

Passed by both Houses



New South Wales

Statute Law (Miscellaneous Provisions) Bill (No 2) 2022

Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	Minor amendments	3
Schedule 2	Amendments by way of statute law revision—miscellaneous amendments	15
Schedule 3	Amendments by way of statute law revision—amendments relating to machinery of government changes	23
Schedule 4	Repeals	36
Schedule 5	General savings, transitional and other provisions	37

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

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

, 2022



New South Wales

Statute Law (Miscellaneous Provisions) Bill (No 2) 2022

Act No , 2022

An Act to repeal an Act and 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.

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

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Statute Law (Miscellaneous Provisions) Bill (No 2) 2022*.

2 Commencement

This Act commences on 13 January 2023.

Schedule 1 Minor amendments

1.1 Animal Research Act 1985 No 123

Section 61 Service of notices

Omit section 61(c). Insert instead—

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

1.2 Associations Incorporation Act 2009 No 7

[1] Section 72 Application for cancellation

Insert after section 72(1)—

- (1A) The association must pass a special resolution approving the application before applying to the Secretary.

[2] Section 72(2)

Omit the subsection. Insert instead—

- (2) The application must—
 - (a) be in the approved form, and
 - (b) include a copy of the special resolution.

[3] Section 72(3)

Omit “subsection (2)”. Insert instead “subsection (2)(a)”.

1.3 Biosecurity Act 2015 No 24

[1] Section 313 Claims

Omit “a manner required by the Secretary” from section 313(b).

Insert instead “an approved manner”.

[2] Schedule 2 Prohibited matter

Omit the matter relating to *Tilapia* spp. (all species except *T. buttikoferi*) from Part 1.

Insert in alphabetical order under the heading “Pest Marine and Freshwater Finfish”—

<i>Coptodon</i> spp. (all species)	Guinean tilapia/Redbreast tilapia/Redbelly tilapia
<i>Pelmatolapia</i> spp. (all species)	Black mangrove cichlid/Spotted tilapia
<i>Tilapia</i> spp. (all species)	Banded tilapia

1.4 City of Sydney Act 1988 No 48

Section 16A Partnerships

Insert after section 16A(2)—

- (3) For a firm taken to be a corporation under subsection (2)—
 - (a) each partner of the firm is taken to be a director of the corporation, and

- (b) the managing partner or chief executive of the firm, however styled, is taken to be the company secretary of the corporation.

1.5 Community Land Development Act 2021 No 6

[1] Sections 25(3)(a) and (b), 26(2)(a) and (b), 69(5)(b) and 110(4) and (5)

Omit the provisions.

[2] Section 30 Association may grant or accept relevant interest

Omit “burdens” from section 30(1)(c). Insert instead “benefits”.

[3] Section 30(2)(b)

Omit “benefits”. Insert instead “burdens”.

[4] Section 103 Application of Act to electronic plans and documents

Omit “certificate of title or” from section 103(6), definition of *document*.

1.6 Community Land Management Act 2021 No 7

[1] Section 14 Documents and records to be provided to association at first AGM

Omit “certificates (other than certificates of title for lots)” from section 14(1)(a).

Insert instead “certificates,”.

[2] Section 14(1)(c)

Omit “the certificate of title for the association property,”.

[3] Section 138 Civil penalty for breach of by-laws

Insert “made under section 129” after “by-law” in section 138(3).

[4] Sections 172(f) and 205(1)(b) and (2)

Omit the provisions.

1.7 Companion Animals Act 1998 No 87

[1] Section 89 Confidentiality of certain information

Insert “or address” after “name” in section 89(7).

[2] Schedule 3 Savings and transitional provisions

Omit “the commencement of the section” from clause 9(1). Insert instead “1 July 2020”.

1.8 Dams Safety Act 2015 No 26

[1] Section 51 Service of documents

Omit section 51(1)(a)(iii). Insert instead—

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

[2] Section 51(1)(b)(ii)

Omit the subparagraph. Insert instead—

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

1.9 Design and Building Practitioners Act 2020 No 7

[1] Section 52 Variation, suspension or cancellation of registration generally

Insert “varied,” before “cancelled” in section 52(1)(g).

[2] Section 52A

Insert after section 52—

52A Variation of registration

- (1) Division 1 applies to an application by a registered practitioner to vary the practitioner’s registration in the same way it applies to an application for the grant of registration.

Note— For applications for a cancellation or suspension of registration—see section 62.

- (2) The regulations may make provision, including different provision, about the same matters in relation to an application to vary registration as in relation to an application for the grant of registration.

Example— A fee to be paid for an application to vary registration that is different from the fee to be paid for an application for the grant of registration.

- (3) If a variation of registration results in a registered practitioner being registered in an additional class, the registration in the additional class remains in force for the period specified by the Secretary in the notice by which the registration is varied, unless sooner cancelled.

1.10 Design and Building Practitioners Regulation 2021

[1] Clause 43, heading

Omit “variation, suspension or cancellation”. Insert instead “suspension”.

[2] Clause 43(1) and (1A)

Omit the subclauses.

1.11 Duties Act 1997 No 123

[1] Section 65 Exemptions from duty

Omit “Part V of the *National Health Act 1953* of the Commonwealth” from section 65(16)(c).

Insert instead “the *Aged Care Act 1997* of the Commonwealth, Chapter 3A”.

[2] Section 108 Person liable to pay call option assignment duty

Omit “No duty is payable at this point” from the note.

Insert instead “A must pay duty on the dutiable value of the option, as determined under Chapter 2”.

[3] Section 252 Register of insurers

Omit section 252(2). Insert instead—

- (2) The register must be made publicly available on the website of Revenue NSW.

1.12 Electricity Supply Act 1995 No 94

Schedule 4A Energy security safeguard schemes

Omit “authorised officer” wherever occurring in clauses 71B(4) and (6) and 136C(4) and (6).

Insert instead “compliance officer”.

1.13 Exhibited Animals Protection Act 1986 No 123

Section 51 Service of notices

Omit section 51(c). Insert instead—

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

1.14 Fisheries Management Act 1994 No 38

[1] Section 4 Definitions

Omit section 4(1), definitions of *noxious fish* and *noxious marine vegetation*.

[2] Section 4(4)

Insert “, or in a regulation or another instrument made under this Act,” after “reference in this Act”.

[3] Section 4(4)

Insert “, the regulation or the instrument” after “fish in this Act”.

[4] Section 34A Definitions

Omit paragraphs (a) and (b) of the definition of *official receipt*.

