

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|----------------------|--|
| <i>Camballin Farms (AIL Holdings Pty. Ltd.) Agreement Act 1985.</i> | The Act is repealed. | <p>This Act relates to the disposal of certain Crown Lands that are no longer operative. The Act is considered spent legislation and has no further practical use or effect.</p> <p>An agreement has been made to grant new leases under the <i>Land Administration Act 1997</i> for the agreed parcels.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <i>Daylight Savings Act 1991</i> | The Act is repealed. | The operative provisions of this Act are spent, and the remaining provisions that would have come into operation if the State had voted in favour of daylight saving, cannot come into operation. |

NAME OF ACT BEING REPEALED: *Daylight Savings Act 1991*

CLAUSE NO.

4

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <i>Esperance Land Agreement Act 1960</i> | The Act is repealed. | The Act is no longer operative and the relevant companies named in the Act are deregistered. The Act is considered spent legislation and has no further practical use of effect. |

NAME OF ACT BEING REPEALED: *Esperance Land Agreement Act 1960*

CLAUSE NO. 5

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <i>Imperial Acts Adoption Act 1839</i> | The Act is repealed. | All the UK Acts that this Act adopts have been repealed to the extent that they were part of the law in Western Australia. Therefore the Act is redundant. |

NAME OF ACT BEING REPEALED: *Imperial Acts Adoption Act 1839*

CLAUSE NO. 6

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <i>Iron Ore (The Broken Hill Proprietary Company Limited) Agreement Act 1964</i> | The Act is repealed. | This Act is no longer required. The agreement scheduled to the Iron Ore (The Broken Hill Proprietary Company Limited) Agreement Act 1964 was cancelled by Clause 5 of the Iron Ore (Marallana Creek) Agreement Act 1991. The ratifying Act is therefore redundant. |

NAME OF ACT BEING REPEALED: *Iron Ore (The Broken Hill Proprietary Company Limited) Agreement Act 1964* **CLAUSE NO. 7**

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <i>Irrigation (Dunham River) Agreement Act 1968.</i> | The Act is repealed. | Relates to the disposal of certain Crown Land and is spent. |

NAME OF ACT BEING REPEALED: *Irrigation (Dunham River) Agreement Act 1968* **CLAUSE NO.** 8

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <i>Kalgoorlie Country Club (Inc.) Act 1982</i> | The Act is repealed. | <p>The Act was passed so as to permit the Kalgoorlie Country Club to be incorporated under the <i>Associations Incorporation Act 1987</i>. The Club, therefore, exists as a separate legal entity, the operations of which are governed by the provisions of the <i>Associations Incorporation Act 1987</i> and it is not possible to discern a continuing need for the <i>Kalgoorlie Country Club (Inc) Act 1982</i>.</p> <p>The Ministry of Fair Trading and the Ministry of Justice were consulted, and the Club has indicated it has no objections to the repeal of the Act.</p> |

NAME OF ACT BEING REPEALED: *Kalgoorlie Country Club (Inc.) Act 1982*

CLAUSE NO. 9

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <i>Liquid Petroleum Gas Act 1956</i> , and consequential amendments | The Act is repealed. | Act has been superseded by the <i>Gas Standards (Gas Supply) Regulations 1999</i> , which provide for the quality requirements for natural gas and LPG. |

NAME OF ACT BEING REPEALED: *Liquid Petroleum Gas Act 1956*

CLAUSE NO. 10

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>5. Exemptions</p> <p>(1) Nothing in this Act applies to or in relation to —</p> <p>(a) the manufacture of liquid petroleum gas as defined by section 4 of the <i>Liquid Petroleum Gas Act 1956</i>;</p> | <p>5. Exemptions</p> <p>(1) Nothing in this Act applies to or in relation to —</p> <p>———— (a) the manufacture of liquid petroleum gas as defined by section 4 of the <i>Liquid Petroleum Gas Act 1956</i>;</p> | <p>The deletion of section 5(1)(a) is consequential to the repeal of the <i>Liquid Petroleum Gas Act 1956</i> in this Bill.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <i>Northern Developments (Ord River) Pty Ltd Agreement Act 1960</i> | The Act is repealed. | Relates to the disposal of certain Crown Land and is spent. |

NAME OF ACT BEING REPEALED: *Northern Developments (Ord River) Pty Ltd Agreement Act 1960*

CLAUSE NO. 11

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|----------------------|--|
| <i>Northern Developments Pty Limited Agreement Act 1957</i> | The Act is repealed. | This Act ratified an agreement between the State and Northern Developments Pty Ltd. A subsequent agreement between those parties cancelled and superseded the first agreement. The Act is therefore redundant. |

NAME OF ACT BEING REPEALED: *Northern Developments Pty Limited Agreement Act 1957*

CLAUSE NO. 12

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|----------------------|---|
| <i>Northern Developments Pty Limited Agreement Act 1969</i> | The Act is repealed. | Relates to the disposal of certain Crown Land and is spent. |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <i>Recording of Evidence Act 1975</i> | The Act is repealed. | <p><i>This Act has not been proclaimed and is no longer required.</i></p> <p>It was to allow for the recording and transcription of legal proceedings in all jurisdictions. The Act was assented to on 24 October 1975, but after further deliberation it was considered impractical and inadequate in its present form to cover the variety of situations to which it must relate. On 26 October 1977 the then Attorney General formed a Committee to review the legislation. The Committee concluded that the <i>Recording of Evidence Act 1975</i> should be repealed, and a new Bill prepared to avoid the shortcomings experienced in the original legislation. This new Bill was enacted as the <i>Recording of Proceedings Act 1980</i>.</p> |

NAME OF ACT BEING REPEALED: *Recording of Evidence Act 1975*

CLAUSE NO. **14**

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <i>Recording of Proceedings Act 1980</i> | The Act is repealed. | <p>This Act has not been proclaimed and is no longer required.</p> <p>This Act was to make provision for both the recording of oral proceedings in and before tribunals and the custody of certain records made under this Act, and to repeal the <i>Recording of Evidence Act 1975</i> and Part XVII of the <i>Acts Amendment (Master, Supreme Court) Act 1979</i>. Assent was forthcoming on 9 December 1980, but after further deliberation it was not proclaimed because of perceived problems that may have arisen with its application to the various tribunals (including the lower courts). Due to these factors, and the lack of complaints about the then practices of the courts and tribunals, the question of implementation was left in abeyance.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <i>Recovery of Debts Amendment Ordinance 1865</i> | The Act is repealed. | This Ordinance affects the <i>Recovery of Debts Ordinance 1861</i> . That ordinance was repealed in 1994. This ordinance is therefore redundant. |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|----------------------|---|
| <i>Stock (Brands and Movement) Amendment Act 1987</i> | The Act is repealed. | <p><i>This Act has not been proclaimed and is no longer required.</i></p> <p>This Act was assented to on 29 May 1987 but was not proclaimed. It intended to remove the requirement to brand pigs consigned to an abattoir for slaughter.</p> <p>A national review of traceback procedures in Australia in June 1987 raised concerns about the identification and tracing of pigs at abattoirs in Western Australia. The proposed removal of the requirement for pigs to be branded was seen to create a risk of losing export markets. Consequently the proclamation of this legislation did not proceed.</p> <p>Since the assent of the 1987 Amendment Act, the industry has continued to succeed without the provisions of the Act. Given the current need for Australia to demonstrate means of stock identification and traceback procedures, the Act is not needed and should be repealed.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <i>Tallering Peak-Mullewa Railway Act 1961</i> | The Act is repealed. | <p>This Act has not been proclaimed and is not assigned to a Minister. It is no longer required.</p> <p>The <i>Tallering Peak-Mullewa Railways Act</i> was enacted in 1962 for the purpose of constructing a railway for an iron ore project but was not proclaimed due to the railway being constructed under the now repealed <i>Iron Ore (Tallering Peak) Agreement Act</i>.</p> <p>The Act was the subject of Question 144 in the Legislative Council in 1998, to which the reply included “as the Act is of no consequence it should be repealed”.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|----------------------|---|
| <i>The Broken Hill Proprietary Company Limited (Export of Iron Ore) Act 1965</i> | The Act is repealed. | <p><i>This Act is no longer required.</i></p> <p>The purpose of the Act was to authorise the export of iron ore from the projects under the <i>Broken Hill Proprietary Steel Industry Agreement Act 1952</i>, the Broken Hill Proprietary Company's <i>Integrated Steel Works Agreement Act 1960</i> and the <i>Iron Ore (The Broken Hill Proprietary Company Limited) Agreement Act 1964</i>. As the general law concerning the export of iron ore has changed significantly since 1965, <i>The Broken Hill Proprietary Company Limited (Export of Iron Ore) Act 1965</i> is no longer required.</p> |

NAME OF ACT BEING REPEALED: *The Broken Hill Proprietary Company Limited (Export of Iron Ore) Act 1965* **CLAUSE NO. 19**

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|----------------------|--|
| <i>Timber Industry Regulation Act 1926</i> | The Act is repealed. | <p>The <i>Timber Industry Regulation Act 1926</i> (TIR Act) provides for the inspection and regulation of the timber industry. The TIR Act was once the primary occupational safety and health legislation applying to the timber industry, but it is now superfluous given that the industry is more appropriately covered by the <i>Occupational Safety and Health Act 1984</i>.</p> <p>The TIR Act is outdated and does not take a modern, general duty of care style approach. It is confusing to retain the statute and it detracts from the more suitable provisions of the <i>Occupational Safety and Health Act 1984</i>. Further, there exists an industry code of practice developed by the Forest Industries Federation (WA) Inc, dealing with occupational safety and health matters relevant to the industry. With the <i>Occupational Safety and Health Act 1984</i> and the industry code in place, occupational safety and health matters in the industry are now well covered.</p> <p>The WorkSafe Western Australia Commission formally endorsed the repeal of the TIR Act, in May 1998.</p> |

NAME OF ACT BEING AMENDED: *Timber Industry Regulation Act 1926*

CLAUSE NO. **20**

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|---|---|
| <p>119A. Entry to sawmills</p> <p>A forest officer authorized by the Executive Director may enter any sawmill registered under the <i>Timber Industry Regulation Act 1926</i> and make such inspection and enquiry as he thinks necessary to ascertain whether or not this Act and the regulations have been or are being complied with.</p> | <p>119A. Entry to sawmills</p> <p>A forest officer authorized by the Executive Director may enter any sawmill registered under the <i>Timber Industry Regulation Act 1926</i> <u>place where any operation for the purpose of preparing, treating or processing timber is carried on</u> and make such inspection and enquiry as he thinks necessary to ascertain whether or not this Act and the regulations have been or are being complied with.</p> | <p>Consequential to the repeal of the <i>Timber Industry Regulation Act 1926</i> in this Bill, the reference to that Act in the <i>Conservation and Land Management Act 1984</i> requires amending. The amendment inserts a new description of a sawmill.</p> |

NAME OF ACT BEING AMENDED: *Conservation and Land Management Act 1984*

CLAUSE NO.

20 (cont...)

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--|--|
| <p>62. Authorized person</p> <p>In this Part —</p> <p>“authorized person” means the General Manager or —</p> <p>(a) a staff member; or</p> <p>(b) a forest officer under the CALM Act,</p> <p>who is authorized by the General Manager to exercise powers under this Part;</p> <p>“sawmill” means a sawmill registered under the <i>Timber Industry Regulation Act 1926</i>.</p> | <p>62. Authorized person</p> <p>In this Part —</p> <p>“authorized person” means the General Manager or —</p> <p>(a) a staff member; or</p> <p>(b) a forest officer under the CALM Act,</p> <p>who is authorized by the General Manager to exercise powers under this Part;</p> <p>“sawmill” means a sawmill registered under the <i>Timber Industry Regulation Act 1926</i>.</p> <p><u>“sawmill” means a place where any operation for the purpose of preparing, treating or processing timber is carried on.</u></p> | <p>Consequential to the repeal of the <i>Timber Industry Regulation Act 1926</i> in this Bill, the reference to that Act in the <i>Forest Products Act 2000</i> requires amending. The amendment inserts a new description of a sawmill.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>23. Section 28 amended</p> <p>(2) Section 28 (5) is amended by inserting after “under subsection (3)” -</p> <p>“or section 27B(1)(f)”.</p> | <p>23. Section 28 amended</p> <p>(2) Section 28 (5) is amended by inserting after “under <u>pursuant to</u> subsection (3)” -</p> <p>“or section 27B(1)(f)”.</p> | <p>Corrects an error in the words to be deleted.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>33(2) Notwithstanding the repeal effected by subsection (10), the provisions of section 75 (1) of the <i>Machinery Safety Act 1974</i> and those of the Machinery Safety Regulations 1978, so far as each relates to the provision or otherwise of a protective cab or frame on a tractor manufactured later than September 1 1979, shall continue in force as if this Act had not been passed.</p> | <p>Repealed.</p> | <p>The provision opposite, which is to be repealed, has no effect. Similarly its repeal will have no effect.</p> <p>At the time of the introduction of the general duty of care provisions into the then <i>Occupational Health, Safety and Welfare Act 1984</i>, a number of related repeals and amendments to other legislation were actioned through the <i>Acts Amendment (Occupational Health, Safety and Welfare) Act 1987</i>. One of these amendments involved repeal of the <i>Machinery Safety Act 1974</i>. (This repeal was effected by Section 33(1) of the <i>Acts Amendment (Occupational Health, Safety and Welfare) Act</i>).</p> <p>At the time, there was some concern from the rural sector regarding the potential for changes to be made to the then current requirements for provision of rollover protective structures (ROPS) on tractors. In particular, the <i>Machinery Safety Act 1974</i> and the <i>Regulations 1978</i> required</p> |

NAME OF ACT BEING AMENDED: *Acts Amendment (Occupational Health, Safety and Welfare) Act, 1987* **CLAUSE NO. 22**

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--------------------|------------|--|
| | | <p>the fitting of ROPS on tractors manufactured after 1 September 1979, but <u>not</u> on those manufactured prior to that date. The rural sector's concern centred on the potential to require the fitting of ROPS on pre-1979 tractors, on repeal of the machinery safety legislation.</p> <p>An amendment to the Act Amendment (Occupational Health, Safety and Welfare) Bill, to purportedly deal with the issue, was moved in the Legislative Council. The result was Section 33(2) as quoted opposite, above. The intended effect of the section was "that any tractor shall have rollover protection bars, but any tractor manufactured prior to that date is governed by this regulation and does not need to have rollover bars".</p> |

NAME OF ACT BEING AMENDED: *Acts Amendment (Occupational Health, Safety and Welfare) Act, 1987* **CLAUSE NO. 22 (cont...)**

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--------------------|------------|---|
| | | <p>The amendment never, in fact, achieved this aim. Firstly, it referred to the incorrect section of the <i>Machinery Safety Act</i>. Secondly, even had the correct reference been made, nothing would have prevented another Act or Regulation making different provisions.</p> <p>Repeal is required to remove a meaningless provision, the existence of which is confusing.</p> |

NAME OF ACT BEING AMENDED: *Acts Amendment (Occupational Health, Safety and Welfare) Act, 1987* **CLAUSE NO. 22 (cont...)**

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--|--|
| <p>12. After section 103 of the principal Act the following headings and Parts are inserted –</p> <p>“</p> <p>PART X – LICENSING OF PLUMBERS</p> <p>104. In this Part – “prescribed” means prescribed by the by-laws.</p> <p>105.</p> <p>(1) Where the Authority is satisfied that a person is qualified in accordance with the by-laws and has paid the prescribed fee, it shall issue to that person a licence authorizing him, for the duration of the licence, to supervise and perform plumbing work in connection with water supply or sewerage which is connected or is intended to connect directly or indirectly to the Authority’s works.</p> <p>(2) A licence under subsection (1) may be issued or renewed subject to prescribed conditions or subject to such special conditions as the Authority considers appropriate.</p> | <p>Section 12 of the <i>Acts Amendment (Water Authorities) Act 1985</i> is repealed.</p> | <p>These sections have not been proclaimed and are no longer required.</p> <p>These sections were not proclaimed because of extended discussions with the plumbing industry on the National Plumbing Code and new by-laws required to supplement the statutory provisions. <i>The Water Services Amendment Act 1999</i> did not repeal these provisions.</p> |

NAME OF ACT BEING AMENDED: *Acts Amendment (Water Authorities) Act 1985*

CLAUSE NO. 23

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>(3) The Authority may by by-law prescribe different classes of licence and may prescribe the work which may be carried out by the holder of a particular class of licence.</p> <p>(4) The Authority may in the manner, in the circumstances and subject to the conditions prescribed, suspend, cancel or refuse to renew any licence issued under subsection (1) or under the provisions of a relevant Act.</p> <p>106.</p> <p>(1) A person shall not commence or perform any plumbing work in connection with water supply or sewerage, which connects or is intended to connect directly or indirectly with the Authority's works unless he is, or is under the immediate supervision of, the holder of a licence under this Part authorizing him to perform that work.</p> <p>Penalty: \$2 000.</p> | <p>As above.</p> | <p>As above.</p> |

NAME OF ACT BEING AMENDED: *Acts Amendment (Water Authorities) Act 1985*

CLAUSE NO. 23 (cont...)

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>(2) A person who knowingly employs another to commence or perform work referred to in subsection (1) in contravention of this section is guilty of an offence Penalty: \$2 000.</p> <p>107.</p> <p>(1) A person who is aggrieved by a decision of the Authority to –</p> <p> (a) suspend, cancel or refuse to renew his licence pursuant to section 105(4); or</p> <p> (b) impose a condition on his licence under section 105(2), may within the period and in the manner prescribed, appeal to a Local Court against that decision.</p> <p>(2) A Local Court hearing an appeal under subsection (1) may make an order directing the Authority to take such action with respect to the licence as the court thinks fit and the decision of the Local Court is final.</p> | <p>As above.</p> | <p>As above.</p> |

NAME OF ACT BEING AMENDED: *Acts Amendment (Water Authorities) Act 1985*

CLAUSE NO.

23 (cont...)

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p style="text-align: center;">PART XI – GENERAL</p> <p>108.</p> <p>(1) The Minister shall carry out a review of the operations of –</p> <ul style="list-style-type: none"> (a) any committee of the Authority appointed under section 17; and (b) any Regional Advisory Committee appointed under section 21, as soon as practicable after 1 January 1991 and every fifth anniversary of that date and in the course of such review the Minister shall consider and have regard to – (c) the effectiveness of the operations of the committee concerned; (d) the need for the continuation of the committee concerned; and (e) such other matters as appear to him to be relevant. <p>(2) The Minister shall prepare a report based on his review under subsection (1) and shall, as soon as practicable after its preparation, cause the report to be laid before each House of Parliament.</p> | <p>As above.</p> | <p>As above.</p> |

NAME OF ACT BEING AMENDED: *Acts Amendment (Water Authorities) Act 1985*

CLAUSE NO. **23 (cont...)**

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|---|------------------|
| <p>30. Section 64 of the principal Act is repealed.</p> <p>33. Section 146 of the principal Act is amended by repealing paragraphs (24) and (25).</p> <p>68. Section 105 of the principal Act is amended in subsection (1) – (a) by deleting paragraphs (xx) and (xxi); and</p> <p>73. Section 40 of the principal Act is repealed.</p> <p>94. Section 102 of the principal Act is amended by – (a) deleting paragraphs (20) and (22); and</p> | <p>Sections 30, 33, 68(a), 73 and 94(a) of the <i>Acts Amendment (Water Authorities) Act 1985</i> are repealed.</p> | <p>As above.</p> |

NAME OF ACT BEING AMENDED: *Acts Amendment (Water Authorities) Act 1985*

CLAUSE NO.

23 (cont...)

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>3F. Minister may formulate codes</p> <p>(3) A code may be amended or repealed by the Minister and may be made so as to</p> <p><i>(d) adopt, either wholly or in part or with modifications and either specifically or by reference any standards, rules, codes or specifications prescribed under a Commonwealth Act or published by the body known as the Standards Association of Australia or other like body specified in the code; and</i></p> | <p>3F. Minister may formulate codes</p> <p>(3) A code may be amended or repealed by the Minister and may be made so as to</p> <p>(d) adopt, either wholly or in part or with modifications and either specifically or by reference any standards, rules, codes or specifications prescribed under a Commonwealth Act or published by the body known as the Standards Association of Australia <u>Standards Australia</u> or other like body specified in the code; and</p> | <p>The Standards Association of Australia has undergone a change of name. “Standards Australia” is now defined in the <i>Interpretation Act 1984</i>.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>3. Interpretation</p> <p>In this Act, unless the context requires otherwise -</p> <p>“Protection Board” means The Agriculture Protection Board constituted under the provisions of this Act;</p> | <p>3. Interpretation</p> <p>In this Act, unless the context requires otherwise -</p> <p>“Protection Board” means The Agriculture Protection Board <u>of Western Australia</u> constituted under the provisions of this Act;</p> | <p>Inserts missing words.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>5. Anti-Corruption Commission</p> <p>(9) A person is not eligible to be appointed as a member -</p> <p>(a) if the person has already held office as a member for not less than the prescribed period; or</p> <p>(b) for a term of office that would result in the person holding office as a member for more than the prescribed period.</p> <p>(10) In subsection (9) —</p> <p>“prescribed period” means an aggregate period of more than 8 years, whether in consecutive terms or otherwise.</p> <p>6. Staff of the Commission</p> <p>(8) This section does not prevent the application of the provisions of the <i>Public Sector Management Act 1994</i> relating to the management of the redeployment and redundancy of employees to a person who is employed in a department under an entitlement under section (6).</p> | <p>5. Anti-Corruption Commission</p> <p>(9) A person is not eligible to be appointed as a member -</p> <p>(a) if the person has already held office as a member for not less than the prescribed period; or</p> <p>(b) for a term of office that would result in the person holding office as a member for more than the prescribed period.</p> <p>(10) In subsection (9) —</p> <p>“prescribed period” means an aggregate period of more than 8 years, whether in consecutive terms or otherwise.</p> <p>6. Staff of the Commission</p> <p>(8) This section does not prevent the application of the provisions of the <i>Public Sector Management Act 1994</i> relating to the management of the redeployment and redundancy of employees to a person who is employed in a department under an entitlement under section (6) <u>subsection (6)</u>.</p> | <p>Section 5 – deletes words that are redundant given the context in which the defined term is used.</p> <p>Section 6 – corrects a cross-reference error.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>49. Forfeiture of money under surety's undertaking</p> <p>(1) Where a defendant has failed to comply with any requirement of his bail undertaking mentioned in section 28(2)(a) or (b)(ii) the following provisions of this section apply for the purpose of enforcing payment to the Crown of any sum thereupon payable by a surety in terms of his surety undertaking —</p> <p>(e) an order may be made under this section whether or not the defendant has been convicted of an offence against section 51(1) or (2) but if, after an order has been made, the surety satisfies the Governor that new facts have been discovered or new circumstances have arisen which show that there was reasonable cause for the failure of the defendant as mentioned in paragraph (c)(i), the Governor may exercise the power in section 139 of the <i>Sentencing Act 1995</i> as if the forfeiture were one to which that section applied.</p> | <p>49. Forfeiture of money under surety's undertaking</p> <p>(1) Where a defendant has failed to comply with any requirement of his bail undertaking mentioned in section 28(2)(a) or (b)(ii) the following provisions of this section apply for the purpose of enforcing payment to the Crown of any sum thereupon payable by a surety in terms of his surety undertaking —</p> <p>(e) an order may be made under this section whether or not the defendant has been convicted of an offence against section 51(1) or (2) but if, after an order has been made, the surety satisfies the Governor that new facts have been discovered or new circumstances have arisen which show that there was reasonable cause for the failure of the defendant as mentioned in paragraph (c)(i) <u>paragraph (c)</u>, the Governor may exercise the power in section 139 of the <i>Sentencing Act 1995</i> as if the forfeiture were one to which that section applied.</p> | <p>Corrects a cross-reference error.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|---|--------------------------------------|
| <p>3. Limits of the Act</p> <p>The limits of this Act shall extend to and include the area within the boundaries of the Municipality of North Fremantle, and also so much of the area of the lands and property vested in the Fremantle Port Authority as is contained within the inner harbour in the description of the Port of Fremantle under the <i>Port Authorities Act 1999</i>., or which may hereafter be vested in, acquired, or held by, or may be placed or be in the custody, possession, or control of, or over which the Fremantle Port Authority may exercise authority or dominion, and also so much of the area of any Crown lands or lands vested in the Honourable the Minister for Railways or the Minister of the Crown administering the <i>Government Railways Act 1904</i>, for the time being respectively as adjoins or abuts on the lands and property of the Fremantle Port Authority above described, or lies between the same lands and property and the boundaries of the Municipality of North Fremantle.</p> | <p>3. Limits of the Act</p> <p>The limits of this Act shall extend to and include the area within the boundaries of the Municipality of North Fremantle, and also so much of the area of the lands and property vested in the Fremantle Port Authority as is contained within the inner harbour in the description of the Port of Fremantle under the <i>Port Authorities Act 1999</i>., or which may hereafter be vested in, acquired, or held by, or may be placed or be in the custody, possession, or control of, or over which the Fremantle Port Authority may exercise authority or dominion, and also so much of the area of any Crown lands or lands vested in the Honourable the Minister for Railways or the Minister of the Crown administering the <i>Government Railways Act 1904</i>, for the time being respectively as adjoins or abuts on the lands and property of the Fremantle Port Authority above described, or lies between the same lands and property and the boundaries of the Municipality of North Fremantle.</p> | <p>Corrects a grammatical error.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|---|--|
| <p>7. Registration of business names</p> <p>(1) An application for the registration of a business name shall be made by lodging with the Commissioner a statement in the prescribed form, which shall be signed by the persons or persons carrying on or proposing to carry on business in the State under that name, shall be accompanied by the prescribed fee, and shall set out*</p> <p>(c) the address of each place in the State where the business is or is proposed to be carried on showing, if the business is or is proposed to be carried on at more than one place in the State, which of those places is the principal place of business;</p> <p>(d) the christian names and surname and any former christian names or surname and the usual place of residence of each applicant who is an individual and the corporate name and the place of the registered office in the State of each application that is a corporation;</p> | <p>25. <i>Business Names Act 1962</i> amended</p> <p>(1) This section amends the <i>Business Names Act 1962</i>*.</p> <p>(2) After section 7(1)(c) the following paragraph is inserted -</p> <p>" (ca) the address of the place in the State where a notice given under this Act may be served; ".</p> <p>(3) Section 7(1)(d) is amended by deleting "in the State".</p> | <p>It is necessary to specify an address in WA so that notices may be issued.</p> <p>Corporations law no longer requires a registered office in every State.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>8. Resident agent</p> <p>Where a business agent is required to be registered under this Act and the person or all the persons carrying on or proposing to carry on business in the State under that name, resides or reside outside the State, or has or have no fixed address within the State, the statement referred to in subsection (1) of section seven shall *</p> <p>(a) include the name and address of some person resident in the State who in relation to the carrying on of business under that name *</p> <p>(i) has consented in writing to be the resident agent of the person or persons for the purposes of this Act; and</p> <p>(ii) is authorised in writing by the person or persons to accept service on behalf of the person or persons of any notices for the purposes of this Act and of any process; and</p> <p>(b) in addition, be signed by the person who has consented to be the resident agent.</p> <p>(2) The address shown as the address of the resident agent appointed for the purposes of this Act in any statement lodged with the commissioner this Act by the person or persons in relation to whom a business name is registered shall, for the purpose of servicing any notice on the person or persons under this Act, be deemed to be the address of a place where business is carried on by the person or persons under that name.</p> | <p>(4) Section 8 is repealed.</p> | <p>Since the introduction of the Corporations Law there is no longer a requirement/need for a resident agent.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>9. Restriction on registration of business names that are undesirable, etc.</p> <p>(2) The Minister shall cause a direction given by him under subsection (1) of this section to be published in the <i>Government Gazette</i> and a copy of the direction to be forwarded to the Attorney-General of the Commonwealth and the Attorney-General of each State of the Commonwealth.</p> | <p>(5) Section 9(2) is amended by deleting "Attorney-General of the Commonwealth and the Attorney-General of each State of the Commonwealth." And inserting instead -</p> <p>" Minister of the Commonwealth, the Minister of each State other than this State and the Minister of a Territory responsible for the administration of an Act that relates to the registration of business names. "</p> | <p>The Attorneys General are not automatically responsible for administering such legislation. In WA it is now the Minister for Fair Trading. The amendment deliberately does not specify the particular designation of the Minister because these change over time and would require frequent amendment.</p> <p>The proposed amendment which cites the Minister responsible for the administration of the Act, will always remain current and is consistent with modern legislative drafting practice.</p> |
| <p>12. Notification of changes in particulars relating to registered business names, cessation of business, etc.</p> <p>(1) Where a business name is registered under this Act and a change occurs *</p> <p>(c) in the registered particulars relating to the resident agent of the person or persons in relation to whom the name is registered, there shall be lodged with the Commissioner within one month thereafter or within such further time as the commissioner allows, a statement in the prescribed form, signed by the person or one of the persons in relation to whom the name is registered at the time of the change, notifying the Commissioner of particulars of and of the date of the change.</p> | <p>(6) Section 12(1)(c) is deleted and the following paragraph is inserted instead -</p> <p>" (c) in relation to the address of the place in the State where a notice given under this Act may be served, ".</p> | <p>Resident agent no longer applies, but current address for service notice is necessary.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>(2) Where a change occurs in the Christian names or surname or the place of residence of any persons being an individual in relation to whom a business name is registered under this Act or in the corporate name or the place of the registered office in the State of a person being a corporation in relation to which a business name is registered under this Act, there shall be lodged with the Commissioner within one month thereafter, or within such further time as the Commissioner allows, a statement in the prescribed form signed by that person notifying the Commissioner of particulars of an of the date of the change.</p> | <p>(7) Section 12(2) is amended by deleting "in the State".</p> | <p>Corporations Law no longer requires a registered office in every State.</p> |

NAME OF ACT BEING AMENDED: *Business Names Act 1962*

CLAUSE NO. 29 (cont....)

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--|--|
| <p>Section 12</p> <p>4(b) a corporation, the corporate name and the place of the registered office in the State of the corporation.</p> <p>(5) Where a business name is registered under this Act and a person appointed the resident agent of the person or persons in relation to whom the name is registered ceases to be the resident agent of the person or persons for the purposes of this Act*</p> <p>(a) there shall be lodged with the Commissioner, within one month after such cessation, or within such further time as the commissioner allows, a statement in the prescribed form notifying the Commissioner of the cessation and of the date thereof, signed by the person or one of the persons in relation to whom the name is registered or by the person so ceasing or his personal representative; and</p> <p>(b) the person or persons in relation to whom the business name is registered shall, within one month after such cessation or within such further time as the Commissioner allows, appoint in place of or in succession to the person so ceasing another person as the resident agent of the person or persons for the purposes of this Act.</p> | <p>(8) Section 12(4)(b) is amended by deleting "in the State".</p> <p>(9) Section 12(5) is repealed.</p> | <p>Corporations Law no longer requires a registered office in every State.</p> <p>Concept of "resident agent" no longer applies.</p> |

NAME OF ACT BEING AMENDED: *Business Names Act 1962*

CLAUSE NO. 29 (cont....)

