



New South Wales

Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Bill 2020

Explanatory note

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

Overview of Bill

The object of this Bill is to—

- (a) make amendments to certain Acts administered by the Minister for Better Regulation and Innovation to—
 - (i) provide for the regulations to enable fees payable or paid under those Acts or regulations under those Acts to be waived, reduced, postponed or refunded (wholly or in part) where the person paying the fee, or who has paid the fee, is experiencing financial hardship or where special circumstances, such as a natural disaster, exist, and
 - (ii) validate any waiver, reduction, postponement or refund of fees that occurred in the period starting 18 July 2019 and ending immediately before the commencement of the proposed Act, and
- (b) amend the regulations under those Acts to allow the Secretary (or equivalent) of the relevant Department to waive, reduce, postpone or refund (wholly or in part) those fees, and
- (c) amend the *Service NSW (One-stop Access to Government Services) Act 2013* to—
 - (i) enable the Chief Executive Officer of Service NSW (**CEO**) and members of staff of Service NSW to waive, reduce, postpone or refund fees (wholly or in part) or make certain payments on behalf of a person or class of persons when a special circumstances declaration is published, and
 - (ii) validate any waiver, reduction, postponement or refund of fees that occurred in the period starting 18 July 2019 and ending immediately before the commencement of the proposed Act.

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 on the date of assent to the proposed Act.

Schedule 1 Amendment of Acts and regulations administered by the Minister for Better Regulation and Innovation

Schedule 1 amends the following Acts and regulations to give effect to paragraphs (a) and (b) of the Overview—

- (a) *Associations Incorporation Act 2009*,
- (b) *Associations Incorporation Regulation 2016*,
- (c) *Building and Development Certifiers Act 2018*,
- (d) *Building and Development Certifiers Regulation 2020*,
- (e) *Building Professionals Act 2005*,
- (f) *Building Professionals Regulation 2007*,
- (g) *Community Gaming Act 2018*,
- (h) *Conveyancers Licensing Act 2003*,
- (i) *Conveyancers Licensing Regulation 2015*,
- (j) *Co-operatives (Adoption of National Law) Act 2012*,
- (k) *Co-operatives (New South Wales) Regulation 2014*,
- (l) *Explosives Act 2003*,
- (m) *Explosives Regulation 2013*,
- (n) *Fair Trading Legislation Amendment (Reform) Act 2018*,
- (o) *Home Building Act 1989*,
- (p) *Home Building Regulation 2014*,
- (q) *Lotteries and Art Unions Act 1901*,
- (r) *Lotteries and Art Unions Regulation 2014*,
- (s) *Motor Dealers and Repairers Act 2013*,
- (t) *Motor Dealers and Repairers Regulation 2014*,
- (u) *Paintball Act 2018*,
- (v) *Paintball Regulation 2019*,
- (w) *Pawnbrokers and Second-hand Dealers Act 1996*,
- (x) *Pawnbrokers and Second-hand Dealers Regulation 2015*,
- (y) *Property and Stock Agents Act 2002*,
- (z) *Property and Stock Agents Regulation 2014*,
- (aa) *Tattoo Parlours Act 2012*,
- (ab) *Tattoo Parlours Regulation 2013*,
- (ac) *Tow Truck Industry Act 1998*,
- (ad) *Tow Truck Industry Regulation 2008*,
- (ae) *Work Health and Safety Act 2011*,
- (af) *Work Health and Safety Regulation 2017*.

Schedule 2 Amendment of Service NSW (One-stop Access to Government Services) Act 2013 No 39

Schedule 2 amends the *Service NSW (One-stop Access to Government Services) Act 2013* to give effect to paragraph (c) of the Overview. In particular—

- (a) **Schedule 2[1]** expands the functions of the CEO to include any other functions relating to the delivery of Government services to the people of the State, as directed by the Minister, and
- (b) **Schedule 2[2]** enables the regulations to prescribe additional customer service functions for which the CEO has responsibility, and
- (c) **Schedule 2[3]** defines *special circumstances declaration* (which, when published, enables the CEO and members of staff of Service NSW to waive, reduce, postpone or refund fees (in whole or in part) or make certain payments on behalf of a person or class of persons) to mean—
 - (i) a Natural Disaster Declaration for the purposes of the Natural Disaster Relief and Recovery Arrangements jointly administered by the Commonwealth and the States and Territories, or
 - (ii) an order under section 33 of the *State Emergency and Rescue Management Act 1989* declaring a state of emergency in the whole or part of the State, or
 - (iii) another declaration prescribed by the regulations.



New South Wales

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New South Wales

Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Bill 2020

No. _____, 2020

A Bill for

An Act to amend various Acts and regulations administered by the Minister for Better Regulation and Innovation and the *Service NSW (One-stop Access to Government Services) Act 2013* to provide for the waiver, reduction, postponement or refund of fees in particular circumstances; to amend the *Service NSW (One-stop Access to Government Services) Act 2013* to extend the functions to which the Act applies; and for related purposes.

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020*.

3

4

2 Commencement

5

This Act commences on the date of assent to this Act.

