

THE SECOND SCHEDULE.

(Section 25.)

Rules for the nomination of Associate Commissioners.

1. Not less than thirty days before—

- (a) the first nominations are required under this Act; or
 (b) the term of the Associate Commissioners expires,

the Minister shall notify the secretaries of the anglers' associations referred to in paragraph (a) of subsection (4) of section twenty-five of the district in which the person chosen by the Governor for the purposes of that paragraph resides, and the Governor shall not thereafter appoint on that occasion under that paragraph a person residing in another district.

2. Within thirty days of the receipt of a notification under paragraph 1 of this schedule each of the anglers' associations referred to in that paragraph in whose district the person chosen by the Governor does not reside shall nominate one person to be appointed an Associate Commissioner in accordance with paragraph (b) of subsection (4) of section twenty-five.

STATUTE LAW REVISION.

No. 17 of 1959.

AN ACT to amend the *Statute Law Revision Act*
 1958. [21 August 1959.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Statute Law Revision Act* 1959. Short title, citation, and commencement.

(2) The *Statute Law Revision Act* 1958 is in this Act referred to as the Principal Act.

(3) Except as provided by subsection (4) of this section, this Act shall be deemed to have commenced on the date of the commencement of the Principal Act.

(4) Paragraph (a) of section three of this Act shall commence on the day on which the Governor assents to this Act.

Repeal.

2 Section two of the Principal Act is amended by inserting after subsection (2) thereof the following subsection:—

“(2A) The repeal of the provisions of the *Water Act 1957* that are specified in the third column of the second schedule shall take effect on the day after the day on which that Act commences.”.

Amendment
of Acts.

3 Section four of the Principal Act is amended—

(a) by inserting after subsection (1) the following subsections:—

“(1A) The amendments of—

(a) the *Factories, Shops, and Offices Act 1958*;

(b) the *Licensing Act 1958*; and

(c) the *Fish Canneries Act 1958*,

that are made by the third schedule to this Act shall be deemed to have taken effect on the dates on which those Acts commenced respectively.

“(1B) The amendments of the *Licensing Act 1932* that are made by the third schedule to this Act shall be deemed to have taken effect on the date of the commencement of the *Licensing Act 1958*.”; and

(b) by adding at the end thereof the following subsections:—

“(10) Where any amendment made by this Act—

(a) has the effect of leaving the definite or indefinite article, or a preposition, duplicated; or

(b) substitutes a word for another word without substituting the appropriate indefinite article or pronoun,

in an enactment or in a provision or portion of an enactment, that enactment or provision or portion of an enactment is, by force of this subsection, further amended to such extent as is necessary for the purpose of omitting therefrom the unnecessary article or preposition or of substituting therein the appropriate article or pronoun, as the case may be.

“(11) An amendment of an enactment, or of a provision or portion of an enactment, that is made by subsection (10) of this section is in addition to, and does not prejudice or affect, any amendment thereof that is made by any other provision of this Act.”.

4 Part IV of the first schedule to the Principal Act is amended— The first schedule.

- (a) by omitting from the second column of that Part of that schedule, from the item relating to the Act 7 Geo. V No. 35, the numerals “1917” and substituting therefor the numerals “1916”;
- (b) by omitting from that Part of that schedule the following items:—
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|--------------------|--|
| “1 Edw. VIII No. 2 | <i>Jury Act 1936.</i> |
| “1 Geo. VI No. 29 | <i>Deceased Persons' Estates Duties Act 1937”;</i> |
- (c) by omitting from the first column of that Part of that schedule, from the item relating to the *Licensing Act (No. 2) 1937*, the words “1 Geo. VI No. 45” and substituting therefor the words “1 Geo. VI No. 40”;
- (d) by omitting from the second column of that Part of that schedule, from the item relating to the Act 2 Geo. VI No. 46, the numerals “1948” and substituting therefor the numerals “1938”;
- (e) by omitting from that column, from the item relating to the Act 2 Geo. VI No. 48, the numerals “1948” and substituting therefor the numerals “1938”;
- (f) by inserting in that column, at the end of the item relating to the Act 4 Geo. VI No. 24, the numerals “1940”;
- (g) by inserting in that Part of that schedule, after the item “8 Geo. VI No. 6 | *Mining Covenants Exemption Act 1944*”, the following item:—
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| “8 Geo. VI No. 8 | <i>Police Regulation Act 1944”;</i> and |
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- (h) by omitting from that column, from the item relating to the Act No. 74 of 1952, the numerals “1953” and substituting therefor the numerals “1952”.

