



New South Wales

Statute Law (Miscellaneous Provisions) Bill 2000

Explanatory note

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

Overview of Bill

The objects of this Bill are:

- (a) to make minor amendments to various Acts (Schedule 1), and
- (b) to dissolve certain redundant statutory and other bodies and to repeal or amend certain other Acts and Regulations as a consequence of their dissolution (section 4 and Schedule 2), and
- (c) to amend certain other Acts for the purpose of effecting statute law revision (Schedule 3), and
- (d) to transfer certain savings and transitional provisions of ongoing effect from some amending Acts into the relevant Principal Act, so as to permit the repeal of otherwise obsolete amending Acts (Schedule 4), and
- (e) to repeal certain Acts (Schedule 5), and
- (f) to make other provisions of a consequential or ancillary nature (Schedule 6).

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.

Clauses 3, 5 and 6 are machinery provisions that give effect to the Schedules to the proposed Act containing amendments, repeals and savings, transitional and other provisions.

Clause 4 abolishes certain statutory and other bodies and repeals two Acts.

Clause 7 makes it clear that the explanatory notes contained in the Schedules do not form part of the proposed Act.

Schedule 1 Minor amendments

Schedule 1 makes amendments to the following Acts:

Anti-Discrimination Act 1977 No 48

Children and Young Persons (Care and Protection) Act 1998 No 157

Community Land Development Act 1989 No 201

Conveyancers Licensing Act 1995 No 57

Evidence Act 1995 No 25

Fair Trading Act 1987 No 68

Fair Trading Tribunal Act 1998 No 161

Food Production (Safety) Act 1998 No 128

Forestry Act 1916 No 55

Health Services Act 1997 No 154

Heritage Act 1977 No 136

Impounding Act 1993 No 31

Landlord and Tenant Act 1899 No 18

Landlord and Tenant (Rental Bonds) Act 1977 No 44

Local Government Act 1993 No 30

Meat Industry Act 1978 No 54

Motor Dealers Act 1974 No 52

National Trust of Australia (New South Wales) Act 1990 No 92

Pesticides Act 1999 No 80

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Police Regulation (Superannuation) Act 1906 No 28

Property, Stock and Business Agents Act 1941 No 28

Protected Disclosures Act 1994 No 92

Protection of the Environment Operations Act 1997 No 156

Residential Tenancies Act 1987 No 26

Residential Tribunal Act 1998 No 168

Retirement Villages Act 1999 No 81

Rural Lands Protection Act 1989 No 197

State Emergency Service Act 1989 No 164

Strata Schemes (Freehold Development) Act 1973 No 68

Strata Schemes (Leasehold Development) Act 1986 No 219

Subordinate Legislation Act 1989 No 146

Travel Agents Act 1986 No 5

Workplace Injury Management and Workers Compensation Act 1998 No 86

The amendments to each Act are explained in detail in the explanatory note relating to the Act concerned set out in Schedule 1.

Schedule 2 Amendments consequent on abolition of statutory and other bodies

Schedule 2 amends certain Acts and Regulations as a consequence of the abolition of certain statutory and other bodies.

The amendments to each Act are explained in detail in the explanatory note relating to the Act or Regulation concerned set out in Schedule 2.

Schedule 3 Amendments by way of statute law revision

Schedule 3 amends certain Acts for the purpose of effecting statute law revision. A number of other amendments are made relating to formal drafting matters and minor corrections.

The amendments to each Act are explained in detail in the explanatory note relating to the Act concerned set out in Schedule 3.

Schedule 4 Amendments transferring provisions

Schedule 4 transfers into the relevant Principal Act a number of savings, transitional and other provisions of ongoing effect contained in certain amending Acts, the other provisions of which have been incorporated into reprints or electronic versions of the Acts being amended or are spent. The removal of these provisions from the amending Acts permits the repeal (by Schedule 5 to the proposed Act) of those Acts.

Schedule 5 Repeals

Schedule 5 repeals a number of Acts, including amending Acts where the relevant Principal Act has been reprinted, amending Acts the ongoing provisions of which are transferred (by Schedule 4) to the relevant Principal Act and Acts that are no longer of practical utility.

The Acts that were amended by the Acts being repealed are up to date on the Legislation Database maintained by the Parliamentary Counsel's Office and are available electronically (at www.austlii.edu.au).

Schedule 6 General savings, transitional and other provisions

Schedule 6 contains savings, transitional and other provisions of a more general effect than those set out in Schedule 1.

The purpose of each provision is explained in detail in the explanatory note relating to the provision concerned set out in Schedule 6.



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No. , 2000

A Bill for

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

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| The Legislature of New South Wales enacts: | 1 |
| 1 Name of Act | 2 |
| This Act is the <i>Statute Law (Miscellaneous Provisions) Act 2000</i> . | 3 |
| 2 Commencement | 4 |
| (1) This Act commences on the date of assent, except as provided by this section. | 5 6 |
| (2) The amendments made by Schedules 1 and 3 commence on the day or days specified, or provided for, in those Schedules in relation to the amendments concerned. If a commencement day is not specified or provided for, the amendments commence on the date of assent to this Act. | 7 8 9 10 |
| (3) The repeal of the <i>School Forest Areas Act 1936</i> by section 4 (2) commences on the day following the end of the period of 12 months commencing on the date of assent to this Act. | 11 12 13 |
| 3 Amendments | 14 |
| Each Act or regulation specified in Schedules 1–4 is amended as set out in those Schedules. | 15 16 |
| 4 Abolition of statutory and other bodies | 17 |
| (1) Such of the following bodies as were in existence immediately before the commencement of this section are abolished: | 18 19 |
| (a) the Agricultural Marketing Finance Agency constituted by section 115 of the <i>Marketing of Primary Products Act 1983</i> , | 20 21 |
| (b) the Community Services Training Council established under section 14 of the <i>Community Welfare Act 1987</i> , | 22 23 |
| (c) the Conveyancers Licensing Committee constituted under section 146 of the <i>Conveyancers Licensing Act 1992</i> and continued in existence by clause 20 of Schedule 2 to the <i>Conveyancers Licensing Act 1995</i> , | 24 25 26 27 |
| (d) the corporation sole constituted by section 4 of the <i>School Forest Areas Act 1936</i> , | 28 29 |
| (e) all district committees constituted under section 17 of the <i>School Forest Areas Act 1936</i> , | 30 31 |
| (f) the Engine Drivers and Boiler Attendants Examination Board established under the <i>Engine Drivers and Boiler Attendants Certification Regulations</i> , | 32 33 34 |

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| (g) | the Hairdressers Council constituted under section 105 of the <i>Factories, Shops and Industries Act 1962</i> , | 1 2 |
| (h) | the Health Advisory Council appointed under section 20 of the <i>Health Administration Act 1982</i> , | 3 4 |
| (i) | the Marine Ministerial Holding Corporation constituted under section 29 of the <i>Ports Corporatisation and Waterways Management Act 1995</i> , | 5 6 7 |
| (j) | the Prices Commission constituted by section 4 of the <i>Prices Regulation Act 1948</i> , | 8 9 |
| (k) | the Professional Services Advisory Council appointed under section 20 of the <i>Health Administration Act 1982</i> , | 10 11 |
| (l) | all school forest trusts constituted under section 5 of the <i>School Forest Areas Act 1936</i> , | 12 13 |
| (m) | The State Mines Control Authority incorporated by section 13 of the <i>State Coal Mines Act 1912</i> , | 14 15 |
| (n) | the State Environment Protection Community Consultation Forum established under section 23 of the <i>Protection of the Environment Administration Act 1991</i> , | 16 17 18 |
| (o) | the West/South West Sydney Region Environment Protection Community Consultation Forum established under section 23 of the <i>Protection of the Environment Administration Act 1991</i> . | 19 20 21 |
| (2) | The following Acts are repealed: | 22 |
| (a) | the <i>School Forest Areas Act 1936</i> , | 23 |
| (b) | the <i>State Coal Mines Act 1912</i> . | 24 |
| 5 | Repeal of other Acts | 25 |
| | Each Act specified in Schedule 5 is repealed. | 26 |
| 6 | General savings, transitional and other provisions | 27 |
| | Schedule 6 has effect. | 28 |
| 7 | Explanatory notes | 29 |
| | The matter appearing under the heading “Explanatory note” in any of the Schedules does not form part of this Act. | 30 31 |

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| Schedule 1 | Minor amendments | 1 |
| | (Section 3) | 2 |
| 1.1 | Anti-Discrimination Act 1977 No 48 | 3 |
| [1] | Section 91 Reference of complaint to Tribunal at requirement of complainant | 4 |
| | Omit “of that notification” from section 91 (1). | 5 |
| | Insert instead “on which that notification was given”. | 6 |
| [2] | Section 91 (3) | 8 |
| | Insert after section 91 (2): | 9 |
| | (3) If a notification under section 89B (4) or 90 (1) is given by post, the 21 day period referred to in subsection (1) is taken to run from, and includes, the fourth day after the notification was posted. | 10 |
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| | | 12 |
| | Explanatory note | 13 |
| | Section 89B (Prosecution for serious vilification) of the <i>Anti-Discrimination Act 1977</i> provides for a vilification complaint under the Act to be referred to the Attorney General under certain circumstances, and for the complainant to be notified of that referral. Section 90 (President may decline to entertain complaint) provides for the President of the Anti-Discrimination Board to decline to entertain a complaint in certain circumstances and for the complainant to be notified of the reasons for that decision. | 14 |
| | Section 91 provides that the complainant may, within 21 days after the date of either such notification, require the President to refer the complaint to the Administrative Decisions Tribunal. | 15 |
| | The proposed amendments provide that, if the notification is posted, the 21 day period commences four days after postage of the notification. | 16 |
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| 1.2 | Children and Young Persons (Care and Protection) Act 1998 No 157 | 25 |
| [1] | Section 45 Prompt application to Children’s Court for care order | 27 |
| | Insert after section 45 (3) (and before the note to the section): | 28 |
| | (4) Sections 61, 64, 67, 68 and 70 apply to an application for an emergency care and protection order. The other provisions of Part 2 do not apply to such an order. | 29 |
| | | 30 |
| | | 31 |
| [2] | Section 135 What is “out-of-home care”? | 32 |
| | Insert “, or by virtue of the child or young person being a protected person” after “Court” in section 135 (1) (c) (i). | 33 |
| | | 34 |

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| [3] Section 135 (3) | 1 |
| Insert after section 135 (2): | 2 |
| (3) In this section, <i>protected person</i> means: | 3 |
| (a) a child or young person who is a ward of the Supreme Court and of whom the Minister or the Director-General has the custody or care pursuant to an order of the Supreme Court, or | 4 5 6 7 |
| (b) a child or young person who is under the guardianship of the Director-General pursuant to section 34 (Guardianship of child awaiting adoption) of the <i>Adoption of Children Act 1965</i> , or | 8 9 10 11 |
| (c) a child or young person in respect of whom the Minister or the Director-General has parental responsibility, either wholly or partially, pursuant to an order in force under the <i>Family Law Act 1975</i> of the Commonwealth, or | 12 13 14 15 |
| (d) a non-citizen child or young person in respect of whom the Director-General exercises the functions of a guardian pursuant to the <i>Immigration (Guardianship of Children) Act 1946</i> of the Commonwealth, or | 16 17 18 19 |
| (e) a child or young person who, having been a child or young person referred to in paragraph (a), (b) or (c), was in the custody of a person referred to in section 91 (1) (d) (i) or (ii) of the <i>Children (Care and Protection) Act 1987</i> immediately before its repeal. | 20 21 22 23 24 |
| [4] Section 206 Application for licence | 25 |
| Insert “as may be prescribed by the regulations” after “staff” in section 206 (1). | 26 |
| Explanatory note | 27 |
| Item [1] of the proposed amendments makes it clear that applications for emergency care and protection orders under Part 1 of Chapter 5 of the <i>Children and Young Persons (Care and Protection) Act 1998</i> are not subject to all of the procedural requirements of care applications under Part 2 of Chapter 5. | 28 29 30 31 |
| Items [2] and [3] of the proposed amendments specify the period for which certain children and young persons (formerly categorised as “protected persons” under the <i>Children (Care and Protection) Act 1987</i>) may be provided with out-of-home care. | 32 33 34 |
| Item [4] of the proposed amendments provides for the regulations to prescribe what documents and information are required to accompany an application for a licence to provide children’s services. | 35 36 37 |

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| 1.3 Community Land Development Act 1989 No 201 | 1 |
| Section 49 Application of Part | 2 |
| Insert after section 49 (1): | 3 |
| (1A) Despite section 8 of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> , a resumption of land to which both this Part and that Act apply must comply with this Part and that Act. This Part prevails to the extent of any inconsistency. | 4 5 6 7 |
| (1B) A resumption of land to which this Part applies and to which Part 12 of the <i>Roads Act 1993</i> applies must comply with this Part and that Part. This Part prevails to the extent of any inconsistency. | 8 9 10 |
| Explanatory note | 11 |
| The proposed amendment makes it clear that Part 6 of the <i>Community Land Development Act 1989</i> (which relates to the resumption of land within a community scheme, a precinct scheme or a neighbourhood scheme, or land within a strata scheme that is part of a community scheme) prevails over any inconsistent provision relating to compulsory acquisition in the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> or Part 12 of the <i>Roads Act 1993</i> . | 12 13 14 15 16 |
| 1.4 Conveyancers Licensing Act 1995 No 57 | 17 |
| [1] Section 21 Employment of disqualified persons | 18 |
| Omit “or by the Commercial Tribunal” from section 21 (2). | 19 |
| [2] Section 21 (3) | 20 |
| Omit the subsection. Insert instead: | 21 |
| (3) If the Director-General refuses an application by a person for leave under this section, the person may apply to the Administrative Decisions Tribunal for a review of the decision. | 22 23 24 |
| [3] Section 35 Secrecy | 25 |
| Omit “or the Commercial Tribunal” from section 35 (5) (d). | 26 |
| [4] Section 84 Functions of the Director-General | 27 |
| Omit “Commercial Tribunal” from section 84 (b). | 28 |
| Insert instead “Administrative Decisions Tribunal”. | 29 |
| [5] Section 84 (b) | 30 |
| Omit “or Tribunal’s”. | 31 |

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| Explanatory note | 1 |
| Section 21 (1) of the <i>Conveyancers Licensing Act 1995</i> prohibits a licensee under the Act from employing a disqualified person in connection with his or her conveyancing business. Such a person may be employed in accordance with leave given by the Director-General or by the Commercial Tribunal. | 2 3 4 5 |
| Item [1] of the proposed amendments omits that reference to the Commercial Tribunal, which has been abolished. | 6 7 |
| Item [2] of the proposed amendments provides for the Administrative Decisions Tribunal to review a decision of the Director-General of the Department of Fair Trading not to give leave to a disqualified person. At present, an appeal lies to the Commercial Tribunal. | 8 9 10 |
| Items [3]–[5] of the proposed amendments make consequential amendments. | 11 |
| 1.5 Evidence Act 1995 No 25 | 12 |
| [1] Section 48 Proof of contents of documents | 13 |
| Omit “adducing oral evidence” from section 48 (4) (b). | 14 |
| Insert instead “adducing from a witness evidence”. | 15 |
| [2] Section 48, note | 16 |
| Omit the note. Insert instead: | 17 |
| Notes. | 18 |
| ¹ Clause 5 of Part 2 of the Dictionary is about the availability of documents. | 19 |
| ² Section 182 of the Commonwealth Act gives section 48 of the Commonwealth Act a wider application in relation to Commonwealth records and certain Commonwealth documents. | 20 21 22 |
| [3] Section 49 Documents in foreign countries | 23 |
| Insert at the end of the section: | 24 |
| Note. Section 182 of the Commonwealth Act gives section 49 of the Commonwealth Act a wider application in relation to Commonwealth records and certain Commonwealth documents. | 25 26 27 |
| [4] Section 50 Proof of voluminous or complex documents | 28 |
| Omit “volume and complexity” from section 50 (1) (b). | 29 |
| Insert instead “volume or complexity”. | 30 |
| [5] Section 51 Original document rule abolished | 31 |
| Insert “and certain Commonwealth documents” after “records” in the note to the section. | 32 33 |

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| [6] Section 59 The hearsay rule—exclusion of hearsay evidence | 1 |
| Insert after section 59 (2) (and before the note to the section): | 2 |
| (3) Subsection (1) does not apply to evidence of a representation contained in a certificate or other document given or made under regulations made under an Act other than this Act to the extent to which the regulations provide that the certificate or other document has evidentiary effect. | 3 4 5 6 7 |
| [7] Section 63 Exception: civil proceedings if maker not available | 8 |
| Omit “oral” from section 63 (2) (a). | 9 |
| [8] Section 64 Exception: civil proceedings if maker available | 10 |
| Omit “oral” from section 64 (2) (a). | 11 |
| [9] Section 65 Exception: criminal proceedings if maker not available | 12 |
| Omit “oral” from section 65 (8) (a). | 13 |
| [10] Section 76 The opinion rule | 14 |
| Insert at the end of the section (and before the note to the section): | 15 |
| (2) Subsection (1) does not apply to evidence of an opinion contained in a certificate or other document given or made under regulations made under an Act other than this Act to the extent to which the regulations provide that the certificate or other document has evidentiary effect. | 16 17 18 19 20 |
| [11] Section 82 Exclusion of evidence of admissions that is not first-hand | 21 |
| Omit “orally” from section 82 (a). | 22 |
| [12] Section 147 Documents produced by processes, machines and other devices in the course of business | 23 24 |
| Insert “and certain Commonwealth documents” after “records” in the note to the section. | 25 26 |
| [13] Section 149 Attestation of documents | 27 |
| Insert “and certain Commonwealth documents” after “records” in the note to the section. | 28 29 |
| [14] Section 152 Documents produced from proper custody | 30 |
| Insert “and certain Commonwealth documents” after “records” in the note to the section. | 31 32 |

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| [15] Section 155A | 1 |
| Insert after section 155: | 2 |
| 155A Evidence of Commonwealth documents | 3 |
| * * * * * * | 4 |
| Note. The Commonwealth Act includes a provision that relates to evidence of Commonwealth documents. | 5 6 |
| [16] Section 160 Postal articles | 7 |
| Omit “Commonwealth records” from the note to the section. | 8 |
| Insert instead “postal articles sent by a Commonwealth agency”. | 9 |
| [17] Part 4.6 Ancillary provisions | 10 |
| Insert “and certain Commonwealth documents” after “records” in the note at the beginning of Division 1. | 11 12 |
| [18] Part 4.6, Division 2 | 13 |
| Insert “and certain Commonwealth documents” after “records” in the note at the beginning of the Division. | 14 15 |
| [19] Section 183 Inferences | 16 |
| Insert “and certain Commonwealth documents” after “records” in the note to the section. | 17 18 |
| [20] Dictionary | 19 |
| Omit “ <i>Public Service Act 1922</i> ” from paragraph (a) of the definition of <i>Commonwealth record</i> in Part 1. | 20 21 |
| Insert instead “ <i>Public Service Act 1999</i> ”. | 22 |
| [21] Dictionary | 23 |
| Insert after clause 8 in Part 2: | 24 |
| 8A References to offices etc | 25 |
| In this Act: | 26 |
| (a) a reference to a person appointed or holding office under or because of an Australian law or a law of the Commonwealth includes a reference to an APS employee within the meaning of the <i>Public Service Act 1999</i> of the Commonwealth, and | 27 28 29 30 31 |

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Schedule 1 Minor amendments

- (b) in that context, a reference to an office is a reference to a position occupied by the APS employee concerned, and a reference to an officer includes a reference to a Secretary, or APS employee, within the meaning of the Act.

Explanatory note

Amendments mirroring amendments made to the Evidence Act 1995 of the Commonwealth by the Law and Justice Legislation Amendment Act 1999 of the Commonwealth

Items [1]–[19] of the proposed amendments mirror amendments made to the *Evidence Act 1995* of the Commonwealth by the *Law and Justice Legislation Amendment Act 1999* of the Commonwealth.

