

First print



New South Wales

Statute Law (Miscellaneous Provisions) Bill (No 2) 1996

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

- (a) to make minor amendments to various Acts and regulations (Schedule 1), and
 - (b) to amend certain other Acts for the purpose of effecting statute law revision (Schedule 2), and
 - (c) to replace gender-specific language with gender-neutral language (Schedule 3), and
 - (d) to make minor amendments consequential on the enactment of the *Industrial Relations Act 1996* (Schedule 4), and
 - (e) to transfer certain savings and transitional provisions of on-going effect from some amending Acts into the relevant Principal Act, so as to permit the repeal of otherwise obsolete amending Acts (Schedule 5), and
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- (f) to repeal certain Acts (Schedule 6), and
- (g) to make other provisions of a consequential or ancillary nature (Schedule 7).

Outline of provisions

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

Clause 2 provides for the commencement of the proposed Act.

Clauses 3–5 are machinery provisions that give effect to the Schedules of 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.

Schedule 1 Minor amendments

Schedule 1 makes amendments to the following Acts and regulations:

- Casino Control Act 1992 No 15
- Drug Misuse and Trafficking Act 1985 No 226
- Electricity Supply Act 1995 No 94
- Energy Services Corporations Act 1995 No 95
- Freedom of Information Act 1989 No 5
- Greyhound Racing Control Board Act 1985 No 119
- Interpretation Act 1987 No 15
- Irrigation Corporations Act 1994 No 41
- Landlord and Tenant (Rental Bonds) Act 1977 No 44
- Local Government Act 1993 No 30
- Local Government (Consequential Provisions) Act 1993 No 32
- National Parks and Wildlife Act 1974 No 80
- Noxious Weeds Act 1993 No 11
- Poisons and Therapeutic Goods Act 1966 No 31
- Poisons and Therapeutic Goods Regulation 1994

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Police Regulation (Superannuation) Act 1906 No 28
Public Authorities (Financial Arrangements) Act 1987 No 33
Public Authorities (Financial Arrangements) Regulation 1995
Royal Blind Society of New South Wales Act 1901 No 56
State Authorities Non-contributory Superannuation Act 1987 No 212
State Authorities Superannuation Act 1987 No 211
Statutory and Other Offices Remuneration Act 1975 (1976 No 4)
Subordinate Legislation Act 1989 No 146
Superannuation Act 1916 No 28
Superannuation Administration Act 1996 No 39
Threatened Species Conservation Act 1995 No 101
Water Act 1912 No 44

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

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 other amendments are made relating to formal drafting matters and minor corrections. Several of the amendments update references to statutory bodies and statutory offices.

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 Amendments replacing gender-specific language

Schedule 3 substitutes gender-neutral language for the gender-specific language in various Acts. A policy of using gender-neutral language in New South Wales legislation was formally announced by the Governor in his speech for the opening of Parliament on 16 August 1983 and has been strictly applied ever since. However, gender-specific language remains in many of the statutes currently in force that were enacted before the policy was implemented. It is intended that the statute law revision program will continue the process of removal of that language until it has all been replaced.

Schedule 4 Minor amendments consequent on enactment of Industrial Relations Act 1996

Schedule 4 makes amendments to certain Acts that are consequential on the enactment of the *Industrial Relations Act 1996*.

The *Industrial Relations Act 1996* revised the law concerning industrial relations and repealed the *Industrial Relations Act 1991* (which in turn had repealed the *Industrial Arbitration Act 1940*, the *Trade Union Act 1881* and the *Truck Act 1900*). The object of the Schedule is to make minor amendments of a statute law revision nature so that changes made by the *Industrial Relations Act 1996* are reflected in other New South Wales legislation.

The Schedule replaces references to repealed provisions of the *Industrial Relations Act 1991*, the *Industrial Arbitration Act 1940* and the other repealed Acts with the appropriate references to the *Industrial Relations Act 1996*. (References to the repealed Acts are affected by clause 40 of Schedule 4 to the *Industrial Relations Act 1996*, which provides for the construction of those references.)

The Schedule also amends references to judicial bodies, and other organisations, that were made redundant by the repeal of the repealed Acts. The following table indicates some of the changes:

Old term	New term
Industrial Court	Industrial Relations Commission in Court Session
Industrial Commission	Industrial Relations Commission
Conciliation Committee	Industrial Committee
award or agreement	State industrial instrument
industrial agreement or enterprise agreement	enterprise agreement
industrial union of employees or employers	industrial organisation of employees or employers

The Schedule also makes minor amendments of a statute law revision nature to the *Industrial Relations Act 1996* and repeals an uncommenced amending provision of that Act.

Schedule 5 Amendment transferring provisions

Schedule 5 transfers into their parent Act a number of savings, transitional and other provisions of on-going effect contained in certain amending Acts, the other provisions of which have been incorporated in reprints or are spent. The removal of these provisions from the amending Acts permits the repeal (by Schedule 6 to the proposed Act) of those Acts.

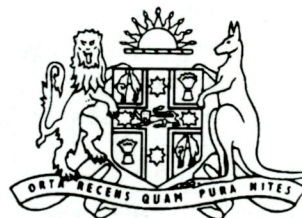
Schedule 6 Repeals

Schedule 6 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. It also repeals certain other amending Acts, the on-going provisions of which are transferred (by Schedule 5) to their parent Act and repeals several Acts which are no longer of practical utility.

Schedule 7 General savings, transitional and other provisions

Schedule 7 contains savings, transitional and other provisions of a more general effect than those set out in Schedule 1.

The purpose of each provision is explained in detail in the explanatory note relating to the provision concerned set out in Schedule 7.



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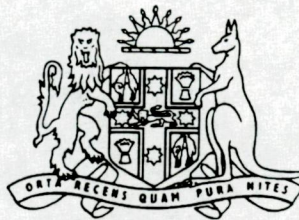
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No . , 1996

A Bill for

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

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Statute Law (Miscellaneous Provisions) Act (No 2) 1996*.

2 Commencement

5

- (1) This Act commences on the date of assent, except as provided by subsections (2)–(5).
- (2) The amendments made by Schedule 1 commence on the dates specified in that Schedule in relation to the amendments concerned. If a commencement date is not specified, the amendments commence on the date of assent. 10
- (3) The amendments made by Schedule 3 commence on the date that is 3 months after the date of assent, or on such earlier day or days as may be appointed by proclamation.
- (4) The amendments made by Schedule 4 commence on the date that is 4 months after the date of assent, or on such earlier day or days as may be appointed by proclamation. However, the amendments to the *Industrial Relations Act 1996* made by Schedule 4 commence on the date of assent. 15
- (5) The repeals effected by Schedule 6 commence on the date of assent. However, the repeal of the *Prickly Pear Act 1987* by Schedule 6 commences on 1 January 1997. 20

3 Amendments

Each Act and regulation specified in Schedules 1–5 is amended as set out in those Schedules.

25

4 Repeals

Each Act specified in Schedule 6 is repealed.

5 General savings, transitional and other provisions

Schedule 7 has effect.

6 Explanatory notes

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

Schedule 1 Minor amendments

(Section 3)

1.1 Casino Control Act 1992 No 15

Section 101 Apprentices and trainees permitted entry to casino

Insert "or trainee" after "apprentice" wherever occurring. 5

Explanatory note

Part 6 of the *Casino Control Act 1992* prohibits minors from entering or remaining in a casino. At present, section 101 of the Act provides a defence to a prosecution under Part 6 if it is proved that the minor concerned was an **apprentice** (within the meaning of the *Industrial and Commercial Training Act 1989*) and that the minor's entry into or presence in a casino was for the purpose of receiving training or instruction as an apprentice. 10

The proposed amendment extends that defence to also cover a minor who is a **trainee** within the meaning of the *Industrial and Commercial Training Act 1989*.

1.2 Drug Misuse and Trafficking Act 1985 No 226 15

Section 43 Certificate evidence

Insert ", or by an area health service," after "New South Wales" in paragraph (a) of the definition of **analyst** in section 43 (6).

Explanatory note

The *Drug Misuse and Trafficking Act 1985* prohibits the manufacture, supply, possession and use of certain drugs. 20

Section 43 of the Act sets out the evidentiary value of a certificate given by an analyst, and certain approved persons, in legal proceedings under the Act. At present, section 43 applies only to the evidence of a person employed by the Government of New South Wales as an analyst and to any person who is an **analyst** within the meaning of the *Poisons and Therapeutic Goods Act 1966*. The section also applies to any person appointed by the Director-General of the Department of Agriculture to give certificates. 25

The proposed amendment will extend the application of the evidentiary provisions in section 43 so that they apply to a certificate issued by an analyst employed by an area health service. 30

1.3 Electricity Supply Act 1995 No 94

[1] Section 49 Obstruction of electricity works

Omit “of thing” from section 49 (1). Insert instead “or thing”.

[2] Section 92 Non-franchise customers

Insert after section 92 (1):

5

(1A) An order under this section may:

- (a) apply generally or be limited in its application by reference to specified exceptions or factors, or
- (b) apply differently according to different factors of a specified kind.

10

(1B) In particular, an order under this section may apply to a person only in respect of the consumption of electricity at certain premises (in which case the order does not apply to that person in respect of the person’s consumption of electricity at other premises).

15

[3] Section 106 Regulations

Omit section 106 (1) (c). Insert instead:

- (c) the form and content of standard form customer connection contracts and standard form customer supply contracts,
- (c1) the procedures for preparing and advertising standard form customer connection contracts and standard form customer supply contracts,

20

Explanatory note

Orders declaring customers to be non-franchise customers

25

Section 92 of the *Electricity Supply Act 1995* empowers the Minister, by order published in the Gazette, to declare any specified person, or specified class of persons, to be non-franchise customers for the purposes of the Act. (The main consequence of being a non-franchise customer is that the customer can negotiate a customer supply contract, which may contain such terms as the relevant retail supplier and customer may agree: see section 43. A franchise customer is compelled by the Act to enter into a standard form customer supply contract in order to be supplied with electricity: see sections 39 and 40.)

30

Item [2] of the proposed amendments makes it clear that a Ministerial order under section 92 can apply differently according to different factors of a specified kind. In particular, if the order is expressed to apply to a person only in respect of the consumption of electricity at certain premises, that order has the effect that the person becomes a non-franchise customer in respect of electricity consumed at those premises, but remains a franchise customer in respect of electricity consumed at other premises. 5

Statute law revision

Item [1] of the proposed amendments corrects a typographical error.
Item [3] restates a regulation-making power so as to make it clearer. 10

1.4 Energy Services Corporations Act 1995 No 95

Schedule 5 Savings, transitional and other provisions

Omit clauses 4 and 13.

Commencement

The amendment to the *Energy Services Corporations Act 1995* is taken to have commenced on 1 March 1996 (the date of commencement of Schedule 5 to that Act). 15

Explanatory note

At present, clause 4 of Schedule 5 to the *Energy Services Corporations Act 1995* provides that, in any other Act or instrument, a reference to Pacific Power extends to a new electricity generator constituted under that Act. Clause 13 of Schedule 5 provides that, in any other Act or instrument, a reference to a former distributor (an electricity distributor constituted under the *Electricity Act 1945*) extends to a new distributor (an energy distributor constituted under the *Energy Services Corporations Act 1995*). 20 25

The proposed amendment omits those clauses from Schedule 5. (Clause 1 of Schedule 5 empowers the Governor to make regulations of a savings or transitional nature. That regulation-making power could be used to provide for the construction of references to Pacific Power so as to extend to new electricity generators, or for the construction of references to former distributors to extend to new distributors, where such a construction would be appropriate.) 30

1.5 Freedom of Information Act 1989 No 5

Schedule 2 Exempt bodies and offices

Insert in alphabetical order:

The Axiom Funds Management Corporation—
investment functions exercised on behalf of trustees of
superannuation funds. 5

Commencement

The amendment to the *Freedom of Information Act 1989* is taken to have commenced on 1 July 1996 (the date of commencement of Schedule 4.2 to the *Superannuation Administration Act 1996*). 10

Explanatory note

The *Freedom of Information Act 1989* imposes obligations on Government bodies to make available to the public certain information concerning documents. Schedule 2 to the Act specifies certain bodies and offices that are exempt from the operation of the Act in relation to those functions specified. 15

The *Superannuation Administration Act 1996* re-organised the administration of State public sector superannuation schemes. The Act continued the FSS Trustee Corporation as trustee for the accumulation style schemes open to new members and continued the STC (formerly the State Authorities Superannuation Board) as trustee for the defined benefit style schemes closed to new members. The power to provide investment services for State public sector superannuation schemes and other schemes was conferred on the Axiom Funds Management Corporation (the successor of the State Superannuation Investment and Management Corporation). 20

As a consequence of those changes, the State Authorities Superannuation Board and the State Superannuation Investment and Management Corporation were omitted from the Schedule of exempt bodies in Schedule 2 to the *Freedom of Information Act 1989*. At the same time, the FSS Trustee Corporation and the SAS Trustee Corporation were included in that Schedule, so that they are now exempt bodies in relation to their investment functions. 25

The proposed amendment includes the Axiom Funds Management Corporation in the Schedule of exempt bodies, but only in relation to the exercise of investment functions on behalf of trustees of superannuation funds. 30

1.6 Greyhound Racing Control Board Act 1985 No 119

[1] Long title

Omit "Greyhound Racing Control Board".
Insert instead "Greyhound Racing Authority (NSW)".

[2] Section 1 Name of Act

5

Omit "*Greyhound Racing Control Board Act 1985*".
Insert instead "*Greyhound Racing Authority Act 1985*".

[3] Whole Act (except sections 1, 3 (1), 5 (1), 17 (1) and 18 (1) and Schedule 3)

Omit "Board" wherever occurring. Insert instead "Authority". 10

[4] Section 3 Definitions

Omit the definition of *Board* in section 3 (1).
Insert instead:

Authority means the Greyhound Racing Authority
(NSW) constituted by this Act.

15

[5] Section 3 (1) definitions of "Chairman" and "member"

Omit "Board" wherever occurring. Insert instead "Authority".

[6] Section 3 (1) definition of "Fund" and section 17 (1)

Omit "Greyhound Racing Control Board Fund" wherever occurring.
Insert instead "Greyhound Racing Authority (NSW) Fund".

20

[7] Section 5 Constitution of Authority

Omit "Greyhound Racing Control Board" from section 5 (1).
Insert instead "Greyhound Racing Authority (NSW)".

[8] Section 8 Chief executive and other staff of Authority

Omit "secretary" wherever occurring.
Insert instead "chief executive".

5

[9] Section 17 Greyhound Racing Authority (NSW) Fund

Omit "The Board" from section 17 (1).
Insert instead "The Authority".

[10] Section 18 Contributions to Fund by greyhound racing clubs

10

Omit "Board" from the definition of *financial year* in section 18 (1).
Insert instead "Authority".

[11] Schedule 1 Provisions relating to members of Authority

Omit "secretary" wherever occurring in clause 9.
Insert instead "chief executive".

15

[12] Schedule 3 Savings, transitional and other provisions

Insert at the end of clause 4:

- (2) The change of name of the corporation constituted under section 5 (from the Greyhound Racing Control Board to the Greyhound Racing Authority (NSW)) by the *Statute Law (Miscellaneous Provisions) Act (No 2) 1996* does not affect the identity or continuity of status of that corporation.

20

[13] Schedule 3

Insert after clause 4:

4A Continuation of Fund

The change of name of the Greyhound Racing Control Board Fund to the Greyhound Racing Authority (NSW) Fund by the *Statute Law (Miscellaneous Provisions) Act (No 2) 1996* does not affect the identity or continuity of those funds. 5

[14] Schedule 3, clause 7

Omit "Board". Insert instead "Authority". 10

[15] Schedule 3, clause 7

Insert at the end of the clause:

(2) On and from the date of assent to the *Statute Law (Miscellaneous Provisions) Act (No 2) 1996*, in any other Act, in any instrument made under any Act or in any other instrument of any kind: 15

(a) a reference to the Greyhound Racing Control Board is to be read as a reference to the Greyhound Racing Authority (NSW), and

(b) a reference to the Greyhound Racing Control Board Fund is to be read as a reference to the Greyhound Racing Authority (NSW) Fund, and 20

(c) a reference to the secretary of the Greyhound Racing Control Board is to be read as a reference to the chief executive of the Greyhound Racing Authority (NSW). 25

Explanatory note

The Greyhound Racing Control Board is a statutory corporation constituted under the *Greyhound Racing Control Board Act 1985*.

Item [7] of the proposed amendments changes the corporate name of that corporation to the Greyhound Racing Authority (NSW). (Items [1]–[6], [9] and [10] make consequential amendments.) 30

Items [8] and [11] change the title of the secretary of the Board to the chief executive of the Authority.

Items [12]–[15] make savings provisions. 35

1.7 Interpretation Act 1987 No 15

Section 30B

Insert after section 30A:

30B Effect of amendment of statutory rule by an Act

The amendment of a statutory rule by an Act does not prevent its later amendment or repeal by another statutory rule. 5

Explanatory note

From time to time Acts of Parliament amend statutory rules. It is usual practice to include a provision in such Acts to make it absolutely clear that the amendment of the relevant statutory rule in that way does not affect the future amendment or repeal of the statutory rule. 10

The proposed amendment inserts a general provision in the *Interpretation Act 1987* to confirm that when an Act amends a statutory rule that amendment does not affect the later amendment or repeal of the statutory rule. 15

1.8 Irrigation Corporations Act 1994 No 41

[1] Section 53 Conditions of irrigation corporation licence

Insert after section 53 (a):

(a1) any conditions imposed on the irrigation corporation licence from time to time under Division 4B of Part 2 of the *Water Act 1912*, and 20

[2] Section 54 Imposition of conditions after irrigation corporation licence is granted

Insert at the end of the section:

(2) This section does not apply to any condition imposed under Division 4B of Part 2 of the *Water Act 1912*. 25

Transitional

The amendments to the *Irrigation Corporations Act 1994* extend to any condition imposed on an irrigation corporation licence before the commencement of those amendments. 30

Explanatory note

Irrigation corporation licences are issued under the *Irrigation Corporations Act 1994*. Those licences are treated as entitlements for the purposes of Division 4B of Part 2 of the *Water Act 1912* (which provides for the establishment of volumetric water allocation schemes). The holder of an irrigation corporation licence can therefore participate in a new volumetric water allocation scheme, and be assigned a water allocation when a new scheme is prepared.

5

The proposed amendment to the *Water Act 1912* made elsewhere in this Schedule will have the effect that the Water Administration Ministerial Corporation will be required to impose a condition relating to water allocation in respect of a new irrigation corporation licence (as it does in respect of other entitlements). This will allow irrigation corporations to participate in volumetric water allocation schemes (regulated by Division 4B of Part 2 of the *Water Act 1912*) that are in existence when a licence is granted as well as in the transfer of water allocations (regulated by Division 4C of Part 2).

10

15

Item [1] of the proposed amendments to the *Irrigation Corporations Act 1994* makes it clear that when such conditions are imposed they are enforceable as conditions on the irrigation corporation licence.

Item [2] of the proposed amendments excludes such conditions from the obligation to give the licensee an opportunity to make representations before the conditions are imposed.

20

1.9 Landlord and Tenant (Rental Bonds) Act 1977 No 44**[1] Section 6 Constitution and procedure of the Board**

Omit "Director of Housing" from section 6 (1) (a).

Insert instead "Director-General of the Department of Fair Trading".

25

[2] Sections 6 (1) (a), 15 and 32 and Schedule 1, clauses 2 (2), 3 and 4 (4), (7) and (8)

Omit "Chairman" wherever occurring.

Insert instead "Chairperson".

[3] Section 6 (1) (b)

30

Omit "Director-General of the Department of Fair Trading".

Insert instead "Director-General of the Department of Urban Affairs and Planning".

[4] Schedule 1 Provisions relating to constitution and procedure of Board

Omit "Department of Housing, the Department of Consumer Affairs" from clause 2 (1).

Insert instead "Department of Fair Trading, the Department of Urban Affairs and Planning". 5

Transitional

On the commencement of the amendments to the *Landlord and Tenant (Rental Bonds) Act 1977*, the Director-General of the Department of Urban Affairs and Planning ceases to be the Chairman (Chairperson) of the Rental Bond Board. 10

The amendments to the *Landlord and Tenant (Rental Bonds) Act 1977* do not affect the operation of any appointment of a deputy by a member of the Rental Bond Board.

Explanatory note

The *Landlord and Tenant (Rental Bonds) Act 1977* constitutes the Rental Bond Board, which is chaired by the Director of Housing (now the Director-General of the Department of Urban Affairs and Planning) and which includes as a member the Director-General of the Department of Fair Trading. 15

The administration of the Act has been transferred from the Minister for Housing to the Minister for Fair Trading. 20

Items [1], [3] and [4] of the proposed amendments reflect this transfer in the constitution of the Board, by providing for the Director-General of the Department of Fair Trading to chair the Board, with the Director-General of the Department of Urban Affairs and Planning acting as an ordinary member.

Item [2] replaces references to the "Chairman" of the Board with references to the "Chairperson". 25

1.10 Local Government Act 1993 No 30

[1] Schedule 7 Savings, transitional and other provisions consequent on the enactment of this Act

Omit "and the *Manufactured Home Estates Ordinance 1992* under the old Act are taken to be regulations" from clause 5 (1). 30

Insert instead "is taken to be a regulation".

[2] Schedule 7

Omit clauses 8, 10, 13, 17, 23, 24A, 26, 26A, 27–30, 30A, 33, 39, 40, 42–44, 48 and 50–53.

Explanatory note

The proposed amendments omit savings and transitional provisions that are now redundant.

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**1.11 Local Government (Consequential Provisions) Act 1993
No 32**

Schedule 3 Savings, transitional and other provisions

Omit clauses 3 and 6.

10

Explanatory note

The proposed amendment omits savings and transitional provisions that are now redundant.

1.12 National Parks and Wildlife Act 1974 No 80

[1] Section 121 Occupier's licence

15

Omit section 121 (2). Insert instead:

- (2) If an occupier's licence is proposed to be subject to a condition requiring labels, tags, slips or other objects to be affixed or attached to the skin or carcass of fauna harmed under the authority of the licence, the licence must not be issued unless the licensee has been supplied by the Service with sufficient labels, tags, slips or other objects to enable the licensee to comply with the relevant condition.

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[2] Section 157 Requirement to state name and address

25

Omit "place of abode" wherever occurring in section 157 (1) and (2).

Insert instead "residential address".

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Schedule 1 Minor amendments

- [3] Section 157 (3) (b)**
- Omit "his name or a place of abode that is not his place of abode".
Insert instead "the person's name or an address that is not the person's residential address".
- [4] Section 171 Authority to harm or pick** 5
- Omit "with respect to any animals" from section 171 (4).
- [5] Section 171 (4)**
- Omit "harming of any such animal".
Insert instead "authorised activity".
- [6] Section 176 Proceedings for offences** 10
- Insert "90," after "section" in section 176 (1AA).
- Explanatory note**
- Occupier's licences**
- Section 121 of the *National Parks and Wildlife Act 1974* provides for the issue of an occupier's licence, authorising the owner or occupier of land to harm, or permit others to harm, a specified number of specified fauna on that land. In some cases (such as for the culling of kangaroos) tags are required to be attached to the fauna for record keeping purposes. Section 121 (2) provides that an occupier's licence must not be issued unless the licensee has been supplied with sufficient labels, tags or similar objects to allow compliance with such a requirement. However, tags are not required in every case. 15
- Item [1] of the proposed amendments restates section 121 (2) so as to make it clear that the obligation applies only when the licence requires that labels, tags or similar objects are to be used. 20
- Requirement to state name and residential address** 25
- At present, section 157 of the Act empowers certain officers to require a person, suspected on reasonable grounds of committing an offence, to state the person's full name and "place of abode".
- Items [2] and [3] of the proposed amendments update such references, so that the person is instead required to state the person's name and residential address. 30

Authority to harm or pick

Section 171 of the Act gives the Director-General of National Parks and Wildlife the power to authorise people to harm certain animals or to take certain action in relation to trees and native plants (for example, to fell trees or pick native plants). Section 171 (4) provides that such authorisations also authorise the person to do things that would otherwise be prohibited by section 45 (1) (which deals with harming animals and discharging prohibited weapons in national parks and historic sites) or by section 56 (1) (which deals with animals in nature reserves). At present, that exemption is limited to acts done in connection with the harming of an animal. 5 10

Items [4] and [5] of the proposed amendments extend that exemption to cover all acts done in connection with the authorised harming of animals, felling of trees or picking of native plants.

Proceedings for offences relating to Aboriginal relics

Section 176 (1) of the Act provides that proceedings for an offence against the Act may be taken summarily before a Local Court constituted by a Magistrate sitting alone. However, section 176 (1AA) provides for some proceedings to be taken before the Land and Environment Court in its summary jurisdiction, as an alternative to the Local Court. 15

Item [6] of the proposed amendments adds offences under section 90 (Destruction etc of relics or Aboriginal places) to the list of offences that can be heard before the Land and Environment Court. 20

1.13 Noxious Weeds Act 1993 No 11

Section 7 What are the noxious weeds to which this Act applies? 25

Omit section 7 (5).

Commencement

The amendment to the *Noxious Weeds Act 1993* commences on 1 January 1997.

Explanatory note

The *Noxious Weeds Act 1993* provides for the identification, classification and control of noxious weeds. At present, section 7 (5) of the Act provides that the Act does not apply to prickly pear within the meaning of the *Prickly Pear Act 1987*. That Act is proposed to be repealed, by Schedule 6 to this Act. 30

The proposed amendment repeals section 7 (5) of the Act, so that prickly pear can be brought within the application of the Act. (This can be done by Ministerial order under section 7 (1) of the Act declaring prickly pear to be a noxious weed for the purposes of the Act.) 35

1.14 Poisons and Therapeutic Goods Act 1966 No 31

Section 4 Definitions

Omit from the definition of *Supply by wholesale* in section 4 (1):

and includes supply of the substance or goods in
wholesale quantities for use: 5

(c) in a public institution, or

(d) in connection with the carrying on by persons, in
circumstances prescribed by the regulations, of
any activity so prescribed.

Insert instead: 10

and includes supply of the substance or goods in
wholesale quantities:

(c) for use in a public institution, or

(d) to persons who are authorised by the regulations to
be supplied with wholesale quantities of the
substance or goods. 15

Amendment of Poisons and Therapeutic Goods Regulation 1994

The *Poisons and Therapeutic Goods Regulation 1994* is amended by omitting
clause 125 and by inserting instead the following clause:

125 Authorised possession for supply by wholesale 20

(1) For the purposes of paragraph (d) of the definition of
supply by wholesale in section 4 (1) of the Act, each
person who is authorised by a provision of Appendix E to
be in possession of a substance or goods is authorised to
be supplied with wholesale quantities of the substance or
goods. 25

(2) If the relevant provision of Appendix E includes a
maximum concentration or strength in relation to a
particular substance, the authority to be supplied with
wholesale quantities of the substance extends only to
substances in a concentration or strength not exceeding
that maximum. 30

Explanatory note

Until 1 September 1996, the *Poisons and Therapeutic Goods Act 1966* (formerly
the *Poisons Act 1966*) defined *wholesale dealing*. The definition provided for the
regulations made under that Act to authorise certain persons and activities for the
purposes of that definition. The Act was amended by the *Poisons Amendment
(Therapeutic Goods) Act 1996* which, among other things, replaced the concept 35

of **wholesale dealing** with the analogous concept of **supply by wholesale**. The definition of that term provides for certain circumstances and activities to be prescribed.

However, the *Poisons and Therapeutic Goods Regulation 1994* was originally drafted in such a way as to authorise persons and activities. Authorities were issued on that basis.

The proposed amendment to the *Poisons and Therapeutic Goods Act 1966* restates the last two paragraphs of the definition of **supply by wholesale** so as to provide for the regulations to authorise persons to be supplied with wholesale quantities of a substance or goods. An analogous amendment is made to the *Poisons and Therapeutic Goods Regulation 1994*.

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1.15 Police Regulation (Superannuation) Act 1906 No 28

Section 5AA Source of administration costs payments

Omit “(including costs related to investment management)”.

Commencement

The amendment to section 5AA of the *Police Regulation (Superannuation) Act 1906* is taken to have commenced on 1 July 1996 (the date of commencement of Schedule 4.9 to the *Superannuation Administration Act 1996*).

Explanatory note

Until 1 July 1996, section 23A of the *Superannuation Administration Act 1991* made provision for the payment of administration costs in respect of the Police Superannuation Fund. That provision was transferred into the *Police Regulation (Superannuation) Act 1906* (by Schedule 4.9 [5] to the *Superannuation Administration Act 1996*). The new provision (section 5AA) does not exactly mirror the old provision.

The proposed amendment omits superfluous words relating to the source of administration costs payments so that section 5AA more closely reflects the repealed section 23A and the existing and previous procedures for payment of costs.

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1.16 Public Authorities (Financial Arrangements) Act 1987 No 33

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[1] Section 5 Meaning of effecting a financial adjustment

Omit section 5 (f). Insert instead:

(f) a currency option,

(g) an interest rate option,

35

Statute Law (Miscellaneous Provisions) Bill (No 2) 1996

Schedule 1 Minor amendments

- (h) a commodity swap,
 - (i) a forward commodity agreement,
 - (j) a commodity option,
 - (k) a swaption,
 - (l) a bond option, 5
 - (m) an interest rate cap,
 - (n) an interest rate floor,
 - (o) an interest rate collar,
 - (p) a forward rate bill agreement,
 - (q) a forward foreign exchange transaction, 10
 - (r) an exchange rate agreement,
 - (s) a forward exchange agreement,
 - (t) a reciprocal purchase agreement,
 - (u) any other transaction or arrangement that is prescribed by the regulations. 15
- [2] Section 5 (2)**
Insert at the end of section 5:
(2) In this section, *commodity* includes electricity.
- [3] Section 18 Treasurer's approval as evidence**
Insert at the end of the section: 20
(2) For the purposes of this section, *financial adjustment* includes any transaction or arrangement validated by section 44.
- [4] Section 44**
Insert after section 43: 25
44 Validation of certain financial adjustments
(1) This section applies to an arrangement or transaction entered into by an authority before the date of assent to the *Statute Law (Miscellaneous Provisions) Act (No 2) 1996*: 30

-
- (a) that was not a “financial adjustment” within the meaning of section 5 at the time that the arrangement or transaction was entered into, and
- (b) that is or was a “financial adjustment” within the meaning of section 5 as amended by Schedule 1.16 to the *Statute Law (Miscellaneous Provisions) Act (No 2) 1996*, and 5
- (c) that was entered into while the relevant authority held an approval given by the Treasurer under Part 2A to effect financial adjustments by means of the arrangements and transactions identified in section 5, and 10
- (d) that was entered into in accordance with any conditions imposed on such an approval.
- (2) Every arrangement or transaction to which this section applies is validated. 15
- (3) In this clause, a reference to an *authority* is a reference to a body that was an authority (within the meaning of section 15) at the time that the relevant arrangement or transaction was entered into. 20
- [5] Schedule 1 Authorities**
- Omit “Energy South.”, “Far West Energy.”, “First State Power.”, “MetNorth Energy.”, “MetSouth Energy.”, “MidState Energy.” and “NorthPower Energy.”.
- [6] Schedule 1** 25
- Insert in alphabetical order of authorities:
- Advance Energy.
 - Australian Inland Energy.
 - Delta Electricity.
 - EnergyAustralia. 30
 - Great Southern Energy.
 - Integral Energy Australia.
 - NorthPower.

Amendment of Public Authorities (Financial Arrangements) Regulation 1995

The *Public Authorities (Financial Arrangements) Regulation 1995* is amended by omitting clause 55.

Explanatory note

Definition of "financial adjustment"

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Part 2A of the *Public Authorities (Financial Arrangements) Act 1987* gives public authorities the power to effect a financial adjustment, but only with the approval of the Treasurer. The term **financial adjustment** is defined in section 5 of the Act to mean entering into or participating in certain listed arrangements or transactions. The definition also provides for further transactions or arrangements to be prescribed by the regulations. (See clause 55 of the *Public Authorities (Financial Arrangements) Regulation 1995*.)

