

Statutes (Repeals and Minor Amendments) Bill 1998

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Western Australia

LEGISLATIVE COUNCIL

**Statutes (Repeals and Minor Amendments)
Bill 1998**

A Bill for

An Act to amend the statute law by repealing —

- **the *Dried Fruits Act 1947*;**
- **the *Snowy Mountains Engineering Corporation Enabling Act 1971*; and**
- 5 • **the *Wundowie Works Management and Foundry Agreement Act 1966*,**

and by making minor amendments to various enactments, and for related purposes.

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This Act may be cited as the *Statutes (Repeals and Minor Amendments) Act 1998*.

5 **2. Commencement**

This Act comes into operation on the day on which it receives the Royal Assent.

Part 2 — Various acts repealed

3. *Dried Fruits Act 1947* repealed, and transitional and consequential amendments

(1) In this section —

5 **“Board”** means the Dried Fruits Board constituted by section 4
of the *Dried Fruits Act 1947*, as in force before the
commencement of this section;

10 **“Minister”** means the Minister responsible for the
administration of the *Dried Fruits Act 1947*, as in force
before the commencement of this section;

“repeal day” means the day on which this section commences.

(2) The *Dried Fruits Act 1947* is repealed.

(3) On the repeal day —

15 (a) all assets and rights of the Board become assets and
rights of the Minister without the need for any transfer
and may be dealt with as the Minister thinks fit;

(b) all liabilities of the Board, including contingent
liabilities, become liabilities of the Minister;

20 (c) any agreement to which the Board is a party (other than
one to which the Minister is the other party) has effect
as if the Minister were substituted for the Board as a
party to that agreement;

25 (d) all proceedings commenced before the repeal day by or
against the Board are taken to be proceedings pending
by or against the Minister;

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- 5 (e) anything done or omitted to be done in relation to the assets, rights and liabilities referred to in paragraphs (a) and (b) before the repeal day by, to or in respect of the Board (to the extent that that thing has any force or effect) is taken to have been done by, to or in respect of the Minister;
- 10 (f) the Minister becomes the owner of all the Board's registers, documents, books and other records, however compiled, recorded or stored, and of any tape, disc or other device or medium relating to those records; and
- (g) the appointment of a person who, immediately before the repeal day, held office as a member of the Board is terminated.
- 15 (4) The Minister is to complete the winding up of the operations and affairs of the Board as soon as practicable after the repeal day, and for that purpose the Minister has, and may exercise, any powers that are necessary.
- 20 (5) Despite this section, the Board as constituted immediately before the repeal day continues in existence for the purposes of the report required by section 66 of the *Financial Administration and Audit Act 1985* with respect to the period from 1 July in the relevant year until the completion of the winding up of the operations and affairs of the Board under subsection (4).
- 25 (6) The *Constitution Acts Amendment Act 1899** is amended in Part 3 of Schedule V by deleting the item that refers to the Dried Fruits Board.
- 30 [* Reprinted as at 22 January 1997.
For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, pp. 49-50, and Acts Nos. 22 and 31 of 1997 and 4, 10, 13, 23 and 30 of 1998.]

- (7) The *Consumer Affairs Act 1971** is amended in the Schedule by deleting the item “*Dried Fruits Act 1947*.”.

[* Reprinted as at 22 May 1994.

For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 51.]

- (8) The *Financial Administration and Audit Act 1985** is amended in Schedule 1 by deleting the item “Dried Fruits Board”.

[* Reprinted as at 10 January 1997.

For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 84, and Acts Nos. 22 of 1997 and 4, 23 and 30 of 1998.]

4. Snowy Mountains Engineering Corporation Enabling Act 1971 repealed

The *Snowy Mountains Engineering Corporation Enabling Act 1971* is repealed.

5. Wundowie Works Management and Foundry Agreement Act 1966 repealed

The *Wundowie Works Management and Foundry Agreement Act 1966* is repealed.

Part 3 — Various Acts amended

6. *Beekeepers Act 1963* amended

Section 8 of the *Beekeepers Act 1963** is amended as follows:

- 5 (a) in subsection (1), by deleting “Every” and inserting
instead —
“ Subject to subsection (1a), every ”;
- (b) by inserting after subsection (1) the following
subsections —

10 “
(1a) A person who becomes a beekeeper only because of
the ownership, or the charge, care or possession, of
bees —

- (a) kept in a device of an approved kind; and
 (b) used for the purposes of the pollination of
15 crops,

is not required to be registered under this section if the
bees and device are disposed of in the prescribed
manner within 8 weeks after the person becomes a
beekeeper in relation to them.

20 (1b) A device used and disposed of in accordance with
subsection (1a) is not a “hive” for the purposes of this
Act.

”.

25 [* *Reprinted as at 2 September 1991.*
For subsequent amendments see 1997 Index to Legislation of
Western Australia, Table 1, p. 19.]

7. *Building Societies Act 1976* amended, and transitional

- (1) Section 5(1) of the *Building Societies Act 1976** (“**the Act**”) is amended by deleting the definition of “Registrar” and inserting the following definition instead —

5

“

“**Registrar**” means the person referred to in
section 6(1);

”.

10

- (2) Section 6(1) of the Act is repealed and the following subsection is inserted instead —

“

15

- (1) The chief executive officer of the department of the Public Service principally assisting the Minister administering the *Housing Act 1980* shall carry out the duties and functions vested by or under this Act in the Registrar.

