



ANNO TRICESIMO QUINTO

# ELIZABETHAE II REGINAE

A.D. 1986

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No. 14 of 1986

**An Act to amend the Adoption of Children Act, 1967, the Building Act, 1971, the Children's Protection and Young Offenders Act, 1979, the Community Welfare Act, 1972, the Mining Act, 1971, and the Parliamentary Superannuation Act, 1974.**

*[Assented to 20 March 1986]*

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title.

1. This Act may be cited as the "Statute Law Revision Act, 1986".

Commencement.

2. (1) This Act shall come into operation on a day to be fixed by proclamation. .

(2) The Governor may, in a proclamation fixing a day for this Act to come into operation, suspend the operation of specified provisions of this Act, or of specified items in the schedules to this Act, until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

Amendment of Acts specified in the schedules.

3. (1) The Acts specified in the first column of the schedules to this Act are amended in the manner indicated in the second column of the schedules.

(2) If an Act sought to be amended by this Act is, before the commencement of this Act or the commencement of a particular provision of, or item in, this Act, amended in a manner that renders an amendment sought by this Act ineffective, the amendment sought by this Act shall be deemed to have been struck out.

## FIRST SCHEDULE

Act Amended	How Amended
Adoption of Children Act, 1967	<p>Long title— Strike out “purposes connected therewith” and substitute “related purposes”.</p> <p>Section 1— Strike out “and shall come into operation on a day to be fixed by proclamation”.</p> <p>Sections 2 and 3— Sections 2 and 3 are repealed.</p> <p>Section 4 (1)— Strike out the definition of “prescribed”. Strike out from the definition of “principal officer” “Director” and substitute “Director-General”. Strike out the definition of “regulations”.</p> <p>Section 5— Section 5 is repealed and the following section is substituted: 5. Subject to this Act, any of the following courts has jurisdiction to hear and determine an application under this Act for an adoption order: (a) the Children’s Court of South Australia constituted of a Judge; (b) a local court of full jurisdiction; or (c) a court of summary jurisdiction constituted of a magistrate and 2 justices (at least one of the three being a woman and one a man).</p> <p>Section 10 (2)— Strike out “; whether before or after the commencement of this Act, and whether within this State or elsewhere.” After “adopted” insert “in the State or elsewhere”.</p> <p>Section 11 (4)— After “a person” insert “(referred to in this section as “the parent”)”. Strike out “such person” first and second occurring and substitute, in each case, “the parent”. Strike out “such person, as the case may be” and substitute “the parent”.</p> <p>Section 11 (5)— Strike out “such person” first and second occurring and substitute, in each case, “the parent”.</p> <p>Section 11 (5) (a)— Strike out “person referred to in subsection (4) of this section” and substitute “parent”. Strike out “such person” and substitute “that parent”.</p> <p>Section 11 (5) (b)— Strike out “such person” and substitute “that parent”.</p> <p>Section 11 (5) (c)— Strike out “such person were” and substitute “that parent was”.</p> <p>Section 11 (5) (d)— Strike out “such person” and substitute “that parent”.</p> <p>Section 13 (3)— Strike out “thereunto authorized in writing” and substitute “authorized in writing to make such a report”.</p> <p>Section 14 (2)— Strike out “be” and substitute “require”.</p> <p>Section 14 (4) (a)— Strike out “to the Director-General who shall have the custody thereof” and substitute “into the custody of the Director-General”. Strike out “the Master” and substitute “master”.</p> <p>Section 14 (4) (b)— Strike out “the Master” and substitute “master”.</p> <p>Section 18 (b)— Strike out “evidence, <i>viva voce</i> upon oath or affirmation, or by affidavit sworn before any commissioner for taking affidavits in the Supreme Court,” and substitute “oral or written evidence, on oath”.</p>

## Act Amended

## How Amended

## Section 26 (2)—

Strike out "a person who is a registered nurse within the meaning of the Nurses Registration Act, 1920-1966" and substitute "a registered nurse".

## Section 29 (1)—

Strike out "care and control" and substitute "guardianship".