6

Schedule 1	Amendment of Acts and regulations administered by the Minister for Better Regulation and Innovation	1 2 3
1.1	Associations Incorporation Act 2009 No 7	4
[1]	Section 105 Waiver, remittal and postponement of fees	5
	Omit the section.	6
[2]	Section 107 Regulations	7
	Insert after section 107(1)(c)—	8
	(c1) the waiver, reduction, postponement or refund by the Secretary of fees payable or paid under this Act or the regulations,	9 10
[3]	Schedule 4 Savings, transitional and other provisions	11
	Insert after Part 4—	12
Part 5	Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020	13 14 15
14	Definitions	16
	In this Part—	17
	<i>amendment Act</i> means the <i>Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020</i> .	18 19
	<i>relevant period</i> means the period—	20
	(a) starting on 18 July 2019, and	21
	(b) ending immediately before the commencement of the amendment Act.	22
15	Waiver, reduction, postponement or refund of fees before commencement	23
(1)	This clause applies if, during the relevant period, the Secretary waived, reduced, postponed or refunded, in whole or part, a fee payable or paid by a person under this Act or the regulations on the ground the Secretary was satisfied it was appropriate because—	24 25 26 27
	(a) the person was suffering financial hardship, or	28
	(b) special circumstances existed.	29
(2)	The waiver, reduction, postponement or refund is taken to have been as valid as if it had happened after the commencement of the amendment Act.	30 31
16	Power to waive, reduce, postpone or refund fees applies to events before commencement	32 33
	To remove any doubt, the power of the Secretary to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—	34 35 36
	(a) a person who was suffering financial hardship—	37
	(i) during the relevant period, or	38
	(ii) because of events that happened during the relevant period, or	39
	(b) special circumstances—	40

(i)	that existed during the relevant period, or	1
(ii)	that exist because of events that happened during the relevant period.	2
		3
1.2	Associations Incorporation Regulation 2016	4
	Clause 20A	5
	Insert after clause 20—	6
20A	Secretary’s power to waive, reduce, postpone or refund fees	7
	The Secretary may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the Secretary is satisfied it is appropriate because—	8
		9
		10
(a)	the person who is to pay or has paid the fee is suffering financial hardship, or	11
		12
(b)	special circumstances exist.	13
	Example of ‘special circumstances’ — circumstances involving a natural disaster or recovery from a natural disaster	14
		15
1.3	Building and Development Certifiers Act 2018 No 63	16
[1]	Section 120 Regulations	17
	Omit section 120(2)(e). Insert instead—	18
(e)	the fees payable under this Act or the regulations,	19
(f)	the waiver, reduction, postponement or refund by the Secretary of fees payable or paid under this Act or the regulations.	20
		21
[2]	Schedule 1 Savings, transitional and other provisions	22
	Insert after Part 2—	23
Part 3	Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020	24
		25
		26
17	Definitions	27
	In this Part—	28
	relevant period means the period—	29
(a)	starting on 18 July 2019, and	30
(b)	ending immediately before the commencement of this Act.	31
	repealed Act means the <i>Building Professionals Act 2005</i> .	32
	repealed regulation means a regulation in force under the repealed Act.	33
18	Power to waive, reduce, postpone or refund fees applies to events before commencement	34
		35
(1)	To remove any doubt, the power of the Secretary to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—	36
		37
		38
(a)	a person who was suffering financial hardship—	39
(i)	during the relevant period, or	40

(ii)	because of events that happened during the relevant period, or	1
(b)	special circumstances—	2
(i)	that existed during the relevant period, or	3
(ii)	that exist because of events that happened during the relevant period.	4
(2)	Also to remove any doubt, the power to waive, reduce, postpone or refund fees under subclause (1) extends to a fee payable or paid under the repealed Act or repealed regulations.	6
		7
		8
1.4	Building and Development Certifiers Regulation 2020	9
	Clause 67	10
	Omit the clause. Insert instead—	11
67	Secretary's power to waive, reduce, postpone or refund fees	12
	The Secretary may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the Secretary is satisfied it is appropriate because—	13
		14
		15
(a)	the person who is to pay or has paid the fee is suffering financial hardship, or	16
		17
(b)	special circumstances exist.	18
	Example of 'special circumstances' — circumstances involving a natural disaster or recovery from a natural disaster	19
		20
1.5	Building Professionals Act 2005 No 115	21
[1]	Section 94 Regulations	22
	Omit section 94(2)(f). Insert instead—	23
(f)	the waiver, reduction, postponement or refund by the Board of fees payable or paid under this Act or the regulations,	24
		25
[2]	Schedule 2 Savings, transitional and other provisions	26
	Insert after Part 4—	27
Part 5	Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020	28
		29
		30
14	Definitions	31
	In this Part—	32
	<i>amendment Act</i> means the <i>Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020</i> .	33
		34
	<i>relevant period</i> means the period—	35
(a)	starting on 18 July 2019, and	36
(b)	ending immediately before the commencement of the amendment Act.	37
15	Waiver, reduction, postponement or refund of fees before commencement	38
(1)	This clause applies if, during the relevant period, the Board waived, reduced, postponed or refunded, in whole or part, a fee payable or paid by a person	39
		40

under this Act or the regulations on the ground the Board was satisfied it was appropriate because—	1
(a) the person was suffering financial hardship, or	2
(b) special circumstances existed.	3
(2) The waiver, reduction, postponement or refund is taken to have been as valid as if it had happened after the commencement of the amendment Act.	4
16 Power to waive, reduce, postpone or refund fees applies to events before commencement	5
To remove any doubt, the power of the Board to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—	6
(a) a person who was suffering financial hardship—	7
(i) during the relevant period, or	8
(ii) because of events that happened during the relevant period, or	9
(b) special circumstances—	10
(i) that existed during the relevant period, or	11
(ii) that exist because of events that happened during the relevant period.	12
1.6 Building Professionals Regulation 2007	13
[1] Clause 21 Fees	14
Omit clause 21(3).	15
[2] Clause 21A	16
Insert after clause 21—	17
21A Board's power to waive, reduce, postpone or refund fees	18
The Board may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the Board is satisfied it is appropriate because—	19
(a) the person who is to pay or has paid the fee is suffering financial hardship, or	20
(b) special circumstances exist.	21
Example of 'special circumstances' — circumstances involving a natural disaster or recovery from a natural disaster	22
1.7 Community Gaming Act 2018 No 60	23
[1] Section 49 Regulations	24
Omit section 49(2)(o). Insert instead—	25
(o) the waiver, reduction, postponement or refund by the Secretary of fees payable or paid under this Act or the regulations.	26
[2] Schedule 1 Savings, transitional and other provisions	27
Insert after Part 2—	28

