

STANDARDISATION OF FORMATTING BILL 2009

Explanatory Memorandum

Overview of Bill

The WA Legislation and Legislative Information Database is publically available through the State Law Publisher's website. Significant improvements made recently to the database have greatly improved access to legislation and provided searching capabilities within the database far superior to those previously available. Work to further improve the database is ongoing.

There are currently in place in the Parliamentary Counsel's Office drafting standards (the **PCO drafting standards**) as to the layout, style and formatting to be used in Bills and regulations drafted in that Office.

The efficacy of any database is dependent on the quality of the data in it. To ensure that the State's legislation database is of the highest possible quality considerable work has gone into bringing the layout, style and formatting of the State's legislation into line, as far as practicable, with the current PCO drafting standards. Much of this work has been done administratively. Some further changes have been effected through the exercise of the powers available under the *Reprints Act 1984*. However there are some structural and formatting matters that can be changed only by legislative amendment. The purpose of this Bill is to effect those changes.

Uniformity of layout, style and formatting across the legislation database will:

- improve the readability of legislation;
- increase the ability to search and manipulate the data on the database;
- enable additional functionality to be incorporated into the database (such as the hyper-linking of references both within a document and between documents);
- reduce the complexity of the database thus simplifying its maintenance and reducing the likelihood of technical problems.

With the rapid advances being made in information technology it is likely to become possible in future to further improve the functionality of the database. Uniformity of layout, style and formatting will be essential to enable those improvements to be made.

The amendments proposed in the Bill relate to 2 broad issues:

- headings to various legislative components (addressed in Parts 2 and 3 of the Bill); and
- the structure of subsections and paragraphs (addressed in Part 4 of the Bill).

In making the proposed amendments it is only matters of layout, style and formatting that will be changed. The amendments will not affect the substance of any provision.

Part 1 Preliminary matters

Clause 1. Short title

Clause 1 gives the name by which the Act may be cited, being the *Standardisation of Formatting Act 2009*.

Clause 2. Commencement

Clause 2 provides for Part 1 of the Bill to commence on the day on which the Act receives the Royal Assent and for the rest of the Bill to commence on a day fixed by proclamation. Different days may be fixed for different provisions.

Commencement on proclamation is provided to address the possibility of amendments to be made by the Bill being rendered incorrect or redundant by reason of the provision to be amended being amended or deleted by another Bill that is passed while this Bill is before the Parliament. If this occurs the relevant provision of this Bill would not be proclaimed.

It is anticipated that the Bill (other than any provisions that are not to be proclaimed at all) will be proclaimed very shortly after it receives the Royal Assent.

Part 2 Schedule headings

A Schedule to an Act drafted in accordance with the current PCO drafting standards would have a heading consisting of:

- an “identifier” – being the word “Schedule” and the Schedule’s designation; and
- the title to the Schedule; and
- a shoulder note – being a reference to the relevant provision of the Act.

In accordance with the current PCO drafting standards Schedules are designated with cardinal numbers using Arabic numerals (i.e. 1, 2, 3, 4 etc). In the past ordinal numbers (i.e. First, Second, Third etc) or Roman numerals (i.e. I, II, III, IV etc) have been used or, if there was only one Schedule to an Act, it was unnumbered. These variations in designations are not changed by the Bill (unless specifically requested by the administering agency) as to do so would require all references to the Schedule to also be amended. The legislation database has been designed to accommodate this variation from the current PCO drafting standards.

The 3 components of the heading together with the current PCO drafting standards as to the layout and appearance of Schedule headings are described in the Bill as being the “current format” for Schedule headings (see the definition of that term in clause 3).

Some examples of Schedule headings in the current format are set out at the end of clause 3 of the Bill.

Part 2 of the Bill will amend numerous Acts to reformat Schedule headings that are not in the current format. The changes to be made include:

- inserting a title;
- inserting a shoulder note;
- changing the order of the elements of the heading;
- combining the identifier and title to form one or more lines of continuous text;
- moving other text that is intermingled with the components of the heading;
- changing the font, font size, bolding, italicisation, capitalisation and alignment of components of the heading;
- inserting or changing punctuation (such as the em rule after the identifier, the brackets and punctuation in the shoulder note);
- changing a shoulder note to use abbreviations;
- deleting the word “The” if it appears before the identifier.

For most Acts the amendments are straightforward, involving only reformatting or reformatting and the insertion of a title and/or a shoulder note. These Acts will be amended by clause 4 where they are set out in an amending table. Various railway Acts, in which the current headings are replaced, are dealt with in clause 5. Acts in which the required

amendments are less straightforward are dealt with individually in clauses 6 to 41.

The current PCO drafting standards provide that a Schedule may be divided into Divisions and Subdivisions. While Parts are no longer used in Schedules, it is not proposed to change those that currently exist. The legislation database has been designed to accommodate this variation from the current PCO drafting standards.

The current PCO drafting standards for the formatting of a heading to a Division or Subdivision (and any existing Part) in a Schedule are similar to those for Schedule headings except that the heading does not include a shoulder note and the font sizes are smaller.

If the heading to a Schedule to an Act will be amended by this Bill and the Schedule is divided into Parts or Divisions the headings to which are not in line with the current PCO drafting standards, those Part or Division headings will also be amended. The Acts in question are included in those dealt with in clauses 6 to 41.

Clause 3. Terms used

Clause 3 explains the meaning of the terms **current format**, **identifier**, **reformat** and **shoulder note** for the purposes of Part 2 of the Bill.

Some examples of Schedule headings in the current format are set out at the end of the clause.

Clause 4. Schedule headings reformatted

Clause 4 will amend the Acts listed in the Table to the clause to reformat the Schedule headings so they are in the current format, inserting a title and/or shoulder note where required.

This table shows the amendments to be made by this clause.

Row 1. <i>Aboriginal Affairs Planning Authority Act 1972</i>	
First Schedule	
Constitutional provisions relating to the Aboriginal Affairs Co-ordinating Committee	
<u>First Schedule — Constitutional provisions relating to the Aboriginal Affairs Co-ordinating Committee</u>	
[Section 19]	
1.	Tenure of office
(1)	The term of tenure of a member appointed <i>ex officio</i> continues until the member ceases to occupy the office by virtue of which he was appointed.
[s. 19]	

Row 2. Aboriginal Heritage (Marandoo) Act 1992

~~Schedule 1~~

Schedule 1 — Temporary Reserve 5623H and construction camp

[s. 3(1)]

Part 1 — Portion of Temporary Reserve 5623H (“the TR”) and construction camp

Windell Locations 122 and 130 but excluding the land described in Parts 2 and 3.

~~Schedule 2~~

Schedule 2 — Infrastructure corridor

[s. 3(1)]

Part 1 — Infrastructure corridor

Windell Location 121 and the land enclosed by a line starting at Latitude 22° 24' 28" South and Longitude 117° 41' 9" (a point about 9.5 km at 285° from Red Hill) and extending

~~Schedule 3~~

Schedule 3 — Power line route

[s. 3(1)]

Part 1 — Power line route

The land enclosed by a line starting at a point 2 947.42 metres at 239° 33' 12" from Control Station MD 15 on the north boundary of Section 3 of Miscellaneous Licence 4 issued under the *Mining Act 1978* and extending

Row 3. Adoption Act 1994

~~Schedule 1~~

~~{sections 16(1)(a), 18(1)(b) and (d), 23(1)(a) and 69(1)(a)(i)}~~

~~Effective consent~~

Schedule 1 — Effective consent

[s. 16(1)(a), 18(1)(b) and (d),
23(1)(a) and 69(1)(a)(i)]

1. Information and counselling before consent

- (1) A person whose consent is required for a child’s adoption must not sign a form of consent to the adoption unless the person —

~~Schedule 2~~

~~{sections 46(5), 50(3)(a), 55(2), 68(2)(d)(i), 70(2) and 76(4)(b)}~~

~~Rights and responsibilities to be balanced in adoption plans~~

Schedule 2 — Rights and responsibilities to be balanced in adoption plans

[s. 46(5), 50(3)(a), 55(2), 68(2)(d)(i),
70(2) and 76(4)(b)]

1. Infancy

- (1) A significant feature of the infancy stage is that the child needs to be able to trust others to care for and nurture the child. The child has the right —

~~Schedule 3~~

~~[section 144(2)]~~

~~Transitional and savings~~

Schedule 3 — Transitional and savings

[s. 144(2)]

1. Interpretation

In this Schedule —

Row 4. *Agricultural Practices (Disputes) Act 1995*

~~Schedule 1~~

~~[Section 7]~~

~~The Board, and its proceedings~~

Schedule 1 — The Board, and its proceedings

[s. 7]

1. Chairperson and Acting Chairperson

- (1) The Minister shall, in writing, appoint a person to be the Chairperson of the Board.

Row 5. *Albany Cemeteries Act 1943*

~~Schedule~~

Schedule — Cemetery land

[s. 2]

Land	Instrument of Title	Proprietors
Albany Town Lots 327 and 328	Vol. 35, Fols. 172 and 173	James Young Simpson, Superintendent Wesleyan Minister; George Shenton, merchant; Richard Watson Hardey, ...

Row 6. *Albany Hardwood Plantation Agreement Act 1993*

~~Schedule 1~~

~~[section 3]~~

Schedule 1 — Albany Hardwood Plantation Agreement

[s. 3]

ALBANY HARDWOOD PLANTATION AGREEMENT**THIS AGREEMENT** is made this 25th day of November 1993**Row 7. Alumina Refinery (Mitchell Plateau) Agreement Act 1971****~~First Schedule~~****First Schedule — Alumina Refinery (Mitchell Plateau) Agreement**

[s. 2]

ALUMINA REFINERY (MITCHELL PLATEAU) AGREEMENT

THIS AGREEMENT made the 17th day of November, One thousand nine hundred and seventy one, BETWEEN THE HONOURABLE JOHN TREZISE TONKIN M.L.A. Premier and Treasurer of the State of Western Australia, acting

~~Second Schedule~~~~[S. 2.]~~**Second Schedule — First Variation Agreement**

[s. 2]

THIS AGREEMENT made the 31st day of August One thousand nine hundred and seventy two BETWEEN THE HONOURABLE JOHN TREZISE TONKIN, M.L.A., THE PREMIER AND TREASURER OF THE STATE OF WESTERN AUSTRALIA acting for and on behalf of the said State and ...

~~Third Schedule~~~~[Section 2]~~**Third Schedule — Second Variation Agreement**

[s. 2]

THIS AGREEMENT is made the 29th day of October, 1985

BETWEEN:

THE HONOURABLE BRIAN THOMAS BURKE, M.L.A., Premier and Treasurer of the State of Western Australia, acting for and on behalf of the said State and instrumentalities thereof from time to time (hereinafter called “the State”) of the one part and ...

Row 8. Alumina Refinery (Pinjarra) Agreement Act 1969**~~First Schedule~~**~~[s. 1A]~~

First Schedule — Alumina Refinery (Pinjarra) Agreement[\[s. 1A\]](#)

THIS AGREEMENT UNDER SEAL is made the 30th day of September One thousand nine hundred and sixty-nine BETWEEN THE HONOURABLE SIR DAVID BRAND, K.C.M.G., M.L.A., Premier and Treasurer of the State of Western Australia acting for and on behalf of the Government of the said State ...

~~Second Schedule~~~~[\[S.1A.\]](#)~~**Second Schedule — First supplementary agreement**[\[s. 1A\]](#)

THIS AGREEMENT UNDER SEAL is made the 10th day of July, One thousand nine hundred and seventy-two between THE HONOURABLE JOHN TREZISE TONKIN, M.L.A., Premier of the State of Western Australia acting ...

~~Third Schedule~~~~[\[S.1A.\]](#)~~**Third Schedule — Second supplementary agreement**[\[s. 1A\]](#)

THIS AGREEMENT made the Fifteenth day of November 1976 BETWEEN THE HONOURABLE SIR CHARLES WALTER MICHAEL COURT, O.B.E., M.L.A. Premier of the State of Western Australia acting for and on behalf of ...

~~Fourth Schedule~~~~[\[S.1A.\]](#)~~**Fourth Schedule — Extract from third supplementary agreement**[\[s. 1A\]](#)

Extract from the third supplementary agreement, in which the agreement referred to in section two of this Act as from time to time amended in accordance with this Act is referred to as “the Pinjarra agreement”.

Row 9. Alumina Refinery (Wagerup) Agreement and Acts Amendment Act 1978**~~The Schedule~~**~~[Section 2](#)~~**Schedule — Alumina Refinery (Wagerup) Agreement**[\[s. 2\]](#)

THIS AGREEMENT made the 18th day of April, 1978 BETWEEN THE HONOURABLE SIR CHARLES WALTER MICHAEL COURT, O.B.E., M.L.A. Premier of the State of Western Australia acting for and on behalf ...

Row 10. Alumina Refinery (Worsley) Agreement Act 1973

~~First Schedule~~

First Schedule — Alumina Refinery (Worsley) Agreement

[s. 3]

THIS AGREEMENT is made the day of 197
BETWEEN THE HONOURABLE JOHN TREZISE TONKIN, M.L.A., Premier and
Treasurer of the State of Western Australia, acting for and on ...

~~Second Schedule~~

Second Schedule — First Supplementary Agreement

[s. 6]

THIS AGREEMENT made the 18th day of April 1978 BETWEEN THE
HONOURABLE SIR CHARLES WALTER MICHAEL COURT, O.B.E., M.L.A.,
Premier of the State of Western Australia acting for and on behalf ...

~~Third Schedule~~

Third Schedule — Second Supplementary Agreement

[s. 6A]

THIS AGREEMENT made the 21st day of October, 1982 BETWEEN THE
HONOURABLE RAYMOND JAMES O'CONNOR, M.L.A., Premier of the State of
Western Australia, acting for and on behalf of the Government of the said State and ...

~~Fourth Schedule~~

~~[Section 6B]~~

Fourth Schedule — Third Supplementary Agreement

[s. 6B]

THIS AGREEMENT is made the 24th day of September 1992

B E T W E E N :

THE HONOURABLE CARMEN MARY LAWRENCE, B.Psych., Ph.D., M.L.A.,
Premier of the State of Western Australia, acting for and on behalf of the

~~Fifth Schedule~~

~~[section 6C]~~

Fifth Schedule — Fourth Supplementary Agreement

[s. 6C]

THIS AGREEMENT is made the 26 day of February 1994

B E T W E E N :

THE HONOURABLE RICHARD FAIRFAX COURT, B.Com., M.L.A., Premier
of the State of Western Australia, acting for and on behalf of the Government of ...

Row 11. Alumina Refinery Agreement Act 1961**~~First Schedule~~****First Schedule — Alumina Refinery Agreement**[\[s. 2\]](#)

An Agreement under Seal made the Seventh day of June 1961 BETWEEN THE HONOURABLE CHARLES WALTER MICHAEL COURT O.B.E. M.L.A. Acting Premier and Minister for Industrial Development of the State of Western Australia acting for and on behalf of the Government of the said State and its ...

~~Second Schedule~~**Second Schedule — First supplementary agreement**[\[s. 2\]](#)

THIS AGREEMENT UNDER SEAL is made the 27th day of November One thousand nine hundred and sixty-three BETWEEN THE HONOURABLE DAVID BRAND M.L.A. Premier and Treasurer of the State of Western Australia acting for and on behalf of the Government of the said State and its ...

~~Third Schedule~~~~[\[s. 2\]](#)~~**Third Schedule — Second supplementary agreement**[\[s. 2\]](#)

THIS AGREEMENT UNDER SEAL is made the 22nd day of November One thousand nine hundred and sixty-six between THE HONOURABLE DAVID BRAND M.L.A. Premier and Treasurer of the State of Western Australia acting for and on behalf of the Government of the said State and its instrumentalities ...

~~Fourth Schedule~~~~[\[s. 2\]](#)~~**Fourth Schedule — Third supplementary agreement**[\[s. 2\]](#)

THIS AGREEMENT UNDER SEAL is made the 13th day of November One thousand nine hundred and sixty-seven between THE HONOURABLE DAVID BRAND M.L.A. Premier and Treasurer of the State of Western Australia acting for and on behalf of the Government of the said State and its instrumentalities ...

~~Fifth Schedule~~~~[\[s. 2\]](#)~~**Fifth Schedule — Fourth supplementary agreement**[\[s. 2\]](#)

THIS AGREEMENT UNDER SEAL is made the 10th day of July, One thousand nine hundred and seventy-two between THE HONOURABLE JOHN TREZISE TONKIN, M.L.A., Premier of the State of Western Australia acting for and on ...

Sixth Schedule

{s.2}

Sixth Schedule — Fifth supplementary agreement[\[s. 2\]](#)

THIS AGREEMENT made the 19th day of September, 1974 between THE HONOURABLE SIR CHARLES WALTER MICHAEL COURT, O.B.E., M.L.A., Premier of the State of Western Australia acting for and on behalf of the Government of the said State and its instrumentalities (hereinafter referred to as...

Seventh Schedule

{s.2}

Seventh Schedule — Extract from sixth supplementary agreement[\[s. 2\]](#)

Extract from the sixth supplementary agreement, in which the agreement referred to in section three of this Act as from time to time amended in accordance with this Act is referred to as “the principal agreement”.

Eighth Schedule

{s.2}

Eighth Schedule — Seventh supplementary agreement[\[s. 2\]](#)

THIS AGREEMENT is made the 20th day of November 1986 BETWEEN THE HONOURABLE BRIAN THOMAS BURKE, M.L.A., Premier of the State of Western Australia, acting for and on behalf of the said State and its ...

Row 12. Alumina Refinery Agreements (Alcoa) Amendment Act 1987**Schedule**~~Section 3~~**Schedule — 1987 agreement**[\[s. 3\]](#)

THIS AGREEMENT is made the 10th day of November 1987 BETWEEN THE HONOURABLE BRIAN THOMAS BURKE, M.L.A., Premier of the State of Western Australia, acting for and on behalf of the Government of the said State and its instrumentalities (hereinafter called “the State”) of the one part and ...

Row 13. Anglican Church of Australia (Diocesan Trustees) Act 1888**Schedule****Description of Cathedral Square**

Schedule — Description of Cathedral Square[\[s. 3C\]](#)

All those pieces of land being —

Row 14. *Anglican Church of Australia (Diocese of North West Australia) Act 1961***~~Schedule~~**~~Section 3~~**Schedule — Northern Diocese land**[\[s. 3\]](#)

BAMBOO:

Town Lots 37 and 38, Registered Volume XCIX Folio 106.

BLUFF POINT:

Row 15. *Anglican Church of Australia Constitution Act 1960***~~First Schedule~~****First Schedule — Constitution**[\[Preamble\]](#)**THE CONSTITUTION OF THE ANGLICAN CHURCH OF AUSTRALIA****PART I***Chapter I — Fundamental Declarations***~~Second Schedule~~**~~[Section 5]~~**Second Schedule — Acts to be read as amended**[\[s. 5\]](#)*Hale School Act 1876.**Perth Church of England Collegiate School Act, Act No. 49 Victoriae
No. 19 .***Row 16. *Anglican Church of Australia School Lands Act 1896*****~~First Schedule~~**~~[S. 5(2)(a)]~~**First Schedule — Land**[\[s. 5\(2\)\(a\)\]](#)

The land referred to in section 5(2)(a) comprises the pieces of land the subject of the following respective Certificates of Title —

Second Schedule

{S. 5(2)(b)}

Second Schedule — Personal property

[s. 5(2)(b)]

The personal property referred to in section 5(2)(b) comprises all of the furniture, furnishings, plant, and equipment, in, upon, or about, the premises of the Guildford Church of England Grammar School at the coming into operation of the *Church of ...*

Row 17. *Animal Resources Authority Act 1981***Schedule**

{Section 6}

~~Provisions as to constitution and proceedings of the Authority~~**Schedule — Provisions as to constitution and proceedings of the Authority**

[s. 6]

1. Term of office

- (1) Except as otherwise provided by this Act, a member shall hold office for such term, not exceeding 3 years, as is specified in his instrument of appointment, but may from time to time be reappointed.

Row 18. *Associations Incorporation Act 1987***Schedule 1**

{Section 16}

~~Matters to be provided for in rules of an incorporated association~~**Schedule 1 — Matters to be provided for in rules of an incorporated association**

[s. 16]

1. The name of the incorporated association.

Schedule 2

{Section 48}

~~Savings and transitional provisions~~**Schedule 2 — Savings and transitional provisions**

[s. 48]

1. Every association that was, immediately before the commencement of this Act, an association incorporated under the repealed Act, shall, upon the commencement of this Act, be deemed to be an association incorporated under this Act, and the rules of the association shall, subject to

Row 19. *Australia Acts (Request) Act 1985*

~~First Schedule~~

~~(Section 3)~~

**First Schedule — Requested Commonwealth Act:
*Australia Act 1986***

[s. 3]

An Act to bring constitutional arrangements affecting the Commonwealth and the States into conformity with the status of the Commonwealth of Australia as a sovereign, independent and federal nation

WHEREAS the Prime Minister of the Commonwealth and the Premiers of the States at conferences held in Canberra on 24 and 25 June 1982 and 21 June 1984 agreed on the taking of certain measures to bring constitutional ...

~~Second Schedule~~

~~(Section 5)~~

**Second Schedule — Requested Commonwealth Act:
*Australia (Request and Consent) Act 1985***

[s. 5]

An Act to request, and consent to, the enactment by the Parliament of the United Kingdom of an Act in the terms set out in the Schedule to this Act

WHEREAS the Prime Minister of the Commonwealth and the Premiers of the States at conferences held in Canberra on 24 and 25 June 1982 and 21 June 1984 agreed on the taking of certain measures to bring constitutional ...

Row 20. *Bank of South Australia (Merger with Advance Bank) Act 1996*

~~Schedule 1~~

~~{Section 3}~~

Schedule 1 — South Australian Act

[s. 3]

BANK MERGER (BANKSA AND ADVANCE BANK) ACT 1996

No. 41 of 1996

SUMMARY OF PROVISIONS

Row 21. *Bank of Western Australia Act 1995*

~~Schedule 1~~

~~{Section 43(3) and (4)}~~

Schedule 1 — Provisions relating to *Bank of Western Australia Act 1990*

[s. 43(3) and (4)]

[Division 1 omitted under the Reprints Act 1984 s. 7(4)(e).]

Division 2 — Transitional provisions

11. Definitions

In this Division —

~~Schedule 2~~

~~{Section 44}~~

Schedule 2 — Provisions relating to other Acts

[s. 44]

[Part A omitted under the Reprints Act 1984 s. 7(4)(e).]

Part B — Transitional Provisions

1. Provision relating to *Industry (Advances) Act 1947*

- (1) Any security for the repayment of advances taken under the *Industry (Advances) Act 1947* and vested in the Bank immediately before the commencement of section 44 is vested in the Treasurer on the commencement of that section.

Row 22. *Barrow Island Royalty Variation Agreement Act 1985*

~~Schedule~~

~~{Section 3}~~

Schedule — Barrow Island Royalty Variation Agreement

[s. 3]

THIS AGREEMENT is made the 8th day of November 1985,
BETWEEN

Row 23. *Bills of Sale Act 1899*

~~Second Schedule~~

~~{Section 11}~~

~~Register book~~

Second Schedule — Register book

[s. 11]

No.	By whom given, or against whom process issued			To whom given			Nature and Date of Instrument	Consideration	Date of lodging notice of intention to register	Date of Registration	Date of Renewal	Satisfaction entered
	Name	Residence	Occupation	Name	Residence	Occupation						

~~Third Schedule~~

~~{Section 39}~~

Third Schedule — Bill of sale over crops

[s. 39]

The following form of bill of sale under section 39 may be used: —

~~Fourth Schedule~~

~~{Section 44}~~

~~Lien on wool~~

Fourth Schedule — Lien on wool

[s. 44]

In consideration of (here set forth the consideration) the receipt whereof is hereby acknowledged, I (here set forth full name, address, and occupation)...

~~Tenth Schedule~~

~~{Section 17R}~~

~~Bill of sale by way of security~~

Tenth Schedule — Bill of sale by way of security

[s. 17R]

This Indenture, made the day of , 20 , between (*names in full of grantor, his residence or place of business, and occupation*), hereinafter called the grantor, of the one part, and (*names in full of grantee, his residence or place of business, and, ...*

~~Eleventh Schedule~~

~~{Section 17S}~~

~~Covenants to be deemed implied in bills of sale by way of security~~

Eleventh Schedule — Covenants to be deemed implied in bills of sale by way of security

[s. 17S]

1. To pay principal and interest

That the grantor will pay to the grantee the principal and interest money secured, or intended to be secured, by such bill of sale, at the time and in

~~Twelfth Schedule~~

~~{Section 17S}~~

~~Covenant to insure~~

Twelfth Schedule — Covenant to insure

[s. 17S]

The grantor will forthwith insure and, so long as any money shall remain due from him to the grantee on the security of the bill of sale, keep insured in...

~~Fourteenth Schedule~~Fourteenth Schedule — Attestation of witness

[s. 8(1)]

I [*here state names in full, residence and occupation*] the person whose name appears as the attesting witness to the above Bill of Sale do hereby declare that I was present at on the day of , 20 , and saw [*grantor*] sign the above... .

Row 24. *Broken Hill Proprietary Company Limited Agreements (Variation) Act 1980*

~~Schedule~~~~{Section 2}~~Schedule — Variation agreement

[s. 2]

THIS AGREEMENT is made the 23rd day of April, 1980 BETWEEN THE HONOURABLE SIR CHARLES WALTER MICHAEL COURT, K.C.M.G., O.B.E., M.L.A., Premier of the State of Western Australia, acting for and on ...

Row 25. *Broken Hill Proprietary Company's Integrated Steel Works Agreement Act 1960*

~~First Schedule~~~~{S. 3}~~

First Schedule — Broken Hill Proprietary Company's Integrated Steel Works Agreement

[s. 3]

AN AGREEMENT under seal made the eighteenth day of November 1960 BETWEEN THE HONOURABLE DAVID BRAND, M.L.A., PREMIER AND TREASURER of the State of Western Australia acting for and on behalf of the ...

~~Second Schedule~~Second Schedule — Variation Agreement

[s. 3]

AN AGREEMENT made the 23rd day of May 1973 BETWEEN THE HONOURABLE JOHN TREZISE TONKIN M.L.A., PREMIER of the State of Western Australia acting for and on behalf of the said State and its ...

Row 26. *Building and Construction Industry Training Fund and Levy Collection Act 1990*

~~Schedule 1~~~~{Section 15}~~~~Members and proceedings of the Board~~

Schedule 1 — Members and proceedings of the Board[\[s. 15\]](#)**1. Term of office**

- (1) The chairperson shall hold office for such term, not exceeding 5 years, as is specified in the instrument of appointment and is eligible for reappointment.

Row 27. *Bunbury Treefarm Project Agreement Act 1995***~~Schedule 1~~**~~[\[Section 3\]](#)~~**Schedule 1 — Bunbury Treefarm Project Agreement**[\[s. 3\]](#)**BUNBURY TREEFARM PROJECT AGREEMENT**

THIS AGREEMENT is made this 1st day of September 1995

B E T W E E N :

Row 28. *Business Names Act 1962***~~Schedule~~****Schedule — Acts repealed**[\[s. 3\(1\)\]](#)

Number of Act	Title of Act	Extent of Repeal
2 of 1943	<i>Business Names Act 1942</i>	The whole.
11 of 1946	<i>Business Names Act Amendment Act 1946</i>	The whole.

Row 29. *Busselton Cemetery Act 1944***~~Schedule~~****Schedule — Cemetery land**[\[s. 2\]](#)

Land.	Reference.	Proprietors.	Purpose of Grant.
Busselton Suburban Lot C.	Registry of Deeds enrolment No. 2597 and memorial registered in Book XV., No. 641	Granted to the Right Reverend Father in God, Mathew Blagden Hale, Lord Bishop of Perth, but now vested in the Diocesan Trustees of Bunbury, Incorporated	Cemetery.

Row 30. Caravan Parks and Camping Grounds Act 1995**~~Schedule 1~~**~~{Section 25(6)}~~**~~Provisions applicable to the Caravan Parks and Camping Grounds Advisory Committee~~****Schedule 1 — Provisions applicable to the Caravan Parks and Camping Grounds Advisory Committee**[\[s. 25\(6\)\]](#)**1. Interpretation**

In this Schedule —

~~Schedule 2~~~~{Section 33}~~**~~Consequential amendments~~****Schedule 2 — Consequential amendments**[\[s. 33\]](#)**Short title of Act****Amendment**

1. *Constitution Acts Amendment Act 1899*

In Part 3 of Schedule V insert in the appropriate alphabetical position the following —

“ The Caravan Parks and Camping Grounds Advisory Committee established under the *Caravan Parks and Camping Grounds Act 1995*. ”.

Row 31. Casino (Burswood Island) Agreement Act 1985**~~Schedule 1~~**~~(Section 3)~~**Schedule 1 — Casino (Burswood Island) Agreement**[\[s. 3\]](#)

AGREEMENT

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~~Schedule 2~~~~(Section 3)~~**Schedule 2 — Supplementary Agreement**[\[s. 3\]](#)

SUPPLEMENTARY AGREEMENT

THIS AGREEMENT made this 14th day of September 1987 BETWEEN:

~~Schedule 3~~

~~(Section 3)~~

Schedule 3 — Second Supplementary Agreement

[s. 3]

SECOND SUPPLEMENTARY AGREEMENT
BURSWOOD CASINO (1990)

THIS AGREEMENT made the third day of May 1990

~~Schedule 4~~

~~(Section 3)~~

Schedule 4 — Seventh Supplementary Agreement

[s. 3]

CASINO (BURSWOOD ISLAND) AGREEMENT
SEVENTH SUPPLEMENTARY AGREEMENT

THIS AGREEMENT made the ninth day of June 1997

~~Schedule 5~~

~~{Section 3A}~~

Schedule 5 — Third Supplementary Agreement

[s. 3A]

CASINO (BURSWOOD ISLAND) AGREEMENT
THIRD SUPPLEMENTARY AGREEMENT

THIS AGREEMENT made the 13th day of November 1991

~~Schedule 6~~

~~{Section 3A}~~

Schedule 6 — Fourth Supplementary Agreement

[s. 3A]

CASINO (BURSWOOD ISLAND) AGREEMENT
FOURTH SUPPLEMENTARY AGREEMENT

~~Schedule 7~~

~~{Section 3A}~~

Schedule 7 — Fifth Supplementary Agreement

[s. 3A]

CASINO (BURSWOOD ISLAND) AGREEMENT
FIFTH SUPPLEMENTARY AGREEMENT

THIS AGREEMENT made the 3rd day of April 1995

Schedule 8

~~{Section 3A}~~

Schedule 8 — Sixth Supplementary Agreement

[s. 3A]

**CASINO (BURSWOOD ISLAND) AGREEMENT
SIXTH SUPPLEMENTARY AGREEMENT**

THIS AGREEMENT made the 22 day of June 1996

B E T W E E N :

Schedule 9

~~{s. 3}~~

Schedule 9 — Eighth Supplementary Agreement

[s. 3]

**Casino (Burswood Island) Agreement
EIGHTH SUPPLEMENTARY AGREEMENT**

THIS AGREEMENT made the 18 day of June 2003

B E T W E E N :

Schedule 10

~~{s. 3A}~~

Schedule 10 — Ninth Supplementary Agreement

[s. 3A]

**Casino (Burswood Island) Agreement
NINTH SUPPLEMENTARY AGREEMENT**

Dated 23 November 2005

The Honourable Mark McGowan MLA (“the State”)

Row 32. Casino Control Act 1984

Schedule 2

~~{Section 37}~~

~~**Matters in respect of which Governor may make regulations**~~

Schedule 2 — Matters in respect of which Governor may make regulations

[s. 37]

1. The qualifications, training and experience to be required of government inspectors.

Row 33. Cement Works (Cockburn Cement Limited) Agreement Act 1971~~First Schedule~~~~{Section 2}~~**First Schedule — Cement Works (Cockburn Cement Limited) Agreement**[\[s. 2\]](#)

THIS AGREEMENT under seal is made the 18th day of February One thousand nine hundred and seventy-one BETWEEN THE HONOURABLE SIR DAVID BRAND, K.C.M.G., M.L.A., Premier and Treasurer of the State of Western ...

~~Second Schedule~~~~{Section 2}~~**Second Schedule — Supplemental agreement amending Cement Works (Cockburn Cement Limited) Agreement**[\[s. 2\]](#)

THIS AGREEMENT under seal is made the 25th day of August, One thousand nine hundred and seventy one BETWEEN: THE HONOURABLE JOHN TREZISE TONKIN M.L.A., Premier of the State of Western Australia acting ...

~~Third Schedule~~**Third Schedule — Variation agreement**[\[s. 2\]](#)

THIS AGREEMENT under seal is made the 24th day of October 1986 BETWEEN THE HONOURABLE BRIAN THOMAS BURKE, M.L.A., Premier of the State of Western Australia, acting for and on behalf of the ...

~~Fourth Schedule~~~~{Section 2}~~**Fourth Schedule — Second Variation Agreement**[\[s. 2\]](#)

THIS AGREEMENT is made the 14th day of May 1997

B E T W E E N:

Row 34. Cemeteries Act 1986~~Schedule 1~~~~{Section 8}~~~~Constitution and procedure of Boards~~

<p><u>Schedule 1 — Constitution and procedure of Boards</u></p> <p>[s. 8]</p>	
1.	<p>Term of office</p> <p>Except as otherwise provided by this Act, a member shall hold office for such term not exceeding 5 years as is specified in his instrument of ...</p>
<p>Schedule 2</p> <p>[Section 67]</p> <p>Transitional and savings provisions</p> <p><u>Schedule 2 — Transitional and savings provisions</u></p> <p>[s. 67]</p>	
1.	<p>Terms used in this Schedule</p> <p>In this Schedule —</p>
<p>Row 35. <i>City of Fremantle and Town of East Fremantle Trust Funds Act 1961</i></p>	
<p>Schedule</p> <p>[Section 3]</p> <p><u>Schedule — Trust Funds Agreement</u></p> <p>[s. 3]</p> <p>THIS INDENTURE made the 31st day of October, One Thousand Nine Hundred and Sixty One BETWEEN:</p>	
<p>Row 36. <i>Coal Industry Superannuation Act 1989</i></p>	
<p>Schedule 1</p> <p>[s. 3]</p> <p>Employers</p> <p><u>Schedule 1 — Employers</u></p> <p>[s. 3]</p> <p>Griffin Coal Mining Pty Limited</p>	
<p>Schedule 2</p> <p>[s. 8]</p> <p>Provisions as to Board</p> <p><u>Schedule 2 — Provisions as to Board</u></p> <p>[s. 8]</p>	
1.	<p>Interpretation</p> <p>In this Schedule, unless the contrary intention appears —</p>

Schedule 3~~[s. 35]~~**Transitional provisions****Schedule 3 — Transitional provisions**[\[s. 35\]](#)**1. Interpretation**

In this Schedule unless the contrary intention appears —

Row 37. *Collie Coal (Griffin) Agreement Act 1979***Schedule**~~[S. 2]~~**Schedule — Collie Coal (Griffin) Agreement**[\[s. 2\]](#)

THIS AGREEMENT made this fifth day of November, 1979, BETWEEN THE HONOURABLE SIR CHARLES WALTER MICHAEL COURT, K.C.M.G., O.B.E....

Row 38. *Collie Coal (Western Collieries) Agreement Act 1979***Schedule 1**~~[S. 2.]~~**Schedule 1 — Collie Coal (Western Collieries) Agreement**[\[s. 2\]](#)

THIS AGREEMENT made this 17th day of January, 1979, BETWEEN THE HONOURABLE SIR CHARLES WALTER MICHAEL COURT, K.C.M.G., O.B.E., M.L.A. Premier of the State of Western Australia, acting for and on ...

Schedule 2**Schedule 2 — Supplementary Agreement**[\[s. 2\]](#)

THIS AGREEMENT is made the 7th day of October 1985 BETWEEN THE HONOURABLE BRIAN THOMAS BURKE, M.L.A., Premier of the State of Western Australia, acting for and on behalf of the said State and its ...

Schedule 3**Schedule 3 — Supplementary Agreement (1990)**[\[s. 2\]](#)

THIS AGREEMENT is made the 30th day of April 1990

BETWEEN:

Schedule 4

~~[S. 6.]~~

Schedule 4 — Supplementary Agreement (1994)

[s. 6]

THIS AGREEMENT is made the 5th day of May 1994

B E T W E E N :

Row 39. *Collie Hardwood Plantation Agreement Act 1995*

Schedule 1

~~[Section 3]~~

Schedule 1 — Collie Hardwood Plantation Agreement

[s. 3]

COLLIE HARDWOOD PLANTATION AGREEMENT

THIS AGREEMENT is made this 4th day of January 1994

B E T W E E N:

Row 40. *Conservation and Land Management Act 1984*

Schedule

~~[Section 29]~~

~~**Provisions as to constitution and proceedings of the
Conservation Commission, the Marine Authority and the
Marine Committee**~~

**Schedule — Provisions as to constitution and proceedings of the
Conservation Commission, the Marine Authority and the
Marine Committee**

[s. 29]

1. (1) Except as otherwise provided by this Act a member shall hold office for such term, being not more than 3 years, as is specified in his instrument of ...

Row 41. *Constitutional Powers (Coastal Waters) Act 1979*

Schedule

**Schedule — Requested Commonwealth Act:
*Coastal Waters (State Powers) Act 1979***

[s. 2]

AN ACT

To extend the legislative powers of the States in and in relation to coastal waters.

Preamble

Row 42. Consumer Affairs Act 1971**Schedule****~~Acts prohibiting or regulating the supply of goods~~****Schedule — Acts prohibiting or regulating the supply of goods**[\[s. 23C\]](#)

The following enactments are specified for the purpose of section 23C —

Row 43. Corporations (Ancillary Provisions) Act 2001**~~Schedule 1~~**~~[\[s. 11\]](#)~~**Schedule 1 — References to corporations legislation or ASIC legislation**[\[s. 11\]](#)**Table***Column 1**Column 2*the Corporations Law of Western
Australia

the new Corporations Act

Row 44. Country Housing Act 1998**~~Schedule 1~~**~~[\[Section 5\(5\)\]](#)~~**~~Provisions applicable to the members of the Authority~~****Schedule 1 — Provisions applicable to the members of the Authority**[\[s. 5\(5\)\]](#)**Division 1 — Provisions as to constitution and proceedings of Authority****1. Term of office**

- (1) An appointed member holds office for such term not exceeding 3 years as is specified in the instrument appointing the appointed member, but may from time to time be reappointed.

Schedule 2 — Repeal, savings and transitional provisions~~[\[Section 47\]](#)~~[\[s. 47\]](#)**1. Repeal of *Rural Housing (Assistance) Act 1976***The *Rural Housing (Assistance) Act 1976* is repealed.

Row 45. Credit Act 1984~~**Schedule 1**~~~~[Sec. 11]~~~~**Accrued credit charge**~~**Schedule 1 — Accrued credit charge**[\[s. 11\]](#)

1. This Schedule applies to a credit sale contract or a loan contract, where —

~~**Schedule 2**~~~~[Sec. 35]~~~~**Statement of amount financed in relation to credit sale contract**~~**Schedule 2 — Statement of amount financed in relation to credit sale contract**[\[s. 35\]](#)

1. A statement of the amount financed shall state —

~~**Schedule 3**~~~~[Sec. 35]~~~~**Statement of credit charge in relation to credit sale contract**~~**Schedule 3 — Statement of credit charge in relation to credit sale contract**[\[s. 35\]](#)

1. A statement in a credit sale contract of the credit charge —

~~**Schedule 4**~~~~[Sec. 36]~~~~**Statement of amount financed in relation to loan contract**~~**Schedule 4 — Statement of amount financed in relation to loan contract**[\[s. 36\]](#)

1. A statement of the amount financed shall state —

~~**Schedule 5**~~~~[Sec. 36]~~~~**Statement of credit charge in relation to loan contract**~~**Schedule 5 — Statement of credit charge in relation to loan contract**[\[s. 36\]](#)

1. A statement in a loan contract of the credit charge —

<div>Schedule 6</div> <div>[Sec. 38]</div> <div>Annual percentage rate</div> <div>Schedule 6 — Annual percentage rate</div> <div>[s. 38]</div> <div>1. This Schedule applies to a credit sale contract or a loan contract, where —</div>	
<div>Schedule 7</div> <div>[Sec. 61]</div> <div>Statement of account in relation to continuing credit contract</div> <div>Schedule 7 — Statement of account in relation to continuing credit contract</div> <div>[s. 61]</div> <div>1. A statement of account for a continuing credit contract shall include a statement of —</div>	
Row 46. Curriculum Council Act 1997	
<div>Schedule 1</div> <div>[Section 7]</div> <div>Schedule 1 — Provisions as to Council</div> <div>[s. 7]</div> <div>Division 1 — Provisions as to constitution and proceedings of the Council</div> <div>1. Term of office</div> <div>(1) Subject to clause 2 an appointed member holds office for such term, not exceeding 3 years, as is specified in the member’s instrument of appointment, and is eligible for reappointment.</div>	
Row 47. Curtin University of Technology Act 1966	
<div>Schedule 1</div> <div>[section 20]</div> <div>Schedule 1 — University land</div> <div>[s. 20]</div> <div>So much of the land comprising Reserve ↑27142 being Canning Location number 1884 comprising 276 acres 27 perches or thereabouts, as the Governor may from time to time, by Order in Council published in the Government Gazette, vest in the University under section 20.</div>	

Schedule 2

{section 21N}

**Provisions as to constitution and proceedings of the Kalgoorlie
Campus Council****Schedule 2 — Provisions as to constitution and proceedings of
the Kalgoorlie Campus Council**

[s. 21N]

1. Interpretation

In this Schedule —

Row 48. *Dampier Solar Salt Industry Agreement Act 1967***First Schedule**

{Section 2}

First Schedule — Dampier Solar Salt Industry Agreement

[s. 2]

AN AGREEMENT under seal made the 21st day of November One thousand nine hundred and sixtyseven BETWEEN THE HONOURABLE DAVID BRAND, M.L.A. Premier and Treasurer of the State of Western Australia ...

Second Schedule

{s. 2}

Second Schedule — Variation agreement

[s. 2]

AN AGREEMENT made the 18th day of October 1974

BETWEEN THE HONOURABLE SIR CHARLES WALTER MICHAEL COURT, O.B.E., M.L.A., Premier of the State of Western Australia acting for ...

Row 49. *Dardanup Pine Log Sawmill Agreement Act 1992***Schedule**

{Section 3}

Schedule — Dardanup Pine Log Sawmill Agreement

[s. 3]

THE AGREEMENT**DARDANUP PINE LOG SAWMILL AGREEMENT**

THIS AGREEMENT is made this 26th day of May 1992

BETWEEN

Row 50. *Diamond (Argyle Diamond Mines Joint Venture) Agreement Act 1981*

~~Schedule 1~~

~~S. 7~~

Schedule 1 — Mineral claims

[s. 7]

MC 80/6792, MC 80/6793, MC 80/6794, MC 80/6795, MC 80/6796, MC 80/6797, MC 80/6798, MC 80/6799, MC 80/6800, MC 80/6801,

~~Schedule 2~~

Schedule 2 — Diamond (Argyle Diamond Mines Joint Venture) Agreement

[s. 2]

THIS AGREEMENT made this 17th day of November, 1981, BETWEEN THE HONOURABLE SIR CHARLES WALTER MICHAEL COURT, K.C.M.G., O.B.E....

~~Schedule 3~~

Schedule 3 — First supplementary agreement

[s. 2]

THIS AGREEMENT is made the 11th day of October 1983, BETWEEN THE HONOURABLE BRIAN THOMAS BURKE, M.L.A., Premier of the State of ...

~~Schedule 4~~

~~[s. 2]~~

Schedule 4 — Second supplementary agreement

[s. 2]

THIS AGREEMENT is made the 15th day of October 2001

BETWEEN

Row 51. *Director of Public Prosecutions Act 1991*

~~Schedule 1~~

~~[section 7]~~

~~Tenure, salary, conditions of service, etc., of Director~~

Schedule 1 — Tenure, salary, conditions of service, etc., of Director

[s. 7]

1. Tenure of office

- (1) Subject to this Act, the Director holds office for a term of 5 years and is eligible for reappointment for one or more terms each of 5 years.

Row 52. *Disability Services Act 1993***~~Schedule 3~~**~~[s. 7(4)]~~**~~Provisions applicable to the Board of the Commission~~****Schedule 3 — Provisions applicable to the Board of the Commission**[s. 7(4)]**1. Tenure of office**

- (1) A member of the Board —

~~Schedule 4~~~~[s. 11]~~**~~Provisions applicable to the Commission's personnel~~****Schedule 4 — Provisions applicable to the Commission's personnel**[s. 11]**1. Superannuation**

- (1) If a person was a contributor within the meaning of the *Superannuation and Family Benefits Act 1938* immediately before being appointed to the personnel of the Commission, the person may continue to be a contributor under that Act after being appointed.

Row 53. *Disposal of Uncollected Goods Act 1970***~~Schedule~~**~~[section 6]~~**Schedule — Acts custody of goods under which is not subject to this Act**[s. 6]**Title of Act.***Criminal and Found Property Disposal Act 2006.**Criminal Investigation Act 2006.***Row 54. *East Perth Redevelopment Act 1991*****~~Schedule 1~~**~~[Section 4]~~**~~Redevelopment area~~**

Schedule 1 — Redevelopment area

[s. 4]

All of the land and waters in the area described as the redevelopment area on Plan No. 2 held at the office of the Authority, that plan being certified by the Minister as being the plan prepared for the purpose of defining the ...

~~Schedule 2~~~~[Section 9]~~**~~Provisions as to constitution and proceedings of the Authority~~****Schedule 2 — Provisions as to constitution and proceedings of the Authority**

[s. 9]

1. Term of office

- (1) Except as otherwise provided by this Act, a member holds office for such term, not exceeding 3 years, as is specified in the instrument of his or her appointment, but may from time to time be reappointed.

Row 55. *Environmental Protection Act 1986***Schedule 1 — Penalties**~~[Sections 99Q and 99R]~~~~[s. 99Q and 99R]~~**Part 1 — Tier 1 offences and penalties****Division 1 — Individuals**

Column 1 Item	Column 2 Section	Column 3 Penalty — individual	Column 4 Daily penalty
1	6(7)	\$250 000	\$50 000
2	47(1) or (4)	\$125 000	\$25 000
3	48(6)	\$162 500	\$32 500

~~Schedule 2~~~~[Section 123(2)]~~**~~Matters in respect of which regulations may be made~~****Schedule 2 — Matters in respect of which regulations may be made**

[s. 123(2)]

1. In this Schedule —

specified means specified in regulations made under section 123.

Schedule 3

~~{Section 126}~~

~~Transitional provisions related to Environmental Protection Act 1971~~

Schedule 3 — Transitional provisions related to *Environmental Protection Act 1971*

[s. 126]

1. Any order made under section 8 of the repealed Act and in force immediately before the coming into operation of this clause ceases to have effect on that coming into operation.

Schedule 4

~~{Section 127}~~

~~Transitional provisions not related to Environmental Protection Act 1971~~

Schedule 4 — Transitional provisions not related to *Environmental Protection Act 1971*

[s. 127]

1. If an occupier of premises has, before the coming into operation of this clause, commenced work in respect of which a works approval would have been required by virtue of section 52 or 53, had that section then been in operation, and not completed that work immediately before that coming into operation, that occupier may, notwithstanding that section, complete that work if that occupier —

Row 56. *Evaporites (Lake Macleod) Agreement Act 1967*

First Schedule

First Schedule — Evaporites (Lake MacLeod) Agreement

[s. 2]

AN AGREEMENT under seal made the 16th day of February One thousand nine hundred and sixty-seven BETWEEN THE HONOURABLE CHARLES WALTER MICHAEL COURT O.B.E. M.L.A. Acting Premier and Minister ...

Second Schedule

Second Schedule — Variation Agreement

[s. 2]

AN AGREEMENT made the 15th day of November, One thousand nine hundred and seventy two BETWEEN THE HONOURABLE JOHN TREZISE TONKIN, M.L.A., THE PREMIER AND TREASURER OF THE STATE OF ...

Third Schedule**Third Schedule — Second Variation Agreement**

[s. 2]

AN AGREEMENT made the Fifteenth day of November, 1978 BETWEEN THE HONOURABLE SIR CHARLES WALTER MICHAEL COURT, O.B.E., ...

Row 57. Fatal Accidents Act 1959**Schedule 2**

{s. 6.}

Definition of relative**Schedule 2 — Definition of relative**

[s. 6]

In this Act, *relative* in relation to a deceased person means —

Row 58. Finance Brokers Control Act 1975**Schedule**

{Section 45}

Formula for calculating percentage rate of interest**Schedule — Formula for calculating percentage rate of interest**

[s. 45]

- (1) The rate at which the interest accrues upon the principal is that nominal annual percentage rate (correct to within 0.5%) which, when applied to the unpaid balances of the principal calculated according to the actuarial...

Row 59. Financial Agreement Act 1995**Schedule 1**

{Section 4}

Schedule 1 — 1994 Financial Agreement

[s. 4]

AGREEMENT made the 25th day of February One thousand nine hundred and ninety four between —

Row 60. Fire and Emergency Services Superannuation Act 1985**Schedule 2**

{Section 4}

Provisions as to Superannuation Board

Schedule 2 — Provisions as to Superannuation Board[\[s. 4\]](#)**1. Terms used in this Schedule**

In this Schedule, unless the contrary intention appears —

~~Schedule 3~~~~[\[Section 36\]](#)~~**~~Transitional provisions~~****Schedule 3 — Transitional provisions**[\[s. 36\]](#)**Part I — Superannuation Fund****1. Terms used in this Part**

In this Part —

Row 61. *Fire Brigades Act 1942***~~The Second Schedule~~**~~[\[Section 5\]](#)~~**Second Schedule — Fire districts**[\[s. 5\]](#)

Fire District	Local Government District or part thereof constituting Fire District
Metropolitan Fire District	Perth

Part I**Row 62. *Fish Resources Management Act 1994*****~~Schedule 1~~**~~[\[Sections 32, 36 and 40\]](#)~~**~~Constitution and proceedings of Advisory Committees~~****Schedule 1 — Constitution and proceedings of Advisory Committees**[\[s. 32, 36 and 40\]](#)**1. Meaning of “Advisory Committee”**

In this Schedule —

~~Schedule 3~~~~[\[Section 266\]](#)~~**~~Savings and transitional provisions~~**

Schedule 3 — Savings and transitional provisions[\[s. 266\]](#)**1. Interpretation Act 1984 not affected**Nothing in this Schedule limits the operation of the *Interpretation Act 1984*.**Row 63. Fisheries Adjustment Schemes Act 1987****~~Schedule 1~~**~~[\[Section 12\]](#)~~**~~Constitution and proceedings of committees of management~~****Schedule 1 — Constitution and proceedings of committees of management**[\[s. 12\]](#)**1. Vacating office**

The office of a member becomes vacant if —

Row 64. Forrest Place and City Station Development Act 1985**~~Schedule~~****Schedule — Enabling agreement**[\[s. 3\]](#)

THIS ENABLING AGREEMENT is made the 1st day of November 1985

BETWEEN:

THE HONOURABLE BRIAN THOMAS BURKE M.L.A. Premier of the State of Western Australia acting for and on behalf of the State of Western Australia and its instrumentalities from time to time (“the state”) of the first part

Row 65. Freedom of Information Act 1992**~~Schedule 1~~**~~[\[Glossary cl. 1\]](#)~~**~~Exempt matter~~****Schedule 1 — Exempt matter**[\[Glossary cl. 1\]](#)**1. Cabinet and Executive Council****~~Schedule 2~~**~~[\[Glossary, cl. 1\]](#)~~**~~Exempt agencies~~**

<p style="text-align: center;"><u>Schedule 2 — Exempt agencies</u></p> <p style="text-align: right;">[Glossary cl. 1]</p> <p style="text-align: center;">The Governor and the Governor’s establishment.</p>	
Row 66. Gaming and Betting (Contracts and Securities) Act 1985	
<p style="text-align: center;">Schedule</p> <p style="text-align: right;">[s. 3]</p> <p style="text-align: center;"><u>Schedule — Gaming and betting Acts</u></p> <p style="text-align: right;">[s. 3]</p> <p style="text-align: center;"><i>Racing and Wagering Western Australia Act 2003</i> <i>Lotteries Commission Act 1990</i></p>	
Row 67. Geraldton Sailors and Soldiers’ Memorial Institute (Trust Property Disposition) Act 1938	
<p style="text-align: center;">Schedule</p> <p style="text-align: center;"><u>Schedule — Trust land</u></p> <p style="text-align: right;">[s. 2]</p> <p>All those pieces of land being —</p> <p style="padding-left: 40px;">Firstly — Portion of Geraldton Town Lot 54 and being part of Lot 1 on Diagram 3065 now the subject of Diagram 5349; and</p>	
Row 68. Gold Corporation Act 1987	
<p style="text-align: center;">Schedule 1</p> <p style="text-align: right;">[Section 5(4)]</p> <p style="text-align: center;">Provisions concerning directors and the procedure of the Board</p> <p style="text-align: center;"><u>Schedule 1 — Provisions concerning directors and the procedure of the Board</u></p> <p style="text-align: right;">[s. 5(4)]</p> <p>1. Term of office of directors</p> <p style="padding-left: 20px;">(1) A director who is the chief executive officer or deputy chief executive officer of Gold Corporation or who is employed by Gold Corporation shall be appointed for such term of office as is specified in the director’s instrument of appointment.</p>	
<p style="text-align: center;">Schedule 2</p> <p style="text-align: right;">[Section 35(9)]</p> <p style="text-align: center;">Transitional provisions concerning the Mint</p>	

Schedule 2 — Transitional provisions concerning the Mint

[s. 35(9)]

1. Terms used in this Schedule

In this Schedule, unless the contrary intention appears —

Row 69. *Goldfields Gas Pipeline Agreement Act 1994***~~Schedule 1~~**~~[section 3]~~**Schedule 1 — Goldfields Gas Pipeline Agreement**

[s. 3]

GOLDFIELDS GAS PIPELINE AGREEMENT**THIS AGREEMENT** is made this 23rd day of March 1994

BETWEEN

Row 70. *Guildford Cemeteries Act 1936***~~Schedule~~****Schedule — Cemetery land**

[s. 2]

Land	Instrument of Title	Proprietors
Swan Location 1284	Certificate of Title vol. 34, folio 110	The Roman Catholic Bishop of Perth.

Row 71. *Harbours and Jetties Act 1928***~~The Schedule~~****Schedule — Acts under which owner or master is liable**

[s. 2]

The *Jetties Act 1926* — Section 12.**Row 72. *Health Services (Conciliation and Review) Act 1995*****~~Schedule 1~~**~~[Sections 3 and 54]~~**~~Registration Boards~~****Schedule 1 — Registration boards**

[s. 3 and 54]

1. Chiropractors Registration Board of Western Australia under the *Chiropractors Act 2005*.

Schedule 2

{Section 8}

~~Tenure, salary, conditions of service, etc., of Director~~**Schedule 2 — Tenure, salary, conditions of service, etc., of Director**[\[s. 8\]](#)**1. Tenure of office**

- (1) Subject to this Act, the Director holds office for a term, not exceeding 5 years, fixed by the instrument of appointment, and is eligible for re-appointment once or more than once.

Row 73. Home Building Contracts Act 1991**Schedule 1**~~(Sections 7(4), 8(4), 9(4), 13(5), 19 and 20)~~**~~Consequences of non-fulfilment of conditions~~****Schedule 1 — Consequences of non-fulfilment of conditions**[\[s. 7\(4\), 8\(4\), 9\(4\), 13\(5\), 19 and 20\]](#)

1. If any condition set out in subsection (1) of section 9 is not fulfilled solely because the builder has failed to comply with the builder's obligations under subsection (2) of that section, the contract is not affected but remains in force on the same terms and conditions except as otherwise agreed between the parties.

Row 74. Hospitals and Health Services Act 1927**Schedule**

{Section 15}

~~Constitutional provisions for hospital boards~~**Schedule — Constitutional provisions for hospital boards**[\[s. 15\]](#)**1. Tenure of office**

- (1) A member shall hold and vacate office in accordance with the terms of the instrument under which he is appointed, or until his term of tenure is terminated by the Governor.

Row 75. Human Reproductive Technology Act 1991**Schedule**~~{Sections 5 and 8}~~**~~Provisions relating to the membership and proceedings of the Council and the annual report on reproductive technology~~**

Schedule — Provisions relating to the membership and proceedings of the Council and the annual report on reproductive technology

[s. 5 and 8]

1. The Chair of the Council

- (1) The Governor shall, on the recommendation of the Minister, appoint a member as Chairperson to preside over the proceedings of the Council.

Row 76. *Industrial Lands (CSBP & Farmers Ltd.) Agreement Act 1976*

Schedule

Schedule — Industrial Lands (CSBP & Farmers Ltd.) Agreement

[s. 2]

THIS AGREEMENT is made this 12th day of MAY 1976 BETWEEN THE HONOURABLE SIR CHARLES WALTER MICHAEL COURT O.B.E. M.L.A., Premier of the State of Western Australia, acting for and on behalf of ...

Row 77. *Industrial Lands (Kwinana) Agreement Act 1964*

Schedule

~~{Section 2}~~

Schedule — Industrial Lands (Kwinana) Agreement

[s. 2]

AN AGREEMENT under seal made the twenty-fourth day of November 1964 BETWEEN the HONOURABLE DAVID BRAND, M.L.A. Premier and Treasurer of the State of Western Australia acting for and on behalf of the ...

Row 78. *Industrial Relations Act 1979*

Schedule 1

~~Matters to be published in the “Western Australian Industrial Gazette”~~

Schedule 1 — Matters to be published in the “Western Australian Industrial Gazette”

[s. 93(3) and 105]

1. Retirements from industrial agreements.

Row 79. *Insurance Commission of Western Australia Act 1986*

Schedule 1

~~{Section 5(4)}~~

Provisions as to commissioners

<p style="text-align: center;"><u>Schedule 1 — Provisions as to commissioners</u></p> <p style="text-align: right;">[s. 5(4)]</p> <p>1. Definitions</p> <p>In this Schedule —</p>	<p style="text-align: center;">Schedule 2</p> <p style="text-align: right;">{Section 29(4)}</p> <p style="text-align: center;">Provisions as to directors</p> <p style="text-align: center;"><u>Schedule 2 — Provisions as to directors</u></p> <p style="text-align: right;">[s. 29(4)]</p> <p>1. Definition</p> <p>In this Schedule <i>ordinary director</i> means a director of the Corporation other than the managing director, and includes the deputy chairman of the board of directors.</p>
<p style="text-align: center;">Schedule 4</p> <p style="text-align: right;">{Section 47}</p> <p style="text-align: center;">Saving, validation and transitional provisions</p> <p style="text-align: center;"><u>Schedule 4 — Saving, validation and transitional provisions</u></p> <p style="text-align: right;">[s. 47]</p> <p>1. Terms used</p> <p>In this Schedule, unless the contrary intention appears —</p>	<p>Row 80. <i>Iron Ore - Direct Reduced Iron (BHP) Agreement Act 1996</i></p>
<p style="text-align: center;">Schedule 1</p> <p style="text-align: right;">[s. 3]</p> <p style="text-align: center;"><u>Schedule 1 — Direct Reduced Iron (BHP) Agreement</u></p> <p style="text-align: right;">[s. 3]</p> <p>THIS AGREEMENT is made the 16th day of October 1995</p> <p>BETWEEN</p>	<p style="text-align: center;">Schedule 2</p> <p style="text-align: right;">[s. 5]</p> <p style="text-align: center;"><u>Schedule 2 — First Variation Agreement</u></p> <p style="text-align: right;">[s. 5]</p> <p>THIS AGREEMENT is made the 11th day of April 2000.</p> <p>B E T W E E N :</p>

Row 81. *Iron Ore (Channar Joint Venture) Agreement Act 1987***~~Schedule~~**~~[Section 3]~~**Schedule — Iron Ore (Channar Joint Venture) Agreement**[\[s. 3\]](#)

THIS AGREEMENT made this 27th day of October 1987 BETWEEN THE HONOURABLE BRIAN THOMAS BURKE, Premier of the State of Western Australia, acting for and on behalf of the said State and its instrumentalities ...

Row 82. *Iron Ore (Hamersley Range) Agreement Act 1963***~~First Schedule~~**~~[s. 2]~~**First Schedule — Iron Ore (Hamersley Range) Agreement**[\[s. 2\]](#)

THIS AGREEMENT under seal made the thirtieth day of July One thousand nine hundred and sixty-three BETWEEN THE HONOURABLE CRAWFORD DAVID NALDER M.L.A. Acting Premier and Acting Treasurer of the State ...

~~Second Schedule~~**Second Schedule — First Supplementary Agreement**[\[s. 2\]](#)

THIS AGREEMENT under seal made the twenty-seventh day of October One thousand nine hundred and sixty-four BETWEEN THE HONOURABLE DAVID BRAND, M.L.A. Premier and Treasurer of the State of Western ...

~~Third Schedule~~**Third Schedule — Second Supplementary Agreement**[\[s. 2\]](#)

THIS AGREEMENT under Seal made the 8th day of October 1968 BETWEEN THE HONOURABLE DAVID BRAND M.L.A. Premier and Treasurer of the State of Western Australia, acting for and on behalf of the said State and ...

~~Fourth Schedule~~~~[s. 2]~~**Fourth Schedule — Third Supplementary Agreement**[\[s. 2\]](#)

THIS AGREEMENT made the 10th day of March One thousand nine hundred and seventy-two BETWEEN THE HONOURABLE JOHN TREZISE TONKIN, M.L.A., Premier of the State of Western Australia acting for and on behalf of ...

~~Fifth Schedule~~

Fifth Schedule — Fourth Supplementary Agreement

[s. 2]

THIS AGREEMENT made the 5th day of October, 1976 BETWEEN THE
HONOURABLE SIR CHARLES WALTER MICHAEL COURT, O.B.E., M.L.A.,
Premier of the State of Western Australia acting for and on behalf of...

~~Sixth Schedule~~

Sixth Schedule — Fifth Supplementary Agreement

[s. 2]

THIS AGREEMENT made the 9th day of May, 1979 BETWEEN THE
HONOURABLE SIR CHARLES WALTER MICHAEL COURT, K.C.M.G., O.B.E.,
M.L.A., Premier of the State of Western Australia acting for and ...

~~Seventh Schedule~~

Seventh Schedule — Sixth Supplementary Agreement

[s. 2]

THIS AGREEMENT made this 26th day of April 1982, BETWEEN THE
HONOURABLE RAYMOND JAMES O'CONNOR, M.L.A., Premier of the State of
Western Australia, acting for and on behalf of the said State and ...

~~Eighth Schedule~~

Eighth Schedule — Seventh Supplementary Agreement

[s. 2]

THIS AGREEMENT is made this 28th day of May 1987
BETWEEN:

~~Ninth Schedule~~

Ninth Schedule — Eighth Supplementary Agreement

[s. 2]

THIS AGREEMENT made this 27th day of October 1987
BETWEEN:

~~Tenth Schedule~~

Tenth Schedule — Ninth Supplementary Agreement

[s. 2]

THIS AGREEMENT is made this 14th day of June 1990
BETWEEN:

<p style="text-align: center;">Eleventh Schedule</p> <p style="text-align: center;"><u>Eleventh Schedule — Tenth Supplementary Agreement</u></p> <p style="text-align: right;">[s. 2]</p> <p>THIS AGREEMENT is made this 25th day of May 1992</p> <p>B E T W E E N :</p>
<p>Row 83. <i>Iron Ore (Hope Downs) Agreement Act 1992</i></p>
<p style="text-align: center;">Schedule</p> <p style="text-align: center;"><u>Schedule — Iron Ore (Hope Downs) Agreement</u></p> <p style="text-align: right;">[s. 3]</p> <p>THIS AGREEMENT is made this 30th day of November 1992</p> <p>B E T W E E N:</p>
<p>Row 84. <i>Iron Ore (Marillana Creek) Agreement Act 1991</i></p>
<p style="text-align: center;">Schedule 1</p> <p style="text-align: right;">[Section 3]</p> <p style="text-align: center;"><u>Schedule 1 — Iron Ore (Marillana Creek) Agreement</u></p> <p style="text-align: right;">[s. 3]</p> <p>THIS AGREEMENT is made this 20th day of December 1990</p> <p>BETWEEN</p>
<p style="text-align: center;">Schedule 2</p> <p style="text-align: right;">[section 3]</p> <p style="text-align: center;"><u>Schedule 2 — First Variation Agreement</u></p> <p style="text-align: right;">[s. 3]</p> <p>THIS AGREEMENT is made the 31st day of March 1994</p> <p>B E T W E E N</p>
<p style="text-align: center;">Schedule 3</p> <p style="text-align: right;">[s. 5]</p> <p style="text-align: center;"><u>Schedule 3 — Second Variation Agreement</u></p> <p style="text-align: right;">[s. 5]</p> <p>THIS AGREEMENT is made the 11th day of April 2000.</p> <p>B E T W E E N</p>

Row 85. *Iron Ore (McCamey's Monster) Agreement Authorisation Act 1972***~~Schedule 1~~****Schedule 1 — Iron Ore (McCamey's Monster) Agreement**

[s. 2]

THIS AGREEMENT made the day of
 One thousand nine hundred and seventy-two BETWEEN THE HONOURABLE
 JOHN TREZISE TONKIN, M.L.A., THE PREMIER OF THE STATE OF WESTERN
 AUSTRALIA acting for and on behalf of the said State and its ...

~~Schedule 2~~**Schedule 2 — First Variation Agreement**

[s. 4]

THIS AGREEMENT is made the 14th day of July 1986
 BETWEEN:

~~Schedule 3~~~~[section 5]~~**Schedule 3 — Second Variation Agreement**

[s. 5]

THIS AGREEMENT is made the 31st day of March 1994
 B E T W E E N :

~~Schedule 4~~~~[s. 6]~~**Schedule 4 — Third Variation Agreement**

[s. 6]

THIS AGREEMENT is made the 11th day of April 2000.
 B E T W E E N :

Row 86. *Iron Ore (Mount Bruce) Agreement Act 1972***~~First Schedule~~****First Schedule — Iron Ore (Mount Bruce) Agreement**

[s. 2]

THIS AGREEMENT under Seal made the 10th day of March One thousand nine
 hundred and seventy-two BETWEEN THE HONOURABLE JOHN TREZISE
 TONKIN, M.L.A., Premier of the State of Western Australia, acting for and ...

~~Second Schedule~~**Second Schedule — 1976 Variation Agreement**[\[s. 2\]](#)

THIS AGREEMENT made the 5th day of October, 1976 BETWEEN THE HONOURABLE SIR CHARLES WALTER MICHAEL COURT, O.B.E., M.L.A., Premier of the State of Western Australia acting for and on behalf ...

~~Third Schedule~~**Third Schedule — 1987 Variation Agreement**[\[s. 2\]](#)

THIS AGREEMENT is made the 28th day of May 1987 BETWEEN THE HONOURABLE BRIAN THOMAS BURKE, M.L.A., Premier of the State of Western Australia, acting for and on behalf of the said State and its ...

Row 87. *Iron Ore (Mount Goldsworthy) Agreement Act 1964***~~First Schedule~~****First Schedule — Iron Ore (Mount Goldsworthy) Agreement**[\[s. 3\]](#)

THIS AGREEMENT made the fifteenth day of October One thousand nine hundred and sixty-four BETWEEN THE HONOURABLE DAVID BRAND M.L.A., Premier and Treasurer of the State of Western Australia, acting for and on behalf of the said State and Instrumentalities thereof from time to ...

~~Second Schedule~~~~[Section 3]~~**Second Schedule — First Variation Agreement**[\[s. 3\]](#)**IRON ORE (MOUNT GOLDSWORTHY) AGREEMENT**

THIS FIRST VARIATION AGREEMENT made this 26th day of August 1971 BETWEEN THE HONOURABLE JOHN TREZISE TONKIN, M.L.A., Premier of the State of Western Australia, acting for and on behalf of the said State and Instrumentalities thereof from time to time (hereinafter called “the State”) of...

~~Third Schedule~~~~[section 3]~~**Third Schedule — Second Variation Agreement**[\[s. 3\]](#)

THIS AGREEMENT is made the 31st day of March 1994

B E T W E E N

~~Fourth Schedule~~~~[s. 4C]~~**Fourth Schedule — Third Variation Agreement**

[s. 4C]

THIS AGREEMENT is made the 11th day of April 2000.

B E T W E E N

Row 88. *Iron Ore (Mount Newman) Agreement Act 1964***~~First Schedule~~****First Schedule — Iron Ore (Mount Newman) Agreement**

[s. 2]

THIS AGREEMENT under seal made the twenty-sixth day of August, One thousand nine hundred and sixty-four BETWEEN THE HONOURABLE DAVID BRAND, M.L.A. Premier and Treasurer of the State of Western ...

~~Second Schedule~~~~[Section 2]~~**Second Schedule — First Variation Agreement**

[s. 2]

THIS AGREEMENT under seal made the 16th day of November One thousand nine hundred and sixty-seven BETWEEN THE HONOURABLE DAVID BRAND M.L.A. Premier and Treasurer of the State of Western Australia acting for and on behalf of the said State and instrumentalities thereof from ...

~~Third Schedule~~**Third Schedule — Second Variation Agreement**

[s. 2]

THIS AGREEMENT made the 9th day of May One thousand nine hundred and seventy nine BETWEEN THE HONOURABLE SIR CHARLES WALTER MICHAEL COURT, K.C.M.G., O.B.E., M.L.A., Premier of the State of Western Australia acting for and on behalf of the said State and instrumentalities ...

~~Fourth Schedule~~**Fourth Schedule — Third Variation Agreement**

[s. 2]

THIS AGREEMENT is made the 12th day of July 1990 BETWEEN: THE HONOURABLE CARMEN MARY LAWRENCE, B.Psych., Ph.D., M.L.A., Premier of the State of Western Australia, acting for and on behalf of the...

Fifth Schedule

{section 2}

Fifth Schedule — Fourth Variation Agreement[\[s. 2\]](#)

THIS AGREEMENT is made the 30th day of November 1993

B E T W E E N:

Sixth Schedule

{s. 3E}

Sixth Schedule — Fifth Variation Agreement[\[s. 3E\]](#)

THIS AGREEMENT is made the 11th day of April 2000.

B E T W E E N

Row 89. Iron Ore (Murchison) Agreement Authorisation Act 1973**Schedule**

{s. 2}

Schedule — Iron Ore (Murchison) Agreement[\[s. 2\]](#)

THIS AGREEMENT made the day of
 One thousand nine hundred and seventy-three BETWEEN THE HONOURABLE
 JOHN TREZISE TONKIN, M.L.A., THE PREMIER OF THE STATE OF WESTERN
 AUSTRALIA acting for and on behalf of the said ...

Row 90. Iron Ore (Rhodes Ridge) Agreement Authorisation Act 1972**Schedule**

{s. 2}

Schedule — Iron Ore (Rhodes Ridge) Agreement[\[s. 2\]](#)

AN AGREEMENT MADE and executed this day of
 One thousand nine hundred and seventy-two
 BETWEEN THE HONOURABLE JOHN TREZISE TONKIN, MLA, THE PREMIER
 OF THE STATE OF WESTERN AUSTRALIA acting for and ...

Row 91. Iron Ore (Robe River) Agreement Act 1964**First Schedule**

{Section 2}

First Schedule — Iron Ore (Robe River) Agreement

[s. 2]

THIS AGREEMENT under seal made the eighteenth day of November, One thousand nine hundred and sixty-four BETWEEN THE HONOURABLE DAVID BRAND M.L.A. Premier and Treasurer of the State of Western ...

Second Schedule

~~{Section 2}~~

Second Schedule — First variation agreement

[s. 2]

AN AGREEMENT made the 12th day of May One thousand nine hundred and seventy BETWEEN THE HONOURABLE SIR DAVID BRAND, K.C.M.G., M.L.A. ...

Third Schedule

Third Schedule — Second variation agreement

[s. 3B]

AN AGREEMENT made the day of 1973 BETWEEN THE HONOURABLE JOHN TREZISE TONKIN, M.L.A. Premier and Treasurer of the State of Western Australia acting for and on behalf of the Government ...

Fourth Schedule

Fourth Schedule — Third variation agreement

[s. 2]

AN AGREEMENT made the thirtieth day of April One thousand nine hundred and eighty-four BETWEEN THE HONOURABLE BRIAN THOMAS BURKE, M.L.A....

Fifth Schedule

~~{Section 3D.}~~

Fifth Schedule — Fourth variation agreement

[s. 3D]

AN AGREEMENT made the 29th day of October 1985, BETWEEN THE HONOURABLE BRIAN THOMAS BURKE, M.L.A., Premier of the State of Western Australia, acting for and on behalf of the said State and instrumentalities from ...

Sixth Schedule

~~(Section 2)~~

Sixth Schedule — Fifth variation agreement

[s. 2]

THIS AGREEMENT is made the 26th day of June 1987
BETWEEN

Row 92. *Iron Ore (Wittenoom) Agreement Act 1972***~~Schedule 1~~****Schedule 1 — Iron Ore (Wittenoom) Agreement**[\[s. 2\]](#)

THIS AGREEMENT made the 10th day of March One thousand nine hundred and seventy-two BETWEEN THE HONOURABLE JOHN TREZISE TONKIN, M.L.A., Premier of the State of Western Australia acting for and on behalf ...

~~Schedule 2~~**Schedule 2 — Variation Agreement**[\[s. 2\]](#)

THIS AGREEMENT is made this 20th day of May 1992

B E T W E E N :

Row 93. *Iron Ore Beneficiation (BHP) Agreement Act 1996***~~Schedule 1~~**~~[Section 3]~~**Schedule 1 — Iron Ore Beneficiation (BHP) Agreement**[\[s. 3\]](#)

THIS AGREEMENT is made the 16th day of October 1995

BETWEEN

~~Schedule 2~~~~[s. 5]~~**Schedule 2 — First Variation Agreement**[\[s. 5\]](#)

THIS AGREEMENT is made the 11th day of April 2000.

B E T W E E N

Row 94. *Iron Ore Processing (BHP Minerals) Agreement Act 1994***~~Schedule 1~~**~~[section 3]~~**Schedule 1 — Iron Ore Processing (BHP Minerals) Agreement**[\[s. 3\]](#)**IRON ORE PROCESSING (BHP MINERALS) AGREEMENT**

THIS AGREEMENT is made the 31st day of March 1994

BETWEEN

Row 95. Judges' Salaries and Pensions Act 1950**~~First Schedule~~**~~[section 4]~~**First Schedule — Acts amended**

[s. 4]

First Column**Second Column****Third Column***Acts Amendment
(Increase in
number of Judges
of the Supreme
Court) Act 1949.*

Delete from section one the words “a day to be fixed by proclamation after the King’s approval thereto has been proclaimed in the State,” and substitute the words “the twenty-fourth day of September, 1949.”

*Acts Amendment
(Increase in
number of Judges
of the Supreme
Court)
Act 1949-1950.***~~Second Schedule~~****Second Schedule — Derivative pensions and children’s allowances**

[s. 7 and 8B(6)]

Part I — Pensions for spouses and de facto partners**1. Pension on death of judge in office**

If a judge dies and is survived by a spouse or de facto partner, the spouse or de facto partner is entitled to a pension of an amount equal to —

Row 96. Kojonup Cemetery Act 1928**~~The Schedule~~****Schedule — Cemetery land**

[s. 2]

Kojonup Town Lot C, comprised in Grant enrolled No. 4422, to M.B. Hale, Lord Bishop of Perth, and by virtue of the Act, No. 34 of 1918, vested in the Bunbury Diocesan Trustees.

Row 97. Law Society Public Purposes Trust Act 1985**~~Schedule~~**~~[Section 3]~~**Schedule — Law Society Public Purposes Trust Deed**

[s. 3]

THIS DEED is made the 22nd day of August 1985 BY THE LAW SOCIETY OF WESTERN AUSTRALIA (INC.) of 8th Floor, Exchange House, 68 St. George’s Terrace, Perth (“the Trustee”)

WHEREAS:

Row 98. *Leslie Solar Salt Industry Agreement Act 1966***~~Schedule~~**~~[Section 2]~~**Schedule — Leslie Solar Salt Industry Agreement**[\[s. 2\]](#)

AN AGREEMENT under seal made the 27th day of July One thousand nine hundred and sixty-six BETWEEN THE HONOURABLE DAVID BRAND M.L.A. Premier and Treasurer of the State of Western Australia acting for ...

Row 99. *Licensed Surveyors Act 1909***~~Second Schedule~~**~~[Section 5.]~~**~~Rules for the conduct of the Board~~****Second Schedule — Rules for the conduct of the Board**[\[s. 5\]](#)

1. The chairman shall be the executive officer of the Board.

~~Third Schedule~~~~[Section 7.]~~**Third Schedule — Form of declaration**[\[s. 7\]](#)

I, A.B., do hereby solemnly and sincerely declare that I will, to the best of my ability, and without partiality, favour, or affection, correctly survey and delineate the boundaries of any lands I may be instructed to survey.

Row 100. *Liquor Control Act 1988***~~Schedule 1~~**~~[s. 177]~~**~~Transitional provisions~~****Schedule 1 — Transitional provisions**[\[s. 177\]](#)**1. Terms used in this Schedule**

- (1) In this Schedule, unless the context otherwise requires —

~~Schedule 2~~~~[s. 49(1)(a)]~~

Schedule 2 — Unincorporated clubs

[s. 49(1)(a)]

Division 1 — The Anzac Club

1. Terms used in this Division

In this Division —

Row 101. *Litter Act 1979*

~~First Schedule~~

{Section 6}

~~Provisions relating to the constitution and proceedings of the Council~~

First Schedule — Provisions relating to the constitution and proceedings of the Council

[s. 6]

1. Casual vacancies

- (1) A member of the Council may resign his office by notice in writing delivered to the Minister.

~~Second Schedule~~

{Section 7}

~~Objects and functions of the Council~~

Second Schedule — Objects and functions of the Council

[s. 7]

- (a) To educate members of the public in, and to awaken, stimulate, encourage and maintain the interest of members of the public in, and to promote public knowledge of, the correct disposal of waste items.

~~Third Schedule~~

{Sections 30 and 31}

~~Institutions of proceedings~~

Third Schedule — Institutions of proceedings

[s. 30 and 31]

Column 1	Column 2
Class of authorised officer serving infringement notice or instituting proceedings	Public authority on behalf of which notice is served or proceedings instituted
Members of the Police Force	The Commissioner of Police

Row 102. Lotteries Commission Act 1990**~~Schedule 1~~**~~[section 5(4)]~~**~~Provisions concerning members and the procedure of the Commission~~****Schedule 1 — Provisions concerning members and the procedure of the Commission**[\[s. 5\(4\)\]](#)**1. Term of office of members**

- (1) A member shall be appointed for such term not exceeding 3 years as is specified in the member's instrument of appointment and is eligible for reappointment.

~~Schedule 2~~~~[section 32]~~**~~Transitional and savings provisions~~****Schedule 2 — Transitional and savings provisions**[\[s. 32\]](#)**1. Term used in this Schedule**

In this Schedule —

commencement means the commencement of this Act.**Row 103. Mandurah Church Burial Ground Act 1947****~~The Schedule~~****Schedule — Land not to be used for burial**[\[s. 2\]](#)

All that piece or parcel of land situate and abutting upon the Mandurah and Fremantle Road, containing one acre (more or less), and being a portion of Cockburn Sound Location No. 16, bounded on the west by a line extending ...

Row 104. Maritime Archaeology Act 1973**~~First Schedule~~**~~[s. 6]~~**First Schedule — Ships notified under Museums Acts**[\[s. 6\]](#)

Name of Ship	Year of loss.	Approximate location
Known as the — “Tryal”	1622	Tryal Rocks, Monte Bello Islands.

Second Schedule

[s. 6]

**~~Other ships from which relics are believed to have been
recovered prior to 18th December, 1964~~**

**Second Schedule — Other ships from which relics are believed
to have been recovered prior to 18th December, 1964**

[s. 6]

Name of Ship	Year of loss	Approximate location
Known as the — “Elizabeth”	1839	South of Cottesloe Beach.

Third Schedule

[s. 24]

~~Register of discoverers of ancient shipwrecks~~

Third Schedule — Register of discoverers of ancient shipwrecks

[s. 24]

Name of Ship	Primary Discoverer/s	Secondary Discoverer/s
<i>Tryal</i>	Eric Christiansen	Naoom Haimson David Nelley John MacPherson

Row 105. *Mineral Sands (Beenup) Agreement Act 1995*

Schedule 1

[Section 3]

Schedule 1 — Mineral Sands (Beenup) Agreement

[s. 3]

MINERAL SANDS (BEENUP) AGREEMENT

THIS AGREEMENT is made this 22nd day of December 1994

BETWEEN

**Row 106. *Mineral Sands (Cooljarloo) Mining and Processing
Agreement Act 1988***

Schedule

**Schedule — Mineral Sands (Cooljarloo) Mining and Processing
Agreement**

[s. 3]

THIS AGREEMENT is made this 8th day of November 1988

BETWEEN

Row 107. *Mineral Sands (Eneabba) Agreement Act 1975***~~Schedule 1~~****Schedule 1 — Mineral Sands (Eneabba) Agreement**[\[s. 2\]](#)

THIS AGREEMENT made this 27th day of June, 1975 BETWEEN THE
HONOURABLE SIR CHARLES WALTER MICHAEL COURT, O.B.E., M.L.A.
Premier of the State of Western Australia, acting for and on behalf ...

~~Schedule 2~~**Schedule 2 — Variation Agreement**[\[s. 2\]](#)

THIS AGREEMENT is made the 7th day of NOVEMBER 1988 BETWEEN THE
HONOURABLE PETER M'CALLUM DOWDING, LL.B., M.L.A., Premier of the
State of Western Australia, acting for and on behalf of the...

Row 108. *Mines Safety and Inspection Act 1994***~~Schedule 1~~**~~[Section 108]~~**~~Savings and transitional provisions~~****Schedule 1 — Savings and transitional provisions**[\[s. 108\]](#)**1. Interpretation Act not restricted**

Nothing in this Schedule is to be construed so as to restrict the operation of
the *Interpretation Act 1984*.

Row 109. *Minimum Conditions of Employment Act 1993***~~Schedule 1~~**~~[Section 29]~~**~~Public holidays~~****Schedule 1 — Public holidays**[\[s. 29\]](#)

The following are public holidays —

New Year's Day.

Australia Day.

Row 110. Mining Act 1978**~~Second Schedule~~**~~[s. 4]~~**~~Transitional provisions~~****Second Schedule — Transitional provisions**[s. 4]**1. Continuation of certain temporary reserves and rights of occupancy**

- (1) Any land that is temporarily reserved from occupation under the repealed Act immediately before the commencing date shall continue to be so reserved on and after that date until the reservation of ...

~~Third Schedule~~~~[s. 27]~~**Third Schedule — Private land not open for mining**[s. 27]

East Locations 36, 41, 48, 51, 53, 55, 57, 59, 32, 35, 39, 40, 42, 44, 45, 50, 37, 61, 62.

Row 111. Mining On Private Property Act 1898**~~The Schedule~~**~~[Section 57]~~**Schedule — Hampton Lands and Railway Syndicate, Limited
lands**[s. 57]

			Acreage
East Location	36	6,375
Do.	41	3,995
Do.	48	27,349

Row 112. Misuse of Drugs Act 1981**~~Schedule I~~**~~[Section 4(1)(c)]~~**~~Drugs to which Act applies, notwithstanding anything in
Poisons Act 1964~~****Schedule I — Drugs to which Act applies, notwithstanding
anything in Poisons Act 1964**[s. 4(1)(c)]

<i>Item</i>	<i>Prohibited drugs</i>
1.	Cocaine, ecgonine, heroin, morphine and their respective salts.
2.	Opium.

Schedule II

{Section 4(2)(b)}

**~~Plants to which Act applies, notwithstanding anything in
Poisons Act 1964~~**

**Schedule II — Plants to which Act applies, notwithstanding
anything in Poisons Act 1964**

[s. 4(2)(b)]

<i>Item</i>	<i>Prohibited plant</i>
1.	<i>Papaver somniferum</i>

Schedule III

{Section 9}

~~Amounts of prohibited drugs determining court of trial~~

**Schedule III — Amounts of prohibited drugs determining court
of trial**

[s. 9]

<i>Item</i>	<i>Prohibited drug</i>	<i>Amount</i> (in grams unless otherwise stated)
1.	ACETORPHINE	6.0

Schedule IV

{Section 9}

~~Numbers of prohibited plants determining court of trial~~

**Schedule IV — Numbers of prohibited plants determining court
of trial**

[s. 9]

<i>Item</i>	<i>Prohibited plant</i>	<i>Number</i>
1.	<i>Papaver somniferum</i>	100

Schedule V

{Section 11(a)}

**~~Amounts of prohibited drugs giving rise to presumption of
intention to sell or supply same~~**

**Schedule V — Amounts of prohibited drugs giving rise to
presumption of intention to sell or supply same**

[s. 11(a)]

<i>Item</i>	<i>Prohibited drug</i>	<i>Amount</i> (in grams unless otherwise stated)
-------------	------------------------	--

Schedule VI

{Section 11(b)}

~~Numbers of prohibited plants giving rise to presumption of intention to sell or supply same or prohibited drugs obtainable from same~~

Schedule VI — Numbers of prohibited plants giving rise to presumption of intention to sell or supply same or prohibited drugs obtainable from same

[s. 11(b)]

<i>Item</i>	<i>Prohibited plant</i>	<i>Number</i>
1.	<i>Papaver somniferum</i>	25

Schedule VII

{Section 32A(1)(b)(i)}

~~Amounts of prohibited drugs for purposes of drug trafficking~~

Schedule VII — Amounts of prohibited drugs for purposes of drug trafficking

[s. 32A(1)(b)(i)]

<i>Item</i>	<i>Prohibited drug</i>	<i>Amount</i> (in grams unless otherwise stated)
1	AMPHETAMINE	28.0

Schedule VIII

{Section 32A(1)(b)(ii)}

~~Numbers of prohibited plants for purposes of drug trafficking~~

Schedule VIII — Numbers of prohibited plants for purposes of drug trafficking

[s. 32A(1)(b)(ii)]

<i>Item</i>	<i>Prohibited Plants</i>	<i>Number</i>
1	Cannabis	250.0

Row 113. Morley Shopping Centre Redevelopment Agreement Act 1992

Schedule

Schedule — Morley Shopping Centre Redevelopment Agreement

[s. 3(1)]

**MORLEY SHOPPING CENTRE
REDEVELOPMENT AGREEMENT**
THIS AGREEMENT is made the 19th day of November 1992

Row 114. *National Environment Protection Council (Western Australia) Act 1996*

Schedule 1 — Intergovernmental agreement on the environment

~~{section 6(1)}~~

[\[s. 6\(1\)\]](#)

AN AGREEMENT made the 1st day of May one thousand nine hundred and ninety two
BETWEEN

Row 115. *National Trust of Australia (W.A.) Act 1964*

~~Schedule~~

~~{Section 5.}~~

Schedule — Objects of Trust

[\[s. 5\]](#)

- (a) To establish and maintain within the State of Western Australia a public educational institution the purpose of which is to educate members of the public and to awaken, stimulate, encourage ...

Row 116. *Nickel (Agnew) Agreement Act 1974*

~~First Schedule~~

First Schedule — Nickel (Agnew) Agreement

[\[s. 2\]](#)

THIS AGREEMENT made this 21st day of November, 1974 BETWEEN THE HONOURABLE SIR CHARLES WALTER MICHAEL COURT, O.B.E., M.L.A., Premier of the State of Western Australia, acting for and on behalf ...

~~Second Schedule~~

Second Schedule — Variation Agreement

[\[s. 2\]](#)

THIS AGREEMENT made this Third day of September one thousand nine hundred and seventy-six BETWEEN THE HONOURABLE SIR CHARLES WALTER MICHAEL COURT, O.B.E., M.L.A., Premier of the State of ...

Row 117. *Nickel Refinery (Western Mining Corporation Limited) Agreement Act 1968*

~~First Schedule~~

First Schedule — Nickel Refinery (Western Mining Corporation Limited) Agreement

[\[s. 2\]](#)

AN AGREEMENT made the Nineteenth day of January one thousand nine hundred and sixty eight between the HONOURABLE DAVID BRAND M.L.A. Premier and Treasurer of the State of Western Australia, acting for and on...

~~Second Schedule~~

Second Schedule — Supplemental agreement

[s. 2]

Date of Execution Parties and Principal Agreement

AN AGREEMENT made this 4th day of November One thousand nine hundred and seventy between the HONOURABLE SIR DAVID BRAND, K.C.M.G., M.L.A. Premier and Treasurer of the State of Western Australia acting for on ...

~~Third Schedule~~

Third Schedule — Second supplemental agreement

[s. 2]

AN AGREEMENT made this 29th day of March 1974 between the. HONOURABLE JOHN TREZISE TONKIN M.L.A. Premier and Treasurer of the State of Western Australia acting for and on behalf of the Government of ...

Row 118. *North West Gas Development (Woodside) Agreement Act 1979*

~~Schedule-1~~

Schedule 1 — North West Gas Development (Woodside) Agreement

[s. 2]

THIS AGREEMENT made this 27th day of November, 1979, BETWEEN THE HONOURABLE SIR CHARLES WALTER MICHAEL COURT, K.C.M.G., O.B.E., M.L.A., Premier of the State of Western Australia, acting for and ...

~~Schedule-2~~

Schedule 2 — First Supplementary Agreement

[s. 2]

THIS AGREEMENT is made the 3rd day of July, 1985 BETWEEN:

THE HONOURABLE BRIAN THOMAS BURKE, M.L.A., Premier of the State of Western Australia, acting for and on behalf of the said State and its instrumentalities from time to time (hereinafter called “the State”) of the ...

~~Schedule-3~~

Schedule 3 — Second Supplementary Agreement

[s. 2]

THIS AGREEMENT is made the 23rd day of November 1994

B E T W E E N

Schedule-4**Schedule 4 — Third Supplementary Agreement**[\[s. 2\]](#)

THIS AGREEMENT is made the 29th day of May 1996

B E T W E E N

Row 119. Northam Cemeteries Act 1944**The Schedule****Schedule — Cemetery land**[\[s. 2\]](#)

Land	Reference	Proprietors	Purpose of Grant
Northam Sub-lot N 48	Enrolment 1551	Reverend Joseph Johnston of Fremantle, Clerk; Henry Trigg of Perth, Gentleman; Lewis Birch, the elder, of Perth, Yeoman, and James Dyer of the same place, general Dealer, as trustees for the general body of Christians known by the denomination of Congregationalists or Independents	Cemetery.

Row 120. Occupational Safety and Health Act 1984**Schedule****~~Subject matter for regulations~~****Schedule — Subject matter for regulations**[\[s. 60\(5\)\]](#)

1. Safety and health standards or procedures to be complied with —

Row 121. Oil Refinery (Kwinana) Agreement Act 1952**Schedule-1**~~[\[S. 3\(1\)\]](#)~~**Schedule 1 — Oil Refinery (Kwinana) Agreement**[\[s. 3\(1\)\]](#)

AN AGREEMENT under seal made the 3rd day of March, one thousand nine hundred and fifty-two, between The Honourable Duncan Ross McLarty, M.L.A., Premier and Treasurer of the State of Western Australia, acting for and on ...

Schedule-2~~[\[Section 3C\]](#)~~

Schedule 2 — Variation agreement

[s. 3C]

THIS AGREEMENT is made the 21st day of October, 1985 BETWEEN THE HONOURABLE BRIAN THOMAS BURKE, M.L.A., Premier of the State of Western Australia, acting for and on behalf of the said State and its ...

Row 122. *Onslow Solar Salt Agreement Act 1992*

Schedule

Schedule — Onslow Solar Salt Agreement

[s. 3]

THIS AGREEMENT is made this 2nd day of November 1992

BETWEEN

Row 123. *Ord River Hydro Energy Project Agreement Act 1994*

Schedule 1

{Section 3}

Schedule 1 — Ord River Hydro Energy Project Agreement

[s. 3]

ORD RIVER HYDRO ENERGY PROJECT AGREEMENT INDEX

Row 124. *Painters' Registration Act 1961*

Schedule

{Section 3}

~~Areas within which this Act applies~~

Schedule — Areas within which this Act applies

[s. 3]

1. *The Metropolitan area*

That is to say, all that portion of the State which lies within the area bounded by a line starting from the south-western corner of Swan Location 2745...

Row 125. *Parks and Reserves Act 1895*

Schedule

{S. 7B}

Schedule — Form of certificate of authority

[s. 7B]

CERTIFICATE OF AUTHORITY

This is to certify that.....

Row 126. Parliamentary Superannuation Act 1970

Schedule

Title of Act

Schedule — Title of Act

[s. 4]

Parliamentary Superannuation Act 1948.

Row 127. Pearling Act 1990

Schedule 1

{Section 40}

Constitution and proceedings of Committee

Schedule 1 — Constitution and proceedings of Committee

[s. 40]

1. Term of office of Committee member

- (1) Subject to this clause, a Committee member shall hold office for such term, not exceeding 3 years, as is specified in his or her instrument of appointment, and is eligible for reappointment.

Schedule 2

{Section 60}

Matters with respect to which regulations may be made

Schedule 2 — Matters with respect to which regulations may be made

[s. 60]

1. The requirements for holding a licence or permit.

Schedule 3

{Section 64}

Savings and transitional provisions

Schedule 3 — Savings and transitional provisions

[s. 64]

1. Interpretation in Schedule 3

In this Schedule —

Row 128. *Perth Market Act 1926*

~~Schedule~~

~~[Section 1A]~~

~~Metropolitan area~~

Schedule — Metropolitan area

[s. 1A]

The metropolitan area is the area within a radius of 50 kilometres from the General Post Office at Perth.

Row 129. *Perth Theatre Trust Act 1979*

~~Schedule~~

~~[Section 26]~~

Matters in respect of which the Governor may make regulations

Schedule — Matters in respect of which the Governor may make regulations

[s. 26]

1. The form of the common seal of the Trust and the manner in which it shall be kept and used.

Row 130. *Petroleum (Submerged Lands) Act 1982*

~~Schedule 1~~

~~[Section 4]~~

Schedule 1 — Convention on the continental shelf

[s. 4]

CONVENTION ON THE CONTINENTAL SHELF

*The States Parties to this Convention
have agreed as follows:*

Article 1

For the purpose of these articles, the term *continental shelf* is used as referring (a) to the sea-bed and subsoil of the submarine areas adjacent to the coast but outside the area of the...

~~Schedule 2~~

~~[Section 4]~~

~~Area that includes the adjacent area~~

Schedule 2 — Area that includes the adjacent area

[s. 4]

(Regulations referred to in section 10(5) prescribe a datum for the purposes of this Schedule)

The area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the boundary between the States of South Australia...

Schedule 3

{Section 3(2)}

Scheme for transitional arrangements**Schedule 3 — Scheme for transitional arrangements**[\[s. 3\(2\)\]](#)**1. Terms used in this scheme**

- (1) In this scheme —

Schedule 4

{Section 3(5)}

Transitional provisions**Schedule 4 — Transitional provisions**[\[s. 3\(5\)\]](#)**1. Transitional provisions relating to Barrow Island lease**

- (1) When the Barrow Island lease is surrendered under and in accordance with clause 21 thereof, the lessee for the time being under that lease may make an application for the grant to him of a licence in respect of such portions of the adjacent area as are comprised in the land described and delineated in the First Schedule to that lease.

Row 131. Pharmacy Act 1964**First Schedule****Acts repealed by this Act****First Schedule — Acts repealed by this Act**[\[s. 4\(1\)\]](#)*Pharmacy and Poisons Act Compilation Act 1910.***Second Schedule**

{Section 20}

Second Schedule — Register of pharmaceutical chemists[\[s. 20\]](#)*Pharmacy Act 1964***Register of Pharmaceutical Chemists**

Name	Residence or Place of Business	Qualification	Date of Registration
------	-----------------------------------	---------------	----------------------

Third Schedule~~[Section 22]~~**Third Schedule — Certificate of registration**[\[s. 22\]](#)*Pharmacy Act 1964***Certificate of Registration as a Pharmaceutical Chemist**

This is to certify that

Row 132. *Pigment Factory (Australind) Agreement Act 1986***~~Schedule 1~~**~~(Section 3)~~**Schedule 1 — Pigment Factory (Australind) Agreement**[\[s. 3\]](#)

THIS AGREEMENT is made the 18th day of November 1986 BETWEEN THE HONOURABLE BRIAN THOMAS BURKE, M.L.A., Premier of the State of Western Australia, acting for and on behalf of the said State and its ...

~~Schedule 2~~~~(Section 3)~~**Schedule 2 — Variation Agreement**[\[s. 3\]](#)

THIS AGREEMENT is made the 17 day of June 1987 BETWEEN THE HONOURABLE BRIAN THOMAS BURKE, M.L.A., Premier of the State of Western Australia, acting for and on behalf of the said State and its ...

Row 133. *Pilbara Energy Project Agreement Act 1994***~~Schedule 1~~**~~[section 3]~~**Schedule 1 — Pilbara Energy Project Agreement**[\[s. 3\]](#)**PILBARA ENERGY PROJECT AGREEMENT**

THIS AGREEMENT is made the 30th day of November 1993

B E T W E E N:

Row 134. *Pollution of Waters By Oil and Noxious Substances Act 1987***~~Schedule 1~~**~~Section 3~~

Schedule 1 — 1973 Convention

[s. 3]

INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973

THE PARTIES TO THE CONVENTION,

BEING CONSCIOUS of the need to preserve the human environment in general and
the marine environment in particular,

~~Schedule 2~~

~~[Section 3]~~

Schedule 2 — 1978 Protocol

[s. 3]

PROTOCOL OF 1978 RELATING TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973

THE PARTIES TO THE PRESENT PROTOCOL,

RECOGNIZING the significant contribution which can be made by the International
Convention for the Prevention of Pollution from Ships, 1973, to the protection of the
marine environment from pollution from ships,

~~Schedule 3~~

~~Section 3~~

Schedule 3 — 1984 amendments to annex to Protocol

[s. 3]

AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978 RELATING TO
THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF
POLLUTION FROM SHIPS, 1973

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

~~Schedule 4~~

~~Section 3~~

Schedule 4 — 1985 amendments to annex to Protocol

[s. 3]

ADOPTION OF AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978
RELATING TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION
OF POLLUTION FROM SHIPS, 1973 (RELATING TO ANNEX II OF THE
INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION
FROM SHIPS, 1973 AS MODIFIED BY THE PROTOCOL OF 1978 RELATING
THERE TO)

<p style="text-align: center;">Schedule 5</p> <p style="text-align: right;">Section 3</p> <p style="text-align: center;"><u>Schedule 5 — 1985 amendments to Protocol I</u></p> <p style="text-align: right;">[s. 3]</p> <p style="text-align: center;">ADOPTION OF AMENDMENTS TO THE PROTOCOL OF 1978 RELATING TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973 ...</p>
<p>Row 135. <i>Port Kennedy Development Agreement Act 1992</i></p>
<p style="text-align: center;">Schedule 1</p> <p style="text-align: right;">{Section 3}</p> <p style="text-align: center;">The Agreement</p> <p style="text-align: center;"><u>Schedule 1 — The Agreement</u></p> <p style="text-align: right;">[s. 3]</p> <p style="text-align: center;">PORT KENNEDY DEVELOPMENT PROJECT AGREEMENT</p> <p>THIS AGREEMENT is made the 10th day of February 1992 B E T W E E N</p>
<p style="text-align: center;">Schedule 2</p> <p style="text-align: right;">{Section 19}</p> <p style="text-align: center;">Constitution and proceedings of Board</p> <p style="text-align: center;"><u>Schedule 2 — Constitution and proceedings of Board</u></p> <p style="text-align: right;">[s. 19]</p> <p>1. Term of office of members</p> <p>Except as provided in clause 2, a member shall hold office for such term, not being more than 3 years, as is specified in the member's instrument of appointment, but may from time to time be reappointed.</p>
<p>Row 136. <i>Poseidon Nickel Agreement Act 1971</i></p>
<p style="text-align: center;">Schedule 1</p> <p style="text-align: right;">{S.2}</p> <p style="text-align: center;"><u>Schedule 1 — Poseidon Nickel Agreement</u></p> <p style="text-align: right;">[s. 2]</p> <p>THIS AGREEMENT made this 27th day of July One thousand nine hundred and seventy-one BETWEEN THE HONOURABLE JOHN TREZISE TONKIN, M.L.A., Premier of the State of Western Australia, acting for and on behalf ...</p>

Schedule 2**Schedule 2 — Variation agreement**[\[s. 2\]](#)

THIS AGREEMENT made the 8th day of March, 1985 BETWEEN THE HONOURABLE BRIAN THOMAS BURKE, M.L.A., Premier of the State of Western Australia, acting for and on behalf of the said State and its ...

