

**STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT
(No. 2) 1992 No. 57**

NEW SOUTH WALES



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**STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT
(No. 2) 1992 No. 57**

NEW SOUTH WALES



Act No. 57, 1992

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 8 October 1992]

Statute Law (Miscellaneous Provisions) Act (No. 2) 1992 No. 57

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Statute Law (Miscellaneous Provisions) Act (No. 2) 1992.

Commencement

2. A provision of Schedule 1 or 2 to this Act commences as provided in the Schedule. The other provisions of this Act commence on the date of assent.

Amendments

3. Each Act specified in Schedules 1 and 2 is amended as set out in those Schedules.

Repeals

4. Each Act specified in Schedule 3 is repealed.

General savings, transitional and other provisions

5. Schedule 4 has effect.

Explanatory notes

6. The matter appearing under the heading "Explanatory note" in any of the Schedules does not form part of this Act.

SCHEDULE 1—MINOR AMENDMENTS

(Sec. 3)

**BUSINESS FRANCHISE LICENCES (PETROLEUM PRODUCTS)
ACT 1987 No. 94**

AMENDMENTS

Section 62 (Disclosure of information):

(a) After section 62 (5) (a), insert:

(a1) prevent information being disclosed or a record being made available to, or that information being disclosed or that record being published by, the Auditor-General for the purpose of exercising functions conferred or imposed on the Auditor-General by the Public Finance and Audit Act 1983 or any other law;

(b) From section 62 (5) (b), omit "or" where lastly occurring.

(c) After section 62 (5) (c), insert:

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- (d) prevent the disclosure or publication by the Chief Commissioner of material derived from information or records referred to in subsection (1) if the disclosure or publication does not directly or indirectly divulge information identifying the affairs of a particular person; or
- (e) prevent the disclosure or publication by any person of the material referred to in paragraph (d) after it has been disclosed or published by the Chief Commissioner.

COMMENCEMENT

The amendments to the Business Franchise Licences (Petroleum Products) Act 1987 commence on the date of assent to this Act.

TRANSITIONAL

The amendments to the Business Franchise Licences (Petroleum Products) Act 1987 apply to information and records whenever obtained.

EXPLANATORY NOTE

Section 62 restricts the disclosure of information and the publication of records obtained under the Act. The proposed amendments modify the operation of that section in 2 respects.

Firstly, it is proposed to amend the section to make it clear that information and records obtained in connection with the administration and execution of the Act and regulations under the Act may be disclosed or made available to, and in turn may be disclosed or published by, the Auditor-General to enable the Auditor-General to exercise functions under the Public Finance and Audit Act 1983 or any other law. This modification is required because, while section 36 (1) of the Public Finance and Audit Act 1983 provides that, for the purpose of exercising those functions, the Auditor-General is entitled to full and free access to records, accounts and other material, section 62 might be seen as restricting the Auditor-General's access to information and records held under the Business Franchise Licences (Petroleum Products) Act 1987.

The second proposed modification makes it clear that the Chief Commissioner may disclose or publish information (such as aggregated or statistical information) derived from information or records obtained under the Act provided that, in so doing, no information is disclosed or published that identifies the affairs of specific persons. Further, the proposed modification makes it clear that, once such information has been published or disclosed by the Chief Commissioner, any other person is free to disclose or publish that material. The practice of publishing such material is a long standing one.

The amendments apply to information and records whenever obtained.

The amended provision (section 62 (5)) will read as follows:

(5) Subsection (1) does not:

- (a) prevent the disclosure of information, or the publication of a record, in accordance with a lawful requirement of the Commonwealth Statistician;

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- (a1) **prevent information being disclosed or a record being made available to, or that information being disclosed or that record being published by, the Auditor-General for the purpose of exercising functions conferred or imposed on the Auditor-General by the Public Finance and Audit Act 1983 or any other law;**
- (b) **prevent a record from being made available to, or disposed of or otherwise dealt with by, the Archives Authority of New South Wales in accordance with the Archives Act 1960;**
- (c) **apply to information, or a record, obtained for the purposes of this Act under a corresponding law within the meaning of section 3 (1) of the Revenue Laws (Reciprocal Powers) Act 1987;**
- (d) **prevent the disclosure or publication by the Chief Commissioner of material derived from information or records referred to in subsection (1) if the disclosure or publication does not directly or indirectly divulge information identifying the affairs of a particular person; or**
- (e) **prevent the disclosure or publication by any person of the material referred to in paragraph (d) after it has been disclosed or published by the Chief Commissioner.**

(Matter to be inserted is shown in bold type.)

BUSINESS FRANCHISE LICENCES (TOBACCO) ACT 1987 No. 93

AMENDMENTS

Section 69 (Disclosure of information):

(a) After section 69 (5) (a), insert:

(a1) **prevent information being disclosed or a record being made available to, or that information being disclosed or that record being published by, the Auditor-General for the purpose of exercising functions conferred or imposed on the Auditor-General by the Public Finance and Audit Act 1983 or any other law;**

(b) From section 69 (5) (b), omit “or” where lastly occurring.

(c) After section 69 (5) (c), insert:

(d) **prevent the disclosure or publication by the Chief Commissioner of material derived from information or records referred to in subsection (1) if the disclosure or publication does not directly or indirectly divulge information identifying the affairs of a particular person; or**

(e) **prevent the disclosure or publication by any person of the material referred to in paragraph (d) after it has been disclosed or published by the Chief Commissioner.**

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COMMENCEMENT

The amendments to the Business Franchise Licences (Tobacco) Act 1987 commence on the date of assent to this Act.

TRANSITIONAL

The amendments to the Business Franchise Licences (Tobacco) Act 1987 apply to information and records whenever obtained.

EXPLANATORY NOTE

Section 69 restricts the disclosure of information and the publication of records obtained under the Act. The proposed amendments modify the operation of that section in 2 respects in the same manner as the equivalent section in the Business Franchise Licences (Petroleum Products) Act 1987 is modified elsewhere in this Schedule. The explanatory note to the amendments to that Act provides detail as to the manner in which it is proposed to modify the disclosure provisions set out in section 69.

CLEAN AIR ACT 1961 No. 69

AMENDMENTS**(1) Section 2 (Construction and application of Act):**

Omit section 2 (2).

(2) Section 2A:

After section 2, insert:

Act to bind Crown

2A. This Act binds the Crown in right of New South Wales and, in so far as the legislative power of Parliament permits, the Crown in all its other capacities.

COMMENCEMENT

The amendments to the Clean Air Act 1961 commence on the date of assent to this Act.

EXPLANATORY NOTE

The Clean Air Act 1961 is one of a number of related Acts constituting "environment protection legislation" under the Protection of the Environment Administration Act 1991. Some of those Acts (but not others) make it clear that they bind the Crown in all its capacities—that is, not only as the Government of New South Wales, but also, so far as it is possible for the New South Wales Parliament to impose obligations on the Crown in its other capacities, in those other capacities (for example, as the Commonwealth Government).

The proposed amendments make it clear that this Act binds the Crown in all its capacities.

CLEAN WATERS ACT 1970 No. 78**AMENDMENT****Section 3:**

Omit the section, insert instead:

Act to bind Crown

3. This Act binds the Crown in right of New South Wales and, in so far as the legislative power of Parliament permits, the Crown in all its other capacities.

COMMENCEMENT

The amendment to the Clean Waters Act 1970 commences on the date of assent to this Act.

EXPLANATORY NOTE

The proposed amendment makes it clear that the Clean Waters Act 1970 binds the Crown in all its capacities.

The proposed amendment is similar to the amendments to the Clean Air Act 1961 elsewhere in this Schedule and the additional information in the explanatory note to those amendments is also relevant to this amendment.

CONVEYANCING ACT 1919 No. 6**AMENDMENTS**

- (1) Section 89 (Power of Court to modify or extinguish easements and certain covenants):

From section 89 (7), omit "register of causes, writs, and orders affecting land", insert instead "General Register of Deeds".

- (2) Section 174 (Invalidity of writ not to affect sale):

Omit "or any District Court", insert instead ", the District Court or a Local Court".

COMMENCEMENT

Item (1) of the amendments to the Conveyancing Act 1919 commences or is taken to have commenced on the day appointed for the commencement of Schedule 1 (3) to the Conveyancing (Amendment) Act 1992.

Item (2) of the amendments to the Conveyancing Act 1919 commences on the date of assent to this Act.

TRANSITIONAL

Item (2) of the amendments to the Conveyancing Act 1919 does not apply to a purchase made at a sale effected before the date of assent to this Act.

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EXPLANATORY NOTE

Statute law revision (item (1))

The register of causes, writs and orders is to be abolished and instruments formerly registered in it will be registered in the General Register of Deeds as a consequence of amendments made to the Act by the Conveyancing (Amendment) Act 1992. The proposed amendment to section 89 replaces a reference to the register of causes, writs and orders with a reference to the General Register of Deeds. The proposed amendment is to commence on the date of commencement of the relevant provisions of the Conveyancing (Amendment) Act 1992.

Invalidity of writ (item (2))

At present, section 174 protects a purchaser at a sale under a writ of execution against any invalidity of the writ and makes the person at whose request the writ was issued responsible to indemnify any person prejudiced by the sale. The section presently applies only to writs issued by the Supreme Court or the District Court. Writs of execution issued by a Local Court are also enforceable against land if at least \$3,000 or another prescribed amount is involved. The proposed amendment, by including reference to a Local Court in section 174, extends the application of the section for the benefit of purchasers under writs of execution issued by such a Court.

CO-OPERATION ACT 1923 (1924 No. 1)

AMENDMENTS

(1) Section 78:

Omit the section, insert instead:

Fees and charges

78. (1) A society must furnish to any person intending to become a member written notice of fees and charges payable by a member to the society.

(2) A person who becomes a member of a society is not liable to pay any fees or charges except those of which the person was given written notice before becoming a member, together with any fees and charges (and any increase in an existing fee or charge) that may be imposed by any subsequent alteration of the rules of the society.

(3) Furthermore, no fee or charge is payable by a member unless:

- (a) in the case of a co-operative housing society—a maximum has been set for the fee or charge by the Director of Housing by order published in the Gazette and the fee or charge does not exceed that maximum; or
- (b) in any other case—the fee or charge has been approved by the registrar.

(4) This section does not apply to the price, fee or charge payable by a member for goods or services supplied or provided by a society, other than a co-operative housing society, in the ordinary course of its business.

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(2) Section 83 (Alteration of rules):

At the end of section 83 (3) (b), insert:

; or

- (c) in the case of a co-operative housing society—the alteration does no more than alter the amount of or omit an existing fee or charge or impose a new fee or charge, payable by members.

COMMENCEMENT

The amendments to the Co-operation Act 1923 commence on a day to be appointed by proclamation.

EXPLANATORY NOTE

At present, section 78 requires intending members of a society to be furnished with a list of charges payable by members and limits liability to the charges listed (as subsequently altered or added to by alteration of the society's rules). Charges require the approval of the Director of Housing in the case of co-operative housing societies or the registrar in any other case.

Section 83 deals with alteration of the rules of a society. It currently provides that rules may only be altered by special resolution and, in limited cases, by board resolution.

The proposed amendment to section 78:

- provides that the section is to apply to all fees and charges payable by members (such as charges for consenting to second mortgages and leases) including increases in existing fees and charges and not just entry and periodic charges but is not to apply (unless the society is a co-operative housing society) to the cost of goods sold or services supplied or provided (such as radio or telephone services) by the society in the ordinary course of its business;
- provides that, in the case of a co-operative housing society, no fee or charge is payable unless there is a maximum set for the fee or charge by the Director of Housing and the fee or charge imposed does not exceed that maximum while retaining the requirement, in any other case, for the registrar to approve of the fees and charges.

The proposed amendment to section 83 allows the rules of a co-operative housing society to be altered by board resolution (as an alternative to alteration by special resolution) if the alteration does no more than change existing, or impose new, fees and charges.

CROWN LANDS ACT 1989 No. 6

AMENDMENT

Section 26 (Appeals to Court against local land board decisions):

Omit section 26 (3) and (4).

COMMENCEMENT

The amendment to the Crown Lands Act 1989 commences on the date of assent to this Act.

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TRANSITIONAL

Any regulation made for the purposes of section 26 (3) of the Crown Lands Act 1989 ceases to apply on the date of assent to this Act.

EXPLANATORY NOTE

The proposed amendment repeals provisions concerning the manner in which an appeal against a decision of a local land board under the Crown Lands Act 1989 is to be made. As the appeals are to the Land and Environment Court, they will in future be made in accordance with the Rules of that Court.

DEBITS TAX ACT 1990 No. 112

AMENDMENTS

Section 41 (Disclosure of information etc.):

(a) After section 41 (5) (a), insert:

(a1) prevent information being disclosed or a record being made available to the Auditor-General for the purpose of exercising functions conferred or imposed on the Auditor-General by the Public Finance and Audit Act 1983 or any other law, or prevent the Auditor-General from disclosing that information or publishing that record if the disclosure or publication does not directly or indirectly divulge information identifying the affairs of a particular person; or

(b) After section 41 (5) (c), insert:

; or

(d) prevent the disclosure or publication by the Chief Commissioner of material derived from information or records referred to in subsection (1) if the disclosure or publication does not directly or indirectly divulge information identifying the affairs of a particular person; or

(e) prevent the disclosure or publication by any person of the material referred to in paragraph (d) after it has been disclosed or published by the Chief Commissioner.

COMMENCEMENT

The amendments to the Debits Tax Act 1990 commence on the date of assent to this Act.

TRANSITIONAL

The amendments to the Debits Tax Act 1990 apply to information and records whenever obtained.

EXPLANATORY NOTE

Section 41 restricts the disclosure of information and the publication of records obtained under the Act. The proposed amendments modify the operation of that section in 2 respects in a manner similar to the manner in which the equivalent section in the Business Franchise Licences (Petroleum Products) Act 1987 is modified elsewhere in this Schedule. The explanatory note to the amendments to that Act provides detail as to the manner in which it is proposed to modify the disclosure provisions set out in section 41, the difference being that the Auditor-General is not empowered under section 41 to disclose information or publish records which identify the affairs of particular persons.

DISTRICT COURT ACT 1973 No. 9**AMENDMENTS****(1) Section 51 (Consent jurisdiction):**

- (a) After "\$250,000" in section 51 (2), insert "(or, in the case of an action commenced before 1 July 1993, \$100,000)".
- (b) From section 51 (3), omit "44 (1) (b)", insert instead "44 (1) (c)".

(2) Section 99 (Limitation on operation of garnishee orders attaching a wage or salary):

- (a) Omit the definitions of "prescribed rate" and "Sydney basic wage" from section 99 (1), insert instead in alphabetical order:

"prescribed rate", in relation to a wage or salary, means:

- (a) if no part of the wage or salary is otherwise attached under this or any other Act—a rate equal to the weekly compensation payment; or
- (b) if any part of the wage or salary is otherwise attached under this or any other Act—a rate equal to the weekly compensation payment increased by the amount so attached, calculated on a weekly basis;

"weekly compensation payment" means an amount calculated at a weekly rate that is equivalent to 80 per cent of the maximum single weekly payment of compensation for the time being referred to in section 37 (1) (a) (i) of the Workers Compensation Act 1987 as adjusted under that Act.

- (b) From the definition of "wage or salary" in section 99 (1), omit "worker.", insert instead "worker;".

(3) Section 109 (Seizing and taking under writ of execution):

From section 109 (10), omit "Penalty: \$1,000", insert instead "Maximum penalty: 50 penalty units".

COMMENCEMENT

Item (1) of the amendments to the District Court Act 1973 commences on 1 July 1993.

Item (2) of the amendments to the District Court Act 1973 commences on a day to be appointed by proclamation.

Item (3) of the amendments to the District Court Act 1973 commences on the date of assent to this Act.

TRANSITIONAL

Item (2) of the amendments to the District Court Act 1973 does not apply to a garnishee order issued before the day appointed for the commencement of that item.

EXPLANATORY NOTE**Consent jurisdiction (item (1))**

The Courts Legislation (Civil Procedure) Amendment Act 1991 increased the jurisdiction of the District Court in relation to specified civil actions from \$100,000 to \$250,000. The amendments relating to the increased jurisdictional level have been proclaimed to commence on 1 July 1993.

Section 51 provides that the monetary limitation on the Court's jurisdiction may be waived by the signing and filing by or on behalf of the parties to proceedings, at any stage of the proceedings, of a memorandum of consent. The proposed amendment to section 51 (2) (item (1) (a)) provides that, in relation to proceedings commenced before 1 July 1993, the appropriate jurisdictional limit to which a memorandum of consent relates is \$100,000. The figure of \$250,000 is to apply on and following that date.

The proposed amendment to section 51 (3) (item (1) (b)) is required to adjust a cross-reference, on and following 1 July 1993, as the result of the substitution of a section on that date.

Attachment of a wage or salary (item (2))

The proposed amendment to section 99, which replaces the formula to be used in determining what amount may be deducted from the wage or salary of a judgment debtor to enforce payment of a judgment debt by a garnishee order, is similar to the amendment to the Supreme Court Act 1970 elsewhere in this Schedule. Reference should be made to the explanatory note to that amendment for more information concerning this amendment.

Removal etc. of property subject to writ of execution (item (3))

It is an offence under section 109 (10) for a person who knows that personal property has been seized by the Sheriff or bailiff under a writ of execution or who has been served with a notice by the Sheriff or bailiff making the person responsible for the safekeeping of such property, to interfere with, dispose of or remove the property without the leave of the Court or the written consent of the Sheriff or bailiff. The penalty for the offence, which was fixed in 1984, is \$1,000. The proposed amendment increases the penalty to a more appropriate level of 50 penalty units (at present, equivalent to \$5,000).

ENVIRONMENTAL OFFENCES AND PENALTIES ACT 1989
No. 150

AMENDMENT

Section 6 (Leaks, spillages etc.):

After section 6 (2), insert:

(2A) A person may be proceeded against and convicted of an offence under subsection (2) whether or not a person has been proceeded against or convicted of an offence under subsection (1) in respect of the leak, spill or other escape.

COMMENCEMENT

The amendment to the Environmental Offences and Penalties Act 1989 commences on the date of assent to this Act.

EXPLANATORY NOTE

Section 6 (1) provides that it is an offence for a person wilfully or negligently to cause a substance to leak, spill or otherwise escape in a manner which harms (or is likely to harm) the environment. Section 6 (2) provides that certain other persons (e.g. the owner of the container from which the substance escaped) are also guilty of an offence if they wilfully or negligently, in a material respect, caused or contributed to the conditions which gave rise to the commission of the first offence. The proposed amendment makes it clear that proceedings may be taken against a person in respect of an offence under section 6 (2) even if no proceedings have been taken (or no conviction recorded) in respect of an offence under section 6 (1).

ENVIRONMENTALLY HAZARDOUS CHEMICALS ACT 1985 No. 14

AMENDMENT

Section 4:

Omit the section, insert instead:

Act to bind Crown

4. This Act binds the Crown in right of New South Wales and, in so far as the legislative power of Parliament permits, the Crown in all its other capacities.

COMMENCEMENT

The amendment to the Environmentally Hazardous Chemicals Act 1985 commences on the date of assent to this Act.

EXPLANATORY NOTE

The proposed amendment makes it clear that the Environmentally Hazardous Chemicals Act 1985 binds the Crown in all its capacities.

The proposed amendment is similar to the amendments to the Clean Air Act 1961 elsewhere in this Schedule and the additional information in the explanatory note to those amendments is also relevant to this amendment.

FIRE BRIGADES ACT 1989 No. 192**AMENDMENT****Section 35A:**

After section 35, insert:

Lighting of fires close to buildings

35A. (1) A person must not, without written permission from the officer in charge of the nearest fire station, light a fire in a fire district in circumstances in which to do so would be likely to be dangerous to a building.

Maximum penalty: 10 penalty units.

(2) However, the permission referred to in subsection (1) is not required if there is a permit in force under section 10 of the Bush Fires Act 1949 in respect of the fire concerned.

(3) In a prosecution brought for an alleged offence under this section, the prosecution must prove that the fire was lit without the permission referred to in subsection (1).

COMMENCEMENT

The amendment to the Fire Brigades Act 1989 commences on the date of assent to this Act.

EXPLANATORY NOTE

The proposed amendment includes in the Act a provision having substantially the same effect as that of a provision which was in force under the By-laws under that Act until their repeal as part of the staged repeal program under the Subordinate Legislation Act 1989. This was the only provision relating to fire safety that was proposed to be continued following the repeal of the By-laws. The provision creates an offence and, consequently, it is proposed to enact it in the Division of the Act in which other offences against the Act are created. The maximum penalty for the proposed offence is the same as the maximum penalty that may be imposed for offences against the regulations.

FORESTRY ACT 1916 No. 55**AMENDMENTS**

- (1) Part 2 (State forests, timber reserves and flora reserves):

Omit the sub-heading "Resumption or purchase of land", insert instead "*Acquisition and sale of land*".

- (2) Section 15:

Omit the section, insert instead:

Acquisition and sale of land

15. (1) The Minister may, for the purpose of a State forest, for the purpose of providing access to a State forest or for any purpose

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necessary for or incidental to the management or control of a State forest, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) On acquisition, the land is vested in the Crown.

(3) The Minister may, for the purpose of giving effect to an agreement entered into under section 16A, acquire land dedicated as State forest by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(4) Despite sections 18 (2), 19, 19A and 25A (4) of this Act, the publication in the Gazette of an acquisition notice under section 19 of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of subsection (3) operates to revoke any dedication as State forest, declaration as national forest or setting apart as flora reserve of the land referred to in the acquisition notice.

(5) For the purposes of the Public Works Act 1912, any acquisition of land under this section is taken to be for an authorised work and the Minister is, in relation to that authorised work, taken to be the Constructing Authority.

(6) The Minister may, on the recommendation of the commission, sell any lands acquired to provide access to a State forest or for any purpose necessary for or incidental to the control or management of a State forest if those lands have not been dedicated as a State forest, are not required for the purpose of a State forest or to provide access to a State forest or for any purpose necessary for or incidental to the control or management of a State forest.

(3) Section 16A (Exchange of land dedicated as State forest):

From section 16A (2) (c), omit “appropriated”, insert instead “compulsorily acquired”.

(4) Section 46A (Penalty notices for certain offences):

Omit section 46A (5).

COMMENCEMENT

The amendments to the Forestry Act 1916 commence on the date of assent to this Act.

TRANSITIONAL

Items (1)–(3) of the amendments to the Forestry Act 1916 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

SAVINGS

Item (4) of the amendments to the Forestry Act 1916 does not affect the validity of a courtesy letter served or enforcement action taken (whether before or after the date of assent to this Act) under Part 4B of the Justices Act 1902 as regards an offence referred to in section 46A (2) of the Forestry Act 1916.

EXPLANATORY NOTE**Statute law revision (items (1)–(3))**

The proposed amendments to the heading of Part 2 and to sections 15 and 16A are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, make sections 15 and 16A consistent with that Act and omit unnecessary matter. The proposed amendments essentially re-enact existing provisions to take account of the requirements of the 1991 Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 in Schedule 2 for more information relevant to these amendments.)

Penalty notices (item (4))

The purpose of the proposed amendment to section 46A is to omit superfluous provisions. At present, section 46A (5) provides that a person served with a penalty notice may decline to be dealt with by penalty notice and that, if the person fails to pay the amount specified in the penalty notice, the person is taken to have so declined. Part 4B of the Justices Act 1902 provides a supplementary scheme (applying to penalty notices issued under specified Acts including the Forestry Act 1916) that may be used in the event of non-payment of penalty notices. This scheme involves the service of a courtesy letter (giving a person who has not paid the amount specified in a penalty notice further time to pay the penalty) and, in the event of non-payment, follow-up enforcement action. A person served with a courtesy letter may decline to be dealt with under the Justices Act scheme.

The proposed amendment to section 46A omits the references to declining to be dealt with from the Forestry Act 1916 as unnecessary and makes the penalty notice provision consistent with various other Acts. The effect is that, in the case of a person who is alleged to have committed an offence for which a penalty notice may be issued, failure to pay the amount specified in the penalty notice may result in the service of a courtesy letter under the Justices Act scheme. The person may decline to be dealt with under that scheme and, if so, may then be dealt with by a court. If the Justices Act scheme is not invoked, the same result may follow on non-payment of the penalty notice without the necessity for any express provision to that effect.

FRIENDLY SOCIETIES ACT 1989 No. 232**AMENDMENT****Section 109:**

Omit the section, insert instead:

Disposal of surplus on winding up

109. (1) Any surplus on the winding up of a friendly society is to be transferred to one of the following, if nominated for the purpose by a special resolution of the society being wound up:

- (a) another friendly society;
- (b) an association of friendly societies;
- (c) an unincorporated or incorporated body, approved by the Registrar, that has similar objects to those of the society being wound up or that provides services or benefits for the community in which the society operated.

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(2) If no such nomination is made, any surplus is to be transferred to one of the bodies referred to in subsection (1) (a)–(c), as directed by order of the Registrar published in the Gazette.

COMMENCEMENT

The amendment to the Friendly Societies Act 1989 commences on the date of assent to this Act.

EXPLANATORY NOTE

At present, section 109 provides for any surplus on the winding up of a friendly society to be transferred either to another friendly society or an association of friendly societies nominated by the society being wound up or, if there is no nomination, as directed by order of the Registrar of Friendly Societies.

The proposed amendment retains these options but also enables the transfer of the surplus, at the nomination of the friendly society being wound up, to a body, approved by the Registrar, that has similar objects to those of the society being wound up or that provides services or benefits for the community in which the society operated. In the absence of a nomination, the transfer to such a body may be directed by order of the Registrar.

HEALTH INSURANCE LEVIES ACT 1982 No. 159

AMENDMENTS

Section 20 (Disclosure of information etc.):

- (a) After section 20 (5) (a), insert:
 - (a1) prevent information being disclosed or a record being made available to the Auditor-General for the purpose of exercising functions conferred or imposed on the Auditor-General by the Public Finance and Audit Act 1983 or any other law, or prevent the Auditor-General from disclosing that information or publishing that record if the disclosure or publication does not directly or indirectly divulge information identifying the affairs of a particular person;
- (b) From section 20 (5) (b), omit “or” where lastly occurring.
- (c) After section 20 (5) (c), insert:
 - (d) prevent the disclosure or publication by the Chief Commissioner of material derived from information or records referred to in subsection (1) if the disclosure or publication does not directly or indirectly divulge information identifying the affairs of a particular person; or
 - (e) prevent the disclosure or publication by any person of the material referred to in paragraph (d) after it has been disclosed or published by the Chief Commissioner.

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COMMENCEMENT

The amendments to the Health Insurance Levies Act 1982 commence on the date of assent to this Act.

TRANSITIONAL

The amendments to the Health Insurance Levies Act 1982 apply to information and records whenever obtained.

EXPLANATORY NOTE

Section 20 restricts the disclosure of information and the publication of records obtained under the Act. The proposed amendments modify the operation of that section in 2 respects in a manner similar to the manner in which the equivalent section in the Business Franchise Licences (Petroleum Products) Act 1987 is modified elsewhere in this Schedule. The explanatory note to the amendments to that Act provides detail as to the manner in which it is proposed to modify the disclosure provisions set out in section 20, the difference being that the Auditor-General is not empowered under section 20 to disclose information or publish records which identify the affairs of particular persons.

INDUSTRIAL RELATIONS ACT 1991 No. 34

AMENDMENTS

Section 339 (Panels of members):

- (a) From section 339 (1), omit "a Presidential Member", insert instead "at least one Presidential Member".
- (b) Omit section 339 (3), insert instead:
 - (3) The work of the panel is to be allocated by the most senior Presidential Member who is a member of the panel and who is available at the time of the required allocation, subject to any direction of the President.

COMMENCEMENT

The amendments to the Industrial Relations Act 1991 commence on the date of assent to this Act.

EXPLANATORY NOTE

At present, section 339 provides that the President of the Industrial Relations Commission may assign an industry or enterprise to a panel of members of the Commission consisting of a Presidential Member and at least one Conciliation Commissioner. The Presidential Member allocates the work of the panel, subject to any direction of the President. The proposed amendments to the section provide that the panel may include more than one Presidential Member and that the most senior available Presidential Member on the panel is to allocate its work, subject to any direction of the President.

INTERPRETATION ACT 1987 No. 15

AMENDMENTS

Section 34 (Use of extrinsic material in the interpretation of Acts and statutory rules):

- (a) After “Minister” in section 34 (2) (e), insert “or other member of Parliament introducing the Bill”.
- (b) After “Minister” where firstly occurring in section 34 (2) (f), insert “or other member of Parliament”.
- (c) After “Minister” where secondly occurring in section 34 (2) (f), insert “or member”.

COMMENCEMENT

The amendments to the Interpretation Act 1987 commence on the date of assent to this Act.

TRANSITIONAL

The amendments to the Interpretation Act 1987 extend to explanatory notes or memoranda, other relevant documents, and speeches, laid, furnished or made before the date of assent to this Act.

EXPLANATORY NOTE

At present, section 34 provides examples of material that may be considered in the interpretation of an Act. These include any explanatory note or memorandum relating to the Bill for the Act, or any other relevant document that was laid before, or furnished to, members of either House of Parliament by a Minister and the speech made to a House of Parliament by a Minister when moving that the Bill for the Act be read a second time in that House. The proposed amendments make it clear that regard may be had to the material referred to in the examples if the Bill for the Act is introduced by a private member of Parliament rather than by a Minister.

On amendment, the relevant portion of section 34 (2) will provide as follows:

(2) Without limiting the effect of subsection (1), the material that may be considered in the interpretation of a provision of an Act, or a statutory rule made under an Act includes—

-
- (e) any explanatory note or memorandum relating to the Bill for the Act, or any other relevant document, that was laid before, or furnished to the members of, either House of Parliament by a Minister or other member of Parliament introducing the Bill before the provision was enacted or made;
- (f) the speech made to a House of Parliament by a Minister or other member of Parliament on the occasion of the moving by that Minister or member of a motion that the Bill for the Act be read a second time in that House;
-

(Matter to be inserted is shown in bold type.)

JUDGMENT CREDITORS' REMEDIES ACT 1901 No. 8

AMENDMENT

Section 17:

Omit the section, insert instead:

Priority of writs of execution

17. (1) If writs of execution against the lands or goods of a person issue out of more than one Court, the right to the property seized is to be determined in the order of the times of the delivery of the writ to the sheriff to be executed (in the case of a writ issued out of the Supreme Court) or of the application to the registrar of the Court for the issue of the writ (in the case of a writ issued out of the District Court or a Local Court).

(2) The sheriff must, on demand, inform the registrar of the District Court or the Local Court concerned of the precise time of the delivery of the writ issued out of the Supreme Court and the registrar of the District Court or the Local Court must, on demand, inform the sheriff or a sheriff's officer of the precise time of the application to the registrar for the issue from the District Court or the Local Court of the writ.

COMMENCEMENT

The amendment to the Judgment Creditors' Remedies Act 1901 commences on the date of assent to this Act.

TRANSITIONAL

The amendment to the Judgment Creditors' Remedies Act 1901 does not apply in respect of a writ of execution issued on an application made to the registrar of a Local Court before the date of assent to this Act.

EXPLANATORY NOTE

At present, section 17 determines the priority of execution of competing writs against the same judgment debtor when one writ is issued out of the Supreme Court and the other out of the District Court. The priority depends on the time of delivery to the sheriff of the Supreme Court writ and the time of application to the registrar for the District Court writ. No provision is made as to the priority of a competing writ issued by a Local Court.

The proposed amendment places a writ issued by a Local Court in a similar position to a writ issued by the District Court so far as priority is concerned, its priority depending on the time of application to the registrar of the Local Court for the writ.

LAND TAX MANAGEMENT ACT 1956 No. 26**AMENDMENTS****Section 6 (Disclosure of information etc.):**

- (a) After section 6 (5) (a), insert:
 - (a1) prevent information being disclosed or a record being made available to the Auditor-General for the purpose of exercising functions conferred or imposed on the Auditor-General by the Public Finance and Audit Act 1983 or any other law, or prevent the Auditor-General from disclosing that information or publishing that record if the disclosure or publication does not directly or indirectly divulge information identifying the affairs of a particular person;
- (b) From section 6 (5) (b), omit “or” where lastly occurring.
- (c) After section 6 (5) (c), insert:
 - (d) prevent the disclosure or publication by the Chief Commissioner of material derived from information or records referred to in subsection (1) if the disclosure or publication does not directly or indirectly divulge information identifying the affairs of a particular person; or
 - (e) prevent the disclosure or publication by any person of the material referred to in paragraph (d) after it has been disclosed or published by the Chief Commissioner.

COMMENCEMENT

The amendments to the Land Tax Management Act 1956 commence on the date of assent to this Act.

TRANSITIONAL

The amendments to the Land Tax Management Act 1956 apply to information and records whenever obtained.

EXPLANATORY NOTE

Section 6 restricts the disclosure of information and the publication of records obtained under the Act. The proposed amendments modify the operation of that section in 2 respects in a manner similar to the manner in which the equivalent section in the Business Franchise Licences (Petroleum Products) Act 1987 is modified elsewhere in this Schedule. The explanatory note to the amendments to that Act provides detail as to the manner in which it is proposed to modify the disclosure provisions set out in section 6, the difference being that the Auditor-General is not empowered under section 6 to disclose information or publish records which identify the affairs of particular persons.

LOCAL COURTS (CIVIL CLAIMS) ACT 1970 No. 11**AMENDMENTS**

- (1) Section 34 (Costs to be in discretion of court):

Omit section 34 (4).

- (2) Section 45 (Where judgment debtor corporation):

(a) Omit "a director or the manager or secretary", insert instead "an officer or former officer".

(b) Omit "he", insert instead "the person".

- (3) Section 47B (Time for payment by garnishee):

Omit section 47B (3).

- (4) Section 49 (Limitation on operation of garnishee orders attaching a wage or salary):

(a) Omit the definitions of "prescribed rate" and "Sydney basic wage" from section 49 (1), insert instead in alphabetical order:

"prescribed rate", in relation to a wage or salary, means:

(a) if no part of the wage or salary is otherwise attached under this or any other Act—a rate equal to the weekly compensation payment; or

(b) if any part of the wage or salary is otherwise attached under this or any other Act—a rate equal to the weekly compensation payment increased by the amount so attached, calculated on a weekly basis;

"weekly compensation payment" means an amount calculated at a weekly rate that is equivalent to 80 per cent of the maximum single weekly payment of compensation for the time being referred to in section 37 (1) (a) (i) of the Workers Compensation Act 1987 as adjusted under that Act.

(b) From the definition of "wage or salary" in section 49 (1), omit "worker.", insert instead "worker;".

- (5) Section 59 (Sheriff or bailiff to take under writ of execution):

From section 59 (7), omit "Penalty: \$1,000", insert instead "Maximum penalty: 50 penalty units".

- (6) Section 75A:

After section 75, insert:

Irregularity

75A. (1) If, in the purported commencement of any proceedings or at any stage in the course of or in connection with any proceedings, there is, by reason of anything done or left undone, a failure to

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comply with any requirement of this Act or of the rules whether in respect of time, place, manner, form or content or in any other respect:

- (a) the failure is to be treated as an irregularity and is not to nullify the proceedings, or any step taken in the proceedings, or any document, judgment or order in the proceedings; and
- (b) subject to subsections (2) and (3), the court may, on terms, set aside wholly or in part the proceedings or any step taken in the proceedings or any document, judgment or order in the proceedings, or exercise its powers under the rules to allow amendments and to make orders dealing with the proceedings generally.

(2) The court must not wholly set aside any proceedings on the ground that, although not constituting an action for the recovery of a debt or liquidated demand, they were commenced by the lodging of a statement of liquidated claim.

(3) The court must not set aside any proceedings or any step taken in any proceedings or any document, judgment or order in any proceedings on the ground of a failure to which subsection (1) applies on the application of any party unless the application is made within a reasonable time and before the applicant has taken any fresh step after becoming aware of the irregularity.

(7) Section 76A:

After section 76, insert:

Power to refer allegation etc. of contempt to Supreme Court

76A. (1) Without prejudice to the powers of a court under section 76, if it is alleged, or appears to a court on its own view, that a person is guilty of contempt of the court, whether committed in the face or hearing of the court or not, the court may refer the matter to the Supreme Court for determination.

(2) On any matter being referred to the Supreme Court under this section, the Supreme Court is to dispose of the matter in such manner as it considers appropriate.

(8) Section 84 (Rules):

From section 84 (1) (s), omit “and default judgments”, insert instead “, default judgments and orders for summary judgment”.

COMMENCEMENT

Items (1)–(3) and (5)–(8) of the amendments to the Local Courts (Civil Claims) Act 1970 commence on the date of assent to this Act.

Item (4) of the amendments to the Local Courts (Civil Claims) Act 1970 commences on a day to be appointed by proclamation.

TRANSITIONAL

Item (4) of the amendments to the Local Courts (Civil Claims) Act 1970 does not apply to a garnishee order issued before the day appointed for the commencement of that item.

EXPLANATORY NOTE

Statute law revision (items (1) and (3))

The proposed amendments omit obsolete cross-references.