Part 3	Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020	1
		2
		3
6	Definitions	4
	In this Part—	5
	<i>relevant period</i> means the period—	6
	(a) starting on 18 July 2019, and	7
	(b) ending immediately before the commencement of this Act.	8
	<i>repealed Act</i> means the <i>Lotteries and Art Unions Act 1901</i> .	9
	<i>repealed regulation</i> means a regulation in force under the repealed Act.	10
7	Power to waive, reduce, postpone or refund fees applies to events before commencement	11
		12
(1)	To remove any doubt, the power of the Secretary to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—	13
		14
		15
(a)	a person who was suffering financial hardship—	16
	(i) during the relevant period, or	17
	(ii) because of events that happened during the relevant period, or	18
(b)	special circumstances—	19
	(i) that existed during the relevant period, or	20
	(ii) that exist because of events that happened during the relevant period.	21
		22
(2)	Also to remove any doubt, the power to waive, reduce, postpone or refund fees under subclause (1) extends to a fee payable or paid under the repealed Act or repealed regulations.	23
		24
		25
1.8	Conveyancers Licensing Act 2003 No 3	26
[1]	Section 172 Regulations	27
	Omit section 172(2)(g). Insert instead—	28
	(g) the waiver, reduction, postponement or refund by the Secretary of fees payable or paid under this Act or the regulations.	29
		30
[2]	Schedule 1 Savings and transitional provisions	31
	Insert after Part 4—	32
Part 5	Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020	33
		34
		35
21	Definitions	36
	In this Part—	37
	<i>amendment Act</i> means the <i>Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020</i> .	38
		39
	<i>relevant period</i> means the period—	40

(a)	starting on 18 July 2019, and	1
(b)	ending immediately before the commencement of the amendment Act.	2
22	Waiver, reduction, postponement or refund of fees before commencement	3
(1)	This clause applies if, during the relevant period, the Secretary waived, reduced, postponed or refunded, in whole or part, a fee payable or paid by a person under this Act or the regulations on the ground the Secretary was satisfied it was appropriate because—	4
(a)	the person was suffering financial hardship, or	5
(b)	special circumstances existed.	6
(2)	The waiver, reduction, postponement or refund is taken to have been as valid as if it had happened after the commencement of the amendment Act.	7
23	Power to waive, reduce, postpone or refund fees applies to events before commencement	8
	To remove any doubt, the power of the Secretary to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—	9
(a)	a person who was suffering financial hardship—	10
(i)	during the relevant period, or	11
(ii)	because of events that happened during the relevant period, or	12
(b)	special circumstances—	13
(i)	that existed during the relevant period, or	14
(ii)	that exist because of events that happened during the relevant period.	15
1.9	Conveyancers Licensing Regulation 2015	16
	Clause 37A	17
	Insert after clause 37—	18
37A	Secretary's power to waive, reduce, postpone or refund fees	19
	The Secretary may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the Secretary is satisfied it is appropriate because—	20
(a)	the person who is to pay or has paid the fee is suffering financial hardship, or	21
(b)	special circumstances exist.	22
	Example of 'special circumstances' — circumstances involving a natural disaster or recovery from a natural disaster	23
1.10	Co-operatives (Adoption of National Law) Act 2012 No 29	24
[1]	Section 18 Local regulations	25
	Insert at the end of section 18(2)(d)—	26
	and,	27
(e)	the waiver, reduction, postponement or refund by the Registrar of Co-operatives of fees payable or paid under—	28
(i)	this Act, or	29

(ii)	the <i>Co-operatives National Law (NSW)</i> , or	1
(iii)	the <i>Co-operatives National Regulations (NSW)</i> , or	2
(iv)	the local regulations.	3
[2]	Schedule 1 Savings and transitional provisions	4
	Insert after Part 2—	5
Part 3	Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020	6
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		8
10	Definitions	9
	In this Part—	10
	<i>amendment Act</i> means the <i>Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020</i> .	11
	<i>relevant period</i> means the period—	12
	(a) starting on 18 July 2019, and	13
	(b) ending immediately before the commencement of the amendment Act.	14
11	Waiver, reduction, postponement or refund of fees before commencement	15
(1)	This clause applies if, during the relevant period, the Registrar of Co-operatives waived, reduced, postponed or refunded, in whole or part, a fee payable or paid by a person under this Act or the regulations on the ground the Registrar was satisfied it was appropriate because—	16
	(a) the person was suffering financial hardship, or	17
	(b) special circumstances existed.	18
(2)	The waiver, reduction, postponement or refund is taken to have been as valid as if it had happened after the commencement of the amendment Act.	19
12	Power to waive, reduce, postpone or refund fees applies to events before commencement	20
	To remove any doubt, the power of the Registrar of Co-operatives to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—	21
	(a) a person who was suffering financial hardship—	22
	(i) during the relevant period, or	23
	(ii) because of events that happened during the relevant period, or	24
	(b) special circumstances—	25
	(i) that existed during the relevant period, or	26
	(ii) that exist because of events that happened during the relevant period.	27
1.11	Co-operatives (New South Wales) Regulation 2014	28
		29
		30
Clause 13		31
	Omit the clause. Insert instead—	32

