

EXPLANATORY MEMORANDUM AND CLAUSE NOTES

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

Part 1 – Preliminary

Clause 1. Short title

Provides for the short title of the Act, which will be the *Statutes (Repeals and Minor Amendments) Act 2020*.

Clause 2. Commencement

Provides for sections 1 and 2 to commence when the Act receives Royal Assent, and for the remaining provisions to come into effect the day after the day on which Royal Assent is given.

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Part 2 – Repeals

Clause 3. WA Acts repealed

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
Clause 3(a).	<i>Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Act 2015</i>	The Act is repealed.	The High Court of Australia has declared the <i>Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Act 2015</i> to be invalid in its entirety (see <i>Bell Group N.V. (in liquidation) v Western Australia</i> [2016] HCA 21). The entire <i>Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Act 2015</i> is obsolete.
Clause 3(b).	<i>Curriculum Council (Fees and Charges) Act 2006</i>	The Act is repealed.	The <i>Curriculum Council (Fees and Charges) Act 2006</i> was passed to validate any fee or charge imposed by the Curriculum Council prior to 2006 as if it had been imposed and paid under regulations made under the <i>Curriculum Council Act 1997</i> . This was necessary because the power to make regulations for the collection of fees and charges was not provided when the <i>Curriculum</i>

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CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
			<p><i>Council Act 1997</i> was proclaimed in 1997. The power to impose fees and charges is now contained within the <i>School Curriculum and Standards Authority Regulations 2005</i>.</p> <p>The <i>Curriculum Council (Fees and Charges) Act 2006</i> is obsolete.</p>
Clause 3(c).	<i>Fire and Emergency Services Authority of Western Australia (Consequential Provisions) Act 1998</i>	The Act is repealed.	<p>The <i>Fire and Emergency Services Authority of Western Australia (Consequential Provisions) Act 1998</i> amended the <i>Bush Fires Act 1954</i>, <i>Fire Brigades Act 1942</i> and various other Acts as a consequence of the enactment of the <i>Fire and Emergency Services Authority of Western Australia Act 1998</i>.</p> <p>All provisions of the <i>Fire and Emergency Services Authority of Western Australia (Consequential Provisions) Act 1998</i> have taken effect and the Act is obsolete.</p>
Clause 3(d).	<i>Housing Societies Repeal Act 2005</i>	The Act is repealed.	The <i>Housing Societies Repeal Act 2005</i> provided for the winding up of housing societies, and the repeal of the <i>Housing Societies</i>

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CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
			<p><i>Act 1976 and Housing Loan Guarantee Act 1957.</i></p> <p>All provisions of the <i>Housing Societies Repeal Act 2005</i> have taken effect and the Act is obsolete.</p>
<p>Clause 3(e).</p>	<p><i>Morawa-Koolanooka Hills Railway Act 1964</i></p>	<p>The Act is repealed.</p>	<p>The <i>Morawa-Koolanooka Hills Railway Act 1964</i> provided for the construction of a railway from Morawa to Koolanooka Hills, pursuant to an agreement between the State and Western Mining Corporation Ltd. The agreement was contained in the <i>Iron Ore (Tallering Peak) Agreement Act 1961</i>, which was replaced by the <i>Iron Ore (Tallering Peak) Agreement Act 1964</i>. The agreement in the 1964 Act was repealed by the <i>Miscellaneous Repeals Act 1991</i>, as the State and Western Mining Corporation Ltd agreed to terminate the agreement. The Koolanooka mine is no longer operational and the Morawa-Koolanooka Hills Railway no longer exists.</p>

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			The entire <i>Morawa-Koolanooka Hills Railway Act 1964</i> is obsolete.
Clause 3(f).	<i>Railway Standardisation Agreement Act 1961</i>	The Act is repealed.	<p>Funding for the construction of the Kalgoorlie to Perth standard gauge railway was provided by the Commonwealth under the <i>Railway Agreement (Western Australia) Act 1961</i> (Cth). The corresponding Western Australian legislation is the <i>Railway Standardisation Agreement Act 1961</i>.</p> <p>The Acts provide for repayment of the loan to the Commonwealth by way of instalments until 2041. Both the Commonwealth and the State agreed to an early repayment of the outstanding balance of the loan and this occurred on or about 30 June 2014.</p> <p>Repeal of the Commonwealth Act occurred on 13 July 2015.</p> <p>As the loan has been repaid and the Commonwealth Act has been repealed, the corresponding</p>

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CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
			<i>Railway Standardisation Agreement Act 1961</i> is obsolete.
Clause 3(g).	<i>Water Services Legislation Amendment and Repeal Act 2012</i>	The Act is repealed.	<p>The <i>Water Services Legislation Amendment and Repeal Act 2012</i> amended the <i>Water Corporation Act 1995</i> and repealed the <i>Water Boards Act 1994</i>, and also repealed legislation made redundant as a consequence of the enactment of the <i>Water Services Act 2012</i>.</p> <p>All provisions of the <i>Water Services Legislation Amendment and Repeal Act 2012</i> have taken effect and the Act is obsolete.</p>

Clause 4. Imperial enactments repealed

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
Clause 4(1)(a).	<i>Judgments Act 1839 (Imp)</i> 14. Act not to extend to Ireland	Section 14 is deleted in its entirety.	Section 14 of the <i>Judgments Act 1839 (Imp)</i> states that the Act does not extend to Ireland. This

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CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
			does not need to form part of Western Australian statute book.
Clause 4(1)(b).	<i>Debts Recovery Act 1839 (Imp)</i>	The Act is repealed.	The <i>Debts Recovery Act 1830 (Imp)</i> and the <i>Debts Recovery Act 1839 (Imp)</i> consolidated the laws regarding the payment of debts out of real estate. The introduction of the Torrens system of indefeasible title, as well as other current legislation dealing with property law, probate, wills and administration, mean that these Acts are obsolete. The <i>Debts Recovery Act 1830 (Imp)</i> is deleted under clause 4(1)(f).
Clause 4(1)(c).	<i>Bills of Exchange (day for payment) (1836) (Imp)</i>	The Act is repealed.	The <i>Bills of Exchange (day for payment) (1836) (Imp)</i> set out when dishonoured Bills of Exchange could be presented for payment. The Act has been superseded by the <i>Bills of Exchange Act 1909 (Cth)</i> and is now obsolete.
Clause 4(1)(d).	<i>Bills of exchange (non-payment) (1832) (Imp)</i>	The Act is repealed.	The <i>Bills of Exchange (non-payment) (1832) (Imp)</i> regulated non-payment of Bills of Exchange

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CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
			that were drawn payable at a place not being the place of the residence of the drawee. The Act has been superseded by the <i>Bills of Exchange Act 1909</i> (Cth) and is now obsolete.
Clause 4(1)(e).	<i>Executors Act 1830 (Imp)</i>	The Act is repealed.	<p>The <i>Executors Act 1830 (Imp)</i> allowed for the disposal of the undisposed residues of the effects of testators.</p> <p>The Act has been superseded by section 13 of the <i>Administration Act 1903</i>, which provides that the executor may not take beneficially any residue of an estate not expressly disposed of by the will, unless it appears by the will that the executor is intended to take that residue.</p> <p>The Act is now obsolete.</p>
Clause 4(1)(f).	<i>Debts Recovery Act 1830 (Imp)</i>	The Act is repealed.	The <i>Debts Recovery Act 1830 (Imp)</i> and the <i>Debts Recovery Act 1839 (Imp)</i> consolidated the laws regarding the payment of debts out of real estate. The introduction of the Torrens system of indefeasible title, as well as other

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CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
			<p>current legislation dealing with property law, probate, wills and administration, mean that these Acts are obsolete.</p> <p>The <i>Debts Recovery Act 1839 (Imp)</i> is deleted under clause 4(1)(b).</p>
<p>Clause 4(1)(g).</p>	<p><i>Infants' Property Act 1830 (Imp)</i></p>	<p>The Act is repealed.</p>	<p>The <i>Infants' Property Act 1830 (Imp)</i> governs the authority of "Infants, Femes Covert, Idiots, Lunatics and Persons of Unsound Mind" to manage their real and personal property.</p> <p>"Femes covert", "lunatics" and "idiots" are no longer recognised by the Western Australian legal system. Any provisions relating to these categories are obsolete.</p> <p>The protections which relate to "infants" and "persons of unsound mind" are provided for by a number of pieces of current Western Australian legislation and are therefore obsolete.</p> <p>The following provisions, together, offer the same protections to children as the imperial Act:</p>

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CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
			<ul style="list-style-type: none"> - section 16(1)(d) of the <i>Supreme Court Act 1935</i>; - section 82 of the <i>Trustees Act 1962</i>; - section 17A of the <i>Administration Act 1903</i>; - section 209 of the <i>Land Administration Act 1997</i>; - section 5 of the <i>Legal Representation of Infants Act 1977</i>; - Order 70 rule 2 of the <i>Rules of the Supreme Court 1971</i>. <p>The <i>Guardianship and Administration Act 1990</i>, broadly, offers the same protections to “persons of unsound mind” who lack capacity to make reasonable decisions. Further protections are also provided in section 16(1)(d) of the <i>Supreme Court Act 1935</i> and section 209 of the <i>Land Administration Act 1997</i>.</p> <p>The Act is accordingly obsolete.</p>
<p>Clause 4(1)(h).</p>	<p><i>Judgments Act 1855 (Imp)</i> 9. Duties of prothonotary Fees for registration and searches</p>	<p>Section 9 is deleted in its entirety.</p>	<p>Section 9 of the <i>Judgments Act 1855 (Imp)</i> relates to fees payable to a “prothonotary”: a position that exclusively applies to the Counties</p>

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			Palatine of Lancaster and Durham in the United Kingdom. The section cannot apply to Western Australia and is obsolete.

Clause 4(2) means that reference to the repeal of a written law or to the repeal of an enactment in Part V of the *Interpretation Act 1984* applies as if a reference to each Imperial enactment in clause 4(1).

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Part 3 – Amendments

Division 1 – Amendments to change references to externally-administered body corporate or externally-administered corporation

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
<p>Clause 5.</p>	<p><i>Betting Control Act 1954</i> 10K. Commission may take or recommend disciplinary action (1) In this section — ... grounds, for disciplinary action against a wagering licensee in relation to the licensee’s wagering licence, means any of the following — ... (d) that the wagering licensee has become an externally administered corporation within the meaning of the <i>Corporations Act 2001</i> (Commonwealth); </p>	<p><i>Betting Control Act 1954</i> 10K. Commission may take or recommend disciplinary action (1) In this section — ... grounds, for disciplinary action against a wagering licensee in relation to the licensee’s wagering licence, means any of the following — ... (d) that the wagering licensee has become an externally administered corporation <u>a Chapter 5 body corporate</u> within the meaning of the <i>Corporations Act 2001</i> (Commonwealth); </p>	<p>In 2016, the <i>Insolvency Law Reform Act 2016</i> (Cth) amended the <i>Corporations Act 2001</i> (Cth) to delete the defined term “externally-administered body corporate” from section 9 and replace it with the term “Chapter 5 body corporate”. The definition of Chapter 5 body corporate is the same as the deleted definition of externally-administered body corporate.</p> <p>The term “an externally administered corporation”, as is found in the <i>Betting Control Act 1954</i>, is not a separate term found in the <i>Corporations Act 2001</i> (Cth), and is used synonymously with the previous term of “externally-administered body corporate”.</p>
<p>Clause 6.</p>	<p><i>Energy Coordination Act 1994</i> 11ZE. Cancellation of licence</p>	<p><i>Energy Coordination Act 1994</i> 11ZE. Cancellation of licence</p>	<p>In 2016, the <i>Insolvency Law Reform Act 2016</i> (Cth) amended</p>

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CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p>(1) The Governor may cancel a licence if he or she is satisfied that the licensee —</p> <p>...</p> <p>(c) in the case of a company, is an externally administered corporation within the meaning of the <i>Corporations Act 2001</i> of the Commonwealth; or</p> <p>...</p>	<p>(1) The Governor may cancel a licence if he or she is satisfied that the licensee —</p> <p>...</p> <p>(c) in the case of a company, is an externally administered corporation <u>a Chapter 5 body corporate</u> within the meaning of the <i>Corporations Act 2001</i> of the Commonwealth; or</p> <p>...</p>	<p>the <i>Corporations Act 2001</i> (Cth) to delete the defined term “externally-administered body corporate” from section 9 and replace it with the term “Chapter 5 body corporate”. The definition of Chapter 5 body corporate is the same as the deleted definition of externally-administered body corporate.</p> <p>The term “an externally administered corporation”, as is found in the <i>Energy Coordination Act 1994</i>, is not a separate term found in the <i>Corporations Act 2001</i> (Cth), and is used synonymously with the previous term of “externally-administered body corporate”.</p>
<p>Clause 7.</p>	<p><i>Pharmacy Act 2010</i></p> <p>58. Death or bankruptcy of pharmacist etc.</p> <p>(1) Despite Part 4 Division 1 and section 54, where —</p> <p>...</p> <p>(c) a company that owned, or held a proprietary interest in, a</p>	<p><i>Pharmacy Act 2010</i></p> <p>58. Death or bankruptcy of pharmacist etc.</p> <p>(1) Despite Part 4 Division 1 and section 54, where —</p> <p>...</p> <p>(c) a company that owned, or held a proprietary interest in, a</p>	<p>In 2016, the <i>Insolvency Law Reform Act 2016</i> (Cth) amended the <i>Corporations Act 2001</i> (Cth) to delete the defined term “externally-administered body corporate” from section 9 and replace it with the term “Chapter 5 body corporate”. The definition of Chapter 5 body corporate is the same as the deleted</p>

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	<p>pharmacy business is an externally administered body corporate within the meaning of the Corporations Act,</p> <p>...</p>	<p>pharmacy business is an externally administered body corporate <u>a Chapter 5 body corporate</u> within the meaning of the Corporations Act,</p> <p>...</p>	<p>definition of externally-administered body corporate.</p> <p>The term “an externally administered body corporate”, as is found in <i>the Pharmacy Act 2010</i>, is not a separate term found in the <i>Corporations Act 2001</i> (Cth), and used synonymously with the hyphenated version of “externally-administered body corporate”.</p>
<p>Clause 8.</p>	<p><i>Construction Contracts Act 2004</i></p> <p>Schedule 1 — Implied provisions</p> <p>10. Duties of principal or landowner etc. as to unfixed goods on insolvency</p> <p>(1) In this clause —</p> <p><i>insolvent</i> means —</p> <p>...</p> <p>(b) in relation to a body corporate, an externally-administered body corporate as that term is defined in the <i>Corporations Act 2001</i> of the Commonwealth.</p>	<p><i>Construction Contracts Act 2004</i></p> <p>Schedule 1 — Implied provisions</p> <p>10. Duties of principal or landowner etc. as to unfixed goods on insolvency</p> <p>(1) In this clause —</p> <p><i>insolvent</i> means —</p> <p>...</p> <p>(b) in relation to a body corporate, an externally-administered body corporate <u>a Chapter 5 body corporate</u> as that term is defined in</p>	<p>In 2016, the <i>Insolvency Law Reform Act 2016</i> (Cth) amended the <i>Corporations Act 2001</i> (Cth) to delete the defined term “externally-administered body corporate” from section 9 and replace it with the term “Chapter 5 body corporate”. The definition of Chapter 5 body corporate is the same as the deleted definition of externally-administered body corporate.</p>