”.

20

- (3) Anything of a continuing nature done or begun under the Act before the commencement of this section by, on behalf of or in relation to the Registrar of Co-operative and Financial Institutions continues to have the same status, operation and effect as if this section had not been enacted.

25

- (4) In subsection (3) —

“**Registrar of Co-operative and Financial Institutions**”

means the person holding or acting in the office of that name referred to in section 6(1) of the Act, as in force before the commencement of this section.

30

[* Reprinted as at 14 April 1986.

For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 24.]

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8. Conservation and Land Management Act 1984 amended

- (1) Section 5 of the *Conservation and Land Management Act 1984** (“the Act”) is amended as follows:

- (a) by inserting before “Where” the subsection designation “(1)”;
- (b) after paragraph (fa) by deleting “and”;
- (c) by deleting paragraph (h) and inserting the following paragraph instead —

“

- (h) any other land, other than excluded waters, reserved under Part 4 of the *Land Administration Act 1997* the care, control and management of which are placed by order under that Part with the Commission, the Authority or the Marine Authority.

”;

- (d) by inserting at the end of the section the following subsection —

“

- (2) In subsection (1)(h) —
- “**excluded waters**” means —

- (a) the marine waters referred to in the definition of “land” in section 3(1) of the *Land Administration Act 1997*; and
- (b) the coastal waters of the State referred to in section 13(8)(b).

”.

- (2) Section 17 of the Act is amended as follows:

- (a) in subsection (5), by deleting “park or marine nature”;

(b) in subsection (6), after “marine reserve,” by inserting —

“

other than a marine reserve comprising land
reserved under Part 4 of the *Land*
Administration Act 1997,

”.

(3) Section 26B of the Act is amended as follows:

(a) in subsection (1) after paragraph (a), by inserting the
following paragraph —

“

(aa) to have the care, control and management of
relevant land referred to in section 5(1)(h)
placed with it;

”;

(b) after subsection (3), by inserting the following
subsection —

“

(3a) Despite the *Land Administration Act 1997*, the
placing of the care, control and management of
land to which section 5(1)(h) applies with the
Marine Authority is only for the purpose
referred to in subsection (2).

”.

(4) Section 62(1b) of the Act is amended by deleting “section 5(g)”
and inserting instead —

“ section 5(1)(g) or (h) ”.

(5) Section 155(1) of the Act is amended by deleting “Section 5(g)”
and inserting instead —

“ Section 5(1)(g) ”.

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- (6) The provisions of the Act mentioned in the Table to this subsection are amended by deleting “section 5(g)” and inserting instead —

“ section 5(1)(g) ”.

Table

section 19(1)(a)	section 26B(1)(a)
section 19(3)	section 26B(3)
section 22(1)(a)	section 56(1)(e)
section 22(3)	section 130(1)

- 5 (7) The provisions of the Act mentioned in the Table to this subsection are amended by deleting “section 5(h)” and inserting instead —

“ section 5(1)(h) ”.

Table

section 19(1)(aa)	section 22(1)(aa)
section 19(4)	section 22(3a)

[* Reprinted as at 20 January 1997.

10 *For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 45, and Acts Nos. 31 of 1997 and 10 of 1998 .]*

9. Constitution Acts Amendment Act 1899 amended

15 Section 31(a) of the *Constitution Acts Amendment Act 1899** is amended in the definition of “disqualified for membership of the Legislature” by inserting after “and for membership of” the following —

“ the ”.

[* Reprinted as at 22 January 1997.

20 *For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, pp. 49-50, and Acts Nos. 22 and 31 of 1997 and 4, 10, 13, 23 and 30 of 1998.]*

10. Country High School Hostels Authority Act 1960 amended

Section 11(1) of the *Country High School Hostels Authority Act 1960** is amended by deleting “the the registration” and inserting instead —

5 “ the registration ”.

[* *Reprinted as approved 7 April 1971.*

For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 54 and Acts Nos. 31 of 1997 and 2 of 1998.]

10 **11. Country Housing Act 1998 amended**

Section 3 of the *Country Housing Act 1998** is amended as follows:

- (a) in the definition of “holding”, by deleting paragraph (b) and inserting instead the following paragraph —

15

“

- (b) held on lease or otherwise under the *Land Administration Act 1997*;

”;

- (b) in the definition of “holding”, by deleting paragraph (d) and inserting instead the following paragraph —

20

“

- (d) in relation to which an application to purchase the fee simple has been granted under section 89 of the *Land Administration Act 1997*;

25

”;

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- (c) by deleting the definition of “town” and inserting instead the following definition —

“

“**town**” means land that is a townsite within the meaning of the *Land Administration Act 1997*.

”.

[* *Act No. 4 of 1998.*]

12. Dental Prosthetists Act 1985 amended

Section 5(2)(d) of the *Dental Prosthetists Act 1985** is amended as follows:

- (a) in subparagraph (ii), by deleting “Union of Workers;” and inserting instead —

“ Union; ”; and

- (b) in subparagraph (iii), by deleting “Society (W.A. Branch).” and inserting instead —

“

and Dental Prosthetists Society (W.A. Branch Inc.).

”.

[* *Act No. 16 of 1985.*

For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 65, and Act No. 10 of 1998.]