Examination of judgment debtor corporation (item (2))

At present, section 45 provides that an examination summons may be issued requiring a director or the manager or secretary of a judgment debtor that is a corporation to appear for examination as to the property or other means available to satisfy a judgment debt of the corporation. Equivalent provisions in the Supreme Court Rules 1970 and the District Court Act 1973 provide that the summons may be directed to an officer or former officer of the judgment debtor corporation. The proposed amendment draws section 45 into line with those provisions.

Attachment of a wage or salary (item (4))

The proposed amendment to section 49, which replaces the formula to be used in determining what amount may be deducted from the wage or salary of a judgment debtor to enforce payment of a judgment debt by a garnishee order, is similar to the amendment to the Supreme Court Act 1970 set out elsewhere in this Schedule. Reference should be made to the explanatory note to that amendment for more information concerning this amendment.

Removal etc. of property subject to writ of execution (item (5))

The purpose of this proposed amendment is to increase from \$1,000 to 50 penalty units (at present, equivalent to \$5,000) the penalty for the offence of interfering with, disposing of or removing property (without the written consent of the Sheriff or bailiff) that has been seized by the Sheriff or bailiff under a writ of execution or is the subject of a notice issued by the Sheriff or bailiff as to the safekeeping of the property. The amendment is similar to item (3) of the amendments to the District Court Act 1973 elsewhere in this Schedule.

Irregularity in proceedings (item (6))

Section 81 of the Supreme Court Act 1970 and section 159 of the District Court Act 1973 provide that failures to comply with procedural requirements do not nullify proceedings but may be remedied by the Court on appropriate terms. The proposed amendment inserts a similar provision in relation to proceedings in a Local Court.

Referral of alleged contempt to Supreme Court (item (7))

At present, the Act provides for the punishment of contempt committed in the face of a court or registrar. Contempt committed other than in the face of a court is punishable only by the Supreme Court in its inherent jurisdiction. No machinery provision, similar to section 203 of the District Court Act 1973, is provided for reference of an alleged contempt, whether committed in the face of a court or otherwise, to the Supreme Court. The proposed amendment inserts a provision, similar to section 203 of the District Court Act 1973, to enable such contempts to be referred to the Supreme Court for determination.

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Summary judgment (item (8))

At present, the Act contains no provision for summary judgment in a defended action (e.g. to a plaintiff's claim where a defendant has filed a defence but has disappeared and the court is satisfied that the defence has no substance). The District Court Act 1973 makes specific provision for rules to be made concerning summary judgment. The proposed amendment inserts a similar provision in section 84.

LOCAL GOVERNMENT ACT 1919 No. 41

AMENDMENTS

(1) Section 233 (Proprietary rights in regard to roads):

- (a) From section 233 (5), omit "resumed" wherever occurring, insert instead "compulsorily acquired".
- (b) From section 233 (5), omit "resumption" wherever occurring, insert instead "compulsory acquisition".
- (c) From section 233 (5), omit "resume", insert instead "compulsorily acquire".
- (d) After section 233 (5), insert:

(6) In this section, "Crown" includes an authority of the State within the meaning of the Land Acquisition (Just Terms Compensation) Act 1991.

(2) Section 466 (Definitions):

From section 466 (1), omit the definition of "Western Lands Commissioner", insert instead:

"Western Lands Commissioner" means the person holding office as such under Part 2 of the Public Sector Management Act 1988.

(3) Section 562A:

After section 562, insert:

Alternate delegates

562A. (1) The council of each area included or partly included in a county district or, in the case of a combined county electorate, the councils of the areas or parts of areas comprised in the combined county electorate may elect a member of the council or councils concerned to be the alternate delegate for each delegate elected by that council or those councils under section 562 (2), (3) or (5).

(2) A person may not be an alternate delegate for more than one delegate to a county council at the same time.

(3) An alternate delegate may only act in the office of the delegate for whom that alternate delegate is the alternate delegate during the illness or absence of the delegate and while so acting, the alternate delegate has all the functions of the delegate and is taken to be the delegate.

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(4) The alternate delegate for the chairperson of the county council must not preside at a meeting of the county council unless elected or appointed to that position in accordance with section 563.

COMMENCEMENT

Items (1) and (2) of the amendments to the Local Government Act 1919 commence on the date of assent to this Act.

Item (3) of the amendments to the Local Government Act 1919 commences on a day to be appointed by proclamation.

EXPLANATORY NOTE

Statute law revision (items (1) and (2))

The proposed amendments to section 233 (item (1)) are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and make the amended provision consistent with that Act. The proposed amendment to section 233 also reflects the fact that some acquiring authorities are not part of the Crown (e.g. Area Health Services). The proposed amendment to section 466 (item (2)) updates the definition of "Western Lands Commissioner" as a consequence of amendments made to the Western Lands Act 1901.

Alternate delegates to county councils (item (3))

Section 562 provides that councils may elect one delegate or, in certain circumstances, more than one delegate or jointly elect delegates to county councils. No provision is made for the election of alternate delegates to act in the place of delegates who are ill or otherwise absent. The proposed amendment makes provision for the election of alternate delegates.

NOISE CONTROL ACT 1975 No. 35

AMENDMENTS

(1) Long title:

Omit "State Pollution Control Commission", insert instead "Environment Protection Authority".

(2) Section 5:

Omit the section, insert instead:

Act to bind Crown

5. This Act binds the Crown in right of New South Wales and, in so far as the legislative power of Parliament permits, the Crown in all its other capacities.

COMMENCEMENT

The amendments to the Noise Control Act 1975 commence on the date of assent to this Act.

EXPLANATORY NOTE**Environment Protection Authority (item (1))**

The proposed amendment to the long title substitutes a reference to the Environment Protection Authority for a reference to the State Pollution Control Commission, which has been abolished.

Act to bind Crown (item (2))

The proposed amendment to section 5 makes it clear that the Noise Control Act 1975 binds the Crown in all its capacities.

The proposed amendment is similar to the amendments to the Clean Air Act 1961 elsewhere in this Schedule and the additional information in the explanatory note to those amendments is also relevant to this amendment.

PAY-ROLL TAX ACT 1971 No. 22**AMENDMENTS****Section 5 (Disclosure of information etc.):**

(a) After section 5 (5) (a), insert:

(a1) prevent information being disclosed or a record being made available to the Auditor-General for the purpose of exercising functions conferred or imposed on the Auditor-General by the Public Finance and Audit Act 1983 or any other law, or prevent the Auditor-General from disclosing that information or publishing that record if the disclosure or publication does not directly or indirectly divulge information identifying the affairs of a particular person;

(b) From section 5 (5) (b), omit "or" where lastly occurring.

(c) After section 5 (5) (c), insert:

(d) prevent the disclosure or publication by the Chief Commissioner of material derived from information or records referred to in subsection (1) if the disclosure or publication does not directly or indirectly divulge information identifying the affairs of a particular person; or

(e) prevent the disclosure or publication by any person of the material referred to in paragraph (d) after it has been disclosed or published by the Chief Commissioner.

COMMENCEMENT

The amendments to the Pay-roll Tax Act 1971 commence on the date of assent to this Act.

TRANSITIONAL

The amendments to the Pay-roll Tax Act 1971 apply to information and records whenever obtained.

EXPLANATORY NOTE

Section 5 restricts the disclosure of information and the publication of records obtained under the Act. The proposed amendments modify the operation of that section in 2 respects in a manner similar to the manner in which the equivalent section in the Business Franchise Licences (Petroleum Products) Act 1987 is modified elsewhere in this Schedule. The explanatory note to the amendments to that Act provides detail as to the manner in which it is proposed to modify the disclosure provisions set out in section 5, the difference being that the Auditor-General is not empowered under section 5 to disclose information or publish records which identify the affairs of particular persons.

PLANT DISEASES ACT 1924 No. 38
AMENDMENT

Sections 11, 11A:

Omit the sections, insert instead:

Inspectors

11. (1) The Director-General of the Department of Agriculture may, by notification in the Gazette, appoint inspectors for the purposes of this Act.

(2) An inspector has, and may exercise, the functions conferred or imposed on the inspector by this Act or the regulations.

(3) The Director-General may authorise in writing any person to perform any or all of the functions of an inspector.

(4) An authority under subsection (3) may be limited in its operation to a specified part of the State.

COMMENCEMENT

The amendment to the Plant Diseases Act 1924 commences on the date of assent to this Act.

EXPLANATORY NOTE

At present, provision is made for inspectors to be appointed in accordance with the Public Sector Management Act 1988 (that is, by the transfer or promotion of an officer in the Public Service by the Departmental Head or by the appointment of a person who is not an officer by the Governor on the recommendation of the Departmental Head) and for the Minister to appoint persons to exercise all or any functions of an inspector. Provision is also made for inspectors' functions to be set out in the regulations.

The proposed amendment provides, as is the case under the Stock Diseases Act 1923, that inspectors and authorised persons may be appointed and authorised respectively by the Director-General of the Department of Agriculture and that inspectors have the functions conferred or imposed on them by the Act or the regulations.

POLICE REGULATION (SUPERANNUATION) ACT 1906 No. 28**AMENDMENTS****(1) Section 2H (Constitution of Committee):**

(a) Omit section 2H (2), insert instead:

(2) The Committee is to consist of 8 members appointed by the Minister, one of whom is to be a person appointed by the Minister to be the Chairperson of the Committee.

(b) From section 2H (3), omit "Of the appointed members", insert instead "Of the members other than the Chairperson".

(2) Section 9B (Preserved benefit):

After section 9B (7), insert:

(7A) Despite subsection (7), if the Australian Statistician changes the reference base for the Consumer Price Index (All Groups Index) for Sydney, then, for the purposes of the application of this section after the change takes place, regard is to be had only to Index numbers expressed in terms of the new reference base.

(3) Section 12E (Repayment to Board in certain cases):

From section 12E (2), omit "Crimes Act 1900", insert instead "Victims Compensation Act 1987".

COMMENCEMENT

The amendments to the Police Regulation (Superannuation) Act 1906 commence on the date of assent to this Act.

EXPLANATORY NOTE**Abolition of New South Wales Superannuation Office (item (1))**

At present, section 2H provides that the Police Superannuation Advisory Committee is to consist of 8 members of whom 1 is to be the Secretary of the New South Wales Superannuation Office, who is to chair the Committee. The New South Wales Superannuation Office was abolished on 1 July 1992. The proposed amendment omits the reference to the Secretary of the Office and provides for the Minister to appoint a person to the Committee to be its Chairperson.

Adjustment of gratuity (item (2))

Section 9B provides for payment of a gratuity that is to be adjusted, when it emerges, to take account of increases in the Consumer Price Index that have occurred since the election to preserve a benefit under the section was made. The Index used is the Consumer Price Index (All Groups Index) for Sydney prepared by the Australian Statistician. The proposed amendment makes provision as to what is to occur if the reference base for the relevant Index is changed.

Compensation for injury (item (3))

Section 12E provides for the withholding, or recovery, of a gratuity payable or paid to a police officer who is injured on duty if damages are recovered in respect of that injury. The section presently states that "damages" does not include any sum ordered

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or directed to be paid under the Crimes Act 1900 for compensation for injury. The proposed amendment substitutes a reference to the Victims Compensation Act 1987 for the reference to the Crimes Act 1900 because compensation for victims of violence is now dealt with under the former Act.

POLLUTION CONTROL ACT 1970 No. 95

AMENDMENT

Section 3:

Omit the section, insert instead:

Act to bind Crown

3. This Act binds the Crown in right of New South Wales and, in so far as the legislative power of Parliament permits, the Crown in all its other capacities.

COMMENCEMENT

The amendment to the Pollution Control Act 1970 commences on the date of assent to this Act.

EXPLANATORY NOTE

The proposed amendment makes it clear that the Pollution Control Act 1970 binds the Crown in all its capacities.

The proposed amendment is similar to the amendments to the Clean Air Act 1961 elsewhere in this Schedule and the additional information in the explanatory note to those amendments is also relevant to this amendment.

**PROTECTION OF THE ENVIRONMENT ADMINISTRATION ACT
1991 No. 60**

AMENDMENT

Section 32:

Omit the section, insert instead:

Act to bind Crown

32. This Act binds the Crown in right of New South Wales and, in so far as the legislative power of Parliament permits, the Crown in all its other capacities.

COMMENCEMENT

The amendment to the Protection of the Environment Administration Act 1991 commences on the date of assent to this Act.

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EXPLANATORY NOTE

The proposed amendment makes it clear that the Protection of the Environment Administration Act 1991 binds the Crown in all its capacities.

The proposed amendment is similar to the amendments to the Clean Air Act 1961 elsewhere in this Schedule and the additional information in the explanatory note to those amendments is also relevant to this amendment.

SOIL CONSERVATION ACT 1938 No. 10

AMENDMENT

Section 25A (Sale of land not required for purposes of Act):

From section 25A, omit “and apply the purchase money arising from such sale in such manner as the Governor shall direct”.

COMMENCEMENT

The amendment to the Soil Conservation Act 1938 commences on the date of assent to this Act.

EXPLANATORY NOTE

At present, section 25A provides that the proceeds of sale of surplus land that was acquired by purchase or compulsory process are to be applied by the Minister in accordance with the Governor’s direction. The proposed amendment removes the requirement for the Minister to obtain the Governor’s direction. The disbursement of the proceeds of sale or lease of surplus government assets are now the subject of Treasurer’s directions under the Public Finance and Audit Act 1983.

STAMP DUTIES ACT 1920 No. 47

AMENDMENTS

Section 131A (Disclosure of information etc.):

(a) After section 131A (5) (a), insert:

(a1) prevent information being disclosed or a record being made available to the Auditor-General for the purpose of exercising functions conferred or imposed on the Auditor-General by the Public Finance and Audit Act 1983 or any other law, or prevent the Auditor-General from disclosing that information or publishing that record if the disclosure or publication does not directly or indirectly divulge information identifying the affairs of a particular person;

(b) From section 131A (5) (b), omit “or” where lastly occurring.

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(c) After section 131A (5) (c), insert:

- (d) prevent the disclosure or publication by the Chief Commissioner of material derived from information or records referred to in subsection (1) if the disclosure or publication does not directly or indirectly divulge information identifying the affairs of a particular person; or
- (e) prevent the disclosure or publication by any person of the material referred to in paragraph (d) after it has been disclosed or published by the Chief Commissioner.

COMMENCEMENT

The amendments to the Stamp Duties Act 1920 commence on the date of assent to this Act.

TRANSITIONAL

The amendments to the Stamp Duties Act 1920 apply to information and records whenever obtained.

EXPLANATORY NOTE

Section 131A restricts the disclosure of information and the publication of records obtained under the Act. The proposed amendments modify the operation of that section in 2 respects in a manner similar to the manner in which the equivalent section in the Business Franchise Licences (Petroleum Products) Act 1987 is modified elsewhere in this Schedule. The explanatory note to the amendments to that Act provides detail as to the manner in which it is proposed to modify the disclosure provisions set out in section 131A, the difference being that the Auditor-General is not empowered under section 131A to disclose information or publish records which identify the affairs of particular persons.

SUPREME COURT ACT 1970 No. 52

AMENDMENT

Section 99:

Omit the section, insert instead:

Attachment of wage or salary

99. The wage or salary of a person payable for any period must not be attached or made liable in the enforcement against the person of a judgment or order except to the extent of the amount (if any) remaining after deducting from the wage or salary an amount calculated for the same period at a weekly rate that is equivalent to 80 per cent of the maximum single weekly payment of compensation for the time being referred to in section 37 (1) (a) (i) of the Workers Compensation Act 1987 as adjusted under that Act.

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COMMENCEMENT

The amendment to the Supreme Court Act 1970 commences on a day to be appointed by proclamation.

TRANSITIONAL

The amendment to the Supreme Court Act 1970 does not apply to a garnishment notice served before the day appointed for the commencement of the amendment.

EXPLANATORY NOTE

At present, section 99 limits the attachment of a wage or salary to enforce payment of a judgment debt to the sum left after deducting the equivalent, for the pay period, of an amount \$8 per week less than the appropriate basic wage in force under the Industrial Relations Act 1991 (which replaced the Industrial Arbitration Act 1940) in respect of the judgment debtor. The minimum adult basic wage presently fixed by the Industrial Relations Act 1991 is \$121.40 per week. No mechanism for regular review of this figure currently exists.

The proposed amendment replaces the reference to \$8 per week less than the appropriate basic wage with a reference to a weekly figure that is 80 per cent of the maximum weekly amount of compensation payable to an injured worker without dependants for any period of total incapacity for work (after the first 26 weeks of incapacity) under section 37 of the Workers Compensation Act 1987. The maximum weekly payment of compensation under section 37 is regularly adjusted, the last adjustment having been made on 1 April 1992 when a figure of \$242.20 was set.

SWIMMING POOLS ACT 1992 No. 49

AMENDMENT

Section 22 (Local authority may grant exemptions from barrier requirements that are impracticable or unreasonable in particular cases):

In section 22 (1), after “situated,”, insert “or proposed to be constructed or installed,”.

COMMENCEMENT

The amendment to the Swimming Pools Act 1992 commences on the date of assent to this Act.

EXPLANATORY NOTE

At present, section 22 enables a local authority to exempt a swimming pool from the requirements of the Act dealing with access to swimming pools if the local authority is satisfied that it is impracticable or unreasonable for the swimming pool to comply with those requirements or that no less effective alternative provision has been made for restricting access to the swimming pool or the water contained in it. The proposed amendment makes it clear that the owner of premises may apply for the requisite exemption before constructing or installing the swimming pool.

The amended provision (section 22 (1)) will read as follows:

(1) The local authority may, on application made by the owner of any premises in or on which a swimming pool is situated, or proposed to be constructed or installed, exempt the swimming pool from all or any of the requirements of this Part if it is satisfied, in the particular circumstances of the case:

- (a) that it is impracticable or unreasonable (because of the physical nature of the premises, because of the design or construction of the swimming pool or because of special circumstances of a kind recognised by the regulations as justifying the granting of an exemption) for the swimming pool to comply with those requirements; or
- (b) that alternative provision, no less effective than those requirements, exists for restricting access to the swimming pool.

(Matter to be inserted is shown in bold type.)

SYDNEY MARKET AUTHORITY ACT 1968 No. 11

AMENDMENTS

(1) Section 11 (**Powers, authorities, duties and functions of the Authority**):

(a) After section 11 (2) (a), insert:

(a1) to acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991;

(b) From section 11 (2) (b), omit "land,".

(2) Section 13 (**Land—how acquired**):

Omit the section.

(3) Section 14:

Omit the section, insert instead:

Application of Public Works Act 1912

14. (1) For the purposes of the Public Works Act 1912:

(a) an acquisition of land by compulsory process by the Authority in accordance with section 11 and the construction, provision and establishment of a public market and the carrying out of any works for any purpose referred to in that section are taken to be an authorised work; and

(b) the Authority is, in relation to that authorised work, taken to be the Constructing Authority.

(2) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this Act.

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(4) Section 18 (Penalty notices for certain offences):

Omit section 18 (3) and (4).

COMMENCEMENT

The amendments to the Sydney Market Authority Act 1968 commence on the date of assent to this Act.

TRANSITIONAL

Items (1)–(3) of the amendments to the Sydney Market Authority Act 1968 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

SAVING

Item (4) of the amendments to the Sydney Market Authority Act 1968 does not affect the validity of a courtesy letter served or enforcement action taken (whether before or after the date of assent to this Act) under Part 4B of the Justices Act 1902 as regards an offence referred to in section 18 (1) of the Sydney Market Authority Act 1968.

EXPLANATORY NOTE

Statute law revision—land acquisition (items (1)–(3))

The proposed amendments to sections 11 and 14 and repeal of section 13 are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991. They make sections 11 and 14 consistent with that Act and omit unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 in Schedule 2 for more information relevant to these amendments.)

Penalty notices (item (4))

At present, section 18 (3) and (4) provides that a person served with a penalty notice may decline to be dealt with by penalty notice and that, if the person fails to pay the amount specified in the penalty notice, the person is taken to have so declined. The proposed amendment omits unnecessary matter and makes the penalty notice provision consistent with various other Acts. The proposed amendment is similar to an amendment to the Forestry Act 1916 set out elsewhere in this Schedule and the explanatory note to that amendment contains more information relevant to this amendment.

TRANSPORT ADMINISTRATION ACT 1988 No. 109

AMENDMENTS

(1) Section 89 (Sale, lease or other disposal of land):

After section 89 (2), insert:

(3) The Minister may delegate the power of approval under this section to the Director-General, a member of staff of the Department of Transport or a person of a class prescribed by the regulations.

(2) Section 90:

Omit the section, insert instead:

Acquisition of land

90. (1) The State Rail Authority may, for the purposes of the construction or extension of a railway or for any other purposes of the State Rail Authority, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be for an authorised work and the State Rail Authority is, in relation to that authorised work, taken to be the Constructing Authority.

(3) Any such acquisition is not void merely because it is expressed to be for the purposes of the State Rail Authority or for the purposes of this Act.

(4) Part 3 of the Public Works Act 1912 does not apply in respect of works constructed for the purposes of this section.

(3) Section 94 (Closure of level-crossings etc.):

After section 94 (1), insert:

(1A) The Minister may delegate the power of approval under this section to the Director-General, a member of staff of the Department of Transport or a person of a class prescribed by the regulations.

(4) Section 100 (Sale, lease or other disposal of land):

After section 100 (2), insert:

(3) The Minister may delegate the power of approval under this section to the Director-General, a member of staff of the Department of Transport or a person of a class prescribed by the regulations.

(5) Section 101:

Omit the section, insert instead:

Acquisition of land

101. (1) The State Transit Authority may, for any purposes of the State Transit Authority, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be for an authorised work and the State Transit Authority is, in relation to that authorised work, taken to be the Constructing Authority.

(3) Any such acquisition is not void merely because it is expressed to be for the purposes of the State Transit Authority or for the purposes of this Act.

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(4) Part 3 of the Public Works Act 1912 does not apply in respect of works constructed for the purposes of this section.

(6) Section 114 (Rescission of resumptions):

Omit the section.

(7) Section 119 (Regulations):

From section 119 (2), omit "5 penalty units", insert instead "20 penalty units".

(8) Schedule 6 (Application of the Public Works Act 1912):

Omit the Schedule.

COMMENCEMENT

The amendments to the Transport Administration Act 1988 commence on the date of assent to this Act.

TRANSITIONAL

Items (2), (5), (6) and (8) of the amendments to the Transport Administration Act 1988 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

Delegation by Minister (items (1), (3) and (4))

The proposed amendments to sections 89, 94 and 100 enable the Minister to delegate the power to approve of sales, leases or other disposals of land by the State Rail Authority and the State Transit Authority and of the closure of level-crossings, bridges and other structures passing over or under any railway to the Director-General of the Department of Transport, staff of the Department or other prescribed classes of persons. At present, the Act enables the Director-General to delegate functions but does not provide for any similar delegation by the Minister.

Statute law revision (items (2), (5), (6) and (8))

The proposed amendments to sections 90 and 101 and repeal of section 114 and Schedule 6 are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, make sections 90 and 101 consistent with that Act and omit unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 in Schedule 2 for more information relevant to these amendments.)

Penalty for offence against regulation (item (7))

At present, the maximum penalty that may be imposed by the regulations under the Act for offences against those regulations (which may deal with matters such as rail safety) is 5 penalty units (at present, equivalent to \$500). The proposed amendment to section 119 increases the maximum penalty which may be imposed by the regulations to 20 penalty units (at present, equivalent to \$2,000).

VALUATION OF LAND ACT 1916 No. 2**AMENDMENT****Section 76 (Copies of entries to be supplied):**

After section 76 (1), insert:

(1A) The Valuer-General may, at the request of an applicant under subsection (1), supply a certified copy or an extract under that subsection of part only of an entry in a valuation roll. The fee payable by the applicant is to be determined by the Valuer-General, but is not to exceed the fee prescribed for supplying a full entry in the valuation roll.

COMMENCEMENT

The amendment to the Valuation of Land Act 1916 commences on the date of assent to this Act.

EXPLANATORY NOTE

At present, section 76 (1) requires the Valuer-General to supply a certified copy under seal or an extract of an entry in a valuation roll to any person who applies for it and pays the prescribed fee. The copy or extract is evidence in any proceedings of the matters stated in it.

The proposed amendment permits the Valuer-General to supply a certified copy or an extract of part only of such an entry. It also permits the Valuer-General to determine a fee for supplying a copy or an extract of part of an entry that is less than the prescribed fee for supplying a copy or an extract of a full entry.

WASTE DISPOSAL ACT 1970 No. 97**AMENDMENTS****(1) Section 3:**

Omit the section, insert instead:

Act to bind Crown

3. This Act binds the Crown in right of New South Wales and, in so far as the legislative power of Parliament permits, the Crown in all its other capacities.

(2) Section 8A (Board to determine policies of Service):

Omit "the Authority" wherever occurring, insert instead "the Service".

COMMENCEMENT

The amendments to the Waste Disposal Act 1970 commence on the date of assent to this Act.

EXPLANATORY NOTE**Act to bind Crown (item (1))**

The proposed amendment to section 3 makes it clear that the Waste Disposal Act 1970 binds the Crown in all its capacities.

The proposed amendment is similar to the amendments to the Clean Air Act 1961 elsewhere in this Schedule and the additional information in the explanatory note to those amendments is also relevant to this amendment.

Waste Recycling and Processing Service of New South Wales (item (2))

The Waste Recycling and Processing Service of New South Wales was previously known as the "Waste Management Authority of New South Wales". The proposed amendment to section 8A updates references to that body.

WILD DOG DESTRUCTION ACT 1921 No. 17**AMENDMENTS****(1) Section 3 (Definitions):**

- (a) From section 3, omit the definition of "Commissioner", insert instead:

"Commissioner" means the Western Lands Commissioner holding office as such under Part 2 of the Public Sector Management Act 1988.

- (b) From section 3, omit the definition of "Western Division", insert instead:

"Western Division" means the Western Division within the meaning of the Crown Lands Act 1989.

(2) Section 3A (The Wild Dog Destruction Board):

- (a) From section 3A (5), omit "Pastures Protection Board" and "Pastures Protection District" wherever occurring, insert instead, respectively, "Rural Lands Protection Board" and "Rural Lands Protection District".

- (b) From section 3A (8), omit "pastures protection boards", insert instead "rural lands protection boards".

(3) Sections 3B, 3D:

From sections 3B and 3D, omit "pastures protection board" wherever occurring, insert instead "rural lands protection board".

(4) Section 19 (Wild Dog Destruction Fund):

- (a) Omit section 19 (1)–(3), insert instead:

(1) The board is to maintain an account or accounts with a bank approved by the Treasurer. That account or those accounts are to be known as the Wild Dog Destruction Fund.

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(2) All money received from all sources under this Act is to be paid into the fund.

(3) The regulations may govern the operation of the fund.

(b) Omit section 19 (5), insert instead:

(5) The board may invest money in the fund:

(a) in such manner as may be authorised by the Public Authorities (Financial Arrangements) Act 1987; or

(b) if that Act does not confer power on the board to invest money—in accordance with the Trustee Act 1925 or in any other manner approved by the Minister with the concurrence of the Treasurer.

COMMENCEMENT

The amendments to the Wild Dog Destruction Act 1921 commence on the date of assent to this Act.

TRANSITIONAL

On the commencement of the amendments to the Wild Dog Destruction Act 1921, the special deposit account called the Wild Dog Destruction Fund is closed and all money standing to the credit of that account is to be transferred to an account maintained under section 19 (1) of the Wild Dog Destruction Act 1921, as inserted by this Act.

EXPLANATORY NOTE

Statute law revision (items (1)–(3))

The proposed amendments to section 3 update the definition of “Commissioner” as a consequence of amendments made to the Western Lands Act 1901 (item (1) (a)) and the definition of “Western Division” as a consequence of the repeal of the Crown Lands Consolidation Act 1913 (item (1) (b)).

The proposed amendments to sections 3A, 3B and 3D (items (2) and (3)) update references to the Pastures Protection Board and Pastures Protection Districts as a consequence of the repeal of the Pastures Protection Act 1934.

Bank account and investment powers (item (4))

The proposed amendments to section 19 repeal the requirement that money received under the Act be paid to a special deposit account with the Treasury and substitute a requirement that the money be paid into a bank account or accounts kept by the Wild Dog Destruction Board (item (4) (a)).

The proposed amendments also update the Board’s investment powers as a consequence of the enactment of the Public Authorities (Financial Arrangements) Act 1987 (item (4) (b)).

**SCHEDULE 2—AMENDMENTS BY WAY OF STATUTE LAW
REVISION**

(Sec. 3)

ABORIGINAL LAND RIGHTS ACT 1983 No. 42**AMENDMENTS**

(1) Section 39:

Omit the section, insert instead:

Acquisition of land

39. (1) The Minister may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) The Minister may do so only if the Minister is of the opinion that there are exceptional circumstances which warrant the acquisition of land for the purpose of satisfying the objectives of this Act.

(3) If so required by the Minister, the New South Wales Aboriginal Land Council or the Local Aboriginal Land Council is to make provision to the satisfaction of the Minister for the payment of the purchase price or of compensation for compulsory acquisition (together with all necessary charges and expenses incidental to the acquisition).

(4) The Minister may transfer land acquired under this section to an Aboriginal Land Council or other organisation or body established for the benefit of Aborigines.

(5) For the purposes of the Public Works Act 1912, an acquisition of land under this section is taken to be for an authorised work and the Minister is, in relation to that authorised work, taken to be the Constructing Authority.

(6) Part 3 of the Public Works Act 1912 does not apply in respect of works constructed under this Act.

(2) Schedule 1 (Modification of the Public Works Act 1912):

Omit the Schedule.

COMMENCEMENT

The amendments to the Aboriginal Land Rights Act 1983 commence on the date of assent to this Act.

TRANSITIONAL

The amendments to the Aboriginal Land Rights Act 1983 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The Aboriginal Land Rights Act 1983 contains provisions relating to the acquisition of land by way of resumption or appropriation under the Public Works Act 1912. The Land Acquisition (Just Terms Compensation) Act 1991 (which commenced on 1 January 1992) applies to any compulsory acquisition of land under the Aboriginal Land Rights Act 1983 (or any other Act) even though the Act continues to refer to the superseded provisions of the Public Works Act 1912. The Land Acquisition (Just Terms Compensation) Act 1991 does not change the purposes for which land may be compulsorily acquired under the Aboriginal Land Rights Act 1983 (or under any other Act that provides for compulsory acquisition of land by a public authority). It provides only the procedure for acquisition and the payment of compensation.

The proposed amendments merely update the Act to replace superseded references to the Public Works Act 1912 in relation to the compulsory acquisition of land by the Minister and omit unnecessary matter.

AMBULANCE SERVICES ACT 1990 No. 16**AMENDMENTS****(1) Sections 16, 17:**

Omit the sections, insert instead:

Acquisition of land

16. (1) The Ambulance Service may, with the approval of the Minister, for the purpose of the exercise of its functions under this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be for an authorised work and the Ambulance Service is, in relation to that authorised work, taken to be the Constructing Authority.

(3) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this Act.

Disposal of land

17. The Ambulance Service may not dispose of land by sale, lease, mortgage or otherwise except with the approval of the Minister.

(2) Schedule 3 (Savings, transitional and other provisions):

From clause 7 (4), omit "section", insert instead "clause".

COMMENCEMENT

The amendments to the Ambulance Services Act 1990 commence on the date of assent to this Act.

TRANSITIONAL

Item (1) of the amendments to the Ambulance Services Act 1990 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendments to sections 16 and 17 (item (1)) are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, make the amended provisions consistent with that Act and omit unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this item.)

The proposed amendment to Schedule 3 (item (2)) corrects a reference to a provision.

AREA HEALTH SERVICES ACT 1986 No. 50
AMENDMENTS**(1) Section 27 (Power in relation to property):****(a) Omit section 27 (1) (a), insert instead:**

- (a) acquire land (including an interest in land), for the purpose of the exercise of its functions, by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and acquire any other property (whether or not the land or other property is required for the purposes of any hospital or other health service under the control of the area health service);

- (b) From section 27 (2) (a), omit “by purchase, lease or exchange”, insert instead “by any means”.

(2) Section 28:

Omit the section, insert instead:

Application of Public Works Act 1912

28. (1) For the purposes of the Public Works Act 1912, any acquisition of land under section 27 (1) (a) is taken to be for an authorised work and the area health service concerned is, in relation to that authorised work, taken to be the Constructing Authority.

(2) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this Act.

COMMENCEMENT

The amendments to the Area Health Services Act 1986 commence on the date of assent to this Act.

*Statute Law (Miscellaneous Provisions) Act (No. 2) 1992 No. 57—Sch. 2***TRANSITIONAL**

The amendments to the Area Health Services Act 1986 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendments are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, make sections 27 and 28 consistent with that Act and omit unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to these amendments.)

BENNELONG POINT (PARKING STATION) ACT 1985 No. 189**AMENDMENTS**

Section 6 (Acquisition of land and granting of lease for parking station):

- (a) From section 6 (1), omit "appropriated (if Crown land) or resumed (if private property)", insert instead "compulsorily acquired".
- (b) From section 6 (2), omit "notification referred to in section 42 of the Public Works Act 1912", insert instead "notice under section 19 of the Land Acquisition (Just Terms Compensation) Act 1991".

COMMENCEMENT

The amendments to the Bennelong Point (Parking Station) Act 1985 commence on the date of assent to this Act.

TRANSITIONAL

The amendments to the Bennelong Point (Parking Station) Act 1985 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendments are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and make the amended provision consistent with that Act.

BICENTENNIAL PARK TRUST ACT 1987 No. 29**AMENDMENT**

Section 9 (Prohibition against disposal or compulsory acquisition of principal trust lands):

- From section 9 (2), omit "appropriated or resumed", insert instead "compulsorily acquired".

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COMMENCEMENT

The amendment to the Bicentennial Park Trust Act 1987 commences on the date of assent to this Act.

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 which uses the expression "compulsory acquisition" rather than the expression "appropriation or resumption".

**BUILDING AND CONSTRUCTION INDUSTRY LONG SERVICE
PAYMENTS ACT 1986 No. 19****AMENDMENTS****(1) Section 3 (Definitions):**

From the definition of "Secretary" in section 3 (1), omit "Secretary of the New South Wales Superannuation Office", insert instead "Director-General of the Department of Industrial Relations, Employment, Training and Further Education".

(2) Section 7 (Delegation):

From section 7 (1), omit "New South Wales Superannuation Office" wherever occurring, insert instead "Department of Industrial Relations, Employment, Training and Further Education".

COMMENCEMENT

The amendments to the Building and Construction Industry Long Service Payments Act 1986 are taken to have commenced on 1 July 1992 (the date of abolition of the New South Wales Superannuation Office).

EXPLANATORY NOTE

The proposed amendments update references to the Secretary of the New South Wales Superannuation Office and the Office itself. The New South Wales Superannuation Office was abolished on 1 July 1992. The functions of the Secretary of that Office for the purposes of this Act have been taken over by the Director-General of the Department of Industrial Relations, Employment, Training and Further Education and the functions of the Office have been assumed by that Department.

CATCHMENT MANAGEMENT ACT 1989 No. 235**AMENDMENTS**

(1) Section 52:

Omit the section, insert instead:

Acquisition of land

52. (1) A Catchment Management Trust may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be for an authorised work and the Trust is, in relation to that authorised work, taken to be the Constructing Authority.

(2) Schedule 5 (Application of the Public Works Act 1912):

Omit the Schedule.

COMMENCEMENT

The amendments to the Catchment Management Act 1989 commence on the date of assent to this Act.

TRANSITIONAL

The amendments to the Catchment Management Act 1989 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendments are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, make section 52 consistent with that Act and omit unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to these amendments.)

CHARLES STURT UNIVERSITY ACT 1989 No. 76**AMENDMENT**

Section 23:

Omit the section, insert instead:

Acquisition of land

23. (1) The Minister may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

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- (2) The Minister may do so only if the University:
- (a) applies to the Minister for acquisition of the land; and
 - (b) makes provision to the satisfaction of the Minister for the payment of the purchase price or of compensation for compulsory acquisition (together with all necessary charges and expenses incidental to the acquisition).
- (3) For the purposes of the Public Works Act 1912, any acquisition of land under this section is taken to be for an authorised work and the Minister is, in relation to that authorised work, taken to be the Constructing Authority.
- (4) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this section.

COMMENCEMENT

The amendment to the Charles Sturt University Act 1989 commences on the date of assent to this Act.

TRANSITIONAL

The amendment to the Charles Sturt University Act 1989 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended provision consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

CHIPPING NORTON LAKE AUTHORITY ACT 1977 No. 38

AMENDMENT

Section 16:

Omit the section, insert instead:

Acquisition of land

16. (1) The Authority may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be for an authorised work and the Authority is, in relation to that authorised work, taken to be the Constructing Authority.

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(3) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this section.

COMMENCEMENT

The amendment to the Chipping Norton Lake Authority Act 1977 commences on the date of assent to this Act.

TRANSITIONAL

The amendment to the Chipping Norton Lake Authority Act 1977 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended provision consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

COMMUNITY WELFARE ACT 1987 No. 52

AMENDMENT

Section 13A (Acquisition and disposal of land):

Omit section 13A (1), insert instead:

(1) The Minister may, for the purposes of the community welfare legislation, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

COMMENCEMENT

The amendment to the Community Welfare Act 1987 commences on the date of assent to this Act.

