

Passed by both Houses



New South Wales

# Statute Law (Miscellaneous Provisions) Bill 2020

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*I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney,*

*, 2020*



New South Wales

## **Statute Law (Miscellaneous Provisions) Bill 2020**

Act No \_\_\_\_\_, 2020

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

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*I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.*

*Assistant Speaker of the Legislative Assembly.*

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

**1 Name of Act**

This Act is the *Statute Law (Miscellaneous Provisions) Act 2020*.

**2 Commencement**

- (1) This Act commences on the date of assent, except as provided by this section.
- (2) The amendments made by Schedules 1 and 2 to this Act commence on the day or days specified in the relevant Schedule in relation to the amendment concerned.
- (3) However, if a commencement day is not specified in Schedule 1 or 2 in relation to an amendment in the Schedule concerned, the amendment commences on 11 December 2020.
- (4) The amendments made by Schedule 4 commence on 22 January 2021.

**3 Explanatory notes**

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

## Schedule 1 Minor amendments

### 1.1 Animal Research Act 1985 No 123

#### Section 61

Omit the section. Insert instead—

#### 61 Service of notices

A notice that the Secretary is required or permitted by or under this Act to cause to be served on a person may be served in the following ways—

- (a) personally,
- (b) by means of a letter addressed to the person at the person's address last known to the Secretary,
- (c) by email to an email address specified by the person for the service of notices of that kind.

#### Explanatory note

The proposed amendment enables the service of notices on persons to be effected by email.

### 1.2 Annual Holidays Act 1944 No 31

#### Section 14A Annual holidays for local council workers

Omit section 14A(1)(a). Insert instead—

- (a) applies to a worker who is an employee of any of the following under the *Local Government Act 1993*—
  - (i) a council,
  - (ii) a county council,
  - (iii) a joint organisation, and

#### Explanatory note

The proposed amendment extends section 14A of the *Annual Holidays Act 1944* (which allows a local council and an employee of the local council to agree to the employee receiving a payment in lieu of annual holidays, or taking annual holidays at double or half pay) to county councils and joint organisations and their employees. Treating employee leave entitlements consistently across these entities recognises that county councils and joint organisations are created to allow councils to work together to deliver services and that employees often transfer between these entities.

### 1.3 Anzac Memorial (Building) Act 1923 No 27

#### Section 3C Australian Defence Force representative

Insert after section 3C(3)—

- (3A) If, during the Australian Defence Force representative's term of office as a trustee, the person appointed as the representative ceases to hold a position mentioned in subsection (2) but continues to hold a position in the Australian Defence Force of the same or equivalent, or higher, rank—
  - (a) the person's appointment as Australian Defence Force representative and as a trustee continues in effect, but
  - (b) the person is not eligible for re-appointment unless the person returns to a position mentioned in subsection (2).

#### Explanatory note

The proposed amendment makes it clear that the appointment of a person as the Australian Defence Force representative and as a trustee for the purposes of the *Anzac Memorial (Building) Act 1923* is

not affected by a change in the position held by the person during the person's term of office as a trustee.

## 1.4 Associations Incorporation Act 2009 No 7

### Sections 11(6)(b), 61A(3)(b), 74(4)(b), 76(5)(b) and 80(4)(b)

Insert “, or related to,” after “used by” wherever occurring.

#### Explanatory note

The proposed amendment enables the Secretary to send notice of the following to an address or email address related to an association if the Secretary suspects that the association's official address is no longer in use—

- (a) a proposed certificate to wind up the association,
- (b) a proposed cancellation of the association's registration,
- (c) the cancellation of the association's registration as a consequence of the transfer of its incorporation to a corresponding law.

It may be necessary to send notice to a related address or email address if the association is not in operation and does not have an address or email address in use.

## 1.5 Better Regulation Legislation Amendment Act 2019 No 23

### Schedule 1 Amendments

Omit paragraph (a) of the definition of *competent person* in Schedule 1.10[9].

Insert instead—

- (a) a registered health practitioner within the meaning of the *Health Practitioner Regulation National Law (NSW)*, but only if the health practitioner is registered under Division 1 or 2 of Part 7 of that Law,

#### Explanatory note

The proposed amendment will provide that a person is a competent person for the purposes making a declaration relating to a domestic violence termination notice under Division 3A of Part 5 of the *Residential Tenancies Act 2010* if the person is a registered health practitioner, within the meaning of the *Health Practitioner Regulation National Law (NSW)*, but only if the health practitioner is registered under Division 1 or 2 of Part 7 of that Law.

## 1.6 Building and Construction Industry Security of Payment Act 1999 No 46

### [1] Section 11 Due date for payment

Insert “(other than an exempt residential construction contract)” after “construction contract” in section 11(1A).

### [2] Section 35 Regulations

Insert at the end of section 35(4)(b)—

, and

- (c) apply, adopt or incorporate any publication as in force at a particular time or as in force from time to time.

#### Commencement

Item [1] of the proposed amendments to the *Building and Construction Industry Security of Payment Act 1999* commences on 1 March 2021.

#### Explanatory note

Item [1] of the proposed amendments makes it clear that the requirement for a progress payment under a construction contract, which is required to be paid by a principal to a head contractor no later than 15 business days after a payment claim is made, does not apply to an exempt residential construction contract.

Item [2] enables the regulations to apply, adopt or incorporate any publication as in force at a particular time or as in force from time to time. This allows for updates to the Continuing Professional Development Guidelines for Adjudicators (CPD Guidelines) and ensures that continuing professional development requirements, as informed by the CPD Guidelines, remain relevant for adjudicators.

## 1.7 Centennial Park and Moore Park Trust Act 1983 No 145

### [1] Whole Act (except where otherwise amended by this Subschedule)

Omit “Director” and “Director’s” wherever occurring.

Insert instead “Chief Executive” and “Chief Executive’s”, respectively.

### [2] Section 4 Definitions

Omit the definition of *Director* from section 4(1). Insert instead—

*Chief Executive* means the person employed in the Public Service who is assigned to the role of Chief Executive of the Centennial Park and Moore Park Trust.

### [3] Schedule 2 Transitional and other provisions

Insert at the end of the Schedule, with appropriate Part and clause numbering—

## Part Provisions consequent on enactment of Statute Law (Miscellaneous Provisions) Act 2020

### References to Director to be construed as Chief Executive

- (1) In any document, a reference to the Director of Centennial Park and Moore Park is to be construed as a reference to the Chief Executive of the Centennial Park and Moore Park Trust.
- (2) In this clause—  
*document* means any Act or statutory or other instrument, or any contract or agreement (other than this Act).

### Explanatory note

Items [1] and [2] of the proposed amendments replace the definition of, and references to, the “Director” with a definition of, and references to, the “Chief Executive”, which reflects the new title of that position with the Centennial Park and Moore Park Trust.

Item [3] makes a consequential amendment.

## 1.8 Centennial Park and Moore Park Trust Regulation 2014

### [1] Whole Regulation

Omit “Director” and “Director’s” wherever occurring.

Insert instead “Chief Executive” and “Chief Executive’s”, respectively.

### Explanatory note

Item [1] of the proposed amendments replaces references to “Director” with “Chief Executive”, which reflects the new title of that position with the Centennial Park and Moore Park Trust.

## 1.9 Children’s Guardian Act 2019 No 25

### [1] Section 18 Meaning of “reportable allegation”

Insert after section 18(2)—

- (2A) *Reportable allegation*, in relation to an employee of a religious body, means an allegation that the employee has engaged in conduct that may be reportable

conduct, whether or not the conduct is alleged to have occurred in the course of the employee's engagement with the religious body.

**[2] Section 19 Meaning of "reportable conviction"**

Insert at the end of section 19(1)(b)(ii)—

, or

- (c) in relation to an employee of a religious body—whether or not the conduct occurred in the course of the employee's engagement with the religious body.

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

Omit "1 March 2021" from clause 2(3). Insert instead "1 September 2021".

**Explanatory note**

Items [1] and [2] of the proposed amendments transfer the definitions of reportable allegation and reportable conviction in relation to employees of religious bodies for the purposes of the reportable conduct scheme from the *Children's Guardian (Transitional) Regulation 2020* to the *Children's Guardian Act 2019*. The transitional provision is omitted by Schedule 1.10 to this Act.

Item [3] extends a transitional arrangement that provides for certain provisions of regulations made under the *Adoption Act 2000*, the *Children and Young Persons (Care and Protection) Act 1998*, the *Community Services (Complaints, Reviews and Monitoring) Act 1993* and the *Ombudsman Act 1974* to continue in force despite the commencement of the *Children's Guardian Act 2019* or a regulation under that Act. The provisions of the regulations are to be read as regulations made under the *Children's Guardian Act 2019*, with the necessary modifications.

## **1.10 Children's Guardian (Transitional) Regulation 2020**

### **Clause 8 Definitions relating to religious bodies**

Omit the clause.

**Explanatory note**

The proposed amendment omits a transitional provision that extends the definitions of "reportable allegation" and "reportable conviction" to employees of religious bodies for the purposes of the reportable conduct scheme. The definitions are transferred to the *Children's Guardian Act 2019* by Schedule 1.9 to this Act.

## **1.11 Contaminated Land Management Act 1997 No 140**

**[1] Section 92A Penalty notices**

Omit "serve a penalty notice on" from section 92A(1).

Insert instead "issue a penalty notice to".

**[2] Section 92A(2) and (3)**

Omit section 92A(2)–(5). Insert instead—

- (2) The *Fines Act 1996* applies to a penalty notice issued under this section.

**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.

- (3) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations, not exceeding the maximum amount of penalty that could be imposed for the offence by a court.

**[3] Section 92A(5A)**

Omit “Despite subsection (4), an”. Insert instead “An”.

**[4] Section 92A(5A) and (5B)**

Omit “served” wherever occurring. Insert instead “issued”.

**[5] Section 92A(5B)(c)**

Omit “on whom”. Insert instead “to whom”.

**[6] Section 92A(6), (7) and (9)**

Omit the subsections.

**Explanatory note**

Item [2] of the proposed amendments updates a penalty notice provision to make it consistent with similar, standard provisions in other Acts. The provision applies the *Fines Act 1996*, as amended by the *Fines Amendment (Electronic Penalty Notices) Act 2016*, to penalty notices issued under the *Contaminated Land Management Act 1997*.

Items [1], [4] and [5] update terminology. Item [6] removes provisions that are no longer necessary because of the application of the *Fines Act 1996* to penalty notices issued under the *Contaminated Land Management Act 1997*. Item [3] makes a consequential amendment.

## **1.12 Co-operatives (Adoption of National Law) Act 2012 No 29**

### **Section 25**

Insert after section 24—

#### **25 Investigators under Fair Trading Act 1987 taken to be inspectors**

A person appointed as an investigator under section 18 of the *Fair Trading Act 1987* is taken to have been appointed as an inspector under section 492 of the *Co-operatives National Law (NSW)*.

**Explanatory note**

The proposed amendment provides that an investigator appointed under section 18 of the *Fair Trading Act 1987* is taken to have been appointed as an inspector for the purposes of the *Co-operatives National Law (NSW)*.

## **1.13 Education Act 1990 No 8**

**[1] Section 83B Financial and other assistance in respect of non-government school children**

Omit section 83B(6). Insert instead—

- (6) Any financial assistance in respect of non-government school children may be paid—
  - (a) directly to the school that the children attend, or
  - (b) to any of the following for the benefit of that school—
    - (i) a system of non-government schools,
    - (ii) an approved system authority within the meaning of the *Australian Education Act 2013* of the Commonwealth,
    - (iii) a person or body approved by the Minister for the purposes of this section.

**[2] Section 83J Recovery of amounts from schools**

Omit “and any system of non-government schools” from section 83J(4).



Insert instead “and any system, authority, person or body referred to in section 83B(6)(b)”.

**Explanatory note**

Item [1] of the proposed amendments provides that financial assistance for non-government school children may be paid to an approved system authority, within the meaning of the *Australian Education Act 2013* of the Commonwealth, or to a person or body approved by the Minister for Education and Early Childhood Learning for the purposes of the provision, as alternatives to paying the assistance directly to the school or to a system of non-government schools, as is currently the case.

Item [2] is a consequential amendment to allow the Minister to recover financial assistance paid to or for the benefit of a non-compliant school from an approved system authority, person or body.

## 1.14 Electoral Funding Act 2018 No 20

### Schedule 2 Savings, transitional and other provisions

Insert at the end of the Schedule—

## Part 4 Provision consequent on postponement of September 2020 local government elections

### 20 COVID-19 postponed local government elections

To avoid doubt, for the purposes of sections 28 and 31A of this Act, the local government elections to be held on 4 September 2021 are taken to be ordinary elections of councillors under section 287(1) of the *Local Government Act 1993*.

**Explanatory note**

The proposed amendment to the *Electoral Funding Act 2018* makes it clear that the September 2021 local government elections, being the elections postponed from September 2020 under Part 6A of Chapter 10 of the *Local Government Act 1993*, are ordinary elections of councillors subject to the provisions of the *Electoral Funding Act 2018* relating to caps on electoral expenditure for local government election campaigns.

## 1.15 Exhibited Animals Protection Act 1986 No 123

### [1] Section 5 Definitions

Omit the definition of *licensing standard* from section 5(1).

### [2] Section 24 Certain animals may be displayed only with permit

Omit “that animal”. Insert instead “animals of that species”.

### [3] Section 25 Issue of permits

Omit “an animal” and “the animal” from section 25(1).

Insert instead “animals” and “animals of that species”, respectively.

### [4] Section 25(3)

Omit “the animal or animals specified or described in the permit”.

Insert instead “an animal or animals of the species specified in the permit”.

### [5] Schedule 3, heading

Omit the heading. Insert instead—

## Schedule 3 Standards

### Explanatory note

Item [1] of the proposed amendments makes it clear that standards may be prescribed in respect of animal display establishments of any class and not only those animal display establishments of a class that is required to be licensed.

Items [2]–[4] clarify that a permit for the exhibition of animals authorises a person to exhibit 1 or more animals of a particular species.

Item [5] reflects that standards may also be prescribed in respect of matters other than licensing.

### 1.16 Fair Trading Act 1987 No 68

#### Section 19 Powers of entry

Insert “the investigator believes, on reasonable grounds,” before “do not comply with a safety standard” in section 19(3)(c1)(i).

#### Explanatory note

The proposed amendment makes it clear that an investigator may seize, detain or remove consumer goods if the investigator believes, on reasonable grounds, that the goods do not comply with a safety standard.

### 1.17 Fisheries Management Act 1994 No 38

#### [1] Section 40 Regulations relating to general management of fisheries

Insert after section 40(2)(k)—

- (k1) the gathering or collection of marine vegetation, including the prohibition of the gathering or collection of marine vegetation for commercial purposes except under the authority of a permit,

#### [2] Section 191 Regulations

Omit section 191(c).

#### [3] Section 204B Marine vegetation protected from any commercial harvesting

Omit “191” from the note to the section. Insert instead “40(2)(k1)”.

#### [4] Section 205 Marine vegetation—regulation of harm

Insert after section 205(2)—

- (3) In this section—

**mangrove** includes any of the following species of vegetation—

- (a) *Acrostichum speciosum* (Mangrove Fern),
- (b) *Aegiceras corniculatum* (River Mangrove),
- (c) *Avicennia marina* (Grey Mangrove),
- (d) *Bruguiera gymnorhiza* (Large Leaf Mangrove),
- (e) *Excoecaria agallocha* (Milky Mangrove),
- (f) *Rhizophora stylosa* (Stilted Mangrove).

**seagrass** includes any of the following species of vegetation—

- (a) *Halodule uninervis* (Halodule),
- (b) *Halodule tridentate* (Halodule),
- (c) *Ruppia maritime* (Ruppia),
- (d) *Ruppia megacarpa* (Ruppia),
- (e) *Ruppia polycarpa* (Ruppia),

- (f) *Halophila ovalis* (Paddle Weed),
- (g) *Halophila decipiens* (Paddle Weed),
- (h) *Halophila spinulosa* (Paddle Weed),
- (i) *Hetrozostera nigricaulis* (Eel Grass),
- (j) *Posidonia australis* (Strap Weed),
- (k) *Zostera capricorni* (Eel Grass),
- (l) *Zostera muelleri subsp. capricorni* (Eel Grass),
- (m) *Zostera muelleri subsp. muelleri* (Eel Grass).

**Explanatory note**

Items [1] and [2] relocate the regulation-making power relating to the gathering or collection of marine vegetation, which is not an aquaculture related activity, from the part of the *Fisheries Management Act 1994* relating to aquaculture management to the part relating to general fisheries management. Item [3] makes a consequential amendment.

Item [4] defines particular species of mangroves and seagrasses that a person must not harm in a protected area without a permit.

## **1.18 Fisheries Management (Aquaculture) Regulation 2017**

**[1] Clause 63 Permit required to gather marine vegetation for commercial purposes**

Omit the clause.

**[2] Schedule 3 Fees, charges and contributions**

Omit item 26.

**Explanatory note**

The proposed amendments are consequent on a proposed amendment to the *Fisheries Management Act 1994* in Schedule 1.17 to this Act that relocates the regulation-making power relating to the gathering or collection of marine vegetation within that Act.

## **1.19 Fisheries Management (General) Regulation 2019**

**[1] Clause 98A**

Insert after clause 98—

**98A Permit required to gather marine vegetation for commercial purposes**

- (1) A person must not gather marine vegetation for a commercial purpose from any area of public water land except under the authority of a permit issued by the Minister under this clause.  
Maximum penalty—50 penalty units.
- (2) A permit applies to the gathering of marine vegetation only in the area specified in the permit.
- (3) A permit is not required for the gathering of marine vegetation in accordance with an aquaculture permit or a permit under Part 7 of the Act.
- (4) A permit may apply to marine vegetation generally or to a particular class of marine vegetation specified in the permit.
- (5) An application for a permit, or the renewal of a permit, is to be made in writing to the Minister in the form approved by the Minister and must be accompanied by the fee specified in Schedule 6.
- (6) If a person duly makes an application for a permit, the Minister may issue, or may refuse to issue, a permit.

