

**STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL
(No. 2) 1988**

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 1–25); and
- (b) to amend certain other Acts for the purpose of effecting statute law revision (Schedule 26); and
- (c) to repeal certain Acts containing only—
 - (i) amendments to other Acts that have been incorporated in a reprint under the Reprints Act 1972; or
 - (ii) spent or unnecessary provisions of a saving or transitional nature; or
 - (iii) validation provisions,(Schedule 27); and
- (d) to repeal the Matraville Oil Refinery Act 1980; and
- (e) to make other provisions of a minor, consequential or ancillary nature (Schedule 28).

Schedule 1 amends sections 6 (definition of “Child”) and 21 of the Adoption of Children Act 1965 to lower the age referred to in those provisions from 21 to 18 years. The proposed amendments will make the age consistent with that specified in sections 18, 26 and 33 of the Act (Schedule 1 (1) and (2)). The Schedule also includes amendments by way of statute law revision to update certain references (Schedule 1 (3)).

Schedule 2 amends section 21 (Infected bees etc. not to be kept or sold) of the Apiaries Act 1985—

- (a) to make it an offence for a beekeeper to keep or allow to remain on any land bees, beehives, apiary products or appliances infected with or liable to spread prescribed diseases among bees except as provided by the section (at present it is an offence only if the beekeeper is the occupier of the land); and

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- (b) to require beekeepers to follow directions given by inspectors (instead of prescribed procedures) in relation to the treatment or eradication of such diseases in bees, beehives, apiary products and appliances and the sale and disposal of infected bees, beehives, apiary products and appliances.

Schedule 3 amends the Children (Care and Protection) Act 1987—

- (a) to recast the definition of “abuse” in section 3 (1) of the Act in a clearer form (Schedule 3 (1) (a)); and
- (b) to make the definitions of “maintenance” and “proprietor” in section 3 (1) of the Act consistent with definitions of those terms in the Disability Services and Guardianship Act 1987 (Schedule 3 (1) (b) and (d)); and
- (c) to enable the terms “non-Government children’s home” and “non-Government organisation” to be given their ordinary meaning instead of being defined (at present the terms are described in a manner that requires corporations, societies, associations or other bodies of persons to be declared by order to be non-Government organisations) (Schedule 3 (1) (c) and (e)); and
- (d) to make it clear that section 20 (Ordinary medical and dental treatment) of the Act applies to children under the age of 16 years who have been placed in the care of a person by, or with the written approval of, the Minister or the Director-General (Schedule 3 (2)); and
- (e) to modify the requirement that the licensed manager of a licensed residential child care centre forward notice of the death of a child at the centre to a member of the police force at the police station nearest the centre so that notice is simply required to be given to a member of the police force without limitation as to locality (Schedule 3 (3)); and
- (f) to make it clear that proceedings on a care application commence when the care application is made (Schedule 3 (4)); and
- (g) to make it clear that the Director-General may exercise the powers relating to the care of children pending care proceedings described in section 62 (3) of the Act where a child is placed in the care of the Director-General under section 77 of the Act (Schedule 3 (5) (a)); and
- (h) to make it clear that a child placed in the care of the Director-General may be discharged from care or kept in care under section 62 (3) of the Act until the commencement of the hearing of the care application in respect of the child (Schedule 3 (5) (b)); and
- (i) to make it clear that, in proceedings under Part 5 of the Act, the power of the Children’s Court to consider certain statements, documents, information or matters is limited by section 24A (Taped recordings of interviews with certain child crime victims) (Schedule 3 (6) (a)); and
- (j) to change certain titles as a consequence of the enactment of the Children’s Court (Amendment) Act 1987 (Schedule 3 (6) (b) and (c)); and
- (k) to correct an omission from section 84 (2) by providing that, if it is proved that a child placed in the custody of a person by an order made under section 72 (1) (c) (ii) has ceased (without lawful authority) to be in that person’s care, the Children’s Court may vary or rescind the order and make certain other orders (Schedule 3 (7)); and
- (l) to apply to proceedings under Part 5 of the Act the provisions of the Justices Act 1902 relating to the production of documents by persons summoned to appear as witnesses (Schedule 3 (8)); and

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- (m) to enable an authorised justice to issue a search warrant under section 116 of the Act authorising an officer or member of the police force to observe and converse with any person apparently residing at the premises concerned (a similar power is contained in section 102 (2) (c) of the Disability Services and Guardianship Act 1987) (Schedule 3 (9)); and
- (n) to enable the Minister to consent to a person other than the proprietor of the premises concerned making an application for a licence for a child care service or residential child care centre (the Minister has this power under clause 1 of Schedule 2 to the Disability Services and Guardianship Act 1987) (Schedule 3 (10)).

Schedule 4 amends the Disability Services and Guardianship Act 1987—

- (a) to enable the President and Deputy President of the Guardianship Board to be appointed and remunerated on a full-time basis (Schedule 4 (1) and (2) (a)); and
- (b) to preserve the existing superannuation rights of a person appointed as a full-time President or Deputy President in certain defined circumstances (Schedule 4 (2) (b)).

Schedule 5 amends section 21F of the Electricity Act 1945 to limit the powers of authorised persons in relation to the prohibition of the sale of unsafe electrical articles. At present an authorised person may prohibit the sale of all electrical articles of a class in the custody, control or possession of a person. The proposed amendment will enable the authorised person to prohibit the sale of all electrical articles of a type rather than a class (for the purposes of the relevant Part of the Act electrical articles of a type are all electrical articles of the same design constructed to identical specifications) (Schedule 5 (2)). The Schedule also includes an amendment by way of statute law revision to omit section 19C (4) of the Act which is superfluous as a consequence of the substitution of section 19C (1) of the Act by the Electricity Development (Amendment) Act 1987 (Schedule 5 (1)).

Schedule 6 amends the Energy Administration Act 1987 to make it clear that regulations may be made to prescribe fees payable (such as those to accompany applications for registration of a label for an appliance) in relation to the labelling of appliances that consume energy.

Schedule 7 amends section 44 of the Fair Trading Act 1987 by including in it an express prohibition on false representations as to the value of goods and services. The amendment will ensure that the section is uniform with section 53 of the Trade Practices Act 1974 of the Commonwealth. The existing provision prohibits, among other things, false representations that goods or services are of a particular standard, quality or grade. The Commonwealth provision was recently clarified by including such a prohibition. In *Ducret v. Chaudhary's Oriental Carpet Palace Pty. Ltd.* (1987) ATPR 40-804, Ryan J. stated that "Notwithstanding the differences in width between 'quality' and 'standard' as used in sec. 53 (a), I consider that a representation as to each of them in respect of goods is capable of being made by attributing to the goods a value expressed as an amount of money. Whether such an attribution constitutes a representation of that kind is a matter of fact to be determined on the evidence in each case." (At p. 48,762).

Schedule 8 amends the Fertilizers Act 1985 to facilitate the administration of the Act by enabling the form of certificates of identification issued to inspectors to be approved by the Director-General rather than prescribed by regulation.

Schedule 9 amends the Forestry Act 1916—

- (a) to increase the maximum penalty under section 29 of the Act for the unauthorised operation of a sawmill from \$200 to \$500 (Schedule 9 (1)); and

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- (b) to enable the Minister administering the Crown Lands Acts to delegate the Minister's functions under section 31 of the Act involving giving concurrence to the granting of grazing permits and permits to occupy Crown land as a site for a sawmill or other building, tramway, wharf or timber depot or for charcoal burning, bee-farming or other purposes approved by the Forestry Commission (Schedule 9 (2)).

Schedule 10 amends the Industrial Arbitration (Miscellaneous Provisions) Amendment Act 1986 to enable the differential commencement of the provisions of the Act.

Schedule 11 amends section 17A (Unauthorised use of water) of the Irrigation Act 1912 to ensure that the provisions of that section will apply to protect a low pressure system of irrigation water supply which is to be implemented in the Cullwaa Irrigation Area in place of the existing supply by open channels.

Schedule 12 amends Division 9A (Disclosure of interests) of Part 4 of the Local Government Act 1919 to make it clear that a member or designated employee of a council is not required to disclose the pecuniary interests of a spouse, de facto partner or relative in a return lodged under section 46B of the Act.

The proposed amendment will remove any doubt which might arise as to whether interpretation provisions deeming the interests of certain persons to include the interests of their spouses, de facto partners and relatives (section 46A (3)–(5)) apply to both the disclosure of pecuniary interests in written returns and to disclosures made orally at council and committee meetings. Although the deeming provisions are expressed to apply only for the purposes of Division 9A and so do not relate to Schedule 5 to the Act (which sets out the interests to be disclosed in written returns) argument arises because the deeming provisions are placed at the front of Division 9A in which some provisions relating to the returns are also present. The proposed amendment will clarify the application of the provisions and ensure that section 46B operates as intended when it was enacted (that is, so as to “incorporate into the law on pecuniary interests, so far as it relates to local government . . . the relevant law applicable to members of the New South Wales Parliament” (Hansard 29 April 1987 at p. 10763)).

Schedule 13 amends section 2 (Commencement) of the Miscellaneous Acts (Children's Court and Criminal Proceedings) Amendment Act 1987 so that Item (2) of the provisions of Schedule 1 to that Act relating to the Bail Act 1978 may be commenced on a day to be proclaimed instead of on the commencement of section 9 of the Children (Criminal Proceedings) Act 1987.

Schedule 14 amends the Motor Dealers Act 1974 to remove any doubt as to whether a caravan is a trailer (and therefore a motor vehicle) within the meaning of the Act.

Schedule 15 amends the Motor Traffic Act 1909 to remove any doubt as to whether a caravan is a trailer (and therefore a motor vehicle) within the meaning of the Act.

Schedule 16 amends the Pipelines Act 1967 to provide for the making of applications for pipeline searches. The proposed amendment will enable a person to obtain from the Director of the Department of Energy certain information concerning applications made, and authorities held, under the Act.

Schedule 17 amends the Prevention of Cruelty to Animals Act 1979—

- (a) to effect a minor alteration to the definition of “multi-deck vehicle” in section 7 (Carriage and conveyance of animals) of that Act so that the definition more accurately describes the motor vehicles and trailers to which it refers (Schedule 17 (1)); and

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- (b) to prohibit the possession of articles, implements and other things for use in animal fighting (Schedule 17 (2)—proposed section 17 (b)).

The penalty for an offence against proposed section 17 (b) will be a fine of up to \$2,000 or imprisonment for 6 months, or both. The penalty is the same as that presently applicable under section 17 of the Act for a person having in his or her possession a spur or similar appliance with sharpened rowels.

Schedule 18 amends section 13A (Working accounts) of the Public Finance and Audit Act 1983 to enable a government authority which is able to recover costs incurred in the provision of goods and services by it to pay the costs recovered into a working account within the Special Deposits Account despite the fact that it may be required by the provisions of another Act to pay them into the Consolidated Fund.

Schedule 19 amends sections 4D and 9 of the Senators' Elections Act 1903 so as to make them consistent with the sections of the Commonwealth Electoral Act 1918 (sections 159 and 286, respectively) which they follow.

The proposed amendments will—

- (a) extend the time for return of the writ for a Senate election from 90 to 100 days after its issue (Schedule 19 (1)); and
- (b) remove existing time limits on the ability to extend the time for holding an election or returning the writ (Schedule 19 (2)).

Schedule 20 amends the Statutory and Other Offices Remuneration Act 1975 to provide for the remuneration of a full-time President or Deputy President of the Guardianship Board. The proposed amendment complements the proposed amendments to the Disability Services and Guardianship Act 1987 (Schedule 4).

Schedule 21 amends the Stock (Artificial Breeding) Act 1985—

- (a) to permit persons who are employees of the holder of a licence under the Act to carry out an artificial breeding procedure on the licensed premises and other persons to carry out such a procedure under the supervision of the holder of a certificate of competency or of a veterinary surgeon (Schedule 21 (1)); and
- (b) to correct a printing omission in section 26 (Importation from other countries) of the Act (Schedule 21 (2)); and
- (c) to extend the operation of section 29 (Offences relating to semen and ova) of the Act to include a prohibition against a person causing or permitting the use in any artificial breeding procedure, or the sale of semen or ova, in conditions contrary to those required by the Act (Schedule 21 (3) (a) and (b)); and
- (d) to modify the requirements of the Act relating to such conditions by permitting ova to be used, sold or distributed if they have been collected in the State from stock on unlicensed premises (Schedule 21 (3) (c) and (d)).

Schedule 22 amends the Stock (Chemical Residues) Act 1975 to enable an inspector to extend the period during which a person who owns or is in charge of stock which are, or are suspected of being, residue affected may be required to keep the stock at a particular place.

Schedule 23 amends the Stock Diseases Act 1923—

- (a) so that the provisions of section 6 of the Act providing for the automatic revocation of the appointment and authorisation of a person employed in the person's capacity as an officer or temporary employee of the Public Service in the Department of Agriculture and Fisheries will apply to a person appointed and authorised in some other capacity (Schedule 23 (1) (a) and (b)); and

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- (b) to provide for the revival of an authority revoked by the operation of section 6 of the Act where the person who was given the authority is later re-employed in the same or a similar capacity to that in which he or she was formerly appointed or authorised to act (Schedule 23 (1) (c)); and
- (c) so that an inspector may, with the approval of the Chief of the Division of Animal Health of the Department of Agriculture and Fisheries, extend the period for which land may be declared a quarantine area for stock beyond the 40 day period for which such declarations may presently be made (Schedule 23 (2)); and
- (d) to make it clear that section 19A (Identification of certain cattle, swine and other stock) of the Act applies to all cattle, not only to cattle of or above the age of 3 months as presently stated in section 19A (1) (a) (section 19A (1) (a) in its present form could be misleading because a proclamation under section 19A (2) has extended the application of the section to cattle under the age of 3 months) (Schedule 23 (3)); and
- (e) to extend the operation of section 19C (Identification of stock) so as to include prohibitions against a person causing or permitting the attachment of tags to stock, or the branding of swine, contrary to the provisions of the Act (Schedule 23 (4) (a) and (c)); and
- (f) to enable tags attached to stock sent or delivered to an abattoir for slaughter from an approved feedlot to bear additional prescribed particulars (Schedule 23 (4) (b)); and
- (g) to require the person in charge of an abattoir to make or cause to be made the records of untagged stock to be kept under section 19G of the Act within 24 hours (instead of 14 days) of the slaughter of the stock (Schedule 23 (5)); and
- (h) to provide that it is an offence under section 20 (1) (j1) of the Act to remove or cause the removal of a tag from certain stock sold within the preceding 28 (instead of 14) days (Schedule 23 (6)).

Schedule 24 amends the Trade Union Act 1881 to allow an application to register a trade union to be accompanied by a typed copy of the rules of the union. Under the current provisions the rules must be in a printed form (Schedule 24 (1)).

The Schedule also includes an amendment by way of statute law revision to section 17 of the Act (Schedule 24 (2)). The amendment ~~amends~~ ^{revises} section 17 by casting it in modern form.

Schedule 25 amends the Wool, Hide and Skin Dealers Act 1935 to enable fees to be prescribed for applications for the issue, renewal, variation and transfer of licences under the Act. At present a fee is payable only if an application is granted.

Schedule 26 amends certain other Acts for the purpose of effecting statute law revision. A number of amendments are made relating to formal drafting matters, such as the ranging of provisions and cross-references within Acts and minor corrections. The Schedule also contains amendments for the following purposes:

To amend section 407 (Competency of parties and accused persons and their husbands and wives to give evidence) of the Crimes Act 1900 to update certain references to the Child Welfare Act 1923 to refer to the provisions replacing them contained in the Children (Care and Protection) Act 1987.

To amend the Real Property Act 1900 to update certain references to the Registration of Deeds Act 1897.

To amend the Third Schedule to the Trustee Companies Act 1964 to update a reference to a trustee company which changed its name on 4 July 1988.

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To amend section 20B (Authority) of the Water Act 1912 so that the provision will be (as intended) consistent with other provisions amended by Schedule 8 to the Water (Amendment) Act 1986 (the amendments related to the period for which the various entitlements to take and use water may be granted and renewed).

To amend section 3A (5) of the Wild Dog Destruction Act 1921 to alter a reference to a body which changed its name on 1 January 1987.

Schedule 27 repeals a number of Acts. Since the Statute Law (Miscellaneous Provisions) Act 1985 the number of Acts in force has been gradually reduced by repealing amending Acts once the amendments contained in the Acts have been incorporated in a reprint. The Schedule continues this process.

The Schedule also repeals the Matraville Oil Refinery Act 1980. The substantive provisions of the Act have never been commenced. (When passed by Parliament the Act was intended to give effect to a proposal to develop part of the Bunnerong Power Station site as an oil refinery but the project has been abandoned).

Schedule 28 contains savings, transitional and other provisions.

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NEW SOUTH WALES



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**STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL
(No. 2) 1988**

NEW SOUTH WALES



No. , 1988

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.

Statute Law (Miscellaneous Provisions) (No. 2) 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Statute Law (Miscellaneous Provisions) Act (No. 2) 1988.

5 Commencement

2. (1) This Act commences on the date of assent, except as provided by this section.

(2) Schedule 1 (3) shall be taken to have commenced on 29 May 1987.

(3) Schedules 1 (1) and (2), 2, 3 (except item (6)), 4, 5, 8, 9, 11, 14–17
10 and 19–25 commence on a day or days to be appointed by proclamation.

(4) Schedule 3 (6) (a) commences—

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

(b) on the commencement of the Children (Care and Protection)
(Personal and Family Violence) Amendment Act 1987,

15 whichever is the later.

(5) Schedule 3 (6) (b) and (c) shall be taken to have commenced on 18
January 1988.

(6) Schedule 6 shall be taken to have commenced on 1 July 1987.

(7) Schedule 12 shall be taken to have commenced on 26 September
20 1987.

(8) Schedule 18 shall be taken to have commenced on 1 July 1988.

(9) The provisions of Schedule 26 relating to—

(a) the Co-operation Act 1923 shall be taken to have commenced on 7
October 1987; and

25 (b) the Teaching Services Act 1980 shall be taken to have commenced
on 1 August 1988; and

(c) the Trustee Companies Act 1964 shall be taken to have commenced
on 4 July 1988; and

30 (d) the Water Act 1912 shall be taken to have commenced on 1 January
1987; and

(e) the Wild Dog Destruction Act 1921 shall be taken to have
commenced on 1 January 1987.

Amendments

35 **3.** Each Act specified in Schedules 1–26 is amended as set out in those
Schedules.

Repeals

4. Each Act specified in Schedule 27 is repealed.

Savings, transitional and other provisions

5. Schedule 28 has effect.

5 **SCHEDULE 1—AMENDMENT OF ADOPTION OF CHILDREN ACT
1965 No. 23**

(Sec. 3)

- (1) Section 6 (**Definitions**)—
 Section 6, definition of “Child”—
 10 Omit “twenty-one”, insert instead “18”.
 (2) Section 21 (**Court to be satisfied as to certain matters**)—
 Section 21 (1) (c)—
 Omit “twenty-one” wherever occurring, insert instead “18”.
 (3) Sections 68, 71 and 73—
 15 Omit “Director” wherever occurring, insert instead “Director-
 General”.

SCHEDULE 2—AMENDMENT OF APIARIES ACT 1985 No. 16

(Sec. 3)

Section 21 (Infected bees etc. not to be kept or sold)—

- 20 (1) Section 21—
 Omit “person” where firstly occurring, insert instead “beekeeper”.
 (2) Section 21 (a)—
 Before “keep”, insert “otherwise than in accordance with the
 25 directions of an inspector as to the steps to be taken to treat or
 eradicate the disease,”.
 (3) Section 21 (a)—
 Omit “occupied by the person”.
 (4) Section 21—
 30 Omit “person to” wherever occurring, insert instead “beekeeper
 to”.
 (5) Section 21 (a)—
 Omit “without taking the prescribed steps to treat or eradicate
 that disease”.

SCHEDULE 2—AMENDMENT OF APIARIES ACT 1985 No. 16—
continued

(6) Section 21 (b)—

Omit “the manner prescribed”, insert instead “a manner directed in writing by an inspector”.

SCHEDULE 3—AMENDMENT OF CHILDREN (CARE AND
PROTECTION) ACT 1987 No. 54

(Sec. 3)

(1) Section 3 (**Definitions**)—

(a) Section 3 (1), definition of “abuse”—

Omit the definition, insert instead:

“abuse”, in relation to a child, means—

(a) assault (including sexually assault) the child; or

(b) ill-treat the child; or

(c) expose or subject the child to behaviour that psychologically harms the child,

whether or not, in any case, with the consent of the child;

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

After “includes”, insert “the provision of”.

(c) Section 3 (1), definitions of “non-Government children’s home”,
“non-Government organisation”—

Omit the definitions.

(d) Section 3 (1), definition of “proprietor”—

Omit the definition, insert instead:

“proprietor”, in relation to premises, means—

(a) if the premises are not leased—the owner, or (if there is more than one owner) any of the owners, of the premises; or

(b) if the premises are leased—the lessee, or (if there is more than one lessee) any of the lessees, who is entitled to immediate possession of the premises;

(e) Section 3 (6)—

Omit the subsection.

(2) Section 20 (**Ordinary medical and dental treatment**)—

Section 20 (1) (e)—

Omit the paragraph, insert instead:

SCHEDULE 3—AMENDMENT OF CHILDREN (CARE AND PROTECTION) ACT 1987 No. 54—continued

- (e) a child who is in the care of a person in whose care the child has been placed—
- (i) by an authorised private fostering agency; or
 - (ii) by, or with the written approval of, the Minister or the Director-General,
- for the purpose of the child being fostered; or
- (3) Section 38 (**Notification of deaths at licensed residential child care centres**)—
- Section 38 (1) (b)—
- Omit “at the police station nearest the centre”.
- (4) Section 56 (**Definitions**)—
- At the end of section 56, insert:
- (2) In this Part, proceedings on a care application shall be taken to have commenced when the care application is made.
- (5) Section 62 (**Care of children pending care proceedings**)—
- (a) Section 62 (3)—
- After “Director-General” where firstly occurring, insert “, or has been placed in the care of the Director-General pursuant to an order under section 77”.
- (b) Section 62 (3)—
- After “pending”, insert “the commencement of”.
- (6) Section 70 (**Procedure generally**)—
- (a) Section 70 (3)—
- Omit “section”, insert instead “sections 24A and”.
- (b) Section 70 (4), (5)—
- Omit “member of the Children’s Court” wherever occurring, insert instead “Children’s Magistrate”.
- (c) Section 70 (4)—
- Omit “the member”, insert instead “the Children’s Magistrate”.
- (7) Section 84 (**Enforcement of undertakings**)—
- (a) Section 84 (2)—
- Renumber paragraphs (b), (c) and (d) as paragraphs (c), (d) and (e).
- (b) Section 84 (2) (b)—
- After section 84 (2) (a), insert:

SCHEDULE 3—AMENDMENT OF CHILDREN (CARE AND PROTECTION) ACT 1987 No. 54—*continued*

(b) the child (being a child placed in the custody of a person under section 72 (1) (c) (ii)) has ceased, without lawful authority, to be in that person's care; or

(8) Section 85 (Application of Justices Act 1902 to secure attendance of witnesses etc.)—

Section 85 (b), (c)—

At the end of section 85 (b), insert:

; and

(c) the production of documents in proceedings under this Part,

(9) Section 116 (Search warrants)—

Section 116 (2) (b), (c)—

At the end of section 116 (2) (b), insert:

; and

(c) to observe and converse with any person apparently residing there.

(10) Schedule 1, clause 2 (Eligible applicants)—

Omit the clause, insert instead:

Eligible applicants

2. A person is not eligible to make an application for a licence unless—

(a) the person is the proprietor of the premises for which the licence is applied for; or

(b) the Minister consents to the making of that application by the person.

SCHEDULE 4—AMENDMENT OF DISABILITY SERVICES AND GUARDIANSHIP ACT 1987 No. 257

(Sec. 3)

(1) Section 49 (Constitution of the Board)—

Section 49 (4A)—

After section 49 (4), insert:

(4A) A President or Deputy President of the Board shall, if required to do so by his or her instrument of appointment as President or Deputy President or by a subsequent instrument executed by the Governor, devote the whole of his or her time to the duties of his or her office as President or Deputy President.

**SCHEDULE 4—AMENDMENT OF DISABILITY SERVICES AND
GUARDIANSHIP ACT 1987 No. 257—continued**

(2) Schedule 1 (Provisions relating to the Board)—

(a) Clause 2—

Omit the clause, insert instead:

Remuneration etc.

5 2. (1) A member (other than a full-time President or Deputy President of the Board) 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 member.

10 (2) A full-time President or Deputy President of the Board is entitled to be paid—

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

15 (b) such travelling and subsistence allowances as the Minister may from time to time determine in respect of the full-time President or Deputy President.

(3) The Public Sector Management Act 1988 does not apply to the appointment of a member of the Board and a member of the Board is not, as a member, subject to that Act (except Part 8).

(b) Clauses 5–7—

20 After clause 4, insert:

Preservation of rights of full-time President or Deputy President previously public servant etc.

25 5. (1) This clause applies where a full-time President or Deputy President of the Board was, immediately before being appointed as a full-time President or Deputy President—

(a) an officer of the Public Service or a Teaching Service; or

(b) a contributor to a superannuation scheme; or

(c) an officer employed by a proclaimed statutory body; or

30 (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, the full-time President or Deputy President—

35 (a) shall retain any rights accrued or accruing to him or her as such an officer, contributor or person; and

(b) may continue to contribute to any superannuation scheme to which he or she was a contributor immediately before being appointed as full-time President or Deputy President; and

**SCHEDULE 4—AMENDMENT OF DISABILITY SERVICES AND
GUARDIANSHIP ACT 1987 No. 257—continued**

(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 full-time President or Deputy President.

(3) Service as full-time President or Deputy President 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) The full-time President or Deputy President shall be regarded as an officer or employee, and the Government 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 the full-time President or Deputy President 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 on appointment as a full-time President or Deputy President or at any later time while holding office as a full-time President or Deputy President) 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 Government 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 the full-time President or Deputy President (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) The full-time President or Deputy President 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;

**SCHEDULE 4—AMENDMENT OF DISABILITY SERVICES AND
GUARDIANSHIP ACT 1987 No. 257—*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 Full-time President or Deputy President entitled to reappointment
to former employment in certain cases**

6. (1) A person who—

(a) ceases to be a full-time President or Deputy President because of the expiration of the period for which the person was appointed or because of resignation; and

(b) was, immediately before being appointed as full-time President or Deputy President—

(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,

shall be 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 salary than the current salary for the position which the person held immediately before being appointed as a full-time President or Deputy President.

(2) Where subclause (1) does not apply to a person who—

(a) was, immediately before being appointed to a full-time office constituted by an Act, an officer or employee referred to in subclause (1) (b); and

(b) is after that appointment appointed as a full-time President or Deputy President,

the person has, in the event of ceasing to be a full-time President or Deputy President, such rights (if any) to appointment as such an officer or employee as are specified in the instrument of appointment as full-time President or Deputy President or as are agreed on by the person and by or on behalf of the Government.

(3) 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 5—AMENDMENT OF ELECTRICITY ACT 1945 (1946
No. 13)**

(Sec. 3)

(1) Section 19C (Payments to Traffic Route Lighting Subsidy Account)—

- 5 (a) Section 19C (4)—
 Omit the subsection.

- (b) Section 19C (5)—
 Renumber as subsection (4).

(2) Section 21F (Powers of authorised persons)—

- 10 Section 21F (3)—
 Omit “class” wherever occurring, insert instead “type”.

**SCHEDULE 6—AMENDMENT OF ENERGY ADMINISTRATION
ACT 1987 No. 103**

(Sec. 3)

15 Section 38 (Testing and labelling of appliances)—

- (1) Section 38 (1) (c) (ii)—
 Omit “and”.

- (2) Section 38 (1) (d), (e)—
 After section 38 (1) (d), insert:

- 20 ; and
 (e) the fees payable in relation to the labelling of appliances
 that consume energy.

SCHEDULE 7—AMENDMENT OF FAIR TRADING ACT 1987 No. 68

(Sec. 3)

25 Section 44 (False representations (TPA s. 53))

- Section 44 (a), (b)—
 After “quality” wherever occurring, insert “, value”.

SCHEDULE 8—AMENDMENT OF FERTILIZERS ACT 1985 No. 5

(Sec. 3)

30 Section 24 (Identification certificates)—

- Section 24 (2)—
 Omit the subsection, insert instead:
 (2) A certificate of identification shall be in the approved form.

SCHEDULE 9—AMENDMENT OF FORESTRY ACT 1916 No. 55

(Sec. 3)

(1) Section 29 (Penalty for unlawfully working sawmill)—

Section 29 (1), (2)—

- 5 Omit “two hundred dollars” wherever occurring, insert instead
“\$500”.

(2) Section 31 (Permits to occupy and use land)—

Section 31 (3)—

- 10 Omit “for Lands”, insert instead “administering the Crown Lands
Acts or a person authorised in writing by that Minister to perform
that Minister’s functions under this section”.

**SCHEDULE 10—AMENDMENT OF INDUSTRIAL ARBITRATION
(MISCELLANEOUS PROVISIONS) AMENDMENT ACT 1986 No. 127**

(Sec. 3)

15 Section 2 (Commencement)—

Section 2 (2)—

After “day”, insert “or days”.

SCHEDULE 11—AMENDMENT OF IRRIGATION ACT 1912 No. 73

(Sec. 3)

20 Section 17A (Unauthorised use of water)—**(1) Section 17A (1) (a) (iv)—**

After section 17A (1) (a) (iii), insert:

(iv) any pipe through an unauthorised draw-off; or

(2) Section 17A (1) (b)—

- 25 After “interferes with”, insert “, or alters or adjusts,”.

(3) Section 17A (1) (b)—

After “supply channel”, insert “or pipe”.

(4) Section 17A (3)—

After “box,”, insert “measuring device, valve,”.

**SCHEDULE 12—AMENDMENT OF LOCAL GOVERNMENT ACT
1919 No. 41**

(Sec. 3)

Section 46B (Returns)—5 **Section 46B (8)—**

After section 46B (7), insert:

(8) Nothing in this Division requires a person to disclose in a primary return or an ordinary return lodged under this section the interest of a spouse, de facto partner or relative of the person.

10 **SCHEDULE 13—AMENDMENT OF MISCELLANEOUS ACTS
(CHILDREN'S COURT AND CRIMINAL PROCEEDINGS)
AMENDMENT ACT 1987 No. 273**

(Sec. 3)

Section 2 (Commencement)—15 **Section 2 (4)—**

Omit the subsection, insert instead:

(4) Item (2) of the provisions of Schedule 1 relating to the Bail Act 1978, and section 3 in its application to that item, commence on a day to be appointed by proclamation.

20 **SCHEDULE 14—AMENDMENT OF MOTOR DEALERS ACT 1974
No. 52**

(Sec. 3)

Section 4 (Interpretation)—**Section 4 (1)—**

25 After the definition of "trading day", insert:
"trailer" includes a caravan;

**SCHEDULE 15—AMENDMENT OF MOTOR TRAFFIC ACT 1909
No. 5**

(Sec. 3)

30 **Section 2 (Definitions)—****Section 2 (1)—**

After the definition of "Traffic Authority", insert:

"trailer" includes a caravan.