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Items [1] and [2] of the proposed amendments extend the definition of **financial adjustment** to include further transactions or arrangements that are substantially the same as those presently specifically mentioned in the definition of **financial adjustment** in section 5, and those presently prescribed in clause 55 of the *Public Authorities (Financial Arrangements) Regulation 1995*. (In addition, the transactions that are presently prescribed are transferred to the statutory definition and the *Public Authorities (Financial Arrangements) Regulation 1995* is amended accordingly.)

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Items [3] and [4] of the proposed amendments validate any transaction entered into in accordance with an approval given by the Treasurer when the transaction or arrangement was not one of those listed in section 5 (or prescribed by the regulations for the purposes of that section), but only if such a transaction or arrangement was subsequently included in the revised definition of **financial adjustment**.

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Statute law revision

Items [5] and [6] of the proposed amendments update references to certain energy services corporations. The revised names are:

Advance Energy (formerly MidState Energy)

30

Australian Inland Energy (formerly Far West Energy)

Delta Electricity (formerly First State Power)

EnergyAustralia (formerly MetNorth Energy)

Great Southern Energy (formerly Energy South)

Integral Energy Australia (formerly MetSouth Energy)

35

NorthPower (formerly NorthPower Energy).

**1.17 Royal Blind Society of New South Wales Act 1901
No 56**

[1] Section 1A

Omit the section. Insert instead:

1A Definitions

5

In this Act:

council means the council of management referred to in section 6.

Society means the Royal Blind Society of New South Wales.

10

[2] Section 2B

Insert after section 2A:

2B Change of objects of Society

On and from the date of assent to the *Statute Law (Miscellaneous Provisions) Act (No 2) 1996*, the objects of the Society are (despite section 2) the following:

15

(a) to promote in New South Wales and elsewhere the interests of blind and vision-impaired persons generally,

(b) to provide (directly or indirectly) services to assist blind and vision-impaired persons to develop and use their abilities fully and to achieve their aspirations for participation in general community life.

20

[3] Section 4 Society may purchase and hold property

25

Omit "the Schedule". Insert instead "Schedule 1".

[4] Section 4

Omit the proviso.

[5] Section 4A Revocation of conditions, trusts and dedications affecting lands in Schedule 1

Omit "the Schedule" wherever occurring.
Insert instead "Schedule 1".

5

[6] Section 5

Omit the section. Insert instead:

5 Classes of membership of Society

The Society is to have the following classes of members: 10

- (a) honorary life members,
- (b) life members,
- (c) ordinary members.

[7] Section 5AA

Insert after section 5:

15

5AA Honorary life members

- (1) Honorary life members of the Society are the persons on whom the council has conferred honorary life membership.
- (2) The council may, by resolution, confer honorary life membership of the Society on any person who, in the opinion of the council, has made a very significant contribution to the work of the Society.

20

[8] Section 5A

Omit the section. Insert instead:

5A Life members

- (1) The persons who are life members of the Society on the date of assent to the *Statute Law (Miscellaneous Provisions) Act (No 2) 1996* are life members of the Society. 5
- (2) A person who makes a donation of, or of more than, \$1,000 (or such other amount as the members at an annual general meeting or a special general meeting may from time to time determine by resolution) to the Society becomes, on making the donation, a life member of the Society. 10
- (3) A life member of the Society is not required to pay any further subscription to the Society. 15

[9] Section 5B

Omit the section. Insert instead:

5B Ordinary members

- (1) The persons who are members (other than life members) of the Society on the date of assent to the *Statute Law (Miscellaneous Provisions) Act (No 2) 1996* are ordinary members of the Society until the 30 June next following that date without further payment of any subscription. 20
- (2) A person who makes a donation of \$10 or more (but less than the amount that qualifies a person as a life member) to the Society becomes, on making the donation, an ordinary member of the Society until:
 - (a) the 30 June next following the date of the donation, or
 - (b) the conclusion of the annual general meeting next following the date of the donation, 30whichever is the later.

[10] Section 6 Council of management

Omit "not more than eighteen persons". Insert instead "15 persons".

[11] Section 6A Election of council

Omit section 6A (2) and (3). Insert instead:

- (2) At each annual general meeting of the Society after the date of assent to the *Statute Law (Miscellaneous Provisions) Act (No 2) 1996*, 5 members are to be elected to the council. 5
- (3) The members so elected are, subject to this Act, to hold office until the third annual general meeting after the meeting at which they were elected.

[12] Sections 6B (2) (b), 6C, 8, 13 (1) and 19 10

Insert "general" after "annual" wherever occurring.

[13] Section 9A

Insert after section 9:

9A Notice of meetings

- (1) Every annual general meeting and special general meeting of the council is to be advertised, at least 3 weeks before the day on which the meeting is to be held: 15
 - (a) on at least 1 occasion in at least 2 newspapers that are published on at least 5 days per week and that circulate in the Sydney metropolitan area, and 20
 - (b) on at least 1 occasion in each of at least 2 public media that are accessible to blind and vision-impaired people.
- (2) In this section:
 - on-line service* means a service provided by or through the facilities of a computer communication system and accessed through a telecommunications network that allows for: 25
 - (a) the input, output or examination of computer data or computer programs, or 30

-
- (b) the transmission of computer data or computer programs from one computer to another, or
- (c) the transmission of computer data or computer programs from a computer to a terminal service.
- public media* includes any radio or television broadcast and any on-line service (such as a bulletin board or a service providing information through a system connected to the internet). 5
- [14] Section 13 Nomination of council**
- Omit section 13 (3). 10
- [15] Section 16 Meetings of council**
- Omit “three members”. Insert instead “6 members”.
- [16] Section 20**
- Insert after section 19:
- 20 Savings, transitional and other provisions** 15
- Schedule 2 has effect.
- [17] Schedule**
- Omit the heading to the Schedule.
Insert instead “**Schedule 1 Land**”.
- [18] Schedule 2** 20
- Insert after Schedule 1:
- Schedule 2 Savings, transitional and other provisions**
- (Section 20)
- 1 Definition** 25
- In this Schedule:
- amending Act* means the *Statute Law (Miscellaneous Provisions) Act (No 2) 1996*.

2 Reduction in membership of council

Section 6, as amended by the amending Act, is to be construed as if the reference to 15 persons were:

- (a) a reference to 18 persons, until the first annual general meeting of the Society after the commencement of the section as amended, and 5
- (b) at that annual general meeting, and until the second such annual general meeting, a reference to 17 persons, and
- (c) at that second annual general meeting, and until the third such annual general meeting, a reference to 16 persons. 10

3 Continuity of council

- (1) A person who was a member of the council immediately before the repeal and re-enactment of section 6A (2) and (3) by the amending Act is taken to have been elected in accordance with that section as in force after that repeal and re-enactment. 15
- (2) The person is to hold office for the balance of the person's term in accordance with section 6A (3) before the repeal and re-enactment of that subsection. 20

Explanatory note

Objects of the Royal Blind Society of New South Wales

The *Royal Blind Society of New South Wales Act 1901* (formerly the *Sydney Industrial Blind Institution Incorporation Act 1901*) constituted a statutory corporation which is now called the Royal Blind Society of New South Wales. The preamble to that Act states that the objects of the original corporation were "the teaching of trade to blind persons, and promoting the welfare of such persons". 25

Item [2] of the proposed amendments restates the objects of the Society, which are now directed towards assisting its clients to be involved as fully as possibly in general community life. 30

Power of Society to sell or mortgage real property

Section 4 of the Act empowers the Society to sell, dispose of or mortgage any real property vested in the Society (other than the property specified in the Schedule), but only if a general meeting or special meeting of the members of the Society passes a resolution sanctioning a transaction. 35

Item [4] of the proposed amendments omits the proviso that requires such a resolution. As a result of the proposed amendment, the Society will have an unrestricted power to sell, dispose of or mortgage such property.

Classes of membership

At present, there are two classes of members of the Society: life members and ordinary members. 5

Item [6] of the proposed amendments provides for three classes of members: honorary life members, life members and ordinary members.

Item [7] provides for honorary life membership to be conferred on a person who, in the opinion of the council, has made a very significant contribution to the work of the Society. 10

Item [8] restates the qualification for any further life membership, namely that the person has made a donation of \$1,000 or more (or of or above such other amount as the members at an annual general meeting may determine).

Item [9] sets out the qualifications for ordinary membership. 15

Membership and procedure of council of management

At present, section 6 of the Act provides for the affairs of the Society to be managed and controlled by a council of management consisting of not more than 18 persons.

Item [10] of the proposed amendments reduces the size of membership to 15 persons. 20

Item [11] provides for the election of 5 persons to the council of the Society at each annual general meeting, each for a 3 year term.

Item [12] updates references to the annual general meeting of the council.

Item [13] provides for the giving of notice of meetings. (Item [14] is consequential on that amendment.) 25

Item [15] provides for a quorum of the council to be 6 members, rather than 3.

Other matters

Item [1] of the proposed amendments inserts certain definitions.

Items [3], [5] and [17] update references to a Schedule. 30

Items [16] and [18] insert a Schedule of savings and transitional provisions consequent on the proposed amendments.

Endorsement of proposed amendments

The proposed amendments have been endorsed by a special meeting of the Society. 35

1.18 State Authorities Non-contributory Superannuation Act 1987 No 212

[1] Section 11A Source of administration costs payments

Omit “(including costs related to investment management)” from section 11A (1). 40

[2] Schedule 1 Employers

Omit "Greyhound Racing Control Board" from Part 1.
Insert instead "Greyhound Racing Authority (NSW)".

Commencement

The amendment to section 11A of the *State Authorities Non-contributory Superannuation Act 1987* is taken to have commenced on 1 July 1996 (the date of commencement of Schedule 4.15 [7] to the *Superannuation Administration Act 1996*). 5

Explanatory note

Until 1 July 1996, section 23C of the *Superannuation Administration Act 1991* made provision for the payment of administration costs. That provision was transferred into the *State Authorities Non-contributory Superannuation Act 1987* (by Schedule 4.15 [7] to the *Superannuation Administration Act 1996*). The new provision (section 11A) does not exactly mirror the old provision. 10

Item [1] of the proposed amendments amends section 11A so that it more closely reflects repealed section 23C and the existing and previous procedures for payment of costs. 15

Item [2] updates a reference to a statutory authority. (The name of the Greyhound Racing Control Board is to be changed to the Greyhound Racing Authority (NSW) by amendments made by Schedule 1.6.) 20

1.19 State Authorities Superannuation Act 1987 No 211

[1] Section 14B Source of administration costs payments

Omit "(including costs related to investment management)" from section 14B (1).

[2] Section 14B (1) 25

Insert "and contributors' accounts" after "employer reserves".

[3] Section 14B (2)

Omit "employees' accounts".
Insert instead "contributors' accounts".

[4] Section 14B (3)

Omit "employees' accounts". Insert instead "employer reserves".

[5] Schedule 1 Employers

Omit "Greyhound Racing Control Board" from Part 1.
Insert instead "Greyhound Racing Authority (NSW)".

5

Commencement

The amendments to section 14B of the *State Authorities Superannuation Act 1987* are taken to have commenced on 1 July 1996 (the date of commencement of Schedule 4.16 [6] to the *Superannuation Administration Act 1996*).

Explanatory note

10

Until 1 July 1996, section 23B of the *Superannuation Administration Act 1991* made provision for the payment of administration costs in respect of the State Authorities Superannuation Fund. That provision was transferred into the *State Authorities Superannuation Act 1987* (by Schedule 4.16 [6] to the *Superannuation Administration Act 1996*). The new provision (section 14B) does not exactly mirror the old provision.

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Items [1]–[4] of the proposed amendments amend section 14B so that it more closely reflects repealed section 23B and the existing and previous procedures for payment of costs.

Item [5] updates a reference to a statutory authority. (The name of the Greyhound Racing Control Board is to be changed to the Greyhound Racing Authority (NSW) by amendments made by Schedule 1.6.)

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**1.20 Statutory and Other Offices Remuneration Act 1975
(1976 No 4)**

[1] Schedule 2 Public offices

25

Insert at the beginning of Part 1:

Senior Chairperson of the Government and Related
Employees Appeal Tribunal (not being the holder of a
judicial office).

Statute Law (Miscellaneous Provisions) Bill (No 2) 1996

Schedule 1 Minor amendments

[2] Schedule 2, Part 1

Omit "or a magisterial office" from the matter relating to the Chairperson of the Government and Related Employees Appeal Tribunal.

[3] Schedule 2, Part 2

5

Omit the matter relating to the Senior Chairperson of the Government and Related Employees Appeal Tribunal.

Explanatory note

The *Government and Related Employees Appeal Tribunal Act 1980* was recently amended to remove the requirement that the Senior Chairperson of the Government and Related Employees Tribunal (GREAT) be a judicial office holder. The Act was also amended to provide that the remuneration of a Senior Chairperson who does not hold judicial office is to be determined by the Statutory and Other Offices Remuneration Tribunal (SORT).

10

The *Statutory and Other Offices Remuneration Act 1975* empowers SORT to make determinations relating to the remuneration of certain office holders, including the holders of offices listed in Schedule 2 (Public offices). The office of Senior Chairperson of GREAT was added to Part 2 of Schedule 2 (by regulation) as an interim measure. However, the office of Chairperson of GREAT is included in Part 1 of the Schedule.

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The proposed amendments include the Senior Chairperson of GREAT in Part 1 of Schedule 2. Accordingly, the office cannot be removed from the Schedule without an amendment to the Act.

1.21 Subordinate Legislation Act 1989 No 146

[1] Section 10 Staged repeal of statutory rules

25

Omit section 10 (3) (b)-(d).

[2] Section 10 (4)

Insert after section 10 (3):

(4) Despite subsection (1), the following regulations are repealed on 1 September 1998:

30

(a) the *General Traffic Regulations 1916*,

(b) the *Motor Traffic Regulations 1935*,

(c) the *General Traffic (Pedestrian) Regulations 1937*.

Explanatory note

Part 3 of the *Subordinate Legislation Act 1989* provides for the staged repeal of statutory rules. Section 10 sets out the dates on which statutory rules are repealed and section 11 provides for the postponement of repeal in specific cases. 5

The proposed amendments extend until 1 September 1998 the repeal of 3 regulations relating to traffic, that are due for staged repeal on 1 September 1997 and for which the maximum number of postponements have already been granted. Section 11 (3) of the Act has the effect that no further postponements are otherwise available. 10

1.22 Superannuation Act 1916 No 28

[1] Section 3 Definitions

Omit the definition of *Board* from section 3 (1). 15

[2] Section 8A Source of administration costs payments

Omit “(including costs related to investment management)” from section 8A (1).

[3] Schedule 3 List of employers

Omit “Greyhound Racing Control Board” from Part 1. 20
Insert instead “Greyhound Racing Authority (NSW)”.

Commencement

The amendment to section 8A of the *Superannuation Act 1916* is taken to have commenced on 1 July 1996 (the date of commencement of Schedule 4.18 to the *Superannuation Administration Act 1996*). 25

Explanatory note

Item [1] of the proposed amendments omits a redundant definition.

Until 1 July 1996, section 23C of the *Superannuation Administration Act 1991* made provision for the payment of administration costs in respect of the State Superannuation Fund. That provision was transferred into the *Superannuation Act 1916* (by Schedule 4.18 [7] to the *Superannuation Administration Act 1996*). The new provision (section 8A) does not exactly mirror the old provision. 30

Schedule 1 Minor amendments

Item [2] of the proposed amendments omits unnecessary words relating to the source of administration costs payments so that section 8A more closely reflects repealed section 23C and the existing and previous procedures for payment of costs.

Item [3] updates a reference to a statutory authority. (The name of the Greyhound Racing Control Board is to be changed to the Greyhound Racing Authority (NSW) by amendments made by Schedule 1.6.) 5

1.23 Superannuation Administration Act 1996 No 39

[1] Section 67 Determination of disputes

Insert after section 67 (2): 10

- (3) Despite subsection (1), STC may not determine a dispute under the *Police Regulation (Superannuation) Act 1906* relating to or arising from a question of whether or not a member of the Police Service or a former member of the Police Service was hurt on duty. 15

[2] Schedule 3 Savings and transitional provisions

Omit clause 6. Insert instead:

6 References to State Superannuation Investment and Management Corporation

On and from the repeal of the 1991 Act, a reference in any Act (other than this Act) or in any instrument made under any Act or in any other instrument of any kind to the State Superannuation Investment and Management Corporation is to be read: 20

- (a) except as provided by paragraph (c), as a reference to STC or FTC, if the reference to the Corporation relates to any of its functions relating to the investment of any of the STC or FTC funds, respectively, or related functions, or 25

- (b) except as provided by paragraph (c), as a reference to SAA, if the reference relates to any of its functions relating to the administration of the STC Schemes, the Public Sector Executives Superannuation Scheme established under the *Public Sector Executives Superannuation Act 1989* or the First State Superannuation Scheme established under the *First State Superannuation Act 1992*, or 5
- (c) as a reference to AFMC, if the reference to the Corporation relates to any of its functions relating to any assets, rights or liabilities of the Corporation transferred to AFMC by clause 11. 10

[3] Schedule 3, clause 20 (3)

Omit "AFMC". 15
 Insert instead "STC, in relation to STC funds or related matters, or FTC, in relation to FTC funds or related matters".

[4] Schedule 3, clause 20 (5) and (6)

Insert after clause 20 (4):

- (5) Despite subclauses (3) and (4), a contract for the performance of services entered into with the Corporation by another person or body (other than the SAS Board or the PSES Board), and in force immediately before the repeal of the 1991 Act and relating to an asset, right or liability of the Corporation transferred to AFMC under clause 11, becomes, on the transfer, to the extent that it so relates, a contract entered into with AFMC. 20 25
- (6) Any contract for the performance of services entered into with the Corporation by the SAS Board or the PSES Board, and in force immediately before the repeal of the 1991 Act and relating to the scheme administration of the FTC or STC schemes or related matters, becomes, on the repeal of that Act, a contract for the performance of services entered into with SAA by FTC or STC, respectively. 30 35

[5] Schedule 4.13 [7]

Omit the item. Insert instead:

[7] Section 24 Additional Benefit Management Fund

Omit "section 9 or 10" from section 24 (2) where firstly occurring.
Insert instead "sections 12 and 20 of the *Superannuation Administration Act 1996*".

5

[6] Schedule 4.13 [14]

Omit the item. Insert instead:

[14] Section 68 Appeals against Board's determinations in disputes

Omit the section.

10

Commencement

The amendment to section 67 of the *Superannuation Administration Act 1996* is taken to have commenced on the date of introduction into Parliament of the Bill for this Act.

The amendments to Schedules 3 and 4 to the *Superannuation Administration Act 1996* are taken to have commenced on 1 July 1996 (the date of commencement of that Act).

15

Application to pending disputes

The amendment to section 67 of the *Superannuation Administration Act 1996* does not affect any dispute the subject of consideration by the SAS Trustee Corporation before the date of introduction into Parliament of the Bill for this Act.

20

Validation

Any payment purporting to have been made under section 69 of the *Public Sector Executives Superannuation Act 1989* between 1 July 1996 and the date of assent to this Act is validated.

25

Explanatory note

Item [1] of the proposed amendments amends section 67 (Determination of disputes) of the *Superannuation Administration Act 1996* so as to provide that the SAS Trustee Corporation (the STC) may not determine a dispute under the *Police Regulation (Superannuation) Act 1906* relating to whether a member of the Police Service was hurt on duty. This restores the position relating to dispute resolution that existed before the commencement of the *Superannuation Administration Act 1996*. (See section 43 (2) of the *Superannuation Administration Act 1991*.)

30

Item [2] provides for references to certain assets of the Superannuation Investment and Management Corporation to be construed as references to the statutory bodies to which those assets have been transferred and clarifies the application of the provision.

35

Items [3] and [4] provide for certain contracts for performance of services entered into by that Corporation to be taken to be entered into by the appropriate bodies replacing the Corporation, after the commencement of the *Superannuation Administration Act 1996*. The amendments adjust the previous provision to reflect the actual transfer of assets, rights and liabilities to Axiom Funds Management Corporation.

5

Items [5] and [6] correct incorporating directions.

1.24 Threatened Species Conservation Act 1995 No 101

[1] Section 35 Scientific Committee to review status of provisionally listed species

10

Omit “, population or ecological community” from section 35 (1).

[2] Section 50 Public authorities to have regard to critical habitat

Omit “(whether or not a map of the critical habitat is published at the same time)”.

[3] Section 53 Map of critical habitat to be prepared and published

15

Omit “On or as soon as practicable after” from section 53 (1).
Insert “Before”.

[4] Section 53 (1)

Omit “as so declared”. Insert instead “proposed to be declared”.

Commencement

20

The amendments to the *Threatened Species Conservation Act 1995* are taken to have commenced on 1 January 1996 (the date of commencement of that Act, except section 155 (2)).

Explanatory note

Provisional listing of species

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Division 4 of Part 2 of the *Threatened Species Conservation Act 1995* provides for the provisional listing of endangered species in Schedule 1 (Endangered species, populations and ecological communities) on an emergency basis. However, section 35, which deals with the review of the status of provisionally listed species refers to the “provisionally listed species, population or ecological community”.

30

Item [1] of the proposed amendments omits the superfluous words.

Critical habitat

Part 3 of the *Threatened Species Conservation Act 1995* makes the Director-General of National Parks and Wildlife responsible for identifying habitat that is critical to the survival of endangered species, populations and ecological communities (being those species, populations and ecological communities listed in Schedule 1 to the Act). The Director-General is responsible for recommending to the Minister that the habitat so identified be declared critical habitat, by notification published in the Gazette. 5

Items [3] and [4] of the proposed amendments remove an anomaly in section 53, which requires a map of a critical habitat to be prepared and published. At present, section 53 (2) requires the copy of the map to be published in the Gazette at the same time as the declaration of the critical habitat is published. Section 53 (1) states that the Director-General is to arrange for the preparation of the map *on or after* the publication of the declaration. 10 15

The proposed amendments make it clear that the map must be prepared before the publication of the declaration, so that the map and the declaration can be published concurrently. Item [2] makes a consequential amendment to section 50.

1.25 Water Act 1912 No 44

Section 20AB Issue of new entitlements 20

Insert “or under the *Irrigation Corporations Act 1994*” after “Part” in section 20AB (1).

Explanatory note

Division 4B of Part 2 of the *Water Act 1912* provides for the establishment of volumetric water allocation schemes. Section 20W of the Act empowers the Water Administration Ministerial Corporation to make an order declaring that any water source, and all of the entitlements (such as permits or licences) which authorise the taking of water from the water source, are subject to a volumetric water allocation scheme prepared under section 20X. One aspect of such a scheme is that a condition is attached to each entitlement, setting out the maximum quantity of water (determined in respect of the entitlement) that can be taken from the water source during any year. This is defined as a **water allocation**. 25 30

Irrigation corporation licences are issued under the *Irrigation Corporations Act 1994*. Those licences are treated as entitlements for the purposes of Division 4B of Part 2 of the *Water Act 1912* and can therefore participate in a new volumetric water allocation scheme, and be assigned a water allocation when a new scheme is prepared. 35

However, when a water allocation scheme is already in force in respect of a water source, the provisions of the *Water Act 1912* do not operate to require the Ministerial Corporation to assign a water allocation to a new irrigation corporation licence so as to authorise the taking of water from that water source. An allocation can only be made in those circumstances if the Ministerial Corporation (in its discretion) makes an order for the modification of an existing scheme.

5

The proposed amendment corrects this, so that the Ministerial Corporation will be required to impose a condition relating to water allocation in respect of a new irrigation corporation licence (as it does in respect of other entitlements). This will allow irrigation corporations to participate in volumetric water allocation schemes (regulated by Division 4B of Part 2 of the *Water Act 1912*) as well as in the transfer of water allocations (regulated by Division 4C of Part 2).

10

Schedule 2 Amendments by way of statute law revision

(Section 3)

2.1 Associations Incorporation Act 1984 No 143

Section 49 Effect of transfer of incorporation

5

Omit "Code" wherever occurring in section 49 (3) (a) and (b).
Insert instead "Law".

Explanatory note

The proposed amendment corrects incorrect references to the *Corporations Law*.

2.2 Attachment of Wages Limitation Act 1957 No 28

10

Schedule

Omit "Greyhound Racing Control Board."
Insert instead "Greyhound Racing Authority (NSW)."

Explanatory note

The proposed amendment updates a reference to a statutory authority. (The name of the Greyhound Racing Control Board is to be changed to the Greyhound Racing Authority (NSW) by amendments made by Schedule 1.6.)

15

2.3 Bookmakers (Taxation) Act 1917 No 15

[1] Section 2 Definitions

Omit "Greyhound Racing Control Board" from the definition of *Registration authority*.

20

Insert instead "Greyhound Racing Authority (NSW)".

[2] Section 35 Constitution of Committee

Omit "The Secretary, Greyhound Racing Control Board" from section 35 (1).

Insert instead "The chief executive, Greyhound Racing Authority (NSW)".

5

[3] Section 37 Minister may furnish information

Omit "Greyhound Racing Control Board".

Insert instead "Greyhound Racing Authority (NSW)".

Explanatory note

The proposed amendments update references to a statutory authority and statutory office. (The name of the Greyhound Racing Control Board is to be changed to the Greyhound Racing Authority (NSW) by amendments made by Schedule 1.6. The title of its Secretary is also changed to chief executive.)

10

2.4 Business Franchise Licences (Petroleum Products) Act 1987 No 94

15

[1] Section 21 Chief Commissioner

Omit "Secretary of the Department of Finance" from section 21 (3).

Insert instead "Executive Director, Office of State Revenue".

[2] Section 22 Deputy Chief Commissioner

Omit "Deputy Secretary of the Department of Finance" from section 22 (2).

20

Insert instead "Director, Revenue Advisory Services, Office of State Revenue,".

- [3] Sections 23 (1) and 24, Schedule 1, clause 7 and Schedule 3, clause 2 (2)**
- Omit “*Public Service Act 1979*” wherever occurring.
Insert instead “*Public Sector Management Act 1988*”.
- Explanatory note** 5
- The proposed amendments update references to certain office holders and to a repealed Act. (The *Administrative Changes (State Revenue) Order 1994* provides for the construction of references to the Secretary and Deputy Secretary of the former Department of Finance.)
- 2.5 Business Licences Act 1990 No 72** 10
- [1] Section 40 Director of Business Licences**
- Omit “Managing Director of Business and Consumer Affairs” from section 40 (1).
Insert instead “Director-General of the Department of Fair Trading”.
- [2] Section 40 (2)** 15
- Insert “(as Director of Business Licences)” after “functions”.
- Explanatory note**
- The proposed amendments update a reference to a statutory office and make a consequential amendment. (The *Administrative Changes (Commissioner for Consumer Affairs) Order 1991* and the *Public Sector Management—Administrative Changes (Fair Trading) Order 1995* provide for references to the Managing Director of Business and Consumer Affairs to be construed in this way.) 20
- 2.6 Community Land Development Act 1989 No 201**
- [1] Section 3 Definitions**
- Omit the definition of *Commissioner* from section 3 (1). 25

[2] Section 40 Recording of certain orders

Omit "Commissioner" from section 40 (5) (a).
Insert instead "Director-General of the Department of Fair Trading".

Explanatory note

Item [1] of the proposed amendments omits a redundant definition. 5
Item [2] updates a reference to a redundant office. (The *Public Sector Management—Administrative Changes (Fair Trading) Order 1995* provides for a reference in any document to the Community Schemes Commissioner to be construed as a reference to the Director-General of the Department of Fair Trading.) 10

2.7 Conveyancing Act 1919 No 6

Section 163E Initial unsoundness of mind

Omit "was given" from section 163E (5) (a) (i).
Insert instead "gave".

Explanatory note

The proposed amendment corrects a grammatical error. 15

2.8 Dog Act 1966 No 2

Section 5 Liability of owners of dogs

Omit "Greyhound Racing Control Board constituted under Part 4A of the *Gaming and Betting Act 1912*" from section 5 (2) (a). 20
Insert instead "Greyhound Racing Authority (NSW)".

Explanatory note

The proposed amendment updates a reference to a statutory authority. (The name of the Greyhound Racing Control Board is to be changed to the Greyhound Racing Authority (NSW) by amendments made by Schedule 1.6.) 25

**2.9 Environmental Planning and Assessment Act 1979
No 203**

Schedule 6 Savings, transitional and other provisions

Omit "section 26 (g)" from clause 5.
Insert instead "section 26 (1) (g)".

5

Explanatory note

The proposed amendment corrects a cross-reference.

**2.10 Environmental Planning and Assessment Amendment
Act 1996 No 44**

**Schedule 10 Amendments for the purpose of statute law
revision**

10

Omit Schedule 10 [2]. Insert instead:

[2] Section 26 Contents of environmental planning instruments

Omit section 26 (1) (g). Insert instead:

(g) controlling advertising,

15

Explanatory note

The proposed amendment corrects an incorporation direction.

2.11 Environmentally Hazardous Chemicals Act 1985 No 14

Schedule 1 Provisions relating to the Committee

Omit clause 2 (h). Insert instead:

20

(h) one shall be an officer of the Department of Fair
Trading for the time being nominated by the
Minister for Fair Trading,

Explanatory note

The proposed amendment updates a reference to a Department and a Minister.
(The *Public Sector Management—Administrative Changes (Fair Trading) Order
1995* provides for a reference in any document to the Department of Consumer
Affairs to be construed as a reference to the Department of Fair Trading.)

25

**2.12 Financial Institutions (Miscellaneous Amendments) Act
1996 No 24**

Schedule 1 Amendments

Omit Schedule 1.85 [2] and [3]. Insert instead:

[2] Clause 16 (1) (c)

5

Insert “, building society or credit union” after “bank”.

[3] Clause 16 (1) (d) and (h)

Insert “, building society, credit union” after “bank” wherever occurring.

Explanatory note

10

The proposed amendment corrects incorporation directions.

2.13 First State Superannuation Act 1992 No 100

Schedule 1 Employers

Omit “Greyhound Racing Control Board” from Part 1.

Insert instead “Greyhound Racing Authority (NSW)”.

15

Explanatory note

The proposed amendment updates a reference to a statutory authority. (The name of the Greyhound Racing Control Board is to be changed to the Greyhound Racing Authority (NSW) by amendments made by Schedule 1.6.)

2.14 Gaming and Betting Act 1912 No 25

20

**Section 57F Certain persons prohibited from entering
racecourses**

Omit “Greyhound Racing Control Board” from the definition of *racing authority* in section 57F (3).

Insert instead “Greyhound Racing Authority (NSW)”.

25

Explanatory note

The proposed amendment updates a reference to a statutory authority. (The name of the Greyhound Racing Control Board is to be changed to the Greyhound Racing Authority (NSW) by amendments made by Schedule 1.6.)

- 2.15 Government and Related Employees Appeal Tribunal Act 1980 No 39**
- Schedule 4 Employing authorities**
- Omit "Greyhound Racing Control Board."
Insert instead "Greyhound Racing Authority (NSW)." 5
- Explanatory note**
The proposed amendment updates a reference to a statutory authority. (The name of the Greyhound Racing Control Board is to be changed to the Greyhound Racing Authority (NSW) by amendments made by Schedule 1.6.)
- 2.16 Lotteries and Art Unions Act 1901 No 34** 10
- Section 4D Sweepstakes in relation to the Melbourne Cup and other events**
- Omit "*Greyhound Racing Control Board Act 1985*" from paragraph (f) of the definition of *prescribed organisation* in section 4D (1).
Insert instead "*Greyhound Racing Authority Act 1985*". 15
- Explanatory note**
The proposed amendment updates a reference to an Act. (The name of the *Greyhound Racing Control Act 1985* is to be changed to the *Greyhound Racing Authority Act 1985* by amendments made by Schedule 1.6.)
- 2.17 Motor Dealers Act 1974 No 52** 20
- [1] Long title**
- Omit "Commissioner for Consumer Affairs".
Insert instead "Director-General of the Department of Fair Trading".
- [2] Section 11 Investigation of application**
- Omit "Commissioner for Consumer Affairs" wherever occurring in section 11 (2). 25
Insert instead "Director-General of the Department of Fair Trading".