TRANSITIONAL

The amendment to the Community Welfare Act 1987 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended provision consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

CRIMINAL PROCEDURE ACT 1986 No. 209**AMENDMENTS**

- (1) Part 11 (Police custody of property):
 - (a) Renumber Part 13 (sections 61–74) (as inserted by the Criminal Procedure (Police Custody of Property) Amendment Act 1991) as Part 11.
 - (b) Renumber sections 61 to 74 as sections 38 to 51 respectively.
 - (c) Insert that Part and those sections, as renumbered, after Part 10 and section 37.
- (2) Section 40 (Disposal of property after determination of proceedings) as renumbered:

From section 40 (1), omit “62”, insert instead “39”.
- (3) Section 41 (Application to Treasurer for recovery of money or proceeds of sale) as renumbered:

Omit “63”, insert instead “40”.
- (4) Section 49 (Notification of right to recover proceeds of sale) as renumbered:

Omit “73”, insert instead “50”.

COMMENCEMENT

The amendments to the Criminal Procedure Act 1986 commence on the date of assent to this Act.

EXPLANATORY NOTE

The proposed amendments renumber a Part and the sections in that Part and correct cross-references consequentially.

DAIRY INDUSTRY ACT 1979 No. 208**AMENDMENTS**

- (1) The whole Act, except the definition of “dairyman” in section 4 (1) and in clauses 3 (1) (c), (d) and (g) and 15 (1) (a) of Schedule 5:
 - (a) Omit “dairyman” wherever occurring, insert instead “dairy farmer”.
 - (b) Omit “Dairymen” wherever occurring, insert instead “Dairy Farmers”.
 - (c) Omit “dairymen” wherever occurring, insert instead “dairy farmers”.
 - (d) Omit “chairman” wherever occurring, insert instead “chairperson”.

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(2) Section 4 (Definitions):

- (a) From the definition of "carrier" in section 4 (1), omit "his", insert instead "the person's".
- (b) After the definition of "cream" in section 4 (1), insert:
"dairy farmer" means the occupier of dairy premises;
- (c) Omit the definition of "dairyman".

(3) Section 9 (Powers, generally):

- (a) From section 9 (3), omit "he", insert instead "the Minister".
- (b) From section 9 (3), omit "his", insert instead "the".

(4) Section 10 (Directions in the interests of health etc.):

- (a) From section 10 (1) (d), omit "him" and "his", insert instead "the carrier" and "the carrier's" respectively.
- (b) From section 10 (1) (e), omit "him" and "his", insert instead "the dairy produce merchant" and "the dairy produce merchant's" respectively.
- (c) After "him" in section 10 (1) (f), insert "or her".
- (d) After "he" in section 10 (1) (g), insert "or she".
- (e) After "him" in section 10 (1) (g), insert "or her".

(5) Section 12 (Seizure of contaminated milk etc.):

From section 12 (a), omit "his presence", insert instead "being present".

(6) Section 20 (Powers of certain authorised officers):

- (a) From section 20 (2) (a), omit "his".
- (b) From section 20 (2) (a) and (c), omit "he" wherever occurring, insert instead "the authorised officer".
- (c) From section 20 (3) (a), omit "him", insert instead "the authorised officer".
- (d) From section 20 (4), omit "his", insert instead "a".
- (e) From section 20 (4), omit "he proves", insert instead "it is proved".
- (f) From section 20 (4), omit "he did", insert instead "the person did".
- (g) From section 20 (5), omit "him" wherever occurring, insert instead "the person".
- (h) From section 20 (6), omit "he", insert instead "an authorised officer".
- (i) After "his" in section 20 (6), insert "or her".

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- (7) Section 23 (Remedy against Corporation confined to claim for account):
- (a) From section 23 (2), omit "him", insert instead "the person".
 - (b) From section 23 (3), omit "he", insert instead "the person".
- (8) Section 24 (Application of Food Act 1989):
- From section 24 (a), omit "his" wherever occurring, insert instead "the dairy farmer's".
- (9) Section 25 (Delivery and acceptance of milk):
- (a) From section 25 (5), omit "him" wherever occurring, insert instead "the person".
 - (b) From section 25 (5) (b), omit "he disposes", insert instead "disposal".
- (10) Section 26 (Duty to give notice of encumbrances):
- (a) From section 26 (1), omit "he", insert instead "the person".
 - (b) From section 26 (1), omit "his title", insert instead "the right of the person".
- (11) Section 27 (Determination of quantity of milk accepted by the Corporation):
- From section 27 (7), omit "his", insert instead "the officer's".
- (12) Section 28 (Payments to dairy farmers):
- From section 28 (1) and (2), omit "him" wherever occurring, insert instead "the dairy farmer".
- (13) Section 31 (Corporation protected in certain cases):
- From section 31 (1), omit "him", insert instead "that true owner".
- (14) Section 32 (Registration of dairy farmers and dairy produce merchants):
- (a) After "him" in section 32 (2) (b), insert "or her".
 - (b) From section 32 (7) (c), omit "him", insert instead "the holder".
- (15) Section 32B (Acquisition of milk for sale or supply for human consumption or use):
- Re-number the section (as inserted by Schedule 1 (4) to the Dairy Industry (Amendment) Act 1992) as section 25A and insert that section, as re-numbered, after section 25.
- (16) Section 33 (Corporation may refuse to issue certificate etc.):
- (a) From section 33 (1) (a), (b) and (e), omit "he" wherever occurring, insert instead "the person".
 - (b) From section 33 (1) (c), omit "him", insert instead "the person".

- (17) Section 34 (Cancellation of certificate on cessation of use):
From section 34 (3), omit "him", insert instead "the holder".
- (18) Section 35 (Registration in respect of certain interstate activities):
(a) From section 35 (1), omit "himself", insert instead "that person".
(b) From section 33 (4), omit "him" wherever occurring, insert instead "the person".
(c) After "his" in section 33 (4) (c), insert "or her".
- (19) Section 42 (Infectious diseases in milk):
From section 42 (2), omit "his presence", insert instead "being present".
- (20) Section 43 (Putrescent cream):
From section 43 (1) (a) and (b), omit "he" wherever occurring, insert instead "the occupier".
- (21) Sections 46 and 47:
Omit "him" wherever occurring, insert instead "the person".
- (22) Section 48 (Grading and testing to be authorised):
(a) Omit "his" wherever occurring, insert instead "the".
(b) Omit "he" wherever occurring, insert instead "the person".
(c) After "him", insert "or her".
- (23) Sections 49 and 50:
Omit "he" wherever occurring, insert instead "the occupier".
- (24) Section 52 (Notice of milk etc. delivered):
From section 52 (1) (b), omit "his knowledge", insert instead "the knowledge of the occupier".
- (25) Sections 61 and 62:
Omit the sections, insert instead:
Acquisition of land
61. (1) The Corporation may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
(2) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be an authorised work and the Corporation is, in relation to that authorised work, taken to be the Constructing Authority.

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(3) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this Act.

(26) Section 64 (Resumption of undertaking):

- (a) From section 64 (4), omit "him" wherever occurring, insert instead "the owner".
- (b) From section 64 (4) (a) and (e), omit "his estate or interest" wherever occurring, insert instead "the estate or interest of the owner".
- (c) From section 64 (4) (e), omit "he" wherever occurring, insert instead "the owner".

(27) Section 65 (Valuation):

From section 65 (3), omit "his premises", insert instead "the premises of the undertaking".

(28) Section 66 (Appeal):

From section 66 (1), omit "he", insert instead "the owner".

(29) Section 77 (Trustees):

From section 77 (1), omit "money in his hands", insert instead "trust funds".

(30) Section 82 (Demanding name and place of abode):

After "his" wherever occurring, insert "or her".

(31) Section 83 (Inspection of vehicles):

- (a) From section 83 (3), omit "him", insert instead "the officer".
- (b) After "his" in section 83 (4), insert "or her".

(32) Section 88 (Action on complaint):

Omit "he" wherever occurring, insert instead "the Minister".

(33) Section 89 (Investigation):

- (a) From section 89 (1), omit "he", insert instead "the Special Officer".
- (b) From section 89 (3), omit "him" wherever occurring, insert instead "the Special Officer".
- (c) From section 89 (5), omit "his", insert instead "the Minister's".

(34) Section 91 (Action following investigation):

- (a) Omit "he" wherever occurring, insert instead "the Minister".
- (b) From section 91 (6), omit "his", insert instead "the".

(35) Section 93 (Informations):

- (a) From section 93 (2), omit “his” wherever occurring, insert instead “the”.
- (b) From section 93 (3), omit “to which he is put or with which he becomes chargeable”, insert instead “to or with which the secretary or other officer is put or becomes chargeable”.

(36) Section 95 (Evidence):

- (a) From section 95 (b) (i), (iii) and (iv), omit “him” wherever occurring, insert instead “the person”.
- (b) From section 95 (b) (i)–(iv), omit “he” wherever occurring, insert instead “the person”.

(37) Section 97 (Annual report):

From section 97 (2), omit “him”, insert instead “the Minister”.

(38) Section 105 (Offence of obstruction etc.):

- (a) After “his” wherever occurring in section 105 (a) and (b), insert “or her”.
- (b) After “he” in section 105 (c), insert “or she”.

COMMENCEMENT

Items (1)–(14) and (16)–(38) of the amendments to the Dairy Industry Act 1979 commence on the date of assent to this Act.

Item (15) of the amendments to the Dairy Industry Act 1979 commences on the commencement of Schedule 1 (4) to the Dairy Industry (Amendment) Act 1992 or on the date of assent to this Act, whichever is the later.

TRANSITIONAL

Item (25) of the amendments to the Dairy Industry Act 1979 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The bulk of the proposed amendments (items (1)–(14), (16)–(24) and (26)–(38)) recast sections in gender neutral language.

The proposed amendment to section 32B (item (15)) renumbers a provision to be inserted by the Dairy Industry (Amendment) Act 1992 to avoid a duplication in the renumbering of sections.

The proposed replacement of section 61 and repeal of section 62 (item (25)) are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, omit unnecessary matter and replace superseded references to the Public Works Act 1912 in relation to the compulsory acquisition of land by the New South Wales Dairy Corporation.

DARLING HARBOUR AUTHORITY ACT 1984 No. 103

AMENDMENTS

(1) Section 13 (Acquisition of land):

(a) Omit section 13 (1)–(5), insert instead:

(1) The Authority may, within the Development Area, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be for an authorised work and the Authority is, in relation to that authorised work, taken to be the Constructing Authority.

(3) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this Act.

(b) From section 13 (6), omit “appropriated or resumed”, insert instead “compulsorily acquired”.

(2) Section 23D (Application of Public Works Act 1912):

Omit section 23D (4).

(3) Schedule 4 (Modification of the Public Works Act 1912):

Omit the Schedule.

COMMENCEMENT

The amendments to the Darling Harbour Authority Act 1984 commence on the date of assent to this Act.

TRANSITIONAL

The amendments to the Darling Harbour Authority Act 1984 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendments are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, make section 13 consistent with that Act and omit unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to these amendments.)

EDUCATION REFORM ACT 1990 No. 8**AMENDMENTS****(1) Section 125 (Acquisition and disposal of land):**

Omit section 125 (1), insert instead:

(1) The Minister may, for the purposes of this Act or jointly for those purposes and purposes of or associated with public education or recreation, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) Section 126 (Power to rescind resumptions):

Omit the section.

COMMENCEMENT

The amendments to the Education Reform Act 1990 commence on the date of assent to this Act.

TRANSITIONAL

The amendments to the Education Reform Act 1990 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendments are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, make section 125 consistent with that Act and omit unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to these amendments.)

ELECTRICITY ACT 1945 (1946 No. 13)**AMENDMENT****Section 7Q (Reserved functions):**

From section 7Q (1) (c), omit "resumption", insert instead "compulsory acquisition".

COMMENCEMENT

The amendment to the Electricity Act 1945 commences on the date of assent to this Act.

TRANSITIONAL

The amendment to the Electricity Act 1945 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended provision consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

ELECTRICITY COMMISSION ACT 1950 No. 22**AMENDMENT**

Sections 14, 16:

Omit the sections, insert instead:

Acquisition of land

14. (1) The Commission may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 but only as provided by this Division.

(2) The Commission may not give a proposed acquisition notice under the Land Acquisition (Just Terms Compensation) Act 1991 without the approval of the Minister.

(3) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be for an authorised work and the Commission is, in relation to that authorised work, taken to be the Constructing Authority.

(4) The Commission may, despite anything contained in any other Act but subject to section 17, sell, lease, exchange or otherwise deal with or dispose of land acquired by the Commission under this section.

COMMENCEMENT

The amendment to the Electricity Commission Act 1950 commences on the date of assent to this Act.

TRANSITIONAL

The amendment to the Electricity Commission Act 1950 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, makes section 14 consistent with that Act and omits unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

GOVERNMENT TELECOMMUNICATIONS ACT 1991 No. 77**AMENDMENTS****(1) Section 16 (Compensation for vesting of designated land):**

From section 16 (2), omit “resumption under the Public Works Act 1912”, insert instead “compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991”.

(2) Section 28 (Acquisition of land and construction of works):

Omit section 28 (1), insert instead:

(1) The Authority may, for the purposes of the Government telecommunications network, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

COMMENCEMENT

The amendments to the Government Telecommunications Act 1991 commence on the date of assent to this Act.

TRANSITIONAL

The amendments to the Government Telecommunications Act 1991 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendments are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and make the amended provisions consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to these amendments.)

HISTORIC HOUSES ACT 1980 No. 94**AMENDMENT**

Schedule 1 (Provisions relating to trustees and procedure of the Trust):

From clause 3 (1), omit “, subject to clause 1,”.

COMMENCEMENT

The amendment to the Historic Houses Act 1980 commences on the date of assent to this Act.

EXPLANATORY NOTE

The proposed amendment omits a reference to a clause that has been repealed.

HOUSING ACT 1912 No. 7**AMENDMENTS****(1) Section 4C (Power to rescind resumptions):**

Omit the section.

(2) Section 17 (Management of lands purchased or compulsorily acquired otherwise than under this Act):

Omit “, resumed, or appropriated on behalf of His Majesty”, insert instead “or compulsorily acquired on behalf of the Crown”.

(3) Section 18B (Crown lands):

(a) From section 18B (2) (a), omit “resumed”, insert instead “compulsorily acquired”.

(b) From section 18B (2) (b), omit “appropriated”, insert instead “compulsorily acquired”.

(c) From section 18B (2) (b) (ii) and (iii), omit “appropriation” wherever occurring, insert instead “acquisition”.

(4) Section 41 (Compulsory acquisition under certain circumstances):

From section 41 (1), omit “Governor may resume under the provisions of the Public Works Act 1912”, insert instead “Minister may compulsorily acquire in accordance with the Land Acquisition (Just Terms Compensation) Act 1991”.

COMMENCEMENT

The amendments to the Housing Act 1912 commence on the date of assent to this Act.

TRANSITIONAL

The amendments to the Housing Act 1912 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendments are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, make sections 17, 18B and 41 consistent with that Act and omit unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to these amendments.)

HOUSING ACT 1976 No. 62**AMENDMENTS****(1) Sections 11, 12:**

Omit the sections, insert instead:

Acquisition of land

11. (1) The Corporation may, for the purposes of the Housing Acts, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be for an authorised work and the Corporation is, in relation to that authorised work, taken to be the Constructing Authority.

(3) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this Act.

(2) Schedule 2 (Modification of the Public Works Act 1912):

Omit the Schedule.

COMMENCEMENT

The amendments to the Housing Act 1976 commence on the date of assent to this Act.

TRANSITIONAL

The amendments to the Housing Act 1976 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendments are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, make section 11 consistent with that Act and omit unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to these amendments.)

HUNTER VALLEY FLOOD MITIGATION ACT 1956 No. 10**AMENDMENTS****(1) Section 21 (Determination of amount of compensation for resumption of land or of an easement):**

Omit the section.

(2) Section 22 (Determination of amount of compensation):

From section 22 (1), omit "other".

(3) Section 30 (Works of river diversion causing severance of lands):

(a) Omit section 30 (4) and (5), insert instead:

(4) Any land which the Constructing Authority is required to acquire under subsection (3) may be acquired by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991. Any such acquisition is, for the purposes of the Public Works Act 1912, taken to be for an authorised work.

(5) Any land acquired under this section may be sold or otherwise dealt with in accordance with section 98 of the Public Works Act 1912 and, for that purpose, the Constructing Authority is to be the Constructing Authority within the meaning of that Act. However, for that purpose, section 98 is to be read as if section 98 (2) were omitted and the following subsection was substituted:

(2) All money received by the Constructing Authority pursuant to any sale or lease under subsection (1) must be paid to the credit of the Hunter Valley Flood Mitigation Working Account referred to in section 41 (2) of the Hunter Valley Flood Mitigation Act 1956.

(b) From section 30 (6), omit “purchase money” wherever occurring, insert instead “money”.

(c) From section 30 (6), omit “purchase or resumption”, insert instead “acquisition”.

(d) Omit section 30 (7).

COMMENCEMENT

The amendments to the Hunter Valley Flood Mitigation Act 1956 commence on the date of assent to this Act.

EXPLANATORY NOTE

The proposed amendments are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991. That Act has superseded the Public Works Act 1912 in relation to the determination and payment of compensation for the compulsory acquisition of land. The proposed amendments to section 30 make that section consistent with the Land Acquisition (Just Terms Compensation) Act 1991 and the Public Works Act 1912.

LAKE ILLAWARRA AUTHORITY ACT 1987 No. 285**AMENDMENT****Section 18:**

Omit the section, insert instead:

Acquisition of land

18. (1) The Authority may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be for an authorised work and the Authority is, in relation to that authorised work, taken to be the Constructing Authority.

(3) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this section.

COMMENCEMENT

The amendment to the Lake Illawarra Authority Act 1987 commences on the date of assent to this Act.

TRANSITIONAL

The amendment to the Lake Illawarra Authority Act 1987 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended provision consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

MACQUARIE UNIVERSITY ACT 1989 No. 126**AMENDMENT****Section 20:**

Omit the section, insert instead:

Acquisition of land

20. (1) The Minister may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

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- (2) The Minister may do so only if the University:
- (a) applies to the Minister for acquisition of the land; and
 - (b) makes provision to the satisfaction of the Minister for the payment of the purchase price or of compensation for compulsory acquisition (together with all necessary charges and expenses incidental to the acquisition).
- (3) For the purposes of the Public Works Act 1912, any acquisition of land under this section is taken to be for an authorised work and the Minister is, in relation to that authorised work, taken to be the Constructing Authority.
- (4) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this section.

COMMENCEMENT

The amendment to the Macquarie University Act 1989 commences on the date of assent to this Act.

TRANSITIONAL

The amendment to the Macquarie University Act 1989 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended provision consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

MINES RESCUE ACT 1925 No. 3

AMENDMENT

Sections 19A, 19B:

Omit the sections, insert instead:

Acquisition of land

19A. (1) The Minister may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) The Minister may do so only if the Board:

- (a) applies to the Minister for acquisition of the land; and
- (b) makes provision to the satisfaction of the Minister for the payment of the purchase price or of compensation for

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compulsory acquisition (together with all necessary charges and expenses incidental to the acquisition).

(3) The Minister may transfer land acquired under this section to the Board for such estate, and subject to such trusts and rights of way or other easements, as the Minister thinks fit.

(4) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be for an authorised work and the Minister is, in relation to that authorised work, taken to be the Constructing Authority.

(5) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this Act.

COMMENCEMENT

The amendment to the Mines Rescue Act 1925 commences on the date of assent to this Act.

TRANSITIONAL

The amendment to the Mines Rescue Act 1925 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, makes section 19A consistent with that Act and omits unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

NEW SOUTH WALES RETIREMENT BENEFITS ACT 1972 No. 70

AMENDMENT

Schedule 2:

From the First and Second Columns, omit the matter relating to the Grain Handling Authority of New South Wales.

COMMENCEMENT

The amendment to the New South Wales Retirement Benefits Act 1972 commences or is taken to have commenced on the day appointed under section 10 of the NSW Grain Corporation Holdings Limited Act 1992.

EXPLANATORY NOTE

The proposed amendment removes the matter relating to the Grain Handling Authority of New South Wales (the predecessor of NSW Grain Corporation Limited) from the Schedule of employers and employees on the day on which the reference to NSW Grain Corporation Holdings Limited, as a State owned corporation, is omitted from Schedule 1 to the State Owned Corporations Act 1989.

OCCUPATIONAL HEALTH AND SAFETY ACT 1983 No. 20**AMENDMENTS**

Section 48 (Authority to prosecute):

- (a) In section 48 (1) (b), before “an inspector”, insert “by”.
- (b) From section 48 (1) (c), omit “union registered under the Industrial Arbitration Act 1940”, insert instead “organisation of employees registered or recognised under the Industrial Relations Act 1991”.

COMMENCEMENT

The amendments to the Occupational Health and Safety Act 1983 commence on the date of assent to this Act.

EXPLANATORY NOTE

The proposed amendments insert a missing word (item (a)) and update references to a body that has been replaced and an Act that has been repealed (item (b)).

OMBUDSMAN ACT 1974 No. 68**AMENDMENT**

Schedule 1 (Excluded conduct of public authorities):

Renumber item 23 (as inserted by the Casino Control Act 1992) as item 24 and insert that item, as renumbered, after item 23.

COMMENCEMENT

The amendment to the Ombudsman Act 1974 commences on the date of assent to this Act.

EXPLANATORY NOTE

The proposed amendment removes a duplication in the numbering of items.

PARRAMATTA STADIUM TRUST ACT 1988 No. 86**AMENDMENT**

Schedule 1 (Provisions relating to the trustees):

From clause 3 (2), omit “, subject to clause 1,”.

COMMENCEMENT

The amendment to the Parramatta Stadium Trust Act 1988 commences on the date of assent to this Act.

EXPLANATORY NOTE

The proposed amendment omits a reference to a clause that has been repealed.

PUBLIC AUTHORITIES SUPERANNUATION ACT 1985 No. 41**AMENDMENT**

Schedule 3 (Employers), Part 2:

Omit “The Grain Handling Authority.”.

COMMENCEMENT

The amendment to the Public Authorities Superannuation Act 1985 commences or is taken to have commenced on the day appointed under section 10 of the NSW Grain Corporation Holdings Limited Act 1992.

EXPLANATORY NOTE

The proposed amendment to Schedule 3 removes the reference to the Grain Handling Authority of New South Wales (the predecessor of NSW Grain Corporation Limited) as an employer on the day on which the reference to NSW Grain Corporation Holdings Limited, as a State owned corporation, is omitted from Schedule 1 to the State Owned Corporations Act 1989.

PUBLIC HOSPITALS ACT 1929 No. 8**AMENDMENTS**

(1) Section 20 (Power in relation to property):

(a) Omit section 20 (1) (a), insert instead:

(a) acquire land (including an interest in land), for the purpose of the exercise of its functions, by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and acquire any other property (whether or not the land or other property is required for the purposes of the hospital);

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(b) From section 20 (2), omit “by purchase, lease or exchange”, insert instead “by any means”.

(2) After section 20, insert:

Application of the Public Works Act 1912

21. (1) For the purposes of the Public Works Act 1912, any acquisition of land under section 20 (1) (a) is taken to be for an authorised work and the body corporate concerned is, in respect of that authorised work, taken to be the Constructing Authority.

(2) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this Act.

(3) Section 29A (Resumption of land by board of a hospital):

Omit the section.

COMMENCEMENT

The amendments to the Public Hospitals Act 1929 commence on the date of assent to this Act.

TRANSITIONAL

The amendments to the Public Hospitals Act 1929 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendments are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, make provisions consistent with that Act and omit unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to these amendments.)

PUBLIC SERVANT HOUSING AUTHORITY ACT 1975 No. 38

AMENDMENTS

(1) Section 11 (Powers, authorities, duties and functions of Authority):

Omit section 11 (2) (a), insert instead:

(a) acquire in accordance with section 12 land not exceeding one hectare in area or, subject to section 14 (1) and with the consent in writing of the Minister, exceeding one hectare in area;

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(2) Section 12:

Omit the section, insert instead:

Acquisition of land

12. (1) The Authority may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) For the purposes of the Public Works Act 1912, any acquisition of land under this section is taken to be for an authorised work and the Authority is, in relation to that authorised work, taken to be the Constructing Authority.

(3) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this section.

COMMENCEMENT

The amendments to the Public Servant Housing Authority Act 1975 commence on the date of assent to this Act.

TRANSITIONAL

The amendments to the Public Servant Housing Authority Act 1975 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendments are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and make the amended provisions consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to these amendments.)

REAL PROPERTY ACT 1900 No. 25

AMENDMENT

Section 31A (Creation of folio for resumed land):

From section 31A (1), omit the definition of “resumption”, insert instead:

“resumption” means compulsory acquisition of land (including compulsory acquisition or appropriation of Crown land) under the provisions of any Act or Act of the Commonwealth authorising compulsory acquisition or appropriation of land; and “resumed” has a corresponding meaning;

COMMENCEMENT

The amendment to the Real Property Act 1900 commences on the date of assent to this Act.

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended definition consistent with that Act.

RURAL LANDS PROTECTION ACT 1989 No. 197**AMENDMENT****Section 3 (Definitions):**

From section 3 (1), omit the definition of "Western Lands Commissioner", insert instead:

"Western Lands Commissioner" means the person holding office as such under Part 2 of the Public Sector Management Act 1988;

COMMENCEMENT

The amendment to the Rural Lands Protection Act 1989 commences on the date of assent to this Act.

EXPLANATORY NOTE

The proposed amendment updates the definition of "Western Lands Commissioner" as a consequence of amendments made to the Western Lands Act 1901.

STATE AUTHORITIES NON-CONTRIBUTORY SUPERANNUATION ACT 1987 No. 212**AMENDMENTS****(1) Section 22 (Basic benefit):**

From section 22 (5) (b), omit "Officers", insert instead "Offices".

(2) Schedule 1 (Employers), Part 1:

Omit "Grain Handling Authority of New South Wales".

(3) Schedule 3 (Preservation of benefit for employees aged 55 years and over in certain circumstances):

From clause 5, omit "25", insert instead "22".

COMMENCEMENT

Items (1) and (3) of the amendments to the State Authorities Non-contributory Superannuation Act 1987 commence on the date of assent to this Act.

Item (2) of the amendments to the State Authorities Non-contributory Superannuation Act 1987 commences or is taken to have commenced on the day appointed under section 10 of the NSW Grain Corporation Holdings Limited Act 1992.

EXPLANATORY NOTE

The proposed amendment to section 22 (item (1)) corrects a reference to an Act. The proposed amendment to Schedule 1 (item (2)) removes the reference to the Grain Handling Authority of New South Wales (the predecessor of NSW Grain Corporation Limited) as an employer on the day on which the reference to NSW Grain Corporation Holdings Limited, as a State owned corporation, is omitted from Schedule 1 to the State Owned Corporations Act 1989.

The proposed amendment to Schedule 3 (item (3)) corrects a cross-reference.

STATE AUTHORITIES SUPERANNUATION ACT 1987 No. 211**AMENDMENTS**

(1) Schedule 1 (Employers), Part 1:

Omit "Grain Handling Authority of New South Wales".

(2) Schedule 5 (Special provisions for preserving the benefits of certain contributors):

From clause 6, omit "exit day", insert instead "exit date".

COMMENCEMENT

Item (1) of the amendments to the State Authorities Superannuation Act 1987 commences or is taken to have commenced on the day appointed under section 10 of the NSW Grain Corporation Holdings Limited Act 1992.

Item (2) of the amendments to the State Authorities Superannuation Act 1987 commences on the date of assent to this Act.

TRANSITIONAL

Contributors to the State Authorities Superannuation Fund who are, immediately before the day appointed under section 10 of the NSW Grain Corporation Holdings Limited Act 1992, members of the staff of New South Wales Grain Corporation Limited cease to be such contributors on that day. They are taken to have elected on that day to preserve their superannuation benefits in accordance with Part 5 of the State Authorities Superannuation Act 1987. Any such preserved benefit is eligible to be paid to the credit of the former contributor in another superannuation scheme under Schedule 5 to the State Authorities Superannuation Act 1987 if that Schedule so provides.

EXPLANATORY NOTE

The proposed amendment to Schedule 1 (item (1)) removes the reference to the Grain Handling Authority of New South Wales (the predecessor of NSW Grain Corporation Limited) as an employer on the day on which the reference to NSW Grain Corporation Holdings Limited, as a State owned corporation, is omitted from Schedule 1 to the State Owned Corporations Act 1989.

The proposed amendment to Schedule 5 (item (2)) corrects a definition.

The transitional provision ensures that when New South Wales Grain Corporation Limited ceases to be an employer for the purposes of the State Authorities Superannuation Act 1987, former contributors are entitled to a preserved benefit (instead of merely a refund of contributions) and may elect to transfer that benefit to another superannuation scheme.

STATE DEVELOPMENT AND INDUSTRIES ASSISTANCE ACT 1966
No. 10

AMENDMENTS

(1) Section 34A (Ministerial Corporation's powers to acquire land):

(a) From section 34A (1), omit “, including land previously appropriated or resumed for any purpose, by lease, purchase or exchange or by resumption or appropriation in accordance with this Part”, insert instead “(including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991”.

(b) After section 34A (1), insert:

(2) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be for an authorised work and the Ministerial Corporation is, in relation to that authorised work, taken to be the Constructing Authority.

(3) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this Act.

(2) Section 34B (Resumption):

Omit the section.

COMMENCEMENT

The amendments to the State Development and Industries Assistance Act 1966 commence on the date of assent to this Act.

TRANSITIONAL

The amendments to the State Development and Industries Assistance Act 1966 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendments are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, make section 34A consistent with that Act and omit unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to these amendments.)

STATE PUBLIC SERVICE SUPERANNUATION ACT 1985 No. 45**AMENDMENT****Schedule 3 (Employers):**

Omit "Grain Handling Authority of New South Wales."

COMMENCEMENT

The amendment to the State Public Service Superannuation Act 1985 commences or is taken to have commenced on the day appointed under section 10 of the NSW Grain Corporation Holdings Limited Act 1992.

EXPLANATORY NOTE

The proposed amendment to Schedule 3 removes the reference to the Grain Handling Authority of New South Wales (the predecessor of NSW Grain Corporation Limited) as an employer on the day on which the reference to NSW Grain Corporation Holdings Limited, as a State owned corporation, is omitted from Schedule 1 to the State Owned Corporations Act 1989.

STATE SPORTS CENTRE TRUST ACT 1984 No. 68**AMENDMENT****Section 16 (Provisions with respect to the original land of the Trust):**

From section 16 (4) (a), omit "appropriated, resumed", insert instead "compulsorily".

COMMENCEMENT

The amendment to the State Sports Centre Trust Act 1984 commences on the date of assent to this Act.

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended provision consistent with that Act.

SUPERANNUATION ACT 1916 No. 28**AMENDMENTS****(1) Section 12 (Contributions to be related to units of pension):**

From section 12 (3), omit "Commonwealth Statistician", insert instead "Australian Statistician".

(2) Section 52W (Benefit on attaining 65):

From section 52W (1) (a), omit "21A", insert instead "21C".

Statute Law (Miscellaneous Provisions) Act (No. 2) 1992 No. 57—Sch. 2

(3) Section 61RD (Reduction of benefit):

From section 61RD (6) (b), omit "22", insert instead "29".

(4) Schedule 3 (List of employers), Part 1:

Omit "New South Wales Grain Corporation Limited".

COMMENCEMENT

Item (1) of the amendments to the Superannuation Act 1916 commences on the date of assent to this Act.

Item (2) of the amendments to the Superannuation Act 1916 is taken to have commenced on 1 July 1992 (the date of commencement of section 52W of the Act).

Item (3) of the amendments to the Superannuation Act 1916 is taken to have commenced on 1 September 1992 (the date of commencement of section 61RD of the Act).

Item (4) of the amendments to the Superannuation Act 1916 commences or is taken to have commenced on the day appointed under section 10 of the NSW Grain Corporation Holdings Limited Act 1992.

TRANSITIONAL

Contributors to the State Superannuation Fund who are, immediately before the day appointed under section 10 of the NSW Grain Corporation Holdings Limited Act 1992, members of the staff of New South Wales Grain Corporation Limited cease to be such contributors on that day. They are taken to have elected on that day to preserve their superannuation benefits in accordance with Division 3A of Part 4 of the Superannuation Act 1916. Any such preserved benefit is eligible to be paid to the credit of the former contributor in another superannuation scheme under Schedule 23 to the Superannuation Act 1916 if that Schedule so provides.

EXPLANATORY NOTE

The proposed amendment to section 12 (item (1)) gives effect to a change of title from "Commonwealth Statistician" to "Australian Statistician".

The proposed amendments to sections 52W and 61RD (items (2) and (3)) correct cross-references.

The proposed amendment to Schedule 3 (item (4)) removes the reference to New South Wales Grain Corporation Limited as an employer on the day on which the reference to NSW Grain Corporation Holdings Limited, as a State owned corporation, is omitted from Schedule 1 to the State Owned Corporations Act 1989.

The transitional provision ensures that when New South Wales Grain Corporation Limited ceases to be an employer for the purposes of the Superannuation Act 1916, former contributors are entitled to a preserved benefit (instead of merely a refund of contributions) and may elect to transfer that benefit to another superannuation scheme.

SURVEYORS ACT 1929 No. 3**AMENDMENT****Section 3 (Definitions):**

From paragraph (d) of the definition of “survey”, omit “resumption”, insert instead “compulsory acquisition”.

COMMENCEMENT

The amendment to the Surveyors Act 1929 commences on the date of assent to this Act.

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended provision consistent with that Act.

SYDNEY COVE REDEVELOPMENT AUTHORITY ACT 1968 No. 56**AMENDMENT****Section 11:**

Omit the section, insert instead:

Acquisition of certain land

11. (1) The Authority may acquire the whole or any part of the land described in the Second, Third or Fourth Schedule, or any land adjoining or in the vicinity of the development area, for any purpose of this Act by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) The Authority may not give a proposed acquisition notice under the Land Acquisition (Just Terms Compensation) Act 1991 without the approval of the Minister.

(3) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be for an authorised work and the Authority is, in relation to that authorised work, taken to be the Constructing Authority.

COMMENCEMENT

The amendment to the Sydney Cove Redevelopment Authority Act 1968 commences on the date of assent to this Act.

TRANSITIONAL

The amendment to the Sydney Cove Redevelopment Authority Act 1968 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, makes section 11 consistent with that Act and omits unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to the above amendment.)

SYDNEY ELECTRICITY ACT 1990 No. 117**AMENDMENT**

Section 40:

Omit the section, insert instead:

Acquisition of land

40. (1) Sydney Electricity may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) Sydney Electricity may not give a proposed acquisition notice under the Land Acquisition (Just Terms Compensation) Act 1991 without the approval of the Minister.

(3) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be for an authorised work and Sydney Electricity is, in relation to that authorised work, taken to be the Constructing Authority.

(4) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this Act.

COMMENCEMENT

The amendment to the Sydney Electricity Act 1990 commences on the date of assent to this Act.

TRANSITIONAL

The amendment to the Sydney Electricity Act 1990 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, makes section 40 consistent with that Act and omits unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

SYDNEY TURF CLUB ACT 1943 No. 22**AMENDMENTS**

- (1) Section 7 (Objects etc. of Club):
Omit section 7 (1) (d).
- (2) Part 2, Division 4 (Sydney Turf Club—Acquisition of lands and equipment):
Omit the Division.
- (3) Second Schedule (Names of racecourses):
Omit the Schedule.

COMMENCEMENT

The amendments to the Sydney Turf Club Act 1943 commence on the date of assent to this Act.

EXPLANATORY NOTE

The provisions proposed for repeal are obsolete. Section 7 (1) (d), Division 4 of Part 2 and the Second Schedule deal generally with the purchase or compulsory acquisition by the Sydney Turf Club, on its formation in 1943, of certain proprietary racecourses, these being named in the Second Schedule as Ascot, Canterbury, Moorefield, Rosebery, Rosehill and Victoria Park. The directors of the Club were required to select which of these racecourses the Club would acquire and the purchase or resumption of the selected racecourses was to be completed by 1 January 1946. The general powers of the Sydney Turf Club in relation to the acquisition of land are set out in paragraph (a) of the Third Schedule (Specific powers of the Club). Those general powers do not include power to compulsorily acquire land.

TEACHER HOUSING AUTHORITY ACT 1975 No. 27**AMENDMENTS**

- (1) Section 13 (Powers, authorities, duties and functions of Authority):
Omit section 13 (2) (a), insert instead:
 - (a) acquire in accordance with section 14 land not exceeding one hectare in area or, subject to section 16 (1) and with the consent in writing of the Minister, exceeding one hectare in area;
- (2) Section 14:
Omit the section, insert instead:
Acquisition of land
 14. (1) The Authority may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

Statute Law (Miscellaneous Provisions) Act (No. 2) 1992 No. 57—Sch. 2

(2) For the purposes of the Public Works Act 1912, any acquisition of land under this section is taken to be for an authorised work and the Authority is, in relation to that authorised work, taken to be the Constructing Authority.

(3) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this section.

COMMENCEMENT

The amendments to the Teacher Housing Authority Act 1975 commence on the date of assent to this Act.

TRANSITIONAL

The amendments to the Teacher Housing Authority Act 1975 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendments are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and make the amended provisions consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to these amendments.)