5 The second schedule to the Principal Act is amended— The second schedule.

- (a) by omitting therefrom the following item:—
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| “No. 22 of 1949 <i>Public Authorities' Land Acquisition Act 1949</i> | Section 2 and the first schedule.”; |
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- (b) by omitting therefrom the whole of the item relating to the *National Park and Florentine Valley Act 1950* and substituting therefor the following item:—
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|---|---|
| “No. 71 of 1950 <i>National Park and Florentine Valley Act 1950</i> | Part III (comprising sections 8 to 14) and section 15”; |
|---|---|

- (c) by inserting in the third column thereof, in the item relating to the *Local Government Act 1952*, after the numeral "1", the words "4, and" and by omitting therefrom the words "7 and 8"; and
- (d) by inserting in that column, in the item relating to the *Hobart Corporation Act 1952*, after the word "except", the words "section 1,".

The third
schedule.

6—(1) The third schedule to the Principal Act is amended—

- (a) by inserting in the third column thereof, after the item relating to the amendment of section nine of the *Bank Holidays Act 1919*, the following item:—

"Section 10—

From subsection (1) omit 'The powers conferred by this subsection' and substitute '(2) The powers conferred by subsection (1) of this section'.

Re-number the existing subsection (2) as subsection (3).";

- (b) by omitting from the second column thereof, opposite the words "*Billiard Tables Act 1915*", the words "6 Geo. V No. 15" and substituting therefor the words "6 Geo. V No. 56";
- (c) by inserting in the third column thereof, at the end of the amendment of section six of the *Billiard Tables Act 1915*, the words "(second occurring)";
- (d) by inserting in that column, at the end of the amendment of section forty-one of the *Building Societies Act 1876*, the words "(second occurring)";
- (e) by omitting from that column, from the amendment of the definition of "Inmate" (in section three of the *Charitable Institutions Act 1888*), the word "institution";
- (f) by omitting from that column the whole of the item relating to the amendment of section two of the *Coal Mining Industry (Long Service Leave) Act 1950*;
- (g) by inserting in that column, after the item relating to the amendment of section three of the *Education Act 1932*, the following item:—
"Section 4—
In subsection (3) insert 'be' before 'removed'.";
- (h) by omitting from that column, from the item relating to the amendment of section seven A of the *Education Act 1932*, the word "secondary" and substituting therefor the word "post-primary";

- (i) by inserting in that column, at the end of the amendments of the *Education Act 1932*, the following item:—

“Section 45—

From paragraph 1 omit ‘respectively.’”;

- (j) by omitting from that column the whole of the item relating to the amendment of section eight of the *Explosives Act 1916* and substituting therefor the following item:—

“Section 8—

Omit all the words from and including ‘provided’ to the end of subsection (4) and substitute ‘(5) The exemption conferred by subsection (4) of this section operates only in relation to an explosive that is stored to the satisfaction of an inspector.’

Re-number subsection (5), inserted by the *Explosives Act 1956*, as subsection (6).”;

- (k) by omitting from that column, from the item relating to the amendment of section four of the *Firewood Act 1951*, the word “of” (before “the Commission”, first occurring in that item) and substituting therefor the word “by”;
- (l) by inserting in that column, after the word “this” (in the first of the amendments of section five of the *Firewood Act 1951*), the words “(second occurring)”;
- (m) by omitting from that column, from the item relating to the amendment of section thirty-four of the *Forestry Act 1920*, the word “Provided” and substituting therefor the words “‘not (second occurring)’”;
- (n) by inserting in that column, in the item relating to the amendment of the *Forestry Act 1954*, after the words “shall be”, the words “(last occurring)”;
- (o) by omitting from that column, from the items relating to the amendment of the *Government Printing Office Act 1949*, the headings “Section 4—” and “Section 7—” and substituting therefor respectively the headings “Section 5—” and “Section 8—”;
- (p) by inserting in that column, after the item relating to the amendment of subsection (3) of section two hundred and six of the *Hobart Corporation Act 1947*, the following item:—