Row 137. *Presbyterian Church of Australia Act 1901***~~The Schedule~~**~~[Section 2.]~~**Schedule — Scheme of Union**[\[s. 2\]](#)

THE SCHEME OF UNION

PREAMBLE

The Presbyterian Church of New South Wales, the Presbyterian Church of Victoria, the Presbyterian Church of Queensland, the Presbyterian Church of South Australia, the Presbyterian Church of Tasmania, and the Presbyterian...

Row 138. *Presbyterian Church of Australia Act 1970***Schedule****Schedule — Basis of Union**[\[s. 2\]](#)

BASIS OF UNION

PART I — CONSTITUTION

1. The supreme standard of the Presbyterian Church of Australia shall be the Word of God contained in the Scriptures of the Old and New Testaments.

Row 139. *Public and Bank Holidays Act 1972***~~Second Schedule~~**~~s. 5~~**Second Schedule — Public and bank holidays**[\[s. 5\]](#)

New Year's Day (1st January).

Australia Day (26th January or, when that day falls on a Saturday or Sunday, the first Monday following the 26th January).

Row 140. Public Sector Management Act 1994**~~Schedule 1~~**~~[s. 3 and 108]~~**~~Entities which are not organisations~~****Schedule 1 — Entities which are not organisations**[\[s. 3 and 108\]](#)**Column 1
Item****Column 2
Entity**

- | | |
|---|--|
| 1 | The Governor's Establishment referred to in the <i>Governor's Establishment Act 1992</i> |
|---|--|

~~Schedule 2~~~~[s. 3 and 108]~~**~~Entities which are SES organisations~~****Schedule 2 — Entities which are SES organisations**[\[s. 3 and 108\]](#)**Column 1
Item****Column 2
Entity**

- | | |
|-------|--|
| [1, 2 | <i>deleted]</i> |
| 3 | Botanic Gardens and Parks Authority, established under the <i>Botanic Gardens and Parks Authority Act 1998</i> |

~~Schedule 3~~~~[s. 12(2), 24(1) and 87(1)]~~**~~Provisions applicable to and in relation to special inquirers~~****Schedule 3 — Provisions applicable to and in relation to special inquirers**[\[s. 12\(2\), 24\(1\) and 87\(1\)\]](#)**1. Power to summon witnesses and documents**

A special inquirer may cause a summons in writing under his or her hand to be served on a person requiring the person to attend the special inquiry

~~Schedule 4~~~~[s. 26]~~**~~Form of declaration~~****Schedule 4 — Form of declaration**[\[s. 26\]](#)

I,, do solemnly and sincerely promise and declare that I will well and truly serve our Sovereign Lady Queen Elizabeth the Second, Her Heirs and successors, according to law, in the office of Commissioner ...

Schedule 5

[s. 108 and 110(2)]

General transitional provisions

Schedule 5 — General transitional provisions

[s. 108 and 110(2)]

1. References to Commissioner and Assistant Commissioner in Schedule 5

In this Schedule, a reference to —

Schedule 6

[s. 108 and 111]

Transitional provisions relating to ministerial staff

Schedule 6 — Transitional provisions relating to ministerial staff

[s. 108 and 111]

1. Ministerial staff

(1) A person who was, immediately before the commencement of this clause —

Row 141. *Public Trustee Act 1941*

Sixth Schedule

[section 40A(1)]

Sixth Schedule — Purchased land

[s. 40A(1)]

Portion of each of Perth Town Lots 851, B4, B9, B9½ and B14 and being Lot 22 the subject of diagram 39052 being the whole of the land in

Row 142. *Racing Penalties (Appeals) Act 1990*

Schedule

[Section 4(4)]

~~Provisions with respect to the constitution and membership of the Racing Penalties Appeal Tribunal of Western Australia~~

Schedule — Provisions with respect to the constitution and membership of the Racing Penalties Appeal Tribunal of Western Australia

[s. 4(4)]

1. Public service officer may be member of a Tribunal

(1) An officer of the Public Service may be appointed to be a member of a Tribunal.

Row 143. *Railway (Bunbury to Boyanup) Discontinuance, Revestment and Construction Act 1973***~~First Schedule~~****First Schedule — Discontinued railway**[\[s. 3\]](#)

Commencing at a point 179.118 km or thereabouts from Perth on the Bunbury-Boyanup Railway and thence proceeding in a south east by east direction for a distance of 1592.647 m or thereabouts, thence in an east south

~~Second Schedule~~**Second Schedule — Railway land**[\[s. 3\]](#)

That portion of land commencing at a point 179.118 km from Perth and terminating at a point 181.841 km from Perth and being more particularly delineated and coloured yellow on CE. Plan 66142.

~~Third Schedule~~**Third Schedule — Line of Bunbury - Boyanup Railway**[\[s. 6\]](#)

- (a) Commencing at a point being 176.988 km or thereabouts from Perth on the East Perth-Bunbury Railway and proceeding thence in a west south westerly direction for a distance of 83.485 m or thereabouts, thence in a south south westerly direction for a distance of 166.969 m or thereabouts, thence in a south south easterly direction for a distance of 272.583 m

Row 144. *Railway Standardisation Agreement Act 1961***~~First Schedule~~**~~[Section 2]~~**First Schedule — Railway Standardisation Agreement**[\[s. 2\]](#)

AN AGREEMENT made the Second day of October 1961, BETWEEN THE COMMONWEALTH OF AUSTRALIA (in this agreement called “the Commonwealth”) of the one part and THE STATE OF WESTERN AUSTRALIA (in this agreement called “the State”) of the other part:

~~Second Schedule~~~~[S.2]~~**Second Schedule — Amending agreement**[\[s. 2\]](#)

THIS AGREEMENT made the ninth day of August One thousand nine hundred and seventy-one between THE COMMONWEALTH OF AUSTRALIA (in this agreement called “the Commonwealth”) of the one part, and THE STATE ...

Row 145. Retirement Villages Act 1992**~~Schedule 1~~**~~[Section 84]~~**~~Savings and transitional provisions~~****Schedule 1 — Savings and transitional provisions**[\[s. 84\]](#)**1. Existing disputes and other matters**

This Act does not apply to disputes as to the transfer of a resident from one kind of accommodation in a retirement village to another which occurred, or proceedings to terminate residence contracts or regain possession of residential premises, which commenced before the commencement of section 84.

Row 146. Roman Catholic Bunbury Church Property Act 1955**~~First Schedule~~****First Schedule — Land vested in Bishop of Bunbury**[\[s. 3\]](#)*Crown Leases Nos.*

3125/1913	63/1934	670/1936
6415/1913	248/1935	100/1945
785/1921	933/1935	80/1951

~~Second Schedule~~~~[Section 5]~~**Second Schedule — Acts overridden by section 5**[\[s. 5\]](#)

An Ordinance for vesting Roman Catholic Church Lands in Western Australia in the Roman Catholic Bishop Administrator and his Successors (22 Vict. No. 4.)

Row 147. Roman Catholic Church Property Acts Amendment Act 1916**~~The Schedule~~****Schedule — Church property Acts**[\[s. 2 and 4\(1\)\]](#)

An Ordinance for vesting Roman Catholic Church Lands in Western Australia in the Roman Catholic Bishop, Administrator, and his successors. (22 Victoriae, No. 4).

Row 148. *Roman Catholic New Norcia Church Property Act 1929*

~~The Schedule~~

Schedule — Land vested in Abbot Nullius of New Norcia

[s. 3]

Grant Enrolled No. 1402 comprising Melbourne location 29.

Row 149. *Rottnest Island Authority Act 1987*

~~Schedule 1~~

~~{Section 7}~~

~~Provisions as to constitution and proceedings of the Authority~~

Schedule 1 — Provisions as to constitution and proceedings of the Authority

[s. 7]

1. Term of office

- (1) Except as otherwise provided by this Act, a member holds office for such term, not exceeding 3 years, as is specified in the instrument of his appointment, but may from time to time be reappointed.

~~Schedule 2~~

~~{Section 50}~~

~~Transitional provisions~~

Schedule 2 — Transitional provisions

[s. 50]

1. Terms used in this Schedule

In this Schedule —

Row 150. *Sale of Goods (Vienna Convention) Act 1986*

~~Schedule 1~~

~~{Section 3}~~

Schedule 1 — Vienna Convention

[s. 3]

**UNITED NATIONS CONVENTION ON CONTRACTS
FOR THE INTERNATIONAL SALE OF GOODS**

THE STATES PARTIES TO THIS CONVENTION,

BEARING IN MIND the broad objectives in the resolutions adopted by the sixth special session of the General Assembly of the United Nations on the establishment of a New International Economic Order,

Row 151. Security and Related Activities (Control) Act 1996**~~Schedule 1~~**~~{Section 95(2)}~~**~~Savings and transitional~~****Schedule 1 — Savings and transitional**[\[s. 95\(2\)\]](#)**1. Interpretation**

(1) In this Schedule —

Row 152. Sentencing Act 1995**~~Schedule 1~~****~~Acts, fines under which are not to be credited to the Consolidated Account~~**~~{Section 60(2)}~~**Schedule 1 — Acts, fines under which are not to be credited to the Consolidated Account**[\[s. 60\(2\)\]](#)

Act	Person or fund to which a fine under the Act is to be paid or credited
<i>Aboriginal Communities Act 1979</i>	The council of the community that made the by-law under which the fine was imposed

Row 153. Shark Bay Solar Salt Industry Agreement Act 1983**~~Schedule~~**~~{S. 2.}~~**Schedule — Shark Bay Solar Salt Industry Agreement**[\[s. 2\]](#)

THIS AGREEMENT made the 16th day of November, 1983, BETWEEN THE HONOURABLE BRIAN THOMAS BURKE, M.L.A., Premier of the State of ...

Row 154. Shipping and Pilotage Act 1967**~~Schedule~~**~~{Section 10}~~**~~Boundaries of Ports of Western Australia~~****Schedule — Boundaries of ports of Western Australia**[\[s. 10\]](#)*Augusta*

All that portion of water bounded by lines starting at the high water mark of Flinders Bay at the southern extremity of Ledge Point and extending south westerly to the...

Row 155. *Silicon (Kemerton) Agreement Act 1987***~~Schedule 1~~**~~{Section 3}~~**Schedule 1 — Silicon (Kemerton) Agreement**[\[s. 3\]](#)

THIS AGREEMENT is made the 12th day of November 1987 BETWEEN THE HONOURABLE BRIAN THOMAS BURKE, M.L.A., Premier of the State of Western Australia, acting for and on behalf of the said State and its ...

~~Schedule 2~~**Schedule 2 — Variation Agreement**[\[s. 3\]](#)

THIS AGREEMENT is made this sixth day of June 1988 BETWEEN THE HONOURABLE PETER McCALLUM DOWDING, LL.B., M.L.A., Premier of the State of Western Australia, acting for and on behalf of the said State and ...

Row 156. *Soil and Land Conservation Act 1945***~~Schedule~~**~~{See 3.}~~**~~Acts to which this Act is supplementary~~****Schedule — Acts to which this Act is supplementary**[\[s. 3\]](#)

Bush Fires Act 1954

Row 157. *Spent Convictions Act 1988***~~Schedule 1~~**~~{s. 6(3)}~~**~~Provisions relating to application under section 6(1)~~****Schedule 1 — Provisions relating to application under section 6(1)**[\[s. 6\(3\)\]](#)**1. The application**

- (1) An application under section 6(1) shall be in writing and shall set out —

~~Schedule 2~~~~{s. 8}~~**~~Convictions in other jurisdictions~~**

Schedule 2 — Convictions in other jurisdictions[\[s. 8\]](#)**1. Queensland**

A conviction against the law of the State of Queensland recorded by a court in that State where, under the *Criminal Law (Rehabilitation of Offenders) Act 1986* of that State —

~~**Schedule 3**~~~~[\[s. 16 and 33\]](#)~~~~**Exceptions to Part 3**~~**Schedule 3 — Exceptions to Part 3**[\[s. 16 and 33\]](#)**1. Exceptions as to all spent convictions**

- (1) The persons specified in the first column of the table to this subclause are excepted from the provisions of Part 3 specified in the second column in respect of all spent convictions.

Row 158. Stamp Act 1921~~**Second Schedule**~~~~[\[Section 16\(1\)\]](#)~~~~**Duties payable on instruments**~~**Second Schedule — Duties payable on instruments**[\[s. 16\(1\)\]](#)

Item	Nature of instrument	Duty payable \$	Person liable to pay duty
[1-2 deleted]			
3.	CATTLE SALES STATEMENT		The vendor
(1)	Any statement written out or caused to be written out by the owner or his agent, pursuant to the <i>Cattle Industry Compensation Act 1965</i> in respect of the sale of any cattle or carcasses ...		

~~**Third Schedule**~~~~[\[Section 16\(2\)\]](#)~~~~**Exemptions from duty**~~**Third Schedule — Exemptions from duty**[\[s. 16\(2\)\]](#)

Item	Nature of instrument
2.	CONVEYANCE OR TRANSFER ON SALE OF PROPERTY:
(1)	A conveyance or transfer of a marketable security or right in respect of shares or an agreement under which an option is given or taken to purchase or sell a marketable security or right in respect of shares.

Row 159. State Supply Commission Act 1991**~~Schedule 1~~**~~{Section 15}~~**~~Members and proceedings of the Commission~~****Schedule 1 — Members and proceedings of the Commission**[\[s. 15\]](#)**1. Terms used in this Schedule**

In this Schedule —

~~Schedule 2~~~~{Section 34}~~**~~Transitional and savings~~****Schedule 2 — Transitional and savings**[\[s. 34\]](#)**1. Terms used in this Schedule**

In this Schedule —

Row 160. State Trading Concerns Act 1916**~~The Schedule~~****Schedule — Continuing trading concerns**[\[s. 3, 4 and 17\]](#)

Name of Concern	Nature of Operations	Amount of Fixed Capital at 30 June 1916	Amount of Working Capital at 30 June 1916	Amount of Additional Capital necessary to meet requirements after 30 June 1916			Capital — Grand Total
				Fixed	Working	Total	

Row 161. Statistics Act 1907**~~Schedule~~**~~{s. 25(2).}~~**Schedule — Arrangement between Commonwealth and State**[\[s. 25\(2\)\]](#)

AN ARRANGEMENT entered into BETWEEN HIS EXCELLENCY THE GOVERNOR-GENERAL OF THE COMMONWEALTH OF AUSTRALIA acting with the advice of the Federal Executive Council AND HIS EXCELLENCY THE GOVERNOR OF THE STATE OF WESTERN AUSTRALIA acting with the advice of the Executive Council of the State WHEREBY IT IS AGREED as follows: —

Row 162. *Statutory Corporations (Liability of Directors) Act 1996***~~Schedule 1~~****~~Persons who are directors under Part 3~~**~~{Section 7(1)}~~**Schedule 1 — Persons who are directors under Part 3**[s. 7(1)]

Corporation	Persons who are directors for the purposes of this Act	Act under which holds position
Albany Port Authority	a director of the Authority	<i>Port Authorities Act 1999</i>

Row 163. *Strata Titles Act 1985***~~Schedule 1~~**~~{Section 42(2)}~~**~~By-laws~~****Schedule 1 — By-laws**[s. 42(2)]**1. Duties of proprietor, occupiers etc.**

- (1) A proprietor shall —

~~Schedule 2~~~~{Section 42(2)}~~**Schedule 2 — Schedule 2 by-laws**[s. 42(2)]**1. Vehicles**

A proprietor, occupier, or other resident of a lot shall not park or stand any motor or other vehicle upon common property except with the written approval of the strata company.

~~Schedule 2A~~~~{Sections 5C and 42}~~**~~Matters that may be provided for in management statement~~****Schedule 2A — Matters that may be provided for in management statement**[s. 5C and 42]

1. The amendment or repeal of a by-law contained in Schedule 1.
2. The amendment or repeal of a by-law contained in Schedule 2.

<div>Schedule 3</div> <div>[Section 132]</div> <div>Transitional and savings provisions</div> <div>Schedule 3 — Transitional and savings provisions</div> <div>[s. 132]</div> <div>1. Terms used in this Schedule</div> <div>(1) In this Schedule, unless the contrary intention appears —</div>	
<div>Schedule 4</div> <div>[Section 42C]</div> <div>Transitional provisions for by-laws of strata companies other than companies to which Schedule 3 applies</div> <div>Schedule 4 — Transitional provisions for by-laws of strata companies other than companies to which Schedule 3 applies</div> <div>[s. 42C]</div> <div>1. Terms used in this Schedule</div> <div>In this Schedule —</div>	
Row 164. Subiaco Redevelopment Act 1994	
<div>Schedule 1</div> <div>[Section 4]</div> <div>Redevelopment Area</div> <div>Schedule 1 — Redevelopment area</div> <div>[s. 4]</div> <div>All of the land outlined by a broken black and white line on Plan No. 3.1786/2 held at the office of the Authority. For guidance, the redevelopment area is indicated in the following representation of Plan No. 3.1786/2 —</div>	
<div>Schedule 2</div> <div>[Section 9]</div> <div>Provisions as to constitution and proceedings of the Authority</div> <div>Schedule 2 — Provisions as to constitution and proceedings of the Authority</div> <div>[s. 9]</div> <div>1. Term of office</div> <div>(1) Except as otherwise provided by this Act, a member holds office for the term, not exceeding 3 years, that is specified in the instrument of his or her appointment, but may from time to time be reappointed.</div>	

Row 165. *Supreme Court Act 1935***~~First Schedule~~**~~{Section 3}~~**~~Enactments repealed~~****First Schedule — Enactments repealed**[\[s. 3\]](#)

Session and Number	Title or Short Title	Extent of Repeal
2 Will. IV., No. 3	An Act for regulating the constitution of juries and the office of sheriff	The whole.

Row 166. *Swan Valley Planning Act 1995***~~Schedule 1~~**~~{Section 18}~~**~~Provisions as to constitution and proceedings of the Committee~~****Schedule 1 — Provisions as to constitution and proceedings of the Committee**[\[s. 18\]](#)**1. Term of office**

- (1) Except as otherwise provided by this Act, an appointed member holds office for the term, not exceeding 3 years, that is specified in the instrument of his or her appointment, but may from time to time be re-appointed.

Row 167. *Tailings Treatment (Kalgoorlie) Agreement Act 1988***~~Schedule~~**~~{section 3(1)}~~**Schedule — Tailings Treatment (Kalgoorlie) Agreement**[\[s. 3\(1\)\]](#)

THIS AGREEMENT is made this 6th day of June 1988 BETWEEN THE HONOURABLE PETER M'CALLUM DOWDING, LL.B., M.L.A., Premier of the State of Western Australia, acting for and on behalf of the said State and ...

Row 168. *The Commercial Bank of Australia Limited (Merger) Act 1982***~~Schedule~~****Schedule — Exempt instruments**[\[s. 4\(a\)\]](#)

Deed dated 27 June 1978 made between the continuing bank of the one part and CBA of the other part entitled “Equity Participants’ Deed”.

Row 169. Toodyay Cemeteries Act 1939**~~First Schedule~~****First Schedule — Quinlan Street land**[\[s. 2\]](#)

All that portion of land bounded by lines starting from the south-eastern corner of lot 76 of Avon location U3 (as shown on L.T.O. Deposited plan 3649) and extending southerly along the western alignment of the Toodyay-Bolgart road ...

~~Second Schedule~~**Second Schedule — Cemetery land**[\[s. 3\]](#)

Land	Reference	Proprietors
Portions of Avon Location U3 and being lots 77, 78, 79 and 80 on plan 3649	Volume 1060, folio 622	Toodyay Road Board, Toodyay.

Row 170. Transport Co-ordination Act 1966**~~First Schedule~~**~~[\[Section 33\(4\)\]](#)~~**First Schedule — Carriage for which commercial goods vehicle licence not required**[\[s. 33\(4\)\]](#)

For the purposes of this Schedule a vehicle shall not be regarded as being owned by the producer of the goods being carried unless —

Row 171. Travel Agents Act 1985**~~Schedule~~**~~[\[Sections 9\(3\)\(d\) and 12\(2\)\(f\)\]](#)~~**~~Specified Licensing or Registration Acts~~****Schedule — Specified licensing or registration Acts**[\[s. 9\(3\)\(d\) and 12\(2\)\(f\)\]](#)

Item	Act
1.	<i>Auction Sales Act 1973.</i>
2.	<i>Builders' Registration Act 1939.</i>

Row 172. Trustee Companies Act 1987**~~Schedule 2~~**~~[\[Section 4\(3\)\]](#)~~**~~Provisions of application if body corporate removed from Schedule 1~~**

Schedule 2 — Provisions of application if body corporate removed from Schedule 1

[s. 4(3)]

1. On the removal of a body corporate from Schedule 1 —

~~Schedule 3~~

~~[Section 47]~~

~~Transitional and savings provisions~~

Schedule 3 — Transitional and savings provisions

[s. 47]

1. (1) In this Schedule, West Australian Trustees Limited and Perpetual Trustees W.A. Ltd. are each referred to as *an existing company*.

Row 173. Trustees Act 1962

~~First Schedule~~

~~[s. 4.]~~

First Schedule — Acts repealed

[s. 4]

No. of Act.	Short Title.	Extent of Repeal.
23 and 24 Victoria c. 145 (Imp.). (Adopted by 31 Victoria No. 8.)	An Act to give trustees, mortgagees, and others certain powers now commonly inserted in Settlements, Mortgages, and Wills	Part I and Part III.

~~Second Schedule~~

~~[s. 63.]~~

Second Schedule — Form of notice by advertisement

[s. 63]

A.B., late of (*set out the usual residence and addition or other description of the deceased*).

Row 174. Uniting Church in Australia Act 1976

~~Schedule~~

~~Basis of Union~~

Schedule — Basis of Union

[s. 5]

1. The Congregational Union of Australia, the Methodist Church of Australasia and the Presbyterian Church of Australia, in fellowship with the whole Church Catholic, and seeking to bear witness to that unity which is both...

Row 175. Uranium (Yeelirrie) Agreement Act 1978

~~First Schedule~~

First Schedule — Uranium (Yeelirrie) Agreement

[s. 2]

THIS AGREEMENT made this first day of November 1978 BETWEEN THE HONOURABLE SIR CHARLES WALTER MICHAEL COURT, O.B.E., M.L.A., Premier of the State of Western Australia, acting for and on behalf of ...

~~Second Schedule~~

Second Schedule — Variation Agreement

[s. 2]

THIS AGREEMENT made this Fourth day of May 1982, BETWEEN THE HONOURABLE RAYMOND JAMES O'CONNOR, M.L.A., Premier of the State of Western Australia, acting for and on behalf of the said State and

Row 176. Victims of Crime Act 1994

~~Schedule 1~~

{Section 3}

~~Guidelines as to how victims should be treated~~

Schedule 1 — Guidelines as to how victims should be treated

[s. 3]

1. A victim should be treated with courtesy and compassion and with respect for the victim's dignity.

Row 177. Vocational Education and Training Act 1996

~~Schedule 1~~

{Sections 20, 26 and 40}

~~Provisions relating to the board, the council and governing councils~~

Schedule 1 — Provisions relating to the board, the council and governing councils

[s. 20, 26 and 40]

1. Vacation of office
 - (1) The office of a member becomes vacant if —

Row 178. Water Corporation Act 1995

~~Schedule 1~~

{Section 9}

~~Provisions as to constitution and proceedings of board~~

Schedule 1 — Provisions as to constitution and proceedings of board

[s. 9]

1. Meaning of “director”

In clauses 2, 3, 4 and 5(1) —

~~Schedule 2~~

~~[Sections 20, 21, 22 and 23]~~

~~Provisions as to duties of directors and related provisions~~

Schedule 2 — Provisions as to duties of directors and related provisions

[s. 20, 21, 22 and 23]

Division 1 — Preliminary

1. Interpretation

A person who attempts (within the meaning in section 4 of *The Criminal Code*) to commit an offence against a provision of this Schedule is guilty of that offence.

~~Schedule 4~~

~~[Section 31]~~

~~Provisions to be included in articles of association of subsidiaries~~

Schedule 4 — Provisions to be included in articles of association of subsidiaries

[s. 31]

1. Disposal of shares

- (1) The corporation is not to sell or otherwise dispose of shares in the subsidiary other than as approved by the Minister.

Row 179. *Water Services Licensing Act 1995*

~~Schedule 1~~

~~[Section 24]~~

~~Licence terms and conditions~~

Schedule 1 — Licence terms and conditions

[s. 24]

An operating licence may include provisions —

<p style="text-align: center;">Schedule 2</p> <p style="text-align: right;">[Section 45]</p> <p style="text-align: center;">Enactments that may apply to licensees, other than the Corporation</p> <p style="text-align: center;"><u>Schedule 2 — Enactments that may apply to licensees, other than the Corporation</u></p> <p style="text-align: right;">[s. 45]</p> <p style="text-align: center;">Part 1 — Provisions for which any licensee may be prescribed</p>
<p>Row 180. <i>West Australian Trustees Limited (Merger) Act 1989</i></p>
<p style="text-align: center;">Schedule 1</p> <p style="text-align: right;">[section 3]</p> <p style="text-align: center;"><u>Schedule 1 — Excluded land</u></p> <p style="text-align: right;">[s. 3]</p> <p>Portion of Perth Town Lot G10 being Lot 101 on Diagram 58700 being the whole of the land in Certificate of Title Volume 1827 Folio 510.</p>
<p>Row 181. <i>Western Australian Greyhound Racing Association Act 1981</i></p>
<p style="text-align: center;">Schedule 1</p> <p style="text-align: right;">[s. 14.]</p> <p style="text-align: center;">Provisions as to board</p> <p style="text-align: center;"><u>Schedule 1 — Provisions as to board</u></p> <p style="text-align: right;">[s. 14]</p> <p>1. Term of office of member</p> <p>(1) Subject to this Act a member shall hold office for such period not exceeding 3 years as is specified in the instrument of his appointment and is eligible for re-appointment.</p>
<p style="text-align: center;">Schedule 3</p> <p style="text-align: right;">[Section 40.]</p> <p style="text-align: center;">Provisions as to take-over by Association of conduct of operations at Cannington race course</p> <p style="text-align: center;"><u>Schedule 3 — Provisions as to take-over by Association of conduct of operations at Cannington race course</u></p> <p style="text-align: right;">[s. 40]</p> <p>1. Definitions of terms in this Schedule</p> <p>In this Schedule —</p>

Row 182. Western Australian Marine (Sea Dumping) Act 1981

~~Schedule 1~~

~~(Section 2)~~

Schedule 1 — Convention

[s. 2]

CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY
DUMPING OF WASTES AND OTHER MATTER
THE CONTRACTING PARTIES TO THIS CONVENTION,
RECOGNIZING that the marine environment and the living organisms which ...

~~Schedule 2~~

~~(Section 2)~~

~~Resolution adopted on 12 October 1978~~

Schedule 2 — Resolution adopted on 12 October 1978

[s. 2]

THE THIRD CONSULTATIVE MEETING,
RECALLING Article I of the Convention on the Prevention of Marine ...

~~Schedule 3~~

~~(Section 2)~~

~~Resolution adopted on 24 September 1980~~

Schedule 3 — Resolution adopted on 24 September 1980

[s. 2]

THE FIFTH CONSULTATIVE MEETING,
Recalling Article I of the Convention on the Prevention of Marine Pollution ...

Row 183. Western Australian Marine Act 1982

~~Schedule 1~~

~~{Section 76}~~

Schedule 1 — Container Convention

[s. 76]

INTERNATIONAL CONVENTION FOR SAFE CONTAINERS

ARTICLE I

General Obligation under the present Convention

The Contracting Parties undertake to give effect to the provisions of the present Convention and the Annexes hereto, which shall constitute an integral part of the present Convention.

Schedule 2

~~{Section 76}~~

Schedule 2 — Limitation Convention

[s. 76]

**INTERNATIONAL CONVENTION RELATING TO THE LIMITATION OF
THE LIABILITY OF OWNERS OF SEA-GOING SHIPS**

The High Contracting Parties,

Schedule 3

~~{Section 76}~~

Schedule 3 — Prevention of Collisions Convention

[s. 76]

**CONVENTION ON THE INTERNATIONAL REGULATIONS FOR
PREVENTING COLLISIONS AT SEA, 1972**

ARTICLE I

General Obligations

The Parties to the present Convention undertake to give effect to the Rules and

Schedule 4

~~{Section 76}~~

Schedule 4 — Safety Convention

[s. 76]

**INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA,
1974**

ARTICLE I

General Obligations under the Convention

- (a) The Contracting Governments undertake to give effect to the provisions of the present Convention and the Annex thereto, which shall constitute ...

Schedule 5

~~{Section 76}~~

Schedule 5 — 1978 Protocol relating to Safety Convention

[s. 76]

**PROTOCOL OF 1978 RELATING TO THE INTERNATIONAL
CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974**

ARTICLE I

General Obligations

The parties to the present Protocol undertake to give effect to the provisions of the present Protocol and the Annex hereto which shall constitute an integral part of the present Protocol. Every reference to the present Protocol constitutes at the same time ...

Row 184. *Western Australian Sports Centre Trust Act 1986*

~~Schedule 1~~

~~{Section 6(1)}~~

~~Provisions relating to the Trustees~~

Schedule 1 — Provisions relating to the trustees

[s. 6(1)]

1. Certain persons ineligible for appointment

A person is not eligible to be appointed as a trustee if the person is an undischarged bankrupt or a person whose property is subject to an order or ...

~~Schedule 2~~

~~{Section 6(2)}~~

~~Meetings and procedures of the board of the Trust~~

Schedule 2 — Meetings and procedures of the board of the Trust

[s. 6(2)]

1. Procedure and quorum

- (1) The procedure for the calling of meetings of the board and the conduct of business at those meetings shall, subject to this Schedule and any regulations, be as determined by the board.

~~Schedule 3~~

~~{Section 12(3)}~~

~~Provisions relating to the general manager~~

Schedule 3 — Provisions relating to the general manager

[s. 12(3)]

1. General manager to devote all his time to his duties

The general manager shall devote the whole of his time to the duties of the office of general manager except with the consent of the Trust.

Row 185. *Western Mining Corporation Limited (Throssell Range) Agreement Act 1985*

~~Schedule~~

Schedule — Western Mining Corporation Limited (Throssell Range) Agreement

[s. 3]

THIS AGREEMENT is made this 29th day of October, 1985.

BETWEEN THE HONOURABLE BRIAN THOMAS BURKE, M.L.A., Premier of ...

Row 186. *Workers' Compensation and Injury Management Act 1981***Schedule 1 — Compensation entitlements**[\[s. 18\]](#)**1. Death — dependants wholly dependent — notional residual entitlement****Schedule 2 — Table of compensation payable**[\[s. 24\]](#)**Part 1**

Column 1	Column 2
• Item	Ratio which the ...
Nature of injury or impairment	

Schedule 3 — Specified industrial diseases[\[s. 32\]](#)

Column 1	Column 2
Description of Disease	Description of Process
Arsenic, phosphorus, lead, mercury ...	Any employment involving the use ...

Schedule 4 — Specified losses of functions[\[s. 49\]](#)

Column 1	Column 2
Loss of Function	Description of Process
Noise induced hearing loss	Any work process involving ...

Row 187. *Wundowie Charcoal Iron Industry Sale Agreement Act 1974***~~First Schedule~~****First Schedule — Wundowie Charcoal Iron Industry Sale Agreement**[\[s. 2\]](#)

THIS AGREEMENT is made the 14th day of November One thousand nine hundred and seventy four BETWEEN THE HONOURABLE SIR CHARLES WALTER MICHAEL COURT O.B.E. M.L.A. Premier of the State of Western...

~~Second Schedule~~**Second Schedule — First Variation Agreement**[\[s. 2\]](#)

THIS AGREEMENT is made the Second day of November, 1977 BETWEEN THE HONOURABLE SIR CHARLES WALTER MICHAEL COURT O.B.E., M.L.A. Premier of the State of Western Australia acting for and on behalf of ...

Third Schedule**Third Schedule — Third Variation Agreement**[\[s. 2\]](#)

THIS AGREEMENT is made the 8th day of May, 1979 BETWEEN THE HONOURABLE SIR CHARLES WALTER MICHAEL COURT, K.C.M.G., O.B.E., M.L.A., Premier of the State of Western Australia acting for and on ...

Row 188. *York Cemeteries Act 1933***Schedule****Schedule — Cemetery land**[\[s. 2\]](#)

Land	Reference	Proprietors	Purpose of Grant
York town lot 13	Enrolment 4418	The Right Reverend Father in God Mathew Blagden Hale, Lord Bishop of Perth	Ecclesiastical purposes in connection with the Church of England

Row 189. *Young Offenders Act 1994***~~Schedule 1~~**~~[\[sections 3, 22, 25 and 55\]](#)~~**Schedule 1 — Schedule 1 offences**[\[s. 3, 22, 25 and 55\]](#)**Offences —**

- for which a caution cannot be given, and
- which cannot be referred to a juvenile justice team, and

~~Schedule 2~~~~[\[sections 3, 22, 25, 55 and 124\]](#)~~**Schedule 2 — Schedule 2 offences**[\[s. 3, 22, 25, 55 and 124\]](#)**Offences —**

- for which a caution cannot be given, and
- which cannot be referred to a juvenile justice team, and
- for which a conviction will normally be recorded, and

~~Schedule 3~~~~[\[section 61\]](#)~~**~~Adaptations for community work in default of payment~~**

Schedule 3 — Adaptations for community work in default of payment

[s. 61]

1. References to “offender”

A reference to “offender” is to be read as a reference to the person in respect of whom the order is made.

Clause 5. Schedule headings in railway Acts replaced

Clause 5 will amend the Acts listed in the Table to the clause by deleting the existing Schedule headings and replacing them with a heading in the current format consisting of the identifier, title and shoulder note set out in the Table.

This table shows the amendments to be made by this clause.

Row 1. Bunbury Harbour (East Perth-Bunbury) Railway Act 1970

~~First Schedule~~

~~Bunbury Harbour Spur Railway~~

~~Description of line of railway~~

First Schedule — Line of Bunbury Harbour Spur Railway

[s. 2]

Commencing at a point being 109 miles 52 chains or thereabouts from Perth on the East Perth-Bunbury Railway and proceeding thence in a west south westerly direction for a distance of 4 chains 40 links or thereabouts, thence in a south westerly ...

~~Second Schedule~~

~~Connecting railway to Bunbury station yard~~

~~Description of line of railway~~

Second Schedule — Line of connecting railway to Bunbury station yard

[s. 2]

Commencing at a point being 2 miles 10 chains 50 links from the commencement on the line of railway as described in the First Schedule and thence proceeding in a south west by west direction for a distance of 17 chains or thereabouts, thence in a south....

Row 2. Collie-Cardiff Railway Act 1951

~~Schedule~~

~~COLLIE—CARDIFF~~

~~RAILWAY TO WESTERN COLLIERIES LTD~~

~~“WESTERN No. 2” MINE~~

~~Description of main line of railway~~

Schedule — Line of Collie - Cardiff Railway to Western Collieries Ltd “Western No. 2” mine

[s. 2]

Commencing at a point on the Collie-Collie-Cardiff Railway about 130 miles 15 chains from Perth and proceeding thence in a south-easterly direction for approximately 1 mile 47 chains, and thence in an easterly direction for

Row 3. Coogee-Kwinana Railway Act 1952

Schedule

KWINANA

~~RAILWAY TO THE KWINANA INDUSTRIAL AREA~~

~~Description of Main Line of Railway~~

Schedule — Line of Coogee - Kwinana Railway

[s. 2]

Commencing at a point at the Southern End of the loop at Coogee Station on the Robbs Jetty-Woodman’s Point Railway about 16 miles 55 chains from Perth and proceeding thence in a southerly direction for approximately 2 miles 60 chains and thence in a....

Row 4. Coogee-Kwinana (Deviation) Railway Act 1961

Schedule

Coogee-Kwinana Deviation Railway

Schedule — Line of Coogee - Kwinana Deviation Railway

[s. 2]

Commencing at a point on the Coogee-Kwinana Railway about 21 miles 16 chains from Perth and deviating in a south-south-easterly direction for a distance of 2,460 links, thence in a south-easterly direction for a distance of 3,100 links ...

Row 5. Dongara-Eneabba Railway Act 1974

Schedule

~~Dongara-Eneabba Railway~~

~~Description of line of railway~~

Schedule — Line of Dongara - Eneabba Railway

[s. 2]

Commence at a point being 421.517 km or thereabouts from Perth on the Guildford-Greenough Flats Railway (50 Victoria 24, 1886) and proceeding thence on a bearing of 96° 27’ for a distance of 292 m or thereabouts; thence on a bearing of

Row 6. Industrial Lands (Kwinana) Railway Act 1966**Schedule**~~[Section 2.]~~~~**Industrial Lands (Kwinana) Railway**~~**Schedule — Line of Industrial Lands (Kwinana) Railway**[\[s. 2\]](#)

Commencing at a point 19 miles 34 chains 54 links on the Kenwick-Kwinana Railway, proceeding in a north-westerly direction for a distance of 22 chains 77 links, thence in a westerly direction for a distance of 14 chains 7 links, thence in a south-westerly direction for a distance of 24 chains 65 links, thence

Row 7. Kwinana Loop Railway Act 1968**Schedule**~~**Kwinana Loop Railway**~~~~**Description of line of railway**~~**Schedule — Line of Kwinana Loop Railway**[\[s. 2\]](#)

Commencing at the terminus of the Industrial Lands (Kwinana) Railway constructed under the authority of Act No. 15 of 1966 and proceeding in a south westerly direction for a distance of 2 miles 41 chains thence in a south

Row 8. Kwinana-Mundijong-Jarrahdale Railway Act 1961**Schedule**~~[Section 4]~~~~**Railway from Kwinana to Jarrahdale through Mundijong**~~**Schedule — Line of Kwinana - Mundijong - Jarrahdale Railway**[\[s. 4\]](#)

Commencing at a point on the Coogee-Kwinana railway 24 miles 30 chains from Perth in the Kwinana station yard and proceeding thence in a southerly direction for about 3 miles and thence in a south-easterly direction for about 1 mile

Row 9. Kwinana-Mundijong-Jarrahdale Railway Extension Act 1967**Schedule**~~[S. 2.]~~~~**Kwinana-Mundijong-Jarrahdale Railway extension Description of line of Railway**~~

Schedule — Line of Kwinana - Mundijong - Jarrahdale Railway Extension

[s. 2]

Commencing at a point at the end of the Mundijong to Jarrahdale Railway 36 miles 55 chains from Perth and proceeding thence in an easterly direction for about 54 chains thence in a north easterly direction for about 16 chains thence in a northerly direction for 30 chains thence in a north easterly direction for

Row 10. *Lake Lefroy (Coolgardie-Esperance Wharf) Railway Act 1969*

~~First Schedule~~

~~Connecting railway to Esperance land backed wharf~~

~~Description of line of railway~~

First Schedule — Line of railway to Esperance land backed wharf

[s. 2]

Commencing at a point 1 mile 25 chains, or thereabouts, from Esperance on the Esperance-Salmon Gums Railway, and proceeding thence generally in a southerly direction for 1 mile 46 chains 84 links or thereabouts, and thence in an easterly direction for a distance of 48 chains to the eastern alignment of

~~Second Schedule~~

~~Lake Lefroy Spur Railway~~

~~Description of line of railway~~

Second Schedule — Line of Lake Lefroy Spur Railway

[s. 2]

Commencing at the 404 mile post, or thereabouts, on the Coolgardie-Esperance Railway proceeding in a north easterly direction for 2 miles 66 chains thence in a northerly direction for 8 miles, terminating at a point on the northern bank of

Row 11. *Midland Junction-Welshpool Railway Act 1957*

~~Schedule~~

~~[s. 2.]~~

Schedule — Line of Midland Junction - Welshpool Railway

[s. 2]

Commencing at a point opposite 10 miles 15 chains on the Perth-Midland Junction Railway in the Midland Junction Station Yard and proceeding thence in a westerly direction for 50 chains parallel and adjacent to the existing Perth-Midland Junction Railway, and thence in a south-westerly direction

Row 12. Morawa-Koolanooka Hills Railway Act 1964**Schedule**~~[s. 4.]~~**~~Railway Morawa to Koolanooka Hills~~**~~Description of main line of railway~~**Schedule — Line of Morawa - Koolanooka Hills Railway**[\[s. 4\]](#)

Commencing at a point opposite the 273 miles 21 chains point on the Wongan Hills-Mullewa Railway and proceeding generally in an easterly direction for approximately 11 miles 51 chains through Locations 3935, 9851, 7756,

Row 13. Muja-Centaur Coal Mine Railway Act 1951**Schedule****Muja****~~Railway to the “Centaur” Coal Mine~~**~~Description of main line of railway~~**Schedule — Line of Muja - Centaur Coal Mine Railway**[\[s. 2\]](#)

Commencing at a point on the Collie-Narrogin Railway about 137m. 22c. from Perth, and proceeding thence in an east-south-easterly direction for approximately 11 chains, and thence in a south-westerly direction for

Row 14. Perth-Joondalup Railway Act 1989**Schedule**~~(Section 3)~~~~PERTH-JOONDALUP RAILWAY~~~~DESCRIPTION OF LINE OF RAILWAY~~**Schedule — Line of Perth - Joondalup Railway**[\[s. 3\]](#)

Commencing at a point on the Eastern Railway located on map sheet BG34 12.25 at or near Australian Map Grid co-ordinates 391 100 east 646 4800 north and proceeding in a generally northerly direction along the Mitchell Freeway for a distance of about 28 kilometres and terminating at

Row 15. Railways (Standard Gauge) Construction Act 1961**~~First Schedule~~**~~[Section 2]~~**~~Kalgoorlie-Perth Railway~~**

*Description of Main Line of Railway***First Schedule — Line of Kalgoorlie - Perth Railway**

[s. 2]

Commencing at a point in the Kalgoorlie station yard at which connection can be made to the existing 4 feet 8½ inches gauge Commonwealth railway and proceeding thence in a general westerly direction to a point adjacent to Koolyanobbing Hill on the area leased to Broken Hill Pty. Co. Ltd.

~~Third Schedule~~

{Section-2}

~~Midland Junction-Kewdale-Welshpool Railway~~*Description of Main Line of Railway***Third Schedule — Line of Midland Junction - Kewdale - Welshpool Railway**

[s. 2]

Commencing at a point in Midland Junction station yard and proceeding thence in a westerly direction to West Midland and thence in a southerly direction alongside the railway to Kewdale and Welshpool authorised under Act number 62 of 1957.

~~Fourth Schedule~~

{Section-2}

~~Kewdale-Kwinana Railway~~*Description of Main Line of Railway***Fourth Schedule — Line of Kewdale - Kwinana Railway**

[s. 2]

Commencing at a point in the Kewdale marshalling yard and proceeding thence generally in a southerly and south-westerly direction to junction with the Spearwood-Cockburn Cement railway constructed under Act number 33 of 1961 and thence in both a southerly direction to the southern terminus of the

~~Fifth Schedule~~

{Section-2}

~~Kalgoorlie-Kamballie Railway~~*Description of Main Line of Railway***Fifth Schedule — Line of Kalgoorlie - Kamballie Railway**

[s. 2]

Commencing at a point in the Kalgoorlie station yard and thence proceeding generally in an easterly and south-easterly direction on the route of the railway constructed under Act 61 Victoriae number 18 of 1897 and terminating at

Row 16. *Spearwood-Cockburn Cement Pty. Limited Railway Act 1961***Schedule**~~section 2.~~~~SPEARWOOD-COCKBURN CEMENT PTY. LIMITED RAILWAY~~~~Description of Main Line of Railway~~**Schedule — Line of Spearwood - Cockburn Cement Pty. Limited Railway**[\[s. 2\]](#)

Commencing at a point opposite 16 miles 55 chains on the Woodman's Point-Jandakot Railway at the east end of Spearwood Station Yard and proceeding thence generally in an easterly direction for 70 chains parallel to

Row 17. *Spencer's Brook-Northam Railway Extension Act 1963***Schedule**~~Spencer's Brook-Northam Railway Extension~~~~Description of Main Line of Railway~~**Schedule — Line of Spencer's Brook - Northam Railway Extension**[\[s. 2\]](#)

Commencing at a point on the Spencer's Brook-Northam Railway about 65 miles 60 chains from Perth and proceeding thence in a north-easterly direction for about 18 chains and thence in a north-north-easterly direction for about 60 chains and thence in a north-north-westerly direction for

Row 18. *West Kalgoorlie-Lake Lefroy Railway Act 1970***Schedule**~~West Kalgoorlie-Lake Lefroy Railway~~~~Description of line of Railway~~**Schedule — Line of West Kalgoorlie - Lake Lefroy Railway**[\[s. 2\]](#)

Commencing at a point being 405 miles 12 chains or thereabouts from Perth on the Perth-Kalgoorlie Standard Gauge Railway and proceeding thence in a southwesterly direction for a distance of one mile or thereabouts thence in a ...

Row 19. West Kambalda Railway Act 1972**Schedule**~~West Kambalda Spur Railway~~~~Description of line of Railway~~**Schedule — Line of West Kambalda Spur Railway**[\[s. 2\]](#)

Commencing at a point 438 miles 10 chains or thereabouts, from Perth on the line of the West Kalgoorlie-Lake Lefroy railway as described in the Schedule to Act No. 110 of 1970, and proceeding thence in a southeasterly direction for

Clause 6. Administration Act 1903 amended

Section 144 of the *Administration Act 1903* provides for Rules of Court to be made for dealing with matters under this Act. The Rules set out in the Third Schedule applied until revoked by new Rules made under section 144. New Rules were made on 11 September 1967 rendering the Schedule redundant.

Clause 6 will amend the Act to:

- delete the Third Schedule; and
- convert the headings to the Fourth and Fifth Schedules into the current format.

This table shows the amendments to be made by this clause.

Administration Act 1903**~~Third Schedule~~**~~{Sec. 144.}~~**~~Rules~~**

~~— [The Rules contained in this Schedule were revoked by Rules made under s. 144 of the Act and published in the Gazette on 11 Sep 1967 p. 2249-64.]~~

~~Fourth Schedule~~~~{Sec. 14.}~~**~~Rights in respect of dwelling houses~~****Fourth Schedule — Rights in respect of dwelling houses**[\[s. 14\]](#)

1. (1) Subject to the provisions of this Schedule where —
 - (b) the whole or a part of the intestate property consists of an interest in a dwelling house that, at the date of the death of the deceased person, was ordinarily used by the surviving husband or wife as his or her ordinary place of residence (in this Schedule called *the interest*); and

Fifth Schedule~~[Sec. 10A.]~~**~~Rules as to payment of debts and liabilities of insolvent estates~~****Fifth Schedule — Rules as to payment of debts and liabilities of insolvent estates**[\[s. 10A\]](#)

1. Funeral, testamentary and administration expenses have priority.

Clause 7. *Agricultural Produce Commission Act 1988* amended

Clause 7 will amend the *Agricultural Produce Commission Act 1988* to:

- convert the heading to the Schedule into the current format; and
- correct the reference in the shoulder note to refer to section 5(6) of the Act.

This table shows the amendments to be made by this clause.

Agricultural Produce Commission Act 1988**Schedule**~~[Section 5(3)]~~**Schedule — The Commission and its proceedings**[\[s. 5\(6\)\]](#)**1. Term of office of member of Commission**

Subject to this Schedule, a member of the Commission shall be appointed for such period not exceeding 3 years as is specified in the instrument of appointment of that member.

Clause 8. *Anglican Church of Australia (Swanleigh land and endowments) Act 1979* amended

Clause 8 will amend the *Anglican Church of Australia (Swanleigh land and endowments) Act 1979* to:

- convert the heading to the Schedule into the current format; and
- bring the Part headings in the Schedule into line with the current PCO drafting standards; and
- consequentially amend the references to the Schedule in section 3 of the Act.

This table shows the amendments to be made by this clause.

**Anglican Church of Australia (Swanleigh land and endowments)
Act 1979**

3. New trusts and powers

- (1) On and from the coming into operation of this Act —
- (a) The Perth Diocesan Trustees is authorised to use the land referred to in ~~the First Part of the Schedule,~~ [the Schedule Part 1,](#) or such of that land as may be comprised within those boundaries after the operation of the provisions of paragraph (b), and the buildings or improvements erected thereon for the purposes of a hostel to be utilised for the accommodation of students attending a government educational institution;
 - (b) The Perth Diocesan Trustees and the Diocesan Council of the Diocese of Perth are authorised, in so far as that may be required by any town planning or other relevant authority, to adjust the boundary of the land referred to in ~~the First Part of the Schedule,~~ [the Schedule Part 1,](#) or the boundary of any part or subdivision of that land;
 - (c) The Perth Diocesan Trustees is authorised, should at any time such land not be used for the purpose referred to in paragraph (a), to sell the whole or any part of the land referred to in ~~the First Part of the Schedule,~~ [the Schedule Part 1,](#) and to transfer or otherwise assure the same to a purchaser freed and absolutely discharged from any trust, use, condition or obligation affecting the use of that land or any moneys derived therefrom, the proceeds of any such sale to be applied by the Trustees, after payment of all expenses of and incidental to the sale, as part of and for the purposes of the trust fund referred to in paragraph (e);
 - (d) The Perth Diocesan Trustees is authorised to hold and use the land referred to in ~~the Second Part of the Schedule,~~ [the Schedule Part 2,](#) and the proceeds of any sale thereof or of any part thereof, for general ecclesiastical purposes; and

Schedule

[\[S. 2 and 3\]](#)

First Part

~~(Description of the land which is to be used for the Hostel).~~

Schedule — Swanleigh lands

[\[s. 2 and 3\]](#)

Part 1 — Land to be used for hostel

Those portions of Swan Locations 11 and 12 the subject of Certificate of Title Volume 1479 Folio 867, together comprising an area of 25.67 hectares,

Second Part

~~(Description of land which, or the proceeds of sale of which,
is to be held and used for general ecclesiastical purposes).~~

Part 2 — Land to be used for general ecclesiastical purposes

1. Those portions of Swan Locations 11 and 12 the subject of Certificate of Title Volume 1479 Folio 867 together with that portion of Swan Location 13 the subject of Certificate of Title Volume 1392 Folio 663, ...

Clause 9. *Australia and New Zealand Banking Group Limited (NMRB) Act 1991* amended

Clause 9 will amend the *Australia and New Zealand Banking Group Limited (NMRB) Act 1991* to:

- convert the heading to Schedule 1 into the current format; and
- bring the Part headings in Schedule 1 into line with the current PCO drafting standards.

This table shows the amendments to be made by this clause.

Australia and New Zealand Banking Group Limited (NMRB) Act 1991

Schedule 1

[Section 3]

Part 1**Schedule 1 — Category A liabilities and property**

[s. 3]

Part 1 — Category A liabilities

Title and characteristics	Computer codes
Current accounts	
Selectaccount	TB 250, 260, 480
NM Life staff	TD 255, 265, 485

Part 2**Part 2 — Category A property**

Title	Characteristics	Computer Codes
Home Lending	Fixed Loans	300, 301, 302, 303, 304,
Accounts		310, 353, 354
Mortgage		001, 003, 010, 021, ...
Loans		

Clause 10. *Broken Hill Proprietary Steel Industry Agreement Act 1952* amended

Section 3 of the *Broken Hill Proprietary Steel Industry Agreement Act 1952* provided that the mining reserves described in the Second Schedule were not to be opened for mining, cancelled or be temporarily occupied for 10 years from the commencement of the Act. Section 3 was repealed by the *Broken Hill Proprietary Company's Integrated Steel Works Agreements Act 1960* rendering the Second Schedule redundant.

Clause 10 will amend the Act to:

- convert the heading to the First Schedule into the current format; and
- delete the Second Schedule.

This table shows the amendments to be made by this clause.

<i>Broken Hill Proprietary Steel Industry Agreement Act 1952</i>	
First Schedule	[s. 2.]
<u>First Schedule — Broken Hill Proprietary Steel Industry Agreement</u>	[s. 2]
AGREEMENT under Seal made seventh day of October 1952 BETWEEN THE HONOURABLE DUNCAN ROSS McLARTY M.L.A. Premier and Treasurer of the State of Western Australia contracting for and on behalf of the said State ...	
Second Schedule	[s. 3.]
Temporary Mining Reserve Number 1258H comprising approximately twelve square miles known as “Koolyanobbing iron ore deposits”.	
Mining Reserve consisting of late Coal Mining leases numbers 153 to 156 inclusive, 162 to 165 inclusive, 181 to 187 inclusive and 233, known as Collie Burn Coal reserve.	

Clause 11. *Churches of Christ, Scientist, Incorporation Act 1961* amended

Clause 11 will amend the *Churches of Christ, Scientist, Incorporation Act 1961* to:

- convert the headings to the First and Second Schedules into the current format; and
- correct the reference in the shoulder note in the First Schedule to refer to section 5 of the Act.

This table shows the amendments to be made by this clause.

Churches of Christ, Scientist, Incorporation Act 1961

~~First Schedule~~

~~s. 2 and 4~~

First Schedule — Tenets of Church

[s. 2 and 5]

Preamble

Tenets of The Mother Church, The First
Church of Christ, Scientist

1. As adherents of Truth, we take the inspired Word of the Bible as our sufficient guide to eternal Life.

~~Second Schedule~~

~~s. 4~~

Second Schedule — Church land

[s. 4]

All of that piece of land containing 2 roods and 28.2 perches being portion of Perth Town Lot H 54 and being Lot 12 on Diagram 7441 and being the whole of the land comprised in Certificate of Title Volume 1008 Folio 871.

Clause 12. *City of Perth Restructuring Act 1993* amended

Clause 12 will amend the *City of Perth Restructuring Act 1993* to:

- convert the headings to Schedules 1, 2, 3, 4 and 5 into the current format; and
- bring the Part headings in Schedules 2, 3 and 4 into line with the current PCO drafting standards.

This table shows the amendments to be made by this clause.

City of Perth Restructuring Act 1993

~~Schedule 1~~

~~[s. 9(1)]~~

~~District of the City of Perth~~

Schedule 1 — District of the City of Perth

[s. 9(1)]

All that portion of land and river bed bounded by lines starting from the intersection of the High Water Mark of the right bank of the Swan River with the prolongation easterly of the southern boundary of late Perth Suburban Lot 139 and extending westerly to and along that boundary and onwards to the ...

~~Schedule 2~~

~~[s. 9(1), 11(2)]~~

~~Part A~~

~~District of the Town of Cambridge~~

Schedule 2 — Town of Cambridge

[s. 9(1) and 11(2)]

Part A — District of the Town of Cambridge

All that portion of land bounded by lines starting from the intersection of the Low Water Mark of the Indian Ocean with the prolongation westerly of the northern boundary of Swan Location 2301; thence easterly to and along that boundary and...

~~Part B~~

~~Wards in the District of the Town of Cambridge~~

Part B — Wards in the district of the Town of Cambridge

City Beach Ward

All that portion of land bounded by lines starting from the intersection of the prolongation southwesterly of the southeastern boundary of Herdsman Lake Suburban Lot 149 with the centreline of Selby Street, a point on a present northwestern boundary of the municipality of the Town of Cambridge; thence ...

~~Schedule 3~~

~~[s. 9(1), 11(2)]~~

~~Part A~~

~~District of the Town of Vincent~~

Schedule 3 — Town of Vincent

[s. 9(1) and 11(2)]

Part A — District of the Town of Vincent

All that portion of land bounded by lines starting from the intersection of the prolongation northeasterly of the centreline of Powis Street with the centreline of the Perth-Currambine Railway and extending generally southeasterly along ...

~~Part B~~

~~Wards in the District of the Town of Vincent~~

Part B — Wards in the district of the Town of Vincent

Mount Hawthorn Ward

All that portion of land bounded by lines starting from the intersection of the centreline of Walcott Street with the prolongation northeasterly of the centreline of William Street, a point on a present northeastern boundary of the ...

Schedule 4

~~[s. 9(1), 11(2)]~~

Part A

~~District of the Town of Shepperton~~

Schedule 4 — Town of Shepperton

[s. 9(1) and 11(2)]

Part A — District of the Town of Shepperton

All that portion of land bounded by lines starting from the westernmost western corner of Swan Location 34 and extending southeasterly along the original southwestern boundary of that location and southeasterly along the northeastern side of Orrong Road to the northwestern side of Kew Street; thence ...

Part B

~~Wards in the District of the Town of Shepperton~~

Part B — Wards in the district of the Town of Shepperton

Carlisle Ward

All that portion of land bounded by lines starting from the intersection of the prolongation westerly of the northern side of Welshpool Road with the centreline of Albany Highway, a point on a present southern boundary of the Municipality of the Town of Shepperton and extending generally northwesterly along that centreline and onwards to the High Water Mark of the left bank of the ...

Schedule 5

~~[s. 6(4)]~~

~~Provisions applicable to the Commission~~

Schedule 5 — Provisions applicable to the Commission

[s. 6(4)]

1. Oath or affirmation of allegiance and office

Before acting in the office of member of the commission, a member must take the oath or affirmation of allegiance, and must make the declaration, set out in the Fourth Schedule to the principal Act before a justice of the peace.

Clause 13. *Constitution Act 1889* amended

Section 71 of the *Constitution Act 1889* provided for retirement allowances to be paid to the persons who, at the time, held the offices of Chief Secretary, Attorney General, Treasurer and Surveyor General and Commissioner of Crown Lands, and who became liable to lose their offices on political grounds. After 120 years the provision is obsolete.

Clause 13 will amend the Act to delete section 71 and the related Schedule D.

This table shows the amendments to be made by this clause.

Constitution Act 1889			
71. — Compensation to officers			
— And whereas by the operation of this Act certain officers of the Government may lose their offices on political grounds, and it is just to compensate such officers for such loss, be it enacted that the sums set opposite to the names of the persons in Schedule D, who at present respectively hold the offices therein mentioned, shall be payable to them annually by way of retiring allowance upon their ceasing to hold office on political grounds after the commencement of this Act; and all such sums shall be paid to such persons out of the Consolidated Account, and the Treasurer shall make such payments accordingly, on warrants under the hand of the Governor. Provided that if after any such annual allowance shall have become payable, the person entitled thereto shall accept any appointment under the Crown in any part of Her Majesty's Dominions, then such allowance shall, during the tenure of such appointment, be suspended or be reduced <i>pro tanto</i> according as the salary of such appointment added to such allowance is greater than the salary of the office vacated in consequence of this Act.			
Schedule D			
			{Section 71}
	£	s	d
Sir Malcolm Fraser, K.C.M.G., Chief Secretary	700	0	0
Charles Nicholas Warton, Esq., Attorney General	333	6	8
Anthony O'Grady Lefroy, C.M.G., Treasurer	550	0	0
John Forrest, C.M.G., Surveyor General and Commissioner of Crown Lands	550	0	0
	£2,083	6	8

Clause 14. Constitution Acts Amendment Act 1899 amended

Clause 14 will amend the *Constitution Acts Amendment Act 1899* to:

- convert the headings to Schedules I and V into the current format; and
- bring the Part and Division headings in Schedule V into line with the current PCO drafting standards.

Note: Clause 44 of the Bill will amend the heading before section 31 of the Act to be "Division 3 — General".

This table shows the amendments to be made by this clause.

Constitution Acts Amendment Act 1899**~~Schedule I~~**~~{Section 2}~~**~~Enactments repealed~~****Schedule I — Enactments repealed**[\[s. 2\]](#)

Session and Number	Extent of Repeal
52 Vict., No. 23	Sections 14, 18 to 21 inclusive, 23 to 30 inclusive, and 32, 33, and 40.
54 Vict., No. 6	The Whole.

~~Schedule V~~~~{Sections 34 and 37}~~**~~Part 1~~****~~Division 1~~****Schedule V — Offices and bodies to which Part I
Division 3 applies**[\[s. 34 and 37\]](#)**Part 1 — Disqualifying offices****Division 1 — Judicial, tribunal and similar offices**

Chief Justice of Western Australia or other Judge of the Supreme Court.

Master of the Supreme Court.

~~Division 2~~**Division 2 — Other offices**Auditor General appointed under the *Auditor General Act 2006*.Agent General appointed under the *Agent General Act 1895*.Chief executive officer of an agency within the meaning of the *Public Sector Management Act 1994*.**~~Part 2~~****~~Division 1~~****Part 2 — Offices or places vacated on election****Division 1 — Tribunal and board offices**Member, or deputy of a member, of the Coal Industry Tribunal of Western Australia constituted under the *Coal Industry Tribunal of Western Australia Act 1992*.

Division 2**Division 2 — Other offices or places**

The office or place of —

Any person employed in a department or SES organization within the meaning of the *Public Sector Management Act 1994*, that is to say —

Part 3**Part 3 — Bodies membership of which is vacated on election**

The Aboriginal Advisory Council established under the *Aboriginal Affairs Planning Authority Act 1972*.

The Aboriginal Housing Board responsible to the Minister for Housing.

Clause 15. Country Areas Water Supply Act 1947 amended

Clause 15 will amend the *Country Areas Water Supply Act 1947* to:

- redesignate the Second Schedule as Schedule 2 and convert the heading to the Schedule into the current format; and
- consequentially amend cross-references to the Second Schedule.

This table shows the amendments to be made by this clause.

Country Areas Water Supply Act 1947**12A. Application**

- (1a) The Minister may from time to time by notice published in the *Government Gazette* add to or amend ~~the Second Schedule.~~ Schedule 2.
- (1b) A notice made under subsection (1a) adding to or amending ~~the Second Schedule~~ Schedule 2 shall be laid before each House of Parliament within the 6 sitting days of that House next following the date of publication of that notice in the *Government Gazette*, and the provisions of sections 41 and 42 of the *Interpretation Act 1984* shall apply to that notice as if it had been a regulation.

12AA. Terms used in this Part

In this Part, unless the contrary intention appears —

controlled land means land comprised within the boundaries of such of the catchment areas or water reserves defined under section 9 as are specified in ~~the Second Schedule;~~ Schedule 2;

~~Second Schedule~~~~(Section 12AA)~~**~~Controlled land~~****Schedule 2 — Controlled land**[s. 12AA]

The land comprised within the boundaries of —

- (a) the Wellington Dam Catchment Area;

Clause 16. *Decimal Currency Act 1965* amendedClause 16 will amend the *Decimal Currency Act 1965* to:

- convert the headings to the First, Second and Third Schedules into the current format; and
- bring the Part headings in the Second Schedule into line with the current PCO drafting standards.

This table shows the amendments to be made by this clause.

Decimal Currency Act 1965**~~First Schedule~~**~~section 4(1)~~**First Schedule — Acts amended**[s. 4(1)]*Title of Act**Provision Amended**Amendment***~~Second Schedule~~**~~section 5(5)~~~~Part A~~~~*Equivalents Specified in the Commonwealth Currency Act*~~**Second Schedule — Currency equivalents**[s. 5(5)]**Part A — Equivalents specified in the Commonwealth Currency Act**

One sovereign or pound = Two dollars.

One shilling = Ten cents.

~~Part B~~**Part B — Examples of equivalents***Examples of Percentages**Expressed in Old Currency**Equivalent expressed in
New Currency*

Five pounds per centum

Five per centum

Third Schedule

section 7(2)

*Recommendations for Notation in Decimal Currency***Third Schedule — Recommendations for notation in decimal currency**

[s. 7(2)]

Expression of Amounts in Figures

\$59 or \$59.00 where the amount consists of an exact number of dollars.

Clause 17. *Dental Act 1939* amendedClause 17 will amend the *Dental Act 1939* to:

- convert the heading to Schedule 2 into the current format; and
- bring the Part headings in Schedule 2 into line with the current PCO drafting standards.

This table shows the amendment to be made by this clause.

Dental Act 1939**~~Schedule 2~~**~~[Sections 50A, 50B and 50D]~~**~~Part 1~~****~~Core acts~~****Schedule 2 — Acts of dentistry: dental therapists, dental hygienists and school dental therapists**

[s. 50A, 50B and 50D]

Part 1 — Core acts

1. Instruction in, and organization and supervision of, plaque control routine.

~~Part 2~~**~~Local analgesia acts~~****Part 2 — Local analgesia acts**

15. Administration of local dental analgesia.

~~Part 3~~**~~Orthodontic acts~~****Part 3 — Orthodontic acts**

16. Placement of metallic or non-metallic separators.

<p style="text-align: center;">Part 4</p> <p style="text-align: center;">Dental therapy acts</p> <p style="text-align: center;"><u>Part 4 — Dental therapy acts</u></p>	
28.	Extraction by forceps of deciduous teeth under local analgesia.
<p style="text-align: center;">Part 5</p> <p style="text-align: center;"><u>Part 5 — Restoration of prepared cavities</u></p>	
31.	Restoration of prepared cavities in permanent teeth in adults by direct placement materials.
<p style="text-align: center;">Part 6</p> <p style="text-align: center;"><u>Part 6 — Root planing</u></p>	
32.	Root planing.
<p style="text-align: center;">Part 7</p> <p style="text-align: center;"><u>Part 7 — Caries detection</u></p>	
33.	Caries detection.

Clause 18. *Guardianship and Administration Act 1990* amended

Schedule 1 to the *Guardianship and Administration Act 1990* originally consisted of Parts A and B. Part A was repealed in 2005 leaving the Schedule consisting only of Part B.

Clause 18 will amend the Act to:

- redesignate Schedule 1 Part B as Schedule 1 and convert the Schedule heading into the current format; and
- consequentially amend references to Part B of Schedule 1; and
- convert the headings to Schedules 2, 3 and 5 into the current format; and
- bring the Part headings in Schedule 2 into line with the current PCO drafting standards.

This table shows the amendments to be made by this clause.

<i>Guardianship and Administration Act 1990</i>	
3.	Interpretation
(1)	<p>In this Act, unless the contrary intention appears —</p> <p><i>party</i> in relation to an application under this Act means the applicant, the represented person or person in respect of whom an application is made, a person to whom notice of an application is required by this Act to be given, or to whom such notice is given, and any person who is heard by the State Administrative Tribunal under clause 13(2)(a) of Part B of Schedule 1 <u>Schedule 1</u>;</p>

17. Further provisions as to proceedings

- (1) The provisions of ~~Part B of Schedule 1~~ [Schedule 1](#) have effect with respect to proceedings of the State Administrative Tribunal commenced under this Act.

17B. Executive officer to give notice of review

- (2) A notice under subsection (1) shall include —
- (a) particulars of the review and the time and place of the hearing; and
 - (b) in the case of the notice given to the applicant or the represented person, a summary of the provisions of section 16 and clause 13 of ~~Part B of Schedule 1~~ [Schedule 1](#) of this Act and sections 39, 87 and 88 of the *State Administrative Tribunal Act 2004* as they affect that person.

41. Notice of hearing

- (2) A notice under subsection (1) shall include —
- (a) particulars of the application and the time and place of the hearing; and
 - (b) in the case of the notice given to the applicant or to the person in respect of whom the application is made, a summary of —
 - (i) the provisions of section 16 and clause 13 of ~~Part B of Schedule 1~~ [Schedule 1](#), and sections 39, 87 and 88 of the *State Administrative Tribunal Act 2004*, as they affect that person; and
 - (ii) the kinds of order that may be made by the State Administrative Tribunal on the application.

60. Notice of hearing

- (2) A notice under subsection (1) shall include —
- (a) particulars of the application and the time and place of the hearing; and
 - (b) in the case of the notice given to the applicant or the represented person, a summary of —
 - (i) the provisions of section 16 and clause 13 of ~~Part B of Schedule 1~~ [Schedule 1](#), and sections 39, 87 and 88 of the *State Administrative Tribunal Act 2004*, as they affect that person; and
 - (ii) the authority conferred on the State Administrative Tribunal by section 63.

89. Notice of review

- (2) A notice under subsection (1) shall include particulars of —
- (a) the time and place of the hearing;
 - (b) the nature of the proceedings; and

	<p>(c) in the case of the notice to the applicant and the represented person, a summary of —</p> <p>(i) the provisions of section 16 and clause 13 of Part B of Schedule 1 <u>Schedule 1</u>, and sections 39, 87 and 88 of the <i>State Administrative Tribunal Act 2004</i>, as they affect that person; and</p>
<p>11. Hearings</p>	<p style="text-align: center;">Schedule 1</p> <p style="text-align: right;">[section 17]</p> <p style="text-align: center;">Part B</p> <p style="text-align: center;">Provisions as to proceedings of State Administrative Tribunal</p> <p style="text-align: center;"><u>Schedule 1 — Provisions as to proceedings of State Administrative Tribunal</u></p> <p style="text-align: right;"><u>[s. 17]</u></p>
	<p style="text-align: center;">Schedule 2</p> <p style="text-align: right;">[sections 71(3) and 72(1)]</p> <p style="text-align: center;">Part A</p> <p style="text-align: center;"><u>Schedule 2 — Functions for administration of estates</u></p> <p style="text-align: right;"><u>[s. 71(3) and 72(1)]</u></p> <p style="text-align: center;"><u>Part A — Administrator</u></p> <p>1. To take possession of all or any of the property of the represented person.</p>
	<p style="text-align: center;">Part B</p> <p style="text-align: center;"><u>Part B — State Administrative Tribunal</u></p> <p>The State Administrative Tribunal may —</p>
	<p style="text-align: center;">Schedule 3</p> <p style="text-align: right;">[section 104]</p> <p style="text-align: center;"><u>Schedule 3 — Forms for enduring powers of attorney</u></p> <p style="text-align: right;"><u>[s. 104]</u></p> <p style="text-align: center;">Form 1</p>
<p>1. Existing functions of Public Trustee to continue</p>	<p style="text-align: center;">Schedule 5</p> <p style="text-align: right;">[section 124]</p> <p style="text-align: center;">Transitional provisions</p> <p style="text-align: center;"><u>Schedule 5 — Transitional provisions</u></p> <p style="text-align: right;"><u>[s. 124]</u></p>

Clause 19. *Hire-Purchase Act 1959* amended

Clause 19 will amend the *Hire-Purchase Act 1959* to:

- convert the headings to the First, Second, Third, Fourth and Fifth Schedules into the current format; and
- bring the Part headings in the First Schedule into line with the current PCO drafting standards; and
- consequentially amend references to the Parts of the First Schedule.

This table shows the amendments to be made by this clause.

<i>Hire-Purchase Act 1959</i>	
3.	Summary of proposed hire-purchase transaction to be given to prospective hirer
(1)	Before any hire-purchase agreement is entered into in respect of any goods the owner or, if there is a dealer, the dealer shall give or cause to be given to the prospective hirer a statement in writing duly completed in accordance with the form in the First Part of the First Schedule , <u>the First Schedule Part 1</u> , but where the agreement is entered into by way of acceptance by the owner of a written offer signed by or on behalf of the hirer, the provisions of this subsection shall be deemed not to have been complied with unless the written statement was given to the prospective hirer before the written offer was so signed and a copy of the written offer was given to the prospective hirer immediately after it was so signed.
(1a)	A dealer shall not deliver, or cause or permit to be delivered, to a prospective owner any offer by or on behalf of a prospective hirer unless that offer — <ul style="list-style-type: none"> (a) is made in writing; and (b) was signed by the prospective hirer or a person authorised by him and on his behalf, after the dealer had given, or caused to be given, to the prospective hirer or that authorised person a statement in writing duly completed in accordance with the form in the First Part of the First Schedule, <u>the First Schedule Part 1</u>.
(6)	Where the goods comprised in a hire-purchase agreement are all items of furniture, whether free standing or in-built, as specified in the Second Part of the First Schedule <u>the First Schedule Part 2</u> and the total cash price of the goods is unknown because of some substantial alteration or addition to be made to or of some substantial work to be done in respect of all or any of the goods before delivery thereof to the hirer, it is a sufficient compliance with the requirements of subsection (1) if the statement therein referred to sets out approximate amounts in lieu of specific amounts and it is a sufficient compliance with the requirements of subsection (2)(c)(iii) and (e) in regard to amounts and cash price if the agreement sets out approximate amounts and cash price in lieu of specific amounts and cash price:

First Schedule—First Part~~[s. 3(1)]~~*Hire-Purchase Act 1959***First Schedule — Statement to be given to hirer**[s. 3]**Part 1 — Form of statement**

SUMMARY OF PROPOSED HIRE-PURCHASE AGREEMENT BETWEEN:

Proposed Hirer:

First Schedule—Second Part**Part 2 — Furniture**

Chairs, tables, desks and bureaux, kitchenettes, cupboards, beds, divans, lounges or settees, dressing tables, wardrobes, lowboys, lamp stands and lamp shades , ...

~~Second Schedule~~~~[s. 4, 18.]~~*Hire-Purchase Act 1959***~~Advice to hirers~~****Second Schedule — Advice to hirers**[s. 4 and 18]Under the provisions of the *Hire-Purchase Act 1959* —

- (a) you and each of your guarantors (if any) are entitled to a copy of the agreement and a statement of the amount that you owe if ...

~~Third Schedule~~~~[s. 13(1).]~~*Hire-Purchase Act 1959***~~Notice of intention to repossess~~****Third Schedule — Notice of intention to repossess**[s. 13(1)]

TAKE NOTICE that, the owner of*..... hired by ...

~~Fourth Schedule~~~~[s. 11(3), 13(3), 14, 15, 24(6).]~~*Hire-Purchase Act 1959***~~Advice to hirers~~****Fourth Schedule — Advice to hirers**[s. 11(3), 13(3), 14, 15 and 24(6)]

Now that the goods you hired have been repossessed you will be entitled to get them back —

~~Fifth Schedule~~*~~Hire Purchase Act 1959~~***~~Formula for calculating percentage rate of terms charges~~****Fifth Schedule — Formula for calculating percentage rate of terms charges**[\[s. 3\(2\)\(e\)\(ix\)\]](#)

- (1) The rate at which the terms charges accrues upon the principal is that nominal annual percentage rate (correct to within one-half of one ...

Clause 20. *Juries Act 1957* amended

Clause 20 will amend the *Juries Act 1957* to:

- convert the headings to the Second, Third and Fourth Schedules into the current format; and
- bring the Part headings in the Second Schedule into line with the current PCO drafting standards.

This table shows the amendments to be made by this clause.

Juries Act 1957**~~Second Schedule~~**~~[\[Section 5\]](#)~~**~~Part I~~****~~Persons not eligible to serve as jurors~~****Second Schedule — Persons ineligible or entitled to be excused**[\[s. 5\]](#)**Part I — Persons not eligible to serve as jurors**

1. A person who is or has been a —
 - (a) judge of the Supreme Court, Family Court or District Court;

~~Part II~~**~~Persons who are excused as of right from serving as jurors if they claim to be excused by virtue of that fact, namely —~~****Part II — Persons entitled to be excused from serving as jurors**

1. Emergency services.

Full-time operational staff of the State Emergency Service.

Third Schedule

~~{Sections 27, 32}~~

~~**Grounds on which a person summoned to attend as a juror may be excused from such attendance by the summoning officer or the court**~~

Third Schedule — Grounds for being excused

[s. 27 and 32]

The grounds on which a person summoned to attend as a juror may be excused from such attendance by the summoning officer or the court are —

Illness.

Undue hardship to himself or another person.

Fourth Schedule

~~{Sections 32FA, 34B}~~

~~**Matters to be disclosed by persons appearing in answer to the summons to serve as jurors to the jury pool supervisor or to the summoning officer as the case requires**~~

Fourth Schedule — Matters to be disclosed by persons summonsed

[s. 32FA and 34B]

The matters to be disclosed by persons appearing in answer to the summons to serve as jurors to the jury pool supervisor or to the summoning officer as the case requires are —

Any incapacity by reason of disease or infirmity of mind or body, including defective hearing, that may affect the discharge of the duty of a juror.

Clause 21. *Local Government (Miscellaneous Provisions) Act 1960* amended

The *Local Government (Miscellaneous Provisions) Act 1960* originally included 26 Schedules. Only the Fifteenth Schedule remains. It consists of 5 Parts. The headings to the Schedule and all 5 Parts would need to be replaced to bring them into line with the current PCO drafting standards. It is considered more convenient to convert the 5 Parts into separate Schedules.

Clause 21 will amend the Act to:

- redesignate Parts 1 to 5 of the Fifteenth Schedule as Schedules 1 to 5 with headings in the current format; and
- consequentially amend references to the Parts of the Fifteenth Schedule.

This table shows the amendments to be made by this clause.

Local Government (Miscellaneous Provisions) Act 1960	
455. Pound book and Act to be kept by poundkeeper	
(1)	The local government having the care, control, and management, of a public pound shall supply the keeper of it with a copy of this Act and with a pound book having pages in the form in Part 1 of the Fifteenth Schedule. Schedule 1.
(2)(a)	The poundkeeper shall make entries, in a legible handwriting, in the pound book, stating with respect to cattle impounded in the pound, the particulars indicated in Part 1 of the Fifteenth Schedule. Schedule 1.
458. Powers of impounding cattle	
(2)(b)	The ranger, employee, or authorised person so impounding cattle may claim ranger's fees at the rate set out in Part 2 of the Fifteenth Schedule Schedule 2 in respect of each animal which belongs to the same owner and which is impounded by him, notwithstanding that more animals than one of the same owner are impounded at the one time, and the sum may be recovered in the same manner as the poundkeeper's fees and charges.
462. Fees to be paid to poundkeeper	
(1)	A poundkeeper may charge, as poundage fees for cattle impounded under the provisions of this Act, the fees specified in Part 3 of the Fifteenth Schedule, Schedule 3, and for the sustenance of the cattle while impounded, sustenance charges at the rates specified in that Part of that Schedule, according to the description in that Part of that Schedule of the cattle impounded.
463. Rates for damage by trespass	
(1)	If cattle are found trespassing on land, the owner or occupier of the land may claim damages in respect of the trespass at the rates for damage by trespass specified in Part 4 of the Fifteenth Schedule, Schedule 4, according to the description of the cattle, and the description contained in that Part of that Schedule of the land or crop on which the trespass is committed.
464. Local government may vary fees	
	A local government having the care, control, and management of a pound may, from time to time, increase, decrease or otherwise vary the poundage fees, trespass fees, ranger's fees, and sustenance charges specified in the Fifteenth Schedule Schedules 2, 3 and 4 in respect of the public pound but only on and after the day on which the local government has caused notice of the increase or variation to be published in the <i>Gazette</i> .

469. Notice of impounding

- (5) If the owner of cattle impounded is unknown to the poundkeeper, the poundkeeper shall, as soon as possible after the expiration of 24 hours from the time of impounding the cattle cause a notice of the impounding in the form in ~~Part 5 of the Fifteenth Schedule~~ [Schedule 5](#) to be published in the *Gazette* or in a newspaper circulating in the locality in which the public pound is situated.

485. Actions for full compensation for trespass

The provisions of this Part do not affect the right of the owner of land from suing in a court of competent jurisdiction for damages, at the rates specified in ~~Part 4 of the Fifteenth Schedule~~, [Schedule 4](#), or at the rates in force for the time being at the public pound nearest to the land, or for any other damages, in respect of trespass by cattle on the land.

~~Fifteenth Schedule~~

[s. 455(1)]

~~Western Australia~~~~Local Government (Miscellaneous Provisions) Act 1960~~~~Part 1 — Form of poundkeeper's book~~**Schedule 1 — Poundkeeper's book**

[s. 455(1)]

RELEASED,	Signature and address of person receiving cattle released	
	Loss on Sale	
	Profit on Sale	

~~Western Australia~~~~Local Government (Miscellaneous Provisions) Act 1960~~

[s. 458(2)(b)]

~~Part 2~~~~Ranger's fees~~

~~Table of Fees Chargeable by Ranger, officer or other
authorised person in respect of Cattle
Impounded by him~~

Schedule 2 — Ranger's fees

[s. 458(2)(b)]

	If impounded after 6 a.m. and before 6 p.m. \$	If impounded after 6 p.m. and before 6 a.m. \$
(1) Entire horses, mules, asses, camels, bulls or boars, per head	4.00	8.00

~~Western Australia~~~~Local Government (Miscellaneous Provisions) Act 1960~~~~[s. 462(1)]~~~~Part 3~~**Schedule 3 — Poundage fees and sustenance charges**~~[s. 462(1)]~~

Table of poundage fees for cattle impounded

	First 24 hours or part \$	Subsequently each 24 hours or part \$
(1) Entire horses, mules, asses, camels, bulls or boars above or apparently above the age of 2 years, per head	2.00	0.50
(2) Entire horses, mules, asses, camels, bull or boars under the age of 2 years	1.00	0.25

~~Western Australia~~~~Local Government (Miscellaneous Provisions) Act 1960~~~~[s. 463(1)]~~~~Part 4~~~~Rates for damage by trespass by cattle~~**Schedule 4 — Rates for damage by trespass by cattle**~~[s. 463(1)]~~

Description of Cattle	Trespass in Enclosed Growing Crop of any kind, or Garden or Enclosure from which the crop has not been removed or in an enclosed public cemetery or sanitary site	Trespass in an Unenclosed Paddock or Meadow of Grass or of Stubble	Trespass in Other Enclosed Land	Trespass in Other Unenclosed Land
	\$	\$	\$	\$
1. Entire horses, mares, geldings, fillies, colts, foals, bulls, oxen, steers, heifers, calves, asses, mules, or camels — per head ...	2.00	0.40	1.00	0.03
2. Pigs of any description — per head	2.00	0.40	1.00	0.03

~~Western Australia~~~~Local Government (Miscellaneous Provisions) Act 1960~~~~[s. 469(5)]~~~~Part 5~~~~Form of advertisement in the Government Gazette or newspaper circulating in the
locality~~

Schedule 5 — Form of advertisement

[s. 469(5)]

Impounded at (here state the place), the following (here describe the number and kind of cattle, colours and brands (if any)). ...

Clause 22. *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* amended

Section 114(2) and (3) of the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* require the use of notices in the form of the Seventh and Eighth Schedules. As those Schedules were repealed in 2005 section 114(2) and (3) no longer have any effect.

Clause 22 will amend the Act to:

- delete section 114(2) and (3); and
- redesignate the Ninth Schedule as Schedule 9 and convert the heading to the Schedule into the current format; and
- consequentially amend the cross-reference to the Ninth Schedule in section 114(4); and
- correct the reference in the Ninth Schedule to section 138 to refer to section 114(4).

This table shows the amendments to be made by this clause.

Metropolitan Water Supply, Sewerage, and Drainage Act 1909**114. Procedure**

~~—(2)— The notice shall be in the form or to the effect of the Seventh Schedule.~~

~~—(3)— A notice shall also be affixed upon some conspicuous part of the land, which notice shall be in the form or to the effect of the Eighth Schedule.~~

- (4) On taking possession of any land as aforesaid, the Corporation shall cause to be affixed upon some conspicuous part thereof a notice, in the form or to the effect of ~~the Ninth Schedule.~~ Schedule 9.

Ninth Schedule**Schedule 9 — Notice of possession**

[s. 114(4)]

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT 1909, AND AMENDMENTS

..... *District*

Notice ~~Under Section 138~~ of possession under section 114

Possession has been taken of this land, being allotment No. of

Clause 23. *Motor Vehicle (Third Party Insurance) Act 1943* amended

Clause 23 will amend the *Motor Vehicle (Third Party Insurance) Act 1943* to convert the heading to the Schedule into the current format.

This table shows the amendments to be made by this clause.

<i>Motor Vehicle (Third Party Insurance) Act 1943</i>	
<p style="text-align: center;">Schedule</p> <p style="text-align: center;">INSURANCE POLICY—issued under the MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT 1943</p> <p style="text-align: right;">[s. 6]</p>	
<p style="text-align: center;"><u>Schedule — Form of insurance policy</u></p> <p style="text-align: right;"><u>[s. 6]</u></p> <p style="text-align: center;"><u>INSURANCE POLICY</u> <u>issued under the <i>Motor Vehicle (Third Party Insurance) Act 1943</i></u></p> <p>The INSURANCE COMMISSION OF WESTERN AUSTRALIA, subject to the warranties and conditions contained in this Policy and ...</p>	

Clause 24. *Ord River Dam Catchment Area (Straying Cattle) Act 1967* amended

Clause 24 will amend the *Ord River Dam Catchment Area (Straying Cattle) Act 1967* to:

- convert the heading to the Schedule into the current format; and
- bring the Part headings in the Schedule into line with the current PCO drafting standards.

This table shows the amendments to be made by this clause.

<i>Ord River Dam Catchment Area (Straying Cattle) Act 1967</i>	
<p style="text-align: center;">Schedule</p> <p style="text-align: right;">{Section 3}</p> <p style="text-align: center;">Part I</p>	
<p style="text-align: center;"><u>Schedule — Ord River Dam Catchment Area</u></p> <p style="text-align: right;"><u>[s. 3]</u></p> <p style="text-align: center;"><u>Part I — Land within catchment area on or after 1 January 1969</u></p> <p>All that area of land formerly comprised in Pastoral Leases Nos. 3114/633 and 3114/526 and resumed under section 109 of the <i>Land Act 1933</i>, for the purpose of “Regeneration of eroded areas in the Ord River Dam Catchment Area”, by ...</p>	

Part II**Part II — Land within catchment area on or after 1 January 1970**

All that area of land formerly comprised in —

- (a) the whole of Pastoral Lease No. 396/780 resumed under section 109 of the *Land Act 1933* for the purpose of “Regeneration of eroded areas in the Ord River Dam Catchment Area” ...

Part III**Part III — Land within catchment area on or after 1 January 1985**

All that area of land on the shores of Lake Argyle being more particularly delineated within the red border on Lands and Surveys Miscellaneous Plan 1465 Sheets A and B.

Clause 25. *Paper Mill Agreement Act 1960* amended

Clause 25 will amend the *Paper Mill Agreement Act 1960* to:

- redesignate “The Schedule” as the “Schedule” and convert the Schedule heading into the current format; and
- consequentially amend the reference to “The Schedule” in section 2 of the Act.

This table shows the amendments to be made by this clause.

Paper Mill Agreement Act 1960**2. Interpretation**

In this Act unless the context otherwise requires —

the agreement means the agreement, a copy of which is set forth in ~~The Schedule;~~ the Schedule;

~~The Schedule~~

[s. 2]

Schedule — Paper Mill Agreement

[s. 2]

THIS AGREEMENT under seal made the 27 day of July One thousand nine hundred and sixty BETWEEN THE HONOURABLE DAVID BRAND M.L.A. Premier and Treasurer of the State of Western Australia contracting for and ...

Clause 26. *Property Law Act 1969* amended

Clause 26 will amend the *Property Law Act 1969* to:

- convert the headings to the First, Second, Third and Fourth Schedules into the current format; and
- bring the Part headings in the Third Schedule into line with the current PCO drafting standards.

This table shows the amendments to be made by this clause.

Property Law Act 1969**~~First Schedule~~**

{Section 4(a)}

~~Adopted Acts ceasing to have effect~~**First Schedule — Adopted Acts ceasing to have effect**

[s. 4(a)]

Reference to Acts	Subject or Title
8 and 9 Vic. Cap. 106 Adopted by 12 Vic. No. 21	An Act to amend the Law of Real Property.

~~Second Schedule~~

{Section 4(b)}

Second Schedule — Acts repealed

[s. 4(b)]

Reference to Acts	Subject or Title	Extent of Repeal
2 Gul. IV No. 7.	<i>Real Property Transfer Act 1832.</i>	The Whole.

~~Third Schedule~~

{Section 45}

~~Implied covenants~~**~~Part I~~**

{Section 45(1)(a)}

Third Schedule — Implied covenants

[s. 45(1)]

Part I — Conveyance for valuable consideration

Covenant implied in a Conveyance for Valuable Consideration other than a Mortgage, by a Person who conveys and is expressed to Convey as Beneficial Owner.

That, notwithstanding anything by the person who so conveys or any one through whom he derives title otherwise than by purchase for value, made, done, executed or ...

~~Part II~~

{Section 45(1)(b)}

Part II — Conveyance of leasehold

Further Covenant implied in a Conveyance of Leasehold Property for Valuable Consideration, other than a Mortgage, by a Person who Conveys and is expressed to Convey as Beneficial Owner.

That, notwithstanding anything by the person who so conveys, or any one through whom he derives title, otherwise than by purchase for value, made, done, executed or...

Part III

~~{Section 45(1)(e)}~~

Part III — Conveyance by way of mortgage

Covenant implied in a Conveyance by way of Mortgage by a person who Conveys and is expressed to Convey as Beneficial Owner.

That the person who so conveys, has, with the concurrence of every other person, if any, conveying by his direction, full power to convey the subject-matter expressed to be conveyed by him, subject as, if so expressed, and in the manner in which it is ...

Part IV

~~{Section 45(1)(d)}~~

Part IV — Conveyance by way of mortgage of leasehold

Covenant implied in a Conveyance by way of Mortgage of Leasehold Property by a Person who Conveys and is expressed to Convey as Beneficial Owner.

That the lease or grant creating the term or estate for which the land is held is, at the time of conveyance, a good, valid and effectual lease or grant of the land conveyed and is in full force, unforfeited and unsurrendered and has in ...

Part V

~~{Section 45(1)(e)}~~

Part V — Conveyance by way of settlement

Covenant implied in a Conveyance by way of Settlement, by a Person who conveys and is expressed to Convey as Settlor.

That the person so conveying, and every person deriving title under him by deed or act or operation of law in his lifetime subsequent to that conveyance, or by testamentary disposition or devolution in law, on his death, will, from time to ...

Part VI

~~{Section 45(1)(f)}~~

Part VI — Conveyance by person other than beneficial owner

Covenant implied in any Conveyance, by every Person who Conveys and is expressed to Convey as Trustee or Mortgagee, or as Personal Representative of a Deceased Person, or as Administrator of the Estate of a represented person or under an Order of the Court.

That the person so conveying has not executed or done, or knowingly suffered, or been party or privy to any deed or thing, whereby or by means whereof the subject-matter of the conveyance or any part thereof, is or may be impeached, ...

Fourth Schedule

~~{Section 37}~~

Fourth Schedule — Conveyance

This Deed made this _____ day of _____ 20____
Between A. B. of (address and occupation) of the one part and
C. D. of (address and occupation) of the other part

Clause 27 will amend the *Queen Elizabeth II Medical Centre Act 1966* to:

- This table shows the amendments to be made by this clause.

~~The Schedule~~

Schedule — Medical centre land

Part I — Original land

1. Swan Location 652, being the whole of the land comprised in Certificate of Title, Volume 1234, Folio 116.

Part II — Further land

Portion of Swan Location 1715 being the land comprised in Swan Locations 8697, 8698 and 8699 being the balance of the land comprised in Certificate of Title, Volume 1109, Folio 771.

Clause 28 will amend the *Real Estate and Business Agents Act 1978* to:

- convert the heading to the Schedule into the current format; and
- convert the ad hoc headings in the Schedule into Division headings that are in accordance with the current PCO drafting standards.

This table shows the amendments to be made by this clause.

<i>Real Estate and Business Agents Act 1978</i>	
Schedule	
Qualifications for grant of licence (s. 27)	
<u>Schedule — Qualifications and saving and transitional provisions</u>	
[s. 27 and 146]	
<u>Division 1 — Qualifications for grant of licence</u>	
1.	A person —
(a)	who has passed, subject to approved exemptions, the prescribed examinations relating to the carrying on and ...
Savings	
<u>Division 2 — Saving and transitional provisions</u>	
<i>Continuation of licences in force under the repealed Act</i>	
7.	(1) Licences in force under the repealed Act immediately preceding the appointed day shall continue in ...

Clause 29. *Residential Tenancies Act 1987* amended

Clause 29 will amend the *Residential Tenancies Act 1987* to:

- convert the heading to Schedule 1 into the current format; and
- bring the Part headings in Schedule 1 into line with the current PCO drafting standards.

This table shows the amendments to be made by this clause.

<i>Residential Tenancies Act 1987</i>	
Schedule 1	
[section 29(4)]	
Provisions relating to holding and disposal of security bonds and the income therefrom	
Part A	
<u>Schedule 1 — Provisions relating to holding and disposal of security bonds and the income therefrom</u>	
[s. 29(4)]	
<u>Part A — Preliminary matters</u>	
1.	Terms used in this Schedule
	In this Schedule —

Part B	
<u>Part B — Administrator</u>	
5.	Disposal of security bond by bond administrator
(1)	The bond administrator shall on receipt of —
Part C	
<u>Part C — Financial institution</u>	
6.	Terms on which bond held by financial institution
(1)	An authorised financial institution to which the amount of a security bond is paid under clause 2(1)(b) shall hold that amount on the following terms —
Part D	
<u>Part D — Referee</u>	
8.	Referee may determine disposal of bond
(1)	Subject to this clause, a competent court may, upon application by an owner or a tenant, order that the amount of any security bond be paid to the tenant in full, or, where the court is satisfied that the tenant is ...

Clause 30. *Roman Catholic Bishop of Broome Property Act 1957* amended

Clause 30 will amend the *Roman Catholic Bishop of Broome Property Act 1957* to:

- convert the headings to the First and Second Schedules into the current format; and
- bring the Part headings in the First Schedule into line with the current PCO drafting standards.

This table shows the amendments to be made by this clause.

<i>Roman Catholic Bishop of Broome Property Act 1957</i>	
First Schedule	
[S. 3]	
Part I	
<u>First Schedule — Land vested in Bishop of Broome</u>	
<u>[s. 3]</u>	
<u>Part I — Land transferred from Roman Catholic Bishop of Perth</u>	
<i>Certificates of Title</i>	
<i>Volume</i>	<i>Folio</i>
320	168

Part II**Part II — Land transferred from Roman Catholic Bishop of Geraldton***Certificates of Title*

<i>Volume</i>	<i>Folio</i>
34	31
34	32

Part III**Part III — Land transferred from Pious Society of Missions
Incorporated of Broome***Certificates of Title*

<i>Volume</i>	<i>Folio</i>
226	63
516	82

Second Schedule~~[S. 5]~~**Second Schedule — Acts overridden by section 5**[\[s. 5\]](#)

An Ordinance for vesting Roman Catholic Church Lands in Western
Australia in the Roman Catholic Bishop Administrator and his Successors

Clause 31. *Roman Catholic Geraldton Church Property Act 1925* amended

Clause 31 will amend the *Roman Catholic Geraldton Church Property Act 1925* to convert the heading to the Schedule into the current format.

This table shows the amendments to be made by this clause.

Roman Catholic Geraldton Church Property Act 1925**~~The Schedule hereto:~~****Schedule — Land vested in Bishop of Geraldton**[\[s. 3\]](#)

Certificates of title —

Volume 2	Folio 225	Volume 88	Folio 127	Volume 349	Folio 39
Volume 2	Folio 98	Volume 99	Folio 36	Volume 387	Folio 75

Clause 32. *Royal Agricultural Society Act 1926* amended

Clause 32 will amend the *Royal Agricultural Society Act 1926* to:

- redesignate “The Schedule” as the “Schedule” and convert the Schedule heading into the current format; and
- consequentially amend the reference to “The Schedule” in section 3 of the Act.

This table shows the amendments to be made by this clause.

<i>Royal Agricultural Society Act 1926</i>	
3.	Registration of agricultural societies
(1)	No society, club, association, or other body of persons, whether corporate or not, shall hold or promote an agricultural show unless and until such society, club, association, or other body of persons shall have become registered with the Royal Agricultural Society in the manner hereinafter prescribed, which registration shall be testified by the issue of a certificate in the form contained in The Schedule. the Schedule.
<p style="text-align: center;">The Schedule</p> <p style="text-align: center;"><u>Schedule — Certificate of registration</u></p> <p style="text-align: right;">[s. 3(1)]</p> <p style="text-align: center;"><i>THE ROYAL AGRICULTURAL SOCIETY ACT 1926</i></p> <p style="text-align: center;">Certificate of Registration</p> <p>THIS IS TO CERTIFY that the</p>	

Clause 33. *Royal Agricultural Society Act Amendment Act 1929* amended

Clause 33 will amend the *Royal Agricultural Society Act Amendment Act 1929* to:

- redesignate “The Schedule” as the “Schedule” and convert the Schedule heading into the current format; and
- consequentially amend the reference to “The Schedule” in section 2 of the Act.

Note: Clause 51 of the Bill will redesignate the proviso to section 2 of the Act as section 2(2).

This table shows the amendments to be made by this clause.

<i>Royal Agricultural Society Act Amendment Act 1929</i>	
2.	Exemption from rates
	Land now or hereafter vested in or held by the Royal Agricultural Society of Western Australia, Incorporated (hereinafter referred to as the Royal Agricultural Society) shall not be rateable land within the meaning of the <i>Local Government Act 1995</i> .

Provided that such exemption shall not apply to any land other than the land mentioned in ~~The Schedule~~ the Schedule hereunder vested in or held by the Royal Agricultural Society and leased by the Society otherwise than for agricultural show purposes.

~~The Schedule~~

Schedule — Land exempt from section 2(2)

[s. 2]

Swan location 1797, the subject of Certificate of Title, Volume 264, Folio 116.

Clause 34. *Sale of Goods Act 1895* amended

Clause 34 will amend the *Sale of Goods Act 1895* to convert the heading to the Schedule into the current format.

This table shows the amendments to be made by this clause.

Sale of Goods Act 1895

~~Schedule~~

Schedule — Imperial Acts that cease to apply

[s. 58]

This Schedule is to be read as referring to the revised edition of the Statutes prepared under the direction of the Statute Law Committee of the Imperial Parliament.

~~Enactments Referred To~~

Session and Chapter	Title of Act	Extent of Repeal
1 Jac. 1, c.21	An Act against Brokers.	The whole Act.
29 Cha. 2, c.3	An Act for the prevention of Frauds and Perjuries.	In part; that is to say, Sections 15 and 16.*

Clause 35. *Settlement Agents Act 1981* amended

Clause 35 will amend the *Settlement Agents Act 1981* to:

- convert the headings to Schedules 1 and 2 into the current format; and
- convert the ad hoc headings in Schedule 1 into Division headings that are in accordance with the current PCO drafting standards.

This table shows the amendments to be made by this clause.