**TECHNICAL AND FURTHER EDUCATION COMMISSION ACT
1990 No. 118**

AMENDMENTS

(1) Section 25 (Resumption etc. of land):

Omit the section.

(2) Section 27 (Acquisition and disposal of land by Minister):

Omit section 27 (1), insert instead:

(1) The Minister may, for the purposes of this Act or jointly for those purposes and purposes of or associated with technical and further education or recreation, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(1A) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be for an authorised work and the Minister is, in relation to that authorised work, taken to be the Constructing Authority.

(1B) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this Act.

Statute Law (Miscellaneous Provisions) Act (No. 2) 1992 No. 57—Sch. 2

(3) Section 28 (Power to rescind resumptions):

Omit the section.

COMMENCEMENT

The amendments to the Technical and Further Education Commission Act 1990 commence on the date of assent to this Act.

TRANSITIONAL

The amendments to the Technical and Further Education Commission Act 1990 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendments are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, make section 27 consistent with that Act and omit unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to these amendments.)

UNIVERSITY OF NEW ENGLAND ACT 1989 No. 67

AMENDMENT

Section 23:

Omit the section, insert instead:

Acquisition of land

23. (1) The Minister may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) The Minister may do so only if the University:

- (a) applies to the Minister for acquisition of the land; and
- (b) makes provision to the satisfaction of the Minister for the payment of the purchase price or of compensation for compulsory acquisition (together with all necessary charges and expenses incidental to the acquisition).

(3) For the purposes of the Public Works Act 1912, any acquisition of land under this section is taken to be for an authorised work and the Minister is, in relation to that authorised work, taken to be the Constructing Authority.

(4) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this section.

Statute Law (Miscellaneous Provisions) Act (No. 2) 1992 No. 57—Sch. 2

COMMENCEMENT

The amendment to the University of New England Act 1989 commences on the date of assent to this Act.

TRANSITIONAL

The amendment to the University of New England Act 1989 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended provision consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

UNIVERSITY OF NEW SOUTH WALES ACT 1989 No. 125

AMENDMENT

Section 19:

Omit the section, insert instead:

Acquisition of land

19. (1) The Minister may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) The Minister may do so only if the University:

- (a) applies to the Minister for acquisition of the land; and
- (b) makes provision to the satisfaction of the Minister for the payment of the purchase price or of compensation for compulsory acquisition (together with all necessary charges and expenses incidental to the acquisition).

(3) For the purposes of the Public Works Act 1912, any acquisition of land under this section is taken to be for an authorised work and the Minister is, in relation to that authorised work, taken to be the Constructing Authority.

(4) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this section.

COMMENCEMENT

The amendment to the University of New South Wales Act 1989 commences on the date of assent to this Act.

TRANSITIONAL

The amendment to the University of New South Wales Act 1989 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended provision consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

UNIVERSITY OF NEWCASTLE ACT 1989 No. 68
AMENDMENT**Section 20:**

Omit the section, insert instead:

Acquisition of land

20. (1) The Minister may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) The Minister may do so only if the University:

- (a) applies to the Minister for acquisition of the land; and
- (b) makes provision to the satisfaction of the Minister for the payment of the purchase price or of compensation for compulsory acquisition (together with all necessary charges and expenses incidental to the acquisition).

(3) For the purposes of the Public Works Act 1912, any acquisition of land under this section is taken to be for an authorised work and the Minister is, in relation to that authorised work, taken to be the Constructing Authority.

(4) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this section.

COMMENCEMENT

The amendment to the University of Newcastle Act 1989 commences on the date of assent to this Act.

TRANSITIONAL

The amendment to the University of Newcastle Act 1989 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended provision consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

UNIVERSITY OF SYDNEY ACT 1989 No. 124**AMENDMENT**

Section 20:

Omit the section, insert instead:

Acquisition of land

20. (1) The Minister may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) The Minister may do so only if the University:

- (a) applies to the Minister for acquisition of the land; and
- (b) makes provision to the satisfaction of the Minister for the payment of the purchase price or of compensation for compulsory acquisition (together with all necessary charges and expenses incidental to the acquisition).

(3) For the purposes of the Public Works Act 1912, any acquisition of land under this section is taken to be for an authorised work and the Minister is, in relation to that authorised work, taken to be the Constructing Authority.

(4) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this section.

COMMENCEMENT

The amendment to the University of Sydney Act 1989 commences on the date of assent to this Act.

TRANSITIONAL

The amendment to the University of Sydney Act 1989 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended provision consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

UNIVERSITY OF TECHNOLOGY, SYDNEY, ACT 1989 No. 69**AMENDMENT****Section 20:**

Omit the section, insert instead:

Acquisition of land

20. (1) The Minister may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) The Minister may do so only if the University:

- (a) applies to the Minister for acquisition of the land; and
- (b) makes provision to the satisfaction of the Minister for the payment of the purchase price or of compensation for compulsory acquisition (together with all necessary charges and expenses incidental to the acquisition).

(3) For the purposes of the Public Works Act 1912, any acquisition of land under this section is taken to be for an authorised work and the Minister is, in relation to that authorised work, taken to be the Constructing Authority.

(4) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this section.

COMMENCEMENT

The amendment to the University of Technology, Sydney, Act 1989 commences on the date of assent to this Act.

TRANSITIONAL

The amendment to the University of Technology, Sydney, Act 1989 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended provision consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

UNIVERSITY OF WESTERN SYDNEY ACT 1988 No. 90**AMENDMENT****Section 30:**

Omit the section, insert instead:

Acquisition of land

30. (1) The Minister may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) The Minister may do so only if the University:

- (a) applies to the Minister for acquisition of the land; and
- (b) makes provision to the satisfaction of the Minister for the payment of the purchase price or of compensation for compulsory acquisition (together with all necessary charges and expenses incidental to the acquisition).

(3) For the purposes of the Public Works Act 1912, any acquisition of land under this section is taken to be for an authorised work and the Minister is, in relation to that authorised work, taken to be the Constructing Authority.

(4) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this section.

COMMENCEMENT

The amendment to the University of Western Sydney Act 1988 commences on the date of assent to this Act.

TRANSITIONAL

The amendment to the University of Western Sydney Act 1988 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended provision consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

UNIVERSITY OF WOLLONGONG ACT 1989 No. 127**AMENDMENT****Section 20:**

Omit the section, insert instead:

Acquisition of land

20. (1) The Minister may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) The Minister may do so only if the University:

- (a) applies to the Minister for acquisition of the land; and
- (b) makes provision to the satisfaction of the Minister for the payment of the purchase price or of compensation for compulsory acquisition (together with all necessary charges and expenses incidental to the acquisition).

(3) For the purposes of the Public Works Act 1912, any acquisition of land under this section is taken to be for an authorised work and the Minister is, in relation to that authorised work, taken to be the Constructing Authority.

(4) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this section.

COMMENCEMENT

The amendment to the University of Wollongong Act 1989 commences on the date of assent to this Act.

TRANSITIONAL

The amendment to the University of Wollongong Act 1989 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended provision consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

WORKERS COMPENSATION ACT 1987 No. 70**AMENDMENT**

Schedule 6, Part 15 (Savings, transitional and other provisions—Provisions relating to insurance):

Renumber clauses 17 and 18 (as inserted by Schedule 3 (2) and Schedule 4 (1), respectively, to the Workers Compensation (Benefits) Amendment Act 1991) as clauses 18 and 19 and insert those clauses, as renumbered, after clause 17.

COMMENCEMENT

The amendment to the Workers Compensation Act 1987 commences on the date of assent to this Act.

EXPLANATORY NOTE

The proposed amendment removes a duplication in the numbering of clauses in a Schedule to the Act.

ZOOLOGICAL PARKS BOARD ACT 1973 No. 34**AMENDMENT**

Section 15 (Powers, authorities etc. of the Board):

From section 15 (3) (a), omit “goverments”, insert instead “governments”.

COMMENCEMENT

The amendment to the Zoological Parks Board Act 1973 commences on the commencement of Schedule 1 (2) to the Zoological Parks Board (Conservation and Environmental Objectives) Amendment Act 1992 or on the date of assent to this Act, whichever is the later.

EXPLANATORY NOTE

The proposed amendment corrects a spelling error.

SCHEDULE 3—REPEALS

(Sec. 4)

Census Act 1901 (1900 No. 65)**
 State Debt and Sinking Fund Act 1904 No. 19**
 Statute Law Revision Act 1924 No. 34**
 Commonwealth and State Banks Agreements Ratification Act 1931 No. 62**
 Public Hospitals (Amendment) Act 1933 No. 23*
 Stock Diseases (Amendment) Act 1934 No. 33*
 Commonwealth and State Banks Agreement Ratification Act 1935 No. 28**
 Commonwealth and State Bank Agreement Ratification Act 1937 No. 41**
 State Taxation Collection Act 1942 No. 21**
 Census (Amendment) Act 1946 No. 29*
 Land Sales Control Act 1948 No. 28**
 Landlord and Tenant (War Service) Amendment Act 1951 No. 12*
 Landlord and Tenant (Amendment) Act 1952 No. 55*
 General Loan Account Appropriation Act 1954 No. 30**
 Industrial Arbitration (Amendment) Act 1955 No. 11*
 General Loan Account Appropriation Act 1955 No. 33**
 General Loan Account Appropriation Act 1958 No. 30**
 General Loan Account Appropriation Act 1959 No. 27**
 General Loan Account Appropriation Act 1960 No. 50**
 Landlord and Tenant (Amendment) Act 1960 No. 55*
 General Loan Account Appropriation Act 1961 No. 38**
 Coal Loading Works (Ports of Newcastle, Port Kembla and Sydney) Agreement
 Act 1961 No. 54**
 General Loan Account Appropriation Act 1962 No. 41**
 General Loan Account Appropriation Act 1963 No. 38**
 Chowilla Reservoir Agreement Act 1964 No. 2**
 General Loan Account Appropriation Act 1964 No. 51**
 General Loan Account Appropriation Act 1965 No. 17**
 Industrial Arbitration (Decimal Currency) Act 1965 No. 35*
 General Loan Account Appropriation Act 1966 No. 47**
 Maritime Services (Amendment) Act 1966 No. 63*
 General Loan Account Appropriation Act 1967 No. 58**
 Industrial Arbitration (Basic Wage) Amendment Act 1967 No. 86*
 General Loan Account Appropriation Act 1968 No. 44**
 General Loan Account Appropriation Act 1969 No. 68**
 General Loan Account Appropriation Act 1970 No. 62**
 Civil Aviation (Carriers' Liability) Amendment Act 1971 No. 8*
 Plant Diseases (Amendment) Act 1971 No. 27*
 General Loan Account Appropriation Act 1971 No. 41**
 General Loan Account Appropriation Act 1972 No. 68**
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Note:

* indicates repeal of amending Act the provisions of which have been included in a reprint and which contains no provision of substantive effect that needs to be retained or which amends a repealed Act

** indicates repeal of Act that is no longer of practical utility

EXPLANATORY NOTE

The repeals are explained in detail in the explanatory note relating to this Act. In relation to the repeal of amending Acts, it should be noted that the Acts are repealed simply to rationalise the legislation in force and that the repeals have no substantive effect on the amendments made by the Acts or any associated provisions.

Section 30 (2) of the Interpretation Act 1987 ensures that, when an amending Act is repealed, no amendment made by the Act is affected. Section 30 (2) also ensures that the following matters are not affected:

- (a) the proof of any past act or thing;
- (b) any right, privilege, obligation or liability saved by the operation of the Act;
- (c) any validation made by the Act.

SCHEDULE 4—GENERAL SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

(Sec. 5)

Effect of amendment of amending provisions

1. (1) An amendment made by Schedule 1 or 2 to an amending provision contained in an Act is, if the amending provision has commenced before the date of assent to this Act, taken to have effect as from the commencement of the amending provision.

(2) In this clause:

“amending provision” means a provision of an Act, or of any other instrument, being a provision that has commenced and that makes a direct amendment to an Act by:

- (a) the repeal or omission of matter contained in the amended Act without the insertion of any matter instead of the repealed or omitted matter; or

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

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

EXPLANATORY NOTE

This clause ensures that amendments correcting errors in the technical provisions (for example, headings indicating the section to be amended or directions as to where a new section is to be inserted) and rectifying minor drafting defects (for example, corrections in numbering of provisions, correction or insertion of cross-references, omission of unnecessary matter or insertion of omitted matter) will commence on the date the amendments to which they relate commenced.

Effect of amendment or repeal on acts done or decisions made

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

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

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

EXPLANATORY NOTE

This clause ensures that the amendment or repeal of a provision will not, unless expressly otherwise provided, vitiate any act done or decision made under the provision as in force before the amendment or repeal.

Regulations

3. (1) The Governor may make regulations containing 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.

EXPLANATORY NOTE

This clause enables the making of regulations of a savings or transitional nature having a short term effect and relating to incidental matters arising out of the proposed Act with regard to which no specific, or sufficient, provision has been made in the Act.

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 Protected Estates (Amendment) Act 1986 No. 95
 Protected Estates (Amendment) Act 1989 No. 239
 Protected Estates (Disability Services and Guardianship) Amendment Act 1987
 No. 261
 Public Authorities (Financial Arrangements) Amendment Act 1989 No. 152
 Public Authorities (Financial Arrangements) Further Amendment Act 1989
 No. 178
 Public Authorities Superannuation (Amendment) Act 1985 No. 178
 Public Authorities Superannuation (Retrenchment) Amendment Act 1987
 No. 41

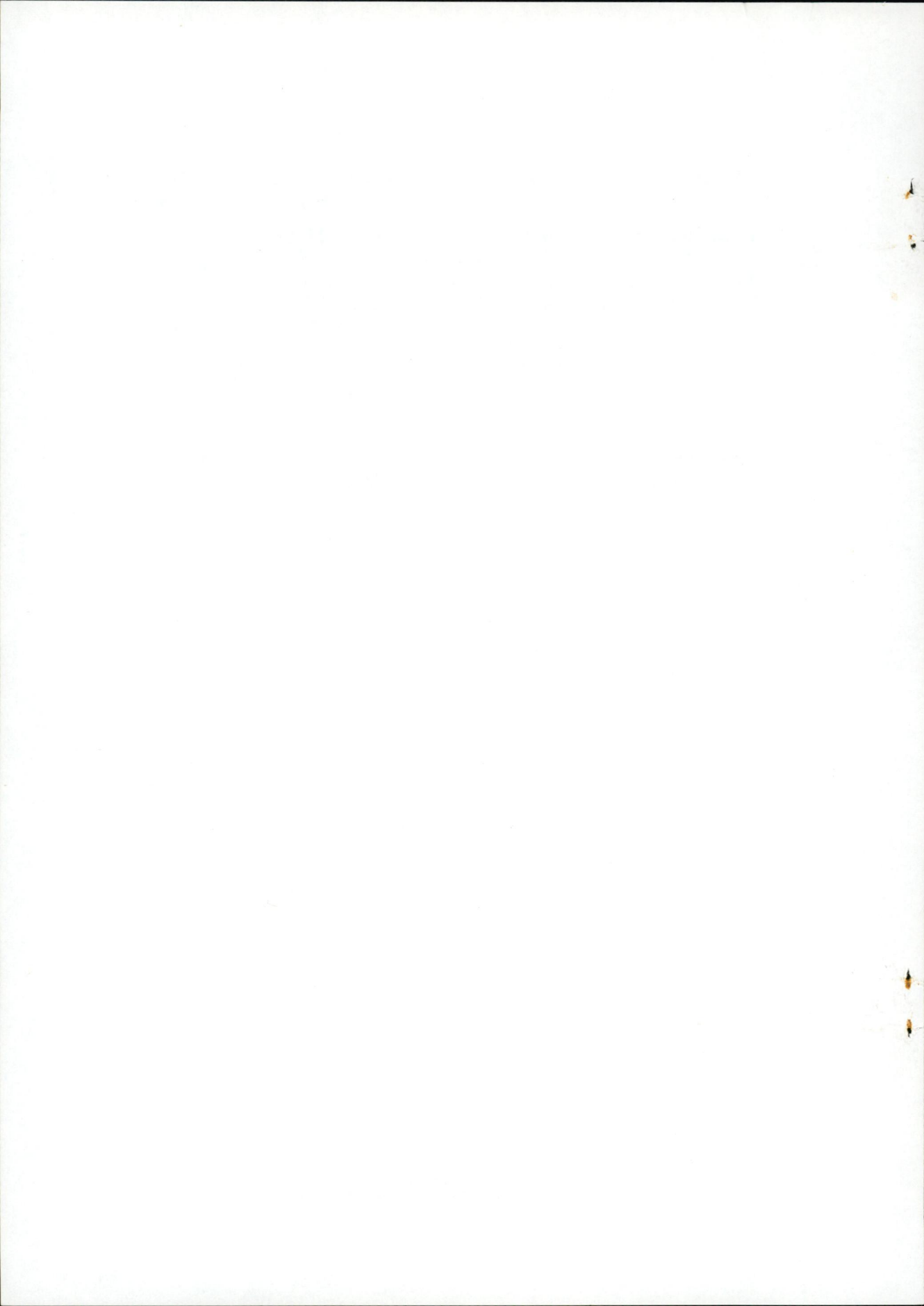
Statute Law (Miscellaneous Provisions) Act (No. 2) 1992 No. 57—Notes

- Public Health (Tobacco) Amendment Act 1986 No. 164
 Public Hospitals (Amendment) Act 1933 No. 23
 Public Hospitals (Amendment) Act 1986 No. 51
 Public Hospitals (Visiting Practitioners) Amendment Act 1988 No. 31
 Public Sector Executives Superannuation (Amendment) Act 1989 No. 228
 Rivers and Foreshores Improvement (Amendment) Act 1986 No. 202
 Royal Commissions (Amendment) Act 1987 No. 151
 Royal Commissions (Amendment) Act 1990 No. 58
 Royal Commissions (Amendment) Act 1991 No. 58
 Securities Industry (Application of Laws) Amendment Act 1986 No. 68
 Sentencing (Life Sentences) Amendment Act 1989 No. 220
 Soccer Football Pools (Amendment) Act 1986 No. 192
 Soccer Football Pools (Amendment) Act 1989 No. 72
 Soil Conservation (Amendment) Act 1985 No. 201
 Soil Conservation (Amendment) Act 1986 No. 105
 Soil Conservation (Amendment) Act 1989 No. 236
 Soil Conservation (Further Amendment) Act 1986 No. 142
 Solicitor General and Crown Advocate (Amendment) Act 1990 No. 44
 Stamp Duties (Amendment) Act 1990 No. 45
 Stamp Duties (Further Amendment) Act 1989 No. 223
 Stamp Duties (Further Amendment) Act 1990 No. 66
 Stamp Duties (Sale of Land) Amendment Act 1987 No. 194
 Standard Time (Amendment) Act 1986 No. 1
 Standard Time (Further Amendment) Act 1986 No. 98
 State Bank (Amendment) Act 1986 No. 169
 State Bank (Contributions) Amendment Act 1981 No. 117
 State Debt and Sinking Fund Act 1904 No. 19
 State Taxation Collection Act 1942 No. 21
 Statute Law Revision Act 1924 No. 34
 Stock Diseases (Amendment) Act 1934 No. 33
 Stock Diseases (Amendment) Act 1991 No. 31
 Stock Diseases (Offences) Amendment Act 1989 No. 181
 Strata Titles (Amendment) Act 1974 No. 35
 Strata Titles (Amendment) Act 1976 No. 18
 Strata Titles (Leasehold) Amendment Act 1988 No. 58
 Strata Titles (Leasehold) (Registration of Plans) Amendment Act 1989 No. 174
 Strata Titles (Plan Registration) Amendment Act 1986 No. 151
 Strata Titles (Registration of Plans) Amendment Act 1989 No. 173
 Summary Offences (Prostitution) Amendment Act 1988 No. 117
 Supply Act 1990 No. 52
 Supply Act 1991 No. 28
 Sydney Cricket and Sports Ground (Amendment) Act 1985 No. 188
 Sydney Cricket and Sports Ground (Amendment) Act 1986 No. 170
 Sydney Opera House Trust (Amendment) Act 1985 No. 191
 Theatres and Public Halls (Registered Clubs) Amendment Act 1987 No. 4
 Therapeutic Goods and Cosmetics (Amendment) Act 1986 No. 103
 Totalizator (Amendment) Act 1990 No. 3
 Totalizator (Amendment) Act 1991 No. 32

Statute Law (Miscellaneous Provisions) Act (No. 2) 1992 No. 57—Notes

Totalizator (Off-course Betting) Amendment Act 1988 No. 69
Totalizator (Off-course Betting) Amendment Act 1990 No. 4
Tourism Commission (Amendment) Act 1987 No. 199
Trade Union (Amalgamations) Amendment Act 1981 No. 54
Trade Union (Amalgamations) Special Provisions Act 1980 No. 164
Trade Union (Amendment) Act 1986 No. 128
Traffic (Amendment) Act 1990 No. 96
Treasury Corporation (Amendment) Act 1989 No. 180
Treasury Corporation (Amendment) Act 1991 No. 50
Trotting Authority (Amendment) Act 1983 No. 80
University of Western Sydney (Amendment) Act 1989 No. 128
Wilderness (Plans of Management) Amendment Act 1989 No. 85

*[Minister's second reading speech made in—
Legislative Assembly on 3 September 1992
Legislative Council on 23 September 1992]*



LEGISLATIVE COUNCIL

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

Second Reading

MR PRESIDENT:

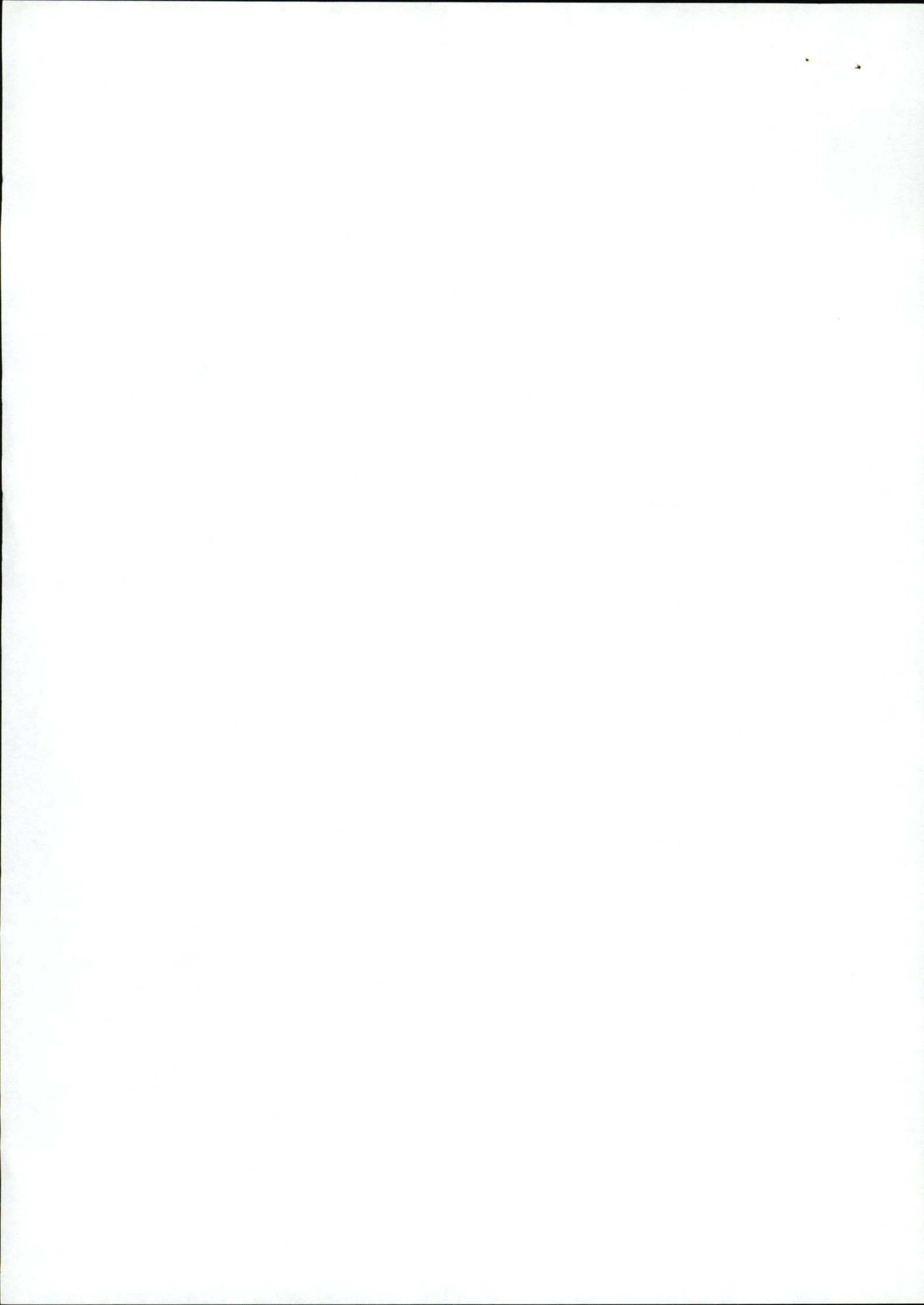
I MOVE THAT THIS BILL BE NOW READ A SECOND TIME.

THIS IS THE 18TH BILL IN THE NOW WELL ESTABLISHED STATUTE LAW REVISION PROGRAM THAT COMMENCED IN 1984. SINCE THAT TIME, ALL MEMBERS HAVE RECOGNISED THE VALUE OF THE STATUTE LAW REVISION PROGRAM AS AN EFFICIENT AND ECONOMICAL MEANS OF DEALING WITH AMENDMENTS OF THE KIND INCLUDED IN THE BILL.

THE BILL DEALS WITH 3 MAIN SUBJECT MATTERS. THESE ARE MINOR POLICY AMENDMENTS OF A NON-CONTROVERSIAL NATURE, AMENDMENTS BY WAY OF STATUTE LAW REVISION AND THE REPEAL OF ACTS.

IN FORMAT, THE BILL FOLLOWS THE PATTERN SET BY ITS PREDECESSORS. SCHEDULE 1 TO THE BILL CONTAINS THE MINOR, NON-CONTROVERSIAL POLICY CHANGES THAT THE MINISTER RESPONSIBLE FOR THE LEGISLATION TO BE AMENDED CONSIDERS TO BE TOO INCONSEQUENTIAL TO WARRANT THE INTRODUCTION OF A SEPARATE AMENDING BILL. THESE AMENDMENTS INCLUDE:

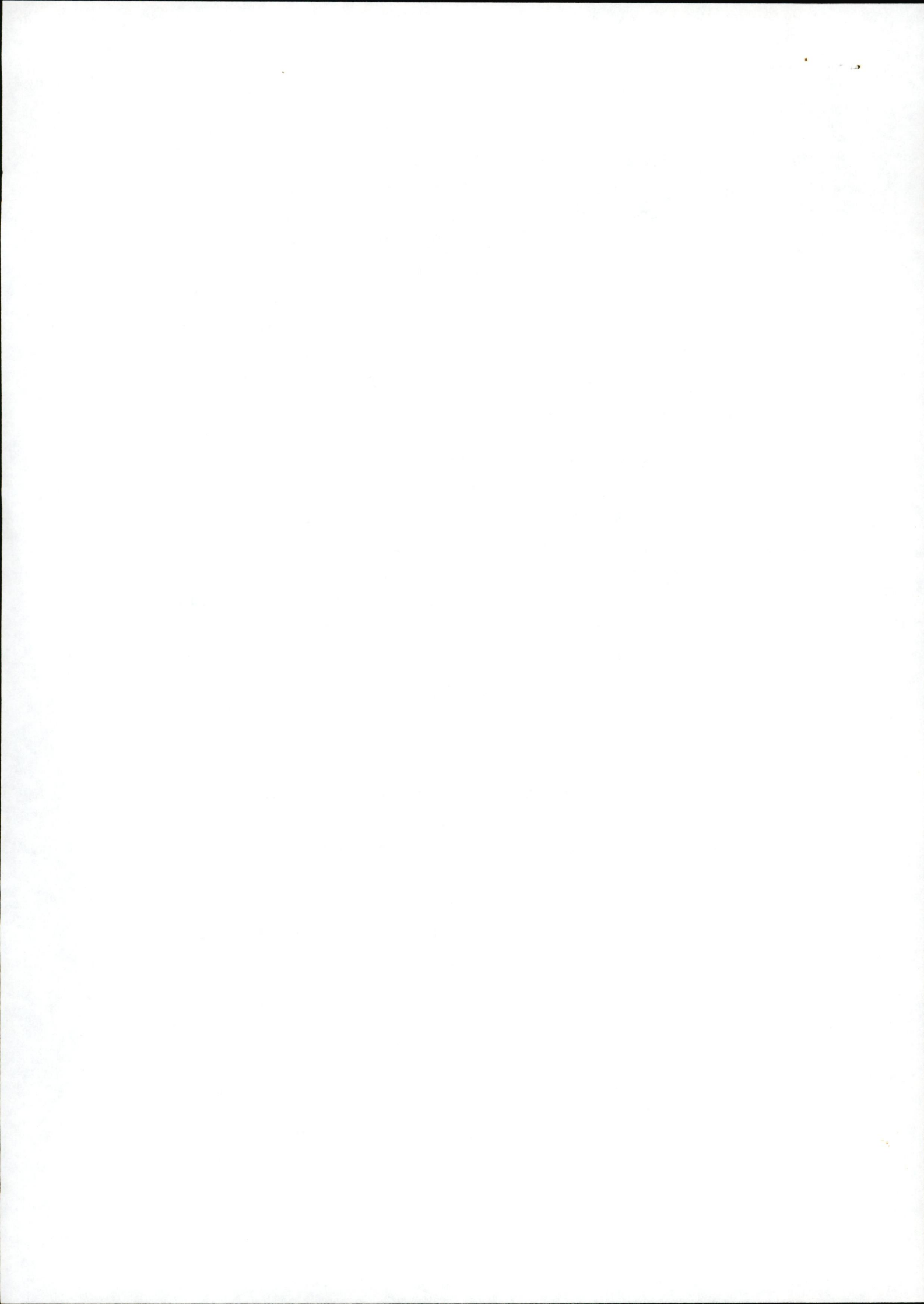
- * AMENDMENTS TO PROVISIONS DEALING WITH THE DISCLOSURE OF INFORMATION AND PUBLICATION OF RECORDS UNDER A NUMBER OF REVENUE LAWS INCLUDING THE LAND TAX MANAGEMENT ACT 1956, THE PAY-ROLL TAX ACT 1971 AND THE STAMP DUTIES ACT 1920. THE AMENDMENTS CLARIFY, FIRSTLY, THE ENTITLEMENT OF



THE AUDITOR-GENERAL TO HAVE ACCESS TO INFORMATION AND RECORDS OBTAINED IN THE ADMINISTRATION OF THOSE ACTS IN THE EXERCISE OF THE AUDITOR-GENERAL'S FUNCTIONS AND, SECONDLY, THE ENTITLEMENT OF THE RELEVANT CHIEF COMMISSIONERS UNDER THE LEGISLATION INVOLVED TO DISCLOSE OR PUBLISH MATERIAL OBTAINED UNDER THAT LEGISLATION IN AN AGGREGATED, STATISTICAL OR SIMILAR FORM THAT DOES NOT IDENTIFY THE AFFAIRS OF SPECIFIC PERSONS;

- * AMENDMENTS TO VARIOUS ENVIRONMENT PROTECTION LAWS TO MAKE IT CLEAR THAT THESE ACTS BIND THE CROWN IN ALL ITS CAPACITIES - THAT IS, THEY NOT ONLY BIND THE CROWN IN ITS CAPACITY AS THE GOVERNMENT OF NEW SOUTH WALES BUT, ALSO, SO FAR AS IT IS POSSIBLE FOR THIS PARLIAMENT TO IMPOSE OBLIGATIONS ON THE CROWN IN ITS OTHER CAPACITIES, THEY BIND THE CROWN IN THOSE OTHER CAPACITIES (FOR EXAMPLE, AS THE COMMONWEALTH GOVERNMENT);

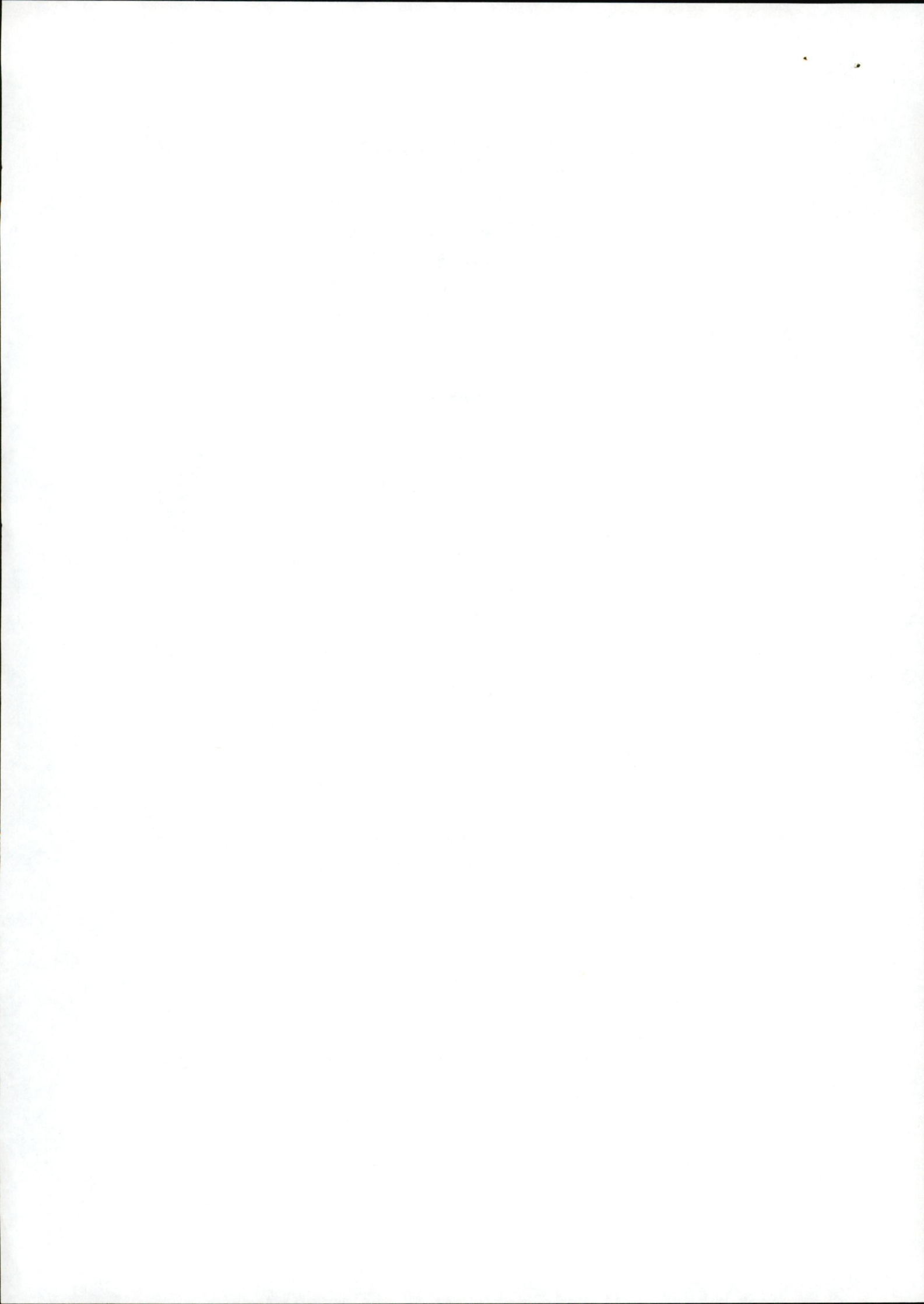
- * AMENDMENTS TO COURTS' LEGISLATION (THAT IS, THE SUPREME COURT ACT 1970, THE DISTRICT COURT ACT 1973 AND THE LOCAL COURTS (CIVIL CLAIMS) ACT 1970) THAT REPLACE THE FORMULA TO BE USED IN DETERMINING WHAT AMOUNT MAY BE DEDUCTED FROM THE WAGE OR SALARY OF A JUDGMENT DEBTOR TO ENFORCE PAYMENT OF A JUDGMENT DEBT BY A GARNISHMENT NOTICE OR GARNISHEE ORDER;



- 47
- * AMENDMENTS TO THE INTERPRETATION ACT 1987 THAT MAKE IT CLEAR THAT, IF A BILL FOR AN ACT IS INTRODUCED BY A PRIVATE MEMBER OF PARLIAMENT RATHER THAN BY A MINISTER, REGARD MAY BE HAD, AS AN AID TO INTERPRETATION OF THE ACT, TO THE SAME KINDS OF EXTRINSIC MATERIAL THAT MAY BE USED WHEN THE BILL FOR AN ACT IS INTRODUCED BY A MINISTER.

