

Alcohol and Drug Authority Repeal Bill 2005

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Western Australia

LEGISLATIVE ASSEMBLY

Alcohol and Drug Authority Repeal Bill 2005

A Bill for

An Act to —

- **repeal the *Alcohol and Drug Authority Act 1974*;**
 - **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 *Alcohol and Drug Authority Repeal Act 2005*.

2. The Act repealed

5 The *Alcohol and Drug Authority Act 1974* is repealed.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;
- (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 the Western Australian Alcohol and Drug
Authority formerly established under the *Alcohol and Drug
Authority Act 1974*;

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

20 **“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;

25 **“Minister”** means the Minister for Health in his or her
incorporated capacity under the *Hospitals and Health
Services Act 1927* section 7 as the board of the hospitals
that comprised the Metropolitan Health Service Board
immediately before its abolition by the *Hospitals and
Health Services (Metropolitan Health Service Board)
Abolition Notice 2001* published in the *Gazette* on
30 9 March 2001;

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

4. Interpretation Act to apply

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

5. Devolution of the Authority's assets, liabilities etc.

- 5 (1) On the commencement day —
- (a) the assets and rights of the Authority that were immediately before that day vested in that body vest in the Minister by force of this section; and
 - (b) the liabilities of the Authority immediately before that day become, by force of this section, the liabilities of the Minister.
- 10
- (2) On and after the commencement day any proceedings or remedy that immediately before that day might have been brought or continued by or available against or to the Authority, may be brought or continued and are available, by or against or to the Minister.
- 15

6. Agreements and instruments generally

- (1) Any agreement or instrument subsisting immediately before the commencement day —
- 20 (a) to which the Authority is a party; or
- (b) which contains a reference to the Authority,
- has effect on and after the commencement day as if —
- (c) the Minister were substituted for the Authority as a party to the agreement or instrument; and
 - (d) any reference in the agreement or instrument to the Authority were (unless the context otherwise requires) amended to be or include a reference to the Minister.
- 25
- (2) Subsection (1) does not apply to the *Government Officers Salaries Allowances and Conditions Award 1989*, the *Government Officers Salaries, Allowances and Conditions*
- 30

General Agreement 2004 or the Department of Health Medical Practitioners (Drug and Alcohol Authority) AMA Industrial Agreement 2004.

7. Staff

5 A person appointed or engaged by the Authority immediately before the commencement day is to be taken after the commencement day to be employed or engaged by the Minister under the *Hospitals and Health Services Act 1927* section 19(1)(a).

10 **8. Final reporting**

(1) In this section —

“**FAA Act**” means the *Financial Administration and Audit Act 1985*;

15 “**reporting officer**” means the person appointed under the FAA Act section 65A(2) as applied by subsection (2);

“**the final period**” means the period that —

- (a) starts immediately after the end of the last financial year of the Authority to have ended before the commencement day; and
- 20 (b) ends immediately before the commencement day.

(2) The FAA Act section 65A applies in relation to the preparation and submission of a final report in respect of the Authority, as if —

- 25 (a) references in that section to a department were references to the Authority; and
- (b) references in that section to provisions of the FAA Act sections 62 to 65 were references to the equivalent provisions of the FAA Act sections 66 to 70,

30 except that the period to which the final report is to relate is the final period and the references in sections 66(1), 68, and 70(1)

s. 9

to the end of the financial year are to be read as references to the end of the final period.

- 5 (3) If, immediately before the commencement day, any duty imposed by the FAA Act Part II Division 14 on the accountable authority of the Authority remains unfulfilled in relation to the Authority for any financial year that expired before the commencement day, that duty subsists and is to be performed by the reporting officer as if the reporting officer were the accountable authority.
- 10 (4) The time within which the reporting officer is to perform a duty referred to in subsection (3) is extended until the end of the day that is 2 months after the day on which the reporting officer is appointed, but this subsection does not prevent the time from being extended again under the FAA Act section 70.

15 **9. Registration of documents**

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

20 **10. Saving**

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

- 25 (a) as a breach of contract or confidence or otherwise as a civil wrong;
- (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;
- 30 (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;

- (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. Constitution Acts Amendment Act 1899 amended

- (1) The amendments in this section are to the *Constitution Acts Amendment Act 1899**.

5 [* Reprint 13 as at 18 March 2005.
For subsequent amendments see Acts Nos. 1 and 2 of 2005.]

- (2) Schedule V Part 2 Division 2 is amended by deleting “the Library Board of Western Australia constituted under the *Library Board of Western Australia Act 1951*, or the Western Australian Alcohol and Drug Authority established under the *Alcohol and Drug Authority Act 1974*.” and inserting instead —

10 “
or the Library Board of Western Australia constituted
under the *Library Board of Western Australia Act 1951*.
15 ”.

12. Coroners Act 1996 amended

- (1) The amendment in this section is to the *Coroners Act 1996**.

[* Reprint 2 as at 10 June 2005.]

- 20 (2) Section 3 is amended in the definition of “person held in care” by deleting paragraph (b).

13. Financial Administration and Audit Act 1985 amended

- (1) The amendment in this section is to the *Financial Administration and Audit Act 1985**.

25 [* Reprint 8 as at 9 July 2004.
For subsequent amendments see Western Australian
Legislation Information Tables for 2004, Table 1, p. 165 and
Act No. 5 of 2005 and Gazette 4 February and 1 July 2005.]

- (2) Schedule 1 is amended by deleting “Western Australian Alcohol and Drug Authority”.

14. Public Sector Management Act 1994 amended

- (1) The amendment in this section is to the *Public Sector Management Act 1994**.

[* Reprint 6 as at 14 May 2004.

5 For subsequent amendments see *Western Australian Legislation Information Tables for 2004, Table 1, p. 368 and Act No. 5 of 2005.*]

- (2) Schedule 2 item 58 is deleted.

15. Spent Convictions Act 1988 amended

- 10 (1) The amendments in this section are to the *Spent Convictions Act 1988**.

[* Reprint 4 as at 8 July 2005.]

- (2) Schedule 3 is amended in the table to clause 1(7) as follows:

- 15 (a) by deleting the semicolon and “or” after paragraph (c) and inserting a full stop;
- (b) by deleting paragraph (d).

16. State Superannuation (Transitional and Consequential Provisions) Act 2000 amended

- 20 (1) The amendment in this section is to the *State Superannuation (Transitional and Consequential Provisions) Act 2000**.

[* Act No. 43 of 2000.

For subsequent amendments see *Western Australian Legislation Information Tables for 2004, Table 1, p. 428.*]

- 25 (2) Section 29 is repealed if it has not come into operation before this section comes into operation.
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