

**STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL  
(No. 2) 1987**

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 1–43);
- (b) to amend certain other Acts for the purpose of effecting statute law revision (Schedule 44);
- (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) spent or unnecessary provisions of a saving or transitional nature; or
  - (iii) validation provisions,(Schedule 45);
- (d) to repeal certain Acts which are no longer of public utility (section 4 and Schedule 45);
- (e) to repeal certain Acts containing uncommenced provisions the other provisions of which are of a kind described in paragraph (c) (Schedule 45); and
- (f) to make other provisions of a minor, consequential or ancillary nature.

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Schedule 1 amends section 19 (d) of the Area Health Services Act 1986 to remove any implication that an area health service may control the provision of health services by the private and voluntary sectors.

Schedule 2 amends the Australian Mutual Provident Society's Officers' Provident Fund Trustees Act so that, if the deed of settlement governing the Fund is amended to increase the number of trustees of the Fund, the property of the Fund will (by the operation of the Act) automatically vest in any additional trustee appointed in accordance with the deed of settlement.

Schedule 3 amends the Bail Act 1978—

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(a) to make it clear that if—

- (i) an appeal is pending in the Court of Criminal Appeal against a conviction on indictment or a sentence passed on conviction on indictment; or
- (ii) an appeal from that Court is pending in the High Court in relation to such an appeal,

the Act restricts the grant of bail by any court (not only the Court of Criminal Appeal) unless there are special or exceptional circumstances (Schedule 3 (2) and (3));

- (b) to enable the Land and Environment Court to review its decisions in relation to bail and to provide for decisions of the Court in relation to bail to be subject to review by the Supreme Court (so that power to review decisions of the Court will be the same as the power to review a decision of a justice, magistrate or the District Court) (Schedule 3 (5) and (6)); and
- (c) to make it clear that the Industrial Commission may grant bail where certain proceedings are pending in the Industrial Commission or before an industrial magistrate and to provide for review of those decisions (Schedule 3 (1), (5) and (6)).

Schedule 4 amends the Canned Fruits Marketing Act 1979—

- (a) to enable the Australian Canned Fruits Corporation to continue arrangements for the marketing of canned fruits for a further season (to end on 31 December 1988) Schedule 4 (1)); and
- (b) to remove the current limitation requiring the Corporation to restrict its corporate plan to the 3 years ending 31 December 1987 so that the Corporation may vary the plan (if appropriate) in the light of the circumstances expected to apply in 1988 and prepare an operational plan for that year (Schedule 4 (2)).

(The proposed amendments are complementary to those to be made to the equivalent Commonwealth Act by the Statute Law (Miscellaneous Provisions) Act 1987 of the Commonwealth).

Schedule 5 amends the Charitable Collections Act 1934—

- (a) to allow charities registered under the Act to deposit money received with certain building societies and other prescribed bodies and not only, as at present, with banks (Schedule 5 (1) and (3)–(5)); and
- (b) to facilitate administration of the Act by enabling the form of applications, certificates and registers made, given or kept under the Act to be approved by the Minister rather than to be prescribed by regulation (Schedule 5 (1) and (2)).

Clause 5 of Schedule 46 makes it clear that the amendment described in paragraph (b) will have the effect of repealing certain regulations made under the Act.

Schedule 6 amends the Commercial Agents and Private Inquiry Agents Act 1963 to repeal the requirement that the fee to be paid for the issue or renewal of a commercial agent's licence, private inquiry agent's licence or subagent's licence be refunded if the application is refused or withdrawn.

Schedule 7 amends the Criminal Procedure Act 1986 to specifically authorise a Deputy Director of Public Prosecutions to sign indictments for and on behalf of the Attorney General or the Director of Public Prosecutions (at present a Deputy may sign indictments only if authorised to do so by the Director).

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Schedule 8 amends the Damages (Infants and Persons of Unsound Mind) Act 1929 to provide that, in claiming damages in a Local Court, minors and persons of unsound mind will be protected in the same way as they are presently protected in making such claims in the Supreme Court or District Court.

Schedule 9 amends the Dangerous Goods Act 1975 to exempt persons carrying dangerous goods from the requirement that they be licensed under section 10 of the Act if the goods are being carried by a person to, from or between another State and New South Wales and the person is authorised to carry dangerous goods under the law of another State declared, by an order of the Governor, to correspond to the Act.

Schedule 10 amends the Director of Public Prosecutions Act 1986—

- (a) to make it clear that if, under section 9 of the Act, the Director takes over a prosecution or proceeding in respect of an offence the Director may decline to proceed further in the prosecution or to carry the proceeding further (Schedule 10 (1)); and
- (b) to enable the Director to give directions under section 16 of the Act requiring the referral to the Director of information so that the Director may consider instituting, carrying on or taking over proceedings for indictable offences and prescribed summary offences or other proceedings in connection with any functions conferred on the Director (at present such directions may only be given in relation to the prosecution of offences) (Schedule 10 (2)).

Schedule 11 amends the Electricity Act 1945—

- (a) to omit certain references to borrowing powers under the Local Government Act 1919 conferred on the Sydney County Council, as these matters are now regulated by the Public Authorities (Financial Arrangements) Act 1987 (Schedule 11 (1));
- (b) to enable regulations to be made prescribing a maximum charge which may be imposed where metered electricity is resupplied to a person (Schedule 11 (5)); and
- (c) to make amendments by way of statute law revision (Schedule 11 (2), (3) and (4)).

Schedule 12 amends the Factories, Shops and Industries Act 1962 to make it clear that the penalty provisions set out in Part XI of the Act bind the Crown in relation to offences under Part III of the Act.

Schedule 13 amends the Farm Produce Act 1983 to make it clear that the indemnity which a farm produce seller is required to obtain (in respect of certain losses and claims) may be obtained under a master policy of indemnity covering a number of sellers, including a master policy which places a limit on total claims by all the sellers covered.

Schedule 14 amends the Farm Water Supplies Act 1946 to facilitate efficient administration of the Act by enabling advice of the costs of carrying out certain work to be given by letter instead of certificate.

Schedule 15 amends the Forestry Act 1916—

- (a) to enable the Forestry Commission to join with any other person or persons in forming a corporation or partnership to promote safety and proficiency of forest operations or to carry out research into the management of forests and flora reserves (Schedule 15 (1) (a) and (b));
- (b) to enable the Forestry Commission to enter agreements for the control of certain land without (as at present) having to undertake its sylvicultural management (Schedule 15 (1) (c) and (2));

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- (c) to increase from \$200,000 to \$250,000 the amount the Forestry Commission may expend on any work without having to obtain the particular approval of the Minister (Schedule 15 (3));
- (d) to remove the power of the Minister to revoke the dedication of land as flora reserve where the land is required for a public work or authorised work (within the meaning of the Public Works Act 1912) or for some public purpose under some other Act (Schedule 15 (4) and (5));
- (e) to update a reference to a definition in the Soil Conservation Act 1938 (Schedule 15 (6));
- (f) to expedite the assessment of amounts of compensation (if any) payable to landholders in respect of disturbance of land caused by the taking of timber or products on or from land by providing for assessment on completion of the operations to take the timber or products instead of on the expiration of the licence authorising the operations or at the end of specified periods of time which might occur some time after operations ceased (Schedule 15 (7));
- (g) to provide that objection against the assessment of compensation payable in respect of disturbance of land caused by the taking of timber or products on or from land must be made within 28 days after notice of the assessment is given (Schedule 15 (8)); and
- (h) to enable the Forestry Commission to suspend and cancel the operation of an authority issued or granted by it if the holder contravenes or fails to comply with any provision or condition of the authority, or with the Act or regulations, or if the authority is not being used for the purpose for which it was issued or granted (Schedule 15 (9)).

Schedule 16 amends the Government Insurance Act 1927—

- (a) to enable an additional 2 directors to be appointed to the Government Insurance Office of New South Wales Board if required (Schedule 16 (2));
- (b) to enable the Office to form or join in the formation of, and to purchase, hold, dispose of or deal in shares in, or subscribe to the issue of shares by, a company whether the company is incorporated in New South Wales or elsewhere (Schedule 16 (3));
- (c) to enable the appointment of a deputy chairman of the Board (Schedule 16 (4) (d)); and
- (d) to make other provisions of a minor or ancillary nature or by way of statute law revision.

Schedule 17 amends the Irrigation Act 1912 to enable the Water Administration Ministerial Corporation to recover the cost of making good damage to any bridge, culvert, canal, channel, drain or other work constructed or maintained by it across a public road caused otherwise than by ordinary wear and tear.

Schedule 18 amends the Land and Environment Court Act 1979—

- (a) to allocate the hearing of appeals by the Court under section 302 of the Local Government Act 1919 to its "Class 2" jurisdiction (local government and miscellaneous appeals) (Schedule 18 (1)); and
- (b) to provide for the automatic allocation to its "Class 5" jurisdiction (environmental planning and protection summary enforcement) of the jurisdiction vested in it under any other Acts to deal with proceedings for offences under those Acts (Schedule 18 (2)).

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Schedule 19 amends the Local Government Act 1919 so that the commencement of the period in each year for which members of councils are paid fees is linked to the fourth Saturday in September (that is, the day in the month on which ordinary elections for councils are held).

Schedules 20 and 21 amend the Medical Practitioners Act 1938 and the Medical Practitioners (Amendment) Act 1987 so that a person who is the holder of medical qualifications from an accredited medical school in an Australian university will be entitled to registration as a medical practitioner. The Schedule also includes ancillary amendments and amendments by way of statute law revision.

Schedule 22 amends the Motor Traffic Act 1909 to enable regulations to be made for or with respect to the refund, or partial refund, of fees for drivers' licences issued for any period (not only as at present for licences issued for more than one year) and of fees for registration of motor vehicles.

Schedule 23 amends the Motor Vehicles Taxation Management Act 1949 to include motor tricycles within the definition of "motor cycle" for the purposes of the taxing provisions of the Act. The amendment will correspond with amendments to the regulations made under the Motor Traffic Act 1909 to enable registration of motor tricycles.

Schedule 24 amends the New South Wales Film Corporation Act 1977 to increase from 65 to 70 years the age up to which a person may be appointed as, or to act in the office of, a part-time director of the Corporation.

Schedule 25 amends the New South Wales Investment Corporation Act 1986 to ensure that the Corporation has continued responsibility for financial assistance already granted in connection with the Western Sydney Business Development Fund, Wollongong Special Assistance Scheme, Small Business Development Fund and Small Businesses' Loans Guarantee Scheme.

Schedule 26 amends the Police Board Act 1983 to provide for consideration and approval by the Police Board of transfers within the police force at the rank of superintendent and higher ranks. (Currently the Police Board is only empowered to make a recommendation concerning such transfers).

Schedule 27 amends the Police Regulation Act 1899—

- (a) to require the approval of the Police Board under the Police Board Act 1983 before a transfer at the rank of superintendent and higher ranks can be made (currently the Police Board only has the power to make a recommendation in relation to such a transfer) (Schedule 27 (1)); and
- (b) to require the oath (or affirmation) of office taken by members of the police force to be taken only on appointment as constable, on first appointment to a commissioned officer rank and on appointment as Commissioner (currently the oath is taken on each occasion of an appointment to a different rank) (Schedule 27 (2)-(4)).

Oaths in force before the amendment are saved to obviate the need for all members of the police force to take a new oath and a validation provision is included to cover any situation in which the oath was previously not taken (Schedules 27 and 46).

Schedule 28 amends the Public Finance and Audit Act 1983 to enable funds in the Treasury Fire Risks Account to be used for the provision in Government owned or leased buildings of security devices for the prevention and detection of fires.

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Schedule 29 amends the Public Hospitals Act 1929 to protect directors of boards of hospitals and certain other persons from personal liability for anything done in good faith for the purpose of performing the duties of such boards.

Schedule 30 amends the Reprints Act 1972—

- (a) to enable Acts to be reprinted with the incorporation, in a distinctive way, of any uncommenced amending provisions (Schedule 30 (1)); and
- (b) to facilitate the reprinting of Acts in modern style (by enabling the omission of the enacting formula and unnecessary punctuation and the substitution of arabic for roman numbers) (Schedule 30 (2) and (3)).

Schedule 31 amends the Small Business Development Corporation Act 1984 to confirm the nomination of 19 June 1985 as the date of commencement of section 12 of the Act (relating to the establishment of the Small Business Development Corporation of New South Wales Account in Treasury) by a proclamation gazetted on 14 August 1987.

Schedule 32 amends the Soil Conservation Act 1938 to change the name of the Assistant Commissioner of the Soil Conservation Service to Deputy Commissioner of the Service.

Schedule 33 amends the State Development and Industries Assistance Act 1966 to rationalise financial arrangements under the Act by ensuring all money payable to the Ministerial Corporation under the Act is deposited in a single fund. As a result of the amendments money received by the Ministerial Corporation for land acquired for the purpose of any special industry or business undertaking referred to in section 34A (1) (c) of the Act will be paid into the Industries Assistance Fund instead of the account relating to the Special Industries Agency maintained under the State Bank Act 1981 and the latter account will be closed.

Schedule 34 amends the State Drug Crime Commission Act 1985 to enable the Minister to appoint an acting member to act for a member of the State Drug Crime Commission who has special legal qualifications during his or her absence or illness, but only for the purposes of a hearing before the Commission. The Schedule also effects a minor amendment by way of statute law revision.

Schedule 35 amends the Supreme Court Act 1970—

- (a) to enable the appointment of a Chief Judge of the Commercial Division (Schedule 35 (1) and (2)); and
- (b) to omit an inappropriate reference to the commercial list (Schedule 35 (3)).

Schedule 36 amends the Timber Marketing Act 1977—

- (a) to prohibit the use in the erection of a building of framing timber of which more than 50 per cent of a face or edge comprises lyctid susceptible sapwood (Schedule 36 (1));
- (b) to enable the Forestry Commission to suspend (for a period not exceeding 30 days) approval of a preservative treatment and the registration by the Commission of the brand to be used on timber treated by means of that preservative treatment if the person to whom the approval was given has contravened a provision of the Act or the regulations relating to the approval or the preservative treatment of timber (Schedule 36 (2)); and
- (c) to make it clear that persons authorised to carry out inspections and tests for the purposes of the Act may enter premises if of the opinion that timber or articles are being held or stored at those premises (Schedule 36 (3)).

Schedule 37 amends the Trustee Act 1925—

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- (a) to remove an inconsistency in the language used in sections 14A (2) (f) and (g) of the Act (Schedule 37 (1) (a));
- (b) to provide that debentures, promissory notes or other prescribed securities given a prescribed credit rating by a prescribed credit rating organisation (not only such securities issued by a company or body given such a credit rating) are securities authorised by the Act (Schedule 37 (1) (b)); and
- (c) to make it clear that the prohibition, restrictions and mandatory procedures contained in section 14D apply only with respect to the exercise of investment powers conferred under section 14A and have no application to powers conferred by the instrument which created the trust (Schedule 37 (2)).

Schedule 38 amends the Water Act 1912 to enable the Water Administration Ministerial Corporation to recover the cost of making good damage to any bridge, culvert, canal, channel, drain or other work constructed or maintained by it across a public road caused otherwise than by ordinary wear and tear.

Schedule 39 amends the Water Supply Authorities Act 1987—

- (a) to omit references in Schedule 3 to the Zinc Corporation Limited (which had previously merged with New Broken Hill Consolidated Limited) (Schedule 39 (3) (a) and (c) (i));
- (b) to omit from Schedule 3 to the Act obsolete references to Western New South Wales Electric Power Proprietary Limited (the company has ceased operations as a mining company) (Schedule 39 (3) (b), (c) (iii) and (d));
- (c) to amend references in Schedule 3 to New Broken Hill Consolidated Limited as a consequence of a change in the name of the corporation (Schedule 39 (3) (c) (ii));
- (d) to include A M and S Mining Limited within the companies entitled under Schedule 3 to nominate a panel of persons from whom part-time members of the Broken Hill Water Board are selected (Schedule 39 (3) (b)); and
- (e) to make amendments by way of statute law revision (Schedule 39 (1) and (2)).

Schedule 40 amends the Wild Dog Destruction Act 1921 to enable the Minister to reduce, waive or defer the payment of interest payable on arrears of rates due under the Act.

Schedule 41 amends the Workers Compensation Act 1987—

- (a) to amend section 72 by way of statute law revision so that the language of the section is consistent with the language used in the Table to Division 4 of Part 3 (the "Table of Maims") (Schedule 41 (1)); and
- (b) to ensure that the compensation for permanent injuries under the Table of Maims in relation to the loss of an arm, hand or the fingers of a hand if the arm or hand is the dominant limb is the same if the left arm or hand is dominant as when the right arm or hand is dominant (Schedule 44 (2)).

Schedule 42 amends the Zoological Parks Board Act 1973 to preserve superannuation and other rights of certain employees of the Board who were previously employed in the Public Service or in a similar service, and will enable their return to that service on ceasing to be employees of the Board.

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Schedule 43 amends the Business Franchise Licences (Petroleum Products) Act 1987, the Business Franchise Licences (Tobacco) Act 1987, the Health Insurance Levies Act 1982, the Land Tax Management Act 1956, the Pay-roll Tax Act 1971, the Stamp Duties Act 1920 and the Revenue Laws (Reciprocal Powers) Act 1987 so as to permit the disclosure to the Ombudsman of information the disclosure of which would otherwise be prohibited by those Acts. The Schedule also includes an amendment to section 17 (2) of the Revenue Laws (Reciprocal Powers) Act 1987 to include a penalty (for making a false or misleading statement or misrepresentation in providing information in accordance with the Act) that was inadvertently omitted at the time the Act was passed. The penalty is the same as that under section 17 (1) of the Act for giving a false or misleading statement.

Schedule 44 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 cross references within Acts, incorrect ranging and minor corrections. The Schedule 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 (Air Transport (Amendment) Act 1987, Co-operation (Amendment) Act 1986 and Historic Houses (Amendment) Act 1986).

To amend the Co-operation Act 1923 to make it clear that the power to make regulations adopting provisions of the Companies (New South Wales) Code concerning accounts and audit permits a regulation adopting any provision of Part VI (accounts and audit) of that Code, including a provision which confers jurisdiction on the Supreme Court.

To amend section 4 of the Local Government (Electricity) Amendment Act 1987 to make it clear that provisions of any Ordinance under the Local Government Act 1919 amended by the firstmentioned Act may be amended or repealed by Ordinance.

To amend the Public Health Act 1902 to clarify the effect the commencement on 1 January 1988 of section 7 (1) of the Public Health (Amendment) Act 1944 will have on sections 63A (1) and 63B (1) of the Act.

To amend the Strata Titles (Amendment) Act 1987 to remove any doubt that a by-law amending a by-law referred to in section 58 (7) of the Strata Titles Act 1973 requires the consent of any proprietors affected by it, in the same way as the original by-law requires such a consent.

To amend the Strata Titles (Leasehold) Amendment Act 1987 to remove any doubt that a by-law amending a by-law referred to in section 87 (7) of the Strata Titles (Leasehold) Act 1986 requires the consent of any lessees affected by it, in the same way as the original by-law requires such a consent.

Schedule 45 contains repeals of Acts.

Schedule 46 contains savings, transitional and other provisions. The Schedule includes provisions—

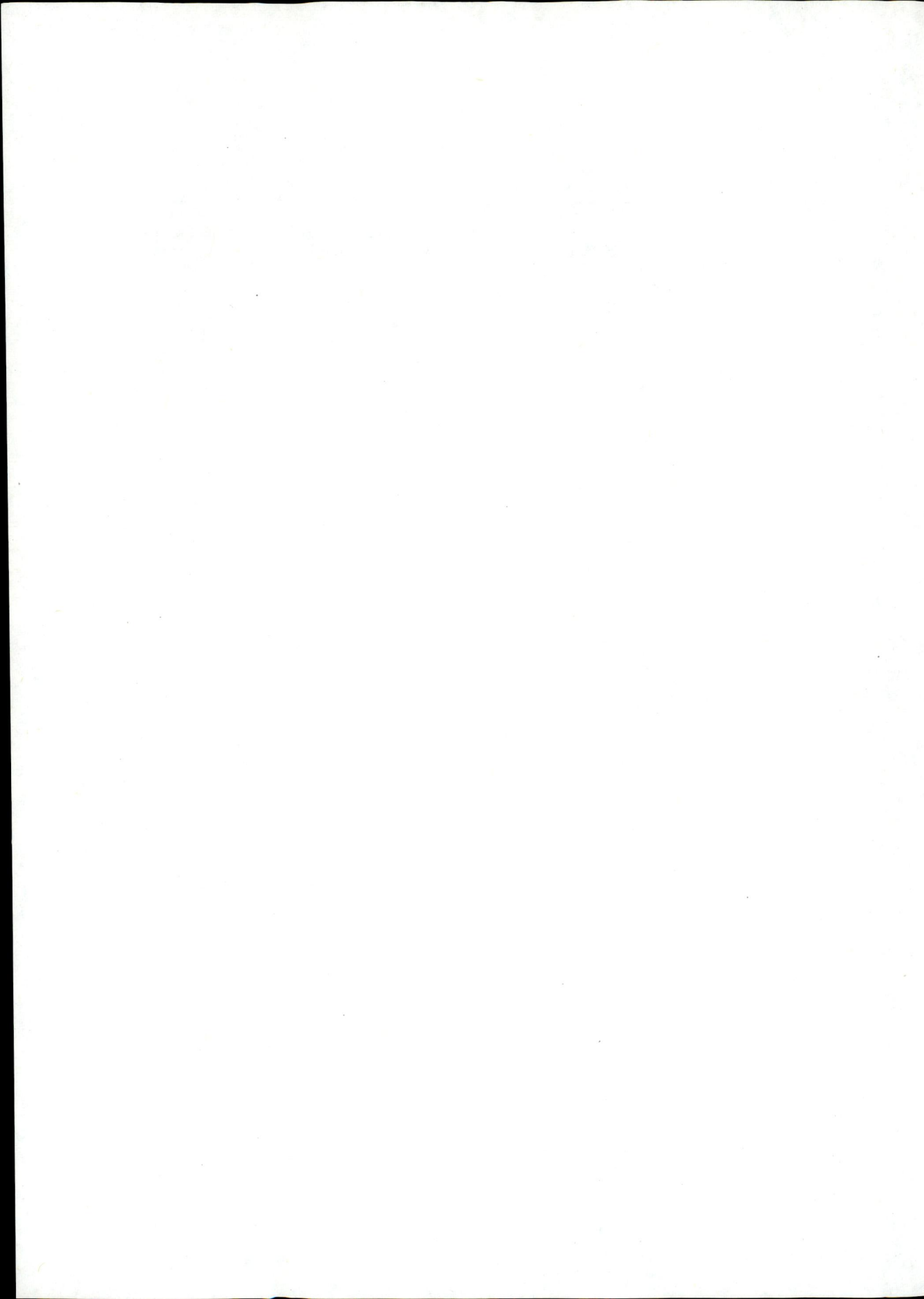
- (a) to validate decisions made in relation to Springwood Hospital by the Blue Mountains Area Health Service in the mistaken belief that the hospital was within the area for which the health service was constituted (the hospital has been transferred to the area health service by an order under section 21 of the Area Health Services Act 1986); and



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- (b) to revoke a repeal of an Act made by the Statute Law (Miscellaneous Provisions) Act (No. 2) 1986 that should not have been made because the Act contained uncommenced provisions.
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**STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL  
(No. 2) 1987**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

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**STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL  
(No. 2) 1987**

NEW SOUTH WALES



No. , 1987

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**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.

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*Statute Law (Miscellaneous Provisions) (No. 2) 1987*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Statute Law (Miscellaneous Provisions) Act (No. 2) 1987.

**5 Commencement**

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

(2) Schedule 4 shall commence—

- (a) on the date of assent to this Act; or  
 10 (b) on the date of assent to the Statute Law (Miscellaneous Provisions) Act 1987 of the Commonwealth,

whichever is the later.

(3) Schedules 5, 20, 21 and 35 shall commence on a day or days to be appointed by proclamation.

15 (4) Schedule 11 and the provisions of Schedule 44 relating to the Energy Legislation (Repeals and Savings) Act 1987, the Gas Act 1986 and the Local Government (Electricity) Amendment Act 1987 shall be deemed to have commenced on 1 July 1987.

(5) Schedule 41 shall be deemed to have commenced on 30 June 1987.

20 (6) The provisions of Schedule 44 relating to—

- (a) the Builders Licensing Act 1971 shall be deemed to have commenced on 1 July 1987;  
 (b) the Co-operation Act 1923 shall commence—  
 (i) on the date of assent to this Act; or  
 25 (ii) on the commencement of Schedule 2 (4) to the Co-operation (Amendment) Act 1986,

whichever is the later; and

(c) the Public Health Act 1902 shall commence on 1 January 1988.

**Amendments**

30 3. Each Act specified in Schedules 1–44 is amended as set out in those Schedules.

**Repeals**

4. (1) Each Act specified in Schedule 45 is repealed.

(2) Division IV of Part III of the Cattle Compensation Act 1951 is  
 35 repealed.

**Savings, transitional and other provisions**

5. Schedule 46 has effect.

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**SCHEDULE 1—AMENDMENT TO THE AREA HEALTH SERVICES ACT 1986**

5 (Sec. 3)

**Section 19 (Primary objectives of area health services)—**

Section 19 (d)—

Omit “health services, including services provided by the public, private and voluntary sectors”, insert instead “its health services”.

10 **SCHEDULE 2—AMENDMENTS TO THE AUSTRALIAN MUTUAL PROVIDENT SOCIETY’S OFFICERS’ PROVIDENT FUND TRUSTEES ACT**

(Sec. 3)

(1) Preamble—

- 15 (a) Omit “retiring, and”, insert instead “retiring. And whereas other persons may, in accordance with the provisions of the said Deed of Settlement as from time to time in force, become trustees of the said Fund in addition to such trustees. And whereas”.