13 Registrar's power to waive, reduce, postpone or refund fees	1
(1) The Registrar of Co-operatives may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under relevant legislation if the Registrar is satisfied it is appropriate because —	2 3 4
(a) the person who is to pay or has paid the fee is suffering financial hardship, or	5 6
(b) special circumstances exist.	7
Example of 'special circumstances' — circumstances involving a natural disaster or recovery from a natural disaster	8 9
(2) In this clause—	10
relevant legislation means the following—	11
(a) the Act,	12
(b) the <i>Co-operatives National Law (NSW)</i> ,	13
(c) the <i>Co-operatives National Regulations (NSW)</i> ,	14
(d) this Regulation.	15
1.12 Explosives Act 2003 No 39	16
[1] Section 36 Regulations	17
Insert after section 36(2)(b)—	18
(b1) the waiver, reduction, postponement or refund by the regulatory authority of fees payable or paid under this Act or the regulations,	19 20
[2] Schedule 1 Savings, transitional and other provisions	21
Insert after Part 4—	22
Part 5 Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020	23 24 25
11 Definitions	26
In this Part—	27
amendment Act means the <i>Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020</i> .	28 29
relevant period means the period—	30
(a) starting on 18 July 2019, and	31
(b) ending immediately before the commencement of the amendment Act.	32
12 Waiver, reduction, postponement or refund of fees before commencement	33
(1) This clause applies if, during the relevant period, the regulatory authority waived, reduced, postponed or refunded, in whole or part, a fee payable or paid by a person under this Act or the regulations on the ground the regulatory authority was satisfied it was appropriate because—	34 35 36 37
(a) the person was suffering financial hardship, or	38
(b) special circumstances existed.	39
(2) The waiver, reduction, postponement or refund is taken to have been as valid as if it had happened after the commencement of the amendment Act.	40 41

13 Power to waive, reduce, postpone or refund fees applies to events before commencement	1 2
To remove any doubt, the power of the regulatory authority to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—	3 4 5
(a) a person who was suffering financial hardship—	6
(i) during the relevant period, or	7
(ii) because of events that happened during the relevant period, or	8
(b) special circumstances—	9
(i) that existed during the relevant period, or	10
(ii) that exist because of events that happened during the relevant period.	11 12
1.13 Explosives Regulation 2013	13
Clause 114A	14
Insert after clause 114—	15
114A Regulatory authority’s power to waive, reduce, postpone or refund fees	16
The regulatory authority may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the regulatory authority is satisfied it is appropriate because—	17 18 19
(a) the person who is to pay or has paid the fee is suffering financial hardship, or	20 21
(b) special circumstances exist.	22
Example of ‘special circumstances’ — circumstances involving a natural disaster or recovery from a natural disaster	23 24
1.14 Fair Trading Legislation Amendment (Reform) Act 2018 No 65	25
Schedule 2 Amendments relating to 1, 3 and 5 year terms and restorations	26
Omit Schedule 2.3[2], 2.5[5], 2.8[9], 2.9[6], 2.10[4], 2.12[5], 2.14[7] and 2.15[8].	27
1.15 Home Building Act 1989 No 147	28
[1] Section 140 Regulations	29
Omit section 140(2)(j). Insert instead—	30
(j) fees payable under this Act or the regulations,	31
(j1) the waiver, reduction, postponement or refund by the Secretary of fees payable or paid under this Act or the regulations,	32 33
[2] Schedule 4 Savings and transitional provisions	34
Insert after Part 23—	35

Part 24 Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020	1
	2
	3
153 Definitions	4
In this Part—	5
<i>amendment Act</i> means the <i>Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020</i> .	6
<i>relevant period</i> means the period—	7
(a) starting on 18 July 2019, and	8
(b) ending immediately before the commencement of the amendment Act.	9
	10
154 Waiver, reduction, postponement or refund of fees before commencement	11
(1) This clause applies if, during the relevant period, the Secretary waived, reduced, postponed or refunded, in whole or part, a fee payable or paid by a person under this Act or the regulations on the ground the Secretary was satisfied it was appropriate because—	12
(a) the person was suffering financial hardship, or	13
(b) special circumstances existed.	14
(2) The waiver, reduction, postponement or refund is taken to have been as valid as if it had happened after the commencement of the amendment Act.	15
	16
	17
	18
	19
155 Power to waive, reduce, postpone or refund fees applies to events before commencement	20
	21
To remove any doubt, the power of the Secretary to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—	22
(a) a person who was suffering financial hardship—	23
(i) during the relevant period, or	24
(ii) because of events that happened during the relevant period, or	25
(b) special circumstances—	26
(i) that existed during the relevant period, or	27
(ii) that exist because of events that happened during the relevant period.	28
	29
	30
	31
1.16 Home Building Regulation 2014	32
Clause 71B	33
Insert after clause 71A—	34
71B Secretary’s power to waive, reduce, postpone or refund fees	35
The Secretary may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the Secretary is satisfied it is appropriate because—	36
(a) the person who is to pay or has paid the fee is suffering financial hardship, or	37
(b) special circumstances exist.	38
	39
	40
	41

Example of ‘special circumstances’— circumstances involving a natural disaster or recovery from a natural disaster	1 2
1.17 Lotteries and Art Unions Act 1901 No 34	3
[1] Section 23 Regulations	4
Insert after section 23(1)(f)—	5
(f1) The waiver, reduction, postponement or refund by the Secretary of the Department of Customer Service of fees payable or paid under this Act or the regulations.	6 7 8
[2] Schedule 2 Savings and transitional provisions	9
Insert after Part 4—	10
Part 5 Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020	11 12 13
8 Definitions	14
In this Part—	15
<i>amendment Act</i> means the <i>Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020</i> .	16 17
<i>relevant period</i> means the period—	18
(a) starting on 18 July 2019, and	19
(b) ending immediately before the commencement of the amendment Act.	20
9 Waiver, reduction, postponement or refund of fees before commencement	21
(1) This clause applies if, during the relevant period, the Secretary of the Department of Customer Service waived, reduced, postponed or refunded, in whole or part, a fee payable or paid by a person under this Act or the regulations on the ground the Secretary was satisfied it was appropriate because—	22 23 24 25 26
(a) the person was suffering financial hardship, or	27
(b) special circumstances existed.	28
(2) The waiver, reduction, postponement or refund is taken to have been as valid as if it had happened after the commencement of the amendment Act.	29 30
10 Power to waive, reduce, postpone or refund fees applies to events before commencement	31 32
To remove any doubt, the power of the Secretary of the Department of Customer Service to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—	33 34 35
(a) a person who was suffering financial hardship—	36
(i) during the relevant period, or	37
(ii) because of events that happened during the relevant period, or	38
(b) special circumstances—	39
(i) that existed during the relevant period, or	40
(ii) that exist because of events that happened during the relevant period.	41 42