13. *Education Service Providers (Full Fee Overseas Students) Registration Act 1991* amended, and transitional

- 5 (1) Section 3(1) of the *Education Service Providers (Full Fee Overseas Students) Registration Act 1991** (**“the Act”**) is amended by deleting the definition of “full fee overseas student” and inserting the following definition instead —

“

10 **“full fee overseas student”** means a student who holds a student visa in force under the *Migration Act 1958* of the Commonwealth and in relation to whom a full fee is paid for an education service;

”.

- (2) Section 6(1) of the Act is amended as follows:
- 15 (a) in paragraph (a), by deleting “student;” and inserting instead —
- “ student, in relation to an education service; ”;
- (b) by deleting “unless the education service provider is registered under this Act.” and inserting instead —

“

20 unless —

(d) the education service provider is registered under this Act; and

(e) the particulars of the education service are contained on the register with respect to the

25 education service provider.

”.

- (3) Section 14(1) of the Act is amended by deleting “3 years.” and inserting instead —

“ 5 years. ”.

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(4) The chief executive officer (as defined in section 3(1) of the Act) may extend the period of registration of an education service provider registered under the Act, as in force before the commencement of this section, but any extension of the period of registration is not to exceed 2 years.

(5) Section 18(3) of the Act is amended by deleting “14 days” and inserting instead —

“ 30 days ”.

(6) Section 23 of the Act is repealed and the following section is inserted instead —

“

23. Chief executive officer may require education service provider to have accounts audited

(1) The chief executive officer may require an education service provider to cause such of the affairs of the education service provider that relate to full fee overseas students to be audited —

(a) not later than 4 months after the end of the financial year of the education service provider; and

(b) by an auditor duly qualified for the purposes of this Act.

(2) An education service provider shall comply with a requirement under subsection (1).

”.

(7) Section 43(1) of the Act is amended —

(a) by deleting “seven members — three” and inserting instead —

“ 9 members — 4 ”; and

- (b) by deleting “three of” and inserting instead —
“ 4 of ”.

[* Act No. 58 of 1991.]

14. Electricity Corporation Act 1994 amended, and consequential amendments

- (1) The heading to Part 2 of the *Electricity Corporation Act 1994** (“the Act”) is amended by deleting “**ELECTRICITY CORPORATION**” and inserting instead —

“ **Western Power Corporation** ”.

- (2) The heading to Division 1 of Part 2 of the Act is amended by deleting “*Establishment of Electricity Corporation*” and inserting instead —

“ **Establishment of Western Power Corporation** ”.

- (3) Sections 4 and 5 of the Act are repealed and the following sections are inserted instead —

4. Western Power Corporation: corporate identity and status

- (1) The body corporate established by this section as enacted before the commencement of section 14 of the *Statutes (Repeals and Minor Amendments) Act 1998* is continued under the corporate name Western Power Corporation without affecting its corporate identity or its rights and obligations.
- (2) The corporation is a body corporate with perpetual succession.

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(3) Proceedings may be taken by or against the corporation in its corporate name.

(4) The corporation may use, and operate under, one or more trading names approved by the Minister being —

5 (a) an abbreviation or adaptation of its corporate name; or

 (b) a name other than its corporate name.

5. Corporation not agent of Crown

10 The corporation is not an agent of the Crown and does not have the status, immunities and privileges of the Crown.

”.

(4) Section 23(2) of the Act is amended by deleting “4, 5” and inserting instead —

15 “ 4 ”.

(5) Section 27 of the Act is repealed.

(6) Section 54(3) of the Act is amended by deleting “subsection (1)” and inserting instead —

“ subsection (2) ”.

20 (7) Section 58(3) of the Act is amended after “matter that is of” by inserting —

“ a ”.

(8) Clause 8(1) of Schedule 1 to the Act is amended by deleting “not less than 3 directors” and inserting instead —

25 “
 a majority of the directors who signify a response, and the majority comprises not less than 3 directors,

”.

- (9) Clause 28(2)(b) of Schedule 3 to the Act is amended by deleting “may” and inserting instead —
- “ many ”.
- (10) Clause 33(1) of Schedule 3 to the Act is amended as follows:
- 5 (a) by deleting “the board” in the first place where it occurs;
- (b) by inserting a comma after “financial year” in the first place where it occurs.
- (11) Clause 38(1) of Schedule 3 to the Act is amended after “reasons for his” by inserting —
- 10 “ or her ”.
- (12) Clause 46(2) of Schedule 3 to the Act is amended as follows:
- (a) by deleting “paragraph (b) of clause 34(5)” and inserting instead —
- “ subclause (6) of clause 34 ”;
- 15 (b) by deleting “paragraph.” and inserting instead —
- “ subclause. ”.
- (13) The Acts mentioned in the first column of the Table to this subsection are amended in the manner set out in the second column of that Table.