Insert instead—

- (a) if the fishing fee was paid in person—
 - (i) the hard copy receipt, or a copy of the receipt, issued as evidence of payment, or
 - (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
- (b) if the fishing fee was paid over the telephone or by electronic means—
 - (i) the receipt number issued as evidence of payment, or
 - (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

[5] Section 95 Cancellation or forfeiture of shares to be noted in Share Register

Omit “, forfeited or otherwise ceases to have effect” from section 95(1).

Insert instead “or forfeited”.

[6] Section 125 Definition of “relevant authority”

Omit section 125(d).

[7] Section 152 Conditions of permits

Omit “the destruction of noxious fish and” from section 152(2)(d).

[8] Section 154 Register of permits

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).

Insert instead “making the register, or that part kept by computer, available on the website of the Department”.

[9] Section 160 Power to cancel or suspend a permit after a hearing

Omit section 160(1)(c).

[10] Section 227 Delegation by Minister

Insert after section 227(2)—

- (3) A delegation under this section must be notified by publication of the instrument of delegation in the Gazette.

[11] Section 228 Delegation by Secretary

Insert after section 228(2)—

- (2A) A delegation or subdelegation under this section must be notified by publication of the instrument of delegation or subdelegation in the Gazette.

[12] Section 284 Public consultation procedure

Omit section 284(2). Insert instead—

- (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—
 - (a) publish the following on the Department’s website—
 - (i) the matter that is subject to consultation,
 - (ii) the date by which submissions must be made, and
 - (b) allow a period of not less than 30 days for public comment.
- (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—
 - (a) members of the public generally,
 - (b) if the matter relates to a particular area only—members of the public in or near the area.

1.15 Fisheries Management (Aquaculture) Regulation 2017

[1] Clause 19 Payment obligation

Omit “Act, or” from clause 19(b). Insert instead “Act.”

[2] Clause 19(c)

Omit the subclause.

[3] Clause 61 Information to be specified on containers of shellfish and other aquaculture products for sale

Omit “and noxious fish” from clause 61(1).

1.16 Fisheries Management (General) Regulation 2019

Clause 4 Definitions of fish species

Omit clause 4(2), including the note.

1.17 Food Act 2003 No 43

Section 137 Service of documents

Omit section 137(1)(e). Insert instead—

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

1.18 Game and Feral Animal Control Act 2002 No 64

Schedule 3 Game animals

Omit “Grey Teal (*Anas gibberifrons*)” from Part 1A.

Insert instead “Grey Teal (*Anas gracilis*)”.

1.19 Health Records and Information Privacy Act 2002 No 71

[1] Schedule 1 Health Privacy Principles

Insert after clause 10(4)—

- (4A) If health information is used under subclause (1)(b1), the organisation—
 - (a) must not hold the information for longer than 18 months, unless extenuating circumstances apply or consent has been obtained, and
 - (b) if the organisation is a law enforcement agency—must not use the information for the purpose of prosecuting an offence.

[2] Schedule 1, clause 11(5A)

Insert after clause 11(5)—

- (5A) If health information is disclosed under subclause (1)(b1), the organisation—
 - (a) must not hold the information for longer than 18 months, unless extenuating circumstances apply or consent has been obtained, and
 - (b) if the organisation is a law enforcement agency—must not use the information for the purpose of prosecuting an offence.

[3] Schedule 1, clause 16

Omit the clause.

1.20 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 11, 15(2)(a), 16(1) and (3) and 36(2)**
Omit “revoked” wherever occurring. Insert instead “cancelled”.
- [4] **Sections 15(1) and 16(4)**
Omit “revoking” wherever occurring. Insert instead “cancelling”.
- [5] **Section 16, heading**
Omit “**Revocation**”. Insert instead “**Cancellation**”.
- [6] **Section 16(3)**
Omit “revocation”. Insert instead “cancellation”.
- [7] **Sections 16(2) and 38(c)**
Omit “revoke” wherever occurring. Insert instead “cancel”.
- [8] **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.
- [9] **Section 28 Search warrants**
Omit “authorised officer” from section 28(1) and (2). Insert instead “issuing officer”.
- [10] **Section 28(4)**
Omit the definition of *authorised officer*. Insert instead—
issuing officer means an authorised officer within the meaning of the *Law Enforcement (Powers and Responsibilities) Act 2002*.
- [11] **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
- [12] **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.
- [13] **Section 45 Penalty notices**
Omit section 45(6), definition of *authorised officer*. Insert instead—
authorised officer includes a police officer.
Note— An authorised officer is also defined in section 3 to mean a person appointed by the Secretary under section 18.

1.21 Hemp Industry Regulation 2016

- [1] **Clauses 8, heading and 11(4)**
Omit “revocation” wherever occurring. Insert instead “cancellation”.

[2] Clauses 8 and 11(4)

Omit “revoked” wherever occurring. Insert instead “cancelled”.

1.22 Local Government Act 1993 No 30

Section 664 Disclosure and misuse of information

Omit section 664(1B)(d). Insert instead—

- (d) an agenda, resolution or recommendation of a meeting that is open access information under the *Government Information (Public Access) Act 2009*, Part 3.

1.23 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.

1.24 Mining Act 1992 No 29

Section 125 Grounds of cancellation of authorities

Omit “cancelled” from section 125(2). Insert instead “retained”.

1.25 Mining and Petroleum Legislation Amendment Act 2022 No 21

[1] Schedule 1 Amendment of Mining Act 1992 No 29

Omit “section 261BC(7)(b)” from Schedule 1[99], proposed section 261BB(2)(b).
Insert instead “section 261BC(7)(a)”.

[2] Schedule 1[104], proposed section 261BF(2)(b)

Omit “section 261BC(7)(b)”. Insert instead “section 261BC(7)(a)”.

[3] Schedule 1[123], proposed section 292Y(3)

Renumber the paragraphs in Schedule 1[123], proposed section 292Y(3) as (a)–(h).

[4] Schedule 1[178], proposed Schedule 6, clause 190(2)

Omit “refuse”. Insert instead “reject”.

[5] Schedule 1[178], proposed Schedule 6, clause 190(2)

Omit “refusal”. Insert instead “rejection”.

[6] Schedule 2 Amendment of Petroleum (Onshore) Act 1991 No 84

Renumber the paragraphs in Schedule 2[30], proposed section 67(3) as (a) and (b).

[7] Schedule 2[85], proposed section 138(1)(g2)

Renumber the subparagraphs as (i) and (ii).

[8] Schedule 2[86], proposed section 146(1)

Omit “refused”. Insert instead “rejected”.

[9] Schedule 2[86], proposed section 146(1)(d)

Omit “refusal”. Insert instead “rejection”.

