

1995

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

**Statute Law Revision Bill 1995**

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**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 1995*.

**5 Commencement**

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

**Repeal of Acts**

3. The following Acts are repealed:

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*Canberra Institute of the Arts (Amendment) Act 1988*;

*Mental Health (Amendment) Act 1984*;

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*Mental Health (Amendment) Act 1985;*

*Police Arbitral Tribunal Act 1947.*

### **Amendments of Acts**

4. The Acts specified in the Schedule are amended as set out in the  
5 Schedule.

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## **SCHEDULE**

Section 4

### **AMENDMENTS OF ACTS**

#### *Agents Act 1968*

##### **Paragraph 64 (1) (a)—**

- 10 Omit "*Companies Act 1981* of the Commonwealth", substitute  
"Corporations Law".

#### *Animal Nuisance Control Act 1975*

##### **Subsection 11 (1)—**

- 15 Omit "(1) Sections 185 to 188 (inclusive) and section 196", substitute  
"Sections 187 to 190 (inclusive)".

##### **Subsection 13 (1)—**

Omit "section 282C (2)", substitute "subsection 387 (2)".

#### *Betting (Totalizator Administration) Act 1964*

##### **Subsection 50 (1)—**

- 20 Omit "*Companies Act 1981* of the Commonwealth", substitute  
"Corporations Law".

#### *Business Names Act 1963*

##### **Subsection 4 (1) (definition of "corporation")—**

- 25 Omit all the words after "includes", substitute "any company,  
recognised company or foreign company within the meaning of section 9 of  
the Corporations Law".

## SCHEDULE—continued

**Subsection 4 (1) (definition of “secretary”)—**

Omit “Division 5 of Part XIII of the *Companies Act 1981* of the Commonwealth”, substitute “Division 2 of Part 4.1 of the Corporations Law”.

5 **Subsection 9 (1)—**

(a) Omit “National Companies and Securities Commission”, substitute “Australian Securities Commission”.

10 (b) Omit “section 38 of the *Companies Act 1981* of the Commonwealth”, substitute “section 367 of the Corporations Law”.

**Paragraph 19 (1) (d)—**

Omit “*Companies Act 1981* of the Commonwealth”, substitute “Corporations Law”.

**Subsection 26 (2)—**

15 Omit “*Companies Act 1981* of the Commonwealth”, substitute “Corporations Law”.

*Canberra Institute of Technology Act 1987***Subsection 3 (2)—**

Omit all the words after “Corporations Law”.

20 *Children’s Services Act 1986***Subsection 145 (2)—**

Omit “subsection 282C (2)”, substitute “subsection 387 (2)”.

*Consumer Affairs Act 1973***Subsection 3 (1) (definition of “corporation”)—**

25 Omit “*Companies Act 1981* of the Commonwealth”, substitute “Corporations Law”.

**Conveyancing Act, 1919 (NSW) as applied and modified in the Territory by the *Conveyancing Act 1951*****Subsection 7 (definition of “Bankruptcy”)—**

30 Omit “Companies Act, 1899”, substitute “Corporations Law”.

## SCHEDULE—continued

**Conveyancing Acts, 1919-1954 (NSW) as applied and modified in the Territory by the *Trustee Act 1957*****Subsection 7 (1) (definition of “Bankruptcy”)—**

Omit “Companies Act, 1936”, substitute “Corporations Law”.

5

***Co-operative Societies Act 1939*****Paragraph 5B (2) (b)—**

Omit the paragraph, substitute the following paragraph:

“(b) require a person who has custody or control of any books, records or documents relating to the affairs of a society to produce them to the Registrar or inspector.”.

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**Section 24—**

Omit “the” (second occurring).

**Subsection 47 (2)—**

Omit “(2) The society”, substitute “(3) The society”.

15

**Subsection 47 (3)—**

Omit “(3)”, substitute “(4)”.

***Credit Act 1985*****Paragraph 147 (2) (e)—**

Omit “his age”, substitute “his or her age”.

20

**Subsection 210 (4)—**

Omit “paragraph 282J (1) (d)”, substitute “paragraph 393 (1) (d)”.