(b) After “new”, insert “or additional”.

- 20 (2) Section 1 (**Memorial of names of trustees for time being to be registered**)—

(a) Omit “in the place of any theretofore existing trustee or trustees of the said Fund”.

(b) After “new”, insert “or additional”.

- 25 (3) Section 5 (**A majority of the trustees may execute deeds etc.**)—

Omit “any three”, insert instead “a majority”.

**SCHEDULE 3—AMENDMENTS TO THE BAIL ACT 1978**

(Sec. 3)

(1) Section 4 (**Interpretation**)—

- 30 (a) Section 4 (1), definition of “court”—

After paragraph (b1), insert:

(b2) the Industrial Commission;

- (b) Section 4 (1), definition of “Industrial Commission”—

Before the definition of “Judge”, insert:

SCHEDULE 3—AMENDMENTS TO THE BAIL ACT 1978—*continued*

“Industrial Commission” means the Industrial Commission of New South Wales when constituted by a judicial member only, and includes a judicial member of that Commission;

(c) Section 4 (1), definition of “Judge”—

5 After “District Court”, insert “or a judicial member of the Industrial Commission”.

(2) Section 30 (**Power of Court of Criminal Appeal to grant bail**)—

Section 30 (2)—

10 After “by the Court of Criminal Appeal”, insert “or any other court”.

(3) Section 30AA (**Limitation on power to grant bail**)—

Renumber section 30 (2) (as amended) as section 30AA.

(4) Part IV, Division 7—

After Division 6 of Part IV, insert:

15 **Division 7—Industrial Commission**

**Power of Industrial Commission to grant bail**

20 30B. The Industrial Commission may grant bail in accordance with this Act to a person accused of an offence, where proceedings for the offence are pending in the Industrial Commission or before an industrial magistrate.

(5) Section 44 (**Power of justices, magistrates and certain courts to review**)—

Section 44 (4), (5)—

After section 44 (3), insert:

25 (4) Subject to this Part, the Land and Environment Court may review any decision made by the Court (however constituted) in relation to bail.

30 (5) Subject to this Part, the Industrial Commission may review any decision made by the Commission (however constituted) or an industrial magistrate in relation to bail.

(6) Section 45 (**Power of Supreme Court to review**)—

Section 45 (1)—

After “District Court”, insert “, Land and Environment Court, Industrial Commission”.



**SCHEDULE 4—AMENDMENTS TO THE CANNED FRUITS  
MARKETING ACT 1979**

(Sec. 3)

(1) Section 3 (**Interpretation**)—

5           Section 3 (1), definition of “season”—  
          Omit “7”, insert instead “8”.

(2) Section 16A (**Corporation to develop corporate plan**)—

          Omit “, for the period of 3 years commencing on 1st January,  
          1985”.

10           **SCHEDULE 5—AMENDMENTS TO THE CHARITABLE  
          COLLECTIONS ACT 1934**

(Sec. 3)

(1) Section 2 (**Interpretation**)—

          Section 2 (1)—

15           Insert in alphabetical order, the following definitions:

          “Approved” means approved for the time being by the  
          Minister.

          “Building society” means—

20           (a) a building society specified in Schedule 2 to the  
          Permanent Building Societies Act 1967; and

          (b) a building society specified in the Second Schedule to  
          the Co-operation Act 1923 and prescribed for the  
          purposes of section 14A (2) (q) of the Trustee Act 1925.

(2) Section 4 (**Registration of charities**)—

25           (a) Section 4 (1)—

          Omit “prescribed manner”, insert instead “approved form”.

          (b) Section 4 (4)—

          Omit “in or to the effect of the prescribed”, insert instead “in the  
          approved”.

30           (c) Section 4 (5)—

          Omit “and kept in the prescribed manner”.

(3) Section 5 (**Conditions to be complied with by registered or exempted  
charities**)—

          Section 5 (1) (d)—

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**SCHEDULE 5—AMENDMENTS TO THE CHARITABLE  
COLLECTIONS ACT 1934—*continued***

Omit “such bank or banks”, insert instead “any bank, building society or body prescribed for the purposes of this subsection (being a body with which trustees are authorised to invest funds under the Trustee Act 1925)”.

5 (4) Section 9 (**Powers of Minister to require accounts etc.**)—

Section 9 (2) (c)—

Omit “bank, company or person”, insert instead “bank, building society, company, person or body prescribed for the purposes of section 5 (1)”.

10 (5) Section 18 (**Regulations**)—

(a) Section 18 (1) (a), (b)—

Omit the paragraphs.

(b) Section 18 (2) (a)—

15 (i) After “bank,”, insert “building society or body prescribed for the purposes of section 5 (1)”.

(ii) Omit “the proceeds of cheques drawn on such trust account”, insert instead “such a trust account”.

**SCHEDULE 6—AMENDMENT TO THE COMMERCIAL AGENTS  
AND PRIVATE INQUIRY AGENTS ACT 1963**

20 (Sec. 3)

Section 10 (**Application for licences**)—

Section 10 (15)—

Omit the subsection.

**SCHEDULE 7—AMENDMENT TO THE CRIMINAL PROCEDURE  
ACT 1986**

25 (Sec. 3)

Section 15 (**Signing of indictments**)—

Section 15 (1) (b) (i)–(iii)—

Omit paragraphs (i) and (ii), insert instead:

30 (i) a Crown Prosecutor;

(ii) a Deputy Director of Public Prosecutions; or

(iii) a person authorised under subsection (2) to sign indictments.

**SCHEDULE 8—AMENDMENTS TO THE DAMAGES (INFANTS AND PERSONS OF UNSOUND MIND) ACT 1929**

(Sec. 3)

- 5 (1) Section 4 (**Settlement of action by minor to be subject to sanction of court**)—  
Omit “or any district court”, insert instead “, District Court or a Local Court”.
- (2) Section 6 (**Applications to court**)—  
Omit the section.
- 10 (3) Section 7 (**Costs**)—  
(a) Section 7 (2A), (2B)—  
After section 7 (2), insert:  
15 (2A) The costs of the minor or person of unsound mind of and incidental to the action or matter and of the settlement for which the sanction of a Magistrate is sought under this Act may be assessed by the Magistrate to whom the application is made and shall be paid as the Magistrate directs.  
(2B) A Magistrate may assess costs referred to in subsection (2A)—  
20 (a) generally;  
(b) as between party and party; or  
(c) as between solicitor and client.  
(b) Section 7 (3) (b) (i), (5)—  
After “judge” wherever occurring, insert “or Magistrate”.

**25 SCHEDULE 9—AMENDMENT TO THE DANGEROUS GOODS ACT 1975**

(Sec. 3)

- Section 11 (**Offence of unlicensed conveyance**)—  
Section 11 (2)—  
30 At the end of section 11, insert:  
(2) A person is not guilty of an offence under subsection (1) if—  
35 (a) the person or the person’s employer is authorised to carry the goods in the container under a law which has been declared to be a corresponding law for the purposes of this section; and  
(b) the dangerous goods are carried—  
(i) on a prescribed journey; and

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1975—continued**

(ii) in accordance with the corresponding law.

(3) The Governor may, by order published in the Gazette, declare a law of another State to be a corresponding law for the purposes of this section.

5 (4) In this section—

“prescribed journey” means a journey—

- (a) from a place outside the State to a place in the State;
- (b) from a place in the State to a place outside the State; or
- 10 (c) between places outside the State via a route within the State that is a reasonable journey in all the circumstances.

**SCHEDULE 10—AMENDMENTS TO THE DIRECTOR OF PUBLIC  
PROSECUTIONS ACT 1986**

(Sec. 3)

15 (1) Section 9 (**Taking over prosecutions or proceedings**)—

Section 9 (4) (b)—

Omit the paragraph, insert instead:

- (b) the Director may decline to proceed further in the prosecution or to carry the proceeding further.

20 (2) Section 16 (**Directions to police etc. by Director**)—

(a) Section 16 (1)—

Omit “specifying matters”.

(b) Section 16 (2)—

Omit the subsection, insert instead:

25 (2) Directions may be given requiring specified information or kinds of information to be referred to the Director for the purpose of enabling the Director to consider—

- (a) instituting or carrying on a prosecution or prosecutions for a specified offence or class of offences;
- 30 (b) instituting, carrying on or taking over proceedings for a specified offence or class of offences; or
- (c) instituting, carrying on or taking over other proceedings in connection with functions conferred on the Director whether under this Act or otherwise.

**SCHEDULE 11—AMENDMENTS TO THE ELECTRICITY ACT 1945**

(Sec. 3)

- (1) Section 7F (**Sydney County Council**)—
- 5 (a) Section 7F (4) (e)—  
Omit “173–187”, insert instead “178A and 183”.
- (b) Section 7F (6)—  
Omit “87”, insert instead “87 (1), (4) and (4A)”.
- (2) Section 7J (**Provisions relating to the employment of general managers and assistant general managers**)—
- 10 Section 7J (2)—  
Omit “Clause 2 of Schedule 4 to the Energy Legislation (Repeals and Savings) Act 1987 has”, insert instead “Clauses 2 and 3 of Schedule 4 to the Energy Legislation (Repeals and Savings) Act 1987 have”.
- 15 (3) Section 7Q (**Reserved functions**)—  
Section 7Q (1) (d)—  
Omit “works”, insert instead “contracts”.
- (4) Section 19H (**Payments of subsidies for removal etc. of electricity structures out of Traffic Route Lighting Subsidy Account**)—
- 20 Section 19H (1)—  
Omit “Corporation” where secondly occurring, insert instead “Director”.
- (5) Section 27B (**Offence to impose charges for the resupply of electricity in certain cases**)—
- 25 Section 27B (1) (b)—  
After “greater than”, insert “an amount prescribed by or calculated in accordance with the regulations, or if there are no regulations, greater than”.

**SCHEDULE 12—AMENDMENT TO THE FACTORIES, SHOPS AND INDUSTRIES ACT 1962**

30

(Sec. 3)

- Section 6A (**Part III to bind the Crown**)—
- Section 6A (2)—
- At the end of section 6A, insert:
- 35 (2) In this section, a reference to the provisions of Part III includes a reference to a provision of this Act (including Part XI) ancillary to those provisions.

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**SCHEDULE 13—AMENDMENT TO THE FARM PRODUCE ACT  
1983**

(Sec. 3)

**Section 11 (Indemnities)—**

5       Section 11 (3)—

After section 11 (2), insert:

(3) The registrar may be satisfied that an indemnity provides the security required by subsection (1)—

10       (a) even if the security is provided under a master policy of indemnity covering a number of persons; and

(b) even if the total security to be provided under such a master policy is limited to an amount that is less than the aggregate of each individual security provided to the persons covered.

15       **SCHEDULE 14—AMENDMENTS TO THE FARM WATER  
SUPPLIES ACT 1946**

(Sec. 3)

(1) Section 9 (**Commission may carry out work where advance is made**)—

(a) Section 9 (3)—

20       Omit “certificate”, insert instead “notification”.

(b) Section 9 (5)—

Omit “a certificate”, insert instead “notification in writing”.

(2) Section 13 (**Commission may carry out work where advance is made**)—

Section 13 (2)—

25       (a) Omit “A certificate issued”, insert instead “Notification in writing”.

(b) Omit “, which certificate”, insert instead “and”.

**SCHEDULE 15—AMENDMENTS TO THE FORESTRY ACT 1916**

(Sec. 3)

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

(a) Section 11 (1) (m1) (i)—

After “forestry”, insert “, for the purpose of promoting safety and proficiency of forest operations”.

(b) Section 11 (1) (m1) (i)—

35       After “(h),” insert “(j),”.

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SCHEDULE 15—AMENDMENTS TO THE FORESTRY ACT 1916—  
*continued*

- (c) Section 11 (1C) (a)—  
Omit “and silvicultural management”, insert instead “or silvicultural management (or both)”.
- 5 (2) Section 11A (**Sylvicultural management of certain lands in Murrumbidgee Irrigation Area**)—  
Section 11A (1), (3)—  
Omit “and silvicultural management” wherever occurring, insert instead “or silvicultural management (or both)”.
- 10 (3) Section 13 (**Expenditure**)—  
Section 13 (3)—  
Omit “\$200,000”, insert instead “\$250,000”.
- (4) Section 19B (**Revocation of dedication etc. in certain circumstances**)—  
(a) Section 19B (1)—  
Omit “or flora reserve”.
- 15 (b) Section 19B (1)—  
Omit “or, as the case may be, flora reserve”.
- (c) Section 19B (2)—  
Omit the subsection, insert instead:  
20 (2) A notification published under this section shall, notwithstanding anything contained in this Act, operate also to revoke any declaration of the affected land as national forest.
- (5) Section 25A (**Flora reserves**)—  
Section 25A (4)—  
Omit “and 19B”.
- 25 (6) Section 27H (**Restrictions on issue of clearing licences**)—  
Section 27H (d)—  
Omit “section 21A”, insert instead “section 21AB”.
- (7) Section 30K (**Commission to make assessments**)—  
(a) Section 30K (1) (a)—  
30 Omit “at the end of the period during which the licence is in force”, insert instead “on completion of operations under the licence”.
- (b) Section 30K (1) (b)—  
35 After “force”, insert “and on completion of operations under the licence”.

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**SCHEDULE 15—AMENDMENTS TO THE FORESTRY ACT 1916—**  
*continued*

(c) Section 30K (2) (a)—

Omit “at the end of the period during which the operations are carried out”, insert instead “on completion of the operations”.

(d) Section 30K (2) (b)—

5 After “out”, insert “and on completion of the operations”.

(8) Section 30L (**Review of assessments**)—

Section 30L (2) (b)—

Omit “less”, insert instead “later”.

(9) Section 35 (**Suspension of licence, permit or lease**)—

10 (a) Omit “or forest lease”, insert instead “forest lease, authorisation under section 30I or other authority issued or granted by the commission”.

(b) Omit “or lease is”, insert instead “lease or authority is”.

(c) Omit “or lease,”, insert instead “lease or authority”.

15 **SCHEDULE 16—AMENDMENTS TO THE GOVERNMENT  
INSURANCE ACT 1927**

(Sec. 3)

(1) Section 2 (**Interpretation**)—

Section 2 (1)—

20 After the definition of “director”, insert:

“elected director” means the part-time director referred to in section 3BA (2) (b);

(2) Section 3BA (**Provisions relating to the constitution and procedure of the Board**)—

25 Section 3BA (1), (2)—

Omit the subsections, insert instead:

(1) The Board shall consist of not less than 7 and not more than 9 directors appointed by the Governor.

(2) Of the directors—

30 (a) 2 shall, in and by their instruments of appointment, be appointed as full-time directors;

(b) one shall be a person elected in the manner prescribed by the regulations referred to in clause 3 of Schedule 2 and shall, in and by the instrument of appointment, be appointed as a part-time director; and

35



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**SCHEDULE 16—AMENDMENTS TO THE GOVERNMENT  
INSURANCE ACT 1927—*continued***

(c) the remainder shall be persons nominated for appointment as directors by the Minister and shall, in and by their instruments of appointment, be appointed as part-time directors.

5 (3) **Section 10E (Acquisition of shares by the Office)—**

(a) Section 10E (1) (a)—

Omit the paragraph, insert instead:

(a) form or join in the formation of any company;

(b) Section 10E (1) (b)—

10 Omit “incorporated in New South Wales”.

(4) **Schedule 2 (Provisions relating to the constitution of the Board)—**

(a) Clause 1—

Omit the clause.

(b) Clause 2—

15 Omit the clause, insert instead:

**Age of directors**

2. (1) A person of or above the age of 65 years is not eligible to be appointed as a full-time director or the elected director.

20 (2) A person of or above the age of 70 years is not eligible to be appointed as a part-time director.

(c) Clause 3 (1)—

Omit the definition of “elected director”.

(d) Clause 4—

Omit the clause, insert instead:

SCHEDULE 16—AMENDMENTS TO THE GOVERNMENT  
INSURANCE ACT 1927—*continued*

**Chairman and deputy chairman of the Board**

4. Of the part-time directors (other than the elected director)—

(a) one shall, in and by the instrument of appointment or by another instrument executed by the Governor, be appointed as chairman of the Board; and

(b) one other shall, in and by the instrument of appointment or by another instrument executed by the Governor, be appointed as deputy chairman of the Board.

(e) Clause 6 (1)—

Omit the subclause, insert instead:

(1) The Governor may, from time to time, appoint a person to act in the office of a director during—

(a) the illness or absence of the director; or

(b) a vacancy in the office of the director.

(f) Clause 6 (2)—

Omit the subclause.

(g) Clause 6 (4)—

Omit “, (2)”.

(h) Clause 6 (5)—

Omit “chairman of the Board, of”.

(i) Clause 6 (6)—

Omit the subclause, insert instead:

(6) For the purposes of subclause (5), a person while acting in the office of a director who is the chairman or deputy chairman of the Board, has the functions of the chairman or deputy chairman as well as those of a director.

(j) Clause 7 (2)—

Omit “the director elected in the manner prescribed by regulations made under clause 3 (2)”, insert instead “the elected director”.

(k) Clause 9 (1)—

Omit “except as permitted by clause 11 (1) (c) or except with the consent of the Minister (which consent the Minister is hereby authorised to give)”, insert instead “except as permitted by this Act or except with the consent of the Minister”.

(l) Clause 10A—

After clause 10, insert:

SCHEDULE 16—AMENDMENTS TO THE GOVERNMENT  
INSURANCE ACT 1927—*continued*

**Filling of vacancies**

10A. (1) If the office of a director becomes vacant, a person shall, subject to this Act, be appointed to fill the vacancy.

5 (2) The office of a part-time director (other than the elected director) is not required to be filled if there are at least 7 remaining directors.

(m) Clause 11 (1) (h) (i)—

Omit “the part-time director referred to in clause 2 (1) (c)”, insert instead “the elected director”.

10 (n) Clause 11 (1) (h) (ii)—

Omit “referred to in clause 2 (1) (b)”, insert instead “(other than the elected director)”.

(o) Clause 11 (1) (k)—

15 Omit “part-time director referred to in clause 2 (1) (c)”, insert instead “elected director”.

(5) Schedule 3 (**Provisions relating to the procedure of the Board**)—

(a) Clause 2—

Omit “Four directors”, insert instead “A majority of the directors”.

20 (b) Clause 3 (1)—

Omit the subclause, insert instead:

25 (1) The chairman of the Board or, in the absence of the chairman, the deputy chairman of the Board or, in the absence of both the chairman and the deputy chairman, another part-time director elected as chairman for the meeting by the directors present shall preside at a meeting of the Board.

(c) Clause 5 (2)—

30 Omit “the chairman of the Board or the director acting as chairman at that next meeting”, insert instead “the person presiding as chairman at that next meeting”.

**SCHEDULE 17—AMENDMENT TO THE IRRIGATION ACT 1912**

(Sec. 3)

Section 17AB—

After section 17AA, insert:

SCHEDULE 17—AMENDMENT TO THE IRRIGATION ACT 1912—  
*continued*

**Liability for damage to bridges, culverts etc.**

17BA. (1) If a person causes damage to any bridge, culvert, canal, channel, drain or other work constructed or maintained across a public road (within the meaning of the Local Government Act 1919) by the Ministerial Corporation in the exercise of its powers under this or any other Act in relation to an irrigation area, the amount of the cost incurred by the Ministerial Corporation in making good the damage is payable to the Ministerial Corporation by the person who caused the damage and is recoverable in a court of competent jurisdiction.

(2) If a person causes damage to a bridge, this section applies to each part of the bridge, including decking and a hand rail, approach guard rail, gate, pier, fender, dolphin or platform or any other thing incidental to the use or protection of the bridge.

(3) In this section, a reference to damage does not include a reference to ordinary wear and tear.

(4) A certificate purporting to be signed by an officer of the Department of Water Resources authorised to do so by the Director of the Department and certifying as to the cost incurred by the Ministerial Corporation in making good damage referred to in this section is admissible in any proceedings under this section and shall be prima facie evidence as to the cost so certified.

SCHEDULE 18—AMENDMENTS TO THE LAND AND ENVIRONMENT COURT ACT 1979

(Sec. 3)

(1) Section 18 (Class 2—local government and miscellaneous appeals)—

Section 18 (a)—

Before “317A”, insert “302,”.

(2) Section 21 (Class 5—environmental planning and protection summary enforcement)—

Section 21 (i)—

Omit the paragraph, insert instead:

- (i) any other proceedings for an offence which an Act provides should be taken before, or dealt with by, the Court.

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**SCHEDULE 19—AMENDMENT TO THE LOCAL GOVERNMENT  
ACT 1919**

(Sec. 3)

**Section 29A (Payments of fees to members)—**

5

Section 29A (2)—

Omit “third”, insert instead “fourth”.

**SCHEDULE 20—AMENDMENTS TO THE MEDICAL  
PRACTITIONERS ACT 1938**

(Sec. 3)

10 (1) **Section 15 (Full entitlement to registration)—**

Section 15 (2) (a)—

Omit the paragraph, insert instead:

15

(a) the person is the holder of a degree in medicine and a degree in surgery, or a degree in medicine, granted after due examination by a university in Australia having a school of medicine accredited for the time being by the Australian Medical Council for the purpose of registration;

or

20 (2) **Section 16 (Limited entitlement to registration)—**

Section 16 (a)—

Omit “listed in Column One of Schedule One”, insert instead “listed in Schedule 1 or a school of medicine accredited for the time being by the Australian Medical Council for the purpose of registration”.

25 (3) **Section 18 (Restrictions on registration in certain cases)—**

Section 18 (2)—

Omit “president”, insert instead “President”.

(4) **Section 32H (Referral of certain matters to the Tribunal)—**

30

Section 32H (1)—

Omit “an inquiry”, insert instead “an inquiry,”.

(5) **Sections 32I (2), 32R (2)—**

Omit “a registered medical practitioner” wherever occurring, insert instead “registered”.

(6) **Section 32L (Appeals against decisions of a Committee etc.)—**

35

Section 32L (2), (4), (5)—

Omit “under this section” wherever occurring, insert instead “under subsection (1)”.

**SCHEDULE 20—AMENDMENTS TO THE MEDICAL  
PRACTITIONERS ACT 1938—continued**

(7) Schedule One (**Prescribed degrees**)—

(a) Omit the heading, insert instead:

**SCHEDULE 1**

(b) Omit the matter relating to Australian universities.

5 (8) Schedule 2 (**Provisions relating to the members of the Board**)—

Clause 7 (2)—

Omit “subsection (1)”, insert instead “subclause (1)”.

**SCHEDULE 21—AMENDMENTS TO THE MEDICAL  
PRACTITIONERS (AMENDMENT) ACT 1987**

10

(Sec. 3)

Schedule 3 (**Miscellaneous amendments to the Principal Act**)—

(1) Schedule 3 (2) (a) and (3) (a)—

Omit the paragraphs.

(2) Schedule 3 (13)—

15

Omit “Schedule One”, insert instead “Schedule 1”.

**SCHEDULE 22—AMENDMENT TO THE MOTOR TRAFFIC ACT  
1909**

(Sec. 3)

Section 3 (**Regulations**)—

20

Section 3 (1) (t)—

Omit the paragraph, insert instead:

(t) make provision for or with respect to the refund, or partial refund, of the fee paid for a driver's licence or for registration of a motor vehicle;

25

**SCHEDULE 23—AMENDMENTS TO THE MOTOR VEHICLES  
TAXATION MANAGEMENT ACT 1949**

(Sec. 3)

Section 3 (**Interpretation**)—

(1) Section 3 (1), definition of “Motor cycle”—

30

After “invalid”, insert “and includes a motor tricycle”.

(2) Section 3 (1)—

**SCHEDULE 23—AMENDMENTS TO THE MOTOR VEHICLES  
TAXATION MANAGEMENT ACT 1949—*continued***

After the definition of “Motor omnibus”, insert:

“Motor tricycle” means any motor vehicle with 3 wheels and having a manufacturer’s gross vehicle mass of 1 tonne or less.

**SCHEDULE 24—AMENDMENT TO THE NEW SOUTH WALES  
FILM CORPORATION ACT 1977**

5

(Sec. 3)

Schedule 1 (**Provisions with respect to constitution and membership of the Corporation**)—

Clauses 1, 7—

10

Omit “65” wherever occurring, insert instead “70”.

**SCHEDULE 25—AMENDMENT TO THE NEW SOUTH WALES  
INVESTMENT CORPORATION ACT 1986**

(Sec. 3)

Section 3 (**Interpretation**)—

15

Section 3 (7)—

After section 3 (6), insert:

20

(7) If financial assistance was granted before the commencement of this subsection in connection with the Western Sydney Business Development Fund, Wollongong Special Assistance Scheme, Small Business Development Fund or Small Businesses’ Loans Guarantee Scheme—

25

(a) the financial assistance shall be deemed to have been granted by the Corporation;

(b) anything done by the Minister or the Ministerial Corporation constituted under section 34H of the State Development and Industries Assistance Act 1966 in relation to the financial assistance shall be deemed to have been done by the Corporation;

30

(c) the Corporation may do anything that that Minister or Ministerial Corporation so constituted could have done in relation to the financial assistance; and

(d) in particular, the Corporation may discharge or otherwise deal with any securities given in favour of that Minister or corporation in relation to the financial assistance.

**SCHEDULE 26—AMENDMENT TO THE POLICE BOARD ACT 1983**

(Sec. 3)

**Section 7 (Functions of the Board)—**

## Section 7 (2) (h)—

5 Omit the paragraph, insert instead:

- (h) consider and, if it thinks fit, approve proposed transfers at the rank of superintendent and higher ranks; and

**SCHEDULE 27—AMENDMENTS TO THE POLICE REGULATION ACT 1899**

10

(Sec. 3)

## (1) Section 5A—

After section 5A, insert:

**Transfers—superintendents and higher ranks**

15 5A. A transfer at the rank of superintendent and higher ranks shall not be made unless the Police Board has approved the transfer under section 7 (2) (h) of the Police Board Act 1983.

