



New South Wales

Statute Law (Miscellaneous Provisions) Bill (No 2) 2011

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 and a Regulation (Schedule 1), and
- (b) to amend certain other Acts and instruments for the purpose of effecting statute law revision (Schedules 2 and 3), and
- (c) to amend various Acts to enable the repeal of legislation by Schedule 5 (including by transferring into them provisions of the legislation to be repealed that are of possible ongoing effect) (Schedule 4), and
- (d) to repeal certain Acts and instruments and provisions of Acts and instruments (Schedule 5), and
- (e) to make other provisions of a consequential or ancillary nature (Schedule 6).

Outline of provisions

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

Clause 2 provides for the commencement of the proposed Act.

Clause 3 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 and Regulation:

Building Professionals Act 2005 No 115

Commercial Agents and Private Inquiry Agents Act 2004 No 70

Community Land Management Act 1989 No 202

Companion Animals Act 1998 No 87

Consumer, Trader and Tenancy Tribunal Act 2001 No 82

Environmental Planning and Assessment Act 1979 No 203

Explosives Act 2003 No 39

Health Care Complaints Act 1993 No 105

Health Records and Information Privacy Act 2002 No 71

Innovation Council Act 1996 No 77

National Parks and Wildlife Act 1974 No 80

Property, Stock and Business Agents Act 2002 No 66

Residential Parks Act 1998 No 142

Residential Tenancies Act 2010 No 42

Retirement Villages Act 1999 No 81

Road Transport (Vehicle Registration) Act 1997 No 119

Roads Act 1993 No 33

Security Industry Act 1997 No 157

State Emergency and Rescue Management Act 1989 No 165

Strata Schemes Management Act 1996 No 138

Superannuation Act 1916 No 28

Sydney Olympic Park Authority Act 2001 No 57

Water Management Act 2000 No 92

Water Management Amendment Act 2010 No 133

Water Management (General) Regulation 2011

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

Schedule 2 Amendments by way of statute law revision

Schedule 2 amends certain Acts and instruments for the purpose of effecting statute law revision.

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

Schedule 3 Amendments by way of statute law revision relating to references to the NSW Police Force and the Police Act 1990

Schedule 3 amends certain Acts and instruments for the purpose of effecting statute law revision. The amendments are consequential on the renaming of the *Police Service Act 1990* to the *Police Act 1990* and on the change of name of the policing organisation of NSW to the NSW Police Force.

Schedule 4 Amendments transferring provisions, and other amendments consequential on repeals

Schedule 4 contains amendments that enable, or are consequential on, the repeal of Acts and instruments by Schedule 5. The amendments include the transfer, into various Acts, of provisions of Acts and instruments repealed by clause 3 of Schedule 5.

Section 30A of the *Interpretation Act 1987* ensures that the transfer of a provision of an Act to another Act does not affect the operation (if any) or meaning of the provision.

Schedule 5 Repeals

Schedule 5 repeals a number of Acts and instruments and provisions of Acts and instruments.

Clause 1 repeals redundant Acts and instruments and redundant provisions of Acts and instruments.

Clause 2 repeals provisions of Acts and instruments that contain only commenced amendments to other Acts and instruments.

Clause 3 repeals Acts and instruments whose repeal is enabled by the transfer of provisions of those Acts and instruments by Schedule 4.

Section 30 (2) of the *Interpretation Act 1987* ensures that the repeal of an Act or statutory rule does not affect the operation of any savings, transitional or validation provision contained in the Act or statutory rule, and that the repeal of an amending Act does not affect any amendment made by the Act. Section 5 (6) of the *Interpretation Act 1987* extends this provision to the repeal of an environmental planning instrument.

The Acts or instruments that were amended by the Acts being repealed are available electronically on the NSW legislation website at www.legislation.nsw.gov.au.

Schedule 6 General savings, transitional and other provisions

Schedule 6 contains savings, transitional and other provisions of a more general effect than those set out in Schedule 1. The Schedule includes a provision that, in conjunction with section 29A of the *Interpretation Act 1987*, enables the Governor, by proclamation, to revoke the repeal of any Act or instrument or provision of an Act or instrument repealed by the proposed Act and restore its operation.

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



New South Wales

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Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Explanatory notes	2
Schedule 1 Minor amendments	3
Schedule 2 Amendments by way of statute law revision	22
Schedule 3 Amendments by way of statute law revision relating to references to the NSW Police Force and the Police Act 1990	35
Schedule 4 Amendments transferring provisions, and other amendments consequential on repeals	44
Schedule 5 Repeals	57
Schedule 6 General savings, transitional and other provisions	62
Notes	64



New South Wales

Statute Law (Miscellaneous Provisions) Bill (No 2) 2011

No , 2011

A Bill for

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

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Statute Law (Miscellaneous Provisions) Act (No 2) 2011</i> .	3
2 Commencement	4
(1) This Act commences on 6 January 2012 except as provided by subsection (2).	5 6
(2) However, the amendments made by the Schedules to this Act 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 in accordance with subsection (1).	7 8 9 10
3 Explanatory notes	11
The matter appearing under the heading “Explanatory note” in any of the Schedules does not form part of this Act.	12 13

Schedule 1	Minor amendments	1
1.1	Building Professionals Act 2005 No 115	2
	Section 97 Review of Act	3
	Omit “5 years” wherever occurring in section 97 (2) and (3).	4
	Insert instead “7 years”.	5
	Explanatory note	6
	The proposed amendment to the <i>Building Professionals Act 2005 (the Act)</i> provides	7
	that the statutory review of the Act (being the review to determine whether the policy	8
	objectives of the Act remain valid and whether the terms of that Act remain appropriate	9
	for securing those objectives) is to be undertaken as soon as possible after the period	10
	of 7 years, rather than 5 years, after the date of assent to the Act (which occurred on	11
	7 December 2005). The report on the outcome of the review is to be tabled in each	12
	House of Parliament within 12 months after the end of that 7 year period (that is, within	13
	12 months after 7 December 2012).	14
1.2	Commercial Agents and Private Inquiry Agents Act 2004	15
	No 70	16
	Schedule 4 Savings, transitional and other provisions	17
	Insert after Part 3:	18
Part 4	Provisions consequent on establishment	19
	of Security Licensing and Enforcement	20
	Directorate	21
14	Delegations	22
	The delegation by the Commissioner under section 36 of this Act	23
	dated 6 April 2006 is taken to include, and to have included from	24
	21 March 2011, a delegation to the persons holding the following	25
	offices in the Security Licensing and Enforcement Directorate,	26
	State Crime Command, NSW Police Force:	27
	(a) Director,	28
	(b) General Manager, Industry Regulation,	29
	(c) General Manager, Operations,	30
	(d) Manager, Adjudication,	31
	(e) Manager, Assessment and Prevention,	32
	(f) Manager, Compliance and Enforcement,	33
	(g) Manager, Customer Relations,	34
	(h) Manager, Licensing Services,	35

- (i) Senior Compliance Enforcement Officer, 1
- (j) Compliance and Enforcement Officer, 2
- (k) Senior Assessment Officer, 3
- (l) Assessment Officer, 4
- (m) Adjudication Officer. 5

Explanatory note 6

The proposed amendment to the *Commercial Agents and Private Inquiry Agents Act 2004 (the Act)* makes it clear that the restructure within the NSW Police Force that included the replacement of the Security Industry Registry with the Security Licensing and Enforcement Directorate does not and did not affect the delegation of the Commissioner's functions under the Act. 7
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1.3 Community Land Management Act 1989 No 202 12

Section 78 Order by Tribunal substituting schedule of unit entitlements 13

Insert "(2) or" after "subsection" in section 78 (1). 14

Explanatory note 15

The proposed amendment to the *Community Land Management Act 1989* makes it clear that section 78 (1) of that Act (which specifies the circumstances in which certain orders of the Consumer, Trader and Tenancy Tribunal can be made) applies in relation to orders made in accordance with both subsections (2) and (3) of that section (as also suggested by the language used in subsection (1) of that section). 16
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1.4 Companion Animals Act 1998 No 87 21

Section 5 Definitions 22

Omit the definition of *dog* in section 5 (1). Insert instead: 23

dog means an animal (of either sex, or desexed, and whether or not domesticated) of a species with the scientific name *Canis familiaris*, *Canis lupus familiaris*, *Canis lupus dingo*, *Canis familiaris dingo* or *Canis dingo*, or a synonym of any of those names, and including a hybrid of any of those species. 24
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Note. The *Wild Dog Destruction Act 1921* continues to apply to dingoes in the Western Division within the meaning of the *Crown Lands Act 1989*. Section 26 of the *Wild Dog Destruction Act 1921* creates an offence if a person has in the person's possession any dingo or half-breed dingo without the written authority of the Wild Dog Destruction Board. 29
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Explanatory note 34

The proposed amendment to the *Companion Animals Act 1998 (the Act)* updates the definition of *dog* in the Act to include certain new species names of dingoes so as to ensure that dingoes continue to be regulated in accordance with the Act. 35
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1.5 Consumer, Trader and Tenancy Tribunal Act 2001 No 82	1
Section 28 Procedure of Tribunal generally	2
Omit “Subsection (5) (g)–(i)” from section 28 (7).	3
Insert instead “Subsection (5) (g) and (i)”.	4
Explanatory note	5
The proposed amendment to the <i>Consumer, Trader and Tenancy Tribunal Act 2001</i>	6
makes it clear that proceedings in the Consumer, Trader and Tenancy Tribunal arising	7
under the <i>Strata Schemes Management Act 1996</i> and the <i>Community Land</i>	8
<i>Management Act 1989</i> can be withdrawn by the applicant (the same as any other type	9
of proceedings in the Tribunal).	10
1.6 Environmental Planning and Assessment Act 1979 No 203	11
[1] Section 96AA Modification by consent authorities of consents granted by the Court	12
Insert at the end of section 96AA (1B):	14
This subsection does not apply to State significant development.	15
[2] Section 98 Appeal by an objector	16
Insert “and, for that purpose, a reference in this Act to <i>objector</i> includes a	17
person who has made a submission under section 89F (3) by way of objection	18
to a development application for consent to carry out such State significant	19
development” after “determination of the application” in section 98 (4).	20
[3] Section 115Y Environmental assessment requirements for approval	21
Omit “in the form approved by the Director-General” from section 115Y (2).	22
Insert instead “in the form prescribed by the regulations”.	23
Explanatory note	24
Item [1] of the proposed amendments to the <i>Environmental Planning and Assessment</i>	25
<i>Act 1979 (the Act)</i> amends a provision that deals with the modification of development	26
consents granted by the Land and Environment Court in order to make it consistent	27
with provisions that deal with development consents that are granted by a consent	28
authority. Currently, section 96 (5) of the Act provides that restrictions on the	29
modification of development consents granted by consent authorities (being	30
restrictions relating to threatened species and biobanking statements) do not apply to	31
State significant development. The amendment provides for a similar exemption where	32
the development consent to carry out State significant development is granted by the	33
Land and Environment Court.	34
Item [2] makes a minor clarifying amendment relating to objectors to designated	35
development to take account of objectors to State significant development (being	36
development that would be designated development if it were not declared to be State	37
significant development).	38
Item [3] provides that environmental impact statements for State significant	39
infrastructure must be prepared in the form prescribed by the regulations (rather than	40

in the form approved by the Director-General), consistently with other provisions of the Act relating to environmental impact statements.	1 2
1.7 Explosives Act 2003 No 39	3
Schedule 1 Savings, transitional and other provisions	4
Insert after Part 2:	5
Part 3 Provisions consequent on establishment of Security Licensing and Enforcement Directorate	6 7 8
7 Delegations	9
The delegation by the Commissioner under section 31 of the <i>Police Act 1990</i> dated 24 October 2006 of the Commissioner's functions under section 13 of this Act is taken to include, and to have included from 21 March 2011, a delegation to the persons holding the following offices in the Security Licensing and Enforcement Directorate, State Crime Command, NSW Police Force:	10 11 12 13 14 15 16
(a) Director,	17
(b) General Manager, Industry Regulation,	18
(c) General Manager, Operations,	19
(d) Manager, Adjudication,	20
(e) Manager, Assessment and Prevention,	21
(f) Manager, Licensing Services,	22
(g) Senior Assessment Officer,	23
(h) Assessment Officer,	24
(i) Adjudication Officer.	25
Explanatory note	26
The proposed amendment to the <i>Explosives Act 2003</i> makes it clear that the restructure within the NSW Police Force that included the replacement of the Security Industry Registry with the Security Licensing and Enforcement Directorate does not and did not affect the delegation of the Commissioner's functions under that Act.	27 28 29 30
1.8 Health Care Complaints Act 1993 No 105	31
Section 4 Definitions	32
Omit "masseurs," from paragraph (j) of the definition of <i>health service</i> .	33
Insert instead "massage therapists,".	34

Explanatory note	1
The proposed amendment to the <i>Health Care Complaints Act 1993</i> amends the definition of health service by updating the terminology used in reference to persons who practise massage therapy.	2 3 4
1.9 Health Records and Information Privacy Act 2002 No 71	5
Section 4 Definitions	6
Omit “masseurs,” from paragraph (j) of the definition of health service in section 4 (1).	7 8
Insert instead “massage therapists,”.	9
Explanatory note	10
The proposed amendment to the <i>Health Records and Information Privacy Act 2002</i> amends the definition of health service by updating the terminology used in reference to persons who practise massage therapy.	11 12 13
1.10 Innovation Council Act 1996 No 77	14
[1] Long title	15
Omit “New South Wales Innovation Council”.	16
Insert instead “New South Wales Innovation and Productivity Council”.	17
[2] Section 1 Name of Act	18
Omit “ <i>Innovation Council Act 1996</i> ”.	19
Insert instead “ <i>Innovation and Productivity Council Act 1996</i> ”.	20
[3] Section 3 Definitions	21
Omit “New South Wales Innovation Council” from the definition of Council .	22
Insert instead “New South Wales Innovation and Productivity Council”.	23
[4] Section 3, definition of “Department”	24
Omit “Department of State and Regional Development”.	25
Insert instead “Department of Trade and Investment, Regional Infrastructure and Services”.	26 27

[5] Part 2, heading	1
Omit the heading. Insert instead:	2
Part 2 Innovation and Productivity Council	3
[6] Section 4 Establishment of Innovation and Productivity Council	4
Omit “New South Wales Innovation Council” from section 4 (1).	5
Insert instead “New South Wales Innovation and Productivity Council”.	6
[7] Section 5 Object of Council	7
Insert “that increases productivity and employment opportunities” after “innovation” wherever occurring in section 5 (2) (a) and (c).	8
Explanatory note	9
Item [6] of the proposed amendments to the <i>Innovation Council Act 1996</i> changes the name of the New South Wales Innovation Council to the New South Wales Innovation and Productivity Council in order to better reflect the current work of the Council.	10
Items [1]–[3], [5] and [7] make consequential amendments.	11
Item [4] updates a reference to a Department.	12
1.11 National Parks and Wildlife Act 1974 No 80	13
[1] Section 21 Delegation	14
Insert at the end of section 21 (3) (c) (viii):	15
, or	16
(ix) on the Director-General (as an enforcement agency) by or under the <i>Food Act 2003</i> .	17
[2] Sections 57 (4) (a) and 58R (4) (a)	18
Insert “or section 132C” after “Part 9” wherever occurring.	19
[3] Section 58Q Provisions respecting animals in karst conservation reserves	20
Omit “or a commercial fauna harvester’s licence under section 123” from section 58Q (3) (a).	21
Insert instead “, a commercial fauna harvester’s licence under section 123 or a scientific licence under section 132C”.	22