“From subsection (6) omit ‘sections’ and substitute ‘section.’”;

- (q) by inserting in that column, after the word “thereof,” (in the first of the amendments of section thirty-five of the *Infants Welfare Act 1935*), the words “(first occurring)”;
- (r) by inserting in that column, in the item relating to the amendment of the *Lands Resumption Act 1957*, before the word “schedule”, the word “first”;
- (s) by omitting from that column the last item relating to the amendment of the *Limitation of Actions Act 1836* and substituting therefor the following item:—
 “Part II, Section 34—
 Omit ‘writ of *quare impedit* or other’.”;
- (t) by omitting from that column, from the amendments of the preamble to the *National Park and Florentine Valley Act 1950*, the word “third” (occurring before the word “recital”) and substituting therefor the word “fourth”;
- (u) by inserting in that column, in the first of the items relating to the amendment of section twenty-three of the *Partnership Act 1891*, the word “or” (before the word “cautionary”);
- (v) by inserting in that column, before the item relating to the amendment of the heading to section sixteen of the *Promissory Oaths Act 1869*, the following item:—
 “Section 14—
 From subsection (1) omit ‘included within the saving clauses thereof,’ and substitute ‘in any case to which section sixteen applies.’”;
- (w) by inserting in that column, after the item relating to the amendment of section two of the *Public Authorities’ Land Acquisition Act 1949*, the following items:—
 “Section 31—
 Omit ‘amounts to or’.”;
- (x) by inserting in that column after the item relating to the amendment of section nine of the *Quarantine Act 1881*, the following item:—
 “Section 10—
 Insert “‘(2)’ before ‘Any master’.”;
- (y) by inserting in that column immediately after the item relating to the amendment of section four of the *Savings Banks Act 1848*, the following items:—
 “Omit ‘barrister-at-law’ and substitute ‘barrister or solicitor’.
 “Insert ‘or solicitor’ after ‘such barrister’ (wherever occurring).”;

(z) by inserting in that column immediately after the item relating to the amendment of section twelve of the *Savings Banks Act 1848*, the following item:—

“ Insert ‘(3)’ before ‘In the case of.’ ”;

(za) by inserting in that column, in their appropriate order in the items relating to the amendments of the *Savings Banks Act 1848*, the following items:—

“ Section 27—

Insert ‘or solicitor’ after ‘barrister’.

“ Section 39—

Insert ‘or solicitor’ after ‘barrister.’ ”;

(zb) by omitting from that schedule the whole of the item relating to the amendment of the *State Employees (Long-Service Leave) Act 1950*;

(zc) by omitting from the third column of that schedule (from the items relating to the amendment of the *Tasmanian Paper and Timber Mills Act 1946*) the heading “Section 2—” and substituting therefor the heading “Section 3—”;

(zd) by omitting from that column the third of the items relating to the amendment of section eight of the *Tasmanian Paper and Timber Mills Act 1946* and substituting therefor the following items:—

“ From subsection (2) omit ‘his’ and substitute ‘its’, and omit ‘Forestry Department’ and substitute ‘Commission’.