***Dangerous Goods Act, 1975 (NSW) in its application in the Territory*****Section 4 (definition of “director”)—**

25

Omit “section 5 of the *Companies Act 1981* of the Commonwealth”, substitute “section 9 of the *Corporations Law*”.

***Discrimination Act 1991*****Subsection 96 (2)—**

30

Omit “Crimes Act, 1900 of the State of New South Wales in its application in the Territory”, substitute “*Crimes Act 1900*”.

**SCHEDULE—continued**

*Domestic Violence Act 1986*

**Subsection 8 (1)—**

Omit “Paragraph 20 (4) (a) and section 198”, substitute “Paragraph 22 (4) (a) and section 199”.

5 **Subsection 8 (2)—**

Omit “sections 205 and 206”, substitute “sections 206 and 207”.

**Subsection 31 (1)—**

Omit “subsection 282C (2)”, substitute “subsection 387 (2)”.

*Drugs of Dependence Act 1989*

10 **Subsection 130 (3)—**

Omit “Role”, substitute “Roll”.

*Egg Industry Act 1975*

**Subsection 3 (1) (definition of “company”)—**

15 Omit all the words after “that is”, substitute “a company, recognised company or foreign company within the meaning of section 9 of the Corporations Law”.

*Electoral Act 1992*

**Paragraph 175 (a)—**

Omit “and”.

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*Electricity Act 1971*

**Subsection 3 (1) (definition of “Administrative Appeals Tribunal”)—**

Omit the definition.

**Subsection 60 (1) (definition of “determined fee”)—**

5 Omit the definition.

## SCHEDULE—continued

*Financial Institutions Duty Act 1987***Section 3 (definition of “financial institution”, paragraph (e))—**

5 Omit “Division 6 of Part IV of the *Companies Act 1981* of the Commonwealth”, substitute “Division 5 of Part 7.12 of the Corporations Law”.

**Paragraph 6 (2) (h)—**

10 Omit “Division 6 of Part IV of the *Companies Act 1981* of the Commonwealth”, substitute “Division 5 of Part 7.12 of the Corporations Law”.

*Food Act 1992***Section 34—**

Omit “satisfied”, substitute “satisfied”.

*Health Professions Boards (Procedures) Act 1981*15 **Section 3 (definition of “proceeding”, paragraph (c))—**

Omit “section 40”, substitute “section 66”.

**Section 3 (definition of “proceeding”, paragraph (g))—**

Omit “section 25J”, substitute “section 45”.

*Juries Act 1967*20 **Section 52—**

Omit “Attorney-General”, substitute “Executive”.

*Lakes Act 1976***Heading to Division 1 of Part IV—**

Omit the heading.

25 **Heading to Division 2 of Part IV—**

Omit the heading.

**Subparagraph 54 (d) (a)—**

Omit “(a)”, substitute “(i)”.

**SCHEDULE—continued**

**Subparagraph 54 (d) (b)—**

Omit “(b)”, substitute “(ii)”.

*Legal Aid Act 1977*

**Subsection 95A (2)—**

5 Omit “subsection 227B (2)”, substitute “subsection 231 (2)”.

*Long Service Leave Act 1976*

**Subsection 2 (1) (definition of “associated company”)—**

(a) Omit “section 7 of the *Companies Act 1981* of the Commonwealth”, substitute “section 9 of the *Corporations Law*”.

10 (b) Omit “related corporation”, substitute “related body corporate”.

*Machinery Act 1949*

**Subparagraph 5 (2) (g) (a)—**

Omit “(a)”, substitute “(i)”.

**Subparagraph 5 (2) (g) (b)—**

15 Omit “(b)”, substitute “(ii)”.

*Magistrates Court Act 1930*

**Section 67A—**

Omit “Section 201”, substitute “Section 202”.

**Section 67B—**

20 Omit “Sections 202, 203, 204, 209, 210, 211, 212 and 213”, substitute “Sections 203, 204, 205, 210, 211, 212, 213 and 214”.

**Section 73A—**

Omit “subsection 185 (8)”, substitute “subsection 187 (8)”.