SCHEDULE 2 CONTAINS THE AMENDMENTS BY WAY OF STATUTE LAW REVISION. THESE AMENDMENTS INCLUDE MINOR TECHNICAL LEGISLATIVE CHANGES THAT THE PARLIAMENTARY COUNSEL HAS IDENTIFIED AS APPROPRIATE FOR INCLUSION IN THE BILL. THE AMENDMENTS COVER, FOR EXAMPLE, CHANGES RELATING TO THE CORRECT DESCRIPTION OF VARIOUS PERSONS OR BODIES, OTHER MINOR CORRECTIONS, CHANGES RELATING TO CONSISTENCY WITH MODERN STYLE AND THE ADOPTION OF GENDER NEUTRAL LANGUAGE. ALSO INCLUDED ARE A NUMBER OF AMENDMENTS THAT ARE CONSEQUENTIAL ON THE ENACTMENT OF THE LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991.

SCHEDULE 3 CONTAINS REPEALS OF OBSOLETE PRINCIPAL ACTS AND REPEALS OF AMENDING ACTS THAT ARE NO LONGER NECESSARY BECAUSE THE AMENDMENTS HAVE BEEN INCORPORATED IN REPRINTS OF THE RELEVANT PRINCIPAL ACTS OR BECAUSE THE PRINCIPAL ACT AMENDED HAS ITSELF BEEN REPEALED OR BECAUSE THEY CONTAIN ONLY SPENT OR SUPERSEDED TRANSITIONAL PROVISIONS OR SAVINGS AND VALIDATION PROVISIONS. PRINCIPAL ACTS THAT ARE REPEALED BY THE BILL NOW BEFORE THE HOUSE INCLUDE 26 GENERAL LOAN ACCOUNT APPROPRIATION ACTS COVERING THE PERIOD FROM 1954 TO 1981, (GENERAL LOAN APPROPRIATIONS HAVING BEEN DISCONTINUED WITH THE 1981-82 BUDGET) AND VARIOUS APPROPRIATION, PARLIAMENTARY COMMITTEES ENABLING AND SUPPLY ACTS WHICH OPERATED FOR LIMITED PERIODS THAT HAVE NOW EXPIRED.



SCHEDULE 4 TO THE BILL CONTAINS SAVINGS AND TRANSITIONAL PROVISIONS AND INCLUDES A POWER TO MAKE REGULATIONS RELATING TO TRANSITIONAL MATTERS, IF NECESSARY.

THE VARIOUS AMENDMENTS ARE EXPLAINED IN DETAIL IN EXPLANATORY NOTES SET OUT BENEATH THE AMENDMENTS TO EACH OF THE ACTS CONCERNED. THERE APPEARS TO BE LITTLE POINT IN MY REPEATING HERE THE INFORMATION THAT IS SET OUT IN THOSE EXPLANATORY NOTES. INSTEAD, I PROPOSE TO CONTINUE A PRACTICE THAT HAS DEVELOPED, AND THAT APPEARS TO HAVE FUNCTIONED SATISFACTORILY, WITH THE MORE RECENT STATUTE LAW BILLS. THAT PRACTICE IS TO INVITE HONOURABLE MEMBERS WHO MAY HAVE QUERIES CONCERNING ANY OF THE MATTERS REFERRED TO IN THE BILL TO APPROACH MY OFFICE FOR ASSISTANCE. IF NECESSARY, I WILL ARRANGE FOR GOVERNMENT OFFICERS TO BE MADE AVAILABLE TO ASSIST IN CLARIFICATION OF THE ISSUES RAISED.

SHOULD IT BE CONSIDERED BY HONOURABLE MEMBERS, AFTER EXAMINATION OF THE PROPOSED AMENDMENTS, THAT A PARTICULAR MATTER SHOULD NOT PROCEED BY WAY OF THE STATUTE LAW REVISION PROGRAM OR THAT THE ISSUES RAISED CONCERNING THE AMENDMENT HAVE NOT BEEN SATISFACTORILY RESOLVED, THE GOVERNMENT MAY AGREE TO DEFER THE AMENDMENT SO THAT THE BILL MAY PROCEED WITHOUT CONTROVERSY.

I COMMEND THE BILL.

FIRST PRINT

**STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL
(No. 2) 1992**

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 minor amendments to various Acts (Schedule 1); and
- (b) to amend certain other Acts for the purpose of effecting statute law revision (Schedule 2); and
- (c) to repeal certain Acts containing only the following:
 - amendments to repealed Acts
 - amendments to other Acts that have been incorporated in a reprint under the Reprints Act 1972
 - spent or unnecessary provisions of a saving or transitional nature
 - validation provisions(Schedule 3); and
- (d) to repeal certain Acts which are no longer of practical utility (Schedule 3); and
- (e) to make other provisions of a consequential or ancillary nature (Schedule 4).

Clauses 1–5 are machinery provisions specifying the short title of the proposed Act, providing for its commencement and giving effect to the Schedules to the Act containing amendments, repeals and savings, transitional and other provisions.

Clause 6 makes it clear that the explanatory notes contained in the Schedules do not form part of the proposed Act.

Statute Law (Miscellaneous Provisions) (No. 2) 1992

SCHEDULE 1—MINOR AMENDMENTS

Schedule 1 makes amendments to the following Acts:

- Business Franchise Licences (Petroleum Products) Act 1987 No. 94
- Business Franchise Licences (Tobacco) Act 1987 No. 93
- Clean Air Act 1961 No. 69
- Clean Waters Act 1970 No. 78
- Conveyancing Act 1919 No. 6
- Co-operation Act 1923 (1924 No. 1)
- Crown Lands Act 1989 No. 6
- Debits Tax Act 1990 No. 112
- District Court Act 1973 No. 9
- Environmental Offences and Penalties Act 1989 No. 150
- Environmentally Hazardous Chemicals Act 1985 No. 14
- Fire Brigades Act 1989 No. 192
- Forestry Act 1916 No. 55
- Friendly Societies Act 1989 No. 232
- Health Insurance Levies Act 1982 No. 159
- Industrial Relations Act 1991 No. 34
- Interpretation Act 1987 No. 15
- Judgment Creditors' Remedies Act 1901 No. 8
- Land Tax Management Act 1956 No. 26
- Local Courts (Civil Claims) Act 1970 No. 11
- Local Government Act 1919 No. 41
- Noise Control Act 1975 No. 35
- Pay-roll Tax Act 1971 No. 22
- Plant Diseases Act 1924 No. 38
- Police Regulation (Superannuation) Act 1906 No. 28
- Pollution Control Act 1970 No. 95
- Protection of the Environment Administration Act 1991 No. 60
- Soil Conservation Act 1938 No. 10
- Stamp Duties Act 1920 No. 47
- Supreme Court Act 1970 No. 52
- Swimming Pools Act 1992 No. 49
- Sydney Market Authority Act 1968 No. 11
- Transport Administration Act 1988 No. 109
- Valuation of Land Act 1916 No. 2
- Waste Disposal Act 1970 No. 97
- Wild Dog Destruction Act 1921 No. 17

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

Where necessary, provisions of a saving or transitional nature relating to the amendment concerned have also been set out in Schedule 1.

The expression "penalty unit" used in the explanatory note relating to an amendment to an Act set out in Schedule 1 has its basis in section 56 of the Interpretation Act 1987. At present, 1 penalty unit is equivalent to \$100.

Statute Law (Miscellaneous Provisions) (No. 2) 1992

SCHEDULE 2—AMENDMENTS BY WAY OF STATUTE LAW REVISION

Schedule 2 amends certain other Acts for the purpose of effecting statute law revision. A number of amendments to Acts listed in Schedule 2 relate to land acquisition and are purely consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991. A full explanation of the purpose of these amendments is set out in the explanatory note relating to the amendments to the Aboriginal Land Rights Act 1983. A number of other amendments are made relating to formal drafting matters and minor corrections.

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

SCHEDULE 3—REPEALS

Schedule 3 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 amending Acts and Acts containing uncommenced provisions which are superfluous because the Principal Acts they amend or to which they relate have been repealed or amended in a way that would now make the provisions inappropriate.

The Schedule also repeals a number of obsolete Acts. These include the following Acts:

- the Census Act 1901 which was superseded by arrangements for the taking of a national census
- the Statute Law Revision Act 1924 which repealed various obsolete Acts
- the State Taxation Collection Act 1942 which enabled arrangements to be made for the Commonwealth to collect arrears of State income tax on the State's behalf following the handover of the power to collect income tax to the Commonwealth during World War II
- the Land Sales Control Act 1948 which was in force only for a period of 12 months from 20 September 1948
- the General Loan Account Appropriation Acts 1954–1981 which were required when a distinction existed between Consolidated Revenue and General Loan appropriations (General Loan appropriations ceased with the 1981–82 Budget)
- various Acts dealing with area adjustments which revoked the reservation or dedication of lands as, or as parts of, national parks and nature reserves and which are now spent
- the Elizabeth Bay House Trust (Repeal) Act 1980 which repealed the Elizabeth Bay House Trust Act 1977, dissolved the Elizabeth Bay House Trust and vested its property in the Historic Houses Trust of New South Wales

Statute Law (Miscellaneous Provisions) (No. 2) 1992

- the New South Wales Government Engineering and Shipbuilding Undertaking (Repeal) Act 1987 which repealed various legislative provisions relating to the New South Wales Government Engineering and Shipbuilding Undertaking and the State Dockyard of New South Wales
- certain Appropriation, Parliamentary Committees Enabling and Supply Acts which operated for limited periods that have now expired.

The effect of the repeal of amending Acts is explained in detail in the explanatory note set out in Schedule 3.

SCHEDULE 4—GENERAL SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

Schedule 4 contains savings, transitional and other provisions of a more general effect than those set out in Schedule 1 or 2.

The purpose of each provision is explained in detail in the explanatory note relating to the provision concerned set out in Schedule 4.

FIRST PRINT

**STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL
(No. 2) 1992**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendments
4. Repeals
5. General savings, transitional and other provisions
6. Explanatory notes

SCHEDULE 1—MINOR AMENDMENTS

- Business Franchise Licences (Petroleum Products) Act 1987 No. 94
- Business Franchise Licences (Tobacco) Act 1987 No. 93
- Clean Air Act 1961 No. 69
- Clean Waters Act 1970 No. 78
- Conveyancing Act 1919 No. 6
- Co-operation Act 1923 (1924 No. 1)
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- Industrial Relations Act 1991 No. 34
- Interpretation Act 1987 No. 15
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- Land Tax Management Act 1956 No. 26
- Local Courts (Civil Claims) Act 1970 No. 11
- Local Government Act 1919 No. 41
- Noise Control Act 1975 No. 35

Statute Law (Miscellaneous Provisions) (No. 2) 1992

Pay-roll Tax Act 1971 No. 22
Plant Diseases Act 1924 No. 38
Police Regulation (Superannuation) Act 1906 No. 28
Pollution Control Act 1970 No. 95
Protection of the Environment Administration Act 1991 No. 60
Soil Conservation Act 1938 No. 10
Stamp Duties Act 1920 No. 47
Supreme Court Act 1970 No. 52
Swimming Pools Act 1992 No. 49
Sydney Market Authority Act 1968 No. 11
Transport Administration Act 1988 No. 109
Valuation of Land Act 1916 No. 2
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SCHEDULE 2—AMENDMENTS BY WAY OF STATUTE LAW REVISION

SCHEDULE 3—REPEALS

SCHEDULE 4—GENERAL SAVINGS, TRANSITIONAL AND OTHER
PROVISIONS

**STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (No. 2)
1992**

NEW SOUTH WALES



No. , 1992

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) 1992***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Statute Law (Miscellaneous Provisions) Act
5 (No. 2) 1992.

Commencement

2. A provision of Schedule 1 or 2 to this Act commences as provided in the
Schedule. The other provisions of this Act commence on the date of assent.

Amendments

- 10 3. Each Act specified in Schedules 1 and 2 is amended as set out in those
Schedules.

Repeals

4. Each Act specified in Schedule 3 is repealed.

General savings, transitional and other provisions

- 15 5. Schedule 4 has effect.

Explanatory notes

6. The matter appearing under the heading "Explanatory note" in any of the
Schedules does not form part of this Act.

SCHEDULE 1—MINOR AMENDMENTS

20

(Sec. 3)

**BUSINESS FRANCHISE LICENCES (PETROLEUM PRODUCTS)
ACT 1987 No. 94****AMENDMENTS****Section 62 (Disclosure of information):**

25

- (a) After section 62 (5) (a), insert:

30

- (a1) prevent information being disclosed or a record being made
available to, or that information being disclosed or that record
being published by, the Auditor-General for the purpose of
exercising functions conferred or imposed on the
Auditor-General by the Public Finance and Audit Act 1983 or
any other law;

- (b) From section 62 (5) (b), omit "or" where lastly occurring.

- (c) After section 62 (5) (c), insert:

Statute Law (Miscellaneous Provisions) (No. 2) 1992—Sch. 1

- (d) prevent the disclosure or publication by the Chief Commissioner of material derived from information or records referred to in subsection (1) if the disclosure or publication does not directly or indirectly divulge information identifying the affairs of a particular person; or 5
- (e) prevent the disclosure or publication by any person of the material referred to in paragraph (d) after it has been disclosed or published by the Chief Commissioner.

COMMENCEMENT

The amendments to the Business Franchise Licences (Petroleum Products) Act 1987 commence on the date of assent to this Act. 10

TRANSITIONAL

The amendments to the Business Franchise Licences (Petroleum Products) Act 1987 apply to information and records whenever obtained.

EXPLANATORY NOTE

Section 62 restricts the disclosure of information and the publication of records obtained under the Act. The proposed amendments modify the operation of that section in 2 respects. 15

Firstly, it is proposed to amend the section to make it clear that information and records obtained in connection with the administration and execution of the Act and regulations under the Act may be disclosed or made available to, and in turn may be disclosed or published by, the Auditor-General to enable the Auditor-General to exercise functions under the Public Finance and Audit Act 1983 or any other law. This modification is required because, while section 36 (1) of the Public Finance and Audit Act 1983 provides that, for the purpose of exercising those functions, the Auditor-General is entitled to full and free access to records, accounts and other material, section 62 might be seen as restricting the Auditor-General's access to information and records held under the Business Franchise Licences (Petroleum Products) Act 1987. 20

The second proposed modification makes it clear that the Chief Commissioner may disclose or publish information (such as aggregated or statistical information) derived from information or records obtained under the Act provided that, in so doing, no information is disclosed or published that identifies the affairs of specific persons. Further, the proposed modification makes it clear that, once such information has been published or disclosed by the Chief Commissioner, any other person is free to disclose or publish that material. The practice of publishing such material is a long standing one. 25

The amendments apply to information and records whenever obtained. 30

The amended provision (section 62 (5)) will read as follows: 35

(5) Subsection (1) does not: 40

- (a) prevent the disclosure of information, or the publication of a record, in accordance with a lawful requirement of the Commonwealth Statistician;

Statute Law (Miscellaneous Provisions) (No. 2) 1992—Sch. 1

- 5 (a1) prevent information being disclosed or a record being made available to, or that information being disclosed or that record being published by, the Auditor-General for the purpose of exercising functions conferred or imposed on the Auditor-General by the Public Finance and Audit Act 1983 or any other law;
- (b) prevent a record from being made available to, or disposed of or otherwise dealt with by, the Archives Authority of New South Wales in accordance with the Archives Act 1960;
- 10 (c) apply to information, or a record, obtained for the purposes of this Act under a corresponding law within the meaning of section 3 (1) of the Revenue Laws (Reciprocal Powers) Act 1987;
- (d) prevent the disclosure or publication by the Chief Commissioner of material derived from information or records referred to in subsection (1) if the disclosure or publication does not directly or indirectly divulge information identifying the affairs of a particular person; or
- 15 (e) prevent the disclosure or publication by any person of the material referred to in paragraph (d) after it has been disclosed or published by the Chief Commissioner.

(Matter to be inserted is shown in bold type.)

20 **BUSINESS FRANCHISE LICENCES (TOBACCO) ACT 1987 No. 93**

AMENDMENTS

Section 69 (Disclosure of information):

- (a) After section 69 (5) (a), insert:
- 25 (a1) prevent information being disclosed or a record being made available to, or that information being disclosed or that record being published by, the Auditor-General for the purpose of exercising functions conferred or imposed on the Auditor-General by the Public Finance and Audit Act 1983 or any other law;
- 30 (b) From section 69 (5) (b), omit "or" where lastly occurring.
- (c) After section 69 (5) (c), insert:
- (d) prevent the disclosure or publication by the Chief Commissioner of material derived from information or records referred to in subsection (1) if the disclosure or publication does not directly or indirectly divulge information identifying the affairs of a particular person; or
- 35 (e) prevent the disclosure or publication by any person of the material referred to in paragraph (d) after it has been disclosed or published by the Chief Commissioner.

Statute Law (Miscellaneous Provisions) (No. 2) 1992—Sch. 1

COMMENCEMENT

The amendments to the Business Franchise Licences (Tobacco) Act 1987 commence on the date of assent to this Act.

TRANSITIONAL

The amendments to the Business Franchise Licences (Tobacco) Act 1987 apply to information and records whenever obtained. 5

EXPLANATORY NOTE

Section 69 restricts the disclosure of information and the publication of records obtained under the Act. The proposed amendments modify the operation of that section in 2 respects in the same manner as the equivalent section in the Business Franchise Licences (Petroleum Products) Act 1987 is modified elsewhere in this Schedule. The explanatory note to the amendments to that Act provides detail as to the manner in which it is proposed to modify the disclosure provisions set out in section 69. 10

CLEAN AIR ACT 1961 No. 69 15

AMENDMENTS

(1) Section 2 (Construction and application of Act):

Omit section 2 (2).

(2) Section 2A:

After section 2, insert:

Act to bind Crown

2A. This Act binds the Crown in right of New South Wales and, in so far as the legislative power of Parliament permits, the Crown in all its other capacities. 20

COMMENCEMENT

The amendments to the Clean Air Act 1961 commence on the date of assent to this Act. 25

EXPLANATORY NOTE

The Clean Air Act 1961 is one of a number of related Acts constituting "environment protection legislation" under the Protection of the Environment Administration Act 1991. Some of those Acts (but not others) make it clear that they bind the Crown in all its capacities—that is, not only as the Government of New South Wales, but also, so far as it is possible for the New South Wales Parliament to impose obligations on the Crown in its other capacities, in those other capacities (for example, as the Commonwealth Government). 30

The proposed amendments make it clear that this Act binds the Crown in all its capacities. 35

CLEAN WATERS ACT 1970 No. 78**AMENDMENT****Section 3:**

Omit the section, insert instead:

5 **Act to bind Crown**

3. This Act binds the Crown in right of New South Wales and, in so far as the legislative power of Parliament permits, the Crown in all its other capacities.

COMMENCEMENT

10 The amendment to the Clean Waters Act 1970 commences on the date of assent to this Act.

EXPLANATORY NOTE

The proposed amendment makes it clear that the Clean Waters Act 1970 binds the Crown in all its capacities.

15 The proposed amendment is similar to the amendments to the Clean Air Act 1961 elsewhere in this Schedule and the additional information in the explanatory note to those amendments is also relevant to this amendment.

CONVEYANCING ACT 1919 No. 6**AMENDMENTS**

20 (1) Section 89 (Power of Court to modify or extinguish easements and certain covenants):

From section 89 (7), omit "register of causes, writs, and orders affecting land", insert instead "General Register of Deeds".

(2) Section 174 (Invalidity of writ not to affect sale):

25 Omit "or any District Court", insert instead ", the District Court or a Local Court".

COMMENCEMENT

30 Item (1) of the amendments to the Conveyancing Act 1919 commences or is taken to have commenced on the day appointed for the commencement of Schedule 1 (3) to the Conveyancing (Amendment) Act 1992.

Item (2) of the amendments to the Conveyancing Act 1919 commences on the date of assent to this Act.

TRANSITIONAL

35 Item (2) of the amendments to the Conveyancing Act 1919 does not apply to a purchase made at a sale effected before the date of assent to this Act.

Statute Law (Miscellaneous Provisions) (No. 2) 1992—Sch. 1

EXPLANATORY NOTE**Statute law revision (item (1))**

The register of causes, writs and orders is to be abolished and instruments formerly registered in it will be registered in the General Register of Deeds as a consequence of amendments made to the Act by the Conveyancing (Amendment) Act 1992. The proposed amendment to section 89 replaces a reference to the register of causes, writs and orders with a reference to the General Register of Deeds. The proposed amendment is to commence on the date of commencement of the relevant provisions of the Conveyancing (Amendment) Act 1992.

5

Invalidity of writ (item (2))

At present, section 174 protects a purchaser at a sale under a writ of execution against any invalidity of the writ and makes the person at whose request the writ was issued responsible to indemnify any person prejudiced by the sale. The section presently applies only to writs issued by the Supreme Court or the District Court. Writs of execution issued by a Local Court are also enforceable against land if at least \$3,000 or another prescribed amount is involved. The proposed amendment, by including reference to a Local Court in section 174, extends the application of the section for the benefit of purchasers under writs of execution issued by such a Court.

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15

CO-OPERATION ACT 1923 (1924 No. 1)

AMENDMENTS

20

(1) Section 78:

Omit the section, insert instead:

Fees and charges

78. (1) A society must furnish to any person intending to become a member written notice of fees and charges payable by a member to the society.

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(2) A person who becomes a member of a society is not liable to pay any fees or charges except those of which the person was given written notice before becoming a member, together with any fees and charges (and any increase in an existing fee or charge) that may be imposed by any subsequent alteration of the rules of the society.

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(3) Furthermore, no fee or charge is payable by a member unless:

(a) in the case of a co-operative housing society—a maximum has been set for the fee or charge by the Director of Housing by order published in the Gazette and the fee or charge does not exceed that maximum; or

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(b) in any other case—the fee or charge has been approved by the registrar.

(4) This section does not apply to the price, fee or charge payable by a member for goods or services supplied or provided by a society, other than a co-operative housing society, in the ordinary course of its business.

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*Statute Law (Miscellaneous Provisions) (No. 2) 1992—Sch. 1***(2) Section 83 (Alteration of rules):**

At the end of section 83 (3) (b), insert:

; or

- 5 (c) in the case of a co-operative housing society—the alteration does no more than alter the amount of or omit an existing fee or charge or impose a new fee or charge, payable by members.

COMMENCEMENT

The amendments to the Co-operation Act 1923 commence on a day to be appointed by proclamation.

10 **EXPLANATORY NOTE**

At present, section 78 requires intending members of a society to be furnished with a list of charges payable by members and limits liability to the charges listed (as subsequently altered or added to by alteration of the society's rules). Charges require the approval of the Director of Housing in the case of co-operative housing societies or the registrar in any other case.

15 Section 83 deals with alteration of the rules of a society. It currently provides that rules may only be altered by special resolution and, in limited cases, by board resolution.

The proposed amendment to section 78:

- 20 • provides that the section is to apply to all fees and charges payable by members (such as charges for consenting to second mortgages and leases) including increases in existing fees and charges and not just entry and periodic charges but is not to apply (unless the society is a co-operative housing society) to the cost of goods sold or services supplied or provided (such as radio or telephone services) by the society in the ordinary course of its business;
- 25 • provides that, in the case of a co-operative housing society, no fee or charge is payable unless there is a maximum set for the fee or charge by the Director of Housing and the fee or charge imposed does not exceed that maximum while retaining the requirement, in any other case, for the registrar to approve of the fees and charges.
- 30

The proposed amendment to section 83 allows the rules of a co-operative housing society to be altered by board resolution (as an alternative to alteration by special resolution) if the alteration does no more than change existing, or impose new, fees and charges.

35 **CROWN LANDS ACT 1989 No. 6****AMENDMENT**

Section 26 (Appeals to Court against local land board decisions):

Omit section 26 (3) and (4).

COMMENCEMENT

- 40 The amendment to the Crown Lands Act 1989 commences on the date of assent to this Act.

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TRANSITIONAL

Any regulation made for the purposes of section 26 (3) of the Crown Lands Act 1989 ceases to apply on the date of assent to this Act.

EXPLANATORY NOTE

The proposed amendment repeals provisions concerning the manner in which an appeal against a decision of a local land board under the Crown Lands Act 1989 is to be made. As the appeals are to the Land and Environment Court, they will in future be made in accordance with the Rules of that Court.

5

DEBITS TAX ACT 1990 No. 112

AMENDMENTS

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Section 41 (Disclosure of information etc.):

(a) After section 41 (5) (a), insert:

(a1) prevent information being disclosed or a record being made available to the Auditor-General for the purpose of exercising functions conferred or imposed on the Auditor-General by the Public Finance and Audit Act 1983 or any other law, or prevent the Auditor-General from disclosing that information or publishing that record if the disclosure or publication does not directly or indirectly divulge information identifying the affairs of a particular person; or

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20

(b) After section 41 (5) (c), insert:

; or

(d) prevent the disclosure or publication by the Chief Commissioner of material derived from information or records referred to in subsection (1) if the disclosure or publication does not directly or indirectly divulge information identifying the affairs of a particular person; or

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(e) prevent the disclosure or publication by any person of the material referred to in paragraph (d) after it has been disclosed or published by the Chief Commissioner.

30

COMMENCEMENT

The amendments to the Debits Tax Act 1990 commence on the date of assent to this Act.

TRANSITIONAL

The amendments to the Debits Tax Act 1990 apply to information and records whenever obtained.

35

EXPLANATORY NOTE

Section 41 restricts the disclosure of information and the publication of records obtained under the Act. The proposed amendments modify the operation of that section in 2 respects in a manner similar to the manner in which the equivalent section in the Business Franchise Licences (Petroleum Products) Act 1987 is modified elsewhere in this Schedule. The explanatory note to the amendments to that Act provides detail as to the manner in which it is proposed to modify the disclosure provisions set out in section 41, the difference being that the Auditor-General is not empowered under section 41 to disclose information or publish records which identify the affairs of particular persons.

DISTRICT COURT ACT 1973 No. 9**AMENDMENTS**

- (1) Section 51 (Consent jurisdiction):
- (a) After "\$250,000" in section 51 (2), insert "(or, in the case of an action commenced before 1 July 1993, \$100,000)".
- (b) From section 51 (3), omit "44 (1) (b)", insert instead "44 (1) (c)".
- (2) Section 99 (Limitation on operation of garnishee orders attaching a wage or salary):
- (a) Omit the definitions of "prescribed rate" and "Sydney basic wage" from section 99 (1), insert instead in alphabetical order:
- "prescribed rate", in relation to a wage or salary, means:
- (a) if no part of the wage or salary is otherwise attached under this or any other Act—a rate equal to the weekly compensation payment; or
- (b) if any part of the wage or salary is otherwise attached under this or any other Act—a rate equal to the weekly compensation payment increased by the amount so attached, calculated on a weekly basis;
- "weekly compensation payment" means an amount calculated at a weekly rate that is equivalent to 80 per cent of the maximum single weekly payment of compensation for the time being referred to in section 37 (1) (a) (i) of the Workers Compensation Act 1987 as adjusted under that Act.
- (b) From the definition of "wage or salary" in section 99 (1), omit "worker.", insert instead "worker;".
- (3) Section 109 (Seizing and taking under writ of execution):
- From section 109 (10), omit "Penalty: \$1,000", insert instead "Maximum penalty: 50 penalty units".

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COMMENCEMENT

Item (1) of the amendments to the District Court Act 1973 commences on 1 July 1993.

Item (2) of the amendments to the District Court Act 1973 commences on a day to be appointed by proclamation. 5

Item (3) of the amendments to the District Court Act 1973 commences on the date of assent to this Act.

TRANSITIONAL

Item (2) of the amendments to the District Court Act 1973 does not apply to a garnishee order issued before the day appointed for the commencement of that item. 10

EXPLANATORY NOTE**Consent jurisdiction (item (1))**

The Courts Legislation (Civil Procedure) Amendment Act 1991 increased the jurisdiction of the District Court in relation to specified civil actions from \$100,000 to \$250,000. The amendments relating to the increased jurisdictional level have been proclaimed to commence on 1 July 1993. 15

Section 51 provides that the monetary limitation on the Court's jurisdiction may be waived by the signing and filing by or on behalf of the parties to proceedings, at any stage of the proceedings, of a memorandum of consent. The proposed amendment to section 51 (2) (item (1) (a)) provides that, in relation to proceedings commenced before 1 July 1993, the appropriate jurisdictional limit to which a memorandum of consent relates is \$100,000. The figure of \$250,000 is to apply on and following that date. 20

The proposed amendment to section 51 (3) (item (1) (b)) is required to adjust a cross-reference, on and following 1 July 1993, as the result of the substitution of a section on that date. 25

Attachment of a wage or salary (item (2))

The proposed amendment to section 99, which replaces the formula to be used in determining what amount may be deducted from the wage or salary of a judgment debtor to enforce payment of a judgment debt by a garnishee order, is similar to the amendment to the Supreme Court Act 1970 elsewhere in this Schedule. Reference should be made to the explanatory note to that amendment for more information concerning this amendment. 30

Removal etc. of property subject to writ of execution (item (3))

It is an offence under section 109 (10) for a person who knows that personal property has been seized by the Sheriff or bailiff under a writ of execution or who has been served with a notice by the Sheriff or bailiff making the person responsible for the safekeeping of such property, to interfere with, dispose of or remove the property without the leave of the Court or the written consent of the Sheriff or bailiff. The penalty for the offence, which was fixed in 1984, is \$1,000. The proposed amendment increases the penalty to a more appropriate level of 50 penalty units (at present, equivalent to \$5,000). 35
40

ENVIRONMENTAL OFFENCES AND PENALTIES ACT 1989
No. 150

AMENDMENT**Section 6 (Leaks, spillages etc.):**

5 After section 6 (2), insert:

(2A) A person may be proceeded against and convicted of an offence under subsection (2) whether or not a person has been proceeded against or convicted of an offence under subsection (1) in respect of the leak, spill or other escape.

10 **COMMENCEMENT**

The amendment to the Environmental Offences and Penalties Act 1989 commences on the date of assent to this Act.

EXPLANATORY NOTE

15 Section 6 (1) provides that it is an offence for a person wilfully or negligently to cause a substance to leak, spill or otherwise escape in a manner which harms (or is likely to harm) the environment. Section 6 (2) provides that certain other persons (e.g. the owner of the container from which the substance escaped) are also guilty of an offence if they wilfully or negligently, in a material respect, caused or contributed to the conditions which gave rise to the commission of the first offence. The proposed amendment makes it clear that proceedings may be taken against a person in respect of an offence under section 6 (2) even if no proceedings have been taken (or no conviction recorded) in respect of an offence under section 6 (1).

ENVIRONMENTALLY HAZARDOUS CHEMICALS ACT 1985 No. 14

AMENDMENT

25 Section 4:

Omit the section, insert instead:

Act to bind Crown

30 4. This Act binds the Crown in right of New South Wales and, in so far as the legislative power of Parliament permits, the Crown in all its other capacities.

COMMENCEMENT

The amendment to the Environmentally Hazardous Chemicals Act 1985 commences on the date of assent to this Act.

EXPLANATORY NOTE

35 The proposed amendment makes it clear that the Environmentally Hazardous Chemicals Act 1985 binds the Crown in all its capacities. The proposed amendment is similar to the amendments to the Clean Air Act 1961 elsewhere in this Schedule and the additional information in the explanatory note to those amendments is also relevant to this amendment.

FIRE BRIGADES ACT 1989 No. 192
AMENDMENT

Section 35A:

After section 35, insert:

Lighting of fires close to buildings 5

35A. (1) A person must not, without written permission from the officer in charge of the nearest fire station, light a fire in a fire district in circumstances in which to do so would be likely to be dangerous to a building.

Maximum penalty: 10 penalty units. 10

(2) However, the permission referred to in subsection (1) is not required if there is a permit in force under section 10 of the Bush Fires Act 1949 in respect of the fire concerned.

(3) In a prosecution brought for an alleged offence under this section, the prosecution must prove that the fire was lit without the permission referred to in subsection (1). 15

COMMENCEMENT

The amendment to the Fire Brigades Act 1989 commences on the date of assent to this Act.

EXPLANATORY NOTE 20

The proposed amendment includes in the Act a provision having substantially the same effect as that of a provision which was in force under the By-laws under that Act until their repeal as part of the staged repeal program under the Subordinate Legislation Act 1989. This was the only provision relating to fire safety that was proposed to be continued following the repeal of the By-laws. The provision creates an offence and, consequently, it is proposed to enact it in the Division of the Act in which other offences against the Act are created. The maximum penalty for the proposed offence is the same as the maximum penalty that may be imposed for offences against the regulations. 25

FORESTRY ACT 1916 No. 55 30
AMENDMENTS

(1) Part 2 (State forests, timber reserves and flora reserves):

Omit the sub-heading "Resumption or purchase of land", insert instead "*Acquisition and sale of land*".

(2) Section 15: 35

Omit the section, insert instead:

Acquisition and sale of land

15. (1) The Minister may, for the purpose of a State forest, for the purpose of providing access to a State forest or for any purpose

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necessary for or incidental to the management or control of a State forest, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

5 (2) On acquisition, the land is vested in the Crown.

(3) The Minister may, for the purpose of giving effect to an agreement entered into under section 16A, acquire land dedicated as State forest by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

10 (4) Despite sections 18 (2), 19, 19A and 25A (4) of this Act, the publication in the Gazette of an acquisition notice under section 19 of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of subsection (3) operates to revoke any dedication as State forest, declaration as national forest or setting apart as flora reserve of the land referred to in the acquisition notice.

15 (5) For the purposes of the Public Works Act 1912, any acquisition of land under this section is taken to be for an authorised work and the Minister is, in relation to that authorised work, taken to be the Constructing Authority.

20 (6) The Minister may, on the recommendation of the commission, sell any lands acquired to provide access to a State forest or for any purpose necessary for or incidental to the control or management of a State forest if those lands have not been dedicated as a State forest, are not required for the purpose of a State forest or to provide access to a State forest or for any purpose necessary for or incidental to the control or management of a State forest.

(3) Section 16A (Exchange of land dedicated as State forest):

From section 16A (2) (c), omit "appropriated", insert instead "compulsorily acquired".

30 (4) Section 46A (Penalty notices for certain offences):

Omit section 46A (5).

COMMENCEMENT

The amendments to the Forestry Act 1916 commence on the date of assent to this Act.

TRANSITIONAL

35 Items (1)–(3) of the amendments to the Forestry Act 1916 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

SAVINGS

40 Item (4) of the amendments to the Forestry Act 1916 does not affect the validity of a courtesy letter served or enforcement action taken (whether before or after the date of assent to this Act) under Part 4B of the Justices Act 1902 as regards an offence referred to in section 46A (2) of the Forestry Act 1916.

EXPLANATORY NOTE**Statute law revision (items (1)–(3))**

The proposed amendments to the heading of Part 2 and to sections 15 and 16A are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, make sections 15 and 16A consistent with that Act and omit unnecessary matter. The proposed amendments essentially re-enact existing provisions to take account of the requirements of the 1991 Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 in Schedule 2 for more information relevant to these amendments.)

5

Penalty notices (item (4))

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The purpose of the proposed amendment to section 46A is to omit superfluous provisions. At present, section 46A (5) provides that a person served with a penalty notice may decline to be dealt with by penalty notice and that, if the person fails to pay the amount specified in the penalty notice, the person is taken to have so declined. Part 4B of the Justices Act 1902 provides a supplementary scheme (applying to penalty notices issued under specified Acts including the Forestry Act 1916) that may be used in the event of non-payment of penalty notices. This scheme involves the service of a courtesy letter (giving a person who has not paid the amount specified in a penalty notice further time to pay the penalty) and, in the event of non-payment, follow-up enforcement action. A person served with a courtesy letter may decline to be dealt with under the Justices Act scheme.

15

20

The proposed amendment to section 46A omits the references to declining to be dealt with from the Forestry Act 1916 as unnecessary and makes the penalty notice provision consistent with various other Acts. The effect is that, in the case of a person who is alleged to have committed an offence for which a penalty notice may be issued, failure to pay the amount specified in the penalty notice may result in the service of a courtesy letter under the Justices Act scheme. The person may decline to be dealt with under that scheme and, if so, may then be dealt with by a court. If the Justices Act scheme is not invoked, the same result may follow on non-payment of the penalty notice without the necessity for any express provision to that effect.

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30

FRIENDLY SOCIETIES ACT 1989 No. 232**AMENDMENT****Section 109:**

Omit the section, insert instead:

Disposal of surplus on winding up

35

109. (1) Any surplus on the winding up of a friendly society is to be transferred to one of the following, if nominated for the purpose by a special resolution of the society being wound up:

- (a) another friendly society;
- (b) an association of friendly societies;
- (c) an unincorporated or incorporated body, approved by the Registrar, that has similar objects to those of the society being wound up or that provides services or benefits for the community in which the society operated.

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(2) If no such nomination is made, any surplus is to be transferred to one of the bodies referred to in subsection (1) (a)–(c), as directed by order of the Registrar published in the Gazette.

COMMENCEMENT

- 5 The amendment to the Friendly Societies Act 1989 commences on the date of assent to this Act.

EXPLANATORY NOTE

10 At present, section 109 provides for any surplus on the winding up of a friendly society to be transferred either to another friendly society or an association of friendly societies nominated by the society being wound up or, if there is no nomination, as directed by order of the Registrar of Friendly Societies.

15 The proposed amendment retains these options but also enables the transfer of the surplus, at the nomination of the friendly society being wound up, to a body, approved by the Registrar, that has similar objects to those of the society being wound up or that provides services or benefits for the community in which the society operated. In the absence of a nomination, the transfer to such a body may be directed by order of the Registrar.