[4] Section 117 Restriction on picking or possession of native plant	1
Insert at the end of section 117 (3) (e):	2
, or	3
(f) the act constituting the offence was essential for the carrying out of:	4
(i) development in accordance with a development consent within the meaning of the <i>Environmental Planning and Assessment Act 1979</i> , or	5
(ii) an activity by a determining authority within the meaning of Part 5 of that Act if the determining authority has complied with that Part, or	6
(iii) an activity in accordance with an approval of a determining authority within the meaning of Part 5 of that Act if the determining authority has complied with that Part, or	7
(iv) a project approved under Part 3A of that Act, or	8
(v) State significant infrastructure approved under Part 5.1 of that Act.	9
[5] Section 188D Provisions relating to certain existing access roads on National Park Estate lands	10
Insert after paragraph (h) of the definition of <i>access road</i> in section 188D (9):	11
(i) clause 5 of Schedule 9 to the <i>National Park Estate (Riverina Red Gum Reservations) Act 2010</i> .	12
[6] Section 188D (9), definition of “exclusion order”	13
Insert after paragraph (h):	14
(i) clause 5 (7) of Schedule 9 to the <i>National Park Estate (Riverina Red Gum Reservations) Act 2010</i> .	15
Explanatory note	16
Item [1] of the proposed amendments to the <i>National Parks and Wildlife Act 1974 (the Act)</i> enables the Director-General of the Department of Premier and Cabinet to delegate certain functions conferred by or under the <i>Food Act 2003</i> .	17
Items [2] and [3] extend to offences relating to animals in karst conservation areas and plants in nature reserves the standard defence of action under a scientific licence.	18
Item [4] extends to the offence of picking or possessing a native plant the standard defence applying to offences under the Act of necessary action for the purposes of development authorised under the <i>Environmental Planning and Assessment Act 1979</i> .	19
Items [5] and [6] update the definitions of <i>access road</i> and <i>exclusion order</i> in section 188D of the Act (Provisions relating to certain existing access roads on National Park Estate lands).	20

1.12 Property, Stock and Business Agents Act 2002 No 66	1
[1] Section 3 Definitions	2
Omit the definitions of <i>Department</i> and <i>Director-General</i> from section 3 (1).	3
Insert instead in alphabetical order:	4
<i>Department</i> means the Department of Finance and Services.	5
<i>Director-General</i> means:	6
(a) the Commissioner for Fair Trading, Department of Finance and Services, or	7
(b) if there is no such position in the Department—the Director-General of the Department.	8
	9
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[2] Section 93 Dishonoured cheques	11
Omit “presented”. Insert instead “drawn”.	12
Explanatory note	13
Item [1] of the proposed amendments to the <i>Property, Stock and Business Agents Act 2002</i> updates the definitions of <i>Department</i> and <i>Director-General</i> .	14
Item [2] makes it necessary for an authorised deposit-taking institution to notify the Director-General of the Department of Finance and Services when a cheque drawn (rather than presented) on a trust account kept with it under Part 7 of that Act has been dishonoured.	15
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1.13 Residential Parks Act 1998 No 142	20
[1] Section 61 Contravention of rent order	21
Omit section 61 (1) including the penalty provision.	22
[2] Section 61 (3)	23
Omit “subsection (1) or (2)”.	24
Insert instead “this section or section 52 of the <i>Consumer, Trader and Tenancy Tribunal Act 2001</i> ”.	25
	26
Explanatory note	27
Item [1] of the proposed amendments to the <i>Residential Parks Act 1998</i> removes an offence relating to the contravention of a rent order since a similar offence is contained in the <i>Consumer, Trader and Tenancy Tribunal Act 2001</i> . Item [2] makes a consequential amendment.	28
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1.14 Residential Tenancies Act 2010 No 42	1
[1] Section 41 Rent increases	2
Insert “If an application has not been made within that 12-month period, the rent increase is taken to comply with this section.” after “increased.” in section 41 (10).	3 4 5
[2] Section 99 Rent increases during long-term fixed term leases—termination notice by tenant	6 7
Omit “more than 2 years” from section 99 (1).	8
Insert instead “2 years or more”.	9
Explanatory note	10
Item [1] of the proposed amendments to the <i>Residential Tenancies Act 2010 (the Act)</i> makes it clear that a rent increase is taken to be validly imposed for the purposes of the Act if the 12-month period prescribed by the Act for bringing proceedings to challenge the rent increase has expired without a challenge being made.	11 12 13 14
Item [2] makes a minor amendment consequential on the amendment of section 42 of the Act by the <i>Statute Law (Miscellaneous Provisions) Act 2011</i> .	15 16
1.15 Retirement Villages Act 1999 No 81	17
Section 24A Retirement village land to be recorded on Register	18
Insert “publicly available” after “establish a” in section 24A (8).	19
Explanatory note	20
The proposed amendment to the <i>Retirement Villages Act 1999</i> makes it clear that the list of retirement villages that may be compiled from information recorded under section 24A of that Act (in relation to land that is used as a retirement village) can be made available to the public.	21 22 23 24
1.16 Road Transport (Vehicle Registration) Act 1997 No 119	25
[1] Section 16C Registration of written-off vehicles	26
Omit section 16C (3). Insert instead:	27
(3) If the Authority cancels the registration of a vehicle under this section, the Authority must immediately notify the registered operator of the vehicle of the cancellation.	28 29 30
(3A) Despite section 14 (3) of the <i>Motor Accidents Compensation Act 1999</i> , a third-party policy (within the meaning of that Act) is not cancelled immediately upon cancellation of registration of a vehicle under this section and continues to have effect until the day on which the registered operator of the vehicle is given notice of the cancellation of registration.	31 32 33 34 35 36

[2] Section 18 Prohibition on using unregistered registrable vehicles	1
Insert after section 18 (3):	2
(3A) If the Authority cancels the registration of a vehicle under section 16C, subsection (1) does not apply in relation to the vehicle until the day on which the registered operator of the vehicle is given notice by the Authority of the cancellation.	3 4 5 6
Explanatory note	7
Item [1] of the proposed amendments to the <i>Road Transport (Vehicle Registration) Act 1997 (the Act)</i> alters the requirement for the Roads and Traffic Authority (or its successor, Roads and Maritime Services) to cancel the registration of a vehicle if its vehicle identifier is the same as the vehicle identifier of a statutory written-off vehicle or an interstate written-off vehicle. Under the amended provision, the cancellation of a vehicle will have effect immediately and not after the giving of 14 days' notice to the registered operator of the vehicle, as at present. Item [1] also provides that a third-party policy in relation to a motor vehicle is not cancelled until the day on which the registered operator of the vehicle is given notice of the cancellation of registration. (Clause 7 of the <i>Road Transport (General) Regulation 2005</i> provides that the date on which a registered operator is taken to have been given notice is, if the notice is sent by mail, the fourth working day after the notice was posted or, if the notice is delivered to the person personally, the date when it is so delivered.)	8 9 10 11 12 13 14 15 16 17 18 19 20
Item [2] provides that it will not be an offence under section 18 of the Act (which prohibits the use of an unregistered registrable vehicle on a road or road related area) if the registered operator of the vehicle has not been given notice of the cancellation of registration.	21 22 23 24
1.17 Roads Act 1993 No 33	25
Section 64 RTA may exercise functions of roads authority with respect to certain roads	26 27
Insert "State significant development for which development consent has been granted under Part 4," after "Part 3A," in section 64 (1A).	28 29
Explanatory note	30
The proposed amendment to the <i>Roads Act 1993</i> expands the purposes for which the Roads and Traffic Authority (which is to be replaced by Roads and Maritime Services) may exercise the functions of a roads authority under that Act to include the exercise of those functions for the purpose of carrying out State significant development for which development consent has been granted under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> .	31 32 33 34 35 36
1.18 Security Industry Act 1997 No 157	37
[1] Section 4 Carrying on a "security activity"	38
Omit "or providing close personal protection," from section 4 (1) (a).	39
[2] Sections 4 (1) (b), 11 (1) (c) and 12A (1) (c)	40
Omit ", venue controller or bouncer" wherever occurring.	41

[3] Section 4 (1) (c)	1
Omit “patrol dogs”. Insert instead “dogs”.	2
[4] Section 4 (1) (h)	3
Omit section 4 (1) (h). Insert instead:	4
(h) providing advice in relation to security equipment (other than basic household or automotive security items at approved classes of retail outlets), including providing product advice in relation to security equipment,	5 6 7 8
(h1) providing advice in relation to the identification and analysis of security risks and providing solutions or management strategies to minimise security risks,	9 10 11
[5] Section 4 (2)	12
Omit the subsection. Insert instead:	13
(2) In this section:	14
<i>basic household or automotive security item</i> has the meaning given by the regulations.	15 16
<i>bodyguard</i> means a person who is employed or engaged for the purpose of providing close personal protection to another person.	17 18
<i>crowd controller</i> means a person who, in respect of any licensed premises (within the meaning of the <i>Liquor Act 2007</i>), public entertainment venue or public or private event or function, as part of his or her regular duties performs for remuneration any of the following functions:	19 20 21 22 23
(a) controlling or monitoring the behaviour of persons,	24
(b) screening persons seeking entry,	25
(c) removing persons for behavioural or other reasons,	26
(d) any other function prescribed by the regulations.	27
[6] Section 11 (1) (b)	28
Omit “or to provide close personal protection”.	29
[7] Section 12A (1) (b)	30
Omit “or provide close personal protection”.	31

[8] Schedule 2 Savings and transitional provisions	1
Insert at the end of the Schedule with appropriate Part and clause numbering:	2
Part Provisions consequent on enactment of Statute Law Miscellaneous Provisions Act (No 2) 2011	3
	4
	5
Licences not affected	6
The amendments made to sections 11 and 12A of this Act by the <i>Statute Law Miscellaneous Provisions Act (No 2) 2011</i> do not affect the authority conferred by a licence under this Act.	7
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Part Provisions consequent on establishment of Security Licensing and Enforcement Directorate	10
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	12
Delegations	13
The delegation by the Commissioner under section 43 (1) of this Act dated 22 February 2010 is taken to include, and to have included from 21 March 2011, a delegation to the persons holding the following offices:	14
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(a) Commander, State Crime Command, NSW Police Force,	18
(b) Director, Security Licensing and Enforcement Directorate, State Crime Command, NSW Police Force.	19
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Sub-delegations	21
The sub-delegation by the Registrar of the Security Industry Registry under section 43 (2) of this Act dated 25 February 2010 is taken to include, and to have included from 21 March 2011, a sub-delegation to the persons holding the following offices in the Security Licensing and Enforcement Directorate, State Crime Command, NSW Police Force:	22
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	27
(a) General Manager, Industry Regulation,	28
(b) General Manager, Operations,	29
(c) Manager, Adjudication,	30
(d) Manager, Approved Training,	31
(e) Manager, Assessment and Prevention,	32
(f) Manager, Compliance and Enforcement,	33
(g) Manager, Customer Relations,	34

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- | | |
|--|---|
| (h) Manager, Licensing Services, | 1 |
| (i) Senior Auditor, | 2 |
| (j) Auditor, | 3 |
| (k) Senior Compliance Enforcement Officer, | 4 |
| (l) Compliance and Enforcement Officer, | 5 |
| (m) Corruption Prevention and Risk Management Officer, | 6 |
| (n) Senior Assessment Officer, | 7 |
| (o) Assessment Officer, | 8 |
| (p) Adjudication Officer. | 9 |

Explanatory note

Item [3] of the proposed amendments to the *Security Industry Act 1997 (the Act)* clarifies that patrolling, protecting, watching or guarding property involving the use of any dog, rather than a patrol dog, is a security activity. The amendment is made for the purposes of consistency with legislation of other jurisdictions.

Item [4] makes it clear that providing advice in relation to certain security items and providing advice in relation to the identification and the minimisation of risks are separate security activities.

Item [5] defines the terms **bodyguard** and **crowd controller** to provide greater clarity on the work of a bodyguard or crowd controller that constitutes a security activity. Items [1], [2], [6] and [7] make consequential amendments.

Section 4 of the Act sets out activities that are **security activities** for the purposes of that Act. The Act also provides that it is an offence for a person to carry on security activities unless the person is appropriately licensed or is employed by the holder of an appropriate licence.

Item [8] makes it clear that the restructure within the NSW Police Force that included the replacement of the Security Industry Registry with the Security Licensing and Enforcement Directorate does not and did not affect the delegation or sub-delegation of the Commissioner's functions under the Act. Item [8] also inserts a savings provision consequent on the amendments made by items [1]–[7].

1.19 State Emergency and Rescue Management Act 1989 No 165

Schedule 4 Savings, transitional and other provisions

Omit Part 6 from Schedule 4.

Explanatory note

The proposed amendment to the *State Emergency and Rescue Management Act 1989* repeals Part 6 of Schedule 4 to that Act, which was inserted by the *State Emergency and Rescue Management Amendment (Botany Emergency Works) Act 2008* for the purpose of facilitating the carrying out of emergency works in respect of a retaining wall adjoining Botany Road, Alexandria. Those works have since been carried out and the provisions are no longer necessary.