Explanatory note

The proposed amendments update references to a redundant statutory office. (The *Public Sector Management—Administrative Changes (Fair Trading) Order 1995* provides for a reference in any document to the Department of Consumer Affairs or the Commissioner for Consumer Affairs to be construed as a reference to the Department of Fair Trading or to the Director-General of the Department of Fair Trading, respectively.)

5

2.18 New South Wales Retirement Benefits Act 1972 No 70

Schedule 2

Omit the matter relating to the Greyhound Racing Control Board from the First and Second Columns.

10

Insert instead:

Greyhound Racing Authority (NSW)	All persons employed by the Authority
-------------------------------------	--

Explanatory note

The proposed amendment updates a reference to a statutory authority. (The name of the Greyhound Racing Control Board is to be changed to the Greyhound Racing Authority (NSW) by amendments made by Schedule 1.6.)

15

2.19 Prisons Amendment Act 1996 No 25

[1] Schedule 5 Amendment of Prisons Act 1952 relating to penal terminology

20

Omit Schedule 5 [87]. Insert instead:

[87] Section 37A (4) and (5)

Omit “prison officer”, “a prisoner”, “the prisoner”, “prisoners”, “at a prison” and “from a prison” wherever occurring.

25

Insert instead “correctional officer”, “an inmate”, “the inmate”, “inmates”, “at a correctional centre” and “from a correctional centre” respectively.

Statute Law (Miscellaneous Provisions) Bill (No 2) 1996

Schedule 2 Amendments by way of statute law revision

- [2] Schedule 5 [105]**
- Omit the item. Insert instead:
[105] Section 45A (2)
Omit "governor of a prison", "prison or prison complex", "prisons and prison complexes", "prisoners" and "prisoner" wherever occurring. 5
Insert instead "governor of a correctional centre", "correctional centre or correctional complex", "correctional centres and correctional complexes", "inmates" and "inmate" respectively.
- [3] Schedule 5 [115]** 10
- Omit the item. Insert instead:
[115] Section 50 (1) (n) and (o)
Omit "prison officers" and "prison or prison complex" wherever occurring.
Insert instead "correctional officers" and "correctional centre or correctional complex" respectively. 15
- Explanatory notes**
The proposed amendments correct incorporating directions.
- 2.20 Public Authorities Superannuation Act 1985 No 41**
- Schedule 3 Employers** 20
- Omit "The Greyhound Racing Control Board." from Part 2.
Insert instead "The Greyhound Racing Authority (NSW).".
- Explanatory note**
The proposed amendment updates a reference to a statutory authority. (The name of the Greyhound Racing Control Board is to be changed to the Greyhound Racing Authority (NSW) by amendments made by Schedule 1.6.) 25

2.21 Public Finance and Audit Act 1983 No 152

Schedule 2 Statutory bodies

Omit "Greyhound Racing Control Board."
Insert instead "Greyhound Racing Authority (NSW)."

Explanatory note

The proposed amendment updates a reference to a statutory authority. (The name of the Greyhound Racing Control Board is to be changed to the Greyhound Racing Authority (NSW) by amendments made by Schedule 1.6.)

5

**2.22 Public Sector Executives Superannuation Act 1989
No 106**

10

[1] Section 3 Definitions

Omit the definition of *Management Account* from section 3 (1).

[2] Sections 22 (3) (a) and 69 (1)

Omit "the Board" wherever occurring. Insert instead "FTC".

[3] Section 59 Limits on liability of FTC and associated persons

15

Omit "section 9 or 10" from section 59 (5) (d).
Insert instead "section 12 of the *Superannuation Administration Act 1996*".

Explanatory note

Item [1] of the proposed amendments omits a redundant definition.

Item [2] updates references to a statutory authority.

Item [3] updates a cross-reference.

20

2.23 Public Sector Management Act 1988 No 33

[1] Schedule 3 Declared authorities

Omit "Greyhound Racing Control Board."
Insert instead "Greyhound Racing Authority (NSW)."

25

[2] Schedule 3A Chief executive positions

Omit "Secretary of the Greyhound Racing Control Board" from Part 3.

Insert instead "chief executive of the Greyhound Racing Authority (NSW)".

5

Explanatory note

The proposed amendments update references to a statutory authority and a statutory office. (The name of the Greyhound Racing Control Board is to be changed to the Greyhound Racing Authority (NSW) by amendments made by Schedule 1.6. The title of its Secretary is also changed to chief executive.)

10

2.24 Rural Workers Accommodation Act 1969 No 34

[1] The whole Act (except section 3)

Omit "Director-General" or "Director-General's" wherever occurring.

Insert instead "General Manager" or "General Manager's" respectively.

15

[2] Section 3 Definitions

Omit "Director-General" from the definition of *approved* in section 3 (1).

Insert instead "General Manager".

20

[3] Section 3 (1) definition of "Director-General"

Omit the definition.

Insert instead in alphabetical order:

General Manager means the General Manager of the WorkCover Authority.

25

Explanatory note

The proposed amendments replace references to an office. (That reference was wrongly substituted by the *Statute Law (Miscellaneous Provisions) Act 1996*.)

2.25 Statute Law (Miscellaneous Provisions) Act 1996 No 30

[1] Schedule 3 Amendments replacing gender-specific language

Omit "Chairman" from Schedule 3.31 [14].
Insert instead "chairman".

[2] Schedule 3.31 [16]

5

Omit the item. Insert instead:

[16] Section 19

Omit "he" wherever occurring. Insert instead "the person".

[3] Schedule 3.36 [2A]

Insert after Schedule 3.36 [2]:

[2A] Sections 6 (2) (a) and 6B (1) (a)

Omit "he" wherever occurring. Insert instead "the Secretary".

10

[4] Schedule 3.36 [5]

Omit the item. Insert instead:

[5] Sections 6 (4) (b) and (5A) and 6B (5)

Omit "he" wherever occurring. Insert instead "the respondent".

15

[5] Schedule 3.36 [8], [9]

Omit Schedule 3.36 [8]. Insert instead:

[8] Section 6A (1A) (a)

Omit "he" where firstly occurring. Insert instead "the Secretary".

[9] Section 6A (1A)

Omit "he" where secondly, thirdly, fourthly and fifthly occurring.
Insert instead "that person".

20

Explanatory note

The proposed amendments correct incorporation directions made when gender-specific language was removed from certain Acts.

25

2.26 Stock (Chemical Residues) Amendment Act 1996 No 21

Schedule 1 Amendments

Omit Schedule 1 [18]. Insert instead:

[18] Section 14 Evidence

Omit “an officer prescribed for the purposes of section 8 (1) or an inspector” wherever occurring in section 14 (3). 5

Insert instead “an inspector or a delegate of the Minister”.

Explanatory note

The proposed amendment corrects an incorporating direction.

2.27 Strata Titles Act 1973 No 68 10

Section 5 Definitions

Omit “Department of Consumer Affairs” from the definition of *Commissioner* in section 5 (1).

Insert instead “Department of Fair Trading”.

Explanatory note 15

The proposed amendment updates a reference to a Department. (The *Public Sector Management—Administrative Changes (Fair Trading) Order 1995* provides for a reference in any document to the Department for Consumer Affairs to be construed as a reference to the Department of Fair Trading.)

2.28 Strata Titles (Leasehold) Act 1986 No 219 20

Section 4 Definitions

Omit “Department of Consumer Affairs” from the definition of *Commissioner* in section 4 (1).

Insert instead “Department of Fair Trading”.

Explanatory note 25

The proposed amendment updates a reference to a Department. (The *Public Sector Management—Administrative Changes (Fair Trading) Order 1995* provides for a reference in any document to the Department for Consumer Affairs to be construed as a reference to the Department of Fair Trading.)

**2.29 Superannuation Legislation (Amendment) Act 1992
No 35**

Schedule 2 Other amendments

Omit item (1) of the amendments to the *State Authorities Superannuation Act 1987 No 211*.

5

Explanatory note

The proposed amendment repeals an uncommenced amendment that was intended to insert certain definitions of terms that were used only in provisions that have since been repealed.

2.30 Totalizator Act 1916 No 75

10

Section 19A Racecourse Development Fund

Omit "Greyhound Racing Control Board" from section 19A (5) (e).
Insert instead "Greyhound Racing Authority (NSW)".

Explanatory note

The proposed amendment updates a reference to a statutory authority. (The name of the Greyhound Racing Control Board is to be changed to the Greyhound Racing Authority (NSW) by amendments made by Schedule 1.6.)

15

2.31 Totalizator (Off-course Betting) Act 1964 No 1

[1] Sections 3 (2) (e) and (6) (j), 14 (3) (c), 14B (1) and 16

Omit "Greyhound Racing Control Board" wherever occurring.
Insert instead "Greyhound Racing Authority (NSW)".

20

[2] Section 3 (2) (e)

Omit "that Board". Insert instead "that Authority".

Explanatory note

The proposed amendments update references to a statutory authority. (The name of the Greyhound Racing Control Board is to be changed to the Greyhound Racing Authority (NSW) by amendments made by Schedule 1.6.)

25

2.32 Travel Agents Act 1986 No 5

[1] Section 9 Investigation of application

Omit "Commissioner for Consumer Affairs" wherever occurring in section 9 (2).

Insert instead "Director-General of the Department of Fair Trading". 5

[2] Section 20 Notices to show cause

Omit "Commissioner for Consumer Affairs" where firstly occurring in section 20 (7).

Insert instead "Director-General of the Department of Fair Trading".

[3] Section 20 (7)

10

Omit "Commissioner for Consumer Affairs" where secondly and thirdly occurring.

Insert instead "Director-General".

Explanatory note

The proposed amendments update references to a redundant office. (The *Public Sector Management—Administrative Changes (Fair Trading) Order 1995* provides for a reference in any document to the Commissioner for Consumer Affairs to be construed as a reference to the Director-General of the Department of Fair Trading.)

15

2.33 WorkCover Legislation Amendment Act 1995 No 89

20

Schedule 2 Amendment of Occupational Health and Safety Act 1983

Omit items [2]–[7]. Insert instead:

[2] Section 15 Employers to ensure health, safety and welfare of their employees

25

Insert after section 15 (3) (before the matter relating to maximum penalties):

- (4) If in proceedings against a person for an offence against this section the court is not satisfied that the person contravened this section but is satisfied that the act or omission concerned constituted a contravention of section 16, the court may convict the person of an offence against that section.

30

[3] Section 15

Omit "2,500". Insert instead "5,000".

[4] Section 15

Omit "250". Insert instead "500".

[5] Section 16 Employers and self-employed persons to ensure health and safety of persons other than employees at places of work

5

Insert after section 16 (2) (before the matter relating to maximum penalties):

- (3) If in proceedings against a person for an offence against this section the court is not satisfied that the person contravened this section but is satisfied that the act or omission concerned constituted a contravention of section 15, the court may convict the person of an offence against that section.

10

[6] Section 16

Omit "2,500". Insert instead "5,000".

15

[7] Section 16

Omit "250". Insert instead "500".

Explanatory note

The proposed amendment corrects incorporation directions.

20

Schedule 3 Amendments replacing gender-specific language

(Section 3)

Explanatory note

The amendments proposed to be made by this Schedule replace gender-specific language with gender-neutral language. 5

- 3.1 Aboriginal Land Rights Act 1983 No 42**
- [1] **Section 36 (5) (a)**
Omit "he". Insert instead "the Crown Lands Minister".
- [2] **Sections 37 (4), 43 (1), 50 (2) and 58 (3)** 10
Omit "he" wherever occurring. Insert instead "the Minister".
- [3] **Section 43 (1)**
Omit "his".
- [4] **Section 48 (3)**
Omit "him" wherever occurring. Insert instead "the Registrar". 15
- [5] **Section 50 (2)**
Omit "his". Insert instead "the Minister's".
- [6] **Section 52 (2)**
Omit "in his ministerial capacity".
Insert instead "in the capacity of a Minister". 20
- [7] **Section 59 (1)**
Omit "his". Insert instead "the Registrar's".
- [8] **Schedule 4, clause 3 (1) (e)**
Omit "him". Insert instead "the Minister".
- 3.2 Air Transport Act 1964 No 36** 25
- [1] **Section 3 (1B)**
Omit "his".
- [2] **Section 3 (1B)**
Omit "him". Insert instead "the Minister".
- [3] **Section 4 (2), (4) and (6)** 30
Omit "him" wherever occurring. Insert instead "the person".
- [4] **Section 4 (3)**
Omit "his". Insert instead "the person's".
- [5] **Sections 4 (3), 9 and 18**
Omit "he" wherever occurring. Insert instead "the person". 35
- [6] **Sections 6 (3) and 8 (1)**
Omit "to him" wherever occurring.

[7]	Section 6 (3) (d) Omit "his". Insert instead "the applicant's".	
[8]	Section 8 (1) and (3) Omit "he" wherever occurring. Insert instead "the Minister".	
[9]	Section 8 (4) Omit "on him".	5
3.3 Albury-Wodonga Development Act 1974 No 47		
[1]	Sections 6 (4) and 37 (9) Omit "he" wherever occurring. Insert instead "the Minister".	
[2]	Sections 12 (1) and 39 (6) Omit "his" wherever occurring. Insert instead "the".	10
[3]	Section 25 (1) (b) Omit "he". Insert instead "the Governor".	
[4]	Section 29 Omit "he". Insert instead "the Treasurer".	15
[5]	Section 34 (1) Omit "who may refer the matter for inquiry to some person appointed by him in that behalf, or may himself make an inquiry". Insert instead "who may make an inquiry or may refer the matter for inquiry to a person appointed by the Minister".	20
[6]	Section 34 (2) Omit "to him".	
[7]	Section 36 (1) and (2) Omit "his" wherever occurring.	
[8]	Sections 36 (1), (2) and (6) and 37 (3) and (4) Omit "he" wherever occurring. Insert instead "the person".	25
[9]	Section 36 (1) (a) and (2) (a) Omit "an advantage for himself" wherever occurring. Insert instead "a personal advantage".	
[10]	Section 37 (1), (2), (12) (b) and (13) Omit "he" wherever occurring. Insert instead "the member".	30
[11]	Section 37 (1) Omit "his". Insert instead "the member's".	
[12]	Section 37 (4) (a) Omit "his". Insert instead "the person".	35
[13]	Section 37 (5) (a) Omit "him". Insert instead "the person".	
[14]	Section 37 (7) Omit "he or his" wherever occurring. Insert instead "the member or the member's".	40

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Schedule 3 Amendments replacing gender-specific language

[15]	Section 37 (7) Omit "his interest". Insert instead "the member's interest".	
[16]	Sections 37 (11) (b) and 40 (2) Omit "him" wherever occurring. Insert instead "the Minister".	
[17]	Section 37 (12) (b) Omit "his". Insert instead "that".	5
[18]	Section 37 (13) Omit "him" wherever occurring. Insert instead "the member".	
3.4	Animals Act 1977 No 25	
	Section 10 (1) (b) Omit "him". Insert instead "the other person".	10
3.5	Broken Hill to South Australian Border Railway Agreement Act 1968 No 59	
[1]	Section 8 (3) (b) Omit "he". Insert instead "the Commissioner".	15
[2]	Section 8 (4) and (6) Omit "him" wherever occurring. Insert instead "the Commissioner".	
3.6	Chipping Norton Lake Authority Act 1977 No 38	
[1]	Section 12 (7) Insert "or her" after "his".	20
[2]	Section 17 (3) Omit "he". Insert instead "the Minister".	
3.7	Compensation to Relatives Act 1897 No 31	
[1]	Section 6 Omit "his". Insert instead "the defendant's".	25
[2]	Section 6B (1) Omit "his". Insert instead "the person's".	
3.8	Constitution Further Amendment (Referendum) Act 1930 No 2	
[1]	Sections 5 (2) (a) and (e) and 26 (1) Omit "his" wherever occurring. Insert instead "the returning officer's".	30
[2]	Sections 5 (2) (c), 37, 39 and 41 Omit "his" wherever occurring. Insert instead "the elector's".	
[3]	Section 9 (a) Omit "him". Insert instead "the Electoral Commissioner".	
[4]	Sections 14 (2), 20 (1) (c), 21, 38 (a) and 40 (a) (i) Insert "or her" after "his" wherever occurring.	35

[5]	Sections 14 (2) and 39 Omit "he" wherever occurring. Insert instead "the elector".	
[6]	Section 16 (b) Omit "him". Insert instead "the elector".	
[7]	Section 16 (c) Omit "him" wherever occurring. Insert instead "the person".	5
[8]	Section 22 Omit "his" wherever occurring. Insert instead "the deputy's".	
[9]	Sections 22 (c) and 23 Omit "him" wherever occurring. Insert instead "the deputy".	10
[10]	Section 23 Insert "or herself" after "himself".	
[11]	Section 24 Omit "he himself". Insert instead "the returning officer personally".	
[12]	Sections 24 and 25 (2) Omit "him" wherever occurring. Insert instead "the returning officer".	15
[13]	Section 25 Omit "he" wherever occurring. Insert instead "the returning officer".	
[14]	Section 25 (1) Omit "his" where firstly occurring. Insert instead "the returning officer's".	20
[15]	Section 25 (1) Omit "He". Insert instead "The returning officer".	
[16]	Section 25 (1) Omit "his" where secondly occurring. Insert instead "that".	
[17]	Sections 26 (1) and 27 (1) Omit "he" wherever occurring. Insert instead "the Electoral Commissioner".	25
[18]	Section 39 Insert "or herself" after "himself".	
3.9	Constitution (Public Service) Amendment Act 1916 No 45	
[1]	Long title and section 2 (2) Insert "or her" after "his" wherever occurring.	30
[2]	Section 3 Omit "his" wherever occurring. Insert instead "the officer's".	
3.10	Contracts Review Act 1980 No 16	
[1]	Sections 6 (2), 12 (2), and 18 (1) (b) Omit "him" wherever occurring. Insert instead "the person".	35
[2]	Sections 9 (2) (e) and 17 (1) Insert "or her" after "his" wherever occurring.	

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Schedule 3 Amendments replacing gender-specific language

- [3] **Section 9 (2) (e) (ii)**
Insert "or she" after "he".
- [4] **Section 9 (3)**
Omit "he". Insert instead "the person".
- [5] **Section 18 (1) (b)** 5
Omit "his". Insert instead "the person's".
- 3.11 Conversion of Cemeteries Act 1974 No 17**
- [1] **Section 7 (1)**
Insert "or her" after "his".
- [2] **Section 7 (2)** 10
Omit "his". Insert instead "the objector's".
- [3] **Section 9 (1)**
Omit "he". Insert instead "the Minister".
- [4] **Section 9 (1)**
Omit "his". Insert instead "the Minister's". 15
- [5] **Section 13 (2) (c) (ii)**
Omit "him". Insert instead "the Minister".
- 3.12 Council of Law Reporting Act 1969 No 59**
- [1] **Section 3 (2)**
Insert "or her" after "his". 20
- [2] **Section 3 (2)**
Insert "or she" after "he".
- [3] **Section 3 (4) (a)**
Omit "his".
- [4] **Sections 3 (4) (b), 4 (1) (b) and 6 (2)** 25
Insert "or her" after "his" wherever occurring.
- [5] **Section 4 (1)**
Omit "his office" wherever occurring. Insert instead "office".
- [6] **Section 4 (1)**
Omit "he" wherever occurring. Insert instead "the member". 30
- [7] **Section 4 (1) (e)**
Omit "his hand". Insert instead "the member's hand".
- [8] **Sections 6 (1), (2) and (4) and 9 (2) (b)**
Omit "chairman" wherever occurring. Insert instead "chairperson".
- [9] **Section 6 (2)** 35
Omit "he". Insert instead "the chairperson".

3.13	Country Industries (Pay-roll Tax Rebates) Act 1977 No 79	
[1]	Section 4 definition of "Director" Omit "his". Insert instead "that".	
[2]	Section 5 (1) Omit "he". Insert instead "the person".	5
[3]	Sections 5 (2) and (3) and 14 (1) (a) and (c) Omit "he" wherever occurring. Insert instead "the Minister".	
[4]	Section 6 (1) and (2) (b) Omit "he" wherever occurring. Insert instead "the employer".	
[5]	Section 6 (2) (a) Omit "him". Insert instead "the employer".	10
[6]	Section 6 (3) Omit "his". Insert instead "the".	
[7]	Section 8 (2) Insert "or she" after "he".	15
[8]	Section 9 Omit "he". Insert instead "the predecessor".	
[9]	Sections 9 and 15 Insert "or her" after "his" wherever occurring.	
[10]	Sections 10 (1) (a) and 15 Omit "him" wherever occurring. Insert instead "the Minister".	20
[11]	Section 10 (1) Omit "he in his judgment considers". Insert instead "the Minister judges to be".	
[12]	Section 10 (1) Omit "he" where secondly occurring. Insert instead "the Minister".	25
[13]	Section 12 Omit "him". Insert instead "the person".	
[14]	Section 14 (1) Omit "him" where firstly occurring. Insert instead "the person".	
[15]	Section 14 (1) Omit "him" where secondly occurring. Insert instead "the Minister".	30
[16]	Section 16 Omit "him". Insert instead "the Director".	
3.14	Credit (Finance Brokers) Act 1984 No 96	
[1]	Section 5 Insert "or her" after "his".	35
[2]	Sections 7 (3) and 11 (1) (a) Omit "him" wherever occurring. Insert instead "the finance broker".	

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3.15	Crimes (Offences at Sea) Act 1980 No 145	
[1]	Section 3 (1) definition of "omission" Omit "him". Insert instead "the person".	
[2]	Section 3 (4) Omit "he". Insert instead "the person".	5
[3]	Section 5 (a) Omit "it or he". Insert instead "the authority".	
[4]	Section 5 Omit "its or his". Insert instead "the authority's".	
[5]	Section 6 (1) (c) Omit "he". Insert instead "the survivor".	10
[6]	Section 8 (2) and (3) Omit "his" wherever occurring.	
[7]	Section 8 (2) Omit "he". Insert instead "the Attorney General".	15
[8]	Section 12 (1) Omit "his". Insert instead "the Judge's".	
[9]	Section 12 (1) Omit "him". Insert instead "the Judge".	
[10]	Section 12 (1) and (3) Omit "he" wherever occurring. Insert instead "the Judge".	20
[11]	Section 12 (2) (a) Omit "his" wherever occurring. Insert instead "the person's".	
3.16	Domicile Act 1979 No 118	
[1]	Sections 6, 7 (1) and 10 Omit "he" wherever occurring. Insert instead "the person".	25
[2]	Section 8 (2) Insert "or her" after "his" where firstly occurring.	
[3]	Section 8 (2) Omit "his" where secondly occurring. Insert instead "the child's".	30
[4]	Section 8 (2) Omit "his" where thirdly occurring. Insert instead "the".	
[5]	Section 8 (3) Omit "his" wherever occurring. Insert instead "the child's".	
[6]	Section 8 (3) and (5) Omit "he" wherever occurring. Insert instead "the child".	35
[7]	Section 8 (4) Omit "his parents" wherever occurring. Insert instead "the parents".	

[8]	Section 8 (4) (a) Omit the paragraph. Insert instead: (a) the child commences to have his or her principal home with the other parent, or	
[9]	Section 9 Insert "or her" after "his".	5
3.17 Encroachment of Buildings Act 1922 No 23		
[1]	Sections 3 (2) (b) and 5 (1) Omit "him" wherever occurring. Insert instead "the encroaching owner".	
[2]	Section 3 (3) (e) Omit "he". Insert instead "the encroaching owner".	10
[3]	Section 5 (1) Insert "or her" after "his".	
3.18 Frustrated Contracts Act 1978 No 105		
[1]	Section 11 (1) definitions of "incidental gain" and "reasonable cost" and section 13 (2) Omit "him" wherever occurring. Insert instead "that party".	15
[2]	Section 13 (2) Omit "he". Insert instead "the performing party".	
3.19 Institute of Rural Studies Act 1973 No 54		
[1]	Section 3 (1) definitions of "Chairman" and "Deputy Chairman" Omit the definitions. Insert instead: <i>Chairperson</i> means the Chairperson of the Institute. <i>Deputy Chairperson</i> means the Deputy Chairperson of the Institute.	20
[2]	Section 4 (2) Omit "his". Insert instead "the member's".	25
[3]	Section 5 Chairperson and Deputy Chairperson Omit "Chairman" wherever occurring. Insert instead "Chairperson".	
[4]	Sections 5 (3), (5), (6) and (7), 6 (2) and 7 (1) (b) and (c) Insert "or her" after "his" wherever occurring.	30
[5]	Section 5 (8) Insert "or she" after "he".	
[6]	Section 6 (1) Omit "his".	
[7]	Sections 6 (2) and 7 (1) Omit "he" wherever occurring. Insert instead "the member".	35

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[8]	Sections 6 (4) and 7 (1) (b) Omit "him" wherever occurring. Insert instead "the member".	
[9]	Section 7 (1) Omit "his office" wherever occurring. Insert instead "office".	
[10]	Section 7 (1) (f) Omit "his hand". Insert instead "his or her hand".	5
[11]	Section 7 (2) Omit "him". Insert instead "the Governor".	
[12]	Section 8 (4) and (5) Omit "Chairman" wherever occurring. Insert instead "Chairperson".	10
[13]	Section 8 (4) Omit "his". Insert instead "the Chairperson's".	
3.20	Landlord and Tenant (Rental Bonds) Act 1977 No 44	
[1]	Section 4 (1) definitions of "lessee" and "lessor", sections 15, 31 (2) and 32 and Schedule 1, clauses 1 (7) and 7 Insert "or her" after "his" wherever occurring.	15
[2]	Section 6 (2) and (3) Omit "his" wherever occurring. Insert instead "the member's".	
[3]	Section 8 (1) Omit "(by himself or his agent)". Insert instead ", or the lessor's agent,".	20
[4]	Section 10 (3) (a) Omit "he". Insert instead "the lessor".	
[5]	Section 10 (3) (b) Omit "he". Insert instead "the lessee".	
[6]	Section 11 (4) Omit "himself". Insert instead "that lessor".	25
[7]	Section 11 (5) Omit "himself". Insert instead "that lessee".	
[8]	Section 11 (7) (a) Omit "him". Insert instead "the lessee".	30
[9]	Section 11 (7) (a) Omit "he". Insert instead "the lessee".	
[10]	Section 11 (8) (a) Omit "him". Insert instead "the lessor".	
[11]	Section 11 (8) (a) Omit "he". Insert instead "the lessor".	35
[12]	Section 11 (13) Omit "him". Insert instead "that lessor or lessee".	

[13]	Section 12 Omit "his" wherever occurring. Insert instead "the lessor's".	
[14]	Section 13 (1) (a) Omit "he". Insert instead "the officer".	
[15]	Section 13 (1) (b) Omit "him". Insert instead "the person".	5
[16]	Section 13 (1) (c) Omit "his". Insert instead "the person's".	
[17]	Section 13 (5) Omit "he" wherever occurring. Insert instead "the person".	10
[18]	Section 28 (2) Omit "by himself or his agent". Insert instead "or the lessor's agent".	
[19]	Section 28 (3) Omit "his". Insert instead "the lessee's".	
[20]	Section 30 (2) and Schedule 1, clause 1 (8) Omit "him" wherever occurring. Insert instead "the Minister".	15
[21]	Schedule 1, clause 1 (3) and (7) (e) Omit "him" wherever occurring. Insert instead "the member".	
[22]	Schedule 1, clauses 1 (4)–(6) and 2 (1) Omit "his" wherever occurring. Insert instead "the member's".	20
[23]	Schedule 1, clause 1 (7) Omit "he" wherever occurring. Insert instead "the member".	
[24]	Schedule 1, clause 4 (4) Omit "his". Insert instead "the Chairperson's".	
3.21	Law Reform (Miscellaneous Provisions) Act 1965 No 32	25
[1]	Section 10 (1) Omit "his own". Insert instead "the person's own".	
[2]	Section 10 (1) (c) Omit "him against his". Insert instead "the claimant against his or her".	
[3]	Section 10 (1) (c) and (d) Omit "recoverable by him" wherever occurring. Insert instead "recoverable by the claimant".	30
[4]	Section 10 (1) (d) Insert "or her" after "his".	
[5]	Section 10 (1) (e) Omit "himself". Insert instead "the claimant".	35
[6]	Section 10 (1) (e) Omit "his" wherever occurring. Insert instead "the claimant's".	

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- [7] **Section 10 (1) (e)**
Omit "him". Insert instead "the claimant".
- [8] **Section 10 (5)**
Omit "his". Insert instead "the person's".
- [9] **Section 10 (5)** 5
Omit "he". Insert instead "the person".
- 3.22 Law Reform (Vicarious Liability) Act 1983 No 38**
- [1] **Section 5 (1) definition of "independent function" and section 7 (b)**
Omit "his" wherever occurring. Insert instead "the servant's".
- [2] **Section 7** 10
Omit "his" where firstly occurring. Insert instead "the master's".
- [3] **Section 7 (a)**
Omit "his" where firstly and thirdly occurring. Insert instead "the servant's".
- [4] **Section 7 (a)**
Insert "or her" after "his" where secondly and fourthly occurring. 15
- [5] **Section 7 (a)**
Omit "he". Insert instead "the servant".
- [6] **Section 8 (1) (a) and (2) (a)**
Omit "his" wherever occurring. Insert instead "the person's".
- [7] **Section 8 (1) (a) and (2) (b)** 20
Omit "he" wherever occurring. Insert instead "the person".
- [8] **Section 8 (2) (a)**
Omit "him". Insert instead "the person".
- 3.23 Loan Fund Companies Act 1976 No 94**
- [1] **Section 4 (1) definition of "executive officer" and sections 9 (3) and (8), 12 (3), 21 (1) and (2), 22 (3) (b), 42 (5), 43 (6), 46 (2) and 51 (3) (a) and (9)** 25
Omit "he" wherever occurring. Insert instead "the person".
- [2] **Sections 4 (2) (a) (i), 16 (b) (i), 17 (5), 19 (3) and (4), 39 (2) and 42 (1)** 30
Omit "him" wherever occurring. Insert instead "the holder".
- [3] **Sections 4 (2) (a) (ii) and 19 (3) and (4)**
Omit "he" wherever occurring. Insert instead "the holder".
- [4] **Section 6 (2) and (3)**
Omit "his" wherever occurring. Insert instead "the Deputy Supervisor's". 35
- [5] **Section 7 (3) and (4)**
Omit "his" wherever occurring. Insert instead "the inspector's".