## Section 29 (1) (d)—

Strike out paragraph (d) and substitute the following paragraph:  
(d) the child is placed under the guardianship of the Minister.

## Section 29 (3)—

Strike out "subsection (1) of".

## Section 30 (2)—

Strike out subsection (2) and substitute the following subsection:

(2) The provisions of subsection (1)—

(a) apply in relation to adoption orders whether made before or after the commencement of this Act;

but

(b) do not have effect so as to deprive an adopted child of any vested or contingent proprietary right acquired by the child before the making of the adoption order.

## Section 31 (3)—

Strike out "by a like instrument".

## Section 31 (4)—

After "under this Act" insert "or the repealed Act".

## Section 39 (4)—

Strike out "the tenor thereof" and substitute "its terms".

## Section 40 (7)—

Strike out "the Master" and substitute "a master".

## Section 56 (2)—

Strike out "The Master" and substitute "The Registrar".

## Section 63 (2)—

Strike out "the Master" and substitute "the Registrar".

## Section 64 (1)—

Strike out subsection (1) and substitute the following subsection:

(1) The Director-General shall cause to be published in the *Gazette* notice of—

(a) the approval of any organization as a private adoption agency under this Part;

(b) the revocation or suspension of any such approval;

and

(c) the annulment of the revocation or suspension of any such approval.

## Section 71—

Section 71 is repealed.

## Section 72—

Strike out paragraph (c) and substitute the following paragraph:

(c) the keeping of registers of orders made under this Act and the manner in which such orders are to be registered.

## SECOND SCHEDULE

Act Amended	How Amended
Building Act, 1971	<p>Sections 3 and 4— Sections 3 and 4 are repealed.</p> <p>Section 6— Strike out from the definition of “chief officer” “Fire Brigades Act, 1936-1974” and substitute “South Australian Metropolitan Fire Service Act, 1936”.</p> <p>After “the building work” in the definition of “the court” insert “is being, or”.</p> <p>Section 7 (2)— Strike out subsection (2).</p> <p>Section 7 (5) to (7)— Strike out subsections (5), (6) and (7).</p> <p>Section 8 (1)— Strike out subsection (1) and substitute the following subsections: (1) The owner of any land upon which building work is to be performed shall, before the building work is commenced, apply in writing to the council for approval of the building work. (1a) The application must be accompanied by— (a) such particulars of the building work; (b) such plans, drawings and specifications of the building work; and (c) such other documents relating to the building work, as may be prescribed.</p> <p>Section 9 (5)— Strike out “in all respects as it deals with the original technical details, particulars, plans, drawings and specifications under this section” and substitute “in accordance with the procedure applicable to the original application”.</p> <p>Section 17 (e)— After “surveyor” insert “or inspector”.</p> <p>Section 38 (2)— Strike out “or demolish the building or structure”.</p> <p>Section 39a (2) (a)— Strike out “officer of” and substitute “employee in”.</p> <p>Section 39d (1)— Strike out subsection (1) and substitute the following subsection: (1) A member of a Committee who is in any way directly or indirectly financially interested in any matter arising for decision of the Committee shall disclose the nature of his interest at a meeting of the Committee and shall not take part in any decision of the Committee with respect to the matter. Penalty: \$200.</p> <p>Section 39h— Section 39h is repealed and the following section is substituted: 39h. (1) Where the Committee has certified that the fire safety of a building or structure is not adequate, the court may, on the application of the Committee, order the cessation, or a restriction, of the use of the building or structure until it is satisfied that the fire safety of the building or structure is adequate. (2) Where a person has been convicted of an offence against this Part, or any offence against this Act relating to the fire safety of a building or structure, the court may order the cessation, or a restriction, of the use of the building or structure until it is satisfied that the fire safety of the building or structure is adequate.</p> <p>Section 59 (2)— Strike out “Libraries and Institutes Act, 1939-1967” and substitute “Libraries Act, 1982”.</p> <p>Section 62 (7)— Strike out subsection (7) and substitute the following subsection: (7) A secretary to the committee, and such other employees as may be necessary or desirable for the purposes of the committee, may be appointed subject to, and in accordance with, the Government Management and Employment Act, 1985.</p>

