

**STATUTES (REPEALS AND MINOR  
AMENDMENTS) BILL 1994**

**EXPLANATORY NOTES**

A BILL FOR

AN ACT to revise the statute law by repealing miscellaneous spent, unnecessary or superseded enactments and by making miscellaneous minor amendments to various enactments.

The Parliament of Western Australia enacts as follows:

Short title

1. States the short title of the Act.

**Commencement**

2. States when the Act comes into operation.

**Repeal of various enactments**

- 5 3. (1) The Acts and ordinances being repealed by Schedule 1 are generally obsolete or unnecessary, having, for example, been superseded by other enactments, or their provisions having been spent.

- 10 (2) The Water Authority of Western Australia has interests in 9 reserves created under *The Water Supply Act 1893* and vested in the Authority under the *Land Act 1933*. Although the repeal of *The Water Supply Act 1893* should not affect those interests, this subclause ensures the continuation of the interests.

**Amendment of various Acts**

- 15 4. Schedule 2 contains a range of minor corrections and other minor amendments.

SCHEDULE 1

[Section 3]

ACTS AND ORDINANCES REPEALED

	<i>Year</i>	<i>Act or ordinance</i>	<i>Explanatory notes</i>
5	1896	60 Vict. No. 30	Only section 1 is operative and this section is impliedly repealed by the <i>Justices Act 1902</i> .
	1934	No. 28 of 1934	Obsolete, having been superseded by such enactments as the <i>Death Duty Act 1973</i> and the <i>Death Duty Assessment Act 1973</i> .
10			
	1938	No. 10 of 1938	Obsolete, the fund referred to in the Act having been wound up in 1988.
	1911	No. 18 of 1911	Obsolete.
	1946	No. 57 of 1946	Obsolete, having had no application since 1955.
15			
	1919	No. 44 of 1919	Obsolete.
	1948	No. 33 of 1948	Obsolete.
	1989	No. 36 of 1989	This Act cannot come into operation as its commencement provision refers to a Commonwealth Act, the <i>Co-operative Scheme Legislation Amendment Act 1989</i> , that has been repealed.
20			
	1979	No. 90 of 1979	Obsolete.
	1895	59 Vict. No. 24	Obsolete, having been superseded by the Commonwealth's <i>Copyright Act 1968</i> .
25			
	1845	9 Vict. No. 2	Obsolete.

	1902	2 Edw. VII No. 7	Obsolete, the land referred to in the Act being now under the <i>Land Act 1933</i> .
5	1909	No. 33 of 1909	Obsolete, the lease referred to in the Act having been surrendered in 1973 and the reserve referred to having been cancelled in 1975.
	1921	No. 12 of 1921	Obsolete.
	1939	No. 40 of 1939	Obsolete, the fund referred to in Act having been abolished.
10	1942	No. 13 of 1942	Obsolete, having provisions that apply to time of war.
	1861	25 Vict. No. 8	Obsolete.
	1950	No. 15 of 1950	Obsolete.
15	1976	No. 90 of 1976	Obsolete, the Act's provisions having been spent.
	1973	No. 79 of 1973	Obsolete, the Act's provisions having been spent.
	1926	No. 28 of 1926	Obsolete, the Act having applied to a lease that expired in 1957.
20	1965	No. 52 of 1965	Obsolete.
	1893	57 Vict. No. 20	Obsolete, subject to the saving provision in clause 3(2).
	1887	51 Vict. No. 6	Obsolete, having been superseded by the Commonwealth's <i>Navigation Act 1912</i> .

