

An Act to revise the Statute Law and for other purposes.

[31st December, 1930.]

BE it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title.

1. (1) This Act may be cited as the *Statute Law Revision Act 1930*.

Commencement of Act.

(2) Save as otherwise expressly provided in this Act, this Act shall be deemed and taken to have come into operation on the eighteenth day of December One thousand nine hundred and twenty-nine.

Amendments to be made in Acts. Schedule.

2. The Acts mentioned in the Schedule to this Act to the extent to which the same are in and by the said Schedule expressed to be amended are hereby amended accordingly and the said Acts shall be read and construed accordingly.

References in this Act to sections, &c., amended by other Acts.

3. Wherever in this Act a section or other provision of any Act is referred to and such section or other provision has been amended by any Act other than this Act such reference shall be construed as relating to such section or other provision as so amended.

Issuing by Government Printer of Acts mentioned in Schedule.

4. Every copy of any of the Acts amended by this Act issued after the commencement of this Act by the Government Printer of Victoria may be issued with the alterations additions omissions insertions and substitutions provided for by this Act.

SCHEDULE.

SCHEDULE.

Section 2.

Number of Act.	Title of Act.	Nature of Amendment.
No. 3629	<i>Acts Enumeration and Revision Act 1928</i>	In section two, after the words "created by" there shall be inserted the words "or under".
No. 3632	<i>Administration and Probate Act 1928</i>	In sub-section (8) of section fifty-one, for the words "a Court or judge" there shall be substituted the words "the Court or a judge". In section one hundred and eighty-one, for the word "portions" there shall be substituted the word "questions".
No. 3654	<i>Children's Welfare Act 1928</i>	In the First Schedule, for the word "Appeal" there shall be substituted the word "Repeal".
No. 3656	<i>Closer Settlement Act 1928</i>	In sub-section (3) of section six, before the words "Any member of the Board" there shall be inserted the words "Notwithstanding anything in any Act". At the end of section twenty-two, there shall be inserted the following sub-section:— "(5) This section shall be read and construed as subject to the provisions of the <i>Commonwealth and States Financial Agreement Act 1927</i> ." In section ninety-eight, the expression "(1)" shall be repealed. At the end of section one hundred and ninety-nine, there shall be inserted the following sub-section:— "(4) This section shall be read and construed as subject to the provisions of the <i>Commonwealth and States Financial Agreement Act 1927</i> ."
No. 3657	<i>Coal Mines Regulation Act 1928</i>	At the end of section ninety-six, there shall be inserted the following words and figures:— "This section shall be read and construed as subject to the provisions of the <i>Commonwealth and States Financial Agreement Act 1927</i> ".
No. 3658	<i>Commonwealth Arrangements Act 1928</i>	In section nine, for the word "Act" there shall be substituted the word "Part".
No. 3662	<i>Country Roads Act 1928</i>	In section one, for the expression "ss. 83-97" there shall be substituted the expression "ss. 83-86".

SCHEDULE

SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
No. 3662 —cont.	<i>Country Roads Act 1928—continued.</i>	<p>In sub-section (6) of section thirty-one, after the words "or redeemed there shall" there shall be inserted the expression "subject to the provisions of the <i>Commonwealth and States Financial Agreement Act 1927</i>".</p> <p>At the end of section thirty-nine, there shall be inserted the following sub-section:—</p> <p style="padding-left: 40px;">“(3) This section shall be read and construed as subject to the provisions of the <i>Commonwealth and States Financial Agreement Act 1927</i>.”</p>
No. 3663	<i>County Court Act 1928</i>	<p>In paragraph (e) of section sixty, for the expression "vinicity" there shall be substituted the word "vicinity".</p> <p>In sub-section (1) of section two, for the expression "Act" (where occurring for the second time) there shall be substituted the expression "act".</p> <p>In sub-section (2) of section thirty-four, for the word "judges" there shall be substituted the word "judge".</p>
No. 3664	<i>Crimes Act 1928</i>	<p>In section one hundred and twenty-nine, for the words "or counting-house" there shall, as on from and after the passing of this Act, be substituted the words "countinghouse office store garage pavilion factory or work-shop or any building belonging to His Majesty or to any government department or to any municipal or other public authority".</p>
No. 3666	<i>Developmental Railways Act 1928</i>	<p>In sub-section (3) of section seven, for the words "Victorian Loans Redemption Fund" there shall be substituted the words "State Loans Repayment Fund".</p>
No. 3670	<i>Dried Fruits Act 1928</i>	<p>In sub-section (4) of section fifteen, for the words "first registration of a packing shed" there shall be substituted the words "registration of any new packing shed".</p>
No. 3675	<i>Explosives Act 1928</i>	<p>In section sixty-six, for the words "between the hours of seven in the morning and four in the afternoon" there shall be substituted the words "between sunrise and sunset".</p>
No. 3677	<i>Factories and Shops Act 1928</i>	<p>In section thirty, after the word "such" (where occurring for the second time) there shall be inserted the word "dust".</p>

SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
No. 3677 —cont.	<i>Factories and Shops Act 1928</i> — continued.	<p>In sub-section (3) of section fifty-four, for the words “as engine-drivers for factories only” there shall be substituted the expression—</p> <p>“as—</p> <p>(a) engine-drivers; or</p> <p>(b) boiler attendants—</p> <p>for factories only”.</p> <p>In paragraph (d) of sub-section (1) of section one hundred and forty-five, for the expression “owest” there shall be substituted the word “lowest”.</p> <p>In sub-section (1) of section one hundred and ninety-one, after the word “employed” there shall be inserted the words “within any factory shop or place or”.</p>
No. 3683	<i>Fisheries Act 1928</i>	<p>In the Second Schedule, for the expression “Travally” there shall be substituted the word “Trevally”.</p>
No. 3697	<i>Health Act 1928</i>	<p>In sections ninety-four and one hundred, the words “After the expiration of six months from the commencement of this Act” shall be repealed.</p> <p>In sub-section (3) of section two hundred and fifty-seven, the words “within twelve months after the commencement of this Act and thereafter” shall be repealed.</p>
No. 3699	<i>Hospitals and Charities Act 1928</i>	<p>In section two, after the words “or any incorporation effected or continued” there shall be inserted the words “or any registration made”.</p> <p>Sections thirty-three and thirty-four shall be repealed.</p> <p>At the end of sub-section (1) of section thirty-six, there shall be inserted the words “or the corresponding previous enactment”.</p> <p>Section eighty-two shall, as on from and after the passing of this Act, be hereby amended as follows:—</p> <p>(a) After the words “the Registrar-General” (where first occurring), and after the words “the Registrar of Titles” there shall be inserted the words “upon receipt of a notice from the Board of Land and Works that such land has been so taken”;</p>

SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
No. 3699 —cont.	<i>Hospitals and Charities Act 1928</i> — continued.	<p>(b) After the words "Crown grant of the said land" there shall be inserted the words "or any certificate of title issued in lieu thereof"; and</p> <p>(c) After the words "the said grant" there shall be inserted the words "or certificate".</p> <p>The Second Schedule shall, as on from and after the passing of this Act, be hereby amended as follows:—</p> <p>(a) For paragraph 4. there shall be substituted the following paragraph:— "4. Ararat and District Hospital."</p> <p>(b) For paragraph 5. there shall be substituted the following paragraph:— "5. Austin Hospital for Chronic Diseases."</p> <p>(c) For paragraph 7. there shall be substituted the following paragraph:— "7. Ballarat and District Base Hospital, Incorporated."</p> <p>(d) For paragraph 8. there shall be substituted the following paragraph:— "8. The Ballarat District Benevolent Home."</p> <p>(e) For paragraph 12. there shall be substituted the following paragraph:— "12. The Bendigo and Northern District Base Hospital."</p> <p>(f) For paragraph 24. there shall be substituted the following paragraph:— "24. Daylesford District Hospital."</p> <p>(g) For paragraph 29. there shall be substituted the following paragraph:— "29. Bethany Home, Geelong."</p> <p>(h) For paragraph 30. there shall be substituted the following paragraph:— "30. Geelong and District Hospital (Kitchener Memorial)."</p> <p>(i) For paragraph 33. there shall be substituted the following paragraph:— "33. Hamilton and District Base Hospital."</p> <p>(j) For paragraph 36. there shall be substituted the following paragraph:— "36. Horsham Base Hospital."</p>

SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
No. 3699 —cont.	<i>Hospital and Charities Act 1928</i> — continued.	<p>(k) For paragraph 54. there shall be substituted the following paragraph:— “54. Port Fairy Hospital.”</p> <p>(l) For paragraph 65. there shall be substituted the following paragraph:— “65. The Victorian Benevolent Home and Hospital for Aged and Infirm.”</p> <p>(m) For paragraph 69. there shall be substituted the following paragraph:— “69. West Gippsland Hospital.”</p> <p>(n) For paragraph 70. there shall be substituted the following paragraph:— “70. The Warrnambool and District Base Hospital.”</p> <p>The Fourth Schedule shall, as on from and after the passing of this Act, be amended as follows:—</p> <p>(a) For the word “Doncaster” there shall be substituted the words “Doncaster and Templestowe”;</p> <p>(b) For the word “Mentone” there shall be substituted the word “Mordialloc”; and</p> <p>(c) After the word “Richmond” there shall be inserted the word “Ringwood”.</p>
No. 3701	<i>Income Tax Act 1928</i>	<p>In sub-section (7) of section seven, for the expression “he” there shall be substituted the word “be”.</p> <p>In section twenty-nine, for the words “any of the three” there shall be substituted the words “either of the two”.</p> <p>At the end of section seventy-one, there shall be inserted the following sub-section:— “(6) Notwithstanding anything to the contrary in any Act, no income tax for any current year shall (except in the case of unemployment relief tax under the law relating thereto) be payable before the first day of January in such year.”</p>
No. 3706	<i>Instruments Act 1928</i>	<p>In section forty, for the words “one shilling” there shall, as on from and after the passing of this Act, be substituted the words “Two shillings”.</p> <p>In section one hundred and twenty, for the words “Five shillings” there shall, as on from and after the passing of this Act, be substituted the words “Six shillings”.</p>

SCHEDULE

SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.			
No. 3707	<i>Juries Act</i> 1928	<p>In section sixty-four, for the expression "furnish the names of the jurors (and in the case of every civil inquest and also in the case of a criminal inquest where there are on the panel two or more jurors of the same name) with their additions" there shall be substituted the expression "furnish the names or (as the case may be) the names with their additions of the jurors"; and at the end of the section there shall be inserted the following sub-section:—</p> <p>"(2) (a) In the case of every civil inquest the names with additions of all the jurors on the panel shall be furnished and written as aforesaid;</p> <p>(b) In the case of a criminal inquest where there are on the panel two or more persons of the same name the names of those persons with additions but the names only of other persons on the panel shall be furnished and written as aforesaid; and</p> <p>(c) In the case of every other criminal inquest the names only of all the jurors on the panel shall be furnished and written as aforesaid."</p>			
No. 3708	<i>Justices Act</i> 1928	In section one hundred and eighty-four, for the expression "Notwithstanding" there shall be substituted the word "Notwithstanding".			
No. 3709	<i>Land Act</i> 1928	In paragraph (b) of sub-section (5) of section two hundred and eleven, for the expression "Twelfth" there shall be substituted the word "Twelfth".			
No. 3711	<i>Lands Compensation Act</i> 1928	In section thirty-two, for the words "surveyor and valuator" there shall be substituted the words "surveyor or valuator".			
No. 3720	<i>Local Government Act</i> 1928	In section one, for the expression "Part XXIII.—Weight to be carried on Vehicles, ss. 620-632" there shall be substituted the expression—			
		<table border="0"> <tr> <td style="vertical-align: middle;">"Part XXIII.— Weight to be carried on Vehi- cles. ..</td> <td style="font-size: 3em; vertical-align: middle;">}</td> <td style="vertical-align: middle;">Division 1.—General, s. 620. Division 2.—Deter- mination of Weight by Width of Tires, ss. 621-632."</td> </tr> </table>	"Part XXIII.— Weight to be carried on Vehi- cles. ..	}	Division 1.—General, s. 620. Division 2.—Deter- mination of Weight by Width of Tires, ss. 621-632."
"Part XXIII.— Weight to be carried on Vehi- cles. ..	}	Division 1.—General, s. 620. Division 2.—Deter- mination of Weight by Width of Tires, ss. 621-632."			

SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
No. 3720 —cont.	<i>Local Government Act</i> 1928 — continued.	<p>In paragraph (c) of sub-section (2) of section three, for the word "districts" there shall be substituted the word "district".</p> <p>In sub-section (2) of section eighty-five, for the expression "whch" there shall be substituted the word "which".</p> <p>In sub-paragraph (i.) of paragraph (a) of sub-section (7) of section one hundred and ninety-seven, for the expression "street sand roads" there shall be substituted the words "streets and roads".</p> <p>In section two hundred and five, before the words "Every by-law" there shall be inserted the expression "(1)".</p> <p>In section two hundred and thirty-five, after the words "same were purchased" there shall be inserted the words "or acquired".</p> <p>For sub-section (2) of section five hundred and twenty-five there shall, as on from and after the passing of this Act, be substituted the following sub-section:—</p> <p>"(2) The land and soil of any such street or road so discontinued shall vest in the municipality and may be sold by the municipality for such sum as is agreed upon, or in accordance with this sub-section is ascertained, and with respect thereto the following provisions shall have effect:—</p> <p>(a) The council shall first offer the land for sale to the person or to the several persons whose lands immediately adjoin the land so proposed to be sold, such persons being capable of entering into a contract for the purchase of such land;</p> <p>(b) Where more than one such person is entitled to such right of pre-emption the offer shall be made to such persons in succession one after another in such order as the council thinks fit;</p> <p>(c) If any such persons are desirous of purchasing such land within three months after such offer of sale they shall signify their desire in that behalf to the council;</p>

SCHEDULE

SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
No. 3720 —cont.	<i>Local Government Act 1928</i> — continued.	<p>(d) If they decline such offer or if within three months they neglect to signify their desire to purchase such land the right of pre-emption of every such person declining or neglecting in respect of the land included in such offer shall cease ;</p> <p>(e) A declaration in writing made before a justice by some person not interested in the matter in question stating that such offer was made and was refused or not accepted within three months from the time of making the same or that the person or all the persons entitled to the right of pre-emption were out of Victoria or could not after diligent inquiry be found or were not capable of entering into a contract for the purchase of such land shall in all courts be sufficient evidence of the facts therein stated ;</p> <p>(f) If any person entitled to such pre-emption is desirous of purchasing any such land and such person and the municipality do not agree as to the price thereof then such price shall be ascertained by arbitration under the <i>Arbitration Act 1928</i>.</p> <p>Upon payment or tender to the municipality of the purchase money so agreed upon or ascertained as aforesaid the municipality shall transfer such land to the purchaser thereof and the provisions of section forty-six of the <i>Transfer of Land Act 1928</i> shall apply thereto accordingly."</p> <p>In section five hundred and seventy-three, after the word "subdivision" there shall be inserted the words "and division ten of this Part".</p> <p>After the heading immediately preceding section six hundred and twenty, there shall be inserted the heading "DIVISION 1.—GENERAL."</p>

SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
No. 3720 —cont.	<i>Local Government Act 1928</i> — continued.	<p>After section six hundred and twenty, there shall be inserted the heading “DIVISION 2.—DETERMINATION OF WEIGHT BY WIDTH OF TIRES”.</p> <p>In section six hundred and fifty-seven, for the words “the Commissioners or the council (as the case may be)” (wherever occurring) there shall be substituted the words “any council.”</p> <p>In sub-section (2) of section eight hundred and fifty-nine, for the words “private and” there shall be substituted the words “private land”.</p>
No. 3722	<i>Maintenance Act 1928</i>	<p>In section ten, for the word “appear” there shall be substituted the word “appears”.</p> <p>In paragraph (ii) of sub-section (8) of section fifteen, after the word “circumstances” the word “not” shall be repealed; and for the word “became” there shall be substituted the word “become”.</p>
No. 3731	<i>Melbourne and Metropolitan Board of Works Act 1928</i>	<p>At the end of section two, there shall be inserted the following words:—“All Orders in Council regulations and by-laws made under any enactment hereby repealed or any corresponding previous enactment and in force at the commencement of this Act shall continue in force until they are respectively repealed hereunder and this Act shall apply to all such Orders in Council regulations and by-laws as if the same were made under the provisions of this Act.”</p> <p>In the interpretation of “Metropolis” in section three (as amended by sub-section (1) of section two of the <i>Melbourne and Metropolitan Board of Works Act 1929</i>), after the words “Governor in Council” (where first occurring) there shall be inserted the words “under the Melbourne and Metropolitan Board of Works Acts”; and after the words “Governor in Council” (where occurring for the second time) there shall be inserted the words “under the said Acts”.</p> <p>In section one hundred and fifty, for the word “express” there shall be substituted the word “expresses”.</p>

SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
No. 3731 —cont.	<i>Melbourne and Metropolitan Board of Works Act 1928</i> — continued.	<p>In section one hundred and fifty-one, for the word “consider” there shall be substituted the word “considers”.</p> <p>In paragraph (c) of section two hundred and thirty-eight, after the words “shall from time to” there shall be inserted the word “time”.</p> <p>In sub-section (2) of section two hundred and fifty, for the expression “or or” there shall be substituted the word “or”.</p> <p>In the First Schedule, in the column headed “Extent of Repeal” for the word “otherwise” there shall be substituted the word “already”.</p> <p>In the Eighth Schedule, for the words “Stoney Creek” there shall be substituted the words “Stony Creek”.</p>
No. 3732	<i>Melbourne and Metropolitan Tramways Act 1928</i>	<p>In section twenty-six, before the words “The Board may apply” there shall be inserted the expression “(1)”.</p> <p>In section thirty-four, for the words “Board under that Act” there shall be substituted the words “Board under this Act or any corresponding previous enactment”.</p>
No. 3736	<i>Milk and Dairy Supervision Act 1928</i>	<p>In the interpretation of “Sell” in section three, for the words “and ‘sale’ has” there shall be substituted the words “and ‘sale’ and ‘sold’ have”.</p> <p>In sub-section (2) of section forty-seven, for the word “operations” there shall be substituted the word “operation”.</p> <p>In section eighty-four—</p> <p>(a) before the words “In this Part” the expression “(1)” shall be repealed; and</p> <p>(b) after the interpretation of “Regulations” there shall be inserted the following interpretation:—</p> <p>“ ‘To sell’ includes to barter or to exchange; and also includes to offer or attempt to sell or receive for sale or have in possession for sale or expose for sale or send forward or deliver for sale or cause or suffer or allow</p>

SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
No. 3736 — cont.	<i>Milk and Dairy Supervision Act 1928</i> — continued.	to be sold offered or exposed for sale and refers only to selling for human consumption; and 'sale' and 'sold' have a corresponding interpretation."
No. 3741	<i>Motor Car Act 1928</i>	In the interpretation of "Trailer" in section three, after the words "drawn by" there shall be inserted the word "a".
No. 3742	<i>Motor Omnibus Act 1928</i>	In paragraph (b) of sub-section (2) of section three, after the words "last paragraph" there shall be inserted the words "but one".
No. 3743	<i>Municipal Endowment Act 1928</i>	In section seven, for the words "shall be one-half the sum" there shall be substituted the words "shall be the sum".
No. 3748	<i>Poisons Act 1928</i>	In paragraph (b) of sub-section (1) of section seventeen, for the expression "photography; or" there shall be substituted the expression "photography); or".
No. 3757	<i>Public Service Act 1928</i>	In paragraph (a) of sub-section (1) of section forty-nine, for the expression "practioner" there shall be substituted the word "practitioner."
No. 3759	<i>Railways Act 1928</i>	In sub-section (3) of section ninety-one, after the words "of this" there shall be inserted the words "and of the last preceding."
		Section one hundred and eleven shall be amended as follows:—
		(a) Sub-sections (3) and (4) shall be repealed;
		(b) In sub-section (5)—
		(i) for the expression "(5) In" there shall be substituted the expression "(3) In"; and
		(ii) the interpretation of "Government security" or "Government securities" shall be repealed; and
		(c) At the end of the section there shall be inserted the following sub-section—
		“(4) This section shall be read and construed as subject to the provisions of the <i>Commonwealth and States Financial Agreement Act 1927</i> ”.

SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
No. 3772	<i>Sewerage Districts Act 1928</i>	In sub-section (3) of section seventy-one, for the words "Victorian Loans Redemption Fund" there shall be substituted the words "State Loans Repayment Fund".
No. 3775	<i>Stamps Act 1928</i>	In the section immediately preceding section forty-six, for the figures "45" there shall be substituted the expression "(5)". In section fifty-five (as amended by section four of the <i>Stamps Act 1929</i>), for the words "Any penalty under this section may be recovered in any court of petty sessions as a civil debt recoverable summarily" there shall be substituted the words "An information for any offence under this section may be laid".
No. 3777	<i>State Savings Bank Act 1928</i>	In sections one hundred and eight and one hundred and fifteen, for the expression "Notwithstanding" there shall be substituted the word "Notwithstanding".
No. 3781	<i>Street Trading Act 1928</i>	In the Schedule, for the figures "421" there shall be substituted the figures "3421".
No. 3783	<i>Supreme Court Act 1928</i>	In section one and in the heading of division ten of Part VII., after the words "in respect of Conveyancing" there shall be inserted the words "and certain other".
No. 3786	<i>Theatres Act 1928</i>	In sections five, six and nine, and in sub-section (2) of section ten, and in sections eleven, twelve, seventeen and thirty-six, for the words "this Act" (wherever occurring) there shall be substituted the words "this Part."
No. 3793	<i>Trustee Companies Act 1928</i>	In the Second Schedule— (a) for the words "THE UNION TRUSTEES EXECUTORS AND ADMINISTRATORS COMPANY LIMITED" there shall be substituted the words "THE UNION TRUSTEE COMPANY OF AUSTRALIA LIMITED"; and (b) the word "THE" immediately preceding the words "NATIONAL TRUSTEES EXECUTORS AND AGENCY COMPANY OF AUSTRALASIA LIMITED" shall be repealed.

SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
No. 3801	<i>Water Act</i> 1928	At the end of section two hundred and seventy-four there shall be inserted the following expression:— “This section shall be read and construed as subject to the provisions of the <i>Commonwealth and States Financial Agreement Act 1927</i> ”.
No. 3804	<i>Wire Netting Act</i> 1928	In section sixteen, for the words “Victorian Loans Redemption Fund”, and in section twenty-five, for the words “Victorian Loan Redemption Fund”, there shall be substituted the words “State Loans Repayment Fund”.
No. 3816	<i>Statute Law Revision Act</i> 1929	In the portion of Schedule A relating to section six of the <i>Petrol Pumps Act 1928</i> , for the word “Governments” there shall be substituted the word “Government”.
No. 3818	<i>Police Offences (Race-meetings) Act</i> 1929	In section twelve as amended by sub-section (1) of section five of the <i>Sessional Acts Revision Act 1929</i> , for the expression “sub-section (13)” there shall be substituted the expression “sub-section (9)”.
No. 3861	<i>Totalizator Act</i> 1930	In section twelve, after the figures “1928” there shall be inserted the expression “or of section five of the <i>Police Offences (Race-meetings) Act 1929</i> ”.