

First print



New South Wales

## **Statute Law (Miscellaneous Provisions) Bill (No 2) 1997**

### **Explanatory note**

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

#### **Overview of Bill**

The objects of this Bill are:

- (a) to make minor amendments to various Acts and a regulation (Schedule 1), and
  - (b) to amend certain other Acts for the purpose of effecting statute law revision (Schedule 2), and
  - (c) to replace gender-specific language with gender-neutral language (Schedule 3), and
  - (d) to repeal certain Acts (Schedule 4), and
  - (e) to make other provisions of a consequential or ancillary nature (Schedule 5).
-

## 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.

**Clauses 3–5** are machinery provisions that give effect to the Schedules to the Act containing amendments, repeals and savings, transitional and other provisions.

**Clause 6** makes it clear that the explanatory notes contained in the Schedules do not form part of the proposed Act.

## Schedule 1 Minor amendments

**Schedule 1** makes amendments to the following Acts and regulation:

Associations Incorporation Act 1984 No 143

Children (Detention Centres) Act 1987 No 57

Co-operatives Act 1992 No 18

Co-operatives Amendment Act 1997 No 39

Dental Technicians Registration Act 1975 No 40

Environmental Planning and Assessment Act 1979 No 203

Evidence Act 1995 No 25

Factories, Shops and Industries Act 1962 No 43

Fair Trading Act 1987 No 68

Fines Act 1996 No 99

Fluoridation of Public Water Supplies Act 1957 No 58

Food Act 1989 No 231

Law Foundation Act 1979 No 32

Mental Health Act 1990 No 9

Motor Accidents Act 1988 No 102

National Parks and Wildlife Act 1974 No 80

Oaths Act 1900 No 20



Statute Law (Miscellaneous Provisions) Bill (No 2) 1997

Explanatory note

---

Parliamentary Contributory Superannuation Act 1971 No 53

Pawnbrokers and Second-hand Dealers Act 1996 No 13

Police Integrity Commission Act 1996 No 28

Protection of the Environment Administration Act 1991 No 60

Rural Fires Act 1997 No 65

State Authorities Superannuation Act 1987 No 211

State Emergency and Rescue Management Act 1989 No 165

Status of Children Act 1996 No 76

Stock (Chemical Residues) Act 1975 No 26

Strata Schemes Management Act 1996 No 138

Trustee Companies Act 1964 No 6

Trustee Companies Regulation 1994

Unclaimed Money Act 1995 No 75

The amendments to each Act and to the regulation are explained in detail in the explanatory note relating to the Act or regulation concerned set out in Schedule 1.

### **Schedule 2 Amendments by way of statute law revision**

**Schedule 2** amends certain other Acts for the purpose of effecting statute law revision. A number of other amendments are made relating to formal drafting matters and minor corrections.

The amendments to each Act are explained in detail in the explanatory note relating to the Act concerned set out in Schedule 2.

### **Schedule 3 Amendments replacing gender-specific language**

**Schedule 3** substitutes gender-neutral language for the gender-specific language in various Acts. A policy of using gender-neutral language in New South Wales legislation was formally announced by the Governor in his speech for the opening of Parliament on 16 August 1983 and has been strictly applied ever since. However, gender-specific language remains in many of the statutes currently in force that were enacted before the policy was implemented.

### **Schedule 4 Repeals**

**Schedule 4** repeals a number of Acts. Since the *Statute Law (Miscellaneous Provisions) Act 1985*, the number of Acts in force has been gradually reduced by repealing amending Acts once the amendments contained in the Acts have been incorporated in a reprint. The Schedule continues this process, and also repeals amending Acts enacted at least 20 years ago, the provisions of which have not all been included in a reprint but which contain no provision of substantive effect that needs to be retained. The Acts that were amended by the Acts being repealed are up-to-date on the Legislation Database maintained by the Parliamentary Counsel's Office and are available electronically.

### **Schedule 5 General savings, transitional and other provisions**

**Schedule 5** contains savings, transitional and other provisions of a more general effect than those set out in Schedule 1.

The purpose of each provision is explained in detail in the explanatory note relating to the provision concerned set out in Schedule 5.



New South Wales

## **Statute Law (Miscellaneous Provisions) Bill (No 2) 1997**

### **Contents**

---

	Page
1 Name of Act	2
2 Commencement	2
3 Amendments	2
4 Repeals	2
5 General savings, transitional and other provisions	2
6 Explanatory notes	2

---

### **Schedules**

---

1 Minor amendments	3
Associations Incorporation Act 1984 No 143	
Children (Detention Centres) Act 1987 No 57	
Co-operatives Act 1992 No 18	
Co-operatives Amendment Act 1997 No 39	
Dental Technicians Registration Act 1975 No 40	
Environmental Planning and Assessment Act 1979 No 203	

---

Statute Law (Miscellaneous Provisions) Bill (No 2) 1997

Contents

---

	Page
Evidence Act 1995 No 25	
Factories, Shops and Industries Act 1962 No 43	
Fair Trading Act 1987 No 68	
Fines Act 1996 No 99	
Fluoridation of Public Water Supplies Act 1957 No 58	
Food Act 1989 No 231	
Law Foundation Act 1979 No 32	
Mental Health Act 1990 No 9	
Motor Accidents Act 1988 No 102	
National Parks and Wildlife Act 1974 No 80	
Oaths Act 1900 No 20	
Parliamentary Contributory Superannuation Act 1971 No 53	
Pawnbrokers and Second-hand Dealers Act 1996 No 13	
Police Integrity Commission Act 1996 No 28	
Protection of the Environment Administration Act 1991 No 60	
Rural Fires Act 1997 No 65	
State Authorities Superannuation Act 1987 No 211	
State Emergency and Rescue Management Act 1989 No 165	
Status of Children Act 1996 No 76	
Stock (Chemical Residues) Act 1975 No 26	
Strata Schemes Management Act 1996 No 138	
Trustee Companies Act 1964 No 6	
Trustee Companies Regulation 1994	
Unclaimed Money Act 1995 No 75	
2 Amendments by way of statute law revision	35
3 Amendments replacing gender-specific language	46
4 Repeals	96
5 General savings, transitional and other provisions	100

---

<b>Notes</b>	102
--------------	-----





New South Wales

## **Statute Law (Miscellaneous Provisions) Bill (No 2) 1997**

No , 1997

---

### **A Bill for**

An Act to repeal certain Acts and to amend certain other Acts and a regulation in various respects and for the purpose of effecting statute law revision; and to make certain savings.

---

---

**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Statute Law (Miscellaneous Provisions) Act (No 2) 1997*.

**2 Commencement**

5

- (1) This Act commences on the date of assent, except as provided by subsections (2) and (3).
- (2) The amendments made by Schedules 1 and 2 commence on the day or days specified in those Schedules in relation to the amendments concerned. If a commencement day is not specified, the amendments commence on the date of assent to this Act. 10
- (3) The amendments made by Schedule 3 commence on the date that is 3 months after the date of assent to this Act, or on such earlier day or days as may be appointed by proclamation.

**3 Amendments**

15

Each Act and regulation specified in Schedules 1–3 is amended as set out in those Schedules.

**4 Repeals**

Each Act or provision of an Act specified in Schedule 4 is repealed. 20

**5 General savings, transitional and other provisions**

Schedule 5 has effect.

**6 Explanatory notes**

The matter appearing under the heading “Explanatory note” in any of the Schedules does not form part of this Act. 25

---

## Schedule 1 Minor amendments

(Section 3)

### 1.1 Associations Incorporation Act 1984 No 143

#### [1] Section 19 Objects and rules

Insert “and those rules deemed to be included by subsection (3)”  
after “section 20” in section 19 (2) (a). 5

#### [2] Section 53 Distribution of surplus property

Omit section 53 (2A) (b). Insert instead:

- (b) is not to be made to any member or former member of the association, or to any person to be held on trust for any member or former member of the association, unless the member or former member is an association (whether incorporated or unincorporated) that, at the time of the distribution, has rules preventing the distribution of property to its members, and 10  
15

#### [3] Section 54 Cancellation of incorporation

Omit “certified post” from section 54 (1).  
Insert instead “registered post”.

#### [4] Section 55B Distribution of surplus property on voluntary cancellation of incorporation 20

Omit section 55B (2) (b). Insert instead:

- (b) is not to be made to any member or former member of the association, or to any person to be held on trust for any member or former member of the association, unless the member or former member is an association (whether incorporated or unincorporated) that, at the time of the distribution, has rules preventing the distribution of property to its members, and 25  
30

**[5] Section 57A**

Insert after section 57:

**57A Effect of incorporation as an Aboriginal association**

If an association is incorporated as an Aboriginal association under the *Aboriginal Councils and Associations Act 1976* of the Commonwealth, the Commissioner must cancel the incorporation of the association under this Act. 5

**Explanatory note**

**Deemed rules of an incorporated association 10**

Section 19 (2) of the *Associations Incorporation Act 1984* provides that the rules of an incorporated association are either those rules that accompany the application for incorporation of the association or the model rules. Section 19 (3) of the Act provides that if the model rules make provision for a matter for which the rules of an incorporated association do not make provision, the relevant provision of the model rules is deemed to be included in the rules of the incorporated association. 15

Item [1] of the proposed amendments makes it clear that the rules of an incorporated association include such deemed rules.

**Distribution of surplus property on winding up or on the voluntary cancellation of incorporation 20**

Section 53 of the Act provides for the distribution of the surplus property of an incorporated association that has been wound up. That section prevents the distribution of the property to a member or former member of the association, unless the member or former member is an unincorporated association that has rules preventing the distribution of property to its members. Section 55B makes a similar provision in respect of the distribution of surplus property after the voluntary cancellation of an association's incorporation. 25

Items [2] and [4] of the proposed amendments amend those sections to allow for the distribution of surplus property to a member or former member that is an incorporated association. Any such distribution is still subject to the approval of the Director-General of the Department of Fair Trading and to the requirement that the rules of the relevant association must prevent the distribution of property to its members. 30

**Procedure for cancellation of incorporation 35**

Section 54 of the Act sets out the procedure for cancellation of incorporation, which includes sending a notice to the association by certified post.

Item [3] of the proposed amendments amends that section to provide for the notice to be sent by registered post.



### Recognition of registration under Commonwealth Act

The *Aboriginal Councils and Associations Act 1976* of the Commonwealth provides for the constitution of Aboriginal Councils and the incorporation of Aboriginal associations. Section 46 of that Act provides that if an association that becomes incorporated as an Aboriginal association was incorporated under another Act (which would include the *Associations Incorporation Act 1984* of New South Wales) that incorporated association continues in existence, by force of the Commonwealth Act, as a body corporate with perpetual succession under the Commonwealth Act.

5

Item [5] of the proposed amendments provides for the cancellation of the incorporation of such an association under the State Act.

10

## 1.2 Children (Detention Centres) Act 1987 No 57

### Section 23 Persons on remand not to be granted leave

Insert at the end of section 23:

- (2) However, the Director-General may, by order in writing, grant leave to be absent from a detention centre for a purpose specified in section 24 (1A) to any person on remand in respect of whom an appeal (including an appeal to the High Court) relating to an offence is pending.
- (3) Section 24 (1B), (4), (5) and (6) apply to such an order as if it were made under section 24 (1) (a).

15

20

### Transitional

The amendment to the *Children (Detention Centres) Act 1987* extends to any person in respect of whom an appeal relating to an offence is pending at the commencement of the amendment and to any person convicted or sentenced in respect of an offence before the commencement of the amendment and in respect of whom an appeal relating to the offence is commenced after the commencement of the amendment.

25

### Explanatory note

The *Children (Detention Centres) Act 1987* makes provision with respect to the detention of children and other young people who are on remand or who have been found guilty of criminal offences.

30

The proposed amendment deals with an anomaly in the present treatment of children who have been convicted of a criminal offence but whose conviction or sentence is subject to appeal.

35

---

Under the present law, a child who has been convicted and is the subject of a detention order may be granted leave to be absent from the detention centre (see section 24 (1) (a)). However, if that child commences proceedings to appeal his or her conviction or sentence, the child would be treated as a person on remand and as a result would be ineligible to be granted leave to be absent from the detention centre (see section 23), although the child could still be eligible for an escorted absence in special circumstances (specified in section 23A). 5

This anomaly arises because the definition of *person on remand* in the Act includes a person who is an *accused person* within the meaning of the *Bail Act 1978* and who has not been released on bail under that Act. A person in respect of whom an appeal relating to an offence is pending is treated as an accused person within the meaning of the *Bail Act 1978* and therefore as a *person on remand* under the *Children (Detention Centres) Act 1987*. 10

The present position is that a child who has been convicted of an offence and is the subject of a detention order loses the ability to be granted leave if the conviction or sentence is appealed. If the appeal is rejected, and the conviction or sentence is upheld, the child is again eligible for leave. 15

The proposed amendment will ensure that the commencement of appeal proceedings does not affect a child's eligibility to be granted leave to be absent from a detention centre. 20

### 1.3 Co-operatives Act 1992 No 18

#### [1] Section 136 Repayment of deposits, debentures and CCUs

Insert "of any deposit, debenture or CCU to which an amount due to a former member was transferred before the date of assent to the *Statute Law (Miscellaneous Provisions) Act (No 2) 1997*," after "subsection (2)" in section 136 (3). 25

#### [2] Section 177 Rules of certain co-operatives formed to carry on club may restrict voting rights

Insert after section 177 (2):

- (3) This section applies only to the following co-operatives: 30
  - (a) any co-operative registered under the *Registered Clubs Act 1976* (regardless of when it was registered under this Act),

- 
- (b) any co-operative that was registered under this Act before the date of assent to the *Statute Law (Miscellaneous Provisions) Act (No 2) 1997*,
- (c) any co-operative that does not trade outside this State (regardless of when it was registered under this Act). 5
- [3] Section 180 Effect of unpaid borrowings**
- Insert “as in force immediately before the date of assent to the *Statute Law (Miscellaneous Provisions) Act (No 2) 1997*” after “co-operative” where secondly occurring. 10
- [4] Section 201 Decision at meetings**
- Omit “chairman” from section 201 (3).  
Insert instead “chairperson”.
- [5] Section 201 (3)**
- Omit “an additional or casting vote”. 15  
Insert instead “a casting vote, if the rules of the co-operative so provide”.
- [6] Section 206 Qualifications for directors (other than associations and federations)**
- Omit “active member” wherever occurring in section 206 (3) and (4). 20  
Insert instead “active member director”.
- [7] Section 206 (3) and (4)**
- Omit “active members” wherever occurring.  
Insert instead “active member directors”. 25



**[8] Section 227 Insurance against default by officers and employees**

Omit the section.

**[9] Section 239 Division does not affect other laws or rules**

Omit "section 235". Insert instead "section 241".

5

**[10] Section 339 How this Division applies to a merger**

Omit "and applies whether the merger results in a co-operative under this Act or in a foreign co-operative under the law of a place outside the State" from section 339 (1).

**[11] Section 340 How this Division applies to a transfer of engagements**

10

Omit paragraph (a) of the definition of *relevant day* in section 340 (2).

Insert instead:

- (a) in the case of a transfer under section 313, is the day specified by the Registrar under that section as the day on which the transfer takes effect,

15

**[12] Schedule 6 Savings and transitional provisions**

Insert "*Statute Law (Miscellaneous Provisions) Act (No 2) 1997* (Schedule 1.3 and 1.4 only)" at the end of clause 2 (1).

20

**Commencement**

The amendments to sections 239, 339 and 340 of the *Co-operatives Act 1992* commence, or are taken to have commenced, on the date of commencement of Schedule 1 [126], [185] and [160] to the *Co-operatives Amendment Act 1997* respectively.

25



---

**Explanatory note**

**Repayment of deposits, debentures and CCUs**

At present, section 136 of the *Co-operatives Act 1992* provides for the repayment of amounts due to former members of co-operatives in respect of cancelled membership and forfeiture of shares. That section requires repayment to be made as soon as it would not, in the opinion of the board of directors of a co-operative, adversely affect the financial position of the co-operative, and not later than 10 years after cancellation of membership. The Co-operatives Council has the power to extend the 10 year repayment period.

5

Item [1] of the proposed amendments removes the power of the Council to extend the 10 year period for repayment of amounts due to former members (in the form of deposits, debentures and co-operative capital units, or CCUs) and transferred after the commencement of the amendment.

10

**Rules of certain co-operatives formed to carry on club may restrict voting rights**

15

At present, section 177 of the Act provides for the rules of a co-operative that has as a primary activity the operation, maintenance or carrying on of a club to provide for different classes of membership and for restricted voting rights.

Item [2] of the proposed amendments restricts the operation of the section to co-operatives registered under the *Registered Clubs Act 1976*, existing registered co-operatives and co-operatives that do not trade outside New South Wales.

20

**Effect of unpaid borrowings on voting rights**

Section 180 of the Act provides for the rules of a co-operative to exclude a member from voting if the member has borrowed money from the co-operative that is unpaid at the time of voting.

25

Item [3] of the proposed amendments restricts the operation of the section to existing co-operatives that presently have a provision in the rules complying with the section.

**Voting at meetings of co-operatives**

Section 201 of the Act deals with decisions at meetings of co-operatives and provides that, in the case of an equality of votes, the chairman of the relevant meeting is entitled to an additional or casting vote.

30

Item [5] of the proposed amendments provides that the chairperson only has an additional or casting vote if the rules of the co-operative so provide. Item [4] changes the title of the "chairman" to "chairperson".

35

**Active member directors of co-operatives**

Section 206 of the Act deals with the qualifications of directors of co-operatives. Section 206 (1) (as proposed to be inserted by the *Co-operatives Amendment Act 1997*) provides that a person is not qualified to be a director unless the person is an active member of the co-operative, a representative of a body corporate that is an active member, an employee of the co-operative or a person qualified as provided by the rules. Section 206 (3) of the Act refers to the balance between

40

Statute Law (Miscellaneous Provisions) Bill (No 2) 1997

Schedule 1      Minor amendments

---

directors who are active members and other directors. Section 206 (4) provides for employee-elected directors to be treated as active member directors (where appropriate) in determining that balance.

Items [6] and [7] of the proposed amendments amend those subsections to take account of the fact that an active member director can be either an active member in his or her own right or can be the representative of a body corporate that is an active member. 5

**Insurance against default by officers and employees**

Section 227 of the Act requires a co-operative to maintain insurance in respect of loss resulting from fraud or dishonesty of officers or employees and by certain contractors. 10

Item [8] of the proposed amendments omits that section.

**Transfer of engagements**

Division 7 of Part 12 of the Act deals with the effect of a merger of co-operatives, a transfer of engagements, or a transfer of incorporation, on the property and liabilities of the co-operative. At present, section 340 specifies that the date on which the transfer of engagements of a co-operative under section 313 of the Act takes effect is the date specified in the relevant special resolution of the co-operative. 15

Item [11] of the proposed amendments amends that section as a consequence of amendments to be made to section 313 by Schedule 1 [160] to the *Co-operatives Amendment Act 1997*. Under the amended section 313, the relevant date is to be specified by the Registrar. 20

**Other amendments**

Item [9] of the proposed amendments updates a cross-reference that will be incorrect when the *Co-operatives Amendment Act 1997* commences. 25

Item [10] of the proposed amendments omits a provision dealing with foreign co-operatives that will be redundant on the commencement of proposed Part 13A of the Act, which deals with foreign registration and with mergers and transfer of engagements involving foreign co-operatives. 30

Item [11] creates a power to make savings and transitional regulations.

**1.4 Co-operatives Amendment Act 1997 No 39**

**[1] Schedule 1 Amendments**

Omit "registered" from paragraph (a) of the definition of *foreign co-operative* in section 5 (1) of the *Co-operatives Act 1992* (as proposed to be inserted by Schedule 1 [8]). 35  
Insert instead "incorporated".



**[2] Schedule 1 [12]**

Insert “CCUs issued by,” after “shares in,” wherever occurring in section 8 (2) (g) and (3) of the *Co-operatives Act 1992* (as proposed to be inserted by Schedule 1 [12]).

**[3] Schedule 1 [94]**

5

Omit section 189 (4) of the *Co-operatives Act 1992* (as proposed to be inserted by Schedule 1 [94]).

**Explanatory note**

**Application of Corporations Law to foreign co-operatives**

The *Co-operatives Amendment Act 1997* omitted the existing definition of **foreign co-operative** in the *Co-operatives Act 1992* and replaced it with a definition that excludes a body registered under the *Corporations Law*.

10

Item [1] of the proposed amendments will have the effect that bodies incorporated under the *Corporations Law* (and not bodies registered under that Law) will be excluded from the definition, and thus from the operation of Part 13A (Foreign co-operatives) of the *Co-operatives Act 1992* (proposed to be inserted by Schedule 1 [185] to the *Co-operatives Amendment Act 1997*).

15

**Application of Corporations Law to CCUs**

Proposed section 8 of the *Co-operatives Act 1992* sets out the extent to which the *Corporations Law* applies to co-operatives. The section replaces former section 44, which excluded the application of the *Corporations Law* to shares in, debentures of, deposits with, or corporate capital units (CCUs) issued by, co-operatives. The relevant provisions of proposed section 8 (as proposed to be inserted by the *Co-operatives Amendment Act 1997*) do not refer to CCUs.

20

Item [2] of the proposed amendments includes CCUs in the list of securities of a co-operative to which the *Corporations Law* does not apply.

25

**Notice of special resolutions**

Proposed section 189 of the *Co-operatives Act 1992* makes provision in respect of special resolutions passed by co-operatives, including provision for the giving of notice to members of a co-operative of any proposed special resolutions. Proposed section 189 (4) (as proposed to be inserted by the *Co-operatives Amendment Act 1997*) incorrectly refers to the giving of notice to the Registrar, which is not a part of the proposed new scheme. Accordingly, item [3] of the proposed amendments omits the redundant subsection.

30

**1.5      Dental Technicians Registration Act 1975 No 40**

**Section 6 Constitution of Dental Technicians Registration Board**

Omit "Dental Laboratories Association of New South Wales" from section 6 (1) (e).

Insert instead "Australian Commercial Dental Laboratories Association (NSW)". 5

**Explanatory note**

Section 6 of the *Dental Technicians Registration Act 1975* makes provision for the membership of the Dental Technicians Registration Board. Section 6 (1) (e) provides that the membership must include a person who is a dental technician nominated by the Dental Laboratories Association of New South Wales. That Association is now known as the Australian Commercial Dental Laboratories Association (NSW). 10

The proposed amendment updates the reference to the Association.

**1.6      Environmental Planning and Assessment Act 1979 No 203 15**

**Section 112D Matters to be considered by Director-General of National Parks and Wildlife as concurrence authority**

Insert ", population" after "species" in section 112D (f).

**Transitional 20**

The amendment to the *Environmental Planning and Assessment Act 1979* extends to the consideration of any development application, and the consideration of any activity or approval for an activity, that is not finally determined on the date of commencement of the amendment.

**Explanatory note 25**

Section 112C of the Act provides that a determining authority must obtain the concurrence of the Director-General of National Parks and Wildlife before carrying out, or granting approval to carry out, an activity carried out in respect of land that is critical habitat or part of critical habitat, or that is likely to significantly affect a threatened species, population or ecological community or its habitat. In the alternative, the Minister for the Environment may undertake that concurrence role, but only if that Minister consults the Director-General of National Parks and Wildlife and seeks the Director-General's recommendations in respect of the proposed activity. 30



---

Section 112D sets out the matters that have to be considered by the Director-General of National Parks and Wildlife in deciding whether or not concurrence should be given under section 112C. At present, section 112D (f) of the Act requires the Director-General, in deciding whether or not to concur under section 112C, to consider whether the relevant activity is likely to accelerate the extinction of the relevant threatened species or ecological community or place it at or near extinction.

5

The proposed amendment includes a reference to threatened populations in that paragraph, so as to ensure that the Director-General is required to consider the risk of extinction of any relevant threatened population.

10

## **1.7 Evidence Act 1995 No 25**

### **[1] Dictionary**

Omit "*Public Service Act 1922*" from paragraph (a) of the definition of *Commonwealth record* in Part 1.

Insert instead "*Public Service Act 1997*".

15

### **[2] Dictionary**

Insert after clause 8 in Part 2:

#### **8A References to offices etc**

In this Act:

(a) a reference to a person appointed or holding office under or because of an Australian law or a law of the Commonwealth includes a reference to an APS employee within the meaning of the *Public Service Act 1997* of the Commonwealth, and

20

(b) in that context, a reference to an office is a reference to the position occupied by the APS employee concerned, and a reference to an officer includes a reference to a Secretary, or APS employee, within the meaning of that Act.

25

Statute Law (Miscellaneous Provisions) Bill (No 2) 1997

Schedule 1 Minor amendments

---

**Commencement**

The amendments to the *Evidence Act 1995* commence on a day to be appointed by proclamation.

**Explanatory note**

The *Evidence Act 1995* includes references to people appointed or holding offices under or because of an Australian law or a law of the Commonwealth. 5

At present, Commonwealth public servants are appointed or employed, or hold office, under the *Public Service Act 1922* of the Commonwealth. The *Public Service Bill 1997* of the Commonwealth, which was introduced in the House of Representatives on 26 June 1997, creates a new public service structure which involves the engagement of people as "APS employees". Such people will not hold an office under an Australian law, and will therefore not be within the scope of many provisions of the *Evidence Act 1995*. 10

Item [2] of the proposed amendments will have the effect that the *Evidence Act 1995* will continue to apply to the evidence of Commonwealth public servants despite the proposed changes to the structure of the Commonwealth public service. 15

Item [1] of the proposed amendments updates a reference to the Commonwealth Act.

**1.8 Factories, Shops and Industries Act 1962 No 43** 20

**[1] Section 108 Hairdressers to be licensed**

Omit "Minister" from section 108 (2).  
Insert instead "Director-General".

**[2] Section 152A**

Insert after section 152: 25

**152A Performance of Director-General's functions**

- (1) Anything authorised or required under Part 4 or 6 to be done by, lodged with or paid to the Director-General may be done by, lodged with or paid to any officer of the Department of Industrial Relations who is authorised generally or specifically in that behalf in writing by the Director-General. 30

- 
- (2) Anything purporting to have been done by, lodged with or paid to an officer authorised under this section is taken to have been done by, lodged with or paid to the Director-General.
  - (3) This section does not apply to the functions of the Director-General under section 105 (which deals with the constitution and procedure of the Hairdressers Council). 5

**Explanatory note**

Section 108 (2) of the *Factories, Shops and Industries Act 1962* deals with the licensing of hairdressers, and requires an application for a hairdresser's licence to be made in the form approved by the Minister for Industrial Relations. 10

Item [1] of the proposed amendments provides for such forms instead to be approved by the Director-General of the Department of Industrial Relations.

Item [2] of the proposed amendments inserts a section which provides for the performance of the Director-General's functions under Parts 4 and 6 of the Act by officers authorised by the Director-General for that purpose. 15

**1.9 Fair Trading Act 1987 No 68**

**[1] Section 25E Membership**

Omit "10 members" from section 25E (1). 20  
Insert instead "14 members".

**[2] Section 25E (2) (b)**

Omit "9 other persons". Insert instead "13 other persons".

**[3] Section 25H Membership**

Omit "12 members" from section 25H (1). 25  
Insert instead "14 members".

**[4] Section 25H (2) (b)**

Omit "11 persons". Insert instead "13 persons".



**[5] Section 25K Membership**

Omit "11 members" from section 25K (1).  
Insert instead "14 members".

**[6] Section 25K (2) (b)**

Omit "10 persons". Insert instead "13 persons". 5

**Commencement**

The amendments to the *Fair Trading Act 1987* commence on a day or days to be appointed by proclamation.

**Explanatory note**

The *Fair Trading Act 1987* establishes various advisory committees and advisory councils, including three councils the functions of which are to advise the Minister on the motor trade (the Motor Trade Advisory Council), the property services industry (the Property Services Advisory Council) or the home building industry (the Home Building Advisory Council). 10

At present, each of those advisory councils has a different number of members. The proposed amendments provide for each council to consist of 14 members, the Director-General of the Department of Fair Trading (or his or her nominee) and 13 appointed members having expertise appropriate to the relevant council's functions. 15

Items [1] and [2] of the proposed amendments increase the membership of the Motor Trade Advisory Council from 10 members to 14 members. 20

Items [3] and [4] of the proposed amendments increase the membership of the Property Services Advisory Council from 12 members to 14 members.