SCHEDULE 16—AMENDMENT OF PIPELINES ACT 1967 No. 90

(Sec. 3)

Section 50A—

After section 50, insert:

5 **Pipeline searches**

50A. (1) A person may apply to the Director for information concerning any application made or granted for a permit or licence in respect of land specified in the application.

(2) An application under this section shall—

- 10 (a) be in a form approved by the Director; and
 (b) be accompanied by the prescribed fee.

(3) In this section—

“Director” means the Director of the Department of Energy.

15 **SCHEDULE 17—AMENDMENT OF PREVENTION OF CRUELTY
 TO ANIMALS ACT 1979 No. 200**

(Sec. 3)

(1) Section 7 (**Carriage and conveyance of animals**)—

Section 7 (3), definition of “multi-deck vehicle”—

Omit “vertically”.

20 (2) Section 17—

Omit the section, insert instead:

Certain spurs etc. or implements designed for fighting not to be kept

17. A person shall not have in his or her possession or custody—

- 25 (a) any spur, or any other similar appliance, which has sharpened rowels; or
 (b) any article, implement or other thing made or adapted, or intended by the person to be used, for attachment to an animal for the purpose of—
 30 (i) training the animal to fight another animal; or
 (ii) increasing the ability of the animal to inflict injury on another animal during fighting.

Penalty: \$2,000 or imprisonment for 6 months, or both.

**SCHEDULE 18—AMENDMENT OF PUBLIC FINANCE AND AUDIT
ACT 1983 No. 152**

(Sec. 3)

Section 13A (Working accounts)—

5 Section 13A (2)—

Omit “An”, insert instead “Despite the provisions of any other
Act, an”.

**SCHEDULE 19—AMENDMENT OF SENATORS’ ELECTIONS ACT
1903 No. 9**

10

(Sec. 3)

(1) Section 4D (**Date of return of writ**)—

Omit “90”, insert instead “100”.

(2) Section 9 (**Power to extend time and make provision to meet
difficulties**)—

15 (a) Section 9 (1)—

Omit “but subject to subsection (2), within twenty days”.

(b) Section 9 (2)—

Omit the subsection.

**SCHEDULE 20—AMENDMENT OF STATUTORY AND OTHER
OFFICES REMUNERATION ACT 1975 (1976 No. 4)**

20

(Sec. 3)

Schedule 3 (Public Offices)—

At the end of Part 2 of Schedule 3, insert:

President of the Guardianship Board.

25 Deputy President of the Guardianship Board.

**SCHEDULE 21—AMENDMENT OF STOCK (ARTIFICIAL
BREEDING) ACT 1985 No. 196**

(Sec. 3)

(1) Section 12 (**Requirement for certificates of competency**)—

30 Section 12 (2)—

At the end of section 12, insert:

**SCHEDULE 21—AMENDMENT OF STOCK (ARTIFICIAL
BREEDING) ACT 1985 No. 196—*continued***

- (2) A person does not contravene subsection (1) if the person carries out an artificial breeding procedure—
- (a) at licensed premises as an employee of the holder of the licence; or
 - 5 (b) under the immediate and direct supervision of the holder of a certificate of competency authorising the holder to carry out the procedure or of a veterinary surgeon.
- (2) Section 26 (**Importation from other countries**)—
- Section 26 (c)—
- 10 After “would”, insert “not”.
- (3) Section 29 (**Offences relating to semen and ova**)—
- (a) Section 29 (a)—
 - After “use”, insert “, or cause or permit to be used,”.
 - (b) Section 29 (b)—
 - 15 After “sell”, insert “or cause or permit to be sold”.
 - (c) Section 29 (d)—
 - Re-number paragraph (d) as paragraph (f).
 - (d) Section 29 (c)–(e)—
 - Omit section 29 (c), insert instead:
 - 20 (c) that the semen has, or the ova have, been introduced into the State in contravention of this Act; or
 - (d) that the semen has, or the ova have, been processed, handled or stored in contravention of this Act or the regulations; or
 - 25 (e) that the semen has been collected in the State from stock on unlicensed premises; or

**SCHEDULE 22—AMENDMENT OF STOCK (CHEMICAL
RESIDUES) ACT 1975 No. 26**

(Sec. 3)

- 30 Section 7 (**Temporary notice for detention of residue affected stock**)—
- Section 7 (1A), (1B)—
- After section 7 (1), insert:

**SCHEDULE 22—AMENDMENT OF STOCK (CHEMICAL RESIDUES)
ACT 1975 No. 26—*continued***

(1A) An inspector may, with the approval of the Chief, Division of Animal Health, extend the period of a detention notice under subsection (1) for a further period (not exceeding 40 days) specified in a further notice in writing given to the person who owns or is in charge of the stock to which the detention notice relates.

(1B) The power conferred on an inspector by subsection (1A) may not be exercised more than twice in respect of any detention notice.

**10 SCHEDULE 23—AMENDMENT OF STOCK DISEASES ACT 1923
No. 34**

(Sec. 3)

(1) Section 6 (Inspectors)—

(a) Section 6 (4)—

15 After “Agriculture”, insert “or in some other capacity”.

(b) Section 6 (4)—

After “employee” where lastly occurring, insert “or to be employed in that other capacity”.

(c) Section 6 (4A)—

20 After section 6 (4), insert:

(4A) Despite subsection (4), a person who—

(a) was appointed as an inspector or authorised to perform any duties, or exercise any powers, of an inspector by an authorisation revoked by that subsection; and

25 (b) is subsequently employed in a capacity in which the person is required by the Director-General to perform the duties, or exercise the powers, of an inspector,

may, while the person is employed in that capacity, perform those duties and exercise those powers as if the former appointment or authorisation were still in force.

30

(2) Section 8 (Further powers of inspectors)—

Section 8 (3), (4)—

After section 8 (2), insert:

SCHEDULE 23—AMENDMENT OF STOCK DISEASES ACT 1923 No.
34—*continued*

5 (3) An inspector may, with the approval of the Chief of the Division of Animal Health, extend the period for which land is declared to be a quarantine area under subsection (1) (c) for a further period (not exceeding 40 days) specified in a further notice in writing given to the owner or occupier of the land.

(4) The power conferred on an inspector by subsection (3) may not be exercised more than once in respect of any declaration.

(3) Section 19A (**Identification of certain cattle, swine and other stock**)—

Section 19A (1) (a)—

10 Omit “of or above the age of 3 months”.

(4) Section 19C (**Identification of stock**)—

(a) Section 19C (2)—

After “attach”, insert “or cause or permit to be attached”.

(b) Section 19C (2) (c)—

15 After “other particulars”, insert “except such other particulars as may be prescribed for the purposes of this paragraph”.

(c) Section 19C (2A)—

After “brand” where firstly occurring, insert “or cause or permit to be branded”.

20 (5) Section 19G (**Records to be kept of untagged stock**)—

Omit “14 days”, insert instead “24 hours”.

(6) Section 20 (**Offences**)—

Section 20 (1) (j1)—

Omit “fourteen”, insert instead “28”.

25 SCHEDULE 24—AMENDMENT OF TRADE UNION ACT 1881 (45
Vic. No. 12)

(Sec. 3)

(1) Section 14 (**Regulations for registry**)—

Section 14 (1)—

30 Omit “printed”.

SCHEDULE 24—AMENDMENT OF TRADE UNION ACT 1881 (45
Vic. No. 12)—*continued*

(2) Section 17—

Omit the section, insert instead:

Registered office of trade unions

5 17. (1) A trade union registered under this Act shall have a registered office to which all communications and notices may be addressed.

10 (2) If a trade union under this Act is in operation for 7 days without having such an office, the trade union and each of its officers is guilty of an offence and liable to a penalty not exceeding \$10 for every day during which it is so in operation.

(3) Notice of the address of the registered office and of any change in that address shall be given to and recorded by the registrar and until notice is given the trade union shall not be regarded as complying with the provisions of this Act.

15 SCHEDULE 25—AMENDMENT OF WOOL, HIDE AND SKIN
DEALERS ACT 1935 No. 40

(Sec. 3)

Section 5 (**Procedure**)—

(1) Section 5 (1A)—

20 After section 5 (1), insert:

(1A) An application for the issue, renewal, variation or transfer of a licence shall be accompanied by the prescribed fee.

(2) Section 5 (8)—

Omit the subsection.

25 SCHEDULE 26—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION

(Sec. 3)

Co-operation Act 1923 (1924 No. 1)—

(1) Section 80R (**Order of Minister against forfeiture**)—

30 Section 80R (1)—

Omit "this section", insert instead "this Division".

(2) Section 80U (**Forfeiture prohibited in certain circumstances**)—

Omit "this section", insert instead "this Division".

*Statute Law (Miscellaneous Provisions) (No. 2) 1988*SCHEDULE 26—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION—*continued***Crimes Act 1900 No. 40—**

Section 407 (**Competency of parties and accused persons and their husbands and wives to give evidence**)—

- 5 Omit “sections 27, 41, 42, 54, 60, 114, or 118 of the Child Welfare Act 1923, or any Act amending or replacing the said provisions”, insert instead “section 25, 26, 50, 51 or 52 of the Children (Care and Protection) Act 1987”.

National Parks and Wildlife Act 1974 No. 80—

Section 176 (**Proceedings for offences**)—

- 10 Section 176 (1A)—
Omit “or the by-laws”.

Permanent Building Societies Act 1967 No. 18—

Section 46E (**Consideration of matter by Takeover Review Committee**)—

- Section 46E (6)—
Omit “effected”, insert instead “affected”.

15 Police Regulation Act 1899 No. 20—

Section 13 (**Employer of members of police force for certain purposes**)—

- (1) Section 13 (1)—
Omit the definition of “Board”, insert instead:
“Authority” means the Public Employment Industrial Relations Authority;
20 (2) Section 13 (2), (3), (5), (8)—
Omit “Board” wherever occurring, insert instead “Authority”.

Prisoners (Interstate Transfer) Act 1982 No. 104—

- (1) Section 5 (**Definitions**)—
(a) Section 5 (1), definition of “court of petty sessions”—
25 Omit the definition.
(b) Section 5 (1)—
After the definition of “justice”, insert:
“Local Court” means a Local Court constituted by a Magistrate sitting alone.
(2) Sections 14 (1), 15, 16 (1), (4), 34—
30 Omit “court of petty sessions” wherever occurring, insert instead “Local Court”.
(3) Sections 15 (1) (b), 34—
Omit “the court”, insert instead “the Local Court”.

Real Property Act 1900 No. 25—

- 35 (1) Sections 13F, 28A (definition of “Registered deed”), 28GA, 28J (2) and 39A—
Omit “the Registration of Deeds Act, 1897” wherever occurring, insert instead
“Division 1 of Part 23 of the Conveyancing Act 1919”.

Statute Law (Miscellaneous Provisions) (No. 2) 1988

**SCHEDULE 26—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION—*continued***

(2) Sections 13F (a), 39A (1) (b) and (7)—

Omit “the Conveyancing Act 1919” wherever occurring, insert instead “that Act”.

(3) Sections 28A (definition of “Subsisting interest”), 28J (3) and 43A (3)—

5 Omit “the Registration of Deeds Act, 1897,” insert instead “Division 1 of Part 23 of the Conveyancing Act 1919”.

Statute Law (Miscellaneous Provisions) Act (No. 2) 1986 No. 218—

Section 2 (**Commencement**)—

Section 2 (4)—

10 Omit “, 40, 44 (3) and 45”, insert instead “and 40”.

Suitors’ Fund (Amendment) Act 1987 No. 249—

Schedule 1 (**Amendments**)—

Schedule 1 (6) (a)—

Before “, insert “, insert “where firstly occurring”.

15 Supreme Court Act 1970 No. 52—

Section 124 (**Rule-making power**)—

Section 124 (9)—

Omit “section 6 or section 12A of the Legal Practitioners Act 1898”, insert instead “section 7 or 14 of the Legal Profession Act 1987”.

20 Teaching Services Act 1980 No. 23—

Section 28 (**Exercise of Secretary’s functions in relation to industrial disputes**)—

Omit “it” wherever occurring, insert instead “the Secretary”.

Trustee Companies Act 1964 No. 6—

Third Schedule, First Part—

25 Omit “The Union-Fidelity Trustee Company of Australia Limited”, insert instead “Trust Company of Australia Limited”.

University and University Colleges Act 1900 No. 22—

Section 15 (**By-laws**)—

Section 15 (3) (c)—

30 Omit the paragraph, insert instead:

(c) shall not be taken to be a statutory rule within the meaning of the Interpretation Act 1987.

Valuation of Land Act 1916 No. 2—

(1) Section 58 (**Allowances for profitable expenditure—land**)—

35 Section 58 (2) (e) (iii)—

Omit “a proclamation made under section 309 (1) of the Local Government Act, 1919, or”.

*Statute Law (Miscellaneous Provisions) (No. 2) 1988*SCHEDULE 26—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION—*continued*

- (2) Section 58D (**Rating base factors—generally**)—
 - (a) Section 58D (1), definition of “mine”—
Omit “section 153 (1) (a) or (1A) (a)”, insert instead “section 153 (1A) (a)”.
 - (b) Section 58D (6)—
- 5 Omit “section 153 (1) (b) or (c) or”.
- (3) Section 70A (**Definitions**)—
Section 70A, definition of “planning instrument”—
Omit paragraph (a) of the definition.
- Water Act 1912 No. 44—**
- 10 Section 20B (**Authority**)—
Section 20B (2)—
Omit “exceeds”, insert instead “does not exceed”.
- Wild Dog Destruction Act 1921 No. 17—**
- Section 3A (**The Wild Dog Destruction Board**)—
- 15 Section 3A (5) (e)—
Omit “Western Division Council of the Livestock and Grain Producers’ Association of New South Wales”, insert instead “New South Wales Farmers’ Association Western Division Council”.

SCHEDULE 27—REPEALS

- 20
- (Sec. 4)
- Statutory Salaries Adjustment Act 1953 No. 15
- Second-hand Motor Dealers Act 1956 No. 5
- Matraville Oil Refinery Act 1980 No. 57*
- Jury (Amendment) Act 1981 No. 34
- 25 Government Railways (Amendment) Act 1983 No. 122
- Bills of Sale (Amendment) Act 1984 No. 23
- Physiotherapists Registration (Amendment) Act 1984 No. 44
- Occupational Health and Safety (Amendment) Act 1984 No. 138
- Physiotherapists Registration (Amendment) Act 1985 No. 25
- 30 Land Commission (Housing) Amendment Act 1985 No. 165
- Pay-roll Tax (Administration) Amendment Act 1985 No. 224
- Bills of Sale (Amendment) Act 1986 No. 38
- Credit (Regulated Mortgages) Amendment Act 1986 No. 40
- General Traffic (Shared Traffic Zones) Amendment Act 1987 No. 7
- 35 Credit (Consumer Claims Tribunals) Amendment Act 1987 No. 207
- Pay-roll Tax (Amendment) Act 1987 No. 230
- Children’s Court (Amendment) Act 1987 No. 268
- Co-operation (Further Amendment) Act 1987 No. 118

*Statute Law (Miscellaneous Provisions) (No. 2) 1988*SCHEDULE 27—REPEALS—*continued*

Government Railways (Railway Safety) Amendment Act 1987 No. 295

NOTE:

* indicates repeal of uncommenced Act

SCHEDULE 28—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

5

(Sec. 5)

Effect of amendment of amending provisions

1. An amendment made by Schedule 26 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 taken 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 repealed.

Repeal consequent on amendment of Fertilizers Act 1985

3. Clause 4 (2) of, and Form 2 in Schedule 1 to, the Fertilizers Regulation 1985 are, on the commencement of Schedule 8, repealed.

Regulations

4. (1) The Governor may make regulations containing other provisions of a savings or transitional nature consequent on the enactment of this Act.
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—
- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication; or
 - (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.

NOTE

35

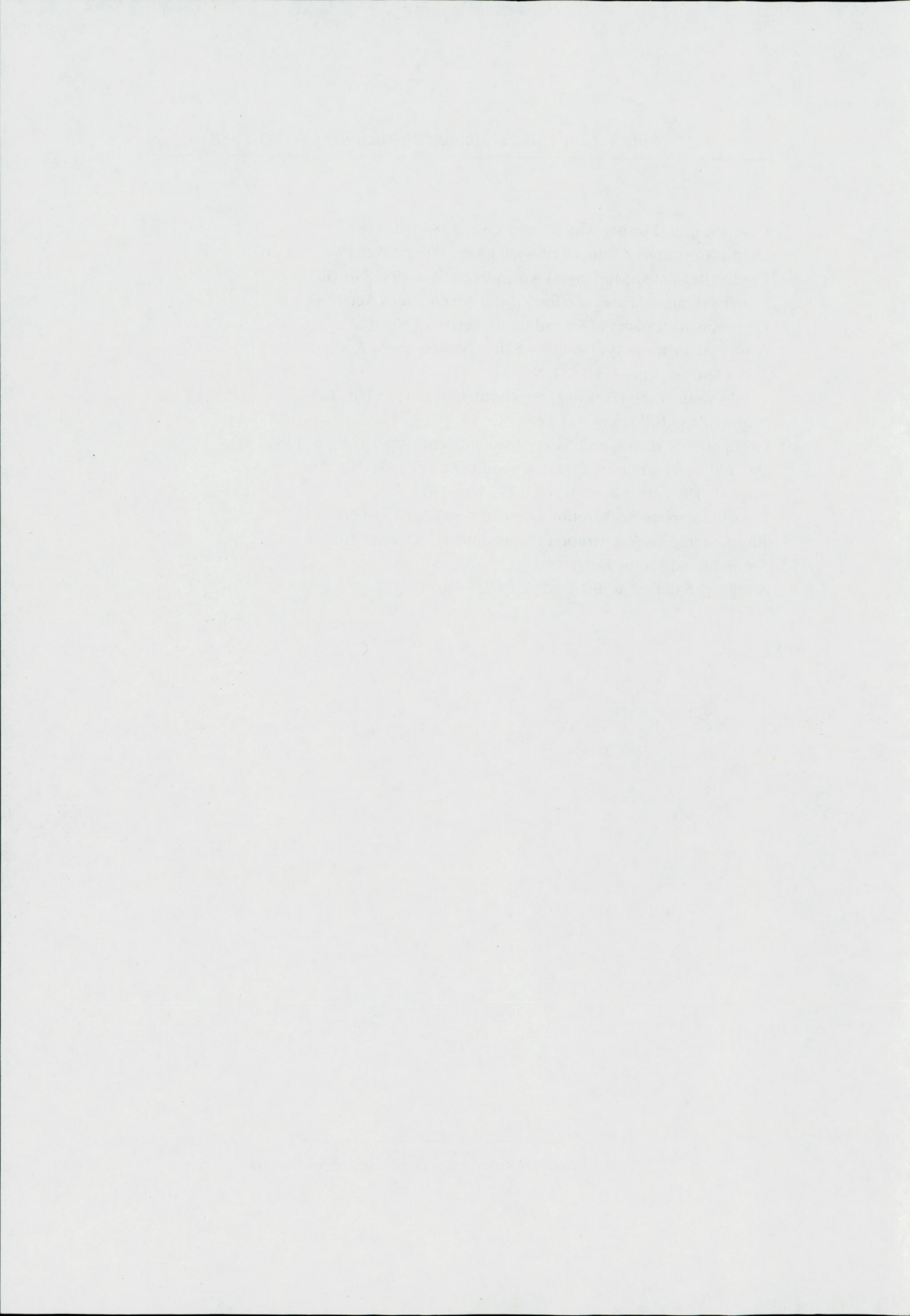
Alphabetical list of Acts repealed by Schedule 27

Bills of Sale (Amendment) Act 1984 No. 23
 Bills of Sale (Amendment) Act 1986 No. 38
 Children's Court (Amendment) Act 1987 No. 268

Statute Law (Miscellaneous Provisions) (No. 2) 1988

NOTE—*continued*

- Co-operation (Further Amendment) Act 1987 No. 118
- Credit (Consumer Claims Tribunals) Amendment Act 1987 No. 207
- Credit (Regulated Mortgages) Amendment Act 1986 No. 40
- General Traffic (Shared Traffic Zones) Amendment Act 1987 No. 7
- 5 Government Railways (Amendment) Act 1983 No. 122
- Government Railways (Railway Safety) Amendment Act 1987 No. 295
- Jury (Amendment) Act 1981 No. 34
- Land Commission (Housing) Amendment Act 1985 No. 165
- Matraville Oil Refinery Act 1980 No. 57
- 10 Occupational Health and Safety (Amendment) Act 1984 No. 138
- Pay-roll Tax (Administration) Amendment Act 1985 No. 224
- Pay-roll Tax (Amendment) Act 1987 No. 230
- Physiotherapists Registration (Amendment) Act 1984 No. 44
- Physiotherapists Registration (Amendment) Act 1985 No. 25
- 15 Second-hand Motor Dealers Act 1956 No. 5
- Statutory Salaries Adjustment Act 1953 No. 15



**STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT
(No. 2) 1988 No. 92**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
 2. Commencement
 3. Amendments
 4. Repeals
 5. Savings, transitional and other provisions
- SCHEDULE 1—AMENDMENT OF ADOPTION OF CHILDREN ACT 1965 No. 23
SCHEDULE 2—AMENDMENT OF APIARIES ACT 1985 No. 16
SCHEDULE 3—AMENDMENT OF CHILDREN (CARE AND PROTECTION) ACT 1987 No. 54
SCHEDULE 4—AMENDMENT OF DISABILITY SERVICES AND GUARDIANSHIP ACT 1987 No. 257
SCHEDULE 5—AMENDMENT OF ELECTRICITY ACT 1945 (1946 No. 13)
SCHEDULE 6—AMENDMENT OF ENERGY ADMINISTRATION ACT 1987 No. 103
SCHEDULE 7—AMENDMENT OF FAIR TRADING ACT 1987 No. 68
SCHEDULE 8—AMENDMENT OF FERTILIZERS ACT 1985 No. 5
SCHEDULE 9—AMENDMENT OF FORESTRY ACT 1916 No. 55
SCHEDULE 10—AMENDMENT OF INDUSTRIAL ARBITRATION (MISCELLANEOUS PROVISIONS) AMENDMENT ACT 1986 No. 127
SCHEDULE 11—AMENDMENT OF IRRIGATION ACT 1912 No. 73
SCHEDULE 12—AMENDMENT OF LOCAL GOVERNMENT ACT 1919 No. 41
SCHEDULE 13—AMENDMENT OF MISCELLANEOUS ACTS (CHILDREN'S COURT AND CRIMINAL PROCEEDINGS) AMENDMENT ACT 1987 No. 273
SCHEDULE 14—AMENDMENT OF MOTOR DEALERS ACT 1974 No. 52
SCHEDULE 15—AMENDMENT OF MOTOR TRAFFIC ACT 1909 No. 5
SCHEDULE 16—AMENDMENT OF PIPELINES ACT 1967 No. 90
SCHEDULE 17—AMENDMENT OF PREVENTION OF CRUELTY TO ANIMALS ACT 1979 No. 200
SCHEDULE 18—AMENDMENT OF PUBLIC FINANCE AND AUDIT ACT 1983 No. 152
SCHEDULE 19—AMENDMENT OF SENATORS' ELECTIONS ACT 1903 No. 9
SCHEDULE 20—AMENDMENT OF STATUTORY AND OTHER OFFICES REMUNERATION ACT 1975 (1976 No. 4)
SCHEDULE 21—AMENDMENT OF STOCK (ARTIFICIAL BREEDING) ACT 1985 No. 196

Statute Law (Miscellaneous Provisions) (No. 2) 1988

SCHEDULE 22—AMENDMENT OF STOCK (CHEMICAL RESIDUES) ACT 1975
No. 26

SCHEDULE 23—AMENDMENT OF STOCK DISEASES ACT 1923 No. 34

SCHEDULE 24—AMENDMENT OF TRADE UNION ACT 1881 (45 Vic. No. 12)

SCHEDULE 25—AMENDMENT OF WOOL, HIDE AND SKIN DEALERS ACT 1935
No. 40

SCHEDULE 26—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION

SCHEDULE 27—REPEALS

SCHEDULE 28—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT (No. 2) 1988
No. 92

NEW SOUTH WALES



Act No. 92, 1988

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 19 December 1988]

Statute Law (Miscellaneous Provisions) (No. 2) 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Statute Law (Miscellaneous Provisions) Act (No. 2) 1988.

Commencement

2. (1) This Act commences on the date of assent, except as provided by this section.

(2) Schedule 1 (3) shall be taken to have commenced on 29 May 1987.

(3) Schedules 1 (1) and (2), 2, 3 (except item (6)), 4, 5, 8, 9, 11, 14-17 and 19-25 commence on a day or days to be appointed by proclamation.

(4) Schedule 3 (6) (a) commences—

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

(b) on the commencement of the Children (Care and Protection) (Personal and Family Violence) Amendment Act 1987,

whichever is the later.

(5) Schedule 3 (6) (b) and (c) shall be taken to have commenced on 18 January 1988.

(6) Schedule 6 shall be taken to have commenced on 1 July 1987.

(7) Schedule 12 shall be taken to have commenced on 26 September 1987.

(8) Schedule 18 shall be taken to have commenced on 1 July 1988.

(9) The provisions of Schedule 26 relating to—

(a) the Co-operation Act 1923 shall be taken to have commenced on 7 October 1987; and

(b) the Teaching Services Act 1980 shall be taken to have commenced on 1 August 1988; and

(c) the Trustee Companies Act 1964 shall be taken to have commenced on 4 July 1988; and

(d) the Water Act 1912 shall be taken to have commenced on 1 January 1987; and

(e) the Wild Dog Destruction Act 1921 shall be taken to have commenced on 1 January 1987.

Amendments

3. Each Act specified in Schedules 1-26 is amended as set out in those Schedules.

Repeals

4. Each Act specified in Schedule 27 is repealed.

Savings, transitional and other provisions

5. Schedule 28 has effect.
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**SCHEDULE 1—AMENDMENT OF ADOPTION OF CHILDREN ACT
1965 No. 23**

(Sec. 3)

- (1) Section 6 (**Definitions**)—

Section 6, definition of “Child”—

Omit “twenty-one”, insert instead “18”.

- (2) Section 21 (**Court to be satisfied as to certain matters**)—

Section 21 (1) (c)—

Omit “twenty-one” wherever occurring, insert instead “18”.

- (3) Sections 68, 71 and 73—

Omit “Director” wherever occurring, insert instead “Director-General”.

SCHEDULE 2—AMENDMENT OF APIARIES ACT 1985 No. 16

(Sec. 3)

Section 21 (Infected bees etc. not to be kept or sold)—

- (1) Section 21—

Omit “person” where firstly occurring, insert instead “beekeeper”.

- (2) Section 21 (a)—

Before “keep”, insert “otherwise than in accordance with the directions of an inspector as to the steps to be taken to treat or eradicate the disease,”.

- (3) Section 21 (a)—

Omit “occupied by the person”.

- (4) Section 21—

Omit “person to” wherever occurring, insert instead “beekeeper to”.

- (5) Section 21 (a)—

Omit “without taking the prescribed steps to treat or eradicate that disease”.

SCHEDULE 2—AMENDMENT OF APIARIES ACT 1985 No. 16—
continued

(6) Section 21 (b)—

Omit “the manner prescribed”, insert instead “a manner directed in writing by an inspector”.

SCHEDULE 3—AMENDMENT OF CHILDREN (CARE AND PROTECTION) ACT 1987 No. 54

(Sec. 3)

(1) Section 3 (**Definitions**)—

(a) Section 3 (1), definition of “abuse”—

Omit the definition, insert instead:

“abuse”, in relation to a child, means—

- (a) assault (including sexually assault) the child; or
 - (b) ill-treat the child; or
 - (c) expose or subject the child to behaviour that psychologically harms the child,
- whether or not, in any case, with the consent of the child;

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

After “includes”, insert “the provision of”.

(c) Section 3 (1), definitions of “non-Government children’s home”, “non-Government organisation”—

Omit the definitions.

(d) Section 3 (1), definition of “proprietor”—

Omit the definition, insert instead:

“proprietor”, in relation to premises, means—

- (a) if the premises are not leased—the owner, or (if there is more than one owner) any of the owners, of the premises; or
- (b) if the premises are leased—the lessee, or (if there is more than one lessee) any of the lessees, who is entitled to immediate possession of the premises;

(e) Section 3 (6)—

Omit the subsection.

(2) Section 20 (**Ordinary medical and dental treatment**)—

Section 20 (1) (e)—

Omit the paragraph, insert instead:

SCHEDULE 3—AMENDMENT OF CHILDREN (CARE AND PROTECTION) ACT 1987 No. 54—continued

- (e) a child who is in the care of a person in whose care the child has been placed—
 - (i) by an authorised private fostering agency; or
 - (ii) by, or with the written approval of, the Minister or the Director-General,
 for the purpose of the child being fostered; or
- (3) Section 38 (**Notification of deaths at licensed residential child care centres**)—
 - Section 38 (1) (b)—
 - Omit “at the police station nearest the centre”.
- (4) Section 56 (**Definitions**)—
 - At the end of section 56, insert:
 - (2) In this Part, proceedings on a care application shall be taken to have commenced when the care application is made.
- (5) Section 62 (**Care of children pending care proceedings**)—
 - (a) Section 62 (3)—
 - After “Director-General” where firstly occurring, insert “, or has been placed in the care of the Director-General pursuant to an order under section 77”.
 - (b) Section 62 (3)—
 - After “pending”, insert “the commencement of”.
- (6) Section 70 (**Procedure generally**)—
 - (a) Section 70 (3)—
 - Omit “section”, insert instead “sections 24A and”.
 - (b) Section 70 (4), (5)—
 - Omit “member of the Children’s Court” wherever occurring, insert instead “Children’s Magistrate”.
 - (c) Section 70 (4)—
 - Omit “the member”, insert instead “the Children’s Magistrate”.
- (7) Section 84 (**Enforcement of undertakings**)—
 - (a) Section 84 (2)—
 - Renumber paragraphs (b), (c) and (d) as paragraphs (c), (d) and (e).
 - (b) Section 84 (2) (b)—
 - After section 84 (2) (a), insert:

SCHEDULE 3—AMENDMENT OF CHILDREN (CARE AND PROTECTION) ACT 1987 No. 54—*continued*

- (b) the child (being a child placed in the custody of a person under section 72 (1) (c) (ii)) has ceased, without lawful authority, to be in that person's care; or
- (8) Section 85 (**Application of Justices Act 1902 to secure attendance of witnesses etc.**)—
 Section 85 (b), (c)—
 At the end of section 85 (b), insert:
 ; and
 (c) the production of documents in proceedings under this Part,
- (9) Section 116 (**Search warrants**)—
 Section 116 (2) (b), (c)—
 At the end of section 116 (2) (b), insert:
 ; and
 (c) to observe and converse with any person apparently residing there.
- (10) Schedule 1, clause 2 (**Eligible applicants**)—
 Omit the clause, insert instead:
Eligible applicants
 2. A person is not eligible to make an application for a licence unless—
 (a) the person is the proprietor of the premises for which the licence is applied for; or
 (b) the Minister consents to the making of that application by the person.

