

1994

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Statute Law Revision Bill 1994

**A BILL
FOR**

An Act to revise the statute law of the Territory

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Statute Law Revision Act 1994*.

5 **Commencement**

2. This Act commences on the day on which it is notified in the *Gazette*.

Amendments of Acts

10 3. The Acts specified in the Schedule are amended as set out in the Schedule.

Repeal

4. The *Foreign Judgments (Reciprocal Enforcement) Act 1954* is repealed.

84002 1993/54 (T2/94)

SCHEDULE

Section 3

AMENDMENTS OF ACTS
Artificial Conception Act 1985**Section 8—**

Repeal the section.

Audit Act 1989**Subsection 93 (4)—**

Omit the subsection.

Business Franchise (“X” Videos) Act 1990**Section 23—**

Omit “21”, substitute “22”.

Children’s Services Act 1986**Subsection 83 (3)—**

Omit “(c),”.

Subsection 83 (5)—

Omit “(c) or”.

Subsection 84 (1)—

Omit “(c),”.

Subsection 99 (1)—

Omit “(c),”.

Chiropractors and Osteopaths Act 1983**Subsection 3 (1) (definition of “medical practitioner”)—**

Omit “Registration”.

Heading to Part VI—

Omit “PART VI”, substitute “PART V”.

Heading to Part VII—

Omit the heading.

SCHEDULE—continued

Credit Act 1985

Subsection 5 (1) (definition of “supply”)—

Omit “(2)”, substitute “(2)”.

Subsection 13 (4)—

Omit “reasonable”, substitute “reasonably”.

Subsection 24 (1)—

Omit “good”, substitute “goods”.

Paragraph 24 (4) (d)—

Omit “cross claim”, substitute “cross-claim”.

Subsection 30 (3)—

Omit “puposes”, substitute “purposes”.

Dog Control Act 1975

Paragraph 32A (2) (a)—

Omit “(1) (d)”, substitute “(b)”.

Domestic Violence Act 1986

Section 3 (definition of “drug”, paragraph (b))—

Omit “*Drugs of Dependence Act 1989*”, substitute “*Drugs of Dependence Regulations*”.

Fair Trading Act 1992

Subsection 5 (1) (definition of “authority of the Territory”)—

Omit the definition.

Subsection 50 (10)—

Omit “(10)”, substitute “(8)”.

Government Solicitor Act 1989

Subsection 5 (3)—

Omit “1978”, substitute “1970”.

Section 8—

Repeal the section.

SCHEDULE—continued**Schedule—**

Repeal the Schedule.

Housing Assistance Act 1987**Paragraph 18 (8) (e)—**

Omit “that subsection”, substitute “subsection (4), (5) or (6), as the case may be”.

Section 22—

Repeal the section.

Schedule 3—

Repeal the Schedule.

Lakes Act 1976**Paragraphs 21 (8) (b) and (c)—**

Omit the paragraphs, substitute the following paragraphs:

- “(b) an inspector;
- (c) a person who is acting in the course of his or her duties as an employee or agent of the Territory or of a Territory authority; or”.

Paragraphs 23 (2) (b) and (c)—

Omit the paragraphs, substitute the following paragraphs:

- “(b) an inspector;
- (c) a person who is acting in the course of his or her duties as an employee or agent of the Territory or of a Territory authority; or”.

Paragraphs 27 (3) (b) and (c)—

Omit the paragraphs, substitute the following paragraphs:

- “(b) an inspector;
- (c) a person who is acting in the course of his or her duties as an employee or agent of the Territory or of a Territory authority; or”.

Land (Planning and Environment) Act 1991**Section 285—**

Insert “where” after “provided,”.

SCHEDULE—continued

Law Reform (Miscellaneous Provisions) Act 1955

Subsection 26 (3)—

Omit “apply”.

Motor Traffic (Alcohol and Drugs) Act 1977

Subsection 4 (1) (definition of “drug”, paragraph (b))—

Omit “*Drugs of Dependence Act 1989*”, substitute “Drugs of Dependence Regulations”.

National Exhibition Centre Trust Act 1976

Subsection 17 (4)—

Insert “or she” after “he”.

Subsection 27B (2)—

Omit the subsection.

Ombudsman Act 1989

Subsection 7 (2)—

Omit “futher”, substitute “further”.

Pharmacy Act 1931

Subsection 2 (1) (definition of “medical practitioner”)—

Omit “*Registration*”.

Paragraph 41 (1) (b)—

Omit “or”.

Paragraph 41 (1) (ba)—

Add at the end “or”.

Plumbers, Drainers and Gasfitters Board Act 1982

Paragraph 5 (1) (d)—

Omit “College of Technical and Further Education”, substitute “Institute of Technology”.

Subsection 16 (2)—

Omit “members”, substitute “member”.

SCHEDULE—continued***Prostitution Act 1992*****Subsection 7 (3)—**

Omit “owner”, substitute “operator”.