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| [6] | Section 7 (4)
Omit "him". Insert instead "the inspector". | |
| [7] | Sections 8 (1), 51 (1) (a) and (8), 52 (1), 53 (c), 69 (1) and 70
Omit "his" wherever occurring. Insert instead "the Supervisor's". | |
| [8] | Sections 9, 10 (1) and 60 (4)
Omit "chairman" wherever occurring. Insert instead "chairperson". | 5 |
| [9] | Section 9 (5)
Omit "his" wherever occurring. Insert instead "the member's". | |
| [10] | Section 9 (6) and (8)
Omit "his" wherever occurring. Insert instead "the chairperson's". | 10 |
| [11] | Section 9 (6)
Omit "he". Insert instead "the chairperson". | |
| [12] | Section 9 (9)
Omit "his" where firstly occurring. Insert instead "the member's". | |
| [13] | Section 9 (9)
Omit "his" where secondly occurring. Insert instead "the Minister's". | 15 |
| [14] | Section 9 (10)
Omit "he". Insert instead "the member". | |
| [15] | Sections 9 (10) and 22 (1)
Omit "him" wherever occurring. Insert instead "the member". | 20 |
| [16] | Sections 11 (b), 50 (1) and (2) and 52 (4) and (6)
Omit "he" wherever occurring. Insert instead "the Minister". | |
| [17] | Sections 11 (c), 47A (4), 50 (3), 51 (2), 52 (1), 53, 57 (2), 58 (1), 59 (1) and 72 (1) (d)
Omit "he" wherever occurring. Insert instead "the Supervisor". | 25 |
| [18] | Sections 15 (7) (b), 21 (1), 36 (2), 46 (1), 47A (1) and 51 (3)
Omit "his" wherever occurring. Insert instead "the person's". | |
| [19] | Sections 16 (a), 24 (3), 42 (5) and 51 (5) and (13)
Omit "him" wherever occurring. Insert instead "the person". | |
| [20] | Sections 16 (b) (ii) and 19 (3)
Omit "his" wherever occurring. Insert instead "the holder's". | 30 |
| [21] | Sections 24 (1), 51 (11), 58 (7), 68 (1), 70 and 72 (1) (d)
Omit "him" wherever occurring. Insert instead "the Supervisor". | |
| [22] | Section 25 (1)
Omit "he". Insert instead "the member or person". | 35 |
| [23] | Sections 32 (2) and 67 (1)
Omit "his" wherever occurring. Insert instead "the officer's". | |
| [24] | Sections 32 (2) and 67 (1) (b)
Insert "or herself" after "himself" wherever occurring. | |
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[25]	Section 48 (2) (c) Omit "he". Insert instead "the Supervisor or inspector".	
[26]	Sections 50 (1) and 52 (2) Omit "his" wherever occurring. Insert instead "the Minister's".	
[27]	Sections 50 (2), 55 (1) and 69 (2) Omit "him" wherever occurring. Insert instead "the Minister".	5
[28]	Section 54 Omit "his" wherever occurring. Insert instead "the practitioner's".	
[29]	Sections 60 (2), (3) (a) and (6) (f), 63 (1) and 64 (7) Omit "his" wherever occurring. Insert instead "the administrator's".	10
[30]	Sections 60 (3) (b) and 61 (1) Omit "him" wherever occurring. Insert instead "the administrator".	
[31]	Section 60 (3) (b), (4) and (6) Omit "he" wherever occurring. Insert instead "the administrator".	
[32]	Section 60 (6) Omit "his" where firstly occurring. Insert instead "the administrator's".	15
[33]	Section 60 (6) (b) and (e) Insert "or her" after "his" wherever occurring.	
[34]	Section 65 Omit "him" wherever occurring. Insert instead "the Supervisor or inspector".	20
[35]	Section 65 (a) Omit "his". Insert instead "the Supervisor's or inspector's".	
3.24	Mock Auctions Act 1973 No 17	
[1]	Section 4 (2) (a) Omit "him" wherever occurring. Insert instead "the person".	25
[2]	Section 4 (2) (a) (i) Omit "his". Insert instead "the person's".	
[3]	Section 5 Omit "he satisfied". Insert instead "the director or employee satisfies".	
[4]	Section 5 (a) Insert "or her" after "his".	30
[5]	Section 5 (b) and (c) Insert "or she" after "he" wherever occurring.	
3.25	Parents and Citizens Associations Incorporation Act 1976 No 50	
[1]	Section 3 (2) Omit "he". Insert instead "the Minister".	35

[2]	Section 5 (4) Omit "he vacates his office or his". Insert instead "the person vacates office or the person's".	
[3]	Section 11 (1) Omit "he". Insert instead "the person".	5
[4]	Section 11 (2) Omit "his". Insert instead "the person's".	
3.26 Poultry Processing Act 1969 No 45		
[1]	Sections 6 (1) (a) (ii) and (iii) and (e), 6A (1), 6B (4), 6D (1) (a) and 6G Omit "he" wherever occurring. Insert instead "the inspector".	10
[2]	Sections 6 (1) (b) and (g), 6B (4) and 6G Omit "him" wherever occurring. Insert instead "the inspector".	
[3]	Sections 6 (1) (h), 6F, 6G and 6H Omit "his" wherever occurring. Insert instead "the inspector's".	15
[4]	Sections 6 (1) (k) and 6D (1) (d) Omit "his" wherever occurring. Insert instead "the person's".	
[5]	Section 6E (3), (4) and (5) Omit "him" wherever occurring. Insert instead "the person".	
[6]	Section 6E (3) and (5) Omit "he" wherever occurring. Insert instead "the person".	20
[7]	Section 6E (4) Omit "his".	
[8]	Section 7 (1) (a) Omit "he". Insert instead "the operator".	25
[9]	Sections 9A (2) and 9D Omit "he" wherever occurring. Insert instead "the Minister".	
[10]	Section 9B (1) Omit "his". Insert instead "the applicant's".	
[11]	Section 9C Omit "he". Insert instead "the operator".	30
3.27 Prevention of Cruelty to Animals Act 1979 No 200		
[1]	Section 4 (1) definition of "domestic animal" Omit "man". Insert instead "human beings".	
[2]	Section 4 (1) definition of "person in charge" Omit "his" wherever occurring in paragraph (b). Insert instead "the person's".	35
[3]	Sections 4 (3), 9 (4), 21 (3), 22 (2), 24 (1) and 35 (4) (b) Omit "he" wherever occurring. Insert instead "the person".	

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- [4] **Section 21 (2)**
Insert "or her" after "his" where firstly and secondly occurring.
- [5] **Section 21 (2)**
Omit "his" where thirdly occurring.
- [6] **Sections 25 (3) and 26 (6) and (7)** 5
Omit "him" wherever occurring. Insert instead "the officer".
- [7] **Sections 25 (3) and 26 (1) (b), (2) (d), (3) (d), (4) (d) and (7)**
Omit "he" wherever occurring. Insert instead "the officer".
- 3.28 Printing and Newspapers Act 1973 No 46**
- [1] **Sections 3 (1) and (4) (a), 4 (1) (a) and 7 (3)** 10
Omit "he" wherever occurring. Insert instead "the person".
- [2] **Sections 3 (1) (d) and 4 (1) (a)**
Omit "his" wherever occurring. Insert instead "the person's".
- [3] **Sections 3 (2) and 4 (2)**
Omit "he" wherever occurring. Insert instead "the printer". 15
- [4] **Sections 3 (2) and 4 (2)**
Omit "his" wherever occurring. Insert instead "the printer's".
- [5] **Section 6**
Omit "he" wherever occurring. Insert instead "the director or employee".
- [6] **Section 6 (a)** 20
Insert "or her" after "his".
- 3.29 Private Irrigation Districts Act 1973 No 47**
- [1] **Section 9 (2) (a)**
Omit "him". Insert instead "the petitioner".
- [2] **Section 12 (1)** 25
Omit "his". Insert instead "the owner's".
- [3] **Sections 14 (1) (a) (i), 19 (1), 55 (1) and (2) and 56 (2)**
Omit "he" wherever occurring. Insert instead "the person".
- [4] **Sections 14 (1) (a) (i), 53 (6) and 55 (2)**
Omit "him" wherever occurring. Insert instead "the person". 30
- [5] **Sections 14 (1) (a) (ii) and (b) (ii) and (2), 28 (2) and 32 (1) and (2)**
Omit "his" wherever occurring. Insert instead "the person's".
- [6] **Section 14 (3) (b) (i)**
Omit "he". Insert instead "the supplementary petitioner".
- [7] **Sections 17 (1) and (2) (g) (ii), 41 (3) (b), 53 (4) and (5), 55, 64 and 68 (1) and (5)** 35
Insert "or her" after "his" wherever occurring.

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- [8] **Section 17 (1)**
Omit "he" wherever occurring. Insert instead "the member".
- [9] **Section 17 (1)**
Omit "him" wherever occurring. Insert instead "the member".
- [10] **Section 17 (2) (g) (ii)** 5
Insert "or she" after "he".
- [11] **Sections 21, 22, 23, 69 (1), 82 and 94 (1) (b)**
Omit "Chairman" wherever occurring. Insert instead "Chairperson".
- [12] **Sections 21 (1) and 22 (1)** 10
Omit "his" wherever occurring. Insert instead "the Chairperson's".
- [13] **Sections 21 (6) and 69 (1)**
Omit "he" wherever occurring. Insert instead "the Chairperson".
- [14] **Sections 25 (3) and 27 (5)**
Omit "he" wherever occurring. Insert instead "the Governor".
- [15] **Sections 34 (1), 35 (1), 63 (1) (d), 68 (5) and 69 (3)** 15
Omit "him" wherever occurring. Insert instead "the owner".
- [16] **Sections 44 (1) and 46**
Omit "he" wherever occurring. Insert instead "the claimant".
- [17] **Sections 53 (5) and 56 (1)** 20
Omit "he" wherever occurring. Insert instead "the owner".
- [18] **Section 55 (3)**
Omit "he". Insert instead "the ratable person".
- [19] **Section 56 (2)**
Insert "or her" after "him".
- [20] **Section 57 (3)** 25
Omit "he". Insert instead "the purchaser".
- [21] **Section 68 (7)**
Omit "himself". Insert instead "the owner".
- 3.30 Registrar-General Act 1973 No 67**
- Section 3 (1)** 30
Omit "he". Insert instead "the Governor".
- 3.31 Reprints Act 1972 No 48**
- [1] **Section 6**
Insert "or her" after "his".
- [2] **Section 12 (1)** 35
Omit "his". Insert instead "the Attorney General's".
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- 3.32 Road Obstructions (Special Provisions) Act 1979 No 9**
- [1] **Section 4 (1)**
Omit "he". Insert instead "the Commissioner or authorised officer".
- [2] **Section 4 (4) and (5)**
Omit "he" wherever occurring. Insert instead "the person". 5
- [3] **Section 8 (b)**
Insert "or her" after "his".
- 3.33 Small Businesses' Loans Guarantee Act 1977 No 34**
- [1] **Section 4 (2) (d)**
Omit "his". Insert instead "the creditor's". 10
- [2] **Section 4 (2) (d)**
Omit "him". Insert instead "the creditor".
- 3.34 Sporting Bodies' Loans Guarantee Act 1977 No 3**
- [1] **Section 4 (2) (d)**
Omit "his". Insert instead "the creditor's". 15
- [2] **Section 4 (2) (d)**
Omit "him". Insert instead "the creditor".
- 3.35 Sporting Injuries Insurance Act 1978 No 141**
- [1] **Section 4 (1) definition of "Chairman"**
Omit the definition. Insert instead: 20
Chairperson means the chairperson of the Committee.
- [2] **Sections 5 (1) (b) and 6 (4) and Schedule 2, clauses 5, 8, 11 and 12**
Omit "Chairman" wherever occurring. Insert instead "Chairperson".
- [3] **Section 6 (2) and Schedule 2, clause 14 (2)** 25
Omit "he" wherever occurring. Insert instead "the Minister".
- [4] **Sections 6 (3) and 33 and Schedule 2, clause 8**
Omit "he" wherever occurring. Insert instead "the person".
- [5] **Sections 10 (6), 22 and 26 (2) and Schedule 3, clause 2 (1) (b) and (c)** 30
Omit "his" wherever occurring. Insert instead "the person's".
- [6] **Sections 18 and 28 (2)**
Insert "or she" after "he" wherever occurring.
- [7] **Sections 18 (1), 24 (4), 25 (2) and 34 (a) (i) and Schedule 2, clauses 2 (4), 9 (1) (b), (c) and (f) and 10** 35
Insert "or her" after "his" wherever occurring.

[8]	Sections 22, 25 (2) and 29 (8) and Schedule 3, clause 2 (1) (c) (ii)	
	Omit "him" wherever occurring. Insert instead "the person".	
[9]	Section 24 (2)	
	Omit "his being examined". Insert instead "an examination".	
[10]	Section 24 (3) (a) and (6)	5
	Omit "him" wherever occurring. Insert instead "the applicant".	
[11]	Section 24 (3) (b) and (6) and Schedule 2, clauses 4 and 8	
	Omit "his" wherever occurring.	
[12]	Section 24 (3) and (4)	
	Insert "or herself" after "himself" wherever occurring.	10
[13]	Section 24 (3)	
	Insert "or her" after "withdrawn his".	
[14]	Sections 24 (5) and 28 (1)	
	Omit "he" wherever occurring. Insert instead "the applicant".	
[15]	Section 26 (1) definition of "child"	15
	Omit "his".	
[16]	Section 28 (1)	
	Omit "him". Insert instead "the Public Trustee".	
[17]	Section 34 (a) and Schedule 2, clause 6 (1)	
	Insert "or her" after "him" wherever occurring.	20
[18]	Section 35	
	Omit "its or his". Insert instead "the Committee or the person".	
[19]	Schedule 2, clause 5 (2)	
	Omit "he". Insert instead "the officer".	
[20]	Schedule 2, clause 6 (1)	25
	Insert "or her" after "his" where firstly occurring.	
[21]	Schedule 2, clause 6 (1)	
	Omit "his" where secondly occurring.	
[22]	Schedule 2, clauses 7 and 9 (1) (c)	
	Omit "him" wherever occurring. Insert instead "the member".	30
[23]	Schedule 2, clause 9 (1)	
	Omit "his" where firstly occurring.	
[24]	Schedule 2, clause 9 (1)	
	Omit "he" wherever occurring. Insert instead "the member".	
[25]	Schedule 2, clause 9 (2)	35
	Omit "him". Insert instead "the Governor".	

Statute Law (Miscellaneous Provisions) Bill (No 2) 1996

Schedule 3 Amendments replacing gender-specific language

- 3.36 State Development and Industries Assistance Act 1966 No 10**
- [1] **Section 34I (1)**
Omit "he". Insert instead "the Minister".
- [2] **Section 34I (1)**
Insert "or her" after "his". 5
- 3.37 Sydney Cricket and Sports Ground Act 1978 No 72**
- [1] **Sections 16 (2) and 26**
Omit "him" wherever occurring. Insert instead "the Minister".
- [2] **Section 16 (2) and Schedule 1, clause 13 (13)**
Omit "he" wherever occurring. Insert instead "the Minister". 10
- [3] **Section 19 (2) and Schedule 4, clause 8 (1) (d)**
Omit "his" wherever occurring. Insert instead "the person's".
- [4] **Section 25 (2)**
Omit "the receipt by him of the report".
Insert instead "the Minister receives the report". 15
- [5] **Section 26 (2) and Schedule 1, clauses 4 and 6 (1) (c) and (d)**
Insert "or her" after "his" wherever occurring.
- [6] **Schedule 1, clauses 3, 6 (1) (d) and 13 (6)**
Omit "him" wherever occurring. Insert instead "the member".
- [7] **Schedule 1, clause 6 (1)**
Omit "his" where firstly occurring. 20
- [8] **Schedule 1, clauses 6 (1), 7 (2) and 13 (2), (6), (9) and (14)**
Omit "he" wherever occurring. Insert instead "the member".
- [9] **Schedule 1, clause 6 (1) (g)**
Omit "his" where firstly occurring. Insert instead "the". 25
- [10] **Schedule 1, clause 6 (1) (g)**
Insert "or her" after "his" where secondly occurring.
- [11] **Schedule 1, clause 6 (2)**
Omit "him". Insert instead "the Governor".
- [12] **Schedule 1, clause 7 (1) and (2)**
Omit "his" where firstly occurring in the respective subclauses.
Insert instead "the member's". 30
- [13] **Schedule 1, clause 7 (1) and (2)**
Insert "or her" after "his" where secondly occurring in the respective subclauses.
- [14] **Schedule 1, clauses 8, 8A and 10 (3)**
Omit "Chairman" wherever occurring. Insert instead "Chairperson". 35
- [15] **Schedule 1, clause 13 (2) and (9)**
Omit "his" wherever occurring. Insert instead "the member's".

[16]	Schedule 1, clause 13 (5) (a) Omit "he or any nominee of his". Insert instead "the person or the person's nominee".	
[17]	Schedule 1, clause 13 (5) (b), (11) and (12) Omit "he" wherever occurring. Insert instead "the person".	5
[18]	Schedule 1, clause 13 (5) Omit "his membership". Insert instead "that membership".	
[19]	Schedule 1, clause 13 (5) Omit "he" where thirdly occurring. Insert instead "the member".	
[20]	Schedule 1, clause 13 (8) Omit "married man and his wife". Insert instead "husband and wife".	10
[21]	Schedule 1, clause 13 (12) Insert "or her" after "his" where firstly and thirdly occurring.	
[22]	Schedule 1, clause 13 (12) Omit "his" where secondly occurring. Insert instead "the".	15
[23]	Schedule 4, clause 8 (1) Omit "him" wherever occurring. Insert instead "the person".	
3.38	Sydney Market Authority Act 1968 No 11	
[1]	Section 3 (1) definition of "wholesaler" Omit "his" from paragraph (b). Insert instead "the person's".	20
[2]	Sections 12 (2) (a) and 43 (4) Omit "he" wherever occurring. Insert instead "the person".	
[3]	Section 12 (3) Omit "he" wherever occurring. Insert instead "the member".	
[4]	Section 15 (4) (b) Insert "or her" after "his".	25
[5]	Section 43 (3) Omit "him". Insert instead "the person".	
3.39	Sydney Opera House Trust Act 1961 No 9	
[1]	Section 8 (1) Omit "his office" wherever occurring. Insert instead "office".	30
[2]	Section 8 (1) Omit "he". Insert instead "the trustee".	
[3]	Section 8 (1) (b) Omit "his hand". Insert instead "the trustee's hand".	35
[4]	Section 8 (1) (d) Omit "him". Insert instead "the trustee".	

Statute Law (Miscellaneous Provisions) Bill (No 2) 1996

Schedule 3 Amendments replacing gender-specific language

[5]	Sections 8 (1) (d) and 9 Insert "or her" after "his" wherever occurring.	
[6]	Section 8 (2) Omit "him". Insert instead "the Governor".	
[7]	Section 10 (2) Omit "he". Insert instead "the Chairperson".	5
[8]	Section 12 (2) Omit "he". Insert instead "the person".	
[9]	Section 12 (4) Omit "him". Insert instead "the officer or employee".	10
3.40	Technical Education Trust Funds Act 1967 No 95	
[1]	Section 5 (1) Omit "he". Insert instead "the Trustee".	
[2]	Section 5 (2) (a) Insert "or she" after "he".	15
[3]	Section 5 (2) (b) Insert "or her" after "him".	
[4]	Section 5 (2) Omit "his".	
[5]	Section 9 Omit "he". Insert instead "the person".	20

Schedule 4 Minor amendments consequent on enactment of Industrial Relations Act 1996

(Section 3)

Explanatory note

The amendments proposed to be made by this Schedule are consequential on the enactment of the *Industrial Relations Act 1996*.

5

4.1 Aberdare County Council (Dissolution) Act 1982 No 74

Section 15 Previous service and accrued leave of transferred servants

10

Omit "award or agreement made under the *Industrial Arbitration Act 1940*" from section 15 (1).

Insert instead "State industrial instrument".

4.2 Ambulance Services Act 1990 No 16

Section 15 Determination of conditions of employment of staff

15

Omit "*Industrial Relations Act 1991*" from the definition of *enterprise agreement* and *industrial matters* in section 15 (7).

Insert instead "*Industrial Relations Act 1996*".

4.3 Annual Holidays Act 1944 No 31

[1] Section 2 Interpretation

20

Omit the definitions of *Agreement* and *Award* from section 2 (1).
Insert instead:

Agreement means an enterprise agreement within the meaning of the *Industrial Relations Act 1996*.

Award means an award within the meaning of the *Industrial Relations Act 1996*.

25

**[2] Section 2 (1) definition of "inspector" and sections 3 (4),
5 (1A), 13 (3) and 14**

Omit "*Industrial Relations Act 1991*" wherever occurring.
Insert instead "*Industrial Relations Act 1996*".

[3] Sections 12 (1), (2) and (3), 13 (1) and 14 (d)

5

Omit "Industrial Court" wherever occurring.
Insert instead "Industrial Relations Commission in Court Session".

4.4 Associations Incorporation Act 1984 No 143

Section 7 Eligibility for incorporation

Omit section 7 (2) (d). Insert instead:

10

- (d) is an industrial organisation within the meaning of
the *Industrial Relations Act 1996* that is a State
organisation incorporated under that Act,

4.5 Attachment of Wages Limitation Act 1957 No 28

**Section 10 Attachment of money due to employees of and
contractors to certain employing authorities**

15

Omit section 10 (4). Insert instead:

- (4) The amount that is to be ascertained in accordance with
this subsection is to be ascertained by deducting \$8 from
the basic wage in force under clause 15 of Schedule 4 to
the *Industrial Relations Act 1996* immediately before the
deduction under subsection (3) is made.

20

4.6 Bail Act 1978 No 161

[1] Section 4 Definitions

Omit paragraph (b2) of the definition of *court* in section 4 (1).
Insert instead:

(b2) the Industrial Relations Commission in Court Session, 5

[2] Section 4 (1) definition of "Industrial Court"

Omit the definition. Insert instead:

Industrial Relations Commission includes a judicial member of that Commission. 10

[3] Section 4 (1) definition of "Judge"

Omit ", Industrial Court or District Court".
Insert instead "or District Court, or a judicial member of the Industrial Relations Commission".

[4] Section 4 (1) definition of "magistrate" 15

Omit "*Industrial Arbitration Act 1940*".
Insert instead "*Industrial Relations Act 1996*".

[5] Part 4, Division 7, heading

Omit "Industrial Court".
Insert instead "Industrial Relations Commission". 20

[6] Sections 30B and 44 (5) and (6)

Omit "Industrial Court" wherever occurring.
Insert instead "Industrial Relations Commission in Court Session".

Statute Law (Miscellaneous Provisions) Bill (No 2) 1996

Schedule 4 Minor amendments consequent on enactment of Industrial Relations Act
1996

- [7] Section 30B Power of Industrial Relations Commission to grant bail**
- Omit "that Court". Insert instead "the Commission".
- [8] Section 45 Power of Supreme Court to review**
- Omit "Industrial Commission" from section 45 (1). 5
Insert instead "Industrial Relations Commission in Court Session".
- 4.7 Builders Labourers Federation (Special Provisions) Act 1986 No 17**
- Section 4 Eligibility of certain building industry employees for membership of certain organisations** 10
- Insert "or the *Industrial Relations Act 1996*" after "*Industrial Relations Act 1991*" in section 4 (6).
- 4.8 Building and Construction Industry Long Service Payments Act 1986 No 19**
- [1] Section 64 Proceedings for offences** 15
- Omit "*Industrial Relations Act 1991*" from section 64 (2).
Insert instead "*Industrial Relations Act 1996*".
- [2] Section 64 (2)**
- Omit "Industrial Court".
Insert instead "Industrial Relations Commission in Court Session". 20

4.9 Casino Control Act 1992 No 15

Schedule 2 Provisions concerning staff of the Authority

Omit "*Industrial Relations Act 1991*" from clause 5.
Insert instead "*Industrial Relations Act 1996*".

4.10 Coal and Oil Shale Mine Workers (Superannuation) Act 1941 No 45 5

[1] Section 23 Questions may be referred to Industrial Relations Commission in Court Session

Omit "Industrial Court of New South Wales" from section 23 (1).
Insert instead "Industrial Relations Commission in Court Session". 10

[2] Section 23 (2)

Omit the subsection.

[3] Sections 23 (3) and 29 (1) (b)

Omit "Industrial Court" wherever occurring.
Insert instead "Industrial Relations Commission in Court Session". 15

4.11 Compensation Court Act 1984 No 89

Section 11 Acting Judges

Insert "or the Industrial Relations Commission" after "Industrial Commission" in section 11 (6).

4.12 Construction Safety Act 1912 No 38

[1] Section 21 Penalties and proceedings for offences

Omit "Industrial Court" wherever occurring in section 21 (1AA) (b), (1B) and (3A).

Insert instead "Industrial Relations Commission in Court Session". 5

[2] Section 21 (1B)

Omit "*Industrial Relations Act 1991*".

Insert instead "*Industrial Relations Act 1996*".

4.13 Contracts Review Act 1980 No 16

Section 21 Application of Act to certain contracts of service and to existing contracts 10

Omit "an award or industrial agreement filed under the *Industrial Arbitration Act 1940*, an award made under the *Apprentices Act 1969*" from the definition of **award** in section 21 (2).

Insert instead "a State industrial instrument". 15

4.14 Dairy Industry Act 1979 No 208

Section 16 Employment of officers and employees

Omit "award or industrial agreement made or filed under the *Industrial Arbitration Act 1940*" from section 16 (3).

Insert instead "State industrial instrument". 20

4.15 Dangerous Goods Act 1975 No 68

[1] Section 33 Proceedings for offences

Omit "Industrial Court" wherever occurring in section 33 (1) (b), (1B) and (1C).

Insert instead "Industrial Relations Commission in Court Session". 25

[2] Section 33 (1C)

Omit "*Industrial Relations Act 1991*".
Insert instead "*Industrial Relations Act 1996*".

4.16 District Court Act 1973 No 9

Section 18 Acting Judges

5

Insert "or the Industrial Relations Commission" after "Industrial Commission" in section 18 (4).

4.17 Education (Ancillary Staff) Act 1987 No 240

[1] Section 33 Eligibility for appointment to Public Service

Omit "*Industrial Arbitration Act 1940*" from section 33 (2). 10
Insert instead "*Industrial Relations Act 1996*".

[2] Section 35 Attachment of remuneration

Omit section 35 (5). Insert instead:

- (5) The amount which is to be ascertained in accordance with this subsection is to be ascertained by deducting \$8 from the basic wage in force under clause 15 of Schedule 4 to the *Industrial Relations Act 1996* immediately before the deduction is made. 15

4.18 Employment Protection Act 1982 No 122

[1] Section 6A Industrial Relations Act 1996

20

Omit "*Industrial Relations Act 1991*" from section 6A (1).
Insert instead "*Industrial Relations Act 1996*".

Statute Law (Miscellaneous Provisions) Bill (No 2) 1996

Schedule 4 Minor amendments consequent on enactment of Industrial Relations Act 1996

[2] Section 6A (2) (a)

Omit "clause 16 of Schedule 2 to the *Industrial Relations Act 1991*".
Insert instead "clause 40 of Schedule 4 to the *Industrial Relations Act 1996*".

[3] Section 6A (2) (b)

5

Insert "enterprise" before "agreements" where secondly occurring.

4.19 Energy Administration Act 1987 No 103

[1] Section 28 Appointment of qualified person to investigate certain industrial matters

Omit the definition of *industrial matter* from section 28 (1).
Insert instead:

10

industrial matter has the same meaning as in the *Industrial Relations Act 1996*.

[2] Section 28 (1) definition of "qualified person"

Omit "Industrial Commission".
Insert instead "Industrial Relations Commission".

15

4.20 Entertainment Industry Act 1989 No 230

[1] Section 46 Appeal to Industrial Relations Commission on point of law

Omit "*Industrial Arbitration Act 1940*" from section 46 (1).
Insert instead "*Industrial Relations Act 1996*".

20

[2] Section 46 (1)

Omit "Industrial Commission constituted by a judicial member sitting alone".

Insert instead "Full Bench of the Industrial Relations Commission in Court Session".

5

[3] Section 46 (2)

Omit "Industrial Commission" wherever occurring.

Insert instead "Industrial Relations Commission".

[4] Section 46 (3)

Omit the subsection.

10

4.21 Evidence on Commission Act 1995 No 26

[1] Section 4 Definitions

Omit paragraph (c) of the definition of *superior court*.

Insert instead:

(c) the Industrial Relations Commission in Court Session, and

15

[2] Section 18 Definitions

Omit paragraph (c) of the definition of *superior court*. Insert instead:

(c) the Industrial Relations Commission in Court Session, and

20

[3] Section 37 Regulations

Omit "Industrial Court" from section 37 (2).

Insert instead "Industrial Relations Commission".

4.22 Factories, Shops and Industries Act 1962 No 43

[1] Section 54 Employment of young persons at night

Omit "an award or industrial agreement made or filed under the *Industrial Arbitration Act 1940*" from section 54 (1).

Insert instead "a State industrial instrument".

5

**[2] Section 74 (1) definition of "Inspector", section 104
definition of "Inspector" and section 145 (4)**

Omit "*Industrial Relations Act 1991*" wherever occurring.

Insert instead "*Industrial Relations Act 1996*".

[3] Section 74 (1) definition of "State award"

10

Omit the definition. Insert instead:

State award means an award within the meaning of the
Industrial Relations Act 1996.

[4] Sections 78A (10), 82 (2) (a), 109 (3) and 110 (2)

Omit "Industrial Commission of New South Wales" wherever
occurring.

Insert instead "Industrial Relations Commission in Court Session".

15

[5] Section 78A (11) and (12)

Omit "Industrial Commission" wherever occurring.

Insert instead "Industrial Relations Commission".

20

[6] Sections 79A (1) and 145 (1) (a2) and (5)

Omit "*Industrial Arbitration Act 1940*" wherever occurring.

Insert instead "*Industrial Relations Act 1996*".

[7] Sections 82 (2) (b) and 111

Omit "*Industrial Arbitration Act 1940*, as amended by subsequent Acts" wherever occurring.

Insert instead "*Industrial Relations Act 1996*".

[8] Sections 101A and 114A

5

Omit "Section 745 of the *Industrial Relations Act 1991*" wherever occurring.

Insert instead "Section 389 of the *Industrial Relations Act 1996*".

[9] Section 104 Definitions

Omit "*Industrial Relations Act 1991* as amended by subsequent Acts" from the definition of **Apprentice**.

10

Insert instead "*Industrial and Commercial Training Act 1989*".

[10] Section 104 definition of "Trainee apprentice"

Omit "*Industrial Arbitration Act 1940*, as amended by subsequent Acts".

15

Insert instead "*Industrial and Commercial Training Act 1989*".

[11] Section 145 Proceedings

Omit section 145 (1) (b). Insert instead:

- (b) the person specified in a certificate issued by the Industrial Registrar under the *Industrial Relations Act 1996* as secretary of a union (but only in the case of a union the members of which are engaged in the industry concerned).

20

[12] Section 145 (3) (b), (3B) and (4)

Omit "Industrial Court" wherever occurring.

25

Insert instead "Industrial Relations Commission in Court Session".

4.23 Frustrated Contracts Act 1978 No 105

Section 6 Act does not apply to certain contracts

Omit section 6 (2) (e). Insert instead:

- (e) is an industrial organisation within the meaning of the *Industrial Relations Act 1996* that is a State organisation incorporated under that Act, 5

4.24 Government and Related Employees Appeal Tribunal Act 1980 No 39

[1] Section 4 Definitions

Omit paragraph (a) of the definition of *industrial union* in section 4 (1). 10

Insert instead:

- (a) an industrial organisation of employees within the meaning of the *Industrial Relations Act 1996*, and

[2] Section 4 (7) 15

Omit "*Industrial Arbitration Act 1940*".

Insert instead "*Industrial Relations Act 1996*".

4.25 Harness Racing Authority Act 1977 No 57

Section 17A Provisions relating to Tribunal

Omit the definition of *court* from section 17A (1). 20

Insert instead:

court includes the Industrial Relations Commission.

judge includes a judicial member of the Industrial Relations Commission.

4.26 Health Administration Act 1982 No 135

[1] Section 20C Functions of Medical Services Committee etc

Omit "industrial awards or industrial agreements and other than industrial matters within the meaning of the *Industrial Arbitration Act 1940*" from section 20C (1) (a).

5

Insert instead "State industrial instruments and other industrial matters within the meaning of the *Industrial Relations Act 1996*".

[2] Schedule 3 Transfer of health employees

Omit "*Industrial Arbitration Act 1940*" from clause 10 (2).

Insert instead "*Industrial Relations Act 1996*".

10

4.27 Independent Commission Against Corruption Act 1988 No 35

Section 104 Staff etc of Commission

Omit "*Industrial Arbitration Act 1940*" from section 104 (13).

Insert instead "*Industrial Relations Act 1996*".

15

4.28 Industrial and Commercial Training Act 1989 No 77

[1] Section 4 Definitions

Omit the definition of *conciliation committee* from section 4 (1).