Items [5] and [6] of the proposed amendments increase the membership of the Home Building Advisory Council from 11 members to 14 members. 25

**1.10 Fines Act 1996 No 99**

**Schedule 1 Statutory provisions under which penalty notices issued**

Insert in alphabetical order:

Rural Fires Act 1997, section 131 30

**Commencement**

The amendment to the *Fines Act 1996* commences on the date of commencement of Schedule 1 to the *Fines Act 1996*.



### Explanatory note

Part 3 of the *Fines Act 1996* sets out the procedure for the issue and enforcement of penalty notices under any of the statutory provisions set out in Schedule 1 to the Act. (A penalty notice is a notice to the effect that the person to whom it is directed has committed a specified offence and that, if the person does not wish to have the matter dealt with by a court, the person may pay the specified amount for the offence to a specified person within a specified time.)

5

The proposed amendment inserts section 131 (Penalty notices) of the *Rural Fires Act 1997* in the list of statutory provisions under which penalty notices can be issued. As a result, a penalty notice can be issued and enforced under Part 3 of the *Fines Act 1996* in respect of any offence against the *Rural Fires Act 1997* prescribed by the regulations made under that Act.

10

## 1.11 Fluoridation of Public Water Supplies Act 1957 No 58

### Section 11 Regulations

Insert after section 11 (2):

15

- (3) The regulations may incorporate by reference, wholly or in part and with or without modification, any standards, rules, codes, specifications or methods, as in force at a particular time or as in force from time to time, prescribed or published by any authority or body (whether or not it is a New South Wales authority or body).

20

### Explanatory note

Section 42 of the *Interpretation Act 1987* provides that if an Act authorises or requires provision to be made for or with respect to any matter by a regulation, the regulation may make provision for or with respect to that matter by applying, adopting or incorporating (with or without modification) the provisions of any publication. Under section 69 of that Act such a publication may be applied, adopted or incorporated as in force on a particular day, on the day the regulation took effect, or, if the Act authorising or requiring provision to be made specifically provides, as in force from time to time.

25

30

The proposed amendment empowers the regulations made under the *Fluoridation of Public Water Supplies Act 1957* to adopt standards or other publications of other bodies (such as the Commonwealth) as in force at a particular time or as in force from time to time.

35

## **1.12    Food Act 1989 No 231**

### **Section 77 Food Advisory Committee**

Omit section 77 (2) (c). Insert instead:

- (c)    one must be an analyst who is an officer of the  
Department of Health or an employee of a public  
health organisation within the meaning of the  
*Health Services Act 1997*, and
- 5

#### **Commencement**

The amendment to the *Food Act 1989* commences on the date of commencement of Schedule 6.13 to the *Health Services Act 1997*.

10

#### **Explanatory note**

Section 77 (2) of the *Food Act 1989* sets out the membership of the Food Advisory Committee, which includes one member who is an analyst. At present, that member must be an officer of the Department of Health.

The proposed amendment will allow for the appointment to the committee of an analyst who is an employee of a public health organisation.

15

## **1.13    Law Foundation Act 1979 No 32**

- [1]    **Section 3, definitions of “former Board of Governors” and  
“former Foundation”, sections 8 (2) and 23 and Schedule 1,  
clause 13 (2)**
- 20

Omit the definitions and the subsection, section and subclause.

- [2]    **Section 4 Constitution of Law Foundation of New South Wales**

Insert at the end of the section:

- (2)    The Law Foundation is an exempt public authority for  
the purposes of the *Corporations Law*.
- 25

---

**[3] Section 10**

Omit the section. Insert instead:

**10 Appointment and term of office of Director**

The Director holds office for such term (not exceeding 5 years) as is specified in the Director's instrument of appointment but is eligible for re-appointment. 5

**[4] Section 14 Acting Director**

Omit section 14 (2). Insert instead:

(2) Any such person holds office for such term (not exceeding 12 months) as is specified in the person's instrument of appointment but is eligible for re-appointment. 10

**[5] Schedule 1 Constitution and procedure of Board of Governors**

Omit "barristers or solicitors" from clause 2 (2) (a).  
Insert instead "legal practitioners". 15

**[6] Schedule 1, clause 2 (2) (b)**

Omit " , who shall be solicitors,".

**[7] Schedule 1, clause 2 (2) (c)**

Omit " , who shall be a barrister,".

**Transitional** 20

The amendment made to section 10 of the *Law Foundation Act 1979* by item [3] does not apply to the term of office of the person holding office as Director of the Law Foundation at the date of commencement of the amendment, unless that person re-applies to be Director at the end of that term.

**Explanatory note** 25

**Application of the Corporations Law to the Law Foundation**

The *Law Foundation Act 1979* constitutes the Law Foundation as a body corporate and defines its objects and powers.



Statute Law (Miscellaneous Provisions) Bill (No 2) 1997

Schedule 1 Minor amendments

---

Item [2] of the proposed amendments provides that the Law Foundation is an exempt public authority for the purposes of the *Corporations Law*. As a consequence, the provisions of the *Corporations Law* relating to corporations will not apply to the Law Foundation. (An exempt public authority is not a "corporation" within the meaning of the *Corporations Law*: see section 57A.) 5

**Term of office of Director**

Item [3] reduces the term of office of the Director of the Law Foundation from 7 years to 5 years. (The amendment does not apply so as to reduce the current term of the current Director.)

**Membership of the Board of Governors of the Law Foundation** 10

Items [6] and [7] remove the requirements that the member of the Board of Governors of the Law Foundation who is nominated by the Council of the Law Society must be a solicitor and that the member nominated by the Bar Association must be a barrister. As a result of the amendments the Law Society and Bar Association will be able to nominate any person as a member of the Board of Governors. 15

**Statute law revision**

Item [1] omits redundant references, including references to a former authority and the former holder of an office.

Item [4] redrafts the provision dealing with appointment of an acting Director, so that it is consistent with the replaced provision dealing with the appointment of the Director. 20

Item [5] updates the terminology used in a provision.

**1.14 Mental Health Act 1990 No 9**

**Section 228 Appointment of official visitors** 25

Insert in alphabetical order in paragraph (b) of the definition of *area health service* in section 228 (4):

Corrections Health Service

**Explanatory note**

Schedule 1.5 [1] to the *Mental Health Legislation Amendment Act 1997* amended the *Mental Health Act 1990* by replacing section 228, which deals with the appointment of official visitors. The new section provides for official visitors to be appointed for an area health service rather than for individual hospitals or health care agencies, as was previously the case. 30

The proposed amendment includes the Corrections Health Service in the list of area health services for which an official visitor can be appointed under the replacement provision. 35



---

**1.15 Motor Accidents Act 1988 No 102**

**[1] Section 86 General Manager**

Omit section 86 (2).

**[2] Section 87 Functions of General Manager**

Omit section 87 (3).

5

**[3] Section 87 (4)**

Omit the subsection. Insert instead:

- (4) The General Manager has such other functions as are conferred or imposed on the General Manager by or under this or any other Act.

10

**[4] Section 93 Establishment of Motor Accidents Authority Fund**

Omit “and Deputy General Manager” from section 93 (3) (a).

**Explanatory note**

The *Motor Accidents Act 1988* constitutes the Motor Accidents Authority. Section 86 of the Act provides that the General Manager and Deputy General Manager of the Authority are to be the officers holding office as such under Part 2 of the *Public Sector Management Act 1988*.

15

The proposed amendments remove all references to the Deputy General Manager of the Authority, a position that has been abolished under the *Public Sector Management Act 1988*.

20

**1.16 National Parks and Wildlife Act 1974 No 80**

**[1] Section 47GB SRA trust boards**

Omit section 47GB (2). Insert instead:

- (2) A trust board is to consist of:
- (a) at least 3, but no more than 7, members appointed by the Minister, and
- (b) the holder of any office, or the holders of any offices, that the Minister considers appropriate.

25

**[2]      Section 47T Regional park trust boards**

Omit section 47T (2). Insert instead:

- (2)      A regional park trust board is to consist of:
  - (a)      at least 3, but no more than 7, members appointed by the Minister, and 5
  - (b)      the holder of any office, or the holders of any offices, that the Minister considers appropriate.

**[3]      Section 108 Possessing 20 or more birds**

Insert after section 108 (b):

- , or 10
    - (c)      that person does so under and in accordance with the authority conferred by a general licence under section 120.

**[4]      Schedule 10 Provisions relating to trust boards**

Insert after clause 4 (1): 15

- (1A)      In addition, the office of a member who is a member by virtue of being the holder of a particular office becomes vacant if the member ceases to hold the office that qualifies the member as a member.

**Explanatory note** 20

**Membership of certain trust boards**

Sections 47GB and 47T of the *National Parks and Wildlife Act 1974* provide for the membership of trust boards of state recreation areas and regional parks.

Items [1] and [2] of the proposed amendments will allow the Minister for the Environment to determine that the membership of the trust boards is to also include the holder of a certain office, or the holders of certain offices, determined by the Minister. 25

Item [4] of the proposed amendments makes a consequential amendment to the Schedule of provisions relating to trust boards.

### Possession of birds

Section 101 of the *National Parks and Wildlife Act 1974* makes it an offence to possess protected fauna. A person cannot be convicted of such an offence if the court is satisfied that the person believed on reasonable grounds that the act constituting the offence was done under and in accordance with or by virtue of the authority conferred by a licence under Division 2 of Part 9 (including section 120) or an aviary registration certificate under section 128. 5

At present, section 108 of the *National Parks and Wildlife Act 1974* makes it an offence to possess 20 or more birds, being protected fauna, in or on a structure, building, shop, store or other premises, unless the premises are the subject of an aviary registration certificate (under section 128) or the premises and the person are licensed under section 124. 10

Item [3] of the proposed amendments will provide a further exemption from the prohibition in section 108. A person will be exempt if the person has the birds in his or her possession in accordance with the authority conferred by a general licence under section 120. 15

## 1.17 Oaths Act 1900 No 20

### Section 27 Authority to take and receive affidavits

Insert after section 27 (4):

(5) In this section: 20

*solicitor* who has in force a certificate under Part 3 of the *Legal Profession Act 1987* includes an interstate legal practitioner (within the meaning of section 48N of that Act) who has established an office in this State (within the meaning of section 48S of that Act) and who practises in this State as a solicitor and barrister. 25

### Validation

Any affidavit taken or received by an interstate legal practitioner (within the meaning of section 48N of the *Legal Profession Act 1987*) before the date of commencement of the amendment to the *Oaths Act 1900*, that would have been valid if that amendment was in force at the time the affidavit was taken or received, is validated. 30

### Explanatory note

Section 27 of the *Oaths Act 1900* authorises a solicitor to take and receive affidavits. 35



Part 3B of the *Legal Profession Act 1987* gives effect to a national practising certificates scheme, the object of which is to enable any individual who is authorised to practise law in one State to practise law in an equivalent way in all other States participating in the scheme.

The scheme makes provision relating to interstate legal practitioners who establish offices in New South Wales, including requiring the practitioners to notify the relevant professional council of their intention to practise either as a barrister or as a solicitor and barrister. 5

The proposed amendment will empower those interstate legal practitioners who establish offices, and practise as a solicitor and barrister, in this State to take and receive affidavits. 10

## **1.18 Parliamentary Contributory Superannuation Act 1971 No 53**

### **Section 3 Definitions**

Omit the definition of *actuary* from section 3 (1). Insert instead: 15

*actuary* means a person who is a Fellow or Accredited Member of the Institute of Actuaries of Australia.

#### **Explanatory note**

Section 10 of the *Parliamentary Contributory Superannuation Act 1971* requires an actuarial investigation to be made every three years as to the state and sufficiency of the Parliamentary Contributory Superannuation Fund. At present the Act defines an actuary as a Fellow or Associate of the Institute of Actuaries (London) or a Fellow or Associate of the Faculty of Actuaries (Edinburgh). 20

The proposed amendment updates the definition of *actuary*, so as to expressly recognise Australian qualifications. (Overseas qualifications may still be recognised by accreditation with the Australian professional body, where appropriate.) 25

## **1.19 Pawnbrokers and Second-hand Dealers Act 1996 No 13**

### **Section 10 Grant and renewal of licences**

Insert after section 10 (4): 30

(4A) The Director-General, on or after the expiry of a licence, may, where the licensed business consists of or includes pawnbroking, make such order as the Director-General

thinks fit in relation to the redemption of goods held in the course of that business. Such an order takes effect on the date of expiry of the licence or on any later date specified in the order.

**Transitional provision**

5

The amendment to the *Pawnbrokers and Second-hand Dealers Act 1996* empowers the Director-General of the Department of Fair Trading to make an order under section 10 (4A) of that Act in relation to any licence, whether that licence expired before or after the commencement of the amendment.

**Explanatory note**

10

The *Pawnbrokers and Second-hand Dealers Act 1996* provides for the licensing and regulation of pawnbrokers and second-hand dealers.

Section 36 of the Act empowers the Director-General of the Department of Fair Trading to take certain disciplinary action against a licensee. If the Director-General decides to revoke or suspend a licence, and the licensed business consists of or includes pawnbroking, the Director-General has the power to make an order in relation to the redemption of goods held in the course of that business.

15

Section 10 of the Act provides for the grant and renewal of licenses, and provides for the refusal of a renewal, but does not contain a similar power to make orders relating to the redemption of goods.

20

The proposed amendment will empower the Director-General to make an order in relation to the relevant goods held by a licensee whose licence has expired.

**1.20 Police Integrity Commission Act 1996 No 28**

**[1] Sections 91 (1), 93 and 102**

25

Omit "its" wherever occurring. Insert instead "the Inspector's".

**[2] Section 103 Provisions relating to reports**

Omit section 103 (2). Insert instead:

- (2) In the case of a report of the Commission, the Commission may include in it a recommendation that the report be made public forthwith. In the case of a report of the Inspector, the Inspector may include in it a recommendation that the report be made public forthwith.

30

**[3]      Section 103 (3)**

Omit "by the Commission".

**Explanatory note**

Item [1] of the proposed amendments corrects grammatical errors.

Items [2] and [3] of the proposed amendments will enable the Inspector of the Police Integrity Commission to include in a report of the Inspector a recommendation that the report be made public forthwith. The current provisions enable the Commission to include such a recommendation in any of its reports, and the proposed amendments bring the Inspector's reports into line with the Commission's reports in this respect.

**1.21      Protection of the Environment Administration Act 1991  
No 60**

**Section 3 Definitions**

Insert in alphabetical order in the list of Acts in the definition of *environment protection legislation* in section 3 (1):

*Pesticides Act 1978,*

**Explanatory note**

The *Protection of the Environment Administration Act 1991* constituted the Environment Protection Authority, the functions of which include those functions conferred or imposed on it by or under the environment protection legislation, which is listed in section 3 of the Act.

The responsibilities of the Environment Protection Authority include ensuring that the best practicable measures are taken for environment protection in accordance with the environment protection legislation and other legislation and investigating and reporting on alleged non-compliance with environment protection legislation for the purposes of prosecutions or other regulatory action. (See section 7.)

The proposed amendment includes the *Pesticides Act 1978* in the list of Acts within the definition of *environment protection legislation*. (At present the *Pesticides Act 1978* is administered by the Minister for the Environment through the Environment Protection Authority.)



---

**1.22 Rural Fires Act 1997 No 65**

**[1] Section 67 Objection to notices**

Omit "section 66 (5)" from section 67 (2) (b).  
Insert instead "section 66 (6)".

**[2] Section 88 Lighting fires that are dangerous to buildings in fire districts 5**

Omit "or by the Commissioner" from section 88 (a).

**[3] Section 128 Protection from liability**

Insert after paragraph (d) of the definition of *protected person or body* in section 128 (2): 10

(d1) a member of a Bush Fire Management Committee,

**Commencement**

The amendments to sections 67 and 88 of the *Rural Fires Act 1997* are taken to have commenced on 1 September 1997 (the date of commencement of the Act).

**Explanatory note 15**

**Lighting fires that are dangerous to buildings in fire districts**

Section 88 of the *Rural Fires Act 1997* makes it an offence for a person to light a fire on land within a local government area that is in a fire district unless the person has been authorised to do so by a fire permit issued by an officer of the New South Wales Fire Brigades or by the Commissioner of the NSW Rural Fire Service. However, the Commissioner has no power to issue a permit in respect of a fire district (see the definition of *appropriate authority* in section 85). 20

Item [2] of the proposed amendments omits the unnecessary reference to the Commissioner.

**Protection from liability 25**

Section 128 of the Act confers protection from liability in respect of matters or things done or omitted to be done by certain protected persons or bodies if the matter or thing was done or omitted to be done in good faith for the purposes of executing any power under the Act.

Statute Law (Miscellaneous Provisions) Bill (No 2) 1997

Schedule 1 Minor amendments

---

Item [3] of the proposed amendments includes members of Bush Fire Management Committees in the list of protected persons and bodies to whose acts and omissions the section applies.

**Statute law revision**

Item [1] of the proposed amendments corrects a cross-reference. 5

**1.23 State Authorities Superannuation Act 1987 No 211**

**Section 36 Definitions**

Omit "final salary for the contributor" from the definition of *additional benefit*.  
Insert instead "higher of the contributor's final salary or the contributor's final average salary". 10

**Commencement**

The amendment to the *State Authorities Superannuation Act 1987* is taken to have commenced on 1 July 1997 (the date of commencement of Schedule 1.7 [6], [8], [10] and [13] to the *Superannuation Legislation Amendment Act 1997*). 15

**Explanatory note**

Part 5 of the *State Authorities Superannuation Act 1987* makes provision for the calculation and payment of benefits. Section 38 deals with the benefit provided on death before early retirement age, section 39 with the benefit on total and permanent invalidity before early retirement age, section 40 with the benefit on partial and permanent invalidity before early retirement age and section 42 with the benefit on retrenchment before early retirement age. 20

In each case, the benefit provided includes the amount of the employer-financed benefit, which is calculated in accordance with a formula based on the contributor's accrued benefit points and the higher of the contributor's final salary or the contributor's final average salary. 25

The reference to the contributor's final average salary was included in the provisions by amendments made to the Act by Schedule 1.7 to the *Superannuation Legislation Amendment Act 1997*. Before those amendments were made, the amount of employer-financed benefit depended on the contributor's accrued benefit points and final salary. Despite those amendments, the amount of additional benefit payable under sections 38 and 39 is still dependent on the final salary of the contributor. 30

The proposed amendment updates the formula for calculating the additional benefit, in line with the amendments made to other provisions. 35

---

**1.24 State Emergency and Rescue Management Act 1989  
No 165**

**[1] Section 24 District Emergency Operations Controller**

Omit "District Commander stationed within that district".  
Insert instead "Region Commander".

5

**[2] Section 30**

Omit the section. Insert instead:

**30 Local Emergency Operations Controller**

- (1) The District Emergency Operations Controller is to appoint a Local Emergency Operations Controller for each local government area. 10
- (2) The person appointed must be a police officer stationed within the district (established under section 21) in which the local government area is located.
- (3) The person appointed must, in the opinion of the District Emergency Operations Controller, have experience in emergency management. 15

**Commencement**

The amendments to the *State Emergency and Rescue Management Act 1989* commence on a day or days to be appointed by proclamation. 20

**Transitional**

The amendments to the *State Emergency and Rescue Management Act 1989* do not have the effect of terminating the appointment of any person who held office as District Emergency Operations Controller or Local Emergency Operations Controller immediately before the commencement of the amendments. 25

**Explanatory note**

Part 2 of the *State Emergency and Rescue Management Act 1989* deals with State emergency management. Section 24 of the Act deals with the appointment by the Commissioner of Police of a District Emergency Operations Controller for each district established under the Act. That section requires that the Commissioner appoint the police officer holding a position as District Commander 30



Statute Law (Miscellaneous Provisions) Bill (No 2) 1997

Schedule 1      Minor amendments

---

for the relevant district. As a result of the restructuring of the Police Service it is more appropriate to provide for the appointment of Region Commanders as District Emergency Operations Controllers.

Item [1] of the proposed amendments updates the reference to the relevant position in the Police Service. 5

Section 30 of the Act provides for the appointment by the Commissioner of Police of a police officer stationed in a local government area as the Local Emergency Operations Controller for the area. The new Police Service structure sets up regions and local area commands that do not exactly conform to local government area boundaries. 10

Item [2] of the proposed amendments amends the section by requiring the appointment to be made by the District Emergency Operations Controller, rather than by the Commissioner for Police. The section is also amended so as to accommodate the difference between the boundaries of local government areas and emergency management districts established under section 21 of the Act and to require the District Emergency Operations Controller to have regard to the experience of any proposed appointee in emergency management. 15

**1.25    Status of Children Act 1996 No 76**

**[1]    Section 14 Presumptions of parentage arising out of use of fertilisation procedures** 20

Insert “(whether married or unmarried)” after “woman” in section 14 (2).

**[2]    Section 14 (3)** 25

Insert “(whether married or unmarried)” after “woman” where firstly occurring.

**Commencement**

The amendments to the *Status of Children Act 1996* commence, or are taken to have commenced, on the date of commencement of section 14 of that Act.

**Explanatory note**

Section 14 (1)–(3) of the *Status of Children Act 1996* sets out four irrebuttable presumptions arising out of the use of fertilisation procedures. 30

The first two presumptions relate to married couples who have a child as a result of a fertilisation procedure. The first presumption is that a man who consents to his wife undergoing a fertilisation procedure that involves the use of another man's sperm is the father of any child born as a result of the procedure (section 14 (1) (a)). The second presumption is that a married woman who becomes pregnant as a result of the use of another woman's ovum is taken to be the mother of any child born as a result of the pregnancy (section 14 (1) (b)).

5

The other two presumptions relate to the people who provide sperm and ova for use in fertilisation procedures. The third presumption is that if a man provides sperm for use in a fertilisation procedure in relation to a woman who is not his wife that man is not the father of any child born as a result of the procedure (section 14 (2)). The fourth presumption is that the woman who provides the ovum for a fertilisation procedure is not the mother of any child born as a result of the procedure (section 14 (3)).

10

The proposed amendments make it clear that the last two presumptions are applicable whether or not the woman who bears the child is married.

15

## 1.26 Stock (Chemical Residues) Act 1975 No 26

### Section 13A Delegation of functions

Omit section 13A (2). Insert instead:

(2) The Minister may delegate any of the Minister's other powers, authorities, duties and functions under this Act (apart from this power of delegation):

20

(a) to any officer (or class of officers) of the Department of Agriculture, and

(b) to any other person (or class of other persons) prescribed by the regulations.

25

### Explanatory note

The *Stock (Chemical Residues) Act 1975* prevents the slaughter for human consumption of stock which contain certain concentrations of residues of chemicals, or which are otherwise chemically affected, and provides measures to prevent stock from becoming chemically affected.

30

Section 13A of the *Stock (Chemical Residues) Act 1975* allows the Minister to delegate certain of the Minister's powers, authorities, duties and functions under the Act to any officer of the Department of Agriculture.

Statute Law (Miscellaneous Provisions) Bill (No 2) 1997

Schedule 1      Minor amendments

---

The proposed amendment will allow the Minister to delegate any such power, authority, duty or function to any officer or class of officers of the Department of Agriculture, or to any other person (or any member of a class of other persons) prescribed by the regulations.

**1.27    Strata Schemes Management Act 1996 No 138** 5

**[1]      Section 180 Stay of operation of order**

Omit “an application for a stay of proceedings” from section 180 (1).

Insert instead “a request for a stay of the operation of the order appealed against”. 10

**[2]      Section 180 (1)**

Omit “proceedings on the order appealed against”.

Insert instead “the operation of the order appealed against until the appeal is determined”.

**Explanatory note** 15

At present, section 180 of the *Strata Schemes Management Act 1996* enables a Strata Schemes Adjudicator or the Strata Schemes Board to order a stay of proceedings on an order being appealed against under the Act if an application for the stay accompanies the notice of appeal.

Item [1] of the proposed amendments provides for a person appealing against an order to “request” a stay of the operation of the order, rather than make an “application” for such a stay. As a result, the request will not attract the provisions of the Act relating to the mediation of disputes and the notification of interested parties. The notification provisions relating to the notice of appeal which such requests accompany are not affected by the amendment. 20  
25

The proposed amendments also ensure that an Adjudicator or the Board can order that the operation of the order appealed against is stayed until the determination of the appeal. Currently, the Act enables an Adjudicator or the Board to stay proceedings on the order.



## 1.28 Trustee Companies Act 1964 No 6

### [1] Section 19B Trust fees

Insert before paragraph (a) of the definition of *prescribed time* in section 19B (1):

- (a1) where the estate is so committed on or after 1 September 1994: 5
  - (i) the conclusion of the period of 2 years and 3 months commencing at that date of committal, and
  - (ii) the conclusion of each subsequent period of 3 months, and 10
  - (iii) the date on which the trustee company's administration or management of the estate is so completed, or

### [2] Section 19B (1), definition of "prescribed time" 15

Insert "before 1 September 1994 but" after "committed" where firstly occurring in paragraph (a) of the definition.

### [3] Section 19D General provisions in respect of fees

Insert after section 19D (11):

- (12) The fees payable under section 19B, as amended by Schedule 1.28 to the *Statute Law (Miscellaneous Provisions) Act (No 2) 1997*, are, in respect of any estate committed to the administration or management of a trust company on or after 1 September 1994, payable on and from the first occurrence of the prescribed time after the date of assent to that Act. 20 25

#### Explanatory note

The *Trustee Companies Amendment Act 1997* removed the power of a trustee company to charge a fixed annual commission on the income received on account of any estate committed to its administration or management for 2 years or more and introduced instead a progressive scale of trust fees chargeable by a trustee company in respect of any such long-term estate. Those fees are payable quarterly. 30

The proposed amendments provide that the new quarterly fee payable in respect of an estate committed to the administration or management of a trustee company no more than 3 years before the commencement of the relevant amendments in the *Trustee Companies Amendment Act 1997* will be payable 2 years and 3 months after the estate was committed (rather than 3 years after that date, as presently provided for in section 19D (9) of the Act). 5

## **1.29 Trustee Companies Regulation 1994**

### **Clause 11 Payment of commission and fees under sections 18 and 19B in respect of certain other long term trusts**

Omit the clause. 10

#### **Explanatory note**

The proposed amendment is consequential on the amendment to the *Trustee Companies Act 1964* made elsewhere in this Schedule.

## **1.30 Unclaimed Money Act 1995 No 75**

### **[1] Section 13K Application of Part 15**

Omit section 13K (1) (a).

### **[2] Section 13K (1) (d)**

Omit "paragraph (a), (b) or (c)".

Insert instead "paragraph (b) or (c)".

#### **Explanatory note**

Part 3A of the *Unclaimed Money Act 1995* deals with the return and payment of unclaimed superannuation benefits to the Chief Commissioner of State Revenue. Section 13K of the Act sets out the superannuation funds, and the trustees of superannuation funds, to which Part 3A applies. Section 13K (1) (a) provides that the Part applies to every superannuation fund the trustee of which is a company within the meaning of the *Corporations Law*. Section 13K (1) (b) applies the Part where the trustee is a corporation within the meaning of the *Corporations Law*, but only if the corporation has its registered office in New South Wales. 20

The proposed amendments have the effect that Part 3A will apply to every corporation that has its registered office in New South Wales, whether or not the corporation is incorporated in New South Wales. 25 30

---

## **Schedule 2 Amendments by way of statute law revision**

(Section 3)

- 2.1 Administrative Decisions Legislation Amendment Act 1997 No 77** 5
- [1] Schedule 5 Amendments transferring the jurisdiction of courts**
- Insert after Schedule 5.11 [2]:
- [2A] Section 109 Grant, cancellation, suspension or variation of a licence**
- Omit section 109 (2). 10
- [2] Schedule 5.11 [3]**
- Omit “referred to in subsection (2)” from proposed section 109 (3) of the *Factories, Shops and Industries Act 1962*.
- Insert instead “to grant an application for a licence subject to terms and conditions, to vary any such terms and conditions, to impose additional terms and conditions on a licence, to cancel a licence or to suspend a licence”. 15
- Explanatory note**
- Item [1] of the proposed amendments omits a redundant provision requiring the giving of reasons for decisions of the Director-General of the Department of Industrial Relations concerning the licensing of hairdressers. (Such decisions will be reviewable by the proposed Administrative Decisions Tribunal. An administrator who makes a reviewable decision is required by section 49 of the *Administrative Decisions Tribunal Act 1997* to give reasons for that decision when requested to do so by an interested person.) 20
- Item [2] makes a consequential amendment. 25
- 2.2 Annual Holidays Act 1944 No 31**
- Section 12 Proceedings for recovery of penalties**
- Insert “by” after “authorised” in section 12 (5).
- Explanatory note** 30
- The proposed amendment inserts an omitted word.



