FIRST PRINT

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (No. 2) 1986

NEW SOUTH WALES

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

(a) to make amendments to various Acts (Schedules 1–46);

(b) to amend certain other Acts for the purpose of effecting statute law revision (Schedule 47);

(c) to repeal certain Acts containing only—

(i) amendments to other Acts that have been incorporated in a reprint under the Reprints Act 1972;

(ii) repeals of other Acts;

(iii) spent or unnecessary provisions of a saving or transitional nature; or

(iv) validation or referential provisions,

(Schedules 48 and 49);

(d) to repeal the Reclamation Act 1930; and

(e) to make other provisions of a minor, consequential or ancillary nature.

61107-07041(470/RB) 368— (55¢)

The Bill contains the following Schedules:

Schedule 1 amends the Anti-Discrimination Act 1977 to enable certain questions of law and procedure that arise in relation to inquiries held by the Equal Opportunity Tribunal to be determined by a judicial member of the Tribunal sitting alone.

Schedule 2 repeals section 12A of and Schedule 4 to the Bills of Sale Act 1898 to avoid any possible inconsistency between that Act and the Sex Discrimination Act 1984 of the Commonwealth that might arise by virtue of those provisions affecting financial transactions on the ground of marital status.

Schedule 3 amends section 83 of the Broken Hill Water and Sewerage Act 1938 to validate the levying of a rate in respect of ratable land for the year commencing 1 January 1986 using a rating base factor instead of the land value of that land.

Schedule 4 amends the Charitable Collections Act 1934 to enable the Minister to delegate to an officer of the Public Service the Minister's power in respect of approval of the proposed alteration of the constitution of a charity under section 5B of that Act.

Schedule 5 amends the Conveyancing Act 1919—

(a) to allow positive covenants imposed on land under section 88D or 88E, and restrictions on the use of land imposed under section 88D, of the Act to be created upon registration or recording of a plan in the office of the Registrar-General (Schedule 5 (1)); and

(b) to enable a fee to be collected before the issue of a certificate under section 88G of the Act as to the amount payable because of a failure to comply with such a positive covenant (Schedule 5 (2)).

Schedule 6 amends the Crimes Act 1900—

(a) to change a reference in section 413C of that Act to the Central Fingerprint Bureau to the New South Wales Police Fingerprint Section (the title of the Bureau has been altered so that it may be integrated into the National Criminal Records Bureau) (Schedule 6 (1)); and

(b) to make it clear that in proceedings before a magistrate in which it appears the defendant is a mentally ill person, the magistrate, in addition to exercising the powers under section 428X of that Act (namely, to order the defendant to be taken to a mental hospital for assessment or to discharge the defendant into the care of a responsible person) may make any other order, such as the granting of an adjournment or the granting of bail, as the magistrate considers appropriate (Schedule 6 (2)).

Schedule 7 amends the Darling Harbour Authority Act 1984 to authorise the Authority to open a new public road by notification published in the Gazette.

Schedule 8 amends the Dentists Act 1934 as a consequence of the enactment of the Area Health Services Act 1986 and of the transfer to public hospitals under the control of area health services and to other public hospitals of staff to provide dental treatment to school children.

Schedule 9 amends the Disorderly Houses Act 1943—

(a) by way of statute law revision (Schedule 9 (1) and (2)); and

(b) to make it clear that the Rule Committee of the Supreme Court may make rules for the purposes of that Act (the existing regulation-making power given by section 15 of that Act has been superseded by the operation of sections 6 and 124 (1) (a) of the Supreme Court Act 1970) (Schedule 9 (3)).

Schedule 10 amends the definition of "broiler breeder hen" in section 4 of the Egg Industry Act 1983 to provide that a broiler breeder hen is not a cross between an Australorp, a New Hampshire, a Rhode Island Red or a Langshan breed of hen. (At present, only a cross between a White Leghorn and any of those breeds is excluded from the definition).

Schedule 11 amends the Electricity Development Act 1945—

(a) to provide that variation by an electricity supply authority of the form and basis of charging for electricity supplied by it, the method adopted in fixing charges for electricity supplied by it or the terms and conditions of supply of electricity supplied by it shall not take effect until 14 days after the electricity supply authority has notified the Energy Authority of New South Wales of the proposed variation (at present an electricity supply authority is simply required to notify the Energy Authority of such variations) (Schedule 11 (1)); and

(b) to make it clear that electricity supply authorities are required to contribute towards the premium or additional premium payable by the Authority in relation to insurance policies effected by it on behalf of those authorities before the Authority pays that premium and to provide for that premium or additional premium to be paid out of money provided by Parliament (if any of those contributions are not paid on time) (Schedule 11 (2) and (3)).

Schedule 12 amends the Energy Authority Act 1976—

(a) to provide that a proclamation declaring a state of emergency in relation to a form of energy does not take effect until the proclamation is published in the Gazette (Schedule 12 (1));

(b) to enable regulations relating to a proclaimed state of emergency to be made before the proclamation is published in the Gazette so long as the regulations do not take effect until the proclamation takes effect (Schedule 12 (2));

(c) to provide that the Minister instead of the Governor may appoint a person to act as General Manager of the Authority during the illness or absence of the General Manager (Schedule 12 (3)); and

(d) to extend the protection against liability given to a member or person acting under the direction of the Authority under clause 14 of Schedule 1 to that Act to include a member of a committee (established under section 11 of that Act) or other person authorised, under section 27 of that Act, to examine and report to the Authority on any matter in connection with an inquiry (Schedule 12 (4)).

Schedule 13 amends the Environmental Planning and Assessment Act 1979—

(a) to make amendments to various sections of that Act consequential to the repeal of section 84 (4) of that Act by the Environmental Planning and Assessment (Amendment) Act 1985 (Schedule 13 (1)–(5) and (6));

(b) to make it clear that section 104A of that Act operates to impose a limitation of the period within which a person may challenge the validity of a development consent only if public notice of the consent has been given and does not operate to prevent such a challenge in the absence of public notice (Schedule 13 (7)); and

(c) to expand the power to make regulations under section 108 of that Act to enable the making of regulations for or with respect to the enlargement, expansion or intensification of an existing use (Schedule 13 (8)).

Schedule 14 repeals those provisions of the Factories, Shops and Industries Act 1962 relating to the registration and regulation of the use of automatic vending devices and makes amendments consequential on the repeal.

Schedules 15 (1) and 16 amend the Fisheries and Oyster Farms Act 1935 and the Fisheries and Oyster Farms (Amendment) Act 1979, respectively. Section 27 of the Fisheries and Oyster Farms Act 1935 and amendments to that section and related sections contained in the Fisheries and Oyster Farms (Amendment) Act 1979 are repealed. The section (as so amended) authorises the making of regulations that prescribe the nets and other fishing gear that may lawfully be used and creates an offence for the use or possession of unlawful nets (maximum penalty $500). At present the general regulation-making power in that Act (section 120 (2) (f) and (g)) contains power to make the necessary regulations and authorises the imposition of a maximum penalty of $1,000 for an offence against those regulations. As a result of the repeal of section 27 it will be possible to prescribe a self-contained set of provisions relating to nets and other fishing gear with a uniform maximum penalty of $1,000.

Schedule 15 (2) amends section 91A (6) of the Fisheries and Oyster Farms Act 1935 to remove the requirement that the amount payable under a penalty notice served on a person who has committed an offence against prescribed provisions of that Act or the regulations should not exceed $50. The amendment will make the provision consistent with similar provisions in other Acts.

Schedule 17 amends the Forestry Act 1916—

(a) to enable the commission to deal with activities on land under its control and sylvicultural management by virtue of an agreement under section 11 (1C) of that Act in the same way as it deals with activities in state forests (Schedule 17 (1));

(b) to increase from $150,000 to $200,000 the amount that the commission may expend on any work without having to obtain the particular approval of the Minister (Schedule 17 (2));

(c) to enable the commission to remove structures (such as buildings, tents or beehives) and the contents, if any, of those structures, erected with lawful authority in a state forest, timber reserve or flora reserve when that authority expires or is terminated for any reason (Schedule 17 (3) (a));

(d) to omit a provision relating to proceedings for offences under a section that is unnecessary because no offence is created by that section (Schedule 17 (3) (b));

(e) to enable a member of the police force, or person authorised by the commission in writing, to seize any article or thing the member or person has reason to believe has been used to cut, remove or otherwise deal with timber, products or forest materials contrary to that Act or the regulations (Schedule 17 (4) (a));

(f) to facilitate the seizure of timber, products or forest materials believed to have been cut, removed or otherwise dealt with contrary to the provisions of that Act or the regulations by enabling a member of the police force, or person authorised by the commission in writing, to direct that the timber, products or forest materials be delivered to a specified place for seizure (proposed section 43 (1) (c)—Schedule 17 (4) (b) and (d));

(g) to create an offence of failing to comply with a reasonable direction to deliver timber, products or forest materials given under proposed section 43 (1) (c) (proposed section 43 (1A)—Schedule 17 (4) (c));

(h) to increase the maximum penalty for making or causing to be made false entries in, or for omitting to make or keep, any book, return, declaration or statement directed by the Act or regulations to be made or kept, from $400 to $500 (Schedule 17 (5)); and

(i) to remove the requirement that the amount payable under a penalty notice served on a person who has committed a prescribed offence involving the taking or destruction of any timber, products or forest materials should not exceed a prescribed amount (certified by the commission to be the amount that would have been payable by way of royalty if the timber, products or forest materials had been taken in pursuance of a timber licence, products licence or forest materials licence) (Schedule 17 (6)).

Schedule 18 (5) amends section 23A of the Growth Centres (Development Corporations) Act 1974 to change the name of the corporation constituted under that section from "Director, Macarthur Growth Area" to "Macarthur Development Corporation" and the other items of Schedule 18 make consequential amendments to numerous other provisions of that Act.

Schedule 19 amends the Health Insurance Levies Act 1982 to enable a prescribed rate (adjusted under clause 4 of Schedule 2 to that Act) which includes a fraction of a cent to be rounded to the nearest whole cent.

Schedule 20 amends section 88B of the Industrial Arbitration Act 1940 to omit the requirement that the approval of the Industrial Commission of New South Wales or the hairdressing industry conciliation committee be obtained before certain contracts are entered into relating to the lease, or grant of a licence or permit for the occupation or use, of premises for the purposes of hairdressing.

Schedule 21 amends the Justices Act 1902 to facilitate the administration of the scheme set up under Part IVB of that Act by enabling orders to enforce penalty notices to be annulled by the Clerk of a Local Court in chambers instead of by a Magistrate after a hearing (proposed sections 100Q–100S and 100V). Provision is made to enable an appeal to be made to a Magistrate where the Clerk of a Local Court refuses to annul such an order (proposed section 100T).

Schedule 22 amends the Law Foundation Act 1979 to enable the Attorney General to appoint alternate members, nominated in the same manner and having the same qualifications as the members for whom they are alternate members, to act during the absence or illness of certain members of the Board of Governors of the Law Foundation. (The members concerned are 2 solicitors nominated by the Council of the Law Society of New South Wales, a barrister nominated by the New South Wales Bar Association and a member of the Legislative Council or Legislative Assembly nominated by the leader of the opposition in the Legislative Assembly).

Schedule 23 amends the Marketing of Primary Products Act 1983—

(a) to omit the requirement that the Minister for Consumer Affairs be consulted before nomination of members to boards and committees constituted under that Act (Schedule 23 (1) and (5));

(b) to provide that a board may deal with a primary product other than the commodity for which the board concerned is constituted only with the consent of any other board or committee constituted for that commodity (Schedule 23 (2));

(c) to enable a board to join in the formation of, and purchase, hold, dispose of or deal with shares in, or subscribe to the issue of shares by, a company whether or not the company is to be or is incorporated in New South Wales (Schedule 23 (3));

(d) to make it clear that, under section 62 of that Act, only that part of any commodity rejected or exempted from vesting by a board revests in the owner, not the whole of the commodity (Schedule 23 (4));

(e) to enable a marketing board or committee to use assets other than commodities delivered or expected to be delivered to the board or committee as security for financial accommodation made to the board or committee (Schedule 23 (6));

(f) to omit a superfluous reference and make an amendment by way of statute law revision (Schedule 23 (7) (a) and (8)); and

(g) to enable the time after each financial accounting period within which an authority must hold its annual meeting to be altered by the Minister to a time later than 6 months after that period (Schedule 23 (7) (b)).

Schedule 24 amends the Meat Industry Act 1978 to change the financial year of the Homebush Abattoir Corporation from the year ending 30 June to the year ending 31 March.

Schedule 25 amends the Motor Dealers Act 1974 to extend the requirement under section 49 of that Act that a holder of a dealer's licence or a vehicle-wrecker's licence make certain disclosures in advertisements relating to the sale of motor vehicles to cases of the sale of parts of motor vehicles.

Schedule 26 amends the definition of "inspector" in section 4 (1) of the Motor Vehicle Repairs Act 1980 so that it includes a person of whose services the Motor Vehicle Repair Industry Council makes use under section 12 (2) (a) of that Act or any other Act.

Schedule 27 amends the Motor Vehicles (Third Party Insurance) Act 1942—

(a) as a consequence of the enactment of the Interstate Road Transport Act 1985 of the Commonwealth and the registration in New South Wales of motor vehicles under the provisions of that Act (Schedule 27 (1) and (3)); and

(b) to provide that the period in which a third-party policy issued by the Government Insurance Office remains in force under section 10 (5) (c) of that Act shall be 15 days after the date on which the policy is expressed to terminate or the last day of the month in which that date occurs, whichever is later (Schedule 27 (2)).

Schedule 28 amends the National Parks and Wildlife Act 1974 to remove the nominal distinction made between regulations and by-laws by that Act.

Schedule 29 amends the definition of "public authority" in section 5 (1) of the Ombudsman Act 1974 to make it clear that the Ombudsman has the power to investigate the conduct of any member or employee of a local government authority (Schedule 29 (1)). The Schedule also contains an amendment consequential to the proposed amendment of the Privacy Committee Act 1975 by Schedule 33 (Schedule 29 (2)).

Schedule 30 amends the Parole Orders (Transfer) Act 1983 to expedite the procedure by which a parole order is registered under the law of another State or Territory by modifying the requirement specified in section 6 of that Act as to the documents to accompany a request for such registration so that documents that are more accessible than the judgment or order presently required may be sent with the request.

Schedule 31 amends section 7A of the Police Board Act 1983 to extend the definition of "merit" in that section to include integrity (the Board is required by that section to consider the merit of each applicant in deciding to recommend to the Minister the appointment of a person to the rank of inspector of any grade, superintendent and higher rank).

Schedule 32 amends section 5A of the Prisons Act 1952 to change the name of the Malabar Prison Complex to the Long Bay Correctional Centre.

Schedule 33 amends the Privacy Committee Act 1975 to omit the requirement that the Ombudsman be a member of the Committee.

Schedule 34 amends the Probation and Parole Act 1983 to confirm a recent decision of the New South Wales Court of Appeal that if a parole order is revoked the balance of the period of imprisonment after release on parole is to be reduced by "clean street time". Generally speaking, "clean street time" is the period between the prisoner's release on parole and the act that results in parole being revoked.

Schedule 35 amends the Public Authorities Superannuation Act 1985—

(a) to alter ranging of section 32 of that Act that would prevent interest being payable in respect of the contributor-financed component of the preservation benefit payable under that section (the equivalent provision of the State Public Service Superannuation Act 1985 provides for interest to be payable in respect of both employer-financed and contributor-financed components of a preservation benefit) (Schedule 35 (1));

(b) to omit an unnecessary reference to an employer from Schedule 3 of that Act (Schedule 35 (2)); and

(c) to clarify the method of calculation of the adjustment percentage for CPI increases of children's and orphans' pensions under Schedule 6 to that Act (Schedule 35 (3)).

Schedule 36 amends the Reprints Act 1972 so that the words "license" and "licenses" where used as nouns in certain Acts and statutory instruments may be reprinted with the spelling "licence" and "licences", respectively (proposed section 9C).

Schedule 37 amends the Search Warrants Act 1985 so that New South Wales may participate in a scheme enabling States and Territories of the Commonwealth to issue search warrants for the investigation of offences against the laws of other States and Territories. The amendment authorises the Minister to enter into arrangements with other States and Territories for the mutual exchange of things seized as evidence in respect of offences against the laws of other States and Territories.

Schedule 38 amends the State Development and Industries Assistance Act 1966—

(a) by way of statute law revision—

(i) to omit an unnecessary provision;

(ii) to define "function" to include power, authority and duty and to make certain consequential amendments;

(iii) to substitute for certain references to the "Minister" references to the "Ministerial Corporation" constituted under section 34H of that Act;

(iv) to omit a provision that will be superfluous after the commencement of Schedule 5 (2) of the State Development and Industries Assistance (Amendment) Act 1986,

(Schedule 38, Part 1 (1)–(5), (9) and (11) and Part 2);

(b) to enable the Ministerial Corporation to acquire land under section 34A of that Act for the purposes of sites for business undertakings (Schedule 38, Part 1 (6));

(c) to give the Ministerial Corporation the power to carry out certain work on such land and to dedicate or set it apart for buildings, works or local government purposes (Schedule 38, Part 1 (7));

(d) to enable the Ministerial Corporation to erect, alter or extend buildings erected on such land (Schedule 38, Part 1 (8)—proposed section 34F);

(e) to change the name of the corporation constituted under section 34H of that Act from "Ministerial Corporation for Industry and Decentralisation, Small Business and Technology" to "Ministerial Corporation for Industry" (Schedule 38 , Part 1 (10) and (13)); and

(f) to enable the corporation to delegate its functions to members of the staff of the Department of Industrial Development and Decentralisation (Schedule 38, Part 1 (12)—proposed section 34O).

Schedule 39 amends the Strata Titles Act 1973—

(a) as a consequence of amendments made by Schedule 5 to this Act to the Conveyancing Act 1919 relating to positive covenants and restrictions on the use of land (Schedule 39 (1)); and

(b) to require that, when the amendment to section 28A of that Act commences, development consent shall not be given for the registration of a strata plan and the subsequent subdivision of a proposed development lot in the plan if that lot is superimposed on another lot in the plan, instead of the current requirement that development consent is necessary for the registration and subsequent subdivision only if that proposed lot is not so superimposed (Schedule 39 (5)),

and makes numerous amendments by way of statute law revision.

Schedule 40 amends Schedule 1 to the Sydney Cricket and Sports Ground Act 1978—

(a) to provide for the appointment by the Governor of the Chairman and Deputy Chairman of the Sydney Cricket and Sports Ground Trust (at present the Chairman and Deputy Chairman are elected by the members of the Trust at the first meeting of the Trust in each year) (proposed clause 8); and

(b) to enable the person holding the office of Chairman of the Sydney Cricket and Sports Ground Trust immediately prior to 31 December 1987 to remain in office for a period of 3 months after that person attains the age of 70 years (proposed clause 8A).

Schedule 41 amends section 49 of the Sydney Harbour Trust Act 1900 to alter the requirement under that section that the Maritime Services Board shall not enter into any contract where the amount involved exceeds $4,000 except after public tender so that public tender will be required only before the Board enters any contract relating to the supply of goods where the amount involved exceeds $10,000.

Schedule 42 amends section 132A of the Transport Act 1930 to enable allowances payable in the period of 12 months prior to the retirement or death of officers (who have had not less than 10 years' service and throughout such service have not been contributors to any superannuation fund or account) to be taken into account in calculating gratuities payable to those officers under that section.

Schedule 43 amends section 22 of the Venereal Diseases Act 1918 to avoid any inconsistency between that section and the Sex Discrimination Act 1984 of the Commonwealth.

Schedule 44 amends the Western Lands Act 1901—

(a) to enable the Western Lands Commissioner to delegate to an officer of the Department of Lands the exercise or performance of the powers, authorities, duties and functions conferred on the Commissioner under that Act (at present the Commissioner may make such a delegation only to an Assistant Western Lands Commissioner) (Schedule 44 (1)—proposed section 8A); and

(b) to enable the period in which a clearing licence remains in force under section 18DB of that Act to be extended by the Commissioner (Schedule 44 (2)).

Schedule 45 amends section 30AD of the Workers' Compensation Act 1926 to make it clear that a person is not guilty of an offence against that Act by reason of an amount in the nature of a premium for a policy being calculated by reference to the claims experience of the employer to which the policy relates if the premium is for a policy to which an order under section 30AB applies and is calculated in the manner fixed by that order.

Schedule 46 amends the Fish River Water Supply Administration Act 1945, the Government Railways Act 1912, the New South Wales Government Engineering and Shipbuilding Undertaking Act 1943, the South-west Tablelands Water Supply Administration Act 1941 and the State Brickworks Act 1946 to rationalise the procedure for calculation of interest on certain Special Deposits Accounts by enabling the Treasurer to determine the rate and method of calculation of that interest.

Schedule 47 amends certain other Acts for the purpose of effecting statute law revision. A number of amendments are made relating to formal drafting matters such as the appropriate form of headings to Parts of Acts, the citation of Acts and cross-references within Acts and minor corrections.

Schedule 47 also contains amendments for the following purposes:

To amend references to the Minister in unincorporable provisions of amending Acts so as to specify which Minister has been allocated the administration of the provision (Auctioneers and Agents (Amendment) Act 1986, Landlord and Tenant (Rental Bonds) Amendment Act 1986, State Development and Industries Assistance (Amendment) Act 1986).

To amend section 54 of the Animal Research Act 1985 to provide a penalty of $2,000 for a contravention of that section (the penalty was omitted due to a printing error).

To amend section 38 of the Bush Fires Act 1949 to clarify the requirements relating to distribution of the annual report relating to the New South Wales Bush Fire Fighting Fund.

To amend the Coal and Oil Shale Mine Workers (Superannuation) Act 1941 to revise outmoded references to the names of certain organisations.