SCHEDULE 4—AMENDMENT OF DISABILITY SERVICES AND GUARDIANSHIP ACT 1987 No. 257

(Sec. 3)

- (1) Section 49 (**Constitution of the Board**)—
 Section 49 (4A)—
 After section 49 (4), insert:
 (4A) A President or Deputy President of the Board shall, if required to do so by his or her instrument of appointment as President or Deputy President or by a subsequent instrument executed by the Governor, devote the whole of his or her time to the duties of his or her office as President or Deputy President.

**SCHEDULE 4—AMENDMENT OF DISABILITY SERVICES AND
GUARDIANSHIP ACT 1987 No. 257—*continued***

(2) Schedule 1 (Provisions relating to the Board)—

(a) Clause 2—

Omit the clause, insert instead:

Remuneration etc.

2. (1) A member (other than a full-time President or Deputy President of the Board) 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 member.

(2) A full-time President or Deputy President of the Board is entitled to be paid—

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

(b) such travelling and subsistence allowances as the Minister may from time to time determine in respect of the full-time President or Deputy President.

(3) The Public Sector Management Act 1988 does not apply to the appointment of a member of the Board and a member of the Board is not, as a member, subject to that Act (except Part 8).

(b) Clauses 5–7—

After clause 4, insert:

Preservation of rights of full-time President or Deputy President previously public servant etc.

5. (1) This clause applies where a full-time President or Deputy President of the Board was, immediately before being appointed as a full-time President or Deputy President—

(a) an officer of the Public Service or a Teaching Service; or

(b) a contributor to a superannuation scheme; or

(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, the full-time President or Deputy President—

(a) shall retain any rights accrued or accruing to him or her as such an officer, contributor or person; and

(b) may continue to contribute to any superannuation scheme to which he or she was a contributor immediately before being appointed as full-time President or Deputy President; and

SCHEDULE 4—AMENDMENT OF DISABILITY SERVICES AND
GUARDIANSHIP ACT 1987 No. 257—*continued*

(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 full-time President or Deputy President.

(3) Service as full-time President or Deputy President 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) The full-time President or Deputy President shall be regarded as an officer or employee, and the Government 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 the full-time President or Deputy President 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 on appointment as a full-time President or Deputy President or at any later time while holding office as a full-time President or Deputy President) 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 Government 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 the full-time President or Deputy President (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) The full-time President or Deputy President 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;

**SCHEDULE 4—AMENDMENT OF DISABILITY SERVICES AND
GUARDIANSHIP ACT 1987 No. 257—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.

Full-time President or Deputy President entitled to reappointment to former employment in certain cases

6. (1) A person who—

- (a) ceases to be a full-time President or Deputy President because of the expiration of the period for which the person was appointed or because of resignation; and
- (b) was, immediately before being appointed as full-time President or Deputy President—
 - (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,

shall be 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 salary than the current salary for the position which the person held immediately before being appointed as a full-time President or Deputy President.

(2) Where subclause (1) does not apply to a person who—

- (a) was, immediately before being appointed to a full-time office constituted by an Act, an officer or employee referred to in subclause (1) (b); and
- (b) is after that appointment appointed as a full-time President or Deputy President,

the person has, in the event of ceasing to be a full-time President or Deputy President, such rights (if any) to appointment as such an officer or employee as are specified in the instrument of appointment as full-time President or Deputy President or as are agreed on by the person and by or on behalf of the Government.

(3) 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 5—AMENDMENT OF ELECTRICITY ACT 1945 (1946 No. 13)

(Sec. 3)

(1) Section 19C (Payments to Traffic Route Lighting Subsidy Account)—**(a) Section 19C (4)—**

Omit the subsection.

(b) Section 19C (5)—

Renumber as subsection (4).

(2) Section 21F (Powers of authorised persons)—**Section 21F (3)—**

Omit “class” wherever occurring, insert instead “type”.

SCHEDULE 6—AMENDMENT OF ENERGY ADMINISTRATION ACT 1987 No. 103

(Sec. 3)

Section 38 (Testing and labelling of appliances)—**(1) Section 38 (1) (c) (ii)—**

Omit “and”.

(2) Section 38 (1) (d), (e)—

After section 38 (1) (d), insert:

; and

- (e) the fees payable in relation to the labelling of appliances that consume energy.

SCHEDULE 7—AMENDMENT OF FAIR TRADING ACT 1987 No. 68

(Sec. 3)

Section 44 (False representations (TPA s. 53))**Section 44 (a), (b)—**

After “quality” wherever occurring, insert “, value”.

SCHEDULE 8—AMENDMENT OF FERTILIZERS ACT 1985 No. 5

(Sec. 3)

Section 24 (Identification certificates)—**Section 24 (2)—**

Omit the subsection, insert instead:

- (2) A certificate of identification shall be in the approved form.

SCHEDULE 9—AMENDMENT OF FORESTRY ACT 1916 No. 55

(Sec. 3)

(1) Section 29 (Penalty for unlawfully working sawmill)—

Section 29 (1), (2)—

Omit “two hundred dollars” wherever occurring, insert instead “\$500”.

(2) Section 31 (Permits to occupy and use land)—

Section 31 (3)—

Omit “for Lands”, insert instead “administering the Crown Lands Acts or a person authorised in writing by that Minister to perform that Minister’s functions under this section”.

SCHEDULE 10—AMENDMENT OF INDUSTRIAL ARBITRATION (MISCELLANEOUS PROVISIONS) AMENDMENT ACT 1986 No. 127

(Sec. 3)

Section 2 (Commencement)—

Section 2 (2)—

After “day”, insert “or days”.

SCHEDULE 11—AMENDMENT OF IRRIGATION ACT 1912 No. 73

(Sec. 3)

Section 17A (Unauthorised use of water)—**(1) Section 17A (1) (a) (iv)—**

After section 17A (1) (a) (iii), insert:

(iv) any pipe through an unauthorised draw-off; or

(2) Section 17A (1) (b)—

After “interferes with”, insert “, or alters or adjusts,”.

(3) Section 17A (1) (b)—

After “supply channel”, insert “or pipe”.

(4) Section 17A (3)—

After “box,”, insert “measuring device, valve,”.

**SCHEDULE 12—AMENDMENT OF LOCAL GOVERNMENT ACT
1919 No. 41**

(Sec. 3)

Section 46B (Returns)—**Section 46B (8)—**

After section 46B (7), insert:

(8) Nothing in this Division requires a person to disclose in a primary return or an ordinary return lodged under this section the interest of a spouse, de facto partner or relative of the person.

**SCHEDULE 13—AMENDMENT OF MISCELLANEOUS ACTS
(CHILDREN'S COURT AND CRIMINAL PROCEEDINGS)
AMENDMENT ACT 1987 No. 273**

(Sec. 3)

Section 2 (Commencement)—**Section 2 (4)—**

Omit the subsection, insert instead:

(4) Item (2) of the provisions of Schedule 1 relating to the Bail Act 1978, and section 3 in its application to that item, commence on a day to be appointed by proclamation.

**SCHEDULE 14—AMENDMENT OF MOTOR DEALERS ACT 1974
No. 52**

(Sec. 3)

Section 4 (Interpretation)—**Section 4 (1)—**

After the definition of "trading day", insert:

"trailer" includes a caravan;

**SCHEDULE 15—AMENDMENT OF MOTOR TRAFFIC ACT 1909
No. 5**

(Sec. 3)

Section 2 (Definitions)—**Section 2 (1)—**

After the definition of "Traffic Authority", insert:

"trailer" includes a caravan.

SCHEDULE 16—AMENDMENT OF PIPELINES ACT 1967 No. 90

(Sec. 3)

Section 50A—

After section 50, insert:

Pipeline searches

50A. (1) A person may apply to the Director for information concerning any application made or granted for a permit or licence in respect of land specified in the application.

(2) An application under this section shall—

(a) be in a form approved by the Director; and

(b) be accompanied by the prescribed fee.

(3) In this section—

“Director” means the Director of the Department of Energy.

SCHEDULE 17—AMENDMENT OF PREVENTION OF CRUELTY TO ANIMALS ACT 1979 No. 200

(Sec. 3)

(1) Section 7 (Carriage and conveyance of animals)—

Section 7 (3), definition of “multi-deck vehicle”—

Omit “vertically”.

(2) Section 17—

Omit the section, insert instead:

Certain spurs etc. or implements designed for fighting not to be kept

17. A person shall not have in his or her possession or custody—

(a) any spur, or any other similar appliance, which has sharpened rowels; or

(b) any article, implement or other thing made or adapted, or intended by the person to be used, for attachment to an animal for the purpose of—

(i) training the animal to fight another animal; or

(ii) increasing the ability of the animal to inflict injury on another animal during fighting.

Penalty: \$2,000 or imprisonment for 6 months, or both.

**SCHEDULE 18—AMENDMENT OF PUBLIC FINANCE AND AUDIT
ACT 1983 No. 152**

(Sec. 3)

Section 13A (Working accounts)—

Section 13A (2)—

Omit “An”, insert instead “Despite the provisions of any other Act, an”.

**SCHEDULE 19—AMENDMENT OF SENATORS’ ELECTIONS ACT
1903 No. 9**

(Sec. 3)

(1) Section 4D (Date of return of writ)—

Omit “90”, insert instead “100”.

(2) Section 9 (Power to extend time and make provision to meet difficulties)—

(a) Section 9 (1)—

Omit “but subject to subsection (2), within twenty days”.

(b) Section 9 (2)—

Omit the subsection.

**SCHEDULE 20—AMENDMENT OF STATUTORY AND OTHER
OFFICES REMUNERATION ACT 1975 (1976 No. 4)**

(Sec. 3)

Schedule 3 (Public Offices)—

At the end of Part 2 of Schedule 3, insert:

President of the Guardianship Board.

Deputy President of the Guardianship Board.

**SCHEDULE 21—AMENDMENT OF STOCK (ARTIFICIAL
BREEDING) ACT 1985 No. 196**

(Sec. 3)

(1) Section 12 (Requirement for certificates of competency)—

Section 12 (2)—

At the end of section 12, insert:

Statute Law (Miscellaneous Provisions) (No. 2) 1988

SCHEDULE 21—AMENDMENT OF STOCK (ARTIFICIAL BREEDING) ACT 1985 No. 196—*continued*

(2) A person does not contravene subsection (1) if the person carries out an artificial breeding procedure—

- (a) at licensed premises as an employee of the holder of the licence; or
- (b) under the immediate and direct supervision of the holder of a certificate of competency authorising the holder to carry out the procedure or of a veterinary surgeon.

(2) Section 26 (**Importation from other countries**)—

Section 26 (c)—

After “would”, insert “not”.

(3) Section 29 (**Offences relating to semen and ova**)—

(a) Section 29 (a)—

After “use”, insert “, or cause or permit to be used,”.

(b) Section 29 (b)—

After “sell”, insert “or cause or permit to be sold”.

(c) Section 29 (d)—

Renumber paragraph (d) as paragraph (f).

(d) Section 29 (c)–(e)—

Omit section 29 (c), insert instead:

- (c) that the semen has, or the ova have, been introduced into the State in contravention of this Act; or
- (d) that the semen has, or the ova have, been processed, handled or stored in contravention of this Act or the regulations; or
- (e) that the semen has been collected in the State from stock on unlicensed premises; or

SCHEDULE 22—AMENDMENT OF STOCK (CHEMICAL RESIDUES) ACT 1975 No. 26

(Sec. 3)

Section 7 (**Temporary notice for detention of residue affected stock**)—

Section 7 (1A), (1B)—

After section 7 (1), insert:

**SCHEDULE 22—AMENDMENT OF STOCK (CHEMICAL RESIDUES)
ACT 1975 No. 26—*continued***

(1A) An inspector may, with the approval of the Chief, Division of Animal Health, extend the period of a detention notice under subsection (1) for a further period (not exceeding 40 days) specified in a further notice in writing given to the person who owns or is in charge of the stock to which the detention notice relates.

(1B) The power conferred on an inspector by subsection (1A) may not be exercised more than twice in respect of any detention notice.

**SCHEDULE 23—AMENDMENT OF STOCK DISEASES ACT 1923
No. 34**

(Sec. 3)

(1) Section 6 (Inspectors)—

(a) Section 6 (4)—

After “Agriculture”, insert “or in some other capacity”.

(b) Section 6 (4)—

After “employee” where lastly occurring, insert “or to be employed in that other capacity”.

(c) Section 6 (4A)—

After section 6 (4), insert:

(4A) Despite subsection (4), a person who—

(a) was appointed as an inspector or authorised to perform any duties, or exercise any powers, of an inspector by an authorisation revoked by that subsection; and

(b) is subsequently employed in a capacity in which the person is required by the Director-General to perform the duties, or exercise the powers, of an inspector,

may, while the person is employed in that capacity, perform those duties and exercise those powers as if the former appointment or authorisation were still in force.

(2) Section 8 (Further powers of inspectors)—

Section 8 (3), (4)—

After section 8 (2), insert:

Statute Law (Miscellaneous Provisions) (No. 2) 1988

SCHEDULE 23—AMENDMENT OF STOCK DISEASES ACT 1923 No.
34—*continued*

(3) An inspector may, with the approval of the Chief of the Division of Animal Health, extend the period for which land is declared to be a quarantine area under subsection (1) (c) for a further period (not exceeding 40 days) specified in a further notice in writing given to the owner or occupier of the land.

(4) The power conferred on an inspector by subsection (3) may not be exercised more than once in respect of any declaration.

(3) Section 19A (**Identification of certain cattle, swine and other stock**)—

Section 19A (1) (a)—

Omit “of or above the age of 3 months”.

(4) Section 19C (**Identification of stock**)—

(a) Section 19C (2)—

After “attach”, insert “or cause or permit to be attached”.

(b) Section 19C (2) (c)—

After “other particulars”, insert “except such other particulars as may be prescribed for the purposes of this paragraph”.

(c) Section 19C (2A)—

After “brand” where firstly occurring, insert “or cause or permit to be branded”.

(5) Section 19G (**Records to be kept of untagged stock**)—

Omit “14 days”, insert instead “24 hours”.

(6) Section 20 (**Offences**)—

Section 20 (1) (j1)—

Omit “fourteen”, insert instead “28”.

SCHEDULE 24—AMENDMENT OF TRADE UNION ACT 1881 (45
Vic. No. 12)

(Sec. 3)

(1) Section 14 (**Regulations for registry**)—

Section 14 (1)—

Omit “printed”.

**SCHEDULE 24—AMENDMENT OF TRADE UNION ACT 1881 (45
Vic. No. 12)—*continued***

(2) Section 17—

Omit the section, insert instead:

Registered office of trade unions

17. (1) A trade union registered under this Act shall have a registered office to which all communications and notices may be addressed.

(2) If a trade union under this Act is in operation for 7 days without having such an office, the trade union and each of its officers is guilty of an offence and liable to a penalty not exceeding \$10 for every day during which it is so in operation.

(3) Notice of the address of the registered office and of any change in that address shall be given to and recorded by the registrar and until notice is given the trade union shall not be regarded as complying with the provisions of this Act.

**SCHEDULE 25—AMENDMENT OF WOOL, HIDE AND SKIN
DEALERS ACT 1935 No. 40**

(Sec. 3)

Section 5 (Procedure)—

(1) Section 5 (1A)—

After section 5 (1), insert:

(1A) An application for the issue, renewal, variation or transfer of a licence shall be accompanied by the prescribed fee.

(2) Section 5 (8)—

Omit the subsection.

**SCHEDULE 26—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION**

(Sec. 3)

Co-operation Act 1923 (1924 No. 1)—

(1) Section 80R (Order of Minister against forfeiture)—

Section 80R (1)—

Omit "this section", insert instead "this Division".

(2) Section 80U (Forfeiture prohibited in certain circumstances)—

Omit "this section", insert instead "this Division".

Statute Law (Miscellaneous Provisions) (No. 2) 1988

**SCHEDULE 26—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION—continued**

Crimes Act 1900 No. 40—

Section 407 (Competency of parties and accused persons and their husbands and wives to give evidence)—

Omit “sections 27, 41, 42, 54, 60, 114, or 118 of the Child Welfare Act 1923, or any Act amending or replacing the said provisions”, insert instead “section 25, 26, 50, 51 or 52 of the Children (Care and Protection) Act 1987”.

National Parks and Wildlife Act 1974 No. 80—

Section 176 (Proceedings for offences)—

Section 176 (1A)—

Omit “or the by-laws”.

Permanent Building Societies Act 1967 No. 18—

Section 46E (Consideration of matter by Takeover Review Committee)—

Section 46E (6)—

Omit “effected”, insert instead “affected”.

Police Regulation Act 1899 No. 20—

Section 13 (Employer of members of police force for certain purposes)—

(1) Section 13 (1)—

Omit the definition of “Board”, insert instead:

“Authority” means the Public Employment Industrial Relations Authority;

(2) Section 13 (2), (3), (5), (8)—

Omit “Board” wherever occurring, insert instead “Authority”.

Prisoners (Interstate Transfer) Act 1982 No. 104—

(1) Section 5 (Definitions)—

(a) Section 5 (1), definition of “court of petty sessions”—

Omit the definition.

(b) Section 5 (1)—

After the definition of “justice”, insert:

“Local Court” means a Local Court constituted by a Magistrate sitting alone.

(2) Sections 14 (1), 15, 16 (1), (4), 34—

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

(3) Sections 15 (1) (b), 34—

Omit “the court”, insert instead “the Local Court”.

Real Property Act 1900 No. 25—

(1) Sections 13F, 28A (definition of “Registered deed”), 28GA, 28J (2) and 39A—

Omit “the Registration of Deeds Act, 1897” wherever occurring, insert instead “Division 1 of Part 23 of the Conveyancing Act 1919”.

Statute Law (Miscellaneous Provisions) (No. 2) 1988

**SCHEDULE 26—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION—*continued***

(2) Sections 13F (a), 39A (1) (b) and (7)—

Omit “the Conveyancing Act 1919” wherever occurring, insert instead “that Act”.

(3) Sections 28A (definition of “Subsisting interest”), 28J (3) and 43A (3)—

Omit “the Registration of Deeds Act, 1897,” insert instead “Division 1 of Part 23 of the Conveyancing Act 1919”.

Statute Law (Miscellaneous Provisions) Act (No. 2) 1986 No. 218—

Section 2 (Commencement)—

Section 2 (4)—

Omit “, 40, 44 (3) and 45”, insert instead “and 40”.

Suitors’ Fund (Amendment) Act 1987 No. 249—

Schedule 1 (Amendments)—

Schedule 1 (6) (a)—

Before “, insert ”, insert “where firstly occurring”.

Supreme Court Act 1970 No. 52—

Section 124 (Rule-making power)—

Section 124 (9)—

Omit “section 6 or section 12A of the Legal Practitioners Act 1898”, insert instead “section 7 or 14 of the Legal Profession Act 1987”.

Teaching Services Act 1980 No. 23—

Section 28 (Exercise of Secretary’s functions in relation to industrial disputes)—

Omit “it” wherever occurring, insert instead “the Secretary”.

Trustee Companies Act 1964 No. 6—

Third Schedule, First Part—

Omit “The Union-Fidelity Trustee Company of Australia Limited”, insert instead “Trust Company of Australia Limited”.

University and University Colleges Act 1900 No. 22—

Section 15 (By-laws)—

Section 15 (3) (c)—

Omit the paragraph, insert instead:

(c) shall not be taken to be a statutory rule within the meaning of the Interpretation Act 1987.

Valuation of Land Act 1916 No. 2—

(1) Section 58 (Allowances for profitable expenditure—land)—

Section 58 (2) (e) (iii)—

Omit “a proclamation made under section 309 (1) of the Local Government Act, 1919, or”.

*Statute Law (Miscellaneous Provisions) (No. 2) 1988***SCHEDULE 26—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION—continued****(2) Section 58D (Rating base factors—generally)—****(a) Section 58D (1), definition of “mine”—**

Omit “section 153 (1) (a) or (1A) (a)”, insert instead “section 153 (1A) (a)”.

(b) Section 58D (6)—

Omit “section 153 (1) (b) or (c) or”.

(3) Section 70A (Definitions)—

Section 70A, definition of “planning instrument”—

Omit paragraph (a) of the definition.

Water Act 1912 No. 44—**Section 20B (Authority)—**

Section 20B (2)—

Omit “exceeds”, insert instead “does not exceed”.

Wild Dog Destruction Act 1921 No. 17—**Section 3A (The Wild Dog Destruction Board)—**

Section 3A (5) (e)—

Omit “Western Division Council of the Livestock and Grain Producers’ Association of New South Wales”, insert instead “New South Wales Farmers’ Association Western Division Council”.

SCHEDULE 27—REPEALS

(Sec. 4)

Statutory Salaries Adjustment Act 1953 No. 15

Second-hand Motor Dealers Act 1956 No. 5

Matraville Oil Refinery Act 1980 No. 57*

Jury (Amendment) Act 1981 No. 34

Government Railways (Amendment) Act 1983 No. 122

Bills of Sale (Amendment) Act 1984 No. 23

Physiotherapists Registration (Amendment) Act 1984 No. 44

Occupational Health and Safety (Amendment) Act 1984 No. 138

Physiotherapists Registration (Amendment) Act 1985 No. 25

Land Commission (Housing) Amendment Act 1985 No. 165

Pay-roll Tax (Administration) Amendment Act 1985 No. 224

Bills of Sale (Amendment) Act 1986 No. 38

Credit (Regulated Mortgages) Amendment Act 1986 No. 40

General Traffic (Shared Traffic Zones) Amendment Act 1987 No. 7

Credit (Consumer Claims Tribunals) Amendment Act 1987 No. 207

Pay-roll Tax (Amendment) Act 1987 No. 230

Children’s Court (Amendment) Act 1987 No. 268

Co-operation (Further Amendment) Act 1987 No. 118

*Statute Law (Miscellaneous Provisions) (No. 2) 1988***SCHEDULE 27—REPEALS—continued**

Government Railways (Railway Safety) Amendment Act 1987 No. 295

NOTE:

* indicates repeal of uncommenced Act

SCHEDULE 28—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

(Sec. 5)

Effect of amendment of amending provisions

1. An amendment made by Schedule 26 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 taken 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 repealed.

Repeal consequent on amendment of Fertilizers Act 1985

3. Clause 4 (2) of, and Form 2 in Schedule 1 to, the Fertilizers Regulation 1985 are, on the commencement of Schedule 8, repealed.

Regulations

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

(2) Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later date.

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

(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication; or

(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.

NOTE**Alphabetical list of Acts repealed by Schedule 27**

Bills of Sale (Amendment) Act 1984 No. 23

Bills of Sale (Amendment) Act 1986 No. 38

Children's Court (Amendment) Act 1987 No. 268

Statute Law (Miscellaneous Provisions) (No. 2) 1988

NOTE—*continued*

Co-operation (Further Amendment) Act 1987 No. 118
Credit (Consumer Claims Tribunals) Amendment Act 1987 No. 207
Credit (Regulated Mortgages) Amendment Act 1986 No. 40
General Traffic (Shared Traffic Zones) Amendment Act 1987 No. 7
Government Railways (Amendment) Act 1983 No. 122
Government Railways (Railway Safety) Amendment Act 1987 No. 295
Jury (Amendment) Act 1981 No. 34
Land Commission (Housing) Amendment Act 1985 No. 165
Matraville Oil Refinery Act 1980 No. 57
Occupational Health and Safety (Amendment) Act 1984 No. 138
Pay-roll Tax (Administration) Amendment Act 1985 No. 224
Pay-roll Tax (Amendment) Act 1987 No. 230
Physiotherapists Registration (Amendment) Act 1984 No. 44
Physiotherapists Registration (Amendment) Act 1985 No. 25
Second-hand Motor Dealers Act 1956 No. 5
Statutory Salaries Adjustment Act 1953 No. 15

*[Minister's second reading speech made in—
Legislative Assembly on 21 September 1988
Legislative Council on 15 November 1988]*





**STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT
(No. 3) 1988 No. 131**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
 2. Commencement
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- SCHEDULE 1—AMENDMENT OF CHILDREN (DETENTION CENTRES) ACT 1987 No. 57
- SCHEDULE 2—AMENDMENT OF CHIROPRACTIC ACT 1978 No. 132
- SCHEDULE 3—AMENDMENT OF CONSTRUCTION SAFETY ACT 1912 No. 38
- SCHEDULE 4—AMENDMENT OF CRIMINAL PROCEDURE ACT 1986 No. 209
- SCHEDULE 5—AMENDMENT OF DANGEROUS GOODS ACT 1975 No. 68
- SCHEDULE 6—AMENDMENT OF DISABILITY SERVICES AND GUARDIANSHIP ACT 1987 No. 257
- SCHEDULE 7—AMENDMENT OF ELECTION FUNDING ACT 1981 No. 78
- SCHEDULE 8—AMENDMENT OF EXHIBITED ANIMALS PROTECTION ACT 1986 No. 123
- SCHEDULE 9—AMENDMENT OF FACTORIES, SHOPS AND INDUSTRIES ACT 1962 No. 43
- SCHEDULE 10—AMENDMENT OF GEOGRAPHICAL NAMES ACT 1966 No. 13
- SCHEDULE 11—AMENDMENT OF INDUSTRIAL ARBITRATION ACT 1940 No. 2
- SCHEDULE 12—AMENDMENT OF JURY ACT 1977 No. 18
- SCHEDULE 13—AMENDMENT OF MOTOR TRAFFIC ACT 1909 No. 5
- SCHEDULE 14—AMENDMENT OF NURSES REGISTRATION ACT 1953 No. 10
- SCHEDULE 15—AMENDMENT OF OCCUPATIONAL HEALTH AND SAFETY ACT 1983 No. 20
- SCHEDULE 16—AMENDMENT OF PERIODIC DETENTION OF PRISONERS ACT 1981 No. 18
- SCHEDULE 17—AMENDMENT OF POISONS ACT 1966 No. 31
- SCHEDULE 18—AMENDMENT OF PRISONS ACT 1952 No. 9
- SCHEDULE 19—AMENDMENT OF PUBLIC FINANCE AND AUDIT ACT 1983 No. 152
- SCHEDULE 20—AMENDMENT OF PUBLIC RESERVES MANAGEMENT FUND ACT 1987 No. 179
- SCHEDULE 21—AMENDMENT OF SEAMEN'S ACT 1898 No. 46

Statute Law (Miscellaneous Provisions) (No. 3) 1988

SCHEDULE 22—AMENDMENT OF STOCK DISEASES ACT 1923 No. 34

SCHEDULE 23—AMENDMENT OF STRATA TITLES ACT 1973 No. 68

SCHEDULE 24—AMENDMENT OF STRATA TITLES (LEASEHOLD) ACT 1986 No.
219

SCHEDULE 25—AMENDMENT OF TRUSTEE ACT 1925 No. 14

SCHEDULE 26—AMENDMENT OF UNIVERSITY OF TECHNOLOGY, SYDNEY
ACT 1987 No. 283

SCHEDULE 27—AMENDMENT OF WEST SCHOLARSHIPS ACT 1930 No. 19

SCHEDULE 28—AMENDMENTS RELATING TO RECEIPT OF WATER RATES
AND CHARGES

SCHEDULE 29—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION

SCHEDULE 30—REPEALS

SCHEDULE 31—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT (No. 3) 1988
No. 131

NEW SOUTH WALES



Act No. 131, 1988

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 30 December 1988]

Statute Law (Miscellaneous Provisions) (No. 3) 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Statute Law (Miscellaneous Provisions) Act (No. 3) 1988.

Commencement

2. (1) This Act commences on the date of assent, except as provided by this section.

(2) Schedules 1–3, 5–16 and 18–28 commence on a day or days to be appointed by proclamation.

(3) Schedule 17 shall be taken to have commenced on 25 May 1986.

(4) The provisions of Schedule 29 relating to the Conveyancing Act 1919 commence—

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

(b) on the commencement of the Strata Titles (Leasehold) Act 1986, whichever is the later.

Amendments

3. Each Act specified in Schedules 1–29 is amended as set out in those Schedules.

Repeals

4. Each Act specified in Schedule 30 is repealed.

Savings, transitional and other provisions

5. Schedule 31 has effect.

SCHEDULE 1—AMENDMENT OF CHILDREN (DETENTION CENTRES) ACT 1987 No. 57

(Sec. 3)

Section 23A (Escorted absences)—

(1) Section 23A (1)—

Omit “A detainee may be absent from a detention centre by order in writing of the Director-General”, insert instead “Subject to the regulations, the Director-General may, by order in writing, permit a detainee to be absent from a detention centre”.

SCHEDULE 1—AMENDMENT OF CHILDREN (DETENTION CENTRES) ACT 1987 No. 57—*continued*

(2) Section 23A (4)—

After section 23A (3), insert:

(4) The regulations may make provision for or with respect to—

- (a) the circumstances in which an order may be made under this section; and
- (b) the conditions to be imposed on such an order; and
- (c) any other matter relevant to the making of such an order, including the purposes for which an order may be made.

SCHEDULE 2—AMENDMENT OF CHIROPRACTIC ACT 1978 No. 132

(Sec. 3)

Section 17—

Omit the section, insert instead:

Removal from register

17. The Board—

- (a) shall cause to be removed from the register the name of any person who has died; and
- (b) may cause to be removed from the register the name of any person who has requested that his or her name be so removed.

SCHEDULE 3—AMENDMENT OF CONSTRUCTION SAFETY ACT 1912 No. 38

(Sec. 3)

Section 21 (**Penalties and proceedings for offences**)—

(1) Section 21 (1)—

Omit “No proceedings for the recovery of any penalty imposed by or under this Act or the regulations shall be instituted without the authority of the Minister.”.

(2) Section 21 (1A)—

After section 21 (1), insert:

(1A) Proceedings for the recovery of any penalty imposed by or under this Act may be instituted only by an inspector or a person authorised by the Minister for the purposes of this section.

**SCHEDULE 4—AMENDMENT OF CRIMINAL PROCEDURE ACT
1986 No. 209**

(Sec. 3)

Section 9—

Omit the section, insert instead:

Listing for mention following committal for trial

9. If, at the end of a period prescribed by the regulations for the purposes of this section (being a period that commenced to run when an accused person was committed for trial)—

(a) the Criminal Listing Director has not received a notice of readiness in respect of the proceedings that is accompanied by a draft indictment; and

(b) the matter has not been terminated,

the Criminal Listing Director shall arrange for the matter to be listed for mention before the Supreme Court or the District Court as soon as practicable.

**SCHEDULE 5—AMENDMENT OF DANGEROUS GOODS ACT 1975
No. 68**

(Sec. 3)

(1) Section 3 (Arrangement)—

Omit the section.

(2) Section 4 (Definitions)—

Section 4, definition of “court”—

Omit “court of petty sessions constituted by a stipendiary magistrate”, insert instead “Local Court constituted by a Magistrate”.

(3) Section 6 (Appointments)—

Omit “Public Service Act 1902”, insert instead “Public Sector Management Act 1988”.

(4) Section 33 (Proceedings for offences)—**(a) Section 33 (1) (a)—**

After “prosecuted by”, insert “an inspector or by”.

(b) Section 33 (1) (b)—

Omit “court of petty sessions”, insert instead “Local Court constituted by a Magistrate”.

SCHEDULE 5—AMENDMENT OF DANGEROUS GOODS ACT 1975
No. 68—*continued*

(5) Section 39 (**Disposal of forfeited property**)—

Section 39 (2)—

Omit “Consolidated Revenue Fund”, insert instead “Consolidated Fund”.

(6) Section 41 (**Regulations**)—

Section 41 (2)—

Omit “Scaffolding and Lifts Act 1912”, insert instead “Construction Safety Act 1912”.

SCHEDULE 6—AMENDMENT OF DISABILITY SERVICES AND
GUARDIANSHIP ACT 1987 No. 257

(Sec. 3)

(1) Section 33 (**Definitions**)—

Section 33 (1)—

Omit the definition of “dental treatment”, insert instead:

“dental treatment” includes—

- (a) any dental procedure, operation or examination; and
- (b) any treatment, procedure, operation or examination that is declared by the regulations to be dental treatment for the purposes of this Part;

(2) Section 49 (**Constitution of the Board**)—

Section 49 (3) (a)—

Omit the paragraph, insert instead:

- (a) at least 3 shall be persons of whom each shall be—

- (i) a barrister of not less than 5 years' standing; or
 - (ii) a solicitor of not less than 7 years' standing; or

- (iii) a barrister or solicitor of less than 5 years' or 7 years' standing, respectively, where, at all times during a continuous period of not less than 7 years, the person was on the roll of solicitors when not on the roll of barristers and on the roll of barristers when not on the roll of solicitors;

**SCHEDULE 7—AMENDMENT OF ELECTION FUNDING ACT 1981
No. 78**

(Sec. 3)

(1) Section 57 (Determination of credits to funds)—

Section 57 (1), (2)—

Omit “day of the issue of the writs” wherever occurring, insert instead “day that is 3 days after the date of issue of the writs”.

(2) Section 73 (By-election Constituency Fund)—

Section 73 (2), (3)—

Omit “day of the issue of the writ” wherever occurring, insert instead “day that is 3 days after the date of issue of the writ”.

**SCHEDULE 8—AMENDMENT OF EXHIBITED ANIMALS
PROTECTION ACT 1986 No. 123**

(Sec. 3)

Section 5 (Definitions)—

(1) Section 5 (1), definition of “premises”—

Omit “built upon or not”, insert instead “or not wholly or partly built upon or covered by water”.

(2) Section 5 (1), definition of “zoological park”—

Omit “displayed, or kept for display, for educational, cultural, scientific or recreational purposes”, insert instead “exhibited or displayed, or kept for display, for any prescribed purpose”.

**SCHEDULE 9—AMENDMENT OF FACTORIES, SHOPS AND
INDUSTRIES ACT 1962 No. 43**

(Sec. 3)

Section 145 (Proceedings)—

Section 145 (1) (a), (a1)—

Omit section 145 (1) (a), insert instead:

(a) an inspector; or

(a1) a person acting with the authority of the Minister; or

**SCHEDULE 10—AMENDMENT OF GEOGRAPHICAL NAMES ACT
1966 No. 13**

(Sec. 3)

Section 3 (Geographical Names Board)—

(1) Section 3 (2) (a)—

After “Surveyor-General”, insert “or, from time to time with the approval of the Surveyor-General, the person holding the office of Deputy Surveyor-General”.

(2) Section 3 (3), (3A)—

Omit section 3 (3), insert instead:

(3) The Surveyor-General shall be the chairman of the board.

(3A) The person referred to in subsection (2) (b) or his or her nominee shall be the deputy chairman of the board.

(3) Section 3 (12) (a)—

Omit “, being a member referred to in paragraph (b), (c) or (d) of subsection (2), has”, insert instead “has approved of another person acting, or”.

(4) Section 3 (12) (a)—

Omit “act” where lastly occurring, insert instead “act,”.

**SCHEDULE 11—AMENDMENT OF INDUSTRIAL ARBITRATION
ACT 1940 No. 2**

(Sec. 3)

(1) Section 5 (Definitions)—

(a) Section 5 (1)—

After the definition of “Repealed Acts”, insert:

“Secretary” means the Secretary of the Department of Industrial Relations and Employment.

(b) Section 5 (1), definition of “Under Secretary”—

Omit the definition.

(c) Section 5 (2) (b), definition of “Factory”—

Omit “section 3 of the Factories and Shops Act, 1912, as amended by subsequent Acts,”, insert instead “section 4 (1) of the Factories, Shops and Industries Act 1962,”.

(d) Section 5 (2) (b), definition of “Factory”—

Omit “, as so amended”.

**SCHEDULE 11—AMENDMENT OF INDUSTRIAL ARBITRATION
ACT 1940 No. 2—*continued***

(e) Section 5 (2) (b), definition of “Occupier”—

Omit “section 3 of the Factories and Shops Act, 1912, as amended by subsequent Acts”, insert instead “section 4 (1) of the Factories, Shops and Industries Act 1962”.

(2) Section 92A (**Certain payments may be made by cheque**)—

Section 92A (6)—

Omit the subsection.

(3) Section 92AA—

After section 92A, insert:

Certain payments may be made by electronic funds transfer etc.

92AA. (1) An employer required to make to a person in money a payment specified in section 92 (1) may make the payment by paying the amount into an account in the name of the person (or in the name of the person jointly with some other person) at a bank, permanent building society or credit union nominated by the person if—

- (a) the employer could have made the payment by cheque under section 92A and the person consents to payment being made in that manner; or
- (b) an industrial agreement, award or contract determination authorises the payment to be made in that manner; or
- (c) the person has entered an agreement with the employer providing for payment to be made in that manner.

(2) The payment may be made by a transfer of funds (including an electronic transfer) or by other means.

(3) This section has effect despite anything in this or any other Act.

(4) Section 92B (**Recovery of remuneration under contract of bailment or carriage**)—

(a) Section 92B (10)—

Omit “section 5 of the Audit Act, 1902”, insert instead “section 4 of the Public Finance and Audit Act 1983”.

(b) Section 92B (10)—

Omit “Under Secretary, Department of Industrial Relations and Technology”, insert instead “Secretary”.

**SCHEDULE 11—AMENDMENT OF INDUSTRIAL ARBITRATION
ACT 1940 No. 2—*continued***

- (5) Section 107 (**Powers of trade unions with regard to its funds**)—
 - (a) Section 107 (1) (b)—
Omit “court of petty sessions”, insert instead “Local Court”.
 - (b) Section 107 (2)—
Omit “Trade Union Act, 1881–1936,”, insert instead “Trade Union Act 1881”.
- (6) Sections 122 and 129B (2) (d)—
Omit “Consolidated Revenue Fund” wherever occurring, insert instead “Consolidated Fund”.
- (7) Schedule 2—
Omit “The Metropolitan Water Sewerage and Drainage Board.”, insert instead “Water Board.”.
- (8) Schedule 3—
Part 1—
Omit “The Amalgamated Metal Workers’ and Shipwrights Union”, insert instead “The Amalgamated Metal Workers’ Union”.
- (9) The whole Act (other than sections 5 (1) and 92B (10))—
Omit “Under Secretary” wherever occurring, insert instead “Secretary”.

SCHEDULE 12—AMENDMENT OF JURY ACT 1977 No. 18

(Sec. 3)

- (1) Section 18 (**Sheriff may amend jury roll**)—
Section 18 (2)—
Omit the subsection.
- (2) Section 35 (**Period juror required to attend jury pool**)—
Section 35 (1), (3)—
Omit “judge” wherever occurring, insert instead “officer”.
- (3) Section 42—
Omit the section, insert instead:
Peremptory challenges in criminal proceedings
42. (1) In any criminal proceedings—
 - (a) each person prosecuted has 3 peremptory challenges without restriction; and

SCHEDULE 12—AMENDMENT OF JURY ACT 1977 No. 18—
continued

(b) the Crown has 3 peremptory challenges without restriction for each person prosecuted.

(2) Any number of peremptory challenges may be made if the Crown and all the persons prosecuted agree to the challenges.

(3) Any such agreed peremptory challenge may be made even though all the peremptory challenges without restriction of any person prosecuted or the Crown have not been exhausted.

(4) Section 72 (Payment for jury service)—

Section 72 (1A)—

After section 72 (1), insert:

(1A) Subsection (1) does not entitle a person excused from attendance at a court, coronial inquest or jury pool under section 38 (1) (a) to payment for attendance at the court, coronial inquest or jury pool.

SCHEDULE 13—AMENDMENT OF MOTOR TRAFFIC ACT 1909
No. 5

(Sec. 3)

(1) Section 4A (Speed limits)—

Section 4A (9)—

After section 4A (8), insert:

(9) In this section—

“ambulance vehicle” includes any motor vehicle used in the provision of ambulance services (as defined in the Ambulance Services Act 1976) and provided, conducted, operated or maintained by the Health Administration Corporation constituted by the Health Administration Act 1982.

(2) Section 4C (Schemes to assist children to cross public streets with safety)—

Section 4C (4)-(6)—

After “marked footcrossing” wherever occurring, insert “or children’s footcrossing”.

SCHEDULE 14—AMENDMENT OF NURSES REGISTRATION ACT
1953 No. 10

(Sec. 3)

Section 16B—

After section 16A, insert:

**SCHEDULE 14—AMENDMENT OF NURSES REGISTRATION ACT
1953 No. 10—*continued***

When registration not required

16B. A person who—

- (a) is registered as a nurse in any place in Australia other than New South Wales under a law providing for the registration of nurses; and
- (b) is employed in that place as a nurse at a recognised hospital or other institution at which medical care or treatment is provided; and
- (c) is required, in connection with that employment, to exercise any prescribed function relating to medical care or treatment within New South Wales for a period not exceeding 24 hours,

shall, during that period, be considered to be a registered nurse for the purposes of sections 23 (1), 25, 26 and 27.

**SCHEDULE 15—AMENDMENT OF OCCUPATIONAL HEALTH
AND SAFETY ACT 1983 No. 20**

(Sec. 3)

Section 48 (**Authority to prosecute**)—

(1) Section 48 (1)—

Renumber paragraph (b) as paragraph (c).

(2) Section 48 (1) (b)—

After section 48 (1) (a), insert:

- (b) an inspector appointed pursuant to the Factories, Shops and Industries Act 1962; or

**SCHEDULE 16—AMENDMENT OF PERIODIC DETENTION OF
PRISONERS ACT 1981 No. 18**

(Sec. 3)

(1) Section 4 (**Definitions**)—

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

Omit the definition.

(b) Section 4 (1)—

After the definition of “detention period”, insert:

“Director-General” means the Director-General of Corrective Services;

SCHEDULE 16—AMENDMENT OF PERIODIC DETENTION OF PRISONERS ACT 1981 No. 18—*continued*

- (c) Section 4 (1), definition of “court”—
Omit “, a stipendiary magistrate and any justice or justices sitting in petty sessions”, insert instead “, Magistrate or a justice or justices sitting as a Local Court”.
- (2) Section 5A (**Application of section 5 in relation to domestic violence offences and summary offences**)—
Section 5A (2)—
After “18 months and”, insert “the offence is an offence under the Summary Offences Act 1988 or”.
- (3) Sections 9 (2), 10 (1), (3), (4), 11–14, 16, 17 (1), 19 (2) (c), (4), 21 (2) (b), (3)–(5), 22 (2), 23, 25 (1), 32 (3), (4), 33 (2) and 34 (1) (g)—
Omit “Commission” wherever occurring, insert instead “Director-General”.
- (4) Section 10 (**Work etc.**)—
(a) Section 10 (1)—
Omit “his” wherever occurring, insert instead “the periodic detainee’s”.
(b) Section 10 (4)—
Omit “it” where firstly occurring, insert instead “the Director-General”.
- (5) Section 21 (**Reduction of remission for time spent on leave of absence etc.**)—
Section 21 (3) and (4)—
Omit “it” wherever occurring, insert instead “the Director-General”.
- (6) Section 22 (**Directions**)—
Section 22 (1)—
Omit “full-time members of the Commission”, insert instead “Director-General”.
- (7) Section 33 (**Offences**)—
Section 33 (1)—
Omit “\$1,000”, insert instead “10 penalty units”.
- (8) Section 34 (**Regulations**)—
Section 34 (1A)—
Omit “\$500”, insert instead “5 penalty units”.

SCHEDULE 16—AMENDMENT OF PERIODIC DETENTION OF PRISONERS ACT 1981 No. 18—*continued*

(9) Schedule 2 (Savings and transitional provisions)—

Clause 5—

Omit “Commission”, insert instead “Director-General”.

SCHEDULE 17—AMENDMENT OF POISONS ACT 1966 No. 31

(Sec. 3)

Section 43B (Powers of detention and search)—

Section 43B (3), (4)—

Omit “prohibited substance” wherever occurring, insert instead “prescribed restricted substance”.

SCHEDULE 18—AMENDMENT OF PRISONS ACT 1952 No. 9

(Sec. 3)

(1) Section 4 (Definitions)—

Section 4 (1), definition of “convicted prisoner”—

From paragraph (a), omit “kept in strict custody pursuant to section 23 (3) of the Mental Health Act 1958”, insert instead “detained in strict custody pursuant to section 428P (5) or 428ZB of the Crimes Act 1900”.

(2) Sections 9 (2) and 30—

Omit “Public Service Act 1979” wherever occurring, insert instead “Public Sector Management Act 1988”.

(3) Section 18 (Private property)—

Section 18 (1A)—

After section 18 (1), insert:

(1A) At any time before a prisoner is released from prison, the governor may, in accordance with the regulations, permit the prisoner to have possession of any property of the prisoner retained by the governor under this section.

(4) Section 25 (Governor of prison may impose penalties for certain prison offences)—

Section 25 (2) (c)—

Omit “the prisoner’s”, insert instead “a”.

(5) Section 26B (Imposition of penalty by Visiting Justice)—

Section 26B (1) (c)—

SCHEDULE 18—AMENDMENT OF PRISONS ACT 1952 No. 9—
continued

Omit “the prisoner’s”, insert instead “a”.

(6) Section 26i (**Offence for making false etc. statements**)—

Omit “\$500”, insert instead “5 penalty units”.

(7) Section 36 (**Harbouring escapee**)—

Omit “\$5,000”, insert instead “50 penalty units”.

(8) Sections 37 (1), 38 (1) and 50 (2)—

Omit “\$1,000” wherever occurring, insert instead “10 penalty units”.

(9) Section 61 (**Special provisions relating to certain recommendations of the Board**)—

Section 61 (2) (b) (ii)—

Omit “Stipendiary”.

(10) Schedule 3 (**Provisions relating to the Director-General and Deputy Directors-General**)—

Clause 8—

Omit “Public Service Act 1979”, insert instead “Public Sector Management Act 1988 (other than Part 8)”.

**SCHEDULE 19—AMENDMENT OF PUBLIC FINANCE AND AUDIT
 ACT 1983 No. 152**

(Sec. 3)

Schedule 2 (**Statutory bodies**)—

Omit “West Scholarships Trustees.”.

**SCHEDULE 20—AMENDMENT OF PUBLIC RESERVES
 MANAGEMENT FUND ACT 1987 No. 179**

(Sec. 3)

(1) Section 5 (**Payments into Public Reserves Management Fund**)—

Section 5 (b)—

After “public reserves”, insert “and for insurance in respect of damage to property, death or bodily injury for which trustees of public reserves could become liable”.

(2) Section 6 (**Payments out of Public Reserves Management Fund**)—

Section 6 (1) (c)—

**SCHEDULE 20—AMENDMENT OF PUBLIC RESERVES
MANAGEMENT FUND ACT 1987 No. 179—*continued***

After “public reserves”, insert “and for insurance in respect of damage to property, death or bodily injury for which trustees of public reserves could become liable”.

(3) Section 7 (Insurance premiums)—

Section 7 (1)—

After “public reserves”, insert “and for insurance in respect of damage to property, death or bodily injury for which the trustees could become liable”.

SCHEDULE 21—AMENDMENT OF SEAMEN'S ACT 1898 No. 46

(Sec. 3)

Section 13 (How indentures to be executed and attested)—

Section 13 (a)—

Omit “twelve”, insert instead “15”.

**SCHEDULE 22—AMENDMENT OF STOCK DISEASES ACT 1923
No. 34**

(Sec. 3)

Section 9 (Occupier etc. to give notice)—

Section 9 (3A)—

After section 9 (3), insert:

(3A) If stock are on land which forms part of a holding (as defined in the Pastures Protection Act 1934) and the holding is situated in 2 or more pastures protection districts the land shall, for the purposes of subsection (3), be taken to be—

- (a) in the district in which the greater part of the holding lies;
or
- (b) if the holding lies equally in each of the districts, in the district in which the main residence of the occupier of the holding is situated.

**SCHEDULE 23—AMENDMENT OF STRATA TITLES ACT 1973
No. 68**

(Sec. 3)

(1) Section 39 (Utility lots)—

(a) Section 39 (1)—

Omit “user”, insert instead “the use”.

SCHEDULE 23—AMENDMENT OF STRATA TITLES ACT 1973 No. 68—continued

- (b) Section 39 (2)—
Omit “user”, insert instead “use”.
- (2) Section 44 (**Recording of condition restricting use imposed by local council**)—
Section 44 (1)—
Omit “user”, insert instead “use”.
- (3) Section 70 (**Supply of certificates and information by body corporate**)—
Section 70 (1)—
Omit “proprietor or mortgagee” wherever occurring, insert instead “proprietor, mortgagee or covenant chargee”.
- (4) Section 126 (**Enforcement of restriction on use of utility lot**)—
Omit “user” wherever occurring, insert instead “use”.

SCHEDULE 24—AMENDMENT OF STRATA TITLES (LEASEHOLD) ACT 1986 No. 219

(Sec. 3)

Section 100 (Supply of certificates and information by body corporate (1973 Act, s. 70))—

Section 100 (1)—

Omit “of a lease of that lot or by a person authorised in writing by such a lessee or mortgagee”, insert instead “or covenant chargee of a lease of that lot, or by a person authorised in writing by such a lessee, mortgagee or covenant chargee”.

SCHEDULE 25—AMENDMENT OF TRUSTEE ACT 1925 No. 14

(Sec. 3)

Section 14E (Advisory committee)—

(1) Section 14E (2) (a)—

After “Trustee;”, insert “and”.

(2) Section 14E (2) (c), (d)—

At the end of section 14E (2) (c), insert:

; and

(d) 2 persons appointed by the Attorney General who, in the opinion of the Attorney General, have experience relevant to the function of the Committee.

SCHEDULE 25—AMENDMENT OF TRUSTEE ACT 1925 No. 14—
continued

(3) Section 14E (6)—

After section 14E (5), insert:

(6) The Committee may seek the advice of such persons as it sees fit on matters related to the function of the Committee.

SCHEDULE 26—AMENDMENT OF UNIVERSITY OF
TECHNOLOGY, SYDNEY ACT 1987 No. 283

(Sec. 3)

Section 11 (**Constitution of Council**)—

Section 11 (4) (c)—

Omit the paragraph, insert instead:

(c) the person for the time being holding the office of—

- (i) presiding member of the Academic Board, if that person is not the Vice-Chancellor; or
- (ii) deputy presiding member of the Academic Board, if the presiding member is the Vice-Chancellor.

SCHEDULE 27—AMENDMENT OF WEST SCHOLARSHIPS ACT
1930 No. 19

(Sec. 3)

Section 12—

Omit the section, insert instead:

Audit of accounts

12. (1) The West Scholarships Trustees shall cause to be kept proper accounts and records in relation to the Fund and the administration of the West Scholarship Scheme.

(2) The accounts and records of financial transactions of, or relating to, the Fund and the administration of the West Scholarship Scheme, and the records of, or relating to, assets of or in the custody of the West Scholarships Trustees, may, if a registered company auditor (within the meaning of the Companies (New South Wales) Code) is appointed by the Minister for the purpose, be inspected and audited by the auditor.

(3) The auditor shall report to the Minister as to the result of any such inspection and audit and as to such irregularities or other matters as in the judgment of the auditor call for special notice.

SCHEDULE 27—AMENDMENT OF WEST SCHOLARSHIPS ACT
1930 No. 19—*continued*

(4) The West Scholarships Trustees shall pay the costs and expenses of any such inspection and audit.

**SCHEDULE 28—AMENDMENTS RELATING TO RECEIPT OF
WATER RATES AND CHARGES**

(Sec. 3)

Hay Irrigation Act 1902 No. 57—

(1) Section 20 (**Commission may contract to supply water for a term of years**)—

Section 20 (4)—

Omit the subsection.

(2) Section 27 (**Power to fix rates**)—

(a) Section 27 (5)—

Omit “rates, rents, and moneys due under this Act for water supplied or otherwise”, insert instead “rents and money due under this Act other than rates and charges for water supply”.

(b) Section 27 (8)—

After section 27 (7), insert:

(8) Rates and charges for water supplied and land irrigated under this Act shall be paid to the Ministerial Corporation.

Irrigation Act 1912 No. 73—

Section 15 (**Rate or charge for water**)—

Section 15 (1)—

Omit “bank”, insert instead “Ministerial Corporation”.

State Bank Act 1981 No. 89—

Section 41 (**Monthly transfers to agencies**)—

Section 41 (1), definition of “revenue moneys”—

Omit “rentals, interest, water rates and charges”, insert instead “rentals and interest”.

Water Act 1912 No. 44—

(1) Section 130, definition of “Bank”—

Omit the definition.

**SCHEDULE 28—AMENDMENTS RELATING TO RECEIPT OF
WATER RATES AND CHARGES—*continued***

- (2) Section 139 (**Assessment of rates and charges**)—
 Section 139 (4)—
 Omit “bank”, insert instead “Ministerial Corporation”.
- (3) Section 143 (**Liability for rates and charges for water**)—
 Section 143 (1), (3)–(5)—
 Omit “bank” wherever occurring, insert instead “Ministerial Corporation”.
- (4) Section 150, definition of “Bank”—
 Omit the definition.
- (5) Sections 157 (6), 159 (4), (5) and 161 (1)—
 Omit “Bank” wherever occurring, insert instead “Ministerial Corporation”.
- (6) Section 163A (**Provisions relating to the Bank**)—
 Omit the section.

Water Administration Act 1986 No. 195—

Section 20 (**Recovery of charges etc. by the Ministerial Corporation**)—

(a) Section 20—

After “Corporation” where firstly occurring, insert “under this or any other Act”.

(b) Section 20 (2)—

At the end of section 20, insert:

(2) A certificate of the Minister stating that a specified amount of money is payable to the Ministerial Corporation for water rates and charges by a named person is, in any proceedings, evidence of the matter stated.

Wentworth Irrigation Act 1890 (54 Vic. No. 7)—

(1) Section 23 (**Ministerial Corporation may contract to supply water for a term of years**)—

Omit “bank”, insert instead “Ministerial Corporation”.

(2) Section 31 (**Power to fix charges for water**)—

Omit “bank” wherever occurring, insert instead “Ministerial Corporation”.

**SCHEDULE 29—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION**

(Sec. 3)

Adoption of Children Act 1965 No. 23—**Section 18 (Who may be adopted)—**

Section 18 (1) (b) (ii)—

Omit “or with the applicant”, insert instead “or of the applicant”.

Commercial Agents and Private Inquiry Agents Act 1963 No. 4—**Section 44 (Regulations)—**

Section 44 (4)—

Omit the subsection.

Community Service Orders Act 1979 No. 192—**(1) Section 3 (Definitions)—**

(a) Section 3 (1), definition of “assigned officer”—

Omit “Commission”, insert instead “Director-General”.

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

Omit the definition.

(c) Section 3 (1)—

After the definition of “conviction”, insert:

“Director-General” means the Director-General of Corrective Services;

(2) Sections 8, 18 (1) (a), 22 (1), 25 (1) (b), 26 (2) (b)—

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

(3) Sections 12 (2) (b), 13, 26E, 26F and 27 (1) (a) (iii)—

Omit “Commission” wherever occurring, insert instead “Director-General”.

(4) Section 25 (Conviction for breach—how dealt with)—

Section 25 (1) (a), (4) (a)—

Omit “\$250” wherever occurring, insert instead “2.5 penalty units”.

(5) Section 26F (Assignment of officer by the Director-General)—

Omit “it”, insert instead “Director-General”.

Conveyancing Act 1919 No. 6—**Section 660 (Contracting out)—**

Section 660 (1), definition of “dwelling-house”—

After “1973”, insert “or the Strata Titles (Leasehold) Act 1986”.

Credit Act 1984 No. 94—**Section 172 (Penalty units)—**

Omit the section.

*Statute Law (Miscellaneous Provisions) (No. 3) 1988*SCHEDULE 29—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION—*continued***Credit (Administration) Act 1984 No. 95—**

Section 46 (Penalty units)—

Omit the section.

Credit (Finance Brokers) Act 1984 No. 96—

Section 13 (Penalty units)—

Omit the section.

Credit (Home Finance Contracts) Act 1984 No. 97—

Section 9 (Penalty units)—

Omit the section.

Government and Related Employees Appeal Tribunal Act 1980 No. 39—

Schedule 1 (Provisions relating to the Offices of Senior Chairperson and Chairperson)—

Clause 10 (2)—

Omit “him” wherever occurring, insert instead “the person”.

Habitual Criminals Act 1957 No. 19—

(1) Section 2 (Repeal and savings)—

Section 2 (2) (d)—

Omit “, as deemed to be amended by paragraph (c), in respect of proceedings referred to in the said paragraph (c)”.

(2) Section 3 (Definitions)—

Section 3 (1), definition of “Judge”—

Omit “Chairman of Quarter Sessions”, insert instead “the District Court”.

(3) Section 4 (Judge may pronounce convicted person an habitual criminal)—

Section 4 (2)—

Omit “stipendiary magistrate” wherever occurring, insert instead “Magistrate”.

(4) Section 5 (Proof of previous conviction and imprisonment)—

(a) Section 5 (2) (a) (i)—

Omit “any full-time member of the Corrective Services Commission of New South Wales”, insert instead “the Director-General of Corrective Services”.

(b) Section 5 (2) (b) (i)—

Omit “Comptroller-General of Prisons”, insert instead “Director-General of Corrective Services”.

(5) Section 7 (Governor may direct habitual criminal’s release)—

Section 7 (1)—

Omit “, as deemed to be amended by paragraph (c) of subsection (2) of section 2, in respect of proceedings referred to in the said paragraph (c),”.

*Statute Law (Miscellaneous Provisions) (No. 3) 1988*SCHEDULE 29—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION—*continued*(6) Section 8 (**Conditions under which offender may be arrested**)—

(a) Section 8 (2) (a)–(c), (4) (a) (i)—

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

(b) Section 8 (2), (4) (b)—

Omit “stipendiary magistrate or justices” wherever occurring, insert instead “Magistrate or justices”.

(c) Section 8 (2)—

Omit “at such Court of Quarter Sessions”, insert instead “the District Court”.

(d) Section 8 (6)—

Omit “court of petty sessions”, insert instead “Local Court”.

(7) Section 10 (**When person ceases to be an habitual criminal**)—

Omit “at a Court of Quarter Sessions”, insert instead “the District Court”.

Land Sales Act 1964 No. 12—(1) Section 1A (**Division of Act**)—

Omit the section.

(2) Section 26 (**Proceedings for offences**)—

(a) Omit “court of petty sessions”, insert instead “Local Court”.

(b) Omit “stipendiary magistrate”, insert instead “Magistrate”.

Law Reform (Miscellaneous Provisions) Act 1944 No. 28—(1) Section 1 (**Short title**)—

Section 1 (2)—

Omit the subsection.

(2) Section 2 (**Effect of death on certain causes of action**)—

Section 2 (5)—

Omit “Compensation to Relatives Act of 1897”, insert instead “Compensation to Relatives Act 1897”.

Mental Health (Disability Services and Guardianship) Amendment Act 1987 No. 260—(1) Section 2 (**Commencement**)—

Section 2 (2A)—

After section 2 (2), insert:

(2A) The provisions of Schedule 1 (1A), and section 3 in its application to those provisions, shall commence on—

(a) the commencement of Part 3 of the Disability Services and Guardianship Act 1987; or

*Statute Law (Miscellaneous Provisions) (No. 3) 1988*SCHEDULE 29—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION—*continued*

- (b) the commencement of Part 4 of the Mental Health Act 1983,
whichever is the later.
- (2) Schedule 1 (**Amendments**)—
 - (a) Schedule 1 (1)—
Omit the item, insert instead:
 - (1) Section 4 (**Definitions**)—
Section 4 (1), definition of “intellectually handicapped person under guardianship”—
Omit the definition.
 - (b) Schedule 1 (1A)—
After Schedule 1 (1), insert:
 - (1A) Section 64 (**Admission upon own request**)—
Section 64 (1) (b)—
Omit “an intellectually handicapped person under guardianship”,
insert instead “a person under guardianship within the meaning of
Part 3 of the Disability Services and Guardianship Act 1987”.

Parliamentary Contributory Superannuation Act 1971 No. 53—

- (1) Section 11 (**Payments by Treasurer into the Fund**)—
Section 11 (3)—
Omit “Consolidated Revenue Fund”, insert instead “Consolidated Fund”.
- (2) Section 14 (**Trustees of the Fund**)—
 - (a) Section 14 (1) (c) and (5)—
Omit “Secretary and Comptroller of Accounts, the Treasury” wherever
occurring, insert instead “Secretary of the Treasury”.
 - (b) Section 14 (2)—
Omit “Secretary and Comptroller of Accounts, the Treasury,”, insert instead
“Secretary of the Treasury”.
 - (c) Section 14 (3)—
Omit “Secretary and Comptroller of Accounts, the Treasury,” where firstly and
secondly occurring, insert instead “Secretary of the Treasury”.
 - (d) Section 14 (3)—
Omit “Secretary and Comptroller of Accounts, the Treasury” where lastly
occurring, insert instead “Secretary of the Treasury”.
- (3) Section 17 (**Appointment of person to act in absence of Secretary of the Treasury**)—
 - (a) Section 17—
Omit “Secretary and Comptroller of Accounts, the Treasury,” where firstly
occurring, insert instead “Secretary of the Treasury”.
 - (b) Section 17—
Omit “Secretary and Comptroller of Accounts, the Treasury” where secondly
occurring, insert instead “Secretary of the Treasury”.

*Statute Law (Miscellaneous Provisions) (No. 3) 1988*SCHEDULE 29—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION—*continued***Plumbers, Gasfitters and Drainers Act 1979 No. 44—**Section 38 (**Inquiries—how held**)—

Section 38 (4A)—

Omit “Board” wherever occurring, insert instead “Corporation”.

Probation and Parole Act 1983 No. 194—(1) Section 4 (**Definitions**)—

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

Omit the definition.

(b) Section 4 (1)—

After the definition of “court”, insert:

“Director-General” means the Director-General of Corrective Services;

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

Omit paragraph (e), insert instead:

(e) detention in strict custody pursuant to section 428P (5) or 428ZB of the Crimes Act 1900.

(2) Sections 8 (1A) and 47 (1) and (2)—

Omit “Commission” wherever occurring, insert instead “Director-General”.

(3) Section 18 (**Secretary to the Board**)—

Omit “Public Service Act 1979”, insert instead “Public Sector Management Act 1988”.

(4) Section 44 (**Disclosure of information**)—

Section 44 (1)—

Omit “\$500”, insert instead “5 penalty units”.

(5) Section 46 (**Reports to the Minister**)—

Section 46 (2) (b)—

Omit “keeping in strict custody in a prison of a person under section 23 (3) of the Mental Health Act 1958”, insert instead “detention in strict custody in a prison of a person under section 428P (5) or 428ZB of the Crimes Act 1900”.

(6) Section 47 (**Information concerning prisoners and parolees**)—

(a) Section 47 (1) (d)—

Omit the paragraph, insert instead:

(d) who is being detained in strict custody in the prison under section 428P (5) or 428ZB of the Crimes Act 1900,

(b) Section 47 (3)—

After “Director-General”, insert “of the Department of Family and Community Services”.

*Statute Law (Miscellaneous Provisions) (No. 3) 1988***SCHEDULE 29—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION—continued****(c) Section 47 (6)—**

Omit the subsection, insert instead:

(6) In this section, a reference to the Director-General, in relation to a prisoner or person referred to in subsection (3), is a reference to the Director-General of the Department of Family and Community Services.

(7) Schedule 1 (Provisions relating to the members of the Board, Divisions of the Board and procedure)—**(a) Clause 8 (1)—**

Omit “Public Service Act 1979”, insert instead “Public Sector Management Act 1988 (other than Part 8)”.

(b) Clause 18 (2)—

Omit “\$500”, insert instead “5 penalty units”.

Soil Conservation Act 1938 No. 10—

Section 4C (Powers, authorities, duties and functions of Commissioner)—

Section 4C (o)—

Omit “and” where secondly occurring.

State Public Service Superannuation Act 1985 No. 45—

Section 2 (Commencement)—

Section 2 (2)—

Omit the subsection.

University of New South Wales Act 1968 No. 37—

Section 8 (The Council)—

Section 8 (4) (c)—

Omit “Chairman of the Professorial Board”, insert instead “President of the Academic Board”.

SCHEDULE 30—REPEALS

(Sec. 4)

Nurses Education Board Act 1973 No. 29

Legal Services Commission (Amendment) Act 1983 No. 46

Police Regulation (Allegations of Misconduct) Amendment Act 1984 No. 81

Suitors' Fund (Land and Environment Court) Amendment Act 1985 No. 64

Marketing of Primary Products (Amendment) Act 1985 No. 82

Legal Services Commission (Amendment) Act 1985 No. 86

Petroleum (Submerged Lands) Amendment Act 1985 No. 129

Police Regulation (Allegations of Misconduct) Amendment Act 1985 No. 212

Mining (Amendment) Act 1986 No. 14

Coal Mining (Amendment) Act 1986 No. 15

Petroleum (Submerged Lands) Amendment Act 1986 No. 59

Landlord and Tenant (Amendment) Act 1986 No. 61

Public Authorities Superannuation (Amendment) Act 1986 No. 74

Stock Foods and Medicines (Amendment) Act 1986 No. 122

*Statute Law (Miscellaneous Provisions) (No. 3) 1988***SCHEDULE 30—REPEALS—*continued***

Historic Houses (Amendment) Act 1986 No. 126
 Legal Aid Commission (Amendment) Act 1987 No. 9
 Compensation Court (Amendment) Act 1987 No. 72
 Justices (Prevention of Cruelty to Animals) Amendment Act 1987 No. 161
 Public Authorities Superannuation (Amendment) Act 1987 No. 218
 Police Regulation (Special Benefits) Amendment Act 1987 No. 221
 Suitors' Fund (Amendment) Act 1987 No. 249
 Justices (Penalty Defaults) Amendment Act 1987 No. 253

SCHEDULE 31—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

(Sec. 5)

Effect of amendment of amending provisions

1. An amendment made by Schedule 29 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 taken 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 repealed.

Regulations made under Criminal Procedure Act 1986

3. A regulation made under section 9 of the Criminal Procedure Act 1986 and in force immediately before the commencement of Schedule 4 shall, on that commencement, be taken to have been made under section 9 of that Act, as amended by this Act.

Water rates and charges unpaid at commencement of Schedule 28

4. (1) Any water rates and charges due and payable under a provision of a Water Act amended by Schedule 28 and which are unpaid at the commencement of that Schedule shall, on that commencement, be payable to the Ministerial Corporation as if the amendment to the provision had been in force when the liability to make the payment was incurred.

(2) In this clause—

“Ministerial Corporation” means the Water Administration Ministerial Corporation constituted by the Water Administration Act 1986;

Statute Law (Miscellaneous Provisions) (No. 3) 1988

SCHEDULE 31—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—
continued

“Water Act” means the Hay Irrigation Act 1902, Irrigation Act 1912, Water Act 1912 and Wentworth Irrigation Act 1890.

Validation of certain decisions of the Blue Mountains Area Health Board relating to The Queen Victoria Memorial Hospital

5. Any act, matter or thing done after 1 October 1986 by the Blue Mountains Area Health Service that would have been validly done if The Queen Victoria Memorial Hospital at Wentworth Falls had been transferred to that area health service on that date is validated.

Regulations

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

(2) Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later date.

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

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication; or
- (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.

NOTE

Alphabetical list of Acts repealed by Schedule 30

Coal Mining (Amendment) Act 1986 No. 15
 Compensation Court (Amendment) Act 1987 No. 72
 Historic Houses (Amendment) Act 1986 No. 126
 Justices (Penalty Defaults) Amendment Act 1987 No. 253
 Justices (Prevention of Cruelty to Animals) Amendment Act 1987 No. 161
 Landlord and Tenant (Amendment) Act 1986 No. 61
 Legal Aid Commission (Amendment) Act 1987 No. 9
 Legal Services Commission (Amendment) Act 1983 No. 46
 Legal Services Commission (Amendment) Act 1985 No. 86
 Marketing of Primary Products (Amendment) Act 1985 No. 82
 Mining (Amendment) Act 1986 No. 14
 Nurses Education Board Act 1973 No. 29
 Petroleum (Submerged Lands) Amendment Act 1985 No. 129
 Petroleum (Submerged Lands) Amendment Act 1986 No. 59

Statute Law (Miscellaneous Provisions) (No. 3) 1988

NOTE—*continued*

Police Regulation (Allegations of Misconduct) Amendment Act 1984 No. 81
Police Regulation (Allegations of Misconduct) Amendment Act 1985 No. 212
Police Regulation (Special Benefits) Amendment Act 1987 No. 221
Public Authorities Superannuation (Amendment) Act 1986 No. 74
Public Authorities Superannuation (Amendment) Act 1987 No. 218
Stock Foods and Medicines (Amendment) Act 1986 No. 122
Suitors' Fund (Amendment) Act 1987 No. 249
Suitors' Fund (Land and Environment Court) Amendment Act 1985 No. 64

[*Minister's second reading speech made in—
Legislative Assembly on 29 November 1988
Legislative Council on 13 December 1988*]





**STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL
(No. 3) 1988**

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 1–28); and
- (b) to amend certain other Acts for the purpose of effecting statute law revision (Schedule 29); and
- (c) to repeal certain Acts containing only—
 - (i) amendments to other Acts that have been incorporated in a reprint under the Reprints Act 1972; or
 - (ii) spent or unnecessary provisions of a saving or transitional nature; or
 - (iii) validation provisions, (Schedule 30); and
- (d) to repeal the Nurses Education Board Act 1973 (Schedule 30); and
- (e) to make other provisions of a minor, consequential or ancillary nature (Schedule 31).

Schedule 1 amends section 23A (escorted absences) of the Children (Detention Centres) Act 1987 so that regulations may be made concerning orders of the Director-General of the Department of Family and Community Services authorising the absence of detainees from detention centres.

Schedule 2 substitutes section 17 (removal from register) of the Chiropractic Act 1978 to give the Chiropractors Registration Board a discretion as to the removal of the name of a chiropractor or osteopath from the Register of Chiropractors and Osteopaths of New South Wales at the request of the chiropractor or osteopath. The Board is unable to investigate complaints against persons unless they are registered as chiropractors and osteopaths and the present mandatory requirement to remove a name on request can be used to avoid investigation by the Board. The amendment will give the Board a similar discretion to that conferred on the New South Wales Medical Board under section 22 (4) of the Medical Practitioners Act 1938.

Statute Law (Miscellaneous Provisions) (No. 3) 1988

Schedule 3 amends the Construction Safety Act 1912 so that proceedings for the recovery of penalties under the Act or regulations may be instituted only by an inspector or other person authorised by the Minister. At present proceedings may be instituted only by the Minister.

Schedule 4 substitutes section 9 of the Criminal Procedure Act 1986 so as to reduce the class of matters required to be listed for mention after the elapsing of the period prescribed under that section following committal for trial. At present under section 9 (a) of the Act a matter must be listed if the period has passed and the matter has not been brought before the Supreme Court or District Court. Proposed section 9 (a) will provide that the Criminal Listing Director need only list a matter if a notice of readiness in respect of the proceedings, accompanied by a draft indictment, has not been forwarded to the Director within the period.

Schedule 5 amends section 33 (proceedings for offences) of the Dangerous Goods Act 1975 to extend the class of persons who may institute proceedings for offences under the Act or regulations to include inspectors (Schedule 5 (4) (a)).

The Schedule also makes various amendments to the Act by way of statute law revision (for example, amendments consequent on the enactment of the Local Courts Act 1982 (Schedule 5 (2) and (4) (b)) and the Public Sector Management Act 1988 (Schedule 5 (3)) and on a change in the title of an Act (Schedule 5 (6))).

Schedule 6 amends the Disability Services and Guardianship Act 1987—

- (a) to expand the definition of “dental treatment” in section 33 of the Act so that it will include a dental procedure, operation or examination and so parallel the definition of “medical treatment” in that section (Schedule 6 (1)); and
- (b) so that a person who has transferred between the roll of barristers and the roll of solicitors, but has been on one or other of those rolls for a continuous period of 7 years, may be a member of the Guardianship Board under section 49 (constitution of the Board) of the Act (Schedule 6 (2)).

Schedule 7 amends sections 57 (determination of credits to funds) and 73 (By-election Constituency Fund) of the Election Funding Act 1981 so that the description of the date of the close of the rolls used in those sections will accord with that now used in section 35 of the Parliamentary Electorates and Elections Act 1912 (namely, the day that is 3 days after the date of issue of the writs). As the amounts to be credited to the Central Fund and Constituency Fund for a general election or by-election are calculated by reference to the number of electors enrolled for electoral districts at the close of the rolls the Acts should be consistent in this respect.

Schedule 8 amends the Exhibited Animals Protection Act 1986—

- (a) to ensure that the provisions of the Act apply to the exhibition of animals in enclosed areas of water (for example, a netted enclosure for seals in a bay) (Schedule 8 (1)); and
- (b) to ensure that the definition of “zoological park” in section 5 of the Act will include a zoological garden, aquarium or similar institution used for any purposes included in the definition of “exhibit” in that section (Schedule 8 (2)).

Schedule 9 amends the Factories, Shops and Industries Act 1962 so that inspectors may institute proceedings for offences under the Act or regulations without needing the authority of the Minister and so as to extend the class of persons who may institute such proceedings to include any other person acting with the authority of the Minister.

Statute Law (Miscellaneous Provisions) (No. 3) 1988

Schedule 10 amends section 3 (Geographical Names Board) of the Geographical Names Act 1966 to enable the Deputy Surveyor-General to represent the Surveyor-General (who is a member of the Board by virtue of holding office as Surveyor-General) as a member of the Board when the Surveyor-General is unable to attend a meeting of the Board. At present section 3 enables a person to act as a member in the place of the Surveyor-General only if the person is at that time acting in the office of the Surveyor-General. The proposed amendment will enable a person to act as a member at short notice when the Surveyor-General is unable to attend a meeting in circumstances that do not necessitate that a person act in the office of Surveyor-General.

Schedule 11 amends the Industrial Arbitration Act 1940 so that payments required to be made in money under section 92 (recovery of wages etc.) of the Act may be made by payment into an account at a bank, permanent building society or credit union by electronic funds transfer or other means (Schedule 11 (2) and (3)).

The Schedule also makes a number of amendments by way of statute law revision. These include amendments to update references to the Under Secretary of the Department of Industrial Relations and Technology (now the Secretary of the Department of Industrial Relations and Employment), certain repealed Acts and the Amalgamated Metal Workers' and Shipwrights' Union (now the Amalgamated Metal Workers' Union) (Schedule 11 (1) and (4)–(9)).

Schedule 12 amends the Jury Act 1977—

- (a) to omit the requirement that the sheriff amend all certified copies of a jury roll for a district on each occasion the jury roll is amended (Schedule 12 (1)); and
- (b) to enable the pool officer (that is, the person appointed by the sheriff in charge of a jury pool) instead of the pool judge to determine the period of attendance of persons summoned to attend a jury pool and to discharge from attending a jury pool persons who have been summoned, but are not required (Schedule 12 (2)); and
- (c) so that peremptory challenges to jurors available to an accused person and the prosecution if both the prosecution and the defence agree to the challenge will be allowed even though all the peremptory challenges without restriction of any person prosecuted or the Crown have not been exhausted (Schedule 12 (3)); and
- (d) to make it clear that a juror is not entitled to be paid for attendance at a court, coronial inquest or jury pool if excused from jury service prior to the time specified in the jury summons for such attendance (Schedule 12 (4)).

Schedule 13 amends the Motor Traffic Act 1909—

- (a) so that the drivers of certain motor vehicles (for example, rescue vehicles) involved in the provision of emergency assistance to sick and injured persons will be exempt (in the same way as ambulance drivers are exempt) from compliance with speed limits (Schedule 13 (1)); and
- (b) to enable regulations to be made concerning the supervision of children crossing streets at children's footcrossings (Schedule 13 (2)).

Schedule 14 amends the Nurses Registration Act 1953 so that a nurse from another State or a Territory may, in certain circumstances, practise as a nurse in New South Wales without being registered as a nurse under the Act. The amendment will ensure that such nurses will not be in breach of the Act if, for example, assisting in donor operations or acting as escort nurses for a period not exceeding 24 hours.

Schedule 15 amends the Occupational Health and Safety Act 1983 so that inspectors appointed under the Factories, Shops and Industries Act 1962 may institute proceedings for an offence against the Occupational Health and Safety Act 1983 or the regulations made under it.

Statute Law (Miscellaneous Provisions) (No. 3) 1988

Schedule 16 amends section 5A of the Periodic Detention of Prisoners Act 1981 so that a court may order that a term of imprisonment of less than 3 months that is imposed for an offence under the Summary Offences Act 1988 can be served by way of periodic detention. At present, a court may only make such an order in respect of a term of imprisonment of less than 3 months if it relates to a conviction for a domestic violence offence. The amendment will facilitate the application of section 80AB (restriction on imposing sentences of imprisonment) of the Justices Act 1902 (Schedule 16 (2)).

The Schedule also makes various amendments to the Act by way of statute law revision which are consequential on certain amendments (made by the Prisons (Amendment) Act 1988) relating to the corrective services administration (Schedule 16 (1) (a) and (b), (3)–(6) and (9)) and the enactment of the Local Courts Act 1982 (Schedule 16 (1) (c)) and section 56 (penalty units) of the Interpretation Act 1987 (Schedule 16 (7) and (8)).

Schedule 17 amends section 43B (powers of detention and search) of the Poisons Act 1966 to substitute for certain references to “prohibited substances” references to “prescribed restricted substances”. The definition of “prohibited substance” was omitted from the section by the Miscellaneous Acts (Drug Misuse and Trafficking) Amendment Act 1985 and replaced with a definition of “prescribed restricted substance”. The proposed Schedule will effect consequential amendments to the references to “prohibited substance”.

Schedule 18 amends the Prisons Act 1952—

- (a) to make it clear that under section 18 (private property) of the Act the governor of a prison may release property of a prisoner retained by the governor into the possession of the prisoner while the prisoner is in prison (Schedule 18 (3)); and
- (b) to amend sections 25 (Governor of prison may impose penalties for certain prison offences) and 26B (Imposition of penalty by Visiting Justice) to make it clear that Governors or Visiting Justices, respectively, may impose penalties of confinement to any cell not just to a prisoner's own cell (Schedule 18 (4) and (5)).

The Schedule also makes various amendments to the Act by way of statute law revision which are consequent on the enactment of the Mental Health Act 1983 (Schedule 18 (1)), the Public Sector Management Act 1988 (Schedule 18 (2) and (10)), section 56 (penalty units) of the Interpretation Act 1987 (Schedule 18 (6)–(8)) and the Local Courts Act 1982 (Schedule 18 (9)).

Schedule 19 amends Schedule 2 (statutory bodies) of the Public Finance and Audit Act 1983 to omit the West Scholarships Trustees from the Schedule. The amendment will exclude the accounts and records of financial transactions of or relating to the Fund under the West Scholarships Act 1930 and the administration of the West Scholarship Scheme from the requirements of section 43 (inspection and audit of accounts of statutory bodies) of the Act (though it will not prevent the accounts from being subject to particular audit under section 45 of the Act if Division 4 of Part 3 is ever applied to the trustees). It also has the effect of excluding the trustees from the necessity to make annual reports under the Annual Reports (Statutory Bodies) Act 1984. The amendment is complementary to the amendment to the West Scholarships Act 1930 (Schedule 27).

Schedule 20 amends the Public Reserves Management Fund Act 1987 to provide for the payment of additional insurance premiums (for example, public liability insurance and voluntary workers' personal accident insurance) out of the Fund. At present only the cost of premiums for fire insurance of improvements on public reserves may be paid out of the Fund.

Statute Law (Miscellaneous Provisions) (No. 3) 1988

Schedule 21 amends section 13 (how indentures to be executed and attested) of the Seamen's Act 1898 to increase from 12 to 15 years the required age a person must be to enter an indenture of apprenticeship to sea service. The amendment will make the provision consistent with Article 2 of the International Labour Organisation Convention Fixing the Minimum Age for the Admission of Children to Employment at Sea (Convention No. 58).

Schedule 22 amends section 9 (occupiers etc. to give notice) of the Stock Diseases Act 1923 so that notice of diseased stock located on land consisting of a holding situated in more than one district need only be given to a ranger or veterinary inspector for the district in which the majority of the holding is situated. At present there may be unnecessary duplication of the required notice as notice must be given to a ranger or veterinary inspector for every district in which the holding is situated.

Schedule 23 amends section 70 of the Strata Titles Act 1973 so that a covenant chargee will be able (in the same way as a proprietor or mortgagee is at present) to obtain a certificate from the body corporate containing information in respect of a lot the subject of a strata scheme or to have the strata roll and certain other documents made available for inspection (Schedule 23 (3)). The Schedule also amends sections 39, 44 and 126 of the Act by way of statute law revision to update certain references to "restrictions on user" (Schedule 23 (1), (2) and (4)).

Schedule 24 amends section 100 of the Strata Titles (Leasehold) Act 1986 so that a covenant chargee will be able (in the same way as a lessee or mortgagee is at present) to obtain a certificate from the body corporate containing information in respect of a lot the subject of a leasehold strata scheme or to have the strata roll and certain other documents made available for inspection.

Schedule 25 amends section 14E (Advisory committee) of the Trustee Act 1925—

- (a) to enable the Attorney General to appoint to the Committee 2 persons with experience relevant to the function of the Committee (for example, persons from the private trustee, financial and banking sectors) (proposed section 14E (2) (d)); and
- (b) to confer on the Committee the power to seek advice in relation to its function (proposed section 14E (6)).

Schedule 26 amends section 11 (Constitution of Council) of the University of Technology, Sydney Act 1987 to ensure that the person holding office as presiding member of the Academic Board will be an official member of the Council of the University. At present, if the presiding member is a person other than the Vice-Chancellor of the University he or she is not an official member of the Council.

Schedule 27 amends the West Scholarships Act 1930 to enable the Minister to appoint a registered company auditor, instead of requesting the Auditor-General, to examine and audit the accounts relating to the Fund under that Act and the administration of the West Scholarship Scheme.

Schedule 28 amends the Hay Irrigation Act 1902, Irrigation Act 1912, State Bank Act 1981, Water Act 1912 and Wentworth Irrigation Act 1890 so that water rates and charges presently paid to the State Bank of New South Wales will be paid to the Water Administration Ministerial Corporation constituted by the Water Administration Act 1986. It is anticipated that under an agreement with the Department of Water Resources the State Bank will not, after 31 January 1989, be receiving money in respect of any agency for water rates and charges.

The Schedule includes an amendment to section 20 (recovery of charges etc. by Ministerial Corporation) of the Water Administration Act 1986 to facilitate proceedings for the recovery of water rates and charges.

Statute Law (Miscellaneous Provisions) (No. 3) 1988

Schedule 29 amends certain other Acts for the purpose of effecting statute law revision. A number of amendments are made relating to formal drafting matters and minor corrections. The Schedule also contains amendments for the following purposes:

To amend section 660 (contracting out) of the Conveyancing Act 1919 so that the provisions of that Act relating to the passing of risk between vendor and purchaser will apply to the sale of a dwelling-house consisting of a lot under the Strata Titles (Leasehold) Act 1986 despite any stipulation to the contrary. The amendment was overlooked in the Miscellaneous Acts (Leasehold Strata Schemes) Amendment Act 1986.

To amend the Credit Act 1984, Credit (Administration) Act 1984, Credit (Finance Brokers) Act 1984 and Credit (Home Finance Contracts) Act 1984 to omit provisions relating to penalty units that have been superfluous since the enactment of section 56 (penalty units) of the Interpretation Act 1987.

To amend section 8 (The Council) of the University of New South Wales Act 1968 so it will reflect a change in the name of the Professorial Board of the University and the title of the presiding member.

To amend various Acts (for example, the Community Service Orders Act 1979 and the Probation and Parole Act 1983) as a consequence of amendments relating to the corrective services administration made by the Prisons (Amendment) Act 1988.

Schedule 30 repeals a number of Acts. Since the Statute Law (Miscellaneous Provisions) Act 1984 the number of Acts in force has been gradually reduced by repealing amending Acts once the amendments contained in the Acts have been incorporated in a reprint. The Schedule continues this process.

The Schedule also repeals the Nurses Education Board Act 1973. The Board was established to give advice as to the desirable objectives in nurse education and the measures necessary to achieve those objectives. It has largely fulfilled its charter with the transfer of nurse education from hospitals to colleges of advanced education in 1985.

Schedule 31 contains savings, transitional and other provisions. The Schedule also includes a provision to validate decisions made in relation to The Queen Victoria Memorial Hospital at Wentworth Falls 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).

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (No. 3) 1988

NEW SOUTH WALES



TABLE OF PROVISIONS

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SCHEDULE 23—AMENDMENT OF STRATA TITLES ACT 1973 No. 68

SCHEDULE 24—AMENDMENT OF STRATA TITLES (LEASEHOLD) ACT 1986 No.
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SCHEDULE 25—AMENDMENT OF TRUSTEE ACT 1925 No. 14

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SCHEDULE 27—AMENDMENT OF WEST SCHOLARSHIPS ACT 1930 No. 19

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SCHEDULE 29—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
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SCHEDULE 30—REPEALS

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**STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL
(No. 3) 1988**

NEW SOUTH WALES



No. , 1988

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.

Statute Law (Miscellaneous Provisions) (No. 3) 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Statute Law (Miscellaneous Provisions) Act (No. 3) 1988.

5 Commencement

2. (1) This Act commences on the date of assent, except as provided by this section.

(2) Schedules 1-3, 5-16 and 18-28 commence on a day or days to be appointed by proclamation.

10 (3) Schedule 17 shall be taken to have commenced on 25 May 1986.

(4) The provisions of Schedule 29 relating to the Conveyancing Act 1919 commence—

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

(b) on the commencement of the Strata Titles (Leasehold) Act 1986,

15 whichever is the later.

Amendments

3. Each Act specified in Schedules 1-29 is amended as set out in those Schedules.

Repeals

20 4. Each Act specified in Schedule 30 is repealed.

Savings, transitional and other provisions

5. Schedule 31 has effect.

SCHEDULE 1—AMENDMENT OF CHILDREN (DETENTION CENTRES) ACT 1987 No. 57

25

(Sec. 3)

Section 23A (Escorted absences)—

(1) Section 23A (1)—

30

Omit "A detainee may be absent from a detention centre by order in writing of the Director-General", insert instead "Subject to the regulations, the Director-General may, by order in writing, permit a detainee to be absent from a detention centre".

**SCHEDULE 1—AMENDMENT OF CHILDREN (DETENTION
CENTRES) ACT 1987 No. 57—continued**

(2) Section 23A (4)—

After section 23A (3), insert:

(4) The regulations may make provision for or with respect to—

- 5 (a) the circumstances in which an order may be made under this section; and
- (b) the conditions to be imposed on such an order; and
- (c) any other matter relevant to the making of such an order, including the purposes for which an order may be made.

10 SCHEDULE 2—AMENDMENT OF CHIROPRACTIC ACT 1978 No. 132

(Sec. 3)

Section 17—

Omit the section, insert instead:

15 Removal from register

17. The Board—

- (a) shall cause to be removed from the register the name of any person who has died; and
- 20 (b) may cause to be removed from the register the name of any person who has requested that his or her name be so removed.

**SCHEDULE 3—AMENDMENT OF CONSTRUCTION SAFETY ACT
1912 No. 38**

(Sec. 3)

25 Section 21 (Penalties and proceedings for offences)—

(1) Section 21 (1)—

Omit “No proceedings for the recovery of any penalty imposed by or under this Act or the regulations shall be instituted without the authority of the Minister.”.

30 (2) Section 21 (1A)—

After section 21 (1), insert:

(1A) Proceedings for the recovery of any penalty imposed by or under this Act may be instituted only by an inspector or a person authorised by the Minister for the purposes of this section.

**SCHEDULE 4—AMENDMENT OF CRIMINAL PROCEDURE ACT
1986 No. 209**

(Sec. 3)

Section 9—

5 Omit the section, insert instead:

Listing for mention following committal for trial

9. If, at the end of a period prescribed by the regulations for the purposes of this section (being a period that commenced to run when an accused person was committed for trial)—

10 (a) the Criminal Listing Director has not received a notice of readiness in respect of the proceedings that is accompanied by a draft indictment; and

(b) the matter has not been terminated,
15 the Criminal Listing Director shall arrange for the matter to be listed for mention before the Supreme Court or the District Court as soon as practicable.

**SCHEDULE 5—AMENDMENT OF DANGEROUS GOODS ACT 1975
No. 68**

(Sec. 3)

20 (1) Section 3 (**Arrangement**)—

Omit the section.

(2) Section 4 (**Definitions**)—

Section 4, definition of “court”—

25 Omit “court of petty sessions constituted by a stipendiary magistrate”, insert instead “Local Court constituted by a Magistrate”.

(3) Section 6 (**Appointments**)—

Omit “Public Service Act 1902”, insert instead “Public Sector Management Act 1988”.

30 (4) Section 33 (**Proceedings for offences**)—

(a) Section 33 (1) (a)—

After “prosecuted by”, insert “an inspector or by”.

(b) Section 33 (1) (b)—

35 Omit “court of petty sessions”, insert instead “Local Court constituted by a Magistrate”.

SCHEDULE 5—AMENDMENT OF DANGEROUS GOODS ACT 1975
 No. 68—*continued*

(5) Section 39 (**Disposal of forfeited property**)—

Section 39 (2)—

Omit “Consolidated Revenue Fund”, insert instead “Consolidated Fund”.

5 (6) Section 41 (**Regulations**)—

Section 41 (2)—

Omit “Scaffolding and Lifts Act 1912”, insert instead “Construction Safety Act 1912”.

10 **SCHEDULE 6—AMENDMENT OF DISABILITY SERVICES AND
 GUARDIANSHIP ACT 1987 No. 257**

(Sec. 3)

(1) Section 33 (**Definitions**)—

Section 33 (1)—

Omit the definition of “dental treatment”, insert instead:

15 “dental treatment” includes—

- (a) any dental procedure, operation or examination; and
- (b) any treatment, procedure, operation or examination that is declared by the regulations to be dental treatment for the purposes of this Part;

20 (2) Section 49 (**Constitution of the Board**)—

Section 49 (3) (a)—

Omit the paragraph, insert instead:

- (a) at least 3 shall be persons of whom each shall be—
 - 25 (i) a barrister of not less than 5 years’ standing; or
 - (ii) a solicitor of not less than 7 years’ standing; or
 - 30 (iii) a barrister or solicitor of less than 5 years’ or 7 years’ standing, respectively, where, at all times during a continuous period of not less than 7 years, the person was on the roll of solicitors when not on the roll of barristers and on the roll of barristers when not on the roll of solicitors;

**SCHEDULE 7—AMENDMENT OF ELECTION FUNDING ACT 1981
No. 78**

(Sec. 3)

(1) Section 57 (**Determination of credits to funds**)—

5 Section 57 (1), (2)—

Omit “day of the issue of the writs” wherever occurring, insert instead “day that is 3 days after the date of issue of the writs”.

(2) Section 73 (**By-election Constituency Fund**)—

Section 73 (2), (3)—

10 Omit “day of the issue of the writ” wherever occurring, insert instead “day that is 3 days after the date of issue of the writ”.

**SCHEDULE 8—AMENDMENT OF EXHIBITED ANIMALS
PROTECTION ACT 1986 No. 123**

(Sec. 3)

15 Section 5 (**Definitions**)—

(1) Section 5 (1), definition of “premises”—

Omit “built upon or not”, insert instead “or not wholly or partly built upon or covered by water”.

(2) Section 5 (1), definition of “zoological park”—

20 Omit “displayed, or kept for display, for educational, cultural, scientific or recreational purposes”, insert instead “exhibited or displayed, or kept for display, for any prescribed purpose”.

**SCHEDULE 9—AMENDMENT OF FACTORIES, SHOPS AND
INDUSTRIES ACT 1962 No. 43**

25 (Sec. 3)

Section 145 (**Proceedings**)—

Section 145 (1) (a), (a1)—

Omit section 145 (1) (a), insert instead:

(a) an inspector; or

30 (a1) a person acting with the authority of the Minister; or

**SCHEDULE 10—AMENDMENT OF GEOGRAPHICAL NAMES ACT
1966 No. 13**

(Sec. 3)

Section 3 (Geographical Names Board)—

5 (1) Section 3 (2) (a)—

After “Surveyor-General”, insert “or, from time to time with the approval of the Surveyor-General, the person holding the office of Deputy Surveyor-General”.

(2) Section 3 (3), (3A)—

10 Omit section 3 (3), insert instead:

(3) The Surveyor-General shall be the chairman of the board.

(3A) The person referred to in subsection (2) (b) or his or her nominee shall be the deputy chairman of the board.

(3) Section 3 (12) (a)—

15 Omit “, being a member referred to in paragraph (b), (c) or (d) of subsection (2), has”, insert instead “has approved of another person acting, or”.

(4) Section 3 (12) (a)—

Omit “act” where lastly occurring, insert instead “act,”.

20 **SCHEDULE 11—AMENDMENT OF INDUSTRIAL ARBITRATION
ACT 1940 No. 2**

(Sec. 3)

(1) Section 5 (Definitions)—

(a) Section 5 (1)—

25 After the definition of “Repealed Acts”, insert:

“Secretary” means the Secretary of the Department of Industrial Relations and Employment.

(b) Section 5 (1), definition of “Under Secretary”—

Omit the definition.

30 (c) Section 5 (2) (b), definition of “Factory”—

Omit “section 3 of the Factories and Shops Act, 1912, as amended by subsequent Acts,”, insert instead “section 4 (1) of the Factories, Shops and Industries Act 1962,”.

(d) Section 5 (2) (b), definition of “Factory”—

35 Omit “, as so amended”.

**SCHEDULE 11—AMENDMENT OF INDUSTRIAL ARBITRATION
ACT 1940 No. 2—continued**

(e) Section 5 (2) (b), definition of “Occupier”—

Omit “section 3 of the Factories and Shops Act, 1912, as amended by subsequent Acts”, insert instead “section 4 (1) of the Factories, Shops and Industries Act 1962”.

5 (2) Section 92A (**Certain payments may be made by cheque**)—

Section 92A (6)—

Omit the subsection.

(3) Section 92AA—

After section 92A, insert:

10 **Certain payments may be made by electronic funds transfer etc.**

92AA. (1) An employer required to make to a person in money a payment specified in section 92 (1) may make the payment by paying the amount into an account in the name of the person (or in the name of the person jointly with some other
15 person) at a bank, permanent building society or credit union nominated by the person if—

(a) the employer could have made the payment by cheque under section 92A and the person consents to payment being made in that manner; or

20 (b) an industrial agreement, award or contract determination authorises the payment to be made in that manner; or

(c) the person has entered an agreement with the employer providing for payment to be made in that manner.

25 (2) The payment may be made by a transfer of funds (including an electronic transfer) or by other means.

(3) This section has effect despite anything in this or any other Act.

(4) Section 92B (**Recovery of remuneration under contract of bailment or carriage**)—

30 (a) Section 92B (10)—

Omit “section 5 of the Audit Act, 1902”, insert instead “section 4 of the Public Finance and Audit Act 1983”.

(b) Section 92B (10)—

35 Omit “Under Secretary, Department of Industrial Relations and Technology”, insert instead “Secretary”.

**SCHEDULE 11—AMENDMENT OF INDUSTRIAL ARBITRATION
ACT 1940 No. 2—*continued***

- (5) Section 107 (**Powers of trade unions with regard to its funds**)—
 (a) Section 107 (1) (b)—
 Omit “court of petty sessions”, insert instead “Local Court”.
 (b) Section 107 (2)—
 5 Omit “Trade Union Act, 1881–1936,”, insert instead “Trade
 Union Act 1881”.
 (6) Sections 122 and 129B (2) (d)—
 Omit “Consolidated Revenue Fund” wherever occurring, insert
 instead “Consolidated Fund”.
 10 (7) Schedule 2—
 Omit “The Metropolitan Water Sewerage and Drainage Board.”,
 insert instead “Water Board.”.
 (8) Schedule 3—
 Part 1—
 15 Omit “The Amalgamated Metal Workers’ and Shipwrights
 Union”, insert instead “The Amalgamated Metal Workers’
 Union”.
 (9) The whole Act (other than sections 5 (1) and 92B (10))—
 Omit “Under Secretary” wherever occurring, insert instead
 20 “Secretary”.

SCHEDULE 12—AMENDMENT OF JURY ACT 1977 No. 18

(Sec. 3)

- (1) Section 18 (**Sheriff may amend jury roll**)—
 Section 18 (2)—
 25 Omit the subsection.
 (2) Section 35 (**Period juror required to attend jury pool**)—
 Section 35 (1), (3)—
 Omit “judge” wherever occurring, insert instead “officer”.
 (3) Section 42—
 30 Omit the section, insert instead:
 Peremptory challenges in criminal proceedings
 42. (1) In any criminal proceedings—
 (a) each person prosecuted has 3 peremptory challenges
 without restriction; and

SCHEDULE 12—AMENDMENT OF JURY ACT 1977 No. 18—
continued

(b) the Crown has 3 peremptory challenges without restriction for each person prosecuted.

(2) Any number of peremptory challenges may be made if the Crown and all the persons prosecuted agree to the challenges.

5 (3) Any such agreed peremptory challenge may be made even though all the peremptory challenges without restriction of any person prosecuted or the Crown have not been exhausted.

(4) **Section 72 (Payment for jury service)—**

Section 72 (1A)—

10 After section 72 (1), insert:

(1A) Subsection (1) does not entitle a person excused from attendance at a court, coronial inquest or jury pool under section 38 (1) (a) to payment for attendance at the court, coronial inquest or jury pool.

15 **SCHEDULE 13—AMENDMENT OF MOTOR TRAFFIC ACT 1909**
No. 5

(Sec. 3)

(1) **Section 4A (Speed limits)—**

Section 4A (9)—

20 After section 4A (8), insert:

(9) In this section—

25 “ambulance vehicle” includes any motor vehicle used in the provision of ambulance services (as defined in the Ambulance Services Act 1976) and provided, conducted, operated or maintained by the Health Administration Corporation constituted by the Health Administration Act 1982.

(2) **Section 4C (Schemes to assist children to cross public streets with safety)—**

Section 4C (4)–(6)—

30 After “marked footcrossing” wherever occurring, insert “or children’s footcrossing”.

SCHEDULE 14—AMENDMENT OF NURSES REGISTRATION ACT
1953 No. 10

(Sec. 3)

35 Section 16B—

After section 16A, insert:

**SCHEDULE 14—AMENDMENT OF NURSES REGISTRATION ACT
1953 No. 10—continued**

When registration not required

16B. A person who—

- 5 (a) is registered as a nurse in any place in Australia other than New South Wales under a law providing for the registration of nurses; and
 - (b) is employed in that place as a nurse at a recognised hospital or other institution at which medical care or treatment is provided; and
 - 10 (c) is required, in connection with that employment, to exercise any prescribed function relating to medical care or treatment within New South Wales for a period not exceeding 24 hours,
- shall, during that period, be considered to be a registered nurse for the purposes of sections 23 (1), 25, 26 and 27.

**15 SCHEDULE 15—AMENDMENT OF OCCUPATIONAL HEALTH
AND SAFETY ACT 1983 No. 20**

(Sec. 3)

Section 48 (Authority to prosecute)—

- 20 (1) Section 48 (1)—
Renumber paragraph (b) as paragraph (c).
- (2) Section 48 (1) (b)—
After section 48 (1) (a), insert:
 - (b) an inspector appointed pursuant to the Factories, Shops and Industries Act 1962; or

**25 SCHEDULE 16—AMENDMENT OF PERIODIC DETENTION OF
PRISONERS ACT 1981 No. 18**

(Sec. 3)

- (1) Section 4 (**Definitions**)—
 - 30 (a) Section 4 (1), definition of “Commission”—
Omit the definition.
 - (b) Section 4 (1)—
After the definition of “detention period”, insert:
 - “Director-General” means the Director-General of Corrective Services;

SCHEDULE 16—AMENDMENT OF PERIODIC DETENTION OF PRISONERS ACT 1981 No. 18—*continued*

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

Omit “, a stipendiary magistrate and any justice or justices sitting in petty sessions”, insert instead “, Magistrate or a justice or justices sitting as a Local Court”.

5 (2) Section 5A (**Application of section 5 in relation to domestic violence offences and summary offences**)—

Section 5A (2)—

After “18 months and”, insert “the offence is an offence under the Summary Offences Act 1988 or”.

10 (3) Sections 9 (2), 10 (1), (3), (4), 11–14, 16, 17 (1), 19 (2) (c), (4), 21 (2) (b), (3)–(5), 22 (2), 23, 25 (1), 32 (3), (4), 33 (2) and 34 (1) (g)—

Omit “Commission” wherever occurring, insert instead “Director-General”.

(4) Section 10 (**Work etc.**)—

15 (a) Section 10 (1)—

Omit “his” wherever occurring, insert instead “the periodic detainee’s”.

(b) Section 10 (4)—

20 Omit “it” where firstly occurring, insert instead “the Director-General”.

(5) Section 21 (**Reduction of remission for time spent on leave of absence etc.**)—

Section 21 (3) and (4)—

25 Omit “it” wherever occurring, insert instead “the Director-General”.

(6) Section 22 (**Directions**)—

Section 22 (1)—

Omit “full-time members of the Commission”, insert instead “Director-General”.

30 (7) Section 33 (**Offences**)—

Section 33 (1)—

Omit “\$1,000”, insert instead “10 penalty units”.

(8) Section 34 (**Regulations**)—

Section 34 (1A)—

35 Omit “\$500”, insert instead “5 penalty units”.

SCHEDULE 16—AMENDMENT OF PERIODIC DETENTION OF PRISONERS ACT 1981 No. 18—*continued*

(9) Schedule 2 (Savings and transitional provisions)—

Clause 5—

Omit “Commission”, insert instead “Director-General”.

SCHEDULE 17—AMENDMENT OF POISONS ACT 1966 No. 31

5 (Sec. 3)

Section 43B (Powers of detention and search)—

Section 43B (3), (4)—

Omit “prohibited substance” wherever occurring, insert instead “prescribed restricted substance”.

10 **SCHEDULE 18—AMENDMENT OF PRISONS ACT 1952 No. 9**

(Sec. 3)

(1) Section 4 (Definitions)—

Section 4 (1), definition of “convicted prisoner”—

15 From paragraph (a), omit “kept in strict custody pursuant to section 23 (3) of the Mental Health Act 1958”, insert instead “detained in strict custody pursuant to section 428P (5) or 428ZB of the Crimes Act 1900”.

(2) Sections 9 (2) and 30—

20 Omit “Public Service Act 1979” wherever occurring, insert instead “Public Sector Management Act 1988”.

(3) Section 18 (Private property)—

Section 18 (1A)—

After section 18 (1), insert:

25 (1A) At any time before a prisoner is released from prison, the governor may, in accordance with the regulations, permit the prisoner to have possession of any property of the prisoner retained by the governor under this section.

(4) Section 25 (Governor of prison may impose penalties for certain prison offences)—

30 Section 25 (2) (c)—

Omit “the prisoner’s”, insert instead “a”.

(5) Section 26B (Imposition of penalty by Visiting Justice)—

Section 26B (1) (c)—

SCHEDULE 18—AMENDMENT OF PRISONS ACT 1952 No. 9—
continued

Omit “the prisoner’s”, insert instead “a”.

(6) **Section 26i (Offence for making false etc. statements)—**

Omit “\$500”, insert instead “5 penalty units”.

(7) **Section 36 (Harbouring escapee)—**

5 Omit “\$5,000”, insert instead “50 penalty units”.

(8) **Sections 37 (1), 38 (1) and 50 (2)—**

Omit “\$1,000” wherever occurring, insert instead “10 penalty units”.

10 (9) **Section 61 (Special provisions relating to certain recommendations of the Board)—**

Section 61 (2) (b) (ii)—

Omit “Stipendiary”.

(10) **Schedule 3 (Provisions relating to the Director-General and Deputy Directors-General)—**

15 Clause 8—

Omit “Public Service Act 1979”, insert instead “Public Sector Management Act 1988 (other than Part 8)”.

SCHEDULE 19—AMENDMENT OF PUBLIC FINANCE AND AUDIT ACT 1983 No. 152

20 (Sec. 3)

Schedule 2 (Statutory bodies)—

Omit “West Scholarships Trustees.”.

SCHEDULE 20—AMENDMENT OF PUBLIC RESERVES MANAGEMENT FUND ACT 1987 No. 179

25 (Sec. 3)

(1) **Section 5 (Payments into Public Reserves Management Fund)—**

Section 5 (b)—

30 After “public reserves”, insert “and for insurance in respect of damage to property, death or bodily injury for which trustees of public reserves could become liable”.

(2) **Section 6 (Payments out of Public Reserves Management Fund)—**

Section 6 (1) (c)—

After “public reserves”, insert “and for insurance in respect of damage to property, death or bodily injury for which trustees of public reserves could become liable”.

5 Section 7 (1)—

After "public reserves", insert "and for insurance in respect of damage to property, death or bodily injury for which the trustees could become liable".

10 (Sec. 3)

Section 13 (a)—

Omit "twelve", insert instead "15".

15 **No. 34** (Sec. 3)

Section 9 (3A)—

After section 9 (3), insert:

20 (3A) If stock are on land which forms part of a holding (as defined in the Pastures Protection Act 1934) and the holding is situated in 2 or more pastures protection districts the land shall, for the purposes of subsection (3), be taken to be—

25 (a) in the district in which the greater part of the holding lies;
or

(b) if the holding lies equally in each of the districts, in the district in which the main residence of the occupier of the holding is situated.

30 No. 68 (Sec. 3)

(a) Section 39 (1)—

Omit "user", insert instead "the use".

SCHEDULE 23—AMENDMENT OF STRATA TITLES ACT 1973 No. 68—continued

(b) Section 39 (2)—

Omit “user”, insert instead “use”.

(2) Section 44 (**Recording of condition restricting use imposed by local council**)—

5 Section 44 (1)—

Omit “user”, insert instead “use”.

(3) Section 70 (**Supply of certificates and information by body corporate**)—

Section 70 (1)—

10 Omit “proprietor or mortgagee” wherever occurring, insert instead “proprietor, mortgagee or covenant chargee”.

(4) Section 126 (**Enforcement of restriction on use of utility lot**)—

Omit “user” wherever occurring, insert instead “use”.

SCHEDULE 24—AMENDMENT OF STRATA TITLES (LEASEHOLD) ACT 1986 No. 219

15 (Sec. 3)

Section 100 (**Supply of certificates and information by body corporate (1973 Act, s. 70)**)—

Section 100 (1)—

20 Omit “of a lease of that lot or by a person authorised in writing by such a lessee or mortgagee”, insert instead “or covenant chargee of a lease of that lot, or by a person authorised in writing by such a lessee, mortgagee or covenant chargee”.

SCHEDULE 25—AMENDMENT OF TRUSTEE ACT 1925 No. 14

(Sec. 3)

25 Section 14E (**Advisory committee**)—

(1) Section 14E (2) (a)—

After “Trustee;”, insert “and”.

(2) Section 14E (2) (c), (d)—

At the end of section 14E (2) (c), insert:

30 ; and

(d) 2 persons appointed by the Attorney General who, in the opinion of the Attorney General, have experience relevant to the function of the Committee.

SCHEDULE 25—AMENDMENT OF TRUSTEE ACT 1925 No. 14—
continued

(3) Section 14E (6)—

After section 14E (5), insert:

(6) The Committee may seek the advice of such persons as it sees fit on matters related to the function of the Committee.

5 **SCHEDULE 26—AMENDMENT OF UNIVERSITY OF
TECHNOLOGY, SYDNEY ACT 1987 No. 283**

(Sec. 3)

Section 11 (**Constitution of Council**)—

Section 11 (4) (c)—

10 Omit the paragraph, insert instead:

(c) the person for the time being holding the office of—

(i) presiding member of the Academic Board, if that person is not the Vice-Chancellor; or

15 (ii) deputy presiding member of the Academic Board, if the presiding member is the Vice-Chancellor.

**SCHEDULE 27—AMENDMENT OF WEST SCHOLARSHIPS ACT
1930 No. 19**

(Sec. 3)

Section 12—

20 Omit the section, insert instead:

Audit of accounts

12. (1) The West Scholarships Trustees shall cause to be kept proper accounts and records in relation to the Fund and the administration of the West Scholarship Scheme.

25 (2) The accounts and records of financial transactions of, or relating to, the Fund and the administration of the West Scholarship Scheme, and the records of, or relating to, assets of or in the custody of the West Scholarships Trustees, may, if a registered company auditor (within the meaning of the Companies (New South Wales) Code) is appointed by the Minister for the purpose, be inspected and audited by the auditor.

30 (3) The auditor shall report to the Minister as to the result of any such inspection and audit and as to such irregularities or other matters as in the judgment of the auditor call for special notice.

**SCHEDULE 27—AMENDMENT OF WEST SCHOLARSHIPS ACT
1930 No. 19—continued**

(4) The West Scholarships Trustees shall pay the costs and expenses of any such inspection and audit.

**SCHEDULE 28—AMENDMENTS RELATING TO RECEIPT OF
WATER RATES AND CHARGES**

5 (Sec. 3)

Hay Irrigation Act 1902 No. 57—

(1) Section 20 (**Commission may contract to supply water for a term of years**)—

Section 20 (4)—

10 Omit the subsection.

(2) Section 27 (**Power to fix rates**)—

(a) Section 27 (5)—

15 Omit “rates, rents, and moneys due under this Act for water supplied or otherwise”, insert instead “rents and money due under this Act other than rates and charges for water supply”.

(b) Section 27 (8)—

After section 27 (7), insert:

(8) Rates and charges for water supplied and land irrigated under this Act shall be paid to the Ministerial Corporation.

20 Irrigation Act 1912 No. 73—

Section 15 (**Rate or charge for water**)—

Section 15 (1)—

Omit “bank”, insert instead “Ministerial Corporation”.

State Bank Act 1981 No. 89—

25 Section 41 (**Monthly transfers to agencies**)—

Section 41 (1), definition of “revenue moneys”—

Omit “rentals, interest, water rates and charges”, insert instead “rentals and interest”.

Water Act 1912 No. 44—

30 (1) Section 130, definition of “Bank”—

Omit the definition.

**SCHEDULE 28—AMENDMENTS RELATING TO RECEIPT OF
WATER RATES AND CHARGES—*continued***

- (2) Section 139 (**Assessment of rates and charges**)—
 Section 139 (4)—
 Omit “bank”, insert instead “Ministerial Corporation”.
- 5 (3) Section 143 (**Liability for rates and charges for water**)—
 Section 143 (1), (3)–(5)—
 Omit “bank” wherever occurring, insert instead “Ministerial Corporation”.
- (4) Section 150, definition of “Bank”—
 Omit the definition.
- 10 (5) Sections 157 (6), 159 (4), (5) and 161 (1)—
 Omit “Bank” wherever occurring, insert instead “Ministerial Corporation”.
- (6) Section 163A (**Provisions relating to the Bank**)—
 Omit the section.
- 15 **Water Administration Act 1986 No. 195—**
 Section 20 (**Recovery of charges etc. by the Ministerial Corporation**)—
 (a) Section 20—
 After “Corporation” where firstly occurring, insert “under this or any other Act”.
- 20 (b) Section 20 (2)—
 At the end of section 20, insert:
 (2) A certificate of the Minister stating that a specified amount of money is payable to the Ministerial Corporation for water rates and charges by a named person is, in any proceedings, evidence of the matter stated.
- 25
- Wentworth Irrigation Act 1890 (54 Vic. No. 7)—**
- (1) Section 23 (**Ministerial Corporation may contract to supply water for a term of years**)—
 Omit “bank”, insert instead “Ministerial Corporation”.
- 30 (2) Section 31 (**Power to fix charges for water**)—
 Omit “bank” wherever occurring, insert instead “Ministerial Corporation”.

*Statute Law (Miscellaneous Provisions) (No. 3) 1988***SCHEDULE 29—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION**

(Sec. 3)

Adoption of Children Act 1965 No. 23—5 **Section 18 (Who may be adopted)—**

Section 18 (1) (b) (ii)—

Omit “or with the applicant”, insert instead “or of the applicant”.

Commercial Agents and Private Inquiry Agents Act 1963 No. 4—Section 44 (**Regulations**)—

10 Section 44 (4)—

Omit the subsection.

Community Service Orders Act 1979 No. 192—(1) **Section 3 (Definitions)—**

(a) Section 3 (1), definition of “assigned officer”—

15 Omit “Commission”, insert instead “Director-General”.

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

Omit the definition.

(c) Section 3 (1)—

After the definition of “conviction”, insert:

20 “Director-General” means the Director-General of Corrective Services;

(2) **Sections 8, 18 (1) (a), 22 (1), 25 (1) (b), 26 (2) (b)—**

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

(3) **Sections 12 (2) (b), 13, 26E, 26F and 27 (1) (a) (iii)—**

25 Omit “Commission” wherever occurring, insert instead “Director-General”.

(4) **Section 25 (Conviction for breach—how dealt with)—**

Section 25 (1) (a), (4) (a)—

Omit “\$250” wherever occurring, insert instead “2.5 penalty units”.

(5) **Section 26F (Assignment of officer by the Director-General)—**

30 Omit “it”, insert instead “Director-General”.

Conveyancing Act 1919 No. 6—Section 66O (**Contracting out**)—

Section 66O (1), definition of “dwelling-house”—

After “1973”, insert “or the Strata Titles (Leasehold) Act 1986”.

35 **Credit Act 1984 No. 94—**Section 172 (**Penalty units**)—

Omit the section.

Statute Law (Miscellaneous Provisions) (No. 3) 1988

SCHEDULE 29—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION—*continued*

Credit (Administration) Act 1984 No. 95—

Section 46 (**Penalty units**)—

Omit the section.

Credit (Finance Brokers) Act 1984 No. 96—

5 Section 13 (**Penalty units**)—

Omit the section.

Credit (Home Finance Contracts) Act 1984 No. 97—

Section 9 (**Penalty units**)—

Omit the section.

10 **Government and Related Employees Appeal Tribunal Act 1980 No. 39—**

Schedule 1 (**Provisions relating to the Offices of Senior Chairperson and Chairperson**)—

Clause 10 (2)—

Omit “him” wherever occurring, insert instead “the person”.

Habitual Criminals Act 1957 No. 19—

15 (1) Section 2 (**Repeal and savings**)—

Section 2 (2) (d)—

Omit “, as deemed to be amended by paragraph (c), in respect of proceedings referred to in the said paragraph (c)”.

(2) Section 3 (**Definitions**)—

20 Section 3 (1), definition of “Judge”—

Omit “Chairman of Quarter Sessions”, insert instead “the District Court”.

(3) Section 4 (**Judge may pronounce convicted person an habitual criminal**)—

Section 4 (2)—

Omit “stipendiary magistrate” wherever occurring, insert instead “Magistrate”.

25 (4) Section 5 (**Proof of previous conviction and imprisonment**)—

(a) Section 5 (2) (a) (i)—

Omit “any full-time member of the Corrective Services Commission of New South Wales”, insert instead “the Director-General of Corrective Services”.

(b) Section 5 (2) (b) (i)—

30 Omit “Comptroller-General of Prisons”, insert instead “Director-General of Corrective Services”.

(5) Section 7 (**Governor may direct habitual criminal’s release**)—

Section 7 (1)—

35 Omit “, as deemed to be amended by paragraph (c) of subsection (2) of section 2, in respect of proceedings referred to in the said paragraph (c),”.

*Statute Law (Miscellaneous Provisions) (No. 3) 1988*SCHEDULE 29—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION—*continued*(6) Section 8 (**Conditions under which offender may be arrested**)—

(a) Section 8 (2) (a)–(c), (4) (a) (i)—

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

(b) Section 8 (2), (4) (b)—

Omit “stipendiary magistrate or justices” wherever occurring, insert instead “Magistrate or justices”.

(c) Section 8 (2)—

Omit “at such Court of Quarter Sessions”, insert instead “the District Court”.

(d) Section 8 (6)—

Omit “court of petty sessions”, insert instead “Local Court”.

(7) Section 10 (**When person ceases to be an habitual criminal**)—

Omit “at a Court of Quarter Sessions”, insert instead “the District Court”.

15 **Land Sales Act 1964 No. 12—**(1) Section 1A (**Division of Act**)—

Omit the section.

(2) Section 26 (**Proceedings for offences**)—

(a) Omit “court of petty sessions”, insert instead “Local Court”.

(b) Omit “stipendiary magistrate”, insert instead “Magistrate”.

Law Reform (Miscellaneous Provisions) Act 1944 No. 28—(1) Section 1 (**Short title**)—

Section 1 (2)—

Omit the subsection.

25 (2) Section 2 (**Effect of death on certain causes of action**)—

Section 2 (5)—

Omit “Compensation to Relatives Act of 1897”, insert instead “Compensation to Relatives Act 1897”.

Mental Health (Disability Services and Guardianship) Amendment Act 1987 No. 260—30 (1) Section 2 (**Commencement**)—

Section 2 (2A)—

After section 2 (2), insert:

(2A) The provisions of Schedule 1 (1A), and section 3 in its application to those provisions, shall commence on—

(a) the commencement of Part 3 of the Disability Services and Guardianship Act 1987; or

*Statute Law (Miscellaneous Provisions) (No. 3) 1988*SCHEDULE 29—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION—*continued*

(b) the commencement of Part 4 of the Mental Health Act 1983,
whichever is the later.

(2) Schedule 1 (**Amendments**)—

(a) Schedule 1 (1)—

5 Omit the item, insert instead:

(1) Section 4 (**Definitions**)—

Section 4 (1), definition of “intellectually handicapped person under
guardianship”—

Omit the definition.

10 (b) Schedule 1 (1A)—

After Schedule 1 (1), insert:

(1A) Section 64 (**Admission upon own request**)—

Section 64 (1) (b)—

15 Omit “an intellectually handicapped person under guardianship”,
insert instead “a person under guardianship within the meaning of
Part 3 of the Disability Services and Guardianship Act 1987”.

Parliamentary Contributory Superannuation Act 1971 No. 53—(1) Section 11 (**Payments by Treasurer into the Fund**)—

Section 11 (3)—

20 Omit “Consolidated Revenue Fund”, insert instead “Consolidated Fund”.

(2) Section 14 (**Trustees of the Fund**)—

(a) Section 14 (1) (c) and (5)—

Omit “Secretary and Comptroller of Accounts, the Treasury” wherever
occurring, insert instead “Secretary of the Treasury”.

25 (b) Section 14 (2)—

Omit “Secretary and Comptroller of Accounts, the Treasury,” insert instead
“Secretary of the Treasury”.

(c) Section 14 (3)—

30 Omit “Secretary and Comptroller of Accounts, the Treasury,” where firstly and
secondly occurring, insert instead “Secretary of the Treasury”.

(d) Section 14 (3)—

Omit “Secretary and Comptroller of Accounts, the Treasury” where lastly
occurring, insert instead “Secretary of the Treasury”.

(3) Section 17 (**Appointment of person to act in absence of Secretary of the Treasury**)—

35 (a) Section 17—

Omit “Secretary and Comptroller of Accounts, the Treasury,” where firstly
occurring, insert instead “Secretary of the Treasury”.

(b) Section 17—

40 Omit “Secretary and Comptroller of Accounts, the Treasury” where secondly
occurring, insert instead “Secretary of the Treasury”.

Statute Law (Miscellaneous Provisions) (No. 3) 1988

SCHEDULE 29—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION—*continued*

Plumbers, Gasfitters and Drainers Act 1979 No. 44—

Section 38 (**Inquiries—how held**)—

Section 38 (4A)—

Omit “Board” wherever occurring, insert instead “Corporation”.

5 Probation and Parole Act 1983 No. 194—

(1) Section 4 (**Definitions**)—

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

Omit the definition.

(b) Section 4 (1)—

10 After the definition of “court”, insert:

“Director-General” means the Director-General of Corrective Services;

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

Omit paragraph (e), insert instead:

15 (e) detention in strict custody pursuant to section 428P (5) or 428ZB of the Crimes Act 1900.

(2) Sections 8 (1A) and 47 (1) and (2)—

Omit “Commission” wherever occurring, insert instead “Director-General”.

(3) Section 18 (**Secretary to the Board**)—

20 Omit “Public Service Act 1979”, insert instead “Public Sector Management Act 1988”.

(4) Section 44 (**Disclosure of information**)—

Section 44 (1)—

Omit “\$500”, insert instead “5 penalty units”.

(5) Section 46 (**Reports to the Minister**)—

25 Section 46 (2) (b)—

Omit “keeping in strict custody in a prison of a person under section 23 (3) of the Mental Health Act 1958”, insert instead “detention in strict custody in a prison of a person under section 428P (5) or 428ZB of the Crimes Act 1900”.

(6) Section 47 (**Information concerning prisoners and parolees**)—

30 (a) Section 47 (1) (d)—

Omit the paragraph, insert instead:

(d) who is being detained in strict custody in the prison under section 428P (5) or 428ZB of the Crimes Act 1900,

(b) Section 47 (3)—

35 After “Director-General”, insert “of the Department of Family and Community Services”.

*Statute Law (Miscellaneous Provisions) (No. 3) 1988***SCHEDULE 29—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION—continued**

(c) Section 47 (6)—

Omit the subsection, insert instead:

- 5 (6) In this section, a reference to the Director-General, in relation to a prisoner or person referred to in subsection (3), is a reference to the Director-General of the Department of Family and Community Services.

(7) Schedule 1 (**Provisions relating to the members of the Board, Divisions of the Board and procedure**)—

(a) Clause 8 (1)—

- 10 Omit “Public Service Act 1979”, insert instead “Public Sector Management Act 1988 (other than Part 8)”.

(b) Clause 18 (2)—

Omit “\$500”, insert instead “5 penalty units”.

Soil Conservation Act 1938 No. 10—Section 4C (**Powers, authorities, duties and functions of Commissioner**)—

- 15 Section 4C (o)—

Omit “and” where secondly occurring.

State Public Service Superannuation Act 1985 No. 45—Section 2 (**Commencement**)—

- 20 Section 2 (2)—

Omit the subsection.

University of New South Wales Act 1968 No. 37—Section 8 (**The Council**)—

- Section 8 (4) (c)—

- 25 Omit “Chairman of the Professorial Board”, insert instead “President of the Academic Board”.

SCHEDULE 30—REPEALS

(Sec. 4)

- Nurses Education Board Act 1973 No. 29
 Legal Services Commission (Amendment) Act 1983 No. 46
 30 Police Regulation (Allegations of Misconduct) Amendment Act 1984 No. 81
 Suitors' Fund (Land and Environment Court) Amendment Act 1985 No. 64
 Marketing of Primary Products (Amendment) Act 1985 No. 82
 Legal Services Commission (Amendment) Act 1985 No. 86
 Petroleum (Submerged Lands) Amendment Act 1985 No. 129
 35 Police Regulation (Allegations of Misconduct) Amendment Act 1985 No. 212
 Mining (Amendment) Act 1986 No. 14
 Coal Mining (Amendment) Act 1986 No. 15
 Petroleum (Submerged Lands) Amendment Act 1986 No. 59
 Landlord and Tenant (Amendment) Act 1986 No. 61
 40 Public Authorities Superannuation (Amendment) Act 1986 No. 74
 Stock Foods and Medicines (Amendment) Act 1986 No. 122

*Statute Law (Miscellaneous Provisions) (No. 3) 1988***SCHEDULE 30—REPEALS—*continued***

- Historic Houses (Amendment) Act 1986 No. 126
- Legal Aid Commission (Amendment) Act 1987 No. 9
- Compensation Court (Amendment) Act 1987 No. 72
- Justices (Prevention of Cruelty to Animals) Amendment Act 1987 No. 161
- 5 Public Authorities Superannuation (Amendment) Act 1987 No. 218
- Police Regulation (Special Benefits) Amendment Act 1987 No. 221
- Suitors' Fund (Amendment) Act 1987 No. 249
- Justices (Penalty Defaults) Amendment Act 1987 No. 253

SCHEDULE 31—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

- 10 (Sec. 5)

Effect of amendment of amending provisions

1. An amendment made by Schedule 29 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 taken 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 repealed.

Regulations made under Criminal Procedure Act 1986

3. A regulation made under section 9 of the Criminal Procedure Act 1986 and in
 25 force immediately before the commencement of Schedule 4 shall, on that commencement, be taken to have been made under section 9 of that Act, as amended by this Act.

Water rates and charges unpaid at commencement of Schedule 28

4. (1) Any water rates and charges due and payable under a provision of a Water
 30 Act amended by Schedule 28 and which are unpaid at the commencement of that Schedule shall, on that commencement, be payable to the Ministerial Corporation as if the amendment to the provision had been in force when the liability to make the payment was incurred.

(2) In this clause—

- 35 “Ministerial Corporation” means the Water Administration Ministerial Corporation constituted by the Water Administration Act 1986;

“Water Act” means the Hay Irrigation Act 1902, Irrigation Act 1912, Water Act 1912 and Wentworth Irrigation Act 1890.

Statute Law (Miscellaneous Provisions) (No. 3) 1988

SCHEDULE 31—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—
continued

Validation of certain decisions of the Blue Mountains Area Health Board relating to The Queen Victoria Memorial Hospital

- 5 5. Any act, matter or thing done after 1 October 1986 by the Blue Mountains Area Health Service that would have been validly done if The Queen Victoria Memorial Hospital at Wentworth Falls had been transferred to that area health service on that date is validated.

Regulations

6. (1) The Governor may make regulations containing other provisions of a savings or transitional nature consequent on the enactment of this Act.
- 10 (2) Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—
- 15 (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication; or
- (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.

20

NOTE**Alphabetical list of Acts repealed by Schedule 30**

- Coal Mining (Amendment) Act 1986 No. 15
Compensation Court (Amendment) Act 1987 No. 72
Historic Houses (Amendment) Act 1986 No. 126
- 25 Justices (Penalty Defaults) Amendment Act 1987 No. 253
Justices (Prevention of Cruelty to Animals) Amendment Act 1987 No. 161
Landlord and Tenant (Amendment) Act 1986 No. 61
Legal Aid Commission (Amendment) Act 1987 No. 9
Legal Services Commission (Amendment) Act 1983 No. 46
- 30 Legal Services Commission (Amendment) Act 1985 No. 86
Marketing of Primary Products (Amendment) Act 1985 No. 82
Mining (Amendment) Act 1986 No. 14
Nurses Education Board Act 1973 No. 29
Petroleum (Submerged Lands) Amendment Act 1985 No. 129
- 35 Petroleum (Submerged Lands) Amendment Act 1986 No. 59
Police Regulation (Allegations of Misconduct) Amendment Act 1984 No. 81
Police Regulation (Allegations of Misconduct) Amendment Act 1985 No. 212
Police Regulation (Special Benefits) Amendment Act 1987 No. 221
Public Authorities Superannuation (Amendment) Act 1986 No. 74
- 40 Public Authorities Superannuation (Amendment) Act 1987 No. 218
Stock Foods and Medicines (Amendment) Act 1986 No. 122
Suitors' Fund (Amendment) Act 1987 No. 249
Suitors' Fund (Land and Environment Court) Amendment Act 1985 No. 64

**STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL
(No. 3) 1988**

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 1–28); and
- (b) to amend certain other Acts for the purpose of effecting statute law revision (Schedule 29); and
- (c) to repeal certain Acts containing only—
 - (i) amendments to other Acts that have been incorporated in a reprint under the Reprints Act 1972; or
 - (ii) spent or unnecessary provisions of a saving or transitional nature; or
 - (iii) validation provisions, (Schedule 30); and
- (d) to repeal the Nurses Education Board Act 1973 (Schedule 30); and
- (e) to make other provisions of a minor, consequential or ancillary nature (Schedule 31).

Schedule 1 amends section 23A (escorted absences) of the Children (Detention Centres) Act 1987 so that regulations may be made concerning orders of the Director-General of the Department of Family and Community Services authorising the absence of detainees from detention centres.

Schedule 2 substitutes section 17 (removal from register) of the Chiropractic Act 1978 to give the Chiropractors Registration Board a discretion as to the removal of the name of a chiropractor or osteopath from the Register of Chiropractors and Osteopaths of New South Wales at the request of the chiropractor or osteopath. The Board is unable to investigate complaints against persons unless they are registered as chiropractors and osteopaths and the present mandatory requirement to remove a name on request can be used to avoid investigation by the Board. The amendment will give the Board a similar discretion to that conferred on the New South Wales Medical Board under section 22 (4) of the Medical Practitioners Act 1938.

Statute Law (Miscellaneous Provisions) (No. 3) 1988

Schedule 3 amends the Construction Safety Act 1912 so that proceedings for the recovery of penalties under the Act or regulations may be instituted only by an inspector or other person authorised by the Minister. At present proceedings may be instituted only by the Minister.

Schedule 4 substitutes section 9 of the Criminal Procedure Act 1986 so as to reduce the class of matters required to be listed for mention after the elapsing of the period prescribed under that section following committal for trial. At present under section 9 (a) of the Act a matter must be listed if the period has passed and the matter has not been brought before the Supreme Court or District Court. Proposed section 9 (a) will provide that the Criminal Listing Director need only list a matter if a notice of readiness in respect of the proceedings, accompanied by a draft indictment, has not been forwarded to the Director within the period.

Schedule 5 amends section 33 (proceedings for offences) of the Dangerous Goods Act 1975 to extend the class of persons who may institute proceedings for offences under the Act or regulations to include inspectors (Schedule 5 (4) (a)).

The Schedule also makes various amendments to the Act by way of statute law revision (for example, amendments consequent on the enactment of the Local Courts Act 1982 (Schedule 5 (2) and (4) (b)) and the Public Sector Management Act 1988 (Schedule 5 (3)) and on a change in the title of an Act (Schedule 5 (6))).

Schedule 6 amends the Disability Services and Guardianship Act 1987—

- (a) to expand the definition of “dental treatment” in section 33 of the Act so that it will include a dental procedure, operation or examination and so parallel the definition of “medical treatment” in that section (Schedule 6 (1)); and
- (b) so that a person who has transferred between the roll of barristers and the roll of solicitors, but has been on one or other of those rolls for a continuous period of 7 years, may be a member of the Guardianship Board under section 49 (constitution of the Board) of the Act (Schedule 6 (2)).

Schedule 7 amends sections 57 (determination of credits to funds) and 73 (By-election Constituency Fund) of the Election Funding Act 1981 so that the description of the date of the close of the rolls used in those sections will accord with that now used in section 35 of the Parliamentary Electorates and Elections Act 1912 (namely, the day that is 3 days after the date of issue of the writs). As the amounts to be credited to the Central Fund and Constituency Fund for a general election or by-election are calculated by reference to the number of electors enrolled for electoral districts at the close of the rolls the Acts should be consistent in this respect.

Schedule 8 amends the Exhibited Animals Protection Act 1986—

- (a) to ensure that the provisions of the Act apply to the exhibition of animals in enclosed areas of water (for example, a netted enclosure for seals in a bay) (Schedule 8 (1)); and
- (b) to ensure that the definition of “zoological park” in section 5 of the Act will include a zoological garden, aquarium or similar institution used for any purposes included in the definition of “exhibit” in that section (Schedule 8 (2)).

Schedule 9 amends the Factories, Shops and Industries Act 1962 so that inspectors may institute proceedings for offences under the Act or regulations without needing the authority of the Minister and so as to extend the class of persons who may institute such proceedings to include any other person acting with the authority of the Minister.

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Schedule 10 amends section 3 (Geographical Names Board) of the Geographical Names Act 1966 to enable the Deputy Surveyor-General to represent the Surveyor-General (who is a member of the Board by virtue of holding office as Surveyor-General) as a member of the Board when the Surveyor-General is unable to attend a meeting of the Board. At present section 3 enables a person to act as a member in the place of the Surveyor-General only if the person is at that time acting in the office of the Surveyor-General. The proposed amendment will enable a person to act as a member at short notice when the Surveyor-General is unable to attend a meeting in circumstances that do not necessitate that a person act in the office of Surveyor-General.

Schedule 11 amends the Industrial Arbitration Act 1940 so that payments required to be made in money under section 92 (recovery of wages etc.) of the Act may be made by payment into an account at a bank, permanent building society or credit union by electronic funds transfer or other means (Schedule 11 (2) and (3)).

The Schedule also makes a number of amendments by way of statute law revision. These include amendments to update references to the Under Secretary of the Department of Industrial Relations and Technology (now the Secretary of the Department of Industrial Relations and Employment), certain repealed Acts and the Amalgamated Metal Workers' and Shipwrights' Union (now the Amalgamated Metal Workers' Union) (Schedule 11 (1) and (4)–(9)).

Schedule 12 amends the Jury Act 1977—

- (a) to omit the requirement that the sheriff amend all certified copies of a jury roll for a district on each occasion the jury roll is amended (Schedule 12 (1)); and
- (b) to enable the pool officer (that is, the person appointed by the sheriff in charge of a jury pool) instead of the pool judge to determine the period of attendance of persons summoned to attend a jury pool and to discharge from attending a jury pool persons who have been summoned, but are not required (Schedule 12 (2)); and
- (c) so that peremptory challenges to jurors available to an accused person and the prosecution if both the prosecution and the defence agree to the challenge will be allowed even though all the peremptory challenges without restriction of any person prosecuted or the Crown have not been exhausted (Schedule 12 (3)); and
- (d) to make it clear that a juror is not entitled to be paid for attendance at a court, coronial inquest or jury pool if excused from jury service prior to the time specified in the jury summons for such attendance (Schedule 12 (4)).

Schedule 13 amends the Motor Traffic Act 1909—

- (a) so that the drivers of certain motor vehicles (for example, rescue vehicles) involved in the provision of emergency assistance to sick and injured persons will be exempt (in the same way as ambulance drivers are exempt) from compliance with speed limits (Schedule 13 (1)); and
- (b) to enable regulations to be made concerning the supervision of children crossing streets at children's footcrossings (Schedule 13 (2)).

Schedule 14 amends the Nurses Registration Act 1953 so that a nurse from another State or a Territory may, in certain circumstances, practise as a nurse in New South Wales without being registered as a nurse under the Act. The amendment will ensure that such nurses will not be in breach of the Act if, for example, assisting in donor operations or acting as escort nurses for a period not exceeding 24 hours.

Schedule 15 amends the Occupational Health and Safety Act 1983 so that inspectors appointed under the Factories, Shops and Industries Act 1962 may institute proceedings for an offence against the Occupational Health and Safety Act 1983 or the regulations made under it.

Statute Law (Miscellaneous Provisions) (No. 3) 1988

Schedule 16 amends section 5A of the Periodic Detention of Prisoners Act 1981 so that a court may order that a term of imprisonment of less than 3 months that is imposed for an offence under the Summary Offences Act 1988 can be served by way of periodic detention. At present, a court may only make such an order in respect of a term of imprisonment of less than 3 months if it relates to a conviction for a domestic violence offence. The amendment will facilitate the application of section 80AB (restriction on imposing sentences of imprisonment) of the Justices Act 1902 (Schedule 16 (2)).

The Schedule also makes various amendments to the Act by way of statute law revision which are consequential on certain amendments (made by the Prisons (Amendment) Act 1988) relating to the corrective services administration (Schedule 16 (1) (a) and (b), (3)–(6) and (9)) and the enactment of the Local Courts Act 1982 (Schedule 16 (1) (c)) and section 56 (penalty units) of the Interpretation Act 1987 (Schedule 16 (7) and (8)).

Schedule 17 amends section 43B (powers of detention and search) of the Poisons Act 1966 to substitute for certain references to “prohibited substances” references to “prescribed restricted substances”. The definition of “prohibited substance” was omitted from the section by the Miscellaneous Acts (Drug Misuse and Trafficking) Amendment Act 1985 and replaced with a definition of “prescribed restricted substance”. The proposed Schedule will effect consequential amendments to the references to “prohibited substance”.

Schedule 18 amends the Prisons Act 1952—

- (a) to make it clear that under section 18 (private property) of the Act the governor of a prison may release property of a prisoner retained by the governor into the possession of the prisoner while the prisoner is in prison (Schedule 18 (3)); and
- (b) to amend sections 25 (Governor of prison may impose penalties for certain prison offences) and 26B (Imposition of penalty by Visiting Justice) to make it clear that Governors or Visiting Justices, respectively, may impose penalties of confinement to any cell not just to a prisoner's own cell (Schedule 18 (4) and (5)).

The Schedule also makes various amendments to the Act by way of statute law revision which are consequent on the enactment of the Mental Health Act 1983 (Schedule 18 (1)), the Public Sector Management Act 1988 (Schedule 18 (2) and (10)), section 56 (penalty units) of the Interpretation Act 1987 (Schedule 18 (6)–(8)) and the Local Courts Act 1982 (Schedule 18 (9)).

Schedule 19 amends Schedule 2 (statutory bodies) of the Public Finance and Audit Act 1983 to omit the West Scholarships Trustees from the Schedule. The amendment will exclude the accounts and records of financial transactions of or relating to the Fund under the West Scholarships Act 1930 and the administration of the West Scholarship Scheme from the requirements of section 43 (inspection and audit of accounts of statutory bodies) of the Act (though it will not prevent the accounts from being subject to particular audit under section 45 of the Act if Division 4 of Part 3 is ever applied to the trustees). It also has the effect of excluding the trustees from the necessity to make annual reports under the Annual Reports (Statutory Bodies) Act 1984. The amendment is complementary to the amendment to the West Scholarships Act 1930 (Schedule 27).

Schedule 20 amends the Public Reserves Management Fund Act 1987 to provide for the payment of additional insurance premiums (for example, public liability insurance and voluntary workers' personal accident insurance) out of the Fund. At present only the cost of premiums for fire insurance of improvements on public reserves may be paid out of the Fund.

Statute Law (Miscellaneous Provisions) (No. 3) 1988

Schedule 21 amends section 13 (how indentures to be executed and attested) of the Seamen's Act 1898 to increase from 12 to 15 years the required age a person must be to enter an indenture of apprenticeship to sea service. The amendment will make the provision consistent with Article 2 of the International Labour Organisation Convention Fixing the Minimum Age for the Admission of Children to Employment at Sea (Convention No. 58).

Schedule 22 amends section 9 (occupiers etc. to give notice) of the Stock Diseases Act 1923 so that notice of diseased stock located on land consisting of a holding situated in more than one district need only be given to a ranger or veterinary inspector for the district in which the majority of the holding is situated. At present there may be unnecessary duplication of the required notice as notice must be given to a ranger or veterinary inspector for every district in which the holding is situated.

Schedule 23 amends section 70 of the Strata Titles Act 1973 so that a covenant chargee will be able (in the same way as a proprietor or mortgagee is at present) to obtain a certificate from the body corporate containing information in respect of a lot the subject of a strata scheme or to have the strata roll and certain other documents made available for inspection (Schedule 23 (3)). The Schedule also amends sections 39, 44 and 126 of the Act by way of statute law revision to update certain references to "restrictions on user" (Schedule 23 (1), (2) and (4)).

Schedule 24 amends section 100 of the Strata Titles (Leasehold) Act 1986 so that a covenant chargee will be able (in the same way as a lessee or mortgagee is at present) to obtain a certificate from the body corporate containing information in respect of a lot the subject of a leasehold strata scheme or to have the strata roll and certain other documents made available for inspection.

Schedule 25 amends section 14E (Advisory committee) of the Trustee Act 1925—

- (a) to enable the Attorney General to appoint to the Committee 2 persons with experience relevant to the function of the Committee (for example, persons from the private trustee, financial and banking sectors) (proposed section 14E (2) (d)); and
- (b) to confer on the Committee the power to seek advice in relation to its function (proposed section 14E (6)).

Schedule 26 amends section 11 (Constitution of Council) of the University of Technology, Sydney Act 1987 to ensure that the person holding office as presiding member of the Academic Board will be an official member of the Council of the University. At present, if the presiding member is a person other than the Vice-Chancellor of the University he or she is not an official member of the Council.

Schedule 27 amends the West Scholarships Act 1930 to enable the Minister to appoint a registered company auditor, instead of requesting the Auditor-General, to examine and audit the accounts relating to the Fund under that Act and the administration of the West Scholarship Scheme.

Schedule 28 amends the Hay Irrigation Act 1902, Irrigation Act 1912, State Bank Act 1981, Water Act 1912 and Wentworth Irrigation Act 1890 so that water rates and charges presently paid to the State Bank of New South Wales will be paid to the Water Administration Ministerial Corporation constituted by the Water Administration Act 1986. It is anticipated that under an agreement with the Department of Water Resources the State Bank will not, after 31 January 1989, be receiving money in respect of any agency for water rates and charges.

The Schedule includes an amendment to section 20 (recovery of charges etc. by Ministerial Corporation) of the Water Administration Act 1986 to facilitate proceedings for the recovery of water rates and charges.

Statute Law (Miscellaneous Provisions) (No. 3) 1988

Schedule 29 amends certain other Acts for the purpose of effecting statute law revision. A number of amendments are made relating to formal drafting matters and minor corrections. The Schedule also contains amendments for the following purposes:

To amend section 660 (contracting out) of the Conveyancing Act 1919 so that the provisions of that Act relating to the passing of risk between vendor and purchaser will apply to the sale of a dwelling-house consisting of a lot under the Strata Titles (Leasehold) Act 1986 despite any stipulation to the contrary. The amendment was overlooked in the Miscellaneous Acts (Leasehold Strata Schemes) Amendment Act 1986.

To amend the Credit Act 1984, Credit (Administration) Act 1984, Credit (Finance Brokers) Act 1984 and Credit (Home Finance Contracts) Act 1984 to omit provisions relating to penalty units that have been superfluous since the enactment of section 56 (penalty units) of the Interpretation Act 1987.

To amend section 8 (The Council) of the University of New South Wales Act 1968 so it will reflect a change in the name of the Professorial Board of the University and the title of the presiding member.

To amend various Acts (for example, the Community Service Orders Act 1979 and the Probation and Parole Act 1983) as a consequence of amendments relating to the corrective services administration made by the Prisons (Amendment) Act 1988.

Schedule 30 repeals a number of Acts. Since the Statute Law (Miscellaneous Provisions) Act 1985 the number of Acts in force has been gradually reduced by repealing amending Acts once the amendments contained in the Acts have been incorporated in a reprint. The Schedule continues this process.

The Schedule also repeals the Nurses Education Board Act 1973. The Board was established to give advice as to the desirable objectives in nurse education and the measures necessary to achieve those objectives. It has largely fulfilled its charter with the transfer of nurse education from hospitals to colleges of advanced education in 1985.

Schedule 31 contains savings, transitional and other provisions. The Schedule also includes a provision to validate decisions made in relation to The Queen Victoria Memorial Hospital at Wentworth Falls 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).

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (No. 3) 1988

NEW SOUTH WALES



TABLE OF PROVISIONS

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 3. Amendments
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- SCHEDULE 2—AMENDMENT OF CHIROPRACTIC ACT 1978 No. 132
- SCHEDULE 3—AMENDMENT OF CONSTRUCTION SAFETY ACT 1912 No. 38
- SCHEDULE 4—AMENDMENT OF CRIMINAL PROCEDURE ACT 1986 No. 209
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- SCHEDULE 22—AMENDMENT OF STOCK DISEASES ACT 1923 No. 34
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-

**STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL
(No. 3) 1988**

NEW SOUTH WALES



No. , 1988

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.

Statute Law (Miscellaneous Provisions) (No. 3) 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Statute Law (Miscellaneous Provisions) Act (No. 3) 1988.

5 Commencement

2. (1) This Act commences on the date of assent, except as provided by this section.

(2) Schedules 1–3, 5–16 and 18–28 commence on a day or days to be appointed by proclamation.

10 (3) Schedule 17 shall be taken to have commenced on 25 May 1986.

(4) The provisions of Schedule 29 relating to the Conveyancing Act 1919 commence—

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

(b) on the commencement of the Strata Titles (Leasehold) Act 1986,

15 whichever is the later.

Amendments

3. Each Act specified in Schedules 1–29 is amended as set out in those Schedules.

Repeals

20 4. Each Act specified in Schedule 30 is repealed.

Savings, transitional and other provisions

5. Schedule 31 has effect

SCHEDULE 1—AMENDMENT OF CHILDREN (DETENTION CENTRES) ACT 1987 No. 57

25 (Sec. 3)

Section 23A (Escorted absences)—

(1) Section 23A (1)—

30 Omit “A detainee may be absent from a detention centre by order in writing of the Director-General”, insert instead “Subject to the regulations, the Director-General may, by order in writing, permit a detainee to be absent from a detention centre”.

**SCHEDULE 1—AMENDMENT OF CHILDREN (DETENTION
CENTRES) ACT 1987 No. 57—*continued***

(2) Section 23A (4)—

After section 23A (3), insert:

(4) The regulations may make provision for or with respect to—

- 5 (a) the circumstances in which an order may be made under this section; and
- (b) the conditions to be imposed on such an order; and
- (c) any other matter relevant to the making of such an order, including the purposes for which an order may be made.

10 SCHEDULE 2—AMENDMENT OF CHIROPRACTIC ACT 1978 No. 132

(Sec. 3)

Section 17—

Omit the section, insert instead:

15 Removal from register

17. The Board—

- (a) shall cause to be removed from the register the name of any person who has died; and
- 20 (b) may cause to be removed from the register the name of any person who has requested that his or her name be so removed.

**SCHEDULE 3—AMENDMENT OF CONSTRUCTION SAFETY ACT
1912 No. 38**

(Sec. 3)

25 Section 21 (Penalties and proceedings for offences)—

(1) Section 21 (1)—

Omit “No proceedings for the recovery of any penalty imposed by or under this Act or the regulations shall be instituted without the authority of the Minister.”.

30 (2) Section 21 (1A)—

After section 21 (1), insert:

(1A) Proceedings for the recovery of any penalty imposed by or under this Act may be instituted only by an inspector or a person authorised by the Minister for the purposes of this section.

**SCHEDULE 4—AMENDMENT OF CRIMINAL PROCEDURE ACT
1986 No. 209**

(Sec. 3)

Section 9—

5 Omit the section, insert instead:

Listing for mention following committal for trial

9. If, at the end of a period prescribed by the regulations for the purposes of this section (being a period that commenced to run when an accused person was committed for trial)—

10 (a) the Criminal Listing Director has not received a notice of readiness in respect of the proceedings that is accompanied by a draft indictment; and

(b) the matter has not been terminated,
15 the Criminal Listing Director shall arrange for the matter to be listed for mention before the Supreme Court or the District Court as soon as practicable.

**SCHEDULE 5—AMENDMENT OF DANGEROUS GOODS ACT 1975
No. 68**

(Sec. 3)

20 (1) Section 3 (**Arrangement**)—

Omit the section.

(2) Section 4 (**Definitions**)—

Section 4, definition of “court”—

25 Omit “court of petty sessions constituted by a stipendiary magistrate”, insert instead “Local Court constituted by a Magistrate”.

(3) Section 6 (**Appointments**)—

Omit “Public Service Act 1902”, insert instead “Public Sector Management Act 1988”.

30 (4) Section 33 (**Proceedings for offences**)—

(a) Section 33 (1) (a)—

After “prosecuted by”, insert “an inspector or by”.

(b) Section 33 (1) (b)—

35 Omit “court of petty sessions”, insert instead “Local Court constituted by a Magistrate”.

SCHEDULE 5—AMENDMENT OF DANGEROUS GOODS ACT 1975
 No. 68—*continued*

(5) Section 39 (**Disposal of forfeited property**)—

Section 39 (2)—

Omit “Consolidated Revenue Fund”, insert instead “Consolidated Fund”.

5 (6) Section 41 (**Regulations**)—

Section 41 (2)—

Omit “Scaffolding and Lifts Act 1912”, insert instead “Construction Safety Act 1912”.

10 **SCHEDULE 6—AMENDMENT OF DISABILITY SERVICES AND
 GUARDIANSHIP ACT 1987 No. 257**

(Sec. 3)

(1) Section 33 (**Definitions**)—

Section 33 (1)—

Omit the definition of “dental treatment”, insert instead:

15 “dental treatment” includes—

- (a) any dental procedure, operation or examination; and
- (b) any treatment, procedure, operation or examination that is declared by the regulations to be dental treatment for the purposes of this Part;

20 (2) Section 49 (**Constitution of the Board**)—

Section 49 (3) (a)—

Omit the paragraph, insert instead:

- (a) at least 3 shall be persons of whom each shall be—
 - 25 (i) a barrister of not less than 5 years’ standing; or
 - (ii) a solicitor of not less than 7 years’ standing; or
 - 30 (iii) a barrister or solicitor of less than 5 years’ or 7 years’ standing, respectively, where, at all times during a continuous period of not less than 7 years, the person was on the roll of solicitors when not on the roll of barristers and on the roll of barristers when not on the roll of solicitors;

**SCHEDULE 7—AMENDMENT OF ELECTION FUNDING ACT 1981
No. 78**

(Sec. 3)

(1) Section 57 (Determination of credits to funds)—

5 Section 57 (1), (2)—

Omit “day of the issue of the writs” wherever occurring, insert instead “day that is 3 days after the date of issue of the writs”.

(2) Section 73 (By-election Constituency Fund)—

Section 73 (2), (3)—

10 Omit “day of the issue of the writ” wherever occurring, insert instead “day that is 3 days after the date of issue of the writ”.

**SCHEDULE 8—AMENDMENT OF EXHIBITED ANIMALS
PROTECTION ACT 1986 No. 123**

(Sec. 3)

15 Section 5 (**Definitions**)—**(1) Section 5 (1), definition of “premises”—**

Omit “built upon or not”, insert instead “or not wholly or partly built upon or covered by water”.

(2) Section 5 (1), definition of “zoological park”—

20 Omit “displayed, or kept for display, for educational, cultural, scientific or recreational purposes”, insert instead “exhibited or displayed, or kept for display, for any prescribed purpose”.

**SCHEDULE 9—AMENDMENT OF FACTORIES, SHOPS AND
INDUSTRIES ACT 1962 No. 43**

25 (Sec. 3)

Section 145 (**Proceedings**)—

Section 145 (1) (a), (a1)—

Omit section 145 (1) (a), insert instead:

(a) an inspector; or

30 (a1) a person acting with the authority of the Minister; or

**SCHEDULE 10—AMENDMENT OF GEOGRAPHICAL NAMES ACT
1966 No. 13**

(Sec. 3)

Section 3 (Geographical Names Board)—

5 (1) Section 3 (2) (a)—

After “Surveyor-General”, insert “or, from time to time with the approval of the Surveyor-General, the person holding the office of Deputy Surveyor-General”.

(2) Section 3 (3), (3A)—

10 Omit section 3 (3), insert instead:

(3) The Surveyor-General shall be the chairman of the board.

(3A) The person referred to in subsection (2) (b) or his or her nominee shall be the deputy chairman of the board.

(3) Section 3 (12) (a)—

15 Omit “, being a member referred to in paragraph (b), (c) or (d) of subsection (2), has”, insert instead “has approved of another person acting, or”.

(4) Section 3 (12) (a)—

Omit “act” where lastly occurring, insert instead “act”.

20 **SCHEDULE 11—AMENDMENT OF INDUSTRIAL ARBITRATION
ACT 1940 No. 2**

(Sec. 3)

(1) Section 5 (Definitions)—

(a) Section 5 (1)—

25 After the definition of “Repealed Acts”, insert:

“Secretary” means the Secretary of the Department of Industrial Relations and Employment.

(b) Section 5 (1), definition of “Under Secretary”—

Omit the definition.

30 (c) Section 5 (2) (b), definition of “Factory”—

Omit “section 3 of the Factories and Shops Act, 1912, as amended by subsequent Acts,”, insert instead “section 4 (1) of the Factories, Shops and Industries Act 1962,”.

(d) Section 5 (2) (b), definition of “Factory”—

35 Omit “, as so amended”.

**SCHEDULE 11—AMENDMENT OF INDUSTRIAL ARBITRATION
ACT 1940 No. 2—continued**

(e) Section 5 (2) (b), definition of “Occupier”—

Omit “section 3 of the Factories and Shops Act, 1912, as amended by subsequent Acts”, insert instead “section 4 (1) of the Factories, Shops and Industries Act 1962”.

5 (2) Section 92A (**Certain payments may be made by cheque**)—

Section 92A (6)—

Omit the subsection.

(3) Section 92AA—

After section 92A, insert:

10 **Certain payments may be made by electronic funds transfer etc.**

92AA. (1) An employer required to make to a person in money a payment specified in section 92 (1) may make the payment by paying the amount into an account in the name of the person (or in the name of the person jointly with some other person) at a bank, permanent building society or credit union nominated by the person if—

(a) the employer could have made the payment by cheque under section 92A and the person consents to payment being made in that manner; or

20 (b) an industrial agreement, award or contract determination authorises the payment to be made in that manner; or

(c) the person has entered an agreement with the employer providing for payment to be made in that manner.

25 (2) The payment may be made by a transfer of funds (including an electronic transfer) or by other means.

(3) This section has effect despite anything in this or any other Act.

(4) Section 92B (**Recovery of remuneration under contract of bailment or carriage**)—

30 (a) Section 92B (10)—

Omit “section 5 of the Audit Act, 1902”, insert instead “section 4 of the Public Finance and Audit Act 1983”.

(b) Section 92B (10)—

35 Omit “Under Secretary, Department of Industrial Relations and Technology”, insert instead “Secretary”.

**SCHEDULE 11—AMENDMENT OF INDUSTRIAL ARBITRATION
ACT 1940 No. 2—*continued***

- (5) Section 107 (**Powers of trade unions with regard to its funds**)—
- (a) Section 107 (1) (b)—
- Omit “court of petty sessions”, insert instead “Local Court”.
- (b) Section 107 (2)—
- 5 Omit “Trade Union Act, 1881–1936,”, insert instead “Trade Union Act 1881”.
- (6) Sections 122 and 129B (2) (d)—
- Omit “Consolidated Revenue Fund” wherever occurring, insert instead “Consolidated Fund”.
- 10 (7) Schedule 2—
- Omit “The Metropolitan Water Sewerage and Drainage Board.”, insert instead “Water Board.”.
- (8) Schedule 3—
- Part 1—
- 15 Omit “The Amalgamated Metal Workers’ and Shipwrights Union”, insert instead “The Amalgamated Metal Workers’ Union”.
- (9) The whole Act (other than sections 5 (1) and 92B (10))—
- 20 Omit “Under Secretary” wherever occurring, insert instead “Secretary”.

SCHEDULE 12—AMENDMENT OF JURY ACT 1977 No. 18

(Sec. 3)

- (1) Section 18 (**Sheriff may amend jury roll**)—
- Section 18 (2)—
- 25 Omit the subsection.
- (2) Section 35 (**Period juror required to attend jury pool**)—
- Section 35 (1), (3)—
- Omit “judge” wherever occurring, insert instead “officer”.
- (3) Section 42—
- 30 Omit the section, insert instead:
- Peremptory challenges in criminal proceedings**
42. (1) In any criminal proceedings—
- (a) each person prosecuted has 3 peremptory challenges without restriction; and

SCHEDULE 12—AMENDMENT OF JURY ACT 1977 No. 18—
continued

(b) the Crown has 3 peremptory challenges without restriction for each person prosecuted.