- (7) A permit remains in force, unless sooner cancelled or suspended by the Minister, until the expiration of the period specified in the permit.
- (8) A permit is subject to the following conditions and any further conditions attached to the permit by the Minister—
  - (a) marine vegetation must not be gathered from any area if commercial fishing is taking place in the area unless, at the time the commercial fishing commenced in that area, marine vegetation was being gathered from the area in accordance with the permit,
  - (b) marine vegetation must not be gathered from any land that is held under any title granted by the Crown,
  - (c) marine vegetation must not be gathered from any marked navigation channel,
  - (d) marine vegetation must not be gathered from any area in which a public work is being carried out.
- (9) The Minister may, from time to time, by notice given to the permit holder, vary the further conditions of a permit.
- (10) Any permit issued under clause 63 of the *Fisheries Management (Aquaculture) Regulation 2017* and in force immediately before the commencement of this clause is taken to have been issued under this clause.
- (11) In this clause, **gather** includes collect.

**[2] Schedule 6 Fees**

Insert after item 7—

7A	Application for permit or renewal of permit to gather marine vegetation for commercial purposes (clause 98A(5))	\$189
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**Explanatory note**

The proposed amendments are consequent on proposed amendments to the *Fisheries Management Act 1994* in Schedule 1.17 to this Act that relocate the regulation-making power relating to the gathering or collection of marine vegetation within that Act. The provisions inserted by the amendments are currently located in the *Fisheries Management (Aquaculture) Regulation 2017*.

## 1.20 Government Sector Employment Act 2013 No 40

### Schedule 1 Public Service agencies

Omit “Western City and Aerotropolis Authority” wherever occurring in Part 2.

Insert instead “Western Parkland City Authority”.

**Explanatory note**

The proposed amendment is consequential on proposed amendments to the *Western City and Aerotropolis Authority Act 2018* in Schedule 1.49 to this Act.

## 1.21 Growth Centres (Development Corporations) Act 1974 No 49

### Section 3A Special provisions relating to Infrastructure NSW

Omit section 3A(2). Insert instead—

- (2) The growth centre in respect of which Infrastructure NSW is taken to be constituted for the purposes of the relevant provisions is the following land—

- (a) the land identified as a potential urban renewal precinct on the State Environmental Planning Policy (Urban Renewal) 2010 Granville Potential Precinct Map under *State Environmental Planning Policy (Urban Renewal) 2010* as in force immediately before 1 July 2019,
- (b) the land identified by yellow shading on the map entitled “Cooks Cove growth centre”, dated 1 September 2020 and published on Infrastructure NSW’s website,
- (c) the land outlined in red on the map entitled “The Bays Growth Centre”, dated 1 September 2020 and published on Infrastructure NSW’s website.

**Note.** The UrbanGrowth NSW Development Corporation was the development corporation for the land specified by this subsection immediately before its dissolution by the *State Revenue and Other Legislation Amendment Act 2019* on 1 July 2019.

**Explanatory note**

The proposed amendment updates references to the lands for which Infrastructure NSW is able to exercise functions as a development corporation. Infrastructure NSW is taken to be a development corporation for growth centres that were previously administered by the UrbanGrowth NSW Development Corporation before its dissolution.

## 1.22 Health Administration Act 1982 No 135

**[1] Section 21 Delegation**

Omit section 21(12)(a).

**[2] Section 23 Specially privileged information**

Omit “(1) or” from section 23(1).

**Explanatory note**

Item [1] of the proposed amendments will enable the Minister for Health and Medical Research to delegate the power to give an approval for the disclosure of information obtained in connection with the conduct of research or investigations into morbidity or mortality occurring within New South Wales. Item [2] omits a reference to a repealed provision.

## 1.23 Hemp Industry Act 2008 No 58

**[1] Section 42 Service of documents**

Omit section 42(1)(a)(iii). Insert instead—

- (iii) sending it by email to an email address specified by the person for the service of documents of that kind, or

**[2] Section 42(1)(b)(ii)**

Omit the subparagraph. Insert instead—

- (ii) sending it by email to an email address specified by the body corporate for the service of documents of that kind.

**Explanatory note**

The proposed amendments enable the service of documents on persons, including bodies corporate, to be effected by email.

## 1.24 Heritage Act 1977 No 136

**[1] Section 62, heading**

Omit the heading. Insert instead—

**62 Process for determination of application**

**[2] Section 62(2)**

Insert at the end of the section—

- (2) The regulations may make further provision with respect to the process for determining an application.

**[3] Section 65 Effect of failure to make determination**

Insert after section 65(3)—

- (4) The regulations may prescribe periods of time that are not to be taken into account in calculating the expiration of the periods referred to in subsection (1) in circumstances where the approval body has requested the applicant to provide it with additional information relating to the application.

**Explanatory note**

Item [2] of the proposed amendments enables the regulations to expand on the process for determining applications including, for example, by allowing the approval body to ask the applicant for more information about the application to help it make a determination. Item [1] makes a consequential amendment.

Item [3] enables regulations to be made to provide that, if the approval body has asked an applicant to provide more information, the passage of the 40- or 60-day period in which a determination must be made may be suspended for a prescribed period.

## 1.25 Independent Commission Against Corruption Regulation 2017

### Appendix NSW Ministerial Code of Conduct

Insert after Part 3 in the Schedule to the NSW Ministerial Code of Conduct—

### Part 3A Commissions from property developers

**Note—** This Part also applies to Parliamentary Secretaries, and a reference to a Minister in this Part includes a reference to a Parliamentary Secretary.

#### 16A Commissions from property developers

- (1) A Minister must not accept or seek payment of a commission from a property developer, either directly or through a third party.
- (2) In this clause—  
*property developer* means a property developer within the meaning of Part 2, Division 7 of the *Electoral Funding Act 2018*.

## 1.26 Local Land Services Act 2013 No 51

**[1] Section 209 Service of documents**

Omit section 209(2)(a)(iii). Insert instead—

- (iii) sending it by email to an email address specified by the person for the service of documents of that kind, or

**[2] Section 209(2)(b)(ii)**

Omit the subparagraph. Insert instead—

- (ii) sending it by email to an email address specified by the body corporate for the service of documents of that kind.

**[3] Schedule 5A Allowable activities clearing of native vegetation**

Omit “Chief Environmental Regulator of the” from clause 17(3)(b).

**Explanatory note**

Items [1] and [2] enable the service of documents on persons (including bodies corporate) to be effected by email.

Item [3] removes a redundant reference to the Chief Environmental Regulator, which no longer exists.

## 1.27 Marine Estate Management Act 2014 No 72

### [1] Section 7 Establishment of Marine Estate Management Authority

Omit section 7(2)(c) and (d). Insert instead—

- (c) a Public Service senior executive principally involved in the administration of the *Biodiversity Conservation Act 2016* and who is designated by the Secretary of the Department of Planning, Industry and Environment, and
- (d) a Public Service senior executive principally involved in the administration of the *Environmental Planning and Assessment Act 1979* and who is designated by the Secretary of the Department of Planning, Industry and Environment, and

### [2] Section 7(4)

Insert after section 7(3)—

- (4) For the purposes of this clause—  
*Public Service senior executive* has the meaning given by the *Government Sector Employment Act 2013*, Part 4, Division 4.

**Explanatory note**

The proposed amendments enable the Secretary of the Department of Planning, Industry and Environment to designate appropriate senior executive public servants as members of the Marine Estate Management Authority.

## 1.28 Museum of Applied Arts and Sciences Act 1945 No 31

### Section 5 Vacation of office

Omit section 5(2).

**Explanatory note**

The proposed amendment removes the requirement for a trustee of the Museum of Applied Arts and Sciences to be under 70 years of age.

## 1.29 Ombudsman Act 1974 No 68

### [1] Section 8A, heading

Omit the heading. Insert instead—

#### **8A Deputy Ombudsman—functions**

### [2] Section 8A(1)(a)

Omit “9”.

### [3] Section 8A(2)

Omit the subsection.

### [4] Section 9 Special officers

Omit section 9.

**[5] Section 10 Delegation**

Omit “a special officer” from section 10(1).

Insert instead “an Assistant Ombudsman or an officer”.

**[6] Section 10(2)(b)**

Omit “9,”.

**[7] Section 10(2A)(a)**

Insert “, 28” after “26”.

**[8] Section 10(2A)(b)**

Omit “a special officer”. Insert instead “an officer”.

**[9] Section 15 Reasons for refusal to conciliate, investigate or continue to investigate**

Omit section 15(2). Insert instead—

(2) However, if the complaint was made orally, the Ombudsman may inform the complainant orally of the Ombudsman’s decision and the reasons for the decision unless the complainant asks to be informed of the Ombudsman’s reason in writing.

(2A) Subsection (2) does not prevent the Ombudsman from informing the complainant in writing of the Ombudsman’s decision and the reasons for the decision in relation to a complaint made orally if the Ombudsman is satisfied that it is appropriate to do so in the circumstances.

**[10] Section 32 Staff**

Omit section 32(4). Insert instead—

(4) While a police officer is an officer of the Ombudsman by reason of the services of the police officer being made use of under subsection (2), the police officer retains rank, seniority and remuneration as a police officer and may continue to act as a constable.

**[11] Section 37 Offences**

Omit section 37(2)(d).

**[12] Section 37(2)(f)**

Omit “or special officer”.

**Explanatory note**

Item [4] of the proposed amendments omits a provision that allows the Ombudsman to appoint an officer of the Ombudsman to be a special officer, to whom the Ombudsman can delegate functions. The provision is unnecessary as, in practice, the Ombudsman delegates functions to the Assistant Ombudsman, who is deemed a special officer under section 8A(2), and officers of the Ombudsman, any of whom can be appointed a special officer. The role of special officer inserts an unnecessary bureaucratic step in the process of creating delegations and has no other purpose under the *Ombudsman Act 1974*. Items [1]–[3], [5]–[8] and [10]–[12] make consequential amendments.

Item [9] of the proposed amendments enables the Ombudsman to orally inform a complainant about the Ombudsman’s decision in relation to a complaint if the complaint was made orally, unless the complainant asks the Ombudsman to inform the complaint in writing. The proposed amendment also makes it clear that the Ombudsman may inform the complainant about the decision in writing if the Ombudsman considers it appropriate in the circumstances.



### 1.30 Parramatta Park Trust Act 2001 No 17

**[1] Whole Act (except where otherwise amended by this Subschedule)**

Omit “Director” and “Director’s” wherever occurring.

Insert instead “Chief Executive” and “Chief Executive’s”, respectively.

**[2] Section 3 Definitions**

Omit the definition of *Director* from section 3(1). Insert instead—

*Chief Executive* means the person employed in the Public Service who is assigned to the role of Chief Executive of the Parramatta Park Trust.

**[3] Schedule 4 Savings and transitional provisions**

Insert at the end of the Schedule, with appropriate Part and clause numbering—

## **Part Provisions consequent on enactment of Statute Law (Miscellaneous Provisions) Act 2020**

### **References to Director to be construed as Chief Executive**

(1) In any document, a reference to the Director of Parramatta Park is to be construed as a reference to the Chief Executive of the Parramatta Park Trust.

(2) In this clause—

*document* means any Act or statutory or other instrument, or any contract or agreement (other than this Act).

### **Explanatory note**

Items [1] and [2] of the proposed amendments replace the definition of, and references to, the “Director” with a definition of, and references to, the “Chief Executive”. This amendment reflects the new title of that position with the Parramatta Park Trust.

Item [3] makes a consequential amendment.

### 1.31 Pesticides Act 1999 No 80

**[1] Sections 75, 77 and 78**

Omit the sections.

**[2] Section 76, heading**

Omit the heading. Insert instead—

#### **76 Penalty notices**

**[3] Section 76(1)**

Omit “serve a penalty notice on”. Insert instead “issue a penalty notice to”.

**[4] Section 76(2)–(5)**

Omit section 76(2) and (3). Insert instead—

(2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.

(3) The *Fines Act 1996* applies to a penalty notice issued under this section.

**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount

specified in the notice and is not liable to any further proceedings for the alleged offence.

- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations, not exceeding \$1,500 or the maximum amount of penalty that could be imposed for the offence by a court.
- (5) In addition to any manner of issuing a penalty notice provided for by the *Fines Act 1996*, a penalty notice may be issued under this section by leaving the notice on a vehicle or at premises in respect of which the offence was committed.

**[5] Section 79 Withdrawal of penalty notice**

Omit “served” wherever occurring. Insert instead “issued”.

**[6] Section 79(2)(c)**

Omit “on whom”. Insert instead “to whom”.

**[7] Section 80 Effect on other provisions**

Insert “any other provision of, or made under,” after “operation of”.

**Explanatory note**

Item [4] of the proposed amendments updates a penalty notice provision to make it consistent with similar, standard provisions in other Acts. The provision applies the *Fines Act 1996*, as amended by the *Fines Amendment (Electronic Penalty Notices) Act 2016*, to penalty notices issued under the *Pesticides Act 1999* and enables a penalty notice to be issued by leaving it on a vehicle or at premises (in addition to being issued personally or by post as provided for by the *Fines Act 1996*).

Items [2], [3] and [5]–[7] are consequential amendments that update terminology. Item [1] removes provisions that are no longer necessary because of the application of the *Fines Act 1996* to penalty notices issued under the *Pesticides Act 1999*.

## **1.32 Pesticides Regulation 2017**

**[1] Clause 59 Penalty notices**

Omit the clause.

**[2] Schedule 3 Penalty notice offences**

Omit “(Clause 59)”.

**[3] Schedule 3, clause 1**

Omit—

For the purposes of section 75 (1) of the Act:

- (a) each offence specified in this Schedule is an offence for which a penalty notice may be issued, and
- (b) the amount payable under any such penalty notice is the amount specified in this Schedule for the offence.

Insert instead—

**1 Application of Schedule**

- (1) For the purposes of section 76 of the Act—
  - (a) each offence created by a provision specified in this Schedule is an offence for which a penalty notice may be issued, and

- (b) the amount payable for the penalty notice is the amount specified opposite the provision.
- (2) If the provision is qualified by words that restrict its operation to limited kinds of offences or to offences committed in limited circumstances, the penalty notice may be issued only for—
  - (a) that limited kind of offence, or
  - (b) an offence committed in those limited circumstances.

**Explanatory note**

Item [3] of the proposed amendments updates the Schedule to the Regulation containing penalty notice offences in line with standard provisions relating to penalty notices. Item [1] omits a redundant clause. Item [2] makes a consequential amendment.

### **1.33 Prevention of Cruelty to Animals Act 1979 No 200**

**[1] Section 8 Animals to be provided with food, drink or shelter**

Omit “and the Department” from section 8(4).

**[2] Section 29C Court may make order regarding care of animals**

Omit “or the Department” from section 29C(3)(a).

**Explanatory note**

Item [1] of the proposed amendments removes the requirement for the prosecution to obtain advice from both Local Land Services and Regional NSW about the state of a stock animal and the appropriate care for it before commencing proceedings for an offence of failing to provide the animal with food, drink or shelter. Instead, the prosecution will only be required to obtain advice from Local Land Services.

Item [2] removes the requirement for an officer under the *Prevention of Cruelty to Animals Act 1979* to obtain advice about the appropriate care of livestock from Local Land Services or Regional NSW before applying for a court order for the immediate maintenance and care of the animal. Instead, the officer will only be required to obtain advice from Local Land Services.

### **1.34 Property and Stock Agents Act 2002 No 66**

**Section 211 Fraudulent conversion and false accounts of money received by licensee or registered person**

Omit “jury are” from section 211(5). Insert instead “trier of fact is”.

**Explanatory note**

The proposed amendment corrects a reference to the “jury” to recognise that proceedings for an offence under the section may be conducted before a single judge in the absence of a jury.

### **1.35 Protection of the Environment Operations Act 1997 No 156**

**[1] Sections 222, 223, 225 and 227**

Omit the sections.

**[2] Section 224, heading**

Omit the heading. Insert instead—

**224 Penalty notices**

**[3] Section 224(1)**

Omit “serve a penalty notice on”. Insert instead “issue a penalty notice to”.

**[4] Section 224(2)–(5)**

Omit section 224(2) and (3). Insert instead—

- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations, not exceeding the maximum amount of penalty that could be imposed for the offence by a court.
- (5) In addition to any manner of issuing a penalty notice provided for by the *Fines Act 1996*, a penalty notice may be issued under this section by leaving the notice on a vehicle or at premises in respect of which the offence was committed.

**[5] Section 228 Withdrawal of penalty notice**

Omit “served” wherever occurring. Insert instead “issued”.

**[6] Section 228(2)(c)**

Omit “on whom”. Insert instead “to whom”.

**[7] Section 229 Effect on other provisions**

Insert “any other provision of, or made under,” after “operation of”.

**[8] Dictionary**

Omit “section 223 (What is a penalty notice?)” from the definition of *penalty notice*.

Insert instead “section 224”.

**Explanatory note**

Item [4] of the proposed amendments updates a penalty notice provision to make it consistent with similar, standard provisions in other Acts. The provision applies the *Fines Act 1996*, as amended by the *Fines Amendment (Electronic Penalty Notices) Act 2016*, to penalty notices issued under the *Protection of the Environment Operations Act 1997* and enables a penalty notice to be issued by leaving it on a vehicle or at premises (in addition to being issued personally or by post as provided for by the *Fines Act 1996*).

Items [2], [3] and [5]–[7] are consequential amendments that update terminology. Item [1] removes provisions that are no longer necessary because of the application of the *Fines Act 1996* to penalty notices issued under the *Protection of the Environment Operations Act 1997*. Item [8] updates a cross-reference.

### **1.36 Protection of the Environment Operations (General) Regulation 2009**

**[1] Clause 80 Penalty notice offences**

Omit the clause.

**[2] Clause 82 Amounts of penalty payable**

Omit the clause.

**[3] Clause 83, heading**

Omit “Service of penalty notices on”. Insert instead “Issue of penalty notices to”.

**[4] Clause 83(2)**

Omit “served”. Insert instead “issued”.

**[5] Clause 83A, heading**

Omit “Service of penalty notices on”. Insert instead “Issue of penalty notices to”.

**[6] Clause 83A(2)**

Omit “served”. Insert instead “issued”.

**[7] Schedule 6 Penalty notice offences**

Omit “(Clauses 80–82)”.