HEALTH INSURANCE LEVIES ACT 1982 No. 159**AMENDMENTS**

- 20 Section 20 (Disclosure of information etc.):
- (a) After section 20 (5) (a), insert:
- 25 (a1) prevent information being disclosed or a record being made available to the Auditor-General for the purpose of exercising functions conferred or imposed on the Auditor-General by the Public Finance and Audit Act 1983 or any other law, or prevent the Auditor-General from disclosing that information or publishing that record if the disclosure or publication does not directly or indirectly divulge information identifying the affairs of a particular person;
- 30 (b) From section 20 (5) (b), omit “or” where lastly occurring.
- (c) After section 20 (5) (c), insert:
- 35 (d) prevent the disclosure or publication by the Chief Commissioner of material derived from information or records referred to in subsection (1) if the disclosure or publication does not directly or indirectly divulge information identifying the affairs of a particular person; or
- (e) prevent the disclosure or publication by any person of the material referred to in paragraph (d) after it has been disclosed or published by the Chief Commissioner.

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COMMENCEMENT

The amendments to the Health Insurance Levies Act 1982 commence on the date of assent to this Act.

TRANSITIONAL

The amendments to the Health Insurance Levies Act 1982 apply to information and records whenever obtained. 5

EXPLANATORY NOTE

Section 20 restricts the disclosure of information and the publication of records obtained under the Act. The proposed amendments modify the operation of that section in 2 respects in a manner similar to the manner in which the equivalent section in the Business Franchise Licences (Petroleum Products) Act 1987 is modified elsewhere in this Schedule. The explanatory note to the amendments to that Act provides detail as to the manner in which it is proposed to modify the disclosure provisions set out in section 20, the difference being that the Auditor-General is not empowered under section 20 to disclose information or publish records which identify the affairs of particular persons. 10
15

INDUSTRIAL RELATIONS ACT 1991 No. 34

AMENDMENTS

Section 339 (Panels of members):

- (a) From section 339 (1), omit "a Presidential Member", insert instead "at least one Presidential Member". 20
- (b) Omit section 339 (3), insert instead:
- (3) The work of the panel is to be allocated by the most senior Presidential Member who is a member of the panel and who is available at the time of the required allocation, subject to any direction of the President. 25

COMMENCEMENT

The amendments to the Industrial Relations Act 1991 commence on the date of assent to this Act.

EXPLANATORY NOTE

At present, section 339 provides that the President of the Industrial Relations Commission may assign an industry or enterprise to a panel of members of the Commission consisting of a Presidential Member and at least one Conciliation Commissioner. The Presidential Member allocates the work of the panel, subject to any direction of the President. The proposed amendments to the section provide that the panel may include more than one Presidential Member and that the most senior available Presidential Member on the panel is to allocate its work, subject to any direction of the President. 30
35

INTERPRETATION ACT 1987 No. 15**AMENDMENTS**

Section 34 (Use of extrinsic material in the interpretation of Acts and statutory rules):

- 5 (a) After “Minister” in section 34 (2) (e), insert “or other member of Parliament introducing the Bill”.
- (b) After “Minister” where firstly occurring in section 34 (2) (f), insert “or other member of Parliament”.
- 10 (c) After “Minister” where secondly occurring in section 34 (2) (f), insert “or member”.

COMMENCEMENT

The amendments to the Interpretation Act 1987 commence on the date of assent to this Act.

TRANSITIONAL

- 15 The amendments to the Interpretation Act 1987 extend to explanatory notes or memoranda, other relevant documents, and speeches, laid, furnished or made before the date of assent to this Act.

EXPLANATORY NOTE

- 20 At present, section 34 provides examples of material that may be considered in the interpretation of an Act. These include any explanatory note or memorandum relating to the Bill for the Act, or any other relevant document that was laid before, or furnished to, members of either House of Parliament by a Minister and the speech made to a House of Parliament by a Minister when moving that the Bill for the Act be read a second time in that House. The proposed amendments make it clear that
- 25 regard may be had to the material referred to in the examples if the Bill for the Act is introduced by a private member of Parliament rather than by a Minister.

On amendment, the relevant portion of section 34 (2) will provide as follows:

- 30 (2) Without limiting the effect of subsection (1), the material that may be considered in the interpretation of a provision of an Act, or a statutory rule made under an Act includes—

-
- (e) any explanatory note or memorandum relating to the Bill for the Act, or any other relevant document, that was laid before, or furnished to the members of, either House of Parliament by a Minister or other member of Parliament introducing the Bill before the provision was enacted or made;
- 35 (f) the speech made to a House of Parliament by a Minister or other member of Parliament on the occasion of the moving by that Minister or member of a motion that the Bill for the Act be read a second time in that House;
-

(Matter to be inserted is shown in bold type.)

JUDGMENT CREDITORS' REMEDIES ACT 1901 No. 8**AMENDMENT****Section 17:**

Omit the section, insert instead:

Priority of writs of execution

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17. (1) If writs of execution against the lands or goods of a person issue out of more than one Court, the right to the property seized is to be determined in the order of the times of the delivery of the writ to the sheriff to be executed (in the case of a writ issued out of the Supreme Court) or of the application to the registrar of the Court for the issue of the writ (in the case of a writ issued out of the District Court or a Local Court).

10

(2) The sheriff must, on demand, inform the registrar of the District Court or the Local Court concerned of the precise time of the delivery of the writ issued out of the Supreme Court and the registrar of the District Court or the Local Court must, on demand, inform the sheriff or a sheriff's officer of the precise time of the application to the registrar for the issue from the District Court or the Local Court of the writ.

15

COMMENCEMENT

20

The amendment to the Judgment Creditors' Remedies Act 1901 commences on the date of assent to this Act.

TRANSITIONAL

The amendment to the Judgment Creditors' Remedies Act 1901 does not apply in respect of a writ of execution issued on an application made to the registrar of a Local Court before the date of assent to this Act.

25

EXPLANATORY NOTE

At present, section 17 determines the priority of execution of competing writs against the same judgment debtor when one writ is issued out of the Supreme Court and the other out of the District Court. The priority depends on the time of delivery to the sheriff of the Supreme Court writ and the time of application to the registrar for the District Court writ. No provision is made as to the priority of a competing writ issued by a Local Court.

30

The proposed amendment places a writ issued by a Local Court in a similar position to a writ issued by the District Court so far as priority is concerned, its priority depending on the time of application to the registrar of the Local Court for the writ.

35

LAND TAX MANAGEMENT ACT 1956 No. 26**AMENDMENTS****Section 6 (Disclosure of information etc.):**

(a) After section 6 (5) (a), insert:

5 (a1) prevent information being disclosed or a record being made
available to the Auditor-General for the purpose of exercising
functions conferred or imposed on the Auditor-General by the
Public Finance and Audit Act 1983 or any other law, or
10 prevent the Auditor-General from disclosing that information
or publishing that record if the disclosure or publication does
not directly or indirectly divulge information identifying the
affairs of a particular person;

(b) From section 6 (5) (b), omit “or” where lastly occurring.

(c) After section 6 (5) (c), insert:

15 (d) prevent the disclosure or publication by the Chief
Commissioner of material derived from information or
records referred to in subsection (1) if the disclosure or
publication does not directly or indirectly divulge information
identifying the affairs of a particular person; or

20 (e) prevent the disclosure or publication by any person of the
material referred to in paragraph (d) after it has been
disclosed or published by the Chief Commissioner.

COMMENCEMENT

25 The amendments to the Land Tax Management Act 1956 commence on the date of
assent to this Act.

TRANSITIONAL

 The amendments to the Land Tax Management Act 1956 apply to information and
records whenever obtained.

EXPLANATORY NOTE

30 Section 6 restricts the disclosure of information and the publication of records
obtained under the Act. The proposed amendments modify the operation of that
section in 2 respects in a manner similar to the manner in which the equivalent
section in the Business Franchise Licences (Petroleum Products) Act 1987 is
35 modified elsewhere in this Schedule. The explanatory note to the amendments to that
Act provides detail as to the manner in which it is proposed to modify the disclosure
provisions set out in section 6, the difference being that the Auditor-General is not
empowered under section 6 to disclose information or publish records which identify
the affairs of particular persons.

LOCAL COURTS (CIVIL CLAIMS) ACT 1970 No. 11**AMENDMENTS**

- (1) Section 34 (Costs to be in discretion of court):
Omit section 34 (4).
- (2) Section 45 (Where judgment debtor corporation): 5
(a) Omit “a director or the manager or secretary”, insert instead “an officer or former officer”.
(b) Omit “he”, insert instead “the person”.
- (3) Section 47B (Time for payment by garnishee): 10
Omit section 47B (3).
- (4) Section 49 (Limitation on operation of garnishee orders attaching a wage or salary):
(a) Omit the definitions of “prescribed rate” and “Sydney basic wage” from section 49 (1), insert instead in alphabetical order:
“prescribed rate”, in relation to a wage or salary, means: 15
(a) if no part of the wage or salary is otherwise attached under this or any other Act—a rate equal to the weekly compensation payment; or
(b) if any part of the wage or salary is otherwise attached under this or any other Act—a rate equal to the weekly compensation payment increased by the amount so attached, calculated on a weekly basis; 20
“weekly compensation payment” means an amount calculated at a weekly rate that is equivalent to 80 per cent of the maximum single weekly payment of compensation for the time being referred to in section 37 (1) (a) (i) of the Workers Compensation Act 1987 as adjusted under that Act. 25
(b) From the definition of “wage or salary” in section 49 (1), omit “worker.”, insert instead “worker;”.
- (5) Section 59 (Sheriff or bailiff to take under writ of execution): 30
From section 59 (7), omit “Penalty: \$1,000”, insert instead “Maximum penalty: 50 penalty units”.
- (6) Section 75A:
After section 75, insert:
Irregularity 35
75A. (1) If, in the purported commencement of any proceedings or at any stage in the course of or in connection with any proceedings, there is, by reason of anything done or left undone, a failure to

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comply with any requirement of this Act or of the rules whether in respect of time, place, manner, form or content or in any other respect:

5 (a) the failure is to be treated as an irregularity and is not to nullify the proceedings, or any step taken in the proceedings, or any document, judgment or order in the proceedings; and

10 (b) subject to subsections (2) and (3), the court may, on terms, set aside wholly or in part the proceedings or any step taken in the proceedings or any document, judgment or order in the proceedings, or exercise its powers under the rules to allow amendments and to make orders dealing with the proceedings generally.

15 (2) The court must not wholly set aside any proceedings on the ground that, although not constituting an action for the recovery of a debt or liquidated demand, they were commenced by the lodging of a statement of liquidated claim.

20 (3) The court must not set aside any proceedings or any step taken in any proceedings or any document, judgment or order in any proceedings on the ground of a failure to which subsection (1) applies on the application of any party unless the application is made within a reasonable time and before the applicant has taken any fresh step after becoming aware of the irregularity.

(7) Section 76A:

After section 76, insert:

25 **Power to refer allegation etc. of contempt to Supreme Court**

30 76A. (1) Without prejudice to the powers of a court under section 76, if it is alleged, or appears to a court on its own view, that a person is guilty of contempt of the court, whether committed in the face or hearing of the court or not, the court may refer the matter to the Supreme Court for determination.

(2) On any matter being referred to the Supreme Court under this section, the Supreme Court is to dispose of the matter in such manner as it considers appropriate.

(8) Section 84 (Rules):

35 From section 84 (1) (s), omit “and default judgments”, insert instead “, default judgments and orders for summary judgment”.

COMMENCEMENT

Items (1)–(3) and (5)–(8) of the amendments to the Local Courts (Civil Claims) Act 1970 commence on the date of assent to this Act.

40 Item (4) of the amendments to the Local Courts (Civil Claims) Act 1970 commences on a day to be appointed by proclamation.

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TRANSITIONAL

Item (4) of the amendments to the Local Courts (Civil Claims) Act 1970 does not apply to a garnishee order issued before the day appointed for the commencement of that item.

EXPLANATORY NOTE

Statute law revision (items (1) and (3))

The proposed amendments omit obsolete cross-references.

Examination of judgment debtor corporation (item (2))

At present, section 45 provides that an examination summons may be issued requiring a director or the manager or secretary of a judgment debtor that is a corporation to appear for examination as to the property or other means available to satisfy a judgment debt of the corporation. Equivalent provisions in the Supreme Court Rules 1970 and the District Court Act 1973 provide that the summons may be directed to an officer or former officer of the judgment debtor corporation. The proposed amendment draws section 45 into line with those provisions.

Attachment of a wage or salary (item (4))

The proposed amendment to section 49, which replaces the formula to be used in determining what amount may be deducted from the wage or salary of a judgment debtor to enforce payment of a judgment debt by a garnishee order, is similar to the amendment to the Supreme Court Act 1970 set out elsewhere in this Schedule. Reference should be made to the explanatory note to that amendment for more information concerning this amendment.

Removal etc. of property subject to writ of execution (item (5))

The purpose of this proposed amendment is to increase from \$1,000 to 50 penalty units (at present, equivalent to \$5,000) the penalty for the offence of interfering with, disposing of or removing property (without the written consent of the Sheriff or bailiff) that has been seized by the Sheriff or bailiff under a writ of execution or is the subject of a notice issued by the Sheriff or bailiff as to the safekeeping of the property. The amendment is similar to item (3) of the amendments to the District Court Act 1973 elsewhere in this Schedule.

Irregularity in proceedings (item (6))

Section 81 of the Supreme Court Act 1970 and section 159 of the District Court Act 1973 provide that failures to comply with procedural requirements do not nullify proceedings but may be remedied by the Court on appropriate terms. The proposed amendment inserts a similar provision in relation to proceedings in a Local Court.

Referral of alleged contempt to Supreme Court (item (7))

At present, the Act provides for the punishment of contempt committed in the face of a court or registrar. Contempt committed other than in the face of a court is punishable only by the Supreme Court in its inherent jurisdiction. No machinery provision, similar to section 203 of the District Court Act 1973, is provided for reference of an alleged contempt, whether committed in the face of a court or otherwise, to the Supreme Court. The proposed amendment inserts a provision, similar to section 203 of the District Court Act 1973, to enable such contempts to be referred to the Supreme Court for determination.

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Summary judgment (item (8))

At present, the Act contains no provision for summary judgment in a defended action (e.g. to a plaintiff's claim where a defendant has filed a defence but has disappeared and the court is satisfied that the defence has no substance). The District Court Act 1973 makes specific provision for rules to be made concerning summary judgment. The proposed amendment inserts a similar provision in section 84.

LOCAL GOVERNMENT ACT 1919 No. 41**AMENDMENTS**

- (1) Section 233 (Proprietary rights in regard to roads):
- 10 (a) From section 233 (5), omit "resumed" wherever occurring, insert instead "compulsorily acquired".
- (b) From section 233 (5), omit "resumption" wherever occurring, insert instead "compulsory acquisition".
- 15 (c) From section 233 (5), omit "resume", insert instead "compulsorily acquire".
- (d) After section 233 (5), insert:
- (6) In this section, "Crown" includes an authority of the State within the meaning of the Land Acquisition (Just Terms Compensation) Act 1991.
- 20 (2) Section 466 (Definitions):
- From section 466 (1), omit the definition of "Western Lands Commissioner", insert instead:
- "Western Lands Commissioner" means the person holding office as such under Part 2 of the Public Sector Management Act 1988.
- 25 (3) Section 562A:
- After section 562, insert:
- Alternate delegates**
- 30 562A. (1) The council of each area included or partly included in a county district or, in the case of a combined county electorate, the councils of the areas or parts of areas comprised in the combined county electorate may elect a member of the council or councils concerned to be the alternate delegate for each delegate elected by that council or those councils under section 562 (2), (3) or (5).
- 35 (2) A person may not be an alternate delegate for more than one delegate to a county council at the same time.
- (3) An alternate delegate may only act in the office of the delegate for whom that alternate delegate is the alternate delegate during the illness or absence of the delegate and while so acting, the alternate delegate has all the functions of the delegate and is taken to be the delegate.
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(4) The alternate delegate for the chairperson of the county council must not preside at a meeting of the county council unless elected or appointed to that position in accordance with section 563.

COMMENCEMENT

Items (1) and (2) of the amendments to the Local Government Act 1919 commence on the date of assent to this Act. 5

Item (3) of the amendments to the Local Government Act 1919 commences on a day to be appointed by proclamation.

EXPLANATORY NOTE

Statute law revision (items (1) and (2)) 10

The proposed amendments to section 233 (item (1)) are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and make the amended provision consistent with that Act. The proposed amendment to section 233 also reflects the fact that some acquiring authorities are not part of the Crown (e.g. Area Health Services). The proposed amendment to section 466 (item (2)) updates the definition of "Western Lands Commissioner" as a consequence of amendments made to the Western Lands Act 1901. 15

Alternate delegates to county councils (item (3))

Section 562 provides that councils may elect one delegate or, in certain circumstances, more than one delegate or jointly elect delegates to county councils. No provision is made for the election of alternate delegates to act in the place of delegates who are ill or otherwise absent. The proposed amendment makes provision for the election of alternate delegates. 20

NOISE CONTROL ACT 1975 No. 35

AMENDMENTS

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(1) Long title:

Omit "State Pollution Control Commission", insert instead "Environment Protection Authority".

(2) Section 5:

Omit the section, insert instead:

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Act to bind Crown

5. This Act binds the Crown in right of New South Wales and, in so far as the legislative power of Parliament permits, the Crown in all its other capacities.

COMMENCEMENT

35

The amendments to the Noise Control Act 1975 commence on the date of assent to this Act.

*Statute Law (Miscellaneous Provisions) (No. 2) 1992—Sch. 1***EXPLANATORY NOTE****Environment Protection Authority (item (1))**

5 The proposed amendment to the long title substitutes a reference to the Environment Protection Authority for a reference to the State Pollution Control Commission, which has been abolished.

Act to bind Crown (item (2))

The proposed amendment to section 5 makes it clear that the Noise Control Act 1975 binds the Crown in all its capacities.

10 The proposed amendment is similar to the amendments to the Clean Air Act 1961 elsewhere in this Schedule and the additional information in the explanatory note to those amendments is also relevant to this amendment.

PAY-ROLL TAX ACT 1971 No. 22**AMENDMENTS****Section 5 (Disclosure of information etc.):**

15 (a) After section 5 (5) (a), insert:

20 (a1) prevent information being disclosed or a record being made available to the Auditor-General for the purpose of exercising functions conferred or imposed on the Auditor-General by the Public Finance and Audit Act 1983 or any other law, or prevent the Auditor-General from disclosing that information or publishing that record if the disclosure or publication does not directly or indirectly divulge information identifying the affairs of a particular person;

25 (b) From section 5 (5) (b), omit "or" where lastly occurring.

25 (c) After section 5 (5) (c), insert:

30 (d) prevent the disclosure or publication by the Chief Commissioner of material derived from information or records referred to in subsection (1) if the disclosure or publication does not directly or indirectly divulge information identifying the affairs of a particular person; or

(e) prevent the disclosure or publication by any person of the material referred to in paragraph (d) after it has been disclosed or published by the Chief Commissioner.

COMMENCEMENT

35 The amendments to the Pay-roll Tax Act 1971 commence on the date of assent to this Act.

TRANSITIONAL

The amendments to the Pay-roll Tax Act 1971 apply to information and records whenever obtained.

EXPLANATORY NOTE

Section 5 restricts the disclosure of information and the publication of records obtained under the Act. The proposed amendments modify the operation of that section in 2 respects in a manner similar to the manner in which the equivalent section in the Business Franchise Licences (Petroleum Products) Act 1987 is modified elsewhere in this Schedule. The explanatory note to the amendments to that Act provides detail as to the manner in which it is proposed to modify the disclosure provisions set out in section 5, the difference being that the Auditor-General is not empowered under section 5 to disclose information or publish records which identify the affairs of particular persons.

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PLANT DISEASES ACT 1924 No. 38**AMENDMENT**

Sections 11, 11A:

Omit the sections, insert instead:

Inspectors

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11. (1) The Director-General of the Department of Agriculture may, by notification in the Gazette, appoint inspectors for the purposes of this Act.

(2) An inspector has, and may exercise, the functions conferred or imposed on the inspector by this Act or the regulations.

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(3) The Director-General may authorise in writing any person to perform any or all of the functions of an inspector.

(4) An authority under subsection (3) may be limited in its operation to a specified part of the State.

COMMENCEMENT

25

The amendment to the Plant Diseases Act 1924 commences on the date of assent to this Act.

EXPLANATORY NOTE

At present, provision is made for inspectors to be appointed in accordance with the Public Sector Management Act 1988 (that is, by the transfer or promotion of an officer in the Public Service by the Departmental Head or by the appointment of a person who is not an officer by the Governor on the recommendation of the Departmental Head) and for the Minister to appoint persons to exercise all or any functions of an inspector. Provision is also made for inspectors' functions to be set out in the regulations.

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The proposed amendment provides, as is the case under the Stock Diseases Act 1923, that inspectors and authorised persons may be appointed and authorised respectively by the Director-General of the Department of Agriculture and that inspectors have the functions conferred or imposed on them by the Act or the regulations.

POLICE REGULATION (SUPERANNUATION) ACT 1906 No. 28**AMENDMENTS****(1) Section 2H (Constitution of Committee):**

(a) Omit section 2H (2), insert instead:

5 (2) The Committee is to consist of 8 members appointed by the Minister, one of whom is to be a person appointed by the Minister to be the Chairperson of the Committee.

(b) From section 2H (3), omit "Of the appointed members", insert instead "Of the members other than the Chairperson".

10 (2) Section 9B (Preserved benefit):

After section 9B (7), insert:

15 (7A) Despite subsection (7), if the Australian Statistician changes the reference base for the Consumer Price Index (All Groups Index) for Sydney, then, for the purposes of the application of this section after the change takes place, regard is to be had only to Index numbers expressed in terms of the new reference base.

(3) Section 12E (Repayment to Board in certain cases):

From section 12E (2), omit "Crimes Act 1900", insert instead "Victims Compensation Act 1987".

20 COMMENCEMENT

The amendments to the Police Regulation (Superannuation) Act 1906 commence on the date of assent to this Act.

EXPLANATORY NOTE**Abolition of New South Wales Superannuation Office (item (1))**

25 At present, section 2H provides that the Police Superannuation Advisory Committee is to consist of 8 members of whom 1 is to be the Secretary of the New South Wales Superannuation Office, who is to chair the Committee. The New South Wales Superannuation Office was abolished on 1 July 1992. The proposed amendment omits the reference to the Secretary of the Office and provides for the Minister to appoint a person to the Committee to be its Chairperson.

Adjustment of gratuity (item (2))

30 Section 9B provides for payment of a gratuity that is to be adjusted, when it emerges, to take account of increases in the Consumer Price Index that have occurred since the election to preserve a benefit under the section was made. The Index used is the Consumer Price Index (All Groups Index) for Sydney prepared by the Australian Statistician. The proposed amendment makes provision as to what is to occur if the reference base for the relevant Index is changed.

Compensation for injury (item (3))

40 Section 12E provides for the withholding, or recovery, of a gratuity payable or paid to a police officer who is injured on duty if damages are recovered in respect of that injury. The section presently states that "damages" does not include any sum ordered

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or directed to be paid under the Crimes Act 1900 for compensation for injury. The proposed amendment substitutes a reference to the Victims Compensation Act 1987 for the reference to the Crimes Act 1900 because compensation for victims of violence is now dealt with under the former Act.

POLLUTION CONTROL ACT 1970 No. 95

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AMENDMENT

Section 3:

Omit the section, insert instead:

Act to bind Crown

3. This Act binds the Crown in right of New South Wales and, in so far as the legislative power of Parliament permits, the Crown in all its other capacities.

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COMMENCEMENT

The amendment to the Pollution Control Act 1970 commences on the date of assent to this Act.

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EXPLANATORY NOTE

The proposed amendment makes it clear that the Pollution Control Act 1970 binds the Crown in all its capacities.

The proposed amendment is similar to the amendments to the Clean Air Act 1961 elsewhere in this Schedule and the additional information in the explanatory note to those amendments is also relevant to this amendment.

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**PROTECTION OF THE ENVIRONMENT ADMINISTRATION ACT
1991 No. 60**

AMENDMENT

Section 32:

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Omit the section, insert instead:

Act to bind Crown

32. This Act binds the Crown in right of New South Wales and, in so far as the legislative power of Parliament permits, the Crown in all its other capacities.

30

COMMENCEMENT

The amendment to the Protection of the Environment Administration Act 1991 commences on the date of assent to this Act.

EXPLANATORY NOTE

The proposed amendment makes it clear that the Protection of the Environment Administration Act 1991 binds the Crown in all its capacities.

- 5 The proposed amendment is similar to the amendments to the Clean Air Act 1961 elsewhere in this Schedule and the additional information in the explanatory note to those amendments is also relevant to this amendment.

SOIL CONSERVATION ACT 1938 No. 10**AMENDMENT**

Section 25A (Sale of land not required for purposes of Act):

- 10 From section 25A, omit “and apply the purchase money arising from such sale in such manner as the Governor shall direct”.

COMMENCEMENT

The amendment to the Soil Conservation Act 1938 commences on the date of assent to this Act.

15 **EXPLANATORY NOTE**

- At present, section 25A provides that the proceeds of sale of surplus land that was acquired by purchase or compulsory process are to be applied by the Minister in accordance with the Governor’s direction. The proposed amendment removes the requirement for the Minister to obtain the Governor’s direction. The disbursement of the proceeds of sale or lease of surplus government assets are now the subject of Treasurer’s directions under the Public Finance and Audit Act 1983.
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STAMP DUTIES ACT 1920 No. 47**AMENDMENTS**

Section 131A (Disclosure of information etc.):

- 25 (a) After section 131A (5) (a), insert:
- (a1) prevent information being disclosed or a record being made available to the Auditor-General for the purpose of exercising functions conferred or imposed on the Auditor-General by the Public Finance and Audit Act 1983 or any other law, or prevent the Auditor-General from disclosing that information or publishing that record if the disclosure or publication does not directly or indirectly divulge information identifying the affairs of a particular person;
- 30
- (b) From section 131A (5) (b), omit “or” where lastly occurring.

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(c) After section 131A (5) (c), insert:

- (d) prevent the disclosure or publication by the Chief Commissioner of material derived from information or records referred to in subsection (1) if the disclosure or publication does not directly or indirectly divulge information identifying the affairs of a particular person; or
- (e) prevent the disclosure or publication by any person of the material referred to in paragraph (d) after it has been disclosed or published by the Chief Commissioner.

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COMMENCEMENT

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The amendments to the Stamp Duties Act 1920 commence on the date of assent to this Act.

TRANSITIONAL

The amendments to the Stamp Duties Act 1920 apply to information and records whenever obtained.

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EXPLANATORY NOTE

Section 131A restricts the disclosure of information and the publication of records obtained under the Act. The proposed amendments modify the operation of that section in 2 respects in a manner similar to the manner in which the equivalent section in the Business Franchise Licences (Petroleum Products) Act 1987 is modified elsewhere in this Schedule. The explanatory note to the amendments to that Act provides detail as to the manner in which it is proposed to modify the disclosure provisions set out in section 131A, the difference being that the Auditor-General is not empowered under section 131A to disclose information or publish records which identify the affairs of particular persons.

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SUPREME COURT ACT 1970 No. 52

AMENDMENT

Section 99:

Omit the section, insert instead:

Attachment of wage or salary

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99. The wage or salary of a person payable for any period must not be attached or made liable in the enforcement against the person of a judgment or order except to the extent of the amount (if any) remaining after deducting from the wage or salary an amount calculated for the same period at a weekly rate that is equivalent to 80 per cent of the maximum single weekly payment of compensation for the time being referred to in section 37 (1) (a) (i) of the Workers Compensation Act 1987 as adjusted under that Act.

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Statute Law (Miscellaneous Provisions) (No. 2) 1992—Sch. 1

COMMENCEMENT

The amendment to the Supreme Court Act 1970 commences on a day to be appointed by proclamation.

TRANSITIONAL

- 5 The amendment to the Supreme Court Act 1970 does not apply to a garnishment notice served before the day appointed for the commencement of the amendment.

EXPLANATORY NOTE

10 At present, section 99 limits the attachment of a wage or salary to enforce payment of a judgment debt to the sum left after deducting the equivalent, for the pay period, of an amount \$8 per week less than the appropriate basic wage in force under the Industrial Relations Act 1991 (which replaced the Industrial Arbitration Act 1940) in respect of the judgment debtor. The minimum adult basic wage presently fixed by the Industrial Relations Act 1991 is \$121.40 per week. No mechanism for regular review of this figure currently exists.

15 The proposed amendment replaces the reference to \$8 per week less than the appropriate basic wage with a reference to a weekly figure that is 80 per cent of the maximum weekly amount of compensation payable to an injured worker without dependants for any period of total incapacity for work (after the first 26 weeks of incapacity) under section 37 of the Workers Compensation Act 1987. The maximum
20 weekly payment of compensation under section 37 is regularly adjusted, the last adjustment having been made on 1 April 1992 when a figure of \$242.20 was set.

SWIMMING POOLS ACT 1992 No. 49

AMENDMENT

- 25 Section 22 (Local authority may grant exemptions from barrier requirements that are impracticable or unreasonable in particular cases):

In section 22 (1), after “situated,”, insert “or proposed to be constructed or installed,”.

COMMENCEMENT

- 30 The amendment to the Swimming Pools Act 1992 commences on the date of assent to this Act.

EXPLANATORY NOTE

- 35 At present, section 22 enables a local authority to exempt a swimming pool from the requirements of the Act dealing with access to swimming pools if the local authority is satisfied that it is impracticable or unreasonable for the swimming pool to comply with those requirements or that no less effective alternative provision has been made for restricting access to the swimming pool or the water contained in it. The proposed amendment makes it clear that the owner of premises may apply for the requisite exemption before constructing or installing the swimming pool.

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The amended provision (section 22 (1)) will read as follows:

(1) The local authority may, on application made by the owner of any premises in or on which a swimming pool is situated, or proposed to be constructed or installed, exempt the swimming pool from all or any of the requirements of this Part if it is satisfied, in the particular circumstances of the case:

(a) that it is impracticable or unreasonable (because of the physical nature of the premises, because of the design or construction of the swimming pool or because of special circumstances of a kind recognised by the regulations as justifying the granting of an exemption) for the swimming pool to comply with those requirements; or

(b) that alternative provision, no less effective than those requirements, exists for restricting access to the swimming pool.

(Matter to be inserted is shown in bold type.)

SYDNEY MARKET AUTHORITY ACT 1968 No. 11

AMENDMENTS

(1) Section 11 (Powers, authorities, duties and functions of the Authority):

(a) After section 11 (2) (a), insert:

(a1) to acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991;

(b) From section 11 (2) (b), omit "land,".

(2) Section 13 (Land—how acquired):

Omit the section.

(3) Section 14:

Omit the section, insert instead:

Application of Public Works Act 1912

14. (1) For the purposes of the Public Works Act 1912:

(a) an acquisition of land by compulsory process by the Authority in accordance with section 11 and the construction, provision and establishment of a public market and the carrying out of any works for any purpose referred to in that section are taken to be an authorised work; and

(b) the Authority is, in relation to that authorised work, taken to be the Constructing Authority.

(2) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this Act.

*Statute Law (Miscellaneous Provisions) (No. 2) 1992—Sch. 1***(4) Section 18 (Penalty notices for certain offences):**

Omit section 18 (3) and (4).

COMMENCEMENT

5 The amendments to the Sydney Market Authority Act 1968 commence on the date of assent to this Act.

TRANSITIONAL

10 Items (1)–(3) of the amendments to the Sydney Market Authority Act 1968 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

SAVING

15 Item (4) of the amendments to the Sydney Market Authority Act 1968 does not affect the validity of a courtesy letter served or enforcement action taken (whether before or after the date of assent to this Act) under Part 4B of the Justices Act 1902 as regards an offence referred to in section 18 (1) of the Sydney Market Authority Act 1968.

EXPLANATORY NOTE**Statute law revision—land acquisition (items (1)–(3))**

20 The proposed amendments to sections 11 and 14 and repeal of section 13 are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991. They make sections 11 and 14 consistent with that Act and omit unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 in Schedule 2 for more information relevant to these amendments.)

Penalty notices (item (4))

25 At present, section 18 (3) and (4) provides that a person served with a penalty notice may decline to be dealt with by penalty notice and that, if the person fails to pay the amount specified in the penalty notice, the person is taken to have so declined. The proposed amendment omits unnecessary matter and makes the penalty notice provision consistent with various other Acts. The proposed amendment is similar to
30 an amendment to the Forestry Act 1916 set out elsewhere in this Schedule and the explanatory note to that amendment contains more information relevant to this amendment.

TRANSPORT ADMINISTRATION ACT 1988 No. 109**AMENDMENTS**35 **(1) Section 89 (Sale, lease or other disposal of land):**

After section 89 (2), insert:

(3) The Minister may delegate the power of approval under this section to the Director-General, a member of staff of the Department of Transport or a person of a class prescribed by the regulations.

(2) Section 90:

Omit the section, insert instead:

Acquisition of land

90. (1) The State Rail Authority may, for the purposes of the construction or extension of a railway or for any other purposes of the State Rail Authority, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be for an authorised work and the State Rail Authority is, in relation to that authorised work, taken to be the Constructing Authority.

(3) Any such acquisition is not void merely because it is expressed to be for the purposes of the State Rail Authority or for the purposes of this Act.

(4) Part 3 of the Public Works Act 1912 does not apply in respect of works constructed for the purposes of this section.

(3) Section 94 (Closure of level-crossings etc.):

After section 94 (1), insert:

(1A) The Minister may delegate the power of approval under this section to the Director-General, a member of staff of the Department of Transport or a person of a class prescribed by the regulations.

(4) Section 100 (Sale, lease or other disposal of land):

After section 100 (2), insert:

(3) The Minister may delegate the power of approval under this section to the Director-General, a member of staff of the Department of Transport or a person of a class prescribed by the regulations.

(5) Section 101:

Omit the section, insert instead:

Acquisition of land

101. (1) The State Transit Authority may, for any purposes of the State Transit Authority, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be for an authorised work and the State Transit Authority is, in relation to that authorised work, taken to be the Constructing Authority.

(3) Any such acquisition is not void merely because it is expressed to be for the purposes of the State Transit Authority or for the purposes of this Act.

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(4) Part 3 of the Public Works Act 1912 does not apply in respect of works constructed for the purposes of this section.

(6) Section 114 (Rescission of resumptions):

Omit the section.

5 (7) Section 119 (Regulations):

From section 119 (2), omit "5 penalty units", insert instead "20 penalty units".

(8) Schedule 6 (Application of the Public Works Act 1912):

Omit the Schedule.

10 **COMMENCEMENT**

The amendments to the Transport Administration Act 1988 commence on the date of assent to this Act.

TRANSITIONAL

15 Items (2), (5), (6) and (8) of the amendments to the Transport Administration Act 1988 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

Delegation by Minister (items (1), (3) and (4))

20 The proposed amendments to sections 89, 94 and 100 enable the Minister to delegate the power to approve of sales, leases or other disposals of land by the State Rail Authority and the State Transit Authority and of the closure of level-crossings, bridges and other structures passing over or under any railway to the Director-General of the Department of Transport, staff of the Department or other prescribed classes of
25 persons. At present, the Act enables the Director-General to delegate functions but does not provide for any similar delegation by the Minister.

Statute law revision (items (2), (5), (6) and (8))

30 The proposed amendments to sections 90 and 101 and repeal of section 114 and Schedule 6 are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, make sections 90 and 101 consistent with that Act and omit unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 in Schedule 2 for more information relevant to these amendments.)

Penalty for offence against regulation (item (7))

35 At present, the maximum penalty that may be imposed by the regulations under the Act for offences against those regulations (which may deal with matters such as rail safety) is 5 penalty units (at present, equivalent to \$500). The proposed amendment to section 119 increases the maximum penalty which may be imposed by the regulations to 20 penalty units (at present, equivalent to \$2,000).

VALUATION OF LAND ACT 1916 No. 2**AMENDMENT****Section 76 (Copies of entries to be supplied):**

After section 76 (1), insert:

(1A) The Valuer-General may, at the request of an applicant under subsection (1), supply a certified copy or an extract under that subsection of part only of an entry in a valuation roll. The fee payable by the applicant is to be determined by the Valuer-General, but is not to exceed the fee prescribed for supplying a full entry in the valuation roll.

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COMMENCEMENT

The amendment to the Valuation of Land Act 1916 commences on the date of assent to this Act.

EXPLANATORY NOTE

At present, section 76 (1) requires the Valuer-General to supply a certified copy under seal or an extract of an entry in a valuation roll to any person who applies for it and pays the prescribed fee. The copy or extract is evidence in any proceedings of the matters stated in it.

15

The proposed amendment permits the Valuer-General to supply a certified copy or an extract of part only of such an entry. It also permits the Valuer-General to determine a fee for supplying a copy or an extract of part of an entry that is less than the prescribed fee for supplying a copy or an extract of a full entry.

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WASTE DISPOSAL ACT 1970 No. 97**AMENDMENTS****(1) Section 3:**

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Omit the section, insert instead:

Act to bind Crown

3. This Act binds the Crown in right of New South Wales and, in so far as the legislative power of Parliament permits, the Crown in all its other capacities.

30

(2) Section 8A (Board to determine policies of Service):

Omit "the Authority" wherever occurring, insert instead "the Service".

