



New South Wales

Statute Law (Miscellaneous Provisions) Bill 2001

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 amend certain other Acts for the purpose of effecting statute law revision (Schedule 2) and facilitating the implementation of SGML as a markup language for legislation (Schedule 3), and
- (c) to repeal certain Acts and provisions of Acts (Schedule 4), and
- (d) to make other provisions of a consequential or ancillary nature (Schedule 5).

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

Clause 6 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:

Art Gallery of New South Wales Act 1980 No 65

Conveyancers Licensing Act 1995 No 57

Environmental Planning and Assessment Act 1979 No 203

Fair Trading Tribunal Act 1998 No 161

Fisheries Management Act 1994 No 38

Freedom of Information Act 1989 No 5

Harness Racing New South Wales Act 1977 No 57

Law and Justice Foundation Act 2000 No 97

Local Government Act 1993 No 30

Ombudsman Act 1974 No 68

Passenger Transport Act 1990 No 39

Property, Stock and Business Agents Act 1941 No 28

Protected Disclosures Act 1994 No 92

Protection of the Environment Operations Act 1997 No 156

Radiation Control Act 1990 No 13

Residential Tenancies Act 1987 No 26

Residential Tribunal Act 1998 No 168

Statute Law (Miscellaneous Provisions) Act 2000 No 53

Sydney Water Act 1994 No 88

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Technical and Further Education Commission Act 1990 No 118

Travel Agents Act 1986 No 5

Water Management Act 2000 No 92

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 by way of statute law revision

Schedule 2 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 the explanatory note relating to the Act concerned set out in Schedule 2.

Schedule 3 Amendments to facilitate implementation of SGML as a markup language for legislation

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. The new system is based on SGML (Standard Generalised Markup Language) and will improve the portability and accessibility of legislative data. Some features of legislation, particularly older Acts, are incompatible with the proposed system.

Schedule 3 amends Acts to overcome these problems for the purpose of facilitating the implementation of SGML.

Schedule 4 Repeals

Schedule 4 repeals a number of Acts and provisions in Acts. The Schedule repeals amending Acts enacted in 1999 or earlier that contain no substantive provisions that need to be retained. The Schedule also repeals amending Acts where the reprints of relevant parent Acts incorporate the amendments made by those Acts.

The *Institute of Rural Studies Act 1973* and 4 Appropriation Acts, which are no longer of practical utility, and 29 Statute Law (Miscellaneous Provisions) Acts are also repealed.

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.

Schedule 5 General savings, transitional and other provisions

Schedule 5 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 5.



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Statute Law (Miscellaneous Provisions) Bill 2001

No. , 2001

A Bill for

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

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Statute Law (Miscellaneous Provisions) Act 2001</i> .	3
2 Commencement	4
(1) This Act commences on the date of assent, except as provided by subsection (2).	5 6
(2) The amendments made by Schedules 1 and 2 commence on the day or days specified in those Schedules in relation to the amendments concerned. If a commencement day is not specified, the amendments commence on the date of assent.	7 8 9 10
3 Amendments	11
Each Act specified in Schedules 1, 2 and 3 is amended as set out in those Schedules.	12 13
4 Repeals	14
Each Act specified in Schedule 4 is, to the extent indicated in that Schedule, repealed.	15 16
5 General savings, transitional and other provisions	17
Schedule 5 has effect.	18
6 Explanatory notes	19
The matter appearing under the heading “Explanatory note” in any of the Schedules does not form part of this Act.	20 21

Schedule 1	Minor amendments	1
	(Section 3)	2
1.1	Art Gallery of New South Wales Act 1980 No 65	3
[1]	Section 6 Appointment and procedure	4
	Omit “9 trustees” from section 6 (1). Insert instead “11 trustees”.	5
[2]	Schedule 1 Provisions relating to trustees and procedure of the Trust	6
	Omit clause 9 (2) from Schedule 1.	7
[3]	Schedule 1, clause 9 (3)	8
	Omit “5 trustees”. Insert instead “6 trustees”.	9
[4]	Schedule 3 Savings, transitional and other provisions	10
	Insert at the end of the Schedule:	11
	9 Members of Trust	12
	The amendment to section 6 made by the <i>Statute Law (Miscellaneous Provisions) Act 2001</i> does not affect the appointment or term of office of a person who held office as a trustee immediately before the amendment took effect.	13 14 15 16
	10 Additional trustees to take office on appointment	17
	Clause 4 (5) of Schedule 1 does not apply to the initial term of a trustee appointed as a consequence of the amendment to section 6 made by the <i>Statute Law (Miscellaneous Provisions) Act 2001</i> .	18 19 20
	Explanatory note	21
	Section 6 of the <i>Art Gallery of New South Wales Act 1980</i> provides that the Art Gallery of New South Wales Trust is to consist of 9 trustees appointed by the Governor on the recommendation of the Minister. Clause 9 of Schedule 1 to the Act provides that the quorum for a meeting of the Trust is 5 trustees.	22 23 24 25
	Item [1] of the proposed amendments increases the number of the trustees to 11. Item [3] consequently increases the quorum for meetings of the Trust to 6 trustees.	26 27
	Item [2] omits a spent provision that required the Minister to call the first meeting of the Trust by giving notice to the first 9 trustees of the Trust.	28 29
	Item [4] inserts a transitional provision and also provides that the initial term of office for the additional trustees takes effect on their appointment (and not on 1 January of the year following that in which they are appointed as is the case with the other trustees).	30 31 32

1.2 Conveyancers Licensing Act 1995 No 57	1
Section 27 Audits	2
Insert after section 27 (4):	3
(4A) A licensee who, during any year ending 31 March (commencing with the year ending 31 March 2002) neither received nor held any money for or on behalf of any other person, must, within 3 months after the end of the year concerned, make and lodge with the Director-General a statutory declaration to that effect.	8
Explanatory note	9
The proposed amendment requires a licensed conveyancer who has not received or held money on behalf of another person during any year ending 31 March to lodge with the Director-General of the Department of Fair Trading a statutory declaration to that effect.	12
1.3 Environmental Planning and Assessment Act 1979 No 203	13
[1] Sections 4 (5), 23 (1), 50 (2), 70 (1), 96A (3) (a) (i) and (8), 115B (8), 115BA (9) (a), 115BAA (3), 116E (3) and (7), 118A (2A), 118B and 121ZJ (12)	16
Omit “Director’s” wherever occurring. Insert instead “Director-General’s”.	17
[2] Section 76 Development that does not need consent	18
Omit “ceases to have effect in relation to land if the land becomes” from section 76 (3).	19
Insert instead “has no effect at any time during which the land is”.	21
[3] Section 76A Development that needs consent	22
Omit “ceases to have effect in relation to development or land if the development or land becomes” from section 76A (6).	23
Insert instead “has no effect in relation to development or land at any time during which the development or land is”.	26
[4] Section 76B Development that is prohibited	27
Insert “an environmental planning instrument provides that” after “If”.	28
[5] Section 76B (a)	29
Omit “an environmental planning instrument provides that”.	30
[6] Section 79B Consultation and concurrence	31
Omit “the Director-General” from section 79B (4) (b) wherever occurring.	32
Insert instead “that Director-General”.	33

[7] Section 82A Review of determination	1
Insert at the end of section 82A (1) (c):	2
, or	3
(d) a determination made by the council under section 116E in respect of an application by the Crown.	4
	5
[8] Section 112C Concurrence of or consultation with Director-General of National Parks and Wildlife if Minister is not determining authority	6
Omit “the Director-General’s” from section 112C (2) (a).	7
Insert instead “that Director-General’s”.	8
	9
[9] Sections 115K (6), 115L (4), (5) and (6), 115O (3) (b)	10
Omit “Director” wherever occurring. Insert instead “Director-General”.	11
[10] Section 121N Notice of right to appeal against order	12
Omit “or any other person affected by the order” from section 121N (a).	13
Explanatory note	14
Review of determinations	15
Section 82A of the <i>Environmental Planning and Assessment Act 1979</i> enables a person who has applied to a local council for consent to carry out development to request a review of the council’s determination of that application (other than a determination with respect to certain matters specified in the section).	16
Item [7] of the proposed amendments amends section 82A of the Act to remove any suggestion that an applicant may request a council to review a determination, made in accordance with the written approval of the Minister, of a Crown application (that is, a determination under section 116E of the Act).	17
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Appeals against orders	24
Section 121ZK of the Act enables a person on whom an order is served under Division 2A of Part 6 of the Act (requiring the person to do or to refrain from doing certain things specified in the Table to section 121B) to appeal against the order to the Land and Environment Court.	25
Section 121N requires a person giving notice of such an order to inform the person receiving the notice of the rights of appeal against the order, including informing that person that he or she, or any other person affected by the order, may appeal against the order.	26
Item [10] of the proposed amendments amends section 121N to provide that a notice of a right to appeal against an order is consistent with the actual right of appeal under section 121ZK in that only the person receiving the order has such a right.	27
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Statute law revision	34
Items [1] and [9] of the proposed amendments update references to a position.	35
Items [2] and [3] make it clear that provisions of the Act with respect to exempt and complying development that do not apply to development or land when it is of a particular status will again apply to the development or land once it is no longer of that status.	36
Item [4] corrects the ranging of section 76B by way of statute law revision to make it clear that the opening words of that section apply to paragraph (b) of the section as well as to paragraph (a). Item [5] makes a consequential amendment.	37
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Items [6] and [8] clarify the references to the Director-General of the Department of Urban Affairs and Planning and the Director-General of National Parks and Wildlife in sections of the Act in which both Directors-General are mentioned.	1 2 3
1.4 Fair Trading Tribunal Act 1998 No 161	4
Section 46 Power to correct decisions of Tribunal	5
Omit “senior” from section 46 (4).	6
Explanatory note	7
Section 46 of the <i>Fair Trading Tribunal Act 1998</i> enables the Chairperson or the senior member of the Fair Trading Tribunal who presided at proceedings in relation to a decision to direct the Registrar of the Tribunal to correct obvious errors, such as typographical errors, in the text of a notice of a decision or statement of reasons for the decision.	8 9 10 11
The proposed amendment enables any member of the Tribunal who presided at the proceedings to give such a direction.	12 13
1.5 Fisheries Management Act 1994 No 38	14
[1] Section 4 Definitions	15
Omit the definition of <i>Aboriginal</i> from section 4 (1). Insert instead:	16
<i>Aboriginal person</i> means a person who:	17
(a) is a member of the Aboriginal race of Australia, and	18
(b) identifies as an Aboriginal person, and	19
(c) is accepted by the Aboriginal community as an Aboriginal person.	20 21
[2] Section 4 (2)	22
Omit “ <i>Interpretation Act 1987</i> ” from the note to the subsection.	23
Insert instead “ <i>Crimes (Sentencing Procedure) Act 1999</i> ”.	24
[3] Section 34C Recreational fishers required to pay fishing fee	25
Omit “Aboriginal (within the meaning of the <i>Aboriginal Land Rights Act 1983</i>)” from section 34C (2) (f).	26 27
Insert instead “Aboriginal person”.	28
[4] Section 34E Amount of fishing fee	29
Re-number paragraph (a) where secondly occurring in section 34E (1) as paragraph (a1).	30 31

[5] Section 157A	1
Insert after section 157:	2
157A Minister may appoint advisory council as committee	3
(1) The Minister may, if the Minister considers it appropriate to do so, appoint any advisory council established under section 229 for the aquaculture sector of the fishing industry as either or both of the following:	4
(a) the committee required to be appointed under section 156 (6),	5
(b) the committee required to be appointed under section 157 (4).	6
(2) An advisory council may be so appointed only if its membership meets the requirement of section 156 (6) or 157 (7), as the case may be, with respect to the majority of members of the committee.	7
[6] Section 221B Determination of licence application	8
Insert after section 221B (4):	9
(4A) A person may be specified for the purposes of subsection (4) by reference to the person's name or by reference to a person of a particular class or description of persons.	10
[7] Schedule 5	11
Omit the heading to the Schedule. Insert instead:	12
 Schedule 5 Vulnerable species	13
 (Section 220C)	14
[8] Schedule 6	15
Omit the heading to the Schedule. Insert instead:	16
 Schedule 6 Key threatening processes	17
 (Section 220C)	18
Explanatory note	19
Definition of "Aboriginal"	20
Section 4 (Definitions) of the <i>Fisheries Management Act 1994</i> provides that, in the Act, Aboriginal has the same meaning as in the <i>Aboriginal Land Rights Act 1983</i> . Item [1] of the proposed amendments updates the definition. Item [3] makes a consequential amendment.	21

Advisory council for aquaculture sector	1
Item [5] of the proposed amendments enables the Minister to appoint any advisory council established under section 229 of the Act for the aquaculture sector of the fishing industry as either or both of the committees required to be appointed under section 156 (6) (to advise the Minister about the level of services provided to the aquaculture industry for certain purposes and about the amount of contributions for the costs of administration directly attributable to the aquaculture industry) and section 157 (4) (to advise the Minister on the amount of contributions payable into any trust account established for annual contributions made by permit holders and the expenditure of money in the trust account). The requirements under sections 156 (6) and 157 (7) of the Act that the majority of the members of the committees be representatives of the aquaculture industry continue to apply.	2 3 4 5 6 7 8 9 10 11
Grant of licences	12
Section 221B enables the Director of NSW Fisheries to grant a licence authorising a person to take action that is likely to result in harm to a threatened species, population or ecological community or damage to a habitat. Section 221B (4) enables the Director to authorise, in addition to the person to whom such a licence is granted, other specified persons to do the things authorised by the licence.	13 14 15 16 17
Item [6] of the proposed amendments enables the Director to specify such additional persons by reference to either the name of the person or by reference to a person of a particular class or description of persons. The amendment does not alter the requirement for a species impact statement or other assessment information to accompany an application for such a licence. Accordingly, a species impact statement and other assessment information is to take into consideration the impact of the proposed action the subject of the application with respect to all the persons covered by the licence, regardless of whether such persons are individually named in the licence or are described by reference to a person of a particular class or description of persons.	18 19 20 21 22 23 24 25 26
Statute law revision	27
Item [2] of the proposed amendments updates a reference to an Act.	28
Item [4] of the proposed amendments corrects the duplication of a paragraph number.	29
Items [7] and [8] amend the headings to certain Schedules to the Act to include the enabling section reference for those Schedules.	30 31
1.6 Freedom of Information Act 1989 No 5	32
Sections 7 (1) (a) and (2) and 8 (1) (a) and (3) (b)	33
Insert “or continued” after “established” wherever occurring.	34
Explanatory note	35
Sections 7 and 8 of the <i>Freedom of Information Act 1989</i> define public authority and public office as including bodies and offices established for a public purpose by or under the provisions of a legislative instrument. Section 6 (1) of the Act defines a legislative instrument as a Public Act or an instrument made under a Public Act.	36 37 38 39
The proposed amendment extends the meanings of public authority and public office to include bodies (such as the Supreme Court of New South Wales) and offices established for a public purpose otherwise than by or under a legislative instrument but continued by or under such an instrument. The amendment does not apply the Act to the judicial functions of courts and tribunals (see section 10 of the Act).	40 41 42 43 44

1.7	Harness Racing New South Wales Act 1977 No 57	1
	Section 10A HRNSW may make rules	2
	Insert “(section 27 (2) excepted)” after “Act” in section 10A (2).	3
	Commencement	4
	The amendment to the <i>Harness Racing New South Wales Act 1977</i> made by this Act is taken to have commenced on 1 January 1999 (the date of commencement of section 10A of the Act).	5 6
	Explanatory note	7
	The proposed amendment restores words omitted in the restatement of the existing rule-making functions by the <i>Harness Racing New South Wales Amendment Act 1998</i> . The express reference to these words removes an argument (based on section 27 (2) of the Act) that no rules can be made under the Act despite the extensive powers to make rules conferred by the Act.	8 9 10 11 12
1.8	Law and Justice Foundation Act 2000 No 97	13
[1]	Section 22	14
	Insert after section 21:	15
	22 Regulations	16
	The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.	17 18 19 20
[2]	Schedule 1 Constitution and procedure of Board	21
	Omit “one of the 3 persons” from clause 2 (4).	22
	Insert instead “2 of the 3 persons”.	23
	Explanatory note	24
	Regulations	25
	Item [1] of the proposed amendments inserts the usual general regulation-making power into the <i>Law and Justice Foundation Act 2000</i> .	26 27
	Board of the Foundation	28
	Clause 2 (1) of Schedule 1 to the <i>Law and Justice Foundation Act 2000</i> provides that of the 6 members to be appointed by the Attorney General to the Board of the Law and Justice Foundation of New South Wales, 3 are to be persons who have, in the opinion of the Attorney General, special expertise. Clause 2 (4) of that Schedule provides that not more than one of those 3 persons may be a legal practitioner.	29 30 31 32 33
	Item [2] of the proposed amendments increases, from one to 2, the number of such persons who may be legal practitioners.	34 35