**2.3 Anti-Discrimination Act 1977 No 48**

**[1] Section 53 Liability of principals and employers**

Omit “traineee” from section 53 (4). Insert instead “trainee”.

**[2] Schedule 1 Savings and transitional provisions**

Omit clause 10.

5

**Explanatory note**

Item [1] of the proposed amendments corrects a typographical error.

Item [2] omits a redundant clause from the Schedule of savings and transitional provisions.

**2.4 Building Services Corporation Legislation Amendment Act 1996 No 122**

10

**Schedule 7 Amendment of other Acts**

Omit “Employees” from Schedule 7.3. Insert instead “Employers”.

**Explanatory note**

The proposed amendment corrects a reference to the heading of a Schedule.

15

**2.5 Consumer Claims Tribunals Act 1987 No 206**

**Section 12A Definitions**

Omit “Buiding” from section 12A (2). Insert instead “Building”.

**Explanatory note**

The proposed amendment corrects a typographical error.

20

---

## **2.6 Conveyancers Licensing Act 1995 No 57**

### **[1] Section 35 Secrecy**

Omit section 35 (5) (b) and (c). Insert instead:

- (b) the Director-General, or
  - (c) an agent or officer of the Department of Fair Trading or a legal practitioner acting for or on behalf of the Director-General, or
- 5

### **[2] Section 82 Application of Legal Profession Act 1987**

Omit "Council under this Act" from section 82 (2) (b).  
Insert instead "Director-General of the Department of Fair Trading".

10

#### **Explanatory note**

The proposed amendments update references to a statutory office.

## **2.7 Co-operatives Amendment Act 1997 No 39**

### **Schedule 1 Amendments**

Omit "requestioning", "requestion" and "requisitioned" wherever occurring in section 195 of the *Co-operatives Act 1992* (as proposed to be inserted by Schedule 1 [101]).

15

Insert instead "requisitioning", "requisition" and "requisitioned".

#### **Explanatory note**

The proposed amendment corrects typographical errors.

20

## **2.8 Crimes Act 1900 No 40**

### **Section 1**

Omit the section. Insert instead:

#### **1 Name of Act**

This Act is the *Crimes Act 1900*.

25

#### **Explanatory note**

The proposed amendment omits the Table of Contents from section 1 of the *Crimes Act 1900*. The Table of Contents preceding the current reprint contains equivalent, and further, information.

**2.9 Fair Trading Act 1987 No 68**

**Section 8 Delegation by Director-General**

Omit “fuctions” from section 8 (3). Insert instead “functions”.

**Explanatory note**

The proposed amendment corrects a typographical error.

5

**2.10 Fair Trading Legislation Amendment Act 1997 No 82**

**Schedule 6 Amendment of Valuers Registration Act 1975**

Omit Schedule 6 [7]. Insert instead:

**[7] Section 20 Proceedings before the Director-General against real estate valuers**

10

Omit “its” from section 20 (2).

Insert instead “the Director-General’s”.

**Explanatory note**

The proposed amendment corrects an incorporation direction.

**2.11 Frustrated Contracts Act 1978 No 105**

15

**Section 6 Act does not apply to certain contracts**

Omit “is” where firstly occurring in section 6 (2) (e).

**Explanatory note**

The proposed amendment omits a redundant word.

**2.12 Government and Related Employees Appeal Tribunal Act 1980 No 39**

20

**Section 3 Arrangement**

Omit the section.

**Explanatory note**

The proposed amendment omits a redundant section. The Table of Contents preceding the current reprint contains equivalent, and further information.

25



---

## **2.13 Home Building Act 1989 No 147**

### **[1] Section 89 Finality of decision**

Omit "Corporation". Insert instead "Director-General".

### **[2] Section 96 Insurance by developers and other persons**

Omit "precribed" from section 96 (4). Insert instead "prescribed". 5

#### **Explanatory note**

Item [1] of the proposed amendments updates a reference to the office holder whose decision is subject to appeal by the Commercial Tribunal.

Item [2] corrects a typographical error.

## **2.14 Land Tax Management Act 1956 No 26** 10

### **Section 50 Remission of land tax in cases of hardship**

Omit "member" where lastly occurring in section 50 (3).  
Insert instead "person".

#### **Explanatory note**

The proposed amendment corrects an inappropriate reference. 15

## **2.15 Legal Aid Commission Amendment Act 1997 No 50**

### **Schedule 1 Amendments**

Omit so much of Schedule 1 [11] as inserts clause 50 (3) and (4) in Schedule 8 to the *Legal Aid Commission Act 1979*.

#### **Explanatory note**

The proposed amendment omits a redundant amendment. 20

## **2.16 Local Government Act 1993 No 30**

### **[1] Section 518A Strata lots and company titles taken to be separate parcels of land for categorisation**

Omit "*Strata Titles Act 1973*" from section 518A (a).

Insert instead "*Strata Schemes (Freehold Development) Act 1973*". 5

### **[2] Section 518A (a)**

Omit "*Strata Titles (Leasehold) Act 1986*".

Insert instead "*Strata Schemes (Leasehold Development) Act 1986*".

### **[3] Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts**

10

Omit "[2]–[4]" from clause 23 in Part 6. Insert instead "[3]–[5]".

#### **Commencement**

The amendments to section 518A of the *Local Government Act 1993* are taken to have commenced on 1 July 1997.

The amendment to Schedule 8 to the *Local Government Act 1993* is taken to have commenced on 2 July 1997. 15

#### **Explanatory note**

Items [1] and [2] of the proposed amendments update references to certain Acts.

Item [3] corrects an incorrect cross-reference.

## **2.17 Motor Dealers Act 1974 No 52**

20

### **Section 14 Conditions of, and restrictions on, licence**

Omit "Commissioner's" from section 14 (1) (b).

Insert instead "Director-General's".

#### **Explanatory note**

The proposed amendment updates a reference to a statutory office. 25

---

**2.18 National Parks and Wildlife Act 1974 No 80**

**[1] Section 71H Selection of representatives for negotiations after Aboriginal owners identified**

Omit “*Aborginal*” from section 71H (1).

Insert instead “*Aboriginal*”.

5

**[2] Section 139 Payments out of the Fund**

Omit “state recreation area,” where firstly occurring in section 139 (2) (e).

**Explanatory note**

Item [1] of the proposed amendments corrects a typographical error.

10

Item [2] omits a phrase that is repeated in the relevant paragraph.

**2.19 National Parks and Wildlife Amendment (Aboriginal Ownership) Act 1996 No 142**

**[1] Schedule 1 Amendment of National Parks and Wildlife Act 1974**

Omit “section 75A (1)” from Schedule 1 [30].

15

Insert instead “section 77 (1)”.

**[2] Schedule 4 Amendment consequent on amendment of National Parks and Wildlife Act 1974**

Omit item [5]. Insert instead:

**[5] Section 75A Adoption of plan of management for state recreation area or regional park**

20

Insert “but not including a state recreation area or a regional park reserved under Part 4A” after “local council” where firstly occurring in section 75A (1) (as substituted by the *National Parks and Wildlife Amendment Act 1996*).

25

**Explanatory note**

The proposed amendments correct incorporation directions.



## **2.20 Ombudsman Act 1974 No 68**

### **Section 5 Definitions**

Omit “*Audit Act 1902*” from paragraph (e) (i) of the definition of *public authority* in section 5 (1).

Insert instead “*Public Finance and Audit Act 1983*”.

5

#### **Explanatory note**

The proposed amendment updates a reference to a repealed Act.

## **2.21 Ozone Protection Act 1989 No 208**

### **Section 4 Definitions**

Omit “, and includes any substance with which a controlled substance is mixed” from the definition of *controlled article* in section 4 (1). 10

#### **Explanatory note**

The proposed amendment omits redundant words from a definition.

## **2.22 Pesticides Act 1978 No 57**

15

### **Section 62 Liability of employers**

Omit “the employee” where secondly occurring in section 62 (1) (b).

#### **Explanatory note**

The proposed amendment omits redundant words.

20

## **2.23 Petroleum Products Subsidy Act 1965 No 1**

### **Section 16 Delegation**

Omit “the Minister” where secondly and thirdly occurring in section 16 (1).

Insert instead “the Minister’s”.

25

#### **Explanatory note**

The proposed amendment corrects grammatical errors.

---

**2.24 Protected Disclosures Act 1994 No 92**

**Section 12A Disclosure concerning police**

Omit “section 95” from section 12A (3).  
Insert instead “section 90 (1) (f)”.

**Explanatory note**

5

The proposed amendment corrects an incorrect cross-reference.

**2.25 Retail Leases Amendment Act 1997 No 52**

**Section 2**

Omit the section. Insert instead:

**2 Commencement**

10

This Act commences on 17 October 1997.

**Commencement**

The amendment to the *Retail Leases Amendment Act 1997* is taken to have commenced on 17 October 1997.

**Explanatory note**

15

The proposed amendment confirms the commencement of the *Retail Leases Amendment Act 1997*. The substantive provisions of that Act are all contained in Schedule 1 (Amendments). A proclamation that was intended to commence the whole Act on 17 October 1997 (but that was expressed as commencing only Schedule 1 to the Act on that date) was published in Gazette No 112 of 17 October 1997, p 8621. The proposed amendment has the effect that the other provisions of the Act (sections 1–3), which are of a machinery nature, are taken to have also commenced on that date.

20

**2.26 Strata Schemes Management Act 1996 No 138**

**[1] Schedule 4 Savings, transitional and other provisions**

25

Omit “by this Act” wherever occurring in clauses 2, 3 and 5.  
Insert instead “by the *Strata Schemes Management (Miscellaneous Amendments) Act 1996*”.

**[2] Schedule 4, clause 10**

Omit "*Strata Schemes Management (Miscellaneous Provisions) Act 1996*".

Insert instead "*Strata Schemes Management (Miscellaneous Amendments) Act 1996*".

5

**Explanatory note**

The proposed amendments correct references to amending Acts.

**2.27 Strata Schemes Management (Miscellaneous Amendments) Act 1996 No 139**

**[1] Schedule 1 Amendment of Community Land Management Act 1989** 10

Omit "section 120 (1) (d)" from Schedule 1 [56].

Insert instead "section 120 (1)".

**[2] Schedule 2 Amendment of other Acts**

Omit Schedule 2.20 [1]. Insert instead: 15

**[1] Section 9AA Strata**

Omit "*Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*" from section 9AA (1).

Insert instead "*Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*". 20

**[1A] Section 9AA (3)**

Omit "*Strata Titles Act 1973* and the *Strata Titles (Leasehold) Act 1986*".

Insert instead "*Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*". 25

**[3] Schedule 2.30 [1]**

Omit "*Strata Titles (Freehold Development)*".

Insert instead "*Strata Schemes (Freehold Development)*".



---

**[4] Schedule 2.31 [1]**

Omit “*Strata Titles (Leasehold Development)*”.

Insert instead “*Strata Schemes (Leasehold Development)*”.

**[5] Schedule 2.31 [4]**

Omit “council of that body corporate”.

5

Insert instead “council of the body corporate”.

**Explanatory note**

Item [1] of the proposed amendments corrects a cross-reference.

Items [2] and [5] correct incorporation directions.

Items [3] and [4] amend the short titles of two Acts, in a manner consistent with that adopted in the amendments made to the *Strata Schemes Management (Miscellaneous Amendments) Act 1996* by the *Statute Law (Miscellaneous Provisions) Act 1997*.

10

**2.28 Thoroughbred Racing Board Act 1996 No 37**

**Section 23 Integrity Assurance Committee**

15

Omit “AJCPC’s” from section 23 (1). Insert instead “Board’s”.

**Explanatory note**

The proposed amendment updates a reference to a statutory body.

## Schedule 3 Amendments replacing gender-specific language

(Section 3)

### Explanatory note

The amendments proposed to be made by this Schedule replace gender-specific language with gender-neutral language. 5

### 3.1 Architects Act 1921 No 8

#### [1] The whole Act

Insert "or her" after "his" wherever occurring.

#### [2] The whole Act

Insert "or she" after "he" wherever occurring. 10

#### [3] The whole Act

Insert "or her" after "him" wherever occurring.

#### [4] The whole Act

Insert "or herself" after "himself" wherever occurring. 15

### 3.2 Art Gallery of New South Wales Act 1980 No 65

#### [1] Section 8 (8)

Omit "he". Insert instead "the person".

#### [2] Sections 10 (2) and (3) and 12 (3) and Schedule 1, clauses 2 (1), 3, 4 (1) and (4), 7, 8 (2) and (4) and 10 (1) 20

Insert "or her" after "his" wherever occurring.

#### [3] Section 10 (3) and Schedule 1, clauses 2 (2), 4 (1), 7 and 8 (2), (4) and (5)

Insert "or she" after "he" wherever occurring.

#### [4] Section 22 (2)

Omit "him". Insert instead "the Minister". 25

#### [5] Schedule 1, clause 4 (1)

Insert "or her" after "him".

#### [6] Schedule 1, clause 6

Omit "him". Insert instead "the Governor". 30

#### [7] Schedule 1, clause 7 (e)

Omit "him". Insert instead "the trustee".

#### [8] Schedule 1, clause 8 (6) (c)

Omit "chairman". Insert instead "chairperson".

#### [9] Schedule 1, clause 9 (2)

Omit "he". Insert instead "the Minister". 35

---

**3.3 Australian Museum Trust Act 1975 No 95**

**[1] Section 8 (8)**

Omit "he". Insert instead "the person".

**[2] Sections 10 (2) and (3) and 12 (3) and Schedule 1, clauses 2 (1), 4, 5 and 7**

5

Insert "or her" after "his" wherever occurring.

**[3] Section 10 (3) and Schedule 1, clause 2 (2)**

Insert "or she" after "he" wherever occurring.

**[4] Schedule 1, clause 2 (3)**

Omit "him". Insert instead "the deputy".

10

**[5] Schedule 1, clause 6**

Omit "him". Insert instead "the Governor".

**[6] Schedule 1, clause 7**

Omit "he" wherever occurring. Insert instead "the trustee".

**[7] Schedule 1, clause 7 (e)**

15

Omit "him". Insert instead "the trustee".

**[8] Schedule 1, clause 9 (2)**

Omit "he". Insert instead "the Minister".

**[9] Schedule 1, clause 9 (3) (a) and (6)**

Omit "chairman" wherever occurring. Insert instead "chairperson".

20

**3.4 Balranald Irrigation Act 1902 No 78**

**[1] Sections 18, 22, 49 (b) and 54**

Insert "or her" after "his" wherever occurring.

**[2] Sections 25 and 29 (2)**

Insert "or her" after "him" wherever occurring.

25

**3.5 Coastal Protection Act 1979 No 13**

**[1] Section 7, definition of "Chairman"**

Omit the definition. Insert instead:

*Chairperson* means the Chairperson of the Coastal Council appointed under section 10.

30

**[2] Section 9 (4)**

Omit "his time to the duties of his office".

Insert instead "his or her time to the duties of office".

**[3] Sections 9 (4) and 51 (1) and (3)**

Omit "him" wherever occurring. Insert instead "the person".

35

**[4] Section 10**

Insert "or she" after "he".



Statute Law (Miscellaneous Provisions) Bill (No 2) 1997

Schedule 3 Amendments replacing gender-specific language

---

[5]	<b>Sections 10, 13 (2) and (3), 17 and 18</b> Omit "Chairman" wherever occurring. Insert instead "Chairperson".	
[6]	<b>Sections 12 and 15 (c)</b> Omit "him" wherever occurring. Insert instead "the member".	
[7]	<b>Sections 13 (1) and (2) and 29 (1)</b> Omit "he" wherever occurring. Insert instead "the person so appointed".	5
[8]	<b>Section 13 (3)</b> Omit "he". Insert instead "the alternate member".	
[9]	<b>Sections 14, 33 (3), 41, 42 (1), 43 (2) and 46 (b)</b> Omit "him" wherever occurring (except in section 42 (1) (b)). Insert instead "the Minister".	10
[10]	<b>Section 15</b> Omit "his" wherever occurring (except where firstly occurring in section 15 (b)). Insert instead "the member's".	
[11]	<b>Section 15</b> Omit "he" wherever occurring. Insert instead "the member".	15
[12]	<b>Section 15 (b)</b> Omit "his office". Insert instead "the office of member".	
[13]	<b>Sections 16 (1) and 49</b> Omit "his" wherever occurring. Insert instead "the person's".	20
[14]	<b>Section 17</b> Omit "he". Insert instead "the Chairperson".	
[15]	<b>Section 29 (2)</b> Omit "chairman". Insert instead "chairperson".	
[16]	<b>Sections 39 (4), 41, 46 (a) and 47 (2)</b> Omit "he" wherever occurring. Insert instead "the Minister".	25
[17]	<b>Section 42 (1) (b)</b> Omit "it and him". Insert instead "them".	
[18]	<b>Sections 42, 43 (1) and 46</b> Omit "his" wherever occurring. Insert instead "the Minister's".	30
[19]	<b>Section 48 (2)</b> Omit "he". Insert instead "the person".	
[20]	<b>Sections 48 (5) and 51 (5) (a) (ii)</b> Insert "or her" after "his" wherever occurring.	
[21]	<b>Section 51 (5) (a)</b> Omit "him" wherever occurring. Insert instead "the individual".	35

---

---

<b>3.6</b>	<b>Commercial Vessels Act 1979 No 41</b>	
[1]	<b>Section 5 (1), definition of "master" and sections 22 (4) and (5), 31 (1) and (4) (b), 32 (4), 33 (1), 42 (3), 45 (2) and (3) and 46</b>	
	Insert "or she" after "he" wherever occurring.	
[2]	<b>Section 5 (1), definition of "owner"</b>	5
	Omit "his". Insert instead "the person's".	
[3]	<b>Sections 5 (5) and 32 (4)</b>	
	Insert "or her" after "his" wherever occurring.	
[4]	<b>Sections 8 (2) and 12 (2)</b>	
	Omit "he" wherever occurring. Insert instead "the master".	10
[5]	<b>Sections 8 (3), 9 (2), 12 (3), 15 (8), 26 (a) and (c), 29 (2) and 42 (2)</b>	
	Omit "he" wherever occurring. Insert instead "the owner".	
[6]	<b>Section 15 (5)</b>	
	Omit "him". Insert instead "the holder".	
[7]	<b>Sections 15 (6) and 22 (1), (2) (a) and (3)</b>	15
	Omit "he" wherever occurring. Insert instead "the officer".	
[8]	<b>Sections 15 (7) and 22 (2) (a)</b>	
	Omit "his" wherever occurring. Insert instead "the officer's".	
[9]	<b>Section 15 (8)</b>	
	Omit "him". Insert instead "the owner".	20
[10]	<b>Sections 16 (2) and (3) and 31 (2) (c)</b>	
	Omit "his" wherever occurring. Insert instead "the surveyor's".	
[11]	<b>Section 21 (2)</b>	
	Omit "he". Insert instead "the holder".	
[12]	<b>Sections 32 (2) (a), (3) and (5) and 33 (1)</b>	25
	Omit "chairman" wherever occurring. Insert instead "chairperson".	
[13]	<b>Section 34 (b)</b>	
	Omit "his". Insert instead "the appellant's".	
[14]	<b>Section 42 (3) (a)</b>	
	Omit "his".	30
[15]	<b>Sections 43 (2) and (3), 44 and 47 (4)</b>	
	Omit "he" wherever occurring. Insert instead "the person".	
[16]	<b>Section 43 (2) and (3)</b>	
	Omit "him that his" wherever occurring.	
	Insert instead "the person that his or her".	35
[17]	<b>Section 46 (1)</b>	
	Omit "him". Insert instead "the master".	

---

Statute Law (Miscellaneous Provisions) Bill (No 2) 1997

Schedule 3 Amendments replacing gender-specific language

---

[18]	<b>Section 46 (2)</b> Omit "him". Insert instead "the person".	
[19]	<b>Section 51 (3)</b> Omit "by him paid". Insert instead "paid by the clerk".	
3.7	<b>Companies (Administration) Act 1981 No 64</b>	5
[1]	<b>Sections 8 (4), 13 (12), 16 (1) and (2) and 17 (2)</b> Omit "he" wherever occurring. Insert instead "the person".	
[2]	<b>Sections 8 (5), 13 (4) (a), 15 (1) and 17 (1)</b> Insert "or her" after "his" wherever occurring.	
[3]	<b>Section 8 (5)</b> Omit "he" wherever occurring. Insert instead "the officer".	10
[4]	<b>Section 8 (5)</b> Omit "him". Insert instead "the officer".	
[5]	<b>Sections 15 (1) and 17 (2)</b> Omit "him" wherever occurring. Insert instead "the person".	15
[6]	<b>Section 15 (2) (b)</b> Omit "his" wherever occurring. Insert instead "the person's".	
[7]	<b>Section 17 (1)</b> Insert "or she" after "he" wherever occurring.	
3.8	<b>Conveyancing Act 1919 No 6</b>	20
[1]	<b>Section 7 (1), definition of "Mortgagor"</b> Omit "his". Insert instead "the person's".	
[2]	<b>Section 7 (2) (c)</b> Omit "him". Insert instead "the settlor".	
[3]	<b>Section 11</b> Omit "his" where firstly occurring. Insert instead "the mortgagee's".	25
[4]	<b>Section 11</b> Omit "his" where secondly occurring. Insert instead "the mortgagor's".	
[5]	<b>Section 11</b> Omit "him". Insert instead "the mortgagor".	30
[6]	<b>Section 12</b> Omit "him". Insert instead "the assignor".	
[7]	<b>Section 12</b> Omit "he" where firstly occurring. Insert instead "the debtor, trustee or other person liable".	35
[8]	<b>Section 12</b> Insert "or she" after "he" where secondly, thirdly and fourthly occurring.	

---



- 
- |      |  |    |
|------|--|----|
| [9]  | <p><b>Sections 17, 23C (1), 23D (1), 29B (1), 66A (2), 78 (1), 98 (3), 121 (2), 133A (2), 146 (3), 163D and 181 (1A)</b></p> <p>Omit "his" wherever occurring. Insert instead "the person's".</p>  |    |
| [10] | <p><b>Sections 24, 53 (2) (c), 65 (1) (a), 70A (1), 72 (1), 81 (1), 84 (1) and 86 (1)</b></p> <p>Insert "or herself" after "himself" wherever occurring.</p>   | 5  |
| [11] | <p><b>Section 29A (1)</b></p> <p>Omit "his". Insert instead "the appointee's".</p>   |    |
| [12] | <p><b>Sections 29C (1) (a), 36C (1), 45 (1), 51A (3), 66D (5), 78 (1) and (4) (b), 96A (1), 134 (2), 157A (5) (c), 163D, 168 (2), 168A (2) and (3) and 197 (3), (5) and (6)</b></p> <p>Omit "he" wherever occurring. Insert instead "the person".</p>  | 10 |
| [13] | <p><b>Sections 29C (1) (b), 63 (3), 67 (4), 103 (1), 137 (1), 168A (2) and 187 (b)</b></p> <p>Omit "him" wherever occurring. Insert instead "the person".</p>  | 15 |
| [14] | <p><b>Sections 32 (2), 38 (1A) (c) and (1B) (a) and (c), 51A (1) (a) and (3), 54 (9), 55 (1) and (2), 56 (1), 59 (1), 63 (3), 81 (1), 84 (1), 92 (1) and (2), 113 (1) and (2) and 115 (5) and (6), section 128, definitions of "Lease", "Lessee" and "Under-lease", sections 130 (1), 145 (1), 157A (2), 159 (1), 162 (1) (b) (i), 168 (1), 176 (1) and 180 (1), Schedule 3 and Schedule 4, paragraph 5 and item 21 of Column 2 of Part 2</b></p> <p>Insert "or her" after "his" wherever occurring.</p> | 20 |
| [15] | <p><b>Sections 36C (2), 38 (1A) (c) and (1B) (c), 50 (2), 53 (3), 55 (1), 115 (3) and (8) (b), 130 (1), and 162 (1) (c) and Schedule 4, item 21 of Column 2 of Part 2</b></p> <p>Insert "or she" after "he" wherever occurring.</p>  | 25 |
| [16] | <p><b>Section 38 (1B) (c)</b></p> <p>Omit "marksman" wherever occurring.</p> <p>Insert instead "person making the mark".</p>   | 30 |
| [17] | <p><b>Sections 45 (1), 50 (2), 54 (4), 58 (1), 59 (1), 66G (5) (a), 112 (2), 115 (3), (6), (7) and (8), 130 (1), 131, 134 (2) (b) and 162 (1) and (2) and Schedule 4, item 21 of Column 2 of Part 2</b></p> <p>Insert "or her" after "him" wherever occurring.</p>   |    |
| [18] | <p><b>Section 45A (1)</b></p> <p>Omit "him". Insert instead "the grantee".</p>   | 35 |
| [19] | <p><b>Sections 53 (2) (d) and (e), 56 (1) and 65 (1) (a)</b></p> <p>Omit "he" wherever occurring. Insert instead "the vendor".</p>   |    |
| [20] | <p><b>Section 53 (2) (e)</b></p> <p>Omit "his". Insert instead "the vendor's".</p>   | 40 |
| [21] | <p><b>Sections 54 (1), (2) and (3), 57 (1) (d) and 164 (3)</b></p> <p>Omit "he" wherever occurring. Insert instead "the purchaser".</p>  |    |
-

Statute Law (Miscellaneous Provisions) Bill (No 2) 1997

Schedule 3 Amendments replacing gender-specific language

---

<b>[22]</b>	<b>Sections 54 (5), 57 (1) (d) and 164 (1) and (2)</b>	
	Omit "his" wherever occurring. Insert instead "the purchaser's".	
<b>[23]</b>	<b>Sections 54 (9), 57 (1) (a) and 164 (1) (a)</b>	
	Omit "him" wherever occurring. Insert instead "the purchaser".	
<b>[24]</b>	<b>Section 54A (1)</b>	5
	Omit "by him lawfully authorised".	
	Insert instead "lawfully authorised by the party to be charged".	
<b>[25]</b>	<b>Section 59 (1)</b>	
	Omit "he". Insert instead "the purchaser".	
<b>[26]</b>	<b>Section 63 (1)</b>	10
	Omit "his" where firstly and thirdly occurring. Insert instead "the covenantor's".	
<b>[27]</b>	<b>Section 63 (1)</b>	
	Omit "his" where secondly occurring. Insert instead "the covenantee's".	
<b>[28]</b>	<b>Section 63 (1)</b>	15
	Omit "him". Insert instead "the covenantee".	
<b>[29]</b>	<b>Section 63 (1)</b>	
	Omit "he". Insert instead "the covenantee".	
<b>[30]</b>	<b>Section 63 (2)</b>	
	Omit "his". Insert instead "the covenantor's".	
<b>[31]</b>	<b>Section 63 (2)</b>	20
	Omit "he". Insert instead "the covenantor".	
<b>[32]</b>	<b>Sections 64 (1), 88D (15), 88E (8) and 197 (1) (b)</b>	
	Omit "his" wherever occurring. Insert instead "the Registrar-General's".	
<b>[33]</b>	<b>Section 65 (1) (c)</b>	25
	Omit "his". Insert instead "the vendor's".	
<b>[34]</b>	<b>Section 66B (2)</b>	
	Omit "he". Insert instead "the trustee".	
<b>[35]</b>	<b>Section 66D (5)</b>	
	Omit "his". Insert instead "the minor or person's".	
<b>[36]</b>	<b>Section 66G (5) (c)</b>	30
	Omit "he". Insert instead "the co-owner".	
<b>[37]</b>	<b>Section 66G (5) (c)</b>	
	Omit "his". Insert instead "the co-owner's".	
<b>[38]</b>	<b>Section 70 (1)</b>	35
	Omit "his". Insert instead "the covenantee's".	
<b>[39]</b>	<b>Section 70 (1)</b>	
	Omit "him". Insert instead "the covenantee".	
<b>[40]</b>	<b>Section 70A (1)</b>	
	Omit "by him". Insert instead "by the covenantor".	