[2] Section 5 (b), section 71 (4) definition of "industrial organisation" and section 88 (6)

20

Omit "*Industrial Relations Act 1991*" wherever occurring.
Insert instead "*Industrial Relations Act 1996*".

**4.29 Industrial Arbitration (Special Provisions) Act 1984
No 121**

Section 3 Cancellation of certain registration

Omit "*Industrial Relations Act 1991*" from section 3 (4).
Insert instead "*Industrial Relations Act 1996*".

5

4.30 Industrial Relations Act 1996 No 17

**[1] Section 382 Jurisdiction of Chief and other Industrial
Magistrates**

Omit "*Industrial Relations Act 1995*" from section 382 (1).
Insert instead "*Industrial Relations Act 1996*".

10

[2] Section 382 (1)

Insert after "Other industrial relations legislation.":

Entertainment Industry Act 1989

Industrial and Commercial Training Act 1989

[3] Section 382

15

Omit the note to the section.

[4] Schedule 5 Amendment of other Acts

Omit Schedule 5.4.

[5] Schedule 5

Omit Schedule 5.13 [2]. Insert instead:

20

[2] Second Schedule

Omit "*Industrial Relations Act 1991*" from clause (26) (b) of the
General Exemptions from Stamp Duty under Part 3.

Insert instead "*Industrial Relations Act 1996*".

4.31 Justices Act 1902 No 27

Section 100I Interpretation

Insert “*Employment Agents Act 1995*, section 29;” in alphabetical order in the list of Acts in paragraph (a) of the definition of *penalty notice* in section 100I (1).

5

4.32 Land and Environment Court Act 1979 No 204

Section 11 Acting Judges

Insert “or the Industrial Relations Commission” after “Industrial Commission” in section 11 (4).

4.33 Land Tax Management Act 1956 No 26

10

Section 10 Land exempted from tax

Omit “registered or recognised as such under the *Industrial Relations Act 1991*” from section 10 (1) (f) (iii).

Insert instead “within the meaning of the *Industrial Relations Act 1996*”.

15

4.34 Liquor Act 1982 No 147

Section 67 Summons to show cause against taking of disciplinary action

Omit section 67 (1) (e) (i). Insert instead:

- (i) an industrial organisation of employees registered under the *Industrial Relations Act 1996*, or

20

4.35 Local Government Act 1993 No 30

Section 340 Industrial arbitration excluded

Omit "*Industrial Relations Act 1991*" wherever occurring in section 340 (2) and (4).

Insert instead "*Industrial Relations Act 1996*".

5

4.36 Long Service Leave Act 1955 No 38

[1] Section 3 Definitions

Omit "an agreement" from the definition of *agreement* in section 3 (1).

Insert instead "an enterprise agreement".

10

[2] Section 3 (1) definitions of "agreement", "award" and "inspector" and sections 3 (4), 5 (1) (b) and 14

Omit "*Industrial Relations Act 1991*" wherever occurring.
Insert instead "*Industrial Relations Act 1996*".

[3] Section 4 Long service leave

15

Omit "an award or agreement in force under the *Industrial Relations Act 1991*" from paragraph (i) of the definition of *service as an adult* in section 4 (2) (a1).

Insert instead "a State industrial instrument".

[4] Section 4 (11) (a1) (iii)

20

Omit "or by an award made pursuant to Division 8 of Part 2 of Chapter 2 (Sick leave) of the *Industrial Relations Act 1991*".

Insert instead "or by any obligation in relation to sick leave imposed on the employer by a State industrial instrument".

[5] Sections 5 (4) and 5A (3) (b)

Omit “industrial organisation registered under the *Industrial Relations Act 1991*” wherever occurring.

Insert instead “industrial organisation within the meaning of the *Industrial Relations Act 1996*”.

5

[6] Section 6 Savings as to powers etc

Omit “, or any member thereof, or on a conciliation committee by or under the *Industrial Relations Act 1991*”.

Insert instead “by or under the *Industrial Relations Act 1996*”.

[7] Section 6

10

Omit “or any member thereof or a conciliation committee” from the proviso to the section.

[8] Section 6

Omit “or industrial agreement” from the proviso to the section.

[9] Sections 11 (1) (b) and 12 (2)

15

Omit “registered under the *Industrial Relations Act 1991*” wherever occurring.

Insert instead “within the meaning of the *Industrial Relations Act 1996*”.

[10] Sections 12 (1) and 14 (c)

20

Omit “Industrial Court” wherever occurring.

Insert instead “Industrial Relations Commission in Court Session”.

**4.37 Long Service Leave (Metalliferous Mining Industry) Act
1963 No 48**

[1] Section 3 Definitions

Omit "an agreement" from the definition of *agreement* in section
3 (1). 5
Insert instead "an enterprise agreement".

**[2] Section 3 (1) definitions of "agreement", "award" and
"inspector" and sections 3 (3), 5 (1) (b) and 14**

Omit "*Industrial Relations Act 1991*" wherever occurring.
Insert instead "*Industrial Relations Act 1996*". 10

[3] Section 4 Long service leave

Omit "an award or agreement in force under the *Industrial Relations
Act 1991*" from paragraph (i) of the definition of *service as an adult*
in section 4 (2) (b).
Insert instead "a State industrial instrument". 15

[4] Section 4 (11) (a) (i)

Omit "or by an award under Division 8 of Part 2 of Chapter 2 (Sick
leave) of the *Industrial Relations Act 1991*".
Insert instead "or by any obligation in relation to sick leave imposed
on the employer by an award within the meaning of the *Industrial
Relations Act 1996*". 20

[5] Sections 5 (2) (d) (ii) and 5A (3) (b)

Omit "industrial organisation registered under the *Industrial
Relations Act 1991*" wherever occurring.
Insert instead "industrial organisation of employees within the
meaning of the *Industrial Relations Act 1996*". 25

[6] Section 6 Savings as to powers etc

Omit “, or any member thereof, or on a conciliation committee by or under the *Industrial Relations Act 1991*”.

Insert instead “by or under the *Industrial Relations Act 1996*”.

[7] Section 6

5

Omit “or any member thereof or a conciliation committee” from the proviso to the section.

[8] Section 6

Omit “or industrial agreement” from the proviso to the section.

[9] Sections 11 (1) (b) and 12 (2)

10

Omit “registered under the *Industrial Relations Act 1991*” wherever occurring.

Insert instead “within the meaning of the *Industrial Relations Act 1996*”.

[10] Sections 12 (1) and 14 (c)

15

Omit “Industrial Court” wherever occurring.

Insert instead “Industrial Relations Commission in Court Session”.

4.38 Ombudsman Act 1974 No 68

Schedule 1 Excluded conduct of public authorities

Omit “Industrial Commission of New South Wales” from item 3 (a).

20

Insert instead “Industrial Relations Commission of New South Wales”.

4.39 Police Department (Transit Police) Act 1989 No 58

[1] Section 20 Conditions of employment

Omit section 20 (5).

[2] Section 31 Eligibility for appointment to Public Service

Omit "*Industrial Arbitration Act 1940*" from section 31 (2). 5
Insert instead "*Industrial Relations Act 1996*".

[3] Section 33 Attachment of remuneration

Omit section 33 (5). Insert instead:

- (5) The amount which, by virtue of subsection (4), is to be 10
ascertained in accordance with this subsection must be
ascertained by deducting \$8 from the basic wage in force
under clause 15 of Schedule 4 to the *Industrial Relations
Act 1996* before the deduction under subsection (3) is
made.

4.40 Police Service Act 1990 No 47 15

[1] Sections 44 (2), 87 (2), 89 (1) and 218

Omit "*Industrial Relations Act 1991*" wherever occurring.
Insert instead "*Industrial Relations Act 1996*".

[2] Section 86 Commissioner may enter into agreements

Omit "section 349 of the *Industrial Relations Act 1991*" from 20
section 86 (2).
Insert instead "section 405 of the *Industrial Relations Act 1996*".

- [3] Section 181B Dismissal of police officers—information arising out of Police Royal Commission**
- Omit “(*Industrial Relations Act 1991* not affected)” from section 181B (5).
Insert instead “(*Industrial Relations Act 1996* not affected)”. 5
- [4] Section 181B (5)**
- Omit “Part 8 (Unfair Dismissals) of Chapter 3 of the *Industrial Relations Act 1991*”.
Insert instead “Part 6 (Unfair dismissals) of Chapter 2 of the *Industrial Relations Act 1996*”. 10
- [5] Section 189 President of Police Tribunal and Deputy President**
- Omit section 189 (4) (b). Insert instead:
- (b) a judicial member of the Industrial Relations Commission nominated by the President of that Commission, or 15
- [6] Section 189 (8)**
- Omit “Chief Judge of the Industrial Court”.
Insert instead “President of the Industrial Relations Commission”.
- 4.41 Public Sector Executives Superannuation Act 1989 No 106** 20
- Section 68 Appeals against FTC’s determinations in disputes**
- Omit “Industrial Commission” wherever occurring.
Insert instead “Industrial Relations Commission in Court Session”.
-

4.42 Public Sector Management Act 1988 No 33

[1] Schedule 5 Extended leave for officers etc of Public Service

Omit "*Industrial Arbitration Act 1940*" from clause 1 (5) (a) (ii).
Insert instead "*Industrial Relations Act 1996*".

[2] Schedule 5, clause 1 (5) (b)

5

Insert "or enterprise agreement" after "industrial agreement".

[3] Schedule 6 Attachment of wages or salary of officers etc of Public Service

Omit clause 2 (5). Insert instead:

- (5) The amount that is to be ascertained in accordance with this subclause is to be ascertained by deducting \$8 from the basic wage in force under clause 15 of Schedule 4 to the *Industrial Relations Act 1996* immediately before the deduction under subclause (3) is made.

10

4.43 Racing Appeals Tribunal Act 1983 No 199

15

Section 4 Definitions

Omit "Industrial Commission of New South Wales" from the definition of *court* in section 4 (1).

Insert instead "Industrial Relations Commission of New South Wales".

20

4.44 Restraints of Trade Act 1976 No 67

Section 3 Application of Act

Omit section 3 (3) (a). Insert instead:

- (a) section 304 of the *Industrial Relations Act 1996*,

4.45 Rural Lands Protection Act 1989 No 197

Section 22 District veterinarians (cf Act No 35, 1934, s 21)

Omit "*Industrial Relations Act 1991*" from section 22 (12).
Insert instead "*Industrial Relations Act 1996*".

4.46 Rural Workers Accommodation Act 1969 No 34

5

Section 17 Proceedings

Omit "secretary of an industrial union of employers or employees registered under the *Industrial Arbitration Act 1940*" from section 17 (3) (b).

Insert instead "secretary of an industrial organisation within the meaning of the *Industrial Relations Act 1996*".

10

4.47 Special Commissions of Inquiry Act 1983 No 90

Section 3 Definitions

Omit "Industrial Commission of New South Wales" from paragraph (b) of the definition of *Judge* in section 3 (1).

Insert instead "Industrial Relations Commission of New South Wales".

15

4.48 State Emergency and Rescue Management Act 1989 No 165

Section 60A Definitions

Omit "*Industrial Relations Act 1991*" from section 60A (2) wherever occurring.

Insert instead "*Industrial Relations Act 1996*".

20

Schedule 4	Minor amendments consequent on enactment of Industrial Relations Act 1996
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4.49 State Owned Corporations Act 1989 No 134

Schedule 4 Provisions relating to certain staff

Omit "*Industrial Arbitration Act 1940*" from clause 5 (2).
Insert instead "*Industrial Relations Act 1996*".

4.50 State Sports Centre Trust Act 1984 No 68 5

Section 9 Power to appoint staff etc

Omit "award or industrial agreement in force under the *Industrial Arbitration Act 1940*" from section 9 (4).
Insert instead "State industrial instrument".

4.51 Statutory and Other Offices Remuneration Act 1975 (1976 No 4) 10

[1] Section 4 Definitions

Omit the definition of *wages decision* from section 4 (1).
Insert instead:

wages decision means a decision made by the Industrial Relations Commission under Part 3 of Chapter 2 of the *Industrial Relations Act 1996* of: 15

- (a) the amount, or
- (b) the method by which an amount may be determined, 20

by which the rates of wages in awards under that Act will be varied following a National decision or State decision under that Part.

[2] Section 20 Operation of determinations

Omit "*Industrial Arbitration Act 1940*" from section 20 (4) (c).
Insert instead "*Industrial Relations Act 1996*".

4.52 Suitors' Fund Act 1951 No 3

Section 6 Costs of certain appeals

5

Omit "Industrial Commission of New South Wales" wherever occurring in section 6 (1A) and (5).
Insert instead "Industrial Relations Commission of New South Wales".

4.53 Superannuation Act 1916 No 28

10

Section 3 Definitions

Omit "Industrial Commission of New South Wales" from the definition of *employee* in section 3 (1).
Insert instead "Industrial Relations Commission of New South Wales".

15

4.54 Superannuation Administration Act 1996 No 39

Schedule 3 Savings and transitional provisions

Omit clause 19 (2).

4.55 Supreme Court Act 1970 No 52

Section 37 Acting Judges

20

Insert "or of the Industrial Relations Commission" after "Industrial Commission" in section 37 (4).

4.56 Sydney Turf Club Act 1943 No 22

Section 11 Insurance, and payments out of funds

Omit "*Truck Act of 1900* and of section 92 of the *Industrial Arbitration Act 1940*" from section 11 (4).

Insert instead "section 117 of the *Industrial Relations Act 1996*". 5

4.57 Teacher Housing Authority Act 1975 No 27

Section 7 Appointment etc of members

Omit "or recognised under the *Industrial Relations Act 1991*" from section 7 (2) (c).

Insert instead "under the *Industrial Relations Act 1996*". 10

4.58 Teaching Services Act 1980 No 23

[1] Section 4 Definitions

Omit "has the meaning ascribed to that expression by section 5 (1) of the *Industrial Arbitration Act 1940*" from the definition of **industrial matters** in section 4 (1).

Insert instead "has the same meaning as in the *Industrial Relations Act 1996*". 15

[2] Sections 5 and 79 (4)

Omit "*Industrial Arbitration Act 1940*" wherever occurring.

Insert instead "*Industrial Relations Act 1996*". 20

[3] Section 28 Exercise of Secretary's functions in relation to industrial disputes

Omit "(whether or not the dispute is a question, dispute or difficulty of the nature referred to in section 25 (1) (a), (b) or (c) of the *Industrial Arbitration Act 1940*)".

25

- [4] Section 28**
Omit "*Industrial Arbitration Act 1940*" where secondly and thirdly occurring.
Insert instead "*Industrial Relations Act 1996*".
- 4.59 Technical and Further Education Commission Act 1990 No 118** 5
Sections 16 (2) and 19 (1) and clause 10 (2) of Schedule 4
Omit "*Industrial Arbitration Act 1940*" wherever occurring.
Insert instead "*Industrial Relations Act 1996*".
- 4.60 Transport Administration Act 1988 No 109** 10
- [1] Schedule 5 Extended leave for staff of each authority**
Omit "*Industrial Relations Act 1991*" from clause 3 (5) (a) (ii).
Insert instead "*Industrial Relations Act 1996*".
- [2] Schedule 5**
Insert "or enterprise agreement" after "industrial agreement" in clause 3 (5) (b). 15
- [3] Schedule 5**
Insert ", enterprise agreement" after "industrial agreement" in clause 3 (5) (b).
- 4.61 Transport Appeal Boards Act 1980 No 104** 20
Schedule 1 Members of a Board
Omit "industrial union of employees registered as such under the *Industrial Arbitration Act 1940*" from the definition of *industrial union* in clause 3.
Insert instead "industrial organisation of employees within the meaning of the *Industrial Relations Act 1996*". 25

4.62 **Water Supply Authorities Act 1987 No 140**

Schedule 5 Provisions relating to the members of an authority

Omit "industrial union registered as such under the *Industrial Arbitration Act 1940*" from clause 2 (5) (c).

Insert instead "industrial organisation of employees within the meaning of the *Industrial Relations Act 1996*". 5

4.63 **Workers Compensation Act 1987 No 70**

[1] Section 42 Current weekly wage rate (cf former s 9 (8)–(13))

Insert after paragraph (d) of the definition of *award* in section 42 (8):

(e) (without limiting the above) includes a State industrial instrument, 10

[2] Section 42 (8) definition of "award"

Insert "or instrument" after "or other agreement".

[3] Section 43 Computation of average weekly earnings (cf former s 14)

15

Omit "basic wage for adult males or adult females, as the case may require, being the basic wage in force, within the meaning of Part 5 of the *Industrial Arbitration Act 1940*" from the definition of *basic wage* in section 43 (3).

Insert instead "basic wage in force under clause 15 of Schedule 4 to the *Industrial Relations Act 1996*". 20

[4] Section 43A Suitable employment

Omit "Part 7 of Chapter 3 of the *Industrial Relations Act 1991*" from section 43A (4) (b).

Insert instead "Part 7 of Chapter 2 of the *Industrial Relations Act 1996*". 25

[5] Section 161 Inspection of policies (cf former s 18A)

Omit “section 733 of the *Industrial Relations Act 1991*” from the definition of *representative* in section 161 (5).

Insert instead “Part 7 of Chapter 5 of the *Industrial Relations Act 1996*”.

5

[6] Section 161 (5) definition of “union”

Omit “registered or recognised as such under Chapter 5 of the *Industrial Relations Act 1991*”.

Insert instead “within the meaning of the *Industrial Relations Act 1996*”.

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Schedule 5 Amendment transferring provisions

(Section 3)

Pay-roll Tax Act 1971 No 22

Schedule 6 Savings, transitional and other provisions

Insert after clause 1: 5

Part 1A Provision consequent on the enactment of the Pay-roll Tax (Amendment) Act 1988

1A Application of certain amendments to adjustment of pay-roll tax

- (1) Sections 11B, 11C, 16K and 16L, and clauses 5 and 6 of Schedule 1, as in force immediately before 1 July 1989, continue to have effect in relation to the adjustment of pay-roll tax for the financial year commencing on 1 July 1988, and earlier financial years, as if the amendments made by Schedule 3 to the amending Act had not been enacted. 10
15
- (2) This clause is taken to have commenced on 1 July 1989.
- (3) Subclause (1) re-enacts (with minor modifications) section 4 (2) of the amending Act. Subclause (1) is a transferred provision to which section 30A of the *Interpretation Act 1987* applies. 20
- (4) In this clause, *amending Act* means the *Pay-roll Tax (Amendment) Act 1988*.

Part 1B Provision consequent on the enactment of the Pay-roll Tax (Amendment) Act 1989 25

1B Application of certain amendments to taxable wages comprising fringe benefits

- (1) Without affecting the liability of an employer to pay-roll tax, an employer is not required to specify taxable wages, comprising fringe benefits, in a return relating to the month of January, February or March 1990. 30

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- (2) The taxable wages, comprising fringe benefits, to be specified in a return relating to the month of April, May or June 1990 are to be determined in accordance with this clause.
- (3) The amount of taxable wages, comprising fringe benefits, required to be specified in the return relating to the month of April 1990 is: 5
- (a) the value of the fringe benefits paid or payable by the employer during the months of January, February, March and April 1990, or 10
- (b) if the employer has made an election under subclause (4), the amount calculated in accordance with that subclause.
- (4) An employer who has paid or is liable to pay fringe benefits tax imposed by the *Fringe Benefits Tax Act 1986* of the Commonwealth in relation to each quarter during the year of tax (within the meaning of the *Fringe Benefits Tax Assessment Act 1986* of the Commonwealth) ending on 31 March 1990 may elect to include in the return relating to the month of April 1990 as the value of the fringe benefits paid or payable by the employer during that month one-third of the fringe benefits taxable amount, or that part of that amount as, in accordance with section 6 (as in force on 1 January 1990), comprises wages liable to pay-roll tax, for that year of tax ending on 31 March 1990. 15
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25
- (5) The amount of taxable wages, comprising fringe benefits, required to be specified in a return relating to the month of May or June 1990 is:
- (a) the value of the fringe benefits paid or payable by the employer during the relevant month, or 30
- (b) if the employer has made an election under subclause (4), one-twelfth of the fringe benefits taxable amount, or that part of that amount as, in accordance with section 6 (as in force on 1 January 1990), comprises wages liable to pay-roll tax, for the year of tax ending on 31 March 1990, unless the employer is able to satisfy the Chief 35
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Commissioner that the employer did not pay any fringe benefits during the month concerned.

(6) An employer may not include in a return relating to the month of July 1990, or any subsequent month, as the value of fringe benefits paid or payable by the employer during that month an amount calculated in accordance with section 13A (2), as amended by the amending Act, unless the employer has made an election under that subsection which is in force under section 13A of the Act, as so amended. 5 10

(7) This clause is taken to have commenced on 1 January 1990.

(8) Subclauses (1)–(6) re-enact (with minor modifications) section 4 of the amending Act. Subclauses (1)–(6) are transferred provisions to which section 30A of the *Interpretation Act 1987* applies. 15

(9) In this section:

amending Act means the *Pay-roll Tax (Amendment) Act 1989*.

fringe benefits taxable amount has the same meaning as in the *Fringe Benefits Tax Assessment Act 1986* of the Commonwealth. 20

return means a return required to be furnished under section 13.

Explanatory note 25

The proposed amendment inserts in Schedule 6 (Savings, transitional and other provisions) to the *Pay-roll Tax Act 1971* the substance of transitional provisions (of possible on-going effect) contained in section 4 (2) of the *Pay-roll Tax (Amendment) Act 1988* and section 4 of the *Pay-roll Tax (Amendment) Act 1989*. The enactment of the amendment enables the repeal, by Schedule 6 to this Act, of those Acts. In accordance with section 30A of the *Interpretation Act 1987*, the transfer of the provisions does not affect the operation (if any) or meaning of the provisions. 30

Schedule 6 Repeals

(Section 4)

Repeal of Acts

Homing Pigeons Protection Act 1909 (1910 No 1)***	
Miners' Accident Relief (Repeal) Act 1916 No 46***	5
Miners' Accident Relief (Supplemental) Act 1928 No 13***	
Miners' Accident Relief (Supplemental) Act 1953 No 36***	
Coal Industry (Amendment) Act 1957 No 49**	
Miners' Accident Relief (Supplemental) Act 1962 No 31***	
Miners' Accident Relief (Supplemental) Act 1966 No 15***	10
Tobacco Leaf Stabilization Act 1967 No 34***	
Stamp Duties (Amendment) Act 1970 No 94**	
Stamp Duties (Amendment) Act 1971 No 75**	
Stamp Duties (Amendment) Act 1974 No 71**	
Centenary Celebration (Amendment) Act 1976 No 75***	15
Pay-roll Tax (Amendment) Act 1976 No 86**	
Pay-roll Tax (Further Amendment) Act 1977 No 134**	
Pay-roll Tax (Amendment) Act 1978 No 111**	
Dairy Products (Repeal) Act 1979 No 21***	
Pay-roll Tax (Amendment) Act 1979 No 158**	20
Stock Diseases (Amendment) Act 1980 No 20**	
Pay-roll Tax (Amendment) Act 1980 No 163**	
Forestry (Amendment) Act 1981 No 30**	
Finance (Greyhound-racing Taxation) Management (Amendment) Act 1981 No 71**	25
Pay-roll Tax (Amendment) Act 1981 No 99**	
Pay-roll Tax (Administration) Amendment Act 1983 No 15**	

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Schedule 6 Repeals

Poultry Processing (Amendment) Act 1983 No 66**	
Sunday Entertainment (Repeal) Act 1983 No 140***	
Pay-roll Tax (Amendment) Act 1983 No 147**	
Pay-roll Tax (Amendment) Act 1984 No 136**	
Pay-roll Tax (Amendment) Act 1985 No 175**	5
Pay-roll Tax (Amendment) Act 1986 No 89**	
Pay-roll Tax (Further Amendment) Act 1986 No 163**	
Stamp Duties (Share Transfer) Amendment Act 1986 No 168**	
Stamp Duties (Information Disclosure) Amendment Act 1987 No 87**	
Pay-roll Tax (Information Disclosure) Amendment Act 1987 No 89**	10
Prickly Pear Act 1987 No 202***	
Miscellaneous Acts (Children's Court and Criminal Proceedings) Amendment Act 1987 No 273**	
Housing (Validation of Resumptions) Act 1988 No 24***	
Pay-roll Tax (Amendment) Act 1988 No 100*	15
Superannuation (Amendment) Act 1988 No 133**	
Children (Criminal Proceedings) Amendment Act 1989 No 75**	
Stamp Duties (Amendment) Act 1989 No 113**	
Courts Legislation (Procedure) Amendment Act 1989 No 169**	
Pay-roll Tax (Amendment) Act 1989 No 221*	20
Pay-roll Tax (Amendment) Act 1990 No 65**	
Trustee Companies (Amendment) Act 1990 No 98**	
Superannuation Legislation (Superannuation Guarantee Charge) Amendment Act 1992 No 102**	
Co-operatives (Amendment) Act 1992 No 107**	25
Superannuation Legislation (Miscellaneous Amendments) Act 1993 No 42**	
Workers Compensation Legislation (Miscellaneous Amendments) Act 1994 No 6**	

Workers Compensation Legislation (Amendment) Act 1994 No 10**	
Property, Stock and Business Agents (Amendment) Act 1994 No 20**	
Co-operatives Amendment Act 1995 No 41**	
Stock Diseases Amendment Act 1995 No 46**	
Veterinary Surgeons Amendment Act 1995 No 48**	5
Parliamentary Electorates and Elections Amendment (Method of Voting) Act 1995 No 54**	

Notes

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|--|----|
| * indicates repeal of an Act whose savings, transitional or other provisions of on-going effect are transferred to, or re-enacted in, the Principal Act (by Schedule 5 to this Act) | 10 |
| ** indicates repeal of an 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 an 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.

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, | 25 |
| (b) any right, privilege, obligation or liability saved by the operation of the Act, | |
| (c) any validation made by the Act, | |
| (d) the operation of any savings or transitional provision contained in the Act. | |

Schedule 7 General savings, transitional and other provisions

(Section 5)

1 Effect of amendment of amending provisions

(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. 5

(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: 10

(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 15

(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*. 20

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 errors (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. 25

2 Effect of amendment or repeal on acts done or decisions made 30

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

(a) amends a provision of an Act or regulation, or

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

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

5

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.

3 Amendments removing gender-specific language

The amendments made to an Act by Schedule 3 are made for the purposes of replacing gender-specific language with gender-neutral language. The amendments contained in that Schedule do not affect the construction or meaning of any Act. 10

Explanatory note

This clause ensures that amendments that are made solely for the purposes of removing gender-specific language from an Act do not have any unintended consequences. A similar provision to clause 3 is included in the *Reprints Act 1972* (section 11). 15

4 Regulations

(1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act. 20

(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: 25

(a) to affect, in a manner prejudicial to any person (other than the State or any authority of the State), the rights of that person existing before the date of its publication, or 30

(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. 35

Notes

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New South Wales

Statute Law (Miscellaneous Provisions) Act (No 2) 1996 No 121

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New South Wales

Statute Law (Miscellaneous Provisions) Act (No 2) 1996 No 121

Act No 121, 1996

An Act to repeal certain Acts and to amend certain other Acts and regulations in various respects and for the purpose of effecting statute law revision; and to make certain savings. [Assented to 3 December 1996]

The Legislature of New South Wales enacts:**1 Name of Act**

This Act is the *Statute Law (Miscellaneous Provisions) Act (No 2) 1996*.

2 Commencement

- (1) This Act commences on the date of assent, except as provided by subsections (2)–(5).
- (2) The amendments made by Schedule 1 commence on the dates specified in that Schedule in relation to the amendments concerned. If a commencement date is not specified, the amendments commence on the date of assent.
- (3) The amendments made by Schedule 3 commence on the date that is 3 months after the date of assent, or on such earlier day or days as may be appointed by proclamation.
- (4) The amendments made by Schedule 4 commence on the date that is 4 months after the date of assent, or on such earlier day or days as may be appointed by proclamation. However, the amendments to the *Industrial Relations Act 1996* made by Schedule 4 commence on the date of assent.
- (5) The repeals effected by Schedule 6 commence on the date of assent. However, the repeal of the *Prickly Pear Act 1987* by Schedule 6 commences on 1 January 1997.

3 Amendments

Each Act and regulation specified in Schedules 1–5 is amended as set out in those Schedules.

4 Repeals

Each Act specified in Schedule 6 is repealed.

5 General savings, transitional and other provisions

Schedule 7 has effect.

6 Explanatory notes

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

Schedule 1 Minor amendments

(Section 3)

1.1 Casino Control Act 1992 No 15

Section 101 Apprentices and trainees permitted entry to casino

Insert “or trainee” after “apprentice” wherever occurring.

Explanatory note

Part 6 of the *Casino Control Act 1992* prohibits minors from entering or remaining in a casino. At present, section 101 of the Act provides a defence to a prosecution under Part 6 if it is proved that the minor concerned was an **apprentice** (within the meaning of the *Industrial and Commercial Training Act 1989*) and that the minor's entry into or presence in a casino was for the purpose of receiving training or instruction as an apprentice.

The proposed amendment extends that defence to also cover a minor who is a **trainee** within the meaning of the *Industrial and Commercial Training Act 1989*.

1.2 Drug Misuse and Trafficking Act 1985 No 226

Section 43 Certificate evidence

Insert “, or by an area health service,” after “New South Wales” in paragraph (a) of the definition of **analyst** in section 43 (6).

Explanatory note

The *Drug Misuse and Trafficking Act 1985* prohibits the manufacture, supply, possession and use of certain drugs.

Section 43 of the Act sets out the evidentiary value of a certificate given by an analyst, and certain approved persons, in legal proceedings under the Act. At present, section 43 applies only to the evidence of a person employed by the Government of New South Wales as an analyst and to any person who is an **analyst** within the meaning of the *Poisons and Therapeutic Goods Act 1966*. The section also applies to any person appointed by the Director-General of the Department of Agriculture to give certificates.

The proposed amendment will extend the application of the evidentiary provisions in section 43 so that they apply to a certificate issued by an analyst employed by an area health service.

1.3 Electricity Supply Act 1995 No 94

[1] Section 49 Obstruction of electricity works

Omit “of thing” from section 49 (1). Insert instead “or thing”.

[2] Section 92 Non-franchise customers

Insert after section 92 (1):

(1A) An order under this section may:

- (a) apply generally or be limited in its application by reference to specified exceptions or factors, or
- (b) apply differently according to different factors of a specified kind.

(1B) In particular, an order under this section may apply to a person only in respect of the consumption of electricity at certain premises (in which case the order does not apply to that person in respect of the person’s consumption of electricity at other premises).

[3] Section 106 Regulations

Omit section 106 (1) (c). Insert instead:

- (c) the form and content of standard form customer connection contracts and standard form customer supply contracts,
- (c1) the procedures for preparing and advertising standard form customer connection contracts and standard form customer supply contracts,

Explanatory note

Orders declaring customers to be non-franchise customers

Section 92 of the *Electricity Supply Act 1995* empowers the Minister, by order published in the Gazette, to declare any specified person, or specified class of persons, to be non-franchise customers for the purposes of the Act. (The main consequence of being a non-franchise customer is that the customer can negotiate a customer supply contract, which may contain such terms as the relevant retail supplier and customer may agree: see section 43. A franchise customer is compelled by the Act to enter into a standard form customer supply contract in order to be supplied with electricity: see sections 39 and 40.)

Item [2] of the proposed amendments makes it clear that a Ministerial order under section 92 can apply differently according to different factors of a specified kind. In particular, if the order is expressed to apply to a person only in respect of the consumption of electricity at certain premises, that order has the effect that the person becomes a non-franchise customer in respect of electricity consumed at those premises, but remains a franchise customer in respect of electricity consumed at other premises.

Statute law revision

Item [1] of the proposed amendments corrects a typographical error.

Item [3] restates a regulation-making power so as to make it clearer.

1.4 Energy Services Corporations Act 1995 No 95

Schedule 5 Savings, transitional and other provisions

Omit clauses 4 and 13.

Commencement

The amendment to the *Energy Services Corporations Act 1995* is taken to have commenced on 1 March 1996 (the date of commencement of Schedule 5 to that Act).

Explanatory note

At present, clause 4 of Schedule 5 to the *Energy Services Corporations Act 1995* provides that, in any other Act or instrument, a reference to Pacific Power extends to a new electricity generator constituted under that Act. Clause 13 of Schedule 5 provides that, in any other Act or instrument, a reference to a former distributor (an electricity distributor constituted under the *Electricity Act 1945*) extends to a new distributor (an energy distributor constituted under the *Energy Services Corporations Act 1995*).

The proposed amendment omits those clauses from Schedule 5. (Clause 1 of Schedule 5 empowers the Governor to make regulations of a savings or transitional nature. That regulation-making power could be used to provide for the construction of references to Pacific Power so as to extend to new electricity generators, or for the construction of references to former distributors to extend to new distributors, where such a construction would be appropriate.)

1.5 Freedom of Information Act 1989 No 5

Schedule 2 Exempt bodies and offices

Insert in alphabetical order:

The Axiom Funds Management Corporation—
investment functions exercised on behalf of trustees of
superannuation funds.

Commencement

The amendment to the *Freedom of Information Act 1989* is taken to have commenced on 1 July 1996 (the date of commencement of Schedule 4.2 to the *Superannuation Administration Act 1996*).

Explanatory note

The *Freedom of Information Act 1989* imposes obligations on Government bodies to make available to the public certain information concerning documents. Schedule 2 to the Act specifies certain bodies and offices that are exempt from the operation of the Act in relation to those functions specified.

The *Superannuation Administration Act 1996* re-organised the administration of State public sector superannuation schemes. The Act continued the FSS Trustee Corporation as trustee for the accumulation style schemes open to new members and continued the STC (formerly the State Authorities Superannuation Board) as trustee for the defined benefit style schemes closed to new members. The power to provide investment services for State public sector superannuation schemes and other schemes was conferred on the Axiom Funds Management Corporation (the successor of the State Superannuation Investment and Management Corporation).

As a consequence of those changes, the State Authorities Superannuation Board and the State Superannuation Investment and Management Corporation were omitted from the Schedule of exempt bodies in Schedule 2 to the *Freedom of Information Act 1989*. At the same time, the FSS Trustee Corporation and the SAS Trustee Corporation were included in that Schedule, so that they are now exempt bodies in relation to their investment functions.

The proposed amendment includes the Axiom Funds Management Corporation in the Schedule of exempt bodies, but only in relation to the exercise of investment functions on behalf of trustees of superannuation funds.

1.6 Greyhound Racing Control Board Act 1985 No 119

[1] Long title

Omit "Greyhound Racing Control Board".
Insert instead "Greyhound Racing Authority (NSW)".

[2] Section 1 Name of Act

Omit "*Greyhound Racing Control Board Act 1985*".
Insert instead "*Greyhound Racing Authority Act 1985*".

[3] Whole Act (except sections 1, 3 (1), 5 (1), 17 (1) and 18 (1) and Schedule 3)

Omit "Board" wherever occurring. Insert instead "Authority".

[4] Section 3 Definitions

Omit the definition of *Board* in section 3 (1).
Insert instead:

Authority means the Greyhound Racing Authority (NSW) constituted by this Act.

[5] Section 3 (1) definitions of "Chairman" and "member"

Omit "Board" wherever occurring. Insert instead "Authority".

[6] Section 3 (1) definition of "Fund" and section 17 (1)

Omit "Greyhound Racing Control Board Fund" wherever occurring.
Insert instead "Greyhound Racing Authority (NSW) Fund".

[7] Section 5 Constitution of Authority

Omit "Greyhound Racing Control Board" from section 5 (1).
Insert instead "Greyhound Racing Authority (NSW)".

[8] Section 8 Chief executive and other staff of Authority

Omit "secretary" wherever occurring.
Insert instead "chief executive".

[9] Section 17 Greyhound Racing Authority (NSW) Fund

Omit "The Board" from section 17 (1).
Insert instead "The Authority".

[10] Section 18 Contributions to Fund by greyhound racing clubs

Omit "Board" from the definition of *financial year* in section 18 (1).
Insert instead "Authority".

[11] Schedule 1 Provisions relating to members of Authority

Omit "secretary" wherever occurring in clause 9.
Insert instead "chief executive".

[12] Schedule 3 Savings, transitional and other provisions

Insert at the end of clause 4:

- (2) The change of name of the corporation constituted under section 5 (from the Greyhound Racing Control Board to the Greyhound Racing Authority (NSW)) by the *Statute Law (Miscellaneous Provisions) Act (No 2) 1996* does not affect the identity or continuity of status of that corporation.

[13] Schedule 3

Insert after clause 4:

4A Continuation of Fund

The change of name of the Greyhound Racing Control Board Fund to the Greyhound Racing Authority (NSW) Fund by the *Statute Law (Miscellaneous Provisions) Act (No 2) 1996* does not affect the identity or continuity of those funds.

[14] Schedule 3, clause 7

Omit "Board". Insert instead "Authority".

[15] Schedule 3, clause 7

Insert at the end of the clause:

- (2) On and from the date of assent to the *Statute Law (Miscellaneous Provisions) Act (No 2) 1996*, in any other Act, in any instrument made under any Act or in any other instrument of any kind:
 - (a) a reference to the Greyhound Racing Control Board is to be read as a reference to the Greyhound Racing Authority (NSW), and
 - (b) a reference to the Greyhound Racing Control Board Fund is to be read as a reference to the Greyhound Racing Authority (NSW) Fund, and
 - (c) a reference to the secretary of the Greyhound Racing Control Board is to be read as a reference to the chief executive of the Greyhound Racing Authority (NSW).

Explanatory note

The Greyhound Racing Control Board is a statutory corporation constituted under the *Greyhound Racing Control Board Act 1985*.

Item [7] of the proposed amendments changes the corporate name of that corporation to the Greyhound Racing Authority (NSW). (Items [1]–[6], [9] and [10] make consequential amendments.)

Items [8] and [11] change the title of the secretary of the Board to the chief executive of the Authority.

Items [12]–[15] make savings provisions.

1.7 Interpretation Act 1987 No 15

Section 30B

Insert after section 30A:

30B Effect of amendment of statutory rule by an Act

The amendment of a statutory rule by an Act does not prevent its later amendment or repeal by another statutory rule.

Explanatory note

From time to time Acts of Parliament amend statutory rules. It is usual practice to include a provision in such Acts to make it absolutely clear that the amendment of the relevant statutory rule in that way does not affect the future amendment or repeal of the statutory rule.

The proposed amendment inserts a general provision in the *Interpretation Act 1987* to confirm that when an Act amends a statutory rule that amendment does not affect the later amendment or repeal of the statutory rule.

1.8 Irrigation Corporations Act 1994 No 41

[1] Section 53 Conditions of irrigation corporation licence

Insert after section 53 (a):

- (a1) any conditions imposed on the irrigation corporation licence from time to time under Division 4B of Part 2 of the *Water Act 1912*, and

[2] Section 54 Imposition of conditions after irrigation corporation licence is granted

Insert at the end of the section:

- (2) This section does not apply to any condition imposed under Division 4B of Part 2 of the *Water Act 1912*.

Transitional

The amendments to the *Irrigation Corporations Act 1994* extend to any condition imposed on an irrigation corporation licence before the commencement of those amendments.

Explanatory note

Irrigation corporation licences are issued under the *Irrigation Corporations Act 1994*. Those licences are treated as entitlements for the purposes of Division 4B of Part 2 of the *Water Act 1912* (which provides for the establishment of volumetric water allocation schemes). The holder of an irrigation corporation licence can therefore participate in a new volumetric water allocation scheme, and be assigned a water allocation when a new scheme is prepared.

The proposed amendment to the *Water Act 1912* made elsewhere in this Schedule will have the effect that the Water Administration Ministerial Corporation will be required to impose a condition relating to water allocation in respect of a new irrigation corporation licence (as it does in respect of other entitlements). This will allow irrigation corporations to participate in volumetric water allocation schemes (regulated by Division 4B of Part 2 of the *Water Act 1912*) that are in existence when a licence is granted as well as in the transfer of water allocations (regulated by Division 4C of Part 2).

Item [1] of the proposed amendments to the *Irrigation Corporations Act 1994* makes it clear that when such conditions are imposed they are enforceable as conditions on the irrigation corporation licence.

Item [2] of the proposed amendments excludes such conditions from the obligation to give the licensee an opportunity to make representations before the conditions are imposed.

1.9 Landlord and Tenant (Rental Bonds) Act 1977 No 44

[1] Section 6 Constitution and procedure of the Board

Omit "Director of Housing" from section 6 (1) (a).

Insert instead "Director-General of the Department of Fair Trading".

[2] Sections 6 (1) (a), 15 and 32 and Schedule 1, clauses 2 (2), 3 and 4 (4), (7) and (8)

Omit "Chairman" wherever occurring.

Insert instead "Chairperson".

[3] Section 6 (1) (b)

Omit "Director-General of the Department of Fair Trading".

Insert instead "Director-General of the Department of Urban Affairs and Planning".

[4] Schedule 1 Provisions relating to constitution and procedure of Board

Omit "Department of Housing, the Department of Consumer Affairs" from clause 2 (1).

Insert instead "Department of Fair Trading, the Department of Urban Affairs and Planning".

Transitional

On the commencement of the amendments to the *Landlord and Tenant (Rental Bonds) Act 1977*, the Director-General of the Department of Urban Affairs and Planning ceases to be the Chairman (Chairperson) of the Rental Bond Board.

The amendments to the *Landlord and Tenant (Rental Bonds) Act 1977* do not affect the operation of any appointment of a deputy by a member of the Rental Bond Board.

Explanatory note

The *Landlord and Tenant (Rental Bonds) Act 1977* constitutes the Rental Bond Board, which is chaired by the Director of Housing (now the Director-General of the Department of Urban Affairs and Planning) and which includes as a member the Director-General of the Department of Fair Trading.

The administration of the Act has been transferred from the Minister for Housing to the Minister for Fair Trading.

Items [1], [3] and [4] of the proposed amendments reflect this transfer in the constitution of the Board, by providing for the Director-General of the Department of Fair Trading to chair the Board, with the Director-General of the Department of Urban Affairs and Planning acting as an ordinary member.

Item [2] replaces references to the "Chairman" of the Board with references to the "Chairperson".

1.10 Local Government Act 1993 No 30

[1] Schedule 7 Savings, transitional and other provisions consequent on the enactment of this Act

Omit "and the *Manufactured Home Estates Ordinance 1992* under the old Act are taken to be regulations" from clause 5 (1).

Insert instead "is taken to be a regulation".

[2] Schedule 7

Omit clauses 8, 10, 13, 17, 23, 24A, 26, 26A, 27–30, 30A, 33, 39, 40, 42–44, 48 and 50–53.

Explanatory note

The proposed amendments omit savings and transitional provisions that are now redundant.

**1.11 Local Government (Consequential Provisions) Act 1993
No 32**

Schedule 3 Savings, transitional and other provisions

Omit clauses 3 and 6.

Explanatory note

The proposed amendment omits savings and transitional provisions that are now redundant.

1.12 National Parks and Wildlife Act 1974 No 80

[1] Section 121 Occupier's licence

Omit section 121 (2). Insert instead:

- (2) If an occupier's licence is proposed to be subject to a condition requiring labels, tags, slips or other objects to be affixed or attached to the skin or carcase of fauna harmed under the authority of the licence, the licence must not be issued unless the licensee has been supplied by the Service with sufficient labels, tags, slips or other objects to enable the licensee to comply with the relevant condition.

[2] Section 157 Requirement to state name and address

Omit "place of abode" wherever occurring in section 157 (1) and (2).

Insert instead "residential address".

[3] Section 157 (3) (b)

Omit "his name or a place of abode that is not his place of abode".
Insert instead "the person's name or an address that is not the person's residential address".

[4] Section 171 Authority to harm or pick

Omit "with respect to any animals" from section 171 (4).

[5] Section 171 (4)

Omit "harming of any such animal".
Insert instead "authorised activity".

[6] Section 176 Proceedings for offences

Insert "90," after "section" in section 176 (1AA).

Explanatory note

Occupier's licences

Section 121 of the *National Parks and Wildlife Act 1974* provides for the issue of an occupier's licence, authorising the owner or occupier of land to harm, or permit others to harm, a specified number of specified fauna on that land. In some cases (such as for the culling of kangaroos) tags are required to be attached to the fauna for record keeping purposes. Section 121 (2) provides that an occupier's licence must not be issued unless the licensee has been supplied with sufficient labels, tags or similar objects to allow compliance with such a requirement. However, tags are not required in every case.

Item [1] of the proposed amendments restates section 121 (2) so as to make it clear that the obligation applies only when the licence requires that labels, tags or similar objects are to be used.

Requirement to state name and residential address

At present, section 157 of the Act empowers certain officers to require a person, suspected on reasonable grounds of committing an offence, to state the person's full name and "place of abode".

Items [2] and [3] of the proposed amendments update such references, so that the person is instead required to state the person's name and residential address.

Authority to harm or pick

Section 171 of the Act gives the Director-General of National Parks and Wildlife the power to authorise people to harm certain animals or to take certain action in relation to trees and native plants (for example, to fell trees or pick native plants). Section 171 (4) provides that such authorisations also authorise the person to do things that would otherwise be prohibited by section 45 (1) (which deals with harming animals and discharging prohibited weapons in national parks and historic sites) or by section 56 (1) (which deals with animals in nature reserves). At present, that exemption is limited to acts done in connection with the harming of an animal.

Items [4] and [5] of the proposed amendments extend that exemption to cover all acts done in connection with the authorised harming of animals, felling of trees or picking of native plants.

Proceedings for offences relating to Aboriginal relics

Section 176 (1) of the Act provides that proceedings for an offence against the Act may be taken summarily before a Local Court constituted by a Magistrate sitting alone. However, section 176 (1AA) provides for some proceedings to be taken before the Land and Environment Court in its summary jurisdiction, as an alternative to the Local Court.

Item [6] of the proposed amendments adds offences under section 90 (Destruction etc of relics or Aboriginal places) to the list of offences that can be heard before the Land and Environment Court.

1.13 Noxious Weeds Act 1993 No 11

Section 7 What are the noxious weeds to which this Act applies?

Omit section 7 (5).

Commencement

The amendment to the *Noxious Weeds Act 1993* commences on 1 January 1997.

Explanatory note

The *Noxious Weeds Act 1993* provides for the identification, classification and control of noxious weeds. At present, section 7 (5) of the Act provides that the Act does not apply to prickly pear within the meaning of the *Prickly Pear Act 1987*. That Act is proposed to be repealed, by Schedule 6 to this Act.

The proposed amendment repeals section 7 (5) of the Act, so that prickly pear can be brought within the application of the Act. (This can be done by Ministerial order under section 7 (1) of the Act declaring prickly pear to be a noxious weed for the purposes of the Act.)

1.14 Poisons and Therapeutic Goods Act 1966 No 31

Section 4 Definitions

Omit from the definition of *Supply by wholesale* in section 4 (1):

and includes supply of the substance or goods in wholesale quantities for use:

- (c) in a public institution, or
- (d) in connection with the carrying on by persons, in circumstances prescribed by the regulations, of any activity so prescribed.

Insert instead:

and includes supply of the substance or goods in wholesale quantities:

- (c) for use in a public institution, or
- (d) to persons who are authorised by the regulations to be supplied with wholesale quantities of the substance or goods.

Amendment of Poisons and Therapeutic Goods Regulation 1994

The *Poisons and Therapeutic Goods Regulation 1994* is amended by omitting clause 125 and by inserting instead the following clause:

125 Authorised possession for supply by wholesale

- (1) For the purposes of paragraph (d) of the definition of *supply by wholesale* in section 4 (1) of the Act, each person who is authorised by a provision of Appendix E to be in possession of a substance or goods is authorised to be supplied with wholesale quantities of the substance or goods.
- (2) If the relevant provision of Appendix E includes a maximum concentration or strength in relation to a particular substance, the authority to be supplied with wholesale quantities of the substance extends only to substances in a concentration or strength not exceeding that maximum.

Explanatory note

Until 1 September 1996, the *Poisons and Therapeutic Goods Act 1966* (formerly the *Poisons Act 1966*) defined *wholesale dealing*. The definition provided for the regulations made under that Act to authorise certain persons and activities for the purposes of that definition. The Act was amended by the *Poisons Amendment (Therapeutic Goods) Act 1996* which, among other things, replaced the concept

of **wholesale dealing** with the analogous concept of **supply by wholesale**. The definition of that term provides for certain circumstances and activities to be prescribed.

However, the *Poisons and Therapeutic Goods Regulation 1994* was originally drafted in such a way as to authorise persons and activities. Authorities were issued on that basis.

The proposed amendment to the *Poisons and Therapeutic Goods Act 1966* restates the last two paragraphs of the definition of **supply by wholesale** so as to provide for the regulations to authorise persons to be supplied with wholesale quantities of a substance or goods. An analogous amendment is made to the *Poisons and Therapeutic Goods Regulation 1994*.

1.15 Police Regulation (Superannuation) Act 1906 No 28

Section 5AA Source of administration costs payments

Omit “(including costs related to investment management)”.

Commencement

The amendment to section 5AA of the *Police Regulation (Superannuation) Act 1906* is taken to have commenced on 1 July 1996 (the date of commencement of Schedule 4.9 to the *Superannuation Administration Act 1996*).

Explanatory note

Until 1 July 1996, section 23A of the *Superannuation Administration Act 1991* made provision for the payment of administration costs in respect of the Police Superannuation Fund. That provision was transferred into the *Police Regulation (Superannuation) Act 1906* (by Schedule 4.9 [5] to the *Superannuation Administration Act 1996*). The new provision (section 5AA) does not exactly mirror the old provision.

The proposed amendment omits superfluous words relating to the source of administration costs payments so that section 5AA more closely reflects the repealed section 23A and the existing and previous procedures for payment of costs.

1.16 Public Authorities (Financial Arrangements) Act 1987 No 33

[1] Section 5 Meaning of effecting a financial adjustment

Omit section 5 (f). Insert instead:

- (f) a currency option,
- (g) an interest rate option,

- (h) a commodity swap,
- (i) a forward commodity agreement,
- (j) a commodity option,
- (k) a swaption,
- (l) a bond option,
- (m) an interest rate cap,
- (n) an interest rate floor,
- (o) an interest rate collar,
- (p) a forward rate bill agreement,
- (q) a forward foreign exchange transaction,
- (r) an exchange rate agreement,
- (s) a forward exchange agreement,
- (t) a reciprocal purchase agreement,
- (u) any other transaction or arrangement that is prescribed by the regulations.

[2] Section 5 (2)

Insert at the end of section 5:

- (2) In this section, *commodity* includes electricity.

[3] Section 18 Treasurer's approval as evidence

Insert at the end of the section:

- (2) For the purposes of this section, *financial adjustment* includes any transaction or arrangement validated by section 44.

[4] Section 44

Insert after section 43:

44 Validation of certain financial adjustments

- (1) This section applies to an arrangement or transaction entered into by an authority before the date of assent to the *Statute Law (Miscellaneous Provisions) Act (No 2) 1996*:

- (a) that was not a “financial adjustment” within the meaning of section 5 at the time that the arrangement or transaction was entered into, and
 - (b) that is or was a “financial adjustment” within the meaning of section 5 as amended by Schedule 1.16 to the *Statute Law (Miscellaneous Provisions) Act (No 2) 1996*, and
 - (c) that was entered into while the relevant authority held an approval given by the Treasurer under Part 2A to effect financial adjustments by means of the arrangements and transactions identified in section 5, and
 - (d) that was entered into in accordance with any conditions imposed on such an approval.
- (2) Every arrangement or transaction to which this section applies is validated.
 - (3) In this clause, a reference to an *authority* is a reference to a body that was an authority (within the meaning of section 15) at the time that the relevant arrangement or transaction was entered into.

[5] Schedule 1 Authorities

Omit “Energy South.”, “Far West Energy.”, “First State Power.”, “MetNorth Energy.”, “MetSouth Energy.”, “MidState Energy.” and “NorthPower Energy.”.

[6] Schedule 1

Insert in alphabetical order of authorities:

Advance Energy.
Australian Inland Energy.
Delta Electricity.
EnergyAustralia.
Great Southern Energy.
Integral Energy Australia.
NorthPower.

Amendment of Public Authorities (Financial Arrangements) Regulation 1995

The *Public Authorities (Financial Arrangements) Regulation 1995* is amended by omitting clause 55.

Explanatory note

Definition of “financial adjustment”

Part 2A of the *Public Authorities (Financial Arrangements) Act 1987* gives public authorities the power to effect a financial adjustment, but only with the approval of the Treasurer. The term **financial adjustment** is defined in section 5 of the Act to mean entering into or participating in certain listed arrangements or transactions. The definition also provides for further transactions or arrangements to be prescribed by the regulations. (See clause 55 of the *Public Authorities (Financial Arrangements) Regulation 1995*.)

Items [1] and [2] of the proposed amendments extend the definition of **financial adjustment** to include further transactions or arrangements that are substantially the same as those presently specifically mentioned in the definition of **financial adjustment** in section 5, and those presently prescribed in clause 55 of the *Public Authorities (Financial Arrangements) Regulation 1995*. (In addition, the transactions that are presently prescribed are transferred to the statutory definition and the *Public Authorities (Financial Arrangements) Regulation 1995* is amended accordingly.)

Items [3] and [4] of the proposed amendments validate any transaction entered into in accordance with an approval given by the Treasurer when the transaction or arrangement was not one of those listed in section 5 (or prescribed by the regulations for the purposes of that section), but only if such a transaction or arrangement was subsequently included in the revised definition of **financial adjustment**.

Statute law revision

Items [5] and [6] of the proposed amendments update references to certain energy services corporations. The revised names are:

- Advance Energy (formerly MidState Energy)
- Australian Inland Energy (formerly Far West Energy)
- Delta Electricity (formerly First State Power)
- EnergyAustralia (formerly MetNorth Energy)
- Great Southern Energy (formerly Energy South)
- Integral Energy Australia (formerly MetSouth Energy)
- NorthPower (formerly NorthPower Energy).

**1.17 Royal Blind Society of New South Wales Act 1901
No 56**

[1] Section 1A

Omit the section. Insert instead:

1A Definitions

In this Act:

council means the council of management referred to in section 6.

Society means the Royal Blind Society of New South Wales.

[2] Section 2B

Insert after section 2A:

2B Change of objects of Society

On and from the date of assent to the *Statute Law (Miscellaneous Provisions) Act (No 2) 1996*, the objects of the Society are (despite section 2) the following:

- (a) to promote in New South Wales and elsewhere the interests of blind and vision-impaired persons generally,
- (b) to provide (directly or indirectly) services to assist blind and vision-impaired persons to develop and use their abilities fully and to achieve their aspirations for participation in general community life.

[3] Section 4 Society may purchase and hold property

Omit "the Schedule". Insert instead "Schedule 1".

[4] Section 4

Omit the proviso.

[5] Section 4A Revocation of conditions, trusts and dedications affecting lands in Schedule 1

Omit "the Schedule" wherever occurring.
Insert instead "Schedule 1".

[6] Section 5

Omit the section. Insert instead:

5 Classes of membership of Society

The Society is to have the following classes of members:

- (a) honorary life members,
- (b) life members,
- (c) ordinary members.

[7] Section 5AA

Insert after section 5:

5AA Honorary life members

- (1) Honorary life members of the Society are the persons on whom the council has conferred honorary life membership.
- (2) The council may, by resolution, confer honorary life membership of the Society on any person who, in the opinion of the council, has made a very significant contribution to the work of the Society.

[8] Section 5A

Omit the section. Insert instead:

5A Life members

- (1) The persons who are life members of the Society on the date of assent to the *Statute Law (Miscellaneous Provisions) Act (No 2) 1996* are life members of the Society.
- (2) A person who makes a donation of, or of more than, \$1,000 (or such other amount as the members at an annual general meeting or a special general meeting may from time to time determine by resolution) to the Society becomes, on making the donation, a life member of the Society.
- (3) A life member of the Society is not required to pay any further subscription to the Society.

[9] Section 5B

Omit the section. Insert instead:

5B Ordinary members

- (1) The persons who are members (other than life members) of the Society on the date of assent to the *Statute Law (Miscellaneous Provisions) Act (No 2) 1996* are ordinary members of the Society until the 30 June next following that date without further payment of any subscription.
- (2) A person who makes a donation of \$10 or more (but less than the amount that qualifies a person as a life member) to the Society becomes, on making the donation, an ordinary member of the Society until:
 - (a) the 30 June next following the date of the donation, or
 - (b) the conclusion of the annual general meeting next following the date of the donation,whichever is the later.

[10] Section 6 Council of management

Omit "not more than eighteen persons". Insert instead "15 persons".

[11] Section 6A Election of council

Omit section 6A (2) and (3). Insert instead:

- (2) At each annual general meeting of the Society after the date of assent to the *Statute Law (Miscellaneous Provisions) Act (No 2) 1996*, 5 members are to be elected to the council.
- (3) The members so elected are, subject to this Act, to hold office until the third annual general meeting after the meeting at which they were elected.

[12] Sections 6B (2) (b), 6C, 8, 13 (1) and 19

Insert "general" after "annual" wherever occurring.

[13] Section 9A

Insert after section 9:

9A Notice of meetings

- (1) Every annual general meeting and special general meeting of the council is to be advertised, at least 3 weeks before the day on which the meeting is to be held:
 - (a) on at least 1 occasion in at least 2 newspapers that are published on at least 5 days per week and that circulate in the Sydney metropolitan area, and
 - (b) on at least 1 occasion in each of at least 2 public media that are accessible to blind and vision-impaired people.
- (2) In this section:

on-line service means a service provided by or through the facilities of a computer communication system and accessed through a telecommunications network that allows for:

 - (a) the input, output or examination of computer data or computer programs, or

- (b) the transmission of computer data or computer programs from one computer to another, or
- (c) the transmission of computer data or computer programs from a computer to a terminal service.

public media includes any radio or television broadcast and any on-line service (such as a bulletin board or a service providing information through a system connected to the internet).

[14] Section 13 Nomination of council

Omit section 13 (3).

[15] Section 16 Meetings of council

Omit "three members". Insert instead "6 members".

[16] Section 20

Insert after section 19:

20 Savings, transitional and other provisions

Schedule 2 has effect.

[17] Schedule

Omit the heading to the Schedule.
Insert instead "**Schedule 1 Land**".

[18] Schedule 2

Insert after Schedule 1:

Schedule 2 Savings, transitional and other provisions

(Section 20)

1 Definition

In this Schedule:

amending Act means the *Statute Law (Miscellaneous Provisions) Act (No 2) 1996*.

2 Reduction in membership of council

Section 6, as amended by the amending Act, is to be construed as if the reference to 15 persons were:

- (a) a reference to 18 persons, until the first annual general meeting of the Society after the commencement of the section as amended, and
- (b) at that annual general meeting, and until the second such annual general meeting, a reference to 17 persons, and
- (c) at that second annual general meeting, and until the third such annual general meeting, a reference to 16 persons.

3 Continuity of council

- (1) A person who was a member of the council immediately before the repeal and re-enactment of section 6A (2) and (3) by the amending Act is taken to have been elected in accordance with that section as in force after that repeal and re-enactment.
- (2) The person is to hold office for the balance of the person's term in accordance with section 6A (3) before the repeal and re-enactment of that subsection.

Explanatory note

Objects of the Royal Blind Society of New South Wales

The *Royal Blind Society of New South Wales Act 1901* (formerly the *Sydney Industrial Blind Institution Incorporation Act 1901*) constituted a statutory corporation which is now called the Royal Blind Society of New South Wales. The preamble to that Act states that the objects of the original corporation were "the teaching of trade to blind persons, and promoting the welfare of such persons".

Item [2] of the proposed amendments restates the objects of the Society, which are now directed towards assisting its clients to be involved as fully as possible in general community life.

Power of Society to sell or mortgage real property

Section 4 of the Act empowers the Society to sell, dispose of or mortgage any real property vested in the Society (other than the property specified in the Schedule), but only if a general meeting or special meeting of the members of the Society passes a resolution sanctioning a transaction.

Item [4] of the proposed amendments omits the proviso that requires such a resolution. As a result of the proposed amendment, the Society will have an unrestricted power to sell, dispose of or mortgage such property.

Classes of membership

At present, there are two classes of members of the Society: life members and ordinary members.

Item [6] of the proposed amendments provides for three classes of members: honorary life members, life members and ordinary members.

Item [7] provides for honorary life membership to be conferred on a person who, in the opinion of the council, has made a very significant contribution to the work of the Society.

Item [8] restates the qualification for any further life membership, namely that the person has made a donation of \$1,000 or more (or of or above such other amount as the members at an annual general meeting may determine).

Item [9] sets out the qualifications for ordinary membership.

Membership and procedure of council of management

At present, section 6 of the Act provides for the affairs of the Society to be managed and controlled by a council of management consisting of not more than 18 persons.

Item [10] of the proposed amendments reduces the size of membership to 15 persons.

Item [11] provides for the election of 5 persons to the council of the Society at each annual general meeting, each for a 3 year term.

Item [12] updates references to the annual general meeting of the council.

Item [13] provides for the giving of notice of meetings. (Item [14] is consequential on that amendment.)

Item [15] provides for a quorum of the council to be 6 members, rather than 3.

Other matters

Item [1] of the proposed amendments inserts certain definitions.

Items [3], [5] and [17] update references to a Schedule.

Items [16] and [18] insert a Schedule of savings and transitional provisions consequent on the proposed amendments.

Endorsement of proposed amendments

The proposed amendments have been endorsed by a special meeting of the Society.

1.18 State Authorities Non-contributory Superannuation Act 1987 No 212

[1] Section 11A Source of administration costs payments

Omit “(including costs related to investment management)” from section 11A (1).

[2] Schedule 1 Employers

Omit "Greyhound Racing Control Board" from Part 1.
Insert instead "Greyhound Racing Authority (NSW)".

Commencement

The amendment to section 11A of the *State Authorities Non-contributory Superannuation Act 1987* is taken to have commenced on 1 July 1996 (the date of commencement of Schedule 4.15 [7] to the *Superannuation Administration Act 1996*).

Explanatory note

Until 1 July 1996, section 23C of the *Superannuation Administration Act 1991* made provision for the payment of administration costs. That provision was transferred into the *State Authorities Non-contributory Superannuation Act 1987* (by Schedule 4.15 [7] to the *Superannuation Administration Act 1996*). The new provision (section 11A) does not exactly mirror the old provision.

Item [1] of the proposed amendments amends section 11A so that it more closely reflects repealed section 23C and the existing and previous procedures for payment of costs.

Item [2] updates a reference to a statutory authority. (The name of the Greyhound Racing Control Board is to be changed to the Greyhound Racing Authority (NSW) by amendments made by Schedule 1.6.)

1.19 State Authorities Superannuation Act 1987 No 211

[1] Section 14B Source of administration costs payments

Omit "(including costs related to investment management)" from section 14B (1).

[2] Section 14B (1)

Insert "and contributors' accounts" after "employer reserves".

[3] Section 14B (2)

Omit "employees' accounts".
Insert instead "contributors' accounts".

[4] Section 14B (3)

Omit “employees’ accounts”. Insert instead “employer reserves”.

[5] Schedule 1 Employers

Omit “Greyhound Racing Control Board” from Part 1.
Insert instead “Greyhound Racing Authority (NSW)”.

Commencement

The amendments to section 14B of the *State Authorities Superannuation Act 1987* are taken to have commenced on 1 July 1996 (the date of commencement of Schedule 4.16 [6] to the *Superannuation Administration Act 1996*).