1.9 Local Government Act 1993 No 30	1
[1] Section 124 Orders	2
Omit all the matter relating to the <i>Dog Act 1966</i> from the note to section 124.	3
[2] Section 310A Postal votes	4
Omit “counted” from section 310A.	5
Insert instead “accepted for further scrutiny”.	6
[3] Section 310A (a)	7
Insert “by the returning officer” after “received”.	8
[4] Section 310A (b)	9
Insert “the returning officer is satisfied that” before “the voter”.	10
[5] Chapter 16 Offences	11
Omit “section 56 of the <i>Interpretation Act 1987</i> ” from the last paragraph of the Introduction to Chapter 16.	12
Insert instead “section 17 of the <i>Crimes (Sentencing Procedure) Act 1999</i> ”.	13
[6] Schedule 6 Regulations	14
Insert “and other” after “pecuniary” in item 19A.	15
Commencement	16
The amendments to section 310A of the <i>Local Government Act 1993</i> commence on the date of commencement of Schedule 1 [6] to the <i>Local Government Amendment Act 2000</i> .	17
Explanatory note	18
Postal votes	19
Section 310A of the <i>Local Government Act 1993</i> (as proposed to be inserted by Schedule 1 [6] to the <i>Local Government Amendment Act 2000</i>) provides that a postal vote in an election under that Act must be “counted” if it is received before 6 pm on the first business day after the close of a poll and the voter has indicated, in accordance with the regulations, that the postal vote was completed before the close of the poll.	20
Item [2] of the proposed amendments replaces the word “counted” with the words “accepted for further scrutiny” to make it clear that a postal vote that is informal is not required to be included in the final count for such an election.	21
Items [3] and [4] of the proposed amendments make it clear that it is the returning officer who is to receive the postal vote by the required time and who must be satisfied that the voter has indicated that a postal vote was completed before the close of the poll.	22
Disclosure of interests	23
Schedule 6 to the <i>Local Government Act 1993</i> lists specific matters for or in respect of which regulations may be made under the Act. Item 19A of Schedule 6 provides that regulations may be made for or with respect to the disclosure of pecuniary interests.	24
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Section 449 of the Act requires councillors and certain other persons associated with councils to complete and lodge annual returns of interests in the form “prescribed by the regulations” rather than in the form set out in Part 1 of Schedule 3 to the Act as was previously the case. That form dealt with both pecuniary and other interests.	1 2 3 4
Item [6] of the proposed amendments adds a reference to interests other than pecuniary interests to Item 19A of Schedule 6 to make it abundantly clear that regulations may be made for or with respect to both pecuniary and other interests.	5 6 7
Statute law revision	8
Item [1] of the proposed amendments omits a reference to a repealed Act.	9
Item [5] of the proposed amendments updates a reference to a repealed provision.	10
1.10 Ombudsman Act 1974 No 68	11
[1] Sections 8A and 10	12
Omit “21A” from sections 8A (1) (a) and 10 (2) (b) wherever occurring. Insert instead “21C”.	13 14
[2] Section 12 Right to complain	15
Insert after section 12 (4):	16
(4A) However, the Ombudsman:	17
(a) may accept a complaint that is not in writing if the Ombudsman considers it appropriate to do so, and	18 19
(b) in that event, must reduce the complaint to writing as soon as practicable.	20 21
[3] Section 13AA Preliminary inquiries	22
Insert after section 13AA (2):	23
(3) If a complaint has been made under section 12 (whether in writing or otherwise), the Ombudsman may, by way of a preliminary inquiry with respect to the complaint, require the complainant to provide further written particulars of the complaint within the time specified by the Ombudsman.	24 25 26 27 28
[4] Section 15 Reasons for refusal to conciliate, investigate or continue investigation	29 30
Insert after section 15 (1):	31
(1A) However, if in the opinion of the Ombudsman it is appropriate to do so, the Ombudsman may inform a complainant orally of a decision referred to in subsection (1) and the reasons for the decision.	32 33 34 35

[5] Section 31AC	1
Insert after section 31AB:	2
31AC Ombudsman may furnish information to public authority	3
The Ombudsman may, at any time:	4
(a) furnish to a public authority information obtained by the Ombudsman in discharging functions under this Act with respect to a complaint against or relating to the public authority, and	5 6 7 8
(b) make such comments to the authority with respect to the complaint as he or she thinks fit.	9 10
Explanatory note	11
Oral complaints	12
Item [2] of the proposed amendments amends section 12 of the <i>Ombudsman Act 1974</i> so as to enable the Ombudsman to accept complaints otherwise than in writing if the Ombudsman considers it appropriate to do so. The Ombudsman is to reduce such a complaint to writing as soon as practicable.	13 14 15 16
Further written particulars	17
Section 13AA of the Act enables the Ombudsman to make preliminary inquiries for the purpose of deciding whether to make particular conduct of a public authority the subject of an investigation under the Act. Item [3] of the proposed amendments enables the Ombudsman, by way of a preliminary inquiry in relation to a complaint made under the Act, to require a complainant to provide further written particulars in relation to the complaint within the time specified by the Ombudsman.	18 19 20 21 22 23
Notification to complainants	24
Item [4] of the proposed amendments enables the Ombudsman, in appropriate cases, to notify a complainant orally instead of in writing of the Ombudsman's refusal to conciliate, to investigate or to continue to investigate a complaint about a public authority. The amendment does not apply to complaints about police conduct.	25 26 27 28
Disclosure of information to public authority	29
Item [5] of the proposed amendments enables the Ombudsman to furnish to a public authority information obtained by the Ombudsman in discharging functions with respect to a complaint against or relating to the public authority (section 26 already enables the Ombudsman to report to the public authority if the Ombudsman has made a finding with respect to a complaint but does not extend to cases in which a finding is not made or an investigation into a complaint is not undertaken or discontinued). The proposed amendment also enables the Ombudsman to make comments to the authority regarding the complaint.	30 31 32 33 34 35 36
Statute law revision	37
Item [1] of the proposed amendments updates references to a renumbered provision.	38

1.11	Passenger Transport Act 1990 No 39	1
[1]	Section 29A Definitions	2
	Omit the definitions of <i>affiliation</i> and <i>authorised taxi-cab operator</i> .	3
[2]	Section 29A	4
	Insert in appropriate order:	5
	<i>accredited taxi-cab operator</i> means a person accredited under Division 3 for the purpose of carrying on a taxi-cab service.	6
	<i>affiliation</i> means the affiliation of accredited taxi-cab operators with authorised taxi-cab networks, as referred to in Division 6.	7
[3]	Section 29A, definition of “taxi-cab network”	8
	Omit “authorised”. Insert instead “accredited”.	9
[4]	Sections 30 (2) (a), 31 (2), 31A, 31B (3)–(5), 31C–32, 32K (1), 33E (2), 37 (2) (a), 38 (2), 38A, 38B (3)–(5) and 38C–39	10
	Omit “authorisation”, “authorise” and “authorised” wherever occurring.	11
	Insert instead “accreditation”, “accredit” and “accredited”, respectively.	12
[5]	Section 30 Taxi-cab service requirements	13
	Omit “authorised to carry on” from section 30 (1) (a).	14
	Insert instead “accredited for the purposes of carrying on”.	15
[6]	Section 31 Accreditation	16
	Omit “The Director-General may authorise persons to carry on taxi-cab services” from section 31 (1).	17
	Insert instead “The Director-General may accredit persons for the purpose of carrying on taxi-cab services”.	18
[7]	Sections 31 (1) and 38 (1)	19
	Omit “authorised” wherever occurring. Insert instead “accredited”.	20
[8]	Section 31B Grant or refusal of application	21
	Omit section 31B (1). Insert instead:	22
	(1) Having regard to the purpose of accreditation under this Division, the Director-General may grant an application and accredit the applicant for the purpose of carrying on a taxi-cab service, or may refuse the application.	23
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[9]	Sections 33, 33B (3) and (5), 33C, 33D (except the heading to section 33 and section 33D (1) (c)), 40, 40B (3) and (5), 40C and 40D (except the heading to section 40 and section 40D (1) (b))	1 2 3
	Omit “authorisation” and “authorisations” wherever occurring.	4
	Insert instead “authority” and “authorities”, respectively.	5
[10]	Section 33 Authorities	6
	Insert “, by the issue of authorities under this Division,” after “may” in section 33 (1).	7 8
[11]	Sections 33B (4) and 40B (4)	9
	Omit “Particulars of an authorisation are” wherever occurring.	10
	Insert instead “An authority is”.	11
[12]	Section 33C (1) and 40C (1)	12
	Omit “the particulars of” wherever occurring.	13
[13]	Section 33D (1) (c)	14
	Omit “authorisation” where secondly occurring. Insert instead “authority”.	15
[14]	Section 33F Variation, suspension or cancellation of authority	16
	Omit “authorisation” where secondly occurring. Insert instead “authority”.	17
[15]	Section 34E Statutory conditions regarding affiliation and service standards	18 19
	Omit “authorised” wherever occurring in section 34E (1) and (4) (a).	20
	Insert instead “accredited”.	21
[16]	Section 35A Exemptions regarding networks	22
	Omit “authorised”. Insert instead “accredited”.	23
[17]	Section 36A Definitions	24
	Omit the definition of <i>authorised private hire vehicle operator</i> .	25
[18]	Section 36A	26
	Insert in alphabetical order:	27
	<i>accredited private hire vehicle operator</i> means a person accredited under Division 3 to carry on a private hire vehicle service.	28 29 30

[19] Section 37 Private hire vehicle service requirements	1
Omit “authorised to carry on the service” from section 37 (1) (a).	2
Insert instead “accredited for the purpose of carrying on the service”.	3
[20] Section 38 Accreditation	4
Omit “authorise persons to carry on private hire vehicle services” from section 38 (1).	5
Insert instead “accredit persons for the purpose of carrying on private hire vehicle services”.	6
	7
	8
[21] Section 38B Grant or refusal of application	9
Omit section 38B (1). Insert instead:	10
(1) Having regard to the purpose of accreditation under this Division, the Director-General may grant an application and accredit the applicant for the purpose of carrying on a private hire vehicle service, or may refuse the application.	11
	12
	13
	14
[22] Section 40 Authorities	15
Insert “, by the issue of authorities under this Division,” after “may” in section 40 (1).	16
	17
[23] Section 40D (1) (b)	18
Omit “authorisation” where secondly occurring. Insert instead “authority”.	19
[24] Section 40E Variation, suspension or cancellation of authority	20
Omit “authorisation” where secondly occurring. Insert instead “authority”.	21
[25] Schedule 3 Savings and transitional provisions	22
Omit “authorisation” and “authorised” wherever occurring in clauses 12 and 16.	23
Insert instead “accreditation” and “accredited” respectively.	24
[26] Schedule 3, clauses 13 (2) and 17 (2)	25
Omit “authorisation of that person” wherever occurring.	26
Insert instead “authority”.	27

[27] Schedule 3, clause 19	1
Omit “authorisations” wherever occurring. Insert instead “authorities”.	2
Commencement	3
The amendments to the <i>Passenger Transport Act 1990</i> commence on the commencement of the <i>Passenger Transport Amendment Act 2000</i> .	4 5
Explanatory note	6
The proposed amendments to the <i>Passenger Transport Act 1990</i> will ensure the amendments to that Act by the <i>Passenger Transport Amendment Act 2000</i> do not replace terminology that is currently in use by providing that taxi-cab operators and private hire vehicle operators are accredited (rather than authorised) and by providing that taxi-cab drivers and private hire vehicle drivers are granted authorities (rather than authorisations).	7 8 9 10 11
1.12 Property, Stock and Business Agents Act 1941 No 28	12
[1] Section 38D Audit of licensees’ books and other records	13
Omit section 38D (2) (b). Insert instead:	14
(b) lodge the auditor’s report on the audit with the Director-General.	15 16
[2] Section 91 Corporations	17
Insert “or the regulations” after “Act” wherever occurring in section 91 (2).	18
Explanatory note	19
Auditor’s reports	20
Section 38D (2) of the <i>Property, Stock and Business Agents Act 1941</i> requires a person to whom section 38D applies (such as a licensee) to cause the books, papers, accounts and other documents relating to money held in the person’s trust account during the person’s financial year to be audited within 3 months after the end of that year. It also requires the person to lodge the auditor’s report “after ... receipt from the auditor” with the Director-General of the Department of Fair Trading within that time.	21 22 23 24 25 26
Item [1] of the proposed amendments repeals and re-enacts section 38D (2) (b), removing the words quoted above, to make it abundantly clear that the person is required to obtain the report from the auditor (and lodge it with the Director-General) within the 3 month period.	27 28 29
Offences committed with consent of officer of body corporate	30
Section 91 of the Act provides that where an offence committed by a body corporate against the Act is proved to have been committed with the consent or approval of an officer of the body corporate, that officer is also guilty of an offence. Item [2] of the proposed amendments extends the operation of the section to the commission of offences against the regulations.	31 32 33 34

1.13	Protected Disclosures Act 1994 No 92	1
[1]	Section 9 Disclosures to be made voluntarily	2
	Insert after section 9 (4):	3
	(5) A disclosure made by a correctional officer, within the meaning of the <i>Crimes (Administration of Sentences) Act 1999</i> , is made voluntarily for the purposes of this section even if it relates to the same conduct as an allegation that the officer has made in the performance of a duty imposed on the officer by or under that Act or any other Act.	4 5 6 7 8 9
[2]	Schedule 2 Savings, transitional and other provisions	10
	Insert at the end of the Schedule:	11
	4 Disclosures made by correctional officers	12
	Section 9 (5), as inserted by the <i>Statute Law (Miscellaneous Provisions) Act 2001</i> , applies to a disclosure made by a correctional officer even if the disclosure relates to conduct or activities engaged in, or matters arising, before the commencement of the subsection.	13 14 15 16 17
	Explanatory note	18
	Section 9 (1) of the <i>Protected Disclosures Act 1994</i> provides that a disclosure by a public official is protected under that Act only if the disclosure is made voluntarily. Section 9 (2) states that a disclosure by a public official is not voluntary if it is made in the exercise of a duty imposed on that official by or under an Act.	19 20 21 22
	Item [1] of the proposed amendments provides that a disclosure made by a correctional officer is taken to have been made voluntarily (and is therefore protected under the Act) even if the disclosure is made in relation to the same conduct or activities regarding a disclosure that is required to be made by or under the <i>Crimes (Administration of Sentences) Act 1999</i> or any other Act.	23 24 25 26 27
	Item [2] of the proposed amendments makes transitional arrangements.	28
1.14	Protection of the Environment Operations Act 1997 No 156	29
[1]	Section 79 Suspension or revocation of licence by appropriate regulatory authority	30 31
	Insert at the end of section 79 (5) (e):	32
	(f) in the opinion of the appropriate regulatory authority, the holder of the licence is no longer a fit and proper person (as referred to in section 83).	33 34 35

[2] Section 83 Fit and proper persons	1
Omit “an applicant” from section 83 (1). Insert instead “a person”.	2
[3] Section 83 (1)	3
Insert “and section 79 (5) (f)” after “section 45 (f)”.	4
[4] Section 83 (1)	5
Omit “that section”. Insert instead “those sections”.	6
[5] Section 84 Date from which decision operates	7
Omit “or” where secondly occurring in section 84 (2).	8
[6] Section 84 (2)	9
Insert “or to attach any new conditions to, or to vary any conditions of, a suspension, revocation or surrender of a licence,” after “conditions,”.	10 11
[7] Section 93 Clean-up directions may be given orally	12
Insert “by the regulatory authority who gave the direction orally” after “confirmed” in section 93 (3).	13 14
[8] Section 96 Preventive action	15
Insert “(whether or not at premises)” after “activity” in section 96 (2) (b).	16
[9] Section 172 Nature of environmental audit	17
Omit “periodic”.	18
[10] Section 212B	19
Insert after section 212A:	20
212B Extraterritorial application	21
A notice may be given under this Chapter to a person in respect of a matter even though the person is outside the State or the matter occurs or is located outside the State, so long as the matter affects the environment of this State.	22 23 24 25
[11] Section 218 Other authorities who may also institute proceedings	26
Omit “ <i>Water Supply Authorities Act 1987</i> ” from section 218 (2).	27
Insert instead “ <i>Water Management Act 2000</i> ”.	28