---

---

<b>[41]</b>	<b>Section 70A (1)</b> Omit "his". Insert instead "the covenantor's".	
<b>[42]</b>	<b>Section 70A (1)</b> Omit "under him or them". Insert instead "under the covenantor or the covenantor's successors in title".	5
<b>[43]</b>	<b>Section 78 (1)</b> Omit "him" wherever occurring except where lastly occurring in paragraph (D). Insert instead "that person".	
<b>[44]</b>	<b>Section 78 (1) (D)</b> Omit "sustained by him or them". Insert instead "sustained by that person or by those deriving title under that person".	10
<b>[45]</b>	<b>Section 80 (1)</b> Omit "he". Insert instead "the mortgagor".	
<b>[46]</b>	<b>Sections 80 (1) and 93 (2) (b) and Schedule 4, item 1 of Column 2 of Part 1</b> Omit "his" wherever occurring. Insert instead "the mortgagee's".	15
<b>[47]</b>	<b>Section 83 (1)</b> Omit "him". Insert instead "each of them respectively".	
<b>[48]</b>	<b>Section 84 (1)</b> Omit "he or they" wherever occurring. Insert instead "the lessee or the lessee's executors, administrators and assigns".	20
<b>[49]</b>	<b>Sections 84A (b) and 129 (2A) and Schedule 4, item 22 of Column 2 of Part 2</b> Omit "he" wherever occurring. Insert instead "the lessee".	25
<b>[50]</b>	<b>Section 85 (1)</b> Omit "his" where firstly occurring. Insert instead "the lessor's".	
<b>[51]</b>	<b>Section 85 (1) (a) and (c)</b> Omit "That he or they may, by himself or themselves, or his or their agents" wherever occurring. Insert instead "That the lessor, the lessor's executors, administrators or assigns, or the agent of the lessor, the lessor's executors, administrators or assigns, may".	30
<b>[52]</b>	<b>Section 85 (1) (a)</b> Omit "the lessee, his executors". Insert instead "the lessee, the lessee's executors".	
<b>[53]</b>	<b>Section 85 (1) (a)</b> Omit "his or their". Insert instead "the lessee's or the lessee's executors, administrators or assigns".	35
<b>[54]</b>	<b>Section 85 (1) (a)</b> Omit "him or them". Insert instead "the lessee or the lessee's executors, administrators or assigns".	40
<b>[55]</b>	<b>Section 85 (1) (b)</b> Omit "the lessee his executors". Insert instead "the lessee, the lessee's executors".	

---



Statute Law (Miscellaneous Provisions) Bill (No 2) 1997

Schedule 3 Amendments replacing gender-specific language

[56]	<b>Section 85 (1) (b)</b> Omit "he or they". Insert instead "the lessor or the lessor's executors, administrators or assigns".	
[57]	<b>Section 85 (1) (c)</b> Omit "workmen". Insert instead "workers".	5
[58]	<b>Section 85 (1) (d)</b> Omit "he or they". Insert instead "the lessor or the lessor's executors, administrators or assigns".	
[59]	<b>Section 85 (1) (d)</b> Omit "his executors". Insert instead "the lessee's executors".	10
[60]	<b>Section 85 (1) (d) and Schedule 4, item 6 of Column 2 of Part 2</b> Omit "him or them" wherever occurring. Insert instead "the lessee or the lessee's executors, administrators or assigns".	
[61]	<b>Section 86 (1)</b> Omit "his" where firstly occurring. Insert instead "the lessee or lessor's".	15
[62]	<b>Section 86 (1)</b> Omit "his" where secondly occurring. Insert instead "the lessor or lessee's".	
[63]	<b>Sections 88 (3) (a), 88B (3A), 88D (3) (a), (7) and (15), 88E (3) and (8), 98 (4A) (d), 165 and 196A (4A)</b> Omit "he" wherever occurring. Insert instead "the Registrar-General".	20
[64]	<b>Section 88D (8)</b> Omit "he". Insert instead "that person".	
[65]	<b>Section 88D (12)</b> Omit "him". Insert instead "the Registrar-General".	
[66]	<b>Section 93 (1)</b> Omit "he" where firstly occurring. Insert instead "the mortgagor".	25
[67]	<b>Section 93 (1)</b> Omit "he" where secondly occurring. Insert instead "the mortgagee".	
[68]	<b>Section 94 (1)</b> Omit "he" where firstly occurring. Insert instead "the mortgagor".	30
[69]	<b>Section 94 (1)</b> Omit "he" where secondly occurring. Insert instead "the mortgagee".	
[70]	<b>Section 96 (1)</b> Omit "his" where firstly, secondly and thirdly occurring. Insert instead "the mortgagor's".	35
[71]	<b>Section 96 (1)</b> Omit "himself or his". Insert instead "the mortgagee, the mortgagee's".	
[72]	<b>Sections 97 (1) and 107 (1)</b> Omit "him" wherever occurring. Insert instead "the mortgagor".	

---

<b>[73]</b>	<b>Section 97 (1)</b> Omit "he" wherever occurring. Insert instead "the mortgagor".	
<b>[74]</b>	<b>Sections 98 (4A), 197 (1) and 200 (2)</b> Omit "him" wherever occurring. Insert instead "the Registrar-General".	
<b>[75]</b>	<b>Section 99 (1) and (2)</b> Omit "or their or his assigns" wherever occurring. Insert instead "or the assigns of the last survivors or survivor".	5
<b>[76]</b>	<b>Sections 100 (1) and 112 (7)</b> Omit "his" wherever occurring. Insert instead "the mortgagee or chargee's".	
<b>[77]</b>	<b>Section 104 (2)</b> Omit "his". Insert instead "the purchaser or lessee's".	10
<b>[78]</b>	<b>Section 111 (3) (b)</b> Omit "he" wherever occurring. Insert instead "the mortgagor or person".	
<b>[79]</b>	<b>Section 112 (3) (b)</b> Omit "his". Insert instead "a".	15
<b>[80]</b>	<b>Sections 112 (4) and 113 (2)</b> Omit "him" wherever occurring. Insert instead "the mortgagee or chargee".	
<b>[81]</b>	<b>Section 112 (8)</b> Omit "him". Insert instead "that person".	
<b>[82]</b>	<b>Section 115 (8) (c)</b> Omit "his". Insert instead "the receiver's".	20
<b>[83]</b>	<b>Section 115A (2) (b)</b> Omit "him". Insert instead "the mortgagee".	
<b>[84]</b>	<b>Section 120</b> Omit "his". Insert instead "the lessor's".	25
<b>[85]</b>	<b>Sections 123, 133C (b), 133E (2), 133F (1) (b) (i), 136 (1) and (2) and 139</b> Omit "his" wherever occurring. Insert instead "the lessee's".	
<b>[86]</b>	<b>Section 121 (3)</b> Omit "he" wherever occurring. Insert instead "the chief landlord".	30
<b>[87]</b>	<b>Section 124</b> Omit "his". Insert instead "the lessee or co-owner's".	
<b>[88]</b>	<b>Sections 125 (2) and 133G (2) (b)</b> Omit "him" wherever occurring. Insert instead "the lessee".	
<b>[89]</b>	<b>Section 129 (2)</b> Omit ", in a suit brought by himself, ". Insert instead "personally bring a suit and".	35
<b>[90]</b>	<b>Sections 129 (6) (c) (v) and 133B (3)</b> Omit "him" wherever occurring. Insert instead "the lessor".	

---

Statute Law (Miscellaneous Provisions) Bill (No 2) 1997

Schedule 3 Amendments replacing gender-specific language

---

[91]	<b>Section 138</b> Omit "by him hereunto lawfully authorised". Insert instead "lawfully authorised by the person".	
[92]	<b>Section 140</b> Omit "his" where firstly and thirdly occurring. Insert instead "the lessee's".	5
[93]	<b>Section 140</b> Omit "his" where secondly occurring. Insert instead "the person's".	
[94]	<b>Section 145 (2) (a)</b> Omit "his" wherever occurring. Insert instead "the testator's".	
[95]	<b>Section 151D (2)</b> Omit "he" wherever occurring. Insert instead "the personal representative".	10
[96]	<b>Section 153 (1) (b)</b> Omit "he". Insert instead "the deceased person".	
[97]	<b>Section 153 (2C)</b> Omit "he". Insert instead "the purchaser, Registrar-General, Crown Solicitor or person".	15
[98]	<b>Section 157 (1)</b> Insert "or her" after "him" where firstly occurring.	
[99]	<b>Section 157 (1)</b> Omit "him" where secondly occurring. Insert instead "that devisee, legatee or person entitled on intestacy".	20
[100]	<b>Section 161 (1)</b> Omit "he". Insert instead "the attorney".	
[101]	<b>Section 162A (1) and (2)</b> Omit "he" wherever occurring. Insert instead "that attorney under the power".	25
[102]	<b>Sections 163E (5) (a) and 163G (6)</b> Omit "he" wherever occurring. Insert instead "the principal".	
[103]	<b>Section 163E (5) (a) (i)</b> Omit "him". Insert instead "the principal".	
[104]	<b>Section 163F (2) (c)</b> Omit "he". Insert instead "the prescribed person".	30
[105]	<b>Section 163G (2) and (3) (b)</b> Omit "his" wherever occurring. Insert instead "the principal's".	
[106]	<b>Section 163G (3) (f)</b> Omit "his". Insert instead "the attorney's".	35
[107]	<b>Section 170 (2)</b> Omit "his name". Insert instead "the name of the lessee or mortgagor".	
[108]	<b>Section 173 (1) (d)</b> Omit "him". Insert instead "such person".	

---



- 
- |       |   |    |
|-------|---|----|
| [109] | <b>Section 175 (1)</b><br>Omit "him for his". Insert instead "the judgment debtor for his or her".  |    |
| [110] | <b>Section 180 (1) and (3)</b><br>Omit "him" wherever occurring. Insert instead "that purchaser".   |    |
| [111] | <b>Section 183 (1)</b><br>Omit "him" wherever occurring. Insert instead "the purchaser or mortgagee".   | 5  |
| [112] | <b>Schedule 2</b><br>Omit "his" wherever occurring. Insert instead "his/her".   |    |
| [113] | <b>Schedule 4, item 2 of Column 2 of Part 1</b><br>Omit "his" where firstly occurring. Insert instead "the mortgagor's".  | 10 |
| [114] | <b>Schedule 4, item 2 of Column 2 of Part 1</b><br>Omit "his" wherever occurring (except where firstly occurring).<br>Insert instead "the mortgagee's".   |    |
| [115] | <b>Schedule 4, item 2 of Column 2 of Part 1</b><br>Omit "him or them".<br>Insert instead "the mortgagee or the mortgagee's executors, administrators or assigns".   | 15 |
| [116] | <b>Schedule 4, item 2 of Column 2 of Part 1</b><br>Omit "or their option".<br>Insert instead "or the mortgagee's executor's, administrator's or assign's option".   | 20 |
| [117] | <b>Schedule 4, item 2 of Column 2 of Part 1</b><br>Omit "he or they".<br>Insert instead "the mortgagee or the mortgagee's executors, administrators or assigns".  |    |
| [118] | <b>Schedule 4, item 1 of Column 2 of Part 2</b><br>Omit "himself, his".<br>Insert instead "himself or herself and for his or her".  | 25 |
| [119] | <b>Schedule 4, item 1 of Column 2 of Part 2</b><br>Omit "that he the said lessee, his executors, administrators, or assigns".<br>Insert instead "that the lessee, the lessee's executors, administrators or assigns".   | 30 |
| [120] | <b>Schedule 4, item 1 of Column 2 of Part 2</b><br>Omit "his" where lastly occurring. Insert instead "the lessor's".  |    |
| [121] | <b>Schedule 4, items 6 and 7 of Column 2 of Part 2</b><br>Omit "That the lessor, his executors, administrators and assigns, may, by himself or themselves, or his or their agents" wherever occurring.<br>Insert instead "That the lessor, the lessor's executors, administrators and assigns, or an agent of the lessor or of the lessor's executors, administrators or assigns, may". | 35 |
| [122] | <b>Schedule 4, item 6 of Column 2 of Part 2</b><br>Omit "the lessee, his". Insert instead "the lessee, the lessee's".   |    |
| [123] | <b>Schedule 4, item 6 of Column 2 of Part 2</b><br>Omit "leave at his or their". Insert instead "the".  | 40 |
-

Statute Law (Miscellaneous Provisions) Bill (No 2) 1997

Schedule 3 Amendments replacing gender-specific language

- 
- [124] **Schedule 4, item 6 of Column 2 of Part 2**  
Insert "of the lessee or the lessee's executors, administrators, or assigns" after "Wales".
- [125] **Schedule 4, item 6 of Column 2 of Part 2**  
Omit "in default of his or their so doing". 5  
Insert instead "in default of the lessee's or the lessee's executors, administrators or assigns' so doing".
- [126] **Schedule 4, item 6 of Column 2 of Part 2**  
Omit "lessor, his". Insert instead "lessor, the lessor's".
- [127] **Schedule 4, items 8 and 20 of Column 2 of Part 2** 10  
Omit "him" wherever occurring. Insert instead "the lessor".
- [128] **Schedule 4, item 9 of Column 2 of Part 2**  
Omit "workmanlike". Insert instead "skillful".
- [129] **Schedule 4, item 19 of Column 2 of Part 2**  
Omit "his". Insert instead "the lessee's or sub-tenant's". 15
- [130] **Schedule 4, item 22 of Column 1 of Part 2**  
Omit "his". Insert instead "the lessee's".
- [131] **Schedule 7**  
Omit "him" where firstly occurring. Insert instead "an attorney".
- [132] **Schedule 7** 20  
Omit "him" where secondly and thirdly occurring. Insert instead "my attorney".
- [133] **Schedule 8**  
Omit "him" where firstly, secondly, thirdly and sixthly occurring.  
Insert instead "that person".
- [134] **Schedule 8** 25  
Omit "him" where fourthly, fifthly, seventhly and eighthly occurring.  
Insert instead "the grantee".
- 3.9 Coroners Act 1980 No 27**
- [1] **Section 5 (4)**  
Omit "him". Insert instead "the Governor". 30
- [2] **Sections 7 (1), 8, 12 (1), 45 (3) (a), 48 (3), 50, 52 (3) and 53 (1)**  
Insert "or she" after "he" wherever occurring.
- [3] **Sections 7 (3), 10, 12 (1), 15 (2), 17 (1) (b), 18 (2) (b), 21 (3), 22 (2), 25 (4), 27 (2), 35 (1), 37 (2), 39, 44 (2), 47 (5), 50 and 53 (1) and (2) and Schedule 1, clause 2 (h)** 35  
Insert "or her" after "his" wherever occurring.
- [4] **Sections 15 (2) and (3), 16 (1), 21 (1), 25 (1), 26, 27 (1), 35 (1) (d), 44 (2) and (4), 47 (5) and 48 (2)**  
Omit "he" wherever occurring. Insert instead "the coroner".

- 
- |   |  |    |
|---|--|----|
| [5]   | <p><b>Sections 20 (1) (a), 21 (2) (b), 23 (1) (b), 35 (2), 36 (c), 37 (1) and 41 (1) (d)</b></p> <p>Omit "he" wherever occurring. Insert instead "the person".</p>         |    |
| [6]   | <p><b>Sections 20 (1) (a) (i), 22 (1) (a), (b) and (c), 26, 37 (1), 40 (1) (b) and 48 (1) (b)</b></p> <p>Omit "his" wherever occurring. Insert instead "the person's".</p> | 5  |
| [7]   | <p><b>Section 20 (1) (a) (iii)</b></p> <p>Omit "him or them". Insert instead "the justice or justices".</p>  |    |
| [8]   | <p><b>Section 22 (1)</b></p> <p>Omit "his findings". Insert instead "his or her findings".</p>   | 10 |
| [9]   | <p><b>Sections 25 (1) and (4), 35 (2), 40 (1) and 41 (1) (d)</b></p> <p>Omit "him" wherever occurring. Insert instead "the person".</p>                                    |    |
| [10]  | <p><b>Sections 33, 34 (2) and 45 (3) (b)</b></p> <p>Omit "him" wherever occurring. Insert instead "the witness".</p>   |    |
| [11]  | <p><b>Section 37 (1)</b></p> <p>Insert "or her" after "him" wherever occurring.</p>  | 15 |
| [12]  | <p><b>Section 44 (1) (b) and Schedule 1, clause 2 (d)</b></p> <p>Omit "him" wherever occurring. Insert instead "the coroner".</p>  |    |
| [13]  | <p><b>Sections 50 and 52 (1) (b)</b></p> <p>Omit "him" wherever occurring.</p> <p>Insert instead "the medical practitioner or other person".</p>                           | 20 |
| <p><b>3.10 Correctional Centres Act 1952 No 9</b></p> |  |    |
| [1]   | <p><b>Sections 9 (2), 19, 40 and 45 (2) and (3)</b></p> <p>Insert "or her" after "his" wherever occurring.</p>   |    |
| [2]   | <p><b>Sections 10 (3), 11 and 40</b></p> <p>Insert "or she" after "he" wherever occurring.</p>   | 25 |
| [3]   | <p><b>Sections 18 (1), 20 (1) and 29A</b></p> <p>Omit "his" wherever occurring. Insert instead "the inmate's".</p>   |    |
| [4]   | <p><b>Sections 28 (1), 29A, 39 (1) and 43</b></p> <p>Omit "he" wherever occurring. Insert instead "the inmate".</p>  | 30 |
| [5]   | <p><b>Section 28 (2)</b></p> <p>Omit "he was". Insert instead "the inmate was".</p>  |    |
| [6]   | <p><b>Section 28 (2)</b></p> <p>Omit "he thinks". Insert instead "the governor thinks".</p>  |    |
| [7]   | <p><b>Section 35 (1)</b></p> <p>Omit "him" wherever occurring. Insert instead "the inmate".</p>  | 35 |
| [8]   | <p><b>Section 46 (1)</b></p> <p>Omit "him". Insert instead "the person".</p>   |    |
-



Schedule 3 Amendments replacing gender-specific language

[9]	<b>Section 48A (1)</b> Omit "he or it". Insert instead "the person or the organisation".	
[10]	<b>Section 48A (3)</b> Omit "him or it". Insert instead "the person or the organisation".	
[11]	<b>Section 48B</b> Omit "he". Insert instead "the Minister".	5
[12]	<b>Section 54 (2)</b> Insert "or her" after "his" where firstly occurring.	
[13]	<b>Section 54 (2)</b> Omit "his earlier". Insert instead "the person's earlier".	10
[14]	<b>Sections 54 (3) and 57 (1)</b> Omit "he" wherever occurring. Insert instead "the person".	
3.11	<b>Crimes Act 1900 No 40</b>	
[1]	<b>Sections 7, 18 (2) (b), 23A (1), 32, 55, 56, 57, 58, 114 (1) (b) and (c), 124 (a), 125, 132, 154, 155, 156, 157, 158, 159, 160, 170, 171 (1), 173, 176A, 178A, 189A (1), 265, 266, 267, 269, 270, 352 (3) and (4), 352A (6), 353, 353A (2), 358 (1), 364, 365 (2), 384, 393, 395, 402, 403, 405 (1) and (2), 405A (2) (a) and (d), (5) and (6), 406 (1), 409 (1) (c), (2), (3) and (5), 414A (1), 419A, 423A, 424, 444 (5), 447A, 466, 504, 507, 527, 527C (1) (a) and (c), 545D, 546C, 547A (2), 556A (1) (b), 556B, 558 (1), 565, 566, 575 and 579 (1) and (2) and Fifth Schedule</b> Insert "or her" after "his" wherever occurring.	15 20
[2]	<b>Sections 7 (c), 33, 33A, 33B, 37, 38, 100A (1), 154A (1) (b), 172, 174, 178BA (1), 178BB, 180, 395, 527C (1) (c) and 579 (2)</b> Insert "or herself" after "himself" wherever occurring.	25
[3]	<b>Sections 13 (2), 352A (3) (b), (5) and (7) (b), 353A (3), 360, 444 (3) and 468</b> Omit "his" wherever occurring. Insert instead "the person's".	
[4]	<b>Sections 18 (1) (a), 57, 90A, 93J, 125, 157, 159, 160, 161, 166, 167, 170, 178A, 352A (4) (a), 353C (1), 358 (1), 364, 403, 405A (6), 406 (1), 409 (2) (b), 468, 475B (3), 556 (2), 556B and 574</b> Insert "or her" after "him" wherever occurring.	30
[5]	<b>Sections 22, 23A (1), (2) and (5), 34, 40, 120, 121, 123, 124, 127, 128, 129, 130, 136, 155, 163, 177, 183, 344A (2), 352 (1) (b), 352A (5) and (6), 353A (3), 353B, 394, 395, 396, 425, 426, 427, 441, 443, 444 (1) (b) and (3), 475A (3), 545C (3) and 547B (2)</b> Omit "he" wherever occurring. Insert instead "the person".	35
[6]	<b>Sections 22, 34, 40, 104, 120, 121, 123, 128, 129, 130, 136, 137 (2), 163, 177, 178 (2), 183, 185A (5), 352 (1), (2) and (3), 352A (3) (b), 357A (1) (b), 427, 441, 443, 444 (1) and 558 (6)</b> Omit "him" wherever occurring. Insert instead "the person".	40

[7]	<b>Section 24</b> Omit "he". Insert instead "the Judge".	
[8]	<b>Section 56</b> Omit "clergyman" wherever occurring. Insert instead "member of the clergy".	5
[9]	<b>Sections 100A (2) (b), 125, 134, 161 and 162, section 164, definition of "misappropriate", sections 167, 176, 178A, 178B, 178BB, 185A, 186, 189A (1), 352A (2), 353C, 357A (1), 357C, 357D, 357E, 358 (1), 399, 403 and 405A (1), (2) and (3), section 405A (7), definition of "evidence in support of an alibi", sections 406 (3), 414A (1), 440B (1) and (2) (b), 447A, 466, 468, 475B (2), 476 (1), (2), (3) and (4), 480, 502, 517, 522, 523, 527C (2), 545D, 546A, 555, 556, 556A (3), 556B and 558 (3).</b> Insert "or she" after "he" wherever occurring.	10
[10]	<b>Sections 118 and 414B</b> Omit "his" wherever occurring. Insert instead "the accused's".	15
[11]	<b>Sections 119 and 393</b> Omit "he" wherever occurring. Insert instead "the prosecutor".	
[12]	<b>Section 135</b> Omit "his". Insert instead "the testator's".	20
[13]	<b>Sections 180, 181 and 363</b> Omit "he" wherever occurring. Insert instead "the accused".	
[14]	<b>Section 352 (2)</b> Omit "he" wherever occurring. Insert instead "the constable".	
[15]	<b>Section 394A</b> Omit "he". Insert instead "the prisoner".	25
[16]	<b>Sections 400 and 411</b> Omit "him" wherever occurring. Insert instead "the accused".	
[17]	<b>Section 409 (2) (b)</b> Omit "he". Insert instead "the witness".	30
[18]	<b>Section 438 (1)</b> Omit "his". Insert instead "the owner's".	
[19]	<b>Third Schedule, Form Nos 2 and 3</b> Omit "he" wherever occurring. Insert instead "he/she".	35
[20]	<b>Third Schedule, Form No 3</b> Omit "His Honor.". Insert instead "Justice".	
[21]	<b>Third Schedule, Form Nos 3 and 4</b> Omit "Esquire, Chairman of Quarter Sessions" wherever occurring. Insert instead "Justice".	40

Statute Law (Miscellaneous Provisions) Bill (No 2) 1997

Schedule 3 Amendments replacing gender-specific language

<b>[22]</b>	<b>Third Schedule, Form No 4</b> Omit "His Honor". Insert instead "Justice".	
<b>3.12</b>	<b>Crown Lands (Amendment) Act 1932 No 69</b> <b>Section 19 (1)</b> Omit "he". Insert instead "the holder".	5
<b>3.13</b>	<b>Decimal Currency Act 1965 No 33</b> <b>Sections 7 (2) and 8 (1)</b> Omit "his" wherever occurring. Insert instead "the Governor's".	
<b>3.14</b>	<b>Dog Act 1966 No 2</b>	
<b>[1]</b>	<b>Sections 4 (2A) and 5 (1) (d)</b> Omit "he" wherever occurring. Insert instead "the person".	10
<b>[2]</b>	<b>Section 16 (1) (b)</b> Omit "he". Insert instead "the registration clerk".	
<b>3.15</b>	<b>Door-to-Door Sales Act 1967 No 36</b>	
<b>[1]</b>	<b>Section 5 (4) and (5)</b> Omit "him" wherever occurring. Insert instead "the purchaser".	15
<b>[2]</b>	<b>Schedule</b> Omit "his address" wherever occurring. Insert instead "the vendor's address".	
<b>3.16</b>	<b>Election Funding Act 1981 No 78</b> <b>Section 41 (5)</b> Omit "he". Insert instead "the party agent".	20
<b>3.17</b>	<b>Electricity (Pacific Power) Act 1950 No 22</b>	
<b>[1]</b>	<b>Sections 8 (2) (b), 34B (6) and 36 (1) (b) and (c), section 72A, definitions of "prescribed notification" and "prescribed person", sections 72C (1) and (3) (a), 72E (2) (b) (i), 72J (1), 72OA (1) and (2), 72P (1) (b) and 72Q (1) and Schedule 1</b> Insert "or her" after "his" wherever occurring.	25
<b>[2]</b>	<b>Sections 8 (2) (b) and 34D (3), section 72A, definitions of "prescribed notification" and "prescribed person" and sections 72C (1) (b) and (3) (a), 72J (1), 72K (2), 72O (4), 72OA (1) and (2), 72P (1), (2) and (3) and 94 (2)</b> Insert "or she" after "he" wherever occurring.	30
<b>[3]</b>	<b>Section 17</b> Omit "his". Insert instead "that".	
<b>[4]</b>	<b>Sections 34B (4) and (6), 72G and 72O (5)</b> Omit "he" wherever occurring. Insert instead "the person".	35



[5]	<b>Sections 36 (1) (c) and 94 (2)</b> Omit "chairman" wherever occurring. Insert instead "chairperson".	
[6]	<b>Section 72C (1) (b)</b> Insert "or herself" after "himself".	
[7]	<b>Sections 72E (2) (b) and 72O (5) and Schedule 1A, Table 1</b> Omit "him" wherever occurring. Insert instead "the person".	5
[8]	<b>Sections 72J (1), 72K (2) and (3), 72OA (1) (b) and 72P (1) (c), (2) (b) and (3) (b) and Schedule 1</b> Insert "or her" after "him" wherever occurring.	
[9]	<b>Section 72K (1)</b> Omit "his". Insert instead "the person's".	10
[10]	<b>Section 98 (2)</b> Omit "him". Insert instead "the Minister".	
3.18	<b>Electricity Safety Act 1945 (1946 No 13)</b>	
[1]	<b>Sections 25 (4) (a), (5) (a) and (7) and 26 (2)</b> Insert "or her" after "his" wherever occurring.	15
[2]	<b>Section 25 (4) (b), (6) and (8)</b> Insert "or she" after "he" wherever occurring.	
[3]	<b>Section 25 (6) and (7)</b> Insert "or her" after "him" wherever occurring.	20
3.19	<b>Environmental Planning and Assessment Act 1979 No 203</b>	
[1]	<b>Section 4 (1), definition of "Commissioner of Inquiry" and sections 18 (1) and (2), 22 (3) and 119 (3A), (3B) and (4) and Schedule 3, clause 1 (a) and Schedule 5, clauses 2 and 3</b> Omit "Chairman" wherever occurring. Insert instead "Chairperson".	25
[2]	<b>Section 4 (1), definition of "environment"</b> Omit "man". Insert instead "humans".	
[3]	<b>Section 4 (1), definition of "environment"</b> Omit "him as an individual or in his". Insert instead "any human as an individual or in his or her".	30
[4]	<b>Section 4 (5)</b> Omit "his or its". Insert instead "the Director's or the council's".	
[5]	<b>Section 5 (a) (i)</b> Omit "man-made". Insert instead "artificial".	
[6]	<b>Sections 8 (3), 39 (1) and 51 (1)</b> Omit "him" wherever occurring. Insert instead "the Minister".	35
[7]	<b>Sections 8 (3), 23 (6), 39 (3), 51 (2), 70 (4) and (7), 123 (2) and 153 (1) (a) (ii) and Schedule 3, clause 3</b> Insert "or her" after "his" wherever occurring.	