## THIRD SCHEDULE

Act Amended	How Amended
Children's Protection and Young Offenders Act, 1979	<p>Section 3— Section 3 is repealed.</p> <p>Section 4— After the definition of "Judge" insert the following definition: "magistrate" means a magistrate within the meaning of the Magistrates Act, 1983. Strike out from the definition of "prison" "the Prisons Act, 1936-1975" and substitute "the Correctional Services Act, 1982". Strike out the definition of "the repealed Act". Strike out the definition of "special magistrate". Strike out the definition of "truant" and substitute the following definition: "truancy" means the offence of truancy under the Education Act, 1972:.</p> <p>Section 5— Section 5 is repealed.</p> <p>Section 8 (2) (b)— Strike out "special".</p> <p>Section 9 (5)— Strike out "and the regulations".</p> <p>Section 10 (a) — Strike out "special" first occurring.</p> <p>Section 14 (1) (a)— Strike out "of time".</p> <p>Section 14 (1) (b) (i)— Strike out "of time".</p> <p>Section 14 (3)— Strike out "of time".</p> <p>Section 20 (1)— Strike out "of the Court".</p> <p>Section 20 (2)— Strike out "special".</p> <p>Section 29— Strike out "special".</p> <p>Section 32 (3)— Strike out "the Narcotic and Psychotropic Drugs Act, 1934" and substitute "Part V of the Controlled Substances Act, 1984".</p> <p>Section 33 (1) (a)— Strike out "is a truant" and substitute "has committed an offence of truancy".</p> <p>Section 35 (3)— Strike out "of time".</p> <p>Section 51 (5) (a)— Strike out "of time".</p> <p>Section 51 (9)— Strike out "special".</p> <p>Section 54 (2)— Strike out "special".</p> <p>Section 54 (3)— Strike out "a special".</p> <p>Section 54 (6)— Strike out "special" first occurring.</p> <p>Section 57— Strike out "adult" second occurring.</p> <p>Section 58 (3) (a)— Strike out "Part IVA of the Prisons Act, 1936-1976" and substitute "Part VI of the Correctional Services Act, 1982".</p> <p>Section 73 (1)— Strike out "special".</p> <p>Section 73 (6)— Strike out "own".</p> <p>Section 87 (1)— After "he" first occurring insert "or they".</p> <p>Section 92 (2)— Strike out "<i>bona fide</i>" and insert "genuine".</p> <p>Section 100 (5)— Strike out "the Prisons Act, 1936-1976" and substitute "the Correctional Services Act, 1982".</p> <p>The schedule— The schedule is repealed.</p>

## FOURTH SCHEDULE

Act Amended	How Amended
Community Welfare Act, 1972	<p>Sections 3 and 4— Sections 3 and 4 are repealed.</p> <p>Section 6 (1)— Strike out the definition of “community council”. Strike out from the definition of “preliminary expenses” “expenses of” and “expense of” and substitute, in each case, “cost of”. Strike out the definition of “review board” and substitute the following definition: “review panel” means a review panel established by the Minister pursuant to Part IV.</p> <p>Section 9 (1)— Before “information” insert “shall include in the report”.</p> <p>Section 27 (7)— After “guardianship” insert “under this section”.</p> <p>Section 29 (2)— After “guardianship of the Minister” insert “under this section”.</p> <p>Section 29 (3)— After “guardianship of the Minister” first occurring insert “under this section”.</p> <p>Section 48 (4)— Before “conditions” insert “terms and”.</p> <p>Section 51 (3)— Strike out “terms and” second occurring.</p> <p>Section 51 (4)— Strike out “term” and substitute “period”.</p> <p>Section 51 (5)— Strike out “term or”. After “imprisonment for” insert “a term not exceeding”.</p> <p>Section 76— After “imprisonment for” insert “a term not exceeding”.</p> <p>Section 77 (a)— Strike out “therefrom” and substitute “from the home or the grounds”.</p> <p>Section 84 (4)— Strike out subsection (4) and substitute the following subsection: (4) The whole, or any portion, of the money deposited in the Treasury on behalf of a child pursuant to this section, and any interest on that money, may be expended for the benefit of the child by the Director-General at such times, and for such purposes, as the Director-General thinks fit.</p> <p>Section 99 (2)— Strike out “Every” and substitute “A”. After “guardianship” insert “of the Minister”.</p> <p>Section 99 (3)— Before “sums” insert “sum or”.</p> <p>Section 101 (3)— Strike out “section” and substitute “Division”.</p> <p>Section 106— Strike out “any complaint in respect thereof” and substitute “a separate complaint having been made”.</p> <p>Section 109 (1)— Strike out “any male person” and substitute “any other male person”. Strike out “the male person” and substitute “the defendant or other male person”.</p> <p>Section 140— After “that the defendant” insert “(not being her husband)”.</p> <p>Section 140 (a)— Strike out “she” and substitute “the woman”.</p> <p>Section 145 (1)— Strike out “thereof” and substitute “of the summons”.</p> <p>Section 145 (2) (a)— Strike out “thereafter”.</p> <p>Section 145 (2) (c)— Strike out “thereafter”.</p> <p>Section 145 (2)— Strike out “the provisions of”.</p>