[12]	Section 287 Appeals regarding licence applications and licences	1
	Omit “licence or” from section 287 (2). Insert instead “licence,”.	2
[13]	Section 287 (2)	3
	Insert “or to attach any new conditions to, or to vary any conditions of, a suspension, revocation or surrender of a licence” after “licence” where lastly occurring.	4 5 6
[14]	Section 308 Public register	7
	Omit “granted or” from section 308 (4). Insert instead “granted,”.	8
[15]	Section 308 (4)	9
	Insert “or exemptions granted by the EPA under Part 9.1, being exemptions that are no longer in force” after “force”.	10 11
[16]	Schedule 2 Regulation-making powers	12
	Omit “(Section 321)”. Insert instead “(Section 323)”.	13
	Explanatory note	14
	Suspension or revocation of licence	15
	Chapter 3 (sections 42–88) of the <i>Protection of the Environment Operations Act 1997</i> makes provision for environmental protection licences. Section 45 lists matters that a regulatory authority (within the meaning of the Act) is to consider when exercising its licensing functions under Chapter 3, including whether a person is a fit and proper person. Section 79 (5) of the Act provides a non-exhaustive list of the grounds on which a licence can be suspended or revoked.	16 17 18 19 20 21
	Item [1] of the proposed amendments adds to that list the ground that the regulatory authority considers the licensee to no longer be a fit and proper person. Items [2]–[4] make consequential amendments.	22 23 24
	Clean-up directions	25
	Part 4.2 (sections 91–94) of the Act provides for the issue of clean-up notices with respect to pollution incidents. Section 93 enables such a clean-up notice to be given orally but such a notice ceases to have effect 72 hours after the giving of the notice unless it is confirmed by a written clean-up notice.	26 27 28 29
	Item [7] of the proposed amendments makes it clear that the regulatory authority who gave the oral notice is also to provide the written clean-up notice.	30 31
	Issue of prevention notices	32
	Section 96 of the Act makes provision for the issue of a notice to occupiers of premises or persons carrying out activities (or both) to take specified preventive action (a prevention notice) where an activity is carried out in an environmentally unsatisfactory manner.	33 34 35
	Item [8] of the proposed amendments removes (for abundant caution) any possible argument that a notice cannot be issued to the person carrying out the activity merely because it is carried out at premises.	36 37 38
	Definition of “environmental audit”	39
	Chapter 6 (sections 171–183) of the Act makes provision for environmental audits. That term is defined in section 172 of the Act as a periodic documented evaluation of an activity for the particular purposes set out in that section.	40 41 42

Statute Law (Miscellaneous Provisions) Bill 2001

Schedule 1 Minor amendments

Item [9] of the proposed amendments amends section 172 to remove the word “periodic” from that definition to ensure that the provisions of Chapter 6 apply to and in respect of “one-off” and occasional audits as well as those repeated at particular intervals.	1 2 3
Extraterritorial application	4
Chapter 7 (sections 184–212A) of the Act enables a regulatory authority, by notice in writing, to require a person to furnish records, information and reports in connection with any matter relating to the authority’s responsibilities and functions under the Act.	5 6 7
Item [10] of the proposed amendments enables such a notice with respect to a matter to be served on a person even if the person is, or the matter occurs or is located, outside New South Wales provided that the matter affects the environment of New South Wales.	8 9 10
Appeals	11
Section 81 of the Act provides that a regulatory authority may attach conditions to the suspension, revocation or surrender of a licence under the Act and may attach new conditions to, or vary or revoke any existing conditions of, a suspension, revocation or surrender. Section 287 of the Act enables a person who is aggrieved by a decision of a regulatory authority with respect to a licence (including a decision to impose conditions on a revocation, suspension or surrender of a licence) to appeal to the Land and Environment Court against the decision.	12 13 14 15 16 17
Item [13] of the proposed amendments amends section 287 so as to enable a person to appeal against a decision by a regulatory authority to attach new conditions to, or to vary any existing conditions of, a revocation, suspension or surrender of a licence. Items [5], [6] and [12] make consequential amendments.	18 19 20 21
Public register	22
Section 308 of the Act requires each regulatory authority under the Act to keep a public register of certain information such as details of each licence application made to, and each licence issued by, that authority. Section 308 (2) (i) in particular requires the EPA to include in its register details of any exemption granted under Part 9.1 of the Act. Section 308 (4) enables regulations to be made authorising the removal from the register of certain matters.	23 24 25 26 27
Item [15] of the proposed amendments amends section 308 (4) so as to enable the regulations to authorise the removal from the register kept by the EPA of exemptions that are no longer in force. Item [14] makes a consequential amendment.	28 29 30
Statute law revision	31
Item [11] of the proposed amendments updates a reference to a repealed Act.	32
Item [16] of the proposed amendments corrects a cross-reference.	33
1.15 Radiation Control Act 1990 No 13	34
Section 33 Annual report of Council to Parliament	35
Insert at the end of the section:	36
(3) If a House of Parliament is not sitting when the Minister seeks to table the report, the Minister may present copies of the report to the Clerk of the House concerned.	37 38 39
(4) The report:	40
(a) on presentation and for all purposes is taken to have been laid before the House, and	41 42
(b) may be printed by authority of the Clerk of the House, and	43

(c)	if printed by authority of the Clerk, is for all purposes taken to be a report published by or under the authority of the House, and	1 2 3
(d)	is to be recorded:	4
(i)	in the case of the Legislative Council, in the Minutes of the Proceedings of the Legislative Council, and	5 6 7
(ii)	in the case of the Legislative Assembly, in the Votes and Proceedings of the Legislative Assembly,	8 9 10
	on the first sitting day of the House after receipt of the report by the Clerk.	11 12
	Explanatory note	13
	Section 33 of the <i>Radiation Control Act 1990</i> requires the Minister for the Environment to table the annual report of the Radiation Advisory Council before both Houses of Parliament as soon as practicable after receiving the report from the Council.	14 15 16
	The proposed amendment amends section 33 so as to enable the Minister to table the annual report even if a House of Parliament is not sitting when the Minister seeks to do so.	17 18
1.16	Residential Tenancies Act 1987 No 26	19
[1]	Section 45A	20
	Insert after section 45:	21
	45A Tenant may apply for refund of overpaid rent	22
(1)	A tenant under a residential tenancy agreement may apply to the Tribunal for an order directing the refund of overpaid rent on the ground that the rent increase was not duly notified under section 45.	23 24 25 26
(2)	The Tribunal may make an order directing the refund.	27
(3)	An application under this section must be lodged no later than 12 months after the relevant notice of the rent increase was given to the tenant.	28 29 30
[2]	Section 61 Notice of termination where agreement frustrated	31
	Insert after section 61 (1):	32
(1A)	For so long as a residential tenancy agreement is not terminated under subsection (1) (b), then, for the purposes of subsection (1) (a):	33 34 35
(a)	the landlord and tenant may agree in writing as to the amount of rent payable, or	36 37

(b)	failing such agreement, either the landlord or tenant may apply to the Tribunal for an order determining the amount of rent payable.	1 2 3
(1B)	The Tribunal may, on application made under subsection (1A) (b):	4
(a)	by order, determine the amount of rent payable, from a day specified by the Tribunal, for the purposes of subsection (1) (a), and	5 6 7
(b)	order the landlord to repay to the tenant any rent paid by the tenant since the specified day that is in excess of the amount determined by the Tribunal, and	8 9 10
(c)	make such other orders with respect to the application as the Tribunal thinks fit.	11 12
	Explanatory note	13
	Repayment of overpaid rent	14
	Item [1] of the proposed amendments enables a tenant under a residential tenancy agreement under the <i>Residential Tenancies Act 1987</i> to apply to the Residential Tribunal for a refund of overpaid rent on the basis that a rent increase was not notified as required by section 45 of that Act.	15 16 17 18
	Payment of rent when agreement frustrated	19
	Section 61 of the <i>Residential Tenancies Act 1987</i> provides for the abatement of rent and a right by either party to terminate a residential tenancy agreement where the agreement is frustrated (for example, the premises the subject of the agreement are destroyed or rendered partly or wholly uninhabitable).	20 21 22 23
	Item [2] of the proposed amendments will:	24
(a)	enable the landlord and tenant to agree to the amount of rent payable where the agreement is not so terminated in such circumstances, and	25 26
(b)	failing such agreement, enable either party to apply to the Residential Tribunal for an order determining the amount of rent payable, and	27 28
(c)	enable the Tribunal to make orders with respect to such an application, including an order with respect to the amount of rent payable by the tenant and the repayment of any rent paid by the tenant in excess of the determined amount.	29 30 31
1.17	Residential Tribunal Act 1998 No 168	32
	Section 27 Procedure of Tribunal generally	33
	Insert at the end of section 27 (5) (h):	34
	, and	35
(i)	may, at any stage in proceedings before it, order that the proceedings be stayed.	36 37

(6) The Registrar or Deputy Registrar is to give to any party to proceedings that have been stayed under subsection (5) (i), and who was not present or represented when the proceedings were stayed, a notice that the proceedings are stayed.	1 2 3 4
Explanatory note	5
The Residential Tribunal, established under the <i>Residential Tribunal Act 1998</i> , has the power to adjourn and dismiss proceedings before it under section 27 of that Act. The proposed amendment enables the Residential Tribunal to stay proceedings before it.	6 7 8
1.18 Statute Law (Miscellaneous Provisions) Act 2000 No 53	9
[1] Section 2 Commencement	10
Omit “12 months” from section 2 (3). Insert instead “3 years”.	11
Commencement	12
The amendment to the <i>Statute Law (Miscellaneous Provisions) Act 2000</i> made by this Act is taken to have commenced on 29 June 2000.	13 14
Explanatory note	15
Section 2 (3) of the <i>Statute Law (Miscellaneous Provisions) Act 2000</i> provides that the repeal, by section 4 (2) of that Act, of the <i>School Forest Areas Act 1936</i> commences on 30 June 2001. The proposed amendment postpones the date of repeal by 2 years to 30 June 2003.	16 17 18
1.19 Sydney Water Act 1994 No 88	19
[1] Section 13 Form of initial operating licence	20
Omit the section.	21
[2] Section 54 Publication of terms and conditions of customer contracts	22
Omit section 54 (2) and (4).	23
[3] Section 55 Owner of land taken to have entered into customer contract	24
Omit “a contract” from section 55 (2). Insert instead “ a customer contract”.	25
[4] Section 55 (3)	26
Omit “, or a contact entered into in accordance with subsection (2),”.	27
[5] Section 59 (2)	28
Omit “account for service charges” from section 59 (2). Insert instead “account or bill”.	29 30
[6] Section 59 (4)	31
Omit “Government Pricing Tribunal”. Insert instead “Independent Pricing and Regulatory Tribunal”.	32 33

[7] Section 60 Fees and charges generally	1
Omit “ <i>Government Pricing Tribunal Act 1992</i> ” from section 60 (7).	2
Insert instead “ <i>Independent Pricing and Regulatory Tribunal Act 1992</i> ”.	3
[8] Section 62 Occupier may pay, and recover, contract charges in certain cases	4
Omit “, availability charges or stormwater drainage area charges” from section 62 (2).	5
	6
	7
[9] Section 74 Notice of requirements before grant of compliance certificate	8
Omit “ <i>Government Pricing Tribunal Act 1992</i> ” from section 74 (3).	9
Insert instead “ <i>Independent Pricing and Regulatory Tribunal Act 1992</i> ”.	10
	11
[10] Section 93 Performance of community service obligations	12
Omit the section.	13
Explanatory note	14
Customer contracts	15
Section 55 (1) of the <i>Sydney Water Act 1994</i> provides that an owner of land connected to a water or sewer main owned by Sydney Water Corporation is taken to have entered into a customer contract with the Corporation for the provision of services. Section 55 (2) provides that, if a customer contract includes terms and conditions relating to the imposition and payment of charges imposed under section 64 (Availability charges) or 65 (Stormwater drainage area charges) of the Act, a person by whom one or more of the charges are payable is taken to have entered into a contract with the Corporation on those terms and conditions.	16
Item [3] of the proposed amendments clarifies the operation of section 55 by making it clear that a contract taken to have been entered into under section 55 (2) is also a customer contract.	17
Items [4] and [8] make consequential amendments.	18
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Accounts	26
Section 59 (2) of the Act requires a notice of variation of a customer contract to accompany the next account for “service” charges issued after the date of publication of the notice. However, the concept of an account for service charges is no longer used in the Act.	27
Item [5] of the proposed amendments updates the terminology used in section 59 (2) to refer instead to an account or bill, consistently with the terminology used elsewhere in the Act (see, for example, section 19A).	28
	29
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	32
Statute law revision	33
Items [1], [2] and [10] omit spent provisions.	34
Items [6], [7] and [9] of the proposed amendments update references to an Act and a body.	35

1.20	Technical and Further Education Commission Act 1990 No 118	1
	Section 7 Miscellaneous functions	2
	Insert at the end of section 7:	3
	(6) The TAFE Commission may exercise its functions under this Act within or outside the State, including outside Australia. The TAFE Commission is taken always to have had the powers conferred by this subsection.	4 5 6 7
	Explanatory note	8
	The proposed amendment enables the TAFE Commission to exercise its functions under the <i>Technical and Further Education Commission Act 1990</i> outside New South Wales.	9 10
1.21	Travel Agents Act 1986 No 5	11
[1]	The whole Act (except sections 3, 9 (2) and 20 (7) and Schedule 2)	12
	Omit “Commissioner” wherever occurring.	13
	Insert instead “Director-General”.	14
[2]	Section 3 Definitions	15
	Omit the definition of <i>Commissioner</i> .	16
[3]	Section 3	17
	Insert in alphabetical order:	18
	<i>Director-General</i> means the Director-General of the Department of Fair Trading.	19 20
[4]	Sections 9 and 20	21
	Omit “of the Department of Fair Trading” wherever occurring in sections 9 (2) and 20 (7).	22 23
[5]	Section 11 Conditions of, and restrictions on, licence	24
	Omit “Commissioner’s” from section 11 (1) (b).	25
	Insert instead “Director-General’s”.	26
[6]	Section 17 Annual fee and annual statement	27
	Omit “shall” from section 17 (9). Insert instead “may”.	28

[7] Section 17 (9A) and (9B)	1
Insert after section 17 (9):	2
(9A) The Director-General may reinstate a licence cancelled under subsection (9) but only if satisfied that there is a reasonable explanation for the failure to pay the fee or lodge the statement that resulted in the cancellation of the licence.	3 4 5 6
(9B) The reinstatement of a licence does not take effect until the unpaid fee is paid or the statement is lodged, or both the fee is paid and the statement is lodged, as the case requires.	7 8 9
Explanatory note	10
Cancellation of licences	11
Section 17 of the Act requires the Director-General of the Department of Fair Trading to cancel the licence of a person if the person fails to pay an annual fee or lodge an annual statement as required under that section.	12 13 14
Item [6] of the proposed amendments gives the Director-General the discretion as to whether or not to cancel a licence in such circumstances.	15 16
Item [7] enables the Director-General to reinstate a cancelled licence if satisfied that there is a reasonable explanation for the failure to pay the fee or lodge the statement.	17 18
Statute law revision	19
Items [1]–[3] and [5] of the proposed amendments update references to an office holder. Item [4] makes a consequential amendment.	20 21
1.22 Water Management Act 2000 No 92	22
[1] Section 13 Membership of committee	23
Omit “11” from section 13 (1). Insert instead “12”.	24
[2] Section 32 Core provisions	25
Insert “and aquifer interference activity” after “controlled activity”.	26
[3] Section 33 Additional provisions	27
Insert “and aquifer interference activity” after “controlled activity”.	28
[4] Section 45 Amendment of bulk access regimes established by management plans	29 30
Insert “for water sharing” after “management committee” in section 45 (2).	31
[5] Section 60 Rules of distribution applicable to making of available water determinations	32 33
Omit “and local water utilities” wherever occurring.	34
Insert instead “, local water utilities, irrigation corporations, private irrigation boards and private water trusts”.	35 36

[6] Section 61 Granting and renewal of access licences	1
Insert after section 61 (4):	2
(5) The Minister:	3
(a) may require an applicant for an access licence to provide additional information within a specified time if of the opinion that additional information would be relevant to consideration of the application, and	4 5 6 7
(b) may delay consideration of the application until the information is provided or, if the information is not provided within the time specified, may refuse to consider the application.	8 9 10 11
(6) The Minister may refuse to accept an application for an access licence if it appears to the Minister that the application is incomplete.	12 13 14
[7] Section 83 Register of access licences	15
Omit section 83 (1) (c). Insert instead:	16
(c) such legal or equitable interests in an access licence as the holder of the access licence, or the holder of any such interest in the access licence, requests to be included in the register.	17 18 19 20
[8] Section 83 (2)	21
Omit “an interest”. Insert instead “a legal or equitable interest”.	22
[9] Section 92 Applications for approvals	23
Omit “Subsection (6)” from section 92 (8). Insert instead “Subsection (7)”.	24
[10] Section 97 Grounds of refusal of certain applications	25
Omit “drainage work” wherever occurring in section 97 (2). Insert instead “water management work”.	26 27
[11] Section 97 (3)	28
Omit the subsection.	29
[12] Section 98 Notice of decision	30
Omit “a water use approval”. Insert instead “an approval that has been advertised pursuant to section 92”.	31 32