Statute Law (Miscellaneous Provisions) Bill (No 2) 1997

Schedule 3 Amendments replacing gender-specific language

[8]	<b>Sections 13 (2) and 15 (b)</b> Omit "him" wherever occurring. Insert instead "the Director".	
[9]	<b>Section 23 (1)</b> Omit "his or its". Insert instead "the Minister's, the corporation's or the Director's".	5
[10]	<b>Sections 33 (3), 37 (2), 39 (1) and (2), 51 (1) (a) (ii) and (4), 70 (1) (a) (ii), (4), (6) and (8) and 132 (7)</b> Omit "he" wherever occurring. Insert instead "the Minister".	
[11]	<b>Sections 37 (1), 47 (c) and 49 (1) (a) and (c)</b> Omit "he" wherever occurring. Insert instead "the Director".	10
[12]	<b>Section 50 (2)</b> Omit "his". Insert instead "the Director's".	
[13]	<b>Section 114 (a)</b> Omit "his". Insert instead "the Minister's".	
[14]	<b>Section 118 (5), (6) and (8)</b> Omit "his" wherever occurring. Insert instead "the person's".	15
[15]	<b>Sections 118 (8) (a) and 119 (3)</b> Omit "him" wherever occurring. Insert instead "the person".	
[16]	<b>Section 120 (3)</b> Omit "him". Insert instead "the Commissioner".	20
[17]	<b>Sections 120 (4) (b), 121 (3) and 123 (2)</b> Insert "or herself" after "himself" wherever occurring.	
[18]	<b>Section 121 (3) and (4)</b> Omit "him" wherever occurring. Insert instead "the Premier or the Minister".	
[19]	<b>Section 121 (4)</b> Omit "he". Insert instead "the Premier or the Minister".	25
[20]	<b>Section 121 (6)</b> Omit "to it or him".	
[21]	<b>Section 153 (1) (a)</b> Insert "or her" after "him" wherever occurring.	30
[22]	<b>Schedule 5, clause 6</b> Omit "chairman". Insert instead "chairperson".	
[23]	<b>Schedule 5, clause 7</b> Omit "him". Insert instead "the member".	
3.20	<b>Factories, Shops and Industries Act 1962 No 43</b>	35
[1]	<b>The whole Act</b> Insert "or her" after "his" wherever occurring.	

[2]	<b>The whole Act</b> Insert "or she" after "he" wherever occurring.	
[3]	<b>The whole Act</b> Insert "or her" after "him" wherever occurring.	
[4]	<b>The whole Act</b> Omit "Chairman" wherever occurring. Insert instead "Chairperson".	5
[5]	<b>Section 145 (5)</b> Insert "or herself" after "himself".	
3.21	<b>Fines and Forfeited Recognizances Act 1954 No 25</b>	
[1]	<b>Section 4 (4)</b> Omit "him" wherever occurring. Insert instead "the person".	10
[2]	<b>Sections 4 (4) (b) and 17</b> Omit "his" wherever occurring. Insert instead "the person's".	
[3]	<b>Section 6 (1)</b> Omit "his surety" wherever occurring. Insert instead "by the person's surety".	15
[4]	<b>Section 6 (1) (b)</b> Insert "or she" after "he".	
3.22	<b>Gaming and Betting Act 1912 No 25</b>	
[1]	<b>Section 3, definition of "Bookmaker" and sections 5 (1), 10 (a), 15A (1) (b), 43A (2) and 45</b> Insert "or her" after "his" wherever occurring.	20
[2]	<b>Section 5 (1)</b> Insert "or herself" after "himself".	
[3]	<b>Sections 9, 10, 11, 13, 38 and 47B (2) (b)</b> Omit "he" wherever occurring. Insert instead "the person".	25
[4]	<b>Section 12</b> Insert "or she" after "he" wherever occurring.	
[5]	<b>Section 15</b> Insert " , herself" after "himself".	
[6]	<b>Section 15A (2)</b> Omit "his". Insert instead "the defendant's".	30
[7]	<b>Section 16 (b)</b> Omit "his". Insert instead "the bookmaker's".	
[8]	<b>Sections 38 and 47B (2) (b)</b> Omit "his" wherever occurring. Insert instead "the person's".	35
[9]	<b>Section 43A (2)</b> Omit "he" wherever occurring. Insert instead "the offender".	



Statute Law (Miscellaneous Provisions) Bill (No 2) 1997

Schedule 3 Amendments replacing gender-specific language

[10]	<b>Section 45</b> Omit "him". Insert instead "the owner or occupier".	
[11]	<b>Section 47B (2) (b)</b> Omit "him". Insert instead "the person".	
[12]	<b>Sections 47B (4) (a) and 47C (3) (a)</b> Omit "he" wherever occurring. Insert instead "the bookmaker".	5
[13]	<b>Section 50</b> Insert "or her" after "his" where firstly and secondly occurring.	
[14]	<b>Section 50</b> Omit "his" where thirdly occurring. Insert instead "the person's".	10
[15]	<b>Section 50</b> Omit "himself". Insert instead "that justice".	
3.23	<b>Government and Related Employees Appeal Tribunal Act 1980 No 39</b>	
[1]	<b>Sections 15 (2) (a) (i) and (b) (i), 21 (1) (j) (iii), 24 (1), 25 (1) and (3), 27, 32 (1) (c) (ii) and (d) (ii) and 47 and Schedule 2, clauses 2 (1) (b) (i), 10 and 11 (2)</b> Insert "or her" after "his" wherever occurring.	15
[2]	<b>Sections 15 (2) (a) (i) and (b) (i), 38 (6) and 47 and Schedule 2, clauses 8 (1), 9, 10 and 12 (3)</b> Insert "or she" after "he" wherever occurring.	20
[3]	<b>Section 21 (1) (e)</b> Omit "him". Insert instead "the appellant".	
[4]	<b>Sections 21 (1) (f), 25 (1) and 57 (1) (a)</b> Omit "him" wherever occurring. Insert instead "the employee".	25
[5]	<b>Sections 21 (1) (g), (h), (i) and (j), 25 (2) and (3) and 57 (1) (a)</b> Omit "he" wherever occurring. Insert instead "the employee".	
[6]	<b>Sections 25 (2) (b), 30 (1) and 57 (1) (a)</b> Omit "his" wherever occurring. Insert instead "the employee's".	
[7]	<b>Section 27</b> Insert "or her" after "him".	30
[8]	<b>Section 32 (1)</b> Omit "he". Insert instead "the Registrar".	
[9]	<b>Section 38 (6)</b> Omit "his" wherever occurring.	35
[10]	<b>Section 42 (2)</b> Omit "he". Insert instead "the appellant".	
[11]	<b>Sections 44 (2) and 51</b> Omit "him" wherever occurring. Insert instead "the person".	

[12]	<b>Section 57 (1) (b)</b> Insert "or her" after "him" where firstly occurring.	
[13]	<b>Section 57 (1) (b)</b> Omit "him at his". Insert instead "the employer at the employer's".	
3.24	<b>Growth Centres (Development Corporations) Act 1974 No 49</b>	5
[1]	<b>Sections 33 (6) and 34 (3) (b) and (7) and Schedule 2, clause 12 (3)</b> Omit "he" wherever occurring. Insert instead "the person".	
[2]	<b>Section 34 (8)</b> Omit "he". Insert instead "the Minister".	
[3]	<b>Schedule 2, clause 10 (3)</b> Omit "he". Insert instead "the Chairperson".	10
3.25	<b>Harness Racing New South Wales Act 1977 No 57</b>	
[1]	<b>Section 8 (4)</b> Omit "he". Insert instead "the Minister".	
[2]	<b>Section 8 (4)</b> Insert "or her" after "his".	15
[3]	<b>Sections 13A (4) (c) and 13B (4) (c)</b> Omit "his or its" wherever occurring. Insert instead "the Minister's or HRNSW's".	
[4]	<b>Section 26 (2)</b> Omit "him". Insert instead "the Minister".	20
3.26	<b>Heritage Act 1977 No 136</b>	
[1]	<b>Sections 10, 21 (1) (a), 23 (3), 25 (1), 33 (1), 37 (1), 38 (2), 49 (1), 71, 73 (1), 121 (3) and (5) and 129 (4)</b> Omit "him" wherever occurring. Insert instead "the Minister".	25
[2]	<b>Sections 11, 12, 28, 77 (2), 102 (3), 108 (3), 132, 136 (1), (3) and (5), 142, 148, 149, 150 (1) (a) (ii) and 159 (a)</b> Insert "or her" after "his" wherever occurring.	
[3]	<b>Sections 11 and 12</b> Omit "he" wherever occurring. Insert instead "the member".	30
[4]	<b>Sections 11 (c) and 20</b> Omit "him" wherever occurring. Insert instead "the member".	
[5]	<b>Sections 13 (1) and (2), 64 (2) (b), 73 (1) (b), 77 (1), 129 (2), 136 (5) and 146</b> Insert "or she" after "he" wherever occurring.	35
[6]	<b>Section 70 (a)</b> Omit "he". Insert instead "the applicant".	

Statute Law (Miscellaneous Provisions) Bill (No 2) 1997

Schedule 3 Amendments replacing gender-specific language

[7]	<b>Section 72</b> Omit "him or it". Insert instead "the appellant, the Heritage Council or the person".	
[8]	<b>Section 82 (2), (3) and (4)</b> Omit "he or it" wherever occurring. Insert instead "the Director or the council".	5
[9]	<b>Section 105 (1) (a)</b> Omit "his or its".	
[10]	<b>Section 107 (1) (b)</b> Omit "him". Insert instead "the Treasurer".	
[11]	<b>Section 108 (3)</b> Omit "him". Insert instead "the creditor".	10
[12]	<b>Sections 125, 148 (2) and 159</b> Omit "he" wherever occurring. Insert instead "the person".	
[13]	<b>Sections 136 (1), (3) and (6) and 143 (1) (b)</b> Omit "he" wherever occurring. Insert instead "the Minister".	15
[14]	<b>Sections 136 (3) and 160 (1)</b> Insert "or her" after "him" wherever occurring.	
[15]	<b>Sections 140 (1) and 150 (1) (a)</b> Omit "him" wherever occurring. Insert instead "the person".	
3.27	<b>Historic Houses Act 1980 No 94</b>	20
[1]	<b>Section 9 (2)</b> Omit "he". Insert instead "the person".	
[2]	<b>Section 12 (2) and Schedule 1, clauses 2 (1), 3 (1) and (2), 4, 7 and 8 (2) and (3)</b> Insert "or her" after "his" wherever occurring.	25
[3]	<b>Section 14 (c)</b> Omit "him". Insert instead "the Director".	
[4]	<b>Section 16 (1)</b> Omit "he". Insert instead "the Treasurer".	
[5]	<b>Section 22 (2)</b> Omit "him". Insert instead "the Minister".	30
[6]	<b>Schedule 1, clause 2 (2)</b> Omit "he is".	
[7]	<b>Schedule 1, clauses 3 (1) and 7</b> Omit "he" wherever occurring. Insert instead "the trustee".	35
[8]	<b>Schedule 1, clause 6</b> Omit "him". Insert instead "the Governor".	



[9]	<b>Schedule 1, clause 7 (e)</b> Omit "him". Insert instead "the trustee".	
[10]	<b>Schedule 1, clause 8</b> Omit "Chairman" wherever occurring. Insert instead "Chairperson".	
[11]	<b>Schedule 1, clauses 8 (2) and (3) and 9 (2)</b> Insert "or she" after "he" wherever occurring.	5
[12]	<b>Schedule 1, clause 8 (4) (b)</b> Omit "chairman". Insert instead "chairperson".	
3.28	<b>Housing Act 1976 No 62</b> <b>Section 14A (2) (a)</b> Omit "him". Insert instead "the purchaser".	10
3.29	<b>Land Development Contribution Management Act 1970 No 22</b> [1] <b>Section 53 (5)</b> Omit "he". Insert instead "the person".	
[2]	<b>Section 65</b> Insert "or she" after "He" wherever occurring.	15
3.30	<b>Landlord and Tenant Act 1899 No 18</b> [1] <b>The whole Act</b> Insert "or her" after "him" wherever occurring.	
[2]	<b>The whole Act (except section 2B)</b> Insert "or her" after "his" wherever occurring.	20
[3]	<b>The whole Act</b> Insert "or she" after "he" wherever occurring.	
[4]	<b>Schedule E</b> Insert "or herself" after "himself" wherever occurring.	25
3.31	<b>Landlord and Tenant (Amendment) Act 1948 No 25</b> [1] <b>The whole Act (except section 99 (1), definition of "female dependant of a discharged member")</b> Insert "or her" after "his" wherever occurring.	
[2]	<b>The whole Act (except sections 83 (1) and 83A (2))</b> Insert "or she" after "he" wherever occurring.	30
[3]	<b>Section 83 (1)</b> Insert "or she" after "he" where firstly occurring.	
[4]	<b>The whole Act (except section 83A (2) and section 99 (1), definition of "female dependant of a discharged member")</b> Insert "or her" after "him" wherever occurring.	35
[5]	<b>The whole Act</b> Insert "or herself" after "himself" wherever occurring.	

---

**3.32 Legal Aid Commission Act 1979 No 78**

- [1] **Section 4 (1), definition of "private legal practitioner" and sections 8 (4), 12 (f), 23 (4), 25 (4) (f), 40 (2) and 45 (1) and Schedule 2, clauses 3, 6, 7 and 8 (1) and Schedule 7, clauses 3, 6 and 7 (1)**  
Insert "or her" after "his" wherever occurring. 5
- [2] **Sections 8 (1) (a) and 54 (2) (a) and Schedule 2, clauses 1, 3 and 5 (1), Schedule 3, clauses 1, 2, 6 and 7 and Schedule 7, clause 8**  
Omit "Chairman" wherever occurring. Insert instead "Chairperson".
- [3] **Sections 8 (3) (b) and 13 (2)**  
Omit "him" wherever occurring. Insert instead "the Minister". 10
- [4] **Sections 8 (4), 23 (4) and 45 (2) and Schedule 2, clauses 4 and 7 (f) and Schedule 7, clause 6 (f)**  
Insert "or her" after "him" wherever occurring.
- [5] **Section 10 (2) (n)**  
Omit "he". Insert instead "the Minister". 15
- [6] **Sections 12 (i) and 25 (1) and (2)**  
Omit "his" wherever occurring. Insert instead "the solicitor's".
- [7] **Section 23 (3)**  
Omit "he". Insert instead "the person".
- [8] **Sections 23 (4), 34 (4), 38 (4), 42 and 47 (6) and Schedule 2, clauses 5 (1) and (3) and 7, Schedule 3, clause 6 and Schedule 7, clauses 4 (1) and (2), 6 and 8 (1)**  
Insert "or she" after "he" wherever occurring. 20
- [9] **Sections 33 (1) (e) and 34 (2) and (4)**  
Omit "his" wherever occurring. Insert instead "the". 25
- [10] **Section 38 (3)**  
Omit "himself".
- [11] **Section 68 (3) and Schedule 3, clause 7 and Schedule 7, clause 8 (3) and (4)**  
Omit "chairman" wherever occurring. Insert instead "chairperson". 30
- [12] **Section 71 (1) (a)**  
Omit "him" wherever occurring. Insert instead "the person".
- [13] **Section 71 (1) (a) (ii)**  
Omit "his" wherever occurring. Insert instead "the person's".

**3.33 Limitation Act 1969 No 31** 35

- [1] **Sections 11 (2) (a) and (3), 32 (2), 34 (2) (c), 52 (1) (e) (i) and (2), 53 (3) (d) and (e), 54 (2) (a), (5) and (6), 55 (3), 57B (1) (e), 67 (1) (b), 68 (b) and 74 (b)**  
Omit "he" wherever occurring. Insert instead "the person".

- 
- |      |   |    |
|------|---|----|
| [2]  | <p><b>Sections 11 (2) (c) and (3) (b), 22 (4), 28 (b), 29 (b), 37 (1), 38 (5), 43 (1) (a) (ii), 47 (2) and 53 (7) (c)</b></p> <p>Insert "or her" after "his" wherever occurring.</p>  |    |
| [3]  | <p><b>Sections 14 (1), 16, 17 (1), 18 (1), 20 (1), 21, 24 (1), 26 (1) (a) and (2), 27 (2), 28, 29 (a), 30 (a), 32 (1), 38 (2), 42 (1), 43 (1) (a) (i), 47 (1) (e) and 48 (a)</b></p> <p>Omit "he" wherever occurring. Insert instead "the plaintiff".</p> | 5  |
| [4]  | <p><b>Sections 21 (b), 32 (2), 38 (4) (b), 47 (1) (b), 54 (3) and (5), 55 (1), 56 (1), 57B (1) (e) (ii) and 64 (1)</b></p> <p>Omit "him" wherever occurring. Insert instead "the person".</p>   | 10 |
| [5]  | <p><b>Section 41</b></p> <p>Omit "he" where firstly and secondly occurring. Insert instead "the mortgagee".</p>   |    |
| [6]  | <p><b>Section 41</b></p> <p>Omit "he" where thirdly occurring. Insert instead "the plaintiff".</p>  |    |
| [7]  | <p><b>Section 44 (2) (c)</b></p> <p>Omit "him". Insert instead "the mortgagee".</p>   | 15 |
| [8]  | <p><b>Section 44</b></p> <p>Omit "him" where secondly occurring. Insert instead "the person".</p>   |    |
| [9]  | <p><b>Section 45</b></p> <p>Omit "him" where firstly occurring. Insert instead "the mortgagee".</p>   | 20 |
| [10] | <p><b>Section 45</b></p> <p>Omit "him" where secondly occurring. Insert instead "the person".</p>   |    |
| [11] | <p><b>Sections 47 (1), 52 (1) (e) (ii), 53 (1) (b) and (c) and (3), 54 (3), 57B (1) (c) (ii), 58 (1), 59 (1), 63 (1), 64 (1) and 65 (1)</b></p> <p>Omit "his" wherever occurring. Insert instead "the person's".</p>                                      | 25 |
| [12] | <p><b>Section 50</b></p> <p>Omit "him". Insert instead "that other beneficiary".</p>  |    |
| [13] | <p><b>Sections 55 (4) and 56 (3)</b></p> <p>Omit "him" wherever occurring. Insert instead "the purchaser".</p>  |    |
| [14] | <p><b>Section 57B (1) (c)</b></p> <p>Omit "man". Insert instead "person".</p>   | 30 |
| [15] | <p><b>Section 60 (2) and (3)</b></p> <p>Omit "him" wherever occurring. Insert instead "the deceased".</p>   |    |
| [16] | <p><b>Section 60 (2)</b></p> <p>Omit "he". Insert instead "the applicant".</p>  | 35 |
| [17] | <p><b>Section 67 (2)</b></p> <p>Insert "or her" after "him".</p>  |    |
| [18] | <p><b>Section 68</b></p> <p>Omit "his". Insert instead "the second person's".</p>   |    |
-



Statute Law (Miscellaneous Provisions) Bill (No 2) 1997

Schedule 3 Amendments replacing gender-specific language

---

[19]	<b>Section 68A (1)</b> Omit "he". Insert instead "the party".	
[20]	<b>Section 72 (2) (c)</b> Omit "his". Insert instead "the party's".	
3.34	<b>Liquor Act 1982 No 147</b>	5
[1]	<b>Section 4 (1), definitions of "Chairman" and "Chairman of the Board"</b> Omit the definitions. Insert instead: <i>Chairperson</i> where occurring otherwise than in relation to the Board means Chairperson of the Licensing Court. <i>Chairperson of the Board</i> means Chairperson of the Liquor Administration Board.	10
[2]	<b>Sections 8 (1) (b), (2) and (8), 9 (1) (b) and (c), (2) and (4), 10 (1) (b) and (2), 11 (2), 72 (2), 73 (1) and (2), 75 (1) and (2) and 146 (4)</b> Omit "Chairman" wherever occurring. Insert instead "Chairperson".	15
[3]	<b>Sections 8 (3) (a) and (c), (4), (5) and (7), 12 (4), 16 (2) (b), 37 (2) (b), 40 (2), 44 (1) (f), 46 (1) (a), 49 (1) (a), 63 (1), 69 (1), 72 (3) and (7), 73 (1), 75 (1) and (2), 85 (2), 86 (3), 101 (1) (b), (c), (d) and (e), 103 (2) and (3), 110 (5), 116, 118, 119 (1) and (4), 120 (3) (a), 123 (2), 125 (1) and (4), 126 (1), 127, 134, 151 (3) (d), 152 (1) and (2) and 154 (2) (b) and (3)</b> Insert "or her" after "his" wherever occurring.	20
[4]	<b>Sections 8 (5), 11 (4), 72 (4), 103 (3), 132 and 145 (1) (b)</b> Omit "he" wherever occurring. Insert instead "the person".	
[5]	<b>Sections 8 (7) and (8), 10 (2) (a) and (b), 41 (3), 44 (2) (a), 63 (3) (b) and (6), 68 (1) (a) (i), 84 (3), 86 (3) (b) (ii), 103 (4), 120 (3) (b), 121 (1) (a) and (2) (a), 122, 124, 125 (3), 151 (3) (a) and (b) and (5), 152 (1) and (4), 153 (b) and 154 (2) and (3)</b> Insert "or she" after "he" wherever occurring.	25
[6]	<b>Sections 9 (1) (b), 41 (1), 65 (1), 121 (1) (b), 122 (3) (b) and 154 (2) (a)</b> Insert "or her" after "him" wherever occurring.	30
[7]	<b>Section 12 (5)</b> Insert "or her" after "his" where firstly occurring.	
[8]	<b>Section 12 (5)</b> Omit "his" where secondly occurring. Insert instead "a".	35
[9]	<b>Section 19 (1) and (2)</b> Omit "he" wherever occurring. Insert instead "the Minister".	
[10]	<b>Section 22 (1) (a)</b> Omit "his". Insert instead "the licensee's".	40
[11]	<b>Sections 22 (1) (a), 63 (1) and 86 (1) (a)</b> Omit "him" wherever occurring. Insert instead "the licensee".	

---

[12]	<b>Section 42 (6) (b)</b> Omit "him". Insert instead "the applicant".	
[13]	<b>Section 55 (3)</b> Omit "him" wherever occurring. Insert instead "the registrar".	
[14]	<b>Section 65 (1)</b> Omit "his". Insert instead "the deceased licensee's".	5
[15]	<b>Section 65 (1)</b> Insert "or herself" after "himself".	
[16]	<b>Section 65 (2)</b> Omit "him". Insert instead "the trustee".	10
[17]	<b>Section 65 (3)</b> Omit "him". Insert instead "the Protective Commissioner".	
[18]	<b>Section 67 (2)</b> Omit "him". Insert instead "the licensee, manager or person".	
[19]	<b>Sections 68 (2), 86 (4), 98, 99 (2) (a), 103 (2) and 120 (4)</b> Omit "him" wherever occurring. Insert instead "the person".	15
[20]	<b>Section 72 (6)</b> Omit "himself, he may remove him". Insert instead "himself or herself, the Minister may remove the member".	
[21]	<b>Section 72 (7)</b> Omit "he" wherever occurring. Insert instead "the member".	20
[22]	<b>Section 77 (2)</b> Omit "him". Insert instead "the Minister".	
[23]	<b>Sections 86 (1) (c), 93 (1), 119 (1) and 125 (4)</b> Omit "he" wherever occurring. Insert instead "the licensee".	25
[24]	<b>Sections 103 (1) and 105</b> Insert "or her" after "his" wherever firstly occurring.	
[25]	<b>Section 103 (4)</b> Omit "his employee". Insert instead "an employee of the licensee".	30
[26]	<b>Section 105</b> Omit "his" where secondly occurring. Insert instead "the".	
[27]	<b>Section 110 (5)</b> Omit "him". Insert instead "the person".	
[28]	<b>Section 111</b> Omit "him" wherever occurring. Insert instead "the inspector, member or other person".	35
[29]	<b>Section 131 (2)</b> Omit "he". Insert instead "the defendant".	

Schedule 3 Amendments replacing gender-specific language

[30]	<b>Section 151 (4)</b> Insert "or her" after "his" where firstly occurring.	
[31]	<b>Section 151 (4)</b> Omit "his" where secondly occurring. Insert instead "a".	
[32]	<b>Section 151 (4)</b> Omit "he". Insert instead "the owner or occupier".	5
[33]	<b>Section 154 (3)</b> Omit "himself".	
3.35	<b>Minors (Property and Contracts) Act 1970 No 60</b>	
[1]	<b>Section 6 (1), definition of "Civil act" and (3) (a) and sections 13, 30 (1) (a) and (c), 33 (2), 35 (2), 37 (3) and 38</b> Omit "his" wherever occurring. Insert instead "the person's".	10
[2]	<b>Section 6 (1), definition of "Minor participant" and (3) (a) and sections 8, 12, 13, 15 (1), 30 (1), 35 (2), 38, 48 and 50 (1) (c)</b> Omit "he" wherever occurring. Insert instead "the person".	15
[3]	<b>Sections 6 (3), 30 (1) (b), 35 (2) and 37 (8)</b> Omit "him" wherever occurring. Insert instead "the person".	
[4]	<b>Sections 12, 18, 19, 24, 31 (1), 32 (1), 34 (1), 35 (1), 37 (4) (a), 43 (1) (a), 47 (2) and 49 (2)</b> Insert "or her" after "his" wherever occurring.	20
[5]	<b>Sections 15 (1) and 38</b> Omit "himself" wherever occurring. Insert instead "that person".	
[6]	<b>Sections 17, 19, 20, 21, 22, 25, 26 (4), 27 (1), 28 (1), 29 (1), (3) and (4) and 45 (1) (a) and (b)</b> Omit "him" wherever occurring. Insert instead "the minor".	25
[7]	<b>Sections 18, 20 (1) (c), 31 (1) and 47 (2)</b> Omit "he" wherever occurring. Insert instead "the minor".	
[8]	<b>Sections 28 (2) (c) and 29 (2) (c)</b> Omit "has satisfied himself" wherever occurring. Insert instead "is satisfied".	
[9]	<b>Section 37 (4) (a) and (b)</b> Insert "or her" after "him" wherever occurring.	30
[10]	<b>Section 43 (2) (a)</b> Insert "or herself" after "himself".	
[11]	<b>Section 43 (2) (a) and (b) and (3)</b> Omit "he" wherever occurring. Insert instead "the referee".	35
[12]	<b>Section 43 (2) (b) and (3)</b> Omit "his" wherever occurring. Insert instead "the referee's".	
[13]	<b>Sections 47 (1) and 49 (2)</b> Insert "or she" after "he" wherever occurring.	