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CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
		the <i>Corporations Act 2001</i> of the Commonwealth.	
<p>Clause 8.</p>	<p><i>Contaminated Sites Act 2003</i> 3. Terms used in this Act (1) In this Act, unless the contrary intention appears — ... <i>insolvent</i> means — ... (b) in the case of a body corporate — a body corporate that is an externally-administered body corporate within the meaning of the <i>Corporations Act 2001</i> of the Commonwealth; ...</p>	<p><i>Contaminated Sites Act 2003</i> 3. Terms used in this Act (1) In this Act, unless the contrary intention appears — ... <i>insolvent</i> means — ... (b) in the case of a body corporate — a body corporate that is an externally-administered body corporate <u>a Chapter 5 body corporate</u> within the meaning of the <i>Corporations Act 2001</i> of the Commonwealth; ...</p>	<p>In 2016, the <i>Insolvency Law Reform Act 2016</i> (Cth) amended the <i>Corporations Act 2001</i> (Cth) to delete the defined term “externally-administered body corporate” from section 9 and replace it with the term “Chapter 5 body corporate”. The definition of Chapter 5 body corporate is the same as the deleted definition of externally-administered body corporate.</p>
<p>Clause 8.</p>	<p><i>Electricity Industry Act 2004</i> 35. Cancellation of licence (1) The Governor may cancel a licence if he or she is satisfied that the licensee — ...</p>	<p><i>Electricity Industry Act 2004</i> 35. Cancellation of licence (1) The Governor may cancel a licence if he or she is satisfied that the licensee — ...</p>	<p>In 2016, the <i>Insolvency Law Reform Act 2016</i> (Cth) amended the <i>Corporations Act 2001</i> (Cth) to delete the defined term “externally-administered body corporate” from section 9 and replace it with the term “Chapter 5 body corporate”. The definition</p>

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	<p>(c) in the case of a company, is an externally-administered body corporate as defined in the <i>Corporations Act 2001</i> of the Commonwealth section 9; or</p> <p>...</p>	<p>(c) in the case of a company, is an externally-administered body corporate <u>a Chapter 5 body corporate</u> as defined in the <i>Corporations Act 2001</i> of the Commonwealth section 9; or</p> <p>...</p>	<p>of Chapter 5 body corporate is the same as the deleted definition of externally-administered body corporate.</p>
<p>Clause 8.</p>	<p><i>Legal Profession Act 2008</i></p> <p>122. External administration proceedings under Corporations Act</p> <p>(1) This section applies to proceedings in any court under the Corporations Act Chapter 5 —</p> <p>(a) relating to a corporation that is an externally-administered body corporate under that Act and that is or was an incorporated legal practice; or</p> <p>(b) relating to a corporation that is or was an incorporated legal practice becoming an externally-administered body corporate under that Act.</p>	<p><i>Legal Profession Act 2008</i></p> <p>122. External administration proceedings under Corporations Act</p> <p>(1) This section applies to proceedings in any court under the Corporations Act Chapter 5 —</p> <p>(a) relating to a corporation that is an externally-administered body corporate <u>a Chapter 5 body corporate</u> under that Act and that is or was an incorporated legal practice; or</p> <p>(b) relating to a corporation that is or was an incorporated legal practice becoming an externally-administered body corporate <u>a Chapter 5 body corporate</u> under that Act.</p>	<p>In 2016, the <i>Insolvency Law Reform Act 2016</i> (Cth) amended the <i>Corporations Act 2001</i> (Cth) to delete the defined term “externally-administered body corporate” from section 9 and replace it with the term “Chapter 5 body corporate”. The definition of Chapter 5 body corporate is the same as the deleted definition of externally-administered body corporate.</p>

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CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
<p>Clause 8.</p>	<p>Limited Partnerships Act 2016 88. Restrictions on insolvents (1) In this section — <i>insolvent</i> means — ... (b) in relation to a body corporate — an externally-administered body corporate as defined in the Corporations Act section 9; and ...</p>	<p>Limited Partnerships Act 2016 88. Restrictions on insolvents (1) In this section — <i>insolvent</i> means — ... (b) in relation to a body corporate — an externally-administered body corporate <u>a Chapter 5 body corporate</u> as defined in the Corporations Act section 9; and ...</p>	<p>In 2016, the <i>Insolvency Law Reform Act 2016</i> (Cth) amended the <i>Corporations Act 2001</i> (Cth) to delete the defined term “externally-administered body corporate” from section 9 and replace it with the term “Chapter 5 body corporate”. The definition of Chapter 5 body corporate is the same as the deleted definition of externally-administered body corporate.</p>
<p>Clause 8.</p>	<p>Liquor Control Act 1988 34. Certain applications not to be decided ... (2) The licensing authority shall not hear or determine any application to which this subsection applies, if that application is made — (a) by a person who — ... (iv) being a body corporate, is an externally-administered body corporate within the meaning of the</p>	<p>Liquor Control Act 1988 34. Certain applications not to be decided ... (2) The licensing authority shall not hear or determine any application to which this subsection applies, if that application is made — (a) by a person who — ... (iv) being a body corporate, is an externally-administered body corporate <u>a Chapter 5 body</u></p>	<p>In 2016, the <i>Insolvency Law Reform Act 2016</i> (Cth) amended the <i>Corporations Act 2001</i> (Cth) to delete the defined term “externally-administered body corporate” from section 9 and replace it with the term “Chapter 5 body corporate”. The definition of Chapter 5 body corporate is the same as the deleted definition of externally-administered body corporate.</p>

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CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p><i>Corporations Act 2001</i> of the Commonwealth; or</p> <p>...</p> <p>86. Interim authorisations to carry on business under licence</p> <p>...</p> <p>(6) Where a licensee that is a body corporate becomes an externally-administered body corporate, within the meaning of the <i>Corporations Act 2001</i> of the Commonwealth, the person who has lawful financial control of the licensed premises, or a nominee of any such person who is approved by the Director, may carry on the business of the licensee as though that person were the licensee until the expiration of 28 days from the date of going into possession of the licensed premises.</p>	<p><u>corporate</u> within the meaning of the <i>Corporations Act 2001</i> of the Commonwealth; or</p> <p>...</p> <p>86. Interim authorisations to carry on business under licence</p> <p>...</p> <p>(6) Where a licensee that is a body corporate becomes an externally-administered body corporate <u>a Chapter 5 body corporate</u>, within the meaning of the <i>Corporations Act 2001</i> of the Commonwealth, the person who has lawful financial control of the licensed premises, or a nominee of any such person who is approved by the Director, may carry on the business of the licensee as though that person were the licensee until the expiration of 28 days from the date of going into possession of the licensed premises.</p>	
<p>Clause 8.</p>	<p><i>Water Services Act 2012</i></p>	<p><i>Water Services Act 2012</i></p>	<p>In 2016, the <i>Insolvency Law Reform Act 2016</i> (Cth) amended the <i>Corporations Act 2001</i> (Cth)</p>

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CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p>34. Cancellation of licence for serious default</p> <p>...</p> <p>(2) Before the Governor does so, the Minister must be satisfied that —</p> <p>...</p> <p>(b) the licensee —</p> <p>(i) is an externally-administered body corporate within the meaning of the <i>Corporations Act 2001</i> (Commonwealth) section 9; or</p> <p>...</p>	<p>34. Cancellation of licence for serious default</p> <p>...</p> <p>(2) Before the Governor does so, the Minister must be satisfied that —</p> <p>...</p> <p>(b) the licensee —</p> <p>(i) is an externally-administered body corporate <u>a Chapter 5 body corporate</u> within the meaning of the <i>Corporations Act 2001</i> (Commonwealth) section 9; or</p> <p>...</p>	<p>to delete the defined term “externally-administered body corporate” from section 9 and replace it with the term “Chapter 5 body corporate”. The definition of Chapter 5 body corporate is the same as the deleted definition of externally-administered body corporate.</p>

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Division 2 – Amendments to change references to declarations under the *Evidence Act 1906* section 106

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
<p>Clause 9.</p>	<p><i>Control of Vehicles (Off-road Areas) Act 1978</i></p> <p>28A. Applying for registration etc. of vehicle</p> <p>(1) An owner of a vehicle may apply for the registration, renewal of registration or transfer of registration of a vehicle under this Act by —</p> <p>...</p> <p>(b) providing a statutory declaration made pursuant to section 106 of the <i>Evidence Act 1906</i>, in a form approved by the Director General as to the compliance of the vehicle with the prescribed safety and noise requirements; and</p> <p>...</p>	<p><i>Control of Vehicles (Off-road Areas) Act 1978</i></p> <p>28A. Applying for registration etc. of vehicle</p> <p>(1) An owner of a vehicle may apply for the registration, renewal of registration or transfer of registration of a vehicle under this Act by —</p> <p>...</p> <p>(b) providing a statutory declaration made pursuant to section 106 of the <i>Evidence Act 1906</i>, in a form approved by the Director General as to the compliance of the vehicle with the prescribed safety and noise requirements; and</p> <p>...</p>	<p>Section 106 of the <i>Evidence Act 1906</i> was repealed by section 51 of the <i>Oaths, Affidavits and Statutory Declarations (Consequential Provisions) Act 2005</i>.</p> <p>The definition of statutory declaration as provided in section 5 of the <i>Interpretation Act 1984</i> will apply.</p>
<p>Clause 10.</p>	<p><i>Licensed Surveyors Act 1909</i></p> <p>Third Schedule — Form of declaration</p>	<p><i>Licensed Surveyors Act 1909</i></p> <p>Third Schedule — Form of declaration</p>	<p>Section 7(c) of the <i>Licensed Surveyors Act 1909</i> provides that in applying for a licence under the Act, an applicant must</p>

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CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p>...</p> <p>And I make this solemn declaration by virtue of section 106 of the <i>Evidence Act 1906</i>.</p> <p>...</p>	<p>...</p> <p>And I make this solemn declaration by virtue of section 106 of the <i>Evidence Act 1906</i>.</p> <p>...</p>	<p>make a “declaration before a justice in the form set out in the Third Schedule.”</p> <p>The form in the Third Schedule makes reference to section 106 of the <i>Evidence Act 1906</i>. Section 106 of the <i>Evidence Act 1906</i> was repealed by section 51 of the <i>Oaths, Affidavits and Statutory Declarations (Consequential Provisions) Act 2005</i>.</p>

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Division 3 – Amendments to change references to the Labour Price Index

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
<p>Clause 11.</p>	<p><i>Civil Liability Act 2002</i></p> <p>4. Varying amounts to reflect award rate changes</p> <p>...</p> <p>(2) The amount for the relevant financial year is obtained —</p> <p>(a) by varying the amount for the preceding financial year by the percentage by which the amount that the Australian Statistician published as the Labour Price Index (formerly known as the Wage Cost Index), ordinary time hourly rates of pay (excluding bonuses) for Western Australia (in this subsection called the <i>LPI</i>) varied between the last December quarter before the preceding financial year commenced and the last December quarter before the relevant financial year commenced; or</p> <p>(b) if the calculation under paragraph (a) cannot be performed</p>	<p><i>Civil Liability Act 2002</i></p> <p>4. Varying amounts to reflect award rate changes</p> <p>...</p> <p>(2) The amount for the relevant financial year is obtained —</p> <p>(a) by varying the amount for the preceding financial year by the percentage by which the amount that the Australian Statistician published as the <u>Labour Price Index (formerly known as the Wage Cost Index)</u>, ordinary time hourly rates of pay (excluding bonuses) for Western Australia (in this subsection called the <u><i>LPI</i> Wage Price Index (formerly known as the Labour Price Index)</u>), <u>ordinary time hourly rates of pay (excluding bonuses) for Western Australia (the <i>WPI</i>)</u> varied between the last December quarter before the preceding financial year commenced and the last December quarter before the</p>	<p>The Labour Price Index has been discontinued, with the last data in the series being the 2010/2011 financial year. The Wage Price Index has continued to be published quarterly from September 2012. The Wage Price Index has now replaced the Labour Price Index as the most appropriate system of measurement in these circumstances.</p>

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CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p>for a financial year because the LPI for a relevant quarter was not published, by varying the amount for the preceding financial year in accordance with the regulations,</p> <p>...</p>	<p>relevant financial year commenced; or</p> <p>(b) if the calculation under paragraph (a) cannot be performed for a financial year because the LPI<u>WPI</u> for a relevant quarter was not published, by varying the amount for the preceding financial year in accordance with the regulations,</p> <p>...</p>	
<p>Clause 12.</p>	<p><i>Workers' Compensation and Injury Management Act 1981</i></p> <p>93F. Degree of disability less than 30%, constraints on awards</p> <p>...</p> <p>(8) In this section —</p> <p><i>Amount A</i> means —</p> <p>...</p> <p>(b) in relation to any subsequent financial year, the nearest whole number of dollars to —</p> <p>(i) the amount obtained by varying Amount A for the preceding</p>	<p><i>Workers' Compensation and Injury Management Act 1981</i></p> <p>93F. Degree of disability less than 30%, constraints on awards</p> <p>...</p> <p>(8) In this section —</p> <p><i>Amount A</i> means —</p> <p>...</p> <p>(b) in relation to any subsequent financial year, the nearest whole number of dollars to —</p> <p>(i) the amount obtained by varying Amount A for the preceding</p>	<p>The Labour Price Index has been discontinued, with the last data in the series being the 2010/2011 financial year. The Wage Price Index has continued to be published quarterly from September 2012. The Wage Price Index has now replaced the Labour Price Index as the most appropriate system of measurement in these circumstances.</p>

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CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p>financial year by the percentage by which the amount that the Australian Statistician published as the Labour Price Index (formerly known as the Wages Cost Index), ordinary time hourly rates of pay (excluding bonuses) for Western Australia (the LPI) varied between the second-last December quarter before the financial year commenced and the last December quarter before the financial year commenced; or</p> <p>(ii) if the calculation under subparagraph (i) cannot be performed in relation to a financial year because the LPI for a relevant quarter was not published, the amount obtained by varying Amount A for the preceding financial year in accordance with the regulations,</p> <p>...</p>	<p>financial year by the percentage by which the amount that the Australian Statistician published as the Labour Price Index (formerly known as the Wages Cost Index), ordinary time hourly rates of pay (excluding bonuses) for Western Australia (the LPI, <u>Wage Price Index</u> (formerly known as the <u>Labour Price Index</u>), <u>ordinary time hourly rates of pay (excluding bonuses)</u>) for Western Australia (the WPI) varied between the second-last December quarter before the financial year commenced and the last December quarter before the financial year commenced; or</p> <p>(ii) if the calculation under subparagraph (i) cannot be performed in relation to a financial year because the LPI <u>WPI</u> for a relevant quarter was not published, the amount obtained by varying Amount A for the preceding financial year in accordance with the regulations,</p> <p>...</p>	

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Division 4 – Amendments to delete provisions relating to transitional regulations

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
Clause 13.	<i>Business Names (Commonwealth Powers) Act 2012</i> 12. Transitional regulations	Section 12 is deleted in its entirety.	Section 12 of the <i>Business Names (Commonwealth Powers) Act 2012</i> provides for the making of transitional regulations. A time limit of 12 months from the commencement day applied. The provision has expired.
Clause 14.	<i>Land Valuers Licensing Act 1978</i> 46. Transitional regulations	Section 46 is deleted in its entirety.	Section 46 of the <i>Land Valuers Licensing Act 1978</i> provides for the making of transitional regulations. A time limit of 12 months from the commencement day applied. The provision has expired.
Clause 15.	<i>Motor Vehicle Dealers Act 1973</i> 65. Regulations about transitional matters	Section 65 is deleted in its entirety.	Section 65 of the <i>Motor Vehicle Dealers Act 1973</i> provides for the making of transitional regulations. A time limit of 12 months from the commencement day applied. The provision has expired.