Settlement Agents Act 1981

~~Schedule 1~~

~~Qualifications for grant of licence~~

~~{Sections 27, 28 and 29}~~

<p style="text-align: center;"><u>Schedule 1 — Grant of licence</u></p> <p style="text-align: right;">[s. 27, 28 and 29]</p>	
<p style="text-align: center;"><u>Division 1 — Qualifications</u></p>	
1.	Real estate settlement agent
(1)	A person —
<p style="text-align: center;">Disqualification</p> <p style="text-align: right;">[Sections 27, 28 and 29]</p>	
<p style="text-align: center;"><u>Division 2 — Disqualification</u></p>	
6.	Meaning of “business licence”
	In clauses 7, 8, and 9 <i>business licence</i> means the licence of ...
<p style="text-align: center;">Temporary arrangements</p> <p style="text-align: right;">[Sections 28 and 29]</p>	
<p style="text-align: center;"><u>Division 3 — Temporary arrangements</u></p>	
10.	Death or withdrawal of partner in a firm or director of a body corporate
(1)	Where a firm or body corporate is licensed and the holder of a current triennial certificate but subsequently by reason of a death or ...
<p style="text-align: center;">Schedule 2</p>	
<p style="text-align: center;">Functions of a settlement agent</p> <p style="text-align: right;">[Sections 46 and 47]</p>	
<p style="text-align: center;"><u>Schedule 2 — Functions of a settlement agent</u></p> <p style="text-align: right;">[s. 46 and 47]</p>	
1.	Real estate settlement agent
(1)	A licensee who holds a real estate settlement agent’s licence and a current triennial certificate may perform the following functions —

Clause 36. State Flag Act 2006 amended

Clause 36 will amend the *State Flag Act 2006* to:

- convert the heading to the Schedule into the current format;
and
- bring the Part headings in the Schedule into line with the current PCO drafting standards.

This table shows the amendments to be made by this clause.

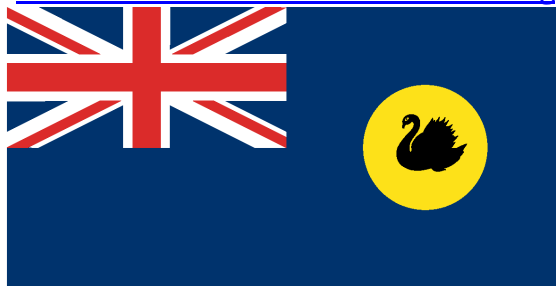
State Flag Act 2006**Schedule****Part 1****Schedule — Western Australian State flag**

[s. 4]

Part 1 — Description of flag

The Western Australian State Flag is a blue flag with —

- (a) the Union flag occupying the upper quarter next to the staff; and
- (b) depicting a black swan (*cygnus atratus*) on a circle of yellow situated centrally in the fly (the half of the flag furthest from the staff) and facing the staff.

Part 2**Part 2 — Western Australian State flag****THE WESTERN AUSTRALIAN STATE FLAG****Clause 37. *The Western Australian Turf Club Act 1892* amended**

Clause 37 will amend *The Western Australian Turf Club Act 1892* to convert the heading to the First Schedule into the current format.

This table shows the amendments to be made by this clause.

The Western Australian Turf Club Act 1892**~~First Schedule~~****~~THE WESTERN AUSTRALIAN TURF CLUB~~****~~Section 4~~****First Schedule — Form of memorial**

[s. 4]

THE WESTERN AUSTRALIAN TURF CLUB

Memorial of the name of the chairman of the committee of '*The Western Australian Turf Club*' to be recorded in the Supreme Court of the State of Western Australia pursuant to an Act of the Parliament of Western Australia passed in the year of the reign of Her Majesty Queen Victoria No. .

Clause 38. *Transfer of Land Act 1893* amended

The *Transfer of Land Act 1893* includes 13 Schedules. All but one are designated using ordinal numbers. The exception is Schedule 9A. For consistency, Schedule 9A will be renumbered as the Tenth Schedule (there currently being no Tenth Schedule).

Clause 38 will amend the Act to:

- redesignate Schedule 9A as the Tenth Schedule; and
- consequentially amend references to Schedule 9A; and
- convert the headings to all of the Schedules into the current format.

This table shows the amendments to be made by this clause.

Transfer of Land Act 1893					
4.	Terms used in this Act				
(3)	In this Act, a reference to a “short form” in relation to an easement of a type described in column 2 of Schedule 9A <u>the Tenth Schedule</u> is a reference to the corresponding short form description of that type of easement set out in column 1 of that Schedule.				
65.	Effect of short forms etc. for easements				
(3)	Where —				
	(a)	a transfer, lease, tree plantation agreement or certificate of title; or			
	(b)	a plan or an instrument referred to in Part IVA,			
	contains a short form of easement then the words in column 2 of Schedule 9A <u>the Tenth Schedule</u> corresponding to the short form shall be deemed to have effect in relation to that transfer, lease, tree plantation agreement, certificate of title, plan or instrument, unless the contrary intention appears.				
<div>First Schedule</div> <div>[Section 2]</div> <div>Western Australia</div> <div><u>First Schedule — Acts repealed</u></div> <div>[s. 2]</div> <table><tr><td>Date</td><td>Title of Act</td><td>Extent of Repeal</td></tr></table>			Date	Title of Act	Extent of Repeal
Date	Title of Act	Extent of Repeal			
<div>Second Schedule</div> <div>[Section 20]</div> <div><u>Second Schedule — Application to bring land under Act</u></div> <div>[s. 20]</div> <div>Western Australia</div> <div>Application to bring Land under the operation of the Transfer of Land Act 1893</div>					

~~Third Schedule~~

~~{Section 24}~~

Third Schedule — Notice to be posted on land

[s. 24]

Western Australia

Notice

Application has been made to bring the land hereunder described under the *Transfer of Land Act 1893* on a title claimed by possession (*insert if applicable* “as to part”).

~~Fourth Schedule~~

~~{Section 222}~~

Fourth Schedule — Application to be registered as proprietor by possession

[s. 222]

Western Australia

Application to be registered as Proprietor by possession of Land already under the Transfer of Land Act 1893.

To the Registrar of Titles

~~Ninth Schedule~~

~~{Section 65}~~

~~Western Australia~~

Ninth Schedule — Creation of rights of carriage-way

[s. 65]

Creation of Right of Carriage-way in a Transfer of Freehold Land

Together with full and free right and liberty to and for the transferee hereunder and to and for the registered proprietor or proprietors for the time being of the ...

~~Schedule 9A~~

~~Short and long forms of certain easements~~

~~{Section 65(3)}~~

Tenth Schedule — Short and long forms of certain easements

[s. 65(3)]

Column 1 Short form description of easement	Column 2 Long form description of easement
an easement for a right of footway	the right of every person who, for the time being, is entitled to an estate or interest in possession in the land indicated ...

Twelfth Schedule

{Section 94}

Twelfth Schedule — Short form of covenants by lessee

[s. 94]

*Column One**Column Two*

1. The lessee will not transfer or sublet.

1. The lessee his executors administrators or transferees will not during the said term transfer, ...

Sixteenth Schedule

{Section 115}

Sixteenth Schedule — Short form of covenant by mortgagor to insure

[s. 115]

*Column One**Column Two*

That I will insure against fire ...

That I my heirs executors administrators or transferees will insure and so long as any ...

Nineteenth Schedule**Nineteenth Schedule — Power of Attorney**

[s. 143(1)]

WESTERN AUSTRALIA

Transfer of Land Act 1893 as amended. No.**POWER OF ATTORNEY****Twenty-fourth Schedule**

{Section 172}

Twenty-fourth Schedule — Form of application to amend certificate or amend or replace relevant graphic

[s. 172]

Western Australia

Application to Amend Certificate or to amend or replace a relevant graphic: s. 170

To the Registrar of Titles

Twenty-fifth Schedule

{Section 180}

Twenty-fifth Schedule — Form of summons

[s. 180]

Western Australia

*Summons*In the matter of the *Transfer of Land Act 1893*

<p>Twenty-sixth Schedule</p> <p>{Section 237}</p> <p>Western Australia</p> <p>Table A</p> <p>General Conditions of Sale</p> <p><u>Twenty-sixth Schedule — General conditions of sale</u></p> <p>[s. 237]</p> <p><u>Table A</u></p> <p>1. The purchaser shall complete his purchase upon the day that the last of the acceptances or notes for purchase money become due; but he shall be ...</p>
<p>Twenty-eighth Schedule</p> <p>{Section 81B}</p> <p><u>Twenty-eighth Schedule — Application to register Crown lease</u></p> <p>[s. 81B]</p> <p>Application to Register a Crown lease under the <i>Transfer of Land Act 1893</i></p> <p>To the Registrar of Titles —</p>

Clause 39. War Service Land Settlement Scheme Act 1954 amended

Clause 39 will amend the *War Service Land Settlement Scheme Act 1954* to convert the heading to the Schedule into the current format.

This table shows the amendments to be made by this clause.

<i>War Service Land Settlement Scheme Act 1954</i>
<p>The Schedule</p> <p>Western Australia</p> <p>FORM OF CROWN GRANT</p> <p><u>Schedule — Form of Crown grant</u></p> <p>[s. 8(3)(b) and 9(2)]</p> <p><u>Western Australia</u></p> <p><u>CROWN GRANT</u></p> <p>ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories Queen, Head of the Commonwealth, To all to whom these ...</p>

Clause 40. *Water Boards Act 1904* amended

Clause 40 will amend the *Water Boards Act 1904* to:

- redesignate the Ninth Schedule as Schedule 9 and convert the heading to the Schedule into the current format; and
- consequentially amend the cross-reference to the Ninth Schedule in section 115.

This table shows the amendments to be made by this clause.

<i>Water Boards Act 1904</i>	
115. Debentures	
Any money borrowed by a water board may be raised by the issue of debentures in the form of the Ninth Schedule , <u>Schedule 9</u> , or to the effect thereof.	
Ninth Schedule	
{Section 115}	
<u>Schedule 9 — Debenture</u>	
<u>[s. 115]</u>	
<i>WATER BOARDS ACT 1904</i>	
..... Water Area	
No.	Debenture \$
(Total Issue \$)	
Issued by the Western Australia.	
TRANSFERABLE BY DELIVERY	

Clause 41. *Western Australian Land Authority Act 1992* amended

Clause 41 will amend the *Western Australian Land Authority Act 1992* to:

- convert the headings to Schedules 1, 2 and 4 into the current format; and
- bring the Part headings in Schedule 1 into line with the current PCO drafting standards.

This table shows the amendments to be made by this clause.

<i>Western Australian Land Authority Act 1992</i>
Schedule 1
{section 6(4)}
Part A
Constitution and proceedings of directors and board

<p style="text-align: center;"><u>Schedule 1 — Board and directors</u></p> <p style="text-align: right;">[s. 6(4)]</p> <p style="text-align: center;"><u>Part A — Constitution and proceedings of directors and board</u></p> <p>1. Term of office</p> <p>(1) Except as otherwise provided by this Act, a director holds office for such term, not exceeding 3 years, as is specified in the instrument of his or her appointment, but may from time to time be re-appointed.</p>	
<p style="text-align: center;">Part B</p> <p style="text-align: center;">Duties of directors</p> <p style="text-align: center;"><u>Part B — Duties of directors</u></p> <p>1. Interpretation</p> <p>(1) In this Part near relative, in relation to a director, means a spouse, de facto partner, parent or child of the director.</p>	
<p style="text-align: center;">Schedule 2</p> <p style="text-align: right;">[section 16(1)(c)]</p> <p style="text-align: center;">Area comprising Joondalup Centre</p> <p style="text-align: center;"><u>Schedule 2 — Area comprising Joondalup Centre</u></p> <p style="text-align: right;">[s. 16(1)(c)]</p> <p>All that portion of land bounded by lines starting at the western corner of Swan Location 7898 and extending westerly and northerly along boundaries of</p>	
<p style="text-align: center;">Schedule 4</p> <p style="text-align: right;">[section 50(2)]</p> <p style="text-align: center;">Transitional and savings provisions</p> <p style="text-align: center;"><u>Schedule 4 — Transitional and savings provisions</u></p> <p style="text-align: right;">[s. 50(2)]</p> <p>1. Interpretation</p> <p>In this Schedule, unless the contrary intention appears —</p>	

Clause 42. “The Schedules” and “Schedules” headings deleted

On occasions in the past a heading “The Schedules” or “Schedules” was included before the first Schedule to an Act that had 2 or more Schedules. The current PCO drafting standards do not include the use of this heading.

Clause 42 will amend the Acts listed in Tables 1 and 2 to the clause to delete that heading.

This table shows the amendments to be made by clause 42(2).

Row 1.	<i>Alumina Refinery (Mitchell Plateau) Agreement Act 1971</i>
<p style="text-align: center;">The Schedules First Schedule</p> <p style="text-align: center;">ALUMINA REFINERY (MITCHELL PLATEAU) AGREEMENT</p> <p>THIS AGREEMENT made the 17th day of November, One thousand nine hundred and seventy one, BETWEEN THE HONOURABLE JOHN TREZISE ...</p>	
Row 2.	<i>Alumina Refinery Agreement Act 1961</i>
<p style="text-align: center;">The Schedules First Schedule</p> <p>An Agreement under Seal made the Seventh day of June 1961 BETWEEN THE HONOURABLE CHARLES WALTER MICHAEL COURT O.B.E. M.L.A. Acting Premier and Minister for Industrial Development of the State of ...</p>	
Row 3.	<i>Broken Hill Proprietary Company's Integrated Steel Works Agreement Act 1960</i>
<p style="text-align: center;">The Schedules First Schedule</p> <p style="text-align: right;">[S. 3]</p> <p>AN AGREEMENT under seal made the eighteenth day of November 1960 BETWEEN THE HONOURABLE DAVID BRAND, M.L.A., PREMIER ...</p>	
Row 4.	<i>Dampier Solar Salt Industry Agreement Act 1967</i>
<p style="text-align: center;">The Schedules First Schedule</p> <p style="text-align: right;">[Section 2]</p> <p>AN AGREEMENT under seal made the 21st day of November One thousand nine hundred and sixtyseven BETWEEN THE HONOURABLE DAVID ...</p>	
Row 5.	<i>Iron Ore (Hamersley Range) Agreement Act 1963</i>
<p style="text-align: center;">The Schedules First Schedule</p> <p style="text-align: right;">[s.2.]</p> <p>THIS AGREEMENT under seal made the thirtieth day of July One thousand nine hundred and sixty-three BETWEEN THE HONOURABLE CRAWFORD...</p>	
Row 6.	<i>Iron Ore (Mount Bruce) Agreement Act 1972</i>
<p style="text-align: center;">The Schedules First Schedule</p> <p>THIS AGREEMENT under Seal made the 10th day of March One thousand nine hundred and seventy-two BETWEEN THE HONOURABLE JOHN TREZISE...</p>	

Row 7.	<i>Iron Ore (Mount Goldsworthy) Agreement Act 1964</i>
	<p>The Schedules First Schedule</p> <p>THIS AGREEMENT made the fifteenth day of October One thousand nine hundred and sixty-four BETWEEN THE HONOURABLE DAVID BRAND...</p>
Row 8.	<i>Iron Ore (Mount Newman) Agreement Act 1964</i>
	<p>The Schedules First Schedule</p> <p>THIS AGREEMENT under seal made the twenty-sixth day of August, One thousand nine hundred and sixty-four BETWEEN THE HONOURABLE...</p>
Row 9.	<i>Iron Ore (Robe River) Agreement Act 1964</i>
	<p>The Schedules First Schedule</p> <p>[Section 2]</p> <p>THIS AGREEMENT under seal made the eighteenth day of November, One thousand nine hundred and sixty-four BETWEEN THE HONOURABLE...</p>
Row 10.	<i>Nickel (Agnew) Agreement Act 1974</i>
	<p>The Schedules First Schedule</p> <p>THIS AGREEMENT made this 21st day of November, 1974 BETWEEN THE HONOURABLE SIR CHARLES WALTER MICHAEL COURT, O.B.E., ...</p>
Row 11.	<i>Nickel Refinery (Western Mining Corporation Limited) Agreement Act 1968</i>
	<p>The Schedules First Schedule</p> <p>AN AGREEMENT made the Nineteenth day of January one thousand nine hundred and sixty eight between the HONOURABLE DAVID BRAND M.L.A...</p>
Row 12.	<i>Poseidon Nickel Agreement Act 1971</i>
	<p>The Schedules Schedule 1</p> <p>[S.2]</p> <p>THIS AGREEMENT made this 27th day of July One thousand nine hundred and seventy-one BETWEEN THE HONOURABLE JOHN TREZISE TONKIN, M.L.A., Premier of the State of Western Australia, acting for and on</p>

Row 13. *Railway Standardisation Agreement Act 1961***~~The Schedules~~
First Schedule**

[Section 2]

AN AGREEMENT made the Second day of October 1961, BETWEEN THE COMMONWEALTH OF AUSTRALIA (in this agreement called “the ...

Row 14. *Wundowie Charcoal Iron Industry Sale Agreement Act 1974***~~The Schedules~~
First Schedule**

THIS AGREEMENT is made the 14th day of November One thousand nine hundred and seventy four BETWEEN THE HONOURABLE SIR CHARLES...

This table shows the amendments to be made by clause 42(3).

Row 1. *Metropolitan Water Supply, Sewerage, and Drainage Act 1909***~~Schedules~~**

[First Schedule omitted under the Reprints Act 1984 s. 7(4).]

[Second Schedule repealed by No. 14 of 1967 s. 63.]

[Third Schedule repealed by No. 37 of 1982 s. 59.]

[Fourth-Sixth Schedules repealed by No. 76 of 1978 s. 136.]

[Seventh, Eighth Schedules repealed by No. 25 of 2005 s. 52.]

Ninth Schedule

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT 1909, AND AMENDMENTS

..... District

Row 2. *Police Act 1892***142. Commencement of Act**

This Act shall come into force on 1 April 1892.

~~Schedules~~

[The First Schedule omitted under the Reprints Act 1984 s. 7(4)(f).]

Row 3. Western Australian Marine (Sea Dumping) Act 1981

Schedules

Schedule 1 — Convention

[s. 2]

[Sch heading as amended by cl. 4.]

CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY
DUMPING OF WASTES AND OTHER MATTER

Row 4. Workers' Compensation and Injury Management Act 1981

Schedules

Schedule 1 — Compensation entitlements

- 1. Death — dependants wholly dependent — notional residual entitlement**
 - (1) Subject to subclauses (2) and (3), where death results from the injury and the worker leaves —

Part 3 Other headings

Clause 43. Part heading inserted before section 1

The current PCO drafting standards require that if an Act is divided into Parts, all sections must be within a Part. Some old Acts were divided into Parts but with the first few sections (usually the short title, commencement and interpretation provisions) preceding the first Part.

Clause 43(2) will amend the Acts listed in Table 1 to the clause to insert a new Part IA heading before section 1 of each Act.

This table show the amendments to be made by this subclause.

Row 1. <i>Alumina Refinery (Wagerup) Agreement and Acts Amendment Act 1978</i>
<p>An Act to ratify an Agreement and for related purposes.</p> <p style="text-align: center;"><u>Part IA — Preliminary</u></p> <p>1. Short title</p> <p style="padding-left: 40px;">This Act may be cited as the <i>Alumina Refinery (Wagerup) Agreement and Acts Amendment Act 1978</i>.</p>
Row 2. <i>Alumina Refinery Agreements (Alcoa) Amendment Act 1987</i>
<p>An Act to ratify an agreement and for related purposes.</p> <p style="text-align: center;"><u>Part IA — Preliminary</u></p> <p>1. Short title</p> <p style="padding-left: 40px;">This Act may be cited as the <i>Alumina Refinery Agreements (Alcoa) Amendment Act 1987</i>.</p>
Row 3. <i>Constitution Acts Amendment Act 1899</i>
<p>Whereas by the <i>Constitution Act 1889</i>.... Be it therefore enacted .. as follows: —</p> <p style="text-align: center;"><u>Part IA — Preliminary</u></p> <p>1. Short title</p> <p style="padding-left: 40px;">This Act may be cited as the <i>Constitution Acts Amendment Act 1899</i>.</p>
Row 4. <i>Curtin University of Technology Act 1966</i>
<p>An Act to establish and incorporate the Curtin University of Technology and for incidental and other purposes.</p> <p style="text-align: center;"><u>Part IA — Preliminary</u></p> <p>1. Short title</p> <p style="padding-left: 40px;">This Act may be cited as the <i>Curtin University of Technology Act 1966</i>.</p>

Row 5. <i>Police Act 1892</i>
<p>An Act to consolidate and amend the law relating to the police in Western Australia.</p> <p style="text-align: center;"><u>Part IA — Preliminary</u></p> <p>[1. <i>Omitted under the Reprints Act 1984 s. 7(4)(f).]</i></p> <p>[2. <i>Repealed by No. 59 of 2006 s. 61.]</i></p> <p>3. Short title</p> <p style="padding-left: 40px;">This Act may be cited as the <i>Police Act 1892</i>.</p>
Row 6. <i>Statistics Act 1907</i>
<p>An Act to provide for the collection of statistics for public purposes.</p> <p style="text-align: center;"><u>Part IA — Preliminary</u></p> <p>1. Short title and commencement</p> <p style="padding-left: 40px;">This Act may be cited as the <i>Statistics Act 1907</i>, and shall come into operation on a day to be fixed by proclamation.</p>
Row 7. <i>Transfer of Land Act 1893</i>
<p>An Act to consolidate the law relating to the simplification of the title to and the dealing with estates in land.</p> <p style="text-align: center;"><u>Part IA — Preliminary</u></p> <p>1. Short title</p> <p style="padding-left: 40px;">This Act may be cited as the <i>Transfer of Land Act 1893</i>.</p>

Clause 43(3) will amend the Acts listed in Table 2 to the clause to move the existing Part I heading in each Act so it precedes section 1 of the Act.

This table show the amendments to be made by this subclause.

Row 1. <i>Bush Fires Act 1954</i>
<p>An Act to An Act to make better provision for diminishing the dangers resulting from bush fires, ... and for other purposes.</p> <p style="text-align: center;"><u>Part I — Preliminary</u></p> <p>1. Short title</p> <p style="padding-left: 40px;">This Act may be cited as the <i>Bush Fires Act 1954</i> .</p> <p style="text-align: center;">Part I — Preliminary</p> <p>3. Commencement</p>

Row 2. Coal Miners' Welfare Act 1947

An Act to establish a fund for other purposes incidental thereto.

Part I — Preliminary

1. Short title and commencement

- (1) This Act may be cited as the *Coal Miners' Welfare Act 1947*, and shall come into operation on a date to fixed by proclamation.
- (2) This Act shall be read and construed with the *Mines Safety and Inspection Act 1994*.

~~Part I — Preliminary~~

3. Construction

Row 3. Country Areas Water Supply Act 1947

An Act to make provision for the construction and for other incidental purposes.

Part I — Preliminary

1. Short title and commencement

This Act may be cited as the *Country Areas Water Supply Act 1947*, and shall come into operation on a date to be fixed by Proclamation¹.

~~Part I — Preliminary~~

[4. Omitted under the Reprints Act 1984 s. 7(4)(f).]

5. Terms used in this Act

- (1) In this Act, unless the context requires otherwise —

Row 4. Dental Act 1939

An Act to consolidate and amend the law relating to dentists and other dental occupations, to regulate the practice of dentistry, and for purposes incidental thereto.

Part I — Preliminary

1. Short title and commencement

This Act may be cited as the *Dental Act 1939*, and shall come into operation on a date to be fixed by proclamation¹.

~~Part I — Preliminary~~

[3. Omitted under the Reprints Act 1984 s. 7(4)(f).]

4. Interpretation

In this Act, unless the context otherwise requires —

Row 5. *Electricity Act 1945*

An Act o to make provision as to the examination and licensing of persons... and for other relative purposes.

[Part I — Preliminary](#)

1. Short title and commencement

This Act may be cited as the *Electricity Act 1945*, and shall come into operation on a date to be fixed by Proclamation.

~~Part I — Preliminary~~

3. Act repealed

Row 6. *Fire Brigades Act 1942*

An Act to consolidate and amend the law relating to the prevention and extinguishing of fires ... incidents and accidents.

[Part I — Preliminary](#)

1. Short title and commencement

This Act may be cited as the *Fire Brigades Act 1942* and shall come into operation on a day to be fixed by Proclamation.

~~Part I — Preliminary~~

4. Interpretation

Row 7. *Government Employees' Housing Act 1964*

An Act to make provision for adequate and suitable housing and other purposes.

[Part I — Preliminary](#)

1. Short title

This Act may be cited as the *Government Employees' Housing Act 1964*.

2. Commencement

This Act shall come into operation on a date to be fixed by proclamation.

~~Part I — Preliminary~~

4. Objects

Row 8. *Juries Act 1957*

An Act to consolidate and amend the law relating to juries, and for other purposes.

[Part I — Preliminary](#)

1. Short title and commencement

(1) This Act may be cited as the *Juries Act 1957* .

(2) This Act shall come into operation on a date to be fixed by proclamation.

Part I—Introductory	
[2.	<i>Omitted under the Reprints Act 1984 s. 7(4)(e) and (f).]</i>
3.	Terms used in this Act
Row 9. <i>Marketing of Potatoes Act 1946</i>	
An Act to make provision for the marketing, ... relative purposes.	
<u>Part I — Preliminary</u>	
1.	Short title and commencement
	This Act may be cited as the <i>Marketing of Potatoes Act 1946</i> , and shall come into operation on a date to be fixed by proclamation.
Part I—Preliminary	
[3.	<i>Omitted under the Reprints Act 1984 s. 7(4)(f).]</i>
4.	Operation
Row 10. <i>Public Works Act 1902</i>	
An Act relating to public works.	
<u>Part I — Preliminary</u>	
1.	Short title
	This Act may be cited as the <i>Public Works Act 1902</i> .
Part I—Preliminary	
2.	Terms used in this Act
Row 11. <i>Soil and Land Conservation Act 1945</i>	
An Act relating to the conservation of soil and land resources, and to the mitigation of the effects of erosion, salinity and flooding.	
<u>Part I — Preliminary</u>	
1.	Short title
	This Act may be cited as the <i>Soil and Land Conservation Act 1945</i> , and shall come into operation on a day to be fixed by Proclamation.
Part I—Preliminary	
3.	This Act to be supplementary to other Acts

Clause 44. Ad hoc headings

The current PCO drafting standards provide that an Act may be divided using a hierarchy of Parts, Divisions and Subdivisions, each of which must have a heading. Every section in an Act must also have a heading.

A number of Acts contain other ad hoc headings that do not conform to the current PCO drafting standards.

In most instances these headings correspond to Part, Division or Subdivision headings. Clause 44(2) will amend the Acts listed in Table 1 to the clause to replace the ad hoc headings with appropriate Part, Division or Subdivision headings.

This table shows the amendments to be made by this subclause.

Row 1. Constitution Acts Amendment Act 1899	
Part I — Legislature	
<i>Legislative Council</i>	
<u>Division 1 — Legislative Council</u>	
5.	<p>Constitution of Legislative Council</p> <p>The Legislative Council shall consist of 36 elected members who shall be returned and sit for electoral regions.</p>
<i>Legislative Assembly</i>	
<u>Division 2 — Legislative Assembly</u>	
18.	<p>Constitution of Legislative Assembly</p> <p>The Legislative Assembly shall consist of 59 elected members who shall be returned and sit for electoral districts.</p>
<i>General</i>	
<u>Division 3 — General</u>	
31.	<p>Interpretation</p> <p>In the succeeding provisions of this Part —</p>
Row 2. Local Government Act 1995	
Division 9 — The electoral process	
<u>Division 9 — Electoral process</u>	
<u>Subdivision 1 — Stages of electoral process</u>	
4.36.	<p>Application and definitions</p> <p>(1) This Division applies to the following stages in the preparation for, and conduct of, an election —</p> <p style="padding-left: 40px;"><i>Stage 1 — Preparing the electoral roll</i></p> <p style="padding-left: 40px;"><i>Stage 2 — Nomination of candidates</i></p> <p style="padding-left: 40px;"><i>Stage 3 — After nominations close ...</i></p>

<i>Stage 1 — Preparing the electoral roll</i>	
<u>Subdivision 2 — Stage 1: Preparing the electoral roll</u>	
4.37. New roll for each election	
(1)	An electoral roll is to be prepared for the election.
<i>Stage 2 — Nomination of candidates</i>	
<u>Subdivision 3 — Stage 2: Nomination of candidates</u>	
4.47. Call for nominations	
(1)	Statewide public notice calling for nominations of candidates for the election is to be given by the returning officer on or after the 56th day, but not later than on the 45th day, before election day.
<i>Stage 3 — After nominations close</i>	
<u>Subdivision 4 — Stage 3: After nominations close</u>	
4.54. Nominations to be declared	
(1)	As soon as possible after nominations have closed the returning officer is to declare the nominations that have been accepted and have not been cancelled.
<i>Stage 4 — Preparing for voting</i>	
<u>Subdivision 5 — Stage 4: Preparing for voting</u>	
4.60. Voting by electors	
	If section 4.56 applies and the election is not void under section 4.58(1), the electors may vote to elect a candidate or candidates to fill the vacant office or offices.
<i>Stage 5 — Voting</i>	
<u>Subdivision 6 — Stage 5: Voting</u>	
4.65. Right to vote	
(1)	An elector may vote at the election if the elector's name —
(a)	is on the electoral roll used for the election; or
(b)	was omitted in error from the electoral roll used for the election.
<i>Stage 6 — Counting the votes</i>	
<u>Subdivision 7 — Stage 6: Counting the votes</u>	
4.72. Outcome of election to be determined	
(1)	As soon as is practicable after voting has finished the returning officer is to arrange for the votes to be counted and ascertain the result of the election.

~~Stage 7 — Declaring the result~~**Subdivision 8 — Stage 7: Declaring the result****4.77. Returning officer to declare result**

As soon as is practicable after the result of the election is known under section 4.55, 4.57 or 4.72, the returning officer is to declare and give notice of the result in accordance with regulations.

Row 3. Main Roads Act 1930~~Preliminary~~**Part 1 — Preliminary****1. Short title, commencement and extent of operation**

- (1) This Act may be cited as the *Main Roads Act 1930*, and shall come into operation on a day to be fixed by proclamation.

~~Commissioner of Main Roads~~**Part 2 — Commissioner of Main Roads****7. Commissioner of Main Roads**

- (1) The Governor may appoint for the due administration of this Act, some person to be Commissioner of Main Roads.

~~Main Roads Advisory Board~~**Part 3 — Main Roads Advisory Board****12A. Board established**

- (1) A body called the Main Roads Advisory Board is established.

~~Highways and main roads~~**Part 4 — Highways and main roads****13. Proclamation of highways and main roads**

- (1) On the recommendation of the Commissioner the Governor may by proclamation declare that any section or part of a road shall be —

~~Powers and duties of Commissioner~~**Part 5 — Powers and duties of Commissioner****16. Powers of Commissioner**

- (1) The Commissioner may —
- (a) construct all highways or main roads, and do all things necessary for or incidental to the proper management thereof;

~~Secondary roads~~

Part 6 — Secondary roads

24. Secondary roads

- (1) The Governor, on the recommendation of the Commissioner, may —

~~Roads other than declared roads~~

Part 7 — Roads other than declared roads

27A. Roads which have not been declared as highways, main roads or secondary roads

- (1) The Commissioner may construct roads or parts of roads for the development of an area or for any other purpose, and any such road need not be declared to be a highway, a main road or a secondary road.

~~Motor traffic passes~~

Part 8 — Motor traffic passes

28. Motor traffic passes

- (1) In this section *the relevant authority* means —
 (a) in relation to a highway or main road, the Commissioner; and

~~Control of access~~

Part 9 — Control of access

28A. Control of access areas

- (1)(a) Where the Commissioner is of the opinion —

~~The Main Roads Trust Account~~

Part 10 — Main Roads Trust Account

31. Main Roads Trust Account

- (1) There shall be credited, from time to time, to an agency special purpose account called the Main Roads Trust Account established under section 16 of the *Financial Management Act 2006* —

~~Control of advertisements~~

Part 11 — Control of advertisements

33B. Control of advertisements

- (1) The Governor may, on the recommendation of the Commissioner, make regulations for controlling and prohibiting the erection or construction of hoardings or other advertising structures, and to enforce the removal of hoardings and other advertising structures

Regulations**Part 12 — Regulations****35. Power to make regulations**

The Governor may, on the recommendation of the Commissioner, make regulations not inconsistent with this Act, prescribing all things which by this Act are required or permitted to be prescribed or which it may be necessary or convenient to prescribe for the purpose of giving effect to the objects and purposes of this Act, including ...

Row 4. Partnership Act 1895**Preliminary****Part IA — Preliminary****1. Short title**

This Act may be cited as the *Partnership Act 1895*.

~~Dissolution of partnership, and its consequences~~**Part IV — Dissolution of partnership and its consequences****43. Dissolution by expiration of notice**

Subject to any agreement between the partners, a partnership is dissolved —

- (a) if entered into for a fixed term, by the expiration of that term;

Row 5. Sale of Goods Act 1895**~~Contract of sale~~****Division 1 — Contract of sale****1. Sale and agreement to sell**

- (1) A contract of sale of goods is a contract whereby the seller transfers, or agrees to transfer, the property in goods to the buyer for a money consideration, called the price. There may be a contract of sale between one part owner and another.

~~Formalities of the contract~~**Division 2 — Formalities of the contract****3. Contract of sale, how made**

Subject to the provisions of this Act, and of any statute in that behalf, a contract of sale may be made in writing (either with or without seal), or by word of mouth, or partly in writing and partly by word of mouth, or may be implied from the conduct of the parties: Provided that nothing in this section shall affect the law relating to corporations.

Subject-matter of contract	
<u>Division 3 — Subject matter of contract</u>	
5.	<p>Existing or future goods</p> <p>(1) The goods which form the subject of a contract of sale may be either existing goods, owned or possessed by the seller, or goods to be manufactured or acquired by the seller, after the making of the contract of sale, in this Act called <i>future goods</i>.</p>
The price	
<u>Division 4 — The price</u>	
8.	<p>Ascertainment of price</p> <p>(1) The price in a contract of sale may be fixed by the contract, or may be left to be fixed in manner thereby agreed, or may be determined by the course of dealing between the parties.</p>
Conditions and warranties	
<u>Division 5 — Conditions and warranties</u>	
10.	<p>Stipulations as to time</p> <p>(1) Unless a different intention appears from the terms of the contract, stipulations as to the time of payment are not deemed to be of the essence of a contract of sale.</p>
Sale by sample	
<u>Division 6 — Sale by sample</u>	
15.	<p>Sale by sample</p> <p>(1) A contract of sale is a contract for sale by sample where there is a term in the contract, express or implied, to that effect.</p>
Transfer of property as between seller and buyer	
<u>Division 1 — Transfer of property as between seller and buyer</u>	
16.	<p>Goods must be ascertained</p> <p>Where there is a contract for the sale of unascertained goods no property in the goods is transferred to the buyer unless and until the goods are ascertained.</p>
Transfer of title	
<u>Division 2 — Transfer of title</u>	
21.	<p>Sale by person not the owner</p> <p>(1) Subject to the provisions of this Act, where goods are sold by a person who is not the owner thereof, and who does not sell them under the authority or with the consent of the owner, the buyer acquires</p>

~~**Part IV — Rights of unpaid seller against the goods**~~

Part IV — Rights of unpaid seller against the goods

Division 1 — General

38. Unpaid seller defined

- (1) The seller of goods is deemed to be an *unpaid seller* within the meaning of this Act —
 - (a) when the whole of the price has not been paid or tendered;

~~**Unpaid seller's lien**~~

Division 2 — Unpaid seller's lien

40. Seller's lien

- (1) Subject to the provisions of this Act, the unpaid seller of goods who is in possession of them is entitled to retain possession of them until payment or tender of the price in the following cases, namely —

~~**Stoppage in transitu**~~

Division 3 — Stoppage in transitu

43. Right of stoppage *in transitu*

Subject to the provisions of this Act, when the buyer of goods becomes insolvent, the unpaid seller who has parted with the possession of the goods has the right of stopping them *in transitu*, that is to say, he may resume possession of the goods as long as they are in course of transit, and may retain them until payment or tender of the price.

~~**Re-sale by buyer or seller**~~

Division 4 — Re-sale by buyer or seller

46. Effect of sub-sale or pledge by buyer

Subject to the provisions of this Act, the unpaid seller's right of lien or detention or stoppage *in transitu* is not affected by any sale or other disposition of the goods which the buyer may have made, unless the seller has assented thereto: Provided that where a document of title ...

~~**Remedies of the seller**~~

Division 1 — Remedies of the seller

48. Action for price

- (1) Where, under a contract of sale, the property in the goods has passed to the buyer, and the buyer wrongfully neglects or refuses to pay for the goods according to the terms of the contract, the seller may maintain an action against him for the price of the goods.

Remedies of the buyer	
<u>Division 2 — Remedies of the buyer</u>	
50. Damages for non-delivery	
(1)	Where the seller wrongfully neglects or refuses to deliver the goods to the buyer, the buyer may maintain an action against the seller for damages for non-delivery.
Row 6. Supreme Court Act 1935	
(1) Jurisdiction	
<u>Division 1 — Jurisdiction</u>	
16. General jurisdiction	
(1)	Subject as otherwise provided in this Act, and to any other enactment in force in this State, the Supreme Court —
(2) Law and Equity	
<u>Division 2 — Law and equity</u>	
24. Law and equity to be concurrently administered	
	Subject to the express provisions of any other Act, in every civil cause or matter commenced in the Supreme Court, law and equity shall be administered by the Court according to the rules following: —
(3) Miscellaneous Rules of Law	
<u>Division 3 — Miscellaneous rules of law</u>	
25. Rules of law upon certain points	
	The law to be administered as to the matters in this section mentioned shall, unless the contrary is expressly provided by some other enactment, be as follows: —
(1) Sittings and Vacations	
<u>Division 1 — Sittings and vacations</u>	
38. Court may sit at any time and at any place	
(1)	The Supreme Court and judges thereof shall have power to sit and act at any time, and at any place, for the transaction of any part of the business of the Court or a judge, or for the discharge of any duty which by any statute or otherwise is required to be discharged.

~~(2) Circuit Towns~~

Division 2 — Circuit towns

46. Circuit towns, and sittings in them

- (1) The Governor may, from time to time, by proclamation declare that such places in Western Australia as he thinks fit are circuit towns.

~~(3) Jurisdiction of a Commissioner~~

Division 3 — Jurisdiction of a commissioner

49. Commissioners, jurisdiction of etc.

- (1) The Governor, by commission either general or special, may assign to a master, a judge of The District Court of Western Australia, any legal practitioner of at least 7 years' standing, or to a magistrate, the duty of trying and determining within any place or district specially fixed for that purpose by such commission, any causes or matters, or any questions or issues of fact or of law or partly of fact and partly of law in any cause or matter, depending in the Supreme Court, or the exercise of any civil or criminal jurisdiction capable of being exercised by a judge.

~~(4) Inquiries and Trials by Referees~~

Division 4 — Inquiries and trials by referees

50. Question in civil matter may be referred to referee etc.

- (1) Subject to the rules of court, and to any right to have particular cases tried by jury, the Court or a judge may refer to a master or a registrar or to a referee for inquiry or report any question arising in any cause or matter, other than a criminal proceeding.

~~(5) Assessors~~

Division 5 — Assessors

56. Trial with assessors

- (1) In any cause or matter before the Supreme Court, other than a criminal proceeding, the Court may, if it thinks it expedient so to do, call in the aid of one or more assessors specially qualified, to try and hear the cause or matter wholly or partially with their assistance.

~~(6) The Court of Appeal~~

Division 6 — The Court of Appeal

57. Court of Appeal, constitution of

- (1) The Court of Appeal shall be constituted by 2 or more judges of appeal.

Row 7. Transport Co-ordination Act 1966~~(1) Licensing~~Subdivision 1 — Licensing**33. Application of Part**

- (1) Subject to this Division, the Minister may, on the application of the owner, grant a licence in respect of a commercial goods vehicle.

~~(2) Recommendations in respect of operation pursuant to subcontracts~~Subdivision 2 — Recommendations in respect of operation pursuant to subcontracts**42A. Interpretation**

In this subdivision, unless the contrary intention appears —

Row 8. Water Boards Act 1904**Part II — Constitution of water areas and water boards**~~Water areas~~Division 1 — Water areas**4. Governor may constitute water areas**

The Governor may, by Order in Council, —

- (1) Constitute a district, or 2 or more districts, or any part or parts of such a district or districts, a water area, under such name as may be directed by the Order in Council;

~~Vesting of assets~~Division 2 — Vesting of assets**5. Governor may apportion and adjust assets, etc., of water boards**

- (1) All lands acquired for or dedicated to the purpose of this Act, and all waterworks constructed under this Act or constructed by or on behalf of the Crown in right of the State and declared by the Governor to be subject to this Act, vest —

~~Water boards~~Division 3 — Water boards**6. Water boards**

- (1) For every water area there shall be a water board constituted under and subject to the provisions of this Act.

~~*Proceedings of water boards*~~

Division 4 — Proceedings of water boards

13. Application of Acts under which local governments appointed

- (1) With respect to local governments which may be constituted water boards under this Act, the provisions of the Acts under which they are respectively constituted shall be applicable to them and their servants with respect to all things done and proceedings had under this Act, except so far as such provisions are varied by or are inconsistent with the provisions of this Act.

~~*Delegation of authority*~~

Division 5 — Delegation of authority

30. Water board may delegate powers

A water board may authorise the chairman or other officer to do any of the acts, matters, and things which the water board is hereby empowered or required to do; and the chairman or other officer so authorised shall have and exercise all powers hereby conferred on the water board; and all acts, matters, and things, when done under such authority, shall be as valid and effectual as if they had been done by the water board.

~~*Officers of water boards*~~

Division 6 — Officers of water boards

31. Appointment, removal, etc., and salaries of officers

Every water board shall from time to time appoint such officers and servants as may be necessary to assist in the execution of this Act, and may, out of the Water Fund, pay such salaries and allowances to such officers respectively as the board may determine.

Part VI — Water rates and payment for water

~~*The rating records*~~

Division 1 — The rating records

76A. Interpretation

In this Part —

gross rental value, in relation to rateable land, means the gross rental value of that land in force under the *Valuation of Land Act 1978*;

*Objections and review***Division 2 — Objections and review****87. Objection to entry in rating records**

- (1) Subject to section 90, any person who is dissatisfied with any entry in the rating records and who stands rated on the basis of that entry, may serve upon the water board a written objection to that entry.

*Payment***Division 3 — Payment****97. Water rates when payable**

Basic water rates shall be payable in advance in accordance with the by-laws for the time being.

In a small number of cases the ad hoc headings do not correspond to Part, Division or Subdivision headings and as such cannot be brought into line with the current PCO drafting standards.

In the Acts listed in Table 2 to clause 44 the ad hoc headings listed in the Table are unnecessary either because the Act has been amended to obviate the need for the headings or because the heading does not add anything to the Part, Division and section headings in the Act.

Clause 44(3) will amend the Acts listed in Table 2 to the clause to delete those headings.

This table shows the amendments to be made by this subclause.

Row 1. Conservation and Land Management Act 1984*~~Forest officers, etc.~~***116. Unbranded timber liable to seizure**

- (1) Unbranded timber in course of conveyance without a permit in writing from a forest officer may be seized and detained by a forest officer pending inquiry, and no damages shall be recoverable with regard to such seizure or detention should it afterwards appear that such timber has not been removed in contravention of this Act.

*~~Rangers and conservation and land management officers~~***124. Powers of rangers and conservation and land management officers**

- (1) A ranger or conservation and land management officer who finds a person committing a relevant offence on or in any land or waters or who on reasonable grounds suspects that such an offence has been committed or is about to be committed, may without warrant —

<i>Wildlife officers</i>	
125. Powers of wildlife officer	The powers of a wildlife officer under sections 20 and 20A of the <i>Wildlife Conservation Act 1950</i> , and the other provisions of those sections, extend to offences against regulations made under Part X.
Row 2. Library Board of Western Australia Act 1951	
<i>General provisions</i>	
4. Participating bodies	(1) A local government or an approved body —
Row 3. Mining On Private Property Act 1898	
An Act to permit mining on private property.	
(12) — Hampton Plains Estate	
56. The Hampton Lands and Railway Syndicate, Limited	It is declared as follows: —
Row 4. Police Act 1892	
<i>Inquiries into misconduct and penalties</i>	
23. Disciplinary offences, how they are dealt with	(1) The Commissioner, or an officer appointed by the Commissioner for the purpose, may examine on oath any member of the Police..
Row 5. Public Works Act 1902	
<i>Rivers</i>	
93. Improvement of rivers and other watercourses	The Minister and also the local authority may deepen, widen, straighten, and otherwise improve, any river, and may, ...
<i>Construction</i>	
96. Railways to be made only under special Act	(1) Every railway shall be made only under the authority of a special Act which shall state as nearly as may be the line of the ...

Clause 45. Country Towns Sewerage Act 1948 amended

Part VII of the *Country Towns Sewerage Act 1948* contains both ad hoc and Division headings. Clause 45 will amend the Act to convert all of these headings into Division headings that are in accordance with the current PCO drafting standards.

This table shows the amendments to be made by this clause.

Country Towns Sewerage Act 1948**Part VII — Sewerage charges**~~(3) Objections and Review~~**Division 1A — Objections and reviews****61. Objection to entry in records**

- (1) Subject to section 64, any person who is dissatisfied with any entry in records kept under section 69A of the *Water Agencies (Powers) Act 1984*, and who is liable to a sewerage charge assessed on the basis of that entry, may serve upon the Corporation written objection to that entry.

~~(6) Liability for and Recovery of Charges~~~~Division (1) — Generally~~**Division 1 — Liability for, and recovery of, charges: general matters****75. Who is liable for charges**

- (1) The amount of any sewerage charges made in respect of land is payable to the Corporation by the owner of the land but, at the option of the Corporation, may instead in the first instance be recovered from the occupier of the land.

~~Division (2) — Power of sale~~**Division 2 — Power of sale****82. Application and expiry of this Division**

- (1) Notice cannot be given under section 84 after section 29 of the *Water Legislation Amendment (Competition Policy) Act 2005* comes into operation¹.

Clause 46. *Law Reform (Contributory Negligence and Tortfeasors' Contribution) Act 1947* amended

The *Law Reform (Contributory Negligence and Tortfeasors' Contribution) Act 1947* includes 3 ad hoc headings that correspond to Part headings but it does not have a Part heading before section 1.

Clause 46 will amend the Act to:

- insert a new Part heading before section 1 of the Act; and
- convert the existing ad hoc headings into Part headings that are in accordance with the current PCO drafting standards.

This table shows the amendments to be made by this clause.

Law Reform (Contributory Negligence and Tortfeasors' Contribution) Act 1947

Part 1 — Preliminary

1. Short title

This Act may be cited as the *Law Reform (Contributory Negligence and Tortfeasors' Contribution) Act 1947*¹.

~~*Contributory negligence — Amendment of the law*~~

Part 2 — Contributory negligence — Amendment of the law

3A. References to claims founded on negligence

In sections 4 and 6 —

~~*Contribution between tortfeasors*~~

Part 3 — Contribution between tortfeasors

7. Rules applicable if there are 2 or more tortfeasors

- (1) Subject to Part 1F of the *Civil Liability Act 2002*, where damage is suffered by any person as the result of a tort —

~~*General*~~

Part 4 — General

8. Person not liable due to limitation period not entitled to benefit of s. 4(1)

Where one person avoids liability to another person by reason of any statute of limitation applicable in the circumstances such ...

Clause 47. *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* amended

Part VI of the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* contains 3 ad hoc headings that correspond to Division headings but the last of them is not applicable to all of the provisions in that Part after the heading. Clause 47 will amend the Act to:

- convert the ad hoc headings in Parts VI and VIII into Division headings that are in accordance with the current PCO drafting standards; and
- insert a Division heading before section 57E of the Act.

This table shows the amendments to be made by this clause.

Metropolitan Water Supply, Sewerage, and Drainage Act 1909**Part VI — Water supply**~~(1) The supply and distribution of water~~**Division 1 — Supply and distribution of water****36. Land to be supplied with water**

The owner or occupier of land in respect of which a water supply charge has been made for a period is entitled, as far as practicable and subject to this Act and the *Water Agencies (Powers) Act 1984*, ...

~~(2) The protection of works and prevention of waste~~**Division 2 — Protection of works and prevention of waste****47. Duty to keep fittings in repair**

Every person supplied with water under this Act shall keep the service or communication pipe and all prescribed fittings within or attached to his land in good repair, so as to effectually prevent the water from running to waste.

~~(3) The protection of underground water~~**Division 3 — Protection of underground water****57A. Constituting of Underground Water Pollution Control Areas**

- (1) The Governor may, on the recommendation of the Minister, by proclamation constitute and declare any part or parts of the Area to be an Underground Water Pollution Control Area with such name and from such date subsequent to the proclamation as may be specified therein.

Division 4 — Public Water Supply Areas**57E. Constituting Public Water Supply Areas**

- (1) The Governor may, on the recommendation of the Minister, by proclamation constitute and declare any part or parts of the Area to be a Public Water Supply Area with such name and from such date ...

Part VIII — Liability for and recovery of water charges~~(i) Generally~~**Division 1 — General****103. Who is liable for charges**

- (1) The amount of any water charges made in respect of land is payable to the Corporation by the owner of the land but, at the option of the Corporation may instead in the first instance be recovered from the occupier of the land.

~~(ii) Power to lease~~**Division 2 — Power to take possession and lease land****112. Application and expiry of this Division**

- (1) Notice cannot be given under section 114(1) after section 44 of the *Water Legislation Amendment (Competition Policy) Act 2005* comes into operation.

Clause 48. *University of Western Australia Act 1911* amended

The *University of Western Australia Act 1911* includes numerous ad hoc headings, most of which correspond to Part or Division headings. The heading before section 34 of the Act relates only to that section and is unnecessary as it replicates the section heading and section 34 is properly part of what will become Part 6 of the Act.

Clause 48 will amend the Act to:

- delete the heading before section 34; and
- convert the other ad hoc headings into Part and Division headings that are in accordance with the current PCO drafting standards.

This table shows the amendments to be made by this clause.

<i>University of Western Australia Act 1911</i>	
Preliminary	
<u>Part 1 — Preliminary</u>	
1. Short title	This Act may be cited as the <i>University of Western Australia Act 1911</i>
Establishment of the University	
<u>Part 2 — Establishment of the University</u>	
3. The University of Western Australia	There shall be from henceforth for ever in the State of Western Australia a University to be called “The University of Western Australia” with such faculties as the Statutes of the University may from time to time prescribe.
Visitor	
<u>Part 3 — Visitor</u>	
7. Visitor	
(1)	The Governor shall be the Visitor of the University, and has authority, as and when he or she thinks fit, to do all things that pertain to the office of Visitor.

Senate	
<u>Part 4 — Senate, officers and Convocation</u>	
<u>Division 1 — Senate</u>	
8.	Senate members
(1)	The Senate shall consist of 21 members as follows —
(a)	4 persons appointed by the Governor;
Chancellor and Pro-Chancellor	
<u>Division 2 — Chancellor and Pro-Chancellor</u>	
12.	Chancellor
(1)	On —
Powers of Senate	
<u>Division 3 — Powers of Senate</u>	
13.	Appointment of officers and management of affairs
	Subject to this Act and the Statutes, the Senate may from time to time appoint deans, professors, lecturers, examiners, and other officers and servants of the University, and shall have the entire control and management of the affairs and concerns of the University, and may act in all matters concerning the University in such manner as appears to it best calculated to promote the interests of the University.
Convocation	
<u>Division 4 — Convocation</u>	
17.	Membership
(1)	Convocation shall consist of —
Vacancies	
<u>Division 5 — Vacancies</u>	
19.	Resignation
(1)	A member of the Senate may resign his office by writing under his hand addressed to the Chancellor.
Proceedings	
<u>Division 6 — Proceedings</u>	
24.	Chairman
(1)	At every meeting of the Senate the Chancellor, or in his absence, the Pro-Chancellor, shall, except as hereinafter provided, preside as chairman.

<p style="text-align: center;">Vice-Chancellor</p> <p style="text-align: center;"><u>Division 7 — Vice-Chancellor</u></p>	
27.	<p>The Vice-Chancellor</p> <p>(1) At the first meeting of the Senate held after the passing of this Act or as soon thereafter as may be possible the Senate shall proceed to appoint a Vice-Chancellor, who shall, subject to the Statutes, hold office for a period not exceeding 10 years, but who shall be eligible for reappointment for such further period as the Senate may deem fit.</p>
<p style="text-align: center;">Guild of Undergraduates</p> <p style="text-align: center;"><u>Part 5 — Guild of Undergraduates</u></p>	
28.	<p>The Guild of Undergraduates</p> <p>(1) There shall be a Guild of Undergraduates.</p>
<p style="text-align: center;">Instruction, degrees, examination</p> <p style="text-align: center;"><u>Part 6 — Instruction, degrees, examination</u></p>	
29.	<p>Instruction, degrees etc.</p> <p>Subject to this Act and the Statutes the Senate may cause instruction to be given to students, whether matriculated or not, and may grant degrees, diplomas, and certificates, in any branch of knowledge</p>
<p style="text-align: center;">Statutes</p> <p style="text-align: center;"><u>Part 7 — Statutes</u></p>	
31.	<p>Power to make Statutes</p> <p>(1) The governing authority may from time to time make, alter, and repeal Statutes with respect to all or any of the following matters, that is to say —</p>
<p style="text-align: center;">Affiliated institutions</p>	
34.	<p>Affiliated institutions</p> <p>It shall be lawful for the governing authority of the University to make Statutes upon such terms, conditions, and payment of fees as the said governing authority may deem fit for the affiliation ...</p>
<p style="text-align: center;">Endowment and revenue</p> <p style="text-align: center;"><u>Part 8 — Endowment and revenue</u></p>	
35.	<p>Endowment of Crown lands etc.</p> <p>(1) By way of permanent endowment, the Governor may grant or demise to the University such lands of the Crown as he may think fit.</p>

General provisions**Part 9 — General provisions****39. No religious test**

No religious test shall be administered to any person in order to entitle him to be admitted as a student of the University, or to hold office therein, or to graduate thereat, or to enjoy any benefit, advantage, or privilege thereof.

Clause 49. *Local Government (Miscellaneous Provisions) Act 1960* amended

Part XII of the *Local Government (Miscellaneous Provisions) Act 1960* is divided into 3 Divisions - Divisions 1, 2 and 9 (Divisions 3 to 8 having been repealed). However, as only one section remains in Part XII, there is no longer any need for the Part to be divided into Divisions. Clause 49 will delete the Division headings.

This table shows the amendments to be made by this clause.

Local Government (Miscellaneous Provisions) Act 1960**Part XII — Streets****~~Division 1 — General~~**

~~[285-294, 294A. Repealed by No. 31 of 1997 s. 66(1).]~~

~~[295. Repealed by No. 38 of 2005 s. 14(2).]~~

~~Division 2 — Private streets~~

~~[296, 297. Repealed by No. 74 of 1995 s. 9.70.]~~

~~[297A. Repealed by No. 31 of 1997 s. 67(1).]~~

~~[297B. Repealed by No. 74 of 1995 s. 9.70.]~~

~~[Division 3 (s. 298, 299) repealed by No. 74 of 1995 s. 9.70.]~~

~~[Division 4 (s. 300-315) repealed by No. 74 of 1995 s. 9.70.]~~

~~[Division 5: s. 316-328 repealed by No. 74 of 1995 s. 9.70;
s. 329 repealed by No. 60 of 1981 s. 18(1).]~~

~~[Division 6 (s. 330-345) repealed by No. 74 of 1995 s. 9.70.]~~

~~[Division 7 (s. 346-353) repealed by No. 74 of 1995 s. 9.70.]~~

~~[Division 8 (s. 354-360) repealed by No. 74 of 1995 s. 9.70.]~~

~~Division 9 — New street alignments~~

~~[361-363. Repealed by No. 74 of 1995 s. 9.70.]~~

364. Power to prescribe new street alignments

- (1) A local law made under the *Local Government Act 1995* may prescribe a new street alignment for a street or part of a street for the purpose of extending the width of the street or part of the street to the new street alignment.

Clause 50. Heading to preamble

Under the current PCO drafting standards a preamble is not usually to be included in a Bill. However when a preamble is included, it is to have a heading. This has not always been the case.

Clause 50 will amend the Acts listed in the Table to the clause to insert the heading “Preamble” before the preamble to each Act.

This table shows the amendments to be made by this clause.

Row 1. <i>Albany Cemeteries Act 1943</i>
An Act to revest certain lands in His Majesty and for other purposes relative thereto.
Preamble
Whereas the lands described in the first and second columns of the Schedule are vested in the religious bodies or trustees set out in the third column of the Schedule and are held and used as burial grounds but not ...
Row 2. <i>Australia Acts (Request) Act 1985</i>
An Act to enable the constitutional arrangements affecting the Commonwealth and the States to be brought into conformity with the status of the Commonwealth of Australia as a sovereign, independent and federal nation.
Preamble
Whereas the Prime Minister of the Commonwealth and the Premiers of the States at conferences held in Canberra on 24 and 25 June 1982 ...
Row 3. <i>Biological Control Act 1986</i>
An Act to make provision for the biological control of pests in Western Australia, and for related purposes.
Preamble
WHEREAS —
Row 4. <i>Child Support (Adoption of Laws) Act 1990</i>
An Act to adopt the <i>Child Support (Registration and Collection) Act 1988</i>, and the <i>Child Support (Assessment) Act 1989</i>, of the Commonwealth ... matters incidental to or connected with the foregoing.
Preamble
WHEREAS the Parliaments of the States of New South Wales, Victoria, South Australia and Tasmania have referred to the Parliament of the ...
Row 5. <i>Guildford Old Cemetery (Lands Revestment) Act 1949</i>
An Act relating to the Old Cemetery at Guildford.
Preamble
Whereas Sir James Stirling, a former Governor of this State, now deceased, is shown in the Enrolment Numbers 1 and 83 in the Registry of Deeds as the owner of an estate in fee simple in all that portion of land

Row 6. *Jurisdiction of Courts (Cross-vesting) Act 1987***An Act relating to the cross-vesting of certain jurisdiction.****[Preamble](#)**

Whereas inconvenience and expense have occasionally been caused to litigants by jurisdictional limitations in federal, State and Territory courts, and whereas it is desirable —

Row 7. *Northam Cemeteries Act 1944***An Act to revest certain lands in His Majesty and for other purposes relative thereto.****[Preamble](#)**

Whereas the lands described in the first and second columns of the Schedule hereto are vested in various religious bodies or trustees as set out in the third column of the said Schedule for the purposes set out in the ...

Row 8. *Perth Building Society (Merger) Act 1986***An Act to authorise the Perth Building Society ... and to provide for matters incidental thereto or connected therewith.****[Preamble](#)**

Whereas provision is made by the *Building Societies Act 1986* of the State of Victoria, as amended, (in this preamble referred to as “the Victorian ...

Row 9. *Petroleum (Submerged Lands) Act 1982***An Act to make provision with respect to the exploration for and the exploitation of the petroleum resources and for incidental and other purposes.****[Preamble](#)**

Whereas in accordance with international law Australia as a coastal State has sovereign rights over the continental shelf beyond the limits of ...

Row 10. *Service and Execution of Process (Harbours) Ordinance 1855***An Ordinance to remove doubts as to the service or execution of common law process on the sea within the harbours of Western Australia.****[Preamble](#)**

Whereas it is expedient to obviate possible conflicts between the Common Law and Admiralty Jurisdiction in this Colony, and to legalise by ...

Row 11. *The Bank of Adelaide (Merger) Act 1980***An Act to supplement *The Bank of Adelaide (Merger) Act 1980* of the State of South Australia and for connected purposes.****[Preamble](#)**

WHEREAS The Bank of Adelaide became a wholly owned subsidiary of the Australia and New Zealand Banking Group Limited

Row 12. *The Commercial Bank of Australia Limited (Merger) Act 1982*

An Act to supplement *The Commercial Bank of Australia Limited (Merger) Act 1982* of the State of New South Wales and for connected purposes.

[Preamble](#)

Whereas The Commercial Bank of Australia Limited became on or about the 12th day of February 1981 a wholly owned subsidiary of Bank of New South Wales ...

Row 13. *The Commercial Banking Company of Sydney Limited (Merger) Act 1982*

An Act to supplement *The Commercial Banking Company of Sydney Limited (Merger) Act 1982* of the State of New South Wales and for connected purposes.

[Preamble](#)

Whereas The Commercial Banking Company of Sydney Limited became a wholly owned subsidiary of The National Bank of Australasia Limited ...

Row 14. *Toodyay Cemeteries Act 1939*

An Act for the closure of portion of a certain Road and to vest certain Lands in His Majesty; and for other purposes relative thereto.

[Preamble](#)

Whereas the land described in the First Schedule hereto forms portion of a road in the Toodyay Road District: And whereas the lands described in the first and second columns of the Second Schedule hereto are vested in

Row 15. *Western Australian Turf Club (Property) Act 1944*

An Act to resolve certain doubts concerning the power of The Western Australian Turf Club and to enter into agreements for those purposes.

[Preamble](#)

Whereas certain doubts have arisen concerning the power of The Western Australian Turf Club

Row 16. *York Cemeteries Act 1933*

An Act to revest certain lands in His Majesty, and for other purposes relative thereto.

[Preamble](#)

Whereas the lands described in the first and second columns of the schedule hereto are vested in various religious bodies or trustees, as set out in the third column of the said schedule, for the purposes set out in

Part 4 Structure of subsections and paragraphs etc.

The current PCO drafting standards in relation to the structure of subsections, to the extent that they relate to amendments to be made by the Bill, are as follows.

- A section consists of one or more legislative statements to be set out in grammatically correct sentences.
- If a section consists of only one sentence, it does not have a designation separate from that of the section.
- If a section consists of 2 or more sentences, each sentence should form a separate subsection, each of which is to have a subsection designation.
- Within a subsection, if matters are to be enumerated they may be set out in 2 or more paragraphs. As one matter on its own does not require enumeration, a subsection should not include only one paragraph.
- If a subsection includes 2 or more paragraphs:
 - o the subsection is to begin with opening words that introduce all paragraphs; and
 - o each paragraph is to have a designation; and
 - o if there are closing words applying to all paragraphs, they are to be outset after the last paragraph; and
 - o the opening words, all of the paragraphs and any closing words must together form a single, grammatically correct sentence.
- A paragraph may be further divided into subparagraphs, items and subitems. If so, the standards set out above for paragraphs apply in relation to those subparagraphs, items and subitems.
- A section has a heading but subsections and smaller legislative components do not.

The designations used for the various components of a section are as follows. In all cases the designation appears in brackets.

Component	Description of designation style	Examples
subsection	numeric, Arabic numeral	(1), (2), (3), (4)
paragraph	alphabetic, lower case	(a), (b), (c), (d)
subparagraph	numeric, Roman numeral, lower case	(i), (ii), (iii), (iv)
item	numeric, Roman numeral, upper case	(I), (II), (III), (IV)
subitem	alphabetic, upper case	(A), (B), (C), (D)

Provisions inserted between 2 existing provision of the same kind are designated alphabetically – e.g. subsections (2A), (2B), paragraphs (aa), (ab).

The current PCO drafting standards in relation to provisions setting out a list of definitions, to the extent that they relate to amendments to be made by the Bill, are as follows.

- A list of definitions is to be set out in a subsection, not in a paragraph or smaller legislative component.
- The subsection must begin with opening words that introduce the definitions.
- The subsection should not include anything other than the definitions, in particular, there should not be an outset after the definitions.
- The definitions do not have designations.
- Within a definition if matters are to be enumerated, the definition may be divided into paragraphs and smaller components, in which case the standards and designations set out above in relation to paragraphs and smaller components of subsections apply.

Part 4 of the Bill will amend numerous Acts to restructure and redesignate provisions to bring them into line with these drafting standards. Cross-references to redesignated provisions will be amended where necessary.

Most of the amendments are straightforward and will be effected by clause 51 where they are set out in an amending table.

In a very small number of Acts the structure of a provision departs so far from the current PCO drafting standards that the only way to bring it into line with those standards is to delete and replace it. In these cases the wording of the provision will be changed only to the extent necessary to achieve compliance with the drafting standards.

In a few Acts a provision that would require amendment to bring it into line with the current PCO drafting standards has become spent or is otherwise obsolete. These provisions will be deleted.

The Acts in which one or more provisions are to be replaced or deleted are dealt with individually in clauses 52 to 63.

Clause 51. Various written laws amended

Clause 51 will amend the written laws listed in the Table to the clause to restructure and redesignate numerous provisions to bring them into line with the current PCO drafting standards. Cross-references to redesignated provisions will be amended where necessary.

This table shows the amendments to be made by this clause.

Row 1. <i>Aboriginal Affairs Planning Authority Act 1972</i>	
30.	Right of control in reserved lands
No application	
(1) <u>No application</u> for the grant of any interest, licence, right, title or estate under any Act which would operate in relation to any land to	

which this Part applies —

- (a) shall be refused without the prior consent of the Authority;
- (b) shall be processed except in consultation with the Authority;
- (c) shall be taken to be approved unless the approval of the Authority, and any terms and conditions to which it may be subject, is referred to in the document evidencing the grant.

~~— Provided that nothing~~

(2) Nothing in this section shall affect or be construed to derogate from the operation of the *Mining Act 1904* or the *Petroleum and Geothermal Energy Resources Act 1967* or any other Act relating to minerals or petroleum.

Row 2. **Administration Act 1903**

Fourth Schedule — Rights in respect of dwelling houses

[s. 14.]

[Sch heading as amended by cl. 6]

~~1. (1) Subject~~

1. Rights of surviving spouse if dwelling house is residence

(1) Subject to the provisions of this Schedule where —

- (b) the whole or a part of the intestate property consists of an interest in a dwelling house

~~2. Where~~

2. Court order required in certain cases

Where —

- (a) the dwelling house forms part of a building and an interest in the whole of the building is comprised in the intestate property; ...

~~3. (1) The right~~

3. Time limit for exercising right under par. 1

(1) The right conferred by paragraph 1 shall not be exercisable — ...

~~4. (1) The right~~

4. Mode of exercising right under par. 1

(1) The right conferred by paragraph 1 shall be exercisable by furnishing a notification in writing — ...

~~5. Notwithstanding~~

5. Determination of value

Notwithstanding section 50 of the *Trustees Act 1962*, as respects an appropriation in pursuance of paragraph 1 the value of the interest is the amount determined by a qualified valuer engaged by the personal representative of the intestate to be the market value of the interest.

~~6. (1) — In this paragraph *the election period*~~

6. Restriction on sale during election period

(1) In this paragraph —

election period means the period of 12 months mentioned in paragraph 3 and includes any extension of that period granted under subparagraph (2) of that paragraph.

~~7. (1) — Where~~

7. Surviving spouse as sole personal representative

(1) Where the surviving husband or wife is the sole personal representative, or one of 2 or more personal representatives of the intestate, he or she may, notwithstanding that he or she is a trustee, acquire the interest under an appropriation in pursuance of paragraph 1.

~~8. (1) — Where~~

8. Surviving spouse not of full mental capacity

(1) Where the surviving husband or wife is not of full mental capacity a requirement or consent under this Schedule may be made or given on his or her behalf by the person, if any, having the care and management of his or her estate, or, where there is no such person, by the Court.

~~9. — Unless~~

9. Terms used

Unless the contrary intention appears, words and expressions used in this Schedule have the same respective meanings as they have in and for the purposes of section 14.

Fifth Schedule — Rules as to payment of debts and liabilities of insolvent estates

[s. 10A.]

[Sch heading as amended by cl. 6]

~~1. — Funeral,~~

1. Expenses having priority

Funeral, testamentary and administration expenses have priority.

~~2. — A demand,~~

2. Demand for unliquidated damages

A demand, in respect of which proceedings are maintainable against an estate, shall be provable in the administration of the estate, notwithstanding that it is a demand in the nature of unliquidated damages arising otherwise than by a contract, promise or breach of trust.

~~3. — Subject~~

3. Rules of bankruptcy apply

Subject to these rules, the same rules shall prevail and be observed as to — ...

Row 3. Anglican Church of Australia Constitution Act 1960**8. Anglican Church of Australia Trust Corporation, functions of**~~(3) (a) Each~~

(3) Each copy and statement shall be certified to by the Primate or the person for the time being exercising the authority of the Primate under the Constitution.

~~(b) Each~~

(4) Each copy and statement so certified and lodged is *prima facie* evidence of the matter contained therein.

Row 4. Anglican Church of Australia Lands Act 1914**5. Approval of Governor in certain cases**~~No assurance~~

(1) No assurance on sale or mortgage or lease for a term exceeding 21 years of lands granted by the Crown without pecuniary consideration therefor shall be valid unless approved by the Governor and countersigned by him as approved.

~~Provided that in the~~

(2) In the case of a subdivision of any such lands for the purpose of sale, it shall be sufficient compliance with this section if such approval be endorsed on the plan of such subdivision deposited or to be deposited with the Western Australian Land Information Authority established by the *Land Information Authority Act 2006* section 5.

Row 5. Anglican Church of Australia School Lands Act 1896**5. Application of funds from lands**

(1) ~~The proceeds~~ The —

~~of the sale~~

(aa) proceeds of the sale or resumption and any other capital proceeds of the said lands and hereditaments or of any ~~part thereof;~~ part thereof; and

~~and all moneys~~~~raised~~

(ab) all moneys raised on mortgage thereof or of any ~~part thereof;~~ part thereof; and

~~and all rents, issues and profits~~~~received~~

(ac) all rents, issues and profits received therefrom by the said Diocesan ~~Trustees;~~ Trustees; and

~~and the interest~~

~~of any such~~
 (ad) the interest of any such proceeds, moneys, rents, issues and ~~profits;~~ profits; and
~~and any present or future accumulations~~
~~of any such~~
 (ae) any present or future accumulations of any such proceeds, moneys, rents, issues, profits and ~~interest;~~ interest,
~~after payment~~ after payment of —
~~of all rates~~
 (af) all rates and taxes payable in respect of the said lands; and
~~of all costs~~
 (ag) all costs and expenses of and incidental to the maintenance and repair and insurance of the buildings on the said lands; and of other like outgoings; and
~~of interest~~
 (ah) interest payable under any mortgage of the said lands, whether executed before or after the coming into operation of the *Church of England School Lands Act Amendment Act 1957*¹; and
~~of such amount~~
 (ai) such amount of the principal of any such mortgage as the said Diocesan Trustees think fit, and are hereby authorised, to pay in the reduction thereof; and
~~of the cost~~
 (aj) the cost of building upon or otherwise improving the said lands; and
~~of the costs~~
 (ak) the costs of any sale, partitioning, mortgaging, or ~~leasing, thereof;~~ leasing, thereof,
~~shall,~~
~~subject to~~
shall, subject to the right hereby conferred on the said Diocesan Trustees to retain such part or parts of such proceeds, moneys, rents, issues, profits and interest for any of the aforesaid purposes as the said Diocesan Trustees may from time to time consider ~~necessary;~~
~~be necessary, be~~ applied and distributed by the said Diocesan Trustees —
 (a) as to nine-sixteenths — in payment in perpetuity to the body corporate registered under the *Associations Incorporation Act 1987*⁸, as Guildford Church of England Grammar School or other body whether corporate or unincorporate for the time

being managing such school;

- (b) as to five-sixteenths — in payment in perpetuity to the body whether incorporated or unincorporated for the time being managing the School now known as Christ Church Grammar School; and
- (c) as to the remaining two-sixteenths — in payment for 25 years from the coming into operation of the *Church of England School Lands Act Amendment Act 1957*¹, of one-half to each of those bodies as hereinbefore provided and thereafter for such purposes of education of children in the Diocese of Perth, including if the said Diocesan Trustees think fit for the benefit of either or both of the Schools referred to in subsection (1)(a) and (b), as the said Diocesan Trustees from time to time determine and are hereby authorized to determine.

Row 6. **Anzac Day Act 1960**

11. The Anzac Day Trust constituted

- (1) For the purposes of this Act a Trust is constituted under the name of “The Anzac Day Trust”.
- (2) The Trust shall consist of 4 Trustees (including the chairman) to be appointed from time to time by the Governor.
- (3) Of the 4 Trustees —
 - (a) one shall be a person nominated by the Treasurer as the representative of the Treasury and he shall be chairman;
 - (b) one shall be a person nominated in accordance with the provisions of ~~subsection (4)~~ subsections (4A) to (4C) by the Treasurer as the representative of The Returned and Services League of Australia WA Branch Incorporated;
 - (c) one shall be a person nominated in accordance with the provisions of ~~subsection (4)~~ subsections (4A) to (4C) by the Treasurer as the representative of Perth Legacy Incorporated; and
 - (d) one shall be a person nominated in accordance with the provisions of ~~subsection (5)~~ subsections (5A) to (5C) by the Treasurer as the representative of those societies, bodies or associations of ex-servicemen or ex-servicewomen or the dependants of either, which are the holders of licences under the provisions of the *Charitable Collections Act 1946*.

~~(4)(a) — Where~~

(4A) Where the Treasurer intends to nominate a Trustee mentioned in paragraph (b) or in paragraph (c) of subsection (3), he shall before making the nomination give written notice of that intention —

~~(i) — in the~~

(a) in the case of the Trustee mentioned in that paragraph (b), to

the State President of the body referred to in that paragraph; or

~~(ii) — in the~~

(b) in the case of the Trustee mentioned in that paragraph (c), to the President of the body referred to in that paragraph.

~~(b) — If within~~

(4B) If within one month of the giving of the notice referred to ~~in this section~~ in subsection (4A) the State President, or, as the case may be, the President, of the body to whom that notice is given submits to the Treasurer a panel of the names of 3 persons eligible to hold the office of Trustee as the representative of that body, the Treasurer shall nominate for that office one of the 3 persons whose names are so submitted.

~~(e) — If at~~

(4C) If at the expiration of the period of ~~one month~~ one month referred to in subsection (4B), or such extension of that period as he thinks fit and is hereby authorised to grant, the Treasurer has not received the panel required to be submitted under ~~this subsection~~ subsection (4B), or has received the panel but none of the persons named is eligible to hold office as a Trustee, the Treasurer shall nominate such person as he thinks fit.

~~(5)(a) — Where~~

(5A) Where the Treasurer intends to nominate a Trustee mentioned in paragraph (d) of subsection (3), he shall before making the nomination give written notice of that intention to the President of each of the bodies referred to in that paragraph.

~~(b) — If within~~

(5B) If within one month of the giving of the notice referred to ~~in this section~~ in subsection (5A), the President of each body to whom that notice is given submits to the Treasurer the name of a person eligible to hold the office of Trustee, the Treasurer shall nominate for the office of Trustee as the representative of the bodies referred to in subsection (3)(d) one of the persons whose names are so submitted.

~~(e) — If at~~

(5C) If at the expiration of the period of ~~one month~~ one month referred to in subsection (5A), or such extension of that period as he thinks fit and is hereby authorised to grant, the Treasurer has not received the names required to be submitted under ~~this subsection~~ subsection (5B), or has received the names but none of the persons named is eligible to hold office as a Trustee, the Treasurer shall nominate such person as he thinks fit.

(6) Any 3 Trustees shall form a quorum.

Row 7. Art Gallery Act 1959**11. Chairman**

- (1) The Governor may appoint one of the appointed members to be chairman and another appointed member to be vice chairman.

~~(2) (a) The~~

(2) The member so appointed holds office as chairman or vice chairman as the case may be for the term of his office as member.

~~(b) When~~

(3) When the member ceases to hold office as chairman or vice chairman as the case may be before the expiration of the term for which he is appointed another appointed member may be appointed chairman or vice chairman by the Governor for the unexpired portion of the term of office of the person in whose place he is appointed.

~~(c) The~~

(4) The chairman or vice chairman may resign his office as chairman or vice chairman by notice in writing addressed to the Governor in Council.

~~(d) If~~

(5) If at any time the chairman or vice chairman ceases to be a member, he ceases to be chairman or vice chairman.

13. Proceedings of Board

The Board shall conduct its proceedings in such manner as may be prescribed and until prescribed, as the Board determines, but in any case —

~~each member~~

(a) each member including the person presiding at a meeting is entitled to one vote only on the determination of any question;

~~5 members~~

(b) 5 members constitute a quorum for the conduct of business;

~~the majority~~

(c) the majority of the votes of the members present determines all questions, but if the votes in favour equal votes against the motion, the motion shall be deemed lost.

20. Vesting of certain real property

~~(1) (a) So much~~

(1A) So much of the land described in the Schedule to the *Museum and Art Gallery of Western Australia Act 1911*, and so much of the buildings on that land as the Governor by proclamation declares to be vested in the Board, by the operation of this Act and the proclamation ceases to be vested in the Trustees and vests in the Board for such estate or

interest as is mentioned in the proclamation without the necessity of any transfer or conveyance.

~~(b) A proclamation~~

(1B) A proclamation made under ~~this subsection~~ subsection (1A) may be revoked or from time to time by subsequent proclamation varied.

- (2) The Board shall not without the consent in writing of the Governor sell, exchange, lease, mortgage or otherwise encumber the land so vested, or any part of, or estate or interest in, the land.
- (3) The Board shall not without the consent in writing of the Governor, purchase, sell, exchange, lease, mortgage or otherwise encumber any estate or interest in any land other than the land referred to in ~~subsection (1)~~, subsection (1A), but the Board shall not require that consent for entering into a lease or tenancy agreement for the purpose of establishing or managing a branch art gallery.

21. Gifts and bequests to Art Gallery and preservation of rights of officers and employees

~~(4) (a) All~~

(4) All officers and employees holding office or being employed in the Art Gallery on the coming into operation of this Act shall be deemed to have been appointed and engaged by the Board under the provisions of this Act.

~~(b) (i) All~~

(5) All rights and accruing rights of the officers and employees of the Trustees who are employed by the Board on the coming into operation of this Act remain unimpaired and continue for the purpose of their employment with the Board.

~~(ii) The~~

(6) The Board shall undertake all matters incidental to the fulfilment of any obligations in connection therewith.

~~(iii) The~~

(7) The Trustees shall on the coming into operation of this Act be freed and discharged from the obligations.

Row 8. Baptist Union of Western Australia Lands Act 1941

2. Power to sell, lease, and mortgage lands

- (1) It shall be lawful for Baptist Union of Western Australia (Incorporated) (hereinafter called “**the Union**”), subject to its rules and regulations in force for the time being and from time to time —
 - (a) to sell any land granted or demised by the Crown or otherwise acquired and held in trust for the Union or for any of the purposes thereof, and to transfer or otherwise assure the same

	<p>to a purchaser freed and absolutely discharged from any trusts to which the said land may be subject; and</p> <p>(b) to mortgage any such land to secure moneys borrowed for the purpose of paying and discharging debts heretofore incurred and which are secured by existing mortgages of land of the Union, or to secure moneys which may hereafter be lawfully borrowed, and for the purpose of such security to assure such land to the mortgagee and his assigns freed and discharged from any such trusts as aforesaid; and</p> <p>(c) notwithstanding any such trusts to lease any such land for any term with or without right of renewal and either by way of building lease or otherwise, and subject to such covenants, conditions, and agreements as the Union may think fit.</p> <p>(2) No purchaser, mortgagee, or lessee of any such land shall be bound or concerned to inquire whether any power of sale, mortgage, or lease was duly and regularly made or exercised, or in anywise to see to the application of any purchase, mortgage, or other moneys, or to inquire into the necessity, regularity, or propriety of any such sale, mortgage, or lease or be affected by notice that the same is irregular, unnecessary, or improper.</p> <p>Provided that no transfer</p> <p>(3) <u>Despite subsection (1), no transfer</u> or mortgage, and no lease for a term exceeding 21 years, of land granted by the Crown to or for the use or benefit of the Union without pecuniary consideration shall be valid unless countersigned as approved by the Governor.</p>
Row 9. Bills of Sale Act 1899	
<p>5.</p>	<p>Interpretation</p> <p>In this Act, and for the purposes thereof, if not inconsistent with the context —</p> <p><i>Bill of Sale</i> includes any document or agreement whatsoever, whether by deed or by parol, and whether by way of sale, security, gift, or bailment; <u>or bailment</u> —</p> <p>(1) Transferring,</p> <p>(a) <u>transferring</u>, or intended to transfer, or to be a record or evidence of the transfer of the property in or right to the possession of chattels; or</p> <p>(2) By which</p> <p>(b) <u>by which</u> a right, authority, or licence to the possession of or to seize any chattels, or to any charge or security thereon shall be conferred or reserved.</p>
<p>6.</p>	<p>Bill of sale to contain names and addresses of parties</p> <p>Every bill of sale shall contain:—</p>

~~(1) The names~~

(1) Every bill of sale shall contain the names of the grantor and grantee, their residences or places of business, and their ~~occupations; provided that it shall~~ occupations.

(1A) It shall be sufficient to state the names by which the parties are usually known, and, in case of a corporation, to state the corporate name, with the principal place of business or registered office of the corporation in the State, or, if it has no place of business or registered office in the State, then its principal place of business or registered office in the country or State in which it is incorporated or taken to be registered.

~~(2) The true~~

(2) Every bill of sale shall contain the true consideration, and what portion, if any, if for an antecedent ~~debt; provided that the~~ consideration debt.

(2A) The consideration shall be sufficiently stated, notwithstanding that the costs relative to such bill of sale shall have been deducted from or added to the amount of the expressed consideration.

~~(3) The place~~

(3) Every bill of sale shall contain the place where the chattels therein referred to, other than after acquired property, are usually situated or kept at the time of the granting of such bill of sale.

~~(4) The sums;~~

(4) Every bill of sale shall contain the sums, if any, thereby secured, and the true rate or maximum rate of interest, if any, payable, and in case of a security for a running account, open guarantee, or proposed further advances, the maximum amount of the balance or advances to be covered.

~~Provided that it shall~~

(5) It shall be sufficient for the purpose of this section if the bill of sale states that the rate of interest shall be the current bank rate for the time being.

7. Future crops and progeny of stock may be included in bill of sale

~~The following~~

(1) The following classes of property may be assigned by bill of sale, either absolutely or by way of security, and shall be deemed to have been assigned at law as well as in ~~equity, that is to say:~~ equity —

~~(1) Crops~~

(a) crops (separately assigned) sown or growing or about to be sown or grown at the time of the execution of the bill of sale, but without prejudice to the rights of a prior *bona fide* purchaser or mortgagee by deposit or otherwise of the land on which any such crops ~~shall grow:~~ shall grow;

~~(2) The progeny~~

(b) the progeny coming into existence during the operation of any bill of sale of or which comprises any stock.

~~And the possession~~

(2) The possession of such mortgaged crops or progeny by the grantor or any person claiming through him shall, to all intents and purposes, be deemed the possession of the grantee.

7A. Legal interest in future and after acquired chattels to be deemed to pass to grantee of bill of sale

~~Where, by~~

(1) Where, by a bill of sale executed before or after the passing of the *Bills of Sale Amendment Act 1905*, the grantor thereof shall purport or covenant to grant or assign to the grantee any chattels within the meaning of this Act not in existence at the time of the making of such bill of sale, or which the grantor may thereafter acquire, the property and legal interest in such future or after-acquired chattels shall, immediately upon the coming into existence of such chattels, or on their being acquired by the grantor, be deemed to pass at law to the grantee of the bill of sale, subject, nevertheless, to the provisions thereof.

~~This section~~

(2) This section shall take effect as if it had been a provision of the *Bills of Sale Act 1899*, from the commencement thereof.

10. Periods for registration

~~The periods~~

(1) The periods within which a bill of sale shall be presented for registration shall be such as may be prescribed from time to time, but until rules are made hereunder and subject thereto, such periods ~~shall be:~~ shall be —

~~(1) 10 days~~

(a) 10 days from the day of execution, if executed at a place not more than 48 kilometres distant from the city of Perth, but where the bill of sale is a hire-purchase agreement within the meaning of that expression as defined in the *Hire-Purchase Act 1959*, the period within which that bill of sale shall be presented for registration shall be 30 days from the date upon which it is signed by the hirer referred to in the agreement, or, if the agreement is signed by more than one such hirer, within 30 days from the later or latest date on which it is so signed;

~~(2) 14 days~~

(b) 14 days from the day of execution, if executed at or within 80 kilometres of the local government district of Albany (Town),

Southern Cross, Coolgardie, Kalgoorlie, Menzies, Geraldton, or Cue, or if executed at a place outside such limits, and being more than 48 kilometres distant from the said city, but not more than 321 kilometres from the said city, but where the bill of sale is a hire-purchase agreement within the meaning of that expression as defined in the *Hire-Purchase Act 1959*, the period within which that bill of sale shall be presented for registration shall be 30 days from the date upon which it is signed by the hirer referred to in the agreement, or, if the agreement is signed by more than one such hirer, within 30 days from the later or latest date on which it is so signed;

~~(3) 30 days~~

(c) 30 days if executed at a place outside the limits aforesaid, and more than 321 kilometres but less than 804 kilometres from the said city;

~~(4) 60 days~~

(d) 60 days from the day on which it was executed, if executed at a place outside the limits aforesaid, and 804 kilometres or more from the said city;

~~(5) if executed~~

(e) if executed within the local government districts of Wyndham-East Kimberley or Halls Creek, or at any place out of Western Australia, then within 21 days after the time at which the bill of sale would, in the ordinary course of post, arrive in the said city, if posted immediately after the execution thereof.

~~Provided that the~~

(2) The day on which the instrument is executed shall not be included in the said ~~periods: And provided further, that when~~ periods.

(3) When the time for presenting a bill of sale expires on a day on which the Registrar's office is closed, the presentation shall be valid if made on the next following day on which such office is open.

21. Memo of satisfaction may be filed

~~Upon the~~

(1) Upon the production to the Registrar of a memorandum of satisfaction either of a bill of sale by way of security, signed by the grantee thereof, or his attorney, or of any other bill of sale, signed by each of the parties thereto or by his attorney, discharging the chattels comprised therein, or any specified part thereof, from the moneys secured thereby, or any specified part thereof, or from the performance of the obligation thereby secured, or any specified part thereof, and on production of such bill of sale and payment of the prescribed fee the Registrar shall file such memorandum and make an entry thereof in

the register book on the page where the bill of sale is ~~registered. The execution registered.~~

(2) The execution of such memorandum shall be verified by the affidavit of the attesting witness thereto.

~~The Registrar~~

(3) The Registrar may, in his discretion, dispense with the production of the bill of sale on proof to his satisfaction, by affidavit or otherwise, that the bill of sale has been destroyed, lost, or cannot be produced.

30. When instrument made subject to a defeasance not contained therein

~~If any~~

(1) If any bill of sale shall be made or given subject to any defeasance, condition, or declaration of trust not contained in the body thereof, such defeasance, condition, or declaration of trust shall, for the purposes of this Act, be taken as part of such bill of sale, and shall be written on or a copy thereof annexed to the same paper or parchment on which such bill of sale shall be written, otherwise such bill of sale shall be void against the persons and to the extent mentioned in section 25.

~~Provided that in~~

(2) Despite subsection (1), in the case of a document also securing the payment of the moneys payable under a bill of sale or any part of such moneys, it shall not be necessary for the purposes of this section to write such document on the same paper or parchment if the date, names of the parties thereto, and the amount secured by such document and short particulars of the property affected be set forth in such bill of sale or some schedule thereto.

~~This section~~

(3) This section shall not apply to any bill of exchange or promissory note comprising the amount secured or any part thereof.

31. Bill of sale void in certain cases except for present advances etc.

~~Every bill~~

(1) Every bill of sale given absolutely or by way of security shall be fraudulent and void as against the trustee in bankruptcy or under any statutory assignment, and also as against the liquidator in the winding up of the estate of the grantor if it has been executed within 6 months prior to the filing of the petition on which the order of adjudication or winding up order is made, or to the resolution for voluntary winding up, or to the execution by the grantor of the assignment for the benefit of creditors except as to any contemporaneous advance and interest thereon, and except, also, as to any money advanced or paid, or the actual price of goods sold or supplied, or the amount of any liability undertaken by the grantee of such bill of sale or his assignee to, for, or

on account of the grantor after the granting, but on the security of the said bill of sale, but not exceeding the maximum amount covered ~~thereby. Provided that this section~~ thereby.

(2) This section shall not apply to any agreement for the hire, with or without the right of purchase, of chattels.

34. Priority of instruments affecting same chattels

~~In case~~

(1) In case 2 or more bills of sale are executed comprising in whole or in part any of the same chattels, priority shall be given to such bill of sale or bills of sale in the order of the date of their presentation for registration respectively as regards the title to or right to the possession of such ~~chattels: Provided that such~~ chattels.

(2) Despite subsection (1), any such prior bill of sale shall not be affected if presented for registration within the time or extended time limited by this Act.

36. Grantee may bid for and purchase chattels

~~Notwithstanding~~

(1) Notwithstanding any rule of law or equity to the contrary, the grantee of any bill of sale by way of security may at any time after he has demanded payment of the moneys or performance of the conditions secured by such bill of sale —

~~(1) Bid~~

(a) bid for and purchase the whole or any part or parts of the chattels comprised in such bill of sale at any public auction thereof held under the power of sale contained or implied in ~~such bill of sale: such bill of sale; and~~

~~(2) Appoint~~

(b) appoint in writing and from time to time remove any person as receiver and manager of the chattels comprised in any such bill of sale to obtain and hold possession thereof, and, if thought fit, to carry on any business in connection therewith pending the sale thereof, and such person shall have the same rights, powers, and privileges as if such person were appointed by the Supreme Court.

~~The remuneration~~

(2) The remuneration of such receiver and his costs and expenses shall be paid by the grantor, and shall be a first charge upon the chattels comprised in the bill of sale.

37. Stock to be described, etc.

~~In any bill~~

(1) In any bill of sale comprising stock, the stock therein comprised shall be described or referred to therein by some brand or brands or other

mark or marks on such stock, or shall be otherwise described or referred to by sex, age, name, colour, or otherwise, so as to be reasonably capable of identification; otherwise the same shall be void to the extent and as against the persons mentioned in section 25 so far as regards such or so much of such stock as may not be so described or referred to or be otherwise reasonably capable of identification, and the land or premises on which such stock are shall be described or mentioned in such bill of ~~sale: Provided that in~~ sale.

(2) Despite subsection (1), in any bill of sale over stock on any station or farm such stock shall be sufficiently identified by reference to the places where the same are usually depasturing.

41. Saving of rights of landlord and mortgagee

~~No such~~

(1) No such bill of sale shall prejudicially affect the rights of any landlord or mortgagee of any land whereon the said crops shall be growing or stacked unless and to the extent to which such landlord or mortgagee has consented in writing to such bill of ~~sale: Provided that no~~ sale.

(2) No such bill of sale, if duly registered, shall be prejudicially affected by any subsequent sale, lease, mortgage, or other encumbrance of or upon the land described or referred to in such bill of sale, or in the schedule thereto.

51. Registration of debentures

~~Every debenture~~

(1A) Every debenture issued or given by any incorporated body, other than a body to which the *Corporations Act 2001* of the Commonwealth applies, shall be registered under this Act in ~~the following manner:~~ the manner set out in subsections (1), (2) and (3).

(1) The body issuing or giving the debenture shall present to and file with the Registrar for registration the original debenture or a copy thereof accompanied in either case by an affidavit verifying the execution of the debenture and, where a copy is filed, also verifying it as a true copy. The affidavit shall be made by a director or the manager or secretary of the body. In the case of a series of debentures it shall be sufficient to file a copy of one debenture of each series verified by affidavit as aforesaid. The Registrar shall endorse upon the original debenture or copy presented and filed and also upon any duplicate original or other copy of the debenture which is presented to him, a certificate of registration stating the hour of the presentation for registration and the date of registration, and containing a reference to the Register Book in which the registration is recorded. The certificate shall be authenticated by the seal and signature of the Registrar. The duplicate original or other copy presented shall then be delivered to the person entitled thereto or to his solicitor or agent. The production of a debenture, or of a duplicate or copy of a debenture, purporting to have endorsed thereon the certificate duly authenticated shall be *prima*

facie evidence of the due registration of the debenture. Whenever there is any difference or variation between the contents of a debenture or copy filed with the Registrar under this paragraph and of the original or duplicate or copy of the debenture, the filed document shall prevail.

- (2) Registration of a debenture, or of a series of debentures, may be renewed by the holder of any debenture, or by any officer of the body issuing or giving the same.

~~The renewal~~

- (3) The renewal of registration of any one debenture of a series shall be deemed a renewal of all the debentures of such series.

53. When more than 1 debenture is issued

~~If more~~

- (1) If more than 1 debenture is issued or is to be issued in the same series, the affidavit verifying the execution of the debenture shall state such fact and give short particulars of the series, and every debenture of such series shall be deemed registered on compliance with the provisions of section 51 as to any one debenture or proposed debenture of such ~~series: Provided that no~~ series.

- (2) Despite subsection (1), no debenture of any such series shall be protected or be deemed registered unless the same is actually issued and taken up or allotted within 6 weeks from the compliance with the provisions of section 51, or within such extended time as next hereinafter ~~mentioned. Provided that a Judge~~ mentioned.

- (3) A Judge of the Supreme Court shall have power to extend the time for issuing, taking up, or allotting any such debenture on such terms and conditions as he may think fit.

Row 10. *Busselton Cemetery Act 1944*

3. Lands revested to be deemed to be a disused burial ground and to be placed under the control of the Shire of Busselton

~~The following provisions shall apply to the lands when revested as aforesaid —~~

- (1) Notwithstanding that the said lands shall have become vested in His Majesty as aforesaid, the said lands shall be deemed to be and continue a disused burial ground within the meaning and for the purposes of the *Cemeteries Act Amendment Act 1902*, but instead of being vested in trustees under the provisions of that Act, shall be placed under the management and control of the Shire of Busselton as a board appointed under the provisions of the *Parks and Reserves Act 1895*, which shall manage and control the said lands as a disused burial ground as aforesaid.

- ~~—~~(2) The Shire of Busselton as such board aforesaid shall not be deemed to have any vested estate or interest in the said lands, but otherwise shall have in respect to the said lands all the rights, powers, authorities, duties and obligations of the trustees of a disused burial ground which has been vested in such trustees under the provisions of the said *Cemeteries Act Amendment Act 1902*.

Row 11. *Charitable Collections Act 1946*

16. Transfers of moneys

- (1) If the Governor is satisfied that any moneys or securities for moneys or goods collected by a war fund or held for any charitable purpose by or on behalf of any person, society, body or association, are not or will not be required for that purpose, the Governor may, by proclamation, declare that the whole or any part of such moneys and securities or goods shall be —
- (a) applied by such person, society, body or association to any other charitable purpose; or
 - (b) vested in and transferred to the Minister to be applied to any charitable purpose, and may by the same or any subsequent proclamation vest and transfer the said moneys, securities and goods or any part thereof in and to such persons and for any such charitable purposes as the Governor shall declare.

~~— Provided that where such~~

- ~~(1A)~~ If such moneys, securities or goods were originally collected by a war fund they shall be applied to purposes connected with the present war unless the Minister on the advice of the advisory committee otherwise directs.

17. Vesting of funds in Minister

- (2) The moneys, securities or goods vested in the Minister by a proclamation made under this section shall be held upon the trusts upon which they were held prior to being vested in the ~~Minister~~.
~~Provided that the Governor~~ Minister.

- ~~(2A)~~ The Governor may by proclamation vary the ~~trusts and~~ trusts referred to in subsection (2) and may by the same or any subsequent proclamation vest the said moneys, securities and goods or any part thereof in such persons and for such charitable purposes as the Governor shall specify.

Row 12. *Conservation and Land Management Act 1984*

14. Opportunity for public submissions

~~(3)(a)~~ ~~Notification~~

- ~~(3A)~~ Notification of a proposal to make an order under section 13(1) shall be given to the local government of each district which is contiguous to the proposed reserve, park or management area.

~~— (b) — Notwithstanding~~

(3B) Notwithstanding subsection (4) each local government notified pursuant to ~~paragraph (a)~~ subsection (3A) shall be given a reasonable time in which to prepare written submissions on the proposal.

Schedule — Provisions as to constitution and proceedings of the Conservation Commission, the Marine Authority and the Marine Committee

[s. 29]

[Sch heading as amended by cl. 4]

~~1. (1) Except~~

1. Term of office of member

(1) Except as otherwise provided by this Act a member shall hold office for such term, being not more than 3 years, as is specified in his instrument of appointment, but he may from time to time be reappointed.

~~2. The office~~

2. Vacation of office

The office of a member becomes vacant if —

(a) he resigns his office by written notice addressed to the Minister; ...

~~3. (1) Where~~

3. Acting chairman and members

(1) Where the chairman and the deputy chairman of a controlling body are both unable to act as chairman by reason of sickness, absence or other cause, the Minister may appoint a person (including a person acting under subclause (2)) to act as chairman, and while so acting according to the tenor of his appointment that person has all the functions of the chairman.

~~4. (1) The first~~

4. Meetings

(1) The first meeting of a controlling body shall be convened by the chairman of that body and thereafter, subject to subclause (2), meetings shall be held at such times and places as the body determines.

~~5. (1) A controlling~~

5. Committees

(1) A controlling body may from time to time, by resolution, appoint committees of such members as it thinks fit and may discharge, alter, continue or reconstitute any committee so appointed.

~~5A.(1) — The Conservation~~5A. Temporary advisory committees

- (1) The Conservation Commission may from time to time, by resolution, appoint temporary advisory committees of such persons as it thinks fit to advise it on matters relevant to its functions.

~~6. — A resolution~~6. Resolution in writing

A resolution in writing signed or assented to by letter, telegram or telex by each member shall be as valid and effectual as if it had been passed at a meeting of a controlling body.

~~7. — A controlling~~7. Member may be granted leave

A controlling body may grant leave of absence to a member on such terms and conditions as it thinks fit.

~~8. — Subject~~8. Controlling body to determine own procedure

Subject to this Act, a controlling body shall determine its own procedures.

Row 13. Constitution Acts Amendment Act 1899**Division 3 — General**

[Heading as amended by cl. 44]

31. Interpretation

~~— In the succeeding provisions of this Part —~~

(1) In this Division —

~~(a) *disqualified*~~

disqualified for membership of the Legislature means disqualified for membership of the Legislative Council and for membership of the Legislative Assembly;

member in relation to a commission, council, board, committee, authority, trust or other body means —

~~(i) *any member*~~

(a) *any member* of the body whether known as a member, commissioner, councillor, trustee, director or by any other title;

~~(ii) *any deputy*;~~

(b) *any deputy*, alternate or acting member of the body,

and includes a person holding the office of chairman or president or any other office on the body;

member of the Legislature means a member of the Legislative Council or the Legislative ~~Assembly~~; Assembly.

~~(b) a reference~~

- (2) In this Division a reference to the holding of any office or place is a reference to the holding of that office or place in a permanent, temporary or acting capacity on a full-time, part-time or casual basis.

Row 14. *Construction Industry Portable Paid Long Service Leave Act 1985*

Schedule — Transitional provisions

[s. 56]

Division 1 — The appointed day

~~1.~~

~~Notwithstanding~~

1. Service prior to application

Notwithstanding anything in section 21, a person who is employed as an employee on the appointed day who applies for registration as an employee at any time on or after the appointed day and is registered as an employee is entitled to have the days of continuous service with that employer preceding the date of his application included as days of service.

~~2.~~

~~(1) Notwithstanding~~

2. Contributions for service prior to appointed day

- (1) Notwithstanding anything in section 34 an employer shall pay to the Board in respect of any person referred to in clause 1 whose service with the employer has been continuous for a period of at least 10 years ending on the appointed day such amount as is assessed by the Board as contributions in respect of the paid long service leave contributions in relation to that person.

Row 15. *Cremation Act 1929*

3. Cremation without licence prohibited

~~No person~~

- (1) No person shall cremate or be party or privy to the cremation of any human body elsewhere than in a licensed crematorium.

~~Provided that nothing in this section shall prevent~~

- (2) Nothing in this section prevents the dead body of any person of Asiatic race being cremated in accordance with the religion to which the deceased belonged, subject, always, to such regulations as may be prescribed in regard thereto.