To amend the Gaming and Betting Act 1912 as a consequence of the enactment of the Trotting Authority (Change of Names) Amendment Act 1985.

To amend the Higher Education Act 1975 to remove a superfluous reference to the Governor's role in fixing remuneration of full-time members of the Higher Education Board (the reference is a duplication as the offices of the members are included in Part 2 of Schedule 3 to the Statutory and Other Offices Remuneration Act 1975).

To amend the Housing Act 1912 to omit an obsolete reference to the levying of the amount of costs by distress.

To amend the Housing Act 1912 and the Public Servant Housing Authority Act 1975 to clarify certain references required to be construed as references to the Director of Housing.

To amend the Mental Health Act 1983—

(a) so that provisions of Schedule 2 to that Act relating to membership of the Mental Health Review Tribunal are consistent with the provisions of section 38 of that Act relating to appointment of full-time and part-time members; and

(b) so that that part of Note 1 to Schedule 3 to that Act (containing the form of medical certificate as to examination or observation of a person) which sets out section 5 of that Act is consistent with that section.

To amend the Statutory and Other Offices Remuneration Act 1975 as a consequence of the amendments to the Mental Health Act 1983.

The Statute Law (Miscellaneous Provisions) Act 1985 reduced the number of Acts previously in force by approximately 45 per cent. Schedule 48 repeals certain Acts and further reduces the number of Acts previously in force.

Schedule 48 also repeals the Reclamation Act 1930 which is obsolete.

Schedule 49 contains savings, transitional and other provisions.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (No. 2) 1986

NEW SOUTH WALES

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STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (No. 2) 1986

NEW SOUTH WALES

No. , 1986

A BILL FOR

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

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the "Statute Law (Miscellaneous Provisions) Act (No. 2) 1986".

Commencement

2. (1) Except as provided by this section, this Act shall commence on the date of assent to this Act.

(2) Section 3, in its application to a provision of a Schedule, shall commence, or be deemed to have commenced, on the day on which the provision commences.

(3) Schedule 3 shall be deemed to have commenced on 1 January 1986.

(4) The several provisions of Schedules 5 (1), 9, 15, 36, 39 (1) and (5), 40, 44 (3) and 45 shall commence on such day or days as may be appointed by the Governor and notified by proclamation published in the Gazette.

(5) Schedule 5 (2) shall, if the date of assent to this Act is earlier than the day appointed and notified under section 2 (2) of the Conveyancing (Covenants) Amendment Act 1986 for the commencement of Schedule 1 to that Act, commence on the day so appointed and notified.

(6) Part 2 of Schedule 28 shall, if the date of assent to this Act is earlier than the day appointed and notified under section 2 (3) of the National Parks and Wildlife (Amendment) Act 1983 for the commencement of Schedule 4 (9) to that Act, commence on the day so appointed and notified.

(7) Part 2 of Schedule 38 shall, if the date of assent to this Act is earlier than the day appointed and notified under section 2 (3) of the State Development and Industries Assistance (Amendment) Act 1986 for the commencement of Schedule 2 to that Act, commence on the day so appointed and notified.

(8) Schedule 45 shall be deemed to have commenced on 30 June 1985.

Amendments

3. Each Act specified in Schedules 1–47 is amended in the manner set forth in those Schedules.

Repeals

4. (1) Each Act specified in Schedule 48 is repealed.

(2) So much of—

(a) the Second Schedule to the Supreme Court Act 1970;

(b) the Second Schedule to the Supreme Court (Amendment) Act 1972;

(c) the Schedule to the Metric Conversion Act 1974;

(d) Part 1 of Schedule 2 to the Miscellaneous Acts (Planning) Repeal and Amendment Act 1979;

(e) Schedule 1 to the Miscellaneous Acts (Crown Land Titles) Amendment Act 1980; and

(f) Schedule 1 to the Miscellaneous Acts (Public Finance and Audit) Repeal and Amendment Act 1983,

as relates to the Reclamation Act 1930, is repealed.

Savings, transitional and other provisions

5. Schedule 49 has effect.

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE ANTI-DISCRIMINATION ACT 1977

(1) Section 69A (2)—

Omit "Part" wherever occurring, insert instead "Act".

SCHEDULE 1—*continued*

AMENDMENTS TO THE ANTI-DISCRIMINATION ACT 1977—*continued*

(2) Section 108 (**Application of rules of evidence, etc.**)—

Section 108 (3)—

After section 108 (2), insert:

(3) The functions of the Tribunal that, pursuant to subsection (2), are required to be exercised by the judicial member presiding at a sitting of the Tribunal may be exercised by the judicial member sitting alone where the senior judicial member of the Tribunal is of the opinion that it is expedient that those functions be so exercised.

(3) Section 112 (2)—

Omit the subsection.

SCHEDULE 2

(Sec. 3)

AMENDMENTS TO THE BILLS OF SALE ACT 1898

(1) Section 12A (**A bill of sale to have no effect as to certain household furniture unless consent of wife or husband of maker or giver endorsed thereon**)—

Omit the section.

(2) Schedule 4—

Omit the Schedule.

SCHEDULE 3

(Sec. 3)

AMENDMENT TO THE BROKEN HILL WATER AND SEWERAGE ACT 1938

Section 83 (**Basis of rating**)—

Section 83 (3A)—

After section 83 (3), insert:

(3A) Notwithstanding subsection (1), the board may, in levying a rate under section 81 in respect of ratable land for the year commencing 1 January 1986, use a rating base factor determined in accordance with section 58D of the Valuation of Land Act 1916 and furnished with the valuation of the land value of that land.

SCHEDULE 4

(Sec. 3)

AMENDMENT TO THE CHARITABLE COLLECTIONS ACT 1934

Section 2A (**Delegation by the Minister**)—

Section 2A (1)—

After "5,", insert "5B,".

SCHEDULE 5

(Sec. 3)

AMENDMENTS TO THE CONVEYANCING ACT 1919

(1) Section 88B (**Creation of easements and restrictions as to user by plans**)—

(a) Section 88B (2) (d)—

Omit "as to user", insert instead "on the use of land or positive covenants".

SCHEDULE 5—*continued*

AMENDMENTS TO THE CONVEYANCING ACT 1919—*continued*

(b) Section 88B (3)—

Omit "or restriction" where firstly occurring, insert instead ", restriction or positive covenant".

(c) Section 88B (3) (c)—

Omit "restriction as to user" where firstly occurring, insert instead "any restriction on the use of land".

(d) Section 88B (3) (c), (d)—

After "section" wherever occurring, insert "88D or".

(e) Section 88B (3) (d), (4)—

Omit "as to user" wherever occurring, insert instead "on the use of land or positive covenant".

(f) Section 88B (3A)—

Omit "or restriction as to user" wherever occurring, insert instead ", restriction on the use of land or positive covenant".

(2) Section 88G (as inserted by Act No. 70, 1986)—

Section 88G (3)—

After "application", insert "and after payment of the prescribed fee".

SCHEDULE 6

(Sec. 3)

AMENDMENTS TO THE CRIMES ACT 1900

(1) Section 413C (**Documentary evidence of previous convictions**)—

Section 413C (3) (a)—

Omit "of the Central Fingerprint Bureau of the Police Department", insert instead ", New South Wales Police Fingerprint Section".

SCHEDULE 6—*continued*

AMENDMENTS TO THE CRIMES ACT 1900—*continued*

(2) Section 428x (**Mentally ill persons**)—

Section 428x (1)—

After "magistrate" where thirdly occurring, insert "(without derogating from any other order the magistrate may make in relation to the defendant, whether by way of adjournment, the granting of bail in accordance with the Bail Act 1978 or otherwise)".

SCHEDULE 7

(Sec. 3)

AMENDMENT TO THE DARLING HARBOUR AUTHORITY ACT 1984

Section 18 (**Public roads within the Development Area**)—

Section 18 (3)—

After section 18 (2), insert:

(3) The Authority may, by notification published in the Gazette, open a road—

(a) on controlled land or on land within the Development Area of which the Authority has exclusive possession; or

(b) on any other land within the Development Area, with the consent of the person in whom that other land is vested,

as a public road.

SCHEDULE 8

(Sec. 3)

AMENDMENTS TO THE DENTISTS ACT 1934

(1) Section 3 (**Interpretation**)—

Section 3 (1), definition of "Public hospital"—

After the definition of "President", insert:

"Public hospital" means—

(a) a hospital or separate institution mentioned in the Second, Third or Fifth Schedule to the Public Hospitals Act 1929; or

(b) a hospital under the control of an area health service constituted under the Area Health Services Act 1986.

(2) Section 10 (1) (e), 10A (2)—

Omit ", State hospital, mental hospital" wherever occurring.

(3) Section 12 (**Penalty for practice of dentistry by unregistered person**)—

(a) Section 12 (3) (b1)—

After "Corporation", insert "or a public hospital".

(b) Section 12 (3) (b3)—

Omit "hospitals or separate institutions mentioned in the Second, Third or Fifth Schedule to the Public Hospitals Act, 1929,", insert instead "public hospitals".

SCHEDULE 9

(Sec. 3)

AMENDMENTS TO THE DISORDERLY HOUSES ACT 1943

(1) Section 3 (**Disorderly house—Declaration by Judge of Supreme Court**)—

(a) Section 3 (1)—

Omit "the affidavit of".

SCHEDULE 9—*continued*

AMENDMENTS TO THE DISORDERLY HOUSES ACT 1943—*continued*

(b) Section 3 (1)—

Omit "any judge of".

(2) Section 4 (**Rescission of declaration**)—

(a) Section 4 (1)—

Omit "a judge of".

(b) Section 4 (1)—

Omit "he thinks fit", insert instead "the Court thinks fit".

(c) Section 4 (1)—

Omit "him", insert instead "it".

(3) Section 15—

Omit the section, insert instead:

Rules

15. (1) Rules may be made under the Supreme Court Act 1970 for or with respect to any matters that by or under the provisions of this Act are required or permitted to be prescribed for carrying out or giving effect to those provisions.

(2) Subsection (1) does not limit the rule-making powers conferred by the Supreme Court Act 1970.

SCHEDULE 10

(Sec. 3)

AMENDMENT TO THE EGG INDUSTRY ACT 1983

Section 4 **(Interpretation)**—

Section 4 (1), definition of "broiler breeder hen"—

Omit the definition, insert instead:

"broiler breeder hen" means a female domesticated fowl of the genus *Gallus* which is not—

(a) a White Leghorn, an Australorp, a New Hampshire, a Rhode Island Red or a Langshan;

(b) a cross between any of the breeds referred to in paragraph (a); or

(c) a hen of a class specified in an order under subsection (2) that has taken effect under subsection (3),

being a fowl used for the purpose of producing broiler chickens;

SCHEDULE 11

(Sec. 3)

AMENDMENTS TO THE ELECTRICITY DEVELOPMENT ACT 1945

(1) Section 13B **(Electricity supply authority to notify Authority of certain matters)**—

(a) Section 13B (1)—

Omit "where", insert instead "before".

(b) Section 13B (1)—

Omit ", within 14 days after the date of the resolution bringing about the variation or, if there is no resolution, after the variation takes effect,".

SCHEDULE 11—*continued*

AMENDMENTS TO THE ELECTRICITY DEVELOPMENT ACT 1945—*continued*

(c) Section 13B (1)—

Omit "terms of the variation", insert instead "terms of the proposed variation".

(d) Section 13B (1A)—

After section 13B (1), insert:

(1A) A variation shall not have effect before the expiration of 14 days after the Authority is notified of the terms of the variation.

(2) Section 14AAC **(Payment of premiums, etc.)**—

Section 14AAC (2)—

After "Account", insert "or from any other money provided by Parliament for the purpose".

(3) Section 14AAD **(Power of Minister to require electricity supply authority to contribute towards premium or additional premium paid under section 14AAC)**—

(a) Section 14AAD (1)—

Omit "paid" wherever occurring, insert instead "payable".

(b) Section 14AAD (2)—

Omit "cost incurred", insert instead "cost to be incurred".

(c) Section 14AAD (3)—

Omit "paid" where firstly occurring, insert instead "payable".

SCHEDULE 12

(Sec. 3)

AMENDMENTS TO THE ENERGY AUTHORITY ACT 1976

(1) Section 31 (**Proclamation in respect of a form of energy**)—

(a) Section 31 (3), (4)—

Omit "made" wherever occurring, insert instead "published".

(b) Section 31 (3)—

Omit "making", insert instead "publication".

(2) Section 32 (**Regulations in respect of emergencies**)—

Section 32 (1A)—

After section 32 (1), insert:

(1A) Any such regulation may be made before the proclamation under the authority of which it is made has taken effect, but any such regulation shall not take effect before that proclamation has taken effect.

(3) Schedule 1, clause 4 (**Acting members**)—

(a) Clause 4 (1)—

After "office of a", insert "part-time".

(b) Clause 4 (1A)—

After clause 4 (1), insert:

(1A) The Minister may, from time to time, appoint a person to act in the office of General Manager during the illness or absence of the General Manager.

(c) Clause 4 (3A)—

After clause 4 (3), insert:

(3A) The Minister may, for any cause which appears to the Minister sufficient, remove any person from the office to which the person was appointed under subclause (1A).

SCHEDULE 12—*continued*

AMENDMENTS TO THE ENERGY AUTHORITY ACT 1976—*continued*

(4) Schedule 1, clause 14 (**Liability of members, etc.**)—

At the end of clause 14, insert:

(2) A reference in subclause (1) to a person acting under the direction of the Authority includes a reference to a member of a committee or a person authorised by the Authority under section 27 to examine, and report to the Authority on, any matter in connection with an inquiry.

SCHEDULE 13

(Sec. 3)

AMENDMENTS TO THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

(1) Section 30 (**Consents and concurrences**)—

(a) Section 30 (4)—

After "may", insert ", subject to the regulations,".

(b) Section 30 (5)—

Omit the subsection.

(2) Section 84 (**Notice of applications respecting designated development**)—

Section 84 (1) (b), (c)—

Omit ", in such form as may be prescribed," wherever occurring.

(3) Section 86 (**Inspection of development applications, etc.**)—

(a) Omit "referred to in section 84 (4)", insert instead "specified in a notice under section 84 (1),".

(b) After "development application", insert "referred to in the notice".

SCHEDULE 13—*continued*

AMENDMENTS TO THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979—*continued*

(4) Section 87 **(Submissions in respect of development applications for designated development)**—

(a) Section 87—

Omit "referred to in section 84 (4)" where firstly, thirdly and fourthly occurring, insert instead "specified in a notice under section 84 (1)".

(b) Section 87 (1)—

Omit "section 84 (4)" where secondly occurring, insert instead "the notice".

(5) Section 88 **(Restrictions on determination by consent authority of development application for designated development)**—

Section 88 (2) (a)—

Omit "referred to in section 84 (4)", insert instead "specified in a notice under section 84 (1)".

(6) Section 96 **(Circumstances in which consent is deemed to have been refused)**—

Section 96 (1) (c) (ii)—

Omit "84 (4)", insert instead "86".

(7) Section 104A—

Omit the section, insert instead:

Validity of development consents

104A. In the event that a council gives public notice in accordance with the regulations of a consent, the validity of the consent shall not be questioned in any legal proceedings except those commenced in the Court by any person at any time before the expiration of 3 months from the date on which public notice was so given.

SCHEDULE 13—*continued*

AMENDMENTS TO THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979—*continued*

(8) Section 108 (**Regulations respecting existing use**)—

(a) Section 108 (1) (a)—

Omit "and".

(b) Section 108 (1) (b), (c)—

At the end of section 108 (1) (b), insert:

; and

(c) the enlargement or expansion or intensification of an existing use.

SCHEDULE 14

(Sec. 3)

AMENDMENTS TO THE FACTORIES, SHOPS AND INDUSTRIES ACT 1962

(1) Section 2 (**Division into Parts and Divisions**)—

Omit the section.

(2) Part IV, heading—

Omit ", AND USE OF AUTOMATIC VENDING DEVICES".

(3) Section 74 (**Definitions**)—

Section 74 (1), definition of "Close"—

Omit ", and in the case of an automatic vending device as defined by section 92 means close for the purposes of trade".

(4) Part IV, Division 4 (**Automatic vending devices**)—

Omit the Division.

SCHEDULE 14—*continued*

AMENDMENTS TO THE FACTORIES, SHOPS AND INDUSTRIES ACT 1962—*continued*

(5) Section 102 (**Regulations**)—

(a) Section 102 (c)—

After "exhibited;", insert "and".

(b) Section 102 (d)—

Omit the paragraph.

(6) Section 145A (**Failure to pay penalty, etc., is offence**)—

Section 145A (1)—

Omit "or section 94".

(7) Section 145B (**Payment of certain penalties enforceable as a debt**)—

Omit ", section 94".

(8) Section 148 (**Evidentiary provisions**)—

(a) Section 148 (1) (c)—

Omit "notice; or", insert instead "notice,".

(b) Section 148 (1) (d)—

Omit the paragraph.

SCHEDULE 15

(Sec. 3)

AMENDMENTS TO THE FISHERIES AND OYSTER FARMS ACT 1935

(1) Section 27 (**Regulations as to lawful nets**)—

Omit the section.

SCHEDULE 15—*continued*

AMENDMENTS TO THE FISHERIES AND OYSTER FARMS ACT 1935—*continued*

(2) Section 91A **(Penalty notices for certain offences)**—

Section 91A (6) (b)—

Omit "(not exceeding $50)".

SCHEDULE 16

(Sec. 3)

AMENDMENTS TO THE FISHERIES AND OYSTER FARMS (AMENDMENT) ACT 1979

(1) Section 2 (3) (g)—

Omit the paragraph, insert instead:

Schedule 4 (19) and (20).

(2) Schedule 1 (2) (i)—

Omit the provision.

(3) Schedule 4 (21)—

Omit the provision.

(4) Schedule 10 (1) (u), (w)—

Omit the provisions.

SCHEDULE 17

(Sec. 3)

AMENDMENTS TO THE FORESTRY ACT 1916

(1) Section 11 (**Powers and duties of commission**)—

Section 11 (1D)—

After section 11 (1C), insert:

(1D) Subject to the terms and conditions of the agreement, the provisions of this Act apply to and in respect of any land which, in accordance with an agreement under subsection (1C), is under the control and sylvicultural management of the commission as if the land were a State forest.

(2) Section 13 (**Expenditure**)—

Section 13 (3)—

Omit "$150,000", insert instead "$200,000".

(3) Section 35A (**Removal of unauthorised structures**)—

(a) Section 35A (2)—

After "flora reserve", insert ", or a structure erected with lawful authority in a State forest, timber reserve or flora reserve where that authority has expired or been terminated for any reason,".

(b) Section 35A (6)—

Omit the subsection.

(4) Section 43 (**Seizure and forfeiture of timber, products and forest materials**)—

(a) Section 43 (1) (b)—

After "forest materials" where secondly occurring, insert "and any article or thing that he has reason to believe has been used to so cut, remove or otherwise deal with that timber or those products or forest materials".

(b) Section 43 (1) (b), (c)—

At the end of section 43 (1) (b), insert:

; and

SCHEDULE 17—*continued*

AMENDMENTS TO THE FORESTRY ACT 1916—*continued*

(c) if the member or person has reason to believe that any timber, products or forest materials have been cut, removed, or otherwise dealt with contrary to the provisions of this Act or the regulations, may direct any person in possession of that timber or those products or forest materials to forthwith deliver the timber, products or forest materials to a specified place and may, on that delivery, seize that timber or those products or forest materials.

(c) Section 43 (1A)—

After section 43 (1), insert:

(1A) A person shall not fail to comply with a reasonable direction given under subsection (1) (c) or obstruct, hinder, prevent or interfere with a member of the police force or, on production of his or her authority, a person authorised in accordance with subsection (1) in the exercise or performance of any power, authority, duty or function conferred or imposed by this section on the person.

Penalty: $500.

(d) Section 43 (2D)—

After "(1) (b)", insert "or (c)".

(e) Section 43 (3)—

After "forest materials", insert "or any article or thing".

(5) Section 45 (**False entries or returns**)—

Omit "four hundred dollars", insert instead "$500".

(6) Section 46A (**Penalty notice for certain offences**)—

Section 46A (2) (d)—

Omit "not exceeding the prescribed amount,".

SCHEDULE 18

(Sec. 3)

AMENDMENTS TO THE GROWTH CENTRES (DEVELOPMENT CORPORATIONS) ACT 1974

(1) Section 2 (**Division of Act**)—

Omit the section.

(2) Section 3 (**Interpretation**)—

(a) Section 3 (1), definition of "corporation"—

Omit "corporation sole", insert instead "Macarthur Development Corporation".

(b) Section 3 (1), definition of "corporation sole"—

Omit the definition.

(c) Section 3 (1), definition of "Macarthur Development Corporation"—

After the definition of "local government area", insert:

"Macarthur Development Corporation" means the corporation constituted under section 23A;

(3) Sections 3 (2), 23A (3), (4) (a), 23B, 33 (6) (ai), 34 (1), (8), (9), 39 (b)—

Omit "corporation sole" wherever occurring, insert instead "Macarthur Development Corporation".

(4) Part IIIA, heading—

Omit "CORPORATION SOLE", insert instead "MACARTHUR DEVELOPMENT CORPORATION".

(5) Section 23A (**Constitution of Macarthur Development Corporation**)—

(a) Section 23A (1)–(1B)—

Omit section 23A (1), insert instead:

(1) There is hereby constituted a corporation under the corporate name of the "Macarthur Development Corporation".

(1A) The affairs of the Macarthur Development Corporation shall be managed by the Director.