1.20 Strata Schemes Management Act 1996 No 138	1
Section 237 Who may keep seal of owners corporation?	2
Insert “Section 50 (1) (b) of the <i>Interpretation Act 1987</i> provides that statutory corporations are to have a seal.” before “Section” in the note to section 237.	3
Explanatory note	4
The proposed amendment to the <i>Strata Schemes Management Act 1996</i> inserts additional matter in the note to section 237 (which deals with the keeping of the seal of an owners corporation) relating to the requirement in the <i>Interpretation Act 1987</i> that statutory corporations have a seal.	5
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1.21 Superannuation Act 1916 No 28	10
[1] Section 3 Definitions	11
Omit the definition of <i>HealthQuest</i> from section 3 (1).	12
[2] Section 22 Breakdown retirement	13
Omit “HealthQuest or any one or more medical practitioners nominated by STC” from section 22 (2).	14
	15
Insert instead “one or more persons or bodies nominated, or one or more persons who are members of a class of persons nominated, by STC”.	16
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[3] Section 50 Employee retired through infirmity may be called up for medical examination	18
	19
Omit “HealthQuest”.	20
Insert instead “one or more persons or bodies nominated, or one or more persons who are members of a class of persons nominated, by STC”.	21
	22
Explanatory note	23
The object of the proposed amendments is to replace references in the <i>Superannuation Act 1916</i> to HealthQuest, which was dissolved as a statutory health corporation in 2009, with reference to the SAS Trustee Corporation (STC). As a result of the amendments, the question of whether a contributor is an invalid, or is physically or mentally incapable of performing his or her duties, is to be determined by STC having regard to medical advice furnished by one or more persons or bodies nominated, or one or more persons who are members of a class of persons nominated, by STC (under section 22). Similarly, an employee retired through infirmity may be required to submit himself or herself for medical examination by one or more persons or bodies nominated, or one or more persons who are members of a class of persons nominated, by STC (under section 50).	24
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The amendments supersede clause 18 (5) of the <i>Health Services Regulation 2008</i> , which is consequentially repealed by Schedule 2.	35
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1.22 Sydney Olympic Park Authority Act 2001 No 57	1
Section 65 Rangers	2
Insert “, or a delegate of the Director-General” after “Director-General” in section 65 (5) (e).	3
Explanatory note	4
The proposed amendment to the <i>Sydney Olympic Park Authority Act 2001</i> (<i>the Act</i>) enables a delegate of the Director-General under the Act to sign a ranger’s identification card issued under the Act. At present, the Director-General is the only person who is authorised to sign a ranger’s identification card.	5
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1.23 Water Management Act 2000 No 92	10
[1] Section 61 Applications for granting of access licences	11
Omit section 61 (1) (a). Insert instead:	12
(a) the application is for a specific purpose access licence in circumstances where:	13
(i) the regulations provide, or a relevant management plan provides, that an application for the licence may be made, and	14
(ii) the application does not contravene any restriction on the making of such an application contained in a relevant management plan, or	15
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[2] Section 63 Determination of applications	21
Omit section 63 (2) (a). Insert instead:	22
(a) the application has been made as provided by section 61 (1) (a), (b) or (c), and	23
	24
[3] Section 168 Special rates and charges and termination charges	25
Insert after section 168 (2):	26
(3) In addition to any other charge that it may fix under this Part, a private irrigation board may fix termination charges payable by a landholder or former landholder in connection with the board ceasing to supply water to the landholder or former landholder (whether because of the transformation of the landholder’s water entitlement to an access licence or otherwise).	27
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[4] Section 190B Transformation of landholder’s water entitlement	33
Omit section 190B (7) (a).	34

[5] Section 237B Transformation of landholder's water entitlement	1
Omit section 237B (7) (a).	2
[6] Section 238A	3
Insert after section 238:	4
238A Termination charges	5
In addition to any other charge that they may fix under this Part, the members of a private irrigation trust may fix termination charges payable by a landholder or former landholder in connection with the trust ceasing to supply water to the landholder or former landholder (whether because of the transformation of the landholder's water entitlement to an access licence or otherwise).	6 7 8 9 10 11 12
[7] Section 367 Evidentiary certificates	13
Insert “, or debited or otherwise withdrawn from,” after “credited to” in section 367 (2) (q).	14 15
[8] Schedule 9 Savings, transitional and other provisions	16
Insert at the end of clause 1 (1):	17
<i>Statute Law (Miscellaneous Provisions) Act (No 2) 2011</i> , to the extent that it amends this Act or the regulations made under this Act	18 19 20
[9] Schedule 9	21
Insert at the end of the Schedule (with appropriate Part and clause numbering):	22
Part Provision consequent on enactment of Statute Law (Miscellaneous Provisions) Act (No 2) 2011	23 24 25
Application of amendments to Schedule 10	26
(1) The amendments made to Schedule 10 by the <i>Statute Law (Miscellaneous Provisions) Act (No 2) 2011</i> apply in relation to the conversion of entitlements where the appointed day (within the meaning of Schedule 10) concerned is specified in a proclamation made under section 55A or 88A on or after the commencement of the amendments.	27 28 29 30 31 32
(2) Any regulations modifying the application of Schedule 10 in relation to a specified part of the State or water source before the	33 34

	commencement of the amendments to that Schedule continue to have effect as if the Schedule had not been amended.	1 2
[10]	Schedule 10 Conversion of former entitlements to access licences and approvals	3 4
	Omit “the commencement of this Part” from clause 19 (5).	5
	Insert instead “the appointed day”.	6
[11]	Schedule 10, clause 19	7
	Insert after clause 19 (10):	8
	(10A) Subclause (10B) applies only to an access licence arising from an entitlement with respect to land in respect of which an interest was, immediately before the appointed day, registered under the <i>Real Property Act 1900</i> or under the <i>Corporations Act 2001</i> of the Commonwealth.	9 10 11 12 13
	(10B) No dealing that requires the consent of the holder of a security interest may be registered in relation to an access licence until the expiry of the prescribed period unless, before the expiry of that period, the holder of the interest:	14 15 16 17
	(a) has lodged with the Director-General a notice of the kind referred to in subclause (5) (d), or	18 19
	(b) has notified the Director-General that the holder does not propose to seek registration of the interest in the Access Register.	20 21 22
[12]	Schedule 10, clause 23	23
	Omit the clause. Insert instead:	24
	23 Entitlements held by 2 or more co-holders	25
	Two or more co-holders of a replacement access licence are taken to hold the access licence:	26 27
	(a) if the Minister has a record of the shares in which the former entitlement was held immediately before the appointed day, in the same shares as the former entitlement was so held, or	28 29 30 31
	(b) if the Minister has no such record, but within 2 months after sending a written request to the co-holders seeking information as to their shareholding the Director-General receives:	32 33 34 35

Statute Law (Miscellaneous Provisions) Bill (No 2) 2011

Schedule 1 Minor amendments

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- (i) a notice, signed by or on behalf of each of them, by which they agree as to the shares in which they hold the access licence, or
 - (ii) a notice, signed by any one of them, to the effect that legal proceedings have been commenced for the purpose of obtaining a declaration as to the shares in which they hold the access licence,
- in the agreed shares referred to in the notice under subparagraph (i), or in the shares determined pursuant to the legal proceedings referred to in the notice under subparagraph (ii), as the case may be, or
- (c) in any other case, as tenants in common with the entitlements conferred by the licence under section 56 apportioned equally between them.

Explanatory note

Item [1] of the proposed amendments to the *Water Management Act 2000 (the Act)* clarifies the circumstances in which a person may apply to the Minister for an access licence that is a specific purpose access licence. An application may be made if it is permitted by either the regulations made under the Act or a relevant management plan, but subject to any restrictions set out in a relevant management plan.

Item [2] ensures that the provisions for the determination of applications for an access licence are consistent with the provisions that provide for when such applications may be made.

Item [3] enables a private irrigation board to fix termination charges in connection with the board ceasing to supply water to a landholder or former landholder (whether because of the transformation of the landholder's water entitlement to an access licence or otherwise). Currently, the power to fix such charges is limited to cessation of supply because of a transformation. Item [4] makes a consequential amendment.

Item [6] makes similar provision in relation to the fixing of termination charges by private irrigation trusts as is made in relation to private irrigation boards. Item [5] makes a consequential amendment.

Item [7] enables the Minister to issue an evidentiary certificate in relation to water allocations debited or otherwise withdrawn from the water allocation account for a specified access licence.

Items [8] and [9] make provision for matters of a savings or transitional nature consequent on the enactment of the proposed amendments.

Item [10] corrects an incorrect reference.

Items [11] and [12] include provisions in Schedule 10 to the Act (which provides for the conversion of former entitlements under certain previous water legislation to access licences and approvals under the Act) to give effect in the Act to standard provisions that are routinely included in the regulations each time a water source is transferred to the Act from the previous water legislation. This will remove the need for separate inclusion of the provisions by regulation each time a water sharing plan commences.

1.24 Water Management Amendment Act 2010 No 133	1
[1] Schedule 2 Other amendments to Water Management Act 2000 No 92	2
Omit proposed section 163 (5) (a) in Schedule 2 [54]. Insert instead:	3
(a) termination charges payable by a member or former	4
member in connection with the corporation ceasing to	5
supply water to the member or former member (whether	6
because of the transformation of the member's water	7
entitlement to an access licence or otherwise),	8
[2] Schedule 2 [59]	9
Omit proposed section 239E (5) (a). Insert instead:	10
(a) termination charges payable by a member or former	11
member in connection with the trust ceasing to supply	12
water to the member or former member (whether because	13
of the transformation of the member's water entitlement to	14
an access licence or otherwise),	15
Explanatory note	16
The proposed amendments to the <i>Water Management Amendment Act 2010</i> make	17
amendments that are consistent with amendments made to the <i>Water Management</i>	18
<i>Act 2000</i> elsewhere in this Schedule in connection with the fixing of termination	19
charges by private irrigation boards and members of private irrigation trusts.	20
1.25 Water Management (General) Regulation 2011	21
[1] Clause 10 Applications for specific purpose access licences	22
Omit "(subject to any restrictions contained in the relevant management plan	23
if such a plan is in force)".	24
[2] Clause 19 Granting of access licences	25
Omit the clause.	26
Explanatory note	27
The proposed amendments to the <i>Water Management (General) Regulation 2011</i> are	28
consequential on amendments made to the <i>Water Management Act 2000</i> elsewhere in	29
this Schedule.	30

Schedule 2	Amendments by way of statute law revision	1
		2
2.1	Aboriginal Land Rights Regulation 2002	3
[1]	Clause 83A	4
	Insert “New South Wales” before “Electoral Commission” wherever occurring.	5 6
[2]	Clause 100 (3)	7
	Omit “or of an umpire or enables arbitration to be undertaken by an umpire”.	8
	Explanatory note	9
	Item [1] of the proposed amendments standardises references to the New South Wales Electoral Commission.	10 11
	Item [2] of the proposed amendments omits a redundant reference as a consequence of the replacement of the <i>Commercial Arbitration Act 1984</i> by the <i>Commercial Arbitration Act 2010</i> .	12 13 14
2.2	Albury Local Environmental Plan 2010	15
	Land Use Table, Zone B7, item 3	16
	Reorder the development types in alphabetical order.	17
	Explanatory note	18
	The proposed amendment corrects the alphabetical order of development types.	19
2.3	Balranald Local Environmental Plan 2010	20
	Land Use Table, Zone RU1, item 3	21
	Reorder the development types in alphabetical order.	22
	Explanatory note	23
	The proposed amendment corrects the alphabetical order of development types.	24
2.4	Bathurst Regional (Interim) Local Environment Plan 2005	25
[1]	Clause 5A (3)	26
	Insert after clause 5A (2):	27
	(3) Notes included in this plan do not form part of this plan.	28
[2]	Schedule 2, clause 2 (b)	29
	Omit “spiritous”. Insert instead “spirituous”.	30

Explanatory note	1
Item [1] of the proposed amendments clarifies the operation of notes.	2
Item [2] of the proposed amendments corrects a typographical error.	3
2.5 Bellinghen Local Environmental Plan 2010	4
Land Use Table, Zone RU1, item 3	5
Reorder the development types in alphabetical order.	6
Explanatory note	7
The proposed amendment corrects the alphabetical order of development types.	8
2.6 Children (Criminal Proceedings) Regulation 2011	9
Clause 32	10
Omit “ <i>Crimes Act 1990</i> ”. Insert instead “ <i>Crimes Act 1900</i> ”.	11
Explanatory note	12
The proposed amendment corrects the citation of an Act.	13
2.7 Commercial Agents and Private Inquiry Agents Regulation 2006	14
	15
Clauses 10 (1) (h) and 16 (1) (g)	16
Omit “section 60P” wherever occurring. Insert instead “section 48”.	17
Explanatory note	18
The proposed amendment updates references to a renumbered section.	19
2.8 Commission for Children and Young People Act 1998 No 146	20
Section 33 (1), paragraph (c) of the definition of “employer”	21
Omit “Department of Human Services”.	22
Insert instead “Department of Education and Communities”.	23
Explanatory note	24
Clause 26 of the <i>Public Sector Employment and Management (Departments) Order 2011</i> provides that a reference in or in relation to Chapter 12 or 12A of the <i>Children and Young Persons (Care and Protection) Act 1998</i> to the Director-General of the Department of Human Services is taken to be a reference to the Director-General of the Department of Education and Communities. The proposed amendment updates a reference in the <i>Commission for Children and Young People Act 1998</i> that relates to those Chapters.	25
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2.9 Coolamon Local Environmental Plan 2011	1
Land Use Table, Zone RU1, item 3	2
Reorder the development types in alphabetical order.	3
Explanatory note	4
The proposed amendment corrects the alphabetical order of development types.	5
2.10 Coonamble Local Environmental Plan 2011	6
Clause 4.1A, note	7
Omit “ <i>Development) Codes 2008</i> ”.	8
Insert instead “ <i>Development Codes) 2008</i> ”.	9
Explanatory note	10
The proposed amendment corrects the citation of an instrument.	11
2.11 Duties Act 1997 No 123	12
Section 278 (2) (b)	13
Omit “that Department”.	14
Insert instead “the Department of Family and Community Services”.	15
Explanatory note	16
The proposed amendment clarifies a reference to a Department.	17
2.12 Environmental Planning and Assessment Act 1979 No 203	18
Section 23G (1)	19
Omit “in the Gazette”. Insert instead “on the NSW legislation website”.	20
Explanatory note	21
The proposed amendment requires an order relating to the establishment of joint regional panels to be published on the NSW legislation website.	22
	23
2.13 Fines Act 1996 No 99	24
[1] Section 22 (2) (b) (i)	25
Omit “in the Treasury”.	26
Insert instead “in the Department of Finance and Services”.	27
[2] Schedule 1	28
Omit “ <i>Fair Trading Act 1987</i> , section 64”.	29
Insert instead “ <i>Fair Trading Act 1987</i> , section 67”.	30

Explanatory note	1
Item [1] of the proposed amendments updates a reference to a Department.	2
Item [2] of the proposed amendments updates a reference to a renumbered section.	3
2.14 Harden Local Environmental Plan 2011	4
Land Use Table, Zone RU1, item 3	5
Reorder the development types in alphabetical order.	6
Explanatory note	7
The proposed amendment corrects the alphabetical order of development types.	8
2.15 Health Services Act 1997 No 154	9
Section 133A	10
Omit “Part 5C”. Insert instead “Division 3 of Part 4”.	11
Explanatory note	12
The proposed amendment updates a reference to a renumbered provision.	13
2.16 Health Services Regulation 2008	14
[1] Clause 18 (1)	15
Omit “subclauses (2)–(5)”. Insert instead “subclause (3)”.	16
[2] Clause 18 (2), (4) and (5)	17
Omit the subclauses.	18
Explanatory note	19
The object of the proposed amendment is to omit two provisions that construe references in regulations that have been repealed (see clause 18 (2) and (4)) and a further provision that construes a reference in an Act that is amended by Schedule 1 to achieve the same result (see clause 18 (5)).	20 21 22 23
2.17 Land and Environment Court Act 1979 No 204	24
Sections 21A, 21B and 74 (1) (a2)	25
Omit “ <i>Crimes (Local Courts Appeal and Review) Act 2001</i> ” wherever occurring.	26 27
Insert instead “ <i>Crimes (Appeal and Review) Act 2001</i> ”.	28
Explanatory note	29
The proposed amendment updates references to an Act.	30

2.18 Liquor Regulation 2008	1
Clause 46 (2) and (3)	2
Omit “approval, Director-General” wherever occurring.	3
Insert instead “approval, the Director-General”.	4
Explanatory note	5
The proposed amendment inserts missing words.	6
2.19 Liverpool Local Environmental Plan 2008	7
[1] Land Use Table, Zone RU1, item 3	8
Reorder the development types in alphabetical order.	9
[2] Land Use Table, Zone IN2, item 3	10
Omit “and hire”. Insert instead “or hire”.	11
[3] Schedule 1, clause 8 (2)	12
Omit “restaurant”. Insert instead “restaurant or cafe”.	13
Explanatory note	14
Item [1] of the proposed amendments corrects the alphabetical order of development types.	15
Items [2] and [3] of the proposed amendments correct references to types of development provided for by the <i>Standard Instrument (Local Environmental Plans) Order 2006</i> .	16
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2.20 Marine Safety Act 1998 No 121	20
Section 111 (2) (h)	21
Omit “the RMS”. Insert instead “RMS”.	22
Commencement	23
The amendment commences, or is taken to have commenced, on the commencement of Schedule 5.22 [5] to the <i>Transport Legislation Amendment Act 2011</i> .	24
	25
Explanatory note	26
The proposed amendment corrects a grammatical error.	27
2.21 Mental Health (Forensic Provisions) Act 1990 No 10	28
Sections 41 (3) (a) and 76C	29
Omit “Department of Human Services” wherever occurring.	30
Insert instead “Department of Attorney General and Justice”.	31