COMMENCEMENT

The amendments to the Waste Disposal Act 1970 commence on the date of assent to this Act.

35

EXPLANATORY NOTE**Act to bind Crown (item (1))**

The proposed amendment to section 3 makes it clear that the Waste Disposal Act 1970 binds the Crown in all its capacities.

- 5 The proposed amendment is similar to the amendments to the Clean Air Act 1961 elsewhere in this Schedule and the additional information in the explanatory note to those amendments is also relevant to this amendment.

Waste Recycling and Processing Service of New South Wales (item (2))

- 10 The Waste Recycling and Processing Service of New South Wales was previously known as the "Waste Management Authority of New South Wales". The proposed amendment to section 8A updates references to that body.

WILD DOG DESTRUCTION ACT 1921 No. 17**AMENDMENTS**

- (1) Section 3 (Definitions):
- 15 (a) From section 3, omit the definition of "Commissioner", insert instead:
- "Commissioner" means the Western Lands Commissioner holding office as such under Part 2 of the Public Sector Management Act 1988.
- 20 (b) From section 3, omit the definition of "Western Division", insert instead:
- "Western Division" means the Western Division within the meaning of the Crown Lands Act 1989.
- (2) Section 3A (The Wild Dog Destruction Board):
- 25 (a) From section 3A (5), omit "Pastures Protection Board" and "Pastures Protection District" wherever occurring, insert instead, respectively, "Rural Lands Protection Board" and "Rural Lands Protection District".
- 30 (b) From section 3A (8), omit "pastures protection boards", insert instead "rural lands protection boards".
- (3) Sections 3B, 3D:
- From sections 3B and 3D, omit "pastures protection board" wherever occurring, insert instead "rural lands protection board".
- (4) Section 19 (Wild Dog Destruction Fund):
- 35 (a) Omit section 19 (1)–(3), insert instead:
- (1) The board is to maintain an account or accounts with a bank approved by the Treasurer. That account or those accounts are to be known as the Wild Dog Destruction Fund.

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(2) All money received from all sources under this Act is to be paid into the fund.

(3) The regulations may govern the operation of the fund.

(b) Omit section 19 (5), insert instead:

(5) The board may invest money in the fund: 5

(a) in such manner as may be authorised by the Public Authorities (Financial Arrangements) Act 1987; or

(b) if that Act does not confer power on the board to invest money—in accordance with the Trustee Act 1925 or in any other manner approved by the Minister with the concurrence of the Treasurer. 10

COMMENCEMENT

The amendments to the Wild Dog Destruction Act 1921 commence on the date of assent to this Act.

TRANSITIONAL 15

On the commencement of the amendments to the Wild Dog Destruction Act 1921, the special deposit account called the Wild Dog Destruction Fund is closed and all money standing to the credit of that account is to be transferred to an account maintained under section 19 (1) of the Wild Dog Destruction Act 1921, as inserted by this Act.

EXPLANATORY NOTE 20

Statute law revision (items (1)–(3))

The proposed amendments to section 3 update the definition of “Commissioner” as a consequence of amendments made to the Western Lands Act 1901 (item (1) (a)) and the definition of “Western Division” as a consequence of the repeal of the Crown Lands Consolidation Act 1913 (item (1) (b)). 25

The proposed amendments to sections 3A, 3B and 3D (items (2) and (3)) update references to the Pastures Protection Board and Pastures Protection Districts as a consequence of the repeal of the Pastures Protection Act 1934.

Bank account and investment powers (item (4))

The proposed amendments to section 19 repeal the requirement that money received under the Act be paid to a special deposit account with the Treasury and substitute a requirement that the money be paid into a bank account or accounts kept by the Wild Dog Destruction Board (item (4) (a)). 30

The proposed amendments also update the Board’s investment powers as a consequence of the enactment of the Public Authorities (Financial Arrangements) Act 1987 (item (4) (b)). 35

**SCHEDULE 2—AMENDMENTS BY WAY OF STATUTE LAW
REVISION**

(Sec. 3)

ABORIGINAL LAND RIGHTS ACT 1983 No. 42

5 **AMENDMENTS**

(1) Section 39:

Omit the section, insert instead:

Acquisition of land

10 39. (1) The Minister may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

15 (2) The Minister may do so only if the Minister is of the opinion that there are exceptional circumstances which warrant the acquisition of land for the purpose of satisfying the objectives of this Act.

20 (3) If so required by the Minister, the New South Wales Aboriginal Land Council or the Local Aboriginal Land Council is to make provision to the satisfaction of the Minister for the payment of the purchase price or of compensation for compulsory acquisition (together with all necessary charges and expenses incidental to the acquisition).

25 (4) The Minister may transfer land acquired under this section to an Aboriginal Land Council or other organisation or body established for the benefit of Aborigines.

(5) For the purposes of the Public Works Act 1912, an acquisition of land under this section is taken to be for an authorised work and the Minister is, in relation to that authorised work, taken to be the Constructing Authority.

30 (6) Part 3 of the Public Works Act 1912 does not apply in respect of works constructed under this Act.

(2) Schedule 1 (Modification of the Public Works Act 1912):

Omit the Schedule.

COMMENCEMENT

35 The amendments to the Aboriginal Land Rights Act 1983 commence on the date of assent to this Act.

TRANSITIONAL

40 The amendments to the Aboriginal Land Rights Act 1983 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The Aboriginal Land Rights Act 1983 contains provisions relating to the acquisition of land by way of resumption or appropriation under the Public Works Act 1912. The Land Acquisition (Just Terms Compensation) Act 1991 (which commenced on 1 January 1992) applies to any compulsory acquisition of land under the Aboriginal Land Rights Act 1983 (or any other Act) even though the Act continues to refer to the superseded provisions of the Public Works Act 1912. The Land Acquisition (Just Terms Compensation) Act 1991 does not change the purposes for which land may be compulsorily acquired under the Aboriginal Land Rights Act 1983 (or under any other Act that provides for compulsory acquisition of land by a public authority). It provides only the procedure for acquisition and the payment of compensation. 5

The proposed amendments merely update the Act to replace superseded references to the Public Works Act 1912 in relation to the compulsory acquisition of land by the Minister and omit unnecessary matter. 10

AMBULANCE SERVICES ACT 1990 No. 16 15**AMENDMENTS****(1) Sections 16, 17:**

Omit the sections, insert instead:

Acquisition of land

16. (1) The Ambulance Service may, with the approval of the Minister, for the purpose of the exercise of its functions under this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991. 20

(2) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be for an authorised work and the Ambulance Service is, in relation to that authorised work, taken to be the Constructing Authority. 25

(3) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this Act. 30

Disposal of land

17. The Ambulance Service may not dispose of land by sale, lease, mortgage or otherwise except with the approval of the Minister.

(2) Schedule 3 (Savings, transitional and other provisions): 35

From clause 7 (4), omit "section", insert instead "clause".

COMMENCEMENT

The amendments to the Ambulance Services Act 1990 commence on the date of assent to this Act.

TRANSITIONAL

Item (1) of the amendments to the Ambulance Services Act 1990 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

5 **EXPLANATORY NOTE**

The proposed amendments to sections 16 and 17 (item (1)) are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, make the amended provisions consistent with that Act and omit unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this item.)

10 The proposed amendment to Schedule 3 (item (2)) corrects a reference to a provision.

AREA HEALTH SERVICES ACT 1986 No. 50
AMENDMENTS

(1) Section 27 (Power in relation to property):

15 (a) Omit section 27 (1) (a), insert instead:

(a) acquire land (including an interest in land), for the purpose of the exercise of its functions, by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and acquire any other property (whether or not the land or other property is required for the purposes of any hospital or other health service under the control of the area health service);

(b) From section 27 (2) (a), omit "by purchase, lease or exchange", insert instead "by any means".

25 (2) Section 28:

Omit the section, insert instead:

Application of Public Works Act 1912

28. (1) For the purposes of the Public Works Act 1912, any acquisition of land under section 27 (1) (a) is taken to be for an authorised work and the area health service concerned is, in relation to that authorised work, taken to be the Constructing Authority.

(2) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this Act.

COMMENCEMENT

35 The amendments to the Area Health Services Act 1986 commence on the date of assent to this Act.

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TRANSITIONAL

The amendments to the Area Health Services Act 1986 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendments are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, make sections 27 and 28 consistent with that Act and omit unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to these amendments.)

BENNELONG POINT (PARKING STATION) ACT 1985 No. 189

AMENDMENTS

Section 6 (Acquisition of land and granting of lease for parking station):

- (a) From section 6 (1), omit “appropriated (if Crown land) or resumed (if private property)”, insert instead “compulsorily acquired”.
- (b) From section 6 (2), omit “notification referred to in section 42 of the Public Works Act 1912”, insert instead “notice under section 19 of the Land Acquisition (Just Terms Compensation) Act 1991”.

COMMENCEMENT

The amendments to the Bennelong Point (Parking Station) Act 1985 commence on the date of assent to this Act.

TRANSITIONAL

The amendments to the Bennelong Point (Parking Station) Act 1985 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendments are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and make the amended provision consistent with that Act.

BICENTENNIAL PARK TRUST ACT 1987 No. 29

AMENDMENT

Section 9 (Prohibition against disposal or compulsory acquisition of principal trust lands):

- From section 9 (2), omit “appropriated or resumed”, insert instead “compulsorily acquired”.

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COMMENCEMENT

The amendment to the Bicentennial Park Trust Act 1987 commences on the date of assent to this Act.

EXPLANATORY NOTE

- 5 The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 which uses the expression "compulsory acquisition" rather than the expression "appropriation or resumption".

**BUILDING AND CONSTRUCTION INDUSTRY LONG SERVICE
PAYMENTS ACT 1986 No. 19**

10 AMENDMENTS**(1) Section 3 (Definitions):**

- 15 From the definition of "Secretary" in section 3 (1), omit "Secretary of the New South Wales Superannuation Office", insert instead "Director-General of the Department of Industrial Relations, Employment, Training and Further Education".

(2) Section 7 (Delegation):

From section 7 (1), omit "New South Wales Superannuation Office" wherever occurring, insert instead "Department of Industrial Relations, Employment, Training and Further Education".

20 COMMENCEMENT

The amendments to the Building and Construction Industry Long Service Payments Act 1986 are taken to have commenced on 1 July 1992 (the date of abolition of the New South Wales Superannuation Office).

EXPLANATORY NOTE

- 25 The proposed amendments update references to the Secretary of the New South Wales Superannuation Office and the Office itself. The New South Wales Superannuation Office was abolished on 1 July 1992. The functions of the Secretary of that Office for the purposes of this Act have been taken over by the Director-General of the Department of Industrial Relations, Employment, Training and Further Education and
30 the functions of the Office have been assumed by that Department.
-

CATCHMENT MANAGEMENT ACT 1989 No. 235**AMENDMENTS****(1) Section 52:**

Omit the section, insert instead:

Acquisition of land

52. (1) A Catchment Management Trust may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be for an authorised work and the Trust is, in relation to that authorised work, taken to be the Constructing Authority.

(2) Schedule 5 (Application of the Public Works Act 1912):

Omit the Schedule.

COMMENCEMENT

The amendments to the Catchment Management Act 1989 commence on the date of assent to this Act.

TRANSITIONAL

The amendments to the Catchment Management Act 1989 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendments are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, make section 52 consistent with that Act and omit unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to these amendments.)

CHARLES STURT UNIVERSITY ACT 1989 No. 76**AMENDMENT****Section 23:**

Omit the section, insert instead:

Acquisition of land

23. (1) The Minister may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

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(2) The Minister may do so only if the University:

- (a) applies to the Minister for acquisition of the land; and
 (b) makes provision to the satisfaction of the Minister for the payment of the purchase price or of compensation for compulsory acquisition (together with all necessary charges and expenses incidental to the acquisition).

(3) For the purposes of the Public Works Act 1912, any acquisition of land under this section is taken to be for an authorised work and the Minister is, in relation to that authorised work, taken to be the Constructing Authority.

(4) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this section.

COMMENCEMENT

The amendment to the Charles Sturt University Act 1989 commences on the date of assent to this Act.

TRANSITIONAL

The amendment to the Charles Sturt University Act 1989 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended provision consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

CHIPPING NORTON LAKE AUTHORITY ACT 1977 No. 38**AMENDMENT**

Section 16:

Omit the section, insert instead:

Acquisition of land

16. (1) The Authority may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be for an authorised work and the Authority is, in relation to that authorised work, taken to be the Constructing Authority.

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(3) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this section.

COMMENCEMENT

The amendment to the Chipping Norton Lake Authority Act 1977 commences on the date of assent to this Act.

5

TRANSITIONAL

The amendment to the Chipping Norton Lake Authority Act 1977 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended provision consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

10

15

COMMUNITY WELFARE ACT 1987 No. 52

AMENDMENT

Section 13A (Acquisition and disposal of land):

Omit section 13A (1), insert instead:

(1) The Minister may, for the purposes of the community welfare legislation, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

20

COMMENCEMENT

The amendment to the Community Welfare Act 1987 commences on the date of assent to this Act.

25

TRANSITIONAL

The amendment to the Community Welfare Act 1987 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

30

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended provision consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

35

CRIMINAL PROCEDURE ACT 1986 No. 209**AMENDMENTS**

- (1) Part 11 (Police custody of property):
- 5 (a) Renumber Part 13 (sections 61–74) (as inserted by the Criminal Procedure (Police Custody of Property) Amendment Act 1991) as Part 11.
- (b) Renumber sections 61 to 74 as sections 38 to 51 respectively.
- (c) Insert that Part and those sections, as renumbered, after Part 10 and section 37.
- 10 (2) Section 40 (Disposal of property after determination of proceedings) as renumbered:
From section 40 (1), omit “62”, insert instead “39”.
- (3) Section 41 (Application to Treasurer for recovery of money or proceeds of sale) as renumbered:
- 15 Omit “63”, insert instead “40”.
- (4) Section 49 (Notification of right to recover proceeds of sale) as renumbered:
Omit “73”, insert instead “50”.

COMMENCEMENT

- 20 The amendments to the Criminal Procedure Act 1986 commence on the date of assent to this Act.

EXPLANATORY NOTE

The proposed amendments renumber a Part and the sections in that Part and correct cross-references consequentially.

25 **DAIRY INDUSTRY ACT 1979 No. 208**

AMENDMENTS

- (1) The whole Act, except the definition of “dairyman” in section 4 (1) and in clauses 3 (1) (c), (d) and (g) and 15 (1) (a) of Schedule 5:
- 30 (a) Omit “dairyman” wherever occurring, insert instead “dairy farmer”.
- (b) Omit “Dairymen” wherever occurring, insert instead “Dairy Farmers”.
- (c) Omit “dairymen” wherever occurring, insert instead “dairy farmers”.
- 35 (d) Omit “chairman” wherever occurring, insert instead “chairperson”.

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- (2) Section 4 (Definitions):
- (a) From the definition of “carrier” in section 4 (1), omit “his”, insert instead “the person’s”.
 - (b) After the definition of “cream” in section 4 (1), insert:
 “dairy farmer” means the occupier of dairy premises; 5
 - (c) Omit the definition of “dairyman”.
- (3) Section 9 (Powers, generally):
- (a) From section 9 (3), omit “he”, insert instead “the Minister”.
 - (b) From section 9 (3), omit “his”, insert instead “the”.
- (4) Section 10 (Directions in the interests of health etc.): 10
- (a) From section 10 (1) (d), omit “him” and “his”, insert instead “the carrier” and “the carrier’s” respectively.
 - (b) From section 10 (1) (e), omit “him” and “his”, insert instead “the dairy produce merchant” and “the dairy produce merchant’s” respectively. 15
 - (c) After “him” in section 10 (1) (f), insert “or her”.
 - (d) After “he” in section 10 (1) (g), insert “or she”.
 - (e) After “him” in section 10 (1) (g), insert “or her”.
- (5) Section 12 (Seizure of contaminated milk etc.):
- From section 12 (a), omit “his presence”, insert instead “being present”. 20
- (6) Section 20 (Powers of certain authorised officers):
- (a) From section 20 (2) (a), omit “his”.
 - (b) From section 20 (2) (a) and (c), omit “he” wherever occurring, insert instead “the authorised officer”. 25
 - (c) From section 20 (3) (a), omit “him”, insert instead “the authorised officer”.
 - (d) From section 20 (4), omit “his”, insert instead “a”.
 - (e) From section 20 (4), omit “he proves”, insert instead “it is proved”. 30
 - (f) From section 20 (4), omit “he did”, insert instead “the person did”.
 - (g) From section 20 (5), omit “him” wherever occurring, insert instead “the person”.
 - (h) From section 20 (6), omit “he”, insert instead “an authorised officer”. 35
 - (i) After “his” in section 20 (6), insert “or her”.

- (7) Section 23 (Remedy against Corporation confined to claim for account):
- (a) From section 23 (2), omit "him", insert instead "the person".
 - (b) From section 23 (3), omit "he", insert instead "the person".
- 5 (8) Section 24 (Application of Food Act 1989):
From section 24 (a), omit "his" wherever occurring, insert instead "the dairy farmer's".
- (9) Section 25 (Delivery and acceptance of milk):
- 10 (a) From section 25 (5), omit "him" wherever occurring, insert instead "the person".
 - (b) From section 25 (5) (b), omit "he disposes", insert instead "disposal".
- (10) Section 26 (Duty to give notice of encumbrances):
- 15 (a) From section 26 (1), omit "he", insert instead "the person".
 - (b) From section 26 (1), omit "his title", insert instead "the right of the person".
- (11) Section 27 (Determination of quantity of milk accepted by the Corporation):
From section 27 (7), omit "his", insert instead "the officer's".
- 20 (12) Section 28 (Payments to dairy farmers):
From section 28 (1) and (2), omit "him" wherever occurring, insert instead "the dairy farmer".
- (13) Section 31 (Corporation protected in certain cases):
From section 31 (1), omit "him", insert instead "that true owner".
- 25 (14) Section 32 (Registration of dairy farmers and dairy produce merchants):
- (a) After "him" in section 32 (2) (b), insert "or her".
 - (b) From section 32 (7) (c), omit "him", insert instead "the holder".
- 30 (15) Section 32B (Acquisition of milk for sale or supply for human consumption or use):
Renumber the section (as inserted by Schedule 1 (4) to the Dairy Industry (Amendment) Act 1992) as section 25A and insert that section, as renumbered, after section 25.
- 35 (16) Section 33 (Corporation may refuse to issue certificate etc.):
- (a) From section 33 (1) (a), (b) and (e), omit "he" wherever occurring, insert instead "the person".

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- (b) From section 33 (1) (c), omit “him”, insert instead “the person”.
- (17) Section 34 (Cancellation of certificate on cessation of use):
 From section 34 (3), omit “him”, insert instead “the holder”.
- (18) Section 35 (Registration in respect of certain interstate activities):
 (a) From section 35 (1), omit “himself”, insert instead “that person”. 5
 (b) From section 33 (4), omit “him” wherever occurring, insert instead “the person”.
 (c) After “his” in section 33 (4) (c), insert “or her”.
- (19) Section 42 (Infectious diseases in milk):
 From section 42 (2), omit “his presence”, insert instead “being present”. 10
- (20) Section 43 (Putrescent cream):
 From section 43 (1) (a) and (b), omit “he” wherever occurring, insert instead “the occupier”.
- (21) Sections 46 and 47: 15
 Omit “him” wherever occurring, insert instead “the person”.
- (22) Section 48 (Grading and testing to be authorised):
 (a) Omit “his” wherever occurring, insert instead “the”.
 (b) Omit “he” wherever occurring, insert instead “the person”.
 (c) After “him”, insert “or her”. 20
- (23) Sections 49 and 50:
 Omit “he” wherever occurring, insert instead “the occupier”.
- (24) Section 52 (Notice of milk etc. delivered):
 From section 52 (1) (b), omit “his knowledge”, insert instead “the knowledge of the occupier”. 25
- (25) Sections 61 and 62:
 Omit the sections, insert instead:
Acquisition of land
 61. (1) The Corporation may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991. 30
 (2) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be an authorised work and the Corporation is, in relation to that authorised work, taken to be the Constructing Authority. 35

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(3) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this Act.

(26) Section 64 (Resumption of undertaking):

- 5 (a) From section 64 (4), omit "him" wherever occurring, insert instead "the owner".
- (b) From section 64 (4) (a) and (e), omit "his estate or interest" wherever occurring, insert instead "the estate or interest of the owner".
- 10 (c) From section 64 (4) (e), omit "he" wherever occurring, insert instead "the owner".

(27) Section 65 (Valuation):

From section 65 (3), omit "his premises", insert instead "the premises of the undertaking".

(28) Section 66 (Appeal):

- 15 From section 66 (1), omit "he", insert instead "the owner".

(29) Section 77 (Trustees):

From section 77 (1), omit "money in his hands", insert instead "trust funds".

(30) Section 82 (Demanding name and place of abode):

- 20 After "his" wherever occurring, insert "or her".

(31) Section 83 (Inspection of vehicles):

- (a) From section 83 (3), omit "him", insert instead "the officer".
- (b) After "his" in section 83 (4), insert "or her".

(32) Section 88 (Action on complaint):

- 25 Omit "he" wherever occurring, insert instead "the Minister".

(33) Section 89 (Investigation):

- (a) From section 89 (1), omit "he", insert instead "the Special Officer".
- 30 (b) From section 89 (3), omit "him" wherever occurring, insert instead "the Special Officer".
- (c) From section 89 (5), omit "his", insert instead "the Minister's".

(34) Section 91 (Action following investigation):

- (a) Omit "he" wherever occurring, insert instead "the Minister".
- (b) From section 91 (6), omit "his", insert instead "the".

- (35) Section 93 (Informations):
- (a) From section 93 (2), omit “his” wherever occurring, insert instead “the”.
 - (b) From section 93 (3), omit “to which he is put or with which he becomes chargeable”, insert instead “to or with which the secretary or other officer is put or becomes chargeable”. 5
- (36) Section 95 (Evidence):
- (a) From section 95 (b) (i), (iii) and (iv), omit “him” wherever occurring, insert instead “the person”.
 - (b) From section 95 (b) (i)–(iv), omit “he” wherever occurring, insert instead “the person”. 10
- (37) Section 97 (Annual report):
- From section 97 (2), omit “him”, insert instead “the Minister”.
- (38) Section 105 (Offence of obstruction etc.):
- (a) After “his” wherever occurring in section 105 (a) and (b), insert “or her”. 15
 - (b) After “he” in section 105 (c), insert “or she”.

COMMENCEMENT

- Items (1)–(14) and (16)–(38) of the amendments to the Dairy Industry Act 1979 commence on the date of assent to this Act. 20
- Item (15) of the amendments to the Dairy Industry Act 1979 commences on the commencement of Schedule 1 (4) to the Dairy Industry (Amendment) Act 1992 or on the date of assent to this Act, whichever is the later.

TRANSITIONAL

- Item (25) of the amendments to the Dairy Industry Act 1979 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act. 25

EXPLANATORY NOTE

- The bulk of the proposed amendments (items (1)–(14), (16)–(24) and (26)–(38)) recast sections in gender neutral language. 30
- The proposed amendment to section 32B (item (15)) renumbers a provision to be inserted by the Dairy Industry (Amendment) Act 1992 to avoid a duplication in the renumbering of sections.
- The proposed replacement of section 61 and repeal of section 62 (item (25)) are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, omit unnecessary matter and replace superseded references to the Public Works Act 1912 in relation to the compulsory acquisition of land by the New South Wales Dairy Corporation. 35

DARLING HARBOUR AUTHORITY ACT 1984 No. 103**AMENDMENTS****(1) Section 13 (Acquisition of land):****(a) Omit section 13 (1)–(5), insert instead:**

5 (1) The Authority may, within the Development Area, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

10 (2) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be for an authorised work and the Authority is, in relation to that authorised work, taken to be the Constructing Authority.

 (3) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this Act.

15 (b) From section 13 (6), omit “appropriated or resumed”, insert instead “compulsorily acquired”.

(2) Section 23D (Application of Public Works Act 1912):

Omit section 23D (4).

(3) Schedule 4 (Modification of the Public Works Act 1912):

20 Omit the Schedule.

COMMENCEMENT

The amendments to the Darling Harbour Authority Act 1984 commence on the date of assent to this Act.

TRANSITIONAL

25 The amendments to the Darling Harbour Authority Act 1984 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

30 The proposed amendments are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, make section 13 consistent with that Act and omit unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to these amendments.)

EDUCATION REFORM ACT 1990 No. 8**AMENDMENTS****(1) Section 125 (Acquisition and disposal of land):**

Omit section 125 (1), insert instead:

(1) The Minister may, for the purposes of this Act or jointly for those purposes and purposes of or associated with public education or recreation, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

5

(2) Section 126 (Power to rescind resumptions):

Omit the section.

10

COMMENCEMENT

The amendments to the Education Reform Act 1990 commence on the date of assent to this Act.

TRANSITIONAL

The amendments to the Education Reform Act 1990 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

15

EXPLANATORY NOTE

The proposed amendments are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, make section 125 consistent with that Act and omit unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to these amendments.)

20

ELECTRICITY ACT 1945 (1946 No. 13)

25

AMENDMENT**Section 7Q (Reserved functions):**

From section 7Q (1) (c), omit "resumption", insert instead "compulsory acquisition".

COMMENCEMENT

The amendment to the Electricity Act 1945 commences on the date of assent to this Act.

30

TRANSITIONAL

The amendment to the Electricity Act 1945 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

35

EXPLANATORY NOTE

5 The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended provision consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

ELECTRICITY COMMISSION ACT 1950 No. 22**AMENDMENT**

Sections 14, 16:

10 Omit the sections, insert instead:

Acquisition of land

15 14. (1) The Commission may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 but only as provided by this Division.

(2) The Commission may not give a proposed acquisition notice under the Land Acquisition (Just Terms Compensation) Act 1991 without the approval of the Minister.

20 (3) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be for an authorised work and the Commission is, in relation to that authorised work, taken to be the Constructing Authority.

25 (4) The Commission may, despite anything contained in any other Act but subject to section 17, sell, lease, exchange or otherwise deal with or dispose of land acquired by the Commission under this section.

COMMENCEMENT

The amendment to the Electricity Commission Act 1950 commences on the date of assent to this Act.

30 TRANSITIONAL

The amendment to the Electricity Commission Act 1950 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

35 The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, makes section 14 consistent with that Act and omits unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

GOVERNMENT TELECOMMUNICATIONS ACT 1991 No. 77**AMENDMENTS**

- (1) Section 16 (Compensation for vesting of designated land):
 From section 16 (2), omit “resumption under the Public Works Act 1912”, insert instead “compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991”. 5
- (2) Section 28 (Acquisition of land and construction of works):
 Omit section 28 (1), insert instead:
 (1) The Authority may, for the purposes of the Government telecommunications network, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991. 10

COMMENCEMENT

The amendments to the Government Telecommunications Act 1991 commence on the date of assent to this Act. 15

TRANSITIONAL

The amendments to the Government Telecommunications Act 1991 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendments are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and make the amended provisions consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to these amendments.) 20
25

HISTORIC HOUSES ACT 1980 No. 94**AMENDMENT**

Schedule 1 (Provisions relating to trustees and procedure of the Trust):
 From clause 3 (1), omit “, subject to clause 1,”. 30

COMMENCEMENT

The amendment to the Historic Houses Act 1980 commences on the date of assent to this Act.

EXPLANATORY NOTE

The proposed amendment omits a reference to a clause that has been repealed. 35

HOUSING ACT 1912 No. 7**AMENDMENTS**

- (1) Section 4C (Power to rescind resumptions):
Omit the section.
- 5 (2) Section 17 (Management of lands purchased or compulsorily acquired otherwise than under this Act):
Omit “, resumed, or appropriated on behalf of His Majesty”, insert instead “or compulsorily acquired on behalf of the Crown”.
- (3) Section 18B (Crown lands):
- 10 (a) From section 18B (2) (a), omit “resumed”, insert instead “compulsorily acquired”.
- (b) From section 18B (2) (b), omit “appropriated”, insert instead “compulsorily acquired”.
- 15 (c) From section 18B (2) (b) (ii) and (iii), omit “appropriation” wherever occurring, insert instead “acquisition”.
- (4) Section 41 (Compulsory acquisition under certain circumstances):
From section 41 (1), omit “Governor may resume under the provisions of the Public Works Act 1912”, insert instead “Minister may compulsorily acquire in accordance with the Land Acquisition (Just Terms Compensation) Act 1991”.
- 20

COMMENCEMENT

The amendments to the Housing Act 1912 commence on the date of assent to this Act.

TRANSITIONAL

- 25 The amendments to the Housing Act 1912 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

- 30 The proposed amendments are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, make sections 17, 18B and 41 consistent with that Act and omit unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to these amendments.)
-

HOUSING ACT 1976 No. 62**AMENDMENTS****(1) Sections 11, 12:**

Omit the sections, insert instead:

Acquisition of land 5

11. (1) The Corporation may, for the purposes of the Housing Acts, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be for an authorised work and the Corporation is, in relation to that authorised work, taken to be the Constructing Authority. 10

(3) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this Act. 15

(2) Schedule 2 (Modification of the Public Works Act 1912):

Omit the Schedule.

COMMENCEMENT

The amendments to the Housing Act 1976 commence on the date of assent to this Act. 20

TRANSITIONAL

The amendments to the Housing Act 1976 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE 25

The proposed amendments are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, make section 11 consistent with that Act and omit unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to these amendments.) 30

HUNTER VALLEY FLOOD MITIGATION ACT 1956 No. 10**AMENDMENTS****(1) Section 21 (Determination of amount of compensation for resumption of land or of an easement):**

Omit the section. 35

(2) Section 22 (Determination of amount of compensation):

From section 22 (1), omit "other".

(3) Section 30 (Works of river diversion causing severance of lands):

(a) Omit section 30 (4) and (5), insert instead:

5 (4) Any land which the Constructing Authority is required to acquire under subsection (3) may be acquired by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991. Any such acquisition is, for the purposes of the Public Works Act 1912, taken to be for an authorised work.

10 (5) Any land acquired under this section may be sold or otherwise dealt with in accordance with section 98 of the Public Works Act 1912 and, for that purpose, the Constructing Authority is to be the Constructing Authority within the meaning of that Act. However, for that purpose, section 98 is to be read as if section 98 (2) were omitted and the following subsection was substituted:

15 (2) All money received by the Constructing Authority pursuant to any sale or lease under subsection (1) must be paid to the credit of the Hunter Valley Flood Mitigation Working Account referred to in section 41 (2) of the Hunter Valley Flood Mitigation Act 1956.

20 (b) From section 30 (6), omit “purchase money” wherever occurring, insert instead “money”.

(c) From section 30 (6), omit “purchase or resumption”, insert instead “acquisition”.

(d) Omit section 30 (7).

25 **COMMENCEMENT**

The amendments to the Hunter Valley Flood Mitigation Act 1956 commence on the date of assent to this Act.

EXPLANATORY NOTE

30 The proposed amendments are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991. That Act has superseded the Public Works Act 1912 in relation to the determination and payment of compensation for the compulsory acquisition of land. The proposed amendments to section 30 make that section consistent with the Land Acquisition (Just Terms Compensation) Act 1991 and the Public Works Act 1912.

LAKE ILLAWARRA AUTHORITY ACT 1987 No. 285**AMENDMENT****Section 18:**

Omit the section, insert instead:

Acquisition of land

5

18. (1) The Authority may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be for an authorised work and the Authority is, in relation to that authorised work, taken to be the Constructing Authority.

10

(3) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this section.

15

COMMENCEMENT

The amendment to the Lake Illawarra Authority Act 1987 commences on the date of assent to this Act.

TRANSITIONAL

The amendment to the Lake Illawarra Authority Act 1987 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

20

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended provision consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

25

MACQUARIE UNIVERSITY ACT 1989 No. 126**AMENDMENT**

30

Section 20:

Omit the section, insert instead:

Acquisition of land

20. (1) The Minister may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

35

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(2) The Minister may do so only if the University:

- (a) applies to the Minister for acquisition of the land; and
 (b) makes provision to the satisfaction of the Minister for the payment of the purchase price or of compensation for compulsory acquisition (together with all necessary charges and expenses incidental to the acquisition).

(3) For the purposes of the Public Works Act 1912, any acquisition of land under this section is taken to be for an authorised work and the Minister is, in relation to that authorised work, taken to be the Constructing Authority.

(4) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this section.

COMMENCEMENT

The amendment to the Macquarie University Act 1989 commences on the date of assent to this Act.

TRANSITIONAL

The amendment to the Macquarie University Act 1989 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended provision consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

MINES RESCUE ACT 1925 No. 3

AMENDMENT

Sections 19A, 19B:

Omit the sections, insert instead:

Acquisition of land

19A. (1) The Minister may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) The Minister may do so only if the Board:

- (a) applies to the Minister for acquisition of the land; and
 (b) makes provision to the satisfaction of the Minister for the payment of the purchase price or of compensation for

Statute Law (Miscellaneous Provisions) (No. 2) 1992—Sch. 2

compulsory acquisition (together with all necessary charges and expenses incidental to the acquisition).

(3) The Minister may transfer land acquired under this section to the Board for such estate, and subject to such trusts and rights of way or other easements, as the Minister thinks fit. 5

(4) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be for an authorised work and the Minister is, in relation to that authorised work, taken to be the Constructing Authority.

(5) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this Act. 10

COMMENCEMENT

The amendment to the Mines Rescue Act 1925 commences on the date of assent to this Act.

TRANSITIONAL

The amendment to the Mines Rescue Act 1925 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act. 15

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, makes section 19A consistent with that Act and omits unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.) 20

NEW SOUTH WALES RETIREMENT BENEFITS ACT 1972 No. 70 25**AMENDMENT****Schedule 2:**

From the First and Second Columns, omit the matter relating to the Grain Handling Authority of New South Wales.

COMMENCEMENT

The amendment to the New South Wales Retirement Benefits Act 1972 commences or is taken to have commenced on the day appointed under section 10 of the NSW Grain Corporation Holdings Limited Act 1992. 30

Statute Law (Miscellaneous Provisions) (No. 2) 1992—Sch. 2

EXPLANATORY NOTE

- 5 The proposed amendment removes the matter relating to the Grain Handling Authority of New South Wales (the predecessor of NSW Grain Corporation Limited) from the Schedule of employers and employees on the day on which the reference to NSW Grain Corporation Holdings Limited, as a State owned corporation, is omitted from Schedule 1 to the State Owned Corporations Act 1989.
-

OCCUPATIONAL HEALTH AND SAFETY ACT 1983 No. 20**AMENDMENTS****Section 48 (Authority to prosecute):**

- 10 (a) In section 48 (1) (b), before “an inspector”, insert “by”.
 (b) From section 48 (1) (c), omit “union registered under the Industrial Arbitration Act 1940”, insert instead “organisation of employees registered or recognised under the Industrial Relations Act 1991”.

COMMENCEMENT

- 15 The amendments to the Occupational Health and Safety Act 1983 commence on the date of assent to this Act.

EXPLANATORY NOTE

The proposed amendments insert a missing word (item (a)) and update references to a body that has been replaced and an Act that has been repealed (item (b)).

20 **OMBUDSMAN ACT 1974 No. 68**

AMENDMENT**Schedule 1 (Excluded conduct of public authorities):**

Renumber item 23 (as inserted by the Casino Control Act 1992) as item 24 and insert that item, as renumbered, after item 23.

25 **COMMENCEMENT**

The amendment to the Ombudsman Act 1974 commences on the date of assent to this Act.

EXPLANATORY NOTE

The proposed amendment removes a duplication in the numbering of items.

PARRAMATTA STADIUM TRUST ACT 1988 No. 86**AMENDMENT**

Schedule 1 (Provisions relating to the trustees):

From clause 3 (2), omit “, subject to clause 1,”.

COMMENCEMENT

The amendment to the Parramatta Stadium Trust Act 1988 commences on the date of assent to this Act.

EXPLANATORY NOTE

The proposed amendment omits a reference to a clause that has been repealed.

5

PUBLIC AUTHORITIES SUPERANNUATION ACT 1985 No. 41

10

AMENDMENT

Schedule 3 (Employers), Part 2:

Omit “The Grain Handling Authority.”.

COMMENCEMENT

The amendment to the Public Authorities Superannuation Act 1985 commences or is taken to have commenced on the day appointed under section 10 of the NSW Grain Corporation Holdings Limited Act 1992.

15

EXPLANATORY NOTE

The proposed amendment to Schedule 3 removes the reference to the Grain Handling Authority of New South Wales (the predecessor of NSW Grain Corporation Limited) as an employer on the day on which the reference to NSW Grain Corporation Holdings Limited, as a State owned corporation, is omitted from Schedule 1 to the State Owned Corporations Act 1989.

20

PUBLIC HOSPITALS ACT 1929 No. 8**AMENDMENTS**

25

(1) Section 20 (Power in relation to property):

(a) Omit section 20 (1) (a), insert instead:

(a) acquire land (including an interest in land), for the purpose of the exercise of its functions, by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and acquire any other property (whether or not the land or other property is required for the purposes of the hospital);

30

(b) From section 20 (2), omit “by purchase, lease or exchange”, insert instead “by any means”.

(2) After section 20, insert:

Application of the Public Works Act 1912

5 21. (1) For the purposes of the Public Works Act 1912, any acquisition of land under section 20 (1) (a) is taken to be for an authorised work and the body corporate concerned is, in respect of that authorised work, taken to be the Constructing Authority.