“ From subsection (5) omit ‘he’ (wherever occurring) and substitute ‘it’, in each case.”;

(ze) by omitting from that column the item relating to the amendment of the schedule to the *Tasmanian Paper and Timber Mills Act 1946* and substituting therefor the following item:—

“ The schedule—

Omit the marginal note ‘Section 18’ and insert in the heading to the schedule, immediately below the words ‘THE SCHEDULE’, the words ‘(Section 21)’.”;

(zf) by inserting in that column, at the end of the item relating to the amendment of the *Tasmanian University Act 1951*, the following item:—

“ Insert after subsection (3) the following subsection:—

‘(3A) The provisions of paragraph 1 of subsection (3) of section forty-seven of the *Acts Interpretation Act 1931* do

not apply to or in relation to any rules made under the authority of a statute made under this section.”; and

(zg) by inserting in that column, before the first of the amendments relating to the *Water Act 1957*, the following item:—

“Section 91—

From subsection (3) omit ‘ninety-five’ and substitute ‘ninety-four’.

In that subsection insert ‘subsection (1) of’ (after ‘protected by’).”.

(2) The third schedule to the Principal Act (as amended by the foregoing provisions of this section) is further amended by inserting therein, in the appropriate alphabetical order of the short titles of the Acts to which they respectively relate, the following items:—

“ <i>Aid to Mining Act 1927</i> ”	18 Geo. V No. 47	Section 5C— From subsections (10) and (11) omit ‘1906’ (wherever occurring) and substitute ‘1900’ in each case.
“ <i>Factories, Shops, and Offices Act 1958</i> ”	No. 68 of 1958	Section 22— From paragraph (c) of subsection (1) omit ‘or shop’.
“ <i>Fish Canneries Act 1958</i> ”	No. 73 of 1958	Section 3— From subsection (5) omit ‘by it’ (second occurring).
“ <i>Homes Act 1935</i> ”	26 Geo.V No. 98	Section 35— Insert ‘the’ before ‘appropriate authority’ (second occurring) in subsection (2A).
“ <i>Jury Act 1957</i> ”	No. 84 of 1957	Section 2— Omit ‘two’ and substitute ‘three’.
“ <i>Licensing Act 1932</i> ”	23 Geo. V No. 55	Section 3— From the definition of ‘Lodger’ omit ‘, between the hours of noon and two of the clock in the afternoon, and between the hours of six of the clock and eight of the clock in the afternoon,’ and substitute ‘, between the hours specified in any permit under section sixty-four A that is in force for the time being in relation to the premises.’ Section 25— From subsection (5) omit ‘thirtieth day of June’ and substitute ‘thirty-first day of December’. Section 43— From subsection (3) omit ‘certificate and every’. Section 47— From paragraph III of subsection (1) omit ‘such certificate’ and substitute ‘that licence’. Section 63— From paragraph I of subsection (1) omit ‘Treasurer’ and substitute ‘Registrar’.

		Section 64A— From subsection (4) omit 'January' and substitute 'July'.
		Section 65— From subsection (5) omit 'under the authority of his licence'.
		Section 71— From subsection (5) omit ', except as provided by section seventy-two'.
		Section 78— From subsection (2) omit 'thirty-first day of December' and substitute 'thirtieth day of June'.
		Section 97— From sub-paragraph (a) of paragraph IIIA of subsection (11) omit 'Fail to furnish' and substitute 'Furnish'. In sub-paragraph (b) of that paragraph insert 'or fail' (after 'Refuse').
		The second schedule— Omit form A (under the heading '(III)'), being the form of a certificate for a transfer or permission.
"Licensing Act 1958"	No. 88 of 1958	Section 32— In paragraph (a) insert '(first occurring)' after 'certificate'.
		Section 50— In paragraph (b) insert 'days' (after 'twenty-eight').
		Section 77— In paragraph (b) insert— (a) 'second' (before 'third'); and (b) 'or person' (after 'secretary', last occurring).
		The schedule— From the schedule omit the numerals '25' and '75' respectively.
"Racing and Gaming Act 1957"	No. 98 of 1957	Section 9— Omit '(1)', after 'subsection', and substitute '(2)'.
"Scenery Preservation Act 1915"	6 Geo. V No. 15	Section 3— Re-number subsections (2A) and (2B), being the subsections inserted by the <i>Scenery Preservation Act 1952</i> and re-numbered by the <i>Scenery Preservation Act 1954</i> , as subsections (2B) and (2C) respectively.
"Stamp Duties Act 1931"	22 Geo. V No. 19	Third schedule— From the first column omit '16A' (opposite the heading ' <i>Hire-purchase agreements</i> ') and substitute '19A'. Fourth schedule— From item 1 omit 'instrument', under the <i>Real Property Act</i> , and substitute 'instrument' under the <i>Real Property Act</i> '.