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|------------------------------------|------------------|
| <p>(6) Where a business name is registered under this Act and another person is appointed in place of or in succession to a person who has ceased to be the resident agent of the person or persons in relation to whom the name is registered, there shall be lodged with the Commissioner, within one month after that appointment or within such further time as the Commissioner allows, a statement in the prescribed form, notifying the Commissioner of the appointment and of the date thereof*</p> <p>(a) signed by the person or by one of the persons in relation to whom the name is registered and by the name is registered and by the other person so appointed;</p> <p>(b) showing that the other person so appointed*</p> <p>(i) is, in relation to the carrying on of business under that name, authorised by the person or persons in relation to whom the name is registered to accept on his or their behalf any notice for the purposes of this Act and of any process; and</p> <p>(ii) has consented in writing to act as the resident agent for that person or those persons, as the case requires.</p> | <p>Section 12 (6) is repealed.</p> | <p>As above.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>(7) Where a business name is registered under this Act and the person or all the persons, in relation to whom the name is registered, ceases or cease to reside within the State or to have a fixed address in the State, there shall be lodged with the Commissioner within one month of his or their so ceasing or within such further time as the Commissioner allows a statement in the prescribed form stating the name and address of some person resident in the State who, in relation to the carrying on of business under that name*</p> <p>(a) has consented in writing to be the resident agent of the person or persons for the purposes of this Act; and</p> <p>(b) is authorised in writing by the person or persons to accept service on behalf of the person or persons of any notices for the purposes of this Act and any process, signed by that person or one of those persons and by the person so appointed.</p> | <p>Section 12 (7) is repealed</p> | |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>31. As to service of notices</p> <p>Where by this Act the Commissioner is required or permitted to send a notice to the person or persons in respect of whom the business name is registered at the place where business is carried on under a business name, the notice may be sent by post addressed to the business name *</p> <p>(a) at the place shown in the register as the place where business is so carried on; or</p> <p>(b) where more than one place is shown in the register as the place where business is carried on *</p> <p>(i) at the place shown in the register as the principal place where business is so carried on; or</p> <p>(ii) if no place is so shown as the principal place, at the place shown that appears first in the register as a place where business is so carried on; or</p> <p>(c) it if appears from the register that there is, for the purposes of this Act, a resident agent, at the place shown in the register as the address of the resident agent in the State.</p> | <p>(10) Section 31 is amended as follows:</p> <p>(a) before paragraph (a), by inserting the following paragraph -</p> <p>" (aa) at the place shown in the register as the place in the State where a notice given under this Act may be served; ".</p> <p>(b) at the end of paragraph (b), by deleting "; or" and inserting a full stop instead;</p> <p>(c) by deleting paragraph (c).</p> | <p>Provides that an address is required for serving notices.</p> <p>Resident agent no longer has application.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>28. Minister may exempt agent from completing cattle sales statements</p> <p>(1) An agent referred to in section 27, or a person, firm or company whose business is or includes acting as selling agents of cattle or carcasses, or both cattle and carcasses, on behalf of various owners, may apply to the Minister for a permit exempting him or them from complying with the requirements of subsection (1) of that section, but instead authorizing him or them, while the permit is effective, to lodge with the Minister returns of purchase money received from sales of cattle or carcasses, or both cattle or carcasses, sold by the applicant as agent during any periods of any duration fixed by the Minister, and to pay to the Minister the amount of duty payable under section 26 in respect of the purchase money included in each return.</p> | <p>28. Minister may exempt agent from completing cattle sales statements</p> <p>(1) An agent referred to in section 27, or a person, firm or company whose business is or includes acting as selling agents of cattle or carcasses, or both cattle and carcasses, on behalf of various owners, may apply to the Minister for a permit exempting him or them from complying with the requirements of subsection (1) of that section, but instead authorizing him or them, while the permit is effective, to lodge with the Minister returns of purchase money received from sales of cattle or carcasses, or both cattle or carcasses <u>both cattle and carcasses</u>, sold by the applicant as agent during any periods of any duration fixed by the Minister, and to pay to the Minister the amount of duty payable under section 26 in respect of the purchase money included in each return.</p> | <p>Corrects a grammatical error.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--|---|
| <p>17. Vesting of funds in Minister</p> <p>.....</p> <p>18. Summary disposal of proceedings</p> | <p>17. Vesting of funds in Minister</p> <p>17A Delegation</p> <p>(1) <u>The Minister may, either generally or as provided by the instrument of delegation, delegate to any person any of the Minister's functions under this Act except this power of delegation.</u></p> <p>(2) <u>Performance of a function by a delegate is to be treated as performance by the Minister.</u></p> <p>(3) <u>A person purporting to act under this section as a delegate is taken to have acted in accordance with the terms of the delegation unless the contrary is shown.</u></p> <p>18. Summary disposal of proceedings</p> | <p>The Act does not provide any means by which the Minister can delegate administrative tasks to either the Commissioner for Fair Trading or his nominee. Consequently, the Minister is required to sign all formal correspondence relating to the issuing, renewal or revocation of licensing certificates. This amendment lightens the administrative burden on the Minister by allowing these tasks to be delegated.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|---|---|
| 3. Interpretation (1) In this Act "Commissioner" means the person holding or acting in the office of Commissioner of Consumer Affairs under the <i>Consumers Affairs Act 1971</i> . | 26. Chattel Securities Act 1987 amended Section 3(1) of the <i>Chattel Securities Act 1987*</i> is amended in the definition of "Commissioner" by deleting "of Consumer Affairs" and inserting instead - " for Fair Trading ". | Amendment required because the title "Commissioner of Consumer Affairs" has been changed and is now known as the "Commissioner for Fair Trading". |

NAME OF ACT BEING AMENDED: *Chattels Securities Act*

CLAUSE NO. 32

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>3. Interpretation</p> <p>In this Act, unless the contrary intention appears —</p> <p>“CEO (Justice)” has the meaning given to that expression in section 4(1) of the <i>Child Welfare Act 1947</i>;</p> | <p>3. Interpretation</p> <p>In this Act, unless the contrary intention appears —</p> <p>“CEO (Justice)” has the meaning given to that expression in section 4(1) of the <i>Child Welfare Act 1947</i>;</p> <p>“CEO (Justice)” means the chief executive officer of the department of the Public Service principally assisting the Minister;</p> | <p>Definition of “CEO (Justice)” referred to the definition of that term in the <i>Child Welfare Act 1947</i>. The definition in the <i>Child Welfare Act 1947</i> was deleted in 1994. This amendment is to include the definition directly in this Act.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--|---|
| <p>3. Interpretation</p> <p>In this Act, unless a contrary intention appears, —</p> <p>“child care service” means a service for the casual or day to day care of a child or children of pre-school age, or such other age as may from time to time be prescribed, and includes —</p> <p>...</p> <p>but excludes —</p> <p>(ff)care of a kind of a kind provided at a community kindergarten registered under Part 5 of the <i>School Education Act 1999</i>; and</p> | <p>3. Interpretation</p> <p>In this Act, unless a contrary intention appears, —</p> <p>“child care service” means a service for the casual or day to day care of a child or children of pre-school age, or such other age as may from time to time be prescribed, and includes —</p> <p>...</p> <p>but excludes —</p> <p>(ff)care of a kind of a kind provided at a community kindergarten registered under Part 5 of the <i>School Education Act 1999</i>; and</p> | <p>When the definition was amended by Act No. 36 of 1999 the words “of a kind” were inadvertently inserted for a second time. This amendment deletes those words.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|---|---|
| <p>3. Interpretation</p> <p>"Registrar" means the Commissioner for Corporate Affairs appointed pursuant to Section 4 of the <i>Companies (Administration) Act 1982</i>.</p> | <p>27. <i>Companies (Co-operative) Act 1943</i> amended</p> <p>Section 3 of the <i>Companies Co-operative Act 1943*</i> is amended by deleting the definition of "Registrar" and inserting the following definition instead -</p> <p>"Registrar" means the person holding or acting in the office of Commissioner for Fair Trading under section 15 of the <i>Consumer Affairs Act 1971</i>.</p> | <p>The amendment is necessary to reflect current administrative responsibilities.</p> |

NAME OF ACT BEING AMENDED: *Companies Cooperative Act 1943*

CLAUSE NO. 35

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--|---|
| <p>45. Definitions</p> <p>In this Part —</p> <p>“State matter” means a matter declared under section 48 to be a State matter.</p> | <p>45. Definitions</p> <p>In this Part —</p> <p>“State matter” means a matter declared under section 48 <u>section 47</u> to be a State matter.</p> | <p>Minor drafting amendment required to reflect the correct section number.</p> |

NAME OF ACT BEING AMENDED: *Competition Policy Reform (Western Australia) Act 1996*

CLAUSE NO. 36

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|---|--|
| <p>3. Interpretation</p> <p>In this Act, unless the contrary intention appears –</p> <p>“wildlife officer” means an officer of the Department designated as a wildlife officer under section 45 (1)(a);</p> <p>“wildlife sanctuary” means an area of land which is the subject of an agreement made under section 16 for management by the Department as a nature reserve.</p> | <p>3. Interpretation</p> <p>In this Act, unless the contrary intention appears –</p> <p>“wildlife officer” means an officer of the Department designated as a wildlife officer under section 45 (1)(a);.</p> <p>“wildlife sanctuary” means an area of land which is the subject of an agreement made under section 16 for management by the Department as a nature reserve.</p> | <p><u>Clause 29(a)</u> amends punctuation at the end of the definition of “wildlife officer” in section 3 as a consequence of the deletion of the definition of “wildlife sanctuary” under clause 29(b).</p> <p><u>Clause 29(b)</u> deletes the definition of “wildlife sanctuary” from section 3 because it is superfluous to the Act, i.e. the term is only used once in the interpretation provision (section 3) and does not appear in section 16 (cited in the definition) or any other provision of the Act.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>5. Specification of land to which this Act applies</p> <p>(1) Where in this Act reference is made to “land to which this Act applies”, the reference is to land, or land and waters, comprising —</p> <p>(g) any other land reserved under the <i>Land Act 1933</i>³ and vested by order under that Act in the Commission, the Authority or the Marine Authority; and</p> <p>(h) any other land, other than excluded waters, reserved under Part 4 of the <i>Land Administration Act 1997</i> the care, control and management of which are placed by order under that Part with the Commission, the Authority or the Marine Authority.</p> | <p>5. Specification of land to which this Act applies</p> <p>(1) Where in this Act reference is made to “land to which this Act applies”, the reference is to land, or land and waters, comprising —</p> <p>(g) any other land reserved under the <i>Land Act 1933</i>³ and vested by order under that Act in the Commission, the Authority <u>Conservation Commission</u> or the Marine Authority; and</p> <p>(h) any other land, other than excluded waters, reserved under Part 4 of the <i>Land Administration Act 1997</i> the care, control and management of which are placed by order under that Part with the Commission, the Authority <u>Conservation Commission</u> or the Marine Authority.</p> | <p>The <i>Conservation and Land Management Act 1984</i> was amended by Acts Nos. 24 and 35 of 2000. As Act No. 35 was drafted before Act No. 24 was passed, a number of minor problems (particularly in relation to cross references) occurred. These amendments are to resolve those problems.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>7. Vesting</p> <p>(2) In this section, except where the contrary intention appears, “vested” has the meaning assigned to it by sections 19(2) and 26B(2), as the case may require.</p> <p>17. Cancellation and amendment of purpose</p> <p>(6) In the case of the waters of a marine reserve, other than a marine reserve (other than land reserved under Part 4 of the <i>Land Administration Act 1997</i> as a marine reserve) comprising land reserved under Part 4 of the <i>Land Administration Act 1997</i>, the Minister, with the concurrence of the Minister for Fisheries and the Minister for Mines¹⁸, may, subject to this section, recommend to the Governor that an order be made to give effect to the proposal, and thereupon the Governor shall by order published in the <i>Gazette</i> give effect to the proposed cancellation, amendment or alteration.</p> | <p>7. Vesting</p> <p>(6) In this section, except where the contrary intention appears, “vested” has the meaning assigned to it by sections 19(2) <u>sections 19(3)</u> and 26B(2), as the case may require.</p> <p>17. Cancellation and amendment of purpose</p> <p>(6) In the case of the waters of a marine reserve, other than a marine reserve (other than land reserved under Part 4 of the <i>Land Administration Act 1997</i> as a marine reserve) comprising land reserved under Part 4 of the <i>Land Administration Act 1997</i>, the Minister, with the concurrence of the Minister for Fisheries and the Minister for Mines¹⁸, may, subject to this section, recommend to the Governor that an order be made to give effect to the proposal, and thereupon the Governor shall by order published in the <i>Gazette</i> give effect to the proposed cancellation, amendment or alteration.</p> | <p>As above.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>19. Functions of Conservation Commission</p> <p>(1) The functions of the Conservation Commission are —</p> <p>(a) to have vested in it State forest, timber reserves, national parks, conservation parks, nature reserves, relevant land referred to in section 5(g) and to have the joint function provided for by section 7(4);</p> <p>(b) to have the care, control and management of relevant land referred to in section 5(h) placed with it;</p> | <p>19. Functions of Conservation Commission</p> <p>(1) The functions of the Conservation Commission are —</p> <p>(a) to have vested in it State forest, timber reserves, national parks, conservation parks, nature reserves, relevant land referred to in section 5(g) <u>section 5(1)(g)</u> and to have the joint function provided for by section 7(4);</p> <p>(b) to have the care, control and management of relevant land referred to in section 5(h) <u>section 5(1)(h)</u> placed with it;</p> | <p>As above.</p> |

NAME OF ACT BEING AMENDED: *Conservation and Land Management Act 1984*

CLAUSE NO.

37 (cont...)

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>19. Functions of Conservation Commission</p> <p>(4) Despite the <i>Land Act 1933</i>, land to which section 5(g) applies that is vested in the Conservation Commission, including the land referred to in section 155, is only vested within the meaning in subsection (3).</p> <p>(5) Despite the <i>Land Administration Act 1997</i>, the placing of the care, control and management of land to which section 5(h) applies with the Conservation Commission is only for the purposes referred to in subsection (3).</p> | <p>19. Functions of Conservation Commission</p> <p>(4) Despite the <i>Land Act 1933</i>, land to which section 5(g) <u>section 5(1)(g)</u> applies that is vested in the Conservation Commission, including the land referred to in section 155, is only vested within the meaning in subsection (3).</p> <p>(5) Despite the <i>Land Administration Act 1997</i>, the placing of the care, control and management of land to which section 5(h) <u>section 5(1)(h)</u> applies with the Conservation Commission is only for the purposes referred to in subsection (3).</p> | <p>As above.</p> |

NAME OF ACT BEING AMENDED: *Conservation and Land Management Act 1984*

CLAUSE NO.

37 (cont...)

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>33. Functions of Department</p> <p>(1) The functions of the Department are, subject to the direction and control of the Minister —</p> <p>(cb) to use, for the purposes of making improvements to any land to which this Act applies, any forest produce that becomes available for use from the carrying out of —</p> <p>(iii) operations, in accordance with the provisions of section 56 applicable to the land, on land vested in, or on land the care, control and management of which are placed with, the Conservation Commission that is State forest, a timber reserve or land referred to in section 5(g) or (h);</p> | <p>33. Functions of Department</p> <p>(1) The functions of the Department are, subject to the direction and control of the Minister —</p> <p>(cb) to use, for the purposes of making improvements to any land to which this Act applies, any forest produce that becomes available for use from the carrying out of —</p> <p>(iii) operations, in accordance with the provisions of section 56 applicable to the land, on land vested in, or on land the care, control and management of which are placed with, the Conservation Commission that is State forest, a timber reserve or land referred to in section 5(g) or (h) <u>section 5(1)(g) or (h)</u>;</p> | <p>As above.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>99A. Restrictions on operations in national parks etc.</p> <p>(6) Subject to this section —</p> <p>(a) the Executive Director shall not authorize any person; and</p> <p>(b) regulations shall not be made under section 130 so as to authorize any person,</p> <p>to take or remove forest produce or other flora from land which is vested in the Authority.</p> | <p>99A. Restrictions on operations in national parks etc.</p> <p>(6) Subject to this section —</p> <p>(a) the Executive Director shall not authorize any person; and</p> <p>(b) regulations shall not be made under section 130 so as to authorize any person,</p> <p>to take or remove forest produce or other flora from land which is vested in the Authority <u>Conservation Commission</u>.</p> | <p>As above.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|---|------------------|
| <p>5. Section 5 amended</p> <p>(1) Section 5 (g) is amended by deleting “Commission, the Authority” and inserting instead –</p> <p>“Conservation Commission”.</p> <p>(2) Section 5(h) is amended by deleting “Commission or the Authority.” And inserting instead –</p> <p>“Conservation Commission”.</p> | <p>Section 5 of the <i>Conservation and Land Management Amendment Act 2000</i> is repealed.</p> | <p>As above.</p> |

NAME OF ACT BEING AMENDED: *Conservation and Land Management Amendment Act 2000* **CLAUSE NO. 37 (cont...)**

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--|---|
| <p>6. Membership of the Board</p> <p>(1) Subject to this Act the Board shall consist of 7 members appointed by the Minister as follows —</p> <p>(c) 3 persons appointed from among persons whose names are on a panel of 6 names comprised of 3 names submitted by the body known as the Trades and Labor Council of Western Australia and 3 names submitted by the body known as The Building Trades Association of Unions of Western Australia (Association of Workers).</p> | <p>6. Membership of the Board</p> <p>(1) Subject to this Act the Board shall consist of 7 members appointed by the Minister as follows —</p> <p>(c) 3 persons appointed from among persons whose names are on a panel of 6 names comprised of 3 names submitted by the body known as the Trades and Labor Council of Western Australia <u>Unions Western Australia</u> and 3 names submitted by the body known as The Building Trades Association of Unions of Western Australia (Association of Workers).</p> | <p>The Trades and Labour Council of Western Australia has changed its name to Unions Western Australia.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|---|---|
| <p>23. "Commissioner" includes other officers</p> <p>A reference in section 19, 20, 21 or 22 to the Commissioner shall be deemed to include a reference to a person approved by the Minister or the chief executive officer of the Department who is authorised in writing by the Commissioner, which the Commissioner is hereby empowered to do, to carry out investigations and inquiries for the purposes of this Act or the <i>Fair Trading Act 1987</i>.</p> <p>23A. Judicial notice</p> <p>All courts, judges and persons acting judicially shall take judicial notice of the official signature of every person who is for the time being and every person who has at any time been the Commissioner and of the fact that such person holds or has held such office.</p> | <p>(1) Section 23 of the <i>Consumer Affairs Act 1971</i>* is repealed and the following section is inserted instead -</p> <p>23. Delegation</p> <p>(1) The Commissioner may, in writing, delegate the performance of any of the functions conferred on the Commissioner by this Act or any other Act.</p> <p>(2) A delegate cannot subdelegate the performance of any function unless the delegate is expressly authorised by the instrument of delegation to do so.</p> <p>(3) A function performed by a delegate of the Commissioner is taken to be performed by the Commissioner.</p> <p>(4) A delegate performing a function; under this section is taken to do so in accordance with the terms of the delegation unless the contrary is shown.</p> <p>(5) Nothing in this section is to be read as limiting the ability of the Commissioner to act through officers and agents in the normal course of business.</p> | <p>Powers of delegation are necessary for the efficient administration of a number of Acts including the <i>Associations Act 1987</i>; <i>Business Names Act 1962</i>; <i>Chattels Securities Act 1987</i> and the <i>Companies (Co-operative) Act 1943</i>.</p> <p>However, the better option is to amend the <i>Consumer Affairs Act 1971</i> to give the Commissioner general powers to delegate functions rather than make separate amendment to these Acts.</p> <p>The current section 23 of the Consumer Affairs Act is repealed because it contains a limited power of delegation.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>23U. Regulations for safety requirements</p> <p>(2) Regulations made under subsection (1) may —</p> <p>(b) adopt either wholly or in part and either specifically or by reference any Australian Standard or any of the standard rules, codes or specifications of the body known as the Standards Association of Australia;</p> | <p>23U. Regulations for safety requirements</p> <p>(2) Regulations made under subsection (1) may —</p> <p>(b) adopt either wholly or in part and either specifically or by reference any Australian Standard or any of the standard rules, codes or specifications of the body known as the Standards Association of Australia <u>Standards Australia</u>;</p> | <p>Section 23U(2)(b) – The Standards Association of Australia has undergone a change of corporate status and of name. “Standards Australia” is now defined in the <i>Interpretation Act 1984</i>.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--|--|
| <p><i>Credit (Administration) Act 1984</i> Part VI - Miscellaneous</p> <p>53. Application of <i>Consumer Affairs Act 1971</i></p> <p>(1) For the purposes of section 17 of the <i>Consumer Affairs Act 1971</i>, matters arising under the cognate Acts are matters relating to the interests of consumers and those Acts are Acts designed to protect the interests of consumers.</p> <p>(2) The commissioner has, in relation to the Commissioner's functions and powers under the cognate Acts, the same power of delegation as is conferred on the Commissioner by section 23 of the <i>Consumer Affairs Act 1971</i>, in relation to the Commissioner's functions and powers under that Act.</p> | <p>(2) Section 53 of the <i>Credit (Administration) Act 1984</i>* is amended as follows:</p> <p>(a) in subsection (1), by deleting the subsection designation "(1)";</p> <p>(b) by repealing subsection (2).</p> | <p>Consequential amendment to the <i>Credit (Administration) Act 1984</i> due to change in delegation powers under the <i>Consumer Affairs Act 1971</i>.</p> |

NAME OF ACT BEING AMENDED: *Consumer Affairs Act 1971*

CLAUSE NO. 39 (cont...)

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|---|---|
| <p style="text-align: center;">Schedule 1</p> <p style="text-align: right;">[Section 3 (1)]</p> <p>PRINCIPAL DEFINITIONS</p> <p>1. In this Code, unless the contrary intention appears —</p> <p>“credit fees and charges” means fees and charges payable in connection with a credit contract or mortgage, but does not include —</p> <p>(a) interest charges (including default charges); or or</p> <p>(b) any fees or charges that are payable to or by a credit provider in connection with a credit contract in connection with which both credit and debit facilities are available if the fees or charges would be payable even if credit facilities were not available (not being annual fees or charges in connection with continuing credit contracts under which credit is ordinarily obtained only by the use of a card); or</p> <p style="text-align: center;">...</p> | <p style="text-align: center;">Schedule 1</p> <p style="text-align: right;">[Section 3 (1)]</p> <p>PRINCIPAL DEFINITIONS</p> <p>1. In this Code, unless the contrary intention appears —</p> <p>“credit fees and charges” means fees and charges payable in connection with a credit contract or mortgage, but does not include —</p> <p>(a) interest charges (including default charges); or or</p> <p>(b) any fees or charges that are payable to or by a credit provider in connection with a credit contract in connection with which both credit and debit facilities are available if the fees or charges would be payable even if credit facilities were not available (not being annual fees or charges in connection with continuing credit contracts under which credit is ordinarily obtained only by the use of a card); or</p> <p style="text-align: center;">...</p> | <p>This amendment corrects a grammatical error.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|--|---|
| <p>60. Interpretation of some expressions in the ASIC Law, and the ASIC Regulations, of Western Australia</p> <p>(2) Subject to the ASC Law of this jurisdiction, an expression has the same meaning in that Law and in the ASC Regulations of this jurisdiction as in the Corporations Law of this jurisdiction.</p> <p>Division 2 — Citing the ASC Law and the ASC Regulations</p> | <p>60. Interpretation of some expressions in the ASIC Law, and the ASIC Regulations, of Western Australia</p> <p>(2) Subject to the ASC <u>ASIC</u> Law of this jurisdiction, an expression has the same meaning in that Law and in the ASC <u>ASIC</u> Regulations of this jurisdiction as in the Corporations Law of this jurisdiction.</p> <p>Division 2 — Citing the ASC <u>ASIC</u> Law and the ASC <u>ASIC</u> Regulations</p> | <p>These amendments correct a minor drafting error.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|---|---|
| <p>80. Regulations</p> <p>(2) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this, being provisions not inconsistent with the national scheme laws of this jurisdiction.</p> | <p>80. Regulations</p> <p>(2) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this <u>Act</u>, being provisions not inconsistent with the national scheme laws of this jurisdiction.</p> | <p>This amendment inserts a word which was inadvertently left out of the section.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--------------------------------|--|
| <p>21. Schedule 4 is amended</p> <p>(1) Forms 15 and 16 in Schedule 4 are amended as follows:</p> <p>(a) By inserting after ‘said State,’ – “ and to all persons authorized to exercise a power set out in clause 2 or 3, as the case requires, of Schedule 2 to the Court <i>Security and Custodial Services Act 1999</i>, ”</p> <p>(b) By inserting after “said police officers”- “ and authorized persons ”.</p> <p>(2) Forms 52, 56, 57, 58 and 62 in Schedule 4 are amended as follows:</p> <p>(a) By inserting after “Western Australia,”- “ and to all persons authorized to exercise power set out in clause 2 or 3, as the case requires, of Schedule 2 to the Court <i>Security and Custodial Services Act 1999</i>, ”</p> <p>(b) by inserting after “said police officers”- “ and authorized persons ”.</p> | <p>Section 21 is repealed.</p> | <p>This section purports to amend Schedule 4 of the <i>Justices Act 1902</i>. That Schedule has been repealed. The section is therefore inoperative and is repealed.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|------------|-------------|
| <p>(3) Form 53 in Schedule 4 is amended by inserting after “said State” where it first occurs-</p> <p>“</p> <p>and to all persons authorized to exercise a power set out in clause 3 of Schedule 2 to the <i>Court Security and Custodial Services Act 1999</i></p> <p>”</p> <p>.</p> <p>(4) Form 54 in Schedule 4 is amended by inserting after “Western Australia,”-</p> <p>“</p> <p>and to all persons authorized to exercise a power set out in clause 2 or 3, as the case requires, of Schedule 2 to the <i>Court Security and Custodial Services Act 1999</i></p> <p>”</p> <p>.</p> | | As above. |

NAME OF ACT BEING AMENDED: *Court Security and Custodial Services (Consequential Provisions) Act 1999*

CLAUSE NO. 42 (cont)

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--|--------------------------------------|
| <p align="center">Schedule 2</p> <p align="right">[Section 9]</p> <p>Provisions as to constitution and proceedings of the Authority</p> <p>2. Resignation, removal, etc.</p> <p>The office of a member becomes vacant if he or she —</p> <ul style="list-style-type: none"> (a) resigns the office by written notice addressed to the Minister; (b) is an undischarged bankrupt or a person whose property is subject to an order or arrangement under the laws relating to bankruptcy; or (c) is removed from office by the Governor on the grounds of neglect of duty, misbehaviour, incompetence or mental or physical incapacity impairing the performance of his or her duties and proved to the satisfaction of the Governor; | <p align="center">Schedule 2</p> <p align="right">[Section 9]</p> <p>Provisions as to constitution and proceedings of the Authority</p> <p>2. Resignation, removal, etc.</p> <p>The office of a member becomes vacant if he or she —</p> <ul style="list-style-type: none"> (a) resigns the office by written notice addressed to the Minister; (b) is an undischarged bankrupt or a person whose property is subject to an order or arrangement under the laws relating to bankruptcy; or (c) is removed from office by the Governor on the grounds of neglect of duty, misbehaviour, incompetence or mental or physical incapacity impairing the performance of his or her duties and proved to the satisfaction of the Governor; <u>or</u> | <p>Corrects a grammatical error.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--|---|
| <p>23. Superannuation</p> <p>(3)In this section —</p> <p>(a) “employee” includes former employees and the dependants of an employee or former employee; and</p> | <p>23. Superannuation</p> <p>(3)In this section —</p> <p>(a) “employee” includes former employees and the dependants of an employee or former employee; and</p> <p><u>“employee” includes former employees and the dependants of an employee or former employee.</u></p> | <p>Corrects a grammatical error and formatting.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--|--|
| <p>19. Bunbury Campus of the University</p> <p>(1) On and after the coming into operation of the <i>Western Australian College of Advanced Education Amendment Act 1990</i>¹ (in this section referred to as “the commencement day”) the branch of the University continued under this Act under the name “Bunbury Institute of Advanced Education” is constituted as a campus of the University and shall be known as the Bunbury Campus of the University.</p> <p>(2) A reference to the Bunbury Institute of Advanced Education, whether by use of that name or a similar or abbreviated form of that name —</p> <p>(a) in a written law passed or made before the commencement day;</p> <p>(b) in any document or other instrument made, executed, entered into or done before that commencement day; or</p> <p>(c) made before the commencement day in any other manner,</p> <p>shall be construed as if it had been amended to be a reference to the Bunbury Campus of the University, unless because of the context it would be inappropriate to construe the reference in that manner.</p> | <p>19. Bunbury Campus of the University</p> <p>(1) On and after the coming into operation of the <i>Western Australian College of Advanced Education Amendment Act 1990</i>¹ (in this section referred to as “the commencement day”) the branch of the University continued under this Act under the name “Bunbury Institute of Advanced Education” is constituted as a campus of the University and shall be known as the Bunbury Campus of the University.</p> <p>(2) A reference to the Bunbury Institute of Advanced Education, whether by use of that name or a similar or abbreviated form of that name —</p> <p>(a) in a written law passed or made before the commencement day;</p> <p>(b) in any document or other instrument made, executed, entered into or done before that commencement day; or</p> <p>(c) made before the commencement day in any other manner;</p> <p>shall be construed as if it had been amended to be a reference to the Bunbury Campus of the University, unless because of the context it would be inappropriate to construe the reference in that manner.</p> | <p>Edith Cowan University has proposed changing the name of the Bunbury Campus to ECU South West Campus (Bunbury).</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| | <p><u>19. ECU South West Campus (Bunbury)</u></p> <p>(1) <u>On and after the day on which section 45 of the <i>Statutes (Repeals and Minor Amendments) Act 2001</i> comes into operation (in this section referred to as “the commencement day”), the campus of the University constituted under this Act, as in force immediately before the commencement day, and known as the Bunbury Campus of the University continues to be so constituted but shall be known as the ECU South West Campus (Bunbury) of the University.</u></p> | As above. |

NAME OF ACT BEING AMENDED:

CLAUSE NO. 45 (cont...)

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--------------------|---|-------------|
| | <p>(2) <u>A reference to the Bunbury Campus of the University, or to the Bunbury Institute of Advanced Education, whether by the use of that name or a similar or abbreviated form of that name –</u></p> <p><u>(a) in a written law passed or made before the commencement day;</u></p> <p><u>(b) in any document or other instrument made, executed, entered into or done before the commencement day; or</u></p> <p><u>(c) made before the commencement day in any other manner,</u></p> <p><u>shall be construed as if it had been amended to be a reference to the ECU South West Campus (Bunbury) of the University, unless because of the context, it would be inappropriate to construe the reference in that manner.</u></p> | As above. |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|---|-------------|
| <p>20. Bunbury Campus Advisory Board</p> <p>(1) There shall be a Bunbury Campus Advisory Board.</p> <p>(2) The constitution of the Bunbury Campus Advisory Board, the number of persons who shall comprise the Bunbury Campus Advisory Board from time to time, the method of their appointment and selection, their term of office, the conduct of proceedings and all other matters in the opinion of the Council necessary or desirable to ensure the effective exercise of the functions of the Bunbury Campus Advisory Board may be prescribed by Statute.</p> <p>(3) Subject to subsection (4), the Bunbury Campus Advisory Board shall be responsible to the Council for the control and management of —</p> <p style="padding-left: 40px;">(a) the affairs and concerns of the Bunbury Campus; and</p> <p style="padding-left: 40px;">(b) the property of the University held at, or for the purposes of, the Bunbury Campus.</p> <p>(4) The Bunbury Campus Advisory Board is subject to the direction and control of the Council.</p> | <p>20. Bunbury Campus Advisory Board</p> <p>(1) There shall be a Bunbury Campus <u>an ECU South West Campus (Bunbury)</u> Advisory Board.</p> <p>(2) The constitution of the Bunbury Campus <u>ECU South West Campus (Bunbury)</u> Advisory Board, the number of persons who shall comprise the Bunbury Campus <u>ECU South West Campus (Bunbury)</u> Advisory Board from time to time, the method of their appointment and selection, their term of office, the conduct of proceedings and all other matters in the opinion of the Council necessary or desirable to ensure the effective exercise of the functions of the Bunbury Campus <u>ECU South West Campus (Bunbury)</u> Advisory Board may be prescribed by Statute.</p> <p>(3) Subject to subsection (4), the Bunbury Campus <u>ECU South West Campus (Bunbury)</u> Advisory Board shall be responsible to the Council for the control and management of —</p> <p style="padding-left: 40px;">(a) the affairs and concerns of the Bunbury Campus; and</p> <p style="padding-left: 40px;">(b) the property of the University held at, or for the purposes of, the Bunbury Campus.</p> <p>(4) The Bunbury Campus Advisory Board is subject to the direction and control of the Council.</p> | |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>81A. Centralised nomination procedure</p> <p>(2) A party nomination is to be regarded as having been made in accordance with sections 79 and 81 if —</p> <p>(c) not later than 24 hours before the hour of nomination, the required deposit (or an amount that includes that deposit) for the purposes of section 81(1)(b) is lodged with the Electoral Commissioner on behalf of the candidate in money or by a cheque drawn by a bank on itself and payable to the Electoral Commissioner.</p> | <p>81A. Centralised nomination procedure</p> <p>(2) A party nomination is to be regarded as having been made in accordance with sections 79 and 81 if —</p> <p>(c) not later than 24 hours before the hour of nomination, the required deposit (or an amount that includes that deposit) for the purposes of section 81(1)(b) is lodged with the Electoral Commissioner on behalf of the candidate in money or by a cheque drawn by a bank <u>financial institution</u> on itself and payable to the Electoral Commissioner.</p> | <p>Section 81A – Act no. 24 of 2000 changed the reference in section 81 of the <i>Electoral Act 1907</i> from “bank” to “financial institution”. Section 81A was inserted by No. 36 of 2000. Due to the overlap of the drafting and passage of the two Bills, this amendment was overlooked.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>190. Table of Electoral Offences and Punishments</p> <p>First Column Offences The wearing or displaying by an officer or scrutineer in a polling place on polling day any badge or emblem of a candidate or political party.</p> | <p>190. Table of Electoral Offences and Punishments</p> <p>First Column Offences The wearing or displaying by an officer or scrutineer in a polling place on polling day <u>of</u> any badge or emblem of a candidate or political party.</p> | <p>Section 190 – inserts a missing word.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>32. Regulations</p> <p>(3) Without prejudice to the generality of subsection (1) or subsection (2) of this section, such regulations may —</p> <p>(h) adopt, by reference to the text as from time to time amended and for the time being in force, unless a particular text is specified at the time of such adoption, —</p> <p>(ii) such standards, rules, codes or specifications issued by the Standards Association of Australia, the British Standards Institution, or other specified body, ...</p> | <p>32. Regulations</p> <p>(3) Without prejudice to the generality of subsection (1) or subsection (2) of this section, such regulations may —</p> <p>(h) adopt, by reference to the text as from time to time amended and for the time being in force, unless a particular text is specified at the time of such adoption, —</p> <p>(ii) such standards, rules, codes or specifications issued by the Standards Association of Australia <u>Standards Australia</u>, the British Standards Institution, or other specified body, ...</p> | <p>Section 32 and 33AA – The Standards Association of Australia has undergone a change of name. “Standards Australia” is now defined in the <i>Interpretation Act 1984</i>.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|---|------------------|
| <p>33AA. Guidelines</p> <p>(3) Guidelines published under this section may incorporate or adopt guidelines or codes of practices made, formulated, published or issued under any law of another State or the Commonwealth, the Standards Association of Australia, the Electricity Supply Association of Australia or any other standards with such variations and modifications, if any, as the Director specifies.</p> | <p>33AA. Guidelines</p> <p>(3) Guidelines published under this section may incorporate or adopt guidelines or codes of practices made, formulated, published or issued under any law of another State or the Commonwealth, the Standards Association of Australia <u>Standards Australia</u>, the Electricity Supply Association of Australia or any other standards with such variations and modifications, if any, as the Director specifies.</p> | <p>As above.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|---|---|
| <p>33E. Energy efficiency standards</p> <p>(1) Regulations may be made under section 32 in respect of the conservation and management of electrical energy, and any such regulations may —</p> <p>(f) provide that the requirements of this Act, or the specific requirements prescribed, are to be deemed to have been complied with if the apparatus or installation in question has been approved under, or is labelled in accordance with, the relevant provisions of —</p> <p>(i) the <i>State Electricity Commission (Energy Efficiency Labelling) Regulations 1987</i>, the <i>State Electricity Commission (Energy Efficiency Labelling) (Refrigerative Air Conditioners) Regulations 1988</i>, the <i>State Electricity Commission (Energy Efficiency Labelling) (Dishwashers for Domestic Use) Regulations 1988</i>, the <i>State Electricity Commission (Energy Efficiency Labelling) (Rotary Clothes Dryers) Regulations 1989</i>, or the <i>State Electricity Commission (Energy Efficiency Labelling) (Clothes Washing Machines) Regulations 1990</i> made under the <i>State Electricity Commission Act 1958</i> of the State of Victoria;</p> <p>(ii) the <i>Electrical Products Regulations 1990</i> made under the <i>Electrical Products Act 1988</i> of the State of South Australia;</p> <p>(iii) the <i>Electricity (Energy Labelling of Electrical Articles) Regulations 1995</i> made under the <i>Electricity Act 1945</i> of the State of New South Wales;</p> <p>(iv) the <i>Electricity (Electrical Articles) Regulations 1994</i> made under the <i>Electricity Act 1994</i> of the State of Queensland; or</p> <p>(v) any other corresponding law specified for the purpose of this paragraph by notice published in the <i>Gazette</i>;...</p> | <p>Section 33E(1)(f) is deleted, and the following paragraph is inserted instead –</p> <p>(f) provide that the requirements of this Act, or the specific requirements prescribed, are to be deemed to have been complied with if the apparatus or installation in question has been approved under, or is labelled in accordance with, the relevant provisions of a law of another State, or of a Territory, specified for the purpose of this paragraph by notice published in the <i>Gazette</i>;</p> | <p>Listing the various interstate regulations has proved to be inefficient because of frequent changes. Therefore the section is amended to include a generic reference to relevant interstate regulations, as published in the <i>Gazette</i>.</p> |

NAME OF ACT BEING AMENDED: *Electricity Act 1945*

CLAUSE NO. 47 (cont...)