## (2) Section 9 (Oaths to be taken by members of the police force)—

## (a) Section 9 (1)—

20 Omit “in the Office of Commissioner, Deputy Commissioner, Assistant Commissioner, superintendent, inspector, sergeant, or constable of police (as the case may be)”, insert instead “as a member of the police force *or* as Commissioner (as the case requires)”.

## (b) Section 9 (1)—

25 Omit “, for the period of \_\_\_\_\_ from this date, and”.

## (c) Section 9 (1)—

Omit “the said office”, insert instead “that office”.

## (d) Section 9 (4), (5)—

After section 9 (3), insert:

30 (4) The oath or affirmation shall be taken or made on each of the following occasions only:

- (a) on appointment as a constable;
- (b) on appointment to a rank of or above the rank of inspector (unless it has previously been taken or made on such an appointment and is still in force);
- 35 (c) on appointment as Commissioner.



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**SCHEDULE 27—AMENDMENTS TO THE POLICE REGULATION  
ACT 1899—*continued***

(5) A member of the police force acting in the office of Commissioner shall be deemed to have taken or made and subscribed the oath or affirmation as Commissioner, with effect while the member is acting.

5 (3) Section 10 (**Oath equivalent to an agreement**)—

Omit “in the capacity in which he has taken the oath or made the affirmation”, insert instead “in the rank which the member holds from time to time”.

10 (4) Section 10A (**Member of police force resigning to contest Commonwealth election**)—

Section 10A (5)—

After “subsection (1)”, insert “as if the appointment were as constable”.

15 **SCHEDULE 28—AMENDMENT TO THE PUBLIC FINANCE AND  
AUDIT ACT 1983**

(Sec. 3)

Section 59A (**Treasury Fire Risks Account**)—

Section 59A (1)—

Omit the subsection, insert instead:

20 (1) Funds in credit in the Treasury Fire Risks Account in the Special Deposits Account may be utilised from time to time by the Treasurer, at the discretion of the Treasurer, for the purpose of—

25 (a) whole or partial payment for, replacement of, or repair to Government property lost or damaged by fire or lightning, or by both;

(b) defraying the expenses incidental to the assessment of loss or damage referred to in paragraph (a); or

30 (c) providing security devices for the prevention or detection of fires in any building or part of a building owned or leased by the Crown.

**SCHEDULE 29—AMENDMENT TO THE PUBLIC HOSPITALS ACT  
1929**

(Sec. 3)

35 Section 27B—

After section 27A, insert:

SCHEDULE 29—AMENDMENT TO THE PUBLIC HOSPITALS ACT  
1929—*continued*

**Liability of directors**

27B. No matter or thing done by a board of directors of a hospital, any director or any person acting under the direction of the board shall, if the matter or thing was done in good faith for the purpose of performing the duties of the board under this or any other Act, subject a director or a person so acting personally to any action, liability, claim or demand.

SCHEDULE 30—AMENDMENTS TO THE REPRINTS ACT 1972

(Sec. 3)

10 (1) Section 6A—

After section 6, insert:

**Authority to include uncommenced amending provisions in reprinted Acts**

15 6A. (1) For the purpose of the reprinting of an Act under section 5, the Attorney General may authorise the Act to be reprinted with the inclusion of all or any uncommenced amending provisions.

20 (2) If an Act is reprinted under section 5 with the inclusion of an uncommenced amending provision, an appropriate indication shall be given in the reprint (whether by means of a note or distinctive type face or otherwise) as to which provisions are and are not in force at the date of the reprint.

(2) Sections 9D, 9E—

After section 9C, insert:

25 **Roman numerals**

9D. Roman numerals in an Act may be regarded for reprinting and all other purposes as being interchangeable with the corresponding arabic numerals.

**Enacting formulas, headings and citations**

30 9E. An Act may be reprinted under section 5—

(a) with the omission of the enacting formula;

(b) with the omission or inclusion of punctuation in headings, and with headings arranged, so as to conform to current styles;

35 (c) with the omission of any inverted commas around the short title or citation;

SCHEDULE 30—AMENDMENTS TO THE REPRINTS ACT 1972—  
*continued*

(d) with the omission of any comma before or after the year in the short title or citation; and

(e) with the omission of any comma before or after the year in references to Acts or other instruments (whether of New South Wales or elsewhere).

5

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

Omit “and 9C”, insert instead “, 9C, 9D and 9E”.

SCHEDULE 31—AMENDMENT TO THE SMALL BUSINESS  
DEVELOPMENT CORPORATION ACT 1984

10

(Sec. 3)

Section 2 (**Commencement**)—

Section 2 (3)—

Omit the subsection, insert instead:

15

(3) Section 12 shall be deemed to have commenced on 19 June 1985.

SCHEDULE 32—AMENDMENTS TO THE SOIL CONSERVATION  
ACT 1938

(Sec. 3)

20 (1) Section 3 (**Definitions**)—

(a) Definition of “Assistant Commissioner”—

Omit the definition.

(b) Definition of “Deputy Commissioner”—

After the definition of “Crown lands”, insert:

25

“Deputy Commissioner” means the Deputy Commissioner of the Service appointed for the purposes of this Act.

(2) Section 4 (**Commissioner of Soil Conservation Service**)—

(a) Section 4 (6) (a), (c)—

Omit “deputy” wherever occurring, insert instead “person”.

30

(b) Section 4 (6) (b)—

Omit “a deputy”, insert instead “the person”.

(c) Section 4 (6) (d)—

Omit “No person”, insert instead “No body”.

(d) Section 4 (6) (d)—

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**SCHEDULE 32—AMENDMENTS TO THE SOIL CONSERVATION  
ACT 1938—continued**

Omit “a deputy” where firstly and thirdly occurring, insert instead “a person”.

(e) Section 4 (6) (d)—

Omit “a deputy” where secondly occurring, insert instead “a person under this subsection”.

(f) Section 4 (6) (d)—

Omit “the deputy”, insert instead “the person”.

(3) Section 4A (**Deputy Commissioner**)—

(a) Section 4A (1)—

Omit “an Assistant”, insert instead “a Deputy”.

(b) Section 4A (2)–(5)—

Omit “Assistant” wherever occurring, insert instead “Deputy”.

(c) Section 4A (3) (b)—

Omit “where there is a deputy Commissioner, in the place of the deputy Commissioner if the Commissioner or the deputy Commissioner”, insert instead “if a person has been appointed under section 4 (6) to act in the place of the Commissioner, in the place of the person if the Commissioner or the person”.

(d) Section 4A (4)—

Omit “deputy Commissioner”, insert instead “person”.

(4) Section 30A (**Delegation**)—

Omit “Assistant” wherever occurring, insert instead “Deputy”.

(5) Section 32A—

After section 32, insert:

**Savings, transitional and other provisions**

32A. The First Schedule has effect.

(6) First Schedule—

After section 37, insert:

**FIRST SCHEDULE—SAVINGS, TRANSITIONAL AND OTHER  
PROVISIONS**

(Sec. 32A)

**References to Assistant Commissioner**

1. (1) On and from the commencement of the amendments made to this Act by the Statute Law (Miscellaneous Provisions) Act (No. 2) 1987, a reference in any other Act, in any instrument made under any Act or in any other instrument of any kind to the Assistant Commissioner of the Service shall be read as a reference to the Deputy Commissioner.

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**SCHEDULE 32—AMENDMENTS TO THE SOIL CONSERVATION  
ACT 1938—continued**

(2) The person holding office as Assistant Commissioner of the Service immediately before the commencement of Schedule 32 of the Statute Law (Miscellaneous Provisions) Act (No. 2) 1987 shall be deemed to have been appointed as Deputy Commissioner.

**5 SCHEDULE 33—AMENDMENTS TO THE STATE DEVELOPMENT  
AND INDUSTRIES ASSISTANCE ACT 1966**

(Sec. 3)

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

Section 34G (2)—

10 Omit the subsection.

**(2) Section 34IA (Industries Assistance Fund)—**

Section 34IA (1) (e)—

15 Omit “(except so much as was acquired out of funds drawn from the account relating to the Special Industries Agency maintained under the State Bank Act 1981)”.

**(3) Schedule 1 (Savings, transitional and other provisions)—**

Clause 2—

After clause 1, insert:

**Money in Special Industries Agency account**

20 2. Money in the account relating to the Special Industries Agency on the commencement of the amendments made to this Act by the Statute Law (Miscellaneous Provisions) Act (No. 2) 1987 shall be transferred to such account as the Treasurer directs.

**25 SCHEDULE 34—AMENDMENTS TO THE STATE DRUG CRIME  
COMMISSION ACT 1985**

(Sec. 3)

**Schedule 1 (Provisions relating to the members of the Commission)—**

(a) Clause 2A—

After clause 2, insert:

**30 Acting member with special legal qualifications**

35 2A. (1) The Minister may, from time to time, appoint a person who has special legal qualifications to act in the office of a member who has special legal qualifications, during the illness or absence of the member, for the purposes of hearings before the Commission.

(2) For the purposes only of the relevant provisions of this Act, such an acting member (while acting)—

*Statute Law (Miscellaneous Provisions) (No. 2) 1987*


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**SCHEDULE 34—AMENDMENTS TO THE STATE DRUG CRIME COMMISSION ACT 1985—*continued***

(a) shall have and may exercise all the functions of the member, and shall be deemed to be a member; and

(b) if the member for whom the acting member is acting is the Chairperson, shall have and may exercise all the functions of the Chairperson, and shall be deemed to be the Chairperson.

(3) The relevant provisions of this Act are the following provisions:

(a) Division 2 (hearings) of Part II, not including section 17;

(b) section 29 (secrecy);

(c) Schedule 1 (provisions relating to the members of the Commission);

(d) Schedule 2 (provisions relating to the procedure of the Commission).

(4) The Minister may remove any person from any office to which the person was appointed under this clause.

(5) A person while acting in the office of a member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.

(6) This clause does not prevent the Governor from appointing a person to act in the office of a member who has special legal qualifications.

(b) **Clause 5 (Appointment of Judge as member not to affect tenure etc.)—**

Clause 5 (2)—

Omit “section”, insert instead “clause”.

**SCHEDULE 35—AMENDMENTS TO THE SUPREME COURT ACT 1970**

(Sec. 3)

(1) **Section 28 (Chief Judges of Divisions; Probate Judge)—**

After “Criminal Division” wherever occurring, insert “, Chief Judge of the Commercial Division”.

(2) **Section 41 (Judges in the Divisions)—**

Section 41 (1) (h)—

*Statute Law (Miscellaneous Provisions) (No. 2) 1987***SCHEDULE 35—AMENDMENTS TO THE SUPREME COURT ACT  
1970—continued**

Omit “such Judge”, insert instead “the Chief Judge of that Division and such other Judge”.

**(3) Section 101 (Appeal in proceedings in the Court)—**

Section 101 (2) (b)—

5 Omit the paragraph.

**SCHEDULE 36—AMENDMENTS TO THE TIMBER MARKETING  
ACT 1977**

(Sec. 3)

**(1) Section 10 (Erection of buildings)—**

10 (a) Section 10 (1) (b)—

Omit “building; or”, insert instead “building;”.

(b) Section 10 (1) (c), (d)—

At the end of section 10 (1) (c), insert:

; or

15 (d) timber (not being milled timber, laminated wood, veneer or plywood) of which more than 50 per cent of any face or edge at any cross section comprises lyctid susceptible sapwood.

**(2) Section 22 (Suspension of approval and registration)—**

20 (a) Section 22 (1) (c)—

Omit “Act; or”, insert instead “Act;”.

(b) Section 22 (1) (d), (e)—

At the end of section 22 (1) (d), insert:

; or

25 (e) the person has otherwise contravened or failed to comply with a provision of this Act or the regulations relating to the approval or the preservative treatment of timber.

**(3) Section 27 (Entry, inspection and testing)—**

(a) Section 27 (3) (a) (v)—

30 Omit “or”.

(b) Section 27 (3) (a) (vi), (vii)—

At the end of section 27 (3) (a) (vi), insert:

; or

(vii) timber or articles are held or stored.

**SCHEDULE 37—AMENDMENTS TO THE TRUSTEE ACT 1925**

(Sec. 3)

**(1) Section 14A (Authorised investments)—****(a) Section 14A (2) (g)—**

5 Omit “in accordance with section 14D”.

**(b) Section 14A (2) (m)—**

Omit the paragraph, insert instead:

**(m) any debentures, promissory notes or other prescribed securities which—**10 **(i) are issued by a company or body which is given a prescribed credit rating by a prescribed credit rating organisation; or****(ii) are given a prescribed credit rating by a prescribed credit rating organisation;**15 **(2) Section 14D (Investment in land)—****(a) Section 14D (3)—**

After “may” where firstly occurring, insert “under the powers conferred by section 14A”.

**(b) Section 14D (4)—**

20 After “may not”, insert “under the powers conferred by section 14A”.

**(c) Section 14D (6)—**

After “land” where firstly occurring, insert “under the powers conferred by section 14A”.

25 **(d) Section 14D (8)—**

Omit the subsection, insert instead:

30 **(8) A trustee has such powers as appear necessary or proper to be exercised in relation to land purchased under the powers conferred by section 14A, including (without being limited to) the following powers:****(a) the power to purchase chattels, whether on terms of deferred payment or otherwise;****(b) the power to erect, reconstruct, enlarge, improve and repair buildings;**35 **(c) the power to join with any other person in doing any of those things.**



**SCHEDULE 38—AMENDMENT TO THE WATER ACT 1912**

(Sec. 3)

## Section 148C—

After section 148B, insert:

5       **Liability for damage to bridges, culverts etc.**

10       148C. (1) If a person causes damage to any bridge, culvert, canal, channel, drain or other work constructed or maintained across a public road (within the meaning of the Local Government Act 1919) by the Ministerial Corporation in the exercise of its powers under this Part in relation to a district or a provisional district, the amount of the cost incurred by the Ministerial Corporation in making good the damage is payable to the Ministerial Corporation by the person who caused the damage and is recoverable in a court of competent jurisdiction.

15       (2) If a person causes damage to a bridge, this section applies to each part of the bridge including decking and a hand rail, approach guard rail, gate, pier, fender, dolphin or platform or any other thing incidental to the use or protection of the bridge.

20       (3) In this section, a reference to damage does not include a reference to ordinary wear and tear.

25       (4) A certificate purporting to be signed by an officer of the Department of Water Resources authorised to do so by the Director of the Department and certifying as to the cost incurred by the Ministerial Corporation in making good damage referred to in this section is admissible in any proceedings under this section and shall be prima facie evidence as to the cost so certified.

**SCHEDULE 39—AMENDMENTS TO THE WATER SUPPLY AUTHORITIES ACT 1987**

(Sec. 3)

30       (1) Section 33 (**Basis of levying service charges**)—

Section 33 (2)—

Omit “factors”, insert instead “bases”.

(2) Section 35 (**Assessment of service charges**)—

Section 35 (3) (a)—

35       Omit “manner in”, insert instead “factor or factors according to”.

(3) Schedule 3 (**Broken Hill Water Board**)—

(a) Clause 4 (1) (b)—

Omit “The Zinc Corporation Limited”.

(b) Clause 4 (1) (c)—

**SCHEDULE 39—AMENDMENTS TO THE WATER SUPPLY  
AUTHORITIES ACT 1987—continued**

Omit the paragraph, insert instead:

(c) A M & S Mining Limited;

(c) (i) Clause 6 (2)—

Omit “The Zinc Corporation Limited”.

5

(ii) Clause 6 (2)—

Omit “New Broken Hill Consolidated Limited”, insert instead “A M & S Mining Limited”.

(iii) Clause 6 (2)—

10

Omit “Western New South Wales Electric Power Proprietary Limited”.

(d) Clause 7 (1) (b)—

Omit the paragraph.

**SCHEDULE 40—AMENDMENT TO THE WILD DOG  
DESTRUCTION ACT 1921**

15

(Sec. 3)

Section 12A (**Overdue rates**)—

Section 12A (4A), (4B)—

After section 12A (4), insert:

20

(4A) Despite subsection (2), if the Minister is satisfied that circumstances warrant it, the Minister may—

(a) direct that an amount due not be increased in accordance with subsection (2);

(b) grant an extension of time after the due date during which the amount due will not be increased; or

25

(c) remit the payment of the whole or any part of the sum by which the amount due is increased under subsection (2).

(4B) No refund shall be made as a consequence of a direction or remission under subsection (4A).

**SCHEDULE 41—AMENDMENTS TO THE WORKERS  
COMPENSATION ACT 1987**

30

(Sec. 3)

(1) Section 72 (**Reference of matters to medical panel etc.**)—

Section 72 (4) (c)—

**SCHEDULE 41—AMENDMENTS TO THE WORKERS  
COMPENSATION ACT 1987—*continued***

Omit “involving”, insert instead “resulting in”.

(2) Part 3, Division 4, Table (**Compensation for permanent injuries**)—

Omit paragraph (b) appearing under the heading “NOTES”, insert instead:

- 5           (b) If a left arm or hand is the worker’s dominant limb—
- (i) loss of left arm, left hand or fingers of left hand shall  
                  be compensated as if loss of right arm, right hand or  
                  fingers of right hand;
- 10           (ii) loss of right arm, right hand or fingers of right hand  
                  shall be compensated as if loss of left arm, left hand  
                  or fingers of left hand.

**SCHEDULE 42—AMENDMENTS TO THE ZOOLOGICAL PARKS  
BOARD ACT 1973**

(Sec. 3)

15   (1) Section 12A—

After section 12, insert:

**Preservation of rights of certain employees**

20           12A. (1) The Board may, in the instrument of appointment of  
an employee of the Board, direct that Schedule 1 is to apply to  
the employee.

(2) Schedule 1 has effect with respect to the rights of an  
employee to whom such a direction applies.

(2) Section 39 (**Repeals**)—

Omit the section.

25   (3) Schedule 1—

Omit the Schedule, insert instead:

**SCHEDULE 1—PRESERVATION OF RIGHTS OF CERTAIN  
EMPLOYEES**

(Sec. 12A)

30   **Definitions**

1. In this Schedule—

“designated employee” means an employee of the Board in respect of whom  
a direction under section 12A has been given.

**Preservation of rights of designated employee previously public servant etc.**

35           2. (1) This clause applies where a designated employee was, immediately  
before being employed by the Board—

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SCHEDULE 42—AMENDMENTS TO THE ZOOLOGICAL PARKS  
BOARD ACT 1973—*continued*

- (a) an officer of the Public Service or a Teaching Service;  
 (b) a contributor to a superannuation scheme;  
 (c) an officer employed by a proclaimed statutory body; or  
 5 (d) a person in respect of whom provision was made by any Act for the retention of any rights accrued or accruing to the person as an officer or employee.

(2) Subject to the terms of appointment, a designated employee—

- (a) shall retain any rights accrued or accruing to him or her as such an officer, contributor or person;  
 10 (b) may continue to contribute to any superannuation scheme to which he or she was a contributor immediately before being employed by the Board; and  
 (c) is entitled to receive any deferred or extended leave and any payment, pension or gratuity,

15 as if he or she had continued to be such an officer, contributor or person during his or her service as a designated employee.

(3) Service as a designated employee shall be regarded as service as an officer or employee for the purposes of any law under which those rights accrued or were accruing, under which he or she continues to contribute or by which that entitlement is conferred.

(4) A designated employee shall be regarded as an officer or employee, and the Board shall be regarded as the employer, for the purposes of the superannuation scheme to which he or she is entitled to contribute under this clause.

25 (5) If a designated employee would, but for this subclause, be entitled under subclause (2) to contribute to a superannuation scheme or to receive any payment, pension or gratuity under the scheme—

- (a) he or she is not so entitled on becoming (whether upon employment by the Board or at any later time while holding office as a designated employee) a contributor to any other superannuation scheme; and  
 30 (b) the provisions of subclause (4) cease to apply to or in respect of him or her and the Board in any case where he or she becomes a contributor to any such other superannuation scheme.

(6) Subclause (5) does not prevent the payment to a designated employee (on his or her ceasing to be a contributor to a superannuation scheme) of such amount as would have been payable to him or her if he or she had ceased, because of resignation, to be an officer or employee for the purposes of the scheme.

35 (7) A designated employee is not, in respect of the same period of service, entitled to dual benefits of the same kind through the operation of this clause.

(8) In this clause—

40 “proclaimed statutory body” means any body constituted by or under an Act that is declared by the Governor, by proclamation, to be a statutory body for the purposes of this clause;

**SCHEDULE 42—AMENDMENTS TO THE ZOOLOGICAL PARKS  
BOARD ACT 1973—continued**

“superannuation scheme” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under an Act.

5 **Designated employee entitled to re-appointment to former employment in certain cases**

3. (1) A designated employee, being a person who—

- (a) ceases to be an employee of the Board because of the expiration of the period for which the person was appointed or because of resignation;
- 10 (b) was, immediately before being employed by the Board—
- (i) an officer of the Public Service or a Teaching Service; or
- (ii) an officer or employee of a proclaimed statutory body; and
- (c) has not reached the age at which the person would have been entitled to retire had the person continued to be such an officer or employee,

15 is entitled to be appointed to some position in the Public Service, the Teaching Service or the service of that proclaimed statutory body, as the case may be, not lower in classification and salary than that which the person held immediately before being employed by the Board.

(2) In this clause—

20 “proclaimed statutory body” means any body constituted by or under an Act that is declared by the Governor, by proclamation, to be a statutory body for the purposes of this clause.

**SCHEDULE 43—AMENDMENTS RELATING TO DISCLOSURE OF  
INFORMATION**

(Sec. 3)

25 **Business Franchise Licences (Petroleum Products) Act 1987 No. 94—**

Section 62 (Disclosure of information)—

- (a) Section 62 (1) (b)—  
Omit “or” where lastly occurring.
- 30 (b) Section 62 (1) (c), (d)—  
At the end of section 62 (1) (c), insert:
- ; or
- (d) in accordance with a requirement imposed under the Ombudsman Act 1974.

35 **Business Franchise Licences (Tobacco) Act 1987 No. 93—**

Section 69 (Disclosure of information)—

- (a) Section 69 (1) (b)—  
Omit “or” where lastly occurring.
- (b) Section 69 (1) (c), (d)—  
At the end of section 69 (1) (c), insert:
- 40 ; or

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SCHEDULE 43—AMENDMENTS RELATING TO DISCLOSURE OF  
INFORMATION—*continued*

(d) in accordance with a requirement imposed under the Ombudsman Act 1974.

**Health Insurance Levies Act 1982 No. 159—**

Section 20 (**Disclosure of information etc.**)—

5 (a) Section 20 (1) (b)—

Omit “or” where lastly occurring.

(b) Section 20 (1) (c), (d)—

At the end of section 20 (1) (c), insert:

; or

10 (d) in accordance with a requirement imposed under the Ombudsman Act 1974.

**Land Tax Management Act 1956 No. 26—**

Section 6 (**Disclosure of information etc.**)—

15 (a) Section 6 (1) (b)—

Omit “or” where lastly occurring.

(b) Section 6 (1) (c), (d)—

At the end of section 6 (1) (c), insert:

; or

20 (d) in accordance with a requirement imposed under the Ombudsman Act 1974.

**Pay-roll Tax Act 1971 No. 22—**

Section 5 (**Disclosure of information etc.**)—

(a) Section 5 (1) (b)—

Omit “or” where lastly occurring.

25 (b) Section 5 (1) (c), (d)—

At the end of section 5 (1) (c), insert:

; or

(d) in accordance with a requirement imposed under the Ombudsman Act 1974.

30 **Revenue Laws (Reciprocal Powers) Act 1987 No. 86—**

(1) Section 12 (**Provision of information to certain Commonwealth and State revenue officers etc.**)—

(a) Section 12 (3) (b) (iv)—

Omit “or” where lastly occurring.

35 (b) Section 12 (3) (c), (d)—

At the end of section 12 (3) (c), insert:

; or

(d) in accordance with a requirement imposed under the Ombudsman Act 1974.

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SCHEDULE 43—AMENDMENTS RELATING TO DISCLOSURE OF  
INFORMATION—*continued*

(2) Section 17 (**False or misleading statements**)—

Section 17 (2)—

At the end of the subsection, insert:

Penalty: \$5,000 or imprisonment for 12 months, or both.

5 **Stamp Duties Act 1920 No. 47—**

Section 131A (**Disclosure of information etc.**)—

(a) Section 131A (1) (b)—

Omit “or” where lastly occurring.

(b) Section 131A (1) (c), (d)—

10 At the end of section 131A (1) (c), insert:

; or

(d) in accordance with a requirement imposed under the Ombudsman Act 1974.

15 **SCHEDULE 44—AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE  
LAW REVISION**

(Sec. 3)

**Air Transport (Amendment) Act 1987 No. 112—**

Schedule 2 (**Provisions relating to the procedure of the Air Transport Council**)—

Schedule 2, clauses 2 (4), 3—

20 After “Minister” wherever occurring, insert “administering the Principal Act”.

**Arbitration (Civil Actions) Act 1983 No. 43—**

Section 18 (**Rehearing**)—

Section 18 (4)—

Omit “section 120”, insert instead “section 148B”.

25 **Bread Act 1969 No. 54—**

Section 19F (**Double jeopardy**)—

(a) Omit “Part III of the Consumer Protection Act, 1969”, insert instead “Part 4 or 5 of the Fair Trading Act 1987”.

(b) Omit “Part III of that Act”, insert instead “Part 4 or 5 of that Act”.

30 **Builders Licensing Act 1971 No. 16—**

(1) Section 3 (**Interpretation**)—

Section 3 (1), definition of “approved”—

Omit “Board”, insert instead “Corporation”.

(2) Section 31 (**Appeals**)—

35 Section 31 (5A) (a)—

Omit “Board’s”, insert instead “Corporation’s”.

*Statute Law (Miscellaneous Provisions) (No. 2) 1987*SCHEDULE 44—AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE  
LAW REVISION—*continued***Building Services Corporation Act 1987 No. 59—**Section 11 (**Financial provisions**)—

## Section 11 (1) (b)—

5 Omit “Consumer Protection Act 1969”, insert instead “Fair Trading Act 1987”.

**Business Franchise Licences (Petroleum Products) Act 1987 No. 94—**Section 38 (**Duration of licences**)—

## Section 38—

Omit “in which”, insert instead “for which”.

10 **Commercial Tribunal Act 1984 No. 98—**Section 4 (**Interpretation**)—

## Section 4 (1), definition of “Commissioner”—

15 Omit “13 of the Consumer Protection Act, 1969, and any person appointed under section 14”, insert instead “6 (1) of the Fair Trading Act 1987 and any person appointed under section 6 (3)”.

**Co-operation Act 1923 (1924 No. 1)—**Section 89 (as substituted by Act No. 106, 1986) (**Accounts and audit**)—

## Omit section 89 (4) (f), insert instead:

20 (f) the adoption, with or without modification, of any provisions of Part VI (accounts and audit) of the Companies (New South Wales) Code (including provisions conferring jurisdiction on the Supreme Court) or other provisions of that Code concerned with accounts and audit;

**Co-operation (Amendment) Act 1986 No. 106—**Schedule 3 (**Savings and transitional provisions**)—

25 Schedule 3, clause 2—

After “Minister”, insert “administering the Principal Act”.

**Credit Act 1984 No. 94—**(1) Section 5 (**Interpretation**)—

## Section 5 (1), definition of “Commissioner”—

30 Omit “13 of the Consumer Protection Act, 1969, and any person appointed under section 14”, insert instead “6 (1) of the Fair Trading Act 1987 and any person appointed under section 6 (3)”.

(2) Section 61 (**Statement of account**)—

## Section 61 (2) (a)—

35 Omit “Act”, insert instead “act”.

**Credit (Administration) Act 1984 No. 95—**(1) Section 4 (**Definitions**)—

## Section 4, definition of “Commissioner”—



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SCHEDULE 44—AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE  
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- Omit “13 of the Consumer Protection Act, 1969, and any person appointed under section 14”, insert instead “6 (1) of the Fair Trading Act 1987 and any person appointed under section 6 (3)”.
- 5 (2) Section 54 (**Application of Fair Trading Act 1987**)—
- (a) Section 54 (1)—  
Omit “12 of the Consumer Protection Act, 1969”, insert instead “9 of the Fair Trading Act 1987”.
- (b) Section 54 (2)—  
10 Omit “15A of the Consumer Protection Act, 1969,”, insert instead “8 of the Fair Trading Act 1987”.
- (3) Section 55 (**Power of entry**)—  
Section 55 (1)—  
Omit “inspector appointed under the Consumer Protection Act, 1969,”, insert  
15 instead “investigator appointed under section 18 of the Fair Trading Act 1987”.
- (4) Section 57 (**Secrecy**)—  
Section 57 (2)—  
Omit “Consumer Protection Act, 1969”, insert instead “Fair Trading Act  
20 1987”.
- (5) Section 61 (**Annual report**)—  
Section 61 (2)—  
Omit “18 of the Consumer Protection Act, 1969”, insert instead “11 of the  
Fair Trading Act 1987”.
- Credit (Finance Brokers) Act 1984 No. 96—**
- 25 Section 4 (**Interpretation**)—  
Section 4 (1), definition of “Commissioner”—  
Omit “13 of the Consumer Protection Act, 1969, and any person appointed  
under section 14”, insert instead “6 (1) of the Fair Trading Act 1987 and any  
person appointed under section 6 (3)”.
- 30 **Energy Legislation (Repeals and Savings) Act 1987 No. 108—**  
Schedule 3 (**Savings, transitional and other provisions relating to the Energy  
Authority**)—  
Schedule 3, clause 7 (1)—  
Omit “26”, insert instead “25”.
- 35 **Fair Trading Act 1987 No. 68—**  
(1) Section 4 (**Interpretation**)—  
(a) Section 4 (1)—  
Omit from paragraph (a) (ii) of the definition of “services” the words “a  
contract for, or involving.”.
- 40 (b) Section 4 (1)—  
Omit paragraph (d) of the definition of “services”, insert instead:

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SCHEDULE 44—AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE  
LAW REVISION—*continued*

(d) a contract for or in relation to the lending of money,  
but does not include rights or benefits being the supply of goods or the  
performance of work under a contract of service;

5 (2) Section 31 (**Order (other than interim order) prohibiting or restricting the supply of goods**)—

Section 31 (2)—

After “Sections”, insert “39,”.

(3) Section 40 (**Dual pricing**)—

Section 40 (2) (d) (ii)—

10 After “out-of-date;” insert “or”.

**Family Provision Act 1982 No. 160—**

Section 9 (**Provisions affecting Court’s powers under secs. 7 and 8**)—

Section 9 (6)—

Omit “conform”, insert instead “confirm”.

15 **Gas Act 1986 No. 213—**

(1) Section 3 (**Interpretation**)—

(a) Section 3 (1)—

Omit the definition of “Authority”.

(b) Section 3 (1), definition of “Corporation”—

20 After the definition of “consumer”, insert:

“Corporation” means the Energy Corporation of New South Wales  
constituted under the Energy Administration Act 1987;

(2) Sections 11, 12, 15, 17, 48, 49, 79, 83, 89, 101, 103, 105, 116, 118, 119, 121, 133,  
139—

25 Omit “Authority” wherever occurring, insert instead “Corporation”.

**Habitual Criminals Act 1957 No. 19—**

Section 2 (**Repeals and savings**)—

Section 2 (2) (c)—

Omit the paragraph.

30 **Heritage Act 1977 No. 136—**

Section 76 (**Appeal to Minister in respect of prescribed applications**)—

Omit “, the Local Government (Regulation of Flats) Act, 1955”.

**Heritage (Amendment) Act 1987 No. 11—**

Schedule 1 (19)—

35 Omit “, insert ”, insert instead “where secondly occurring, insert”.

**Historic Houses (Amendment) Act 1986 No. 126—**

Section 3 (**Validation**)—

After “Minister”, insert “administering the Historic Houses Act 1980”.

*Statute Law (Miscellaneous Provisions) (No. 2) 1987*

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SCHEDULE 44—AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE  
LAW REVISION—*continued*

**Industrial Arbitration Act 1940 No. 2—**

Section 18A (Apprenticeship conciliation committees)—

Section 18A (1)—

Omit “senior conciliation commissioner”, insert instead “Vice-President”.

**5 Innkeepers Act 1968 No. 24—**

Section 3 (Interpretation and construction of Act)—

Section 3 (2)—

Omit the subsection.

**Lay-by Sales Act 1943 No. 36—**

**10 (1) Section 4 (Register)—**

Section 4 (8) (b)—

Omit “inspector appointed under the Consumer Protection Act, 1969”, insert instead “investigator appointed under section 18 of the Fair Trading Act 1987”.

**15 (2) Section 5 (Lay-by agreements)—**

Section 5 (4)—

Omit the subsection, insert instead:

**20 (4)** In any case where the goods sold or agreed to be sold are goods to which information is appended as to a product information standard prescribed in relation to the goods under section 38 of the Fair Trading Act 1987, the nature and quality of the goods may be indicated, in any statement furnished under this section, in terms of or by reference to the information appended to the goods.

**(3) Section 6 (Goods sold or agreed to be sold on lay-by to be set aside)—**

**25** Section 6 (2) (b)—

Omit “inspector appointed under the Consumer Protection Act, 1969”, insert instead “investigator appointed under section 18 of the Fair Trading Act 1987”.

**(4) Section 7 (Offences)—**

**30** Section 7 (3)—

Omit “Consumer Protection Act, 1969”, insert instead “Fair Trading Act 1987”.

**Liquor Act 1982 No. 147—**

**(1) Section 36 (Restriction on certain applications)—**

**35** Section 36 (7)—

Omit “, except pursuant to section 42 (3),”.

**(2) Section 45 (Grounds of objection)—**

Section 45 (1) (c)—

After “(a)”, insert “, (a1)”.

**40 (3) Section 46 (Taking of objection)—**

Section 46 (1) (b) (ia)—

*Statute Law (Miscellaneous Provisions) (No. 2) 1987*

SCHEDULE 44—AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE  
LAW REVISION—*continued*

After section 46 (1) (b) (i), insert:

- (ia) in the case of an objection on the ground specified in section 45 (1) (a1)—that the applicant is so closely associated with a specified person as not to be a fit and proper person to be the holder of a licence;

**5 Local Government (Electricity) Amendment Act 1987 No. 106—**

Section 4 (**Amendment of Ordinances Nos. 20 and 54**)—

Section 4 (2)—

At the end of section 4, insert:

- 10 (2) An Ordinance amended by operation of this Act may be amended or repealed as if the amendment made by this Act had been made by Ordinance under the Local Government Act 1919.

**Miscellaneous Acts (Legal Profession) Amendment Act 1987 No. 111—**

Section 2 (**Commencement**)—

Section 2 (3)—

- 15 Omit “Schedule 2”, insert instead “Schedule 1”.

**Miscellaneous Acts (Leasehold Strata Schemes) Amendment Act 1986 No. 220—**

Schedule 1 (**Amendments to Acts**)—

Schedule 1, matter relating to the Darling Harbour Authority Act 1984—

- 20 (1) From item (5), omit “59 (2)”, insert instead “59 (4)”.
- (2) From item (5), omit “(2) In”, insert instead “(4) In”.

**Miscellaneous Acts (Public Prosecutions) Amendment Act 1986 No. 212—**

Schedule 1 (**Amendment of certain Acts**)—

From item (6) (b) of the matter relating to the Crimes Act 1900, omit “428M (1) (b) (ii)”, insert instead “428M (1) (b)”.

**25 Miscellaneous Acts (Water Administration) Amendment Act 1986 No. 205—**

Schedule 2 (**Amendments consequential upon the enactment of the Water Administration Act 1986**)—

From the matter relating to the Electricity Commission Act 1950, omit “2”, insert instead “22”.

**30 Motor Dealers Act 1974 No. 52—**

(1) Section 4 (**Interpretation**)—

(a) Section 4 (1)—

Omit paragraph (b) of the definition of “authorised officer”, insert instead:

- 35 (b) an investigator appointed under section 18 of the Fair Trading Act 1987;

(b) Section 4 (1)—

From the definition of “Commissioner”, omit “13 of the Consumer Protection Act 1969, and includes any person appointed to act as such pursuant to section 14 of that Act”, insert instead “6 (1) of the Fair Trading Act 1987 and any person appointed under section 6 (3) of that Act to act as Commissioner”.

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*Statute Law (Miscellaneous Provisions) (No. 2) 1987*

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SCHEDULE 44—AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE  
LAW REVISION—*continued*

- (2) Section 6 (**Performance of Commissioner's functions**)—  
Section 6 (1), (2)—  
Omit "15 (1) of the Consumer Protection Act 1969" wherever occurring, insert instead "7 of the Fair Trading Act 1987".
- 5 (3) Section 47 (**Certain misdescriptions prohibited**)—  
Section 47 (4)—  
Omit "Part III of the Consumer Protection Act 1969", insert instead "Part 5 of the Fair Trading Act 1987".
- Nurses Registration (Amendment) Act 1987 No. 130—**
- 10 (1) Schedule 1 (**Amendments to the Principal Act relating to the Board**)—  
Schedule 1 (6) (a)—  
Omit the paragraph, insert instead:  
(a) Section 9 (2)—  
Omit "5 (1) (section 5 (1) (f))", insert instead "5 (2) (section 5 (2) (a) and (b))".
- 15 (2) Schedule 2 (**Amendments to the Principal Act relating to the enrolment and registration of nurses**)—  
(a) Schedule 2 (3)—  
Omit ", midwifery", insert instead ", a midwifery".
- 20 (b) Schedule 2 (11) (b), (c)—  
Omit item 2 (11) (b), insert instead:  
(b) Section 35 (1) (f)—  
Omit "nursing aides", insert instead "enrolled nurses and enrolled nurses (mothercraft)".
- 25 (c) Section 35 (1) (h)—  
Omit "nursing aides", insert instead "nurses and enrolled nurses (mothercraft)".
- Parliamentary Electorates and Elections (Amendment) Act 1987 No. 132—**  
Schedule 1 (42)—  
30 Omit "After section 114", insert instead "After section 114A".
- Prisons Act 1952 No. 9—**  
Schedule 5 (**Provisions relating to the constitution and procedure of the Board**)—  
Schedule 5, clause 4 (4) (a)—  
Omit "or the Deputy Chairman".
- 35 **Public Health Act 1902 No. 30—**  
Sections 63A (1), 63B (1)—  
Omit "the expiration of three months after the commencement of the Public Health (Amendment) Act, 1944" wherever occurring, insert instead "1 April 1988".

*Statute Law (Miscellaneous Provisions) (No. 2) 1987*

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SCHEDULE 44—AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE  
LAW REVISION—*continued*

**Public Hospitals (Amendment) Act 1986 No. 51—**

(1) Schedule 1 (2) (g)—

Omit the item, insert instead:

(g) Section 11 (6) (b) (iii)—

5 Omit “of a”, insert instead “of an area health service, a”.

(2) Schedule 1 (7) (a) (ii)—

After “or all patients”, insert “of”.

(3) Schedule 1 (7) (a) (iii)—

After “patients” where secondly occurring, insert “of”.

**10 Registered Clubs Act 1976 No. 31—**

Section 15 (Fees)—

Section 15 (3)—

Omit “it thinks”, insert instead “the secretary thinks”.

**Registration of Interests in Goods Act 1986 No. 37—**

**15 Section 3 (Interpretation)—**

Section 3 (1), definition of “Commissioner”—

Omit “13 of the Consumer Protection Act 1969 and any person appointed under section 14”, insert instead “6 (1) of the Fair Trading Act 1987 and any person appointed under section 6 (3)”.

**20 Residential Tenancies Act 1987 No. 26—**

Section 3 (Interpretation)—

Section 3 (1), definition of “Commissioner for Consumer Affairs”—

Omit “the Consumer Protection Act 1969”, insert instead “section 6 (3) of the Fair Trading Act 1987”.

**25 Residential Tenancies Tribunal Act 1986 No. 60—**

Section 4 (Interpretation)—

Section 4 (1), definition of “Commissioner for Consumer Affairs”—

Omit “13 of the Consumer Protection Act 1969 and any person appointed under”, insert instead “6 (1) of the Fair Trading Act 1987 and any person appointed under section 6 (3) of”.

**Strata Titles (Amendment) Act 1987 No. 147—**

(1) Schedule 1 (3) (b), proposed section 58 (7) of the Strata Titles Act 1973—

Omit the proposed subsection, insert instead:

35 (7) With the written consent of the proprietor or proprietors of the lot or lots concerned, the body corporate may, pursuant to a special resolution, make a by-law—

(a) conferring on the proprietor of a lot specified in the by-law, or the proprietors of several lots so specified—

(i) a right of exclusive use and enjoyment of; or

40 (ii) special privileges in respect of,

*Statute Law (Miscellaneous Provisions) (No. 2) 1987*


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 SCHEDULE 44—AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE  
 LAW REVISION—*continued*

the whole or any specified part of the common property, upon conditions (including the payment of money, at specified times or as required by the body corporate, by the proprietor or proprietors of the lot or lots concerned) specified in the by-law; or

5 (b) amending or repealing a by-law made in accordance with this subsection.

(2) Schedule 2 (22)—

(a) Omit “(a) Clause 10 (f), (g)—”, insert instead:

(a) Clause 10 (d)—

10 Omit “(a) and”.

(b) Clause 10 (f), (g)—

(b) Omit “(b) Clause 27 (2)—”, insert instead:

(c) Clause 11 (c)—

Omit “(1) (c)”, insert instead “(1) (a)”.

15 (d) Clause 27 (2)—

**Strata Titles (Leasehold) Amendment Act 1987 No. 148—**

(1) Schedule 1 (3) (b), proposed section 87 (7) of the Strata Titles (Leasehold) Act 1986—

Omit the proposed subsection, insert instead:

20 (7) With the written consent of the lessor under the scheme and of the lessee or lessees of the lot or lots concerned, the body corporate may, pursuant to a special resolution, make a by-law—

(a) conferring on the lessee of a lot specified in the by-law, or the lessees of several lots so specified—

25 (i) a right of exclusive use and enjoyment of; or

(ii) special privileges in respect of,

30 the whole or any specified part of the common property, upon conditions (including the payment of money, at specified times or as required by the body corporate, by the lessee or lessees of the lot or lots concerned) specified in the by-law; or

(b) amending or repealing a by-law made in accordance with this subsection.

(2) (a) Schedule 2 (1)—

Omit “Section 5” wherever occurring, insert instead “Section 4”.

(b) Schedule 2 (20)—

35 (i) Omit “(a) Clause 11 (f), (g)—”, insert instead:

(a) Clause 11 (d)—

Omit “(a) and”.

(b) Clause 11 (f), (g)—

*Statute Law (Miscellaneous Provisions) (No. 2) 1987*SCHEDULE 44—AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE  
LAW REVISION—*continued*

(ii) Omit “(b) Clause 28 (2)—”, insert instead:

(c) Clause 12 (c)—

Omit “(1) (c)”, insert instead “(1) (a)”.

(d) Clause 28 (2)—

5 **Travel Agents Act 1986 No. 5—**(1) Section 3 (**Interpretation**)—

Section 3 (1), definition of “Commissioner”—

10 Omit “13 of the Consumer Protection Act 1969 or any person appointed under section 14”, insert instead “6 (1) of the Fair Trading Act 1987 or any person appointed under section 6 (3)”.

(2) Section 44 (**Powers of entry etc.**)—

Section 44 (1)—

15 Omit “inspector appointed under the Consumer Protection Act 1969”, insert instead “investigator appointed under section 18 of the Fair Trading Act 1987”.

(3) Schedule 2 (**Savings and transitional provisions**)—

Schedule 2, clause 3 (2) (j) (ii)—

Omit “16 of the Consumer Protection Act 1969”, insert instead “9 of the Fair Trading Act 1987”.

20 **Water Board Act 1987 No. 141—**(1) Section 33 (**Basis of levying service charges**)—

Section 33 (2)—

Omit “factors”, insert instead “bases”.

(2) Section 35 (**Assessment of service charges**)—

25 Section 35 (3) (a)—

Omit “manner in”, insert instead “factor or factors according to”.

## SCHEDULE 45—REPEALS

(Sec. 4 (1))

- Native Dogs Destruction and Poisoned Baits Act 1901 (1902 No. 19)\*
- 30 Red Cross War Chest Farm Colony Transfer Act 1924 No. 5\*
- Flour Acquisition Act 1931 No. 10\*
- Flour Acquisition (Amendment) Act 1931 No. 50\*
- Wheatgrowers Relief Act 1932 No. 60\*
- State Cannery (Sale) Act 1935 No. 38\*
- 35 Wheat and Wheat Products Act 1936 No. 3\*\*\*
- Wheat Growers Relief Act 1936 No. 9\*
- Wheat Products (Prices Fixation) Act 1938 No. 19\*
- Wheat Industry Stabilization Act 1938 No. 32\*
- Wheatgrowers Relief Act 1941 No. 4\*
- 40 Cereal Growers Drought Relief Act 1944 No. 33\*
- State Tileworks Act 1947 No. 29\*
- Cattle Compensation Taxation Act 1962 No. 24\*



*Statute Law (Miscellaneous Provisions) (No. 2) 1987*SCHEDULE 45—REPEALS—*continued*

- Wheat Quotas Act 1969 No. 53\*
- Wheat Industry Stabilization and Wheat Quotas (Amendment) Act 1969 No. 74\*
- Wheat Quotas Act 1970 No. 66\*
- Wheat Quotas Act 1971 No. 76\*
- 5 Wheat Quotas Act 1972 No. 67\*
- Wheat Quotas Act 1973 No. 89\*
- Stamp Duties (Further Amendment) Act 1974 No. 110\*\*\*
- Wheat Quotas Act 1975 No. 17\*
- Bookmakers (Taxation) Amendment Act 1981 No. 70\*\*\*
- 10 Newcastle Gas Company Limited (Amendment) Act 1982 No. 75\*\*\*
- Motor Traffic (Further Amendment) Act 1983 No. 102\*\*
- Motor Traffic (Recreation Vehicles) Amendment Act 1983 No. 139\*\*
- Theatres and Public Halls (Amendment) Act 1983 No. 144\*\*
- Stamp Duties (Amendment) Act 1984 No. 26\*\*
- 15 Theatres and Public Halls (Liquor) Amendment Act 1984 No. 59\*\*
- Sporting Injuries Insurance (Amendment) Act 1984 No. 65\*\*
- Sporting Injuries Insurance (Workers' Compensation) Amendment Act 1984 No. 92\*\*
- Theatres and Public Halls (Film and Video Tape Classification) Amendment Act 1984 No. 158\*\*
- 20 Trustee (Amendment) Act 1984 No. 169\*\*
- Stamp Duties (Further Amendment) Act 1984 No. 171\*\*
- Registered Clubs (Amendment) Act 1985 No. 13\*\*
- Totalizator (Off-course Betting) Amendment Act 1985 No. 39\*\*
- Registered Clubs (Further Amendment) Act 1985 No. 71\*\*
- 25 Gaming and Betting (Poker Machines) Taxation Amendment Act 1985 No. 72\*\*
- Registered Clubs (Miscellaneous Provisions) Amendment Act 1985 No. 78\*\*
- Trustee (Trustees' Agents) Amendment Act 1985 No. 89\*\*
- Anti-Discrimination (Amendment) Act 1985 No. 112\*\*
- Dog (Amendment) Act 1985 No. 125\*\*
- 30 Darling Harbour Authority (Further Amendment) Act 1985 No. 161\*\*
- Motor Traffic (Random Breath Testing) Amendment Act 1985 No. 205\*\*
- Stamp Duties (Amendment) Act 1985 No. 219\*\*
- Motor Traffic (Unregistered Vehicles) Amendment Act 1986 No. 3\*\*
- Motor Traffic (Menacing Driving) Amendment Act 1986 No. 4\*\*
- 35 Long Service Leave (Industrial Arbitration) Amendment Act 1986 No. 9\*\*
- Theatres and Public Halls (Boxing and Wrestling Contests) Amendment Act 1986 No. 12\*\*
- Long Service Leave (Amendment) Act 1986 No. 24\*\*
- Bail (Amendment) Act 1986 No. 48\*\*
- 40 Egg Industry (Amendment) Act 1986 No. 54\*\*

*Statute Law (Miscellaneous Provisions) (No. 2) 1987*SCHEDULE 45—REPEALS—*continued*

Gaming and Betting (Poker Machines) Taxation Amendment Act 1986 No. 80\*\*

Stamp Duties (Amendment) Act 1986 No. 91\*\*

Totalizator (Off-course Betting) Amendment Act 1986 No. 171\*\*

## NOTE:

5. \* indicates repeal of Act that is no longer of public utility
- \*\* indicates repeal of amending Act whose provisions have been included in a reprint and which contains no provision of substantive effect that needs to be retained
- \*\*\* indicates repeal of Act containing uncommenced provisions

## SCHEDULE 46—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

10 (Sec. 5)

**Effect of amendment of amending provisions**

1. An amendment made by Schedule 44 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  
15 the commencement of the amending provision.

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

2. 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,  
20 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.

**Revocation of repeal**

3. The Dairy Industry (Amendment) Act 1984 shall be deemed not to be, and never  
25 to have been, repealed by the Statute Law (Miscellaneous Provisions) Act (No. 2) 1986.

**Charitable Collections Regulations—repeal**

4. Regulations 3–6 of, and Schedules A, B and D to, the Charitable Collections Regulations are, on the commencement of Schedule 5, repealed.

**Appointments to Government Insurance Office of New South Wales Board not affected**

- 30 5. Nothing in Schedule 16 affects the appointment of a director of the Government Insurance Office of New South Wales Board who was holding office immediately before the commencement of that Schedule.

**Regulations made under Motor Traffic Act 1909**

- 35 6. A regulation made under section 3 (1) (t) of the Motor Traffic Act 1909 and in force immediately before the commencement of this Act shall, on that commencement, be deemed to have been made under section 3 (1) (t) of that Act, as amended by this Act.

*Statute Law (Miscellaneous Provisions) (No. 2) 1987*SCHEDULE 46—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—  
*continued***Oaths under Police Regulation Act 1899**

7. (1) An oath or affirmation in force under section 9 of the Police Regulation Act 1899 immediately before the commencement of this clause shall be deemed to have been taken or made and subscribed under, and in terms appropriate to, that section as amended by this Act.

(2) A failure by a member of the police force to take or make and subscribe an oath or affirmation under section 9 of the Police Regulation Act 1899 does not invalidate anything done by the member before the commencement of this clause.

**Validation of certain decisions of the Blue Mountains Area Health Board relating to Springwood Hospital**

8. Any act, matter or thing done after 1 October 1986 by the Blue Mountains Area Health Service that would have been validly done if Springwood Hospital had been transferred to that area health service on that date is validated.

**Regulations**

9. (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 referred to in subclause (1) may, if the regulations so provide, 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 clause of this Schedule.

**NOTE****Alphabetical list of Acts repealed by Schedule 45**

Anti-Discrimination (Amendment) Act 1985 No. 112\*\*

Bail (Amendment) Act 1986 No. 48\*\*

Bookmakers (Taxation) Amendment Act 1981 No. 70\*\*\*

Cattle Compensation Taxation Act 1962 No. 24\*

Cereal Growers Drought Relief Act 1944 No. 33\*

Darling Harbour Authority (Further Amendment) Act 1985 No. 161\*\*

Dog (Amendment) Act 1985 No. 125\*\*

Egg Industry (Amendment) Act 1986 No. 54\*\*

*Statute Law (Miscellaneous Provisions) (No. 2) 1987*

- 
- Flour Acquisition Act 1931 No. 10\*
  - Flour Acquisition (Amendment) Act 1931 No. 50\*
  - Gaming and Betting (Poker Machines) Taxation Amendment Act 1985 No. 72\*\*
  - Gaming and Betting (Poker Machines) Taxation Amendment Act 1986 No. 80\*\*
  - 5 Long Service Leave (Amendment) Act 1986 No. 24\*\*
  - Long Service Leave (Industrial Arbitration) Amendment Act 1986 No. 9\*\*
  - Motor Traffic (Further Amendment) Act 1983 No. 102\*\*
  - Motor Traffic (Menacing Driving) Amendment Act 1986 No. 4\*\*
  - Motor Traffic (Random Breath Testing) Amendment Act 1985 No. 205\*\*
  - 10 Motor Traffic (Recreation Vehicles) Amendment Act 1983 No. 139\*\*
  - Motor Traffic (Unregistered Vehicles) Amendment Act 1986 No. 3\*\*
  - Native Dogs Destruction and Poisoned Baits Act 1901 (1902 No. 19)\*
  - Newcastle Gas Company Limited (Amendment) Act 1982 No. 75\*\*\*
  - Red Cross War Chest Farm Colony Transfer Act 1924 No. 5\*
  - 15 Registered Clubs (Amendment) Act 1985 No. 13\*\*
  - Registered Clubs (Further Amendment) Act 1985 No. 71\*\*
  - Registered Clubs (Miscellaneous Provisions) Amendment Act 1985 No. 78\*\*
  - Sporting Injuries Insurance (Amendment) Act 1984 No. 65\*\*
  - Sporting Injuries Insurance (Workers' Compensation) Amendment Act 1984 No. 92\*\*
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  - Stamp Duties (Amendment) Act 1985 No. 219\*\*
  - Stamp Duties (Amendment) Act 1986 No. 91\*\*
  - Stamp Duties (Further Amendment) Act 1974 No. 110\*\*\*
  - Stamp Duties (Further Amendment) Act 1984 No. 171\*\*
  - 25 State Cannery (Sale) Act 1935 No. 38\*
  - State Tileworks Act 1947 No. 29\*
  - Theatres and Public Halls (Amendment) Act 1983 No. 144\*\*
  - Theatres and Public Halls (Boxing and Wrestling Contests) Amendment Act 1986 No. 12\*\*
  - 30 Theatres and Public Halls (Film and Video Tape Classification) Amendment Act 1984 No. 158\*\*
  - Theatres and Public Halls (Liquor) Amendment Act 1984 No. 59\*\*
  - Totalizator (Off-course Betting) Amendment Act 1985 No. 39\*\*
  - Totalizator (Off-course Betting) Amendment Act 1986 No. 171\*\*
  - 35 Trustee (Amendment) Act 1984 No. 169\*\*
  - Trustee (Trustees' Agents) Amendment Act 1985 No. 89\*\*
  - Wheat and Wheat Products Act 1936 No. 3\*\*\*
  - Wheat Growers Relief Act 1936 No. 9\*
  - Wheat Industry Stabilization Act 1938 No. 32\*
  - 40 Wheat Industry Stabilization and Wheat Quotas (Amendment) Act 1969 No. 74\*
  - Wheat Products (Prices Fixation) Act 1938 No. 19\*
  - Wheat Quotas Act 1969 No. 53\*

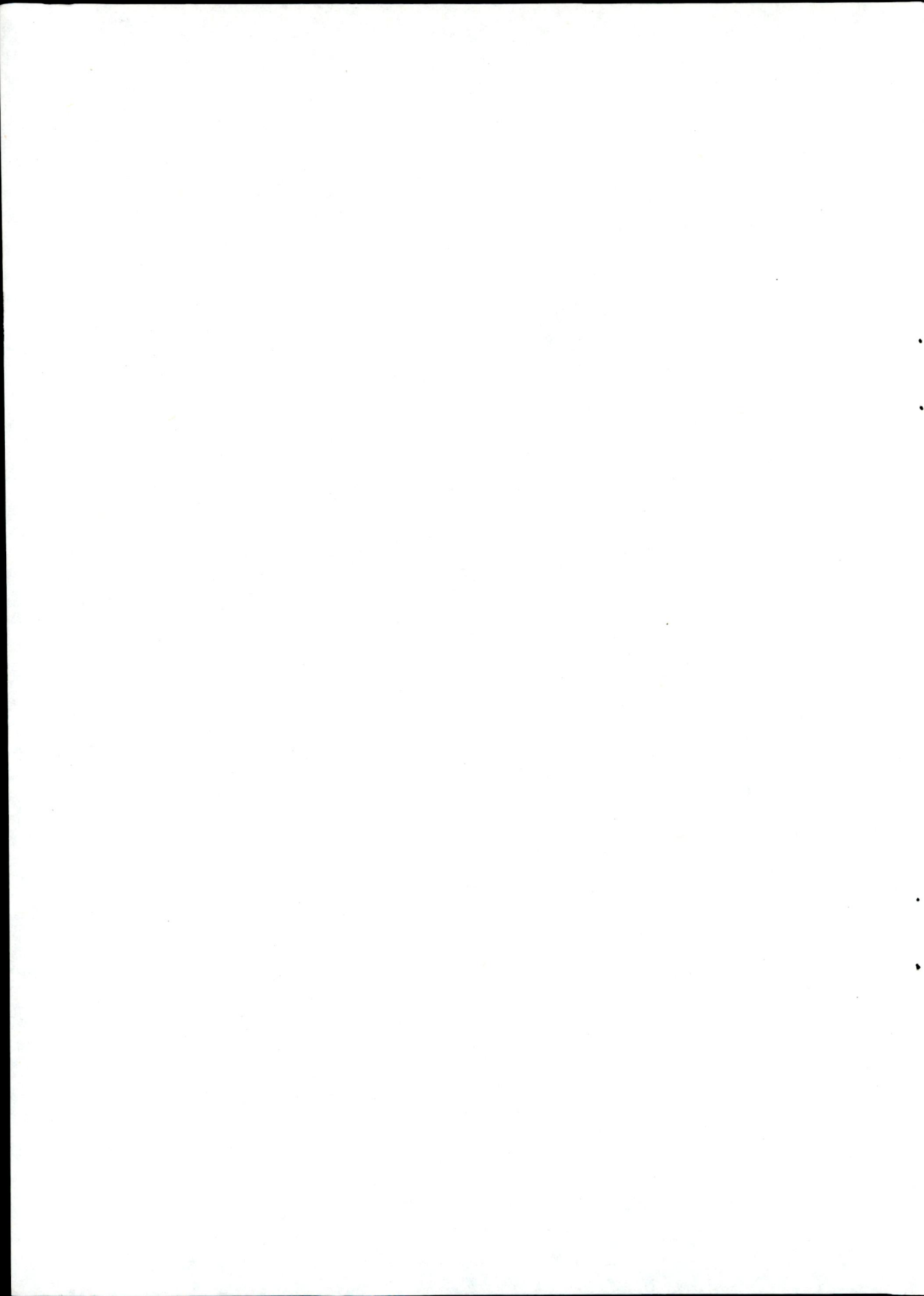
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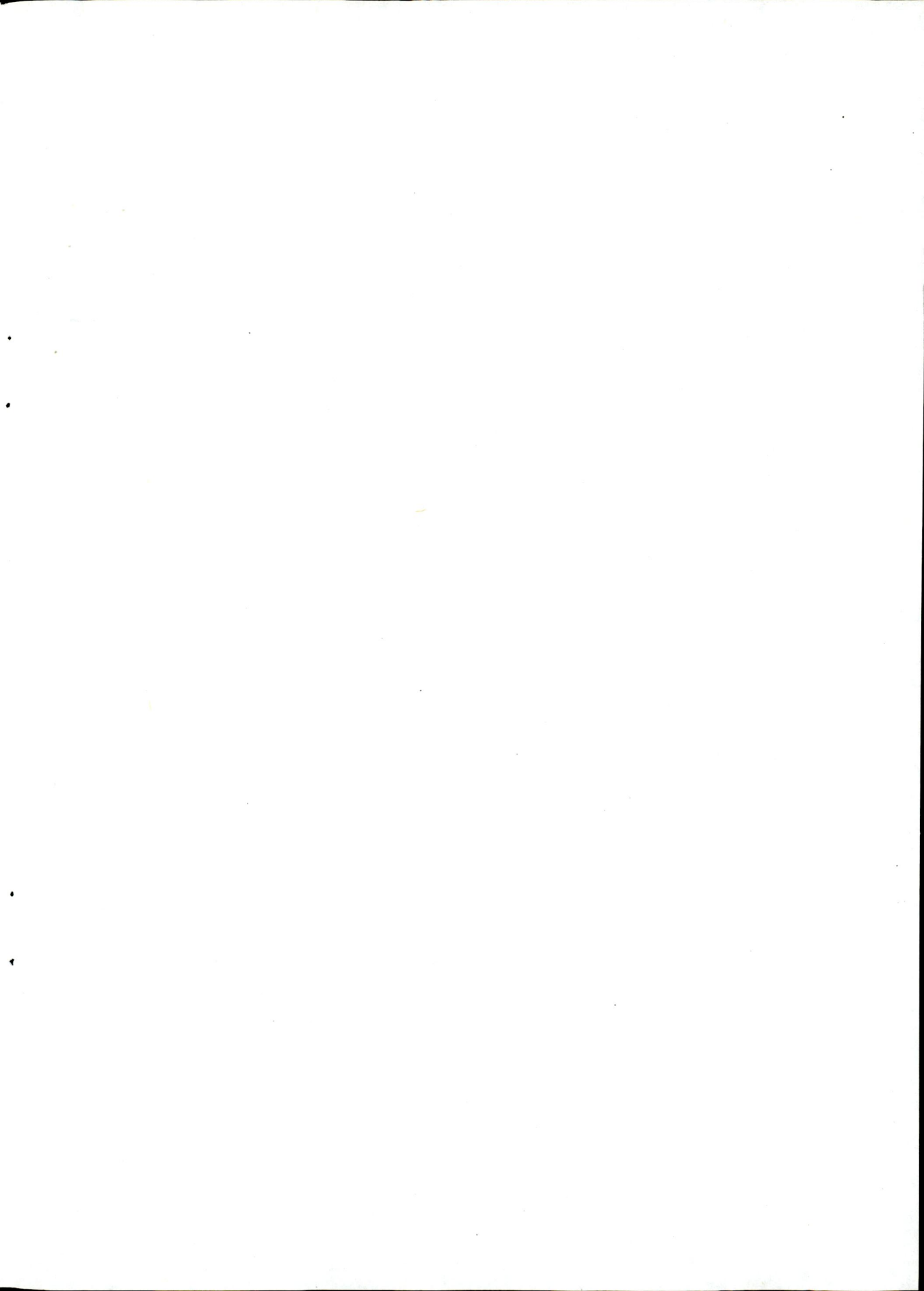
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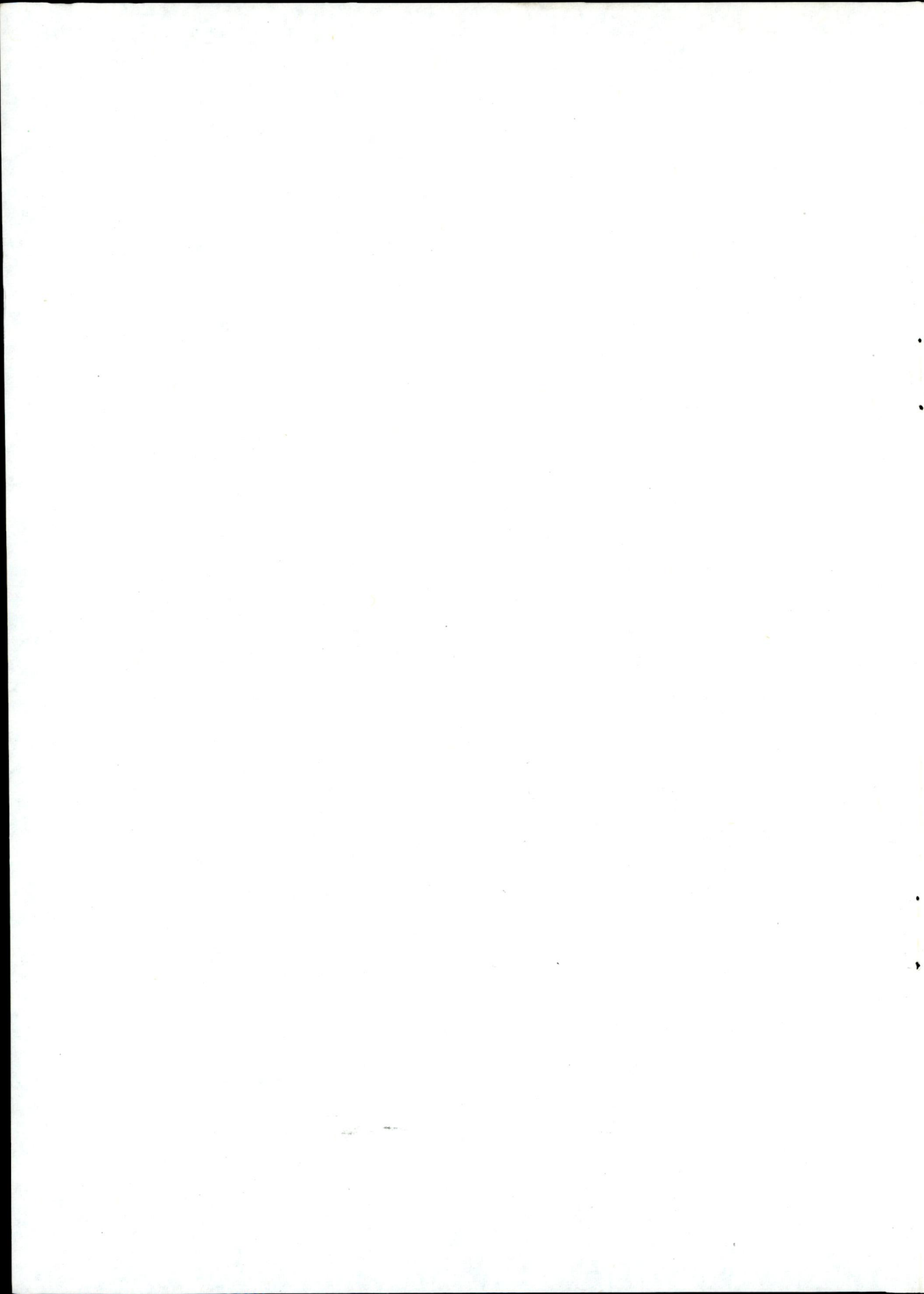
- Wheat Quotas Act 1970 No. 66\*
- Wheat Quotas Act 1971 No. 76\*
- Wheat Quotas Act 1972 No. 67\*
- Wheat Quotas Act 1973 No. 89\*
- 5 Wheat Quotas Act 1975 No. 17\*
- Wheatgrowers Relief Act 1932 No. 60\*
- Wheatgrowers Relief Act 1941 No. 4\*

## NOTE:

- \* indicates repeal of Act that is no longer of public utility
- 10 \*\* indicates repeal of amending Act whose provisions have been included in a reprint and which contains no provision of substantive effect that needs to be retained
- \*\*\* indicates repeal of Act containing uncommenced provisions









**STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT  
(No. 2) 1987 No. 209**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

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  2. Commencement
  3. Amendments
  4. Repeals
  5. Savings, transitional and other provisions
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**SCHEDULE 2—AMENDMENTS TO THE AUSTRALIAN MUTUAL PROVIDENT SOCIETY'S OFFICERS' PROVIDENT FUND TRUSTEES ACT**  
**SCHEDULE 3—AMENDMENTS TO THE BAIL ACT 1978**  
**SCHEDULE 4—AMENDMENTS TO THE CANNED FRUITS MARKETING ACT 1979**  
**SCHEDULE 5—AMENDMENTS TO THE CHARITABLE COLLECTIONS ACT 1934**  
**SCHEDULE 6—AMENDMENT TO THE COMMERCIAL AGENTS AND PRIVATE INQUIRY AGENTS ACT 1963**  
**SCHEDULE 7—AMENDMENT TO THE CRIMINAL PROCEDURE ACT 1986**  
**SCHEDULE 8—AMENDMENTS TO THE DAMAGES (INFANTS AND PERSONS OF UNSOUND MIND) ACT 1929**  
**SCHEDULE 9—AMENDMENT TO THE DANGEROUS GOODS ACT 1975**  
**SCHEDULE 10—AMENDMENTS TO THE DIRECTOR OF PUBLIC PROSECUTIONS ACT 1986**  
**SCHEDULE 11—AMENDMENTS TO THE ELECTRICITY ACT 1945**  
**SCHEDULE 12—AMENDMENT TO THE FACTORIES, SHOPS AND INDUSTRIES ACT 1962**  
**SCHEDULE 13—AMENDMENT TO THE FARM PRODUCE ACT 1983**  
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**SCHEDULE 15—AMENDMENTS TO THE FORESTRY ACT 1916**  
**SCHEDULE 16—AMENDMENTS TO THE GOVERNMENT INSURANCE ACT 1927**  
**SCHEDULE 17—AMENDMENT TO THE IRRIGATION ACT 1912**  
**SCHEDULE 18—AMENDMENTS TO THE LAND AND ENVIRONMENT COURT ACT 1979**  
**SCHEDULE 19—AMENDMENT TO THE LOCAL GOVERNMENT ACT 1919**  
**SCHEDULE 20—AMENDMENTS TO THE MEDICAL PRACTITIONERS ACT 1938**  
**SCHEDULE 21—AMENDMENTS TO THE MEDICAL PRACTITIONERS (AMENDMENT) ACT 1987**  
**SCHEDULE 22—AMENDMENT TO THE MOTOR TRAFFIC ACT 1909**

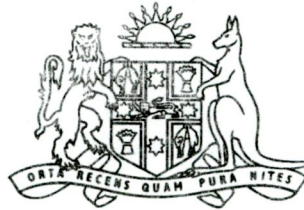
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- SCHEDULE 23—AMENDMENTS TO THE MOTOR VEHICLES TAXATION  
MANAGEMENT ACT 1949
- SCHEDULE 24—AMENDMENT TO THE NEW SOUTH WALES FILM  
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- SCHEDULE 25—AMENDMENT TO THE NEW SOUTH WALES INVESTMENT  
CORPORATION ACT 1986
- SCHEDULE 26—AMENDMENT TO THE POLICE BOARD ACT 1983
- SCHEDULE 27—AMENDMENTS TO THE POLICE REGULATION ACT 1899
- SCHEDULE 28—AMENDMENT TO THE PUBLIC FINANCE AND AUDIT ACT  
1983
- SCHEDULE 29—AMENDMENT TO THE PUBLIC HOSPITALS ACT 1929
- SCHEDULE 30—AMENDMENTS TO THE REPRINTS ACT 1972
- SCHEDULE 31—AMENDMENT TO THE SMALL BUSINESS DEVELOPMENT  
CORPORATION ACT 1984
- SCHEDULE 32—AMENDMENTS TO THE SOIL CONSERVATION ACT 1938
- SCHEDULE 33—AMENDMENTS TO THE STATE DEVELOPMENT AND  
INDUSTRIES ASSISTANCE ACT 1966
- SCHEDULE 34—AMENDMENTS TO THE STATE DRUG CRIME COMMISSION  
ACT 1985
- SCHEDULE 35—AMENDMENTS TO THE SUPREME COURT ACT 1970
- SCHEDULE 36—AMENDMENTS TO THE TIMBER MARKETING ACT 1977
- SCHEDULE 37—AMENDMENTS TO THE TRUSTEE ACT 1925
- SCHEDULE 38—AMENDMENT TO THE WATER ACT 1912
- SCHEDULE 39—AMENDMENTS TO THE WATER SUPPLY AUTHORITIES ACT  
1987
- SCHEDULE 40—AMENDMENT TO THE WILD DOG DESTRUCTION ACT 1921
- SCHEDULE 41—AMENDMENTS TO THE WORKERS COMPENSATION ACT 1987
- SCHEDULE 42—AMENDMENTS TO THE ZOOLOGICAL PARKS BOARD ACT  
1973
- SCHEDULE 43—AMENDMENTS RELATING TO DISCLOSURE OF  
INFORMATION
- SCHEDULE 44—AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE LAW  
REVISION
- SCHEDULE 45—REPEALS
- SCHEDULE 46—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS
-

**STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT (No. 2) 1987**  
**No. 209**

NEW SOUTH WALES



**Act No. 209, 1987**

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 9 December 1987]

*Statute Law (Miscellaneous Provisions) (No. 2) 1987*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Statute Law (Miscellaneous Provisions) Act (No. 2) 1987.

**Commencement**

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

(2) Schedule 4 shall commence—

(a) on the date of assent to this Act; or

(b) on the date of assent to the Statute Law (Miscellaneous Provisions) Act 1987 of the Commonwealth,

whichever is the later.

(3) Schedules 5, 20, 21 and 35 shall commence on a day or days to be appointed by proclamation.

(4) Schedule 11 and the provisions of Schedule 44 relating to the Energy Legislation (Repeals and Savings) Act 1987, the Gas Act 1986 and the Local Government (Electricity) Amendment Act 1987 shall be deemed to have commenced on 1 July 1987.

(5) Schedule 41 shall be deemed to have commenced on 30 June 1987.

(6) The provisions of Schedule 44 relating to—

(a) the Builders Licensing Act 1971 shall be deemed to have commenced on 1 July 1987;

(b) the Co-operation Act 1923 shall commence—

(i) on the date of assent to this Act; or

(ii) on the commencement of Schedule 2 (4) to the Co-operation (Amendment) Act 1986,

whichever is the later; and

(c) the Public Health Act 1902 shall commence on 1 January 1988.

**Amendments**

3. Each Act specified in Schedules 1–44 is amended as set out in those Schedules.

**Repeals**

4. (1) Each Act specified in Schedule 45 is repealed.

(2) Division IV of Part III of the Cattle Compensation Act 1951 is repealed.

**Savings, transitional and other provisions**

5. Schedule 46 has effect.

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**SCHEDULE 1—AMENDMENT TO THE AREA HEALTH SERVICES ACT 1986**

(Sec. 3)

**Section 19 (Primary objectives of area health services)—****Section 19 (d)—**

Omit “health services, including services provided by the public, private and voluntary sectors”, insert instead “its health services”.

**SCHEDULE 2—AMENDMENTS TO THE AUSTRALIAN MUTUAL PROVIDENT SOCIETY'S OFFICERS' PROVIDENT FUND TRUSTEES ACT**

(Sec. 3)

**(1) Preamble—**

- (a) Omit “retiring, and”, insert instead “retiring. And whereas other persons may, in accordance with the provisions of the said Deed of Settlement as from time to time in force, become trustees of the said Fund in addition to such trustees. And whereas”.

- (b) After “new”, insert “or additional”.

**(2) Section 1 (Memorial of names of trustees for time being to be registered)—**

- (a) Omit “in the place of any theretofore existing trustee or trustees of the said Fund”.

- (b) After “new”, insert “or additional”.

**(3) Section 5 (A majority of the trustees may execute deeds etc.)—**

Omit “any three”, insert instead “a majority”.

**SCHEDULE 3—AMENDMENTS TO THE BAIL ACT 1978**

(Sec. 3)

**(1) Section 4 (Interpretation)—**

- (a) Section 4 (1), definition of “court”—

After paragraph (b1), insert:

- (b2) the Industrial Commission;

- (b) Section 4 (1), definition of “Industrial Commission”—

Before the definition of “Judge”, insert:

**SCHEDULE 3—AMENDMENTS TO THE BAIL ACT 1978—continued**

“Industrial Commission” means the Industrial Commission of New South Wales when constituted by a judicial member only, and includes a judicial member of that Commission;

(c) Section 4 (1), definition of “Judge”—

After “District Court”, insert “or a judicial member of the Industrial Commission”.

(2) Section 30 (**Power of Court of Criminal Appeal to grant bail**)—

Section 30 (2)—

After “by the Court of Criminal Appeal”, insert “or any other court”.

(3) Section 30AA (**Limitation on power to grant bail**)—

Renumber section 30 (2) (as amended) as section 30AA.

(4) Part IV, Division 7—

After Division 6 of Part IV, insert:

**Division 7—Industrial Commission**

**Power of Industrial Commission to grant bail**

30B. The Industrial Commission may grant bail in accordance with this Act to a person accused of an offence, where proceedings for the offence are pending in the Industrial Commission or before an industrial magistrate.

(5) Section 44 (**Power of justices, magistrates and certain courts to review**)—

Section 44 (4), (5)—

After section 44 (3), insert:

(4) Subject to this Part, the Land and Environment Court may review any decision made by the Court (however constituted) in relation to bail.

(5) Subject to this Part, the Industrial Commission may review any decision made by the Commission (however constituted) or an industrial magistrate in relation to bail.

(6) Section 45 (**Power of Supreme Court to review**)—

Section 45 (1)—

After “District Court”, insert “, Land and Environment Court, Industrial Commission”.

**SCHEDULE 4—AMENDMENTS TO THE CANNED FRUITS  
MARKETING ACT 1979**

(Sec. 3)

(1) Section 3 (**Interpretation**)—

Section 3 (1), definition of “season”—

Omit “7”, insert instead “8”.

(2) Section 16A (**Corporation to develop corporate plan**)—

Omit “, for the period of 3 years commencing on 1st January, 1985”.

**SCHEDULE 5—AMENDMENTS TO THE CHARITABLE  
COLLECTIONS ACT 1934**

(Sec. 3)

(1) Section 2 (**Interpretation**)—

Section 2 (1)—

Insert in alphabetical order, the following definitions:

“Approved” means approved for the time being by the Minister.

“Building society” means—

(a) a building society specified in Schedule 2 to the Permanent Building Societies Act 1967; and

(b) a building society specified in the Second Schedule to the Co-operation Act 1923 and prescribed for the purposes of section 14A (2) (q) of the Trustee Act 1925.

(2) Section 4 (**Registration of charities**)—

## (a) Section 4 (1)—

Omit “prescribed manner”, insert instead “approved form”.

## (b) Section 4 (4)—

Omit “in or to the effect of the prescribed”, insert instead “in the approved”.

## (c) Section 4 (5)—

Omit “and kept in the prescribed manner”.

(3) Section 5 (**Conditions to be complied with by registered or exempted charities**)—

Section 5 (1) (d)—

**SCHEDULE 5—AMENDMENTS TO THE CHARITABLE  
COLLECTIONS ACT 1934—*continued***

Omit “such bank or banks”, insert instead “any bank, building society or body prescribed for the purposes of this subsection (being a body with which trustees are authorised to invest funds under the Trustee Act 1925)”.

**(4) Section 9 (Powers of Minister to require accounts etc.)—**

Section 9 (2) (c)—

Omit “bank, company or person”, insert instead “bank, building society, company, person or body prescribed for the purposes of section 5 (1)”.

**(5) Section 18 (Regulations)—**

**(a) Section 18 (1) (a), (b)—**

Omit the paragraphs.

**(b) Section 18 (2) (a)—**

(i) After “bank,”, insert “building society or body prescribed for the purposes of section 5 (1)”.

(ii) Omit “the proceeds of cheques drawn on such trust account”, insert instead “such a trust account”.

**SCHEDULE 6—AMENDMENT TO THE COMMERCIAL AGENTS  
AND PRIVATE INQUIRY AGENTS ACT 1963**

(Sec. 3)

**Section 10 (Application for licences)—**

Section 10 (15)—

Omit the subsection.

**SCHEDULE 7—AMENDMENT TO THE CRIMINAL PROCEDURE  
ACT 1986**

(Sec. 3)

**Section 15 (Signing of indictments)—**

Section 15 (1) (b) (i)–(iii)—

Omit paragraphs (i) and (ii), insert instead:

(i) a Crown Prosecutor;

(ii) a Deputy Director of Public Prosecutions; or

(iii) a person authorised under subsection (2) to sign indictments.



*Statute Law (Miscellaneous Provisions) (No. 2) 1987*

**SCHEDULE 8—AMENDMENTS TO THE DAMAGES (INFANTS AND PERSONS OF UNSOUND MIND) ACT 1929**

(Sec. 3)

(1) **Section 4 (Settlement of action by minor to be subject to sanction of court)—**

Omit “or any district court”, insert instead “, District Court or a Local Court”.

(2) **Section 6 (Applications to court)—**

Omit the section.

(3) **Section 7 (Costs)—**

(a) **Section 7 (2A), (2B)—**

After section 7 (2), insert:

(2A) The costs of the minor or person of unsound mind of and incidental to the action or matter and of the settlement for which the sanction of a Magistrate is sought under this Act may be assessed by the Magistrate to whom the application is made and shall be paid as the Magistrate directs.

(2B) A Magistrate may assess costs referred to in subsection (2A)—

- (a) generally;
- (b) as between party and party; or
- (c) as between solicitor and client.

(b) **Section 7 (3) (b) (i), (5)—**

After “judge” wherever occurring, insert “or Magistrate”.

**SCHEDULE 9—AMENDMENT TO THE DANGEROUS GOODS ACT 1975**

(Sec. 3)

**Section 11 (Offence of unlicensed conveyance)—**

Section 11 (2)—

At the end of section 11, insert:

(2) A person is not guilty of an offence under subsection (1) if—

- (a) the person or the person’s employer is authorised to carry the goods in the container under a law which has been declared to be a corresponding law for the purposes of this section; and
- (b) the dangerous goods are carried—
  - (i) on a prescribed journey; and

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**SCHEDULE 9—AMENDMENT TO THE DANGEROUS GOODS ACT  
1975—continued**

(ii) in accordance with the corresponding law.

(3) The Governor may, by order published in the Gazette, declare a law of another State to be a corresponding law for the purposes of this section.

(4) In this section—

“prescribed journey” means a journey—

- (a) from a place outside the State to a place in the State;
- (b) from a place in the State to a place outside the State; or
- (c) between places outside the State via a route within the State that is a reasonable journey in all the circumstances.

**SCHEDULE 10—AMENDMENTS TO THE DIRECTOR OF PUBLIC  
PROSECUTIONS ACT 1986**

(Sec. 3)

(1) Section 9 (**Taking over prosecutions or proceedings**)—

Section 9 (4) (b)—

Omit the paragraph, insert instead:

- (b) the Director may decline to proceed further in the prosecution or to carry the proceeding further.

(2) Section 16 (**Directions to police etc. by Director**)—

(a) Section 16 (1)—

Omit “specifying matters”.

(b) Section 16 (2)—

Omit the subsection, insert instead:

(2) Directions may be given requiring specified information or kinds of information to be referred to the Director for the purpose of enabling the Director to consider—

- (a) instituting or carrying on a prosecution or prosecutions for a specified offence or class of offences;
- (b) instituting, carrying on or taking over proceedings for a specified offence or class of offences; or
- (c) instituting, carrying on or taking over other proceedings in connection with functions conferred on the Director whether under this Act or otherwise.

**SCHEDULE 11—AMENDMENTS TO THE ELECTRICITY ACT 1945**

(Sec. 3)

- (1) **Section 7F (Sydney County Council)—**
- (a) **Section 7F (4) (e)—**  
Omit “173–187”, insert instead “178A and 183”.
- (b) **Section 7F (6)—**  
Omit “87”, insert instead “87 (1), (4) and (4A)”.
- (2) **Section 7J (Provisions relating to the employment of general managers and assistant general managers)—**  
Section 7J (2)—  
Omit “Clause 2 of Schedule 4 to the Energy Legislation (Repeals and Savings) Act 1987 has”, insert instead “Clauses 2 and 3 of Schedule 4 to the Energy Legislation (Repeals and Savings) Act 1987 have”.
- (3) **Section 7Q (Reserved functions)—**  
Section 7Q (1) (d)—  
Omit “works”, insert instead “contracts”.
- (4) **Section 19H (Payments of subsidies for removal etc. of electricity structures out of Traffic Route Lighting Subsidy Account)—**  
Section 19H (1)—  
Omit “Corporation” where secondly occurring, insert instead “Director”.
- (5) **Section 27B (Offence to impose charges for the resupply of electricity in certain cases)—**  
Section 27B (1) (b)—  
After “greater than”, insert “an amount prescribed by or calculated in accordance with the regulations, or if there are no regulations, greater than”.

**SCHEDULE 12—AMENDMENT TO THE FACTORIES, SHOPS AND INDUSTRIES ACT 1962**

(Sec. 3)

**Section 6A (Part III to bind the Crown)—****Section 6A (2)—**

At the end of section 6A, insert:

- (2) In this section, a reference to the provisions of Part III includes a reference to a provision of this Act (including Part XI) ancillary to those provisions.

**SCHEDULE 13—AMENDMENT TO THE FARM PRODUCE ACT  
1983**

(Sec. 3)

**Section 11 (Indemnities)—****Section 11 (3)—**

After section 11 (2), insert:

(3) The registrar may be satisfied that an indemnity provides the security required by subsection (1)—

- (a) even if the security is provided under a master policy of indemnity covering a number of persons; and
- (b) even if the total security to be provided under such a master policy is limited to an amount that is less than the aggregate of each individual security provided to the persons covered.

**SCHEDULE 14—AMENDMENTS TO THE FARM WATER  
SUPPLIES ACT 1946**

(Sec. 3)

**(1) Section 9 (Commission may carry out work where advance is made)—****(a) Section 9 (3)—**

Omit “certificate”, insert instead “notification”.

**(b) Section 9 (5)—**

Omit “a certificate”, insert instead “notification in writing”.

**(2) Section 13 (Commission may carry out work where advance is made)—****Section 13 (2)—**

(a) Omit “A certificate issued”, insert instead “Notification in writing”.

(b) Omit “, which certificate”, insert instead “and”.

**SCHEDULE 15—AMENDMENTS TO THE FORESTRY ACT 1916**

(Sec. 3)

**(1) Section 11 (Powers and duties of the commission)—****(a) Section 11 (1) (m1) (i)—**

After “forestry”, insert “, for the purpose of promoting safety and proficiency of forest operations”.

**(b) Section 11 (1) (m1) (i)—**

After “(h),” insert “(j),”.

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SCHEDULE 15—AMENDMENTS TO THE FORESTRY ACT 1916—  
*continued*

- (c) Section 11 (1c) (a)—  
Omit “and silvicultural management”, insert instead “or silvicultural management (or both)”.
- (2) Section 11A (**Sylvicultural management of certain lands in Murrumbidgee Irrigation Area**)—  
Section 11A (1), (3)—  
Omit “and silvicultural management” wherever occurring, insert instead “or silvicultural management (or both)”.
- (3) Section 13 (**Expenditure**)—  
Section 13 (3)—  
Omit “\$200,000”, insert instead “\$250,000”.
- (4) Section 19B (**Revocation of dedication etc. in certain circumstances**)—  
(a) Section 19B (1)—  
Omit “or flora reserve”.  
(b) Section 19B (1)—  
Omit “or, as the case may be, flora reserve”.  
(c) Section 19B (2)—  
Omit the subsection, insert instead:  
(2) A notification published under this section shall, notwithstanding anything contained in this Act, operate also to revoke any declaration of the affected land as national forest.
- (5) Section 25A (**Flora reserves**)—  
Section 25A (4)—  
Omit “and 19B”.
- (6) Section 27H (**Restrictions on issue of clearing licences**)—  
Section 27H (d)—  
Omit “section 21A”, insert instead “section 21AB”.
- (7) Section 30K (**Commission to make assessments**)—  
(a) Section 30K (1) (a)—  
Omit “at the end of the period during which the licence is in force”, insert instead “on completion of operations under the licence”.  
(b) Section 30K (1) (b)—  
After “force”, insert “and on completion of operations under the licence”.

*Statute Law (Miscellaneous Provisions) (No. 2) 1987***SCHEDULE 15—AMENDMENTS TO THE FORESTRY ACT 1916—**  
*continued*

- (c) Section 30K (2) (a)—  
Omit “at the end of the period during which the operations are carried out”, insert instead “on completion of the operations”.
- (d) Section 30K (2) (b)—  
After “out”, insert “and on completion of the operations”.
- (8) Section 30L (**Review of assessments**)—  
Section 30L (2) (b)—  
Omit “less”, insert instead “later”.
- (9) Section 35 (**Suspension of licence, permit or lease**)—
  - (a) Omit “or forest lease”, insert instead “forest lease, authorisation under section 30I or other authority issued or granted by the commission”.
  - (b) Omit “or lease is”, insert instead “lease or authority is”.
  - (c) Omit “or lease,”, insert instead “lease or authority”.

**SCHEDULE 16—AMENDMENTS TO THE GOVERNMENT  
INSURANCE ACT 1927**

(Sec. 3)

- (1) Section 2 (**Interpretation**)—  
Section 2 (1)—  
After the definition of “director”, insert:  
“elected director” means the part-time director referred to in section 3BA (2) (b);
- (2) Section 3BA (**Provisions relating to the constitution and procedure of the Board**)—  
Section 3BA (1), (2)—  
Omit the subsections, insert instead:
  - (1) The Board shall consist of not less than 7 and not more than 9 directors appointed by the Governor.
  - (2) Of the directors—
    - (a) 2 shall, in and by their instruments of appointment, be appointed as full-time directors;
    - (b) one shall be a person elected in the manner prescribed by the regulations referred to in clause 3 of Schedule 2 and shall, in and by the instrument of appointment, be appointed as a part-time director; and

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SCHEDULE 16—AMENDMENTS TO THE GOVERNMENT  
INSURANCE ACT 1927—*continued*

- (c) the remainder shall be persons nominated for appointment as directors by the Minister and shall, in and by their instruments of appointment, be appointed as part-time directors.

(3) Section 10E (**Acquisition of shares by the Office**)—

- (a) Section 10E (1) (a)—

Omit the paragraph, insert instead:

- (a) form or join in the formation of any company;

- (b) Section 10E (1) (b)—

Omit “incorporated in New South Wales”.

(4) Schedule 2 (**Provisions relating to the constitution of the Board**)—

- (a) Clause 1—

Omit the clause.

- (b) Clause 2—

Omit the clause, insert instead:

**Age of directors**

2. (1) A ~~person~~ of or above the age of 65 years is not eligible to be appointed ~~as~~ a full-time director or the elected director.

(2) A person of or above the age of 70 years is not eligible to be appointed as a part-time director.

- (c) Clause 3 (1)—

Omit the definition of “elected director”.

- (d) Clause 4—

Omit the clause, insert instead:

**SCHEDULE 16—AMENDMENTS TO THE GOVERNMENT  
INSURANCE ACT 1927—continued**

**Chairman and deputy chairman of the Board**

4. Of the part-time directors (other than the elected director)—
- (a) one shall, in and by the instrument of appointment or by another instrument executed by the Governor, be appointed as chairman of the Board; and
  - (b) one other shall, in and by the instrument of appointment or by another instrument executed by the Governor, be appointed as deputy chairman of the Board.
- (e) Clause 6 (1)—  
Omit the subclause, insert instead:
- (1) The Governor may, from time to time, appoint a person to act in the office of a director during—
    - (a) the illness or absence of the director; or
    - (b) a vacancy in the office of the director.
- (f) Clause 6 (2)—  
Omit the subclause.
- (g) Clause 6 (4)—  
Omit “, (2)”.
- (h) Clause 6 (5)—  
Omit “chairman of the Board, of”.
- (i) Clause 6 (6)—  
Omit the subclause, insert instead:
- (6) For the purposes of subclause (5), a person while acting in the office of a director who is the chairman or deputy chairman of the Board, has the functions of the chairman or deputy chairman as well as those of a director.
- (j) Clause 7 (2)—  
Omit “the director elected in the manner prescribed by regulations made under clause 3 (2)”, insert instead “the elected director”.
- (k) Clause 9 (1)—  
Omit “except as permitted by clause 11 (1) (c) or except with the consent of the Minister (which consent the Minister is hereby authorised to give)”, insert instead “except as permitted by this Act or except with the consent of the Minister”.
- (l) Clause 10A—  
After clause 10, insert:



**SCHEDULE 16—AMENDMENTS TO THE GOVERNMENT  
INSURANCE ACT 1927—*continued***

**Filling of vacancies**

10A. (1) If the office of a director becomes vacant, a person shall, subject to this Act, be appointed to fill the vacancy.

(2) The office of a part-time director (other than the elected director) is not required to be filled if there are at least 7 remaining directors.

## (m) Clause 11 (1) (h) (i)—

Omit “the part-time director referred to in clause 2 (1) (c)”, insert instead “the elected director”.

## (n) Clause 11 (1) (h) (ii)—

Omit “referred to in clause 2 (1) (b)”, insert instead “(other than the elected director)”.

## (o) Clause 11 (1) (k)—

Omit “part-time director referred to in clause 2 (1) (c)”, insert instead “elected director”.

(5) Schedule 3 (**Provisions relating to the procedure of the Board**)—

## (a) Clause 2—

Omit “Four directors”, insert instead “A majority of the directors”.

## (b) Clause 3 (1)—

Omit the subclause, insert instead:

(1) The chairman of the Board or, in the absence of the chairman, the deputy chairman of the Board or, in the absence of both the chairman and the deputy chairman, another part-time director elected as chairman for the meeting by the directors present shall preside at a meeting of the Board.

## (c) Clause 5 (2)—

Omit “the chairman of the Board or the director acting as chairman at that next meeting”, insert instead “the person presiding as chairman at that next meeting”.

**SCHEDULE 17—AMENDMENT TO THE IRRIGATION ACT 1912**

(Sec. 3)

## Section 17AB—

After section 17AA, insert:

**SCHEDULE 17—AMENDMENT TO THE IRRIGATION ACT 1912—**  
*continued*

**Liability for damage to bridges, culverts etc.**

17BA. (1) If a person causes damage to any bridge, culvert, canal, channel, drain or other work constructed or maintained across a public road (within the meaning of the Local Government Act 1919) by the Ministerial Corporation in the exercise of its powers under this or any other Act in relation to an irrigation area, the amount of the cost incurred by the Ministerial Corporation in making good the damage is payable to the Ministerial Corporation by the person who caused the damage and is recoverable in a court of competent jurisdiction.

(2) If a person causes damage to a bridge, this section applies to each part of the bridge, including decking and a hand rail, approach guard rail, gate, pier, fender, dolphin or platform or any other thing incidental to the use or protection of the bridge.

(3) In this section, a reference to damage does not include a reference to ordinary wear and tear.

(4) A certificate purporting to be signed by an officer of the Department of Water Resources authorised to do so by the Director of the Department and certifying as to the cost incurred by the Ministerial Corporation in making good damage referred to in this section is admissible in any proceedings under this section and shall be prima facie evidence as to the cost so certified.

**SCHEDULE 18—AMENDMENTS TO THE LAND AND  
ENVIRONMENT COURT ACT 1979**

(Sec. 3)

(1) Section 18 (**Class 2—local government and miscellaneous appeals**)—

Section 18 (a)—

Before “317A”, insert “302.”.

(2) Section 21 (**Class 5—environmental planning and protection summary enforcement**)—

Section 21 (i)—

Omit the paragraph, insert instead:

- (i) any other proceedings for an offence which an Act provides should be taken before, or dealt with by, the Court.

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**SCHEDULE 19—AMENDMENT TO THE LOCAL GOVERNMENT  
ACT 1919**

(Sec. 3)

**Section 29A (Payments of fees to members)—**

Section 29A (2)—

Omit “third”, insert instead “fourth”.

**SCHEDULE 20—AMENDMENTS TO THE MEDICAL  
PRACTITIONERS ACT 1938**

(Sec. 3)

**(1) Section 15 (Full entitlement to registration)—**

Section 15 (2) (a)—

Omit the paragraph, insert instead:

- (a) the person is the holder of a degree in medicine and a degree in surgery, or a degree in medicine, granted after due examination by a university in Australia having a school of medicine accredited for the time being by the Australian Medical Council for the purpose of registration; or

**(2) Section 16 (Limited entitlement to registration)—**

Section 16 (a)—

Omit “listed in Column One of Schedule One”, insert instead “listed in Schedule 1 or a school of medicine accredited for the time being by the Australian Medical Council for the purpose of registration”.

**(3) Section 18 (Restrictions on registration in certain cases)—**

Section 18 (2)—

Omit “president”, insert instead “President”.

**(4) Section 32H (Referral of certain matters to the Tribunal)—**

Section 32H (1)—

Omit “an inquiry”, insert instead “an inquiry,”.

**(5) Sections 32I (2), 32R (2)—**

Omit “a registered medical practitioner” wherever occurring, insert instead “registered”.

**(6) Section 32L (Appeals against decisions of a Committee etc.)—**

Section 32L (2), (4), (5)—

Omit “under this section” wherever occurring, insert instead “under subsection (1)”.

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**SCHEDULE 20—AMENDMENTS TO THE MEDICAL  
PRACTITIONERS ACT 1938—*continued***

- (7) Schedule One (**Prescribed degrees**)—
- (a) Omit the heading, insert instead:
- SCHEDULE 1**
- (b) Omit the matter relating to Australian universities.
- (8) Schedule 2 (**Provisions relating to the members of the Board**)—
- Clause 7 (2)—
- Omit “subsection (1)”, insert instead “subclause (1)”.

**SCHEDULE 21—AMENDMENTS TO THE MEDICAL  
PRACTITIONERS (AMENDMENT) ACT 1987**

(Sec. 3)

**Schedule 3 (Miscellaneous amendments to the Principal Act)—**

- (1) Schedule 3 (2) (a) and (3) (a)—
- Omit the paragraphs.
- (2) Schedule 3 (13)—
- Omit “Schedule One”, insert instead “Schedule 1”.

**SCHEDULE 22—AMENDMENT TO THE MOTOR TRAFFIC ACT  
1909**

(Sec. 3)

**Section 3 (Regulations)—**

**Section 3 (1) (t)—**

Omit the paragraph, insert instead:

- (t) make provision for or with respect to the refund, or partial refund, of the fee paid for a driver’s licence or for registration of a motor vehicle;

**SCHEDULE 23—AMENDMENTS TO THE MOTOR VEHICLES  
TAXATION MANAGEMENT ACT 1949**

(Sec. 3)

**Section 3 (Interpretation)—**

- (1) Section 3 (1), definition of “Motor cycle”—
- After “invalid”, insert “and includes a motor tricycle”.
- (2) Section 3 (1)—

**SCHEDULE 23—AMENDMENTS TO THE MOTOR VEHICLES  
TAXATION MANAGEMENT ACT 1949—*continued***

After the definition of “Motor omnibus”, insert:

“Motor tricycle” means any motor vehicle with 3 wheels and having a manufacturer’s gross vehicle mass of 1 tonne or less.

**SCHEDULE 24—AMENDMENT TO THE NEW SOUTH WALES  
FILM CORPORATION ACT 1977**

(Sec. 3)

**Schedule 1 (Provisions with respect to constitution and membership of the Corporation)—**

Clauses 1, 7—

Omit “65” wherever occurring, insert instead “70”.

**SCHEDULE 25—AMENDMENT TO THE NEW SOUTH WALES  
INVESTMENT CORPORATION ACT 1986**

(Sec. 3)

**Section 3 (Interpretation)—**

Section 3 (7)—

After section 3 (6), insert:

(7) If financial assistance was granted before the commencement of this subsection in connection with the Western Sydney Business Development Fund, Wollongong Special Assistance Scheme, Small Business Development Fund or Small Businesses’ Loans Guarantee Scheme—

- (a) the financial assistance shall be deemed to have been granted by the Corporation;
- (b) anything done by the Minister or the Ministerial Corporation constituted under section 34H of the State Development and Industries Assistance Act 1966 in relation to the financial assistance shall be deemed to have been done by the Corporation;
- (c) the Corporation may do anything that that Minister or Ministerial Corporation so constituted could have done in relation to the financial assistance; and
- (d) in particular, the Corporation may discharge or otherwise deal with any securities given in favour of that Minister or corporation in relation to the financial assistance.

**SCHEDULE 26—AMENDMENT TO THE POLICE BOARD ACT 1983**

(Sec. 3)

**Section 7 (Functions of the Board)—****Section 7 (2) (h)—**

Omit the paragraph, insert instead:

- (h) consider and, if it thinks fit, approve proposed transfers at the rank of superintendent and higher ranks; and

**SCHEDULE 27—AMENDMENTS TO THE POLICE REGULATION ACT 1899**

(Sec. 3)

**(1) Section 5A—**

After section 5A, insert:

**Transfers—superintendents and higher ranks**

5A. A transfer at the rank of superintendent and higher ranks shall not be made unless the Police Board has approved the transfer under section 7 (2) (h) of the Police Board Act 1983.

**(2) Section 9 (Oaths to be taken by members of the police force)—****(a) Section 9 (1)—**

Omit “in the Office of Commissioner, Deputy Commissioner, Assistant Commissioner, superintendent, inspector, sergeant, or constable of police (as the case may be)”, insert instead “as a member of the police force *or* as Commissioner (as the case requires)”.

**(b) Section 9 (1)—**

Omit “, for the period of \_\_\_\_\_ from this date, and”.

**(c) Section 9 (1)—**

Omit “the said office”, insert instead “that office”.

**(d) Section 9 (4), (5)—**

After section 9 (3), insert:

(4) The oath or affirmation shall be taken or made on each of the following occasions only:

- (a) on appointment as a constable;
- (b) on appointment to a rank of or above the rank of inspector (unless it has previously been taken or made on such an appointment and is still in force);
- (c) on appointment as Commissioner.

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**SCHEDULE 27—AMENDMENTS TO THE POLICE REGULATION  
ACT 1899—*continued***

(5) A member of the police force acting in the office of Commissioner shall be deemed to have taken or made and subscribed the oath or affirmation as Commissioner, with effect while the member is acting.

**(3) Section 10 (Oath equivalent to an agreement)—**

Omit “in the capacity in which he has taken the oath or made the affirmation”, insert instead “in the rank which the member holds from time to time”.

**(4) Section 10A (Member of police force resigning to contest Commonwealth election)—**

Section 10A (5)—

After “subsection (1)”, insert “as if the appointment were as constable”.

**SCHEDULE 28—AMENDMENT TO THE PUBLIC FINANCE AND  
AUDIT ACT 1983**

(Sec. 3)

**Section 59A (Treasury Fire Risks Account)—**

Section 59A (1)—

Omit the subsection, insert instead:

(1) Funds in credit in the Treasury Fire Risks Account in the Special Deposits Account may be utilised from time to time by the Treasurer, at the discretion of the Treasurer, for the purpose of—

- (a) whole or partial payment for, replacement of, or repair to Government property lost or damaged by fire or lightning, or by both;
- (b) defraying the expenses incidental to the assessment of loss or damage referred to in paragraph (a); or
- (c) providing security devices for the prevention or detection of fires in any building or part of a building owned or leased by the Crown.

**SCHEDULE 29—AMENDMENT TO THE PUBLIC HOSPITALS ACT  
1929**

(Sec. 3)

**Section 27B—**

After section 27A, insert:

SCHEDULE 29—AMENDMENT TO THE PUBLIC HOSPITALS ACT  
1929—*continued*

**Liability of directors**

27B. No matter or thing done by a board of directors of a hospital, any director or any person acting under the direction of the board shall, if the matter or thing was done in good faith for the purpose of performing the duties of the board under this or any other Act, subject a director or a person so acting personally to any action, liability, claim or demand.

SCHEDULE 30—AMENDMENTS TO THE REPRINTS ACT 1972

(Sec. 3)

(1) Section 6A—

After section 6, insert:

**Authority to include uncommenced amending provisions in reprinted Acts**

6A. (1) For the purpose of the reprinting of an Act under section 5, the Attorney General may authorise the Act to be reprinted with the inclusion of all or any uncommenced amending provisions.

(2) If an Act is reprinted under section 5 with the inclusion of an uncommenced amending provision, an appropriate indication shall be given in the reprint (whether by means of a note or distinctive type face or otherwise) as to which provisions are and are not in force at the date of the reprint.

(2) Sections 9D, 9E—

After section 9C, insert:

**Roman numerals**

9D. Roman numerals in an Act may be regarded for reprinting and all other purposes as being interchangeable with the corresponding arabic numerals.

**Enacting formulas, headings and citations**

9E. An Act may be reprinted under section 5—

- (a) with the omission of the enacting formula;
- (b) with the omission or inclusion of punctuation in headings, and with headings arranged, so as to conform to current styles;
- (c) with the omission of any inverted commas around the short title or citation;



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*continued*

- (d) with the omission of any comma before or after the year in the short title or citation; and
  - (e) with the omission of any comma before or after the year in references to Acts or other instruments (whether of New South Wales or elsewhere).
- (3) **Section 13 (Application of certain provisions of this Act to certain instruments)—**  
Omit “and 9C”, insert instead “, 9C, 9D and 9E”.

**SCHEDULE 31—AMENDMENT TO THE SMALL BUSINESS DEVELOPMENT CORPORATION ACT 1984**

(Sec. 3)

**Section 2 (Commencement)—****Section 2 (3)—**

Omit the subsection, insert instead:

(3) Section 12 shall be deemed to have commenced on 19 June 1985.

**SCHEDULE 32—AMENDMENTS TO THE SOIL CONSERVATION ACT 1938**

(Sec. 3)

**(1) Section 3 (Definitions)—****(a) Definition of “Assistant Commissioner”—**

Omit the definition.

**(b) Definition of “Deputy Commissioner”—**

After the definition of “Crown lands”, insert:

“Deputy Commissioner” means the Deputy Commissioner of the Service appointed for the purposes of this Act.

**(2) Section 4 (Commissioner of Soil Conservation Service)—****(a) Section 4 (6) (a), (c)—**

Omit “deputy” wherever occurring, insert instead “person”.

**(b) Section 4 (6) (b)—**

Omit “a deputy”, insert instead “the person”.

**(c) Section 4 (6) (d)—**

Omit “No person”, insert instead “No body”.

**(d) Section 4 (6) (d)—**

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SCHEDULE 32—AMENDMENTS TO THE SOIL CONSERVATION  
ACT 1938—*continued*

Omit “a deputy” where firstly and thirdly occurring, insert instead “a person”.

(e) Section 4 (6) (d)—

Omit “a deputy” where secondly occurring, insert instead “a person under this subsection”.

(f) Section 4 (6) (d)—

Omit “the deputy”, insert instead “the person”.

(3) Section 4A (**Deputy Commissioner**)—

(a) Section 4A (1)—

Omit “an Assistant”, insert instead “a Deputy”.

(b) Section 4A (2)–(5)—

Omit “Assistant” wherever occurring, insert instead “Deputy”.

(c) Section 4A (3) (b)—

Omit “where there is a deputy Commissioner, in the place of the deputy Commissioner if the Commissioner or the deputy Commissioner”, insert instead “if a person has been appointed under section 4 (6) to act in the place of the Commissioner, in the place of the person if the Commissioner or the person”.

(d) Section 4A (4)—

Omit “deputy Commissioner”, insert instead “person”.

(4) Section 30A (**Delegation**)—

Omit “Assistant” wherever occurring, insert instead “Deputy”.

(5) Section 32A—

After section 32, insert:

**Savings, transitional and other provisions**

32A. The First Schedule has effect.

(6) First Schedule—

After section 37, insert:

**FIRST SCHEDULE—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS**

(Sec. 32A)

**References to Assistant Commissioner**

1. (1) On and from the commencement of the amendments made to this Act by the Statute Law (Miscellaneous Provisions) Act (No. 2) 1987, a reference in any other Act, in any instrument made under any Act or in any other instrument of any kind to the Assistant Commissioner of the Service shall be read as a reference to the Deputy Commissioner.

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**SCHEDULE 32—AMENDMENTS TO THE SOIL CONSERVATION  
ACT 1938—*continued***

(2) The person holding office as Assistant Commissioner of the Service immediately before the commencement of Schedule 32 of the Statute Law (Miscellaneous Provisions) Act (No. 2) 1987 shall be deemed to have been appointed as Deputy Commissioner.

**SCHEDULE 33—AMENDMENTS TO THE STATE DEVELOPMENT  
AND INDUSTRIES ASSISTANCE ACT 1966**

(Sec. 3)

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

Section 34G (2)—  
Omit the subsection.

(2) Section 34IA (**Industries Assistance Fund**)—

Section 34IA (1) (e)—  
Omit “(except so much as was acquired out of funds drawn from the account relating to the Special Industries Agency maintained under the State Bank Act 1981)”.

(3) Schedule 1 (**Savings, transitional and other provisions**)—

Clause 2—

After clause 1, insert:

**Money in Special Industries Agency account**

2. Money in the account relating to the Special Industries Agency on the commencement of the amendments made to this Act by the Statute Law (Miscellaneous Provisions) Act (No. 2) 1987 shall be transferred to such account as the Treasurer directs.

**SCHEDULE 34—AMENDMENTS TO THE STATE DRUG CRIME  
COMMISSION ACT 1985**

(Sec. 3)

Schedule 1 (**Provisions relating to the members of the Commission**)—

(a) Clause 2A—

After clause 2, insert:

**Acting member with special legal qualifications**

2A. (1) The Minister may, from time to time, appoint a person who has special legal qualifications to act in the office of a member who has special legal qualifications, during the illness or absence of the member, for the purposes of hearings before the Commission.

(2) For the purposes only of the relevant provisions of this Act, such an acting member (while acting)—

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**SCHEDULE 34—AMENDMENTS TO THE STATE DRUG CRIME  
COMMISSION ACT 1985—*continued***

- (a) shall have and may exercise all the functions of the member, and shall be deemed to be a member; and
  - (b) if the member for whom the acting member is acting is the Chairperson, shall have and may exercise all the functions of the Chairperson, and shall be deemed to be the Chairperson.
- (3) The relevant provisions of this Act are the following provisions:
- (a) Division 2 (hearings) of Part II, not including section 17;
  - (b) section 29 (secrecy);
  - (c) Schedule 1 (provisions relating to the members of the Commission);
  - (d) Schedule 2 (provisions relating to the procedure of the Commission).
- (4) The Minister may remove any person from any office to which the person was appointed under this clause.
- (5) A person while acting in the office of a member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.
- (6) This clause does not prevent the Governor from appointing a person to act in the office of a member who has special legal qualifications.
- (b) **Clause 5 (Appointment of Judge as member not to affect tenure etc.)—**  
 Clause 5 (2)—  
 Omit “section”, insert instead “clause”.

**SCHEDULE 35—AMENDMENTS TO THE SUPREME COURT ACT  
1970**

(Sec. 3)

- (1) **Section 28 (Chief Judges of Divisions; Probate Judge)—**  
 After “Criminal Division” wherever occurring, insert “, Chief Judge of the Commercial Division”.
- (2) **Section 41 (Judges in the Divisions)—**  
 Section 41 (1) (h)—

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1970—continued**

Omit “such Judge”, insert instead “the Chief Judge of that Division and such other Judge”.

- (3) Section 101 (**Appeal in proceedings in the Court**)—  
Section 101 (2) (b)—  
Omit the paragraph.

**SCHEDULE 36—AMENDMENTS TO THE TIMBER MARKETING  
ACT 1977**

(Sec. 3)

- (1) Section 10 (**Erection of buildings**)—  
(a) Section 10 (1) (b)—  
Omit “building; or”, insert instead “building;”.  
(b) Section 10 (1) (c), (d)—  
At the end of section 10 (1) (c), insert:  
; or  
(d) timber (not being milled timber, laminated wood, veneer or plywood) of which more than 50 per cent of any face or edge at any cross section comprises lyctid susceptible sapwood.
- (2) Section 22 (**Suspension of approval and registration**)—  
(a) Section 22 (1) (c)—  
Omit “Act; or”, insert instead “Act;”.  
(b) Section 22 (1) (d), (e)—  
At the end of section 22 (1) (d), insert:  
; or  
(e) the person has otherwise contravened or failed to comply with a provision of this Act or the regulations relating to the approval or the preservative treatment of timber.
- (3) Section 27 (**Entry, inspection and testing**)—  
(a) Section 27 (3) (a) (v)—  
Omit “or”.  
(b) Section 27 (3) (a) (vi), (vii)—  
At the end of section 27 (3) (a) (vi), insert:  
; or  
(vii) timber or articles are held or stored.

**SCHEDULE 37—AMENDMENTS TO THE TRUSTEE ACT 1925**

(Sec. 3)

**(1) Section 14A (Authorised investments)—****(a) Section 14A (2) (g)—**

Omit “in accordance with section 14D”.

**(b) Section 14A (2) (m)—**

Omit the paragraph, insert instead:

**(m)** any debentures, promissory notes or other prescribed securities which—**(i)** are issued by a company or body which is given a prescribed credit rating by a prescribed credit rating organisation; or**(ii)** are given a prescribed credit rating by a prescribed credit rating organisation;**(2) Section 14D (Investment in land)—****(a) Section 14D (3)—**

After “may” where firstly occurring, insert “under the powers conferred by section 14A”.

**(b) Section 14D (4)—**

After “may not”, insert “under the powers conferred by section 14A”.

**(c) Section 14D (6)—**

After “land” where firstly occurring, insert “under the powers conferred by section 14A”.

**(d) Section 14D (8)—**

Omit the subsection, insert instead:

**(8)** A trustee has such powers as appear necessary or proper to be exercised in relation to land purchased under the powers conferred by section 14A, including (without being limited to) the following powers:**(a)** the power to purchase chattels, whether on terms of deferred payment or otherwise;**(b)** the power to erect, reconstruct, enlarge, improve and repair buildings;**(c)** the power to join with any other person in doing any of those things.

**SCHEDULE 38—AMENDMENT TO THE WATER ACT 1912**

(Sec. 3)

## Section 148c—

After section 148B, insert:

**Liability for damage to bridges, culverts etc.**

148c. (1) If a person causes damage to any bridge, culvert, canal, channel, drain or other work constructed or maintained across a public road (within the meaning of the Local Government Act 1919) by the Ministerial Corporation in the exercise of its powers under this Part in relation to a district or a provisional district, the amount of the cost incurred by the Ministerial Corporation in making good the damage is payable to the Ministerial Corporation by the person who caused the damage and is recoverable in a court of competent jurisdiction.

(2) If a person causes damage to a bridge, this section applies to each part of the bridge including decking and a hand rail, approach guard rail, gate, pier, fender, dolphin or platform or any other thing incidental to the use or protection of the bridge.

(3) In this section, a reference to damage does not include a reference to ordinary wear and tear.

(4) A certificate purporting to be signed by an officer of the Department of Water Resources authorised to do so by the Director of the Department and certifying as to the cost incurred by the Ministerial Corporation in making good damage referred to in this section is admissible in any proceedings under this section and shall be prima facie evidence as to the cost so certified.

**SCHEDULE 39—AMENDMENTS TO THE WATER SUPPLY AUTHORITIES ACT 1987**

(Sec. 3)

(1) Section 33 (**Basis of levying service charges**)—

Section 33 (2)—

Omit “factors”, insert instead “bases”.

(2) Section 35 (**Assessment of service charges**)—

Section 35 (3) (a)—

Omit “manner in”, insert instead “factor or factors according to”.

(3) Schedule 3 (**Broken Hill Water Board**)—

(a) Clause 4 (1) (b)—

Omit “The Zinc Corporation Limited”.

(b) Clause 4 (1) (c)—

**SCHEDULE 39—AMENDMENTS TO THE WATER SUPPLY  
AUTHORITIES ACT 1987—*continued***

Omit the paragraph, insert instead:

- (c) A M & S Mining Limited;
- (c) (i) Clause 6 (2)—  
Omit “The Zinc Corporation Limited”.
- (ii) Clause 6 (2)—  
Omit “New Broken Hill Consolidated Limited”, insert  
instead “A M & S Mining Limited”.
- (iii) Clause 6 (2)—  
Omit “Western New South Wales Electric Power Proprietary  
Limited”.
- (d) Clause 7 (1) (b)—  
Omit the paragraph.

**SCHEDULE 40—AMENDMENT TO THE WILD DOG  
DESTRUCTION ACT 1921**

(Sec. 3)

**Section 12A (Overdue rates)—**

Section 12A (4A), (4B)—

After section 12A (4), insert:

(4A) Despite subsection (2), if the Minister is satisfied that circumstances warrant it, the Minister may—

- (a) direct that an amount due not be increased in accordance with subsection (2);
- (b) grant an extension of time after the due date during which the amount due will not be increased; or
- (c) remit the payment of the whole or any part of the sum by which the amount due is increased under subsection (2).

(4B) No refund shall be made as a consequence of a direction or remission under subsection (4A).

**SCHEDULE 41—AMENDMENTS TO THE WORKERS  
COMPENSATION ACT 1987**

(Sec. 3)

(1) **Section 72 (Reference of matters to medical panel etc.)—**

Section 72 (4) (c)—



**SCHEDULE 41—AMENDMENTS TO THE WORKERS  
COMPENSATION ACT 1987—*continued***

Omit “involving”, insert instead “resulting in”.

(2) Part 3, Division 4, Table (**Compensation for permanent injuries**)—

Omit paragraph (b) appearing under the heading “NOTES”, insert instead:

(b) If a left arm or hand is the worker’s dominant limb—

(i) loss of left arm, left hand or fingers of left hand shall be compensated as if loss of right arm, right hand or fingers of right hand;

(ii) loss of right arm, right hand or fingers of right hand shall be compensated as if loss of left arm, left hand or fingers of left hand.

**SCHEDULE 42—AMENDMENTS TO THE ZOOLOGICAL PARKS  
BOARD ACT 1973**

(Sec. 3)

(1) Section 12A—

After section 12, insert:

**Preservation of rights of certain employees**

12A. (1) The Board may, in the instrument of appointment of an employee of the Board, direct that Schedule 1 is to apply to the employee.

(2) Schedule 1 has effect with respect to the rights of an employee to whom such a direction applies.

(2) Section 39 (**Repeals**)—

Omit the section.

(3) Schedule 1—

Omit the Schedule, insert instead:

**SCHEDULE 1—PRESERVATION OF RIGHTS OF CERTAIN  
EMPLOYEES**

(Sec. 12A)

**Definitions**

1. In this Schedule—

“designated employee” means an employee of the Board in respect of whom a direction under section 12A has been given.

**Preservation of rights of designated employee previously public servant etc.**

2. (1) This clause applies where a designated employee was, immediately before being employed by the Board—

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SCHEDULE 42—AMENDMENTS TO THE ZOOLOGICAL PARKS  
BOARD ACT 1973—*continued*

- (a) an officer of the Public Service or a Teaching Service;
  - (b) a contributor to a superannuation scheme;
  - (c) an officer employed by a proclaimed statutory body; or
  - (d) a person in respect of whom provision was made by any Act for the retention of any rights accrued or accruing to the person as an officer or employee.
- (2) Subject to the terms of appointment, a designated employee—
- (a) shall retain any rights accrued or accruing to him or her as such an officer, contributor or person;
  - (b) may continue to contribute to any superannuation scheme to which he or she was a contributor immediately before being employed by the Board; and
  - (c) is entitled to receive any deferred or extended leave and any payment, pension or gratuity,
- as if he or she had continued to be such an officer, contributor or person during his or her service as a designated employee.
- (3) Service as a designated employee shall be regarded as service as an officer or employee for the purposes of any law under which those rights accrued or were accruing, under which he or she continues to contribute or by which that entitlement is conferred.
- (4) A designated employee shall be regarded as an officer or employee, and the Board shall be regarded as the employer, for the purposes of the superannuation scheme to which he or she is entitled to contribute under this clause.
- (5) If a designated employee would, but for this subclause, be entitled under subclause (2) to contribute to a superannuation scheme or to receive any payment, pension or gratuity under the scheme—
- (a) he or she is not so entitled on becoming (whether upon employment by the Board or at any later time while holding office as a designated employee) a contributor to any other superannuation scheme; and
  - (b) the provisions of subclause (4) cease to apply to or in respect of him or her and the Board in any case where he or she becomes a contributor to any such other superannuation scheme.
- (6) Subclause (5) does not prevent the payment to a designated employee (on his or her ceasing to be a contributor to a superannuation scheme) of such amount as would have been payable to him or her if he or she had ceased, because of resignation, to be an officer or employee for the purposes of the scheme.
- (7) A designated employee is not, in respect of the same period of service, entitled to dual benefits of the same kind through the operation of this clause.
- (8) In this clause—
- “proclaimed statutory body” means any body constituted by or under an Act that is declared by the Governor, by proclamation, to be a statutory body for the purposes of this clause;

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“superannuation scheme” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under an Act.

**Designated employee entitled to re-appointment to former employment in certain cases**

3. (1) A designated employee, being a person who—

- (a) ceases to be an employee of the Board because of the expiration of the period for which the person was appointed or because of resignation;
- (b) was, immediately before being employed by the Board—
  - (i) an officer of the Public Service or a Teaching Service; or
  - (ii) an officer or employee of a proclaimed statutory body; and
- (c) has not reached the age at which the person would have been entitled to retire had the person continued to be such an officer or employee,

is entitled to be appointed to some position in the Public Service, the Teaching Service or the service of that proclaimed statutory body, as the case may be, not lower in classification and salary than that which the person held immediately before being employed by the Board.

(2) In this clause—

“proclaimed statutory body” means any body constituted by or under an Act that is declared by the Governor, by proclamation, to be a statutory body for the purposes of this clause.

**SCHEDULE 43—AMENDMENTS RELATING TO DISCLOSURE OF INFORMATION**

(Sec. 3)

**Business Franchise Licences (Petroleum Products) Act 1987 No. 94—****Section 62 (Disclosure of information)—**

(a) Section 62 (1) (b)—

Omit “or” where lastly occurring.

(b) Section 62 (1) (c), (d)—

At the end of section 62 (1) (c), insert:

; or

(d) in accordance with a requirement imposed under the Ombudsman Act 1974.

**Business Franchise Licences (Tobacco) Act 1987 No. 93—****Section 69 (Disclosure of information)—**

(a) Section 69 (1) (b)—

Omit “or” where lastly occurring.

(b) Section 69 (1) (c), (d)—

At the end of section 69 (1) (c), insert:

; or

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SCHEDULE 43—AMENDMENTS RELATING TO DISCLOSURE OF  
INFORMATION—*continued*

- (d) in accordance with a requirement imposed under the Ombudsman Act 1974.

**Health Insurance Levies Act 1982 No. 159—**

**Section 20 (Disclosure of information etc.)—**

- (a) Section 20 (1) (b)—

Omit “or” where lastly occurring.

- (b) Section 20 (1) (c), (d)—

At the end of section 20 (1) (c), insert:

; or

- (d) in accordance with a requirement imposed under the Ombudsman Act 1974.

**Land Tax Management Act 1956 No. 26—**

**Section 6 (Disclosure of information etc.)—**

- (a) Section 6 (1) (b)—

Omit “or” where lastly occurring.

- (b) Section 6 (1) (c), (d)—

At the end of section 6 (1) (c), insert:

; or

- (d) in accordance with a requirement imposed under the Ombudsman Act 1974.

**Pay-roll Tax Act 1971 No. 22—**

**Section 5 (Disclosure of information etc.)—**

- (a) Section 5 (1) (b)—

Omit “or” where lastly occurring.

- (b) Section 5 (1) (c), (d)—

At the end of section 5 (1) (c), insert:

; or

- (d) in accordance with a requirement imposed under the Ombudsman Act 1974.

**Revenue Laws (Reciprocal Powers) Act 1987 No. 86—**

- (1) Section 12 (Provision of information to certain Commonwealth and State revenue officers etc.)—

- (a) Section 12 (3) (b) (iv)—

Omit “or” where lastly occurring.

- (b) Section 12 (3) (c), (d)—

At the end of section 12 (3) (c), insert:

; or

- (d) in accordance with a requirement imposed under the Ombudsman Act 1974.

*Statute Law (Miscellaneous Provisions) (No. 2) 1987***SCHEDULE 43—AMENDMENTS RELATING TO DISCLOSURE OF INFORMATION—*continued*****(2) Section 17 (False or misleading statements)—**

Section 17 (2)—

At the end of the subsection, insert:

Penalty: \$5,000 or imprisonment for 12 months, or both.

**Stamp Duties Act 1920 No. 47—**

Section 131A (Disclosure of information etc.)—

(a) Section 131A (1) (b)—

Omit “or” where lastly occurring.

(b) Section 131A (1) (c), (d)—

At the end of section 131A (1) (c), insert:

; or

(d) in accordance with a requirement imposed under the Ombudsman Act 1974.

**SCHEDULE 44—AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE LAW REVISION**

(Sec. 3)

**Air Transport (Amendment) Act 1987 No. 112—**

Schedule 2 (Provisions relating to the procedure of the Air Transport Council)—

Schedule 2, clauses 2 (4), 3—

After “Minister” wherever occurring, insert “administering the Principal Act”.

**Arbitration (Civil Actions) Act 1983 No. 43—**

Section 18 (Rehearing)—

Section 18 (4)—

Omit “section 120”, insert instead “section 148B”.

**Bread Act 1969 No. 54—**

Section 19F (Double jeopardy)—

(a) Omit “Part III of the Consumer Protection Act, 1969”, insert instead “Part 4 or 5 of the Fair Trading Act 1987”.

(b) Omit “Part III of that Act”, insert instead “Part 4 or 5 of that Act”.

**Builders Licensing Act 1971 No. 16—**

(1) Section 3 (Interpretation)—

Section 3 (1), definition of “approved”—

Omit “Board”, insert instead “Corporation”.

(2) Section 31 (Appeals)—

Section 31 (5A) (a)—

Omit “Board’s”, insert instead “Corporation’s”.

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SCHEDULE 44—AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE  
LAW REVISION—*continued*

**Building Services Corporation Act 1987 No. 59—**

Section 11 (**Financial provisions**)—

Section 11 (1) (b)—

Omit “Consumer Protection Act 1969”, insert instead “Fair Trading Act 1987”.

**Business Franchise Licences (Petroleum Products) Act 1987 No. 94—**

Section 38 (**Duration of licences**)—

Section 38—

Omit “in which”, insert instead “for which”.

**Commercial Tribunal Act 1984 No. 98—**

Section 4 (**Interpretation**)—

Section 4 (1), definition of “Commissioner”—

Omit “13 of the Consumer Protection Act, 1969, and any person appointed under section 14”, insert instead “6 (1) of the Fair Trading Act 1987 and any person appointed under section 6 (3)”.

**Co-operation Act 1923 (1924 No. 1)—**

Section 89 (as substituted by Act No. 106, 1986) (**Accounts and audit**)—

Omit section 89 (4) (f), insert instead:

- (f) the adoption, with or without modification, of any provisions of Part VI (accounts and audit) of the Companies (New South Wales) Code (including provisions conferring jurisdiction on the Supreme Court) or other provisions of that Code concerned with accounts and audit;

**Co-operation (Amendment) Act 1986 No. 106—**

Schedule 3 (**Savings and transitional provisions**)—

Schedule 3, clause 2—

After “Minister”, insert “administering the Principal Act”.

**Credit Act 1984 No. 94—**

(1) Section 5 (**Interpretation**)—

Section 5 (1), definition of “Commissioner”—

Omit “13 of the Consumer Protection Act, 1969, and any person appointed under section 14”, insert instead “6 (1) of the Fair Trading Act 1987 and any person appointed under section 6 (3)”.

(2) Section 61 (**Statement of account**)—

Section 61 (2) (a)—

Omit “Act”, insert instead “act”.

**Credit (Administration) Act 1984 No. 95—**

(1) Section 4 (**Definitions**)—

Section 4, definition of “Commissioner”—

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 SCHEDULE 44—AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE  
 LAW REVISION—*continued*

Omit “13 of the Consumer Protection Act, 1969, and any person appointed under section 14”, insert instead “6 (1) of the Fair Trading Act 1987 and any person appointed under section 6 (3)”.

(2) Section 54 (**Application of Fair Trading Act 1987**)—

## (a) Section 54 (1)—

Omit “12 of the Consumer Protection Act, 1969”, insert instead “9 of the Fair Trading Act 1987”.

## (b) Section 54 (2)—

Omit “15A of the Consumer Protection Act, 1969,”, insert instead “8 of the Fair Trading Act 1987”.

(3) Section 55 (**Power of entry**)—

## Section 55 (1)—

Omit “inspector appointed under the Consumer Protection Act, 1969,”, insert instead “investigator appointed under section 18 of the Fair Trading Act 1987”.

(4) Section 57 (**Secrecy**)—

## Section 57 (2)—

Omit “Consumer Protection Act, 1969”, insert instead “Fair Trading Act 1987”.