SCHEDULE 18—*continued*

AMENDMENTS TO THE GROWTH CENTRES (DEVELOPMENT CORPORATIONS) ACT 1974—*continued*

(1B) Any act, matter or thing done in the name of, or on behalf of, the Macarthur Development Corporation by the Director, or with the authority of the Director, shall be deemed to have been done by the corporation.

(b) Section 23A (2)—

Omit "corporation sole" where firstly occurring, insert instead "Macarthur Development Corporation".

(c) Section 23A (2) (e)—

Omit "sole".

(6) Section 23C (**Establishment of committees by Macarthur Development Corporation**)—

(a) Section 23C (1)—

(i) Omit "corporation sole" where firstly occurring, insert instead "Macarthur Development Corporation".

(ii) Omit "sole" where secondly and thirdly occurring.

(iii) Omit "corporation sole's", insert instead "corporation's".

(b) Section 23C (2)—

(i) Omit "corporation sole" where firstly occurring, insert instead "Macarthur Development Corporation".

(ii) Omit "sole" where secondly, thirdly and fourthly occurring.

(7) Section 34 (**Disclosure of interest**)—

(a) Section 34 (12)—

Omit "corporation sole" where firstly occurring, insert instead "Macarthur Development Corporation".

(b) Section 34 (12)—

Omit "sole" where secondly, thirdly and fourthly occurring.

SCHEDULE 18—*continued*

AMENDMENTS TO THE GROWTH CENTRES (DEVELOPMENT CORPORATIONS) ACT 1974—*continued*

(8) Schedule 6—

After clause 1, insert:

Change of name of corporation sole

2. (1) The Macarthur Development Corporation is a continuation of, and the same legal entity as, the corporation sole with the corporate name "Director, Macarthur Growth Area".

(2) A reference in any other Act or statutory instrument, or in any other instrument, or in any contract or agreement to the Director, Macarthur Growth Area shall be read as a reference to the Macarthur Development Corporation.

SCHEDULE 19

(Sec. 3)

AMENDMENT TO THE HEALTH INSURANCE LEVIES ACT 1982

Schedule 2, clause 4 (**Adjustment of prescribed rate**)—

Clause 4 (2)—

Omit the subclause, insert instead:

(2) Where the prescribed rate, after it is adjusted under subclause (1), includes a fraction of a cent—

(a) which is not greater than one-half of one cent—that fraction shall be disregarded; and

(b) which is greater than one-half of one cent—that fraction shall be treated as one cent.

SCHEDULE 20

(Sec. 3)

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT 1940

Section 88B **(Regulation of certain contracts)**—

(1) Section 88B (1) (a) (ii)—

At the end of section 88B (1) (a) (ii), insert "or".

(2) Section 88B (1) (d)—

Omit the paragraph.

(3) Section 88B (1)—

Omit "or (d)".

(4) Section 88B (5), definition of "Hairdressing"—

Omit the definition.

SCHEDULE 21

(Sec. 3)

AMENDMENTS TO THE JUSTICES ACT 1902

(1) Sections 100Q–100T—

Omit the sections, insert instead:

Application for annulment of enforcement order

100Q. (1) An application may be made by or on behalf of any person against whom an enforcement order has been made for annulment of the order.

(2) An application shall be made in writing, within 12 months after the making of the enforcement order, to the court in which the order was made and may be lodged with any Clerk of a Local Court.

SCHEDULE 21—*continued*

AMENDMENTS TO THE JUSTICES ACT 1902—*continued*

(3) If an application is lodged with a Clerk of a Local Court other than the Clerk of the Local Court to which the application is being made, the Clerk with whom the application is lodged shall forward the application to the Clerk of the Local Court to which the application is being made.

Reference of enforcement order by Minister

100R. If the Minister, upon application made at any time by or on behalf of any person against whom an enforcement order has been made, is satisfied that any question or doubt has arisen as to the liability of the person for the penalty or other amount to which the order relates, the Minister may refer the matter to the court in which the order was made.

Annulment of enforcement order following application or reference

100S. (1) An application for annulment of an enforcement order or a reference from the Minister relating to an enforcement order shall be dealt with by the Clerk of the Local Court to which the application or reference was made.

(2) If the Clerk of a Local Court dealing with an application or reference is satisfied that there are proper grounds for doing so, the Clerk shall order that the enforcement order be annulled.

(3) The Clerk of the Local Court dealing with an application or reference shall give notice of his or her decision to all parties interested or concerned.

Appeal

100T. (1) A person aggrieved by the refusal of the Clerk of a Local Court to annul an enforcement order may, within the prescribed time, lodge an application in writing with the Clerk of that Local Court to have the matter dealt with by a Justice at that Local Court.

(2) The Clerk of the Local Court to which an application under this section is made shall, as soon as possible, give notice of the time and place of the hearing of the application to all parties interested or concerned.

SCHEDULE 21—*continued*

AMENDMENTS TO THE JUSTICES ACT 1902—*continued*

(3) The hearing of the application may proceed notwithstanding any omission or error in a notice or its non-service, provided the Local Court is satisfied that the applicant and the parties interested and concerned had knowledge of the time and place of hearing and were not prejudiced by the omission, error or non-service.

(4) If, but for this subsection, the hearing of an application may not proceed merely because—

(a) the applicant was not served with a notice of the time and place of hearing of the application; and

(b) the Justice exercising jurisdiction under this section is not satisfied that—

(i) the applicant had knowledge of the time and place; or

(ii) where the Justice is satisfied that the applicant had that knowledge, the applicant would not be prejudiced by the non-service,

the hearing of the application may proceed if the Justice exercising jurisdiction under this section is satisfied that the applicant is avoiding service of the notice or cannot, after reasonable search and inquiry, be found.

(5) Notices of hearing and of all other notices authorised or required under this section to be given may be sent by post and, where any such notice is so sent, it shall be addressed—

(a) in the case of the applicant, to the address given in the application unless—

(i) the applicant has informed the Clerk of the Local Court, either in the application or otherwise, of some other address for the purpose, in which case it shall be sent to that address; or

SCHEDULE 21—*continued*

AMENDMENTS TO THE JUSTICES ACT 1902—*continued*

(ii) no such address has been so given or notified, in which case it shall be sent to the address shown on the relevant penalty notice or, if the penalty notice was served by leaving it on, or attaching it to, a vehicle, to the address of the person who was (at the time the penalty notice was so served) the owner of the vehicle as shown in records kept in the Department of Motor Transport or in other prescribed records; or

(b) in any other case, to the address notified to the Clerk of the Local Court for that purpose by the person to whom the notice is to be given.

(6) If a Justice hearing an application is satisfied that there are proper grounds for doing so, the Justice may order that the enforcement order the subject of the application be annulled.

(7) The jurisdiction of a Local Court under this section shall not be exercised except by a Magistrate.

(2) Section 100v—

Omit the section, insert instead:

Stay of order, etc.

100v. The Clerk or Justice dealing with an application or reference may stay the enforcement of the order concerned subject to such terms and conditions as the Clerk or Justice thinks fit.

SCHEDULE 22

(Sec. 3)

AMENDMENT TO THE LAW FOUNDATION ACT 1979

Schedule 1, clause 2A—

After clause 2, insert:

Alternate members

2A. (1) The Attorney General may, from time to time, appoint an alternate member to act in the office of a member referred to in clause 2 (2) (b), (c) or (d) during the illness or absence of the member, and the alternate member, while so acting, shall have and may perform all the functions of the member and shall be deemed to be an appointed member.

(2) An alternate member shall have the same qualification and be nominated in the same manner as the member for whom he or she is the alternate member.

(3) An alternate member shall, subject to this Act, hold office until the occurrence of a vacancy in the office of the member for whom he or she is the alternate member.

(4) An alternate member is entitled to be paid such travelling and subsistence allowances as the Board may from time to time determine in respect of the alternate member.

SCHEDULE 23

(Sec. 3)

AMENDMENTS TO THE MARKETING OF PRIMARY PRODUCTS ACT 1983

(1) Section 11 (**Constitution of board**)—

Section 11 (5)—

Omit ", after consultation with the Minister for Consumer Affairs".

SCHEDULE 23—*continued*

AMENDMENTS TO THE MARKETING OF PRIMARY PRODUCTS ACT 1983—*continued*

(2) Section 49 (**Board may deal in other products, etc.**)—

Section 49 (3)—

After section 49 (2), insert:

(3) A board may not under this section deal with a primary product that is a commodity for which another board or committee is constituted, except with the consent of the other board or of the committee.

(3) Section 54 (**Miscellaneous functions**)—

(a) Section 54 (5) (a)—

Omit "in New South Wales".

(b) Section 54 (5) (b)—

Omit "incorporated in New South Wales".

(4) Section 62 (**Revesting of commodity if not accepted**)—

Omit "the commodity shall revest", insert instead "that part of the commodity which the board refuses to accept or which is exempted shall revest".

(5) Section 69 (**Constitution of committee**)—

Section 69 (5)—

Omit ", after consultation with the Minister for Consumer Affairs".

(6) Section 110 (**Financial accommodation**)—

Section 110 (2)—

After "the board or committee,", insert "or any other assets of the board or committee,".

(7) Section 127 (**Annual meetings of authorities**)—

(a) Section 127 (1) (b)—

Omit "under section 125 and such other reports".

SCHEDULE 23—*continued*

AMENDMENTS TO THE MARKETING OF PRIMARY PRODUCTS ACT 1983—*continued*

(b) Section 127 (2)—

Omit "earlier", insert instead "other".

(8) Schedule 2, clause 4 (3)—

Omit "subsection", insert instead "subclause".

SCHEDULE 24

(Sec. 3)

AMENDMENT TO THE MEAT INDUSTRY ACT 1978

Section 61—

Omit the section, insert instead:

Financial year

61. The financial year of—

(a) the Authority—shall be the year ending on 30 June; and

(b) the Corporation—shall be the year ending on 31 March.

SCHEDULE 25

(Sec. 3)

AMENDMENT TO THE MOTOR DEALERS ACT 1974

Section 49 (**Disclosures required in certain advertisements**)—

Section 49 (1)—

After "motor vehicle", insert "or part of a motor vehicle".

SCHEDULE 26

(Sec. 3)

AMENDMENT TO THE MOTOR VEHICLE REPAIRS ACT 1980

Section 4 **(Interpretation)**—

Section 4 (1), definition of "inspector"—

Omit the definition, insert instead:

"inspector" means—

(a) a member of staff of the Council appointed as an inspector of the Council under section 12 (1) or (2) (b); or

(b) a person of whose services the Council makes use under section 12 (2) (a) of this Act or any other Act appointed by the Council as an inspector.

SCHEDULE 27

(Sec. 3)

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT 1942

(1) Section 5 **(Interpretation)**—

Section 5 (1), definition of "Registered"—

Omit the definition, insert instead:

"Registered" means—

(a) registered under the Motor Traffic Act 1909, the Transport Act 1930 or the Recreation Vehicles Act 1983; or

(b) registered in New South Wales under the Interstate Road Transport Act 1985 of the Commonwealth.

SCHEDULE 27—*continued*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT 1942—*continued*

(2) Section 10 (**Third-party policy**)—

Section 10 (5) (c)—

After "terminate", insert "or the last day of the month in which that date occurs, whichever is the later".

(3) Section 14B (**Exclusion of certain claims**)—

After "Wales", insert "unless the motor vehicle was so registered under the Interstate Road Transport Act 1985 of the Commonwealth and there was in force in respect of that vehicle a third-party policy issued by the Government Insurance Office".

SCHEDULE 28

(Sec. 3)

AMENDMENTS TO THE NATIONAL PARKS AND WILDLIFE ACT 1974

PART 1

AMENDMENTS TO COMMENCE ON ASSENT

(1) Section 5 (**Interpretation**)—

Section 5 (1), definition of "by-laws"—

Omit the definition.

(2) Section 19 (1)—

Omit "or the by-laws".

(3) Sections 19 (2), 156, 159 (2)—

Omit "or by-law" wherever occurring.

(4) Section 21 (1)—

Omit ", the by-laws".

SCHEDULE 28—*continued*

AMENDMENTS TO THE NATIONAL PARKS AND WILDLIFE ACT 1974—*continued*

(5) Section 33 (**Reservation of parks and sites**)—

(a) Section 33 (5) (a) (ii)—

Omit "by-laws" where secondly occurring, insert instead "regulations".

(b) Section 33 (10)—

Omit the subsection.

(6) Section 47B (**Reservation of state recreation areas**)—

(a) Section 47B (3) (b) (ii)—

Omit "by-laws", insert instead "regulations".

(b) Section 47B (9)—

Omit the subsection.

(7) Section 47D (3), (4)—

After "by-laws" wherever occurring, insert "or regulations".

(8) Sections 138 (1) (b), 143, Part XIV—

Omit "Act, the regulations or the by-laws" wherever occurring, insert instead "Act or the regulations".

(9) Sections 152, 155 (2), (2B), (2C), (3), 162 (2)—

Omit "by-laws" wherever occurring, insert instead "regulations".

(10) Part XIII, heading—

Omit "AND BY-LAWS".

(11) Section 154 (m)—

Omit "Act, the regulations and the by-laws", insert instead "Act and the regulations".

SCHEDULE 28—*continued*

AMENDMENTS TO THE NATIONAL PARKS AND WILDLIFE ACT 1974—*continued*

(12) Section 155 (**Regulations relating to parks**)—

(a) Section 155 (2A)—

Omit "by-law" where firstly and secondly occurring, insert instead "regulation".

(b) Section 155 (4)—

Omit "by-law", insert instead "regulation".

(13) Section 159 (1), definition of "parking offence"—

Omit "or by-laws".

(14) Schedule 3, clause 20—

After clause 19, insert:

Amendments made by the Statute Law (Miscellaneous Provisions) Act (No. 2) 1986

20. (1) Any by-law made under this Act, or by-law, rule or regulation deemed to be a by-law made under this Act, and in force immediately before the date of assent to the Statute Law (Miscellaneous Provisions) Act (No. 2) 1986 shall on that date be deemed to be a regulation made under this Act.

(2) A reference in any other Act or statutory instrument, or in any other document, to a by-law made under this Act shall be read as a reference to a regulation made under this Act.

(15) Schedule 9A—

(a) Clause 3 (4)—

Omit "by-laws", insert instead "regulations".

(b) Clauses 7 (1), 9 (1), 13—

Omit "by-law" wherever occurring, insert instead "regulation".

SCHEDULE 28—*continued*

AMENDMENTS TO THE NATIONAL PARKS AND WILDLIFE ACT 1974—*continued*

PART 2

AMENDMENT TO COMMENCE ON COMMENCEMENT OF SCHEDULE 4 (9) TO THE NATIONAL PARKS AND WILDLIFE (AMENDMENT) ACT 1983

Section 160 (2) (as inserted by Act No. 183, 1983)—

Omit "Act, the regulations or the by-laws", insert instead "Act or the regulations".

SCHEDULE 29

(Sec. 3)

AMENDMENTS TO THE OMBUDSMAN ACT 1974

(1) Section 5 (**Interpretation**)—

Section 5 (1), paragraph (g1) of the definition of "public authority"—

Omit the paragraph, insert instead:

(g1) any local government authority or any member or employee of a local government authority; and

(2) Section 10 (**Delegation**)—

(a) Section 10 (2) (c)—

At the end of section 10 (2) (c), insert "or".

(b) Section 10 (2) (d)—

Omit the paragraph.

SCHEDULE 30

(Sec. 3)

AMENDMENTS TO THE PAROLE ORDERS (TRANSFER) ACT 1983

(1) Section 6 **(Documents to accompany requests)**—

Section 6 (1) (b)—

Omit the paragraph, insert instead:

(b) the judgment, order, direction, declaration or any other authority which authorised the imprisonment of the person to whom the parole order relates;

(2) Section 8 **(Registration)**—

(a) Section 8 (1) (b)—

Omit the paragraph, insert instead:

(b) keeping the endorsed parole order in a register together with the original or a copy of the document sent by the designated authority under section 6 (1) (b);

(b) Section 8 (2) (a)—

Omit "judgment or order", insert instead "document".

SCHEDULE 31

(Sec. 3)

AMENDMENT TO THE POLICE BOARD ACT 1983

Section 7A **(Merit to be primary consideration)**—

Section 7A (1) (c)—

Before "diligence", insert "integrity,".

SCHEDULE 32

(Sec. 3)

AMENDMENTS TO THE PRISONS ACT 1952

Section 5A (**Long Bay Correctional Centre**)—

(a) Section 5A (1)—

After "thereon)", insert "known as Long Bay Correctional Centre and".

(b) Section 5A (7)—

After section 5A (6), insert:

(7) A reference in any instrument or document of any kind (other than the map referred to in subsection (1)) to the Malabar Prison Complex shall be read as a reference to the Long Bay Correctional Centre.

SCHEDULE 33

(Sec. 3)

AMENDMENTS TO THE PRIVACY COMMITTEE ACT 1975

(1) Section 4 (**Interpretation**)—

(a) Definition of "appointed member"—

Omit "the Ombudsman or".

(b) Definition of "Ombudsman"—

Omit the definition.

(2) Section 5 (**Privacy Committee**)—

Section 5 (3) (a)—

Omit the paragraph.

SCHEDULE 34

(Sec. 3)

AMENDMENT TO THE PROBATION AND PAROLE ACT 1983

Section 41—

Omit the section, insert instead:

Revocation of parole order—remainder of sentence to be reduced by "clean street time"

41. (1) In this section—

"clean street time", in relation to a parole order which has been revoked, means the period commencing on the day on which the prisoner was released on parole pursuant to the parole order and ending on the day on which the parole order is, or is treated as having been, revoked.

(2) If a parole order is revoked, the balance (as at the date of release on parole) of the term or terms of imprisonment to which the parole order relates shall, notwithstanding section 39, be reduced by clean street time.

(3) A term of imprisonment shall not, on the revocation of a parole order, be reduced by clean street time if it was imposed after the date of release on parole or if for any other reason it does not relate to the parole order.

SCHEDULE 35

(Sec. 3)

AMENDMENTS TO THE PUBLIC AUTHORITIES SUPERANNUATION ACT 1985

(1) Section 32 (**Preserved benefit**)—

Section 32 (5)—

Range to the margin the words "together with interest thereon, from the exit date to the date of payment, at a rate determined by the Board.".

SCHEDULE 35—*continued*

AMENDMENTS TO THE PUBLIC AUTHORITIES SUPERANNUATION ACT 1985—*continued*

(2) Schedule 3, Part 1—

Omit "The New South Wales Dairy Corporation.".

(3) Schedule 6, clause 14 (**Calculation of adjustment percentage**)—

(a) Clause 14 (2) (a)—

Omit "or" where lastly occurring.

(b) Clause 14 (2) (b), (c)—

At the end of clause 14 (2) (b), insert:

; or

(c) a pension referred to in clause 11 (5)—shall be calculated as provided by subclause (3).

(c) Clause 14 (3)—

Omit "subclause (2) (a)", insert instead "subclause (2) (a) and (c)".

SCHEDULE 36

(Sec. 3)

AMENDMENTS TO THE REPRINTS ACT 1972

(1) Section 9C—

After section 9B, insert:

Amendment of Acts: the words "license" and "licenses"

9C. (1) In any other Act, the word "license" or "licenses", where used as a noun, is omitted and the word "licence" or "licences" inserted instead.

(2) Subsection (1) does not apply to—

(a) an agreement set forth in an Act; or

SCHEDULE 36—*continued*

AMENDMENTS TO THE REPRINTS ACT 1972—*continued*

(b) an amending provision,

but does apply to an uncommenced amending provision.

(3) This section does not affect the validity or effect of any instrument granted or issued under an Act amended by this section.

(2) Section 13 (**Application of certain provisions of this Act to certain instruments)—**

Omit "7 and 9B", insert instead "7, 9B and 9C".

SCHEDULE 37

(Sec. 3)

AMENDMENT TO THE SEARCH WARRANTS ACT 1985

Section 24A—

After section 24, insert:

Ministerial arrangements for things seized in connection with extra-territorial offences

24A. (1) In this section—

"appropriate authority" means—

(a) in relation to another State or a Territory of the Commonwealth (other than the Australian Capital Territory)—an authority exercising, in relation to the Police Force of that State or Territory, functions corresponding to those of the Commissioner of Police in relation to the police force of New South Wales; or

SCHEDULE 37—*continued*

AMENDMENT TO THE SEARCH WARRANTS ACT 1985—*continued*

(b) in relation to the Australian Capital Territory—the Commissioner of the Australian Federal Police.

(2) The Minister may enter into arrangements with a Minister of another State or a Territory of the Commonwealth under which—

(a) things seized under this Act that may be relevant to the investigation of an offence against the law of that State or Territory—

(i) are to be transmitted to the appropriate authority in that State or Territory for the purposes of the investigation of, or proceedings in respect of, that offence; and

(ii) when no longer required for the purposes of any such investigation or proceedings, are (unless disposed of by order or direction of a court or Magistrate) to be returned to the Commissioner of Police; and

(b) things seized under the law of that other State or Territory that may be relevant to the investigation of an offence against the law of this State—

(i) are to be transmitted to the Commissioner of Police; and

(ii) when no longer required for the purposes of the investigation of an offence, or proceedings in respect of an offence, are (unless disposed of by order or direction of a court or Magistrate) to be returned to the appropriate authority in the State or Territory in which they were seized.

(3) This section has effect notwithstanding section 7 (3).

SCHEDULE 38

(Sec. 3)

AMENDMENTS TO THE STATE DEVELOPMENT AND INDUSTRIES ASSISTANCE ACT 1966

PART 1—AMENDMENTS TO COMMENCE ON ASSENT

(1) Section 2 (**Arrangement**)—

Omit the section.

(2) Section 3 (**Interpretation**)—

(a) Section 3 (1), definition of "Ministerial Corporation"—

Omit the definition, insert instead:

"Ministerial Corporation" means the corporation constituted under section 34H.