## Act Amended

## How Amended

- Section 151—  
Strike out “directing” and substitute “for”.
- Section 151 (b)—  
Strike out “in accordance with the direction of the court” first occurring.
- Section 154 (2a) (a), (b) and (c)—  
Strike out paragraphs (a), (b) and (c) and substitute the following paragraphs:  
(a) by delivering a copy of it to that person;  
(b) by leaving a copy of it at the usual or last known place of residence or business of that person with some person, apparently over the age of 16 years, who apparently resides in that place of residence or is employed at that place of business;  
or  
(c) by sending a copy of it, by post, to that person’s usual or last known place of residence or business.
- Section 155 (1)—  
Strike out “the money and property shall thereby become and be attached in the hands of the person having the care, custody, or control thereof” and substitute “the money or property shall, upon the giving of the notice, be attached in the hands of the person who has the care, custody and control of it”.
- Section 156 (1)—  
Strike out “hearing any complaint, upon the making of which notice has been given to any such” and substitute “, on hearing a complaint in respect of which notice has been given to a”.
- Section 162—  
Strike out “Every such warrant” and substitute “A warrant issued under section 161”.
- Section 163—  
Strike out “Any sale under the warrant” and substitute “A sale under a warrant issued under section 161”.
- Section 165 (1)—  
After “a warrant” insert “is issued”.
- Section 168 (2)—  
Strike out “gaol” twice occurring and substitute, in each case, “prison”.
- Section 168 (3)—  
Strike out “the means and ability” first occurring.
- Section 169 (1)—  
Strike out “gaol” and substitute “prison”.
- Section 169 (3)—  
Strike out “gaol” and substitute “prison”.
- Section 169 (5)—  
Strike out “gaol” and substitute “prison”.
- Section 169 (6)—  
Strike out “keeper of the gaol” and substitute “manager of the prison”.
- Section 169 (7) and (8)—  
Strike out “keeper” and substitute “manager”.
- Section 169 (7) and (8)—  
Strike out “keeper” wherever occurring and substitute, in each case, “manager”.
- Section 169 (9)—  
Strike out “gaol” and substitute “prison”.
- Section 169 (9) (a)—  
Strike out “the means and ability” first occurring.
- Section 169 (10)—  
Strike out “gaol” twice occurring and substitute, in each case, “prison”.
- Section 171 (1)—  
Strike out “for whose” second occurring.
- Section 171 (2)—  
Strike out “for whose” second occurring.
- Section 171 (3)—  
Strike out “the following provisions of”.
- Section 172—  
Strike out “, with or without hard labour.”.
- Section 174 (3) and (4)—  
Strike out “gaol” wherever occurring and substitute, in each case, “prison”.