Item [1] of the proposed amendments will enable a party to give evidence of the contents of a document that is not available to it by adducing evidence from a witness in oral or written form.

Items [2], [3], [5], [12]–[14] and [16]–[19] of the proposed amendments amend notes in the Act and are consequential on the inclusion of a new subsection in the *Evidence Act 1995* of the Commonwealth, relating to Commonwealth documents, that is not mirrored in the NSW Act.

Item [4] of the proposed amendments makes it clear that a court can direct that a party may give evidence of the contents of two or more non-complex documents in the form of a summary.

Item [6] of the proposed amendments precludes the application of the hearsay rule in section 59 (1) of the Act to evidence of a statement in a certificate or other document given or made under regulations, to the extent that the regulations provide that the certificate or document has evidentiary effect.

Items [7]–[9] of the proposed amendments will ensure that evidence within the exceptions to the hearsay rule set out in sections 63, 64 and 65 can be given in oral or written form.

Item [10] of the proposed amendments precludes the application of the opinion rule in section 76 (1) of the Act to evidence of a statement in a certificate or other document given or made under regulations to the extent that the regulations provide that the certificate or document has evidentiary effect.

Item [11] of the proposed amendments ensures that evidence by a person who witnessed an admission can be given in oral or written form.

Item [15] of the proposed amendments inserts a note referring to a Commonwealth provision (relating to evidence of Commonwealth documents) that is not mirrored in the NSW Act.

Amendments consequent on enactment of the Public Service Act 1999 of the Commonwealth and the Public Employment (Consequential and Transitional) Amendment Act 1999 of the Commonwealth

The *Public Service Act 1999* of the Commonwealth created a new public service structure which involves the engagement of people as “APS employees”. Such people do not hold office under an Australian law and are therefore not within the scope of many provisions of the *Evidence Act 1995* that purport to cover Commonwealth public servants.

Item [20] of the proposed amendments updates a reference to the Commonwealth Act.

Item [21] of the proposed amendments will have the effect that the *Evidence Act 1995* of New South Wales will continue to apply to the evidence of Commonwealth public servants despite the changes to the structure of the Commonwealth public service.

1.6 Fair Trading Act 1987 No 68

[1] Section 25B Membership

Omit “7 members” from section 25B (1). Insert instead “16 members”.

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| [2] Section 25B (2) (b) | 1 |
| Omit “6 persons”. Insert instead “15 persons”. | 2 |
| [3] Sections 25E (1), 25H (1) and 25K (1) | 3 |
| Omit “14 members” wherever occurring. Insert instead “16 members”. | 4 |
| [4] Section 25E Membership | 5 |
| Omit “13 other persons” from section 25E (2) (b). | 6 |
| Insert instead “15 other persons”. | 7 |
| [5] Sections 25H (2) (b) and 25K (2) (b) | 8 |
| Omit “13 persons” wherever occurring. Insert instead “15 persons”. | 9 |
| [6] Schedule 4A Provisions relating to advisory councils | 10 |
| Insert at the end of clause 6: | 11 |
| (2) The appointment must be made within 2 months of the office becoming vacant, or such longer time as the Minister considers appropriate in the circumstances. | 12 13 14 |
| Explanatory note | 15 |
| Items [1] and [2] of the proposed amendments increase the membership of the Fair Trading Advisory Council from 7 members to 16 members, of whom one is the Director-General of the Department of Fair Trading (or his or her nominee) and the remainder are persons appointed by the Minister. | 16 17 18 19 |
| Items [3], [4] and [5] of the proposed amendments increase the membership of the Motor Trade Advisory Council, the Property Services Advisory Council and the Home Building Advisory Council from 14 members to 16 members, by providing for two additional Ministerial appointees. Item [6] amends the provision requiring vacancies in the Advisory Councils to be filled, so as to require them to be filled within 2 months or such longer time as the Minister considers appropriate in the circumstances. | 20 21 22 23 24 25 |
| 1.7 Fair Trading Tribunal Act 1998 No 161 | 26 |
| [1] Section 37 Issue of summons | 27 |
| Insert after section 37 (1): | 28 |
| (1A) The fee prescribed by the regulations is payable for the issue of a summons on the application of a party to the proceedings. | 29 30 |

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| [2] Schedule 1 Provisions relating to members of Tribunal | 1 |
| Insert after clause 3 (2): | 2 |
| (3) Despite subclause (2), a member of the Tribunal may: | 3 |
| (a) hold, and exercise the functions of, a judicial office or another statutory or other public office, or | 4 |
| (b) engage in any other employment, | 6 |
| with the consent of the Chairperson. | 7 |
| Explanatory note | 8 |
| Item [1] of the proposed amendments provides for the regulations to prescribe a fee for the issue of a summons by the Registrar of the Fair Trading Tribunal. | 9 |
| Item [2] of the proposed amendments removes the obligation on a full-time member of the Fair Trading Tribunal to devote the whole of his or her time to the duties of office if the Chairperson of the Tribunal consents to the member holding, and exercising the functions of, a judicial office or another statutory or other public office, or engaging in any other employment. | 10 |
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| 1.8 Food Production (Safety) Act 1998 No 128 | 15 |
| [1] Schedule 3 Amendment of Meat Industry Act 1978 | 16 |
| Omit “ Clause 4 (1) ” from Schedule 3 [3]. | 17 |
| Insert instead “ Section 4 (1) ”. | 18 |
| [2] Schedule 3 [3] | 19 |
| Omit “ <i>licence,</i> ”, “ <i>licensed premises,</i> ” and “ <i>sell,</i> ”. | 20 |
| [3] Schedule 3 [5] | 21 |
| Omit the item. | 22 |
| [4] Schedule 3 [6] | 23 |
| Omit the item. Insert instead: | 24 |
| [6] Sections 18, 19, 21–28, 34 and Divisions 3A and 4 of Part 3 | 25 |
| Omit the sections and Divisions. | 26 |
| Explanatory note | 27 |
| The <i>Food Production (Safety) Act 1998</i> constituted Safe Food Production NSW and defined its powers, authorities, duties and functions. The Act amended the <i>Meat Industry Act 1978</i> , including by providing for the repeal of Part 2 (Licences) and Part 3 (Inspections and regulation of the meat industry). | 28 |
| Items [2]–[4] of the proposed amendments provide for the continuation of Part 2 of the <i>Meat Industry Act 1978</i> and of certain provisions relating to inspectors’ powers in Part 3 of that Act. They are consequential on the amendments to the <i>Meat Industry Act 1978</i> made elsewhere in this Schedule. | 29 |
| Item [1] of the proposed amendments corrects an incorporation direction. | 30 |
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| 1.9 Forestry Act 1916 No 55 | 1 |
| Section 7 Incorporation | 2 |
| Insert after section 7 (3): | 3 |
| (4) In the exercise of its functions under this or any other Act, the commission may use the name “State Forests of NSW”. | 4 |
| Explanatory note | 6 |
| The proposed amendment enables the Forestry Commission of New South Wales, established under the <i>Forestry Act 1916</i> , to use the name “State Forests of NSW” in exercising its functions under that or any other Act. | 7 |
| | 8 |
| | 9 |
| 1.10 Health Services Act 1997 No 154 | 10 |
| [1] Chapter 8 Visiting practitioners | 11 |
| Omit “fee-for-service contracts and sessional contracts of visiting medical officers” from the second paragraph of the Introduction to the Chapter. | 12 |
| Insert instead “fee-for-service contracts or sessional contracts of visiting medical officers (or both)”. | 13 |
| | 14 |
| | 15 |
| [2] Section 89 Application for appointment of arbitrator (cf PH Act s 29L) | 16 |
| Omit “fee-for-service contracts and sessional contracts” from section 89 (1) (a). | 17 |
| Insert instead “fee-for-service contracts or sessional contracts (or both)”. | 18 |
| | 18 |
| [3] Section 91 Nature of determination (cf PH Act s 29M) | 19 |
| Omit “fee-for-service contracts and sessional contracts” from section 91 (1) (a). | 20 |
| Insert instead “fee-for-service contracts or sessional contracts (or both)”. | 21 |
| | 21 |
| Explanatory note | 22 |
| Part 2 of Chapter 8 of the <i>Health Services Act 1997</i> explains, and provides for the prerequisites for the entry into, service contracts between public health organisations and medical practitioners or practice companies. It also enables the relevant Minister, on application from the Australian Medical Association (NSW) Limited or the Minister for Health (or both), to appoint an arbitrator to determine certain matters involving contracts of visiting medical officers throughout the public health system. | 23 |
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| At present, Part 2 provides for the appointment of an arbitrator to determine terms and conditions of work, and amounts or rates of remuneration, for visiting medical officers under fee-for-service contracts <i>and</i> sessional contracts. The proposed amendments will make it clear that an arbitration in relation to one class of contract can occur separately from the other class. This will restore the position as it applied under sections 29L and 29M of the <i>Public Hospitals Act 1929</i> , which were the predecessors of sections 89 and 91 of the <i>Health Services Act 1997</i> . | 29 |
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| 1.11 Heritage Act 1977 No 136 | 1 |
| [1] Section 4 Definitions | 2 |
| Insert in alphabetical order in section 4 (1): | 3 |
| <i>approved form</i> means a form approved by the Minister. | 4 |
| [2] Section 4 (1), definitions of “Department” and “Director” | 5 |
| Omit the definitions. Insert in alphabetical order: | 6 |
| <i>Director</i> means the Director of the Heritage Office. | 7 |
| [3] Section 4 (1), definition of “relic” | 8 |
| Omit “aboriginal settlement” from paragraph (a) of the definition. | 9 |
| Insert instead “Aboriginal settlement”. | 10 |
| [4] Section 8 Members of the Heritage Council | 11 |
| Omit “Director who is an officer of the Department” from section 8 (2) (a) (iv). | 12 |
| Insert instead “Director-General of the Department of Urban Affairs and Planning who is an officer of that Department”. | 13 |
| | 14 |
| [5] Section 8 (2) (b) (i) | 15 |
| Omit “aboriginal heritage”. Insert instead “Aboriginal heritage”. | 16 |
| [6] Section 8 (3) (c) | 17 |
| Omit “of the Heritage Office”. | 18 |
| [7] Section 11 Vacation of office | 19 |
| Omit “Department” from section 11 (g). Insert instead “Heritage Office”. | 20 |
| [8] Section 36 Commissioner of Inquiry | 21 |
| Omit “of the Heritage Office” from section 36 (1) (e). | 22 |
| [9] Section 60 Form of application | 23 |
| Omit “prescribed form”. Insert instead “approved form”. | 24 |
| [10] Section 82 Heritage Council may request preparation of an environmental planning instrument | 25 |
| Omit “Director” wherever occurring. | 26 |
| Insert instead “Director-General of the Department of Urban Affairs and Planning”. | 27 |
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| [11] Section 121 Failure to comply with order | 1 |
| Omit “Director” from section 121 (5) (c). | 2 |
| Insert instead “Director-General of the Department of Urban Affairs and Planning”. | 3 |
| | 4 |
| [12] Section 136 Order restricting harm to buildings etc | 5 |
| Omit “the Minister” where secondly occurring in section 136 (1). | 6 |
| Insert instead “he or she”. | 7 |
| [13] Section 140 Application for excavation permit | 8 |
| Omit “prescribed form” from section 140 (2). | 9 |
| Insert instead “approved form”. | 10 |
| [14] Section 151 Evidence | 11 |
| Omit “Department” wherever occurring in section 151 (2) (b) and (3). | 12 |
| Insert instead “Heritage Office”. | 13 |
| [15] Schedule 1 Savings and transitional provisions | 14 |
| Insert at the end of clause 1 (1): | 15 |
| <i>Heritage Amendment Act 1998</i> | 16 |
| Explanatory note | 17 |
| Administrative arrangements | 18 |
| The Heritage Office was removed from the Department of Urban Affairs and Planning, and was established as a department of the Public Service, by the <i>Public Sector Management (Heritage Office) Order 1996</i> (See Gazette No 77 of 28.6.1996, p 3473). | 19 |
| Items [2], [4], [6]–[8], [10], [11] and [14] of the proposed amendments update references in the <i>Heritage Act 1977</i> to office holders and departments, so as to reflect the current administrative arrangements concerning the Heritage Office. | 20 |
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| | 24 |
| Approved forms | 25 |
| Item [9] of the proposed amendments provides for an application for approval in respect of the doing or carrying out of an act, matter or thing referred to in section 57 (Effect of interim heritage orders and listing on State Heritage Register) to be made in the approved form rather than in the prescribed form. | 26 |
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| Item [13] of the proposed amendments provides for an application for an excavation permit to be in the approved form rather than the prescribed form. | 30 |
| | 31 |
| Item [1] of the proposed amendments makes a consequential amendment. | 32 |
| Other amendments | 33 |
| Items [3] and [5] of the proposed amendments capitalise words to achieve consistency with the rest of the statute book. | 34 |
| | 35 |
| Item [12] of the proposed amendments corrects an error made when gender-specific language in a provision was replaced with gender-neutral language. | 36 |
| | 37 |
| Item [15] of the proposed amendments provides for the making of regulations of a savings or transitional nature consequent on the enactment of the <i>Heritage Amendment Act 1998</i> . | 38 |
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| 1.12 Impounding Act 1993 No 31 | 1 |
| Section 39 | 2 |
| Omit the section. Insert instead: | 3 |
| 39 Time limit for applications | 4 |
| (1) This section has effect despite the provisions of the <i>Administrative Decisions Tribunal Act 1997</i> . | 5 6 |
| (2) The time limit for making an application for review of an impounding decision is 28 days from the date on which impounding was notified. | 7 8 9 |
| (3) However, if the owner of an impounded item is not notified of the impounding of the item, there is no time limit for making an application for a review of the impounding decision. | 10 11 12 |
| (4) The time limit for making an application for review of any fee or charge required to be paid for the release of an impounded item is 28 days from the date on which application was made for the release of the impounded item. | 13 14 15 16 |
| (5) Nothing in this section affects the operation of section 24. | 17 |
| Explanatory note | 18 |
| The <i>Impounding Act 1993</i> empowers an impounding officer to impound an article found in the officer's area of operations if the officer believes on reasonable grounds that the article has been abandoned or left unattended. A person can make an application to the Administrative Decisions Tribunal to review an impounding decision. The time limit for applications relates to the date on which the impounding officer notified the owner of the impounding. At present, section 39 (c) provides that if notice of the impounding of an article has not been given, the time limit for making an application for review is 28 days from the day on which the article was impounded. | 19 20 21 22 23 24 25 26 |
| The proposed amendment provides that if the owner has not been given notice of the impounding of an article there is no time limit for making an application to review the impounding decision. | 27 28 29 |

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| 1.13 | Landlord and Tenant Act 1899 No 18 | 1 |
| | Section 1B Exclusion of certain agreements from operation of Act | 2 |
| | Insert “or the <i>Residential Parks Act 1998</i> ” after “ <i>Residential Tenancies Act 1987</i> ”. | 3 |
| | | 4 |
| | Explanatory note | 5 |
| | The proposed amendment provides that the <i>Landlord and Tenant Act 1899</i> does not apply to a residential tenancy agreement, or to land that is subject to a residential tenancy agreement, to which the <i>Residential Parks Act 1998</i> applies. (Before the enactment of the <i>Residential Parks Act 1998</i> , the <i>Residential Tenancies Act 1987</i> applied to such agreements and land and, as a result of the operation of section 1B of the <i>Landlord and Tenant Act 1899</i> , the 1899 Act did not apply. The proposed amendment restores that position.) | 6 |
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| 1.14 | Landlord and Tenant (Rental Bonds) Act 1977 No 44 | 12 |
| [1] | Section 6 Constitution and procedure of the Board | 13 |
| | Omit “Director-General of the Department of Urban Affairs and Planning” from section 6 (1) (b). | 14 |
| | Insert instead “Director-General of the Department of Housing”. | 15 |
| | | 16 |
| [2] | Schedule 1 Provisions relating to constitution and procedure of the Board | 17 |
| | | 18 |
| | Omit “Department of Urban Affairs and Planning” from clause 2 (1). | 19 |
| | Insert instead “Department of Housing”. | 20 |
| | | 21 |
| | Explanatory note | 22 |
| | The proposed amendments provide for the Director-General of the Department of Housing to be a member of the Rental Bond Board, rather than the Director-General of the Department of Urban Affairs and Planning. (The proposed amendments are to the same effect as the <i>Public Sector Management (Rental Bond Board) Order 2000</i> , published in Gazette No 46 of 14 April 2000, p 3273.) | 23 |
| | | 24 |
| | | 25 |
| | | 26 |
| 1.15 | Local Government Act 1993 No 30 | 27 |
| [1] | Section 12B Copies of documents | 28 |
| | Omit “resumes” from section 12B (4) (b). | 29 |
| | Insert instead “information sheets”. | 30 |
| | | 30 |
| [2] | Section 55 What are the requirements for tendering? | 31 |
| | Insert “, other than the leasing of community land for a term exceeding 5 years to a body that is not a non-profit organisation (see section 46A)” after “leasing of land by the council” in section 55 (3). | 32 |
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| [3] Sections 57, 58 (1), 59 (1), 60, 61, 62 (1) and (2), 63 (1), 65 and 66 (1), (3) and (4) | 1 |
| Omit “Minister for Public Works” wherever occurring. | 2 |
| Insert instead “Minister for Land and Water Conservation”. | 3 |
| | 4 |
| [4] Section 271 Who is an “occupier” or “ratepaying lessee” for the purposes of this Part? | 5 |
| Insert after section 271 (2): | 6 |
| | 7 |
| (2A) If a corporation or trustees is or are occupiers of more than one parcel of land in an area, or if joint or several occupiers of one parcel of land in an area are also joint or several occupiers of any other parcel of land in the area, it or they can nominate a person as the occupier of rateable land only in respect of one of those parcels. | 8 |
| | 9 |
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| | 13 |
| [5] Section 305 Can an elector vote if his or her name is not on the roll of electors? | 14 |
| Omit “, substitute returning officer”. | 15 |
| | 16 |
| [6] Section 309 Contested elections | 17 |
| Insert “that civic office for” after “respect of” where secondly occurring in section 309 (3). | 18 |
| | 19 |
| [7] Section 311 Uncontested elections | 20 |
| Insert “that civic office for” before “that ward” wherever occurring in section 311 (4). | 21 |
| | 22 |
| [8] Section 328 Obligation to disclose donations and expenditure | 23 |
| Omit “ordinary election and each by-election” from section 328 (1). | 24 |
| Insert instead “election”. | 25 |
| [9] Section 328 (3) (k) and (l) | 26 |
| Insert after section 328 (3) (j): | 27 |
| , and | 28 |
| (k) references to current elections were references to elections (other than by-elections) under this Act, and | 29 |
| | 30 |
| (l) references to by-elections were references to by-elections under this Act. | 31 |
| | 32 |