[10] Schedule 2[91], proposed Schedule 1, clause 78(2)

Omit “refuse”. Insert instead “reject”.

[11] Schedule 2[91], proposed Schedule 1, clause 78(2)

Omit “refusal”. Insert instead “rejection”.

1.26 Natural Resources Access Regulator Act 2017 No 64

[1] Section 5 Board of Regulator

Omit “3 members” from section 5(2).

Insert instead “at least 3, but not more than 5, members”.

[2] Schedule 1 Members and procedure of Board

Omit “all of the” from clause 12. Insert instead “3”.

1.27 Passenger Transport Act 1990 No 39

[1] Section 63 Regulations

Insert after section 63(2)(g)(iv)—

- (v) matters relating to the issue of driver authority cards to persons authorised to drive public passenger vehicles, including information to be displayed on the cards and the form and display of the cards, and

[2] Section 63(2)(m)

Omit the paragraph.

1.28 Payroll Tax Act 2007 No 21

[1] Section 23 Value of shares and options

Omit “*Income Tax Assessment Regulations 1997*” from the note to section 23.

Insert instead “*Income Tax Assessment (1997 Act) Regulations 2021*”.

[2] Schedule 2 NSW specific provisions

Omit “21 days” from clause 21(1). Insert instead “28 days”.

1.29 Plantations and Reafforestation Act 1999 No 97

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.

1.30 Poppy Industry Act 2016 No 37

Section 43 Service of documents

Omit section 43(1)(e). Insert instead—

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

1.31 Property and Stock Agents Act 2002 No 66

Section 196 Power to suspend licence or certificate of registration when show cause notice served

Omit section 196(3)(a). Insert instead—

- (a) the suspension relates to a failure to comply with section 111(1)—in which case the suspension may be imposed until—
 - (i) the relevant records and documents are caused to be audited as required by the subsection, and
 - (ii) the auditor appointed to make the audit provides a copy of the report on the audit to the Secretary in accordance with section 116(1), or

1.32 Public Holidays Act 2010 No 115

Section 4 Standard public holidays

Omit “*Queen’s*” from section 4(h). Insert instead “*King’s*”.

1.33 Road Transport Act 2013 No 18

[1] Section 4 Definitions

Omit section 4(1), definition ***GVM (gross vehicle mass)***, paragraphs (a) and (b).

Insert instead—

- (a) as stated on the RAV for the vehicle, or
- (b) if the GVM is not stated on the RAV—as stated by the vehicle’s manufacturer on an identification plate on the vehicle, or
- (c) if the GVM is not stated on the RAV or on the vehicle’s identification plate, or if there is a specification on an identification plate on the vehicle but the specification is not appropriate because the vehicle has been modified—as certified by Transport for NSW.

[2] Section 4(1)

Insert in alphabetical order—

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

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

[3] Section 82 Definitions

Omit “compliance plate” from section 82, definition of ***vehicle identifier***, paragraph (a).

Insert instead “identification plate, or as stated on the RAV for the vehicle,”.

[4] Schedule 2 Registration charges for heavy vehicles

Omit the definitions of *identification plate* and *RAV* from Schedule 2, clause 1.

1.34 Rural Assistance Act 1989 No 97

Section 51 Service of documents

Insert after section 51(2)—

- (2A) A document, including a notice, may also be served on the Authority or another person by electronic transmission to an address or location specified by the Authority or person for the service of documents of that kind.

1.35 Stock Medicines Act 1989 No 182

[1] Section 43 Offences relating to advertising

Omit section 43(3).

[2] Section 60A Penalty notices

Omit section 60A(6). Insert instead—

- (6) In this section—
authorised officer means an authorised officer under the *Biosecurity Act 2015*.

[3] Section 62 Service of notices

Omit section 62(a)(iii). Insert instead—

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

[4] Section 62(b)(ii)

Omit the subparagraph. Insert instead—

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

1.36 Uncollected Goods Act 1995 No 68

Section 28 Relevant charges due to receiver

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

1.37 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

1.38 Water Management Act 2000 No 92

[1] Section 43 Duration of management plans

Omit “from” wherever occurring in section 43(1). Insert instead “commencing on”.

[2] Section 43(2)

Omit “Within the fifth year after it was made”.

Insert instead “In the 5 years before its expiry”.

[3] Section 68A Amendment of share or extraction components of access licences and other actions by Minister

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).

[4] Section 368 Appeals to Land and Environment Court

Insert before section 368(1)(o)—

- (n1) a decision in relation to a bore driller’s licence, being a decision prescribed by the regulations for the purposes of this paragraph,

Examples— The following kinds of decisions may be prescribed—

- (a) decisions to refuse to grant a bore driller’s licence,
- (b) decisions to grant a bore driller’s licence subject to a condition,
- (c) decisions to vary a condition of a bore driller’s licence,
- (d) decisions to suspend or cancel a bore driller’s licence.

[5] Section 400 Regulations

Insert at the end of section 400(1)(e)—

, and

- (f) the regulation of vessels and works on or along the Murray River, including the following—
 - (i) the regulation and control of vessels at or near locks, weirs and other works,
 - (ii) the management and control of works.

[6] Dictionary

Omit “, the grant of an access licence” from the definition of *Ministerial action*, paragraph (d1).

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

2.1 Bathurst Regional Local Environmental Plan 2014

Schedule 5 Environmental heritage

Omit “Gorman’s Hill” wherever occurring. Insert instead “Gormans Hill”.

2.2 Building and Development Certifiers Act 2018 No 63

[1] Schedule 1 Savings, transitional and other provisions

Omit “that Regulation to which the recognition related” from clause 14(1).

Insert instead “the *Environmental Planning and Assessment Regulation 2021* or the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* that correspond to the provisions of the *Environmental Planning and Assessment Regulation 2000* to which the recognition related”.

[2] Schedule 1, clause 14(5)

Omit “*Environmental Planning and Assessment Regulation 2000*”.

Insert instead “*Environmental Planning and Assessment Regulation 2021*”.

2.3 Casino Control Act 1992 No 15

[1] Section 136 NICC’s functions

Renumber section 136(1)(a)–(b) as paragraphs (a)–(c).

[2] Schedule 1 Constitution and procedure of NICC

Renumber clause 2(1)–(2) as subclauses (1)–(3).

2.4 Cemeteries and Crematoria Act 2013 No 105

Section 132 Powers of authorised officers

Omit section 132(6).

2.5 Centennial Park and Moore Park Trust Act 1983 No 145

Section 18B Liability of vehicle owner for certain offences

Omit section 18B(6), definition of *owner*.

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

Section 36A Information-sharing

Omit “section 36” from section 36A(4), definition of *interstate screening agency*.