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|---|--|
| <p>3. Interpretation</p> <p>In this Act, unless the contrary intention appears —</p> <p>“subsidiary” means —</p> <p>(a) a body that would be a subsidiary within the meaning of the Corporations Law if the corporation were a body corporate to which the Corporations Law applies; and</p> | <p>3. Interpretation</p> <p>In this Act, unless the contrary intention appears —</p> <p>“subsidiary” means —</p> <p>(a) a body that would be a subsidiary within the meaning of the Corporations Law if the corporation were a body corporate to which the Corporations Law applies; and</p> | <p>Removes a potentially misleading statement about the application of the Corporations Law.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|---|--|
| <p>11E. Area to which licence applies</p> <p>A licence is to be designated to apply to —</p> <ul style="list-style-type: none"> (a) one or more supply areas; or (b) one or more parts of a supply area, <p>specified in the licence.</p> | <p>11E. Area to which licence applies</p> <p>A licence is to be designated to apply to —</p> <ul style="list-style-type: none"> (a) one or more supply areas; or (b) one or more parts of a supply area <u>one or more supply areas</u>, <p>specified in the licence.</p> | <p>This amendment is required to correct a situation whereby a proponent can apply for a gas trading or distribution licence over more than one supply area but cannot apply for a licence over parts of more than one supply area. This has resulted in a situation in which the State must either grant a licence over a larger area than is necessary, or grant multiple geographically defined licences.</p> <p>The ability to grant a single licence over different parts of different supply areas will reduce the number of licences that need to be granted and reduce administration costs for both Government and proponent alike.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|---|---|
| <p>11M. Terms and conditions of licence</p> <p><i>[(3) repealed]</i></p> <p>(4) Subject to subsection (3), the terms and conditions of a licence must be substantially similar to the terms and conditions of any other licence with the same classification under section 11D(1) that applies in the same supply area or part of a supply area.</p> | <p>11M. Terms and conditions of licence</p> <p><i>[(3) repealed]</i></p> <p>(4) Subject to subsection (3), the <u>The</u> terms and conditions of a licence must be substantially similar to the terms and conditions of any other licence with the same classification under section 11D(1) that applies in the same supply area or part of a supply area.</p> | <p>Section 11M (4) – deletes cross reference to repealed provision</p> |
| <p>24A. Gas supply system emergencies</p> <p>(2) To the extent that Schedule 3 or anything in an order under that Schedule is inconsistent with any safety provision of the <i>Petroleum Pipelines Act 1969</i> or of a licence under that Act or under Part 2A of the <i>Energy Coordination Act 1994</i>, the safety provision prevails and the inconsistent provision of Schedule 3 or the order has no effect.</p> | <p>24A. Gas supply system emergencies</p> <p>(2) To the extent that Schedule 3 or anything in an order under that Schedule is inconsistent with any safety provision of the <i>Petroleum Pipelines Act 1969</i> or of a licence under that Act or under Part 2A of the <i>Energy Coordination Act 1994</i>, <u>this Act</u>, the safety provision prevails and the inconsistent provision of Schedule 3 or the order has no effect.</p> | <p>Section 24A (2) – corrects a reference to the Act.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--|---|
| <p>124. By-laws</p> <p>(4) Without limiting or restricting the generality of subsection (1) by-laws made under this Act by the corporation may provide for all or any of the following matters or purposes, that is to say —</p> <p>(k) in the case of by-laws made by the Western Power Corporation, providing for frequency control voltages to be imposed on normal supply voltage and prohibiting the use of frequency control voltages within prescribed limits otherwise than by the corporation;</p> <p>...</p> | <p>124. By-laws</p> <p>(4) Without limiting or restricting the generality of subsection (1) by-laws made under this Act by the corporation may provide for all or any of the following matters or purposes, that is to say —</p> <p>(k) in the case of by-laws made by the Western Power Corporation, providing for frequency control voltages to be imposed on normal supply voltage and prohibiting the use of frequency control voltages within prescribed limits otherwise than by the corporation;</p> <p>...</p> | <p>Section 124 (4)(k) – Section 92 of the <i>Gas Corporation(Business Disposal) Act 1999</i> purported to make these amendments to section 124, but because of an overlap with Act No. 24 of 2000 (which came into operation first) those amendments were not effective.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|--|-------------|
| <p>(5) Subject to the by-laws regulating or specifying standards of supply and standards of service, the Western Power Corporation may, by notice in the <i>Government Gazette</i> including any necessary diagrams, from time to time declare —</p> <p>.....</p> <p>and where the Western Power Corporation has made a declaration under paragraph (b) it shall for so long as that declaration has effect at all times maintain the system pressure at that declared point within the limits of plus or minus 6% of the declared pressure and the frequency at that declared point within the limits of plus or minus 2½% of the declared frequency.</p> | <p>(5) Subject to the by-laws regulating or specifying standards of supply and standards of service, the Western Power Corporation <u>Corporation</u> may, by notice in the <i>Government Gazette</i> including any necessary diagrams, from time to time declare —</p> <p>.....</p> <p>and where the Western Power Corporation <u>Corporation</u> has made a declaration under paragraph (b) it shall for so long as that declaration has effect at all times maintain the system pressure at that declared point within the limits of plus or minus 6% of the declared pressure and the frequency at that declared point within the limits of plus or minus 2½% of the declared frequency.</p> | |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|---|--|
| <p>125. Regulations or by-laws, generally</p> <p>(1) Regulations or by-laws made under this Act may be so made —</p> <p>(b) as to adopt, by reference to the text as from time to time amended and for the time being in force, unless a particular text is specified at the time of such adoption, —</p> <p>(ii) such standards, rules, codes or specifications issued by the Standards Association of Australia, the British Standards Institution, The Australian Gas Association, The Australian Liquefied Petroleum Gas Association, or other specified body, either wholly or in part or with modifications, as are specified;</p> | <p>125. Regulations or by-laws, generally</p> <p>(2) Regulations or by-laws made under this Act may be so made —</p> <p>(b) as to adopt, by reference to the text as from time to time amended and for the time being in force, unless a particular text is specified at the time of such adoption, —</p> <p>(ii) such standards, rules, codes or specifications issued by the Standards Association of Australia <u>Standards Australia</u>, the British Standards Institution, The Australian Gas Association, The Australian Liquefied Petroleum Gas Association, or other specified body, either wholly or in part or with modifications, as are specified;</p> | <p>Section 125 – The Standards Association of Australia has undergone a change of name. “Standards Australia” is now defined in the <i>Interpretation Act 1984</i>.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--|---|
| <p>This Act not to apply in certain cases</p> <p>Nothing in this Act shall apply –</p> <p>ea) to any pipeline to which the <i>Electricity Act 1945</i>, the <i>Gas Standards Act 1972</i>, the <i>Liquid Petroleum Gas Act 1956</i>, the <i>Petroleum Pipelines Act 1969</i> or the <i>Petroleum (Submerged Lands) Act 1982</i> applies;</p> | <p>This Act not to apply in certain cases</p> <p>Nothing in this Act shall apply –</p> <p>ea) to any pipeline to which the <i>Electricity Act 1945</i>, the <u><i>Energy Coordination Act 1994</i></u> the <i>Gas Standards Act 1972</i>, the <i>Liquid Petroleum Gas Act 1956</i>, the <i>Petroleum Pipelines Act 1969</i> or the <i>Petroleum (Submerged Lands) Act 1982</i> applies;</p> | <p>The <i>Explosives and Dangerous Goods Act 1961</i> (EDGA) is intended to apply to unlawful and dangerous activity, so as to prevent any harm to the public. It is inappropriate for regulated industries such as gas pipeline distribution companies licensed under the <i>Energy Coordination Act 1994</i> (ECA) which also has designated gas inspectors.</p> <p>Accordingly, presently, gas distribution licences are indirectly exempted, as section 63 (ea) of the EDGA exempts pipelines under the <i>Gas Standards Act 1972</i> (GSA). Under section 11Z of the ECA, gas distribution licences must comply with the GSA. By means of this link, licences are exempt from the <i>Explosives and Dangerous Goods Act 1961</i>. However, it is desired to make this exemption for licences more specific, for reasons of clarity and certainty.</p> <p>Rather than relying on the present indirect exemption, the amendment is designed to specifically exempt gas distribution pipeline licences.</p> |

NAME OF ACT BEING AMENDED: *Explosives and Dangerous Goods Act 1961*

CLAUSE NO. 51

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--------------------|------------|--|
| | | <p>This consequential amendment will provide for consistency between pipelines the subject of a licence under the ECA and pipelines under the <i>Electricity Act 1945</i>, <i>Liquid Petroleum Gas Act 1956</i>, <i>Petroleum Pipelines Act 1969</i> and <i>Petroleum (Submerged Lands) Act 1982</i>.</p> <p>For the two reasons above, that is, to make the exemption more direct, and to make it consistent with other exempt pipelines, it is appropriate that pipelines under the <i>Energy Coordination Act 1994</i> are also directly exempted from the provisions of the <i>Explosive and Dangerous Goods Act 1961</i>.</p> |

NAME OF ACT BEING AMENDED: *Explosives and Dangerous Goods Act 1961* **CLAUSE NO.** 51 (cont...)

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|---|---|
| <p>5. Interpretation</p> <p>(1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires —</p> <p>“published”, in relation to a statement or information, includes —</p> <p>(g) appended to or stamped upon an article in the form of a label or impressed stamp denoting that such article complies with the requirements of —</p> <p>(i) the Standards Association of Australia; or</p> | <p>5. Interpretation</p> <p>(1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires —</p> <p>“published”, in relation to a statement or information, includes —</p> <p>(g) appended to or stamped upon an article in the form of a label or impressed stamp denoting that such article complies with the requirements of —</p> <p>(i) the Standards Association of Australia <u>Standards Australia</u>; or</p> | <p>The Standards Association of Australia has undergone a change of name. “Standards Australia” is now defined in the <i>Interpretation Act 1984</i>.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|---|------------------|
| <p>50. Safety standards (TPA ss.65C, 65E)</p> <p>(3) Regulations made under subsection (1) may —</p> <p>(a) adopt either wholly or in part and either specifically or by reference any Australian Standard or any of the standards, rules, codes or specifications —</p> <p>(i) of the body known as the Standards Association of Australia; or</p> | <p>50. Safety standards (TPA ss.65C, 65E)</p> <p>(3) Regulations made under subsection (1) may —</p> <p>(a) adopt either wholly or in part and either specifically or by reference any Australian Standard or any of the standards, rules, codes or specifications —</p> <p>(i) — of the body known as the Standards Association of Australia; or</p> <p>(i) <u>of Standards Australia;</u></p> | <p>As above.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--|---|
| <p>59. Prescribing of product information standards (TPA s.65D(2))</p> <p>(3) Regulations made under subsection (1) may —</p> <p>(a) adopt either wholly or in part and either specifically or by reference any Australian Standard or any of the standards, rules, codes or specifications —</p> <p>(i) of the body known as the Standards Association of Australia; or</p> | <p>59. Prescribing of product information standards (TPA s.65D(2))</p> <p>(3) Regulations made under subsection (1) may —</p> <p>(a) adopt either wholly or in part and either specifically or by reference any Australian Standard or any of the standards, rules, codes or specifications —</p> <p>(i) — of the body known as the Standards Association of Australia; or</p> <p><u>(i) of Standards Australia;</u></p> | <p>The Standards Association of Australia has undergone a change of name. “Standards Australia” is now defined in the <i>Interpretation Act 1984</i>.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--|---|
| <p>33. Publication of analysis</p> <p>(4) Any proprietor or manager of a newspaper or public print may republish any report which has been published by the Registrar in accordance with the provisions of subsection (1) of this section, and no action shall lie against such proprietor or manager in respect of the republication.</p> | <p>33. Publication of analysis</p> <p>(4) Any proprietor or manager of a newspaper or public print may republish any report which has been published by the <u>chief executive officer</u> in accordance with the provisions of subsection (1) of this section, and no action shall lie against such proprietor or manager in respect of the republication.</p> | <p>Act No 9 of 1998 purported to make this amendment but due to an error in that Act the amendment was not effective.</p> |

NAME OF ACT BEING AMENDED: *Fertilizers Act 1977*

CLAUSE NO. 53

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|---|--|
| Schedule 1 (Sections 3 and 4) List of Statutory Authorities ... Central TAFE Central West College of TAFE Coal Industry superannuation board Coal Mines Accident Relief Fund Trust Commissioner of Main Roads Commissioner of Workplace Agreements Conservation Commission of Western Australia Construction Industry Long Service Leave Payments Board Country High School Hostels Authority Country housing Authority Curriculum Council Curtin University of Technology ... | Schedule 1 (Sections 3 and 4) List of Statutory Authorities ... Central TAFE Central West College of TAFE Coal Industry superannuation board Coal Mines Accident Relief Fund Trust Commissioner of Main Roads Commissioner of Workplace Agreements Conservation Commission of Western Australia Construction Industry Long Service Leave Payments Board Country High School Hostels Authority Country housing Authority Curriculum Council Curtin University of Technology ... | The Act under which the Coal Mines and Accident Relief Fund Trust was established was repealed in 1994. This entry is therefore redundant. |

NAME OF ACT BEING AMENDED: *Financial Administration and Audit Act 1985*

CLAUSE NO. 54

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--|--|
| <p>164 Notice to Commissioner of Aboriginal Planning in certain cases</p> <p>(1) The Minister must cause notice of every application for an aquaculture lease or an exclusive licence to be given to the Commissioner within 14 days of the application being made.</p> | <p>164 Notice to Commissioner of Aboriginal Planning in certain cases</p> <p>(1) The Minister <u>for Fisheries</u> must cause notice of every application for an aquaculture lease or an exclusive licence to be given to the Commissioner within 14 days of the application being made.</p> | <p>Inserts missing words, consistent with the reference to 'Minister for Fisheries' in section 163 of the Act.</p> |

NAME OF ACT BEING AMENDED: *Fish Resources Management Act 1994*

CLAUSE NO. 55

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|---|---|
| <p>3. Interpretation</p> <p>(2) In this Act —</p> <p>“prescribed bet” means —</p> <p>(a) a bet made with a person lawfully carrying on the business of a bookmaker under the <i>Betting Control Act 1954</i>, entered into in the course and for the purposes of that business;</p> <p>(b) a bet made, with a person authorized to accept bets of that kind, under an Act specified in the Schedule or under a prescribed provision; or</p> | <p>3. Interpretation</p> <p>(2) In this Act —</p> <p>“prescribed bet” means —</p> <p>(a) a bet made with a person lawfully carrying on the business of a bookmaker under the <i>Betting Control Act 1954</i>, entered into in the course and for the purposes of that business;</p> <p>(aa) <u>a bet made with a totalisator operated by the committee of a racing club or other authority controlling the racecourse on which that club conducts race meetings in accordance with an authority granted under the <i>Betting Control Act 1954</i>;</u></p> <p>(b) a bet made, with a person authorized to accept bets of that kind, under an Act specified in the Schedule or under a prescribed provision; or</p> | <p>This Act was promulgated in 1985 to establish provision for gambling debts to be recovered. For a gambling debt to be recoverable it must arise from “lawful gaming” or “lawful betting” and various references to related Acts are included.</p> <p>Since this Act was introduced, the <i>Betting Control Act 1954</i> has been amended to incorporate the licensing and operation of racecourse totalisators.</p> <p>This amendment is to include in the definition of a “prescribed bet” a bet made with a totalisator operated by a race club, in accordance with an authority issued under the amended <i>Betting Control Act 1954</i>.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--|--|
| <p style="text-align: center;">Schedule</p> <p style="text-align: right;">[s. 3]</p> <p><i>Totalisator Act 1883</i></p> <p><i>Totalisator Regulation Act 1911</i></p> <p><i>Totalisator Agency Board Betting Act 1960</i></p> <p><i>Lotteries Commission Act 1990</i></p> <p><i>Casino Control Act 1984</i></p> <p><i>Casino (Burswood Island) Agreement Act 1985</i></p> <p><i>Police Act 1892</i></p> <p><i>Race Meetings (Two-up Gaming) Act 1985</i></p> | <p style="text-align: center;">Schedule</p> <p style="text-align: right;">[s. 3]</p> <p><i>Totalisator Act 1883</i></p> <p><i>Totalisator Regulation Act 1911</i></p> <p><i>Totalisator Agency Board Betting Act 1960</i></p> <p><i>Lotteries Commission Act 1990</i></p> <p><i>Casino Control Act 1984</i></p> <p><i>Casino (Burswood Island) Agreement Act 1985</i></p> <p><u><i>Gaming Commission Act 1987</i></u></p> <p><i>Police Act 1892</i></p> <p><i>Race Meetings (Two-up Gaming) Act 1985</i></p> | <p>Since the <i>Gaming and Betting (Contracts and Securities) Act 1985</i> was promulgated in 1985, the <i>Totalisator Act 1883</i>, <i>Totalisator Regulation Act 1911</i> and the <i>Race Meetings (Two up Gaming) Act 1985</i> have been repealed and the <i>Gaming Commission Act 1987</i> has been promulgated. This amendment updates the Schedule to reflect these changes.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|---|--|
| <p>92. Section 124 amended</p> <p>Section 124 is amended as follows:</p> <p>(c) in subsection (4)(k) —</p> <p style="padding-left: 40px;">(i) by deleting “in the case of by-laws made by the Electricity Corporation,”; and</p> <p>(d) in subsection (5), by deleting “the Electricity Corporation” in both places where it occurs and inserting instead — “ the corporation ”.</p> | <p>Section 92(c)(i) and (d) of the <i>Gas Corporation (Business Disposal) Act 1999</i> are deleted.</p> | <p>These provisions are inoperative.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|--|--|
| <p>12. General regulation-making power for Gas Pipelines Access Law</p> <p>(3) The provisions of the <i>Interpretation Act 1984</i> do not apply for the purposes of regulations under this Part but instead those of Appendix 1 to Schedule 1 apply.</p> <p>Schedule 1 – Third Party Access to Natural Gas Pipelines [ss.391), 12(3)] Part 1 – Preliminary</p> <p>...</p> <p>17. Arbitrator may request information</p> <p>...</p> <p>(3) If local Regulator gives the arbitrator information that is confidential, the local Regulator is to identify the nature and extent of the confidentiality and the arbitrator is to treat the information accordingly.</p> | <p>12. General regulation-making power for Gas Pipelines Access Law</p> <p>(3) The provisions of the <i>Interpretation Act 1984</i> do not apply for the purposes of regulations under this Part but instead those of <u>Appendix</u> to Schedule 1 apply.</p> <p>Schedule 1 – Third Party Access to Natural Gas Pipelines [ss.391), 12(3)] Part 1 – Preliminary</p> <p>...</p> <p>17. Arbitrator may request information</p> <p>...</p> <p>(3) If <u>the</u> local Regulator gives the arbitrator information that is confidential, the local Regulator is to identify the nature and extent of the confidentiality and the arbitrator is to treat the information accordingly.</p> | <p>Section 12 (3) -corrects a cross referencing error.</p> <p>Schedule 1 – Inserts a missing word.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|--|---|
| <p>13A. Gasfitting works and workers</p> <p>...</p> <p>(3) Regulations made under this Act may make provision –</p> <p>...</p> <p>(h) adopting, by reference to the text as from time to time amended and for the time being in force, unless a particular text is specified at the time of such adoption, -</p> <p>....</p> <p>(ii) such standards, rules, codes or specifications issued by the Standards association of Australia, the Australian Gas Association, the British Standards Institution, or other specified body, ...</p> | <p>13A. Gasfitting works and workers</p> <p>...</p> <p>(3) Regulations made under this Act may make provision –</p> <p>...</p> <p>(h) adopting, by reference to the text as from time to time amended and for the time being in force, unless a particular text is specified at the time of such adoption, -</p> <p>....</p> <p>(ii) such standards, rules, codes or specifications issued by the <u>Standards Australia</u>, the Australian Gas Association, the British Standards Institution, or other specified body, ...</p> | <p>The Standards Association of Australia has undergone a change of corporate status and of name. “Standards Australia” is now defined in the <i>Interpretation Act 1994</i>.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--|--------------------------------------|
| <p>96. Proof of certain matters not required</p> <p>(1) In any prosecution or legal proceedings under the provisions of this Act, or the by-laws or regulations instituted by or under the direction of the Commission, no proof shall be required (until evidence is given to the contrary) of –</p> <p>...</p> <p>(d) the powers of the officer to prosecute;</p> <p>(e) the appointment of the Commissioner , or any other officer of the Commission, or</p> | <p>96. Proof of certain matters not required</p> <p>(1) In any prosecution or legal proceedings under the provisions of this Act, or the by-laws or regulations instituted by or under the direction of the Commission, no proof shall be required (until evidence is given to the contrary) of –</p> <p>...</p> <p>(d) the powers of the officer to prosecute; <u>or</u></p> <p>(e) the appointment of the Commissioner , or any other officer of the Commission.</p> | <p>Corrects a grammatical error.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--|--------------------------------------|
| <p>2. Liability of owner or master in the case of a vessel under pilotage</p> <p>The owner of a vessel, and the master of a vessel, shall be answerable under the provisions of the Acts set out in the schedule to this Act, for any loss or damage caused by the vessel, or by any fault of the navigation of the vessel, notwithstanding that the vessel was in charge of a pilot and that pilotage was compulsory,.</p> | <p>2. Liability of owner or master in the case of a vessel under pilotage</p> <p>The owner of a vessel, and the master of a vessel, shall be answerable under the provisions of the Acts set out in the schedule to this Act, for any loss or damage caused by the vessel, or by any fault of the navigation of the vessel, notwithstanding that the vessel was in charge of a pilot and that pilotage was compulsory₁.</p> | <p>Corrects a grammatical error.</p> |

NAME OF ACT BEING AMENDED: *Harbours and Jetties Act 1928*

CLAUSE NO. 61

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>344A. Incorporation by reference</p> <p>(1) Any regulations or local laws made under this Act may adopt wholly or partly (or varied as specified in the regulation or local law) a code published under subsection (2) or any of the standards, rules, codes or other provisions of the body known as the Standards Association of Australia, or other Australian and international bodies of well established high repute, as in force at the time of adoption or as amended from time to time.</p> | <p>344A. Incorporation by reference</p> <p>(1) Any regulations or local laws made under this Act may adopt wholly or partly (or varied as specified in the regulation or local law) a code published under subsection (2) or any of the standards, rules, codes or other provisions of the body known as the <u>Standards Australia</u>, or other Australian and international bodies of well established high repute, as in force at the time of adoption or as amended from time to time.</p> | <p>The Standards Association of Australia has undergone a change of corporate status and of name. “Standards Australia” is now defined in the <i>Interpretations Act 1984</i>.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|--|--|
| <p><i>Schedule 5</i></p> <p>[Section 360 (1)]</p> <p><i>Penalties</i></p> <p>Part IV</p> <p>Sections 98, 99(4), 108(4), 109, 188, 207B(3), 207C, 209(1) and (2), 210, 211(1), (2), (3), (4) and (5), 223(1), 225(2), 227(2), 231(2), 234(1), 240(1), 246E, 246L, 246N(1), 246O(1), 246(Q)(2), 246T, 246X(2), 267(1), 278(1), 279, 282(2), 298(1), 299(1), 310(1), 313(1), 332(1), 336(5a), 336A(5a), 336B(7a), 340M(1) and (2), 340AK (5b), 340aM (1) and (2), 340BM (1) and (2) and 366(2).</p> <p>...</p> <p>Part VII</p> <p>Sections 129, 131(2), 228(2), 237(2), 238(1), 246E and 312.</p> | <p><i>Schedule 5</i></p> <p>[Section 360 (1)]</p> <p><i>Penalties</i></p> <p>Part IV</p> <p>Sections 98, 99(4), 108(4), 109, 188, 207B(3), 207C, 209(1) and (2), 210, 211(1), (2), (3), (4) and (5), 223(1), 225(2), 227(2), 231(2), 234(1), 240(1), , 246L, 246N(1), 246O(1), 246(Q)(2), 246T, 246X(2), 267(1), 278(1), 279, 282(2), 298(1), 299(1), 310(1), 313(1), 332(1), 336(5a), 336A(5a), 336B(7a), 340M(1) and (2), 340AK (5b), 340aM (1) and (2), 340BM (1) and (2) and 366(2).</p> <p>...</p> <p>Part VII</p> <p>Sections 129, 131(2), 228(2), 237(2), 238(1), 246E and 312.</p> | <p>Section 360 and Schedule 5 to the <i>Health Act 1911</i> together determine the penalties that are applicable in relation to each of the offences created by that Act.</p> <p>Generally, section 360 provides for there to be a graduated system of penalties, and Schedule 5 identifies the offences to which each level of penalty applies. This is done by listing in the Parts to Schedule 5, those sections of the Act where offences appear, and relating the offences in each Part to the penalty levels prescribed by section 360.</p> <p>Section 246E of the <i>Health Act 1911</i> makes it an offence for a person to expose for sale, sell or supply any meat or product containing meat which has not been marked or branded in accordance with the <i>health (Meat Inspection, Branding and Processing) Regulations 1950</i>.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--------------------|------------|--|
| | | <p>The offence created by section 264E appears twice in Schedule 5 to the Act – under Part IV and Part VII. This causes some confusion about the applicable penalty levels.</p> <p>HDWA officers have established that instructions were provided to Parliamentary Counsel to remove reference to section 246E from Part IV of Schedule 5 to the <i>Health Act 1911</i>, and include it in Part VII of the same schedule in the context of preparing the <i>Health Amendment Act 1987</i>. However, while Part VII was amended to include reference to section 246E, the instruction to remove the same reference from Part IV was not given effect, hence two references.</p> <p>The policy intention is, as it was in 1987, that the offence created by section 246E of the <i>Health Act 1911</i> should attract the penalties which are applicable to other offences identified in Part VII of Schedule 5 to that Act. On that basis, the reference to section 246E in Part IV of that Schedule should be deleted.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|---|---|
| <p>37. Notice of referral for conciliation</p> <p>(1) Within 14 days after the Director refers a complaint for conciliation the conciliator must give written notice of that decision to the provider and the person who made the complaint.</p> <p>(2) The Director must include in the notice —</p> <p>(a) details of the arrangements made for conciliation discussions between the provider and that person; and</p> <p>(b) a statement that the provider may make submissions to the conciliator.</p> | <p>37. Notice of referral for conciliation</p> <p>(1) Within 14 days after the Director refers a complaint for conciliation the conciliator must give written notice of that decision to the provider and the person who made the complaint.</p> <p>(2) The Director must include in the notice <u>notice must include</u> —</p> <p>(a) details of the arrangements made for conciliation discussions between the provider and that person; and</p> <p>(b) a statement that the provider may make submissions to the conciliator.</p> | <p>Section 37 of this Act requires that a notice must be provided to a complainant and to a service provider who, or which, is the subject of a complaint when the Director of the Office of Health Review (“the Director”) refers a complaint for conciliation.</p> <p>Subsection 37(1) makes clear that this notice is to be given by the conciliator who is assigned to deal with the complaint by the Director under section 36 of that Act. However, subsection 37(2) places an obligation on the Director (not the conciliator) to include certain information in the notice given under subsection 37(1).</p> <p>This is therefore a minor amendment to correct a drafting error in the legislation, clarifying who is responsible for providing the notice.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--|---|
| <p>25E. Application of this Division</p> <p>(2) This Division does not apply to residential building work for which a building licence under Part XV of the <i>Local Government (Miscellaneous Provisions) Act 1960</i> was issued before the commencement of <i>Home Building Contracts Amendment Act 1996</i>.</p> | <p>25E. Application of this Division</p> <p>(2) This Division does not apply to residential building work for which a building licence under Part XV of the <i>Local Government (Miscellaneous Provisions) Act 1960</i> was issued before the commencement of <u>the</u> <i>Home Building Contracts Amendment Act 1996</i>.</p> | <p>This amendment inserts a missing word.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|--|--|
| <p>18. Functions of hospital boards</p> <p>(1b) Subject to subsection (1c), the provision of any facility under subsection (1a) shall be on such terms and conditions, including the payment of charges, as are determined by the Minister from time to time.</p> <p>26J. Guidelines</p> <p>(2) Guidelines issued under subsection (1) may —</p> <p>(b) adopt, either wholly or in part or with modifications and either specifically or by reference to any rules, regulations, codes, instructions or subsidiary legislation under any Act of the State or the Commonwealth or any standards, rules, codes or specifications of the bodies known as the Standards Association of Australia, the British Standards Institution or other body specified in the guidelines.</p> | <p>18. Functions of hospital boards</p> <p>(1b) Subject to subsection (1c), the <u>The</u> provision of any facility under subsection (1a) shall be on such terms and conditions, including the payment of charges, as are determined by the Minister from time to time.</p> <p>26J. Guidelines</p> <p>(2) Guidelines issued under subsection (1) may —</p> <p>(b) adopt, either wholly or in part or with modifications and either specifically or by reference to any rules, regulations, codes, instructions or subsidiary legislation under any Act of the State or the Commonwealth or any standards, rules, codes or specifications of the bodies known as the Standards Association of Australia <u>Standards Australia</u>, the British Standards Institution or other body specified in the guidelines.</p> | <p>Section 18 (1)(b) – This amendment deletes a reference to subsection (1)(c) which has been repealed.</p> <p>Section 26J(2)(b) – The Standards Association of Australia has undergone a change of corporate status and of name. “Standards Australia is now defined in the <i>Interpretation Act 1984</i>.</p> |

NAME OF ACT BEING AMENDED: *Hospitals and Health Services Act 1927*

CLAUSE NO. 65

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|---|---|
| <p>7. Interpretation</p> <p>(1) In this Act, unless the contrary intention appears —</p> <p>“Council” means the body known as the Trades and Labor Council of Western Australia;</p> | <p>7. Interpretation</p> <p>(1) In this Act, unless the contrary intention appears —</p> <p>“Council” means the body known as the Trades and Labor Council of Western Australia <u>Unions Western Australia</u>;</p> | <p>Section 7(1) - The Trades and Labor Council has changed its name to Unions Western Australia.</p> |

