



New South Wales

Customer Service Legislation Amendment Bill 2021

Explanatory note

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

Overview of Bill

The object of this Bill is to amend legislation administered by the Minister for Customer Service and other Acts for related purposes.

This Bill amends the following legislation—

- (a) *Betting and Racing Act 1998* No 114,
- (b) *Casino Control Act 1992* No 15,
- (c) *Conveyancing Act 1919* No 6,
- (d) *Health Records and Information Privacy Act 2002* No 71,
- (e) *Home Building Act 1989* No 147,
- (f) *Independent Pricing and Regulatory Tribunal Act 1992* No 39,
- (g) *Land and Environment Court Act 1979* No 204,
- (h) *Liquor Act 2007* No 90,
- (i) *Liquor Regulation 2018*,
- (j) *Motor Accident Injuries Act 2017* No 10,
- (k) *Motor Accidents Compensation Act 1999* No 41,
- (l) *Music Festivals Act 2019* No 17,
- (m) *Personal Injury Commission Act 2020* No 18,
- (n) *Privacy and Personal Information Protection Act 1998* No 133,

- (o) *Real Property Act 1900* No 25,
- (p) *Registered Clubs Act 1976* No 31,
- (q) *Statutory and Other Offices Remuneration Act 1975* (1976 No 4),
- (r) *Totalizator Act 1997* No 45,
- (s) *Workplace Injury Management and Workers Compensation Act 1998* No 86.

Outline of provisions

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

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of legislation

1.1 Betting and Racing Act 1998 No 114

Schedule 1.1[1] enables the regulations to require a sports controlling body to notify the Minister for Customer Service (the *Minister*) of a change in the sports controlling body's circumstances.

Schedule 1.1[2] enables the Minister, by order, to authorise the use of NSW race field information by a betting service provider or prescribed person. **Schedule 1.1[3]** enables the regulations to place certain limitations on the making of an order by the Minister.

1.2 Casino Control Act 1992 No 15

Schedule 1.2[1] clarifies that the regulations may, in applying specified provisions of the *Liquor Act 2007*, provide for the matters for which regulations may be made under the applied provisions of the *Liquor Act 2007*.

Schedule 1.2[2] enables the regulations to apply, adopt or incorporate the provisions of a document, as in force at a particular time or as in force from time to time.

1.3 Conveyancing Act 1919 No 6

Schedule 1.3 clarifies that a deed executed by a corporation may be created in electronic form and electronically signed and attested.

1.4 Health Records and Information Privacy Act 2002 No 71

Schedule 1.4 enables organisations that hold health information to use or disclose the information for a purpose other than the purpose for which it was collected if the use or disclosure is reasonably necessary to assist in a stage of an emergency.

1.5 Home Building Act 1989 No 147

Schedule 1.5[3] allows the Commissioner for Fair Trading to accept a written undertaking, relating to the carrying out of residential building work or specialist work, from the holder of a contractor licence, supervisor certificate or tradesperson certificate.

Schedule 1.5[1] and [2] provide that a contravention of an undertaking is grounds for taking disciplinary action against the holder.

Schedule 1.5[4] provides that a contravention of an undertaking is grounds for the Supreme Court to grant an injunction.

Schedule 1.5[5] enables regulations to be made in relation to undertakings.

1.6 Independent Pricing and Regulatory Tribunal Act 1992 No 39

Schedule 1.6 enables the Independent Pricing and Regulatory Tribunal to correct minor, obvious, clerical and administrative errors in certain pricing determinations made in relation to monopoly services and fares for public passenger services.

1.7 Land and Environment Court Act 1979 No 204

Schedule 1.7 provides that appeals against a decision of a planning authority to refuse to amend a development contract under the *Community Land Development Act 2021* are Class 2 proceedings in the Land and Environment Court.

1.8 Liquor Act 2007 No 90

Schedule 1.8[4] exempts certain applications for temporary and permanent changes to the boundary of outdoor parts of a licensed premises from consultation and fee requirements.

Schedule 1.8[5] extends the operation of certain special provisions relating to the COVID-19 pandemic by 12 months until 11 December 2022.

Schedule 1.8[2] omits an unnecessary definition, which will be inserted into the *Liquor Act 2007* by an uncommenced provision of the *Liquor Amendment (Night-time Economy) Act 2020*.

Schedule 1.8[1] corrects a cross-reference and **Schedule 1.8[3]** corrects a typographical error.

1.9 Liquor Regulation 2018

Schedule 1.9 makes amendments that are consequential on the amendments in Schedule 1.8[4] and [5].

1.10 Motor Accident Injuries Act 2017 No 10

Schedule 1.10[1], [5] and [6] make consistent terminology for a *person under legal incapacity*.

Schedule 1.10[2] allows the rules of the Personal Injury Commission to enable an application for the review of a merit review decision of a single merit reviewer to be made later than 28 days after the certificate of the reviewer's determination is issued.