[13]	Section 106 Land benefited by water use approval or water management work approval	1
	Omit “an irrigation corporation,” from section 106 (3).	2
	Insert instead “a major utility, local water utility, irrigation corporation,”.	3
		4
[14]	Section 117 Definitions	5
	Insert “, including any land included in its area of operations under Division 4 but excluding any land excluded from its area of operations under Division 5 of this Part” after “ <i>Water Act 1912</i> ” in the definition of <i>area of operations</i> .	6
		7
		8
[15]	Section 156 Private irrigation board may apply to take over water supply works	9
	Omit “management” from section 156 (1). Insert instead “supply”.	10
		11
[16]	Section 176 Determination of allocation	12
	Omit “A board”.	13
	Insert instead “As soon as practicable after it is elected, the first board”.	14
[17]	Section 240 Definitions	15
	Omit “supply works” and “those works” from the definition of <i>Fish River water supply works</i> .	16
	Insert instead “supply scheme” and “that scheme”, respectively.	17
		18
[18]	Section 241 Fish River water supply scheme controlled by the Minister	19
	Omit “supply works are”. Insert instead “supply scheme is”.	20
[19]	Section 242 Minister may repair works	21
	Omit “portion of the Fish River water supply works”.	22
	Insert instead “works forming part of the Fish River water supply scheme”.	23
[20]	Section 243 Minister may supply water	24
	Omit “supply works” from section 243 (1). Insert instead “supply scheme”.	25
[21]	Section 244 Council not to supply outside area without consent	26
	Omit “supply works”. Insert instead “supply scheme”.	27
[22]	Section 246 Special areas	28
	Omit “supply works” from section 246 (1). Insert instead “supply scheme”.	29

[23]	Section 250 Allocation of money	1
	Omit “the Fish River water supply works” wherever occurring in section 250 (3).	2
	Insert instead “the works forming part of the Fish River water supply scheme”.	3
		4
[24]	Section 288 Provisions relating to constitution and procedure of water supply authorities	5
	Omit “Broken Hill Water Board” from section 288 (2).	6
	Insert instead “Australian Inland Energy Water Infrastructure”.	7
		8
[25]	Section 293 Exercise of functions by a water supply authority	9
	Insert after section 293 (1):	10
	(1A) Subsection (1) (b) does not apply to a water supply authority listed in Part 3 of Schedule 3.	11
		12
[26]	Section 320 Efficiency review	13
	Insert after section 320 (2):	14
	(3) This section does not apply to a water supply authority listed in Part 3 of Schedule 3.	15
		16
[27]	Section 321 Appointment of administrator	17
	Insert after section 321 (3):	18
	(4) This section does not apply to a water supply authority listed in Part 3 of Schedule 3.	19
		20
[28]	Section 324 Directions concerning the production of information	21
	Omit “on waterfront land” from section 324 (3).	22
	Insert instead “in, on or under waterfront land”.	23
[29]	Section 332 Measures that may be specified in directions	24
	Omit “in or on waterfront land” from section 332 (1) (c).	25
	Insert instead “in, on or under waterfront land”.	26
[30]	Section 342 Using water without a water use approval	27
	Omit section 342 (1). Insert instead:	28
	(1) A person must not use water on any land for any purpose otherwise than in accordance with a water use approval that authorises the use of water on that land for that purpose.	29
		30
		31

[31]	Section 344 Unlawful carrying out of certain activities	1
	Omit “on waterfront land” from section 344 (1) (a).	2
	Insert instead “in, on or under waterfront land”.	3
[32]	Section 347 Taking water from public or private works	4
	Insert “the Minister,” after “management of,” in section 347 (1).	5
[33]	Section 347 (1)	6
	Insert “the Minister,” after “authority of”.	7
[34]	Section 364 Proceedings for offences	8
	Insert the following note at the end of section 364 (2):	9
	Note. Subsection (2) overrides section 56 of the <i>Justices Act 1902</i> in relation	10
	to offences against this Act, but not in relation to offences against the	11
	regulations. By operation of that section, proceedings for an offence against the	12
	regulations may not be commenced more than 6 months after the date on	13
	which the offence was allegedly committed.	14
[35]	Section 368 Appeals to Land and Environment Court	15
	Omit “landholder” from section 368 (1) (n). Insert instead “person”.	16
[36]	Schedule 3 Water supply authorities	17
	Omit “Broken Hill Water Board” from Part 1 of Schedule 3.	18
[37]	Schedule 3, Part 2	19
	Omit “Australian Inland Energy Water Infrastructure”.	20
[38]	Schedule 3, Part 3	21
	Insert at the end of the Schedule:	22
	Part 3 State owned corporations	23
	Australian Inland Energy Water Infrastructure	24
[39]	Schedule 5 Constitution and procedure of water supply authorities	25
	Omit “Broken Hill Water Board” and “Board” wherever occurring in Part 2 of	26
	Schedule 5 (except in Division 1).	27
	Insert instead “Corporation”.	28
[40]	Schedule 5, Part 2, Division 1	29
	Omit the Division.	30

[41] Schedule 5, Part 2, Division 2	1
Omit “Division” wherever occurring, except the heading to Division 2. Insert instead “Part”.	2 3
[42] Schedule 5, Part 2, Division 2, heading	4
Omit the heading.	5
[43] Schedule 5, clause 13 (1)	6
Insert in alphabetical order:	7
<i>Corporation</i> means Australian Inland Energy Water Infrastructure.	8 9
[44] Schedule 5, clause 19 (3)	10
Omit “Board’s”. Insert instead “Corporation’s”.	11
[45] Schedule 5, clause 20 (4)	12
Omit “Broken Hill Water”.	13
Insert instead “Australian Inland Energy Water Infrastructure”.	14
[46] Schedule 8 Amendment of other Acts	15
Omit Schedule 8.15.	16
[47] Schedule 8	17
Omit Schedule 8.29 [3]–[6].	18
[48] Schedule 9 Savings, transitional and other provisions	19
Omit Division 11 of Part 2 of the Schedule.	20
[49] Schedule 9	21
Omit the definition of <i>transferor</i> from clause 51 of Schedule 9. Insert instead:	22
<i>transferor</i> means the person from whom any staff, assets, rights or liabilities are transferred by a transfer order.	23 24
[50] Dictionary, definition of “aquifer interference activity”	25
Insert at the end of paragraph (c) of the definition:	26
,	27
but does not include any activity declared by the regulations not to be an aquifer interference activity.	28 29

[51] Dictionary, definition of “controlled activity”	1
Insert at the end of paragraph (d) of the definition:	2
,	3
but does not include any activity declared by the regulations not to be a controlled activity.	4
	5
[52] Dictionary, definition of “local water utility”	6
Omit “established by this Act” from paragraph (a).	7
[53] Dictionary, definition of “water supply work”	8
Omit “the Sydney Water Board, the Hunter Water Board” from paragraph (f).	9
Insert instead “the Sydney Water Corporation, the Hunter Water Corporation”.	10
[54] Dictionary, definition of “water supply work”	11
Omit “as not being” from paragraph (g). Insert instead “not to be”.	12
[55] Dictionary, definition of “waterfront land”	13
Insert “, but does not include any land declared by the regulations not to be waterfront land” after “that lesser distance”.	14
	15
Explanatory note	16
Distribution of supply (item [5])	17
Item [5] of the proposed amendments ensures that the same rules of distribution apply, in times of severe water shortage, in respect of irrigation corporations, private irrigation boards and private water trusts as currently apply to other suppliers of domestic and commercial water supplies.	18
	19
	20
	21
Applications for approvals (item [6])	22
Item [6] of the proposed amendments ensures that the procedures that are applicable to applications for approvals under the Act are also applicable to applications for access licences.	23
	24
Register of access licences (items [7] and [8])	25
Item [7] of the proposed amendments ensures that the interests to be recorded in the register of access licences maintained under the Act are legal and equitable interests. Item [8] makes a consequential amendment.	26
	27
	28
Water sources (items [10] and [11])	29
Section 97 (2) of the Act currently provides that a drainage work approval is not to be granted unless the Minister is satisfied that adequate arrangements are in force to ensure that minimal harm will be done to any water source, or its dependent ecosystems, as a consequence of the construction or use of the proposed drainage work. Section 97 (3) is a provision in relation to flood works.	30
	31
	32
	33
	34
Item [10] of the proposed amendments applies section 97 (2) to all water management works (that is, drainage works, flood works and water supply works). Item [11] repeals section 97 (3) in consequence of that application.	35
	36
	37

Approvals (item [13])

Item [13] of the proposed amendments ensures that major water utilities and local water utilities that hold water use approvals and water management work approvals have the same rights and obligations in relation to such approvals as other holders of the approvals.

Definitions (items [14], [50]–[52] and [55])

Divisions 4 and 5 of Part 1 of Chapter 4 of the Act provide for the inclusion of land in, and the exclusion of land from, an irrigation corporation's area of operations. Item [14] of the proposed amendments amends the definition of *area of operations* of an irrigation corporation to reflect this.

Items [50] and [51] of the proposed amendments amend the definitions of *aquifer interference activity* and *controlled activity* to provide that such activities do not include activities prescribed by the regulations as being excluded from those definitions.

The current definition of *local water utility* inadvertently excludes water supply authorities that are established by Acts other than the *Water Management Act 2000*. Item [52] of the proposed amendments ensures that the definition will include all water supply authorities, however established.

Item [55] of the proposed amendments amends the definition of *waterfront land* to provide that such land does not include land declared by the regulations not to be waterfront land.

Allocation of water for irrigation (item [16])

Section 176 (Determination of allocation) of the Act provides that a board for a private water supply and irrigation district must determine the quantity of water, if any, to be allocated for irrigation to each holding within the private irrigation district.

Item [16] of the proposed amendments makes it clear that this determination is to be made once only, when the first board is elected. (Allocations once made are fixed, subject to the provisions with respect to the subdivision of land.)

State owned corporations (items [25]–[27], [37] and [38])

Items [25]–[27], [37] and [38] of the proposed amendments transfer to the Act the effect of a provision contained in the *Water Management (Broken Hill Water Supply—General) Regulation 1997* exempting Australian Inland Energy Water Infrastructure (which is the successor to the Broken Hill Water Board and is a State owned corporation) from the operation of certain provisions of the Act and extend that exemption to all State owned corporations that are water supply authorities.

Use of water (item [30])

Item [30] of the proposed amendments makes it clear that a water use approval authorises the use of water for a specified purpose only. It does not authorise the use of water generally.

Water supply works (items [32] and [33])

Item [32] of the proposed amendments ensures that the Minister, who has the control and management of certain water supply works, has the same protections with respect to the taking of water from such works that are provided to other bodies that control and manage such works. Item [33] makes a consequential amendment.

Appeals (item [35])

Item [35] of the proposed amendments will enable any person (and not just a landholder) to whom a direction is given under Part 1 of Chapter 7 of the Act (for example, a direction to stop work where an unlawful activity is occurring) to appeal to the Land and Environment Court against the Minister's decision to give the direction.

Statute law revision (items [1]–[4], [9], [12], [15], [17]–[24], [28], [29], [31], [34], [36], [39]–[49], [53] and [54])

Items [28], [29], [31] and [54] of the proposed amendments provide for consistency of language in the Act.

Statute Law (Miscellaneous Provisions) Bill 2001

Schedule 1 Minor amendments

Item [1] of the proposed amendments ensures the total number of members of a management committee referred to in section 13 (1) of the Act is equal to the sum of the individual number of members referred to in section 13 (1) (a)–(g) and (i).	1 2 3
Items [2] and [3] of the proposed amendments insert a missing term in sections 32 and 33 of the Act for consistency with section 31 (Application of Division).	4 5
Item [4] of the proposed amendments merely reflects the fact that the only management plans that establish a bulk access regime are those that deal with water sharing.	6 7
Item [9] of the proposed amendments corrects an incorrect cross-reference.	8
Item [12] of the proposed amendments is consequential in an amendment made at the committee stage of the Bill for the <i>Water Management Act 2000</i> that extended the advertising requirements of section 92 from water use approvals to approvals prescribed by the regulations.	9 10 11
Item [15] of the proposed amendments replaces an incorrect reference to a water management work in section 156 (Private irrigation board may apply to take over water supply works) of the Act with the correct reference (to a water supply work).	12 13 14
Items [17]–[23] and [53] of the proposed amendments update the description of a water supply scheme and 2 major utilities.	15 16
Items [24], [36], [39], [40] and [43]–[45] are consequential on the replacement of the Broken Hill Water Board by the Australian Inland Energy Water Infrastructure effected by legislation that passed through Parliament concurrently with the Bill for the <i>Water Management Act 2000</i> . Items [41] and [42] are consequential on item [40].	17 18 19 20
Item [34] of the proposed amendments adds a Note to section 364 (Proceedings for offences) of the Act explaining how section 364 (2) operates in conjunction with section 56 of the <i>Justices Act 1902</i> .	21 22 23
Items [46] and [47] of the proposed amendments omit provisions that duplicate certain amendments made by the <i>Valuation of Land Amendment Act 2000</i> .	24 25
Item [48] repeals a superfluous amendment as a result of Macquarie Generation having been added to Schedule 2 on the date on which Schedule 2 commenced.	26 27
The current definition of <i>transferor</i> refers only to the Ministerial Corporation. Item [49] of the proposed amendments reflects the fact that the transfer provisions to which the definition relates deal with transfers by persons and bodies other than the Ministerial Corporation.	28 29 30

Schedule 2	Amendments by way of statute law revision	1
		2
	(Section 3)	3
2.1	Associations Incorporation Act 1984 No 143	4
[1]	The whole Act (except section 3 and Schedule 3)	5
	Omit “Commissioner” and “Commissioner’s” wherever occurring.	6
	Insert instead “Director-General” and “Director-General’s” respectively.	7
[2]	Section 3 Definitions	8
	Omit the definition of <i>Commissioner</i> .	9
[3]	Section 3	10
	Insert in alphabetical order:	11
	<i>Director-General</i> means the Director-General of the Department of Fair Trading.	12
		13
[4]	Section 72A Delegation by Director-General	14
	Insert “under this Act” after “functions” in section 72A (1).	15
	Explanatory note	16
	The <i>Associations Incorporation Act 1984</i> defines <i>Commissioner</i> , for the purposes of that Act, as the Director-General of the Department of Fair Trading.	17
	Items [1]–[3] of the proposed amendments replace references to the Commissioner with direct references to the Director-General of the Department of Fair Trading. Item [4] makes a consequential amendment.	18
		19
		20
		21
2.2	Business Names Act 1962 No 11	22
[1]	The whole Act (except section 4)	23
	Omit “Commissioner” and “Commissioner’s” wherever occurring.	24
	Insert instead “Director-General” and “Director-General’s” respectively.	25
[2]	Section 4 Interpretation	26
	Omit the definition of <i>Commissioner</i> .	27
[3]	Section 4	28
	Insert in alphabetical order:	29
	<i>Director-General</i> means the Director-General of the Department of Fair Trading.	30
		31

[4] Section 25 Authority of Director-General to destroy documents	1
Omit “ <i>Archives Act 1960</i> ” wherever occurring.	2
Insert instead “ <i>State Records Act 1998</i> ”.	3
[5] Section 31A Delegation by Director-General	4
Insert “under this Act” after “functions”.	5
Explanatory note	6
The <i>Business Names Act 1962</i> defines Commissioner , for the purposes of that Act, as the Director-General of the Department of Fair Trading.	7
Items [1]–[3] of the proposed amendments replace references to the Commissioner with direct references to the Director-General of the Department of Fair Trading. Item [5] makes a consequential amendment.	8
	9
	10
	11
Item [4] of the proposed amendments updates a reference to a repealed Act.	12
2.3 Child Protection (Prohibited Employment) Act 1998 No 147	13
Section 9 IRC and ADT may make declarations concerning prohibited persons	14
	15
Insert “or” at the end of section 9 (3) (a).	16
Explanatory note	17
The proposed amendment inserts an omitted word.	18
2.4 Children and Young Persons (Care and Protection) Act 1998 No 157	19
	20
Section 135 What is “out-of-home” care?	21
Re-number section 135 (3) (as inserted by the <i>Statute Law (Miscellaneous Provisions) Act 2000</i>) as section 135 (4).	22
	23
Explanatory note	24
The proposed amendment corrects the duplication of a subsection number.	25
2.5 Coal Mines Regulation Act 1982 No 67	26
[1] Part 4 Mine inspection and safety provisions	27
Omit the heading to Division 4 of Part 4. Insert instead:	28
Division 4 Inspections on behalf of workers	29