(5) Section 61 (**Annual report**)—

## Section 61 (2)—

Omit “18 of the Consumer Protection Act, 1969”, insert instead “11 of the Fair Trading Act 1987”.

**Credit (Finance Brokers) Act 1984 No. 96—**Section 4 (**Interpretation**)—

## Section 4 (1), definition of “Commissioner”—

Omit “13 of the Consumer Protection Act, 1969, and any person appointed under section 14”, insert instead “6 (1) of the Fair Trading Act 1987 and any person appointed under section 6 (3)”.

**Energy Legislation (Repeals and Savings) Act 1987 No. 108—**Schedule 3 (**Savings, transitional and other provisions relating to the Energy Authority**)—

## Schedule 3, clause 7 (1)—

Omit “26”, insert instead “25”.

**Fair Trading Act 1987 No. 68—**(1) Section 4 (**Interpretation**)—

## (a) Section 4 (1)—

Omit from paragraph (a) (ii) of the definition of “services” the words “a contract for, or involving”.

## (b) Section 4 (1)—

Omit paragraph (d) of the definition of “services”, insert instead:

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LAW REVISION—*continued*

(d) a contract for or in relation to the lending of money,  
but does not include rights or benefits being the supply of goods or the  
performance of work under a contract of service;

(2) Section 31 (**Order (other than interim order) prohibiting or restricting the supply of goods**)—

Section 31 (2)—

After “Sections”, insert “39”.

(3) Section 40 (**Dual pricing**)—

Section 40 (2) (d) (ii)—

After “out-of-date;” insert “or”.

**Family Provision Act 1982 No. 160—**

Section 9 (**Provisions affecting Court’s powers under secs. 7 and 8**)—

Section 9 (6)—

Omit “conform”, insert instead “confirm”.

**Gas Act 1986 No. 213—**(1) Section 3 (**Interpretation**)—

(a) Section 3 (1)—

Omit the definition of “Authority”.

(b) Section 3 (1), definition of “Corporation”—

After the definition of “consumer”, insert:

“Corporation” means the Energy Corporation of New South Wales  
constituted under the Energy Administration Act 1987;

(2) Sections 11, 12, 15, 17, 48, 49, 79, 83, 89, 101, 103, 105, 116, 118, 119, 121, 133,  
139—

Omit “Authority” wherever occurring, insert instead “Corporation”.

**Habitual Criminals Act 1957 No. 19—**

Section 2 (**Repeals and savings**)—

Section 2 (2) (c)—

Omit the paragraph.

**Heritage Act 1977 No. 136—**

Section 76 (**Appeal to Minister in respect of prescribed applications**)—

Omit “, the Local Government (Regulation of Flats) Act, 1955”.

**Heritage (Amendment) Act 1987 No. 11—**

Schedule 1 (19)—

Omit “, insert ”, insert instead “where secondly occurring, insert”.

**Historic Houses (Amendment) Act 1986 No. 126—**

Section 3 (**Validation**)—

After “Minister”, insert “administering the Historic Houses Act 1980”.



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 SCHEDULE 44—AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE  
 LAW REVISION—*continued*
**Industrial Arbitration Act 1940 No. 2—****Section 18A (Apprenticeship conciliation committees)—**

## Section 18A (1)—

Omit “senior conciliation commissioner”, insert instead “Vice-President”.

**Innkeepers Act 1968 No. 24—****Section 3 (Interpretation and construction of Act)—**

## Section 3 (2)—

Omit the subsection.

**Lay-by Sales Act 1943 No. 36—**(1) **Section 4 (Register)—**

## Section 4 (8) (b)—

Omit “inspector appointed under the Consumer Protection Act, 1969”, insert instead “investigator appointed under section 18 of the Fair Trading Act 1987”.

(2) **Section 5 (Lay-by agreements)—**

## Section 5 (4)—

Omit the subsection, insert instead:

(4) In any case where the goods sold or agreed to be sold are goods to which information is appended as to a product information standard prescribed in relation to the goods under section 38 of the Fair Trading Act 1987, the nature and quality of the goods may be indicated, in any statement furnished under this section, in terms of or by reference to the information appended to the goods.

(3) **Section 6 (Goods sold or agreed to be sold on lay-by to be set aside)—**

## Section 6 (2) (b)—

Omit “inspector appointed under the Consumer Protection Act, 1969”, insert instead “investigator appointed under section 18 of the Fair Trading Act 1987”.

(4) **Section 7 (Offences)—**

## Section 7 (3)—

Omit “Consumer Protection Act, 1969”, insert instead “Fair Trading Act 1987”.

**Liquor Act 1982 No. 147—**(1) **Section 36 (Restriction on certain applications)—**

## Section 36 (7)—

Omit “, except pursuant to section 42 (3),”.

(2) **Section 45 (Grounds of objection)—**

## Section 45 (1) (c)—

After “(a)”, insert “, (a1)”.

(3) **Section 46 (Taking of objection)—**

## Section 46 (1) (b) (ia)—

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 SCHEDULE 44—AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE  
 LAW REVISION—*continued*

After section 46 (1) (b) (i), insert:

- (ia) in the case of an objection on the ground specified in section 45 (1) (a1)—that the applicant is so closely associated with a specified person as not to be a fit and proper person to be the holder of a licence;

**Local Government (Electricity) Amendment Act 1987 No. 106—****Section 4 (Amendment of Ordinances Nos. 20 and 54)—**

Section 4 (2)—

At the end of section 4, insert:

- (2) An Ordinance amended by operation of this Act may be amended or repealed as if the amendment made by this Act had been made by Ordinance under the Local Government Act 1919.

**Miscellaneous Acts (Legal Profession) Amendment Act 1987 No. 111—****Section 2 (Commencement)—**

Section 2 (3)—

Omit “Schedule 2”, insert instead “Schedule 1”.

**Miscellaneous Acts (Leasehold Strata Schemes) Amendment Act 1986 No. 220—****Schedule 1 (Amendments to Acts)—**

Schedule 1, matter relating to the Darling Harbour Authority Act 1984—

- (1) From item (5), omit “59 (2)”, insert instead “59 (4)”.
- (2) From item (5), omit “(2) In”, insert instead “(4) In”.

**Miscellaneous Acts (Public Prosecutions) Amendment Act 1986 No. 212—****Schedule 1 (Amendment of certain Acts)—**

From item (6) (b) of the matter relating to the Crimes Act 1900, omit “428M (1) (b) (ii)”, insert instead “428M (1) (b)”.

**Miscellaneous Acts (Water Administration) Amendment Act 1986 No. 205—****Schedule 2 (Amendments consequential upon the enactment of the Water Administration Act 1986)—**

From the matter relating to the Electricity Commission Act 1950, omit “2”, insert instead “22”.

**Motor Dealers Act 1974 No. 52—****(1) Section 4 (Interpretation)—**

(a) Section 4 (1)—

Omit paragraph (b) of the definition of “authorised officer”, insert instead:

- (b) an investigator appointed under section 18 of the Fair Trading Act 1987;

(b) Section 4 (1)—

From the definition of “Commissioner”, omit “13 of the Consumer Protection Act 1969, and includes any person appointed to act as such pursuant to section 14 of that Act”, insert instead “6 (1) of the Fair Trading Act 1987 and any person appointed under section 6 (3) of that Act to act as Commissioner”.

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SCHEDULE 44—AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE  
LAW REVISION—*continued*

(2) Section 6 (**Performance of Commissioner's functions**)—

Section 6 (1), (2)—

Omit "15 (1) of the Consumer Protection Act 1969" wherever occurring, insert instead "7 of the Fair Trading Act 1987".

(3) Section 47 (**Certain misdescriptions prohibited**)—

Section 47 (4)—

Omit "Part III of the Consumer Protection Act 1969", insert instead "Part 5 of the Fair Trading Act 1987".

**Nurses Registration (Amendment) Act 1987 No. 130—**

(1) Schedule 1 (**Amendments to the Principal Act relating to the Board**)—

Schedule 1 (6) (a)—

Omit the paragraph, insert instead:

(a) Section 9 (2)—

Omit "5 (1) (section 5 (1) (f))", insert instead "5 (2) (section 5 (2) (a) and (b))".

(2) Schedule 2 (**Amendments to the Principal Act relating to the enrolment and registration of nurses**)—

(a) Schedule 2 (3)—

Omit " , midwifery", insert instead " , a midwifery".

(b) Schedule 2 (11) (b), (c)—

Omit item 2 (11) (b), insert instead:

(b) Section 35 (1) (f)—

Omit "nursing aides", insert instead "enrolled nurses and enrolled nurses (mothercraft)".

(c) Section 35 (1) (h)—

Omit "nursing aides", insert instead "nurses and enrolled nurses (mothercraft)".

**Parliamentary Electorates and Elections (Amendment) Act 1987 No. 132—**

Schedule 1 (42)—

Omit "After section 114", insert instead "After section 114A".

**Prisons Act 1952 No. 9—**

Schedule 5 (**Provisions relating to the constitution and procedure of the Board**)—

Schedule 5, clause 4 (4) (a)—

Omit "or the Deputy Chairman".

**Public Health Act 1902 No. 30—**

Sections 63A (1), 63B (1)—

Omit "the expiration of three months after the commencement of the Public Health (Amendment) Act, 1944" wherever occurring, insert instead "1 April 1988".

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 SCHEDULE 44—AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE  
 LAW REVISION—*continued*
**Public Hospitals (Amendment) Act 1986 No. 51—**

## (1) Schedule 1 (2) (g)—

Omit the item, insert instead:

## (g) Section 11 (6) (b) (iii)—

Omit “of a”, insert instead “of an area health service, a”.

## (2) Schedule 1 (7) (a) (ii)—

After “or all patients”, insert “of”.

## (3) Schedule 1 (7) (a) (iii)—

After “patients” where secondly occurring, insert “of”.

**Registered Clubs Act 1976 No. 31—**

## Section 15 (Fees)—

## Section 15 (3)—

Omit “it thinks”, insert instead “the secretary thinks”.

**Registration of Interests in Goods Act 1986 No. 37—**

## Section 3 (Interpretation)—

Section 3 (1), definition of “Commissioner”—

Omit “13 of the Consumer Protection Act 1969 and any person appointed under section 14”, insert instead “6 (1) of the Fair Trading Act 1987 and any person appointed under section 6 (3)”.

**Residential Tenancies Act 1987 No. 26—**

## Section 3 (Interpretation)—

Section 3 (1), definition of “Commissioner for Consumer Affairs”—

Omit “the Consumer Protection Act 1969”, insert instead “section 6 (3) of the Fair Trading Act 1987”.

**Residential Tenancies Tribunal Act 1986 No. 60—**

## Section 4 (Interpretation)—

Section 4 (1), definition of “Commissioner for Consumer Affairs”—

Omit “13 of the Consumer Protection Act 1969 and any person appointed under”, insert instead “6 (1) of the Fair Trading Act 1987 and any person appointed under section 6 (3) of”.

**Strata Titles (Amendment) Act 1987 No. 147—**

## (1) Schedule 1 (3) (b), proposed section 58 (7) of the Strata Titles Act 1973—

Omit the proposed subsection, insert instead:

(7) With the written consent of the proprietor or proprietors of the lot or lots concerned, the body corporate may, pursuant to a special resolution, make a by-law—

(a) conferring on the proprietor of a lot specified in the by-law, or the proprietors of several lots so specified—

(i) a right of exclusive use and enjoyment of; or

(ii) special privileges in respect of,

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**SCHEDULE 44—AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE  
LAW REVISION—*continued***

the whole or any specified part of the common property, upon conditions (including the payment of money, at specified times or as required by the body corporate, by the proprietor or proprietors of the lot or lots concerned) specified in the by-law; or

(b) amending or repealing a by-law made in accordance with this subsection.

(2) Schedule 2 (22)—

(a) Omit “(a) Clause 10 (f), (g)—”, insert instead:

(a) Clause 10 (d)—

Omit “(a) and”.

(b) Clause 10 (f), (g)—

(b) Omit “(b) Clause 27 (2)—”, insert instead:

(c) Clause 11 (c)—

Omit “(1) (c)”, insert instead “(1) (a)”.

(d) Clause 27 (2)—

**Strata Titles (Leasehold) Amendment Act 1987 No. 148—**

(1) Schedule 1 (3) (b), proposed section 87 (7) of the Strata Titles (Leasehold) Act 1986—

Omit the proposed subsection, insert instead:

(7) With the written consent of the lessor under the scheme and of the lessee or lessees of the lot or lots concerned, the body corporate may, pursuant to a special resolution, make a by-law—

(a) conferring on the lessee of a lot specified in the by-law, or the lessees of several lots so specified—

(i) a right of exclusive use and enjoyment of; or

(ii) special privileges in respect of,

the whole or any specified part of the common property, upon conditions (including the payment of money, at specified times or as required by the body corporate, by the lessee or lessees of the lot or lots concerned) specified in the by-law; or

(b) amending or repealing a by-law made in accordance with this subsection.

(2) (a) Schedule 2 (1)—

Omit “Section 5” wherever occurring, insert instead “Section 4”.

(b) Schedule 2 (20)—

(i) Omit “(a) Clause 11 (f), (g)—”, insert instead:

(a) Clause 11 (d)—

Omit “(a) and”.

(b) Clause 11 (f), (g)—

*Statute Law (Miscellaneous Provisions) (No. 2) 1987*SCHEDULE 44—AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE  
LAW REVISION—*continued*

- (ii) Omit “(b) Clause 28 (2)—”, insert instead:
  - (c) Clause 12 (c)—  
Omit “(1) (c)”, insert instead “(1) (a)”.
  - (d) Clause 28 (2)—

**Travel Agents Act 1986 No. 5—**(1) Section 3 (**Interpretation**)—

Section 3 (1), definition of “Commissioner”—

Omit “13 of the Consumer Protection Act 1969 or any person appointed under section 14”, insert instead “6 (1) of the Fair Trading Act 1987 or any person appointed under section 6 (3)”.

(2) Section 44 (**Powers of entry etc.**)—

Section 44 (1)—

Omit “inspector appointed under the Consumer Protection Act 1969”, insert instead “investigator appointed under section 18 of the Fair Trading Act 1987”.

(3) Schedule 2 (**Savings and transitional provisions**)—

Schedule 2, clause 3 (2) (j) (ii)—

Omit “16 of the Consumer Protection Act 1969”, insert instead “9 of the Fair Trading Act 1987”.

**Water Board Act 1987 No. 141—**(1) Section 33 (**Basis of levying service charges**)—

Section 33 (2)—

Omit “factors”, insert instead “bases”.

(2) Section 35 (**Assessment of service charges**)—

Section 35 (3) (a)—

Omit “manner in”, insert instead “factor or factors according to”.

**SCHEDULE 45—REPEALS**

(Sec. 4 (1))

Native Dogs Destruction and Poisoned Baits Act 1901 (1902 No. 19)\*  
 Red Cross War Chest Farm Colony Transfer Act 1924 No. 5\*  
 Flour Acquisition Act 1931 No. 10\*  
 Flour Acquisition (Amendment) Act 1931 No. 50\*  
 Wheatgrowers Relief Act 1932 No. 60\*  
 State Cannery (Sale) Act 1935 No. 38\*  
 Wheat and Wheat Products Act 1936 No. 3\*\*\*  
 Wheat Growers Relief Act 1936 No. 9\*  
 Wheat Products (Prices Fixation) Act 1938 No. 19\*  
 Wheat Industry Stabilization Act 1938 No. 32\*  
 Wheatgrowers Relief Act 1941 No. 4\*  
 Cereal Growers Drought Relief Act 1944 No. 33\*  
 State Tileworks Act 1947 No. 29\*  
 Cattle Compensation Taxation Act 1962 No. 24\*

*Statute Law (Miscellaneous Provisions) (No. 2) 1987*SCHEDULE 45—REPEALS—*continued*

- Wheat Quotas Act 1969 No. 53\*  
 Wheat Industry Stabilization and Wheat Quotas (Amendment) Act 1969 No. 74\*  
 Wheat Quotas Act 1970 No. 66\*  
 Wheat Quotas Act 1971 No. 76\*  
 Wheat Quotas Act 1972 No. 67\*  
 Wheat Quotas Act 1973 No. 89\*  
 Stamp Duties (Further Amendment) Act 1974 No. 110\*\*\*  
 Wheat Quotas Act 1975 No. 17\*  
 Bookmakers (Taxation) Amendment Act 1981 No. 70\*\*\*  
 Newcastle Gas Company Limited (Amendment) Act 1982 No. 75\*\*\*  
 Motor Traffic (Further Amendment) Act 1983 No. 102\*\*  
 Motor Traffic (Recreation Vehicles) Amendment Act 1983 No. 139\*\*  
 Theatres and Public Halls (Amendment) Act 1983 No. 144\*\*  
 Stamp Duties (Amendment) Act 1984 No. 26\*\*  
 Theatres and Public Halls (Liquor) Amendment Act 1984 No. 59\*\*  
 Sporting Injuries Insurance (Amendment) Act 1984 No. 65\*\*  
 Sporting Injuries Insurance (Workers' Compensation) Amendment Act 1984 No. 92\*\*  
 Theatres and Public Halls (Film and Video Tape Classification) Amendment Act 1984  
 No. 158\*\*  
 Trustee (Amendment) Act 1984 No. 169\*\*  
 Stamp Duties (Further Amendment) Act 1984 No. 171\*\*  
 Registered Clubs (Amendment) Act 1985 No. 13\*\*  
 Totalizator (Off-course Betting) Amendment Act 1985 No. 39\*\*  
 Registered Clubs (Further Amendment) Act 1985 No. 71\*\*  
 Gaming and Betting (Poker Machines) Taxation Amendment Act 1985 No. 72\*\*  
 Registered Clubs (Miscellaneous Provisions) Amendment Act 1985 No. 78\*\*  
 Trustee (Trustees' Agents) Amendment Act 1985 No. 89\*\*  
 Anti-Discrimination (Amendment) Act 1985 No. 112\*\*  
 Dog (Amendment) Act 1985 No. 125\*\*  
 Darling Harbour Authority (Further Amendment) Act 1985 No. 161\*\*  
 Motor Traffic (Random Breath Testing) Amendment Act 1985 No. 205\*\*  
 Stamp Duties (Amendment) Act 1985 No. 219\*\*  
 Motor Traffic (Unregistered Vehicles) Amendment Act 1986 No. 3\*\*  
 Motor Traffic (Menacing Driving) Amendment Act 1986 No. 4\*\*  
 Long Service Leave (Industrial Arbitration) Amendment Act 1986 No. 9\*\*  
 Theatres and Public Halls (Boxing and Wrestling Contests) Amendment Act 1986 No.  
 12\*\*  
 Long Service Leave (Amendment) Act 1986 No. 24\*\*  
 Bail (Amendment) Act 1986 No. 48\*\*  
 Egg Industry (Amendment) Act 1986 No. 54\*\*

*Statute Law (Miscellaneous Provisions) (No. 2) 1987*SCHEDULE 45—REPEALS—*continued*

Gaming and Betting (Poker Machines) Taxation Amendment Act 1986 No. 80\*\*

Stamp Duties (Amendment) Act 1986 No. 91\*\*

Totalizator (Off-course Betting) Amendment Act 1986 No. 171\*\*

## NOTE:

- \* indicates repeal of Act that is no longer of public utility
- \*\* indicates repeal of amending Act whose provisions have been included in a reprint and which contains no provision of substantive effect that needs to be retained
- \*\*\* indicates repeal of Act containing uncommenced provisions

## SCHEDULE 46—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

(Sec. 5)

**Effect of amendment of amending provisions**

1. An amendment made by Schedule 44 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**

2. 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.

**Revocation of repeal**

3. The Dairy Industry (Amendment) Act 1984 shall be deemed not to be, and never to have been, repealed by the Statute Law (Miscellaneous Provisions) Act (No. 2) 1986.

**Charitable Collections Regulations—repeal**

4. Regulations 3–6 of, and Schedules A, B and D to, the Charitable Collections Regulations are, on the commencement of Schedule 5, repealed.

**Appointments to Government Insurance Office of New South Wales Board not affected**

5. Nothing in Schedule 16 affects the appointment of a director of the Government Insurance Office of New South Wales Board who was holding office immediately before the commencement of that Schedule.

**Regulations made under Motor Traffic Act 1909**

6. A regulation made under section 3 (1) (t) of the Motor Traffic Act 1909 and in force immediately before the commencement of this Act shall, on that commencement, be deemed to have been made under section 3 (1) (t) of that Act, as amended by this Act.



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 SCHEDULE 46—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—  
*continued*
**Oaths under Police Regulation Act 1899**

7. (1) An oath or affirmation in force under section 9 of the Police Regulation Act 1899 immediately before the commencement of this clause shall be deemed to have been taken or made and subscribed under, and in terms appropriate to, that section as amended by this Act.

(2) A failure by a member of the police force to take or make and subscribe an oath or affirmation under section 9 of the Police Regulation Act 1899 does not invalidate anything done by the member before the commencement of this clause.

**Validation of certain decisions of the Blue Mountains Area Health Board relating to Springwood Hospital**

8. Any act, matter or thing done after 1 October 1986 by the Blue Mountains Area Health Service that would have been validly done if Springwood Hospital had been transferred to that area health service on that date is validated.

**Regulations**

9. (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 referred to in subclause (1) may, if the regulations so provide, 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 clause of this Schedule.

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**NOTE**
**Alphabetical list of Acts repealed by Schedule 45**

- Anti-Discrimination (Amendment) Act 1985 No. 112\*\*
- Bail (Amendment) Act 1986 No. 48\*\*
- Bookmakers (Taxation) Amendment Act 1981 No. 70\*\*\*
- Cattle Compensation Taxation Act 1962 No. 24\*
- Cereal Growers Drought Relief Act 1944 No. 33\*
- Darling Harbour Authority (Further Amendment) Act 1985 No. 161\*\*
- Dog (Amendment) Act 1985 No. 125\*\*
- Egg Industry (Amendment) Act 1986 No. 54\*\*

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- Flour Acquisition Act 1931 No. 10\*
- Flour Acquisition (Amendment) Act 1931 No. 50\*
- Gaming and Betting (Poker Machines) Taxation Amendment Act 1985 No. 72\*\*
- Gaming and Betting (Poker Machines) Taxation Amendment Act 1986 No. 80\*\*
- Long Service Leave (Amendment) Act 1986 No. 24\*\*
- Long Service Leave (Industrial Arbitration) Amendment Act 1986 No. 9\*\*
- Motor Traffic (Further Amendment) Act 1983 No. 102\*\*
- Motor Traffic (Menacing Driving) Amendment Act 1986 No. 4\*\*
- Motor Traffic (Random Breath Testing) Amendment Act 1985 No. 205\*\*
- Motor Traffic (Recreation Vehicles) Amendment Act 1983 No. 139\*\*
- Motor Traffic (Unregistered Vehicles) Amendment Act 1986 No. 3\*\*
- Native Dogs Destruction and Poisoned Baits Act 1901 (1902 No. 19)\*
- Newcastle Gas Company Limited (Amendment) Act 1982 No. 75\*\*\*
- Red Cross War Chest Farm Colony Transfer Act 1924 No. 5\*
- Registered Clubs (Amendment) Act 1985 No. 13\*\*
- Registered Clubs (Further Amendment) Act 1985 No. 71\*\*
- Registered Clubs (Miscellaneous Provisions) Amendment Act 1985 No. 78\*\*
- Sporting Injuries Insurance (Amendment) Act 1984 No. 65\*\*
- Sporting Injuries Insurance (Workers' Compensation) Amendment Act 1984 No. 92\*\*
- Stamp Duties (Amendment) Act 1984 No. 26\*\*
- Stamp Duties (Amendment) Act 1985 No. 219\*\*
- Stamp Duties (Amendment) Act 1986 No. 91\*\*
- Stamp Duties (Further Amendment) Act 1974 No. 110\*\*\*
- Stamp Duties (Further Amendment) Act 1984 No. 171\*\*
- State Cannery (Sale) Act 1935 No. 38\*
- State Tileworks Act 1947 No. 29\*
- Theatres and Public Halls (Amendment) Act 1983 No. 144\*\*
- Theatres and Public Halls (Boxing and Wrestling Contests) Amendment Act 1986 No. 12\*\*
- Theatres and Public Halls (Film and Video Tape Classification) Amendment Act 1984 No. 158\*\*
- Theatres and Public Halls (Liquor) Amendment Act 1984 No. 59\*\*
- Totalizator (Off-course Betting) Amendment Act 1985 No. 39\*\*
- Totalizator (Off-course Betting) Amendment Act 1986 No. 171\*\*
- Trustee (Amendment) Act 1984 No. 169\*\*
- Trustee (Trustees' Agents) Amendment Act 1985 No. 89\*\*
- Wheat and Wheat Products Act 1936 No. 3\*\*\*
- Wheat Growers Relief Act 1936 No. 9\*
- Wheat Industry Stabilization Act 1938 No. 32\*
- Wheat Industry Stabilization and Wheat Quotas (Amendment) Act 1969 No. 74\*
- Wheat Products (Prices Fixation) Act 1938 No. 19\*
- Wheat Quotas Act 1969 No. 53\*

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Wheat Quotas Act 1970 No. 66\*

Wheat Quotas Act 1971 No. 76\*

Wheat Quotas Act 1972 No. 67\*

Wheat Quotas Act 1973 No. 89\*

Wheat Quotas Act 1975 No. 17\*

Wheatgrowers Relief Act 1932 No. 60\*

Wheatgrowers Relief Act 1941 No. 4\*

NOTE:

\* indicates repeal of Act that is no longer of public utility

\*\* indicates repeal of amending Act whose provisions have been included in a reprint and which contains no provision of substantive effect that needs to be retained

\*\*\* indicates repeal of Act containing uncommenced provisions