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| [10] | Section 345 Preparation and implementation of EEO management plans | 1 |
| | Insert “EEO” before “management” in the heading to the section. | 2 |
| [11] | Section 374 Certain circumstances do not invalidate council decisions | 3 |
| | Insert “, or to refrain from the consideration or discussion of, or vote on, the relevant matter,” after “interest” in section 374 (d). | 4 5 |
| [12] | Section 400 Application of Act to county councils | 6 |
| | Omit “Divisions 1–2C” from section 400 (1). | 7 |
| | Insert instead “Divisions 1 and 2”. | 8 |
| [13] | Section 548 Minimum amounts | 9 |
| | Insert after section 548 (7): | 10 |
| | (8) A minimum amount of a rate specified for a parcel of land may not differ from a minimum amount specified for any other parcel of land within the same category or sub-category unless: | 11 |
| | (a) the land values of the parcels were last determined by reference to different base dates, and | 12 13 |
| | (b) the Minister approves the different minimum amounts. | 14 15 16 |
| [14] | Section 625 How may councils invest? | 17 |
| | Omit section 625 (2). Insert instead: | 18 |
| | (2) Money may be invested only in a form of investment notified by order of the Minister published in the Gazette. | 19 20 |
| [15] | Section 628 Failure to comply with order | 21 |
| | Omit “, 7–12 and 15–17” from section 628 (1). | 22 |
| | Insert instead “and 7–12”. | 23 |
| [16] | Section 736 Proclamations | 24 |
| | Omit “under this Act” from section 736 (1). | 25 |
| | Insert instead “under the <i>Local Government Act 1919</i> or this Act”. | 26 |
| [17] | Section 742 Dispute resolution | 27 |
| | Insert “or between one or more councils and one or more county councils,” after “county councils,” in section 742 (1). | 28 29 |

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| [18] Schedule 7 Savings, transitional and other provisions consequent on the enactment of this Act | 1 |
| Omit clause 5. Insert instead: | 2 |
| | 3 |
| 5 Saving of certain proclamations | 4 |
| Any proclamation in force under the old Act immediately before 1 July 1993 is taken to be a proclamation under this Act. | 5 |
| | 6 |
| Explanatory note | 7 |
| Item [1] of the proposed amendments updates a reference to candidate information sheets (formerly called "resumes") which are required by section 308 of the <i>Local Government Act 1993</i> to accompany the nomination of a candidate for election to a civic office. | 8 |
| | 9 |
| | 10 |
| Item [2] of the proposed amendments amends a provision that excludes contracts for the leasing of land from the tendering requirements in section 55 of the Act. The amendment makes the provision consistent with section 46A of the Act, which requires a lease or licence of community land for a term exceeding 5 years to be granted only by tender (unless the lease or licence is in favour of a non-profit organisation). | 11 |
| | 12 |
| | 13 |
| | 14 |
| | 15 |
| Item [3] of the proposed amendments updates references to the Minister responsible for the construction of works of water supply, sewerage or stormwater drainage under the <i>Public Works Act 1912</i> . (The Minister for Land and Water Conservation administers the relevant provision of the <i>Public Works Act 1912</i> , namely section 34 (3).) | 16 |
| | 17 |
| | 18 |
| | 19 |
| Item [4] of the proposed amendments provides that persons who are occupiers of more than one parcel of land in a council area will not have more than one vote for a council election. (Similar provisions apply to the voting rights of owners and ratepaying lessees.) | 20 |
| | 21 |
| | 22 |
| Item [5] of the proposed amendments omits a redundant reference to the substitute returning officer. (Section 296 (2) of the Act provides that the substitute returning officer exercises the functions of the returning officer in his or her absence.) | 23 |
| | 24 |
| | 25 |
| Items [6] and [7] of the proposed amendments make it clear that if a candidate for civic office dies before candidates are elected, the election fails only to the extent that it applied to the election to the particular civic office for which the candidate was nominated. | 26 |
| | 27 |
| | 28 |
| Items [8] and [9] of the proposed amendments require disclosure of electoral donations and expenditure for all council elections. (At present, the obligation applies only to ordinary elections and by-elections.) | 29 |
| | 30 |
| | 31 |
| Item [10] of the proposed amendments updates the heading to a section. | 32 |
| Item [11] of the proposed amendments makes it clear that the participation of a councillor or a member of a council committee in the consideration or discussion of or vote on a matter relating to a matter in which the councillor or other member has a pecuniary interest does not invalidate the proceedings of the meeting. | 33 |
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| Item [12] of the proposed amendments corrects a cross-reference. | 37 |
| Item [13] of the proposed amendments deals with the minimum amount of a rate that must be levied in respect of a parcel of land. The amendment provides that different minimum amounts may be specified within the same rating category or sub-category in the area when the land values have been last determined by reference to different base dates and the Minister approves of them. | 38 |
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| | 41 |
| | 42 |
| Item [14] of the proposed amendments omits a redundant reference to investment by councils in securities authorised under another Act. (Securities are no longer authorised under the <i>Trustee Act 1925</i> .) The amended section provides for councils to invest money only in a form of investment notified by order of the Minister. | 43 |
| | 44 |
| | 45 |
| | 46 |
| Item [15] of the proposed amendments removes redundant references to certain orders (which are also referred to in section 628 (1A)). | 47 |
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| Item [16] of the proposed amendments provides for the Governor to rescind, revoke, amend or vary the operation of proclamations made under the <i>Local Government Act 1919</i> (which are saved by item [18] of the proposed amendments). | 1 2 3 |
| Item [17] of the proposed amendments provides for the Minister for Local Government to determine disputes that arise between one or more councils and one or more county councils. (The Minister currently has power to determine disputes between councils or between county councils.) | 4 5 6 7 |
| Item [18] of the proposed amendments omits a redundant provision and replaces it with a provision that saves proclamations made under the <i>Local Government Act 1919</i> . | 8 9 |
| 1.16 Meat Industry Act 1978 No 54 | 10 |
| Sections 6A and 6B | 11 |
| Insert after section 6: | 12 |
| 6A Limited application of Act | 13 |
| (1) On and from the commencement of this subsection, Part 2 applies to and in respect of saleyard licences only. | 14 15 |
| (2) A reference: | 16 |
| (a) in Part 2 to the Authority is to be read as a reference to Safe Food, and | 17 18 |
| (b) in this Act to an inspector is to be read as a reference to an authorised officer within the meaning of the <i>Food Production (Safety) Act 1998</i> . | 19 20 21 |
| (3) The regulations in force immediately before the substitution of section 77 (2) continue to have effect in respect of saleyard licences as if that subsection had not been substituted and those regulations may be amended or repealed accordingly. | 22 23 24 25 |
| (4) On and from 1 August 2003, the following provisions of this Act are repealed: | 26 27 |
| (a) the definitions of <i>licence</i> , <i>licensed premises</i> and <i>sell</i> in section 4 (1), | 28 29 |
| (b) Part 2, | 30 |
| (c) Part 3, | 31 |
| (d) subsections (1)–(3) of this section. | 32 |

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| 6B Branding of meat | 1 |
| (1) Regulations under the <i>Food Production (Safety) Act 1998</i> may include provisions requiring the branding of meat to identify whether it is lamb or hogget regardless of whether the purpose of those provisions relates to the safety of the meat for human consumption. | 2 3 4 5 6 |
| (2) Any such provisions cease to have effect on and from 1 August 2003 unless sooner repealed. | 7 8 |
| Commencement | 9 |
| The amendment to the <i>Meat Industry Act 1978</i> commences on a day appointed by proclamation. | 10 11 |
| Explanatory note | 12 |
| The <i>Food Production (Safety) Act 1998</i> amended the <i>Meat Industry Act 1978</i> , including by providing for the repeal of Part 2 (Licences) and Part 3 (Inspections and regulation of the meat industry). | 13 14 15 |
| The proposed amendments to the <i>Food Production (Safety) Act 1998</i> (made elsewhere in this Schedule) provide for the continuation of Part 2 of the <i>Meat Industry Act 1978</i> and of certain provisions relating to inspectors' powers in Part 3 of that Act. | 16 17 18 |
| The proposed amendments to the <i>Meat Industry Act 1978</i> apply those continued provisions, until 1 August 2003, to and in respect of saleyard licences only (see proposed section 6A). The proposed amendments also make it clear that (until 1 August 2003) the regulations made under the <i>Food Production (Safety) Act 1998</i> may include provisions relating to the branding of meat to identify whether it is lamb or hogget even though the purpose of those provisions may not relate to the safety of the meat for human consumption. | 19 20 21 22 23 24 |
| 1.17 Motor Dealers Act 1974 No 52 | 25 |
| Section 10 Application for licence | 26 |
| Insert after section 10 (2) (b) (ii): | 27 |
| , or | 28 |
| (iii) by a body corporate having only one director—by that director. | 29 30 |
| Explanatory note | 31 |
| The proposed amendment provides for the making of an application for a licence under the <i>Motor Dealers Act 1974</i> by a body corporate that has only one director. | 32 33 |
| 1.18 National Trust of Australia (New South Wales) Act 1990 No 92 | 34 |
| [1] Section 8 The Board | 35 |
| Insert “Part 1 of” after “with” in section 8 (2) (a). | 36 |

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| [2] Section 8 (2) (a1) | 1 |
| Insert after section 8 (2) (a): | 2 |
| (a1) one director appointed by a unanimous decision of the Board, in accordance with Part 2 of Schedule 1, and | 3 4 |
| [3] Schedule 1 Membership and procedure of the Board | 5 |
| Insert before clause 1: | 6 |
| Part 1 Directors elected by the Trust | 7 |
| [4] Schedule 1, clause 1 | 8 |
| Omit “Schedule”. Insert instead “Part”. | 9 |
| [5] Schedule 1, clause 1 | 10 |
| Insert “or the director referred to in section 8 (2) (a1)” after “Executive Director”. | 11 12 |
| [6] Schedule 1, clause 2 (3) | 13 |
| Omit “County of Cumberland” wherever occurring. | 14 |
| Insert instead “Sydney metropolitan area”. | 15 |
| [7] Schedule 1, clause 2 (3) (b) | 16 |
| Omit “2”. Insert instead “3”. | 17 |
| [8] Schedule 1, clause 2 (5) | 18 |
| Insert after clause 2 (4): | 19 |
| (5) In this clause: | 20 |
| <i>Sydney metropolitan area</i> means the area comprising the following local government areas: | 21 22 |
| Ashfield, Auburn, Bankstown, Baulkham Hills, Blacktown, Blue Mountains, Botany, Burwood, Camden, Campbelltown, Canterbury, Concord, Drummoyne, Fairfield, Gosford, Hawkesbury, Holroyd, Hornsby, Hunters Hill, Hurstville, Kogarah, Ku-ring-gai, Lane Cove, Leichhardt, Liverpool, Manly, Marrickville, Mosman, North Sydney, Parramatta, Penrith, Pittwater, Randwick, Rockdale, Ryde, South Sydney, Strathfield, Sutherland, Sydney, Warringah, Waverley, Willoughby, Wollondilly, Woollahra, Wyong. | 23 24 25 26 27 28 29 30 31 |

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| [9] Schedule 1, Parts 2 and 3 | 1 |
| Insert after clause 4: | 2 |
| | |
| Part 2 Director appointed by the Board | 3 |
| | |
| 4A Definition | 4 |
| In this Part: | 5 |
| <i>Board-appointed director</i> means the director referred to in section 8 (2) (a1). | 6 7 |
| | |
| 4B Appointment of Board-appointed director | 8 |
| (1) The Board-appointed director is to be appointed by unanimous decision of the directors referred to in section 8 (2) (a). | 9 10 |
| (2) A person is not eligible for appointment as the Board-appointed director if the person: | 11 |
| (a) is under the age of 18 years, or | 12 13 |
| (b) holds any office or place of profit under the Trust, or | 14 |
| (c) holds or has held the office of Board-appointed director, or | 15 |
| (d) was a candidate for election as a director referred in section 8 (2) (a) at the most recent election held for such directors. | 16 17 |
| | |
| 4C Acting Board-appointed director | 18 |
| (1) The Board-appointed director may, from time to time and in accordance with the rules, appoint a person to be an acting Board-appointed director in his or her place and may revoke any such appointment. | 19 20 21 22 |
| (2) In the absence of the Board-appointed director, any acting Board-appointed director for that director: | 23 |
| (a) is, if available, to act in the place of the Board-appointed director, and | 24 25 26 |
| (b) while so acting, has all the functions of the Board-appointed director and is to be considered to be a director, subject to the rules. | 27 28 29 |
| | |
| 4D Term of office of Board-appointed director | 30 |
| Subject to this Schedule, a Board-appointed director holds office for such period (not exceeding 2 years) as is specified in the Board-appointed director's instrument of appointment. | 31 32 33 |

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| Part 3 | General | 1 |
| 4E | Definition | 2 |
| | In this Part: | 3 |
| | <i>non-executive director</i> means a director of the Board other than the Executive Director. | 4 5 |
| [10] | Schedule 1, clause 7 | 6 |
| | Omit “an elected director” wherever occurring. | 7 |
| | Insert instead “a non-executive director”. | 8 |
| | Transitional | 9 |
| | The proposed amendments to the <i>National Trust of Australia (New South Wales) Act 1990</i> apply in respect of the first election of elected directors under Part 1 of Schedule 1 to the Act following the commencement of the amendments and in respect of subsequent elections. | 10 11 12 |
| | Explanatory note | 13 |
| | At present, the Board of The National Trust of Australia (New South Wales) consists of 12 elected directors and one Executive Director. Of the 12 elected directors at least 2 are required to be ordinarily resident in the County of Cumberland and at least 2 are required to be ordinarily resident elsewhere in New South Wales. | 14 15 16 17 |
| | Item [2] of the proposed amendments increases the number of elected directors of the Board from 12 to 13, with the thirteenth being appointed by the Board. | 18 19 |
| | Items [6]–[8] of the proposed amendments provide for at least 2 of the directors elected by the Trust to be ordinarily resident in the Sydney metropolitan area (which is a wider area than the County of Cumberland) and increase the minimum number of directors elected by the Trust who are required to be resident in non-metropolitan areas from 2 to 3. | 20 21 22 23 |
| | The other proposed amendments are consequential on the amendment proposed by item [2]. | 24 |
| 1.19 | Pesticides Act 1999 No 80 | 25 |
| [1] | Section 38 Making of pesticide control order | 26 |
| | Insert after section 38 (5): | 27 |
| | (5A) A pesticide control order may refer to or incorporate, with or without modification, a standard or other document prepared or published by a body specified in the order, as in force at a particular time or from time to time. | 28 29 30 31 |
| [2] | Section 41 Destruction of pesticides | 32 |
| | Insert “, or cause any pesticide to be destroyed or rendered harmless,” after “any pesticide” in section 41 (4). | 33 34 |
| [3] | Section 44 Disclosure of information | 35 |
| | Omit “performance of the” from section 44 (3). | 36 |
| | Insert instead “performance of”. | 37 |

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| [4] Section 67 Establishment of Implementation Committee | 1 |
| Insert “to” after “regard” in section 67 (4). | 2 |
| Explanatory note | 3 |
| Pesticide control orders | 4 |
| Section 38 of the <i>Pesticides Act 1999</i> provides for the making of pesticide control orders. | 5 |
| Item [1] of the proposed amendments provides for a pesticide control order to refer to or incorporate standards or other documents. | 6 7 |
| Destruction of pesticides | 8 |
| Section 41 empowers an authorised officer to give directions for the destruction of, or rendering harmless of, any pesticide if the authorised officer is of the opinion that it is necessary in the interest of public health or of any person, or because of any harm or risk of harm to any person, or to property, to the environment or a trade. Section 41 (4) provides that an authorised officer may destroy or render harmless any pesticide if the owner of the pesticide authorises the authorised officer to do so. | 9 10 11 12 13 14 |
| Item [2] of the proposed amendments provides that an authorised officer may cause a third person to destroy or render harmless any pesticide if the owner of the pesticide authorises the authorised officer to do so. | 15 16 17 |
| Other amendments | 18 |
| Item [3] of the proposed amendments omits a redundant word. | 19 |
| Item [4] of the proposed amendments inserts a missing word. | 20 |
| 1.20 Police Regulation (Superannuation) Act 1906 No 28 | 21 |
| Section 14AA Power of STC to reduce benefits to offset certain tax liabilities of the Fund | 22 23 |
| Insert after section 14AA (2): | 24 |
| (2A) Subsections (1) and (2) apply to benefits that accrued on, before or after 20 March 1989 (the date of commencement of this section) and that are still payable to the former member, or a spouse of the former member, on 1 July 2000. | 25 26 27 28 |
| (2B) For the purposes of the application of subsections (1) and (2) to a benefit that accrued before 1 July 1997, the regulations may provide for the reduction of the benefit on and from 1 July 2000 or a later date specified in the regulations. | 29 30 31 32 |
| Commencement | 33 |
| The amendment to the <i>Police Regulation (Superannuation) Act 1906</i> commences on 1 July 2000. | 34 35 |
| Explanatory note | 36 |
| Section 14AA of the <i>Police Regulation (Superannuation) Act 1906</i> requires the trustee of the Police Superannuation Fund to reduce the amount of benefits that become payable to or in respect of a contributor, if the contributions that fund the benefits have been taxed under Commonwealth tax legislation. The reduction applies only to those benefits specified in the regulations and is calculated by a method prescribed by the regulations. | 37 38 39 40 41 |

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| | The proposed amendment makes it clear that section 14AA (1) and (2) applies to pensions that are being paid on 1 July 2000 and that became payable before or after the commencement of the section (on 20 March 1989). In particular, the proposed amendments apply to pensions that became payable between 1 July 1988 and 30 June 1997. | 1 2 3 4 |
| 1.21 | Property, Stock and Business Agents Act 1941 No 28 | 5 |
| [1] | Section 38B Inspection of records | 6 |
| | Omit “in which that money is held” from section 38B (2A) (b). | 7 |
| [2] | Section 42A Review of commissions, fees etc | 8 |
| | Insert at the end of section 42A (4): | 9 |
| | For the purpose of the application of the <i>Consumer Claims Act 1998</i> to that person, a reference in that Act to a “consumer” is taken to include a reference to that person. | 10 11 12 |
| [3] | Section 86 Furnishing incorrect particulars in applications | 13 |
| | Insert “or” at the end of section 86 (2) (a). | 14 |
| [4] | Section 86A Officers of Department not to disclose information | 15 |
| | Omit “or section 55” from section 86A (1). | 16 |
| [5] | Section 86A (1) (a) (iii) | 17 |
| | Omit “51D”. Insert instead “60”. | 18 |
| [6] | Section 86A (1) (c) | 19 |
| | Omit “section 74”. Insert instead “section 64J”. | 20 |
| | Explanatory note | 21 |
| | Inspection of documents of financial institutions | 22 |
| | Section 38B of the <i>Property, Stock and Business Agents Act 1941</i> empowers authorised persons to require any bank, building society or credit union with which a licensee has deposited any money in any account to produce for inspection its written records relating to the account. | 23 24 25 26 |
| | Item [1] of the proposed amendments makes it clear that the money need not still be in the account when the requirement to produce records is made. | 27 28 |
| | Review of commissions | 29 |
| | Section 42A of the Act provides that a person served with a statement of claim from a real estate agent can apply to have the agent’s commission reviewed in accordance with section 6 of the <i>Consumer Claims Act 1998</i> . Section 6 applies only to “consumers”, as defined in the 1998 Act. | 30 31 32 33 |
| | Item [2] of the proposed amendments provides that a person who receives a statement of claim can apply for review despite the fact that the person is not a “consumer” within the meaning of section 6. | 34 35 36 |