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Table

Short title of Act	Amendment
<i>Constitution Acts Amendment Act 1899</i>	<p>In Part 3 of Schedule V —</p> <p>(a) the item relating to the Electricity Corporation is deleted;</p> <p>(b) the following item is inserted in its appropriate alphabetical position —</p> <p>“ The Western Power Corporation established by the <i>Electricity Corporation Act 1994</i>. ”.</p>
<i>Dampier to Bunbury Pipeline Act 1997</i>	<p>In section 48(4), “Electricity Corporation established” is deleted and the following is inserted instead —</p> <p>“ Western Power Corporation established ”.</p>
<i>Electricity Act 1945</i>	<p>(1) In section 5(1) —</p> <p>(a) the definition of “Electricity Corporation” is deleted;</p> <p>(b) in the definition of “supply authority”, “Electricity” is deleted and the following is inserted instead —</p> <p>“ Western Power ”.</p> <p>(c) at the end of the definition of “transmission works” the full stop is deleted and a semicolon is inserted instead;</p>

	<p>(d) after the definition of “transmission works” the following definition is inserted —</p> <p>“</p> <p>“Western Power Corporation” means the body corporate continued by section 4 of the <i>Electricity Corporation Act 1994</i>.</p> <p>”.</p> <p>(2) In section 6, “Electricity” is deleted in both places where it occurs and in each place the following is inserted instead —</p> <p>“ Western Power ”.</p> <p>(3) In section 7(1)(d), “Electricity” is deleted in both places where it occurs and in each place the following is inserted instead —</p> <p>“ Western Power ”.</p> <p>(4) In section 7(3)(b), “Electricity” is deleted and the following is inserted instead —</p> <p>“ Western Power ”.</p> <p>(5) In section 32(5), “Electricity” is deleted in both places where it occurs and in each place the following is inserted instead —</p> <p>“ Western Power ”.</p>
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<p><i>Energy Corporations (Powers) Act 1979</i></p>	<p>(1) In the long title, “Electricity” is deleted and the following is inserted instead —</p> <p>“ Western Power ”.</p> <p>(2) In section 4(1) —</p> <p>(a) in the definition of “corporation”, “Electricity” is deleted and the following is inserted instead —</p> <p>“ Western Power ”;</p> <p>(b) the definition of “Electricity Corporation” is deleted;</p> <p>(c) after the definition of “undertaking” the following definition is inserted —</p> <p>“</p> <p>“Western Power Corporation” means the body corporate continued by section 4 of the <i>Electricity Corporation Act 1994</i>;</p> <p>”.</p> <p>(3) In section 45(4)(b), “Electricity” is deleted and the following is inserted instead —</p> <p>“ Western Power ”.</p> <p>(4) In section 124(4)(k), “Electricity” is deleted and the following is inserted instead —</p> <p>“ Western Power ”.</p>
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	(5) In section 124(5), “Electricity” is deleted in both places where it occurs and in each place the following is inserted instead — “ Western Power ”.
<i>Equal Opportunity Act 1984</i>	In section 139(1)(c), “Electricity Corporation established” is deleted and the following is inserted instead — “ Western Power Corporation established ”.
<i>Explosives and Dangerous Goods Act 1961</i>	In section 63(eb), “Electricity Corporation under” is deleted and the following is inserted instead — “ Western Power Corporation under ”.
<i>Government Employees Superannuation Act 1987</i>	In Part B of Schedule 1, the item “Electricity Corporation” is deleted and the following item is inserted in its appropriate alphabetical position — “ Western Power Corporation ”.
<i>Land Administration Act 1997</i>	In section 160(1)(c), “Electricity Corporation established” is deleted and the following is inserted instead — “ Western Power Corporation established ”.
<i>Metropolitan Region Town Planning Scheme Act 1959</i>	In the Second Schedule, item 13 is deleted and the following item is inserted instead — “ 13. Western Power Corporation. ”.

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<i>Public Sector Management Act 1994</i>	In Schedule 1, item 17 is deleted and after item 20 the following item is inserted — “ 21. Western Power Corporation established by the <i>Electricity Corporation Act 1994</i> . ”.
<i>Public Works Act 1902</i>	In section 5B(1)(c), “Electricity Corporation established” is deleted and the following is inserted instead — “ Western Power Corporation established ”.
<i>Superannuation and Family Benefits Act 1938</i>	In the definition of “department” in section 6(1), “Electricity” is deleted and the following is inserted instead — “ Western Power ”.
<i>Town Planning and Development Act 1928</i>	In section 27A(1)(b)(iv), “Electricity Corporation under” is deleted and the following is inserted instead — “ Western Power Corporation under ”.

[* Act No. 86 of 1994.

For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 74, and Act No. 10 of 1998.]

15. Grain Marketing Act 1975 amended

5 Section 41A(4)(a) of the *Grain Marketing Act 1975** is amended by deleting “not later than the day” and inserting instead —

“ within the period ”.

[* Reprinted as at 13 March 1989.

10 *For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 100, and Act No. 10 of 1998.]*

16. Health Act 1911 amended

- (1) Section 3(1) of the *Health Act 1911** (“**the Act**”) is amended in the definition of “Infectious disease” —

- (a) by deleting “epidemic cerebro-spinal meningitis, acute anterior”;
- (b) by deleting “smallpox”;
- (c) by deleting “Asiatic”;
- (d) by deleting “lethargic encephalitis, bilharziasis,”;
- (e) by deleting “puerperal fever, relapsing fever,”; and
- (f) by deleting “amoebic dysentery, bacillary dysentery,”.

- (2) The provisions of the Act mentioned in the Table to this subsection are each amended by deleting “Royal” —

Table

section 340B(4)(c)

section 340AB(4)(d)

section 340BB(4)(d)

[* *Reprinted as at 11 March 1997.*

For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, pp. 104-5, and Acts Nos. 31 of 1997 and 10 and 15 of 1998.]