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CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
Clause 16.	<i>Motor Vehicle Repairers Act 2003</i> 122. Powers in relation to transitional matters	Section 122 is deleted in its entirety.	Section 122 of the <i>Motor Vehicle Repairers Act 2003</i> provides for the making of transitional regulations. A time limit of 12 months from the commencement day applied. The provision has expired.
Clause 17.	<i>Personal Property Securities (Commonwealth Laws) Act 2011</i> 19. Regulations for transitional matters	Section 19 is deleted in its entirety.	Section 19 of the <i>Personal Property Securities (Commonwealth Laws) Act 2011</i> provides for the making of transitional regulations. A time limit of 12 months from the commencement day applied. The provision has expired.
Clause 18.	<i>Real Estate and Business Agents Act 1978</i> 159. Transitional regulations	Section 159 is deleted in its entirety.	Section 159 of the <i>Real Estate and Business Agents Act 1978</i> provides for the making of transitional regulations. A time limit of 12 months from the commencement day applied. The provision has expired.
Clause 19.	<i>Settlement Agents Act 1981</i> 135. Transitional regulations	Section 135 is deleted in its entirety.	Section 135 of the <i>Settlement Agents Act 1981</i> provides for the making of transitional regulations. A time limit of 12 months from the commencement

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CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
			day applied. The provision has expired.

Division 5 – Insurance Commission of Western Australia Act 1986 and Acts Amendment (ICWA) Act 1996 amended

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
Clause 20(2)–(3).	<p><i>Insurance Commission of Western Australia Act 1986</i></p> <p>Part V — Repeal, amendments, saving, validation and transitional</p> <p>46. Repeal and amendments</p> <p>47. Saving, validation and transitional provisions</p> <p>Schedule 4 shall have effect.</p> <p>48. Oversight by Public Accounts Committee</p> <p>(1) The Public Accounts Committee, for the time being, of the Legislative Assembly shall oversee the conduct and</p>	<p><i>Insurance Commission of Western Australia Act 1986</i></p> <p>Part V — Repeal, amendments, saving, validation and transitional <u>State Government Insurance Office Act 1938 repealed</u></p> <p>46. Repeal and amendments <u>Act repealed</u></p> <p>47. Saving, validation and transitional provisions</p> <p>Schedule 4 shall have effect.</p> <p>48. Oversight by Public Accounts Committee</p>	<p>Sections 47, 48 and Schedule 4 set out transitional arrangements for the formation of the Insurance Commission of Western Australia. These provisions were never proclaimed (by sections 25 and 28 of the <i>Acts Amendment (ICWA) Act 1996</i>) and the transition period has now been exhausted.</p> <p>Schedule 4 is deleted at clause 20(4).</p>

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CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p>management of the affairs of the Commission and the Corporation to the extent necessary to determine and report whether the Commission and the Corporation receive any improper or unfair advantage or preference over their competitors in the insurance industry.</p> <p>(2) The Terms of Reference of the Public Accounts Committee in relation to its function under subsection (1) shall be as agreed to by both Houses of Parliament.</p>	<p>(1) The Public Accounts Committee, for the time being, of the Legislative Assembly shall oversee the conduct and management of the affairs of the Commission and the Corporation to the extent necessary to determine and report whether the Commission and the Corporation receive any improper or unfair advantage or preference over their competitors in the insurance industry.</p> <p>(2) The Terms of Reference of the Public Accounts Committee in relation to its function under subsection (1) shall be as agreed to by both Houses of Parliament.</p>	
<p>Clause 20(4).</p>	<p><i>Insurance Commission of Western Australia Act 1986</i></p> <p>Schedule 4 — Saving, validation and transitional provisions</p>	<p>Schedule 4 is deleted in its entirety.</p>	<p>Sections 47, 48 and Schedule 4 set out transitional arrangements for the formation of the Insurance Commission of Western Australia. These provisions were never proclaimed (by sections 25 and 28 of the <i>Acts Amendment (ICWA) Act 1996</i>) and the</p>

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CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
			transition period has now been exhausted. Sections 47 and 48 are deleted at clause 15(2)–(3).
Clause 21.	<i>Acts Amendment (ICWA) Act 1996</i> Sections 47 and 48 repealed 25. Sections 47 and 48 of the principal Act are repealed. Schedule 4 repealed 28. Schedule 4 to the principal Act is repealed.	<i>Acts Amendment (ICWA) Act 1996</i> Sections 47 and 48 repealed 25. Sections 47 and 48 of the principal Act are repealed. Schedule 4 repealed 28. Schedule 4 to the principal Act is repealed.	Sections 25 and 28 of the <i>Acts Amendment (ICWA) Act 1996</i> are unproclaimed and sought to delete sections 47, 48 and Schedule 4 of the <i>Insurance Commission of Western Australia Act 1986</i> . Sections 47, 48 and Schedule 4 of the <i>Insurance Commission of Western Australia Act 1986</i> are deleted at clause 15(2)–(4).

Division 6 – Miscellaneous amendments

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
Clause 22.	<i>Bank of Western Australia Act 1995</i> 19. Terms used In this Part, unless the contrary intention appears —	<i>Bank of Western Australia Act 1995</i> 19. Terms used In this Part, unless the contrary intention appears —	Section 23 has certain stipulations regarding the Articles of Association of the Bank of Western Australia Ltd after privatisation. Section 23 is contained in Part 3 Division 3 of the <i>Bank of</i>

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CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p>...</p> <p>mandatory articles means the articles of association required by section 23(1);</p> <p>...</p> <p>Part 3 — Provisions applicable to Bank after privatisation</p> <p>...</p> <p>Division 3 — Entrenched provisions in articles of association⁵</p> <p>23. Bank’s articles of association to include certain provisions</p> <p>(1) The articles of association of the Bank must at all times —</p> <p>(a) require the Bank to be taken to be registered in Western Australia; and</p> <p>(b) require the Bank to carry on in Western Australia a</p> <p>banking business of substantially the same type as, and on a scale not significantly less than, the</p>	<p>...</p> <p>mandatory articles means the articles of association required by section 23(1);</p> <p>...</p> <p>Part 3 — Provisions applicable to Bank after privatisation</p> <p>...</p> <p>Division 3 — Entrenched provisions in articles of association⁵</p> <p>23. Bank’s articles of association to include certain provisions</p> <p>(1) The articles of association of the Bank must at all times —</p> <p>(a) require the Bank to be taken to be registered in Western Australia; and</p> <p>(b) require the Bank to carry on in Western Australia a</p> <p>banking business of substantially the same type as, and on a scale not significantly less than, the</p>	<p><i>Western Australia Act 1995</i> (WA). This entire Division expired on transfer day, being 1 October 2012, and is obsolete.</p> <p>Section 19 contains a definitions section for Part 3 which includes a definition of “mandatory articles” referring to the articles in the expired section 23(1). This definition will be obsolete if section 23 is deleted.</p> <p>Sections 29 and 30 each make reference to the expired section 23 which will be obsolete if section 23 is deleted.</p>

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CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p>banking business conducted by Bank of Western Australia Ltd immediately before the day of privatisation; and</p> <p>(c) require that the head office of the Bank, that is the place where central management and control of the Bank are exercised, be located in Western Australia; and</p> <p>(d) require that —</p> <p>(i) at least a majority of the board of directors of the Bank; and</p> <p>(ii) the managing director, while holding office be ordinarily resident in Western Australia; and</p> <p>(e) prohibit the alteration of the mandatory articles by any means.</p> <p>(2) If there is any conflict or inconsistency between this Division and a provision of the memorandum or articles of association of the Bank, this Division prevails.</p> <p>(3) The articles of association of the Bank are to be taken —</p>	<p>banking business conducted by Bank of Western Australia Ltd immediately before the day of privatisation; and</p> <p>(c) require that the head office of the Bank, that is the place where central management and control of the Bank are exercised, be located in Western Australia; and</p> <p>(d) require that —</p> <p>(i) at least a majority of the board of directors of the Bank; and</p> <p>(ii) the managing director, while holding office be ordinarily resident in Western Australia; and</p> <p>(e) prohibit the alteration of the mandatory articles by any means.</p> <p>(2) If there is any conflict or inconsistency between this Division and a provision of the memorandum or articles of association of the Bank, this Division prevails.</p> <p>(3) The articles of association of the Bank are to be taken —</p>	

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CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p>(a) to have been amended so as to include the provisions required by subsection (1); and</p> <p>(b) as amended, to bind the Bank and its members accordingly.</p> <p>24. Bank cannot alter or avoid s. 23 articles</p> <p>(1) A special resolution of the Bank that would, apart from this subsection, have the effect of altering the Bank's articles of association so that the articles would not comply with section 23 has no effect.</p> <p>(2) A special resolution or resolution of the Bank that —</p> <p>(a) would, if acted on and apart from this subsection, result in a contravention of section 23(1) or of the mandatory articles; or</p> <p>(b) would, apart from this subsection, ratify an act or omission that contravenes section 23(1) or the mandatory articles, has no effect.</p>	<p>(a) to have been amended so as to include the provisions required by subsection (1); and</p> <p>(b) as amended, to bind the Bank and its members accordingly.</p> <p>24. Bank cannot alter or avoid s. 23 articles</p> <p>(1) A special resolution of the Bank that would, apart from this subsection, have the effect of altering the Bank's articles of association so that the articles would not comply with section 23 has no effect.</p> <p>(2) A special resolution or resolution of the Bank that —</p> <p>(a) would, if acted on and apart from this subsection, result in a contravention of section 23(1) or of the mandatory articles; or</p> <p>(b) would, apart from this subsection, ratify an act or omission that contravenes section 23(1) or the mandatory articles, has no effect.</p>	

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CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p>25. Certain matters are excluded matters for <i>Corporations Act 2001</i> (Cwlth)</p> <p>The following matters are declared to be excluded matters for the purposes of section 5F of the <i>Corporations Act 2001</i> of the Commonwealth in relation to the whole of the Corporations legislation to which Part 1.1A of that Act applies —</p> <p>(a) the articles of association of the Bank to the extent that they are governed by sections 23 and 24;</p> <p>(b) resolutions of the Bank to the extent that they are governed by section 24.</p> <p>26A. Expiry of Division</p> <p>This Division expires at the beginning of the transfer day 5 (as defined in section 42A).</p> <p>29. Enforcement of s. 23, 26 and 27 only by injunction</p> <p>The obligations created by sections 23⁵, 26 and 27 are</p>	<p>25. Certain matters are excluded matters for <i>Corporations Act 2001</i> (Cwlth)</p> <p>The following matters are declared to be excluded matters for the purposes of section 5F of the <i>Corporations Act 2001</i> of the Commonwealth in relation to the whole of the Corporations legislation to which Part 1.1A of that Act applies —</p> <p>(a) the articles of association of the Bank to the extent that they are governed by sections 23 and 24;</p> <p>(b) resolutions of the Bank to the extent that they are governed by section 24.</p> <p>26A. Expiry of Division</p> <p>This Division expires at the beginning of the transfer day 5 (as defined in section 42A).</p> <p>29. Enforcement of s. 23, 26 and 27 only by injunction</p> <p>The obligations created by sections 23⁵, 26 and 27 are</p>	

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CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p>enforceable under section 30 and not otherwise.</p> <p>30. Enforcement of s. 23, 26 and 27, Supreme Court’s powers for</p> <p>(1) The Supreme Court may, on the application of the Minister, grant an injunction in such terms as the Court thinks fit where the Court is satisfied that the Bank or any person —</p> <p>(a) has done or omitted to do or is proposing or attempting to do or omit to do any thing that amounts to, or would amount to, a breach of section 23⁵, 26 or 27 or of the mandatory articles; or</p> <p>(b) is involved in a breach of section 23⁵, 26 or 27 or of the mandatory articles.</p> <p>...</p>	<p>enforceable under section 30 and not otherwise.</p> <p><u>30. Supreme Court’s powers for enforcement of s. 26 and 27</u></p> <p>(1) The Supreme Court may, on the application of the Minister, grant an injunction in such terms as the Court thinks fit where the Court is satisfied that the Bank or any person —</p> <p>(a) has done or omitted to do or is proposing or attempting to do or omit to do any thing that amounts to, or would amount to, a breach of section 23⁵, 26 or 27 or of the mandatory articles; <u>26 or 27;</u> or</p> <p>(b) is involved in a breach of section 23⁵, 26 or 27 or of the mandatory articles. <u>26 or 27.</u></p> <p>...</p>	
<p>Clause 23.</p>	<p><i>Biosecurity and Agriculture Management Act 2007</i></p> <p>Schedule 1 — Matters for which regulations may be made</p>	<p><i>Biosecurity and Agriculture Management Act 2007</i></p> <p>Schedule 1 — Matters for which regulations may be made</p>	<p>Item 52 presently provides a power to make regulations prescribing “offences for which an infringement notice may be issued under Part 4 Division 4”. However, this cross reference to</p>