- 
- [14] **Section 49 (2)**  
Insert "or her" after "him".
- 3.36 Motor Vehicle Repairs Act 1980 No 71**
- [1] **Section 4 (1), definition of "Chairman"** 5  
Omit the definition. Insert instead:  
*Chairperson* means the person appointed and holding office as Chairperson of the Council.
- [2] **Section 4 (1), definitions of "commercial vehicle owner" and "repairer" and sections 12 (3), 47 (2) and (3), 73 (3) and 77** 10  
Omit "him" wherever occurring. Insert instead "the person".
- [3] **Section 4 (1), definitions of "loss assessor's work" and "repairer" and sections 8 (1) (a), 12 (3), 15 (2), 20 (5), 22 (1) (b) and (2), 38 (3) (a), 42 (1) (a), (c) and (g), 43 (a), 44 (3), 47 (1), (2) and (3), 53 (1) and (2), 63 (1), 70 (6), 76 (a), 80 (1) (a) (ii) and (iii) and 87 (4) and Schedule 1, clauses 5, 6, 10 (1), 12 (2), (3) and (4) and 13 and Schedule 3, clause 6** 15  
Insert "or her" after "his" wherever occurring.
- [4] **Sections 8 (1) (a), 14 (3), 46 (1) (b) and (2), 53, 54 (1) and (2), 61 (3) and 83, Schedule 1, clauses 4, 5, 6, 7, 8, 10 (1) (f), (j) and (k), 11 (3) and (5), 12 (2), (3), (4) and (5) and 13, Schedule 2, clauses 5 and 9 (2), Schedule 3, clauses 1 (1) (a), 2 (1) and (2), 3, 4, 5 and 6 and Schedule 4, clauses 1 and 5** 20  
Omit "Chairman" wherever occurring. Insert instead "Chairperson".
- [5] **Section 8 (3) and Schedule 3, clause 1 (4)** 25  
Omit "he" wherever occurring. Insert instead "the Minister".
- [6] **Sections 12 (3), 15 (1) and (2), 16 (6), 45 (1) and (4), 51 (2) and 57 and Schedule 1, clause 13 (2) and Schedule 3, clauses 1 (2) and 2 (3)**  
Omit "he" wherever occurring. Insert instead "the person".
- [7] **Section 14 (3) and Schedule 3, clause 1 (1) (a)** 30  
Omit "chairman" wherever occurring. Insert instead "chairperson".
- [8] **Sections 15 (2), 40, 46 (4) (a), 54 (3) (a) and 87 (4) and Schedule 1, clause 10 (1) (k)**  
Insert "or herself" after "himself" wherever occurring.
- [9] **Sections 15 (3) (b), 22 (2) and (2A), 25 (4), 40, 42 (1) (a) and (e), 43 (a) and 74 (1) and (2) and Schedule 1, clauses 11 (1) and (2), 12 (2) and Schedule 4, clauses 1 and 5** 35  
Insert "or she" after "he" wherever occurring.
- [10] **Sections 18 (1) (b) (ii), 22 (1), 25 (1), 42 (1) (e) and (l), 54 (3) (a), 76 (a) and (b), 80 (1) (a) (i) and (iii) and 87 (4) and Schedule 1, clauses 6 and 12 (2) (e) and (f)** 40  
Insert "or her" after "him" wherever occurring.
-

Statute Law (Miscellaneous Provisions) Bill (No 2) 1997

Schedule 3 Amendments replacing gender-specific language

[11]	<b>Section 18 (2)</b> Omit "he". Insert instead "the applicant".	
[12]	<b>Section 18 (2)</b> Omit "him". Insert instead "the applicant".	
[13]	<b>Sections 20 (4), 73 (1) and 89 (1) (I)</b> Omit "his" wherever occurring. Insert instead "the person's".	5
[14]	<b>Section 53 (2) and Schedule 1, clauses 7 (b) and 12 (3) and (4)</b> Omit "him" wherever occurring. Insert instead "the Chairperson".	
[15]	<b>Section 54 (1) and Schedule 1, clause 12 (3) and (4)</b> Omit "he" wherever occurring. Insert instead "the Chairperson".	10
[16]	<b>Section 59</b> Omit "he". Insert instead "the Treasurer".	
[17]	<b>Section 63 (3) (f)</b> Omit "him". Insert instead "the claimant".	
[18]	<b>Section 75 (2) (c)</b> Omit "he". Insert instead "the inspector".	15
[19]	<b>Section 86 (2) and Schedule 3, clause 5</b> Omit "him" wherever occurring. Insert instead "the Minister".	
[20]	<b>Section 88 (1)</b> Omit "he" wherever occurring. Insert instead "the director or officer".	20
[21]	<b>Section 88 (1) (a)</b> Omit "his". Insert instead "the director's or officer's".	
[22]	<b>Schedule 1, clauses 2, 3 and 11 (4)</b> Omit "his" wherever occurring. Insert instead "the member's".	
[23]	<b>Schedule 1, clause 9</b> Omit "him". Insert instead "the Governor".	25
[24]	<b>Schedule 1, clause 10 (1) and Schedule 3, clause 6</b> Omit "he" wherever occurring. Insert instead "the member".	
[25]	<b>Schedule 1, clauses 8 and 10 (1) (f) and Schedule 3, clause 4</b> Omit "him" wherever occurring. Insert instead "the member".	30
3.37	<b>Navigation Act 1901 No 60</b>	
[1]	<b>The whole Act</b> Insert "or her" after "his" wherever occurring.	
[2]	<b>The whole Act</b> Insert "or she" after "he" wherever occurring.	35
[3]	<b>The whole Act</b> Insert "or her" after "him" wherever occurring.	
[4]	<b>Sections 110 (3) and 172</b> Insert "or herself" after "himself" wherever occurring.	

**3.38 Oaths Act 1900 No 20**

**[1] Section 3 (2) (a)**

Omit “, any chairman of a court of quarter sessions”.

**[2] Section 3 (2A) (a)**

Omit “Chairman of the Bench of Stipendiary Magistrates”.  
Insert instead “Chief Magistrate”.

5

**[3] Section 10 (1)**

Omit “he”. Insert instead “the member”.

**[4] Sections 10 (1), 11 (1), 11A (1), (2) and (3), 26 (1) (c) and 27 (1)**

Insert “or her” after “his” wherever occurring.

10

**[5] Section 11 (1)**

Omit “he” wherever occurring. Insert instead “the officer”.

**[6] Section 11A (1)**

Omit “him”. Insert instead “the person”.

**[7] Sections 13 (1), 21A (2) and 29**

15

Omit “he” wherever occurring. Insert instead “the person”.

**[8] Section 21 (1)**

Insert “or her” after “him”.

**[9] Section 27 (2)**

Omit “he”. Insert instead “the Chief Justice”.

20

**3.39 Optometrists Act 1930 No 20**

**[1] The whole Act**

Insert “or her” after “him” wherever occurring.

**[2] The whole Act**

Insert “or her” after “his” wherever occurring.

25

**[3] The whole Act**

Omit “chairman” wherever occurring. Insert instead “chairperson”.

**[4] The whole Act**

Insert “or she” after “he” wherever occurring.

**[5] The whole Act**

30

Insert “or herself” after “himself” wherever occurring.

**3.40 Parliamentary Contributory Superannuation Act 1971 No 53**

**[1] Sections 10 (4), 19 (5) and (9), 20 (1) and (2A), 22 (1) and (2) and 23 (4A), section 23B (1), definition of “dependent child of a deceased member or former member” and (3), (4) and (7) and section 27 (1)**

35

Insert “or she” after “he” wherever occurring.

**[2] Section 10 (4)**

Omit “his”. Insert instead “the actuary’s”.



Schedule 3 Amendments replacing gender-specific language

- 
- |  |   |    |
|--|---|----|
| [3]  | <p><b>Section 16 (1), (1A) and (2)</b><br/> Omit "chairman" wherever occurring. Insert instead "chairperson".</p>   |    |
| [4]  | <p><b>Section 16 (1) and (2)</b><br/> Omit "vice-chairman" wherever occurring. Insert instead "vice-chairperson".</p>   |    |
| [5]  | <p><b>Sections 16 (2), 19 (4) (a) (ii), (5) and (9), 20 (1), (2B) (a), (4), (6), (8), (9) and (10) and 22 (2), section 23B (1), definition of "dependent child of a deceased member or former member" and (2) (b) and (3) and sections 25 (1) and 27 (1)</b><br/> Insert "or her" after "his" wherever occurring.</p> | 5  |
| [6]  | <p><b>Sections 19 (1), 20 (2) (b) and 22A (2), (3) (b) and (c) (i) and (4) (a)</b><br/> Omit "his" wherever occurring.</p>  | 10 |
| [7]  | <p><b>Section 19 (1)</b><br/> Omit "he". Insert instead "the person".</p>   |    |
| [8]  | <p><b>Section 19 (8)</b><br/> Omit "he". Insert instead "the member".</p>   | 15 |
| [9]  | <p><b>Sections 19 (8) and (9), 20 (1) and (10), 21 and 22 (2)</b><br/> Insert "or her" after "him" wherever occurring.</p>  |    |
| [10]   | <p><b>Section 20 (2) (c)</b><br/> Insert "or her" after "his" wherever occurring.</p>   |    |
| [11]   | <p><b>Section 20 (2)</b><br/> Insert "or her" after "his" where lastly occurring.</p>   | 20 |
| [12]   | <p><b>Section 21</b><br/> Omit "his" where firstly occurring.</p>   |    |
| [13]   | <p><b>Section 21</b><br/> Insert "or her" after "his" where secondly occurring.</p>   | 25 |
| [14]   | <p><b>Section 22A (1), definition of "refund of contributions"</b><br/> Omit "him" wherever occurring. Insert instead "the person".</p>   |    |
| [15]   | <p><b>Section 22A (1), definition of "supplementary benefit", (2) (a) and (3) and sections 24 and 26 (2)</b><br/> Omit "he" wherever occurring. Insert instead "the person".</p>  | 30 |
| [16]   | <p><b>Section 24</b><br/> Omit "his". Insert instead "the person's".</p>  |    |
| 3.41 <b>Parliamentary Electorates and Elections Act 1912 No 41</b> |   |    |
| [1]  | <p><b>Section 3 (1), definition of "Authorised agent"</b><br/> Omit "his". Insert instead "the candidate's".</p>  | 35 |
| [2]  | <p><b>Section 3 (1), definition of "Marksman"</b><br/> Omit the definition.</p>   |    |
| [3]  | <p><b>Section 3 (1), definition of "Returning officer"</b><br/> Omit "in his place". Insert instead "to act in the place of a returning officer".</p>   |    |
-

- 
- [4] **Section 7 (2)**  
Omit "he". Insert instead "the commissioner".
- [5] **Sections 8, 10 and 19**  
Omit "chairman" wherever occurring. Insert instead "chairperson".
- [6] **Section 8** 5  
Omit "his". Insert instead "that person's".
- [7] **Sections 10, 11 (1) (a) and (2) (a), 21, 21A (3) and (7) (a) and (b), 33, 38, 39 (2), 48 (3), 78AA (3), 78D (4), 79 (7A), 79A, 80, 81F (1) and (5), 81G, 87A (3), 88 (1), 89 (1A) and (2), 90 (1), (2) (b) and (3), 91 (1), 93 (1) (a), 95 (2), 96, 98 (2), 100 (2), 103 (1) (a), (2) and (3), 104, 106 (2) and (3) (a) (iii), 108 (1), 108A, 110, 111 (c), 112 (2), 114A (1) (e) and (f), 114B (2) (b), 114C (2), 114G (3), 114H (1) (a), (b), (c), (e) (i) and (g), 114I (a), 114J (2), 114K (b) (i) and (ii), 114M, 114N, 114P (1) (d) and (3), 114Q (3) (a) and (4) (b), 114R, 114S, 114T (2), 114U (1), (3) and (4) (c), 114W (b) (iii), 114Z, 114ZA (3) and (7), 114ZD (a), (b), (c) and (d) (i), 114ZF (2), 114ZG (3), 114ZH, 114ZI (1), 114ZJ, 114ZK, 114ZO (1) and (3), 114ZP (1) (b) and (2), 114ZR (1), (5) (a), (6) (b) and (10) (a) (ii), 114ZS (1) (a) and (2), 114ZT (1), (2), (3) and (4) (c), 114ZV (b) (iii), 114ZY, 115 (1) (a), (d) and (g) and (2A) (a), 120B (b), 122 (1) (b), 122A (2), 126 (5), 127, 129C (1) (g), 129D (1) (g) and (4), 129E, 129F (1) (b) and (2), 129G (5), 129H (1), 130 (2), 135, 135A (2), 136, 147 (a), (b), (c), (f) and (g), 149, 151 and 151A (1) (a) and (b) and (2), section 151B (6), definition of "electoral matter", sections 164 (1) and (3) (a), 175 (ii), 176C (1), (2) and (3), 176E, 178, 179, 180 and 182 (1) and Schedule 19, paragraphs 3, 9 and 12** 10  
Insert "or her" after "his" wherever occurring. 15  
20  
25
- [8] **Sections 11 (1), 21A (4), (7) and (8), 44, 87A (3), 88 (1), 89 (1A) (b), 94, 95 (2), 96, 97 (1), 98, 100 (2), 103 (2) and (3), 104, 106 (1), (2), (3) (a) (iv), (b) and (e) and (4), 108, 109, 111 (c), 114 (1) (a) (i) and (2), 114B (2), 114C (1), 114D, 114E (1), 114G (3), 114H (1) (c) and (f), 114J (1) (b), 114K (b) (iii), 114L (b), 114N, 114P (1), 114Q (1), (3) (a) and (4) (a) (i), 114T, 114U (3), 114V, 114X (2), 114Y, 114ZA (6), 114ZB (1), (2) (a) and (2A), 114ZD (c) and (f), 114ZE (3), 114ZF (2), 114ZG (1) (b), 114ZI (1), 114ZP (2), 114ZR (5) (a), (6) (a) (i) and (10), 114ZS (1) and (2), 114ZT (2), (3) and (6), 114ZU, 114ZW (1) and (2), 114ZX, 115 (1), (2) and (3), 116, 120G (a), 125A (1), 126 (1), (2), (4) and (5), 127, 129C (1) (a) and (3), 129D (1) (a), (c) and (f), 129E (1) (b), 129G (1), (2) and (5), 129H (2), 130 (2), 135, 135A (2), 136, 164 (1), 168, 175 (i) and (ii), 175J (d), 176C (6), 176D (2), 176E (c), 180 and 181 and Schedule 19, paragraphs 1, 3, 8 and 10** 30  
Insert "or she" after "he" wherever occurring. 35  
40
- [9] **Section 11 (2)**  
Omit "his office if he". Insert instead "office if the commissioner".
- [10] **Section 12** 45  
Omit "his duties". Insert instead "the commissioner's duties".
-

Schedule 3 Amendments replacing gender-specific language

- 
- |      |   |    |
|------|---|----|
| [11] | <p><b>Sections 12, 21A (4), (6) and (7), 25 (2) and (3) and 78D (1) (b) and (2) (b)</b><br/> Omit "his office" wherever occurring. Insert instead "office".</p>   |    |
| [12] | <p><b>Section 12</b><br/> Omit "in his stead". Insert instead "in place of the original commissioner".</p>  | 5  |
| [13] | <p><b>Section 20 (7)</b><br/> Omit "his or her place of living" wherever occurring.<br/> Insert instead "address".</p>  |    |
| [14] | <p><b>Sections 21, 33 (3), 39A, 45 (4), 75A and 78D (1) and (2) (a)–(c)</b><br/> Omit "he" wherever occurring. Insert instead "the person".</p>   | 10 |
| [15] | <p><b>Section 21A (2A)</b><br/> Omit "on him" wherever occurring.</p>   |    |
| [16] | <p><b>Section 21A (7) (c)</b><br/> Omit "absents himself". Insert instead "is absent".</p>  |    |
| [17] | <p><b>Sections 21A (7) (e) and (11) (a) and (c), 77 (1), 78D (1) (b) and (2) (b) and 87</b><br/> Omit "his hand" wherever occurring. Insert instead "his or her hand".</p>  | 15 |
| [18] | <p><b>Section 21A (8)</b><br/> Omit "his appointment" wherever occurring. Insert instead "appointment".</p>   |    |
| [19] | <p><b>Section 21A (8) (a)</b><br/> Omit "his office". Insert instead "his or her office".</p>   | 20 |
| [20] | <p><b>Section 21C (2) and Schedule 19, paragraph 1</b><br/> Omit "him" wherever occurring. Insert instead "the person".</p>   |    |
| [21] | <p><b>Sections 25 (6), 90 (4), 114C (1) (a) and (c), 114H (1) (g), 114U (4) (d), 114ZA (6) (a) and (c), 114ZT (4) (d), 124, 127, 129C (3), 129D (1) (b), 129E (1) (b), 147 (a), (b), (c), (f) and (g), 149 and 151</b><br/> Insert "or herself" after "himself" wherever occurring.</p> | 25 |
| [22] | <p><b>Section 27 (3)</b><br/> Omit "he lives". Insert instead "the elector lives".</p>  |    |
| [23] | <p><b>Section 27 (3)</b><br/> Omit "him he". Insert instead "the elector, he or she".</p>   | 30 |
| [24] | <p><b>Section 28 (1)</b><br/> Omit "by him" where firstly occurring.</p>  |    |
| [25] | <p><b>Section 28 (1)</b><br/> Omit "by him" where secondly occurring. Insert instead "by the registrar".</p>  | 35 |
| [26] | <p><b>Section 31</b><br/> Omit "his direction". Insert instead "the direction of the Electoral Commissioner".</p>   |    |
| [27] | <p><b>Sections 33 (2) and 39 (2)</b><br/> Omit "he" wherever occurring. Insert instead "the elector".</p>   |    |
-



---

[28]	<b>Section 39 (1)</b> Omit "him". Insert instead "the registrar".	
[29]	<b>Sections 39 (1) (a1) (i) and 85 (2)</b> Omit "his" wherever occurring. Insert instead "the elector's".	
[30]	<b>Section 39 (1) (g) and (i)</b> Omit "he is" wherever occurring.	5
[31]	<b>Section 39 (1) (g)</b> Omit "his". Insert instead "the".	
[32]	<b>Section 39 (1) (i)</b> Omit "he shall". Insert instead "the registrar must".	10
[33]	<b>Sections 41 (2) (a) and 54 (1)</b> Omit "his" wherever occurring.	
[34]	<b>Section 48 (1)</b> Omit "his". Insert instead "the person's".	
[35]	<b>Section 51</b> Omit "who does not, before he affixes his signature thereto, satisfy himself". Insert instead "who signs the claim before being satisfied".	15
[36]	<b>Section 70</b> Omit "he". Insert instead "the Speaker".	
[37]	<b>Section 74 (1), (3), (4) and (5)</b> Omit "him" wherever occurring. Insert instead "that returning officer".	20
[38]	<b>Sections 74 (1) and (3), 87 and 87A (1)</b> Omit "he" wherever occurring. Insert instead "the returning officer".	
[39]	<b>Sections 74D (1), 77 (1) and 81H (1) and (3)</b> Omit "by him" wherever occurring.	25
[40]	<b>Section 74D (1)</b> Omit "to him". Insert instead "to the Electoral Commissioner".	
[41]	<b>Sections 74D (1), 83B (6) and 84 (1) (b)</b> Omit "he" wherever occurring. Insert instead "the Electoral Commissioner".	
[42]	<b>Section 74D (3)</b> Omit "by him" where firstly occurring.	30
[43]	<b>Section 74D (3)</b> Omit "him" where secondly occurring. Insert instead "the Electoral Commissioner".	
[44]	<b>Section 74D (4)</b> Omit "by him" where firstly occurring.	35
[45]	<b>Section 74D (4)</b> Omit "him" where secondly occurring. Insert instead "the Electoral Commissioner".	

---

Statute Law (Miscellaneous Provisions) Bill (No 2) 1997

Schedule 3 Amendments replacing gender-specific language

---

<b>[46]</b>	<b>Section 75</b> Omit "his stead". Insert instead "place of the original returning officer".	
<b>[47]</b>	<b>Section 75</b> Omit "his duties". Insert instead "the returning officer's duties".	
<b>[48]</b>	<b>Section 77</b> Omit "his substitute" wherever occurring. Insert instead "the returning officer's substitute".	5
<b>[49]</b>	<b>Section 78AA (4)</b> Omit "him". Insert instead "the assistant".	
<b>[50]</b>	<b>Section 78B (1)</b> Omit "his" where firstly occurring.	10
<b>[51]</b>	<b>Sections 78B and 78E (2)</b> Omit "his deputy" wherever occurring. Insert instead "that officer's deputy".	
<b>[52]</b>	<b>Section 78D (3) and (4)</b> Omit "to him" wherever occurring.	15
<b>[53]</b>	<b>Section 78E (1)</b> Omit "he enters". Insert instead "entering".	
<b>[54]</b>	<b>Section 78E (1)</b> Omit "to him".	
<b>[55]</b>	<b>Section 79 (3)</b> Omit "his". Insert instead "that officer's".	20
<b>[56]</b>	<b>Sections 79 (7A) and 81F (5)</b> Omit "him" wherever occurring. Insert instead "the candidate".	
<b>[57]</b>	<b>Section 79 (8)</b> Omit "his seat". Insert instead "his or her seat".	25
<b>[58]</b>	<b>Section 79 (8)</b> Omit "his resignation". Insert instead "his or her resignation".	
<b>[59]</b>	<b>Section 79 (8)</b> Omit "his intention" wherever occurring. Insert instead "his or her intention".	
<b>[60]</b>	<b>Section 79 (8)</b> Omit "his failing". Insert instead "failing".	30
<b>[61]</b>	<b>Sections 81F (4), 83 (b) and 83B (5) (c), (d) and (e)</b> Omit "his" wherever occurring. Insert instead "the candidate's".	
<b>[62]</b>	<b>Section 83B (6)</b> Omit "his". Insert instead "the Electoral Commissioner's".	35
<b>[63]</b>	<b>Section 86</b> Omit "his". Insert instead "the returning officer's".	
<b>[64]</b>	<b>Section 87</b> Omit "him". Insert instead "the returning officer".	

---

<b>[65]</b>	<b>Section 87</b> Omit "by himself and his several deputies". Insert instead "the returning officer and his or her deputies may".	
<b>[66]</b>	<b>Sections 87A (2) (c) and (3), 88 (1), 93 (2), 96, 100 (2), 106 (3) (a) (i), (e) and (f) and (4), 108 (1), 109, 110, 112 (2), 114 (1), 114A (1), 114E (1), 114F (1) (a), 114I, 114K (b) (ii), 114L, 114P (1) (c), 114Q (3) (b) and (5), 114R, 114S, 114U (4) (a), 114W (a), 114X (1), 114Y, 114ZC (1), 114ZE (1), 114ZG (1), 114ZJ, 114ZO (1), 114ZR (3), (5) (b), (8) and (11), 114ZT (4) (a), 114ZV (a), 114ZX, 115 (1) (c), 116, 118 (1), 120J (d) and (e), 123 (c), 124, 125, 125A (1), 126 (2A), (3) and (4), 127, 129C (1) (c) and (3), 129D (1) (a) and (b) and (4), 129E, 129G (3) and (4), 129H, 130 (2), 176C (3) and 177 and Schedule 19, paragraphs 8, 10 and 12</b> Insert "or her" after "him" wherever occurring.	5 10
<b>[67]</b>	<b>Sections 114A (2B), 114P (5) (b) and 114ZA (5) (b)</b> Omit "himself" wherever occurring.	15
<b>[68]</b>	<b>Section 114B (2) (b)</b> Omit "him". Insert instead "the Electoral Commissioner".	
<b>[69]</b>	<b>Section 123</b> Insert "or her" after "his" where firstly and thirdly occurring.	20
<b>[70]</b>	<b>Sections 123, 129C (1) (e) and 129D (1) (e)</b> Omit "his or their" wherever occurring. Insert instead "his, her or their".	
<b>[71]</b>	<b>Section 125</b> Omit "he himself". Insert instead "the returning officer".	
<b>[72]</b>	<b>Section 127</b> Insert "or she" after "He".	25
<b>3.42</b>	<b>Pay-roll Tax Act 1971 No 22</b>	
<b>[1]</b>	<b>Section 3 (1), definition of "trustee"</b> Insert "or herself" after "himself".	
<b>[2]</b>	<b>Sections 6 (2), 11A (3) and 27 (1)</b> Omit "his" wherever occurring. Insert instead "the person's".	30
<b>[3]</b>	<b>Section 10 (1) (f) and (i)</b> Omit "his" wherever occurring.	
<b>[4]</b>	<b>Sections 11A (3) and 12 (2A)</b> Omit "him" wherever occurring. Insert instead "the person".	35
<b>[5]</b>	<b>Sections 11A (3) and 16D (3) (e)</b> Omit "he" wherever occurring. Insert instead "the person".	
<b>[6]</b>	<b>Sections 11B (2) (b) and 11C (2)</b> Omit "he" wherever occurring. Insert instead "the employer".	
<b>[7]</b>	<b>Sections 11C (2) and (3), 14 (1) and 20</b> Omit "him" wherever occurring. Insert instead "the employer".	40



Statute Law (Miscellaneous Provisions) Bill (No 2) 1997

Schedule 3 Amendments replacing gender-specific language

[8]	<b>Section 14 (1)</b> Omit "he". Insert instead "the Chief Commissioner".	
[9]	<b>Sections 16C (b), 25 (1), (5), (7) and (8), 26 (1) and (3), 27 (4), 28 (1), (3) and (4) and 42 (1) (b), (d) and (e)</b> Insert "or her" after "his" wherever occurring.	5
[10]	<b>Sections 16K (6), 16L (6), 17 (1), 18 (2), 26 (1), 27 (2) and (4), 28 (1), (6) and (9) and 42 (1) (c), (d), (f), (g) and (h)</b> Insert "or she" after "he" wherever occurring.	
[11]	<b>Section 18 (2)</b> Omit "his". Insert instead "the Chief Commissioner's".	10
[12]	<b>Section 25 (1)</b> Omit "he has become". Insert instead "becoming".	
[13]	<b>Section 25 (3) (a) and (c) and (4)</b> Omit "he" wherever occurring. Insert instead "the liquidator".	
[14]	<b>Section 25 (4)</b> Omit "him". Insert instead "the liquidator".	15
[15]	<b>Section 26 (3)</b> Insert "or her" after "him".	
[16]	<b>Section 42 (1) (a), (b), (e), (f) and (g)</b> Omit "He" wherever occurring. Insert instead "The agent or trustee".	20
[17]	<b>Section 42 (1) (e) and (f)</b> Omit "him" wherever occurring. Insert instead "the agent or trustee".	
3.43	<b>Pipelines Act 1967 No 90</b>	
[1]	<b>The whole Act</b> Insert "or she" after "he" wherever occurring.	25
[2]	<b>Section 5C (3)</b> Omit "chairman". Insert instead "chairperson".	
[3]	<b>The whole Act</b> Insert "or her" after "his" wherever occurring.	
[4]	<b>The whole Act</b> Insert "or her" after "him" wherever occurring.	30
[5]	<b>Section 42 (2)</b> Insert "or herself" after "himself".	
3.44	<b>Poisons and Therapeutic Goods Act 1966 No 31</b>	
[1]	<b>Section 4 (1), definition of "Automatic machine"</b> Omit "his". Insert instead "the supplier's".	35
[2]	<b>Section 4 (1), definition of "Pharmacy trainee"</b> Insert "or she" after "he" wherever occurring.	