Insert instead “section 34”.

2.7 Children’s Guardian Act 2019 No 25

[1] Sections 85(2), 86(1) and (3) and 87(1)(a) and (5)

Omit “the register” wherever occurring. Insert instead “a register”.

[2] Sections 86(2) and 88

Omit “the register” wherever occurring.

Insert instead “the residential care workers register”.

[3] Section 87, heading

Omit “register”. Insert instead “registers”.

[4] Section 87(4)

Omit “included on the register”. Insert instead “included on a register”.

[5] Section 88, heading

Omit “register”. Insert instead “residential care workers register”.

2.8 Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010 No 122

Sections 38(1) and 70(1)(a)

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

Insert instead “a Chapter 5 body corporate”.

2.9 Conveyancers Licensing Act 2003 No 3

[1] Section 10 Disqualified persons

Omit “an externally-administered body corporate (within the meaning of the Corporations Act)” wherever occurring in section 10(2)(c) and (d)(i).

Insert instead “a Chapter 5 body corporate”.

[2] Section 10(2)(d)(ii), (3B)(c) and (3C)

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

Insert instead “a Chapter 5 body corporate”.

[3] Section 10(4)

Insert in alphabetical order—

Chapter 5 body corporate has the same meaning as in the Corporations Act.

2.10 Credit (Commonwealth Powers) Act 2010 No 6

[1] Schedule 3 Savings, transitional and other provisions

Omit “Director-General” wherever occurring in clause 10(1). Insert instead “Secretary”.

[2] Schedule 3, clause 10(1)

Omit “Director-General’s”. Insert instead “Secretary’s”.

2.11 Dams Safety Regulation 2019

[1] Clause 20 Safety review

Insert “(a)” before “has not been involved” in clause 20(6B), definition of *independent competent person*.

[2] Clause 20(6B), definition of “independent competent person”

Insert “(b)” before “is independent of each”.

2.12 Design and Building Practitioners Act 2020 No 7

Section 17 Compliance declarations by registered building practitioners

Omit “under subsection (1)” from section 17(6), definition of *required document*.

Insert instead “under this section”.

2.13 Destination NSW Act 2011 No 21

Section 16 Acquisition of land

Insert “for” before “an authorised work” in section 16(2).

2.14 Disability Inclusion Act 2014 No 41

Section 6 Having regard to disability principles

Omit “Part 5”. Insert instead “Part 4”.

2.15 Duties Act 1997 No 123

[1] Section 104ZJA Certain development by Australian-based developers that are foreign persons

Omit “section 109C of the *Environmental Planning and Assessment Act 1979*” from section 104ZJA(1)(b).

Insert instead “the *Environmental Planning and Assessment Act 1979*, section 6.4”.

[2] Section 107 Assignment of rights under call option dutiable as transfer

Omit “exercisable” wherever occurring. Insert instead “exercisable”.

2.16 Electric Vehicles (Revenue Arrangements) Act 2021 No 25

[1] Schedule 1 Dictionary

Omit “means” from the definition of *motor vehicle*.

[2] Schedule 1, definition of “motor vehicle”, paragraph (a)

Insert “means” before “a motor vehicle”.

2.17 Electricity Supply Act 1995 No 94

Schedule 4A Energy security safeguard schemes

Omit “a a” from clause 78A(2)(b). Insert instead “a”.

2.18 Environmental Planning and Assessment Act 1979 No 203

[1] Section 2.23 Community participation plans—preparation

Omit “section 402 of the *Local Government Act 1993*” from section 2.23(4).

Insert instead “the *Local Government Act 1993*, section 402A”.

[2] Sections 4.42(1)(b) and 5.24(1)(b)

Omit “section 15 of the *Mine Subsidence Compensation Act 1961*” wherever occurring.
Insert instead “the *Coal Mine Subsidence Compensation Act 2017*, section 22”.

2.19 Fisheries Management Act 1994 No 38

[1] Section 7D Purpose of fishery management strategy

Omit “Section 115I of that Act” from the note to the section.
Insert instead “Schedule 1AA, clause 4”.

[2] Section 7D, note

Omit “that Division”. Insert instead “the Schedule”.

2.20 Greater Sydney Parklands Trust Act 2022 No 9

Section 37 Establishment

Omit “*Special*” from section 37(1)(a). Insert instead “(*Special*)”.

2.21 Home Building Act 1989 No 147

[1] 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”.

[2] Section 33B(1)(a)(xv)–(xvii)

Omit “other than external administration” wherever occurring.
Insert instead “other than Chapter 5 body corporate”.

[3] Schedule 1 Definitions and other interpretative provisions

Omit the definition of *externally-administered body corporate* from clause 1(1).
Insert in alphabetical order—

Chapter 5 body corporate has the same meaning as in the *Corporations Act 2001* of the Commonwealth.

2.22 Industrial Relations Advisory Council Act 2010 No 76

[1] Section 6(1)(b) and Schedule 1, clause 7(2)(b)

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

[2] Section 6(1)(c) and Schedule 1, clause 7(2)(c)

Omit the paragraphs.

2.23 Infrastructure NSW Act 2011 No 23

Section 34 Acquisition of land

Insert “for” before “an authorised work” in section 34(2).

2.24 Land Tax Act 1956 No 27

Section 5C Surcharge land tax—certain development by Australian-based developers that are foreign persons

Omit “section 109C of the *Environmental Planning and Assessment Act 1979*” from section 5C(1)(b).

Insert instead “the *Environmental Planning and Assessment Act 1979*, section 6.4”.

2.25 Land Tax Management Act 1956 No 26

Section 10AA Exemption for land used for primary production

Omit “section 33A(1) of the *Environmental Planning and Assessment Act 1979*” from section 10AA(4)(b).

Insert instead “the *Environmental Planning and Assessment Act 1979*, section 3.20”.

2.26 Local Government Amendment Act 2021 No 11

Schedule 1 Amendment of Local Government Act 1993 No 30

Omit “rate the” from Schedule 1[30], proposed section 591(2). Insert instead “rate that”.

2.27 Local Land Services Act 2013 No 51

Section 201 Acquisition of land

Insert “for” before “an authorised work” in section 201(2).

2.28 Long Service Leave (Metalliferous Mining Industry) Regulation 2021

Clause 4, heading

Omit “annual”.

2.29 Long Service Leave Regulation 2021

Clause 4, heading

Omit “annual”.

2.30 Mining Regulation 2016

Schedule 8A Standard conditions of mining leases

Omit “clause 13” from clause 2(1). Insert instead “clause 12”.

