compensation and Injury Management Act 1981</i>		
Pt. V Div. 3 and 4 headings	Fund	Account

1