## Act Amended

## How Amended

## Section 175 (1)—

Strike out from the definition of "earnings" "the Commonwealth Acts known as the *Social Services Act 1947*, as amended by subsequent Acts, the *Repatriation Act 1920*, as amended by subsequent Acts, or the *Seaman's War Pensions and Allowances Act, 1940*, as amended by subsequent Acts" and substitute "the *Social Security Act 1947*, the *Repatriation Act 1920* or the *Seamen's War Pensions and Allowances Act 1940* of the Commonwealth".

Strike out from the definition of "pay-day" "an occasion" and substitute "a day".

## Section 183 (2) (b)—

After "but" insert "subsequently".  
Strike out "at any time thereafter".

## Section 185 (a), (b) and (c)—

Strike out paragraphs (a), (b) and (c) and substitute the following paragraphs:

- (a) by delivering a copy of it to that person;  
(b) by leaving a copy of it at the usual or last known place of residence or business of that person with some person, apparently over the age of 16 years, who apparently resides in that place of residence or is employed at that place of business;

or

- (c) by sending a copy of it, by registered post, to that person's last known place of residence or business.

## Section 193—

Strike out "any of the provisions of".

## Section 200 (1)—

Strike out "presently".

## Section 201 (3)—

Strike out "as regards" first occurring and substitute "in respect of".

Strike out "as regards" second occurring and substitute "of".

## Section 203 (1)—

Strike out "special".

## Section 203 (2)—

Strike out "special".

## Section 207 (1)—

Strike out "the foregoing provisions of".

## Section 207 (2)—

Strike out "taking the further evidence".

## Section 208 (4)—

Strike out "to the like effect".

## Section 210—

Strike out "presently".

## Section 211 (2)—

Strike out "special".

## Section 211 (5)—

Strike out "referred to in subsection (2) of this section".

## Section 211 (6)—

Strike out "that court" second occurring and substitute "the court in this State".

## Section 211 (7)—

Strike out "taking that further evidence".

## Section 213 (4)—

Strike out "as regards" first occurring and substitute "in respect of".

Strike out "as regards" second occurring and substitute "of".

## Section 214 (1)—

Strike out "special".

## Section 214 (5)—

Strike out "to the like effect".

## Section 216 (3)—

Strike out "as regards" first occurring and substitute "in respect of".

Strike out "as regards" second occurring and substitute "of".

## Section 220 (1)—

Strike out "special".

## Section 224 (2)—

Strike out "taking that further evidence".



## Act Amended

## How Amended

- Section 225 (4)—  
Strike out "to the like effect".
- Section 226 (4)—  
Strike out "the like".
- Section 229 (3)—  
Strike out "(in this subsection referred to as 'the first-mentioned order')".
- Section 230 (5)—  
Strike out "subsection (1) of section 239 of this Act" and substitute "section 229 (1)".
- Section 234 (2) (b)—  
Strike out paragraph (b) and substitute the following paragraph:  
(b) by sending a copy of it, by post, to that person's usual or last known place of residence or business.
- Section 234 (3)—  
Strike out subsection (3) and substitute the following subsection:  
(3) A document that is required or permitted to be served on a person personally under this Division may be served on that person—  
(a) by delivering a copy of it to that person;  
or  
(b) by leaving a copy of it at the usual or last known place of residence or business of that person with some person, apparently over the age of 16 years, who apparently resides in that place of residence or is employed at that place of business.
- Section 238 (2)—  
Strike out "the provisions of".
- Section 239 (2)—  
Strike out "the provisions of".
- Section 240 (2)—  
Strike out "under this Act, or a children's home or child care centre" and substitute "or".
- Section 249—  
Strike out "of the order or any minute thereof" and substitute "or notice of the order".
- Section 250 (1)—  
After "imprisonment for" insert "a term not exceeding".
- Section 250 (2)—  
After "imprisonment for" insert "a term not exceeding".
- Section 251 (b)—  
Strike out "of any community welfare advisory committee" first occurring.
- Section 251 (j)—  
Strike out ", or in child care centres".
- Section 251 (i)—  
Strike out "and child care centres".
- Section 252 (2)—  
Strike out subsection (2) and substitute the following subsection:  
(2) A person who contravenes, or fails to comply with, a provision of this Act for which no penalty is prescribed shall, whether or not the contravention or failure to comply is declared to be an offence, be guilty of an offence and liable to a penalty not exceeding \$500.
- Schedule—  
The schedule is repealed.