Explanatory note	1
The proposed amendment updates references to a Department as a consequence of the making of the <i>Public Sector Employment and Management (Departments) Order 2011</i> .	2 3 4
2.22 Nambucca Local Environmental Plan 2010	5
Land Use Table, Zone RU1, item 3	6
Reorder the development types in alphabetical order.	7
Explanatory note	8
The proposed amendment corrects the alphabetical order of development types.	9
2.23 Payroll Tax Rebate Scheme (Jobs Action Plan) Act 2011 No 19	10 11
Section 4 (1), paragraph (a) of the definition of “metropolitan area”	12
Omit “Baulkham Hills,”.	13
Insert instead in alphabetical order “The Hills Shire,”.	14
Explanatory note	15
The proposed amendment updates a reference to a local government area.	16
2.24 Poisons and Therapeutic Goods Act 1966 No 31	17
[1] Section 8 (6)	18
Insert “or replaced” after “amended”.	19
[2] Section 8 (6)	20
Omit “in the Gazette”. Insert instead “on the NSW legislation website”.	21
Explanatory note	22
Item [1] of the proposed amendments clarifies that the Poisons List can be replaced as well as amended. Item [2] provides for publication of the Poisons List on the NSW legislation website.	23 24 25
2.25 Prevention of Cruelty to Animals Act 1979 No 200	26
Section 4 (1), paragraph (b) of the definition of “officer”	27
Omit “ <i>Police Offences Act 1901</i> ”.	28
Insert instead “ <i>Police (Special Provisions) Act 1901</i> ”.	29
Explanatory note	30
The proposed amendment updates the citation of an Act.	31

2.26 Public Finance and Audit Act 1983 No 152	1
[1] Schedule 2	2
Omit “Centennial Park Trust”.	3
Insert instead “Centennial Park and Moore Park Trust”.	4
[2] Schedule 3	5
Omit the matter relating to the Department of Health.	6
Insert instead:	7
Ministry of Health	
Director-General of the Ministry	
Explanatory note	8
Item [1] of the proposed amendments updates a reference to a Trust.	9
Item [2] of the proposed amendments updates a reference to a Department and the Director-General of that Department as a consequence of changes made by the <i>Public Sector Employment and Management (General) Order 2011</i> .	10
	11
	12
2.27 Residential Parks Act 1998 No 142	13
Section 141	14
Omit the section.	15
Explanatory note	16
The proposed amendment removes a redundant provision that refers to powers under a repealed section. Sections 136A–136E, as inserted by the <i>Residential Parks Amendment (Statutory Review) Act 2005</i> , updated and provided for the matters in section 141.	17
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2.28 Retirement Villages Act 1999 No 81	21
Section 123 (2) (b)	22
Omit the paragraph.	23
Explanatory note	24
The proposed amendment removes a redundant provision that refers to matters under repealed provisions.	25
	26
2.29 Road Transport (Vehicle Registration) Act 1997 No 119	27
Section 17S (1) and (2)	28
Omit “Roads and Traffic Authority” wherever occurring.	29
Insert instead “Roads and Maritime Services”.	30

Commencement	1
The amendment commences, or is taken to have commenced, on the commencement of Schedule 5.49 [4] to the <i>Transport Legislation Amendment Act 2011</i> .	2
Explanatory note	3
The proposed amendment corrects references to a renamed body.	4
2.30 Rural Lands Protection Act 1998 No 143	5
Section 140H (2) (c)	6
Omit “Livestock Transporters Association of NSW”.	7
Insert instead “Livestock and Bulk Carriers Association Incorporated”.	8
Explanatory note	9
The proposed amendment updates a reference to an organisation.	10
2.31 Standard Instrument (Local Environmental Plans) Order 2006	11
Standard instrument, Land Use Table, Direction 5	12
Reorder the second paragraph of development types in alphabetical order.	13
Explanatory note	14
The proposed amendment corrects the alphabetical order of development types.	15
2.32 State Authorities Superannuation Regulation 2010	16
Clause 36, definition of “FTC”	17
Omit the definition.	18
Explanatory note	19
The proposed amendment omits a definition of a term that is unnecessary because the term is defined in the <i>State Authorities Superannuation Act 1987</i> .	20
2.33 State Environmental Planning Policy (Affordable Rental Housing) 2009	21
Clause 23 (2A)	22
Omit “subclauses (2) and (3)”. Insert instead “subclauses (1) and (2)”.	23
Explanatory note	24
The proposed amendment corrects cross-references.	25

2.34 State Environmental Planning Policy (Major Development) 2005	1
	2
[1] Clause 11	3
Omit “project to which Part 3A of the Act applies”.	4
Insert instead “transitional Part 3A project”.	5
[2] Schedule 3, Part 4, clause 4 and Part 5, clause 19, notes	6
Omit the notes.	7
Explanatory note	8
Item [1] of the proposed amendments updates a reference to Part 3A of the <i>Environmental Planning and Assessment Act 1979</i> . Item [2] of the proposed amendments removes redundant references to that Act.	9
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	11
2.35 Strata Schemes Management Regulation 2010	12
Schedule 8	13
Omit “Clause 29” wherever occurring. Insert instead “Clause 28”.	14
Explanatory note	15
The proposed amendment corrects cross-references.	16
2.36 Summary Offences Act 1988 No 25	17
Section 27B (1)	18
Omit “spiritous”. Insert instead “spirituous”.	19
Explanatory note	20
The proposed amendment corrects a typographical error.	21
2.37 Superannuation Act 1916 No 28	22
[1] Section 38B (1) (d)	23
Omit “to take”.	24
[2] Sections 61RF (1) and 61RG (1)	25
Omit “section 37” wherever occurring. Insert instead “section 37A”.	26
Explanatory note	27
Item [1] of the proposed amendments removes superfluous words.	28
Item [2] of the proposed amendments corrects cross-references.	29

2.38 Sydney Water Act 1994 No 88	1
[1] Sections 10 (2) and 88 (1)	2
Omit “in the Gazette” wherever occurring.	3
Insert instead “on the NSW legislation website”.	4
[2] Section 65 (1)	5
Insert “published on the NSW legislation website” after “Governor”.	6
Explanatory note	7
The proposed amendments require certain orders made under the <i>Sydney Water Act 1994</i> to be published on the NSW legislation website.	8
	9
2.39 Threatened Species Conservation Act 1995 No 101	10
Section 127 (1), definition of “deferred retirement arrangement”	11
Omit “section 127ZW”. Insert instead “section 127ZT”.	12
Explanatory note	13
The proposed amendment corrects a cross-reference.	14
2.40 Transport Administration (Staff) Regulation 2005	15
[1] Clause 3 (1), definition of “disciplinary appeal”	16
Omit “16,”.	17
[2] Clause 3 (1), definition of “promotion appeal”	18
Omit “7,”.	19
[3] Clause 3 (1), definitions of “SRA” and “SRA officer”	20
Omit the definitions.	21
[4] Part 2	22
Omit the Part.	23
Explanatory note	24
Item [4] of the proposed amendment removes redundant provisions relating to the State Rail Authority consequent on the enactment of the <i>State Revenue and Other Legislation Amendment (Budget) Act 2007</i> , which renamed that Authority as the SRA Residual Holding Corporation and made provision for the staff of the Corporation.	25
Items [1]–[3] are consequential amendments.	26
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2.41 Valuers Regulation 2010	1
Schedule 3	2
Omit “cancelled”.	3
Explanatory note	4
The proposed amendment omits a word to clarify the application of a fees entry.	5
2.42 Water Sharing Plan for the Castlereagh (below Binnaway) Unregulated and Alluvial Water Sources 2011	6
	7
[1] Clause 4 (2)	8
Omit “The Castlereagh River Unregulated and Alluvial Water Sources”.	9
Insert instead “Castlereagh (below Binnaway) Unregulated and Alluvial Water Sources”.	10
	11
[2] Clause 4 (5) (c)	12
Insert “ <i>River</i> ” before “ <i>above</i> ”.	13
[3] Clauses 37 (3), note and 38 (3), note	14
Omit “assessed” wherever occurring. Insert instead “assessed”.	15
[4] Clause 67 (2) (b) (iv)	16
Insert “was” after “water”.	17
[5] Clause 67 (2)	18
Renumber paragraphs (e) and (f) as paragraphs (c) and (d), respectively.	19
[6] Clause 68 (3)	20
Omit “, and”.	21
[7] Clause 78 (3)	22
Omit “entitlement”. Insert instead “entitlement”.	23
Explanatory note	24
Item [1] of the proposed amendments corrects the title of a map.	25
Item [2] of the proposed amendments corrects the citation of an instrument.	26
Items [3], [4], [6] and [7] of the proposed amendments correct typographical errors.	27
Item [5] of the proposed amendments corrects paragraph numbering.	28

2.43 Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2011	1 2
[1] Clause 34 (11)	3
Omit “If Minister”. Insert instead “If the Minister”.	4
[2] Clause 37 (3)	5
Insert “subclause” before “(7)”.	6
[3] Clause 38 (5) (a)	7
Insert “and” at the end of the paragraph.	8
[4] Clause 45 (3)	9
Omit “liences”. Insert instead “licences”.	10
[5] Clause 56 (5), Table C	11
Omit “Auhority’s” wherever occurring. Insert instead “Authority’s”.	12
[6] Clause 56 (5), Table C	13
Omit “56 10)”. Insert instead “56 (10)”.	14
[7] Clause 56 (6), definition of “C”	15
Omit “, and”.	16
[8] Clause 71 (5)	17
Omit “Center” wherever occurring. Insert instead “Centre”	18
Explanatory note	19
The proposed amendments correct typographical errors.	20
2.44 Water Sharing Plan for the North Western Unregulated and Fractured Rock Water Sources 2011	21 22
Clause 68 (b)	23
Renumber subparagraph (ii) where secondly occurring as subparagraph (iii).	24
Explanatory note	25
The proposed amendment corrects provision numbering.	26

2.45 Woollahra Local Environmental Plan 1995	1
Schedule 1, definitions of “density map”, “height map” and “land use map”	2
	3
Omit “Environment Plan” wherever occurring.	4
Insert instead “Environmental Plan”.	5
Explanatory note	6
The proposed amendment corrects references to maps.	7
2.46 Workers Compensation Act 1987 No 70	8
Section 174 (9), paragraph (b1) of the definition of “wages”	9
Omit “1986” and “2010”.	10
Insert instead “1986” and “2010”, respectively.	11
Explanatory note	12
The proposed amendment corrects typographical errors.	13
2.47 Young Local Environmental Plan 2010	14
Land Use Table, Zone RU1, item 3	15
Reorder the development types in alphabetical order.	16
Explanatory note	17
The proposed amendment corrects the alphabetical order of development types.	18

Schedule 3 Amendments by way of statute law revision relating to references to the NSW Police Force and the Police Act 1990

Explanatory note

The proposed amendments update references as a consequence of the enactment of the *Police Service Amendment (NSW Police) Act 2002* and the *Police Amendment (Miscellaneous) Act 2006*. Those Acts renamed the *Police Service Act 1990* to the *Police Act 1990* and updated the name of the policing organisation of NSW to the NSW Police Force. The proposed amendments also include other minor updates to legislation consequential on those changes.

3.1 Anti-Discrimination Act 1977 No 48

Sections 4B (1) (b) and (2), 49ZU (3) (definition of “employed in the public sector”) and 122B (1) (c)

Omit “Police Service” wherever occurring.

Insert instead “NSW Police Force”.

3.2 Bail Act 1978 No 161

[1] Section 36C (2) (c)

Omit “Police Service”. Insert instead “NSW Police Force”.

[2] Section 66 (2) (a)

Omit “*Police Service Act 1990*”. Insert instead “*Police Act 1990*”.

3.3 Casino Control Act 1992 No 15

Section 149 (7), paragraph (a) of the definition of “law enforcement agency”

Omit “Police Service”. Insert instead “NSW Police Force”.

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

Section 30, note

Omit “Police Service”. Insert instead “NSW Police Force”.

3.5 Crimes (Forensic Procedures) Act 2000 No 59	1
[1] Sections 3 (1) (paragraph (b) of the definition of “police station”) and 43 (2)	2
Omit “Police Service”. Insert instead “NSW Police Force”.	3
	4
[2] Sections 89 (note), 92 (2) (g) and 109 (3) (i) and (m)	5
Omit “ <i>Police Service Act 1990</i> ” wherever occurring.	6
Insert instead “ <i>Police Act 1990</i> ”.	7
3.6 Crimes (Sentencing Procedure) Act 1999 No 92	8
Sections 51B (2) (c) and 100H (2) (c)	9
Omit “Police Service” wherever occurring.	10
Insert instead “NSW Police Force”.	11
3.7 Criminal Procedure Act 1986 No 209	12
Section 3 (1), paragraph (a) of the definition of “public officer”	13
Omit “Police Service”. Insert instead “NSW Police Force”.	14
3.8 Criminal Records Act 1991 No 8	15
[1] Section 13 (2)	16
Omit “Criminal Records Unit of the Police Service”.	17
Insert instead “Criminal Records Section of the NSW Police Force”.	18
[2] Section 13 (5)	19
Omit “Police Service”. Insert instead “NSW Police Force”.	20
3.9 Drug Misuse and Trafficking Act 1985 No 226	21
[1] Sections 38 (2), 39, 39C, 39D (1), 39M (1), 39R (1) and 39S	22
Omit “police force” wherever occurring. Insert instead “NSW Police Force”.	23
[2] Section 39RA (1) (b)	24
Omit “ <i>Police Service Act 1990</i> ”. Insert instead “ <i>Police Act 1990</i> ”.	25

3.10 Fines Act 1996 No 99	1
Section 117 (1)	2
Omit “Police Service”. Insert instead “NSW Police Force”.	3
3.11 Fire Brigades Act 1989 No 192	4
Section 25 (1) and (2)	5
Omit “Police Service” wherever occurring.	6
Insert instead “NSW Police Force”.	7
3.12 First State Superannuation Act 1992 No 100	8
Schedule 1	9
Omit “Police Service”. Insert instead “NSW Police Force”.	10
3.13 Health Records and Information Privacy Act 2002 No 71	11
[1] Sections 4 (1) (paragraph (a) of the definition of “law enforcement agency” and paragraph (e) of the definition of “public sector agency”) and 17	12
Omit “Police Service” wherever occurring.	13
Insert instead “NSW Police Force”.	14
[2] Section 5 (3) (k)	15
Omit “ <i>Police Service Act 1990</i> ”. Insert instead “ <i>Police Act 1990</i> ”.	16
3.14 Independent Commission Against Corruption Act 1988 No 35	17
[1] Sections 3 (1) (paragraph (f) of the definition of “public authority” and paragraph (k) of the definition of “public official”), 16 (5), 36 (7), 39 (3) and (4), 41 (1) and (2), 100 (3) and 105 and clause 2 (1) (b) of Schedule 3	19
Omit “Police Force” wherever occurring. Insert instead “NSW Police Force”.	20
[2] Section 101B (1) and (5)	21
Omit “ <i>Police Service Act 1990</i> ” wherever occurring.	22
Insert instead “ <i>Police Act 1990</i> ”.	23
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3.15 Industrial Relations Act 1996 No 17	1
Sections 83 (3) and 405 (1) and Dictionary (definition of “public sector industrial agreement”)	2
Omit “ <i>Police Service Act 1990</i> ” wherever occurring.	3
Insert instead “ <i>Police Act 1990</i> ”.	4
3.16 Industrial Relations (General) Regulation 2001	6
[1] Clause 39 (1) (b)	7
Omit “Column 4”. Insert instead “Column 2”.	8
[2] Clause 40	9
Omit the clause.	10
[3] Schedule 2	11
Omit “(Clauses 39 and 40)”. Insert instead “(Clause 39)”.	12
[4] Schedule 2	13
Omit Columns 2 and 3.	14
[5] Schedule 2	15
Omit “ Column 4 ”. Insert instead “ Column 2 ”.	16
3.17 Jury Act 1977 No 18	17
Sections 68 (4) (g) and 68A (4) (g)	18
Omit “Police Service” wherever occurring.	19
Insert instead “NSW Police Force”.	20
3.18 Meat Industry Act 1978 No 54	21
Section 76A (9) (b)	22
Omit “Police Service”. Insert instead “NSW Police Force”.	23
3.19 Motor Accidents Act 1988 No 102	24
[1] Sections 42 (1) and 46 (1)	25
Omit “Police Force” wherever occurring. Insert instead “NSW Police Force”.	26