1.18 Lotteries and Art Unions Regulation 2014	1
Clause 153A	2
Insert after clause 153—	3
153A Secretary’s power to waive, reduce, postpone or refund fees	4
The Secretary of the Department of Customer Service may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the Secretary is satisfied it is appropriate because—	5 6 7
(a) the person who is to pay or has paid the fee is suffering financial hardship, or	8 9
(b) special circumstances exist.	10
Example of ‘special circumstances’ — circumstances involving a natural disaster or recovery from a natural disaster	11 12
1.19 Motor Dealers and Repairers Act 2013 No 107	13
[1] Section 186 Regulations	14
Omit section 186(2)(d). Insert instead—	15
(d) the waiver, reduction, postponement or refund by the Secretary of fees payable or paid under this Act or the regulations,	16 17
[2] Schedule 2 Savings, transitional and other provisions	18
Insert after Part 4—	19
Part 5 Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020	20 21 22
21 Definitions	23
In this Part—	24
<i>amendment Act</i> means the <i>Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020</i> .	25 26
<i>relevant period</i> means the period—	27
(a) starting on 18 July 2019, and	28
(b) ending immediately before the commencement of the amendment Act.	29
22 Waiver, reduction, postponement or refund of fees before commencement	30
(1) This clause applies if, during the relevant period, the Secretary waived, reduced, postponed or refunded, in whole or part, a fee payable or paid by a person under this Act or the regulations on the ground the Secretary was satisfied it was appropriate because—	31 32 33 34
(a) the person was suffering financial hardship, or	35
(b) special circumstances existed.	36
(2) The waiver, reduction, postponement or refund is taken to have been as valid as if it had happened after the commencement of the amendment Act.	37 38

23	Power to waive, reduce, postpone or refund fees applies to events before commencement	1 2
	To remove any doubt, the power of the Secretary to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—	3 4 5
	(a) a person who was suffering financial hardship—	6
	(i) during the relevant period, or	7
	(ii) because of events that happened during the relevant period, or	8
	(b) special circumstances—	9
	(i) that existed during the relevant period, or	10
	(ii) that exist because of events that happened during the relevant period.	11 12
1.20	Motor Dealers and Repairers Regulation 2014	13
	Clause 9A	14
	Insert after clause 9—	15
	9A Secretary's power to waive, reduce, postpone or refund fees	16
	The Secretary may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the Secretary is satisfied it is appropriate because—	17 18 19
	(a) the person who is to pay or has paid the fee is suffering financial hardship, or	20 21
	(b) special circumstances exist.	22
	Example of 'special circumstances' — circumstances involving a natural disaster or recovery from a natural disaster	23 24
1.21	Paintball Act 2018 No 44	25
[1]	Section 80 Regulations	26
	Insert after section 80(1)—	27
	(1A) Without limiting subsection (1), the regulations may provide for—	28
	(a) fees payable under this Act or the regulations, and	29
	(b) the waiver, reduction, postponement or refund by the Secretary of fees payable or paid under this Act or the regulations.	30 31
[2]	Schedule 1 Savings, transitional and other provisions	32
	Insert after Part 2—	33
Part 3	Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020	34 35 36
7	Definitions	37
	In this Part—	38
	<i>amendment Act</i> means the <i>Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020</i> .	39 40

<i>relevant period</i> means the period—	1
(a) starting on 18 July 2019, and	2
(b) ending immediately before the commencement of the amendment Act.	3
8 Waiver, reduction, postponement or refund of fees before commencement	4
(1) This clause applies if, during the relevant period, the Secretary waived, reduced, postponed or refunded, in whole or part, a fee payable or paid by a person under this Act or the regulations on the ground the Secretary was satisfied it was appropriate because—	5
(a) the person was suffering financial hardship, or	9
(b) special circumstances existed.	10
(2) The waiver, reduction, postponement or refund is taken to have been as valid as if it had happened after the commencement of the amendment Act.	11
9 Power to waive, reduce, postpone or refund fees applies to events before commencement	13
To remove any doubt, the power of the Secretary to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—	15
(a) a person who was suffering financial hardship—	18
(i) during the relevant period, or	19
(ii) because of events that happened during the relevant period, or	20
(b) special circumstances—	21
(i) that existed during the relevant period, or	22
(ii) that exist because of events that happened during the relevant period.	23
1.22 Paintball Regulation 2019	25
Clause 13	26
Insert after clause 12—	27
13 Secretary’s power to waive, reduce, postpone or refund fees	28
The Secretary may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the Secretary is satisfied it is appropriate because—	29
(a) the person who is to pay or has paid the fee is suffering financial hardship, or	32
(b) special circumstances exist.	33
Example of ‘special circumstances’ — circumstances involving a natural disaster or recovery from a natural disaster	34
	35
	36
1.23 Pawnbrokers and Second-hand Dealers Act 1996 No 13	37
[1] Section 43 Regulations	38
Insert after section 43(1)(g)—	39
(g1) the waiver, reduction, postponement or refund by the Secretary of fees payable or paid under this Act or the regulations,	40
	41

