

No. 5753.

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

[22nd December, 1953.]

BE it enacted by the Queen'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. This Act may be cited as the *Statute Law Revision Act 1953*.

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 amended by this Act. 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 amendments provided for by this Act.

SCHEDULE.

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Section 2.

Number of Act.	Title of Act.	Nature of Amendment.
3643	<i>Bees Act 1928</i> ..	For section ten there shall be substituted the following section:— “10. Subject to the Public Service Acts inspectors may be appointed for the purposes of this Act.”
3671	<i>Education Act 1928</i>	In sub-section (2) of section eighty-two as re-enacted by the <i>Education (Amendment) Act 1951</i> for the words “travelling scholarship” there shall be substituted the words “any travelling scholarship, and any”. In paragraph (b) of sub-section (3) of section ninety-six as amended by the <i>Education Act 1943</i> for the word “instructions” there shall be substituted the word “instruction”.
3680	<i>Fertilizers Act 1928</i>	In section nine for the expression commencing “Subject to” and ending “ <i>Government Gazette</i> ” there shall be substituted the words “Subject to the Public Service Acts official analysts may be appointed for the purposes of this Act”.
3682	<i>Fire Brigades Act 1928</i>	In section fifty-two the words “to receive from the Treasurer of Victoria, and” shall be repealed.
3687	<i>Fruit and Vegetables Act 1928</i>	For section forty-two there shall be substituted the following section:— “42. Subject to the Public Service Acts inspectors may be appointed for the purposes of this Part.”
3688	<i>Fungicides Act 1928</i>	For section eleven there shall be substituted the following section:— “11. Subject to the Public Service Acts inspectors and analysts may be appointed for the purposes of this Act.”
3722	<i>Maintenance Act 1928</i>	In sub-section (1) of section seventy-seven the words “is served upon” shall be transposed from paragraph (b) to the following line so as immediately to precede the words “any person in manner prescribed”.

SCHEDULE

SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
3736	<i>Milk and Dairy Supervision Act</i> 1928	<p>For sub-section (4) of section five there shall be substituted the following sub-section :—</p> <p>“ (4) (a) The Governor in Council may appoint one of the said officers being a member of the board to be the chairman thereof and may remove such chairman.</p> <p>(b) Subject to the Public Service Acts there may be appointed a secretary to the board ”.</p> <p>For sub-section (1) of section forty-five as amended by the <i>Public Service Act</i> 1940 there shall be substituted the following sub-section :—</p> <p>“ (1) Subject to the Public Service Acts inspectors supervisors and officers may be appointed for the purposes of this Part ”.</p>
3754	<i>Property Law Act</i> 1928	<p>In sub-section (2) of section one hundred and ninety for the words commencing “ may enter into and distrain ” and ending “ such distress and receipt ” there shall be substituted the words “ may take possession of the income of the land in respect of which the default or breach is made or occurs or of any part of that land until, by means of such receipt ”.</p> <p>In sub-section (4) of section one hundred and ninety for the expression commencing “ may enter into and distrain ” and ending “ such distress and receipt ” there shall be substituted the expression “ may take possession of the income of the land comprised in the lease in respect of which the default or breach is made or occurs or of any part of that land until (so long as the term or interest created by the lease is subsisting) by means of such receipt ”.</p>

SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
3779	<i>Stock Diseases Act 1928</i>	For section five there shall be substituted the following section:— “5. Subject to the Public Service Acts a chief inspector of stock inspectors of stock and other officers may be appointed for the purposes of this Part.”
3782	<i>Superannuation Act 1928</i>	In section forty-three for the word “Master-in-Equity” (wherever occurring) there shall be substituted the words “Master of the Supreme Court”.
3797	<i>Vegetation and Vine Diseases Act 1928</i>	For section twenty-four there shall be substituted the following section:— “24. Subject to the Public Service Acts inspectors may be appointed for the purposes of this Part.”
3801	<i>Water Act 1928</i> ..	In the last paragraph of section one hundred and eighteen as amended by any Act for the words “until until the day of the annual election” there shall be substituted the words “until the day of the annual election”.
3818	<i>Police Offences (Race-meetings) Act 1929</i>	In paragraph (a) of the interpretation of “Charitable purposes” in sub-section (1) of section two as amended by the <i>Sessional Acts Revision Act 1929</i> for the expression “ <i>Hospitals and Charities Act 1928</i> ” there shall be substituted the expression “ <i>Hospitals and Charities Act 1948</i> ”.
4183	<i>Milk Board Act 1933</i>	In section two for the words “Powers and Duties of the Board” there shall be substituted the words “Supply Sale and Distribution of Milk”. In paragraph (d) of sub-section (1) of section forty-two as re-enacted by the <i>Milk Board Act 1951</i> for the words “the metropolis” there shall be substituted the words “any milk district”.

SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
4446	<i>Anti-Cancer Council Act 1936</i>	In paragraph (a) of sub-section (1) of section five for the words "Charities Board of Victoria" there shall be substituted the words "Hospitals and Charities Commission".
4755	<i>Public Trustee Act 1940</i>	In sub-sections (1), (2), (8) and (9) of section six for the words "Master in Equity" there shall be substituted the words "Master of the Supreme Court".
4768	<i>Education (Patriotic Ceremonies) Act 1940</i>	In sub-section (3) of section two as amended by the <i>Statute Law Revision Act 1941</i> — <p>(a) for the words "Public Service Acts" there shall be substituted the words "Teaching Service Acts";</p> <p>(b) for the words "Public Service Board" there shall be substituted the words "Teachers Tribunal";</p> <p>(c) for the words "from the public service" there shall be substituted the words "from the teaching service".</p>
4873	<i>Land Act 1941</i> ..	In sub-section (1) of section two for the words "Minister of Public Instruction" there shall be substituted the words "Minister of Education".
5125	<i>Teaching Service Act 1946</i>	In sub-section (1) of section sixteen for the words "Minister of Public Instruction" there shall be substituted the words "Minister of Education".
5566	<i>Stamps (Betting Tax) Act 1951</i>	In sub-section (2) of section nine after the expression "Subdivision (12)" there shall be inserted the words "of Division three".
5610	<i>Firearms Act 1951</i>	In paragraph (a) of sub-section (1) of section twenty-six for the expression "property" there shall be substituted the word "property".

SCHEDULE—continued.

Number of Act.	Title of Act.	Nature of Amendment.
5612	<i>Marketing of Primary Products (Egg and Egg Pulp) Act 1951</i>	In sub-section (2) of section seven for the words "the payment received by the Board" there shall be substituted the words "such payment".
5616	<i>Motor Car Act 1951</i>	In sub-section (1) of section eighty-five for the words "police magistrate" there shall be substituted the words "stipendiary magistrate".
5626	<i>Coal Mine Workers Pensions (Amendment) Act 1952</i>	<p>In section four—</p> <p>(a) for sub-section (1) there shall be substituted the following sub-section:—</p> <p>“ (1) In sub-section (4) of section nine of the Principal Act as amended by any Act—</p> <p>(a) in paragraph (a) for the words "a weekly rate equal to Four pounds plus the sum of ten shillings for each dependent child or step-child under the age of sixteen years" there shall be substituted the words "such weekly rate as the Governor in Council from time to time determines";</p> <p>(b) in paragraph (b) for the words "a weekly rate of Four pounds plus the sum of ten shillings for each dependent child or step-child under the age of sixteen years" there shall be substituted the words "such weekly rate as the Governor in Council from time to time determines";</p> <p>(b) in sub-section (2) for the words "Four pounds and" there shall be substituted the words "Four pounds or".</p>

SCHEDULE—*continued.*

Number of Act.	Title of Act.	Nature of Amendment.
5628	<i>Mines (Amendment) Act 1952</i>	In sub-paragraph (ii) of paragraph (a) of sub-section (3) of section four before the words "there shall be" there shall be inserted the expression "(where second occurring)".