8. Appointment of medical referees~~(3)(a) An application~~(3A) An application for a permit may be made by —~~(i) an~~(a) an administrator;~~(ii) a person~~(b) a person acting with the written authority of and on behalf of the administrator; or~~(iii) a person~~(c) a person who satisfies a medical referee that no application for a permit is to be made by the administrator of the deceased person in respect of whom the application is made, and who shows to the medical referee a satisfactory reason why the application is not made by an administrator, and that he is a proper person to make the application.~~(b) Where~~(3B) Where the application for a permit is not made by an administrator, the person making the application shall —~~(i) make~~(a) make a statutory declaration in the prescribed form setting out the grounds upon which he claims authority to make the application; and~~(ii) supply~~(b) supply such further information with relation to the application as the medical referee may require.~~(4)(a) A person~~(4A) A person who applies for a permit shall pay the prescribed fee to the medical referee issuing the permit.~~(b) The medical~~(4B) The medical referee is entitled to retain the prescribed fee for his own use.**16. Revocation of licences**~~The Governor~~(1) The Governor may by order revoke any licence —

- (a) if any of the licensees shall have been convicted of any offence against this Act and sentenced to imprisonment, or fined \$100 or more;
- (b) if the crematorium shall have become unfit for the inoffensive, decent, and effective cremation of bodies, and a certificate to that effect shall have been signed by the Executive Director;

- (c) if the licensees have lost the right to occupy the site of the ~~crematorium;~~ crematorium.

and thereupon the licence shall become null ~~and void: Provided that no order~~ and void.

- (2) No order revoking any licence on the ground mentioned in ~~paragraph (a) or (b)~~ subsection (1)(a) or (b) shall be made more than 3 months after the date of the conviction or of the Executive Director's certificate, as the case may be.

Row 16. *Criminal Property Confiscation Act 2000*

Glossary

[s. 3]

~~_____ abscond, in~~

1. Terms used

In this Act —

abscond, in connection with an offence, has the meaning given in section 160;

Row 17. *Debt Collectors Licensing Act 1964*

8. Application for licences

~~(2)(a) Subject~~

(2A) Subject to subsection (10), the application shall be accompanied by —

~~_____ (i) testimonials~~

(a) testimonials as to the character of the applicant signed by not less than 3 reputable persons; and

~~_____ (ii) the~~

(b) the prescribed fee.

~~_____ (b) The prescribed~~

(2B) The prescribed fee shall be refunded to the applicant if the application is withdrawn or refused.

~~(5)(a) The~~

(5A) The Commissioner of Police may object to the granting of the application and if he objects he shall include in his report a statement setting out that he objects and the grounds for his objection.

~~_____ (b) Any~~

(5B) Any objection made under ~~paragraph (a); subsection (5A).~~ may be made only on one or more of the grounds upon which the Commissioner may refuse the grant or renewal of a licence under section 9.

~~—(e)— Where~~

(5C) Where a report of the Commissioner of Police contains an objection, the Commissioner under this Act shall notify the applicant concerned in writing of the objection and afford the applicant the opportunity to make submissions in support of the application.

- (10) Where an application is made for the renewal of a licence the application is not required to be accompanied by such testimonials as to the character of the applicant as are referred to in ~~subsection (2)(a)(i),~~ subsection (2A)(a), unless the Commissioner so requires.

21. Termination of fidelity bond

~~—(1)(a)— A fidelity~~

(1A) A fidelity bond given pursuant to this Act may be terminated by the insurance company that executed it by notice in writing served upon the licensee to whom the bond relates, the Commissioner of Police and the Commissioner.

~~—(b)— The notice~~

(1B) The notice shall specify the date, being a date not earlier than 30 days after the date of the service of the notice, upon which the bond is to terminate.

~~—(c)— The obligation~~

(1C) The obligation of the insurance company that executed the bond shall as from that date so specified be determined but notwithstanding such determination the insurance company shall continue to be liable —

~~—(i)— in respect~~

(a) in respect of all penalties, damages and costs adjudged against the licensee to whom the bond relates in respect of any act, done or omitted before the date of the determination of the bond; and

~~—(ii)— for the~~

(b) for the due accounting after the specified date by the licensee to the persons entitled thereto, of all trust money received by the licensee before the specified date.

Row 18. Electricity Industry Act 2004

Schedule 1 — Licence terms and conditions

[s. 11]

~~A licence may~~

1. Licence terms and conditions

A licence may include provisions —

- (a) if the licence is a generation licence or integrated regional licence, requiring the licensee to prepare and implement strategies for the management of greenhouse gas emissions;

Schedule 2 — Objectives to be met by the electricity ombudsman scheme

[s. 93]

~~Objectives stated~~

1. Objectives stated

The objectives referred to in section 93 are that —

Row 19. *Employers Indemnity Policies (Premium Rates) Act 1990*

3. Interpretation

~~In this Act,~~

(1) In this Act, unless the contrary intention appears —

employer indemnity policy means a policy of insurance that gives to an employer, in addition to the insurance required by the *Workers' Compensation and Injury Management Act 1981*, such insurance against liability arising under the *Fatal Accidents Act 1959*, the *Law Reform (Miscellaneous Provisions) Act 1941*, the *Law Reform (Contributory Negligence and Tortfeasors' Contribution) Act 1947*, or at common law for personal injury sustained by a person employed by the employer under a contract of service or apprenticeship as may be specified in the policy;

employer means a person required by the *Workers' Compensation and Injury Management Act 1981* to obtain and keep current a policy of insurance for liability to pay compensation ~~under that Act;~~ under that Act.

~~expressions~~

(2) In this Act, unless the contrary intention appears, expressions used in the *Workers' Compensation and Injury Management Act 1981* have the same respective meanings as they have in that Act.

Row 20. *Energy Coordination Act 1994*

Schedule 1A — Licence terms and conditions

[s. 11M]

~~A licence may~~

1. Licence terms and conditions

A licence may include provisions —

- (a) requiring the licensee to enter into agreements on specified terms or on terms of a specified type, other than agreements relating to the provision of access to gas distribution capacity that are covered by the Gas Pipelines Access (Western Australia) Law;

Schedule 2B — Objectives to be met by gas industry ombudsman scheme

[s. 11ZQ]

~~Objectives stated~~

1. Objectives stated

The objectives referred to in section 11ZQ are that —

Row 21. *Finance Brokers Control Act 1975*

Schedule — Formula for calculating percentage rate of interest

[s. 45]

[Sch heading as amended by cl. 4]

~~(1) The rate~~

1. Formula for calculating percentage rate of interest

(1) The rate at which the interest accrues upon the principal is that nominal annual percentage rate (correct to within 0.5%) which, when applied to the unpaid balances of the principal calculated according to the actuarial method, will yield a sum equal to the total amount of the interest.

~~(2)(a) In lieu~~

(2A) In lieu of applying the actuarial method above, where repayment of the principal and interest is to be made by equal regular periodic payments, the first of which is to fall due at the end of the first period then the nominal annual percentage rate referred to in paragraph (1) may be calculated in accordance with the following formulae: —

~~(i) to calculate~~

(a) to calculate the flat rate of interest per cent:

$$F = \frac{100c \times i}{n \times P}$$

~~(ii) to convert~~

(b) to convert the flat rate of interest per cent into the nominal annual percentage rate:

$$R = \frac{2nF (300c + nF)}{2n^2F + 300c (n + 1)}$$

where (in each case)

“F” = the flat rate of interest per cent

“c” = the number of payments per annum

“i” = the total amount of the interest

“n” = the number of payments

“P” = the amount financed

“R” = the nominal annual percentage rate.

~~(b) For the~~

(2B) For the purpose of applying the above formulae, all payments shall be deemed to be equal if the variance between any one payment only and all other payments does not exceed 5%.

(3) The disclosure of a percentage rate which is greater than the percentage rate required to be disclosed by either of the above methods shall be a sufficient disclosure.

Row 22. *Fire Brigades Act 1942*

24. Power to purchase property for stations, etc.

(2) All moneys resulting from the sale, exchange, or letting of any property by the Authority shall be applied in the purchase of property for the Authority or the improvement of the property of ~~the Authority:~~ the Authority.

~~Provided that any~~

(3) Despite subsections (1) and (2), any real property acquired by the Authority, or a body corporate to which the Authority is a successor, from a local government without pecuniary consideration, if no longer required for the purposes of this Act, shall revert in the local government, subject to the payment by the local government to the Authority of the value of the improvements (if any) effected thereon after such acquisition.

27. Board's proposals to be submitted to local government

(1) The Authority shall submit its proposals in respect of the class of brigade, the method of fire protection and hazardous material incident control, and the rescue service to be established in each district to the local government before putting such proposals into operation, and shall advise the local government of any intended change in the class of brigade, the method of fire protection and hazardous material incident control, and the rescue service, and any difference between the Authority and the local government on such matters shall be referred to the Minister for ~~his decision:~~ his decision.

~~Provided that this subsection~~

(1A) Subsection (1) shall not apply when the districts of 2 or more local governments have been united into one fire district as provided for in section 5.

54. Provision of fire hydrants

(1) In this section, unless the context requires otherwise —
fire hydrant means a fire plug or fixed pillar fire hydrant;
proclaimed day means the day fixed by Proclamation for the coming into operation of the *Acts Amendment (Fire Brigades Board and Fire Hydrants) Act 1951* ;
re-instatement means the filling in of ground opened up and the

re-instating and making good of the paving of any street broken up in the course of installing or abolishing a fire hydrant or keeping a fire hydrant in effective order.

[(2) *omitted under the Reprints Act 1984 s. 7(4)(e).*]

(3)[(a) *omitted under the Reprints Act 1984 s. 7(4)(e).*]

~~(b) On and after~~

(4) On and after the proclaimed day, the Authority may, subject to ~~the provisions of the succeeding paragraphs of this subsection, this~~ section, provide and abolish fire hydrants at such locations in fire districts as the Authority thinks fit.

~~(e) Where the~~

(5) Where the location at which the Authority intends to provide or abolish a fire hydrant is in an area mentioned in Column 1 of the Table set out hereunder, the Authority shall request the appropriate water supply authority mentioned in Column 2 of the Table to install or abolish the fire hydrant at the specified location.

Table

Item	Column 1. Area	Column 2. Authority	Column 3. Act
1	The Metropolitan Water Sewerage, and Drainage Area	The Water Corporation established by the <i>Water Corporation Act 1995</i>	The <i>Metropolitan Water Supply, Sewerage, and Drainage Act 1909</i> (See especially s. 5, 44, 45 and 46.)
2	Water Area	The Water Board constituted for the water area, or the Minister for Water Supply, Sewerage and Drainage in his corporate capacity as constituted by the <i>Water Supply, Sewerage, and Drainage Act 1912</i> , as the case may be	The <i>Water Boards Act 1904</i> (See especially s. 5, 63 and 64.)
3	Country Water Area	The Water Corporation established by the <i>Water Corporation Act 1995</i>	The <i>Country Areas Water Supply Act 1947</i> (See especially s. 5, 13, 36 and 37.)

~~(ea) Such a~~

(6) Such a request may only be made to a water supply authority in respect of a particular location if that location is within a controlled area for which that authority holds an operating licence (water supply services) under the *Water Services Licensing Act 1995*.

~~(d) So soon~~

(7) So soon after receiving the request as is reasonably practicable, the water supply authority shall, in accordance with the powers conferred

upon it by the relevant Act mentioned in Column 3 of the Table, install or abolish the fire hydrant as requested.

~~(e) The water~~

(8) The water supply authority shall keep all fire hydrants in fire districts except those which are abolished, whether installed before, on or after the proclaimed day, in effective order.

~~(f) When the~~

(9) When the water supply authority has, in pursuance of the provisions of ~~this subsection,~~ this section, installed, abolished, or kept in effective order a fire hydrant, it shall render to the Authority a statement of account showing the cost to the water supply authority of the labour and materials incurred in doing so, except the cost of re-instatement, and shall render to the local government in whose district the work is done a statement of account showing the cost to the water supply authority of the labour and materials incurred in re-instatement, and the amounts of the respective accounts shall, in the event of non-payment, be recoverable at the suit of the water supply authority in a court of competent jurisdiction from the Authority or the local government respectively as a debt due.

~~(g)(i) By virtue~~

(10) By virtue of this section, the property in the fire hydrants referred to in the respective items of Column 1 of the Table set out hereunder shall vest in the Authority as owner at the times set out opposite those respective items in Column 2 of the Table.

Table

Item.	Column 1.	Column 2.
1.	Fire hydrants installed before, on, or after the proclaimed day at the cost of a local government in a fire district constituted before and subsisting at the proclaimed day	The proclaimed day.
2.	Fire hydrants installed before, on, or after the proclaimed day at the cost of a local government in an area constituted as a fire district or part of a fire district on or after the proclaimed day	The day when the area is constituted as a fire district or part of a fire district.
3.	Fire hydrants installed on or after the proclaimed day at the cost of the Authority	The day of installation.

~~(ii) Compensation~~

(11) Compensation shall not be payable to a local government in respect of fire hydrants mentioned in items 1 and 2 of ~~the Table.~~ the Table to subsection (10).

59. Penalties for interference, damage, etc.

Any person who —

- ~~(i) wilfully~~
- (a) wilfully interferes with any officer or member of any brigade in the discharge of his duty;
- ~~(ii) wilfully~~
- (b) wilfully damages or interferes with any water plug, fire hydrant, fire alarm, or other property of the Authority;
- ~~(iii) wilfully~~
- (c) wilfully gives a false alarm of fire, a hazardous material incident or an accident or incident requiring a rescue operation;
- ~~(iv) drives~~
- (d) drives a vehicle over a fire hose;
- ~~(v) drives~~
- (e) drives a vehicle within such proximity to the scene of a fire, hazardous material incident or rescue operation as to occasion interference,

shall be liable to a penalty not exceeding \$2 500 and shall also be liable for and may be ordered to pay the estimated damage.

Row 23. *Geraldton Sailors and Soldiers' Memorial Institute Act 1929*

3. Incorporation dissolved

~~The incorporation~~

- (1) The incorporation of the Sailors and Soldiers' Memorial Institute under the *Association Incorporation Act 1895*, is hereby ~~dissolved~~:
~~Provided that any~~ dissolved.
- (2) Any and every deed, contract, agreement, act, matter, or thing heretofore executed or done by such association shall have and take effect as if such corporation had been regular and in accordance with the said Act.

4. Trustees to be a corporate body

~~(4a) (a) The 2~~

(4A) The 2 trustees appointed under subsection (4) shall cease to hold office on 1 January 1957 and the vacancies shall be filled by the executive, which shall appoint one trustee for a period of one year and the other trustee for a period of 2 years computed in each case from 1 January 1957.

~~(b) Subject to paragraph (a), every~~

(4B) Subject to subsection (4A), every appointment made by the executive to fill a vacancy occurring by effluxion of time shall be an

appointment for a period of 2 years from the occurrence of the vacancy, but an appointment made to fill a vacancy occurring from any other cause shall be an appointment for a period being the balance of the term for which the former holder of the vacant office was appointed.

~~(e) A former~~

(4C) A former trustee shall be eligible for appointment.

6. Trustees' powers

~~The trustees~~

(1) The trustees are hereby authorised and empowered, with the approval of the Governor, to exercise any of the following powers with relation to the said land: —

- (a) to sell the said land or any portion thereof, with the buildings thereon, and to transfer or otherwise assure the same to a purchaser or purchasers free and absolutely discharged from any trust to which such land or any portion thereof may be subject;
- (b) mortgage such lands or any portion thereof for the purpose of any security to assure the same to the mortgagee freed and discharged from any such trusts as aforesaid;
- (c) to lease the land or any portion thereof, notwithstanding such trusts, for any term with or without a right of renewal or option of purchase, and subject to such covenants, conditions, and agreements as they may think ~~fit: Provided, that the trustees fit.~~

(2) The trustees may, without the approval of the Governor, lease for a term of not longer than 3 years the said land and buildings, and the said chattels to the said Geraldton sub-branch of the Returned Sailors' Soldiers' and Airmen's Imperial League of ~~Australia: Provided, that such Australia and, if it does so, the~~ sub-branch shall use such land, buildings, and chattels as a club for returned soldiers.

Row 24. *Geraldton Sailors and Soldiers' Memorial Institute Enabling Act 1934*

3. Powers of sale in principal Act extended to other lands

The powers of sale, mortgaging, and leasing vested in the Trustees by the principal Act shall extend to and be exercisable by the Trustees, subject to the provisions of the principal Act in relation to the following lands: —

~~1. All~~

(a) all that piece of land, being Geraldton lot 1118, the subject of Crown grant volume 1035, ~~folio 737: folio 737:~~

~~2. All~~

(b) all those pieces of land, being portions of Geraldton suburban lots 158, 161, and 162 and being lots 8, 9, 10, 28, 29, 30, 43,

44, 45, and 46 on Plan 3476, and being the balance of the land the subject of Crown grant certificate of title volume 1038, ~~folio 90.~~ folio 90;

~~3. Any~~

(c) any other lands which may from time to time be vested in the Trustees.

4. Trustees, power to mortgage

~~Without~~

(1) Without limiting the generality of the preceding section, it is hereby declared that the Trustees may, with the approval of the Governor, borrow by way of mortgage such sum or sums of money, at such rate of interest and on such terms and conditions as the Trustees may think fit.

~~For the~~

(2) For the purpose of securing payment of any moneys so borrowed, the Trustees may mortgage all or any of the said lands, or any of the lands vested in the Trustees under the principal Act, and any mortgage executed by the Trustees may contain such covenants, provisos, conditions, and powers as the mortgagee may require; and, in the case of the mortgagee being an incorporated bank, may be on the basis of a current account, and contain all such covenants, provisos, conditions, and powers as are usual in securities of a like nature given to the bank, or as the bank and the Trustees may mutually ~~agree. On any sale~~ agree.

(3) On any sale or lease of the mortgaged land which may be made by the mortgagee, or by a receiver appointed by the mortgagee, in exercise of its powers as mortgagee, any purchaser or lessee from the mortgagee or such receiver shall hold the said land free and absolutely discharged from any trusts or restrictions, as to the use thereof, to which the same may have been subject prior to the date of such sale or ~~lease. It shall not~~ lease.

(4) It shall not be necessary for any mortgagee to see to the application of any moneys borrowed by the Trustees, nor shall the mortgagee be affected by notice, actual or constructive, of the misapplication of any such moneys by the Trustees.

Row 25. Guardianship and Administration Act 1990

4. Principles stated

(1) In dealing with proceedings commenced under this Act the State Administrative Tribunal shall observe the principles set out in ~~subsection (2).~~ this section.

~~(2)(a) The primary~~

(2) The primary concern of the State Administrative Tribunal shall be the

best interests of any represented person, or of a person in respect of whom an application is made.

~~(b) Every~~

(3) Every person shall be presumed to be capable of —

~~(i) looking~~

(a) looking after his own health and safety;

~~(ii) making~~

(b) making reasonable judgments in respect of matters relating to his person;

~~(iii) managing~~

(c) managing his own affairs; and

~~(iv) making~~

(d) making reasonable judgments in respect of matters relating to his estate,

until the contrary is proved to the satisfaction of the State Administrative Tribunal.

~~(e) A guardianship~~

(4) A guardianship or administration order shall not be made if the needs of the person in respect of whom an application for such an order is made could, in the opinion of the State Administrative Tribunal, be met by other means less restrictive of the person's freedom of decision and action.

~~(d) A plenary~~

(5) A plenary guardian shall not be appointed under section 43(1) or (2a) if the appointment of a limited guardian under that section would be sufficient, in the opinion of the State Administrative Tribunal, to meet the needs of the person in respect of whom the application is made.

~~(e) An order~~

(6) An order appointing a limited guardian or an administrator for a person shall be in terms that, in the opinion of the State Administrative Tribunal, impose the least restrictions possible in the circumstances on the person's freedom of decision and action.

~~(f) In considering~~

(7) In considering any matter relating to a represented person or a person in respect of whom an application is made the State Administrative Tribunal shall, as far as possible, seek to ascertain the views and wishes of the person concerned as expressed, in whatever manner, at the time, or as gathered from the person's previous actions.

71. Authority which may be conferred on administrator

- (5) In exercising its jurisdiction under this Part the State Administrative Tribunal may take a liberal view of the best interests of the represented person as mentioned in ~~section 4(2)(a)~~, section 4(2), and in particular may, if the circumstances so require, empower an administrator to make a payment or enter into a transaction of a kind described in section 72(3) on behalf of the represented person.

Row 26. *Hairdressers Registration Act 1946***14. Fees and expenses**

- (1) There shall be paid to the Board by every candidate for examination and by every applicant for registration or for any certificate such fees as are prescribed.

[(2) and (3) repealed]

~~(4)(a) Every~~

(3) Every person registered under this Act shall pay to the Board during the month of January in each year, a registration fee as prescribed, and if any such person makes default in paying that fee the registration of that person may be suspended by the Board.

~~(b) Where~~

(4) Where the Board suspends the registration of a person pursuant to this section such suspension shall be annulled if —

~~(i) the fee~~

(a) the fee as prescribed together with an additional fee of \$2.10 is paid to the Board; and

~~(ii) the Board~~

(b) the Board is satisfied with the explanation of that person as to the reason why the default occurred and the explanation is verified by statutory declaration, if so required by the Board.

- (5) All fees paid or recovered under this Act, shall be paid to the Board; and the Board shall apply such fees to the payment of expenses of the Board in carrying this Act into effect.

Row 27. *Health Professionals (Special Events Exemption) Act 2000***3. Terms used in this Act**

- (1) In this Act, unless the contrary intention appears —
Health Registration Act means any of the following Acts —

~~*Chiropractors*~~

(a) *Chiropractors* Act 2005;

~~*Dental Act*~~

(b) *Dental Act* 1939;

~~Dental Prosthetists~~

(c) Dental Prosthetists Act 1985;

~~Medical Practitioners~~

(d) Medical Practitioners Act 2008;

~~Medical Radiation~~

(e) Medical Radiation Technologists Act 2006;

~~Nurses~~

(f) Nurses and Midwives Act 2006;

~~Occupational~~

(g) Occupational Therapists Act 2005;

~~Optometrists~~

(h) Optometrists Act 2005;

~~Osteopaths~~

(i) Osteopaths Act 2005;

~~Pharmacy~~

(j) Pharmacy Act 1964;

~~Physiotherapists~~

(k) Physiotherapists Act 2005;

~~Podiatrists~~

(l) Podiatrists Act 2005;

~~Psychologists~~

(m) Psychologists Act 2005;

Row 28. Hire-Purchase Act 1959

3. Summary of proposed hire-purchase transaction to be given to prospective hirer

- (6) Where the goods comprised in a hire-purchase agreement are all items of furniture, whether free standing or in-built, as specified in the Second Part of the First Schedule and the total cash price of the goods is unknown because of some substantial alteration or addition to be made to or of some substantial work to be done in respect of all or any of the goods before delivery thereof to the hirer, it is a sufficient compliance with the requirements of subsection (1) if the statement therein referred to sets out approximate amounts in lieu of specific amounts and it is a sufficient compliance with the requirements of subsection (2)(c)(iii) and (e) in regard to amounts and cash price if the agreement sets out approximate amounts and cash price in lieu of specific amounts and cash ~~price~~: price.

~~Provided that in each case —~~

(6A) In each case referred to in subsection (6) —

- (a) the amounts and price stated are clearly stated to be

approximate only; and

- (b) prior to the stamping of the agreement the true amounts and price are inserted therein and a further or amended statement in writing is duly completed in accordance with the form in the First Schedule and is given to the hirer.

Fifth Schedule — Formula for calculating percentage rate of terms charges

[s. 3(2)(e)(ix)]

[Sch heading as amended by cl. 19]

~~(1) The rate~~

1. Formula for calculating percentage rate of terms charges

- (1) The rate at which the terms charges accrues upon the principal is that nominal annual percentage rate (correct to within one-half of one per cent) which, when applied to the unpaid balances of the principal calculated according to the actuarial method will yield a sum equal to the total amount of the terms charges.

~~(2)(a) In lieu~~

- (2A) In lieu of applying the actuarial method above, where repayment of the principal and terms charges is to be made by equal regular periodic payments, the first of which is to fall due at the end of the first period, then the nominal annual percentage rate referred to in paragraph (1) may be calculated in accordance with the following formulae: —

~~(i) to calculate~~

- (a) to calculate the flat rate of interest per cent:

$$F = \frac{100c \times t}{n \times P}$$

~~(ii) to convert~~

- (b) to convert the flat rate of interest per cent into the nominal annual percentage rate:

$$R = \frac{2nF(300c + nF)}{2n^2 F + 300c(n + 1)}$$

where (in each case)

- “F” = the flat rate of interest per cent
 “c” = the number of payments per annum
 “t” = the total amount of the terms charges
 “n” = the number of payments
 “P” = the amount financed
 “R” = the nominal annual percentage rate

~~(b) For the~~

- (2B) For the purpose of applying the above formulae, all payments shall be deemed to be equal if the variance between any one payment only and all other payments does not exceed 5%.

- (3) The disclosure of a percentage rate which is greater than the percentage rate required to be disclosed by either of the above methods shall be a sufficient disclosure.

Row 29. Home Building Contracts Act 1991

Schedule 1 — Consequences of non-fulfilment of conditions

[s. 7(4), 8(4), 9(4), 13(5), 19 and 20]

[Sch heading as amended by cl. 4]

~~1. If any~~

1. Failure by builder

If any condition set out in subsection (1) of section 9 is not fulfilled solely because the builder has failed to comply with the builder's obligations under subsection (2) of that section, the contract is not affected but remains in force on the same terms and conditions except as otherwise agreed between the parties.

~~2. If any~~

2. Failure by owner

If any condition set out in subsection (1) of section 9 is not fulfilled solely because the owner has failed to comply with the owner's obligations under subsection (2) of that section, the contract remains in force on the same terms and conditions until the parties agree otherwise, but subject to the provisions of clause 4.

~~3. If any~~

3. Failure by builder and owner

If any condition set out in subsection (1) of section 9 is not fulfilled and both the owner and the builder have, or neither the owner nor the builder has, failed to comply with their respective obligations under subsection (2) of that section, the contract remains in force on the same terms and conditions until the parties agree otherwise, but subject to the provisions of clause 4.

~~4. Where~~

4. Rights of builder and owner

Where clause 2 or 3 or section 13(4)(c) applies —

- (a) the builder may by notice in writing to the owner —
 - (i) increase the price stipulated in the contract by an amount set out in the notice; and
 - (ii) specify when any increased amount is payable, which must be either —
 - (A) not later than 10 working days after the notice is given; or
 - (B) at the time of a progress payment;
- (b) if the amount of an increase exceeds 5% of the price stipulated in the contract, the owner may terminate the contract in accordance with

section 19 within 10 working days after receipt of notice under paragraph (a); and

- (c) if the owner so terminates the contract, the owner is liable to compensate the builder for the reasonable costs incurred by the builder up to the date of termination.

~~5. (1) If the~~

5. Right of review

- (1) ~~If the~~ owner considers that the amount of a price increase notified under subclause (a) of clause 4 is excessive or unjustified the owner may apply to the Disputes Tribunal, within 10 working days after receipt of a notice under that subclause, for a review of that amount.
- (2) On a review under this clause the builder is required to show that the price has been increased to reflect actual increases in costs between the date of the contract and the date of the notice under clause 4(a).
- (3) On a review under this clause the Disputes Tribunal may confirm, vary or disallow the amount of the price increase, and the contract must have effect in accordance with the Disputes Tribunal's decision.

Row 30. Hospitals and Health Services Act 1927

21. Expenditure by boards of moneys under their control

- (1) A board may apply any moneys in its hands in such proportions and in such manner as it thinks fit for any of the purposes ~~following:—~~
~~following —~~

~~(a) The~~

~~(a) the~~ maintenance of the public hospital under its ~~control.~~
control;

~~(aa) The~~

~~(aa) the~~ payment in accordance with the regulations of expenses incurred by the board in connection with the nomination of any person for appointment ~~to the board.~~ to the board;

~~(b) The~~

~~(b) the~~ equipment of buildings to be used as such a public ~~hospital.~~
hospital;

~~(c) Repairing,~~

~~(c) repairing,~~ altering, or adding to any buildings used for the purposes of such a public hospital; provided that expenditure exceeding the amount specified in guidelines issued by the Minister on any alteration or addition shall first receive the approval of the ~~Minister.~~ Minister;

~~(d) The~~

~~(d) the~~ provision or subsidising of ambulances or other facilities for the transport of the sick or ~~injured.~~ injured;

~~(e) The~~

~~(e) the~~ provision of hospital services and health ~~services.~~ services;

~~(f) Making~~

(f) making such provision as is deemed requisite for the isolation of persons suffering from any infectious disease, or who have been in contact with persons so ~~suffering~~ suffering;

~~(g) The~~

(g) the on-lending to the Minister or any person or organization of moneys borrowed in accordance with the provisions of section 17 where those moneys are required to finance a service which, in the opinion of the Minister, can more effectively or economically be provided to the hospital by the Minister or that person or organization rather than by the board.

22. Boards may make by-laws in respect of institutions

(1) A board, in respect of any public hospital under its control, may from time to time make by-laws, not inconsistent with this Act, as to any of the following ~~matters:~~ matters —

~~(a) Subject~~

(a) subject to section 31, regulating the admission or discharge of patients and other persons entitled to the benefits of the public ~~hospital~~ hospital;

~~(b) Maintaining~~

(b) maintaining order, discipline, decency, and cleanliness among the inmates of the public ~~hospital~~ hospital;

~~(c) Prescribing~~

(c) prescribing the duties of the officers, nurses, attendants, and servants of the ~~board~~ board;

~~(d) Preventing~~

(d) preventing trespass upon the premises of the public hospital or the ground attached or belonging ~~thereto~~ thereto;

~~(da) Regulating~~

(da) regulating or prohibiting the driving, use, standing or parking of vehicles on the ground attached to the public hospital or belonging to the board and regulating the control, supervision and management of parking or standing areas on that ground and in particular —

(i) prescribing charges payable to the board by a person using, or in respect of a vehicle occupying, a parking or standing area and exempting any person or vehicle or class of person or class of vehicle from paying all or any of those charges;

.....

(xii) prescribing a modified penalty not exceeding \$50 payable to the board by a person or one of a class of persons who does not contest an allegation that he

committed a specified offence against a by-law made under this paragraph and providing that the due payment of a modified penalty is a defence to a charge of the offence in respect of which that modified ~~penalty was paid.~~ penalty was paid;

~~(e) Prohibiting~~

(e) prohibiting the introduction of any specified articles into the public ~~hospital.~~ hospital;

~~(f) Regulating~~

(f) regulating the provision of hospital service by the public hospital to patients or other persons not being inmates of the public ~~hospital.~~ hospital;

~~(g) Prescribing~~

(g) prescribing in what circumstances fees other than fees specified in accordance with the provisions of section 37, shall be chargeable for the provision of hospital service in, by or on behalf of any public hospital under the control of the ~~board.~~ board;

~~(ga) Prescribing~~

(ga) prescribing that fees prescribed under paragraph (g) shall be chargeable in accordance with a scale to be determined from time to time by the ~~board.~~ board;

~~(h) Generally~~

(h) generally making provision for all matters affecting the management, care, control, and superintendence of the public hospital and the fulfilment of the purposes ~~thereof.~~ thereof;

~~(i) Providing~~

(i) providing for a breach of any such by-law a fine not exceeding \$50.

27. Power of local governments to expend revenues on, and borrow money for, public hospitals

- (1) A local government shall have power to expend and apply or to give a binding undertaking to expend and apply for any number of years any portion of its general rates in subsidising any hospital scheme, and in or towards the construction or acquisition, establishment, and maintenance of any hospital, and in subsidising any district nursing scheme, and in contributing towards a subsidy or providing a subsidy to secure the services of a ~~medical practitioner.~~ medical practitioner.

~~Provided that no~~

(1A) Despite subsection (1), no portion of the general rates shall be expended or applied as aforesaid, and no such undertaking as aforesaid shall be valid in so far as it purports to bind the local government to expend or apply in any year a sum exceeding 10% of the average annual amount received by it from general rates during the last 2

financial years preceding the year in which the undertaking was given.

~~Provided also, that no~~

(1B) ~~Despite subsection (1), no~~ such agreement shall have effect for more than 5 years, but any such agreement may be renewed during the last year thereof (with or without modification) from time to time for any period not exceeding 5 years.

29. Effect of closing of hospitals

In the case of a public hospital which is closed under section 8, the following provisions shall ~~apply:~~ apply —

~~The buildings~~

(a) the buildings and equipment may be utilised by the Minister as he deems best in the interests of other public hospitals, and for carrying out the purposes of ~~this Act:~~ this Act; and

~~Any money~~

(b) any money in the hands of the board, and all debts owing to the board, shall vest in the Minister who, after paying the liabilities of the board, shall dispose of any balance remaining for the benefit of existing hospitals as he may think fit.

34. Medicare Principles and Commitments

(2) The Medicare Principles and Commitments are ~~as follows —~~ as set out in the Table.

~~Medicare~~ Table of Medicare Principles and Commitments

Explanatory Note:	The principles focus on the provision of public hospital services to eligible persons, but operate in an environment where eligible persons have the right to choose private health care in public and private hospitals supported by private health insurance.
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37. Regulations and by-laws

(2d) Notwithstanding anything in this Act, the Governor may make regulations under this section giving ~~effect to —~~

~~(a) — any~~

effect to any agreement entered into by the Commonwealth with the State under the Commonwealth Act in relation to the provision of health services and in particular —

~~(i) — ensuring~~

(a) ensuring that care and treatment of a kind specified in any such agreement will be available to all eligible persons (not being persons to whom a declaration made under section 6(2) of the Commonwealth Act applies in the relevant circumstances) without charge as public patients; and

~~(ii) prescribing~~

(b) prescribing charges specified by any such agreement to apply, in recognized hospitals in the State.

~~[(b) deleted]~~

Row 31. **Housing Act 1980**

5. Interpretation

(1) In this Act unless the contrary intention appears —

~~(a) approved~~

approved form means a form approved by the Minister;

Authority means the Housing Authority referred to in section 6(4);

....

the repealed Act means the Act repealed by section 3;

Treasurer means Treasurer of ~~the State~~; the State.

~~(b) a reference~~

(1A) In this Act unless the contrary intention appears —

(a) a reference to the erection of a house or other building includes a reference to the conversion or modification of an existing building;

~~(e) a reference~~

(b) a reference to the family of a person is a reference to the spouse, de facto partner and children of, and the parents or other relatives dependent upon, that person;

~~(d) a reference~~

(c) a reference to land held by the Authority is a reference to any land —

(i) vested in or granted to the Authority;

(ii) reserved for the use and requirements of the Authority or for the purposes of this Act;

(iii) purchased or otherwise acquired by the Authority; or

(iv) donated, given, devised or bequeathed to the Authority;

~~(e) a reference~~

(d) a reference to a house or other building held by the Authority is a reference to a house or other building situated on land held by the Authority.

55. Floating security and charge

(5) Unless and ~~until proceedings~~ until —

(a) proceedings are commenced for winding up of the lending ~~institution~~; institution, whether —

~~whether under~~

(i) under Chapter 5 of the *Corporations Act 2001* of the Commonwealth; ~~or on termination or~~

(ii) on termination of the lending institution in the case of a housing society; ~~or by such or~~

(iii) by such other procedure as is provided for the winding up of the lending ~~institution; or~~ institution;

~~unless and until the State, or~~

~~pursuant to~~

(b) the State, pursuant to the provisions, if any, of the loan agreement in respect of which the security and charge exist, directs otherwise,

the floating security and charge created by this section do not in any way preclude the lending institution from, or limit the lending institution in, carrying on business in the ordinary course as if the security did not exist and the charge had not been created.

Row 32. *Human Reproductive Technology Act 1991*

16. The implementation of the Code of Practice

(2) A proposed Rule required by subsection (1) to be laid before each House of Parliament —

- (a) shall be accompanied by a copy, certified by the Executive Officer as correct, of the relevant excerpt from any condition, text or requirement (within the meaning of section 60(4)) approved or adopted, or referred to in or by the guidelines, for the purposes of that Rule;
- (b) may not be amended, or have its provisions substituted, by resolution of the House;
- (c) shall be so laid, for 14 sitting days of that House, whether in the same session or during the same Parliament or otherwise; and
- (d) shall come into operation on a date to be published after the expiry of that period of 14 sitting days in each House, by notice in the *Gazette*, unless ~~subsection (3)~~ subsection (3A) or (3B) otherwise provides.

~~(3)(a) Where~~

(3A) Where notice of motion to disallow any proposed Rule is given in either House the proposed Rule shall not be given effect unless and until —

~~(i) the motion~~

(a) the motion has been defeated or the notice or the motion withdrawn; or

~~(ii) if the~~

(b) if the motion or notice of it has lapsed by prorogation or dissolution, notice of a motion to disallow the Rule has not been given within 14 sitting days of the commencement of sitting of Parliament next after such prorogation or dissolution; or

~~(iii) such~~

(c) such further motion has been dealt with in accordance with ~~subparagraphs (i) or (ii);~~ paragraph (a) or (b).

~~(b) Where~~

(3B) Where a resolution disallowing any proposed Rule has been passed by either House that Rule shall be deemed revoked and shall not be given effect.

- (4) Where a resolution disallowing a proposed Rule has been passed under ~~subsection (3);~~ subsection (3A). notice of that resolution shall be published in the *Gazette* within 21 days thereafter.

Row 33. *Judges' Retirement Act 1937*

3. Retirement of Judges

~~Notwithstanding~~

(1) Notwithstanding anything to the contrary contained in the *Constitution Act 1889*, or in the *Supreme Court Act 1935*, but subject to —

- (a) section 11AA of the latter Act; or
- (b) sections 16 and 18A of the *District Court of Western Australia Act 1969*,

as the case requires, every Judge appointed after the commencement of this Act who shall attain the age of 70 years shall retire from office on the day on which he attains such age, and thereupon the office of such Judge shall by virtue of this Act become ~~vacant~~: vacant.

~~Provided that any~~

(2) Despite subsection (1), any Judge who ceases to hold office under this section on attaining the age of 70 years may nevertheless complete the hearing and determination of any action, cause, matter, trial or proceeding that was pending before him immediately before attaining that ~~age~~: age.

~~Provided further, that this~~

(3) This section shall not apply to any Judge who holds office as a puisne Judge at the date of the commencement of this Act and who is hereafter appointed to the office of Chief Justice.

Row 34. *Juries Act 1957***25. Power of appointment of alternative summoning officer where summoning officer has interest in trial**

~~(1) If it appears~~

~~to a judge~~

~~that a summoning officer~~

~~to whom;~~

(1) If it appears to a judge that a summoning officer to whom, but for this section, he would issue a general jury precept to summon jurors for the trial of any ~~issue;~~

~~has any direct or indirect interest in the result of the trial~~

~~other than~~

issue, has any direct or indirect interest in the result of the trial, other than an interest in his capacity as summoning officer or other than an interest in common with the ~~public;~~

~~he may public, he may~~ issue the general jury precept to such other person as he thinks fit to appoint and is hereby authorised to appoint as summoning officer.

29. Choosing of jurors for civil trials

(1) Subject to section 29A, where an issue in a civil trial is to be tried or damages are to be assessed by a jury, the jury shall be chosen in the manner prescribed by ~~subsection (2).~~ this section.

~~(2)(a) At a time~~

(2A) At a time and place which the summoning officer shall appoint for the striking of the jury, he shall in the presence of the parties and of their respective solicitors if they choose to attend and if not, then in their absence, cause the box marked “Jurors in Use” to be agitated, or to be rotated sufficiently to intermix the tickets in the box, and shall draw out of the box one after another as many tickets as are required.

~~(b) The numbers~~

(2B) The numbers so required shall be ascertained by adding to 20 so many more as will enable each separate party to object to 6 names.

~~(c) Persons~~

(2C) Persons joining in claim, defence, or counter claim, shall be regarded as forming one party; and a person who is introduced under third party procedure and who disputes the plaintiffs claim shall be regarded as separate from the other parties, but if 2 or more persons so introduced join in defence they shall be regarded as collectively forming a separate party.

~~(d) The~~

(2D) The summoning officer upon drawing the tickets out of the box shall prepare a list of the names corresponding with the numbers set against the names in the jurors' book and shall hand a copy of such list to each party.

~~(e) Each~~

(2E) Each separate party may object to 6 names on the list and shall object by making a note in writing of the names to which he objects and shall hand the note to the summoning officer.

~~(f) Where~~

(2F) Where any party does not appear either in person or by his solicitor, the list of jurors may be reduced on his behalf by the summoning officer.

~~(g) The~~

(2G) The summoning officer without disclosing to any other party the names so objected to, shall strike out those names from the list, and out of the residue the summoning officer shall summon 6 jurors and no more, and shall not disclose to any of the parties the names of the persons summoned or to be summoned.

~~(h) If for~~

(2H) If for any reason a juror so summoned cannot be served or is excused from attendance, the summoning officer may if any names not objected to remain on the list, summon another juror whose name remains on the list to serve instead of the juror who cannot be served or who has been excused, and the juror so substituted shall be bound to attend pursuant to summons notwithstanding that the summons was not served on him within the prescribed time.

29A. Empanelling of jury for criminal and civil trials by computer

- (1) A summoning officer may instead of manual performance carry out by the use of a computer —
 - (a) in respect of a criminal trial held at a place other than Perth, the procedures for and in relation to the choosing of a jury for a criminal trial referred to in sections 26(2), (3), (4), (5) and (6), 27 and 28; and
 - (b) the procedures for and in relation to the choosing of a jury for a civil trial referred to in ~~section 29(2)(a), (b), (d), (f), (g), (h) and (3).~~ section 29(2A), (2B), (2D), (2F), (2G), (2H) and (3).
- (2) Where a summoning officer exercises the power under subsection (1) in relation to the procedures referred to in —
 - (a) section 26(2) or (4) ~~or 29(2), the~~ or 29(2A) to (2H), the choosing of a jury shall be made at random from the names in the jurors' book for the jury district concerned;

- (b) section 26(2) or (4), neither the attendance of a person specified in section 26(2) as a witness nor the reading aloud of names by the summoning officer as referred to in section 26(3) shall be required; and
- (c) ~~section 29(2)(a);~~ section 29(2A). those procedures shall not be carried out in the presence of the parties or their solicitors but the summoning officer shall forthwith supply a list of the names of the jurors chosen to each party.

Row 35. *Land Tax Assessment Act 2002*

39A. Land to which section 39B applies

- (1) In this section —

dwelling park land has the meaning given by subsection (2);

....

related purpose means a purpose, other than an excluded purpose, determined by the Commissioner, or prescribed, to be ancillary to the purpose of use as sites on which caravans, caravans and camps, or park homes, are or may be situated ~~for habitation;~~ for habitation.

~~and if a term~~

- (1A) If a term used in this section is defined in section 5 of the *Caravan Parks and Camping Grounds Act 1995*, it has the same meaning in this section.

Row 36. *Law Reform (Contributory Negligence and Tortfeasors' Contribution) Act 1947*

4. Contributory negligence, Court may reduce plaintiff's damages

- (1) Whenever in any claim for damages founded on an allegation of negligence the Court is satisfied that the defendant was guilty of an act of negligence conducing to the happening of the event which caused the damage then notwithstanding that the plaintiff had the last opportunity of avoiding or could by the exercise of reasonable care, have avoided the consequences of the defendant's act or might otherwise be held guilty of contributory negligence, the defendant shall not for that reason be entitled to judgment, but the Court shall reduce the damages which would be recoverable by the plaintiff if the happening of the event which caused the damage had been solely due to the negligence of the defendant to such extent as the Court thinks just in accordance with the degree of negligence attributable to the ~~plaintiff;~~ plaintiff.

~~Provided that —~~

~~(a) — this subsection~~

- (1A) Subsection (1) shall not operate to defeat any defence arising under a ~~contract;~~ contract.

~~(b) where~~

(1B) Where any contract or enactment providing for the limitation of liability is applicable to the claim the amount of damages recoverable by ~~virtue of this subsection~~ virtue of subsection (1) shall not exceed the maximum limit applicable.

- (2) The provisions of ~~the preceding subsection~~ subsection (1) shall apply to actions brought —
- (a) under the Fatal Accidents Act; or
 - (b) by virtue of section 4 of the *Law Reform (Miscellaneous Provisions) Act 1941*, in respect of a claim made for the benefit of the estate of a deceased person in consequence of the death of the deceased as the result of the negligence of another person;

and for that purpose shall be read and construed as if the following words were inserted in the following relative positions in the subsection: —

~~(i) after~~

(c) after the words “notwithstanding that the plaintiff” insert the words “or the deceased person in respect of whose death or for the benefit of whose estate the claim is brought or some other person for whose acts the deceased person was ~~responsible~~”; responsible”;

~~(ii) after~~

(d) after the words “recoverable by the plaintiff” insert the words “or by the persons for whose benefit the claim is made or by the estate of the deceased person in respect of which the claim is made”.

5. Contribution may be claimed by a person ordered to pay damages from any other person responsible

- (1) Where by virtue of section 4(1), 2 or more persons are liable to pay damages or would if sued have been liable to pay damages, judgment recovered against one of them shall not be a bar to an action or actions against any other or others of them but in such case —

~~(i) the provisions~~

(a) the provisions of section 7(1)(b) shall apply with the necessary adaptations;

~~(ii) all~~

(b) all or any of such persons may as between themselves and any other or others of them claim and cover contribution and the provisions of section 7(1)(c) and of section 7(2) shall apply with the necessary adaptations.

7. Rules applicable if there are 2 or more tortfeasors

- (1) Subject to Part 1F of the *Civil Liability Act 2002*, where damage is

suffered by any person as the result of a tort —

- (a) judgment recovered against any tortfeasor liable in respect of that damage shall not be a bar to an action against any other person who would, if sued, have been liable as a joint tortfeasor in respect of the same damage;
- (b) if more than one action is brought in respect of that damage by or on behalf of the person by whom it was suffered, or for the benefit of the estate, or of the wife, husband, parent or child of that person, against tortfeasors liable in respect of the damage (whether as joint tortfeasors or otherwise) the sums recoverable under the judgments given in those actions by way of damages shall not in the aggregate exceed the amount of the damages awarded by the judgment first given: and in any of those actions, other than that in which judgment is first given, the plaintiff shall not be entitled to costs unless the Court is of opinion that there was reasonable ground for bringing the action.
- (c) any tortfeasor liable in respect of that damage may recover contribution from any other tortfeasor who is or would if sued have been liable in respect of the same damage whether as a joint tortfeasor or otherwise but so that no person shall be entitled to recover contribution under this section from any person entitled to be indemnified by him in respect of the liability for which contribution ~~is sought~~ is sought.

~~A person~~

(1A) A person shall be entitled to be indemnified within the meaning of ~~this paragraph~~ subsection (1)(c) —

~~(i) if his~~

- (a) if his complicity in the tort arose from fraud or misrepresentation practised on him by the person from whom the indemnity is sought so that he honestly believed and had no reasonable cause to suspect the truth of the matters represented to him and would not have been liable in tort if such matters had been true;

~~(ii) where~~

- (b) where the act was not clearly illegal or tortious in itself and the person seeking indemnity had no knowledge when the tort was committed of the true legal character of the act;

~~(iii) where~~

- (c) where he is responsible on grounds of vicarious liability as for example in the case of master and servant or as a member of a partnership where the act was done without his connivance, knowledge or express authority.

~~Provided that except~~

(1B) Except in the case of an indictable offence arising out of some

negligent act or omission, no contribution may be claimed by a person who is responsible for damages in tort if in the circumstances of the case he is or might be found guilty of any indictable offence (including an indictable offence punishable on summary conviction).

Row 37. *Leslie Solar Salt Industry Agreement Act 1966*

2. Interpretation

~~In this~~

(1) In this Act, unless the contrary intention appears —

the Agreement means the agreement a copy of which is set forth in the Schedule, and if the Agreement is amended in accordance with its provisions, includes the Agreement as so amended from time to time.

~~Expressions~~

(2) Expressions used in this Act have the same respective meanings as in the Agreement.

Row 38. *Library Board of Western Australia Act 1951*

5. The Board

~~(9)(a) The Governor~~

(9A) The Governor may, in respect of each nominee member of the Board, appoint a person as deputy or and to represent the same interests as that member, subject to ~~the provisions of the next succeeding paragraph, subsection (9B),~~ and a person so appointed shall, in the event of the absence of the member, have all the powers of that member during his absence, and no appointment of and no act done in that capacity by a deputy shall be questioned on the ground that the occasion for his appointment had not arisen or had ceased.

~~(aa) A member~~

(9B) A member of the Board who is not a nominee member shall nominate in writing a senior executive officer of the department of the Public Service principally assisting the Minister charged with the administration of the *School Education Act 1999* in administering that Act or of the Department for the Arts, as the case requires, to act for him as a member at any meeting which he is unable to attend, and while so attending the person so nominated has all of the functions and entitlements of that member.

~~(b)(i) In the event~~

(9C) In the event of the absence of the Chairman, the Vice Chairman shall have all the powers of the Chairman.

~~(ii) In the event~~

(9D) In the event of the absence of the Chairman and the Vice Chairman, then the members of the Board present may choose out of their number a member who shall for the purposes of that meeting and until

its conclusion, have all the powers of the Chairman.

- (10) The meetings of the Board shall be held at such times and places as may be determined, or until determined, as convened by the Chairman.
- (11) The Chairman and Vice Chairman shall be elected annually by the members of the Board from among their number and shall be entitled to hold office for a period of 12 months, and shall on the expiration of any term of office, be eligible, subject to the provisions of this Act, for re-election.
- (12) The Board shall conduct its proceedings in such manner as may be prescribed, and until prescribed, as the Board shall determine, but in any case —

~~7 members~~

(a) 7 members shall constitute a quorum for the conduct of business;

~~all matters~~

(b) all matters shall be determined by a majority of the votes of the members present, and where there is an equality of votes, the question shall be regarded as determined in the negative;

~~each member,~~

(c) each member, including the Chairman, shall be entitled to one vote only on the determination of any matter.

6. Appointment of Secretary and officers

~~(1)(a) The Board~~

(1A) The Board shall appoint as State Librarian a person who is a qualified librarian.

~~(b) The person~~

(1B) The person appointed to the office of State Librarian shall, by virtue of that office, be the Executive Officer and Secretary of the Board.

~~(e) The Board~~

(1C) The Board may appoint such other officers as are required for the purpose of carrying out the Board's functions in pursuance of this Act.

20A. Transition provisions relating to transfer of Public Library to the Board

~~(3)(a) So much~~

(3A) So much of the land described in the Schedule to the Public Library Act, and so much of the buildings on that land, as the Governor by proclamation declares to be vested in the Board, shall, by operation of this Act and the proclamation, cease to be vested in the Trustees, and shall become and be vested in the Board for such estate or interest as is mentioned in the proclamation, without the necessity of any transfer or conveyance.

~~(b) The Board~~

(3B) The Board shall not, without the consent of the Governor sell, exchange, lease, mortgage or otherwise dispose of or encumber the land so vested, or any part of, or estate or interest in, the land.

~~(4)(a) On the~~

(4A) On the appointed day all books, periodicals, newspapers or other printed matter and all maps, plans, music, manuscripts, pictures, prints, motion pictures, sound recordings, photographic plates or photographic films or any other matters or things whereby words or sounds are recorded or reproduced, together with all library fittings, furniture and equipment in the possession or control of or held in trust by the Trustees for the purpose of being used for the provision of a library service shall be transferred to and vested in the Board.

~~(b) Where any~~

(4B) Where any doubt or difficulty arises as to whether ~~paragraph (a)~~ subsection (4A) applies to any property, the Minister may by notice in writing give directions as to that property and a direction so given shall be binding upon all persons, courts and tribunals.

~~(e) All~~

(4C) All contracts entered into or rights enjoyed prior to the commencement of the *Acts Amendment (Libraries) Act 1955* by the Trustees which relate to the Public Library or library services shall be deemed to have been entered into or enjoyed by the Board and the Board shall take and exercise in respect thereof all the powers, duties, rights, liabilities and immunities of the Trustees.

~~(5)(a) All gifts~~

(5A) All gifts and bequests made to or on behalf of or for the benefit or purposes of the Public Library shall, whether made before or after the coming into operation of the *Acts Amendment (Libraries) Act 1955*, be deemed gifts and bequests to or on behalf of or for the benefit of the Board.

~~(b) All gifts~~

(5B) All gifts and bequests made to or on behalf of or for the benefit or purposes of the Public Library, Museum and Art Gallery of Western Australia shall, whether made before or after the coming into operation of the *Acts Amendment (Libraries) Act 1955*, be allocated to or divided between the Board and the Trustees as the Governor thinks fit.

(6) Any references in any other Act to the Trustees of the Public Library, Museum and Art Gallery of Western Australia shall insofar as they refer to the Public Library or to the library service be construed as a reference to the Board.

~~(7)(a) All officers~~

(7A) All officers and employees holding office or being employed at the appointed day in the Public Library of Western Australia shall be deemed to have been appointed and engaged by the Board under the provisions of the *Library Board of Western Australia Act 1951*.

~~(b) All rights~~

(7B) All rights and accruing rights of such officers and employees of the Trustees and of the officers and employees of the Board at the appointed day shall remain unimpaired and shall continue for the purposes of those persons' employment with the Board and the Board shall undertake all matters incidental to the fulfilment of any obligations in connection therewith and the Trustees shall at the appointed day be freed and discharged from any such obligations.

Row 39. *Library Board (Conduct of Proceedings) Regulations 1955 (consequential amendments)*

2. Interpretation

In these regulations —

deputy member means a person appointed pursuant to ~~section 5(9)~~ section 5(9A) to (9D) of the Act;

Row 40. *Licensed Surveyors Act 1909*

10. Reciprocity

~~(1)(a) The Board~~

(1A) The Board may enter into a reciprocal arrangement with the Surveyor's Board or other competent authority of any State, colony, or dominion within Her Majesty's dominions for the recognition of the status of any person authorised by such Board or other authority to practise as a surveyor in such State, colony, or dominion and for the issue to that person of a licence under this Act.

~~(b) Any such~~

(1B) Any such arrangement may contain a condition that any such person applying for the issue of a licence under this Act shall furnish additional evidence of character and competency to the satisfaction of the Board.

19. Surveyors to correct errors at their own expense

- (2) In the event of any licensed surveyor refusing or omitting within the time specified in the notice to correct any such error or of any person who is or was a licensed surveyor omitting to pay the cost of the correction of any such error when called upon to do so, the Surveyor General or other authority may recover the cost of any such correction as a debt due to the Crown by action in a court of competent jurisdiction.

~~Provided that any request~~

- (3) A request for the correction of a survey shall be made within 12 years from the date of the lodgment of the plan of such survey with the Surveyor General or other authority.

Second Schedule — Rules for the conduct of the Board

[s 5.]

[Sch heading as amended by cl. 4]

~~1. The~~

1. Chairman

The chairman shall be the executive officer of the Board.

~~2. Every~~

2. Execution of documents

Every appointment and every order, notice, certificate or other document of the Board relating to the execution of this Act shall be sufficiently authenticated if signed by the chairman or any 2 members of the Board.

~~3. No~~

3. Quorum

No business shall be transacted at any meeting of the Board unless at least 3 of the members are present when such business is transacted.

~~4. The~~

4. Chairman to preside

- (1) The chairman shall preside at all meetings at which he is present. In the absence of the chairman, the members present shall elect from their number a chairman for the day.

~~The chairman, or,~~

- (2) The chairman, or, in his absence, the chairman for the day, shall have a vote, and, when there is an equal division of votes upon any question, shall have a second or casting vote.

~~5. All powers~~

5. Voting

- (1) All powers vested in the Board may be exercised by the majority of the members present at any meeting duly held, and all questions shall be decided by a majority and by open voting.

~~At all~~

- (2) At all meetings, save as herein otherwise provided, all members present shall vote.

~~———— If a member~~

(3) If a member refuses to vote, his vote shall be counted for the negative.

~~———— 6. The~~

6. Adjournment of meetings

(1) The members present at a meeting may, from time to time, adjourn the meeting.

~~———— If a quorum~~

(2) If a quorum is not present within half-an-hour after the time appointed for a meeting, the members present, or any one member if only one is present, or the secretary if no member is present, may adjourn such meeting to any time not later than 7 days from the date of such ~~adjournment:~~ adjournment.

~~———— Provided that nothing herein contained~~

(3) Nothing in this clause shall be construed to prevent the adjournment of any meeting to a later hour of the same day on which such meeting was appointed to be held.

~~———— 7. All~~

7 Notice of meeting

All notices of any meeting shall be in writing, and shall be delivered or sent by post or otherwise to the address of each of the members previous to the meeting.

~~———— 8. If any~~

8. Effect of refusal or neglect to act or non-attendance

If any member refuses or neglects to act or to attend any duly convened meeting of the Board, all lawful acts and proceedings of the Board shall be as valid and effectual as if they had been done or authorised by the full Board.

~~———— 9. No~~

9. Validity not affected by vacancy etc.

No proceedings of the Board shall be invalidated by reason of any defect in any appointment, or by reason of there being any vacancy in the number of members at the time of such proceedings, provided that the number is not reduced below 3.

Row 41. *Limited Partnerships Act 1909*

6. Modifications of general law in the case of limited partnerships

(1) A limited partner shall not take part in the management of the partnership business, and shall not have power to bind ~~the firm:~~ the firm.

~~———— Provided that the~~

(1A) Despite subsection (1), the limited partner may, by himself or his

agent, at any time inspect the books of the firm and examine into the state and prospects of the partnership business, and may advise with the partners thereon.

~~— If a limited~~

(1B) If a limited partner takes part in the management of the partnership business, he shall be liable for all debts and obligations of the firm incurred while he so takes part in the management as though he were a general partner.

Row 42. **Local Government Act 1995**

4.31. Rateable property: ownership and occupation

- (1) For the purposes of this Division, ~~the following provisions~~ subsections (1A) to (1H) apply in relation to rateable property and its ownership and ~~occupation~~ occupation.

~~— Property divided by district boundaries~~

~~(a) Section 4.30~~

(1A) Section 4.30 applies even if part of the rateable property is situated in another district.

~~— Property divided by ward boundaries~~

~~(b) If an~~

(1B) If an enrolment eligibility claim is made in respect of rateable property situated partly in one ward and partly in another ward or wards, it is to be regarded for the purposes of that claim as being in —

~~(i) the ward~~

(a) the ward nominated by the owner or occupier making the claim; or

~~(ii) if no~~

(b) if no nomination is made, the ward determined by the CEO.

~~— Right of occupation~~

~~(c) A person~~

(1C) A person occupies rateable property if, and only if, the person has a right of continuous occupation under a lease, tenancy agreement or other legal instrument.

~~— Separate occupancies~~

~~(d) A reference~~

(1D) A reference to the occupation of rateable property includes a reference to the occupation of —

~~(i) a separate~~

(a) a separate building or portion of a building on the rateable property; or

~~(ii) some~~

(b) some other separate and distinguishable portion of the rateable property.

~~Joint owners~~

~~(e) If more~~

(1E) If more than 2 people own rateable property in conjunction with each other, the owners are whichever 2 of those people who, being eligible under section 4.30(1)(a), are nominated as owners by all or a majority of those people.

~~Joint occupiers~~

~~(f) If more~~

(1F) If more than 2 people occupy rateable property in conjunction with each other, the occupiers are whichever 2 of those people who, being eligible under section 4.30(1)(a), are nominated as occupiers by all or a majority of those people.

~~Corporate ownership or occupation~~

~~(g) If a body~~

(1G) If a body corporate owns or occupies rateable property, the owners or occupiers are 2 people who, being eligible under section 4.30(1)(a), are nominated as owners or occupiers by the body corporate.

~~One nomination for all property in the district~~

~~(h) A nomination under paragraph (e), (f) or (g)~~

(1H) A nomination under subsection (1E), (1F) or (1G) applies in respect of any and all other rateable property in the district that is owned or occupied by the people or body corporate concerned.

- (2) Regulations may include provisions about how nominations under ~~subsection (1)~~ subsections (1) to (1H) are made and how long they remain in effect.

4.36. Application and definitions

- (1) This Division applies to the following stages in the preparation for, and conduct of, an election —

~~Stage 1~~

(a) Stage 1 — Preparing the electoral ~~roll~~ roll;

~~Stage 2~~

(b) Stage 2 — Nomination of ~~candidates~~ candidates;

~~Stage 3~~

(c) Stage 3 — After nominations ~~close~~ close;

~~Stage 4~~

(d) Stage 4 — Preparing for ~~voting~~ voting;

~~Stage 5~~

(e) ~~Stage 5~~ — ~~Voting~~ Voting;

~~Stage 6~~

(f) ~~Stage 6~~ — ~~Counting the votes~~ votes;

~~Stage 7~~

(g) ~~Stage 7~~ — ~~Declaring the result~~.

6.30. Valuation of and rates on certain land

(1) Subject to subsection (2), the owner of any land —

- (a) held or granted pursuant to a Government agreement, which agreement provides that for the purposes of imposing rates under this Act, the land is to be assessed on the unimproved value thereof; or
- (b) held under a production licence for petroleum granted under the *Petroleum Act 1967*,

and to whom this section applies by virtue of the operation of section 533AA of the *Local Government Act 1960* as in force before the commencement of this Act is to have the land valued for the purpose of imposing rates under this Act on the following basis —

~~\$1.00 per~~

(c) ~~\$1.00 per~~ 4 000 square metres for each of the first 40 000 hectares or part thereof;

~~\$0.75 per~~

(d) ~~\$0.75 per~~ 4 000 square metres for each of the second 40 000 hectares or part thereof;

~~\$0.50 per~~

(e) ~~\$0.50 per~~ 4 000 square metres for each of the third and fourth 40 000 hectares or part thereof;

~~\$0.25 for each~~

(f) ~~\$0.25 for each~~ 4 000 square metres in excess of 160 000 hectares.

Row 43. Long Service Leave Act 1958

6. What constitutes continuous employment

(2) For the purposes of this Act, the employment of an employee whether before or after the commencement of this Act shall be deemed to be continuous notwithstanding —

- (a) the transmission of a business as referred to in ~~subsection (4)~~; subsections (4) and (5);
- (b) any interruption referred to in subsection (1) irrespective of the duration thereof;
- (c) any absence of the employee from his employment if the absence is authorised by his employer;

- (d) any standing-down of an employee in accordance with the provisions of an award, industrial agreement, order or determination —
 - (i) in force under the *Industrial Relations Act 1979*; or
 - (ii) in force under the *Commonwealth Conciliation and Arbitration Act 1904* ⁴, or any Act enacted by the Parliament of the Commonwealth in amendment of, or substitution for, that Act;
- (e) any absence from duty arising directly or indirectly from an industrial dispute if the employee returns to work in accordance with the terms of settlement of the dispute;
- (f) any termination of the employment by the employer on any ground other than slackness of trade if the employee is re-employed by the same employer within a period not exceeding 2 months from the date of such termination;
- (g) any termination of the employment by the employer on the ground of slackness of trade if the employee is re-employed by the same employer within a period not exceeding 6 months from the date of such termination;
- (h) any reasonable absence of the employee on legitimate union business in respect of which he has requested and been refused leave;
- (i) any absence of the employee from his employment after the coming into operation of this Act by reason of any cause not specified in subsection (1) or in this subsection unless the employer, during the absence or within 14 days of the termination of the absence, gives written notice to the employee that the continuity of his employment has been broken by that absence, in which case the absence shall be deemed to have broken the continuity of employment.

~~(4)(i) — Where~~

(4) Where a business has, whether before or after the coming into operation hereof, been transmitted from an employer (herein called *the transmittor*) to another employer (herein called *the transmittee*) and an employee who at the time of such transmission was an employee of the transmittor in that business becomes an employee of the transmittee — the period of the continuous employment which the employee has had with the transmittor (including any such employment with any prior transmittor) shall be deemed to be employment of the employee with the transmittee.

~~(ii) — In this subsection *transmission* includes~~

(5) In subsection (4) —

transmission includes transfer, conveyance, assignment or succession, whether voluntary or by agreement or by operation of law, and *transmitted* has a corresponding meaning.

Row 44. *Mandurah Church Burial Ground Act 1947*

2. Land in schedule not to be used for burials

~~Notwithstanding~~

(1) Notwithstanding anything contained in any Act or Statute to the contrary, it shall be unlawful on and after 1 January 1948, for any person to use any portion of the land specified in the Schedule as a place for burial of the ~~dead~~: dead.

~~Provided that the~~

(2) Despite subsection (1), the Minister controlling cemeteries may, in special circumstances, issue a permit.

Row 45. *Metropolitan Water Authority Act 1982*

4. Terms used in this Act

(1) In this Act, unless the context otherwise requires —

~~(a) arterial~~

arterial drain means an existing or proposed drain classified as such in the Arterial Drainage Scheme;

works means waterworks, sewerage works and drainage works, including excavation, construction, structures, buildings and plant provided by or used or intended to be used by the Corporation for the purposes of water ~~services~~: services.

~~(b) terms~~

(1A) In this Act, unless the context otherwise requires, terms not otherwise assigned a meaning under this section but referred to in section 3 of the *Water Agencies (Powers) Act 1984* as having a meaning assigned for the purposes of a relevant Act have that meaning in and for the purposes of this Act.

Row 46. *Metropolitan Water Supply, Sewerage, and Drainage Act 1909*

31. Altering sewers

~~The Corporation~~

(1) The Corporation may open the ground and change the level of or otherwise amend or enlarge any sewer lying under any public or private street or place within the district for better communicating with the main sewers.

~~Provided that no person~~

(2) No person shall, by means of any such alteration, amendment, or enlargement, be deprived of the use and enjoyment of any property sewer which he shall be entitled to use; but the Corporation shall, at its own cost and charges, so construct and alter any such property sewer as to render the same as effectual for the purposes for which it

	was intended as any such property sewer may be at the time of such alteration.
33.	<p>As to ventilators, etc.</p> <p>For the purposes</p> <p>(1) <u>For the purposes</u> of ventilation, the Corporation may cause any ventilating shaft, pipe, or tube for any sewer or property sewer to be attached to any wall of any building. Provided that the <u>building.</u></p> <p>(2) <u>The</u> mouth of every such shaft, pipe, or tube shall be at least 1.80 metres higher than any window or door situate within a distance of 9 metres therefrom; and also make <u>therefrom.</u></p> <p>(3) <u>For the purposes of ventilation the Corporation may make</u> use of the chimney of any public building or of any factory, or of any tramway building as a ventilating shaft or tube.</p> <p>Provided that no</p> <p>(4) <u>No</u> ventilating shaft for the purpose of ventilating any sewer shall be attached to any private residence.</p>
40.	<p>Record of meter to be <i>prima facie</i> evidence of water supplied</p> <p>Whenever</p> <p>(1) <u>Whenever</u> a meter is used —</p> <p>(1) — the quantity</p> <p>(a) <u>the quantity</u> of water shown by the index or register shall be taken <i>prima facie</i> to be the quantity of water which has actually passed through the meter and has been supplied; and</p> <p>(2) — a certificate</p> <p>(b) <u>a certificate</u> purporting to be signed by an officer of the Corporation stating the quantity so shown shall, in any proceeding in which the quantity of water is in question, be <i>prima facie</i> evidence of the quantity of water supplied.</p> <p>Provided that in case</p> <p>(2) <u>In case</u> of dispute a test shall be made by the Corporation, the cost of which shall be borne by the party found to be in error.</p>
43.	<p>Supply to persons outside area</p> <p>(1) The owner or occupier of land not situated within the Area may request the Corporation to supply water to such land.</p> <p>(2) In each case the Corporation may comply with such request on such terms as it may think fit, and, if it complies, may construct all necessary works for supplying water to such land.</p> <p>Provided that any</p> <p>(3) <u>Any</u> land to which the Corporation supplies water under this section,</p>

and the owner or occupier of such land, shall thenceforth be subject to the provisions of this Act, as modified by such terms as aforesaid, in the same manner as if such lands were situated within the Area.

~~Provided further that the~~

(4) ~~The~~ nature, size and description of the works, pipes, and fittings for supplying the land with water shall be entirely in the discretion of the Corporation.

45. Fire hydrants

(10) The property in fire hydrants, whether installed before, on, or after the proclaimed day, shall —

~~if the fire~~

(a) ~~if the fire~~ hydrant is in a fire district, whether constituted wholly or partly before, on, or after the proclaimed day, vest in the Authority as owner;

~~if the fire~~

(b) ~~if the fire~~ hydrant is in the district of a local government but elsewhere than in a fire district, vest in the local government as owner.

(11) The Corporation shall on installing, abolishing or keeping a fire hydrant in effective order deposit the keys of the fire hydrant at such station as shall be specified —

~~by the Authority~~

(a) ~~by the Authority~~ where the fire hydrant is in a fire district;

~~by the local~~

(b) ~~by the local~~ government where the fire hydrant is in the district of the local government elsewhere than in a fire district.

57E. Constituting Public Water Supply Areas

~~(3)(a) Before~~

(3) ~~Before~~ presenting a recommendation to the Governor pursuant to the provisions of this section the Minister shall cause the proposed recommendation to be laid before each House of Parliament.

~~(b) Either~~

(4) ~~Either~~ House of Parliament may pass a resolution rejecting the proposed recommendation, of which resolution notice has been given within 14 sitting days of such House after the proposed recommendation has been laid before it, whether or not the 14 days or some of them occur in the same session of Parliament or during the same Parliament as that in which the proposed recommendation is laid before the House.

~~(e) The~~

(5) The Minister shall not present to the Governor a recommendation pursuant to the provisions of this section which —

~~(i) has~~

(a) has not been laid before each House of Parliament;

~~(ii) is~~

(b) is before either House of Parliament and is subject to rejection; or

~~(iii) has~~

(c) has been rejected.

64. Notice to be given to Corporation before commencing or continuing sanitary work

(2) The Corporation shall, within 7 days after the receipt of the plan and prescribed fee, return a copy of the plan with such directions indorsed thereon as may be thought fit.

~~If the owner~~

(2A) If the owner or occupier —

- (a) commences or causes to be commenced the construction or alteration of any work as aforesaid without giving such notice or without furnishing the plan as aforesaid; or
- (b) having given the notice and furnished the plan commences or causes to be commenced the construction or alteration of the work before the expiration of the 7 days abovementioned, and before the plan has been returned by the Corporation; or
- (c) fails to follow the directions indorsed on the plan,

he shall be liable to a penalty not exceeding \$1 000, and any work constructed or altered contrary to or not in accordance with the said directions may be removed by the Corporation, and the expenses of the removal may be recovered by the Corporation from the owner or occupier.

~~Provided that the above provisions of this section shall~~

(2B) Subsections (1), (2) and (2A) shall not apply in a case where the Corporation declares, in writing under its seal, that it is satisfied that an emergency had arisen which rendered it necessary or desirable that the work should be constructed or altered before the directions of the Corporation could be obtained, and that notice was given and a plan was furnished as soon as practicable.

116. Appropriation of rents received

~~All rent~~

(1) All rent and other moneys payable under any such lease shall, until

the execution of a release as hereinbefore mentioned, or the expiration of 25 years from the taking possession thereof by the Corporation, whichever first happens, upon receipt thereof by the Corporation, be applicable —

~~Firstly — In~~

- (a) firstly — in defraying the expenses of and incidental to the giving of the notices hereinbefore mentioned, and the execution of the lease, and the collection of the rents;

~~Secondly — In~~

- (b) secondly — in payment to the Corporation of all arrears of moneys due in respect of such land, together with interest thereon calculated as hereinbefore provided, from the time when such moneys became due respectively, and in payment of all moneys accruing due thereon.

~~The residue~~

- (2) The residue of any such moneys shall belong to such person as would, when the same respectively were received, have been entitled to receive the rents and profits of the land if this Act had not been passed.

146. Minister may make by-laws

- (1) Without prejudice to the generality of that power, the power conferred by section 34 of the *Water Agencies (Powers) Act 1984* to make by-laws may be exercised for the purposes of this Act with respect to the following matters, that is to say: —

[(1) deleted]

~~(2) — For~~

- (a) for the prevention of the pollution of water within or under any water reserve or catchment ~~area~~ area;

~~(2a) — Preventing~~

- (b) preventing or minimising the pollution of watercourses and sources of ~~supply~~ supply;

~~(2b) — The~~

- (c) the regulation or prohibition of bathing in watercourses and ~~reservoirs~~ reservoirs;

~~(2c) — The~~

- (d) the preservation of good order and decency on watercourses and dams and their ~~banks~~ banks;

~~(3) — Regulating~~

- (e) regulating and controlling the commencement, drilling, sinking, construction, form, maintenance, alteration or effecting the permanent closure and sealing off of any existing or proposed artesian bores within the Area and regulating the

quantity of water that may be drawn from any such artesian
~~bore.~~ bore;

~~(3a) — Regulating~~

(f) regulating and controlling the commencement, drilling, sinking, construction, form, maintenance and alteration of any proposed or existing well within a Public Water Supply Area and regulating the quantity of water that may be drawn from any such well and providing for the maintaining and keeping by the CEO of a register of licences relating to such ~~a well.~~ a well;

~~[(4) deleted]~~

~~(4a) — Defining~~

(g) defining and specifying the classes of industry from which liquid trade or factory wastes may be discharged into the sewers and the terms and conditions, whether general in application or applying in any particular case, upon which those wastes may be so ~~discharged.~~ discharged;

~~(5) — Protecting~~

(h) protecting and preventing and remedying the waste, misuse, undue consumption, fouling, or contamination of water contained in or supplied from the water works or otherwise under the control of the ~~Corporation.~~ Corporation;

~~[(6)-(15) deleted]~~

~~(16) — Specifying~~

(i) specifying the purposes for which, and the persons or classes of persons to whom, water services may be supplied under agreement, and the general and special terms and conditions upon which water services shall be so ~~supplied.~~ supplied;

~~(17) — Prescribing~~

(j) prescribing the quantity of water a consumer may take or consume for any specified ~~purposes.~~ purposes;

~~(18) — Fixing~~

(k) fixing the level beyond which water supplied from the works may not be allowed to rise at any particular place within the ~~Area.~~ Area;

~~[(19) deleted]~~

~~(20) — Prohibiting~~

(l) prohibiting any alteration of or interference with any meter, pipes, drain, property sewer, fixtures, or fittings, without the consent of or notice to the ~~Corporation.~~ Corporation;

~~[(21)-(26), (26a) deleted]~~

~~(27) — Modifying~~

(m) modifying any of the forms contained in the Schedules.

Row 47. Mining Act 1978**24. Classification of reserves**

~~(2)(a) — The Governor~~

(2A) The Governor may, from time to time, by order in council, apply this section to any other land or class of land specified in the order in council and as from the date so specified this section shall apply to the extent and in the manner specified in the order in council.

~~— (b) — The Minister~~

(2B) The Minister shall cause an order in council made pursuant to ~~paragraph (a)~~ subsection (2A) to be laid on the table of each House of Parliament within 12 sitting days of its making and if either House does not pass a resolution disallowing such order in council within 12 sitting days of that House after the order in council has been laid before it the order in council shall have effect from the date of its making.

~~(3)(a) — Subject~~

(3A) Subject to subsection (4) mining may be carried out on any land referred to in subsection (1)(a) or (b) with the written consent of the Minister who may refuse his consent or who may give his consent subject to such terms and conditions as the Minister specifies in the consent.

~~— (b) — Before giving his consent~~

(3B) Before giving his consent under subsection (3A) whether conditionally or unconditionally the Minister shall first consult with, and obtain the concurrence thereto, of the responsible Minister.

(4) No mining lease or general purpose lease shall be granted on any land referred to in subsection (1)(a) or (b) unless both Houses of Parliament by resolution consent thereto, and then only on such terms and conditions as are specified in the resolution.

~~(5)(a) — Mining on~~

(5A) Mining on any land referred to in subsection (1)(c) may be carried out with the written consent of the Minister who may refuse his consent or who may give his consent subject to such terms and conditions as the Minister specifies in the consent.

~~— (b) — Before giving his consent~~

(5B) Before giving his consent under subsection (5A) whether conditionally or unconditionally the Minister shall first consult the responsible Minister and the local government, public body, or trustees or other persons in which the control and management of such land is vested with respect thereto, and obtain its or their recommendations thereon.

~~(6)(a) Mining~~

(6A) Mining may be carried out on any land referred to in subsection (1)(d) with the written consent of the Minister who may refuse his consent or who may give his consent subject to such terms and conditions as are specified in the consent.

~~(b) Before giving his consent,~~

(6B) Before giving his consent under subsection (6A), whether conditionally or unconditionally the Minister shall first consult with, and obtain the concurrence thereto, of the responsible Minister.

~~(7)(a) Mining~~

(7A) Mining may be carried out on any land referred to in subsection (1)(da), (e), (f), (fa) or (g) with the written consent of the Minister who may refuse his consent or who may give his consent, subject to such terms and conditions as are specified in the consent.

~~(b) Before giving his consent,~~

(7B) Before giving his consent under subsection (7A), whether conditionally or unconditionally, the Minister shall first consult the responsible Minister with respect thereto and obtain his recommendation thereon.

~~(c) The giving~~

(7C) The giving by the Minister of his consent under ~~this subsection~~ subsection (7A) in relation to land referred to in subsection (1)(f) does not prevent or in any way affect the application of section 31 of the *Aboriginal Affairs Planning Authority Act 1972* to any person acting under that consent.

25. Mining on foreshore, sea bed, navigable waters or townsite

~~(2)(a) Mining on~~

(2A) Mining on any land referred to in subsection (1)(a), (b) or (c) may be carried out with the written consent of the Minister who may refuse his consent or who may give his consent subject to such terms and conditions as the Minister specifies in the consent.

~~(b) Before giving his consent~~

(2B) Before giving his consent under subsection (2A) whether conditionally or unconditionally the Minister shall first consult the Minister to whom the administration of the *Fish Resources Management Act 1994* is for the time being committed by the Governor, the Minister to whom the administration of the *Marine and Harbours Act 1981* is for the time being committed by the Governor, the Minister to whom the administration of the *Land Administration Act 1997* is for the time being committed by the Governor and the Minister to whom the administration of the *Environmental Protection Act 1986* is for the

time being committed by the Governor with respect thereto and obtain their recommendations thereon.

~~(3)(a) Mining on~~

(3A) Mining on any land referred to in subsection (1)(d) may be carried out with the written consent of the Minister who may refuse his consent or who may give his consent subject to such terms and conditions as the Minister specifies in the consent.

~~(b) Before giving his consent~~

(3B) Before giving his consent under subsection (3A) whether conditionally or unconditionally the Minister shall first consult the Minister to whom the administration of the *Land Administration Act 1997* is for the time being committed by the Governor and the local government, in respect thereto and obtain their recommendations thereon.

37. Application to bring certain private land under this Division

~~(3)(a) If the~~

(3) If the geologist or the professional officer reports to the Minister that in the geologist's or professional officer's opinion there is a reasonable likelihood of the private land containing any mineral in payable quantities, the Minister may, with the approval of the Governor, by notice published in the *Government Gazette*, declare that at the expiration of a period specified in the notice, being a period of not less than 6 months from the date the notice is so published, the private land shall come within the operation of this Division.

~~(b) A copy~~

(4) A copy of the notice published in the *Government Gazette* shall be served upon the owner of the private land to which the notice relates, as soon as practicable after it is so published.

38. Right of owner to apply for mining tenement

- (1) The owner of the private land to which section 37 refers may, at any time within the period referred to in ~~subsection (3)(a) of that section,~~ section 37(3), apply for a mining tenement in respect of the private land or any part thereof.

55. Consultation with other Ministers

- (3) Before approving retention status under section 54 for land of a class referred to in section 25(1)(a), (b) or (c), the Minister shall consult and obtain the recommendations of the other Ministers referred to in ~~section 25(2)(b):~~ section 25(2B).
- (4) Before approving retention status under section 54 for land of the class referred to in section 25(1)(d), the Minister shall consult and obtain the recommendations of the other Minister referred to in ~~section 25(3)(b):~~ section 25(3B).

69C. Consultation with other Ministers

- (3) Before approving retention status under section 69B for land of a class referred to in section 25(1)(a), (b) or (c), the Minister shall consult and obtain the recommendations of the other Ministers referred to in ~~section 25(2)(b)~~: [section 25\(2B\)](#).
- (4) Before approving retention status under section 69B for land of the class referred to in section 25(1)(d), the Minister shall consult and obtain the recommendations of the other Minister referred to in ~~section 25(3)(b)~~: [section 25\(3B\)](#).

98. Application for forfeiture on other grounds

~~(4)(a) When~~

[\(4A\) When](#) the warden finds that the holder of an exploration licence or lessee of the mining lease has failed to comply with such requirements as are mentioned in subsection (1), the warden may recommend the forfeiture of such licence or lease, or impose a penalty not exceeding \$10 000 as an alternative to the forfeiture or dismiss the application.

~~(b) Where a~~

[\(4B\) Where a](#) penalty is imposed under this section the warden may award the whole amount of the penalty or any part thereof to the applicant.

- (5) A recommendation shall not be made under ~~subsection (4)~~ [subsection \(4A\)](#) unless the warden is satisfied that the non-compliance with such requirements is, in the circumstances of the case, of sufficient gravity to justify the forfeiture.
- (9) Where any penalty imposed by a warden as an alternative to forfeiture under ~~subsection (4)~~ [subsection \(4A\)](#) is not paid within the time specified by the warden, or within 30 days after the penalty is imposed where no other time is specified, the warden shall make a recommendation to the Minister as to whether or not the licence or lease should be forfeited.

100. Applicant to have priority for marking out and applying for surrendered or forfeited licence or lease

- (1) Where an exploration licence or a mining lease that is the subject of an application for forfeiture under section 98 is surrendered (other than by way of a conditional surrender or a surrender under section 26A or 65) before the application is finally dealt with under ~~section 98(4)~~ [section 98\(4A\)](#) or 99(1), the applicant for forfeiture has, from the date on which the surrender is registered until the expiry of a period of 14 days after the date of being served with written notice of the surrender by an officer of the Department, a right in priority to any other person to mark out or apply for, or both, a mining tenement upon the whole or any part of the land that was the subject of the surrendered licence or lease.

Row 48. Motor Vehicle Drivers Instructors Act 1963**10. Review of decision of Director General**~~(2)(a) The~~

(2) The applicant or person to whom the licence was issued may apply to the State Administrative Tribunal for a review of the decision of the Director General.

[(b) deleted]

Row 49. State Administrative Tribunal Regulations 2004 (consequential amendments)**Schedule 5 — Provision under which proceedings commenced**

[r. 9(3)]

....

Motor Vehicle Dealers Act 1973 s. 20(1), (2) or (3), 22(1) or (3), 32K(1), 32L(1) or (3), 32M(1), 32N(1) or (3) or 37B(2)

Motor Vehicle Drivers Instructors Act 1963 ~~s. 10(2)(a)~~ s. 10(2)

Nurses and Midwives Act 2006 s. 37(3), 58(1), 61(1), 71(1) or 106

Row 50. Motor Vehicle (Third Party Insurance) Act 1943**3. Interpretation**

- (3) This Act shall not render it obligatory to insure any motor vehicle owned by the Crown in right either of the Commonwealth or of the State and used solely in the public business of the Commonwealth or of the State as the case may be.

~~Provided that in~~

(3A) Despite subsection (3), in relation to any motor vehicle which is owned by the Crown in right of the State and is not insured, the Crown shall be under the same liabilities and have the same rights as an insurer if such insurer had issued to the Crown a policy of insurance complying with this Act in relation to the use of that vehicle.

~~(4)(a) It shall~~

(4) It shall not be necessary for the owner of any motor vehicle which is temporarily in this State and which is licensed or registered in any other State or territory of the Commonwealth prescribed by the Governor as hereinafter provided to insure under this Act, if while the motor vehicle is in this State the owner and any driver of such motor vehicle whilst that motor vehicle is on a road are insured under a contract of insurance in accordance with the law of such other State or territory against liability which may be incurred by such owner or driver in respect of the death of or bodily injury to any person directly caused by, or by the driving of, such motor vehicle in this State, whether caused on or off a road.

~~—(b)—The~~

(4B) The Governor may by order in council prescribe for the purposes of ~~this subsection~~ subsection (4) any State or territory of the Commonwealth in which the Governor is satisfied there is in operation legislation for the carrying out of objects substantially similar to the objects of this Act.

3R. Issue of policies of insurance

~~—(4)(a)—The Director~~

(4A) The Director General shall at such times as are directed by the Commission remit to the Commission the total amount of all insurance premiums received by it under this Act together with such documents and information relating thereto as may be prescribed.

~~—(b)—The Director~~

(4B) The Director General shall pay to the Treasurer at such times as are directed by the Treasurer all amounts of duty payable under the *Duties Act 2008* upon the issue of the policies.

~~—(c)—The Treasurer~~

(4C) The Treasurer shall pay all amounts received by him under ~~paragraph (b)~~ subsection (4B) into the Consolidated Account.

4. Insurance against third party risks

~~—(3)(a)—Where~~

(3A) Where a motor vehicle in relation to which there is not in force a policy of insurance complying with this Act is used on a road the owner of the motor vehicle and any person so using the motor vehicle or causing or permitting such use commits an offence.

Penalty: First offence: \$400.

Subsequent offence: \$800.

~~—(b)—A person~~

(3B) A person shall not be convicted or punished for an offence under ~~paragraph (a)~~ subsection (3A) if he has already been convicted or acquitted of an offence under section 15 of the Traffic Act and both those offences had been committed simultaneously.

~~—(c)—Upon~~

(3C) Upon conviction of a person of an offence under ~~this subsection,~~ subsection (3A), if the court is satisfied that the owner of the vehicle in question was, at the time of the commission of the offence, not the holder of the requisite vehicle licence for the vehicle as required by the Traffic Act, the court shall order the person convicted, in addition to the penalty imposed on him, to pay the amount of the annual licence fee that should have been paid in respect of that vehicle in accordance

with that Act and that order may be enforced as if the amount of the fee was a penalty imposed on him.

- (4) Any person convicted of an offence under this section shall (unless the court thinks fit to order otherwise) be disqualified from holding and obtaining under the Traffic Act a driver's licence or a licence in respect of a motor vehicle for a period of 12 months from the date of the conviction.
- (5) Proceedings for an offence under this section shall be commenced —
 - (a) within a period of 6 months from the date of the commission of the alleged offence; or
 - (b) within a period of 3 months from the date on which it came to the knowledge of the prosecutor that the alleged offence had been committed,

whichever period is the longer.

~~— Provided that no such proceedings~~

(5A) Despite subsection (5), no proceedings for an offence under this section shall be commenced after the expiration of one year from the date of the commission of the alleged offence.

- (6) In any prosecution for an offence under this section the allegation in the charge that at any time mentioned in the charge there was not in force in respect of any particular motor vehicle a policy of insurance complying with this Act shall be *prima facie* evidence of the fact so alleged.

~~—(7)(a) Any~~

(7A) Any owner of a motor vehicle shall, on being requested so to do by an inspector appointed under the Traffic Act or by any member of the Police Force, produce evidence that there is in force in respect of every motor vehicle owned by him a policy of insurance complying with this Act.

~~—(b) The~~

(7B) The owner shall be deemed to have complied with ~~this subsection-subsection (7A)~~ if he produces the necessary evidence at a Police Station (to be nominated by the owner to the inspector or the member of the Police Force at the time when the request is made) within 5 days from the time when its production was requested.

~~—(c) Any~~

(7C) Any person who without just excuse fails to comply with this subsection shall be guilty of an offence.

Penalty: \$200.

- (8) Notwithstanding anything to the contrary contained in the Traffic Act, no licence shall be issued under that Act in respect of any motor

vehicle, unless —

- (a) prior to or at the time of the issue of such licence there is paid to and received by the Director General issuing such licence the appropriate insurance premium determined by the Commission for the class of vehicle being licensed and for the period of the licence; and
- (b) such licence incorporates in the one document a policy of insurance under this Act in relation to the said motor vehicle in respect of the same period as that for which such licence is issued.

[(9) repealed]

~~(9a)(a) The Director~~

(9) The Director General on behalf of the Commission shall when required issue in such form as shall be determined by the Commission a policy of insurance under this Act in respect of any vehicle propelled by gas, oil, electricity or any other motive power not being animal power that the Director General is satisfied does not require to be licensed under the Traffic Act, but only if that vehicle complies with the requirements necessary for licensing under that Act.

~~(b) The~~

(10) The owner and driver of ~~any such vehicle~~ a vehicle referred to in subsection (9) shall have the same rights and be subject to the same duties and obligations and the Commission shall have against such owner and driver the same rights and remedies as if such motor vehicles were included in the interpretation *motor vehicle* in section 3 of this Act.

7. Liability of the Commission

- (1) Any person who has obtained a judgment against an insured person in respect of negligence causing death or bodily injury, being death or bodily injury directly caused by, or by the driving of, a motor vehicle specified in a policy of insurance under this Act may recover by action from the Commission such amount of the money (including costs or a proportionate part thereof) payable pursuant to the judgment as relates to death or bodily injury and is ~~unsatisfied:~~ unsatisfied.

~~Provided that~~

~~(i) when~~

(1A) When the judgment against the insured person was obtained within the State, ~~this subsection~~ subsection (1) shall not apply unless before the action in which such judgment was obtained came on for hearing, the Commission knew that that action had been ~~commenced; and~~ commenced.

~~(ii) the~~

(1B) The right to recover under ~~this subsection~~ subsection (1) shall be subject to any limitations prescribed by the policy of insurance as to the amount in respect of which the insured is indemnified.

8. Special provisions in relation to uninsured motor vehicles

(1) Where —

- (a) judgment against the owner or driver of an uninsured motor vehicle has been entered in respect of the death of or bodily injury to any person directly caused by, or by the driving of, that motor vehicle;
- (b) such death or bodily injury is one against liability in respect of which the judgment debtor, had there been in force a contract of insurance under this Act relating to such motor vehicle, would have been insured; and
- (c) the judgment debtor does not satisfy the judgment in full within one month after the same has been entered —

the judgment creditor may claim from the Commission payment of the amount (including costs) unpaid in respect of the judgment or the amount to which the liability of the Commission might have been limited had there been in force a contract of insurance under this Act relating to such motor vehicle, whichever is the smaller amount, and where the Commission fails to pay the amount the judgment creditor may recover it in an action in a court of competent jurisdiction as a debt due to him by the Commission.

~~Provided that, where execution of such judgment~~

(1A) Where execution of a judgment referred to in subsection (1) is stayed pending appeal, the time during which such execution is so stayed shall be excluded in calculating the said period of one month.

~~Provided further that, when such judgment was obtained within the State, this subsection~~

(1B) When a judgment referred to in subsection (1) was obtained within the State, that subsection shall not apply unless, before the action on which such judgment was obtained came on for hearing, the Commission knew that such action had been commenced.

(3) The Commission may recover from

- (a) the owner; or
- (b) the driver,

of the motor vehicle, and if they are both liable from them jointly and severally, such sum as the Commission has paid in settlement, payment or compromise of the claim of, or any judgment obtained by, the judgment creditor ~~against it:~~ against it.

~~— Provided that —~~

(4) In an action under subsection (3) —

~~(i) it shall~~

(a) it shall be a good defence in any action against the owner of such motor vehicle if he establishes to the satisfaction of the court that —

~~(I) the fact~~

(i) the fact that the motor vehicle was an uninsured motor vehicle was not due to his own fault; or

~~(II) at the~~

(ii) at the time of the occurrence out of which such death or bodily injury arose the driver was not driving the motor vehicle with the consent or authority of the owner;

~~(ii) in any~~

(b) in any case where the owner of the motor vehicle is the judgment debtor as aforesaid, no sum shall be so recoverable against the driver of the motor vehicle unless judgment could have been obtained against the driver in respect of the death or bodily injury aforesaid;
and

~~(iii) it shall~~

(c) it shall be a good defence in any action against the driver of such motor vehicle if he establishes to the satisfaction of the court that at the time of the occurrence out of which such death or bodily injury arose he was driving the motor vehicle with the authority of the owner and that he had reasonable grounds for believing, and did in fact believe, that the motor vehicle was a motor vehicle in relation to which there was in force a contract or policy of insurance under this Act.

~~(5)(a) Where —~~

(5) Where —

~~(i) liability~~

(a) liability has been incurred by the owner or driver of any uninsured motor vehicle in respect of the death of, or bodily injury to, any person directly caused by, or by the driving of, that motor vehicle; and

~~(ii) such~~

(b) such liability is one against which such owner or driver, had there been in force a contract of insurance under this Act relating to such motor vehicle, would have been insured; but

~~(iii) such~~

(c) such owner or driver is dead or cannot after strict inquiry and search be found

any person who could have obtained a judgment in respect of such death or bodily injury against such owner or driver, if he were living or if he could be found, as the case may be, may obtain judgment against the Commission for a sum equivalent to the amount for which he could have obtained a judgment against the owner or driver, or the amount to which the liability of the Commission might have been limited had there been in force a contract of insurance under this Act relating to such motor vehicle, whichever is the ~~smaller amount~~: smaller amount.

~~Provided that~~

~~(i) such person shall not be entitled so to recover~~

(6) A person shall not be entitled to recover under subsection (5) unless, as soon as practicable after he knew that such owner or driver was dead or could not be found, he gave to the Commission notice of intention to make a claim and a short statement of the grounds thereof; and thereof.

~~(ii) the inquiry~~

(7) For the purposes of subsection (5), the inquiry and search made for such owner or driver may be proved orally or by the affidavit of the person who made the inquiry and search.

12. Emergency treatment

(1) Where —

~~(a) (i) any~~

(a) bodily injury (including fatal injury) to any person directly caused by, or by the driving of, a motor vehicle which is insured under this Act or is an uninsured vehicle occurs and either —

(i) any legally qualified medical practitioner or registered nurse renders emergency treatment ~~in respect of bodily injury (including fatal injury) to any person directly caused by, or by the driving of, a motor vehicle which is insured under this Act or is an uninsured vehicle; or to the person; or~~

(ii) the person so injured is immediately after such injury conveyed in any vehicle;

and

(b) notice in writing of a claim under this section is given by the medical practitioner, nurse or person who conveyed the injured person, to the Commission within one month after the occurrence out of which the death or bodily injury ~~arose, the~~ arose.

the Commission shall make the following payments as are applicable to the case —

~~(i) to the~~

(c) to the medical practitioner or nurse, his or her charges in respect of each person to whom emergency treatment is rendered, together with any travelling expenses reasonably and necessarily incurred in respect of the emergency treatment so rendered;

~~(iii) to any~~

(d) to any person who conveyed the injured person as mentioned in ~~paragraph (a),~~ paragraph (a)(ii), an amount to be ascertained in accordance with the regulations.

21. Term of policy of insurance deemed to be extended in certain cases

~~(1)(a) Where~~

(1A) Where a policy of insurance complying with the requirements of this Act, and a licence under the Traffic Act, have been issued in respect of a motor vehicle, and both would, but for this ~~subsection,~~ section, expire by effluxion of time on the same expiry day, if the provisions of ~~paragraph (b)~~ subsection (1B) apply, the operation of the policy is extended by, and in accordance with, those provisions.

~~(b) If a~~

(1B) If a new policy complying with the requirements of this Act is issued in respect of the motor vehicle within the period of 15 days of the expiry day of the policy mentioned in ~~paragraph (a),~~ subsection (1A), the operation of the policy mentioned in ~~that paragraph is, by this~~ paragraph that subsection is, by this subsection and notwithstanding any provisions to the contrary of the policy mentioned in ~~that~~ paragraph, that subsection, extended until the new policy is issued.

~~(c) If however~~

(1C) If however the new policy is not issued until after the expiration of that period ~~of 15 days~~ of 15 days —

~~(i) the motor~~

(a) the motor vehicle is, notwithstanding any provision to the contrary of section 4(8)(a) of this Act or of any provision of section 18 of the Traffic Act, an uninsured vehicle until the new policy is issued;

~~(ii) the new~~

(b) the new policy shall have effect only from the date of its issue and shall expire on the expiry date of the licence under the Traffic Act issued in respect of such vehicle at the time of the issue of the new policy; and

~~(iii) the premium~~

(c) the premium payable in respect of such new policy shall be the appropriate premium for the period from the date of the

expiration of the previous policy to the date of the expiration of the new policy.

- (2) Nothing in ~~subsection (1)~~ [this section](#) shall operate or be deemed or construed to operate so as to render any policy of insurance aforesaid liable to payment of further duty in consequence of the currency of such policy being extended by the operation of this section.

Row 51. Road Traffic Act 1974 (consequential amendments)

15. Vehicle licences

- (3) Where a vehicle for which there is not a valid vehicle licence granted under this Act is used on any road, a responsible person for the vehicle and any person so using the vehicle or causing or permitting such use commits an offence against this Act, but —
- (a) if the regulations provide that when a vehicle licence is renewed on an application made within a prescribed period after the expiry of the licence the renewal is to be regarded as having taken effect immediately after the licence expired, this subsection does not apply to the use of the vehicle within that prescribed period;
 - (b) it is a defence to a charge of an offence against this subsection against any person other than a responsible person for the vehicle if the accused proves that he had no knowledge that a valid vehicle licence had not been granted in respect of the vehicle; and
 - (c) a person shall not be convicted of an offence against this subsection if he has already been convicted, or charged and acquitted of an offence against ~~section 4(3)(a)~~ [section 4\(3A\)](#) of the *Motor Vehicle (Third Party Insurance) Act 1943*, and both those offences or alleged offences were committed simultaneously.

Row 52. National Trust of Australia (W.A.) Act 1964

8. Constitution of the first Council of The Trust

~~(3)(a) When~~

[\(3A\)](#) [When](#) a casual vacancy occurs in the office of a member of the first Council the remaining members of that Council may appoint to the vacant office a person who, immediately before the coming into operation of this Act, was a member of the Association.

~~(b) The person so appointed~~

[\(3B\)](#) [A person appointed under subsection \(3A\)](#) holds office, subject to this Act, for the remainder of the term of office of the person in whose place he is appointed.

11. Term of office of councillors

~~(3)(a) When~~

[\(3A\)](#) [When](#) an appointed or elected councillor dies, resigns or is removed

from office, the vacancy so created shall be filled in the manner in which the appointment or election to the vacant office was originally made.

~~(b) Every person so appointed or elected~~

(3B) Every person appointed or elected under subsection (3A) shall hold office for the remainder of the term of office of the person in whose place he is appointed or elected.

13. Meetings of the Council

~~(3)(a) Where~~

(3A) Where a casual vacancy occurs in the office of the President, a Vice President, the Secretary or Treasurer of The Trust or the Chairman or Deputy Chairman of the Council, the councillors shall, in accordance with the rules, elect from the remaining elected councillors a successor to fill the vacant office and the successor shall hold office for the remainder of the term of office of the person in whose place he is elected.

~~(b) In this subsection elected~~

(3B) In subsection (3A) —

elected councillor includes a person elected, under ~~section 11(3);~~ section 11(3A), to the vacant office of an elected councillor.

- (4) The Chairman of the Council shall preside at all meetings at which he is present.
- (5) The Deputy Chairman shall preside at all meetings of the Council at which the Chairman is not present and in the absence of both the Chairman and the Deputy Chairman from any such meeting, the members present shall appoint one of their number to be Chairman of that meeting.
- (6) Meetings of the Council shall be held at such times and places as the Council determines.

~~(7)(a) A special~~

(7A) A special meeting of the Council may at any time be convened by the Chairman of the Council and the Chairman shall call a special meeting whenever requested to do so in writing by 4 councillors.

~~(b) Not less~~

(7B) Not less than 7 days' notice of every special meeting, and of the business to be transacted thereat, shall be given to each councillor and no business, other than that specified in that notice, except with the consent of all councillors present and voting at the meeting, shall be transacted at that meeting.