- 
- |  |  |    |
|--|--|----|
| [3]  | <b>Section 16 (1)</b><br>Insert "or her" after "his" where firstly occurring.  |    |
| [4]  | <b>Sections 16 (1) (a), (b), (c) and (d) and 26 (4)</b><br>Omit "he" wherever occurring. Insert instead "the person".    |    |
| [5]  | <b>Section 16 (1) (a) and (d) and (4)</b><br>Omit "his" wherever occurring. Insert instead "the person's".               | 5  |
| [6]  | <b>Section 16 (1) (b)</b><br>Omit "him". Insert instead "the person".  |    |
| [7]  | <b>Section 16 (5)</b><br>Omit "his having in his". Insert instead "the person having in his or her".                     | 10 |
| [8]  | <b>Section 16 (5)</b><br>Omit "he proves that he". Insert instead "the person proves that he or she".                    |    |
| [9]  | <b>Sections 24 (2) (d) and 29 (4)</b><br>Omit "he" wherever occurring. Insert instead "the Director-General".            |    |
| [10]   | <b>Section 25 (c)</b><br>Insert "or herself" after "himself".  | 15 |
| [11]   | <b>Section 26 (6)</b><br>Omit "himself thereof". Insert instead "himself or herself of the matter".                      |    |
| [12]   | <b>Section 28 (b)</b><br>Omit "his". Insert instead "the medical practitioner's".  | 20 |
| [13]   | <b>Section 28</b><br>Omit "he" where lastly occurring. Insert instead "the medical practitioner".                        |    |
| [14]   | <b>Section 28</b><br>Omit "him". Insert instead "the medical practitioner".  |    |
| [15]   | <b>Section 30 (5)</b><br>Omit "him". Insert instead "the member".  | 25 |
| [16]   | <b>Section 37 (1)</b><br>Insert "or her" after "his".  |    |
| [17]   | <b>Section 40 (1)</b><br>Insert "or her" after "him".  | 30 |
| [18]   | <b>Section 43B (2), (3) and (4)</b><br>Omit "he" wherever occurring. Insert instead "the member".                        |    |
| <b>3.45 Police Association Employees (Superannuation) Act 1969 No 33</b> |  |    |
| [1]  | <b>Section 3 (1) (a) and (b), (5), (6) and (8) (a)</b><br>Insert "or her" after "his" wherever occurring.                | 35 |
| [2]  | <b>Section 3 (1) (a) (ii) and (b), (2A), (5), (6), (8) (a) and (b)</b><br>Insert "or she" after "he" wherever occurring. |    |
-

Statute Law (Miscellaneous Provisions) Bill (No 2) 1997

Schedule 3 Amendments replacing gender-specific language

[3]	<b>Section 3 (1) (a) (ii), (4) and (5)</b> Insert "or her" after "him" wherever occurring.	
3.46	<b>Prices Regulation Act 1948 No 26</b>	
[1]	<b>The whole Act (except sections 4A (4) and 4B (1))</b> Insert "or her" after "his" wherever occurring.	5
[2]	<b>The whole Act</b> Insert "or she" after "he" wherever occurring.	
[3]	<b>The whole Act</b> Insert "or her" after "him" wherever occurring.	
[4]	<b>The whole Act</b> Insert "or herself" after "himself".	10
3.47	<b>Privacy Committee Act 1975 No 37</b>	
[1]	<b>The whole Act</b> Insert "or her" after "his" wherever occurring.	
[2]	<b>The whole Act</b> Insert "or she" after "he" wherever occurring.	15
[3]	<b>The whole Act</b> Insert "or her" after "him" wherever occurring.	
[4]	<b>The whole Act</b> Omit "Chairman" wherever occurring. Insert instead "Chairperson".	20
[5]	<b>Section 12 (3) and (5)</b> Omit "chairman" wherever occurring. Insert instead "chairperson".	
3.48	<b>Registered Clubs Act 1976 No 31</b>	
[1]	<b>Sections 6 (2), 10 (6) (b), 26 (2) (c), 30 (2) (b) and 35 (1)</b> Insert "or her" after "his" wherever occurring.	25
[2]	<b>Sections 6 (2), 30 (1) (b) and (g) and (2) (c) (i), 35 (6), 36 (8) and 41 (1)</b> Omit "he" wherever occurring. Insert instead "the person".	
[3]	<b>Sections 10 (1) (i), 26 (3) (a), 29, 30 (10), 31 (1) (a) and (2), 35 (1), (4) (b) and (7), 46 (4), 51 (2) and (3), 52 (3), 67 (4) and (5), 69 (2), 70 (2) and 72 (2) and Schedule 2, clause 15</b> Insert "or she" after "he" wherever occurring.	30
[4]	<b>Sections 14 (1), 67 (6) (a) and 72 (3)</b> Insert "or her" after "him" wherever occurring.	
[5]	<b>Section 27</b> Omit "him". Insert instead "the secretary".	35



[6]	<b>Sections 34 (3) and 36 (2) (b)</b> Omit "his" wherever occurring. Insert instead "the person's".	
[7]	<b>Sections 35 (1), 36 (8) and 70 (4)</b> Omit "him" wherever occurring. Insert instead "the person".	
[8]	<b>Section 42 (4)</b> Omit "Chairman". Insert instead "Chairperson".	5
[9]	<b>Sections 45 (3), 51 (3) and 52 (3)</b> Omit "his" wherever occurring.	
3.49	<b>Sea-carriage of Goods (State) Act 1921 No 5</b>	
	<b>Section 8 (2) (g)</b> Insert "or her" after "his".	10
3.50	<b>Solicitor General Act 1969 No 80</b>	
[1]	<b>Section 6 (2) (g)</b> Omit "his office" wherever occurring. Insert instead "office".	
[2]	<b>Section 6 (2) (g)</b> Omit "he" wherever occurring. Insert instead "the Solicitor General".	15
3.51	<b>Statutory and Other Offices Remuneration Act 1975 (1976 No 4)</b>	
[1]	<b>Sections 6 (4), 8 (1), 22 (2) (c) and (d) and 23 (1) and Schedule 3, Part 1</b> Insert "or she" after "he" wherever occurring.	20
[2]	<b>Sections 7 (2), 17 (3) and 18</b> Omit "his" wherever occurring. Insert instead "the Tribunal's".	
[3]	<b>Sections 7 (2) (b) and 17 (3) (c)</b> Omit "him" wherever occurring. Insert instead "the Tribunal".	
[4]	<b>Sections 7 (3), 8 (1), 9 (2) (b) and 11 (2) (b) and Schedule 3, Part 1</b> Insert "or her" after "his" wherever occurring.	25
[5]	<b>Section 8 (2)</b> Omit "him". Insert instead "the Governor".	
[6]	<b>Sections 11 (1), 23 (2) and 24</b> Omit "him" wherever occurring. Insert instead "the office holder".	30
[7]	<b>Sections 11 (2), 22 (1) and 23 (3) and Schedule 6, clause 1</b> Omit "he" wherever occurring. Insert instead "the office holder".	
[8]	<b>Sections 15, 16 (2) and 17 (1) and (3) (a)</b> Omit "he" wherever occurring. Insert instead "the Tribunal".	
[9]	<b>Section 17 (3) (a)</b> Insert "or herself" after "himself".	35

Statute Law (Miscellaneous Provisions) Bill (No 2) 1997

Schedule 3 Amendments replacing gender-specific language

[10]	<b>Section 21 (3)</b> Omit "him". Insert instead "the person".	
[11]	<b>Section 21 (3)</b> Omit "he". Insert instead "the person".	
[12]	<b>Section 22 (2) (c)</b> Insert "or her" after "him".	5
[13]	<b>Section 22 (2) (d)</b> Omit "his" wherever occurring.	
[14]	<b>Section 23 (3) (b)</b> Omit "his" wherever occurring. Insert instead "the office holder's".	10
[15]	<b>Schedules 1, 2 and 3</b> Omit "Chairman" wherever occurring. Insert instead "Chairperson".	
3.52	<b>Stock Diseases Act 1923 No 34</b>	
[1]	<b>Sections 6A (2), 7 (1) (b), 8B, 9 (1), 12A (3), 16 (2) and 22 (1) (a)</b> Insert "or her" after "his" wherever occurring.	15
[2]	<b>Section 6A (3)</b> Omit "his".	
[3]	<b>Sections 7 (1) (b) and (3), 7A (1), 8 (1) (b) and (c) (i), 8B (1) and 12A (4)</b> Omit "he" wherever occurring. Insert instead "the inspector".	20
[4]	<b>Sections 7 (4) and 18 (3)</b> Omit "Chairman" wherever occurring. Insert instead "Chairperson".	
[5]	<b>Sections 7A (1) and (4) and 21A (2)</b> Omit "him" wherever occurring. Insert instead "the person".	
[6]	<b>Sections 8 (1), 12A (2) and 23 (1) (a)</b> Omit "him" wherever occurring. Insert instead "the inspector".	25
[7]	<b>Sections 9 (2) and (4) and 11 (1)</b> Insert "or she" after "he" wherever occurring.	
[8]	<b>Section 11B (1)</b> Omit "his". Insert instead "the Governor's".	30
[9]	<b>Sections 18 (1) and 21A (2)</b> Omit "he" wherever occurring. Insert instead "the person".	
[10]	<b>Section 21 (1)</b> Insert "or her" after "him".	
[11]	<b>Section 21 (1A)</b> Omit "he himself". Insert instead "that inspector".	35

- 
- [12] **Section 21 (2)**  
Omit "his" wherever occurring. Insert instead "the person's".
- [13] **Section 21A (1)**  
Omit "he". Insert instead "the Governor".
- 3.53 Superannuation Act 1916 No 28** 5
- [1] **Section 3 (1), definitions of "Annual adjustment day" and "Annual review day", sections 10L, 10W (1)–(3), (5), (7) and (8), 10WA (1), 10AB (b), 12CA (3), 15A (2), (2A) and (4) (a), 19 (1)–(3) and (6), 20A, 21 (1) and (1B), 22 (1), 28B (1), (3), (4) and (8), 29 (1), (2) and (4A) (b), 60, 89A and 100 (1) and (2) and Schedule 17, clause 8 (2)** 10  
Omit "his" wherever occurring. Insert instead "the contributor's".
- [2] **Section 3 (1), definitions of "Employee" and "Relieving allowance", sections 3 (2) (a), (c) and (d), (3) (d) and (e), (4) (b), (4A) (b), (4B) and (7) (a), 10C (1), 10K (1), 10P (1), 10T (4), 10AA (1), 19 (4) and (5), 20C (5), 21B (1) and (2), 23B (2), 29 (2A) (b) and (c), 38C (2), (3) (a) and (c), (4) (a) and (6), 47B (1) (b) and 84A and Schedule 17, clauses 3, 4 (1), 5 (1) and 6** 15  
Omit "his" wherever occurring. Insert instead "the person's".
- [3] **Section 3 (1), definition of "Exit day", section 10A, definition of "prescribed medical examination", sections 10C (6), 10K (3), 10O (1), 10T (1) (a), 10Y, 10AC, 23B (1), 37 (4) and (6), 61 (1) and Schedule 17, clause 2** 20  
Omit "he" wherever occurring. Insert instead "the employee".
- [4] **Section 3 (1), definitions of "Entry payment day" and "Entry review day" and section 10J (1), definition of "relevant period", sections 10P (2), 10S, 10T (1) (a), 10Y, 10AC, 23B (2), 37 (5) (c) and (6) and 61 (1)** 25  
Omit "his" wherever occurring. Insert instead "the employee's".
- [5] **Sections 3 (8), 10C (6) and 10K (2) and Schedule 17, clause 7 (2)** 30  
Insert "or her" after "his" wherever occurring.
- [6] **Sections 3 (2) (c) and (d), (3) (a), (d) and (e), (4) (b), (4A) (b), (4B), (7) (b) (i) and (8), 10B (2), 10C (1), (3), (4), (5) and (7), 10T (4), 10V (1), 10AA (1) and (2), 19 (4), 20C (1) and (5), 21B (1), (2) (b) and (7), 29 (2A) (a), (b) and (e), 38C (2), (3), (4), (6) and (7), 47B (2), 84A and 97 (2) and Schedule 17, clauses 3 and 5 (1) (a)** 35  
Omit "he" wherever occurring. Insert instead "the person".
- [7] **Section 3 (4) (b) and (4A) (b)**  
Omit "A professor" wherever occurring.  
Insert instead "A person who is a professor".
- [8] **Sections 3 (7) (b) (i) and (9), 10C (1), (3) and (4), 10V (1), 10AA (1), 20C (2), 38C (3) (a) and (c), (4) (a) (i) and (8) and 47B (2), Schedule 17, clauses 3, 4 (1) and 5 (1) (b) and Schedule 18, clause 5 (3)** 40  
Omit "him" wherever occurring. Insert instead "the person".
-



Statute Law (Miscellaneous Provisions) Bill (No 2) 1997

Schedule 3 Amendments replacing gender-specific language

---

[9]	<b>Section 10A, definition of "prescribed medical examination" and section 10B</b> Omit "his" wherever occurring.	
[10]	<b>Section 10A, definition of "prescribed medical examination" and sections 10B (2), 10C (1), (4), (5), (6) and (7) and 50</b> Insert "or herself" after "himself" wherever occurring.	5
[11]	<b>Section 10C (4)</b> Omit "his" where firstly and thirdly occurring. Insert instead "the person".	
[12]	<b>Section 10C (4)</b> Omit "his" where secondly occurring. Insert instead "the person's".	10
[13]	<b>Section 10C (5)</b> Omit "his" wherever occurring. Insert instead "the person".	
[14]	<b>Sections 10C (6), 10P (2), 20C (1) and 37 (4)</b> Omit "him" wherever occurring. Insert instead "the employee".	
[15]	<b>Sections 10O (3), 10W (1), (2) and (7), 10AA (3) and (4), 10AE, 15A (5) and (7A), 19 (3) and (7), 21 (1B), 28B (1)-(3) and (8), 29 (1), (2), (2B) and (3), 47C (3) (c), 97 (3), 99 (1) and (3), 100 (1) (c), (2) and (3) and 101 (b) and Schedule 18, clause 1</b> Omit "he" wherever occurring. Insert instead "the contributor".	15
[16]	<b>Section 10T (1)</b> Omit "himself". Insert instead "the employee".	20
[17]	<b>Sections 10W (2), (3) and (6), 10WA (1) and (2), 15A (5) and (7A), 28B (2), (4) and (8) and 29 (2) and (2A) (e)</b> Omit "him" wherever occurring. Insert instead "the contributor".	
[18]	<b>Section 10AA (3)</b> Omit "his" where firstly occurring. Insert instead "the contributor".	25
[19]	<b>Section 10AA (3)</b> Omit "his" where secondly occurring.	
[20]	<b>Section 15A (7A)</b> Omit "his electing". Insert instead "the election".	30
[21]	<b>Section 20C (1)</b> Omit "his".	
[22]	<b>Section 23B (1)</b> Omit "his" where firstly occurring. Insert instead "the employee's".	
[23]	<b>Section 23B (1)</b> Insert "or her" after "his" where secondly occurring.	35
[24]	<b>Section 43A (3) (a) and (4) (a)</b> Omit "he" wherever occurring. Insert instead "the student".	

---

[25]	<b>Sections 48, 50 and 61G (1)</b> Omit "he" wherever occurring. Insert instead "the pensioner".	
[26]	<b>Sections 48 and 49</b> Omit "his" wherever occurring. Insert instead "the pensioner's".	
[27]	<b>Sections 50 and 61G (1)</b> Omit "him" wherever occurring. Insert instead "the pensioner".	5
[28]	<b>Section 61C (4)</b> Omit "him". Insert instead "the Australian Statistician".	
[29]	<b>Section 87</b> Omit "his". Insert instead "the employer's".	10
[30]	<b>Section 87</b> Omit "he". Insert instead "the employer or employee".	
[31]	<b>Section 99 (2) and (3)</b> Omit "he" wherever occurring. Insert instead "the former contributor".	
[32]	<b>Section 99 (2)</b> Omit "his". Insert instead "the former contributor's".	15
[33]	<b>Section 104 (1), definition of "foreign currency"</b> Omit "his". Insert instead "the foreign contributor's".	
[34]	<b>Section 107</b> Omit "him" wherever occurring. Insert instead "the foreign contributor".	20
[35]	<b>Schedule 17, clause 2 (b)</b> Omit "his" where firstly and thirdly occurring. Insert instead "the employee's".	
[36]	<b>Schedule 17, clause 2 (b)</b> Omit "his" where secondly occurring.	
3.54	<b>Surveyors Act 1929 No 3</b>	25
[1]	<b>The whole Act</b> Insert "or she" after "he" wherever occurring.	
[2]	<b>The whole Act</b> Insert "or her" after "his" wherever occurring.	
[3]	<b>The whole Act</b> Insert "or her" after "him" wherever occurring.	30
[4]	<b>Section 19</b> Insert "or herself" after "himself".	
3.55	<b>Sydney Cove Redevelopment Authority Act 1968 No 56</b>	
[1]	<b>Sections 4 (3) (a) and (b) and (4) and 27 (4)</b> Omit "his" wherever occurring.	35

Statute Law (Miscellaneous Provisions) Bill (No 2) 1997

Schedule 3 Amendments replacing gender-specific language

[2]	<b>Sections 4 (3) (a), (7) (b), (8), (9) (a) and (11) and 5 (3), (5) and (6)</b> Omit "Chairman" wherever occurring. Insert instead "Chairperson".	
[3]	<b>Sections 4 (3) (c) and 17 (5) (b)</b> Omit "his" wherever occurring. Insert instead "the Minister's".	
[4]	<b>Section 4 (7)</b> Omit "him" wherever occurring. Insert instead "the Director".	5
[5]	<b>Section 4 (9)</b> Omit "he" wherever occurring. Insert instead "the person".	
[6]	<b>Sections 4 (12) and (16), 5 (9) and 27 (5) and (6)</b> Omit "he" wherever occurring. Insert instead "the member".	10
[7]	<b>Sections 4 (13), (15) and (16), 11A and 27 (5), (6) and (10)</b> Insert "or her" after "his" wherever occurring.	
[8]	<b>Section 4 (13)</b> Insert "or her" after "him" wherever occurring.	
[9]	<b>Section 4 (16) (d)</b> Omit "him". Insert instead "to the member".	15
[10]	<b>Section 4 (17)</b> Omit "him". Insert instead "the Governor".	
[11]	<b>Section 24 (2)</b> Omit "he" wherever occurring. Insert instead "the Minister".	20
[12]	<b>Section 27 (1)</b> Omit "chairman". Insert instead "chairperson".	
[13]	<b>Sections 27 (7) and 54 (2)</b> Omit "him" wherever occurring. Insert instead "the Minister".	
[14]	<b>Section 27 (10)</b> Omit "him" wherever occurring. Insert instead "the office holder".	25
[15]	<b>Section 32</b> Omit "he". Insert instead "the Treasurer".	
[16]	<b>Section 43 (2) and (3)</b> Insert "or her" after "him".	30
[17]	<b>Section 45 (2)</b> Omit "he". Insert instead "the Director or the member".	
3.56	<b>Traffic Act 1909 No 5</b>	
[1]	<b>Sections 3 (1) (q8) and (q9), 4E (1E), (1F) and (1G) and (5) (a), 5 (1), 7 (1) (b), 7A (2) (d), (e) and (f), 7C (2), 8 (1) and (3) (a) and (b), 8A, 9 and 18B (2) (b) (ii)</b> Insert "or her" after "his" wherever occurring.	35



- 
- |      |  |    |
|------|--|----|
| [2]  | <b>Sections 4 (4) (a), 4E (1H) (a) and (7A) (a), 4F (7) (e) and 8 (2A) (a)</b><br>Omit "his" wherever occurring.   |    |
| [3]  | <b>Sections 4 (4) (a), 4E (1H) (a), (7) (b), (7A) (a), (14) (c) and (d) and (15), 5 (3) (b) and (4), 6A (3), 7A (2) and (3), 8 (2A) (a), 10A (2) (a) (i), (b) and (c) and (3) (a), (b) and (c) and 18A (1) and (3)</b><br>Omit "he" wherever occurring. Insert instead "the person". | 5  |
| [4]  | <b>Sections 4B (1) (c), 4E (1K) (a) and (b), 4F (4), (5), (7) (e), (7B), (9) (c) and (d) and (11), 4G (9), 5 (3) (a) and 8 (3)</b><br>Insert "or she" after "he" wherever occurring.   |    |
| [5]  | <b>Section 4C (5)</b><br>Omit "he fails to do so, he shall be".<br>Insert instead "the driver or rider fails to do so, he or she is".  | 10 |
| [6]  | <b>Section 4D (7)</b><br>Omit "him" wherever occurring. Insert instead "the Commissioner".   |    |
| [7]  | <b>Sections 4E (1I), (1J), (7) (b) and (9) (a), 4F (7) (a) and (b), (7A) and (7B), 5 (3) (b) and 7B (1) (c)</b><br>Omit "his" wherever occurring. Insert instead "the person's".   | 15 |
| [8]  | <b>Sections 4E (1K) (a) and (b), (11) and 4G (8)</b><br>Omit "his" wherever occurring. Insert instead "the defendant's".   |    |
| [9]  | <b>Sections 4E (3) and (9) (a), 7A (2), 8 (3) (c) and 22 (1)</b><br>Omit "him" wherever occurring. Insert instead "the person".  | 20 |
| [10] | <b>Section 4E (8)</b><br>Omit "he" wherever occurring. Insert instead "the defendant".   |    |
| [11] | <b>Sections 4E (12) (a) (i) and 4G (10) (a) and (b)</b><br>Omit "he" wherever occurring. Insert instead "the member".  | 25 |
| [12] | <b>Sections 4E (12) (a) (iii), 7C (1) and 17 (2)</b><br>Omit "him" wherever occurring. Insert instead "the member".  |    |
| [13] | <b>Section 4F (5) (b), (d) and (g) and (11) and section 18A (5), definition of "Owner"</b><br>Insert "or her" after "him" wherever occurring.  | 30 |
| [14] | <b>Section 4G (11) (a), (d) and (f)</b><br>Omit "he" wherever occurring. Insert instead "the analyst".   |    |
| [15] | <b>Section 4G (11) (b) and (c)</b><br>Omit "him" wherever occurring. Insert instead "the analyst".   |    |
| [16] | <b>Section 7A (2)</b><br>Omit "his" where firstly occurring. Insert instead "the person's".  | 35 |
| [17] | <b>Section 9</b><br>Omit "he" wherever occurring. Insert instead "the driver".   |    |
| [18] | <b>Section 10B (1) and (2)</b><br>Omit "his". Insert instead "the Commissioner's".   | 40 |
-

<b>[19]</b>	<b>Sections 18A (3) (a) (i) and (b) (i) and 18B (2) (b) (ii)</b> Omit "him" wherever occurring. Insert instead "the owner".	
<b>3.57</b>	<b>Warehousemen's Liens Act 1935 No 19</b>	
<b>[1]</b>	<b>Sections 3, 7 (2) and 8 (4)</b> Insert "or her" after "him" wherever occurring.	5
<b>[2]</b>	<b>Sections 3, 5 (1) and (4), 6 (2), 8 (1) and 9 (1)</b> Insert "or her" after "his" wherever occurring.	
<b>[3]</b>	<b>Sections 5 (4), 6 (1), 8 (1) and 9 (2)</b> Insert "or she" after "he" wherever occurring.	
<b>3.58</b>	<b>Youth and Community Services Act 1973 No 90</b>	10
<b>[1]</b>	<b>Sections 3A (1), 11 (2), 14 (2), 17 (1), 19 (4) (b) and 23 (3)</b> Omit "he" wherever occurring. Insert instead "the Minister".	
<b>[2]</b>	<b>Sections 11 (2) and 23 (4)</b> Omit "him" wherever occurring. Insert instead "the Minister".	
<b>[3]</b>	<b>Sections 11 (3), 20 (2) (b), 23 (2) and 25 (5)</b> Omit "he" wherever occurring. Insert instead "the person".	15
<b>[4]</b>	<b>Sections 12 (1) (b), 17 (1) and 23 (3)</b> Omit "his" wherever occurring. Insert instead "the Minister's".	
<b>[5]</b>	<b>Sections 12 (2) and 17 (2)</b> Omit "him" wherever occurring. Insert instead "the Minister".	20
<b>[6]</b>	<b>Sections 13 (2), 17 (3), 18 (4), 19 (1), 25 (3), (4) and (6), 26 (2) and 27</b> Insert "or her" after "his" wherever occurring.	
<b>[7]</b>	<b>Sections 18 (1) (c) and 22 (2)</b> Omit "him" wherever occurring. Insert instead "the person".	25
<b>[8]</b>	<b>Section 18 (2)</b> Omit "he" where firstly occurring. Insert instead "the Director-General".	
<b>[9]</b>	<b>Section 18 (2)</b> Omit "his satisfaction that he". Insert instead "the Director-General's satisfaction that he or she".	30
<b>[10]</b>	<b>Sections 18 (3), 20 (2) (b), 21 (3) (b) and 25 (5)</b> Insert "or her" after "him" wherever occurring.	
<b>[11]</b>	<b>Sections 20 (3), 21 (3) (b) and 27 (b)</b> Insert "or she" after "he" wherever occurring.	
<b>[12]</b>	<b>Section 22 (1) (b)</b> Omit "he". Insert instead "the person".	35

---

[13]	<b>Section 26 (2)</b> Omit "absents himself". Insert instead "is absent".	
3.59	<b>Zoological Parks Board Act 1973 No 34</b>	
[1]	<b>Section 4, definitions of "Chairman" and "Deputy Chairman"</b> Omit the definitions. Insert instead: <i>Chairperson</i> means the Chairperson of the Board. <i>Deputy Chairperson</i> means the Deputy Chairperson of the Board.	5
[2]	<b>Sections 7 and 11 (2)</b> Omit "Chairman" wherever occurring. Insert instead "Chairperson".	
[3]	<b>Section 8</b> Omit "his" wherever occurring. Insert instead "the official member's".	10
[4]	<b>Sections 9 (2) and (4), 10 (1), 14 (6) and 44 (6) (d) (i)</b> Insert "or her" after "his" wherever occurring.	
[5]	<b>Sections 9 (2) and 44 (6) (a), (c), (d) (ii) and (e)</b> Insert "or her" after "him" wherever occurring.	15
[6]	<b>Section 10 (1)</b> Omit "he" wherever occurring. Insert instead "the appointed member".	
[7]	<b>Section 10 (1) (c)</b> Omit "him". Insert instead "to him or her".	
[8]	<b>Section 10 (2)</b> Omit "him". Insert instead "the Governor".	20
[9]	<b>Section 11 (2)</b> Omit "chairman". Insert instead "chairperson".	
[10]	<b>Section 12 (2)</b> Omit "his". Insert instead "the employee's".	25
[11]	<b>Section 33 (1)</b> Omit "he" where firstly occurring. Insert instead "the person".	
[12]	<b>Section 33 (1)</b> Omit "he" where secondly occurring. Insert instead "the magistrate".	
[13]	<b>Section 37 (2)</b> Omit "him". Insert instead "the Minister".	30

---



## Schedule 4 Repeals

(Section 4)

### Repeal of Acts or parts of Acts

Parramatta Friendly Societies' Hall Site (Amendment) Act 1907 No 17**	
Superannuation (Amendment) Act 1928 No 47*	5
Moss Vale—Port Kembla Railway Agreement Ratification (Amendment) Act 1929 No 19**	
Water (Amendment) Act 1930 No 15*	
Conveyancing (Amendment) Act 1930 No 44**	
Casino School of Arts Enabling (Amendment) Act 1939 No 36**	10
Local Government (Further Amendment) Act 1939 No 41**	
Sydney Grammar School (Amendment) Act 1940 No 37**	
Anglican Clergy Provident Fund (Sydney) Amendment Act 1941 No 49**	
Glen Davis (Amendment) Act 1943 No 20**	
Local Government (Elections) Act 1947 No 22***	15
T.B. Sailors and Soldiers' Association of New South Wales Incorporation (Amendment) Act 1949 No 15**	
Orange Show Ground (Amendment) Act 1953 No 23**	
Mosman Anzac Memorial Hall (Amendment) Act 1954 No 15**	
Anglican Clergy Provident Fund (Sydney) Amendment Act 1955 No 46**	20
Newcastle Tattersall's Club (Amendment) Act 1956 No 4**	
Destitute Children's Society (Vesting) Amendment Act 1957 No 6**	
Royal Agricultural Society (Amendment) Act 1958 No 15**	
Local Government (Amendment) Act 1959 No 21**	
Deserted Wives and Children (Amendment) Act 1960 No 21**	25
Wellington Show Ground (Amendment) Act 1960 No 38**	
Electricity Commission (Amendment) Act 1961 No 58**	

---

Mental Health (Commonwealth Agreement Ratification) Amendment Act 1962 No 14**	
Sydney Grammar School (Amendment) Act 1964 No 55**	
Sir Moses Montefiore Jewish Home (Amendment) Act 1969 No 52**	
Camperdown Cemetery (Amendment) Act 1970 No 45**	5
Securities Industry (Amendment) Act 1971 No 11**	
Conveyancing (Amendment) Act 1972 No 17**	
Sydney Opera House (Amendment) Act 1972 No 43**	
States Grants (Rural Reconstruction) Agreement Ratification (Amendment) Act 1974 No 21**	10
Glen Davis (Amendment) Act 1974 No 61**	
Farrer Memorial Research Scholarship Fund (Amendment) Act 1974 No 70**	
Fruit-growing Reconstruction Agreement (Amendment) Act 1974 No 73**	
Electricity Commission (Amendment) Act 1976 No 23*	15
Northumberland Insurance Company Limited (Amendment) Act 1977 No 63**	
Commonwealth Powers (Meat Inspection) Act 1983 No 48***	
Government and Related Employees Appeal Tribunal (Amendment) Act 1986 No 156*	20
City of Sydney Act 1988 No 48—so much of Schedule 2 as amends the Darling Harbour Authority Act 1984 and the Sydney Cove Redevelopment Authority Act 1968, and Parts 5 and 6 of Schedule 3, only*****	
Marine Pollution (Amendment) Act 1991 No 81*	
Community Welfare (Amendment) Act 1992 No 105*	25
Supply Act 1993 No 51***	
Marine Pollution (Penalties) Amendment Act 1993 No 66*	
Supply Act 1994 No 51***	
Local Government Legislation Amendment Act 1995 No 12*	
Disability Services Amendment (Residents' Amenities Accounts) Act 1995 No 24*	30

---

Statute Law (Miscellaneous Provisions) Bill (No 2) 1997

Schedule 4 Repeals

---

Parliamentary Supply Act 1995 No 35***	
Supply Act 1995 No 38***	
Plant Diseases Amendment Act 1995 No 44*	
Dormant Funds Amendment Act 1995 No 64*	
Motor Accidents Amendment Act 1995 No 66*	5
Road Transport Legislation Amendment Act 1995 No 73*	
Local Government Amendment (Alcohol-free Zones) Act 1995 No 79*	
Appropriation Act 1995 No 80***	
Appropriation (Parliament) Act 1995 No 81***	
Appropriation (Special Offices) Act 1995 No 82***	10
Motor Vehicles Taxation Amendment Act 1995 No 84*	
Forests and Reserves Revocation Act 1995 No 100***	
Crimes Amendment (Mandatory Life Sentences) Act 1996 No 5*	
Impounding Amendment Act 1996 No 7*	
Government and Related Employees Appeal Tribunal Amendment Act 1996 No 12*	15
Motor Vehicles Taxation Amendment Act 1996 No 52*	
Crimes Amendment (Review of Convictions and Sentences) Act 1996 No 65*	
Crimes Amendment (Children's Evidence) Act 1996 No 68*	20
Crimes Amendment (Court Finger-printing Scheme) Act 1996 No 112*	
Public Sector Management Amendment (Mobility) Act 1996 No 127*	
Gaming and Betting Amendment Act 1997 No 12*	

**Notes**

- |  |    |
|--|----|
| * indicates repeal of an amending Act the provisions of which have been included in a reprint and which contains no provision of substantive effect that needs to be retained  | 25 |
| ** indicates repeal of an amending Act enacted at least 20 years ago (the provisions of which have not all been included in a reprint) but which contains no provision of substantive effect that needs to be retained | 30 |
| *** indicates repeal of an Act that is no longer of practical utility  |    |
| **** indicates repeal of uncommenced provisions of an Act  |    |



---

**Explanatory note**

This Schedule repeals a number of Acts. In relation to the repeal of amending Acts, it should be noted that the Acts are repealed simply to rationalise the legislation in force and that the repeals have no substantive effect on the amendments made by the Acts or any associated provisions. The Acts that were amended by the Acts being repealed are up-to-date on the Legislation Database maintained by the Parliamentary Counsel's Office and are available electronically.

