

Statutes (Repeals) Bill 2016

Explanatory Memorandum

Overview of the Bill

The Statutes (Repeals) Bill 2016 repeals various obsolete statutes, including one Imperial Act, in so far as they are part of the law of Western Australia, and amends several other Acts as a consequence of those repeals.

Specifically, the Bill repeals the following Acts:

- *Coal Industry Tribunal of Western Australia Act 1992*;
- *Labour Relations Reform Act 2002*;
- *Spear-guns Control Act 1955*;
- *Western Australia Marine (Sea Dumping) Act 1981*; and
- *Escheat and forfeiture of real and personal property (1834) (Imp)*.

The Bill also makes consequential amendments to the following Acts:

- *Constitution Acts Amendment Act 1899*;
- *Industrial Relations Act 1979*;
- *Workers' Compensation and Injury Management Act 1981*;
- *Minimum Conditions of Employment Act 1993*; and
- *Fair Trading Act 2010*.

The aim of these repeals is to remove redundant and obsolete legislation from the Statute Book, and ensure any legislation in operation remains current and relevant. Consequential amendments are necessary to remove references to the repealed legislation.

PART 1 PRELIMINARY

Clause 1 Short title

Provides for this Act to be known as the *Statutes (Repeals) Act 2016*.

Clause 2 Commencement

Provides for the Act to come into operation on the day after the date of Royal Assent.

PART 2 **COAL INDUSTRY TRIBUNAL OF WESTERN AUSTRALIA ACT 1992 repealed**

DIVISION 1 **Repeal of the *Coal Industry Tribunal of Western Australia Act 1992***

Clause 3 ***Coal Industry of Western Australia Act 1992* repealed**

Repeals the *Coal Industry Tribunal of Western Australia Act 1992*. This Act is no longer relevant as a result of Commonwealth industrial laws exclusively regulating industrial relations matters since 2006 for employers that are constitutional corporations. The two coal mining employers operating in Western Australia are both covered by the Commonwealth *Fair Work Act 2009*. Therefore, this Act is now obsolete and can be repealed.

DIVISION 2 **Consequential amendment to the *Constitution Acts Amendment Act 1899***

Clause 4 **Act amended**

Provides for this Division to amend the *Constitutions Act Amendment Act 1899*.

Clause 5 **Schedule V amended**

Removes reference to the chairperson or deputy chairperson of the Coal Industry Tribunal of Western Australia as a result of the *Coal Industry Tribunal of Western Australia Act 1992* being repealed.

DIVISION 3 **Consequential amendments to the *Industrial Relations Act 1979***

Clause 6 **Act amended**

Provides for this Division to amend the *Industrial Relations Act 1979*.

Clause 7 **Section 97U amended**

Amends the definition of an award in Part VID of the Act to remove reference to an award under the *Coal Industry Tribunal of Western Australia Act 1992*.

Clause 8 **Section 97UF amended**

Amends the section outlining when employer-employee agreements cannot be made, to remove reference to industrial agreements made under the *Coal Industry Tribunal of Western Australia Act 1992*.

- Clause 9** **Section 97UG amended**
Amends the definition of an award in this section to remove reference to an award under the *Coal Industry Tribunal of Western Australia Act 1992*.
- Clause 10** **Section 97VR amended**
Amends the terms used to remove reference to an award under the *Coal Industry Tribunal of Western Australia Act 1992*.
- Clause 11** **Section 97YA amended**
Amends the section to remove reference to an award under the *Coal Industry Tribunal of Western Australia Act 1992*.
- DIVISION 4** **Consequential amendment to the *Workers' Compensation and Injury Management Act 1981***
- Clause 12** **Act amended**
Provides for this Division to amend the *Workers' Compensation and Injury Management Act 1981*.
- Clause 13** **Section 5 amended**
Amends the definition of an industrial award to remove reference to an award under the *Coal Industry Tribunal of Western Australia Act 1992*.
- PART 3** ***LABOUR RELATIONS REFORM ACT 2002* repealed**
- DIVISION 1** **Repeal of the *Labour Relations Reform Act 2002***
- Clause 14** ***Labour Relations Reform Act 2002* repealed**
Repeals the *Labour Relations Reform Act 2002*. This Act is an amending Act of various other pieces of legislation and has completed its stated purpose. The section 100 savings provision preserved statutory contracts of employment to ensure employees were not disadvantaged as a result of workplace agreements being phased out in 2003. Given workplace agreements were repealed almost 13 years ago, it is unlikely any employee's employment would still be regulated by a statutory contract of employment, and they are now irrelevant. This means the whole Act is now obsolete and can be repealed.
- DIVISION 2** **Consequential amendments to the *Industrial Relations Act 1979***
- Clause 15** **Act amended**
Provides for this Division to amend the *Industrial Relations Act 1979*.

- Clause 16** **Section 49N amended**
Amends this section, relating to the provisions around industrial instruments that confer powers of entry and inspection, to remove reference to section 146 of the *Labour Relations Reform Act 2002*.
- Section 17** **Section 97YI amended**
Amends this section, outlining when a review should be carried out, to remove reference to the commencement of the *Labour Relations Reform Act 2002*.
- DIVISION 3** **Consequential amendment to the *Minimum Conditions of Employment Act 1993***
- Clause 18** **Act Amended**
Provides for this Division to amend the *Minimum Conditions of Employment Act 1993*.
- Clause 19** **Section 7 amended**
Amends this section, outlining when a minimum condition of employment can be enforced, to remove reference to the *Labour Relations Reform Act 2002*.
- PART 4** ***SPEAR-GUNS CONTROL ACT 1955***
- DIVISION 1** **Repeal of the *Spear-guns Control Act 1955***
- Clause 20** ***Spear-guns Control Act 1955 repealed***
Repeals the *Spear-guns Control Act 1955*. This Act regulates the use of spear guns. This Act is no longer considered relevant in the current Western Australian context as the *Weapons Act 1999* and its associated regulations cover the same field. Accordingly, the Act is obsolete and can be repealed.
- DIVISION 2** **Consequential amendment to the *Fair Trading Act 2010***
- Clause 21** **Act amended**
Provides for this Division to amend the *Fair Trading Act 2010*.
- Clause 22** **Schedule 1 amended**
Deletes reference to the *Spear-guns Control Act 1955* in Schedule 1.

PART 5 **WESTERN AUSTRALIAN MARINE (SEA DUMPING) ACT 1981
repealed**

Clause 23 **Western Australian Marine (Sea Dumping) Act 1981 repealed**
Repeals the *Western Australian Marine (Sea Dumping) Act 1981*. This Act has been inoperative since it commenced because no declaration has ever been made to give effect to the legislation, and instead Commonwealth legislation applies. Accordingly, this Act is no longer required and can be repealed.

PART 6 **REPEAL OF ESCHEAT AND FORFEITURE OF REAL AND
PERSONAL PROPERTY (1834) (Imp)**

Clause 24 **Imperial Act repealed**

- (1) Repeals the *Escheat and Forfeiture of Real and Personal Property Act 1834 (Imp)*. This Act covers the transfer and forfeiture of real and personal property to the Crown or the State. The matters covered by this Act are addressed by more modern legislation and, accordingly, this Act is obsolete and can be repealed.
- (2) Provides that Part V of the *Interpretation Act 1984* will apply to the repeal of an Imperial Act in the same way it applies to the repeal of any written law or enactment.