Schedule 1.10[3] allows the President of the Personal Injury Commission to arrange for a medical assessor to assess a medical dispute under the *Motor Accident Injuries Act 2017* outside New South Wales in certain circumstances.

Schedule 1.10[4] allows the rules of the Personal Injury Commission to enable an application for the review of a medical assessment by a single medical assessor to be made later than 28 days after the original certificate for the assessment is issued.

1.11 Motor Accidents Compensation Act 1999 No 41

Schedule 1.11[1] allows the President of the Personal Injury Commission to arrange for a medical assessor to assess a medical dispute under the *Motor Accidents Compensation Act 1999* outside New South Wales in certain circumstances.

Schedule 1.11[2] allows the rules of the Personal Injury Commission to enable an application for the review of a medical assessment by a single medical assessor to be made later than 28 days after the original certificate for the assessment is issued.

Schedule 1.11[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 *Motor Accidents Compensation Regulation 2020* now specifies the kinds of claims that are exempt from assessment.

1.12 Music Festivals Act 2019 No 17

Schedule 1.12[2] provides that anything done or omitted to be done by particular persons in the exercise of a function under the *Musical Festivals Act 2019*, or in the course of the administration of the Act, does not personally subject the persons to an action, liability, claim or demand if the thing was done or omitted to be done in good faith. **Schedule 1.12[1]** makes a consequential amendment.

1.13 Personal Injury Commission Act 2020 No 18

Schedule 1.13[1] allows the President of the Personal Injury Commission to direct that proceedings under the *Personal Injury Commission Act 2020* be conducted outside New South Wales in certain circumstances.

Schedule 1.13[2] clarifies the arrangements for claims that are exempt from assessment in the Motor Accidents Division of the Personal Injury Commission by omitting a redundant provision.

1.14 Privacy and Personal Information Protection Act 1998 No 133

Schedule 1.14 exempts public sector agencies from compliance with the information protection principles set out in the *Privacy and Personal Information Protection Act 1998* if the collection, use or disclosure of personal information is reasonably necessary to assist in a stage of an emergency.

1.15 Real Property Act 1900 No 25

Schedule 1.15 inserts a missing word.

1.16 Registered Clubs Act 1976 No 31

Schedule 1.16[1] requires a registered club to meet once a quarter instead of once a month.

Schedule 1.16[8] makes a consequential amendment.

Schedule 1.16[2] removes the requirement for a registered club to charge an annual membership fee. **Schedule 1.16[6]** makes a consequential amendment.

Schedule 1.16[3] provides that the display of information about proposed members of a registered club is no longer required to include the addresses of the proposed members.

Schedule 1.16[4] requires that, if the rules of a registered club require ordinary members of the club to pay a membership fee, the rules must specify the amount of the fee.

Schedule 1.16[5] enables the regulations to set out a process for the approval of exceptions, by the Secretary of the Department of Customer Service (the *Secretary*), to the application of a provision preventing a person from being eligible for admission as a temporary member of a registered club located within 5 kilometres of their residence, unless the person satisfies certain criteria.

Schedule 1.16[7] inserts a regulation-making power to enable the Secretary to issue directions relating generally to the election of the governing body of a registered club and which members of the club are entitled to vote.

Schedule 1.16[9] enables a registered club to circulate papers and hold meetings by electronic means, and to allow persons entitled to vote at meetings to vote in person or by electronic means.

Schedule 1.16[10] removes a requirement that a registered club include a member's occupation on its register of members.

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

Schedule 1.17[2] updates a reference to the Workers Compensation Independent Review Officer with a reference to the Independent Review Officer consequent on the enactment of the *Personal Injury Commission Act 2020*.

Schedule 1.17[1] clarifies that the remuneration of the Independent Review Officer, which is payable from the Workers Compensation Operational Fund under the *Workplace Injury Management and Workers Compensation Act 1998* and the Motor Accidents Operational Fund under the *Motor Accident Injuries Act 2017* and the *Motor Accidents Compensation Act 1999*, is not payable out of the Consolidated Fund.

1.18 Totalizator Act 1997 No 45

Schedule 1.18[1] enables the Minister for Customer Service to exclude a person, or a person belonging to a class of persons, from the definition of *key employee*.

Schedule 1.18[2] enables the regulations to apply, adopt or incorporate the provisions of a document, as in force at a particular time or as in force from time to time.

1.19 Workplace Injury Management and Workers Compensation Act 1998 No 86

Schedule 1.19[1] allows the President of the Personal Injury Commission to arrange for a medical assessor to assess a medical dispute under the *Workplace Injury Management and Workers Compensation Act 1998* outside New South Wales in certain circumstances.

Schedule 1.19[2] allows the rules of the Personal Injury Commission to enable a non-presidential Commission member's decision to be appealed later than 28 days after the decision is made.