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

Insert after the heading to the Schedule—

**1 Application of Schedule**

(1) For the purposes of section 224 of the Act—

- (a) each offence created by a provision specified in this Schedule is an offence for which a penalty notice may be issued, and
- (b) the amount payable for the penalty notice is—
  - (i) the amount specified opposite the provision in Column 3, or
  - (ii) if the person alleged to have committed the offence is a corporation, and if a greater amount is specified opposite the provision in Column 4, the amount specified in Column 4.

(2) If the provision is qualified by words that restrict its operation to limited kinds of offences or to offences committed in limited circumstances, the penalty notice may be issued only for—

- (a) that limited kind of offence, or
- (b) an offence committed in those limited circumstances.

**[9] Schedule 6**

Omit “served” wherever occurring. Insert instead “issued”.

**Explanatory note**

Items [3]–[6] and [9] of the proposed amendments are consequential on proposed amendments to the *Protection of the Environment Operations Act 1997* in Schedule 1.35 to this Act. Items [1] and [2] omit redundant clauses. Item [7] omits a redundant cross-reference.

Item [8] updates the Schedule to the Regulation containing penalty notice offences in line with standard provisions relating to penalty notices.

### **1.37 Protection of the Environment Operations (Noise Control) Regulation 2017**

**[1] Clauses 7(4)(a), 32(4)(a) and 36(4)(a)**

Omit “notice has been given” wherever occurring. Insert instead “notice has been issued”.

**[2] Clauses 7(4)(a), 32(4)(a) and 36(4)(a)**

Omit “after service of” wherever occurring. Insert instead “after the issue of”.

**[3] Clauses 7(5) and 32(5)**

Omit “motor vehicle served” wherever occurring. Insert instead “motor vehicle issued”.

**[4] Clauses 7(5), 32(5) and 36(5)**

Omit “penalty notice being served on” wherever occurring.

Insert instead “penalty notice being issued to”.

**[5] Clause 36 Persons in charge or owners of vessels that emit offensive noise**

Omit “by a person served” from clause 36(5). Insert instead “by a person issued”.

**Explanatory note**

The proposed amendments are consequential on proposed amendments to the *Protection of the Environment Operations Act 1997* in Schedule 1.35 to this Act.

## **1.38 Public Finance and Audit Act 1983 No 152**

### **Schedule 2 Statutory bodies**

Omit “Western City and Aerotropolis Authority”.

Insert instead “Western Parkland City Authority”.

**Explanatory note**

The proposed amendment is consequential on proposed amendments to the *Western City and Aerotropolis Authority Act 2018* in Schedule 1.49 to this Act.

## **1.39 Public Health Act 2010 No 127**

### **Section 10A**

Insert after section 10—

#### **10A Order may adopt publication**

A direction made by the Minister by order under section 7, 8 or 9 may adopt, and require compliance with, a publication as in force for the time being.

**Explanatory note**

By allowing for the incorporation into a Ministerial order of a publication as in force for the time being, the proposed amendment will promote a flexible and timely response to rapidly evolving public health situations, such as the current COVID-19 pandemic, in which scientific knowledge, and the expert medical advice that relies on that knowledge, changes frequently.

## **1.40 Residential Tenancies Act 2010 No 42**

### **[1] Section 8 Agreements to which Act does not apply**

Omit section 8(1)(h).

### **[2] Section 65B Damage to premises—investigation by Secretary**

Omit “under section 54(1A) or (1B).” from section 65B(9).

Insert instead—

under—

- (a) section 54(1A) or (1B), or
- (b) section 54A.

**Explanatory note**

Item [1] of the proposed amendments omits section 8(1)(h) of the *Residential Tenancies Act 2010* (the **Act**) as a consequence of the insertion of section 8(1)(bb) of the Act.

Item [2] provides that a tenant rectification order does not apply to a tenant who is an exempted tenant in the circumstances specified in section 54A of the Act.

## 1.41 Retirement Villages Act 1999 No 81

### Section 205 COVID-19 pandemic—non-compliance with conditions of Ministerial exemptions

Insert after section 205(2)—

- (3) The Minister may delegate the Minister’s functions under subsection (1) to any person, or any class of persons, employed in the Department of Customer Service.

#### Explanatory note

The proposed amendment enables the Minister for Better Regulation and Innovation to delegate the issuing of compliance notices under section 205(1) of the *Retirement Villages Act 1999* to persons employed in the Department of Customer Service.

## 1.42 Royal Botanic Gardens and Domain Trust Act 1980 No 19

### Schedule 1, clause 9A

Insert after clause 9—

#### 9A Personal liability

- (1) A protected person is not personally subject to any liability for anything done—
  - (a) in good faith, and
  - (b) for the purpose of executing functions under this Act.
- (2) The liability instead attaches to the Crown.
- (3) In this section—

*done* includes omitted to be done.

*liability* means civil liability and includes action, claim or demand.

*protected person* means—
  - (a) the Trust, or
  - (b) a trustee, or
  - (c) a person acting under the direction of the Trust.

#### Explanatory note

The proposed amendment inserts a provision that is a standard provision in legislation establishing statutory bodies representing the Crown, giving the persons constituting the statutory body (in this case, the trustees of the Royal Botanic Gardens and Domain Trust established by the *Royal Botanic Gardens and Domain Trust Act 1980*) immunity from personal liability.

## 1.43 Statutory and Other Offices Remuneration Act 1975 (1976 No 4)

### Schedule 2 Public offices

Omit “Western City and Aerotropolis Authority” from Part 1.

Insert instead “Western Parkland City Authority”.

#### Explanatory note

The proposed amendment is consequential on proposed amendments to the *Western City and Aerotropolis Authority Act 2018* in Schedule 1.49 to this Act.

## 1.44 Stock Medicines Act 1989 No 182

### [1] Section 62 Service of notices

Insert after section 62(a)(ii)—

- (iii) by sending it by email to an email address specified by the person for the service of notices or orders of that kind, or

**[2] Section 62(b)**

Omit the paragraph. Insert instead—

- (b) on a body corporate—
  - (i) by leaving it at, or by sending it by pre-paid post to, the head office, a registered office or a principal office of the body corporate, or
  - (ii) by sending it by email to an email address specified by the body corporate for the service of notices or orders of that kind.

**Explanatory note**

The proposed amendments enable the service of notices or orders on persons (including bodies corporate) to be effected by email.

## 1.45 Succession Act 2006 No 80

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

Insert in appropriate order in clause 9—

*the 1898 Act* means the *Probate and Administration Act 1898*.

**[2] Schedule 1, clause 11(6)**

Insert after clause 11(5)—

- (6) Section 41A of the 1898 Act, as in force immediately before its repeal by the amending Act, continues to apply in respect of a person who died before the commencement of this clause as if that section had not been repealed.

**Explanatory note**

The proposed amendment in item [2] transfers a savings and transitional provision from the *Succession Regulation 2020*. The provision preserves the application of section 41A of the *Probate and Administration Act 1898* in respect of a person who died before 1 March 2009. That section gives the Supreme Court jurisdiction to grant administration in respect of a deceased person in order to permit an application to be made under the *Family Provision Act 1982*. Item [1] makes a consequential amendment.

## 1.46 Succession Regulation 2020

**Clause 5 Probate or administration for purpose of Family Provision Act 1982**

Omit the clause.

**Explanatory note**

The proposed amendment repeals a savings and transitional clause transferred to the *Succession Act 2006* by Schedule 1.45 to this Act.

## 1.47 Tow Truck Industry Act 1998 No 111

**[1] Sections 20(2)(i1) and 29(2)(b2)**

Omit “3 years” wherever occurring. Insert instead “3 or 5 years”.

**[2] Section 41 Disciplinary action**

Omit “3 years” from section 41(2)(a1). Insert instead “3 or 5 years”.

**Explanatory note**

Since 1 July 2020 tow truck operators licences and tow truck drivers certificates under the *Tow Truck Industry Act 1998* have been available for a term of 5 years as an alternative to 1-year and 3-year licences and certificates. Item [1] of the proposed amendments applies conditions to 5-year licences



and certificates that apply to 3-year licences and certificates. Item [2] applies a provision relating to disciplinary action to holders of 5-year licences and certificates in the same way that it applies to holders of 3-year licences and certificates.

## 1.48 Water Management Act 2000 No 92

### [1] Section 55A Application of Part

Omit section 55A(3). Insert instead—

- (3) To avoid doubt, the repeal, replacement or amendment of a management plan so as to remove, add or change the description of a water source described in a proclamation made under this section does not affect the application of this Part to the water source as effected by a proclamation previously made under this Part.

### [2] Section 60F General defence

Omit “, a consent given under section 71V or an order under section 85A” from section 60F(2)(a).

Insert instead “or a consent given under section 71V”.

### [3] Section 60F(2)(a1)

Insert after section 60F(2)(a)—

- (a1) that the water was taken in circumstances for which provision is made in a management plan pursuant to section 85A(2), or

### [4] Section 88A Application and objects of Part

Omit section 88A(2A). Insert instead—

- (2A) To avoid doubt, the repeal, replacement or amendment of a management plan so as to remove, add or change the description of a water source described in a proclamation made under this section does not affect the application of this Part to the water source as effected by a proclamation previously made under this Part.

### [5] Section 101A Metering equipment condition

Insert after section 101A(1)—

- (1A) On the imposition of the condition by this section, any other condition relating to the installation, use and maintenance of metering equipment in connection with the work imposed on the water supply work approval under this Act, or any other instrument made under this Act, ceases to have effect.

#### Explanatory note

Items [1] and [4] of the proposed amendments make corrections to terminology and clarify that the operation of proclamations previously made under sections 55A and 88A is not affected by the addition of a water source to a management plan or the replacement of a management plan.

Items [2] and [3] remove an inconsistency between section 60F(2) and section 85A in order to clarify the operation of the defences available under section 60F(2).

Item [5] makes it clear that, on the imposition of the mandatory condition on a water supply work approval under section 101A of the *Water Management Act 2000* (the **Act**) requiring metering equipment to be installed, used and properly maintained in connection with the work, any other condition imposed on the approval under the Act, or any other instrument made under the Act, ceases to have effect.

## 1.49 Western City and Aerotropolis Authority Act 2018 No 53

**[1] Long title**

Omit “Western City and Aerotropolis Authority”.  
Insert instead “Western Parkland City Authority”.

**[2] Section 1 Name of Act**

Omit “*Western City and Aerotropolis Authority*”.  
Insert instead “*Western Parkland City Authority*”.

**[3] Section 4 Definitions**

Omit “Western City and Aerotropolis Authority” from the definition of *Authority* in section 4(1).  
Insert instead “Western Parkland City Authority”.

**[4] Section 6 Constitution of Authority**

Omit section 6(1). Insert instead—

- (1) There is constituted by this Act a corporation with the corporate name of the Western Parkland City Authority.

**[5] Section 19, heading**

Omit the heading. Insert instead—

**19 Western Parkland City Fund**

**[6] Section 19(1)**

Omit “Western City Fund”. Insert instead “Western Parkland City Fund”.

**[7] Section 19(5)**

Insert after section 19(4)—

- (5) In any Act or statutory or other instrument, or in any contract or agreement, a reference to the Western City Fund is to be construed as a reference to the Western Parkland City Fund.

**[8] Section 27**

Insert after section 26—

**27 Change of name of Western City and Aerotropolis Authority to Western Parkland City Authority**

The substitution of section 6(1) of this Act by the *Statute Law (Miscellaneous Provisions) Act 2020* effects the alteration of the name of the Western City and Aerotropolis Authority in terms of section 53 of the *Interpretation Act 1987* and accordingly that section applies.

**Note.** Section 53 of the *Interpretation Act 1987* provides that if an Act alters the name of a body or office—

- (a) the body or office continues in existence under its new name so that its identity is not affected, and  
(b) a reference in any Act or instrument, or in any other document, to the body or office under its former name is to be read as a reference to the body or office under its new name.

**Explanatory note**

Item [4] of the proposed amendments changes the name of the Western City and Aerotropolis Authority to the Western Parkland City Authority. Item [6] changes the name of the Western City Fund to the Western Parkland City Fund. Items [1]–[3], [5], [7] and [8] are consequential amendments.

**1.50 Western Sydney Parklands Act 2006 No 92**

**[1] Whole Act (except where otherwise amended by this Subschedule)**

Omit “Director” wherever occurring. Insert instead “Chief Executive”.

**[2] Section 3 Definitions**

Omit the definition of *Director* from section 3(1). Insert instead—

*Chief Executive* means the person employed in the Public Service who is assigned to the role of Chief Executive of the Western Sydney Parklands Trust.

**[3] Section 7 Trust Board**

Omit section 7(2)(a1)–(c).

**[4] Section 7(2)(d)**

Omit “5 other persons”. Insert instead “7 other persons”.

**[5] Schedule 3 Land transferred to Trust**

Omit item 242.

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

Insert at the end of the Schedule, with appropriate Part and clause numbering—

**Part Provisions consequent on enactment of Statute Law (Miscellaneous Provisions) Act 2020**

**References to Director to be construed as Chief Executive**

- (1) In any document, a reference to the Director of the Western Sydney Parklands Trust is to be construed as a reference to the Chief Executive of the Western Sydney Parklands Trust.
- (2) In this clause—  
*document* means any Act or statutory or other instrument, or any contract or agreement (other than this Act).

**Explanatory note**

Items [1] and [2] of the proposed amendments replace the definition of, and references to, the “Director” with a definition of, and references to, the “Chief Executive”. This amendment reflects the new title of that position with the Western Sydney Parklands Trust. Item [6] makes consequential amendments.

Items [3] and [4] update the membership of the Board of the Trust to provide that the Minister may appoint 2 additional persons to be members of the Board of the Trust. The amendment is consequent on recent administrative changes to government departments.

Item [5] repeals a provision that would otherwise have transferred ownership of a particular lot to the Trust. The land on which the lot is located has been reserved as a nature reserve under the *National Parks and Wildlife Act 1974* and transfer of the land to the Trust is no longer necessary.

## 1.51 Wool, Hide and Skin Dealers Act 2004 No 7

### Section 10 Licence applications

Omit section 10(4). Insert instead—

- (4) An application must be delivered to a police station or lodged in any other manner prescribed by the regulations.

#### Explanatory note

The proposed amendment provides that a licence application to carry on the business of a wool, hide or skin dealer must be delivered to a police station or lodged in any other manner prescribed by the regulations. The amendment transfers the existing requirement to deliver a licence application to a police station from the *Wool, Hide and Skin Dealers Regulation 2015* to the *Wool, Hide and Skin Dealers Act 2004*. The *Wool, Hide and Skin Dealers Regulation 2015* is repealed by Schedule 5 to this Act.

## **Schedule 2 Amendments by way of statute law revision— miscellaneous amendments**

### **2.1 Agricultural and Veterinary Chemicals (New South Wales) Act 1994 No 53**

#### **Part 7, heading**

Omit “National Registration Authority for Agricultural and Veterinary Chemicals”.

Insert instead “Australian Pesticides and Veterinary Medicines Authority”.

#### **Explanatory note**

The proposed amendment replaces a reference to the former National Registration Authority for Agricultural and Veterinary Chemicals with a reference to the current Australian Pesticides and Veterinary Medicines Authority.

### **2.2 Agricultural Scientific Collections Trust Act 1983 No 148**

#### **[1] Section 4(1)**

Omit the definition of *Director*.

#### **[2] Section 4(1)**

Insert in alphabetical order—

*Chief Curator* means the person employed in the Public Service as the Chief Curator.

#### **[3] Section 13**

Omit “Director” wherever occurring. Insert instead “Chief Curator”.

#### **[4] Section 14(1)(b)**

Omit “Director”. Insert instead “Chief Curator”.

#### **Explanatory note**

Item [1] of the proposed amendments omits a definition for a position that has changed title and item [2] inserts a definition relating to the new title for the position. Items [3] and [4] are consequential amendments.

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

#### **Section 74**

Omit the section. Insert instead—

#### **74 Eligibility for appointment to Board**

A person is not eligible for appointment as a member if the person is—

- (a) a member of the Legislative Council or the Legislative Assembly, or
- (b) a member of a House of Parliament of another State or the Commonwealth.

#### **Explanatory note**

The proposed amendment updates the formatting of the provision.

### **2.4 Byron Local Environmental Plan 2014**

#### **Clause 4.6(8)**

Re-number paragraph (d) as paragraph (ca).

**Explanatory note**

The proposed amendment corrects numbering.

## **2.5 Cabonne Local Environmental Plan 2012**

### **Clause 5.1(2)**

Omit “Transport for New South Wales”. Insert instead “Transport for NSW”.

**Explanatory note**

The proposed amendment corrects a reference to a statutory body.

## **2.6 Child Protection (Working with Children) Act 2012 No 51**

### **Section 34(1)(a)**

Omit “Crime”. Insert instead “Criminal Intelligence”.

**Explanatory note**

The proposed amendment updates a reference to the Australian Criminal Intelligence Commission.

## **2.7 Children’s Guardian Act 2019 No 25**

### **[1] Section 87(5)**

Omit “Regulations”. Insert instead “regulations”.

### **[2] Section 87(6)**

Omit “clause”. Insert instead “section”.

**Explanatory note**

Item [1] of the proposed amendments corrects a typographical error. Item [2] corrects a reference.

## **2.8 Civil Procedure Act 2005 No 28**

### **Section 68, note**

Omit “section 42”. Insert instead “section 105”.

**Explanatory note**

The proposed amendment corrects a cross-reference.

## **2.9 Companion Animals Act 1998 No 87**

### **[1] Section 5(1), definition of “approved animal welfare organisation”**

Omit paragraph (c). Insert instead—

(c) the Cat Protection Society of NSW Limited,

### **[2] Section 5(1), definition of “rehoming organisation”**

Omit paragraph (c). Insert instead—

(c) the Cat Protection Society of NSW Limited, or

**Explanatory note**

The proposed amendments update the name of an organisation.

## **2.10 Crimes (Sentencing Procedure) Act 1999 No 92**

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

Omit “Subject to sections 12 and 99,”.

**[2] Section 31, definition of “impose a penalty”**

Omit “10, 11 or 12” from paragraph (d). Insert instead “10 or 11”.

**Explanatory note**

The proposed amendments update cross-references consequent on the enactment of the *Crimes (Sentencing Procedure) Amendment (Sentencing Options) Act 2017*.

