

1992

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**STATUTE LAW REVISION (MISCELLANEOUS PROVISIONS) BILL  
(NO.2) 1992**

**EXPLANATORY MEMORANDUM**

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**Terry Connolly MLA**

**STATUTE LAW REVISION (MISCELLANEOUS PROVISIONS)  
BILL (NO.2) 1992**

**EXPLANATORY MEMORANDUM**

**Outline**

The Statute Law Revision (Miscellaneous Provisions) Bill (No.2) 1992 ("the Bill") amends various Acts by making technical corrections and bringing the language of the Acts into accord with current drafting practice. The Bill does not change the substance of the law.

In particular, the provisions of the Bill -

- . remove sexist language;
- . simplify expression consistent with modern drafting practice;
- . remove references to redundant Acts or provisions;
- . vary language so that it reflects the provisions of the *Interpretation Act 1967*; and
- . correct typographical errors.

The Bill does not attempt to update and correct all Territory legislation. The process of removing sexist language will continue as individual Acts are amended.

This explanatory memorandum indicates the purpose of the amendments in respect of each Act amended by the Bill, in general terms, except where an amendment is made for a reason other than one of those listed above.

**Financial implications**

There are no financial implications arising from the Bill.

**AMENDMENT OF ACTS**

Clause 2 of the Bill provides that the Acts listed in Schedule 1 to the Bill are amended as set out in that Schedule.

The Schedule amends the following Acts:

**Agents Act 1968**

This Act is amended to -

- replace sexist language with gender neutral terms and expressions; simplify expression by the replacement of words with numbers and the expression of references to dates, other Acts and provisions within the Act in a shortened form;
- remove words which only complicate the text without adding to the meaning;
- correct typographical errors;
- replace the definition of the term "trade union", based on the definition of that term in the repealed *Conciliation and Arbitration Act 1904* of the Commonwealth, with a definition based upon the definition of that term in the *Industrial Relations Act 1988* of the Commonwealth (subsection 5(1));
- reinsert a provision erroneously repealed by the *Agents (Amendment) Act No.22, 1992*. The original subsection 15(3) of the Act dealing with payment of acting appointees to the Agents Board was repealed by the *Statute Law Revision (Miscellaneous Provisions) Act No. 23, 1992* as this provision was unnecessary - this matter is provided for in the *Interpretation Act 1967*. The *Statute Law Revision (Miscellaneous Provisions) Act 1992* also inserted a new subsection 15(3) - a standard provision concerning the validity of acts or omissions by persons invalidly appointed to the Board. These amendments commenced on gazettal of that Act on 4 June 1992. However, the *Agents (Amendment) Act 1992* which was intended to amend the original subsections 15(2) and 15(3), whilst it was gazetted on 2 June 1992, did not commence until 1 July 1992 and as a result it repealed the new subsection 15(3) inserted by the *Statute Law Revision (Miscellaneous Provisions) Act 1992*. This amendment reinserts that provision; and
- repeal a provision, for the manner of making oaths and affirmations, made redundant by the provisions of the *Oaths and Affirmations Act 1984* (section 90).

**Architects Act 1959**

This Act is amended to -

- replace sexist language with gender neutral terms and expressions;

- simplify expression by the replacement of words with numbers and the expression of references to dates, provisions within the Act and dollars in a shortened form;
- remove words which only complicate the text without adding to the meaning;
- modify the definitions of terms used in the Act and insert a definition of the term "Deputy Chairperson" (section 4);
- replace a reference to the repealed *Associations Incorporation Act 1953* with a reference to the *Associations Incorporation Act 1991* (paragraph 16(1)(a)); and
- repeal a provision, for the manner of making oaths and affirmations, made redundant by the provisions of the *Oaths and Affirmations Act 1984* (section 33).

***Artificial Conception Act 1985***

This Act is amended to -

- replace references to provisions in the *Adoption of Children Act 1965*, which was repealed by the *Adoption Act 1992*, with references to the corresponding provisions of the latter Act.