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CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p>...</p> <p>52. Offences for which an infringement notice may be issued under Part 4 Division 4 (but not including any offence for which the penalty includes imprisonment) by setting out the offences or by reference to the provision creating the offence.</p> <p>...</p>	<p>...</p> <p>52. Offences for which an infringement notice may be issued under Part 4<u>Part 5</u> Division 4 (but not including any offence for which the penalty includes imprisonment) by setting out the offences or by reference to the provision creating the offence.</p> <p>...</p>	<p>Part 4 Division 4 is incorrect. It should be Part 5 Division 4.</p>
<p>Clause 24.</p>	<p><i>Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Act 2007</i></p> <p>85. Cattle Industry Compensation Act 1965 amended</p> <p>(1) The amendments in this section are to the <i>Cattle Industry Compensation Act 1965</i>*.</p> <p>(2) Section 6 is amended by deleting the definition of “inspector” and inserting instead —</p> <p>“</p> <p>“inspector” means an inspector appointed under the <i>Biosecurity</i></p>	<p><i>Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Act 2007</i></p> <p>85. Cattle Industry Compensation Act 1965 amended</p> <p>(1) The amendments in this section are to the <i>Cattle Industry Compensation Act 1965</i>*.</p> <p>(2) Section 6 is amended by deleting the definition of “inspector” and inserting instead —</p> <p>“</p> <p>“inspector” means an inspector appointed under the <i>Biosecurity</i></p>	<p>Section 85(1)-(3) proposed to make consequential amendments to the <i>Cattle Industry Compensation Act 1965</i>.</p> <p>The <i>Cattle Industry Compensation Act 1965</i> was repealed on 14 August 2010 by section 53 of the <i>Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Act 2007</i>.</p> <p>Section 85(1)-(3) is obsolete.</p>

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CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p><i>and Agriculture Management Act 2007</i> section 162;</p> <p>”.</p> <p>(3) Section 19(b) is amended by deleting “the <i>Stock Diseases (Regulations) Act 1968</i>” and inserting instead —</p> <p>“ the <i>Biosecurity and Agriculture Management Act 2007</i> ”.</p> <p>...</p>	<p><i>and Agriculture Management Act 2007</i> section 162;</p> <p>”.</p> <p>(3) Section 19(b) is amended by deleting “the <i>Stock Diseases (Regulations) Act 1968</i>” and inserting instead —</p> <p>“ the <i>Biosecurity and Agriculture Management Act 2007</i> ”.</p> <p>...</p>	
<p>Clause 25.</p>	<p><i>Building Act 2011</i></p> <p>19. Certificate of design compliance</p> <p>...</p> <p>(3) A certificate must contain a statement of the building surveyor signing the certificate to the effect that if the building or incidental structure that is the subject of the application is completed in accordance with the plans and specifications that are specified in the certificate, the building (including each incidental structure associated with the building) or</p>	<p><i>Building Act 2011</i></p> <p>19. Certificate of design compliance</p> <p>...</p> <p>(3) A certificate must contain a statement of the building surveyor signing the certificate to the effect that if the building or incidental structure that is the subject of the application is completed in accordance with the plans and specifications that are specified in the certificate, the building (including each incidental structure associated with the building) or</p>	<p>The words “applicable standard” at the end of the subsection were inserted by section 34 of the <i>Building Amendment Act 2012</i>. However, section 33 of the <i>Building Amendment Act 2012</i> inserted a definition of “applicable building standard” into the definition provision in section 3 of the <i>Building Act 2011</i>. It is clear from a corresponding amendment in section 35 of the <i>Building Amendment Act 2012</i> to section 21(1)(c) of the <i>Building Act 2011</i>, that the correct reference is to “applicable building standard”.</p>

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CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	incidental structure will comply with each applicable standard. ...	incidental structure will comply with each applicable <u>building</u> standard. ...	
Clause 26.	<p><i>Business Licensing Amendment Act 1995</i></p> <p>PART 3 — DEBT COLLECTORS LICENSING ACT 1964</p>	Part 3 is deleted in its entirety.	<p>Part 3 of the <i>Business Licensing Amendment Act 1995</i> contains amendments to the <i>Debt Collectors Licensing Act 1964</i> through sections 7 to 10.</p> <p>Section 7 has been superseded by section 11 of the <i>Licensing Provisions Amendment Act 2016</i>.</p> <p>Section 8 has been superseded by section 13 of the <i>Licensing Provisions Amendment Act 2016</i>.</p> <p>Section 9 was to insert section 12A into the <i>Debt Collectors Licensing Act 1964</i> which would require licensees to notify the relevant authority of changes to particulars. This is inconsistent with the amendments made by the <i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004</i>, which inserted section 12A</p>

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CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
			<p>into the <i>Debt Collectors Licensing Act 1964</i> and relates to matters to be included in the annual report.</p> <p>Section 10 has been superseded by section 14 of the <i>Licensing Provisions Amendment Act 2016</i>.</p> <p>Part 3 of the <i>Business Licensing Amendment Act 1995</i> is obsolete.</p>
<p>Clause 27.</p>	<p><i>City of Perth Act 2016</i></p> <p>23. Preservation of rights of City of Perth superannuation scheme members who became employees of other local governments</p> <p>(1) In this section —</p> <p>...</p> <p><i>industry scheme</i> has the meaning given in the <i>Local Government Act 1960</i> section 170A, as the scheme is amended from time to time.</p> <p>...</p>	<p><i>City of Perth Act 2016</i></p> <p>23. Preservation of rights of City of Perth superannuation scheme members who became employees of other local governments</p> <p>(1) In this section —</p> <p>...</p> <p><i>industry scheme</i> has the meaning given in the <i>Local Government Act 1960</i> section 170A, as the scheme is amended from time to time.</p> <p><u><i>industry scheme</i></u> has the meaning given in regulations made under</p>	<p>Section 23(1) of the <i>City of Perth Act 2016</i> (WA) defines “industry scheme” as having “the meaning in the <i>Local Government Act 1960</i> section 170A, as the scheme is amended from time to time”.</p> <p>Section 170A of the <i>Local Government Act 1960</i> was repealed by section 9.70 of the <i>Local Government Act 1995</i>. Schedule 9.3 of the <i>Local Government Act 1995</i> set out the transitional provisions, including clause 16, which provided that despite the repeal of section 170A, the provisions that applied</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
		<p><u>the <i>Local Government Act 1995</i> section 5.47.</u></p> <p>...</p>	<p>to the City of Perth continued to apply until regulations were made under section 5.47 of the <i>Local Government Act 1995</i>.</p> <p>The <i>Local Government (Employee Superannuation) Regulations 2016</i> were gazetted on 25 October 2016 under section 5.47 of the <i>Local Government Act 1995</i>. The <i>Local Government (Employee Superannuation) Regulations 2016</i> apply to the City of Perth and the definition of “industry scheme” is now found in regulation 3.</p> <p>The relevant definition of industry scheme is provided in regulations made under the section 5.47 of the <i>Local Government Act 1995</i> and reference to section 170A of the <i>Local Government Act 1960</i> is now obsolete.</p>
Clause 28(2).	<i>Constitution Acts Amendment Act 1899</i>	<i>Constitution Acts Amendment Act 1899</i>	Part 3 of the <i>Coal Industry Superannuation Act 1989</i> (WA) established the Coal Industry Superannuation Board.

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p>Schedule V — Offices and bodies to which Part I Division 3 applies</p> <p>Part 1 — Disqualifying offices</p> <p>Division 1 — Judicial, tribunal and similar offices</p> <p>...</p> <p>Chairman of the Coal Industry Superannuation Board.</p> <p>...</p>	<p>Schedule V — Offices and bodies to which Part I Division 3 applies</p> <p>Part 1 — Disqualifying offices</p> <p>Division 1 — Judicial, tribunal and similar offices</p> <p>...</p> <p>Chairman of the Coal Industry Superannuation Board.</p> <p>...</p>	<p>However, this part was repealed by section 18 of the <i>Coal Industry Superannuation Amendment Act 2013</i> (WA), effective from 31 October 2014.</p> <p>Reference to the “Chairman of the Coal Industry Superannuation Board” in Schedule V Part 1 Division 1 is therefore obsolete.</p>
<p>Clause 28(3).</p>	<p><i>Constitution Acts Amendment Act 1899</i></p> <p>Schedule V — Offices and bodies to which Part I Division 3 applies</p> <p>Part 3 — Bodies membership of which is vacated on election</p> <p>...</p> <p>The Hairdressers Registration Board of Western Australia constituted under the <i>Hairdressers Registration Act 1946</i>¹⁶.</p> <p>...</p>	<p><i>Constitution Acts Amendment Act 1899</i></p> <p>Schedule V — Offices and bodies to which Part I Division 3 applies</p> <p>Part 3 — Bodies membership of which is vacated on election</p> <p>...</p> <p>The Hairdressers Registration Board of Western Australia constituted under the <i>Hairdressers Registration Act 1946</i>¹⁶.</p> <p>...</p>	<p>The <i>Hairdressers Registration Act 1946</i> (WA) expired on 13 March 2012 by notice published in the <i>Government Gazette</i>.</p> <p>The reference to the “Hairdressers Registration Board of Western Australia constituted under the <i>Hairdressers Registration Act 1946</i>” in Schedule V Part 3 is therefore obsolete.</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
<p>Clause 29.</p>	<p><i>Cremation Act 1929</i> 2. Terms used In this Act, subject to the context — ... <i>licensed</i> means licensed under this Act; and ...</p>	<p><i>Cremation Act 1929</i> 2. Terms used In this Act, subject to the context — ... <i>licensed</i> means licensed under this Act; and Act; ...</p>	<p>The conjunction “and” at the end of the definition of “licensed” is not required.</p>
<p>Clause 30.</p>	<p><i>Cross-border Justice Act 2008</i> 7. Terms used (1) In this Act, unless the contrary intention appears — ... <i>magistrate</i>, of a participating jurisdiction, means — ... (b) if the jurisdiction is another participating jurisdiction — a magistrate of that other jurisdiction under its cross-border laws; ...</p>	<p><i>Cross-border Justice Act 2008</i> 7. Terms used (1) In this Act, unless the contrary intention appears — ... <i>magistrate</i>, of a participating jurisdiction, means — ... (b) if the jurisdiction is another participating jurisdiction — a magistrate of that other jurisdiction under its cross-border laws; <u>(b) if the jurisdiction is another participating jurisdiction —</u></p>	<p>In early 2017 the office of magistrate was abolished in the Northern Territory and replaced by the office of Judge of the Local Court.</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p>53. Arrest under warrant</p> <p>...</p> <p>Examples for this section:</p> <p>...</p> <p>2. A person who ordinarily resides in the WA/NT region is suspected of committing an offence under NT law in Katherine. An NT magistrate anywhere in WA may issue a warrant for the person's arrest. An NT police officer may arrest the person under the warrant anywhere in WA.</p> <p>...</p> <p>55. Investigation of suspected or alleged offence or breach of order</p> <p>...</p> <p>Examples for this section:</p> <p>...</p> <p>2. A person is arrested in the WA/NT region for an offence under NT law alleged to have been committed in Katherine. An NT police officer may investigate the alleged offence anywhere in WA. For the purpose of the investigation of the alleged offence, an NT magistrate anywhere in WA may issue a warrant to search premises anywhere in WA or the NT but not in SA.</p> <p>...</p>	<p><u>(i) in the case of South Australia — a magistrate of South Australia under its cross-border laws; or</u></p> <p><u>(ii) in the case of the Northern Territory — a Local Court Judge of the Northern Territory under its cross-border laws;</u></p> <p>...</p> <p>53. Arrest under warrant</p> <p>...</p> <p>Examples for this section:</p> <p>...</p> <p>2. A person who ordinarily resides in the WA/NT region is suspected of committing an offence under NT law in Katherine. An NT magistrate <u>NT Local Court Judge</u> anywhere in WA may issue a warrant for the person's arrest. An NT police officer may arrest the person under the warrant anywhere in WA.</p> <p>...</p> <p>55. Investigation of suspected or alleged offence or breach of order</p> <p>...</p>	

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p>81. Registration of NT restraining orders under WA law</p> <p>...</p> <p>Examples for this section:</p> <p>...</p> <p>2. An NT magistrate sitting in Alice Springs makes a restraining order under the NT's restraining orders laws. The person for whose benefit the order is made ordinarily resides in the NT. The Alice Springs registry is a registry of the WA Magistrates Court. Exercising the powers of a registrar of the WA Magistrates Court, a registry officer registers the order under WA's restraining orders laws.</p> <p>...</p> <p>82. Proceedings that may be heard in State</p> <p>...</p> <p>Examples for this section:</p> <p>1. A person is charged with an offence under NT law alleged to have been committed in the NT portion of the WA/SA/NT region. The charge may be heard by an NT magistrate sitting anywhere in WA.</p>	<p>Examples for this section:</p> <p>...</p> <p>2. A person is arrested in the WA/NT region for an offence under NT law alleged to have been committed in Katherine. An NT police officer may investigate the alleged offence anywhere in WA. For the purpose of the investigation of the alleged offence, an NT magistrate <u>NT Local Court Judge</u> anywhere in WA may issue a warrant to search premises anywhere in WA or the NT but not in SA.</p> <p>...</p> <p>81. Registration of NT restraining orders under WA law</p> <p>...</p> <p>Examples for this section:</p> <p>...</p> <p>2. An NT magistrate <u>NT Local Court Judge</u> sitting in Alice Springs makes a restraining order under the NT's restraining orders laws. The person for whose benefit the order is made ordinarily resides in the NT. The Alice Springs registry is a registry of the WA Magistrates Court. Exercising the powers of a registrar of the WA Magistrates Court,</p>	

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p>...</p> <p>3. A person is arrested in the WA/SA/NT region for an offence alleged to have been committed under NT law in Darwin. The person also has an outstanding charge for an offence under NT law alleged to have been committed in the NT portion of the WA/NT region. Both charges may be heard by an NT magistrate sitting anywhere in WA.</p> <p>90. Registration of WA or NT restraining orders under SA law</p> <p>...</p> <p>Examples for this section:</p> <p>...</p> <p>2. An NT magistrate sitting in Kalgoorlie makes a restraining order under the NT's restraining orders laws. The person for whose benefit the order is made ordinarily resides in SA. The Kalgoorlie registry is a registry of the SA Magistrates Court. Exercising the powers of the Principal Registrar of the SA Magistrates Court, a registry officer registers the order under SA's restraining orders laws.</p>	<p>a registry officer registers the order under WA's restraining orders laws.</p> <p>...</p> <p>82. Proceedings that may be heard in State</p> <p>...</p> <p>Examples for this section:</p> <p>1. A person is charged with an offence under NT law alleged to have been committed in the NT portion of the WA/SA/NT region. The charge may be heard by an NT magistrate <u>NT Local Court Judge</u> sitting anywhere in WA.</p> <p>...</p> <p>3. A person is arrested in the WA/SA/NT region for an offence alleged to have been committed under NT law in Darwin. The person also has an outstanding charge for an offence under NT law alleged to have been committed in the NT portion of the WA/NT region. Both charges may be heard by an NT magistrate <u>NT Local Court Judge</u> sitting anywhere in WA.</p> <p>90. Registration of WA or NT restraining orders under SA law</p> <p>...</p>	