26. By-laws

~~(2)(a) The~~

(2) The by-laws may impose a penalty not exceeding \$100 for any breach thereof.

[(b) deleted]

Row 53. Oil Refinery (Kwinana) Agreement Act 1952

7. Restrictions on use of wharves, etc.

- (1) No person, except a person authorised to do so by or under an Act or under subsection (2), shall enter or remain on or ~~use~~

~~any wharf,~~

use any wharf, jetty, landing place, berth, waters, or shore, referred to in clause 4(b) of the Agreement.

Penalty — \$300.

Row 54. Parks and Reserves Act 1895

8. A Board may make by-laws

- (1) A Board may, with the approval of the Governor, from time to time make, repeal, or alter by-laws for giving effect to this Act in respect of the land placed under its control, and in particular for —

~~the regulation~~

(a) the regulation of the meetings and general business of the Board and where a Board is constituted a body corporate under the provisions of section 3 prescribing the manner in which the Seal of the Board may be affixed to documents, and the manner in which documents issued by the Board may be authenticated;

~~keeping~~

(b) keeping accounts of the receipts and expenditure of the Board;

~~the management~~

(c) the management and conservation of the land, including zoological gardens;

~~the appointment~~

(d) the appointment and guidance of keepers or servants employed therein;

~~prescribing the time~~

(e) prescribing the time at which any such land shall be opened and closed;

~~the conduct~~

(f) the conduct of persons frequenting any such land;

~~prescribing the days~~

- (g) prescribing the days on which, and the bounds or limits within which, sports, games, and gymnastics may be permitted on the land, and otherwise regulating or prohibiting such sports, games and gymnastics;

~~regulating traffic~~

- (h) regulating traffic and the use of vehicles upon roads, and the use of footpaths, and in particular —

~~(a) prescribing~~

- (i) prescribing the rules to be observed in respect of any vehicle being driven or used on roads, and the use of footpaths and bridle tracks on the land;

~~(b) regulating,~~

- (ii) regulating, prohibiting or restricting the driving of any specified kinds of vehicles or of any vehicles of any specified weights or of any vehicles carrying any specified loads on any road, footpath or bridle track on the land;

~~(c) prescribing~~

- (iii) prescribing the places where vehicles of any class or description may or may not be parked on the land;

~~preventing or regulating the admission~~

- (i) preventing or regulating the admission of vehicles, birds, horses, dogs, asses, mules, camels, cattle, and animals of any other kind to the land;

~~preventing or regulating shooting~~

- (j) preventing or regulating shooting over or on the land;

~~preventing or regulating matches,~~

- (k) preventing or regulating matches, or training for racing with horses, dogs, or otherwise upon the land;

~~enabling~~

- (l) enabling authorised persons to remove persons who have committed any breach of any by-law from the land;

~~prohibiting the wilful~~

- (m) prohibiting the wilful obstruction of authorised persons acting in the execution of this Act and prescribing circumstances in which a person shall be treated as having wilfully obstructed an authorised person;

~~prohibiting the impersonation~~

- (n) prohibiting the impersonation of authorised persons;

~~prescribing the circumstances~~

- (o) prescribing the circumstances in which where it is alleged that a vehicle has been used, driven, parked, stood or left in breach of any by-law and where —

~~(a) the identity~~

- (i) the identity of the alleged offender is not known; and

~~(b) the owner~~

- (ii) the owner of the vehicle fails within the prescribed time to either satisfy the Board that the vehicle had been stolen or unlawfully taken, or was being unlawfully used, at the time the offence is alleged to have been committed or inform the Board or an authorised person as to the identity and address of the person whom he believed was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed,

the owner shall be deemed to have been the driver or person in charge of the vehicle at the time of the alleged offence;

~~prohibiting any person~~

- (p) prohibiting any person other than the owner, driver or person in charge of a vehicle from removing any notice attached to, or left in or on, the vehicle pursuant to section 14;

~~regulating or preventing the~~

- (q) regulating or preventing the selling or exposing for sale of goods, wares, or merchandise on the land;

~~prohibiting damage~~

- (r) prohibiting damage or injury to and destruction of trees, shrubs, plants and flowers on the land;

~~the prevention~~

- (s) the prevention of nuisances on the land, and the fouling of any ornamental water on the land;

~~prescribing the fees~~

- (t) prescribing the fees to be charged the public for admission to the land, or part thereof, and the occasions when such fees shall be payable, and prohibiting free admission thereto on such occasions; and

~~regulating the payment~~

- (u) regulating the payment of, and prescribing the method of the collection of, fees charged pursuant to any regulation; imposing on any prescribed class of persons the duty of collecting fees, on behalf of the Board; and, generally, prescribing all matters that may be necessary or expedient to

be prescribed for the purpose of assuring that the fees are collected and paid to the Board.

Row 55. *Parliamentary Commissioner Act 1971*

20. Commissioner has power of Royal Commission and Chairman thereof — evidence etc.

~~(2)(a) No obligation~~

(2A) No obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to persons in the service of the Crown or any authority to which this Act applies, whether imposed by any enactment or by any rule of law, applies to the disclosure of information for the purposes of an investigation under this Act.

~~(b) The Crown~~

(2B) The Crown or any authority to which this Act applies is not entitled in relation to any such investigation to any such privilege in respect of the production of documents or the giving of evidence as is allowed by law in legal proceedings.

(3) Subject to ~~subsection (2)~~, subsections (2A) and (2B), a person is not compelled for the purposes of an investigation under this Act to give any evidence or produce any document that he could not be compelled to give or produce in proceedings before a court.

Row 56. *Parliamentary Privileges Act 1891*

5. Order to attend to be notified by summons

~~Any such~~

(1) Any such order to attend or to produce documents before either House shall be notified to the person required to attend or to produce documents by a summons under the hand of the President or Speaker as the case may be, and any such order to attend or to produce documents before any such Committee shall be notified to the person required to attend or to produce documents by a summons under the hand of the Clerk of the House authorised by the Chairman of the Committee.

~~And in every~~

(2) In every such summons shall be stated the time and place when and where the person summoned is to attend, and the particular documents which he is required to produce.

~~And such summons~~

(3) The summons shall be served on the person mentioned therein, either by delivering to him a correct copy of such summons, or by leaving a correct copy of the same with some adult person at his usual or last known place of abode in the Colony.

~~And there shall~~

- (4) There shall be paid or tendered to the person so summoned a reasonable sum for his expenses of attendance.

8. Houses empowered to punish summarily for certain contempts

Each House of the said Parliament is hereby empowered to punish in a summary manner as for contempt by fine according to the Standing Orders of either House, and in the event of such fine not being immediately paid, by imprisonment in the custody of its own officer in such place within the Colony as the House may direct until such fine shall have been paid, or until the end of the then existing session or any portion thereof, any of the offences hereinafter enumerated whether committed by a member of the House or by any other person —

~~The disobeying of~~

- (a) disobedience to any order of either House or of any Committee duly authorised in that behalf to attend or to produce papers, books, records, or other documents, before the House or such Committee, unless excused by the House in manner ~~aforesaid.~~ aforesaid:

~~The refusing~~

- (b) refusing to be examined before, or to answer any lawful and relevant question put by the House or any such Committee, unless excused by the House in manner ~~aforesaid.~~ aforesaid:

~~The assaulting,~~

- (c) assaulting, obstructing, or insulting any member in his coming to or going from the House, or on account of his behaviour in Parliament or endeavouring to compel any member by force, insult, or menace to declare himself in favour of or against any proposition or matter depending or expected to be brought before either ~~House.~~ House;

~~The sending to~~

- (d) sending to a member any threatening letter on account of his behaviour in ~~Parliament.~~ Parliament;

~~The sending a~~

- (e) sending a challenge to fight ~~a member.~~ a member;

~~The offering of~~

- (f) offering a bribe to, or attempting to bribe ~~a member.~~ a member;

~~The creating~~

- (g) creating or joining in any disturbance in the House, or in the vicinity of the House while the same is sitting, whereby the proceedings of such House may be interrupted.

11. Form of warrant

~~Every such~~

- (1) Every such warrant shall contain a statement that the person therein mentioned has been adjudged guilty of contempt by the House, the President or Speaker whereof shall have issued the same, specifying the nature of such contempt in the words of this Act defining the same, or in equivalent words.

~~And every~~

- (2) Every warrant shall be sufficient from which it can be reasonably collected that the person mentioned therein has been adjudged guilty of any of the contempts aforesaid, and no particular form shall be necessary to be observed in such warrant.

12. Sheriff's officers, constables and others to assist in execution of warrant or verbal order

~~The Sheriff~~

- (1) The Sheriff and his officers, and all constables and other persons, are hereby required to assist in the apprehension and detention of any person in pursuance of the verbal order as aforesaid of the President or Speaker, as the case may be, and also to be aiding and assisting in the execution of any such warrant as aforesaid.

~~And where~~

- (2) Where any such warrant directs that the person mentioned therein shall be imprisoned in any gaol, the keeper thereof is hereby required to receive such person into his custody in the said gaol, and there to imprison him according to the tenor of the warrant.

14. House may direct Attorney General to prosecute instead of proceeding summarily

~~The publishing~~

- (1) The publishing of any false or scandalous libel of any member touching his conduct as a member by any person other than a member is hereby declared to be a crime.

~~And it shall~~

- (2) It shall be lawful for either House to direct the Attorney General to prosecute before the Supreme Court any such person committing any such crime.

~~And any~~

- (3) Any such person convicted before the said Court of any such crime shall be liable to imprisonment for any period not exceeding 2 years, or to a fine not exceeding \$200 or to both such punishments.

Row 57. Partnership Act 1895**8. Rules to apply in determining partnership**

~~In determining~~

(1A) In determining whether a partnership does or does not exist regard shall be had to the ~~following rules:~~ rules set out in subsections (1) to (8).

(1) Joint tenancy, tenancy in common, joint property, common property or part ownership does not of itself create a partnership as to anything so held or owned, whether the tenants or owners do or do not share any profits made by the use thereof.

(2) The sharing of gross returns does not of itself create a partnership whether the persons sharing such returns have or have not a joint or common right or interest in any property from which, or from the use of which, the returns are derived.

(3) The receipt by a person of a share of the profits of a business is *prima facie* evidence that he is a partner in the business, but the receipt of such a share, or of a payment contingent upon or varying with the profits of a business, does not of itself make him a partner in the ~~business; and in particular:~~ business.

~~(a) The~~

(4) The receipt by a person of a debt or other liquidated amount by instalments or otherwise out of the accruing profits of a business does not of itself make him a partner in the business or liable as such.

~~(b) A contract~~

(5) A contract for the remuneration of a servant or agent of any person engaged in a business by a share of the profits of the business does not of itself make the servant or agent a partner in the business, or liable as such, or give him the rights of a partner.

~~(c) A person~~

(6) A person who, immediately before the death of a deceased partner, was the spouse or de facto partner of the partner, or who is the child of a deceased partner, and receiving by way of annuity a portion of the profits made in the business in which the deceased person was a partner, is not by reason only of such receipt a partner in the business, or liable as such.

~~(d) The~~

(7) The advance of money by way of loan to a person engaged, or about to engage, in any business on a contract with that person that the lender shall receive a rate of interest varying with the profits, or shall receive

a share of the profits arising from carrying on the business, does not of itself make the lender a partner with the person or persons carrying on the business, or liable as such. Provided that the contract is at the time of the advance entered into in writing and signed by or on behalf of all the parties thereto.

~~(e) A person~~

(8) A person receiving by way of annuity or otherwise a portion of the profits of a business in consideration of the sale by him of the goodwill of the business is not, by reason only of such receipt, a partner in the business, or liable as such.

13. Partners bound by acts of firm

~~An act~~

(1) An act or instrument relating to the business of the firm, done or executed in the firm-name, or in any other manner showing an intention to bind the firm by any person thereto authorised, whether a partner or not, is binding on the firm and all the ~~partners: Provided that this~~ partners.

(2) This section shall not affect any general rule of law relating to the execution of deeds or negotiable instruments.

22. Admissions and representations by partners

~~An admission~~

(1) An admission made by any partner concerning the partnership affairs and in the ordinary course of its business is evidence against the firm, and a representation made by any partner to any person concerning the partnership affairs and in the ordinary course of its business shall have the same effect as against the firm, and so far as concerns the civil rights and liabilities of the partners as if it had been made by all the ~~partners. Provided that this~~ partners.

(2) This section shall not apply to a representation made by one partner as to the extent of his own authority to bind the firm.

34. Rules as to interests, rights and duties of partners

~~The interests~~

(1A) The interests of partners in the partnership property, and their rights and duties in relation to the partnership, shall be determined, subject to any agreement, express or implied, between the partners, by ~~the following rules: the rules set out in subsections (1) to (9).~~

(1) All the partners are entitled to share equally in the capital and profits of the business, and must contribute equally towards the losses, whether of capital or otherwise, sustained by the firm.

- ___(2) The firm must indemnify every partner in respect of payments made and personal liabilities incurred by him —
- (a) in the ordinary and proper conduct of the business of the firm; or
 - (b) in or about anything necessarily done for the preservation of the business or property of the firm.
-
- ___(3) A partner making, for the purpose of the partnership, any actual payment or advance beyond the amount of capital which he has agreed to subscribe, is entitled to interest at the rate of 6% per annum from the date of the payment or advance.
-
- ___(4) A partner is not entitled, before the ascertainment of profits, to interest on the capital subscribed by him.
-
- ___(5) Every partner may take part in the management of the partnership business, and shall attend diligently to the partnership business, and shall not be entitled to any remuneration for acting in the partnership business.
-
- ___(6) No person may be introduced as a partner, without the consent of all existing partners.
-
- ___(7) Any difference arising as to matters connected with the ordinary course of the partnership business may be decided by a majority of the ~~partners: Provided that the decision~~ partners.
- (7A) A decision for the purposes of subsection (7) must be arrived at in good faith for the interest of the firm as a whole, ~~and that every and every~~ partner must have an opportunity of being heard in the ~~matter. This proviso~~ matter.
- (7B) Subsection (7A) extends to powers conferred by a majority of the partners by express agreement.
-
- ___(8) The partnership books are to be kept at the place of business of the partnership (or the principal place, if there is more than one), and every partner may, when he thinks fit, have access to inspect and copy any of them.
-
- ___(9) No change may be made in the conduct or regulation of the partnership affairs without the consent or authority of a majority of the partners, and no change may be made in the nature of the partnership

business, or the place where it is carried on, without the consent of all existing partners.

49. Authority for purposes of winding up

~~After~~

(1) After the dissolution of a partnership, the authority of each partner to bind the firm, and the other rights and obligations of the partners, continue notwithstanding the dissolution, so far as may be necessary to wind up the affairs of the partnership, and to complete transactions begun but unfinished at the time of the dissolution, but not otherwise.

~~Provided that the~~

(2) Despite subsection (1), the firm is in no case bound by the acts of a partner who has become ~~bankrupt; but this proviso~~ bankrupt.

(3) Subsection (2) does not affect the liability of any person who has, after the bankruptcy, represented himself or knowingly suffered himself to be represented as a partner of the bankrupt.

57. Rules for distribution of assets on final settlement of accounts

~~In settling~~

(1) In settling accounts between the partners after a dissolution of partnership, ~~the following rules~~ the rules set out in subsections (2) and (3) shall, subject to any agreement, be ~~observed~~ observed.

~~(a) Losses;~~

(2) Losses, including losses and deficiencies of capital shall be paid first out of profits, next out of capital, and lastly, if necessary, by the partners individually in the proportion in which they were entitled to share profits.

~~(b) The assets~~

(3) The assets of the firm, including the sums, if any, contributed by the partners to make up losses or deficiencies of capital, shall be applied in the following manner and order —

~~(1) in~~

(a) in paying the debts and liabilities of the firm to persons who are not partners therein;

~~(2) in~~

(b) in paying to each partner rateably what is due from the firm to him for advances as distinguished from capital;

~~(3) in~~

(c) in paying to each partner rateably what is due from the firm to him in respect of capital;

~~(4) the~~

(d) the ultimate residue, if any, shall be divided among the partners in the proportion in which profits are divisible.

Row 58. *Perth Hebrew Congregation Lands Act 1921***2. Power to sell, lease, and mortgage lands**

- (2) No purchaser, mortgagee, or lessee of any such land shall be bound or concerned to inquire whether any power of sale, mortgage, or lease was duly and regularly made or exercised, or in anywise to see to the application of any purchase, mortgage, or other moneys, or to inquire into the necessity, regularity, or propriety of any such sale, mortgage, or lease, or be affected by notice that the same is irregular, unnecessary, ~~or improper:~~ or improper.

~~Provided that no~~

- (3) However, no transfer or mortgage, and no lease for a term exceeding 21 years, of land granted by the Crown to or for the use or benefit of the said congregation without pecuniary consideration shall be valid unless countersigned as approved by the Governor with the advice of the Executive Council.

Row 59. *Perth Market Act 1926***7. Tenure of office**

~~The Minister~~

- (1) The Minister may remove a member of the Authority from his office —

- (a) for misbehaviour or incompetence; or
- (b) if he becomes bankrupt, or takes the benefit of any Act for the relief of bankrupt or insolvent debtors; or
- (c) if he absents himself from 3 consecutive meetings of the Authority (except on leave granted by the Authority) or becomes incapable of performing his duties; or
- (d) if he becomes concerned or interested in any contract made by or on behalf of the Authority, other than a lease or a tenancy agreement, or participates or claims to be entitled to participate in the profits thereof or in any benefit or emolument arising ~~therefrom: provided that this paragraph shall~~ therefrom.

- (2) Subsection (1)(d) shall not extend to an interest as a shareholder in an incorporated company of at least 20 members.

13. By-laws

- (1) The Authority may make by-laws for all or any of the following purposes —

~~(1) The general~~

- (a) the general conduct of its business and proceedings;

~~(2) The~~

- (b) the control, supervision, and guidance of Authority officials and any person engaged to do things on behalf of the

Authority;

~~(3) Regulating~~

~~(c) regulating~~ the use, leasing, letting, and occupation of the markets established under this Act;

~~(3e) Requiring~~

~~(d) requiring~~ any person delivering general produce to the public market or any branch thereof to furnish the Authority with such information relating to the general produce so delivered as may be prescribed and providing that no such information shall be divulged by the Authority or any of its members, by any person engaged to do things on behalf of the Authority, or by any Authority official except for such purposes and in such manner as may be prescribed;

~~(4) Regulating~~

~~(e) regulating~~ the conduct of persons using the market, resorting thereto, or buying or selling therein;

~~(4a) Regulating~~

~~(f) regulating~~ vehicular and pedestrian traffic in the market or any branch of the market and prohibiting or regulating the parking or standing of vehicles or vehicles of a specified class in all parts, or in any specified part, of the market or a branch of the market, at all times or at specified times;

~~(4b) Providing~~

~~(g) providing~~ for the erection of, and requiring obedience to the directions of, traffic signs, relating to the movement of vehicles or persons and the standing or parking of vehicles, within the market or any branch of the market;

~~(4e) Empowering~~

~~(h) empowering~~ an inspector to require of a person reasonably believed to have committed an offence against the by-laws his name and address, and providing an offence for the refusal or failure to comply with such a requirement;

~~(4d) Subject~~

~~(i) subject~~ to subsection (2b), providing for the registration of forklifts used within the public market and the licensing of drivers of such forklifts;

~~(4g) Exempting~~

~~(j) exempting~~ any person or vehicle or class of person or class of vehicle from complying with any by-law prohibiting or limiting the parking or standing of vehicles generally or otherwise and authorising a specified Authority official to waive the prosecution of a person for an offence against the by-laws;

~~(4h) Prescribing~~

(k) prescribing forms for use under the by-laws;

~~(4i) Prescribing~~

(l) prescribing offences for the purposes of sections 13A to 13C by setting out the offences or by reference to the provisions contravention of which constitutes the offences, and, in respect of each such offence, prescribing the penalty, or different penalties according to the circumstances by which the offence is attended, applicable if the offence is dealt with under that section but so that no such penalty exceeds \$1 000;

~~(5) Regulating~~

(m) regulating the method of selling in the market, and preventing every kind of fraudulent device in relation to the sale of marketable commodities, and prescribing that sales by auction or otherwise may be conducted by Authority officials;

~~(6) Preventing~~

(n) preventing and suppressing nuisances and enforcing cleanliness in and in connection with such market, and for providing for and regulating the storage, removal, treatment, and disposal of garbage, offal, waste, and sewage;

~~(7) Prescribing~~

(o) prescribing how and by whom and under what conditions and restrictions such market, or any part thereof, may be used and occupied;

~~(8) Providing~~

(p) providing for the inspection, seizure, and destruction of produce, products, and provisions unfit for sale;

~~(9) Prescribing,~~

(q) prescribing, levying, and collecting rents, tolls, fees, and charges for the use of such market and any part thereof; and

~~(10) Generally~~

(r) generally for carrying into effect the provisions of this ~~Act:~~
Act.

~~Provided that such~~

(1A) Any such by-laws shall be subject to the approval of and confirmation by the Governor.

(2) The Authority may, by such by-laws, fix a maximum penalty for every offence against such by-laws or any of them not exceeding \$2 000.

(2b) A by-law made pursuant to ~~subsection (1)(4d)~~ subsection (1)(i) —

(a) may prescribe a charge for the issue of identification plates for forklifts and for the training of persons seeking a licence to drive a forklift;

- (b) shall not prescribe any fee or charge for the registration of forklifts or the licensing of drivers.

Row 60. Pharmacy Act 1964

36. Persons entitled to carry on business as chemists

- (1) Subject to the provisions of ~~subsection (2)~~, subsections (2A) to (2D), no person other than —

- (a) a pharmaceutical chemist; or
(b) a company, or a friendly society, that is engaged in carrying on the practice of a pharmaceutical chemist by and under the immediate supervision of a licensed pharmaceutical chemist,

shall carry on the practice of a pharmaceutical chemist, or assume or use or exhibit any title, direction or sign, whether including any of the words, “pharmacy”, “pharmaceutical”, “drug store”, “dispensary” or otherwise, that can be considered to mean that he is carrying on a practice or business of that kind.

Penalty: \$1 000 or imprisonment for 12 months.

~~(2)(a)~~ ~~Nothing~~

(2A) Nothing in this section shall extend to or be deemed to give any right to a company or friendly society to carry on the practice of a pharmaceutical chemist other than a company or friendly society that at the date of the commencement of this Act is registered and carrying on such practice under the immediate personal supervision of a pharmaceutical chemist, and except as so provided, it shall not be lawful for any company, friendly society or association of persons, not being licensed pharmaceutical chemists, to carry on or assist in the carrying on of such practice, or to assume or use or exhibit any title, direction or sign, whether including any of the words, “pharmacy”, “pharmaceutical”, “drug store”, “dispensary” or otherwise, that can be considered to mean that such company, friendly society or association of persons is carrying on any such practice or business of that kind, or that any of those persons is qualified as a pharmaceutical chemist.

~~(b)~~ ~~Every~~

(2B) Every company or friendly society which is at the date of the commencement of this Act carrying on the practice of a pharmaceutical chemist under any Act repealed by this Act, is by force of ~~this paragraph~~ this subsection limited to the carrying on of that practice at the place where the practice was carried on at that date; but where the Minister is satisfied, having regard to the circumstances of the case, that sufficient necessity exists for the company or friendly society to vacate that place, that company or friendly society, as the case may be, may carry on that practice at such other place in the immediate vicinity of the place so vacated, as the Minister may, from time to time, approve.

~~(e) — The~~

(2C) The legal personal representative of a pharmaceutical chemist who has died whilst carrying on the practice of a pharmaceutical chemist, or any person seizing and taking possession of the stock-in-trade of a pharmaceutical chemist under a mortgage, bill of sale or other security, or the liquidator of any company in the course of being wound up, or any mortgagee or receiver seizing and taking possession of the stock-in-trade of a company under a mortgage, bill of sale or other security, may continue to carry on the practice of the pharmaceutical chemist or of the company, as the case may be, for a period not exceeding 12 months, or for such further period as the Council may permit upon and subject to the express condition that such practice is so carried on by and under the immediate personal supervision and management of a duly licensed pharmaceutical chemist.

~~(d) — Nothing~~

(2D) Nothing in this section operates —

~~(ii) — to prevent~~

(a) to prevent a medical practitioner from supplying or selling any medicine or drug to a patient whom he is treating and for the purpose of that treatment, or, where it is not reasonably practicable in the circumstances to obtain any medicine or drug at a pharmacy, from supplying or selling the medicine or drug to any person;

~~(iii) — to permit~~

(b) to permit the carrying on by a medical practitioner of the practice of a pharmaceutical chemist; or

~~(iv) — to prevent~~

(c) to prevent 2 or more pharmaceutical chemists constituting a partnership all the members of which are pharmaceutical chemists from carrying on in relation to not more than 2 pharmacies any practice that could lawfully have been carried on by one such partner.

Row 61. Police Act 1892

33C. Tenure of office

~~(3)(a) — Where~~

(3A) Where the office of the elective member becomes vacant or the person holding that office is for any reason temporarily unable to act in his office, the member of the Police Force who received the second highest number of votes at the last previous election held under this Part, shall be appointed by the executive of the Police Union of Workers of Western Australia to fill the vacancy for the remainder of the term for which his predecessor was elected, or shall be so

appointed to be acting member during the period of inability as the case may be.

~~(b) Where~~

(3B) Where there is only one candidate at the election or if for any reason the person who received the second highest number of votes at the election is unable to act the executive of the union may appoint a member of the Police Force to fill the vacancy or be the acting member.

33H. Determination of appeal

~~(1)(a) Upon an~~

(1A) Upon an appeal the Board may confirm, modify or reverse any decision, finding or punishment appealed against or make such other order thereon which the Board deems just and the decision of the Board is final.

~~(b) The Board~~

(1B) The Board may fix the costs of any appeal and direct by whom and the proportions in which they are payable but in every case the Board shall award costs against an appellant whose appeal is considered by the Board to be trivial, frivolous or vexatious.

~~(c) Costs awarded against~~

(1C) Costs awarded against an appellant are recoverable in a court of competent jurisdiction as a debt due to the Crown.

~~(d) Costs awarded to~~

(1D) Costs awarded to an appellant shall be paid from moneys appropriated by Parliament for the purpose of the administration of this Act.

Row 62. *Police Assistance Compensation Act 1964*

4. Interpretation

~~In this Act,~~

(1) In this Act, unless the contrary intention appears —

Minister for Police means the Minister of the Crown to whom the administration of the *Police Act 1892* is for the time being committed by the Governor, and includes any Minister of the Crown for the time being discharging the duties of the office of the first mentioned Minister;

police officer means any person appointed under Part I of the *Police Act 1892*; and 1892.

~~Expressions~~

(2) Expressions used in this Act have the same respective meanings as in the *Workers' Compensation and Injury Management Act 1981*.

5. Compensation for personal injuries suffered while assisting police

~~(3) (a) Subject to paragraph (b),~~

(3) Subject to subsection (4), when a person who assists or attempts to assist a police officer as provided in subsection (1), suffers damage to or destruction of any property that belongs to him or that is in his possession or under his control, if the damage or destruction arises out of or in the course of his so assisting or attempting to so assist the police officer, the Minister for Police may in his discretion, and whether or not the person suffers injury as so provided, pay to the owner of the property such compensation for the damage or destruction as the Minister thinks reasonable.

~~(b) The amount~~

(4) The amount of compensation that may be paid ~~under paragraph (a)~~ under subsection (3) shall not exceed —

~~(i) in the~~

(a) in the case of a claim by a person such amount as may be prescribed; and

~~(ii) in the~~

(b) in the case of a claim by a number of persons arising out of the same incident, such amount in the aggregate as may be prescribed.

~~(c) A person~~

(5) A person is not entitled to recover both damages in respect of damage or destruction to any property referred to ~~in paragraph (a), in~~ subsection (3), and compensation under this section in respect thereof, and if a person so recovers both damages and compensation the amount of the compensation may be recovered from the person by the Minister for Police by proceedings in a court of competent jurisdiction as a debt due by that person to the Crown.

~~(d) Where~~

(6) Where pursuant to this Act any amount is paid to any person, under the age of 21 years, his receipt therefor shall be a sufficient discharge.

Row 63. Presbyterian Church Act 1908

~~4a. Commissioners,~~

4A. Commissioners, election, term of office, etc.

- (3) Subject to ~~the proviso hereinafter contained with regard to the first 8 persons elected as aforesaid or of persons appointed to fill any casual vacancy, the subsections (3A) to (3D), the~~ persons elected as Commissioners shall hold office for the period of 4 years, so that 2 of such persons shall retire in rotation each ~~year:~~ year.

~~Provided always~~

~~(a) that in~~

(3A) In the case of the first 8 persons to be elected as aforesaid, the General Assembly shall determine the period for which each of such persons shall hold office, and date or retirement by them respectively, and so that 2 of such persons shall retire during each of the first, second, third, and fourth years from the date of their ~~election;~~ election.

~~(b) that in~~

(3B) In the case of person subsequently elected as aforesaid, other than persons elected to fill a casual vacancy, such persons shall be elected for a period of 4 years from date of their respective ~~election.~~ All persons election.

(3C) All persons elected as aforesaid shall, subject to the provisions of subsections (5) and (6), hold office until the appointment of their successors, notwithstanding the provisions ~~hereof; and~~ hereof.

~~(c) that every~~

(3D) Every person so elected and subject to retirement as aforesaid shall be eligible for re-election, provided such person continues to hold the qualification hereinbefore mentioned.

(4) The Moderator shall not be subject to retirement, and shall hold office so long as he continues to act as Moderator.

~~The Moderator~~

(4A) The Moderator shall also act as convener of all meetings of Commissioners, and may summon general meetings of the Commissioners from time to ~~time.~~ In the absence time.

(4B) In the absence of the Moderator or in case of the inability or refusal of the Moderator to convene any such meeting or meetings, then any 2 Commissioners may convene such meeting or ~~meetings.~~ The Moderator meetings.

(4C) The Moderator shall also be entitled to preside as chairman at all meetings, and in his absence the Commissioners present at any meeting may appoint one of their number to be chairman of such meeting.

Row 64. *Presbyterian Church Act Amendment Act 1919*

6. Contributions to sinking fund

(1) Every congregation, mission, or institution shall make an annual contribution to the sinking fund, in accordance with ~~the following provisions;~~ subsections (1A) to (1D).

~~(a) Where~~

(1A) Where the amount of a mortgage or other liability exceeds 25%, and is not more than 50% of the realisable value of the land, buildings, or other property secured by such mortgage or other liability, an annual contribution of 1½% on half the realisable value of such property, or

1½% on the amount of such mortgage or other liability, whichever is the greater, shall be made to the sinking fund.

~~(b) Where~~

(1B) Where the amount of a mortgage or other liability secured on the land, buildings, or other property is 25% or less than 25% of the realisable value of such property, an annual contribution of 1½% on the amount of such mortgage or other liability, plus 1% of 25% or more of the realisable value of the property, subject to mortgage or other liability, shall be made to the sinking fund.

~~(c) Where~~

(1C) Where the lands, buildings, or other property of a congregation, mission, or institution (excluding any mission or institution that has been separately incorporated as provided in section 21 of the *Presbyterian Church Act 1908*) are free from encumbrances, an annual contribution of 1% of half the realisable value of such property shall be made to the ~~sinking fund~~: sinking fund.

~~Provided that where~~

(1D) Where a congregation, mission, or institution is paying off to the satisfaction of the Commissioners a liability, the amount of which exceeds 50% of the realisable value of the property secured or otherwise subject to such liability, such congregation, mission, or institution shall not be required to make an annual contribution to the sinking fund until the amount of the liability has been reduced to 50% of the realisable value of the property subject to or secured by such liability.

Row 65. *Presbyterian Church of Australia Act 1901*

2. Commencement

~~This~~

(1) This Act shall not come into operation until —

~~(a) The~~

(a) the Moderators of the General Assemblies of the Presbyterian Churches of New South Wales, Queensland, South Australia, Tasmania, Victoria, and Western Australia sign a deed poll declaring that the said Churches have agreed to unite upon the terms of the Scheme of Union set forth in the Schedule hereto; and

~~(b) The~~

(b) the Parliament of each of the States of New South Wales, Queensland, South Australia, Tasmania, and Victoria has passed an Act giving effect to the said Scheme of Union; and

~~(c) A~~

(c) a notice that such union has taken place, and such Acts have been passed, signed by the Moderator of the General Assembly

of the Presbyterian Church in Western Australia, has been published in the *Government Gazette*.

~~The production~~

- (2) The production of a copy of the *Government Gazette* containing such notice, and purporting to be signed by such Moderator, shall be conclusive evidence that the requirements of this section have been duly complied with.

4. Standards of religious belief

~~The standards~~

- (1) The standards of religious belief and of ecclesiastical government set forth in the said Scheme of Union shall be held to be the standards as well of the Presbyterian Church in Western Australia as of the Presbyterian Church of Australia, and the subordinate standard therein set forth may from time to time be altered in accordance with the provisions contained in the said Scheme of Union.

~~Adherence~~

- (2) Adherence to such standards, subject to any such alteration as aforesaid, shall be required as entitling the said Presbyterian Church in Western Australia, and the congregations and office-bearers thereof respectively, to continued possession in all time coming of the hereditaments, estates, temporal privileges, and equitable rights of whatsoever nature, whether such hereditaments, estates, temporal privileges, and equitable rights have already accrued, or may hereafter from time to time accrue, to the said Presbyterian Church in Western Australia, or to any or all of the several congregations and office-bearers respectively forming the said Presbyterian Church in Western Australia.

~~Provided nevertheless that if~~

- (3) Nevertheless, if any alteration is made in the said subordinate standard, any person, being a Minister or office-bearer of the said Presbyterian Church in Western Australia at the time of the making of such alteration, may continue to be a Minister or office-bearer of such Church, and to retain all his rights and privileges so long as he adheres to the standards of religious belief and ecclesiastical government set forth in the Scheme of Union, either without alteration or with such part of the alteration or alterations so made as he may approve of.

Row 66. *Property Law Act 1969*

81. Restrictions and relief against forfeiture of leases and under-leases

~~(3)(a) A lessor~~

- (3A) A lessor is entitled to recover as a debt due to him from a lessee and in addition to damages (if any), all reasonable costs and expenses properly incurred by the lessor in the employment of a solicitor and

surveyor or valuer, or otherwise, in reference to any breach giving rise to a right of re-entry or forfeiture that, at the request of the lessee, is waived by the lessor, or from which the lessee is relieved, under the provisions of this Part either by the Court or by the operation of subsection (1).

~~(b) The lessor~~

(3B) The lessor is so entitled to recover whether the lessee has or has not rendered forfeiture unenforceable against him under that subsection.

(5) For the purposes of this section except so far as is otherwise provided —

~~(a) lease~~

lease includes an original or derivative under-lease; an agreement for a lease where the lessee has become entitled to have his lease granted, and a grant securing a rent by condition;

~~(b) lessee~~

lessee includes an original or derivative under-lessee, and the persons deriving title under a lessee, and a grantee under any grant securing a rent by condition and the persons deriving title under him;

~~(c) lessor~~

lessor includes an original or derivative under-lessor, and the persons deriving title under a lessor, a person making a grant securing a rent by condition and the persons deriving title under him;

~~(d) under-lease~~

under-lease includes an agreement for an under-lease where the under-lessee has become entitled to have his under-lease granted;

~~(e) under-lessee~~

under-lessee includes any person deriving title under an under-lessee.

122. Power of Court to grant special relief in cases of encroachment

~~(5)(a) Every~~

(5A) Every person having any estate or interest in the adjoining land or in the adjoining land of the encroaching owner, or claiming to be a party to or to be entitled to any benefit under any mortgage, lease, contract, or easement affecting or relating to any such land, is entitled to apply for an order in accordance with this section or to be heard in relation to any application for or proposal to make any order under this section.

~~(b) For~~

(5B) For the purposes of ~~this subsection, subsection (5A),~~ the Court may, if in its opinion notice of the application or proposal should be given to any person referred to in ~~this subsection, subsection (5A),~~ direct that such notice, as it thinks fit, shall be so given by such person as the Court directs.

135. Mode of service~~(1)(a) A notice~~

(1A) A notice required or authorised by this Act to be served on any person or any notice served on any person under any instrument or agreement that relates to property may be served on that person —

~~(i) by~~

(a) by delivering the notice to him personally;

~~(ii) by~~

(b) by leaving it for him at his usual or last known place of abode, or if he is in business as a principal, at his usual or last known place of business;

~~(iii) by~~

(c) by posting it to him as a letter addressed to him at his usual or last known place of abode, or if he is in business as a principal, at his usual or last known place of business; or

~~(iv) in~~

(d) in the case of a corporation by leaving it or by posting it as a letter addressed in either case to the corporation at its registered office or principal place of business in the State.

~~(b) A notice so posted~~

(1B) A notice posted as provided in subsection (1A) shall be deemed to have been served, unless the contrary is shown, at the time when by the ordinary course of post the notice would be delivered.

~~(2)(a) If the~~

(2A) If the person is absent from the State, the notice may be delivered as provided in ~~subsection (1)~~ subsection (1A) to his agent in the State.

~~(b) If he~~

(2B) If the person is deceased, the notice may be ~~so delivered~~ delivered as provided in subsection (1A) to his personal representative.

Row 67. Public Trustee Act 1941**16. Public Trustee may pay over balance to proper officer etc.**~~(1)(a) When~~

(1A) When the Public Trustee has been granted probate of the will or administration of the estate in Western Australia of any person who was at the time of his death domiciled in a State or Territory of the Commonwealth of Australia other than Western Australia, or in the Dominion of New Zealand, and whose estate in such State, Territory, or Dominion is being administered by executor or executors or administrator or administrators, or the proper officer of such State, Territory, or Dominion, the Public Trustee may pay or cause to be paid to such executor or executors or administrator or administrators, or

proper officer, the balance of the estate, after payment of creditors and the fees and charges provided for in this Act, without seeing to the application of such balance and without incurring any liability in regard to such payment to such executor or executors or administrator or administrators, or proper officer.

~~(b) Where~~

(1B) Where any moneys or personal chattels are payable or deliverable by the Public Trustee to the subject of any country out of the Crown's jurisdiction, the Minister may authorise the Public Trustee to pay or deliver the same to the proper officer of that country or to the chief consular officer for that country in Western Australia on behalf of the person entitled, and the receipt of such proper officer or consular officer shall be a sufficient discharge therefor to the Public Trustee who shall not be further concerned to see to the application thereof.

~~(2)(a) When~~

(2A) When the proper officer of any State or Territory of the Commonwealth of Australia, other than Western Australia, or of the Dominion of New Zealand, is in such State, Territory, or Dominion administering the estate of any deceased person, and the Public Trustee has been granted probate of the will or administration of the estate in Western Australia of such deceased person, if the deceased at the time of his death was domiciled in Western Australia, the Public Trustee may receive from such proper officer the balance of the estate of the deceased in such State, Territory or Dominion.

~~(b) Such balance~~

(2B) The balance referred to in subsection (2A) shall, when so received, form part of the estate of the deceased and shall be dealt with according to the law of Western Australia.

21. Advisory trustees

- (4) Where the Public Trustee acts with advisory trustees the trust property shall be vested in the Public Trustee, and he shall have the sole management and administration of the estate and its trusts as fully and effectually as if he were the ~~sole trustee:~~ sole trustee.

~~Provided that~~

(4A) On any matter relating to the trusts or the estate —

- (a) the Public Trustee may consult the advisory ~~trustees on any matter relating to the trusts or the estate; and~~ trustees; and
- (b) the advisory trustees may advise the Public ~~Trustee on any matter relating to the trusts or the estate.~~ Trustee.

37. Investment of moneys under control or subject to order of the Supreme Court

~~(3)(a) All moneys~~

(3A) All moneys ordered to be invested under the provisions of the *Workers' Compensation and Injury Management Act 1981*, shall be paid to the Public Trustee, and the receipt of the Public Trustee, or of any one authorised by him in that behalf, shall be a complete discharge to all persons concerned.

~~(b) The~~

(3B) The Public Trustee shall ~~thereupon hold the said moneys~~ hold money received under subsection (3A) for the person or persons entitled thereto.

~~(c) Any such sum~~

(3C) Any money received under subsection (3A) shall be disbursed by the Public Trustee in accordance with the order pursuant to which it is held, but the Public Trustee has sole discretion as to its investment.

41. Temporary advances to Public Trustee

- (2) Every such advance shall be for such period, not exceeding 4 months, and at such rates of interest as are approved by the Treasurer.

~~Provided that, on~~

(2A) Despite subsection (2), on the expiration of the said period, the advance may be renewed for the same or any shorter period, and so on from time to time.

56. Remedy against Public Trustee

- (1) Subject to this Act, where any person, by act or thing done or omitted by the Public Trustee, or by any person acting or *bona fide* assuming to act for him, sustains any injury which would have entitled such person to a remedy in respect thereof, if such act or thing had been done or omitted by a private person, then such person shall be entitled to the same remedy against the Public Trustee in his corporate capacity as he would be entitled to against a private person and shall be entitled to be indemnified under this Act.

~~Provided that, where~~

(1A) Despite subsection (1), where the injury is one to which neither the Public Trustee nor any of his officers or agents has in any way contributed, and which neither he nor any of them could by the exercise of reasonable diligence have averted, the Public Trustee shall not be subject to any liability.

Row 68. Public Works Act 1902**2. Terms used in this Act**

In this Act, if not inconsistent with the context —

public work and *work* mean and include —

~~(1) every~~

(a) every work which the Crown, or the Governor, or the Government of Western Australia, or any Minister of the Crown, or any local authority is authorised to undertake under this or any other Act;

~~(2) any railway~~

(b) any railway authorised by special Act or any work whatsoever authorised by any Act;

~~(3) tramways;~~

(c) tramways;

~~(4) any works~~

(d) any works for or in connection with the supply of water to, or for or in connection with the sewerage of, any city, town, or district, including all reticulations;

~~(5) buildings~~

(e) buildings for the occupation of either or both of the Houses of Parliament or for public offices;

~~(6) hospitals~~

(f) hospitals within the meaning given to that term by section 2 of the *Hospitals and Health Services Act 1927*, medical clinics, hostels and institutions including residences for staff, court-houses, gaols, watch-houses, lock-ups, police barracks, or quarters;

~~(7) observatory;~~

(g) observatory;

~~(8) public~~

(h) public schools or any other schools authorised to be established wholly or in part at the public cost by any Act in force for the time being, universities, colleges, technical and other educational institutions, including residences or hostels for teachers or students, and play-grounds;

~~(9) public~~

(i) public libraries, mechanics' or miners' institutes, agricultural halls, or schools of art;

~~(9a) public~~

(j) public housing;

~~(10) wharves;~~

(k) wharves, ferries, piers, jetties and bridges;

~~(11) parks~~

(l) parks or gardens or grounds for public recreation or places for bathing, and for the reclamation of land for or in connection therewith;

~~(12) public~~

(m) public cemeteries;

~~(13) public~~

(n) public wells or works for the conservation of water;

~~(14) the protection~~

(o) the protection and preservation of any cave or place of scientific or historical interest;

~~(14A) the protection~~

(p) the protection and preservation of indigenous flora and fauna;

~~(15) the establishment~~

(q) the establishment of public abattoirs;

~~(16) harbours~~

(r) harbours and ports, including the provision of storage, handling and wharfage areas and other facilities normally ancillary to the conduct of shipping operations, break-waters, leading marks, navigational aids, docks, slips, the alteration or improvement of channels, waterways and rivers, the protection of foreshores and banks, the provision of new channels and related works, including the landing and disposal of silt;

~~(17) quarries~~

(s) quarries or works for procuring stone, gravel, earth, or any other material required for the construction of, or any purpose connected with any public work as aforesaid;

~~(17A) the procuring~~

(t) the procuring from land (other than Crown lands and public reserves) of timber, stone, gravel, earth and any other material required by or for the State for or in connection with the carrying on of any industrial or other undertaking or activity which is being carried on by or for the State under any law authorising the same;

~~(17B) buildings~~

(u) buildings and structures required for fire brigade purposes;

~~(17C) the establishment~~

(v) the establishment and the extension by the Governor of sites for towns;

~~(17D) the establishment~~

(w) the establishment and the extension by the Governor of agricultural research stations;

~~(18) drainage~~

(x) drainage works in connection with any city, town, or district, and the improvement of rivers, watercourses, lakes, or inlets, including deepening, widening, straightening or otherwise altering, and disposal of silt;

~~(19) any building~~

(y) any building or structure of whatsoever kind which, in the opinion of the Governor, is necessary for any public purpose;

~~(20) any road;~~

(za) any road, stock route, viaduct, or canal;

~~(21) any work~~

(zb) any work incidental to any of the aforesaid works;

~~(22) any land~~

(zc) any land required for or in connection with any work as aforesaid;

~~(23) any survey~~

(zd) any survey in connection with any proposed public work;

83B. Offences

~~A person~~

(1) A person who wilfully and ~~unlawfully~~

~~(a) interferes~~

unlawfully interferes with, alters, takes, injures, or destroys, testing work or part of it commits an offence.

Penalty: \$40 for a first offence; and \$200 for a subsequent ~~offence;~~
offence.

~~(b) obstructs~~

(2) A person who wilfully and unlawfully obstructs an authorised person or his assistants in doing anything which he is authorised under this Part to do commits an offence.

Penalty: \$100.

101. Compensation where road interfered with or wholly closed

~~(2)(a) No~~

(2) No compensation shall be payable in respect of any road or street being wholly closed under the powers conferred by this Act, or in respect of the use or occupation thereof for any railway, or for or in respect of any such inconvenience or damage as mentioned in the last subsection, if reasonable and sufficient access to the nearest road or street crossing over such railway be afforded by some other road or street, whether such last-mentioned road or street has been provided or constructed by the Public Transport Authority or not.

~~(b) If any~~

(3) If any question arises as to whether such other reasonable and sufficient access as aforesaid is afforded, the same shall be determined in such manner as shall be agreed upon between the local authority having the control of roads or streets in the district and the Public Transport Authority; or if they disagree, as shall be determined upon by some independent person appointed by the Governor; and every such determination shall be conclusive as to the rights or claims of all persons affected.

Row 69. Queen Elizabeth II Medical Centre Act 1966

4. Vesting of land

~~(2)(a) The~~

(2) The Governor may, on the recommendation of the Trust and the Senate, by Order in Council published in the *Gazette*, revest in Her Majesty, as of Her former estate, the land described in Part II of the Schedule.

~~(b) On the~~

(3) On the publication of the Order in Council in the *Gazette*, the land shall thereupon be removed from the operation of the *Transfer of Land Act 1893*.

7. Constitution of The Queen Elizabeth II Medical Centre Trust

~~(4)(a) The member~~

(4A) The member appointed pursuant to subsection (3)(a) shall be the Chairman of the Trust and another member shall be appointed Vice Chairman thereof by the members from time to time.

~~(b) The Vice~~

(4B) The Vice Chairman shall hold the office of Vice Chairman, subject to subsection (3), for a period of 2 years.

13. Functions of the Trust

- (2a) The Trust may by instrument published in the *Gazette* set aside, without the consent of the Governor but with the approval of the Minister, land being the whole or any part of the reserve (in this section called “the site”) for such purposes incidental to the medical centre as it thinks fit and, subject to this section, delegate in respect of the site to any person specified in that instrument (in this section called “the delegate”) all or any of its powers under this Act, other than —
- (a) this power of delegation;
 - (b) the power to borrow money conferred on the Trust by ~~subsection (3); and~~ subsection (3A); and
 - (c) the power to lease, mortgage, charge or otherwise deal with any land forming part of the reserve conferred on the Trust by

subsection (6).

- (2m) The funds available for the purpose of enabling the Trust to perform its functions under this Act consist of —
- (a) all moneys received by the Trust from performing those functions;
 - (b) all moneys borrowed by the Trust under ~~subsection (3);~~ [subsection \(3A\)](#);
 - (c) the sums and funds referred to in subsection (5);
 - (d) the proceeds, and the income from any investment of the proceeds, referred to in subsection (7);
 - (e) any rents derived from land leased by the Trust; and
 - (f) any other moneys lawfully received by, made available to or payable to the Trust.
- (2o) There shall be paid from the moneys from time to time in the account referred to in subsection (2n) —
- (a) interest on and repayments of money borrowed by the Trust under ~~subsection (3);~~ [subsection \(3A\)](#);
 - (b) grants or loans of moneys made under subsection (2k); and
 - (c) all other expenditure lawfully incurred by the Trust in the performance of its functions under this Act.

~~(3)(a) The Trust~~

[\(3A\) The Trust](#) is empowered with the approval of the Governor to borrow money on such terms and conditions as the Treasurer approves for the purposes of giving effect to this Act.

~~(b) The Treasurer~~

[\(3B\) The Treasurer](#) on behalf of the State is authorised to guarantee, on such terms and conditions as he thinks fit, repayment of any money borrowed by the Trust under ~~this subsection~~ [subsection \(3A\)](#) and the payment of interest thereon.

Row 70. *Rail Freight System Act 2000*

8. *Effect on Government Railways Act 1904*

- (6) In this section —

Government railway means a “railway” or “Government railway” for the purposes of the *Government Railways Act 1904*, [Act 1904](#).

~~and a reference~~

- [\(7\) In this section a reference](#) to being part of a Government railway includes a reference to being a Government railway.

Row 71. Real Estate and Business Agents Act 1978**Schedule — Qualifications and saving and transitional provisions**

[s. 27 and 146]

Division 1 — Qualifications for grant of licence*[Sch and Div headings as amended by cl. 28]*~~1. A person —~~**1. Qualifications for grant of licence**A person —

- (a) who has passed, subject to approved exemptions, the prescribed examinations relating to the carrying on and conduct of the business of an agent and the duties and liabilities of an agent and has had sufficient practical experience in negotiating transactions to enable him to carry on the business of an agent satisfactorily; ...

...

is, subject to this Act, qualified for the grant of a licence.

~~2. For~~**2. Sufficient practical experience**

For the purposes of clause 1(a), but without limiting the generality of the provision in that paragraph in respect of practical experience, a person has had sufficient practical experience in negotiating transactions if he has, during a period of 2 years immediately preceding his application for a licence —

- (a) lawfully and satisfactorily performed the functions of a sales representative on behalf of a person who lawfully carried out the functions of an agent, during that period or on behalf of a firm which did so; or
- (b) lawfully and satisfactorily performed the functions of a business agent on his own behalf or on behalf of a firm, or a body corporate, which lawfully carried on the business of a business agent during that period.

~~Licence by reason of qualification under clause 1(c)~~~~3. Such~~**3. Licence by reason of qualification under clause 1(c)**

Such a licence shall not be effective any longer than is necessary for the licensee to perform his functions, exercise his powers, and carry out his duties as executor, administrator, or trustee of the deceased licensee.

~~Licence by reason of qualification under clause 1(d)~~~~4. Such~~**4. Licence by reason of qualification under clause 1(d)**

Such a licence is to be granted at the discretion of the Board and shall be

effective only for such period not exceeding 3 years as is determined by the Board and no further such licence shall be granted to the same person in respect of the same circumstances.

Death or incapacity of agent

~~5. (1) A person~~

5. Death or incapacity of agent

(1) A person who is not —

- (a) an executor, administrator, trustee or child of a deceased licensee, or who was not the spouse or de facto partner, within the meaning of clause 1(d), of a deceased licensee immediately before the death of the licensee; or
- (b) in respect of an incapacitated licensee, the spouse or de facto partner of the licensee, within the meaning of clause 1(d), of the licensee,

may, with the written permission of the Registrar, conduct the business of that licensee for such period not exceeding 3 months as is specified in the written permission notwithstanding that he is not otherwise qualified to hold a licence.

Death or withdrawal of partner in a firm or director of a body corporate

~~6. (1) Where~~

6. Death or withdrawal of partner in a firm or director of a body corporate

(1) Where a firm or body corporate is licensed and the holder of a current triennial certificate but subsequently by reason of a death or withdrawal it ceases to be qualified in terms of section 28(c) and (d) or section 29(c) and (d), the firm or body corporate shall immediately give to the Registrar written notice to that effect, and the firm or body corporate may, on such terms as the Board may notify to the firm or body corporate, carry on business for a period of 3 months after the death or withdrawal or until other arrangements are made to comply with the Act, whichever is the sooner.

Division 2 — Saving and transitional provisions

[Div heading as amended by cl. 28]

Continuation of licences in force under the repealed Act

~~7. (1) Licences~~

7. Continuation of licences in force under the repealed Act

(1) Licences in force under the repealed Act immediately preceding the appointed day shall continue in force as if granted under this Act and as if the licensees were qualified under this Act, and the Board shall, on receipt of an application signed by the licensee, and without payment of any fee by him, grant a triennial certificate in respect of the licence and approve the appointment of an auditor for the business of that licensee, and the triennial certificate shall, subject to this Act, expire on the day the licence under the repealed Act 4 would have expired if that Act had remained in force.

Pastoral companies

~~8. (1) This~~

8. Pastoral companies

(1) This clause applies to and in relation to each pastoral company in respect of which an exemption granted under section 11 of the *Banking Act 1959* of the Parliament of the Commonwealth, or that Act as amended from time to time, is in force, and in respect of which the Secretary of the Land Agents Supervisory Committee under the repealed Act certifies that the company was an approved applicant within the meaning of that Act and by reason thereof was a licensee under that Act immediately preceding the appointed day 3 and consequently its licence has been continued under clause 7.

Persons of a kind referred to in section 4(3)(v) of the repealed Act and whose licences have been continued under clause 7

~~11. Such~~

11. Persons of a kind referred to in section 4(3)(v) of the repealed Act and whose licences have been continued under clause 7

Such a licence shall not be effective any longer than is necessary for the licensee to perform his functions, exercise his powers, and carry out his duties as executor, administrator, or trustee of the deceased licensee.

Persons of a kind referred to in section 4(3)(vi) of the repealed Act and whose licences have been continued under clause 7

~~12. Such~~

12. Persons of a kind referred to in section 4(3)(vi) of the repealed Act and whose licences have been continued under clause 7

Such a licence shall be effective only for the period it would have continued to be effective if the repealed Act had remained in force.

Auctions in respect of real estate transactions

~~13. On~~

13. Auctions in respect of real estate transactions

On and after the appointed date, such an auction shall only be conducted by a person —

- (a) who may lawfully conduct such an auction under the *Auction Sales Act 1973*; and
- (b) who —
 - (i) is, under this Act, a licensee with a current triennial certificate and conducts the auction in the course of his business as such a licensee; or
 - (ii) is a person who conducts the auction on behalf of, in the course of the business of, and under the supervision and control of such a licensee.

~~*Auctions in respect of business transactions not involving a real estate transaction*~~

~~14. On~~

14. Auctions in respect of business transactions not involving a real estate transaction

On and after the appointed day, such an auction shall only be conducted by a person —

- (a) who may, under the *Auction Sales Act 1973*, lawfully conduct such an auction; and
- (b) who —
 - (i) is, under this Act, a licensee with a current triennial certificate and conducts the auction in the course of his business as such a licensee; or
 - (ii) is a person who conducts the auction on behalf of, in the course of the business of, and under the supervision and control of such a licensee.

~~*Continuation of certificates of registration in force under the repealed Act*~~

~~15. (1) Any~~

15. Continuation of certificates of registration in force under the repealed Act

- (1) Any certificate of registration of a land salesman in force under the repealed Act immediately preceding the appointed day shall continue in force as if granted as a certificate of registration of a sales representative and as if the person registered under the repealed Act was qualified to be registered under this Act and shall, subject to this Act, expire on the day it would have expired under the repealed Act 4 if that Act had remained in force.

~~*Continuation of certain office managers*~~

~~16. (1) Notwithstanding~~

16. Continuation of certain office managers

- (1) Notwithstanding section 37(2), a person, who immediately before the appointed day —
 - (a) was registered as a land salesman under the repealed Act and had been so registered for a period of not less than 3 years; and
 - (b) was the manager of a branch office of the business of an agent and had been the manager of such a branch office for a period of not less than one year,

may be nominated by a licensee as manager of a registered branch of the licensee's business and may continue to act as such a manager if the Board so approves and the person continues to be registered as a sales representative.

Row 72. Residential Parks (Long-stay Tenants) Act 2006**Glossary**

[s. 3]

~~In this Act,~~**1. Terms used**~~In this Act,~~ unless the contrary intention appears —*abandoned goods* means goods that may be treated as abandoned goods under section 48(1);**Row 73. Rights in Water and Irrigation Act 1914****42. Persons entitled to water for irrigation**

- (1) Subject to this Act the owners or occupiers of land in respect of which an irrigation charge has been made for a period and that is in the Irrigation District shall, in that period, alone be entitled to the supply of water for irrigation ~~purposes:~~ purposes.

~~Provided that the~~

- (1A) ~~Despite subsection (1), the~~ Corporation may, in its discretion, supply water for such purposes within or beyond the boundaries of an irrigation district, to other persons, upon such terms, at such charges, and with such guarantees and securities for payment, and generally upon such conditions, as the Corporation thinks proper and that subject to the provisions of this Act and the by-laws and payment of the prescribed charges, the Corporation may, in its discretion, supply to a person who is entitled to be supplied with water for the purposes of irrigation, water in excess of that to which he is entitled.

59. Power to make by-laws

- (1) Without prejudice to the generality of that power, the power conferred by section 34 of the *Water Agencies (Powers) Act 1984* to make by-laws may be exercised for the purposes of this Act with respect ~~to the following matters, that is to say —~~

~~[(1)-(7b) deleted]~~~~(8) Specifying~~

to specifying the purposes for which, and the persons or classes of persons to whom, water may be supplied under agreement, and the general and special terms and conditions upon which water shall be so supplied.

79. Proof of ownership or occupancy

In any legal proceedings under the *Water Agencies (Powers) Act 1984* or this Act, in addition to any other method of proof available —

~~(1) — evidence~~

(a) evidence that the person proceeded against has been charged

as owner or occupier of any land; or

~~(2) — evidence~~

(b) evidence by the certificate, in writing, of —

~~(a) — the Registrar~~

(i) the Registrar of Deeds, that any person appears from any memorial of registration of any deed, conveyance or other instrument to be the owner of any land;

~~(b) — the Registrar~~

(ii) the Registrar of Titles, or any assistant registrar, that any person's name appears in the Register under the *Transfer of Land Act 1893*, or the *Transfer of Land Act Amendment Act 1909*, as proprietor of any land; or

~~(c) — the~~

(iii) the chief executive officer of the department principally assisting in the administration of the *Land Administration Act 1997* or of the department principally assisting in the administration of the *Mining Act 1978*, that any person is registered in the department as the occupier or lessee of any land,

shall, until the contrary is proved, be evidence that such person is the owner or occupier, as the case may be, of such land.

Row 74. *Royal Agricultural Society Act 1926*

3. Registration of agricultural societies

- (1) No society, club, association, or other body of persons, whether corporate or not, shall hold or promote an agricultural show unless and until such society, club, association, or other body of persons shall have become registered with the Royal Agricultural Society in the manner hereinafter prescribed, which registration shall be testified by the issue of a certificate in the form contained in The Schedule.
- (2) In order to obtain such registration, there shall be lodged with the secretary of the Royal Agricultural Society an application in writing —
 - (a) under the common seal, duly affixed, of the applicant, if a body corporate; or
 - (b) signed by at least 10 persons on behalf of a society, club, association, or body of persons not incorporated.
- (3) On receipt of such application the Royal Agricultural Society may grant such registration on payment of the ~~prescribed fee:~~ prescribed fee.

~~Provided that registration~~

- (4) However, registration shall not be refused if the application is made by or on behalf of a society, club, association, or body of persons

established for agricultural show purposes before the commencement of this ~~Act~~ Act.

~~Provided also that, in~~

(5) In any case, an application may be made to the State Administrative Tribunal for a review of the refusal by the Royal Agricultural Society to register any society, club, association, or other body of persons.

6. By-laws of registered societies

(1) Uniform by-laws governing all registered agricultural societies and the members thereof shall be made, and may be revoked altered, or amended, by the council of the Royal Agricultural Society and delegates of the registered agricultural societies, present and meeting together, at a conference convened from time to time by the Royal Agricultural Society.

~~At every~~

(1A) At every such conference the President of the Royal Agricultural Society, if present, shall be chairman. In his absence the members of the council present may elect one of their number to be chairman for that meeting.

~~At every~~

(1B) At every such conference the questions there considered shall be decided by open voting, and by the majority present. Each member of the council and each delegate present shall have one vote, and in the case of an equality of votes the chairman shall have a second or casting vote.

(2) Uniform by-laws shall be subject to the approval of the Governor, and section 36 of the *Interpretation Act 1918* , shall apply.

(3) Every registered agricultural society may make by-laws for the regulation of matters of domestic or local concern. All by-laws so made, or any amendment thereof, shall be submitted to the Royal Agricultural Society for approval. Section 36 of the *Interpretation Act 1918* , shall not apply to by-laws made by registered agricultural societies under this subsection.

Row 75. Royal Agricultural Society Act Amendment Act 1929

2. Exemption from rates

~~Land~~

(1) Land now or hereafter vested in or held by the Royal Agricultural Society of Western Australia, Incorporated (hereinafter referred to as the Royal Agricultural Society) shall not be rateable land within the meaning of the *Local Government Act 1995*.

~~Provided that such exemption~~

(2) The exemption under subsection (1) shall not apply to any land other than the land mentioned in The Schedule hereunder vested in or held

by the Royal Agricultural Society and leased by the Society otherwise than for agricultural show purposes.

3. Power to mortgage

~~Notwithstanding~~

(1) ~~Notwithstanding~~ the provisions of any other Act, it shall be lawful for the Royal Agricultural Society, or any agricultural society registered under the principal Act, with the concurrence of the majority of the members of the Royal Agricultural Society, or of any agricultural society so registered as aforesaid, as the case may be, present and voting at a properly constituted meeting of such members, from time to time to borrow and take up at interest for any purpose whatsoever any sum or sums of money on mortgage or charge of the whole or any portion of its ~~lands:~~ lands.

~~Provided however that no~~

(2) ~~However no~~ mortgage or charge granted by the Royal Agricultural Society, or any agricultural society so registered as aforesaid, over any lands acquired directly or indirectly by grant from the Crown, and without valuable consideration, shall be valid and binding unless the consent in writing of the Governor shall be obtained to the granting thereof.

Row 76. *Sale of Goods Act 1895*

2. Capacity to buy and sell

~~Capacity~~

(1) Capacity to buy and sell is regulated by the general law concerning capacity to contract, and to transfer and acquire property: Provided that where necessaries are sold and delivered to an infant or minor, or to a person who by reason of mental incapacity or drunkenness is incompetent to contract, he must pay a reasonable price therefor.

~~Necessaries in this section mean~~

(2) In this section —

necessaries means goods suitable to the condition in life of such infant or minor or other person, and to his actual requirements at the time of the sale and delivery.

12. Implied undertakings as to title etc.

In a contract of sale, unless the circumstances of the contract are such as to show a different intention, there is —

~~(i) an implied~~

(a) an implied condition on the part of the seller that in the case of a sale he has a right to sell the goods, and that in the case of an agreement to sell he will have a right to sell the goods at the time when the property is to pass;

~~(ii) an implied~~

(b) an implied warranty that the buyer shall have and enjoy quiet possession of the goods;

~~(iii) an implied~~

(c) an implied warranty that the goods shall be free from any charged or encumbrance in favour of any third party, not declared or known to the buyer before or at the time when the contract is made.

14. Implied conditions as to quality or fitness

~~Subject to~~

(1) Subject to the provisions of this Act, and of any statute in that behalf, there is no implied warranty or condition as to the quality or fitness for any particular purpose of goods supplied under a contract of sale, except ~~as follows:~~ as provided in subsections (2) to (5).

~~(i) Where the~~

(2) Where the buyer, expressly or by implication, makes known to the seller the particular purpose for which the goods are required, so as to show that the buyer relies on the seller's skill or judgment, and the goods are of a description which it is in the course of the seller's business to supply (whether he be the manufacturer or not), there is an implied condition that the goods shall be reasonably fit for such purpose: Provided that in the case of a contract for the sale of a specified article under its patent or other trade name, there is no implied condition as to its fitness for any particular purpose.

~~(ii) Where goods~~

(3) Where goods are bought by description from a seller who deals in goods of that description (whether he be the manufacturer or not), there is an implied condition that the goods shall be of merchantable quality: Provided that if the buyer has examined the goods there shall be no implied condition as regards defects which such examination ought to have revealed.

~~(iii) An implied~~

(4) An implied warranty or condition as to quality or fitness for a particular purpose may be annexed by the usage of trade.

~~(iv) An express~~

(5) An express warranty or condition does not negative a warranty or condition implied by this Act unless inconsistent therewith.

18. Rules for ascertaining intention

Unless a different intention appears, ~~the following are rules~~ the rules in the Table apply for ascertaining the intention of the parties as to the time at which the property in the goods is to pass to ~~the buyer:~~ the buyer.

Table

- Rule 1. Where there is an unconditional contract for the sale of specific goods, in a deliverable state, the property in the goods passes to the buyer when the contract is made, and it is immaterial whether the time of payment or the time of delivery, or both, be postponed.
- Rule 2. Where there is a contract for the sale of specific goods, and the seller is bound to do something to the goods for the purpose of putting them into a deliverable state, the property does not pass until such thing be done, and the buyer has notice thereof.
- Rule 3. Where there is a contract for the sale of specific goods in a deliverable state, but the seller is bound to weigh, measure, test, or do some other act or thing with reference to the goods for the purpose of ascertaining the price the property does not pass until such act or thing be done, and the buyer has notice thereof.
- Rule 4. When goods are delivered to the buyer on approval or on “sale or return”, or other similar terms, the property therein passes to the buyer —
- (a) when he signifies his approval or acceptance to the seller, or does any other act adopting the transaction;
 - (b) if he does not signify his approval or acceptance to the seller, but retains the goods without giving notice of rejection, then, if a time has been fixed for the return of the goods, on the expiration of such time, and, if no time has been fixed, on the expiration of a reasonable time. What is a reasonable time is a question of fact.
- Rule 5. (1) Where there is a contract for the sale of unascertained or future goods by description, and goods of that description and in a deliverable state are unconditionally appropriated to the contract, either by the seller with the assent of the buyer, or by the buyer with the assent of the seller, the property in the goods thereupon passes to the buyer. Such assent may be express or implied, and may be given either before or after the appropriation is made.
- (2) Where, in pursuance of the contract, the seller delivers the goods to the buyer or to a carrier or other bailee or custodian (whether named by the buyer or not) for the purpose of transmission to the buyer, and does not reserve the right of disposal, he is deemed to have unconditionally appropriated the goods to the contract.

Row 77. *Settlement Agents Act 1981***46. Functions of a real estate settlement agent**~~(6)(a)~~ **A licensee**(6) **A licensee** may receive a mortgage or discharge of mortgage prepared

by or on behalf of another person and arrange for its execution and stamping, and arrange and attend on settlement on behalf of that person and receive and disburse moneys in respect thereof.

~~(b) In paragraph (a) *discharge*~~

(7) In subsection (6) —

discharge of mortgage includes a withdrawal of a caveat which notifies or protects an unregistered, equitable, or statutory mortgage or charge.

Row 78. *Soil and Land Conservation Act 1945*

36. Expense to be charge on land

~~(1)(a) Where land~~

(1A) Where land in respect of which expense is incurred under section 35 of this Act is under the operation of the *Transfer of Land Act 1893* or is the subject of a lease or licence under the *Land Administration Act 1997*, the Commissioner may give to the Registrar of Titles notice that expense has been so incurred and that so much of the expense as is specified in the notice is owing in respect of the land, specifying it, and upon receipt of the notice the Registrar of Titles is authorised to register it by making a memorandum of the notice in the Register.

~~(b) Where land~~

(1B) Where land in respect of which expense is incurred under section 35 of this Act is alienated from the Crown but is not under the *Transfer of Land Act 1893*, the Commissioner may register under the *Registration of Deeds Act 1856*, a memorial that expense has been so incurred and that so much of the expense as is specified in the memorial is owing in respect of the land, specifying it.

[(c) *deleted*]

~~(d) Where a~~

(1D) Where a notice or memorial is so registered, the amount of the expense specified in the notice or memorial together with interest on that amount or the balance thereof owing for the time being at such rate not exceeding 4% per annum, as the Commissioner fixes with the approval of the Minister, becomes on registration a first charge on the land mentioned therein and ranks in priority to all other mortgages, charges and encumbrances on that land except mortgages and charges created in favour of the Crown before the registration of the notice or memorial.

Row 79. *Stamp Act 1921*

79. Directions as to duty in certain cases

(2) No lease or agreement for a lease made for any consideration or considerations in respect whereof it is chargeable with *ad valorem* duty, and in further consideration either of a covenant by the lessee to

make, or of his having previously made, any substantial improvement of or addition to the property demised to him, or of any covenant relating to the matter of the lease or agreement for a lease; is to be charged with any duty in respect of such further consideration.

~~Provided that this subsection~~

(3) Subsection (2) shall not apply as respects any further consideration in the lease or agreement for a lease consisting of a covenant which if it were contained in a separate deed would be chargeable with *ad valorem* duty, and accordingly the lease or agreement for a lease shall in any such case be charged with duty in respect of any such further consideration under section 19.

Row 80. **Standard Survey Marks Act 1924**

3. **Standard surveys may be made**

~~An authorised~~

(1) An authorised land officer may cause a standard survey to be made in any locality for the purpose of establishing standard survey marks.

~~Plans~~

(2) Plans representing all such surveys shall be retained by the Western Australian Land Information Authority established by the *Land Information Authority Act 2006* section 5 and certified copies supplied to the Registrar of Titles, the chief executive officer of the department principally assisting in the administration of the *Public Works Act 1902*, and the local government.

Row 81. **Supreme Court Act 1935**

3. **Repeal and savings**

~~The Acts~~

(1) The Acts mentioned in the First Schedule are hereby repealed to the extent therein ~~stated:~~ stated.

~~Provided that, subject~~

(2) Subject as in this Act otherwise expressly provided, and to the provisions of section 16 of the *Interpretation Act* ~~1918:~~ 1918, subsections (3) to (6) have effect in respect of those repeals.

~~(a) Nothing~~

(3) Nothing in this repeal shall affect any proclamation published, Order in Council, rule, order or regulation made, commission issued, direction given, or thing done, under any enactment repealed by this Act; and every such proclamation, Order in Council, rule, order, regulation, commission or direction shall continue in force, and shall have effect as if published, made, issued, or given under this Act.

~~(b) Any~~

(4) Any person holding office, or serving, or deemed to be serving under any Act or enactment repealed by this Act, shall continue in office or service as if he had been appointed under this Act, and nothing in this repeal shall affect the terms and conditions on and subject to which any person held office immediately before the commencement of this Act.

~~(c) Save as~~

(5) Save as therein otherwise expressly provided, nothing in this Act —

~~(i) shall~~

(a) shall affect the operation of any enactment which is in force at the commencement of this Act, and is not expressly repealed by ~~this Act:~~ this Act;

~~(ii) shall~~

(b) shall be construed to take away, lessen, or impair any jurisdiction, power, or authority (judicial or ministerial) which is now vested in or capable of being exercised by the Supreme Court, or any one or more of the judges ~~thereof:~~ thereof;

~~(iii) shall~~

(c) shall affect the operation of any rules of court in force at the commencement of this Act, or, subject to the rules of court, any practice or procedure of the Court, or any practice or usage of or connected with any of the offices of the Court, or the officers thereof, in force at the commencement of this Act.

~~(d) All~~

(6) All actions, matters and proceedings commenced under any Act or enactment repealed by this Act, and pending or in progress at the commencement of this Act may be continued, completed and enforced under this Act.

24. Law and equity to be concurrently administered

~~Subject to~~

(1A) Subject to the express provisions of any other Act, in every civil cause or matter commenced in the Supreme Court, law and equity shall be administered by the Court according to the ~~rules following:~~ rules set out in subsections (1) to (7).

(1) If any plaintiff or petitioner claims to be entitled to any equitable estate or right, or to relief upon any equitable ground against any deed, instrument, or contract, or against any right, title, or claim whatsoever asserted by any defendant or respondent in such cause or matter, or to any relief founded upon a legal right, which before the commencement of the *Supreme Court Act 1880* could only have been given by a court of equity, the Court, and every judge thereof, shall give to such

plaintiff or petitioner such and the same relief as ought to have been given by the Court in its equitable jurisdiction in a suit or proceeding for the same or the like purpose properly instituted before the commencement of the said Act.

(2) If any defendant claims to be entitled to any equitable estate or right or to relief upon any equitable ground against any deed, instrument, or contract, or against any right, title or claim asserted by any plaintiff or petitioner in such cause or matter, or alleges any ground of equitable defence to any claim of the plaintiff or petitioner in such cause or matter, the Court, and every judge thereof, shall give to every equitable estate, right, or ground of relief so claimed, and to every equitable defence so alleged, such and the same effect, by way of defence against the claim of such plaintiff or petitioner, as the Court in its equitable jurisdiction ought to have given if the same or the like matters had been relied on by way of defence in any suit or proceeding instituted by the Court for the same or the like purpose before the commencement of the *Supreme Court Act 1880*.

(3) The Court, and every judge thereof, shall have power to grant to any defendant in respect of any equitable estate or right, or other matter of equity, and also in respect of any legal estate, right, or title claimed or asserted by him —

- (a) all such relief against any plaintiff or petitioner as such defendant shall have properly claimed, by his pleading, and as the Court, or any judge thereof, might have granted in any suit instituted for that purpose by the same defendant against the same plaintiff or petitioner; and
- (b) all such relief relating to or connected with the original subject of the cause or matter, and in like manner claimed against any other person, whether already a party to the same cause or matter or not, who shall have been duly served with notice in writing of such claim pursuant to any rule of court or any order of the Court, as might properly have been granted against such person if he had been made a defendant to a cause duly instituted by the same defendant for the like purpose.

~~Every person~~

(3A) Every person served with any such notice ~~as aforesaid~~ as mentioned in subsection (3)(b) shall thenceforth be deemed a party to such cause or matter, with the same rights in respect of his defence against such claim, as if he had been duly sued in the ordinary way by such defendant.

(4) The Court, and every judge thereof, shall recognize and take notice of all equitable estates, titles, and rights, and all equitable duties and liabilities appearing incidentally in the course of any cause or matter,

in the same manner in which the Court in its equitable jurisdiction would have recognized and taken notice of the same in any suit or proceeding duly instituted therein before the commencement of the *Supreme Court Act 1880* .

-
- (5) No cause or proceeding at any time pending in the Supreme Court shall be restrained by prohibition or injunction; but every matter of equity on which an injunction against the prosecution of any such cause or proceeding might have been obtained, if the *Supreme Court Act 1880* had not been passed, either unconditionally or on any terms or conditions, may be relied on by way of ~~defence thereto~~: [defence thereto](#).

~~Provided that~~

[\(5A\) However](#) —

- (a) nothing in this Act shall disable the Court, if it thinks fit, from directing a stay of proceedings in any cause or matter pending before it; and

-
- (b) any person, whether a party or not to any such cause or matter, who would have been entitled, if the *Supreme Court Act 1880* had not been passed, to apply to any court to restrain the prosecution thereof, or who may be entitled to enforce, by attachment or otherwise, any judgment, decree, rule, or order, contrary to which all or any part of the proceedings in such cause or matter may have been taken, may apply to the Court, by motion in a summary way, for a stay of proceedings in such cause or matter, either generally or so far as may be necessary for the purposes of justice; and the Court shall thereupon make such order as shall be just.
-

- (6) Subject to the foregoing provisions for giving effect to equitable rights and other matters of equity, and to the other express provisions of this Act, the Court, and every judge thereof, shall recognize and give effect to all legal claims and demands, and all estates, titles, rights, duties, obligations, and liabilities existing by the common law or by any custom, or created by any statute, in the same manner as the same would have been recognized and given effect to if the *Supreme Court Act 1880* had not been passed in any branch of its jurisdiction, or by the Court for Divorce and Matrimonial Causes.
-

- (7) The Court, in the exercise of the jurisdiction vested in it by this Act, in every cause or matter pending before it, shall have power to grant, and shall grant, either absolutely or on such reasonable terms and conditions as shall seem just, all such remedies whatsoever as any of

the parties thereto may appear to be entitled to in respect of any and every legal or equitable claim properly brought forward by them in such cause or matter; so that, as far as possible, all matters so in controversy between the parties may be completely and finally determined, and all multiplicity of legal proceedings concerning any of such matters avoided.

25. Rules of law upon certain points

~~The law~~

(1) The law to be administered as to the matters in this section mentioned shall, unless the contrary is expressly provided by some other enactment, be ~~as follows:~~ as set out in subsections (6) to (12).

[(1)-(5) repealed]

(6) No action shall be open to objection on the ground that a merely declaratory judgment is sought thereby, and it shall be lawful for the Court to make binding declarations of right without granting consequential relief.

[(7), (8) repealed]

(9) A mandamus or an injunction may be granted, or a receiver appointed, by an interlocutory order of the Court or a judge in all cases in which it shall appear to the Court or a judge to be just or convenient that such order should be made; and any such order may be made either unconditionally or upon such terms and conditions as the Court or judge shall think just; and if an injunction is asked, either before or at, or after the hearing of any cause or matter, to prevent any threatened or apprehended waste or trespass, such injunction may be granted, if the Court or a judge shall think fit, whether the person against whom such injunction is sought is, or is not, in possession under any claim of title or otherwise, or (if out of possession) does or does not claim a right to do the act sought to be restrained under any colour of title; and whether the estates claimed by both or by either of the parties are legal or equitable.

(10) In all cases in which the Court entertains an application for an injunction against a breach of any covenant contract or agreement, or against the commission or continuance of any wrongful act, or for the specific performance of any covenant contract or agreement, the Court may, if it thinks fit, award damages to the party injured, either in addition to or in substitution for such injunction or specific performance, and such damages may be assessed in such manner as the Court ~~directs:~~ directs.

~~Provided that nothing in this subsection~~

(10A) Nothing in subsection (10) shall limit or affect the jurisdiction or

	<p>powers which the Court has apart from this subsection. <u>from that subsection.</u></p> <hr/> <p><u>(11)</u> Subject to the express provisions of any other Act, in questions relating to the custody and education of infants, the rules of equity shall prevail.</p> <hr/> <p><u>(12)</u> Generally (subject to the express provision of any other Act), in all matters not hereinbefore particularly mentioned, in which there was, before the passing of the <i>Supreme Court Act 1880</i> , any conflict or variance between the rules of equity and the rules of the common law with reference to the same matter, the rules of equity shall prevail.</p>
26.	<p>Liability for damage to property due to fault of 2 or more vessels</p> <p>(1) Where by fault of 2 or more vessels, damage or loss is caused to one or more vessels, to their cargoes or freight, or to any property on board, the liability to make good the damage or loss shall be in proportion to the degree in which each vessel was in fault: <u>in fault.</u></p> <p>Provided that if,</p> <p><u>(1A)</u> <u>If,</u> having regard to all the circumstances of the case, it is not possible to establish different degrees of fault, the liability shall be apportioned equally.</p>
28.	<p>Right of contribution where liability for loss of life etc. due to fault of 2 or more vessels</p> <p>(1) Where loss of life is or personal injuries are suffered by any person on board a vessel owing to the fault of that vessel and any vessel or vessels, and a proportion of the damage is recovered against the owner of one of the vessels which exceeds the proportion in which she was in fault, he may recover by way of contribution the amount of the excess from the owners of the other vessels to the extent to which those vessels were respectively in fault: <u>in fault.</u></p> <p>Provided that no</p> <p><u>(1A)</u> <u>However, no</u> amount shall be recovered which could not by reason of any statutory or contractual limitation of or exemption from liability, or which could not for any other reason, have been recovered in the first instance as damages by the persons entitled to sue therefor.</p>
42.	<p>Civil actions, trial with or without jury</p> <p>Subject as</p> <p><u>(1)</u> <u>Subject as</u> hereinafter provided, if, on the application of any party to an action made not later than such time before the trial as may be limited by the rules of court, the Court or a judge is satisfied that —</p> <p>(a) a charge of fraud against that party; or</p>

- (b) a claim in respect of libel, slander, malicious prosecution, false imprisonment, seduction, or breach of promise of marriage,

is in issue, the action shall, subject to the provisions of the *Juries Act 1957*, be tried by a jury, unless the Court or judge is of opinion that the trial thereof requires any prolonged examination of documents or accounts or any scientific or local examination which cannot conveniently be made with a jury; but, save as aforesaid, any action may, subject to rules of court, in the discretion of the Court or a judge, be ordered to be tried with or ~~without a jury:~~ without a jury.

~~Provided that the~~

- (2) The provisions of this section shall be without prejudice to the power of the Court or a judge to order, in accordance with the rules of court, that different questions of fact arising in any action be tried by different modes of trial, and where such order is made the provisions of this section requiring trial with a jury in certain cases shall have effect only as respects questions relating to such charge or claim as aforesaid.

63. Defendant about to leave jurisdiction, arrest of

- (2) Where the plaintiff in any action in the Supreme Court proves at any time before final judgment by the affidavit of himself or some other person, to the satisfaction of a judge —
- (a) that such plaintiff has a cause of action against the defendant to the amount of \$100 or upwards, or has sustained damage to that amount, and
 - (b) that there is probable cause for believing that the defendant is about to remove out of the jurisdiction of the Court unless he is apprehended, and
 - (c) that the absence of the defendant will materially prejudice the plaintiff in the prosecution of his action,

the judge may order such defendant to be arrested and imprisoned until further order of the Court or a judge, unless and until he has sooner given security not exceeding the amount claimed in the action that he will not remove out of the jurisdiction of the Court without the leave of the Court or a ~~judge:~~ judge.

~~Provided that the plaintiff~~

- (2A) The plaintiff claiming such order of arrest shall prosecute his action with reasonable diligence, otherwise a judge may discharge the defendant from ~~eustody:~~ custody.

~~Provided also that where~~

- (2B) Where the action is for a penalty or sum in the nature of a penalty other than a penalty in the nature of any contract, it shall not be necessary to prove that the absence of the defendant will materially prejudice the plaintiff in the prosecution of the action; and the security

given shall be to the effect that any sum recovered against the defendant in the action shall be paid.

167. Rules of court, content

- (1) Rules of court may be made under this Act, by the judges of the Supreme Court, for the following ~~purposes:~~ purposes —

~~(a) For~~

(a) for regulating and prescribing the procedure (including the method of pleading) and the practice to be followed in the Supreme Court in all causes and matters whatsoever in or with respect to which the Court has for the time being jurisdiction (including the procedure and practice to be followed in the offices of the Supreme Court), and any matters incidental to or relating to any such procedure or practice, including (but without prejudice to the generality of the foregoing provision) the manner in which, and the time within which, any applications or appeals which under this or any other Act are to be made to the Court shall ~~be made:~~ be made;

~~(b) For~~

(b) for regulating the sittings of the Supreme Court, and of the judges whether sitting in Court or in ~~chambers:~~ chambers;

~~(ba) For~~

(ba) for conferring on a single judge of appeal, either generally or in particular cases and under such circumstances and on such conditions as are prescribed, such of the jurisdiction and powers of the Court of Appeal as the rules ~~specify:~~ specify;

~~(bb) For~~

(bb) for conferring on a master or the Court of Appeal Registrar, either generally or in particular cases and under such circumstances and on such conditions as are prescribed, such of the jurisdiction and powers of the Court of Appeal as the rules ~~specify:~~ specify;

~~(e) For~~

(c) for conferring on a master, Principal Registrar, registrar or any other officer of the Court either generally or in particular cases and under such circumstances and on such conditions as are prescribed, power to do such things, to transact such business and to exercise such authority and jurisdiction as a judge may by virtue of a statute, custom or rule or practice of the Court, do, transact or ~~exercise:~~ exercise;

~~(d) For~~

(d) for regulating any matters relating to the costs of proceedings fixed by legal costs determination (as defined in the *Legal Profession Act 2008* ~~section 252):~~ section 252);

~~(da) For~~

(da) for prescribing or regulating any matters relating to the costs of

proceedings, where those costs are not fixed by legal costs determination (as defined in the *Legal Profession Act 2008* ~~section 252~~; section 252);

~~(e) For~~

(e) for regulating and prescribing the procedure and practice to be followed in cases in which the procedure or practice is regulated by enactments in force immediately before the commencement of this Act, or by any provisions of this Act re-enacting any such enactments, or in relation to the master by any other Act in force prior to the coming into operation of the *Acts Amendment (Master, Supreme Court) Act 1979*, and for prescribing the Acts to which section 11E(1) does not ~~apply~~; apply;

~~(f) For~~

(f) for prescribing, subject to the provisions of this Act, in what cases trials in the Supreme Court are to be with a jury, and in what cases they are to be without a ~~jury~~; jury;

~~(g) For~~

(g) for regulating the means by which particular facts may be proved, and the mode in which evidence thereof may be given, in any proceedings or on any application in connection with or at any stage of any ~~proceedings~~; proceedings;

~~(h) For~~

(h) for regulating and directing the means by which and the mode in which an account may be taken and vouched, and for providing that the Court or a judge may give special directions or make special orders in relation ~~thereto~~; thereto;

~~(i) For~~

(i) for enabling and regulating service out of the jurisdiction of the Court of a writ of summons or other process, or notice ~~thereof~~; thereof;

~~(ia) For~~

(ia) for allowing the Court of Appeal to review any decision made by a single judge of appeal or the Court of Appeal ~~Registrar~~; Registrar;

~~(j) For~~

(j) for regulating the procedure and practice to be followed on ~~appeals~~; appeals;

~~(k) Relating~~

(k) relating to funds in Court, and for the investment by the Public Trustee of any money under the control, or subject to any order of the ~~Court~~; Court;

~~(l) For~~

(l) for regulating or making provision with respect to any matters

or proceedings which were regulated, or with respect to which provision was made by the rules of the Supreme Court in force at the commencement of this Act, or by any rules or regulations so in force with respect to the practice and procedure in matrimonial causes and matters, or with respect to applications and proceedings relating to legitimacy declarations, and with respect to non-contentious or common form probate ~~business~~; business;

~~(m) For~~

(m) for the custody, preservation or disposal of all or any exhibits in the custody of the Court which are not claimed by the owner thereof within the period prescribed and of all or any records of the Court or of its proceedings or of any division or special jurisdiction of the Court, including records relating to the exercise of any federal jurisdiction or any jurisdiction conferred by any Act enacted by the Parliament of the Commonwealth, or for the custody, preservation or disposal of any portion of those records and of any documents filed or deposited in connection therewith, or under any statute or law of the State or the Commonwealth, and whether the person to be entrusted for the time being and from time to time with the custody of those records or documents is an officer in the Public Service of the Commonwealth or the State or ~~otherwise~~; otherwise;

~~(o) For~~

(o) for prescribing matters relating to evidence, including rules —

- (i) requiring the disclosure (by the furnishing of copies of statements, reports, plans, photographs, models, or otherwise) of the nature and substance of evidence to be given; and
- (ii) that depart from the law of evidence and provide for the admission as evidence, and the exclusion from evidence, of any matter the disclosure of which is required by a rule made pursuant to ~~subparagraph (i)~~; subparagraph (i);

~~(oa) For~~

(oa) for regulating and prescribing the procedure and the practice to be followed in respect of —

- (i) access to;
- (ii) inspection, copying, preservation, or observing, of; and
- (iii) taking samples of or from,

any document or property in or formerly in the possession, custody or power of any person (whether or not that person is a party to the cause or ~~matter~~); matter);

~~(ob) For~~

(ob) for regulating and prescribing the procedure and the practice to

be followed in respect of the making of applications by any person prior to the commencement by that person of any ~~cause~~
cause;

~~(oe) For~~

(oc) for prescribing the manner in which rules of court made under paragraphs (oa) and (ob) may be ~~enforced~~
enforced;

~~(p) For~~

(p) for prescribing the manner in which referees may conduct proceedings and the manner in which evidence may be received by referees, including rules that depart from the law of ~~evidence~~
evidence;

~~(q) For~~

(q) for enabling and regulating the mediation of any of the differences between any parties to a proceeding generally and, in particular, providing for —

- (i) the reference of a proceeding or any part of a proceeding to a mediator with or without the consent of any party to the proceeding;
- (ii) the conduct of the mediator and of the parties;
- (iii) the terms and conditions upon which the mediation conference is to be held; and
- (iv) the admissibility of evidence in relation to a mediation for the purpose of determining the costs of the mediation or the costs of the proceedings between the parties to the ~~mediation~~
mediation;

~~(r) For~~

(r) for regulating the practice and procedure in relation to applications under the *Vexatious Proceedings Restriction Act 2002*.

~~The power given by the preceding paragraphs~~

(1A) The power given by subsection (1) shall extend and apply to all matters with respect to which rules of procedure might have been made under any enactment repealed by this Act.

170. Rules of court to be laid before Parliament, disallowance

- (2) If either House of Parliament passes a resolution disallowing any such rule, of which resolution notice has been given at any time within 14 sitting days of such House after such rule has been laid before it, such rule shall thereupon cease to have effect, but without affecting the validity of any proceeding taken or of anything done thereunder in the meantime.

~~This subsection~~

(2A) Subsection (2) shall apply notwithstanding the said 14 sitting days, or some of them, do not occur in the same session of Parliament, or

during the same Parliament as that in which the rule is laid before such House.

Row 82. *Taxation Administration Act 2003*

Glossary

[s. 4]

~~Unless~~

1. Terms used

Unless the contrary intention appears —

address of a person means —

- (a) the address of the person's residence or place of business; or

Row 83. *The Salvation Army (Western Australia) Property Trust Act 1931*

8. Trustees' powers

~~The trustees~~

(1) The trustees shall be entitled at all times after the commencement of this Act to exercise all the powers relating to the lands, tenements, and hereditaments (including chattels real), rights, easements, and appurtenances, and personal property and choses in action hereby vested in the body corporate, or which may hereafter be acquired by the body corporate, or which may become vested in the body corporate under this Act or otherwise, which were immediately before the commencement of this Act exercisable by the General of The Salvation Army and the Director of the Social Work of The Salvation Army for the time being respectively under the said recited Deed of Constitution and Deed Poll of 26 July 1904, and under the said recited Deed Poll of 1 June 1920, according as the trustees hold the same upon the trusts of such Deed of Constitution and first-mentioned Deed Poll, or of such second-mentioned Deed Poll (as the case may be), and may exercise all or any of such powers and of the powers by this Act conferred upon them, notwithstanding there is for the time being any vacancy in the office of General of The Salvation Army, or the office of Director of the Social Work of The Salvation ~~Army: provided that such~~ Army.

(2) Such trusts shall not be enlarged, modified, varied, or altered save as provided in the next succeeding section.

9. Trust property, how it is to be dealt with

- (1) All property from time to time vested in the body corporate shall, so far as the same is not subject to any express trust other than the said recited Deeds Poll, be held and dealt with as follows: —

~~(a) Property~~

(a) property so held for the general purposes of The Salvation Army shall be held and dealt with in accordance with and

subject to such of the trusts, powers, and provisions of the Deed of Constitution and the Deed Poll of 26 July 1904, as are applicable to such general purposes;

~~(b) Property~~

(b) property so held for the Social Work of The Salvation Army shall be held and dealt with in accordance with and subject to the said recited Deed Poll of 1 June ~~1920:~~ 1920.

~~Provided that no~~

(1A) No person dealing with the trustees shall be bound to inquire into the propriety or necessity of any such dealing.

~~(2) (a) The trustees~~

(2) The trustees may from time to time, with the consent of the General, enlarge, modify, vary, or alter the trusts upon which for the time being any of the said property is ~~held:~~ held.

~~Provided that all~~

(3) All such property shall subject to any such enlargement, modification, variation, or alteration from time to time, be held upon either one or other of the trusts mentioned in the ~~last preceding subsection:~~ subsection (1).

~~(b) This subsection~~

(4) Subsections (2) and (3) shall apply to property the subject of any express trust other than the said recited Deeds Poll only to the extent (if any) and subject to the conditions (if any) in accordance with which such trust could have been altered if this Act had not been passed.

10. Power to mortgage

~~The body~~

(1) The body corporate may from time to time borrow money with or without security, or secure the payment of any sum or sums of money, and for any such purpose may mortgage or charge all or any real or personal property for the time being vested ~~in it:~~ in it.

~~Provided that no~~

(2) Despite subsection (1), no debt incurred for the general purposes of The Salvation Army shall be secured upon any property which is for the time being held upon trust for the Social Work of The Salvation ~~Army, and that any~~ Army.

(3) Any moneys raised on any property which is for the time being held upon trust for the Social Work of the Salvation Army shall only be used for the purposes of the said Social Work.

Row 84. Tobacco Products Control Act 2006**Glossary**

[s. 4]

~~In this Act —~~**1. Terms used**In this Act —

Account means the Western Australian Health Promotion Account referred to in section 71(3);

Row 85. Transfer of Land Act 1893**2. Repeal and savings**

- (1) The Acts mentioned in the First Schedule to this Act to the extent to which the same are thereby expressed to be repealed are hereby ~~repealed. Provided that such~~ repealed.

(1A) Such repeal shall not affect any appointment (including those of specially licensed surveyors) declaration or any certified statement or list made or any application pending or any registration effected or any notice or certificate given or any memorandum entered or any caveat lodged or any seal prepared or any title estate interest claim right of dower or other right or power of attorney existing or duly acquired under the said Acts or any of them before the commencement of this Act.

20. Lands alienated in fee before commencement of *The Transfer of Land Act 1874* may be brought under this Act~~Land alienated~~

- (1) Land alienated in fee by Her Majesty before 1 July 1875 may be brought under the operation of this Act by an application in the form in the Second ~~Schedule; which~~ Schedule.

- (2) The application may be made by any of the following persons (that is to say) —

~~(i) the person~~

- (a) the person claiming to be the owner of the fee simple either at law or in equity;

~~(ii) persons~~

- (b) persons who collectively claim to be the owners of the fee simple either at law or in equity;

~~(iii) persons~~

- (c) persons who have the power of appointing or disposing of the fee simple;

~~(iv) the person~~

- (d) the person claiming to be the owner of the first estate of

freehold provided that the owner of any vested estate of inheritance join in applying to bring the land under the operation of the Act;

~~(v) trustees~~

(e) trustees for sale of the fee simple but if any previous consent to their selling be requisite the persons required to give such consent to consent to the application;

~~(vi) the guardian~~

(f) the guardian of any infant or the committee of the estate of any lunatic or person of unsound mind unable to govern his estates so however that the application be made on behalf of such infant lunatic or person and the certificate of title be prepared for registration in his name;

~~(vii) a tenant~~

(g) a tenant for life within the meaning of the *Settled Land Act 1892*, if the application contains a direction that the certificate of title be registered in the names of the trustees of the settlement within the meaning of that Act, and the trustees consent to the application.

~~Provided always that a~~

(3) Despite subsection (2), a mortgagor shall not be entitled to make such application unless the mortgagee shall consent ~~thereto; nor a mortgagee thereto.~~

(4) Despite subsection (2), a mortgagee shall not be entitled to make such application unless in the exercise of his power of sale and unless the certificate of title shall be prepared for registration in the purchaser's ~~name. Provided also that the name.~~

(5) Despite subsection (2), the attorney of any corporation howsoever and wheresoever incorporated whether already constituted or hereafter to be constituted by a power of attorney under a seal purporting to be the common seal of the corporation giving the power may make such application for and on behalf of the corporation of which he is the attorney and may make the requisite declaration to the best of his knowledge information and belief and may subscribe the application in his own name.

20A. Evidence and restrictions of requisitions

~~In applications~~

(1) In applications to bring land under the Act the Commissioner may accept as ~~evidence~~—

~~recitals;~~

evidence recitals, statements and descriptions of facts, matters and parties in deeds, instruments, Acts of Parliament and statutory declarations, the date shown as that of the execution, signature,

passing or making of which precedes that of the application by at least ~~20 years,~~ 20 years.

~~and an applicant~~

(2) In applications to bring land under the Act an applicant shall not be required to ~~negative,~~

~~except~~

negative, except as to the knowledge, information and belief of himself and his ~~agents,~~

~~the~~

agents, the existence of any unregistered conveyances or assurances affecting any part of the land the subject of the application.

22. How application to be dealt with when dealing has been registered

~~If it~~

(1) If it shall appear to the Commissioner that any such transaction as aforesaid has been registered and that all encumbrances affecting the land (excepting such as are hereinafter mentioned as not requiring special notification) have been released or that the owners thereof have consented to the application or that any encumbrance (not being a mortgage the owner whereof shall not have consented to the application) may be specified in the certificate of title and continue outstanding and if he shall be satisfied with the evidence submitted in support of the title and of such further evidence as he shall call for by requisition the Commissioner shall direct notice of the application to be advertised once at least in the *Government Gazette* and in one newspaper published in the city of Perth or circulating in the neighbourhood of the land and to be served on any persons named by him; and shall appoint a time not less than 14 days nor more than 12 months from such notice or from the advertisement or the first of such advertisements (if more than one) on or after the expiration of which the Registrar shall unless a caveat shall be lodged forbidding the same bring the land under the operation of this ~~Act. The Act.~~

(2) The expenses of all advertisements under this or any other section shall in all cases be paid to the Registrar before the publication thereof.

23. Notice of application to bring land under this Act and rescission of previous directions on undue delay

~~The Registrar~~

(1) The Registrar shall under such direction as aforesaid cause notice to be published in such manner as by such direction may be prescribed that application has been made for bringing the land under the operation of this Act and shall cause a copy of such notice to be posted in a conspicuous place at the Authority's office and shall serve a copy of

the notice on every person whom the Commissioner has directed to be served with such notice, the persons stated in the application to be occupiers of the land, the occupiers and owners of the lands contiguous to the land (unless the land is an entire Crown allotment) and all persons appearing on the Register to have a then subsisting estate or interest in the ~~land. Notwithstanding land.~~

- (2) Notwithstanding however any direction heretofore given or which shall hereafter be given by the Commissioner to bring land under the operation either of *The Transfer of Land Act 1874*, or of this Act he may after sending to the applicant or his agent one month's notice in this behalf rescind such direction and reject the title unless the applicant shall adduce satisfactory proof that he is proceeding without unnecessary delay in removing or complying with the requisitions made on the title.

30. Parties interested may lodge caveat

~~Any person~~

- (1) Any person claiming any estate or interest in the land described in the advertisement may in person or by agent before the registration of the certificate lodge a caveat with the Registrar in an approved form forbidding the bringing of such land under this ~~Act. Every Act.~~

- (2) Every such caveat shall be signed by the caveator or by his agent and shall particularise the estate or interest ~~claimed; and the Registrar~~ claimed.

- (3) The Registrar may by notice require any person lodging such caveat to support the same by a statutory declaration within 7 days after the service of such notice stating the nature of the title under which the claim is made and also to deliver a perfect abstract of the title to such estate or ~~interest. Unless interest.~~

- (4) Unless such declaration be lodged within the time aforesaid the caveat shall ~~lapse. A caveat lapse.~~

- (5) A caveat under this section cannot be lodged unless it contains an address, or a number for a facsimile machine, in Australia for the service of notices in relation to the caveat.

31. If caveat received, proceedings suspended

~~The Registrar~~

- (1) The Registrar upon receipt of such caveat shall notify the same to the applicant and shall suspend proceeding in the matter until such caveat shall have been withdrawn or shall have lapsed as in this Act provided or until an order in the matter shall have been obtained from the Supreme Court or a ~~judge. The judge.~~

- (2) The applicant may if he think fit summon the caveator to attend before the Supreme Court or a judge in chambers to show cause why such

caveat should not be removed; and such court or judge may upon proof that such caveator has been summoned make such order in the premises either ex parte or otherwise as to such court or judge may seem fit.