## FIFTH SCHEDULE

Act Amended	How Amended
Mining Act, 1971	<p>Sections 3 and 4— Sections 3 and 4 are repealed.</p> <p>Section 5 (3) to (5)— Strike out subsections (3), (4) and (5).</p> <p>Section 5 (7)— Strike out subsection (7).</p> <p>Section 5 (9) to (11)— Strike out subsections (9), (10) and (11).</p> <p>Section 6 (1)— After the definition of “mining operator” insert the following definitions: “a mining registrar” means the Mining Registrar or a person for the time being holding, or acting in, the office of Deputy Mining Registrar under this Act; “the Mining Registrar” means the person for the time being holding, or acting in, the office of Mining Registrar under this Act. Strike out the definition of “registrar” or “mining registrar”.</p> <p>Section 11— Section 11 is repealed and the following section is substituted: 11. The Minister and the Director of Mines shall each be a corporation sole.</p> <p>Section 13— Section 13 is repealed and the following section is substituted: 13. (1) For the purposes of the administration of this Act, officers and employees— (a) may be appointed to the Public Service subject to, and in accordance with, the Government Management and Employment Act, 1985; or (b) may be appointed on some other basis determined by the Governor or the Minister. (2) A person who is appointed pursuant to subsection (1) (b) is not a member of the Public Service.</p> <p>Section 19 (21)— Strike out “subsection (11) of this section” and substitute “subsection (22)”.</p> <p>Section 24 (1)— Strike out “a mining registrar” and substitute “the Mining Registrar”.</p> <p>Section 33 (4)— Strike out “and thereafter the licence shall not be of any force or effect in relation to that land” and substitute “, and the licence shall then cease to apply to that land”.</p> <p>Section 33 (7)— Strike out “and thereupon the licence shall not be of any force or effect in relation to that land” and substitute “, and the licence shall then cease to apply to that land”.</p> <p>Section 43 (3)— Strike out subsection (3).</p> <p>Section 46 (1)— Strike out “a mining registrar” and substitute “the Mining Registrar”.</p> <p>Section 63c (1) (b)— Strike out “a mining registrar” and substitute “the Mining Registrar”.</p> <p>Section 63c (2)— Strike out “The mining registrar” and substitute “A mining registrar”.</p> <p>Section 73b (1) (c)— Strike out “the registrar” and substitute “a mining registrar”.</p> <p>Section 74 (5) (c)— Strike out “upon the person of another”.</p> <p>Section 74 (5) (d)— Strike out “18a or 19 of the Police Offences Act” and substitute “or 18a of the Summary Offences Act”.</p>

## Act Amended

## How Amended

- Section 75 (1)—  
Strike out "after the commencement of this Act".
- Section 79 (1)—  
Strike out "and" between paragraphs (a) and (b) and substitute "or".
- Section 83 (1)—  
Strike out "under this Act or any interest therein" and substitute "; or an interest in a lease or licence, under this Act".
- Section 87 (1)—  
Strike out "within the meaning of section 6 of the Companies Act, 1962-1970".
- Section 87 (2)—  
Strike out "within the meaning of section 6 of the Companies Act, 1962-1970".
- Section 87 (3)—  
Strike out "and of no effect".
- Section 87 (4)—  
Strike out "within the meaning of section 6 of the Companies Act, 1962-1970".  
After subsection (4) insert the following subsection:  
(5) A corporation is a subsidiary of another for the purposes of this section if it is a subsidiary of that other corporation for the purposes of the *Companies (South Australia) Code*.
- Section 89—  
Strike out "under this Act".
- Schedule—  
The Schedule is repealed.