**Subsection 147 (3A)—**

25 Omit “section 232”, substitute “section 240”.

**Subsection 203 (1)—**

Omit “Section 20”, substitute “Section 22”.

## SCHEDULE—continued

**Subsection 203 (2)—**

Omit “Section 198”, substitute “Section 199”.

**Subsection 203 (3)—**

Omit “sections 205 and 206”, substitute “sections 206 and 207”.

**5 Paragraph 203 (3) (b)—**

Omit “subsection 206 (1)”, substitute “subsection 207 (1)”.

**Subsection 206Q (1)—**

Omit “subsection 282C (2)”, substitute “subsection 387 (2)”.

**Paragraph 248C (2) (e)—**

**10** Omit “section 306A”, substitute “section 419”.

**Paragraph 255AA (1) (b)—**

Omit “section 278J”, substitute “section 298”.

**Paragraph 255AB (1) (b)—**

Omit “section 278R”, substitute “section 306”.

**15*****Maintenance Act 1968*****Subsection 64 (5)—**

**20** (a) Omit all the words after “offence”, substitute “punishable on conviction by a fine not exceeding 50 penalty units, or by imprisonment for a period not exceeding six months, or by both fine and imprisonment”.

(b) Omit the penalty provision.

**Subsection 102 (2)—**

Omit “section 282H” and “subsection 282C (2)”, substitute “section 392” and “subsection 387 (2)” respectively.

**25*****Married Persons’ Property Act 1986*****Paragraph 14 (a)—**

Omit “section 10”, substitute “section 11”.

**SCHEDULE—continued**

***Milk Authority Act 1971***

**Paragraph 2 (2) (a)—**

Omit the paragraph.

***Motor Omnibus Services Act 1955***

**5 Subsection 2 (1)—**

Omit the following definitions:

“ ‘child’ means a person who has not attained the age of 15 years;

‘inspector’ means a person appointed as an inspector under subsection 5 (1);”.

10

***Motor Traffic Act 1936***

**Section 162M—**

Omit “subsection 20 (2)”, substitute “subsection 22 (2)”.

**Section 180M—**

Omit “subsection 20 (2)”, substitute “subsection 22 (2)”.

15

***Nature Conservation Act 1980***

**Subparagraph 84 (1) (b) (a)—**

Omit “(a)”, substitute “(i)”.

**Subparagraph 84 (1) (b) (b)—**

Omit “(b)”, substitute “(ii)”.

20

***Noise Control Act 1988***

**Paragraph 44 (3) (b)—**

Omit “(2) (c)”, substitute “(2) (d)”.

**Subparagraph 50 (b) (a)—**

Omit “(a)”, substitute “(i)”.

**25 Subparagraph 50 (b) (b)—**

Omit “(b)”, substitute “(ii)”.

**SCHEDULE—continued*****Nurses Act 1988*****Subsection 15 (5)—**

Omit “be a registered”, substitute “be registered”.

***Oaths and Affirmations Act 1984*****5 Section 5—**

Omit “Rules of the Supreme Court of the Australian Capital Territory”, substitute “Supreme Court Rules”.

***Occupational Health and Safety Act 1989*****Paragraph 84G (2) (a)—**

10 Omit “Tribunal”, substitute “Review Authority”.

**Subsection 84J (1)—**

Omit “on”, substitute “of”.

**Subparagraph 97 (2) (w) (a)—**

Omit “(a)”, substitute “(i)”.

**15 Subparagraph 97 (2) (w) (b)—**

Omit “(b)”, substitute “(ii)”.

***Ozone Protection Act 1991*****Subparagraph 48 (2) (b) (a)—**

Omit “(a)”, substitute “(i)”.

**20 Subparagraph 48 (2) (b) (b)—**

Omit “(b)”, substitute “(ii)”.

***Plant Diseases Act 1934*****Subparagraph 14 (g) (a)—**

Omit “(a)”, substitute “(i)”.

**25 Subparagraph 14 (g) (b)—**

Omit “(b)”, substitute “(ii)”.

