

No. 4191.

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

[29th December, 1933.]

**B**E 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) :—

1. This Act may be cited as the *Statute Law Revision Act 1933*. Short title.

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. Amendments to be made in Acts. Schedule.

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

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. Issuing by Government Printer of Acts mentioned in Schedule.

SCHEDULE.

## Section 2.

## SCHEDULE.

Number of Act.	Title of Act.	Nature of Amendment.
No. 3544	<i>Victorian Government Stock Act 1927</i>	In sub-section (1) of section five— (a) for the word “of” (where first occurring) there shall be substituted the word “in”; and (b) for the word “in” (where first occurring) there shall be substituted the word “of”.
No. 3605	<i>Adoption of Children Act 1928</i>	In sub-section (5) of section seven, before the words “as amended by any Act” there shall be inserted the words “or the provisions of such sections”; and before the words “as so amended” there shall be inserted the words “or the said sections”.
No. 3629	<i>Acts Enumeration and Revision Act 1928</i>	In Part I. of the Second Schedule, in the column headed “Enactment and Year of Enactment”, after the expression “No. 3143 so far” there shall be inserted the word “as”.
No. 3632	<i>Administration and Probate Act 1928</i>	In sub-section (2) of section twelve, for the words “the last preceding section” there shall be substituted the words “the last preceding sub-section”. In sub-section (1) of section thirteen, after the words “last surviving” there shall be inserted the word “proving”. At the end of sub-section (5) of section twenty-five, there shall be inserted the words “Actions of debt shall be maintainable and shall be deemed always to have been maintainable on simple contract against executors or administrators.” In sub-section (1) of section twenty-eight, for paragraphs (a) and (b) there shall be substituted the words “any payment made by him which might properly be made by a personal representative”. In sub-section (2) of section thirty-two, for the words “twenty-fifth day of May” there shall be substituted the words “first day of September”. In section forty-five, in section forty-six, and in sub-sections (1) and (2) of section forty-seven, the words “the whole of” immediately preceding the words “his residuary estate” or “his or her residuary estate” or “her residuary estate” (as the case may be) shall be repealed.

## SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
No. 3632 —cont.	<i>Administration and Probate Act 1928—continued.</i>	<p>In sub-paragraph (v.) of paragraph (f) of sub-section (1) of section forty-seven, before the words "brothers' or sisters' children" there shall be inserted the words "when they take as representatives".</p> <p>In sub-paragraph (vi.) of paragraph (f) of sub-section (1) of section forty-seven, before the words "all such children" there shall be inserted the words "such children shall not take as representatives and".</p> <p>In paragraph (3) of section fifty-one, for the words "the Court" (wherever occurring) there shall be substituted the words "the Court or a judge".</p> <p>In paragraph 3. of Part II. of the Second Schedule, after the word "bequeathed" there shall be inserted the words "or directed to be sold"; and in the said Part the order of paragraphs 2., 3. and 4. shall be changed and the said paragraphs shall be re-numbered so that the present paragraph 2. shall become paragraph 4., the present paragraph 3. as so amended shall become paragraph 2., and the present paragraph 4. shall become paragraph 3.</p> <p>In Part III. of the Tenth Schedule, for the words "brother or sister or by any person" there shall be substituted the words "brother or sister or is any person".</p>
No. 3648	<i>Business Names Act 1928</i>	<p>In section three, the interpretation of "Usual name" shall be repealed.</p> <p>In section twenty-five, before the words "No person or firm" the expression "(1)" shall be repealed.</p>
No. 3652	<i>Cemeteries Act 1928</i>	<p>In sub-section (1) of section fifty-one, for the words "and forty-eight" there shall be substituted the words "or forty-eight".</p>
No. 3659	<i>Companies Act 1928</i>	<p>In section three hundred and twenty, for the words "which names" there shall be substituted the word "names".</p>
No. 3664	<i>Crimes Act 1928</i>	<p>In sub-section (3) of section one hundred and ninety-seven, for the words "fine or" there shall be substituted the words "fine of".</p> <p>In section three hundred and twenty-one, for the expression "construction" there shall be substituted the word "construction".</p>

See *Wills Act*  
1915 s. 35.

## SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
No. 3664 —cont.	<i>Crimes Act 1928</i> —continued.	<p>In paragraph (f) of section four hundred and thirty-two, for the word “there” there shall be substituted the word “their”.</p> <p>In sub-section (1) of section four hundred and seventy-eight, after the words “and thereupon” there shall be inserted the words “to affirm or quash a conviction or”; for the words “in case of reversing any judgment” there shall be substituted the words “in case of quashing any conviction or reversing any judgment”; the words “to avoid such judgment and to” shall be repealed; and for the words “may refrain from reversing or avoiding the judgment” there shall be substituted the words “may refrain from quashing the conviction or reversing the judgment”.</p> <p>In sub-sections (2) and (3) of the said section four hundred and seventy-eight, the words “or avoided” shall be repealed.</p>
No. 3672	<i>Electric Light and Power Act 1928</i>	<p>In sub-section (1) of section thirty-one, after the word “control” there shall be inserted the word “of”.</p> <p>In sub-section (3) of section forty-three, for the words “hereby repealed” there shall be substituted the expression “repealed by the <i>Electric Light and Power Act 1915</i> or by this Act”.</p>
No. 3677	<i>Factories and Shops Act 1928</i>	<p>In sub-section (1) of section sixty-two, for the expression beginning with the words “removed or not properly adjusted” and ending with the words “Twenty pounds” there shall be substituted the following expression :—</p> <p>“removed or not properly adjusted—</p> <p>(i) in the case where such machine is not hired such person and the owner of such machine; and</p> <p>(ii) in the case where such machine is hired such person and the hirer of such machine—</p> <p>shall be severally guilty of an offence against this Act and shall be liable to a penalty of not more than Twenty pounds.”</p>

## SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
No. 3678	<i>Farm Produce Agents Act</i> 1928	In sub-section (1) of section eighteen, for the words "court of judge" there shall be substituted the words "court or judge".
No. 3691	<i>Geelong Harbor Trust Act</i> 1928	In section one hundred and thirteen, for the expression "Exery" there shall be substituted the word "Every".
No. 3692	<i>Geelong Water-works and Sewerage Act</i> 1928	In section ninety-eight, for the words "houses block" there shall be substituted the words "houses or block".
No. 3694	<i>Goods Act</i> 1928	In sub-section (2) of section ninety-one, after the word "is" there shall be inserted the word "in".
No. 3697	<i>Health Act</i> 1928	<p>In section two hundred and seventy-two, in the interpretation of "Meat inspector", for the word "his" there shall be substituted the word "this".</p> <p>In section three hundred and twenty-two, after the word "go" there shall be inserted the word "to".</p> <p>In the Fourth Schedule, for the description of the Dandenong Meat Area there shall be substituted the following description thereof:—</p> <p>"The shire of Dandenong and that part of the shire of Berwick described in the <i>Government Gazette</i> of the 12th day of September, 1928."</p>
No. 3698	<i>Horse Breeding Act</i> 1928	In section eleven, after the word "officer" there shall be inserted the word "or".
No. 3701	<i>Income Tax Act</i> 1928	In section twenty-four as amended by section five of the <i>Income Tax Act</i> 1930, for the word "sub-section" there shall be substituted the word "section".
No. 3706	<i>Instruments Act</i> 1928	<p>In section sixty-three, for the expression "hall" there shall be substituted the word "shall".</p> <p>For sub-section (3) of section one hundred and twenty-seven there shall be substituted the following sub-section:—</p> <p>"(3) In this Division the word 'bankruptcy' and the word 'purchaser' shall have the meanings respectively assigned to them in section eighteen of the <i>Property Law Act</i> 1928."</p>

## SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
No. 3707	<i>Juries Act 1928</i>	At the end of paragraph (a) of section six, there shall be inserted the word "or".
No. 3708	<i>Justices Act 1928</i>	<p>In section eighty-one, after the words "civil debts recoverable summarily" there shall be inserted the words "or causes of action determinable summarily".</p> <p>In sub-section (3) of section ninety-four, after the word "sub-section" there shall be inserted the words "or a complaint for a cause of action determinable summarily".</p> <p>In sub-section (2) of section one hundred and fifteen, for the expression "succeeding" there shall be substituted the word "succeeding".</p> <p>In section one hundred and sixteen, for the words "term not more" there shall be substituted the words "term of not more."</p> <p>In sub-section (1) of section one hundred and seventy-nine, after the words "permitting a copy thereof to be taken" there shall be inserted the words "by the person demanding the same".</p>
No. 3709	<i>Land Act 1928</i>	In sub-section (1) of section seventy-four, for the expression "specified" there shall be substituted the word "specified".
No. 3715	<i>Legal Profession Practice Act 1928</i>	<p>For sub-section (7) of section fourteen, there shall be substituted the following sub-section:—</p> <p>"(7) Any rules so made shall be published in the <i>Government Gazette</i> and shall come into operation after the expiration of one month from their transmission to the Governor in Council or from any later date prescribed therein unless their operation is postponed by Order in Council made under the provisions of the last preceding sub-section. Any such rules may within one month after the same have been laid before Parliament be disallowed by resolution of either House of Parliament and any rules so disallowed shall thenceforth become void and of no effect but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same."</p>

Comp.  
Supreme Court  
Act 1928 s. 27  
(3).

## SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
No. 3715 —cont.	<i>Legal Profession Practice Act 1928</i> — continued.	Section twenty shall be repealed. At the end of section twenty-one, there shall be inserted the words “ Provided that for the purposes of this section and of any rules made or to be made thereunder and subject otherwise to the provisions of this section a law agent of Scotland duly enrolled as such shall be deemed to be duly admitted and entitled to practise as a legal practitioner in the superior courts of Scotland.”
No. 3720	<i>Local Government Act 1928</i>	<p>In section one hundred and four, for the words “ of such sub-division ” there shall be substituted the words “ or such sub-division ”.</p> <p>In paragraph (c) of section three hundred and thirty-one, for the words “ at on upon or any ” there shall be substituted the words “ at on or upon any ”.</p> <p>In sub-section (1) of section three hundred and ninety, for the expression— “ borrowed for— (a) Permanent works ”— there shall be substituted the expression— “ borrowed— (a) For permanent works ”.</p> <p>Section three hundred and ninety-one shall be amended as follows:— (a) In paragraph (14), for the word “ road ” (where first occurring) there shall be substituted the word “ roads ”; and (b) In paragraph (16), after the words “ any term right ” there shall be inserted the word “ or ”.</p> <p>In section five hundred and eleven, for the words “ work of undertaking ” there shall be substituted the words “ work or undertaking ”.</p> <p>In sub-section (4) of section six hundred and fourteen, for the words “ this sub-section ” there shall be substituted the words “ the last preceding sub-section ”.</p> <p>In paragraph (b) of sub-section (1) of section six hundred and twenty-four, for the word “ vehicles ” there shall be substituted the word “ vehicle ”.</p>

## SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
No. 3720 —cont.	<i>Local Government Act 1928</i> —continued.	<p>Part X. of the Thirteenth Schedule shall be amended as follows:—</p> <p>(a) In paragraph 21, for the words “within any such case aforesaid” there shall be substituted the words “in any such case aforesaid within”; and</p> <p>(b) In paragraph 78, for the words “registry such book” there shall be substituted the words “register book”.</p> <p>In the Twentieth Schedule, for the words “state or interest” there shall be substituted the words “estate or interest”.</p> <p>In the Twenty-first Schedule, for the expression “192 .” there shall be substituted the expression “19 .”.</p> <p>In the Twenty-fourth Schedule, at the end of Form “A”, for the words “in the year of” there shall be substituted the words “in the year”.</p>
No. 3726	<i>Marriage Act 1928</i>	In section one hundred and six, for the words “their respective parents” there shall be substituted the words “the parties or either of them”.
No. 3730	<i>Medical Act 1928</i>	<p>In sub-section (3) of section forty-three, for the words “under this Act” there shall be and, as on from and after the twelfth day of February One thousand nine hundred and twenty-nine, be deemed to have been substituted the words “under this Part”.</p> <p>In paragraph 3. of the Fourth Schedule, for the words “King and Queen’s” there shall be substituted the word “Royal”; and in paragraph 6. of the said Schedule, before the word “Faculty” there shall be inserted the word “Royal”.</p>
No. 3733	<i>Melbourne Harbor Trust Act 1928</i>	In section one hundred and fifty-four, for the words “the last preceding section” there shall be substituted the words “section one hundred and fifty-two of this Act”.



SCHEDULE—*continued.*

Number of Act.	Title of Act.	Nature of Amendment.
No. 3737	<i>Mines Act 1928</i>	In the Twenty-second Schedule and the Twenty-third Schedule, for the words "at ten o'clock in the forenoon" there shall be substituted the expression "at o'clock in the noon".
No. 3740	<i>Money Lenders Act 1928</i>	In sub-section (2) of section nine, for the expression "enforcable" there shall be substituted the word "enforceable".
No. 3742	<i>Motor Omnibus Act 1928</i>	In section sixty, for the words "or after a conviction" there shall be substituted the words "after a conviction".
No. 3771	<i>Settled Land Act 1928</i>	In sub-section (1) of section fifty-two, for the word "granted" (where occurring for the third time) there shall be substituted the word "regranted".
No. 3775	<i>Stamps Act 1928</i>	In sub-section (2) of section fifty-six, after the word "penalty" there shall be inserted the word "of".
No. 3776	<i>State Electricity Commission Act 1928</i>	In the title, after the word "Commission" there shall be inserted the words "of Victoria". In the Second Schedule, for the words "Port Melbourne Line" there shall be substituted the words "Port Melbourne Railway Line".
No. 3792	<i>Trustee Act 1928</i>	In sub-section (2) of section twenty-three, for the word "insurances" there shall be substituted the word "assurances". In sub-section (3) of section thirty-four, for the words "the last preceding section" there shall be substituted the words "this section". In the Second Schedule, for the words "A date not less than one month from date of advertisement" there shall be substituted the words "A date not less than two months from date of advertisement".
No. 3795	<i>University Act 1928</i>	In paragraph (g) of sub-section (3) of section thirty-seven, for the expression " <i>Trusts Act 1928</i> " there shall be substituted the expression " <i>Trustee Act 1928</i> ".