NAME OF ACT BEING AMENDED: *Industrial Relations Act 1979*

CLAUSE NO. 66

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|---|---|
| <p>65. Audit and filing of accounts of organization</p> <p>The secretary of each organization shall —</p> <p>(b) within one calendar month after the completion of the audit referred to in paragraph (a), deliver to the Registrar —</p> <p>(iii) a sources and application of funds statement of the organization for the financial year concerned audited by the auditor.</p> | <p>65. Audit and filing of accounts of organization</p> <p>The secretary of each organization shall —</p> <p>(b) within one calendar month after the completion of the audit referred to in paragraph (a), deliver to the Registrar —</p> <p>(iii) a sources and application of funds <u>cash flow</u> statement of the organization for the financial year concerned audited by the auditor.</p> | <p>Section 65(b)(iii) – The Australian Accounting Standards Board has changed the terminology used for financial records. “Sources and applications of funds statements” are now referred to as “cash flow statements”. These changes to the accounting standards occurred in December 1991. This amendment makes the references in the Industrial Relations Act consistent with current accounting standards terminology.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>71. Provisions relating to State branches of Federal organizations</p> <p>(1) In this section — “State organization” means an organization of employees that is registered under Division 4 of Part II.</p> | <p>71. Provisions relating to State branches of Federal organizations</p> <p>(1) In this section — “State organization” means an organization of employees that is registered under Division 4 of Part II.</p> | <p>Section 71 – Amendment to allow employer organisations, as well as employee organisations, to take advantage of the provisions that allow an organisation which has a federal counterpart to have one set of elections for the offices in both organisations.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>5. Definitions applicable to written laws</p> <p>In this Act and every other written law —</p> <p>“sitting days” in relation to either House of Parliament, means days on which such House actually sits;</p> <p>“State” means a State of the Commonwealth;</p> | <p>5. Definitions applicable to written laws</p> <p>In this Act and every other written law —</p> <p>“sitting days” in relation to either House of Parliament, means days on which such House actually sits;</p> <p>“Standards Australia” means <u>Standards Australia International Limited (ACN 087 326 690) and</u> <u>includes a reference to the</u> <u>Standards Association of</u> <u>Australia as constituted before</u> <u>1 July 1999;</u></p> <p>“State” means a State of the Commonwealth;</p> | <p>Sections 5 and 13 – The Standards Association of Australia has undergone a change of corporate status and of name. As it is referred to in numerous Acts and Regulations, this amendment is included in the <i>Interpretation Act 1984</i> to ensure that those references continue to be effective.</p> |

| EXISTING PROVISION | | AS AMENDED | EXPLANATION |
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| 13. | References to British subject, etc. | 13. References to British subject, etc. | As above. |
| 14. | References by number to be inclusive | <p><u>13A</u> <u>References to Standards Association of Australia</u></p> <p><u>A reference in a written law (other than this Act) to the Standards Association of Australia shall be read as a reference to Standards Australia.</u></p> <p>14. References by number to be inclusive </p> | |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>26. Citation of written laws</p> <p>(1) Where a written law is referred to, it shall be sufficient for all purposes to cite or refer to that written law by —</p> <p>(a) the short title or the citation (if any) by which it was made citable; or</p> | <p>26. Citation of written laws</p> <p>(1) Where a written law is referred to, it shall be sufficient for all purposes to cite or refer to that written law by —</p> <p>(a) the short title or the citation (if any) <u>given to it or</u> by which it was made citable; or</p> | <p>Section 26 – this amendment is to allow for a change in drafting practice that makes use of a shorter and more direct form of short title provision.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>4A. Adoption of rules, codes, etc.</p> <p>Any regulations made under this Act may —</p> <p>(a) adopt, either wholly or in part or with modifications and either specifically or by reference, any rules, regulations, codes, instructions or other subordinate legislation made, determined or issued under any other Act or under any Act of the Parliament of the Commonwealth or the United Kingdom, or any of the standards, rules, codes or specifications of the bodies known as the Standards Association of Australia, the British Standards Institution, The Association of Australian Port and Marine Authorities, or other like body specified in the regulations; and</p> | <p>4A. Adoption of rules, codes, etc.</p> <p>Any regulations made under this Act may —</p> <p>(a) adopt, either wholly or in part or with modifications and either specifically or by reference, any rules, regulations, codes, instructions or other subordinate legislation made, determined or issued under any other Act or under any Act of the Parliament of the Commonwealth or the United Kingdom, or any of the standards, rules, codes or specifications of the bodies known as the Standards Association of Australia <u>Standards Australia</u>, the British Standards Institution, The Association of Australian Port and Marine Authorities, or other like body specified in the regulations; and</p> | <p>The Standards Association of Australia has undergone a change of corporate status and of name. “Standards Australia” is now defined in the <i>Interpretation Act 1984</i>.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>206E. Enforcement of order for costs</p> <p>(3) Where an application for leave to appeal or an appeal relates wholly or partly to an order made by justices for the payment of money on account of any of the matters specified in the Eighth Schedule, an order for payment of costs in connection with the application or the appeal shall not be enforceable under this section.</p> | <p>Section 206E(3) is repealed.</p> | <p>This section relates to the Eighth Schedule, which has been repealed. The subsection is therefore redundant and is repealed.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>Content of a taking order</p> <p>178.(1) A taking order must –</p> <p>(f) if land affected by the order is not under the <i>Transfer of Land Act 1893</i> – provide that it will be brought under that Act.</p> <p>How compensation to be assessed for interest in land taken</p> <p>241.(1) In determining the amount of compensation (if Any) to be offered, paid, or awarded for an interest in land taken under this Part, regard is to be had solely to the matter referred to in this section.</p> | <p>Content of a taking order</p> <p>178.(1) A taking order must –</p> <p>(f) if land affected by the order is not under the <i>Transfer of Land Act 1893</i> – provide that it will be registered under that Act.</p> <p>How compensation to be assessed for interest in land taken</p> <p>241.(1) In determining the amount of compensation (if Any) to be offered, paid, or awarded for an interest in land taken under Part 9, regard is to be had solely to the matter referred to in this section.</p> | <p>Terminology changed to that used in the <i>Transfer of Land Act 1893</i>.</p> <p>Section 241 is in Part 10 of the Act, while the land taking provisions are in Part 9. This amendment corrects the section and provides that the Part of the Act being referred to is Part 9 and not Part 10 of the <i>Land Administration Act 1997</i>.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>6. Composition of Tribunals</p> <p>(1) Subject to this section, each Tribunal shall consist of three members appointed by the Governor of whom —</p> <p>(b) one shall be a member, as an Associate or a Fellow, of the Australian Institute of Valuers (Incorporated) of not less than five years standing and practice; and</p> | <p>6. Composition of Tribunals</p> <p>(1) Subject to this section, each Tribunal shall consist of three members appointed by the Governor of whom —</p> <p>(b) one shall be a member, as an Associate or a Fellow, of the Australian Institute of Valuers <u>Australian Property Institute</u> (Incorporated) of not less than five years standing and practice; and</p> | <p>The Australian Institute of Valuers has changed its name to Australian Property Institute.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>4. Interpretation</p> <p>In this Act unless the context otherwise requires —</p> <p>“approved” means approved by the Board;</p> <p>“Chairman” means the Chairman of the Board;</p> <p>...</p> | <p>4. Interpretation</p> <p>In this Act unless the context otherwise requires —</p> <p>“approved” means approved by the Board;</p> <p><u>“Australian Property Institute”</u> means the incorporated association known as the Australian Property Institute;</p> <p>“Chairman” means the Chairman of the Board;</p> <p>...</p> | <p>The Australian Institute of Valuers has changed its name to Australian Property Institute.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>4. Interpretation</p> <p>...</p> <p>“member” means a member of the Board and includes the Chairman;</p> <p>“member”, where used in relation to membership of the Institute of Valuers, means a Fellow or Associate of that Institute;</p> <p>....</p> <p>“the Board” means the Valuers Licensing Board;</p> <p>“the Institute of Valuers” means the Australian Institute of Valuers (Incorporated).</p> | <p>4. Interpretation</p> <p>...</p> <p>“member” means a member of the Board and includes the Chairman;</p> <p>“member”, where used in relation to membership of the Institute of Valuers <u>Australian Property Institute</u>, means a Fellow or Associate of that Institute;</p> <p>....</p> <p>“the Board” means the Valuers Licensing Board;.</p> <p>“the Institute of Valuers” means the Australian Institute of Valuers (Incorporated).</p> | <p>As above.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>6.² Composition of Board</p> <p>(1) Subject to this section the Board shall consist of five members appointed by the Governor of whom —</p> <p>(c) 2 shall be persons who are experienced in the valuation of land, are members of the Institute of Valuers, and are nominated by the Minister from a panel of names submitted by the Western Australian Division of that Institute; and</p> <p>(d) one shall be a person who is experienced in the valuation of land, is a member of the Institute of Valuers, and is nominated by the Minister from a panel of names submitted by the Real Estate Institute of Western Australia.</p> | <p>6.² Composition of Board</p> <p>(1) Subject to this section the Board shall consist of five members appointed by the Governor of whom —</p> <p>(c) 2 shall be persons who are experienced in the valuation of land, are members of the Institute of Valuers <u>Australian Property Institute</u>, and are nominated by the Minister from a panel of names submitted by the Western Australian Division of that Institute; and</p> <p>(d) one shall be a person who is experienced in the valuation of land, is a member of the Institute of Valuers <u>Australian Property Institute</u>, and is nominated by the Minister from a panel of names submitted by the Real Estate Institute of Western Australia.</p> | <p>As above.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>6.² Composition of Board</p> <p>(4) Where a request is made pursuant to subsection (3) the Minister may, if no panel or no panel of sufficient size, is submitted in accordance with the request, nominate for appointment —</p> <p>(b) to an office referred to in subsection (1) (c) or (d), such person, being a person who is experienced in the valuation of land and is a member of the Institute of Valuers, as he thinks fit.</p> | <p>6.² Composition of Board</p> <p>(4) Where a request is made pursuant to subsection (3) the Minister may, if no panel or no panel of sufficient size, is submitted in accordance with the request, nominate for appointment —</p> <p>(b) to an office referred to in subsection (1) (c) or (d), such person, being a person who is experienced in the valuation of land and is a member of the Institute of Valuers <u>Australian Property Institute</u>, as he thinks fit.</p> | <p>As above.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>19. Grant of licence</p> <p>(1) The Board may grant a licence to any person who satisfies the Board, by such evidence as it may require that he is a person of good character and repute and is competent to carry out the duties of a licensed valuer and who —</p> <p>(c) is a member of the Institute of Valuers; or</p> | <p>19. Grant of licence</p> <p>(1) The Board may grant a licence to any person who satisfies the Board, by such evidence as it may require that he is a person of good character and repute and is competent to carry out the duties of a licensed valuer and who —</p> <p>(c) is a member of the Institute of Valuers <u>Australian Property Institute</u>; or</p> | <p>As above.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>4. Interpretation</p> <p>(1) In this Act, unless the contrary intention appears —</p> <p>.....</p> <p>“Attorney General” means the Attorney General of the State;</p> <p>“Barristers’ Board” means the Board constituted under Part I of the <i>Legal Practitioners Act 1893</i>³;</p> <p>“Chairman” means the Chairman of the Commission;</p> <p>.....</p> <p>“the Fund” means the Legal Aid Fund of Western Australia established by section 52;</p> <p>“the staff” means the staff of the Commission.</p> | <p>4. Interpretation</p> <p>(1) In this Act, unless the contrary intention appears —</p> <p>.....</p> <p>“Attorney General” means the Attorney General of the State;</p> <p>“Barristers’ Board” means the Board constituted under Part I of the <i>Legal Practitioners Act 1893</i>³;</p> <p>“Chairman” means the Chairman of the Commission;</p> <p>.....</p> <p>“the Fund” means the Legal Aid Fund of Western Australia established by section 52;</p> <p><u>“The Legal Practice Board” means the Board constituted under Part I of the <i>Legal Practitioners Act 1893</i>;</u></p> <p>“the staff” means the staff of the Commission.</p> | <p>All of the amendments to this Act are to reflect the change in the name of the Board from the Barrister’s Board to the Legal Practice Board.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>56. Application of Financial Administration and Audit Act 1985</p> <p>(2) A copy of the annual report of the Commission and the opinion of the Auditor General in relation to the financial statements of the Commission shall be furnished to —</p> <p>(f) the Barristers Board³ constituted under the <i>Legal Practitioners Act 1893</i>,</p> <p>at the same time as they are submitted to the Minister.</p> <p>40. Assisted persons to have private practitioners of their choice</p> <p>(6a) In making an exclusion, removal or limitation of a private practitioner under subsection (6) the Commission may have regard to any order or finding of fact relating to that practitioner made under Part IV of the <i>Legal Practitioners Act 1893</i> by the Barristers' Board³ or by the Full Court of the Supreme Court.</p> | <p>56. Application of Financial Administration and Audit Act 1985</p> <p>(2) A copy of the annual report of the Commission and the opinion of the Auditor General in relation to the financial statements of the Commission shall be furnished to —</p> <p>(f) the Barristers Board <u>The Legal Practice Board</u>³ constituted under the <i>Legal Practitioners Act 1893</i>,</p> <p>at the same time as they are submitted to the Minister.</p> <p>40. Assisted persons to have private practitioners of their choice</p> <p>(6a) In making an exclusion, removal or limitation of a private practitioner under subsection (6) the Commission may have regard to any order or finding of fact relating to that practitioner made under Part IV of the <i>Legal Practitioners Act 1893</i> by the Barristers' Board <u>The Legal Practice Board</u>³ or by the Full Court of the Supreme Court.</p> | |

NAME OF ACT BEING AMENDED: *Legal Aid Commission Act 1976*

CLAUSE NO. 73 (cont...)

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>64. Secrecy</p> <p>(2c) Notwithstanding anything contained in subsection (2), a person to whom this section applies may, with the approval of the Chairman or the Commission, disclose any information referred to in subsection (2) to the Barristers' Board³ for the purposes of the <i>Legal Practitioners Act 1893</i> and, in construing this subsection, “disclose” includes disclose by producing any relevant document.</p> <p>(4) This section does not apply —</p> <p>(c) in an inquiry by the Barristers' Board³ or in proceedings before the Supreme Court, under the <i>Legal Practitioners Act 1893</i>.</p> | <p>64. Secrecy</p> <p>(2c) Notwithstanding anything contained in subsection (2), a person to whom this section applies may, with the approval of the Chairman or the Commission, disclose any information referred to in subsection (2) to the Barristers' Board <u>The Legal Practice Board</u>³ for the purposes of the <i>Legal Practitioners Act 1893</i> and, in construing this subsection, “disclose” includes disclose by producing any relevant document.</p> <p>(4) This section does not apply —</p> <p>(c) in an inquiry by the Barristers' Board <u>The Legal Practice Board</u>³ or in proceedings before the Supreme Court, under the <i>Legal Practitioners Act 1893</i>.</p> | <p>As above.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>56. Regulations</p> <p>(1) Without limiting the power to make rules under, and for the purposes of, Part V ⁴, the Governor may make regulations for any purpose for which regulations are contemplated and required by this Act and may make all such other regulations as may, in the opinion of the Governor, be necessary or convenient for giving full effect to the provisions of, and for the better and more convenient administration of, this Act.</p> | <p>56. Regulations</p> <p>(1) Without limiting the power to make rules under, and for the purposes of, Part V ⁴, the The Governor may make regulations for any purpose for which regulations are contemplated and required by this Act and may make all such other regulations as may, in the opinion of the Governor, be necessary or convenient for giving full effect to the provisions of, and for the better and more convenient administration of, this Act.</p> | <p>Section 56(1) – This amendment deletes a reference to Part V, which has been repealed.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>56. Regulations</p> <p>(2) Without limiting the generality of subsection (1), the Governor may make regulations —</p> <p>(g) so as to require a matter or thing or thing affected by the regulations to be in accordance with a specified requirement or as approved by a specified person or body and so as to delegate to, and confer upon, a specified person or body a discretionary authority; and</p> | <p>56. Regulations</p> <p>(2) Without limiting the generality of subsection (1), the Governor may make regulations —</p> <p>(g) so as to require a matter or thing or thing affected by the regulations to be in accordance with a specified requirement or as approved by a specified person or body and so as to delegate to, and confer upon, a specified person or body a discretionary authority; and</p> | <p>Section 56(2)(g) – This amendment deletes an inadvertently repeated word.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>5. Section 16 of the principal Act is amended -</p> <ul style="list-style-type: none"> (a) by deleting the passage “(whose decision shall be final)” in lines three and four of paragraph (b); and (b) by deleting paragraph (c) and substituting the following paragraph – (c) shall have passed such examinations as the Board may prescribe, . | <p>Section 5 is repealed.</p> | <p>This section, which proposed to amend section 16 of the <i>Legal Practitioners Act 1893 (WA)</i> has not been proclaimed because the position of managing clerk has fallen into desuetude and the last application under section 16 was received by the Legal Practitioners Board in 1984. Therefore it is not necessary for section 5 to be proclaimed, and it should be repealed.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>56. Evidence as to production of liquor</p> <p>(1) For the purposes of this Act, a person shall be taken to have produced liquor —</p> <p>(a) being wine made from grapes —</p> <p>(i) if it was fermented by, or under the control or direction of, that person; or</p> <p>(ii) if, in the case of wine produced by blending, all the wine used was fermented from produce grown or produced in Australia;</p> <p>or</p> <p>...</p> | <p>56. Evidence as to production of liquor</p> <p>(1) For the purposes of this Act, a person shall be taken to have produced liquor —</p> <p>(a) being wine made from grapes —</p> <p>(i) if it was fermented by, or under the control or direction of, that person; or</p> <p>(ii) if, in the case of wine produced by blending, all the wine used was fermented from produce grown or produced in Australia;</p> <p>or</p> <p>...</p> | <p>“or” is only required after the penultimate paragraph (i.e paragraph (c)). Therefore the “or” after paragraph (a) is unnecessary and is deleted.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>9. Membership of the Council</p> <p>(1) The Council shall consist of 15 members appointed by the Minister of whom —</p> <p>(ka) one shall be appointed on the nomination of the body known as the Trades and Labor Council of Western Australia;</p> | <p>9. Membership of the Council</p> <p>(1) The Council shall consist of 15 members appointed by the Minister of whom —</p> <p>(ka) one shall be appointed on the nomination of the body known as the Trades and Labor Council of Western Australia <u>Unions Western Australia</u>;</p> | <p>The Trades and Labour Council has changed its name to Unions Western Australia.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>3.8. Local laws may adopt codes etc.</p> <p>(1) A local law made under this Act may adopt the text of —</p> <p>(c) any code, rules, specifications, or standard issued by the Standards Association of Australia or by such other body as is specified in the local law.</p> | <p>3.8. Local laws may adopt codes etc.</p> <p>(1) A local law made under this Act may adopt the text of —</p> <p>(c) any code, rules, specifications, or standard issued by the Standards Association of Australia <u>Standards Australia</u> or by such other body as is specified in the local law.</p> | <p>The Standards Association of Australia has undergone a change of corporate status and of name. “Standards Australia” is now defined in the <i>Interpretation Act 1984</i>.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>19. Power to make regulations</p> <p>(2) Regulations may be made under this section adopting —</p> <p>any rules, regulations, other subordinate legislation, codes, standards, or instructions made, determined, or issued in respect of —</p> <p>(d) the safety or handling of dangerous or other goods;</p> <p>(e) the construction of buildings or other structures; or</p> <p>(f) the use of departmental areas or conduct of any activity in such areas,</p> <p>by or under any other Act or under any Act of the Parliament of the Commonwealth or the United Kingdom or by the Standards Association of Australia, the British Standards Institution, The Association of Australian Port and Marine Authorities, the Marine and Ports Council of Australia or other like body specified in the regulations.</p> | <p>19. Power to make regulations</p> <p>(2) Regulations may be made under this section adopting —</p> <p>any rules, regulations, other subordinate legislation, codes, standards, or instructions made, determined, or issued in respect of —</p> <p>(d) the safety or handling of dangerous or other goods;</p> <p>(e) the construction of buildings or other structures; or</p> <p>(f) the use of departmental areas or conduct of any activity in such areas,</p> <p>by or under any other Act or under any Act of the Parliament of the Commonwealth or the United Kingdom or by the Standards Association of Australia <u>Standards Australia</u>, the British Standards Institution, The Association of Australian Port and Marine Authorities, the Marine and Ports Council of Australia or other like body specified in the regulations.</p> | <p>The Standards Association of Australia has undergone a change of corporate status and of name. “Standards Australia” is now defined in the <i>Interpretation Act 1984</i>.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>36B. Board of Valuers</p> <p>(3) Each of the persons appointed to the Board shall be an Associate or a Fellow of the Australian Institute of Valuers Incorporated, an association incorporated under the laws of South Australia, and, of those persons —</p> <p>(a) one, who shall be Chairman, shall be nominated by the Commission; and</p> <p>(b) 3 shall be nominated by the body known as The Real Estate Institute of Western Australia, incorporated pursuant to the <i>Associations Incorporation Act 1895</i> ⁶.</p> | <p>36B. Board of Valuers</p> <p>(3) Each of the persons appointed to the Board shall be an Associate or a Fellow of the Australian Institute of Valuers Incorporated <u>Australian Property Institute</u>, an association incorporated under the laws of South Australia, and, of those persons —</p> <p>(a) one, who shall be Chairman, shall be nominated by the Commission; and</p> <p>(b) 3 shall be nominated by the body known as The Real Estate Institute of Western Australia, incorporated pursuant to the <i>Associations Incorporation Act 1895</i> ⁶.</p> | <p>The Australian Institute of Valuers Incorporated has changed its name to Australian Property Institute.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>124A. Prohibition on dealings in land</p> <p>.....</p> <p><i>Part IX — Finance</i></p> <p>...</p> <p>146. Corporation may make by-laws</p> <p>(1) Without prejudice to the generality of that power, the power conferred by section 34 of the <i>Water Agencies (Powers) Act 1984</i> to make by-laws may be exercised for the purposes of this Act with respect to the following matters, that is to say: —</p> <p>(20) Prohibiting any alteration of or interference with any meter, pipes, drain, property sewer, fixtures, or fittings, without the consent of or notice to the Corporation; and prohibiting the sale by any person to whom water is supplied by the Corporation of water supplied, except with the authority in writing of the Board.</p> | <p>124A. Prohibition on dealings in land</p> <p>.....</p> <p><i>Part IX — Finance</i></p> <p>...</p> <p>146. Corporation may make by-laws</p> <p>(1) Without prejudice to the generality of that power, the power conferred by section 34 of the <i>Water Agencies (Powers) Act 1984</i> to make by-laws may be exercised for the purposes of this Act with respect to the following matters, that is to say: —</p> <p>(20) Prohibiting any alteration of or interference with any meter, pipes, drain, property sewer, fixtures, or fittings, without the consent of or notice to the Corporation; and prohibiting the sale by any person to whom water is supplied by the Corporation of water supplied, except with the authority in writing of the Board <u>Corporation</u>.</p> | <p>Part IX Heading – The amendment deletes this heading because all sections of Part IX have been repealed.</p> <p>Section 146(1)(20) – This amendment updates the reference to Board with a reference to Corporation.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>152A. Limitation of time for taking proceedings</p> <p>Except as provided in section 146A and notwithstanding anything in any other Act, the time limited for making complaint of an offence against this Act is 2 years from the time when the matter of complaint arose.</p> | <p>152A. Limitation of time for taking proceedings</p> <p>Except as provided in section 146A and notwithstanding anything in any other Act, <u>Notwithstanding</u> the time limited for making complaint of an offence against this Act is 2 years from the time when the matter of complaint arose.</p> | <p>This amendment deletes a cross-reference to a repealed provision.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>104. Power to make regulations</p> <p>(6) Regulations made under this Act may adopt either wholly or in part and either specifically or by reference, any of the standards, rules, codes or specifications of the Standards Association of Australia, and other Australian and international bodies of well established high repute.</p> | <p>104. Power to make regulations</p> <p>(6) Regulations made under this Act may adopt either wholly or in part and either specifically or by reference, any of the standards, rules, codes or specifications of the Standards Association of Australia <u>Standards Australia</u>, and other Australian and international bodies of well established high repute.</p> | <p>The Standards Association of Australia has undergone a change of corporate status and of name. “Standards Australia” is now defined in the <i>Interpretation Act 1984</i>.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p style="text-align: center;">Schedule 1</p> <p style="text-align: right;">[Section 29]</p> <p>PUBLIC HOLIDAYS</p> <p style="text-align: center;">Public holidays</p> <p>The following are public holidays —</p> <p>New Year’s Day.</p> <p>Australia Day.</p> <p>Labour Day.</p> <p>Good Friday.</p> <p>Easter Monday.</p> <p>Anzac Day.</p> <p>Foundation Day (the day appointed by proclamation published in the <i>Gazette</i> under the <i>Public and Bank Holidays Act 1972</i>).</p> <p>Celebration Day for the anniversary of the birthday of the reigning Sovereign (the day appointed by proclamation published in the <i>Gazette</i> under the <i>Public and Bank Holidays Act 1972</i>).</p> <p>Christmas Day.</p> <p>Boxing Day.</p> | <p style="text-align: center;">Schedule 1</p> <p style="text-align: right;">[Section 29]</p> <p>PUBLIC HOLIDAYS</p> <p style="text-align: center;">Public holidays</p> <p>The following are public holidays —</p> <p>New Year’s Day.</p> <p>Australia Day.</p> <p>Labour Day.</p> <p>Good Friday.</p> <p>Easter Monday.</p> <p>Anzac Day.</p> <p>Foundation Day (the day appointed by proclamation published in the <i>Gazette</i> under the <i>Public and Bank Holidays Act 1972</i>).</p> <p>Celebration Day for the anniversary of the birthday of the reigning Sovereign (the day appointed by proclamation published in the <i>Gazette</i> under the <i>Public and Bank Holidays Act 1972</i>).</p> <p>Christmas Day.</p> <p>Boxing Day.</p> | <p>Deletes unnecessary words.</p> <p>The wording incorrectly specifies that Foundation Day is a day proclaimed by the Governor under the <i>Public and Bank Holidays Act 1972</i>. Foundation Day is statutorily defined in the <i>Public and Bank Holidays Act 1972</i> as “the Monday on or first Monday following 1st June”. It cannot be changed by proclamation.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>Section 20 amended</p> <p>5. (1) Section 20 (2) of the principal Act is amended –</p> <p>(a) by deleting paragraph (b) and substituting the following paragraph –</p> <p>“</p> <p>(b) to prospect for minerals by –</p> <p>(i) conducting geological mapping of;</p> <p>(ii) undertaking sampling by prescribed means and subject to prescribed limits on;</p> <p>(iii) conducting tests for minerals on; and</p> <p>(iv) engaging in any other activity authorized by the Minister in writing on,</p> <p>Crown land (not being Crown land that is the subject of a mining tenement) for the purpose of ascertaining whether any part of that land, and if appropriate determining which area, is to be marked out or applied for, or both, for the purpose of making an application for a mining tenement;</p> | <p>Section 5 of the Mining Amendment Act 1994 is repealed.</p> | <p>This section has not been proclaimed and is no longer required.</p> <p>The amendment to section 5 would have changed the rights of the holder of a Miner's Right. Advice was received that under the Commonwealth <i>Native Title Act 1993</i>(NTA) it would have required submission to the NTA procedures. For that reason the amendment was not proclaimed.</p> |

NAME OF ACT BEING AMENDED: *Mining Amendment Act 1994* **CLAUSE NO. 84**

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|------------------|------------------|
| <p>(b) in paragraph (c) by inserting after “extract or remove” the following – “ by prescribed means” ;</p> <p>(c) in paragraph (d) by deleting “prospecting” and substituting the following – “ the activities authorized under this subsection “.</p> <p>and</p> <p>(d) in paragraph (e)(i) and (ii) by deleting “purpose of prospecting” and substituting in each place the following – “ purposes of the activities authorized under this subsection “.</p> <p>(2) Section 20 (3)(a) of the principal Act is amended by deleting “holes, pits, trenches and other” in both places where it occurs.</p> | <p>As above.</p> | <p>As above.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|--|---|
| <p>Section 18(1) currently incorporates the words</p> <p>“any committee appointed under this Act or a Statute, or to any officer or officers of the university.”</p> | <p>Section 18(1) is amended by deleting those words and inserting instead –</p> <p>“any – (a) committee, council or other body; or (b) officer of officers, of the university.</p> | <p>An amendment to Section 18(1) of the Murdoch University Act was incorporated in the Statutes (Repeals and Minor Amendments) Act (No.2) 1998.</p> <p>The amendment was intended to remove the restrictions on the Senate’s powers to delegate to university committees.</p> <p>The university has subsequently received legal advice that the wording of the amendment has raised uncertainty about whether Senate can delegate to the University’s Academic Council. This amendment clarifies the question of the Senate’s powers to delegate.</p> |

NAME OF ACT BEING AMENDED: *Murdoch University Act 1973*

CLAUSE NO. 85

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--|---|
| <p>Section 25(1)(b) currently incorporates the provision</p> <p>“....it is ratified by a motion of an absolute majority of the members of the Senate at a meeting of the Senate held not less than three weeks nor more than ten weeks after the meeting at which the proposed Statute was approved.”</p> | <p>Section 25(1)(b) is amended by deleting “10 weeks” and inserting instead –</p> <p>“16 weeks”.</p> | <p>Murdoch University has noted the difficulties imposed by this administrative requirement which result in any Statute changes after the October meeting of Senate being held over until the February meeting, imposing an additional delay of four months. The current provision is unique to Murdoch University.</p> |
| <p>26(2) incorporates the name “Registrar” of the university.</p> | <p>26(2) is amended by deleting “Registrar” and inserting “Secretary”.</p> | <p>This is consequential to a restructure of senior management and the abolition of the position of Registrar.</p> |

NAME OF ACT BEING AMENDED: *Murdoch University Act 1973*

CLAUSE NO. 85 (cont....)

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|---|--|
| <p>AN ACT to promote and improve standards for occupational safety and health, to establish the WorkSafe Western Australia Commission, to facilitate the co-ordination of the administration of the laws relating to occupational safety and health and for incidental and other purposes.</p> <p>3(1) (in part)</p> <p>“Commission” means the WorkSafe Western Australia Commission established under this Act;</p> <p>PART 11 – WORKSAFE WESTERN AUSTRALIA COMMISSION</p> <p>6. (1) There shall be a WorkSafe Western Australia Commission.</p> | <p>AN ACT to promote and improve standards for occupational safety and health, to establish the WorkSafe Western Australia Commission, to facilitate the co-ordination of the administration of the laws relating to occupational safety and health and for incidental and other purposes.</p> <p>3(1) (in part)</p> <p>“Commission” means the Commission for Occupational Safety and Health established under this Act;</p> <p>PART 11 – OCCUPATIONAL SAFETY AND HEALTH COMMISSION</p> <p>6. (1) There shall be a Commission for Occupational Safety and Health.</p> | <p>The changes opposite replace all references to the WorkSafe Western Australia Commission, in the <i>Occupational Safety and Health Act 1984</i>, with a new name, the Commission for Occupational Safety and Health.</p> <p>The WorkSafe Western Australia Commission seeks a change of its name to alleviate any potential confusion between the Commission and the department, WorkSafe Western Australia. The Commission further considers the change would assist in increasing public awareness of the functions of the Commission and the status of its products.</p> <p>Clause 51(6) of this Bill provides that the amendments to the Commission’s name does not affect the appointment of any member of the Commission.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|---|---|
| <p>6. The Commission</p> <p>(2) The Commission shall consist of —</p> <p style="padding-left: 40px;">(d) 9 persons appointed by the Governor of whom —</p> <p style="padding-left: 80px;">(ii) 3 shall be persons nominated for appointment by the body known as The Trades and Labor Council of Western Australia; and</p> | <p>6. The Commission</p> <p>(2) The Commission shall consist of —</p> <p style="padding-left: 40px;">(d) 9 persons appointed by the Governor of whom —</p> <p style="padding-left: 80px;">(ii) 3 shall be persons nominated for appointment by the body known as The Trades and Labor Council of Western Australia <u>Unions Western Australia</u>; and</p> | <p>Section 6(2)(d)(ii) – The Trades and Labour Council has changed its name to Unions Western Australia.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|---|--|
| <p>90(3) The functions of the Mines Occupational Safety and Health Advisory Board are –</p> <p>(g) to liaise with the WorkSafe Western Australia Commission established by the <i>Occupational Safety and Health Act 1984</i> to co-ordinate activities on related functions and maintain parallel standards.</p> | <p>90(3) The functions of the Mines Occupational Safety and Health Advisory Board are –</p> <p>(g) to liaise with the Commission for Occupational Safety and Health established by the <i>Occupational Safety and Health Act 1984</i> to co-ordinate activities on related functions and maintain parallel standards.</p> | <p>This amendment is consequential to the change of name of the WorkSafe Western Australia Commission under the <i>Occupational Safety and Health Act</i>, to the Commission for Occupational Safety and Health.</p> |

NAME OF ACT BEING AMENDED: *Mines Safety and Inspection Act 1994*

CLAUSE NO. 86 (cont...)