(b) Section 3 (2A)—

After section 3 (2), insert:

(2A) In this Act—

(a) a reference to a function includes a reference to a power, authority and duty; and

(b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

(3) Section 8G (**Determination of applications for financial assistance**)—

Section 8G (6)—

Omit "Minister", insert instead "Ministerial Corporation".

(4) Section 32 (**Ministerial Corporation's powers to have surveys, etc., carried out**)—

Omit "perform", insert instead "exercise".

(5) Section 34 (**Agreements or arrangements between the Ministerial Corporation and the State Bank**)—

Omit "perform any of the functions referred to in section 11 and exercising any of the powers conferred on that Corporation by this Part", insert instead "exercise any of the functions referred to in section 11 and conferred on that Corporation by this Part".

SCHEDULE 38—*continued*

AMENDMENTS TO THE STATE DEVELOPMENT AND INDUSTRIES ASSISTANCE ACT 1966—*continued*

(6) Section 34A (**Ministerial Corporation's powers to acquire land**)—

(a) Section 34A (1) (c)—

After "for industries", insert "and business undertakings".

(b) Section 34A (1) (c)—

After "such industries", insert "and business undertakings".

(c) Section 34A (2)—

Omit the subsection.

(7) Section 34D (**Power of Ministerial Corporation to make roads, etc.**)—

Section 34D (1) (a)—

After "industries", insert "or business undertakings".

(8) Section 34F—

Omit the section, insert instead:

Ministerial Corporation's powers to erect, alter or extend buildings for industries and business undertakings—

34F. (1) The Ministerial Corporation may cause to be erected, on land acquired by that Corporation under this Part for the purpose referred to in—

(a) section 34A (1) (a)—buildings suitable for occupation for the purposes of a country industry; and

(b) section 34A (1) (c)—buildings suitable for occupation for the purposes of an industry or business undertaking other than a country industry.

(2) The Ministerial Corporation may cause any building erected on land acquired by that Corporation under this Part for the purpose referred to in—

(a) section 34A(1) (a)—to be altered or extended to make it suitable for occupation by a country industry; and

SCHEDULE 38—*continued*

AMENDMENTS TO THE STATE DEVELOPMENT AND INDUSTRIES ASSISTANCE ACT 1966—*continued*

(b) section 34A (1) (b)—to be altered or extended to make it suitable for occupation by an industry or business undertaking other than a country industry.

(9) Section 34G **(Disposal of land by the Ministerial Corporation)**—

(a) Omit "Minister" wherever occurring, insert instead "Ministerial Corporation".

(b) Section 34G (1)—

Omit "he", insert instead "that Corporation".

(c) Section 34G—

Omit "him" wherever occurring, insert instead "that Corporation".

(10) Section 34H **(Constitution of Ministerial Corporation)**—

Section 34H (1)–(1B)—

Omit section 34H (1), insert instead:

(1) For the purposes of Parts IIA, III and IIIA and this Part, there is constituted by this section a corporation under the corporate name of the "Ministerial Corporation for Industry".

(1A) The affairs of the Ministerial Corporation shall be managed by the Minister.

(1B) Any act, matter or thing done in the name of, or on behalf of, the Ministerial Corporation by the Minister, or with the authority of the Minister, shall be deemed to have been done by the Ministerial Corporation.

(11) Section 34J **(Publications)**—

Omit "and powers".

SCHEDULE 38—*continued*

AMENDMENTS TO THE STATE DEVELOPMENT AND INDUSTRIES ASSISTANCE ACT 1966—*continued*

(12) Section 34O—

After section 34N, insert:

Delegation by Ministerial Corporation

34O. (1) The Ministerial Corporation may delegate to a member of the staff of the Department of Industrial Development and Decentralisation the exercise of any of its functions, other than this power of delegation.

(2) A delegation under this section—

(a) shall be in writing;

(b) may be general or limited; and

(c) may be revoked, wholly or partly, by the Ministerial Corporation.

(3) A delegate is, in the exercise of a function delegated under this section, subject to such conditions as are specified in the instrument of delegation.

(4) A function delegated under this section, when exercised by the delegate, shall be deemed to have been exercised by the Ministerial Corporation.

(5) A delegation under this section does not prevent the exercise of a function by the Ministerial Corporation.

(6) A function purporting to have been exercised by a delegate under this section shall, until the contrary is proved, be deemed to have been duly exercised by a delegate under this section.

(13) Section 39, Schedule 1—

After section 38, insert:

Savings, transitional and other provisions

39. Schedule 1 has effect.

SCHEDULE 38—*continued*

AMENDMENTS TO THE STATE DEVELOPMENT AND INDUSTRIES ASSISTANCE ACT 1966—*continued*

SCHEDULE 1

(Sec. 39)

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

Change of name of Ministerial Corporation

1. (1) The Ministerial Corporation for Industry is a continuation of, and the same legal entity as, the corporation sole constituted under the name of "Ministerial Corporation for Industry and Decentralisation, Small Business and Technology".

(2) A reference in any other Act or statutory instrument, or in any other instrument or in any contract or agreement to the "Ministerial Corporation for Industry and Decentralisation, Small Business and Technology" shall be construed as a reference to the "Ministerial Corporation for Industry".

PART 2—AMENDMENTS TO COMMENCE ON COMMENCEMENT OF SCHEDULE 2 OF STATE DEVELOPMENT AND INDUSTRIES ASSISTANCE (AMENDMENT) ACT 1986

(1) Section 5 (as inserted by Act No. 83, 1986)—

Section 5 (3)—

Omit "performance", insert instead "exercise".

(2) Section 7 (as inserted by Act No. 83, 1986)—

(a) Section 7 (1), (3), (5)—

Omit "performance or" wherever occurring.

(b) Section 7 (1) (b)—

Omit "or powers".

(c) Section 7 (3), (4), (5), (6)—

Omit "or power" wherever occurring.

SCHEDULE 38—*continued*

AMENDMENTS TO THE STATE DEVELOPMENT AND INDUSTRIES ASSISTANCE ACT 1966—*continued*

(d) Section 7 (4), (6)—

Omit "performed or" wherever occurring.

(3) Section 8 (as inserted by Act No. 83, 1986)—

Section 8 (1)—

Omit "perform its functions and to exercise its powers", insert instead "exercise its functions".

(4) Section 8A (as inserted by Act No. 83, 1986)—

Omit "performance of its functions or the exercise of its powers", insert instead "exercise of its functions".

SCHEDULE 39

(Sec. 3)

AMENDMENTS TO THE STRATA TITLES ACT 1973

(1) Section 7 (**Subdivision**)—

Section 7 (3)—

Omit "or restrictions as to user", insert instead ", restrictions on the use of land or positive covenants".

(2) Section 10 (**Unit entitlement of lots created by subdivision of lots only**)—

Section 10 (1)—

Omit "referred to in section 5 (7) (a) or 9 (1)", insert instead "altering the boundaries of one or more lots so as to create only two or more different lots, other than a plan referred to in section 8A (1),".

SCHEDULE 39—*continued*

AMENDMENTS TO THE STRATA TITLES ACT 1973—*continued*

(3) Section 11 (**Unit entitlement of lots in subdivisions involving common property**)—

Omit "referred to in section 5 (7) (b), (c) or (d) or 9 (1)", insert instead ", other than a plan referred to in section 8A (1) or 10 (1),".

(4) Section 28 (**Effect of dealings under this Division**)—

Section 28 (4) (b)—

Omit the paragraph, insert instead:

(b) except where a certificate under this paragraph or section 9 (3) (d) or 13 (2) (b) has been previously lodged in the office of the Registrar-General or a certified or office copy of the minute of an order made under section 67 authorising the registration of the dealing is so lodged, certifying that the resolution referred to in paragraph (a) was passed after the expiration of the initial period,

(5) Section 28A (**Approval of development statement**)—

(a) Section 28A (1)—

Omit the subsection, insert instead:

(1) Where the development proposed in an application for development consent lodged with a consent authority includes—

(a) the registration of a strata plan; and

(b) the subsequent subdivision, by a strata plan of subdivision, of a lot in the strata plan,

the development consent shall not be given by the consent authority unless—

(c) the development application is accompanied by a proposed development statement; and

(d) no part of the lot intended for subsequent subdivision is superimposed on any part of another lot in the strata plan.

SCHEDULE 39—*continued*

AMENDMENTS TO THE STRATA TITLES ACT 1973—*continued*

(b) Section 28A (3)—

Omit "comprise" where firstly occurring, insert instead "be comprised of".

(c) Section 28A (3) (a)—

Omit "comprise" where firstly occurring, insert instead "consist of".

(6) Section 28B **(Registration of development statement)**—

Section 28B (2) (c)—

Omit "development authority", insert instead "consent authority".

(7) Section 28I **(Termination of development scheme)**—

(a) Section 28I (1) (e)—

After "mortgagee", insert "and covenant chargee".

(b) Section 28I (2) (b)—

Omit "mortgagee or enrolled mortgagee", insert instead "or enrolled mortgagee or covenant chargee".

(8) Section 28P **(Resolution for application by body corporate)**—

(a) Section 28P (2)—

Omit "proxy or mortgagee", insert instead "mortgagee, covenant chargee or proxy".

(b) Section 28P (2)—

Omit "mortgagee or as a", insert instead "a mortgagee, covenant chargee or".

(9) Section 32 **(Readjustment of strata scheme for purposes of resumption)**—

Section 32 (4) (d)—

After "charge", insert ", covenant charge".

SCHEDULE 39—*continued*

AMENDMENTS TO THE STRATA TITLES ACT 1973—*continued*

(10) Section 62 (10) (a)—

Omit "court of petty sessions" wherever occurring, insert instead "Local Court".

(11) Section 68 (**Duties of body corporate**)—

Section 68 (1) (h)—

Omit "the prescribed", insert instead "prescribed".

(12) Section 78 (**Managing agent**)—

Section 78 (1A) (c)—

Omit the paragraph, insert instead:

(c) a determination under section 68 (1) (j) or (k) (including such a determination made pursuant to section 68 (4A)),

or to levy contributions under section 68 (1) (p).

(13) Section 95 (**Land tax**)—

Section 95 (6) (c) (ii)—

Omit "discretionary", insert instead "special".

(14) Section 105 (1B)—

Omit "Courts of Petty Sessions", insert instead "Local Courts".

(15) Section 113A (**Commissioner may make certain by-laws**)—

Section 113A (1)—

After "proprietor", insert "for an order".

(16) Section 142 (4) (a)—

Omit "Courts of Petty Sessions", insert instead "Local Courts".

(17) Section 146 (**Other rights and remedies not affected by this Act**)—

Section 146 (1)—

Omit "or mortgagee", insert instead ", mortgagee or chargee".

SCHEDULE 40

(Sec. 3)

AMENDMENT TO THE SYDNEY CRICKET AND SPORTS GROUND ACT 1978

Schedule 1 **(Provisions relating to constitution and procedure of the Trust)—**

Clauses 8, 8A—

Omit clause 8, insert instead:

Chairman and Deputy Chairman of Trust

8. (1) Of the members, one shall, in and by the relevant instrument of appointment as such a member, or by another instrument executed by the Governor, be appointed as Chairman and one shall be so appointed as Deputy Chairman.

(2) The Governor may remove a member from the office of Chairman or Deputy Chairman.

(3) A person who is a member and Chairman or Deputy Chairman shall be deemed to have vacated office as Chairman or Deputy Chairman if the person—

(a) is removed from that office by the Governor under subclause (2);

(b) resigns that office by instrument in writing addressed to the Minister; or

(c) ceases to be a member.

(4) The Governor may, from time to time, appoint a member to act in the office of Chairman or Deputy Chairman during the illness or absence of the Chairman or Deputy Chairman, and the member, while so acting, shall have and may exercise all the functions of the Chairman or Deputy Chairman and shall be deemed to be the Chairman or Deputy Chairman.

(5) The Governor may remove any person from an office to which the person was appointed under this clause.

SCHEDULE 40—*continued*

AMENDMENT TO THE SYDNEY CRICKET AND SPORTS GROUND ACT 1978—*continued*

(6) For the purposes of this clause, a vacancy in the office of the Chairman or Deputy Chairman shall be deemed to be an absence from the office of the Chairman or Deputy Chairman.

Extension of office of Chairman

8A. The person holding office as Chairman immediately before 31 December 1987 does not cease to be a member only because of attaining the age of 70 years and may, notwithstanding clause 6, continue to hold office as a member and as Chairman for a period of 3 months after the day on which the person attains that age.

SCHEDULE 41

(Sec. 3)

AMENDMENTS TO THE SYDNEY HARBOUR TRUST ACT 1900

Section 49 (**Contracts by the board, how to be entered into**)—

(1) Section 49 (2)—

After "contract", insert "for the supply of articles or goods".

(2) Section 49 (2)—

Omit "four thousand dollars", insert instead "$10,000".

SCHEDULE 42

(Sec. 3)

AMENDMENT TO THE TRANSPORT ACT 1930

Section 132A **(Gratuities payable to non-contributors)**—

Section 132A (8)—

After section 132A (7), insert:

(8) For the purposes of the calculation of the gratuity payable to an officer under the provisions of this section, salary or wages payable to the officer immediately prior to retirement or death includes any allowance payable to the officer for not less than 6 months in aggregate during the period of 12 months immediately prior to the officer's retirement or death.

SCHEDULE 43

(Sec. 3)

AMENDMENTS TO THE VENEREAL DISEASES ACT 1918

Section 22 **(Keepers of disorderly houses)**—

(1) Omit "female", insert instead "person".

(2) Omit "he", insert instead "the offender".

SCHEDULE 44

(Sec. 3)

AMENDMENTS TO THE WESTERN LANDS ACT 1901

(1) Section 8A—

After section 8, insert:

Delegation by Commissioner

8A. (1) The Commissioner may delegate to an officer of the Department of Lands the exercise of any of the Commissioner's functions, other than this power of delegation.

(2) A delegation under this section—

(a) shall be in writing;

(b) may be general or limited; and

(c) may be revoked, wholly or partly, by the Commissioner.

(3) A delegate is, in the exercise of a function delegated under this section, subject to such conditions as are specified in the instrument of delegation.

(4) A function delegated under this section, when exercised by the delegate, shall be deemed to have been exercised by the Commissioner.

(5) A delegation under this section does not prevent the exercise of a function by the Commissioner.

(6) A function purporting to have been exercised by a delegate under this section shall, until the contrary is proved, be deemed to have been duly exercised by a delegate under this section.

(7) In this section—

(a) a reference to a function includes a reference to a power, authority and duty; and

(b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

(2) Section 18DB (**Clearing licences**)—

(a) Section 18DB (5)—

After "licence", insert "and for extension of the period a clearing licence remains in force".

SCHEDULE 44—*continued*

AMENDMENTS TO THE WESTERN LANDS ACT 1901—*continued*

(b) Section 18DB (8)—

Omit the subsection, insert instead:

(8) A clearing licence remains in force—

(a) for such period as the Commissioner may specify in the licence; or

(b) where the Commissioner, on application for extension of that period, specifies in writing a longer period, for the period so specified,

unless sooner cancelled or surrendered.

SCHEDULE 45

(Sec. 3)

AMENDMENT TO THE WORKERS' COMPENSATION ACT 1926

Section 30AD **(Prohibited practices)**—

Section 30AD (3)—

Omit the subsection, insert instead:

(3) Subsection (2) does not apply in respect of—

(a) a policy—

(i) issued by the Government Insurance Office to a government department or administrative office; or

(ii) of a class declared by the regulations to be exempt from the operation of that subsection; or

(b) a policy to which an order under section 30AB applies, being a policy for which a premium is calculated in the manner fixed by the order.

SCHEDULE 46

(Sec. 3)

AMENDMENTS RELATING TO CALCULATION OF INTEREST ON SPECIAL DEPOSITS ACCOUNTS

Fish River Water Supply Administration Act 1945 No. 16—

Section 13 (**Renewal Reserve Account**)—

Section 13 (3)—

Omit the subsection, insert instead:

(3) The Renewal Reserve Account shall be credited with interest on the credit balance as the Treasurer determines.

Government Railways Act 1912 No. 30—

Section 112 (**Government Railways Superannuation Account**)—

Section 112 (3)—

Omit the subsection, insert instead:

(3) Interest on the credit balance of the Government Railways Superannuation Account shall be paid out of the Consolidated Fund into that account as the Treasurer directs at such rates as may be determined by the Treasurer and the board.

New South Wales Government Engineering and Shipbuilding Undertaking Act 1943 No. 19—

Section 9 (**Depreciation Reserve Account**)—

Section 9 (3)—

Omit the subsection, insert instead:

(3) The Working Account shall be credited with interest on the credit balance of the Depreciation Reserve Account as the Treasurer determines.

South-west Tablelands Water Supply Administration Act 1941 No. 36—

Section 13 (**South-west Tablelands Water Supply Renewal Reserve Account**)—

Section 13 (3)—

Omit the subsection, insert instead:

(3) The Renewal Reserve Account shall be credited with interest as the Treasurer determines.

SCHEDULE 46—*continued*

AMENDMENTS RELATING TO CALCULATION OF INTEREST ON SPECIAL DEPOSITS ACCOUNTS—*continued*

State Brickworks Act 1946 No. 16—

Section 6 **(Depreciation Reserve Account)—**

Section 6 (3)—

Omit the subsection, insert instead:

(3) The Working Account shall be credited with interest on the credit balance of the Depreciation Reserve Account as the Treasurer determines.

SCHEDULE 47

(Sec. 3)

AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE LAW REVISION

Animal Research Act 1985 No. 123—

Section 54 **(Impersonation, etc., of inspectors)—**

At the end of the section, insert:

Penalty: $2,000.

Arbitration (Civil Actions) Act 1983 No. 43—

(1) Section 16 (1)—

Omit "Division 6", insert instead "Division 9A".

(2) Section 16 (1)—

Omit "(section 122 (4) excepted)", insert instead "(section 148B (2) excepted)".

Auctioneers and Agents (Amendment) Act 1986 No. 63—

Section 4—

After "as the Minister", insert "administering the Auctioneers and Agents Act 1941".

SCHEDULE 47—*continued*

AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE LAW REVISION—*continued*

Bush Fires Act 1949 No. 31—

Section 38—

Omit the section, insert instead:

Distribution of annual report

38. As soon as practicable after the annual report which includes the financial statements prepared in accordance with Division 3 of Part III of the Public Finance and Audit Act 1983 relating to the Fund has been laid before both Houses of Parliament or transmitted to the Clerk of the Parliaments and the Clerk of the Legislative Assembly, the Minister shall furnish to each council and each insurance company contributing to the Fund a copy of the annual report.

Business Franchise Licences (Tobacco) Act 1975 No. 63—

(1) Section 2 **(Division of Act)—**

Omit the section.

(2) Schedule 1, heading—

Omit "FOR WHOLESALE TOBACCO MERCHANTS' LICENCES".

Coal and Oil Shale Mine Workers (Superannuation) Act 1941 No. 45—

(1) Section 15 (3) (d)—

Omit "Australian", insert instead "Australasian".

(2) (a) Section 32 (6) (a)—

Omit "Combined Colliery Proprietors' ", insert instead "Coal".

(b) Section 32 (6) (b)—

Omit "Australian Coal and Oil", insert instead "Australasian Coal and".

(c) Section 32 (6) (d)—

Omit "and Shipwrights' ".

Coal Mines Regulation Act 1982 No. 67—

Section 134 (1) (a)—

Omit "of" where thirdly occurring.

Commercial Agents and Private Inquiry Agents Act 1963 No. 4—

(1) Section 10 (2)—

Omit "local court", insert instead "Local Court".

SCHEDULE 47—*continued*

AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE LAW REVISION—*continued*

(2) Sections 10 (10), 37 (1)—

Omit "court of petty sessions" wherever occurring, insert instead "Local Court".

Commercial Agents and Private Inquiry Agents (Amendment) Act 1985 No. 53—

Schedule 1, item 28—

From clause 12 (3) of Schedule 1 to be inserted in the Principal Act omit "section", insert instead "clause".

Commercial Arbitration Act 1984 No. 160—

Section 3 (6)—

Omit "Proceedings", insert instead "Actions".

Crimes (Confiscation of Profits) Act 1985 No. 181—

Section 27 (4)—

Omit "III", insert instead "II".

District Court Act 1973 No. 9—

Section 63 (1) (a)—

Omit "or" where lastly occurring, insert instead "and".

Futures Industry (Application of Laws) Act 1986 No. 66—

(1) Schedule 8, clause 2—

Omit "41", insert instead "46".

(2) Schedule 8, clause 3—

Omit "43", insert instead "48".

(3) Schedule 8, clause 4 (2)—

Omit "48", insert instead "54".

(4) Schedule 8, clause 5 (1)—

Omit "50", insert instead "57".

(5) Schedule 8, clause 5 (2)—

Omit "50 (2)", insert instead "57 (2)".

(6) Schedule 8, clause 6—

Omit "51", insert instead "58".

SCHEDULE 47—*continued*

AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE LAW REVISION—*continued*

(7) Schedule 8, clause 7—

Omit "53", insert instead "59 (2)".

Gaming and Betting Act 1912 No. 25—

(1) Section 3—

(a) From the definition of "Race-meeting", omit "trotting contests", insert instead "harness racing".

(b) From the definition of "Sports", omit "trotting races", insert instead "harness racing".

(c) From the definition of "Trotting trial meeting", omit "Trotting", insert instead "Harness racing".

(d) From the definition of "Trotting trial meeting", omit "trotting races or contests", insert instead "harness racing".

(2) Section 7—

(a) Omit "trotting races" where firstly occurring, insert instead "harness racing".

(b) Section 7—

Omit "the penalty", insert instead "a penalty".

(3) Sections 7, 51—

Omit "trotting trial" wherever occurring, insert instead "harness racing trial".

