

No. 4485.

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

[22nd November, 1937.]

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):—

1. This Act may be cited as the *Statute Law Revision Act 1937*. 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. The Government Printer of Victoria may, after receiving a certificate of a law officer in that behalf, issue copies of any of the Acts amended by this Act with the alterations additions omissions insertions and substitutions provided for by this Act. Issuing by Government Printer of Acts amended by this Act.

SCHEDULE.

Section 2.

SCHEDULE

Number of Act.	Title of Act.	Nature of Amendment.
No. 3324	<i>Black Rock to Beaumaris Electric Street Railway Act 1923</i>	In sub-section (6) of section six as amended by sub-paragraph (v) of paragraph (b) of section eight of the <i>Railways and Tramways (Contributions) Act 1936</i> , for the words "within boundaries" there shall be substituted the words "within the boundaries".
No. 3653	<i>Children's Court Act 1928</i>	In sub-section (2) of section thirteen, after the expression " <i>Children's Welfare Act 1928</i> " there shall be inserted the expression "(other than section twenty-four of the said Act)".
No. 3654	<i>Children's Welfare Act 1928</i>	In sub-section (1) of section twenty-one, for the words "next succeeding section" there shall be substituted the words "next succeeding sub-section". In section sixty, after the word "enforcing" there shall be inserted the word "of".
No. 3660	<i>The Constitution Act Amendment Act 1928</i>	In sub-section (3) of section thirty-nine, the words "or on any elector's right issued to her" shall be repealed. In sub-section (4) of section two hundred and forty-two, after the words "from the answers" there shall be inserted the words "to the questions". In sub-paragraph (i.) of paragraph (d) of sub-section (6) of section two hundred and forty-two, for the expression "declarations" there shall be substituted the word "declarations". In sub-section (1) of section two hundred and forty-six, for the expression "strike out the names of candidates from his ballot-paper or mark the same (as the case may require)" there shall be substituted the words "mark his ballot-paper". As on and from the first day of December One thousand nine hundred and thirty-six, in sub-paragraph (ii.) of paragraph (a) of section two hundred and sixty-two, for the words "votes under sections two hundred and forty-one and two hundred and forty-two of this Act" there shall be substituted the words "votes of un-enrolled voters and absent voters".

SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
No. 3660 —con- tinued.	<i>The Constitution Act Amend- ment Act 1928 — con- tinued.</i>	As on and from the first day of December One thousand nine hundred and thirty-six, in sub-paragraph (ii.) of paragraph (a) of section two hundred and sixty-three, for the words “votes under sections two hundred and forty-one and two hundred and forty-two of this Act” there shall be substituted the words “votes of un-enrolled voters and absent voters”.
No. 3677	<i>Factories and Shops Act 1928</i>	<p>In sub-section (3) of section fifty-four as amended by any Act, for the words “for factories only” there shall be substituted the words “under this Division”.</p> <p>In paragraph (a) of sub-section (3) of section one hundred and forty as amended by any Act, for the words “trade union concerned” there shall be substituted the words “trade union of employés in the trade concerned”.</p> <p>For sub-section (2) of section one hundred and sixty-five there shall be substituted the following sub-section :—</p> <p>“(2) The lowest prices or rates which may be determined under and pursuant to this Act by any Wages Board—</p> <p>(a) appointed to determine the lowest prices or rates which may be paid to any person or persons or classes of persons wheresoever employed in the occupation of a fireman boiler attendant or engine-driver in connexion with the use of steam-engines or boilers (other than steam-engines or boilers connected with mines); or</p> <p>(b) appointed under the provisions of paragraphs (a) (b) (c) or (d) of sub-section (1) of this section—</p> <p>for any person or persons or classes of persons shall be the lowest prices or rates to be paid to such person or persons or classes of persons wheresoever employed,</p>

SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
No. 3677 —con- tinued.	<i>Factories and Shops Act</i> 1928 — con- tinued.	<p data-bbox="929 526 1579 681">notwithstanding that any other rates are determined with respect to such person or persons or classes of persons by any other Wages Board."</p> <p data-bbox="878 736 1579 898">In section one hundred and ninety-two, after the words "indenture of apprenticeship" there shall be inserted the word "is".</p> <p data-bbox="878 945 1579 1108">Section two hundred and three as re-enacted by sub-section (1) of section twenty-eight of the <i>Factories and Shops Act</i> 1934 shall be amended as follows:—</p> <p data-bbox="929 1116 1579 1162">(a) In sub-section (1)—</p> <p data-bbox="1029 1170 1579 1461">(i) for the words "within the meaning of section twenty-three of this Act" there shall be substituted the words "to whom section twenty-three of this Act applies"; and</p> <p data-bbox="1029 1469 1579 1678">(ii) for the words "manufacturing such articles" there shall be substituted the words "manufacturing such a fabric or such articles";</p> <p data-bbox="929 1686 1579 1931">(b) In sub-section (4), before the words "for trade or sale" (where last occurring) there shall be inserted the words "as a fabric aforesaid or as articles aforesaid or as boots or shoes";</p> <p data-bbox="929 1939 1579 2183">(c) In sub-section (6), for the words "articles are" there shall be substituted the words "fabric or articles of clothing or wearing apparel or boots or shoes is or are"; and</p> <p data-bbox="929 2191 1579 2237">(d) In sub-section (9)—</p> <p data-bbox="1029 2246 1579 2417">(i) before the words "preceding sub-section" there shall be inserted the word "last"; and</p>

SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
No. 3677 —con- tinued.	<i>Factories and Shops Act</i> 1928 — con- tinued.	(ii) after the word “sign” (where- ever occurring) there shall be inserted the words “his name”.
No. 3697	<i>Health Act</i> 1928	In section sixty-four, for the words “as hereinbefore provided” there shall be substituted the words “as in this Act provided”.
No. 3708	<i>Justices Act</i> 1928	In sub-section (1) of section eighty-four, for the expression “petty pessions” there shall be substituted the words “petty sessions”.
No. 3720	<i>Local Govern- ment Act</i> 1928	Section sixteen as amended by any Act shall be amended as follows :— (a) In paragraph (2), the words begin- ning “or to declare” and ending “pounds, a borough” shall be repealed; and (b) At the end of paragraph (13) there shall be inserted the following paragraph :— “(14) To declare any shire in Victoria not exceeding in area nine square miles and having no point in such area distant more than six miles from any other point therein and containing a population of inhabitant house- holders not less than five hundred and containing rateable property capable of yielding upon a rate not exceeding One shilling in the pound on the annual value thereof estimated under the pro- visions of this Act a sum of Two thousand pounds, a borough”.
		In sub-paragraph (ii) of paragraph (d) of sub-section (1) of section one hundred and forty-four as re-enacted by section three of the <i>Local Government (Preferential Voting) Act</i> 1935, for the words “the the total” there shall be substituted the words “the total”.

SCHEDULE—*continued.*

Number of Act.	Title of Act.	Nature of Amendment.
No. 3720 — <i>con- tinued.</i>	<i>Local Govern- ment Act</i> 1928 — <i>con- tinued.</i>	<p>In paragraph (c) of sub-section (4) of section one hundred and ninety-seven, for the expression "paragraphs (i) and (ii) of this sub-section" there shall be substituted the expression "sub-paragraphs (i) and (ii) of paragraph (a) of this sub-section".</p> <p>In section four hundred and five as amended by any Act, for the words "the Principal Act" there shall be substituted the words "this Act".</p> <p>In clause nine of Part I. of the Thirteenth Schedule, for the words "such name" there shall be substituted the words "such number or name".</p>
No. 3721	<i>Lunacy Act</i> 1928	<p>As on and from the fourteenth day of February One thousand nine hundred and thirty-four, for sub-section (2) of section thirty-four as amended by section two of the <i>Mental Hygiene Act</i> 1933 there shall be substituted the following sub-section:—</p> <p>"(2) Every house or building being immediately before the commencement of the <i>Mental Hygiene Act</i> 1933 a hospital for the insane is hereby declared to be a mental hospital within the meaning of this Act."</p>
No. 3733	<i>Melbourne Harbor Trust Act</i> 1928	<p>In section one hundred and forty-three, for the words "Parliamentary Standing Committee on Railways" there shall be substituted the words "Public Works Committee".</p> <p>In Part II. of the Second Schedule, for the expression "Schedule A, Part I." there shall be substituted the expression "Part I. of this Schedule".</p>
No. 3741	<i>Motor Car Act</i> 1928	<p>In paragraph (d) under the heading "C.—<i>Motor cars other than motor cycles</i> :—" in the Second Schedule, for the words "Chief Commissioners is" there shall be substituted the words "Chief Commissioner is".</p>

SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
No. 3749	<i>Police Offences Act 1928</i>	<p>In section one hundred and twenty-one, for the expression— “written in Victoria or elsewhere) whereby— (a) it is made to appear” there shall be substituted the expression— “written in Victoria or elsewhere)— wherein or whereby— (a) it is made to appear”.</p>
No. 3806	<i>Workers' Compensation Act 1928</i>	<p>In the Fourth Schedule as re-enacted by sub-section (2) of section six of and the First Schedule to the <i>Workers' Compensation Act 1935</i>, for the figures “487 0 0” there shall be substituted the figures “487 10 0”.</p>
No. 4087	<i>State Electricity Commission (Borrowing) Act 1932</i>	<p>In sub-clause (1) of clause eight of Part II. of the Second Schedule, for the expression “standing in the names of G.M.” there shall be substituted the expression “standing in the name of G.M.”.</p>
No. 4271	<i>Agricultural Lime Act 1934</i>	<p>In sub-section (3) of section twelve, the word “importer” shall be repealed.</p>
No. 4275	<i>Factories and Shops Act 1934</i>	<p>In paragraph (e) of sub-section (1) of section twenty-nine, before the word “analyst's” there shall be inserted the word “official”.</p> <p>At the end of section three there shall be inserted the expression “or by or under Part I. of the <i>Public and Bank Holidays Act 1934</i>”.</p> <p>For sub-section (2) of section eight there shall be substituted the following sub-section:— “(2) No person shall authorize or permit— (a) any person who does not hold a licence as an outside worker under the <i>Factories and Shops Acts</i> to work on any day before half-past seven o'clock in the morning or after six o'clock in the evening or on a Saturday after two o'clock in the afternoon; or (b) any person whomsoever to work on a Sunday at any time whatever— in preparing or manufacturing or in partly preparing or manufacturing boots or shoes for trade or sale.”</p>

SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
No. 4275 —con- tinued.	<i>Factories and Shops Act 1934</i> — continued.	<p>In paragraph (b) of sub-section (2) of section twenty-eight, for the words "outside factory" there shall be substituted the words "outside a factory".</p> <p>In sub-section (1) of section thirty-six, for the words "those days" there shall be substituted the words "that day".</p> <p>In sub-section (4) of section forty, for the word "Order" there shall be substituted the words "Order in Council".</p>
No. 4276	<i>Milk Board Act 1934</i>	In paragraph (a) of section eight, for the word "inserted" there shall be substituted the word "substituted".
No. 4279	<i>Local Government Act 1934</i>	<p>In section twenty-three—</p> <p>(a) after the words "Principal Act shall" there shall be inserted the words "so far as applicable and"; and</p> <p>(b) after the words "extend and apply" there shall be inserted the words "to and in respect of such ouster".</p> <p>In sub-section (3) of section thirty-six, after the word "section" there shall be inserted the expression "thirty-nine of this Act and sub-section (3) of section three hundred and fifteen and section".</p> <p>In sub-section (2) of section sixty-one, after the words "Principal Act" there shall be inserted the words "or under the said section as extended or applied by any other Act".</p> <p>In paragraph (a) of sub-section (2) of section seventy-one, for the words "Notwithstanding that" there shall be substituted the words "Whether or not".</p> <p>In sub-section (1) of section seventy-eight—</p> <p>(a) in paragraph (a), the words "or repair" shall be repealed; and</p> <p>(b) the words "or repaired" (where first occurring) shall be repealed.</p>
No. 4288	<i>Public Works Committee Act 1935</i>	In the Third Schedule, for the words "his warrant" there shall be substituted the words "this warrant".

SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
No. 4333	<i>Health Act 1935</i>	In sub-section (6) of section two, for the words "This section shall" there shall be substituted the words "The foregoing provisions of this section shall".
No. 4359	<i>Mines (Petroleum) Act 1935</i>	In section twenty-one, for the words "The Minister may at any stage of the operations likely to endanger a petroleum deposit being conducted by the holder of a licence" there shall be substituted the words "Where any operations which are being conducted by the holder of a licence are likely to endanger a petroleum deposit, the Minister may at any stage of the operations".
No. 4409	<i>The Constitution Act Amendment Act 1936</i>	In paragraph (e) of sub-section (2) of section thirteen, for the words "are repealed" there shall be substituted the words "is repealed".
No. 4452	<i>Railways and Tramways (Contributions) Act 1936</i>	In section eleven, for the words "and this Act" there shall be substituted the words "and this Part of this Act".
No. 4453	<i>Apprenticeship Act 1936</i>	In sub-section (1) of section eleven, for the words "of any balance" there shall be substituted the words "or any balance".
No. 4460	<i>Box Hill Land Act 1936</i>	In the second recital of the preamble, for the words "said First Schedule" there shall be substituted the words "said Schedule".
No. 4464	<i>Instruments (Insurance Contracts) Act 1936</i>	In sub-section (2) of section four, for the word "insurer" there shall be substituted the word "insured".
No. 4467	<i>Melbourne and Metropolitan Board of Works (Contributions) Act 1937</i>	In section two, before the words "there shall be substituted" there shall be inserted the expression "(where last occurring)".