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--|---|
| <p>42. Legal proceedings</p> <p>(2) All proceedings for offences against this Act shall be heard before a Court of Petty Sessions constituted by a stipendiary magistrate sitting alone.</p> <p>.....</p> <p>(7) Where a body corporate is convicted of an offence against this Act, every person who at the time of the commission of the offence was a director or member of the governing authority of the body corporate or an officer concerned in the management of it and who authorized or permitted the commission of the offence is guilty of the like offence.</p> <p>(2) A person referred to in subsection (7) of this section may, on the request of the complainant, be convicted on the proceedings on which the body corporate is convicted if the court is satisfied that the person had reasonable notice that the complainant intended to make that request.</p> | <p>43. Legal proceedings</p> <p>(2) All proceedings for offences against this Act shall be heard before a Court of Petty Sessions constituted by a stipendiary magistrate sitting alone.</p> <p>.....</p> <p>(7) Where a body corporate is convicted of an offence against this Act, every person who at the time of the commission of the offence was a director or member of the governing authority of the body corporate or an officer concerned in the management of it and who authorized or permitted the commission of the offence is guilty of the like offence.</p> <p>(2)<u>(8)</u> A person referred to in subsection (7) of this section may, on the request of the complainant, be convicted on the proceedings on which the body corporate is convicted if the court is satisfied that the person had reasonable notice that the complainant intended to make that request.</p> | <p>This amendment corrects a numbering error.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--|--|
| <p>90. Publication of proceedings etc.</p> <p>(3) The Board may notify a finding, reason or decision of the Board or the complaints assessment committee in respect of a person to —</p> <p>(a) any person referred to in subsection (2)(c), (d) or (e);</p> | <p>90. Publication of proceedings etc.</p> <p>(3) The Board may notify a finding, reason or decision of the Board or the complaints assessment committee in respect of a person to —</p> <p>(a) any person referred to in subsection (2)(e), (d) or (e); <u>subsection (2) (c) or (d);</u></p> | <p>This amendment deletes cross references to repealed provisions.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|--|---|
| <p>Application of <i>Financial Administration and Audit Act 1985</i></p> <p>12. The provisions of the <i>Financial Administration and Audit Act 1985</i> regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of a Board and its operations.</p> | <p>Application of <i>Financial Administration and Audit Act 1985</i></p> <p>12. The provisions of the <i>Financial Administration and Audit Act 1985</i> regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of a Board and its operations <u>if the Board is listed in Schedule 1 to that Act.</u></p> | <p>This amendment clarifies the position that the <i>Financial Administration and Audit Act 1985</i> applies to Boards listed in Schedule 1 of the <i>Financial Administration and Audit Act 1985</i>. This means that a Board created under the <i>Parks and Reserves Act 1895</i> is only subject to the provisions of the <i>Financial Administration and Audit Act 1985</i> if it is specified in Schedule 1 to the <i>Financial Administration and Audit Act 1985</i>.</p> |

NAME OF ACT BEING AMENDED: *Parks and Reserves Act 1895*

CLAUSE NO. 89

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|--|--|
| <p>9. Staff of the Commissioner</p> <p>(1) The Governor may, on the recommendation of the Commissioner, appoint such officers as he considers necessary for the purpose of enabling the functions of the Commissioner properly to be carried out.</p> <p>(2) Subject to this Act, the terms and conditions of service of officers of the Commissioner shall be such as the Governor determines.</p> | <p>9. Staff of the Commissioner</p> <p>(1) The Governor may, on the recommendation of the Commissioner, <u>Commissioner may</u> appoint such officers as he considers necessary for the purpose of enabling the functions of the Commissioner properly to be carried out.</p> <p>(2) Subject to this Act, the terms and conditions of service of officers of the Commissioner shall be such as the Governor <u>Commissioner</u> determines.</p> | <p>Section 9 – In order to appoint (or re-appoint) staff to the Office of the Parliamentary Commissioner, the Act requires those staff to be appointed by the Governor. The amendment means that the Commissioner can directly appoint staff, reducing the extra administrative work required to gain the Governor's approval for appointments.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|---|---|
| <p>10. Supplementary provisions as to Commissioner and other officers</p> <p>(5) Where a Commissioner or Deputy Commissioner immediately prior to his appointment occupied an office under Part 3 of the <i>Public Sector Management Act 1994</i>, he shall, if his term of office expires by effluxion of time and he is not reappointed, be entitled to be appointed to an office under Part 3 of the <i>Public Sector Management Act 1994</i>, not lower in status than the office which he occupied immediately prior to his appointment as Commissioner or Deputy Commissioner, as the case requires.</p> | <p>10. Supplementary provisions as to Commissioner and other officers</p> <p>(5) Where a Commissioner or Deputy Commissioner immediately prior to his appointment, <u>Deputy Commissioner or an officer of the Commissioner immediately prior to his appointment under this Act</u> occupied an office under Part 3 of the <i>Public Sector Management Act 1994</i>, he shall, if his term of office expires by effluxion of time and he is not reappointed, be entitled to be appointed to an office under Part 3 of the <i>Public Sector Management Act 1994</i>, not lower in status than the office which he occupied immediately prior to his appointment as Commissioner or Deputy Commissioner, <u>Deputy Commissioner or officer or the Commissioner</u> as the case requires.</p> | <p>Section 10 – Currently, section 10(5) provides for portability of superannuation entitlements for all staff. However, currently only the Ombudsman and Deputy Ombudsman are able to transfer back to employment under Part 3 of the <i>Public Sector Management Act 1994</i>, if they were so employed prior to appointment with the Office of the Parliamentary Commissioner. This amendment makes the provision apply to all staff.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--|--|
| <p>Schedule 1 — Entities, and extent, to which this Act does not apply⁵</p> <p>[Section 13(2)(n)]</p> <p>Note: each item in this Schedule is listed in the alphabetical order of the Act to which the item relates.</p> <p>The Commissioner for Public Sector Standards under the <i>Public Sector Management Act 1994</i> to the extent of the Commissioner's functions other than that of chief executive officer of the department of the Public Service principally assisting the Commissioner in the performance of the Commissioner's functions under that Act..</p> <p>The Inspector of Custodial Services under the <i>Prisons Act 1981</i>.</p> <p>The Western Australian Independent Rail Access Regulator appointed under section 13 of the <i>Railways (Access) Act 1998</i>.</p> | <p>Schedule 1 — Entities, and extent, to which this Act does not apply⁵</p> <p>[Section 13(2)(n)]</p> <p>Note: each item in this Schedule is listed in the alphabetical order of the Act to which the item relates.</p> <p>The Commissioner for Public Sector Standards under the <i>Public Sector Management Act 1994</i> to the extent of the Commissioner's functions other than that of chief executive officer of the department of the Public Service principally assisting the Commissioner in the performance of the Commissioner's functions under that Act..</p> <p>The Inspector of Custodial Services under the <i>Prisons Act 1981</i>.</p> <p><u>The Commissioner for Public Sector Standards under the <i>Public Sector Management Act 1994</i> to the extent of the Commissioner's functions other than that of chief executive officer of the department of the Public Service principally assisting the Commissioner in the performance of the Commissioner's functions under that Act..</u></p> <p>The Western Australian Independent Rail Access Regulator appointed under section 13 of the <i>Railways (Access) Act 1998</i>.</p> | <p>Corrects the placement of the item so that items in Schedule 1 are listed in alphabetical order of the Act to which the item relates.</p> |

NAME OF ACT BEING AMENDED: *Parliamentary Commissioner Act 1971*

CLAUSE NO. 90 (cont...)

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>13A. Interpretation</p> <p>In sections 13B and 13C — “alleged offender” means a person to whom an infringement has been issued pursuant to sections 13B and 13C;</p> | <p>13A. Interpretation</p> <p>In sections 13B and 13C — “alleged offender” means a person to whom an infringement <u>notice</u> has been issued pursuant to sections 13B and 13C;</p> | <p>This amendment inserts a word which was inadvertently left out of the definition when it was originally inserted.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|---|--|
| <p>3. Definitions</p> <p>(1) In this Act, unless the contrary intention appears —</p> <p>“subsidiary” means —</p> <p>(a) a body that would be a subsidiary of a port authority within the meaning of the Corporations Law if the port authority were a body corporate to which the Corporations Law applies; and</p> | <p>3. Definitions</p> <p>(1) In this Act, unless the contrary intention appears —</p> <p>“subsidiary” means —</p> <p>(a) a body that would be a subsidiary of a port authority within the meaning of the Corporations Law if the port authority were a body corporate to which the Corporations Law applies; and</p> | <p>Section 3 – This amendment removes a potentially misleading statement about the application of the Corporations Law.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|--|---|
| <p>38. How planning and building requirements apply to port authorities</p> <p>(3) Without limiting section 35(7), port works and port facilities are to be regarded as being public works for the purposes of section 32 of the <i>Town Planning and Development Act 1928</i> as applied by subsection (2)(a).</p> | <p>38. How planning and building requirements apply to port authorities</p> <p>(3) Without limiting section 35(7) <u>section 35 (8)</u>, port works and port facilities are to be regarded as being public works for the purposes of section 32 of the <i>Town Planning and Development Act 1928</i> as applied by subsection (2)(a).</p> | <p>This amendment corrects a cross-referencing error.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|---|--|
| <p>141. Adoption of other laws, codes etc.</p> <p>(1) Regulations may adopt, either wholly or in part or with modifications —</p> <p>(b) any of the standards, rules, codes or specifications of the bodies known as the International Maritime Organization, the Standards Association of Australia, the British Standards Institution or The Association of Australian Port and Marine Authorities or of any other like body that is specified in those regulations.</p> | <p>141. Adoption of other laws, codes etc.</p> <p>(1) Regulations may adopt, either wholly or in part or with modifications —</p> <p>(b) any of the standards, rules, codes or specifications of the bodies known as the International Maritime Organization, the Standards Association of Australia <u>Standards Australia</u>, the British Standards Institution or The Association of Australian Port and Marine Authorities or of any other like body that is specified in those regulations.</p> | <p>Section 141 – The Standards Association of Australia has undergone a change of corporate status and of name. “Standards Australia” is now defined in the <i>Interpretation Act 1984</i>.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|---|---|
| <p>Schedule 6 — Provisions for particular port authorities</p> <p>[s. 132]</p> <p>Division 1 — Dampier Port Authority</p> <p>1.4. Membership of port authority</p> <p>(1) The board of the port authority is to comprise —</p> <p>(a) one director appointed by the Minister on the nomination in writing of the Company;</p> <p>(b) one director appointed by the Minister on the nomination in writing of the Joint Venturers; and</p> <p>(c) 3 other directors appointed by the Minister.</p> | <p>Schedule 6 — Provisions for particular port authorities</p> <p>[s. 132]</p> <p>Division 1 — Dampier Port Authority</p> <p>1.4. Membership of port authority</p> <p>(1) The board of the port authority is to comprise —</p> <p>(a) one director appointed by the Minister on the nomination in writing of the Company;</p> <p>(b) one director appointed by the Minister on the nomination in writing of the Joint Venturers; and</p> <p>(c) 3 <u>not more than 5</u> other directors appointed by the Minister.</p> | <p>Schedule 6 of the Act contains provisions specific to particular port authorities. Division 1 contains provisions specific to the Dampier Port Authority. Division 2 contains provisions specific to the Port Hedland Port Authority.</p> <p>At Present, clause 1.4(1)(c) of Division 1 provides for the Dampier Port Authority Board to be composed in part of three directors appointed by the Minister.</p> <p>By contrast, clause 2.4(1)(c) of Division 2 provides for the Port Hedland Port Authority Board to be composed in part of up to five directors appointed by the Minister.</p> <p>The amendment will bring the composition of the Dampier Port Authority Board in line with the composition provided for on the Port Hedland Port Authority Board.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|---|---|
| <p>9. Chief executive officer may set up inquiry</p> <p>(2) For the purposes of carrying out an inquiry under this section, a reporting officer may require any officer or prisoner —</p> <p style="padding-left: 40px;">(a) to give him such information as he requires;</p> <p style="padding-left: 40px;">(b) to answer any question put to him,</p> <p style="padding-left: 40px;">in relation to any matter, incident or occurrence that is the subject of the inquiry.</p> <p>(4) Where under subsection (2) a person is required to give any information or answer any question, the reporting officer shall inform that person that he is required under this Act to give the information or answer the question as the case may be.</p> <p style="text-align: center;">...</p> | <p>9. Chief executive officer may set up inquiry</p> <p>(2) For the purposes of carrying out an inquiry under this section, a reporting officer may require any officer or prisoner —</p> <p style="padding-left: 40px;">(a) to give him such information as he requires;</p> <p style="padding-left: 40px;">(b) to answer any question put to him,</p> <p style="padding-left: 40px;">in relation to any matter, incident or occurrence that is the subject of the inquiry.</p> <p>Subsection (4) is repealed</p> <p style="text-align: center;">...</p> | <p>Section 9 – This section was amended by the <i>Prisons Amendment Act 1999</i>. As a result of that Act being amended at Committee Stage the subsections it inserted were inadvertently numbered incorrectly and the subsection they intended to replace (subsection (4)) was not repealed. The cross reference in section 10(3) was also not changed. These amendments correct these three matters.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|---|------------------|
| <p>(5) Where a person is required under this Act to give any information or answer any question, he shall not refuse to comply with that requirement on the ground that the information or answer may tend to incriminate him or render him liable to any penalty, but the information or answer given by him shall not be admissible in evidence in any proceedings against him (including proceedings under Part X) other than proceedings under section 10(1) or 10(2).</p> <p>...</p> | <p>(5)(4) Where a person is required under this Act to give any information or answer any question, he shall not refuse to comply with that requirement on the ground that the information or answer may tend to incriminate him or render him liable to any penalty, but the information or answer given by him shall not be admissible in evidence in any proceedings against him (including proceedings under Part X) other than proceedings under section 10(1) or 10(2).</p> <p>...</p> | <p>As above.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--|------------------|
| <p>(4)Before a reporting officer requests a person to give information or asks a person a question for the purposes of an inquiry the reporting officer must advise the person —</p> <p>(a) that the person does not have to give the information or answer the question unless the reporting officer requires the person to do so;</p> <p>(b) that if the person gives the information or answers the question on the request of the reporting officer but without having been required by the reporting officer to do so, the information or answer may be admissible in evidence against the person in any proceedings;</p> <p>(c) of the effect of giving the information or answering the question in response to a requirement of the reporting officer to do so; and</p> <p>(d) of the offences and the penalty as mentioned.</p> <p>...</p> | <p>(4) (5)Before a reporting officer requests a person to give information or asks a person a question for the purposes of an inquiry the reporting officer must advise the person —</p> <p>(a) that the person does not have to give the information or answer the question unless the reporting officer requires the person to do so;</p> <p>(b) that if the person gives the information or answers the question on the request of the reporting officer but without having been required by the reporting officer to do so, the information or answer may be admissible in evidence against the person in any proceedings;</p> <p>(c) of the effect of giving the information or answering the question in response to a requirement of the reporting officer to do so, <u>as mentioned in subsection 4</u>; and</p> <p>(d) of the offences and the penalty as mentioned <u>in section 10(1) or (2), as the case requires</u>.</p> <p>...</p> | <p>As above.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|--|------------------|
| <p>(5) A requirement of a reporting officer to give information or answer a question for the purposes of an inquiry must be clearly distinguishable from a request to give the information or answer the question.</p> | <p>(5) <u>(6)</u> A requirement of a reporting officer to give information or answer a question for the purposes of an inquiry must be clearly distinguishable from a request to give the information or answer the question.</p> | <p>As above.</p> |

NAME OF ACT BEING AMENDED: *Prisons Act 1981*

CLAUSE NO. **93 (cont...)**

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|---|--|
| <p>10. Failure to supply information to inquiry</p> <p>(3) It is a defence in any proceedings for an offence under subsection (1) or (2) to show that the reporting officer did not comply with section 9(4).</p> | <p>10. Failure to supply information to inquiry</p> <p>(3) It is a defence in any proceedings for an offence under subsection (1) or (2) to show that the reporting officer did not comply with section 9(4) <u>section 9(5)</u>.</p> | <p>Section 10(3) – The inserted subsection 9(4)[renumbered by this amendment as subsection 9(5)] was intended to reflect the corresponding provision of the <i>Court Security and Custodial Services Act 1999</i>. The amendments to paragraphs (c) and (d) of that subsection are to achieve this. As they are simply cross references to the relevant provisions, they do not make any substantive change to the section.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--|---|
| <p>17. <i>Financial Administration and Audit Act 1985 applies</i></p> <p>(1) The provisions of the <i>Financial Administration and Audit Act 1985</i> regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the Council and its operations.</p> <p>(2) Despite the <i>Financial Administration and Audit Act 1985</i> the financial year of the Council is the period of 12 months ending on 31 December.</p> | <p>17. <i>Financial Administration and Audit Act 1985 applies</i></p> <p>(+) The provisions of the <i>Financial Administration and Audit Act 1985</i> regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the Council and its operations.</p> <p>(2) Despite the <i>Financial Administration and Audit Act 1985</i> the financial year of the Council is the period of 12 months ending on 31 December.</p> | <p>Provision deleted so that annual reporting provisions of the <i>Financial Administration and Audit Act 1985</i> apply. This keeps the Act in line with the equivalent NSW Act.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|----------------------------------|---|
| <p>8. Power of Governor to alter day appointed for a public holiday or bank holiday</p> <p>(4) The Governor may exercise the power in subsection (1) in order to substitute Monday 25 January 1988 for Monday 28 December 1987 as a public holiday and bank holiday, notwithstanding that the former day falls in a different year from the latter day; and where the Governor exercises the power referred to in this subsection, a person is not entitled, notwithstanding any award, order or industrial agreement made under the <i>Industrial Relations Act 1979</i>, to a paid holiday on 28 December 1987 but is instead entitled to a paid holiday on 25 January 1988.</p> | <p>Section 8(4) is repealed.</p> | <p>This section provided that the Boxing Day holiday in 1987 would be observed on 25 January 1988 as part of the Bicentennial celebrations. This provision is no longer relevant and is repealed.</p> |

NAME OF ACT BEING AMENDED: *Public and Bank Holidays Act 1972*

CLAUSE NO. **95**

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|---|---|
| <p>64. Appointment of public service officers other than executive officers</p> <p>(1) Subject to this section and to any binding award, order or industrial agreement under the <i>Industrial Relations Act 1979</i> or any workplace agreement made under the <i>Workplace Agreements Act 1993</i>, the employing authority of a department or organisation may in accordance with approved procedures appoint for and on behalf of the Crown a person as a public service officer (otherwise than as an executive officer) on a full-time or part-time basis —</p> <p>(a) for an indefinite period as a permanent officer; or</p> <p>(b) for such term not exceeding 5 years as is specified in the instrument of his or her appointment.</p> <p>(4) Subject to subsection (5), a person appointed under subsection (1)(b) cannot apply for an appointment under subsection (1)(a) unless the relevant vacancy has first been advertised in a daily newspaper circulating throughout the State.</p> | <p>64. Appointment of public service officers other than executive officers</p> <p>(1) Subject to this section and to any binding award, order or industrial agreement under the <i>Industrial Relations Act 1979</i> or any workplace agreement made under the <i>Workplace Agreements Act 1993</i>, the employing authority of a department or organisation may in accordance with approved procedures appoint for and on behalf of the Crown a person as a public service officer (otherwise than as an executive officer) on a full-time or part-time basis —</p> <p>(a) for an indefinite period as a permanent officer; or</p> <p>(b) for such term not exceeding 5 years as is specified in the instrument of his or her appointment.</p> <p>(4) Subject to subsection (5), a person appointed under subsection (1)(b) cannot apply for an appointment under subsection (1)(a) unless the relevant vacancy has first been advertised <u>in public service notices or</u> in a daily newspaper circulating throughout the State.</p> | <p>Section 64(4) – Subsections 64(4) and 64(5) of the Act, and Regulation 10 of the <i>Public Sector Management (General) Regulations 1994</i> restrict fixed term public service officers from applying for permanent public service vacancies advertised in the Public Service Notices unless certain preconditions are met.</p> <p>Effective 26 January 2000, approval was given to open up the vacancies advertised in the Intersector to persons employed outside the Public Sector. Because of the specific wording of subsection 64(4) of the Act, however, the restriction placed on fixed term public service officers remains.</p> <p>This amendment corrects the anomaly.</p> |

NAME OF ACT BEING AMENDED: *Public Sector Management Act 1994*

CLAUSE NO.

96

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|---|-------------|
| <p>(5) Subsection (4) does not apply to a person —</p> <ul style="list-style-type: none"> (a) appointed under subsection (1)(b); and (b) having, or occupying an office, post or position having, the lowest level of classification at which persons of the same prescribed class as that person are at the relevant time recruited into the Public Service. | <p>(5) Subsection (4) does not apply to a person —</p> <ul style="list-style-type: none"> (a) appointed under subsection (1)(b); and (b) having, or occupying an office, post or position having, the lowest level of classification at which persons of the same prescribed class as that person are at the relevant time recruited into the Public Service. | |

NAME OF ACT BEING AMENDED: *Public Sector Management Act 1994*

CLAUSE NO. **96 (cont...)**

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>95. Status of Part 6, etc. and references by aggrieved employees</p> <p>(3) Despite section 29 of the <i>Industrial Relations Act 1979</i>, an employee who is aggrieved by a decision made under regulations referred to in section 94 (other than a decision which is a lawful order by virtue of section 94(4)) may refer that decision within such period after the making of that decision as is prescribed to the Industrial Commission as if that decision were an industrial matter mentioned in section 29(b) of that Act, and, subject to subsection (4), that Act applies to and in relation to that decision accordingly.</p> | <p>95. Status of Part 6, etc. and references by aggrieved employees</p> <p>(3) Despite section 29 of the <i>Industrial Relations Act 1979</i>, an employee who is aggrieved by a decision made under regulations referred to in section 94 (other than a decision which is a lawful order by virtue of section 94(4)) may refer that decision within such period after the making of that decision as is prescribed to the Industrial Commission as if that decision were an industrial matter mentioned in section 29(b) <u>section 29(1)(b)</u> of that Act, and, subject to subsection (4), that Act applies to and in relation to that decision accordingly.</p> | <p>Corrects a cross-reference error.</p> |

NAME OF ACT BEING AMENDED: *Public Sector Management Act 1994*

CLAUSE NO. 96 (cont...)

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>Part II — Authorizing public works</p> <p><i>[Heading amended by No. 31 of 1997 s.43.]</i></p> <p><i>Power to take</i></p> <p>10. Entry on land required for a public work</p> <p>....</p> | <p>Part II — Authorizing public works</p> <p><i>[Heading amended by No. 31 of 1997 s.43.]</i></p> <p><i>Power to take</i></p> <p>10. Entry on land required for a public work</p> <p>....</p> | <p>Minor formatting amendment.</p> |

NAME OF ACT BEING AMENDED: *Public Works Act 1902*

CLAUSE NO. **97**

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>58. General power</p> <p>(2) Any regulations made under this Act may —</p> <p>(e) adopt, either wholly or in part and either specifically or by reference, any of the standards, rules, codes or specifications of the bodies known as the Standards Association of Australia, the British Standards Institution, the National Health and Medical Research Council, the International Atomic Energy Agency, or other like body specified in the regulations; and</p> | <p>58. General power</p> <p>(2) Any regulations made under this Act may —</p> <p>(e) adopt, either wholly or in part and either specifically or by reference, any of the standards, rules, codes or specifications of the bodies known as the Standards Association of Australia <u>Standards Australia</u>, the British Standards Institution, the National Health and Medical Research Council, the International Atomic Energy Agency, or other like body specified in the regulations; and</p> | <p>The Standards Association of Australia has undergone a change of corporate status and of name. “Standards Australia” is now defined in the <i>Interpretation Act 1984</i>.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>3. Interpretation</p> <p>(1) In this Act, unless the contrary intention appears —</p> <p>“Australian Rail Safety Standard” means such principles and standards prepared, approved and published by the Standards Association of Australia in relation to railway safety management as are prescribed for the purposes of this definition;</p> | <p>3. Interpretation</p> <p>(1) In this Act, unless the contrary intention appears —</p> <p>“Australian Rail Safety Standard” means such principles and standards prepared, approved and published by the Standards Association of Australia <u>Standards Australia</u> in relation to railway safety management as are prescribed for the purposes of this definition;</p> | <p>The Standards Association of Australia has undergone a change of corporate status and of name. “Standards Australia” is now defined in the <i>Interpretation Act 1984</i>.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>91. Confidentiality of audit done under s. 88</p> <p>The provisions of section 82 apply to an auditor nominated by the Board under section 88 or any person authorised by him under section 89 with such modifications as circumstances require.</p> | <p>91. Confidentiality of audit done under s. 88</p> <p>The provisions of section 82 apply to an auditor nominated by the Board under section 88 or any person authorised by him under section 89 with such modifications as circumstances require.</p> | <p>This amendment deletes a reference to section 89, which has been repealed.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>4. Interpretation</p> <p>(1) In this Act, unless the contrary intention appears —</p> <p>“direct textual amendment” means —</p> <p>(a) the repeal of matter contained in a written law;</p> <p>(b) the repeal of matter contained in a written law and the substitution of matter for the repealed matter; or</p> <p>(c) the addition of matter to, or insertion of matter into, a written law;</p> | <p>4. Interpretation</p> <p>(1) In this Act, unless the contrary intention appears —</p> <p>“direct textual amendment” means —</p> <p>(a) the repeal of matter contained in a written law;</p> <p>(b) the repeal of matter contained in a written law and the substitution of matter for the repealed matter; or</p> <p>(c) the addition of matter to, or insertion of matter into, a written law;</p> | <p>Section 4 – deletes definition of a term that is no longer used in the Act.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>7. Amendments of a formal nature</p> <p>(5) An authorized officer may —</p> <p>(a) make any amendment necessary to give effect to a provision in a written law whereby other written laws are to be deemed to be amended, or to have effect or be construed as if they had been amended, in a specified manner;</p> | <p>7. Amendments of a formal nature</p> <p>(5) An authorized officer may —</p> <p>(a) make any amendment necessary to give effect to a provision in a written law whereby other written laws are to be deemed to be amended, or to have effect or be construed as if they had been amended, in a specified manner;</p> <p>(aa) <u>amend a list of definitions in a written law by changing the sequence in which the definitions are listed;</u></p> <p>(ab) <u>amend and address, a telephone number or other contact details in a written law to reflect changes or additions to those details;</u></p> | <p>Section 7 – Inserts a provision that will allow Parliamentary Counsel, when reprinting legislation, to correct the order of defined terms (which are sometimes inadvertently inserted in the wrong alphabetical positions) and to update address and contact details.</p> |

NAME OF ACT BEING AMENDED: *Reprints Act 1984*

CLAUSE NO. 101 (cont...)

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>26H. Right of entry to the Crown</p> <p>(1) Subject to subsection (1a), the Commission, any officer of the Commission or any person authorized by the Commission, may in the exercise of the right of the Crown, to the control of the waters in watercourses, wetlands or underground water sources or for any other purpose required by this Act, enter upon any land and inspect that land and any dam, well, or other works thereon or therein and take such measures as may be necessary or convenient, whether in general or to meet particular cases, to carry out the objects and purposes of this Act and their duties thereunder including measures for the conservation and regulation of such water and for its preservation from pollution, and for the protection of the bed over or within which it flows or is contained, and for removing any obstruction from such bed, and for clearing and deepening and straightening and otherwise altering the channel of any such watercourse, and may intervene summarily to prevent the undue, excessive, or illegal diversion, taking, use, or pollution of such water or interference with such bed.</p> | <p>26H. Right of entry to the Crown</p> <p>(1) Subject to subsection (1a), the Commission, any officer of the Commission or any person authorized by the Commission, may in the exercise of the right of the Crown, to the control of the waters in watercourses, wetlands or underground water sources or for any other purpose required by this Act, enter upon any land and inspect that land and any dam, well, or other works thereon or therein and take such measures as may be necessary or convenient, whether in general or to meet particular cases, to carry out the objects and purposes of this Act and their duties thereunder including measures for the conservation and regulation of such water and for its preservation from pollution, and for the protection of the bed over or within which it flows or is contained, and for removing any obstruction from such bed, and for clearing and deepening and straightening and otherwise altering the channel of any such watercourse, and may intervene summarily to prevent the undue, excessive, or illegal diversion, taking, use, or pollution <u>or use</u> of such water or interference with such bed.</p> | <p>Section 26H(1) – This section refers to pollution. All reference to pollution should have been removed when the pollution control provisions of this Act were replaced by the <i>Environmental Protection Act 1986</i>. The reference to “pollution” therefore needs to be removed.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>26J. Commission entitled to institute proceedings</p> <p>(2) In such proceedings it shall not be necessary for the Commission to show that either the Crown or the Commission or any person has sustained damage by such illegal diversion or taking or pollution of water or unlawful interference with such bed; nor that the Crown or the Commission is a riparian owner or otherwise entitled to the use or to the protection of the watercourse, wetland or underground water source from which water is illegally diverted or taken, or the water of which is polluted, or the bed of which is unlawfully interfered with; but the Commission shall be entitled to judgment in the Commission's favour if it be proved that the water has been illegally diverted or taken or polluted, or that the bed has been unlawfully interfered with; and the Commission shall, in the discretion of the court, be entitled to the costs and expenses of the proceedings against the person by whom the court in its discretion shall order such costs and expenses to be paid.</p> | <p>26J. Commission entitled to institute proceedings</p> <p>(2) In such proceedings it shall not be necessary for the Commission to show that either the Crown or the Commission or any person has sustained damage by such illegal diversion or taking or pollution of water or unlawful interference with such bed; nor that the Crown or the Commission is a riparian owner or otherwise entitled to the use or to the protection of the watercourse, wetland or underground water source from which water is illegally diverted or taken, or the water of which is polluted, or the bed of which is unlawfully interfered with; but the Commission shall be entitled to judgment in the Commission's favour if it be proved that the water has been illegally diverted or taken or polluted, or that the bed has been unlawfully interfered with; and the Commission shall, in the discretion of the court, be entitled to the costs and expenses of the proceedings against the person by whom the court in its discretion shall order such costs and expenses to be paid.</p> | <p>Section 26J(2) – This section refers to pollution. All reference to pollution should have been removed when the pollution control provisions of this Act were replaced by the <i>Environmental Protection Act 1986</i>. The reference to “pollution” therefore needs to be removed.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>3. The long title of the principal Act is amended by inserting after the passage “Effluent,” the passage “the licensing and control of certain dams,”.</p> <p style="text-align: center;">...</p> <p>15. The principal Act is amended by inserting after section 45 a new heading as follows –</p> <p style="text-align: center;">PART VIIA. – THE LICENSING AND CONTROL OF REFERABLE DAMS.</p> <p>16. The principal Act is amended by inserting after section 45 a new section to stand as section 45A, as follows –</p> <p style="padding-left: 40px;">45A. In this Part of this Act –</p> <p style="padding-left: 40px;">“alteration” means an alteration determined by the Department as being likely to affect the safety of a dam or reservoir;</p> <p>“appurtenant works” include, but are not limited to, such structures as spillways whether in the dam or separate therefrom, a reservoir and its rim, outlet works, and water conduits such as tunnels, pipelines, or penstocks either through the dam or its abutments, appurtenant to or used in connection with a dam;</p> | <p>Section 3 and sections 15 to 35 are repealed.</p> | <p>These sections were not proclaimed because the Government of the day and subsequent Governments were unable to develop regulations and arrangements to implement the proposed dam safety measure that would have required large dams to be designed by civil engineers and registered. The safety of dams is now considered to be the responsibility of the dam’s owner.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>“dam” includes any artificial barrier or levee, whether temporary or permanent, which does or could impound, divert or control water, silt, debris or other liquid borne materials, together with its appurtenant works;</p> <p>“height” means the difference in level from the top of the dam and –</p> <ul style="list-style-type: none"> (a) the natural bed of a stream or water course at the downstream toe of the barrier; or (b) where the barrier is not across a stream or water course, the lowest elevation of the outside limit of the barrier; <p>“normal top water level” means –</p> <ul style="list-style-type: none"> (a) when used in relation to a dam with a fixed overflow sill, the lowest crest of that sill; and (b) when used in relation to a dam the overflow of which is controlled wholly or partly by movable gates, siphons, or other means, the maximum level to which water is ordinarily intended to be stored except in times of flood or other abnormal conditions; | As above. | As above. |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>“owner”, when used in relation to a dam or referable works, includes any person who has an estate or interest in the land on which the referable works are constructed or the land on which the dam is constructed, is being, or is proposed to be, constructed, and any person who by himself, his servants, or his agents has the control or management of the dam or referable works;</p> <p>“referable dam” means a dam which pursuant to subsection (1) of section forty-five B of this Act is a referable dam by reason of its size, or which is determined to be such pursuant to subsection (2) of that section;</p> <p>“referable works” means a referable dam, and all its appurtenant works;</p> <p>“repairs” means repairs determined by the Department as being likely to affect the safety of a dam or reservoir;</p> <p>“reservoir” means any artificial lake, pond, basin or tank for the storage, regulation, or control of water, silt debris or liquid borne material;</p> <p>“reservoir capacity” means the total storage capacity of a reservoir up to normal top or retention water level but not up to flood level,</p> <p>and cognate expressions shall be construed accordingly.</p> | As above. | As above. |