Subsection 17 (4) (definition of “designated medical practitioner”)—

Omit “Registration”.

Subsection 18 (2)—

Omit “or manager”.

Registration of Interests in Goods Act 1990**Paragraph 6 (2) (a)—**

Omit “this”, substitute “the NSW”.

Trespass on Territory Land Act 1932**Section 3—**

Insert the following definition:

“ ‘City Area’ has the same meaning as in the *City Area Leases Act 1936* as in force on 1 April 1992;”.

Section 3 (definition of “the Commissioner of Police”)—

Omit the definition.

Section 3 (definition of “the Motor Traffic Act”)—

Omit “-1972”.

Section 3 (definition of “the Police Act”)—

Omit “-1970”.

Section 3A—

Insert “or she” after “he”.

Subsection 4 (1)—

Omit “thereon”, substitute “on such land”.

Subsection 4 (2)—

Omit “Any person who, without lawful excuse (proof whereof shall lie upon him) trespasses or goes upon”, substitute “A person shall not, without reasonable excuse, trespass or enter”.

SCHEDULE—continued

Section 4B—

- (a) Insert “or her” after “him”.
- (b) Insert “or her” after “his”.

Section 6—

Omit “Any person who, without lawful excuse (proof whereof shall lie upon him) leaves open any gate”, substitute “A person shall not, without reasonable excuse, leave open any gate”.

Section 7—

Omit all the words from and including “Any” to and including “offence”, substitute “A person shall not, without reasonable excuse, damage or destroy trees, plant, garden, plantation or afforestation area on unleased Territory Land or land occupied by the Territory”.

Section 8—

- (a) Omit “thereto authorized”, substitute “authorised”.
- (b) Insert “or she” after “he”.

Paragraph 8 (a)—

Omit “(2) of section 4 of this Act”, substitute “4 (2)”.

Paragraph 8 (b)—

Omit “seven of this Act”, substitute “7”.

Paragraph 8A (2) (d)—

Omit “the next succeeding section”, substitute “section 8B”.

Paragraph 8A (3) (a)—

Omit “the next succeeding section”, substitute “section 8B”.

Subsection 8A (4)—

- (a) Omit “either of the last two preceding subsections”, substitute “subsection (2) or (3)”.
- (b) Insert “or she” after “he” (wherever occurring).
- (c) Omit “that”, substitute “the relevant”.

Subsection 8A (5)—

- (a) Omit “appointed under this Act” (wherever occurring).
- (b) Omit “connexion” (wherever occurring), substitute “connection”.

SCHEDULE—continued**Paragraph 8A (5) (b)—**

Omit “of this section”.

Paragraph 8A (6) (a)—

Omit “two”, substitute “2”.

Paragraph 8A (6) (b)—

(a) Omit “of this section”.

(b) Omit “two”, substitute “2”.

Subsection 8A (6)—

(a) Omit “appointed under this Act”.

(b) Omit “connexion”, substitute “connection”.

Subsection 8A (7)—

Omit “either of the last two preceding subsections”, substitute “subsection (5) or (6)”.

Subsection 8A (8)—

(a) Omit “the last preceding subsection”, substitute “subsection (7)”.

(b) Insert “or her” after “him”.

(c) Omit “the next succeeding subsection”, substitute “subsection (9)”.

Subsection 8A (9)—

(a) Omit “the last preceding subsection”, substitute “subsection (8)”.

(b) Omit “of this section”.

Subsection 8A (10)—

(a) Omit “three”, substitute “3”.

(b) Omit “subsection” (second occurring).

(c) Omit “of this section” (wherever occurring).

(d) Omit “the last preceding subsection”, substitute “subsection (9)”.

(e) Omit “twenty-six”, substitute “26”.

Subsection 8B (1)—

Omit “authorized”, substitute “authorised”.

SCHEDULE—continued

Subsection 8C (2)—

Omit “the last preceding subsection”, substitute “subsection (1)”.

Subsection 9 (1)—

(a) Omit “thereto authorized”, substitute “authorised”.

(b) Insert “or her” after “his”.

Subsection 9 (2)—

Insert “or her” after “his”.

Trustee Act 1957

Subsection 13 (1) (definition of “resumption”)—

Omit “the *Lands Acquisition Act 1955-57* of the Commonwealth, or under the provisions of any other”, substitute “any”.

Subparagraph 13 (6) (b) (i)—

Omit “the *Lands Acquisition Act 1955-57* of the Commonwealth, or another”, substitute “an”.

Trustee Companies Act 1947

Amendments—

The following provisions are amended by omitting “one” and substituting “1” (wherever occurring).

Subsections 11 (2) and (3), 15 (1), 25A (1) and 25B (2) and Schedule 2.

NOTE ABOUT SECTION HEADING

On the day on which the *Trustee Companies Act 1947* is amended by this Act, the following heading to that Act is amended as follows:

Section	Alteration
6	Omit the heading, substitute the following heading: Authorisation given to trustee company to act by 1 of several executors

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