17. Health Services (Conciliation and Review) Act 1995 amended

Section 63(1) of the *Health Services (Conciliation and Review) Act 1995** is amended by deleting “under this section”.

[* *Act No. 75 of 1995.*

For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 105.]

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18. *Hospitals and Health Services Act 1927* amended

The Schedule to the *Hospitals and Health Services Act 1927**
(or Schedule 1 to that Act if that Act has more than one
schedule on the commencement of this section) is amended by
inserting after clause 5 the following clause —

“

5A. Telephone and video meetings

Despite anything in this Schedule, a communication
between members constituting a quorum under clause 5
by telephone, audio-visual or other electronic means is
a valid meeting, but only if each participating member
is capable of communicating with every other
participating member instantaneously at all times
during the proceedings.

”.

[* Reprinted as at 22 April 1993.

*For subsequent amendments see 1997 Index to Legislation of
Western Australia, Table 1, p. 108, and Act No. 31 of 1997.]*

19. *Interpretation Act 1984* amended

Section 72(3) of the *Interpretation Act 1984** is repealed and
the following subsections are inserted instead —

“

- (3) In this section a reference to a section or subsection of
an Act includes a reference to a clause or subclause of
a Schedule to an Act.

- (4) This section applies, with any modifications that are necessary, to subsidiary legislation by which offences may be created or penalties may be imposed.

”.

5 [* Reprinted as at 15 March 1996.
For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 114, and Acts Nos. 41 of 1997 and 10 of 1998.]

20. Land Administration Act 1997 amended

- 10 (1) Section 159(g) of the *Land Administration Act 1997** (“the Act”) is deleted and the following paragraph is inserted instead —

“ (g) the Treasurer, ”.

- (2) Section 160 of the Act is amended —

- 15 (a) after paragraph (e) by deleting “or”;
(b) by deleting the comma at the end of paragraph (f) and inserting a semicolon instead; and
(c) after paragraph (f) by inserting the following paragraph —

20 “
(g) in the case of the Minister referred to in section 159(g), to the chief executive officer of the Department principally assisting that Minister in the administration of the *Financial Administration and Audit Act 1985* or to any
25 other officer of that Department,

”.

[* Act No. 30 of 1997.
For subsequent amendments see Act No. 53 of 1997.]

s. 21

21. Licensed Surveyors Act 1909 amended

- (1) Section 21(6)(c) of the *Licensed Surveyors Act 1909** (“**the Act**”) is amended by deleting “licence” and inserting instead —
“ license ”.

- 5 (2) Section 26(1)(g) of the Act is amended by deleting “licences” and inserting instead —
“ licenses ”.

[* Reprinted as approved 1 September 1975.

10 For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 134.]

22. Local Government Act 1995 amended

Section 3.55 of the *Local Government Act 1995** is amended by deleting “the *Public Works Act 1902*” and inserting instead —

“ Part 9 of the *Land Administration Act 1997* ”.

15 [* Act No. 74 of 1995.

For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 138, and Act No 1 of 1998.]

23. Local Government (Miscellaneous Provisions) Act 1960 amended

20 Section 364(5)(b)(ii) of the *Local Government (Miscellaneous Provisions) Act 1960** is amended by deleting “section 286,” and inserting instead —

“ section 55 of the *Land Administration Act 1997*, ”.

[* Reprinted as at 18 September 1986.

25 For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 141, and Acts Nos. 31 of 1997 and 1 and 10 of 1998.]

24. Metropolitan Region Town Planning Scheme Act 1959 amended

The First Schedule to the *Metropolitan Region Town Planning Scheme Act 1959** is amended —

- 5 (a) in item 4 under the heading “SOUTH-EAST GROUP:”, by deleting “City of Belmont”; and
- (b) in item 5 under the heading “EASTERN GROUP:”, by inserting after “Town of Bassendean” the following —
“ City of Belmont ”.

10 [* Reprinted as at 7 March 1996.

For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 151, and Act No. 31 of 1997.]

25. Mines Safety and Inspection Act 1994 amended

15 Section 26(4)(a) and (b) of the *Mines Safety and Inspection Act 1994** are amended by deleting “or a fire” in the 2 places where it occurs.

[* Reprinted as at 6 February 1996.

For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 155, and Act No. 10 of 1998.]

20 **26. Mining Act 1978 amended**

(1) Section 25(1) of the *Mining Act 1978** (“**the Act**”) is amended as follows:

- (a) by deleting the full stop at the end of paragraph (d) and inserting a comma instead;
- 25 (b) by deleting the comma at the end of the subsection and inserting a full stop instead.

s. 27

- (2) Section 120(1) of the Act is amended after “local laws in force under” by inserting —

“ the *Local Government Act 1995* ”.

[* Reprinted as at 27 February 1996.

5 For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, pp. 156-7, and Acts Nos . 31 of 1997 and 10 and 35 of 1998.]

27. *Misuse of Drugs Act 1981* amended

- 10 Section 28(1) of the *Misuse of Drugs Act 1981** is amended after “(b) or (c)” by inserting —

“ , the justice of the peace may ”.

[* Reprinted as at 11 November 1996.

For subsequent amendments see Act No. 3 of 1998.]

28. *Nurses Act 1992* amended

- 15 Section 6(1)(e) of the *Nurses Act 1992** is amended by deleting “Federated Miscellaneous Workers’ Union of Australia, W.A. Branch;” and inserting instead —

“

20 Australian Liquor, Hospitality and Miscellaneous Workers’ Union;

”.