(4) Sections 7, 51 (5), (5AA), 53D (1)—

Omit "trotting races or contests" wherever occurring, insert instead "harness racing".

(5) Sections 47A, 47B, 47C, 53, 53A—

Omit "trotting" wherever occurring, insert instead "harness racing".

(6) Sections 47G, 51, 52—

Omit "trotting contests" wherever occurring, insert instead "harness racing".

(7) Section 54—

Omit "trotting-races or contests" wherever occurring, insert instead "harness racing".

SCHEDULE 47—*continued*

AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE LAW REVISION—*continued*

Higher Education Act 1975 No. 47—

Section 8 **(Remuneration, etc., of member of Board)—**

Section 8 (1)—

Omit the subsection, insert instead:

(1) A full-time member of the Board is entitled to be paid—

(a) remuneration in accordance with the Statutory and Other Offices Remuneration Act 1975; and

(b) such travelling and subsistence allowances as the Minister may from time to time determine in respect of the member.

Housing Act 1912 No. 7—

(1) Section 40F—

(a) Section 40F (3)—

Omit "Corporation" where firstly occurring, insert instead "Director of Housing holding office as such under the Public Service Act 1979".

(b) Section 40F (3)—

Omit ", and the Chairman of the Corporation shall have the powers of a chairman".

(c) Section 40F (3)—

Omit "Corporation" where lastly occurring, insert instead "Director".

(2) Section 43—

(a) Section 43 (3)—

Omit "; the amount of such costs, if not paid on demand, shall be levied by distress, and upon application to any justice for that purpose he shall issue his warrant accordingly".

(b) Section 43 (3A)—

After section 43 (3), insert:

(3A) Any costs due to the Corporation under subsection (3) may be recovered by the Corporation as a debt in a court of competent jurisdiction.

(3) Section 46—

Omit "they think", insert instead "it thinks".

SCHEDULE 47—*continued*

AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE LAW REVISION—*continued*

(4) Section 49 (2)—

Omit "stipendiary magistrate or any two justices in petty sessions", insert instead "Magistrate or any 2 justices constituting a Local Court".

Landlord and Tenant (Rental Bonds) Amendment Act 1986 No. 62—

Section 4—

After "as the Minister", insert "administering the Landlord and Tenant (Rental Bonds) Act 1977".

Local Government (Movable Dwellings) Amendment Act 1986 No. 21—

Schedule 1 (2)—

Omit "After Division 5, insert:", insert instead "After Division 5A, insert:".

Mental Health Act 1983 No. 178—

(1) (a) Schedule 2, clause 3A—

After clause 3, insert:

Duties of full-time members

3A. A full-time member shall devote the whole of his or her time to the duties of the office of member, except as permitted by this Act or except with the consent of the Minister.

(b) Schedule 2, clause 4 (**Remuneration**)—

(i) Schedule 2, clause 4 (1)—

Omit "and a Deputy President" where firstly occurring, insert instead ", a Deputy President and a full-time member, other than the President or a Deputy President,".

(ii) Schedule 2, clause 4 (1) (b)—

Omit "President and a Deputy President, respectively", insert instead "member".

(iii) Schedule 2, clause 4 (2)—

Omit "A member, other than the President or a Deputy President,", insert instead "A part-time member".

SCHEDULE 47—*continued*

AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE LAW REVISION—*continued*

(c) Schedule 2, clause 7 (**Vacation of office**)—

Schedule 2, clause 7 (e1)—

After clause 7 (e), insert:

(e1) being a full-time member, engages in any paid employment outside the duties of the office of member, except with the consent of the Minister;

(2) Schedule 3, Note 1—

(a) After "hospital" where secondly occurring, insert ", prison or other place".

(b) Omit "85", insert instead "88".

(c) Omit "sexual preference, sexual orientation", insert instead "sexual preference or sexual orientation".

(d) Before "physiological", insert "serious and permanent".

(e) Omit "on a number of occasions".

Motor Traffic Act 1909 No. 5—

Section 10A (1) (b) (ii)—

Omit "8 (1)", insert instead "8 (2)".

Pawnbrokers (Amendment) Act 1985 No. 10—

(1) Section 5—

Omit the section.

(2) Schedule 2—

Omit the Schedule.

Police Regulation (Superannuation) Act 1906 No. 28—

Schedule 1, clause 1 (1), definition of "eligibility date"—

After "applies", insert "is payable".

Public Servant Housing Authority Act 1975 No. 38—

(1) Section 7 (1) (c)—

Omit "Chairman of The Housing Commission of New South Wales", insert instead "Director of Housing under the Public Service Act 1979".

(2) Section 8—

Section 8 (6)—

Omit the subsection.

SCHEDULE 47—*continued*

AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE LAW REVISION—*continued*

Registered Clubs (Amendment) Act 1986 No. 78—

Schedule 1 (1) (a)—

Omit "address", insert instead "amalgamated club".

Registration of Interests in Goods Act 1986 No. 37—

Section 20 (3)—

Omit "subsection (1)", insert instead "subsection (2)".

Stamp Duties Act 1920 No. 47—

Second Schedule—

From paragraph (7) appearing under the heading "TRANSFER OF SHARES" omit "or an intestacy", insert instead "on an intestacy".

State Development and Country Industries Assistance (Amendment) Act 1985 No. 187—

Schedule 3 (13) (c), (d)—

After "34" wherever occurring, insert "A".

State Development and Industries Assistance (Amendment) Act 1986 No. 83—

Schedule 7, clause 4 (4)—

After "Minister" wherever occurring, insert "administering the Principal Act".

State Roads Act 1986 No. 85—

Schedule 1, matter relating to Attachment of Wages Limitation Act 1957 No. 28—

Omit "(Limitation)", insert instead "Limitation".

Statute Law (Miscellaneous Provisions) Act 1986 No. 16—

Schedule 23, item (8) (d) of the matter relating to the Workers' Compensation Act 1926—

Omit "of sections", insert instead "and sections".

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

(1) Part 1 of Schedule 2—

After "Deputy President of the Mental Health Review Tribunal.", insert:

Full-time member of the Mental Health Review Tribunal, other than the President or Deputy President.

SCHEDULE 47—*continued*

AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE LAW REVISION—*continued*

(2) Part 2 of Schedule 3—

Omit "Member of the Mental Health Review Tribunal, other than the President and a Deputy President.".

Superannuation (Further Amendment) Act 1985 No. 155—

Schedule 2 (1) (c)—

After " 'and' ", insert "where secondly occurring".

Supreme Court Act 1970 No. 52—

Section 124 (2) (a)—

Omit "or" where lastly occurring, insert instead "and".

Valuers Registration Act 1975 No. 92—

Section 30 (4)—

Omit "section 13 (1) (a)", insert instead "section 14 (b), 15 (1) (b) (i) or 15A (b) (i)".

SCHEDULE 48

(Sec. 4)

REPEALS

Reclamation Act 1930 No. 37

Miscellaneous Acts (Deputy Commissioners of Police) Amendment Act 1981 No. 121

Statutory and Other Offices Remuneration (Local Courts) Amendment Act 1982 No. 167

Statutory and Other Offices Remuneration (Egg Industry) Amendment Act 1983 No. 58

Statutory and Other Offices Remuneration (Metropolitan Water Sewerage and Drainage Board) Amendment Act 1983 No. 85

Clean Waters (Licences and Approvals) Amendment Act 1983 No. 95

Statutory and Other Offices Remuneration (Public Authorities Superannuation Board) Amendment Act 1983 No. 108

Statutory and Other Offices Remuneration (Dairy Corporation) Amendment Act 1983 No. 158

Anatomy (Human Tissue) Amendment Act 1983 No. 165

SCHEDULE 48—*continued*

REPEALS—*continued*

Real Property (Conversion of Title) Amendment Act 1984 No. 25

Dairy Industry (Amendment) Act 1984 No. 27

Coal and Oil Shale Mine Workers (Superannuation) Amendment Act 1984 No. 32

Statutory and Other Offices Remuneration (Tourism Commission) Amendment Act 1984 No. 50

Supreme Court (Solicitors' Remuneration) Amendment Act 1984 No. 54

Police Regulation (Superannuation) (Election) Amendment Act 1984 No. 83

Statutory and Other Offices Remuneration (Commercial Tribunal) Amendment Act 1984 No. 99

Statutory and Other Offices Remuneration (Maritime Services Board) Amendment Act 1984 No. 102

Statutory and Other Offices Remuneration (New Darling Harbour Authority) Amendment Act 1984 No. 104

Coal and Oil Shale Mine Workers (Superannuation) Further Amendment Act 1984 No. 116

Strata Titles (Land Tax) Amendment Act 1984 No. 131

Local Courts (Amendment) Act 1984 No. 142

Canned Fruits Marketing (Amendment) Act 1984 No. 146

Statutory and Other Offices Remuneration (State Public Service Superannuation Board) Amendment Act 1985 No. 49

Statutory and Other Offices Remuneration (Legal Services Commission) Amendment Act 1985 No. 87

Statutory and Other Offices Remuneration (Board of Fire Commissioners) Amendment Act 1985 No. 108

Statutory and Other Offices Remuneration (Sydney Market Authority) Amendment Act 1985 No. 138

Statutory and Other Offices Remuneration (Commissioners of Inquiry) Amendment Act 1985 No. 230

SCHEDULE 49

(Sec. 5)

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

Savings relating to repealed enactments

1. The repeal by this Act of any enactment does not affect—

(a) the proof of any past act or thing;

(b) the continuity, or status as a legal entity, of any body;

(c) any duty, obligation, liability, benefit, privilege or right saved by the operation of the enactment; or

(d) any amendment or validation made by the enactment.

Interpretation Act 1897

2. The savings contained in this Schedule do not limit any saving in the Interpretation Act 1897.

Effect of amendment of amending provisions

3. An amendment made by Schedule 47 to an amending provision (as defined by the Reprints Act 1972) contained in an Act shall, if the amending provision has commenced before the date of assent to this Act, be deemed to have taken effect as from the commencement of the amending provision.

Effect of amendment or repeal on acts done or decisions made

4. Except where it is expressly provided to the contrary, where this Act—

(a) amends a provision of an Act; or

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

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

Amendment of the Disorderly Houses Act 1943

5. (1) The amendment of the Disorderly Houses Act 1943 by this Act does not, unless the Supreme Court otherwise orders, affect the taking or completion of any step in relation to legal proceedings which have been commenced before the commencement of Schedule 9 to this Act.

(2) The Court may make orders under this clause on application by a party or of its own motion.

Amendment of the Environmental Planning and Assessment Act 1979

6. Section 104A of the Environmental Planning and Assessment Act 1979, as amended by this Act, does not apply to or in respect of a development consent in relation to the validity of which legal proceedings have been commenced before the date of assent to this Act.

SCHEDULE 49—*continued*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued*

Amendment of the Meat Industry Act 1978

7. The financial year which, immediately before the date of assent to this Act,was the financial year in relation to accounts prepared by the Homebush Abattoir Corporation, being accounts required to be prepared by the Public Finance and Audit Act 1983, shall continue to be the financial year in relation to which those accounts are prepared.

Regulations

8. (1) The Governor may make regulations containing other provisions of a savings or transitional nature consequent on the enactment of this Act.

(2) A provision made under subclause (1) may take effect as from the date of assent to this Act or a later date.

(3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

(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 in the Gazette; or

(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 in the Gazette.

(4) A provision made under subclause (1) shall, if the regulations expressly so provide, have effect notwithstanding the other clauses of this Schedule.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1986

STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT (No. 2) 1986 No. 218

NEW SOUTH WALES

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61125-07891 ($3.70)

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STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT (No. 2) 1986
No. 218

NEW SOUTH WALES

Act No. 218, 1986

An Act to repeal certain Acts and to amend certain other Acts in various respects and for the purpose of effecting statute law revision; and to make certain savings. [Assented to 23 December 1986]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the "Statute Law (Miscellaneous Provisions) Act (No. 2) 1986".

Commencement

2. (1) Except as provided by this section, this Act shall commence on the date of assent to this Act.

(2) Section 3, in its application to a provision of a Schedule, shall commence, or be deemed to have commenced, on the day on which the provision commences.

(3) Schedule 3 shall be deemed to have commenced on 1 January 1986.

(4) The several provisions of Schedules 5 (1), 9, 15, 36, 39 (1) and (5), 40, 44 (3) and 45 shall commence on such day or days as may be appointed by the Governor and notified by proclamation published in the Gazette.

(5) Schedule 5 (2) shall, if the date of assent to this Act is earlier than the day appointed and notified under section 2 (2) of the Conveyancing (Covenants) Amendment Act 1986 for the commencement of Schedule 1 to that Act, commence on the day so appointed and notified.

(6) Part 2 of Schedule 28 shall, if the date of assent to this Act is earlier than the day appointed and notified under section 2 (3) of the National Parks and Wildlife (Amendment) Act 1983 for the commencement of Schedule 4 (9) to that Act, commence on the day so appointed and notified.

(7) Part 2 of Schedule 38 shall, if the date of assent to this Act is earlier than the day appointed and notified under section 2 (3) of the State Development and Industries Assistance (Amendment) Act 1986 for the commencement of Schedule 2 to that Act, commence on the day so appointed and notified.

(8) Schedule 45 shall be deemed to have commenced on 30 June 1985.

Amendments

3. Each Act specified in Schedules 1–47 is amended in the manner set forth in those Schedules.

Repeals

4. **(1)** Each Act specified in Schedule 48 is repealed.

(2) So much of—

(a) the Second Schedule to the Supreme Court Act 1970;

(b) the Second Schedule to the Supreme Court (Amendment) Act 1972;

(c) the Schedule to the Metric Conversion Act 1974;

(d) Part 1 of Schedule 2 to the Miscellaneous Acts (Planning) Repeal and Amendment Act 1979;

(e) Schedule 1 to the Miscellaneous Acts (Crown Land Titles) Amendment Act 1980; and

(f) Schedule 1 to the Miscellaneous Acts (Public Finance and Audit) Repeal and Amendment Act 1983,

as relates to the Reclamation Act 1930, is repealed.

Savings, transitional and other provisions

5. Schedule 49 has effect.

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE ANTI-DISCRIMINATION ACT 1977

(1) Section 69A (2)—

Omit "Part" wherever occurring, insert instead "Act".

SCHEDULE 1—*continued*

AMENDMENTS TO THE ANTI-DISCRIMINATION ACT 1977—*continued*

(2) Section 108 (**Application of rules of evidence, etc.**)—

Section 108 (3)—

After section 108 (2), insert:

(3) The functions of the Tribunal that, pursuant to subsection (2), are required to be exercised by the judicial member presiding at a sitting of the Tribunal may be exercised by the judicial member sitting alone where the senior judicial member of the Tribunal is of the opinion that it is expedient that those functions be so exercised.

(3) Section 112 (2)—

Omit the subsection.

SCHEDULE 2

(Sec. 3)

AMENDMENTS TO THE BILLS OF SALE ACT 1898

(1) Section 12A (**A bill of sale to have no effect as to certain household furniture unless consent of wife or husband of maker or giver endorsed thereon**)—

Omit the section.

(2) Schedule 4—

Omit the Schedule.

SCHEDULE 3

(Sec. 3)

AMENDMENT TO THE BROKEN HILL WATER AND SEWERAGE ACT 1938

Section 83 (**Basis of rating**)—

Section 83 (3A)—

After section 83 (3), insert:

(3A) Notwithstanding subsection (1), the board may, in levying a rate under section 81 in respect of ratable land for the year commencing 1 January 1986, use a rating base factor determined in accordance with section 58D of the Valuation of Land Act 1916 and furnished with the valuation of the land value of that land.

SCHEDULE 4

(Sec. 3)

AMENDMENT TO THE CHARITABLE COLLECTIONS ACT 1934

Section 2A (**Delegation by the Minister**)—

Section 2A (1)—

After "5,", insert "5B,".

SCHEDULE 5

(Sec. 3)

AMENDMENTS TO THE CONVEYANCING ACT 1919

(1) Section 88B (**Creation of easements and restrictions as to user by plans**)—

(a) Section 88B (2) (d)—

Omit "as to user", insert instead "on the use of land or positive covenants".

SCHEDULE 5—*continued*

AMENDMENTS TO THE CONVEYANCING ACT 1919—*continued*

(b) Section 88B (3)—

Omit "or restriction" where firstly occurring, insert instead ", restriction or positive covenant".

(c) Section 88B (3) (c)—

Omit "restriction as to user" where firstly occurring, insert instead "any restriction on the use of land".

(d) Section 88B (3) (c), (d)—

After "section" wherever occurring, insert "88D or".

(e) Section 88B (3) (d), (4)—

Omit "as to user" wherever occurring, insert instead "on the use of land or positive covenant".

(f) Section 88B (3A)—

Omit "or restriction as to user" wherever occurring, insert instead ", restriction on the use of land or positive covenant".

(2) Section 88G (as inserted by Act No. 70, 1986)—

Section 88G (3)—

After "application", insert "and after payment of the prescribed fee".

SCHEDULE 6

(Sec. 3)

AMENDMENTS TO THE CRIMES ACT 1900

(1) Section 413C (**Documentary evidence of previous convictions**)—

Section 413C (3) (a)—

Omit "of the Central Fingerprint Bureau of the Police Department", insert instead ", New South Wales Police Fingerprint Section".

SCHEDULE 6—*continued*

AMENDMENTS TO THE CRIMES ACT 1900—*continued*

(2) Section 428x (**Mentally ill persons**)—

Section 428x (1)—

After "magistrate" where thirdly occurring, insert "(without derogating from any other order the magistrate may make in relation to the defendant, whether by way of adjournment, the granting of bail in accordance with the Bail Act 1978 or otherwise)".

SCHEDULE 7

(Sec. 3)

AMENDMENT TO THE DARLING HARBOUR AUTHORITY ACT 1984

Section 18 (**Public roads within the Development Area**)—

Section 18 (3)—

After section 18 (2), insert:

(3) The Authority may, by notification published in the Gazette, open a road—

(a) on controlled land or on land within the Development Area of which the Authority has exclusive possession; or

(b) on any other land within the Development Area, with the consent of the person in whom that other land is vested,

as a public road.

SCHEDULE 8

(Sec. 3)

AMENDMENTS TO THE DENTISTS ACT 1934

(1) Section 3 (**Interpretation**)—

Section 3 (1), definition of "Public hospital"—

After the definition of "President", insert:

"Public hospital" means—

(a) a hospital or separate institution mentioned in the Second, Third or Fifth Schedule to the Public Hospitals Act 1929; or

(b) a hospital under the control of an area health service constituted under the Area Health Services Act 1986.

(2) Section 10 (1) (e), 10A (2)—

Omit ", State hospital, mental hospital" wherever occurring.

(3) Section 12 (**Penalty for practice of dentistry by unregistered person**)—

(a) Section 12 (3) (b1)—

After "Corporation", insert "or a public hospital".

(b) Section 12 (3) (b3)—

Omit "hospitals or separate institutions mentioned in the Second, Third or Fifth Schedule to the Public Hospitals Act, 1929,", insert instead "public hospitals".

SCHEDULE 9

(Sec. 3)

AMENDMENTS TO THE DISORDERLY HOUSES ACT 1943

(1) Section 3 (**Disorderly house—Declaration by Judge of Supreme Court**)—

(a) Section 3 (1)—

Omit "the affidavit of".

SCHEDULE 9—*continued*

AMENDMENTS TO THE DISORDERLY HOUSES ACT 1943—*continued*

(b) Section 3 (1)—

Omit "any judge of".

(2) Section 4 (**Rescission of declaration**)—

(a) Section 4 (1)—

Omit "a judge of".

(b) Section 4 (1)—

Omit "he thinks fit", insert instead "the Court thinks fit".

(c) Section 4 (1)—

Omit "him", insert instead "it".

(3) Section 15—

Omit the section, insert instead:

Rules

15. (1) Rules may be made under the Supreme Court Act 1970 for or with respect to any matters that by or under the provisions of this Act are required or permitted to be prescribed for carrying out or giving effect to those provisions.

(2) Subsection (1) does not limit the rule-making powers conferred by the Supreme Court Act 1970.

SCHEDULE 10

(Sec. 3)

AMENDMENT TO THE EGG INDUSTRY ACT 1983

Section 4 (**Interpretation**)—

Section 4 (1), definition of "broiler breeder hen"—

Omit the definition, insert instead:

"broiler breeder hen" means a female domesticated fowl of the genus *Gallus* which is not—

(a) a White Leghorn, an Australorp, a New Hampshire, a Rhode Island Red or a Langshan;

(b) a cross between any of the breeds referred to in paragraph (a); or

(c) a hen of a class specified in an order under subsection (2) that has taken effect under subsection (3),

being a fowl used for the purpose of producing broiler chickens;

SCHEDULE 11

(Sec. 3)

AMENDMENTS TO THE ELECTRICITY DEVELOPMENT ACT 1945

(1) Section 13B (**Electricity supply authority to notify Authority of certain matters**)—

(a) Section 13B (1)—

Omit "where", insert instead "before".

(b) Section 13B (1)—

Omit ", within 14 days after the date of the resolution bringing about the variation or, if there is no resolution, after the variation takes effect,".

SCHEDULE 11—*continued*

AMENDMENTS TO THE ELECTRICITY DEVELOPMENT ACT 1945—*continued*

(c) Section 13B (1)—

Omit "terms of the variation", insert instead "terms of the proposed variation".

(d) Section 13B (1A)—

After section 13B (1), insert:

(1A) A variation shall not have effect before the expiration of 14 days after the Authority is notified of the terms of the variation.

(2) Section 14AAC **(Payment of premiums, etc.)**—

Section 14AAC (2)—

After "Account", insert "or from any other money provided by Parliament for the purpose".