32. Caveat to lapse unless proceedings taken within one month

~~After~~

(1) After the expiration of one month from the receipt thereof such caveat shall be deemed to have lapsed unless the person by whom or on whose behalf the same was lodged shall within that time have taken proceedings in a court of competent jurisdiction to establish his title to the estate or interest specified in the caveat and shall have given written notice thereof to the Registrar or shall have obtained and served on him an injunction or order of the Supreme Court or a judge restraining him from bringing the land under this ~~Act. A caveat~~ Act.

(2) A caveat shall not be renewed by or on behalf of the same person in respect of the same estate or interest.

33. Judge may require production of title deeds in support of application to bring land under this Act

~~After an~~

(1) After an application has been made to have any land brought under the operation of this Act a judge may require all persons having in their possession or custody any deeds instruments or evidences of title relating to or affecting the land the subject of such application to produce the same to the Commissioner and in case there be such to any Examiner of Titles for his inspection upon such terms and subject to such conditions and for such charge or fee as the judge making the order may think just and shall ~~fix. All~~ fix.

(2) All applications to be made to a judge under this section may be made by summons in chambers by the applicant owner or by the person in whose name a certificate of title would be created if the application were to be successful.

35. Documents of title

~~Upon~~

(1) Upon registering a certificate of title the Registrar shall retain in his custody and possession all grants and instruments evidencing the title of the person registered and shall endorse upon the last of them if there be more than one a memorandum that the land included in the certificate has been brought under this Act and shall sign such ~~memorandum. Provided always that if~~ memorandum.

(2) Despite subsection (1), if any of such grants or instruments relate to any property other than the land included in such certificate the Registrar shall return such grant or instrument to the person from

whom he received the ~~same. No person~~ same.

(3) No person shall be entitled to an inspection of any of such instruments except upon the written order of the person who originally deposited the same or of some person claiming through or under him or upon the order of a judge or of the ~~Commissioner. No~~ Commissioner.

(4) No action or suit at law or in equity shall be brought or maintained upon any covenant or agreement for the production of the documents which shall be so retained or upon any agreement to give or enter into a covenant for the production thereof; and if any such action or suit shall be commenced it shall be a sufficient answer thereto that such documents have been retained under this Act.

39. Registration of leaseholds

~~Land leased~~

(1) Land leased for a term of years of which 10 years are unexpired or leased for years determinable with a life or lives may be brought under the operation of this Act as near as may be in a similar manner and subject to the same or similar provisions as are hereinbefore contained with respect to freehold ~~land. The~~ land.

(2) The application may be made by persons having such estates and interests in the leasehold land as are similar or correspondent to the estates and interests of the persons entitled to apply to bring freehold land under this ~~Act. Every~~ Act.

(3) Every certificate of title to leasehold land shall always be subject to the rights and powers of the lessor or his representative and of any person entitled to the inheritance in the land immediately expectant on the term as well as to the encumbrances hereinafter mentioned as not requiring special ~~notification. The~~ notification.

(4) The several provisions of this Act with respect to freehold land shall apply to leasehold and with such variations only as the difference in the nature of such property requires or as may be necessary to render such provisions applicable to leaseholds for years.

61. Effect of insertion of the words “no survivorship”

~~Upon~~

(1) Upon the transfer of any land and upon the lease of any freehold land to 2 or more persons as joint proprietors with the words “no survivorship” endorsed thereon the Registrar shall enter such words in the memorandum of such transfer or lease and also upon any certificate of title registered in the name of such joint proprietors pursuant to such transfer and sign his name ~~thereto. Two~~ thereto.

(2) Two or more joint proprietors of any land or of any such lease or of any charge may by writing, under their hands direct the Registrar to enter the words “no survivorship” upon the certificate of title or

instrument relating to the ~~property.~~ In-property.

- (3) In every case after such words shall have been signed by the Registrar whether under this or any preceding section it shall not be lawful for any persons other than the proprietors registered to transfer or otherwise deal with the property without the order of the Supreme Court or a judge thereof obtained on motion or petition or the order of the Commissioner.

62. Notice to be published before effect is given to order

~~Before~~

- (1) Before making any such order the court or judge or Commissioner shall cause notice of the intention so to do to be advertised once at least in one newspaper published in the city of Perth or circulating in the neighbourhood of the land and shall appoint a time within which it shall be lawful for any person interested to show cause against such order being ~~made; after the expiration of which~~ made.

- (2) After the expiration of that time it shall be lawful for the said court or judge or Commissioner to give directions for the transfer of such land or lease or charge to any new proprietor or proprietors solely or jointly with or in the place of any existing proprietor or proprietors, or to make such order in the premises as shall be just for the protection of any persons beneficially interested in such property or in the proceeds thereof; and on such order being deposited with the Registrar he shall make such entries and perform such acts for giving effect thereto as the provisions of this Act may render ~~necessary.~~ The-necessary.

- (3) The Commissioner in any case within the last preceding section in which members of a corporation that is a friendly society within the meaning of section 16C of the *Life Insurance Act 1995* of the Commonwealth are interested may before making an order thereunder dispense with the aforesaid advertisement.

68. Estate of registered proprietor paramount

- (1) Notwithstanding the existence in any other person of any estate or interest whether derived by grant or transfer of the fee simple from the Crown or otherwise which but for this Act might be held to be paramount or to have priority the proprietor of land or of any estate or interest in land under the operation of this Act shall except in case of fraud hold the same subject to such encumbrances as may be notified on the registered certificate of title for the land; but absolutely free from all other encumbrances whatsoever except the estate or interest of a proprietor claiming the same land under a prior registered certificate of title and except as regards any portion of land that may by wrong description of parcels or boundaries be included in the certificate of title or instrument evidencing the title of such proprietor not being a purchaser for valuable consideration or deriving from or through such a ~~purchaser.~~ Provided always that the purchaser.

- (1A) Despite subsection (1), the land which shall be included in any

certificate of title or registered instrument shall be deemed to be subject to the reservations exceptions conditions and powers (if any) contained in the grant thereof or transfer of the fee simple or otherwise and to any rights subsisting under any adverse possession of such land and to any public rights of way and to any easements acquired by enjoyment or user or subsisting over or upon or affecting such land and to any unpaid rates and to any mining lease or licence issued under the provisions of any statute and to any prior unregistered lease or agreement for lease or for letting for a term not exceeding 5 years to a tenant in actual possession notwithstanding the same respectively may not be specially notified as encumbrances on such certificate or instrument but no option of purchase or renewal in any such lease or agreement shall be valid as against a subsequent registered interest unless such lease or agreement is registered or protected by caveat.

69. Easements existing under deed or writing and certain conditions to be noted as encumbrances

~~Notwithstanding~~

(1) ~~Notwithstanding~~ the reservation in the last preceding section of any easements subsisting over or upon or affecting any land comprised in any certificate of title the Registrar shall specify upon any future certificate of such land and its duplicate (if any) as an encumbrance affecting the same any subsisting easement over or upon or affecting the same which shall appear to have been created by any deed or ~~writing. And notwithstanding the proviso to the said last preceding section~~ ~~writing.~~

(2) ~~Notwithstanding section 68(1A)~~ the Registrar shall endorse as an encumbrance upon all future certificates of title and their duplicates (if any) any special building condition or condition against free alienation or other condition (not being a power of resumption by the Crown for any public purpose) contained in any grant conveyance or other document of title of the land described in such certificate and its duplicate (if any) and such endorsement may be in the words following or to the like effect (that is to say):

“Special building condition contained in to [A.B.] registered vol. fol. ,” *or as the case may be.*

“Condition against (free alienation *or other condition*) contained in to [A.B.] registered vol. fol. ,” *or as the case may be.*

74. Duplicate may be dispensed with in certain cases

~~The Registrar~~

(1) ~~The Registrar~~ with the consent of the Commissioner may dispense with the production of any duplicate certificate of title or duplicate instrument (if any) for the purpose of entering thereon the memorandum by this Act ~~required. If~~ ~~required.~~

(2) ~~If~~ the Registrar dispenses with the production of a duplicate certificate

of title in the case of a paper title, upon the registration of the dealing the Registrar shall notify in the memorandum in the Register that no entry of such memorandum has been made on the duplicate (if any) and such dealing shall thereupon be as valid and effectual as if such memorandum had been ~~entered. If~~ entered.

(3) If the Registrar dispenses with the production of a duplicate certificate of title (if any) in the case of a digital title, the Registrar shall notify in the memorandum in the Register that the duplicate certificate of title was not produced and such dealing shall be as valid and effectual as if such memorandum had been ~~entered. The~~ entered.

(4) The Registrar may with the like consent dispense with the production of the duplicate certificate of title (if any) required to be delivered up prior to the registration of any person as proprietor on the transmission of an estate of ~~freehold. Provided always that before~~ freehold.

(5) Despite subsections (1) to (4), before registering such dealing or transmission the Registrar shall require proof by statutory declaration that the duplicate is not deposited or held as a security or lien and shall give at least 14 days' notice of his intention to register such dealing in at least one newspaper published in the city of Perth or circulating in the neighbourhood of the land.

75. Where duplicate certificate lost, destroyed or obliterated

(1) In the event of any duplicate certificate of title in the case of a paper title or Crown lease being lost or destroyed or becoming so obliterated as to be useless, application may be made to the Commissioner for the creation and registration of a certificate of title or a Crown lease to replace the duplicate certificate of title or Crown lease the duplicate of which has been lost or destroyed or obliterated as aforesaid, and the Commissioner may, upon proof to his satisfaction of the loss or destruction or obliteration of such duplicate certificate of title or Crown lease, direct the Registrar to cancel the certificate of title or the Crown lease for the land then comprised in the certificate of title or the Crown lease the duplicate whereof has been lost or destroyed or obliterated and to create and register a new certificate of title or Crown lease for such land.

~~Provided that the~~

(1AA) The Registrar, before registering such new certificate of title or Crown lease, shall give at least 14 days' notice of his intention so to do in at least one newspaper published in the city of Perth or circulating in the neighbourhood of the land.

82. Transfers

(1) The proprietor of land or of a lease mortgage or charge or of any estate right or interest therein respectively may transfer the same by a transfer in an approved ~~form. Upon~~ form.

(1A) Upon the registration of the transfer the estate and interest of the

proprietor as set forth in such instrument or which he shall be entitled or able to transfer or dispose of under any power with all rights powers and privileges thereto belonging or appertaining shall pass to the transferee; and such transferee shall thereupon become the proprietor thereof and whilst continuing such shall be subject to and liable for all and every the same requirements and liabilities to which he would have been subject and liable if he had been the former proprietor or the original lessee mortgagee or annuitant.

83. Transfer to include right to sue thereunder

~~By virtue~~

(1) By virtue of every such transfer as is herein mentioned the right to sue upon any mortgage or other instrument and to recover any debt sum of money annuity or damages thereunder (notwithstanding the same may be deemed or held to constitute a chose in action) and all interest in any such debt sum of money annuity or damages shall be transferred so as to vest the same at law as well as in equity in the transferee ~~thereof. Provided always that nothing~~ thereof.

(2) Nothing herein contained shall prevent a court in its equitable jurisdiction from giving effect to any trusts affecting such debt sum of money annuity or damages in case the transferee shall as between himself and any other person hold the same as a trustee.

92. Covenants to be implied in every lease against lessee

In every lease made under the provisions of this Act there shall be implied the following covenants with the lessor and his transferees by the lessee binding the latter and his heirs executors administrators and transferees (that is to say) —

~~(i) that he~~

(a) that he or they will pay the rent reserved by the lease at the time therein mentioned and all rates and taxes which may be payable in respect of the leased property during the continuance of the lease unless otherwise provided by law;

~~(ii) that he~~

(b) that he or they will keep and yield up the leased property in good and tenantable repair accidents and damage from storm and tempest and reasonable wear and tear excepted.

93. Powers to be implied in lessor

In every lease made under this Act there shall also be implied in the lessor and his transferees the following powers (that is to say) —

~~(1) that he~~

(a) that he or they may with or without surveyors workmen or others once in every year during the term at a reasonable time of the day enter upon the leased property and view the state of repair thereof;

~~(2) that in~~

(b) that in case the rent or any part thereof shall be in arrear for the space of one month although no legal or formal demand shall have been made for payment thereof, or in case of any breach or non-observance of any of the covenants expressed in the lease or by this Act declared to be implied therein on the part of the lessee or his transferees and such breach or non-observance continuing for the space of one month it shall be lawful for the lessor or his transferees to re-enter upon and take possession of the leased property.

94. Short forms of covenants by lessees

~~Whenever~~

(1) Whenever in any lease made under this Act the lessee shall employ any of the forms of words contained in column one of the Twelfth Schedule and distinguished by any number therein such lease shall be taken to have the same effect and be construed as if he had inserted therein the form of words contained in column 2 of the same Schedule and distinguished by the corresponding number; and every such form shall be deemed a covenant with the lessor and his transferees by the lessee binding the latter and his heirs executors administrators and transferees; but it shall not be necessary in any such lease to insert any such ~~number. There~~ number.

(2) There may be introduced into or annexed to any of the forms in the first column any express exceptions from or express qualifications thereof respectively; and the like exceptions or qualifications shall be taken to be made from or in the corresponding forms in the second column.

98. Lease may be surrendered by endorsement by lessee with concurrence of lessor

~~A lease~~

(1) A lease made under this Act may be surrendered and determined as well by operation of law or under any Ordinance or Statute now or hereafter to be in force relating to bankrupts and their estates as by the word “Surrendered” with the date being endorsed upon such lease or on the duplicate thereof (if any) and signed by the lessee or his transferee and by the lessor or his transferee and attested by a ~~witness. The~~ witness.

(2) The Registrar shall enter in the Register a memorandum recording the date of such surrender and may likewise endorse on either or both the lease and the duplicate lease (if any) a memorandum recording the fact of such entry having been ~~made. Upon~~ made.

(3) Upon such entry in the Register the estate and interest of the lessee or his transferee shall vest in the lessor or in the proprietor for the time being of the reversion and inheritance in the land immediately

expectant on the ~~term; and production~~ term.

(4) Production of such lease or duplicate (if any) bearing such endorsement and memorandum shall be sufficient evidence that such lease has been legally ~~surrendered. Provided that no~~ surrendered.

(5) Despite subsection (1), no lease subject to a mortgage or charge shall be so surrendered without the consent in writing of the proprietor thereof.

103. Covenants to be implied in sublease

In addition to the covenants specified in section 92 to be implied in every lease there shall be implied in every sublease ~~the following covenant~~ a covenant with the sublessee and his transferees by the sublessor binding the latter and his executors administrators and ~~transferees (that is to say):~~

~~That he~~

transferees that he or they will during the term thereby granted pay the rent reserved by and perform and observe the covenants and agreements contained in the original lease and on his or their parts to be paid performed and observed.

104. Determination of lease or sublease by re-entry to be entered in Register

(1) In the case of a lease or sublease of land under this Act if it be proved to the satisfaction of the Commissioner that the lessor or sub-lessor his assign or transferee has re-entered upon the premises in strict conformity with the provisions for re-entry contained in the lease or sublease or under the power of ~~section 93(2)~~ section 93(b) where the lease or sublease is under this Act or that the lessee or sublessee has abandoned the leased premises and the lease and that the lessor or sublessor his assign or transferee has thereupon re-entered upon and occupied the said premises by himself or tenants undisturbed by the lessee or sublessee the Commissioner may, subject to subsection (2), direct the Registrar —

- (a) in the case of a lease, to make an entry of such re-entry on the certificate of title for the land that is the subject of the lease;
- (b) in the case of a sublease of land that is the subject of a digital title, to make an entry of such re-entry on that title; or
- (c) in the case of a sublease of land that is the subject of a paper title, to make an entry of such re-entry on the sublease.

109. Application of purchase money

~~(1) The purchase money arising from the sale of the mortgaged or charged land shall be applied as follows:~~

~~If the sale be by the mortgagee or his transferees —~~

(1) If mortgaged or charged land is sold by the mortgagee or his transferees, the purchase money arising from the sale shall be applied as follows —

~~First~~

(a) firstly in payment of the expenses of and incidental to such sale and consequent on such ~~behalf; secondly~~ behalf;

(b) secondly in payment of the moneys which may be due or owing on the ~~mortgage; thirdly~~ mortgage;

(c) thirdly in payment of subsequent mortgages and of any money which may be due or owing in respect of any subsequent charge in the order of their respective ~~priorities; and the~~ priorities.

and the surplus (if any) shall be paid to the ~~mortgagor. Provided always that if~~ mortgagor.

(1A) However, if the sale be made by a mortgagee or his transferees and there is a subsequent charge the purchase moneys after there shall have been made thereout all proper prior payments shall be deposited by him or them in the manner and names and for purposes corresponding with those after mentioned.

~~If the sale be by the annuitant or his transferees —~~

(1B) If mortgaged or charged land is sold by the annuitant or his transferees, the purchase money arising from the sale shall be applied as follows —

~~First~~

(a) firstly in payment of the expenses of and incidental to such sale and consequent on such ~~default; then in payment~~ default;

(b) then in payment of the moneys which may be due or owing to the annuitant or his ~~transferees; and the residue~~ transferees,

and the residue shall be deposited by him or them at interest in the Commonwealth Savings Bank or in some other bank in Perth in the joint names of the annuitant or his transferees and of the Registrar to satisfy the accruing payments of the charge and subject thereto for the benefit of the parties who may be or become entitled to the residue of the deposited money.

(2) This section does not apply to the application of the proceeds of a sale by a mortgagee in accordance with section 77 of the *Land Administration Act 1997*.

112. Further remedies by mortgagee or annuitant

~~Subject~~

(1) Subject to the provisions of section 112A besides his other remedies every mortgagee or annuitant for the time being and every transferee of a mortgage or charge for the time being shall be entitled as often as

it shall happen that the interest or annuity or any part thereof respectively shall be in arrear for 21 days and after 7 days shall have elapsed from an application to the occupier or tenant for the payment thereof to enter upon the mortgaged or charged land and distrain the goods and chattels of such occupier or tenant for the arrears of the said interest or annuity and the distress and distresses then and there found to dispose of in like manner as landlords may do in respect of distresses for rent reserved upon common demises and out of the sale moneys to retain the moneys which shall be so in arrear and all costs and expenses occasioned by such distress and ~~sale. Provided that no~~ sale.

(2) Despite subsection (1), no occupier or tenant shall be liable to pay to any such mortgagee or annuitant or transferee a greater sum than the amount of rent which at the time of making such application for payment shall be due from such occupier or tenant, and any amount so paid as well as any amount which shall be paid by him to any such mortgagee or annuitant or transferee during the time he may be in receipt of the rents and profits shall be held to be *pro tanto* satisfaction of the ~~rent; and provided also that if~~ rent.

(3) If there be more than one mortgage or charge on any land the mortgagees or annuitants shall be entitled to exercise the remedy given by this section according to their priorities.

115. Short form of covenant by mortgagor to insure

~~Whenever~~

(1) Whenever in any mortgage made under this Act the mortgagor shall employ the form of words contained in column one of the Sixteenth Schedule such mortgage shall be taken to have the same effect and be construed as if he had inserted therein the form of words contained in column 2 of the same Schedule; and every such form shall be deemed a covenant with the mortgagee and his transferees by the mortgagor binding the latter and his heirs executors administrators and ~~transferees. There~~ transferees.

(2) There may be introduced into or annexed to the said form in the first column any express exception from or express qualification thereof; and the like exception or qualification shall be taken to be made from or in the form in the second column.

116. Certain qualities of legal estate annexed to mortgage

~~In addition~~

(1) In addition to and concurrently with the rights and powers conferred on a mortgagee and on a transferee of a mortgage by this Act every present and future mortgagee for the time being of land under this Act and every transferee of a mortgage for the time being upon any such land shall until a discharge from the whole of the money secured or until a transfer upon a sale or an order for foreclosure (as the case may

be) shall have been registered have the same rights and remedies at law and in equity (including proceedings before the Magistrates Court) as he would have had or been entitled to if the legal estate in the land or term mortgaged had been actually vested in him with a right in the mortgagor of quiet enjoyment of the mortgaged land until default in payment of the principal and interest money secured or some part thereof respectively or until a breach in the performance or observance of some covenant expressed in the mortgage or to be implied therein by the provisions of this ~~Act.~~ Nothing Act.

(2) Nothing contained in this section shall affect or prejudice the rights or liabilities of any such mortgagee or transferee after an order for foreclosure shall have been entered in the Register; or shall until the entry of such an order render a mortgagee of land leased under this Act or the transferee of his mortgage liable to or for the payment of the rent reserved by the lease or for the performance or observance of the covenants expressed or to be implied therein.

117. Mortgagor not to sue at law for same cause of action without written consent

~~A mortgagor~~

(1) A mortgagor or his transferee shall not either before or after such default or breach as aforesaid commence in his own name any action at law for or in respect of any cause of action for which a mortgagee or his transferee may sue under the last preceding section without obtaining the previous consent in writing of such mortgagee or transferee or his agent to the commencement of such action after giving which consent such mortgagee or transferee shall not be entitled to bring in his name any action at law in respect of the cause of action specified in such ~~consent. Provided however that if~~ consent.

(2) Despite subsection (1), if a mortgagor or his transferee shall bring any such action in his own name and the defendant shall prove the existence of a mortgage the plaintiff shall not be nonsuited nor shall there be a verdict against him if he prove in reply that the action was brought with the written consent of the mortgagee or of the transferee of his mortgage or his agent.

119. Application of moneys obtained from actions by mortgagor in other cases

~~Any mortgagee~~

(1) Any mortgagee or his transferee may either before or after judgment or execution obtained in any action at law brought by the mortgagor or his transferee apply to a judge for a summons in such action calling on the plaintiff and defendant or their attorneys or agents to attend before a judge and show cause why any sum beyond \$50 which shall have been or shall be recovered for damages in such action or which shall become payable on the settlement thereof should not be paid to such

persons and for such purposes as are hereinbefore mentioned with respect to money payable under any decree or order in any action by the mortgagor or his transferee; and the judge hearing the summons shall determine the matter thereof in a summary manner, and shall make such order therein as to costs and all other matters as may appear to be just and reasonable; and the decision of such judge shall be final and conclusive against all ~~parties. Provided always that every~~ parties.

(2) Every order made in pursuance of this section shall be liable to be rescinded or altered by the court in like manner as other orders made by a single judge.

121. Mortgagee may apply for order for foreclosure

(1) Whenever default has been made in payment of the principal or interest moneys secured by a mortgage and such default shall be continued for 6 months after the time for payment mentioned in the mortgage, the mortgagee or his transferee may make application in writing to the Commissioner for an order for ~~foreclosure; and such~~ foreclosure.

(1A) Such application shall state that such default has been made and has continued for the period aforesaid and that the land mortgaged has been offered for sale at public auction by a licensed auctioneer after notice to pay was served in accordance with section 106 and that the amount of the highest bidding at such sale (which amount shall also be stated) was not sufficient to satisfy the moneys secured by such mortgage together with the expenses occasioned by such sale or that there was no bid and that notice in writing of the intention of the mortgagee or his transferee to make an application for foreclosure has been served on the mortgagor or his transferees, and also that a like notice of such intention has been served on every person appearing by the Register to have any right estate or interest to or in the mortgaged land subsequently to such ~~mortgage. Such~~ mortgage.

(1B) Such application shall be accompanied by a certificate of the auctioneer by whom such land was put up for sale and by such further evidence in the premises as the Commissioner may ~~require; and the~~ require.

(1C) The statements made in such application shall be verified by statutory declaration.

126. Mortgage money may be paid to Treasurer if mortgagee absent from Western Australia and mortgage discharged

(1) In case a mortgagee or his transferee shall be absent from Western Australia and there be no person authorised to give a receipt for the mortgage money at or after the date appointed for payment thereof it shall be lawful for the Treasurer to receive such mortgage money with all arrears of interest due thereon in trust for the mortgagee or other person entitled thereto; and thereupon the interest upon such mortgage

shall cease to run or ~~accrue; and the~~ accrue.

(1A) The Registrar shall upon production of the receipt of the Treasurer for the amount of the mortgage money and interest make an entry in the Register discharging the land from such mortgage stating the time at which such entry was made; and such entry shall be a valid discharge from such ~~mortgage; and if~~ mortgage.

(1B) If the land is the subject of —

- (a) a paper title, the Registrar shall make a corresponding entry on the duplicate certificate of title (if any) when produced to him for that or any other purpose; or
- (b) a digital title, the Registrar shall cancel the duplicate certificate of title (if any) and may issue a new edition of the duplicate certificate of title in accordance with ~~section 74B(2). The~~ section 74B(2).

(1C) The Treasurer shall from time to time invest all mortgage moneys and interest which shall be received by him under this section together with all dividends and interest which shall accrue thereon in Western Australian Government or Commonwealth securities for the benefit of the persons who shall for the time being be entitled thereto; but nothing herein contained shall render any Treasurer in any manner liable for not investing the same ~~respectively. The~~ respectively.

(1D) The Registrar shall address to the Treasurer requisitions countersigned by the Commissioner to pay to such persons the moneys to which they may be entitled hereunder; and such moneys shall be issued in like manner as moneys are now issued from the Consolidated ~~Account. For the purposes of this subsection the words~~ mortgage Account.

(1E) In subsections (1) to (1D) —

~~mortgage~~ money shall include any outstanding balance of the principal moneys secured.

130. Seal of corporation substitute for signature

~~A corporation~~

(1) A corporation for the purpose of transferring or otherwise dealing with any land under the operation of this Act or any lease mortgage or charge may in lieu of signing and obtaining the attestation of the instrument for such purpose required affix thereto its common ~~seal. The~~ seal.

(2) The seal of the attorney of any corporation whose chief or head office of business shall be out of Western Australia whether such attorney shall have been already constituted or shall hereafter be constituted by a power of attorney under a seal purporting to be the common seal of the corporation giving the power shall be deemed to be the common seal of such corporation within the meaning and for the purposes of this section.

136. Registrar to furnish plan showing land dealt with where memorandum on certificate does not describe such land

~~Where part~~

(1) Where part only of the land comprised in a certificate has been dealt with by a registered dealing but the memorandum of such dealing endorsed on the certificate does not specify such part the Registrar shall furnish to any person applying for the same on payment of the fee payable in that behalf a skeleton diagram of the land comprised in the certificate showing by metes and bounds and a distinguishing colour or symbols the position and dimensions of the part included in such dealing; and such diagram shall either be endorsed on, annexed to, referred to in or otherwise linked or connected to, such certificate and the same shall be ~~sealed. Provided always that if~~ sealed.

(2) If there be different registered dealings affecting different parts of the land comprised in the certificate and a plan be required showing such different parts a separate fee shall be paid in respect of each such ~~part. Provided also that where~~ part.

(3) Where different parcels of land not contiguous are included in the certificate the skeleton diagram hereinbefore mentioned need only be of the parcel or parcels which includes or include the part or parts so dealt with.

137. Lodgment of caveat where land already under this Act

(1) Any beneficiary or other person claiming any estate or interest in land under the operation of this Act or in any lease mortgage or charge under any unregistered instrument document or writing or under any equitable mortgage or charge by deposit without writing or by devolution in law or otherwise may lodge a caveat with the Registrar in an approved form forbidding the registration of any person as transferee or proprietor of and of any instrument affecting such estate or interest either absolutely or until after notice of the intended registration or dealing be given to the caveator or unless such instrument be expressed to be subject to the claim of the caveator as may be required in such ~~caveat. Every~~ caveat.

(1A) Every such caveat shall state the name and address of the person by whom or on whose behalf the same is lodged and (except in case of a caveat lodged by order of the Supreme Court or by the Registrar pursuant to the direction of the Commissioner as hereinafter provided) shall be signed by the caveator or by his ~~agent. The~~ agent.

(1B) The person lodging such caveat shall if required by the Registrar support the same by statutory declaration stating the nature of the estate or interest claimed and the title thereto and may withdraw any such ~~caveat. If~~ caveat.

(1C) If such declaration when required by the Registrar be not lodged with him within 7 days from the date of such requisition the caveat shall be

absolutely null and ~~void. A caveat~~ void.

(1D) A caveat under this section cannot be lodged unless it contains an address, or a number for a facsimile machine, in Australia for the service of notices in relation to the caveat.

143. Powers of attorney and revocation thereof

(1) Subject to the provisions of this section the proprietor of any land under the operation of this Act or of any lease mortgage or charge may appoint any person to act for him in transferring the same or otherwise dealing therewith by signing a power of attorney in the form in the Nineteenth Schedule or to the effect ~~thereof. Every~~ thereof.

(1A) Every such power may be filed by lodging the original instrument of power of attorney, a duplicate, or an office copy referred to in the *Powers of Attorney Act 1896* with the Registrar who shall note the effect of the same in a book to be kept for that purpose and such power shall be in force from the time of noting until the registration of a revocation or extinguishment thereof.

152. Crown grant or lease conveys land within survey boundaries

~~Every~~

(1) Every Crown grant or transfer of Crown land in fee simple purporting to convey a location allotment or other parcel of land whether describing it by distinguishing number or letter or by metes and bounds or otherwise shall be deemed to convey the land included within the survey boundaries of such parcel of land marked on the ground in the Crown survey thereof notwithstanding any discrepancy between the dimensions of such survey boundaries or the area they include and the dimensions or area expressed in such grant or in the relevant certificate of title or shown in any plan used in connection with the alienation by the Crown of such parcel of ~~land. Provided that~~ nothing land.

(2) Nothing in this and the next preceding section shall apply to any such section location allotment or parcel of land where an actual patent mistake or error has been made.

154. How survey boundaries may be proved in absence of survey marks

When the survey marks of the boundaries of any section allotment or other parcel of land have been removed or obliterated but it is proved in some court of competent jurisdiction or to the satisfaction of the Commissioner of Titles (where the land is under *The Transfer of Land Act 1874*, or is under or is proposed to be brought under the operation of this Act) in any proceeding or application in which the boundaries of such parcel of land have to be determined that certain buildings fences walls or other improvements of a permanent nature or a succession of such improvements —

~~(i) have~~

(a) have ever since the removal or obliteration of such survey marks indicated or agreed in position with the boundaries originally marked on the ground by the survey marks so removed or obliterated; or

~~(ii) have~~

(b) have for the full period of 20 years without interruption been used and regarded by the owner or occupier or successive owners or occupiers of such parcel of land as marking or agreeing in position with the boundaries of the parcel of land comprised in the document of title under or by virtue of which such land is or has been occupied,

such proofs as aforesaid shall be deemed and received as sufficient evidence of the true positions of the original survey boundaries of such parcel of land.

155. Margin of error allowed in description of boundaries

~~From and~~

(1) From and after the coming into operation of this Act the dimensions of the boundaries of any parcel of land as stated in any document of title now made or hereafter to be made relating to such land or as represented on any graphic endorsed on, annexed to, referred to in or otherwise linked or connected to, any such document of title shall unless such construction is expressly negated or modified by such document of title or contract be construed as though the phrase “a little more or less” immediately followed and referred to the dimensions so stated or ~~represented; and such~~ represented.

(2) Such phrase shall in all cases whether so implied or expressed be deemed to cover any difference between the dimensions so stated or represented as aforesaid and the actual dimension of such boundaries as found by admeasurement on the ground when such difference does not exceed the following limits that is to say a limit of 50 millimetres for any one boundary line irrespective of its length where the length does not exceed 40 metres but where it exceeds 40 metres a limit equivalent to 1 in 500 computed upon the total length of such boundary ~~line. No action~~ line.

(3) No action shall be brought by reason or in respect of such difference (whether of excess or deficit) where it does not exceed the aforesaid ~~limits; and in~~ limits.

(4) In any case where such difference does exceed such limits an action for damages or compensation in respect thereof shall only lie in respect of such excess.

156. Commissioner may require special survey of land

~~On any~~

(1) On any application made to bring land under this Act or to have a certificate of title amended or to have a relevant graphic amended or replaced as to the description of land therein as hereinafter authorised and on any ~~proposed~~ subdivision under section 166 the Commissioner may require such survey and plans to be made and such particulars of the boundaries abutments adjacent buildings of stone or brick area and position to be furnished at the cost of the applicant or registered proprietor as the Commissioner shall think ~~fit. All~~ fit.

(2) All surveys required by the Commissioner in bringing land under this Act shall be made by a licensed surveyor lawfully entitled to practise under this Act.

162. Notice to be advertised and given to registered owners and proprietors

~~After~~

(1) After such plan has ~~been~~ constructed the Commissioner shall in addition to any other notices which he may think fit direct notice of the proposed subdivision to be advertised once at least in a newspaper published in Perth and in a newspaper (if any) published and circulating in the neighbourhood of the land and also to be served upon all persons appearing by the Register to be owners or proprietors of the fee simple of any portion of such ~~land; such~~ land.

(2) Such notice shall ~~state~~ that such provisionally adopted plan can be inspected at the Authority's office and appoint a time not less than 14 days nor more than 6 months within which objections or proposals to alter the same and evidence in support of such objections or proposals will be received by the ~~Commissioner. But it~~ Commissioner.

(3) It shall be in the discretion of the Commissioner whether or not he will concede to any ~~objections~~ or adopt any alteration submitted to him upon such notice; and if he do adopt any such alteration whether or not any and what notice thereof shall be given to all or any of the persons previously notified.

163. Subdivisional plan to be verified and kept as approved lodged map of subdivision

(1) After a scheme of subdivision has been finally decided upon the plan embodying it shall be verified by the Commissioner and the inspector of plans and surveys signing a statement in an approved form on the plan and the plan so verified shall be marked with a distinguishing symbol and kept by the Registrar as an approved lodged map of subdivision and shall as from the date of such verification govern the titles subsequently ~~created~~ and registered under this Act in respect of the block so subdivided or any portion ~~thereof. And the~~ thereof.

(1A) The remedy of any person having an estate or interest in the land subdivided or in any portion thereof who shall be injured by any

certificate of title registered for the purposes of such subdivision shall lie in damages only and the same may be sued for and recovered in manner indicated by section 207.

168. Abutts may be used in description of land in certificate

~~On an~~

(1) On an application to bring land under this Act or for an amended certificate or for the amendment or replacement of a relevant graphic the land included in the certificate to be created and registered or amended or in the relevant graphic shall at the request of the applicant and may at the discretion of the Commissioner notwithstanding sections 25 and 48A(1) be described by its abutts in the certificate, in a relevant graphic or in ~~both. Any both.~~

(2) Any abuttal so used may be described by the name by which it is commonly known and with or without the name of its reputed owner; and if the abuttal is upon or consists of land under this Act the number of the certificate of the land constituting the abuttal or on which the abuttal stands shall be ~~mentioned; and abutts mentioned.~~

(3) Abutts shall be used in addition to and not in substitution for dimensions unless the Commissioner shall specially authorise the land or any boundary of the land being described by abutts only.

169. Objects which may constitute abutts

~~For the~~

(1) For the purpose of this Act any of the objects hereinafter mentioned may be mentioned as an ~~abuttal: Any abuttal~~ — any building wall sectional division of party wall fence permanent drain public or private street or road lane or passage land dedicated to or reserved for the public Government reserve Crown section allotment or portion land described in any certificate of title or relevant graphic and any bay lake river creek or natural or artificial ~~water-course; and mention~~ water-course.

(2) Mention of an abuttal in any certificate of title or relevant graphic shall not be deemed to give title to the abuttal or to be evidence of the title of any person who may be referred to in the description as owner or occupant of the land upon which any abuttal stands or of any land constituting an abuttal.

188. Powers of Registrar

~~The Registrar~~

(1) The Registrar may exercise and shall perform ~~the following power and duties (that is to say):~~ the powers and duties set out in subsections (2) to (8).

~~(i) He may~~

(2) The Registrar may administer an oath and may take and receive the declaration of any person voluntarily making the same (in this Act called a *statutory declaration*).

~~(ii) He shall~~

(3) The Registrar shall upon the direction of the Commissioner correct errors in the Register or in entries made therein or in duplicate certificates (in cases of paper titles) or instruments or graphics and may supply entries omitted to be made under the provisions of this ~~Act; but in~~ Act.

(4) In the correction of any such error in a paper medium he shall not erase or render illegible the original words or lines and shall affix the date on which such correction was made or entry supplied and initial the ~~same; and in~~ same.

(5) In the correction of any such error in a digital medium the Registrar shall keep a permanent record of any words or lines to be deleted and the date on which the correction was made or the entry supplied and if correcting a digital title the Registrar shall cancel the duplicate certificate of title and may issue a new edition of the duplicate certificate of title in accordance with ~~section 74B(2); and every~~ section 74B(2).

(6) Every error or entry so corrected or supplied shall have the like validity and effect as if such error had not been made or such entry omitted except as regards any entry made in the Register prior to the actual time of correcting the error or supplying the omitted entry.

~~(iii) He shall~~

(7) The Registrar shall upon the direction of the Commissioner lodge a caveat on behalf of Her Majesty or on behalf of any person who shall be under the disability of infancy lunacy unsoundness of mind or absence from Western Australia to prohibit the transfer or dealing with any land belonging or supposed to belong to any such person and also to prohibit the dealing with any land in any case in which it shall appear that an error has been made by misdescription of such land or otherwise in any certificate of title or in any plan, diagram or instrument or for the prevention of any fraud or improper dealing.

~~(iv) He may;~~

(8) The Registrar may, notwithstanding any other provision of this Act with the approval of the Minister, destroy any record, document, instrument, plan, diagram, book or paper or any other paper writing whether of the same kind as those before enumerated or not, that is deposited with the Authority or registered in its office the retention of which, in the opinion of the Commissioner of Titles and the Registrar, serves no useful purpose.

189. Registrar may correct apparent errors in instruments without direction of Commissioner

~~The Registrar~~

- (1) The Registrar may without the direction of the Commissioner correct any patent error appearing on the face of any instrument lodged for registration without such instrument being withdrawn from the ~~Authority. Provided always that such correction~~ Authority.
- (2) Such correction must be made in compliance with ~~section 188(ii)~~ section 188(3) to (6) and such correction shall have the same validity and effect as if made under the direction of the Commissioner under section 188.

196. State not liable in certain cases

- (1) The State shall not under any circumstances be liable for compensation for any loss damage or deprivation occasioned by any breach by a registered proprietor of any trust, whether express or implied or constructive, or by the improper exercise of any power of sale expressed or implied in any mortgage or encumbrance; or to any person claiming under an unregistered instrument, document or writing, or any equitable mortgage or charge by deposit or otherwise without writing, or any other interest not protected by caveat, by or in consequence of the registration of a new certificate of title in the name of any registered proprietor pursuant to section 75; in any case in which the same land may have been included in 2 or more grants from the Crown or transfers of Crown land in fee simple; nor shall the State be liable in any case in which loss or deprivation has been occasioned by any land being included in the same certificate of title with other land through misdescription of boundaries or parcels of any land unless in the case last aforesaid it shall be proved that the person liable for compensation and damages is dead or has absconded or has been adjudged bankrupt or the sheriff shall certify that such person is unable to pay the full amount awarded in any action for recovery of such compensation and ~~damages. Provided always that any~~ damages.
- (1A) Any amount paid by the State under section 201 on account of any person who may have absconded may be recovered by the State from such person by action in the name of the Registrar at any time thereafter if such person shall be found within the jurisdiction of the Supreme ~~Court. Provided also that the~~ Court.
- (1B) The State shall be liable for such amounts only as the sheriff shall fail to recover from the person liable as aforesaid.

199. Registered proprietor protected against ejectment except in certain cases

Subject to sections 68 and 81T, no action of ejectment or other action for the recovery of any land shall lie or be sustained against the person registered as proprietor thereof under the provisions of this Act except in any of the following cases (that is to say) —

~~(i) the case~~

(a) the case of a mortgagee as against a mortgagor in default;

~~(ii) the case~~

(b) the case of an annuitant as against a grantor in default;

~~(iii) the case~~

(c) the case of lessor as against a lessee in default;

~~(iv) the case~~

(d) the case of a person deprived of any land by fraud as against the person registered as proprietor of such land through fraud or as against a person deriving otherwise than as a transferee bona fide for value from or through a person so registered through fraud;

~~(v) the case~~

(e) the case of a person deprived of or claiming any land included in any certificate of title of other land by misdescription of such other land or of its boundaries as against the registered proprietor of such other land not being a transferee thereof bona fide for value;

~~(vi) the case~~

(f) the case of a registered proprietor claiming under a certificate of title prior in date of registration under the provisions of this Act in any case in which 2 or more certificates of title or a certificate of title may be registered under the provisions of this Act in respect of the same land,

and in any case other than as aforesaid the production of the registered certificate of title or lease shall be held in every court to be an absolute bar and estoppel to any such action against the person named in such document as the proprietor or lessee of the land therein described any rule of law or equity to the contrary notwithstanding.

201. Compensation of party deprived of land

~~Any person~~

(1) Any person deprived of land or of any estate or interest in land in consequence of fraud or through the bringing of such land under the operation of this Act or by the registration of any other person as proprietor of such land estate or interest or in consequence of any error or misdescription in any certificate of title or in any entry or memorandum in the Register may bring and prosecute an action at law for the recovery of damages against the person upon whose application such land was brought under the operation of this Act or such erroneous registration was made or who acquired title to the estate or interest through such fraud error or ~~misdescription. Provided always that except~~ misdescription.

(2) Despite subsection (1), except in the case of fraud or of error

occasioned by any omission misrepresentation or misdescription in the application of such person to bring such land under the operation of this Act or to be registered as proprietor of such land estate or interest or in any instrument signed by him such person shall upon a transfer of such land bona fide for value cease to be liable for the payment of any damage beyond the value of the consideration actually received which but for such transfer might have been recovered from him under the provisions herein ~~contained; and in~~ contained.

(3) In such last-mentioned case and also in case the person against whom such action for damages is directed to be brought as aforesaid shall be dead or shall have been adjudged bankrupt or cannot be found within the jurisdiction of the Supreme Court then and in any such case such damages with costs of action may be recovered from the State by action against the Registrar as nominal ~~defendant; and all~~ defendant.

(4) All damages and costs to be paid by the State under this section shall be charged to the Consolidated Account and this section appropriates the Consolidated Account ~~accordingly. Provided also that in~~ accordingly.

(5) In estimating such damages the value of all buildings and other improvements erected or made subsequently to the deprivation shall be excluded.

203. Proprietor may summon Commissioner or Registrar to show cause if dissatisfied

~~— If upon~~

(1) If upon the application of any owner or proprietor to have land brought under the operation of this Act or to have any dealing or transmission registered or recorded or to have any certificate of title foreclosure order or other document created, registered or issued or to have any act or duty done or performed which by this Act is required to be done or performed by the Commissioner or Registrar either of them shall refuse so to do or if such owner or proprietor shall be dissatisfied with the direction upon his application given by the Commissioner it shall be lawful for such owner or proprietor to require the Commissioner or Registrar to set forth in writing under his hand the grounds of his refusal or the grounds upon which such direction was given, and such owner or proprietor may if he think fit at his own costs summon the Commissioner or Registrar as the case may be to appear before the Supreme Court or a judge to substantiate and uphold the grounds of his refusal or of such direction as aforesaid such summons to be issued under the hand of a judge and to be served upon the Commissioner or Registrar 6 clear days at least before the day appointed for hearing the complaint of such owner or ~~proprietor. Upon~~ proprietor.

(2) Upon such hearing the Commissioner or Registrar or his counsel shall have the right of reply; and the said court or a judge may if any question of fact be involved direct an issue to be tried to decide such fact; and thereafter the said court or a judge shall make such order in

the premises as the circumstances of the case may require; and the Commissioner or Registrar shall obey such ~~order and all~~ order.

- (3) All expenses attendant upon any such proceedings shall be borne and paid by the applicant or other person preferring such complaint unless the court or a judge shall certify that there was no reasonable ground for such refusal or direction as aforesaid.

205. Actions for recovery of damages may in certain cases be brought against Registrar as nominal defendant

~~Any person~~

- (1) Any person sustaining loss through any omission mistake or misfeasance of the Registrar or any other officer or clerk in the execution of their respective duties under the provisions of this Act or by any error omission or misdescription in any certificate or title or any entry or memorandum in the Register or by the registration of any other person as proprietor and who by the provisions of this Act is barred from bringing an action of ejectment or other action for the recovery of land estate or interest may in any case in which the remedy by action for recovery of damages as herein provided is inapplicable bring an action against the State with the Registrar as nominal defendant for recovery of ~~damages; in estimating which~~ damages.

- (2) In estimating those damages however the value of all buildings and other improvements erected or made subsequently to the loss or deprivation shall be excluded.

207. Actions against State in certain other cases

~~Any person~~

- (1) Any person who shall have sustained or shall hereafter sustain any loss or damage in or by the exercise by the Commissioner of any of the powers conferred on him by *The Transfer of Land Act 1874* or by this Act and who shall not have been party or privy to the application or dealing in connection with which such power was exercised may notwithstanding the provisions of section 201 and section 205 and without prejudice to the rights (if any) of such person thereunder in the first instance and without any obligation to pursue the remedies provided by such sections bring an action against the State with the Registrar as nominal defendant for recovery of ~~damages. And where~~ damages.

- (2) Where such person shall have been party or privy to such application or dealing he shall be at liberty to join the Registrar as a nominal co-defendant in any action brought by him in respect of such loss or damage against any other person or persons who shall have been party or privy to such application or dealing.

208. Persons claiming may before action brought apply to Commissioner in writing for compensation

~~Any person~~

- (1) Any person sustaining loss or damage in any case in which heretofore he would have been entitled to bring an action to recover damages against the State with the Registrar as nominal defendant may before commencing proceedings against the Registrar make application in writing to the Commissioner for compensation and such application shall be supported by affidavit or ~~declaration. If~~ declaration.
- (2) If the Commissioner admit the claim or any part thereof and certify accordingly to the Attorney General thereupon the Governor may if he shall think fit issue a warrant to the Treasurer for the amount so certified and such amount shall be charged to the Consolidated Account and paid to the claimant and this section appropriates the Consolidated Account accordingly.

211. Limitation of actions

~~No action~~

- (1) No action for recovery of damages sustained through deprivation of land or of any estate or interest in land shall lie or be sustained against the State or against the person upon whose application such land was brought under the operation of this Act or against the person who applied to be registered as proprietor in respect to such land unless such action shall be commenced within the period of 6 years from the date of such ~~deprivation. Provided nevertheless that any~~ deprivation.
- (2) Despite subsection (1), any person being under the disability of infancy or unsoundness of mind may bring such action within 6 years from the date on which such disability shall have ceased so however that such action be brought within 30 years next after the date of such ~~deprivation. The~~ deprivation.
- (3) The plaintiff in any such action at whatever time it may be brought and the plaintiff in any action for the recovery of land shall be nonsuited in any case in which the deprivation complained of may have been occasioned through the bringing of land under the operation of this Act if it shall be made to appear to the satisfaction of the judge before whom such action shall be tried that such plaintiff or the persons through or under whom he claims title had notice by personal service or otherwise or was aware that application had been made to bring such land under the operation of this Act and had wilfully or collusively or negligently omitted to lodge a caveat forbidding the same or had allowed such caveat to lapse.

212. Rules of Supreme Court to apply and same right of appeal as in ordinary actions

~~In the~~

(1) In the conduct of actions under this Act the same rules of procedure and practice shall apply and there shall be the same rights of appeal as shall be in force or exist for the time being in respect of ordinary actions in the court in which such action may be ~~tried. Provided that the~~ tried.

(2) Despite subsection (1), the judges shall have power from time to time to make rules and orders for regulating proceedings in the Supreme Court under this Act and from time to time to rescind alter or add to such rules and orders.

219. Application on transmission

~~A devisee~~

(1) A devisee or person claiming any estate of freehold in possession or a power to appoint transfer or dispose of the same on a transmission may make application in writing to the Commissioner to be registered as proprietor thereof and shall produce the will or an office copy or probate of the will of the deceased proprietor or letters of administration with his will annexed or the letters of administration in case of intestacy or the settlement under which such applicant claims and shall afterwards furnish such other evidence as may be deemed ~~necessary. Such~~ necessary.

(2) Such application shall state the nature of every interest held by any other person at law or equity in the land within the applicants' knowledge and that he verily believes himself to be entitled to the estate in or power over such land in respect to which he applies to be registered and shall also state the value of the ~~property. The~~ property.

(3) The devisee or other person making such application shall deliver up the duplicate certificate of title (if any) before being entered in the Register as the proprietor.

220. Application, how dealt with

~~Such~~

(1) Such application shall be referred to the Commissioner or if there be such an officer then to an Examiner of Titles for his examination and report who shall afterwards submit the papers to the Commissioner and the Commissioner may either reject such application altogether or direct notice thereof to be published once at least in one newspaper published in the city of Perth or circulating in the neighbourhood of the land and such further publicity to be given to such application as he may deem fit; and the Commissioner shall appoint a time not less than 14 days from the advertisement or the first of such advertisements if more than one upon or after which the Registrar shall unless a

caveat shall be lodged forbidding the same register such applicant as the proprietor of such land or estate by entering in the Register the particulars of the transmission through which such applicant claims and by registering a certificate of title to the land or estate so ~~transmitted. Upon~~ transmitted.

(2) Upon such entry being made the applicant shall become the transferee of such land or estate and be deemed to be the proprietor ~~thereof.~~ ~~Provided always that the~~ thereof.

(3) The person registered consequent on such direction shall hold such land or estate for the purposes for which it may be applicable by law; but for the purpose of any dealings therewith under the provisions of this Act he shall be deemed to be the absolute proprietor ~~thereof. The~~ thereof.

(4) The Commissioner may direct a caveat to be entered by the Registrar for the protection of the interests of any other persons interested in such land or estate.

221. Remainder-man or reversioner may apply to be registered

~~Any person~~

(1) Any person claiming to have acquired any estate in remainder reversion or otherwise on a transmission may apply to be registered as so entitled in like manner and supported by the like evidence as near as may be as is herein provided with respect to a devisee or other person claiming an estate of freehold in possession on a ~~transmission.~~ ~~Such~~ transmission.

(2) Such application shall be dealt with in like manner as is mentioned in the last preceding section; and any entry made thereupon shall have the same effect and the person registered shall hold the land for the same purposes and shall have the same powers as is and are mentioned in such ~~section.~~ ~~If~~ section.

(3) If there shall be any doubt dispute or litigation under this or under either of the last 2 preceding sections as to the true construction or legal validity or effect of any will or settlement relating to any freehold land or estate or if the person entitled under any of the provisions of this Act to any land or estate under any will settlement or instrument cannot be ascertained the Supreme Court sitting in the exercise of its equitable jurisdiction may appoint a person to be registered as the representative of such land or estate; and such person when registered shall become the transferee and be deemed to be the proprietor thereof for the purposes of this Act subject however to any directions which shall from time to time be given by the court sitting as aforesaid touching the disposition thereof or the dealing therewith.

222. Person claiming title under statute of limitations may apply to be registered

~~Any person~~

(1) Any person claiming to have acquired under or by virtue of any statute of limitations an estate in fee simple in possession in land under the operation of this Act may make application in the form in the Fourth Schedule to be registered as proprietor thereof and shall furnish such evidence as the Commissioner may deem necessary to prove his ~~title.~~ Such title.

(2) Such application shall also state the value of the land.

223. Application to be referred to Commissioner

~~Such~~

(1) Such application with the papers shall be submitted to the Commissioner who may either reject such application altogether or direct notice thereof to be published once at least in a newspaper published in the city of Perth or circulating in the neighbourhood of the land and to be served on any persons named by him and such further publicity to be given as he shall think fit; and the Commissioner shall in such notice appoint a time not less than 14 days nor more than 12 calendar months from such notice or from the advertisement or the first of such advertisements (if more than one) on or after the expiration of which the Registrar shall unless a caveat shall be lodged forbidding the same register such applicant as the proprietor of such land by endorsing on the registered certificate in the register the particulars of the title under which such applicant claims and registering in his name a certificate of title to the ~~land.~~ Upon land.

(2) Upon such registry being effected the applicant shall become the transferee of such land and be deemed to be the proprietor thereof.

223A. Caveat against application

~~A person~~

(1) A person claiming an estate or interest in the land in respect of which any such application is made, may before the granting thereof, lodge a caveat with the Registrar forbidding the granting of such ~~application.~~ Such application.

(2) Such caveat shall in all other respects be in the same form and shall have the same effect with respect to the application against which it is lodged, and be subject to the same conditions as an ordinary caveat against bringing land under the operation of this Act.

229. Proprietor to allow his name to be used by person interested

~~The proprietor~~

(1) The proprietor of any land or of any lease mortgage or charge shall on the application of any beneficiary or person interested therein be

bound to allow his name to be used by such beneficiary or person in any action suit or proceeding which it may be necessary or proper to bring or institute in the name of such proprietor concerning such land lease mortgage or charge or for the protection or benefit of the title vested in such proprietor or of the interest of any such beneficiary or ~~person; but nevertheless such~~ person.

(2) Such proprietor shall in any such case be entitled to be indemnified in like manner as if being a trustee he would before the passing of this Act have been entitled to be indemnified in a similar case of his name being used in any such action suit or proceeding by his *cestui que trust*.

231. Where encroachment on road has existed 20 years, title may be given

~~— If upon~~

(1) If upon an application to bring land under this Act or to amend a certificate or to amend or replace a relevant graphic it is found that a building of a permanent nature has been erected so as to encroach upon the width or alignment of a public road street or way within the limits of the city of Perth or city of Fremantle but it is proved to the satisfaction of the Commissioner that such encroachment has continued for a period of not less than 20 years the Commissioner may direct the Registrar to create and register or amend a certificate or to amend or replace a relevant graphic for or including the land covered by such building provided notice of such application and alleged encroachment shall have been duly given to the corporation or other body in whom such road street or way is vested or who have the trust or legal control ~~thereof. In~~ thereof.

(2) In the event of such body sending in objections it shall be heard in support thereof and the Commissioner shall have power to examine witnesses upon oath on behalf of the applicant and the corporation or other body and make such order as to him may seem ~~fit. Provided always that no~~ fit.

(3) Despite subsection (1), no encroachment so allowed by the Commissioner shall exceed one ~~metre. Provided also that the~~ metre.

(4) The Governor in Council may from time to time upon a petition in that behalf signed by two-thirds of the total number of members of the council of any local government sealed with the common seal of the local government affected order that the operations of this section be extended to such local government and every order so made shall be published in the *Government Gazette* and shall take effect as from the day of such publication.

232. Receipt for documents lodged

~~— On any~~

(1) On any documents being lodged with the Registrar for any of the

purposes of this Act the Registrar shall if required so to do give to the person lodging the same a receipt in an approved ~~form. Provided that documents~~ form.

- (2) Documents so lodged shall be returned only to the person who lodged the same or to some person claiming through or under him or authorised in writing by the person entitled to receive the same.

234. Devolution on bankruptcy or insolvency

~~Every~~

- (1) Every person who, as trustee, assignee, or by any other name, is representative of a bankrupt or insolvent estate is entitled to be registered as proprietor of any property under this Act, which is portion of such estate, and the Registrar, upon receipt of an office copy of the appointment of such representative, accompanied by an application under his hand to be so registered, shall enter in the Register on the certificate of title for such property, a memorandum notifying the appointment of such representative, who shall thereupon become the transferee, and be deemed to be the proprietor of such property, and shall hold the same subject to the duties and trusts affecting the estate, but for the purpose of dealing therewith under the said Act, shall be deemed the absolute proprietor ~~thereof. All~~ thereof.

- (2) All property which any bankrupt or insolvent, before adjudication, or after adjudication and before obtaining his certificate of discharge became entitled to, or became entitled under any power of appointment or disposition to dispose of for his own benefit, shall be deemed a portion of the estate of such bankrupt or insolvent.

242. Registration of dispositions off Register

~~(1)(a) Where~~

- (1A) Where by the operation of any statute or statutory or other power or by virtue of any vesting order of any court or judge or an order appointing a person to convey or of a vesting declaration appointment or other assurance an interest in land under this Act being an interest capable of being registered is disposed of or created the registered proprietor shall subject to proper provision being made for payment of costs, be bound to give effect to the disposition.

~~(b) If the~~

- (1B) If the registered proprietor is unable or refuses to make the requisite transfer or other disposition under this Act or cannot be found or if for any other reason a transfer or other disposition by him under this Act cannot be obtained within a reasonable time then the Registrar upon the direction of the Commissioner may give effect thereto in the Register by making an entry therein containing such particulars relating to such disposition as he may consider necessary.

~~— (e) — The disposition~~

(1C) The disposition shall take effect in like manner as nearly as may be as if it had been made by the registered proprietor by transfer or other registered ~~disposition:~~ disposition.

~~— Provided that nothing in this subsection~~

(1D) Nothing in subsections (1A) to (1C) shall prejudicially affect the rights of a personal representative in relation to the estate of the deceased.

Row 86. Transport Co-ordination Act 1966

47B. Authority for ships to engage in coasting trade

~~(4)(a) — The application~~

(4A) The application shall specify —

~~— (i) — the name,~~

(a) the name, port of registry and official number of the ship;

~~— (ii) — the name~~

(b) the name of its registered owner and master;

~~— (iii) — the ports~~

(c) the ports in the State between which it is desired to trade;

~~— (iv) — whether~~

(d) whether the licence or permit to which the application relates is desired for the carriage of cargo only or both cargo and passengers and the kind and amount of cargo intended to be carried; and

~~— (v) — such~~

(e) such other particulars as may be prescribed.

~~— (b) — Where an~~

(4B) Where an application is for a permit, the application shall also specify the voyage for which the permit is desired.

Row 87. Trustee Companies Act 1987

Schedule 2 — Provisions of application if body corporate removed from Schedule 1

[s. 4(3)]

[Sch heading as amended by cl. 4]

~~1. — On the~~

1. Powers and duties of body corporate

On the removal of a body corporate from Schedule 1 —

- (a) the body shall continue to have such legal capacities and powers as are conferred on and available to trustee companies under this Act in

respect of every estate then subject to the management or administration of the body; and

- (b) the body shall continue to be subject to and obliged to comply with all the duties and obligations imposed on trustee companies under this Act in respect of every estate then subject to the management or administration of the body and the body and every officer of the body (as defined in section 44(2)) shall continue to be responsible for their actions and omissions as if the body had not been removed from Schedule 1.

~~2. Clause 1~~

2. Other powers and duties not affected

Clause 1 is in addition to and in no way derogates from other powers and duties affecting the body and the estates subject to its management or administration at the time the body is removed from Schedule 1.

~~3. Without~~

3. Powers of Court

Without prejudice to other powers that may be available, the Court may, on the application of the Minister —

- (a) revoke the appointment of a body removed from Schedule I as executor, administrator, trustee, receiver, receiver and manager, guardian of the estate of a minor, committee of the estate of a person of unsound mind or manager of the estate of an incapable person or any like office held by the body and appoint a trustee company or the Public Trustee instead;
- (b) make such ancillary orders as the Court considers necessary or desirable to facilitate the administration of any estate previously subject to the management or administration of the body.

Schedule 3 — Transitional and savings provisions

[s. 47]

[Sch heading as amended by cl. 4]

~~1. (1) In this~~

1. Terms used

(1) In this Schedule, West Australian Trustees Limited and Perpetual Trustees W.A. Ltd. are each referred to as *an existing company*.

(2) In this Schedule *repealed Acts* means the Acts repealed by section 46.

~~2. Subject~~

2. Existing powers and duties not affected

Subject to this Schedule, no power or right possessed by an existing company, or duty or obligation to which an existing company is subject, immediately before the commencement of this Act in relation to an estate then under its management or administration shall be affected by this Act.

~~3. The provisions~~**3. Exiting provisions for commissions and fees continue to apply**

The provisions of the repealed Acts authorising the charging, retention and receipt of commissions and fees by the existing companies shall, notwithstanding the repeal of those Acts by section 46, continue to apply and have effect in relation to the administration of estates where the administration or management commenced before the commencement of this Act and the existing companies shall be entitled to commissions and fees accordingly.

~~3A. If —~~**3A. Charging of GST**If —

- (a) an existing company provides a service for an estate referred to in clause 2 (other than a service to which Part IV applies because of clause 4);
- (b) the company charges, after the commencement time, a commission or fee that it is entitled to under clause 3;
- (c) the company is prevented from increasing the fee or commission because of the continued application of a provision of the relevant repealed Act; and
- (d) GST is payable by the company on the service,
the company may increase the commission or fee —
- (e) during that part of the New Tax System transition period that occurs after the commencement time — to the extent necessary to offset the consequences to the company of the New Tax System changes in relation to the service, that arise during that period; and
- (f) after the period — by 10%.

~~3B. In clause 3A —~~**3B. Terms used**In clause 3A —

commencement time means the time at which the *Trustee Legislation (GST Consequential Amendments) Act 2000* comes into operation;

GST has the meaning given by section 195-1 of the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth;

New Tax System changes has the meaning given by the New Tax System Price Exploitation Code text applying as a law of this State under the *New Tax System Price Exploitation Code (Western Australia) Act 1999*;

New Tax System transition period has the meaning given by the New Tax System Price Exploitation Code text applying as a law of this State under the *New Tax System Price Exploitation Code (Western Australia) Act 1999*.

~~4. (1) Part IV~~**4. Application of Part IV to existing companies**

- (1) Part IV shall apply to the existing companies on the day on which section 5 of the *West Australian Trustees Limited (Merger) Act 1989* comes into

operation, and the provisions of the repealed Acts relating to Common Trust Funds shall, notwithstanding the repeal of those Acts by section 46, continue to apply and have effect until that day.

~~5. In the~~

5. Unclaimed money

In the case of moneys and property of the kind referred to in section 27(1) that on the day of commencement of this Act have been held by one of the existing companies for not less than 18 months, section 27 shall apply and have effect to and with respect to those moneys and that property and to the powers and duties of the existing companies and the Treasurer as if the 2 year period referred to in that section expired on a day 6 months after the commencement of this Act.

~~6. On the~~

6. Funds administered by Treasurer

On the commencement of this Act moneys and property forming part of the testamentary and trust funds administered by the Treasurer under the repealed Acts shall from that time be held by the Treasurer in the same manner as moneys received by the Treasurer from trustee companies after the commencement of this Act under section 27 and the *Unclaimed Moneys Act 1912* shall apply accordingly.

~~7. On a day~~

7. Documents held by Treasurer

On a day 6 months after the commencement of this Act the Treasurer shall do what is necessary without delay to release, return, transfer or surrender, to the existing companies as the case may require, all title deeds, documents, and securities then held by the Treasurer by reason of sections 7 and 29 of the *Perpetual Trustees W.A. Ltd., Act 1922* or section 8 of the *West Australian Trustees Limited Act 1893*.

~~8. Section 29~~

8. Application of section 29

Section 29 shall not apply to the existing companies until 6 months after the day of commencement of this Act or until such later day as the Minister may in the case of a particular existing company approve in writing.

~~9. In relation~~

9. Application of section 33

In relation to the existing companies, the references in section 33 to the first half and the second half of the financial year of a trustee company shall be construed so as to refer to periods of time beginning after the commencement of this Act.

Row 88. *Uniting Church in Australia Act 1976***20. Vesting of certain property in the Trust**~~(3)(a) Subject to~~

(3A) Subject to this Act and to all rights created or conferred by or pursuant to the provisions of the *Presbyterian Church of Australia Act 1970* and, without restricting the generality of the foregoing, to section 4 of the said Act and clause 18 of the Schedule to the said Act, any property that immediately before the appointed day was vested in any person subject to the *Presbyterian Church of Australia Act 1901*, and the *Presbyterian Church Act 1908*, as amended, or otherwise in trust for the Presbyterian Church or any congregation, board or committee of management, session, presbytery, committee, council, board or other institution, organisation or section thereof is hereby divested from that person and is to the extent that it was so vested hereby vested without conveyance in the Trust and shall be held by the Trust in accordance with the provisions of this Act.

~~(b) Notwithstanding~~

(3B) Notwithstanding anything contained in this Act, ~~this subsection~~ subsection (3A) shall commence on the day specified in that behalf by the Governor and notified by proclamation published in the Gazette 2.

- (4) Subject to the provisions of this Act, all property which pursuant to ~~subsections (1), (2) and (3)~~ this section becomes vested in the Trust is freed and discharged from all of the provisions and trusts of the *Congregational Church Lands Act 1855* comprising Ordinance 18 Victoriae No. 16 and the *Congregational Church (Lands) Amendment Act 1942*, the *Methodist Church Property Trust Act 1912*, the *Methodist Church (W.A.) Property Trust Incorporation Act 1969* and the *Presbyterian Church of Australia Act 1901*, the *Presbyterian Church Act 1908* as amended by Act No. 50 of 1919, Act No. 6 of 1924 and Act No. 19 of 1964 and the *Presbyterian Church of Australia Act 1970*, as amended by Act No. 2 of 1972, respectively.
- (5) Except in relation to the trusts declared by the *Congregational Church Lands Act 1855*, the *Methodist Church Property Trust Act 1912*, the *Methodist Church (W.A.) Property Trust Incorporation Act 1969*, the *Presbyterian Church of Australia Act 1901*, the *Presbyterian Church Act 1908* as amended and the *Presbyterian Church of Australia Act 1970* the vesting effected by ~~subsections (1), (2) and (3) of this section~~ this section shall be without prejudice to —
- (a) any special trust;
 - (b) any resulting trust;
 - (c) any trust in favour of a donor;
 - (d) any trust in favour of a person other than the Uniting Churches or any one or more of them; or
 - (e) any reservation, mortgage, charge, encumbrance, lien or lease, that immediately before the appointed day affected the property vested.

29. Existing incorporation terminated

- (2) In the case of an incorporated body which before the day referred to in ~~section 20(3)(b)~~ [section 20\(3B\)](#) is an institution of the Presbyterian Church in Western Australia, the provisions of subsection (1) of this section shall have no operation if before that day the Commission appointed in accordance with clause 18 of the Schedule to the *Presbyterian Church of Australia Act 1970* determines that such institution is to vest in or be retained by the Presbyterian Church continuing to function after the appointed day pursuant to clause 18 of the said Schedule.
- (3) As soon as practicable after the appointed day, or the day referred to in ~~section 20(3)(b)~~, [section 20\(3B\)](#), as the case may be, the Moderator for the time being of the Synod shall cause notice to be given to the Commissioner for Corporate Affairs of the names of all incorporated associations which by operation of this section have ceased to be incorporated under the *Associations Incorporation Act 1895*.

34. Certain bodies incorporated under this Act

- (1) As from the appointed day, the following Church instrumentalities shall be deemed to be incorporated under and by virtue of this Act —

- ~~Kingswood College~~
[\(a\) Kingswood College;](#)
- ~~Methodist Ladies' College~~
[\(b\) Methodist Ladies' College;](#)
- ~~Penrhos College~~
[\(c\) Penrhos College;](#)
- ~~St. Columba College~~
[\(d\) St. Columba College;](#)
- ~~Wesley College~~
[\(e\) Wesley College;](#)
- ~~Good~~
[\(f\) Good Samaritan Industries.](#)

- (2) As from the day referred to in ~~section 20(3)(b)~~ [section 20\(3B\)](#) if the Commission appointed in accordance with clause 18 of the Schedule to the *Presbyterian Church of Australia Act 1970*, determines that either or both Presbyterian Ladies' College and Scotch College are to vest in the Church, the College or Colleges shall be deemed to be incorporated under and by virtue of this Act.
- (3) In the case of each of the Church instrumentalities deemed to be incorporated pursuant to subsections (1) and (2), the provisions of section 32 shall, as from the appointed day or the day referred to in ~~section 20(3)(b)~~ [section 20\(3B\)](#) as the case may be, apply as if each such instrumentality had been duly incorporated by a resolution of the Synod pursuant to an application made under section 28.

46. Blending of Trust funds

~~(2) (a) The Trust~~

(2) The Trust may make advances out of the moneys referred to in subsection (1) for any purpose of or relating to the Church.

~~(b) Any sum~~

(3) Any sum so advanced shall be deemed an investment of such moneys and shall bear interest at a rate fixed by the Trust and the sum advanced and the interest thereon shall be deemed to be a charge on the assets of the Church.

Row 89. University of Western Australia Act 1911**4. University to consist of Senate, Convocation, staff and students**

~~The University~~

(1) The University shall consist of a Senate, Convocation, staff and graduate and undergraduate ~~students~~ students.

~~Provided that until~~

(2) Despite subsection (1), until Convocation is constituted, the University shall consist of a Senate and the members for the time ~~being~~ being.

~~Provided also that on~~

(3) On the appointment of the first members of the Senate the University shall be lawfully constituted for the purposes of this Act.

15A. Trust moneys not immediately required may be used to erect buildings etc.

~~(3)(a) When~~

(3A) When the Senate uses and applies any trust moneys under and for the purposes mentioned in subsection (1), the amount of the trust moneys so used and applied shall be deemed to be a loan to the University from the trust estate or trust fund from which such amount is taken bearing interest and repayable by the Senate by equal half-yearly instalments which shall include interest and be payable half-yearly.

~~(b) The rate~~

(3B) The rate of the said interest shall be such as the Governor shall approve.

~~(c) The number~~

(3C) The number of equal half-yearly instalments by which the interest and the principal debt shall be repaid shall be such number as the Governor shall approve, but in any case shall not exceed 50.

~~(d) As and~~

(3D) As and by way of security for the repayment of the said loan with

interest as aforesaid the Senate shall issue in favour of and deliver to the Treasurer debentures which shall mature at half-yearly intervals, and each be for the amount of a half-yearly instalment. The Senate shall redeem such debentures as and when they mature respectively at the office of the Treasurer.

~~(e) As and~~

(3E) As and when the Senate redeems any debenture, the Treasurer shall appropriate the amount paid to him by the Senate expressly for repayment thereof to the trust estate or trust fund from which the loan was made, and pay the same to the Senate subject to such appropriation.

- (4) Where buildings have been erected and are being maintained under the authority of this section for the purpose of deriving income therefrom, and as income is derived therefrom, the Senate may use and apply such income either in or towards the redemption of the debentures issued by the Senate and held by the Treasurer as provided for in ~~subsection (3)(d)~~ subsection (3D) or for the general purposes of the University as the Senate may from time to time think fit.

16A. By-laws regulating use etc. of University lands

- (2) The Senate, in the name and on behalf of the University, may, from time to time, with the approval of the Governor, make, alter, and repeal by-laws for the purpose of managing, preserving, and protecting the lands of the University, hereafter described, and for the purpose of regulating the terms and conditions on which such lands may be visited or used by any persons whomsoever, and the conduct of such persons when on or upon such lands, and in particular may by by-laws —
- (a) prohibit or regulate the admission to such lands of persons, vehicles, or animals;
 - (b) prescribe the times when and the purposes for which such lands may be used, and the times when and the purposes for which the same shall be open or closed, and prohibit the use thereof or access thereto at any other times, or for any other purpose;
 - (c) prescribe fees to be charged to the public for admission to such lands;
 - (d) provide for the issue to persons using such lands of tickets, and requiring the production of such tickets by such persons if and whenever required by any police constable or an authorised person;
 - (e) regulate the conduct of persons using or being in or upon such lands;
 - (f) prohibit any nuisance, or any offensive, indecent, or improper act, conduct, or behaviour on such lands;
 - (g) prohibit the use of abusive or insulting language on such lands;

- (h) prohibit damage or injury to or interference with such lands, or any tree, shrub, hedge, plant, or flower thereon, or any fixed or movable article thereon;
- (i) prohibit the writing or printing of any indecent words, or the writing, printing, or drawing, or affixing of any indecent or obscene picture or representation on such lands, or on any fence, wall, tree, shrub, or hedge thereon;
- (j) authorise any police constable or authorised person to remove from such lands any person guilty of a breach of a by-law and to prohibit the obstruction of any such police constable or authorised person;
- (k) require any person using such lands to give his name and address, whenever required so to do by any police constable or authorised person;
- (l) and generally provide for carrying out the purposes of this Act, or any Statute made by the governing authority of the said University.

~~Provided that no such by-law~~

(3A) No by-law shall be contrary to the express provisions of this Act, or any amendment thereof, or of any Statute made by the governing body of the University.

29. Instruction, degrees etc.

~~Subject to~~

(1) Subject to this Act and the Statutes the Senate may cause instruction to be given to students, whether matriculated or not, and may grant degrees, diplomas, and certificates, in any branch of knowledge in which degrees, diplomas, and certificates are granted in the United Kingdom, and may also confer honorary degrees or other distinctions on approved ~~persons:~~ persons.

~~Provided that all~~

(2) All degrees and other distinctions shall be conferred and held subject to any provisions which may be made in reference thereto by the Statutes.

31. Power to make Statutes

~~(4)(a) When~~

(4A) When Convocation returns to the Senate the draft of a proposed Statute with a notification that Convocation approves of the same as submitted, or with a request that the Senate consider the amendments or additional provisions proposed by Convocation and the Senate agrees to all such amendments or additional provisions the Senate may forthwith make the Statute.

~~(b) When~~

(4B) When Convocation returns to the Senate the draft of a proposed Statute with a request that the Senate consider the amendments or additional provisions proposed by Convocation and the Senate after considering the same does not agree to such amendments or additional provisions or to some of them the Senate shall forthwith notify the Warden of Convocation of its decision and its reasons therefor, and shall ask for a conference between the Senate and Convocation to discuss the said amendments or additional provisions and if possible to come to an agreement in respect of same. Failing any such agreement the Senate may forthwith make the Statute as proposed by the Senate. In its next annual report required to be submitted under Part 5 of the *Financial Management Act 2006*, the accountable authority of the University shall include the nature of the amendments or additional provisions proposed by Convocation in relation to the said Statute and the reasons of the Senate for not agreeing thereto.

34. Affiliated institutions

~~It shall~~

(1) It shall be lawful for the governing authority of the University to make Statutes upon such terms, conditions, and payment of fees as the said governing authority may deem fit for the affiliation to or connection with the said University of any college or educational establishment to which the governing body of such college or educational establishment may consent, and for the licensing and supervision of boarding-houses intended for the reception of students and the revocation of such ~~licences:~~ licences.

~~Provided always that no such Statutes~~

(2) No Statutes shall affect the religious observances or regulations enforced in such colleges or educational establishments or boarding-houses.

37. Parliament may make appropriation to University

There shall be paid to the Senate for the purpose of defraying the charges and expenses connected with the establishment, management and control of the ~~University the following sums, that is to say —~~

~~(b) Such amounts~~

University such amounts as may be appropriated by Parliament from time to time for the purposes aforesaid.

Row 90. Valuation of Land Act 1978

4. Terms used in this Act

(1) In this Act unless the context requires otherwise —
townsite means —

~~(i) all~~

(a) all land within the metropolitan region;

~~(ii) all~~

(b) all land within a district that is a city or town outside the metropolitan region;

~~(iii) any~~

(c) any land that is currently a townsite within the meaning of the *Land Administration Act 1997* or any Act repealed thereby; and

~~(iv) any~~

(d) any land, including privately owned subdivided land, in an area that has been, or is to be regarded as having been, constituted a townsite, and given a name, under section 10 of the *Land Act 1933*;

unimproved value means —

(a) in relation to any land situate within a townsite, except land referred to in paragraph (b)(ii), the site value;

(b) in relation to any land not included in any area referred to in paragraph (a), where any such land is —

(i) land

(ii) land in respect of which —

(I) a mining tenement is held pursuant to an agreement made with the Crown in the right of the State and scheduled to an Act approving the agreement —

~~5 times~~

(A) 5 times the annual rent per hectare for the first 1 000 hectares or part thereof;

~~2.5 times~~

(B) 2.5 times the annual rent per hectare for the next 9 000 hectares or part thereof;

~~0.25 times~~

(C) 0.25 times the annual rent per hectare for each hectare in excess of ~~10 000 hectares;~~ 10 000 hectares.

~~(The~~

where the annual rent referred to is the rent that would be payable if the mining tenement were held under the *Mining Act 1978*.~~)~~
Act 1978;

(II) an exploration licence is held under the *Mining Act 1978* — 2.5 times the rent payable for the exploration licence under that Act;

- (III) a petroleum production licence or geothermal production licence is held under the *Petroleum and Geothermal Energy Resources Act 1967* — 2.5 times the fee payable for the relevant licence under that Act;
- (IV) any other leases or licences are held under the *Mining Act 1978* or exploration permits held under the *Petroleum and Geothermal Energy Resources Act 1967* — 5 times the rent or fee payable for those leases, licences or permits under the relevant Act;
- (V) any mineral estate or interest in land is registered under the *Transfer of Land Act 1893* — 5 times the rent that would be payable if the land were held as a mining lease under the *Mining Act 1978*;

(iv) land

Row 91. ***Veterinary Surgeons Act 1960***

17. Register

~~(4) (a) In~~

(4A) In all questions under this Act and in any prosecution for any offence against this Act, a certificate under the hand of the Registrar is *prima facie* evidence of the truth of the matter contained therein.

~~(b) Courts,~~

(4B) Courts, judges and other persons acting judicially shall take judicial notice of the appointment and signature of the Registrar.

~~(5) (a) The~~

(5A) The Registrar shall as soon as practicable in each year transmit to the Minister a copy of the Register certified by him to be a correct copy of the Register as at 1 March in that year.

~~(b) The~~

(5B) The Minister shall as soon as practicable after he receives the copy cause it to be published in the *Gazette* under the heading, “Roll of Veterinary Surgeons for Western Australia”, followed by the year in which it is published.

~~(6) (a) A copy~~

(6A) A copy of the *Gazette* containing the roll for any year is *prima facie* evidence in all proceedings that the persons named in the roll are registered pursuant to subsection (2) and that in the case of a person who is registered under paragraph (a) of that subsection the person possesses the qualifications or the prerequisites therein mentioned.

<p>(b) The</p> <p><u>(6B)</u> <u>The</u> absence of the name of a person from the roll is <i>prima facie</i> evidence that the person is not so registered; and the fact that the roll does not show that registration of a person has been granted in respect of any particular qualification or prerequisite is <i>prima facie</i> evidence that the person does not possess that qualification or prerequisite.</p>
<p>20B. Provisional registration</p> <p>(2) A person to whom a certificate of provisional registration as a veterinary surgeon is granted is deemed to be registered under this Act as a veterinary surgeon and this Act, subject to subsection (3), applies to and with respect to that person accordingly —</p> <p>(i) until</p> <p><u>(a) until</u> the date stated in the certificate; or</p> <p>(ii) until</p> <p><u>(b) until</u> such later date as may be fixed by the Board,</p> <p>but the date so stated or fixed shall not in any case be a date later than 3 months from the date on which the certificate was granted.</p>
<p>Row 92. War Service Land Settlement Scheme Act 1954</p>
<p>6. Granting of tenures</p> <p>(3) Notwithstanding the provisions of subsection (2) the Governor may make such regulations as he thinks necessary or convenient for carrying out and giving effect to the scheme and where there is inconsistency between regulations so made and regulations made under the Land Act the provisions of the former prevail. Provided that subject prevail.</p> <p><u>(3A)</u> <u>Subject</u> to section 5 nothing contained in this Act or in any regulations made pursuant to authority granted by this Act shall in any way alter, prejudice or affect or permit the alteration of the terms or conditions of any perpetual lease heretofore granted or the terms or conditions upon which the Minister has heretofore approved of the granting of any perpetual lease or has otherwise agreed to grant leasehold rights to any applicant within the meaning of the repealed Acts or render any such applicant liable to pay rental or purchase money for land and/or non-structural improvements in excess of that rental or purchase money which he would have been liable to pay if this Act or any such regulation had not been passed or made.</p>
<p>7. Purchase of fee simple by lessee of perpetual leasehold</p> <p>Unless the conditions imposed under the Commonwealth Act require otherwise, the lessee of a tenure of perpetual leasehold of land demised by instrument of lease under the scheme, notwithstanding the provisions of the instrument of lease or the provisions of this or another Act, or another Act, may —</p>

~~(a) may,~~
~~after the expiration~~
 (a) after the expiration of a period of 10 years from the commencement of the term of the perpetual lease or such shorter period as the Commonwealth and the State have determined or may determine where special circumstances exist and on payment of such purchase price for the fee simple as is fixed under the scheme by ~~the Minister,~~ the Minister, but subject to —
~~but subject to~~
~~the conditions,~~
 (i) the conditions, if any, imposed under the ~~Commonwealth Act,~~ Commonwealth Act;
~~the provisions,~~
 (ii) the provisions, if applicable to the land, of section 8(5) relating to Mineral rights;
~~mortgages and~~
 (iii) mortgages and other encumbrances, if any, affecting the land;
~~the provisions of the regulations~~
 (iv) the provisions of the regulations where applicable; and
~~compliance~~
 (v) compliance with the provisions of the lease instrument, purchase the fee simple in the land; and on completion of the purchase is entitled to obtain in place of the lease a transfer of the fee simple in the land; and
 (b) may, but subject to the conditions, if any, imposed under the Commonwealth ~~Act,~~
~~at any time and from time to time during the period of 10 years from the commencement of the term of the lease,~~
~~pay such amount or amounts,~~
~~not exceeding in the aggregate 90% of the purchase price for the fee simple, as he thinks fit on account of that purchase price;~~
~~and on~~
Act, at any time and from time to time during the period of 10 years from the commencement of the term of the lease, pay such amount or amounts, not exceeding in the aggregate 90% of the purchase price for the fee simple, as he thinks fit on account of that purchase price; and on his making payment of an amount on account of the purchase price, interest on the amount so paid by him ceases to accrue.

8. Protection of certain mineral rights

- (1) In this section, unless the context requires of otherwise —

Company means the Midland Railway Company of Western Australia Limited;

mineral rights means, in relation to land, any grant, transfer or ~~reservation~~ reservation to —

~~to the Company;~~

(a) the Company; or

~~or to a person~~

(b) a person who derives his title to the mineral rights from the Company and is registered pursuant to the provisions of the Transfer of Land Act as the proprietor of the ~~mineral rights~~ -mineral rights,

of all mines of copper, tin, lead, coal, ironstone, phosphatic rock and other metals, ores or minerals whatsoever, except gold, silver and precious metals, and all substances containing minerals or phosphates, except substances containing gold, silver, or precious metals, and all gems and precious stones and, subject to the *Petroleum Act 1936*, mineral oil in, upon and under the land, with full liberty at all times to search, dig, mine, bore for and carry them away, and for that purpose to enter upon the land or any part of it without paying compensation therefor;

registration authority means the Registrar of Titles, the Registrar of Deeds, the Under Secretary for Mines, and any other person authorized by Act to record and give effect to the registration of documents relating to transactions affecting estates and interests in land.

- (2) Where private land was, at any time prior to, or is, at any time after, the coming into operation of this Act —

~~acquired~~

(aa) acquired by the State by agreement for the purposes of the Scheme;

~~under the~~

(ab) under the operation of the Transfer of Land Act; and

~~the subject~~

(ac) the subject of mineral ~~rights;~~ rights,

on registration of the transfer to Her Majesty from the registered proprietor of every estate and interest therein, other than the mineral rights, the mineral rights, by virtue of, and subject to, the provisions of this subsection, revert in Her Majesty as of Her former estate, for the purposes of —

- (a) removing the land from the operation of the Transfer of Land Act;

- (b) bringing the land under the operation of the Land Act; and
- (c) enabling the Governor to —
 - (i) grant tenures of the land pursuant to the provisions of this Act; and
 - (ii) make and issue instruments evidencing the revesting, referred to in subsection (3) of this section, of the mineral rights in the land.

Row 93. Warehousemen's Liens Act 1952

7. Power to sell goods

~~(5)(a) Where~~

(5A) Where the charges are not paid on or before the day mentioned in the notice, an advertisement of the sale, describing the goods to be sold, and stating the time and place of the sale, shall be ~~published —~~
~~at least twice with an interval between the advertisements of at least 7 days —~~
~~in a newspaper~~
published at least twice, with an interval between the advertisements of at least 7 days, in a newspaper circulating in the locality where the sale is to be held, and, if the newspaper is not a daily newspaper, in a daily newspaper circulating in the local government district of Perth.

~~(b) The sale~~

(5B) The sale shall, subject to the provisions of section 8, be held not less than 14 days from the date of the first publication of the advertisement.

~~(7)(a) The Magistrates~~

(7A) The Magistrates Court at the place nearest to the premises of the warehouseman may, on application made in the manner prescribed at any time after the service of the notice, by a person having an interest in the goods, make an order staying further proceedings under this section for such period and on such terms as it deems just.

~~(b) The Magistrates~~

(7B) The Magistrates Court may exercise the power conferred by ~~this subsection, subsection (7A),~~ whatever the value of the goods or the interest may be.

8. Provision for payment of charges before sale

~~(1)(a) If at any~~

(1A) If at any time before the goods are sold a person claiming an interest or right of possession in the goods or, as the case may be, in any of the goods pays to the warehouseman the amount necessary to satisfy his lien on the goods to which the claim relates, including the expenses

incurred in serving notices and advertising and preparing for the sale up to the time of payment, no further proceedings for the sale of the goods in respect of which the payment is made shall be taken.

~~(b) If the person~~

(1B) If the person claims an interest or right of possession in some only of the goods, the expenses payable by him shall be a part of the expenses which bears the same proportion to the total expenses as the amount otherwise necessary to satisfy the lien on the goods claimed bears to the total amount otherwise necessary to satisfy the lien on all the goods.

9. Notices

~~(3)(a) Regulations~~

(3A) Regulations made under this Act may provide for the giving of notice by advertisement in cases where a person to whom notice may be given pursuant to the provisions of section 6 or section 7 is unknown to the warehouseman, or where no address of the person is known to the warehouseman, and for the ascertainment of the day upon which the notice shall be deemed to have been given, and for any other matter relating to the advertisement.

~~(b) A notice~~

(3B) A notice given by advertisement in accordance with the regulations shall for the purposes of this Act be deemed to have been given personally on the date ascertained pursuant to the regulations.

10. Disposition of proceeds of sale

~~(1)(a) From the~~

(1A) From the proceeds of the sale the warehouseman shall satisfy his lien, and, subject to the provisions of ~~subsections (2) and (3),~~ subsections (2A), (2B) and (3), shall, not less than 10 nor more than 14 days after the sale, pay the surplus, if any, to the person or persons entitled to it.

~~(b) The warehouseman~~

(1B) The warehouseman shall when so paying the surplus deliver to the person or persons to whom he pays the surplus or any part of it a statement of account showing how the amount has been computed.

~~(2)(a) Where~~

(2A) Where there are conflicting claims to a surplus or the rights of a claimant to it are uncertain, the warehouseman shall within 14 days after the sale pay the surplus, whatever the amount of it may be, into the Magistrates Court at the place nearest to the premises of the warehouseman.

~~(b) Money~~

(2B) Money so paid into the court may, upon the order of the court made in open court or in chambers, be applied as the court thinks fit.

~~(5)(a) If within~~

(5A) If within 6 years after money is so paid to the Treasurer, a claimant makes a demand against the Treasurer for the money so paid, the Treasurer, upon being satisfied that the claimant is the owner of the money demanded by him, shall order and direct payment of it to him.

~~(b) The payment~~

(5B) A payment under subsection (5A) shall, without any further appropriation than this Act, be charged to the Consolidated Account.

~~(c) Where money so paid to a claimant~~

(5C) Where money paid to a claimant under subsection (5A) is afterwards claimed by another person, the Treasurer shall not be responsible for the payment, but that person may have recourse against the claimant to whom the money was paid by the Treasurer.

Row 94. **Water Agencies (Powers) Act 1984**

5. Relevant Acts

- (1) For the purposes of this Act each of the enactments following is a relevant Act —

~~Metropolitan~~

(a) Metropolitan Water Authority Act ~~1982.~~ 1982;

~~Metropolitan~~

(b) Metropolitan Water Supply, Sewerage, and Drainage Act ~~1909.~~ 1909;

~~Rights~~

(c) Rights in Water and Irrigation Act ~~1914.~~ 1914;

~~Water Supply,~~

(d) Water Supply, Sewerage, and Drainage Act ~~1912.~~ 1912;

~~Water Supply,~~

(e) Water Supply, Sewerage, and Drainage Amendment and Validation Act ~~1981.~~ 1981;

~~Country Areas~~

(f) Country Areas Water Supply Act ~~1947.~~ 1947;

~~Country Towns~~

(g) Country Towns Sewerage Act ~~1948.~~ 1948;

~~Land~~

(h) Land Drainage Act ~~1925.~~ 1925;

~~Water Boards~~

- (i) Water Board Act 1904, as read with the *Water Boards Act Amendment Act 1928*.

65. Interpretation of this Part

~~For the~~

- (1) For the purposes of this ~~Part~~ —

~~(a) unless~~

Part, unless the context otherwise requires —

development has the meaning given under and for the purposes of the *Planning and Development Act 2005*;

headworks means all works necessary to provide and maintain water services, not being reticulation works;

planning condition means a condition affixed —

- (a) pursuant to Part 10 of the Planning and Development Act 2005 to the granting of approval of a plan of subdivision; or
- (b) pursuant to Part XV of the Local Government (Miscellaneous Provisions) Act 1960 to the granting of a building licence;

proposal includes a plan, specification or design, and any amended proposal, for the development or subdivision of any land;

reticulation means the system of works necessary to provide services to particular land, being works connecting headworks to the point at which the service is ~~provided~~; provided.

~~(b) — a reference~~

- (2) For the purposes of this Part a reference to —

development includes a reference to, a redevelopment, or a proposed development or redevelopment;

subdivision includes a reference to re-subdivision or amalgamation;

the provision of works includes a reference to the construction, extension, addition, alteration or improvement of headworks or ~~reticulation~~; reticulation.

~~as the case may require, and cognate expressions shall be construed accordingly; and~~

~~(e) — any~~

(3) For the purposes of this Part any question as to what constitutes headworks or reticulation may be determined by the Minister, and effect shall be given to that determination.

Row 95. Water Boards Act 1904

4. Governor may constitute water areas

The Governor may, by Order in Council, —

~~(1) — Constitute~~

(a) constitute a district, or 2 or more districts, or any part or parts of such a district or districts, a water area, under such name as may be directed by the Order in Council;

~~(2) — Alter~~

(b) alter or extend the boundaries of a water area;

~~(3) — Unite~~

(c) unite 2 or more water areas;

~~(4) — Divide~~

(d) divide a water area and reconstitute the several parts thereof as new water areas, with or without the inclusion of part or parts of another water area, or other water areas, or any adjacent land;

~~(5) — Include~~

(e) include within a water area any adjacent land; or

~~(6) — Abolish~~

(f) abolish a water area;

~~(7) — From~~

(g) from time to time —

~~(a) — divide~~

(i) divide a water area into sub-areas;

~~(b) — define~~

(ii) define the boundaries of sub-areas;

~~(c) — alter~~

(iii) alter the boundaries of sub-areas;

~~(d) — abolish~~

(iv) abolish sub-areas.

7. Modes of constitution of water board

The water board shall be constituted in such one of the modes following as the Governor from time to time directs: —

<p>(1) — By</p> <p><u>(a) by</u> the appointment of the local government of a district all or part of which is within the water area to be the water board;</p> <p>(2) — By</p> <p><u>(b) by</u> the election of the members of the water board;</p> <p>(3) — By</p> <p><u>(c) by</u> the appointment of the members of the water board by the Governor; or</p> <p>(4) — By</p> <p><u>(d) by</u> the election of some members, and the appointment of others by the Governor.</p>	<p>9. Provisions when members of water board are elected</p> <p>When members</p> <p><u>(1) When members</u> of a water board are to be elected, they shall be elected by the local government or the several local governments having jurisdiction within any part of the water area: And when in that case more <u>area.</u></p> <p><u>(2) When more</u> local governments than one have jurisdiction within the water area, the members of the water board shall be elected by the local governments at such times, and in such manner, as the Governor shall from time to time appoint.</p> <p>The Governor</p> <p><u>(3) The Governor</u> may direct that any local government shall by itself elect a member or members of the water board, or that any 2 or more other Authorities shall conjointly elect a member or members, or that all local governments shall severally elect a member or members, or that each member shall be elected by some 2 or more local governments conjointly.</p>
<p>10. Provisions as to members</p> <p>When the</p> <p><u>(1A) When the</u> members of a water board are to be elected or are to be appointed by the Governor, the following provisions shall have effect: — <u>subsections (1) to (14) have effect.</u></p> <hr/> <p><u>(1)</u> Except as herein otherwise provided, every adult person who is liable to be rated in respect of rateable land within the water area is qualified to be a member: <u>member.</u></p> <hr/> <p><u>(2)</u> No person who is concerned or participates in the profit of a contract with the board, and no person having his affairs under liquidation by</p>	

arrangement with his creditors, or being an uncertified or undischarged bankrupt, and no person of unsound mind, and no person not qualified as herein required, shall be capable of being or continuing a ~~member~~: member.

___(3) A member who for 3 months consecutively absents himself from the meetings of the board without the leave of the board, shall be disqualified from acting as a member, and his seat shall become ~~vacant~~: vacant.

___(4) A person who acts as a member without being duly qualified, or after he has become disqualified, shall be liable to a penalty not exceeding \$1 000, and in any proceeding for the recovery of such penalty the burden of proving qualification shall be upon the person against whom the proceeding is ~~taken~~: taken.

___(5) When more members than one are elected or appointed at the same time, the local government or the Governor, as the case may be, shall then or afterwards declare in what order the members so elected or appointed shall ~~retire~~: retire.

___(6) A member may resign his office by writing under his hand addressed to the chairman, and the resignation shall be complete from the time when it is received by the ~~chairman~~: chairman.

___(7) A member who retires by rotation or resignation shall be eligible for ~~re-election~~: re-election.

___(8) In case of a vacancy arising from any cause whatsoever, except by periodical retirement, a member may be elected or appointed to fill the vacancy, and shall be deemed to have been elected or appointed at the same time as the last holder of the ~~seat~~: seat.

___(9) A member going out of office by rotation shall retain his office until his successor is elected or appointed, and shall then, unless he is re-elected or re-appointed, go out of ~~office~~: office.

___(10) Elections of members shall be held at such time as the Governor ~~prescribes~~: prescribes.

___(11) In the event of a local government or 2 or more local governments directed to elect a member or members, as the case may be, refusing or

neglecting to elect a member or members for one month after the time appointed for the election, or after the occurrence of an extraordinary vacancy, the Governor may appoint a qualified person or qualified persons to be a member or members for such local government or local ~~governments:~~ governments.

(12) A member appointed by the Governor under the provisions of ~~the last preceding paragraph~~ subsection (11) shall hold office for the period for which the member who ought to have been elected would have held ~~office:~~ office.

(13) If an extraordinary vacancy occurs within 3 months before the time when the previous member would have gone out of office, the extraordinary vacancy need not be filled ~~up:~~ up.

(14) If a person elected or appointed as a member refuses or neglects to act, or to attend a duly convened meeting of the board, all lawful acts and proceedings of the board shall be as valid and effectual as if they had been done or authorised by the full board.

11. Water board to be body corporate

~~Every water~~

(1) Every water board shall be a body corporate with perpetual succession and a common seal, and shall, under such name as is assigned to it by the Governor, be capable in law of suing and being sued, of purchasing, holding, and alienating land, and of doing and suffering all other acts and things which bodies corporate may by law do and suffer.

~~A change~~

(2) A change in the mode of constitution of a water board shall not affect its continuity as a body corporate.

12. Disputed elections or exercise of office

~~When a~~

(1) When a person declared elected or appointed to an office under this Act has been elected or appointed unduly or contrary to the provisions of this Act, or a person who is incapable under the provisions of this Act of holding or continuing to hold such office has been elected or appointed to or holds or exercises such office, the Supreme Court or a Judge thereof may, upon the application of a ratepayer, grant a rule or order calling upon that person to show cause why he should not be ousted from office.

~~Provided that the applicant~~

- (2) An applicant under subsection (1) shall, before making the application, pay into Court the sum of \$40 as security for costs, to abide the event of the application.

~~If, upon~~

- (3) If, upon the return of the rule or order, it appears to the Court or Judge that the person elected or appointed or holding or exercising the office was elected or appointed unduly or contrary to this Act, or was at the time of his election or appointment, or while holding or exercising his office, incapable under the provisions of this Act of holding or continuing to hold the office, the Court or Judge may make the rule or order absolute, or, if the matter does not so appear, may discharge the rule or order, and in either case with or without costs.

~~The person~~

- (4) The person against whom any such rule or order is made absolute shall be deemed thereby to be ousted from office accordingly.

~~If it appears~~

- (5) If it appears to the Court or Judge that some other person was duly elected to the office, the Court or Judge may declare such person to have been duly elected, and he shall thereupon be deemed to have been duly elected to the office at the time at which the person ousted was declared to have been ~~elected:~~ elected.

~~Provided that no such~~

- (6) No such rule or order for ousting any person as having been elected or appointed unduly or contrary to the provisions of this Act shall be granted unless the application is made before the expiration of 4 months from the declaration of the result of the election at which such person was elected, or the notification of his appointment, as the case may be.

17. **Members to elect chairman**

~~At the~~

- (1) At the first meeting of the board in every year, after the annual election or appointment of new members, or at some adjournment of the meeting, the members present shall choose one of the members to be chairman of the board, who shall hold office until the conclusion of the next annual election of members, except as ~~next hereinafter provided:~~ provided in subsections (2) to (5).

~~If within~~

- (2) If within one month of the time appointed for the election of a chairman no chairman is elected, the Governor may appoint one of the members to be chairman.

~~If the chairman~~

- (3) If the chairman resigns his office of chairman or member, or his office becomes vacated, the board shall choose a member to be chairman in his stead, who shall hold office until the period aforesaid.

~~If the chairman~~

- (4) If the chairman is not one of the members going out of office at the time of the next annual election or appointment of members he shall hold office until the first meeting of the board held after that election.

~~If the chairman~~

- (5) If the chairman is one of the members going out of office at the time of that election or appointment of members, the board may appoint a member, who is not one of the members then going out of office to act as chairman during the interval that elapses between the conclusion of the election or the time of the appointment and the first meeting of the board after the election or appointment.

19. Quorum

~~Business~~

- (1) Business shall not be transacted at a meeting of the board unless a majority of the whole number of members for the time being prescribed by the Order in Council constituting the board are present when the business is transacted.

~~All powers~~

- (2) All powers vested in the board may be exercised by the majority of the members present at a meeting duly held, and all questions shall be decided by a majority and by open voting.

~~Upon every~~

- (3) Upon every question the chairman shall have a vote, and if the members are equally divided, he shall have a second or casting vote.

~~At all~~

- (4) At all meetings of the board, save as herein otherwise provided, all members present shall vote.

~~If a member~~

- (5) If a member refuses to vote, his vote shall be counted for the negative.

21. Adjournment of meeting

~~The members~~

- (1) The members present at a meeting may from time to time adjourn the meeting.

~~If a quorum~~

- (2) If a quorum is not present within half-an-hour after the time appointed

for a meeting of the board, the members present or the majority of them, or any one member if only one is present, or the clerk if no member is present, may adjourn the meeting to any time not later than 7 days from the date of such adjournment.

22. Resolutions, how revoked or altered

~~A resolution~~

(1) A resolution of the board shall not be revoked or altered unless notice of the intention to propose the revocation or alteration is given to each of the members 7 days at least before holding the meeting at which the revocation or alteration is to be proposed.

~~If the~~

(2) If the number of members present at that meeting is not greater than the number present when the resolution was adopted, the resolution shall not be revoked or altered unless the revocation or alteration is determined upon by a majority of the whole number of members prescribed by the Order in Council constituting the board.

24. Notices of meetings

~~Notices~~

(1) Notices of any meeting or adjourned meeting of the board shall be in writing, and shall be delivered at, or sent by post or otherwise to, the usual place of business (if any) within the water area, or at or to the place of abode of each of the members, 2 clear days at least previous to the meeting.