[* Reprinted as at 18 May 1994.]

29. *Osteopaths Act 1997* amended

- 25 (1) Section 59 of the *Osteopaths Act 1997** (“**the Act**”) is amended as follows:

- (a) in subsection (1)(a) by deleting “60” and inserting instead —

“ 61(1) ”;

- (b) in subsection (3)(c) by deleting “that information” and inserting instead —
“ that the information ”.
- 5 (2) Section 60(1) of the Act is amended by deleting “under this section”.
- (3) Section 90(2) of the Act is amended as follows:
- (a) after paragraph (c) by inserting —
“ and ”;
- 10 (b) by deleting the semicolon at the end of paragraph (d) and “and” after it and inserting a full stop instead;
- (c) by deleting paragraph (e).
- (4) Section 90(3) of the Act is amended as follows:
- (a) after paragraph (d) by deleting “and”;
- 15 (b) in paragraph (e) by deleting “partnership,” and inserting instead —
“ partnership; and ”;
- (c) after paragraph (e) by inserting the following paragraph —
“
- 20 (f) any other person who, in the opinion of the Board, should be made aware of the finding, reasons or decision,
- ”.

[* Act No. 58 of 1997.]

s. 30

30. *Petroleum Pipelines Act 1969* amended

Section 20(3) of the *Petroleum Pipelines Act 1969** is amended after paragraph (e) by deleting “or”.

[* *Reprinted as at 19 February 1992.*

5 *For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 177, and Act No. 31 of 1997.]*

31. *Physiotherapists Act 1950* amended

10 Section 6(2) of the *Physiotherapists Act 1950** is amended by deleting “The Western Australian Institute” and inserting instead —

“ the Curtin University ”.

[* *Reprinted as authorized 1 July 1976.*

For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 179.]

15 **32. *Plant Diseases Act 1914* amended**

(1) Section 23B(1) and (2) of the *Plant Diseases Act 1914** (“**the Act**”) are repealed and the following subsection is inserted instead —

“

20 (1) Where satisfied that the procedure is appropriate, the Director General may grant temporary approval for an alternative procedure to be implemented from that prescribed in the regulations for the movement of a potential carrier into the State or into or out of any part

25 of the State.

”.

- (2) Section 23B(3) of the Act is amended by deleting
“subsection (2)” and inserting instead —

“ subsection (1) ”.

[* *Reprinted as at 25 September 1991.*

5 *For subsequent amendments see 1997 Index to Legislation of
Western Australia, Table 1, p. 181.]*

33. Police Act 1892 amended

Section 53A(1) of the *Police Act 1892** is amended by inserting
after “*Young Offenders Act 1994*,” the following —

10 “ where ”.

[* *Reprinted as at 31 January 1997.*

*For subsequent amendments see 1997 Index to Legislation of
Western Australia, Table 1, p. 184, and Act No. 10 of 1998.]*

34. Public Sector Management Act 1994 amended

- 15 (1) Section 35 of the *Public Sector Management Act 1994** (“**the
Act**”) is amended as follows:

(a) by inserting before the first word the subsection
designation “(1)”;

(b) by inserting the following subsections —

- 20 “
- (2) Notice of any act by the Governor under subsection (1)
is to be published in the *Gazette*.
- (3) An omission to publish a notice under subsection (2)
does not invalidate the act of the Governor.

25 ”.

- (2) Schedule 1 to the Act is amended in item 20 as follows:

(a) by deleting “Association” and inserting instead —

“ Authority ”;

s. 35

- (b) by deleting “Association” and inserting instead —
“ Authority ”.

[* Reprinted as at 3 September 1997.

5 For subsequent amendments see 1997 Index to Legislation of
Western Australia, Table 1, p. 191, and Acts Nos. 22 of 1997
and 23 of 1998 and Gazette 24 March 1998 and 17 July 1998.]

35. Public Works Act 1902 amended, and validation

- (1) Section 5A(f) of the *Public Works Act 1902** (“**the Act**”) is
10 deleted, and “or” after it, and the following is inserted
instead —
“ (f) the Treasurer; or ”.
- (2) The purported exercise or performance by a Minister of the
Crown other than the responsible Minister of any power
15 conferred or duty imposed on the responsible Minister and
purportedly delegated to the Minister of the Crown under
section 5A(f) of the Act, as in force during the period beginning
on 7 December 1993 and ending immediately before the
commencement of this section, is validated and declared to have
20 been lawfully exercised or performed by that Minister of the
Crown.
- (3) In subsection (2) —
“**responsible Minister**” means the Minister to whom the
administration of the Act was committed by the Governor
25 at the time of a purported delegation referred to in
subsection (2).
- (4) Section 5B(1) of the Act is amended as follows: —
(a) after paragraph (ca) by deleting “or”;

(b) after paragraph (da) by deleting “or” and inserting the following instead —

“

(db) in the case of the Minister of the Crown referred to in section 5A(f), to the chief executive officer of the department principally assisting that Minister in the administration of the *Financial Administration and Audit Act 1985* or to any other officer of that department; or

”.

[* *Reprinted as at 3 June 1997.*

For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 127 (these amendments listed under the Land Acquisition and Public Works Act 1902), and Act No. 31 of 1997.]