[2] Section 80 Electrical check inspectors	1
Omit “, a trade rights certificate or an indenture of electrical tradesman” from section 80 (2) (a).	2
Insert instead “or be an electrical tradesperson”.	3
	4
[3] Section 80 (2) (b)	5
Omit “the holder of a trade rights certificate or an indenture of electrical tradesman”.	6
Insert instead “an electrical tradesperson”.	7
	8
Explanatory note	9
Item [1] of the proposed amendments replaces gender-specific language with gender-neutral language.	10
	11
Items [2] and [3] update terminology used in a section.	12
2.6 Community Land Management Act 1989 No 202	13
[1] The whole Act (except sections 3 and 78, the headings to sections 109B, 109D and 109E and Division 1 of Part 5A and Schedule 7)	14
	15
Omit “Commissioner” and “Commissioner’s” wherever occurring.	16
Insert instead “Director-General” and “Director-General’s” respectively.	17
[2] Section 3 Definitions	18
Omit the definition of <i>Commissioner</i> from section 3 (1).	19
[3] Section 3 (1)	20
Insert in alphabetical order:	21
<i>Director-General</i> means the Director-General of the Department of Fair Trading.	22
	23
[4] Part 5A	24
Omit the heading to Division 1 of Part 5A. Insert instead:	25
Division 1 Functions of Director-General under this Act	26
[5] Section 109A	27
Omit the section.	28
[6] Section 109B Functions of Director-General	29
Omit section 109B (1).	30

[7] Section 109B (2)	1
Insert “under this Act” before “include”.	2
[8] Section 109D Staff of Director-General	3
Insert “under this Act” after “functions”.	4
[9] Section 109E Delegation of functions	5
Omit “or any other”.	6
[10] Section 109G Annual report of Director-General	7
Insert “under this Part” before “during” in section 109G (1).	8
Explanatory note	9
The <i>Community Land Management Act 1989</i> provides that the Commissioner , for the purposes of that Act, is the Director-General of the Department of Fair Trading.	10
Items [1]–[3] of the proposed amendments replace references to the Commissioner with direct references to the Director-General of the Department of Fair Trading.	11
Items [4] and [6]–[8] and [10] make consequential amendments.	12
Item [5] consequentially omits a superfluous provision.	13
Section 109E of the Act currently enables the Commissioner to delegate his or her functions under the <i>Community Land Management Act 1989</i> or any other Act. The functions of the Commissioner are conferred solely by that Act. Item [9] omits superfluous words with respect to the conferral of functions on the Commissioner by any other Act.	14
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2.7 Community Services (Complaints, Reviews and Monitoring) Act 1993 No 2	20
	21
Section 4 Definitions	22
Omit “paragraph (d) of the definition of <i>service provider</i> ” from the definition of <i>community service</i> .	23
Insert instead “paragraph (f) of the definition of <i>service provider</i> ”.	24
	25
Explanatory note	26
Paragraph (d) of the definition of <i>service provider</i> in section 4 of the <i>Community Services (Complaints, Reviews and Monitoring) Act 1993</i> was repealed and re-enacted by the <i>Statute Law (Miscellaneous Provisions) Act 1996</i> as paragraph (f) of the definition. The proposed amendment updates a cross-reference to that paragraph.	27
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2.8	Companies (Death Duties) Act 1901 No 30	1
	Section 10 Duty on death of members	2
	Renumber section 10 (1) (a) and (b) (where secondly occurring), (c) and (d) as section 10 (1) (c), (d), (e) and (f) respectively.	3 4
	Explanatory note	5
	The proposed amendment corrects the duplication of paragraph identifiers.	6
2.9	Consumer Credit (New South Wales) Act 1995 No 7	7
	Section 8 Conferral of judicial functions	8
	Omit “Commercial Tribunal” wherever occurring.	9
	Insert instead “Fair Trading Tribunal”.	10
	Explanatory note	11
	The proposed amendment updates references to a Tribunal which has been abolished.	12
2.10	Conveyancing Amendment (Building Management Statements) Act 2001 No 9	13 14
[1]	Schedule 8B Rights and obligations implied in certain easements	15
	Renumber clauses 7–14 as clauses 1–8, respectively.	16
[2]	Schedule 8B, clause 5 (as renumbered by item [1])	17
	Omit “subsection (1)” from clause 5 (2). Insert instead “subclause (1)”.	18
	Explanatory note	19
	Item [1] of the proposed amendments renumbers inappropriately numbered clauses in a Schedule.	20 21
	Item [2] of the proposed amendments corrects an incorrect reference to a subclause.	22
2.11	Co-operative Housing and Starr-Bowkett Societies Act 1998 No 11	23 24
[1]	Section 3 Definitions	25
	Omit “profit and loss accounts and balance sheets” from the definition of <i>accounts</i> .	26 27
	Insert instead “statements of financial performance and statements of financial position”.	28 29

[2] Section 3 (1), definition of “accounts”	1
Omit “accounts or balance sheets”. Insert instead “statements”.	2
[3] The whole Act (except as otherwise amended by this Act)	3
Omit “profit and loss account”.	4
Insert instead “statement of financial performance”.	5
[4] The whole Act (except as otherwise amended by this Act)	6
Omit “balance sheet”. Insert instead “statement of financial position”.	7
[5] Section 134 Directors’ reports	8
Renumber section 134 (6) (a) and (b) (where secondly occurring) as section 134 (6) (d) and (e).	9 10
[6] Sections 135 and 143	11
Omit “Profit and loss account and balance sheet” wherever occurring.	12
Insert instead “Statement of financial performance and statement of financial position”.	13 14
Explanatory note	15
Items [1], [2]–[4] and [6] of the proposed amendments update references to financial statements.	16 17
Item [5] of the proposed amendments corrects the duplication of paragraph identifiers.	18
2.12 Credit Act 1984 No 94	19
[1] The whole Act (except section 5 (1))	20
Omit “Commissioner” wherever occurring. Insert instead “Director-General”.	21
[2] Sections 3 (4), 11 (3), 21 (1), 24 (2) (b) and (5) (c), 102 (4), 107 (6), 112 (2), 114 (1) (a), 117 (5) (c), 132 (4), 139 (2), 140 (1) and 164 (3)	22 23
Insert “or she” after “he” wherever occurring.	24
[3] Section 5 Definitions	25
Omit the definition of <i>Commissioner</i> from section 5 (1).	26
[4] Section 5 (1)	27
Insert in alphabetical order:	28
<i>Director-General</i> means the Director-General of the Department of Fair Trading.	29 30

[5]	Section 5 (1), definition of “credit”	1
	Omit “him”. Insert instead “the debtor”.	2
[6]	Section 5 (1), definition of “credit provider”	3
	Omit “him” wherever occurring. Insert instead “that person”.	4
[7]	Section 5 (1), definition of “default charge”	5
	Omit “his failure to fulfil his”.	6
	Insert instead “the debtor’s failure to fulfil his or her”.	7
[8]	Section 5 (1), definition of “guarantor”	8
	Omit “his”. Insert instead “the debtor’s or mortgagor’s”.	9
[9]	Section 5 (1), definition of “loan contract”	10
	Omit “him” wherever occurring. Insert instead “the person”.	11
[10]	Section 5 (1), definition of “services”	12
	Omit “him or them”. Insert instead “that or those other persons”.	13
[11]	Sections 11 (1) (a) and 62 (1) and (3)	14
	Omit “his” wherever occurring. Insert instead “the credit provider’s”.	15
[12]	Section 13 Contracts for hiring goods	16
	Omit “him” wherever occurring in section 13 (2) (b) and (4).	17
	Insert instead “that person”.	18
[13]	Sections 13 (3) (f), 22, 29 (except 29 (b)) and 117 (3) and (5) (except (5) (c))	19
	Omit “him” and “he” wherever occurring. Insert instead “the supplier”.	20
[14]	Section 17 Recognised States	22
	Omit “he is”.	23
[15]	Sections 24 (2) (a) and (b) (except (b) (i)) and (10), 48 (2) (a), 69 (1) (a), 74 (1), 81 (1) (3) and (6), 95 (2) and (4), 98 (1), 102 (2), 105, 110 (1), 113 (1) and (2), 118, 128 (2) (b), 139 (2), 147 (2) (e), 150 (1), 164 (1) (a) and (3)	24
	Insert “or her” after “him” and “his” wherever occurring.	25
		26
		27
		28

[16]	Section 24 (2) (b) (i)	1
	Omit “his”.	2
[17]	Sections 24 (4) and (13) and 25 (3) (c)	3
	Omit “he” or “him” wherever occurring. Insert instead “the buyer”.	4
[18]	Section 29 (b)	5
	Omit “him”. Insert instead “the credit provider”.	6
[19]	Section 32 Form of offer	7
	Omit “his” wherever occurring in section 32 (3) and (4).	8
	Insert instead “the person’s”.	9
[20]	Sections 32 (5), 117 (2), 121 (1) and 156	10
	Omit “him” and “he” wherever occurring. Insert instead “the person”.	11
[21]	Sections 42 (2), 47 (1), 59 (2), 62 (1) (a) and (4) and 85 (1)	12
	Omit “he” and “him” wherever occurring. Insert instead “the debtor”.	13
[22]	Sections 45 (2), 46, 56, 57 (1), 63, 64 (2), 68 (2), 70 (4), 71 (4), 86 (1) and 104 (2)	14
	Omit “he” and “him” wherever occurring. Insert instead “the credit provider”.	15
[23]	Sections 49 (3) (a) and 59 (2)	17
	Omit “his” wherever occurring. Insert instead “the debtor’s”.	18
[24]	Section 62 (4) (a)	19
	Insert “or her” after “his”.	20
[25]	Sections 70 (6) and 136	21
	Omit “he”. Insert instead “the guarantor”.	22
[26]	Section 74 (1)	23
	Omit “he reasonably expects that he”.	24
	Insert instead “the debtor reasonably expects that he or she”.	25
[27]	Sections 74 (3), 116 (4) and 139 (4)	26
	Omit “he”. Insert instead “the Director-General”.	27

[28]	Sections 81 (1) (b), 114 (1) (except 114 (1) (a)), 115 (3) and (6) and 128 (2) (b)	1
	Omit “he” wherever occurring. Insert instead “the mortgagee”.	2
		3
[29]	Sections 94 (1), 95 (1), 113 (4) and 115 (1) and (6)	4
	Omit “his” wherever occurring. Insert instead “the mortgagee’s”.	5
[30]	Section 96 Disclosure of location of goods	6
	Omit “his” from section 96 (2) (b). Insert instead “the mortgagor’s”.	7
[31]	Sections 98 (2), 99 (1) and (2), 115 (5) (except 115 (5) (b))	8
	Omit “him” wherever occurring. Insert instead “the mortgagor”.	9
[32]	Section 104 (3)	10
	Omit “he”. Insert instead “the debtor or guarantor concerned”.	11
[33]	Sections 106 (4) (b), 112 (2) and 115 (5) (b)	12
	Omit “him” wherever occurring. Insert instead “the mortgagee”.	13
[34]	Section 107 (8)	14
	Omit “him”. Insert instead “the debtor or mortgagor concerned”.	15
[35]	Section 116 Postponement of exercise of rights	16
	Omit “his” from section 116 (1).	17
	Insert instead “the credit provider’s or mortgagee’s”.	18
[36]	Section 116 (3)	19
	Omit “he”. Insert instead “the debtor or mortgagor”.	20
[37]	Section 116 (4)	21
	Omit “him”. Insert instead “the credit provider or mortgagee”.	22
[38]	Section 121 (3)	23
	Omit “he” where firstly occurring. Insert instead “the person”.	24
[39]	Section 121 (3)	25
	Insert “or she” after “he” where secondly occurring.	26
[40]	Sections 126 and 153	27
	Omit “he” wherever occurring.	28
	Insert instead “the credit provider or mortgagee concerned”.	29

[41]	Section 127 Insurance—regulated contracts	1
	Omit “his providing” from section 127 (2). Insert instead “the provision of”.	2
[42]	Section 128 (4)	3
	Omit “he” wherever occurring. Insert instead “the mortgagor”.	4
[43]	Section 131 Premiums to be paid to insurer	5
	Omit “him”. Insert instead “the insurer”.	6
[44]	Section 147 (3)	7
	Omit “he represented him, or assisted him”.	8
	Insert instead “the person represented the debtor or the mortgagor or assisted the debtor or the mortgagor”.	9
		10
[45]	Section 150 (2)	11
	Omit “his” where firstly and thirdly occurring. Insert instead “the person’s”.	12
[46]	Section 150 (2)	13
	Insert “or her” after “his” where secondly occurring.	14
[47]	Section 150 (2)	15
	Omit “he” wherever occurring. Insert instead “the person”.	16
[48]	Section 150 (2)	17
	Omit “him”. Insert instead “the assignor”.	18
[49]	Section 156	19
	Insert “or her” after “his” where firstly and lastly occurring.	20
[50]	Section 156	21
	Omit “his” where secondly occurring. Insert instead “the person’s”.	22
[51]	Section 160 Offence by corporation	23
	Omit “he”.	24
	Insert instead “the director, manager, secretary or other officer concerned”.	25
	Explanatory note	26
	The proposed amendments update references to an office holder and replace gender specific terms with gender neutral terms.	27
		28

2.13	Credit (Finance Brokers) Act 1984 No 96	1
	Section 4 Definitions	2
	Omit the definition of <i>Commissioner</i> from section 4 (1).	3
	Explanatory note	4
	The proposed amendment omits a superfluous definition.	5
2.14	Credit (Home Finance Contracts) Act 1984 No 97	6
[1]	The whole Act (except section 4)	7
	Omit “Commissioner” wherever occurring. Insert instead “Director-General”.	8
[2]	Section 4 Definitions	9
	Omit the definition of <i>Commissioner</i> .	10
[3]	Section 4	11
	Insert in alphabetical order:	12
	<i>Director-General</i> means the Director-General of the Department of Fair Trading.	13
	Explanatory note	15
	The <i>Credit (Home Finance Contracts) Act 1984</i> defines <i>Commissioner</i> , for the purposes of that Act, as the Director-General of the Department of Fair Trading.	16
	The proposed amendments replace references to the Commissioner with direct references to the Director-General of the Department of Fair Trading.	17
		18
		19
2.15	Crimes Act 1900 No 40	20
	Section 19A Punishment for murder	21
	Omit “section 442” from section 19A (3).	22
	Insert instead “section 21 (1) of the <i>Crimes (Sentencing Procedure) Act 1999</i> ”.	23
	Explanatory note	24
	The proposed amendment updates a reference to a repealed provision.	25

2.16	Criminal Procedure Act 1986 No 209	1
	Schedule 1 Indictable offences triable summarily	2
	Re-number paragraph 31 (as inserted by the <i>Crimes Legislation Further Amendment Act 2000</i>) in Part 6 of Table 1 as paragraph 30A.	3 4
	Explanatory note	5
	The proposed amendment corrects the duplication of a paragraph number.	6
2.17	Dormant Funds Act 1942 No 25	7
	Section 3 Certain Acts not affected	8
	Omit “ <i>Unclaimed Money Act 1982</i> ” from section 3 (1).	9
	Insert instead “ <i>Unclaimed Money Act 1995</i> ”.	10
	Explanatory note	11
	The proposed amendment updates a reference to an Act.	12
2.18	Factories, Shops and Industries Act 1962 No 43	13
	Section 9 Definitions	14
	Re-number paragraphs (a), (b) and (c) (where secondly occurring) and (d), (e), (f), (g) and (h) of the definition of <i>engine</i> in section 9 (1) as paragraphs (d), (e), (f), (g), (h), (i), (j) and (k) respectively.	15 16 17
	Explanatory note	18
	The proposed amendment corrects the duplication of paragraph identifiers.	19
2.19	Funeral Funds Act 1979 No 106	20
	[1] The whole Act (except to the extent to which its provisions are otherwise amended or repealed by this Act)	21 22
	Omit “Registrar” and Registrar’s” wherever occurring.	23
	Insert instead “Director-General” and “Director-General’s” respectively.	24
	[2] Section 4 Definitions	25
	Omit the definitions of <i>Deputy Registrar</i> and <i>Registrar</i> .	26

