

Eastern Goldfields Transport Board Repeal Bill 2007

CONTENTS

Part 1 — Preliminary

- | | | |
|----|------------------|---|
| 1. | Short title | 2 |
| 2. | The Act repealed | 2 |

Part 2 — Transitional and savings provisions

- | | | |
|-----|--|---|
| 3. | Terms used in this Part | 3 |
| 4. | Interpretation Act to apply | 3 |
| 5. | Devolution of the Board's assets, rights and liabilities | 4 |
| 6. | Agreements and instruments generally | 4 |
| 7. | Staff | 5 |
| 8. | Funds | 5 |
| 9. | Registration of documents | 5 |
| 10. | Saving | 6 |

Part 3 — Consequential amendments

- | | | |
|-----|---|---|
| 11. | <i>Acts Amendment and Repeal (Competition Policy) Act 2003</i> amended | 7 |
| 12. | <i>Constitution Acts Amendment Act 1899</i> amended | 7 |
| 13. | <i>Financial Management Act 2006</i> amended | 7 |
| 14. | <i>Statutory Corporations (Liability of Directors) Act 1996</i> amended | 8 |
| 15. | <i>Transport Co-ordination Act 1966</i> amended | 8 |
| 16. | <i>State Superannuation Regulations 2001</i> amended | 8 |

Defined Terms

Western Australia

LEGISLATIVE ASSEMBLY

**Eastern Goldfields Transport Board Repeal
Bill 2007**

A Bill for

An Act to —

- **repeal the *Eastern Goldfields Transport Board Act 1984*; and**
 - **amend certain other Acts as a consequence,**
- and for related purposes.**

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Eastern Goldfields Transport Board Repeal Act 2007*.

5 **2. The Act repealed**

The *Eastern Goldfields Transport Board Act 1984* is repealed.

Part 2 — Transitional and savings provisions

3. Terms used in this Part

In this Part, unless the contrary intention appears —

5 “**assets**” means property of every kind whether tangible or
intangible, real or personal, or corporeal or incorporeal and
includes without limitation —

- (a) choses in action; and
- (b) goodwill; and
- 10 (c) rights, interests and claims of every kind in or to
property,

whether arising from, accruing under, created or evidenced
by, or the subject of, an instrument or otherwise and
whether liquidated or unliquidated, actual, contingent or
prospective;

15 “**Authority**” means Public Transport Authority of Western
Australia established under the *Public Transport Authority
Act 2003* section 5;

20 “**Board**” means The Eastern Goldfields Transport Board
formerly preserved and continued under the *Eastern
Goldfields Transport Board Act 1984* section 4;

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

25 “**liability**” means any liability, duty or obligation whether
actual, contingent or prospective, liquidated or
unliquidated, or whether owed alone or jointly or jointly
and severally with any other person;

“**right**” means any right, power, privilege or immunity whether
actual, contingent or prospective.

4. Interpretation Act to apply

30 This Part does not limit the operation of the *Interpretation
Act 1984* Part V.

s. 5

5. Devolution of the Board's assets, rights and liabilities

- (1) On the commencement day —
- (a) the assets and rights of the Board immediately before that day become assets and rights of the Authority by force of this section; and
 - (b) the liabilities of the Board immediately before that day become, by force of this section, liabilities of the Authority.
- (2) On and after the commencement day, any proceedings that immediately before that day might have been brought or continued by the Board may be brought or continued by the Authority.
- (3) On and after the commencement day, any remedy that immediately before that day is available against or to the Board is available against or to the Authority.

6. Agreements and instruments generally

- (1) Any agreement or instrument subsisting immediately before the commencement day —
- (a) to which the Board is a party; or
 - (b) which contains a reference to the Board,
- has effect on and after the commencement day as if —
- (c) the Authority were substituted for the Board as a party to the agreement or instrument; and
 - (d) any reference in the agreement or instrument to the Board were (unless the context otherwise requires) amended to be or include a reference to the Authority.
- (2) Subsection (1) does not apply to the —
- (a) *Transport Workers (Eastern Goldfields Transport Board) Award 1976*; and
 - (b) *Transport Workers (Eastern Goldfields Transport Board) Agreement 2005*; and

- 5
- (c) *Engineering Trades (Government) Award 1967*; and
 - (d) *Engineering Trades (Government) General Agreement 2004*; and
 - (e) *Government Officers Salaries Allowances and Conditions Award 1989*; and
 - (f) *Government Officers Salaries Allowances and Conditions General Agreement 2004*.