36. Racecourse Development Act 1976 amended

Section 12 of the *Racecourse Development Act 1976** is amended by inserting after “by the racing club” the following —

“ or allied body ”.

[* *Act No. 72 of 1976.*

For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 193, and Act No. 19 of 1998.]

s. 37

37. Racing Penalties (Appeals) Act 1990 amended

Section 6(2) of the *Racing Penalties (Appeals) Act 1990** is amended by deleting “having” and inserting instead —

“ , who may have ”.

5

[* Act No. 46 of 1990.

For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 193, and Acts Nos. 42 of 1997 and 23 of 1998.]

38. Reprints Act 1984 amended

10

After section 7(3)(d) of the *Reprints Act 1984** the following paragraph is inserted —

“

15

(da) for figures that designate a year of the 20th century for the purposes of a formality (e.g. as part of the date of completing a form), figures that designate a year of the 21st century for those purposes;

”.

20

[* Reprinted as at 18 September 1996.

For subsequent amendments see Act No. 10 of 1998.]

39. Road Traffic Act 1974 amended

(1) Section 20(3) of the *Road Traffic Act 1974** (“**the Act**”) is amended by deleting the penalty provision and inserting the following penalty provision instead —

25

“

Penalty: For a first offence, 2 PU.

For a subsequent offence, 6 PU.

”.

- (2) Section 27(3) of the Act is amended by deleting “vehicle shall at all times whilst the licence for the vehicle remains valid affix and keep affixed to the vehicle” and inserting instead —

“

5 vehicle —

- (a) shall within 21 days after the issue or renewal of the vehicle licence affix to the vehicle; and
- (b) shall at all times whilst the vehicle licence remains valid keep affixed to the vehicle,

10

”.

- (3) Section 49(2) of the Act is amended in paragraph (ii) of the penalty provision by deleting “\$2 000,” and inserting instead —

“ 80 PU, ”.

[* *Reprinted as at 25 March 1997.*

15

For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 203 and Gazette 12 May 1998 and 3 July 1998.]

40. Strata Titles Act 1985 amended

- (1) Section 6(1a) of the *Strata Titles Act 1985** (“**the Act**”) is amended by inserting after “resolution without dissent” the following —

20

“ (or unanimous resolution, in the case of a two-lot scheme) ”.

- (2) Section 6(3) of the Act is amended by inserting after “resolution without dissent” the following —

25

“ (or unanimous resolution, in the case of a two-lot scheme) ”.

s. 40

- (3) Section 14(1)(c) of the Act is deleted and the following paragraph is inserted instead —

“

- 5 (c) subject to subsection (1)(c)(ii) of section 36, the proportion payable by each proprietor of contributions levied under that section.

”.

- (4) Section 42(2)(a) of the Act is amended by inserting after “resolution without dissent” the following —

10 “ (or unanimous resolution, in the case of a two-lot scheme) ”.

- (5) Section 42(2b) of the Act is amended by inserting after “resolution without dissent” the following —

“ (or unanimous resolution, in the case of a two-lot scheme) ”.

- (6) Section 42(2c) of the Act is amended by deleting “Part I of”.

15 (7) Section 42(14) of the Act is amended by deleting “Part I of”.

- (8) Section 83(5) of the Act is amended by inserting after “29” the following —

“ , 29A ”.

20 (9) Section 99A(7) of the Act is amended after “resolution without dissent” by inserting —

“

(or unanimous resolution, in the case of a two-lot scheme) and of effect under section 42(4)

”.

25 (10) Section 103A(5) of the Act is amended by deleting “resolution without dissent.” and inserting instead —

“ unanimous resolution and of effect under section 42(4). ”.

- (11) Section 103J(5) of the Act is amended by inserting after “resolution without dissent” the following —

“

(or unanimous resolution, in the case of a two-lot scheme) and of effect under section 42(4)

”.

- (12) Clause 14(6) of Schedule 1 to the Act is amended by inserting after “unanimous resolution” the following —

“ or a resolution without dissent ”.

[* *Reprinted as at 20 January 1997.*

For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 224, and Act No. 10 of 1998.]

41. Town Planning and Development Act 1928 amended

Section 7(5)(b) of the *Town Planning and Development Act 1928** is amended by deleting “policy, which” and inserting instead —

“ policy, with ”.

[* *Reprinted as at 21 February 1996.*

For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 235, and Acts Nos. 31 of 1997 and 10 of 1998.]

42. Transfer of Land Act 1893 amended

- (1) Section 141A(1) of the *Transfer of Land Act 1893** (“**the Act**”) is amended after “therein limited” by inserting —

“ , or to comply with subsection (1a), ”.

s. 43

- (2) After section 141A(1) of the Act the following subsection is inserted —

“

- (1a) If a caveator commences proceedings in Court to substantiate his claim under this section, he shall —

- (a) within the 14 days referred to in subsection (1);
or

- (b) within 2 days after commencing proceedings,
whichever time expires later, serve the Registrar with
notice that the proceedings have been commenced.

”.

- (3) After section 181(2) of the Act the following subsection (which was enacted as section 241 of the Act before the commencement of this section) is inserted —

“

- (3) Section 45(1) and (2) of the *Interpretation Act 1984* apply in respect of fees prescribed under this Act notwithstanding sections 3(3) and 45(3) of that Act.

”.