[2] Section 42A (1)	1
Omit "Police Service". Insert instead "NSW Police Force".	2
3.20 Motor Accidents Compensation Act 1999 No 41	3
Section 71 (1)	4
Omit "Police Service". Insert instead "NSW Police Force".	5
3.21 Motor Dealers Act 1974 No 52	6
[1] Sections 4 (1) (paragraph (a) of the definition of "authorised officer"), 38E (3) and (4), 53A (1A), (1B) and (3) (e) and 53AA (2) and (3)	7 8
Omit "police force" wherever occurring. Insert instead "NSW Police Force".	9
[2] Section 45A (3) and (7)	10
Omit "Police Service" wherever occurring.	11
Insert instead "NSW Police Force".	12
3.22 Motor Vehicle Repairs Act 1980 No 71	13
[1] Sections 38 (3) (a) (i), 75 (3) and (4), 75A (2) and (3) and 76	14
Omit "police force" wherever occurring. Insert instead "NSW Police Force".	15
[2] Section 77A (3) and (7)	16
Omit "Police Service" wherever occurring.	17
Insert instead "NSW Police Force".	18
3.23 Pawnbrokers and Second-hand Dealers Act 1996 No 13	19
Section 42 (2)	20
Omit "Police Service". Insert instead "NSW Police Force".	21
3.24 Police Superannuation Regulation 2010	22
Clause 5 (a) and (b)	23
Omit "police service" wherever occurring. Insert instead "NSW Police Force".	24

3.25 Property, Stock and Business Agents Act 2002 No 66	1
Section 219 (5) (paragraph (a) of the definition of “law enforcement officer”)	2
Omit “Police Service”. Insert instead “NSW Police Force”.	3
	4
3.26 Public Interest Disclosures Act 1994 No 92	5
[1] Section 4 (1) (paragraph (d) of the definition of “public authority”)	6
Omit “Police Force”. Insert instead “NSW Police Force”.	7
[2] Section 9 (4)	8
Omit “Police Service” where firstly and secondly occurring.	9
Insert instead “NSW Police Force”.	10
[3] Section 9 (4)	11
Omit “ <i>Police Service Act 1990</i> ” wherever occurring.	12
Insert instead “ <i>Police Act 1990</i> ”.	13
3.27 Public Sector Employment and Management Act 2002 No 43	14
Section 120 (6) (e)	15
Omit “Police Service”. Insert instead “NSW Police Force”.	16
3.28 Road Transport (Driver Licensing) Act 1998 No 99	17
Section 41 (1) (a)	18
Omit “Police Service”. Insert instead “NSW Police Force”.	19
3.29 Road Transport (Safety and Traffic Management) Regulation 1999	20
	21
Clause 126I (1) (a)	22
Omit “Police Service”. Insert instead “NSW Police Force”.	23
3.30 Rural Fires Act 1997 No 65	24
Sections 4, note, 41 (1) and (2) and 45 (1)	25
Omit “Police Service” wherever occurring.	26
Insert instead “NSW Police Force”.	27

3.31 State Authorities Non-contributory Superannuation Act 1987 No 212	1
	2
[1] Sections 3 (1) (definition of “police executive officer”) and 4A (10) (a)	3
Omit “ <i>Police Service Act 1990</i> ” wherever occurring.	4
Insert instead “ <i>Police Act 1990</i> ”.	5
[2] Section 6 and Schedule 1	6
Omit “Police Service” wherever occurring.	7
Insert instead “NSW Police Force”.	8
3.32 State Authorities Superannuation Act 1987 No 211	9
[1] Sections 3 (1) (definition of “police executive officer”) and 4A (10) (a)	10
Omit “ <i>Police Service Act 1990</i> ” wherever occurring.	11
Insert instead “ <i>Police Act 1990</i> ”.	12
[2] Section 8 and Schedule 1	13
Omit “Police Service” wherever occurring.	14
Insert instead “NSW Police Force”.	15
3.33 State Emergency and Rescue Management Act 1989 No 165	16
Section 60L (4)	17
Omit “ <i>Police Service Act 1990</i> ”. Insert instead “ <i>Police Act 1990</i> ”.	18
3.34 Statutory and Other Offices Remuneration Act 1975 (1976 No 4)	19
	20
[1] Section 24A, definition of “remuneration package”	21
Omit “ <i>Police Service Act 1990</i> ”. Insert instead “ <i>Police Act 1990</i> ”.	22
[2] Section 24A, definition of “senior executive office holder”	23
Omit “referred to in Schedule 2 to the <i>Police Service Act 1990</i> ”.	24
Insert instead “determined as an executive position under Division 2 of Part 5 of the <i>Police Act 1990</i> ”.	25
	26

3.35 Superannuation Act 1916 No 28	1
[1] Sections 3 (1) (definition of “Police executive officer”) and 3AA (10) (a)	2
Omit “ <i>Police Service Act 1990</i> ” wherever occurring.	3
Insert instead “ <i>Police Act 1990</i> ”.	4
[2] Section 3B (3) and Schedules 3 and 26	5
Omit “Police Service” wherever occurring.	6
Insert instead “NSW Police Force”.	7
3.36 Totalizator Act 1997 No 45	8
Section 108 (1)	9
Omit “Police Service”. Insert instead “NSW Police Force”.	10
3.37 Tow Truck Industry Act 1998 No 111	11
Section 95 (1)	12
Omit “Police Service”. Insert instead “NSW Police Force”.	13
3.38 Transport Administration Act 1988 No 109	14
[1] Section 45E (1), paragraph (a) of the definition of “public authority”	15
Omit “Police Service”. Insert instead “NSW Police Force”.	16
[2] Section 117 (9) (a)	17
Omit “Police Force”. Insert instead “NSW Police Force”.	18
3.39 Unlawful Gambling Act 1998 No 113	19
Section 54 (1)	20
Omit “Police Service”. Insert instead “NSW Police Force”.	21
3.40 Victims Rights Act 1996 No 114	22
Section 13 (1) (b)	23
Omit “Police Service”. Insert instead “NSW Police Force”.	24

3.41 Weapons Prohibition Act 1998 No 127	1
Sections 6 (3) (c) and 41 (3) (a)	2
Omit “Police Force” wherever occurring. Insert instead “NSW Police Force”.	3
3.42 Witness Protection Act 1995 No 87	4
Sections 3 (1) (definition of “designated position”), 4 (1) (c), 8 (3) and (4), 29 (2) (b), 33 (1) (c) and (d), 34 (1) (b), 36 (2) (a), 38 (2) (d) and 39 (1) and (2)	5 6
Omit “Police Service” wherever occurring.	7
Insert instead “NSW Police Force”.	8
3.43 Workplace Injury Management and Workers Compensation Act 1998 No 86	9 10
[1] Sections 4 (1) (definition of “worker”) and 6 (3) (except where lastly occurring)	11 12
Omit “Police Service” wherever occurring.	13
Insert instead “NSW Police Force”.	14
[2] Section 6 (3), note	15
Omit “Attention is also drawn to section 216 of the <i>Police Service Act 1990</i> , which makes further provision for payment of compensation for those members if they are hurt on duty.”.	16 17 18

Schedule 4	Amendments transferring provisions, and other amendments consequential on repeals
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Schedule 4 Amendments transferring provisions, and other amendments consequential on repeals

Explanatory note

Schedule 4.1 [2] and [5], 4.3 [2], 4.4–4.6, 4.8 and 4.10 insert the substance of provisions (of possible ongoing effect) of Acts and instruments repealed by clause 3 of Schedule 5 into various Acts. In accordance with section 30A of the *Interpretation Act 1987*, the transfer of those provisions does not affect the operation (if any) or meaning of the provisions. In particular:

- (a) sections 8 (1) (b) and 16 (2) of the *Aberdare County Council (Dissolution) Act 1982* are transferred to the *Local Government and Other Authorities (Superannuation) Act 1927*, and
- (b) section 16 of the *Albury-Wodonga Development Repeal Act 2000* is transferred to the *Growth Centres (Development Corporations) Act 1974*, and
- (c) section 2 of, and the First and Second Schedules to, the *Broken Hill Trades Hall Site Extension Act 1915* are transferred to the *Broken Hill Trades Hall Site Act of 1898*, and
- (d) certain provisions of the following Acts are transferred to the *Conversion of Cemeteries Act 1974*:
 - (i) *Coonamble Cemetery Act 1963*,
 - (ii) *East Ballina Cemetery Act 1957*,
 - (iii) *Gosford Cemeteries Act 1970*,
 - (iv) *Liverpool Cemetery Act 1950*,
 - (v) *Mudgee Cemeteries Act 1963*,
 - (vi) *Old Balmain (Leichhardt) Cemetery Act 1941*,
 - (vii) *Old Liverpool Cemetery Act 1970*,
 - (viii) *Old Wallsend Cemetery Act 1953*,
 - (ix) *Parramatta Methodist Cemetery Act 1961*,
 - (x) *St. Thomas' Church of England, North Sydney, Cemetery Act 1967*, and
- (e) clause 4 of the *Corporations (Ancillary Provisions) Regulation 2001* is transferred to the *Corporations (Ancillary Provisions) Act 2001*, and
- (f) section 4 of the *Government Railways (Fencing) Act 1902* and section 8 of the *Port Kembla Inner Harbour (Further Construction) Act 1961* are transferred to the *Public Works Act 1912*, and
- (g) section 6 of the *Queanbeyan Showground (Variation of Purposes) Act 1995* is transferred to the *Crown Lands Act 1989*, and
- (h) section 2 (4) of the *River Murray (Diversion) Act 1933* is transferred to the *Water Management Act 2000*.

Schedule 4.2 re-enacts section 2 of the *Damage by Aircraft Act 1952*, with minor modifications, as new Part 12 of the *Civil Liability Act 2002*.

Schedule 4.1 [1]–[4] contain amendments to the *Broken Hill Trades Hall Site Act of 1898* that are consequential on the transfer of provisions from the *Broken Hill Trades Hall Site Extension Act 1915* referred to in paragraph (c) above.

Schedule 4.3 [1] makes an amendment to the *Conversion of Cemeteries Act 1974* that is consequential on the transfer of provisions referred to in paragraph (d) above.

Schedule 4.9 makes amendments to the *Subordinate Legislation Act 1989* that are consequential on the repeal of the *Corporations (Ancillary Provisions) Regulation 2001* and *Bible Society NSW (Corporate Conversion) Act 2008* by Schedule 5.

4.1 Broken Hill Trades Hall Site Act of 1898 No 31

[1] Section 1 Land vested in trustees for the erection thereon of a trades hall

Omit “Schedule”. Insert instead “Schedule 1”.

[2] Sections 2 and 3

Omit the sections. Insert instead:

2 Trustees may make rules

The trustees may make rules for regulating the use of the land described in the Schedules to this Act and any buildings on that land, but such rules have no effect until approved by the Minister for the time being charged with the administration of Chapter 5 of the *Industrial Relations Act 1996*.

3 Transferred provision—vesting of land described in Schedules 2 and 3

- (1) The lands described in Schedules 2 and 3 are hereby vested in the trustees for the time being elected under this Act, upon trust for the purposes of and in connection with the trades hall aforesaid, but freed from all other trusts and dedications.
- (2) Subsection (1) re-enacts (with minor modifications) section 2 of the *Broken Hill Trades Hall Site Extension Act 1915* and is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.

[3] Section 3A

Insert after section 3 (as inserted by item [2]):

3A Savings

- (1) Rules regulating the use of the Broken Hill Trades Hall that were in force under this Act immediately before the commencement of section 2 (as inserted by the *Statute Law (Miscellaneous Provisions) Act (No 2) 2011*) are taken to have been made under that section.
- (2) Rules regulating the use of the lands described in Schedules 2 and 3 and any buildings on that land that were in force under the *Broken Hill Trades Hall Site Extension Act 1915* immediately before the repeal of that Act are, on that repeal, taken to have

Schedule 4	Amendments transferring provisions, and other amendments consequential on repeals	
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	been made under section 2 (as inserted by the <i>Statute Law (Miscellaneous Provisions) Act (No 2) 2011</i>).	1 2
[4] Schedule		3
	Renumber the Schedule as Schedule 1.	4
[5] Schedules 2 and 3		5
	Transfer the First and Second Schedules to the <i>Broken Hill Trades Hall Site Extension Act 1915</i> (which is repealed by clause 3 of Schedule 5 to this Act), after the Schedule, as Schedules 2 and 3.	6 7 8
4.2 Civil Liability Act 2002 No 22		9
Part 12		10
	Insert after Part 11:	11
Part 12 Damage by aircraft		12
72 Trespass or nuisance by aircraft (cf former s. 2 (1) and (5) of Damage by Aircraft Act 1952)		13 14
(1)	No action lies in respect of trespass or nuisance by reason only of the flight (or the ordinary incidents of the flight) of an aircraft over any property at a height above the ground that is reasonable (having regard to wind, weather and all the circumstances of the case) so long as the Air Navigation Regulations are complied with.	15 16 17 18 19 20
(2)	In this section, <i>Air Navigation Regulations</i> means the regulations made under the <i>Air Navigation Act 1920</i> of the Commonwealth and includes such of the provisions of those regulations as are applicable to and in respect of air navigation within New South Wales by virtue only of the <i>Air Navigation Act 1938</i> .	21 22 23 24 25 26
73 Surface damage by aircraft or articles falling from aircraft (cf former s. 2 (2), (3) and (5) of Damage by Aircraft Act 1952)		27 28
(1)	Where material loss or damage is caused to any person or property on land or water by, or by a person in, or an article or person falling from, an aircraft while in flight, taking off or landing, then unless the loss or damage was caused or contributed to by the negligence of the person by whom it was suffered, damages in respect of the loss or damage are recoverable without proof of negligence or intention or other cause of action, as if the	29 30 31 32 33 34 35

loss or damage had been caused by the wilful act, neglect, or default of the owner of the aircraft.	1 2
(2) However, where the material loss or damage is caused in circumstances in which:	3 4
(a) damages are recoverable in respect of that loss or damage by virtue only of subsection (1), and	5 6
(b) a legal liability is created in some person other than the owner to pay damages in respect of that loss or damage, the owner is entitled to be indemnified by that other person against any claim in respect of that loss or damage.	7 8 9 10
(3) Where the aircraft concerned has been bona fide demised, let or hired out for a period exceeding 14 days to any other person by the owner of the aircraft, and no pilot, commander, navigator or operative member of the crew of the aircraft is in the employment of the owner, references in this section to the owner are to be read as references to the person to whom the aircraft has been so demised, let or hired out.	11 12 13 14 15 16 17
(4) In this section:	18
<i>article</i> includes mail or animal.	19
<i>loss or damage</i> includes, in relation to persons, loss of life and personal injury.	20 21
4.3 Conversion of Cemeteries Act 1974 No 17	22
[1] Schedule 3 Transferred provisions relating to cemetery land	23
Insert before clause 1:	24
Part 1 Acts repealed by Statute Law (Miscellaneous Provisions) Act 2011	25 26
[2] Schedule 3, Part 2	27
Insert after clause 7:	28
Part 2 Acts repealed by Statute Law (Miscellaneous Provisions) Act (No 2) 2011	29 30
8 Provisions transferred to this Part	31
Clauses 10–19 re-enact (with minor modifications) the following provisions and are transferred provisions to which section 30A of the <i>Interpretation Act 1987</i> apply:	32 33 34