7. Staff

- 10
- (1) A person appointed or engaged by the Board immediately before the commencement day is to be taken after the commencement day to be employed or engaged by the Authority.
- 15
- (2) Except as otherwise agreed by a person referred to in subsection (1), the remuneration, existing, accruing or accrued rights, rights under a superannuation scheme and continuity of service of a member of staff are not prejudiced or interrupted by the operation of that subsection.

8. Funds

20

On or after the commencement day an account maintained under the *Eastern Goldfields Transport Board Act 1984* section 20(1), as in force immediately before the commencement day, is to be closed by the chief executive officer of the Authority and the moneys in the account credited to the account referred to in the *Public Transport Authority Act 2003* section 32.

25

9. Registration of documents

The Registrar of Titles is to take notice of the provisions of this Part and is to record and register in the appropriate manner the necessary documents, and otherwise to give effect to this Part.

s. 10

10. Saving

The operation of any provision of this Part is not to be regarded —

- 5 (a) as a breach of contract or confidence or otherwise as a civil wrong; or
- (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities or the disclosure of information;
- 10 (c) as giving rise to any remedy by a party to an instrument or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability; or
- 15 (d) as causing any contract or instrument to be void or otherwise unenforceable; or
- (e) as releasing or allowing the release of any surety.

Part 3 — Consequential amendments

11. *Acts Amendment and Repeal (Competition Policy) Act 2003* amended

- 5 (1) The amendment in this section is to the *Acts Amendment and Repeal (Competition Policy) Act 2003**.

[* *Act No. 70 of 2003.*]

- (2) Part 6 is repealed.

12. *Constitution Acts Amendment Act 1899* amended

- 10 (1) The amendment in this section is to the *Constitution Acts Amendment Act 1899**.

[* *Reprint 14 as at 21 April 2006.*

For subsequent amendments see Western Australian Legislation Information Tables for 2006, Table 1, and Acts Nos. 29 and 32 of 2005 and 64 and 77 of 2006.]

- 15 (2) Schedule V Part 3 is amended by deleting “The Eastern Goldfields Transport Board preserved and continued under the *Eastern Goldfields Transport Board Act 1984*.”.

13. *Financial Management Act 2006* amended

- 20 (1) The amendment in this section is to the *Financial Management Act 2006**.

[* *Act No. 76 of 2006.*

For subsequent amendments see Act No. 77 of 2006.]

- (2) Schedule 1 is amended by deleting “The Eastern Goldfields Transport Board”.

s. 14

14. *Statutory Corporations (Liability of Directors) Act 1996* amended

- (1) The amendment in this section is to the *Statutory Corporations (Liability of Directors) Act 1996**.

5 [* Reprint 4 as at 9 February 2007.]

- (2) Schedule 1 is amended by deleting the entry relating to the “Eastern Goldfields Transport Board”.

15. *Transport Co-ordination Act 1966* amended

- (1) The amendment in this section is to the *Transport*
10 *Co-ordination Act 1966**.

[* Reprint 8 as at 5 August 2005.
For subsequent amendments see *Western Australian
Legislation Information Tables for 2006, Table 1, and
Act No. 77 of 2006.*]

- 15 (2) Section 15B(2)(j) is amended by deleting “the *Eastern Goldfields Transport Board Act 1984* and”.

16. *State Superannuation Regulations 2001* amended

- (1) The amendment in this section is to the *State Superannuation
Regulations 2001**.

20 [* Reprint 2 as at 2 September 2005.
For subsequent amendments see *Western Australian
Legislation Information Tables for 2006, Table 4.*]

- (2) Schedule 1 Division 2 item 17 is deleted.



Defined Terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined Term	Provision(s)
assets	3
Authority.....	3
Board.....	3
commencement day.....	3
liability	3
right	3