[3] Section 4	1
Insert in alphabetical order:	2
<i>Department</i> means the Department of Fair Trading.	3
<i>Director-General</i> means the Director-General of the Department.	4
[4] Section 6	5
Omit the section. Insert instead:	6
6 Documents	7
All documents lodged under this Act with the Director-General are to be kept in an office of the Department.	8 9
[5] Section 7	10
Omit the section.	11
[6] Section 9 Delegation	12
Insert “under this Act” after “functions” in section 9 (1).	13
[7] Section 9 (1)	14
Omit “Registrar’s office”. Insert instead “Department”.	15
[8] Section 74 Application of Companies (New South Wales) Code	16
Omit “Registrar of Funeral Funds” and “Registrar” wherever occurring.	17
Insert instead “Director-General of the Department of Fair Trading”.	18
[9] Section 88 Inspection of documents	19
Omit “the Registrar’s office”. Insert instead “an office of the Department”.	20
[10] Section 88 (b)	21
Omit “and seal”.	22
Explanatory note	23
The functions of both the Registrar and the Deputy Registrar under the <i>Funeral Funds Act 1979</i> are exercised by the Director-General of the Department of Fair Trading.	24 25
Items [1]–[3] and [7]–[9] of the proposed amendments replace references to the Commissioner with direct references to the Director-General of the Department of Fair Trading and replaces references to the Registrar’s Office with references to the Department of Fair Trading. Item [6] makes a consequential amendment.	26 27 28 29
Items [5] and [10] make consequential amendments by omitting a superfluous provision and words.	30 31
Item [4] of the proposed amendments omits superfluous parts of a section and consequentially restates the remaining operative part of the section.	32 33

2.20	Habitual Criminals Act 1957 No 19	1
	Section 5 Proof of previous conviction and imprisonment	2
	Omit “Director-General of Corrective Services” wherever occurring in section 5 (2).	3
	Insert instead “Commissioner of Corrective Services”.	4
	Explanatory note	5
	The proposed amendment updates a reference to an office holder.	6
		7
2.21	Health Services Act 1997 No 154	8
	Section 10 Functions of area health services	9
	Omit “with” where secondly occurring in section 10 (j). Insert instead “under”.	10
	Explanatory note	11
	The proposed amendment replaces an incorrect word.	12
2.22	Impounding Act 1993 No 31	13
	Section 7 Dogs can be impounded in certain areas only	14
	Omit “ <i>Dog Act 1966</i> ” from the note to section 7.	15
	Insert instead “ <i>Companion Animals Act 1998</i> ”.	16
	Explanatory note	17
	The proposed amendment updates a reference to a repealed Act.	18
2.23	Independent Pricing and Regulatory Tribunal Act 1992 No 39	19
[1]	Section 11 Investigations and reports by Tribunal—standing reference	20
	Insert “the determination of” before “the proportion” in section 11 (3) (a) and (b).	21
		22
[2]	Section 11 (3) (c)	23
	Insert “the determination of” before “the repayment”.	24
[3]	Schedule 4 Savings and transitional provisions	25
	Omit “with the respect” from clause 10 (1). Insert instead “with respect”.	26
	Explanatory note	27
	Items [1] and [2] of the proposed amendments makes the language of section 11 (3) consistent with language used elsewhere in the <i>Independent Pricing and Regulatory Tribunal Act 1992</i> .	28
	Item [3] of the proposed amendments omits a superfluous word.	29
		30

2.24	Industrial Relations Act 1996 No 17	1
	Dictionary	2
	Omit the definition of <i>penalty unit</i> . Insert instead:	3
	<i>penalty unit</i> see section 17 of the <i>Crimes (Sentencing Procedure) Act 1999</i> .	4
		5
	Explanatory note	6
	The proposed amendment updates a reference to a repealed provision.	7
2.25	Justices Act 1902 No 27	8
	Section 48E Direction to witness to attend	9
	Omit “that Act” wherever occurring in section 48E (9).	10
	Insert instead “the <i>Crimes Act 1900</i> ”.	11
	Explanatory note	12
	The proposed amendment updates references to an Act.	13
2.26	Land and Environment Court Act 1979 No 204	14
[1]	Section 20 Class 4—environmental planning and protection and development contract civil enforcement	15
	Renumber paragraph (cii) of section 20 (1) as paragraph (cia).	16
		17
[2]	Section 20 (1) (de)	18
	Omit “64”. Insert instead “63”.	19
	Explanatory note	20
	Item [1] of the proposed amendments corrects the numbering of a paragraph.	21
	Item [2] of the proposed amendments corrects a cross-reference.	22
2.27	Landlord and Tenant (Amendment) Act 1948 No 25	23
[1]	Section 36 Certain payments prohibited	24
	Renumber section 36 (1) (b) (i), (ii) and (iii) (where secondly occurring) as section 36 (1) (b) (A), (B) and (C) respectively.	25
		26

[2] Section 70 Court to consider hardship	1
Renumber section 70 (2A) (a) and (b) (where secondly occurring) as section 70 (2A) (d) and (e).	2 3
Explanatory note	4
The proposed amendments correct the duplication of paragraph identifiers.	5
2.28 Law Reform (Miscellaneous Provisions) Act 1965 No 32	6
Parts 4, 10 and 11	7
Omit the headings to the Parts.	8
Explanatory note	9
The proposed amendment omits redundant Part headings.	10
2.29 Legal Aid Commission Act 1979 No 78	11
[1] Schedule 2 Membership of Board	12
Omit “section 8 (1) (a)” from the definition of <i>Chairperson</i> in clause 1.	13
Insert instead “section 14 (2) (b) (i)”.	14
[2] Schedule 2, clause 1	15
Omit “ <i>commissioner</i> does not include the Chief Executive Officer.”	16
Insert instead:	17
<i>member</i> of the Board does not include the Chief Executive Officer.	18 19
Explanatory note	20
Item [1] of the proposed amendments corrects a cross-reference.	21
Item [2] of the proposed amendments replaces a reference to a commissioner with a reference to a member of the Board (of the Legal Aid Commission).	22 23
Both amendments are consequential on the amendment of the <i>Legal Aid Commission Act 1979</i> by the <i>Legal Aid Commission Amendment Act 2000</i> (which, among other things, constituted the Board).	24 25 26
2.30 Mines Inspection Act 1901 No 75	27
Section 65 Publication of abstract of Act and general rules and copy of special rules	28 29
Renumber section 65 (a) and (b) (where secondly occurring) as section 65 (c) and (d).	30 31
Explanatory note	32
The proposed amendment corrects the duplication of paragraph identifiers.	33

2.31 Mining Act 1992 No 29	1
Schedule 3 The Geological and Mining Museum	2
Omit the Schedule.	3
Explanatory note	4
The <i>Mining and Petroleum Legislation Amendment Act 2000</i> repealed Part 16 of the <i>Mining Act 1992</i> . That Part established the Geological and Mining Museum Trust which no longer functioned at the time of that repeal.	5 6 7
The proposed amendment repeals redundant provisions of the <i>Mining Act 1992</i> that provide for the constitution and procedure of the Trust.	8 9
2.32 National Park Estate (Southern Region Reservations) Act 2000 No 103	10 11
Section 8 Dedication as Crown reserves under Crown Lands Act 1989 of certain former State forests, Crown land and other land	12 13
Omit section 8 (3). Insert instead:	14
(3) The National Parks and Wildlife Reserve Trust established under section 9 of the <i>Forestry and National Park Estate Act 1998</i> is appointed as trustee of the reserve consisting of all of the land described in Schedule 4.	15 16 17 18
Explanatory note	19
Section 8 (3) of the <i>National Park Estate (Southern Region Reservations) Act 2000</i> provides for the establishment of a National Parks and Wildlife Reserve Trust, under the control of the Director-General of National Parks and Wildlife, as the trustee of the land described in Schedule 4 to that Act. A trust by that name is also established by section 9 of the <i>Forestry and National Park Estate Act 1998</i> as trustee of similar land. The proposed amendment clarifies that there are not 2 separate trusts but only one trust by that name.	20 21 22 23 24 25
2.33 Public Works Act 1912 No 45	26
Section 82 Power to take temporary possession of land	27
Renumber section 82 (1) (a), (b) and (c) (where secondly occurring) and (d) as section 82 (1) (d), (e), (f) and (g) respectively.	28 29
Explanatory note	30
The proposed amendment corrects the duplication of paragraph identifiers.	31

2.34	Rural Lands Protection Act 1998 No 143	1
	Schedule 2 Election or appointment of directors	2
	Insert “subject to subclause (2),” before “the person” in clause 4 (1A) (a).	3
	Explanatory note	4
	The proposed amendment makes it explicit that clause 4 (2) of Schedule 2 to the <i>Rural Lands Protection Act 1998</i> (which provides that a director of a rural lands protection board is, if otherwise qualified, eligible for re-election or re-appointment for a further term at the conclusion of his or her term of office) has effect according to its terms and is not rendered inoperative by an extended interpretation of a provision that has been inserted into the Act (namely clause 4 (1A) of Schedule 2) to prevent a person holding more than one office of director concurrently on the same rural lands protection board or holding offices as director concurrently on more than one rural lands protection board.	5 6 7 8 9 10 11 12
2.35	Soil Conservation Act 1938 No 10	13
	Section 22 Preservation of proclaimed works	14
	Re-number section 22 (4) (a) and (b) (where secondly occurring) as section 22 (4) (e) and (f).	15 16
	Explanatory note	17
	The proposed amendment corrects the duplication of paragraph identifiers.	18
2.36	State Owned Corporations Act 1989 No 134	19
[1]	Schedule 6 Provisions to be included in memorandum or articles of association of statutory SOCs	20 21
	Insert “of any requirement” after “contravention” in clause 3 (2) of Part 2 of the Schedule.	22 23
[2]	Schedule 7 Provisions to be included in memorandum or articles of association of subsidiaries of statutory SOCs	24 25
	Insert “of any requirement” after “contravention” in clause 3 (2) of Part 2 of the Schedule.	26 27
	Explanatory note	28
	The proposed amendments insert omitted words.	29

2.37	Statutory and Other Offices Remuneration Act 1975 (1976 No 4)	1
	Schedule 2 Public offices	2
	Omit “Director-General of Corrective Services” and “Deputy Director-General of Corrective Services” from Part 1.	3
	Insert instead “Commissioner of Corrective Services” and “Deputy Commissioner of Corrective Services” respectively.	4
		5
		6
	Explanatory note	7
	The proposed amendment updates references to office holders.	8
2.38	Strata Schemes (Freehold Development) Act 1973 No 68	9
[1]	The whole Act (except sections 5, 28QC (5), 28QE (c), 49 and 91 and Schedule 4)	10
	Omit “Commissioner” wherever occurring. Insert instead “Director-General”.	11
		12
[2]	Section 5 Definitions	13
	Omit the definition of <i>Commissioner</i> from section 5 (1).	14
[3]	Section 5 (1)	15
	Insert in alphabetical order:	16
	<i>Director-General</i> means the Director-General of the Department of Fair Trading.	17
		18
[4]	Section 28QC Investigation of application for assistance	19
	Omit section 28QC (5). Insert instead:	20
	(5) On completion of an investigation by a delegate of the Director-General of an application, the delegate must report to the Director-General on the results of the investigation.	21
		22
		23
[5]	Section 28QE Application of Fair Trading Act 1987 to applications for assistance	24
	Omit “under section 98 of this Act” from section 28QE (b).	25
		26

[6]	Section 28QE (c)	1
	Omit the paragraph.	2
	Explanatory note	3
	Items [1]–[3] of the proposed amendments update references to an office holder.	4
	Items [4] and [6] make consequential amendments.	5
	Item [5] of the proposed amendments omits a reference to a repealed section.	6
2.39	Strata Schemes (Leasehold Development) Act 1986 No 219	7
[1]	The whole Act (except sections 4, 57AC (5), 57AE (c), 78 and 123 and Schedule 5)	8
	Omit “Commissioner” wherever occurring. Insert instead “Director-General”.	9
		10
[2]	Section 4 Definitions	11
	Omit the definition of <i>Commissioner</i> from section 4 (1).	12
[3]	Section 4 (1)	13
	Insert in alphabetical order:	14
	<i>Director-General</i> means the Director-General of the Department of Fair Trading.	15
		16
[4]	Section 57AC Investigation of application for assistance	17
	Omit section 57AC (5). Insert instead:	18
	(5) On completion of an investigation by a delegate of the Director-General of an application, the delegate must report to the Director-General on the results of the investigation.	19
		20
		21
[5]	Section 57AE Application of Fair Trading Act 1987 to application for assistance	22
	Omit section 57AE (c).	23
		24
	Explanatory note	25
	Items [1]–[3] of the proposed amendments update references to an office holder.	26
	Item [4] repeals and re-enacts a provision in consequence of the update.	27
	Item [5] omits a superfluous provision.	28
2.40	Strata Schemes Management Act 1996 No 138	29
[1]	The whole Act (except Schedule 4 and the Dictionary)	30
	Omit “Commissioner” and “Commissioner’s” wherever occurring.	31
	Insert instead “Director-General” and “Director-General’s” respectively.	32

[2]	Chapter 5 Disputes and orders of Adjudicators and Board	1
	Omit “Strata Schemes Commissioner” from the Introductory note to Part 2 of Chapter 5.	2
	Insert instead “Director-General”.	3
		4
[3]	Section 205 Payment of penalties or costs	5
	Omit “of the Department of Fair Trading” wherever occurring.	6
[4]	Chapter 6 Administration	7
	Omit “a Strata Schemes Commissioner and for” from the Introductory note to Chapter 6.	8
		9
[5]	Chapter 6, Part 1	10
	Omit the heading to Part 1. Insert instead:	11
	 Part 1 Functions of Director-General under this Act	 12
[6]	Section 211 Strata Schemes Commissioner	13
	Omit the section.	14
[7]	Section 213 Staff	15
	Insert “under this Act” after “functions”.	16
[8]	Section 214 Delegation of functions	17
	Omit “or any other”.	18
[9]	Section 212 Functions of Director-General	19
	Omit section 212 (1).	20
[10]	Section 212 (2)	21
	Insert “under this Act” before “include”.	22
[11]	Section 216 Annual report of Director-General	23
	Insert “under this Act” before “during” in section 216 (1).	24
[12]	Chapter 7 General	25
	Omit “Commissioner” from the Introductory note to Chapter 7.	26
	Insert instead “Director-General”.	27

[13] Dictionary	1
Omit the definition of <i>Commissioner</i> .	2
[14] Dictionary	3
Insert in alphabetical order:	4
<i>Director-General</i> means the Director-General of the Department of Fair Trading.	5
	6
Explanatory note	7
Items [1], [13] and [14] of the proposed amendments update references to an office holder.	8
Items [2]–[5] and [7]–[12] make consequential amendments.	9
Item [6] omits a superfluous provision.	10
2.41 Surveyors Act 1929 No 3	11
Section 14 Power of board to deal with offences	12
Re-number section 14 (1) (i) (where secondly occurring) and (ii) as section 14 (1) (j) and (k).	13
	14
Explanatory note	15
The proposed amendment corrects paragraph identifiers.	16
2.42 Sydney Harbour Foreshore Authority Act 1998 No 170	17
Sections 37, 38 and 46	18
Omit “section 56 of the <i>Interpretation Act 1987</i> ” from the notes to the sections.	19
Insert instead “section 17 of the <i>Crimes (Sentencing Procedure) Act 1999</i> ”.	20
Explanatory note	21
The proposed amendment updates a reference to a repealed provision.	22
2.43 Trade Measurement Administration Act 1989 No 234	23
[1] Section 3 Definitions	24
Omit the definition of <i>Commissioner</i> from section 3 (1).	25
[2] Section 3	26
Insert in alphabetical order:	27
<i>Director-General</i> means the Director-General of the Department of Fair Trading.	28
	29

[3] Sections 4, 8, 20 and 25	1
Omit “Commissioner” wherever occurring. Insert instead “Director-General”.	2
[4] Section 5 Superintendent and other staff	3
Insert “, for the purposes of this Act,” after “use” in section 5 (2).	4
Explanatory note	5
The <i>Trade Measurement Administration Act 1989</i> defines Commissioner , for the purposes of that Act, as the Director-General of the Department of Fair Trading.	6
Items [1]–[3] of the proposed amendments replace references to the Commissioner with direct references to the Director-General of the Department of Fair Trading. Item [4] makes a consequential amendment.	7
	8
	9
	10
2.44 Transport Administration Act 1988 No 109	11
[1] Section 19F Powers of RIC relating to rail infrastructure facilities and land	12
Omit “RAC”. Insert instead “RIC”.	13
	14
[2] Schedule 6A Powers of RIC relating to rail infrastructure facilities and land	15
Omit “RAC’s” from clauses 3 (1) (b), 8 (1) (d) and (e) and (5) (b) wherever occurring.	16
Insert instead “RIC’s”.	17
	18
	19
Explanatory note	20
The proposed amendments update references to a statutory body.	21
	22
2.45 Trustee Companies Act 1964 No 6	22
Second and Third Schedules	23
Omit “IOOF Australia Trustees (N.S.W.) Limited” wherever occurring.	24
Insert instead “Tower Trust (NSW) Limited”.	25
Explanatory note	26
The proposed amendments are consequential on the change of name of a company.	27