Schedule 4 Amendments transferring provisions, and other amendments consequential on repeals

(a)	section 2 (2) of the <i>Coonamble Cemetery Act 1963</i> ,	1
(b)	section 2 (2) of the <i>East Ballina Cemetery Act 1957</i> ,	2
(c)	section 5 (4) of the <i>Gosford Cemeteries Act 1970</i> ,	3
(d)	section 2 (2) of the <i>Liverpool Cemetery Act 1950</i> ,	4
(e)	section 2 (2) of the <i>Mudgee Cemeteries Act 1963</i> ,	5
(f)	section 3 (2) of the <i>Old Balmain (Leichhardt) Cemetery Act 1941</i> ,	6 7
(g)	section 4 (3) of the <i>Old Liverpool Cemetery Act 1970</i> ,	8
(h)	sections 2 (2) and 3 (1)–(3) of the <i>Old Wallsend Cemetery Act 1953</i> ,	9 10
(i)	section 2 (2) of the <i>Parramatta Methodist Cemetery Act 1961</i> ,	11 12
(j)	sections 3 (3), 4 (2) and 8 of the <i>St. Thomas' Church of England, North Sydney, Cemetery Act 1967</i> .	13 14
9	Saving of trusts, reservations, dedications and other obligations under repealed Acts	15 16
	The repeal by the <i>Statute Law (Miscellaneous Provisions) Act (No 2) 2011</i> of an Act, provisions of which are transferred by this Part, does not:	17 18 19
(a)	affect any trust, reservation or dedication that existed immediately before the repeal of that Act, or	20 21
(b)	remove any obligation of a council with respect to a register required to be compiled under the repealed Act.	22 23
10	Coonamble Cemetery Act 1963	24
	The land described in the Schedule to the <i>Coonamble Cemetery Act 1963</i> (as in force immediately before its repeal) shall be maintained by Coonamble Shire Council as a rest park and garden area and, notwithstanding anything in any other Act, the Council shall not use the land or permit the same to be used for any other purpose.	25 26 27 28 29 30
11	East Ballina Cemetery Act 1957	31
	The land described in the Schedule to the <i>East Ballina Cemetery Act 1957</i> (as in force immediately before its repeal) shall be maintained by Ballina Shire Council as a rest park and garden area and, notwithstanding anything in any other Act, the Council shall not use the land or permit the same to be used for any other purpose.	32 33 34 35 36 37

12	Gosford Cemeteries Act 1970	1
	The lands described in the First and Second Schedules to the <i>Gosford Cemeteries Act 1970</i> (as in force immediately before its repeal) shall be maintained by Gosford City Council as rest parks and garden areas and, notwithstanding anything in any other Act, the Council shall not use those lands or permit them to be used for any other purpose.	2 3 4 5 6 7
13	Liverpool Cemetery Act 1950	8
	The land described in the Schedule to the <i>Liverpool Cemetery Act 1950</i> (as in force immediately before its repeal) shall be maintained by Liverpool City Council as a rest park and garden area and, notwithstanding anything in any other Act, the Council shall not use the land or permit the same to be used for any other purpose.	9 10 11 12 13 14
14	Mudgee Cemeteries Act 1963	15
	The land described in the Schedule to the <i>Mudgee Cemeteries Act 1963</i> (as in force immediately before its repeal) shall be maintained by Mid-Western Regional Council for any one or more of the following purposes:	16 17 18 19
	(a) rest park,	20
	(b) garden area,	21
	(c) children's playground,	22
	and notwithstanding anything in any other Act, the Council shall not use the land or permit the same to be used for any other purpose.	23 24 25
15	Old Balmain (Leichhardt) Cemetery Act 1941	26
	The land described in the Schedule to the <i>Old Balmain (Leichhardt) Cemetery Act 1941</i> (as in force immediately before its repeal) shall be maintained by Leichhardt Municipal Council as a rest park and garden area and, notwithstanding anything in any other Act, the Council shall not use the land or permit the same to be used for any other purpose.	27 28 29 30 31 32
16	Old Liverpool Cemetery Act 1970	33
	The land described in the Schedule to the <i>Old Liverpool Cemetery Act 1970</i> (as in force immediately before its repeal) shall be maintained by Liverpool City Council as a rest park and garden and, notwithstanding anything in any other Act, the Council shall not use the land or permit it to be used for any other purpose.	34 35 36 37 38 39

17 Old Wallsend Cemetery Act 1953

- (1) The land described in the Schedule to the repealed Act (as in force immediately before its repeal) shall be maintained by Newcastle City Council as a rest park and garden area and, notwithstanding anything in any other Act, the Council shall not use the land or permit the same to be used for any other purpose.
- (2) Nothing in the repealed Act (as in force immediately before its repeal) shall affect any right title or interest which immediately before the commencement of the repealed Act was reserved to The Newcastle Wallsend Coal Company and its sequels in title and assigns in respect of all coal and other minerals, not including any minerals reserved to the Crown, lying in and under the land described in the Schedule to that Act (as in force immediately before its repeal), nor any necessary and proper rights powers and easements reserved as aforesaid to enable it or them to get win work and convey all coal, minerals and other materials belonging to it or them from and to the workings of its or their mines.
- (3) The Newcastle Wallsend Coal Company its sequels in title or assigns or other the registered proprietor for the time being of the land adjoining the land described in the Schedule to the repealed Act (as in force immediately before its repeal) shall not be liable to the Council its sequels in title or assigns or other the registered proprietor or proprietors for the time being of the land described in that Schedule for any pit fall or subsidences which may have already or which may hereafter take place on or under such lastmentioned land or on any other land adjacent thereto or for any damage or nuisance occasioned thereby.
- (4) The Council its sequels in title and assigns or other the registered proprietor or proprietors for the time being of the land described in the Schedule to the repealed Act (as in force immediately before its repeal) shall for the benefit of the adjoining land of The Newcastle Wallsend Coal Company abstain from erecting any fence dividing the land described in that Schedule from such adjoining land without first obtaining the consent of The Newcastle Wallsend Coal Company in writing: Provided that such consent shall not be necessary whenever any such fence shall be erected without expense to the said Company.
- (5) In this clause, *repealed Act* means the *Old Wallsend Cemetery Act 1953*.

18 Parramatta Methodist Cemetery Act 1961

The land described in the Schedule to the *Parramatta Methodist Cemetery Act 1961* (as in force immediately before its repeal)

shall be maintained by Parramatta City Council as a rest park and garden area and, notwithstanding anything in any other Act, the Council shall not use the land or permit the same to be used for any other purpose.

19 St. Thomas' Church of England, North Sydney, Cemetery Act 1967

- (1) North Sydney City Council shall maintain the scheduled land as a rest park and garden and may erect and maintain a columbarium on the scheduled land and, notwithstanding anything in any other Act, the Council shall not use the scheduled land or permit it to be used for any other purpose.
- (2) The Council may, either alone or in conjunction with the Rector and Churchwardens of St. Thomas' Church of England, North Sydney, place in the columbarium referred to in subclause (1) the ashes of persons who have been cremated.
- (3) The Council may do all such other things as it may consider necessary to effect the conversion of the scheduled land into a rest park and garden and for the erection, maintenance and use of a columbarium on the scheduled land.
- (4) The Council may maintain the dwelling erected on the scheduled land at the commencement of the repealed Act, and may, from time to time, repair, rebuild or replace it.
- (5) The dwelling may, with the approval of the Council, be used as a residence for a sexton, groundsman, or caretaker, of the scheduled land, upon such terms and conditions as may be agreed upon from time to time between the Council and the sexton, groundsman, or caretaker, as the case may be.
- (6) So long as the land on which the dwelling is erected is so used for the purposes of a residence for a sexton, groundsman, or caretaker, of the scheduled land, the public shall not be entitled to enter upon or use it, or any land which is within the curtilage of the dwelling and is bounded by a substantial fence, as a public park.
- (7) Notwithstanding subclauses (5) and (6), the Council may use the dwelling, and the land within the curtilage of the dwelling and bounded by a substantial fence, for such other purposes and subject to such terms and conditions as the Minister may approve in writing.
- (8) A reference in this clause to the dwelling erected on the scheduled land at the commencement of the repealed Act includes a reference to that dwelling as repaired, rebuilt or replaced from time to time under the provisions of this clause.

Schedule 4	Amendments transferring provisions, and other amendments consequential on repeals	
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(9)	In this clause:	1
	repealed Act means the <i>St. Thomas' Church of England, North Sydney, Cemetery Act 1967</i> .	2
	scheduled land means the land described in the Schedule to the repealed Act (as in force immediately before its repeal).	3
		4
		5
4.4	Corporations (Ancillary Provisions) Act 2001 No 32	6
[1]	Section 11 References to old/new corporations legislation or old/new ASIC legislation	7
	Insert at the end of the section:	8
	Note. See section 11A for certain exceptions to subsections (1) and (5). The exceptions were previously set out in the <i>Corporations (Ancillary Provisions) Regulation 2001</i> , which has been repealed.	9
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[2]	Section 11A	13
	Transfer clause 4 (1), (2) (c)–(g), (j), (k), (n) and (p), (3) and (4) of the <i>Corporations (Ancillary Provisions) Regulation 2001</i> (which is repealed by clause 3 of Schedule 5 to this Act) after section 11 as section 11A (1), (2) (a)–(i), (3) and (4), with the following heading:	14
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		17
	11A Transferred provision—Corporations (Ancillary Provisions) Regulation 2001	18
		19
[3]	Section 11A (1) (as inserted by item [2])	20
	Omit “clause”. Insert instead “section”.	21
[4]	Section 11A (2) and (3) (as inserted by item [2])	22
	Omit “of the Act” wherever occurring.	23
[5]	Section 11A (4) (as inserted by item [2])	24
	Omit “subclause”. Insert instead “subsection”.	25
[6]	Section 11A (5)	26
	Insert after section 11A (4) (as inserted by item [2]):	27
	(5) This section re-enacts (with minor modifications) clause 4 of the <i>Corporations (Ancillary Provisions) Regulation 2001</i> and is a transferred provision to which section 30A of the <i>Interpretation Act 1987</i> applies.	28
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4.5 Crown Lands Act 1989 No 6	1
Schedule 6	2
Insert after Schedule 5:	3
Schedule 6 Transferred provisions	4
Part 1 Queanbeyan Showground (Variation of Purposes) Act 1995	5
	6
1 Plan of management—Queanbeyan Showground	7
(1) The Queanbeyan Showground Reserve Trust constituted under section 5 of the repealed Act (as in force immediately before its repeal) is taken to have been directed under section 112 of this Act to prepare a draft plan of management for the Reserve within 3 months after 1 December 1995 (being the date of commencement of the repealed Act).	8 9 10 11 12 13
(2) The draft plan of management is to include provisions ensuring that the use of the Reserve for a public showground is not prevented or restricted by the use of the land for the other dedicated purposes and that the Reserve will be available for use by The Queanbeyan Show Society Inc on such days (not exceeding 14 each year) as are notified to the manager of the Trust by the Society.	14 15 16 17 18 19 20
(3) A plan of management for the Reserve may be adopted only if it includes such provisions or The Queanbeyan Show Society Inc has consented by special resolution to the omission of such provisions.	21 22 23 24
(4) This clause does not prevent the Minister from requiring a draft plan of management for the Reserve to include other provisions that are not inconsistent with this clause.	25 26 27
(5) In this clause: <i>repealed Act</i> means the <i>Queanbeyan Showground (Variation of Purposes) Act 1995</i> . <i>the Reserve</i> has the same meaning that it had in the repealed Act immediately before its repeal.	28 29 30 31 32
(6) Subclauses (1)–(4) re-enact (with minor modifications) section 6 of the repealed Act and are transferred provisions to which section 30A of the <i>Interpretation Act 1987</i> applies.	33 34 35

Schedule 4	Amendments transferring provisions, and other amendments consequential on repeals	
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4.6	Growth Centres (Development Corporations) Act 1974 No 49	1
	Schedule 6 Savings, transitional and other provisions	2
	Insert at the end of Schedule 6 (with appropriate Part and clause numbering):	3
Part	Albury-Wodonga Development Repeal Act 2000	4
		5
	Transferred provision—functions and powers of Albury-Wodonga Development Corporation	6
		7
	(1) The Albury-Wodonga Development Corporation established by the <i>Albury-Wodonga Development Act 1973</i> of the Commonwealth has, and may exercise and perform, any functions, powers or duties:	8
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	(a) that the Albury-Wodonga (New South Wales) Corporation constituted by the <i>Albury-Wodonga Development Act 1974</i> could have exercised or performed at any time before its dissolution, and	12
		13
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	(b) that are conferred or imposed on it by or under the Albury-Wodonga Area Development Winding-up Agreement approved under the <i>Albury-Wodonga Development Repeal Act 2000</i> .	16
		17
		18
		19
	(2) Subclause (1) re-enacts (with minor modifications) section 16 of the <i>Albury-Wodonga Development Repeal Act 2000</i> and is a transferred provision to which section 30A of the <i>Interpretation Act 1987</i> applies.	20
		21
		22
		23
4.7	Local Government and Other Authorities (Superannuation) Act 1927 No 35	24
		25
[1]	Schedule H, heading	26
	Omit “and transitional”. Insert instead “, transitional and other”.	27
[2]	Schedule H, clause 1A	28
	Insert in alphabetical order in Columns 1 and 2 of the Table to clause 1A (1):	29
	<i>Aberdare County Council (Dissolution) Act 1982</i> Sections 8 (1) (b) and 16 (2)	

4.8 Public Works Act 1912 No 45	1
[1] Section 91A Fences—transferred railway provisions	2
Insert after section 91A (2):	3
(2A) Government Railways (Fencing) Act 1902	4
Notwithstanding the provisions of section 91, the Constructing Authority shall not in respect of any of the lines of railway mentioned in the Second Schedule to the <i>Government Railways (Fencing) Act 1902</i> (as in force immediately before its repeal) be required or compelled, nor shall it be the duty of the said Authority, to make or maintain any fence along the said lines of railway for the accommodation of any person or for any purpose whatsoever; but the said Authority may, in its discretion, make and maintain such fences in connection with the said lines of railway as it may think fit.	5 6 7 8 9 10 11 12 13 14
Note. The railway lines concerned are Nyngan to Cobar, Narrabri to Moree, Jerilderie to Berrigan, Parkes to Condobolin, Nevertire to Warren, Berrigan to Finley, Tamworth to Manilla, Moree to Inverell, Dubbo to Coonamble, Goulburn to Crookwell, The Rock to Green's Gunyah, Koorawatha to Grenfell, Byrock to Brewarrina, Gundagai to Tumut, Narrabri to Walgett, Culcairn to Germanton, Temora to Wyalong and Manilla to Barraba.	15 16 17 18 19 20 21
[2] Section 91A (7) (b1)	22
Insert after section 91A (7) (b):	23
(b1) section 4 of the <i>Government Railways (Fencing) Act 1902</i> ,	24
[3] Ninth Schedule Savings, transitional and other provisions	25
Insert in alphabetical order in the Table to clause 4 in Columns 1 and 2, respectively:	26 27
<i>Port Kembla Inner Harbour (Further Construction) Act 1961</i> Section 8	
4.9 Subordinate Legislation Act 1989 No 146	28
Schedule 4 Excluded instruments	29
Omit items 24 and 31.	30

Schedule 4	Amendments transferring provisions, and other amendments consequential on repeals
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4.10 Water Management Act 2000 No 92	1
Schedule 9A	2
Insert after Schedule 9:	3
Schedule 9A Transferred provisions	4
1 River Murray (Diversion) Act 1933	5
(1) Upon completion of the works authorised by the <i>River Murray (Diversion) Act 1933</i> (as in force immediately before its repeal) they shall be handed over to the Ministerial Corporation which shall thereupon be charged with the maintenance thereof.	6 7 8 9
(2) Subclause (1) re-enacts (with minor modifications) section 2 (4) of the <i>River Murray (Diversion) Act 1933</i> and is a transferred provision to which section 30A of the <i>Interpretation Act 1987</i> applies.	10 11 12 13

Schedule 5 Repeals

1 Repeal of redundant Acts, instruments and provisions

The following Acts and instruments, or provisions of Acts, are repealed.