## **2.11 Criminal Appeal Act 1912 No 16**

### **Section 8A(1)**

Omit “section 105(2)”. Insert instead “section 102(2)”.

**Explanatory note**

The proposed amendment corrects a cross-reference.

## **2.12 Drug Court Act 1998 No 150**

### **Schedule 2**

Insert at the end of the Schedule—

### **Part 7 Provision consequent on enactment of Statute Law (Miscellaneous Provisions) Act 2020**

#### **10 Repeal of Drug Court Regulation 2015**

Despite section 10(2) of the *Subordinate Legislation Act 1989*, the *Drug Court Regulation 2015* is taken to have been repealed at the end of 1 September 2020.

**Explanatory note**

This amendment is consequent on the proposed amendment of the *Subordinate Legislation Act 1989* in Schedule 2.36 regarding the timing of repeals of regulations under Part 3 of that Act.

## **2.13 Drug Misuse and Trafficking Act 1985 No 226**

### **Sections 10(2)(b1), 23(4)(c) and 25(4)(c)**

Omit “section 39G” wherever occurring. Insert instead “section 39Q”.

**Explanatory note**

The proposed amendment corrects a cross-reference.

## **2.14 Environmental Planning and Assessment Regulation 2000**

**[1] Clause 130(2B)**

Omit “clause”.

**[2] Clause 155(1)(e)(i)**

Omit “an an”. Insert instead “an”.

**Explanatory note**

Item [1] of the proposed amendments corrects a grammatical error. Item [2] omits a duplicate word.

## **2.15 Firearms Regulation 2017**

### **Clause 129(10)**

Omit “subclause (7)”. Insert instead “subclause (8)”.

**Explanatory note**

The proposed amendment corrects a cross-reference.

## **2.16 Fisheries Management Act 1994 No 38**

**[1] Section 4(4), note**

Omit “Australian Standard entitled AS SSA 5300—2011, *Australian Fish Names Standard* published on 20 October 2011”.

Insert instead “Australian Standard entitled AS 5300—2019, *Australian Fish Names Standard* published on 24 June 2019”.

**[2] Schedule 1AA, clause 1, definition of “fishing regulatory controls”**

Omit paragraph (e). Insert instead—

(e) fishing determinations of the TAF Committee under Part 2A of this Act,

**Explanatory note**

Item [1] of the proposed amendment updates a reference to an Australian Standard. Item [2] updates the name of a committee and corrects a cross-reference.

## **2.17 Game and Feral Animal Control Act 2002 No 64**

**Section 4, definition of “Regulatory Authority”**

Omit “Director-General of the Department of Trade and Investment, Regional Infrastructure and Services”.

Insert instead “Secretary of Regional NSW”.

**Explanatory note**

The proposed amendment updates a reference to the Secretary.

## **2.18 Gene Technology (GM Crop Moratorium) Act 2003 No 12**

**[1] Section 4(1), definition of “Department”**

Omit “the Department of Industry and Investment”.

Insert instead “Regional NSW”.

**[2] Section 4(1), definition of “Director-General”**

Omit the definition.

**[3] Section 4(1)**

Insert in alphabetical order—

*Secretary* means the Secretary of the Department.

**[4] Sections 12, 20, 21, 22(1) and (2) and 38(1) and (2)**

Omit “Director-General” wherever occurring. Insert instead “Secretary”.

**Explanatory note**

Item [1] of the proposed amendments updates a reference to the Department. Item [2] omits a redundant definition. Items [3] and [4] update references to the Secretary.

## **2.19 Glen Innes Severn Local Environmental Plan 2012**

**[1] Clause 4.2AA**

Renumber clause 4.2AA as 4.2C and insert it after clause 4.2B.



**[2] Schedule 1**

Omit “(When this Plan was made this Schedule was blank)”.

**[3] Dictionary**

Insert in alphabetical order—

*Additional Permitted Uses Map* means the Glen Innes Severn Local Environmental Plan 2012 Additional Permitted Uses Map.

**Explanatory note**

Item [1] of the proposed amendments renumbers and moves an incorrectly numbered provision. Item [2] omits redundant text. Item [3] inserts a missing definition.

## **2.20 Hurstville Local Environmental Plan 2012 (Amendment No 3)**

**[1] Schedule 1[8]**

Omit “Telecommunications facilities;” from item 4 of the matter relating to Zone B3 Commercial Core.

**[2] Schedule 1[15A]**

Insert after Schedule 1[15]—

**[15A] Part 6 Additional local provisions**

Insert at the end of the Part, with appropriate clause numbering—

**Telecommunications facilities prohibited in Zone B3**

Despite any other provision of this Plan, development for the purposes of telecommunications facilities is prohibited in Zone B3 Commercial Core.

**Commencement**

The amendments to *Hurstville Local Environmental Plan 2012 (Amendment No 3)* are taken to have commenced on the commencement of that Plan.

**Explanatory note**

The *Standard Instrument (Local Environmental Plans) Order 2006* provides for the making of standard local environmental plans, and only permits certain land uses to be included in the Land Use Table of one of those standard plans.

Item [1] of the proposed amendments removes a reference to an impermissible land use that was purported to be put into a Land Use Table of *Hurstville Local Environmental Plan 2012*, a standard plan.

Item [2] inserts a provision that has the same effect as would have been achieved if it were possible to insert that land use in the Land Use Table of the Plan.

## **2.21 Industrial Relations Act 1996 No 17**

**Section 405(1)**

Omit the subsection. Insert instead—

- (1) An award or order of the Commission does not have effect to the extent that it is inconsistent with a function under the *Police Act 1990* in relation to the discipline, promotion or transfer of a police officer, or in relation to police officers who are hurt on duty.

**Explanatory note**

The proposed amendment removes a reference to a repealed provision of the *Police Act 1990* and updates the formatting of the provision.

## 2.22 Interpretation Act 1987 No 15

### Section 21(1), definition of “Gazette or Government Gazette”

Omit the definition. Insert instead—

*Gazette, or Government Gazette*, means the New South Wales Government Gazette published—

- (a) in print, or
- (b) on a website authorised by the Parliamentary Counsel to provide public access to the Gazette.

#### Explanatory note

The proposed amendment makes it clear the Gazette may be published electronically on a website authorised by the Parliamentary Counsel for that purpose.

## 2.23 Land and Environment Court Act 1979 No 204

### [1] Section 17(d)

Omit “sections 75K, 75L, 75Q, 75W(5), 95A, 96, 96A, 97, 97AA, 98, 98A, 109K, 121ZK, 121ZM, 121ZS and 149F of”.

Insert instead “sections 4.55, 8.7, 8.8, 8.9, 8.16, 8.18, 8.21, 8.22, 8.23 and 8.25 of, and clause 35 of Schedule 5 to,”.

### [2] Section 19(g)

Omit “sections 96A(7) and 121ZL”. Insert instead “sections 4.57(7) and 8.19”.

### [3] Section 20(1)(b)

Omit “section 35”. Insert instead “section 3.27”.

### [4] Section 20(1)(c)

Omit “section 123”. Insert instead “section 9.45”.

### [5] Section 21(f)

Omit “section 127”. Insert instead “section 9.57”.

### [6] Section 25A(3)

Omit “section 102”. Insert instead “section 4.60”.

### [7] Section 25C(2)

Omit “section 103”. Insert instead “section 4.61”.

### [8] Section 34AA(1)

Omit “section 97 or 97AA”. Insert instead “section 8.7 or 8.9”.

### [9] Section 34A(1)(c), (2) and (2A)

Omit “section 97” wherever occurring. Insert instead “section 8.7”.

### [10] Section 34A(1)(c1)

Omit “section 97AA”. Insert instead “section 8.9”.

### [11] Section 34A(1)(d)

Omit “section 121ZK”. Insert instead “section 8.18”.

**[12] Section 34A(1)(e)**

Omit “section 149F”. Insert instead “section 8.25”.

**Explanatory note**

The proposed amendments update references to provisions in the *Environmental Planning and Assessment Act 1979*.

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

**[1] Section 275(1)(e1)**

Insert “or the *Electoral Funding Act 2018*” after “*Election Funding, Expenditure and Disclosures Act 1981*”.

**[2] Section 328A(2) and note**

Omit “Part 6 of the *Election Funding, Expenditure and Disclosures Act 1981*” wherever occurring.

Insert instead “Part 3 of the *Electoral Funding Act 2018*”.

**Explanatory note**

The proposed amendments update references to a repealed Act.

## **2.25 Local Government (General) Regulation 2005**

**Clause 130(a)**

Omit “practiced”. Insert instead “practised”.

**Explanatory note**

The proposed amendment corrects a spelling error.

## **2.26 Marine Safety Act 1998 No 121**

**Section 126(2)**

Insert “, or the *Marine Pollution Act 2012* or the regulations made under that Act,” after “or the regulations”.

**Explanatory note**

The proposed amendment reinstates a reference to the *Marine Pollution Act 2012* and regulations made under that Act that was included in a definition omitted by the *Statute Law (Miscellaneous Provisions) Act 2017*.

## **2.27 Palerang Local Environmental Plan 2014**

**[1] Schedule 4, Part 2, table**

Omit “Reclassification Map” from Column 2.

Insert instead “Land Reclassification (Part Lots) Map”.

**[2] Dictionary**

Omit the definition of *Reclassification Map*.

Insert in alphabetical order—

*Land Reclassification (Part Lots) Map* means the Palerang Local Environmental Plan 2014 Land Reclassification (Part Lots) Map.

**Commencement**

The amendments to *Palerang Local Environmental Plan 2014* are taken to have commenced on the commencement of that Plan.

**Explanatory note**

The proposed amendments correct an incorrect map reference.

## **2.28 Parramatta Park Trust Regulation 2019**

**[1] Whole Regulation**

Omit “Director” wherever occurring. Insert instead “Chief Executive”.

**[2] Clause 8(2), (4) and (6)**

Omit “direction made” wherever occurring. Insert instead “direction given”.

**[3] Clause 8(5)**

Omit “motor vehicle, motor cycle or other regulated vehicle”. Insert instead “vehicle”.

**[4] Clause 29(5)**

Omit “subclause (1)”. Insert instead “subclause (4)”.

**Explanatory note**

Item [1] of the proposed amendments replaces references to “Director” with “Chief Executive”, which reflects the new title of that position with the Parramatta Park Trust. Item [2] corrects a grammatical error. Item [3] omits redundant matter. Item [4] corrects a cross-reference.

## **2.29 Partnership Act 1892 No 12**

**Section 36(2)**

Omit “dissolution or”.

**Explanatory note**

The proposed amendment corrects use of terminology.

## **2.30 Pawnbrokers and Second-hand Dealers Regulation 2015**

**Schedule 1**

Omit “Clauses 19(4), 27 and 34”. Insert instead “Clause 34”.

**Explanatory note**

The proposed amendment corrects cross-references.

## **2.31 Police Act 1990 No 47**

**[1] Section 88(1)**

Omit the subsection. Insert instead—

- (1) The engagement or appointment of, or the failure to engage or appoint, a person as a non-executive officer, or a matter, question or dispute relating to the engagement or appointment, or failure to engage or appoint, is not an industrial matter for the purposes of the *Industrial Relations Act 1996*.

**[2] Section 88(3)**

Insert “or appoint” after “engage”.

**[3] Section 129(1)**

Re-number paragraph (a) where secondly occurring as paragraph (b).

**Explanatory note**

Items [1] and [2] of the proposed amendments correct terminology relating to the appointment of police officers. Item [3] corrects duplicate numbering.

## 2.32 Protection of the Environment Operations Act 1997 No 156

### Dictionary, definition of “environmental values of water”

Omit “*Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000*, published by the Australian and New Zealand Environment and Conservation Council and the Agriculture and Resource Management Council of Australia and New Zealand”.

Insert instead “*Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2018*, published by the Australian and New Zealand Governments and State and Territory Governments”.

#### Explanatory note

The proposed amendment updates a reference to Guidelines.

## 2.33 Public Health Regulation 2012

### Section 93

Omit “(and”. Insert instead “and”.

#### Explanatory note

The proposed amendment corrects a typographical error.

## 2.34 Residential Tenancies Act 2010 No 42

### Section 107(6)

Omit the subsection.

#### Explanatory note

The proposed amendment omits a redundant provision.

## 2.35 Road Transport Act 2013 No 18

### Section 122(a) and note

Omit “Division 1C of Part 6 of” wherever occurring. Insert instead “Part 2A, Division 3 of Schedule 1 to”.

#### Explanatory note

The proposed amendment corrects a cross-reference.

## 2.36 Subordinate Legislation Act 1989 No 146

### [1] Section 10(2)(a)

Omit “on the”. Insert instead “at the beginning of the day that is the”.

### [2] Section 10(2)(b)

Omit “on 1”. Insert instead “at the beginning of 1”.

#### Commencement

The amendments to the *Subordinate Legislation Act 1989* are taken to have commenced on 1 September 1990.

#### Explanatory note

The proposed amendments clarify that a statutory rule repealed under Part 3 of the *Subordinate Legislation Act 1989* is repealed at the beginning of the day on which the statutory rule is repealed.

## **2.37 Surveillance Devices Act 2007 No 64**

### **Section 28(1A)(e)**

Omit “the use of the surveillance device authorised by the warrant must be furnished to the eligible Judge or eligible Magistrate under section 44(1),”.

Insert instead “the retrieval of the surveillance device authorised by the retrieval warrant must be furnished to the eligible Judge or eligible Magistrate under section 44(6),”.

#### **Explanatory note**

The proposed amendment corrects a reference to retrieval warrants and a cross-reference.

## **2.38 Teacher Accreditation Act 2004 No 65**

### **Section 24B(d)**

Omit “section 20(c)”. Insert instead “section 20(1)(c)”.

#### **Explanatory note**

The proposed amendment corrects a cross-reference.

## **2.39 Transport Administration Act 1988 No 109**

### **Schedule 7, clause 220(2)(a)**

Insert “the” after “of”.

#### **Explanatory note**

The proposed amendment inserts a missing word.

## **2.40 Uniform Civil Procedure Rules 2005**

### **Rule 18.8(2)**

Omit “Subrule 1(b)”. Insert instead “Subrule (1)(b)”.

#### **Explanatory note**

The proposed amendment corrects a cross-reference.

## **2.41 Water Sharing Plan for the Lower Murray Groundwater Source 2019**

### **Clause 37 Water allocation accounts**

Re-number the clause as clause 33A.

#### **Explanatory note**

The proposed amendment corrects duplicate numbering.

## **2.42 Waverley Local Environmental Plan 2012**

### **Clause 4.6(8)**

Re-number paragraph (d) as paragraph (ca).

#### **Explanatory note**

The proposed amendment corrects numbering.

## **2.43 Western Sydney Parklands Regulation 2019**

### **[1] Whole Regulation**

Omit “Director” wherever occurring. Insert instead “Chief Executive”.

**[2] Clause 8(2), (4) and (6)**

Omit “direction made” wherever occurring. Insert instead “direction given”.

**[3] Clause 29(5)**

Omit “subclause (1)”. Insert instead “subclause (4)”.

**Explanatory note**

Item [1] of the proposed amendments replaces references to “Director” with “Chief Executive”, which reflects the new title of that position with the Western Sydney Parklands Trust. Item [2] corrects a grammatical error. Item [3] corrects a cross-reference.

## **Schedule 3 Amendments consequent on administrative changes**

### **3.1 Agricultural Industry Services Act 1998 No 45**

#### **Section 3, definition of “Department”**

Omit “the Department of Industry, Skills and Regional Development”.

Insert instead “Regional NSW”.

### **3.2 Agricultural Livestock (Disease Control Funding) Act 1998 No 139**

#### **Section 3, definition of “Department”**

Omit “the Department of Industry, Skills and Regional Development”.

Insert instead “Regional NSW”.

### **3.3 Agricultural Scientific Collections Trust Act 1983 No 148**

#### **Section 4(1), definition of “Department”**

Omit “the Department of Industry, Skills and Regional Development”.

Insert instead “Regional NSW”.

### **3.4 Animal Research Act 1985 No 123**

#### **Section 3(1), definition of “Department”**

Omit “the Department of Industry, Skills and Regional Development”.

Insert instead “Regional NSW”.

### **3.5 Betting and Racing Act 1998 No 114**

#### **Sections 6(2)(d) and 26G–26GB**

Omit “Industry” wherever occurring. Insert instead “Customer Service”.

### **3.6 Betting and Racing Regulation 2012**

#### **[1] Clause 4**

Insert in alphabetical order—

*Liquor & Gaming NSW* means that part of the Department of Customer Service known as Liquor & Gaming NSW.

#### **[2] Clauses 4 (definition of “problem gambling information”), 6(2), 7(3) and 9(3)**

Omit “the NSW Office of Liquor, Gaming and Racing” wherever occurring.

Insert instead “Liquor & Gaming NSW”.

### **3.7 Biological Control Act 1985 No 199**

#### **Section 3(1), definition of “Department”**

Omit “the Department of Industry and Investment”. Insert instead “Regional NSW”.



### **3.8 Biosecurity Act 2015 No 24**

#### **Section 7, definition of “Department”**

Omit “the Department of Industry, Skills and Regional Development”.

Insert instead “Regional NSW”.

### **3.9 Casino Control Act 1992 No 15**

#### **Section 3(1), definition of “Secretary”**

Omit “Industry”. Insert instead “Customer Service”.

### **3.10 Exhibited Animals Protection Act 1986 No 123**

#### **Section 5(1), definition of “Department”**

Omit “the Department of Industry, Skills and Regional Development”.

Insert instead “Regional NSW”.

### **3.11 Farrer Memorial Research Scholarship Fund Act 1930 No 38**

#### **Section 2, definition of “Department”**

Omit “the Department of Industry and Investment”.

Insert instead “Regional NSW”.

### **3.12 Fisheries Management Act 1994 No 38**

#### **[1] Section 4(1), definition of “Department”**

Omit “the Department of Industry, Skills and Regional Development”.

Insert instead “Regional NSW”.

#### **[2] Section 221ZU(1), definition of “Fisheries Agency Head”**

Omit “the Department of Industry, Skills and Regional Development”.

Insert instead “Regional NSW”.

### **3.13 Gaming and Liquor Administration Act 2007 No 91**

#### **Section 3(1), definition of “Department”**

Omit “Industry”. Insert instead “Customer Service”.

### **3.14 Gaming and Liquor Administration Regulation 2016**

#### **Schedule 1, clause 1**

Omit the clause. Insert instead—

##### **1 New South Wales**

Secretary of the Department of Customer Service

Deputy Secretary, Liquor, Gaming and Racing Division, Department of  
Customer Service

A person employed in Liquor & Gaming NSW, Department of Customer Service

A local council or another person or body exercising functions as a consent authority under the *Environmental Planning and Assessment Act 1979*

### **3.15 Gaming Machine Tax Act 2001 No 72**

#### **Sections 17A(2) and 19(1)(c)**

Omit “Industry” wherever occurring. Insert instead “Customer Service”.

### **3.16 Gaming Machines Act 2001 No 127**

#### **Sections 4(1) (definition of “Secretary”) and 48(5)**

Omit “Industry” wherever occurring. Insert instead “Customer Service”.

### **3.17 Government Information (Public Access) Regulation 2018**

#### **Schedule 3**

Omit the matter relating to the following agencies—

- Board of Surveying and Spatial Information
- Electrical Equipment Safety Advisory Committee
- Financial Counselling Trust Fund
- Geographical Names Board
- Hardship Review Board
- Independent Liquor and Gaming Authority
- Mine Subsidence Board
- Motor Vehicle Repair Industry Authority
- New South Wales Government Telecommunications Authority (also known as TELCO)
- NSW Procurement Board
- NSW Self Insurance Corporation
- Professional Standards Council
- Property NSW
- Rental Bond Board
- Teacher Housing Authority of New South Wales
- Trustees of the Parliamentary Contributory Superannuation Fund
- Waste Assets Management Corporation
- Workers Compensation Commission
- Workers Compensation (Dust Diseases) Authority

Insert instead in alphabetical order—

Board of Surveying and Spatial Information Department of Customer Service

Financial Counselling Trust Fund	Department of Customer Service
Geographical Names Board	Department of Customer Service
Hardship Review Board	Department of Customer Service
Independent Liquor and Gaming Authority	Department of Customer Service
NSW Procurement Board	Treasury
NSW Self Insurance Corporation	Treasury
NSW Telco Authority	Department of Customer Service
Professional Standards Council	Department of Customer Service
Property NSW	Department of Planning, Industry and Environment
Rental Bond Board	Department of Customer Service
Teacher Housing Authority of New South Wales	Department of Planning, Industry and Environment
Trustees of the Parliamentary Contributory Superannuation Fund	Treasury
Waste Assets Management Corporation	Department of Planning, Industry and Environment
Workers Compensation Commission	Department of Customer Service
Workers Compensation (Dust Diseases) Authority	Treasury

### **3.18 Government Sector Employment Act 2013 No 40**

[1] **Section 49(1) (definition of “Industrial Relations Secretary”)** and note to definition  
Omit “Treasury” wherever occurring. Insert instead “Department of Premier and Cabinet”.

[2] **Schedule 1, Parts 1 and 2**  
Omit “The Treasury” wherever occurring. Insert instead “Treasury”.

### **3.19 Hemp Industry Act 2008 No 58**

#### **Section 3(1), definition of “Department”**

Omit “the Department of Industry, Skills and Regional Development”.  
Insert instead “Regional NSW”.

### **3.20 Heritage Act 1977 No 136**

[1] **Section 8(2)**  
Insert “, Industry” after “Planning”.

[2] **Sections 23(4), 121(5)(c) and 151(2)(b) and (3)**  
Omit “Planning and Environment” wherever occurring.  
Insert instead “Premier and Cabinet”.

### **3.21 Housing Act 2001 No 52**

**[1] Section 3, definition of “Department”**

Omit “Family and Community Services”. Insert instead “Communities and Justice”.

**[2] Section 6(2) and (3)**

Insert “of the Department of Planning, Industry and Environment” after “Secretary” wherever occurring.

### **3.22 Inspector of Custodial Services Act 2012 No 55**

**Section 3(1), definition of “Department”**

Insert “Communities and” before “Justice”.

### **3.23 Jobs for NSW Act 2015 No 25**

**Sections 4(1) (definition of “Department”) and 5(2)(c)**

Omit “Department of Industry, Skills and Regional Development” wherever occurring.  
Insert instead “Treasury”.

### **3.24 Land Acquisition (Just Terms Compensation) Act 1991 No 22**

**Section 27A(1) and Schedule 1A, clause 3(5)**

Omit “Finance, Services and Innovation” wherever occurring.  
Insert instead “Planning, Industry and Environment”.

### **3.25 Liquor Act 2007 No 90**

**Sections 4(1) (definition of “Secretary”), 116C(4) and 144M(1)(b)(iii)**

Omit “Industry” wherever occurring. Insert instead “Customer Service”.

### **3.26 Liquor Regulation 2018**

**[1] Clause 3(1)**

Insert in alphabetical order—

*Liquor & Gaming NSW* means that part of the Department of Customer Service known as Liquor & Gaming NSW.

**[2] Clause 29(3)(e)**

Omit the paragraph. Insert instead—

(e) the Department of Communities and Justice,

**[3] Clauses 50(2), 52(3), 53(2), 54(4) and 115(2)(b) and Schedule 2, Part 2**

Omit “, Department of Industry” wherever occurring.

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

**[1] Sections 57–59, 60–63, 65, 66, 439(3), 440(9), 440AA(6) and 440H(9)**

Omit “Primary Industries” wherever occurring.

Insert instead “Water, Property and Housing”.

**[2] Section 409(6)**

Omit “Energy and Utilities”. Insert instead “Water, Property and Housing”.

**3.28 Local Government (General) Regulation 2005**

**Clauses 21(a)(ii), 138 and 147(b)**

Omit “Utilities” wherever occurring. Insert instead “Water, Property and Housing”.

**3.29 Local Land Services Act 2013 No 51**

**[1] Section 60K(5)**

Insert “, Industry” after “Planning”.

**[2] Schedule 6, clause 21(4)**

Omit “the Department of Industry, Skills and Regional Development”.

Insert instead “Regional NSW”.

**[3] Dictionary, definition of “Department”**

Omit “the Department of Planning, Industry and Environment”.

Insert instead “Regional NSW”.

**3.30 Lord Howe Island Act 1953 No 39**

**Section 4(3)(d) and Schedule 1A, clause 6(1)(f)**

Omit “Premier and Cabinet” wherever occurring.

Insert instead “Planning, Industry and Environment”.

**3.31 Marine Estate Management Act 2014 No 72**

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

Omit “Primary Industries”. Insert instead “Agriculture and Western New South Wales”.

**[2] Sections 7(2)(b), 16, 50, 58(a) and 74(2)**

Omit “the Department of Trade and Investment, Regional Infrastructure and Services” wherever occurring.

Insert instead “Regional NSW”.

**3.32 Prevention of Cruelty to Animals Act 1979 No 200**

**Section 4(1), definition of “Department”**

Omit “the Department of Industry”. Insert instead “Regional NSW”.

**3.33 Public Lotteries Regulation 2016**

**[1] Clause 3(1)**

Omit the definitions of *Liquor and Gaming NSW* and *Secretary*.

Insert instead—

*Liquor & Gaming NSW* means that part of the Department of Customer Service known as Liquor & Gaming NSW.

*Secretary* means the Secretary of the Department of Customer Service.

**[2] Clauses 9(1)(b), 10(3), 11(3) and 13(4)**

Omit “Liquor and Gaming” wherever occurring. Insert instead “Liquor & Gaming”.

### **3.34 Public Works and Procurement Act 1912 No 45**

**Section 165(1)(a) and (2)**

Omit “Department of Finance, Services and Innovation” wherever occurring.

Insert instead “Treasury”.

### **3.35 Registered Clubs Act 1976 No 31**

**Section 4(1), definition of “Secretary”**

Omit “Industry”. Insert instead “Customer Service”.

### **3.36 Registered Clubs Regulation 2015**

**[1] Clause 3(1) (definition of “Department”) and Schedule 2, clause 2(1) (definition of “departmental Secretary”)**

Omit “Industry” wherever occurring. Insert instead “Customer Service”.

**[2] Clause 33(2)**

Omit “the NSW Office of Liquor, Gaming and Racing”.

Insert instead “that part of the Department known as Liquor & Gaming NSW”.

### **3.37 Retail Leases Act 1994 No 46**

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

Omit the definition of *Secretary*. Insert in alphabetical order—

*Department* means the Treasury.

*Secretary* means the Secretary of the Department.

**[2] Sections 16Z, 16ZA(1)(a), 82B(1)(a) and 83A(6)**

Omit “of Industry, Skills and Regional Development” wherever occurring.

**[3] Section 16ZA(1)(b)**

Omit “that Department”. Insert instead “the Department”.

### **3.38 Rice Marketing Act 1983 No 176**

**Section 4(1), definition of “Department”**

Omit “the Department of Industry, Skills and Regional Development”.

Insert instead “Regional NSW”.

### **3.39 Stock Medicines Act 1989 No 182**

#### **Section 3(1), definition of “Secretary”**

Omit “the Department of Planning, Industry and Environment”.

Insert instead “Regional NSW”.

### **3.40 Teacher Housing Authority Act 1975 No 27**

#### **Section 7(1)(b) and (7)**

Omit “Finance, Services and Innovation” wherever occurring.

Insert instead “Planning, Industry and Environment”.

### **3.41 Totalizator Regulation 2012**

#### **[1] Clause 3(1)**

Insert in alphabetical order—

*Liquor & Gaming NSW* means that part of the Department of Customer Service known as Liquor & Gaming NSW.

#### **[2] Clauses 3(1) (definition of “problem gambling information”), 6(2), 7(3) and 9(3)**

Omit “the NSW Office of Liquor, Gaming and Racing” wherever occurring.

Insert instead “Liquor & Gaming NSW”.

### **3.42 Valuation of Land Act 1916 No 2**

#### **Section 4(1), definition of “Department”**

Omit “Finance, Services and Innovation”.

Insert instead “Planning, Industry and Environment”.

### **3.43 Young Offenders Act 1997 No 54**

#### **[1] Section 4 (definition of “Secretary”), 46(1), 47(2)(e) and 66(2)(e), (g) and (h) and (2B)(a)**

Insert “Communities and” before “Justice” wherever occurring.

#### **[2] Section 62A(a) and (a1)**

Insert “Communities and” after “Department of” wherever occurring.

#### **[3] Section 66(4)**

Omit the definition of *authorised officer of the Department of Justice*. Insert instead—

*authorised officer of the Department of Communities and Justice* means any of the following persons employed in the Department—

- (a) the Secretary,
- (b) a Deputy Secretary,
- (c) the Chief Executive of Juvenile Justice or a Deputy Chief Executive of Juvenile Justice,
- (d) a juvenile justice officer,

- (e) any other persons employed in the Department, or persons belonging to a class of employee, as may be prescribed by the regulations.



## **Schedule 4 Amendments consequent on dissolution of RMS**

### **4.1 Bankstown Local Environmental Plan 2015**

#### **Schedule 2 Exempt development**

Omit “Roads and Maritime Services” from subclause (7) under the heading “Waste storage containers on private land”.

Insert instead “Transport for NSW”.

### **4.2 Biosecurity Act 2015 No 24**

#### **Section 381 Access to information by authorised officers**

Omit “Roads and Maritime Services” from section 381(1).

Insert instead “Transport for NSW”.

### **4.3 Camden Local Environmental Plan 2010**

#### **Clause 5.1 Relevant acquisition authority**

Omit “Roads and Maritime Services” where secondly occurring in clause 5.1(2).

Insert instead “Transport for NSW”.

### **4.4 Campbelltown Local Environmental Plan 2015**

#### **Clause 5.1 Relevant acquisition authority**

Omit “Roads and Maritime Services” where firstly and secondly occurring in clause 5.1(2).

Insert instead “Transport for NSW”.

### **4.5 City of Sydney Act 1988 No 48**

#### **[1] Section 51J Delegation of CSTTC’s functions**

Omit “or Roads and Maritime Services” from section 51J(3)(a).

#### **[2] Sections 51K(1)(b) and 51M(5)**

Omit “Roads and Maritime Services” wherever occurring.

Insert instead “Transport for NSW”.

### **4.6 Community Land Management Act 1989 No 202**

#### **Section 116 Open and private access ways**

Omit “Roads and Maritime Services” wherever occurring in paragraphs (b) and (c) of the definition of *authorised person* in section 116(7).

Insert instead “Transport for NSW”.

### **4.7 Conveyancing (General) Regulation 2018**

#### **Clause 25 Subdivision, consolidation or acquisition of part of land in a folio**

Omit “Roads and Maritime Services” from clause 25(4)(a).

Insert instead “Transport for NSW”.

#### **4.8 Conveyancing (Sale of Land) Regulation 2017**

**[1] Schedule 3 Prescribed warranties**

Omit “Roads and Maritime Services,” from clause 5.

**[2] Schedule 4 Exempt contracts, options and land**

Omit “Roads and Maritime Services” from clause 3.

Insert instead “Transport for NSW”.

#### **4.9 Crime Commission Act 2012 No 66**

**Section 78A Vetting of prospective staff**

Omit “Roads and Maritime Services” from section 78A(2)(c).

Insert instead “Transport for NSW”.

#### **4.10 Criminal Procedure Regulation 2017**

**Schedule 3 NSW Government agencies and statutory bodies required to pay court fees**

Omit “Roads and Maritime Services”. Insert instead “Transport for NSW”.

#### **4.11 Crown Land Management Regulation 2018**

**[1] Clause 59 Circumstances in which cultivation consent not required**

Omit “of Roads and Maritime Services” from the Table to clause 59(1).

Insert instead “of Transport for NSW”.

**[2] Clause 59(1), Table**

Omit “the Roads and Maritime Services” wherever occurring.

Insert instead “Transport for NSW”.

#### **4.12 Driving Instructors Act 1992 No 3**

**[1] Whole Act (except where otherwise amended by this Subschedule)**

Omit “the Authority” and “The Authority” wherever occurring.

Insert instead “Transport for NSW”.

**[2] Section 3 Definitions**

Omit the definition of *Authority* from section 3(1).

Insert in alphabetical order—

*Transport for NSW* or *TfNSW* means Transport for NSW constituted under the *Transport Administration Act 1988*.

**[3] Sections 19(3) and (5), 27(1)(b), 31(6) and 46(1)**

Omit “the Authority’s” wherever occurring. Insert instead “TfNSW’s”.

**[4] Sections 31, 45 and 46, headings**

Omit “**Authority**” and “**Authority’s**” wherever occurring.

Insert instead “TfNSW” and “TfNSW’s”, respectively.

#### **4.13 Dubbo Local Environmental Plan 2011**

##### **Clause 5.1 Relevant acquisition authority**

Omit “Roads and Maritime Services” where secondly and thirdly occurring in clause 5.1(2).

Insert instead “Transport for NSW”.

#### **4.14 Electoral Act 2017 No 66**

##### **Section 4(1) (definition of “Photo Card”) and notes to sections 34(8)(b) and 45(4)**

Omit “Roads and Maritime Services” wherever occurring.

Insert instead “Transport for NSW”.

#### **4.15 Electricity Network Assets (Authorised Transactions) Act 2015 No 5**

##### **Section 3 Interpretation—key definitions**

Omit paragraph (a) of the definition of *associated electricity network land*.

#### **4.16 Electricity Supply Act 1995 No 94**

##### **Section 53A Definitions**

Omit “, Transport for NSW or Roads and Maritime Services” from paragraph (c) of the definition of *private land*.

Insert instead “or Transport for NSW”.

#### **4.17 Environmental Planning and Assessment Act 1979 No 203**

##### **Schedule 2 Provisions relating to planning bodies**

Omit “Roads and Maritime Services” from clause 30(5).

Insert instead “Transport for NSW”.

#### **4.18 Environmental Planning and Assessment Regulation 2000**

##### **Clause 136I and Schedule 1, clause 4(1)(j1) and (k)**

Omit “Roads and Maritime Services” wherever occurring.

Insert instead “Transport for NSW”.

#### **4.19 Explosives Regulation 2013**

##### **Clause 52 Activities in port operational areas**

Omit “Roads and Maritime Services” from the definition of *port authority* in clause 52(2).

Insert instead “Transport for NSW”.

#### **4.20 Fairfield Local Environmental Plan 2013**

##### **Clause 5.1 Relevant acquisition authority**

Omit “Roads and Maritime Services” where secondly occurring in clause 5.1(2).

Insert instead “Transport for NSW”.

#### **4.21 Fines Act 1996 No 99**

**[1] Whole Act**

Omit “Roads and Maritime Services” wherever occurring.

Insert instead “Transport for NSW”.

**[2] Section 3 Definitions**

Insert in alphabetical order in section 3(1)—

*Transport for NSW* means Transport for NSW constituted under the *Transport Administration Act 1988*.

#### **4.22 Fisheries Management Act 1994 No 38**

**Section 242A Access to information by fisheries officers**

Omit “Roads and Maritime Services”. Insert instead “Transport for NSW”.

#### **4.23 Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006**

**Appendix, Schedule 3**

Omit “Roads and Maritime Services” from the matter relating to Trial Bay South West Rocks.

Insert instead “Transport for NSW”.

#### **4.24 Government Telecommunications Act 2018 No 67**

**Section 34 Access to Authority’s infrastructure**

Omit section 34(5)(c). Insert instead—

(c) to occupy a classified road within the meaning of the *Roads Act 1993* without the consent of Transport for NSW constituted under the *Transport Administration Act 1988* or the relevant roads authority.

#### **4.25 Graffiti Control Act 2008 No 100**

**[1] Section 13A Definitions**

Omit the definition of *Authority*. Insert in alphabetical order—

*Transport for NSW* means Transport for NSW constituted under the *Transport Administration Act 1988*.

**[2] Sections 13D(3) and 13G(2)**

Omit “the Authority” wherever occurring. Insert instead “Transport for NSW”.

#### **4.26 Health Records and Information Privacy Regulation 2017**

**Clause 7 Use or disclosure of health information—organ donor registers**

Omit “Roads and Maritime Services” from clause 7(1)(b).

Insert instead “Transport for NSW”.

#### **4.27 Heavy Vehicle (Adoption of National Law) Act 2013 No 42**

**[1] Section 3 Definitions**

Omit the definition of *RMS* from section 3(1).

Insert in alphabetical order—

*TfNSW* means Transport for NSW constituted under the *Transport Administration Act 1988*.

**[2] Sections 16, 17(2) and (3), 25, 27 and 27B(b) and (c), Schedule 1.1[3] and Schedule 3, clause 6**

Omit “RMS” wherever occurring. Insert instead “TfNSW”.

**[3] Sections 25 and 27, headings**

Omit “RMS” wherever occurring. Insert instead “TfNSW”.

**[4] Section 25(1)**

Omit “RMS’s”. Insert instead “TfNSW’s”.

**[5] Schedule 1 Modification of Heavy Vehicle National Law as applying in New South Wales**

Omit the definition of *RMS* (not including the note) in Schedule 1.1[1].

Insert instead—

*TfNSW* means Transport for NSW constituted under the *Transport Administration Act 1988*.

**[6] Schedule 1.1[2]**

Omit “RMS”. Insert instead “TfNSW”.

#### **4.28 Impounding Act 1993 No 31**

**[1] Section 5 Who can impound and what can be impounded**

Omit “The power to impound conferred by this Act on an impounding officer of Roads and Maritime Services is limited to the impounding of motor vehicles, unless the regulations otherwise provide.” from section 5(1).

**[2] Section 43 Police required to provide assistance on request**

Omit “Roads and Maritime Services” from section 43(2).

Insert instead “Transport for NSW”.

**[3] Dictionary**

Omit “the control of Roads and Maritime Services” from the definition of *area of operations*.

Insert instead “the control of Transport for NSW”.

**[4] Dictionary, definition of “area of operations”**

Omit the following—

- in the case of an impounding officer appointed by Transport for NSW, land owned by or under the control of that body,

- in the case of an impounding officer appointed by Roads and Maritime Services, any road, land along or near the line of a road, land vested in Roads and Maritime Services, and a bridge, ferry or tunnel vested in or subject to the administration or control of Roads and Maritime Services,

Insert instead—

- in the case of an impounding officer appointed by Transport for NSW—
  - land owned by or under the control of Transport for NSW, and
  - without limiting the above, any road, land along or near the line of a road, land vested in Transport for NSW, and a bridge, ferry or tunnel vested in or subject to the administration or control of Transport for NSW,

**[5] Dictionary, definition of “impounding authority”**

Omit the matter relating to Roads and Maritime Services.

#### **4.29 Independent Commission Against Corruption Act 1988 No 35**

**Section 104C Vetting of prospective staff or consultants**

Omit “Roads and Maritime Services” from section 104C(2)(c).

Insert instead “Transport for NSW”.

#### **4.30 Independent Pricing and Regulatory Tribunal Act 1992 No 39**

**Schedule 1 Government agencies for which Tribunal has standing reference**

Omit “Roads and Maritime Services”. Insert instead “Transport for NSW”.

#### **4.31 Industrial Relations Act 1996 No 17**

**[1] Schedule 1 Persons deemed to be employees**

Omit “RMS” from the heading to clause 1(l). Insert instead “Transport for NSW”.

**[2] Schedule 1, clauses 1(l) and 2(2)(c) (definition of “road work”)**

Omit “Roads and Maritime Services” wherever occurring.

Insert instead “Transport for NSW”.

**[3] Schedule 1, clause 1(l)**

Omit “RMS”. Insert instead “Transport for NSW”.

#### **4.32 Jury Act 1977 No 18**

**Section 75A Information to be supplied to sheriff**

Omit “Roads and Maritime Services” wherever occurring.

Insert instead “Transport for NSW”.

#### **4.33 Law Enforcement and National Security (Assumed Identities) Act 2010 No 73**

##### **Section 4 Definitions**

Omit “Roads and Maritime Services” from the note to the definition of *government issuing agency* in section 4(1).

Insert instead “Transport for NSW”.

#### **4.34 Law Enforcement Conduct Commission Act 2016 No 61**

##### **Section 189 Vetting of prospective staff or consultants**

Omit “Roads and Maritime Services” from section 189(2)(c).

Insert instead “Transport for NSW constituted under the *Transport Administration Act 1988*”.

#### **4.35 Liquor Act 2007 No 90**

##### **Section 4 Definitions**

Omit “Roads and Maritime Services” from paragraph (a) of the definition of *evidence of age document* in section 4(1).

Insert instead “Transport for NSW”.

#### **4.36 Liquor Regulation 2018**

##### **Clause 29 Preparation of CIS—consultation requirements**

Omit clause 29(3)(f). Insert instead—

(f) Transport for NSW,

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

##### **Dictionary**

Omit “Roads and Maritime Services” from the definition of *parking authority for a person with disabilities*.

Insert instead “Transport for NSW”.

#### **4.38 Local Government (General) Regulation 2005**

##### **[1] Clauses 27 and 65**

Omit “the Roads and Traffic Authority” wherever occurring.

Insert instead “Transport for NSW”.

##### **[2] Clause 53 Matters to be taken into consideration by council in determining whether to approve the operation of a public car park**

Omit “Roads and Traffic Authority’s views” from clause 53(a).

Insert instead “views of Transport for NSW”.

##### **[3] Clause 65 Concurrence required for operation of public car park**

Omit “The Authority”. Insert instead “Transport for NSW”.

**[4] Clause 275 Definitions**

Omit “Roads and Maritime Services” from the definition of *Photo Card* in clause 275(1).  
Insert instead “Transport for NSW”.

**4.39 Major Events Act 2009 No 73**

**[1] Section 4 Definitions**

Omit the definition of *RMS* from section 4(1). Insert in alphabetical order—

*TfNSW* means Transport for NSW constituted under the *Transport Administration Act 1988*.

**[2] Sections 26(2) and (3), 27(6), (7) and (9), 28(2), 29, 30(6) and 32(2)(e)**

Omit “RMS” wherever occurring. Instead instead “TfNSW”.

**4.40 Marine Pollution Act 2012 No 5**

**[1] Section 3 Definitions**

Omit “Roads and Maritime Services” from paragraph (a) of the definition of *certified*.  
Insert instead “Transport for NSW”.

**[2] Section 247 Delegation**

Omit paragraph (a) of the definition of *approved person* in section 247(3).

**4.41 Marine Pollution Regulation 2014**

**[1] Clause 3 Definitions**

Omit the definition of *RMS* from clause 3(1). Insert in alphabetical order—

*TfNSW* means Transport for NSW constituted under the *Transport Administration Act 1988*.

**[2] Clauses 18(b), 45(3) and (5), 46(3) and (5), 47(3) and (5), 48(5) and (7), 50(4) and (6), 53(1)(c) and (3) and 56(c)**

Omit “RMS” wherever occurring. Insert instead “TfNSW”.

**4.42 Marine Safety Act 1998 No 121**

**[1] Sections 4(1) (definition of “responsible licensing official”), 19H(2) and (3), 28A(5), 33(1A), 39(2A), 63A(4A), 96(1)(a), 111(3) and (5), 125M(2), 133(1) and (2), 134(1)(c), 135A(4) and 139 and Schedule 1A, clause 15(1) and (2)**

Omit “RMS” wherever occurring. Insert instead “Transport for NSW”.

**[2] Section 4 Definitions**

Omit the definition of *RMS* from section 4(1). Insert in alphabetical order—

*Transport for NSW* or *TfNSW* means Transport for NSW constituted under the *Transport Administration Act 1988*.

**[3] Sections 19A(2)(a), 19B(5), 19C(3)(b), 19D(1), 19G(3), 19I, 19J(5), 19K(2)–(5), 19L and 19M(1)–(3) and (5) and Schedule 1A, clause 4(1) (definition of “appropriate inspection officer”)**

Omit “Chief Executive of RMS” wherever occurring.



Insert instead “Transport for NSW”.

**[4] Section 19D Removal, impounding and production of vessel**

Omit “Chief Executive” where secondly occurring in section 19D(1).

Insert instead “Transport for NSW”.

**[5] Section 19M Disposal of vessels**

Omit “or RMS” wherever occurring in section 19M(5) and (6).

**[6] Section 19N Protection from liability with respect to impounding and other matters**

Omit “or Chief Executive of RMS, RMS”.

**[7] Section 19O Failure to prosecute**

Omit “or Chief Executive of RMS, RMS” from section 19O(1).

Insert instead “, Transport for NSW”.

**[8] Section 111 Action by Minister following report of investigation**

Omit “RMS,” from section 111(2)(f).

**[9] Section 136A Reliance on advice**

Omit “, TfNSW or RMS” wherever occurring. Insert instead “or TfNSW”.

**[10] Section 136A(2)**

Omit “, RMS”.

#### **4.43 Marine Safety Legislation (Lakes Hume and Mulwala) Act 2001 No 78**

**Section 11 Appointment of interstate officers**

Omit “Roads and Maritime Services” from section 11(2).

Insert instead “Transport for NSW”.

#### **4.44 Marine Safety Regulation 2016**

**[1] Whole Regulation (except where otherwise amended by this Subschedule)**

Omit “RMS” wherever occurring. Insert instead “Transport for NSW”.

**[2] Clauses 55B(1) and (4) and 55C(1), (4) and (5)**

Omit “Chief Executive of RMS” wherever occurring.

Insert instead “Transport for NSW”.

**[3] Clause 55C Disposal of impounded vessels forfeited to the Crown**

Omit “Chief Executive” where secondly and thirdly occurring in clause 55C(5).

Insert instead “Transport for NSW”.

**[4] Schedule 6 Requirements relating to Sydney Cove**

Omit “RMS or” from the definition of *wharf authorisation* in clause 1.

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

Omit “RMS,” wherever occurring.

**4.45 Mining Regulation 2016**

**Clause 70 Protected documents not admissible in certain proceedings or otherwise protected**

Omit clause 70(2)(i). Insert instead—

- (i) Transport for NSW,

**4.46 Motor Accident Injuries Act 2017 No 10**

**[1] Section 1.4 Definitions**

Omit the definition of *RMS* from section 1.4(1). Insert in alphabetical order—

*TfNSW* means Transport for NSW constituted under the *Transport Administration Act 1988*.

**[2] Sections 2.5(4), 2.6(1), 2.8(4)–(10) and 2.15**

Omit “RMS” wherever occurring. Insert instead “TfNSW”.

**4.47 Motor Accident Injuries Regulation 2017**

**Clauses 5(b) and (e)(i) and 6(1)**

Omit “RMS” wherever occurring. Insert instead “TfNSW”.

**4.48 Motor Accidents Act 1988 No 102**

**Sections 141(1)(a2), 148(2)–(4) and 149(1) and (2)**

Omit “Roads and Maritime Services” wherever occurring.

Insert instead “Transport for NSW”.

**4.49 Motor Accidents Compensation Act 1999 No 41**

**[1] Section 3 Definitions**

Omit the definition of *RMS*. Insert in alphabetical order—

*TfNSW* means Transport for NSW constituted under the *Transport Administration Act 1988*.

**[2] Sections 11(4), 12(1), 14(4)–(6B) and 19(1)**

Omit “RMS” wherever occurring. Insert instead “TfNSW”.

**4.50 Motor Dealers and Repairers Act 2013 No 107**

**[1] Sections 4(1) (definition of “inspection report”), 59(a), 97(2) and 182(6) (definition of “relevant authority”)**

Omit “Roads and Maritime Services” wherever occurring.

Insert instead “Transport for NSW”.

**[2] Section 4 Definitions**

Insert in alphabetical order in section 4(1)—

*Transport for NSW* means Transport for NSW constituted under the *Transport Administration Act 1988*.

**[3] Section 149 Authorised officers**

Omit “the Chief Executive of Roads and Maritime Services” wherever occurring in paragraph (e) of the definition of *authorised officer* in section 149(1) and in section 149(2).  
Insert instead “Transport for NSW”.

**[4] Section 156 Proceedings**

Omit section 156(1)(c). Insert instead—

- (c) the Secretary of the Department of Transport or, in the name of the Secretary of the Department of Transport, a person acting with the authority of that Secretary.

#### **4.51 Motor Dealers and Repairers Regulation 2014**

**Clause 56 Penalty notice officers**

Omit “the Chief Executive of Roads and Maritime Services” from clause 56(d).  
Insert instead “Transport for NSW”.

#### **4.52 Motor Racing (Sydney and Newcastle) Act 2008 No 106**

**Section 43 Regulations**

Omit “Roads and Maritime Services” from section 43(2)(h).  
Insert instead “Transport for NSW”.

#### **4.53 Motor Racing (Sydney and Newcastle) Regulation 2017**

**Clause 4**

Omit the clause. Insert instead—

**4 Consultation with Transport for NSW regarding authorised works**

Transport for NSW is prescribed for the purposes of sections 17(5)(c) and 18(a)(iib) of the Act.

#### **4.54 Motor Vehicles Taxation Act 1988 No 111**

**[1] Whole Act (except where otherwise amended by this Subschedule)**

Omit “the Authority” and “The Authority” wherever occurring.  
Insert instead “Transport for NSW”.

**[2] Section 3 Definitions**

Omit the definition of *Authority* from section 3(1). Insert in alphabetical order—

*Transport for NSW* or *TfNSW* means Transport for NSW constituted under the *Transport Administration Act 1988*.

**[3] Section 21, heading**

Omit “Authority”. Insert instead “TfNSW”.

**[4] Section 22 Exemptions etc may be revoked or varied**

Omit “Authority or officer”. Insert instead “Transport for NSW or the officer”.

**[5] Section 22A, heading**

Omit “and Maritime Services”.

**[6] Section 22A(1), definition of “Roads Fund”**

Omit “Roads and Maritime Services”. Insert instead “TfNSW”.

#### **4.55 National Parks and Wildlife Act 1974 No 80**

**[1] Section 184A, heading**

Omit “RMS”. Insert instead “TfNSW”.

**[2] Section 184A(1)**

Omit the definition of *RMS* from section 184A(1). Insert in alphabetical order—

*TfNSW* means Transport for NSW constituted under the *Transport Administration Act 1988*.

**[3] Section 184A(2)(b)**

Omit “RMS”. Insert instead “the Roads and Traffic Authority”.

**[4] Section 184A(2), note**

Insert at the end of the subsection—

**Note.** The excised land is now vested in TfNSW as the successor to the RTA and RMS.

**[5] Section 184A(4)–(6) and (8)(a)**

Omit “RMS” wherever occurring. Insert instead “TfNSW”.

**[6] Schedule 16, heading**

Omit “RMS”. Insert instead “Transport for NSW”.

#### **4.56 Newcastle Local Environmental Plan 2012**

**Clause 5.1 Relevant acquisition authority**

Omit “Roads and Maritime Services” wherever occurring in clause 5.1(2), except where firstly occurring.

Insert instead “Transport for NSW”.

#### **4.57 Parramatta (former The Hills) Local Environmental Plan 2012**

**Clause 5.1 Relevant acquisition authority**

Omit “Roads and Maritime Services” where secondly occurring in clause 5.1(2).

Insert instead “Transport for NSW”.

#### **4.58 Parramatta Local Environmental Plan 2011**

**Clause 5.1 Relevant acquisition authority**

Omit “Roads and Maritime Services” where secondly occurring in clause 5.1(2).

Insert instead “Transport for NSW”.

#### **4.59 Passenger Transport Act 1990 No 39**

**[1] Whole Act (except Schedule 3 and where otherwise amended by this Subschedule)**

Omit “RMS” wherever occurring. Insert instead “TfNSW”.

**[2] Section 3 Definitions**

Omit the definition of *Roads and Maritime Services* or *RMS* from section 3(1).

**[3] Sections 46H(2) and (3) and 62(2)**

Omit “RMS or” wherever occurring.

**[4] Section 46NA Meaning of “appropriate authority”**

Omit paragraph (b) of the definition of *appropriate authority*.

**[5] Sections 46R(2)(f)(ii) and 46W(2), (3), (6) and (7)**

Omit the provisions.

**[6] Sections 46W(5) and 47(1) and (2)**

Omit “or RMS” wherever occurring.

**[7] Section 47, heading**

Omit “or RMS”.

**[8] Section 66 Exclusion of liability of the State**

Omit “the Chief Executive of Roads and Maritime Services or an officer of the Ministry of Transport, the Chief Investigator or Roads and Maritime Services”.

Insert instead “the Secretary of the Department of Transport, a person employed in the Transport Service or a member of staff of the Chief Investigator”.

#### **4.60 Passenger Transport Act 2014 No 46**

**[1] Whole Act (except Schedule 3 and where otherwise amended by this Subschedule)**

Omit “RMS” wherever occurring. Insert instead “TfNSW”.

**[2] Section 4 Definitions**

Omit the definition of *Roads and Maritime Services* or *RMS* from section 4(1).

**[3] Section 12 Definitions**

Omit the section.

**[4] Sections 13(1)(a), 17(2) and (3)(a) and (b), 18(5)(c), 21, 22(1), 23(1), 26, 27, 33(2) and 35(1)(a)**

Omit “the accrediting authority” wherever occurring. Insert instead “TfNSW”.

**[5] Sections 17(4) and (5), 18(1) and (2), 19, 20(2) (including the note), 26(2) and (3) and 33(1) (including the note) and (3)**

Omit “The accrediting authority” wherever occurring. Insert instead “TfNSW”.

- [6] **Section 20 Grants of accreditation**  
Omit “an accrediting authority” from section 20(1). Insert instead “TfNSW”.
- [7] **Section 20(2)**  
Omit “the authority”. Insert instead “TfNSW”.
- [8] **Section 24 Notice of accreditation decision**  
Omit “An accrediting authority” from section 24(1). Insert instead “TfNSW”.
- [9] **Sections 152(2)–(4), 153 and 170(1)(a)**  
Omit the provisions.
- [10] **Section 152 Appointment of authorised officers by TfNSW**  
Omit “and section 153” from section 152(5).
- [11] **Sections 152(5) and 170(3) and (4)**  
Omit “RMS,” wherever occurring.
- [12] **Sections 154, 156(1) and (3), 157(3), 166(6) (definition of “authorised officer”) and 169(3)**  
Omit “or RMS” wherever occurring.
- [13] **Sections 159(2)–(4), 171(1)–(3), 172(3) and 174(1)**  
Omit “RMS or” wherever occurring.
- [14] **Schedule 1 Investigation and inspection powers**  
Omit the definition of *appropriate authority* from clause 25.
- [15] **Schedule 1, clause 28**  
Omit “The appropriate authority for an authorised officer must pay compensation for any damage caused by the”.  
Insert instead “TfNSW must pay compensation for any damage caused by an”.
- [16] **Schedule 4 Amendment of Acts**  
Omit Schedule 4.12[14].
- [17] **Schedule 4.12[22A]**  
Insert after Schedule 4.12[22]—
- [22A] **Schedule 1, clause 8F(4)**  
Omit “section 46E of the *Passenger Transport Act 1990*”.  
Insert instead “section 150 of the *Passenger Transport Act 2014*”.

#### **4.61 Passenger Transport (Drug and Alcohol Testing) Regulation 2010**

- [1] **Clauses 14(3)(b) and (4) and 27–30**  
Omit “RMS” wherever occurring. Insert instead “TfNSW”.

**[2] Clause 29, heading**

Omit “RMS”. Insert instead “TfNSW”.

**4.62 Passenger Transport (General) Regulation 2017**

**[1] Whole Regulation (except clause 239B and where otherwise amended by this Subschedule)**

Omit “RMS” wherever occurring. Insert instead “TfNSW”.

**[2] Clauses 80(1)(d) and 90(2)(a)**

Omit “RMS’s” wherever occurring. Insert instead “TfNSW’s”.

**[3] Clause 239 Authorised officers**

Omit “and (2)” from clause 239(1).

**[4] Clause 239(1)(a)**

Omit the paragraph.

**[5] Clause 239(1)(g)**

Omit “RMS or”.

**[6] Clause 239(2)**

Omit “or RMS (whichever of those statutory corporations appointed the person as an authorised officer)”.

**[7] Clause 239A Delegation to authorised persons**

Omit clause 239A(b).

**4.63 Petroleum (Onshore) Regulation 2016**

**Clause 18 Protected voluntary audit documents not admissible in certain proceedings or otherwise protected—section 83K**

Omit clause 18(2)(i). Insert instead—

- (i) Transport for NSW,

**4.64 Photo Card Act 2005 No 20**

**[1] Whole Act (except where otherwise amended by this Subschedule)**

Omit “the Authority” and “The Authority” wherever occurring.

Insert instead “Transport for NSW”.

**[2] Section 3 Definitions**

Omit the definition of *Authority* from section 3(1).

Insert in alphabetical order—

*Transport for NSW* or *TfNSW* means Transport for NSW constituted under the *Transport Administration Act 1988*.

**[3] Section 4, heading**

Omit “the Authority”. Insert instead “TfNSW”.

**[4] Sections 5 and 31, headings**

Omit “**Authority**” wherever occurring. Insert instead “**TfNSW**”.

**4.65 Photo Card Regulation 2014**

**[1] Clause 6, heading**

Omit “**Authority**”. Insert instead “**TfNSW**”.

**[2] Clause 6**

Omit “The Authority”. Insert instead “Transport for NSW”.

**[3] Clauses 8(1), 9(1)–(3) and 10**

Omit “the Authority” wherever occurring. Insert instead “Transport for NSW”.

**4.66 Pipelines Act 1967 No 90**

**[1] Section 3 Definitions**

Omit “Rail Infrastructure Corporation, Roads and Maritime Services” from paragraph (a) of the definition of *public authority* in section 3(1).

Insert instead “Transport for NSW”.

**[2] Section 3(1), paragraph (a) of definition of “public authority”**

Omit “, Transport Infrastructure Development Corporation”.

**4.67 Pipelines Regulation 2013**

**[1] Clause 8, heading**

Omit “**RMS**”. Insert instead “**Transport for NSW**”.

**[2] Clause 8**

Omit “Roads and Maritime Services” wherever occurring.

Insert instead “Transport for NSW”.

**4.68 Place Management NSW Act 1998 No 170**

**Section 18 Management of land of other public authorities**

Omit paragraph (b) of the definition of *public authority* in section 18(5). Insert instead—

- (b) Transport for NSW constituted under the *Transport Administration Act 1988*,

**4.69 Point to Point Transport (Taxis and Hire Vehicles) Act 2016 No 34**

**[1] Section 3 Definitions**

Omit the definition of *RMS* from section 3(1).

**[2] Section 25 Dismissal or other victimisation of worker**

Omit “RMS,” from the definition of *public authority* in section 25(6).



**[3] Section 130 Return of number-plates**

Omit “RMS” from section 130(2). Insert instead “TfNSW”.

**[4] Section 149 Exchange of information**

Omit “or RMS” from paragraph (c) of the definition of *relevant agency* in section 149(5).

**4.70 Point to Point Transport (Taxis and Hire Vehicles) (Industry Adjustment) Regulation 2016**

**[1] Schedule 1 Adjustment assistance for taxi and hire vehicle industries**

Omit “RMS” wherever occurring in clauses 1(1) (definition of *taxi licence register*), 5A(1)(e), 9(4)(d) and 16.

Insert instead “TfNSW”.

**[2] Schedule 1, clauses 10(d) and 10A(1)(d)**

Omit “RMS,” wherever occurring.

**[3] Schedule 1, clauses 10(e) and 10A(1)(e)**

Omit the paragraphs.

**4.71 Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017**

**Clause 87 Authorised officers**

Omit “, Roads and Maritime Services” from clause 87(1)(c).

**4.72 Police Act 1990 No 47**

**Section 96B Vetting of prospective members of NSW Police Force or consultants**

Omit “Roads and Maritime Services” from section 96B(2)(c).

Insert instead “Transport for NSW”.

**4.73 Port Stephens Local Environmental Plan 2013**

**Clause 6.5 Infrastructure—Pacific Highway access**

Omit “Roads and Maritime Services” from clause 6.5(2).

Insert instead “Transport for NSW”.

**4.74 Ports and Maritime Administration Act 1995 No 13**

**[1] Whole Act (except Schedule 5 and where otherwise amended by this Subschedule)**

Omit “the Authority” and “The Authority” wherever occurring (including in any notes).

Insert instead “Transport for NSW”.

**[2] Long title**

Omit “Roads and Maritime Services”. Insert instead “Transport for NSW”.

**[3] Section 3 Definitions**

Omit the definition of *the Authority* from section 3(1).

Insert in alphabetical order—

*Transport for NSW* or *TfNSW* means Transport for NSW constituted under the *Transport Administration Act 1988*.

- [4] **Sections 33 and 41 and Part 4, Divisions 2 and 3, headings**  
Omit “Authority” wherever occurring. Insert instead “TfNSW”.
- [5] **Section 34 Maritime Advisory Council**  
Omit “the Authority’s” from section 34(4)(b). Insert instead “TfNSW’s”.
- [6] **Part 4, heading**  
Omit “Roads and Maritime Services”. Insert instead “TfNSW”.
- [7] **Section 43B, heading**  
Omit “the Authority”. Insert instead “TfNSW or Port Authority of NSW”.
- [8] **Sections 43E(2) and (6) (definition of “landside precinct”), 43F(1)(b) and (2), 43G(2), (3) and (5)–(9), 85C, 85D(1), (2) and (4), 85E(1) and (3)–(5), 105B(3) and 105C(7)**  
Omit “, Transport for NSW” wherever occurring.
- [9] **Section 85A Access to wharves**  
Omit “or Transport for NSW” wherever occurring in the definition of *wharf authorisation* and the note to that definition in section 85A(2).

#### **4.75 Ports and Maritime Administration Regulation 2012**

- [1] **Whole Regulation (except where otherwise amended by this Subschedule)**  
Omit “the Authority” and “The Authority” wherever occurring.  
Insert instead “Transport for NSW”.
- [2] **Clause 19 Interpretation**  
Omit the definition of *Transport for NSW* or *TfNSW* from clause 19(1).
- [3] **Clauses 67G(2), 67H, 67ZB(2) and 67ZC**  
Omit “the Authority’s” wherever occurring. Insert instead “TfNSW’s”.
- [4] **Clauses 67K, 67ZI and 67ZK, headings**  
Omit “Authority” wherever occurring. Insert instead “TfNSW”.
- [5] **Clauses 67Q (paragraph (b) of definition of “traffic control device”), 67S(1)(b), 67U(b) and 67ZM(2)**  
Omit “, Transport for NSW” wherever occurring.
- [6] **Clause 68A Delegation of certain functions of Minister**  
Omit the clause.

#### **4.76 Ports Assets (Authorised Transactions) Act 2012 No 101**

##### **Section 3 Interpretation—key definitions**

Omit paragraph (a) of the definition of *associated port land*. Insert instead—

- (a) Transport for NSW,

#### **4.77 Protection of the Environment Operations Act 1997 No 156**

##### **Sections 165(3) and 166(1) and Dictionary, definition of “marine authority”**

Omit “Roads and Maritime Services” wherever occurring.

Insert instead “Transport for NSW”.

#### **4.78 Protection of the Environment Operations (General) Regulation 2009**

**[1] Clauses 81(6)(n), 86(1) and 94(1)(b)**

Omit “Roads and Maritime Services” wherever occurring.

Insert instead “Transport for NSW”.

**[2] Clause 81 Enforcement officers**

Omit “a member of staff of Transport for NSW” from clause 81(6)(o).

Insert instead “a person employed in the Transport Service”.

**[3] Clause 81(6), note**

Omit “See also section 68HA(5) of the *Transport Administration Act 1988* in relation to references to the staff of Roads and Maritime Services and the staff of Transport for NSW.”.

**[4] Clause 86, heading**

Omit “Roads and Maritime Services”. Insert instead “Transport for NSW”.

**[5] Clause 86(2)**

Omit the subclause. Insert instead—

- (2) In this clause—

*Transport for NSW* means Transport for NSW constituted under the *Transport Administration Act 1988*.

#### **4.79 Protection of the Environment Operations (Noise Control) Regulation 2017**

##### **Clause 29 Exemptions for emergency-related vehicles**

Omit “Roads and Maritime Services, Transport for NSW,” from clause 29(c).

Insert instead “Transport for NSW”.

#### **4.80 Public Works and Procurement Act 1912 No 45**

**[1] Section 154, heading**

Omit “Roads and Maritime Services”. Insert instead “Transport for NSW”.

**[2] Sections 154(1)–(4) and 155(2)**

Omit “Roads and Maritime Services” wherever occurring.

Insert instead “Transport for NSW”.

#### **4.81 Queanbeyan Local Environmental Plan 2012**

##### **Schedule 2 Exempt development**

Omit “Roads and Maritime Services” from the matter under the heading “**Street banners and sails on or over roads**”.

Insert instead “Transport for NSW”.

#### **4.82 Recreation Vehicles Act 1983 No 136**

**Sections 15 (definition of “approved”), 16, 17(1), 18, 19(1) and (3)(b), 21, 22, 30(2), 32(1) and (4), 41 and 43(a)**

Omit “Roads and Maritime Services” wherever occurring.

Insert instead “Transport for NSW”.

#### **4.83 Road Improvement (Special Funding) Act 1989 No 95**

**[1] Section 3 Definitions**

Omit the definition of *Authority*.

**[2] Section 3, definition of “Roads Fund”**

Omit “Roads and Maritime Services”. Insert instead “TfNSW”.

**[3] Section 5 Appropriated money subject to statutory trust for road funding**

Omit “the Authority” and “The Authority” wherever occurring in section 5(1) and (3).

Insert instead “Transport for NSW”.

#### **4.84 Road Rules 2014**

**[1] Whole Rules (except where otherwise amended by this Subschedule)**

Omit “the Authority” and “The Authority” wherever occurring (including in any notes).

Insert instead “Transport for NSW”.

**[2] Rules 155A(4–1), 157–1(4), 158(4) (definition of “special purpose vehicle”), 268(7), 268–1, 268–3(3) and 271(6) and Dictionary (definitions of “approved bicycle helmet”, “authorised person” and “emergency worker”)**

Omit note 1.

**[3] Rules 158(2), 218–1, 267(1), 289(1) and 294–3(1)**

Omit “, and *Authority* is defined in the Act” wherever occurring in note 1.

**[4] Rules 213–1(1), 222–2(5), 294–2(3) and 300–3(1)**

Omit the notes.

**[5] Rules 289(1) and 294–3(1)**

Omit “Dictionary,” wherever occurring in note 1. Insert instead “Dictionary and”.

**[6] Rule 267–1(5), note**

Omit “*Authority* is defined in the Act.”.

**[7] Dictionary, introductory note 1**

Omit the first dot point.

**4.85 Road Transport Act 2013 No 18**

**[1] Whole Act (except Schedule 4 and where otherwise amended by this Subschedule)**

Omit “the Authority” and “The Authority” wherever occurring (including in any notes).

Insert instead “Transport for NSW”.

**[2] Section 4 Definitions**

Omit the definition of *the Authority* from section 4(1).

Insert in alphabetical order—

*Transport for NSW* or *TfNSW* means Transport for NSW constituted under the *Transport Administration Act 1988*.

**[3] Part 3.1 and Part 4.1, Division 1, headings**

Omit “Authority” wherever occurring. Insert instead “TfNSW”.

**[4] Sections 28, 62, 63, 65, 85, 204(5) and 277 and Schedule 2, clauses 8, 10, 11 and 17, headings**

Omit “Authority” wherever occurring. Insert instead “TfNSW”.

**[5] Section 48(5) and Schedule 2, clause 20**

Omit “Roads and Maritime Services Fund” wherever occurring.

Insert instead “TfNSW Fund”.

**[6] Section 57 Release of photographs prohibited**

Omit section 57(1)(b). Insert instead—

(b) in connection with the exercise of its functions under the *Passenger Transport Act 2014*, or

**[7] Section 75 Direction to provide documents concerning use of interstate registered vehicles**

Omit “the Authority or officer” wherever occurring in section 75(1).

Insert instead “Transport for NSW or the officer”.

**[8] Section 78 Use of dangerously defective motor vehicles**

Omit “Authority’s” from section 78(6)(a). Insert instead “TfNSW’s”.

**[9] Section 80(2) and Schedule 2, clause 10(5)**

Omit “the Authority’s” wherever occurring. Insert instead “TfNSW’s”.

**[10] Section 148U Delegation**

Omit “Transport for NSW or”.

**[11] Section 221C Application for removal of licence disqualifications**

Omit “Roads and Maritime Services” from section 221C(3)(b).

Insert instead “Transport for NSW”.

- [12] **Section 253 Protection from liability with respect to impounding, removal of number-plates and crash testing and other matters**  
Omit “the Authority,”.
- [13] **Section 258 Proof of appointments and signatures unnecessary**  
Omit paragraph (a) of the definition of *office holder* in section 258(3). Insert instead—  
(a) the Secretary of the Department of Transport, or
- [14] **Schedule 2 Registration charges for heavy vehicles**  
Omit “Authority” from clause 19(1)(a). Insert instead “Transport for NSW”.
- [15] **Schedule 2, clause 19(3)**  
Omit “Minister, Authority or”. Insert instead “Minister, Transport for NSW or the”.

#### **4.86 Road Transport (Driver Licensing) Regulation 2017**

- [1] **Whole Regulation (except clause 107)**  
Omit “the Authority” and “The Authority” wherever occurring (including in any notes).  
Insert instead “Transport for NSW”.
- [2] **Clauses 17(2), 22(1)(b), 29(1)(b), 36(2)(c), (5) and (6), 69(2)(b) and 114(3) and Schedule 3, item 6**  
Omit “the Authority’s” wherever occurring. Insert instead “TfNSW’s”.
- [3] **Clause 36(6)**  
Omit “The Authority’s”. Insert instead “TfNSW’s”.
- [4] **Clauses 35, 35A, 50, 65, 83, 94, 95, 105, 114 and 120, headings**  
Omit “Authority” wherever occurring. Insert instead “TfNSW”.
- [5] **Clause 104, heading**  
Omit “Release of information to”. Insert instead “Use of information by”.
- [6] **Clause 104**  
Omit “The Authority may provide to Transport for NSW any information recorded in the driver licence register for the purpose of assisting Transport for NSW to exercise”.  
Insert instead “Subject to any limitation under clause 107, Transport for NSW may use information recorded in the driver licence register for the purpose of exercising”.
- [7] **Clause 107 Use of information for the purposes of the mandatory alcohol interlock program**  
Omit “The Authority or” from clause 107(1).

#### **4.87 Road Transport (General) Regulation 2013**

- [1] **Whole Regulation (except Schedule 2 and where otherwise amended by this Subschedule)**  
Omit “the Authority” and “The Authority” wherever occurring (including in any notes).  
Insert instead “Transport for NSW”.

**[2] Clause 3 Definitions**

Omit the definition of *Authority guidelines* from clause 3(1). Insert in alphabetical order—  
*TfNSW guidelines* means guidelines in force under clause 83.

**[3] Clauses 7, 45, 50K, 83, 97, 107 and 141, headings**

Omit “Authority” wherever occurring. Insert instead “TfNSW”.

**[4] Clause 53 Manner of approval of aspects of data recording and related matters**

Omit “the Chief Executive of the Authority or by another person” from clause 53(b).  
Insert instead “a person”.

**[5] Clauses 55(1)(b) and 59(1)(b)**

Omit “the Chief Executive of the Authority, or by another person” wherever occurring.  
Insert instead “a person”.

**[6] Clauses 60(2)(a), (4) and (8), 66(1), (2)(a), (4) and (7), 73(1), (2)(a) and (4), 78(1), (2)(a) and (4) and 82(1)**

Omit “Authority guidelines” wherever occurring. Insert instead “TfNSW guidelines”.

**[7] Clause 79(b)**

Omit “the Authority guidelines”. Insert instead “TfNSW guidelines”.

**[8] Clause 83(2) and (3)**

Omit “an Authority” wherever occurring. Insert instead “a TfNSW”.

**[9] Clause 140, heading**

Omit “Authority’s”. Insert instead “TfNSW’s”.

**[10] Schedule 4 Authorised officers**

Omit the definitions of *Class 2 officer*, *Class 4 officer* and *Class 16 officer*.