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
		<p>Examples for this section:</p> <p>...</p> <p>2. An NT magistrate <u>NT Local Court Judge</u> sitting in Kalgoorlie makes a restraining order under the NT's restraining orders laws. The person for whose benefit the order is made ordinarily resides in SA. The Kalgoorlie registry is a registry of the SA Magistrates Court. Exercising the powers of the Principal Registrar of the SA Magistrates Court, a registry officer registers the order under SA's restraining orders laws.</p>	
<p>Clause 31(2).</p>	<p><i>Declared Places (Mentally Impaired Accused) Act 2015</i></p> <p>62. Laying documents before Parliament</p> <p>(1) If section 46(2), 49(3) or (4) or 56(5) requires the Minister to cause the a copy of a document to be laid before each House of Parliament, or dealt with under this section, within a period and —</p> <p>...</p>	<p><i>Declared Places (Mentally Impaired Accused) Act 2015</i></p> <p>62. Laying documents before Parliament</p> <p>(1) If section 46(2), 49(3) or (4) or 56(5) requires the Minister to cause the a copy of a document to be laid before each House of Parliament, or dealt with under this section, within a period and —</p> <p>...</p>	<p>The word “the” before “a copy” requires removal to correct a typographical error.</p>
<p>Clause 31(3).</p>	<p><i>Declared Places (Mentally Impaired Accused) Act 2015</i></p> <p>63. Regulations</p>	<p><i>Declared Places (Mentally Impaired Accused) Act 2015</i></p> <p>63. Regulations</p>	<p>The word “may” needs to be inserted after the word “regulations”, in keeping with the</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p>...</p> <p>(2) The regulations prescribe or adopt standards that apply to people when performing functions under this Act in relation to residents.</p> <p>...</p>	<p>...</p> <p>(2) The regulations <u>may</u> prescribe or adopt standards that apply to people when performing functions under this Act in relation to residents.</p> <p>...</p>	<p>discretion afforded by the word “may” in subsection (1).</p>
<p>Clause 32.</p>	<p><i>Distress for Rent Abolition Act 1936</i></p> <p>3. Any distress for rent which is pending not to be proceeded with</p> <p>Where prior to the date of the commencement of this Act any person has levied or made any distress for rent and the goods and chattels distrained have not been sold, the distress shall not be proceeded with, and shall be deemed to be withdrawn without prejudice to the right of the person making the distress to recover the amount distrained for and the costs of making the distress from the person liable for the rent as a debt in any court of competent jurisdiction.</p>	<p>Section 3 is deleted in its entirety.</p>	<p>Section 3 of the <i>Distress for Rent Abolition Act 1936</i> provides that any distress for rent claim which is pending prior to the commencement of the Act may not proceed. The <i>Distress for Rent Abolition Act 1936</i> commenced on 11 December 1936. Any distress for rent claim that was pending prior to the commencement of the <i>Distress for Rent Abolition Act 1936</i> would be deemed to have been withdrawn upon commencement, and once a matter is withdrawn it cannot be revived. Additionally, the relevant limitation period is 12 years after the right of action accrued, so there is no avenue for a person to start a new claim. The provision is now obsolete.</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
<p>Clause 33.</p>	<p><i>Education and Care Services National Law (WA) Act 2012</i></p> <p>Schedule 1 — Miscellaneous provision relating to interpretation</p> <p>...</p> <p>38. Application</p> <p>This Law has effect in and relation to the coastal sea of this jurisdiction as if that coastal sea were part of this jurisdiction.</p>	<p><i>Education and Care Services National Law (WA) Act 2012</i></p> <p>Schedule 1 — Miscellaneous provision relating to interpretation</p> <p>...</p> <p>38. Application</p> <p>This Law has effect in and <u>in</u> relation to the coastal sea of this jurisdiction as if that coastal sea were part of this jurisdiction.</p>	<p>The word “in” needs to be inserted after “and” to correct the grammar.</p> <p>This will also reflect section 15B of the <i>Acts Interpretation Act 1901</i> (Cth) which is in regards to the “Application of Acts in coastal sea”.</p>
<p>Clause 34(2)–(4).</p>	<p><i>Electricity Industry Act 2004</i></p> <p>79. Code of conduct</p> <p>...</p> <p>(4) In the case of the initial code of conduct, subsection (1) has effect subject to Schedule 3 clause 1.</p> <p>...</p> <p>81. Consultative committee</p> <p>...</p>	<p><i>Electricity Industry Act 2004</i></p> <p>79. Code of conduct</p> <p>...</p> <p>(4) In the case of the initial code of conduct, subsection (1) has effect subject to Schedule 3 clause 1.</p> <p>...</p> <p>81. Consultative committee</p> <p>...</p>	<p>Sections 79(4), 81(6) and 92(6) refer to Schedule 3 of the <i>Electricity Industry Act 2004</i>, which is to be deleted under clause 34(5).</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p>(6) In the case of the initial code of conduct, this section has effect subject to Schedule 3 clause 2.</p> <p>...</p> <p>92. Authority may approve scheme</p> <p>...</p> <p>(6) In the case of the initial electricity ombudsman scheme, this section has effect subject to Schedule 3 clause 4.</p>	<p>(6) In the case of the initial code of conduct, this section has effect subject to Schedule 3 clause 2.</p> <p>...</p> <p>92. Authority may approve scheme</p> <p>...</p> <p>(6) In the case of the initial electricity ombudsman scheme, this section has effect subject to Schedule 3 clause 4.</p>	
<p>Clause 34(5).</p>	<p><i>Electricity Industry Act 2004</i></p> <p>Schedule 3 — Transitional provisions</p>	<p>Schedule 3 is deleted in its entirety.</p>	<p>Schedule 3 of the <i>Electricity Industry Act 2004</i> (WA) provides for interim consumer protection measures as part of previous electricity market reforms. It confers powers on the Minister for Energy to appoint an initial Consultative Committee and approve an initial Customer Service Code of Conduct (the Code) and Electricity Ombudsman scheme. These powers were intended to be transitional, with the relevant functions eventually becoming</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
			<p>the responsibility of the Economic Regulation Authority, pursuant to sections 81 and 92 of the <i>Electricity Industry Act 2004</i> (WA).</p> <p>The Economic Regulation Authority has now assumed responsibility for all the statutory functions conferred on the Minister for Energy by Schedule 3.</p> <p>As the Minister for Energy no longer has any role in approving the Code, the Consultative Committee or Electricity Ombudsman scheme, the interim powers provided by Schedule 3 of the <i>Electricity Industry Act 2004</i> (WA) are obsolete.</p>
<p>Clause 35.</p>	<p><i>Energy Coordination Act 1994</i></p> <p>Schedule 1 — Coordinator’s functions in respect of sustainable energy research</p> <p>[s. 6(e)]</p> <p>...</p>	<p><i>Energy Coordination Act 1994</i></p> <p>Schedule 1 — Coordinator’s functions in respect of sustainable energy research</p> <p>[s. 6(e)] [s. 4A(e)]</p> <p>...</p>	<p>The shoulder clause currently refers to “[s.6(e)]”. This section of the <i>Energy Coordination Act 1994</i> (WA) was repealed by section 170 of the <i>Machinery of Government (Miscellaneous Amendments) Act 2006</i> (WA). The new reference should be to “[s.4A(e)]”.</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
<p>Clause 36(2).</p>	<p><i>Finance Brokers Control Act 1975</i></p> <p>23. Application for review</p> <p>...</p> <p>(2) In subsection (1) —</p> <p>...</p> <p>reviewable decision means —</p> <p>...</p> <p>(b) a decision under Part IV Division 2 or section 82A(1).</p>	<p><i>Finance Brokers Control Act 1975</i></p> <p>23. Application for review</p> <p>...</p> <p>(2) In subsection (1) —</p> <p>...</p> <p>reviewable decision means —</p> <p>...</p> <p>(b) a decision under Part IV Division 2 or section 82A(1). <u>Division 2.</u></p>	<p>Section 23(2) contains a definition of “reviewable decision” that includes a decision by the Commissioner who is the executive officer of the department (that is the Director General, Department of Mines, Industry Regulation and Safety) to suspend a Finance Brokers licence under s82A(1) of the <i>Finance Brokers Control Act 1975 (WA)</i> if the Commissioner believes the broker has engaged in misconduct.</p> <p>Section 82A(1) was deleted from the Act as part of the referral of power to the Commonwealth in 2010. As the Commonwealth Government is now responsible for the licensing of Finance Brokers, decisions regarding suspension of such licenses do not fall within the power of the Commissioner.</p>
<p>Clause 36(3).</p>	<p><i>Finance Brokers Control Act 1975</i></p> <p>30. Effect of licence</p> <p>...</p>	<p><i>Finance Brokers Control Act 1975</i></p> <p>30. Effect of licence</p> <p>...</p>	<p>Section 30(3)(b) provides a Finance Broker shall surrender a licence if the broker has their licence suspended by the Commissioner under section 82A. However, due to the</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p>(3) A person may at any time surrender a licence and shall do so —</p> <p>(a) if the person ceases to satisfy the requirements for holding the licence; or</p> <p>(b) within 7 days, if the person has the licence suspended by the Commissioner under section 82A.</p> <p>...</p>	<p>(3) A person may at any time surrender a licence and shall do so —</p> <p>(a) if the person ceases to satisfy the requirements for holding the licence; or</p> <p>(b) within 7 days, if the person has the licence suspended by the Commissioner under section 82A.</p> <p><u>(3) A person may at any time surrender a licence, and must do so if the person ceases to satisfy the requirements for holding the licence.</u></p> <p>...</p>	<p>referral of power to the Commonwealth in 2010, licenses are no longer issued under the <i>Finance Brokers Control Act 1975 (WA)</i> and section 82A was deleted.</p>
<p>Clause 36(4).</p>	<p><i>Finance Brokers Control Act 1975</i></p> <p>72. Power of restraining dealing with trust accounts or other accounts</p> <p>...</p> <p>(4) Unless the finance broker referred to in the order shows to the State Administrative Tribunal within the time specified in the order sufficient cause to the</p>	<p><i>Finance Brokers Control Act 1975</i></p> <p>72. Power of restraining dealing with trust accounts or other accounts</p> <p>...</p> <p>(4) Unless the finance broker referred to in the order shows to the State Administrative Tribunal within the time specified in the order sufficient cause to the</p>	<p>Section 79 was deleted as part of the referral of power to the Commonwealth. However, the sections relating to trust accounts in the <i>Finance Brokers Control Act 1975 (WA)</i> were not repealed at the time of referral as there were some trust accounts with monies for the period before the referral. Any matters that were outstanding at the time of referral have now</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p>contrary, the order, after proof of service as required by section 79, shall be made absolute.</p> <p>...</p>	<p>contrary, the order, after proof of service as required by section 79, <u>service</u>, shall be made absolute.</p> <p>...</p>	<p>been finalised and all trust accounts under the <i>Finance Brokers Control Act 1975</i> (WA) are now closed. The Commissioner has no need to exercise powers under section 72 and the reference to section 79 is no longer required.</p>
<p>Clause 36(5).</p>	<p><i>Finance Brokers Control Act 1975</i></p> <p>83. Powers on inquiry</p> <p>(1) If, in a proceeding commenced by an allegation under section 82 against a finance broker, the State Administrative Tribunal is satisfied that proper cause exists for disciplinary action, the State Administrative Tribunal may do any both of the following things —</p> <p>(a) reprimand or caution the finance broker; and</p> <p>(b) impose a fine not exceeding \$10 000 on him.</p> <p>...</p>	<p><i>Finance Brokers Control Act 1975</i></p> <p>83. Powers on inquiry</p> <p>(1) If, in a proceeding commenced by an allegation under section 82 against a finance broker, the State Administrative Tribunal is satisfied that proper cause exists for disciplinary action, the State Administrative Tribunal may do any <u>either or</u> both of the following things —</p> <p>(a) reprimand or caution the finance broker; and</p> <p>(b) impose a fine not exceeding \$10 000 on him.</p> <p>...</p>	<p>The word “any” needs to be deleted and replaced with “either or” before “both”, to correct the grammar.</p> <p>As the options can be exercised together or by themselves, the word “and” needs to be deleted between paragraphs (a) and (b).</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
<p>Clause 37.</p>	<p><i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i></p> <p>89. Seizure: how effected</p> <p>...</p> <p>(4) In the case of land under the operation of the <i>Transfer of Land Act 1893</i>, the Registrar of Titles, under that Act, must register or enter the memorial in the Register Book in respect of the land described.</p> <p>...</p>	<p><i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i></p> <p>89. Seizure: how effected</p> <p>...</p> <p>(4) In the case of land under the operation of the <i>Transfer of Land Act 1893</i>, the Registrar of Titles, under that Act, must register or enter the memorial in the Register Book <u>Register</u>, referred to in <u>section 48 of that Act</u>, in respect of the land described.</p> <p>...</p>	<p>Under amendments made to the <i>Transfer of Land Act 1983</i> by the <i>Transfer of Land Amendment Act 1996</i>, the Registrar of Titles was given the power to create and maintain a digital register or combination of digital and paper title. As part of this change, the term 'Register Book' was updated to 'Register' through section 145 of the <i>Transfer of Land Amendment Act 1996</i>.</p> <p>This change was made across the statute book.</p>
<p>Clause 38(2).</p>	<p><i>Fire Brigades Act 1942</i></p> <p>26A. Further powers of FES Commissioner</p> <p>(1) Without limiting sections 25 and 26, for the purpose of carrying out the FES Commissioner's functions under this Act the FES Commissioner may, anywhere in the State, do any of the things it is authorised to do under subsection (2).</p>	<p><i>Fire Brigades Act 1942</i></p> <p>26A. Further powers of FES Commissioner</p> <p>(1) Without limiting sections 25 and 26, for the purpose of carrying out the FES Commissioner's functions under this Act the FES Commissioner may, anywhere in the State, do any of the things it is authorised to do <u>authorised</u> under subsection (2).</p>	<p>The words "it is" and "to do" need to be deleted to correct the grammar.</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	
<p>Clause 38(3).</p>	<p><i>Fire Brigades Act 1942</i> 27. FES Commissioner’s proposals to be submitted to local government</p> <p>(1) The FES Commissioner 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 FES Commissioner and the local government on such matters shall be referred to the Minister for his decision.</p> <p>...</p>	<p><i>Fire Brigades Act 1942</i> 27. FES Commissioner’s proposals to be submitted to local government</p> <p>(1) The FES Commissioner shall submit its proposals <u>any proposal</u> 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 <u>any such proposal</u> 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 FES Commissioner and the local government on such matters shall be referred to the Minister for his decision.</p> <p>...</p>	<p>The words “its proposals” need to be replaced with “any proposal”, and the words “such proposals” with “any such proposal” to correct the grammar.</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
<p>Clause 39(2).</p>	<p><i>Fuel, Energy and Power Resources Act 1972</i></p> <p>An Act to make provision for the conservation and utilisation of the present and future sources and supplies of fuel, energy, and power in and to Western Australia, the establishment and functions of the Fuel and Power Commission of Western Australia and the Fuel and Power Advisory Council, and for purposes connected therewith.</p>	<p><i>Fuel, Energy and Power Resources Act 1972</i></p> <p>An Act to make provision for the conservation and utilisation of the present and future sources and supplies of fuel, energy, and power in and to Western Australia, the establishment and functions of the Fuel and Power Commission of Western Australia and the Fuel and Power Advisory Council, <u>Australia</u>, and for purposes connected therewith.</p>	<p>The <i>Fuel, Energy and Power Resources Act 1972</i> originally had a broader scope, establishing a Fuel and Power Commission and Fuel and Power Advisory Council which were tasked with facilitating the development and utilisation of energy resources in the State.</p> <p>These bodies have since ceased to exist, after being absorbed into the former State Energy Commission. The long title of the <i>Fuel, Energy and Power Resources Act 1972</i> currently refers to the establishment of the Fuel and Power Commission and Fuel and Power Advisory Council. Given that these entities no longer exist, the long title is to be amended to reflect the reduced scope of the <i>Fuel, Energy and Power Resources Act 1972</i>.</p>
<p>Clause 39(3).</p>	<p><i>Fuel, Energy and Power Resources Act 1972</i></p> <p>42. Administration in emergency</p>	<p><i>Fuel, Energy and Power Resources Act 1972</i></p> <p>42. Administration in emergency</p>	<p>Section 5 of the <i>Fuel, Energy and Power Resources Act 1972</i> was deleted by the <i>Acts</i></p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	Notwithstanding the provisions of section 5, where a state of emergency is declared under this Part the administration of this Act shall be vested in a responsible Minister of the Crown and, subject to the Minister, shall be carried out by such authorities, departments, instrumentalities, persons or bodies as the Minister in writing directs.	Notwithstanding the provisions of section 5, where <u>Where</u> a state of emergency is declared under this Part the administration of this Act shall be vested in a responsible Minister of the Crown and, subject to the Minister, shall be carried out by such authorities, departments, instrumentalities, persons or bodies as the Minister in writing directs.	<i>Amendment (State Energy Commission) Act 1975.</i>
Clause 40(2).	<i>Health (Miscellaneous Provisions) Act 1911</i> 114. Obstruction or hindrance of certain works penalised (1) Subject to subsection (2), a person who obstructs or hinders the local government or its contractor in the execution of any works under section 112 commits an offence. ...	<i>Health (Miscellaneous Provisions) Act 1911</i> 114. Obstruction or hindrance of certain works penalised (1) Subject to subsection (2), a person <u>A person</u> who obstructs or hinders the local government or its contractor in the execution of any works under section 112 commits an offence. ...	Subsection (2) was deleted by Schedule 4 clause 4(6) of the <i>Waste Avoidance and Resource Recovery Act 2007</i> .
Clause 40(3).	<i>Health (Miscellaneous Provisions) Act 1911</i> 344C. Fees and charges may be fixed by resolution	<i>Health (Miscellaneous Provisions) Act 1911</i> 344C. Fees and charges may be fixed by resolution	References to section 134(11) and (44) need to be deleted as these subsections were deleted by section 11(5) of the <i>Water</i>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p>...</p> <p>Table</p> <p>Sections 133(1), 134(6), (11), (12), (29), (44), (45) and (46), 146(3), 158(3), 199(10) and 344(1)(a).</p>	<p>...</p> <p>Table</p> <p>Sections 133(1), 134(6), (11), (12), (29), (44), (12), (29), (45) and (46), 146(3), 158(3), 199(10) and 344(1)(a).</p>	<p><i>Services Coordination Amendment Act 1999.</i></p>
<p>Clause 41.</p>	<p><i>Health Practitioner Regulation National Law (WA) Act 2010</i></p> <p>Schedule 7 — Miscellaneous provisions relating to interpretation</p> <p>...</p> <p>38. Application</p> <p>This Law has effect in and relation to the coastal sea of this jurisdiction as if that coastal sea were part of this jurisdiction.</p>	<p><i>Health Practitioner Regulation National Law (WA) Act 2010</i></p> <p>Schedule 7 — Miscellaneous provisions relating to interpretation</p> <p>...</p> <p>38. Application</p> <p>This Law has effect in and <u>in</u> relation to the coastal sea of this jurisdiction as if that coastal sea were part of this jurisdiction.</p>	<p>The word “in” needs to be inserted after “and” to correct the grammar.</p> <p>This will also reflect section 15B of the <i>Acts Interpretation Act 1901</i> (Cth) which is in regards to the “Application of Acts in coastal sea”.</p>
<p>Clause 42.</p>	<p><i>Historical Homosexual Convictions Expungement Act 2018</i></p> <p>8. Withdrawal of application</p> <p>...</p> <p>(3) Despite an application being withdrawn or treated as having</p>	<p><i>Historical Homosexual Convictions Expungement Act 2018</i></p> <p>8. Withdrawal of application</p> <p>...</p> <p>(3) Despite an application being withdrawn or treated as having</p>	<p>The second occurrence of the word “being” needs to be replaced by “been” to correct the grammar.</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	being withdrawn under this section, the CEO may reinstate the application if satisfied that the applicant wants to proceed with it and has provided any information required under section 7(1) or further information or additional documents required under section 9(3).	being been withdrawn under this section, the CEO may reinstate the application if satisfied that the applicant wants to proceed with it and has provided any information required under section 7(1) or further information or additional documents required under section 9(3).	
Clause 43.	<p><i>Medicines and Poisons Act 2014</i></p> <p>104. Obtaining information and documents</p> <p>(1) An investigator, for the purpose of an investigation, may do any of the following —</p> <p>...</p> <p>(b) to answer a question put to the person in relation to any matter the subject of the investigation;</p> <p>...</p>	<p><i>Medicines and Poisons Act 2014</i></p> <p>104. Obtaining information and documents</p> <p>(1) An investigator, for the purpose of an investigation, may do any of the following —</p> <p>...</p> <p>(b) <u>direct a person</u> to answer a question put to the person in relation to any matter the subject of the investigation;</p> <p>...</p>	<p>The words “direct a person” are missing and need to be inserted at the beginning of paragraph (b) to be consistent with paragraphs (a) and (c).</p> <p>The necessity for this amendment is confirmed by the preliminary words to section 104(2).</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
<p>Clause 44.</p>	<p><i>Mental Health Legislation Amendment Act 2014</i></p> <p>52. Section 142 amended</p> <p>(1) Delete section 142(7)(a)(ii) and insert:</p> <p>(ii) under the Mental Health Act 2014 section 157;</p> <p>...</p>	<p><i>Mental Health Legislation Amendment Act 2014</i></p> <p>52. Section 142 amended</p> <p>(1) Delete section 142(7)(a)(ii) and insert:</p> <p>(ii) under the Mental Health Act 2014 section 157;</p> <p>...</p>	<p>Section 52(1) of the <i>Mental Health Legislation Amendment Act 2014</i> proposed to amend section 142(7)(a)(ii) of the <i>Criminal Investigation Act 2006</i>. This amendment can never be effected because that particular subsection of the <i>Criminal Investigation Act 2006</i> was deleted by section 5 of the <i>Criminal Investigation Amendment Act 2014</i>.</p>
<p>Clause 45.</p>	<p><i>Minerals Research Institute of Western Australia Act 2013</i></p> <p>71. Confidentiality of information under repealed Acts</p> <p>...</p> <p>(2) Subsection (3) applies to a person —</p> <p>...</p> <p>(i) has been a member or a deputy of a member of the Mining and Petroleum Advisory Committee established under the repealed 1981 Act; or</p>	<p><i>Minerals Research Institute of Western Australia Act 2013</i></p> <p>71. Confidentiality of information under repealed Acts</p> <p>...</p> <p>(2) Subsection (3) applies to a person —</p> <p>...</p> <p>(i) <u>who</u> has been a member or a deputy of a member of the Mining and Petroleum Advisory Committee established under the repealed 1981 Act; or</p>	<p>The word “who” needs to be inserted at the start of each of the paragraphs (i), (j), (k), (n), (o) and (p) to correct the grammar and ensure consistency with other paragraphs.</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p>(j) has been an officer or employee of the 1981 Institute; or</p> <p>(k) has rendered services to the 1981 Institute under section 29 or 30 of the repealed 1981 Act; or</p> <p>...</p> <p>(n) has been a member or a deputy of a member of the Solar Energy Advisory Committee established under the repealed 1977 Act; or</p> <p>(o) has rendered services to the 1977 Institute under section 29 or 30 of the repealed 1977 Act; or</p> <p>(p) has been the liquidator holding office under section 38(1) of the repealed 1977 Act as the liquidator of the affairs of the 1977 Institute.</p>	<p>(j) <u>who</u> has been an officer or employee of the 1981 Institute; or</p> <p>(k) <u>who</u> has rendered services to the 1981 Institute under section 29 or 30 of the repealed 1981 Act; or</p> <p>...</p> <p>(n) <u>who</u> has been a member or a deputy of a member of the Solar Energy Advisory Committee established under the repealed 1977 Act; or</p> <p>(o) <u>who</u> has rendered services to the 1977 Institute under section 29 or 30 of the repealed 1977 Act; or</p> <p>(p) <u>who</u> has been the liquidator holding office under section 38(1) of the repealed 1977 Act as the liquidator of the affairs of the 1977 Institute.</p>	