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| Statute law revision | 1 |
| Item [3] of the proposed amendments makes it clear that two paragraphs operate as alternatives. | 2 |
| Item [4] of the proposed amendments omits a reference to a repealed section. | 3 |
| Item [5] of the proposed amendments omits a reference to a repealed section. | 4 |
| Items [5] and [6] of the proposed amendments correct cross-references. | 5 |
| | |
| 1.22 Protected Disclosures Act 1994 No 92 | 6 |
| | |
| Section 4 Definitions | 7 |
| Insert “a State owned corporation, a subsidiary of a State owned corporation or” after “employee of” in the definition of <i>public official</i> . | 8 |
| | 9 |
| Explanatory note | 10 |
| The <i>Protected Disclosures Act 1994</i> provides protection for public officials disclosing corrupt conduct, maladministration and waste in the public sector. | 11 |
| | 12 |
| The proposed amendment makes it clear that an employee of a State owned corporation or a subsidiary of a State owned corporation is a public official for the purposes of the Act. | 13 |
| | 14 |
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| 1.23 Protection of the Environment Operations Act 1997 No 156 | 15 |
| | |
| [1] Section 198 Powers of authorised officers to do things at premises | 16 |
| Omit “Part” wherever occurring in section 198 (1) and (2) (i). | 17 |
| Insert instead “Chapter”. | 18 |
| | |
| [2] Dictionary | 19 |
| Omit the definition of <i>waste</i> . Insert instead: | 20 |
| <i>waste</i> (unless specially defined) includes: | 21 |
| (a) any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or | 22 |
| | 23 |
| | 24 |
| | 25 |
| (b) any discarded, rejected, unwanted, surplus or abandoned substance, or | 26 |
| | 27 |
| (c) any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, reprocessing, recovery or purification by a separate operation from that which produced the substance, or | 28 |
| | 29 |
| | 30 |
| | 31 |
| (d) any substance prescribed by the regulations to be waste for the purposes of this Act. | 32 |
| | 33 |
| A substance is not precluded from being waste for the purposes of this Act merely because it can be reprocessed, re-used or recycled. | 34 |
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| Explanatory note | 1 |
| Investigations | 2 |
| Part 7.4 of the <i>Protection of the Environment Operations Act 1997</i> sets out powers relating to entry and search of premises. Section 198 of the Act sets out the powers of authorised officers to do things at premises, including examining and inspecting any works, plant, vehicle, aircraft or other article or taking and removing samples. That section empowers the doing of anything that is in the opinion of the authorised officer necessary to be done for the purposes of Part 7.4 (which merely sets out powers of entry and search). | 3 4 5 6 7 8 |
| Item [1] of the proposed amendments provides for those powers to be exercised when necessary for the purposes of Chapter 7 (Investigation). | 9 10 |
| Definition of “waste” | 11 |
| Item [2] of the proposed amendments inserts a definition of waste in the <i>Protection of the Environment Operations Act 1997</i> . (“Waste” is presently defined by reference to the definition in the <i>Waste Minimisation and Management Act 1995</i> .) | 12 13 14 |
| 1.24 Residential Tenancies Act 1987 No 26 | 15 |
| [1] Section 3 Definitions | 16 |
| Omit the definition of <i>Residential Tenancies Program Account</i> from section 3 (1). | 17 18 |
| [2] Section 129 Costs of administration | 19 |
| Omit the section. | 20 |
| Explanatory note | 21 |
| Section 129 of the <i>Residential Tenancies Act 1987</i> provides that the cost of administration of the Act and the <i>Residential Parks Act 1998</i> in any year should not exceed the amount of contributions paid for those purposes into the Residential Tenancies Program Account (which is defined as an account that contains contributions from accounts under the <i>Property, Stock and Business Agents Act 1941</i> and the <i>Landlord and Tenant (Rental Bonds) Act 1977</i>). | 22 23 24 25 26 |
| However, section 20 (2A) of the <i>Landlord and Tenant (Rental Bonds) Act 1977</i> provides that payment of half of the costs of the administration of the <i>Residential Tenancies Act 1987</i> , the <i>Residential Tribunal Act 1998</i> and the <i>Residential Parks Act 1998</i> will be met from contributions from the Rental Bond Interest Account. Similarly, section 63E of the <i>Property, Stock and Business Agents Act 1941</i> provides that half of the costs of the administration of those Acts will be paid from the Statutory Interest Account established under the 1941 Act. The proposed amendments omit the redundant references to the Residential Tenancies Program Account. | 27 28 29 30 31 32 33 |

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| 1.25 Residential Tribunal Act 1998 No 168 | 1 |
| [1] Section 25A | 2 |
| Insert after section 25: | 3 |
| 25A Parties to proceedings | 4 |
| (1) If a party to proceedings before the Tribunal has a right to proceed against 2 or more persons having joint liability, it is sufficient if any one or more of those persons is or are served with process in the proceedings, and a decision in the proceedings may be given or entered up and enforced against the person or persons subject to the liability. | 10 |
| (2) Section 97 (Joint liability) of the <i>Supreme Court Act 1970</i> applies to and in respect of a decision given or entered up in proceedings before the Tribunal in the same way as it applies to and in respect of a judgment given in proceedings before the Supreme Court. | 14 |
| (3) If, at any time before or during proceedings before it, the Tribunal is of the opinion that a person ought to be joined as a party to the proceedings, the Tribunal may, by notice in writing given to the person or by oral direction given during proceedings, join the person as a party to the proceedings. | 19 |
| [2] Section 37 Issue of summons | 20 |
| Insert after section 37 (1): | 21 |
| (1A) The fee prescribed by the regulations is payable for the issue of a summons on the application of a party to the proceedings. | 23 |
| [3] Schedule 1 Provisions relating to members of Tribunal | 24 |
| Insert after clause 3 (2): | 25 |
| (3) Despite subclause (2), a member of the Tribunal may: | 26 |
| (a) hold, and exercise the functions of, a judicial office or another statutory or other public office, or | 28 |
| (b) engage in any other employment, | 29 |
| with the consent of the Chairperson. | 30 |
| Explanatory note | 31 |
| Item [1] of the proposed amendments provides for the conduct of proceedings, including the service of notices, in relation to parties with a joint liability (for example, co-tenants). (The inclusion of the amendment restores the position existing under the <i>Residential Tenancies Act 1987</i> .) | 35 |

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| Item [2] of the proposed amendments provides for the regulations to prescribe a fee for the issue of a summons by the Registrar of the Residential Tribunal. | 1 2 |
| Item [3] of the proposed amendments removes the obligation on a full-time member of the Residential Tribunal to devote the whole of his or her time to the duties of office if the Chairperson of the Tribunal consents to the member holding, and exercising the functions of, a judicial office or another statutory or other public office, or engaging in any other employment. | 3 4 5 6 |
| 1.26 Retirement Villages Act 1999 No 81 | 7 |
| [1] Section 20 Copies of certain documents to be available | 8 |
| Omit “3 months” from section 20 (1) (d). | 9 |
| Insert instead “4 months”. | 10 |
| [2] Section 75 Attendance at meetings of residents | 11 |
| Insert “(other than a duly-appointed proxy of a resident)” after “A person” in section 75 (2). | 12 13 |
| [3] Section 150 References to “owner” and sale of “residential premises” | 14 |
| Omit “the amount of any payment” from section 150 (1) (b). | 15 |
| Insert instead “the total payment”. | 16 |
| [4] Section 172 Vendor’s application to Tribunal concerning proposed purchaser | 17 18 |
| Omit “resident” from section 172 (2). Insert instead “vendor”. | 19 |
| [5] Section 202 Costs of administration | 20 |
| Omit “Council” from section 202 (b). | 21 |
| Explanatory note | 22 |
| Item [1] of the proposed amendments removes an inconsistency between two provisions dealing with the keeping of accounts (namely sections 20 and 119). Section 20 is amended in consequence of an amendment in committee made to section 119 during the passage of the Bill for the Act through Parliament. | 23 24 25 26 |
| Item [2] of the proposed amendments removes any doubt that a duly-appointed proxy of a resident of a retirement village has the right to attend meetings of the residents of the village. | 27 28 |
| Item [3] of the proposed amendments makes it clear that the reference to an amount of money that an operator of a retirement village is required to pay, under a residence contract, to a resident who has permanently vacated his or her premises in the village is a reference to the total amount payable. (The reference occurs in a provision that deems certain residents of retirement villages to be “owners” of their residential premises in the village for the purposes of Part 10 (Matters relating to vacation of premises) of the Act.) | 29 30 31 32 33 34 |
| Item [4] of the proposed amendments amends a reference in section 172 (2) for consistency with section 172 (1). | 35 36 |
| Item [5] of the proposed amendments corrects an incorrect reference to the name of an account. | 37 38 |

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| 1.27 | Rural Lands Protection Act 1989 No 197 | 1 |
| [1] | Section 205 Penalty notices for certain offences | 2 |
| | Omit “An authorised officer” from section 205 (1). | 3 |
| | Insert instead “A prescribed officer”. | 4 |
| [2] | Section 205 (9) | 5 |
| | Insert after section 205 (8): | 6 |
| | (9) In this section, <i>prescribed officer</i> means: | 7 |
| | (a) in the case of an offence under section 88, an authorised officer or a police officer, or | 8 |
| | | 9 |
| | (b) in any other case, an authorised officer. | 10 |
| | Explanatory note | 11 |
| | The proposed amendment provides for police officers to issue penalty notices for breaches of section 88 of the <i>Rural Lands Protection Act 1989</i> , which imposes restrictions on the movement of stock by vehicular transport. | 12 |
| | | 13 |
| | | 14 |
| 1.28 | State Emergency Service Act 1989 No 164 | 15 |
| | Section 17 Local controllers | 16 |
| | Omit “Minister” from section 17 (6). Insert instead “Director-General”. | 17 |
| | Explanatory note | 18 |
| | Section 17 of the <i>State Emergency Service Act 1989</i> provides for the appointment of local controllers for local government areas. Under the section, the relevant local government council is required to provide suitable training facilities and storage and office accommodation to enable the local controller to exercise his or her functions. Such facilities and accommodation are required to be of a standard approved by the Minister. | 19 |
| | | 20 |
| | | 21 |
| | | 22 |
| | | 23 |
| | The proposed amendment provides for the Director-General of the State Emergency Service, rather than the Minister, to approve the standards of such facilities and accommodation. | 24 |
| | | 25 |
| 1.29 | Strata Schemes (Freehold Development) Act 1973 No 68 | 26 |
| | Section 34A | 27 |
| | Insert after section 34: | 28 |
| | 34A Resumptions where resuming authority is bound by this Act | 29 |
| | (1) Despite section 8 of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> , a resumption of land to which both this Division and that Act apply must comply with this Division and that Act. This Division prevails to the extent of any inconsistency. | 30 |
| | | 31 |
| | | 32 |
| | | 33 |

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| (2) A resumption of land to which this Division applies and to which Part 12 of the <i>Roads Act 1993</i> applies must comply with this Division and that Part. This Division prevails to the extent of any inconsistency. | 1 2 3 4 |
| Explanatory note | 5 |
| The proposed amendment makes it clear that Division 3 of Part 2 of the <i>Strata Schemes (Freehold Development) Act 1973</i> (which relates to the compulsory acquisition of lots and common property the subject of a strata scheme) prevails over any inconsistent provision relating to compulsory acquisition in the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> or Part 12 of the <i>Roads Act 1993</i> . | 6 7 8 9 10 |
| 1.30 Strata Schemes (Leasehold Development) Act 1986 No 219 | 11 |
| Section 63A | 12 |
| Insert after section 63: | 13 |
| 63A Resumptions where resuming authority is bound by this Act | 14 |
| (1) Despite section 8 of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> , a resumption of land to which both this Division and that Act apply must comply with this Division and that Act. This Division prevails to the extent of any inconsistency. | 15 16 17 18 |
| (2) A resumption of land to which this Division applies and to which Part 12 of the <i>Roads Act 1993</i> applies must comply with this Division and that Part. This Division prevails to the extent of any inconsistency. | 19 20 21 22 |
| Explanatory note | 23 |
| The proposed amendment makes it clear that Division 6 of Part 2 of the <i>Strata Schemes (Leasehold Development) Act 1986</i> (which relates to the compulsory acquisition of lots and common property the subject of a leasehold strata scheme) prevails over any inconsistent provision relating to compulsory acquisition in the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> or Part 12 of the <i>Roads Act 1993</i> . | 24 25 26 27 28 |
| 1.31 Subordinate Legislation Act 1989 No 146 | 29 |
| [1] Section 10 Staged repeal of statutory rules | 30 |
| Omit section 10 (3)–(8). | 31 |
| [2] Section 10 (3) | 32 |
| Insert after section 10 (2): | 33 |
| (3) Despite subsection (1), the following regulations are repealed on 1 April 2001: | 34 35 |

Statute Law (Miscellaneous Provisions) Bill 2000

Schedule 1 Minor amendments

| | | |
|-------------|--|----------------|
| (a) | <i>Occupational Health and Safety (Confined Spaces) Regulation 1990,</i> | 1 2 |
| (b) | <i>Occupational Health and Safety (First-aid) Regulation 1989,</i> | 3 4 |
| (c) | <i>Occupational Health and Safety (Floors, Passageways and Stairs) Regulation 1990,</i> | 5 6 |
| (d) | <i>Occupational Health and Safety (Notification of Accidents) Regulation 1990,</i> | 7 8 |
| (e) | <i>Occupational Health and Safety (Pest Control) Regulation 1988.</i> | 9 10 |
| [3] | Section 11 Postponement of repeal in specific cases | 11 |
| | Omit “section 10 (3)–(8)” from section 11 (6). | 12 |
| | Insert instead “section 10 (3)”. | 13 |
| | Explanatory note | 14 |
| | Part 3 of the <i>Subordinate Legislation Act 1989</i> provides for the staged repeal of statutory rules. | 15 |
| | Section 10 sets out the dates on which statutory rules are repealed and section 11 provides for the postponement of repeal in specific cases. | 16 17 |
| | Item [1] of the proposed amendment omits spent subsections. | 18 |
| | Item [2] of the proposed amendments extends until 1 April 2001 the repeal of certain regulations made under the <i>Occupational Health and Safety Act 1983</i> . Section 11 (3) of the <i>Subordinate Legislation Act 1989</i> has the effect that no further postponement is otherwise available. | 19 20 21 |
| | Item [3] of the proposed amendments makes a consequential amendment. | 22 |
| 1.32 | Travel Agents Act 1986 No 5 | 23 |
| [1] | Section 8 Application for licence | 24 |
| | Omit “2 directors” from section 8 (2) (b). | 25 |
| | Insert instead “1 director”. | 26 |
| [2] | Section 17 Annual fee and annual statement | 27 |
| | Omit “2 directors” from section 17 (3) (b). | 28 |
| | Insert instead “1 director”. | 29 |
| | Explanatory note | 30 |
| | The proposed amendments provide for the making of an application for a licence under the <i>Travel Agents Act 1986</i> , and for the making of an annual statement, by a body corporate that has only one director. | 31 32 33 |

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| 1.33 | Workplace Injury Management and Workers Compensation Act 1998 No 86 | 1 |
| | | 2 |
| [1] | Section 4 Definitions | 3 |
| | Insert in alphabetical order in section 4 (1): | 4 |
| | <i>conciliation certificate</i> means a certificate issued under section 84. | 5 |
| [2] | Sections 101 (1) (a) and (2), 102 (1) (a) and (2) and 103 (1) (a) and (2) | 6 |
| | Omit “certificate of conciliation outcome” wherever occurring. | 7 |
| | Insert instead “conciliation certificate”. | 8 |
| | Explanatory note | 9 |
| | A certificate of conciliation outcome referred to in sections 101, 102 and 103 of the <i>Workplace Injury Management and Workers Compensation Act 1998</i> is one category of conciliation certificate (referred to in section 84). | 10 |
| | The proposed amendments makes the terminology in those provisions consistent. | 11 |
| | | 12 |
| | | 13 |

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| Schedule 2 | Amendments consequent on abolition of statutory and other bodies | 1 |
| | | 2 |
| | (Section 3) | 3 |
| 2.1 | Community Welfare Act 1987 No 52 | 4 |
| [1] | Section 3 Definitions | 5 |
| | Omit the definition of <i>Community Services Training Council</i> from section 3 (1). | 6 7 |
| [2] | Section 3 (1), definition of “council” | 8 |
| | Omit “the Community Services Training Council,”. | 9 |
| [3] | Section 14 Community Services Training Council | 10 |
| | Omit the section. | 11 |
| [4] | Schedule 1 Constitution of certain councils | 12 |
| | Omit clause 2 of Schedule 1. | 13 |
| [5] | Schedule 1, clause 11 (f) and (g) | 14 |
| | Omit the paragraphs. Insert instead, at the end of paragraph (d): | 15 |
| | or | 16 |
| | (e) is removed from office by the Governor. | 17 |
| [6] | Schedule 2 Procedure of certain councils and committees | 18 |
| | Omit clause 7 (2). | 19 |
| | Explanatory note | 20 |
| | The proposed amendments are consequent on the proposed abolition of the Community Services Training Council. | 21 22 |
| 2.2 | Conveyancers Licensing Act 1995 No 57 | 23 |
| | Schedule 2 Savings, transitional and other provisions | 24 |
| | Omit clause 20. | 25 |
| | Explanatory note | 26 |
| | The proposed amendment is consequent on the proposed abolition of the Conveyancers Licensing Committee. | 27 28 |

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| 2.3 Dairy Industry Act 1979 No 208 | 1 |
| [1] Section 4 Definitions | 2 |
| Omit the definition of <i>Prices Commission</i> from section 4 (1). | 3 |
| Insert instead, in alphabetical order: | 4 |
| <i>IPART</i> means the Independent Pricing and Regulatory Tribunal established by the <i>Independent Pricing and Regulatory Tribunal Act 1992</i> . | 5 |
| | 6 |
| | 7 |
| [2] The whole Act (except to the extent to which its provisions are otherwise repealed or amended by this Act) | 8 |
| | 9 |
| Omit “The Prices Commission” and “the Prices Commission” wherever occurring. | 10 |
| | 11 |
| Insert instead “IPART”. | 12 |
| Explanatory note | 13 |
| The proposed amendments are consequent on the proposed abolition of the Prices Commission. | 14 |
| | 15 |
| 2.4 Engine Drivers and Boiler Attendants Certification Regulations | 16 |
| [1] Regulation 2 Definitions | 17 |
| Omit the definition of <i>The Board</i> from Regulation 2 (1) (a). | 18 |
| [2] Part 2 Engine Drivers and Boiler Attendants Examination Board | 19 |
| Omit the Part. | 20 |
| [3] The whole Regulations (except the Third Schedule) | 21 |
| Omit “Board” wherever occurring. Insert instead “Authority”. | 22 |
| [4] Regulation 4 Types of certificates | 23 |
| Omit “the Chairman of” from Regulation 4 (3). | 24 |
| [5] Regulation 4 (3) | 25 |
| Omit “Chairman” where secondly occurring. Insert instead “Authority”. | 26 |
| [6] Third Schedule Certificates of competency | 27 |
| Omit “Engine Drivers and Boiler Attendants Examination Board” wherever occurring. | 28 |
| | 29 |
| Insert instead “WorkCover Authority”. | 30 |

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| [7] Third Schedule | 1 |
| Omit “Chairman” wherever occurring. | 2 |
| Insert instead “WorkCover Authority”. | 3 |
| Explanatory note | 4 |
| The proposed amendments are consequent on the proposed abolition of the Engine Drivers and Boiler Attendants Examination Board. | 5 6 |
| 2.5 Factories, Shops and Industries Act 1962 No 43 | 7 |
| [1] Section 104 Definitions | 8 |
| Omit the definitions of <i>Council</i> and <i>Member</i> . | 9 |
| [2] Part 6, Division 2 (sections 105 and 106) | 10 |
| Omit the Division. | 11 |
| [3] Section 112 Regulations | 12 |
| Omit section 112 (g). | 13 |
| [4] Section 152A Performance of Director-General’s functions | 14 |
| Omit section 152A (3). | 15 |
| Explanatory note | 16 |
| The proposed amendments are consequent on the proposed abolition of the Hairdressers Council. | 17 18 |
| 2.6 Fisheries Management Act 1994 No 38 | 19 |
| Section 198 Application of Division | 20 |
| Omit “Marine Ministerial Holding Corporation” from section 198 (c). | 21 |
| Insert instead “Waterways Authority”. | 22 |
| Explanatory note | 23 |
| The proposed amendment is consequent on the proposed abolition of the Marine Ministerial Holding Corporation. | 24 25 |