***Associations Incorporation Act 1991***

This Act is amended to -

- correct a typographical error; and
- correct references to Schedule 1 to distinguish it from Schedule 2 to the Act (paragraph 32(a)).

***Auctioneers Act 1959***

This Act is amended to -

- replace sexist language with gender neutral terms and expressions;
- simplify expression by the replacement of words with numbers and the expression of references to dates, provisions within the Act and dollars in a shortened form;
- remove words which only complicate the text without adding to the meaning;

- simplify language in accordance with the provisions of the *Interpretation Act 1967* so that citation of an Act is by reference to the year in which it was originally passed; and
- omit the definition of the term "the Commissioner of Police" as it is defined in the *Interpretation Act 1967* (subsection 3(1)).

#### ***Birth (Equality of Status) Act 1988***

This Act is amended to -

- replace references to provisions in the *Adoption of Children Act 1965*, which was repealed by the *Adoption Act 1992*, with references to the corresponding provisions of the latter Act.

#### ***Building Act 1972***

This Act is amended to -

- simplify expression by the replacement of words with numbers and the expression of references to provisions within the Act in a shortened form;
- remove words which only complicate the text without adding to the meaning; and
- simplify language in accordance with the provisions of the *Interpretation Act 1967*, so that citation of an Act is by reference to the year in which it was originally passed.

#### ***Business Franchise (Tobacco and Petroleum Products) Act 1984***

This Act is amended to -

- correct a typographical error.

#### ***Canberra Theatre Trust Act 1965***

This Act is amended to -

- replace sexist language with gender neutral terms and expressions;
- simplify expression by the replacement of words with numbers and the expression of references to provisions within the Act in a shortened form;
- replace a reference to the repealed *Liquor Act 1929-65* with a reference to the *Liquor Act 1975* (paragraph 23(1)(a));

remove a reference to the provisions of repealed Acts the effect of which was to treat Canberra Theatre Centre by-laws as regulations and substitute a specific provision which makes them subject to the *Subordinate Laws Act 1989* and, as a consequence, subject to disallowance in the Legislative Assembly (subsection 23(2)).

#### *Children's Services Act 1986*

This Act is amended to -

- replace a reference in a provision to the repealed *Adoption of Children Act 1965* with a reference to the *Adoption Act 1992* (subsection 4(1));
- replace a reference to a repealed provision with a reference to the provision of the *Community Advocate Act 1991* under which the Community Advocate may be appointed (subsection 4(1)); and
- make an amendment consequential upon the *Community Advocate Act 1991* and the *Children's Services (Amendment) Act 1991*. These Acts have the effect of abolishing the position of Youth Advocate, appointed under the *Children's Services Act 1986* and conferring the functions and powers formerly held by the Youth Advocate upon the Community Advocate appointed under the *Community Advocate Act 1991*. The *Children's Services (Amendment) Act 1991* replaced references in the Act to the Youth Advocate with references to the Community Advocate. However a reference to the Youth Advocate in subsection 78(3) of the Act was overlooked. This amendment rectifies the omission (subsection 78(3)).

#### *Common Boundaries Act 1981*

This Act is amended to -

- replace references, in forms in the Schedule, to the *Dividing Fences Act 1981*, an Act which is no longer in force, with references to the *Common Boundaries Act 1981*.

#### *Credit Act 1985*

This Act is amended to -

- remove words which do not add to the meaning of the relevant provision.

*Drugs of Dependence Act 1989*

This Act is amended to -

- . express references to provisions within the Act and to other Acts in a shortened form; and
- . correct typographical errors.

*Gaming Machine (Amendment) Act (No.3) 1990*

This Act is amended to -

- . correct a drafting error by replacing an incorrect reference to the term "relevant" with a reference to the term "required" (paragraphs 22(g) and (h)).

*Health Services Act 1990*

This Act is amended to -

- . correct a typographical error.

*Interpretation Act 1967*

This Act is amended to -

- . distinguish between the term "Territory" meaning a Territory other than the Australian Capital Territory and the term "the Territory" meaning the Australian Capital Territory (subsection 14(1)).

*Legal Practitioners (Amendment) Act (No.3) 1991*

This Act is amended to -

- . correct a typographical error.