## SIXTH SCHEDULE

Act Amended	How Amended
Parliamentary Superannuation Act, 1974	<p>Sections 3 and 4— Sections 3 and 4 are repealed.</p> <p>Section 5 (1)— Strike out the definition of “additional salary” and substitute the following definitions: “additional salary” means the amount by which the salary of a member who holds Ministerial or other Parliamentary office exceeds the basic salary of a member, and includes any remuneration declared by proclamation to be additional salary for the purposes of this Act: “basic salary” of a member means— (a) where the member holds no Ministerial or Parliamentary office—the salary to which the member is entitled under the Remuneration Act, 1985; (b) where the member holds a Ministerial or Parliamentary office—the salary to which the member would be entitled under the Remuneration Act, 1985, if the member held no such office.</p> <p>Strike out from the definition of “the repealed Act”, “as from time to time in force”.</p> <p>Strike out the definition of “salary” and substitute the following definition: “salary” means basic salary (expressed as an annual salary).</p> <p>Section 6 (4)— Strike out “as a judge who shall” and substitute “to”.</p> <p>Section 8 (1)— Strike out subsection (1) and substitute the following subsection: (1) The Parliamentary Superannuation Fund shall continue in existence.</p> <p>Section 9— Strike out “Officer as defined in the Public Service Act, 1967-1973” and substitute “person employed in the Public Service”.</p> <p>Section 13 (1)— Strike out subsection (1).</p> <p>Section 13 (2)— Strike out “constitute the body corporate” and substitute “be the Trustees of the Fund”.</p> <p>Section 13 (3)— Strike out subsection (3) and substitute the following subsection: (3) The Trustees shall continue to be a body corporate— (a) entitled “The Trustees of the Parliamentary Superannuation Fund”; (b) with perpetual succession and a common seal; and (c) with power to acquire and hold property of all kinds for the purposes of this Act.</p> <p>Section 14 (5) and (6)— Strike out subsections (5) and (6).</p> <p>Section 17 (1)— Strike out “as exceeds six years’ service but in any case not exceeding seventy-five per centum” and substitute “after six years service but the annual pension shall not, in any case, exceed 75 per cent”.</p> <p>Section 18 (3)— Strike out “as a judge who shall” and substitute “to”.</p> <p>Section 23— Strike out “under either of those Acts”.</p> <p>Section 24 (1)— Strike out “on or after the commencement of this Act.”</p> <p>Section 25 (1)— Strike out “on or after the commencement of this Act.”</p>

## Act Amended

## How Amended

## Section 25 (3)—

Strike out subsection (3) and substitute the following subsection:

(3) For the purposes of this section, a former member shall be deemed to have been a member at death if a judge is satisfied that, upon the expiration of the member's term of office or upon the member's resignation, the member genuinely sought to be elected at an election for the Parliament of this State (whether or not for the same electorate or the same House), another State, the Northern Territory or the Commonwealth (being an election not later than the next general election for that Parliament occurring after the former member ceased to be a member) but that the member died before the election took place.

## Section 26a—

Section 26a is repealed and the following section is substituted:

26a. For the purposes of this Division, a former member shall be deemed to have been a member at death if a judge is satisfied that, upon the expiration of the member's term of office or upon the member's resignation, the member genuinely sought to be elected at an election for the Parliament of this State (whether or not for the same electorate or the same House), another State, the Northern Territory or the Commonwealth (being an election not later than the next general election for that Parliament occurring after the former member ceased to be a member) but that the member died before the election took place.

## Section 34—

Strike out "on and after the commencement of this Act".

## Section 35 (1)—

Strike out from the definition of "prescribed pension day" "1974, and the first pension day in the month of October in each succeeding year" and substitute "in each year".

Strike out from the definition of "the Index" "as amended from time to time and includes any Act passed in substitution therefor".

## Section 35 (2)—

Strike out "of 1974 and as soon as practicable after the end of the June quarter in each succeeding year" and substitute "in each year".

## Section 35 (6)—

Strike out "Subject to subsection (7) of this section, on" and substitute "On".

## Section 35 (7)—

Strike out subsection (7).

## Section 36 (7a) (e)—

Strike out "assume membership of" and substitute "take his or her seat in".

## Section 36 (7b)—

Strike out "after such" and substitute "within such".

## Section 39a—

Section 39a is repealed.

## First schedule—

The first schedule is repealed.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor