



New South Wales

Statute Law (Miscellaneous Provisions) Bill 2021

Contents

		Page
	1 Name of Act	2
	2 Commencement	2
	3 Explanatory notes	2
Schedule 1	Minor amendments	3
Schedule 2	Amendments by way of statute law revision—miscellaneous amendments	30
Schedule 3	Amendments by way of statute law revision—Aware Super	49
Schedule 4	Repeal	53
Schedule 5	General savings, transitional and other provisions	54

This public bill which originated in the Legislative Assembly, has passed and is now ready for presentation to the Legislative Council for its concurrence.

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

, 2021



New South Wales

Statute Law (Miscellaneous Provisions) Bill 2021

Act No , 2021

An Act to repeal an instrument 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.

EXAMINED

Speaker

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Statute Law (Miscellaneous Provisions) Act 2021*.

2 Commencement

- (1) Subject to subsections (2) and (3), this Act commences on the date of assent to this Act.
- (2) The amendments made by this Act, Schedules 1–3, commence on the day or days specified in the relevant Schedule in relation to the amendment.
- (3) However, if a commencement day is not specified in Schedule 1–3 in relation to an amendment in the Schedule, the amendment commences on 14 July 2021.

3 Explanatory notes

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

Schedule 1	Minor amendments	1
1.1	Animal Research Act 1985 No 123	2
	Section 61 Service of notices	3
	Omit section 61(c). Insert instead—	4
	(c) by electronic transmission to an address or location specified by the person for the service of notices of that kind.	5
	Explanatory note	7
	The proposed amendment enables the service of notices on persons to be effected by electronic transmission, including by email.	8
1.2	Companion Animals Act 1998 No 87	10
	Schedule 3 Savings and transitional provisions	11
	Omit “the commencement of the section” from clause 9(1). Insert instead “1 July 2020”.	12
	Explanatory note	13
	The proposed amendment provides that the requirement for a permit to own a cat that is 4 months old or older and not desexed does not apply if the cat was registered before 1 July 2020.	14
	Currently, the requirement does not apply if the cat was registered before 1 July 2019.	15
1.3	Contaminated Land Management Act 1997 No 140	17
[1]	Section 4 Definitions	18
	Omit the definition of <i>approved use</i> . Insert instead—	19
	<i>approved use</i> of land means a use to which the subject land may be put without planning approval.	20
[2]	Section 4(1), definition of “planning approval”	22
	Insert in alphabetical order—	23
	<i>planning approval</i> means—	24
	(a) development consent under the <i>Environmental Planning and Assessment Act 1979</i> , Part 4, or an approval under Division 5.2, or	25
	(b) an approval under that Act, Part 3A, when that Part was in force or continued in operation.	26
[3]	Section 6 Responsibility for contamination of land	29
	Omit “an approval under Part 3A, or for development consent under Part 4, of the <i>Environmental Planning and Assessment Act 1979</i> ” from section 6(4).	30
	Insert instead “planning approval”.	31
	Explanatory note	32
	The proposed amendments update references to repealed provisions.	33
1.4	Crimes Act 1900 No 40	35
[1]	Section 154E Definitions	36
	Insert “as in force immediately before its repeal” after “of the Commonwealth” in paragraph (c) of the definition of <i>motor vehicle</i> in section 154E(1).	37
		38

[2] Section 154J Possession of identification plate not attached to motor vehicle or trailer	1 2
Insert “as in force immediately before its repeal” after “of the Commonwealth” in the definition of <i>identification plate</i> in section 154J(3).	3 4
Commencement	5
The amendments to the <i>Crimes Act 1900</i> commence—	6
(a) if the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 15, commences before the date of assent to this Act—on the date of assent to this Act, or	7 8
(b) otherwise—on the day on which the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 15, commences.	9 10
Explanatory note	11
The proposed amendments clarify that provisions referring to the term <i>identification plate</i> , defined by reference to a Commonwealth Act, relate to the definition in the Commonwealth Act as in force immediately before its repeal.	12 13 14
1.5 Exhibited Animals Protection Act 1986 No 123	15
Section 51 Service of notices	16
Omit section 51(c). Insert instead—	17
(c) by electronic transmission to an address or location specified by the person for the service of notices of that kind, or	18 19
Explanatory note	20
The proposed amendment enables the service of notices on persons to be effected by electronic transmission, including by email.	21 22
1.6 Fisheries Management Act 1994 No 38	23
[1] Section 34A Definitions	24
Omit paragraphs (a) and (b) of the definition of <i>official receipt</i> in section 34A.	25
Insert instead—	26
(a) if the fishing fee was paid in person—	27
(i) the hard copy receipt, or a copy of the receipt, issued as evidence of payment, or	28 29
(ii) a photo, including a photo on a smartphone or other mobile device, of the receipt that clearly displays the information on the receipt, or	30 31 32
(b) if the fishing fee was paid over the telephone or by electronic means—	33
(i) the receipt number issued as evidence of payment, or	34
(ii) a photo, including a photo on a smartphone or other mobile device, of the receipt that clearly displays the information on the receipt, or	35 36 37
[2] Section 95 Cancellation or forfeiture of shares to be noted in Share Register	38
Omit “, forfeited or otherwise ceases to have effect” from section 95(1).	39
Insert instead “or forfeited”.	40
[3] Section 125 Definition of “relevant authority”	41
Omit section 125(d).	42

[4] Section 154 Register of permits	1
Omit “providing a computer print-out or providing access to a computer terminal that can be used to view the register” in section 154(6).	2 3
Insert instead “making the register, or that part kept by computer, available on the website of the Department”.	4 5
[5] Section 284 Public consultation procedure	6
Omit section 284(2). Insert instead—	7
(2) In order to give the public an opportunity to make submissions on a matter in subsection (1), the person or body to whom the requirement applies must—	8 9
(a) publish the following on the Department’s website—	10
(i) the matter that is subject to consultation,	11
(ii) the date by which submissions must be made, and	12
(b) allow a period of not less than 30 days for public comment.	13
(2A) A person or body may take other steps the person or body considers reasonable to bring a matter in subsection (1) to the attention of the following persons or class of persons—	14 15 16
(a) members of the public generally,	17
(b) if the matter relates to a particular area only—members of the public in or near the area.	18 19
Explanatory note	20
Item [1] of the proposed amendments provides that possession of a photo of an official receipt for payment of a recreational fishing fee, including a photo on a smartphone or other mobile device, is sufficient compliance with the requirement that a fisher have the official receipt in the fisher’s immediate possession when taking fish. Item [2] removes words that may incorrectly imply that forfeited shares in share management fisheries cease to have effect. Item [3] omits a redundant provision. Item [4] provides for the register of aquaculture permits kept under the Act to be made available on the website of the Department. Item [5] updates public consultation procedures in relation to certain matters under the <i>Fisheries Management Act 1994</i> to replace physical exhibition in Departmental Offices with publication on the Departmental website.	21 22 23 24 25 26 27 28 29
1.7 Food Act 2003 No 43	30
Section 137 Service of documents	31
Omit section 137(1)(e). Insert instead—	32
(e) by electronic transmission to an address or location specified by the person for the service of documents of that kind,	33 34
Explanatory note	35
The proposed amendment enables the service of documents on persons to be effected by electronic transmission, including by email.	36 37
1.8 Growth Centres (Development Corporations) Act 1974 No 49	38
Section 3A Special provisions relating to Infrastructure NSW	39
Omit section 3A(2). Insert instead—	40
(2) The growth centre for which Infrastructure NSW is taken to be constituted for the purposes of the relevant provisions is the land outlined in red on the map entitled “The Bays Growth Centre”, dated 1 September 2020 and published on Infrastructure NSW’s website.	41 42 43 44

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 omits certain land at Granville and Cooks Cove from the growth centre for which Infrastructure NSW is taken to be constituted.

1.9 Hemp Industry Act 2008 No 58

[1] Section 3 Definitions

Insert in alphabetical order in section 3(1)—

authorised officer means a person appointed by the Secretary under section 18.

[2] Section 3(1), definition of “inspector”

Omit the definition.

[3] Sections 17–21, 23, 25–33, 40(1)(d) and 45(6), definition of “authorised officer”

Omit “inspector”, “inspector’s” and “inspectors” wherever occurring.

Insert instead “authorised officer”, “authorised officer’s” and “authorised officers”, respectively.

[4] Section 42 Service of documents

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

(iii) electronic transmission to an address or location specified by the person for the service of documents of that kind, or

[5] Section 42(1)(b)(ii)

Omit the subparagraph. Insert instead—

(ii) electronic transmission to an address or location specified by the body corporate for the service of documents of that kind.

Explanatory note

Items [1]–[3] of the proposed amendments update references from inspectors to authorised officers. Items [4] and [5] enable the service of documents on a natural person or body corporate to be effected by electronic transmission, including by email.

1.10 Heritage Act 1977 No 136

Section 141 Determination of application

Insert after section 141(2)—

(3) The regulations may—

(a) make further provision for or with respect to the process for determining an application, and

(b) prescribe periods of time that are not to be taken into account in calculating the expiration of the 21-day period referred to in subsection (2) if the Heritage Council has requested that the applicant provide it with additional information relating to the application.

Explanatory note

The proposed amendment enables the regulations to—

(a) further provide for the process for determining applications for an excavation permit or historic shipwreck permit, and

(b)	provide for the suspension of the 21-day period in which an application would otherwise be required to be determined if the Heritage Council has asked an applicant to provide more information about the application.	1 2 3
1.11 Interpretation Act 1987 No 15		4
[1] Section 21 Meanings of commonly used words and expressions		5
	Insert in alphabetical order in section 21(1)—	6
	<i>business day</i> means a day that is not—	7
	(a) a Saturday or Sunday, or	8
	(b) a public holiday or bank holiday throughout the State.	9
	<i>public holiday</i> means a day appointed under the <i>Public Holidays Act 2010</i> or another Act as a public holiday.	10 11
[2] Section 30A Transferred provisions		12
	Omit “statutory rule to another Act and an Act” from section 30A(1).	13
	Insert instead “other instrument to another Act or instrument and the Act or instrument”.	14
[3] Section 30D		15
	Insert after section 30C—	16
30D Time of repeal of Acts and instruments		17
	If an Act or instrument, or a provision of an Act or instrument, is repealed on a day, the Act or instrument, or provision, is repealed at the beginning of the day.	18 19 20
	Explanatory note	21
	Item [1] of the proposed amendments inserts definitions for <i>business day</i> and <i>public holiday</i> to ensure that the defined terms are consistently interpreted in all legislative instruments. Item [2] provides that provisions may be transferred from an Act or instrument to another Act or instrument, without affecting the operation or meaning of the provision, if the Act or instrument the provision is transferred to states that the <i>Interpretation Act 1987</i> , section 30A applies. Item [3] provides that the repeal of an Act or instrument, or a provision, takes effect at the beginning of the day on which the Act, instrument or provision is repealed.	22 23 24 25 26 27 28
1.12 Liquor Amendment (Night-time Economy) Act 2020 No 40		29
[1] Schedule 1 Amendments of Liquor Act 2007 and regulation for an integrated demerit points and incentives scheme		30 31
	Omit “114M” from Schedule 1.1[1], definition of <i>category 1 demerit offence</i> , paragraph (a)(xi).	32 33
	Insert instead “114L”.	34
[2] Schedule 4 Miscellaneous amendments of Liquor Act 2007 and regulation		35
	Omit the definition of <i>dedicated live music and performance venue</i> from proposed section 12A(5) in Schedule 4.1[7].	36 37
	Explanatory note	38
	Item [1] of the proposed amendments corrects a cross-reference. Item [2] omits a definition proposed to be inserted in the <i>Liquor Act 2007 (the Act)</i> . The term <i>dedicated live music and performance venue</i> is already defined in the Act, section 3A.	39 40 41

1.13 Local Land Services Act 2013 No 51

Section 209 Service of documents

Omit section 209(1). Insert instead—

- (1) A document may be served on Local Land Services by—
 - (a) leaving it at, or sending it by post to, an office of Local Land Services, or
 - (b) sending it by electronic transmission to an address or location specified by Local Land Services for the service of documents of that kind.

Explanatory note

The proposed amendment enables the service of documents on Local Land Services to be effected by electronic transmission.

1.14 Mining Act 1992 No 29

[1] Whole Act

Omit “Director of Planning” wherever occurring. Insert instead “Planning Secretary”.

[2] Section 88

Omit “Secretary” wherever occurring. Insert instead “Planning Secretary”.

[3] Section 91 Objections to granting of proposed mining lease

Omit “Secretary” from section 91(3). Insert instead “Secretary of the Department”.

[4] Sections 188(6) and 203(1)(g)

Omit “mining registrar” wherever occurring. Insert instead “decision-maker”.

[5] Section 246P Conditions for mandatory audits

Omit section 246P(7). Insert instead—

- (7) This section does not affect the operation of the *Environmental Planning and Assessment Act 1979*, section 4.42, 4.50 or 5.24.

[6] Section 261B Security deposit conditions

Omit section 261B(6). Insert instead—

- (6) This section does not affect the operation of the *Environmental Planning and Assessment Act 1979*, section 4.42, 4.50 or 5.24.

[7] Section 261F Claim on and use of security deposit

Insert “or (3A)” after “subsection (3)” in section 261F(6).

[8] Section 363, heading

Omit “, Secretary or mining registrar” from the heading to section 363.

Insert instead “or Secretary”.

[9] Section 363(2A)

Omit the subsection.

[10] Section 366 Mining divisions

Omit subsection 366(2).

[11] Section 380AA Restrictions on planning applications for coal mining	1
Omit the note from clause 380AA(1). Insert instead—	2
Note. In this Act, development consent means a development consent under the <i>Environmental Planning and Assessment Act 1979</i> , Part 4 or an approval under that Act, Part 3A or Division 5.2.	3 4 5
[12] Section 380A Fit and proper person consideration in making certain decisions about mining rights	6 7
Omit “section 89K” from section 380A(4)(a). Insert instead “section 4.42”.	8
[13] Section 380A(4)	9
Omit “applicant”. Insert instead “relevant person”.	10
[14] Section 380A(4)(b)	11
Omit “Part 5.1” and “section 115ZH”.	12
Insert instead “Division 5.2” and “section 5.24”, respectively.	13
[15] Section 380A(4)(c)	14
Omit “Schedule 6A to the Planning Act, despite section 75V of that Act”.	15
Insert instead “the <i>Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017</i> , Schedule 2, despite the Planning Act, section 75V (as continued and modified by that Schedule)”.	16 17 18
[16] Section 380A(4)(d)	19
Omit “section 91A or 93”. Insert instead “section 4.47 or 4.50”.	20
[17] Section 381, heading	21
Omit “epis” from the heading to section 381. Insert instead “ environmental planning instruments ”.	22 23
[18] Schedule 1B Further provisions relating to authorisations generally	24
Omit “work programs and the technical and” from clause 6(b).	25
Insert instead “the technical or”.	26
[19] Schedule 1B, clause 6(b1)	27
Insert after clause 6(b)—	28
(b1) the relevant decision-maker considers that the work program proposed to be carried out by the applicant (or if the application relates to a transfer, the transferee) does not meet the applicable minimum standards in relation to work programs for an authorisation of the kind concerned,	29 30 31 32 33
[20] Schedule 1B, clause 7(3)(b)	34
Omit “section 93”. Insert instead “section 4.50”.	35
[21] Schedule 1 Public consultation with respect to the granting of assessment leases and mining leases	36 37
Omit “(or approval under Part 3A or Part 5.1 of the <i>Environmental Planning and Assessment Act 1979</i>)” from clause 4A.	38 39

[22] Schedule 1, clause 4A, note	1
Insert at the end of the clause—	2
Note. In this Act, development consent means a development consent under the <i>Environmental Planning and Assessment Act 1979</i> , Part 4 or an approval under that Act, Part 3A or Division 5.2.	3 4 5
[23] Schedule 6 Savings, transitional and other provisions	6
Omit “a Warden’s Court” wherever occurring in Schedule 6, clauses 70(7) and 72(5).	7
Insert instead “the Land and Environment Court”.	8
[24] Schedule 6, clause 142(3)	9
Omit “Director-General”. Insert instead “Secretary”.	10
[25] Dictionary	11
Omit the definition of Department from the Dictionary.	12
Insert instead—	13
Department means Regional NSW.	14
[26] Dictionary, definition of “deputy mining registrar”	15
Omit the definition.	16
[27] Dictionary, definition of “development consent”	17
Omit “Part 5.1”. Insert instead “Division 5.2”.	18
Explanatory note	19
Items [1], [2] and [24] of the proposed amendments update titles of positions. Item [3] makes a consequential amendment. Items [4], [8]–[10] and [26] remove references to mining registrars and deputy mining registrars which are redundant terms. Items [5], [6], [12], [14]–[16], [20], [21] and [27] update cross-references to provisions of the <i>Environmental Planning and Assessment Act 1979</i> that have been renumbered, relocated or repealed. Items [11] and [22] make consequential amendments.	20 21 22 23 24
Item [7] updates a cross-reference to ensure consistency in the application of a provision under which money obtained under certain security deposits is taken to be forfeited to the Crown when used to recover or fund the costs or expenses of the Crown.	25 26 27
Item [13] makes it clear that the Deputy Premier, Minister for Regional New South Wales, Industry and Trade may refuse the transfer of a mining lease on the grounds that the proposed transferee, rather than the proposed transferor, is not a fit and proper person.	28 29 30
Item [17] updates a reference to environmental planning instruments to provide clarity.	31
Items [18] and [19] separate one ground on which an application in relation to an authorisation under the <i>Mining Act 1992</i> may be refused so that there are 2 separate grounds.	32 33
Item [23] updates references in certain provisions to the Land and Environment Court to provide clarity about which court a person may appeal to. The Warden’s Court was abolished in 2008.	34 35
Item [25] updates a reference to Regional NSW consequent on recent administrative changes to government departments.	36 37
1.15 Motor Accident Injuries Act 2017 No 10	38
[1] Section 1.4 Definitions	39
Insert in alphabetical order in section 1.4(1)—	40
person under legal incapacity —see section 7.47(2).	41
[2] Section 7.15 Review of merit review decision by review panel	42
Omit “28 days” from section 7.15(6). Insert instead “either of the following periods”.	43

[3] Section 7.15(6)	1
Omit “determination.”. Insert instead—	2
determination—	3
(a) 28 days,	4
(b) a longer period determined or allowed, whether generally or for the kind of proceedings, in accordance with the Commission rules.	5
	6
[4] Section 7.26 Review of medical assessment by review panel	7
Omit “28 days” from section 7.26(10). Insert instead “either of the following periods”.	8
[5] Section 7.26(10)	9
Omit “sought.”. Insert instead—	10
sought—	11
(a) 28 days,	12
(b) a longer period determined or allowed, whether generally or for the kind of proceedings, in accordance with the Commission rules.	13
	14
[6] Section 8.10 Recovery of costs and expenses in relation to claims for statutory benefits	15
	16
Omit “under a legal disability” from section 8.10(4)(a).	17
Insert instead “a person under legal incapacity”.	18
Commencement	19
The amendments to the <i>Motor Accident Injuries Act 2017</i> commence on the date of assent to this Act.	20
Explanatory note	21
Item [1] of the proposed amendments applies the defined term person under legal incapacity throughout the <i>Motor Accident Injuries Act 2017</i> . Items [2] and [3] provide that the rules of the Personal Injury Commission may further enable the determination of a period within which a person can apply for a review of a merit review decision of a single merit reviewer. Currently, a person must apply for a review of the merit review decision within 28 days of the issue of the certificate of the reviewer’s determination. Items [4] and [5] provide that the rules of the Personal Injury Commission may further enable the determination of a period within which a person can apply for a review of a medical assessment made by a single medical assessor. Currently, a person must apply for a review of the medical assessment within 28 days of the issue of the original certificate for the medical assessment. Item [6] corrects terminology for consistency with the defined term person under legal incapacity .	22
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1.16 Motor Accident Injuries Regulation 2017	33
[1] Clause 5 Motor vehicles subject to unregistered vehicle permits (section 2.4 (1) (c))	34
Omit “in respect of which approval for the placement of identification plates has not been given under section 10A of the <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth” from clause 5(a).	35
	36
	37
Insert instead “that comply with subclause (2)”.	38
[2] Clause 5(2) and (3)	39
Insert at the end of clause 5—	40
(2) A motor vehicle complies with this subclause if—	41
(a) the vehicle is not required to be entered on the RAV by the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth or rules made under that Act,	42
and	43
	44

(b)	if applicable—approval for the placement of identification plates was not given in relation to the vehicle under the <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth, section 10A, as in force from time to time before its repeal.	1 2 3 4
(3)	In this clause— RAV means the Register of Approved Vehicles kept under the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 14(1).	5 6 7
	Commencement	8
	The amendments to the <i>Motor Accident Injuries Regulation 2017</i> commence—	9
(a)	if the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 15, commences before the date of assent to this Act—on the date of assent to this Act, or	10 11
(b)	otherwise—on the day on which the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 15, commences.	12 13
	Explanatory note	14
	The proposed amendments preserve certain exemptions available for vehicles used for agriculture or on snow under the <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth (the 1989 Act), which is due to be repealed, and apply the exemptions available under the corresponding provisions of the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, which is due to replace the 1989 Act.	15 16 17 18
1.17	Motor Accidents Compensation Act 1999 No 41	19
[1]	Section 63 Review of medical assessment by review panel	20
	Omit “28 days” from section 63(7). Insert instead “either of the following periods”.	21
[2]	Section 63(7)	22
	Omit “sought.”. Insert instead—	23
	sought—	24
(a)	28 days,	25
(b)	a longer period determined or allowed, whether generally or for the kind of proceedings, in accordance with the Commission rules.	26 27
[3]	Section 92 Claims exempt from assessment	28
	Omit “Motor Accidents Claims Assessment Guidelines or” from section 92(1)(a).	29
	Commencement	30
	Items [1] and [2] of the amendments to the <i>Motor Accidents Compensation Act 1999</i> commence on the date of assent to this Act.	31 32
	Explanatory note	33
	Items [1] and [2] of the proposed amendments provide that the rules of the Personal Injury Commission may further enable the determination of a period within which a person can apply for a review of a medical assessment by a single medical assessor. Currently, a person must apply for a review of the medical assessment within 28 days of the issue of the original certificate for the medical assessment. Item [3] omits a reference to a motor accident claim being exempt from assessment if the claim is of a kind specified in the Motor Accidents Claims Assessment Guidelines. The kinds of claims that are exempt from assessment are now specified in the <i>Motor Accidents Compensation Regulation 2020</i> .	34 35 36 37 38 39 40 41
1.18	Motor Accidents Compensation Regulation 2020	42
[1]	Clause 21 Motor vehicles subject to unregistered vehicle permits	43
	Omit “, in respect of which approval for the placement of identification plates has not been given under section 10A of the <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth” from clause 21(a).	44 45 46
	Insert instead “that comply with subclause (2)”.	47

[2] Clause 21(2) and (3)	1
Insert at the end of clause 21—	2
(2) A motor vehicle complies with this subclause if—	3
(a) the vehicle is not required to be entered on the RAV by the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth or rules made under that Act, and	4
(b) if applicable—approval for the placement of identification plates was not given in relation to the vehicle under the <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth, section 10A, as in force from time to time before its repeal.	5
(3) In this clause—	6
RAV means the Register of Approved Vehicles kept under the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 14(1).	7
Commencement	8
The amendments to the <i>Motor Accidents Compensation Regulation 2020</i> commence—	9
(a) if the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 15, commences before the date of assent to this Act—on the date of assent to this Act, or	10
(b) otherwise—on the day on which the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 15, commences.	11
Explanatory note	12
The proposed amendments preserve certain exemptions available for vehicles used for agriculture or on snow under the <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth (the 1989 Act), which is due to be repealed, and apply the exemptions available under the corresponding provisions of the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, which is due to replace the 1989 Act.	13
1.19 Motor Dealers and Repairers Act 2013 No 107	14
[1] Section 4 Definitions	15
Omit “Department of Finance, Services and Innovation” from section 4(1), definition of <i>Secretary</i> , paragraphs (a) and (b).	16
Insert instead “Department of Customer Service”.	17
[2] Section 187 Delegation	18
Omit “Department of Finance, Services and Innovation” from section 187(a).	19
Insert instead “Department of Customer Service”.	20
Explanatory note	21
The proposed amendments update references to the Department of Customer Service consequent on recent administrative changes to government departments.	22
1.20 Motor Dealers and Repairers Regulation 2014	23
Clause 56 Penalty notice officers	24
Omit “Office of Finance and Services” from clause 56(a).	25
Insert instead “Department of Customer Service”.	26
Explanatory note	27
The proposed amendment updates a reference to the Department of Customer Service consequent on recent administrative changes to government departments.	28

1.21 National Environment Protection Council (New South Wales) Act 1995 No 4	1
	2
Section 14 Council may make national environment protection measures	3
Omit “ <i>Motor Vehicle Standards Act 1989</i> ” from section 14(2)(b).	4
Insert instead “ <i>Road Vehicle Standards Act 2018</i> ”.	5
Commencement	6
The amendment to the <i>National Environment Protection Council (New South Wales) Act 1995</i> commences, or is taken to have commenced, on the day on which the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 15, commences.	7
	8
	9
Explanatory note	10
The proposed amendment updates a reference to a Commonwealth Act.	11
1.22 Passenger Transport (General) Regulation 2017	12
Clause 80 Management information system	13
Omit “Australian Design Rules under the <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth” from the definition of vehicle identification number in clause 80(2).	14
	15
Insert instead “national road vehicle standards under the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 12”.	16
	17
Commencement	18
The amendment to the <i>Passenger Transport (General) Regulation 2017</i> commences—	19
(a) if the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 15, commences before the date of assent to this Act—on the date of assent to this Act, or	20
	21
(b) otherwise—on the day on which the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 15, commences.	22
	23
Explanatory note	24
The proposed amendment updates references to standards made under Commonwealth legislation.	25
1.23 Personal Injury Commission Act 2020 No 18	26
Schedule 4 Motor Accidents Division	27
Omit clause 5.	28
Commencement	29
The amendment to the <i>Personal Injury Commission Act 2020</i> commences on the date of assent to this Act.	30
	31
Explanatory note	32
The proposed amendment clarifies the arrangements for claims that are exempt from assessment in the Motor Accidents Division of the Personal Injury Commission.	33
	34
1.24 Petroleum (Onshore) Act 1991 No 84	35
[1] Section 3 Definitions	36
Omit section 3(1), definition of Department .	37
Insert instead—	38
Department means Regional NSW.	39
[2] Section 3(1), definition of “Planning Secretary”	40
Insert in alphabetical order—	41
Planning Secretary has the same meaning as in the <i>Environmental Planning and Assessment Act 1979</i> .	42
	43

[3] Section 24A Fit and proper person consideration in making certain decisions about petroleum titles	1
Omit “section 89K” from section 24A(4)(a). Insert instead “section 4.42”.	2
[4] Section 24A(4)(b)	3
Omit “Part 5.1” and “section 115ZH”.	4
Insert instead “Division 5.2” and “section 5.24”, respectively.	5
[5] Section 24A(4)(c)	6
Omit “Schedule 6A to the Planning Act, despite section 75V of that Act”.	7
Insert instead “the <i>Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017</i> , Schedule 2, despite the Planning Act, section 75V (as continued and modified by that Schedule)”.	8
[6] Section 24A(4)(d)	9
Omit “section 91A or 93”. Insert instead “section 4.47 or 4.50”.	10
[7] Section 47, heading	11
Omit “epis” from the heading to section 47. Insert instead “ environmental planning instruments ”.	12
[8] Sections 48(1) and 54A	13
Omit “Part 5.1” wherever occurring. Insert instead “Division 5.2”.	14
[9] Section 50, heading	15
Omit “Secretary of Department of Planning and Environment”.	16
Insert instead “ Planning Secretary ”.	17
[10] Sections 50 and 51	18
Omit “Secretary of the Department of Planning and Environment” wherever occurring.	19
Insert instead “Planning Secretary”.	20
[11] Section 83D Conditions for mandatory audits	21
Omit section 83D(7). Insert instead—	22
(7) This section does not affect the operation of the <i>Environmental Planning and Assessment Act 1979</i> , section 4.42, 4.50 or 5.24.	23
[12] Schedule 1B Further provisions relating to petroleum titles generally	24
Omit “section 93” from clause 6(3)(b). Insert instead “section 4.50”.	25
Explanatory note	26
Item [1] of the proposed amendments updates a reference to Regional NSW consequent on recent administrative changes to government departments.	27
Item [2] inserts the definition of Planning Secretary .	28
Items [3]–[6], [8], [11] and [12] update cross-references to provisions of the <i>Environmental Planning and Assessment Act 1979</i> (the Planning Act) that have been renumbered, relocated or repealed.	29
Item [7] updates a reference to environmental planning instruments to provide clarity.	30
Items [9] and [10] update references to the Planning Secretary under the Planning Act.	31

1.25 Plantations and Reafforestation Act 1999 No 97

[1] Section 61A Powers of entry and inspection

Insert after section 61A(5)—

- (6) Notice under this section may be given orally or in writing.

[2] Section 69 Service of notices

Insert at the end of section 69(c)—

, or

- (d) by electronic transmission to an address or location specified by the person for the service of notices of that kind.

Explanatory note

Item [1] of the proposed amendments enables an authorised officer to give reasonable notice of the officer's entry onto an authorised plantation or land either orally or in writing. Item [2] enables the service or giving of notices to persons to be effected by electronic transmission.

1.26 Point to Point Transport (Taxis and Hire Vehicles) Act 2016 No 34

Section 136 Nature of proceedings for offences

Insert after section 136(5)—

- (6) The Commissioner is taken to be a public officer for the purposes of the *Criminal Procedure Act 1986*.

Explanatory note

The proposed recognises that the Point to Point Transport Commissioner, when commencing criminal proceedings under the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*, is doing so in a public capacity rather than as a private prosecution.

1.27 Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017

Clause 21 Motor cycles—hire vehicles

Omit “the Australian Design Rules (under the *Motor Vehicle Standards Act 1989* of the Commonwealth) vehicle category definition” from clause 21(1).

Insert instead “a vehicle category definition, contained in a national road vehicle standard under the *Road Vehicle Standards Act 2018* of the Commonwealth, section 12,”.

Commencement

The amendment to the *Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017* commences—

- (a) if the *Road Vehicle Standards Act 2018* of the Commonwealth, section 15, commences before the date of assent to this Act—on the date of assent to this Act, or
- (b) otherwise—on the day on which the *Road Vehicle Standards Act 2018* of the Commonwealth, section 15, commences.

Explanatory note

The proposed amendment updates references to standards made under Commonwealth legislation.

1.28 Police Act 1990 No 47

[1] Section 131 Dealing with misconduct matters

Omit “Part 8 of the *Government Sector Employment Rules 2014*” from the note to section 131(1).

Insert instead “the *Government Sector Employment (NSW Police Force) Rules 2017*, Part 6”.

[2] Section 179 Application of Industrial Relations Act 1996	1
Omit “President” and “President’s” from section 179(2) and (3) wherever occurring.	2
Insert instead “Chief Commissioner” and “Chief Commissioner’s”, respectively.	3
Explanatory note	4
Item [1] of the proposed amendments updates a reference to the <i>Government Sector Employment (NSW Police Force) Rules 2017</i> . Item [2] updates references to the Chief Commissioner of the Industrial Relations Commission as a consequence of the enactment of the <i>Industrial Relations Amendment (Industrial Court) Act 2016</i> .	5
	6
	7
	8
1.29 Poppy Industry Act 2016 No 37	9
Section 43 Service of documents	10
Omit section 43(1)(e). Insert instead—	11
(e) by electronic transmission to an address or location specified by the	12
person for the service of documents of that kind,	13
Explanatory note	14
The proposed amendment enables the service of documents on persons to be effected by electronic transmission, including by email.	15
	16
1.30 Protection of the Environment Operations Act 1997 No 156	17
[1] Section 29 Implementing PEPs—action under Environmental Planning and Assessment Act 1979	18
	19
Omit “Director-General of the Department of Urban Affairs and Planning” from section 29(b).	20
	21
Insert instead “Secretary of the Department of Planning, Industry and Environment”.	22
[2] Section 29(c)	23
Omit “section 117”. Insert instead “section 9.1”.	24
[3] Section 50 Timing of licensing of development requiring consent under EP&A Act	25
Omit “Part 5.1” from section 50(4), definition of <i>development consent</i> .	26
Insert instead “Part 5, Division 5.2”.	27
[4] Section 50(4), definition of “existing use”	28
Omit “Division 10 of Part 4”. Insert instead “Part 4, Division 4.11”.	29
[5] Section 51 Integrated development	30
Omit “section 91” in section 5(1). Insert instead “section 4.46”.	31
[6] Section 51(1)	32
Omit “Division 5 of Part 4”. Insert instead “Part 4, Division 4.8”.	33
[7] Section 148 Pollution incidents causing or threatening material harm to be notified	34
Omit “any of” from section 148(8), definition of <i>relevant authority</i> .	35
[8] Section 287 Appeals regarding licence applications and licences	36
Omit “Section 93B” from the note to section 287. Insert instead “Section 4.52”.	37

[9] Schedule 1 Scheduled activities	1
Insert “is the subject of an approval under the <i>Environmental Planning and Assessment Act 1979</i> , Division 5.2, or” opposite “electricity works (wind farms)” at the start of the matter in Column 2 of the Table to clause 17.	2 3 4
[10] Schedule 1, clause 17	5
Omit “before the repeal of that Part (or under that Part as continued on after that repeal by or under Schedule 6A to that Act)” from Column 2 of the Table.	6 7
Insert instead “, when that Part was in force or continued in operation”.	8
[11] Schedule 1, clause 17	9
Omit “(being a consent that relates to State significant development) granted by the Minister under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> (including by operation of clause 89 of Schedule 6 to that Act)” from Column 2 of the Table.	10 11 12
Insert instead “relating to State significant development granted by the Minister under the <i>Environmental Planning and Assessment Act 1979</i> , Part 4, including by operation of that Act, former Schedule 6, clause 89 before the repeal of that clause”.	13 14 15
[12] Schedule 2A Enforcement of gas and other petroleum legislation	16
Insert after clause 1, definition of <i>petroleum authority</i> , paragraph (b)—	17
(b1) an approval under the <i>Environmental Planning and Assessment Act 1979</i> , Division 5.2 to the extent that it authorises the carrying out of development for the purposes of petroleum activities, or	18 19 20
[13] Schedule 2A, clause 1, definition of “petroleum authority”, paragraph (c)	21
Omit “under Part 3A of the <i>Environmental Planning and Assessment Act 1979</i> ”.	22
Insert instead “under the <i>Environmental Planning and Assessment Act 1979</i> , Part 3A, when that Part was in force or continued in operation,”.	23 24
[14] Schedule 2A clause 1, definition of “petroleum offence”, paragraph (b)	25
Omit “section 125”.	26
Insert instead “section 9.37 or 9.50”.	27
Explanatory note	28
Item [1] of the proposed amendments updates a reference to a department consequent on recent administrative changes to government departments and a reference to a position title. Items [2]–[6], [8] and [14] update cross-references to the <i>Environmental Planning and Assessment Act 1979</i> (the Act). Item [7] omits redundant words. Items [9]–[13] clarify that certain transitional arrangements in connection with the repeal of the Act, Part 3A continue to have effect to the extent that particular grants of approval and consent under the <i>Protection of the Environment Operations Act 1997</i> are preserved. The proposed amendments also amend references to repealed provisions of the Act.	29 30 31 32 33 34 35
1.31 Protection of the Environment Operations (Clean Air) Regulation 2010	36
[1] Clause 14 Definitions	37
Omit “national standard under the <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth” from the definition of ADR .	38 39
Insert instead “national road vehicle standard under the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 12”.	40 41
[2] Clause 28 Vapour pressure of petrol	42
Omit “ <i>Homebush Motor Racing (Sydney 400) Act 2008</i> ” from clause 28(5)(b).	43

Insert instead “*Motor Racing (Sydney and Newcastle) Act 2008*”.

Commencement

Item [1] of the amendments to the *Protection of the Environment Operations (Clean Air) Regulation 2010* commences—

- (a) if the *Road Vehicle Standards Act 2018* of the Commonwealth, section 15, commences before the date of assent to this Act—on the date of assent to this Act, or
- (b) otherwise—on the day on which the *Road Vehicle Standards Act 2018* of the Commonwealth, section 15, commences.

Explanatory note

Item [1] of the proposed amendments updates a reference to Commonwealth standards. Item [2] updates a reference to a renamed Act.

1.32 Protection of the Environment Operations (Noise Control) Regulation 2017

[1] Schedule 1 Prescribed stationary noise levels

Omit the definitions of *ADR 83/00*, *certified to ADR 83/00* and *compliance plate date* from clause 1.

Insert in alphabetical order—

ADR 83/00 means the national road vehicle standard made under the *Road Vehicle Standards Act 2018* of the Commonwealth, section 12, entitled *Australian Design Rule 83/00—External Noise*.

identification plate means the plate authorised to be placed on a motor vehicle, or taken to have been placed on a motor vehicle, under the *Motor Vehicle Standards Act 1989* of the Commonwealth as in force immediately before its repeal.

identification plate date, in relation to a motor vehicle, means the date appearing on the identification plate for the motor vehicle.

RAV means the Register of Approved Vehicles kept under the *Road Vehicle Standards Act 2018* of the Commonwealth, section 14(1).

[2] Schedule 1, clause 1A

Insert after clause 1—

1A Certified to ADR 83/00

For this Schedule, a motor vehicle is *certified to ADR 83/00* if—

- (a) approval was given, under of the *Motor Vehicle Standards Act 1989* of the Commonwealth, section 10A, before the repeal of that Act, to place identification plates showing compliance with ADR 83/00 on that motor vehicle, or
- (b) approval is given under the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* of the Commonwealth, Schedule 3, item 4(2) or 6(2), or
- (c) the vehicle satisfied the requirements of an entry pathway under the *Road Vehicle Standards Act 2018* of the Commonwealth, section 15(2), including compliance with ADR 83/00, and the vehicle is entered on the RAV.

[3] Schedule 1, clauses 2(b), 3(b) and 4(b)

Omit “compliance plate date” wherever occurring. Insert instead “identification plate date”.

[4] Schedule 1, clause 2(b)(iii)	1
Insert at the end of clause 2(b)(ii)—	2
, or	3
(iii) if the motor car is entered on the RAV and does not have an identification plate—the noise level established by ADR 83/00 for a motor car when stationary plus 5 dB(A).	4
	5
	6
[5] Schedule 1, clause 3(b)(iii)	7
Insert at the end of clause 3(b)(ii)—	8
, or	9
(iii) if the motor cycle is entered on the RAV and does not have an identification plate—the noise level established by ADR 83/00 for a motor cycle when stationary plus 5 dB(A).	10
	11
	12
[6] Schedule 1, clause 4(b)(iii)	13
Insert at the end of clause 4(b)(ii)—	14
, or	15
(iii) if the vehicle is entered on the RAV and does not have an identification plate—the stationary noise level established by ADR 83/00 for a motor lorry or motor bus of that type when stationary plus 5 dB(A).	16
	17
	18
Commencement	19
The amendments to the <i>Protection of the Environment Operations (Noise Control) Regulation 2017</i> commence—	20
	21
(a) if the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 15, commences before the date of assent to this Act—on the date of assent to this Act, or	22
	23
(b) otherwise—on the day on which the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 15, commences.	24
	25
Explanatory note	26
Items [1] and [2] of the proposed amendments update definitions consequent on the repeal of the <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth (the 1989 Act) and the enactment of the corresponding <i>Road Vehicle Standards Act 2018</i> of the Commonwealth (the new Cth Act).	27
	28
	29
Item [3] updates an outdated reference to compliance plates, which are now known as identification plates.	30
	31
Items [4]–[6] make it clear that stationary noise levels for vehicles entered on the Register for Approved Vehicles under the new Cth Act are the same noise levels prescribed for vehicles with certain identification plates authorised to be placed on vehicles under the 1989 Act before its repeal.	32
	33
	34
1.33 Public Health Act 2010 No 127	35
[1] Section 62 Making of public health orders relating to person with Category 4 or 5 condition or contact order condition	36
	37
Insert “relating to the condition for which the order was made” after “test” in section 62(3)(g).	38
	39
[2] Section 62(9) and (10)	40
Insert after subsection (8)—	41
(9) The authorised medical practitioner making the public health order must give the person subject to the order—	42
	43
(a) information about the duration of the order, and	44
(b) information about the rights of review of the person in relation to the order, and	45
	46

(c)	any other information prescribed by the regulations.	1
(10)	Failure to give the information specified in subsection (9) does not invalidate the order.	2 3
[3]	Section 79 Duties of persons in relation to sexually transmissible diseases or conditions	4 5
	Insert after section 79(1)—	6
(1A)	Without limiting subsection (1), reasonable precautions include acting in accordance with the information provided to the person under section 78(1).	7 8
	Commencement	9
	The amendments to the <i>Public Health Act 2010</i> commence on the date of assent to this Act.	10
	Explanatory note	11
	Item [1] of the proposed amendments clarifies that an authorised medical practitioner who makes a public health order may only require a person the subject of the public health order under section 62 to undergo a medical examination or test in relation to the condition to which the public health order relates. Item [2] requires the authorised medical practitioner making a public health order to give a person subject to the order information about the duration of the order, the person's rights of review and any other information prescribed by the regulations. It also provides that failure to give the information does not invalidate the order. Item [3] clarifies that if a person acts in accordance with information given by a medical practitioner, and prescribed by the <i>Public Health Regulation 2012</i> , that action is a reasonable precaution taken by the person against spreading the disease or condition.	12 13 14 15 16 17 18 19 20
1.34	Retirement Villages Act 1999 No 81	21
[1]	Section 57 Certain persons not to be operators	22
	Omit “an externally-administered body corporate” wherever occurring in section 57(2)(b) and (3A).	23 24
	Insert instead “a Chapter 5 body corporate”.	25
[2]	Section 57(4)	26
	Omit “ <i>externally-administered body corporate</i> ”.	27
	Insert instead “ <i>Chapter 5 body corporate</i> ”.	28
[3]	Section 129 How and when residence right or contract is terminated	29
	Omit section 129(1). Insert instead—	30
(1)	A residence right arising from a contract relating to residential premises in respect of which the resident is a registered interest holder, other than a person referred to in section 7(1)(c), terminates on the completion of the sale of the premises.	31 32 33 34
	Explanatory note	35
	Items [1] and [2] of the proposed amendments update terminology as a consequence of amendments made to the <i>Corporations Act 2001</i> of the Commonwealth by the <i>Insolvency Law Reform Act 2016</i> of the Commonwealth. Item [3] reverses an incorrect consequential amendment made by the <i>Retirement Villages Amendment Act 2020</i> . The amendment restores section 129(1) to its previous form.	36 37 38 39 40
1.35	Road Rules 2014	41
[1]	Rule 266 Wearing of seatbelts by passengers under 16 years old	42
	Omit “ <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth” from rule 266(7), definition of <i>approved booster seat</i> , paragraph (b)(iii).	43 44
	Insert instead “ <i>Road Vehicle Standards Act 2018</i> of the Commonwealth”.	45

[2] Dictionary	1
Omit “vehicle standards, as amended from time to time, determined under section 7 of the <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth” from paragraph (b) of the definition of <i>bicycle</i> .	2 3 4
Insert instead “national road vehicle standards, as amended from time to time, determined under the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 12”.	5 6
[3] Dictionary, definition of “bicycle”, note 1	7
Omit “determined under section 7 of the <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth”.	8 9
Insert instead “determined under the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 12”.	10 11
Commencement	12
The amendments to the <i>Road Rules 2014</i> commence—	13
(a) if the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 15, commences before the date of assent to this Act—on the date of assent to this Act, or	14 15
(b) otherwise—on the day on which the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 15, commences.	16 17
Explanatory note	18
The proposed amendments update references to Commonwealth standards.	19
1.36 Road Transport Act 2013 No 18	20
[1] Section 25 Incorporation of documents and modification of definitions	21
Omit section 25(1)(a)(ii). Insert instead—	22
(ii) a national road vehicle standard under the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 12,	23 24
[2] Section 68 Prohibition on using unregistered registrable vehicles	25
Insert “or 104C” after “section 84” in section 68(4).	26
[3] Sections 107(2)(g)(i) and 150(1)(b)	27
Omit “to have a sign exhibited on it” wherever occurring.	28
Insert instead “to be identified with a placard”.	29
[4] Schedule 2 Registration charges for heavy vehicles	30
Omit the definition of <i>compliance plate</i> from clause 1. Insert in alphabetical order—	31
<i>identification plate</i> means a plate authorised to be placed on a vehicle, or taken to have been placed on a vehicle, under the <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth as in force immediately before its repeal.	32 33 34
<i>RAV</i> means the Register of Approved Vehicles kept under the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 14(1).	35 36
[5] Schedule 2, clause 1, definition of “MRC (Mass Rating for Charging)”	37
Omit “compliance plate” from paragraph (a).	38
Insert instead “identification plate or on the RAV for the vehicle”.	39
[6] Schedule 2, clause 1, definition of “MRC (Mass Rating for Charging)”	40
Omit “compliance plate” from paragraph (b).	41

Insert instead “identification plate”.	1
[7] Schedule 2 Registration charges for heavy vehicles	2
Omit “the an appropriate officer” from Schedule 2, clause 19(3).	3
Insert instead “an appropriate officer”.	4
Commencement	5
Items [1] to [6] of the amendments to the <i>Road Transport Act 2013</i> commence—	6
(a) if the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 15, commences before the date of assent to this Act—on the date of assent to this Act, or	7
(b) otherwise—on the day on which the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 15, commences.	8
Explanatory note	9
Item [1] of the proposed amendments updates a reference to national standards which the statutory rules made under the <i>Road Transport Act 2013</i> may apply, adopt or incorporate.	10
Item [2] provides that if Transport for NSW cancels the registration of a written-off heavy vehicle, the offence of using the unregistered vehicle applies from the day on which the registered operator of the vehicle is notified of the cancellation to ensure the consistent application of the offence in relation to written-off heavy vehicles and written-off light vehicles.	11
Item [3] aligns the language of the <i>Road Transport Act 2013</i> relating to motor vehicles carrying dangerous goods with the <i>Dangerous Goods (Road and Rail Transport) Act 2008</i> .	12
Item [4] updates a reference to identification plates, which were previously known as compliance plates, and inserts a definition of the Register of Approved Vehicles kept under the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth. Item [6] makes a consequential amendment.	13
Item [5] makes it clear that certain information found on an identification plate may also be found on the Register.	14
Item [7] corrects a typographical error.	15
1.37 Road Transport (Driver Licensing) Regulation 2017	16
[1] Clause 4 Definitions	17
Omit paragraph (a) from the definition of <i>car-based motor tricycle</i> in clause 4(1).	18
Insert instead—	19
(a) has the category of LEM, LEP or LEG—	20
(i) as displayed on an identification plate on the motor trike issued under the <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth as in force immediately before its repeal, or	21
(ii) as recorded on the RAV for the motor trike, and	22
[2] Clause 4(1)	23
Insert in alphabetical order—	24
RAV means the Register of Approved Vehicles kept under the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 14(1).	25
[3] Clause 99 Other exemptions from licensing	26
Omit “vehicle standards, as amended from time to time, determined under section 7 of the <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth” wherever occurring in clause 99(1)(c) and (2)(c).	27
Insert instead “national road vehicle standards, as amended from time to time, determined under the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 12”.	28

[4] Clause 99(1), note	1
Omit “determined under section 7 of the <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth”.	2
	3
Insert instead “determined under the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 12”.	4
	5
Commencement	6
The amendments to the <i>Road Transport (Driver Licensing) Regulation 2017</i> commence—	7
(a) if the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 15, commences before the date of assent to this Act—on the date of assent to this Act, or	8
	9
(b) otherwise—on the day on which the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 15, commences.	10
	11
Explanatory note	12
Item [1] of the proposed amendments makes it clear that certain information displayed on a vehicle’s identification plate, issued and in force under repealed Commonwealth legislation, will now be recorded on the Register of Approved Vehicles. Item [2] inserts a definition of the Register.	13
	14
Items [3] and [4] update references to Commonwealth standards.	15
	16
1.38 Statutory and Other Offices Remuneration Act 1975 (1976 No 4)	17
[1] Section 11 Payment of remuneration to office holders	18
Insert after section 11(3)—	19
(4) Subsection (3) does not apply to the office of Independent Review Officer under the <i>Personal Injury Commission Act 2020</i> .	20
	21
Note. The remuneration of the Independent Review Officer under the <i>Personal Injury Commission Act 2020</i> is payable from the following funds—	22
	23
(a) the Workers Compensation Operational Fund under the <i>Workplace Injury Management and Workers Compensation Act 1998</i> ,	24
	25
(b) the Motor Accidents Operational Fund under the <i>Motor Accident Injuries Act 2017</i> and the <i>Motor Accidents Compensation Act 1999</i> .	26
	27
[2] Schedule 1 Public offices	28
Omit “Workers Compensation Independent Review Officer”.	29
Insert instead “Independent Review Officer under the <i>Personal Injury Commission Act 2020</i> ”.	30
	31
Commencement	32
The amendments to the <i>Statutory and Other Offices Remuneration Act 1975</i> are taken to have commenced on 1 March 2021.	33
	34
Explanatory note	35
Item [2] of the proposed amendments updates a reference to the Workers Compensation Independent Review Officer with a reference to the Independent Review Officer consequent on the enactment of the <i>Personal Injury Commission Act 2020</i> . Item [1] clarifies that the remuneration of the Independent Review Officer, which is to be paid from the Workers Compensation Operational Fund under the <i>Workplace Injury Management and Workers Compensation Act 1998</i> and the Motor Accidents Operational Fund under the <i>Motor Accident Injuries Act 2017</i> and the <i>Motor Accidents Compensation Act 1999</i> , is not payable out of the Consolidated Fund.	36
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	41
	42
1.39 Stock Medicines Act 1989 No 182	43
[1] Section 62 Service of notices	44
Omit section 62(a)(iii). Insert instead—	45
(iii) by electronic transmission to an address or location specified by the person for the service of notices or orders of that kind, or	46
	47

[2] Section 62(b)(ii)	1
Omit the subparagraph. Insert instead—	2
(ii) by electronic transmission to an address or location specified by the body corporate for the service of notices or orders of that kind.	3 4 5
Explanatory note	6
The proposed amendments enable the service of notices or orders on a natural person or body corporate to be effected by electronic transmission, including by email.	7 8
1.40 Strata Schemes Management Act 2015 No 50	9
[1] Section 4 Definitions	10
Omit “Department of Finance, Services and Innovation” from section 4(1), definition of <i>Department</i> , and definition of <i>Secretary</i> , paragraph (a).	11 12
Insert instead “Department of Customer Service”.	13
[2] Section 4(1), definition of “Secretary”, paragraph (b)	14
Omit “of Finance, Services and Innovation”.	15
[3] Schedule 3 Savings, transitional and other provisions	16
Omit clause 18.	17
Explanatory note	18
Items [1] and [2] of the proposed amendments update references to the Department of Customer Service consequent on recent administrative changes to government departments. Item [3] omits a redundant savings provision inserted by the <i>Strata Schemes Management Amendment (Sustainability Infrastructure) Act 2021</i> .	19 20 21 22
1.41 Subordinate Legislation Act 1989 No 146	23
[1] Schedule 3 Matters not requiring regulatory impact statements	24
Omit “ <i>Homebush Motor Racing (Sydney 400) Act 2008</i> ” from clause 10.	25
Insert instead “ <i>Motor Racing (Sydney and Newcastle) Act 2008</i> ”.	26
[2] Schedule 5 Further postponement of repeal of certain statutory rules	27
Insert after clause 13—	28
14 Postponement of repeal of statutory rules due for repeal in 2021	29
The following statutory rules remain in force until 1 September 2022, unless sooner repealed—	30 31
(a) <i>Animal Research Regulation 2010</i> ,	32
(b) <i>Exhibited Animals Protection Regulation 2010</i> ,	33
(c) <i>Local Government (General) Regulation 2005</i> ,	34
(d) <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</i> ,	35 36
(e) <i>Passenger Transport (Drug and Alcohol Testing) Regulation 2010</i> ,	37
(f) <i>Protection of the Environment Operations (Clean Air) Regulation 2010</i> ,	38
(g) <i>Protection of the Environment Operations (General) Regulation 2009</i> ,	39
(h) <i>Water Industry Competition (Access to Infrastructure Services) Regulation 2007</i> ,	40 41

(i) *Water Industry Competition (General) Regulation 2008.*

Explanatory note

Item [1] of the proposed amendments updates a reference to a renamed Act. Item [2] keeps a number of regulations in force for a further period of 1 year after the date on which they would otherwise be repealed by the *Subordinate Legislation Act 1989*. However, any of the regulations may be repealed sooner by other legislation.

The proposed amendment is necessary as the regulations have each been postponed on at least 5 occasions and are due to be repealed by the *Subordinate Legislation Act 1989* on 1 September 2021.

Each of the regulations continues to be required and the repeal of each of the regulations is to be further postponed until 1 September 2022 for the following reasons—

- (a) Regional NSW is currently reviewing animal welfare legislation. It is considered premature to remake the *Animal Research Regulation 2010* and the *Exhibited Animals Protection Regulation 2010* before the conclusion of the review.
- (b) The Department of Planning, Industry and Environment is currently reviewing the *Local Government Act 1993* and the regulations under it. It is considered premature to remake the *Local Government (General) Regulation 2005* and the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* before the conclusion of the review.
- (c) The *Passenger Transport Act 1990* will be repealed and replaced by the *Passenger Transport Act 2014* when the 2014 Act commences in full. At that time, new regulations will be required under the 2014 Act. It is therefore considered unnecessary to remake the *Passenger Transport (Drug and Alcohol Testing) Regulation 2010*.
- (d) A Clean Air Strategy is being developed following *Report No 54—Health impacts of exposure to poor levels of air quality resulting from bushfires and drought* by the Legislative Council's Portfolio Committee No 2. It is considered premature to remake the *Protection of the Environment Operations (Clean Air) Regulation 2010* before development of the strategy is complete.
- (e) The *Protection of the Environment Operations (General) Regulation 2009* has been the subject of a comprehensive review. It is considered prudent to postpone the repeal of the regulation to ensure that outcomes of the review, and outcomes of public consultation on the proposed regulation, are fully considered.
- (f) The *Water Industry Competition Act 2006* and the *Water Industry Competition Amendment (Review) Act 2014* (which, when fully commenced, makes significant amendments to the *Water Industry Competition Act 2006*) are currently under comprehensive review. It is considered premature to remake the *Water Industry Competition (Access to Infrastructure Services) Regulation 2007* and the *Water Industry Competition (General) Regulation 2008* before the conclusion of the review.

1.42 Uncollected Goods Act 1995 No 68

Section 28 Relevant charges due to receiver

Insert “carriage,” after “any” in section 28(1)(b).

Explanatory note

The proposed amendment clarifies that a person who has possession of uncollected goods under the *Uncollected Goods Act 1995* may, if the goods are sold, recover costs associated with transporting the goods for storage or sale.

1.43 Veterinary Practice Act 2003 No 87

[1] Section 94 How notice is to be given

Omit section 94(1)(b). Insert instead—

- (b) by electronic transmission to an address or location specified by the person for the service of notices of that kind, or

[2] Section 95 Service of documents on Board

Omit section 95(1)(b). Insert instead—

(b)	by electronic transmission to an address or location specified by the Board for the service of documents of that kind, or	1
		2
Explanatory note		3
	The proposed amendments enable the service of notices on persons and the service of certain documents on the Veterinary Practitioners Board to be effected by electronic transmission, including by email.	4
		5
		6
1.44 Waste Avoidance and Resource Recovery Act 2001 No 58		7
[1] Section 44 Offence to claim refund for containers not subject to Scheme		8
	Omit “the commencement of this Part” from section 44(1)(b) and (2)(b).	9
	Insert instead “1 December 2017”.	10
[2] Section 44(2)		11
	Omit the penalty.	12
[3] Section 44		13
	Insert at the end of the section—	14
	Maximum penalty—	15
	(a) for a corporation—4,000 penalty units, or	16
	(b) for an individual—1,000 penalty units.	17
Explanatory note		18
	Item [1] of the proposed amendments replaces the reference to “commencement of this Part” in section 44 to refer to 1 December 2017, being the commencement of section 44, to remove ambiguity given the different dates for commencement of different sections in the Part. Items [2] and [3] update the formatting of a provision.	19
		20
		21
		22
1.45 Water Management Act 2000 No 92		23
[1] Section 43 Duration of management plans		24
	Omit “from” wherever occurring in section 43(1). Insert instead “commencing on”.	25
[2] Section 68A Amendment of share or extraction components of access licences and other actions by Minister		26
		27
	Omit “The Minister may, in such a case, grant a new access licence specifying the share component to which the specific purpose access licence no longer applies.” from section 68A(1C).	28
		29
		30
[3] Section 368 Appeals to Land and Environment Court		31
	Insert after section 368(1)(o)—	32
	(p1) a decision in relation to a bore driller’s licence, being a decision prescribed by the regulations for the purposes of this paragraph.	33
		34
	Examples. The following kinds of decisions may be prescribed—	35
	(a) decisions to refuse to grant a bore driller’s licence,	36
	(b) decisions to grant a bore driller’s licence subject to a condition,	37
	(c) decisions to vary a condition of a bore driller’s licence,	38
	(d) decisions to suspend or cancel a bore driller’s licence.	39
Explanatory note		40
	Item [1] of the proposed amendments ensures that the <i>Interpretation Act 1987</i> , section 36(1), which provides that a period of time dating from a given day is to be calculated exclusive of that day, does not apply to the duration of management plans.	41
		42
		43

Item [2] makes it clear that the power of the Minister for Water, Property and Housing to amend the share component of a specific purpose access licence, because the share component is no longer necessary, does not extend to a power to grant a new access licence.
Item [3] will enable certain prescribed decisions made by the Minister relating to bore driller licensing to be appealed to the Land and Environment Court.

1.46 Water Management Amendment Act 2014 No 48

Schedule 1 Amendment of Water Management Act 2000 No 92

Insert at the end of Schedule 1.7—

[2] Dictionary

Insert in alphabetical order—

trainee, in relation to a driller, has the same meaning as in the *Apprenticeship and Traineeship Act 2001*.

Explanatory note

The proposed amendment applies the *Apprenticeship and Traineeship Act 2001*, definition of *trainee* to trainee drillers under the *Water Management Act 2000*.

1.47 Western Sydney University Act 1997 No 116

Schedule 1 Provisions relating to members and procedure of Board

Omit clause 7(2A). Insert instead—

(2A) At a meeting of a committee constituted by the Board, the following committee member is to preside—

- (a) a member of the Board appointed by the Board, or
- (b) if no member is appointed or in the absence of the appointed member, a Board member elected by and from the committee members present.

Explanatory note

The proposed amendment provides for a member of the Board of Trustees of Western Sydney University to preside at meetings of a committee constituted by the Board, instead of the Deputy Chancellor as is currently the case.

1.48 Work Health and Safety (Mines and Petroleum Sites) Act 2013 No 54

[1] Section 5 Definitions

Omit the definition of *Department* in section 5(1).

Insert instead—

Department means Regional NSW.

[2] Section 5(1), definition of “regulator”

Omit “head”. Insert instead “Secretary”.

[3] Section 5(3)

Insert after section 5(2)—

- (3) The Secretary of the Department is, as the regulator under this Act, to be known as the *NSW Resources Regulator*.

[4] Section 69 Service of documents

Omit section 69(1)(a)(iv). Insert instead—

(iv)	sending it by email to an email address specified by the person for the giving or service of documents of that kind, or	1 2
[5]	Section 69(1)(b)(iii)	3
	Omit the subparagraph. Insert instead—	4
(iii)	sending it by email to an email address specified by the body corporate for the giving or service of documents of that kind.	5 6
	Explanatory note	7
	Item [1] of the proposed amendments updates a reference to Regional NSW consequent on recent administrative changes to government departments. Item [3] provides that the regulator under the <i>Work Health and Safety (Mines and Petroleum Sites) Act 2013</i> is to be known as the NSW Resources Regulator. Item [2] makes a consequential amendment. Items [4] and [5] provide that the service of documents on a natural person or a body corporate may be effected by email to an email address specified by the person or body corporate.	8 9 10 11 12 13
1.49	Workplace Injury Management and Workers Compensation Act 1998	14
	No 86	15
[1]	Section 352 Appeal against decision of Commission constituted by non-presidential member	16 17
	Omit “28 days” from section 352(4). Insert instead “either of the following periods”.	18
[2]	Section 352(4)	19
	Omit “against.” Insert instead—	20
	against—	21
(a)	28 days,	22
(b)	a longer period determined or allowed, whether generally or for the kind of proceedings, in accordance with the Commission rules.	23 24
[3]	Section 353 Appeal against decision of Commission constituted by presidential member	25 26
	Omit “Presidential member” wherever occurring in section 353(1) and (2).	27
	Insert instead “presidential member”.	28
	Commencement	29
	Items [1] and [2] of the amendments to the <i>Workplace Injury Management and Workers Compensation Act 1998</i> commence on the date of assent to this Act.	30 31
	Explanatory note	32
	Items [1] and [2] of the proposed amendments provide that the rules of the Personal Injury Commission may further enable the determination of a period within which a person can appeal a non-presidential Commission member’s decision. Currently, a person must appeal the decision within 28 days of the decision being made. Item [3] updates references to a presidential member to align with the definition contained in the <i>Personal Injury Commission Act 2020</i> .	33 34 35 36 37

Schedule 2	Amendments by way of statute law revision— miscellaneous amendments	1 2
2.1	Associations Incorporation Act 2009 No 7	3
	Section 4 Definitions	4
	Omit “Department of Finance, Services and Innovation” from section 4(1), definition of <i>Department</i> , and definition of <i>Secretary</i> , paragraph (a).	5 6
	Insert instead “Department of Customer Service”.	7
	Explanatory note	8
	The proposed amendment updates references to the Department of Customer Service consequent on recent administrative changes to government departments.	9 10
2.2	Associations Incorporation Regulation 2016	11
	Clause 3 Definitions	12
	Omit clause 3(1), definition of <i>Secretary</i> .	13
	Explanatory note	14
	The proposed amendment omits a redundant definition.	15
2.3	Biofuels Act 2007 No 23	16
	Section 3 Definitions	17
	Omit “Department of Finance, Services and Innovation” from section 3(1), definition of <i>Department</i> .	18 19
	Insert instead “Department of Customer Service”.	20
	Explanatory note	21
	The proposed amendment updates a reference to the Department of Customer Service consequent on recent administrative changes to government departments.	22 23
2.4	Building and Construction Industry Long Service Payments Act 1986 No 19	24 25
	Section 3 Definitions	26
	Omit “Department of Finance, Services and Innovation” from section 3(1), definition of <i>Chief Executive Officer</i> .	27 28
	Insert instead “Department of Customer Service”.	29
	Explanatory note	30
	The proposed amendment updates a reference to the Department of Customer Service consequent on recent administrative changes to government departments.	31 32
2.5	Building and Construction Industry Security of Payment Act 1999 No 46	33 34
	Sections 4(1), definition of “Secretary”, and 32C(1), definition of “authorised officer”, and (2)	35 36
	Omit “Department of Finance, Services and Innovation” wherever occurring.	37
	Insert instead “Department of Customer Service”.	38

Explanatory note	1
The proposed amendment updates references to the Department of Customer Service consequent on recent administrative changes to government departments.	2 3
2.6 Building Products (Safety) Act 2017 No 69	4
[1] Sections 3(1), definition of “Secretary”, 33(3) and 75(1)(a)	5
Omit “Department of Finance, Services and Innovation” wherever occurring.	6
Insert instead “Department of Customer Service”.	7
[2] Section 75 Persons eligible for appointment as authorised officers	8
Omit “Department of Planning and Environment” from section 75(1)(c).	9
Insert instead “Department of Planning, Industry and Environment”.	10
Explanatory note	11
The proposed amendments update references to departments consequent on recent administrative changes to government departments.	12 13
2.7 Charitable Fundraising Act 1991 No 69	14
[1] Section 4 Definitions	15
Insert in alphabetical order in section 4(1)—	16
<i>Secretary</i> means the Secretary of the Department of Customer Service.	17
[2] Section 41I(5) and 41T(1)(b)	18
Omit “of the Department of Finance, Services and Innovation” wherever occurring.	19
Explanatory note	20
The proposed amendments update references to the Department of Customer Service consequent on recent administrative changes to government departments.	21 22
2.8 Charitable Fundraising Amendment Act 2018 No 64	23
[1] Schedule 1 Amendment of Charitable Fundraising Act 1991 No 69	24
Omit “Department of Finance, Services and Innovation” from item [2], definition of <i>Department</i> , and definition of <i>Secretary</i> , paragraph (a).	25 26
Insert instead “Department of Customer Service”.	27
[2] Schedule 1, item [2], definition of “Secretary”	28
Omit “of Finance, Services and Innovation” from paragraph (b).	29
Explanatory note	30
The proposed amendments update references to the Department of Customer Service consequent on recent administrative changes to government departments.	31 32
2.9 Children (Detention Centres) Regulation 2015	33
Clause 148A	34
Relocate the clause to the end of Part 12A.	35
Explanatory note	36
The proposed amendment relocates a misplaced provision.	37

2.10 Children’s Guardian Act 2019 No 25	1
Section 27 Who must give report of reportable allegation or conviction	2
Omit “employer,,” from section 27(3). Insert instead “employer,”.	3
Explanatory note	4
The proposed amendment removes duplicate punctuation.	5
2.11 Coal Mine Subsidence Compensation Act 2017 No 37	6
Section 4 Definitions	7
Omit “Department of Finance, Services and Innovation” from section 4(1), definition of <i>Department</i> .	8
Insert instead “Department of Customer Service”.	10
Explanatory note	11
The proposed amendment updates a reference to the Department of Customer Service consequent on recent administrative changes to government departments.	12
2.12 Community Gaming Act 2018 No 60	14
Section 4 Definitions	15
Omit “Department of Finance, Services and Innovation” from section 4(1), definition of <i>Department</i> , and definition of <i>Secretary</i> , paragraph (a).	16
Insert instead “Department of Customer Service”.	18
Explanatory note	19
The proposed amendment updates a reference to the Department of Customer Service consequent on recent administrative changes to government departments.	20
2.13 Community Services (Complaints, Reviews and Monitoring) Act 1993 No 2	22
[1] Section 4 Definitions	24
Omit “Attorney General, and Minister for the Prevention of Domestic Violence” from section 4(1), definition of <i>relevant Minister</i> , paragraph (d).	25
Insert instead “Minister for Families, Communities and Disability Services”.	27
[2] Section 4(1), definition of “service provider”, paragraphs (c) and (d)	28
Omit “Attorney General, and Minister for the Prevention of Domestic Violence”.	29
Insert instead “Minister for Families, Communities and Disability Services, and the Minister for Sport, Multiculturalism, Seniors and Veterans”.	30
[3] Section 5 Administration of community welfare legislation	32
Omit “Attorney General, and Minister for the Prevention of Domestic Violence” from section 5(1)(b).	33
Insert instead “Minister for Families, Communities and Disability Services, the Minister for Sport, Multiculturalism, Seniors and Veterans”.	35
[4] Section 5(1)(c)	37
Omit “Attorney General, and Minister for the Prevention of Domestic Violence”.	38

Insert instead “Minister for Families, Communities and Disability Services or the Minister for Sport, Multiculturalism, Seniors and Veterans”.	1
	2
[5] Sections 28(2)(a) and 45(4)(a), definitions of “relevant decision maker”	3
Omit the paragraphs. Insert instead—	4
(a) the Minister for Families, Communities and Disability Services,	5
(b1) the Minister for Sport, Multiculturalism, Seniors and Veterans,	6
Explanatory note	7
The proposed amendments update references to the Minister for Families, Communities and Disability Services or the Minister for Sport, Multiculturalism, Seniors and Veterans, consequent on recent administrative changes.	8
	9
	10
2.14 Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010 No 122	11
	12
[1] Section 3 Definitions	13
Omit “Department of Finance, Services and Innovation” from section 3(1), definition of <i>Secretary</i> .	14
	15
Insert instead “Department of Customer Service”.	16
[2] Sections 38(1) and 70(1)(a)	17
Omit “an externally-administered body corporate” wherever occurring.	18
Insert instead “a Chapter 5 body corporate”.	19
Explanatory note	20
Item [1] of the proposed amendments updates a reference to the Department of Customer Service consequent on recent administrative changes to government departments. Item [2] updates terminology as a consequence of amendments made to the <i>Corporations Act 2001</i> of the Commonwealth by the <i>Insolvency Law Reform Act 2016</i> of the Commonwealth.	21
	22
	23
	24
2.15 Conveyancers Licensing Act 2003 No 3	25
[1] Section 3 Definitions	26
Omit “Department of Finance, Services and Innovation” from section 3(1), definition of <i>Department</i> , and definition of <i>Secretary</i> , paragraph (a).	27
	28
Insert instead “Department of Customer Service”.	29
[2] Section 3, definition of “Secretary”, paragraph (b)	30
Omit “of Finance, Services and Innovation”.	31
[3] Section 10 Disqualified persons	32
Omit “an externally-administered body corporate (within the meaning of the Corporations Act)” wherever occurring in section 10(2)(c) and (d)(i).	33
	34
Insert instead “a Chapter 5 body corporate”.	35
[4] Section 10(2)(d)(ii), (3B)(c) and (3C)	36
Omit “an externally-administered body corporate” wherever occurring.	37
Insert instead “a Chapter 5 body corporate”.	38
[5] Section 10(4)	39
Insert in alphabetical order—	40

<i>Chapter 5 body corporate</i> has the same meaning as in the Corporations Act.	1
Explanatory note	2
Items [1] and [2] update references to the Department of Customer Service consequent on recent administrative changes to government departments. Items [3]–[5] update terminology as a consequence of amendments made to the <i>Corporations Act 2001</i> of the Commonwealth by the <i>Insolvency Law Reform Act 2016</i> of the Commonwealth.	3 4 5 6
2.16 Co-operative Housing and Starr-Bowkett Societies Act 1998 No 11	7
Sections 29(1), 43(14) and 47A	8
Omit “Department of Finance, Services and Innovation” wherever occurring.	9
Insert instead “Department of Customer Service”.	10
Explanatory note	11
The proposed amendment updates references to the Department of Customer Service consequent on recent administrative changes to government departments.	12 13
2.17 Co-operatives (Adoption of National Law) Act 2012 No 29	14
Section 3 Definitions	15
Omit “Department of Finance, Services and Innovation” from section 3(2), definition of <i>Secretary</i> , wherever occurring.	16 17
Insert instead “Department of Customer Service”.	18
Explanatory note	19
The proposed amendment updates references to the Department of Customer Service consequent on recent administrative changes to government departments.	20 21
2.18 Credit (Commonwealth Powers) Act 2010 No 6	22
[1] Schedule 3 Savings, transitional and other provisions	23
Omit “Department of Finance and Services” from clause 10(1).	24
Insert instead “Department of Customer Service”.	25
[2] Schedule 3, clause 10(1)	26
Omit “Director-General” and “Director-General’s” wherever occurring. Insert instead “Secretary” and “Secretary’s” respectively.	27 28
Explanatory note	29
Item [1] of the proposed amendments updates a reference to the Department of Customer Service consequent on recent administrative changes to government departments. Item [2] updates references to a position title.	30 31 32
2.19 Crimes (Administration of Sentences) Act 1999 No 93	33
Section 40 Certain unlawful absences not to affect length of sentence	34
Omit “, and” from section 40(1)(c). Insert instead “, and”.	35
Explanatory note	36
The proposed amendment removes duplicate punctuation.	37
2.20 Dangerous Goods (Road and Rail Transport) Act 2008 No 95	38
Section 71 Delegation	39
Omit “Department of Finance, Services and Innovation” from section 71(2).	40

Insert instead “Department of Customer Service”.	1
Explanatory note	2
The proposed amendment updates a reference to the Department of Customer Service consequent on recent administrative changes to government departments.	3
	4
2.21 Design and Building Practitioners Act 2020 No 7	5
Section 17 Compliance declarations by registered building practitioners	6
Omit “under subsection (1)” from section 17(6), definition of <i>required document</i> .	7
Insert instead “under this section”.	8
Explanatory note	9
The proposed amendment corrects a cross-reference.	10
2.22 Driving Instructors Act 1992 No 3	11
Section 60 Repeals	12
Omit the section.	13
Explanatory note	14
The proposed amendment omits a redundant section.	15
2.23 Duties Act 1997 No 123	16
Section 10 Form of dutiable transaction is immaterial	17
Omit “or not” from section 10.	18
Explanatory note	19
The proposed amendment corrects a grammatical error.	20
2.24 Entertainment Industry Act 2013 No 73	21
Sections 4(1), definition of “Secretary”, 31(1), 36(a) and 41(1)	22
Omit “Treasury” wherever occurring.	23
Insert instead “Department of Customer Service”.	24
Explanatory note	25
The proposed amendment updates references to the Department of Customer Service consequent on recent administrative changes to government departments.	26
	27
2.25 Environmental Planning and Assessment Regulation 2000	28
Clause 151 Procedure for determining application	29
Omit “of the” from clause 151(1)(c)(ii). Insert instead “information about the”.	30
Explanatory note	31
The proposed amendment corrects a grammatical error.	32
2.26 Explosives Regulation 2013	33
Clauses 6, 102(2)(c) and note, and 103(1), note	34
Omit “the Department of Planning and Environment” wherever occurring.	35
Insert instead “Regional NSW”.	36
Explanatory note	37
The proposed amendment updates references to Regional NSW consequent on recent administrative changes to government departments.	38
	39

2.27 Fair Trading Act 1987 No 68	1
[1] Section 4 Definitions	2
Omit “Department of Finance, Services and Innovation” from section 4(1), definition of <i>Department</i> , and definition of <i>Secretary</i> , paragraph (a).	3
Insert instead “Department of Customer Service”.	4
[2] Section 4(1), definition of “Secretary”, paragraph (b)	6
Omit “of Finance, Services and Innovation”.	7
[3] Section 47A Disclosure of prejudicial terms relating to supply of goods or services	8
Omit “supply or goods” from section 47A(3)(d).	9
Insert instead “supply of goods or services”.	10
Explanatory note	11
Items [1] and [2] of the proposed amendments update references to the Department of Customer Service consequent on recent administrative changes to government departments. Item [3] inserts missing words.	12
	13
	14
2.28 Funeral Funds Act 1979 No 106	15
[1] Section 4 Definitions	16
Omit “Department of Finance, Services and Innovation” from section 4(1), definition of <i>Department</i> , and definition of <i>Secretary</i> , paragraph (a).	17
Insert instead “Department of Customer Service”.	18
[2] Section 4(1), definition of “Secretary”, paragraph (b)	20
Omit “of Finance, Services and Innovation”.	21
Explanatory note	22
The proposed amendments update references to the Department of Customer Service consequent on recent administrative changes to government departments.	23
	24
2.29 Gas and Electricity (Consumer Safety) Act 2017 No 15	25
Section 4 Definitions	26
Omit “Department of Finance, Services and Innovation” from section 4(1), definition of <i>Department</i> , and definition of <i>Secretary</i> , paragraph (a).	27
Insert instead “Department of Customer Service”.	28
Explanatory note	29
The proposed amendment updates a reference to the Department of Customer Service consequent on recent administrative changes to government departments.	30
	31
	32
2.30 Gas and Electricity (Consumer Safety) Regulation 2018	33
Section 34 Standards and requirements for electrical installation work	34
Omit “Resources and Energy Division of the Department of Planning and Environment” from the note to clause 34(3).	35
Insert instead “Energy, Climate Change and Sustainability Division of the Department of Planning, Industry and Environment”.	36
	37
	38

Explanatory note

The proposed amendment updates references to a division and a department, consequent on recent administrative changes to government departments.

2.31 Government Information (Public Access) Regulation 2018

[1] Schedule 3 Agencies declared to be part of other agencies

Insert in alphabetical order—

Place Management NSW	Department of Planning, Industry and Environment
Sydney Olympic Park Authority	Department of Planning, Industry and Environment

[2] Schedule 3

Omit the entry relating to the Greater Sydney Commission.

[3] Schedule 3

Omit the Parent agency for each Subsidiary agency listed in column 1 below.

Insert instead the Parent agency listed in column 2.

Column 1	Column 2
Advisory committee established under the <i>Food Act 2003</i>	Regional NSW
Advisory committee established under the <i>National Parks and Wildlife Act 1974</i>	Department of Planning, Industry and Environment
Advisory committee established under the <i>Protection of the Environment Administration Act 1991</i>	Department of Planning, Industry and Environment
Agricultural industry services committee constituted by the <i>Agricultural Industry Services Act 1998</i>	Regional NSW
Agricultural Scientific Collections Trust	Regional NSW
Animal Research Review Panel	Regional NSW
Belgenny Farm Agricultural Heritage Centre Trust	Regional NSW
Biodiversity Conservation Trust of New South Wales	Department of Planning, Industry and Environment
Border Fence Maintenance Board	Regional NSW
Botany Cemetery Trust	Department of Planning, Industry and Environment
Building and Construction Industry Long Service Payments Committee	Department of Customer Service
Cape Byron State Conservation Area Trust	Department of Planning, Industry and Environment
Central Coast Regional Development Corporation	Department of Planning, Industry and Environment

Column 1	Column 2
Committee of inquiry established under the <i>Energy and Utilities Administration Act 1987</i>	Department of Planning, Industry and Environment
Dumaresq-Barwon Border Rivers Commission	Department of Planning, Industry and Environment
Energy Corporation	Department of Planning, Industry and Environment
Environmental Trust	Department of Planning, Industry and Environment
Exhibited Animals Advisory Committee	Regional NSW
Heritage Council of New South Wales	Department of Premier and Cabinet
Hunter and Central Coast Regional Planning Panel	Department of Planning, Industry and Environment
Hunter Development Corporation	Department of Planning, Industry and Environment
Library Council of New South Wales	Department of Premier and Cabinet
Local Government Boundaries Commission	Department of Planning, Industry and Environment
Local Government Grants Commission	Department of Planning, Industry and Environment
Long Service Corporation	Department of Customer Service
Mining and Petroleum Competence Board	Regional NSW
National Parks and Wildlife Advisory Council	Department of Planning, Industry and Environment
New South Wales Biological Control Authority	Regional NSW
New South Wales Innovation and Productivity Council	Treasury
New South Wales Land and Housing Corporation	Department of Planning, Industry and Environment
New South Wales Rural Assistance Authority	Regional NSW
Northern Regional Planning Panel	Department of Planning, Industry and Environment
NSW Coastal Council	Department of Planning, Industry and Environment
NSW Food Authority	Regional NSW
NSW Skills Board	Department of Education
Parramatta Park Trust	Department of Planning, Industry and Environment
Review panel under the <i>Gas Supply Act 1996</i>	Department of Planning, Industry and Environment
Rural Fire Service Advisory Council	Office of the NSW Rural Fire Service
Small Business Commissioner	Treasury
Southern Regional Planning Panel	Department of Planning, Industry and Environment

Column 1	Column 2
Sydney Eastern City Planning Panel	Department of Planning, Industry and Environment
Sydney West City Planning Panel	Department of Planning, Industry and Environment
Trust established in respect of a common under the <i>Commons Management Act 1989</i>	Department of Planning, Industry and Environment
Trustees of the Farrer Memorial Research Scholarship Fund	Regional NSW
Western Regional Planning Panel	Department of Planning, Industry and Environment

Explanatory note

The proposed amendments update references to Departments in Schedule 3, consequent on recent administrative changes to government departments.

2.32 Hemp Industry Regulation 2016

Clause 10 Licence conditions

Omit “inspector” wherever occurring in clause 10. Insert instead “authorised officer”.

Explanatory note

The proposed amendment updates references from inspectors to authorised officers.

2.33 Holiday Parks (Long-term Casual Occupation) Act 2002 No 88

Section 3 Definitions

Omit “Department of Finance, Services and Innovation” from section 3(1), definition of *Secretary*, paragraphs (a) and (b).

Insert instead “Department of Customer Service”.

Explanatory note

The proposed amendment updates references to the Department of Customer Service consequent on recent administrative changes to government departments.

2.34 Home Building Act 1989 No 147

[1] Section 15A Unqualified mechanical services and medical gas work

Omit “work declared to be refrigeration work or air-conditioning work by the regulations under the *Home Building Act 1989*” from section 15A(5)(b).

Insert instead “work declared by the regulations to be refrigeration work or air-conditioning work”.

[2] Section 15A(5)(c)

Omit “within the meaning of the *Home Building Act 1989*”.

[3] Sections 33B(1)(a)(xv)–(xvii) and 90(1), definition of “insolvent”, paragraph (b)

Omit “an externally-administered body corporate” wherever occurring.

Insert instead “a Chapter 5 body corporate”.

[4] Sections 48D(1), 114(1), 119(b), 128(1)(a), 131(1) and Schedule 1, clause 1(1), definition of “Secretary”	1
Omit “Department of Finance, Services and Innovation” wherever occurring.	2
Insert instead “Department of Customer Service”.	3
[5] Schedule 1 Definitions and other interpretative provisions	4
Omit the definition of <i>externally-administered body corporate</i> from clause 1(1).	5
Insert instead in alphabetical order—	6
<i>Chapter 5 body corporate</i> has the same meaning as in the <i>Corporations Act 2001</i> of the Commonwealth.	7
Explanatory note	8
Items [1] and [2] of the proposed amendments remove unnecessary references to the <i>Home Building Act 1989</i> and use language consistent with the Act to refer to work declared by the regulations. Items [3] and [5] update terminology as a consequence of amendments made to the <i>Corporations Act 2001</i> of the Commonwealth by the <i>Insolvency Law Reform Act 2016</i> of the Commonwealth. Item [4] updates a reference to the Department of Customer Service consequent on recent administrative changes to government departments.	9
2.35 Home Building Regulation 2014	10
Clause 59 Exemptions from insurance for certain community care work funded by State or Commonwealth government	11
Omit “Department of Family and Community Services” from clause 59(1).	12
Insert instead “Department of Communities and Justice”.	13
Explanatory note	14
The proposed amendment updates a reference to the Department of Communities and Justice consequent on recent administrative changes to government departments.	15
2.36 Independent Commission Against Corruption Regulation 2017	16
Appendix NSW Ministerial Code of Conduct	17
Omit “Part 2, Division 7” from the Schedule to the NSW Ministerial Code of Conduct, clause 16A(2), definition of <i>property developer</i> .	18
Insert instead “Part 3, Division 7”.	19
Explanatory note	20
The proposed amendment corrects a cross-reference.	21
2.37 Land Tax Management Act 1956 No 26	22
Section 10 Land exempted from tax	23
Omit “, 10G” from section 10(1).	24
Explanatory note	25
The proposed amendment omits a redundant cross-reference.	26
2.38 Liquor Act 2007 No 90	27
[1] Section 20A Authorisation conferred by small bar licence	28
Omit “ <i>house-make cocktails</i> ” from section 20A(2).	29
Insert instead “ <i>house-made cocktails</i> ”.	30

[2] Section 159 Regulations	1
Renumber section 159(2)(f4) and (f4) as section 159(2)(f4) and (f5), respectively.	2
Explanatory note	3
The proposed amendment corrects a paragraph numbering error.	4
2.39 Liquor Regulation 2018	5
[1] Clause 48D Conditions of pop-up licences	6
Omit “Authority,” from clause 48D(2)(b). Insert instead “Authority, or”.	7
[2] Clause 53 Minors prohibited in small bars during certain hours	8
Omit “, Department of Customer Service” from clause 53(4).	9
Explanatory note	10
Item [1] of the proposed amendments inserts a missing word. Item [2] omits a reference to a department consequent on recent administrative changes to government departments.	11
	12
2.40 Liverpool Local Environmental Plan 2008	13
Schedule 5 Environmental heritage	14
Insert “ Significance ” and “ Item no ” as headings to Part 3, columns 5 and 6, respectively.	15
Explanatory note	16
The proposed amendment inserts column headings in a table.	17
2.41 Local Government (General) Regulation 2005	18
[1] Clause 163 Application of Part	19
Omit clause 163(1A). Insert instead—	20
(1A) The following persons are prescribed for the purposes of section 55(3)(a) of the Act—	21
(a) Local Government Procurement Partnership (ABN 34 578 553 267),	22
(b) Procurement Australasia Limited (ABN 45 058 335 363).	23
	24
[2] Clause 393B Exercise of council functions during caretaker period	25
Omit “section 82” from clause 393B(1)(b)(i). Insert instead “section 8.11”.	26
[3] Clause 393B(3), definition of “controversial development application”	27
Omit “section 79(5)”. Insert instead “Schedule 1, clause 15”.	28
Explanatory note	29
Item [1] of the proposed amendments corrects a paragraph numbering error and updates the name of an entity. Items [2] and [3] update cross-references consequent on the enactment of the <i>Environmental Planning and Assessment Amendment Act 2017</i> .	30
	31
	32
2.42 Long Service Corporation Act 2010 No 123	33
Section 3 Definitions	34
Omit “Department of Finance, Services and Innovation” from section 3(1), definition of <i>Secretary</i> .	35
	36
Insert instead “Department of Customer Service”.	37

Explanatory note	1
The proposed amendment updates a reference to the Department of Customer Service consequent on recent administrative changes to government departments.	2
	3
2.43 Marine Safety Act 1998 No 121	4
Sections 141 and 142	5
Omit the sections.	6
Explanatory note	7
The proposed amendment omits redundant sections.	8
2.44 Mine and Petroleum Site Safety (Cost Recovery) Act 2005 No 116	9
Section 3 Definitions	10
Omit section 3(1), definition of <i>Department</i> .	11
Insert instead—	12
<i>Department</i> means Regional NSW.	13
Explanatory note	14
The proposed amendment updates a reference to Regional NSW consequent on recent administrative changes to government departments.	15
	16
2.45 Paintball Act 2018 No 44	17
[1] Section 3 Definitions	18
Omit “Department of Finance, Services and Innovation” from section 3(1), definition of <i>Department</i> and definition of <i>Secretary</i> , paragraph (a).	19
	20
Insert instead “Department of Customer Service”.	21
[2] Section 3(1), definition of “Secretary”, paragraph (b)	22
Omit “of Finance, Services and Innovation”.	23
Explanatory note	24
The proposed amendments update references to the Department of Customer Service consequent on recent administrative changes to government departments.	25
	26
2.46 Pawnbrokers and Second-hand Dealers Act 1996 No 13	27
[1] Section 3 Definitions	28
Omit “Department of Finance, Services and Innovation” from section 3(1), definition of <i>Secretary</i> , paragraphs (a) and (b).	29
	30
Insert instead “Department of Customer Service”.	31
[2] Section 27 Demerit points scheme	32
Omit “an officer prescribed by the regulations” from section 27(6).	33
Insert instead “the Secretary”.	34
[3] Section 39A Delegation	35
Omit “Department of Finance, Services and Innovation” from section 39A(a).	36
Insert instead “Department of Customer Service”.	37

Explanatory note	1
Items [1] and [3] of the proposed amendments update references to the Department of Customer Service consequent on recent administrative changes to government departments. Item [2] relocates a requirement prescribed by the regulations to the Act.	2 3 4
2.47 Pawnbrokers and Second-hand Dealers Regulation 2021	5
Clause 40 Certification of number of demerit points	6
Omit the clause.	7
Explanatory note	8
The proposed amendment omits a redundant provision.	9
2.48 Photo Card Act 2005 No 20	10
Section 38 Amendment of Acts	11
Omit the section.	12
Explanatory note	13
The proposed amendment omits a redundant section.	14
2.49 Plumbing and Drainage Act 2011 No 59	15
Section 3 Definitions	16
Omit “Department of Finance, Services and Innovation” from section 3(1), definition of <i>plumbing regulator</i> , paragraphs (a) and (b).	17 18
Insert instead “Department of Customer Service”.	19
Explanatory note	20
The proposed amendment updates references to the Department of Customer Service consequent on recent administrative changes to government departments.	21 22
2.50 Property and Stock Agents Act 2002 No 66	23
[1] Section 3 Definitions	24
Omit “Department of Finance, Services and Innovation” from section 3(1), definition of <i>Department</i> , and definition of <i>Secretary</i> , paragraph (a).	25 26
Insert instead “Department of Customer Service”.	27
[2] Section 3(1), definition of “Secretary”, paragraph (b)	28
Omit “of Finance, Services and Innovation”.	29
[3] Section 16 Disqualified persons	30
Omit “an externally-administered body corporate (within the meaning of the Corporations Act)” wherever occurring in section 16(1A)(c) and (d)(i).	31 32
Insert instead “a Chapter 5 body corporate”.	33
[4] Section 16(1A)(d)(ii), (2B)(c) and (2C)	34
Omit “an externally-administered body corporate” wherever occurring.	35
Insert instead “a Chapter 5 body corporate”.	36
[5] Section 16(3)	37
Insert after section 16(2D)—	38

(3) In this section—	1
<i>Chapter 5 body corporate</i> has the same meaning as in the Corporations Act.	2
Explanatory note	3
Items [1] and [2] of the proposed amendments update references to the Department of Customer Service consequent on recent administrative changes to government departments. Items [3]–[5] update terminology as a consequence of amendments made to the <i>Corporations Act 2001</i> of the Commonwealth by the <i>Insolvency Law Reform Act 2016</i> of the Commonwealth.	4
	5
	6
	7
2.51 Property NSW Act 2006 No 40	8
Section 19 Transfer of additional property to Property NSW—amendment of Schedule 1	9
	10
Omit “Minister for Lands” from section 19(3)(d).	11
Insert instead “Minister administering the <i>Crown Land Management Act 2016</i> ”.	12
Explanatory note	13
The proposed amendment updates a reference to a Minister.	14
2.52 Radiation Control Act 1990 No 13	15
Section 5A Certain persons and public bodies may exercise certain functions of Authority	16
	17
Omit “the Department of Planning and Environment” wherever occurring.	18
Insert instead “Regional NSW”.	19
Explanatory note	20
The proposed amendment updates references to Regional NSW consequent on recent administrative changes to government departments.	21
	22
2.53 Radiation Control Regulation 2013	23
[1] Clause 47, heading	24
Omit “Department of Planning and Environment”.	25
Insert instead “Regional NSW”.	26
[2] Clause 47(2)(a) and (3)(a)	27
Omit “ <i>Work Health and Safety (Mines) Act 2013</i> ” wherever occurring.	28
Insert instead “ <i>Work Health and Safety (Mines and Petroleum Sites) Act 2013</i> ”.	29
[3] Clause 47(3) and (4)	30
Omit “the Department of Planning and Environment” wherever occurring.	31
Insert instead “Regional NSW”.	32
Explanatory note	33
Items [1] and [3] of the proposed amendments update references to Regional NSW consequent on recent administrative changes to government departments. Item [2] updates a reference to a renamed Act.	34
	35
	36
2.54 Registered Clubs Act 1976 No 31	37
Section 10 Requirements to be met by clubs	38
Omit “an externally-administered body corporate” from section 10(2)(b).	39
Insert instead “a Chapter 5 body corporate”.	40

Explanatory note	1
The proposed amendment updates a reference as a consequence of amendments made to the <i>Corporations Act 2001</i> of the Commonwealth by the <i>Insolvency Law Reform Act 2016</i> of the Commonwealth.	2 3 4
2.55 Residential (Land Lease) Communities Act 2013 No 97	5
Section 4 Definitions	6
Omit “Department of Finance, Services and Innovation” from section 4(1), definition of <i>Commissioner</i> , paragraphs (a) and (b).	7 8
Insert instead “Department of Customer Service”.	9
Explanatory note	10
The proposed amendment updates references to the Department of Customer Service consequent on recent administrative changes to government departments.	11 12
2.56 Residential Tenancies Act 2010 No 42	13
[1] Sections 3(1), definition of “Department”, and 178(1)(a) and (2)	14
Omit “Department of Finance, Services and Innovation” wherever occurring.	15
Insert instead “Department of Customer Service”.	16
[2] Section 3(1), definition of “Secretary”	17
Omit the definition. Insert instead—	18
<i>Secretary</i> means—	19
(a) the Commissioner for Fair Trading, Department of Customer Service, or	20 21
(b) if there is no person employed as Commissioner for Fair Trading—the Secretary of the Department.	22 23
[3] Section 160(2)(a), 164(4), 165(3), 171 and 178(1)(b)	24
Omit “Department of Family and Community Services” wherever occurring.	25
Insert instead “Department of Communities and Justice”.	26
Explanatory note	27
The proposed amendments update references to departments consequent on recent administrative changes to government departments.	28 29
2.57 Retail Trading Act 2008 No 49	30
[1] Sections 3(1), definitions of “Departmental website” and “Secretary”, and 20(a)	31
Omit “Department of Finance, Services and Innovation” wherever occurring.	32
Insert instead “Department of Customer Service”.	33
[2] Section 8B COVID-19 pandemic—supermarkets exempt from trading restrictions on certain public holidays in 2020	34 35
Omit the section.	36
Explanatory note	37
Item [1] of the proposed amendments updates references to the Department of Customer Service consequent on recent administrative changes to government departments. Item [2] omits a redundant section.	38 39 40