2.46	Uncollected Goods Act 1995 No 68	1
	Sections 6, 14 and 29	2
	Omit “ <i>Unclaimed Money Act 1982</i> ” wherever occurring in the sections.	3
	Insert instead “ <i>Unclaimed Money Act 1995</i> ”.	4
	Explanatory note	5
	The proposed amendment updates references to a repealed Act.	6
2.47	University of Western Sydney Act 1997 No 116	7
	Schedule 4 Savings, transitional and other provisions	8
	Omit “this Act” from clause 1 (2). Insert instead “the Act concerned”.	9
	Explanatory note	10
	The proposed amendment amends a provision concerning the effect of regulations of a savings or transitional nature made under the <i>University of Western Sydney Act 1997</i> .	11
	The amendment is consequential on the enactment of an additional Act under which such regulations may be made.	12
		13
		14
2.48	Valuers Registration Act 1975 No 92	15
[1]	Section 19 Removal of name of real estate valuer from register	16
	Omit “temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the <i>Mental Health Act 1958</i> or a person under detention under Part 7 of that Act”.	17
		18
		19
	Insert instead “a protected person within the meaning of the <i>Protected Estates Act 1983</i> or a temporary patient, a continued treatment patient or a forensic patient within the meaning of the <i>Mental Health Act 1990</i> ”.	20
		21
		22
[2]	Section 30 Regulations	23
	Omit “14 (b),” from section 30 (4).	24
[3]	Section 30A Provision relating to Valuers Registration Regulation	25
	Omit the section.	26
	Explanatory note	27
	Item [1] of the proposed amendments updates references to terminology and to a repealed Act.	28
	Item [2] of the proposed amendments omits a redundant cross-reference.	29
	Item [3] of the proposed amendments omits a spent provision.	30

2.49	Victims Support and Rehabilitation Act 1996 No 115	1
	Section 77B Directions for compensation	2
	Insert “of the <i>Crimes (Sentencing Procedure) Act 1999</i> ” after “Part 3” in section 77B (1).	3
		4
	Explanatory note	5
	The proposed amendment inserts omitted words.	6

Schedule 3 Amendments to facilitate implementation of SGML as a markup language for legislation

Schedule 3	Amendments to facilitate implementation of SGML as a markup language for legislation	1
		2
		3
	(Section 3)	4
3.1	Forestry and National Park Estate Act 1998 No 163	5
[1]	Schedule 1 State forest reserved as national park or historic site or dedicated as nature reserve	6
	Renumber Parts 1.1, 1.2, 1.5, and 1.6 as clauses 1, 2, 5 and 6 and add a colon and the subheading with respect to each existing Part to the end of the clause headings as renumbered.	7
		8
		9
		10
[2]	Schedule 1, Part 1.3	11
	Renumber the Part as clause 3 and number the subheadings in clause 3 (as renumbered) as subclauses (1)–(14).	12
		13
[3]	Schedule 1, Part 1.4	14
	Renumber the Part as clause 4 and number the subheadings in clause 4 (as renumbered) as subclauses (1)–(4).	15
		16
[4]	Schedule 1, Part 2.1	17
	Renumber the Part as clause 7 and number the subheadings in clause 7 (as renumbered) as subclauses (1)–(3).	18
		19
[5]	Schedule 1	20
	Renumber Parts 2.2, 2.4, 2.5, 2.7, 2.9–2.12, 2.14–2.18, 2.20, 2.23–2.33, 2.36–2.38, 2.41–2.43, 2.48, 2.50, 2.51, 2.54, 2.56, 2.57, 2.59, 2.62, 2.64 and 2.65 as clauses 8, 10, 11, 13, 15–18, 20–24, 26, 29–39, 42–44, 47–49, 54, 56, 57, 60, 62, 63, 65, 68, 70 and 71 and add a colon and the subheading with respect to each existing Part to the end of the clause headings as renumbered.	21
		22
		23
		24
		25
[6]	Schedule 1, Part 2.3	26
	Renumber the Part as clause 9 and number the subheadings in clause 9 (as renumbered) as subclauses (1)–(3).	27
		28
[7]	Schedule 1, Part 2.6	29
	Renumber the Part as clause 12 and number the subheadings in clause 12 (as renumbered) as subclauses (1)–(5).	30
		31

[8] Schedule 1, Part 2.8	1
Renumber the Part as clause 14 and number the subheadings in clause 14 (as renumbered) as subclauses (1) and (2).	2 3
[9] Schedule 1, Part 2.13	4
Renumber the Part as clause 19 and number the subheadings in clause 19 (as renumbered) as subclauses (1) and (2).	5 6
[10] Schedule 1, Part 2.19	7
Renumber the Part as clause 25 and number the subheadings in clause 25 (as renumbered) as subclauses (1)–(4).	8 9
[11] Schedule 1, Part 2.21	10
Renumber the Part as clause 27 and number the subheadings in clause 27 (as renumbered) as subclauses (1)–(3).	11 12
[12] Schedule 1, Part 2.22	13
Renumber the Part as clause 28 and number the subheadings in clause 28 (as renumbered) as subclauses (1) and (2).	14 15
[13] Schedule 1, Part 2.34	16
Renumber the Part as clause 40 and number the subheadings in clause 40 (as renumbered) as subclauses (1) and (2).	17 18
[14] Schedule 1, Part 2.35	19
Renumber the Part as clause 41 and number the subheadings in clause 41 (as renumbered) as subclauses (1)–(4).	20 21
[15] Schedule 1, Part 2.39	22
Renumber the Part as clause 45 and number the subheadings in clause 45 (as renumbered) as subclauses (1)–(5).	23 24
[16] Schedule 1, Part 2.40	25
Renumber the Part as clause 46 and number the subheadings in clause 46 (as renumbered) as subclauses (1) and(2).	26 27
[17] Schedule 1, Part 2.44	28
Renumber the Part as clause 50 and number the subheadings in clause 50 (as renumbered) as subclauses (1) and(2).	29 30

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Schedule 3 Amendments to facilitate implementation of SGML as a markup language for legislation

[18] Schedule 1, Part 2.45	1
Renumber the Part as clause 51 and number the subheadings in clause 51 (as renumbered) as subclauses (1)–(5).	2 3
[19] Schedule 1, Part 2.46	4
Renumber the Part as clause 52 and number the subheadings in clause 52 (as renumbered) as subclauses (1)–(7).	5 6
[20] Schedule 1, Part 2.47	7
Renumber the Part as clause 53 and number the subheadings in clause 53 (as renumbered) as subclauses (1)–(3).	8 9
[21] Schedule 1, Part 2.49	10
Renumber the Part as clause 55 and number the subheadings in clause 55 (as renumbered) as subclauses (1) and (2).	11 12
[22] Schedule 1, Part 2.52	13
Renumber the Part as clause 58 and number the subheadings in clause 58 (as renumbered) as subclauses (1)–(3).	14 15
[23] Schedule 1, Part 2.53	16
Renumber the Part as clause 59 and number the subheadings in clause 59 (as renumbered) as subclauses (1) and (2).	17 18
[24] Schedule 1, Part 2.55	19
Renumber the Part as clause 61 and number the subheadings in clause 61 (as renumbered) as subclauses (1)–(3).	20 21
[25] Schedule 1, Part 2.58	22
Renumber the Part as clause 64 and number the subheadings in clause 64 (as renumbered) as subclauses (1) and (2).	23 24
[26] Schedule 1, Part 2.60	25
Renumber the Part as clause 66 and number the subheadings in clause 66 (as renumbered) as subclauses (1) and (2).	26 27
[27] Schedule 1, Part 2.61	28
Renumber the Part as clause 67 and number the subheadings in clause 67 (as renumbered) as subclauses (1)–(3).	29 30

[28] Schedule 1, Part 2.63	1
Renumber the Part as clause 69 and number the subheadings in clause 69 (as renumbered) as subclauses (1)–(3).	2 3
[29] Schedule 1	4
Renumber Parts 3.1, 3.2, 3.4–3.7, 3.9–3.16, 3.19, 3.21, 3.22, 3.25–3.27, 3.32–3.34, 3.38, 3.40–3.43, 3.45–3.47 and 3.50 as clauses 72, 73, 75–78, 80–87, 90, 92, 93, 96–98, 103–105, 109, 111–114, 116–118 and 121 and add a colon and the subheading with respect to each existing Part to the end of the clause headings as renumbered.	5 6 7 8 9
[30] Schedule 1, Part 3.3	10
Renumber the Part as clause 74 and number the subheadings in clause 74 (as renumbered) as subclauses (1) and (2).	11 12
[31] Schedule 1, Part 3.8	13
Renumber the Part as clause 79 and number the subheadings in clause 79 (as renumbered) as subclauses (1) and (2).	14 15
[32] Schedule 1, Part 3.17	16
Renumber the Part as clause 88 and number the subheadings in clause 88 (as renumbered) as subclauses (1) and (2).	17 18
[33] Schedule 1, Part 3.18	19
Renumber the Part as clause 89 and number the subheadings in clause 89 (as renumbered) as subclauses (1) and (2).	20 21
[34] Schedule 1, Part 3.20	22
Renumber the Part as clause 91 and number the subheadings in clause 91 (as renumbered) as subclauses (1)–(4).	23 24
[35] Schedule 1, Part 3.23	25
Renumber the Part as clause 94 and number the subheadings in clause 94 (as renumbered) as subclauses (1)–(3).	26 27
[36] Schedule 1, Part 3.24	28
Renumber the Part as clause 95 and number the subheadings in clause 95 (as renumbered) as subclauses (1) and (2).	29 30

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Schedule 3 Amendments to facilitate implementation of SGML as a markup language for legislation

[37] Schedule 1, Part 3.28	1
Renumber the Part as clause 99 and number the subheadings in clause 99 (as renumbered) as subclauses (1)–(3).	2 3
[38] Schedule 1, Part 3.29	4
Renumber the Part as clause 100 and number the subheadings in clause 100 (as renumbered) as subclauses (1) and (2).	5 6
[39] Schedule 1, Part 3.30	7
Renumber the Part as clause 101 and number the subheadings in clause 101 (as renumbered) as subclauses (1) and (2).	8 9
[40] Schedule 1, Part 3.31	10
Renumber the Part as clause 102 and number the subheadings in clause 102 (as renumbered) as subclauses (1) and (2).	11 12
[41] Schedule 1, Part 3.35	13
Renumber the Part as clause 106 and number the subheadings in clause 106 (as renumbered) as subclauses (1) and (2).	14 15
[42] Schedule 1, Part 3.36	16
Renumber the Part as clause 107 and number the subheadings in clause 107 (as renumbered) as subclauses (1)–(3).	17 18
[43] Schedule 1, Part 3.37	19
Renumber the Part as clause 108 and number the subheadings in clause 108 (as renumbered) as subclauses (1) and (2).	20 21
[44] Schedule 1, Part 3.39	22
Renumber the Part as clause 110 and number the subheadings in clause 110 (as renumbered) as subclauses (1) and (2).	23 24
[45] Schedule 1, Part 3.44	25
Renumber the Part as clause 115 and number the subheadings in clause 115 (as renumbered) as subclauses (1)–(5).	26 27
[46] Schedule 1, Part 3.48	28
Renumber the Part as clause 119 and number the subheadings in clause 119 (as renumbered) as subclauses (1)–(6).	29 30

[47]	Schedule 1, Part 3.49	1
	Renumber the Part as clause 120 and number the subheadings in clause 120 (as renumbered) as subclauses (1) and (2).	2 3
[48]	Schedule 1, Part 3.51	4
	Renumber the Part as clause 122 and number the subheadings in clause 122 (as renumbered) as subclauses (1)–(3).	5 6
[49]	Schedule 2 Crown lands reserved as national park or dedicated as nature reserve	7 8
	Renumber Parts 1.1–1.6 of Schedule 2 as clauses 1–6.	9
[50]	Schedule 3 Parts of State forests set apart as flora reserves under Forestry Act 1916	10 11
	Renumber Parts 1.1–1.6 of Schedule 3 as clauses 1–6.	12
[51]	Schedule 3, Parts 2.1–2.5	13
	Renumber the Parts as clauses 7–11.	14
[52]	Schedule 3, Part 3.1	15
	Renumber the Part as clause 12.	16
[53]	Schedule 4 State forests dedicated as Crown reserves under Crown Lands Act 1989	17 18
	Omit:	19
	<i>Part Yurammie State Forest No 133</i>	20
		21
	Insert instead:	22
	1 Part Yurammie State Forest No 133	23
[54]	Schedule 4, Part 2.1	24
	Renumber the Part as clause 2 and number the subheadings in clause 2 (as renumbered) as subclauses (1) and (2).	25 26
[55]	Schedule 4	27
	Renumber Parts 2.2 and 2.3 as clauses 3 and 4 and add a colon and the subheading with respect to each existing Part to the end of the clause headings as renumbered.	28 29 30

Schedule 3 Amendments to facilitate implementation of SGML as a markup language for legislation

[56] Schedule 4, Part 3.1	1
Renumber the Part as clause 5 and number the subheadings in clause 5 (as renumbered) as subclauses (1)–(3).	2 3
[57] Schedule 4	4
Renumber Parts 3.2–3.4 as clauses 6–8 and add a colon and the subheading with respect to each existing Part to the end of the clause headings as renumbered.	5 6
[58] Schedule 6 State forests and Crown lands to be transferred to Aboriginal ownership	7 8
Omit:	9
Part 1.1 Eden Local Aboriginal Land Council	10
Wonboyn area	11
<i>Part East Boyd State Forest No 127</i>	12 13
Insert instead:	14
1 Eden Local Aboriginal Land Council	15
(1) Wonboyn area: Part East Boyd State Forest No 127	16
[59] Schedule 6, Part 1	17
Omit:	18
<i>Part Nadgee State Forest No 125</i>	19 20
Insert instead:	21
(2) Wonboyn area: Part Nadgee State Forest No 125	22
[60] Schedule 6, Part 1	23
Omit:	24
Kiah area	25
<i>Part Nullica State Forest No 545</i>	26 27
Insert instead:	28
(3) Kiah area: Part Nullica State Forest No 545	29

[61] Schedule 6, Part 1	1
Omit:	2
Fisheries Beach area	3
<i>Part East Boyd State Forest No 127</i>	4
	5
Insert instead:	6
(4) Fisheries Beach area: Part East Boyd State Forest No 127	7
[62] Schedule 6, Part 2	8
Renumber Part 2.1 as clause 2 and number the subheadings in clause 2 (as renumbered) as subclauses (1)–(3).	9
	10
3.2 Imperial Acts Application Act 1969 No 30	11
Part 3, Division 9 Landlord and Tenant	12
Omit the heading “ <i>Waste</i> ”.	13
3.3 National Park Estate (Southern Region Reservations) Act 2000 No 103	14
	15
[1] Schedule 1 State forest reserved as national park or state recreation area or dedicated as nature reserve	16
Add a colon and the subheading with respect to clauses 1, 2, 5–12, 14–20, 22, 24, 28, 29, 31 and 33–35 to the end of each of the relevant clause headings.	17
	18
	19
[2] Schedule 4 State forests and other land dedicated as Crown reserves under Crown Lands Act 1989	20
Add a colon and the subheading with respect to clauses 1–6 to the end of each of the relevant clause headings.	21
	22
	23
[3] Schedule 4, clause 7	24
Number the subheadings to the clause as subclauses (1) and (2).	25
3.4 Parliamentary Evidence Act 1901 No 43	26
[1] Section 7 Non-attendance of witness to be certified to a Judge	27
Omit “the second Schedule hereto”. Insert instead “Schedule 2”.	28

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Schedule 3 Amendments to facilitate implementation of SGML as a markup language for legislation

[2] Section 8 Issue of warrant	1
Omit “the Third Schedule hereto”. Insert instead “Schedule 3”.	2
[3] Second Schedule	3
Omit the heading. Insert instead:	4
Schedule 2 Certificate	5
[4] Third Schedule	6
Omit the heading. Insert instead:	7
Schedule 3 Warrant	8

