

# **Explanatory Memorandum**

## ***Alcohol and Drug Authority Repeal Bill 2005***

### **INTRODUCTION**

The *Alcohol and Drug Authority Repeal Bill 2005* repeals the *Alcohol and Drug Authority Act 1974* and consequentially amends other Acts.

The Bill responds to two important Government initiatives. In response to Recommendation 21 of the Community Drug Summit it transfers the functions of the Western Australian Drug and Alcohol Authority to the Metropolitan Health Services, where it will operate as a single office to provide drug and alcohol services to Western Australia. In accordance with the Report of the Taskforce Established to Review the Machinery of Western Australia's Government, which reviewed the functions of all statutory authorities, it will result in the operation of one less statutory authority.

### **Part 1 Preliminary**

#### ***Clause 1 Short Title***

This clause sets out the short title of the Act.

#### ***Clause 2 The Act repealed***

This clause sets out the purpose of the Bill, which is to repeal the *Alcohol and Drug Authority Act 1974*. It provides for the Act to come into operation 28 days after it receives Royal Assent.

### **Part 2 Transitional and savings provisions**

#### ***Clause 3 Terms used in this Part***

This clause inserts definitions necessary for the operation of the Act. For the purposes of the Act the Minister is the Minister for Health in his incorporated capacity pursuant to section 7 of the *Hospitals and Health Services Act 1927*.

#### ***Clause 4 Interpretation Act to apply***

This clause is self explanatory.

#### ***Clause 5 Devolution of the Authority's assets, liabilities etc***

Upon the commencement date, the Authority's assets and rights, and liabilities will be vested in the Minister. In addition, the Minister will become a party to any legal proceedings or remedies that were brought or being continued against the Authority.

#### ***Clause 6 Agreements and instruments generally***

The Minister will become a party to all agreements and instruments that existed before the abolition of the Authority, with the exception of the *Government Officers Salaries Allowances and Conditions Award*

1989, or the *Government Officers Salaries, Allowances and Conditions General Agreement 2004*, or the *Department of Health Medical Practitioners (Drug and Alcohol Authority) AMA Industrial Agreement 2004*.

**Clause 7      *Staff***

This clause ensures that all staff appointed or engaged by the Authority will continue to be employed following the abolition of the Authority.

**Clause 8      *Final reporting***

This clause ensures the reporting requirements contained in the *Financial Administration and Audit Act 1985* will be complied with.

**Clause 9      *Registration of documents***

This clause provides that the Registrar of Titles will be able to make record and register documents to give effect to the Act.

**Clause 10     *Saving***

This clause provides that the Act will not give rise to a civil wrong, a breach of contract or a remedy by any party, voiding any contract or instrument or allowing the release of any surety.

**Part 3 *Consequential amendments***

**Clause 11     *Constitution Acts Amendment Act 1899 amended***

This clause removes the reference to the Western Australian Alcohol and Drug Authority from Part 2 Division 2 of Schedule V of the *Constitution Acts Amendment Act 1899*.

**Clause 12     *Coroners Act 1966 amended***

This clause deletes the reference to a person admitted to a Centre under the *Alcohol and Drug Authority Act 1974* because the Centres will longer exist.

**Clause 13     *Financial Administration and Audit Act 1985 amended***

This clause removes the Western Australian Alcohol and Drug Authority from the list of statutory authorities under the *Financial and Administration and Audit Act 1985*.

**Clause 14     *Public Sector Management Act 1994 amended***

This clause removes the reference to the Western Australian Alcohol and Drug Authority, established under the *Alcohol and Drug Authority Act 1974* in schedule 2.

**Clause 15     *State Superannuation (Transitional and Consequential Provisions) Act 2000 amended***

This clause is self explanatory.