NAME OF ACT BEING AMENDED: *Rights in Water and Irrigation Act Amendment Act 1978* **CLAUSE NO.** **103 (cont...)**

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>17. The principal Act is amended by inserting after section 45 a new section, to stand as section 45B, as follows –</p> <p>45B. (1) A dam is a referable dam if –</p> <ul style="list-style-type: none"> (a) it is or will be ten metres or more in height and has a reservoir storage capacity of more than 20 000 cubic metres; or (b) it is or will be five metres or more in height and has a reservoir storage capacity of 50000 cubic metres or more, <p>and the Department may thereupon issue a certificate that the dam is a referable dam by reason of its size.</p> <p>(2) Irrespective of the height or reservoir capacity of a dam, where the Minister determines that a dam, or the reservoir created thereby, may constitute a danger to life or property in the event of its failure, the Department may issue a certificate that the dam is a referable dam, but the Department shall cancel a certificate issued by it under this subsection where the Minister is satisfied that the dam or the reservoir created thereby is no longer likely to be of danger to life or property.</p> | As above. | As above. |

NAME OF ACT BEING AMENDED: *Rights in Water and Irrigation Act Amendment Act 1978* **CLAUSE NO.** **103 (cont...)**

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>(3) Where, in the opinion of the Minister, the failure of a referable dam would not endanger life or property due to remoteness of location or other reason the Minister may, in writing, exempt that dam from such of the provisions of this Part of this Act as the Minister may therein specify for such period as is therein specified and any provision so specified shall not then apply thereto.</p> <p>(4) An obstruction in a canal used to raise or lower the water therein or to divert water therefrom, or a tank constructed of steel or of concrete or of steel and concrete, shall not be a referable dam.</p> <p>(5) Where the Department issues or cancels a certificate under this section it shall serve notice on an owner of the dam.</p> | As above. | As above. |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>18. The principal Act is amended by inserting after section 45 a new section, to stand as section 45C, as follows –</p> <p>45C.</p> <p>(1) An owner of a dam or a person who is constructing or proposing to construct a dam may apply to the Department for a determination whether or not the dam is a referable dam.</p> <p>(2) An application may be made under subsection (1) of this section in respect of a dam that is proposed to be constructed or completed at a specified place in accordance with the plans and specifications accompanying the application.</p> <p>(3) The Department may cancel a certificate issued by it under this section.</p> <p>(4) Where the Department issues or cancels a certificate under this section it shall serve notice on an owner of the dam and, where the certificate relates to a dam being, or proposed to be, constructed, on the person constructing or proposing to construct the dam.</p> | As above. | As above. |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>19. The principal Act is amended by inserting after section 45 a new section, to stand as section 45D, as follows –</p> <p>45D.</p> <p>(1) A dam in respect of which is a certificate issued under this Part of this Act is in force is a referable dam.</p> <p>(2) A certificate issued under this Part of this Act is conclusive evidence of the matter stated therein.</p> <p>(3) The Department shall cause to be maintained in such form as the Minister approves records of the certificates and licences issued under this Part of this Act and the cancellations of any such certificates or licenses, and the records so maintained are in this section referred to as “the register”.</p> <p>(4) On making application to the Department and on payment of such fee (if any) as may be prescribed any person is entitled to inspect the register.</p> <p>(5) A document purporting to be an extract from the register, certified correct by an officer of the Department on its behalf, is conclusive evidence of the matter contained therein.</p> | As above. | As above. |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>20. The principal Act is amended by inserting after section 45 a new section, to stand as section 45E, as follows –</p> <p>45E.</p> <p>(1) The Department may by instrument in writing delegate to –</p> <ul style="list-style-type: none"> (a) a Board; (b) the Metropolitan Water Supply, Sewerage, and Drainage Board; (c) an officer of the Department of Mines; (d) an officer of the Department of Agriculture; or (e) any other prescribed authority, <p>any of its functions under this Part of this Act subject to such terms and conditions as may be agreed between the Department and the authority or person to whom the functions are delegated.</p> <p>(2) The Governor may by Order published in the <i>Gazette</i> prescribe an authority for the purposes of subsection (1) of this section.</p> <p>(3) Any functions delegated under subsection (1) of this section shall be performed on behalf of the Department.</p> | As above. | As above. |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>(4) In relation to any functions delegated to an authority or person under subsection (1) of this section any reference in this Part of this Act to the Department shall, subject to the terms of the delegation and so far as the context does not otherwise require, be construed as including a reference to that authority or person.</p> <p>(5) The Department, and any person to whom any function is delegated under subsection (1) of this section, shall submit such reports and information to the Minister as the Minister may require.</p> <p>21. The principal Act is amended by inserting after section 45 a new section, to stand as section 45F, as follows –</p> <p>45F.</p> <p>(1) In this section “the appointed day” means such day as is for the purposes of this section fixed by proclamation.</p> <p>(2) On and after the appointed day no referable dam shall be commenced, no referable dam then in being or thereafter constructed shall be altered, repaired, abandoned or removed and no operations affecting referable works shall be carried out, except pursuant to and in compliance with every respect with the provisions, terms and conditions obtained or referred to in a licence issued by the Department.</p> | As above. | As above. |

NAME OF ACT BEING AMENDED: *Rights in Water and Irrigation Act Amendment Act 1978* **CLAUSE NO. 103 (cont...)**

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|------------------|------------------|
| <p>(3) No referable dam, whether constructed prior to or on or after the appointed day, shall be maintained or operated after the expiry of a period of twelve months from the appointed day except pursuant to and in compliance in every respect with the provisions, terms and conditions contained or referred to in a licence issued by the Department.</p> <p>(4) Any person who contravenes, or causes or permits any person to contravene, the provisions of subsection (2) or subsection (3) of this section commits an offence. Penalty: Two thousand dollars.</p> <p>(5) A license issued pursuant to this Part of this Act may make provision in respect of, and may contain or refer to terms and conditions relating to –</p> <ul style="list-style-type: none"> (a) the designs, plans, and specifications of the construction, alteration, repair, enlargement, maintenance or operation of the dam or any referable works; (b) the supervision, direction and control of the construction, alteration, repair, enlargement, maintenance or operation of the dam or any referable works; (c) the making of reports of inspections and the notification to the Department of those reports; (d) the prohibiting of the carrying out of any operation without the approval of the Department; | <p>As above.</p> | <p>As above.</p> |

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NAME OF ACT BEING AMENDED: *Rights in Water and Irrigation Act Amendment Act 1978* **CLAUSE NO. 103 (cont...)**

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>(e) the giving of information to the Department concerning the referable works;</p> <p>(f) the notification to the Department of the intention to carry out any operation; and</p> <p>(g) such other requirements as the Department may determine in relation thereto.</p> <p>(6) For the purposes of subsection (2) of this section –</p> <p>(a) the alteration, repair or enlargement of any referable works; and</p> <p>(b) operations likely to endanger the referable works,</p> <p>shall be deemed to be operations affecting referable works.</p> <p>22. The principal Act is amended by inserting after section 45 a new section, to stand as section 45G, as follows –</p> <p>45G.</p> <p>(1) If the Minister is of the opinion that measures should be taken to ensure the safety of any referable works, he may by notice in writing served on an owner of the referable works require the owner to take, within such time as may be specified in the notice, such measures as may be specified in that notice for ensuring the safety of the referable works.</p> | <p>As above.</p> | <p>As above.</p> |

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NAME OF ACT BEING AMENDED: *Rights in Water and Irrigation Act Amendment Act 1978* **CLAUSE NO. 103 (cont...)**

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>(2) Without prejudice to the provisions of subsection (1) of this section the measures that may be required to be taken under that subsection may be measures requiring the discontinuance or abandonment of the use, or the reconstruction, alteration, emptying, or repair of the referable works, and any notice served under this section may specify alternative measures that may be taken for ensuring the safety of the referable works.</p> <p>(3) Any person on whom a notice is served under this section who fails to take any measures required to be taken under this section within the time specified commits an offence.</p> <p>Penalty: Two thousand dollars.</p> <p>(4) Where the requirements of a notice under this section are not complied with within the time specified in the notice the Department may cause to be taken such measures as the Minister considers necessary to give effect to the requirements of the notice.</p> <p>(5) The expenses reasonable incurred in taking measure under subsection (4) of this section may be recovered from any owner of the referable works as a debt due to the Department.</p> | As above. | As above. |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>23. The principal Act is amended by inserting after section 45 a new section, to stand as section 45H, as follows –</p> <p>45H.</p> <p>(1) Where, in the opinion of the Minister, an emergency or other special circumstances may endanger any referable works and time does not permit of the service and enforcement of a notice under section forty-five G of this Act the Department may, without any such notice being served, require the owner to take, or may itself take, such measures as it considers should immediately be taken to ensure the safety thereof.</p> <p>(2) The expenses reasonably incurred in taking measures under subsection (1) of this section may be recovered from any owner of the referable works as a debt due to the Department.</p> <p>24. The principal Act is amended by inserting after section 45 a new section, to stand as section 45J, as follows –</p> <p>45J.</p> <p>(1) An application for the grant of a licence under this Part of this Act shall be made to the Department in the prescribed manner accompanied by such fee, if any, as is prescribed.</p> | <p>As above.</p> | <p>As above.</p> |

NAME OF ACT BEING AMENDED: *Rights in Water and Irrigation Act Amendment Act 1978* **CLAUSE NO. 103 (cont...)**

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>(2) An application for the variation or transfer of a licence shall be endorsed to show clearly the particulars of the licence to which it relates, but in all other respects shall be dealt with as though it were an application for the grant of a licence.</p> <p>(3) An application shall be made in the name of the occupier for the time being of the land on which the referable works are or are to be situate.</p> <p>(4) Where an application for a licence or for the transfer of a licence is refused, the applicant shall be notified in writing setting out the reasons for the refusal.</p> <p>(5) A licence shall be in the form prescribed.</p> <p>(6) Where a licence is lost or destroyed, a duplicate licence may be issued on payment of the prescribed fee.</p> <p>(7) Unless previously cancelled, a licence has effect for so long as the holder of the licence is the occupier of the land to which it relates.</p> <p>(8) Where in the opinion of the Minister it is necessary in the public interest in consequence of a change of circumstance (which may include a change in the information available, or arise by reason of deterioration in any ground or structures or otherwise in any manner that was not foreseen at the time the licence was granted) the Minister may, by notice in writing served on the licensee –</p> <p style="padding-left: 40px;">(a) vary or add to the conditions of a licence; or</p> <p style="padding-left: 40px;">(b) in the case of an unconditional licence, provide that it shall be subject to reasonable conditions specified in that notice.</p> | As above. | As above. |

NAME OF ACT BEING AMENDED: *Rights in Water and Irrigation Act Amendment Act 1978* **CLAUSE NO. 103 (cont...)**

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>(9) The Minister may, on being satisfied –</p> <ul style="list-style-type: none"> (a) that the provisions of any licence or of any term or condition contained or referred to in the license have not been complied with; or (b) that any danger to life or property exists, <p>may cancel the licence by notice in writing to the holder of that licence setting out the reasons for so doing.</p> <p>25. The principal Act is amended by inserting after section 45 a new section, to stand as section 45K, as follows –</p> <p>45K.</p> <ul style="list-style-type: none"> (1) A person who is aggrieved – <ul style="list-style-type: none"> (a) by a refusal to grant, vary or transfer a licence; (b) by any provision of, or term or condition contained or referred to in, a licence or any condition subsequently imposed in relation to a licence; (c) by the cancellation of a licence; (d) by measures required by the Minister or taken by the Department, pursuant to section forty-five G of this Act; or (e) by measures taken by the Department pursuant to section forty-five H of this Act, <p>may, within thirty days after notice of the decision appealed against is received, give to the Minister notice of his wish to be heard.</p> | <p>As above.</p> | <p>As above.</p> |

NAME OF ACT BEING AMENDED: *Rights in Water and Irrigation Act Amendment Act 1978* **CLAUSE NO. 103 (cont...)**

| EXISTING PROVISION | AS AMENDED | | EXPLANATION |
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| <p>(2) Where the Minister receives a notice under subsection (1) of this section, the Minister shall cause an enquiry to be conducted by a tribunal consisting of –</p> <p>(a) a chairman, appointed by the Minister with the agreement of the person aggrieved or in default of agreement on the nomination of the President for the time being of the body known as the Institution of Engineers, Australia;</p> <p>(b) a person nominated by the permanent head of the Department; and</p> <p>(c) a person nominated by the person aggrieved,</p> <p>and the person aggrieved shall be heard at the enquiry and the Minister shall thereafter give such decision as he thinks fit and effect shall be given thereto.</p> <p>(3) A person who is aggrieved by a decision of the Minister made pursuant to subsection (2) of this section may, within the time and in the manner prescribe by rules of court, appeal against such decision to a Judge who may make such order in the matter as he thinks fit and the decision of the Judge shall be final and conclusive.</p> <p>(4) Any appeal under subsection (3) of this section shall, unless the Judge otherwise orders, be heard by a Judge sitting in chambers.</p> | As above. | | As above. |

NAME OF ACT BEING AMENDED: *Rights in Water and Irrigation Act Amendment Act 1978* **CLAUSE NO. 103 (cont...)**

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>26. The principal Act is amended by inserting after section 45 a new section, to stand as section 45L, as follows –</p> <p>45L.</p> <p>(1) The Department may, by notice in writing served on the owner of a dam or a person who is constructing or proposing to construct, a dam, require within such time as may be specified in the notice such information concerning the dam as it considers necessary to determine whether the dam is, or will be, a referable dam.</p> <p>(2) In respect of any application made under this Part of this Act the Department may, by notice in writing, require the applicant to furnish such data, design analyses, drawings, specifications, reports, and other information as may be needed for a proper review of the safety, adequacy and suitability of the proposal.</p> <p>(3) A person who in relation to any application for the purposes of this Part of this Act wilfully conceals or omits to furnish any information which he is required to furnish under this Act or who knowingly makes or publishes or causes to be made or published any representation or statement which he knows or reasonably ought to know –</p> <p>(a) is false or misleading in a material particular; or</p> <p>(b) is likely to deceive in a material way, commits an offence.</p> <p>Penalty: Five hundred dollars.</p> | As above. | As above. |

NAME OF ACT BEING AMENDED: *Rights in Water and Irrigation Act Amendment Act 1978* **CLAUSE NO. 103 (cont...)**

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>27. The principal Act is amended by inserting after section 45 a new section, to stand as section 45M, as follows –</p> <p>45M.</p> <p>(1) For the purpose of ensuring the continued safety of referable damed the Department may, by notice in writing, require the owner of a referable dam –</p> <p>(a) to furnish reports of periodical inspections of the dam and reservoir carried out by suitable qualified and experienced engineers in accordance with procedures and at intervals of time determined by the Department;</p> <p>(b) to install, maintain and utilise instruments and measuring devices for observing and monitoring the performance and conditions of the dam and its foundations, and to keep records of the readings of the instruments and measuring devices and make regular reports in accordance with procedures determined by the Department; and</p> <p>(c) to undertake a review of the design, construction or operation of a referable dam and reservoir when warranted by advances in technical knowledge or changes in local conditions.</p> | As above. | As above. |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|------------|-------------|
| <p>(2) An officer authorised in writing for the purpose by the Department may carry out, or cause to be carried out by independent or consulting engineers or specialists, inspections from time to time of any referable works, or of any dam and its appurtenant works whether or not a referable dam, or of any works of construction related thereto or intended for the purposes of a proposed dam, and of any mining or other works adjacent thereto and a potential source of danger, and for that purpose may –</p> <ul style="list-style-type: none"> (a) enter and re-enter upon the land pursuant to the provisions of section eleven of this Act; (b) be accompanied by such persons, vehicles, equipment or machinery as he may require; and (c) require the owner or any person authorised by the owner in charge of such dam or works to give to him such information as he may require for the purpose of such inspection. | As above. | As above. |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>(3) Any referable dam which is –</p> <ul style="list-style-type: none"> (a) situate on a farming property; (b) used for domestic purposes or for stock or irrigation; and (c) does not exceed fifteen metres in height, <p>shall, if requested by the owner, be inspected by the Department at no cost to the owner.</p> <p>(4) Any person who, without just cause, refuses to give any information or gives information that is false or misleading to a person authorised by the Department to make an inspection commits an offence.</p> <p>Penalty: Five hundred dollars.</p> <p>28. The principal Act is amended by inserting after section 45 a new section, to stand as section 45N, as follows –</p> <p>45N.</p> <p>(1) The Supreme Court or The District Court of Western Australia may, on the application of the Minister, grant an injunction restraining a person from engaging in any course of conduct, or doing any act, whether or not authorised by any other Act, that constitutes or would be likely to constitute a source of danger whereby the safety of any referable works may be imperilled.</p> | <p>As above.</p> | <p>As above.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>(2) The Court may grant an interim injunction pending determination of an application made under subsection (1) of this section, and may rescind or vary any interim injunction or injunctions granted pursuant to this section.</p> <p>29. The principal Act is amended by inserting after section 45 a new section, to stand as section 45P, as follows –</p> <p>45P.</p> <p>(1) The Department is charged with the function of –</p> <ul style="list-style-type: none"> (a) determining whether or not any dam is, or is likely to be, works to which the provisions of this Part of this Act will apply; (b) recording all referable works; and (c) ensuring that adequate measures are adopted for the safe design, construction, maintenance, and operation of referable works, and in respect of their alteration, repair, abandonment, or removal. | As above. | As above. |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>(2) No licence shall be issued pursuant to this Part of this Act unless or until the Minister is satisfied that the preparation of designs, plans and specifications for the initial construction or subsequent alteration, repair, abandonment or removal of any referable works and the supervision of such works in progress is directed by a suitably qualified engineer adequately experienced in dam design and construction, assisted by qualified engineering geologists and other specialists where necessary.</p> <p>(3) Where the Minister is satisfied that a body has access to, or is comprised of, engineers and other specialists with adequate knowledge and experience that body may be authorised by the Minister to design, construct, alter, repair, maintain or operate referable works, or to remove any such works, notwithstanding the provisions of subsection (1) of this section, and any such body may be required to furnish only such data, drawings, reports and other information as is sufficient to enable the Department to maintain adequate records and to ensure that all requirements as to safety, inspections and reports are observed.</p> | As above. | As above. |

NAME OF ACT BEING AMENDED: *Rights in Water and Irrigation Act Amendment Act 1978* **CLAUSE NO. 103 (cont...)**

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>30. The principal Act is amended by inserting after section 45 a new section, to stand as section 45Q, as follows –</p> <p>45Q. The Minister, on such terms and conditions as he thinks fit, may establish an advisory committee or committees of suitably qualified and experienced engineers and specialists for the purpose of –</p> <p>(a) inquiring into, reporting upon and making recommendations concerning such aspects of the investigation, design, proposed construction and operating procedure or other proposals submitted in relation to any referable dam or proposed referable dam as the Minister may require in each particular case; and</p> <p>(b) inquiring into, reporting upon and making recommendations concerning the implementation of the provisions of this Part of this Act.</p> <p>31. The principal Act is amended by inserting after section 45 a new section, to stand as section 45R, as follows –</p> <p>45R.</p> <p>(1) This Part of this Act binds the Crown.</p> <p>(2) To the extent that a power conferred or requirement imposed by this Part of this Act is inconsistent with –</p> <p>(a) the operation of any other Act;</p> | As above. | As above. |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|------------------|------------------|
| <p>(b) the implementation of any Agreement to which the State is a party and which, or the execution of which, is or has been ratified, authorised or approved by an Act; or</p> <p>(c) proposals made by the council of a municipality, or any instrumentality or agency of the Crown, established pursuant to any Act,</p> <p>and gives rise, or may give rise, to a question, difference or dispute the Minister shall thereupon consult with the Minister charged with the administration of that other Act and thereafter shall direct the Department as to the matter.</p> <p>32. The principal Act is amended by inserting after section 45 a new section, to stand as section 45S, as follows –</p> <p>45S. Subject to the provisions of subsection (3) of section forty-five M of this Act, the Minister may charge fees and recover from the owner all costs reasonably incurred in the making of inspections, the preparation and obtaining of reports and otherwise implementing the provisions of this Part of this Act insofar as they relate to the safety and surveillance of the referable works.</p> | <p>As above.</p> | <p>As above.</p> |

NAME OF ACT BEING AMENDED: *Rights in Water and Irrigation Act Amendment Act 1978* **CLAUSE NO. 103 (cont...)**

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>33. The principal Act is amended by inserting after section 45 a new section, to stand as section 45T, as follows –</p> <p>45T.</p> <p>(1) No claim shall lie against the Crown, the Minister, the Department, or any person lawfully acting pursuant to a power conferred or duty imposed under the provisions of this Part of this Act, for compensation or damages for any loss howsoever caused or arising as a consequence of –</p> <ul style="list-style-type: none"> (a) the partial or total failure of any referable works; (b) the operation of any referable works; (c) any failure to supervise or control any referable works or the design, construction, alteration, operation, maintenance, abandonment, or removal thereof; (d) any approval, direction or notice given or omitted, or the carrying out of any works or the exercise of any function under the provisions of this Part of this Act. <p>(2) Nothing in this Part of this Act shall be construed to relieve an owner of any referable works of the legal duties, obligations, or liabilities incident to the ownership or operation of those works.</p> | As above. | As above. |

NAME OF ACT BEING AMENDED: *Rights in Water and Irrigation Act Amendment Act 1978*

CLAUSE NO.

103 (cont...)

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|------------------|------------------|
| <p>(3) No person is precluded by any agreement from doing such acts as are necessary for complying with any of the provisions of this Part of this Act, or is liable under any agreement to any penalty, damages, or forfeiture for doing such acts as are necessary for complying with this Part of this Act.</p> <p>34. The principal Act is amended by inserting after section 45 a new section, to stand as section 45U, as follows –</p> <p>45U. Any person, who without lawful excuse –</p> <p>(a) wilfully damages, or wilfully interferes with the construction, maintenance, alteration, or operation of, any referable works; or</p> <p>(b) wilfully damages or wilfully interferes with any survey mark or peg required in connection with the construction, maintenance, alteration, or operation of any referable works, commits an offence.</p> <p>Penalty: Five hundred dollars or six months' imprisonment, or both.</p> | <p>As above.</p> | <p>As above.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>35. The principal Act is amended by inserting after section 45 a new section, to stand as section 45V, as follows –</p> <p>45V.</p> <p>(1) The Governor may make regulations for the purposes of this Part of this Act.</p> <p>(2) Without prejudice to the generality of subsection (1) of this section, the Governor may make regulations for or with respect to any of the following matters –</p> <p>(a) the alteration, enlargement, repair, management, inspection, maintenance, and control of referable works;</p> <p>(b) the removal and abandonment of referable works;</p> <p>(c) the powers, duties, responsibilities, and practices of owners of referable works; and</p> <p>(d) the procedures to apply in the event of an emergency affecting the safety of referable works.</p> | As above. | As above. |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>5. Definitions</p> <p>(5) The Minister may by notice published in the <i>Government Gazette</i> declare a law of a State or Territory to be a corresponding law for the purposes of paragraph (d) of the interpretation “owner” in subsection (1) and may by subsequent notice so published vary or cancel any such declaration.</p> | <p>5. Definitions</p> <p>(5) The Minister may by notice published in the <i>Government Gazette</i> declare a law of a State or Territory to be a corresponding law for the purposes of paragraph (d) of the interpretation <u>of</u> “owner” in subsection (1) and may by subsequent notice so published vary or cancel any such declaration.</p> | <p>Section 5 – this amendment inserts a missing word.</p> |

NAME OF ACT BEING AMENDED: *Road Traffic Act 1974*

CLAUSE NO. **104**

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|---|---|
| <p>86. No unauthorized parking in certain areas</p> <p>(1) In this section, “prescribed area” means —</p> <p>[(a) <i>deleted</i>] and</p> <p>(b) any area defined for the purposes of this section by the Governor by notice published in the <i>Gazette</i>.</p> <p>106. Minimum penalties</p> <p>(3) Despite subsection (2) and Part 5 of the <i>Sentencing Act 1995</i>, a court sentencing a person who has been convicted of —</p> <p>(b) an offence against 64 or 67A,</p> | <p>86. No unauthorized parking in certain areas</p> <p>(1) In this section, “prescribed area” means —</p> <p>[(a) <i>deleted</i>] and</p> <p>(c) any area defined for the purposes of this section by the Governor by notice published in the <i>Gazette</i>.</p> <p>106. Minimum penalties</p> <p>(3) Despite subsection (2) and Part 5 of the <i>Sentencing Act 1995</i>, a court sentencing a person who has been convicted of —</p> <p>(b) an offence against <u>section</u> 64 or 67A,</p> | <p>Section 86(1) – this amendment corrects a grammatical error.</p> <p>Section 106(3)(b) – This amendment inserts a missing word.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>45. Application of <i>Health Act 1911</i></p> <p>(4) Nothing in this section affects —</p> <p>(a) the application that the <i>Health Act 1911</i> would have to any person, act, omission or circumstance if subsection (1) had not been passed; or</p> <p>(b) the operation of section 343(5) and 345(2)(a)(2)³ of that Act.</p> | <p>45. Application of <i>Health Act 1911</i></p> <p>(4) Nothing in this section affects —</p> <p>(a) the application that the <i>Health Act 1911</i> would have to any person, act, omission or circumstance if subsection (1) had not been passed; or</p> <p>(b) the operation of section 343(5) and 345(2)(a)(2) <u>section 343A</u>³ of that Act.</p> | <p>This amendment updates a reference to repealed provisions of the <i>Health Act 1911</i>. This amendment will ensure that the application of the <i>Health Act 1911</i> with respect to enforcing the Governor's regulations as local law on the island remains in operation.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>93. School Discipline Advisory Panels</p> <p>(1) The Minister is to appoint a School Discipline Advisory Panel (“a Panel”), consisting of not less than 3 persons, whenever it is necessary for the purposes of section 92(3)(a).</p> <p>113. Bank account</p> <p>(5) In this section —</p> <p>“bank” means a bank as defined in section 5 of the <i>Banking Act 1959</i> of the Commonwealth.</p> | <p>93. School Discipline Advisory Panels</p> <p>(1) The Minister is to appoint a School Discipline Advisory Panel (“a Panel”), consisting of not less than 3 persons, whenever it is necessary for the purposes of section 92(3)(a) <u>or 96(4)(a).</u></p> <p>113. Bank account</p> <p>(5) In this section —</p> <p>“bank” means a bank as defined in section 5 of the <i>Banking Act 1959</i> of the Commonwealth.</p> <p><u>“bank” means —</u></p> <p>(a) <u>an ADI (authorised deposit-taking institution) as defined in section 5 of the <i>Banking Act 1959</i> of the Commonwealth; or</u></p> <p>(b) <u>a bank constituted by law of a State, a Territory or the Commonwealth</u></p> | <p>Section 93 (1) – This amendment inserts a cross reference to provision 96(4)(a), under which it is also necessary to appoint a School Discipline Advisory Panel.</p> <p>Section 113(5) – This amendment brings the definition of “bank” into line with changes made to Commonwealth law relating to the financial sector and reflected in changes to WA Acts by the <i>Acts Amendment and Repeal (Financial Sector Reform) Act 1999</i>.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>138. Minister may dismiss Council</p> <p>(1) This section does not apply to a Council that by operation of section 130 is an incorporated association under the <i>Associations Incorporation Act 1987</i>.</p> <p>(2) If in the opinion of the Minister the conduct of a Council is incompetent, inadequate or improper or a Council is in breach of this Act, the Minister is to give written notice to the Council —</p> <p>(a) setting out particulars of the allegations against it; and</p> <p>(b) requiring that the situation be remedied within the time specified in the notice.</p> <p>(3) If the Minister is of the opinion that a Council has not complied with a notice under subsection (1) the Minister may, by order published in the <i>Government Gazette</i>, dismiss the Council.</p> | <p>138. Minister may dismiss Council</p> <p>(1) This section does not apply to a Council that by operation of section 130 is an incorporated association under the <i>Associations Incorporation Act 1987</i>.</p> <p>(2) If in the opinion of the Minister the conduct of a Council is incompetent, inadequate or improper or a Council is in breach of this Act, the Minister is to give written notice to the Council —</p> <p>(a) setting out particulars of the allegations against it; and</p> <p>(b) requiring that the situation be remedied within the time specified in the notice.</p> <p>(3) If the Minister is of the opinion that a Council has not complied with a notice under subsection (1) <u>subsection (2)</u> the Minister may, by order published in the <i>Government Gazette</i>, dismiss the Council.</p> | <p>Section 138(3) – This amendment corrects a cross-referencing error. This error can be traced back to an early draft of the <i>School Education Bill</i> when a new subclause (1) was inserted, but the cross-reference was not updated.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>101. School Education Act 1999 amended</p> <p>Section 108(5) of the <i>School Education Act 1999</i> is amended by deleting the definition of “bank” and inserting the following definition instead –</p> <p>“</p> <p> “bank” means –</p> <p> (a) an ADI (authorised deposit-taking institution) as defined in section 5 of the <i>Banking Act 1959</i> of the Commonwealth; or</p> <p> (b) a bank constituted by a law of a State, a Territory or the Commonwealth.</p> <p>”</p> | <p>Section 101 of the <i>Acts Amendment and Repeal (Financial Sector Reform) Act 1999</i> is repealed.</p> | <p>The <i>Acts Amendment and Repeal (Financial Sector Reform) Act 1999</i>, which commenced on 1 July 1999, purported to amend section 108 of the <i>School Education Act 1999</i>. However that Act was not passed until 2 November 1999. When it was passed, the relevant section of the <i>School Education Act 1999</i> had become section 113. Thus the purported amendment was ineffective. The amendment is now made to section 113 through the <i>Statutes (Repeals and Minor Amendments) Bill 2001</i>, and the ineffective provision of the <i>Acts Amendment and Repeal (Financial Sector Reform) Act 1999</i> is repealed.</p> |

NAME OF ACT BEING AMENDED: Acts Amendment and Repeal (Financial Sector Reform) Act 1999

CLAUSE NO. 106 (cont...)