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| 2.7 Freedom of Information Regulation 2000 | 1 |
| Schedule 3 Public authorities | 2 |
| Omit the matter relating to the Hairdressers Council, the Health Authority Council and the Prices Commission from Part 3 of the Schedule. | 3 4 |
| Explanatory note | 5 |
| The proposed amendment is consequent on the proposed abolition of the Hairdressers Council, the Health Advisory Council and the Prices Commission. | 6 7 |
| 2.8 Health Administration Act 1982 No 135 | 8 |
| [1] Section 20 Appointment of advisory bodies | 9 |
| Omit section 20 (1)–(3). | 10 |
| [2] Section 20 (4) | 11 |
| Omit “other”. | 12 |
| [3] Section 20 (5) | 13 |
| Omit “subsection (4)”. Insert instead “this section”. | 14 |
| [4] Section 20 (6), (8) and (9) | 15 |
| Omit “subsection (1) or (4)” wherever occurring. Insert instead “this section”. | 16 |
| Explanatory note | 17 |
| The proposed amendments are consequent on the proposed abolition of the Health Advisory Council and the Professional Services Advisory Council. | 18 19 |
| 2.9 Impounding Act 1993 No 31 | 20 |
| Dictionary | 21 |
| Omit “the Marine Ministerial Holding Corporation or” from the definition of <i>area of operations</i> . | 22 23 |
| Explanatory note | 24 |
| The proposed amendment is consequent on the proposed abolition of the Marine Ministerial Holding Corporation. | 25 26 |

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| 2.10 | Local Government Act 1993 No 30 | 1 |
| | Section 600 Rebates in respect of certain land vested in public bodies | 2 |
| | Omit “the Marine Ministerial Holding Corporation,” from the definition of <i>public body</i> in section 600 (9). | 3 4 |
| | Explanatory note | 5 |
| | The proposed amendment is consequent on the proposed abolition of the Marine Ministerial Holding Corporation. | 6 7 |
| 2.11 | Marine Safety Act 1998 No 121 | 8 |
| | Section 133 Proof of certain matters not required | 9 |
| | Omit “, the Marine Ministerial Holding Corporation” from section 133 (2) (k). | 10 |
| | Explanatory note | 11 |
| | The proposed amendment is consequent on the proposed abolition of the Marine Ministerial Holding Corporation. | 12 13 |
| 2.12 | Marketing of Primary Products Act 1983 No 176 | 14 |
| [1] | Section 4 Definitions | 15 |
| | Omit the definitions of <i>Agency</i> and <i>authority</i> from section 4 (1). | 16 |
| | Insert instead in alphabetical order: | 17 |
| | <i>authority</i> means a board or a committee. | 18 |
| [2] | Part 6, Division 2 (sections 113A–122) | 19 |
| | Omit Division 2 of Part 6. | 20 |
| [3] | Section 163 Regulations | 21 |
| | Omit “, a committee or the Agency” from section 163 (2) wherever occurring. | 22 |
| | Insert instead “or a committee”. | 23 |
| | Explanatory note | 24 |
| | The proposed amendments are consequent on the proposed abolition of the Agricultural Marketing Finance Agency. | 25 26 |

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| 2.13 | Ports Corporatisation and Waterways Management Act 1995 No 13 | 1 2 |
| [1] | Section 3 Definitions Omit the definition of <i>Ministerial Corporation</i> from section 3 (1). | 3 4 |
| [2] | Section 16 Transfer of MSB port assets, rights and liabilities Omit section 16 (6) (a). | 5 6 |
| [3] | Sections 17 (1), 26 (2) and 59 (4) (b) Omit “Ministerial Corporation” wherever occurring. Insert instead “Waterways Authority”. | 7 8 9 |
| [4] | Part 3 Marine safety and other functions of Minister Omit the headings to Divisions 1 and 2. | 10 11 |
| [5] | Sections 29, 30, 31, 32 and 34 Omit the sections. | 12 13 |
| [6] | Section 33 Acquisition of land by Waterways Authority Omit “Ministerial Corporation” wherever occurring in section 33 (1), (3) and (4). Insert instead “Minister”. | 14 15 16 17 |
| [7] | Section 33 (2A) Insert after section 33 (2): (2A) Land so acquired for the purposes of the Waterways Authority may be transferred to the Waterways Authority, but only if the Waterways Authority makes provision to the satisfaction of the Minister for the payment of the purchase price or of compensation for compulsory acquisition (together with all necessary charges and expenses incidental to the acquisition). | 18 19 20 21 22 23 24 25 |
| [8] | Section 40A Insert after section 40: 40A Abolition of Marine Ministerial Holding Corporation (1) On the abolition of the Marine Ministerial Holding Corporation, the assets, rights and liabilities of the Marine Ministerial Holding Corporation are transferred to the Waterways Authority. | 26 27 28 29 30 31 |

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| (2) | Schedule 1 applies to the transfer of the assets, rights and liabilities of the Marine Ministerial Holding Corporation. | 1 2 |
| (3) | On the abolition of the Marine Ministerial Holding Corporation, a reference in any Act, in any instrument made under any Act or in any document of any kind to the Marine Ministerial Holding Corporation is taken to be a reference to the Waterways Authority. | 3 4 5 6 |
| | Note. The Marine Ministerial Holding Corporation was abolished by section 4 of the <i>Statute Law (Miscellaneous Provisions) Act 2000</i> . | 7 8 |
| [9] | Section 41 Functions of Authority | 9 |
| | Insert “, lease” after “use” in section 41 (3) (a). | 10 |
| [10] | Section 41 (3) (a1), (a2) and (a3) | 11 |
| | Insert after section 41 (3) (a): | 12 |
| | (a1) hold on behalf of the State, retain, transfer and dispose of assets, rights and liabilities transferred to it under this Act, | 13 14 |
| | (a2) carry on any activity or business that relates to the assets, rights and liabilities transferred to it or that is incidental or ancillary to the assets, right and liabilities transferred to it, | 15 16 17 |
| | (a3) develop and manage land transferred to it under this Act or otherwise acquired by it, | 18 19 |
| [11] | Section 45 Transfer of assets, rights and liabilities to or from Waterways Authority | 20 21 |
| | Omit the section. | 22 |
| [12] | Section 47 Definitions generally | 23 |
| | Omit section 47 (2). | 24 |
| [13] | Section 58 Application of Division | 25 |
| | Omit “or the Minister”. | 26 |
| | Insert instead “, the Minister or the Waterways Authority”. | 27 |
| [14] | Section 64 Application of Division | 28 |
| | Insert “or the Waterways Authority” after “Minister”. | 29 |
| [15] | Section 107 Combined financial and other reporting by Authority and Minister’s Department | 30 31 |
| | Omit “, the Ministerial Corporation” from section 107 (2). | 32 |

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| [16] Section 108 Service of documents | 1 |
| Omit “Ministerial Corporation or” wherever occurring in section 108 (1). | 2 |
| [17] Sections 108 (2) and 109 (1) and (2) | 3 |
| Omit “the Ministerial Corporation or” wherever occurring. | 4 |
| [18] Section 108 (3) and 109 (3) | 5 |
| Omit the subsections. | 6 |
| [19] Schedule 1 | 7 |
| Insert “and of the Marine Ministerial Holding Corporation” after “subsidiaries” in the heading to the Schedule. | 8 9 |
| [20] Schedule 1 | 10 |
| Insert “(repealed), 40A,” after “32” in the matter under the heading to the Schedule. | 11 12 |
| [21] Schedule 1, clause 1 | 13 |
| Insert at the end of the clause: | 14 |
| <i>Ministerial Corporation</i> means the Marine Ministerial Holding Corporation as formerly constituted under Part 3 (as enacted). | 15 16 |
| [22] Schedule 1, clause 2 (2A) | 17 |
| Insert after clause 2 (2): | 18 |
| (2A) This Schedule also applies to the transfer of assets, rights and liabilities to the Waterways Authority by the operation of section 40A and so applies as if that section were an order to which this Schedule applies taking effect when that section takes effect. | 19 20 21 22 |
| [23] Schedule 1, clause 10 | 23 |
| Insert “or the Waterways Authority” after “Corporation” in the heading to the clause. | 24 25 |
| [24] Schedule 1, clause 10 (1) | 26 |
| Insert “(as in force immediately before its repeal) or the transfer to the Waterways Authority of particular assets, rights or liabilities by the operation of section 40A” after “section 32”. | 27 28 29 |

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| [25] Schedule 1, clauses 11 and 12 | 1 |
| Omit clause 11. Insert instead: | 2 |
| 11 Successor of MSB, MSB subsidiary or Ministerial Corporation | 3 |
| The Waterways Authority is taken for all purposes, including the rules of private international law, to be the successor of the MSB, of each MSB subsidiary and of the Ministerial Corporation (except in respect of assets, rights and liabilities transferred under this Act to any other body or person). | 4 5 6 7 8 |
| 12 Leases | 9 |
| (1) Any lease entered into by the Ministerial Corporation between 10 March 2000 and the date of commencement of this clause is taken to have been entered into by the Ministerial Corporation as the agent of the Waterways Authority. | 10 11 12 13 |
| (2) On and from the abolition of the Ministerial Corporation, any interest of the Ministerial Corporation in any such lease is transferred to the Waterways Authority. | 14 15 16 |
| [26] Schedule 5 Savings, transitional and other provisions | 17 |
| Omit clauses 7 and 8. | 18 |
| Explanatory note | 19 |
| The proposed amendments are consequent on the proposed abolition of the Marine Ministerial Holding Corporation constituted under the <i>Ports Corporatisation and Waterways Management Act 1995</i> . | 20 21 22 |
| 2.14 Prices Regulation Act 1948 No 26 | 23 |
| [1] The whole Act (except to the extent to which its provisions are otherwise repealed or amended by this Act) | 24 25 |
| Omit “Commission” wherever occurring. Insert instead “Tribunal”. | 26 |
| [2] Section 3 Definitions | 27 |
| Omit the definitions of <i>Commission</i> , <i>commissioner</i> and <i>meeting</i> . | 28 |
| [3] Section 3 | 29 |
| Insert in alphabetical order: | 30 |
| <i>Tribunal</i> means the Independent Pricing and Regulatory Tribunal constituted under the <i>Independent Pricing and Regulatory Tribunal Act 1992</i> . | 31 32 33 |

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| [4] Sections 4–8 (Provisions relating to Commission) | 1 |
| Omit the sections. | 2 |
| [5] Section 59 Offences and penalties | 3 |
| Omit “or of such commissioner” from section 59 (2). | 4 |
| [6] Section 62 | 5 |
| Insert after section 61: | 6 |
| 62 Savings, transitional and other provisions | 7 |
| Schedule 1 has effect. | 8 |
| [7] Schedule | 9 |
| Omit the Schedule. Insert instead: | 10 |
| Schedule 1 Savings, transitional and other provisions | 11 |
| (Section 62) | 12 |
| 1 Construction of references to Prices Commission | 13 |
| Subject to the regulations, a reference in any other Act, any | 14 |
| statutory instrument or any other document to the Prices | 15 |
| Commission or the Chairperson of the Prices Commission is taken | 16 |
| to be a reference to the Tribunal or to the Chairperson of the | 17 |
| Tribunal, as the case may be. | 18 |
| Explanatory note | 19 |
| The proposed amendments are consequent on the proposed abolition of the Prices | 20 |
| Commission. | 21 |
| 2.15 Protection of the Environment Administration Act 1991 No 60 | 22 |
| [1] Section 23 Establishment of Consultation Forums | 23 |
| Omit section 23 (a) and (b). | 24 |
| [2] Section 24 Membership and procedure of Consultation Forums | 25 |
| Omit section 24 (1). Insert instead: | 26 |
| (1) A Consultation Forum is to consist of: | 27 |
| (a) the Director-General, or his or her nominee, who is to be | 28 |
| Chairperson of the Consultation Forum, and | 29 |

Statute Law (Miscellaneous Provisions) Bill 2000

Schedule 2 Amendments consequent on abolition of statutory and other bodies

| | | |
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| (b) | 12 members appointed by the Minister, of whom: | 1 |
| (i) | 3 are to be representatives of industry (including, for the purposes of the Hunter Region Environment Protection Community Consultation Forum, 1 representative of the rural sector chosen from a panel of nominees provided to the Minister by the New South Wales Farmers' Association), and | 2 3 4 5 6 7 8 |
| (ii) | 3 are to be representatives of non-government organisations whose charters include, as a primary aim, environment protection (including at least 1 representative chosen from a panel of nominees provided to the Minister by the Nature Conservation Council of New South Wales), and | 9 10 11 12 13 14 |
| (iii) | 3 are to be representatives of authorities of the State, and | 15 16 |
| (iv) | 3 are to be representatives of local government authorities or associations. | 17 18 |
| [3] | Section 35 Personal liability | 19 |
| | Omit "the Environment" from section 35 (2). | 20 |
| | Insert instead "an Environment". | 21 |
| [4] | Section 35 (2) | 22 |
| | Insert "established under Part 6" after "Forum". | 23 |
| | Explanatory note | 24 |
| | The proposed amendments are consequent on the proposed abolition of the State Environment Protection Community Consultation Forum and the West/South West Sydney Region Environment Protection Community Consultation Forum. | 25 26 27 |

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| 2.16 | Public Authorities (Financial Arrangements) Act 1987 No 33 | 1 |
| | Schedule 1 Authorities | 2 |
| | Omit “Marine Ministerial Holding Corporation.” | 3 |
| | Explanatory note | 4 |
| | The proposed amendment is consequent on the proposed abolition of the Marine Ministerial Holding Corporation. | 5 6 |
| 2.17 | Public Authorities (Financial Arrangements) Regulation 1995 | 7 |
| | Schedule 1 Part 1 investment powers | 8 |
| | Omit “Marine Ministerial Holding Corporation”. | 9 |
| | Explanatory note | 10 |
| | The proposed amendment is consequent on the proposed abolition of the Marine Ministerial Holding Corporation. | 11 12 |
| 2.18 | Public Finance and Audit Act 1983 No 152 | 13 |
| | Schedule 2 Statutory bodies | 14 |
| | Omit the following: | 15 |
| | Agricultural Marketing Finance Agency | 16 |
| | Marine Ministerial Holding Corporation | 17 |
| | Explanatory note | 18 |
| | The proposed amendment is consequent on the proposed abolition of the Agricultural Marketing Finance Agency and the Marine Ministerial Holding Corporation. | 19 20 |
| 2.19 | Public Finance and Audit (General) Regulation 1995 | 21 |
| | Clause 17 Definition of “authority” and “officer of an authority” | 22 |
| | Omit “Marine Ministerial Holding Corporation” from Part B of the Table to clause 17 (4). | 23 24 |
| | Explanatory note | 25 |
| | The proposed amendment is consequent on the proposed abolition of the Marine Ministerial Holding Corporation. | 26 27 |

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| 2.20 Rivers and Foreshores Improvement Act 1948 No 20 | 1 |
| [1] Section 3 Works within areas vested in Waterways Authority | 2 |
| Omit “Marine Ministerial Holding Corporation” wherever occurring. | 3 |
| Insert instead “Waterways Authority”. | 4 |
| [2] Section 22A Definitions | 5 |
| Omit “Marine Ministerial Holding Corporation” from paragraph (a) of the definition of <i>Constructing Authority</i> . | 6 |
| Insert instead “Waterways Authority”. | 7 |
| Explanatory note | 9 |
| The proposed amendments are consequent on the proposed abolition of the Marine Ministerial Holding Corporation. | 10 |
| | 11 |
| 2.21 Statutory and Other Offices Remuneration Act 1975 (1976 No 4) | 12 |
| Schedule 2 Public offices | 13 |
| Omit “Chairperson of the Prices Commission (being a full-time commissioner)” from Part 1 of Schedule 2. | 14 |
| | 15 |
| Explanatory note | 16 |
| The proposed amendment is consequent on the proposed abolition of the Prices Commission. | 17 |
| | 17 |
| 2.22 Sydney Harbour Foreshore Authority Act 1998 No 170 | 18 |
| Section 18 Management of land of other public authorities | 19 |
| Omit “Marine Ministerial Holding Corporation” from paragraph (b) of the definition of <i>public authority</i> in section 18 (5). | 20 |
| Insert instead “Waterways Authority”. | 21 |
| | 22 |
| Explanatory note | 23 |
| The proposed amendment is consequent on the proposed abolition of the Marine Ministerial Holding Corporation. | 24 |
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| Schedule 3 | Amendments by way of statute law revision | 1 |
| | | 2 |
| | (Section 3) | 3 |
| 3.1 | Children (Detention Centres) Act 1987 No 57 | 4 |
| [1] | Section 29 Application of Crimes (Administration of Sentences) Act 1999 to detainees | 5 |
| | Omit “Parts”. Insert instead “The provisions of Parts”. | 6 |
| | | 7 |
| [2] | Section 29 | 8 |
| | Omit “applies” where firstly occurring. Insert instead “apply”. | 9 |
| [3] | Section 29 | 10 |
| | Omit “it applies”. Insert instead “they apply”. | 11 |
| [4] | Section 29 | 12 |
| | Omit “that Part, and so applies as if in that Part”. | 13 |
| | Insert instead “those provisions, and so apply as if in those provisions”. | 14 |
| | Explanatory note | 15 |
| | The proposed amendments correct grammatical errors. | 16 |
| 3.2 | Conveyancing Act 1919 No 6 | 17 |
| [1] | Section 88B Creation and release of easements, profits à prendre and restrictions on use of land by plans | 18 |
| | Omit “88BA,” from section 88B (3) (c). | 19 |
| | | 20 |
| [2] | Section 88B (3) (d) | 21 |
| | Insert “88BA,” after “section”. | 22 |
| | Explanatory note | 23 |
| | The proposed amendments correct cross-references. | 24 |
| 3.3 | Crimes Act 1900 No 40 | 25 |
| [1] | The whole Act (except Part headings, Division, Subdivision and Schedule headings) | 26 |
| | Omit all italicised or capitalised headings. | 27 |
| | | 28 |

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Schedule 3 Amendments by way of statute law revision

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| [2] Section 4 Definitions | 1 |
| Omit section 4 (3). | 2 |
| [3] Part 3 Offences against the person | 3 |
| Insert after the heading to Part 3: | 4 |
| Division 1 Homicide | 5 |
| [4] Part 3, Division 2 | 6 |
| Insert before section 26: | 7 |
| Division 2 Conspiracy to murder | 8 |
| [5] Part 3, Division 3 | 9 |
| Insert before section 27: | 10 |
| Division 3 Attempts to murder | 11 |
| [6] Part 3, Division 4 | 12 |
| Insert before section 31: | 13 |
| Division 4 Documents containing threats | 14 |
| [7] Part 3, Division 5 | 15 |
| Insert before section 31A: | 16 |
| Division 5 Suicide | 17 |
| [8] Part 3, Division 6 | 18 |
| Insert before section 32: | 19 |
| Division 6 Acts causing danger to life or bodily harm | 20 |
| [9] Part 3, Division 7 | 21 |
| Insert before section 55: | 22 |
| Division 7 Possessing or making explosive etc with intent to injure the person | 23 |
| | 24 |

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| [10] | Part 3, Division 8 | 1 |
| | Insert before section 56: | 2 |
| | Division 8 Assaults on members of the clergy, officers and others | 3 |
| | | 4 |
| [11] | Part 3, Division 9 | 5 |
| | Insert before section 61: | 6 |
| | Division 9 Common assaults | 7 |
| [12] | Part 3, Division 10 | 8 |
| | Insert after section 61: | 9 |
| | Division 10 Offences in the nature of rape, offences relating to other acts of sexual assault etc | 10 |
| | | 11 |
| [13] | Part 3, Division 11 | 12 |
| | Insert before section 81C: | 13 |
| | Division 11 Misconduct with regard to corpses | 14 |
| [14] | Part 3, Division 12 | 15 |
| | Insert before section 82: | 16 |
| | Division 12 Attempts to procure abortion | 17 |
| [15] | Part 3, Division 13 | 18 |
| | Insert before section 85: | 19 |
| | Division 13 Concealing birth of a child | 20 |
| [16] | Part 3, Division 14 | 21 |
| | Insert before section 86: | 22 |
| | Division 14 Abduction | 23 |