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
<p>Clause 46.</p>	<p><i>Misuse of Drugs Act 1981</i> 8B. Terms used (1) In this Part — ... <i>minor cannabis related offence</i> means — (a) an offence under section 5(1)(d)(i) or 7B(6) that involves cannabis; and ...</p>	<p><i>Misuse of Drugs Act 1981</i> 8B. Terms used (1) In this Part — ... <i>minor cannabis related offence</i> means — (a) an offence under section 5(1)(d)(i) or 7B(6) that involves cannabis; and ...</p>	<p>Subsection 5(1)(d) was deleted by section 5 of the <i>Misuse of Drugs Amendment Act 2011</i>.</p>
<p>Clause 47.</p>	<p><i>Motor Vehicle Dealers Amendment Act 2003</i> 20. Part III Division 5 Subdivision 1 heading inserted 21. Part III Division 5 Subdivision 2 inserted</p>	<p>Sections 20 and 21 are deleted in their entirety.</p>	<p>Sections 20 and 21 of the <i>Motor Vehicle Dealers Act Amendment Act 2003</i> relate to conciliation of disputes by the Motor Vehicle Dealers Licensing Board. The Board was abolished by the <i>Acts Amendment (Fair Trading) Act 2010</i>. The provisions are obsolete.</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
<p>Clause 48.</p>	<p><i>Perth Parking Management Act 1999</i></p> <p>26. Regulations</p> <p>...</p> <p>(2) Without limiting subsection (1), regulations may —</p> <p>...</p> <p>(c) prescribing modified penalties not exceeding \$500 for an offence prescribed under paragraph (b).</p>	<p><i>Perth Parking Management Act 1999</i></p> <p>26. Regulations</p> <p>...</p> <p>(2) Without limiting subsection (1), regulations may —</p> <p>...</p> <p>(c) prescribing<u>prescribe</u> modified penalties not exceeding \$500 for an offence prescribed under paragraph (b).</p>	<p>The word “prescribing” needs to be replaced with “prescribe” to correct the grammar.</p>
<p>Clause 49.</p>	<p><i>Perth Theatre Trust Act 1979</i></p> <p>3A. Transitional provisions relating to general manager</p>	<p>Section 3A is deleted in its entirety.</p>	<p>Section 3A was a transitional provision enacted to ensure the continuity of service (including conditions of service) of the incumbent when the position title of ‘Manager’ of the Perth Theatre Trust was replaced with ‘General Manager’. There has been a number of General Managers since 1981. This provision is obsolete.</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
<p>Clause 50.</p>	<p><i>Petroleum (Submerged Lands) Act 1982</i></p> <p>11. Term used: Commonwealth Act</p> <p>In this Part —</p> <p><i>Commonwealth Act</i> means —</p> <p>...</p> <p>(c) the <i>Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Act 2006</i>³ (Commonwealth); or</p> <p>...</p>	<p><i>Petroleum (Submerged Lands) Act 1982</i></p> <p>11. Term used: Commonwealth Act</p> <p>In this Part —</p> <p><i>Commonwealth Act</i> means —</p> <p>...</p> <p>(c) the <i>Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Act 2006</i>³ <u><i>Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003</i></u> (Commonwealth); or</p> <p>...</p>	<p>The <i>Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Act 2003</i> (Cth) was renamed the <i>Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003</i> (Cth) by Schedule 1 item 2 of the <i>Offshore Petroleum and Greenhouse Gas Storage Regulatory Levies Legislation Amendment (2011 Measures No. 1) Act 2011</i> (Cth).</p> <p>In addition, the date of the Act is incorrectly stated as 2006.</p>
<p>Clause 51.</p>	<p><i>Planning and Development Act 2005</i></p> <p>149. Conditions on rural land (tied lots)</p>	<p>Section 149 is deleted in its entirety.</p>	<p>Section 149 of the <i>Planning and Development Act 2005</i> is unproclaimed and sought to provide the Western Australian Planning Commission with the power to approve a subdivision that created “tied lots” – subdivided lots connected through a restrictive covenant that requires the same person to own both lots and use them for agricultural purposes.</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
			<p>This power is already provided under section 143 of the <i>Planning and Development Act 2005</i>, which enables the Commission to approve a subdivision subject to conditions “as the Commission thinks fit”, which can include tying subdivided lots through a restrictive covenant. The Commission exercises the power to create “tied lots” under section 143.</p> <p>Section 149 is obsolete.</p>
<p>Clause 52(2).</p>	<p><i>Plumbers Licensing Act 1995</i> 60A. Protection from liability ... (1a) Subsection (1) does not apply to a person referred to in section 56(1) of the <i>Economic Regulation Authority Act 2003</i>. ...</p>	<p><i>Plumbers Licensing Act 1995</i> 60A. Protection from liability ... (1a) Subsection (1) does not apply to a person referred to in section 56(1) of the <i>Economic Regulation Authority Act 2003</i>. ...</p>	<p>Under the <i>Economic Regulation Authority Act 2003</i>, there is no ability for an Economic Regulation Authority member or staff member to perform a function under the <i>Plumbers Licensing Act 1995</i>. Section 60A(1a) is obsolete.</p>
<p>Clause 52(3).</p>	<p><i>Plumbers Licensing Act 1995</i> 60C. Operating licence is not personal property for Personal</p>	<p>Section 60C is deleted in its entirety.</p>	<p>Water service operating licences are not issued under the <i>Plumbers Licensing Act 1995</i>. The <i>Water Services Act 2012</i></p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p>Property Securities Act 2009 (Cwlth)</p>		<p>also provides that water service licences are not personal property for the purposes of the <i>Personal Property Securities Act 2009</i> (Cth). Section 60C is obsolete.</p>
<p>Clause 53.</p>	<p><i>Pollution of Waters by Oil and Noxious Substances Act 1987</i></p> <p>38. Repeal and saving</p> <p>...</p> <p>(2) Notwithstanding the repeal of the Act referred to in subsection (1) effected by that subsection the provisions of that Act continue to apply, after the commencement of this section, in relation to any discharge of oil, or of a mixture containing oil, within the meaning of that Act that occurred or commenced before the commencement of this section as if that Act had not been repealed.</p>	<p><i>Pollution of Waters by Oil and Noxious Substances Act 1987</i></p> <p>38. Repeal and saving</p> <p>...</p> <p>(2) Notwithstanding the repeal of the Act referred to in subsection (1) effected by that subsection the provisions of that Act continue to apply, after the commencement of this section, in relation to any discharge of oil, or of a mixture containing oil, within the meaning of that Act that occurred or commenced before the commencement of this section as if that Act had not been repealed.</p>	<p>Section 38(1) of the <i>Pollution of Waters by Oil and Noxious Substances Act 1987</i> repealed the <i>Prevention of Pollution of Waters by Oil Act 1960</i>.</p> <p>Section 38(2) of the <i>Pollution of Waters by Oil and Noxious Substances Act 1987</i> states that the provisions of the <i>Prevention of Pollution of Waters by Oil Act 1960</i> will continue to apply after it is repealed. It was required at the time in the event of a discharge of oil between the time the <i>Pollution of Waters by Oil and Noxious Substances Act 1987</i> received Royal Assent (29 June 1987) and came into operation (1 July 1993).</p> <p>Section 38(2) is a spent transitional provision.</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
<p>Clause 54.</p>	<p><i>Port Authorities Act 1999</i></p> <p>91. Financial administration and audit (Sch. 5)</p> <p>...</p> <p>(3) If —</p> <p>(a) a provision of Schedule 5 that set out the substance of a provision of —</p> <p>(i) the Corporations Law (as in force at any time before the commencement of the Corporations Act); or</p> <p>(ii) the Corporations Act, does not accurately reflect the corresponding provision of the Corporations Act; or</p> <p>(b) the Corporations Act does not contain a provision that corresponds to a provision of Schedule 5 that set out the substance of a provision of —</p> <p>(i) the Corporations Law (as in force at any time before the commencement of the Corporations Act); or</p>	<p><i>Port Authorities Act 1999</i></p> <p>91. Financial administration and audit (Sch. 5)</p> <p>...</p> <p>(3) If —</p> <p>(a) a provision of Schedule 5 that set out the substance of a provision of —</p> <p>(i) the Corporations Law (as in force at any time before the commencement of the Corporations Act); or</p> <p>(ii) the Corporations Act, does not accurately reflect the corresponding provision of the Corporations Act; or</p> <p>(b) the Corporations Act does not contain a provision that corresponds to a provision of Schedule 5 that set out the substance of a provision of —</p> <p>(i) the Corporations Law (as in force at any time before the commencement of the Corporations Act); or</p>	<p>When the <i>Port Authorities Act 1999</i> came into force, the “Corporations Law” was the relevant Commonwealth law applying to corporate bodies in Australia. The section is updated to reflect that the <i>Corporations Act 2001</i> (Cth) came into effect on 1 July 2001 and superseded the Corporations Law.</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	(ii) the Corporations Act; or ...	(ii) the Corporations Act; or <u>(a) a provision of Schedule 5 that set out the substance of a provision of the Corporations Act does not accurately reflect the corresponding provision of the Corporations Act; or</u> <u>(b) the Corporations Act does not contain a provision that corresponds to a provision of Schedule 5 that set out the substance of a provision of the Corporations Act; or</u> ...	
Clause 55(2).	<i>Public Trustee Act 1941</i> 15. Public Trustee deemed successor of deceased for licensing purposes	Section 15 is deleted in its entirety.	The <i>Licensing Act 1911</i> was repealed by the <i>Liquor Act 1970</i> , which was repealed by the <i>Liquor Licensing Act 1988</i> (now known as the <i>Liquor Control Act 1988</i> .) Section 15 is obsolete.
Clause 55(3).	<i>Public Trustee Act 1941</i>	Section 40A is deleted in its entirety.	Section 40A provides the Public Trustee with the power to lease the “unused portion” of a