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>8. Transfer of rights</p> <p>(4) Where a person becomes the lawful holder of a bill of lading when possession of the bill no longer gives a right (as against the carrier) to possession of the goods, no rights are transferred to that person under subsection (1) unless the person becomes the lawful holder of the bill —</p> <p>(b) as a result of the re-endorsement of the bill following rejection to that person by another person of goods or documents delivered to the other person under any contractual or other arrangement made before the possession of the bill ceased to give such a right to possession.</p> | <p>8. Transfer of rights</p> <p>(4) Where a person becomes the lawful holder of a bill of lading when possession of the bill no longer gives a right (as against the carrier) to possession of the goods, no rights are transferred to that person under subsection (1) unless the person becomes the lawful holder of the bill —</p> <p>(b) as a result of the re-endorsement of the bill following rejection to that person by another person of goods or documents delivered to the other person under any contractual or other arrangement made before the possession of the bill ceased to give such a right to possession.</p> | <p>This amendment is to delete words that inadvertently limit the application of the paragraph so as to exclude bearer bills of lading. It is made as part of a uniform national scheme.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>81. Duty of managers of financial institutions</p> <p>Where the Registrar, an inspector, a supervisor or a member of the Police Force duly authorised to make an investigation or inquiry for the purposes of this Act has reasonable cause to believe that a settlement agent has deposited any money with a bank or other financial institution, whether in an account in the name of the settlement agent or in some other account, he may by notice in writing addressed to the manager or other officer for the time being in charge of the bank other institution concerned and nominating the accounts to be examined, require that those accounts be disclosed to him, and the manager or other officer for the time being in charge of the bank or other institution named in the requisition shall without requiring any warrant other than the production of the credentials under this Act of the Registrar, inspector, supervisor, or member of the Police Force, whether or not the person in whose name the account is held consents, and notwithstanding any law, or rule of law, or contractual obligation to the contrary, permit the Registrar, inspector, supervisor, or member of the Police Force to inspect, and make and take away with him a copy or extract of, the nominated accounts and any book, document, or other record that relates thereto and is in the possession or control of that bank or other institution.</p> | <p>81. Duty of managers of financial institutions</p> <p>Where the Registrar, an inspector, a supervisor or a member of the Police Force duly authorised to make an investigation or inquiry for the purposes of this Act has reasonable cause to believe that a settlement agent has deposited any money with a bank or other financial institution, whether in an account in the name of the settlement agent or in some other account, he may by notice in writing addressed to the manager or other officer for the time being in charge of the bank other <u>bank or other</u> institution concerned and nominating the accounts to be examined, require that those accounts be disclosed to him, and the manager or other officer for the time being in charge of the bank or other institution named in the requisition shall without requiring any warrant other than the production of the credentials under this Act of the Registrar, inspector, supervisor, or member of the Police Force, whether or not the person in whose name the account is held consents, and notwithstanding any law, or rule of law, or contractual obligation to the contrary, permit the Registrar, inspector, supervisor, or member of the Police Force to inspect, and make and take away with him a copy or extract of, the nominated accounts and any book, document, or other record that relates thereto and is in the possession or control of that bank or other institution.</p> | <p>Act No. 26 of 1999 amended section 81 by deleting references to building societies. The amendment inadvertently deleted the “or”, which this amendment reinserts.</p> |

NAME OF ACT BEING AMENDED: *Settlement Agents Act 1981*

CLAUSE NO. 108

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>12. Regulations</p> <p>(2) Regulations made under this Act may —</p> <p>(c) adopt, either wholly or in part or with modifications and either specifically or by reference, any rules, regulations, codes, instructions or other subordinate legislation made, determined or issued under any other Act or under any Act of the Parliament of the Commonwealth or the United Kingdom, or any of the standards, rules, codes or specifications of the bodies known as the Standards Association of Australia, the British Standards Institution, The Association of Australian Port and Marine Authorities or other body specified in those regulations;</p> | <p>12. Regulations</p> <p>(2) Regulations made under this Act may —</p> <p>(c) adopt, either wholly or in part or with modifications and either specifically or by reference, any rules, regulations, codes, instructions or other subordinate legislation made, determined or issued under any other Act or under any Act of the Parliament of the Commonwealth or the United Kingdom, or any of the standards, rules, codes or specifications of the bodies known as the Standards Association of Australia <u>Standards Australia</u>, the British Standards Institution, The Association of Australian Port and Marine Authorities or other body specified in those regulations;</p> | <p>The Standards Association of Australia has undergone a change of corporate status and of name. “Standards Australia” is now defined in the <i>Interpretation Act 1984</i>.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>41. <i>Education Act 1928</i> amended [To be proclaimed] ^{1a}</p> <p>61. <i>Rural Adjustment and Finance Corporation Act 1993</i> amended [To be proclaimed] ^{1a}</p> | <p>Sections 41 and 61 of the <i>State Superannuation(Transitional and Consequential Amendments) Act 2000</i> are repealed.</p> | <p>Sections 41 and 61 (which have not been proclaimed) provide for amendments to the <i>Education Act 1928</i> and the <i>Rural Adjustment and Finance Corporation Act 1993</i>, both of which have been repealed. Consequently, sections 41 and 61 are redundant and this amendment repeals them.</p> |

NAME OF ACT BEING AMENDED: *State Superannuation (Transitional and Consequential Amendments) Act 2000*

CLAUSE NO. 110

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--------------------------------|-----------------|
| <p>^{1a} The following sections of Part 3 of the <i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i> (No. 43 of 2000) read as follows —</p> <p style="text-align: center;">Part 3 — Consequential amendments</p> <p>41. <i>Education Act 1928</i> amended</p> <p>The <i>Education Act 1928</i> is amended as follows:</p> <p style="padding-left: 40px;">(a) in section 7D(15) by deleting “forms part of his period of service or employment under this Act for the purposes of the <i>Superannuation and Family Benefits Act 1938</i> and”;</p> <p style="padding-left: 40px;">(b) in section 36A by deleting “becomes a contributor for the purposes of the <i>Superannuation and Family Benefits Act 1938.</i>” and inserting instead —</p> <p style="padding-left: 40px;">”... is a Member of a superannuation scheme continued by section 29(c) or (d) of the <i>State Superannuation Act 2000</i>...”</p> <p style="text-align: right;">”.</p> | <p>Section 41 is repealed.</p> | <p>As above</p> |

NAME OF ACT BEING AMENDED: *State Superannuation (Transitional and Consequential Amendments) Act 2000*

CLAUSE NO. 110 (cont...)

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>61. <i>Rural Adjustment and Finance Corporation Act 1993</i> amended</p> <p>(1) Section 51(2)(b) of the <i>Rural Adjustment and Finance Corporation Act 1993</i> is amended by deleting “or the <i>Government Employees Superannuation Act 1987</i>”.</p> <p>(2) Section 51(2)(b) of the <i>Rural Adjustment and Finance Corporation Act 1993</i> is amended by deleting “, including any under the <i>Superannuation and Family Benefits Act 1938</i>,”.</p> | <p>Section 61 is repealed.</p> | <p>As above.</p> |

NAME OF ACT BEING AMENDED: *State Superannuation (Transitional and Consequential Amendments) Act 2000*

CLAUSE NO. 110 (cont...)

| EXISTING POSITION | AS AMENDED | EXPLANATION |
|--|---|--|
| <p>Interpretation</p> <p>3.(1) “resumption” means the compulsory acquisition of land under the provisions of any Act or Act of the Commonwealth authorizing compulsory acquisition of land;</p> | <p>Interpretation</p> <p>3.(1) “take”, “taken” and “taking” have the same meanings as they have for the purposes of Parts 9 and 10 of the <i>Land Administration Act 1997</i> and include a reference to the compulsory acquisition of land under any Act of the Commonwealth authorizing the compulsory acquisition of land:</p> | <p>Under the <i>Land Administration Act 1997</i> (which is the main Act dealing with taking land for public works), Land is “taken” not “resumed”. The amendment is designed to have consistent terminology between the <i>Strata Titles Act 1985</i> and the <i>Land Administration Act 1997</i>.</p> <p>The inclusion of the terminology of the <i>Land Administration Act 1997</i> in the definition section permits the use of the terminology later in the <i>Strata Titles Act 1985</i>.</p> |
| <p>Appeal against Commission</p> <p>27.(3)(c) the failure of the Commission to notify the applicant of its approval of an application within 40 days of receiving the application.</p> | <p>Appeal against Commission</p> <p>27.(3)(c) subject to section 25A(3), the failure of the Commission to notify the applicant of its approval of an application within 40 days of receiving the application.</p> | <p>Section 25A(3) permits a variation of the 40 day period that would have applied under section 27(3)(c) of the <i>Strata Titles Act 1985</i>. The amendment corrects this omission and provides that the 40 day period may be extended by the Minister as provided in section 25A(3) of the <i>Strata Titles Act 1985</i>.</p> |
| <p>Variation of strata scheme upon damage or destruction of building</p> <p>28.(5)(b) in the case of an order made under this section as applied by section 29, on the day on which the resumption referred to in the order takes effect.</p> | <p>Variation of strata scheme upon damage or destruction of building</p> <p>28.(5)(b) in the case of an order made under this section as applied by section 29, on the day on which the taking referred to in the order takes effect.</p> | <p>Under the <i>Land Administration Act 1997</i>, the process is one of taking land rather than a resumption. The amendment is designed to have consistent terminology between the <i>Strata Titles Act 1985</i> and the <i>Land Administration Act 1997</i>.</p> |

| EXISTING POSITION | AS AMENDED | EXPLANATION |
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| <p>Lodgement of documents with Registrar following partial resumption in strata scheme</p> <p>29B.(1) Where part of the land in a strata plan is resumed and the resumption includes part but not the whole of any lot in the scheme, the relevant authority shall, as soon as it is practicable after the resumption takes effect, cause to be prepared and lodged with the Registrar of Titles a plan that complies with subsection (2).</p> | <p>Lodgement of documents with Registrar following partial resumption in strata scheme</p> <p>29B.(1) Where part of the land in a strata plan is resumed <u>taken</u> and the taking includes part but not the whole of any lot in the scheme, the acquiring authority shall, as soon as it is practicable after the taking takes effect, cause to be prepared and lodged with the Registrar of Titles a plan that complies with subsection (2).</p> | <p>The amendment removes the old terminology of resumption and applies the new terminology which is provided for in the <i>Land Administration Act 1997</i>. Refer to explanation for amendment to section 3(1) of the <i>Strata Titles Act 1985</i>.</p> |
| <p>Lodgment of documents with Registrar following partial resumption in strata scheme</p> <p>29B.(2) The plan shall –</p> <p>(a) define the boundaries of the balance of the lot that remains in the scheme after the resumption and do so by reference to a floor plan.</p> | <p>Lodgment of documents with Registrar following partial taking in strata scheme</p> <p>29B.(2) The plan shall –</p> <p>(a) define the boundaries of the balance of the lot that remains in the scheme after the taking and do so by reference to a floor plan.</p> | <p>The amendment removes the old terminology of resumption and applies the new terminology which is provided for in the <i>Land Administration Act 1997</i>. Refer to explanation for amendment to section 3(1) of the <i>Strata Titles Act 1985</i>.</p> |

NAME OF ACT BEING AMENDED: *Strata Titles Act 1985*

CLAUSE NO. 111 (cont....)

| EXISTING POSITION | AS AMENDED | EXPLANATION |
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| <p>Lodgement of documents with Registrar following partial resumption in strata scheme</p> <p>29B.(1) Where part of the land in a strata plan is resumed and the resumption includes part but not the whole of any lot in the scheme, the relevant authority shall, as soon as it is practicable after the resumption takes effect, cause to be prepared and lodged with the Registrar of Titles a plan that complies with subsection (2).</p> | <p>Lodgement of documents with Registrar following partial taking in strata scheme</p> <p>29B.(1) Where part of the land in a strata plan is taken and the taking includes part but not the whole of any lot in the scheme, the acquiring authority shall, as soon as it is practicable after the taking takes effect, cause to be prepared and lodged with the Registrar of Titles a plan that complies with subsection (2).</p> | <p>The amendment removes the old terminology of resumption and applies the new terminology which is provided for in the <i>Land Administration Act 1997</i>. Refer to explanation for amendment to section 3(1) of the <i>Strata Titles Act 1985</i>.</p> |
| <p>Lodgement of documents with Registrar following partial resumption in strata scheme</p> <p>29B.(1) Where part of the land in a strata plan is resumed and the resumption includes part but not the whole of any lot in the scheme, the relevant authority shall, as soon as it is practicable after the resumption takes effect, cause to be prepared and lodged with the Registrar of Titles a plan that complies with subsection (2).</p> | <p>Lodgement of documents with Registrar following partial taking in strata scheme</p> <p>29B.(1) Where part of the land in a strata plan is taken and the taking includes part but not the whole of any lot in the scheme, the acquiring authority shall, as soon as it is practicable after the taking takes effect, cause to be prepared and lodged with the Registrar of Titles a plan that complies with subsection (2).</p> | <p>The amendment removes the old terminology of resumption and applies the new terminology which is provided for in the <i>Land Administration Act 1997</i>. Refer to explanation for amendment to section 3(1) of the <i>Strata Titles Act 1985</i>.</p> |

NAME OF ACT BEING AMENDED: *Strata Titles Act 1985*

CLAUSE NO. 111 (cont....)

| EXISTING POSITION | AS AMENDED | EXPLANATION |
|---|---|--|
| <p>Lodgement of documents with Registrar following partial resumption in strata scheme</p> <p>29B.(4) In subsection (1) –</p> <p>“relevant authority” in relation to a resumption of land means –</p> <p>(a) the Minister under whose hand a notice of that resumption was published under section 17(2)(b) of the <i>Public Works Act 1902</i>; or</p> <p>(b) where under section 18 of that Act the land is vested in a local authority within the meaning in that Act, that local authority.</p> | <p>Lodgement of documents with Registrar following partial taking in strata scheme</p> <p>29B.(4) In subsection (1) –</p> <p>“acquiring authority”, in relation to the taking of land, means –</p> <p>(a) the Minister who makes the taking order in relation to the land under section 177 of the <i>Land Administration Act 1997</i>; or</p> <p>(b) where the land is taken for the purposes of a local government, the local government.</p> | <p>Under the <i>Land Administration Act 1997</i>, a Government Agency or Authority exercising its powers of compulsory acquisition of land or interests in land for a public work has been defined as an “acquiring authority”. This amendment removes reference to a “relevant authority” which has the same functions as an “acquiring authority” under the <i>Land Administration Act 1997</i> and substitutes a reference to the definition of an acquiring authority.</p> |

NAME OF ACT BEING AMENDED: *Strata Titles Act 1985*

CLAUSE NO. 111 (cont....)

| EXISTING POSITION | AS AMENDED | EXPLANATION |
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| <p>Termination of scheme by resumption</p> <p>29C.(2) Where subsection (1) applies the Registrar of Titles shall register the land in the parcel in the name of the Crown or other authority in which it has vested under the resumption notice.</p> | <p>Termination of scheme by taking</p> <p>29C.(2) Where subsection (1) applies the Registrar of Titles shall register the land in the parcel in the name of the Crown or other authority in which it has vested under the taking order.</p> | <p>Under the <i>Land Administration Act 1997</i>, which is now the main legislation for the compulsory acquisition of Land for public works, land is now taken for a public work not resumed. The taking is effected by a taking order not a resumption notice. This amendment removes reference to resumption notices and substitutes reference to a taking order.</p> |
| <p>Termination of scheme by resumption</p> <p>29C.(3) In this section – “resumption notice” means a notice published in the <i>Gazette</i> under section 17(1) of the <i>Public Works Act 1902</i> declaring that the whole of a parcel is taken or resumed under that Act.</p> | <p>Termination of scheme by taking</p> <p>Section 29C(3) is repealed and the following subsection is inserted instead -</p> <p>29C.(3) In this section –</p> <p>“Minister for Lands” means the Minister to whom the administration of the <i>Land Administration Act 1997</i> is for the time being committed by the Governor;</p> <p>“taking order” means a taking order made under section 177 of the <i>Land Administration Act 1997</i>.</p> | <p>Under the <i>Land Administration Act 1997</i>, which is now the main legislation for the compulsory acquisition of Land for public works, land is now “taken” for a public work not “resumed”. The taking is effected by a taking order not a resumption notice. This amendment removes reference to resumption notices and substitutes reference to a taking order. This amendment therefore removes references in the definition to “resumption notices” and inserts a new definition of “taking orders”. It also inserts a definition of the Minister for Lands who now has the role of issuing taking orders and other notices for compulsory acquisition of land or interests in land for public works rather than the Governor who had that role before the passing of the <i>Land Administration Act 1997</i>.</p> |

NAME OF ACT BEING AMENDED: *Strata Titles Act 1985*

CLAUSE NO. 111 (cont....)

| EXISTING POSITION | AS AMENDED | EXPLANATION |
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| <p>Acting referees</p> <p>74. The Governor may appoint a person who is eligible to be appointed and hold office as a referee to act in the the office of a referee during the absence of that referee from his office through illness or other cause and the person so appointed shall while so acting be deemed to be a referee and shall have the immunities, powers, authorities, duties and functions of a referee and be entitled to remuneration and allowances as a referee.</p> | <p>Acting referees</p> <p>74. The Governor may appoint a person who is eligible to be appointed and hold office as a referee to act in the office of a referee during the absence of that referee from his office through illness or other cause and the person so appointed shall while so acting be deemed to be a referee and shall have the immunities, powers, authorities, duties and functions of a referee and be entitled to remuneration and allowances as a referee.</p> | <p>This amendment corrects a typographical error by deleting reference to the second word “the”. That second word is a repeat and is unnecessary.</p> |
| <p>Order for exemption from section 54 or 55(1)</p> <p>103J.(2) An order under this section is an order exempting the strata company from the obligation to insure imposed upon it by section 54 or 55(1)(c), or both of those provisions, either generally or in a particular respect.</p> | <p>Order for exemption from section 54 or 55(1)</p> <p>103J(2) An order under this section is an order exempting the strata company from the obligation to insure imposed upon it by section 54 or 55(1), or both of those provisions, either generally or in a particular respect.</p> | <p>This amendment corrects an incorrect reference to section 55(1)(c). The correct reference is to section 55(1).</p> |

NAME OF ACT BEING AMENDED: *Strata Titles Act 1985*

CLAUSE NO. 111 (cont....)

| EXISTING POSITION | AS AMENDED | EXPLANATION |
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| <p>Power of strata company regarding submeters</p> <p>3.(1) Where the supply of gas or electricity to a lot is regulated by means of a submeter, the strata company may require the proprietor or other occupier of the lot to pay the strata company by way of security for the payment of charges arising through the submeter an amount not exceeding \$200 and, if any amount so paid is applied by the strata company under sub-bylaw (2), to pay such further amount or amounts by way of such security as may be necessary to maintain the amount of the security as, subject to this sub-bylaw, the strata company may require.</p> | <p>Power of strata company regarding submeters</p> <p>3.(1) Where the supply of gas or electricity to a lot is regulated by means of a submeter, the strata company may require the proprietor or other occupier of the lot to pay the strata company by way of security for the payment of charges arising through the submeter an amount not exceeding \$200 and, if any amount so paid is applied by the strata company under sub-bylaw (2) of this by-law, to pay such further amount or amounts by way of such security as may be necessary to maintain the amount of the security as, subject to this sub-bylaw, the strata company may require.</p> | <p>The purpose of this amendment is to clarify the reference to sub-bylaw (2) to ensure that it is a reference to that sub-bylaw and not a reference to other sub-bylaws.</p> |
| <p>Election of council</p> <p>5.(1) The meeting shall determine, in accordance with the requirements of by-law 4(3) of Part I, the number of persons of whom the council shall consist.</p> | <p>Election of council</p> <p>5.(1) The meeting shall determine, in accordance with the requirements of by-law 4(3) of this Schedule the number of persons of whom the council shall consist.</p> | <p>The effect of this amendment is to delete reference to Part I because Part I, as a heading, was deleted in 1995 amendments to the Act.</p> |

NAME OF ACT BEING AMENDED: *Strata Titles Act 1985*

CLAUSE NO. 111 (cont....)

| EXISTING POSITION | AS AMENDED | EXPLANATION |
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| <p>5.(8) Subject to rule (9), candidates, being equal in number to the number of members of the council determined in accordance with by-law 4(3) of Part I, who receive the highest numbers of votes shall be declared elected to the council.</p> | <p>5.(8) Subject to sub-bylaw (9) of this by-law, candidates, being equal in number to the number of members of the council determined in accordance with by-law 4(3) of this Schedule, who receive the highest numbers of votes shall be declared elected to the council.</p> | <p>The purpose of this amendment is to clarify the reference to sub-bylaw (9) to ensure that it is a reference to that sub-bylaw and not a reference to other sub-bylaws.</p> <p>The effect of the second amendment is to delete reference to Part I because Part I, as a heading, was deleted in 1995 amendments to the Act.</p> |
| <p>Election of Council</p> <p>5.(9) Where the number of votes recorded in favour of any candidate is the lowest of the numbers of votes referred to in rule (8) and —</p> | <p>Election of Council</p> <p>5.(9) Where the number of votes recorded in favour of any candidate is the lowest of the numbers of votes referred to in sub-bylaw (8) of this by-law and —</p> | <p>The purpose of this amendment is to clarify the reference to sub-bylaw (8) to ensure that it is a reference to that sub-bylaw and not a reference to other sub-bylaws.</p> |
| <p>Chairman, secretary and treasurer of strata company</p> <p>7.(1) Subject to sub-bylaw (2), the chairman, secretary and treasurer of the council are also respectively the chairman, secretary and treasurer of the strata company.</p> | <p>Chairman, secretary and treasurer of strata company</p> <p>7.(1) Subject to sub-bylaw (2) of this by-law, the chairman, secretary and treasurer of the council are also respectively the chairman, secretary and treasurer of the strata company.</p> | <p>The purpose of this amendment is to clarify the reference to sub-bylaw (2) to ensure that it is a reference to that sub-bylaw and not a reference to other sub-bylaws.</p> |
| <p>7.(3) A person appointed under sub-bylaw (2) may act until the end of the meeting for which he was appointed to act.</p> | <p>7.(3) A person appointed under sub-bylaw (2) of this by-law may act until the end of the meeting for which he was appointed to act.</p> | <p>The purpose of this amendment is to clarify the reference to sub-bylaw (2) to ensure that it is a reference to that sub-bylaw and not a reference to other sub-bylaws.</p> |

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| <p>Proceedings at general meetings</p> <p>12.(4a) Sub-bylaws (3) and (4) do not apply to a general meeting of a strata company referred to in section 50B.</p> | <p>Proceedings at general meetings</p> <p>12.(4a) Sub-bylaws (3) and (4) of this by-law do not apply to a general meeting of a strata company referred to in section 50B.</p> | <p>The purpose of this amendment is to clarify the reference to sub-bylaws (3) and (4) to ensure that it is a reference to those sub-bylaw and not a reference to other sub-bylaws.</p> |
| <p>Schedule 2</p> <p>Additional duties of proprietors, occupiers, etc.</p> <p>12.(c) keep any animals on the lot that he owns, occupies or resides in or the common property after notice in that behalf given to him by the council.</p> | <p>Schedule 2</p> <p>Additional duties of proprietors, occupiers, etc.</p> <p>12.(c) subject to section 42(15) of the Act, keep any animals on the lot that he owns, occupies or resides in or the common property after notice in that behalf given to him by the council.</p> | <p>This amendment to make the By laws in Schedule 2 subject to section 42(15) of the <i>Strata Titles Act 1985</i>, which permits lot proprietors to keep guidedogs on the Strata Lots as an exception to the general rule that no animals shall be kept on Strata Lots.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--|---|
| <p>2. Interpretation</p> <p>In this Act, unless inconsistent with the context or subject matter —</p> <p>“Chief Secretary”² means the Minister of the Crown for the time being and from time to time holding the ministerial office of Chief Secretary² in the Government of the State.</p> <p>“Collection” includes the soliciting of funds or contributions and the selling or offering for sale of any button, badge, token, or other similar thing for the purpose of raising funds or contributions.</p> <p>“Metropolitan area” means the area within the boundaries defined in the First Schedule to the regulations made under the <i>Traffic Act 1919-1935</i>.</p> <p>“Person” includes association, society, or committee and any combination thereof.</p> | <p>2. Interpretation</p> <p>In this Act, unless inconsistent with the context or subject matter —</p> <p>“Chief Secretary”² means the Minister of the Crown for the time being and from time to time holding the ministerial office of Chief Secretary² in the Government of the State.</p> <p>“Collection” includes the soliciting of funds or contributions and the selling or offering for sale of any button, badge, token, or other similar thing for the purpose of raising funds or contributions.</p> <p>“Metropolitan area” means the area within the boundaries defined in the First Schedule to the regulations made under the <i>Traffic Act 1919-1935</i>.</p> <p>“Person” includes association, society, or committee and any combination thereof.</p> | <p>The <i>Street Collections (Regulation) Act 1940</i> contains reference to the “Chief Secretary” meaning the Minister of the Crown for the time being holding the Ministerial office of Chief Secretary in the Government of the State. There is no such designation as “Chief Secretary” and as the Act is currently allocated to the Minister for Fair Trading there is a requirement to amend the Act.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|---|---|
| <p>3. No collection in metropolitan area except by permission of Chief Secretary²</p> <p>(1) Notwithstanding the provisions of the <i>War Funds Regulation Act 1939</i>, it shall not be lawful for any person to make a collection in any public street within the metropolitan area unless authorized by permit in writing from the Chief Secretary² and unless the conditions (in any) attached by the Chief Secretary² to such permit and the provisions of the regulations made in that behalf are complied with.</p> <p>4. Permit as prescribed may be granted</p> <p>(1) The Chief Secretary² may grant a permit in the form prescribed to any person to make a collection for the object or purpose, on the day, between the hours, and within the area specified respectively in such permit: Provided that the aggregate number of days in respect of which such permits may be granted shall not exceed fifty in any one year.</p> | <p>3. No collection in metropolitan area except by permission of Chief Secretary²</p> <p>(1) Notwithstanding the provisions of the <i>War Funds Regulation Act 1939</i>, it It shall not be lawful for any person to make a collection in any public street within the metropolitan area unless authorized by permit in writing from the Chief Secretary <u>Minister</u>² and unless the conditions (in any) attached by the Chief Secretary <u>Minister</u>² to such permit and the provisions of the regulations made in that behalf are complied with.</p> <p>4. Permit as prescribed may be granted</p> <p>(1) The Chief Secretary <u>Minister</u>² may grant a permit in the form prescribed to any person to make a collection for the object or purpose, on the day, between the hours, and within the area specified respectively in such permit: Provided that the aggregate number of days in respect of which such permits may be granted shall not exceed fifty in any one year.</p> | <p>Section 3(1) – This amendment removes an obsolete reference to the <i>War Funds Regulation Act 1939</i>, which was repealed in section 3 of the <i>Charitable Collections Act 1956</i>. See above for explanation of the change from “Chief Secretary” to “Minister”.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|---|---|
| <p>5. Applications for permits to be made in the prescribed manner</p> <p>Applications for permits shall be made to the Chief Secretary² in the prescribed manner, specifying the purpose of the collection, and the locality within which, the collection is to be made. Applicants shall furnish any additional information which the Chief Secretary² may require or which may be prescribed.</p> | <p>5. Applications for permits to be made in the prescribed manner</p> <p>Applications for permits shall be made to the Chief Secretary <u>Minister</u>² in the prescribed manner, specifying the purpose of the collection, and the locality within which, the collection is to be made. Applicants shall furnish any additional information which the Chief Secretary <u>Minister</u>² may require or which may be prescribed.</p> | <p>The <i>Street Collections (Regulation) Act 1940</i> contains reference to the “Chief Secretary” meaning the Minister of the Crown for the time being holding the Ministerial office of Chief Secretary in the Government of the State. There is no such designation as “Chief Secretary” and as the Act is currently allocated to the Minister for Fair Trading there is a requirement to amend the Act.</p> |

NAME OF ACT BEING AMENDED: *Street Collections (Regulation) Act 1940*

CLAUSE NO. 112 (cont...)

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>6. Unauthorized use of badges, etc.</p> <p>7. Governor may make regulations</p> | <p>6. Unauthorized use of badges, etc. 6A <u>Delegation</u></p> <p>(1) <u>The Minister may, either generally or as provided by the instrument of delegation, delegate to any person any of the Minister's functions under this Act except this power of delegation.</u></p> <p>(2) <u>Performance of a function by a delegate is to be treated as performance by the Minister.</u></p> <p>(3) <u>A person purporting to act under this section as a delegate is taken to have acted in accordance with the terms of delegation unless the contrary is shown.</u></p> <p>7. Governor may make regulations</p> | <p>Insertion of Section 6A - At present, the "Chief Secretary" (read: "Minister") is responsible for a host of administrative tasks. This includes granting permits and signing formal documentation. The inclusion of a delegation clause in this Act will help to reduce the administrative burden on the Minister.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>8. Appeal Costs Board, constitution</p> <p>(2) The Board shall consist of 3 members appointed by the Governor of whom —</p> <p>(c) one shall be a person who is nominated in writing by the Barristers' Board constituted under the <i>Legal Practitioners Act 1893</i> and who is so willing.</p> | <p>8. Appeal Costs Board, constitution</p> <p>(2) The Board shall consist of 3 members appointed by the Governor of whom —</p> <p>(c) one shall be a person who is nominated in writing by the Barristers' Board <u>The Legal Practice Board</u> constituted under the <i>Legal Practitioners Act 1893</i> and who is so willing.</p> | <p>This amendment is made to reflect the change in the name of the Board from the Barristers' Board to the Legal Practice Board.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>61. Power of approval may be conferred on Trust</p> <p>(2) Where the Trust is authorised under subsection (1) to approve a development, it may resolve to do so and it that case sections 54 to 58 do not apply but the Trust may, subject to subsection (2) of section 59, exercise any power described in subsection (1) or (3) of that section.</p> | <p>61. Power of approval may be conferred on Trust</p> <p>(2) Where the Trust is authorised under subsection (1) to approve a development, it may resolve to do so and it <u>in</u> that case sections 54 to 58 do not apply but the Trust may, subject to subsection (2) of section 59, exercise any power described in subsection (1) or (3) of that section.</p> | <p>This amendment corrects a spelling error.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>3. Limits of the Act</p> <p>The limits of this Act shall extend to and include the area within the boundaries of the Municipality of North Fremantle, and also so much of the area of the lands and property vested in the Fremantle Port Authority as is contained within the inner harbour in the description of the Port of Fremantle under the <i>Port Authorities Act 1997</i>., or which may hereafter be vested in, acquired, or held by, or may be placed or be in, the custody, possession, or control of, or over which the Fremantle Port Authority may exercise authority or dominion, and also so much of the area of any Crown lands or lands vested in the Honourable the Minister for Railways or the Minister of the Crown administering the <i>Government Railways Act 1904</i>, for the time being respectively as adjoins or abuts on the lands and property of the Fremantle Port Authority above described, or lies between the same lands and property and the boundaries of the Municipality of North Fremantle.</p> | <p>3. Limits of the Act</p> <p>The limits of this Act shall extend to and include the area within the boundaries of the Municipality of North Fremantle, and also so much of the area of the lands and property vested in the Fremantle Port Authority as is contained within the inner harbour in the description of the Port of Fremantle under the <i>Port Authorities Act 1997</i> <u><i>Port Authorities Act 1999</i></u>, or which may hereafter be vested in, acquired, or held by, or may be placed or be in, the custody, possession, or control of, or over which the Fremantle Port Authority may exercise authority or dominion, and also so much of the area of any Crown lands or lands vested in the Honourable the Minister for Railways or the Minister of the Crown administering the <i>Government Railways Act 1904</i>, for the time being respectively as adjoins or abuts on the lands and property of the Fremantle Port Authority above described, or lies between the same lands and property and the boundaries of the Municipality of North Fremantle.</p> | <p>This amendment corrects a grammatical error and an incorrect reference to the <i>Port Authorities Act 1999</i> as the <i>Port Authorities Act 1997</i>.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>3. Limits of the Act</p> <p>The limits of this Act shall extend to and include —</p> <p>(b) so much of the area of the lands and property vested in the Fremantle Port Authority as is contained within the inner harbour in the description of the Port of Fremantle under the <i>Port Authorities Act 1999</i>., or which may hereafter be vested in, acquired, or held by the port authority, or which may be placed or be in the custody, possession, or control of the port authority or over which the port authority may exercise authority or control;</p> | <p>3. Limits of the Act</p> <p>The limits of this Act shall extend to and include —</p> <p>(b) so much of the area of the lands and property vested in the Fremantle Port Authority as is contained within the inner harbour in the description of the Port of Fremantle under the <i>Port Authorities Act 1999</i>., or which may hereafter be vested in, acquired, or held by the port authority, or which may be placed or be in the custody, possession, or control of the port authority or over which the port authority may exercise authority or control;</p> | <p>This amendment corrects a grammatical error by deleting the full stop after “<i>Port Authorities Act 1999</i>”.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p style="text-align: center;">The Schedule (Section 21)</p> <p style="text-align: center;">FURTHER PROVISIONS RELATING TO WESTERN AUSTRALIAN HEALTH PROMOTION FOUNDATION</p> <p>2. Meetings and procedure</p> <p>(1) Five members constitute a quorum of the Foundation.</p> <p>(2) A decision carried by the votes of a majority of the members present at a meeting of the Foundation is a decision of the Foundation.</p> <p>(3) Each member present at a meeting of the Foundation is entitled to one vote on a matter arising for determination at that meeting and the presiding member has, in the event of an equality of votes, a second or casting vote.</p> <p>(4) The Foundation shall cause accurate minutes to be kept of its proceedings.</p> <p>(5) Subject to this Act, the business of the Foundation may be conducted in a manner determined by the Foundation.</p> <p>3. Disclosure of interest ...</p> | <p style="text-align: center;">The Schedule (Section 21)</p> <p style="text-align: center;">FURTHER PROVISIONS RELATING TO WESTERN AUSTRALIAN HEALTH PROMOTION FOUNDATION</p> <p>2. Meetings and procedure</p> <p>(1) Five members constitute a quorum of the Foundation.</p> <p>(2) A decision carried by the votes of a majority of the members present at a meeting of the Foundation is a decision of the Foundation.</p> <p>(3) Each member present at a meeting of the Foundation is entitled to one vote on a matter arising for determination at that meeting and the presiding member has, in the event of an equality of votes, a second or casting vote.</p> <p>(4) The Foundation shall cause accurate minutes to be kept of its proceedings.</p> <p>(5) Subject to this Act, the business of the Foundation may be conducted in a manner determined by the Foundation.</p> | <p>This amendment to the Schedule to the <i>Tobacco Control Act 1990</i> will enable decisions to be taken by members of the Western Australian Health Promotion Foundation (“The Foundation”) other than in face-to-face meetings of the Foundation.</p> <p>The Foundatin has received advice from the Corwn Solicitor’s Office which confirms that this section presently means that decisions of the Foundation can only be validly taken at meeting where the required quorum of Foundation members (being 5 persons) is physically present.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| | <p>(6) <u>A decision in writing signed or assented to by at least 5 members by letter, facsimilie or other written means is as effectual as if it had been passed at a meeting of the Foundation.</u></p> <p>(7) <u>A communication between a majority of the members by telephone, audio-visual or other electronic means is a valid meeting of the Foundation if each participating member is capable of communicating with every other participating member instantaneously at all times during the proceedings.</u></p> <p>3. Disclosure of interest</p> <p>...</p> | As above. |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>28. Allocation of the funds of the TAB</p> <p>(4) The Club shall, from any moneys received by it from the TAB under subsection (2) or section 27B(1)(f) —</p> <p>...</p> <p>(5) The Association shall, from any sum received by it from the TAB pursuant to subsection (3) —</p> <p>...</p> | <p>28. Allocation of the funds of the TAB</p> <p>(4) The Club shall, from any moneys received by it from the TAB under subsection (2) or section 27B(1)(f) <u>section 27B(f)</u> —</p> <p>...</p> <p>(5) The Association shall, from any sum received by it from the TAB pursuant to subsection (3) <u>or section 27B(f)</u> —</p> <p>...</p> | <p>Section 28(4) – This amendment corrects a cross-referencing error.</p> <p>Section 28 (5) - Inserts a cross-reference to section 27B(f), which concerns payment of remaining moneys generated from fixed-odds betting in relation to horse racing.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>33. Provisions relating to bets through TAB</p> <p>The following provisions apply in relation to betting through the TAB —</p> <p>(a) the TAB, or any of its officers, agents or employees or any employee of an agent of the TAB shall not accept a bet unless made —</p> <p>(ii) by letter sent through the post or by telegram or telephone message received at a totalisator agency,</p> <p>in accordance with the provisions of this Act;</p> | <p>33. Provisions relating to bets through TAB</p> <p>The following provisions apply in relation to betting through the TAB —</p> <p>(a) the TAB, or any of its officers, agents or employees or any employee of an agent of the TAB shall not accept a bet unless made —</p> <p>(ii) by letter sent through the post or by telegram or telephone message received at a totalisator agency <u>or by electronic communication received at a totalisator agency</u>,</p> <p>in accordance with the provisions of this Act;</p> | <p>Section 33(a)(ii) - Since 1997 the TAB has conducted betting via the Internet on the understanding that Internet betting is an extension, or form of, telephone betting.</p> <p>However, it is uncertain whether, given the dictionary definition of “telegraph” and “telephone”, betting by means of the Internet fits within these terms.</p> <p>This amendment clarifies the TAB’s authority to conduct betting via the Internet.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>6. Section 28 amended</p> <p>(3) Section 28(4) and (5) are amended by deleting “or section 27B(1)(f)”.</p> | <p>6. Section 28 amended</p> <p>(3) Section 28(4) and (5) are amended by deleting “or section 27B(1)(f) <u>section 27B(f)</u>”.</p> | <p>This amendment corrects the cross-reference to section 27B(f) of the <i>Totalisator Agency Board Betting Act 1960</i>.</p> |