[2] Schedule 2 Savings and transitional provisions	1
Insert at the end of the Schedule, with appropriate Part and clause numbering—	2
Part Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020	3
	4
	5
Definitions	6
In this Part—	7
<i>amendment Act</i> means the <i>Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020</i> .	8
	9
<i>relevant period</i> means the period—	10
(a) starting on 18 July 2019, and	11
(b) ending immediately before the commencement of the amendment Act.	12
Waiver, reduction, postponement or refund of fees before commencement	13
(1) This clause applies if, during the relevant period, the Secretary waived, reduced, postponed or refunded, in whole or part, a fee payable or paid by a person under this Act or the regulations on the ground the Secretary was satisfied it was appropriate because—	14
	15
	16
	17
(a) the person was suffering financial hardship, or	18
(b) special circumstances existed.	19
(2) The waiver, reduction, postponement or refund is taken to have been as valid as if it had happened after the commencement of the amendment Act.	20
	21
Power to waive, reduce, postpone or refund fees applies to events before commencement	22
	23
To remove any doubt, the power of the Secretary to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—	24
	25
	26
(a) a person who was suffering financial hardship—	27
(i) during the relevant period, or	28
(ii) because of events that happened during the relevant period, or	29
(b) special circumstances—	30
(i) that existed during the relevant period, or	31
(ii) that exist because of events that happened during the relevant period.	32
	33
1.24 Pawnbrokers and Second-hand Dealers Regulation 2015	34
Clause 8A	35
Insert after clause 8—	36
8A Secretary's power to waive, reduce, postpone or refund fees	37
The Secretary may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the Secretary is satisfied it is appropriate because—	38
	39
	40

(a)	the person who is to pay or has paid the fee is suffering financial hardship, or	1
		2
(b)	special circumstances exist.	3
	Example of 'special circumstances' — circumstances involving a natural disaster or recovery from a natural disaster	4
		5
1.25	Property and Stock Agents Act 2002 No 66	6
[1]	Section 230 Regulations	7
	Insert after section 230(2)(g)—	8
(g1)	fees payable under this Act or the regulations,	9
(g2)	the waiver, reduction, postponement or refund by the Secretary of fees payable or paid under this Act or the regulations.	10
		11
[2]	Schedule 1 Savings and transitional provisions	12
	Insert at the end of the Schedule, with appropriate Part and clause numbering—	13
Part	Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020	14
		15
		16
	Definitions	17
	In this Part—	18
	<i>amendment Act</i> means the <i>Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020</i> .	19
		20
	<i>relevant period</i> means the period—	21
(a)	starting on 18 July 2019, and	22
(b)	ending immediately before the commencement of the amendment Act.	23
	Waiver, reduction, postponement or refund of fees before commencement	24
(1)	This clause applies if, during the relevant period, the Secretary waived, reduced, postponed or refunded, in whole or part, a fee payable or paid by a person under this Act or the regulations on the ground the Secretary was satisfied it was appropriate because—	25
		26
		27
		28
(a)	the person was suffering financial hardship, or	29
(b)	special circumstances existed.	30
(2)	The waiver, reduction, postponement or refund is taken to have been as valid as if it had happened after the commencement of the amendment Act.	31
		32
	Power to waive, reduce, postpone or refund fees applies to events before commencement	33
		34
	To remove any doubt, the power of the Secretary to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—	35
		36
		37
(a)	a person who was suffering financial hardship—	38
(i)	during the relevant period, or	39
(ii)	because of events that happened during the relevant period, or	40
(b)	special circumstances—	41

(i)	that existed during the relevant period, or	1
(ii)	that exist because of events that happened during the relevant period.	2
		3
1.26	Property and Stock Agents Regulation 2014	4
	Clause 56	5
	Insert after clause 55—	6
56	Secretary’s power to waive, reduce, postpone or refund fees	7
	The Secretary may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the Secretary is satisfied it is appropriate because—	8
		9
		10
(a)	the person who is to pay or has paid the fee is suffering financial hardship, or	11
		12
(b)	special circumstances exist.	13
	Example of ‘special circumstances’ — circumstances involving a natural disaster or recovery from a natural disaster	14
		15
1.27	Tattoo Parlours Act 2012 No 32	16
[1]	Section 41 Regulations	17
	Omit section 41(2)(e). Insert instead—	18
(e)	licence and permit fees,	19
(e1)	the waiver, reduction, postponement or refund by the Secretary of fees payable or paid under this Act or the regulations,	20
		21
[2]	Schedule 1 Savings, transitional and other provisions	22
	Insert after Part 4—	23
Part 5	Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020	24
		25
		26
7	Definitions	27
	In this Part—	28
	<i>amendment Act</i> means the <i>Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020</i> .	29
		30
	<i>relevant period</i> means the period—	31
(a)	starting on 18 July 2019, and	32
(b)	ending immediately before the commencement of the amendment Act.	33
8	Waiver, reduction, postponement or refund of fees before commencement	34
(1)	This clause applies if, during the relevant period, the Secretary waived, reduced, postponed or refunded, in whole or part, a fee payable or paid by a person under this Act or the regulations on the ground the Secretary was satisfied it was appropriate because—	35
		36
		37
		38
(a)	the person was suffering financial hardship, or	39
(b)	special circumstances existed.	40