Statute Law (Miscellaneous Provisions) Bill 2000

Schedule 3 Amendments by way of statute law revision

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| [17] Part 3, Division 15 | 1 |
| Insert before section 91C: | 2 |
| Division 15 Child prostitution and pornography | 3 |
| [18] Part 3, Division 16 | 4 |
| Insert before section 92: | 5 |
| Division 16 Bigamy | 6 |
| [19] Part 4 Offences relating to property | 7 |
| Insert before section 93J: | 8 |
| Subdivision 1 General | 9 |
| [20] Part 4, Division 1 | 10 |
| Insert before section 94: | 11 |
| Subdivision 2 Robbery | 12 |
| [21] Part 4, Division 1 | 13 |
| Insert before section 99: | 14 |
| Subdivision 3 Extortion etc by menace or threat | 15 |
| [22] Part 4, Division 1 | 16 |
| Insert before section 105A: | 17 |
| Subdivision 4 Sacrilege and housebreaking | 18 |
| [23] Section 114 Being armed with intent to commit indictable offence | 19 |
| Omit “a felony or misdemeanour” from section 114 (1) (d). | 20 |
| Insert instead “an indictable offence”. | 21 |

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| [24] | Part 4, Division 1 | 1 |
| | Insert before section 116: | 2 |
| | Subdivision 5 Larceny | 3 |
| [25] | Part 4, Division 1 | 4 |
| | Insert before section 155: | 5 |
| | Subdivision 6 Embezzlement or larceny | 6 |
| [26] | Part 4, Division 1 | 7 |
| | Insert before section 164: | 8 |
| | Subdivision 7 Frauds by factors and other agents | 9 |
| [27] | Part 4, Division 1 | 10 |
| | Insert before section 178A: | 11 |
| | Subdivision 8 Fraudulent misappropriation | 12 |
| [28] | Part 4, Division 1 | 13 |
| | Insert before section 178B: | 14 |
| | Subdivision 9 Valueless cheques | 15 |
| [29] | Part 4, Division 1 | 16 |
| | Insert before section 178BA: | 17 |
| | Subdivision 10 Obtaining money etc by deception | 18 |
| [30] | Part 4, Division 1 | 19 |
| | Insert before section 178BB: | 20 |
| | Subdivision 11 Obtaining money etc by false or misleading statements | 21 |
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| [31] Part 4, Division 1 | 1 |
| Insert before section 178C: | 2 |
| Subdivision 12 Obtaining credit by fraud | 3 |
| [32] Part 4, Division 1 | 4 |
| Insert before section 179: | 5 |
| Subdivision 13 False pretences | 6 |
| [33] Part 4, Division 1 | 7 |
| Insert before section 185A: | 8 |
| Subdivision 14 Fraudulent arrangements | 9 |
| [34] Part 4, Division 1 | 10 |
| Insert before section 186: | 11 |
| Subdivision 15 Corrupt rewards | 12 |
| [35] Part 4, Division 1 | 13 |
| Insert before section 187: | 14 |
| Subdivision 16 Receivers | 15 |
| [36] Section 310H Application of Part | 16 |
| Omit “Division”. Insert instead “Part”. | 17 |
| [37] Section 356E Determining reasonable time | 18 |
| Omit “section 424A” from section 356E (2) (g). | 19 |
| Insert instead “section 108 of the <i>Criminal Procedure Act 1986</i> ”. | 20 |
| [38] Section 356F Certain times to be disregarded in calculating investigation period | 21 |
| Omit “section 424A” from section 356F (1) (c). | 22 |
| Insert instead “section 108 of the <i>Criminal Procedure Act 1986</i> ”. | 23 |
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| [39] | Part 10B Powers of search, powers of entry and discharge of persons in custody | 1 |
| | Insert before section 357: | 2 |
| | | 3 |
| | Division 1 Powers of search | 4 |
| [40] | Part 10B, Division 2 | 5 |
| | Insert before section 357EA: | 6 |
| | Division 2 Powers of entry and search in cases of child prostitution or pornography | 7 |
| | | 8 |
| [41] | Part 10B, Division 3 | 9 |
| | Insert before section 357F: | 10 |
| | Division 3 Powers of entry in cases of domestic violence | 11 |
| [42] | Part 10B, Division 4 | 12 |
| | Insert before section 358B: | 13 |
| | Division 4 Disposal of property in the custody of the police | 14 |
| [43] | Part 10B, Division 5 | 15 |
| | Insert before section 358C: | 16 |
| | Division 5 Offence relating to escaped prisoners | 17 |
| [44] | Section 431A Life sentences | 18 |
| | Omit section 431A (6). | 19 |
| [45] | Part 14, heading | 20 |
| | Insert “Former provisions relating to” before “Offences”. | 21 |

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| [46] | Part 14A | 1 |
| | Insert after section 500: | 2 |
| | Part 14A Summary offences | 3 |
| | Division 1 Larceny and similar offences | 4 |
| [47] | Part 14A, Division 2 | 5 |
| | Insert after section 528: | 6 |
| | Division 2 Miscellaneous offences | 7 |
| [48] | Part 14A, Division 3 | 8 |
| | Insert after section 547C: | 9 |
| | Division 3 General | 10 |
| [49] | Part 14A, Division 4 | 11 |
| | Omit the heading to the Division. | 12 |
| [50] | Section 562BE Order must be made on guilty plea or guilt finding for certain offences | 13 |
| | Omit “section 556A” from section 562BE (4). | 14 |
| | Insert instead “section 10 of the <i>Crimes (Sentencing Procedure) Act 1999</i> ”. | 15 |
| | | 16 |
| [51] | Section 578A Prohibition of publication identifying victims of certain sexual offences | 17 |
| | Insert in alphabetical order in section 578A (1): | 18 |
| | | 19 |
| | <i>prescribed sexual offence</i> has the same meaning as in the | 20 |
| | <i>Criminal Procedure Act 1986</i> . | 21 |
| [52] | Tenth Schedule, clause 1 heading | 22 |
| | Insert before paragraph (a): | 23 |
| | 1 Offences punishable by the Supreme Court in its summary jurisdiction | 24 |
| | | 25 |

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| Explanatory note | 1 |
| The Parliamentary Counsel's Office, which is responsible for the compilation and maintenance of the New South Wales Legislation Database, is developing a new drafting and database system based on SGML (Standard Generalised Markup Language). | 2 |
| Items [1]–[22], [24]–[35], [39]–[43], [45]–[49] and [52] of the proposed amendments remove features of the <i>Crimes Act 1900</i> , namely certain capitalised and italicised headings, which are incompatible with SGML. | 3 |
| Item [23] of the proposed amendments updates a reference to felonies and misdemeanours, the distinction between which has been abolished. (See section 580E of the <i>Crimes Act 1900</i> , in particular section 580E (4), which provides for the construction of references to felonies and misdemeanours). | 4 |
| Items [36]–[38] and [50] of the proposed amendments update cross-references. | 5 |
| Item [44] of the proposed amendments omits a redundant subsection. | 6 |
| Item [51] of the proposed amendments inserts a reference to a definition in another Act. | 7 |
| | 8 |
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| | 14 |
| 3.4 Crimes (Administration of Sentences) Act 1999 No 93 | 15 |
| | |
| Section 8 Release from custody | 16 |
| Omit “that term” from section 8 (1). | 17 |
| Insert instead “the term of that sentence”. | 18 |
| Explanatory note | 19 |
| The proposed amendment corrects a grammatical error. | 20 |
| 3.5 Crimes Legislation Amendment (Sentencing) Act 1999 No 94 | 21 |
| | |
| [1] Schedule 2 Amendment of Criminal Procedure Act 1986 | 22 |
| Omit “New section 4 (3)” from Schedule 2 [3]. | 23 |
| Insert instead “New section 10 (3)”. | 24 |
| [2] Schedule 2 [4] | 25 |
| Omit “New section 4 (4)”. Insert instead “New section 10 (4)”. | 26 |
| [3] Schedule 2 [6] | 27 |
| Omit “Parts 2–12”. Insert instead “Parts 2–13”. | 28 |
| [4] Schedule 2 [31] | 29 |
| Omit “ <i>Traffic Act 1900</i> ”. Insert instead “ <i>Traffic Act 1909</i> ”. | 30 |
| [5] Schedule 2 [68] | 31 |
| Omit proposed Division 3 of Part 4 of Schedule 2 to the <i>Criminal Procedure Act 1986</i> . | 32 |
| | 33 |

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| [6] Schedule 3 Amendment of Crimes Act 1900 | 1 |
| Omit “Sections 189 and 351” from Schedule 3 [42]. | 2 |
| Insert instead “Section 189”. | 3 |
| [7] Schedule 4 Amendment of other Acts and instruments | 4 |
| Omit “section 26 (6) (9)” from Schedule 4.69 [9]. | 5 |
| Insert instead “section 26A”. | 6 |
| [8] Schedule 4.76 | 7 |
| Omit “Form 4”. Insert instead “Form 5”. | 8 |
| [9] Schedule 5 Further amendment of other Acts and instruments with respect to abolition of penal servitude | 9 |
| Omit “Motor Accidents Compensation Act 1989 No 102” from Part 2. | 11 |
| Insert instead “Motor Accidents Compensation Act 1999 No 41”. | 12 |
| Explanatory note | 13 |
| Items [1]–[3], [7] and [8] of the proposed amendments correct incorporating directions. | 14 |
| Item [5] of the proposed amendments omits superfluous uncommenced matter. | 15 |
| Item [6] of the proposed amendments omits a superfluous amendment. | 16 |
| Items [4] and [9] of the proposed amendments correct references to Acts. | 17 |
| 3.6 Criminal Procedure Act 1986 No 209 | 18 |
| [1] Section 35 Definitions and application | 19 |
| Omit “Part 9A” wherever occurring in subparagraph (a) (ii) of the definitions of <i>back up offence</i> and <i>related offence</i> . | 20 |
| Insert instead “Division 3”. | 21 |
| | 22 |
| [2] Section 147 Interpretation | 23 |
| Omit “section 58” from the definition of <i>protected confidence</i> in section 147 (1). | 24 |
| Insert instead “section 148”. | 25 |
| | 26 |
| Explanatory note | 27 |
| The proposed amendments correct cross-references. | 28 |

| | |
|---|----------|
| 3.7 Electricity Supply Act 1995 No 94 | 1 |
| Section 43 Negotiated customer service contracts | 2 |
| Omit “clause” from section 43 (1). Insert instead “section”. | 3 |
| Explanatory note | 4 |
| The proposed amendment corrects a reference to a provision. | 5 |
| 3.8 Geographical Names Act 1966 No 13 | 6 |
| Section 5 Powers and functions of board | 7 |
| Omit “aboriginal words” from section 5 (g). | 8 |
| Insert instead “Aboriginal words”. | 9 |
| Explanatory note | 10 |
| The proposed amendment capitalises a word to achieve consistency with the rest of the statute book. | 11 12 |
| 3.9 Googong Dam Catchment Area Act 1975 No 4 | 13 |
| Section 5 Regulations | 14 |
| Omit “workmen’s” from section 5 (1) (e). | 15 |
| Insert instead “workers”. | 16 |
| Explanatory note | 17 |
| The proposed amendment replaces a gender-specific term with a gender-neutral term. | 18 |
| 3.10 Health Insurance Levies Act 1982 No 159 | 19 |
| Schedule 3 Transitional provisions | 20 |
| Omit “(Further Amendments)” from the heading to Part 3. | 21 |
| Insert instead “(Further Amendment)”. | 22 |
| Explanatory note | 23 |
| The proposed amendment corrects a reference to an Act. | 24 |

| | | |
|-------------|--|----|
| 3.11 | Homebush Bay Operations Act 1999 No 77 | 1 |
| | Schedule 4 Amendment of Acts | 2 |
| | Omit “Clause 3” from Schedule 4.3. | 3 |
| | Insert instead “Section 3”. | 4 |
| | Explanatory note | 5 |
| | The proposed amendment corrects an incorporating direction. | 6 |
| 3.12 | Liquor Act 1982 No 147 | 7 |
| [1] | Section 68 Grounds for complaint | 8 |
| | Omit “or” where lastly occurring in section 68 (1) (j). | 9 |
| [2] | Section 68 (1) | 10 |
| | Renumber section 68 (1) (k) (as inserted by the <i>Gambling Legislation Amendment (Responsible Gambling) Act 1999</i>) as section 68 (1) (l). | 11 |
| | | 12 |
| | Explanatory note | 13 |
| | The proposed amendments correct a duplication of paragraph numbering. | 14 |
| 3.13 | Marine Safety Act 1998 No 121 | 15 |
| | Schedule 1 Alcohol and drugs—breath analysis and related matters | 16 |
| | Omit “Maximum penalty: 10 penalty units.” from clause 22 (3). | 17 |
| | Explanatory note | 18 |
| | The proposed amendment omits a superfluous reference to a penalty from a provision about defences. | 19 |
| | | 20 |
| 3.14 | Mining Act 1992 No 29 | 21 |
| | Section 281B Compensation payable by holders of authority | 22 |
| | Omit “section 24MD or 24NA (as the case requires) (4) (b) (i)”. | 23 |
| | Insert instead “section 24MD (4) (b) (i) or 24NA (as the case requires)”. | 24 |
| | Explanatory note | 25 |
| | The proposed amendment corrects a cross-reference. | 26 |

| | | |
|-------------|---|----|
| 3.15 | Motor Accidents Compensation Act 1999 No 41 | 1 |
| | [1] Section 3 Definitions | 2 |
| | Omit “under that Act” from the definition of <i>road</i> . | 3 |
| | Insert instead “under the <i>Road Transport (General) Act 1999</i> ”. | 4 |
| | [2] Schedule 4 Consequential amendment of other Acts | 5 |
| | Omit “ Section 37 (3) ” from Schedule 4.9 [3]. | 6 |
| | Insert instead “ Section 140 (3) (b) ”. | 7 |
| | Explanatory note | 8 |
| | Item [1] of the proposed amendments corrects a reference to the Act under which certain instruments are now made. | 9 |
| | | 10 |
| | Item [2] of the proposed amendments corrects an incorporation direction. | 11 |
| 3.16 | National Parks and Wildlife Act 1974 No 80 | 12 |
| | Schedule 3 Savings, transitional and other provisions | 13 |
| | Omit “aboriginal area” from clause 7 (6). | 14 |
| | Insert instead “Aboriginal area”. | 15 |
| | Explanatory note | 16 |
| | The proposed amendment capitalises a word to achieve consistency with the rest of the statute book. | 17 |
| | | 18 |
| 3.17 | Plantations and Reafforestation Act 1999 No 97 | 19 |
| | Schedule 2 Amendment of other Acts | 20 |
| | Omit “ Parks ” from the heading to Schedule 2.4. | 21 |
| | Insert instead “ Park ”. | 22 |
| | Explanatory note | 23 |
| | The proposed amendment corrects a reference to an Act. | 24 |
| 3.18 | Ports Corporatisation and Waterways Management Act 1995 No 13 | 25 |
| | | 26 |
| | Section 18 and Schedule 5, clause 10 | 27 |
| | Omit “ <i>State Owned Corporation Act 1989</i> ” wherever occurring. | 28 |
| | Insert instead “ <i>State Owned Corporations Act 1989</i> ”. | 29 |
| | Explanatory note | 30 |
| | The proposed amendment corrects a reference to an Act. | 31 |

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|-------------|---|----|
| 3.19 | Prices Regulation Act 1948 No 26 | 1 |
| | Section 3A Act not to apply to government monopoly services | 2 |
| | Omit “ <i>Government Pricing Tribunal Act 1992</i> ”. | 3 |
| | Insert instead “ <i>Independent Pricing and Regulatory Tribunal Act 1992</i> ”. | 4 |
| | Explanatory note | 5 |
| | The proposed amendment updates a reference to an Act. | 6 |
| 3.20 | Road Transport (Driver Licensing) Act 1998 No 99 | 7 |
| [1] | Section 25A Offences committed by disqualified drivers or drivers whose licenses are suspended or cancelled | 8 |
| | Omit “an offence against this section” from section 25A (6) (a). | 9 |
| | Insert instead “any offence under subsection (1), (2) or (3) (a)”. | 10 |
| | | 11 |
| [2] | Section 25A (6) (b) (ii) | 12 |
| | Omit “section 6 (1C)”. Insert instead “section 6 (1C) or 7A”. | 13 |
| [3] | Section 25A (10) | 14 |
| | Omit “subsection (1)” wherever occurring. | 15 |
| | Insert instead “subsection (1), (2) or (3) (a)”. | 16 |
| | Explanatory note | 17 |
| | Item [1] of the proposed amendments clarifies the operation of a provision. | 18 |
| | Items [2] and [3] of the proposed amendments correct cross-references that were not reproduced when the substantive provisions of section 7A of the <i>Traffic Act 1909</i> were re-enacted as section 25A of the <i>Road Transport (Driver Licensing) Act 1998</i> . | 19 |
| | | 20 |
| | | 21 |
| 3.21 | Road Transport Legislation Amendment Act 1999 No 19 | 22 |
| | Schedule 4 Other amendment of Acts | 23 |
| | Omit “ <i>Road Transport (Driver Licensing) Act 1998</i> ” from Schedule 4.1 [11]. | 24 |
| | Insert instead “ <i>Road Transport Legislation Amendment Act 1999</i> ”. | 25 |
| | Explanatory note | 26 |
| | The proposed amendment corrects a reference to an amending Act in a savings provision consequent on the enactment of that Act. | 27 |
| | | 28 |

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|-------------|---|----|
| 3.22 | Road Transport (Safety and Traffic Management) Act 1999 No 20 | 1 |
| | Section 46 Certificates concerning use of approved speed measuring devices | 2 |
| | | 3 |
| | Omit “approved speed recording devices” from paragraph (a) of the definition of <i>appropriate officer</i> in section 46 (3). | 4 |
| | | 5 |
| | Insert instead “approved speed measuring devices”. | 6 |
| | Explanatory note | 7 |
| | The proposed amendment corrects a reference to a defined term. | 8 |
| 3.23 | Statute Law (Miscellaneous Provisions) Act (No 2) 1997 No 147 | 9 |
| | Schedule 1 Minor amendments | 10 |
| | Omit Schedule 1.7. | 11 |
| | Explanatory note | 12 |
| | The proposed amendment omits redundant (uncommenced) amendments to the <i>Evidence Act 1995</i> . (The amendments have been superseded by the amendments made to the Dictionary to that Act by Schedule 1 to this Act.) | 13 |
| | | 14 |
| | | 15 |
| 3.24 | Strata Schemes Legislation Amendment (Strata Approvals) Act 1999 No 74 | 16 |
| | | 17 |
| [1] | Schedule 1 Amendment of Strata Schemes (Freehold Development) Act 1973 No 68 | 18 |
| | | 19 |
| | Insert “wherever occurring” before “from” in Schedule 1 [24]. | 20 |
| [2] | Schedule 2 Amendment of Strata Schemes (Leasehold Development) Act 1986 No 219 | 21 |
| | | 22 |
| | Insert “wherever occurring” before “from” in Schedule 2 [24]. | 23 |
| | Explanatory note | 24 |
| | The proposed amendments correct incorporation directions. | 25 |