| EXISTING POSITION | AS AMENDED | EXPLANATION |
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| <p>Notice to be published before effect is given to order</p> <p>62. Before making any such order the Court or Judge or Commissioner shall cause notice of the intention so to do to be advertised once at least in one newspaper published in the city of Perth or circulating in the neighbourhood of the land and shall appoint a time within which it shall be lawful for any person interested to show cause against such order being made; after the expiration of which time it shall be lawful for the said Court or Judge or Commissioner to give directions for the transfer of such land or lease or charge to any new proprietor or proprietors solely or jointly with or in the place of any existing proprietor or proprietors, or to make such order in the premises as shall be just for the protection of any persons beneficially interested in such property or in the proceeds thereof; and on such order being deposited with the Registrar he shall make such entries and perform such acts for giving effect thereto as the provisions of this Act may render necessary. The Commissioner in any case within the last preceding section in which members of any a corporation that is a friendly society within the meaning of section 16C of the <i>Life Insurance Act 1995</i> of the Commonwealth are interested may before making an order thereunder dispense with the aforesaid advertisement.</p> | <p>Notice to be published before effect is given to order</p> <p>62. Before making any such order the Court or Judge or Commissioner shall cause notice of the intention so to do to be advertised once at least in one newspaper published in the city of Perth or circulating in the neighbourhood of the land and shall appoint a time within which it shall be lawful for any person interested to show cause against such order being made; after the expiration of which time it shall be lawful for the said Court or Judge or Commissioner to give directions for the transfer of such land or lease or charge to any new proprietor or proprietors solely or jointly with or in the place of any existing proprietor or proprietors, or to make such order in the premises as shall be just for the protection of any persons beneficially interested in such property or in the proceeds thereof; and on such order being deposited with the Registrar he shall make such entries and perform such acts for giving effect thereto as the provisions of this Act may render necessary. The Commissioner in any case within the last preceding section in which members of any a corporation that is a friendly society within the meaning of section 16C of the <i>Life Insurance Act 1995</i> of the Commonwealth are interested may before making an order thereunder dispense with the aforesaid advertisement.</p> | <p>The amendment makes a grammatical change to the section, which does not affect the substance.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| Division 2 — Powers of the Minister and Director General 15B. Functions (2) It is the function of the Director General — (a) to maintain an overview of existing transport services in this State and recommend to the Minister measures for achieving co-ordination of transport services in this State; (b) report to the Minister on transport policy or changes in transport policy and measures for achieving policy objectives; ... | Division 2 — Powers of the Minister and Director General 15B. Functions (2) It is the function of the Director General — <u>General to —</u> (a) to maintain an overview of existing transport services in this State and recommend to the Minister measures for achieving co-ordination of transport services in this State; (b) report to the Minister on transport policy or changes in transport policy and measures for achieving policy objectives; ... | Section 15B(2) – This amendment corrects a grammatical error. |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>15C. Functions under other Acts</p> <p>(1) As well as the functions referred to in section 15B the Director General also has the functions conferred on the Director General under —</p> <ul style="list-style-type: none"> (a) the <i>Control of Vehicles (Off-road Areas) Act 1978</i>; (b) the <i>Motor Vehicle Drivers Instructors Act 1963</i>; (c) the <i>Motor Vehicle (Third Party Insurance) Act 1943</i>; (ca) the <i>Perth Parking Management Act 1999</i>; and (ca) the Rail Safety Act 1998; and (d) the Road Traffic Act 1974. | <p>15C. Functions under other Acts</p> <p>(1) As well as the functions referred to in section 15B the Director General also has the functions conferred on the Director General under —</p> <ul style="list-style-type: none"> (a) the <i>Control of Vehicles (Off-road Areas) Act 1978</i>; (b) the <i>Motor Vehicle Drivers Instructors Act 1963</i>; (c) the <i>Motor Vehicle (Third Party Insurance) Act 1943</i>; (ca) the <i>Perth Parking Management Act 1999</i>; and (ca) <u>(cb)</u> the Rail Safety Act 1998; and (d) the Road Traffic Act 1974. | <p>This amendment corrects a numbering error.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>36. Matters to be taken into consideration by the Minister before grant or refusal of licence</p> <p>Before granting or refusing a licence for a commercial goods vehicle, the Minister —</p> <p>(a) may take into account any one or more of the following matters —</p> <p>(i) the necessity for the service proposed to be provided and the convenience that would be afforded to the public by the provision of the proposed service;</p> <p>.....</p> <p>(v) the interests of persons requiring transport to be provided, and of the community generally,</p> <p>but shall not be obliged, in relation to any particular licence application, to take into account all of these matters; and</p> | <p>36. Matters to be taken into consideration by the Minister before grant or refusal of licence</p> <p>Before granting or refusing a licence for a commercial goods vehicle, the Minister —</p> <p>(a) may take into account any one or more of the following matters —</p> <p>(i) the necessity for the service proposed to be provided and the convenience that would be afforded to the public by the provision of the proposed service;</p> <p>.....</p> <p>(v) the interests of persons requiring transport to be provided, and of the community generally,</p> <p>but shall not be obliged, in relation to any particular licence application, to take into account all of these matters; and</p> | <p>This amendment corrects a grammatical error.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>28A. Grant of option to purchase trust property</p> <p>(2) In subsection (1), “independent valuer” means —</p> <p>(c) in the case of land in another State or a Territory, a person who is licensed as a valuer under the law of that State or Territory or, if there is no such law, a person who is a Fellow or Associate of the Australian Institute of Valuers (Inc.).</p> | <p>28A. Grant of option to purchase trust property</p> <p>(2) In subsection (1), “independent valuer” means —</p> <p>(c) in the case of land in another State or a Territory, a person who is licensed as a valuer under the law of that State or Territory or, if there is no such law, a person who is a Fellow or Associate of the Australian Institute of Valuers <u>Australian Property Institute</u> (Inc.).</p> | <p>The Australian Institute of Valuers has changed its name to the Australian Property Institute.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>6. Valuer-General and other officers</p> <p>(3) A person appointed Valuer-General shall be a person who is qualified for membership of the Australian Institute of Valuers (Incorporated) as a Fellow or Associate of that Institute.</p> <p>25. Rating or taxing authority may engage valuers to make general or interim valuations</p> <p>(2) A person shall not be engaged as a valuer under this section unless he is licensed under the <i>Land Valuers Licensing Act 1978</i> or qualified for membership of the Australian Institute of Valuers (Incorporated) as a Fellow or Associate of that Institute.</p> | <p>6. Valuer-General and other officers</p> <p>(3) A person appointed Valuer-General shall be a person who is qualified for membership of the Australian Institute of Valuers <u>Australian Property Institute</u> (Incorporated) as a Fellow or Associate of that Institute.</p> <p>25. Rating or taxing authority may engage valuers to make general or interim valuations</p> <p>(2) A person shall not be engaged as a valuer under this section unless he is licensed under the <i>Land Valuers Licensing Act 1978</i> or qualified for membership of the Australian Institute of Valuers <u>Australian Property Institute</u> (Incorporated) as a Fellow or Associate of that Institute.</p> | <p>The Australian Institute of Valuers has changed its name to the Australian Property Institute.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>60. Persons obstructing execution of this Act</p> <p>(2) If a person having the charge for the time being of any substance, stock or carcass refuses to allow any person acting in the execution of this Act to take the sample which that person requires is deemed to have wilfully obstructed that person.</p> | <p>60. Persons obstructing execution of this Act</p> <p>(2) If a person having the charge for the time being of any substance, stock or carcass refuses to allow any person acting in the execution of this Act to take the sample which that person requires, <u>the first-mentioned person</u> is deemed to have wilfully obstructed that person.</p> | <p>This amendment inserts missing words in order to clarify which person is deemed to have wilfully obstructed the other person.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>36. Regulations and by-laws generally</p> <p>(1) Regulations or by-laws made for the purposes of this Act or a relevant Act may be so made —</p> <p>(b) as to adopt, by reference to the text as amended and for the time being in force at the time of adoption of the by-law, unless a particular text is otherwise specified —</p> <p>(ii) such standards, rules, codes or specifications issued by the Standards Association of Australia, the British Standards Institution, or other specified body,</p> <p>either wholly or in part or with modifications, as are specified.</p> | <p>36. Regulations and by-laws generally</p> <p>(1) Regulations or by-laws made for the purposes of this Act or a relevant Act may be so made —</p> <p>(b) as to adopt, by reference to the text as amended and for the time being in force at the time of adoption of the by-law, unless a particular text is otherwise specified —</p> <p>(ii) such standards, rules, codes or specifications issued by the Standards Association of Australia <u>Standards Australia</u>, the British Standards Institution, or other specified body,</p> <p>either wholly or in part or with modifications, as are specified.</p> | <p>The Standards Association of Australia has undergone a change of corporate status and of name. “Standards Australia” is now defined in the <i>Interpretation Act 1984</i>.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>85. Local government works constructed with borrowed money</p> <p>(1) Notwithstanding that —</p> <ul style="list-style-type: none"> (a) any water works and works relating to the procuring of a water supply; (b) any sewers and works connected with sewerage; and (c) any drains and works connected with drainage, <p>have been constructed with money borrowed by a local government under of the <i>Local Government Act 1995</i>, the Corporation may purchase from the local government any works so constructed.</p> | <p>85. Local government works constructed with borrowed money</p> <p>(1) Notwithstanding that —</p> <ul style="list-style-type: none"> (a) any water works and works relating to the procuring of a water supply; (b) any sewers and works connected with sewerage; and (c) any drains and works connected with drainage, <p>have been constructed with money borrowed by a local government under of the <i>Local Government Act 1995</i>, the Corporation may purchase from the local government any works so constructed.</p> | <p>This amendment deletes an unnecessary word.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>16. Definitions</p> <p>In this Part —</p> <p>“authorized person” means a member of the staff authorized in writing by the Commission for the purposes of section 17;</p> | <p>16. Definitions</p> <p>In this Part —</p> <p>“authorized person” means a member of the staff, <u>or other person</u>, authorized in writing by the Commission for the purposes of section 17;</p> | <p>Section 16 - The current clause does not allow persons, other than staff members, to investigate water resources on private land on behalf of the Commission unless a staff member accompanies them. Consultants are frequently engaged in this work and it is unnecessary and costly to provide a staff member to accompany the consultants. The Commission is, and will remain, responsible for meeting the costs of any damage to private property that is caused during the investigations.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>33. Execution of documents by Commission</p> <p>(5) The Commission may, by writing under its seal, authorize a member or members of the board or a member or members of staff to sign documents on behalf of the Commission, either generally or subject to such conditions or restrictions as are specified in the authorization.</p> <p>(6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed until the contrary is shown.</p> | <p>33. Execution of documents by Commission</p> <p>(5) The Commission may, by writing under its seal, authorize a member or members of the board or a member or members of staff to sign documents on behalf of the Commission, either generally or subject to such conditions or restrictions as are specified in the authorization.</p> <p>(6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed until the contrary is shown.</p> <p><u>(6a) A document executed by a person under this section without the common seal of the Commission is not to be regarded as a deed unless the person executes it as a deed and is authorized under subsection (5) to do so.</u></p> | <p>Section 33 – This amendment clarifies the position relating to the execution of documents by and on behalf of the Commission.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>3. Interpretation</p> <p>In this Act, unless the contrary intention appears —</p> <p>“subsidiary” means —</p> <p>(a) a body that would be a subsidiary within the meaning of the Corporations Law if the corporation were a body corporate to which the Corporations Law applies; and</p> <p>(b) an interest or other rights of the corporation in a unit trust, joint venture or partnership where the interest or other rights of the corporation in connection with the unit trust, joint venture or partnership entitle the corporation to —</p> <p>(i) control the composition of the governing body of the unit trust, joint venture or partnership;</p> <p>(ii) cast, or control the casting of, more than one-half of the maximum number of votes that might be cast at a general meeting of the unit trust, joint venture or partnership; or</p> <p>(iii) control the business affairs of the unit trust, joint venture or partnership;</p> | <p>3. Interpretation</p> <p>In this Act, unless the contrary intention appears —</p> <p>“subsidiary” means —</p> <p>(a) a body that would be a subsidiary within the meaning of the Corporations Law if the corporation were a body corporate to which the Corporations Law applies; and</p> <p>(b) an interest or other rights of the corporation in a unit trust, joint venture or partnership where the interest or other rights of the corporation in connection with the unit trust, joint venture or partnership entitle the corporation to —</p> <p>(i) control the composition of the governing body of the unit trust, joint venture or partnership;</p> <p>(ii) cast, or control the casting of, more than one-half of the maximum number of votes that might be cast at a general meeting of the unit trust, joint venture or partnership; or</p> <p>(iii) control the business affairs of the unit trust, joint venture or partnership;</p> | <p>This amendment removes a potentially misleading statement about the application of the Corporations Law.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
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| <p>41. Draft strategic development plan to be submitted to Minister</p> <p>(2) Each draft strategic development plan is to be submitted not later than 3 months before the start of the next financial year.</p> <p>50. Draft statement of corporate intent to be submitted to Minister</p> <p>(2) Each draft statement of corporate intent is to be submitted not later than 3 months before the start of the next financial year.</p> | <p>41. Draft strategic development plan to be submitted to Minister</p> <p>(2) Each draft strategic development plan is to be submitted not later than 3 months <u>2 months</u> before the start of the next financial year.</p> <p>50. Draft statement of corporate intent to be submitted to Minister</p> <p>(2) Each draft statement of corporate intent is to be submitted not later than 3 months <u>2 months</u> before the start of the next financial year.</p> | <p>Sections 41(2) and 50(2) – The Act provides that the Strategic Development Plan (SDP) and Statement of Corporate Intent (SCI) must be submitted to the Minister not later than 3 months prior to the start of the next financial year (ie March 31). Experience has shown that the timing of this requirement places unnecessary constraints on the planning of the Corporation. A key concern is that the Government generally announces its decision on general tariff and pricing in the first week of April. This is too late to allow for the Board to consider the SDP and SCI in the context of the pricing decisions before being forwarded to the Minister by the March 31 deadline.</p> <p>This amendment changes the submission date for SDP and SCI to not later than two months prior to the start of the next financial year. This procedural change will enable the Water Corporation to take into account the impact of the Government's decisions on tariffs in these documents. It will also bring the Water Corporation in line with Wester Power and AlintaGas, which are required to submit their SDP and SCI no later than two months before the start of the next financial year.</p> |

NAME OF ACT BEING AMENDED: *Water Corporation Act 1995*

CLAUSE NO. **127 (cont...)**

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|---|---|
| <p style="text-align: center;">Schedule 3 [Section 86 (1)]</p> <p style="text-align: center;">FINANCIAL ADMINISTRATION AND AUDIT</p> <p style="text-align: center;">Division 1 — Preliminary</p> <p>1. Interpretation</p> <p>(1) In this Schedule, unless the contrary intention appears —</p> <p>“Board” means the Australian Accounting Standards Board established under Part 12 of the <i>Australian Securities and Investments Commission Act 1989</i> of the Commonwealth of the Commonwealth;</p> <p style="text-align: center;">...</p> | <p style="text-align: center;">Schedule 3 [Section 86 (1)]</p> <p style="text-align: center;">FINANCIAL ADMINISTRATION AND AUDIT</p> <p style="text-align: center;">Division 1 — Preliminary</p> <p>1. Interpretation</p> <p>(1) In this Schedule, unless the contrary intention appears —</p> <p>“Board” means the Australian Accounting Standards Board established under Part 12 of the <i>Australian Securities and Investments Commission Act 1989</i> of the Commonwealth of the Commonwealth;</p> <p style="text-align: center;">...</p> | <p>This amendment deletes an inadvertently repeated phrase.</p> |

NAME OF ACT BEING AMENDED: *Water Corporation Act 1995*

CLAUSE NO. 127 (cont...)

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|---|---|
| <p>59L. Adoption of other laws, codes etc.</p> <p>(1) Regulations referred to in section 59J may adopt, either wholly or in part or with modifications —</p> <p>(a) any rules, regulations, codes, or other subsidiary legislation made, determined or issued under any other Act or under any Commonwealth Act; or</p> <p>(b) any of the standards, rules, codes or specifications of the body known as the Standards Association of Australia or a similar specified body.</p> | <p>59L. Adoption of other laws, codes etc.</p> <p>(1) Regulations referred to in section 59J may adopt, either wholly or in part or with modifications —</p> <p>(a) any rules, regulations, codes, or other subsidiary legislation made, determined or issued under any other Act or under any Commonwealth Act; or</p> <p>(b) any of the standards, rules, codes or specifications of the body known as the Standards Association of Australia <u>Standards Australia</u> or a similar specified body.</p> | <p>The Standards Association of Australia has undergone a change of corporate status and of name. “Standards Australia” is now defined in the <i>Interpretation Act 1984</i>.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|---|---|
| <p>24. Minister may give directions</p> <p>(3) The text of any direction given under subsection (1) is to be —</p> <p>(a) published in the <i>Gazette</i> —</p> <p>(i) within 28 days after the direction is given; or</p> <p>(ii) if the direction is the subject of a notice under section 17 of the <i>Statutory Corporations (Liability of Directors) Act 1996</i>, within 28 days after it is confirmed under that section;</p> <p>and</p> <p>(b) within 14 days after the direction is published laid before each House of Parliament or dealt with under section 45A; and</p> <p>(c) included in the annual report submitted by the accountable authority of the Authority under section 66 of the <i>Financial Administration and Audit Act 1985</i>.</p> | <p>24. Minister may give directions</p> <p>(3) The text of any direction given under subsection (1) is to be —</p> <p>(a) published in the <i>Gazette</i> —</p> <p>(i) within 28 days after the direction is given; or</p> <p>(ii) if the direction is the subject of a notice under section 17 of the <i>Statutory Corporations (Liability of Directors) Act 1996</i>, within 28 days after it is confirmed under that section;</p> <p>and</p> <p>(b) within 14 days after the direction is published laid before each House of Parliament or dealt with under section 45A; and</p> <p>(c) included in the annual report submitted by the accountable authority of the Authority under section 66 of the <i>Financial Administration and Audit Act 1985</i>.</p> | <p>This amendment corrects a grammatical error.</p> |

NAME OF ACT BEING AMENDED: *Western Australian Land Authority Act 1992*

CLAUSE NO. 129

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|--|---|
| <p>115. Regulations may adopt codes etc.</p> <p>(1) Regulations made under this Act may —</p> <p>(a) adopt, either wholly or in part or with modifications and either specifically or by reference, any rules, regulations, codes, instructions or other subordinate legislation made, determined or issued under any other Act or under any Act of the Parliament of the Commonwealth or the United Kingdom or any of the standards, rules, codes or specifications of the bodies known as the Standards Association of Australia, the British Standards Institution, The Association of Australian Port and Marine Authorities, or other like body specified in the rules or regulations;</p> | <p>115. Regulations may adopt codes etc.</p> <p>(1) Regulations made under this Act may —</p> <p>(a) adopt, either wholly or in part or with modifications and either specifically or by reference, any rules, regulations, codes, instructions or other subordinate legislation made, determined or issued under any other Act or under any Act of the Parliament of the Commonwealth or the United Kingdom or any of the standards, rules, codes or specifications of the bodies known as the Standards Association of Australia <u>Standards Australia</u>, the British Standards Institution, The Association of Australian Port and Marine Authorities, or other like body specified in the rules or regulations;</p> | <p>The Standards Association of Australia has undergone a change of corporate status and of name. “Standards Australia” is now defined in the <i>Interpretation Act 1984</i>.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--|---|
| <p>9. Functions of Corporation</p> <p>(2) The Corporation shall in the performance of its functions under this section act in accordance with proper principles of financial management and and endeavour to ensure that its revenue is sufficient to cover all costs.</p> | <p>9. Functions of Corporation</p> <p>(2) The Corporation shall in the performance of its functions under this section act in accordance with proper principles of financial management and and endeavour to ensure that its revenue is sufficient to cover all costs.</p> | <p>Section 9(2) – this amendment deletes an inadvertently repeated word.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|---|--|
| <p>14. Disposal of moneys borrowed by Corporation</p> <p>(2) The Corporation may —</p> <p>(a) lend in such manner and on such terms and conditions as it thinks fit —</p> <p>(i) to an authority or authorities; or</p> <p>(ii) so as to enable the exercise of a power to borrow moneys from the Corporation conferred by a written law,</p> <p>any of the moneys credited to the Account; and</p> | <p>14. Disposal of moneys borrowed by Corporation</p> <p>(2) The Corporation may —</p> <p>(a) lend in such manner and on such terms and conditions as it thinks fit —</p> <p>(i) to an authority or authorities; or</p> <p>(ii) so as to enable the exercise of a power to borrow moneys from the Corporation conferred by a written law,</p> <p>any of the moneys credited to the Account; and</p> <p><u>(2) The Corporation may lend in such manner and on such terms and conditions as it thinks fit —</u></p> <p><u>(a) to an authority or authorities; or</u></p> <p><u>(b) so as to enable the exercise of a power to borrow moneys from the Corporation conferred by a written law,</u></p> <p><u>any of the moneys credited to the Account.</u></p> | <p>Section 14(2) – corrects formatting of a section following a previous amendment.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|--|--|
| <p>28. Regulation</p> <p>(1) The Governor may make regulations prescribing all forms, fees, and matters which by this Act are required or permitted to be prescribed or are convenient for carrying into or facilitating the operation of the provisions of this Act, and, in particular without prejudice to the generality of this power, may make regulations –</p> <p>(i) prescribing the animals or the species of animals which may be prohibited from being brought into the State under the provisions of section seventeen of this Act;</p> | <p>28. Regulation</p> <p>(1) The Governor may make regulations prescribing all forms, fees, and matters which by this Act are required or permitted to be prescribed or are convenient for carrying into or facilitating the operation of the provisions of this Act, and, in particular without prejudice to the generality of this power, may make regulations –</p> <p>(i) prescribing the animals or the species of animals which may be prohibited from being brought into the State under the provisions of section seventeen of this Act; <u>and</u></p> | <p>Clause 69(a) inserts 'and' after section 28(1)(i) as a consequence of the minor textual amendment made to section 28(1)(j) by clause 69(b).</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|---|---|
| <p>(j) prescribing the maximum number of any species of fauna that a person may take during any period or periods of time in an open season and the maximum number that a person may have under his control or in his possession or keep in any cool store or any freezing chamber or other premises at any one time; and</p> <p><i>[(k) paragraph deleted by No. 112 of 1984 s.15.]</i></p> | <p>(j) prescribing the maximum number of any species of fauna that a person may take during any period or periods of time in an open season and the maximum number that a person may have under his control or in his possession or keep in any cool store or any freezing chamber or other premises at any one time</p> <p><i>[(k) paragraph deleted by No. 112 of 1984 s.15.]</i></p> | <p><u>Clause 69(b)</u> amends punctuation in and makes a minor textual amendment to section 28(1)(j) by deleting “and” at the end of that provision because paragraph (j) is the last paragraph in section 28(1).</p> |

NAME OF ACT BEING AMENDED: *Wildlife Conservation Act 1950*

CLAUSE NO. 133 (cont...)

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|---|--|
| <p>76. Registration of memorandum of agreement</p> <p>(6) A memorandum received for registration shall be examined as to —</p> <p>(a) the genuineness of the agreement; and</p> <p>(b) the adequacy of the amount of any compensation pursuant to an election under section 24 or 24A payable under the agreement,</p> <p><i>[(c) deleted]</i></p> <p>and if it appears to the Director as the result of such examination....</p> | <p>76. Registration of memorandum of agreement</p> <p>(6) A memorandum received for registration shall be examined as to —</p> <p>(a) the genuineness of the agreement; and</p> <p>(b) the adequacy of the amount of any compensation pursuant to an election under section 24 or 24A payable under the agreement,</p> <p><i>[(c) deleted]</i></p> <p>and if it appears to the Director as the result of such examination....</p> | <p>Section 76(6) - This amendment corrects a grammatical error.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|---|---|---|
| <p>95. Composition of Commission</p> <p>(3) Before making recommendations for the purposes of subsection (1)(c)(i), (ii), (iii), (iv), and (v), respectively, the Minister may, in writing, request the following —</p> <p style="padding-left: 40px;">(b) the body known as the Trades and Labor Council of Western Australia;</p> <p>147. Premium Rates Committee</p> <p>(3) Before making recommendations for the purposes of subsection (2)(d)(i), (ii), and (iii) respectively, the Minister may, in writing, request the bodies known as —</p> <p style="padding-left: 40px;">(b) the Trades and Labor Council of Western Australia; and</p> <p style="padding-left: 80px;">...</p> <p>respectively, to submit the name of a person, or the names of such number of persons as is specified in the request, who, or each of whom, has the required qualification and is willing to act as a nominee member.</p> | <p>95. Composition of Commission</p> <p>(3) Before making recommendations for the purposes of subsection (1)(c)(i), (ii), (iii), (iv), and (v), respectively, the Minister may, in writing, request the following —</p> <p style="padding-left: 40px;">(b) the body known as the Trades and Labor Council of Western Australia <u>Unions Western Australia</u>;</p> <p>147. Premium Rates Committee</p> <p>(3) Before making recommendations for the purposes of subsection (2)(d)(i), (ii), and (iii) respectively, the Minister may, in writing, request the bodies known as —</p> <p style="padding-left: 40px;">(b) the Trades and Labor Council of Western Australia <u>Unions Western Australia</u>; and</p> <p style="padding-left: 80px;">...</p> <p>respectively, to submit the name of a person, or the names of such number of persons as is specified in the request, who, or each of whom, has the required qualification and is willing to act as a nominee member.</p> | <p>Section 95(3) and Section 147(3)(b) – The Trades and Labour Council has changed its name to Unions Western Australia.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|--|---|
| <p>176. Regulations, rules and practice notes</p> <p>(5) Any regulations made pursuant to subsection (1) may adopt, either wholly or in part or with modifications and either specifically or by reference, any rules, regulations, codes, instructions or other subordinate legislation made, determined or issued under any other Act or under any Act of the Parliament of the Commonwealth or the United Kingdom, or any of the tables, standards, rules, codes or specifications of the bodies known as the Standards Association of Australia, the British Standards Institution, the International Standards Organization, the National Acoustics Laboratory, or other like body specified in the regulations.</p> | <p>176. Regulations, rules and practice notes</p> <p>(5) Any regulations made pursuant to subsection (1) may adopt, either wholly or in part or with modifications and either specifically or by reference, any rules, regulations, codes, instructions or other subordinate legislation made, determined or issued under any other Act or under any Act of the Parliament of the Commonwealth or the United Kingdom, or any of the tables, standards, rules, codes or specifications of the bodies known as the Standards Association of Australia <u>Standards Australia</u>, the British Standards Institution, the International Standards Organization, the National Acoustics Laboratory, or other like body specified in the regulations.</p> | <p>Section 176(5) – the Standards Association of Australia has undergone a change of corporate status and of name. “Standards Australia” is now defined in the <i>Interpretation Act 1984</i>.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|---|--|
| <p>193. Publication of prescribed amount and average weekly earnings</p> <p>(1) On or before the 1 July on which a financial year begins the Minister is to publish a notice in the <i>Gazette</i> setting out, in relation to the financial year —</p> <p>...</p> <p><i>Part XIII — Repeal, savings, and transitional</i></p> <p>193. Definitions</p> <p>In this Part — “former Board” means the Workers’ Compensation Board constituted under the repealed Act;</p> <p>...</p> | <p>193. <u>192A.</u> Publication of prescribed amount and average weekly earnings</p> <p>(1) On or before the 1 July on which a financial year begins the Minister is to publish a notice in the <i>Gazette</i> setting out, in relation to the financial year —</p> <p>...</p> <p><i>Part XIII — Repeal, savings, and transitional</i></p> <p>193. Definitions</p> <p>In this Part — “former Board” means the Workers’ Compensation Board constituted under the repealed Act;</p> <p>...</p> | <p>Section 193 – This amendment corrects a numbering error.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|---|---|
| <p>22. Penalties</p> <p>If the employer or contractor shall, by himself or the agency of any other person or persons, contravene or, without good reason, fail to comply with any of the provisions of this Act, such employer, contractor, or agent shall be deemed guilty of an offence under this Act, and be liable to a penalty not exceeding Twenty-five pounds, or in default of payment thereof to imprisonment for a period not exceeding one calendar month.</p> <p>...</p> | <p>22. Penalties</p> <p>If the employer or contractor shall, by himself or the agency of any other person or persons, contravene or, without good reason, fail to comply with any of the provisions of this Act, such employer, contractor, or agent shall be deemed guilty of an offence under this Act, and be liable to a penalty not exceeding Twenty-five pounds, or in default of payment thereof to imprisonment for a period not exceeding one calendar month.</p> <p>...</p> | <p>This amendment is required to bring the Act into line with the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> which abolished the practice of imposing imprisonment for non-payment of fines.</p> |

| EXISTING PROVISION | AS AMENDED | EXPLANATION |
|--|--|---|
| <i>The Grand Jury Abolition Act Amendment Act 1883</i> <i>The Guildford-Greenough Flats Railway Act 1886</i> <i>The Kalgoorlie and Boulder Racing Clubs Act 1904</i> <i>The Local Government Water Supply Preservation Act 1892</i> <i>The Magisterial Districts Act 1886</i> <i>The Midland Railway Company of Western Australia Limited Acquisition Agreement Act 1963</i> <i>The Newspaper Libel and Registration Act 1884</i> <i>The Newspaper Libel and Registration Act 1884 Amendment Act 1888</i> <i>The Partnership Act 1895</i> <i>The Perth Diocesan Trustees (Special Fund) Act 1944</i> <i>The Public Institutions and Friendly Societies Lands Improvement Act 1892</i> <i>The Public Institutions and Friendly Societies Lands Improvement Act 1892 Amendment Act 1893</i> <i>The Public Officers Act 1879</i> <i>The Roman Catholic Church Lands Act 1895</i> <i>The Sale of Goods Act 1895</i> <i>The Standard Time Act 1895</i> <i>The Trustee Ordinance 1854 Amendment Act 1895</i> <i>The Wild Cattle Nuisance Act 1871</i> <i>The Wild Cattle Nuisance act 1871 Amendment Act 1878</i> <i>The Wild Cattle Nuisance act 1871 Amendment Act 1883</i> | <p>The Short Titles to all of these Acts are amended by deleting “<i>The</i>” and inserting “the”.</p> | <p>It is modern drafting practice not to include the word “The” at the beginning of the short title of Acts. The short titles of a number of old Acts beginning with “The” are still in force in the State. This causes problems with indexing these Acts and makes it difficult for people to find them.</p> <p>These amendments amend the short titles of those Acts to delete the “The”.</p> <p>Where the name of the Act appears in other Acts, consequential amendments are made to those other Acts.</p> <p>NOTE: There are a few Acts, the short titles of which include the name of an entity which commences with the word “The”. For example, <i>The Bank of Adelaide (Merger) Act 1980</i>. As the “The” in these cases is part of the name of the entity, the short titles of these Acts are not being changed.</p> |

NAME OF ACTS BEING AMENDED: Division 2 – Amendments relating to the short title of various Acts

CLAUSE NOs. 136-155