~~Every such~~

(2) Every such notice shall specify the time of meeting, and, in case of a special meeting, shall specify the object of it.

~~No business~~

(3) No business shall be transacted at any special meeting except that which is stated in the notice of the meeting.

25. Committees of board and quorum

~~The board~~

(1) The board may from time to time, as it sees fit —

~~(1) — Appoint~~

(a) appoint committees, either for general or special purposes;

~~(2) — Delegate~~

(b) delegate to a committee power to do any act or hold any inquiry which it thinks fit;

~~(3) — Fix~~

(c) fix the quorum of a committee.

	<p>A committee</p> <p>(2) <u>A committee</u> may from time to time appoint one of the members to be chairman of the committee; and every committee shall report to the board.</p>
<p>26.</p>	<p>Meetings, chairman, etc., of committees</p> <p>A committee</p> <p>(1) <u>A committee</u> may meet from time to time, and may adjourn from place to place, as they think proper, but no business shall be transacted at a meeting of the committee unless the quorum of members (if any) fixed by the board, and, if no quorum is fixed, 2 members at the least, are present.</p> <p>At meetings</p> <p>(2) <u>At meetings</u> of a committee, if the chairman is not present, one of the members present shall be appointed chairman. All <u>chairman.</u></p> <p>(3) <u>All</u> questions shall be determined by a majority of the votes of the members present, including the chairman; and if the numbers are equally divided, he shall have a second or casting vote.</p>
<p>27.</p>	<p>Minutes of proceedings</p> <p>The board,</p> <p>(1) <u>The board,</u> and every committee, shall cause entries of the proceedings of the board, or of the committee, with the names of the members present at each meeting, and of the names of the members voting upon any question for the decision of which a division is called, to be made in books to be provided for the purpose, which shall be kept by the clerk under the superintendence of the chairman.</p> <p>Every such</p> <p>(2) <u>Every such</u> entry shall be signed by the chairman at the meeting next succeeding the meeting at which the proceeding has taken place.</p> <p>Every such</p> <p>(3) <u>Every such</u> entry, or a certified copy thereof, sealed with the seal of the board, and signed by the chairman, shall, upon the production alone, be received as evidence of the proceedings appearing by such entry to have been taken, without proof of the meeting to which the entry refers having been duly convened or held, or of the persons attending the meeting having been or being members of the board, or of the committee, or of the signatures of the chairman, or of the fact of his having been chairman and all such matters shall be presumed until the contrary is proved.</p>

32. Chairman may suspend officers

~~The chairman~~

(1) The chairman may suspend from office any officer of the board who, in his opinion, is guilty of misconduct or neglect, and may, if necessary, temporarily appoint another officer in his ~~place: Provided that, at~~ place.

(2) At the next meeting of the board after the suspension, the chairman shall report the matter to the board; and if the officer suspended is dismissed by the board, no salary or wages shall be due or paid to him from the date of his suspension.

~~Every officer~~

(3) Every officer so temporarily appointed shall hold office and receive remuneration (which shall in no case exceed that paid to the officer or servant suspended) only until the board decides whether the person suspended shall be re-instated, or whether he shall be dismissed and a successor appointed in his stead.

34. Officers failing to render accounts or to pay balance and deliver over property of board

If an officer of a water board fails, when required by the board so to do, —

~~(1) To~~

(a) to render accounts of any money received by him for or on behalf of the board, and of his dealings with it; or

~~(2) To~~

(b) to produce and deliver up the vouchers and receipts relating to the money in his possession or power; or

~~(3) To~~

(c) to pay the balance of the money when so required; or

~~(4) To~~

(d) to deliver up to the board or to any person appointed by it to receive the same, within 5 days after being so required, all papers and writings, property, matters and things in his possession or power, relating to the execution of this Act or belonging to the board,

the Magistrates Court may order the officer to render such accounts, or to deliver up such vouchers and receipts, or to pay over the balance owing by him, or to deliver up all such papers, writings, property, matters, and things; and if such officer neglects or refuses to obey such order, the court may commit him to prison for any period not exceeding 6 months.

46. Powers of water board

~~Subject to~~

(1) Subject to the provisions of this Act, the water board may, as the case requires, do or continue any of the following acts, and may execute or complete any of the following works for constructing any works authorised by this Act, or for extending and maintaining them or any works now existing, or for supplying water under this Act, that is to say: —

~~(1) — It may,~~

(a) it may, without a previous agreement with the owner or occupier, enter upon any land shown or delineated on the plans and sections, and described in the books of reference deposited as aforesaid, which it may be necessary to enter upon, take, or use for the purposes of the works; and may take levels of the same, and set out such parts thereof as the water board or its officer deems necessary, and may dig and break up the soil of such land, and trench and fence-in the same, and remove or use any earth, stones, minerals, trees, and other things taken therefrom;

~~(2) — It may,~~

(b) it may, under and subject to the provisions of Part 9 of the *Land Administration Act 1997*, take any lands which are required for the purposes of the works or of this Act;

~~(3) — It may~~

(c) it may construct and maintain in and across any lands, any pipes, ditches, aqueducts, flumes, or other works necessary for conveying water;

~~(4) — It may,~~

(d) it may, from time to time, sink or acquire wells or shafts, erect buildings, pumping stations and pumping machinery, and make, maintain, alter, or discontinue streams, reservoirs, drains, culverts, aqueducts, flumes, or other waterworks, upon the lands authorised to be taken;

~~(5) — It may,~~

(e) it may, subject to Part III of the *Rights in Water and Irrigation Act 1914*, from time to time divert and intercept for that purpose the water from any watercourse mentioned in the plans of the works, or alter the course of any such watercourse, and may take any water found under or on the lands taken for constructing the ~~works:~~ works.

~~Provided that, in the~~

(2) In the exercise of the powers conferred by this section, the water board shall do as little damage as may be, and shall make to every person interested compensation for any damage actually sustained by him through the exercise of those powers, and such compensation, if not agreed upon between the parties, shall be made in the manner provided

in Part 10 of the *Land Administration Act 1997*.

47. Power to break road, etc.

For the purposes of constructing the works authorised by this Act, or extending or maintaining the same or any works now existing, a water board may —

~~(1) Open~~

(a) open and break up the soil and pavement of a road;

~~(2) Lay~~

(b) lay down and place in, on, or under a road or elsewhere, pipes, conduits, service pipes, and other fittings, and from time to time repair, alter, or remove any of them;

~~(3) For~~

(c) for the purposes aforesaid remove or use any earth or materials in or under a road; and

~~(4) Do~~

(d) do any other acts which the water board from time to time deems expedient for constructing and maintaining the works.

49. Roads not to be broken up except under superintendence of local government

~~In cases~~

(1) In cases in which a notice is required to be given, a road shall not, except in case of emergency, be opened or broken up except under the superintendence of the local government having control thereof or its ~~employee:~~ employee.

~~Provided that if~~

(2) Despite subsection (1), if the employee of the local government, after such notice, fails to attend at the time fixed for the opening or breaking up of the road, or if the local government or its employee refuses or neglects to superintend the work, the water board may perform the work specified in the notice without such superintendence.

50. Roads, etc. broken up to be re-instated without delay

When a water board opens or breaks up the soil or pavement of a road, it shall, —

~~(1) With~~

(a) with all convenient speed complete the work for which it is broken up, and fill in the ground, and re-instate and make good the road or pavement so opened or broken ~~up:~~ up;

~~(2) While~~

(b) while any such road or pavement continues to be opened or broken up, cause it to be fenced or guarded, and a sufficient light to be kept there at night.

51. Local governments to give particulars as to levels

- (2) The local government shall give to the water board at least 48 hours notice, in writing, of its intention to alter the level of any street or road in which pipes are laid down.

~~Thereupon the~~

- (3) Upon being given notice under subsection (2) the water board may lower any pipe, and may raise or lower the fittings and covers of any stop cock, valve, or fire plug, and the cost of so doing shall be a debt due by the local government to the water board, and may be recovered in any Court of competent jurisdiction.

~~Any local~~

- (4) Any local government failing to give the notice required by ~~this subsection~~ subsection (2) shall be liable to a penalty not exceeding \$1 000.

56. Request for supply to rated land

~~On receiving~~

- (1) On receiving from the owner or occupier of any land rated under this Act a written request for a supply of water, the water board shall provide, lay down to the boundary of the land, and fix the communication pipe and fittings necessary for complying with such request.

~~Provided that no~~

- (2) Despite subsection (1), no owner or occupier of rateable country land shall be entitled to be supplied with water or to have a communication pipe laid from the main to the boundary of his land until an agreement has been entered into by him with the board to pay the cost of such pipe in advance, nor unless all rates due in respect of the land have been paid.

58. The water board may supply meter and charge by measure

~~The water~~

- (1) The water board may cause a meter to be attached to any pipe on any land supplied with water under this Act.

~~When a~~

- (2) When a meter is so attached, the owner or occupier shall not receive a supply of water except by means of the meter, unless the water board consents to its removal, or to a supply of water to a part of the land otherwise than by means of the meter.

~~The water~~

- (3) The water board may charge the prescribed rent for the use of the meter, and the cost of fixing, removing, or replacing it and its fittings

	whenever in the opinion of the water board necessary.
61.	<p>Provisions for supplying groups of houses</p> <p>The water</p> <p>(1) <u>The water</u> board may supply a group of dwelling-houses by means of a stand-pipe or other prescribed fittings, and the water board shall be entitled to receive and recover water rates from the owners and occupiers thereof in the same manner as if the supply had been distributed in each of the dwelling-houses in the ordinary manner.</p> <p>The expense</p> <p>(2) <u>The expense</u> of providing the stand-pipe or other prescribed fittings, and fixing them in readiness for use, and of renewing and repairing them from time to time, shall be borne by the owners or occupiers of such dwelling-houses in such proportions as the water board may direct.</p>
63.	<p>Fire hydrants</p> <p>(10) The property in fire hydrants, whether installed before, on, or after the proclaimed day, shall —</p> <p>if the fire</p> <p>(a) <u>if the fire</u> hydrant is in a fire district, whether constituted wholly or partly before, on, or after the proclaimed day, vest in the Authority as owner;</p> <p>if the fire</p> <p>(b) <u>if the fire</u> hydrant is in the district of a local government but elsewhere than in a fire district, vest in the local government as owner.</p> <p>(11) The water board shall on installing, abolishing or keeping a fire hydrant in effective order deposit the keys of the fire hydrant at such station as shall be specified —</p> <p>by the Authority</p> <p>(a) <u>by the Authority</u> where the fire hydrant is in a fire district;</p> <p>by the local</p> <p>(b) <u>by the local</u> government where the fire hydrant is in the district of the local government elsewhere than in a fire district.</p>
67.	<p>Fittings not to be connected or disconnected without notice</p> <p>No person shall —</p> <p>(1) — Connect</p> <p>(a) <u>connect</u> a meter, pipe, or other fitting through which water is, or is intended to be supplied; or</p> <p>(2) — Disconnect</p> <p>(b) <u>disconnect</u> a meter, pipe, or other fitting from any other meter, pipe, or other fitting through which water is, or is intended to</p>

<p>be supplied,</p> <p>unless he has given the prescribed notice of his intention so to do, and has received the consent, in writing, of the water board or of an authorised officer in that behalf.</p>
<p>68. Power to enter and examine whether water is wasted, etc.</p> <p>(1) Any officer of the water board may, at all reasonable times, enter upon any land to which water is supplied under this Act, and may examine and ascertain —</p> <p>What quantity</p> <p><u>(a) what quantity</u> of water has been consumed there;</p> <p>Whether there</p> <p><u>(b) whether there</u> has been or is any waste, misuse, fouling, or contamination of the water; and</p> <p>Whether all</p> <p><u>(c) whether all</u> fittings, with the materials and mode of arrangement thereof, used or intended to be used are in accordance with the by-laws, and in proper order and repair.</p> <p>(2) When a fitting is not in accordance with the by-laws, or is out of proper order and repair, the officer of the water board may repair or remove it, and if necessary substitute others in its stead, or may alter the mode of arrangement, as the case requires.</p> <p>Any expense</p> <p><u>(3) Any expense</u> incurred by the water board in that behalf shall, on demand, be repaid by the owner or occupier of the land, and if not repaid on demand may be recovered by the water board in the same manner in which water rates may be recovered.</p>
<p>69. Protection of fittings</p> <p>No person</p> <p><u>(1) No person</u> shall remove, alter, repair, renew, or uncover any pipe or other fitting which is the property of the water board until the prescribed notice has been given to the water board, and the consent of the water board, in writing, obtained.</p> <p>No such</p> <p><u>(2) No such</u> pipe or fitting shall be subject or liable to be seized or taken in execution by process of law, or under distress for rent.</p>
<p>70. Power to enter on land and fix fittings</p> <p>Any person authorised</p> <p><u>(1) Any person authorised</u> by the water board may at all reasonable times enter upon any land to which water is or is intended to be supplied under this Act, and may place and fix thereon and attach thereto, wherever the water board thinks proper, such fittings as the water</p>

board may think expedient, and may there do all other acts and execute all other works which the water board may think fit.

~~Any person so~~

(2) Any person so authorised may at all reasonable times enter upon such lands and examine, remove, repair, alter, or replace all or any of such fittings.

71. Penalty for using unauthorised fittings

If any person supplied with water by the water board does any of the following things for the purpose of taking water in a manner not authorised by this Act, that is to say —

~~(1) Uses~~

(a) uses in, places upon, or attaches to the land, or permits to be so used, placed, or fitted, any fitting, instrument, or thing not authorised by the water board; or

~~(2) Alters,~~

(b) alters, misuses, injures, or removes any authorised fitting, except for the purpose of necessary repair,

he shall forfeit and pay to the water board a sum not exceeding \$2 000, and shall, in addition, be liable to pay to the water board any damages sustained by the water board in respect of any injury done to their property, and the value of any water wasted, misused, or unduly consumed.

73. Penalty for destroying valves, etc.

If any person, not being authorised by the water board —

~~(1) Wilfully~~

(a) wilfully or carelessly breaks, injures, opens or shuts, or wilfully permits to be broken, injured, or opened or shut, any lock, sluice, cock, valve, pipe, or other authorised fitting, or any work belonging to the water board;

~~(2) Flushes~~

(b) flushes or draws off the water from any reservoir or other work of the water board; or

~~(3) Does~~

(c) does any other wilful act, or wilfully permits to be done any act whereby such water is wasted,

he shall forfeit and pay to the water board a sum not exceeding \$2 000, and shall, in addition, be liable to pay to the water board any damage sustained in respect thereof, as well for the value of the water wasted as in repairing the fittings or other parts of the works; and the amount of such damage shall be ascertained, determined, and recovered in the same manner as such forfeited sum.

76. Other consequences of contravening this Act or the by-laws

If any person supplied with water by the water board —

~~(1) Does;~~

(a) does, or causes or permits to be done, anything in contravention of the provisions of this Act or of the by-laws; or

~~(2) Omits~~

(b) omits to do, or prevents being done, anything which under any of those provisions ought to be done for the prevention of the waste, misuse, or undue consumption of the water of the water board,

the water board may (without prejudice to any other remedy against him) cut off any of the pipes by or through which water is supplied by the water board to him or for his use, and may discontinue the supply of water to him so long as the cause of injury remains or is not remedied; but such cutting off shall not affect or take away his liability to payment of rates.

107. Apportionment of rates between successive owners or occupiers

~~When an~~

(1) When an occupier or owner ceases to be the occupier or owner of the land in respect of which a basic water rate is made, before the end of the period in respect of which such rate was made, such occupier or owner shall, as between himself and the succeeding occupier or owner, be liable to pay a portion only of the basic water rate payable for the whole of such period proportionate to the time during which he continued to be the occupier or owner.

~~Any person~~

(2) Any person who is the occupier or owner of the land during the remainder of the period shall as between himself and the preceding occupier or owner, be liable to pay a portion of such rate in proportion to the time during which he is such occupier or owner:

~~But any~~

(3) But any basic water rate made in respect of such property, and any money due for water supplied, shall continue in force, and may be recovered by the water board from the owner or occupier for the time being, without regard to any change in the occupation or ownership.

~~In case any~~

(4) In case any holding or any land rated as one property has been divided between 2 or more owners or occupiers, any basic water rates imposed in respect of the period current when the division took place shall, for the purposes of this section, be deemed to be apportionable between the different portions of the holding or land on the basis of the respective values or areas (according to the method of assessment

	adopted) of such portions.
<p>120. Sinking fund to be created</p> <p>Before raising</p> <p><u>(1) Before raising</u> any loan the water board shall make provision for the repayment thereof by the creation of a sinking fund; and for such purposes may, with the approval of the Governor, permanently appropriate any part of the revenues of the water board.</p> <p>Provided that it</p> <p><u>(2) Despite subsection (1), it</u> shall be lawful for the board, and it shall be deemed to have been lawful for a board, on the raising of any loan and the issue of debentures to provide for the repayment of the principal money with interest by half-yearly or other periodical instalments in lieu of the formation of a sinking fund, in which case such sum as may be necessary for the repayment of such instalments shall be set aside from time to time and applied to that purpose, and sections 115 to 119, both inclusive, shall have effect, with such adaptations as are necessary, subject to this proviso: <u>this subsection.</u></p>	
<p>123A. Overdraft</p> <p>Notwithstanding</p> <p><u>(1) Notwithstanding</u> anything to the contrary contained elsewhere in this Act, the board, pending the collection of any rates or the receipt of any subsidies in aid of rates or grants payable by the Government, may, for the purpose of commencing, carrying on, or completing works, obtain advances from any bank by overdraft of the current account, but no such overdraft shall at any time exceed one-third of the ordinary revenue of the board for the year then last preceeding: <u>preceding.</u></p> <p>Provided that the bank</p> <p><u>(2) The bank</u> making such advances shall not be concerned to inquire whether the same have been obtained for the purposes set forth in this section, nor be required to see to the application of such advances.</p>	
<p>124. Treasurer may advance moneys</p> <p>The water</p> <p><u>(1) The water</u> board of any water area may borrow from the Treasurer such sums of money on loan as are required for the construction and extension of works therein.</p> <p>All such</p> <p><u>(2) All such</u> sums shall bear interest at such rate and shall be repaid in such instalments as may be agreed upon between the Treasurer and the water board.</p>	

129. Powers of Commissioners

~~Such~~

- (1) Such Commissioner may forthwith take possession of all works the property of the water board, and may, subject to the control of the Minister, exercise within the water area all the powers of the water board under the provisions of this Act, and may receive such remuneration as to the Governor may seem ~~fit~~ fit.

~~Provided that, at any~~

- (2) At any subsequent time, the Governor may, by like Order in Council, supersede such Commissioner, and restore the functions of the water board under the provisions of this Act.

141. Water board may make by-laws

A water board may, subject to the provisions of this Act, make by-laws with respect to the following matters, that is to say: —

~~(1) The~~

- (a) the general conduct of its business and ~~proceedings~~ proceedings;

~~(2) The~~

- (b) the control, supervision, guidance, and duties of, and the granting of long service leave to, its officers and ~~servants~~ servants;

~~[(3) deleted]~~

~~(4) The~~

- (c) the due management and use of the water and other property of the water board and of any water under their jurisdiction or authority and the construction, maintenance, extension, and management of the ~~works~~ works;

~~(5) The~~

- (d) the construction, maintenance, repair, management, and use of the works and other property of the water ~~board~~ board;

~~(6) Protecting~~

- (e) protecting the water, and the works, pipes, and fittings from trespass and ~~injury~~ injury;

~~(7) Preventing~~

- (f) preventing and remedying the waste, misuse, undue consumption, fouling, or contamination of water contained in or supplied from the works or otherwise under the control of the water ~~board~~ board;

~~(8) Making,~~

- (g) making, levying, and collecting rates and fixing a minimum rate to be paid in respect of land under a prescribed ~~value~~ value;

~~(9) — Prescribing~~

(h) ~~prescribing~~ the quantity of water which a consumer may take in respect of any rates paid for any given ~~period~~: period;

~~(10) — Prescribing~~

(i) ~~prescribing~~ scales of charges for water supplied by measure, and the minimum quantity of water to be charged for, and the rent for the use of ~~meters~~: meters;

~~(10a) — Providing~~

(j) ~~providing~~ service charges to be paid by persons who are supplied with water but who are not liable for payment of water ~~rates~~: rates;

~~(10b) — Prescribing~~

(k) ~~prescribing~~ discounts, additional charges, and penalties payable in respect of payments for water rates and charges for water ~~supplied~~: supplied;

~~(11) — Specifying~~

(l) ~~specifying~~ the purposes for which, and the persons or classes of persons to whom, water may be supplied under agreement, and the general and special terms and conditions upon which water shall be so ~~supplied~~: supplied;

~~(12) — The~~

(m) ~~the~~ quantity of water which a consumer may take or consume for any specified purposes; and the price to be paid for water supplied for any specified ~~purposes~~: purposes;

~~(13) — Fixing~~

(n) ~~fixing~~ the level beyond which water supplied from the works may not be allowed to rise at any particular place within the water ~~area~~: area;

~~(14) — Compelling~~

(o) ~~compelling~~ persons using water supplied by the water board to keep their pipes and fittings in proper ~~repair~~: repair;

~~(15) — Prohibiting~~

(p) ~~prohibiting~~ any alteration of or interference with any meter, pipes, or fittings, without the consent of or notice to the water board; and prohibiting the sale by any person to whom water is supplied by the water board of water so supplied, except with the authority in writing of the water ~~board~~: board;

~~(16) — Enabling~~

(q) ~~enabling~~ the water board to repair such pipes or fittings so as to prevent waste of water, and to recover the cost of such repairs from the owner or occupier of the ~~land~~: land;

~~(17) — Prohibiting~~

(r) ~~prohibiting~~ any mode of arrangement, and the use of any

fittings which may, in the opinion of the water board, cause or tend to cause waste, misuse, undue consumption, fouling, or contamination of the ~~water.~~ water;

~~(18) — The~~

(s) the inspection of all pipes, fittings, and ~~meters.~~ meters;

[(19) and (20) deleted]

~~(20a) — Prescribing~~

(t) prescribing fees payable for the issue upon request of statements as to moneys due or paid for rates or for water supplied by measure under this Act, prescribing fees for the reading of meters upon request, and making provision as to the recovery of such ~~fees.~~ fees;

~~(21) — Prescribing~~

(u) prescribing forms to be used for the purposes of this Act, and modifying any of the forms contained in the ~~Schedules.~~ Schedules;

~~(22) — And for any~~

(v) any other purposes relating to the administration of this Act and the exercise of the powers vested in the water board.

142. Penalties for breach of by-laws

Every by-law —

~~(1) — May~~

(a) may impose a penalty not exceeding \$2 000 for the breach thereof, and in the case of a continuing breach, a further penalty not exceeding \$200 for each day the offence continues after notice thereof has been given by or on behalf of the water board to the offender; and

~~(2) — May~~

(b) may provide that, in addition to the penalty, any expense incurred by the water board in consequence of the breach of such by-law shall be paid by the person committing such breach.

160. Proof of ownership or occupancy

In any legal proceedings under this Act, in addition to any other method of proof available —

~~(1) — Evidence~~

(a) evidence that the person proceeded against is rated as owner or occupier of any land; or

~~(2) — Evidence~~

(b) evidence by the certificate, in writing, of —

~~(a) — The~~

(i) the Registrar of Deeds, that any person appears from

<p>any memorial of registration of any deed, conveyance, or other instrument to be the owner of any land; or</p> <p>(b) — The</p> <p><u>(ii) the</u> Registrar of Titles, or any assistant registrar, that any person's name appears in the Register under the <i>Transfer of Land Act 1893</i>, as proprietor of any land; or</p> <p>(c) — the</p> <p><u>(iii) the</u> chief executive officer of the department principally assisting in the administration of the <i>Land Administration Act 1997</i> or of the department principally assisting in the administration of the <i>Mining Act 1978</i>, that any person is registered in the department as the occupier or lessee of any land,</p> <p>shall, until the contrary is proved, be evidence that such person is the owner or occupier, as the case may be, of such land.</p>	<p>161. Powers of water board may be exercised by Minister for Works or for Mines</p> <p>The Governor may authorise the Minister of the Crown designated by him or the Corporation to exercise, within a water area, all or any of the powers conferred by this Act on a water board: <u>board —</u></p> <p>(1) — Until</p> <p><u>(a) until</u> the constitution of a board; or</p> <p>(2) — With</p> <p><u>(b) with</u> respect to any works constructed before or after the commencement of this Act, until such works are transferred to the board.</p>
<p>Row 96. <i>Western Australian Aged Sailors, Soldiers and Airmen's Relief Fund Act 1932</i></p>	
<p>3. The Fund</p> <p>(2)(a) — The League</p> <p><u>(2A) The League</u> shall, on the commencement of this Act, remit to the Trust all moneys held by the League in an account known as “W.A. Aged Sailors and Soldiers' Relief Fund”; and <u>Fund</u>”.</p> <p>(b) — Each</p> <p><u>(2B) Each</u> sub-branch of the League shall, on the commencement of this Act, and on or before 1 December 1933, and in every subsequent year remit to the State secretary one-half of the net proceeds of the annual Poppy Day appeal, and the moneys so received by the State secretary shall be paid by him to the Trust hereby established.</p> <p>(c) — From</p> <p><u>(2C) From</u> the commencement of the <i>Western Australian Aged Sailors and</i></p>	

Soldiers' Relief Fund Act Amendment Act 1958, the account constituted by ~~paragraph (a)~~ subsection (2A) shall be known as the "Western Australian Aged Sailors, Soldiers and Airmen's Relief Fund".

- (3) The Fund shall consist of —
- (a) one-half of the net proceeds of the annual Poppy Day appeal received by the Trust under ~~the last preceding subsection;~~ subsection (2B);
 - (b) such other moneys as may be set aside for the purposes of this Act by the annual State Congress of the League;
 - (c) donations or bequests.

5. Investment and application of the Fund

~~— All moneys~~

- (1) All moneys to the credit of the Fund shall be invested by the Trust, under and subject to the *Trustees Act 1900*, and shall accumulate with interest until 1 December 1940.

~~— Thereafter~~

- (2) Thereafter such moneys shall, subject to the regulations, be applied by the Trust in its discretion for the benefit of aged and/or invalid sailors, soldiers, airmen and nurses eligible for membership of the League, and for any person who, immediately before the death of any such sailor, soldier, airman or nurse, was the spouse or de facto partner of that ~~person. Provided always that the person for whom the benefit is applied is person.~~

- (3) A benefit under subsection (2) shall be applied only for a person who is domiciled in the State of Western Australia.

Row 97. *Wildlife Conservation Act 1950*

14. Protection of fauna

- (1) Except to the extent which the Minister declares by notice published in the *Government Gazette* pursuant to the provisions of this section all fauna is wholly protected throughout the whole of the State at all times.

~~(2)(a) — Subject~~

- (2) Subject to section 15A, the Minister may from time to ~~time declare —~~ time, by notice published in the *Government Gazette* —

~~that any of~~

- (a) declare that any of the fauna is not protected or is protected to such extent for such period of time throughout the whole or such part or parts of the State as he shall think ~~fit,~~ fit; and

~~and for these purposes may from time to time by notice published in the *Government Gazette* declare —~~

~~a close season~~

(b) for these purposes declare a close season or an open season in respect of any of the fauna and place such restrictions on either the taking or disposal or the taking and disposal of the fauna as he considers advisable.

~~(b) The Minister~~

(3) The Minister may from time to time, by notice published in the *Government Gazette*, vary the provisions and operation of a notice promulgated pursuant to the power conferred upon him by this section by cancelling those provisions and that operation wholly or in part absolutely, or by cancelling those provisions and that operation wholly or in part, and substituting other provisions and their operation for those so cancelled.

~~(ba) The Minister~~

(4) The Minister may, from time to time by notice published in the *Government Gazette*, declare that any fauna specified in the notice is for the purposes of this Act fauna which is likely to become extinct, or is rare, or otherwise in need of special protection and while such declaration is in operation —

~~(i) such~~

(a) such fauna is wholly protected throughout the whole of the State at all times; and

~~(ii) a person~~

(b) a person who commits an offence under section 16 or section 16A with respect to or in relation to such fauna is liable, notwithstanding any other provision of this Act, to a penalty of \$10 000.

~~(c) A declaration~~

(5) A declaration promulgated by a notice pursuant to the provisions of this section shall, by virtue of this section, have the force of law while in operation.

15. Minister may issue licences

~~(2)(a) The Minister~~

(2A) The Minister may renew the period of operation of a licence from time to time, or transfer the authority it confers from one person to another, or, where its operation relates to any place, may transfer that operation to another place of the same kind.

~~(b) Where~~

(2B) Where the holder of a licence contravenes or fails to comply with any conditions endorsed upon or attached to the licence the Minister may, at any time and from time to time, by notice in writing given to the holder of a licence, cancel the licence or suspend it for such period as

the Minister thinks fit.

~~(e) Where~~

(2C) Where the Minister considers that in the interest of conservation the operation of a licence should not be permitted to continue the Minister may, at any time and from time to time, by notice in writing given to the holder of a licence, cancel the licence or suspend it for such period as the Minister thinks fit.

~~(ca) The Minister~~

(2CA) The Minister may, by written notice given to the holder of a licence, cancel a licence or suspend it for such period as the Minister thinks fit if —

~~(i) the~~

(a) the holder of the licence is convicted of an offence under the *Animal Welfare Act 2002*; or

~~(ii) a licensee~~

(b) a licence under that Act held by the holder of the licence is suspended or revoked.

~~(d) Where~~

(2D) Where the holder of a licence cannot reasonably be served with a notice required by this section or his whereabouts are unknown, the service of that notice may be effected by an advertisement published in a newspaper circulating in the general area in which he was last known to be.

~~(3)(a) The Minister~~

(3A) The Minister may delegate all or any of the powers conferred upon him, with the exception of this power of delegation, to the CEO, or to any wildlife officer.

~~(b) Where~~

(3B) Where the exercise of the power is dependent upon the opinion, belief, satisfaction or other state of mind of the Minister in relation to any matter, the power, when delegated, may be exercised by the delegate upon his opinion, belief, satisfaction or state of mind in relation to the matter.

~~(e) Every~~

(3C) Every delegation pursuant to the provisions of this section shall be revocable at will, and no delegation shall prevent the Minister from exercising the power.

15A. Ducks, geese and quail protected from recreational taking

- (1) The Minister shall not make any declaration under ~~section 14(2)(a)~~ section 14(2) that would allow the taking of any species of duck, goose or quail for the purposes of sport or recreation.

16. Taking of protected fauna an offence

- (1) Subject to subsection (3), a person who infringes the protection conferred by subsection (1) or declared pursuant to ~~section 14(2)~~, section 14(2) to (5), by taking fauna while protected, otherwise than by —

~~the authority~~

- (a) the authority of a licence issued pursuant to the provisions of section 15; or

~~the authority~~

- (b) the authority of the provisions of section 17(2)(c), or of section 23,

commits an offence against this Act.

- (1a) In the case of fauna other than fauna in respect of which a declaration under ~~section 14(2)(ba)~~ section 14(4) is in operation, subsection (1) does not apply to the taking of fauna incidental to clearing referred to in section 51C(a), (b) or (c) of the *Environmental Protection Act 1986*.
- (2) Subject to subsection (3), a person who fails to observe any of the restrictions placed on the taking or disposal or the taking and disposal of fauna pursuant to ~~section 14(2)~~ section 14(2) to (5) commits an offence against this Act.
- (3) Despite subsections (1) and (2) an inspector under the *Animal Welfare Act 2002*, or a person assisting an inspector under that Act, may —
- (a) destroy fauna if that is permitted under section 41 of that Act; and
 - (b) be in possession of fauna that has been seized under that Act for such period as is reasonably necessary for the person to comply with section 45 of that Act.

18. Royalty on skins

~~(1)(a) Subject~~

(1A) Subject to the provisions of ~~paragraph (b), subsection (1B)~~, the skins of fauna taken in the State, and whether taken lawfully or not, and the carcasses of such species of kangaroo as is prescribed which are so taken, are charged with payment of royalty to the Crown at the rates prescribed by the regulations.

~~(aa) The~~

(1AA) The rates of royalty so prescribed may be uniform or vary according to the kind of fauna from which the skin is taken or the kind of carcass and the purpose for which the skin or carcass is taken, unless by the regulations the skin or carcass is exempt from payment of royalty.

~~(b) The~~

(1B) The Minister may from time to time and for such period as he thinks

fit, by notice published in the *Gazette*, exempt from the payment of royalty skins or carcasses taken from a specified part of the State by a specified class or classes of persons.

~~(e) The~~

(1C) The Minister may from time to time cancel the notice or vary it by way of addition, substitution or otherwise.

- (2) Where a person removes the skin of fauna which he has taken for the purpose of selling the skin or the carcass of the fauna or both for profit, he shall pay the prescribed royalty in respect of the skin or the carcass of the fauna or both unless exempted pursuant to the provisions of the regulations or the notice referred to in ~~subsection (1)(b):~~ subsection (1B).

20. Authority of wildlife officers

- (2) A wildlife officer who finds a person committing an offence against this Act or who on reasonable grounds suspects that an offence against this Act has been committed or is about to be committed may, without warrant other than the provisions of this section —

- (a) take possession and control of —

~~any weapon;~~

- (i) any weapon, instrument, illegal device or other thing or means which the wildlife officer, on reasonable grounds, believes has been used, is being used, or is about to be used, by the offender in the commission of the offence;

~~any fauna~~

- (ii) any fauna or flora which the wildlife officer on reasonable grounds believes to be involved in the commission of the offence,

and deliver any firearms into the custody of a member of the Police Force, detaining or delivering to any person appointed in writing by the Minister for the purpose any fauna or flora or other thing so taken to be dealt with according to law but if the wildlife officer is of opinion that it is impracticable to detain or deliver up any fauna because of the number thereof, the lack of food or water for the fauna, the distance to be travelled or any like cause, the wildlife officer may turn at large the fauna;

- (b) stop, detain and search any vehicle, vessel or conveyance or enter upon and search any land not being a dwelling house or enter and search any hut, tent, caravan or other erection, which is not a permanent residence, or enter and search any shop, warehouse, factory, bond store office or any other premises of whatever description or enter into or upon and search any lake, river, pond, lagoon or other water whether natural or artificially constructed in which the wildlife officer, on reasonable grounds, suspects there is any fauna or flora taken,

or any weapon, instrument, illegal device or other thing or means used or about to be used, in the commission of an offence against this Act, and to seize the fauna or flora, weapon, instrument, illegal device or other thing or means found and deliver any firearm into the custody of a member of the Police Force, detaining or delivering to any person appointed in writing by the Minister for the purpose any fauna or flora or other thing so seized to be dealt with according to law.

~~(3)(a) If it~~

(3A) If it appears to a justice of the peace on an application supported by evidence on oath that there are reasonable grounds for suspecting that there is in any of the premises excepted under subsection (2)(b) —

~~(i) anything~~

(a) anything with respect to which an offence has been or is suspected, on reasonable grounds, to have been committed; or

~~(ii) anything~~

(b) anything as to which there are reasonable grounds for believing that it will afford evidence as to the commission of an offence; or

~~(iii) anything~~

(c) anything as to which there are reasonable grounds for believing that it is intended to be used for the purpose of committing an offence,

he may issue his warrant directing the wildlife officer named therein, or all wildlife officers, to search the premises and to seize the thing found and to take it before a justice to be dealt with according to law.

~~(b) The~~

(3B) The warrant is to be executed by day, unless the justice of the peace, by the warrant, has authorised it to be executed by night, in which case it may be so executed.

~~(c) Where~~

(3C) Where a wildlife officer enters upon or searches the enclosed garden or curtilage of a dwelling house the owner or occupier of that dwelling house may apply to the Magistrates Court for a review of the exercise of that power on the grounds there were no reasonable grounds for its exercise and the court shall inquire into the matter and make its findings known to the applicant and to the Minister.

23. Exemption in certain cases

(1) Notwithstanding any other provisions of this Act, a ~~person~~
~~who~~

person who is “a person of Aboriginal descent” as that term is defined

<p>in section 4 of the <i>Aboriginal Affairs Planning Authority Act</i> 1972, may 1972, may take fauna or flora upon flora upon Crown land or upon any other land, not being a nature reserve or wildlife sanctuary, but where occupied, with the consent of the occupier of that land, sufficient land, sufficient only for food for himself and his family, but not for sale sale. and the Governor</p> <p>(1A) The Governor may, if he is satisfied that the provisions of this section are being abused or that any species of fauna or flora which is being taken under the authority of this section is likely to become unduly depleted, by regulation suspend or restrict the operation of this section in such manner and for such period and in such part or parts of the State as he thinks proper.</p>	<p>27. Forfeiture</p> <p>(1) Where any fauna, flora, weapon, instrument, illegal means or device, or thing, which is seized by a wildlife officer pursuant to the powers conferred upon him by this or any other Act, is involved in the commission of an offence against this Act, it may, on conviction of the offender if offender, if the court of summary jurisdiction convicting the offender so orders, be orders, be forfeited to the Crown and shall, after the expiration of the time limited for appeal, be destroyed or otherwise dealt with in such manner as the Minister directs.</p>
<p>Row 98. <i>Wildlife Conservation Regulations 1970</i> (consequential amendments)</p>	
<p>26. Royalties</p> <p>(1) For the purposes of section 18(1) section 18(1A) of the Act, the rates of royalties are —</p> <ul style="list-style-type: none"> (a) grey kangaroos, red kangaroos and euros — 30 cents for each skin and 30 cents for each carcass; (b) emus — \$1.25 each; (c) saltwater crocodiles — \$10 each; (d) freshwater crocodiles — \$3 each; and 	

- (e) all other fauna — 75 cents each.

63. Suspension of section 23

- (1) The operation of section 23(1) of the Act is indefinitely suspended in all parts of the State with respect to the taking of any fauna declared under ~~section 14(2)(ba)~~ [section 14\(4\)](#) of the Act to be fauna which is likely to become extinct, or is rare, or otherwise in need of special protection, other than —
- (a) dugong (*Dugong dugon*);
 - (b) loggerhead turtle (*Caretta caretta*);
 - (c) leathery turtle (*Dermochelys coriacea*);
 - (d) olive ridley turtle (*Lepidochelys olivacea*);
 - (e) flatback turtle (*Natator depressus*);
 - (f) green turtle (*Chelonia mydas*);
 - (g) hawksbill turtle (*Eretmochelys imbricata*);
 - (h) saltwater crocodile (*Crocodylus porosus*); and
 - (i) Australian freshwater crocodile (*Crocodylus johnstoni*).
- (2) The operation of section 23(1) of the Act is indefinitely suspended in all parts of the State with respect to the taking of flora declared under section 23F of the Act to be rare flora.

Row 99. Wildlife Conservation (Reptiles and Amphibians) Regulations 2002 (consequential amendments)

16. Duration of pet herpetofauna licences

Unless revoked under ~~section 15(2)~~ [section 15\(2B\), \(2C\) or \(2CA\)](#) of the Act —

- (a) a keeper's or herpetofauna dealer's licence remains in force for 1, 2 or 3 years as specified in it;
- (b) a taker's or herpetofauna farmer's licence remains in force for 1 year;
- (c) an importer's or herpetofauna exporter's licence remains in force until —
 - (i) the licensee has imported or exported one consignment of pet herpetofauna under the licence; or
 - (ii) the expiry of the period specified in the licence, which is not to exceed 6 months,
 whichever occurs first.

17. Reptile removalist's licences

- (4) Unless revoked under ~~section 15(2)~~ [section 15\(2B\), \(2C\) or \(2CA\)](#) of the Act a reptile removalist's licence remains in force for 1, 2 or 3 years as specified in it.

Row 100. Workers' Compensation and Injury Management Act 1981**26. Subsequent injuries**

~~(1) When, by a compensable~~

(1) When —

(a) by a compensable personal injury by accident, a worker has already suffered a permanent loss of any percentage of the full efficient ~~use of —~~

~~any part or use of any part or~~ faculty of the body referred to in column 1 of Part 1 of the table set out in ~~Schedule 2 —~~
-Schedule 2; and

~~and by subsequent~~

(b) by subsequent compensable personal injury by accident suffers further loss of the full efficient ~~use of —~~

~~that part or faculty of the body —~~ use of that part or faculty of the body.

the compensation payable under the provisions of that table in respect of each such subsequent injury shall be proportionate to any increase (resulting from that subsequent injury) in the percentage of loss of that full and efficient use, and the compensation payable shall be calculated at the rates applicable at the time of occurrence of each subsequent injury.

(2) Where a worker has received compensation payable under the provisions of that table for 100% of the loss of, or the permanent loss of the efficient use of, any part or faculty of the body referred to in column 1 of that ~~table —~~ table, whether —

~~whether in one~~

(a) in one payment for permanent total loss of, or permanent total loss of the efficient ~~use of —~~

~~that part or faculty of the body —~~ use of that part or faculty of the body; or

~~or in several~~

(b) in several payments, each of which has been made for a permanent partial loss of, or a permanent partial loss of the efficient ~~use of —~~

~~that part or faculty of the body, then~~

use of that part of faculty of the body.

then and in such case, the worker is not entitled to any further payment under the provisions of that table in respect of that part or faculty.

46. Compensation limited to prescribed amount

- (2) A worker who has received the full amount of ~~compensation~~
~~that~~

compensation that was the maximum amount of his employer's liability to him under this Act, as it existed at the time of the ~~payment~~,
~~in respect~~ payment, in respect of pneumoconiosis or that disease in combination with any other disease, and who is subsequently employed in any process entailing exposure to mineral dusts harmful to the lungs, shall not in any circumstances be entitled to further compensation or benefit for any period of incapacity due to pneumoconiosis, or to that disease in combination with any other disease.

154. Appeals

- (2) The appeal is made by giving written notice ~~of it~~
~~(a) to WorkCover~~

of it to WorkCover WA and the insurer within one month of being informed of the classification or assessment or within such further time as WorkCover WA may, in the circumstances of the case, consider it is reasonable to ~~allow~~;

~~[(b) deleted]~~

~~stating~~

allow, stating the grounds of objection and the classification or assessment, as the case may be, the employer seeks.

Clause 52. Bush Fires Act 1954 amended

Clause 52 will amend the *Bush Fires Act 1954* to:

- delete a long passage from section 58(3) and replace it with subsections (3A) and (3B); and
- restructure and redesignate the provisions listed in the Table to clause 52(4) to bring them into line with the current PCO drafting standards; and
- amend cross-references to the redesignated provisions.

This table shows the amendments to be made by this clause.

Bush Fires Act 1954**4. Saving provisions**

~~(a) This Act~~

(1) This Act does not affect the provisions of the *Fire Brigades Act 1942*, or of the *Conservation and Land Management Act 1984*.

~~(b) This Act~~

(2) This Act is to be construed so as not to limit or restrict in any way the effect and operation of the provisions of either of those Acts.

14. Members of the Authority and other persons may enter land or buildings for purposes of the Act

- (1) A member of the Authority, an officer who is authorised by the Authority so to do, a bush fire liaison officer and a bush fire control officer, appointed in accordance with the provisions of this Act, and, subject to ~~the proviso to this section,~~ subsection (1A), a member of the Police Force, is empowered to enter any land or building at any time to —
- (a) examine a fire which he has reason to believe has been lit, or maintained, or used in contravention of this Act;
 - (b) examine a fire which he believes is not under proper control;
 - (c) examine fire-breaks on the land;
 - (d) examine anything which he considers to be a fire hazard existing on the land;
 - (e) investigate the cause and origin of a fire which has been burning on the land or building;
 - (f) inspect fire precaution measures taken on the land;
 - (g) investigate and examine the equipment of a bush fire brigade;
 - (h) do all things necessary for the purpose of giving effect to this Act.

~~Provided that a~~

(1A) Despite subsection (1), a member of the Police Force is not empowered under this section to enter any land or building for any purpose other than those specified in ~~paragraphs (a),~~ subsection (1)(a), (b) and (e).

- (2) A bush fire liaison officer or a member of the Police Force exercising the power conferred by subsection (1)(e) may remove from the land or building, and keep possession of, anything which may tend to prove the origin of the fire.

17. Prohibited burning times may be declared by Minister

~~(7)(a) Subject to paragraph (b),~~

(7) Subject to subsection (7B), in any year in which a local government considers that seasonal conditions warrant a variation of the prohibited burning times in its district the local government may, after consultation with an authorised CALM Act officer if forest land is situated in the district, vary the prohibited burning times in respect of that year in the district or a part of the district by —

- ~~(i) shortening,~~
(a) shortening, extending, suspending or reimposing a period of prohibited burning times; or
- ~~(ii) imposing~~
(b) imposing a further period of prohibited burning times.
- ~~(b) A variation~~
(7B) A variation of prohibited burning times shall not be made under ~~this subsection~~ subsection (7) if that variation would have the effect of shortening or suspending those prohibited burning times by, or for, more than 14 successive days.
- (9) For the purposes of ~~subsections (7) and (8)~~ publish subsection (8) — publish means to publish in a newspaper circulating in the district of the local government, to broadcast from a radio broadcasting station that gives radio broadcasting coverage to that district, to place notices in prominent positions in that district, or to publish by such other method as the Authority may specify in writing.

18. Restricted burning times may be declared by Authority

- ~~(5)(a) Subject to paragraph (b)~~
(5) Subject to subsection (5B) in any year in which a local government considers that seasonal conditions so warrant the local government may, after consultation with an authorised CALM Act officer if forest land is situated in its district —
- ~~(i) vary~~
(a) vary the restricted burning times in respect of that year in the district or a part of the district by —
- ~~(A) shortening,~~
(i) shortening, extending, suspending or reimposing a period of restricted burning times; or
- ~~(B) imposing~~
(ii) imposing a further period of restricted burning times;
- or
- ~~(ii) vary~~
(b) vary the prescribed conditions by modifying or suspending all or any of those conditions.
- ~~(b) A variation~~
(5B) A variation shall not be made under ~~this subsection if~~ subsection (5) if that variation would have the effect of —
- ~~(i) shortening~~
(a) shortening the restricted burning times by; or

~~(ii) suspending~~

(b) suspending the restricted burning times, or any prescribed condition, for,

more than 14 successive days during a period that would, in the absence of the variation under ~~this subsection, be subsection (5), be~~ part of the restricted burning times for that zone in that year.

~~(e) The~~

(5C) The provisions of section 17(8), (9), (10) and (11), with the necessary adaptations and modifications, apply to and in relation to the variation of restricted burning times or prescribed conditions by a local government, as if those provisions were expressly incorporated in this section.

~~(d) For the purposes of this subsection prescribed~~

(5D) In subsections (5) and (5C) —
prescribed condition includes the requirement of subsection (6)(a).

~~(10)(a) Subject~~

(10A) Subject to the regulations a local government may by resolution declare that within its district bush may be burnt only on such dates and by such persons as are prescribed by a schedule of burning times adopted by the local government.

~~(b) A person~~

(10B) A person desiring to set fire to bush within the district of the local government that has ~~so resolved made a declaration under~~ subsection (10A) shall, by such date as may be determined by the local government, apply to the local government for permission to set fire to the bush, and the local government shall allocate a day or days on which the burning may take place.

~~(c) The burning~~

(10C) Any burning permitted under subsection (10B) shall be done only on the day or days and in the manner specified by the local government and subject to the conditions prescribed for the purposes of this section except that any prescribed period of notice may be varied by the local government in order to enable the schedule of burning times adopted by it to be given effect to.

21. Minister may declare bush fire emergency period

~~(1)(a) Where~~

(1A) Where the Minister is of the opinion that the existing weather conditions are conducive to the outbreak or spread of bush fires, or that such weather conditions are imminent, he may, by wireless broadcast or in such other manner as the Minister deems expedient

declare a bush fire emergency period for a defined area.

~~(b) The Minister~~

(1B) The Minister from time to time may revoke, amend or cancel the declaration if he considers it necessary so to do.

~~(2)(a) Subject~~

(2A) Subject to section 64 whilst the declaration remains unrevoked a person shall not set fire to bush on land within the area without the permission in writing of the Minister or of an officer acting with the authority of the Minister.

Penalty: \$20 000 or 12 months' imprisonment or both.

~~(b) Permission under this subsection~~

(2B) Permission under subsection (2A) if granted shall be so granted subject expressly to compliance by the person obtaining permission with such conditions as may be prescribed or imposed by the Minister or officer granting permission and subject to the condition that the Minister or that officer may without assigning a reason cancel the permission.

~~(3)(a) During~~

(3A) During a fire emergency period the Minister may appoint a person to take charge of bush fire fighting operations in an area to which the declaration made under ~~subsection (1)~~ subsection (1A) applies.

~~(b) Where~~

(3B) Where a person is so appointed all local governments, bush fire control officers, bush fire liaison officers and the captains, lieutenants and members of bush fire brigades or other persons shall comply with the directions given by that person in connection with the suppression and control of a fire which is burning in the area.

22. Burning on exempt land and land adjoining exempt land

~~(6)(a) A local~~

(6) A local government in whose district the burning is to take place may arrange with the occupier of exempt land, the occupier of land adjoining it and a bush fire brigade which has been registered by the local government, to co-operate in burning fire-breaks on the respective lands.

~~(b) Where~~

(7) Where an arrangement is made in pursuance ~~of paragraph (a) of subsection (6)~~ the local government shall notify the occupier of the adjoining land of the date the burning is to take place and require him to provide by that date ploughed or cleared fire-breaks parallel to the common boundary and of a distance therefrom of not more than 60 metres and as specified by the local government.

~~(e) Where~~

(8) Where the occupier of exempt land and a bush fire brigade are burning bush on exempt land in pursuance of an arrangement made under ~~paragraph (a)~~ subsection (6) —

~~(i) the~~

(a) the occupier of the land adjoining the exempt land shall assist in the burning of the bush;

~~(ii) a bush~~

(b) a bush fire control officer or an officer of the bush fire brigade may enter the adjoining land and set fire to the bush thereon for the purpose of making a fire-break.

24A. Bush on land in prescribed irrigation areas may be burnt during prohibited times for the purpose of germinating clover

- (1) This section applies in those parts of the State only, which are prescribed by the regulations as areas of irrigation to which this section applies.
- (2) The owner or occupier of land in any area of irrigation so prescribed may for the purpose of conducing to the early germination of subterranean clover on the land, burn bush on the land during the prohibited burning times, subject to the regulations and conditions which are referred to in section 24, and which shall apply subject to modification or variation under ~~subsection (3) of this section.~~ subsection (4).

~~(3)(a) A fee~~

(3) A fee is not payable for a permit required under this section unless regulations made under ~~paragraph (b)~~ subsection (4) prescribe otherwise.

~~(b) The provisions~~

(4) The provisions of the regulations mentioned in section 24, and the provisions of paragraphs (a) and (b) of that section, may be modified, varied, added to, or substituted, by regulations made in relation to burning under this section, but until so modified, varied, added to, or substituted, those provisions continue to apply, subject to ~~paragraph (a) of this subsection,~~ subsection (3). to burning under this section.

25. No fire to be lit in open air unless certain precautions taken

- (1) Subject to subsection (1aa) and section 25A, during the restricted burning times or during the prohibited burning times a person shall not light or use a fire in the open air for a purpose not specifically mentioned or provided for in this Act, save and except in accordance with and subject to the following provisions —

....

- ~~(c)(i) a fire shall not be lit for the purpose of disposing of the carcass of a dead animal, or a part of the carcass, unless~~
- (c) a fire for the purpose of disposing of the carcass of a dead animal, or a part of the carcass, shall not be lit —
- (i) unless and until a space of ground around the perimeter of the fire and the carcass or part to be burnt is cleared of all bush and other inflammable material for a distance of at least 6 metres;
- ~~(ii) the fire shall not be lit within~~
- (ii) within a distance of 6 metres of a standing tree, whether dead or living and unless at least one person remains in attendance constantly at the fire, and the directions which may be given by a bush fire liaison officer or bush fire control officer in respect of the fire are complied with;
- ~~(iii) the fire shall not be lit except~~
- (iii) except between the hours of 6 p.m. and 11 p.m.;
- ~~(iv) the fire shall not be lit unless~~
- (iv) unless and until notice of intention so to do has been given to the occupier of all land adjoining the land on which the burning is to take place and to a bush fire control officer of the local government for the district in which the fire is to be lit;

....

28. Occupier of land to extinguish bush fire occurring on his land

~~(1)(a) Where~~

(1) Where a bush fire is burning on any land —

~~(i) at any~~

(a) at any time in any year during the restricted burning times; or

~~(ii) during~~

(b) during the prohibited burning times,

and the bush fire is not part of the burning operations being carried on upon the land in accordance with the provisions of this Act, the occupier of the land shall forthwith, upon becoming aware of the bush fire, whether he has lit or caused the same to be lit or not, take all possible measures at his own expense to extinguish the fire.

~~(b) Where~~

(1B) Where he requires assistance for the purpose he shall if practicable, without leaving the fire unattended, inform or cause to be informed the nearest available bush fire control officer, or bush fire brigade officer, of the existence and locality of the fire.

~~(4)(a) In so~~

(4) In so far as the measures taken by the bush fire liaison officer, bush fire control officer or authorised CALM Act officer are necessitated by reason of the failure of the occupier of the land to comply with subsection (1), any expenses incurred by the bush fire liaison officer, bush fire control officer or authorised CALM Act officer, in taking measures to extinguish the fire, shall be a debt owing by the occupier of the land to the Authority, local government or CALM Act CEO, respectively.

~~(b) The Authority,~~

(5) The Authority, local government, or CALM Act CEO, as the case may be, may recover the expenses from the occupier in any court of competent jurisdiction.

33. Local government may require occupier of land to plough or clear fire-break

(1) Subject to subsection (2) a local government at any time, and from time to time, may, and if so required by the Minister shall, as a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, give notice in writing to an owner or occupier of land situate within the district of the local government or shall give notice to all owners or occupiers of land in its district by publishing a notice in the *Government Gazette* and in a newspaper circulating in the area requiring him or them as the case may be within a time specified in the notice to do or to commence to do at a time so specified all or any of the following things —

- (a) to plough, cultivate, scarify, burn or otherwise clear upon the land fire-breaks in such manner, at such places, of such dimensions, and to such number, and whether in parallel or otherwise, as the local government may and is hereby empowered to determine and as are specified in the notice, and thereafter to maintain the fire-breaks clear of inflammable matter;
- (b) to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire,

and the notice may require the owner or occupier to do so —

~~as a separate~~

(c) as a separate operation, or in co-ordination with any other person, carrying out a similar operation on adjoining or neighbouring ~~land, and in any event to do so to the~~ land; and

(d) in any event, to the satisfaction of either the local government or its duly authorised officer, according to which of them is

specified in the notice.

~~(4)(a) — Where~~

(4) Where an owner or occupier of land who has received notice under subsection (1) fails or neglects to comply with the requisitions of the notice within the time specified ~~in the notice, the local~~ in the notice —

(a) the local government may direct its bush fire control officer, or any other officer of the local government, to enter upon the land of the owner or occupier and to carry out the requisitions of the notice which have not been ~~complied with~~ complied with; and

~~(b) — The bush~~

(b) the bush fire control officer or other officer may, in pursuance of the direction, enter upon the land of the owner or occupier with such servants, workmen, or contractors, and with such vehicles, machinery, and appliances as he deems fit, and may do such acts, matters and things as may be necessary to carry out the requisitions of the notice.

~~(5)(a) — The amount~~

(5) The amount of any costs and expenses incurred by the bush fire control officer or other officer in doing the acts, matters, or things provided for in ~~subsection (4) shall~~ subsection (4) —

(a) shall be ascertained and fixed by the local government and a certificate signed by the mayor or president of the local government shall be *prima facie* evidence of ~~the amount~~ the amount; and

~~(b) — The local government may recover the amount~~

(b) may be recovered by the local government in any court of competent jurisdiction as a debt due from the owner or occupier of land to the local government.

34. Burning on Crown lands

~~(1)(a) — Subject~~

(1) Subject to subsections (1a) and (1b) the owner or occupier of land that abuts upon Crown land (other than land set apart for roads or land comprised in closed roads), a reserve or other land that is unoccupied by abandonment except forest land, may enter upon that Crown land, reserve or other land for the purpose of clearing or clearing and ploughing fire-breaks not more than 3 metres in width situated not more than 200 metres distant from the boundary of that Crown land, reserve or other land, and may burn the bush between those fire-breaks and the boundary of the land of the owner or occupier if the burning is not contrary to the provisions of section 17 and is carried out in accordance with the provisions of section 18.

~~—(b)— Before~~

(1AB) Before any fire-breaks are burnt under the provisions ~~of this subsection, of subsection (1),~~ a permit to so burn shall be obtained from a bush fire control officer of the local government in whose district the burning is to take place and where a permit is granted the bush fire control officer shall state in the permit the width to which a fire-break may be burnt up to a maximum of 200 metres in width from the boundary of the land or reserve.

~~—(c)— A bush~~

(1AC) A bush fire control officer may subject to the provisions of sections 17 and 18 enter upon any Crown land or reserve except forest land with such servants and workmen or with such vehicles, machinery and appliances as he may think necessary for the purpose of burning bush, in order to reduce or abate a fire hazard which cannot practicably be reduced or abated otherwise than by burning.

(1a) Where —

- (a) the person, body or Government department responsible for the care, control and management of a reserve, after consultation with the local government or local governments in whose district or districts the reserve is situated, tenders to the Authority a plan setting out the measures taken and proposed to be taken to prevent, control and extinguish bush fires on the reserve; and
- (b) the Authority is satisfied that the measures set out in the plan will provide adequate fire protection in relation to the reserve and that the exercise of the powers conferred by ~~subsection (1)~~ would subsections (1) to (1AC) would be likely to interfere with the development of the reserve,

the Authority may, by notice published in the *Gazette* and in a newspaper circulating in the district in which the reserve is situated, order that the powers conferred by ~~subsection (1) shall~~ subsections (1) to (1AC) shall not be exercised in relation to the reserve.

(1b) A notice published under subsection (1a) —

- (a) has effect according to its tenor;
- (b) may be varied or cancelled by a subsequent notice so published.

~~—(2)(a)— Where~~

(2) Where an agreement for the purpose of making fire-breaks is not made between the CALM Act CEO and the owner or occupier of land adjoining or adjacent to forest land, if the CALM Act CEO has established on the forest land marginal and internal fire-breaks, he may at any time and from time to time, give notice in writing to the owner or occupier within a time specified in the notice to do all or any

of the things mentioned in section 33(1)(a) and (b) upon that part of the land of which he is the owner or occupier and which is nearest to the forest land as though the CALM Act CEO were the local government referred to in those paragraphs and, the provisions of the paragraphs apply *mutatis mutandis* as though they were expressly incorporated in this subsection.

~~(b) — When~~

(3) When and as often as the CALM Act CEO gives notice to an owner or occupier of land as provided for in ~~paragraph (a), subsection (2),~~ the provisions of section 33(3), (4) and (5) *mutatis mutandis* apply and have effect in the same manner and to the same extent as if they were expressly incorporated in this section.

35. Powers of Authority on default by local government

~~(3)(a) — Where~~

(3) Where the Authority in exercise of the power conferred on it by subsection (2) incurs any costs and expenses, the amount of the costs and expenses so incurred shall be ascertained and fixed by the Authority.

~~(b) — A certificate~~

(3B) A certificate signed by the Chief Executive Officer is evidence of ~~the amount~~ the amount referred to in subsection (3) and the Authority may recover the amount in a court of competent jurisdiction as a debt due from the local government or from the owner or occupier of the land in respect of which the notice has been given, as the Authority may at its option elect.

(4) Where in accordance with ~~subsection (3)~~ subsection (3B) the Authority takes proceedings against, and obtains a judgment against, the local government, the local government has no recourse against, or right of contribution by, the owner or occupier of land under this section in respect of the judgment.

~~(5)(a) — Where;~~

(5) Where, in the opinion of the Authority, a local government fails or neglects to carry out its duties, exercise its powers or perform its functions under the provisions of this Part, the Authority may, if it deems it necessary, instruct a bush fire liaison officer to take such action as he considers necessary to remedy the default or neglect.

~~(b) — The Authority~~

(6) The Authority may recover in a court of competent jurisdiction the amount of the expenses incurred by the liaison officer in remedying the default or neglect of the local government as a debt due by it to the Authority.

38. Local government may appoint bush fire control officer

~~(2)(a) The local~~

(2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.

~~(c) The local~~

(2C) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the Authority may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.

~~(d) Where~~

(2D) Where a local government that has been served with a notice pursuant to ~~paragraph (c) fails~~ subsection (2C) fails or neglects to comply with the requirements of that notice, the Authority may appoint a person to the vacant office.

~~(e) A bush~~

(2E) A bush fire control officer appointed under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the Authority, by the Authority.

~~(5)(a) A local~~

(5A) A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the local government.

~~(b) The bush~~

(5B) The bush fire control officer, or officer of the bush fire brigade, may by authority of any directions ~~so issued~~ issued under subsection (5A) carry out the directions but subject to the provisions of this Act.

~~(c) The provisions of this subsection~~

(5C) The provisions of subsections (5A) and (5B) are not in derogation of those of subsection (4).

~~(6)(a) In this~~

(6) In this section —

approved local government means a local government approved under ~~paragraph (b)~~ subsection (7) by the Authority.

~~(b) If it~~

(7) If it appears to the Authority that the standard of efficiency of a local government in fire prevention and control justifies the Authority doing so, the Authority, by notice published in the *Government Gazette* —

~~(i) may~~

(a) may approve the local government as one to which ~~this subsection applies; and~~ subsections (6) to (18) apply; and

~~(ii) may from~~

(b) may from time to time cancel or vary any previous approval given under this ~~paragraph.~~ subsection.

~~(c) An approved~~

(8) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.

~~(ca) Where~~

(9) Where more than one fire weather officer is appointed by a local government the local government shall define a part of its district in which each fire weather officer shall have the exclusive right to exercise the power conferred by ~~paragraph (h).~~ subsection (17).

~~(cb) An approved~~

(10) An approved local government may appoint one or more persons, as it thinks necessary, to be the deputy or deputies, as the case may be, of a fire weather officer appointed by the local government and where 2 or more deputies are so appointed they shall have seniority in the order determined by the local government.

~~(ce) Where~~

(11) Where the office of a fire weather officer is vacant or whilst the occupant is absent or unable to act in the discharge of the duties of the office, any deputy appointed in respect of that office under ~~paragraph (cb) is, subject to paragraph (ed),~~ subsection (10) is, subject to subsection (12), entitled to act in the discharge of the duties of that office.

~~(ed) A deputy~~

(12) A deputy who is one of 2 or more deputies of a fire weather officer is not entitled to act in the discharge of the duties of the office of that fire weather officer if a deputy who has precedence over him in the order of seniority determined under ~~paragraph (cb) is~~ subsection (10) is available and able to discharge those duties.

~~(d) The local~~

(13) The local government shall give notice of an appointment made under

~~paragraph (e) or (eb)~~ subsection (8) or (10) to the Authority and cause notice of the appointment to be published at least once in a newspaper circulating in its district and the Authority shall cause notice of the appointment to be published once in the *Government Gazette*.

~~(e) An approved~~

(14) An approved local government may appoint a committee for the purpose of advising and assisting a fire weather officer or any deputy of a fire weather officer acting in the place of that officer under this ~~subsection~~ subsections (6) to (18).

~~(f) Where~~

(15) Where a committee is appointed, a fire weather officer, or, as the case may be, a deputy of a fire weather officer while acting in the place of that officer, may exercise the authority conferred on him by ~~paragraph (h)~~, subsection (17), notwithstanding the advice and assistance tendered to him by the committee.

~~(g) The provisions of this subsection~~

(16) The provisions of subsections (6) to (18) are not in derogation of those of any other subsection of this section.

~~(h) A fire~~

(17) A fire weather officer of an approved local government, or a deputy of that fire weather officer while acting in the place of that officer, may authorise a person who has received a permit under section 18(6)(a), to burn the bush in the district of the local government notwithstanding that for any day, or any period of a day, specified in the notice the fire danger forecast issued by the Bureau of Meteorology in Perth, in respect to the locality where the bush proposed to be burnt is situated, is “extreme” or “very high”, and upon the authority being given the person, if he has otherwise complied with the conditions prescribed for the purposes of section 18, may burn the bush.

~~(i) This subsection does~~

(18) Subsections (6) to (18) do not authorise the burning of bush during the prohibited burning times or within the defined area during a bush fire emergency period.

38A. Authority may appoint Chief Bush Fire Control Officer

- (3) The provisions of this Act, other than ~~section 38(3), (4) and (5)~~ section 38(3) to (5C) apply to and in relation to the Chief Bush Fire Control Officer appointed under this section as if he or she were a Chief Bush Fire Control Officer appointed under section 38 by the local government.
- (4) ~~Section 38(3), (4) and (5)~~ Section 38(3) to (5C) apply to and in relation to the Chief Bush Fire Control Officer appointed under this section as if —

<p>(a) he or she were a Chief Bush Fire Control Officer appointed under section 38 by the local government; and</p> <p>(b) the references in those subsections to the local government were references to the Authority.</p>
<p>39. Special powers of bush fire control officers</p> <p>(2)(a) — Where</p> <p><u>(2) Where</u> a bush fire is burning in or on forest land, or in or on Crown lands, if an authorised CALM Act officer is present at the fire, the powers and authorities conferred by this Act upon a bush fire control officer appointed under this Act by a local government are vested in and are exercisable by the authorised CALM Act officer.</p> <p><i>[(b) deleted]</i></p>
<p>44. Powers and authorities of officers of bush fire brigade</p> <p>(3)(a) — Where</p> <p><u>(3) Where</u> the bush fire brigade of a local government is present at a fire which is burning within the district of the local government, if a bush fire control officer of the local government is not present, the captain or in his absence the next senior officer of the bush fire brigade of the local government, or in the absence of the captain and all other officers of that bush fire brigade, any other member of that bush fire brigade has and shall take supreme control and charge of all operations and the officers and members of another bush fire brigade if present are subject to and shall act under his orders and directions.</p> <p>(b) — Subject</p> <p><u>(4) Subject</u> to the provisions of section 45 where a bush fire control officer of a local government is present at a fire which is burning in the district of the local government, he has supreme control and charge of all operations, and the officers and members of all bush fire brigades present at the fire are subject to and shall act under his orders and directions.</p>
<p>45. Fires in or near forest land or Crown lands</p> <p>(a) — Where</p> <p><u>(1) Where</u> a bush fire is burning in or near forest land, or in or near Crown lands, if an authorised CALM Act officer is present, the powers and authorities conferred by this Act upon a bush fire control officer appointed under this Act, or upon a captain or other officer of a bush fire brigade, are exercisable by him.</p> <p>(b) — Where</p> <p><u>(2) Where</u> an authorised CALM Act officer is present at the fire he may take supreme control and charge of all the operations, and thereupon every bush fire control officer, and the officers and members of every bush fire brigade who are present at the fire, are in all respects subject</p>

to and shall act under his orders and directions.

46. Bush fire control officer or forest officer may postpone lighting a fire

~~(1)(a) — Notwithstanding~~

(1A) Notwithstanding any other provision of this Act —

~~(i) — subject to the provisions of the next succeeding paragraph~~

(a) subject to subsection (1B) a bush fire control officer, or the local government in whose district the land is situated may prohibit, or from time to time postpone the lighting of a fire, where in his or its opinion the fire, if lit, would be or become a source of danger by escaping from the land on which it is proposed to be lit;

~~(ii) — where~~

(b) where a fire is burning on land and the bush fire control officer or the local government as the case may be is of the opinion that the fire is in danger of escaping from that land, he or it may direct that all reasonable steps be taken by the owner or occupier of the land to extinguish the fire or to prevent the fire from spreading.

~~(b) — Where~~

(1B) Where it is proposed to light a fire within 3 kilometres of a boundary of forest land, an authorised CALM Act officer may exercise the powers conferred by the last preceding paragraph to the exclusion of the exercise of those powers by a bush fire control officer or the local government but if an authorised CALM Act officer fails to exercise the powers a bush fire control officer or local government may exercise those powers.

(2) A person who lights a fire contrary to the provisions of this section or who fails to carry out any direction given to him pursuant to this section is guilty of an offence.

Penalty: \$10 000.

(3) If, as a result of the exercise of any power conferred by ~~subsection (1),~~ subsection (1A) or (1B), a person, who has paid a fee to a local government for a permit to light a fire, is precluded from doing so in such circumstances that the permit is of no use to him the local government shall, on being requested to do so, refund the fee to him.

47. Fire-break not to be lit when bush fire burning

Subject to the provisions of ~~section 39(2)(a)~~ section 39(2) and to the provisions of section 45, a person shall not, if a bush fire is burning on land, burn a fire-break on the land or on any land adjoining or adjacent though not contiguous to the land whether for the purpose of controlling or preventing the spread of, or otherwise affecting the bush fire, unless as directed by a bush fire control officer or if a bush fire control officer is not present, the captain of a bush fire brigade or, in

his absence, a member of the bush fire brigade who is present at the bush fire.

58. General penalty and recovery of expenses incurred

- (3) Where, as the result of an offence against this Act, any expense is incurred by an authorised CALM Act officer, bush fire control officer, any officer or member of a bush fire brigade, or by any other person acting under the provisions of this Act, in the performance of a duty imposed, or the doing of anything which he is empowered or required to do, ~~by this Act —~~

~~the CALM Act CEO —~~

~~where the expense is incurred by an authorised CALM Act officer,
or a local government concerned —~~

~~where the expense is incurred by a bush fire control officer employed
by the local government, or by an officer or member of a bush fire
brigade established and maintained by the local government, or~~

~~the Authority —~~

~~where the expense is incurred by any other person acting pursuant to
this Act —~~ the relevant body may —

- (a) ~~may~~ recover the amount of the expense so incurred from the person committing the offence as a debt due in a court of competent jurisdiction; or
- (b) ~~may~~ apply to a court of summary jurisdiction convicting the person of the offence for an order for payment by that person of the amount of the expense, if the amount does not exceed \$1 000, in addition to any penalty inflicted in respect of the ~~conviction.~~ conviction; or

~~(i) The court may grant the application wholly or in part or
refuse the application, and payment of an amount
specified in an order may be enforced in the same
manner as payment of a pecuniary penalty.~~

~~(ii) Refusal of the court to grant an order for payment of
the whole or part of the expenses is not a bar to
proceedings to recover the whole or part, as the case
may be, in any other court of competent jurisdiction;~~

~~or~~

- (c) ~~may~~ issue a certificate that the expense was incurred and as to the amount of the expense, and the certificate is evidence of the facts so stated in all courts until the contrary is proved.

(3A) In subsection (3) —

relevant body, in relation to an expense, means —

- (a) if the expense is incurred by an authorised CALM Act officer,
the CALM Act CEO; or
- (b) if the expense is incurred by a bush fire control officer
employed by a local government, or by an officer or member

<p><u>of a bush fire brigade established and maintained by a local government, the local government; or</u></p> <p><u>(c) if the expense is incurred by any other person acting pursuant to this Act, the Authority.</u></p> <p><u>(3B) If an application has been made under subsection (3)(b) —</u></p> <p><u>(a) the court may grant the application wholly or in part or refuse the application, and payment of an amount specified in an order may be enforced in the same manner as payment of a pecuniary penalty; and</u></p> <p><u>(b) refusal of the court to grant an order for payment of the whole or part of the expenses is not a bar to proceedings to recover the whole or part, as the case may be, in any other court of competent jurisdiction.</u></p>	<p>59. Prosecution of offences</p> <p><i>[(1)repealed]</i></p> <p>(2)(a) — A person</p> <p><u>(1) A person</u> authorised by the Minister, a member of the Authority, an officer of the Authority, an authorised CALM Act officer, a member of the Police Force, or a local government, may institute and carry on proceedings against a person for an offence alleged to be committed against this Act.</p> <p>(b) — The person</p> <p><u>(2) The person</u> instituting and carrying on the proceedings shall be reimbursed out of the funds of the local government within whose district the alleged offence is committed, all costs and expenses which he may incur or be put to in or about the proceedings.</p>
<p>64. Prohibitions excluded by certain circumstances</p> <p>The provisions of section 17(1), (2) and (12), section 18(2), (3), (6) and (12), section 21(2), section 21(2A) and (2B), section 24A(2), section 24B(3), section 25(1) and (2), and section 58(1) do not apply in respect of the exercise of any power or the performance of any function authorised by or pursuant to the provisions of Part IV other than a power or function referred to in section 38(5); <u>section 38(5A) or (5B).</u></p>	

Clause 53. Consequential amendments to *Bush Fires Regulations 1954*

Clause 53 will amend cross-references in the *Bush Fires Regulations 1954* to section 34 of the *Bush Fires Act 1954* in consequence of the amendments to be made to that section by clause 52.

This table shows the amendments to be made by this clause.

Bush Fires Regulations 1954**44. Entry onto Crown land, etc.**

Where —

- (a) an owner or occupier of land proposes to enter Crown land or a reserve or other land pursuant to ~~section 34(1)(a)~~ section 34(1) of the Act; or
- (b) a bush fire control officer proposes to enter Crown land or a reserve pursuant to ~~section 34(1)(e)~~ section 34(1AC) of the Act,

the owner or occupier or the bush fire control officer, as the case may be, shall give to the person, body or Government department responsible for the care, control and management of the land upon which entry is proposed to be made at least 4 days notice of his intention to enter the land and shall give details in the notice of the area in which he intends to carry out burning.

Clause 54. Country Areas Water Supply Act 1947 amended

Clause 54 will amend the *Country Areas Water Supply Act 1947* to:

- in section 99, replace the provisos to the third and fourth paragraphs with subsections (2) and (3); and
- restructure and redesignate the provisions listed in the Table to clause 54(3) to bring them into line with the current PCO drafting standards; and
- amend cross-references to the redesignated provisions.

This table shows the amendments to be made by this clause.

Country Areas Water Supply Act 1947**8. Governor may constitute country water areas**

~~(2)(a) — Each~~

(2) Each portion of the State which immediately prior to the commencement of this Act constituted a water area within the meaning of that expression as used in the Goldfields Water Supply Act is, subject to amendment under subsection (1), hereby constituted a country water area.

[(b) deleted]

37. Installation etc. of fire hydrants

- (10) The property in fire hydrants, whether installed before, on, or after the proclaimed day, shall —

~~if the fire~~

(a) if the fire hydrant is in a fire district, whether constituted wholly or partly before, on, or after the proclaimed day, vest in the Authority as owner;

~~if the fire~~

- (b) if the fire hydrant is in the district of a local government but elsewhere than in a fire district, vest in the local government as owner.

- (11) The Corporation shall on installing, abolishing or keeping a fire hydrant in effective order deposit the keys of the fire hydrant at such station as shall be specified —

~~by the Authority~~

- (a) by the Authority where the fire hydrant is in a fire district;

~~by the local~~

- (b) by the Authority government where the fire hydrant is in the district of the local government elsewhere than in a fire district.

87. Appropriation of rents received

- (1) All rent and other moneys payable under any lease granted by the former Minister, the former Authority or the Corporation under the provisions of section 84 shall, until the execution of a release as hereinbefore mentioned or the expiration of 25 years from the taking of possession of the land leased by the former Minister, the former Authority or the Corporation, whichever first happens, upon receipt thereof by the Corporation be applicable —

~~Firstly~~

- (a) firstly — in defraying the expenses of and incidental to the giving of the notices required by section 85, and the execution of the lease and the collection of the rents; and

~~Secondly~~

- (b) secondly — in payment to the Corporation of all moneys due in respect of the land leased and in arrear and in payment of all moneys from time to time accruing due on the land.

89. Land may be sold for arrears of rates etc., remaining unpaid for 5 years

- (2) The power of sale shall include power —
- (a) to sell the land or any part thereof either together or in lots by public auction, or by private contract subject to terms and conditions with respect to the payment of the purchase money, or any other matter, including power to fix a reserve;
 - (b) to vary any contract of sale and to buy in at any auction;
 - (c) to rescind any contract for sale and to resell without being answerable for any loss occasioned thereby;
 - (d) to subdivide the land and make such streets and roads and grant such easements of right-of-way or drainage therein as the circumstances of the case may require and the Corporation

thinks fit, subject to all laws relating ~~thereto:~~ thereto.

~~Provided that the~~

- (3) Despite subsection (2), the land shall not be sold by private contract until it has been first offered for sale by public auction.

99. Application of purchase money

~~The money arising~~

- (1) The money arising from the sale and received by the Corporation shall, notwithstanding the disability of any person or any statute of limitations, be held by the Corporation to be applied as follows:

~~Firstly—In~~

- (a) firstly — in payment of the costs, charges and expenses properly incurred by the Minister as incidental to the sale or attempted sale or ~~otherwise:~~ otherwise;

~~Secondly—In~~

- (b) secondly — in payment of all moneys owing and referred to in ~~section 89:~~ section 89;

~~Thirdly—In~~

- (c) thirdly — subject to subsection (2), in payment of all unpaid moneys owing for rates and taxes and any costs or other moneys due to or imposed by the Crown in right of the State or any department, agency, instrumentality or branch of Her Majesty's Government of the State in respect of the land at the time of ~~the sale:~~ the sale;

~~Provided that where the moneys remaining after the payments provided for in the next 2 preceding paragraphs have been made are not sufficient for the payment in full of all of the items mentioned and provided for in this paragraph, such moneys as shall remain shall be distributed between the Crown, the department, the agency, the instrumentality and the branch *pro rata* with the amounts of their claims respectively, unless the Governor or the Minister controlling the department, agency, instrumentality or branch, as the case may require, shall consent to the Crown or the department, agency, instrumentality or branch which the Minister controls being excluded wholly or partly from the *pro rata* distribution.~~

~~Fourthly—In~~

- (d) fourthly — subject to subsection (3), in payment of all unpaid rates due or imposed by the local government, in whose district the land is situated, under the Act, by which it is constituted, or under the *Health Act* ~~1911:~~ 1911;

~~Provided that, when land is sold under this Act and the land is situated, in 2 or more local government districts, the Governor may determine for the purpose of this paragraph the proportionate part of the whole of the purchase price~~

~~which shall be allocated to that part of the land situated in each district.~~

~~Fifthly—In~~

- (e) fifthly — in payment of all vendor's costs and expenses of and in connection with conferring upon the purchaser a clear title to ~~the land.~~ the land;

~~Sixthly—In~~

- (f) sixthly — in or towards the discharge of all or any other mortgages, encumbrances, whether registered or not, according to their respective priorities, so far as the same can be ascertained by the ~~Corporation.~~ Corporation;

~~Seventhly—In~~

- (g) seventhly — subject to subsection (4), in payment of the residue of the money within 12 months after the receipt thereof to the person who would, but for the proceedings for sale, be entitled to the land, or if there be several persons who would be so entitled, then to those persons in the proportions in which they would be respectively ~~so entitled.~~ so entitled.

- (2) Where the moneys remaining after the payments provided for in subsection (1)(a) and (b) have been made are not sufficient for the payment in full of all of the items mentioned and provided for in subsection (1)(c), such moneys as shall remain shall be distributed between the Crown, the department, the agency, the instrumentality and the branch *pro rata* with the amounts of their claims respectively, unless the Governor or the Minister controlling the department, agency, instrumentality or branch, as the case may require, shall consent to the Crown or the department, agency, instrumentality or branch which the Minister controls being excluded wholly or partly from the *pro rata* distribution.

- (3) When land is sold under this Act and the land is situated in 2 or more local government districts, the Governor may determine for the purpose of subsection (1)(d) the proportionate part of the whole of the purchase price which shall be allocated to that part of the land situated in each district.

~~Provided that, if any person is~~

- (4) If any person referred to in subsection (1)(g) is entitled to an estate in reversion or remainder in the land, the money may be paid in to the Supreme Court under section 99 of the *Trustees Act 1962*, and thereafter the money so paid into Court shall be subject to the provisions of that Act so far as the same are applicable; but any petition, claim, suit or action for or in respect of that money shall be presented within 6 years after payment into the Supreme Court, and after the expiration of that period, the money then in the Supreme Court to the credit of the particular trust concerned shall, if there be no petition, claim, suit or action pending, or any order of the Supreme Court to the contrary, be paid into and form part of the general

revenue of the State.

102. Power to transfer land to Crown

- (1) If land is offered for sale by auction pursuant to this Division, but no bid is made for the land at the auction and the land is unsold within the period of 12 months mentioned in the last preceding section, and has been alienated from the Crown in fee simple, the Corporation with the consent of the Governor, shall have power by transfer (where the land is under the *Transfer of Land Act 1893*) and by deed (where the land is not under the *Transfer of Land Act 1893*) to transfer or convey an estate in fee simple to ~~Her Majesty:~~ Her Majesty.

~~Provided that the Governor shall not consent,~~

- (2) The Governor shall not consent under subsection (1) unless he is satisfied that there is no reasonable prospect of selling the land pursuant to this Division within a reasonable time.

[(2) repealed]

- (3) Upon the transfer or conveyance being lodged with him, or the conveyance being registered, the Registrar of Titles, or Registrar of Deeds, as the case may be, shall make any entry in the Register within the meaning of the *Transfer of Land Act 1893* or the Book of Registry under the *Registration of Deeds Act 1856*, which may be necessary or proper to evidence that the land is vested in Her Majesty, and thereupon and notwithstanding the provisions of the *Transfer of Land Act 1893*, the land shall be deemed to be, and may be dealt with as, Crown lands free from any mortgage, lease, tenancy, encumbrance, charge or reservation of any kind.

~~If the land~~

- (3A) If the land is under the *Transfer of Land Act 1893*, the Registrar of Titles shall cancel any certificate of title relating to the land by indorsing thereon “Cancelled, the within land having been acquired by the Crown and removed from the operation of the *Transfer of Land Act 1893*,” and the land shall, for the purpose of that Act, and until again alienated from the Crown, be dealt with and regarded in all respects as if it had never been alienated from the Crown.

~~If the land~~

- (3B) If the land is not under the *Transfer of Land Act 1893*, the Registrar of Deeds may require the Corporation to deposit with him a plan or map of the land as if an application had been made to bring the land under the *Transfer of Land Act 1893*.

- (4) No duty nor fee of any kind shall be payable upon any transfer or conveyance referred to in this section upon lodging or registering it as referred to in ~~subsection (3):~~ subsection (3), (3A) or (3B).

105. Minister may make by-laws

- (1) Without prejudice to the generality of that power, the power conferred by section 34 of the *Water Agencies (Powers) Act 1984* to make by-laws may be exercised for the purposes of this Act with respect to the following ~~matters, that is to say:~~ matters —

~~[(i) deleted]~~

~~(ii) For~~

(a) for the prevention of the pollution of water within any water reserve or ~~catchment area:~~ catchment area;

~~[(iii)-(xi) deleted]~~

~~(xii) Specifying~~

(b) specifying the purposes for which and the persons or classes of persons to whom water may be supplied under agreement, and the general and special terms and conditions upon which water shall be so ~~supplied:~~ supplied;

~~(xiii) Prescribing~~

(c) prescribing the quantity of water a consumer may take or consume for any specified ~~purposes:~~ purposes;

~~(xiv) Fixing~~

(d) fixing the level beyond which water supplied from the water works of the Corporation may not be allowed to rise at any particular place within a country water area.

120. Proof of ownership or occupancy

~~In any legal~~

- (1) In any legal proceedings under the *Water Agencies (Powers) Act 1984* or this ~~Act —~~

~~(1) in~~

Act, in addition to any other method of proof available —

(a) evidence that the person proceeded against has been charged as owner or occupier of any land; or

(b) evidence by certificate in writing of —

(i) the Registrar of Titles or any assistant registrar, that any person's name appears in the Register under the *Transfer of Land Act 1893*, as proprietor of any land; or

(ii) the Registrar of Deeds, that any person appears from any memorial of registration of any deed conveyance

	or other instrument to be the owner of any land; or
<u> </u> (iii)	the chief executive officer of the department principally assisting in the administration of the <i>Land Administration Act 1997</i> that any person is registered in that department as the owner, occupier or lessee of any land; or
<u> </u> (iv)	the chief executive officer of the department principally assisting in the administration of the <i>Mining Act 1978</i> that any person is registered in that department as the lessee or holder of any mining lease or other mining tenement; or
<u> </u> (v)	the Surveyor General, that any plan or reproduction of a plan represents part of the State <u>State</u> ,
<u> </u>	shall until the contrary is proved be evidence that such person is the owner or occupier, or of the matter certified to, as the case may be, of such land <u>such land</u> .
<u> </u> (2)	judicial
<u> </u> (2)	<u>In any legal proceedings under the <i>Water Agencies (Powers) Act 1984</i> or this Act, judicial</u> notice shall be taken of the signatures and appointments of persons for the time being appointed to or acting in and discharging the duties of the offices referred to in the next preceding subsection.

Clause 55. *Country Towns Sewerage Act 1948* amended

Clause 55 will amend the *Country Towns Sewerage Act 1948* to:

- in section 93, replace the provisos to the third paragraph with subsections (2) and (3); and
- restructure and redesignate the provisions listed in the Table to clause 55(3) to bring them into line with the current PCO drafting standards; and
- amend cross-references to the redesignated provisions.

This table shows the amendments to be made by this clause.

<i>Country Towns Sewerage Act 1948</i>	
23.	Altering sewers
	The Corporation
<u> </u> (1)	<u>The Corporation</u> may open the ground and change the level of or otherwise amend or enlarge any sewer lying under any public or private street or place within a sewerage area for

better communicating with other sewers or property ~~sewers:~~
sewers.

~~Provided that no~~

- (2) Despite subsection (1), no person shall, by means of any such alteration, amendment, or enlargement, be deprived of the use and enjoyment of any property sewer which he shall be entitled to use; but the Corporation shall, at the Corporation's own cost and charges, so construct and alter any such property sewer as to render the same as effectual for the purposes for which it was intended as any such property sewer may be at the time of such alteration.

25. As to ventilators, etc.

~~The Corporation~~

- (1) The Corporation may cause any ventilating shaft, pipe, or tube for any sewer or property sewer to be attached to any wall of any building within any sewerage ~~area:~~ ~~Provided that~~
the area.

- (2) The mouth of every such shaft, pipe, or tube, shall be at least 1.8 metres higher than any window or door situate within a distance of 9 metres ~~therefrom; and also may~~ therefrom.

- (3) The Corporation may make use of the chimney of any public building or of any factory, or of any tramway building as a ventilating shaft or ~~tube:~~ tube.

~~Provided that no~~

- (4) However, no ventilating shaft for the purpose of ventilating any sewer shall be attached to any private residence.

40. Notice to be given to the Corporation before commencing or continuing sanitary work

- (2) The Corporation shall, within 7 days after the receipt of the plan, return it with such directions endorsed thereon as may be thought fit.

~~If the owner~~

(2A) If the owner or occupier —

- (a) commences or causes to be commenced the construction or alteration of any work as aforesaid without giving such notice or without furnishing the plan as aforesaid; or
- (b) having given the notice and furnished the plan commences or causes to be commenced the construction or alteration of the work before the expiration of the 7 days abovementioned, and before the plan has been returned by the Corporation; or

(c) fails to follow the directions endorsed on the plan, he shall be liable to a penalty not exceeding \$1 000, and any work constructed or altered contrary to or not in accordance with the directions may be removed by the Corporation, and the expenses of the removal may be recovered by the Corporation from the owner or ~~occupier~~: occupier.

~~Provided that the above provisions of this section~~

(2B) Subsections (1) to (2A) shall not apply in a case where the Corporation declares, in writing that the Corporation is satisfied that an emergency had arisen which rendered it necessary or desirable that the work should be constructed or altered before the directions of the Corporation could be obtained, and that notice was given and a plan was furnished as soon as practicable.

83. Land may be sold for arrears of charges, etc., remaining unpaid for 5 years

- (2) The power of sale shall include power —
- (a) to sell the land or any part thereof, either together or in lots, by public auction, or by private contract subject to terms and conditions with respect to the payment of the purchase money, or any other matter, including power to fix a reserve;
 - (b) to vary any contract of sale and to buy in at any auction;
 - (c) to rescind any contract for sale and to resell without being answerable for any loss occasioned thereby;
 - (d) to subdivide the land and make such streets and roads and grant such easements of right-of-way or drainage therein as the circumstances of the case may require and the Corporation thinks fit, subject to all laws relating ~~thereto~~: thereto.

~~Provided that the~~

(3) Despite subsection (2), the land shall not be sold by private contract until it has been first offered for sale by public auction.

93. Application of purchase money

~~The money~~

(1) The money arising from the sale and received by the Corporation shall, notwithstanding the disability of any person or any statute of limitation, be held by the Corporation to be applied as follows: —

~~Firstly — In~~

- (a) firstly — in payment of the costs, charges and expenses properly incurred by the Corporation as incidental to the sale or attempted sale or ~~otherwise:~~
otherwise;

~~Secondly — In~~

- (b) secondly — in payment of all moneys owing and referred to in ~~section 83:~~ section 83;

~~Thirdly — In~~

- (c) thirdly — subject to subsections (2) and (3), in payment of all unpaid moneys owing for rates and taxes and any costs or other moneys due to or imposed by the Crown in the right of the State or any department, agency, instrumentality or branch of Her Majesty's Government of the State and also in payment of all moneys for unpaid rates due to or imposed by the local government in respect of the land at the time of the ~~sale:~~ sale;

~~Provided that where the moneys remaining after the payments provided for firstly and secondly herein have been made are not sufficient for the payment in full of all the rates, taxes and other moneys mentioned and provided for in this paragraph such moneys shall be distributed between the Crown, the department, the agency, the branch and the local government pro rata with the amounts of their claims respectively.~~

~~Provided also that, when land is sold under this Act and the land is situated in 2 or more local government districts, the Governor may determine for the purpose of this paragraph the proportionate part of the whole of the purchase price which shall be allocated to that part of the land situated in each district.~~

~~Fourthly — In~~

- (d) fourthly — in payment of all vendor's costs and expenses of and in connection with conferring upon the purchaser a clear title to the ~~land:~~ land;

~~Fifthly — In~~

- (e) fifthly — in or towards the discharge of all or any other mortgages, encumbrances, whether registered or not, according to their respective priorities, so far as the same can be ascertained by the ~~Corporation:~~
Corporation;

~~Sixthly — In~~

(f) sixthly — subject to subsection (4), in payment of the residue of the money within 12 months after the receipt thereof to the person who would, but for the proceedings for sale, be entitled to the land, or if there be several persons who would be so entitled, then to those persons in the proportions in which they would be respectively so ~~entitled:~~ entitled.

(2) Where the moneys remaining after the payments provided for in subsection (1)(a) and (b) have been made are not sufficient for the payment in full of all the rates, taxes and other moneys mentioned and provided for in subsection (1)(c) such moneys shall be distributed between the Crown, the department, the agency, the branch and the local government pro rata with the amounts of their claims respectively.

(3) When land is sold under this Act and the land is situated in 2 or more local government districts, the Governor may determine for the purpose of subsection (1)(c) the proportionate part of the whole of the purchase price which shall be allocated to that part of the land situated in each district.

~~Provided that, if any person is~~

(4) If any person referred to in subsection (1)(f) is entitled to an estate in reversion or remainder in the land, the money may be paid into the Supreme Court under section 99 of the *Trustees Act 1962*, and thereafter the money so paid into Court shall be subject to the provision of that Act so far as the same are applicable; but any petition, claim, suit or action for or in respect of that money shall be presented within 6 years after payment into the Supreme Court, and after the expiration of that period, the money then in the Supreme Court to the credit of the particular trust concerned shall, if there be no petition, claim, suit or action pending or any order of the Supreme Court to the contrary, be paid into and form part of the general revenue of the State.

96. Power to transfer land to Crown

(1) If land is offered for sale by auction pursuant to this Division of this Part, but no bid is made for the land at the auction and the land is unsold within the period of 12 months mentioned in the last preceding section and has been alienated from the Crown in fee simple, the Corporation with the consent of the Governor, shall have power by transfer (where the land is under the *Transfer of Land Act 1893*) and by deed (where the land is not under the *Transfer of Land Act 1893*) to transfer or convey an estate in fee simple to Her ~~Majesty:~~ Majesty.

~~Provided that the Governor shall not consent,~~

- (2) The Governor shall not consent under subsection (1) unless he is satisfied that there is no reasonable prospect of selling the land pursuant to this Division of this Part within a reasonable time.

[(2) *repealed*]

- (3) Upon the transfer or conveyance being lodged with him, or the conveyance being registered, the Registrar of Titles, or Registrar of Deeds as the case may be, shall make any entry in the Register within the meaning of the *Transfer of Land Act 1893* or the Book of Registry under the *Registration of Deeds Act 1856*, which may be necessary or proper to evidence that the land is vested in Her Majesty, and thereupon and notwithstanding the provisions of the *Transfer of Land Act 1893*, the land shall be deemed to be, and may be dealt with as, Crown lands free from any mortgage, lease, tenancy, encumbrance, charge or reservation of any kind.

~~If the land~~

- (3A) If the land is under the *Transfer of Land Act 1893*, the Registrar of Titles shall cancel any certificate of title relating to the land by endorsing thereon “Cancelled, the within land having been acquired by the Crown and removed from the operation of the *Transfer of Land Act 1893*,” and the land shall, for the purposes of that Act, and until again alienated from the Crown, be dealt with and regarded in all respects as if it had never been alienated from the Crown.

~~If the land~~

- (3B) If the land is not under the *Transfer of Land Act 1893*, the Registrar of Deeds may require the Corporation to deposit with him a plan or map of the land as if an application had been made to bring the land under the *Transfer of Land Act 1893*.

- (4) No duty nor fee of any kind shall be payable upon any transfer or conveyance referred to in this section upon lodging or registering it as referred to in ~~subsection (3):~~ subsection (3), (3A) or (3B).

102. Minister may make by-laws

Without prejudice to the generality of that power, the power conferred by section 34 of the *Water Agencies (Powers) Act 1984* to make by-laws may be exercised for the purposes of this Act, with respect to the following ~~matters, that is to say:~~ matters —

[(1), (2) *deleted*]

(3)	Protecting
(a)	<u>protecting</u> and preventing and remedying the blockage, leakage, misuse, or contamination of water, waste water, sewers and property sewers ; <u>sewers</u> ;
[(4)-(10) <i>deleted</i>]	
(11)	Defining
(b)	<u>defining</u> and specifying the classes of industry from which liquid wastes may be accepted in the sewers, and the general and special terms upon which wastes will be accepted ; <u>accepted</u> ;
(12)	Prescribing
(c)	<u>prescribing</u> the quantity of sewage that may be discharged from a specified industry ; <u>industry</u> ;
(13)	Prescribing
(d)	<u>prescribing</u> the levels from below which sewage will not be accepted to the sewers and specifying the positions where the fixtures may be placed ; <u>placed</u> ;
[(14), (15) <i>deleted</i>]	
(16)	Prohibiting
(e)	<u>prohibiting</u> any alteration of or interference with any sewer, pipes, property sewer, fixture or fittings, without the consent of or notice to the Corporation.

Clause 56. *Dental Act 1939* amended

Clause 56 will amend the *Dental Act 1939* to:

- in section 55, replace the proviso to subsection (1)(a) with subsection (1A); and
- restructure and redesignate the provisions listed in the Table to clause 56(3) to bring them into line with the current PCO drafting standards; and
- amend cross-references to the redesignated provisions.

This table shows the amendments to be made by this clause.

<i>Dental Act 1939</i>	
8.	Proceedings of the Board
(1)	Any 4 members of the Board shall form a quorum thereof.
(2)	The members of the Board shall appoint one of the dentist members to be the President of the Board, who shall be <i>ex officio</i> chairman at all meetings of the Board ; Provided that the <u>Board</u> .
<u>(2A)</u>	<u>The</u> President of the Dental Board as constituted and functioning immediately prior to the commencement of this

	Act shall be the President of the first Board established under this Act.
23.	<p>Withdrawal of name from Register</p> <p>(1) Any person whose name is entered on the Register may, at any time by notice in writing in the prescribed form, signed by him, request the Board to withdraw his name from the Register, and upon receipt of such notice, but subject as hereinafter provided, the Registrar shall, by striking out the same, withdraw the name of such person from the Register.</p> <p>Provided that, if</p> <p><u>(1A)</u> <u>Despite subsection (1), if</u> at the time when notice is given to the Board as aforesaid, an allegation or charge of an offence against or under this Act, or of infamous or disgraceful conduct in a professional respect is pending against the person giving the notice, the name of such person shall not be withdrawn from the Register, until such allegation or charge has been duly inquired into or heard and has been determined by the State Administrative Tribunal or the court, as the case may require.</p>
46.	<p>Annual licence fees</p> <p>(6) Subject as hereinafter provided, licences issued under this section shall have effect for one year ending on 31 December in each year.</p> <p>Provided that —</p> <p><i>[(i) deleted]</i></p> <p>(ii) — licences</p> <p><u>(6A)</u> <u>Licences</u> issued under this section at any time of a year shall have effect only until 31 December next following the issue thereof.</p> <p>(7) The licence fees payable under this section shall, subject to subsection (6); <u>subsections (6) and (6A),</u> be due and payable during the month of January in each and every year, or within one month after the name of the person is entered in the Register, and when such fee is paid within the time hereinbefore prescribed for the payment thereof, such payment shall be deemed to have been made as from and including the first day of the month of January in which it is paid or as from and including the date of registration.</p>
51.	<p>Persons other than dentists prohibited from charging fees</p> <p>Subject as</p> <p><u>(1)</u> <u>Subject as</u> hereinafter provided no person other than a dentist, and no company, shall be entitled to charge or to sue</p>

in any court for the recovery of any fee or other remuneration, or to counterclaim or set off any such fee or other remuneration in respect of any act of dentistry performed by him ~~or it:~~ or it.

~~Provided that this~~

(2) This section shall not apply —

- (a) to any person or persons practising dentistry under a firm-name under the authority of section 56; or
- (b) to any medical practitioner who performs an act of dentistry as authorised by section 50(2)(b).

54. Provisions relating to name-plates or signs

- (1) No dentist shall exhibit or permit or suffer to be or remain exhibited in or about any portion of the premises at or in any part of which he carries on the practice of dentistry, any plate, notice board, or other notification that he practises at such premises of any kind or description other than that authorised by the rules or ~~regulations:~~ regulations.

~~Provided that any~~

(1A) Despite subsection (1), any dentist who for a period of not less than 4 years next preceding the commencement of this Act was exhibiting and desires still to exhibit a plate, notice board, or other notification aforesaid of a size or description or containing matter not in conformity with the rules or regulations aforesaid, may within 6 months of the coming into operation of the said rules or regulations make application in the prescribed manner to the Board for a permit to continue the exhibition of the said plate, notice board, or other notification, and the Board may grant or refuse such permit, as it may think fit.

55. Dentist not to be employed by or agent for any person who is not a dentist

- (1) No dentist shall —
 - (a) practise his profession as a dentist or perform any dental operation or service as the employee of or as agent for any company or any person which or who is not ~~a dentist:~~ a dentist; or

~~Provided that this section shall not apply to —~~

- ~~(i) — any dentist when he is practising his profession as a dentist as the employee of or as agent for any executor or administrator as provided by section 52 or as the employee of or as agent for any person or persons engaged in the business or practice of dentistry under the authority of section 56; or~~

- ~~(ii) any dentist when he is practising the said profession as employee of or as agent in any dental hospital or dental college or in any dental clinic established by or under the Crown or by any local government;~~
- (b) enter into any partnership with, or share his earnings in his profession as a dentist with any company, or with any person who is not a dentist; or
- (c) authorise or permit or suffer his name to be used by any company or by any person who is not a dentist in the practice of dentistry, or in the performance of any dental operation or service; or
- (d) authorise or permit or suffer any person who is not a —
 - (i) dental attendant;
 - (ii) dental prosthetics student acting under the direction of a dentist as a requirement for obtaining a qualification prescribed for the purposes of section 18(1)(b) of the *Dental Prosthetists Act 1985*;
 - (iii) dental therapist;
 - (iiia) dental hygienist;
 - (iv) dentist;
 - (v) medical practitioner; or
 - (vi) registered nurse,
 to assist or take part in any act of dentistry or in any operation on the mouth or in any other dental operation or service;
- (e) subject to section 56, practise dentistry, or on any professional card, in any newspaper, journal, periodical, or otherwise advertise or hold himself forth as practising dentistry under a name other than his proper or usual name without any addition thereto.

