

**1994**

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

**STATUTE LAW REVISION BILL 1994**

**EXPLANATORY MEMORANDUM**

**Circulated by the authority of the Attorney General**

**Terry Connolly MLA**

## STATUTE LAW REVISION BILL 1994

### EXPLANATORY MEMORANDUM

#### Outline

The Statute Law Revision Bill 1994 ("the Bill") amends various Acts by making technical corrections and bringing the language of the Acts into accord with current drafting practice. In addition the Bill repeals redundant Acts or provisions of Acts. 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.

#### Financial implications

There are no financial implications arising from the Bill.

#### AMENDMENT OF ACTS

Clause 3 of the Bill provides that the Acts listed in the Schedule to the Bill are amended as set out in that Schedule.

The Schedule amends the following Acts:

#### *Artificial Conception Act 1985*

This Act is amended to -

- remove a spent and, therefore, redundant provision - (section 8).

***Audit Act 1989***

This Act is amended to -

- remove a spent and, therefore, redundant provision - (subsection 93(4)).

***Business Franchise ("X" Videos) Act 1990***

This Act is amended to -

- correct a typographical error - (section 23).

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

This Act is amended to -

- remove several references to a provision of the Act which has been repealed - (subsections 83(3) and (5), 84(1) and 99(1)).

***Chiropractors and Osteopaths Act 1983***

This Act is amended to -

- correct the citation of the *Medical Practitioners Act 1930*, consequential on amendments effected by the *Medical Practitioners (Amendment) Act 1993* - (subsection 3(1)); and
- correct the numbering of the Parts of the Act so that they are expressed in consecutive Roman numerals - (headings to Parts VI and VII).

***Credit Act 1985***

This Act is amended to -

- correct a number of typographical errors - (subsections 5(1), 13(4), 24(1), 30(3) and paragraph 24(4)(d)).

***Dog Control Act 1975***

The Act is amended to -

- replace an incorrect reference to a repealed provision of the Act with a reference to the appropriate provision of the Act - (paragraph 32A(2)(a)).

***Domestic Violence Act 1986***

This Act is amended to -

- replace the definition of the term "drug" with a new definition consequential on the relocation of Schedules 1 and 2 of the *Drugs of Dependence Act 1989* from that Act to the Regulations made under that Act - (section 3).

***Fair Trading Act 1992***

This Act is amended to -

- remove the definition of the term "authority of the Territory" as this term is not used in the Act - (subsection 5(1)); and
- correct a typographical error - (subsection 50(10)).

***Government Solicitor Act 1989***

This Act is amended to -

- correct an incorrect citation - (subsection 5(3)); and
- remove a spent and, therefore, redundant provision and Schedule - (section 8 and Schedule).

***Housing Assistance Act 1987***

This Act is amended to -

- clarify the application of paragraph 18(8)(c) to subsections 18(4), (5) and (6) - (paragraph 18(8)(e)); and
- remove a spent and, therefore, redundant provision and Schedule - (section 22 and Schedule 3).

***Lakes Act 1976***

This Act is amended to -

- remove references to officers or employees of the ACT Health Commission or the ACT Community and Health Service as neither the Commission nor the Service any longer exist. References to the relevant persons for the purposes of the provisions of the Act are substituted - (paragraphs 21(8)(b) and (c), 23(2)(b) and (c) and 27(3)(b) and (c)).

***Land (Planning and Environment) Act 1991***

This Act is amended to -

- correct a typographical error- (section 285).

***Law Reform (Miscellaneous Provisions) Act 1955***

This Act is amended to -

- correct a typographical error - (subsection 26(3)).

***Motor Traffic (Alcohol and Drugs) Act 1977***

This Act is amended to -

- replace the definition of the term "drug" with a new definition consequential on the relocation of Schedules 1 and 2 of the *Drugs of Dependence Act 1989* from that Act to the Regulations made under that Act - (subsection 4(1)).

***National Exhibition Centre Trust Act 1976***

This Act is amended to -

- replace sexist language with gender neutral language - (subsection 17(4)); and
- remove a spent and, therefore, redundant provision - (subsection 27B(2)).

***Ombudsman Act 1989***

This Act is amended to -

- correct a typographical error - (subsection 7(2)).

***Pharmacy Act 1931***

This Act is amended to -

- correct the citation of the *Medical Practitioners Act 1930*, consequential on amendments effected by the *Medical Practitioners (Amendment) Act 1993* - (subsection 2(1)); and
- correct a drafting error - (paragraphs 41(1)(b) and (ba)).

***Plumbers, Drainers and Gasfitters Board Act 1982***

This Act is amended to -

- replace the definition of the term "College of Technical and Further Education" with a definition of the term "Institute of Technology"

consequential upon amendments to the *ACT Institute of Technical and Further Education Act 1987* effected by the *Canberra Institute of Technology (Amendment) Act 1992* - (paragraph 5(1)(d)); and  
 correct a typographical error - (subsection 16(2)).

***Prostitution Act 1992***

This Act is amended to -

- correct a drafting error - (subsection 7(3));
- correct the citation of the *Medical Practitioners Act 1930*, consequential on amendments effected by the *Medical Practitioners (Amendment) Act 1993* - (subsection 17(4)); and
- remove a superfluous word - (subsection 18(2)).

***Registration of Interests in Goods Act 1990***

This Act is amended to -

- correct a drafting error - (paragraph 6(2)(a)).

***Trespass on Territory Land Act 1932***

This Act is amended to -

- insert a definition for the term "City Area". The inclusion of the definition is consistent with the practice of defining the term where it is used in other Territory legislation - (section 3);
- omit the definition of the term "Commissioner of Police" as the term is defined in the *Interpretation Act 1967* - (section 3);
- amend the citations of the *Motor Traffic Act 1936* and the *Police Act 1927* to reflect modern drafting practice - (section 3);
- remove sexist language - (sections 3A, 4B, 8 and subsections 8A(4) and (8), 9(1) and (2)); and
- otherwise reflect modern drafting practice and language - (sections 6, 7 and 8, subsections 4(1) and (2), 8A(4), (5), (6), (7), (8), (9) and (10), 8B(1),

8C(2), 9(1) and paragraphs 8(a) and (b), 8A(2)(d), 8A(3)(a), 8A(5)(b) and 8A(6)(a) and(b).

***Trustee Act 1957***

This Act is amended to -

remove superfluous words and otherwise bring the language of the Act into accord with current drafting practice - (subsection 13(1)) and subparagraph 13(6)(b)(i)).

***Trustee Companies Act 1947***

This Act is amended to -

reflect modern drafting practice - (subsections 11(2) and (3), 15(1), 25A(1), 25B(2) and Schedule 2).

**REPEAL**

***Foreign Judgments (Reciprocal Enforcement) Act 1954***

Clause 4 of the Bill repeals the *Foreign Judgments (Reciprocal Enforcement) Act 1954* as the Act is redundant, by virtue of the operation of subsection 18(3) of the *Foreign Judgments Act 1991* (Cth).