(2)	The waiver, reduction, postponement or refund is taken to have been as valid as if it had happened after the commencement of the amendment Act.	1 2
9	Power to waive, reduce, postpone or refund fees applies to events before commencement	3 4
	To remove any doubt, the power of the Secretary to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—	5 6 7
(a)	a person who was suffering financial hardship—	8
(i)	during the relevant period, or	9
(ii)	because of events that happened during the relevant period, or	10
(b)	special circumstances—	11
(i)	that existed during the relevant period, or	12
(ii)	that exist because of events that happened during the relevant period.	13 14
1.28	Tattoo Parlours Regulation 2013	15
	Clause 26A	16
	Insert after clause 26—	17
26A	Secretary's power to waive, reduce, postpone or refund fees	18
	The Secretary may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the Secretary is satisfied it is appropriate because—	19 20 21
(a)	the person who is to pay or has paid the fee is suffering financial hardship, or	22 23
(b)	special circumstances exist.	24
	Example of 'special circumstances' — circumstances involving a natural disaster or recovery from a natural disaster	25 26
1.29	Tow Truck Industry Act 1998 No 111	27
[1]	Section 105 Regulations	28
	Omit section 105(2)(q). Insert instead—	29
(q)	the waiver, reduction, postponement or refund by the Secretary of fees payable or paid under this Act or the regulations.	30 31
[2]	Schedule 2 Savings and transitional provisions	32
	Insert after Part 7—	33
Part 8	Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020	34 35 36
23	Definitions	37
	In this Part—	38
	<i>amendment Act</i> means the <i>Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020</i> .	39 40

<i>relevant period</i> means the period—	1
(a) starting on 18 July 2019, and	2
(b) ending immediately before the commencement of the amendment Act.	3
24 Waiver, reduction, postponement or refund of fees before commencement	4
(1) This clause applies if, during the relevant period, the Secretary waived, reduced, postponed or refunded, in whole or part, a fee payable or paid by a person under this Act or the regulations on the ground the Secretary was satisfied it was appropriate because—	5
(a) the person was suffering financial hardship, or	9
(b) special circumstances existed.	10
(2) The waiver, reduction, postponement or refund is taken to have been as valid as if it had happened after the commencement of the amendment Act.	11
	12
25 Power to waive, reduce, postpone or refund fees applies to events before commencement	13
	14
To remove any doubt, the power of the Secretary to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—	15
(a) a person who was suffering financial hardship—	18
(i) during the relevant period, or	19
(ii) because of events that happened during the relevant period, or	20
(b) special circumstances—	21
(i) that existed during the relevant period, or	22
(ii) that exist because of events that happened during the relevant period.	23
	24
1.30 Tow Truck Industry Regulation 2008	25
Clause 55A	26
Insert after clause 55—	27
55A Secretary’s power to waive, reduce, postpone or refund fees	28
The Secretary may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the Secretary is satisfied it is appropriate because—	29
(a) the person who is to pay or has paid the fee is suffering financial hardship, or	32
(b) special circumstances exist.	33
Example of ‘special circumstances’ — circumstances involving a natural disaster or recovery from a natural disaster	34
	35
	36
1.31 Work Health and Safety Act 2011 No 10	37
[1] Section 276 Regulation-making powers	38
Omit “and prescribe the circumstances and way in which fees can be refunded, waived or reduced” from section 276(3)(g).	39
	40

[2] Section 276(3)(g1)	1
Insert after section 276(3)(g)—	2
(g1) the waiver, reduction, postponement or refund by the regulator of fees payable or paid under this Act or the regulations, or	3 4
[3] Schedule 4 Savings, transitional and other provisions	5
Insert after Part 6—	6
Part 7 Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020	7 8 9
28 Definitions	10
In this Part—	11
<i>amendment Act</i> means the <i>Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020</i> .	12 13
<i>relevant period</i> means the period—	14
(a) starting on 18 July 2019, and	15
(b) ending immediately before the commencement of the amendment Act.	16
29 Waiver, reduction, postponement or refund of fees before commencement	17
(1) This clause applies if, during the relevant period, the regulator waived, reduced, postponed or refunded, in whole or part, a fee payable or paid by a person under this Act or the regulations on the ground the regulator was satisfied it was appropriate because—	18 19 20 21
(a) the person was suffering financial hardship, or	22
(b) special circumstances existed.	23
(2) The waiver, reduction, postponement or refund is taken to have been as valid as if it had happened after the commencement of the amendment Act.	24 25
30 Power to waive, reduce, postpone or refund fees applies to events before commencement	26 27
To remove any doubt, the power of the regulator to waive, reduce, postpone or refund, in whole or part, a fee payable or paid under this Act or the regulations applies in relation to—	28 29 30
(a) a person who was suffering financial hardship—	31
(i) during the relevant period, or	32
(ii) because of events that happened during the relevant period, or	33
(b) special circumstances—	34
(i) that existed during the relevant period, or	35
(ii) that exist because of events that happened during the relevant period.	36 37
1.32 Work Health and Safety Regulation 2017	38
Clause 701A	39
Insert after clause 701—	40

701A Regulator’s power to waive, reduce, postpone or refund fees

1

The regulator may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the regulator is satisfied it is appropriate because—

2

3

4

(a) the person who is to pay or has paid the fee is suffering financial hardship, or

5

6

(b) special circumstances exist.