“Supreme Court
Civil Procedure
Act 1932

23 Geo. V No. 58 | Section 84—

From subsection (1) omit all the words after ‘anything’ to and including the word ‘eighty-three,’ and substitute ‘contained in subsection (2) of section eighty-three or in paragraph 1 of subsection (4) of that section.’”.

The fifth
schedule.

7 The fifth schedule to the Principal Act is amended—

- (a) by inserting in the second column thereof, at the end of the item relating to the amendment of subsection (4) of section fourteen B of the *Traffic Act 1925*, the words “(first occurring)”;
- (b) by inserting in the second column thereof, at the end of the last item relating to the amendment of section twenty B of the *Traffic Act 1925*, the words “; and omit ‘his’ and substitute ‘its’”;
- (c) by omitting from the second column thereof, opposite the numerals “30”, the numeral “I” (after “paragraph”) and substituting therefor the numeral “II”;
- (d) by omitting from the second column thereof, from the last item relating to the amendment of section fifty-one of the *Traffic Act 1925*, the numeral “IV” (after “paragraph”) and substituting therefor the numeral “VI”;
- (e) by omitting from each of the items relating to the amendment of sections sixty-five and sixty-six of the *Traffic Act 1925*, in the second column thereof, the words “(wherever occurring)” and the words “(in each case)”;
- (f) by inserting in that schedule, immediately after the item relating to the amendment of section sixty-one of that Act, the following item:—

“63 | From subsection (3) omit ‘Commissioner’ and substitute ‘Commission’”.

The sixth
schedule.

8 The sixth schedule of the Principal Act is amended—

- (a) by inserting in the heading thereto, below the words “AMENDMENTS OF THE RAILWAY MANAGEMENT ACT 1935”, the words “Part I—General amendments.”;
- (b) by inserting in the second column thereof, after the item relating to the amendment of section twenty-three of the *Railway Management Act 1935*, the following item:—
“Omit ‘he’ and substitute ‘it’.”;
- (c) by inserting in the second column thereof, in the first item relating to the amendment of section fifty of the *Railway Management Act 1935*, after the word “occurring”, the words “, except where occurring in subsection (6)”;

- (d) by inserting in the second column thereof, after the last item relating to the amendment of section fifty of the *Railway Management Act 1935*, the following item:—

“ From subsection (6) omit ‘ Secretary for Railways ’ and substitute ‘ General Manager ’ ”;

- (e) by omitting from the second column thereof, from the first item relating to the amendment of section seventy-six of the *Railway Management Act 1935*, the word “ twice ” and substituting therefor the word “ wherever ”; and

- (f) by adding at the end of that schedule the following Part:—

“ *Part II—Consequential and formal amendments.*

“ 1. By omitting the heading to Part III and substituting therefor the following heading:—

‘ PART III.

‘ VESTING AND CONTROL OF RAILWAY PROPERTY AND RAILWAYS.’

“ 2. By omitting the Division heading occurring immediately before section 11 and substituting therefor the following heading:—

‘ PART IV.

‘ ADMINISTRATION AND MANAGEMENT OF RAILWAYS.

‘ *Division I—Inquiries.*’

“ 3. By omitting the heading occurring immediately before section 13 and substituting therefor the following heading:—

‘ *Division II—Powers and duties of Commission.*’

“ 4. By re-numbering Division II of Part IV as Division III.

“ 5. By re-numbering Division III of Part IV as Division IV and by omitting from the heading to that Division the word “ *Commissioner* ” and substituting therefor the word “ *Commission* ”.

“ 6. By re-numbering Divisions IV and V of Part IV as Divisions V and VI respectively.

“ 7. By omitting from the heading to Part V the word ‘ MINISTER ’ and substituting therefor the word ‘ COMMISSION ’ ”.