SCHEDULE

## SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
No. 3803	<i>Wills Act 1928</i>	<p>In sub-section (2) of section ten—</p> <p>(a) in paragraph (a), for the words “on active military” there shall be substituted the words “in actual military”; and</p> <p>(b) in paragraph (b), for the words “on actual military” there shall be substituted the words “in actual military”.</p>
No. 3806	<i>Workers' Compensation Act 1928</i>	<p>Section thirty-three shall be repealed.</p> <p>In paragraph (5) of the Second Schedule—</p> <p>(a) before the words “The payment in the case of death” there shall be inserted the expression “(a)”; and</p> <p>(b) at the end of the paragraph there shall be inserted the following subparagraph:—</p> <p>“(b) Notwithstanding anything in this Schedule or in sub-section (9) of section thirteen of this Act payments into and out of a county court pursuant to this Schedule or the said section may subject to the rules and in such cases or in any cases in such parts of Victoria as are provided by the rules be made into and out of a court of petty sessions where the clerk of petty sessions is a member of the Clerical division of the public service of Victoria.”</p>
No. 3807	<i>Wrongs Act 1928</i>	<p>In sub-section (1) of section five, for the words “proceedings of and meeting” there shall be substituted the words “proceedings of any meeting”.</p>
No. 3976	<i>Financial Emergency (Amendment) Act 1931 (No. 2)</i>	<p>In section one, before the words “This Act” (where first occurring) the expression “(1)” shall be repealed.</p>
No. 4004	<i>Cultivation Advances Act 1931</i>	<p>In sub-section (2) of section one, the words “Save as otherwise expressly provided in this Act” shall be repealed.</p>
No. 4010*	<i>Health Act 1931</i>	

\* Note that in copies of the sessional volume of Acts for 1931 two errors were made in re-printing section fifteen of the *Health Act 1931*. They should be corrected as follows:—

After “method” omit “or” and insert “of”; and  
 After “before” omit “of” and insert “or”.

SCHEDULE

## SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
No. 4017	<i>Administration and Probate Duties Act 1931</i>	In the title, the expression "and to increase the Duties payable under Part VI. of the <i>Administration and Probate Act 1928</i> and under the <i>Administration and Probate Duties Act 1929</i> and under the said Part III." shall be repealed.
No. 4038	<i>Country Roads Board Fund Act 1932</i>	In section four, the words "in any financial year" shall be repealed.
No. 4043	<i>Government Advances (Reduction of Interest) Act 1932</i>	In the Schedule, for the expression "sub-paragraph (i) of paragraph (2)" there shall be substituted the expression "sub-clause (1) of clause 2".
No. 4056	<i>Income Tax Acts Amendment Act 1932</i>	<p>In sub-section (1) of section nine, before the word "pages" there shall be inserted the word "the".</p> <p>In section twenty, for the words "this Act" (wherever occurring) there shall be substituted the words "this Part".</p> <p>In sub-section (3) of section twenty-two, for the words "payment of whole" there shall be substituted the words "payment of the whole".</p>
No. 4057	<i>Unemployment Relief (Taxation) Act 1932</i>	<p>At the end of paragraph (b) of sub-section (1) of section seven, the word "and" shall be repealed.</p> <p>In paragraph (b) of sub-section (2) of section fifteen, after the words "this Part" there shall be inserted the words "of this Act".</p>
No. 4081	<i>Local Government (Debentures) Act 1932</i>	In sub-section (4) of section three, for the words "such overdue principal" there shall be and, as on from and after the twenty-ninth day of December One thousand nine hundred and thirty-two, be deemed to have been substituted the words "the postponed principal".
No. 4091	<i>Closer Settlement Act 1932</i>	<p>In section two, for the word "Part" there shall be substituted the word "Act".</p> <p>In paragraph (c) of sub-section (1) of section twenty, for the word "amended" (wherever occurring) there shall be substituted the word "modified".</p> <p>In sub-section (2) of section twenty-one, after the word "authorities" there shall be inserted the word "immunities".</p>

## SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
No. 4091 —cont.	<i>Closer Settlement Act 1932</i> —continued.	<p>In sub-section (1) of section thirty, before the expression “pursuant to Part I.” the word “or” shall be repealed.</p> <p>In sub-section (5) of section thirty, for the word “think” there shall be substituted the word “thinks”.</p> <p>In section thirty-two, before the words “On the thirtieth” the expression “(1)” shall be repealed.</p> <p>For sub-paragraph (ii) of paragraph (b) of clause 8 of the Second Schedule, there shall be substituted the following sub-paragraph:—</p> <p>“(ii) for the words ‘he may direct the Board to waive the insertion of or to’ there shall be substituted the words ‘the Commission may waive the insertion of or may’”.</p> <p>In paragraph (c) of clause 34 of the Second Schedule, before the word “there” there shall be inserted the expression “(where occurring for the second time)”.</p> <p>For clause 10 of the Third Schedule there shall be substituted the following clause:—</p> <p>“10. In section fifty-six, after the word ‘Board’ (where occurring for the second and third times) there were inserted the expression ‘or the Commission (as the case may be)’”.</p> <p>For paragraph (c) of clause 13 of the Third Schedule, there shall be substituted the following paragraph:—</p> <p>“(c) In sub-section (6), for the words ‘Minister may if he’ there were substituted the words ‘Commission if it’”.</p> <p>In paragraph (d) of clause 18 of the Third Schedule, after the expression “paragraph (f)” there shall be inserted the expression “and in paragraph (f) of the said section as amended by section three of the <i>Land Act 1932</i>”.</p> <p>In sub-paragraph (ii) of paragraph (a) of clause 34 of the Third Schedule, after the words “Governor in Council” there shall be inserted the expression “(where first occurring)”.</p>

## SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
No. 4091 —cont.	<i>Closer Settlement Act 1932</i> —continued.	<p>At the end of paragraph (d) of clause 48 of the Third Schedule, there shall be inserted the expression “; and for the words ‘he thinks’ there were substituted the words ‘it thinks’”.</p> <p>In paragraph (e) of clause 55 of the Third Schedule, for the words “the word ‘Commission’” there shall be substituted the words “the words ‘Closer Settlement Commission’”.</p> <p>At the end of paragraph (f) of the said clause 55, there shall be inserted the expression “and for the words ‘his discretion’ there were substituted the words ‘its discretion’; and for the words ‘he thinks’ there were substituted the words ‘it thinks’.”</p>
No. 4095	<i>Land Act 1932</i>	In section six, after the words “metropolis or” there shall be inserted the word “the”.
No. 4099	<i>Firearms Act 1932</i>	<p>Section eight and the Schedule shall be and, as on from and after the twenty-ninth day of December One thousand nine hundred and thirty-two, be deemed to have been repealed; and, notwithstanding anything in any Act, the Second Schedule to the <i>Firearms Act 1928</i> shall be and, as on from and after the said day, be deemed to have been revived.</p> <p>In section sixteen, for the words “under the Principal Act as amended by this Act” there shall be substituted the words “under the Firearms Acts which is punishable by summary conviction”.</p>
No. 4106	<i>Financial Emergency (Mortgages) Act 1932</i>	In sub-section (2) of section nine, for the word “mortgagee” (where last occurring) there shall be substituted the word “mortgagor”.
No. 4109	<i>Financial Emergency (Continuation) Act 1933</i>	<p>In paragraph (a) of sub-section (1) of section six, before the words “there shall” there shall be inserted the expression “(where first occurring)”.</p> <p>In section eleven, after the word “Part” there shall be inserted the words “of this Act”.</p> <p>In sub-section (1) of section thirteen, for the words “this Act” there shall be substituted the words “this Part”.</p>

## SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendments.
No. 4116	<i>University Act</i> 1933	In section one, for the word "enactment" (wherever occurring) there shall be substituted the word "enactments".
No. 4120	<i>Geelong Water works and Sewerage Act</i> 1933	In paragraph (a) of section two, for the words "vice-chairman thereof each of whom shall hold" there shall be substituted the words "vice-chairman thereof each of whom may hold".
No. 4133	<i>Libraries (Amendment) Act</i> 1933	In section two, for the words "Principal Act" there shall be substituted the expression " <i>Libraries Act 1928</i> ".