Insert in alphabetical order—

*Class 2 officer* means a person—

- (a) employed in the Transport Service who is appointed as a class 2 enforcement officer, or
- (b) who is subject to the control and direction of Transport for NSW as a class 2 enforcement officer.

*Class 4 officer* means a person—

- (a) employed in the Transport Service who is appointed as a class 4 enforcement officer, or
- (b) who is subject to the control and direction of Transport for NSW as a class 4 enforcement officer.

*Class 16 officer* means a person employed in the Transport Service who is appointed as a Traffic Commander or a Transport Commander.

#### **4.88 Road Transport (Vehicle Registration) Regulation 2017**

**[1] Whole Regulation (except where otherwise amended by this Subschedule)**

Omit “the Authority” and “The Authority” wherever occurring (including in any notes).

Insert instead “Transport for NSW”.

**[2] Clauses 23, 24, 38, 45, 70, 74 and 86, Part 8, Division 4 and Schedule 2, clause 11E, headings**

Omit “**Authority**” wherever occurring. Insert instead “**TfNSW**”.

**[3] Clauses 41, 123N, 123O, 123P and 123Q, headings**

Omit “**the Authority**” wherever occurring. Insert instead “**TfNSW**”.

**[4] Clause 45(1)(d), note**

Omit “RMS”. Insert instead “TfNSW”.

**[5] Clauses 64(2)(a) and 85(3)**

Omit “the Authority” wherever occurring. Insert instead “TfNSW”.

**[6] Clauses 64(2)(c), 105(1)(c)(ii), 119(1)(b), 121(1)(d), 123J(1)(c)(ii), 123Y(1)(b) and 123ZA(1)(c)**

Omit “the Authority’s” wherever occurring. Insert instead “TfNSW’s”.

**[7] Clause 66 Directed inspections**

Omit “police officer” wherever occurring in clause 66(2) and (3).

Insert instead “the police officer”.

**[8] Dictionary**

Omit the definition of *Authority standard compliance specifications*.

Insert in alphabetical order—

*TfNSW standard compliance specifications* means any specifications that Transport for NSW, by order published in the Gazette, has declared to be specifications the compliance with which will be taken to be compliance with the applicable vehicle standards for the purposes of clause 64 or 85.

#### **4.89 Roads Act 1993 No 33**

**[1] Whole Act (except where otherwise amended by this Subschedule)**

Omit “RMS” and “RMS’s” wherever occurring.

Insert instead “TfNSW” and “TfNSW’s”, respectively.

**[2] Section 32B Definitions**

Omit paragraph (g) of the definition of *notifiable authority* in section 32B(1).

**[3] Dictionary**

Omit the definitions of *RMS*, *RMS development land* and *RMS Fund*.

Insert in alphabetical order—

*TfNSW* means Transport for NSW constituted under the *Transport Administration Act 1988*.

*TfNSW development land* means land that is declared by TfNSW to be land to which section 161 applies.

*TfNSW Fund* means the TfNSW Fund established under the *Transport Administration Act 1988*.



#### **4.90 Roads Regulation 2018**

- [1] **Whole Regulation (except Schedule 1 and where otherwise amended by this Subschedule)**  
Omit “RMS” wherever occurring. Insert instead “TfNSW”.
- [2] **Clause 74 Authority to enter land**  
Omit “member of staff of RMS who holds the position of Executive Director” from clause 74(b).  
Insert instead “person employed in the Transport Service who is authorised for the purposes of that section by TfNSW”.
- [3] **Clause 75 Evidentiary certificates**  
Omit “member of staff of RMS” from clause 75(c).  
Insert instead “person employed in the Transport Service”.
- [4] **Schedule 1 Roads authorities**  
Omit “RMS is declared” wherever occurring. Insert instead “TfNSW is declared”.

#### **4.91 Rural Fires Act 1997 No 65**

##### **Section 100A Definitions**

Omit paragraph (c) of the definition of *managed land* in section 100A(1).

Insert instead—

- (c) that is vested in, or under the control of, Transport for NSW, Sydney Metro, Transport Asset Holding Entity of New South Wales or Residual Transport Corporation of New South Wales, or

#### **4.92 Standard Instrument (Local Environmental Plans) Order 2006**

##### **Standard Instrument, Clause 5.1 Relevant acquisition authority [compulsory]**

Omit “Roads and Maritime Services” from clause 5.1(2).

Insert instead “Transport for NSW”.

#### **4.93 State Environmental Planning Policy No 64—Advertising and Signage**

- [1] **Clause 4 Definitions**  
Omit the definition of *RMS* from clause 4(1).
- [2] **Clauses 4(1) (paragraph (c) of definition of “transport corridor land”), 12, 16(1), 17(3)(c), 18(2)–(4) and 31**  
Omit “RMS” wherever occurring. Insert instead “TfNSW”.
- [3] **Clause 15 Advertisements on rural or non-urban land**  
Omit “the Roads and Traffic Authority” from clause 15(2)(a)(ii).  
Insert instead “TfNSW”.
- [4] **Clause 33 Exempt development**  
Omit “RMS,”.

#### **4.94 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017**

**[1] Clause 13 Consultation with public authorities other than councils**

Omit “Roads and Maritime Services” from clause 13(3).

Insert instead “Transport for NSW”.

**[2] Clause 57 Traffic-generating development**

Omit “Roads and Maritime Services (*RMS*)” from clause 57(2)(a).

Insert instead “Transport for NSW (*TfNSW*)”.

**[3] Clause 57(3)(a) and (4)**

Omit “RMS” wherever occurring. Insert instead “TfNSW”.

#### **4.95 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

**Clauses 2.114(d)(xiii)(A) and 5.22(c)(i)**

Omit “Roads and Maritime Services” wherever occurring.

Insert instead “Transport for NSW”.

#### **4.96 State Environmental Planning Policy (Gosford City Centre) 2018**

**Clause 5.1 Relevant acquisition authority**

Omit “Roads and Maritime Services” from clause 5.1(2).

Insert instead “Transport for NSW”.

#### **4.97 State Environmental Planning Policy (Infrastructure) 2007**

**[1] Clause 5 Interpretation—general**

Insert in alphabetical order in clause 5(2)—

*Transport for NSW* or *TfNSW* means Transport for NSW constituted under the *Transport Administration Act 1988*.

**[2] Clauses 16(2)(e), 68(1)(a), 70, 71(1), 72(i)(ii) and 129C(1)**

Omit “Roads and Maritime Services” wherever occurring.

Insert instead “Transport for NSW”.

**[3] Clause 93 Definitions**

Omit the definition of *RMS*.

**[4] Clause 93, definition of “road infrastructure facilities”**

Omit “RMS” wherever occurring. Insert instead “TfNSW”.

**[5] Clause 100 Development on proposed classified road**

Omit “the chief executive officer of RMS” wherever occurring in clause 100(1), (2)(a), (3) and (5).

Insert instead “TfNSW”.

**[6] Clauses 100(3)(b) and (c) and (4), 102(1), 103(2)(a) and (3) and 104(2A), (3) and (4)**  
Omit “RMS” wherever occurring. Insert instead “TfNSW”.

**[7] Schedule 3, heading**  
Omit “Roads and Maritime Services”. Insert instead “Transport for NSW”.

#### **4.98 State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

**[1] Appendix 4 Alex Avenue and Riverstone Precinct Plan 2010**

Omit “Roads and Traffic Authority” from clause 5.1(2).

Insert instead “Transport for NSW”.

**[2] Appendix 5 Marsden Park Industrial Precinct Plan**

Omit “Roads and Traffic Authority” wherever occurring in clause 5.1(2).

Insert instead “Transport for NSW”.

**[3] Appendix 6 Area 20 Precinct Plan**

Omit “Roads and Traffic Authority” from clause 5.1(2).

Insert instead “Transport for NSW”.

**[4] Appendix 7 Schofields Precinct Plan**

Omit “Roads and Maritime Services” from clause 5.1(2).

Insert instead “Transport for NSW”.

**[5] Appendix 8 Liverpool Growth Centres Precinct Plan**

Omit “Roads and Maritime Services” wherever occurring in clause 5.1(2).

Insert instead “Transport for NSW”.

**[6] Appendix 9 Camden Growth Centres Precinct Plan**

Omit “Roads and Maritime Services” from clause 5.1(2).

Insert instead “Transport for NSW”.

**[7] Appendix 10 Campbelltown Growth Centres Precinct Plan**

Omit “Roads and Maritime NSW” from clause 5.1(2).

Insert instead “Transport for NSW”.

**[8] Appendix 11 The Hills Growth Centre Precincts Plan**

Omit “Roads and Maritime Services” from clause 5.1(2).

Insert instead “Transport for NSW”.

**[9] Appendix 12 Blacktown Growth Centres Precinct Plan**

Omit “Roads and Maritime Services” wherever occurring in clause 5.1(2).

Insert instead “Transport for NSW”.

**[10] Appendix 13 Hawkesbury Growth Centres Precinct Plan**

Omit “Roads and Maritime Services” from clause 5.1(2).

Insert instead “Transport for NSW”.

**[11] Appendix 14 South East Wilton Precinct Plan**

Omit “Roads and Maritime Services” from clause 5.1(2).

Insert instead “Transport for NSW”.

**[12] Appendix 15 North Wilton Precinct Plan**

Omit “Roads and Maritime Services” from clause 5.1(2).

Insert instead “Transport for NSW”.

**4.99 State Environmental Planning Policy (Three Ports) 2013**

**Clause 4 Definitions**

Omit “Roads and Maritime Services” from the definition of *Channel User Licence Agreement* in clause 4(1).

Insert instead “Transport for NSW”.

**4.100 State Environmental Planning Policy (Western Sydney Employment Area) 2009**

**Clause 28 Relevant acquisition authority**

Omit “Roads and Maritime Services” from clause 28(2).

Insert instead “Transport for NSW”.

**4.101 Sydney Local Environmental Plan 2012**

**Schedule 2 Exempt development**

Omit “RMS” from the note under the heading “Street art”.

Insert instead “Transport for NSW”.

**4.102 Sydney Local Environmental Plan (Glebe Affordable Housing Project) 2011**

**[1] Clause 5.1 Relevant acquisition authority**

Omit “Roads and Traffic Authority” from clause 5.1(2).

Insert instead “Transport for NSW”.

**[2] Schedule 2 Exempt development**

Omit “RMS” from the note under the heading “Street art”.

Insert instead “Transport for NSW”.

**4.103 Sydney Local Environmental Plan (Green Square Town Centre) 2013**

**[1] Clause 5.1 Relevant acquisition authority**

Omit “Roads and Maritime Services” from clause 5.1(2).

Insert instead “Transport for NSW”.

**[2] Schedule 2 Exempt development**

Omit “RMS” from the note under the heading “Street art”.

Insert instead “Transport for NSW”.

**4.104 Sydney Local Environmental Plan (Green Square Town Centre—Stage 2) 2013**

**[1] Clause 5.1 Relevant acquisition authority**

Omit “Roads and Maritime Services” from clause 5.1(2).

Insert instead “Transport for NSW”.

**[2] Schedule 2 Exempt development**

Omit “RMS” from the note under the heading “Street art”.

Insert instead “Transport for NSW”.

**4.105 Sydney Local Environmental Plan (Harold Park) 2011**

**Schedule 2 Exempt development**

Omit “RMS” from the note under the heading “Street art”.

Insert instead “Transport for NSW”.

**4.106 Sydney Olympic Park Authority Act 2001 No 57**

**[1] Section 4 Definitions**

Omit the definition of *RMS* from section 4(1). Insert in alphabetical order—

*TfNSW* means Transport for NSW constituted under the *Transport Administration Act 1988*.

**[2] Sections 19(7), 41(5) and (6), 42 and 45 (including note)**

Omit “RMS” wherever occurring. Insert instead “TfNSW”.

**[3] Section 45**

Omit “section 50”. Insert instead “section 3I”.

**4.107 Sydney Regional Environmental Plan No 26—City West**

**[1] Clause 54A Temporary use of land for the purpose of a school at Wentworth Park**

Omit “RMS” wherever occurring in clause 54A(4).

Insert instead “TfNSW”.

**[2] Clause 54A(5)**

Omit the definition of *RMS*. Insert in alphabetical order—

*TfNSW* means Transport for NSW constituted under the *Transport Administration Act 1988*.

#### **4.108Tattoo Parlours Act 2012 No 32**

##### **Section 36 Exchange of information**

Omit “or Roads and Maritime Services” from paragraph (c) of the definition of *relevant agency* in section 36(4).

#### **4.109Tattoo Parlours Regulation 2013**

##### **Clause 12 Additional information and requirements for applications for licences**

Omit “Roads and Maritime Services” from the definition of *NSW driver licence* in clause 12(2).

Insert instead “Transport for NSW constituted under the *Transport Administration Act 1988*”.

#### **4.110Terrorism (High Risk Offenders) Regulation 2018**

##### **Clause 6 Prescribed circumstances**

Omit item 18 of the table to clause 6(2).

#### **4.111The Hills Local Environmental Plan 2019**

##### **Clause 5.1 Relevant acquisition authority**

Omit “Roads and Maritime Services” where secondly occurring in clause 5.1(2).

Insert instead “Transport for NSW”.

#### **4.112Tow Truck Industry Act 1998 No 111**

##### **[1] Section 57 Tow Truck number plates**

Omit “Truck” from the section heading. Insert instead “truck”.

##### **[2] Section 57(1)**

Omit “Roads and Maritime Services”.

Insert instead “Transport for NSW”.

#### **4.113Transport Administration Act 1988 No 109**

##### **Section 3A Metropolitan rail area**

Omit “also lodged in the office of Transport NSW” from section 3A(1).

Insert instead “held by TfNSW”.

#### **4.114Transport Administration (General) Regulation 2018**

##### **Clause 20 Further additional classes of persons to whom TfNSW may delegate functions**

Omit “RMS” wherever occurring. Insert instead “TfNSW”.

#### **4.115 Valuation of Land Regulation 2018**

##### **Clause 4 Crown lease restricted land**

Omit clause 4(e). Insert instead—

- (e) Transport for NSW constituted under the *Transport Administration Act 1988*,

#### **4.116 Victims Rights and Support Act 2013 No 37**

##### **Section 75 Access to information about whereabouts of defendant**

Omit “Roads and Maritime Services”. Insert instead “Transport for NSW”.

#### **4.117 Water Management (General) Regulation 2018**

##### **[1] Schedule 4 Exemptions**

Omit “Maritime Authority” from the heading to clause 19.

Insert instead “Transport for NSW”.

##### **[2] Schedule 4, clause 19(a)**

Omit “Roads and Maritime Services”. Insert instead “Transport for NSW”.

#### **4.118 Waverley Local Environmental Plan 2012**

##### **Clause 5.1 Relevant acquisition authority**

Omit “Roads and Maritime Services” where secondly and thirdly occurring in clause 5.1(2).

Insert instead “Transport for NSW”.

#### **4.119 Wollongong Local Environmental Plan 2009**

##### **Clause 5.1 Relevant acquisition authority**

Omit “Roads and Maritime Services” where secondly and thirdly occurring in clause 5.1(2).

Insert instead “Transport for NSW”.

#### **4.120 Woollahra Local Environmental Plan 2014**

##### **Clause 5.1 Relevant acquisition authority**

Omit “Roads and Maritime Services” where secondly and thirdly occurring in clause 5.1(2).

Insert instead “Transport for NSW”.

#### **4.121 Workers Compensation Regulation 2016**

##### **Schedule 6 Maximum costs—compensation matters**

Omit “Roads and Maritime Services” from clause 17(a).

Insert instead “Transport for NSW”.

## Schedule 5 Repeals

### Repeal of redundant instruments

The following Acts and instrument, and provisions of an Act are repealed—

<b>Act or instrument</b>	<b>Provisions repealed</b>
<i>Statute Law (Miscellaneous Provisions) Act (No 2) 2018</i> No 68	Whole instrument
<i>Statute Law (Miscellaneous Provisions) Act (No 2) 2019</i> No 14	Whole instrument
<i>Wool, Hide and Skin Dealers Regulation 2015</i>	Whole instrument
<i>Fair Trading Legislation Amendment (Reform) Act 2018</i> No 65	Schedule 1.2

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## Schedule 6 General savings, transitional and other provisions

### 1 Effect of amendment of amending provisions

- (1) An amendment made by Schedule 1 to an amending provision contained in an Act or instrument is, if the amending provision has commenced before the Schedule 1 amendment concerned, taken to have effect as from the commencement of the amending provision, whether or not the amending provision has been repealed.
- (2) In this clause—  
**amending provision** means a provision of an Act or instrument that makes a direct amendment to an Act or instrument by—
  - (a) the repeal or omission of matter contained in the amended Act or instrument without the insertion of any matter instead of the repealed or omitted matter, or
  - (b) the omission of matter contained in the amended Act or instrument and the insertion of matter instead of the omitted matter, or
  - (c) the insertion into the amended Act or instrument of matter, not being matter inserted instead of matter omitted from the Act or instrument.

#### Explanatory note

This clause ensures that an amendment made by the proposed Act to a repealing or amending provision of an Act or instrument will (if the repealing or amending provision commences before the amendment made by the proposed Act) be taken to have commenced on the date the repealing or amending provision commences.

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

Unless expressly provided to the contrary, if this Act—

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

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

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

### 3 Effect of amendment on instruments

Unless expressly provided to the contrary, any instrument made under an Act amended by this Act, that is in force immediately before the commencement of the amendment, is taken to have been made under the Act as amended.

#### Explanatory note

This clause ensures that, unless expressly provided, any instrument that is in force and made under a provision of an Act that is amended or substituted by the proposed Act will be taken to have been made under the Act as amended.

### 4 Revocation of repeal

Section 29A of the *Interpretation Act 1987* applies to the repeal of Acts or instruments, or provisions of Acts or instruments, by this Act.

#### Explanatory note

The effect of this clause is to enable the Governor, by proclamation, to revoke the repeal of any Act or instrument, or any provision of any Act or instrument, by the proposed Act. The Act or instrument, or provision, the subject of the revocation of repeal is taken not to be, and never to have been, repealed.

## **5 Regulations**

- (1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act.
- (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 on the NSW legislation website, the provision does not operate so as—
  - (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.

### **Explanatory note**

This clause enables the making of regulations of a savings or transitional nature relating to incidental matters arising out of the proposed Act.