(3) Section 14AAD **(Power of Minister to require electricity supply authority to contribute towards premium or additional premium paid under section 14AAC)**—

(a) Section 14AAD (1)—

Omit "paid" wherever occurring, insert instead "payable".

(b) Section 14AAD (2)—

Omit "cost incurred", insert instead "cost to be incurred".

(c) Section 14AAD (3)—

Omit "paid" where firstly occurring, insert instead "payable".

SCHEDULE 12

(Sec. 3)

AMENDMENTS TO THE ENERGY AUTHORITY ACT 1976

(1) Section 31 (**Proclamation in respect of a form of energy**)—

(a) Section 31 (3), (4)—

Omit "made" wherever occurring, insert instead "published".

(b) Section 31 (3)—

Omit "making", insert instead "publication".

(2) Section 32 (**Regulations in respect of emergencies**)—

Section 32 (1A)—

After section 32 (1), insert:

(1A) Any such regulation may be made before the proclamation under the authority of which it is made has taken effect, but any such regulation shall not take effect before that proclamation has taken effect.

(3) Schedule 1, clause 4 (**Acting members**)—

(a) Clause 4 (1)—

After "office of a", insert "part-time".

(b) Clause 4 (1A)—

After clause 4 (1), insert:

(1A) The Minister may, from time to time, appoint a person to act in the office of General Manager during the illness or absence of the General Manager.

(c) Clause 4 (3A)—

After clause 4 (3), insert:

(3A) The Minister may, for any cause which appears to the Minister sufficient, remove any person from the office to which the person was appointed under subclause (1A).

SCHEDULE 12—*continued*

AMENDMENTS TO THE ENERGY AUTHORITY ACT 1976—*continued*

(4) Schedule 1, clause 14 (**Liability of members, etc.**)—

At the end of clause 14, insert:

(2) A reference in subclause (1) to a person acting under the direction of the Authority includes a reference to a member of a committee or a person authorised by the Authority under section 27 to examine, and report to the Authority on, any matter in connection with an inquiry.

SCHEDULE 13

(Sec. 3)

AMENDMENTS TO THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

(1) Section 30 (**Consents and concurrences**)—

(a) Section 30 (4)—

After "may", insert ", subject to the regulations,".

(b) Section 30 (5)—

Omit the subsection.

(2) Section 84 (**Notice of applications respecting designated development**)—

Section 84 (1) (b), (c)—

Omit ", in such form as may be prescribed," wherever occurring.

(3) Section 86 (**Inspection of development applications, etc.**)—

(a) Omit "referred to in section 84 (4)", insert instead "specified in a notice under section 84 (1),".

(b) After "development application", insert "referred to in the notice".

SCHEDULE 13—*continued*

AMENDMENTS TO THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979—*continued*

(4) Section 87 (**Submissions in respect of development applications for designated development**)—

(a) Section 87—

Omit "referred to in section 84 (4)" where firstly, thirdly and fourthly occurring, insert instead "specified in a notice under section 84 (1)".

(b) Section 87 (1)—

Omit "section 84 (4)" where secondly occurring, insert instead "the notice".

(5) Section 88 (**Restrictions on determination by consent authority of development application for designated development**)—

Section 88 (2) (a)—

Omit "referred to in section 84 (4)", insert instead "specified in a notice under section 84 (1)".

(6) Section 96 (**Circumstances in which consent is deemed to have been refused**)—

Section 96 (1) (c) (ii)—

Omit "84 (4)", insert instead "86".

(7) Section 104A—

Omit the section, insert instead:

Validity of development consents

104A. In the event that a council gives public notice in accordance with the regulations of a consent, the validity of the consent shall not be questioned in any legal proceedings except those commenced in the Court by any person at any time before the expiration of 3 months from the date on which public notice was so given.

SCHEDULE 13—*continued*

AMENDMENTS TO THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979—*continued*

(8) Section 108 (**Regulations respecting existing use**)—

(a) Section 108 (1) (a)—

Omit "and".

(b) Section 108 (1) (b), (c)—

At the end of section 108 (1) (b), insert:

; and

(c) the enlargement or expansion or intensification of an existing use.

SCHEDULE 14

(Sec. 3)

AMENDMENTS TO THE FACTORIES, SHOPS AND INDUSTRIES ACT 1962

(1) Section 2 (**Division into Parts and Divisions**)—

Omit the section.

(2) Part IV, heading—

Omit ", AND USE OF AUTOMATIC VENDING DEVICES".

(3) Section 74 (**Definitions**)—

Section 74 (1), definition of "Close"—

Omit ", and in the case of an automatic vending device as defined by section 92 means close for the purposes of trade".

(4) Part IV, Division 4 (**Automatic vending devices**)—

Omit the Division.

SCHEDULE 14—*continued*

AMENDMENTS TO THE FACTORIES, SHOPS AND INDUSTRIES ACT 1962—*continued*

(5) Section 102 (**Regulations**)—

(a) Section 102 (c)—

After "exhibited;", insert "and".

(b) Section 102 (d)—

Omit the paragraph.

(6) Section 145A (**Failure to pay penalty, etc., is offence**)—

Section 145A (1)—

Omit "or section 94".

(7) Section 145B (**Payment of certain penalties enforceable as a debt**)—

Omit ", section 94".

(8) Section 148 (**Evidentiary provisions**)—

(a) Section 148 (1) (c)—

Omit "notice; or", insert instead "notice,".

(b) Section 148 (1) (d)—

Omit the paragraph.

SCHEDULE 15

(Sec. 3)

AMENDMENTS TO THE FISHERIES AND OYSTER FARMS ACT 1935

(1) Section 27 (**Regulations as to lawful nets**)—

Omit the section.

SCHEDULE 15—*continued*

AMENDMENTS TO THE FISHERIES AND OYSTER FARMS ACT 1935—*continued*

(2) Section 91A (**Penalty notices for certain offences**)—

Section 91A (6) (b)—

Omit "(not exceeding $50)".

SCHEDULE 16

(Sec. 3)

AMENDMENTS TO THE FISHERIES AND OYSTER FARMS (AMENDMENT) ACT 1979

(1) Section 2 (3) (g)—

Omit the paragraph, insert instead:

Schedule 4 (19) and (20).

(2) Schedule 1 (2) (i)—

Omit the provision.

(3) Schedule 4 (21)—

Omit the provision.

(4) Schedule 10 (1) (u), (w)—

Omit the provisions.

SCHEDULE 17

(Sec. 3)

AMENDMENTS TO THE FORESTRY ACT 1916

SCHEDULE 17—*continued*

AMENDMENTS TO THE FORESTRY ACT 1916—*continued*

(1) Section 11 (**Powers and duties of commission**)—

Section 11 (1D)—

After section 11 (1C), insert:

(1D) Subject to the terms and conditions of the agreement, the provisions of this Act apply to and in respect of any land which, in accordance with an agreement under subsection (1C), is under the control and sylvicultural management of the commission as if the land were a State forest.

(2) Section 13 (**Expenditure**)—

Section 13 (3)—

Omit "$150,000", insert instead "$200,000".

(3) Section 35A (**Removal of unauthorised structures**)—

(a) Section 35A (2)—

After "flora reserve", insert ", or a structure erected with lawful authority in a State forest, timber reserve or flora reserve where that authority has expired or been terminated for any reason,".

(b) Section 35A (6)—

Omit the subsection.

(4) Section 43 (**Seizure and forfeiture of timber, products and forest materials**)—

(a) Section 43 (1) (b)—

After "forest materials" where secondly occurring, insert "and any article or thing that he has reason to believe has been used to so cut, remove or otherwise deal with that timber or those products or forest materials".

(b) Section 43 (1) (b), (c)—

At the end of section 43 (1) (b), insert:

; and

SCHEDULE 17—*continued*

AMENDMENTS TO THE FORESTRY ACT 1916—*continued*

(c) if the member or person has reason to believe that any timber, products or forest materials have been cut, removed, or otherwise dealt with contrary to the provisions of this Act or the regulations, may direct any person in possession of that timber or those products or forest materials to forthwith deliver the timber, products or forest materials to a specified place and may, on that delivery, seize that timber or those products or forest materials.

(c) Section 43 (1A)—

After section 43 (1), insert:

(1A) A person shall not fail to comply with a reasonable direction given under subsection (1) (c) or obstruct, hinder, prevent or interfere with a member of the police force or, on production of his or her authority, a person authorised in accordance with subsection (1) in the exercise or performance of any power, authority, duty or function conferred or imposed by this section on the person.

Penalty: $500.

(d) Section 43 (2D)—

After "(1) (b)", insert "or (c)".

(e) Section 43 (3)—

After "forest materials", insert "or any article or thing".

(5) Section 45 (**False entries or returns**)—

Omit "four hundred dollars", insert instead "$500".

(6) Section 46A (**Penalty notice for certain offences**)—

Section 46A (2) (d)—

Omit "not exceeding the prescribed amount,".

SCHEDULE 18

(Sec. 3)

AMENDMENTS TO THE GROWTH CENTRES (DEVELOPMENT CORPORATIONS) ACT 1974

(1) Section 2 (**Division of Act**)—

Omit the section.

(2) Section 3 (**Interpretation**)—

(a) Section 3 (1), definition of "corporation"—

Omit "corporation sole", insert instead "Macarthur Development Corporation".

(b) Section 3 (1), definition of "corporation sole"—

Omit the definition.

(c) Section 3 (1), definition of "Macarthur Development Corporation"—

After the definition of "local government area", insert:

"Macarthur Development Corporation" means the corporation constituted under section 23A;

(3) Sections 3 (2), 23A (3), (4) (a), 23B, 33 (6) (ai), 34 (1), (8), (9), 39 (b)—

Omit "corporation sole" wherever occurring, insert instead "Macarthur Development Corporation".

(4) Part IIIA, heading—

Omit "CORPORATION SOLE", insert instead "MACARTHUR DEVELOPMENT CORPORATION".

(5) Section 23A (**Constitution of Macarthur Development Corporation**)—

(a) Section 23A (1)–(1B)—

Omit section 23A (1), insert instead:

(1) There is hereby constituted a corporation under the corporate name of the "Macarthur Development Corporation".

(1A) The affairs of the Macarthur Development Corporation shall be managed by the Director.

SCHEDULE 18—*continued*

AMENDMENTS TO THE GROWTH CENTRES (DEVELOPMENT CORPORATIONS) ACT 1974—*continued*

(1B) Any act, matter or thing done in the name of, or on behalf of, the Macarthur Development Corporation by the Director, or with the authority of the Director, shall be deemed to have been done by the corporation.

(b) Section 23A (2)—

Omit "corporation sole" where firstly occurring, insert instead "Macarthur Development Corporation".

(c) Section 23A (2) (e)—

Omit "sole".

(6) Section 23C (**Establishment of committees by Macarthur Development Corporation**)—

(a) Section 23C (1)—

(i) Omit "corporation sole" where firstly occurring, insert instead "Macarthur Development Corporation".

(ii) Omit "sole" where secondly and thirdly occurring.

(iii) Omit "corporation sole's", insert instead "corporation's".

(b) Section 23C (2)—

(i) Omit "corporation sole" where firstly occurring, insert instead "Macarthur Development Corporation".

(ii) Omit "sole" where secondly, thirdly and fourthly occurring.

(7) Section 34 (**Disclosure of interest**)—

(a) Section 34 (12)—

Omit "corporation sole" where firstly occurring, insert instead "Macarthur Development Corporation".

(b) Section 34 (12)—

Omit "sole" where secondly, thirdly and fourthly occurring.

SCHEDULE 18—*continued*

AMENDMENTS TO THE GROWTH CENTRES (DEVELOPMENT CORPORATIONS) ACT 1974—*continued*

(8) Schedule 6—

After clause 1, insert:

Change of name of corporation sole

2. (1) The Macarthur Development Corporation is a continuation of, and the same legal entity as, the corporation sole with the corporate name "Director, Macarthur Growth Area".

(2) A reference in any other Act or statutory instrument, or in any other instrument, or in any contract or agreement to the Director, Macarthur Growth Area shall be read as a reference to the Macarthur Development Corporation.

SCHEDULE 19

(Sec. 3)

AMENDMENT TO THE HEALTH INSURANCE LEVIES ACT 1982

Schedule 2, clause 4 (**Adjustment of prescribed rate**)—

Clause 4 (2)—

Omit the subclause, insert instead:

(2) Where the prescribed rate, after it is adjusted under subclause (1), includes a fraction of a cent—

(a) which is not greater than one-half of one cent—that fraction shall be disregarded; and

(b) which is greater than one-half of one cent—that fraction shall be treated as one cent.

SCHEDULE 20

(Sec. 3)

AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT 1940

Section 88B **(Regulation of certain contracts)**—

(1) Section 88B (1) (a) (ii)—

At the end of section 88B (1) (a) (ii), insert "or".

(2) Section 88B (1) (d)—

Omit the paragraph.

(3) Section 88B (1)—

Omit "or (d)".

(4) Section 88B (5), definition of "Hairdressing"—

Omit the definition.

SCHEDULE 21

(Sec. 3)

AMENDMENTS TO THE JUSTICES ACT 1902

(1) Sections 100Q–100T—

Omit the sections, insert instead:

Application for annulment of enforcement order

100Q. (1) An application may be made by or on behalf of any person against whom an enforcement order has been made for annulment of the order.

(2) An application shall be made in writing, within 12 months after the making of the enforcement order, to the court in which the order was made and may be lodged with any Clerk of a Local Court.

SCHEDULE 21—*continued*

AMENDMENTS TO THE JUSTICES ACT 1902—*continued*

(3) If an application is lodged with a Clerk of a Local Court other than the Clerk of the Local Court to which the application is being made, the Clerk with whom the application is lodged shall forward the application to the Clerk of the Local Court to which the application is being made.

Reference of enforcement order by Minister

100R. If the Minister, upon application made at any time by or on behalf of any person against whom an enforcement order has been made, is satisfied that any question or doubt has arisen as to the liability of the person for the penalty or other amount to which the order relates, the Minister may refer the matter to the court in which the order was made.

Annulment of enforcement order following application or reference

100S. (1) An application for annulment of an enforcement order or a reference from the Minister relating to an enforcement order shall be dealt with by the Clerk of the Local Court to which the application or reference was made.

(2) If the Clerk of a Local Court dealing with an application or reference is satisfied that there are proper grounds for doing so, the Clerk shall order that the enforcement order be annulled.

(3) The Clerk of the Local Court dealing with an application or reference shall give notice of his or her decision to all parties interested or concerned.

Appeal

100T. (1) A person aggrieved by the refusal of the Clerk of a Local Court to annul an enforcement order may, within the prescribed time, lodge an application in writing with the Clerk of that Local Court to have the matter dealt with by a Justice at that Local Court.

(2) The Clerk of the Local Court to which an application under this section is made shall, as soon as possible, give notice of the time and place of the hearing of the application to all parties interested or concerned.

SCHEDULE 21—*continued*

AMENDMENTS TO THE JUSTICES ACT 1902—*continued*

(3) The hearing of the application may proceed notwithstanding any omission or error in a notice or its non-service, provided the Local Court is satisfied that the applicant and the parties interested and concerned had knowledge of the time and place of hearing and were not prejudiced by the omission, error or non-service.

(4) If, but for this subsection, the hearing of an application may not proceed merely because—

(a) the applicant was not served with a notice of the time and place of hearing of the application; and

(b) the Justice exercising jurisdiction under this section is not satisfied that—

(i) the applicant had knowledge of the time and place; or

(ii) where the Justice is satisfied that the applicant had that knowledge, the applicant would not be prejudiced by the non-service,

the hearing of the application may proceed if the Justice exercising jurisdiction under this section is satisfied that the applicant is avoiding service of the notice or cannot, after reasonable search and inquiry, be found.

(5) Notices of hearing and of all other notices authorised or required under this section to be given may be sent by post and, where any such notice is so sent, it shall be addressed—

(a) in the case of the applicant, to the address given in the application unless—

(i) the applicant has informed the Clerk of the Local Court, either in the application or otherwise, of some other address for the purpose, in which case it shall be sent to that address; or

SCHEDULE 21—*continued*

AMENDMENTS TO THE JUSTICES ACT 1902—*continued*

(ii) no such address has been so given or notified, in which case it shall be sent to the address shown on the relevant penalty notice or, if the penalty notice was served by leaving it on, or attaching it to, a vehicle, to the address of the person who was (at the time the penalty notice was so served) the owner of the vehicle as shown in records kept in the Department of Motor Transport or in other prescribed records; or

(b) in any other case, to the address notified to the Clerk of the Local Court for that purpose by the person to whom the notice is to be given.

(6) If a Justice hearing an application is satisfied that there are proper grounds for doing so, the Justice may order that the enforcement order the subject of the application be annulled.

(7) The jurisdiction of a Local Court under this section shall not be exercised except by a Magistrate.

(2) Section 100v—

Omit the section, insert instead:

Stay of order, etc.

100v. The Clerk or Justice dealing with an application or reference may stay the enforcement of the order concerned subject to such terms and conditions as the Clerk or Justice thinks fit.

SCHEDULE 22

(Sec. 3)

AMENDMENT TO THE LAW FOUNDATION ACT 1979

Schedule 1, clause 2A—

After clause 2, insert:

Alternate members

2A. (1) The Attorney General may, from time to time, appoint an alternate member to act in the office of a member referred to in clause 2 (2) (b), (c) or (d) during the illness or absence of the member, and the alternate member, while so acting, shall have and may perform all the functions of the member and shall be deemed to be an appointed member.

(2) An alternate member shall have the same qualification and be nominated in the same manner as the member for whom he or she is the alternate member.

(3) An alternate member shall, subject to this Act, hold office until the occurrence of a vacancy in the office of the member for whom he or she is the alternate member.

(4) An alternate member is entitled to be paid such travelling and subsistence allowances as the Board may from time to time determine in respect of the alternate member.

SCHEDULE 23

(Sec. 3)

AMENDMENTS TO THE MARKETING OF PRIMARY PRODUCTS ACT 1983

(1) Section 11 **(Constitution of board)**—

Section 11 (5)—

Omit ", after consultation with the Minister for Consumer Affairs".

SCHEDULE 23—*continued*

AMENDMENTS TO THE MARKETING OF PRIMARY PRODUCTS ACT 1983—*continued*

(2) Section 49 (**Board may deal in other products, etc.**)—

Section 49 (3)—

After section 49 (2), insert:

(3) A board may not under this section deal with a primary product that is a commodity for which another board or committee is constituted, except with the consent of the other board or of the committee.

(3) Section 54 (**Miscellaneous functions**)—

(a) Section 54 (5) (a)—

Omit "in New South Wales".

(b) Section 54 (5) (b)—

Omit "incorporated in New South Wales".

(4) Section 62 (**Revesting of commodity if not accepted**)—

Omit "the commodity shall revest", insert instead "that part of the commodity which the board refuses to accept or which is exempted shall revest".

(5) Section 69 (**Constitution of committee**)—

Section 69 (5)—

Omit ", after consultation with the Minister for Consumer Affairs".

(6) Section 110 (**Financial accommodation**)—

Section 110 (2)—

After "the board or committee,", insert "or any other assets of the board or committee,".

(7) Section 127 (**Annual meetings of authorities**)—

(a) Section 127 (1) (b)—

Omit "under section 125 and such other reports".

SCHEDULE 23—*continued*

AMENDMENTS TO THE MARKETING OF PRIMARY PRODUCTS ACT 1983—*continued*

(b) Section 127 (2)—

Omit "earlier", insert instead "other".

(8) Schedule 2, clause 4 (3)—

Omit "subsection", insert instead "subclause".

SCHEDULE 24

(Sec. 3)

AMENDMENT TO THE MEAT INDUSTRY ACT 1978

Section 61—

Omit the section, insert instead:

Financial year

61. The financial year of—

(a) the Authority—shall be the year ending on 30 June; and

(b) the Corporation—shall be the year ending on 31 March.

SCHEDULE 25

(Sec. 3)

AMENDMENT TO THE MOTOR DEALERS ACT 1974

Section 49 (**Disclosures required in certain advertisements**)—

Section 49 (1)—

After "motor vehicle", insert "or part of a motor vehicle".

SCHEDULE 26

(Sec. 3)

AMENDMENT TO THE MOTOR VEHICLE REPAIRS ACT 1980

Section 4 (**Interpretation**)—

Section 4 (1), definition of "inspector"—

Omit the definition, insert instead:

"inspector" means—

(a) a member of staff of the Council appointed as an inspector of the Council under section 12 (1) or (2) (b); or

(b) a person of whose services the Council makes use under section 12 (2) (a) of this Act or any other Act appointed by the Council as an inspector.

SCHEDULE 27

(Sec. 3)

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT 1942

(1) Section 5 (**Interpretation**)—

Section 5 (1), definition of "Registered"—

Omit the definition, insert instead:

"Registered" means—

(a) registered under the Motor Traffic Act 1909, the Transport Act 1930 or the Recreation Vehicles Act 1983; or

(b) registered in New South Wales under the Interstate Road Transport Act 1985 of the Commonwealth.

SCHEDULE 27—*continued*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT 1942—*continued*

(2) Section 10 (**Third-party policy**)—

Section 10 (5) (c)—

After "terminate", insert "or the last day of the month in which that date occurs, whichever is the later".

(3) Section 14B (**Exclusion of certain claims**)—

After "Wales", insert "unless the motor vehicle was so registered under the Interstate Road Transport Act 1985 of the Commonwealth and there was in force in respect of that vehicle a third-party policy issued by the Government Insurance Office".

SCHEDULE 28

(Sec. 3)

AMENDMENTS TO THE NATIONAL PARKS AND WILDLIFE ACT 1974

PART 1

AMENDMENTS TO COMMENCE ON ASSENT

(1) Section 5 (**Interpretation**)—

Section 5 (1), definition of "by-laws"—

Omit the definition.

