



New South Wales

Better Regulation, Fair Trading and Other Legislation Amendment Bill 2024

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are to—

- (a) amend various Acts and regulations administered by the Minister for Better Regulation and Fair Trading, and
- (b) amend the *Liquor Act 2007* to continue provisions allowing local councils to encourage the use of outdoor space for dining and performances and repeal a related regulation.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendments relating to websites

Schedule 1 makes amendments to the following Acts to allow certain documents currently required to be published on a particular website to also be published by appropriate electronic means—

- (a) *Biofuels Act 2007*,
- (b) *Charitable Fundraising Act 1991*,
- (c) *Community Gaming Act 2018*,
- (d) *Co-operative Housing and Starr-Bowkett Societies Act 1998*,

- (e) *Fair Trading Act 1987*,
- (f) *Funeral Funds Act 1979*,
- (g) *Pawnbrokers and Second-hand Dealers Act 1996*.

Schedule 2 Amendments updating references to technology

Schedule 2 makes amendments to the following Acts and regulation to update references to outdated technologies, for example, videotape and computer diskettes—

- (a) *Biofuels Act 2007*,
- (b) *Conveyancers Licensing Regulation 2021*,
- (c) *Co-operative Housing and Starr-Bowkett Societies Act 1998*,
- (d) *Fair Trading Act 1987*,
- (e) *Holiday Parks (Long-term Casual Occupation) Act 2002*,
- (f) *Pawnbrokers and Second-hand Dealers Act 1996*,
- (g) *Residential Tenancies Act 2010*.

Schedule 3 Amendments relating to business days

Schedule 3 makes amendments to the following Acts and regulations to standardise the definition of *business day*—

- (a) *Conveyancers Licensing Act 2003*,
- (b) *Co-operative Housing and Starr-Bowkett Societies Act 1998*,
- (c) *Motor Dealers and Repairers Act 2013*,
- (d) *Property and Stock Agents Act 2002*,
- (e) *Residential Tenancies Act 2010*,
- (f) *Residential Tenancies Regulation 2019*,
- (g) *Retirement Villages Act 1999*,
- (h) *Retirement Villages Regulation 2017*,
- (i) *Tow Truck Industry Regulation 2020*.

Schedule 4 Amendments relating to public notice requirements

Schedule 4 makes amendments to the following Acts to remove outdated public notice requirements and update public notice requirements to be technology-neutral—

- (a) *Funeral Funds Act 1979*,
- (b) *Property and Stock Agents Act 2002*,
- (c) *Storage Liens Act 1935*.

Schedule 5 Amendments relating to electronic record keeping and sharing

Schedule 5 makes amendments to the following Acts and regulation to provide for electronic record keeping and sharing of documents—

- (a) *Agricultural Tenancies Act 1990*,
- (b) *Associations Incorporation Act 2009*,
- (c) *Co-operative Housing and Starr-Bowkett Societies Act 1998*,

- (d) *Funeral Funds Act 1979*,
- (e) *Funeral Funds Regulation 2016*.

Schedule 6 Amendments relating to service of documents

Schedule 6 makes amendments to the following Acts to allow for the service of documents by electronic means—

- (a) *Agricultural Tenancies Act 1990*,
- (b) *Associations Incorporation Act 2009*,
- (c) *Biofuels Act 2007*,
- (d) *Charitable Fundraising Act 1991*,
- (e) *Coal Mine Subsidence Compensation Act 2017*,
- (f) *Community Gaming Act 2018*,
- (g) *Conveyancers Licensing Act 2003*,
- (h) *Co-operative Housing and Starr-Bowkett Societies Act 1998*,
- (i) *Fair Trading Act 1987*,
- (j) *Funeral Funds Act 1979*,
- (k) *Holiday Parks (Long-term Casual Occupation) Act 2002*,
- (l) *Motor Dealers and Repairers Act 2013*,
- (m) *Paintball Act 2018*,
- (n) *Pawnbrokers and Second-hand Dealers Act 1996*,
- (o) *Property and Stock Agents Act 2002*,
- (p) *Residential (Land Lease) Communities Act 2013*,
- (q) *Residential Tenancies Act 2010*,
- (r) *Retirement Villages Act 1999*,
- (s) *Storage Liens Act 1935*,
- (t) *Tow Truck Industry Act 1998*,
- (u) *Uncollected Goods Act 1995*.

Schedule 7 Miscellaneous amendments

Schedule 7 makes miscellaneous minor amendments to the following Acts and regulations—

- (a) *Associations Incorporation Act 2009*,
- (b) *Associations Incorporation Regulation 2022*,
- (c) *Biofuels Act 2007*,
- (d) *Biofuels Regulation 2022*,
- (e) *Co-operative Housing and Starr-Bowkett Societies Act 1998*,
- (f) *Funeral Funds Act 1979*,
- (g) *Motor Dealers and Repairers Amendment Act 2023*,
- (h) *Property and Stock Agents Act 2002*,
- (i) *Tow Truck Industry Act 1998*.

Schedule 8 Amendments and repeal relating to outdoor space for dining and performance

Schedule 8.1[1] inserts proposed Part 12 into the *Liquor Act 2007* to continue provisions allowing local councils to encourage the use of outdoor space for dining and performances. The proposed part is in substantially the same form as provisions previously included in the *Liquor Act 2007* on a temporary basis as a COVID-19 related measure to encourage outdoor dining and performance.

Schedule 8.1[2] makes amendments of a savings and transitional nature consequent on the insertion of proposed Part 12.

Schedule 8.2 provides for the repeal of the *Liquor Amendment (Savings and Transitional Arrangements) Regulation 2023* consequent on the insertion of proposed Part 12.