2.31 Pawnbrokers and Second-hand Dealers Act 1996 No 13

Section 27 Demerit points scheme

Omit “an officer prescribed by the regulations” from section 27(6).

Insert instead “the Secretary”.

2.32 Pawnbrokers and Second-hand Dealers Regulation 2021

Clause 40 Certification of number of demerit points

Omit the clause.

2.33 Photo Card Act 2005 No 20

Section 38 Amendment of Acts

Omit the section.

2.34 Plantations and Reafforestation (Code) Regulation 2001

[1] Appendix Plantations and Reafforestation Code

Omit “Director-General” wherever occurring in clauses 11(1) and (2), 12(2) and (3), 22(2)(b), 25A(5), 26(3), 28A(1) and (2), 34(1)(b)(i), 41F(7), 47(2), 54, 55(1)(c) and 62(2).

Insert instead “Secretary”.

[2] Appendix, Dictionary

Omit the definition of *Director-General*.

[3] Appendix, Dictionary

Insert in alphabetical order—

Secretary means the Secretary of the Department.

2.35 Property and Stock Agents Act 2002 No 66

[1] Section 16 Disqualified persons

Omit “an externally-administered body corporate (within the meaning of the Corporations Act)” wherever occurring in section 16(1A)(c) and (d)(i).

Insert instead “a Chapter 5 body corporate”.

[2] Section 16(1A)(d)(ii), (2B)(c) and (2C)

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

Insert instead “a Chapter 5 body corporate”.

[3] Section 16(3)

Insert after section 16(2D)—

(3) In this section—

Chapter 5 body corporate has the same meaning as in the Corporations Act.

2.36 Protection of the Environment Operations (General) Regulation 2022

Section 146 Definitions

Omit “perfluoroalkyl carbons” from the definition of *long-chain PFAS*, paragraph (a).

Insert instead “perfluoroalkyl carbons”.

2.37 Public Interest Disclosures Act 1994 No 92

Section 6A Steering Committee

Omit “Director-General” wherever occurring in section 6A. Insert instead “Secretary”.

2.38 Public Spaces (Unattended Property) Act 2021 No 38

[1] Section 12 When authorised officers have “possession” of property

Omit “has *possession* of property” from section 12(1).

[2] Section 12(1)(a)

Insert “has *possession* of property” before “as soon as”.

[3] Section 18 Authorised officers may take possession of unattended animals

Omit “items” from section 18(3)(b). Insert instead “animals”.

2.39 Retail Trading Act 2008 No 49

Section 8B COVID-19 pandemic—supermarkets exempt from trading restrictions on certain public holidays in 2020

Omit the section.

2.40 Retirement Villages Act 1999 No 81

[1] Section 57 Certain persons not to be operators

Omit “an externally-administered body corporate” wherever occurring in section 57(2)(b) and (3A).

Insert instead “a Chapter 5 body corporate”.

[2] Section 57(4)

Omit “*externally-administered body corporate*”.

Insert instead “*Chapter 5 body corporate*”.

2.41 Road Transport (Vehicle Registration) Regulation 2017

[1] Clause 74 Notification of decisions by TfNSW

Omit “2021” from clause 74(2)(b). Insert instead “2021”.

[2] Clause 96 Service of notices under Part

Omit “2021” from clause 96, note. Insert instead “2021”.

[3] Clause 141 Application of Road Transport (General) Regulation 2021, Part 4 and clause 163

Omit “2021” from clause 141(1). Insert instead “2021”.

2.42 Rural Fires Regulation 2022

Schedule 2 Penalty notice offences

Omit the matter relating to sections 108(3), 116(5), 117C(4), 117D(1) and 117E(4).

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

Section 7 Assessors

Omit “Director-General” from section 7(1)(a). Insert instead “Secretary”.

2.44 Strata Schemes Management Act 2015 No 50

Schedule 3 Savings, transitional and other provisions

Omit clause 18.

2.45 Subordinate Legislation Act 1989 No 146

Section 11 Governor may postpone repeal by order

Omit “regulations” from section 11(6). Insert instead “statutory rules”.

2.46 Sydney Olympic Park Authority Act 2001 No 57

Section 25 Powers of enforcement

Omit “Part 6 of the *Environmental Planning and Assessment Act 1979*”.

Insert instead “the *Environmental Planning and Assessment Act 1979*, Part 9”.

2.47 Transport Administration Act 1988 No 109

Sections 12(3), 35F(3), 36E(3) and 37E(3)

Insert “for” before “an authorised work” wherever occurring.

2.48 Warringah Local Environmental Plan 2011

Clause 4.6 Exceptions to development standards

Relocate clause 4.6(8)(d) after clause 4.6(8)(caa).

2.49 Water Management Act 2000 No 92

Section 94

Omit “Planning Assessment Commission” wherever occurring.

Insert instead “Independent Planning Commission of New South Wales”.

2.50 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022

[1] Section 63 Metering conditions

Renumber section 63(3)(i)–(iii) as paragraphs (a)–(c).

[2] Section 68 Amendments

Insert “(1)” before “This Plan may be amended as”.

Schedule 3 Amendments by way of statute law revision— amendments relating to machinery of government changes

3.1 Associations Incorporation Act 2009 No 7

Section 4 Definitions

Omit “Department of Finance, Services and Innovation” from section 4(1), definition of *Department* and definition of *Secretary*, paragraph (a).

Insert instead “Department of Customer Service”.

3.2 Betting and Racing Act 1998 No 114

Sections 6(2)(d), 26G–26GB and 34(2)

Omit “Department of Customer Service” wherever occurring.

Insert instead “Department of Enterprise, Investment and Trade”.

3.3 Boarding Houses Act 2012 No 74

[1] Sections 4(1), definition of “Commissioner”, 7(3), 15(2) and 27(2)

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

Insert instead “Department of Customer Service”.

[2] Sections 4(1), definition of “Secretary”, 35(2), 66(2), 85(2), 86(1)(b) and (3)(b) and 88

Omit “Department of Family and Community Services” wherever occurring.

Insert instead “Department of Communities and Justice”.

3.4 Boarding Houses Regulation 2013

Clause 3 Definitions

Omit “Department of Family and Community Services” from clause 3(1), definition of *Department*.

Insert instead “Department of Communities and Justice”.

3.5 Building and Construction Industry Long Service Payments Act 1986 No 19

Section 3 Definitions

Omit “Department of Finance, Services and Innovation” from section 3(1), definition of *Chief Executive Officer*.

Insert instead “Department of Customer Service”.

3.6 Building and Construction Industry Security of Payment Act 1999 No 46

Sections 4(1), definition of “Secretary”, and 32C(1), definition of “authorised officer”, and (2)

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

Insert instead “Department of Customer Service”.