(2) Section 19 (1)—

Omit "or the by-laws".

(3) Sections 19 (2), 156, 159 (2)—

Omit "or by-law" wherever occurring.

(4) Section 21 (1)—

Omit ", the by-laws".

SCHEDULE 28—*continued*

AMENDMENTS TO THE NATIONAL PARKS AND WILDLIFE ACT 1974—*continued*

(5) Section 33 **(Reservation of parks and sites)**—

(a) Section 33 (5) (a) (ii)—

Omit "by-laws" where secondly occurring, insert instead "regulations".

(b) Section 33 (10)—

Omit the subsection.

(6) Section 47B **(Reservation of state recreation areas)**—

(a) Section 47B (3) (b) (ii)—

Omit "by-laws", insert instead "regulations".

(b) Section 47B (9)—

Omit the subsection.

(7) Section 47D (3), (4)—

After "by-laws" wherever occurring, insert "or regulations".

(8) Sections 138 (1) (b), 143, Part XIV—

Omit "Act, the regulations or the by-laws" wherever occurring, insert instead "Act or the regulations".

(9) Sections 152, 155 (2), (2B), (2C), (3), 162 (2)—

Omit "by-laws" wherever occurring, insert instead "regulations".

(10) Part XIII, heading—

Omit "AND BY-LAWS".

(11) Section 154 (m)—

Omit "Act, the regulations and the by-laws", insert instead "Act and the regulations".

SCHEDULE 28—*continued*

AMENDMENTS TO THE NATIONAL PARKS AND WILDLIFE ACT 1974—*continued*

(12) Section 155 (**Regulations relating to parks**)—

(a) Section 155 (2A)—

Omit "by-law" where firstly and secondly occurring, insert instead "regulation".

(b) Section 155 (4)—

Omit "by-law", insert instead "regulation".

(13) Section 159 (1), definition of "parking offence"—

Omit "or by-laws".

(14) Schedule 3, clause 20—

After clause 19, insert:

Amendments made by the Statute Law (Miscellaneous Provisions) Act (No. 2) 1986

20. (1) Any by-law made under this Act, or by-law, rule or regulation deemed to be a by-law made under this Act, and in force immediately before the date of assent to the Statute Law (Miscellaneous Provisions) Act (No. 2) 1986 shall on that date be deemed to be a regulation made under this Act.

(2) A reference in any other Act or statutory instrument, or in any other document, to a by-law made under this Act shall be read as a reference to a regulation made under this Act.

(15) Schedule 9A—

(a) Clause 3 (4)—

Omit "by-laws", insert instead "regulations".

(b) Clauses 7 (1), 9 (1), 13—

Omit "by-law" wherever occurring, insert instead "regulation".

SCHEDULE 28—*continued*

AMENDMENTS TO THE NATIONAL PARKS AND WILDLIFE ACT 1974—*continued*

PART 2

AMENDMENT TO COMMENCE ON COMMENCEMENT OF SCHEDULE 4 (9) TO THE NATIONAL PARKS AND WILDLIFE (AMENDMENT) ACT 1983

Section 160 (2) (as inserted by Act No. 183, 1983)—

Omit "Act, the regulations or the by-laws", insert instead "Act or the regulations".

SCHEDULE 29

(Sec. 3)

AMENDMENTS TO THE OMBUDSMAN ACT 1974

(1) Section 5 (**Interpretation**)—

Section 5 (1), paragraph (g1) of the definition of "public authority"—

Omit the paragraph, insert instead:

(g1) any local government authority or any member or employee of a local government authority; and

(2) Section 10 (**Delegation**)—

(a) Section 10 (2) (c)—

At the end of section 10 (2) (c), insert "or".

(b) Section 10 (2) (d)—

Omit the paragraph.

SCHEDULE 30

(Sec. 3)

AMENDMENTS TO THE PAROLE ORDERS (TRANSFER) ACT 1983

(1) Section 6 (**Documents to accompany requests**)—

Section 6 (1) (b)—

Omit the paragraph, insert instead:

(b) the judgment, order, direction, declaration or any other authority which authorised the imprisonment of the person to whom the parole order relates;

(2) Section 8 (**Registration**)—

(a) Section 8 (1) (b)—

Omit the paragraph, insert instead:

(b) keeping the endorsed parole order in a register together with the original or a copy of the document sent by the designated authority under section 6 (1) (b);

(b) Section 8 (2) (a)—

Omit "judgment or order", insert instead "document".

SCHEDULE 31

(Sec. 3)

AMENDMENT TO THE POLICE BOARD ACT 1983

Section 7A (**Merit to be primary consideration**)—

Section 7A (1) (c)—

Before "diligence", insert "integrity,".

SCHEDULE 32

(Sec. 3)

AMENDMENTS TO THE PRISONS ACT 1952

Section 5A (**Long Bay Correctional Centre**)—

(a) Section 5A (1)—

After "thereon)", insert "known as Long Bay Correctional Centre and".

(b) Section 5A (7)—

After section 5A (6), insert:

(7) A reference in any instrument or document of any kind (other than the map referred to in subsection (1)) to the Malabar Prison Complex shall be read as a reference to the Long Bay Correctional Centre.

SCHEDULE 33

(Sec. 3)

AMENDMENTS TO THE PRIVACY COMMITTEE ACT 1975

(1) Section 4 (**Interpretation**)—

(a) Definition of "appointed member"—

Omit "the Ombudsman or".

(b) Definition of "Ombudsman"—

Omit the definition.

(2) Section 5 (**Privacy Committee**)—

Section 5 (3) (a)—

Omit the paragraph.

SCHEDULE 34

(Sec. 3)

AMENDMENT TO THE PROBATION AND PAROLE ACT 1983

Section 41—

Omit the section, insert instead:

Revocation of parole order—remainder of sentence to be reduced by "clean street time"

41. (1) In this section—

"clean street time", in relation to a parole order which has been revoked, means the period commencing on the day on which the prisoner was released on parole pursuant to the parole order and ending on the day on which the parole order is, or is treated as having been, revoked.

(2) If a parole order is revoked, the balance (as at the date of release on parole) of the term or terms of imprisonment to which the parole order relates shall, notwithstanding section 39, be reduced by clean street time.

(3) A term of imprisonment shall not, on the revocation of a parole order, be reduced by clean street time if it was imposed after the date of release on parole or if for any other reason it does not relate to the parole order.

SCHEDULE 35

(Sec. 3)

AMENDMENTS TO THE PUBLIC AUTHORITIES SUPERANNUATION ACT 1985

(1) Section 32 (**Preserved benefit**)—

Section 32 (5)—

Range to the margin the words "together with interest thereon, from the exit date to the date of payment, at a rate determined by the Board.".

SCHEDULE 35—*continued*

AMENDMENTS TO THE PUBLIC AUTHORITIES SUPERANNUATION ACT 1985—*continued*

(2) Schedule 3, Part 1—

Omit "The New South Wales Dairy Corporation.".

(3) Schedule 6, clause 14 (**Calculation of adjustment percentage**)—

(a) Clause 14 (2) (a)—

Omit "or" where lastly occurring.

(b) Clause 14 (2) (b), (c)—

At the end of clause 14 (2) (b), insert:

; or

(c) a pension referred to in clause 11 (5)—shall be calculated as provided by subclause (3).

(c) Clause 14 (3)—

Omit "subclause (2) (a)", insert instead "subclause (2) (a) and (c)".

SCHEDULE 36

(Sec. 3)

AMENDMENTS TO THE REPRINTS ACT 1972

(1) Section 9C—

After section 9B, insert:

Amendment of Acts: the words "license" and "licenses"

9C. (1) In any other Act, the word "license" or "licenses", where used as a noun, is omitted and the word "licence" or "licences" inserted instead.

(2) Subsection (1) does not apply to—

(a) an agreement set forth in an Act; or

SCHEDULE 36—*continued*

AMENDMENTS TO THE REPRINTS ACT 1972—*continued*

(b) an amending provision,

but does apply to an uncommenced amending provision.

(3) This section does not affect the validity or effect of any instrument granted or issued under an Act amended by this section.

(2) Section 13 (**Application of certain provisions of this Act to certain instruments**)—

Omit "7 and 9B", insert instead "7, 9B and 9C".

SCHEDULE 37

(Sec. 3)

AMENDMENT TO THE SEARCH WARRANTS ACT 1985

Section 24A—

After section 24, insert:

Ministerial arrangements for things seized in connection with extra-territorial offences

24A. (1) In this section—

"appropriate authority" means—

(a) in relation to another State or a Territory of the Commonwealth (other than the Australian Capital Territory)—an authority exercising, in relation to the Police Force of that State or Territory, functions corresponding to those of the Commissioner of Police in relation to the police force of New South Wales; or

SCHEDULE 37—*continued*

AMENDMENT TO THE SEARCH WARRANTS ACT 1985—*continued*

(b) in relation to the Australian Capital Territory—the Commissioner of the Australian Federal Police.

(2) The Minister may enter into arrangements with a Minister of another State or a Territory of the Commonwealth under which—

(a) things seized under this Act that may be relevant to the investigation of an offence against the law of that State or Territory—

(i) are to be transmitted to the appropriate authority in that State or Territory for the purposes of the investigation of, or proceedings in respect of, that offence; and

(ii) when no longer required for the purposes of any such investigation or proceedings, are (unless disposed of by order or direction of a court or Magistrate) to be returned to the Commissioner of Police; and

(b) things seized under the law of that other State or Territory that may be relevant to the investigation of an offence against the law of this State—

(i) are to be transmitted to the Commissioner of Police; and

(ii) when no longer required for the purposes of the investigation of an offence, or proceedings in respect of an offence, are (unless disposed of by order or direction of a court or Magistrate) to be returned to the appropriate authority in the State or Territory in which they were seized.

(3) This section has effect notwithstanding section 7 (3).

SCHEDULE 38

(Sec. 3)

AMENDMENTS TO THE STATE DEVELOPMENT AND INDUSTRIES ASSISTANCE ACT 1966

PART 1—AMENDMENTS TO COMMENCE ON ASSENT

(1) Section 2 (**Arrangement**)—

Omit the section.

(2) Section 3 (**Interpretation**)—

(a) Section 3 (1), definition of "Ministerial Corporation"—

Omit the definition, insert instead:

"Ministerial Corporation" means the corporation constituted under section 34H.

(b) Section 3 (2A)—

After section 3 (2), insert:

(2A) In this Act—

(a) a reference to a function includes a reference to a power, authority and duty; and

(b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

(3) Section 8G (**Determination of applications for financial assistance**)—

Section 8G (6)—

Omit "Minister", insert instead "Ministerial Corporation".

(4) Section 32 (**Ministerial Corporation's powers to have surveys, etc., carried out**)—

Omit "perform", insert instead "exercise".

(5) Section 34 (**Agreements or arrangements between the Ministerial Corporation and the State Bank**)—

Omit "perform any of the functions referred to in section 11 and exercising any of the powers conferred on that Corporation by this Part", insert instead "exercise any of the functions referred to in section 11 and conferred on that Corporation by this Part".

SCHEDULE 38—*continued*

AMENDMENTS TO THE STATE DEVELOPMENT AND INDUSTRIES ASSISTANCE ACT 1966—*continued*

(6) Section 34A (**Ministerial Corporation's powers to acquire land**)—

(a) Section 34A (1) (c)—

After "for industries", insert "and business undertakings".

(b) Section 34A (1) (c)—

After "such industries", insert "and business undertakings".

(c) Section 34A (2)—

Omit the subsection.

(7) Section 34D (**Power of Ministerial Corporation to make roads, etc.**)—

Section 34D (1) (a)—

After "industries", insert "or business undertakings".

(8) Section 34F—

Omit the section, insert instead:

Ministerial Corporation's powers to erect, alter or extend buildings for industries and business undertakings—

34F. (1) The Ministerial Corporation may cause to be erected, on land acquired by that Corporation under this Part for the purpose referred to in—

(a) section 34A (1) (a)—buildings suitable for occupation for the purposes of a country industry; and

(b) section 34A (1) (c)—buildings suitable for occupation for the purposes of an industry or business undertaking other than a country industry.

(2) The Ministerial Corporation may cause any building erected on land acquired by that Corporation under this Part for the purpose referred to in—

(a) section 34A (1) (a)—to be altered or extended to make it suitable for occupation by a country industry; and

SCHEDULE 38—*continued*

AMENDMENTS TO THE STATE DEVELOPMENT AND INDUSTRIES ASSISTANCE ACT 1966—*continued*

(b) section 34A (1) (b)—to be altered or extended to make it suitable for occupation by an industry or business undertaking other than a country industry.

(9) Section 34G (**Disposal of land by the Ministerial Corporation**)—

(a) Omit "Minister" wherever occurring, insert instead "Ministerial Corporation".

(b) Section 34G (1)—

Omit "he", insert instead "that Corporation".

(c) Section 34G—

Omit "him" wherever occurring, insert instead "that Corporation".

(10) Section 34H (**Constitution of Ministerial Corporation**)—

Section 34H (1)–(1B)—

Omit section 34H (1), insert instead:

(1) For the purposes of Parts IIA, III and IIIA and this Part, there is constituted by this section a corporation under the corporate name of the "Ministerial Corporation for Industry".

(1A) The affairs of the Ministerial Corporation shall be managed by the Minister.

(1B) Any act, matter or thing done in the name of, or on behalf of, the Ministerial Corporation by the Minister, or with the authority of the Minister, shall be deemed to have been done by the Ministerial Corporation.

(11) Section 34J (**Publications**)—

Omit "and powers".

SCHEDULE 38—*continued*

AMENDMENTS TO THE STATE DEVELOPMENT AND INDUSTRIES ASSISTANCE ACT 1966—*continued*

(12) Section 34O—

After section 34N, insert:

Delegation by Ministerial Corporation

34O. (1) The Ministerial Corporation may delegate to a member of the staff of the Department of Industrial Development and Decentralisation the exercise of any of its functions, other than this power of delegation.

(2) A delegation under this section—

(a) shall be in writing;

(b) may be general or limited; and

(c) may be revoked, wholly or partly, by the Ministerial Corporation.

(3) A delegate is, in the exercise of a function delegated under this section, subject to such conditions as are specified in the instrument of delegation.

(4) A function delegated under this section, when exercised by the delegate, shall be deemed to have been exercised by the Ministerial Corporation.

(5) A delegation under this section does not prevent the exercise of a function by the Ministerial Corporation.

(6) A function purporting to have been exercised by a delegate under this section shall, until the contrary is proved, be deemed to have been duly exercised by a delegate under this section.

(13) Section 39, Schedule 1—

After section 38, insert:

Savings, transitional and other provisions

39. Schedule 1 has effect.

SCHEDULE 38—*continued*

AMENDMENTS TO THE STATE DEVELOPMENT AND INDUSTRIES ASSISTANCE ACT 1966—*continued*

SCHEDULE 1

(Sec. 39)

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

Change of name of Ministerial Corporation

1. (1) The Ministerial Corporation for Industry is a continuation of, and the same legal entity as, the corporation sole constituted under the name of "Ministerial Corporation for Industry and Decentralisation, Small Business and Technology".

(2) A reference in any other Act or statutory instrument, or in any other instrument or in any contract or agreement to the "Ministerial Corporation for Industry and Decentralisation, Small Business and Technology" shall be construed as a reference to the "Ministerial Corporation for Industry".

PART 2—AMENDMENTS TO COMMENCE ON COMMENCEMENT OF SCHEDULE 2 OF STATE DEVELOPMENT AND INDUSTRIES ASSISTANCE (AMENDMENT) ACT 1986

(1) Section 5 (as inserted by Act No. 83, 1986)—

Section 5 (3)—

Omit "performance", insert instead "exercise".

(2) Section 7 (as inserted by Act No. 83, 1986)—

(a) Section 7 (1), (3), (5)—

Omit "performance or" wherever occurring.

(b) Section 7 (1) (b)—

Omit "or powers".

(c) Section 7 (3), (4), (5), (6)—

Omit "or power" wherever occurring.

SCHEDULE 38—*continued*

AMENDMENTS TO THE STATE DEVELOPMENT AND INDUSTRIES ASSISTANCE ACT 1966—*continued*

(d) Section 7 (4), (6)—

Omit "performed or" wherever occurring.

(3) Section 8 (as inserted by Act No. 83, 1986)—

Section 8 (1)—

Omit "perform its functions and to exercise its powers", insert instead "exercise its functions".

(4) Section 8A (as inserted by Act No. 83, 1986)—

Omit "performance of its functions or the exercise of its powers", insert instead "exercise of its functions".

SCHEDULE 39

(Sec. 3)

AMENDMENTS TO THE STRATA TITLES ACT 1973

(1) Section 7 (**Subdivision**)—

Section 7 (3)—

Omit "or restrictions as to user", insert instead ", restrictions on the use of land or positive covenants".

(2) Section 10 (**Unit entitlement of lots created by subdivision of lots only**)—

Section 10 (1)—

Omit "referred to in section 5 (7) (a) or 9 (1)", insert instead "altering the boundaries of one or more lots so as to create only two or more different lots, other than a plan referred to in section 8A (1),".

SCHEDULE 39—*continued*

AMENDMENTS TO THE STRATA TITLES ACT 1973—*continued*

(3) Section 11 (**Unit entitlement of lots in subdivisions involving common property**)—

Omit "referred to in section 5 (7) (b), (c) or (d) or 9 (1)", insert instead ", other than a plan referred to in section 8A (1) or 10 (1),".

(4) Section 28 (**Effect of dealings under this Division**)—

Section 28 (4) (b)—

Omit the paragraph, insert instead:

(b) except where a certificate under this paragraph or section 9 (3) (d) or 13 (2) (b) has been previously lodged in the office of the Registrar-General or a certified or office copy of the minute of an order made under section 67 authorising the registration of the dealing is so lodged, certifying that the resolution referred to in paragraph (a) was passed after the expiration of the initial period,

(5) Section 28A (**Approval of development statement**)—

(a) Section 28A (1)—

Omit the subsection, insert instead:

(1) Where the development proposed in an application for development consent lodged with a consent authority includes—

(a) the registration of a strata plan; and

(b) the subsequent subdivision, by a strata plan of subdivision, of a lot in the strata plan,

the development consent shall not be given by the consent authority unless—

(c) the development application is accompanied by a proposed development statement; and

(d) no part of the lot intended for subsequent subdivision is superimposed on any part of another lot in the strata plan.

SCHEDULE 39—*continued*

AMENDMENTS TO THE STRATA TITLES ACT 1973—*continued*

(b) Section 28A (3)—

Omit "comprise" where firstly occurring, insert instead "be comprised of".

(c) Section 28A (3) (a)—

Omit "comprise" where firstly occurring, insert instead "consist of".

(6) Section 28B (**Registration of development statement**)—

Section 28B (2) (c)—

Omit "development authority", insert instead "consent authority".

(7) Section 28I (**Termination of development scheme**)—

(a) Section 28I (1) (e)—

After "mortgagee", insert "and covenant chargee".

(b) Section 28I (2) (b)—

Omit "mortgagee or enrolled mortgagee", insert instead "or enrolled mortgagee or covenant chargee".

(8) Section 28P (**Resolution for application by body corporate**)—

(a) Section 28P (2)—

Omit "proxy or mortgagee", insert instead "mortgagee, covenant chargee or proxy".

(b) Section 28P (2)—

Omit "mortgagee or as a", insert instead "a mortgagee, covenant chargee or".

(9) Section 32 (**Readjustment of strata scheme for purposes of resumption**)—

Section 32 (4) (d)—

After "charge", insert ", covenant charge".

SCHEDULE 39—*continued*

AMENDMENTS TO THE STRATA TITLES ACT 1973—*continued*

(10) Section 62 (10) (a)—

Omit "court of petty sessions" wherever occurring, insert instead "Local Court".

(11) Section 68 (**Duties of body corporate**)—

Section 68 (1) (h)—

Omit "the prescribed", insert instead "prescribed".

(12) Section 78 (**Managing agent**)—

Section 78 (1A) (c)—

Omit the paragraph, insert instead:

(c) a determination under section 68 (1) (j) or (k) (including such a determination made pursuant to section 68 (4A)),

or to levy contributions under section 68 (1) (p).

(13) Section 95 (**Land tax**)—

Section 95 (6) (c) (ii)—

Omit "discretionary", insert instead "special".

(14) Section 105 (1B)—

Omit "Courts of Petty Sessions", insert instead "Local Courts".

(15) Section 113A (**Commissioner may make certain by-laws**)—

Section 113A (1)—

After "proprietor", insert "for an order".

(16) Section 142 (4) (a)—

Omit "Courts of Petty Sessions", insert instead "Local Courts".

(17) Section 146 (**Other rights and remedies not affected by this Act**)—

Section 146 (1)—

Omit "or mortgagee", insert instead ", mortgagee or chargee".

SCHEDULE 40

(Sec. 3)

AMENDMENT TO THE SYDNEY CRICKET AND SPORTS GROUND ACT 1978

Schedule 1 (**Provisions relating to constitution and procedure of the Trust**)—

Clauses 8, 8A—

Omit clause 8, insert instead:

Chairman and Deputy Chairman of Trust

8. (1) Of the members, one shall, in and by the relevant instrument of appointment as such a member, or by another instrument executed by the Governor, be appointed as Chairman and one shall be so appointed as Deputy Chairman.

(2) The Governor may remove a member from the office of Chairman or Deputy Chairman.

(3) A person who is a member and Chairman or Deputy Chairman shall be deemed to have vacated office as Chairman or Deputy Chairman if the person—

(a) is removed from that office by the Governor under subclause (2);

(b) resigns that office by instrument in writing addressed to the Minister; or

(c) ceases to be a member.