2.58 Road Transport (Vehicle Registration) Regulation 2017	1
Schedule 2 Light Vehicle Standards Rules	2
Omit “subrule (2)” from Schedule 2, rule 33(4).	3
Insert instead “subrule (3)”.	4
Explanatory note	5
The proposed amendment corrects a cross-reference.	6
2.59 Royal Botanic Gardens and Domain Trust Act 1980 No 19	7
[1] Section 4 Definitions	8
Insert in alphabetical order in section 4(1)—	9
<i>Chief Executive</i> means the person employed in the Public Service as the Chief Executive of the Royal Botanic Gardens and Domain.	10
	11
[2] Section 4(1), definition of “Executive Director”	12
Omit the definition.	13
[3] Sections 13, 14(6), and Schedule 1, clause 11	14
Omit “Executive Director” and “Executive Director’s” wherever occurring.	15
Insert instead “Chief Executive” and “Chief Executive’s”, respectively.	16
[4] Schedule 3 Transitional and other provisions	17
Insert at the end of the Schedule with appropriate clause numbering—	18
References to Executive Director	19
On and from the commencement of Schedule 2.59 of the <i>Statute Law (Miscellaneous Provisions) Act 2021</i> , a reference in a document, other than this Act, to the Executive Director of the Royal Botanic Gardens and Domain is taken to be a reference to the Chief Executive.	20
	21
	22
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Explanatory note	24
Items [1]–[3] of the proposed amendments update a position title from Executive Director to the Chief Executive. Item [4] provides that a reference in a document to the Executive Director is taken to be a reference to the Chief Executive.	25
	26
	27
2.60 Shoalhaven Local Environmental Plan 2014	28
Schedule 5 Environmental heritage	29
Omit “including and” from Part 1, Item no 9. Insert instead “including”.	30
Explanatory note	31
The proposed amendment omits a redundant word.	32
2.61 Sporting Venues Authorities Act 2008 No 65	33
[1] Schedule 1 Constitution and procedure of Board of Venues NSW	34
Omit “15(2)(a), (b) or (d)” from Schedule 1, clause 1, definition of <i>non-GSE member</i> .	35
Insert instead “15(2)(a), (b) or (d)–(f)”.	36
[2] Schedule 4A Venues NSW’s land	37
Omit “Schedule 2A” from Schedule 4A, Part 3. Insert instead “Part 2”.	38

Explanatory note	1
The proposed amendments update incorrect cross-references.	2
2.62 State Debt Recovery Act 2018 No 11	3
[1] Section 67 Hardship Review Board	4
Omit “Department of Finance, Services and Innovation” from section 67(1)(a).	5
Insert instead “Department of Customer Service”.	6
[2] Section 67(1)(c)	7
Omit “Department of Justice”. Insert instead “Department of Communities and Justice”.	8
Explanatory note	9
The proposed amendments update references to departments consequent on recent administrative changes to government departments.	10
	11
2.63 State Environmental Planning Policy (Western Sydney Aerotropolis) 2020	12
	13
Clause 15 Additional permitted uses for particular land	14
Omit “or,” from clause 15(1)(a). Insert instead “, or”.	15
Explanatory note	16
The proposed amendment corrects a typographical error.	17
2.64 Swimming Pools Act 1992 No 49	18
Sections 3(1), definition of “Secretary”, and 27(1)(b)	19
Omit “Department of Finance, Services and Innovation” wherever occurring.	20
Insert instead “Department of Customer Service”.	21
Explanatory note	22
The proposed amendment updates a reference to the Department of Customer Service consequent on recent administrative changes to government departments.	23
	24
2.65 Taxation Administration Act 1996 No 97	25
[1] Section 60 The Chief Commissioner	26
Omit “Department of Finance, Services and Innovation” from section 60(2).	27
Insert instead “Department of Customer Service”.	28
[2] Section 64 The Commissioner	29
Omit “Technical and Advisory Services, Revenue NSW in the Department of Finance, Services and Innovation” from section 64(2).	30
	31
Insert instead “Technical Advisory Services, Revenue NSW in the Department of Customer Service”.	32
	33
[3] Section 82 Permitted disclosures—to particular persons	34
Omit “Department of Industry” from section 82(k)(xia).	35
Insert instead “Department of Planning, Industry and Environment”.	36
[4] Section 82(k)(xx)	37
Omit “Department of Justice”. Insert instead “Department of Communities and Justice”.	38

Explanatory note	1
The proposed amendments update references to departments consequent on recent administrative changes to government departments.	2 3
2.66 Tow Truck Industry Act 1998 No 111	4
[1] Section 3 Definitions	5
Omit “Department of Finance, Services and Innovation” from section 3(1), definition of <i>Department</i> .	6 7
Insert instead “Department of Customer Service”.	8
[2] Schedule 2 Savings and transitional provisions	9
Omit “Roads and Maritime Services” from clause 22(1) and (2) wherever occurring.	10
Insert instead “Transport for NSW”.	11
Explanatory note	12
The proposed amendments update references to departments consequent on recent administrative changes to government departments.	13 14
2.67 Work Health and Safety Act 2011 No 10	15
[1] Section 4, definition of “member of staff”, paragraph (a), and Schedule 2, clause 1(1)(a) and (2)	16 17
Omit “Department of Finance, Services and Innovation” wherever occurring.	18
Insert instead “Department of Customer Service”.	19
[2] Section 4, definition of “member of staff”, paragraph (b)	20
Omit “the Department of Planning and Environment”.	21
Insert instead “Regional NSW”.	22
Explanatory note	23
The proposed amendments update references to departments consequent on recent administrative changes to government departments.	24 25

Schedule 3	Amendments by way of statute law revision—	1
	Aware Super	2
3.1	First State Superannuation Act 1992 No 100	3
[1]	Section 1 Name of Act	4
	Omit “ <i>First State Superannuation Act 1992</i> ”. Insert instead “ <i>Aware Super Act 1992</i> ”.	5
[2]	Schedule 3 Savings, transitional and other provisions	6
	Insert at the end of the Schedule, with appropriate numbering—	7
Part	Provision consequent on enactment of Statute Law	8
	(Miscellaneous Provisions) Act 2021	9
	References to First State Superannuation	10
	On and from the commencement of the <i>Statute Law (Miscellaneous Provisions) Act 2021</i> , Schedule 3, a reference in an Act, instrument or other document to First State Superannuation or the <i>First State Superannuation Act 1992</i> is taken to include a reference to the Aware Super or the <i>Aware Super Act 1992</i> , respectively.	11 12 13 14 15
[3]	Dictionary	16
	Omit the definition of <i>FTC</i> from the Dictionary.	17
	Insert instead—	18
	<i>FTC</i> means the following companies, taken to be registered under the <i>Corporations Act 2001</i> of the Commonwealth by reason of the operation of the <i>Superannuation Administration Act 1996</i> , Schedule 2A, clause 3—	19 20 21
	(a) until 6 September 2020—the company called FSS Trustee Corporation,	22
	(b) from 7 September 2020—the company called Aware Super Pty Ltd.	23
[4]	Dictionary, definition of “Fund”	24
	Omit “First State Superannuation”. Insert instead “Aware Super”.	25
3.2	First State Superannuation Regulation 2018	26
[1]	Clause 1 Name of Regulation	27
	Omit “ <i>First State Superannuation Regulation 2018</i> ”.	28
	Insert instead “ <i>Aware Super Regulation 2018</i> ”.	29
[2]	Clause 3 Definition	30
	Omit the definition of <i>the Act</i> from clause 3(1). Insert instead—	31
	<i>the Act</i> means the <i>Aware Super Act 1992</i> .	32
3.3	Parliamentary Contributory Superannuation Act 1971 No 53	33
[1]	Section 29A Definitions	34
	Insert in alphabetical order—	35
	<i>Aware Super Fund</i> means the Aware Super Fund established under the <i>Aware Super Act 1992</i> .	36 37

[2] Section 29A, definition of “complying superannuation fund”	1
Omit “First State Superannuation” from paragraph (b).	2
Insert instead “Aware Super”.	3
[3] Section 29A, definition “First State Superannuation Fund”	4
Omit the definition.	5
[4] Section 29C Payment splits	6
Omit “First State Superannuation” from section 29C(5). Insert instead “Aware Super”.	7
3.4 Parliamentary Contributory Superannuation Regulation 2018	8
Clauses 17(4)(d) and 18(2)(b)	9
Omit “First State Superannuation” wherever occurring.	10
Insert instead “Aware Super”.	11
3.5 Police Regulation (Superannuation) Act 1906 No 28	12
[1] Section 1 Name of Act, commencement and definitions	13
Insert in alphabetical order in section 1(2)—	14
<i>Aware Super Fund</i> has the same meaning as <i>Fund</i> has in the <i>Aware Super Act 1992</i> .	15
	16
[2] Section 1(2), definition of “First State Superannuation Fund”	17
Omit the definition.	18
[3] Sections 5B and 5C(5)(e), 5D(2), paragraph (b) of the definition of “complying superannuation fund” in section 14N and section 14P(5)	19
Omit “First State Superannuation” wherever occurring. Insert instead “Aware Super”.	20
	21
[4] Section 5D(3) and 14P(8) and definition of “FTC”	22
Omit “ <i>First State Superannuation Act 1992</i> ” wherever occurring.	23
Insert instead “ <i>Aware Super Act 1992</i> ”.	24
[5] Sections 5J Payment of conversion benefit	25
Omit “First State Superannuation Fund established under the <i>First State Superannuation Act 1992</i> ” from section 5J(4).	26
	27
Insert instead “Aware Super Fund established under the <i>Aware Super Act 1992</i> ”.	28
3.6 Police Superannuation Regulation 2020	29
Clauses 23(4)(d) and 24(2)(b)	30
Omit “First State Superannuation” wherever occurring. Insert instead “Aware Super”.	31
3.7 State Authorities Superannuation Act 1987 No 211	32
[1] Section 3 Definitions	33
Insert in alphabetical order in section 3(1)—	34

<i>Aware Super Fund</i> has the same meaning as <i>Fund</i> has in the <i>Aware Super Act 1992</i> .	1 2
[2] Section 3(1), definition of “First State Superannuation Fund”	3
Omit the definition.	4
[3] Section 30A, paragraph (b) of the definition of “complying superannuation fund” in section 45F, 45I(5) and 46AE(2)(b)	5 6
Omit “First State Superannuation” wherever occurring. Insert instead “Aware Super”.	7
[4] Section 45F Definitions	8
Omit “ <i>First State Superannuation Act 1992</i> ” from the definition of <i>FTC</i> .	9
Insert instead “ <i>Aware Super Act 1992</i> ”.	10
3.8 State Authorities Superannuation Regulation 2020	11
Clauses 22(4)(d) and 23(2)(b)	12
Omit “First State Superannuation” wherever occurring.	13
Insert instead “Aware Super”.	14
3.9 Superannuation Act 1916 No 28	15
[1] Section 3 Definitions	16
Insert in alphabetical order in section 3(1)—	17
<i>Aware Super Fund</i> has the same meaning as <i>Fund</i> has in the <i>Aware Super Act 1992</i> .	18 19
[2] Section 3(1), definition of “First State Superannuation Fund”	20
Omit the definition.	21
[3] Section 20AB(3) and (5)(e), 20F(5)(e), 20M(4), paragraph (b) of the definition of “complying superannuation fund” in section 61W and 61WB(5)	22 23
Omit “First State Superannuation” wherever occurring. Insert instead “Aware Super”.	24
[4] Sections 20G(3), 20M(1)(a) and definition of “FTC” in section 61W	25
Omit “ <i>First State Superannuation Act 1992</i> ” wherever occurring.	26
Insert instead “ <i>Aware Super Act 1992</i> ”.	27
3.10 Superannuation (Axiom Funds Management Corporation) Act 1996 No 40	28 29
Section 4 Definitions	30
Omit paragraph (a) of the definition of <i>FTC fund</i> or <i>FTC scheme</i> in section 4. Insert instead—	31 32
(a) <i>Aware Super Act 1992</i> ,	33
3.11 Superannuation Regulation 2016	34
Clauses 13(4)(d) and 14(2)(b)	35
Omit “First State Superannuation” wherever occurring.	36

Insert instead “Aware Super”.

1

Explanatory note

2

The proposed Schedule makes amendments to reflect the change in name of FSS Trustee Corporation (referred to as First State Superannuation) to Aware Super. The amendments also update references from the *First State Superannuation Act 1992* to the *Aware Super Act 1992* in Acts and instruments, where appropriate. A transitional arrangement makes provision for a reference in a document to First State Superannuation and *First State Superannuation Act 1992* to be taken to include a reference to Aware Super and *Aware Super Act 1992*, respectively.

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Schedule 4 Repeal

1

Repeal of redundant instrument

2

The following instrument is repealed—

3

Instrument	Provisions repealed
<i>Trans-Tasman Mutual Recognition (New South Wales) Temporary Exemptions Regulation 2016</i>	Whole instrument

Schedule 5 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, 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 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,

an 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 amended or repealed.

Explanatory note

This clause ensures the amendment or repeal of a provision will not, unless expressly provided, vitiate an 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, an 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, an 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

The *Interpretation Act 1987*, section 29A 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 a provision of an 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
(1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act.	2 3
(2) The provisions may, if the regulations so provide, take effect from the date of assent to this Act or a later date.	4 5
(3) To the extent to which the provisions take effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate—	6 7 8
(a) to affect, in a way prejudicial to a person, other than the State or an authority of the State, the rights of the person existing before the date of its publication, or	9 10 11
(b) to impose liabilities on a 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.	12 13 14
Explanatory note	15
This clause enables the making of regulations of a savings or transitional nature relating to incidental matters arising out of the proposed Act.	16 17