## SCHEDULE—continued

*Psychologists Act 1994***Subsection 10 (1)—**

Omit “8 (1) (a) (i)” (second occurring), substitute “8 (1) (a) (ii)”.

**Subsection 50 (1)—**

- 5 Omit “subsection (1) of this section, or under section 31 of the *Health Professions Boards (Procedures) Act 1981*,” substitute “section 49”.

**Subsection 58 (1)—**

Omit “56” (wherever occurring), substitute “57”.

*Registration of Interests in Goods Act 1990***10 Paragraph 8 (4) (a)—**

Omit “*Companies Act 1981* of the Commonwealth”, substitute “Corporations Law”.

**Paragraph 8 (4) (b)—**

- 15 Omit “*Companies Act 1981* of the Commonwealth”, substitute “Corporations Law”.

*Sale of Motor Vehicles Act 1977***Subparagraph 3 (2) (c) (ii)—**

Omit “*Companies Act 1981* of the Commonwealth”, substitute “Corporations Law”.

**20 Paragraph 42 (a)—**

Omit “*Companies Act 1981* of the Commonwealth”, substitute “Corporations Law”.

**Scaffolding and Lifts Act, 1912-1948 (NSW) in its application in the Territory****25 Paragraph 15 (5) (a) (second occurring)—**

Omit “(a)”, substitute “(c)”.

**Paragraph 15 (5) (b) (second occurring)—**

Omit “(b)”, substitute “(d)”.

## SCHEDULE—continued

*Small Claims Act 1974***Subsection 4 (2A)—**

Omit “section 227A”, substitute “section 230”.

**Subsection 4 (2B)—**

5 Omit “9 and 10”, substitute “10 and 11”.

**Subsection 6 (4)—**

Omit “section 227A”, substitute “section 230”.

**Paragraph 6 (4) (a)—**

Omit “subsection 227B (2)”, substitute “subsection 231 (2)”.

**10 Subsection 7 (2)—**

Omit “94 and 95”, substitute “96 and 97”.

**Subsection 20 (8)—**

Omit “section 185”, substitute “section 187”.

**Subsection 22AA (1)—**

15 Omit “227A, 227C and 227D”, substitute “230, 232 and 233”.

**Subsection 22AA (2)—**

Omit “Section 227B”, substitute “Section 231”.

**Section 22A—**

Omit “Section 228”, substitute “Section 234”.

**20 Subsection 25A (5)—**

Omit “Section 278F”, substitute “Section 292”.

**Section 26—**

Omit “Section 226”, substitute “Section 228”.

**Subsection 44C (1)—**

25 Omit “section 306A”, substitute “section 419”.

**Subsection 44C (2)—**

Omit “section 306A”, substitute “section 419”.

## SCHEDULE—continued

**Subsection 44C (3)—**

Omit “Section 306”, substitute “Section 418”.

*Statute Law Revision (Penalties) Act 1994***Schedule, amendments relating to the *Electricity Act 1971*—**

- 5 Omit “Section 9” and “Section 10”, substitute “Section 24” and “Section 25” respectively.

*Stock Act 1991***Paragraph 44 (a) (second occurring)—**

Omit “(a)”, substitute “(c)”.

- 10 **Paragraph 44 (b) (second occurring)—**

Omit “(b)”, substitute “(d)”.

*Supreme Court Act 1933***Subparagraph 37B (2) (c) (iii)—**

Omit “Part V”, substitute “Part VIII”.

- 15 *Trespass on Territory Land Act 1932*

**Subsection 4 (2)—**

- (a) Omit “shall not, without reasonable excuse, trespass or enter”, substitute “who, without reasonable excuse, trespasses or enters”.
- 20 (b) Omit “shall be guilty of an offence”, substitute “is guilty of an offence punishable, on conviction, by a fine not exceeding 5 penalty units”.
- (c) Omit the penalty provision.

**Subsection 4A (1)—**

- 25 (a) Omit “shall be guilty of an offence”, substitute “is guilty of an offence punishable, on conviction, by a fine not exceeding 5 penalty units”.
- (b) Omit the penalty provision.