(4) The Governor may, from time to time, appoint a member to act in the office of Chairman or Deputy Chairman during the illness or absence of the Chairman or Deputy Chairman, and the member, while so acting, shall have and may exercise all the functions of the Chairman or Deputy Chairman and shall be deemed to be the Chairman or Deputy Chairman.

(5) The Governor may remove any person from an office to which the person was appointed under this clause.

SCHEDULE 40—*continued*

AMENDMENT TO THE SYDNEY CRICKET AND SPORTS GROUND ACT 1978—*continued*

(6) For the purposes of this clause, a vacancy in the office of the Chairman or Deputy Chairman shall be deemed to be an absence from the office of the Chairman or Deputy Chairman.

Extension of office of Chairman

8A. The person holding office as Chairman immediately before 31 December 1987 does not cease to be a member only because of attaining the age of 70 years and may, notwithstanding clause 6, continue to hold office as a member and as Chairman for a period of 3 months after the day on which the person attains that age.

SCHEDULE 41

(Sec. 3)

AMENDMENTS TO THE SYDNEY HARBOUR TRUST ACT 1900

Section 49 **(Contracts by the board, how to be entered into)**—

(1) Section 49 (2)—

After "contract", insert "for the supply of articles or goods".

(2) Section 49 (2)—

Omit "four thousand dollars", insert instead "$10,000".

SCHEDULE 42

(Sec. 3)

AMENDMENT TO THE TRANSPORT ACT 1930

Section 132A (**Gratuities payable to non-contributors**)—

Section 132A (8)—

After section 132A (7), insert:

(8) For the purposes of the calculation of the gratuity payable to an officer under the provisions of this section, salary or wages payable to the officer immediately prior to retirement or death includes any allowance payable to the officer for not less than 6 months in aggregate during the period of 12 months immediately prior to the officer's retirement or death.

SCHEDULE 43

(Sec. 3)

AMENDMENTS TO THE VENEREAL DISEASES ACT 1918

Section 22 (**Keepers of disorderly houses**)—

(1) Omit "female", insert instead "person".

(2) Omit "he", insert instead "the offender".

SCHEDULE 44

(Sec. 3)

AMENDMENTS TO THE WESTERN LANDS ACT 1901

SCHEDULE 44—*continued*

AMENDMENTS TO THE WESTERN LANDS ACT 1901—*continued*

(1) Section 8A—

After section 8, insert:

Delegation by Commissioner

8A. (1) The Commissioner may delegate to an officer of the Department of Lands the exercise of any of the Commissioner's functions, other than this power of delegation.

(2) A delegation under this section—

(a) shall be in writing;

(b) may be general or limited; and

(c) may be revoked, wholly or partly, by the Commissioner.

(3) A delegate is, in the exercise of a function delegated under this section, subject to such conditions as are specified in the instrument of delegation.

(4) A function delegated under this section, when exercised by the delegate, shall be deemed to have been exercised by the Commissioner.

(5) A delegation under this section does not prevent the exercise of a function by the Commissioner.

(6) A function purporting to have been exercised by a delegate under this section shall, until the contrary is proved, be deemed to have been duly exercised by a delegate under this section.

(7) In this section—

(a) a reference to a function includes a reference to a power, authority and duty; and

(b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

(2) Section 18DB (**Clearing licences**)—

(a) Section 18DB (5)—

After "licence", insert "and for extension of the period a clearing licence remains in force".

SCHEDULE 44—*continued*

AMENDMENTS TO THE WESTERN LANDS ACT 1901—*continued*

(b) Section 18DB (8)—

Omit the subsection, insert instead:

(8) A clearing licence remains in force—

(a) for such period as the Commissioner may specify in the licence; or

(b) where the Commissioner, on application for extension of that period, specifies in writing a longer period, for the period so specified,

unless sooner cancelled or surrendered.

SCHEDULE 45

(Sec. 3)

AMENDMENT TO THE WORKERS' COMPENSATION ACT 1926

Section 30AD (**Prohibited practices**)—

Section 30AD (3)—

Omit the subsection, insert instead:

(3) Subsection (2) does not apply in respect of—

(a) a policy—

(i) issued by the Government Insurance Office to a government department or administrative office; or

(ii) of a class declared by the regulations to be exempt from the operation of that subsection; or

(b) a policy to which an order under section 30AB applies, being a policy for which a premium is calculated in the manner fixed by the order.

SCHEDULE 46

(Sec. 3)

AMENDMENTS RELATING TO CALCULATION OF INTEREST ON SPECIAL DEPOSITS ACCOUNTS

Fish River Water Supply Administration Act 1945 No. 16—

Section 13 **(Renewal Reserve Account)—**

Section 13 (3)—

Omit the subsection, insert instead:

(3) The Renewal Reserve Account shall be credited with interest on the credit balance as the Treasurer determines.

Government Railways Act 1912 No. 30—

Section 112 **(Government Railways Superannuation Account)—**

Section 112 (3)—

Omit the subsection, insert instead:

(3) Interest on the credit balance of the Government Railways Superannuation Account shall be paid out of the Consolidated Fund into that account as the Treasurer directs at such rates as may be determined by the Treasurer and the board.

New South Wales Government Engineering and Shipbuilding Undertaking Act 1943 No. 19—

Section 9 **(Depreciation Reserve Account)—**

Section 9 (3)—

Omit the subsection, insert instead:

(3) The Working Account shall be credited with interest on the credit balance of the Depreciation Reserve Account as the Treasurer determines.

South-west Tablelands Water Supply Administration Act 1941 No. 36—

Section 13 **(South-west Tablelands Water Supply Renewal Reserve Account)—**

Section 13 (3)—

Omit the subsection, insert instead:

(3) The Renewal Reserve Account shall be credited with interest as the Treasurer determines.

SCHEDULE 46—*continued*

AMENDMENTS RELATING TO CALCULATION OF INTEREST ON SPECIAL DEPOSITS ACCOUNTS—*continued*

State Brickworks Act 1946 No. 16—

Section 6 **(Depreciation Reserve Account)—**

Section 6 (3)—

Omit the subsection, insert instead:

(3) The Working Account shall be credited with interest on the credit balance of the Depreciation Reserve Account as the Treasurer determines.

SCHEDULE 47

(Sec. 3)

AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE LAW REVISION

Animal Research Act 1985 No. 123—

Section 54 **(Impersonation, etc., of inspectors)—**

At the end of the section, insert:

Penalty: $2,000.

Arbitration (Civil Actions) Act 1983 No. 43—

(1) Section 16 (1)—

Omit "Division 6", insert instead "Division 9A".

(2) Section 16 (1)—

Omit "(section 122 (4) excepted)", insert instead "(section 148B (2) excepted)".

Auctioneers and Agents (Amendment) Act 1986 No. 63—

Section 4—

After "as the Minister", insert "administering the Auctioneers and Agents Act 1941".

SCHEDULE 47—*continued*

AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE LAW REVISION—*continued*

Bush Fires Act 1949 No. 31—

Section 38—

Omit the section, insert instead:

Distribution of annual report

38. As soon as practicable after the annual report which includes the financial statements prepared in accordance with Division 3 of Part III of the Public Finance and Audit Act 1983 relating to the Fund has been laid before both Houses of Parliament or transmitted to the Clerk of the Parliaments and the Clerk of the Legislative Assembly, the Minister shall furnish to each council and each insurance company contributing to the Fund a copy of the annual report.

Business Franchise Licences (Tobacco) Act 1975 No. 63—

(1) Section 2 (**Division of Act**)—

Omit the section.

(2) Schedule 1, heading—

Omit "FOR WHOLESALE TOBACCO MERCHANTS' LICENCES".

Coal and Oil Shale Mine Workers (Superannuation) Act 1941 No. 45—

(1) Section 15 (3) (d)—

Omit "Australian", insert instead "Australasian".

(2) (a) Section 32 (6) (a)—

Omit "Combined Colliery Proprietors' ", insert instead "Coal".

(b) Section 32 (6) (b)—

Omit "Australian Coal and Oil", insert instead "Australasian Coal and".

(c) Section 32 (6) (d)—

Omit "and Shipwrights' ".

Coal Mines Regulation Act 1982 No. 67—

Section 134 (1) (a)—

Omit "of" where thirdly occurring.

Commercial Agents and Private Inquiry Agents Act 1963 No. 4—

(1) Section 10 (2)—

Omit "local court", insert instead "Local Court".

SCHEDULE 47—*continued*

AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE LAW REVISION—*continued*

(2) Sections 10 (10), 37 (1)—

Omit "court of petty sessions" wherever occurring, insert instead "Local Court".

Commercial Agents and Private Inquiry Agents (Amendment) Act 1985 No. 53—

Schedule 1, item 28—

From clause 12 (3) of Schedule 1 to be inserted in the Principal Act omit "section", insert instead "clause".

Commercial Arbitration Act 1984 No. 160—

Section 3 (6)—

Omit "Proceedings", insert instead "Actions".

Crimes (Confiscation of Profits) Act 1985 No. 181—

Section 27 (4)—

Omit "III", insert instead "II".

District Court Act 1973 No. 9—

Section 63 (1) (a)—

Omit "or" where lastly occurring, insert instead "and".

Futures Industry (Application of Laws) Act 1986 No. 66—

(1) Schedule 8, clause 2—

Omit "41", insert instead "46".

(2) Schedule 8, clause 3—

Omit "43", insert instead "48".

(3) Schedule 8, clause 4 (2)—

Omit "48", insert instead "54".

(4) Schedule 8, clause 5 (1)—

Omit "50", insert instead "57".

(5) Schedule 8, clause 5 (2)—

Omit "50 (2)", insert instead "57 (2)".

(6) Schedule 8, clause 6—

Omit "51", insert instead "58".

SCHEDULE 47—*continued*

AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE LAW REVISION—*continued*

(7) Schedule 8, clause 7—

Omit "53", insert instead "59 (2)".

Gaming and Betting Act 1912 No. 25—

(1) Section 3—

(a) From the definition of "Race-meeting", omit "trotting contests", insert instead "harness racing".

(b) From the definition of "Sports", omit "trotting races", insert instead "harness racing".

(c) From the definition of "Trotting trial meeting", omit "Trotting", insert instead "Harness racing".

(d) From the definition of "Trotting trial meeting", omit "trotting races or contests", insert instead "harness racing".

(2) Section 7—

(a) Omit "trotting races" where firstly occurring, insert instead "harness racing".

(b) Section 7—

Omit "the penalty", insert instead "a penalty".

(3) Sections 7, 51—

Omit "trotting trial" wherever occurring, insert instead "harness racing trial".

(4) Sections 7, 51 (5), (5AA), 53D (1)—

Omit "trotting races or contests" wherever occurring, insert instead "harness racing".

(5) Sections 47A, 47B, 47C, 53, 53A—

Omit "trotting" wherever occurring, insert instead "harness racing".

(6) Sections 47G, 51, 52—

Omit "trotting contests" wherever occurring, insert instead "harness racing".

(7) Section 54—

Omit "trotting-races or contests" wherever occurring, insert instead "harness racing".

SCHEDULE 47—*continued*

AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE LAW REVISION—*continued*

Higher Education Act 1975 No. 47—

Section 8 **(Remuneration, etc., of member of Board)—**

Section 8 (1)—

Omit the subsection, insert instead:

(1) A full-time member of the Board is entitled to be paid—

(a) remuneration in accordance with the Statutory and Other Offices Remuneration Act 1975; and

(b) such travelling and subsistence allowances as the Minister may from time to time determine in respect of the member.

Housing Act 1912 No. 7—

(1) Section 40F—

(a) Section 40F (3)—

Omit "Corporation" where firstly occurring, insert instead "Director of Housing holding office as such under the Public Service Act 1979".

(b) Section 40F (3)—

Omit ", and the Chairman of the Corporation shall have the powers of a chairman".

(c) Section 40F (3)—

Omit "Corporation" where lastly occurring, insert instead "Director".

(2) Section 43—

(a) Section 43 (3)—

Omit "; the amount of such costs, if not paid on demand, shall be levied by distress, and upon application to any justice for that purpose he shall issue his warrant accordingly".

(b) Section 43 (3A)—

After section 43 (3), insert:

(3A) Any costs due to the Corporation under subsection (3) may be recovered by the Corporation as a debt in a court of competent jurisdiction.

(3) Section 46—

Omit "they think", insert instead "it thinks".

SCHEDULE 47—*continued*

AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE LAW REVISION—*continued*

(4) Section 49 (2)—

Omit "stipendiary magistrate or any two justices in petty sessions", insert instead "Magistrate or any 2 justices constituting a Local Court".

Landlord and Tenant (Rental Bonds) Amendment Act 1986 No. 62—

Section 4—

After "as the Minister", insert "administering the Landlord and Tenant (Rental Bonds) Act 1977".

Local Government (Movable Dwellings) Amendment Act 1986 No. 21—

Schedule 1 (2)—

Omit "After Division 5, insert:", insert instead "After Division 5A, insert:".

Mental Health Act 1983 No. 178—

(1) (a) Schedule 2, clause 3A—

After clause 3, insert:

Duties of full-time members

3A. A full-time member shall devote the whole of his or her time to the duties of the office of member, except as permitted by this Act or except with the consent of the Minister.

(b) Schedule 2, clause 4 (**Remuneration**)—

(i) Schedule 2, clause 4 (1)—

Omit "and a Deputy President" where firstly occurring, insert instead ", a Deputy President and a full-time member, other than the President or a Deputy President,".

(ii) Schedule 2, clause 4 (1) (b)—

Omit "President and a Deputy President, respectively", insert instead "member".

(iii) Schedule 2, clause 4 (2)—

Omit "A member, other than the President or a Deputy President,", insert instead "A part-time member".

SCHEDULE 47—*continued*

AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE LAW REVISION—*continued*

(c) Schedule 2, clause 7 (**Vacation of office**)—

Schedule 2, clause 7 (e1)—

After clause 7 (e), insert:

(e1) being a full-time member, engages in any paid employment outside the duties of the office of member, except with the consent of the Minister;

(2) Schedule 3, Note 1—

(a) After "hospital" where secondly occurring, insert ", prison or other place".

(b) Omit "85", insert instead "88".

(c) Omit "sexual preference, sexual orientation", insert instead "sexual preference or sexual orientation".

(d) Before "physiological", insert "serious and permanent".

(e) Omit "on a number of occasions".

Motor Traffic Act 1909 No. 5—

Section 10A (1) (b) (ii)—

Omit "8 (1)", insert instead "8 (2)".

Pawnbrokers (Amendment) Act 1985 No. 10—

(1) Section 5—

Omit the section.

(2) Schedule 2—

Omit the Schedule.

Police Regulation (Superannuation) Act 1906 No. 28—

Schedule 1, clause 1 (1), definition of "eligibility date"—

After "applies", insert "is payable".

Public Servant Housing Authority Act 1975 No. 38—

(1) Section 7 (1) (c)—

Omit "Chairman of The Housing Commission of New South Wales", insert instead "Director of Housing under the Public Service Act 1979".

(2) Section 8—

Section 8 (6)—

Omit the subsection.

SCHEDULE 47—*continued*

AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE LAW REVISION—*continued*

Registered Clubs (Amendment) Act 1986 No. 78—

Schedule 1 (1) (a)—

Omit "address", insert instead "amalgamated club".

Registration of Interests in Goods Act 1986 No. 37—

Section 20 (3)—

Omit "subsection (1)", insert instead "subsection (2)".

Stamp Duties Act 1920 No. 47—

Second Schedule—

From paragraph (7) appearing under the heading "TRANSFER OF SHARES" omit "or an intestacy", insert instead "on an intestacy".

State Development and Country Industries Assistance (Amendment) Act 1985 No. 187—

Schedule 3 (13) (c), (d)—

After "34" wherever occurring, insert "A".

State Development and Industries Assistance (Amendment) Act 1986 No. 83—

Schedule 7, clause 4 (4)—

After "Minister" wherever occurring, insert "administering the Principal Act".

State Roads Act 1986 No. 85—

Schedule 1, matter relating to Attachment of Wages Limitation Act 1957 No. 28—

Omit "(Limitation)", insert instead "Limitation".

Statute Law (Miscellaneous Provisions) Act 1986 No. 16—

Schedule 23, item (8) (d) of the matter relating to the Workers' Compensation Act 1926—

Omit "of sections", insert instead "and sections".

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

(1) Part 1 of Schedule 2—

After "Deputy President of the Mental Health Review Tribunal.", insert:

Full-time member of the Mental Health Review Tribunal, other than the President or Deputy President.

SCHEDULE 47—*continued*

AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE LAW REVISION—*continued*

(2) Part 2 of Schedule 3—

Omit "Member of the Mental Health Review Tribunal, other than the President and a Deputy President.".

Superannuation (Further Amendment) Act 1985 No. 155—

Schedule 2 (1) (c)—

After " 'and' ", insert "where secondly occurring".

Supreme Court Act 1970 No. 52—

Section 124 (2) (a)—

Omit "or" where lastly occurring, insert instead "and".

Valuers Registration Act 1975 No. 92—

Section 30 (4)—

Omit "section 13 (1) (a)", insert instead "section 14 (b), 15 (1) (b) (i) or 15A (b) (i)".

SCHEDULE 48

(Sec. 4)

REPEALS

Reclamation Act 1930 No. 37

Miscellaneous Acts (Deputy Commissioners of Police) Amendment Act 1981 No. 121

Statutory and Other Offices Remuneration (Local Courts) Amendment Act 1982 No. 167

Statutory and Other Offices Remuneration (Egg Industry) Amendment Act 1983 No. 58

Statutory and Other Offices Remuneration (Metropolitan Water Sewerage and Drainage Board) Amendment Act 1983 No. 85

Clean Waters (Licences and Approvals) Amendment Act 1983 No. 95

Statutory and Other Offices Remuneration (Public Authorities Superannuation Board) Amendment Act 1983 No. 108

Statutory and Other Offices Remuneration (Dairy Corporation) Amendment Act 1983 No. 158

Anatomy (Human Tissue) Amendment Act 1983 No. 165

SCHEDULE 48—*continued*

REPEALS—*continued*

Real Property (Conversion of Title) Amendment Act 1984 No. 25

Dairy Industry (Amendment) Act 1984 No. 27

Coal and Oil Shale Mine Workers (Superannuation) Amendment Act 1984 No. 32

Statutory and Other Offices Remuneration (Tourism Commission) Amendment Act 1984 No. 50

Supreme Court (Solicitors' Remuneration) Amendment Act 1984 No. 54

Police Regulation (Superannuation) (Election) Amendment Act 1984 No. 83

Statutory and Other Offices Remuneration (Commercial Tribunal) Amendment Act 1984 No. 99

Statutory and Other Offices Remuneration (Maritime Services Board) Amendment Act 1984 No. 102

Statutory and Other Offices Remuneration (New Darling Harbour Authority) Amendment Act 1984 No. 104

Coal and Oil Shale Mine Workers (Superannuation) Further Amendment Act 1984 No. 116

Strata Titles (Land Tax) Amendment Act 1984 No. 131

Local Courts (Amendment) Act 1984 No. 142

Canned Fruits Marketing (Amendment) Act 1984 No. 146

Statutory and Other Offices Remuneration (State Public Service Superannuation Board) Amendment Act 1985 No. 49

Statutory and Other Offices Remuneration (Legal Services Commission) Amendment Act 1985 No. 87

Statutory and Other Offices Remuneration (Board of Fire Commissioners) Amendment Act 1985 No. 108

Statutory and Other Offices Remuneration (Sydney Market Authority) Amendment Act 1985 No. 138

Statutory and Other Offices Remuneration (Commissioners of Inquiry) Amendment Act 1985 No. 230

SCHEDULE 49

(Sec. 5)

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

Savings relating to repealed enactments

1. The repeal by this Act of any enactment does not affect—

(a) the proof of any past act or thing;

(b) the continuity, or status as a legal entity, of any body;

(c) any duty, obligation, liability, benefit, privilege or right saved by the operation of the enactment; or

(d) any amendment or validation made by the enactment.

Interpretation Act 1897

2. The savings contained in this Schedule do not limit any saving in the Interpretation Act 1897.

Effect of amendment of amending provisions

3. An amendment made by Schedule 47 to an amending provision (as defined by the Reprints Act 1972) contained in an Act shall, if the amending provision has commenced before the date of assent to this Act, be deemed to have taken effect as from the commencement of the amending provision.

Effect of amendment or repeal on acts done or decisions made

4. Except where it is expressly provided to the contrary, where this Act—

(a) amends a provision of an Act; or

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

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

Amendment of the Disorderly Houses Act 1943

5. (1) The amendment of the Disorderly Houses Act 1943 by this Act does not, unless the Supreme Court otherwise orders, affect the taking or completion of any step in relation to legal proceedings which have been commenced before the commencement of Schedule 9 to this Act.

(2) The Court may make orders under this clause on application by a party or of its own motion.

Amendment of the Environmental Planning and Assessment Act 1979

6. Section 104A of the Environmental Planning and Assessment Act 1979, as amended by this Act, does not apply to or in respect of a development consent in relation to the validity of which legal proceedings have been commenced before the date of assent to this Act.

SCHEDULE 49—*continued*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued*

Amendment of the Meat Industry Act 1978

7. The financial year which, immediately before the date of assent to this Act, was the financial year in relation to accounts prepared by the Homebush Abattoir Corporation, being accounts required to be prepared by the Public Finance and Audit Act 1983, shall continue to be the financial year in relation to which those accounts are prepared.

Regulations

8. (1) The Governor may make regulations containing other provisions of a savings or transitional nature consequent on the enactment of this Act.

(2) A provision made under subclause (1) may take effect as from the date of assent to this Act or a later date.

(3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

(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 in the Gazette; or

(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 in the Gazette.

(4) A provision made under subclause (1) shall, if the regulations expressly so provide, have effect notwithstanding the other clauses of this Schedule.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1986