(1A) This section shall not apply to —

- (a) any dentist when he is practising his profession as a dentist as the employee of or as agent for any executor or administrator as provided by section 52 or as the employee of or as agent for any person or persons engaged in the business or practice of dentistry under the authority of section 56; or
- (b) any dentist when he is practising the said profession as employee of or as agent in any dental hospital or dental college or in any dental clinic established by or under the Crown or by any local government.

- (2) Every dentist who in any respect contravenes any of the provisions of this section shall be guilty of an offence.
Penalty: First offence — \$100; any subsequent offence — \$500.

56. Provisions relating to use of firm-names

~~(4) Provided that~~

~~(a) every~~

(4A) Every permit granted under this section shall be in writing in the prescribed form, and shall be personal to the particular person or persons mentioned in the permit, and shall not in any way or under any circumstances, other than in the case of an executor or administrator of a deceased dentist carrying on the practice of the deceased dentist as provided by section 52, be transferable or assignable to any ~~person; and~~ person.

~~(b) this section~~

(4B) This section shall be read subject to section 55(1)(a).

Clause 57. *Electricity Act 1945* amended

Clause 57 will amend the *Electricity Act 1945* to:

- replace the proviso to section 18(e) with section 18(6); and
- restructure and redesignate the provisions listed in the Table to clause 57(4) to bring them into line with the current PCO drafting standards; and
- amend cross-references to the redesignated provisions.

This table shows the amendments to be made by this clause.

Electricity Act 1945

18. General powers

~~Subject to~~

(1) Subject to this Act and as in this section hereafter provided, a supply authority may do all or any of the following things, that is to say —

- enter upon any land, street or place and survey and take levels thereof;
- open and break up the soil, surface or pavement of any streets and bridges within the limits of any district or locality to be supplied by the supply authority with electricity, and open and break up any sewers, drains or tunnels within or under any such streets or bridges, and carry out and install transmission and distribution works under, over, along or across any such street, bridge, or shore of the sea, or of any stream or water but so that any electric line crossing above the surface of any street or of any water commonly used for navigation shall be

constructed in accordance with the technical standards, and with the clearances from structures and surfaces, prescribed, and that the free use of any street, bridge, shore, stream or water aforesaid shall not be obstructed more than is necessary for enabling the supply authority to exercise the rights, powers and authorities conferred upon it by this Act;

- (c) from time to time repair, alter or remove any such works;
- (d) for all or any of the purposes aforesaid remove and use all materials in, under or over any streets, and bridges aforesaid;
- (e) carry out and install any transmission works or distribution works in any place or in, against or through any building for the purpose of supplying the same or any other place or building with electricity, and set up any service apparatus necessary for providing thereto a complete supply of electricity, and for measuring and ascertaining the extent of ~~such supply~~; such supply;

~~Provided that if the owner of the building shall rebuild or alter the same, any work attached to the building shall be removed so far as may be necessary to enable such rebuilding or alteration to be carried out, and, if so required shall be affixed to the new or altered building at the cost of the supply authority; and~~

- (f) generally all other acts and things which the supply authority from time to time deems necessary with respect to the supply of electricity.

~~Provided that~~

~~(i) the supply~~

(2) A supply authority shall not erect or install any distribution works and service apparatus in or against any building or on any land without the consent of the owners and occupiers thereof, but nothing in ~~this~~ provide ~~subsections (2) to (5)~~ shall preclude the supply authority from entering such building or land and carrying out, erecting and installing new distribution works and service apparatus to replace any distribution works or service apparatus already lawfully carried out, erected or installed or to repair or alter any such works ~~or apparatus; or~~ apparatus.

~~(ii) before the supply~~

(3) Before a supply authority proceeds to open or break up any street, bridge, sewer, drain or tunnel it shall give to any public authority affected, under whose control or management the same or any part of the same or any works on, under or above the same may be placed, at least 3 clear day's notice in writing of the intention of the supply authority so to do except —

- (a) in cases of emergency arising from defects in any transmission works or distribution works of the supply authority in which

cases such notice shall be given with all reasonable dispatch after the beginning of the work or the necessity for the same has arisen; and

- (b) in cases where the work to be carried out consists of the connection of any distribution works to any transmission works which have been previously laid or erected, in which cases one clear day's notice in writing shall be ~~sufficient;~~ sufficient.

~~(iii) — no such street;~~

- (4) No street, bridge, sewer, drain or tunnel shall be opened up or broken up (except in the case of emergency) except under the superintendence of the public authority having the control or management thereof or of its officer, and according to such plan as shall be approved by such public authority or its officer, or, in case of any difference regarding such plan, then according to such plan as shall be determined, settled or approved by the ~~Director. Provided that if the~~ Director.

- (5) Despite subsection (4), if the public authority or its officer fails to attend at the time fixed for the opening up or breaking up of any such street, bridge, sewer, drain or tunnel after notice as required by ~~paragraph (ii) of this proviso~~ subsection (3) or shall not submit any plan for opening up or breaking up the same or shall refuse or fail to superintend the operations in connection therewith, then the supply authority may carry out the work specified in the said notice without the superintendence of the public authority or its officer.

- (6) If the owner of a building referred to in subsection (1)(e) shall rebuild or alter the same, any work attached to the building shall be removed so far as may be necessary to enable such rebuilding or alteration to be carried out, and, if so required shall be affixed to the new or altered building at the cost of the supply authority.

20. Interference with works of public authorities and vice versa

~~(2)(a) — Any~~

- (2) Any public authority which in the exercise of its statutory powers deems it necessary to alter the position of any transmission works or distribution works of a supply authority in any street or place may give to the supply authority notice specifying the nature of the alteration proposed to be made.

~~(b) — Where~~

- (3) Where notice is given by a public authority to a supply authority under ~~this subsection~~ subsection (2) the provisions of subsection (1)(b) and (c) shall, with such adaptations thereof as may be necessary, apply and have effect.

24. Power of officer of supply authority to enter premises

- (1) Subject as hereinafter provided, any officer appointed for the purposes of this section by the supply authority in writing may at all reasonable times enter upon or into any place, building or premises in which electricity is or has been supplied by the supply authority.

~~— Provided that if~~

(1A) If the occupier or other person for the time being in charge of such place, building or premises shall request such officer so to do, he shall before making any entry as aforesaid produce to such occupier or other person the written instrument of his said appointment.

- (2) Upon making such entry such officer may —
- (a) inspect and examine all distribution works, and all service apparatus and electric fittings in or upon the place, building or premises entered and which belong to the supply authority for the purpose of ascertaining the quantity of electricity consumed or supplied therein or thereto; and
 - (b) subject as hereinafter provided, where the supply authority desires to discontinue the supply of electricity as authorised by this Act, remove any service apparatus and electric fittings belonging to the supply authority.

~~— Provided that when~~

(3) When the supply authority does remove any service apparatus or electric fittings as aforesaid it shall make good or otherwise compensate the owner of the premises concerned in respect of the damage caused by such removal.

33B. Power of Director to prescribe classes or types of electrical apparatus etc., which shall not be sold etc., unless approved by the Director

~~(1)(a) The Director~~

(1A) The Director may by notice published in the *Gazette* prescribe any class or type of electrical appliance which shall not after a date specified in the notice be sold, hired or exposed for sale or hire or advertised for sale or hire, unless the electrical appliance of that class or type is approved by the Director and is stamped or labelled if and as prescribed in the regulations.

~~(b) An application~~

(1B) An application to the Director for approval under the provisions of ~~paragraph (a)~~ subsection (1A) shall be in the prescribed form, and shall, unless exempted by the Director, be accompanied by a test report from a testing laboratory approved by him or her.

~~(5)(a) The Director~~

(5A) The Director shall as soon as practicable determine whether the

application in respect of the electrical appliance is —

~~(i) approved;~~

(a) approved;

~~(ii) not~~

(b) not approved; or

~~(iii) deferred.~~

(c) deferred.

~~(b) The Director~~

(5B) The Director may approve the electrical appliance, without an examination or test of the electrical appliance, where —

~~(i) the appliance~~

(a) the appliance has been approved by a duly constituted authority in another State of the Commonwealth, in which case the approval may take the form of the approval of that authority; or

~~(ii) the appliance~~

(b) the appliance has been approved by a person recognized by the Director as a competent authority for that purpose and carries a mark recognized by the Director for that purpose.

~~(c) The recognition~~

(5C) The recognition of a person by the Director as a competent authority for the purposes of ~~paragraph (b) does~~ subsection (5B) does not have any effect in relation to the approval or marking of an electrical appliance if the person may have a financial interest in the manufacture, sale or hire of that appliance.

~~(d) The Director~~

(5D) The Director may, by notice published in the *Gazette*, specify the persons and the marks which are recognized by the Director for the purposes ~~of paragraph (b):~~ of subsection (5B).

36. Powers where electricity wasted or misused

(3) Any amount recoverable by the supply authority under subsection (2)(b) may be recovered in a court of competent jurisdiction.

~~Provided that where~~

(4) Despite subsection (3), where the supply authority prosecutes a consumer for an offence under subsection (1), the supply authority may in the same proceedings claim payment of compensation for loss sustained as provided for in subsection (2)(b), and, if the consumer is convicted of the offence with which he is charged the Court may, in addition to imposing a fine in respect of such conviction, assess and order payment of compensation by the consumer to the supply

authority; and in such case the amount of compensation ordered to be paid shall be recoverable in the same manner as the fine is recoverable.

41. Meter record to be prima facie evidence

- (3) Subject to subsection (4) a consumer shall, upon payment of the prescribed testing fee, be entitled to demand a test of any meter or other device used for ascertaining the quantity of electricity supplied to him and when such a test is demanded the following provisions shall apply, that is to say —

~~(a) The test~~

(a) the test demanded may, at the option of the person requiring the test, be performed —

- (i) on the basis of a comparison of the working of the meter or other device under consideration with that of any other meter which has been certified by any tester approved by the Director to be effective; or
- (ii) on the basis of testing the meter or other device under consideration by a testing laboratory approved ~~by the Director:~~ by the Director:

~~(b) The testing~~

(b) the testing fee prescribed in respect of a test upon the basis mentioned in paragraph (a)(i) shall not exceed \$20, and the testing fee prescribed in respect of a test upon the basis mentioned in the said paragraph (a)(ii) shall not ~~exceed \$50:~~ exceed \$50;

~~(c) If it be~~

(c) if it be found on testing that the meter or other device is not more than 2% fast, the testing fee shall be retained by the supply ~~authority:~~ authority;

~~(d) If it be~~

(d) if it be found on testing that the meter or other device is more than 2% fast the testing fee shall be refunded to the consumer and a rebate, based on the result of the test shall be made on the last account rendered to the consumer and on the current account up to the date when the meter is removed or re-adjusted.

43. Uniform charges and zoning

~~(2)(a) A supply~~

(2) A supply authority shall not make against any person for the supply to him of electricity any charge which exceeds the standard charge made by such supply authority against all other persons in the same zone for electricity supplied to them for the same use or purpose as that for which the first mentioned person desires to obtain a supply of electricity.

Clause 58. *Fatal Accidents Act 1959* amended

Clause 58 will amend the *Fatal Accidents Act 1959* to:

- move the definition of **relative** from section 6(1)(c) to section 3(1) and consequentially amend the cross-references in the shoulder note in Schedule 2; and
- restructure and redesignate section 6 and Schedule 2 to the Act to bring them into line with the current PCO drafting standards.

This table shows the amendments to be made by this clause.

<i>Fatal Accidents Act 1959</i>	
3. Interpretation	
(1)	In this Act unless inconsistent with the subject matter or context — <i>court</i> means the court by which any action brought under this Act is tried and includes a court comprising a judge and jury <u>jury</u> ; <u><i>relative</i> has the meaning given in Schedule 2.</u>
6. Effect of action and mode of bringing it	
(1)(a)	Every
<u>(1A)</u>	<u>Every</u> action brought under this Act shall be for the benefit of relatives of the person whose death has been caused in any manner referred to in section 4.
(b)	The action
<u>(1B)</u>	<u>The action</u> shall be brought by and in the name of the executor or administrator of the deceased person as the case may be.
(c)	In this Act —
	<i>relative</i> has the meaning given in Schedule 2.
Schedule 2 — Definition of relative	
[s. 6.] <u>[s. 3(1)]</u>	
<i>[Sch heading as amended by cl. 4]</i>	
In this Act, <i>relative</i> in relation to a deceased person means —	
(a)	a person who immediately before the deceased's death was —
(i)	the spouse of the deceased; or
1. Term used: relative	
	<u>In this Act —</u>
	<u><i>relative, in relation to a deceased person, means —</i></u>
(a)	a person who immediately before the deceased's death was —
(i)	the spouse of the deceased; or

Clause 59. Freedom of Information Act 1992 amended

Clause 59 will amend Schedule 1 to the *Freedom of Information Act 1992* to replace subclause headings with new subclauses where appropriate and otherwise delete the subclause headings.

This table shows the amendments to be made by this clause.

<i>Freedom of Information Act 1992</i>	
1. Cabinet and Executive Council	
	<i>Exemptions</i>
(1)	Matter is exempt matter if its disclosure would reveal the deliberations or decisions of an Executive body, and, without limiting that general description, matter is exempt matter if it —
	<i>Limits on exemptions</i>
(2A)	<u>The exemptions in subclause (1) are subject to the limits set out in subclauses (2) to (5).</u>
(2)	Matter that is merely factual, statistical, scientific or technical is not exempt matter under subclause (1) unless —
(a)	its disclosure would reveal any deliberation or decision of an Executive body; and
(b)	the fact of that deliberation or decision has not been officially published.
	<i>Definition</i>
(6)	In this clause <i>Executive body</i> means —
(a)	Cabinet;
(b)	a committee of Cabinet;
(c)	a subcommittee of a committee of Cabinet; or
(d)	Executive Council.
2. Inter-governmental relations	
	<i>Exemptions</i>
(1)	Matter is exempt matter if its disclosure —
(a)	could reasonably be expected to damage relations between the Government and any other government; or
(b)	would reveal information of a confidential nature communicated in confidence to the Government (whether directly or indirectly) by any other government.
	<i>Limit on exemptions</i>
(2A)	<u>The exemptions in subclause (1) are subject to the limit set out in subclause (2).</u>
(2)	Matter is not exempt matter under subclause (1) if its disclosure would, on balance, be in the public interest.
	<i>Definition</i>
(3)	In this clause —

	<p><i>other government</i> means the government of the Commonwealth, another State, a Territory or a foreign country or state.</p>
3.	<p>Personal information</p> <p><i>Exemption</i></p> <p>(1) Matter is exempt matter if its disclosure would reveal personal information about an individual (whether living or dead).</p> <p><i>Limits on exemption</i></p> <p><u>(2A) The exemption in subclause (1) is subject to the limits set out in subclauses (2) to (6).</u></p> <p>(2) Matter is not exempt matter under subclause (1) merely because its disclosure would reveal personal information about the applicant.</p>
4.	<p>Commercial or business information</p> <p><i>Exemptions</i></p> <p>(1) Matter is exempt matter if its disclosure would reveal trade secrets of a person.</p> <p><i>Limits on exemptions</i></p> <p><u>(4A) The exemptions in subclauses (1) and (2) are subject to the limits set out in subclauses (4) to (6) and the exemption in subclause (3) is subject to the limits set out in subclauses (4) to (7).</u></p> <p>(4) Matter is not exempt matter under subclause (1), (2) or (3) merely because its disclosure would reveal information about the business, professional, commercial or financial affairs of an agency.</p>
5.	<p>Law enforcement, public safety and property security</p> <p><i>Exemptions</i></p> <p>(1) Matter is exempt matter if its disclosure could reasonably be expected to — ...</p> <p><i>Limits on exemptions</i></p> <p><u>(4A) The exemptions in subclauses (1) and (2) are subject to the limits set out in subclause (4).</u></p> <p>(4) Matter is not exempt matter under subclause (1) or (2) if —</p> <p>(a) it consists merely of one or more of the following —</p> <p>(i) information revealing that the scope of a law enforcement investigation has exceeded the limits imposed by the law;</p> <p>(ii) a general outline of the structure of a programme adopted by an agency for dealing with any contravention or possible contravention of the law; or</p> <p>(iii) a report on the degree of success achieved in any programme adopted by an agency for dealing with any contravention or possible contravention of the law;</p> <p>and</p> <p>(b) its disclosure would, on balance, be in the public interest.</p>

<p style="text-align: center;"><i>Definitions</i></p> <p>(5) In this clause —</p> <p><i>Commonwealth intelligence or security agency</i> means —</p> <p>(a) the Australian Security Intelligence Organization;</p> <p>(b) the Australian Secret Intelligence Service;</p>	<p>6. Deliberative processes</p> <p style="text-align: center;"><i>Exemptions</i></p> <p>(1) Matter is exempt matter if its disclosure —</p> <p>(a) would reveal —</p> <p>(i) any opinion, advice or recommendation that has been obtained, prepared or recorded; or</p> <p>(ii) any consultation or deliberation that has taken place, in the course of, or for the purpose of, the deliberative processes of the Government, a Minister or an agency; and</p> <p>(b) would, on balance, be contrary to the public interest.</p> <p style="text-align: center;"><i>Limits on exemptions</i></p> <p><u>(2A) The exemption in subclause (1) is subject to the limits set out in subclauses (2) to (4).</u></p> <p>(2) Matter that appears in an internal manual of an agency is not exempt matter under subclause (1).</p>
<p>7. Legal professional privilege</p> <p style="text-align: center;"><i>Exemption</i></p> <p>(1) Matter is exempt matter if it would be privileged from production in legal proceedings on the ground of legal professional privilege.</p> <p style="text-align: center;"><i>Limit on exemption</i></p> <p><u>(2A) The exemption in subclause (1) is subject to the limit set out in subclause (2).</u></p> <p>(2) Matter that appears in an internal manual of an agency is not exempt matter under subclause (1).</p>	<p>8. Confidential communications</p> <p style="text-align: center;"><i>Exemptions</i></p> <p>(1) Matter is exempt matter if its disclosure (otherwise than under this Act or another written law) would be a breach of confidence for which a legal remedy could be obtained.</p> <p style="text-align: center;"><i>Limits on exemption</i></p> <p><u>(3A) The exemptions in subclauses (1) and (2) are subject to the limits set out in subclauses (3) and (4).</u></p> <p>(3) Matter referred to in clause 6(1)(a) is not exempt matter under subclause (1) unless its disclosure would enable a legal remedy to be obtained for a breach of confidence owed to a person other than —</p> <p>(a) a person in the capacity of a Minister, a member of the staff of a Minister, or an officer of an agency; or</p>

	(b) an agency or the State.
<p>9. The State's economy</p> <p style="text-align: center;"><i>Exemptions</i></p> <p>(1) Matter is exempt matter if its disclosure could reasonably be expected to —</p> <ul style="list-style-type: none"> (a) have a substantial adverse effect on the ability of the Government or an agency to manage the economy of the State; or (b) result in an unfair benefit or detriment to any person or class of persons because of the premature disclosure of information concerning any proposed action or inaction of the Parliament, the Government or an agency in the course of, or for the purpose of, managing the economy of the State. <p style="text-align: center;"><i>Limit on exemption</i></p> <p><u>(2A) The exemptions in subclause (1) are subject to the limit set out in subclause (2).</u></p> <p>(2) Matter is not exempt matter under subclause (1) if its disclosure would, on balance, be in the public interest.</p>	
<p>10. The State's financial or property affairs</p> <p style="text-align: center;"><i>Exemptions</i></p> <p>(1) Matter is exempt matter if its disclosure could reasonably be expected to have a substantial adverse effect on the financial or property affairs of the State or an agency.</p> <p style="text-align: center;"><i>Limit on exemptions</i></p> <p><u>(6A) The exemptions in subclauses (1) to (5) are subject to the limit set out in subclause (6).</u></p> <p>(6) Matter is not exempt matter under subclause (1), (2), (3), (4) or (5) if its disclosure would, on balance, be in the public interest.</p>	
<p>11. Effective operation of agencies</p> <p style="text-align: center;"><i>Exemptions</i></p> <p>(1) Matter is exempt matter if its disclosure could reasonably be expected to —</p> <ul style="list-style-type: none"> (a) impair the effectiveness of any method or procedure for the conduct of tests, examinations or audits by an agency; (b) prevent the objects of any test, examination or audit conducted by an agency from being attained; (c) have a substantial adverse effect on an agency's management or assessment of its personnel; or (d) have a substantial adverse effect on an agency's conduct of industrial relations. <p style="text-align: center;"><i>Limit on exemptions</i></p> <p><u>(2A) The exemptions in subclause (1) are subject to the limit set out in subclause (2).</u></p> <p>(2) Matter is not exempt matter under subclause (1) if its disclosure would, on balance, be in the public interest.</p>	

12. Contempt of Parliament or court***Exemptions***

Matter is exempt matter if its public disclosure would, apart from this Act and any immunity of the Crown —

- (a) be in contempt of court;
- (b) contravene any order or direction of a person or body having power to receive evidence on oath; or
- (c) infringe the privileges of Parliament.

13. Information as to adoption or artificial conception***Exemption***

Matter is exempt matter if its disclosure would reveal —

- (a) information relating to the adoption of a child or arrangements or negotiations for or towards or with a view to the adoption of a child; or
- (b) information relating to the participation of a person in an artificial fertilization procedure as defined in the *Human Reproductive Technology Act 1991* or as to a person having been born as a result of such a procedure.

14. Information protected by certain statutory provisions***Exemptions***

- (1) Matter is exempt matter if it is matter of a kind mentioned in —
 - (a) section 167(1)(a), (1)(c), (2)(a) or (2)(b) of the *Equal Opportunity Act 1984*;
 - (b) section 64(2)(a), (2)(b) or (3) of the *Legal Aid Commission Act 1976*;
 - (c) section 23(1) of the *Parliamentary Commissioner Act 1971*; or
 - (d) section 47 of the *Inspector of Custodial Services Act 2003*.

15. Information as to precious metal transactions***Exemption***

- (1) Matter is exempt matter if its disclosure would reveal information about —
 - (a) gold or other precious metal received by Gold Corporation from a person, or held by Gold Corporation on behalf of a person, on current account, certificate of deposit or fixed deposit; or
 - (b) a transaction relating to gold or other precious metal received or held by Gold Corporation.

Definition

- (2) In this clause —

Gold Corporation means the Gold Corporation constituted under section 4 of the *Gold Corporation Act 1987* or a subsidiary of Gold Corporation within the meaning of that Act.

Clause 60. Government Railways Act 1904 amended

Clause 60 will amend the *Government Railways Act 1904* to:

- replace the proviso to section 23(1)(6) with section 23(1B); and
- restructure and redesignate the provisions listed in the Table to clause 60(4) to bring them into line with the current PCO drafting standards; and
- amend cross-references to the redesignated provisions.

This table shows the amendments to be made by this clause.

Government Railways Act 1904	
2. Interpretation	<p>In this Act, if not inconsistent with the context —</p> <p><i>railway</i> or <i>government railway</i> means any railway belonging to Her Majesty in Western Australia which has been or may be hereafter declared open for traffic by notice in the <i>Government Gazette</i>, and includes —</p> <p>(1) all</p> <p>(a) <u>all</u> land belonging to Her Majesty upon which the railway is constructed, or which is or is reputed to be held or used in connection with or for the purpose of a railway; and also</p> <p>(2) all</p> <p>(b) <u>all</u> branch lines, sidings, buildings, erections, wharves, jetties, works, locomotives, motor cars, motor and other vehicles, rolling-stock, plant, machinery, goods, chattels, and other fixed or movable property of every description or kind belonging to Her Majesty, and situate on such land, or held or used or reputed to be held or used in connection with or for the purposes of a railway,</p> <p>except that it does not include any railway or portion of a railway that under section 66A is not a government railway for the purposes of this Act;</p>
18. Gates and cattle-stops	<p>Notwithstanding</p> <p>(1A) <u>Notwithstanding</u> anything to the contrary contained in any other Act relating to the erection of gates across roads, it is hereby declared that, with respect to every railway, the following special provisions shall apply <u>subsections (1) to (7) apply.</u></p> <p>(1) Where a railway crosses any road on a level the Authority may erect and maintain gates across such road on each side of the railway, and may keep such gates closed, except when foot-passengers, horses, cattle, carts, carriages, and other vehicles passing along such road shall have to cross the railway and may safely do so.</p>

(2) It shall not be lawful without the consent in writing of the Authority, to erect or maintain across a road, where such road crosses any line of railway on the level, any gate within 40 metres of the middle line of such railway.

(3) The Authority may agree with the local government having the control of such road to allow any such gate to be erected or maintained, under such conditions as, in the interests of public safety, it thinks fit to impose.

(4) The Authority may require any such gate, whether erected before or after the passing of this Act, to be removed if cattle-stops are provided at such level crossing.

(5) At level crossings where there are cattle-stops it shall not be lawful to erect or maintain gates so as to enclose the railway, without the consent in writing of the Authority.

(6) If any gate is hereafter erected in breach of this Act, then, irrespective of all other liabilities to which the person or local government erecting the same is thereby exposed, the same may, at the cost and expense in all things of such person or authority, be at any time removed by the Authority without any notice.

(7) With respect to every such gate as aforesaid which is in existence at the time of the coming into operation of this Act, it shall be the duty of the person or authority which erected the gate to remove the same within 48 hours after notice in writing so to do from the Authority; and if default is made in removing the same in terms of such notice, then the gate shall be deemed to be erected in breach of this Act, within the meaning of the last preceding subsection hereof, and the provisions of that subsection shall apply accordingly.

23. By-laws

(1) The Authority may, from time to time, make by-laws upon the following subjects —

~~(1) regulating~~

(a) regulating the mode in which, and speed at which, engines and other rolling-stock are to be propelled or moved;

~~(2) regulating~~

(b) regulating the use of carriages by passengers, and the number of passengers to be carried in each carriage or compartment;

- ~~(3) imposing~~
- (c) imposing conditions upon which passengers' luggage will be carried;
- ~~(4) regulating~~
- (d) regulating the loading and unloading of wagons and the weight they may carry;
- ~~(5) regulating~~
- (e) regulating the weight to be carried in any sack, box, bale, or other package, and the size thereof, and imposing penal rates of charges for excess in respect of weight or size of package;
- ~~(6) regulating~~
- (f) regulating the receipt, carriage, delivery of and other dealings with goods, the storing of the same, and the checking of luggage: luggage;
- ~~Provided that while regulations for the checking of luggage are in force, no liability shall be incurred by Her Majesty or the Authority in respect of luggage which has not been duly checked;~~
- ~~(7) preventing~~
- (g) preventing any person affected with any infectious or contagious disease from travelling by railway, except under prescribed conditions;
- ~~(8) prohibiting~~
- (h) prohibiting the carriage or conveyance of diseased or infected animals, or of animals, plants, fruit, or vegetable produce suspected of disease, except subject to prescribed conditions;
- ~~(9) prohibiting~~
- (i) prohibiting the carriage of second-hand fruit-cases, or any cases or packages that may reasonably be supposed to have contained fruit, unless such cases are disinfected in accordance with the provisions of any Acts and regulations relating thereto;
- ~~(10) preventing~~
- (j) preventing the smoking of tobacco or any other substance, and the committing of nuisances;
- ~~(12) regulating~~
- (k) regulating the traffic on roads and bridges used both for ordinary and railway traffic;
- ~~(13) regulating~~
- (l) regulating the public or private traffic of persons, vehicles, or goods on roads, bridges, and subways across, over, or under any railway;

- ~~(14) preventing~~
- (m) preventing the trespass of persons or animals on any railway or any part thereof;
- ~~(16) regulating~~
- (n) regulating the maintenance, usage, opening, and closing of all gates and slip-panels, cattle-stops, and fences;
- ~~(17) regulating~~
- (o) regulating the manner, times, and places in and at which tickets of any kind shall be purchased by, issued to, used by, and delivered up by passengers;
- ~~(18) facilitating~~
- (p) facilitating and regulating the insurance of persons travelling on the lines of railway, by any accident insurance company now or hereafter to be formed;
- ~~(19) regulating~~
- (q) regulating the mode in which, and the times within which claims for loss, non-delivery of, or damage to goods, including passengers' luggage, or in respect of any other cause of action relating to either goods including passengers' luggage or passengers, shall be made;
- ~~(20) regulating~~
- (r) regulating the terms on which private sidings may be constructed and used, the rent thereof, and the manner in which the same may be worked;
- ~~(21) regulating~~
- (s) regulating the hire, use, and detention of any locomotives or rolling-stock at such sidings, and the liability of persons hiring, using, or detaining the same for damage done thereto, or for the destruction or detention thereof;
- ~~(22) providing~~
- (t) providing for the grant of licences to porters and to the drivers of vehicles plying for hire within the precincts of any railway; prescribing the conditions of such licences (including the payment in each instance of a licence fee), and also of the transfer or forfeiture thereof; making similar provision for the licensing of vehicles plying for hire as aforesaid (including the payment in each instance of a licence fee), and the conditions subject to which such licences shall be held and may be transferred or forfeited; and providing also for the exclusion of any such licensed driver or vehicle from railway premises until there is room for his vehicle, and for the exclusion of all unlicensed porters or drivers and vehicles plying for hire as aforesaid;

~~(23) regulating~~

(u) regulating the admission to railway stations, offices, platforms, and premises of passengers going to or leaving the trains, or of persons having business at the station offices; limiting the time during which passengers and other persons may remain on railway stations, offices, platforms, and premises; excluding from stations, offices, platforms, and railway premises all persons not observing the by-laws, or not having business thereat; imposing such fees or tolls as it deems fit in order to give effect to this subsection;

~~(23a) providing~~

(v) providing for areas on land which is or is reputed to be held or used in connection with or for the purpose of a railway, or which belongs to or is under the care, control, and management of the Authority, to be set aside as vehicle parking or standing areas for use by —

~~(a) officers~~

(i) officers and servants of the Department or Authority;

~~(b) persons~~

(ii) persons on railway business;

~~(c) the public~~

(iii) the public generally; or

~~(d) such~~

(iv) such persons or vehicles or classes of persons or classes of vehicles as may be prescribed;

~~(23b) generally~~

(w) generally regulating the control, supervision and management of parking or standing areas set aside under by-laws made pursuant ~~to paragraph (23a)~~ to paragraph (v) and in particular —

~~(a) prescribing~~

(i) prescribing charges payable by any person using, or in respect of any vehicle occupying a parking or standing area and exempting any person or vehicle or class of person or class of vehicle from paying all or any of those charges;

~~(b) prescribing~~

(ii) prescribing conditions under which and the period or periods of time during which a parking or standing area may be used or occupied;

~~(c) providing~~

(iii) providing for the protection of parking and standing areas and all equipment pertaining to them against misuse, damage, interference or attempted interference

by any person;

~~(d) regulating~~

(iv) regulating the parking and standing of vehicles in any parking or standing area and prohibiting any person from parking or standing any vehicle in a parking or standing area otherwise than in accordance with the by-laws;

~~(e) exempting~~

(v) exempting any person or vehicle or class of person or class of vehicle from complying with any by-law made pursuant to this paragraph prohibiting or restricting the parking or standing of vehicles generally or otherwise;

~~(f) prescribing~~

(vi) prescribing the method and the means by which any charges or penalties prescribed by any by-law made pursuant to this paragraph may or shall be paid and collected, or recovered;

~~(g) prescribing~~

(vii) prescribing the circumstances under which an officer or servant of the Department or Authority may remove a vehicle, or cause it to be removed, from a parking or standing area to a specified place, prescribing his further powers in relation thereto, prescribing the scale of charges to be paid to recover the vehicle from that place, and authorising the Authority to hold the vehicle until the prescribed charges are paid;

~~(h) prescribing,~~

(viii) prescribing, in respect of an alleged offence against any by-law made pursuant to this paragraph, the circumstances under which the owner of the vehicle is deemed to be the driver or person in charge of the vehicle at the time of the alleged offence;

~~(i) prescribing~~

(ix) prescribing the period of time within which a person, after being served with notice of an offence alleged to have been committed by him against any by-law made pursuant to this paragraph, may or shall pay to the Authority the penalty or modified penalty prescribed for that offence, and the period within which a penalty is payable after receipt of notice;

~~(j) prescribing~~

(x) prescribing the method of notifying a person alleged to have committed an offence against any by-law made pursuant to this paragraph of that alleged offence and how it may or shall be dealt with and prohibiting the removal by any person other than the driver of a

vehicle in respect of which an offence against such a by-law is alleged to have been committed of any notice relating to the offence affixed to the vehicle or left in or on the vehicle by an officer or servant of the Department or Authority; and

~~(k) prescribing~~

(xi) prescribing a modified penalty or modified penalties payable to the Authority by a person or one of a class of persons who does not contest an allegation that he committed any specified offence against a by-law made pursuant to this paragraph and providing that the due payment of a modified penalty is a defence to a charge of the offence in respect of which that modified penalty was paid;

~~(23e) subject to~~

(x) subject to subsection (2), for authorising persons appointed by the Authority to remove into custody any vehicle left on a railway for a period in excess of 7 days, for authorising persons appointed by the Authority to use such force as is necessary to enter a vehicle so left for the purpose of removing it, for providing for the custody of vehicles so removed, for prescribing a scale of charges to be paid by the owner of such vehicle in order to recover the vehicle from custody, for providing that where such a vehicle is not recovered from custody within a period of 2 months the Authority may sell or otherwise dispose of the vehicle, for providing that the proceeds of the sale of such a vehicle may be applied towards recouping the costs of removal, custody and sale of the vehicle, for providing that the costs of the removal, custody and disposal of such a vehicle (less the proceeds of its sale, if any) may be recovered from the owner of the vehicle in a court of competent jurisdiction, and for providing that where the proceeds of the sale of such vehicle exceed the costs of its removal, custody and sale the amount of the excess shall be paid to the owner of the vehicle, or where the identity or whereabouts of the owner is unknown, credited to the account referred to in the *Public Transport Authority Act 2003* section 32;

~~(24) regulating~~

(y) regulating the use of refreshment rooms and restaurant cars under the management and control of the Authority;

~~(25) regulating~~

(za) regulating the sale, supply, and consumption of liquor on trains or other property under the management or control of the Authority and restricting, to the extent specified in the by-laws, the taking of liquor onto, or the possession of liquor on, any train, or a train specified in the by-laws, that is under such

management or control;

~~(26) for~~

(zb) for organizing, classifying, and paying the staff employed on government railways, and prescribing the terms of employment, or in any other manner affecting the duties of such employees, provided that such by-laws or regulations are in no way inconsistent with the terms of an award of the Western Australian Industrial Relations Commission or any industrial agreement that may be in force;

~~(26a) prescribing~~

(zc) prescribing the powers, authorities and duties of, and the form of authority to be furnished to, special constables appointed under this Act, and imposing obligations upon persons for the purpose of facilitating the exercise by special constables of such powers;

~~(28) for the~~

(zd) for the control, supervision and guidance of persons engaged in the management, maintenance and control of the government railways, and for prescribing the form and manner of signing and executing documents to be made or issued under this Act and for the promulgation of all acts, matters and things necessary, expedient or convenient for carrying into operation or for facilitating the operation of this Act;

~~(28a) prescribing~~

(ze) prescribing offences and modified penalties, not exceeding \$50, for the purposes of section 53A;

~~(29) and generally~~

(zf) generally for regulating the traffic on railways, and the conduct of all persons employed on or about the same or travelling or being ~~thereon:~~ thereon.

~~Provided that such by-laws~~

(1A) The by-laws may authorise any railway officer or any other person to do all such things, and to issue all such instructions and regulations, as may be deemed advisable in respect of any such subjects, and may provide that any act or thing shall be done with the approval or to the satisfaction of a specified person or class of persons and may confer a discretionary authority.

(1B) Despite subsection (1)(f), while regulations for the checking of luggage are in force, no liability shall be incurred by Her Majesty or the Authority in respect of luggage which has not been duly checked.

(2) By-laws made pursuant to ~~paragraph (23c) of subsection (1)~~ subsection (1)(x) shall provide that any vehicle removed pursuant to by-laws made under that paragraph shall not be sold unless and until —

- (a) enquiries have been made as to the ownership of the vehicle; and
- (b) the owner has been notified in the prescribed manner of the Authority's intention to sell the vehicle and where the owner cannot be so notified notice of the Authority's intention to sell the vehicle has been published in a daily newspaper circulating throughout the State.

24. Provisions as to by-laws

~~In respect to by-laws made under the last preceding section, the following provisions shall apply—~~

(1A) This section applies in respect to by-laws made under section 23.

- (1) No by-law shall have any force or effect unless it has been approved by the Governor and published in the *Government Gazette*.
 - (2) All by-laws shall be laid before both Houses of Parliament within 10 days after the publication thereof, if Parliament is then sitting, and, if not, then within 10 days after the commencement of its next sitting.
 - (4) Any by-law published in the *Government Gazette* shall be evidence in all courts of the same having been duly made under this Act.
 - (5) Any by-law may apply to railways generally, or to any particular railway or part of a railway.
 - (6) Every contract between the Authority and any consignor or owner of goods, or passenger, shall be subject to the by-laws in force for the time being, and such by-laws shall be deemed part of the contract.
 - (7) Any by-law relating to the conduct of any person employed in or about a railway may impose a penalty not exceeding \$250 for any breach thereof, and such penalty may be recovered by deducting the same from any salary or emoluments due or to accrue ~~due to him:~~ due to him.
- ~~Penalties recovered under this subsection~~
- (7A) Penalties recovered under subsection (7) may be applied in making good the damage caused by the wrongdoing or neglect of the person charged, and subject thereto shall be credited to the account referred to in the *Public Transport Authority Act 2003* section 32.

- ~~—~~ (8) Any other by-law may impose a penalty not exceeding \$200 for any breach thereof.

26. Special agreements

The Authority may make special agreements in writing with any person —

~~— (1) For~~

~~—~~ (a) for insuring any goods delivered on a railway against all loss or damage from any cause whatsoever;

~~— (2) For~~

~~—~~ (b) for insuring the Authority against all liability in respect of any such loss or ~~damage~~; damage.

and, for the purposes of the premiums in respect of such insurance, may increase or diminish the charges payable on such goods.

34. Conveyance of dangerous goods

- (1) No person shall have any right to carry or send by a railway any loaded firearm or other dangerous thing, or any goods which are, or by any by-law are declared to be, of a dangerous nature.

~~— If any person~~

~~—~~ (1A) If any person sends or attempts to send by a railway, or carries or deposits, or permits to be carried or deposited on any railway, any loaded firearm or dangerous thing, or any package containing any such goods, without the consent in writing of an officer authorised to receive such goods, and without distinctly marking the contents on the outside of such package, that person shall be liable to a penalty not exceeding \$200.

- (2) The Authority and its officers may refuse to take any parcel which it or they may suspect to contain goods of a dangerous nature, or may require any parcel to be opened, so that the nature of the contents may be ascertained.

40. No liability in certain cases

The Authority shall be under no liability —

~~— (1) For~~

~~—~~ (a) for loss or damage to goods which are left at or consigned to any station, siding, or stopping place marked in the time tables or rate books as stations, sidings, or stopping places at which no officer is in charge, or for any personal injury to any person at any such station, siding, or stopping place; or

~~— (2) To~~

~~—~~ (b) to provide platform accommodation at any station, siding, or stopping place; or

~~(3) For~~

(c) for personal injury to any passenger who enters or alights from, or attempts to enter or alight from a carriage when such carriage is not drawn up to the platform when such accommodation is provided.

43. Offences on railways punishable by fine

If any person does or causes or procures to be done any of the following things —

~~(1) obstructs~~

(a) obstructs any officer or servant employed on any railway in the performance of his duty;

~~(2) damages~~

(b) damages any railway, or any locomotive, carriage, wagon, rolling-stock, machinery, material, or thing used upon or belonging to any railway;

~~(3) defaces~~

(c) defaces the writing or printing on or attached to any board, or any notice authorised to be maintained on any railway, or on or in any railway carriage, rolling-stock, or railway station;

~~(4) writes~~

(d) writes any indecent words or draws any indecent or obscene picture or representation on any part of a railway, or on any railway carriage or rolling-stock, or on any fences or buildings upon or adjoining any railway, or near to and conspicuous from any railway;

~~(5) behaves~~

(e) behaves in a violent or offensive manner to the annoyance of others, or is drunk, on any railway or railway premises or in any carriage thereon,

he shall, in respect of each offence, be liable to a penalty of \$600.

44. Removal of passenger not paying proper fare

Any passenger travelling on a service provided by the Authority who —

~~(1) fails~~

(a) fails to produce a proper ticket and refuses to pay his proper fare on demand; or

~~(2) travels~~

(b) travels in a railway carriage of a class superior to that for which he is provided with a ticket and refuses to pay the fare for the superior class on demand; or

~~(3) travels~~

(c) travels in or enters a railway carriage set apart for any

particular person or class of persons and refuses to quit the carriage when requested to do so; or

~~(4) not~~

(d) not having a sleeping car ticket, refuses to quit a sleeping carriage when requested to do so,

may be removed from a railway carriage by any officer or servant of the Department or Authority, and prosecuted for such penalty as he may have incurred under this Act or the by-laws.

45. Penalties for offences relating to tickets, etc.

If any person —

~~(1) alters~~

(a) alters any ticket with intent to avoid payment of the proper fare or any part thereof, or to mislead or deceive, or for the purposes of sale; or

~~(2) sells~~

(b) sells or transfers, or offers for sale or transfer, any free pass, or permits any person other than the person to whom the same is issued to be in possession of or make use of the same, or travels or attempts to travel with any such free pass, not being the person entitled to use the same; or

~~(3) sells~~

(c) sells or transfers, or offers for sale or transfer, a ticket or any portion of a ticket which has been used for the whole or any part of the journey for which the ticket was issued; or travels or attempts to travel with any such ticket, or portion of a ticket, sold or transferred by any person; or

~~(4) sells~~

(d) sells or offers for sale any ticket for travel on a service provided by the Authority (an *Authority ticket*), or any portion of an Authority ticket, not being a person authorised or employed by the Authority to sell the ticket, or purchases or offers to purchase an Authority ticket or any portion of an Authority ticket from a person not authorised or employed by the Authority to sell the ticket;

~~(5) is brought~~

(e) is brought before a court of summary jurisdiction and charged with having or having had in his possession, either on his person or on or in any premises, any ticket or portion of a ticket which may be reasonably suspected of being unlawfully obtained, and does not give an account to the satisfaction of the court how he came by the same,

he shall, in respect of each offence, be liable to a penalty not exceeding \$200.

46. Penalty for travelling without payment of fare, etc.

If any person, with or without intent to defraud, —

~~(1) uses~~

(a) uses or attempts to use any ticket or free pass the time for the proper use of which has expired, or which has already been used to the full extent to which the holder is entitled to use it; or

~~(2) not~~

(b) not being the holder of a free pass for the purpose, travels or attempts to travel without having previously paid or tendered his fare; or

~~(3) having~~

(c) having paid his fare for a certain distance, or being the holder of a free pass for a certain distance, proceeds beyond such distance without having previously paid the additional fare for the additional distance, or, in the case of the holder of a free pass, without being previously duly authorised to proceed such additional distance without paying such additional fare; or

~~(5) refuses~~

(d) refuses or neglects to quit the carriage at the point to which he has paid his fare, or to which his free pass is available, or to which, being the holder of a free pass he has been duly authorised to proceed; or

~~(6) having~~

(e) having travelled on the railway without being in possession of a ticket or free pass for the purpose, leaves or attempts to leave the railway without paying or tendering the proper fare for such travel,

he shall, in respect of each offence, be liable to a penalty not exceeding \$200, in addition to the amount due as railway fare or difference in railway fare.

48. Offences on railways punishable by fine

If any person does or causes or procures to be done any of the following things —

~~(1) affixes~~

(a) affixes any placard or bill on any part of the buildings or fences upon or connected with any railway, or sells or attempts to sell any articles on any railway, without being thereto authorised by the Authority;

~~(2) neglects~~

(b) neglects to shut any gate or slip-panel in any fence forming the boundary of or upon or adjoining any railway;

<p>(3) trespasses</p> <p><u>(c) trespasses</u> upon any part of a railway not being a station, platform, or railway crossing, or other part to which the public are allowed access by law,</p> <p>he shall, in respect of each offence, be liable to a penalty not exceeding \$200.</p>	
<p>49. Persons committing certain offences may be arrested</p> <p>If any person —</p> <p>(1) trespasses</p> <p><u>(a) trespasses</u> upon a railway; or</p> <p>(2) is drunk,</p> <p><u>(b) is drunk,</u> or behaves in a violent or offensive manner to the annoyance of others on the railway, or at any station or platform thereof, or in any carriage thereon; or</p> <p>(3) does</p> <p><u>(c) does</u> or attempts to do, or counsels, aids, or assists another person to do, anything which may endanger the lives of persons employed on or travelling on the railway; or</p> <p>(4) offends</p> <p><u>(d) offends</u> against any of the provisions of this Act or any by-law, and refuses to give his name and address when required so to do, or gives a false name or address,</p> <p>it shall be lawful for any police officer or constable, or any officer or servant of the Department or Authority, without warrant or other authority, to arrest and detain the person so offending, and to deal with him according to law.</p>	
<p>53A. Infringement notices</p> <p>(2) An authorised person who has reason to believe that a person has committed a prescribed offence against this Act or the by-laws, other than a by-law made under section 23(23b), <u>section 23(1)(w)</u>, may, at or about the time the alleged offence is believed to have been committed, give an infringement notice to the alleged offender.</p> <p>(4) In an infringement notice under this section the amount specified as being the modified penalty for the offence referred to in the notice shall be the amount that was the prescribed modified penalty under section 23(1)(28a) <u>section 23(1)(ze)</u> at the time the alleged offence is believed to have been committed.</p>	
<p>72. No railways to cross government railways without consent</p> <p>Notwithstanding</p> <p><u>(1) Notwithstanding</u> anything contained in any Act relating to railways or</p>	

tramways, no railway or tramway shall cross any government railway on the level, except under an agreement previously entered into in that behalf between the Authority and the owner of such railway or tramway; and the Authority is hereby empowered to enter into such agreements upon such terms and conditions as it thinks fit, and to enforce the same whenever the occasion arises.

~~Every such~~

(2) Every such agreement shall provide that, in case default is made by the owner of such railway or tramway in carrying out the terms of any such agreement as aforesaid, the Authority may, in addition to the exercise of any other remedies prescribed by the agreement, remove the crossing, and all material used in connection therewith, from such government railway.

73. Authority may appoint and dismiss certain officers

(2) The Authority may —

- (a) in any case where a specified award employee has for any act or omission been suspended —
 - (i) fine;
 - (ii) reduce to a lower class or grade;
 - (iii) dismiss; or
 - (iv) transfer without payment of transfer expenses,
 that employee, notwithstanding and in addition to such suspension; and
- (b) in any case where the Authority considers the circumstances warrant, by way of punishment for an act or omission reduce a specified award employee to a lower class or grade and also transfer him without payment of transfer expenses,

but except as provided ~~in this subsection~~ in this subsection or subsection (2A) the Authority shall not inflict on any specified award employee more than one form of punishment for the same ~~offence:~~ offence.

~~Except that, if~~

(2A) Despite subsection (2), if the act or omission involved the employee's driving of a motor vehicle and the employee was punished for it under the *Road Traffic Act 1974*, the Authority may inflict on that employee the punishment referred to in ~~paragraph (a)(iii), subsection (2)(a)(iii), or either or both of the punishments referred to in paragraph (a)(ii) and (iv), subsection (2)(a)(ii) and (iv),~~ but not the punishment referred to in ~~paragraph (a)(i):~~ subsection (2)(a)(i).

74. Railway police

- (2) No matter or thing done or omitted by the Authority or any special constable in good faith in the course of the exercise or purported exercise of any power or authority or in the performance or purported performance of any duty conferred or imposed under the provisions of this section or any by-law made pursuant to ~~section 23(26a)~~ section 23(1)(zc) shall render the Crown or the Authority or special constable, as the case may be, subject to any liability in respect thereof.

77. Appeal

~~Any person~~

- (1) Any person who, being permanently employed on a government railway, is, under section 73, —

~~(1) fined~~

(a) fined; or

~~(2) reduced~~

(b) reduced to a lower class or grade; or

~~(3) dismissed~~

(c) dismissed; or

~~(4) suspended~~

(d) suspended from employment in such circumstances as to involve loss of pay; or

~~(5) transferred~~

(e) transferred by way of punishment involving loss of transfer expenses,

may, in the prescribed manner, appeal to an Appeal Board constituted as hereinafter provided, except where the person is the occupant of an office prescribed under section 73 as one in respect of which the exercise of any of the powers referred to in that section is subject to the Minister, in which case the person shall not have a right of appeal to an Appeal Board so constituted, but the person may in manner prescribed by the regulations appeal to the Magistrates Court.

~~No person~~

- (2) No person shall be deemed *permanently employed* within the meaning of this section unless he has been continuously employed for 6 months.

80. Notice of appeal

~~Notice~~

- (1) Notice of every appeal to the Appeal Board shall be lodged with the Authority within 14 days of the date of the decision appealed against, and the appeal shall be heard by the Appeal Board within 30 days from the date of lodging of the notice or within such extended period

as is agreed in writing by the Authority and the industrial union or, if there is no such union, the appellant personally.

~~Where the~~

- (2) Where the industrial union fails to make an appointment by the time prescribed by section 78(1)(c)(ii) and the appellant fails to make an appointment pursuant to that subparagraph prior to the day immediately preceding the date fixed for the hearing of the appeal, the appeal shall be deemed to have lapsed and the decision appealed against shall have full force and effect.

~~Where, for~~

- (3) Where, for reasons not related to the appointment of a member by the industrial union or the appellant, the hearing of the appeal is not commenced within 30 days from the lodging of the notice of appeal or within such extended period as is agreed, the punishment appealed against shall be revoked, and the appellant shall be reimbursed any loss of salary or expenses ~~incurred: Provided that if~~ incurred.

- (4) If the hearing of the appeal is commenced within such 30 days or within such extended period as is agreed the Appeal Board may allow any adjournment.

82. Procedure on appeals

~~With respect to the procedure on appeals, the following provisions shall apply —~~

- (1A) This section applies with respect to the procedure on appeals.

- (1) The Appeal Board may admit evidence taken at any departmental inquiry at which the appellant was present and had an opportunity of hearing the evidence and of giving evidence.

- (2) Evidence of witnesses resident more than 32 kilometres from the place of the sitting of the Appeal Board may be taken by affidavit or otherwise as prescribed.

- (3) Any member of the Appeal Board may administer an oath to any witness, and the appellant shall be entitled to have the witnesses examined on oath.

- (4) The parties may be represented at the hearing of the appeal —
- (a) as to the appellant —
 - (i) personally;
 - (ii) by the secretary, or his deputy, of the industrial union; or

(iii) by an employee of the Authority nominated by the appellant;

and

(b) as to the Authority, by one of its employees authorised by it in that ~~behalf:~~ behalf.

~~Provided that no~~

(4A) Despite subsection (4), no party shall be entitled to representation by a legal practitioner.

(5) The Appeal Board may, subject to the regulations, regulate its own procedure and issue summonses for the attendance of witnesses, and shall have power to compel any witness to attend and give evidence.

(6) Any person who does not appear pursuant to any such summons (the same having been personally served upon him, or sent by registered post as a letter addressed to him at his place of abode, and his reasonable travelling expenses, according to the prescribed scale, having been paid or tendered to him), and does not assign some reasonable excuse for not so appearing, or who appears and refuses to be sworn or examined, or to produce for the inspection of the Appeal Board any document which by such summons he is required to produce, shall be liable on summary conviction to a penalty not exceeding \$20.

(7) In addition to travelling expenses, a person attending as a witness shall be entitled to recover from the person at whose instance, or by whom, he was summoned or requested to attend, an amount to be fixed by the Appeal Board according to the prescribed scale of allowances to witnesses attending before the Appeal Board.

83. Powers of Appeal Board

~~The Appeal~~

(1) The Appeal Board may confirm, modify, or reverse any decision appealed against, or make such other order thereon as they think fit, and the decision of the Appeal Board shall be final.

~~The Appeal~~

(2) The Appeal Board may fix the costs of any appeal, and direct by whom and in what proportions they shall be payable, and in every case costs shall be awarded against an appellant whose appeal is considered frivolous.

~~All costs~~

(3) All costs awarded against an appellant shall be recoverable as a debt

due to the Crown.

~~All costs~~

(4) All costs awarded to an appellant shall be payable by the Authority.

84. Regulations

~~The~~

(1) The Governor may make regulations —

~~(1) Relating~~

(a) relating to the appointment and attendance of persons appointed to the Appeal Board pursuant to ~~section 78(1)(e).~~
section 78(1)(c);

~~(2) Regulating~~

(b) regulating the procedure of Appeal Boards and the conduct of appeals, and the method of taking evidence at a ~~distance.~~
distance;

~~(3) Prescribing~~

(c) prescribing the allowances to witnesses for their ~~expenses.~~
expenses;

~~(4) Prescribing~~

(d) prescribing the manner in which appeals may be brought under section 77 to the Magistrates ~~Court; prescribing the procedure~~
Court;

(e) prescribing the procedure and conduct of such appeals, including the taking of evidence at a distance and the power and authority of the court when hearing such ~~appeals;~~
~~prescribing the allowances~~ appeals;

(f) prescribing the allowances to witnesses for their ~~expenses; and~~
~~incorporating in regulations made under this paragraph~~
expenses

(2) Regulations made under subsection (1)(d), (e) and (f) may incorporate such of the provisions of sections 80, 82 and 83, with such adaptations, as are considered necessary or desirable.

Clause 61. *Land Drainage Act 1925* amended

Clause 61 will amend the *Land Drainage Act 1925* to:

- in section 72, replace the proviso to paragraph (2) with subsection (2); and
- restructure and redesignate the provisions listed in the Table to clause 61(3) to bring them into line with the current PCO drafting standards; and
- amend cross-references to the redesignated provisions.

This table shows the amendments to be made by this clause.

Land Drainage Act 1925**64. Branch drains**

- (10) Any sum of money due by any person to a former Minister or the Corporation under this section shall be recoverable by the like proceedings and with the like remedies as if it were a drainage rate imposed on such person as rateable owner of the land in respect of which the sum is due, and the provisions of Division 5 of Part VII shall, subject as hereinafter provided, apply thereto in all respects.

~~For the purposes~~

- (10A) For the purposes of apportionment, interest and the cost of maintenance or cleansing shall be deemed to be the amount of a rate imposed for the financial year in which the interest accrued due or the maintenance or cleansing was done, as the case may be. Other moneys shall be apportionable as if they were the amount of rates for 6 years calculated from the commencement of the making of the drain or the doing of the work for which they are owing.

- (11) Any occupier of land who is not the owner may, with the approval of the Corporation, make or concur in or enter into any application or agreement under this section, or construct or take part in the construction of any branch drain or work hereunder or obtain any advance or do any other act hereunder as if he were the owner, and for the purposes of this subsection he shall in so acting be deemed to be the owner, and his acts shall be binding on such owner ~~accordingly: Provided that any~~ accordingly.

- (11A) Where an occupier is deemed under subsection (11) to be an owner, any liability (including the liability to cleanse and maintain) which would, subject to any necessary apportionment being made, have to be borne and discharged by the occupier by reason of any such act, matter, or thing as aforesaid, if he were in fact the owner of the land during the term of his occupancy, shall be borne and discharged by such occupier, who shall indemnify any such owner in respect thereof; but nothing in ~~this subsection~~ subsection (11) or this subsection shall prevent the liability being a charge on the land.

70. Further powers of Corporation

The powers of the Corporation shall, within a drainage district, extend —

~~(1) — to cleansing,~~

(a) to cleansing, repairing, or otherwise maintaining in a due state of efficiency any drainage works or

watercourse; and

~~(2) — subject~~

(b) subject to the approval of the Minister, to deepening, widening, straightening, or otherwise improving any watercourse or removing obstructions therefrom.

72. Meaning of “rateable property” or “rateable land”

~~All land~~

(1) All land shall be rateable property within the meaning of this Act save as hereinafter excepted, that is to say —

~~(1) — Land,~~

(a) land, from time to time, declared by the Minister exempt from rating on the ground that it by its situation, configuration, or other physical causes is excluded from deriving any direct or indirect benefit from any works existing or proposed to be constructed in the ~~district.~~ district;

~~(2) — Land~~

(b) land the property of the Crown and used for public purposes, or ~~unoccupied:~~ unoccupied;

~~Provided that any land exempted by this paragraph shall be deemed rateable property while leased, used, or occupied for any private purpose.~~

~~(3) — Land~~

(c) land belonging to any religious body, and used or held exclusively as or for a place of public worship, a Sunday school, a place of residence of a minister of religion, a convent, nunnery, monastery, or occupied exclusively by a religious brotherhood or ~~sisterhood.~~ sisterhood;

~~(4) — Land~~

(d) land used exclusively as a public hospital, benevolent asylum, orphanage, public school, private school being the property of a religious body, public library, public museum, public art gallery, or mechanics’ institute, or lands held in trust under the *University Endowment Act 1904*⁶, or any amendment or re-enactment ~~thereof.~~ thereof;

~~(5) — Land~~

(e) land used and occupied exclusively for charitable ~~purposes.~~ purposes;

~~(6) — Land~~

(f) land vested in any board under the *Parks and Reserves Act 1895*, or in trustees for agricultural or horticultural show purposes, or zoological or

acclimatisation gardens or purposes, or for public resort and ~~recreation~~; recreation;

~~(7) — Land~~

(g) land held or used as a cemetery.

(2) Despite subsection (1)(b), any land exempted by that paragraph shall be deemed rateable property while leased, used, or occupied for any private purpose.

~~Provided that —~~

~~(a) — any land exempted by paragraphs (3), (4) or (5)~~

(3) Any land exempted by subsection (1)(c), (d) or (e) shall be deemed rateable property while the same is leased or occupied for any private ~~purpose~~; and purpose.

~~(b) — any~~

(4) Any land used or occupied for any of the purposes mentioned in ~~paragraphs (4) and (5)~~ subsection (1)(d) and (e) shall be deemed to be rateable property if such property is held under lease or rented from any owner except the Crown.

~~Provided, further, that no~~

(5) No exempted land shall become liable to be rated by reason of such land being used for the purposes of any bazaar, or as a place of meeting for any religious, charitable, temperance, or benevolent object, or for a polling place at any parliamentary or other election.

97. Grounds of objection

~~Any person~~

(1) Any person may object to an entry in the rating records on any of the grounds following, that is to say —

[(1) deleted]

~~(2) — That any~~

(a) that any property included, for which he stands rated, was not rateable at the time of the completion of the rating ~~records~~; records;

~~(3) — That~~

(b) that such person was not at such time liable to be rated in respect of land for which he stands ~~rated~~; rated;

~~(4) — That~~

(c) that (where the assessment is on the area) the area set out in the rating records is in excess of the actual area of the ~~land~~; land;

<p>(5) That</p> <p><u>(d) that</u> the land or a part thereof should be exempt under section 72(1): <u>section 72(1)(a):</u></p> <p>(6) That</p> <p><u>(e) that</u> the grading of the land, or part thereof, under section 89(3)(a) is not appropriate.</p> <p>Provided that where</p> <p><u>(2) Where</u> any rateable property is occupied by or leased to any person who has contracted to pay the rates thereon, the occupier or lessee may object to any entry in the rating records in the same manner as if he were the owner of such property, and as if his name had been inserted in the rating records as such owner.</p>	<p>148. By-laws</p> <p>Without prejudice to the generality of that power, the power conferred by section 34 of the <i>Water Agencies (Powers) Act 1984</i> to make by-laws may be exercised for the purposes of this Act with respect to the following matters, that is to say —</p> <p>(1) Prescribing</p> <p><u>(a) prescribing</u> discounts, additional charges, interest and penalties payable in respect of payments for drainage rates: <u>rates;</u></p> <p>(2) Prescribing</p> <p><u>(b) prescribing</u> fees payable for the issue upon request of statements as to moneys due or paid for rates under this Act, and making provision as to the recovery of such fees: <u>fees;</u></p> <p><i>[(3), (4) deleted]</i></p> <p>(4a) Providing</p> <p><u>(c) providing</u> for the payment of fees for the issue of permits and prescribing the method or methods by which the amount of such fees shall be determined: <u>determined;</u></p> <p><i>[(5), (6) deleted]</i></p> <p>(7) Prescribing</p> <p><u>(d) prescribing</u> forms for the purposes of this Act.</p>
<p>153. Penalty for obstructing drains etc.</p> <p>Every person</p> <p><u>(1) Every person</u> who —</p> <p>(a) wilfully obstructs any drain or work; or</p>	

- (b) having obstructed a drain or work, neglects or refuses to remove the obstruction when required so to do by the Corporation,

shall be liable to a penalty not exceeding \$500, together with the costs incurred by the Corporation in removing such

~~obstruction:~~ obstruction.

~~— Provided that this section~~

- (2) This section shall not exempt any such person from the provisions of any law relating to common nuisances.

154. Injury to property of Corporation

~~Any person~~

- (1) Any person who shall deface, damage, or injure in any way, or without lawful authority use or occupy any land, work, or property whatsoever owned by, vested in, or under the care, control, or management of the Corporation shall be liable to a penalty not exceeding \$500, and may be ordered by the convicting court to pay to the Corporation in addition to such penalty, the cost and expense of making good any damage or replacing any property ~~destroyed: Provided that this~~ destroyed.

- (2) This section shall not protect or exempt any such person from the provisions of any law relating to injuries to property.

Clause 62. *Local Government (Miscellaneous Provisions) Act 1960* amended

Clause 62 will amend the *Local Government (Miscellaneous Provisions) Act 1960* to:

- replace section 484(5) with section 484(5) and (6); and
- restructure and redesignate the provisions listed in the Table to clause 62(3) to bring them into line with the current PCO drafting standards; and
- amend cross-references to the redesignated provisions.

This table shows the amendments to be made by this clause.

Local Government (Miscellaneous Provisions) Act 1960

364. Power to prescribe new street alignments

~~(3)(a) — In this subsection **building**~~

(3A) In subsection (3B) —

building operation means constructing, building, placing, reconstructing, rebuilding, replacing, extending, enlarging, adding to or otherwise altering or repairing, a building or work or portion of a building or work, but does not include any such building operation that is carried out with the permission of a local government on any

land acquired by that local government for or in relation to the provision of, or widening of, a street.

~~(b) Except~~

(3B) Except with the approval mentioned ~~in paragraph (e), in subsection (3C),~~ a person shall not in relation to any land, building or work affected by the new street alignment, commence to carry out a building operation upon the land, except for the purpose of completing a building operation already commenced at the time of the prescribing of the new street alignment.

~~(e) The~~

(3C) The building surveyor of the local government, subject to directions which the local government may give, may approve the execution of minor but not substantial repairs, in order to permit of the reasonable preservation of an existing building or work.

(4) The Governor may, by order specify any street or part thereof in any district to which the provisions of subsection (5) apply.

~~(5)(a) This subsection~~

(4A) Subsection (5) applies to any street or part thereof specified in an order made pursuant to subsection (4).

~~(b) Land~~

(5) Land that is affected by the new street alignment and which lies between that alignment and the old street alignment is, subject to rights, if any, reserved to the previous owners of the land at the time it was acquired by the local government, by virtue of this subsection —

~~(i) dedicated~~

(a) dedicated to use as part of the street so specified; and

~~(ii) revested~~

(b) revested in the Crown under section 55 of the *Land Administration Act 1997*,

if the land —

~~(iii) has~~

(c) has no buildings thereon on the date the new street alignment is prescribed; or

~~(iv) is on~~

(d) is on or after that date cleared of buildings and other obstructions.

(9) Immediately land has been revested under subsection (5), the local government shall cause written notice of the revesting to be served —

~~on the Registrar of Titles;~~

(a) on the Registrar of Titles, if the land is subject to the

<p>provisions of the <i>Transfer of Land Act 1893</i>; or</p> <p>on the Registrar of Deeds</p> <p>(b) <u>on the Registrar of Deeds</u> if the land is not subject to the provisions of that Act; <u>Act</u>,</p> <p>and the Registrar of Titles or the Registrar of Deeds, as the case may be, shall record the revesting in appropriate manner.</p>
<p>455. Pound book and Act to be kept by poundkeeper</p> <p>(2)(a) The</p> <p><u>(2A) The</u> poundkeeper shall make entries, in a legible handwriting, in the pound book, stating with respect to cattle impounded in the pound, the particulars indicated in Part 1 of the Fifteenth Schedule.</p> <p>(b) A person</p> <p><u>(2B) A person</u> to whom cattle impounded in the pound are delivered shall sign the pound book in the appropriate place.</p> <p>(c) On</p> <p><u>(2C) On</u> the last day of each month, the poundkeeper shall transmit to the chief executive officer of the local government, a true copy of the entries made in the pound book during the month.</p> <p>(5)(a) The</p> <p><u>(5A) The</u> poundkeeper shall keep the pound book and a copy of so much of this Act as relates to cattle trespass, pounds and poundkeepers, at or near the pound, and shall make them available for inspection at reasonable times by persons requesting him to do so.</p> <p>(b) The</p> <p><u>(5B) The</u> chief executive officer, if required, shall provide extracts from the pound book and a certificate signed by him that the extracts are from the pound book, upon payment of 20 cents or such other sum as is prescribed by the regulations, for every 100 words or part of 100 words of the extract.</p>
<p>458. Powers of impounding cattle</p> <p>(2)(a) A person</p> <p><u>(2A) A person</u> who is a ranger appointed to do so by the local government, or an employee of, or other person authorised by, the local government, may impound cattle —</p> <p>(i) found</p> <p><u>(a) found</u> wandering, straying, or lying upon a street, way, or place mentioned in section 447; or</p> <p>(ii) found</p> <p><u>(b) found</u> wandering, straying, or lying, upon vacant Crown land.</p>

~~(b) The ranger,~~

(2B) The ranger, employee, or authorised person so impounding cattle may claim ranger's fees at the rate set out in Part 2 of the Fifteenth Schedule in respect of each animal which belongs to the same owner and which is impounded by him, notwithstanding that more animals than one of the same owner are impounded at the one time, and the sum may be recovered in the same manner as the poundkeeper's fees and charges.

~~(c) Cattle~~

(2C) Cattle found on a street which comprises a boundary of the district or which abuts the district may be so impounded by the ranger, employee or authorised person, notwithstanding that the place on which the cattle are so found is outside the district.

460. Impounding of cattle found trespassing on land

~~(3)(a) A person~~

(3) A person impounding cattle under the provisions of subsection (1) shall cause the cattle to be fed and maintained while they are impounded.

~~(b) If the~~

(3AA) If the owner of the cattle has not at the expiration of the period of 72 hours paid to the owner or occupier causing the cattle to be impounded the amount of damages which he is entitled to claim under this Act in respect of the trespass of the cattle, together with charges for the sustenance of the cattle whilst so impounded, at the same rates as are chargeable by the keeper of the nearest public pound, the person who caused the cattle to be impounded may —

~~(i) impound~~

(a) impound the cattle in the nearest suitable public pound; or

~~(ii) arrange~~

(b) arrange with the local government for a sale of the cattle to be carried out by a person appointed by the local government at the place where the cattle are impounded or at such other place as the local government directs and in the same manner as if the cattle had been impounded under ~~subparagraph (i)~~ paragraph (a) in a public pound established and maintained by that local government.

(5) If any entire horse, ass, or bull above the age of one year shall be found trespassing without a keeper on any land, the owner of such land may castrate such cattle if unbranded, and if the owner thereof be unknown.

~~(a) In every~~

(6) In every case where any cattle shall have been castrated in accordance with the foregoing provisions, no compensation shall be given to the

owner of such cattle for such castration.

~~(b) The above~~

(7) The above enactments shall be cumulative, and not be a bar to any claim for any compensation for damage or to any penalty which may have accrued by reason of such trespass, unless such compensation shall have been claimed or determined on the hearing of a charge of trespass.

465. Cattle to be restored to owner on payment or tender of amount claimed

(2) If the person who has charge of the cattle is a person mentioned in ~~section 458(2)(a)~~, section 458(2A), and the sums claimed are paid to him, he shall pay the money to the keeper of the public pound in which he intended to impound the cattle when he delivered them to the person paying the sums, and shall give to the poundkeeper such information relating to the cattle and the payment as is necessary to enable the poundkeeper to record in the pound book entries relating to the cattle and the payment, and the poundkeeper shall make those entries and issue his receipt acknowledging receipt of the payment and stating the particulars in respect of which it is made.

474. Sale of unclaimed cattle

~~(2)(a) Where~~

(2A) Where it appears to a justice that giving notice and advertising the sale of cattle impounded under the provisions of this Act would involve greater expense than the value of the cattle impounded, or that by reason of the condition or health of the cattle, they should be sold as quickly as possible, he may make an order directing that the giving of notice, other than that required by section 468, and that the advertising be dispensed with, and directing that the cattle be sold at such time and in such manner and under such conditions as he thinks fit.

~~(b) The provisions of paragraph (a) do~~

(2B) Subsection (2A) does not prejudice enforcement of liability against the owner of the cattle in respect of a penalty or payment of lawful fees, charges, and damages under this Part, and they may be recovered in a court of competent jurisdiction.

~~(3)(a) Where~~

(3A) Where it appears to a justice, after inspection of impounded cattle that —

~~(i) if the~~

(a) if the cattle were held for the period and notice of sale advertised in manner prescribed by this Part the cattle would not be likely to realise on sale sufficient to pay the poundage fees, expenses of sale, and other lawful charges payable under this Act in connection with the impounding of the cattle; and

~~(ii) that~~

(b) that an immediate sale under ~~subsection (2)~~ subsection (2A) would not be likely to realise those fees and charges,

and the owner of the cattle does not appear and pay those fees and charges or give security to the satisfaction of the justice for the payment of such further fees, charges, and expenses as may be awarded in subsequent proceedings under this Act, the justice may make an order dispensing with the giving of notice, other than that required by section 468, and authorising the immediate destruction or disposal of the cattle and the disposal of the carcasses in such manner as the justice thinks fit.

~~(b) Destruction~~

(3B) Destruction or disposal of the cattle or carcasses pursuant to an order so made does not prejudice enforcement of liability against the owner of the cattle in respect of a penalty or payment of lawful fees, charges, and damages under this Part and they may be recovered in a court of competent jurisdiction.

479. Application of proceeds arising from sale of cattle

The price of cattle, or the carcass of cattle, sold under the provisions of this Part shall be paid by the person purchasing them to the poundkeeper and shall be applied by the poundkeeper —

~~firstly,~~

(a) firstly, in payment to the auctioneer at the sale, if he is not the poundkeeper, of a commission of 5% or such other per centum as is prescribed by the regulations of the gross amount realised;

~~secondly,~~

(b) secondly, in payment to himself of the lawful fees and charges payable to him under this Part in respect of the cattle or carcass;

~~thirdly,~~

(c) thirdly, in payment of the sum due to the ranger or other person by whom the cattle were impounded; and

~~fourthly,~~

(d) fourthly, as to the balance then remaining

~~(a) in~~

(i) in payment to the owner of the cattle where he is known and demands payment of it to him; or

~~(b) where~~

(ii) where the owner is not known in payment as directed by section 457.

484. Liability of owner of straying cattle~~(5) If,~~~~whilst on a street, or other public place, which street or public place is in a city, town, or townsite,~~~~cattle~~~~in charge of a person~~~~do not travel~~~~at the rate of at least 8 kilometres a day in a direct line,~~~~the cattle are,~~~~for the purpose of this section~~~~to be regarded as being at large, unless~~~~the day is that on which a market is held for the sale of cattle or the preceding day, and the cattle are travelling to the market in charge of a person at a less rate,~~~~but the provisions of this subsection do not affect the decision of the question as to whether cattle are at large in a street or other public place elsewhere than in a city, town or townsite, or in circumstances other than those mentioned in this subsection.~~(5) For the purposes of this section cattle in the charge of a person are to be regarded as being at large if the cattle —(a) are on a street, or other public place, which street or public place is in a city, town or townsite; and(b) do not travel at the rate of at least 8 kilometres a day in a direct line,unless —(c) the day is that on which a market is held for the sale of cattle or the preceding day; and(d) the cattle are travelling to the market at a less rate.(6) Subsection (5) does not affect the decision of the question as to whether cattle are at large in a street or other public place elsewhere than in a city, town or townsite, or in circumstances other than those mentioned in that subsection.**Clause 63. Main Roads Act 1930 amended**

Section 32 of the *Main Roads Act 1930* provides for the distribution of funds from the Main Roads Trust Account. Subsections (2) to (13) relate to grants for road works for the period 1 July 1980 to 30 June 1985 and are therefore spent. Distribution of funds to local governments is now effected under section 32(1) through agreements with the Western Australian Local Government Association.

Clause 63 will amend the *Main Roads Act 1930* to:

- delete section 32(2) to (13) and the Second Schedule and make consequential amendments to section 32(1); and
- restructure and redesignate the provisions listed in the Table to clause 63(5) to bring them into line with the current PCO drafting standards; and
- amend cross-references to the redesignated provisions.

This table shows the amendments to be made by this clause.

Main Roads Act 1930

17. Commissioner may conduct surveys and experiments

The Commissioner, so far as any moneys legally available for the purpose permit, shall —

~~(1) carry out~~

(a) carry out all such surveys and investigations as may be necessary or expedient to ascertain —

~~(a) what~~

(i) what roads shall be highways and what roads shall be main roads;

~~(b) the nature~~

(ii) the nature and extent of the resources of the State in metals, minerals, and materials suitable for the purposes of road construction, and the most effective and economical methods of dealing with the same and for applying the same to, and utilizing the same for the said purposes in, the whole or any part of the State;

~~(c) the most~~

(iii) the most effective methods of road construction for the whole or any part of the State; and

~~(d) what~~

(iv) what deviation (if any) in existing roads or what new roads should in his opinion be made so as to facilitate communication and improve conditions of traffic;

and

~~(2) conduct~~

(b) conduct or cause to be conducted experiments with different materials to test their relative durability and suitability for the construction of roads; and

~~(3) record,~~

(c) record, publish, and make available for general information the results of all such surveys and investigations; and

~~(4) purchase~~

(d) purchase all land, machinery, tools, implements, and materials that may be needed for the purposes of this Act.

20. Commissioner to provide access in certain cases

- (1) Subject to the provisions of section 28A where the Commissioner, in reconstructing an existing road or building a new road, prejudicially affects the access to a property having a frontage thereto, the Commissioner shall at his own expense provide reasonable access to the reconstructed or new road.
- (2) If in carrying out the provision of subsection (1) it becomes necessary for the Commissioner to acquire any land belonging to a private owner, the expense of so doing shall be borne by the person requiring such ~~access: Provided that, before~~ access.
- (3) Before any such land is so acquired, the Commissioner shall give at least 21 days' notice of his intention to acquire, and in the event of the person requiring such access dissenting from his so doing, the Commissioner's responsibility under subsection (1) shall cease.

28A. Control of access areas

~~(1)(a) Where~~

(1A) Where the Commissioner is of the opinion —

~~(i) that any~~

(a) that any section or part of a road should have control of access and should be entered and departed from at specified places only; or

~~(ii) that any~~

(b) that any land acquired should be reserved for a future road section with control of access,

the Commissioner shall make a recommendation to the Governor accordingly but may in so doing exclude a part of the road reserve from that recommendation.

~~(b) On the~~

(1B) On the recommendation of the Commissioner the Governor may, by proclamation, declare —

~~(i) that such~~

(a) that such a section or part of a road is subject to control of access, and the places only at which it may be entered or departed from; or

~~(ii) that the~~

(b) that the land acquired is to be reserved for a future road section subject to control of access.

~~(c) Where~~

(1C) Where the Commissioner is of opinion that a proclamation so made should be varied or cancelled, he shall make a recommendation to the Governor accordingly.

~~—(d)— If of~~

(1D) If of opinion that the recommendation should be given effect, the Governor may, by subsequent proclamation, vary or cancel a former proclamation.

~~—(e)— Proclamations~~

(1E) Proclamations made pursuant to the provisions of ~~this subsection, subsection (1B) or (1D),~~ as well as being published in the *Gazette* shall also, if the Governor thinks fit, be published or made known in such other manner as will, in the opinion of the Governor, afford reasonable opportunity to all persons concerned, to know of the substance of the proclamations.

~~—(f)— The powers~~

(1F) The powers conferred by this subsection may be exercised from time to time, and notwithstanding the provisions of section 92 of the *Public Works Act 1902*.

~~—(2)(a)— There~~

(2A) There is no right of access into or from a section or part of a road subject to control of access except at the places provided pursuant to the provisions of this Act for the purpose.

~~—(b)— Where~~

(2B) Where a right of access between a road section or part of a road not subject to control of access and the land adjoining that section or part is by operation ~~of paragraph (a) of subsection (2A)~~ extinguished as a result of that section or part being declared to be subject to control of access, any person, the market value of whose estate or interest in that land is depreciated by the extinguishment of the right, is entitled to compensation for the depreciation.

~~—(c)— The amount~~

(2C) The amount of compensation, if any, is a sum equal to the difference between the market value, ascertained on such of the days mentioned in ~~paragraph (d) or paragraph (e) subsection (2D) or (2E)~~ as is applicable, of the estate or interest when the right of access exists and that market value when the right is extinguished, less such amounts, if any, as are taken into account in respect of the matters mentioned ~~in paragraph (j): in subsection (2J).~~

~~—(d)— If the~~

(2D) If the proclamation declaring the section or part of the road to be subject to control of access is published in the *Gazette* on or before 30 June in any year, the respective values referred ~~to in paragraph (e) to in subsection (2C)~~ are those obtaining on 1 January next preceding the publication.

~~—(e)— If the~~

(2E) If the proclamation declaring the section or part of the road to be subject to control of access is published after 30 June in any year, the respective values ~~mentioned in paragraph (e)~~ mentioned in subsection (2C) are those obtaining on 30 June next preceding the publication.

~~—(f)— The Commissioner~~

(2F) The Commissioner may enter into agreements relating to rights of access.

~~—(g)— By an~~

(2G) By an agreement so entered into the Commissioner may agree —

~~—(i)— on the~~

(a) on the amount of compensation;

~~—(ii)— to pay~~

(b) to pay that amount on execution of the agreement or upon such terms and conditions as the parties agree; and

~~—(iii)— to the~~

(c) to the exercise of a right of access in respect of a section or part of a road subject to control of access but subject to such conditions and undertakings as having regard to the purposes of the section or part of a road subject to control of access he thinks fit.

~~—(h)— Where~~

(2H) Where there is no agreement, Part 10 of the *Land Administration Act 1997* as modified by the provisions ~~of this subsection of~~ subsections (2A) to (2K) applies *mutatis mutandis* in respect of the compensation.

~~—(i)— For the~~

(2I) For the purpose of the application of Part 10 of that Act to the provisions of this ~~subsection, section 207~~ subsections (2A) to (2K), section 207 of that Act, which relates to the period of time within which the claim for compensation may be made, is regarded as if the period of 6 months referred to in subsection (1) of that section begins on the date of publication in the *Gazette* of the relevant proclamation made pursuant to the provisions ~~of subsection (1), of subsection (1B) or (1D).~~

~~—(j)(i)— Where~~

(2J) Where the compensation is to be assessed by the Court, the Court shall take into account in assessing the compensation —

~~— agreement, if any,~~

(a) agreement, if any, by the Commissioner pursuant to

~~paragraph (g)(iii); subsection (2G)(c); and~~

~~benefit, if any,~~

- (b) benefit, if any, which may accrue to land in which the claimant has an estate or interest as a result of the construction or improvement, by the Commissioner or any other authority at any time after the proclamation declaring the section or part of the road to be subject to control of access, upon land adjacent to the land in respect of which compensation is claimed, of a road whether a road to provide local access or any other road subsidiary to the road, or by reason of the proclamation declaring the section or part of the road to be subject to control of access.

~~(ii) Where there~~

- (2K) Where there is an agreement or benefit mentioned ~~in subparagraph (i), in subsection (2J),~~ the effect of the Court's taking it into account shall be specified in the Court's award.

(3) ~~The provisions of —~~

~~section 13(4);~~

~~sections 15 to 19, both inclusive;~~

~~sections 21 to 23 both inclusive;~~

~~and sections 29 to 35 both inclusive;~~

~~of this Act, apply,~~

Sections 13(4), 15 to 19, 21 to 23 and 29 to 35 apply, *mutatis mutandis* in respect of sections or parts of a road subject to control of access.

- (4) Notwithstanding the provisions of any Act a person shall not without the consent of the Commissioner use a section or part of a road subject to control of access for movement of live stock, except by transport in a vehicle in accordance with the provisions of this Act and the regulations.

~~(5) (a) The~~

- (5A) The Commissioner may construct roads to provide local access and may carry a road to provide local access over or under any section or part of a road subject to control of access, or may carry a section or part of a road subject to control of access over or under a road to provide local access.

~~(b) The provisions~~

- (5B) The provisions of section 24(5), apply, *mutatis mutandis*, to a road to provide local access.

32. Appropriation of Main Roads Trust Account

- (1) The moneys standing to the credit of the Main Roads Trust Account other than those standing to the credit of ~~the Inner Metropolitan Councils' Urban Road Account or the Outer Metropolitan Councils' Urban Road Account maintained under subsection (5)(f) or the~~

Railway Crossing Protection Account maintained under section 32A shall be applied —

- (a) firstly, in meeting the costs of the administration of, and the exercise by the Commissioner of his functions under, this Act;
- (b) secondly, in payment of any amount specified or determined by the Treasurer to be credited to the Consolidated Account as a contribution towards the payment of interest and sinking fund contributions payable on loan moneys that have, from time to time, been appropriated by Parliament for expenditure on road construction;
- ~~(d) **thirdly, in payment to local governments of the moneys payable pursuant to the succeeding provisions of this section;**~~
- (e) ~~fourthly,~~ **thirdly,** in expenditure, by the Commissioner, in such manner and proportions as the Minister may, on the recommendation of the Commissioner, from time to time determine, on road construction and other works, on making payments to local governments or boards for road construction, on lights and signs for the direction of traffic and on the construction, erection and maintenance of lights for the lighting of any road or bridge; and
- (f) finally, for any other purpose that the Minister may, on the recommendation of the Commissioner, from time to time determine.

~~(2) In this subsection and in subsections (3) to (12), both inclusive, unless the contrary intention appears —~~

~~(a) **determined** means determined by the Minister on the recommendation of the Commissioner;~~

~~**Group** means a Group of local governments set out in the Second Schedule or created pursuant to subsection (12)(a)(iii), or, where such a Group has been altered pursuant to subsection (12)(a)(i), that Group as so altered;~~

~~**Second Schedule** means the Second Schedule to this Act;~~

~~**subsection** means a subsection of this section;~~

~~**subsequent year** means a year other than the first year;~~

~~**the Commonwealth Act** means the *Roads Grants Act 1980* of the Parliament of the Commonwealth as amended from time to time, or, if that Act has expired or been repealed, the Act of that Parliament for the time being granting financial assistance to the State for expenditure on the construction or maintenance of roads for which local governments are responsible;~~

~~**the first matching period** means the period commencing on 1 July 1980 and ending on 30 June 1983;~~

~~**the first year** means the year ending on 30 June 1981;~~

~~**the prescribed table** —~~

~~(i) in relation to the first year, means the table of grants set out in~~

- ~~the Second Schedule;~~
- ~~(ii) in relation to a subsequent year, means such table of grants to local governments as is determined in relation to that year for the purposes of subsection (3)(b) and subsection (5)(b);~~
- ~~*the second matching period* means the period commencing on 1 July 1983 and ending on 30 June 1985;~~
- ~~*year* means a financial year during the period commencing on 1 July 1980 and ending on 30 June 1985;~~
- ~~(b) the expressions *arterial road*, *construction*, *local road* and *maintenance* have the same respective meanings as they have in and for the purposes of the Commonwealth Act;~~
- ~~(c) the term *expenditure on road works from its own resources*, however expressed, in relation to a local government, includes, in addition to expenditure on construction and maintenance of roads, expenditure on footpaths, street lighting and cleaning and maintaining road verges;~~
- ~~(3)(a) This subsection applies to Groups C, D and E and to any other Group to which it is declared to apply pursuant to subsection (12)(b).~~
- ~~(b) The prescribed amount shall be made available each year from moneys standing to the credit of the Main Roads Trust Account and, subject to paragraph (d) and subsections (4), (7), (8) and (9)(a), is payable in that year to the local governments in the Groups to which this subsection applies as base and additional grants as specified in the prescribed table.~~
- ~~(c) In paragraph (b) *the prescribed amount*—~~
 - ~~(i) in relation to the first year, means \$12 373 560;~~
 - ~~(ii) in relation to a subsequent year, means such amount as is determined in relation to that year for the purposes of that paragraph.~~
- ~~(d) Every base grant paid to a local government pursuant to this subsection is so paid on condition that it will be expended on maintenance or construction of roads, and every additional grant paid to a local government pursuant to this subsection is so paid on condition that it shall be expended on construction of roads, and every grant of either kind paid to a local government pursuant to this subsection is so paid on condition that expenditure thereof on construction of roads shall be in accordance with a programme to be approved by the Minister on the recommendation of the Commissioner.~~
- ~~(e) Notwithstanding paragraph (d), where a local government satisfies the Minister that it cannot usefully apply the whole of its additional grant referred to in that paragraph as required by that paragraph, the Minister may, where he is satisfied that special circumstances so warranting exist, approve of the expenditure of part of the additional grant upon maintenance of roads.~~

- ~~(4)(a) — Notwithstanding subsection (3)(b), the amount which any local government in Group C or D may receive under subsection (3) as a base grant for a year during the first matching period shall be reduced by the amount, if any, by which its base grant as specified in the Second Schedule exceeds the amount calculated by applying the following quota of grant to quota of expenditure on road works by the local government from its own resources for that year —~~
- ~~———— Group C — \$1 grant for each \$2 expenditure on road works from its own resources;~~
- ~~———— Group D — \$1 grant for each \$1 expenditure on road works from its own resources.~~
- ~~(b) — Where in respect of the second matching period a quota of grant to quota of expenditure formula is determined for the purposes of this paragraph in relation to a Group to which subsection (3) applies, then, notwithstanding subsection (3)(b), the amount which any local government in that Group may receive under subsection (3) as a base grant for a year during that matching period (in this paragraph called *the subject year*) shall be reduced by the amount, if any, by which its base grant as specified in the prescribed table for the year ending on 30 June 1984 exceeds the amount calculated by applying the formula so determined to the amount expended on road works by the local government from its own resources for the subject year.~~
- ~~(5)(a) — This subsection applies to Groups A and B and to any other Group to which it is declared to apply pursuant to subsection (12)(b).~~
- ~~(b) — The prescribed amount shall be made available each year from moneys standing to the credit of the Main Roads Trust Account and, subject to paragraph (d) and subsections (6), (7), (8) and (9)(a), is payable in that year to the local governments in the Groups to which this subsection applies as base grants as specified in the prescribed table.~~
- ~~(c) — In paragraph (b) *the prescribed amount* —~~
- ~~———— (i) — in relation to the first year, means \$2 996 280;~~
- ~~———— (ii) — in relation to a subsequent year, means such amount as is determined in relation to that year for the purposes of that paragraph.~~
- ~~(d) — Every base grant paid to a local government pursuant to this subsection is so paid on the conditions that —~~
- ~~———— (i) — it will be expended on construction or maintenance of local roads;~~
- ~~———— (ii) — not less than one half of it will be expended on construction; and~~
- ~~———— (iii) — expenditure thereof on construction shall be in accordance with a programme to be approved by the Minister on the recommendation of the Commissioner.~~
- ~~(e) — Notwithstanding paragraph (d) where a local government satisfies the~~

~~Minister that it cannot usefully apply one half of its base grant referred to in that paragraph to the construction of local roads as required by that paragraph, the Minister may, where he is satisfied that special circumstances so warranting exist, approve of the expenditure of the whole of the base grant, or some fraction thereof exceeding one half, on the maintenance of local roads.~~

~~(f) The prescribed amount shall be made available each year from moneys standing to the credit of the Main Roads Trust Account and the prescribed portions thereof shall be allocated in that year to agency special purpose accounts established under section 16 of the *Financial Management Act 2006* and to be known respectively as the Inner Metropolitan Councils' Urban Road Account and the Outer Metropolitan Councils' Urban Road Account.~~

~~(g) In paragraph (f) —
the prescribed amount —~~

~~(i) in relation to the first year, means \$5 992 560;~~

~~(ii) in relation to a subsequent year means such amount as is determined in relation to that year for the purposes of that paragraph;~~

~~prescribed portions —~~

~~(i) in relation to the first year, means \$4 104 100 to the Inner Metropolitan Councils' Urban Road Account and \$1 888 460 to the Outer Metropolitan Councils' Urban Road Account;~~

~~(ii) in relation to a subsequent year means such portions as are determined in relation to that year for the purposes of that paragraph.~~

~~(h) Each local government in Group A or B may submit to the Commissioner each year a programme containing projects for the construction of arterial roads and local roads and the Minister may, on the recommendation of the Commissioner, approve any such project in which event moneys may be paid to the local government out of —~~

~~(i) the Inner Metropolitan Councils' Urban Road Account in the case of a local government specified in Group A; or~~

~~(ii) the Outer Metropolitan Councils' Urban Road Account in the case of a local government specified in Group B;~~

~~to meet expenditure incurred on the projects so approved.~~

~~(6)(a) Notwithstanding subsection (5)(b) the amount which any local government in Group A or B may receive as a base grant for a year during the first matching period shall be reduced by the amount, if any, by which its base grant as specified in the Second Schedule exceeds the amount calculated by applying the following quota of grant to quota of expenditure on road works by the local government from its own resources for that year —~~

~~Group A — \$1 grant for each \$5 expenditure on road works~~

- ~~from its own resources;~~
- ~~Group B — \$1 grant for each \$4 expenditure on road works from its own resources.~~
- ~~(b) — Where in respect of the second matching period a quota of grant to quota of expenditure formula is determined for the purposes of this paragraph in relation to a Group to which subsection (5) applies, then, notwithstanding subsection (5)(b), the amount which any local government in that Group may receive under subsection (5) as a base grant for a year during that matching period (in this paragraph called *the subject year*) shall be reduced by the amount, if any, by which its base grant as specified in the prescribed table for the year ending on 30 June 1984 exceeds the amount calculated by applying the formula so determined to the amount expended on road works by the local government from its own resources for the subject year.~~
- ~~(7) — Where the sum of the amounts expended by a local government on road works from its own resources over the whole of the first matching period or the second matching period exceeds the sum of the amounts required for that local government to receive its full entitlement of the base grant for each year of that matching period, that local government shall receive its full entitlement of the base grants, notwithstanding that a deficit is carried forward from one of those years to the next and notwithstanding subsection (4) or subsection (6).~~
- ~~(8) — Where in respect of any year a local government satisfies the Minister that because of special circumstances existing there should be a reduction in its quota of expenditure on road works from its own resources, the Minister may reduce the quota of expenditure for that local government notwithstanding subsection (4) or subsection (6).~~
- ~~(9)(a) — Such moneys paid to local governments under subsections (3) and (5) as are derived from payments made under the Commonwealth Act are paid on the condition that the moneys are expended in accordance with the terms and conditions specified in the Commonwealth Act, and all moneys paid to local governments under those subsections are paid on the condition that the moneys are expended on works or projects approved by the Minister on the recommendation of the Commissioner, but the Minister may on the recommendation of the Commissioner approve of variations in work or projects previously approved.~~
- ~~(b) — Where moneys standing to the credit of the Inner Metropolitan Councils' Urban Road Account or the Outer Metropolitan Councils' Urban Road Account are not expended within the time specified in the Commonwealth Act, the Commissioner may re-allocate those moneys to another agency special purpose account established under section 16 of the *Financial Management Act 2006*.~~
- ~~(10) — The Minister may delegate to the Commissioner all or any of his powers under subsection (3)(d), subsection (5)(d) and (h) and subsection (9)(a).~~

- ~~—(11)— A local government shall not be regarded, for the purposes of subsections (4), (6), (7) and (8) as having expended any particular amounts on road works from its own resources unless such expenditure is certified to be correct by audit pursuant to Part 7 of the *Local Government Act 1995*; and, in any event, where the Minister is satisfied that an amount paid to a local government under this section exceeds the amount that was properly payable, he may require the local government to repay the amount of the excess to the credit of the Main Roads Trust Account and may cause any amount so repayable but not repaid to be deducted from any other amount that may become payable to the local government under this Act.~~
- (12)(a) For the purposes of the second matching period the Minister, on the recommendation of the Commissioner, may, by instrument in writing,—
- ~~—(i)— alter any Group by adding the name of a local government thereto or removing the name of a local government therefrom;~~
 - ~~—(ii)— abolish a Group; or~~
 - ~~—(iii)— create a new group consisting of such local governments as are named in the instrument.~~
- ~~—(b)— In the instrument creating a Group pursuant to paragraph (a)(iii) the Minister shall declare which of subsection (3) or subsection (5) shall apply to that Group.~~
- ~~—(c)— In order to facilitate the application of the provisions of subsections (2) to (11), both inclusive, to and in relation to a Group created pursuant to paragraph (a)(iii) the Minister may, by instrument in writing, direct that those provisions be read with such variations and modifications as are specified in the instrument.~~
- ~~—(d)— An instrument made under this subsection shall have and be given effect according to its tenor.~~
- ~~—(13)— The Minister may authorize the making of advances of such amounts and at such times as he thinks fit, on account of any amount that may become payable to a local government under this section.~~
- (14) The warrant of the Commissioner is sufficient authority to the Treasurer to make any payment provided by this section, and in authorizing any such payment the Commissioner shall make such adjustment, in respect of moneys erroneously or improperly credited to the Main Roads Trust Account as the circumstances may from time to time require.
- (15) Any unexpended moneys standing to the credit of the Main Roads Trust Account at the end of a financial year may be applied under this section to any other year, without fresh appropriation.

33B. Control of advertisements~~(2)(a) Any person~~

(2A) Any person dissatisfied with any direction given by the Commissioner under a regulation made under the provisions of this section may, within 14 days after the direction is communicated to him, appeal in writing to the Minister.

~~(b) The Minister~~

(2B) The Minister shall hear and determine such appeal and may appoint a committee to investigate and report on any matters referred to such committee by the Minister in connection with such appeal.

~~(c) The decision~~

(2C) The decision of the Minister on any such appeal shall be final and shall be given effect to by the parties.

Second Schedule~~[Section 32]~~

	Base Grant \$	Additional Grant \$
Group A:		
City of —		
Belmont	105 080	
Canning	165 490	
Cockburn	112 880	
Fremantle	76 340	
Gosnells	155 300	
Melville	178 010	
Nedlands	65 300	
Perth	288 350	
South Perth	95 320	
Stirling	505 050	
Subiaco	48 060	
Town of —		
Bassendean	38 560	
Claremont	25 840	
Cottesloe	22 990	
East Fremantle	19 320	
Mosman Park	20 300	
Shire of —		
Bayswater	124 700	
Peppermint Grove	5 160	
Group B:		
Town of —		
Armadale	124 720	
Kwinana	60 090	
Shire of —		
Kalamunda	119 870	

Mundaring	85-270	
Rockingham	84-520	
Serpentine-Jarrahdale	53-000	
Swan	129-690	
Wanneroo	287-070	
Group C:		
City of —		
Bunbury	267-005	267-005
Town of —		
Albany	175-350	175-350
Geraldton	238-635	238-635
Kalgoorlie	109-975	109-975
Narrogin	70-520	70-520
Northam	92-440	92-440
Shire of —		
Albany	102-905	102-905
Augusta-Margaret River	77-405	77-405
Beverley	41-805	41-805
Boddington	18-800	18-800
Boyup Brook	59-275	59-275
Bridgetown-Greenbushes	56-280	56-280
Brookton	29-900	29-900
Broomehill	19-530	19-530
Bruce Rock	56-210	56-210
Busselton	116-305	116-305
Capel	39-745	39-745
Carnamah	35-240	35-240
Chapman Valley	30-960	30-960
Chittering	24-080	24-080
Collie	82-440	82-440
Coorow	34-665	34-665
Corrigin	54-985	54-985
Cranbrook	43-730	43-730
Cuballing	21-775	21-775
Cunderdin	48-825	48-825
Dalwallinu	70-660	70-660
Dandaragan	63-480	63-480
Dardanup	41-145	41-145
Denmark	35-235	35-235
Donnybrook-Balingup	53-990	53-990
Dowerin	40-190	40-190
Dumbleyung	36-945	36-945
Esperance	188-875	188-875
Gingin	38-825	38-825
Gnowangerup	97-550	97-550
Goomalling	32-355	32-355
Greenough	55-745	55-745

Harvey	90-940	90-940
Irwin	23-740	23-740
Katanning	77-785	77-785
Kellerberrin	53-115	53-115
Kent	42-010	42-010
Kojonup	61-090	61-090
Kondinin	49-395	49-395
Koorda	42-750	42-750
Kulin	51-380	51-380
Lake-Grace	74-310	74-310
Mandurah	89-915	89-915
Manjimup	134-875	134-875
Merredin	118-180	118-180
Mingenew	22-275	22-275
Moora	69-755	69-755
Morawa	38-465	38-465
Mt-Marshall	55-000	55-000
Mukinbudin	37-085	37-085
Mullewa	50-305	50-305
Murray	76-090	76-090
Nannup	37-520	37-520
Narembeen	57-365	57-365
Narrogin	31-485	31-485
Northam	55-295	55-295
Northampton	55-715	55-715
Nungarin	19-080	19-080
Perenjori	49-595	49-595
Pingelly	36-250	36-250
Plantagenet	84-690	84-690
Quairading	44-250	44-250
Ravensthorpe	43-865	43-865
Tambellup	23-370	23-370
Tammin	22-685	22-685
Three-Springs	30-190	30-190
Toodyay	29-915	29-915
Trayning	30-995	30-995
Victoria Plains	45-395	45-395
Wagin	51-310	51-310
Wandering	15-550	15-550
Waroona	32-505	32-505
West-Arthur	39-130	39-130
Westonia	26-590	26-590
Wickepin	36-110	36-110
Williams	29-785	29-785
Wongan-Ballidu	68-150	68-150
Woodanilling	17-955	17-955
Wyalkatchem	33-630	33-630

York	46-410	46-410
Group D:		
Shire of —		
Boulder	125-990	125-990
Carnarvon	114-630	114-630
Coolgardie	74-030	74-030
Exmouth	30-950	30-950
Port Hedland	119-870	119-870
Roebourne	116-520	116-520
Yilgarn	96-625	96-625
Group E:		
Shire of —		
Broome	29-605	29-605
Cue	7-865	7-865
Dundas	29-145	29-145
East Pilbara	45-735	45-735
Halls Creek	28-010	28-010
Laverton	14-930	14-930
Leonora	21-500	21-500
Meekatharra	30-300	30-300
Menzies	14-420	14-420
Mt Magnet	8-860	8-860
Murchison	14-930	14-930
Sandstone	9-900	9-900
Shark Bay	11-225	11-225
Upper Gascoyne	17-010	17-010
West Kimberley	47-070	47-070
West Pilbara	43-965	43-965
Wiluna	25-480	25-480
Wyndham-East Kimberley	39-780	39-780
Yalgoo	11-410	11-410