SCHEDULE 2

[Section 4]

VARIOUS ACTS AMENDED

	<i>Short title of Act</i>	<i>Provision amended</i>	<i>Explanatory notes</i>
5	<i>Art Gallery Act 1959</i>	s. 29 (2) (b)	Paragraph (b) should refer to "common seal".
10	<i>Artificial Conception Act 1985</i>	s. 7 (1)	The part of subsection (1) commencing "then, in a case to which" was incorrectly included in paragraph (b).
15	<i>Builders Registration Act 1939</i>	s. 9A (1) (c)	A minor textual correction.
		s. 40 (2)	A minor textual correction.
		Schedule, item 2	A minor textual correction.
20	<i>Casino Control Act 1984</i>	s. 21A (1) (b)	A minor textual correction.
		s. 28 (3)	A minor textual correction.
		s. 30 (2)	A minor textual correction.
		s. 36 (4) (a)	A minor textual correction.
25		Schedule 1	This Schedule was given effect to by section 5, which has been repealed.
	<i>Conservation and Land Management Act 1984</i>	s. 148	There are 2 subsections designated "(2)".

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	<i>Constitution Acts Amendment Act 1899</i>	Schedule V, Part 3	Amendments to bring Schedule V up to date.
5	<i>The Criminal Code</i>	s. 118	Deletes obsolete terms and replaces them with a current term.
10		s. 121 s. 122 s. 139 s. 173	The words being deleted in these 4 sections are unnecessary because of the discretion to impose a fine given in section 19(3) of the Code.
		s. 343A (1) (a)	A minor textual correction.
		s. 414	A minor textual correction.
		s. 579	A minor textual correction.
15		s. 656A (6), in paragraph (b) of the definition of "convicted"	Refers to a repealed section (26) of the <i>Child Welfare Act 1947</i> .
		s. 693 (1)	A minor textual correction.
20		s. 697 (b)	A minor textual correction.
25		s. 716A, in paragraph (b) of the definition of "convicted"	Refers to a repealed section (26) of the <i>Child Welfare Act 1947</i> .
		s. 729	A minor textual correction.
30	<i>Criminal Injuries Compensation Act 1985</i>	s. 50 (5)	A minor textual correction.

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	<i>Declarations and Attestations Act 1913</i>	Schedule	Allows licensed surveyors and registered patent attorneys to, for example, witness statutory declarations.
5	<i>Environmental Protection Act 1986</i>	s. 73 (4) (b)	The part of paragraph (b) commencing “by action in a court” was incorrectly included in subparagraph (ii).
10		s. 74 (3)	Makes clearer what activities the subsection applies to.
		s. 100 (1) (d)	A minor textual correction.
	<i>Evidence Act 1906</i>	s. 3	Amends the definition of “court” to refer to the principal WA courts.
		s. 119	A minor textual correction.
15	<i>Firearms Act 1973</i>	s. 3 (1)	Amends the title of the Schedule, to comply with the current drafting practice.
		s. 11	A minor textual correction.
20		s. 33 (3)	The part of subsection (3) commencing “any fees due and owing” was incorrectly included in paragraph (b).
25		First Schedule	Amends the heading of the Schedule, to comply with the current drafting practice.
	<i>Fire Brigades Act 1942</i>	s. 29 (1)	Deletes an obsolete reference.
		s. 29 (2)	Deletes an obsolete reference.
30		s. 54 (3) (b)	Paragraph (b) should refer to “proclaimed day”.

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	<i>Fluoridation of Public Water Supplies Act 1966</i>	s. 5 (4)	Subsection (4) amended to make its meaning clearer
5	<i>Freedom of Information Act 1992</i>		The amendments to this Act involve a “tidying-up” exercise resulting from some amendments made to the Act during its final stages in Parliament.
10	<i>Gold Corporation Act 1987</i>	s. 3 (1)	Some incorrect references amended.
		s. 4 (5)	Deletes reference to section 27, which has been repealed.
15		s. 6 (8)	A minor textual correction.
		s. 79	Section repealed because it refers to a Schedule that has been deleted.
20	<i>Government Employees Superannuation Act 1987</i>	Schedule 4, clause 1A	The new subclause (5) explains the extended meaning given to “final salary”.
	<i>Health Act 1911</i>	s. 3	Amends an incorrect reference.
		s. 297 (4)	A minor textual correction.
25	<i>Herd Improvement Service Act 1984</i>	Schedule, clause 2 (4)	A m e n d m e n t m e a n s t h a t appointments to vacant offices on the Board are not limited to the residue of the previous office holder’s term of office.
30	<i>Horticultural Produce Commission Act 1988</i>	s. 12 (5)	Subsection repealed because it refers to section 10(8) of the Act, which has itself been repealed.