7

Example of ‘special circumstances’— circumstances involving a natural disaster or recovery from a natural disaster

8

9

Schedule 2	Amendment of Service NSW (One-stop Access to Government Services) Act 2013 No 39	1
		2
[1] Section 4		3
	Omit the section. Insert instead—	4
	4 Functions of CEO	5
	The CEO has the following functions—	6
	(a) the customer service functions delegated to, or otherwise conferred on, the CEO by or under this Act or another Act,	7
	(b) any functions conferred or imposed on the CEO by or under this Act or another Act,	8
	(c) any other functions relating to the delivery of Government services to the people of New South Wales, as directed by the Minister.	9
		10
		11
		12
[2] Section 5 Customer service functions		13
	Omit section 5(g). Insert instead—	14
	(g) any function prescribed by the regulations for the purposes of this section,	15
	(h) any function that is ancillary to a function referred to in paragraphs (a) to (g).	16
		17
		18
[3] Section 5A		19
	Insert after section 5—	20
	5A Fees and payments relating to special circumstances	21
	(1) This section applies if—	22
	(a) a special circumstances declaration is published, and	23
	(b) as a result of the declaration—	24
	(i) a Government agency, or the head of the agency, on whose behalf the CEO carries out customer service functions gives the CEO written notice that fees to be received, or received, by the CEO on behalf of the agency are to be waived, reduced, postponed or refunded, in whole or part, or	25
	(ii) the Minister directs, by written notice given to the CEO, that a relevant payment is to be made to a Government agency on behalf of a person or a class of persons.	26
		27
		28
		29
	(2) The CEO and members of the staff of Service NSW are, in accordance with the written notice—	30
	(a) to waive, reduce, postpone or refund the fees, in whole or part, or	31
	(b) make the payment.	32
		33
		34
	(3) In this section—	35
	<i>relevant payment</i> means a payment that is required by or under an Act to be made to a Government agency.	36
	<i>special circumstances declaration</i> means—	37
	(a) a Natural Disaster Declaration for the purposes of the Natural Disaster Relief and Recovery Arrangements jointly administered by the Commonwealth and the States and Territories, or	38
		39
		40
		41
		42
		43

(b)	a declaration under section 33 of the <i>State Emergency and Rescue Management Act 1989</i> that a state of emergency exists in the whole or part of New South Wales, or	1 2 3
(c)	another declaration prescribed by the regulations.	4
[4]	Section 6 Updating customer information with other agencies	5
	Omit “customer service functions to that person for a Government agency” from section 6(1).	6 7
	Insert instead “a relevant function to that person”.	8
[5]	Section 6(5)	9
	Insert after section 6(4)—	10
(5)	In this section—	11
	<i>relevant function</i> means—	12
(a)	a customer service function on behalf of a Government agency, or	13
(b)	another function relating to the delivery of Government services under section 4(c).	14 15
[6]	Section 7 Delegation of customer service functions to CEO under other Acts or instruments	16 17
	Insert after section 7(1)—	18
(1A)	To remove any doubt, subsection (1) applies to the delegation by a Minister of any of the Minister’s delegable functions under section 9.7(1)(b) or (d) of the <i>Government Sector Finance Act 2018</i> that are customer service functions.	19 20 21
[7]	Section 11 Internal records	22
	Omit “customer service functions”. Insert instead “relevant functions”.	23
[8]	Section 11(2)	24
	Insert at the end of section 11—	25
(2)	In this section—	26
	<i>relevant functions</i> means—	27
(a)	customer service functions, or	28
(b)	functions relating to the delivery of Government services under section 4(c).	29 30
[9]	Section 12 Agreements authorising agents to act for Service NSW	31
	Omit “customer service functions” from section 12(1).	32
	Insert instead “relevant functions”.	33
[10]	Section 12(2)	34
	Omit the subsection. Insert instead—	35
(2)	In this section—	36
	<i>approved person</i> means—	37
(a)	a person, or a person who is a member of a class of persons, prescribed by the regulations for the purposes of this section, or	38 39

(b)	a council, a county council or a joint organisation within the meaning of the <i>Local Government Act 1993</i> .	1
		2
	<i>relevant functions</i> means—	3
(a)	customer service functions, or	4
(b)	functions relating to the delivery of Government services under section 4(c).	5
		6
[11]	Schedule 1 Savings, transitional and other provisions	7
	Insert after Part 1—	8
	Part 2 Provisions consequent on enactment of Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020	9
		10
		11
	2 Definitions	12
	In this Part—	13
	<i>amendment Act</i> means the <i>Better Regulation and Customer Service Legislation Amendment (Bushfire Relief) Act 2020</i> .	14
		15
	<i>relevant period</i> means the period—	16
(a)	starting on 18 July 2019, and	17
(b)	ending immediately before the commencement of the amendment Act.	18
	3 Functions of the CEO	19
(1)	This clause applies if, during the relevant period, the CEO or a member of the staff of Service NSW exercised a function referred to in section 4(c) as inserted by the amendment Act.	20
		21
		22
(2)	The exercise of the function is taken to be as valid as if it had been exercised after the commencement of the amendment Act.	23
		24
	4 Waiver, reduction, postponement or refund of fees before commencement	25
(1)	This clause applies if, during the relevant period, the CEO or a member of the staff of Service NSW took relevant action because—	26
		27
(a)	a declaration, that would be a special circumstances declaration within the meaning of section 5A if it were made after the commencement of the amendment Act, had been published, and	28
		29
		30
(b)	as a result of the event that resulted in the declaration being made—	31
(i)	the person was suffering financial hardship, or	32
(ii)	special circumstances existed.	33
(2)	The relevant action is taken to have been as valid as if it had happened after the commencement of the amendment Act.	34
		35
(3)	In this clause—	36
	<i>relevant action</i> , in relation to Service NSW, means—	37
(a)	Service NSW waived, reduced, postponed or refunded, in whole or part, a fee payable or paid by a person under an Act or regulations, or	38
		39
(b)	Service NSW made a payment.	40

5	Power to waive, reduce, postpone or refund fees and to make payments applies to events before commencement	1
		2
	To remove any doubt, the power under section 5A to waive, reduce, postpone or refund a fee or to make a payment applies in relation to—	3
		4
	(a) a person who was suffering financial hardship—	5
	(i) during the relevant period, or	6
	(ii) because of events that happened during the relevant period, or	7
	(b) special circumstances—	8
	(i) that existed during the relevant period, or	9
	(ii) that exist because of events that happened during the relevant period.	10
		11