3.7 Building Products (Safety) Act 2017 No 69

Sections 3(1), definition of “Secretary”, and 75(1)(a)

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

Insert instead “Department of Customer Service”.

3.8 Casino Control Act 1992 No 15

Section 3 Definitions

Omit “Department of Customer Service” from section 3(1), definition of *Secretary*.

Insert instead “Department of Enterprise, Investment and Trade”.

3.9 Casino Control Regulation 2019

Clause 3 Definitions

Omit “Department of Customer Service” from section 3(1), definition of *Liquor & Gaming NSW* and definition of *Secretary*.

Insert instead “Department of Enterprise, Investment and Trade”.

3.10 Charitable Fundraising Act 1991 No 69

[1] Section 4 Definitions

Omit “Department of Finance, Services and Innovation” from section 4(1), definition of *Department*.

Insert instead “Department of Customer Service”.

[2] Section 4(1), definition “Secretary”

Omit the definition. Insert instead—

Secretary means—

- (a) the Commissioner for Fair Trading, Department of Customer Service, or
- (b) if there is no person employed as Commissioner for Fair Trading—the Secretary of the Department.

[3] Section 41T Exclusion of personal liability

Omit “of the Department of Finance, Services and Innovation” from section 41T(1)(b).

3.11 Coal Mine Subsidence Compensation Act 2017 No 37

Section 4 Definitions

Omit “Department of Finance, Services and Innovation” from section 4(1), definition of *Department*.

Insert instead “Department of Customer Service”.

3.12 Community Gaming Act 2018 No 60

Section 4 Definitions

Omit “Department of Finance, Services and Innovation” from section 4(1), definition of *Department*, and definition of *Secretary*, paragraph (a).

Insert instead “Department of Customer Service”.

3.13 Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010 No 122

Section 3 Definitions

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

Insert instead “Department of Customer Service”.

3.14 Conveyancers Licensing Act 2003 No 3

[1] Section 3 Definitions

Omit “Department of Finance, Services and Innovation” from the definition of *Department*, and definition of *Secretary*, paragraph (a).

Insert instead “Department of Customer Service”.

[2] Section 3, definition of “Secretary”, paragraph (b)

Omit “of Finance, Services and Innovation”.

3.15 Co-operative Housing and Starr-Bowkett Societies Act 1998 No 11

Sections 29(1), 43(14) and 47A

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

Insert instead “Department of Customer Service”.

3.16 Co-operatives (Adoption of National Law) Act 2012 No 29

Section 3 Definitions

Omit “Department of Finance, Services and Innovation” wherever occurring in section 3(2), definition of *Secretary*.

Insert instead “Department of Customer Service”.

3.17 Credit (Commonwealth Powers) Act 2010 No 6

Schedule 3 Savings, transitional and other provisions

Omit “Department of Finance and Services” from clause 10(1).

Insert instead “Department of Customer Service”.

3.18 Dangerous Goods (Road and Rail Transport) Act 2008 No 95

Section 71 Delegation

Omit “Department of Finance, Services and Innovation” from section 71(2).

Insert instead “Department of Customer Service”.

3.19 Destination NSW Act 2011 No 21

Section 7 Establishment of Board of Management

Omit “Department of Industry” from section 7(2)(d).

Insert instead “Department of Enterprise, Investment and Trade”.

3.20 Entertainment Industry Act 2013 No 73

Sections 4(1), definition of “Secretary”, 31(1), 36(a) and 41(1)

Omit “Treasury” wherever occurring.

Insert instead “Department of Customer Service”.

3.21 Explosives Regulation 2013

Clauses 6, 102(2), definition of “relevant authority”, paragraph (c) and note and 103(1), note

Omit “Department of Planning and Environment” wherever occurring.

Insert instead “Department of Regional NSW”.

3.22 Fair Trading Act 1987 No 68

[1] Section 4 Definitions

Omit “Department of Finance, Services and Innovation” from section 4(1), definition of *Department*, and definition of *Secretary*, paragraph (a).

Insert instead “Department of Customer Service”.

[2] Section 4(1), definition of “Secretary”, paragraph (b)

Omit “of Finance, Services and Innovation”.

3.23 Film and Television Industry Act 1988 No 18

Section 3 Definitions

Omit “Department of Trade and Investment, Regional Infrastructure and Services” from section 3(1), definition of *Department*.

Insert instead “Department of Enterprise, Investment and Trade”.

3.24 Food Act 2003 No 43

Section 110 Definitions

Omit “Chief Executive of the Office of Environment and Heritage” from the definition of *relevant body*.

Insert instead “Secretary of the Department of Planning and Environment”.

3.25 Funeral Funds Act 1979 No 106

[1] Section 4 Definitions

Omit “Department of Finance, Services and Innovation” from section 4(1), definition of *Department*, and definition of *Secretary*, paragraph (a).

Insert instead “Department of Customer Service”.

[2] Section 4(1), definition of “Secretary”, paragraph (b)

Omit “of Finance, Services and Innovation”.

3.26 Gaming and Liquor Administration Act 2007 No 91

Section 3 Definitions

Omit “Department of Customer Service” from section 3(1), definition of *Department*.

Insert instead “Department of Enterprise, Investment and Trade”.

3.27 Gaming and Liquor Administration Regulation 2016

[1] Schedule 1 Persons and bodies to whom information may be divulged

Omit “Deputy Secretary, Liquor, Gaming and Racing Division, Department of Customer Service” from item 1.

Insert instead “Chief Executive Officer of Hospitality and Racing, Department of Enterprise, Investment and Trade”.

[2] Schedule 1, item 1

Omit “Liquor & Gaming NSW, Department of Customer Service”.

Insert instead “the Department of Enterprise, Investment and Trade”.

3.28 Gaming Machines Act 2001 No 127

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

Omit “Department of Customer Service” wherever occurring.

Insert instead “Department of Enterprise, Investment and Trade”.

3.29 Gaming Machines Regulation 2019

Clause 3 Definitions

Omit “Department of Customer Service” from clause 3(1), definition of *Liquor & Gaming NSW*.

Insert instead “Department of Enterprise, Investment and Trade”.

3.30 Gas and Electricity (Consumer Safety) Act 2017 No 15

[1] Section 4 Definitions

Omit “Department of Finance, Services and Innovation” from section 4(1), definition of *Department*, and definition of *Secretary*, paragraph (a).

Insert instead “Department of Customer Service”.

[2] Section 38AC Metering safety management system requirements

Omit “the Department of Planning, Industry and Environment” from section 38AC(6), definition of *Code for Safe Meter Installation*.