	<i>Hospitals Act 1927</i>	s. 7A (f)	Deletes a reference to a provision that has been repealed of the Commonwealth's <i>Health Insurance Act 1973</i> .
5		s. 10 (2) (c)	A minor textual correction.
		s. 12A (4)	A minor textual correction.
		s. 18 (1c)	Subsection repealed because it refers to a repealed provision of the Commonwealth's <i>Health Insurance Act 1973</i> .
10			
		s. 33A (2)	A minor textual correction.
		s. 33A (2) (b)	A minor textual correction.
		s. 33A (2) (c)	Paragraph deleted because it refers to a repealed provision of the Commonwealth's <i>Health Insurance Act 1973</i> .
15			
		s. 33A (13)	Definition deleted because it refers to a repealed provision of the Commonwealth's <i>Health Insurance Act 1973</i> .
20			
		s. 37 (2d) (a)	A minor textual correction.
		s. 37 (2d) (b)	Paragraph deleted because it refers to a repealed provision of the Commonwealth's <i>Health Insurance Act 1973</i> .
25			
		s. 37 (2f) (c)	A minor textual correction.
	<i>Interpretation Act 1984</i>	s. 5	To facilitate legislative references to the Family Court.
30		s. 10	Allows references to gender to include the "neuter" gender (in the case, for example, of a body corporate) if the context permits.

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		s. 46	Helps explain the meaning of "A reference in a written law to a written law, etc.," in section 46(1).
5	<i>Juries Act 1957</i>	s. 34A (3)	Deletes superfluous words.
	<i>Justices Act 1902</i>	s. 6	A minor textual correction.
		Second Schedule	A minor textual correction.
10	<i>Land Tax Relief Act 1991</i>	s. 2	A minor textual correction.
	<i>Legal Practitioner's Act 1893</i>	s. 19 (2)	Makes clear what provision of the Act is referred to by "herein prescribed".
15		s. 31E (2) (c) (ii)	Inserts words that were omitted from paragraph (c), to give the paragraph its intended meaning.
		Part VI	Minor textual corrections.
20		s. 71	Makes clear what is meant by "last preceding section".
		s. 78 (1)	Makes clear what is meant by "last preceding section".
25	<i>Liquor Licensing Act 1988</i>	s. 96 (6) (b) (ii)	A minor textual correction.
		s. 167 (2) (a)	A minor textual correction.
	<i>Local Government Act 1960</i>	Second Schedule	The 4 Acts referred to are being repealed in Schedule 1 to this Bill.

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5	<i>Metropolitan (Perth) Passenger Transport Trust Act 1957</i>		A minor textual correction.
10	<i>Metropolitan Region Town Planning Scheme Act 1959</i>	s. 43 (3)	A minor textual correction.
15	<i>Mining Act 1978</i>	s. 70 (8a) (a)	A minor textual correction.
15	<i>Misuse of Drugs Act 1981</i>	s. 9 (1)	Subsection repealed because it is not necessary to state that simple offences under the Act are to be dealt with in courts of petty sessions.
20	<i>Motor Vehicle Dealers Act 1973</i>	s. 9 (2) (a) s. 9 (2) (b) s. 5 (6) s. 30 (3) (b) s. 32 (2) s. 41B	Minor textual corrections. Minor textual corrections. Section 39 has been repealed. Section 39 has been repealed. Section 39 has been repealed. A minor textual correction.
25	<i>Parks and Reserves Act 1895</i>	s. 12B (4) s. 12B (5)	Subsections repealed because they depend on provisions of the <i>Dog Act 1976</i> that have been repealed.
30	<i>Parliamentary Commissioner Act 1971</i>	s. 4	A minor textual correction.
30	The Schedule		Schedule amended to remove references to abolished bodies and to