Act or instrument	Provisions repealed
<i>AGL Corporate Conversion Act 2002</i> No 16	Section 15 and Schedule 2
<i>Appropriation Act 2010</i> No 43	Whole Act
<i>Appropriation (Budget Variations) Act 2010</i> No 21	Whole Act
<i>Appropriation (Parliament) Act 2010</i> No 44	Whole Act
<i>Appropriation (Special Offices) Act 2010</i> No 45	Whole Act
<i>Appropriation (Supply and Budget Variations) Act 2011</i> No 14	Part 5 and Schedules 1 and 2
<i>Bible Society NSW (Corporate Conversion) Act 2008</i> No 91	Whole Act
<i>British Home Supplies Pty., Limited (Investigation) Act 1942</i> No 17	Whole Act
<i>Builders Labourers Federation (Special Provisions) Act 1986</i> No 17	Whole Act
<i>Cancer Institute (NSW) Regulation 2005</i>	Whole Regulation
<i>Centenary Park Sale (Conveyancing) Act 1905</i> No 6	Whole Act
<i>Charcoal (Producer Gas) Act 1941</i> No 60	Whole Act
<i>Collarenebri Water Supply Act 1968</i> No 18	Whole Act
<i>College Street Pedestrian Subway Construction Act 1950</i> No 42	Whole Act
<i>Companies (Death Duties) Act 1901</i> No 30	Whole Act
<i>Corporations (Consequential Amendments) Act 2001</i> No 34	Whole Act
<i>Environmental Planning and Assessment (Savings and Transitional) Regulation 1986</i>	Whole Regulation
<i>Environmental Planning and Assessment (Savings and Transitional) Regulation 1998</i>	Whole Regulation
<i>Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999</i>	Whole Regulation

Act or instrument	Provisions repealed
<i>Federal Aid Roads and Works Act 1937</i> No 22	Whole Act
<i>Glen Davis Act 1939</i> No 38	Section 5
<i>Glenreagh to Dorrigo Railway (Closure) Act 1993</i> No 65	Whole Act
<i>Gore Hill Memorial Cemetery Act 1986</i> No 116	Sections 4 and 14
<i>Gosford–Wyong Electricity Supply (Special Provisions) Act 1985</i> No 182	Whole Act
<i>Grafton Water Supply Act 1956</i> No 33	Whole Act
<i>Hunter District Water Board Employees' Provident Fund (Special Provisions) Act 1987</i> No 213	Whole Act
<i>Industrial Arbitration (Special Provisions) Act 1984</i> No 121	Whole Act
<i>Interest Reduction Act 1931</i> No 44	Whole Act
<i>Irrigation Areas (Conversion of Leases) Act 1977</i> No 61	Whole Act
<i>Local Government (Areas) Act 1948</i> No 30	Whole Act
<i>Manning District Water Supply Act 1969</i> No 21	Whole Act
<i>Menindee Lakes Storage Agreement Act 1964</i> No 4	Whole Act
<i>Murrumbidgee Turf Club (Divesting) Act 1936</i> No 26	Whole Act
<i>Olympic Co-ordination Authority Dissolution Act 2002</i> No 55	Whole Act
<i>Port Kembla Inner Harbour Construction and Agreement Ratification Act 1955</i> No 43	Part 2 and First Schedule
<i>Price Exploitation Code (New South Wales) Act 1999</i> No 55	Whole Act
<i>Real Property (Legal Proceedings) Act 1970</i> No 92	Whole Act
<i>Rural Reconstruction Act 1939</i> No 45	Whole Act
<i>States and Northern Territory Grants (Rural Adjustment) Agreement Ratification Act 1989</i> No 168	Whole Act
<i>States Grants (Rural Reconstruction) Agreement Ratification Act 1971</i> No 37	Whole Act

Act or instrument	Provisions repealed
<i>Sydney Bethel Union Enabling Act 1934</i> No 23	Whole Act
<i>Sydney Female School of Industry (Dissolution) Act 1926</i> No 18	Whole Act
<i>Sydney Olympic Park Authority Act 2001</i> No 57	Sections 83 (1) and (2) and 84–86 and Schedules 5 and 6
<i>Trustees Delegation of Powers Act 1915</i> No 31	Whole Act
<i>Tuberculosis Act 1970</i> No 18	Whole Act
<i>Walgett Water Supply Act 1959</i> No 17	Whole Act
<i>Water (Commonwealth Powers) Act 2008</i> No 69	Sections 8, 10 and 11 and Schedule 1
<i>Workmen's Compensation (Lead Poisoning—Broken Hill) Act 1922</i> No 31	Whole Act
<i>Year 2000 Information Disclosure Act 1999</i> No 23	Whole Act

2 Repeal of amending provisions that have commenced

1

The following provisions of Acts and instruments are repealed:

2

Act or instrument	Provisions repealed
<i>Building Professionals Amendment Act 2008</i> No 37	Schedule 1 [44]
<i>Central Coast Water Corporation Act 2006</i> No 105	Schedule 7.1 and 7.2 [3]
<i>Court Security Act 2005</i> No 1	Section 32
<i>Federal Courts (State Jurisdiction) Act 1999</i> No 22	Section 15
<i>Gene Technology (New South Wales) Act 2003</i> No 11	Section 21
<i>Government Guarantees Act 1934</i> No 57	Section 7
<i>Homebush Motor Racing (Sydney 400) Act 2008</i> No 106	Section 45
<i>Industrial Relations (Child Employment) Act 2006</i> No 96	Section 23
<i>Industrial Relations (Ethical Clothing Trades) Act 2001</i> No 128	Section 20 and Schedule 2

Statute Law (Miscellaneous Provisions) Bill (No 2) 2011

Schedule 5 Repeals

Act or instrument	Provisions repealed
<i>Licensing and Registration (Uniform Procedures) Act 2002</i> No 28	Schedule 4.1, 4.6–4.8, 4.11, 4.14, 4.27 and 4.29
<i>Long Service Leave (Metalliferous Mining Industry) Act 1963</i> No 48	Section 16
<i>Marine Safety Act 1998</i> No 121	Schedule 3.7 [7], [9], [11] and [13]
<i>Married Persons (Equality of Status) Act 1996</i> No 96	Section 16 and Schedule 2
<i>Mine Safety (Cost Recovery) Act 2005</i> No 116	Section 18
<i>Mine Subsidence Compensation Act 1961</i> No 22	Section 19
<i>Motor Accidents Compensation Amendment Act 2006</i> No 17	Schedule 1 [7]
<i>Motor Vehicles (Third Party Insurance) Act 1942</i> No 15	Section 44
<i>National Park Estate (Lower Hunter Region Reservations) Act 2006</i> No 90	Sections 14–16 and Schedules 8 and 9
<i>National Park Estate (Reservations) Act 2005</i> No 84	Sections 14 and 15
<i>Protection of the Environment Operations (Noise Control) Regulation 2008</i>	Clause 58 and Schedule 3
<i>Regional Development Act 2004</i> No 58	Section 18
<i>Road Transport Legislation Amendment Act 2008</i> No 61	Schedule 5 [2]–[9]
<i>Soil Conservation Act 1938</i> No 10	Part 7
<i>State Arms, Symbols and Emblems Act 2004</i> No 1	Section 8
<i>Statute Law (Miscellaneous Provisions) Act 2011</i> No 27	Schedule 1
<i>Trustee Act 1925</i> No 14	Section 105
<i>Water Management Amendment Act 2008</i> No 73	Schedule 4 [4]
<i>Youth and Community Services Act 1973</i> No 90	Schedule

3 Repeal of Acts and instruments whose provisions are transferred by Schedule 4

The following Acts and instruments are repealed:

Act or instrument	Provisions repealed
<i>Aberdare County Council (Dissolution) Act 1982</i> No 74	Whole Act
<i>Albury-Wodonga Development Repeal Act 2000</i> No 18	Whole Act
<i>Broken Hill Trades Hall Site Extension Act 1915</i> No 42	Whole Act
<i>Coonamble Cemetery Act 1963</i> No 1	Whole Act
<i>Corporations (Ancillary Provisions) Regulation 2001</i>	Whole Regulation
<i>Damage by Aircraft Act 1952</i> No 46	Whole Act
<i>East Ballina Cemetery Act 1957</i> No 37	Whole Act
<i>Gosford Cemeteries Act 1970</i> No 84	Whole Act
<i>Government Railways (Fencing) Act 1902</i> No 76	Whole Act
<i>Liverpool Cemetery Act 1950</i> No 20	Whole Act
<i>Mudgee Cemeteries Act 1963</i> No 2	Whole Act
<i>Old Balmain (Leichhardt) Cemetery Act 1941</i> No 12	Whole Act
<i>Old Liverpool Cemetery Act 1970</i> No 49	Whole Act
<i>Old Wallsend Cemetery Act 1953</i> No 5	Whole Act
<i>Parramatta Methodist Cemetery Act 1961</i> No 44	Whole Act
<i>Port Kembla Inner Harbour (Further Construction) Act 1961</i> No 45	Whole Act
<i>Queanbeyan Showground (Variation of Purposes) Act 1995</i> No 14	Whole Act
<i>River Murray (Diversion) Act 1933</i> (1934 No 24)	Whole Act
<i>St. Thomas' Church of England, North Sydney, Cemetery Act 1967</i> No 22	Whole Act

Schedule 6	General savings, transitional and other provisions	1
		2
1	Effect of amendment of amending provisions	3
(1)	An amendment made by Schedule 1, 2 or 3 to an amending provision contained in an Act or instrument is, if the amending provision has commenced before the Schedule 1, 2 or 3 amendment concerned, taken to have effect as from the commencement of the amending provision (whether or not the amending provision has been repealed).	4 5 6 7 8
(2)	In this clause:	9
	amending provision means a provision of an Act or instrument that makes a direct amendment to an Act or instrument by:	10 11
(a)	the repeal or omission of matter contained in the amended Act or instrument without the insertion of any matter instead of the repealed or omitted matter, or	12 13 14
(b)	the omission of matter contained in the amended Act or instrument and the insertion of matter instead of the omitted matter, or	15 16 17
(c)	the insertion into the amended Act or instrument of matter, not being matter inserted instead of matter omitted from the Act or instrument.	18 19 20
	Explanatory note	21
	This clause ensures that certain amendments, including amendments correcting errors in 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 be taken to have commenced on the date the amendments to which they relate commenced.	22 23 24 25 26 27 28
2	Effect of amendment or repeal on acts done or decisions made	29
	Except where it is expressly provided to the contrary, if this Act:	30
(a)	amends a provision of an Act or an instrument, or	31
(b)	repeals and re-enacts (with or without modification) a provision of an Act or an instrument,	32 33
	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.	34 35 36
	Explanatory note	37
	This clause ensures that the amendment or repeal of a provision will not, unless expressly provided, vitiate any act done or decision made under the provision as in force before the amendment or repeal.	38 39 40

3	Effect of amendment on instruments	1
	Except where expressly provided to the contrary, any instrument made under an Act amended by this Act, that is in force immediately before the commencement of the amendment, is taken to have been made under the Act as amended.	2
	Explanatory note	3
	This clause ensures that, unless expressly provided, any instrument that is in force and made under a provision of an Act that is amended or substituted by the proposed Act will be taken to have been made under the Act as amended.	4
4	Revocation of repeal	5
	Section 29A of the <i>Interpretation Act 1987</i> applies to the repeal of Acts or instruments by this Act.	6
	Explanatory note	7
	The effect of this clause is to enable the Governor, by proclamation, to revoke the repeal of any Act or instrument or the provision of any Act or instrument repealed by the proposed Act. The Act or instrument or provision of an Act or instrument the subject of the revocation of repeal is taken not to be, and never to have been, repealed.	8
5	Regulations	9
(1)	The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act.	10
(2)	Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later date.	11
(3)	To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as:	12
(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	13
(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.	14
	Explanatory note	15
	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 proposed Act.	16

Notes

Index of Acts and instruments amended by Schedules 1–4	1
<i>Aboriginal Land Rights Regulation 2002</i> —Schedule 2	2
<i>Albury Local Environmental Plan 2010</i> —Schedule 2	3
<i>Anti-Discrimination Act 1977</i> No 48—Schedule 3	4
<i>Bail Act 1978</i> No 161—Schedule 3	5
<i>Balranald Local Environmental Plan 2010</i> —Schedule 2	6
<i>Bathurst Regional (Interim) Local Environmental Plan 2005</i> —Schedule 2	7
<i>Bellingen Local Environmental Plan 2010</i> —Schedule 2	8
<i>Broken Hill Trades Hall Site Act of 1898</i> No 31—Schedule 4	9
<i>Building Professionals Act 2005</i> No 115—Schedule 1	10
<i>Casino Control Act 1992</i> No 15—Schedule 3	11
<i>Children and Young Persons (Care and Protection) Act 1998</i> No 157—Schedule 3	12
<i>Children (Criminal Proceedings) Regulation 2011</i> —Schedule 2	13
<i>Civil Liability Act 2002</i> No 22—Schedule 4	14
<i>Commercial Agents and Private Inquiry Agents Act 2004</i> No 70—Schedule 1	15
<i>Commercial Agents and Private Inquiry Agents Regulation 2006</i> —Schedule 2	16
<i>Commission for Children and Young People Act 1998</i> No 146—Schedule 2	17
<i>Community Land Management Act 1989</i> No 202—Schedule 1	18
<i>Companion Animals Act 1998</i> No 87—Schedule 1	19
<i>Consumer, Trader and Tenancy Tribunal Act 2001</i> No 82—Schedule 1	20
<i>Conversion of Cemeteries Act 1974</i> No 17—Schedule 4	21
<i>Coolamon Local Environmental Plan 2011</i> —Schedule 2	22
<i>Coonamble Local Environmental Plan 2011</i> —Schedule 2	23
<i>Corporations (Ancillary Provisions) Act 2001</i> No 32—Schedule 4	24
<i>Crimes (Forensic Procedures) Act 2000</i> No 59—Schedule 3	25
<i>Crimes (Sentencing Procedure) Act 1999</i> No 92—Schedule 3	26
<i>Criminal Procedure Act 1986</i> No 209—Schedule 3	27
<i>Criminal Records Act 1991</i> No 8—Schedule 3	28
<i>Crown Lands Act 1989</i> No 6—Schedule 4	29
<i>Drug Misuse and Trafficking Act 1985</i> No 226—Schedule 3	30
<i>Duties Act 1997</i> No 123—Schedule 2	31
<i>Environmental Planning and Assessment Act 1979</i> No 203—Schedules 1 and 2	32
<i>Explosives Act 2003</i> No 39—Schedule 1	33
<i>Fines Act 1996</i> No 99—Schedules 2 and 3	34
	35