- (4) Section 241 of the Act is repealed.

[* *Reprinted as at 13 May 1997.*

For subsequent amendments see Acts Nos. 31 of 1997 and 10 of 1998.]

43. Transport Co-ordination Act 1966 amended

- (1) Section 15B(2)(f) of the *Transport Co-ordination Act 1966** (“**the Act**”) is amended by deleting “Ministers” and inserting instead —

“ Minister’s ”.

- (2) Section 27(2) of the Act is amended by deleting “a omnibus” and inserting instead —

“ an omnibus ”.

[* *Reprinted as at 9 September 1997.*

5 *For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 238, and Act No. 56 of 1997.]*

44. *Valuation of Land Act 1978 amended*

Section 4(1) of the *Valuation of Land Act 1978** is amended in the definition of “metropolitan region” by inserting after
10 “Gosnells,” —

“ Joondalup, ”.

[* *Reprinted as at 23 April 1996.*

15 *For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 243, and Acts Nos. 31 of 1997 and 10 and 22 of 1998.]*

45. *Vocational Education and Training Act 1996 amended*

Section 15(2) of the *Vocational Education and Training Act 1996** is repealed and the following subsection is inserted instead —

20 “

- (2) There is to be placed to the credit of the Vocational Education and Training Trust Fund —

- 25 (a) the funds generated by the performance of the Minister’s function under section 8(d);
(b) any funds directed by the Minister under section 53 to be so credited; and

s. 46

- (c) any interest earned on the funds standing to the credit of the Vocational Education and Training Trust Fund.

”.

5 [* Act No. 42 of 1996.

For subsequent amendments see Act No. 27 of 1998.]

46. Western Australian Greyhound Racing Authority Act 1981 amended

10 Section 17(1) of the *Western Australian Greyhound Racing Authority Act 1981** is amended by deleting “Association’s” and inserting instead —

“ Authority’s ”.

[* Act No. 10 of 1981.

15 *For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 251 (these amendments listed under the Western Australian Greyhound Racing Association Act 1981), and Act No. 23 of 1998.]*

47. Western Australian Treasury Corporation Act 1986 amended

20 Section 16K(2) of the *Western Australian Treasury Corporation Act 1986** is amended as follows:

- (a) after paragraph (b), by inserting the following paragraph (which was enacted as section 16K(2)(g) before the commencement of this section) —

“

25 (ba) the performance targets and other measures by which performance may be judged and related to objectives;

”;

- 5
- (b) after paragraph (e), by inserting —
“ and ”;
 - (c) by deleting the semicolon at the end of paragraph (f) and
“and” after it and inserting a full stop instead;
 - (d) by deleting paragraph (g).

[* *Act No. 16 of 1986.*

*For subsequent amendments see 1997 Index to Legislation of
Western Australia, Table 1, p. 253, and Act No. 25 of 1998.]*

Part 4 — Amendments relating to cheques

48. *Control of Vehicles (Off-road areas) Act 1978* amended

Section 31(1) of the *Control of Vehicles (Off-road areas) Act 1978** is amended by deleting “Bank” and inserting instead —

“ financial institution ”.

[* *Act No. 117 of 1978.*

For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 51, and Act No. 31 of 1997.]

49. *Credit Act 1984* amended

Section 120(2) of the *Credit Act 1984** is amended by deleting “banker” and inserting instead —

“ financial institution ”.

[* *Act No. 99 of 1984.*

For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 55.]

50. *Electoral Act 1907* amended

Section 81(1)(b) of the *Electoral Act 1907** is amended by deleting “bank” and inserting instead —

“ financial institution ”.

[* *Reprinted as at 22 April 1997.*

For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 73, and Acts Nos. 42 of 1997 and 10 of 1998.]

51. *Fines, Penalties and Infringement Notices Enforcement Act 1994* amended

- 5 (1) Section 108(3)(e) of the *Fines, Penalties and Infringement Notices Enforcement Act 1994** (“**the Act**”) is amended by deleting “bank or similar body” and inserting instead —
- “ financial institution ”.
- (2) Section 108(4)(c) of the Act is amended by deleting “bank or similar body” and inserting instead —
- “ financial institution ”.
- 10 [* *Reprinted as at 12 March 1997.*
For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 85.]

52. *Gaming Commission Act 1987* amended

- 15 Section 63(3) of the *Gaming Commission Act 1987** is amended by deleting “bank” and inserting instead —
- “ financial institution ”.
- [* *Reprinted as at 5 May 1997.*
For subsequent amendments see Acts Nos. 24 and 26 of 1998.]

20 **53. *Hire-Purchase Act 1959* amended**

- Section 2(1) of the *Hire-Purchase Act 1959** is amended in the definition of “cash” by deleting “banker;” and inserting instead —
- “ financial institution; ”.
- 25 [* *Reprinted as at 5 February 1986.*
For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 106.]

s. 54

54. Police Act 1892 amended

Section 64A(1) of the *Police Act 1892** is amended by deleting “bank”.

[* Reprinted as at 31 January 1997.

5 For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 184, and Act No. 10 of 1998.]

55. Road Traffic Act 1974 amended

Section 20(1) of the *Road Traffic Act 1974** is amended by deleting “Bank” and inserting instead —

10 “ financial institution ”.

[* Reprinted as at 25 March 1997.

For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 203 and Gazette 12 May 1998 and 3 July 1998.]

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