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|-------------|---|----|
| 3.25 | Superannuation Legislation Further Amendment Act 1999 No 86 | 1 |
| [1] | Schedule 1 Amendments relating to closure of Public Sector Executives Superannuation Scheme | 2 |
| | Omit Schedule 1.8 [9]. Insert instead: | 3 |
| | [9] Section 20AB (4) | 4 |
| | Omit “eligible to become or being a member of the Public Sector Executives Superannuation Scheme”. | 5 |
| | Insert instead “an executive officer”. | 6 |
| [2] | Schedule 1.8 [11] | 7 |
| | Insert after Schedule 1.8 [10]: | 8 |
| | [11] Section 52IA (1) | 9 |
| | Omit “eligible to become or who is a member of the Public Sector Executives Superannuation Scheme”. | 10 |
| | Insert instead “an executive officer”. | 11 |
| | Explanatory note | 12 |
| | The proposed amendments correct incorporation directions. | 13 |
| 3.26 | Supreme Court Act 1970 No 52 | 14 |
| [1] | Section 69C Stay of execution of conviction, order or sentence pending review | 15 |
| | Omit “a notice of appeal is given in accordance with this Division” from section 69C (2). | 16 |
| | Insert instead “proceedings seeking judicial review are commenced”. | 17 |
| [2] | Section 69C (3) | 18 |
| | Omit “an appellant”. Insert instead “a person (the <i>claimant</i>)”. | 19 |
| [3] | Section 69C (3) | 20 |
| | Omit “the appeal is made”. | 21 |
| | Insert instead “proceedings seeking judicial review are commenced”. | 22 |
| [4] | Section 69C (3) | 23 |
| | Omit “the appellant”. Insert instead “the claimant”. | 24 |
| [5] | Section 69C (4) | 25 |
| | Omit “appeal is”. Insert instead “proceedings for judicial review are”. | 26 |

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|---|-----------------------------------|
| Commencement | 1 |
| The amendments to the <i>Supreme Court Act 1970</i> are taken to have commenced on 1 March 1999. | 2 3 |
| Explanatory note | 4 |
| Section 69C of the <i>Supreme Court Act 1970</i> imposes a stay of execution on a conviction or order imposed by a Local Court that is the subject of appeal proceedings in the District Court if proceedings are taken in the Supreme Court for judicial review of a determination made by the District Court. The section commenced on 1 March 1999. The proposed amendments to that section change references to appeals and other language related to appeals to terms related to proceedings for judicial review, so as to reflect the kind of proceedings in which the stay arises. | 5 6 7 8 9 10 11 |
| 3.27 Threatened Species Conservation Act 1995 No 101 | 12 |
| [1] Schedule 1 Endangered species, populations and ecological communities | 13 14 |
| Insert an asterisk before the following entry appearing under the subheadings “Animals”, “Vertebrates”, “Amphibians” and “Hylidae” in Part 1: | 15 16 |
| <i>Litoria castanea</i> (Steindachner, 1867) | 17 |
| [2] Schedule 1, Part 1, Animals, Vertebrates | 18 |
| Insert an asterisk before each of the following entries appearing under the subheadings “Amphibians” and “Myobatrachidae”: | 19 20 |
| <i>Mixophyes iteratus</i> Straughan, 1968 | 21 |
| <i>Pseudophryne corroboree</i> Moore, 1953 | 22 |
| [3] Schedule 1, Part 1, Animals, Vertebrates | 23 |
| Insert an asterisk before the following entry appearing under the subheadings “Reptiles” and “Agamidae”: | 24 25 |
| <i>Tympanocryptis lineata pinguicollis</i> Mitchell, 1948 | 26 |
| [4] Schedule 1, Part 1 Animals, Vertebrates | 27 |
| Insert “Centralian Ranges Rock-skink” alongside “ <i>Egernia margaretae</i> Storr, 1968” under the subheadings “Reptiles” and “Scincidae”. | 28 29 |
| [5] Schedule 1, Part 1, Animals, Vertebrates | 30 |
| Insert an asterisk before the following entry appearing under the subheadings “Reptiles” and “Scincidae”: | 31 32 |
| <i>Eulamprus leuraensis</i> Wells & Wellington, 1984 | 33 |

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|-------------|--|----|
| [6] | Schedule 1, Part 1, Animals, Vertebrates | 1 |
| | Omit the asterisk appearing before the following entry appearing under the subheadings “Reptiles” and “Elapidae”: | 2 |
| | | 3 |
| | <i>Hoplocephalus bungaroides</i> (Schlegel, 1837) | 4 |
| [7] | Schedule 1, Part 1, Animals, Vertebrates | 5 |
| | Insert “Interior Blind Snake” alongside “ <i>Ramphotyphlops endoterus</i> (Waite, 1918)” under the subheadings “Reptiles” and “Typhlopidae”. | 6 |
| | | 7 |
| [8] | Schedule 1, Part 1, Animals, Vertebrates | 8 |
| | Omit the asterisk appearing before the matter relating to <i>Leipoa ocellata</i> Gould, 1840 under the subheadings “Birds” and “Megapodiidae”. | 9 |
| | | 10 |
| [9] | Schedule 1, Part 1, Animals, Vertebrates | 11 |
| | Omit the asterisk appearing before the following entry appearing under the subheadings “Birds” and “Laridae”: | 12 |
| | | 13 |
| | <i>Sterna albifrons</i> Pallas, 1764 | 14 |
| [10] | Schedule 1, Part 1, Animals, Vertebrates | 15 |
| | Insert an asterisk before the following entry appearing under the subheadings “Birds” and “Pardalotidae”: | 16 |
| | | 17 |
| | <i>Dasyornis brachypterus</i> (Latham, 1801) | 18 |
| [11] | Schedule 1, Part 1, Animals, Vertebrates | 19 |
| | Insert an asterisk before the following entry appearing under the subheadings “Mammals” and “Muridae”: | 20 |
| | | 21 |
| | <i>Pseudomys fumeus</i> Brazenor, 1934 | 22 |
| [12] | Schedule 1, Part 1, Plants | 23 |
| | Omit “* <i>Psoralea parva</i> F. Muell.” from under the subheading “Fabaceae”. | 24 |
| | Insert in alphabetical order under that subheading: | 25 |
| | * <i>Cullen parvum</i> (F. Muell.) J. W. Grimes | 26 |
| [13] | Schedule 1, Part 1, Plants | 27 |
| | Omit “ <i>Stipa nullanulla</i> J. Everett & S.W.L. Jacobs” from under the subheading “Poaceae”. | 28 |
| | | 29 |
| | Insert in alphabetical order under that subheading: | 30 |
| | <i>Austrostipa nullanulla</i> (J. Everett & S.W.L. Jacobs) S.W.L. Jacobs & J. Everett | 31 |
| | | 32 |

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| [14] Schedule 1, Part 1, Plants | 1 |
| Omit “* <i>Stipa wakoolica</i> Vickery, S.W.L. Jacobs & J. Everett” from under the subheading “Poaceae”. | 2 |
| Insert in alphabetical order under that subheading: | 3 |
| * <i>Austrostipa wakoolica</i> (Vickery, S.W.L. Jacobs & J. Everett) | 4 |
| S.W.L. Jacobs & J. Everett | 5 |
| [15] Schedule 1, Part 1, Plants | 6 |
| Omit “* <i>Hakea</i> sp. B Kowmung River (M. Doherty 17–24)” from under the subheading “Proteaceae”. | 7 |
| Insert in alphabetical order under that subheading: | 8 |
| * <i>Hakea dohertyi</i> Haegi | 9 |
| [16] Schedule 1, Part 4 Species presumed extinct | 10 |
| Omit “* <i>Trianthema cypseloides</i> (Fenzl) Benth.” from under the subheadings “Plants” and “Aizoaceae”. | 11 |
| Insert instead: | 12 |
| * <i>Trianthema cypseleoides</i> (Fenzl) Benth. | 13 |
| [17] Schedule 2 Vulnerable species | 14 |
| Insert an asterisk before each of the following entries appearing under the subheadings “Animals”, “Vertebrates”, “Amphibians” and “Hylidae”: | 15 |
| <i>Litoria olongburensis</i> Liem & Ingram, 1977 | 16 |
| <i>Litoria piperata</i> Tyler & Davies, 1985 | 17 |
| [18] Schedule 2, Animals, Vertebrates | 18 |
| Insert an asterisk before each of the following entries appearing under the subheadings “Amphibians” and “Myobatrachidae”: | 19 |
| <i>Heleioporus australiacus</i> (Shaw & Nodder, 1795) | 20 |
| <i>Mixophyes balbus</i> Straughan, 1968 | 21 |
| <i>Pseudophryne pengilleyi</i> Wells and Wellington, 1985 | 22 |
| [19] Schedule 2 Animals, Vertebrates | 23 |
| Omit the matter relating to <i>Elseya</i> sp. (Namoi and Gwydir Rivers) from under the subheadings “Reptiles” and “Chelidae”. | 24 |
| Insert instead: | 25 |
| <i>Elseya belli</i> (Gray, 1844) Bell’s Turtle | 26 |
| | 27 |
| | 28 |
| | 29 |
| | 30 |
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| [20] Schedule 2, Animals, Vertebrates | 1 |
| Omit “ <i>Emydura macquarii</i> (Gray, 1830) (Bellinger River Form)” from under the subheadings “Reptiles” and “Chelidae”. | 2 |
| Insert instead: | 3 |
| | 4 |
| <i>Emydura macquarii</i> (Gray, 1830) (Bellinger River) | 5 |
| [21] Schedule 2, Animals, Vertebrates | 6 |
| Insert an asterisk before each of the following entries appearing under the subheadings “Reptiles” and “Gekkonidae”: | 7 |
| | 8 |
| <i>Christinus guentheri</i> (Boulenger, 1885) | 9 |
| <i>Underwoodisaurus sphyrurus</i> (Ogilby, 1892) | 10 |
| [22] Schedule 2, Animals, Vertebrates | 11 |
| Insert an asterisk before the following entry appearing under the subheadings “Reptiles” and “Pygopodidae”: | 12 |
| | 13 |
| <i>Aprasia parapulchella</i> Kluge, 1974 | 14 |
| [23] Schedule 2, Animals, Vertebrates | 15 |
| Insert an asterisk before each of the following entries appearing under the subheadings “Reptiles” and “Scincidae”: | 16 |
| | 17 |
| <i>Coeranoscincus reticulatus</i> (Gunther, 1873) | 18 |
| <i>Pseudemoia lichenigera</i> (O’Shaughnessy, 1874) | 19 |
| [24] Schedule 2, Animals, Vertebrates | 20 |
| Insert an asterisk before the following entry appearing under the subheadings “Birds” and “Diomedeidae”: | 21 |
| | 22 |
| <i>Phoebetria fusca</i> (Hilsenberg, 1822) | 23 |
| [25] Schedule 2, Animals, Vertebrates | 24 |
| Insert an asterisk before the following entry appearing under the subheadings “Birds” and “Psittacidae”: | 25 |
| | 26 |
| <i>Polytelis swainsonii</i> (Desmarest, 1826) | 27 |
| [26] Schedule 2, Animals, Vertebrates | 28 |
| Insert an asterisk before the following entry appearing under the subheadings “Birds” and “Maluridae”: | 29 |
| | 30 |
| <i>Stipiturus mallee</i> Campbell, 1908 | 31 |

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|---|----|
| [27] Schedule 2, Animals, Vertebrates | 1 |
| Omit the asterisk appearing before the following entry appearing under the subheadings “Mammals” and “Burramyidae”: | 2 |
| | 3 |
| <i>Burramys parvus</i> Broom, 1896 | 4 |
| [28] Schedule 2, Animals, Vertebrates | 5 |
| Insert an asterisk before each of the following entries appearing under the subheadings “Marine mammals” and “Balaenopteridae”: | 6 |
| | 7 |
| <i>Balaenoptera borealis</i> Lesson, 1828 | 8 |
| <i>Balaenoptera physalus</i> (Linnaeus, 1758) | 9 |
| <i>Megaptera novaeangliae</i> (Borowski, 1781) | 10 |
| [29] Schedule 2, Plants | 11 |
| Omit “* <i>Ozothamnus tessellatus</i> (Maiden & R. Barker) Anderberg” from under the subheading “Asteraceae”. | 12 |
| Insert instead: | 13 |
| | 14 |
| <i>*Ozothamnus tessellatus</i> (Maiden & R. Barker) Anderberg | 15 |
| [30] Schedule 2, Plants | 16 |
| Omit “* <i>Stipa metatoris</i> J. Everett & S.W.L. Jacobs” from under the subheading “Poaceae”. | 17 |
| | 18 |
| Insert in alphabetical order under that subheading: | 19 |
| | 20 |
| <i>*Austrostipa metatoris</i> (J. Everett & S.W.L. Jacobs) S.W.L. Jacobs & J. Everett | 21 |
| [31] Schedule 2, Plants | 22 |
| Omit “* <i>Hakea</i> sp. Manning River SF—Broken Bago SF (P. Hind 4662)” from under the subheading “Proteaceae”. | 23 |
| | 24 |
| Insert in alphabetical order under that subheading: | 25 |
| | 26 |
| <i>Hakea archaeoides</i> W.R. Barker | 26 |
| [32] Schedule 2, Plants | 27 |
| Omit “* <i>Restio longipes</i> L.A.S. Johnson & O.D. Evans” from under the subheading “Restionaceae”. | 28 |
| | 29 |
| Insert instead: | 30 |
| | 31 |
| <i>*Baloskion longipes</i> (L.A.S. Johnson & O.D. Evans) B.G. Briggs & L.A.S. Johnson | 31 |
| | 32 |

Statute Law (Miscellaneous Provisions) Bill 2000

Schedule 3 Amendments by way of statute law revision

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| Explanatory note | 1 |
| Schedule 1 to the <i>Threatened Species Conservation Act 1995</i> contains lists of endangered species, populations and ecological communities and species presumed extinct. Schedule 2 lists vulnerable species. | 2 |
| Items [4] and [7] of the proposed amendments include the common name of a species. | 3 |
| Items [12]–[15], [19], [20] and [30]–[32] of the proposed amendments reflect a change in the classification of a species. | 4 |
| Items [16] and [29] of the proposed amendments correct spelling mistakes. | 5 |
| Species that are listed in the analogous Schedules to the <i>Endangered Species Protection Act 1992</i> of the Commonwealth are marked with an asterisk. The Commonwealth Act has been amended. | 6 |
| Items [1]–[3], [5], [10], [11], [17], [18], [21]–[26] and [28] of the proposed amendments insert appropriate asterisks. Items [6]–[9] and [27] of the proposed amendments omit inappropriate asterisks. | 7 |
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| | 14 |
| 3.28 Transport Administration Act 1988 No 109 | 15 |
| Section 46 Constitution of RTA | 16 |
| Omit “ <i>Traffic Act 1909</i> ” from section 46 (2) (a). | 17 |
| Insert instead “ <i>Road Transport (General) Act 1999</i> ”. | 18 |
| Explanatory note | 19 |
| The proposed amendment updates a reference to a repealed Act. | 20 |
| 3.29 Transport Appeal Boards Act 1980 No 104 | 21 |
| Section 7 Term of office of Chairperson and Vice-Chairperson | 22 |
| Omit “the <i>Public Service Act 1979</i> ” from section 7 (2). | 23 |
| Insert instead “Part 2 of the <i>Public Sector Management Act 1988</i> ”. | 24 |
| Explanatory note | 25 |
| The proposed amendment updates a reference to an Act. | 26 |
| 3.30 Water Act 1912 No 44 | 27 |
| Section 12 Licence | 28 |
| Omit “, except” from section 12 (2) (b). Insert instead “except”. | 29 |
| Explanatory note | 30 |
| The amendment removes an unnecessary comma. | 31 |

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| 3.31 | Water Legislation Amendment Act 1999 No 98 | 1 |
| | Schedule 4 Amendment of other Acts | 2 |
| | Omit Schedule 4.3. | 3 |
| | Explanatory note | 4 |
| | Schedule 4.3 to the <i>Water Legislation Amendment Act 1999</i> is an uncommenced amendment that omits clause 6 of Schedule 2 to the <i>Water Administration Act 1986</i> . The amendment is no longer appropriate because it was merely consequential on proposed amendments to section 7 of the <i>Water Act 1912</i> that were removed before the enactment of the amending Act. | 5 6 7 8 |

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| Schedule 4 | Amendments transferring provisions | 1 |
| | (Section 3) | 2 |
| 4.1 | Dairy Industry Act 1979 No 208 | 3 |
| [1] | Schedule 5 Savings and transitional provisions | 4 |
| | Insert at the beginning of the list of Acts in clause 16A (1): | 5 |
| | <i>Dairy Industry (Amendment) Act 1983</i> | 6 |
| [2] | Schedule 5, clause 16B | 7 |
| | Insert before clause 17: | 8 |
| 16B | Dairy Industry (Amendment) Act 1983 | 9 |
| | (1) An appointment of an authorised agent under section 19 and in force immediately before 6 January 1984 is taken to be an appointment under section 19, as substituted by the amending Act. | 10 11 12 |
| | (2) This clause is taken to have commenced on 31 December 1983 (the date of assent to the amending Act). | 13 14 |
| | (3) Subclause (1) re-enacts (with minor modifications) clause 7 of Schedule 3 to the amending Act. Subclause (1) is a transferred provision to which section 30A of the <i>Interpretation Act 1987</i> applies. | 15 16 17 18 |
| | (4) In this clause: | 19 |
| | <i>amending Act</i> means the <i>Dairy Industry (Amendment) Act 1983</i> . | 20 |
| | Explanatory note | 21 |
| | The proposed amendments insert into Schedule 5 (Savings and transitional provisions) to the <i>Dairy Industry Act 1979</i> the substance of a savings provision (of possible ongoing effect) contained in the <i>Dairy Industry (Amendment) Act 1983</i> . The enactment of the amendments enables the repeal, by Schedule 5 to this Act, of that Act. In accordance with section 30A of the <i>Interpretation Act 1987</i> , the transfer of the provision does not affect the operation (if any) or meaning of the provision. | 22 23 24 25 26 27 |
| 4.2 | Library Act 1939 No 40 | 28 |
| [1] | Section 4 Appointment and procedure | 29 |
| | Omit “The Schedule” from section 4 (2). Insert instead “Schedule 1”. | 30 |

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| [2] Section 17 | 1 |
| Insert after section 16: | 2 |
| 17 Savings and transitional provisions | 3 |
| Schedule 2 has effect. | 4 |
| [3] Schedule Composition and procedure of the Council | 5 |
| Rename the Schedule as Schedule 1. | 6 |
| [4] Schedule 2 | 7 |
| Insert after Schedule 1 (as renamed by item [3]): | 8 |
| Schedule 2 Savings and transitional provisions | 9 |
| | (Section 17) 10 |
| 1 Savings and transitional provisions consequent on enactment of Library (Amendment) Act 1975 | 11 |
| | 12 |
| (1) A reference, in any other Act, in any instrument made under any Act or in any document of any kind: | 13 |
| (a) to The Trustees of the Public Library of New South Wales, the Library Board of New South Wales or the Council of the Library of New South Wales is to be read as a reference to the Council, and | 14 |
| (b) to the Principal Librarian of the Public Library of New South Wales is to be read as a reference to the State Librarian, and | 15 |
| (c) to the Public Library of New South Wales or the Library of New South Wales is to be read as a reference to the State Library. | 16 |
| (2) Officers and employees appointed or employed under the <i>Library of New South Wales Act 1969</i> , are taken to have been appointed or employed under this Act, as amended by the amending Act, and the repeal of the <i>Library of New South Wales Act 1969</i> does not affect any rights, privileges or entitlements accrued or accruing to those officers or employees under any other Act, award or industrial agreement. | 17 |
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| (3) On and from 1 July 1975 (the date of commencement of this clause): | 1 2 |
| (a) subject to subclause (4), all real and personal property, all right and interest in that property and all management and control of that property that, immediately before that date, was vested in or belonged to either of the former bodies is to vest in and belong to the Council, and | 3 4 5 6 7 |
| (b) all money and liquidated and unliquidated claims that, immediately before that date, were payable to or recoverable by either of the former bodies is to be payable to or recoverable by the Council, and | 8 9 10 11 |
| (c) all proceedings commenced before that date by either of the former bodies and pending immediately before that date are taken to be proceedings pending on that date by the Council and all proceedings so commenced by any person against either of the former bodies and pending immediately before that date are taken to be proceedings pending on that date by that person against the Council, and | 12 13 14 15 16 17 18 19 |
| (d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, either of the former bodies and in force immediately before that date are taken to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the Council, and | 20 21 22 23 24 25 |
| (e) the Council may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of money and claims referred to in this subclause and for the prosecution of proceedings so referred to as either of the former bodies might have done but for the enactment of the amending Act, and | 26 27 28 29 30 31 32 |
| (f) the Council may enforce and realise any security or charge existing immediately before that date in favour of either of the former bodies and may exercise any powers conferred on either of the former bodies by the security or charge as if the security or charge were a security or charge in favour of the Council, and | 33 34 35 36 37 38 |

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| (g) | all debts, money and claims, liquidated and unliquidated, that, immediately before that date, were due or payable by, or recoverable against, either of the former bodies are to be debts due by, money payable by and claims recoverable against, the Council, and | 1 2 3 4 5 |
| (h) | all liquidated and unliquidated claims for which either of the former bodies would, but for the enactment of the amending Act, have been liable are to be liquidated and unliquidated claims for which the Council is to be liable. | 6 7 8 9 |
| (4) | All property vested in or belonging to the Council by the operation of subclause (3) (a) is to be held by the Council subject to any conditions on which it was held immediately before 1 July 1975. | 10 11 12 |
| (5) | No attornment to the Council by a lessee from either of the former bodies is to be required. | 13 14 |
| (6) | All acts, matters and things done or omitted by, or done or suffered in relation to, either of the former bodies before the commencement of this clause, being acts, matters and things not referred to in subclause (3), on and from that commencement, have the same force and effect as if they had been done or omitted by, or done or suffered in relation to, the Council. | 15 16 17 18 19 20 |
| (7) | This clause is taken to have commenced on 1 July 1975 (the date of commencement of the amending Act). | 21 22 |
| (8) | Subclauses (1)–(6) re-enact (with minor modifications) sections 7–9 of the amending Act. Subclauses (1)–(6) are transferred provisions to which section 30A of the <i>Interpretation Act 1987</i> applies. | 23 24 25 26 |
| (9) | In this clause: <i>amending Act</i> means the <i>Library (Amendment) Act 1975</i> . <i>former bodies</i> means The Council of the Library of New South Wales and the Library Board of New South Wales. | 27 28 29 30 |

Explanatory note

The proposed amendments insert Schedule 2 (Savings and transitional provisions) into the *Library Act 1939*. The Schedule includes the substance of savings and transitional provisions (of possible ongoing effect) contained in the *Library (Amendment) Act 1975*. The enactment of the amendments enables the repeal, by Schedule 5 to this Act, of that Act. In accordance with section 30A of the *Interpretation Act 1987*, the transfer of the provisions does not affect the operation (if any) or meaning of the provisions.