*Limitation Act 1985*

This Act is amended to -

- . repeal a reference to a spent provision.

*Liquor Act 1975*

This Act is amended to -

- . express references to provisions within the Act in a shortened form.

*Long Service Leave Act 1976*

This Act is amended to -

- repeal a spent provision.

*Maintenance Act 1968*

This Act is amended to -

- repeal a spent provision.

*Milk Authority Act 1971*

This Act is amended to -

- replace sexist language with gender neutral terms and expressions;
- simplify expression by the replacement of words with numbers and the expression of references to provisions within the Act and to dollars in a shortened form;
- remove words which only complicate the text without adding to the meaning; and
- correct typographical errors;
- remove a reference to a repealed Act and to spent provisions.

*Parole Act 1976*

This Act is amended to -

- correct a reference to the *Removal of Prisoners Act 1968* the Short Title of which has been changed.

*Pesticides Act 1989*

This Act is amended to -

- correct typographical errors.

*Plumbers, Drainers and Gasfitters Board Act 1982*

This Act is amended to -

- replace sexist language with gender neutral terms and expressions;
- simplify expression, by the replacement of words with numbers.



***Poisons and Drugs Act 1978***

This Act is amended to -

- correct typographical errors; and
- express a provision in a form consistent with modern drafting practice.

***Police Offences Act***

This Act is amended to -

- correct a typographical omission.

***Publications Control Act 1989***

This Act is amended to -

- correct a typographical error.

***Rates and Land Tax Act 1926***

This Act is amended to -

- remove spent provisions.

***Schools Authority Act 1976***

This Act is amended to -

- remove the definition of the term "Australian Capital Territory Teachers' Federation" as the term is no longer used in the Act and is, therefore, redundant (section 4).

***Sewerage Rates Act 1968***

This Act is amended to -

- correct a typographical error.

***Standard Time and Summer Time Act 1972***

This Act is amended to -

- omit the definition of the term "the Territory" as it is defined in the *Interpretation Act 1967* (section 3).

*Territory Owned Corporations Act 1990*

This Act is amended to -

- correct typographical errors.

*Testamentary Guardianship Act 1984*

This Act is amended to -

- replace references to provisions in the *Adoption of Children Act 1965*, which was repealed by the *Adoption Act 1992*, with references to the corresponding provisions of the latter Act.

**REPEALS**

Clause 3 of the Bill repeals the Acts listed in Schedule 2.

*Church of England Lands Act 1926*

The provisions of this Act are spent.

*Community and Health Service (Amendment) Act 1988*  
*Community and Health Service (Consequential Provisions) Act 1988*  
*Health Authority (Amendment) Act 1986*  
*Health Authority (Amendment) Act 1987*  
*Health Authority (Amendment) Act (No. 2) 1987*  
*Health Authority (Amendment) Act (No. 3) 1987*

These Acts effected amendments to the *Health Authority Act 1985* which was repealed by the *Health Services (Consequential Provisions) Act 1990*. They are, therefore, redundant provisions.

*Enquiry Act (No.2) 1938*  
*Enquiry Act 1970*  
*Enquiry Act (No.2) 1970*

These Acts effected amendments to the *Enquiry Act 1938* which was repealed by the *Royal Commissions and Inquiries (Consequential Provisions) Act 1991*. They are, therefore, redundant provisions.

*Interim Planning (Amendment) Act 1991*  
*Interim Planning (Amendment) Act (No.2) 1991*  
*Interim Planning (Amendment) Act (No.3) 1991*  
*Interim Planning (Consequential Amendment) Act 1990*

These Acts effected amendments to the *Interim Territory Planning Act 1988* which was repealed by the *Land (Planning and Environment) (Consequential Provisions) Act 1991*. They are, therefore, redundant provisions.

*Stock Act 1936*  
*Stock Act 1940*  
*Stock Act 1941*  
*Stock Act 1948*  
*Stock Act 1957*

These Acts effected amendments to the *Stock Act 1934* which was repealed by the *Stock Act 1991*. They are, therefore, redundant provisions.