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			amend references to incorrectly described bodies.
5	<i>Petroleum Act 1967</i>	s. 16 (1)	Amendments are required because of the abolition of trustees of public cemeteries and the creation of cemetery boards under the <i>Cemeteries Act 1986</i> .
10	<i>Petroleum Pipelines Act 1969</i>	s. 4	The part of the definition of "owner" in section 4 commencing "and "owned" and like expressions" was incorrectly included in paragraph (c) of that definition.
15	<i>Petroleum (Submerged Lands) Act 1982</i>	s. 81 (13) (a)	Corrects a reference to the <i>Acts Amendment (Petroleum) Act 1990</i> .
	<i>Police Act 1892</i>	s. 2	Deletes unnecessary definitions (because they are in the <i>Interpretation Act 1984</i> ) and makes minor textual corrections.
20	<i>Potato Growing Industry Trust Fund Act 1947</i>	s. 6 (4) (ii)	Deletes superfluous words.
25	<i>Public Trustee Act 1941</i>	s. 53 (2) (d)	Conforms with the changes made to all such references in a range of statutes.
	<i>Public Works Act 1902</i>	s. 33G (2)	Amends an incorrect reference.
30	<i>R &amp; I Bank Amendment Act 1994</i>	s. 11	Amends an incorrect reference.
	<i>Racing Penalties (Appeals) Act 1990</i>	s. 29	A minor textual correction.



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	<i>Soil and Land Conservation Act 1945</i>	s. 42	Corrects the subsection designations to conform with the current drafting practice.
5	<i>Stipendiary Magistrates Act 1957</i>	s. 4 (7) s. 6 (1)	Amends incorrect references.
	<i>Stock (Brands and Movement) Act 1970</i>	s. 18 (1) (d)	A minor textual correction.
10	<i>Superannuation and Family Benefits Act 1938</i>	s. 37 (5) (b) (iii)	Amends to a metric system expression.
15	<i>Swan River Trust Act 1988</i>	s. 49	There are 2 subsections designated "(4)".
20	<i>Technology and Industry Development Act 1983</i>	Schedule 2, clause 2 (4)	A m e n d m e n t m e a n s t h a t appointments to vacant offices on the WA Technology and Industry Advisory Council are not limited to the residue of the previous office holder's term of office.
	<i>The Sale of Goods Act 1895</i>	s. 33	A minor textual correction.
25	<i>Totalisator Agency Board Betting Act 1960</i>	s. 17 s. 23A (2) (c)	A minor textual correction. A minor textual correction.
30		s. 28	1. There are 2 subsections designated "(6)".  2. Corrects a reference to the <i>Racing Penalties (Appeals) Act 1990</i> .

	<i>Unclaimed Money Act 1990</i>	s. 4 (4)	Repealed subsection refers to "savings banks", under the Commonwealth's <i>Banking Act 1959</i> , that no longer exist.
5		s. 6 (1)	Deletes the reference to the repealed section 4(4).
		s. 9 (1) (r) (ii)	Corrects a reference to the <i>Financial Administration and Audit Act 1985</i> .
10	<i>Water Authority Act 1984</i>	s. 5 (1)	Deletes a reference to an Act that is repealed ( <i>The Water Supply Act 1893</i> ) in Schedule 1 to this Bill.
	<i>Weights and Measures Act 1915</i>	s. 4 (7) (b)	A minor textual correction.
15	<i>Western Australian Land Authority Act 1992</i>	s. 6 (4) (b)	Deletes superfluous words.
20	<i>Western Australian Tourism Commission Act 1983</i>	s. 5 (7)	Amendment means that appointments to vacant offices on the Commission are not limited to the unexpired portion of the previous office holder's term of office.
25	<i>Western Australian Trotting Association Act 1946</i>	s. 2	Amends to metric system expression.

*Wildlife  
Conservation  
Act 1950*

s. 15 (1b) (a)

A minor textual correction; the Authority referred to no longer exists.

5 *Zoological  
Gardens  
Act 1972*

s. 5 (4)

A minor textual correction; the reference should be to the Zoological Gardens Board.