10 (2) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this Act.

(3) Section 29A (Resumption of land by board of a hospital):

Omit the section.

COMMENCEMENT

15 The amendments to the Public Hospitals Act 1929 commence on the date of assent to this Act.

TRANSITIONAL

The amendments to the Public Hospitals Act 1929 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

20 **EXPLANATORY NOTE**

25 The proposed amendments are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, make provisions consistent with that Act and omit unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to these amendments.)

PUBLIC SERVANT HOUSING AUTHORITY ACT 1975 No. 38

AMENDMENTS

(1) Section 11 (Powers, authorities, duties and functions of Authority):

Omit section 11 (2) (a), insert instead:

30 (a) acquire in accordance with section 12 land not exceeding one hectare in area or, subject to section 14 (1) and with the consent in writing of the Minister, exceeding one hectare in area;

Statute Law (Miscellaneous Provisions) (No. 2) 1992—Sch. 2

(2) Section 12:

Omit the section, insert instead:

Acquisition of land

12. (1) The Authority may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991. 5

(2) For the purposes of the Public Works Act 1912, any acquisition of land under this section is taken to be for an authorised work and the Authority is, in relation to that authorised work, taken to be the Constructing Authority. 10

(3) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this section.

COMMENCEMENT

The amendments to the Public Servant Housing Authority Act 1975 commence on the date of assent to this Act. 15

TRANSITIONAL

The amendments to the Public Servant Housing Authority Act 1975 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act. 20

EXPLANATORY NOTE

The proposed amendments are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and make the amended provisions consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to these amendments.) 25

REAL PROPERTY ACT 1900 No. 25

AMENDMENT

Section 31A (Creation of folio for resumed land):

From section 31A (1), omit the definition of “resumption”, insert instead: 30

“resumption” means compulsory acquisition of land (including compulsory acquisition or appropriation of Crown land) under the provisions of any Act or Act of the Commonwealth authorising compulsory acquisition or appropriation of land; and “resumed” has a corresponding meaning; 35

COMMENCEMENT

The amendment to the Real Property Act 1900 commences on the date of assent to this Act.

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended definition consistent with that Act.

5 **RURAL LANDS PROTECTION ACT 1989 No. 197**

AMENDMENT**Section 3 (Definitions):**

From section 3 (1), omit the definition of "Western Lands Commissioner", insert instead:

- 10 "Western Lands Commissioner" means the person holding office as such under Part 2 of the Public Sector Management Act 1988;

COMMENCEMENT

- 15 The amendment to the Rural Lands Protection Act 1989 commences on the date of assent to this Act.

EXPLANATORY NOTE

The proposed amendment updates the definition of "Western Lands Commissioner" as a consequence of amendments made to the Western Lands Act 1901.

20 **STATE AUTHORITIES NON-CONTRIBUTORY SUPERANNUATION
ACT 1987 No. 212**

AMENDMENTS**(1) Section 22 (Basic benefit):**

From section 22 (5) (b), omit "Officers", insert instead "Offices".

(2) Schedule 1 (Employers), Part 1:

- 25 Omit "Grain Handling Authority of New South Wales".

(3) Schedule 3 (Preservation of benefit for employees aged 55 years and over in certain circumstances):

From clause 5, omit "25", insert instead "22".

COMMENCEMENT

- 30 Items (1) and (3) of the amendments to the State Authorities Non-contributory Superannuation Act 1987 commence on the date of assent to this Act.
Item (2) of the amendments to the State Authorities Non-contributory Superannuation Act 1987 commences or is taken to have commenced on the day appointed under section 10 of the NSW Grain Corporation Holdings Limited Act 1992.

EXPLANATORY NOTE

The proposed amendment to section 22 (item (1)) corrects a reference to an Act. The proposed amendment to Schedule 1 (item (2)) removes the reference to the Grain Handling Authority of New South Wales (the predecessor of NSW Grain Corporation Limited) as an employer on the day on which the reference to NSW Grain Corporation Holdings Limited, as a State owned corporation, is omitted from Schedule 1 to the State Owned Corporations Act 1989.

5

The proposed amendment to Schedule 3 (item (3)) corrects a cross-reference.

STATE AUTHORITIES SUPERANNUATION ACT 1987 No. 211**AMENDMENTS**

10

(1) Schedule 1 (Employers), Part 1:

Omit "Grain Handling Authority of New South Wales".

(2) Schedule 5 (Special provisions for preserving the benefits of certain contributors):

From clause 6, omit "exit day", insert instead "exit date".

15

COMMENCEMENT

Item (1) of the amendments to the State Authorities Superannuation Act 1987 commences or is taken to have commenced on the day appointed under section 10 of the NSW Grain Corporation Holdings Limited Act 1992.

Item (2) of the amendments to the State Authorities Superannuation Act 1987 commences on the date of assent to this Act.

20

TRANSITIONAL

Contributors to the State Authorities Superannuation Fund who are, immediately before the day appointed under section 10 of the NSW Grain Corporation Holdings Limited Act 1992, members of the staff of New South Wales Grain Corporation Limited cease to be such contributors on that day. They are taken to have elected on that day to preserve their superannuation benefits in accordance with Part 5 of the State Authorities Superannuation Act 1987. Any such preserved benefit is eligible to be paid to the credit of the former contributor in another superannuation scheme under Schedule 5 to the State Authorities Superannuation Act 1987 if that Schedule so provides.

25

30

EXPLANATORY NOTE

The proposed amendment to Schedule 1 (item (1)) removes the reference to the Grain Handling Authority of New South Wales (the predecessor of NSW Grain Corporation Limited) as an employer on the day on which the reference to NSW Grain Corporation Holdings Limited, as a State owned corporation, is omitted from Schedule 1 to the State Owned Corporations Act 1989.

35

The proposed amendment to Schedule 5 (item (2)) corrects a definition.

Statute Law (Miscellaneous Provisions) (No. 2) 1992—Sch. 2

5 The transitional provision ensures that when New South Wales Grain Corporation Limited ceases to be an employer for the purposes of the State Authorities Superannuation Act 1987, former contributors are entitled to a preserved benefit (instead of merely a refund of contributions) and may elect to transfer that benefit to another superannuation scheme.

STATE DEVELOPMENT AND INDUSTRIES ASSISTANCE ACT 1966
No. 10

AMENDMENTS**(1) Section 34A (Ministerial Corporation's powers to acquire land):**

10 (a) From section 34A (1), omit “, including land previously appropriated or resumed for any purpose, by lease, purchase or exchange or by resumption or appropriation in accordance with this Part”, insert instead “(including an interest in land) by agreement or
15 by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991”.

(b) After section 34A (1), insert:

(2) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be for an authorised work and the Ministerial Corporation is, in relation to that authorised work, taken
20 to be the Constructing Authority.

(3) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this Act.

(2) Section 34B (Resumption):

Omit the section.

25 COMMENCEMENT

The amendments to the State Development and Industries Assistance Act 1966 commence on the date of assent to this Act.

TRANSITIONAL

30 The amendments to the State Development and Industries Assistance Act 1966 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

35 The proposed amendments are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, make section 34A consistent with that Act and omit unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to these amendments.)

STATE PUBLIC SERVICE SUPERANNUATION ACT 1985 No. 45**AMENDMENT****Schedule 3 (Employers):**

Omit "Grain Handling Authority of New South Wales."

COMMENCEMENT

5

The amendment to the State Public Service Superannuation Act 1985 commences or is taken to have commenced on the day appointed under section 10 of the NSW Grain Corporation Holdings Limited Act 1992.

EXPLANATORY NOTE

The proposed amendment to Schedule 3 removes the reference to the Grain Handling Authority of New South Wales (the predecessor of NSW Grain Corporation Limited) as an employer on the day on which the reference to NSW Grain Corporation Holdings Limited, as a State owned corporation, is omitted from Schedule 1 to the State Owned Corporations Act 1989.

10

STATE SPORTS CENTRE TRUST ACT 1984 No. 68

15

AMENDMENT**Section 16 (Provisions with respect to the original land of the Trust):**

From section 16 (4) (a), omit "appropriated, resumed", insert instead "compulsorily".

COMMENCEMENT

20

The amendment to the State Sports Centre Trust Act 1984 commences on the date of assent to this Act.

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended provision consistent with that Act.

25

SUPERANNUATION ACT 1916 No. 28**AMENDMENTS****(1) Section 12 (Contributions to be related to units of pension):**

From section 12 (3), omit "Commonwealth Statistician", insert instead "Australian Statistician".

30

(2) Section 52W (Benefit on attaining 65):

From section 52W (1) (a), omit "21A", insert instead "21C".

(3) Section 61RD (Reduction of benefit):

From section 61RD (6) (b), omit "22", insert instead "29".

(4) Schedule 3 (List of employers), Part 1:

Omit "New South Wales Grain Corporation Limited".

5 COMMENCEMENT

Item (1) of the amendments to the Superannuation Act 1916 commences on the date of assent to this Act.

Item (2) of the amendments to the Superannuation Act 1916 is taken to have commenced on 1 July 1992 (the date of commencement of section 52W of the Act).

10 Item (3) of the amendments to the Superannuation Act 1916 is taken to have commenced on 1 September 1992 (the date of commencement of section 61RD of the Act).

15 Item (4) of the amendments to the Superannuation Act 1916 commences or is taken to have commenced on the day appointed under section 10 of the NSW Grain Corporation Holdings Limited Act 1992.

TRANSITIONAL

20 Contributors to the State Superannuation Fund who are, immediately before the day appointed under section 10 of the NSW Grain Corporation Holdings Limited Act 1992, members of the staff of New South Wales Grain Corporation Limited cease to be such contributors on that day. They are taken to have elected on that day to preserve their superannuation benefits in accordance with Division 3A of Part 4 of the Superannuation Act 1916. Any such preserved benefit is eligible to be paid to the credit of the former contributor in another superannuation scheme under Schedule 23 to the Superannuation Act 1916 if that Schedule so provides.

25 EXPLANATORY NOTE

The proposed amendment to section 12 (item (1)) gives effect to a change of title from "Commonwealth Statistician" to "Australian Statistician".

The proposed amendments to sections 52W and 61RD (items (2) and (3)) correct cross-references.

30 The proposed amendment to Schedule 3 (item (4)) removes the reference to New South Wales Grain Corporation Limited as an employer on the day on which the reference to NSW Grain Corporation Holdings Limited, as a State owned corporation, is omitted from Schedule 1 to the State Owned Corporations Act 1989.

35 The transitional provision ensures that when New South Wales Grain Corporation Limited ceases to be an employer for the purposes of the Superannuation Act 1916, former contributors are entitled to a preserved benefit (instead of merely a refund of contributions) and may elect to transfer that benefit to another superannuation scheme.

SURVEYORS ACT 1929 No. 3**AMENDMENT****Section 3 (Definitions):**

From paragraph (d) of the definition of “survey”, omit “resumption”, insert instead “compulsory acquisition”.

5

COMMENCEMENT

The amendment to the Surveyors Act 1929 commences on the date of assent to this Act.

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended provision consistent with that Act.

10

SYDNEY COVE REDEVELOPMENT AUTHORITY ACT 1968 No. 56**AMENDMENT****Section 11:**

15

Omit the section, insert instead:

Acquisition of certain land

11. (1) The Authority may acquire the whole or any part of the land described in the Second, Third or Fourth Schedule, or any land adjoining or in the vicinity of the development area, for any purpose of this Act by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

20

(2) The Authority may not give a proposed acquisition notice under the Land Acquisition (Just Terms Compensation) Act 1991 without the approval of the Minister.

25

(3) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be for an authorised work and the Authority is, in relation to that authorised work, taken to be the Constructing Authority.

COMMENCEMENT

30

The amendment to the Sydney Cove Redevelopment Authority Act 1968 commences on the date of assent to this Act.

TRANSITIONAL

The amendment to the Sydney Cove Redevelopment Authority Act 1968 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

35

EXPLANATORY NOTE

5 The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, makes section 11 consistent with that Act and omits unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to the above amendment.)

SYDNEY ELECTRICITY ACT 1990 No. 117**AMENDMENT**

Section 40:

10 Omit the section, insert instead:

Acquisition of land

15 40. (1) Sydney Electricity may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) Sydney Electricity may not give a proposed acquisition notice under the Land Acquisition (Just Terms Compensation) Act 1991 without the approval of the Minister.

20 (3) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be for an authorised work and Sydney Electricity is, in relation to that authorised work, taken to be the Constructing Authority.

(4) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this Act.

25 COMMENCEMENT

The amendment to the Sydney Electricity Act 1990 commences on the date of assent to this Act.

TRANSITIONAL

30 The amendment to the Sydney Electricity Act 1990 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

35 The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, makes section 40 consistent with that Act and omits unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

SYDNEY TURF CLUB ACT 1943 No. 22
AMENDMENTS

- (1) Section 7 (Objects etc. of Club):
Omit section 7 (1) (d). 5
- (2) Part 2, Division 4 (Sydney Turf Club—Acquisition of lands and equipment):
Omit the Division. 5
- (3) Second Schedule (Names of racecourses):
Omit the Schedule. 10

COMMENCEMENT

The amendments to the Sydney Turf Club Act 1943 commence on the date of assent to this Act. 10

EXPLANATORY NOTE

The provisions proposed for repeal are obsolete. Section 7 (1) (d), Division 4 of Part 2 and the Second Schedule deal generally with the purchase or compulsory acquisition by the Sydney Turf Club, on its formation in 1943, of certain proprietary racecourses, these being named in the Second Schedule as Ascot, Canterbury, Moorefield, Rosebery, Rosehill and Victoria Park. The directors of the Club were required to select which of these racecourses the Club would acquire and the purchase or resumption of the selected racecourses was to be completed by 1 January 1946. 15

The general powers of the Sydney Turf Club in relation to the acquisition of land are set out in paragraph (a) of the Third Schedule (Specific powers of the Club). Those general powers do not include power to compulsorily acquire land. 20

TEACHER HOUSING AUTHORITY ACT 1975 No. 27
AMENDMENTS

- (1) Section 13 (Powers, authorities, duties and functions of Authority):
Omit section 13 (2) (a), insert instead: 25
- (a) acquire in accordance with section 14 land not exceeding one hectare in area or, subject to section 16 (1) and with the consent in writing of the Minister, exceeding one hectare in area; 30
- (2) Section 14:
Omit the section, insert instead:
Acquisition of land 35
14. (1) The Authority may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

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(2) For the purposes of the Public Works Act 1912, any acquisition of land under this section is taken to be for an authorised work and the Authority is, in relation to that authorised work, taken to be the Constructing Authority.

- 5 (3) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this section.

COMMENCEMENT

The amendments to the Teacher Housing Authority Act 1975 commence on the date of assent to this Act.

10 **TRANSITIONAL**

The amendments to the Teacher Housing Authority Act 1975 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

- 15 The proposed amendments are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and make the amended provisions consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to these amendments.)

20 **TECHNICAL AND FURTHER EDUCATION COMMISSION ACT
1990 No. 118**

AMENDMENTS

- (1) Section 25 (Resumption etc. of land):

Omit the section.

- 25 (2) Section 27 (Acquisition and disposal of land by Minister):

Omit section 27 (1), insert instead:

- (1) The Minister may, for the purposes of this Act or jointly for those purposes and purposes of or associated with technical and further education or recreation, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

- 30 (1A) For the purposes of the Public Works Act 1912, any such acquisition of land is taken to be for an authorised work and the Minister is, in relation to that authorised work, taken to be the Constructing Authority.

- 35 (1B) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this Act.

*Statute Law (Miscellaneous Provisions) (No. 2) 1992—Sch. 2***(3) Section 28 (Power to rescind resumptions):**

Omit the section.

COMMENCEMENT

The amendments to the Technical and Further Education Commission Act 1990 commence on the date of assent to this Act.

5

TRANSITIONAL

The amendments to the Technical and Further Education Commission Act 1990 do not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

10

EXPLANATORY NOTE

The proposed amendments are consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991, make section 27 consistent with that Act and omit unnecessary matter. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to these amendments.)

15

UNIVERSITY OF NEW ENGLAND ACT 1989 No. 67**AMENDMENT****Section 23:**

Omit the section, insert instead:

20

Acquisition of land

23. (1) The Minister may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

25

(2) The Minister may do so only if the University:

(a) applies to the Minister for acquisition of the land; and

(b) makes provision to the satisfaction of the Minister for the payment of the purchase price or of compensation for compulsory acquisition (together with all necessary charges and expenses incidental to the acquisition).

30

(3) For the purposes of the Public Works Act 1912, any acquisition of land under this section is taken to be for an authorised work and the Minister is, in relation to that authorised work, taken to be the Constructing Authority.

35

(4) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this section.

*Statute Law (Miscellaneous Provisions) (No. 2) 1992—Sch. 2***COMMENCEMENT**

The amendment to the University of New England Act 1989 commences on the date of assent to this Act.

TRANSITIONAL

- 5 The amendment to the University of New England Act 1989 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

- 10 The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended provision consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

UNIVERSITY OF NEW SOUTH WALES ACT 1989 No. 125**15 AMENDMENT****Section 19:**

Omit the section, insert instead:

Acquisition of land

- 20 19. (1) The Minister may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) The Minister may do so only if the University:

- 25 (a) applies to the Minister for acquisition of the land; and
(b) makes provision to the satisfaction of the Minister for the payment of the purchase price or of compensation for compulsory acquisition (together with all necessary charges and expenses incidental to the acquisition).

- 30 (3) For the purposes of the Public Works Act 1912, any acquisition of land under this section is taken to be for an authorised work and the Minister is, in relation to that authorised work, taken to be the Constructing Authority.

(4) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this section.

35 COMMENCEMENT

The amendment to the University of New South Wales Act 1989 commences on the date of assent to this Act.

Statute Law (Miscellaneous Provisions) (No. 2) 1992—Sch. 2

TRANSITIONAL

The amendment to the University of New South Wales Act 1989 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

5

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended provision consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

10

UNIVERSITY OF NEWCASTLE ACT 1989 No. 68

AMENDMENT

Section 20:

Omit the section, insert instead:

Acquisition of land

15

20. (1) The Minister may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) The Minister may do so only if the University:

20

- (a) applies to the Minister for acquisition of the land; and
- (b) makes provision to the satisfaction of the Minister for the payment of the purchase price or of compensation for compulsory acquisition (together with all necessary charges and expenses incidental to the acquisition).

25

(3) For the purposes of the Public Works Act 1912, any acquisition of land under this section is taken to be for an authorised work and the Minister is, in relation to that authorised work, taken to be the Constructing Authority.

(4) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this section.

30

COMMENCEMENT

The amendment to the University of Newcastle Act 1989 commences on the date of assent to this Act.

TRANSITIONAL

35

The amendment to the University of Newcastle Act 1989 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended provision consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

UNIVERSITY OF SYDNEY ACT 1989 No. 124**AMENDMENT**

Section 20:

10 Omit the section, insert instead:

Acquisition of land

20. (1) The Minister may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) The Minister may do so only if the University:

- (a) applies to the Minister for acquisition of the land; and
- (b) makes provision to the satisfaction of the Minister for the payment of the purchase price or of compensation for compulsory acquisition (together with all necessary charges and expenses incidental to the acquisition).

(3) For the purposes of the Public Works Act 1912, any acquisition of land under this section is taken to be for an authorised work and the Minister is, in relation to that authorised work, taken to be the Constructing Authority.

(4) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this section.

COMMENCEMENT

30 The amendment to the University of Sydney Act 1989 commences on the date of assent to this Act.

TRANSITIONAL

The amendment to the University of Sydney Act 1989 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended provision consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

5

UNIVERSITY OF TECHNOLOGY, SYDNEY, ACT 1989 No. 69**AMENDMENT****Section 20:**

Omit the section, insert instead:

10

Acquisition of land

20. (1) The Minister may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

15

(2) The Minister may do so only if the University:

- (a) applies to the Minister for acquisition of the land; and
- (b) makes provision to the satisfaction of the Minister for the payment of the purchase price or of compensation for compulsory acquisition (together with all necessary charges and expenses incidental to the acquisition).

20

(3) For the purposes of the Public Works Act 1912, any acquisition of land under this section is taken to be for an authorised work and the Minister is, in relation to that authorised work, taken to be the Constructing Authority.

25

(4) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this section.

COMMENCEMENT

The amendment to the University of Technology, Sydney, Act 1989 commences on the date of assent to this Act.

30

TRANSITIONAL

The amendment to the University of Technology, Sydney, Act 1989 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

5 The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended provision consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

UNIVERSITY OF WESTERN SYDNEY ACT 1988 No. 90**AMENDMENT****Section 30:**

10 Omit the section, insert instead:

Acquisition of land

15 30. (1) The Minister may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

(2) The Minister may do so only if the University:

- 20 (a) applies to the Minister for acquisition of the land; and
 (b) makes provision to the satisfaction of the Minister for the payment of the purchase price or of compensation for compulsory acquisition (together with all necessary charges and expenses incidental to the acquisition).

25 (3) For the purposes of the Public Works Act 1912, any acquisition of land under this section is taken to be for an authorised work and the Minister is, in relation to that authorised work, taken to be the Constructing Authority.

(4) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this section.

COMMENCEMENT

30 The amendment to the University of Western Sydney Act 1988 commences on the date of assent to this Act.

TRANSITIONAL

The amendment to the University of Western Sydney Act 1988 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended provision consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

5

UNIVERSITY OF WOLLONGONG ACT 1989 No. 127**AMENDMENT****Section 20:**

Omit the section, insert instead:

10

Acquisition of land

20. (1) The Minister may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

15

(2) The Minister may do so only if the University:

- (a) applies to the Minister for acquisition of the land; and
- (b) makes provision to the satisfaction of the Minister for the payment of the purchase price or of compensation for compulsory acquisition (together with all necessary charges and expenses incidental to the acquisition).

20

(3) For the purposes of the Public Works Act 1912, any acquisition of land under this section is taken to be for an authorised work and the Minister is, in relation to that authorised work, taken to be the Constructing Authority.

25

(4) Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this section.

COMMENCEMENT

The amendment to the University of Wollongong Act 1989 commences on the date of assent to this Act.

30

TRANSITIONAL

The amendment to the University of Wollongong Act 1989 does not apply to an acquisition of land to which the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 do not apply by virtue of clause 2 of Schedule 3 to that Act.

EXPLANATORY NOTE

5 The proposed amendment is consequential on the enactment of the Land Acquisition (Just Terms Compensation) Act 1991 and makes the amended provision consistent with that Act. (See the explanatory note to the amendments to the Aboriginal Land Rights Act 1983 elsewhere in this Schedule for more information relevant to this amendment.)

WORKERS COMPENSATION ACT 1987 No. 70**AMENDMENT**

10 Schedule 6, Part 15 (Savings, transitional and other provisions—Provisions relating to insurance):

Renumber clauses 17 and 18 (as inserted by Schedule 3 (2) and Schedule 4 (1), respectively, to the Workers Compensation (Benefits) Amendment Act 1991) as clauses 18 and 19 and insert those clauses, as renumbered, after clause 17.

15 **COMMENCEMENT**

The amendment to the Workers Compensation Act 1987 commences on the date of assent to this Act.

EXPLANATORY NOTE

20 The proposed amendment removes a duplication in the numbering of clauses in a Schedule to the Act.

ZOOLOGICAL PARKS BOARD ACT 1973 No. 34**AMENDMENT**

Section 15 (Powers, authorities etc. of the Board):

25 From section 15 (3) (a), omit "goverments", insert instead "governments".

COMMENCEMENT

30 The amendment to the Zoological Parks Board Act 1973 commences on the commencement of Schedule 1 (2) to the Zoological Parks Board (Conservation and Environmental Objectives) Amendment Act 1992 or on the date of assent to this Act, whichever is the later.

EXPLANATORY NOTE

The proposed amendment corrects a spelling error.

SCHEDULE 3—REPEALS

(Sec. 4)

Census Act 1901 (1900 No. 65)**	
State Debt and Sinking Fund Act 1904 No. 19**	
Statute Law Revision Act 1924 No. 34**	5
Commonwealth and State Banks Agreements Ratification Act 1931 No. 62**	
Public Hospitals (Amendment) Act 1933 No. 23*	
Stock Diseases (Amendment) Act 1934 No. 33*	
Commonwealth and State Banks Agreement Ratification Act 1935 No. 28**	
Commonwealth and State Bank Agreement Ratification Act 1937 No. 41**	10
State Taxation Collection Act 1942 No. 21**	
Census (Amendment) Act 1946 No. 29*	
Land Sales Control Act 1948 No. 28**	
Landlord and Tenant (War Service) Amendment Act 1951 No. 12*	
Landlord and Tenant (Amendment) Act 1952 No. 55*	15
General Loan Account Appropriation Act 1954 No. 30**	
Industrial Arbitration (Amendment) Act 1955 No. 11*	
General Loan Account Appropriation Act 1955 No. 33**	
General Loan Account Appropriation Act 1958 No. 30**	
General Loan Account Appropriation Act 1959 No. 27**	20
General Loan Account Appropriation Act 1960 No. 50**	
Landlord and Tenant (Amendment) Act 1960 No. 55*	
General Loan Account Appropriation Act 1961 No. 38**	
Coal Loading Works (Ports of Newcastle, Port Kembla and Sydney) Agreement Act 1961 No. 54**	25
General Loan Account Appropriation Act 1962 No. 41**	
General Loan Account Appropriation Act 1963 No. 38**	
Chowilla Reservoir Agreement Act 1964 No. 2**	
General Loan Account Appropriation Act 1964 No. 51**	
General Loan Account Appropriation Act 1965 No. 17**	30
Industrial Arbitration (Decimal Currency) Act 1965 No. 35*	
General Loan Account Appropriation Act 1966 No. 47**	
Maritime Services (Amendment) Act 1966 No. 63*	
General Loan Account Appropriation Act 1967 No. 58**	
Industrial Arbitration (Basic Wage) Amendment Act 1967 No. 86*	35
General Loan Account Appropriation Act 1968 No. 44**	
General Loan Account Appropriation Act 1969 No. 68**	
General Loan Account Appropriation Act 1970 No. 62**	
Civil Aviation (Carriers' Liability) Amendment Act 1971 No. 8*	
Plant Diseases (Amendment) Act 1971 No. 27*	40
General Loan Account Appropriation Act 1971 No. 41**	
General Loan Account Appropriation Act 1972 No. 68**	
General Loan Account Appropriation Act 1973 No. 83**	
Strata Titles (Amendment) Act 1974 No. 35*	
General Loan Account Appropriation Act 1974 No. 78**	45
Clean Air (Amendment) Act 1974 No. 92*	
General Loan Account Appropriation Act 1975 No. 74**	

Statute Law (Miscellaneous Provisions) (No. 2) 1992—Sch. 3

- Industrial Arbitration (Employment Agencies) Amendment Act 1975 No. 107*
 National Fitness (Repeal) Act 1976 No. 7**
 Strata Titles (Amendment) Act 1976 No. 18*
 Industrial Arbitration (Conciliation Commissioners) Amendment Act 1976
 5 No. 25*
 General Loan Account Appropriation Act 1976 No. 92**
 General Loan Account Appropriation Act 1977 No. 111**
 Industrial Arbitration (Employment Agencies) Amendment Act 1977 No. 116*
 Macquarie University (Constitution) Amendment Act 1978 No. 80*
 10 General Loan Account Appropriation Act 1978 No. 93**
 National Parks and Wildlife (Adjustment of Areas) Act 1978 No. 151**
 Industrial Arbitration (Public Service) Amendment Act 1979 No. 92*
 Industrial Arbitration (Amendment) Act 1979 No. 107*
 General Loan Account Appropriation Act 1979 No. 135**
 15 National Parks and Wildlife (State Recreation Areas) Amendment Act 1980
 No. 80*
 Elizabeth Bay House Trust (Repeal) Act 1980 No. 95**
 National Parks and Wildlife (Vaucluse House) Amendment Act 1980 No. 96**
 General Loan Account Appropriation Act 1980 No. 118**
 20 Trade Union (Amalgamations) Special Provisions Act 1980 No. 164**
 Industrial Arbitration (Amendment) Act 1981 No. 53*
 Trade Union (Amalgamations) Amendment Act 1981 No. 54*
 Industrial Arbitration (Apprenticeship) Amendment Act 1981 No. 81*
 Poisons (Amendment) Act 1981 No. 88*
 25 General Loan Account Appropriation Act 1981 No. 105**
 State Bank (Contributions) Amendment Act 1981 No. 117*
 Law Reform (Miscellaneous Provisions) Amendment Act 1982 No. 4*
 Adoption of Children (Amendment) Act 1982 No. 37*
 Navigation (Commercial Vessels) Amendment Act 1979 (1982 No. 93)*
 30 National Parks and Wildlife (Adjustment of Areas) Act 1983 No. 36**
 Trotting Authority (Amendment) Act 1983 No. 80*
 Industrial Arbitration (Amendment) Act 1983 No. 98*
 Navigation (Commercial Vessels) Amendment Act 1983 No. 113*
 Border Railways (Amendment) Act 1983 No. 118*
 35 Mine Subsidence Compensation (Amendment) Act 1983 No. 125*
 Motor Vehicles (Third Party Insurance) (Recreation Vehicles) Amendment Act
 1983 No. 138*
 Miscellaneous Acts (National Parks and Wildlife) Amendment Act 1983
 No. 186*
 40 Miscellaneous Acts (State Superannuation Fund) Amendment Act 1984 No. 10*
 Macquarie University (Amendment) Act 1984 No. 13*
 Annual Holidays (Amendment) Act 1984 No. 31*
 Law Reform (Miscellaneous Provisions) Amendment Act 1984 No. 39*
 Parliamentary Committees Enabling Act 1984 No. 42**
 45 National Parks and Wildlife (Adjustment of Area) Act 1984 No. 141**
 Adoption of Children (De Facto Relationships) Amendment Act 1984 No. 148*
 Periodic Detention of Prisoners (Amendment) Act 1985 No. 17*
 Industrial Arbitration (Further Amendment) Act 1985 No. 62*

Statute Law (Miscellaneous Provisions) (No. 2) 1992—Sch. 3

Miscellaneous Acts (State Drug Crime Commission) Amendment Act 1985 No. 118*	
Miscellaneous Acts (Motor Transport Fees and Charges) Amendment Act 1985 No. 140*	
Noxious Insects (Amendment) Act 1985 No. 172*	5
Public Authorities Superannuation (Amendment) Act 1985 No. 178*	
Sydney Cricket and Sports Ground (Amendment) Act 1985 No. 188*	
Sydney Opera House Trust (Amendment) Act 1985 No. 191*	
Parliamentary Committees Enabling Act 1985 No. 193**	
Soil Conservation (Amendment) Act 1985 No. 201*	10
Police Regulation (Superannuation) Amendment Act 1985 No. 211*	
Standard Time (Amendment) Act 1986 No. 1*	
Industrial Arbitration (Amendment) Act 1986 No. 7*	
Annual Holidays (Industrial Arbitration) Amendment Act 1986 No. 8*	
Long Service Leave (Metalliferous Mining Industry) (Industrial Arbitration) Amendment Act 1986 No. 10*	15
Industrial Arbitration (Further Amendment) Act 1986 No. 23*	
Long Service Leave (Metalliferous Mining Industry) Amendment Act 1986 No. 25*	
Macquarie University (Amendment) Act 1986 No. 31*	20
Public Hospitals (Amendment) Act 1986 No. 51*	
Landlord and Tenant (Rental Bonds) Amendment Act 1986 No. 62*	
Securities Industry (Application of Laws) Amendment Act 1986 No. 68*	
Protected Estates (Amendment) Act 1986 No. 95*	
Standard Time (Further Amendment) Act 1986 No. 98*	25
Therapeutic Goods and Cosmetics (Amendment) Act 1986 No. 103*	
Soil Conservation (Amendment) Act 1986 No. 105*	
Industrial Arbitration (Miscellaneous Provisions) Amendment Act 1986 No. 127*	
Trade Union (Amendment) Act 1986 No. 128*	30
Soil Conservation (Further Amendment) Act 1986 No. 142*	
Necropolis (Amendment) Act 1986 No. 145*	
Strata Titles (Plan Registration) Amendment Act 1986 No. 151*	
Public Health (Tobacco) Amendment Act 1986 No. 164*	
State Bank (Amendment) Act 1986 No. 169*	35
Sydney Cricket and Sports Ground (Amendment) Act 1986 No. 170*	
Soccer Football Pools (Amendment) Act 1986 No. 192*	
Rivers and Foreshores Improvement (Amendment) Act 1986 No. 202*	
Industrial Arbitration (Industrial Tribunals) Amendment Act 1986 No. 206*	
New South Wales State Conservatorium of Music (Amendment) Act 1986 No. 217*	40
Theatres and Public Halls (Registered Clubs) Amendment Act 1987 No. 4*	
Plant Diseases (Amendment) Act 1987 No. 17*	
New South Wales Government Engineering and Shipbuilding Undertaking (Repeal) Act 1987 No. 24**	45
Education Commission (Amendment) Act 1987 No. 30*	
Public Authorities Superannuation (Retrenchment) Amendment Act 1987 No. 41*	

Statute Law (Miscellaneous Provisions) (No. 2) 1992—Sch. 3

- Occupational Health and Safety (Workers Compensation) Amendment Act 1987
No. 80*
- Industrial Arbitration (Tribunals and Delegations) Amendment Act 1987
No. 123*
- 5 Royal Commissions (Amendment) Act 1987 No. 151*
Botany Bay National Park Extension Act 1987 No. 155**
Miscellaneous Acts (National Parks and Wildlife) Amendment Act 1987
No. 159*
- 10 Prevention of Cruelty to Animals (Amendment) Act 1987 No. 160*
Parliamentary Electorates and Elections (Further Amendment) Act 1987
No. 173*
Stamp Duties (Sale of Land) Amendment Act 1987 No. 194*
Tourism Commission (Amendment) Act 1987 No. 199*
Miscellaneous Acts (Heritage Authorities) Amendment Act 1987 No. 201*
- 15 Pesticides and Allied Chemicals (Amendment) Act 1987 No. 204*
Police Association Employees (Superannuation) Amendment Act 1987
No. 222*
Industrial Arbitration (Contracts of Carriage) Amendment Act 1987 No. 248*
Protected Estates (Disability Services and Guardianship) Amendment Act 1987
20 No. 261*
National Parks (Special Provisions) Act 1988 No. 14**
Miscellaneous Acts (Education Commission) Amendment Act 1988 No. 30*
Public Hospitals (Visiting Practitioners) Amendment Act 1988 No. 31*
Miscellaneous Acts (Public Sector Management) Amendment Act 1988 No. 34*
- 25 Parliamentary Committees Enabling Act 1988 No. 44**
Strata Titles (Leasehold) Amendment Act 1988 No. 58*
Totalizator (Off-course Betting) Amendment Act 1988 No. 69*
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10 **Note:**

* indicates repeal of amending Act the provisions of which have been included in a reprint and which contains no provision of substantive effect that needs to be retained or which amends a repealed Act

** indicates repeal of Act that is no longer of practical utility

15 **EXPLANATORY NOTE**

The repeals are explained in detail in the explanatory note relating to this Act. In relation to the repeal of amending Acts, it should be noted that the Acts are repealed simply to rationalise the legislation in force and that the repeals have no substantive effect on the amendments made by the Acts or any associated provisions.

- 20 Section 30 (2) of the Interpretation Act 1987 ensures that, when an amending Act is repealed, no amendment made by the Act is affected. Section 30 (2) also ensures that the following matters are not affected:

- (a) the proof of any past act or thing;
 (b) any right, privilege, obligation or liability saved by the operation of the Act;
 25 (c) any validation made by the Act.

SCHEDULE 4—GENERAL SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

(Sec. 5)

Effect of amendment of amending provisions

- 30 1. (1) An amendment made by Schedule 1 or 2 to an amending provision contained in an Act is, if the amending provision has commenced before the date of assent to this Act, taken to have effect as from the commencement of the amending provision.

(2) In this clause:

- 35 “amending provision” means a provision of an Act, or of any other instrument, being a provision that has commenced and that makes a direct amendment to an Act by:

- (a) the repeal or omission of matter contained in the amended Act
 40 without the insertion of any matter instead of the repealed or omitted matter; or

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

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

5

EXPLANATORY NOTE

This clause ensures that amendments correcting errors in the technical provisions (for example, headings indicating the section to be amended or directions as to where a new section is to be inserted) and rectifying minor drafting defects (for example, corrections in numbering of provisions, correction or insertion of cross-references, omission of unnecessary matter or insertion of omitted matter) will commence on the date the amendments to which they relate commenced.

10

Effect of amendment or repeal on acts done or decisions made

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

15

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

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

20

EXPLANATORY NOTE

This clause ensures that the amendment or repeal of a provision will not, unless expressly otherwise provided, vitiate any act done or decision made under the provision as in force before the amendment or repeal.

25

Regulations

3. (1) The Governor may make regulations containing 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:

30

- (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.

35

EXPLANATORY NOTE

- 5 This clause enables the making of regulations of a savings or transitional nature having a short term effect and relating to incidental matters arising out of the proposed Act with regard to which no specific, or sufficient, provision has been made in the Act.

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 30 District Court Act 1973 No. 9—Sch. 1
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