(2) Any number of peremptory challenges may be made if the Crown and all the persons prosecuted agree to the challenges.

(3) Any such agreed peremptory challenge may be made even though all the peremptory challenges without restriction of any person prosecuted or the Crown have not been exhausted.

(4) **Section 72 (Payment for jury service)—**

Section 72 (1A)—

After section 72 (1), insert:

(1A) Subsection (1) does not entitle a person excused from attendance at a court, coronial inquest or jury pool under section 38 (1) (a) to payment for attendance at the court, coronial inquest or jury pool.

15 SCHEDULE 13—AMENDMENT OF MOTOR TRAFFIC ACT 1909
No. 5

(Sec. 3)

(1) **Section 4A (Speed limits)—**

Section 4A (9)—

After section 4A (8), insert:

(9) In this section—

“ambulance vehicle” includes any motor vehicle used in the provision of ambulance services (as defined in the Ambulance Services Act 1976) and provided, conducted, operated or maintained by the Health Administration Corporation constituted by the Health Administration Act 1982.

(2) **Section 4C (Schemes to assist children to cross public streets with safety)—**

Section 4C (4)–(6)—

After “marked footcrossing” wherever occurring, insert “or children’s footcrossing”.

SCHEDULE 14—AMENDMENT OF NURSES REGISTRATION ACT
1953 No. 10

(Sec. 3)

35 Section 16B—

After section 16A, insert:

**SCHEDULE 14—AMENDMENT OF NURSES REGISTRATION ACT
1953 No. 10—continued**

When registration not required

16B. A person who—

- 5 (a) is registered as a nurse in any place in Australia other than New South Wales under a law providing for the registration of nurses; and
 - (b) is employed in that place as a nurse at a recognised hospital or other institution at which medical care or treatment is provided; and
 - 10 (c) is required, in connection with that employment, to exercise any prescribed function relating to medical care or treatment within New South Wales for a period not exceeding 24 hours,
- shall, during that period, be considered to be a registered nurse for the purposes of sections 23 (1), 25, 26 and 27.

**15 SCHEDULE 15—AMENDMENT OF OCCUPATIONAL HEALTH
AND SAFETY ACT 1983 No. 20**

(Sec. 3)

Section 48 (Authority to prosecute)—

- (1) Section 48 (1)—
- 20 Renumber paragraph (b) as paragraph (c).
- (2) Section 48 (1) (b)—
- After section 48 (1) (a), insert:
- (b) an inspector appointed pursuant to the Factories, Shops and Industries Act 1962; or

**25 SCHEDULE 16—AMENDMENT OF PERIODIC DETENTION OF
PRISONERS ACT 1981 No. 18**

(Sec. 3)

(1) Section 4 (Definitions)—

- (a) Section 4 (1), definition of “Commission”—
- 30 Omit the definition.
- (b) Section 4 (1)—
- After the definition of “detention period”, insert:
- “Director-General” means the Director-General of Corrective Services;

**SCHEDULE 16—AMENDMENT OF PERIODIC DETENTION OF
PRISONERS ACT 1981 No. 18—*continued***

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

Omit “, a stipendiary magistrate and any justice or justices sitting in petty sessions”, insert instead “, Magistrate or a justice or justices sitting as a Local Court”.

5 (2) Section 5A (**Application of section 5 in relation to domestic violence offences and summary offences**)—

Section 5A (2)—

After “18 months and”, insert “the offence is an offence under the Summary Offences Act 1988 or”.

10 (3) Sections 9 (2), 10 (1), (3), (4), 11–14, 16, 17 (1), 19 (2) (c), (4), 21 (2) (b), (3)–(5), 22 (2), 23, 25 (1), 32 (3), (4), 33 (2) and 34 (1) (g)—

Omit “Commission” wherever occurring, insert instead “Director-General”.

(4) Section 10 (**Work etc.**)—

15 (a) Section 10 (1)—

Omit “his” wherever occurring, insert instead “the periodic detainee’s”.

(b) Section 10 (4)—

20 Omit “it” where firstly occurring, insert instead “the Director-General”.

(5) Section 21 (**Reduction of remission for time spent on leave of absence etc.**)—

Section 21 (3) and (4)—

25 Omit “it” wherever occurring, insert instead “the Director-General”.

(6) Section 22 (**Directions**)—

Section 22 (1)—

Omit “full-time members of the Commission”, insert instead “Director-General”.

30 (7) Section 33 (**Offences**)—

Section 33 (1)—

Omit “\$1,000”, insert instead “10 penalty units”.

(8) Section 34 (**Regulations**)—

Section 34 (1A)—

35 Omit “\$500”, insert instead “5 penalty units”.

SCHEDULE 16—AMENDMENT OF PERIODIC DETENTION OF PRISONERS ACT 1981 No. 18—*continued*

(9) Schedule 2 (Savings and transitional provisions)—

Clause 5—

Omit “Commission”, insert instead “Director-General”.

SCHEDULE 17—AMENDMENT OF POISONS ACT 1966 No. 31

5 (Sec. 3)

Section 43B (Powers of detention and search)—

Section 43B (3), (4)—

Omit “prohibited substance” wherever occurring, insert instead “prescribed restricted substance”.

10 **SCHEDULE 18—AMENDMENT OF PRISONS ACT 1952 No. 9**

(Sec. 3)

(1) Section 4 (Definitions)—

Section 4 (1), definition of “convicted prisoner”—

15 From paragraph (a), omit “kept in strict custody pursuant to section 23 (3) of the Mental Health Act 1958”, insert instead “detained in strict custody pursuant to section 428P (5) or 428ZB of the Crimes Act 1900”.

(2) Sections 9 (2) and 30—

20 Omit “Public Service Act 1979” wherever occurring, insert instead “Public Sector Management Act 1988”.

(3) Section 18 (Private property)—

Section 18 (1A)—

After section 18 (1), insert:

25 (1A) At any time before a prisoner is released from prison, the governor may, in accordance with the regulations, permit the prisoner to have possession of any property of the prisoner retained by the governor under this section.

(4) Section 25 (Governor of prison may impose penalties for certain prison offences)—

30 Section 25 (2) (c)—

Omit “the prisoner’s”, insert instead “a”.

(5) Section 26B (Imposition of penalty by Visiting Justice)—

Section 26B (1) (c)—

SCHEDULE 18—AMENDMENT OF PRISONS ACT 1952 No. 9—
continued

Omit “the prisoner’s”, insert instead “a”.

(6) Section 261 (**Offence for making false etc. statements**)—

Omit “\$500”, insert instead “5 penalty units”.

(7) Section 36 (**Harbouring escapee**)—

5 Omit “\$5,000”, insert instead “50 penalty units”.

(8) Sections 37 (1), 38 (1) and 50 (2)—

Omit “\$1,000” wherever occurring, insert instead “10 penalty units”.

10 (9) Section 61 (**Special provisions relating to certain recommendations of the Board**)—

Section 61 (2) (b) (ii)—

Omit “Stipendiary”.

(10) Schedule 3 (**Provisions relating to the Director-General and Deputy Directors-General**)—

15 Clause 8—

Omit “Public Service Act 1979”, insert instead “Public Sector Management Act 1988 (other than Part 8)”.

SCHEDULE 19—AMENDMENT OF PUBLIC FINANCE AND AUDIT ACT 1983 No. 152

20 (Sec. 3)

Schedule 2 (**Statutory bodies**)—

Omit “West Scholarships Trustees.”.

SCHEDULE 20—AMENDMENT OF PUBLIC RESERVES MANAGEMENT FUND ACT 1987 No. 179

25 (Sec. 3)

(1) Section 5 (**Payments into Public Reserves Management Fund**)—

Section 5 (b)—

30 After “public reserves”, insert “and for insurance in respect of damage to property, death or bodily injury for which trustees of public reserves could become liable”.

(2) Section 6 (**Payments out of Public Reserves Management Fund**)—

Section 6 (1) (c)—

**SCHEDULE 20—AMENDMENT OF PUBLIC RESERVES
MANAGEMENT FUND ACT 1987 No. 179—continued**

After “public reserves”, insert “and for insurance in respect of damage to property, death or bodily injury for which trustees of public reserves could become liable”.

(3) Section 7 (Insurance premiums)—

5 Section 7 (1)—

After “public reserves”, insert “and for insurance in respect of damage to property, death or bodily injury for which the trustees could become liable”.

SCHEDULE 21—AMENDMENT OF SEAMEN'S ACT 1898 No. 46

10

(Sec. 3)

Section 13 (How indentures to be executed and attested)—

Section 13 (a)—

Omit “twelve”, insert instead “15”.

**SCHEDULE 22—AMENDMENT OF STOCK DISEASES ACT 1923
No. 34**

15

(Sec. 3)

Section 9 (Occupier etc. to give notice)—

Section 9 (3A)—

After section 9 (3), insert:

20 (3A) If stock are on land which forms part of a holding (as defined in the Pastures Protection Act 1934) and the holding is situated in 2 or more pastures protection districts the land shall, for the purposes of subsection (3), be taken to be—

25 (a) in the district in which the greater part of the holding lies;
or

(b) if the holding lies equally in each of the districts, in the district in which the main residence of the occupier of the holding is situated.

**SCHEDULE 23—AMENDMENT OF STRATA TITLES ACT 1973
No. 68**

30

(Sec. 3)

(1) Section 39 (Utility lots)—

(a) Section 39 (1)—

Omit “user”, insert instead “the use”.

SCHEDULE 23—AMENDMENT OF STRATA TITLES ACT 1973 No. 68—continued

(b) Section 39 (2)—

Omit “user”, insert instead “use”.

(2) Section 44 (**Recording of condition restricting use imposed by local council**)—

5 Section 44 (1)—

Omit “user”, insert instead “use”.

(3) Section 70 (**Supply of certificates and information by body corporate**)—

Section 70 (1)—

10 Omit “proprietor or mortgagee” wherever occurring, insert instead “proprietor, mortgagee or covenant chargee”.

(4) Section 126 (**Enforcement of restriction on use of utility lot**)—

Omit “user” wherever occurring, insert instead “use”.

SCHEDULE 24—AMENDMENT OF STRATA TITLES (LEASEHOLD) ACT 1986 No. 219

15 (Sec. 3)

Section 100 (**Supply of certificates and information by body corporate (1973 Act, s. 70)**)—

Section 100 (1)—

20 Omit “of a lease of that lot or by a person authorised in writing by such a lessee or mortgagee”, insert instead “or covenant chargee of a lease of that lot, or by a person authorised in writing by such a lessee, mortgagee or covenant chargee”.

SCHEDULE 25—AMENDMENT OF TRUSTEE ACT 1925 No. 14

(Sec. 3)

25 Section 14E (**Advisory committee**)—

(1) Section 14E (2) (a)—

After “Trustee;”, insert “and”.

(2) Section 14E (2) (c), (d)—

At the end of section 14E (2) (c), insert:

30 ; and

(d) 2 persons appointed by the Attorney General who, in the opinion of the Attorney General, have experience relevant to the function of the Committee.

SCHEDULE 25—AMENDMENT OF TRUSTEE ACT 1925 No. 14—
continued

(3) Section 14E (6)—

After section 14E (5), insert:

(6) The Committee may seek the advice of such persons as it sees fit on matters related to the function of the Committee.

5 **SCHEDULE 26—AMENDMENT OF UNIVERSITY OF
TECHNOLOGY, SYDNEY ACT 1987 No. 283**

(Sec. 3)

Section 11 (**Constitution of Council**)—

Section 11 (4) (c)—

10 Omit the paragraph, insert instead:

(c) the person for the time being holding the office of—

(i) presiding member of the Academic Board, if that person is not the Vice-Chancellor; or

15 (ii) deputy presiding member of the Academic Board, if the presiding member is the Vice-Chancellor.

**SCHEDULE 27—AMENDMENT OF WEST SCHOLARSHIPS ACT
1930 No. 19**

(Sec. 3)

Section 12—

20 Omit the section, insert instead:

Audit of accounts

12. (1) The West Scholarships Trustees shall cause to be kept proper accounts and records in relation to the Fund and the administration of the West Scholarship Scheme.

25 (2) The accounts and records of financial transactions of, or relating to, the Fund and the administration of the West Scholarship Scheme, and the records of, or relating to, assets of or in the custody of the West Scholarships Trustees, may, if a registered company auditor (within the meaning of the Companies (New South Wales) Code) is appointed by the Minister for the purpose, be inspected and audited by the auditor.

30 (3) The auditor shall report to the Minister as to the result of any such inspection and audit and as to such irregularities or other matters as in the judgment of the auditor call for special notice.

SCHEDULE 27—AMENDMENT OF WEST SCHOLARSHIPS ACT
1930 No. 19—*continued*

(4) The West Scholarships Trustees shall pay the costs and expenses of any such inspection and audit.

**SCHEDULE 28—AMENDMENTS RELATING TO RECEIPT OF
WATER RATES AND CHARGES**

5 (Sec. 3)

Hay Irrigation Act 1902 No. 57—

(1) Section 20 (**Commission may contract to supply water for a term of years**)—

Section 20 (4)—

10 Omit the subsection.

(2) Section 27 (**Power to fix rates**)—

(a) Section 27 (5)—

15 Omit “rates, rents, and moneys due under this Act for water supplied or otherwise”, insert instead “rents and money due under this Act other than rates and charges for water supply”.

(b) Section 27 (8)—

After section 27 (7), insert:

(8) Rates and charges for water supplied and land irrigated under this Act shall be paid to the Ministerial Corporation.

20 **Irrigation Act 1912 No. 73—**

Section 15 (**Rate or charge for water**)—

Section 15 (1)—

Omit “bank”, insert instead “Ministerial Corporation”.

State Bank Act 1981 No. 89—

25 Section 41 (**Monthly transfers to agencies**)—

Section 41 (1), definition of “revenue moneys”—

Omit “rentals, interest, water rates and charges”, insert instead “rentals and interest”.

Water Act 1912 No. 44—

30 (1) Section 130, definition of “Bank”—

Omit the definition.

**SCHEDULE 28—AMENDMENTS RELATING TO RECEIPT OF
WATER RATES AND CHARGES—*continued***

- (2) Section 139 (**Assessment of rates and charges**)—
 Section 139 (4)—
 Omit “bank”, insert instead “Ministerial Corporation”.
- 5 (3) Section 143 (**Liability for rates and charges for water**)—
 Section 143 (1), (3)–(5)—
 Omit “bank” wherever occurring, insert instead “Ministerial Corporation”.
- (4) Section 150, definition of “Bank”—
 Omit the definition.
- 10 (5) Sections 157 (6), 159 (4), (5) and 161 (1)—
 Omit “Bank” wherever occurring, insert instead “Ministerial Corporation”.
- (6) Section 163A (**Provisions relating to the Bank**)—
 Omit the section.
- 15 **Water Administration Act 1986 No. 195—**
 Section 20 (**Recovery of charges etc. by the Ministerial Corporation**)—
 (a) Section 20—
 After “Corporation” where firstly occurring, insert “under this or any other Act”.
- 20 (b) Section 20 (2)—
 At the end of section 20, insert:
 (2) A certificate of the Minister stating that a specified amount of money is payable to the Ministerial Corporation for water rates and charges by a named person is, in any proceedings, evidence of the matter stated.
- 25
- Wentworth Irrigation Act 1890 (54 Vic. No. 7)—**
- (1) Section 23 (**Ministerial Corporation may contract to supply water for a term of years**)—
 Omit “bank”, insert instead “Ministerial Corporation”.
- 30 (2) Section 31 (**Power to fix charges for water**)—
 Omit “bank” wherever occurring, insert instead “Ministerial Corporation”.

*Statute Law (Miscellaneous Provisions) (No. 3) 1988***SCHEDULE 29—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION**

(Sec. 3)

Adoption of Children Act 1965 No. 23—5 **Section 18 (Who may be adopted)—**

Section 18 (1) (b) (ii)—

Omit “or with the applicant”, insert instead “or of the applicant”.

Commercial Agents and Private Inquiry Agents Act 1963 No. 4—Section 44 (**Regulations**)—

10 Section 44 (4)—

Omit the subsection.

Community Service Orders Act 1979 No. 192—(1) **Section 3 (Definitions)—**

(a) Section 3 (1), definition of “assigned officer”—

15 Omit “Commission”, insert instead “Director-General”.

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

Omit the definition.

(c) Section 3 (1)—

After the definition of “conviction”, insert:

20 “Director-General” means the Director-General of Corrective Services;

(2) Sections 8, 18 (1) (a), 22 (1), 25 (1) (b), 26 (2) (b)—

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

(3) Sections 12 (2) (b), 13, 26E, 26F and 27 (1) (a) (iii)—

25 Omit “Commission” wherever occurring, insert instead “Director-General”.

(4) Section 25 (**Conviction for breach—how dealt with**)—

Section 25 (1) (a), (4) (a)—

Omit “\$250” wherever occurring, insert instead “2.5 penalty units”.

(5) Section 26F (**Assignment of officer by the Director-General**)—

30 Omit “it”, insert instead “Director-General”.

Conveyancing Act 1919 No. 6—Section 66O (**Contracting out**)—

Section 66O (1), definition of “dwelling-house”—

After “1973”, insert “or the Strata Titles (Leasehold) Act 1986”.

35 **Credit Act 1984 No. 94—**Section 172 (**Penalty units**)—

Omit the section.

Statute Law (Miscellaneous Provisions) (No. 3) 1988

SCHEDULE 29—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION—*continued*

Credit (Administration) Act 1984 No. 95—

Section 46 (Penalty units)—

Omit the section.

Credit (Finance Brokers) Act 1984 No. 96—

5 Section 13 (Penalty units)—

Omit the section.

Credit (Home Finance Contracts) Act 1984 No. 97—

Section 9 (Penalty units)—

Omit the section.

10 **Government and Related Employees Appeal Tribunal Act 1980 No. 39—**

Schedule 1 (Provisions relating to the Offices of Senior Chairperson and Chairperson)—

Clause 10 (2)—

Omit “him” wherever occurring, insert instead “the person”.

Habitual Criminals Act 1957 No. 19—

15 (1) Section 2 (Repeal and savings)—

Section 2 (2) (d)—

Omit “, as deemed to be amended by paragraph (c), in respect of proceedings referred to in the said paragraph (c)”.

(2) Section 3 (Definitions)—

20 Section 3 (1), definition of “Judge”—

Omit “Chairman of Quarter Sessions”, insert instead “the District Court”.

(3) Section 4 (Judge may pronounce convicted person an habitual criminal)—

Section 4 (2)—

Omit “stipendiary magistrate” wherever occurring, insert instead “Magistrate”.

25 (4) Section 5 (Proof of previous conviction and imprisonment)—

(a) Section 5 (2) (a) (i)—

Omit “any full-time member of the Corrective Services Commission of New South Wales”, insert instead “the Director-General of Corrective Services”.

(b) Section 5 (2) (b) (i)—

30 Omit “Comptroller-General of Prisons”, insert instead “Director-General of Corrective Services”.

(5) Section 7 (Governor may direct habitual criminal’s release)—

Section 7 (1)—

35 Omit “, as deemed to be amended by paragraph (c) of subsection (2) of section 2, in respect of proceedings referred to in the said paragraph (c)”.

Statute Law (Miscellaneous Provisions) (No. 3) 1988

SCHEDULE 29—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION—*continued*

(6) Section 8 (**Conditions under which offender may be arrested**)—

(a) Section 8 (2) (a)–(c), (4) (a) (i)—

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

(b) Section 8 (2), (4) (b)—

Omit “stipendiary magistrate or justices” wherever occurring, insert instead “Magistrate or justices”.

(c) Section 8 (2)—

Omit “at such Court of Quarter Sessions”, insert instead “the District Court”.

(d) Section 8 (6)—

Omit “court of petty sessions”, insert instead “Local Court”.

(7) Section 10 (**When person ceases to be an habitual criminal**)—

Omit “at a Court of Quarter Sessions”, insert instead “the District Court”.

15 **Land Sales Act 1964 No. 12—**

(1) Section 1A (**Division of Act**)—

Omit the section.

(2) Section 26 (**Proceedings for offences**)—

(a) Omit “court of petty sessions”, insert instead “Local Court”.

(b) Omit “stipendiary magistrate”, insert instead “Magistrate”.

Law Reform (Miscellaneous Provisions) Act 1944 No. 28—

(1) Section 1 (**Short title**)—

Section 1 (2)—

Omit the subsection.

(2) Section 2 (**Effect of death on certain causes of action**)—

Section 2 (5)—

Omit “Compensation to Relatives Act of 1897”, insert instead “Compensation to Relatives Act 1897”.

Mental Health (Disability Services and Guardianship) Amendment Act 1987 No. 260—

(1) Section 2 (**Commencement**)—

Section 2 (2A)—

After section 2 (2), insert:

(2A) The provisions of Schedule 1 (1A), and section 3 in its application to those provisions, shall commence on—

(a) the commencement of Part 3 of the Disability Services and Guardianship Act 1987; or

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REVISION—*continued*

- (b) the commencement of Part 4 of the Mental Health Act 1983,
whichever is the later.
- (2) Schedule 1 (**Amendments**)—
- (a) Schedule 1 (1)—
- 5 Omit the item, insert instead:
- (1) Section 4 (**Definitions**)—
- Section 4 (1), definition of “intellectually handicapped person under
guardianship”—
- Omit the definition.
- 10 (b) Schedule 1 (1A)—
- After Schedule 1 (1), insert:
- (1A) Section 64 (**Admission upon own request**)—
- Section 64 (1) (b)—
- 15 Omit “an intellectually handicapped person under guardianship”,
insert instead “a person under guardianship within the meaning of
Part 3 of the Disability Services and Guardianship Act 1987”.

Parliamentary Contributory Superannuation Act 1971 No. 53—

- (1) Section 11 (**Payments by Treasurer into the Fund**)—
- Section 11 (3)—
- 20 Omit “Consolidated Revenue Fund”, insert instead “Consolidated Fund”.
- (2) Section 14 (**Trustees of the Fund**)—
- (a) Section 14 (1) (c) and (5)—
- Omit “Secretary and Comptroller of Accounts, the Treasury” wherever
occurring, insert instead “Secretary of the Treasury”.
- 25 (b) Section 14 (2)—
- Omit “Secretary and Comptroller of Accounts, the Treasury,”, insert instead
“Secretary of the Treasury”.
- (c) Section 14 (3)—
- 30 Omit “Secretary and Comptroller of Accounts, the Treasury,” where firstly and
secondly occurring, insert instead “Secretary of the Treasury”.
- (d) Section 14 (3)—
- Omit “Secretary and Comptroller of Accounts, the Treasury” where lastly
occurring, insert instead “Secretary of the Treasury”.
- (3) Section 17 (**Appointment of person to act in absence of Secretary of the Treasury**)—
- 35 (a) Section 17—
- Omit “Secretary and Comptroller of Accounts, the Treasury,” where firstly
occurring, insert instead “Secretary of the Treasury”.
- (b) Section 17—
- 40 Omit “Secretary and Comptroller of Accounts, the Treasury” where secondly
occurring, insert instead “Secretary of the Treasury”.

*Statute Law (Miscellaneous Provisions) (No. 3) 1988*SCHEDULE 29—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION—*continued***Plumbers, Gasfitters and Drainers Act 1979 No. 44—**Section 38 (**Inquiries—how held**)—

Section 38 (4A)—

Omit “Board” wherever occurring, insert instead “Corporation”.

5 Probation and Parole Act 1983 No. 194—(1) Section 4 (**Definitions**)—

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

Omit the definition.

(b) Section 4 (1)—

10 After the definition of “court”, insert:

“Director-General” means the Director-General of Corrective Services;

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

Omit paragraph (e), insert instead:

15 (e) detention in strict custody pursuant to section 428P (5) or 428ZB of the Crimes Act 1900.

(2) Sections 8 (1A) and 47 (1) and (2)—

Omit “Commission” wherever occurring, insert instead “Director-General”.

(3) Section 18 (**Secretary to the Board**)—

20 Omit “Public Service Act 1979”, insert instead “Public Sector Management Act 1988”.

(4) Section 44 (**Disclosure of information**)—

Section 44 (1)—

Omit “\$500”, insert instead “5 penalty units”.

(5) Section 46 (**Reports to the Minister**)—

25 Section 46 (2) (b)—

Omit “keeping in strict custody in a prison of a person under section 23 (3) of the Mental Health Act 1958”, insert instead “detention in strict custody in a prison of a person under section 428P (5) or 428ZB of the Crimes Act 1900”.

(6) Section 47 (**Information concerning prisoners and parolees**)—

30 (a) Section 47 (1) (d)—

Omit the paragraph, insert instead:

(d) who is being detained in strict custody in the prison under section 428P (5) or 428ZB of the Crimes Act 1900,

(b) Section 47 (3)—

35 After “Director-General”, insert “of the Department of Family and Community Services”.

*Statute Law (Miscellaneous Provisions) (No. 3) 1988*SCHEDULE 29—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW
REVISION—*continued*

(c) Section 47 (6)—

Omit the subsection, insert instead:

- 5 (6) In this section, a reference to the Director-General, in relation to a prisoner or person referred to in subsection (3), is a reference to the Director-General of the Department of Family and Community Services.

(7) Schedule 1 (**Provisions relating to the members of the Board, Divisions of the Board and procedure**)—

(a) Clause 8 (1)—

- 10 Omit “Public Service Act 1979”, insert instead “Public Sector Management Act 1988 (other than Part 8)”.

(b) Clause 18 (2)—

Omit “\$500”, insert instead “5 penalty units”.

Soil Conservation Act 1938 No. 10—Section 4C (**Powers, authorities, duties and functions of Commissioner**)—

- 15 Section 4C (o)—

Omit “and” where secondly occurring.

State Public Service Superannuation Act 1985 No. 45—Section 2 (**Commencement**)—

- 20 Section 2 (2)—

Omit the subsection.

University of New South Wales Act 1968 No. 37—Section 8 (**The Council**)—

- 25 Section 8 (4) (c)—

Omit “Chairman of the Professorial Board”, insert instead “President of the Academic Board”.

SCHEDULE 30—REPEALS

(Sec. 4)

- Nurses Education Board Act 1973 No. 29
Legal Services Commission (Amendment) Act 1983 No. 46
30 Police Regulation (Allegations of Misconduct) Amendment Act 1984 No. 81
Suitsors' Fund (Land and Environment Court) Amendment Act 1985 No. 64
Marketing of Primary Products (Amendment) Act 1985 No. 82
Legal Services Commission (Amendment) Act 1985 No. 86
Petroleum (Submerged Lands) Amendment Act 1985 No. 129
35 Police Regulation (Allegations of Misconduct) Amendment Act 1985 No. 212
Mining (Amendment) Act 1986 No. 14
Coal Mining (Amendment) Act 1986 No. 15
Petroleum (Submerged Lands) Amendment Act 1986 No. 59
Landlord and Tenant (Amendment) Act 1986 No. 61
40 Public Authorities Superannuation (Amendment) Act 1986 No. 74
Stock Foods and Medicines (Amendment) Act 1986 No. 122

*Statute Law (Miscellaneous Provisions) (No. 3) 1988***SCHEDULE 30—REPEALS—*continued***

- Historic Houses (Amendment) Act 1986 No. 126
 Legal Aid Commission (Amendment) Act 1987 No. 9
 Compensation Court (Amendment) Act 1987 No. 72
 Justices (Prevention of Cruelty to Animals) Amendment Act 1987 No. 161
 5 Public Authorities Superannuation (Amendment) Act 1987 No. 218
 Police Regulation (Special Benefits) Amendment Act 1987 No. 221
 Suitors' Fund (Amendment) Act 1987 No. 249
 Justices (Penalty Defaults) Amendment Act 1987 No. 253

SCHEDULE 31—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

- 10 (Sec. 5)

Effect of amendment of amending provisions

1. An amendment made by Schedule 29 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 taken 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 repealed.

Regulations made under Criminal Procedure Act 1986

3. A regulation made under section 9 of the Criminal Procedure Act 1986 and in
 25 force immediately before the commencement of Schedule 4 shall, on that commencement, be taken to have been made under section 9 of that Act, as amended by this Act.

Water rates and charges unpaid at commencement of Schedule 28

4. (1) Any water rates and charges due and payable under a provision of a Water
 30 Act amended by Schedule 28 and which are unpaid at the commencement of that Schedule shall, on that commencement, be payable to the Ministerial Corporation as if the amendment to the provision had been in force when the liability to make the payment was incurred.

(2) In this clause—

- 35 "Ministerial Corporation" means the Water Administration Ministerial Corporation constituted by the Water Administration Act 1986;
 "Water Act" means the Hay Irrigation Act 1902, Irrigation Act 1912, Water Act 1912 and Wentworth Irrigation Act 1890.

Statute Law (Miscellaneous Provisions) (No. 3) 1988

SCHEDULE 31—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—
continued

Validation of certain decisions of the Blue Mountains Area Health Board relating to The Queen Victoria Memorial Hospital

- 5 Any act, matter or thing done after 1 October 1986 by the Blue Mountains Area Health Service that would have been validly done if The Queen Victoria Memorial Hospital at Wentworth Falls had been transferred to that area health service on that date is validated.

Regulations

6. (1) The Governor may make regulations containing other provisions of a savings or transitional nature consequent on the enactment of this Act.
- 10 (2) Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—
- 15 (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication; or
- (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.

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NOTE**Alphabetical list of Acts repealed by Schedule 30**

- Coal Mining (Amendment) Act 1986 No. 15
Compensation Court (Amendment) Act 1987 No. 72
Historic Houses (Amendment) Act 1986 No. 126
- 25 Justices (Penalty Defaults) Amendment Act 1987 No. 253
Justices (Prevention of Cruelty to Animals) Amendment Act 1987 No. 161
Landlord and Tenant (Amendment) Act 1986 No. 61
Legal Aid Commission (Amendment) Act 1987 No. 9
Legal Services Commission (Amendment) Act 1983 No. 46
- 30 Legal Services Commission (Amendment) Act 1985 No. 86
Marketing of Primary Products (Amendment) Act 1985 No. 82
Mining (Amendment) Act 1986 No. 14
Nurses Education Board Act 1973 No. 29
Petroleum (Submerged Lands) Amendment Act 1985 No. 129
- 35 Petroleum (Submerged Lands) Amendment Act 1986 No. 59
Police Regulation (Allegations of Misconduct) Amendment Act 1984 No. 81
Police Regulation (Allegations of Misconduct) Amendment Act 1985 No. 212
Police Regulation (Special Benefits) Amendment Act 1987 No. 221
Public Authorities Superannuation (Amendment) Act 1986 No. 74
- 40 Public Authorities Superannuation (Amendment) Act 1987 No. 218
Stock Foods and Medicines (Amendment) Act 1986 No. 122
Suitors' Fund (Amendment) Act 1987 No. 249
Suitors' Fund (Land and Environment Court) Amendment Act 1985 No. 64