Insert instead “Treasury”.

[3] Section 44 Arrangements with other public authorities regarding certain investigable incidents

Omit “Department of Planning, Industry and Environment” from section 44(5), definition of *Energy Secretary*.

Insert instead “Treasury”.

3.31 Gas and Electricity (Consumer Safety) Regulation 2018

Clause 34 Standards and requirements for electrical installation work

Omit “by the Resources and Energy Division of the Department of Planning and Environment” from the note to clause 34(3).

Insert instead “on the energy.nsw.gov.au website”.

3.32 Government Information (Public Access) Regulation 2018

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

Insert in alphabetical order in the table—

Sydney Olympic Park Authority

Department of Planning and Environment

[2] Schedule 3, table

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>	Department of Regional NSW
Advisory committee established under the <i>National Parks and Wildlife Act 1974</i>	Department of Planning and Environment
Advisory committee established under the <i>Protection of the Environment Administration Act 1991</i>	Department of Planning and Environment
Agricultural industry services committee constituted by the <i>Agricultural Industry Services Act 1998</i>	Department of Regional NSW
Agricultural Scientific Collections Trust	Department of Regional NSW
Animal Research Review Panel	Department of Regional NSW
Belgenny Farm Agricultural Heritage Centre Trust	Department of Regional NSW
Biodiversity Conservation Trust of New South Wales	Department of Planning and Environment

Column 1	Column 2
Border Fence Maintenance Board	Department of Regional NSW
Botany Cemetery Trust	Department of Planning and Environment
Cape Byron State Conservation Area Trust	Department of Planning and Environment
Committee of inquiry established under the <i>Energy and Utilities Administration Act 1987</i>	Department of Planning and Environment
Dumaresq-Barwon Border Rivers Commission	Department of Planning and Environment
Energy Corporation	Department of Planning and Environment
Environmental Trust	Department of Planning and Environment
Exhibited Animals Advisory Committee	Department of Regional NSW
Heritage Council of New South Wales	Department of Planning and Environment
Library Council of New South Wales	Department of Premier and Cabinet
Local Government Boundaries Commission	Department of Planning and Environment
Local Government Grants Commission	Department of Planning and Environment
Mining and Petroleum Competence Board	Department of Regional NSW
National Parks and Wildlife Advisory Council	Department of Planning and Environment
New South Wales Biological Control Authority	Department of Regional NSW
New South Wales Innovation and Productivity Council	Treasury
New South Wales Land and Housing Corporation	Department of Planning and Environment
New South Wales Rural Assistance Authority	Department of Regional NSW
NSW Coastal Council	Department of Planning and Environment
NSW Food Authority	Department of Regional NSW
NSW Skills Board	Department of Education
Parramatta Park Trust	Department of Planning and Environment
Review panel under the <i>Gas Supply Act 1996</i>	Department of Planning and Environment
Small Business Commissioner	Treasury
Trust established in respect of a common under the <i>Commons Management Act 1989</i>	Department of Planning and Environment
Trustees of the Farrer Memorial Research Scholarship Fund	Department of Regional NSW

3.33 Greyhound Racing Regulation 2019

Clause 24 Delegation by Minister

Omit “Department of Customer Service”.

Insert instead “Department of Enterprise, Investment and Trade”.

3.34 Heritage Regulation 2012

Clauses 8 and 22(4)

Omit “Director-General of the Department of Premier and Cabinet (or a delegate of the Director-General)” wherever occurring.

Insert instead “Secretary of the Department of Planning and Environment or a delegate of the Secretary”.

3.35 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”.

3.36 Home Building Act 1989 No 147

Sections 48D(1), 114(1), 119(b), 128(1)(a), 131(1) and Schedule 1, clause 1(1), definition of “Secretary”

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

Insert instead “Department of Customer Service”.

3.37 Home Building Regulation 2014

Clause 59 Exemptions from insurance for certain community care work funded by State or Commonwealth government

Omit “Department of Family and Community Services” from clause 59(1).

Insert instead “Department of Communities and Justice”.

3.38 Innovation and Productivity Council Act 1996 No 77

Section 3 Definitions

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

Insert instead “Department of Enterprise, Investment and Trade”.

3.39 Liquor Act 2007 No 90

Sections 4(1), definition of “Secretary”, 116C(4) and 144F

Omit “Department of Customer Service” wherever occurring.

Insert instead “Department of Enterprise, Investment and Trade”.

3.40 Liquor Regulation 2018

[1] Clause 3 Definitions

Omit “Department of Customer Service” from clause 3(1), definition of *Liquor & Gaming NSW*.

Insert instead “Department of Enterprise, Investment and Trade”.

[2] Clauses 53(4) and 55(c)

Omit “, Department of Customer Service” wherever occurring.

3.41 Long Service Corporation Act 2010 No 123

Section 3 Definitions

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

Insert instead “Department of Customer Service”.

3.42 Mine and Petroleum Site Safety (Cost Recovery) Act 2005 No 116

Section 3 Definitions

Omit “Department of Planning and Environment” from section 3(1), definition of *Department*.

Insert instead “Department of Regional NSW”.

3.43 Motor Dealers and Repairers Regulation 2014

Clause 56 Penalty notice officers

Omit “Office of Finance and Services” from clause 56(1)(a).

Insert instead “Department of Customer Service”.

3.44 Motor Vehicle Sports (Public Safety) Act 1985 No 24

Sections 13(1)(a) and 16(2)(b)

Omit “Department of Sport and Recreation” wherever occurring.

Insert instead “Department of Enterprise, Investment and Trade”.

3.45 Music Festivals Act 2019 No 17

Section 19A Protection from personal liability

Omit “Department of Customer Service” from section 19A(3), definition of *protected person*, paragraph (b).

Insert instead “Department of Enterprise, Investment and Trade”.

3.46 National Parks and Wildlife Act 1974 No 80

[1] Section 5 Definitions

Omit “Department of Planning, Industry and Environment” from section 5(1), definition of *Department*.

Insert instead “Department of Planning and Environment”.

[2] Section 5(1), definition “DPC Secretary”

Omit the definition.

[3] Section 21 Delegation

Omit “or the DPC Secretary” from section 21(3)(c)(viii).

[4] Sections 85, heading and 90C(3)(b)

Omit “DPC Secretary’s” wherever occurring. Insert instead “Secretary’s”.

[5] Sections 85, 85A(1), 87, 88–90D, 90F–90I, 90K–90M, 90Q and 90R

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

3.47 National Parks and Wildlife Regulation 2019

[1] Clauses 59, 60, 62 and 83(1)

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

[2] Clause 60(4)(d)

Omit “DPC Secretary’s”. Insert instead “Secretary’s”.