<i>Fire Brigades Act 1989</i> No 192—Schedule 3	1
<i>First State Superannuation Act 1992</i> No 100—Schedule 3	2
<i>Growth Centres (Development Corporations) Act 1974</i> No 49—Schedule 4	3
<i>Harden Local Environmental Plan 2011</i> —Schedule 2	4
<i>Health Care Complaints Act 1993</i> No 105—Schedule 1	5
<i>Health Records and Information Privacy Act 2002</i> No 71—Schedules 1 and 3	6
<i>Health Services Act 1997</i> No 154—Schedule 2	7
<i>Health Services Regulation 2008</i> —Schedule 2	8
<i>Independent Commission Against Corruption Act 1988</i> No 35—Schedule 3	9
<i>Industrial Relations Act 1996</i> No 17—Schedule 3	10
<i>Industrial Relations (General) Regulation 2001</i> —Schedule 3	11
<i>Innovation Council Act 1996</i> No 77—Schedule 1	12
<i>Jury Act 1977</i> No 18—Schedule 3	13
<i>Land and Environment Court Act 1979</i> No 204—Schedule 2	14
<i>Liquor Regulation 2008</i> —Schedule 2	15
<i>Liverpool Local Environmental Plan 2008</i> —Schedule 2	16
<i>Local Government and Other Authorities (Superannuation) Act 1927</i> No 35—Schedule 4	17 18
<i>Marine Safety Act 1998</i> No 121—Schedule 2	19
<i>Meat Industry Act 1978</i> No 54—Schedule 3	20
<i>Mental Health (Forensic Provisions) Act 1990</i> No 10—Schedule 2	21
<i>Motor Accidents Act 1988</i> No 102—Schedule 3	22
<i>Motor Accidents Compensation Act 1999</i> No 41—Schedule 3	23
<i>Motor Dealers Act 1974</i> No 52—Schedule 3	24
<i>Motor Vehicle Repairs Act 1980</i> No 71—Schedule 3	25
<i>Nambucca Local Environmental Plan 2010</i> —Schedule 2	26
<i>National Parks and Wildlife Act 1974</i> No 80—Schedule 1	27
<i>Pawnbrokers and Second-hand Dealers Act 1996</i> No 13—Schedule 3	28
<i>Payroll Tax Rebate Scheme (Jobs Action Plan) Act 2011</i> No 19—Schedule 2	29
<i>Poisons and Therapeutic Goods Act 1966</i> No 31—Schedule 2	30
<i>Police Superannuation Regulation 2010</i> —Schedule 3	31
<i>Prevention of Cruelty to Animals Act 1979</i> No 200—Schedule 2	32
<i>Property, Stock and Business Agents Act 2002</i> No 66—Schedules 1 and 3	33
<i>Public Finance and Audit Act 1983</i> No 152—Schedule 2	34
<i>Public Interest Disclosures Act 1994</i> No 92—Schedule 3	35
<i>Public Sector Employment and Management Act 2002</i> No 43—Schedule 3	36

Statute Law (Miscellaneous Provisions) Bill (No 2) 2011

Notes

<i>Public Works Act 1912</i> No 45—Schedule 4	1
<i>Residential Parks Act 1998</i> No 142—Schedules 1 and 2	2
<i>Residential Tenancies Act 2010</i> No 42—Schedule 1	3
<i>Retirement Villages Act 1999</i> No 81—Schedules 1 and 2	4
<i>Road Transport (Driver Licensing) Act 1998</i> No 99—Schedule 3	5
<i>Road Transport (Safety and Traffic Management) Regulation 1999</i> —Schedule 3	6
<i>Road Transport (Vehicle Registration) Act 1997</i> No 119—Schedules 1 and 2	7
<i>Roads Act 1993</i> No 33—Schedule 1	8
<i>Rural Fires Act 1997</i> No 65—Schedule 3	9
<i>Rural Lands Protection Act 1998</i> No 143—Schedule 2	10
<i>Security Industry Act 1997</i> No 157—Schedule 1	11
<i>Standard Instrument (Local Environmental Plans) Order 2006</i> —Schedule 2	12
<i>State Authorities Non-contributory Superannuation Act 1987</i> No 212—Schedule 3	13
<i>State Authorities Superannuation Act 1987</i> No 211—Schedule 3	14
<i>State Authorities Superannuation Regulation 2010</i> —Schedule 2	15
<i>State Emergency and Rescue Management Act 1989</i> No 165—Schedules 1 and 3	16
<i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> —Schedule 2	17
<i>State Environmental Planning Policy (Major Development) 2005</i> —Schedule 2	18
<i>Statutory and Other Offices Remuneration Act 1975</i> (1976 No 4)—Schedule 3	19
<i>Strata Schemes Management Act 1996</i> No 138—Schedule 1	20
<i>Strata Schemes Management Regulation 2010</i> —Schedule 2	21
<i>Subordinate Legislation Act 1989</i> No 146—Schedule 4	22
<i>Summary Offences Act 1988</i> No 25—Schedule 2	23
<i>Superannuation Act 1916</i> No 28—Schedules 1, 2 and 3	24
<i>Sydney Olympic Park Authority Act 2001</i> No 57—Schedule 1	25
<i>Sydney Water Act 1994</i> No 88—Schedule 2	26
<i>Threatened Species Conservation Act 1995</i> No 101—Schedule 2	27
<i>Totalizator Act 1997</i> No 45—Schedule 3	28
<i>Tow Truck Industry Act 1998</i> No 111—Schedule 3	29
<i>Transport Administration Act 1988</i> No 109—Schedule 3	30
<i>Transport Administration (Staff) Regulation 2005</i> —Schedule 2	31
<i>Unlawful Gambling Act 1998</i> No 113—Schedule 3	32
<i>Valuers Regulation 2010</i> —Schedule 2	33
<i>Victims Rights Act 1996</i> No 114—Schedule 3	34
<i>Water Management Act 2000</i> No 92—Schedules 1 and 4	35

<i>Water Management Amendment Act 2010</i> No 133—Schedule 1	1
<i>Water Management (General) Regulation 2011</i> —Schedule 1	2
<i>Water Sharing Plan for the Castlereagh (below Binnaway) Unregulated and Alluvial Water Sources 2011</i> —Schedule 2	3
	4
<i>Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2011</i> —Schedule 2	5
	6
<i>Water Sharing Plan for the North Western Unregulated and Fractured Rock Water Sources 2011</i> —Schedule 2	7
	8
<i>Weapons Prohibition Act 1998</i> No 127—Schedule 3	9
<i>Witness Protection Act 1995</i> No 87—Schedule 3	10
<i>Woollahra Local Environmental Plan 1995</i> —Schedule 2	11
<i>Workers Compensation Act 1987</i> No 70—Schedule 2	12
<i>Workplace Injury Management and Workers Compensation Act 1998</i> No 86—Schedule 3	13
	14
<i>Young Local Environmental Plan 2010</i> —Schedule 2	15
 Index of Acts and instruments wholly repealed by Schedule 5	16
<i>Aberdare County Council (Dissolution) Act 1982</i> No 74	17
<i>Albury-Wodonga Development Repeal Act 2000</i> No 18	18
<i>Appropriation Act 2010</i> No 43	19
<i>Appropriation (Budget Variations) Act 2010</i> No 21	20
<i>Appropriation (Parliament) Act 2010</i> No 44	21
<i>Appropriation (Special Offices) Act 2010</i> No 45	22
<i>Bible Society NSW (Corporate Conversion) Act 2008</i> No 91	23
<i>British Home Supplies Pty., Limited (Investigation) Act 1942</i> No 17	24
<i>Broken Hill Trades Hall Site Extension Act 1915</i> No 42	25
<i>Builders Labourers Federation (Special Provisions) Act 1986</i> No 17	26
<i>Cancer Institute (NSW) Regulation 2005</i>	27
<i>Centenary Park Sale (Conveyancing) Act 1905</i> No 6	28
<i>Charcoal (Producer Gas) Act 1941</i> No 60	29
<i>Collarenebri Water Supply Act 1968</i> No 18	30
<i>College Street Pedestrian Subway Construction Act 1950</i> No 42	31
<i>Companies (Death Duties) Act 1901</i> No 30	32
<i>Coonamble Cemetery Act 1963</i> No 1	33
<i>Corporations (Ancillary Provisions) Regulation 2001</i>	34
<i>Corporations (Consequential Amendments) Act 2001</i> No 34	35
<i>Damage by Aircraft Act 1952</i> No 46	36

Statute Law (Miscellaneous Provisions) Bill (No 2) 2011

Notes

<i>East Ballina Cemetery Act 1957</i> No 37	1
<i>Environmental Planning and Assessment (Savings and Transitional) Regulation 1986</i>	2
<i>Environmental Planning and Assessment (Savings and Transitional) Regulation 1998</i>	3
<i>Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999</i>	4
<i>Federal Aid Roads and Works Act 1937</i> No 22	5
<i>Glenreagh to Dorrigo Railway (Closure) Act 1993</i> No 65	6
<i>Gosford Cemeteries Act 1970</i> No 84	7
<i>Gosford–Wyong Electricity Supply (Special Provisions) Act 1985</i> No 182	8
<i>Government Railways (Fencing) Act 1902</i> No 76	9
<i>Grafton Water Supply Act 1956</i> No 33	10
<i>Hunter District Water Board Employees' Provident Fund (Special Provisions) Act 1987</i> No 213	11
<i>Industrial Arbitration (Special Provisions) Act 1984</i> No 121	12
<i>Interest Reduction Act 1931</i> No 44	13
<i>Irrigation Areas (Conversion of Leases) Act 1977</i> No 61	14
<i>Liverpool Cemetery Act 1950</i> No 20	15
<i>Local Government (Areas) Act 1948</i> No 30	16
<i>Manning District Water Supply Act 1969</i> No 21	17
<i>Menindee Lakes Storage Agreement Act 1964</i> No 4	18
<i>Mudgee Cemeteries Act 1963</i> No 2	19
<i>Murrumbidgee Turf Club (Divesting) Act 1936</i> No 26	20
<i>Old Balmain (Leichhardt) Cemetery Act 1941</i> No 12	21
<i>Old Liverpool Cemetery Act 1970</i> No 49	22
<i>Old Wallsend Cemetery Act 1953</i> No 5	23
<i>Olympic Co-ordination Authority Dissolution Act 2002</i> No 55	24
<i>Parramatta Methodist Cemetery Act 1961</i> No 44	25
<i>Port Kembla Inner Harbour (Further Construction) Act 1961</i> No 45	26
<i>Price Exploitation Code (New South Wales) Act 1999</i> No 55	27
<i>Queanbeyan Showground (Variation of Purposes) Act 1995</i> No 14	28
<i>Real Property (Legal Proceedings) Act 1970</i> No 92	29
<i>River Murray (Diversion) Act 1933</i> (1934 No 24)	30
<i>Rural Reconstruction Act 1939</i> No 45	31
<i>St. Thomas' Church of England, North Sydney, Cemetery Act 1967</i> No 22	32
	33
	34
	35
	36

<i>States and Northern Territory Grants (Rural Adjustment) Agreement Ratification Act 1989 No 168</i>	1
	2
<i>States Grants (Rural Reconstruction) Agreement Ratification Act 1971 No 37</i>	3
<i>Sydney Bethel Union Enabling Act 1934 No 23</i>	4
<i>Sydney Female School of Industry (Dissolution) Act 1926 No 18</i>	5
<i>Trustees Delegation of Powers Act 1915 No 31</i>	6
<i>Tuberculosis Act 1970 No 18</i>	7
<i>Walgett Water Supply Act 1959 No 17</i>	8
<i>Workmen's Compensation (Lead Poisoning—Broken Hill) Act 1922 No 31</i>	9
<i>Year 2000 Information Disclosure Act 1999 No 23</i>	10
Index of Acts and instruments partly repealed by Schedule 5	11
<i>AGL Corporate Conversion Act 2002 No 16</i>	12
<i>Appropriation (Supply and Budget Variations) Act 2011 No 14</i>	13
<i>Building Professionals Amendment Act 2008 No 37</i>	14
<i>Central Coast Water Corporation Act 2006 No 105</i>	15
<i>Court Security Act 2005 No 1</i>	16
<i>Federal Courts (State Jurisdiction) Act 1999 No 22</i>	17
<i>Gene Technology (New South Wales) Act 2003 No 11</i>	18
<i>Glen Davis Act 1939 No 38</i>	19
<i>Gore Hill Memorial Cemetery Act 1986 No 116</i>	20
<i>Government Guarantees Act 1934 No 57</i>	21
<i>Homebush Motor Racing (Sydney 400) Act 2008 No 106</i>	22
<i>Industrial Relations (Child Employment) Act 2006 No 96</i>	23
<i>Industrial Relations (Ethical Clothing Trades) Act 2001 No 128</i>	24
<i>Licensing and Registration (Uniform Procedures) Act 2002 No 28</i>	25
<i>Long Service Leave (Metalliferous Mining Industry) Act 1963 No 48</i>	26
<i>Marine Safety Act 1998 No 121</i>	27
<i>Married Persons (Equality of Status) Act 1996 No 96</i>	28
<i>Mine Safety (Cost Recovery) Act 2005 No 116</i>	29
<i>Mine Subsidence Compensation Act 1961 No 22</i>	30
<i>Motor Accidents Compensation Amendment Act 2006 No 17</i>	31
<i>Motor Vehicles (Third Party Insurance) Act 1942 No 15</i>	32
<i>National Park Estate (Lower Hunter Region Reservations) Act 2006 No 90</i>	33
<i>National Park Estate (Reservations) Act 2005 No 84</i>	34
<i>Port Kembla Inner Harbour Construction and Agreement Ratification Act 1955 No 43</i>	35
	36

Statute Law (Miscellaneous Provisions) Bill (No 2) 2011

Notes

<i>Protection of the Environment Operations (Noise Control) Regulation 2008</i>	1
<i>Regional Development Act 2004 No 58</i>	2
<i>Road Transport Legislation Amendment Act 2008 No 61</i>	3
<i>Soil Conservation Act 1938 No 10</i>	4
<i>State Arms, Symbols and Emblems Act 2004 No 1</i>	5
<i>Statute Law (Miscellaneous Provisions) Act 2011 No 27</i>	6
<i>Sydney Olympic Park Authority Act 2001 No 57</i>	7
<i>Trustee Act 1925 No 14</i>	8
<i>Water (Commonwealth Powers) Act 2008 No 69</i>	9
<i>Water Management Amendment Act 2008 No 73</i>	10
<i>Youth and Community Services Act 1973 No 90</i>	11