5

Section 30 (2) of the *Interpretation Act 1987* ensures that, when an amending Act is repealed, no amendment made by the Act is affected. Section 30 (2) also ensures that the following matters are not affected:

10

- (a) the proof of any past act or thing,
- (b) any right, privilege, obligation or liability saved by the operation of the Act,
- (c) any validation made by the Act,
- (d) the operation of any savings or transitional provision contained in the Act.

## Schedule 5      General savings, transitional and other provisions

(Section 5)

### 1 Effect of amendment of amending provisions

- (1) An amendment made by Schedule 1 or 2 to an amending provision contained in an Act is, if the amending provision has commenced before the date of assent to this Act, taken to have effect as from the commencement of the amending provision. 5

- (2) In this clause:

**amending provision** means a provision of an Act, or of any other instrument, being a provision that has commenced and that makes a direct amendment to an Act by: 10

- (a) the repeal or omission of matter contained in the amended Act without the insertion of any matter instead of the repealed or omitted matter, or 15
- (b) the omission of matter contained in the amended Act and the insertion of matter instead of the omitted matter, or
- (c) the insertion into the amended Act of matter, not being matter inserted instead of matter omitted from the Act,

whether the provision was enacted before or after the commencement of the *Reprints Act 1972*. 20

#### Explanatory note

This clause ensures that amendments correcting errors in the technical provisions of Acts (for example, headings indicating the section to be amended or directions as to where a new section is to be inserted) and rectifying minor drafting errors (for example, corrections in numbering of provisions, correction or insertion of cross-references, omission of unnecessary matter or insertion of omitted matter) will commence on the date the amendments to which they relate commenced. 25

### 2 Effect of amendment or repeal on acts done or decisions made 30

Except where it is expressly provided to the contrary, if this Act:

- (a) amends a provision of an Act or regulation, or
- (b) repeals and re-enacts (with or without modification) a provision of an Act or regulation,

any act done or decision made under the provision amended or repealed has effect after the amendment or repeal as if it had been done or made under the provision as so amended or repealed.

**Explanatory note**

5

This clause ensures that the amendment or repeal of a provision will not, unless expressly otherwise provided, vitiate any act done or decision made under the provision as in force before the amendment or repeal.

**3 Amendments removing gender-specific language**

The amendments made to an Act by Schedule 3 are made for the purposes of replacing gender-specific language with gender-neutral language. The amendments contained in that Schedule do not affect the construction or meaning of any Act. 10

**Explanatory note**

This clause ensures that amendments that are made solely for the purposes of removing gender-specific language from an Act do not have any unintended consequences. 15

**4 Regulations**

(1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act. 20

(2) Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later date.

(3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as: 25

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication. 30

**Explanatory note**

This clause enables the making of regulations of a savings or transitional nature having a short term effect and relating to incidental matters arising out of the proposed Act with regard to which no specific, or sufficient, provision has been made in the Act. 35



Notes

---

## Notes

### Index of Acts and regulation amended by Schedules 1, 2 and 3

Administrative Decisions Legislation Amendment Act 1997 No 77—Sch 2	
Annual Holidays Act 1944 No 31—Sch 2	
Anti-Discrimination Act 1977 No 48—Sch 2	5
Architects Act 1921 No 8—Sch 3	
Art Gallery of New South Wales Act 1980 No 65—Sch 3	
Associations Incorporation Act 1984 No 143—Sch 1	
Australian Museum Trust Act 1975 No 95—Sch 3	
Balranald Irrigation Act 1902 No 78—Sch 3	10
Building Services Corporation Legislation Amendment Act 1996 No 122—Sch 2	
Children (Detention Centres) Act 1987 No 57—Sch 1	
Coastal Protection Act 1979 No 13—Sch 3	
Commercial Vessels Act 1979 No 41—Sch 3	15
Companies (Administration) Act 1981 No 64—Sch 3	
Consumer Claims Tribunals Act 1987 No 206—Sch 2	
Conveyancers Licensing Act 1995 No 57—Sch 2	
Conveyancing Act 1919 No 6—Sch 3	
Co-operatives Act 1992 No 18—Sch 1	20
Co-operatives Amendment Act 1997 No 39—Sch 1, Sch 2	
Coroners Act 1980 No 27—Sch 3	
Correctional Centres Act 1952 No 9—Sch 3	
Crimes Act 1900 No 40—Sch 2, Sch 3	
Crown Lands (Amendment) Act 1932 No 69—Sch 3	25
Decimal Currency Act 1965 No 33—Sch 3	
Dental Technicians Registration Act 1975 No 40—Sch 1	

---

Dog Act 1966 No 2—Sch 3	
Door-to-Door Sales Act 1967 No 36—Sch 3	
Election Funding Act 1981 No 78—Sch 3	
Electricity (Pacific Power) Act 1950 No 22—Sch 3	
Electricity Safety Act 1945 (1946 No 13)—Sch 3	5
Environmental Planning and Assessment Act 1979 No 203—Sch 1, Sch 3	
Evidence Act 1995 No 25—Sch 1	
Factories, Shops and Industries Act 1962 No 43—Sch 1, Sch 3	
Fair Trading Act 1987 No 68—Sch 1, Sch 2	
Fair Trading Legislation Amendment Act 1997 No 82—Sch 2	10
Fines Act 1996 No 99—Sch 1	
Fines and Forfeited Recognizances Act 1954 No 25—Sch 3	
Fluoridation of Public Water Supplies Act 1957 No 58—Sch 1	
Food Act 1989 No 231—Sch 1	
Frustrated Contracts Act 1978 No 105—Sch 2	15
Gaming and Betting Act 1912 No 25—Sch 3	
Government and Related Employees Appeal Tribunal Act 1980 No 39— Sch 2, Sch 3	
Growth Centres (Development Corporations) Act 1974 No 49—Sch 3	
Harness Racing New South Wales Act 1977 No 57—Sch 3	20
Heritage Act 1977 No 136—Sch 3	
Historic Houses Act 1980 No 94—Sch 3	
Home Building Act 1989 No 147—Sch 2	
Housing Act 1976 No 62—Sch 3	
Land Development Contribution Management Act 1970 No 22—Sch 3	25
Land Tax Management Act 1956 No 26—Sch 2	
Landlord and Tenant Act 1899 No 18—Sch 3	
Landlord and Tenant (Amendment) Act 1948 No 25—Sch 3	

---

Statute Law (Miscellaneous Provisions) Bill (No 2) 1997

Notes

---

Law Foundation Act 1979 No 32—Sch 1	
Legal Aid Commission Act 1979 No 78—Sch 3	
Legal Aid Commission Amendment Act 1997 No 50—Sch 2	
Limitation Act 1969 No 31—Sch 3	
Liquor Act 1982 No 147—Sch 3	5
Local Government Act 1993 No 30—Sch 2	
Mental Health Act 1990 No 9—Sch 1	
Minors (Property and Contracts) Act 1970 No 60—Sch 3	
Motor Accidents Act 1988 No 102—Sch 1	
Motor Dealers Act 1974 No 52—Sch 2	10
Motor Vehicle Repairs Act 1980 No 71—Sch 3	
National Parks and Wildlife Act 1974 No 80—Sch 1, Sch 2	
National Parks and Wildlife Amendment (Aboriginal Ownership) Act 1996 No 142—Sch 2	
Navigation Act 1901 No 60—Sch 3	15
Oaths Act 1900 No 20—Sch 1, Sch 3	
Ombudsman Act 1974 No 68—Sch 2	
Optometrists Act 1930 No 20—Sch 3	
Ozone Protection Act 1989 No 208—Sch 2	
Parliamentary Contributory Superannuation Act 1971 No 53—Sch 1, Sch 3	20
Parliamentary Electorates and Elections Act 1912 No 41—Sch 3	
Pawnbrokers and Second-hand Dealers Act 1996 No 13—Sch 1	
Pay-roll Tax Act 1971 No 22—Sch 3	
Pesticides Act 1978 No 57—Sch 2	
Petroleum Products Subsidy Act 1965 No 1—Sch 2	25
Pipelines Act 1967 No 90—Sch 3	
Poisons and Therapeutic Goods Act 1966 No 31—Sch 3	
Police Association Employees (Superannuation) Act 1969 No 33—Sch 3	
Police Integrity Commission Act 1996 No 28	



Prices Regulation Act 1948 No 26—Sch 3	
Privacy Committee Act 1975 No 37—Sch 3	
Protected Disclosures Act 1994 No 92—Sch 2	
Protection of the Environment Administration Act 1991 No 60—Sch 1	
Registered Clubs Act 1976 No 31—Sch 3	5
Retail Leases Amendment Act 1997 No 52—Sch 2	
Rural Fires Act 1997 No 65—Sch 1	
Sea-carriage of Goods (State) Act 1921 No 5—Sch 3	
Solicitor General Act 1969 No 80—Sch 3	
State Authorities Superannuation Act 1987 No 211—Sch 1	10
State Emergency and Rescue Management Act 1989 No 165—Sch 1	
Status of Children Act 1996 No 76—Sch 1	
Statutory and Other Offices Remuneration Act 1975 (1976 No 4)—Sch 3	
Stock (Chemical Residues) Act 1975 No 26—Sch 1	
Stock Diseases Act 1923 No 34—Sch 3	15
Strata Schemes Management Act 1996 No 138—Sch 1, Sch 2	
Strata Schemes Management (Miscellaneous Amendments) Act 1996 No 139—Sch 2	
Superannuation Act 1916 No 28—Sch 3	
Surveyors Act 1929 No 3—Sch 3	20
Sydney Cove Redevelopment Authority Act 1968 No 56—Sch 3	
Thoroughbred Racing Board Act 1996 No 37—Sch 2	
Traffic Act 1909 No 5—Sch 3	
Trustee Companies Act 1964 No 6—Sch 1	
Trustee Companies Regulation 1994—Sch 1	25
Unclaimed Money Act 1995 No 75—Sch 1	
Warehousemen's Liens Act 1935 No 19—Sch 3	
Youth and Community Services Act 1973 No 90—Sch 3	
Zoological Parks Board Act 1973 No 34—Sch 3	

Notes

---

**Index of Acts or parts of Acts repealed by Schedule 4**

Anglican Clergy Provident Fund (Sydney) Amendment Act 1941 No 49	
Anglican Clergy Provident Fund (Sydney) Amendment Act 1955 No 46	
Appropriation Act 1995 No 80	
Appropriation (Parliament) Act 1995 No 81	5
Appropriation (Special Offices) Act 1995 No 82	
Camperdown Cemetery (Amendment) Act 1970 No 45	
Casino School of Arts Enabling (Amendment) Act 1939 No 36	
City of Sydney Act 1988 No 48—so much of Schedule 2 as amends the Darling Harbour Authority Act 1984 and the Sydney Cove Redevelopment Authority Act 1968, and Parts 5 and 6 of Schedule 3, only	10
Commonwealth Powers (Meat Inspection) Act 1983 No 48	
Community Welfare (Amendment) Act 1992 No 105	
Conveyancing (Amendment) Act 1930 No 44	
Conveyancing (Amendment) Act 1972 No 17	15
Crimes Amendment (Children's Evidence) Act 1996 No 68	
Crimes Amendment (Court Finger-printing Scheme) Act 1996 No 112	
Crimes Amendment (Mandatory Life Sentences) Act 1996 No 5	
Crimes Amendment (Review of Convictions and Sentences) Act 1996 No 65	20
Deserted Wives and Children (Amendment) Act 1960 No 21	
Destitute Children's Society (Vesting) Amendment Act 1957 No 6	
Disability Services Amendment (Residents' Amenities Accounts) Act 1995 No 24	
Dormant Funds Amendment Act 1995 No 64	25
Electricity Commission (Amendment) Act 1961 No 58	
Electricity Commission (Amendment) Act 1976 No 23	
Farrer Memorial Research Scholarship Fund (Amendment) Act 1974 No 70	
Forests and Reserves Revocation Act 1995 No 100	

Fruit-growing Reconstruction Agreement (Amendment) Act 1974 No 73	
Gaming and Betting Amendment Act 1997 No 12	
Glen Davis (Amendment) Act 1943 No 20	
Glen Davis (Amendment) Act 1974 No 61	
Government and Related Employees Appeal Tribunal (Amendment) Act 1986 No 156	5
Government and Related Employees Appeal Tribunal Amendment Act 1996 No 12	
Impounding Amendment Act 1996 No 7	
Local Government (Amendment) Act 1959 No 21	10
Local Government Amendment (Alcohol-free Zones) Act 1995 No 79	
Local Government (Elections) Act 1947 No 22	
Local Government (Further Amendment) Act 1939 No 41	
Local Government Legislation Amendment Act 1995 No 12	
Marine Pollution (Amendment) Act 1991 No 81	15
Marine Pollution (Penalties) Amendment Act 1993 No 66	
Mental Health (Commonwealth Agreement Ratification) Amendment Act 1962 No 14	
Mosman Anzac Memorial Hall (Amendment) Act 1954 No 15	
Moss Vale—Port Kembla Railway Agreement Ratification (Amendment) Act 1929 No 19	20
Motor Accidents Amendment Act 1995 No 66	
Motor Vehicles Taxation Amendment Act 1995 No 84	
Motor Vehicles Taxation Amendment Act 1996 No 52	
Newcastle Tattersall's Club (Amendment) Act 1956 No 4	25
Northumberland Insurance Company Limited (Amendment) Act 1977 No 63	
Orange Show Ground (Amendment) Act 1953 No 23	
Parliamentary Supply Act 1995 No 35	



Statute Law (Miscellaneous Provisions) Bill (No 2) 1997

Notes

---

Parramatta Friendly Societies' Hall Site (Amendment) Act 1907 No 17	
Plant Diseases Amendment Act 1995 No 44	
Public Sector Management Amendment (Mobility) Act 1996 No 127	
Road Transport Legislation Amendment Act 1995 No 73	
Royal Agricultural Society (Amendment) Act 1958 No 15	5
Securities Industry (Amendment) Act 1971 No 11	
Sir Moses Montefiore Jewish Home (Amendment) Act 1969 No 52	
States Grants (Rural Reconstruction) Agreement Ratification (Amendment) Act 1974 No 21	
Superannuation (Amendment) Act 1928 No 47	10
Supply Act 1993 No 51	
Supply Act 1994 No 51	
Supply Act 1995 No 38	
Sydney Grammar School (Amendment) Act 1940 No 37	
Sydney Grammar School (Amendment) Act 1964 No 55	15
Sydney Opera House (Amendment) Act 1972 No 43	
T.B. Sailors and Soldiers' Association of New South Wales Incorporation (Amendment) Act 1949 No 15	
Water (Amendment) Act 1930 No 15	
Wellington Show Ground (Amendment) Act 1960 No 38	20

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (No. 2)

---

Schedule of the amendments referred to in the Legislative Council's Message of 3 December 1997.

No. 1 Page 33, Schedule 1.28 [3], lines 24-26. Omit "1994, payable on and from the first occurrence of the prescribed time after the date of assent to that Act". Insert instead "1995, first payable on the first occurrence of the prescribed time after 1 September 1997".

No. 2 Page 33, Schedule 1.28 [3]. Insert after line 26:

(13) The following provisions apply to estates committed to the administration or management of a trustee company between 1 September 1994 and 31 August 1995 (both inclusive):

- (a) the commission and annual fee payable under sections 18 (1) (c) (ii) and 19B (as in force immediately before 1 September 1997) continue to apply to an estate until the first occurrence of the prescribed time after 1 September 1997,
- (b) the annual fee payable under section 19B (as in force immediately before 1 September 1997) for the period between the second anniversary of the date of committal of the estate and the first occurrence of the prescribed time after 1 September 1997 is to be calculated on a pro-rata basis as at the end of that period,
- (c) that annual fee is payable on the first occurrence of the prescribed time after 1 September 1997,
- (d) the quarterly fee payable under section 19B (as in force after 1 September 1997) is first payable on the second occurrence of the prescribed time after 1 September 1997,
- (e) that quarterly fee is not payable in respect of any period for which a fee was payable under clause 11 of the *Trustee Companies Regulation 1994*.

No. 3 Page 65, Schedule 3.21 [3], line 15. Omit "by".

---





## SNOWY HYDRO CORPORATISATION BILL

---

Schedule of the amendment referred to in the Legislative Council's Message of 1 November 1997.

No. 1 Page 2, clause 2. Insert after line 7:

- (2) Despite subsection (1), sections 11, 12 and 15-18, Parts 5 - 7, sections 52 - 55 and Schedules 2 and 3 cannot be commenced unless:
  - (a) the States of New South Wales and Victoria enter into an agreement after the final report of the water inquiry under Part 4 on the outcomes of the inquiry (as referred to in section 21), and
  - (b) the agreement is not disapproved by either House of Parliament within 10 sitting days after the tabling of a copy of the agreement in that House by the Minister or, if so disapproved, a subsequent such agreement (being an agreement that either replaces or varies the disapproved agreement) is not disapproved by either House of Parliament within 10 sitting days after the tabling of a copy of the subsequent agreement in that House by the Minister.
- (3) For the purposes of subsection (2):
  - (a) an agreement is taken not to have been so disapproved by a House of Parliament if that House passes a resolution, before the end of the relevant period of 10 sitting days, that it does not propose to disapprove the agreement, and
  - (b) further subsequent agreements may be entered into and tabled if an earlier subsequent agreement is disapproved.

No. 2 Page 16, clause 20 (2), line 22. After "inquiry." insert "For the purposes of this subsection:

- (a) agricultural impacts include the impact of changed water flows on agricultural industries that are dependent on irrigation, and
- (b) environmental impacts include the impact of releases of water from storage that provide environmental flows, being flows in rivers and streams which mimic natural seasonal flows and which restore and maintain the ecology of those rivers and streams."

No. 3 Page 17, clause 20. Insert after line 8:

- (9) The following provisions apply to the inquiry:
  - (a) The Minister is to give notice of the holding of the inquiry and the proposed terms of reference of the inquiry in a newspaper circulating generally throughout the State.



- (b) The Minister is to allow a period of at least 30 days for public comment on the proposed terms of reference and is to have regard to any comment received on them before they are settled.
- (c) The person or persons holding the inquiry are to call for public submissions and hold public hearings with respect to the matters being examined by the inquiry.

No. 4 Page 17, clause 21. Insert after line 13:

- (2) The Minister is to make that final report public at the time it is submitted to the Minister.

No. 5 Page 17, clause 21. Insert after line 19:

- (3) The agreement is to provide for:
  - (a) the initial release of water to the Snowy River for environmental reasons on the issue of the Snowy water licence, and
  - (b) the increased amount of such releases of water following the first review of the Snowy water licence under this Act that will not give the Company an entitlement to compensation under section 30.

No. 6 Page 18, clause 23. Insert after line 32:

The arrangements made by the licence for the release of water are to include an obligation to give notice of the timing and volume of water releases in the manner required by the licence.

No. 7 Page 18, clause 23 (3), line 35. Insert "and, in particular, the licence is to give effect to the provisions of the agreement relating to the initial release of water to the Snowy River for environmental reasons on the issue of the licence" after "Part 4".

No. 8 Page 19, clause 24, lines 16-18. Omit the clause. Insert instead:

**24 Term of licence**

- (1) The term of the Snowy water licence is to be 75 years.
- (2) Except as provided by an Act:
  - (a) the licence may not be renewed, and
  - (b) a further licence may not be issued (unless it is issued on the revocation of the licence and its term does not exceed the balance of the term of the revoked licence).

No. 9 Page 19, clause 25. Omit the clause.





No. 10 Page 19, clause 26. Insert after line 31:

- (2) The licence must provide for such reviews at the following intervals:
  - (a) after the first 5 years (being a review of the provisions of the licence relating to the initial release of water to the Snowy River for environmental reasons), and
  - (b) at intervals of 10 years thereafter.
- (3) It is the duty of the Water Administration Ministerial Corporation to use its best endeavours to complete that first review, and to give effect to the results of the review, within 6 months after the fifth anniversary of the issue of the licence. For that purpose, the Corporation may commence public consultation on the review before that anniversary.

No. 11 Page 20, clause 27. Insert after line 14:

- (2) The licence may not be varied:
  - (a) before or after the first review of the licence under section 26 (2) (a) - so as to reduce the initial release of water to the Snowy River for environmental reasons as provided in the licence after it is issued, or
  - (b) after that first review - so as to reduce any increased amount of such releases of water to the Snowy River as provided in the licence after the variations made to the licence to give effect to the results of that first review.

No. 12 Page 20. Insert after line 17:

**27 Public consultation on review or variation of licence**

- (1) The Water Administration Ministerial Corporation is to undertake public consultation in accordance with this section in connection with:
  - (a) any review of the Snowy water licence under section 26, or
  - (b) any variation of the Snowy water licence.
- (2) In order to give the public an opportunity to make submissions, the Water Administration Ministerial Corporation must:
  - (a) exhibit at its Head Office and its regional offices a copy of the provisions under review or the proposed variation, and
  - (b) in the case of a review - also so exhibit a copy of each state of the environment report of the Snowy Scientific Committee under section 57 (4), and
  - (c) allow a period of at least 30 days for public comment, and





- (d) before the matter is exhibited, advertise the dates and places of exhibition and the period allowed for public comment in a newspaper circulating generally throughout the State.  
For the purposes of paragraph (b), a copy of a report that is more than 5 years old need not be exhibited if a copy of the report is available on request for inspection at the place of exhibition.
- (3) The Water Administration Ministerial Corporation is also to undertake consultation with the Murray Darling Basin Commission in connection with the matters referred to in subsection (2).

No. 13 Page 21, clause 30. Insert after line 21:

- (b) any variation of the licence following the first review of the obligations under the licence to release water to the Snowy River for environmental reasons (to the extent of any increase in the water so released that does not exceed the increased amount referred to in section 21 (3) (b)), or

No. 14 Page 21, clause 31 (1), lines 26 and 27. Omit "(including any renewed licence)".

No. 15 Page 26, clause 37 (3), lines 21 and 22. Omit all words on those lines. Insert instead:

- (3) The term of the Snowy park lease is to be 75 years.

No. 16 Page 26, clause 37 (4), lines 23-27. Omit all words on those lines.

No. 17 Page 26, clause 37 (5), lines 28 and 29. Omit all words on those lines. Insert instead:

- (5) Except as provided by an Act:
  - (a) the Snowy park lease may not be renewed, and
  - (b) a further lease may not be granted (unless it is granted on the revocation of the lease and its term does not exceed the balance of the term of the revoked lease).

No. 18 Page 28, clause 39 (3), lines 13 and 14. Omit "(and the term of any option for its renewal)".

No. 19 Page 37. Insert after line 8:

#### **57 Snowy Scientific Committee**

- (1) There is established by this Act a body corporate with the corporate name of the Snowy Scientific Committee.
- (2) The Committee has the functions conferred or imposed on it by or under this or any other Act.



- (3) The principal functions of the Committee are as follows:
- (a) to advise the Water Administration Ministerial Corporation each year on the regime for the release of water for environmental reasons under the Snowy water licence,
  - (b) to advise that Corporation from time to time on the adequacy of those releases and the programs for management and restoration of the catchments (and the Snowy River and other rivers and streams) receiving water from those releases, including the arrangements for consultation, monitoring and on-going research about those programs.
- (4) The Committee is to produce every year a public state of the environment report on the catchments (and the Snowy River and other rivers and streams) affected by the Snowy Mountains Hydro-electric Scheme. The report is to include an executive summary of its contents. The Committee is to provide a copy of each such report to the Water Administration Ministerial Corporation.
- (5) The Committee is to consist of 6 members appointed by the Minister.
- (6) Of the members of the Committee:
- (a) one is to be nominated by the Environment Protection Authority, and
  - (b) one is to be nominated by the Director-General of National Parks and Wildlife, and
  - (c) one is to be nominated by the Snowy Genoa Catchment Management Committee, and
  - (d) two are to be nominated by a Minister of the State of Victoria (one being a person nominated to represent environmental interest groups), and
  - (e) one is to be an independent scientist with expertise in aquatic environments nominated by the Minister for the Environment.
- The Chairperson of the Committee is the member referred to in paragraph (e).
- (7) The Committee is not subject to the control or direction of the Minister.
- (8) A member of the Committee holds office for such period (not exceeding 3 years) as is specified in the member's instrument of appointment.
- (9) A member may resign from office, or may be removed from office by the Minister with the approval of the person or body that nominated the member for appointment.





- (10) The procedure for the calling of meetings of the Committee and for the conduct of business at those meetings is, subject to this section and the regulations, to be as determined by the Committee.
  - (11) The quorum for a meeting of the Committee is 4 members. The Chairperson or other person presiding at a meeting of the Committee has a deliberative vote and, in the event of an equality of votes, has a second or casting vote. A decision supported by a majority of the votes cast at a meeting of the Committee at which a quorum is present is the decision of the Committee.
-