Schedule 4 Repeals

		1
	(Section 4)	2
Name of Act	Extent of repeal	3
Anti-Discrimination Amendment (Carers' Responsibilities) Act 2000 No 24 ²	Whole of Act	4
		5
Anzac Memorial (Building) Amendment Act 1999 No 44 ¹	Whole of Act	6
		7
Appropriation Act 1999 No 32 ³	Whole of Act	8
Appropriation (Parliament) Act 1999 No 33 ³	Whole of Act	9
Appropriation (Special Offices) Act 1999 No 34 ³	Whole of Act	10
Appropriation (1998–99 Budget Variations) Act 1999 No 8 ³	Whole of Act	11
		12
Casino Control Amendment Act 2000 No 57 ²	Whole of Act	13
Centennial Park and Moore Park Trust Amendment (Eastern Distributor) Act 1997 No 19 ¹	Whole of Act	14
		15
Children (Detention Centres) Amendment Act 1999 No 68 ¹	Whole of Act	16
		17
Consumer Credit (New South Wales) Act 1993 No 7 ⁴	Schedule 1	18
Conveyancing Amendment (Central Register of Restrictions) Act 2000 No 4 ²	Whole of Act	19
		20
Co-operatives Legislation Amendment Act 1999 No 2 ¹	Whole of Act	21
Correctional Centres Legislation Amendment (Assumed Identities) Act 1999 No 57 ¹	Whole of Act	22
		23
Courts Legislation Amendment Act 1999 No 39 ¹	Whole of Act	24
Crimes and Courts Legislation Amendment Act 1999 No 91 ¹	Whole of Act	25
		26
Crimes Legislation Amendment (Police and Public Safety) Act 1998 No 38 ¹	Whole of Act	27
		28
Crimes Legislation Amendment (Sentencing) Act 1999 No 94 ¹	Whole of Act	29
		30
Criminal Procedure Amendment (Sexual Assault Communications Privilege) Act 1999 No 48 ¹	Whole of Act	31
		32
Drug Court Amendment Act 1999 No 47 ¹	Whole of Act	33

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Schedule 4

Repeals

Education Amendment (Special Courses of Study) Act 1999 No 75 ¹	Whole of Act	1 2
Election Funding Amendment Act 1999 No 53 ¹	Whole of Act	3
Electricity Supply Amendment Act 1999 No 35 ¹	Whole of Act	4
Fair Trading Tribunal Act 1998 No 161 ⁴	Schedule 4	5
Forestry Restructuring and Nature Conservation Amendment Act 1999 No 50 ¹	Whole of Act	6 7
Gambling Legislation Amendment (Gaming Machine Restrictions) Act 2000 No 13 ²	Whole of Act	8 9
Gas Supply Amendment (Safety) Act 1999 No 25 ¹	Whole of Act	10
General Government Debt Elimination Amendment Act 1999 No 9 ¹	Whole of Act	11 12
Health Legislation Amendment Act 1999 No 76 ¹	Whole of Act	13
Home Building Amendment Act 1999 No 26 ¹	Whole of Act	14
Industrial Relations Amendment Act 2000 No 67 ²	Whole of Act	15
Industrial Relations Amendment (Council Swimming Centres) Act 2000 No 74 ²	Whole of Act	16 17
Institute of Rural Studies Act 1973 No 54 ³	Whole of Act	18
Irrigation Corporations Amendment Act 1999 No 78 ¹	Whole of Act	19
Law Enforcement and National Security (Assumed Identities) Amendment (Corrective Services) Act 1999 No 54 ¹	Whole of Act	20 21 22
Law Enforcement (Controlled Operations) Amendment Act 1999 No 79 ¹	Whole of Act	23 24
Liquor Amendment Act 1999 No 63 ¹	Whole of Act	25
Liquor and Registered Clubs Legislation Amendment Act 1999 No 12 ¹	Whole of Act	26 27
Liquor and Registered Clubs Legislation Amendment (Community Partnership) Act 1998 No 12 ¹	Whole of Act	28 29
Liquor and Registered Clubs Legislation Further Amendment Act 1999 No 27 ¹	Whole of Act	30 31
Local Courts Amendment (Part-time Magistrates) Act 1999 No 69 ¹	Whole of Act	32 33
Local Government (Areas) Act 1948 No 30 ⁴	Second Schedule	34

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Repeals

Schedule 4

Meat Industry Amendment Act 1999 No 51 ¹	Whole of Act	1
Natural Resources Legislation Amendment (Rural Environmental Services) Act 1999 No 96 ¹	Whole of Act	2 3
Parliamentary Committees Legislation Amendment Act 1999 No 16 ¹	Whole of Act	4 5
Parliamentary Contributory Superannuation Amendment Act 1999 No 89 ¹	Whole of Act	6 7
Parliamentary Electorates and Elections Amendment Act 1999 No 70 ¹	Whole of Act	8 9
Parliamentary Evidence Act 1901 No 43 ⁴	Section 2, First Schedule	10
Penalty Notices Validation Act 2000 No 19 ³	Whole of Act	11
Police Service Amendment Act 1999 No 73 ¹	Whole of Act	12
Professional Standards Amendment Act 1999 No 56 ¹	Whole of Act	13
Property (Relationships) Legislation Amendment Act 1999 No 4 ¹	Whole of Act	14 15
Racing Administration Amendment Act 1999 No 17 ¹	Whole of Act	16
Real Property and Conveyancing Legislation Amendment Act 1999 No 58 ¹	Whole of Act	17 18
Registration of Interests in Goods Amendment Act 1999 No 28 ¹	Whole of Act	19 20
Residential Tribunal Act 1998 No 168 ⁴	Schedule 4	21
Road Transport (Driver Licensing) Amendment Act 1999 No 59 ¹	Whole of Act	22 23
Road Transport Legislation Amendment Act 1999 No 19 ¹	Whole of Act	24 25
Road Transport (Safety and Traffic Management) Amendment (Camera Devices) Act 1999 No 82 ¹	Whole of Act	26 27
Royal Botanic Gardens and Domain Trust Amendment Act 1999 No 71 ¹	Whole of Act	28 29
State Revenue Legislation Further Amendment Act 1999 No 60 ¹	Whole of Act	30 31
Statute Law (Miscellaneous Provisions) Act 1985 No 231 ¹	Whole of Act	32 33
Statute Law (Miscellaneous Provisions) (No 2) Act 1986 No 218 ¹	Whole of Act	34 35

Statute Law (Miscellaneous Provisions) Bill 2001

Schedule 4 Repeals

Statute Law (Miscellaneous Provisions) (No 1) Act 1987 No 48 ¹	Whole of Act	1 2
Statute Law (Miscellaneous Provisions) Act 1988 No 20 ¹	Whole of Act	3 4
Statute Law (Miscellaneous Provisions) (No 2) Act 1988 No 92 ¹	Whole of Act	5 6
Statute Law (Miscellaneous Provisions) (No 3) Act 1988 No 131 ¹	Whole of Act	7 8
Statute Law (Miscellaneous Provisions) Act 1989 No 89 ¹	Whole of Act	9 10
Statute Law (Miscellaneous Provisions) (No 2) Act 1989 No 132 ¹	Whole of Act	11 12
Statute Law (Miscellaneous Provisions) (No 3) Act 1989 No 226 ¹	Whole of Act	13 14
Statute Law (Miscellaneous Provisions) Act 1990 No 46 ¹	Whole of Act	15 16
Statute Law (Miscellaneous Provisions) (No 2) Act 1990 No 108 ¹	Whole of Act	17 18
Statute Law (Miscellaneous Provisions) Act 1991 No 17 ¹	Whole of Act	19 20
Statute Law (Miscellaneous Provisions) (No 2) Act 1991 No 94 ¹	Whole of Act	21 22
Statute Law (Miscellaneous Provisions) Act 1992 No 34 ¹	Whole of Act	23 24
Statute Law (Miscellaneous Provisions) (No 2) Act 1992 No 57 ¹	Whole of Act	25 26
Statute Law (Miscellaneous Provisions) (No 3) Act 1992 No 111 ¹	Whole of Act	27 28
Statute Law (Miscellaneous Provisions) Act 1993 No 46 ¹	Whole of Act	29 30
Statute Law (Miscellaneous Provisions) (No 2) Act 1993 No 108 ¹	Whole of Act	31 32
Statute Law (Miscellaneous Provisions) Act 1994 No 32 ¹	Whole of Act	33 34
Statute Law (Miscellaneous Provisions) (No 2) Act 1994 No 95 ¹	Whole of Act	35 36

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Repeals

Schedule 4

Statute Law (Miscellaneous Provisions) Act 1995 No 16 ¹	Whole of Act	1 2
Statute Law (Miscellaneous Provisions) (No 2) Act 1995 No 99 ¹	Whole of Act	3 4
Statute Law (Miscellaneous Provisions) Act 1996 No 30 ¹	Whole of Act	5 6
Statute Law (Miscellaneous Provisions) (No 2) Act 1996 No 121 ¹	Whole of Act	7 8
Statute Law (Miscellaneous Provisions) Act 1997 No 55 ¹	Whole of Act	9 10
Statute Law (Miscellaneous Provisions) (No 2) Act 1997 No 147 ¹	Whole of Act	11 12
Statute Law (Miscellaneous Provisions) Act 1998 No 54 ¹	Whole of Act	13 14
Statute Law (Miscellaneous Provisions) (No 2) Act 1998 No 120 ¹	Whole of Act	15 16
Statute Law (Miscellaneous Provisions) Act 1999 No 31 ¹	Whole of Act	17 18
Stock (Chemical Residues) Amendment Act 1999 No 65 ¹	Whole of Act	19 20
Stock Diseases Amendment Act 1999 No 64 ¹	Whole of Act	21
Strata Schemes (Leasehold Development) Amendment Act 1999 No 52 ¹	Whole of Act	22 23
Strata Schemes Legislation Amendment (Strata Approvals) Act 1999 No 74 ¹	Whole of Act	24 25
Superannuation Legislation Amendment Act 1999 No 6 ¹	Whole of Act	26
Superannuation Legislation Further Amendment Act 1999 No 86 ¹	Whole of Act	27 28
Technical Education Trust Funds Amendment Act 1999 No 14 ¹	Whole of Act	29 30
Transport Legislation (Repeal and Amendment) Act 1988 No 114 ¹	Whole of Act	31 32
Victims Compensation Amendment Act 2000 No 41 ²	Whole of Act	33
Water Amendment (Flood Control Works) Act 1999 No 87 ¹	Whole of Act	34 35

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Schedule 4 Repeals

Water Legislation Amendment Act 1999 No 98 ¹	Whole of Act	1
Water Legislation Amendment (Drinking Water and Corporate Structure) Act 1998 No 145 ¹	Whole of Act	2 3
Workers Compensation Legislation Amendment Act 1999 No 24 ¹	Whole of Act	4 5
Key		6
¹ Acts passed in 1999 or earlier that contain only amendments or spent provisions.		7
² More recent amending Acts that contain only amendments that have been incorporated in a reprint of the relevant Principal Acts.		8 9
³ Acts that are no longer of practical utility.		10
⁴ Provisions of Acts that were assented to at least 2 years ago, have commenced and, in some instances, have been included in a reprint of the relevant Act.		11 12
Explanatory note		13
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.		14 15 16 17 18 19
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:		20 21 22
(a) the proof of any past act or thing,		23
(b) any right, privilege, obligation or liability saved by the operation of the Act,		24
(c) any validation made by the Act,		25
(d) the operation of any savings or transitional provision contained in the Act.		26

Schedule 5 General savings, transitional and other provisions

(Section 5)

1 Effect of amendment of amending provisions

(1) An amendment made by Schedule 1 or 2 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.

(2) In this clause:

amending provision 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:

- (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
- (b) the omission of matter contained in the amended Act and the insertion of matter instead of the omitted matter, or
- (c) the insertion into the amended Act of matter, not being matter inserted instead of matter omitted from the Act,

whether the provision was enacted before or after the commencement of the *Reprints Act 1972*.

Explanatory note

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.

2 Effect of amendment or repeal on acts done or decisions made

Except where it is expressly provided to the contrary, if this Act:

- (a) amends a provision of an Act, or
- (b) repeals and re-enacts (with or without modification) a provision of an Act,

any act done or decision made under the provision amended or repealed has effect after the amendment or repeal as if it had been done or made under the provision as so amended or repealed.

Explanatory note	1
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.	2 3 4
3 Effect of amendment on regulations	5
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.	6 7 8 9
Explanatory note	10
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.	11 12 13
4 Regulations	14
(1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act.	15 16
(2) Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later date.	17 18
(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:	19 20 21
(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	22 23 24
(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.	25 26 27
Explanatory note	28
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.	29 30 31

Notes

Index of Acts amended, or partially repealed, by Schedules 1–4

Art Gallery of New South Wales Act 1980 No 65—Schedule 1	3
Child Protection (Prohibited Employment) Act 1998 No 147—Schedule 2	4
Children and Young Persons (Care and Protection) Act 1998 No 157—Schedule 2	5
Coal Mines Regulation Act 1982 No 67—Schedule 2	6
Community Services (Complaints, Reviews and Monitoring) Act 1993 No 2—Schedule 2	7 8
Companies (Death Duties) Act 1901 No 30—Schedule 2	9
Consumer Credit (New South Wales) Act 1995 No 7—Schedule 4	10
Conveyancers Licensing Act 1995 No 57—Schedule 1	11
Conveyancing Amendment (Building Management Statements) Act 2001 No 9—Schedule 2	12 13
Co-operative Housing and Starr-Bowkett Societies Act 1998 No 11—Schedule 2	14
Credit Act 1984 No 94—Schedule 2	15
Crimes Act 1900 No 40—Schedule 2	16
Criminal Procedure Act 1986 No 209—Schedule 2	17
Dormant Funds Act 1942 No 25—Schedule 2	18
Environmental Planning and Assessment Act 1979 No 203—Schedule 1	19
Factories, Shops and Industries Act 1962 No 43—Schedule 2	20
Fair Trading Tribunal Act 1998 No 161—Schedules 1 and 4	21
Fisheries Management Act 1994 No 38—Schedule 1	22
Forestry and National Park Estate Act 1998 No 163—Schedule 3	23
Freedom of Information Act 1989 No 5—Schedule 1	24
Funeral Funds Act 1979 No 106—Schedule 2	25
Habitual Criminals Act 1957 No 19—Schedule 2	26
Harness Racing New South Wales Act 1977 No 57—Schedule 1	27
Health Services Act 1997 No 154—Schedule 2	28
Imperial Acts Application Act 1969 No 30—Schedule 3	29
Impounding Act 1993 No 31—Schedule 2	30
Independent Pricing and Regulatory Tribunal Act 1992 No 39—Schedule 2	31
Industrial Relations Act 1996 No 17—Schedule 2	32
Justices Act 1902 No 27—Schedule 2	33
Land and Environment Court Act 1979 No 204—Schedule 2	34
Landlord and Tenant (Amendment) Act 1948 No 25—Schedule 2	35
Law and Justice Foundation Act 2000 No 97—Schedule 1	36
Law Reform (Miscellaneous Provisions) Act 1965 No 32—Schedule 2	37
Legal Aid Commission Act 1979 No 78—Schedule 2	38
Local Government Act 1993 No 30—Schedule 1	39
Local Government (Areas) Act 1948 No 30—Schedule 4	40
Mines Inspection Act 1901 No 75—Schedule 2	41
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Ombudsman Act 1974 No 68—Schedule 1	2
Parliamentary Evidence Act 1901 No 43—Schedules 3 and 4	3
Passenger Transport Act 1990 No 39—Schedule 1	4
Property, Stock and Business Agents Act 1941 No 28—Schedule 1	5
Protected Disclosures Act 1994 No 92—Schedule 1	6
Protection of the Environment Operations Act 1997 No 156—Schedule 1	7
Public Works Act 1912 No 45—Schedule 2	8
Radiation Control Act 1990 No 13—Schedule 1	9
Residential Tenancies Act 1987 No 26—Schedule 1	10
Residential Tribunal Act 1998 No 168—Schedule 1 and 4	11
Rural Lands Protection Act 1998 No 143—Schedule 2	12
Soil Conservation Act 1938 No 10—Schedule 2	13
State Owned Corporations Act 1989 No 134—Schedule 2	14
Statute Law (Miscellaneous Provisions) Act 2000 No 53—Schedule 1	15
Statutory and Other Offices Remuneration Act 1975 (1976 No 4)—Schedule 2	16
Strata Schemes (Freehold Development) Act 1973 No 68—Schedule 2	17
Strata Schemes (Leasehold Development) Act 1986 No 219—Schedule 2	18
Strata Schemes Management Act 1996 No 138—Schedule 2	19
Surveyors Act 1929 No 3—Schedule 2	20
Sydney Harbour Foreshore Authority Act 1998 No 170—Schedule 2	21
Sydney Water Act 1994 No 88—Schedule 1	22
Technical and Further Education Commission Act 1990 No 118—Schedule 1	23
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Travel Agents Act 1986 No 5—Schedule 1	25
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Anzac Memorial (Building) Amendment Act 1999 No 44	33
Appropriation Act 1999 No 32	34
Appropriation (Parliament) Act 1999 No 33	35
Appropriation (Special Offices) Act 1999 No 34	36
Appropriation (1998–99 Budget Variations) Act 1999 No 8	37
Casino Control Amendment Act 2000 No 57	38
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