Explanatory note

Until 1 July 1996, section 23B of the *Superannuation Administration Act 1991* made provision for the payment of administration costs in respect of the State Authorities Superannuation Fund. That provision was transferred into the *State Authorities Superannuation Act 1987* (by Schedule 4.16 [6] to the *Superannuation Administration Act 1996*). The new provision (section 14B) does not exactly mirror the old provision.

Items [1]–[4] of the proposed amendments amend section 14B so that it more closely reflects repealed section 23B and the existing and previous procedures for payment of costs.

Item [5] updates a reference to a statutory authority. (The name of the Greyhound Racing Control Board is to be changed to the Greyhound Racing Authority (NSW) by amendments made by Schedule 1.6.)

**1.20 Statutory and Other Offices Remuneration Act 1975
(1976 No 4)**

[1] Schedule 2 Public offices

Insert at the beginning of Part 1:

Senior Chairperson of the Government and Related
Employees Appeal Tribunal (not being the holder of a
judicial office).

[2] Schedule 2, Part 1

Omit "or a magisterial office" from the matter relating to the Chairperson of the Government and Related Employees Appeal Tribunal.

[3] Schedule 2, Part 2

Omit the matter relating to the Senior Chairperson of the Government and Related Employees Appeal Tribunal.

Explanatory note

The *Government and Related Employees Appeal Tribunal Act 1980* was recently amended to remove the requirement that the Senior Chairperson of the Government and Related Employees Tribunal (GREAT) be a judicial office holder. The Act was also amended to provide that the remuneration of a Senior Chairperson who does not hold judicial office is to be determined by the Statutory and Other Offices Remuneration Tribunal (SORT).

The *Statutory and Other Offices Remuneration Act 1975* empowers SORT to make determinations relating to the remuneration of certain office holders, including the holders of offices listed in Schedule 2 (Public offices). The office of Senior Chairperson of GREAT was added to Part 2 of Schedule 2 (by regulation) as an interim measure. However, the office of Chairperson of GREAT is included in Part 1 of the Schedule.

The proposed amendments include the Senior Chairperson of GREAT in Part 1 of Schedule 2. Accordingly, the office cannot be removed from the Schedule without an amendment to the Act.

1.21 Subordinate Legislation Act 1989 No 146

[1] Section 10 Staged repeal of statutory rules

Omit section 10 (3) (b)–(d).

[2] Section 10 (4)

Insert after section 10 (3):

(4) Despite subsection (1), the following regulations are repealed on 1 September 1998:

- (a) the *General Traffic Regulations 1916*,
- (b) the *Motor Traffic Regulations 1935*,

(c) the *General Traffic (Pedestrian) Regulations 1937*.

Explanatory note

Part 3 of the *Subordinate Legislation Act 1989* provides for the staged repeal of statutory rules. Section 10 sets out the dates on which statutory rules are repealed and section 11 provides for the postponement of repeal in specific cases.

The proposed amendments extend until 1 September 1998 the repeal of 3 regulations relating to traffic, that are due for staged repeal on 1 September 1997 and for which the maximum number of postponements have already been granted. Section 11 (3) of the Act has the effect that no further postponements are otherwise available.

1.22 Superannuation Act 1916 No 28

[1] Section 3 Definitions

Omit the definition of *Board* from section 3 (1).

[2] Section 8A Source of administration costs payments

Omit “(including costs related to investment management)” from section 8A (1).

[3] Schedule 3 List of employers

Omit “Greyhound Racing Control Board” from Part 1.
Insert instead “Greyhound Racing Authority (NSW)”.

Commencement

The amendment to section 8A of the *Superannuation Act 1916* is taken to have commenced on 1 July 1996 (the date of commencement of Schedule 4.18 to the *Superannuation Administration Act 1996*).

Explanatory note

Item [1] of the proposed amendments omits a redundant definition.

Until 1 July 1996, section 23C of the *Superannuation Administration Act 1991* made provision for the payment of administration costs in respect of the State Superannuation Fund. That provision was transferred into the *Superannuation Act 1916* (by Schedule 4.18 [7] to the *Superannuation Administration Act 1996*). The new provision (section 8A) does not exactly mirror the old provision.

Item [2] of the proposed amendments omits unnecessary words relating to the source of administration costs payments so that section 8A more closely reflects repealed section 23C and the existing and previous procedures for payment of costs.

Item [3] updates a reference to a statutory authority. (The name of the Greyhound Racing Control Board is to be changed to the Greyhound Racing Authority (NSW) by amendments made by Schedule 1.6.)

1.23 Superannuation Administration Act 1996 No 39

[1] Section 67 Determination of disputes

Insert after section 67 (2):

- (3) Despite subsection (1), STC may not determine a dispute under the *Police Regulation (Superannuation) Act 1906* relating to or arising from a question of whether or not a member of the Police Service or a former member of the Police Service was hurt on duty.

[2] Schedule 3 Savings and transitional provisions

Omit clause 6. Insert instead:

6 References to State Superannuation Investment and Management Corporation

On and from the repeal of the 1991 Act, a reference in any Act (other than this Act) or in any instrument made under any Act or in any other instrument of any kind to the State Superannuation Investment and Management Corporation is to be read:

- (a) except as provided by paragraph (c), as a reference to STC or FTC, if the reference to the Corporation relates to any of its functions relating to the investment of any of the STC or FTC funds, respectively, or related functions, or

- (b) except as provided by paragraph (c), as a reference to SAA, if the reference relates to any of its functions relating to the administration of the STC Schemes, the Public Sector Executives Superannuation Scheme established under the *Public Sector Executives Superannuation Act 1989* or the First State Superannuation Scheme established under the *First State Superannuation Act 1992*, or
- (c) as a reference to AFMC, if the reference to the Corporation relates to any of its functions relating to any assets, rights or liabilities of the Corporation transferred to AFMC by clause 11.

[3] Schedule 3, clause 20 (3)

Omit "AFMC".

Insert instead "STC, in relation to STC funds or related matters, or FTC, in relation to FTC funds or related matters".

[4] Schedule 3, clause 20 (5) and (6)

Insert after clause 20 (4):

- (5) Despite subclauses (3) and (4), a contract for the performance of services entered into with the Corporation by another person or body (other than the SAS Board or the PSES Board), and in force immediately before the repeal of the 1991 Act and relating to an asset, right or liability of the Corporation transferred to AFMC under clause 11, becomes, on the transfer, to the extent that it so relates, a contract entered into with AFMC.
- (6) Any contract for the performance of services entered into with the Corporation by the SAS Board or the PSES Board, and in force immediately before the repeal of the 1991 Act and relating to the scheme administration of the FTC or STC schemes or related matters, becomes, on the repeal of that Act, a contract for the performance of services entered into with SAA by FTC or STC, respectively.

[5] Schedule 4.13 [7]

Omit the item. Insert instead:

[7] Section 24 Additional Benefit Management Fund

Omit "section 9 or 10" from section 24 (2) where firstly occurring. Insert instead "sections 12 and 20 of the *Superannuation Administration Act 1996*".

[6] Schedule 4.13 [14]

Omit the item. Insert instead:

[14] Section 68 Appeals against Board's determinations in disputes

Omit the section.

Commencement

The amendment to section 67 of the *Superannuation Administration Act 1996* is taken to have commenced on the date of introduction into Parliament of the Bill for this Act.

The amendments to Schedules 3 and 4 to the *Superannuation Administration Act 1996* are taken to have commenced on 1 July 1996 (the date of commencement of that Act).

Application to pending disputes

The amendment to section 67 of the *Superannuation Administration Act 1996* does not affect any dispute the subject of consideration by the SAS Trustee Corporation before the date of introduction into Parliament of the Bill for this Act.

Validation

Any payment purporting to have been made under section 69 of the *Public Sector Executives Superannuation Act 1989* between 1 July 1996 and the date of assent to this Act is validated.

Explanatory note

Item [1] of the proposed amendments amends section 67 (Determination of disputes) of the *Superannuation Administration Act 1996* so as to provide that the SAS Trustee Corporation (the STC) may not determine a dispute under the *Police Regulation (Superannuation) Act 1906* relating to whether a member of the Police Service was hurt on duty. This restores the position relating to dispute resolution that existed before the commencement of the *Superannuation Administration Act 1996*. (See section 43 (2) of the *Superannuation Administration Act 1991*.)

Item [2] provides for references to certain assets of the Superannuation Investment and Management Corporation to be construed as references to the statutory bodies to which those assets have been transferred and clarifies the application of the provision.

Items [3] and [4] provide for certain contracts for performance of services entered into by that Corporation to be taken to be entered into by the appropriate bodies replacing the Corporation, after the commencement of the *Superannuation Administration Act 1996*. The amendments adjust the previous provision to reflect the actual transfer of assets, rights and liabilities to Axiom Funds Management Corporation.

Items [5] and [6] correct incorporating directions.

1.24 Threatened Species Conservation Act 1995 No 101

[1] Section 35 Scientific Committee to review status of provisionally listed species

Omit “, population or ecological community” from section 35 (1).

[2] Section 50 Public authorities to have regard to critical habitat

Omit “(whether or not a map of the critical habitat is published at the same time)”.

[3] Section 53 Map of critical habitat to be prepared and published

Omit “On or as soon as practicable after” from section 53 (1).
Insert “Before”.

[4] Section 53 (1)

Omit “as so declared”. Insert instead “proposed to be declared”.

Commencement

The amendments to the *Threatened Species Conservation Act 1995* are taken to have commenced on 1 January 1996 (the date of commencement of that Act, except section 155 (2)).

Explanatory note

Provisional listing of species

Division 4 of Part 2 of the *Threatened Species Conservation Act 1995* provides for the provisional listing of endangered species in Schedule 1 (Endangered species, populations and ecological communities) on an emergency basis. However, section 35, which deals with the review of the status of provisionally listed species refers to the “provisionally listed species, population or ecological community”.

Item [1] of the proposed amendments omits the superfluous words.

Critical habitat

Part 3 of the *Threatened Species Conservation Act 1995* makes the Director-General of National Parks and Wildlife responsible for identifying habitat that is critical to the survival of endangered species, populations and ecological communities (being those species, populations and ecological communities listed in Schedule 1 to the Act). The Director-General is responsible for recommending to the Minister that the habitat so identified be declared critical habitat, by notification published in the Gazette.

Items [3] and [4] of the proposed amendments remove an anomaly in section 53, which requires a map of a critical habitat to be prepared and published. At present, section 53 (2) requires the copy of the map to be published in the Gazette at the same time as the declaration of the critical habitat is published. Section 53 (1) states that the Director-General is to arrange for the preparation of the map *on or after* the publication of the declaration.

The proposed amendments make it clear that the map must be prepared before the publication of the declaration, so that the map and the declaration can be published concurrently. Item [2] makes a consequential amendment to section 50.

**1.25 Trans-Tasman Mutual Recognition (New South Wales)
Act 1996 No 102**

[1] Schedule Trans-Tasman Mutual Recognition Bill 1996 (Cwth)

Omit "However, if" from subsection 45 (5). Insert instead:

However:

- (a) if such a regulation relates solely to one or more laws specified or described in Schedule 3 and will not take effect within 5 years after the commencement of section 48, the regulation may be made if at least two-thirds of the then participating jurisdictions have endorsed the regulation; or
- (b) if

[2] Schedule, subsection 48 (4)

Insert "for the purposes of subsection (2) or (6)" after "Schedule 3".

[3] Schedule, subsection 48 (5)

Omit "all". Insert instead "at least two-thirds".

[4] Schedule, paragraph 48 (6) (a)

Omit the paragraph.

[5] Schedule, subsection 48 (6)

Omit “However:” and “(b) if”. Insert instead “However, if”.

Explanatory note

The proposed amendments bring the Act into line with the 1996 Trans-Tasman Mutual Recognition Arrangement. The Arrangement provides a number of different types of exemptions from the mutual recognition scheme, including permanent exemptions and special exemptions (which operate no longer than 12 months after the commencement of section 48, unless extended for 12 months at a time).

The result of the proposed amendments will be to ensure that, when special exemptions are proposed to be extended, removed or made permanent in the limited circumstances contemplated by the Act, the endorsement of two-thirds of the participating jurisdictions is needed (instead of unanimous endorsement). The proposed amendments achieve this result by means of item [1] in the case of conversion to permanent exemptions, and by means of items [3] and [4] in the case of extensions and removals. Item [5] is a consequential amendment. Item [2] removes the possibility that a new special exemption can be added by regulation during the 12 months after the commencement of section 48.

1.26 Water Act 1912 No 44

Section 20AB Issue of new entitlements

Insert “or under the *Irrigation Corporations Act 1994*” after “Part” in section 20AB (1).

Explanatory note

Division 4B of Part 2 of the *Water Act 1912* provides for the establishment of volumetric water allocation schemes. Section 20W of the Act empowers the Water Administration Ministerial Corporation to make an order declaring that any water source, and all of the entitlements (such as permits or licences) which authorise the taking of water from the water source, are subject to a volumetric water allocation scheme prepared under section 20X. One aspect of such a scheme is that a condition is attached to each entitlement, setting out the maximum quantity of water (determined in respect of the entitlement) that can be taken from the water source during any year. This is defined as a ***water allocation***.

Irrigation corporation licences are issued under the *Irrigation Corporations Act 1994*. Those licences are treated as entitlements for the purposes of Division 4B of Part 2 of the *Water Act 1912* and can therefore participate in a new volumetric water allocation scheme, and be assigned a water allocation when a new scheme is prepared.

However, when a water allocation scheme is already in force in respect of a water source, the provisions of the *Water Act 1912* do not operate to require the Ministerial Corporation to assign a water allocation to a new irrigation corporation licence so as to authorise the taking of water from that water source. An allocation can only be made in those circumstances if the Ministerial Corporation (in its discretion) makes an order for the modification of an existing scheme.

The proposed amendment corrects this, so that the Ministerial Corporation will be required to impose a condition relating to water allocation in respect of a new irrigation corporation licence (as it does in respect of other entitlements). This will allow irrigation corporations to participate in volumetric water allocation schemes (regulated by Division 4B of Part 2 of the *Water Act 1912*) as well as in the transfer of water allocations (regulated by Division 4C of Part 2).

Schedule 2 Amendments by way of statute law revision

(Section 3)

2.1 Associations Incorporation Act 1984 No 143

Section 49 Effect of transfer of incorporation

Omit "Code" wherever occurring in section 49 (3) (a) and (b).
Insert instead "Law".

Explanatory note

The proposed amendment corrects incorrect references to the *Corporations Law*.

2.2 Attachment of Wages Limitation Act 1957 No 28

Schedule

Omit "Greyhound Racing Control Board."
Insert instead "Greyhound Racing Authority (NSW)".

Explanatory note

The proposed amendment updates a reference to a statutory authority. (The name of the Greyhound Racing Control Board is to be changed to the Greyhound Racing Authority (NSW) by amendments made by Schedule 1.6.)

2.3 Bookmakers (Taxation) Act 1917 No 15

[1] Section 2 Definitions

Omit "Greyhound Racing Control Board" from the definition of *Registration authority*.

Insert instead "Greyhound Racing Authority (NSW)".

[2] Section 35 Constitution of Committee

Omit "The Secretary, Greyhound Racing Control Board" from section 35 (1).

Insert instead "The chief executive, Greyhound Racing Authority (NSW)".

[3] Section 37 Minister may furnish information

Omit "Greyhound Racing Control Board".

Insert instead "Greyhound Racing Authority (NSW)".

Explanatory note

The proposed amendments update references to a statutory authority and statutory office. (The name of the Greyhound Racing Control Board is to be changed to the Greyhound Racing Authority (NSW) by amendments made by Schedule 1.6. The title of its Secretary is also changed to chief executive.)

2.4 Business Franchise Licences (Petroleum Products) Act 1987 No 94

[1] Section 21 Chief Commissioner

Omit "Secretary of the Department of Finance" from section 21 (3).

Insert instead "Executive Director, Office of State Revenue".

[2] Section 22 Deputy Chief Commissioner

Omit "Deputy Secretary of the Department of Finance" from section 22 (2).

Insert instead "Director, Revenue Advisory Services, Office of State Revenue,".

[3] Sections 23 (1) and 24, Schedule 1, clause 7 and Schedule 3, clause 2 (2)

Omit "*Public Service Act 1979*" wherever occurring.
Insert instead "*Public Sector Management Act 1988*".

Explanatory note

The proposed amendments update references to certain office holders and to a repealed Act. (The *Administrative Changes (State Revenue) Order 1994* provides for the construction of references to the Secretary and Deputy Secretary of the former Department of Finance.)

2.5 Business Licences Act 1990 No 72

[1] Section 40 Director of Business Licences

Omit "Managing Director of Business and Consumer Affairs" from section 40 (1).
Insert instead "Director-General of the Department of Fair Trading".

[2] Section 40 (2)

Insert "(as Director of Business Licences)" after "functions".

Explanatory note

The proposed amendments update a reference to a statutory office and make a consequential amendment. (The *Administrative Changes (Commissioner for Consumer Affairs) Order 1991* and the *Public Sector Management—Administrative Changes (Fair Trading) Order 1995* provide for references to the Managing Director of Business and Consumer Affairs to be construed in this way.)

2.6 Community Land Development Act 1989 No 201

[1] Section 3 Definitions

Omit the definition of *Commissioner* from section 3 (1).

[2] Section 40 Recording of certain orders

Omit “Commissioner” from section 40 (5) (a).

Insert instead “Director-General of the Department of Fair Trading”.

Explanatory note

Item [1] of the proposed amendments omits a redundant definition.

Item [2] updates a reference to a redundant office. (The *Public Sector Management—Administrative Changes (Fair Trading) Order 1995* provides for a reference in any document to the Community Schemes Commissioner to be construed as a reference to the Director-General of the Department of Fair Trading.)

2.7 Conveyancing Act 1919 No 6

Section 163E Initial unsoundness of mind

Omit “was given” from section 163E (5) (a) (i).

Insert instead “gave”.

Explanatory note

The proposed amendment corrects a grammatical error.

2.8 Dog Act 1966 No 2

Section 5 Liability of owners of dogs

Omit “Greyhound Racing Control Board constituted under Part 4A of the *Gaming and Betting Act 1912*” from section 5 (2) (a).

Insert instead “Greyhound Racing Authority (NSW)”.

Explanatory note

The proposed amendment updates a reference to a statutory authority. (The name of the Greyhound Racing Control Board is to be changed to the Greyhound Racing Authority (NSW) by amendments made by Schedule 1.6.)

**2.9 Environmental Planning and Assessment Act 1979
No 203**

Schedule 6 Savings, transitional and other provisions

Omit "section 26 (g)" from clause 5.

Insert instead "section 26 (1) (g)".

Explanatory note

The proposed amendment corrects a cross-reference.

**2.10 Environmental Planning and Assessment Amendment
Act 1996 No 44**

**Schedule 10 Amendments for the purpose of statute law
revision**

Omit Schedule 10 [2]. Insert instead:

[2] Section 26 Contents of environmental planning instruments

Omit section 26 (1) (g). Insert instead:

(g) controlling advertising,

Explanatory note

The proposed amendment corrects an incorporation direction.

2.11 Environmentally Hazardous Chemicals Act 1985 No 14

Schedule 1 Provisions relating to the Committee

Omit clause 2 (h). Insert instead:

(h) one shall be an officer of the Department of Fair Trading for the time being nominated by the Minister for Fair Trading,

Explanatory note

The proposed amendment updates a reference to a Department and a Minister. (The *Public Sector Management—Administrative Changes (Fair Trading) Order 1995* provides for a reference in any document to the Department of Consumer Affairs to be construed as a reference to the Department of Fair Trading.)

2.12 Financial Institutions (Miscellaneous Amendments) Act 1996 No 24

Schedule 1 Amendments

Omit Schedule 1.85 [2] and [3]. Insert instead:

[2] Clause 16 (1) (c)

Insert “, building society or credit union” after “bank”.

[3] Clause 16 (1) (d) and (h)

Insert “, building society, credit union” after “bank” wherever occurring.

Explanatory note

The proposed amendment corrects incorporation directions.

2.13 First State Superannuation Act 1992 No 100

Schedule 1 Employers

Omit “Greyhound Racing Control Board” from Part 1.

Insert instead “Greyhound Racing Authority (NSW)”.

Explanatory note

The proposed amendment updates a reference to a statutory authority. (The name of the Greyhound Racing Control Board is to be changed to the Greyhound Racing Authority (NSW) by amendments made by Schedule 1.6.)

2.14 Gaming and Betting Act 1912 No 25

Section 57F Certain persons prohibited from entering racecourses

Omit “Greyhound Racing Control Board” from the definition of *racin*g authority in section 57F (3).

Insert instead “Greyhound Racing Authority (NSW)”.

Explanatory note

The proposed amendment updates a reference to a statutory authority. (The name of the Greyhound Racing Control Board is to be changed to the Greyhound Racing Authority (NSW) by amendments made by Schedule 1.6.)

2.15 Government and Related Employees Appeal Tribunal Act 1980 No 39

Schedule 4 Employing authorities

Omit "Greyhound Racing Control Board."
Insert instead "Greyhound Racing Authority (NSW)."

Explanatory note

The proposed amendment updates a reference to a statutory authority. (The name of the Greyhound Racing Control Board is to be changed to the Greyhound Racing Authority (NSW) by amendments made by Schedule 1.6.)

2.16 Lotteries and Art Unions Act 1901 No 34

Section 4D Sweepstakes in relation to the Melbourne Cup and other events

Omit "*Greyhound Racing Control Board Act 1985*" from paragraph (f) of the definition of *prescribed organisation* in section 4D (1).
Insert instead "*Greyhound Racing Authority Act 1985*".

Explanatory note

The proposed amendment updates a reference to an Act. (The name of the *Greyhound Racing Control Act 1985* is to be changed to the *Greyhound Racing Authority Act 1985* by amendments made by Schedule 1.6.)

2.17 Motor Dealers Act 1974 No 52

[1] Long title

Omit "Commissioner for Consumer Affairs".
Insert instead "Director-General of the Department of Fair Trading".

[2] Section 11 Investigation of application

Omit "Commissioner for Consumer Affairs" wherever occurring in section 11 (2).
Insert instead "Director-General of the Department of Fair Trading".

Explanatory note

The proposed amendments update references to a redundant statutory office. (The *Public Sector Management—Administrative Changes (Fair Trading) Order 1995* provides for a reference in any document to the Department of Consumer Affairs or the Commissioner for Consumer Affairs to be construed as a reference to the Department of Fair Trading or to the Director-General of the Department of Fair Trading, respectively.)

2.18 New South Wales Retirement Benefits Act 1972 No 70

Schedule 2

Omit the matter relating to the Greyhound Racing Control Board from the First and Second Columns.

Insert instead:

Greyhound Racing Authority (NSW)	All persons employed by the Authority
-------------------------------------	--

Explanatory note

The proposed amendment updates a reference to a statutory authority. (The name of the Greyhound Racing Control Board is to be changed to the Greyhound Racing Authority (NSW) by amendments made by Schedule 1.6.)

2.19 Prisons Amendment Act 1996 No 25

[1] Schedule 5 Amendment of Prisons Act 1952 relating to penal terminology

Omit Schedule 5 [87]. Insert instead:

[87] Section 37A (4) and (5)

Omit “prison officer”, “a prisoner”, “the prisoner”, “prisoners”, “at a prison” and “from a prison” wherever occurring.

Insert instead “correctional officer”, “an inmate”, “the inmate”, “inmates”, “at a correctional centre” and “from a correctional centre” respectively.

[2] Schedule 5 [105]

Omit the item. Insert instead:

[105] Section 45A (2)

Omit “governor of a prison”, “prison or prison complex”, “prisons and prison complexes”, “prisoners” and “prisoner” wherever occurring.

Insert instead “governor of a correctional centre”, “correctional centre or correctional complex”, “correctional centres and correctional complexes”, “inmates” and “inmate” respectively.

[3] Schedule 5 [115]

Omit the item. Insert instead:

[115] Section 50 (1) (n) and (o)

Omit “prison officers” and “prison or prison complex” wherever occurring.

Insert instead “correctional officers” and “correctional centre or correctional complex” respectively.

Explanatory notes

The proposed amendments correct incorporating directions.

2.20 Public Authorities Superannuation Act 1985 No 41

Schedule 3 Employers

Omit “The Greyhound Racing Control Board.” from Part 2.

Insert instead “The Greyhound Racing Authority (NSW).”.

Explanatory note

The proposed amendment updates a reference to a statutory authority. (The name of the Greyhound Racing Control Board is to be changed to the Greyhound Racing Authority (NSW) by amendments made by Schedule 1.6.)

2.21 Public Finance and Audit Act 1983 No 152

Schedule 2 Statutory bodies

Omit "Greyhound Racing Control Board."
Insert instead "Greyhound Racing Authority (NSW).".

Explanatory note

The proposed amendment updates a reference to a statutory authority. (The name of the Greyhound Racing Control Board is to be changed to the Greyhound Racing Authority (NSW) by amendments made by Schedule 1.6.)

2.22 Public Sector Executives Superannuation Act 1989 No 106

[1] Section 3 Definitions

Omit the definition of *Management Account* from section 3 (1).

[2] Sections 22 (3) (a) and 69 (1)

Omit "the Board" wherever occurring. Insert instead "FTC".

[3] Section 59 Limits on liability of FTC and associated persons

Omit "section 9 or 10" from section 59 (5) (d).
Insert instead "section 12 of the *Superannuation Administration Act 1996*".

Explanatory note

Item [1] of the proposed amendments omits a redundant definition.
Item [2] updates references to a statutory authority.
Item [3] updates a cross-reference.

2.23 Public Sector Management Act 1988 No 33

[1] Schedule 3 Declared authorities

Omit "Greyhound Racing Control Board."
Insert instead "Greyhound Racing Authority (NSW).".

[2] Schedule 3A Chief executive positions

Omit "Secretary of the Greyhound Racing Control Board" from Part 3.

Insert instead "chief executive of the Greyhound Racing Authority (NSW)".

Explanatory note

The proposed amendments update references to a statutory authority and a statutory office. (The name of the Greyhound Racing Control Board is to be changed to the Greyhound Racing Authority (NSW) by amendments made by Schedule 1.6. The title of its Secretary is also changed to chief executive.)

2.24 Rural Workers Accommodation Act 1969 No 34

[1] The whole Act (except section 3)

Omit "Director-General" or "Director-General's" wherever occurring.

Insert instead "General Manager" or "General Manager's" respectively.

[2] Section 3 Definitions

Omit "Director-General" from the definition of *approved* in section 3 (1).

Insert instead "General Manager".

[3] Section 3 (1) definition of "Director-General"

Omit the definition.

Insert instead in alphabetical order:

General Manager means the General Manager of the WorkCover Authority.

Explanatory note

The proposed amendments replace references to an office. (That reference was wrongly substituted by the *Statute Law (Miscellaneous Provisions) Act 1996*.)

2.25 Statute Law (Miscellaneous Provisions) Act 1996 No 30

[1] Schedule 3 Amendments replacing gender-specific language

Omit "Chairman" from Schedule 3.31 [14].

Insert instead "chairman".

[2] Schedule 3.31 [16]

Omit the item. Insert instead:

[16] Section 19

Omit "he" wherever occurring. Insert instead "the person".

[3] Schedule 3.36 [2A]

Insert after Schedule 3.36 [2]:

[2A] Sections 6 (2) (a) and 6B (1) (a)

Omit "he" wherever occurring. Insert instead "the Secretary".

[4] Schedule 3.36 [5]

Omit the item. Insert instead:

[5] Sections 6 (4) (b) and (5A) and 6B (5)

Omit "he" wherever occurring. Insert instead "the respondent".

[5] Schedule 3.36 [8], [9]

Omit Schedule 3.36 [8]. Insert instead:

[8] Section 6A (1A) (a)

Omit "he" where firstly occurring. Insert instead "the Secretary".

[9] Section 6A (1A)

Omit "he" where secondly, thirdly, fourthly and fifthly occurring.
Insert instead "that person".

Explanatory note

The proposed amendments correct incorporation directions made when gender-specific language was removed from certain Acts.

2.26 Stock (Chemical Residues) Amendment Act 1996 No 21

Schedule 1 Amendments

Omit Schedule 1 [18]. Insert instead:

[18] Section 14 Evidence

Omit “an officer prescribed for the purposes of section 8 (1) or an inspector” wherever occurring in section 14 (3).

Insert instead “an inspector or a delegate of the Minister”.

Explanatory note

The proposed amendment corrects an incorporating direction.

2.27 Strata Titles Act 1973 No 68

Section 5 Definitions

Omit “Department of Consumer Affairs” from the definition of *Commissioner* in section 5 (1).

Insert instead “Department of Fair Trading”.

Explanatory note

The proposed amendment updates a reference to a Department. (The *Public Sector Management—Administrative Changes (Fair Trading) Order 1995* provides for a reference in any document to the Department for Consumer Affairs to be construed as a reference to the Department of Fair Trading.)

2.28 Strata Titles (Leasehold) Act 1986 No 219

Section 4 Definitions

Omit “Department of Consumer Affairs” from the definition of *Commissioner* in section 4 (1).

Insert instead “Department of Fair Trading”.

Explanatory note

The proposed amendment updates a reference to a Department. (The *Public Sector Management—Administrative Changes (Fair Trading) Order 1995* provides for a reference in any document to the Department for Consumer Affairs to be construed as a reference to the Department of Fair Trading.)

**2.29 Superannuation Legislation (Amendment) Act 1992
No 35**

Schedule 2 Other amendments

Omit item (1) of the amendments to the *State Authorities Superannuation Act 1987 No 211*.

Explanatory note

The proposed amendment repeals an uncommenced amendment that was intended to insert certain definitions of terms that were used only in provisions that have since been repealed.

2.30 Totalizator Act 1916 No 75

Section 19A Racecourse Development Fund

Omit "Greyhound Racing Control Board" from section 19A (5) (e).
Insert instead "Greyhound Racing Authority (NSW)".

Explanatory note

The proposed amendment updates a reference to a statutory authority. (The name of the Greyhound Racing Control Board is to be changed to the Greyhound Racing Authority (NSW) by amendments made by Schedule 1.6.)

2.31 Totalizator (Off-course Betting) Act 1964 No 1

[1] Sections 3 (2) (e) and (6) (j), 14 (3) (c), 14B (1) and 16

Omit "Greyhound Racing Control Board" wherever occurring.
Insert instead "Greyhound Racing Authority (NSW)".

[2] Section 3 (2) (e)

Omit "that Board". Insert instead "that Authority".

Explanatory note

The proposed amendments update references to a statutory authority. (The name of the Greyhound Racing Control Board is to be changed to the Greyhound Racing Authority (NSW) by amendments made by Schedule 1.6.)

2.32 Travel Agents Act 1986 No 5

[1] Section 9 Investigation of application

Omit "Commissioner for Consumer Affairs" wherever occurring in section 9 (2).

Insert instead "Director-General of the Department of Fair Trading".

[2] Section 20 Notices to show cause

Omit "Commissioner for Consumer Affairs" where firstly occurring in section 20 (7).

Insert instead "Director-General of the Department of Fair Trading".

[3] Section 20 (7)

Omit "Commissioner for Consumer Affairs" where secondly and thirdly occurring.

Insert instead "Director-General".

Explanatory note

The proposed amendments update references to a redundant office. (The *Public Sector Management—Administrative Changes (Fair Trading) Order 1995* provides for a reference in any document to the Commissioner for Consumer Affairs to be construed as a reference to the Director-General of the Department of Fair Trading.)

2.33 WorkCover Legislation Amendment Act 1995 No 89

Schedule 2 Amendment of Occupational Health and Safety Act 1983

Omit items [2]–[7]. Insert instead:

[2] Section 15 Employers to ensure health, safety and welfare of their employees

Insert after section 15 (3) (before the matter relating to maximum penalties):

- (4) If in proceedings against a person for an offence against this section the court is not satisfied that the person contravened this section but is satisfied that the act or omission concerned constituted a contravention of section 16, the court may convict the person of an offence against that section.

[3] Section 15

Omit "2,500". Insert instead "5,000".

[4] Section 15

Omit "250". Insert instead "500".