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p>40A. Power to lease purchased land</p>		<p>specified parcel of purchased land (as set out in the Sixth Schedule).</p> <p>In stages between March 2011 and March 2012, the Public Trustee and the Perth Diocesan Trustees performed a land sale and purchase. Settlement took place on 2 July 2012. A consequence of this is that the title of the “purchased land” is now different (the “purchased land” no longer exists – the lot referred to in the Sixth Schedule has been changed and renamed). The Public Trustee no longer owns it and an exercise of power under section 40A would mean the Public Trustee granting a lease over land that they do not own.</p> <p>There is no longer an “unused portion” of the land.</p> <p>Section 39A of the <i>Public Trustee Act 1941</i> was introduced in 2008 and provides for the necessary land-related powers of the Public Trustee. Section 40A is obsolete.</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
<p>Clause 55(4).</p>	<p><i>Public Trustee Act 1941</i> 51. No bond required from Public Trustee</p> <p>No bond or other security shall be required from the Public Trustee in relation to his appointment to, or acting in any office or capacity pursuant to, this Act or the <i>Guardianship and Administration Act 1990</i>.</p> <p>Notwithstanding any Act, rule, or practice to the contrary it shall not be necessary for the Public Trustee to file any accounts in the Registry of the Court or with the Guardianship and Administration Board under the <i>Guardianship and Administration Act 1990</i>.</p>	<p><i>Public Trustee Act 1941</i> 51. No bond required from Public Trustee</p> <p>No bond or other security shall be required from the Public Trustee in relation to his appointment to, or acting in any office or capacity pursuant to, this Act or the <i>Guardianship and Administration Act 1990</i>.</p> <p>Notwithstanding any Act, rule, or practice to the contrary it shall not be necessary for the Public Trustee to file any accounts in the Registry of the Court or with the Guardianship and Administration Board under the <i>Guardianship and Administration Act 1990</i>. <u>Court.</u></p>	<p>The Guardianship and Administration Board was abolished in 2005. The Public Trustee now has the function of examining accounts under section 80 of the <i>Guardianship and Administration Act 1990</i>. Section 80(7) exempts the Public Trustee from submitting accounts to itself.</p>
<p>Clause 55(5).</p>	<p><i>Public Trustee Act 1941</i> Sixth Schedule — Purchased land</p>	<p>The Sixth Schedule is deleted in its entirety.</p>	<p>The lot referred to in the Sixth Schedule was for the purposes of section 40A, which is deleted under clause 56(3). The Sixth Schedule is obsolete.</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
<p>Clause 56.</p>	<p><i>Racing and Gambling Legislation Amendment and Repeal Act 2003</i></p> <p>Part 2 — Transitional matters related to enactment of RWWA Act</p> <p>Part 3 — Amendments consequential on enactment of RWWA Act</p> <p>Division 1 — Amendment of regulations</p>	<p>Part 2 and Part 3 Division 1 are deleted in their entirety.</p>	<p>Part 2 and Part 3 Division 1 of the <i>Racing and Gambling Legislation Amendment and Repeal Act 2003</i> are transitional provisions relating to the establishment of Racing and Wagering Western Australia.</p> <p>All the transitional provisions are now obsolete.</p>
<p>Clause 57.</p>	<p><i>Railway (Tilley to Karara) Act 2010</i></p> <p>4. Terms used</p> <p>In this Part —</p> <p>...</p> <p><i>Public Transport Authority</i> means the Public Transport Authority of Western Australia established under the <i>Public Transport Authority Act 2003</i> section 5;</p>	<p><i>Railway (Tilley to Karara) Act 2010</i></p> <p>4. Terms used</p> <p>In this Part —</p> <p>...</p> <p><i>Public Transport Authority</i> means the Public Transport Authority of Western Australia established under the <i>Public Transport Authority Act 2003</i> section 5; <u>section 5.</u></p>	<p>The definition of the term “specified” is “specified or described in the regulations”.</p> <p>However, there is no regulation-making power in the <i>Railway (Tilley to Karara) Act 2010</i> and consequently there are and can be no regulations.</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<i>specified</i> means specified or described in the regulations.	<i>specified</i> means specified or described in the regulations.	
<p>Clause 58.</p>	<p><i>Residential Tenancies Act 1987</i></p> <p>93. All security bonds to be transferred to bond administrator after renewal of agreement or within 18 months</p> <p>...</p> <p>(2) The security bond is to be paid either —</p> <p>...</p> <p>(b) to the bond administrator, in which case section 29(4)(b), (c) and (d) apply, with all necessary changes, to the payment.</p>	<p><i>Residential Tenancies Act 1987</i></p> <p>93. All security bonds to be transferred to bond administrator after renewal of agreement or within 18 months</p> <p>...</p> <p>(2) The security bond is to be paid either —</p> <p>...</p> <p>(b) to the bond administrator, in which case section 29(4)(b), (c) and (d) <u>29(4)(b) and (c)</u> apply, with all necessary changes, to the payment.</p>	<p>Section 29(4) paragraph (d) was deleted by section 25(4)(b) of the <i>Residential Tenancies Amendment Act 2011</i>.</p>
<p>Clause 59.</p>	<p><i>Retirement Villages Amendment Act 2012</i></p> <p>4. Section 3 amended</p> <p>...</p>	<p><i>Retirement Villages Amendment Act 2012</i></p> <p>4. Section 3 amended</p> <p>...</p>	<p>This amendment was made through the reprint process. This provision cannot come into effect.</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p>(4) In section 3(1) in the definition of service contract after each of paragraphs (a) to (f) insert:</p> <p>or</p>	<p>(4) In section 3(1) in the definition of service contract after each of paragraphs (a) to (f) insert:</p> <p>or</p>	
<p>Clause 60.</p>	<p><i>Road Traffic (Administration) Act 2008</i></p> <p>58. Direction to provide reasonable assistance for powers of inspection and search</p> <p>...</p> <p>(5) A person to whom a direction given under subsection (1) must not, without reasonable excuse, fail to comply with the direction.</p> <p>Penalty: a fine of 50 PU.</p> <p>...</p>	<p><i>Road Traffic (Administration) Act 2008</i></p> <p>58. Direction to provide reasonable assistance for powers of inspection and search</p> <p>...</p> <p>(5) A person to whom a direction given<u>is given</u> under subsection (1) must not, without reasonable excuse, fail to comply with the direction.</p> <p>Penalty: a fine of 50 PU.</p> <p>...</p>	<p>The word “is” needs to be inserted after the first occurrence of the word “direction” to correct the grammar.</p>
<p>Clause 61.</p>	<p><i>Sale of Goods (Vienna Convention) Act 1986</i></p> <p>Schedule 1 — Vienna Convention</p> <p>...</p> <p><i>Article 14</i></p>	<p><i>Sale of Goods (Vienna Convention) Act 1986</i></p> <p>Schedule 1 — Vienna Convention</p> <p>...</p> <p><i>Article 14</i></p>	<p>Required to correct a typographical error.</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p>(1) A proposal for concluding a contract addressed to one or more specific persons constitutes an offer if it is sufficiently definite and indicates the intention of the offeror to be bound in case of acceptance. A proposal is sufficiently definite if it indicates the goods and expressly or implicitly fixes or makes provision for determining the quantity and the price.</p> <p>...</p>	<p>(1) A proposal for concluding a contract addressed to one or more specific persons constitutes an offer if it is sufficiently definite and indicates the intention of the offeror to be bound in case of acceptance. A proposal is sufficiently definite if it indicates the goods and expressly or implicitly fixes or makes provision for determining <u>determining</u> the quantity and the price.</p> <p>...</p>	
<p>Clause 62(2).</p>	<p><i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i></p> <p><i>27. Agriculture and Related Resources Protection Act 1976</i> amended</p> <p><i>28. Agriculture Protection Board Act 1950</i> amended</p> <p><i>29. Alcohol and Drug Authority Act 1974</i> amended</p>	<p>Sections 27, 28 and 29 are deleted in their entirety.</p>	<p>The <i>Superannuation and Family Benefits Act 1938</i> was repealed by the <i>Superannuation Act 2000</i>.</p> <p>Section 27 of the <i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i> is unproclaimed and sought to amend section 9(5) of the <i>Agriculture and Related Resources Protection Act 1976</i> to remove reference to the <i>Superannuation and Family Benefits Act 1938</i>. Section 9(5) was deleted by the <i>Agriculture and Related Resources</i></p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
			<p><i>Protection Amendment Act 2010.</i> The provision cannot come into effect.</p> <p>Section 28 of the <i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i> is unproclaimed and sought to amend section 8A of the <i>Agriculture Protection Board Act 1950</i> to remove reference to the <i>Superannuation and Family Benefits Act 1938</i>. The <i>Agriculture Protection Board Act 1950</i> was repealed by the <i>Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Act 2007</i>. The provision cannot come into effect.</p> <p>Section 29 of the <i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i> is unproclaimed and sought to amend section 21(3)(a) and repeal section 22 of the <i>Alcohol and Drug Authority Act 1974</i> to remove reference to the <i>Superannuation and Family Benefits Act 1938</i>. Section 21</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
			(3)(a) and section 22 were deleted by the <i>Alcohol and Drug Authority Amendment Act 2015</i> . The provision cannot come into effect.
<p>Clause 62(3).</p>	<p><i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i></p> <p>31. <i>Anti-Corruption Commission Act 1988</i> amended</p>	<p>Section 31 is deleted in its entirety.</p>	<p>Section 31 of the <i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i> is unproclaimed and sought to amend section 6(4) and (9) of the <i>Anti-Corruption Commission Act 1988</i> to remove reference to the <i>Superannuation and Family Benefits Act 1938</i>. The <i>Anti-Corruption Commission Act 1988</i> was repealed by the <i>Corruption and Crime Commission Amendment and Repeal Act 2003</i>. The provision cannot come into effect.</p>
<p>Clause 62(4).</p>	<p><i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i></p> <p>Part 3 — Consequential amendments</p> <p>...</p>	<p><i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i></p> <p>Part 3 — Consequential amendments</p> <p>...</p>	<p>Section 44 of the <i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i> sought to repeal section 73(a) and (b) of the <i>Financial Administration and Audit Act 1985</i> to remove reference to the <i>Superannuation and Family Benefits Act 1938</i>.</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p>32. Art Gallery Act 1959 amended</p> <p>...</p>	<p>32. Art Gallery Act 1959 amended</p> <p>...</p> <p><u>32A. Auditor General Act 2006 amended</u></p> <p><u>(1) This section amends the Auditor General Act 2006.</u></p> <p><u>(2) In Schedule 1 clause 5(1) delete “rights, including any rights under the Superannuation and Family Benefits Act 1938,” and insert:</u></p> <p><u>rights</u></p> <p><u>(3) In Schedule 1 clause 5(2) delete “officer and, if applicable, for the purposes of the Superannuation and Family Benefits Act 1938.” and insert:</u></p> <p><u>officer.</u></p> <p>...</p>	<p>The relevant provisions which section 44 sought to amend are now located under Schedule 1 clause 5(1) and (2) of the <i>Auditor General Act 2006</i>.</p> <p>Section 44 is deleted under clause 65(7). New section 32A replaces section 44.</p>
<p>Clause 62(5).</p>	<p><i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i></p> <p>33. Builders’ Registration Act 1939 amended</p>	<p><i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i></p> <p>33. Builders’ Registration Act 1939 amended</p>	<p>Section 33 of the <i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i> is unproclaimed and sought to amend section 5AA (2)(a) of the <i>Builders’</i></p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p>...</p> <p>(2) Section 5AA(2)(a) of the <i>Builders' Registration Act 1939*</i> is amended by deleting “, including rights under the <i>Superannuation and Family Benefits Act 1938</i>,”.</p>	<p>...</p> <p>(2) Section 5AA(2)(a) of the <i>Builders' Registration Act 1939*</i> is amended by deleting “, including rights under the <i>Superannuation and Family Benefits Act 1938</i>,”.</p>	<p><i>Registration Act 1939</i> to remove reference to the <i>Superannuation and Family Benefits Act 1938</i>. The <i>Builders' Registration Act 1939</i> was repealed by the <i>Building Services (Registration) Act 2011</i>. The provision cannot come into effect.</p>
<p>Clause 62(6).</p>	<p><i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i></p> <p>34. <i>Commercial Tribunal Act 1984</i> amended</p>	<p>Section 34 is deleted in its entirety.</p>	<p>Section 34 of the <i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i> is unproclaimed and sought to amend section 9(2)(a) of the <i>Commercial Tribunal Act 1984</i> to remove reference to the <i>Superannuation and Family Benefits Act 1938</i>. The <i>Commercial Tribunal Act 1984</i> was repealed by the <i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004</i>. The provision cannot come into effect.</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
<p>Clause 62(7).</p>	<p><i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i> 44. Financial Administration and Audit Act 1985 amended</p>	<p>Section 44 is deleted in its entirety.</p>	<p>Section 44 of the <i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i> is unproclaimed and sought to repeal section 73(a) and (b) of the <i>Financial Administration and Audit Act 1985</i> to remove reference to the <i>Superannuation and Family Benefits Act 1938</i>. The relevant provisions which section 44 sought to amend are now located under Schedule 1 clause 5(1) and (2) of the <i>Auditor General Act 2006</i>. The provision cannot come into effect.</p> <p>A new provision relating to the <i>Auditor General Act 2006</i> is inserted under clause 65(4).</p>
<p>Clause 62(8).</p>	<p><i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i> 60. Retirement Villages Act 1992 amended ... (2) Section 25(1)(g)(i) of the <i>Retirement Villages Act 1992*</i> is</p>	<p><i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i> 60. Retirement Villages Act 1992 amended ... (2) Section 25(1)(g)(i) of the <i>Retirement Villages Act 1992*</i> is</p>	<p>Section 60 of the <i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i> is unproclaimed and sought to amend section 25(1)(g)(i) of the <i>Retirement Villages Act 1992</i> to remove reference to the <i>Superannuation and Family Benefits Act 1938</i>. The original section 25 of the</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	amended by deleting “, and in particular his or her rights, if any, under the <i>Superannuation and Family Benefits Act 1938</i> ”.	amended by deleting “, and in particular his or her rights, if any, under the <i>Superannuation and Family Benefits Act 1938</i>”.	<i>Retirement Villages Act 1992</i> was repealed and replaced with a new section 25 by the <i>Retirement Villages Amendment Act 2012</i> , which does not reference the <i>Superannuation and Family Benefits Act 1938</i> . The provision cannot come into effect.
Clause 62(9).	<p><i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i></p> <p>63. <i>Small Claims Tribunals Act 1974</i> amended</p> <p>64. <i>Solicitor-General Act 1969</i> amended</p>	<p>Section 63 is deleted in its entirety.</p> <p>Section 64 is deleted in its entirety and replaced as follows:</p> <p>64. <i>Solicitor-General Act 1969</i> amended</p> <p>(1) This section amends the <i>Solicitor-General Act 1969</i>.</p> <p>(2) In section 10(1)(a) delete “rights and in particular his rights, if any, under the <i>Superannuation and Family Benefits Act 1938</i>; and” and insert:</p> <p>rights; and</p>	<p>Section 63 of the <i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i> is unproclaimed and sought to amend section 8(1)(g)(i) of the <i>Small Claims Tribunals Act 1974</i> to remove reference to the <i>Superannuation and Family Benefits Act 1938</i>. The <i>Small Claims Tribunals Act 1974</i> was repealed by the <i>Courts Legislation Amendment and Repeal Act 2004</i>. The provision cannot come into effect.</p> <p>Section 64 of the <i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i> is unproclaimed and sought to amend section 10(1)</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
			<p>and (2) of the <i>Solicitor General Act 1969</i> to remove reference to the <i>Superannuation and Family Benefits Act 1938</i>. Section 10(2) of the <i>Solicitor General Act 1969</i> was repealed by the <i>Solicitor General Amendment Act 2006</i>. Section 64(b) of the <i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i> cannot come into effect.</p> <p>A new provision relating to section 10(1)(a) of the <i>Solicitor General Act 1969</i> needs to replace section 64 of the <i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i>.</p>
<p>Clause 62(10).</p>	<p><i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i> 66. <i>Stipendiary Magistrates Act 1957</i> amended</p>	<p>Sections 66 and 67 are deleted in their entirety.</p>	<p>Section 66 of the <i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i> and sought to amend sections 5(4), 7(2), and repeal section 7 subsections (4), (5)</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p>67. <i>Strata Titles Act 1985</i> amended</p>		<p>and (6) of the <i>Stipendiary Magistrates Act 1957</i> to remove reference to the <i>Superannuation and Family Benefits Act 1938</i>. The <i>Stipendiary Magistrates Act 1957</i> was repealed by the <i>Courts Legislation Amendment and Repeal Act 2004</i>. The provision cannot come into effect.</p> <p>Section 67 of the <i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i> is unproclaimed and sought to amend section 73(1)(g)(i) of the <i>Strata Titles Act 1985</i> to remove reference to the <i>Superannuation and Family Benefits Act 1938</i>. Section 73(1)(g)(i) of the <i>Strata Titles Act 1985</i> was repealed by the <i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004</i>. The provision cannot come into effect.</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
<p>Clause 62(11).</p>	<p><i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i></p> <p><i>74. Workers' Compensation and Rehabilitation Act 1981 amended</i></p>	<p>Section 74 is deleted in its entirety and replaced as follows:</p> <p><i>74. Workers' Compensation and Injury Management Act 1981 amended</i></p> <p>(1) This section amends the <i>Workers' Compensation and Injury Management Act 1981</i>.</p> <p>(2) In section 323(2) delete "or the <i>Superannuation and Family Benefits Act 1938</i>".</p>	<p>Section 74 of the <i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i> is unproclaimed and sought to repeal section 201(2) of the <i>Workers' Compensation and Rehabilitation Act 1981</i> to remove reference to the <i>Superannuation and Family Benefits Act 1938</i>. The <i>Workers' Compensation and Rehabilitation Act 1981</i> was renamed the <i>Workers' Compensation and injury Management Act 2006</i> and section 201 was renumbered as section 323 by the <i>Workers Compensation Reform Act 2004</i>. A new provision needs to replace section 74 of the <i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i> to reflect that the statute's name has changed and that section 201(2) was renumbered.</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
<p>Clause 62(12).</p>	<p><i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i></p> <p>75. Various provisions repealed</p> <p>The provisions listed in the Table to this section are repealed.</p> <p>Table of provisions repealed</p> <p>...</p> <p><i>Vocational Education and Training Act 1996 Sch. 4, cl. 7A</i></p> <p>...</p> <p><i>Western Australian Planning Commission Act 1985 s. 43</i></p> <p>...</p> <p><i>Workplace Agreements Act 1993 Sch. 2, Part B, cl. 2</i></p>	<p><i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i></p> <p>75. Various provisions repealed</p> <p>The provisions listed in the Table to this section are repealed.</p> <p>Table of provisions repealed</p> <p>...</p> <p><i>Vocational Education and Training Act 1996 Sch. 4, cl. 7A</i></p> <p>...</p> <p><i>Western Australian Planning Commission Act 1985 s. 43</i></p> <p>...</p> <p><i>Workplace Agreements Act 1993 Sch. 2, Part B, cl. 2</i></p>	<p>Section 75 of the <i>Superannuation (Transitional and Consequential Provisions) Act 2000</i> is unproclaimed and lists, in a Table appended to it, various provisions to be repealed in other Acts.</p> <p>The Table in section 75 sought to repeal Schedule 4 clause 7A of the <i>Vocational Education and Training Act 1996</i>. Schedule 4 of the <i>Vocational Education and Training Act 1996</i> was repealed by the <i>Training Legislation Amendment and Repeal Act 2008</i>.</p> <p>The Table in section 75 sought to repeal section 43 of the <i>Western Australian Planning Commission Act 1986</i>. The <i>Western Australian Planning Commission Act 1986</i> was repealed by the <i>Planning and Development (Consequential and Transitional Provisions) Act 2005</i>.</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
			<p>The Table in section 75 sought to repeal Schedule 2 Part B clause 2 of the <i>Workplace Agreements Act 1993</i>. The <i>Workplace Agreements Act 1993</i> expired on 14 September 2003 pursuant to section 4A of that Act.</p>
<p>Clause 62(13).</p>	<p><i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i></p> <p>75. Various provisions repealed</p> <p>The provisions listed in the Table to this section are repealed.</p> <p>Table of provisions repealed</p> <p>...</p> <p><i>Health Services (Conciliation and Review) Act 1995</i> Sch. 2, cl. 3</p> <p>...</p>	<p><i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i></p> <p>75. Various provisions repealed</p> <p>The provisions listed in the Table to this section are repealed.</p> <p>Table of provisions repealed</p> <p>...</p> <p><i>Health Services (Conciliation and Review) Act 1995</i> <u><i>Health and Disability Services (Complaints) Act 1995</i></u> Sch. 2, cl. 3</p> <p>...</p>	<p>The <i>Health Services (Conciliation and Review) Act 1995</i> was renamed the <i>Health and Disability Services (Complaints) Act 1995</i> by the <i>Health and Disability Services Legislation Amendment Act 2010</i>.</p>