3.48 Paintball Act 2018 No 44

[1] Section 3 Definitions

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

Insert instead “Department of Customer Service”.

[2] Section 3(1), definition of “Secretary”, paragraph (b)

Omit “of Finance, Services and Innovation”.

3.49 Partnership Act 1892 No 12

Section 49 Definitions

Omit “Department of Finance, Services and Innovation” from the definition of *Registrar*, paragraphs (a) and (b).

Insert instead “Department of Customer Service”.

3.50 Pawnbrokers and Second-hand Dealers Act 1996 No 13

Sections 3(1), definition of “Secretary” and 39A(a)

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

Insert instead “Department of Customer Service”.

3.51 Plantations and Reafforestation Act 1999 No 97

[1] Section 4 Definitions

Omit “Department of Planning, Industry and Environment” from section 4(1), definition of *Department*.

Insert instead “Department of Regional NSW”.

[2] Section 15 Provisions relating to threatened species conservation

Omit “Director-General of National Parks and Wildlife” wherever occurring in section 15(4)(a) and (5).

Insert instead “Secretary of the Department of Planning and Environment”.

3.52 Plantations and Reafforestation (Code) Regulation 2001

Appendix, Dictionary

Omit “Department of Land and Water Conservation” from the definition of *Department*.
Insert instead “Department of Regional NSW”.

3.53 Plumbing and Drainage Act 2011 No 59

Section 3 Definitions

Omit “Department of Finance, Services and Innovation” wherever occurring in section 3(1), definition of *plumbing regulator*.
Insert instead “Department of Customer Service”.

3.54 Property and Stock Agents Act 2002 No 66

[1] Section 3 Definitions

Omit “Department of Finance, Services and Innovation” from section 3(1), definition of *Department*, and definition of *Secretary*, paragraph (a).
Insert instead “Department of Customer Service”.

[2] Section 3(1), definition of “Secretary”, paragraph (b)

Omit “of Finance, Services and Innovation”.

3.55 Public Lotteries Act 1996 No 86

Section 81 Delegation

Omit “Department of Customer Service” from section 81(2).
Insert instead “Department of Enterprise, Investment and Trade”.

3.56 Public Lotteries Regulation 2016

Clause 3 Definitions

Omit “Department of Customer Service” from clause 3(1), definition of *Liquor & Gaming NSW*, and definition of *Secretary*.
Insert instead “Department of Enterprise, Investment and Trade”.

3.57 Registered Clubs Act 1976 No 31

Section 4 Definitions

Omit “Department of Customer Service” from section 4(1), definition of *Secretary*.
Insert instead “Department of Enterprise, Investment and Trade”.

3.58 Registered Clubs Regulation 2015

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

Omit “Department of Customer Service” wherever occurring.
Insert instead “Department of Enterprise, Investment and Trade”.

3.59 Residential (Land Lease) Communities Act 2013 No 97

[1] Section 4 Definitions

Omit “Department of Finance, Services and Innovation” wherever occurring in section 4(1), definition of *Commissioner*.

Insert instead “Department of Customer Service”.

[2] Section 20 Evidential provisions concerning Register

Omit “Department of Finance, Services and Innovation” from section 20(2).

Insert instead “Department of Customer Service”.

3.60 Residential Tenancies Act 2010 No 42

[1] Sections 3(1), definition of “Department”, and 178(1)(a) and (2)

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

Insert instead “Department of Customer Service”.

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

Omit the definition. Insert instead—

Secretary means—

- (a) the Commissioner for Fair Trading, Department of Customer Service,
or
- (b) if there is no person employed as Commissioner for Fair Trading—the
Secretary of the Department.

[3] Sections 160(2)(a), 164(4), 165(3), 171 and 178(1)(b)

Omit “Department of Family and Community Services” wherever occurring.

Insert instead “Department of Communities and Justice”.

3.61 Retail Leases Act 1994 No 46

Section 3 Definitions

Omit “Treasury” from section 3(1), definition of *Department*.

Insert instead “Department of Customer Service”.

3.62 Retail Trading Act 2008 No 49

Sections 3(1), definitions of “Departmental website” and “Secretary” and 20(a)

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

Insert instead “Department of Customer Service”.

3.63 Retirement Villages Act 1999 No 81

Section 4 Definitions

Omit “Department of Finance, Services and Innovation” wherever occurring in section 4(1), definition of *Secretary*.

Insert instead “Department of Customer Service”.

3.64 Stock Medicines Act 1989 No 182

Schedule 2 Savings, transitional and other provisions

Omit “Department of Industry, Skills and Regional Development” from clause 21(4).
Insert instead “Department of Regional NSW”.

3.65 Strata Schemes Management Act 2015 No 50

[1] Section 4 Definitions

Omit “Department of Finance, Services and Innovation” from section 4(1), definition of *Department*, and definition of *Secretary*, paragraph (a).
Insert instead “Department of Customer Service”.

[2] Section 4(1), definition of “Secretary”, paragraph (b)

Omit “of Finance, Services and Innovation”.

3.66 Swimming Pools Act 1992 No 49

Sections 3(1), definition of “Secretary” and 27(1)(b)

Omit “Department of Finance, Services and Innovation” wherever occurring.
Insert instead “Department of Customer Service”.

3.67 Totalizator Act 1997 No 45

Section 115 Delegation

Omit “Department of Customer Service” from section 115(2).
Insert instead “Department of Enterprise, Investment and Trade”.

3.68 Tow Truck Industry Act 1998 No 111

Section 3 Definitions

Omit “Department of Finance, Services and Innovation” from section 3(1), definition of *Department*.
Insert instead “Department of Customer Service”.

3.69 Work Health and Safety Act 2011 No 10

[1] Section 4, definition of “member of staff”, paragraph (a) and Schedule 2, clause 1(1)(a) and (2)

Omit “Department of Finance, Services and Innovation” wherever occurring.
Insert instead “Department of Customer Service”.

[2] Section 4, definition of “member of staff”, paragraph (b)

Omit “Department of Planning and Environment”.
Insert instead “Department of Regional NSW”.

Schedule 4 Repeals

Repeal of redundant Act and instrument

The following Act and instrument are repealed—

Instrument	Provisions repealed
<i>Stock Medicines Amendment Act 2004</i> No 89	Whole instrument
<i>City of Sydney 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 section—
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.

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.

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.

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.

5 Regulations

- (1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act.
- (2) The provisions may, if the regulations so provide, take effect from the date of assent to this Act or a later date.
- (3) To the extent to which 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—
 - (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

- (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.