**Section 4B—**

- 30 (a) Omit “shall be guilty of an offence”, substitute “is guilty of an offence punishable, on conviction, by a fine not exceeding 5 penalty units”.

## SCHEDULE—continued

(b) Omit the penalty provision.

## Section 5—

5 (a) Omit “shall be guilty of an offence”, substitute “is guilty of an offence punishable, on conviction, by a fine not exceeding 10 penalty units”.

(b) Omit the penalty provision.

## Section 6—

10 (a) Omit “shall not, without reasonable excuse, leave open any gate”, substitute “who, without reasonable excuse, leaves open any gate”.

(b) Omit “shall be guilty of an offence”, substitute “is guilty of an offence punishable, on conviction, by a fine not exceeding 5 penalty units”.

(c) Omit the penalty provision.

15 **Trustee Act, 1925-1942 (NSW) in its application in the Territory**

## Subsection 22 (2A)—

Omit “section one hundred and fifty-two of the Companies Act, 1936”, substitute “subsection 188 (2) of the Corporations Law”.

20 ***Trustee Companies Act 1947***

## Section 3 (definition of “books”)—

Omit “*Companies Act 1981* of the Commonwealth”, substitute “Corporations Law”.

## Section 3 (definition of “officer”)—

25 Omit “*Companies Act 1981* of the Commonwealth”, substitute “Corporations Law”.

## Section 3 (definition of “related corporation”)—

Omit the definition.

## Section 3 (definition of “trustee company”, paragraph (b))—

30 Omit “registered in the Territory as a foreign company or as a recognized company or a recognized foreign company within the meaning of section 5 of the *Companies Act 1981* of the Commonwealth”, substitute “that is a recognised company or a foreign company within the meaning of section 9 of the Corporations Law”.

## SCHEDULE—continued

**Section 3—**

Insert the following definition:

“ ‘related body corporate’ has the same meaning as in the Corporations Law;”.

**5 Subsection 24 (1)—**

Omit “*Companies Act 1981* of the Commonwealth”, substitute “Corporations Law”.

**Schedule 2, Quarterly Financial Declaration, subparagraph (k) (item 1)—**

**10** Omit “related corporations”, substitute “related bodies corporate”.

**Schedule 2, Quarterly Financial Declaration, subparagraph (l)—**

Omit “related corporations”, substitute “related bodies corporate”.

**15 Schedule 2, Quarterly Financial Declaration, subparagraph (q) (4)—**

Omit “subsection 490 (1) of the *Companies Act 1981* of the Commonwealth”, substitute “section 399 of the Corporations Law”.

**Schedule 2, Statement to be annexed to Quarterly Financial Declaration Showing Assets and Liabilities—**

**20** Omit “related corporations” (wherever occurring), substitute “related bodies corporate”.

***Unclaimed Moneys Act 1950*****Section 3 (definition of “company”, paragraph (a))—**

**25** Omit all the words after “that is”, substitute “a company, a recognised company or a foreign company within the meaning of section 9 of the Corporations Law”.

**Section 5A—**

Omit all the words after “that is”, substitute “a company or a recognised company within the meaning of section 9 of the Corporations Law”.

**30 *Water Pollution Act 1984*****Paragraphs 47 (d) and (e)—**

Omit the paragraphs, substitute the following subparagraphs:

**SCHEDULE—continued**

- “(i) if the offender is a natural person—not exceeding 10 penalty units;  
or  
(ii) if the offender is a body corporate—not exceeding 50 penalty units.”.

5

***Weapons Act 1991*****Subsection 5 (7) (definition of “security organisation”)—**

Omit “*Companies Act 1981* of the Commonwealth”, substitute “*Corporations Law*”.

***Workers’ Compensation Act 1951***10 **Subsection 6 (1) (definition of “registered auditor”)—**

Omit “Division 2 of Part II of the *Companies Act 1981* of the Commonwealth”, substitute “Division 2 of Part 9.2 of the *Corporations Law*”.

**Subsection 27B (2)—**

15 After “subsection (1)” insert “shall”.

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**NOTE****Penalty units**

See section 33AA of the *Interpretation Act 1967*.