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
Clause 63.	<i>Strata Titles Amendment Act 2018</i> Part 3 — Other Acts amended ... Division 8 — <i>Heritage of Western Australia Act 1990</i> amended	Part 3 Division 8 is deleted in its entirety.	Part 3 Division 8 is unproclaimed and sought to amend the <i>Heritage of Western Australia Act 1990</i> . The <i>Heritage of Western Australia Act 1990</i> was repealed by the <i>Heritage Act 2018</i> . The provisions cannot come into effect.
Clause 64.	<i>Teacher Registration Act 2012</i> 166. <i>Occupational Therapists Act 2005</i> amended	Section 166 is deleted in its entirety.	Section 166 of the <i>Teacher Registration Act 2012</i> is unproclaimed and proposed a consequential amendment to section 4(d) of the <i>Occupational Therapists Act 2005</i> . The <i>Occupational Therapists Act 2005</i> was repealed by section 14(g) of the <i>Health Practitioner Regulation National Law (WA) Act 2010</i> on 1 July 2012. The provision cannot come into effect.
Clause 65.	<i>University Medical School, Teaching Hospitals, Act 1955</i> 4. Power of managing body or Minister to enter into agreement with Senate	<i>University Medical School, Teaching Hospitals, Act 1955</i> 4. Power of managing body or Minister to enter into agreement with Senate	Section 5 of the <i>University Medical School, Teaching Hospitals, Act 1955</i> was deleted by section 305(6) of the <i>Health Services Act 2016</i> .

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2020

CLAUSE IN BILL	EXISTING PROVISION	AS AMENDED	EXPLANATION
	<p>(1) Subject to subsection (2) and section 5, a health service provider that has control or management of a teaching hospital may enter into an agreement with the State in relation to —</p> <p>...</p>	<p>(1) Subject to subsection (2) and section 5,<u>(2)</u>, a health service provider that has control or management of a teaching hospital may enter into an agreement with the State in relation to —</p> <p>...</p>	
<p>Clause 66.</p>	<p><i>Witness Protection (Western Australia) Act 1996</i></p> <p>28. Disclosure of information cannot be compelled</p> <p>(1) Subject to subsection (2) and section 30, no person who is given functions under this Act or under a complementary witness protection law or who, under a Supreme Court order made under Division 5 of Part 2, is required to do anything, shall be compelled —</p> <p>...</p>	<p><i>Witness Protection (Western Australia) Act 1996</i></p> <p>28. Disclosure of information cannot be compelled</p> <p>(1) Subject to subsection (2) and section 30,<u>(2)</u> no person who is given functions under this Act or under a complementary witness protection law or who, under a Supreme Court order made under Division 5 of Part 2, is required to do anything, shall be compelled —</p> <p>...</p>	<p>Section 30 was deleted by section 130 of the <i>Criminal Investigation (Covert Powers) Act 2012</i>.</p>