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| 4.3 | Stock Diseases Act 1923 No 34 | 1 |
| | Schedule 2 Savings, transitional and other provisions | 2 |
| | Insert after clause 1: | 3 |
| Part 1AA | Provision consequent on enactment of Stock Diseases (Swine Branding) Amendment Act 1981 | 4 5 6 |
| 1AA | Savings provision | 7 |
| | (1) Where the <i>Swine Branding Act 1940</i> , an instrument made under that Act or any provision of that Act or of any such instrument is referred to in any other Act or any instrument made under any other Act, the reference is, on and from 1 July 1983, to extend to this Act, as in force for the time being, to any corresponding instrument made under this Act, as so in force, or to any corresponding provision of this Act or of an instrument made under this Act, as so in force. | 8 9 10 11 12 13 14 15 |
| | (2) This clause is taken to have commenced on 22 April 1981 (the date of assent to the amending Act). | 16 17 |
| | (3) Subclause (1) re-enacts (with minor modifications) clause 10 of Schedule 5 to the amending Act. Subclause (1) is a transferred provision to which section 30A of the <i>Interpretation Act 1987</i> applies. | 18 19 20 21 |
| | (4) In this clause: <i>amending Act</i> means the <i>Stock Diseases (Swine Branding) Amendment Act 1981</i> . | 22 23 24 |
| | Explanatory note | 25 |
| | The proposed amendment inserts into Schedule 2 (Savings, transitional and other provisions) to the <i>Stock Diseases Act 1923</i> the substance of a savings provision (of possible ongoing effect) contained in the <i>Stock Diseases (Swine Branding) Amendment Act 1981</i> . The enactment of the amendment enables the repeal, by Schedule 5 to this Act, of that Act. In accordance with section 30A of the <i>Interpretation Act 1987</i> , the transfer of the provision does not affect the operation (if any) or meaning of the provision. | 26 27 28 29 30 31 |

Schedule 5 Repeals

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| | 1 |
| (Section 5) | 2 |
| Monopolies Act 1923 No 54 ³ | 3 |
| Library (Amendment) Act 1975 No 41 ² | 4 |
| Stock Diseases (Swine Branding) Amendment Act 1981 No 10 ² | 5 |
| Dairy Industry (Amendment) Act 1983 No 156 ² | 6 |
| Crimes Amendment (Child Pornography) Act 1995 No 49 ¹ | 7 |
| Land Sales Amendment Act 1998 No 4 ¹ | 8 |
| Pawnbrokers and Second-hand Dealers Amendment Act 1998 No 24 ¹ | 9 |
| Roads and Traffic Legislation Amendment (Load Restraint) Act 1998 No 25 ¹ | 10 |
| Sydney Cove Redevelopment Authority Amendment Act 1998 No 32 ¹ | 11 |
| Coastal Protection Amendment Act 1998 No 46 ¹ | 12 |
| Young Offenders Amendment Act 1998 No 51 ¹ | 13 |
| Landlord and Tenant (Rental Bonds) Amendment (Penalty Notices) Act 1998 No 57 ¹ | 14 |
| Property, Stock and Business Agents Amendment (Penalty Notices) Act 1998 No 59 ¹ | 15 |
| Local Government Amendment (Parking and Wheel Clamping) Act 1998 No 62 ¹ | 16 |
| Local Government Amendment (Parking and Wheel Clamping) Act 1998 No 62 ¹ | 17 |
| Superannuation Legislation Amendment Act 1998 No 72 ¹ | 18 |
| Local Government Amendment (Ombudsman's Recommendations) Act 1998 No 90 ¹ | 19 |
| Local Government Amendment (Ombudsman's Recommendations) Act 1998 No 90 ¹ | 20 |
| Legal Profession Amendment (Practice of Foreign Law) Act 1998 No 93 ¹ | 21 |
| Industrial Relations Amendment (Unfair Contracts) Act 1998 No 106 ¹ | 22 |
| Local Government Amendment (Community Land Management) Act 1998 No 140 ¹ | 23 |
| Local Government Amendment (Community Land Management) Act 1998 No 140 ¹ | 24 |
| Local Government Legislation Amendment (Elections) Act 1998 No 141 ¹ | 25 |
| Waste Minimisation and Management Amendment Act 1998 No 155 ¹ | 26 |
| Industrial Relations Amendment (Federal Award Employees) Act 1998 No 164 ¹ | 27 |
| Pay-roll Tax Amendment (Apprentices Concession and Rate Reduction) Act 1999 No 7 ¹ | 28 |
| Pay-roll Tax Amendment (Apprentices Concession and Rate Reduction) Act 1999 No 7 ¹ | 29 |
| Australia Acts (Request) Act 1999 No 11 ³ | 30 |
| Roads Amendment (Transitways) Act 1999 No 29 ¹ | 31 |
| Pay-roll Tax Amendment (Further Rate Reduction) Act 1999 No 36 ¹ | 32 |
| Public Finance and Audit Amendment (Consolidated Financial Statements) Act 1999 No 37 ¹ | 33 |
| Public Finance and Audit Amendment (Consolidated Financial Statements) Act 1999 No 37 ¹ | 34 |
| Local Government Amendment (Amalgamations and Boundary Changes) Act 1999 No 38 ¹ | 35 |
| Local Government Amendment (Amalgamations and Boundary Changes) Act 1999 No 38 ¹ | 36 |
| Shop Trading (Special Provisions) Act 1999 No 84 ³ | 37 |
| Shop Trading (Special Provisions) Act 1999 No 84 ³ | 38 |
| Shop Trading (Special Provisions) Act 1999 No 84 ³ | 39 |

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Schedule 5 Repeals

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| Key | 1 |
| ¹ indicates repeal of a recent amending Act that contains no substantive provision that needs to be retained, where the amendments made by the Act have been incorporated in a paper reprint of the Act amended | 2 3 4 |
| ² indicates repeal of an amending Act whose savings, transitional or other provisions of ongoing effect are transferred to, or re-enacted in, the Principal Act (by Schedule 4 to this Act) | 5 6 7 |
| ³ indicates repeal of an Act that is no longer of practical utility | 8 |
| Explanatory note | 9 |
| The repeals are explained in detail in the Explanatory note relating to this Act. In relation to the repeal of amending Acts, it should be noted that the Acts are repealed simply to rationalise the legislation in force and that the repeals have no substantive effect on the amendments made by the Acts or any associated provisions. The Acts that were amended by the Acts or provisions being repealed are up-to-date on the Legislation Database maintained by the Parliamentary Counsel's Office and are available electronically (at www.austlii.edu.au). | 10 11 12 13 14 15 |
| Section 30 (2) of the <i>Interpretation Act 1987</i> ensures that, when an Act is amended or repealed, no amendment made by the Act is affected. Section 30 (2) also ensures that the following matters are not affected: | 16 17 18 |
| (a) the proof of any past act or thing, | 19 |
| (b) any right, privilege, obligation or liability saved by the operation of the Act, | 20 |
| (c) any validation made by the Act, | 21 |
| (d) the operation of any savings or transitional provision contained in the Act. | 22 |

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| Schedule 6 | General savings, transitional and other provisions | 1 |
| | | 2 |
| | (Section 6) | 3 |
| Part 1 | General | 4 |
| 1 | Effect of amendment of amending provisions | 5 |
| (1) | An amendment made by Schedule 1 or 3 to an amending provision contained in an Act is, if the amending provision has commenced before the date of assent to this Act, taken to have effect as from the commencement of the amending provision. | 6 7 8 9 |
| (2) | In this clause: | 10 |
| | <i>amending provision</i> means a provision of an Act, or of any other instrument, being a provision that has commenced and that makes a direct amendment to an Act by: | 11 12 13 |
| (a) | the repeal or omission of matter contained in the amended Act without the insertion of any matter instead of the repealed or omitted matter, or | 14 15 16 |
| (b) | the omission of matter contained in the amended Act and the insertion of matter instead of the omitted matter, or | 17 18 |
| (c) | the insertion into the amended Act of matter, not being matter inserted instead of matter omitted from the Act, | 19 20 |
| | whether the provision was enacted before or after the commencement of the <i>Reprints Act 1972</i> . | 21 22 |
| | Explanatory note | 23 |
| | This clause ensures that certain amendments, including amendments correcting errors in the technical provisions (for example, headings indicating the section to be amended or directions as to where a new section is to be inserted) and rectifying minor drafting errors (for example, corrections in numbering of provisions, correction or insertion of cross-references, omission of unnecessary matter or insertion of omitted matter), will commence on the date the amendments to which they relate commenced. | 24 25 26 27 28 29 |
| 2 | Effect of amendment or repeal on acts done or decisions made | 30 |
| | Except where it is expressly provided to the contrary, if this Act: | 31 |
| (a) | amends a provision of an Act or regulation, or | 32 |

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| (b) | repeals and re-enacts (with or without modification) a provision of an Act or regulation, | 1 2 |
| | any act done or decision made under the provision amended or repealed has effect after the amendment or repeal as if it had been done or made under the provision as so amended or repealed. | 3 4 5 |
| | Explanatory note | 6 |
| | This clause ensures that the amendment or repeal of a provision will not, unless expressly otherwise provided, vitiate any act done or decision made under the provision as in force before the amendment or repeal. | 7 8 9 |
| 3 | Effect of amendment on regulations | 10 |
| | Except where expressly provided to the contrary, any regulation made under an Act amended by this Act, and in force immediately before the commencement of the amendment, is taken to have been made under the Act as amended. | 11 12 13 14 |
| | Explanatory note | 15 |
| | This clause ensures that, unless expressly provided, any regulation made under an Act amended by the proposed Act, and in force immediately before the commencement of the amendment, will be taken to have been made under the amended Act. | 16 17 18 |
| 4 | Regulations | 19 |
| (1) | The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act. | 20 21 |
| (2) | Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later date. | 22 23 |
| (3) | To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as: | 24 25 26 |
| (a) | to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or | 27 28 29 |
| (b) | to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication. | 30 31 32 |
| | Explanatory note | 33 |
| | This clause enables the making of regulations of a savings or transitional nature having a short term effect and relating to incidental matters arising out of the proposed Act with regard to which no specific, or sufficient, provision has been made in the Act. | 34 35 36 |

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| Part 2 Provisions consequent on the abolition of certain statutory and other bodies | 1 2 |
| Division 1 Former office holders | 3 |
| 5 Former office holders | 4 |
| (1) This clause applies to the bodies listed in section 4 (1). | 5 |
| (2) Any person who, immediately before the date on which a body to which this clause applies was abolished by this Act, held office as a member of the body, or as the person by whom the body was established or constituted: | 6 7 8 9 |
| (a) is taken to have ceased to hold office as such on that date, and | 10 |
| (b) is not entitled to any remuneration or compensation because of the loss of that office. | 11 12 |
| Division 2 Staff, assets, rights and liabilities | 13 |
| 6 Definitions | 14 |
| In this Division: | 15 |
| <i>instrument</i> means an instrument (other than this Act) that creates, modifies or extinguishes rights or liabilities (or would do so if lodged, filed or registered in accordance with any law), and includes any judgment, order or process of a court. | 16 17 18 19 |
| <i>relevant Minister</i> , in relation to a transfer order relating to a body to which clause 7 applies, means the Minister administering the Act or regulation under which the body was constituted or established immediately before it was abolished by this Act. | 20 21 22 23 |
| <i>transfer order</i> means an order referred to in clause 7. | 24 |
| <i>transferee</i> means the body or person to whom any assets, rights or liabilities are transferred by a transfer order. | 25 26 |
| <i>transferor</i> means the body or person from whom any assets, rights or liabilities are transferred by a transfer order. | 27 28 |

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| 7 | Transfer of assets, rights and liabilities of other former bodies | 1 |
| (1) | This clause applies to the following bodies: | 2 |
| (a) | the Agricultural Marketing Finance Agency constituted by section 115 of the <i>Marketing of Primary Products Act 1983</i> , | 3 4 |
| (b) | the corporation sole constituted by section 4 of the <i>School Forest Areas Act 1936</i> , | 5 6 |
| (c) | all school forest trusts constituted under section 5 of the <i>School Forest Areas Act 1936</i> , | 7 8 |
| (d) | all district committees constituted under section 17 of the <i>School Forest Areas Act 1936</i> , | 9 10 |
| (e) | The State Mines Control Authority incorporated by section 13 of the <i>State Coal Mines Act 1912</i> . | 11 12 |
| (2) | The relevant Minister may direct, by order in writing, that any specified, assets, rights or liabilities of a body to which this clause applies be transferred to such person or body acting on behalf of the Crown as is specified in the order. | 13 14 15 16 |
| (3) | Such an order may be made on such terms and conditions as are specified in the order. | 17 18 |
| (4) | Any assets, rights or liabilities of a body to which this clause applies that are not transferred by such an order become assets, rights and liabilities of the Crown. | 19 20 21 |
| 8 | Vesting of undertaking in transferee | 22 |
| (1) | When any assets, rights or liabilities are transferred by a transfer order, the following provisions have effect (subject to the order): | 23 24 |
| (a) | those assets of the transferor vest in the transferee by virtue of this Division and without the need for any conveyance, transfer, assignment or assurance, | 25 26 27 |
| (b) | those rights or liabilities of the transferor become by virtue of this Division the rights or liabilities of the transferee, | 28 29 |
| (c) | all proceedings relating to those assets, rights or liabilities commenced before the transfer by or against the transferor or a predecessor of the transferor and pending immediately before the transfer are taken to be proceedings pending by or against the transferee, | 30 31 32 33 34 |

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| (d) | any act, matter or thing done or omitted to be done in relation to those assets, rights or liabilities before the transfer by, to or in respect of the transferor is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the transferee, | 1 2 3 4 5 |
| (e) | a reference in any Act, in any instrument made under any Act or in any document of any kind to the transferor or a predecessor of the transferor is (to the extent that it relates to those assets, rights or liabilities but subject to the regulations) to be read as, or as including, a reference to the transferee. | 6 7 8 9 10 |
| 9 | Operation of Division | 11 |
| (1) | The operation of this Division is not to be regarded: | 12 |
| (a) | as a breach of contract or confidence or otherwise as a civil wrong, or | 13 14 |
| (b) | as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or | 15 16 17 |
| (c) | as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability. | 18 19 20 21 |
| (2) | The operation of this Division is not to be regarded as an event of default under any contract or other instrument. | 22 23 |
| (3) | No attornment to the transferee by a lessee from the transferor is required. | 24 |
| (4) | The operation of this Division includes the making of a transfer order. | 25 |
| 10 | Date of vesting | 26 |
| | A transfer order takes effect on the date specified in the order. | 27 |
| 11 | Consideration for vesting | 28 |
| | A transfer order may specify the consideration on which the order is made and the value or values at which the assets, rights or liabilities are transferred. | 29 30 31 |
| 12 | Duty | 32 |
| | Duty is not chargeable in respect of: | 33 |
| (a) | the transfer of assets, rights and liabilities by a transfer order, or | 34 |

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| (b) | anything certified by the Minister as having been done in consequence of such a transfer (for example, the transfer or registration of an interest in land). | 1 2 3 |
| 13 | Transfer of interests in land | 4 |
| (1) | A transfer order may transfer an interest in respect of land vested in the transferor without transferring the whole of the interests of that body in that land. | 5 6 7 |
| (2) | If the interest transferred is not a separate interest, the order operates to create the interest transferred in such terms as are specified in the order. | 8 9 |
| (3) | This clause does not limit any other provision of this Division. | 10 |
| Division 3 | Miscellaneous | 11 |
| 14 | School forest areas | 12 |
| (1) | At any time after the date of assent to this Act and before the repeal of the <i>School Forest Areas Act 1936</i> : | 13 14 |
| (a) | the Minister administering that Act may, by order published in the Gazette, declare that any land set apart under that Act as a school forest area (being land that formerly comprised Crown land within the meaning of the <i>Crown Lands Act 1989</i>) is to be a State forest within the meaning of the <i>Forestry Act 1916</i> , and | 15 16 17 18 19 |
| (b) | on publication of any such order, the land to which the order relates is taken to have been dedicated as a State forest under the <i>Forestry Act 1916</i> . | 20 21 22 |
| (2) | On the repeal of the <i>School Forest Areas Act 1936</i> : | 23 |
| (a) | land set apart under that Act as a school forest area (being land that formerly comprised the whole or any part of a State forest within the meaning of the <i>Forestry Act 1916</i>) is taken to have been dedicated as a State forest under that Act, and | 24 25 26 27 |
| (b) | land set apart under that Act as a school forest area (being land that formerly comprised Crown land within the meaning of the <i>Crown Lands Act 1989</i> , other than land the subject of an order under subclause (1)) is taken to have become Crown land. | 28 29 30 31 |
| | Explanatory note | 32 |
| | This Part makes savings and transitional provisions consequent on the abolition of certain statutory and other bodies by section 4. | 33 34 |

Notes

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| Notes | 1 |
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| Children and Young Persons (Care and Protection) Act 1998 No 157—Schedule 1 | 4 |
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| Industrial Relations Amendment (Federal Award Employees) Act 1998 No 164 | 8 |
| Industrial Relations Amendment (Unfair Contracts) Act 1998 No 106 | 9 |
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