[5] Section 16 Employers and self-employed persons to ensure health and safety of persons other than employees at places of work

Insert after section 16 (2) (before the matter relating to maximum penalties):

- (3) If in proceedings against a person for an offence against this section the court is not satisfied that the person contravened this section but is satisfied that the act or omission concerned constituted a contravention of section 15, the court may convict the person of an offence against that section.

[6] Section 16

Omit "2,500". Insert instead "5,000".

[7] Section 16

Omit "250". Insert instead "500".

Explanatory note

The proposed amendment corrects incorporation directions.

Schedule 3 Amendments replacing gender-specific language

(Section 3)

Explanatory note

The amendments proposed to be made by this Schedule replace gender-specific language with gender-neutral language.

3.1 Aboriginal Land Rights Act 1983 No 42

[1] **Section 36 (5) (a)**

Omit "he". Insert instead "the Crown Lands Minister".

[2] **Sections 37 (4), 43 (1), 50 (2) and 58 (3)**

Omit "he" wherever occurring. Insert instead "the Minister".

[3] **Section 43 (1)**

Omit "his".

[4] **Section 48 (3)**

Omit "him" wherever occurring. Insert instead "the Registrar".

[5] **Section 50 (2)**

Omit "his". Insert instead "the Minister's".

[6] **Section 52 (2)**

Omit "in his ministerial capacity".
Insert instead "in the capacity of a Minister".

[7] **Section 59 (1)**

Omit "his". Insert instead "the Registrar's".

[8] **Schedule 4, clause 3 (1) (e)**

Omit "him". Insert instead "the Minister".

3.2 Air Transport Act 1964 No 36

[1] **Section 3 (1B)**

Omit "his".

[2] **Section 3 (1B)**

Omit "him". Insert instead "the Minister".

[3] **Section 4 (2), (4) and (6)**

Omit "him" wherever occurring. Insert instead "the person".

[4] **Section 4 (3)**

Omit "his". Insert instead "the person's".

[5] **Sections 4 (3), 9 and 18**

Omit "he" wherever occurring. Insert instead "the person".

[6] **Sections 6 (3) and 8 (1)**

Omit "to him" wherever occurring.

Schedule 3 Amendments replacing gender-specific language

- [7] **Section 6 (3) (d)**
Omit "his". Insert instead "the applicant's".
- [8] **Section 8 (1) and (3)**
Omit "he" wherever occurring. Insert instead "the Minister".
- [9] **Section 8 (4)**
Omit "on him".
- 3.3 Albany-Wodonga Development Act 1974 No 47**
- [1] **Sections 6 (4) and 37 (9)**
Omit "he" wherever occurring. Insert instead "the Minister".
- [2] **Sections 12 (1) and 39 (6)**
Omit "his" wherever occurring. Insert instead "the".
- [3] **Section 25 (1) (b)**
Omit "he". Insert instead "the Governor".
- [4] **Section 29**
Omit "he". Insert instead "the Treasurer".
- [5] **Section 34 (1)**
Omit "who may refer the matter for inquiry to some person appointed by him in that behalf, or may himself make an inquiry".
Insert instead "who may make an inquiry or may refer the matter for inquiry to a person appointed by the Minister".
- [6] **Section 34 (2)**
Omit "to him".
- [7] **Section 36 (1) and (2)**
Omit "his" wherever occurring.
- [8] **Sections 36 (1), (2) and (6) and 37 (3) and (4)**
Omit "he" wherever occurring. Insert instead "the person".
- [9] **Section 36 (1) (a) and (2) (a)**
Omit "an advantage for himself" wherever occurring.
Insert instead "a personal advantage".
- [10] **Section 37 (1), (2), (12) (b) and (13)**
Omit "he" wherever occurring. Insert instead "the member".
- [11] **Section 37 (1)**
Omit "his". Insert instead "the member's".
- [12] **Section 37 (4) (a)**
Omit "his". Insert instead "the person".
- [13] **Section 37 (5) (a)**
Omit "him". Insert instead "the person".
- [14] **Section 37 (7)**
Omit "he or his" wherever occurring.
Insert instead "the member or the member's".

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- [15] **Section 37 (7)**
Omit "his interest". Insert instead "the member's interest".
- [16] **Sections 37 (11) (b) and 40 (2)**
Omit "him" wherever occurring. Insert instead "the Minister".
- [17] **Section 37 (12) (b)**
Omit "his". Insert instead "that".
- [18] **Section 37 (13)**
Omit "him" wherever occurring. Insert instead "the member".
- 3.4 Animals Act 1977 No 25**
- Section 10 (1) (b)**
Omit "him". Insert instead "the other person".
- 3.5 Broken Hill to South Australian Border Railway Agreement Act 1968 No 59**
- [1] **Section 8 (3) (b)**
Omit "he". Insert instead "the Commissioner".
- [2] **Section 8 (4) and (6)**
Omit "him" wherever occurring. Insert instead "the Commissioner".
- 3.6 Chipping Norton Lake Authority Act 1977 No 38**
- [1] **Section 12 (7)**
Insert "or her" after "his".
- [2] **Section 17 (3)**
Omit "he". Insert instead "the Minister".
- 3.7 Compensation to Relatives Act 1897 No 31**
- [1] **Section 6**
Omit "his". Insert instead "the defendant's".
- [2] **Section 6B (1)**
Omit "his". Insert instead "the person's".
- 3.8 Constitution Further Amendment (Referendum) Act 1930 No 2**
- [1] **Sections 5 (2) (a) and (e) and 26 (1)**
Omit "his" wherever occurring. Insert instead "the returning officer's".
- [2] **Sections 5 (2) (c), 37, 39 and 41**
Omit "his" wherever occurring. Insert instead "the elector's".
- [3] **Section 9 (a)**
Omit "him". Insert instead "the Electoral Commissioner".
- [4] **Sections 14 (2), 20 (1) (c), 21, 38 (a) and 40 (a) (i)**
Insert "or her" after "his" wherever occurring.
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- [5] **Sections 14 (2) and 39**
Omit "he" wherever occurring. Insert instead "the elector".
- [6] **Section 16 (b)**
Omit "him". Insert instead "the elector".
- [7] **Section 16 (c)**
Omit "him" wherever occurring. Insert instead "the person".
- [8] **Section 22**
Omit "his" wherever occurring. Insert instead "the deputy's".
- [9] **Sections 22 (c) and 23**
Omit "him" wherever occurring. Insert instead "the deputy".
- [10] **Section 23**
Insert "or herself" after "himself".
- [11] **Section 24**
Omit "he himself". Insert instead "the returning officer personally".
- [12] **Sections 24 and 25 (2)**
Omit "him" wherever occurring. Insert instead "the returning officer".
- [13] **Section 25**
Omit "he" wherever occurring. Insert instead "the returning officer".
- [14] **Section 25 (1)**
Omit "his" where firstly occurring. Insert instead "the returning officer's".
- [15] **Section 25 (1)**
Omit "He". Insert instead "The returning officer".
- [16] **Section 25 (1)**
Omit "his" where secondly occurring. Insert instead "that".
- [17] **Sections 26 (1) and 27 (1)**
Omit "he" wherever occurring. Insert instead "the Electoral Commissioner".
- [18] **Section 39**
Insert "or herself" after "himself".
- 3.9 Constitution (Public Service) Amendment Act 1916 No 45**
- [1] **Long title and section 2 (2)**
Insert "or her" after "his" wherever occurring.
- [2] **Section 3**
Omit "his" wherever occurring. Insert instead "the officer's".
- 3.10 Contracts Review Act 1980 No 16**
- [1] **Sections 6 (2), 12 (2), and 18 (1) (b)**
Omit "him" wherever occurring. Insert instead "the person".
- [2] **Sections 9 (2) (e) and 17 (1)**
Insert "or her" after "his" wherever occurring.

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- [3] **Section 9 (2) (e) (ii)**
Insert "or she" after "he".
- [4] **Section 9 (3)**
Omit "he". Insert instead "the person".
- [5] **Section 18 (1) (b)**
Omit "his". Insert instead "the person's".
- 3.11 Conversion of Cemeteries Act 1974 No 17**
- [1] **Section 7 (1)**
Insert "or her" after "his".
- [2] **Section 7 (2)**
Omit "his". Insert instead "the objector's".
- [3] **Section 9 (1)**
Omit "he". Insert instead "the Minister".
- [4] **Section 9 (1)**
Omit "his". Insert instead "the Minister's".
- [5] **Section 13 (2) (c) (ii)**
Omit "him". Insert instead "the Minister".
- 3.12 Council of Law Reporting Act 1969 No 59**
- [1] **Section 3 (2)**
Insert "or her" after "his".
- [2] **Section 3 (2)**
Insert "or she" after "he".
- [3] **Section 3 (4) (a)**
Omit "his".
- [4] **Sections 3 (4) (b), 4 (1) (b) and 6 (2)**
Insert "or her" after "his" wherever occurring.
- [5] **Section 4 (1)**
Omit "his office" wherever occurring. Insert instead "office".
- [6] **Section 4 (1)**
Omit "he" wherever occurring. Insert instead "the member".
- [7] **Section 4 (1) (e)**
Omit "his hand". Insert instead "the member's hand".
- [8] **Sections 6 (1), (2) and (4) and 9 (2) (b)**
Omit "chairman" wherever occurring. Insert instead "chairperson".
- [9] **Section 6 (2)**
Omit "he". Insert instead "the chairperson".
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3.13 Country Industries (Pay-roll Tax Rebates) Act 1977 No 79

- [1] **Section 4 definition of "Director"**
Omit "his". Insert instead "that".
- [2] **Section 5 (1)**
Omit "he". Insert instead "the person".
- [3] **Sections 5 (2) and (3) and 14 (1) (a) and (c)**
Omit "he" wherever occurring. Insert instead "the Minister".
- [4] **Section 6 (1) and (2) (b)**
Omit "he" wherever occurring. Insert instead "the employer".
- [5] **Section 6 (2) (a)**
Omit "him". Insert instead "the employer".
- [6] **Section 6 (3)**
Omit "his". Insert instead "the".
- [7] **Section 8 (2)**
Insert "or she" after "he".
- [8] **Section 9**
Omit "he". Insert instead "the predecessor".
- [9] **Sections 9 and 15**
Insert "or her" after "his" wherever occurring.
- [10] **Sections 10 (1) (a) and 15**
Omit "him" wherever occurring. Insert instead "the Minister".
- [11] **Section 10 (1)**
Omit "he in his judgment considers". Insert instead "the Minister judges to be".
- [12] **Section 10 (1)**
Omit "he" where secondly occurring. Insert instead "the Minister".
- [13] **Section 12**
Omit "him". Insert instead "the person".
- [14] **Section 14 (1)**
Omit "him" where firstly occurring. Insert instead "the person".
- [15] **Section 14 (1)**
Omit "him" where secondly occurring. Insert instead "the Minister".
- [16] **Section 16**
Omit "him". Insert instead "the Director".

3.14 Credit (Finance Brokers) Act 1984 No 96

- [1] **Section 5**
Insert "or her" after "his".
- [2] **Sections 7 (3) and 11 (1) (a)**
Omit "him" wherever occurring. Insert instead "the finance broker".

3.15 Crimes (Offences at Sea) Act 1980 No 145

- [1] **Section 3 (1) definition of "omission"**
Omit "him". Insert instead "the person".
- [2] **Section 3 (4)**
Omit "he". Insert instead "the person".
- [3] **Section 5 (a)**
Omit "it or he". Insert instead "the authority".
- [4] **Section 5**
Omit "its or his". Insert instead "the authority's".
- [5] **Section 6 (1) (c)**
Omit "he". Insert instead "the survivor".
- [6] **Section 8 (2) and (3)**
Omit "his" wherever occurring.
- [7] **Section 8 (2)**
Omit "he". Insert instead "the Attorney General".
- [8] **Section 12 (1)**
Omit "his". Insert instead "the Judge's".
- [9] **Section 12 (1)**
Omit "him". Insert instead "the Judge".
- [10] **Section 12 (1) and (3)**
Omit "he" wherever occurring. Insert instead "the Judge".
- [11] **Section 12 (2) (a)**
Omit "his" wherever occurring. Insert instead "the person's".

3.16 Domicile Act 1979 No 118

- [1] **Sections 6, 7 (1) and 10**
Omit "he" wherever occurring. Insert instead "the person".
- [2] **Section 8 (2)**
Insert "or her" after "his" where firstly occurring.
- [3] **Section 8 (2)**
Omit "his" where secondly occurring. Insert instead "the child's".
- [4] **Section 8 (2)**
Omit "his" where thirdly occurring. Insert instead "the".
- [5] **Section 8 (3)**
Omit "his" wherever occurring. Insert instead "the child's".
- [6] **Section 8 (3) and (5)**
Omit "he" wherever occurring. Insert instead "the child".
- [7] **Section 8 (4)**
Omit "his parents" wherever occurring. Insert instead "the parents".

[8] Section 8 (4) (a)

Omit the paragraph. Insert instead:

- (a) the child commences to have his or her principal home with the other parent, or

[9] Section 9

Insert "or her" after "his".

3.17 Encroachment of Buildings Act 1922 No 23

[1] Sections 3 (2) (b) and 5 (1)

Omit "him" wherever occurring. Insert instead "the encroaching owner".

[2] Section 3 (3) (e)

Omit "he". Insert instead "the encroaching owner".

[3] Section 5 (1)

Insert "or her" after "his".

3.18 Frustrated Contracts Act 1978 No 105

[1] Section 11 (1) definitions of "incidental gain" and "reasonable cost" and section 13 (2)

Omit "him" wherever occurring. Insert instead "that party".

[2] Section 13 (2)

Omit "he". Insert instead "the performing party".

3.19 Institute of Rural Studies Act 1973 No 54

[1] Section 3 (1) definitions of "Chairman" and "Deputy Chairman"

Omit the definitions. Insert instead:

Chairperson means the Chairperson of the Institute.

Deputy Chairperson means the Deputy Chairperson of the Institute.

[2] Section 4 (2)

Omit "his". Insert instead "the member's".

[3] Section 5 Chairperson and Deputy Chairperson

Omit "Chairman" wherever occurring. Insert instead "Chairperson".

[4] Sections 5 (3), (5), (6) and (7), 6 (2) and 7 (1) (b) and (c)

Insert "or her" after "his" wherever occurring.

[5] Section 5 (8)

Insert "or she" after "he".

[6] Section 6 (1)

Omit "his".

[7] Sections 6 (2) and 7 (1)

Omit "he" wherever occurring. Insert instead "the member".

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- [8] **Sections 6 (4) and 7 (1) (b)**
Omit "him" wherever occurring. Insert instead "the member".
- [9] **Section 7 (1)**
Omit "his office" wherever occurring. Insert instead "office".
- [10] **Section 7 (1) (f)**
Omit "his hand". Insert instead "his or her hand".
- [11] **Section 7 (2)**
Omit "him". Insert instead "the Governor".
- [12] **Section 8 (4) and (5)**
Omit "Chairman" wherever occurring. Insert instead "Chairperson".
- [13] **Section 8 (4)**
Omit "his". Insert instead "the Chairperson's".
- 3.20 Landlord and Tenant (Rental Bonds) Act 1977 No 44**
- [1] **Section 4 (1) definitions of "lessee" and "lessor", sections 15, 31 (2) and 32 and Schedule 1, clauses 1 (7) and 7**
Insert "or her" after "his" wherever occurring.
- [2] **Section 6 (2) and (3)**
Omit "his" wherever occurring. Insert instead "the member's".
- [3] **Section 8 (1)**
Omit "(by himself or his agent)". Insert instead ", or the lessor's agent,".
- [4] **Section 10 (3) (a)**
Omit "he". Insert instead "the lessor".
- [5] **Section 10 (3) (b)**
Omit "he". Insert instead "the lessee".
- [6] **Section 11 (4)**
Omit "himself". Insert instead "that lessor".
- [7] **Section 11 (5)**
Omit "himself". Insert instead "that lessee".
- [8] **Section 11 (7) (a)**
Omit "him". Insert instead "the lessee".
- [9] **Section 11 (7) (a)**
Omit "he". Insert instead "the lessee".
- [10] **Section 11 (8) (a)**
Omit "him". Insert instead "the lessor".
- [11] **Section 11 (8) (a)**
Omit "he". Insert instead "the lessor".
- [12] **Section 11 (13)**
Omit "him". Insert instead "that lessor or lessee".

- [13] **Section 12**
Omit "his" wherever occurring. Insert instead "the lessor's".
- [14] **Section 13 (1) (a)**
Omit "he". Insert instead "the officer".
- [15] **Section 13 (1) (b)**
Omit "him". Insert instead "the person".
- [16] **Section 13 (1) (c)**
Omit "his". Insert instead "the person's".
- [17] **Section 13 (5)**
Omit "he" wherever occurring. Insert instead "the person".
- [18] **Section 28 (2)**
Omit "by himself or his agent". Insert instead "or the lessor's agent".
- [19] **Section 28 (3)**
Omit "his". Insert instead "the lessee's".
- [20] **Section 30 (2) and Schedule 1, clause 1 (8)**
Omit "him" wherever occurring. Insert instead "the Minister".
- [21] **Schedule 1, clause 1 (3) and (7) (e)**
Omit "him" wherever occurring. Insert instead "the member".
- [22] **Schedule 1, clauses 1 (4)–(6) and 2 (1)**
Omit "his" wherever occurring. Insert instead "the member's".
- [23] **Schedule 1, clause 1 (7)**
Omit "he" wherever occurring. Insert instead "the member".
- [24] **Schedule 1, clause 4 (4)**
Omit "his". Insert instead "the Chairperson's".
- 3.21 Law Reform (Miscellaneous Provisions) Act 1965 No 32**
- [1] **Section 10 (1)**
Omit "his own". Insert instead "the person's own".
- [2] **Section 10 (1) (c)**
Omit "him against his". Insert instead "the claimant against his or her".
- [3] **Section 10 (1) (c) and (d)**
Omit "recoverable by him" wherever occurring.
Insert instead "recoverable by the claimant".
- [4] **Section 10 (1) (d)**
Insert "or her" after "his".
- [5] **Section 10 (1) (e)**
Omit "himself". Insert instead "the claimant".
- [6] **Section 10 (1) (e)**
Omit "his" wherever occurring. Insert instead "the claimant's".

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- [7] **Section 10 (1) (e)**
Omit "him". Insert instead "the claimant".
- [8] **Section 10 (5)**
Omit "his". Insert instead "the person's".
- [9] **Section 10 (5)**
Omit "he". Insert instead "the person".
- 3.22 Law Reform (Vicarious Liability) Act 1983 No 38**
- [1] **Section 5 (1) definition of "independent function" and section 7 (b)**
Omit "his" wherever occurring. Insert instead "the servant's".
- [2] **Section 7**
Omit "his" where firstly occurring. Insert instead "the master's".
- [3] **Section 7 (a)**
Omit "his" where firstly and thirdly occurring. Insert instead "the servant's".
- [4] **Section 7 (a)**
Insert "or her" after "his" where secondly and fourthly occurring.
- [5] **Section 7 (a)**
Omit "he". Insert instead "the servant".
- [6] **Section 8 (1) (a) and (2) (a)**
Omit "his" wherever occurring. Insert instead "the person's".
- [7] **Section 8 (1) (a) and (2) (b)**
Omit "he" wherever occurring. Insert instead "the person".
- [8] **Section 8 (2) (a)**
Omit "him". Insert instead "the person".
- 3.23 Loan Fund Companies Act 1976 No 94**
- [1] **Section 4 (1) definition of "executive officer" and sections 9 (3) and (8), 12 (3), 21 (1) and (2), 22 (3) (b), 42 (5), 43 (6), 46 (2) and 51 (3) (a) and (9)**
Omit "he" wherever occurring. Insert instead "the person".
- [2] **Sections 4 (2) (a) (i), 16 (b) (i), 17 (5), 19 (3) and (4), 39 (2) and 42 (1)**
Omit "him" wherever occurring. Insert instead "the holder".
- [3] **Sections 4 (2) (a) (ii) and 19 (3) and (4)**
Omit "he" wherever occurring. Insert instead "the holder".
- [4] **Section 6 (2) and (3)**
Omit "his" wherever occurring. Insert instead "the Deputy Supervisor's".
- [5] **Section 7 (3) and (4)**
Omit "his" wherever occurring. Insert instead "the inspector's".

- [6] **Section 7 (4)**
Omit "him". Insert instead "the inspector".
- [7] **Sections 8 (1), 51 (1) (a) and (8), 52 (1), 53 (c), 69 (1) and 70**
Omit "his" wherever occurring. Insert instead "the Supervisor's".
- [8] **Sections 9, 10 (1) and 60 (4)**
Omit "chairman" wherever occurring. Insert instead "chairperson".
- [9] **Section 9 (5)**
Omit "his" wherever occurring. Insert instead "the member's".
- [10] **Section 9 (6) and (8)**
Omit "his" wherever occurring. Insert instead "the chairperson's".
- [11] **Section 9 (6)**
Omit "he". Insert instead "the chairperson".
- [12] **Section 9 (9)**
Omit "his" where firstly occurring. Insert instead "the member's".
- [13] **Section 9 (9)**
Omit "his" where secondly occurring. Insert instead "the Minister's".
- [14] **Section 9 (10)**
Omit "he". Insert instead "the member".
- [15] **Sections 9 (10) and 22 (1)**
Omit "him" wherever occurring. Insert instead "the member".
- [16] **Sections 11 (b), 50 (1) and (2) and 52 (4) and (6)**
Omit "he" wherever occurring. Insert instead "the Minister".
- [17] **Sections 11 (c), 47A (4), 50 (3), 51 (2), 52 (1), 53, 57 (2), 58 (1), 59 (1) and 72 (1) (d)**
Omit "he" wherever occurring. Insert instead "the Supervisor".
- [18] **Sections 15 (7) (b), 21 (1), 36 (2), 46 (1), 47A (1) and 51 (3)**
Omit "his" wherever occurring. Insert instead "the person's".
- [19] **Sections 16 (a), 24 (3), 42 (5) and 51 (5) and (13)**
Omit "him" wherever occurring. Insert instead "the person".
- [20] **Sections 16 (b) (ii) and 19 (3)**
Omit "his" wherever occurring. Insert instead "the holder's".
- [21] **Sections 24 (1), 51 (11), 58 (7), 68 (1), 70 and 72 (1) (d)**
Omit "him" wherever occurring. Insert instead "the Supervisor".
- [22] **Section 25 (1)**
Omit "he". Insert instead "the member or person".
- [23] **Sections 32 (2) and 67 (1)**
Omit "his" wherever occurring. Insert instead "the officer's".
- [24] **Sections 32 (2) and 67 (1) (b)**
Insert "or herself" after "himself" wherever occurring.

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- [25] **Section 48 (2) (c)**
Omit "he". Insert instead "the Supervisor or inspector".
- [26] **Sections 50 (1) and 52 (2)**
Omit "his" wherever occurring. Insert instead "the Minister's".
- [27] **Sections 50 (2), 55 (1) and 69 (2)**
Omit "him" wherever occurring. Insert instead "the Minister".
- [28] **Section 54**
Omit "his" wherever occurring. Insert instead "the practitioner's".
- [29] **Sections 60 (2), (3) (a) and (6) (f), 63 (1) and 64 (7)**
Omit "his" wherever occurring. Insert instead "the administrator's".
- [30] **Sections 60 (3) (b) and 61 (1)**
Omit "him" wherever occurring. Insert instead "the administrator".
- [31] **Section 60 (3) (b), (4) and (6)**
Omit "he" wherever occurring. Insert instead "the administrator".
- [32] **Section 60 (6)**
Omit "his" where firstly occurring. Insert instead "the administrator's".
- [33] **Section 60 (6) (b) and (e)**
Insert "or her" after "his" wherever occurring.
- [34] **Section 65**
Omit "him" wherever occurring. Insert instead "the Supervisor or inspector".
- [35] **Section 65 (a)**
Omit "his". Insert instead "the Supervisor's or inspector's".
- 3.24 Mock Auctions Act 1973 No 17**
- [1] **Section 4 (2) (a)**
Omit "him" wherever occurring. Insert instead "the person".
- [2] **Section 4 (2) (a) (i)**
Omit "his". Insert instead "the person's".
- [3] **Section 5**
Omit "he satisfied". Insert instead "the director or employee satisfies".
- [4] **Section 5 (a)**
Insert "or her" after "his".
- [5] **Section 5 (b) and (c)**
Insert "or she" after "he" wherever occurring.
- 3.25 Parents and Citizens Associations Incorporation Act 1976 No 50**
- [1] **Section 3 (2)**
Omit "he". Insert instead "the Minister".
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- [2] **Section 5 (4)**
Omit "he vacates his office or his".
Insert instead "the person vacates office or the person's".
- [3] **Section 11 (1)**
Omit "he". Insert instead "the person".
- [4] **Section 11 (2)**
Omit "his". Insert instead "the person's".
- 3.26 Poultry Processing Act 1969 No 45**
- [1] **Sections 6 (1) (a) (ii) and (iii) and (e), 6A (1), 6B (4), 6D (1) (a) and 6G**
Omit "he" wherever occurring. Insert instead "the inspector".
- [2] **Sections 6 (1) (b) and (g), 6B (4) and 6G**
Omit "him" wherever occurring. Insert instead "the inspector".
- [3] **Sections 6 (1) (h), 6F, 6G and 6H**
Omit "his" wherever occurring. Insert instead "the inspector's".
- [4] **Sections 6 (1) (k) and 6D (1) (d)**
Omit "his" wherever occurring. Insert instead "the person's".
- [5] **Section 6E (3), (4) and (5)**
Omit "him" wherever occurring. Insert instead "the person".
- [6] **Section 6E (3) and (5)**
Omit "he" wherever occurring. Insert instead "the person".
- [7] **Section 6E (4)**
Omit "his".
- [8] **Section 7 (1) (a)**
Omit "he". Insert instead "the operator".
- [9] **Sections 9A (2) and 9D**
Omit "he" wherever occurring. Insert instead "the Minister".
- [10] **Section 9B (1)**
Omit "his". Insert instead "the applicant's".
- [11] **Section 9C**
Omit "he". Insert instead "the operator".
- 3.27 Prevention of Cruelty to Animals Act 1979 No 200**
- [1] **Section 4 (1) definition of "domestic animal"**
Omit "man". Insert instead "human beings".
- [2] **Section 4 (1) definition of "person in charge"**
Omit "his" wherever occurring in paragraph (b). Insert instead "the person's".
- [3] **Sections 4 (3), 9 (4), 21 (3), 22 (2), 24 (1) and 35 (4) (b)**
Omit "he" wherever occurring. Insert instead "the person".

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- [4] **Section 21 (2)**
Insert "or her" after "his" where firstly and secondly occurring.
- [5] **Section 21 (2)**
Omit "his" where thirdly occurring.
- [6] **Sections 25 (3) and 26 (6) and (7)**
Omit "him" wherever occurring. Insert instead "the officer".
- [7] **Sections 25 (3) and 26 (1) (b), (2) (d), (3) (d), (4) (d) and (7)**
Omit "he" wherever occurring. Insert instead "the officer".
- 3.28 Printing and Newspapers Act 1973 No 46**
- [1] **Sections 3 (1) and (4) (a), 4 (1) (a) and 7 (3)**
Omit "he" wherever occurring. Insert instead "the person".
- [2] **Sections 3 (1) (d) and 4 (1) (a)**
Omit "his" wherever occurring. Insert instead "the person's".
- [3] **Sections 3 (2) and 4 (2)**
Omit "he" wherever occurring. Insert instead "the printer".
- [4] **Sections 3 (2) and 4 (2)**
Omit "his" wherever occurring. Insert instead "the printer's".
- [5] **Section 6**
Omit "he" wherever occurring. Insert instead "the director or employee".
- [6] **Section 6 (a)**
Insert "or her" after "his".
- 3.29 Private Irrigation Districts Act 1973 No 47**
- [1] **Section 9 (2) (a)**
Omit "him". Insert instead "the petitioner".
- [2] **Section 12 (1)**
Omit "his". Insert instead "the owner's".
- [3] **Sections 14 (1) (a) (i), 19 (1), 55 (1) and (2) and 56 (2)**
Omit "he" wherever occurring. Insert instead "the person".
- [4] **Sections 14 (1) (a) (i), 53 (6) and 55 (2)**
Omit "him" wherever occurring. Insert instead "the person".
- [5] **Sections 14 (1) (a) (ii) and (b) (ii) and (2), 28 (2) and 32 (1) and (2)**
Omit "his" wherever occurring. Insert instead "the person's".
- [6] **Section 14 (3) (b) (i)**
Omit "he". Insert instead "the supplementary petitioner".
- [7] **Sections 17 (1) and (2) (g) (ii), 41 (3) (b), 53 (4) and (5), 55, 64 and 68 (1) and (5)**
Insert "or her" after "his" wherever occurring.
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Schedule 3 Amendments replacing gender-specific language

- [8] **Section 17 (1)**
Omit "he" wherever occurring. Insert instead "the member".
- [9] **Section 17 (1)**
Omit "him" wherever occurring. Insert instead "the member".
- [10] **Section 17 (2) (g) (ii)**
Insert "or she" after "he".
- [11] **Sections 21, 22, 23, 69 (1), 82 and 94 (1) (b)**
Omit "Chairman" wherever occurring. Insert instead "Chairperson".
- [12] **Sections 21 (1) and 22 (1)**
Omit "his" wherever occurring. Insert instead "the Chairperson's".
- [13] **Sections 21 (6) and 69 (1)**
Omit "he" wherever occurring. Insert instead "the Chairperson".
- [14] **Sections 25 (3) and 27 (5)**
Omit "he" wherever occurring. Insert instead "the Governor".
- [15] **Sections 34 (1), 35 (1), 63 (1) (d), 68 (5) and 69 (3)**
Omit "him" wherever occurring. Insert instead "the owner".
- [16] **Sections 44 (1) and 46**
Omit "he" wherever occurring. Insert instead "the claimant".
- [17] **Sections 53 (5) and 56 (1)**
Omit "he" wherever occurring. Insert instead "the owner".
- [18] **Section 55 (3)**
Omit "he". Insert instead "the ratable person".
- [19] **Section 56 (2)**
Insert "or her" after "him".
- [20] **Section 57 (3)**
Omit "he". Insert instead "the purchaser".
- [21] **Section 68 (7)**
Omit "himself". Insert instead "the owner".
- 3.30 Registrar-General Act 1973 No 67**
- Section 3 (1)**
Omit "he". Insert instead "the Governor".
- 3.31 Reprints Act 1972 No 48**
- [1] **Section 6**
Insert "or her" after "his".
- [2] **Section 12 (1)**
Omit "his". Insert instead "the Attorney General's".

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- 3.32 Road Obstructions (Special Provisions) Act 1979 No 9**
- [1] **Section 4 (1)**
Omit "he". Insert instead "the Commissioner or authorised officer".
- [2] **Section 4 (4) and (5)**
Omit "he" wherever occurring. Insert instead "the person".
- [3] **Section 8 (b)**
Insert "or her" after "his".
- 3.33 Small Businesses' Loans Guarantee Act 1977 No 34**
- [1] **Section 4 (2) (d)**
Omit "his". Insert instead "the creditor's".
- [2] **Section 4 (2) (d)**
Omit "him". Insert instead "the creditor".
- 3.34 Sporting Bodies' Loans Guarantee Act 1977 No 3**
- [1] **Section 4 (2) (d)**
Omit "his". Insert instead "the creditor's".
- [2] **Section 4 (2) (d)**
Omit "him". Insert instead "the creditor".
- 3.35 Sporting Injuries Insurance Act 1978 No 141**
- [1] **Section 4 (1) definition of "Chairman"**
Omit the definition. Insert instead:

Chairperson means the chairperson of the Committee.
- [2] **Sections 5 (1) (b) and 6 (4) and Schedule 2, clauses 5, 8, 11 and 12**
Omit "Chairman" wherever occurring. Insert instead "Chairperson".
- [3] **Section 6 (2) and Schedule 2, clause 14 (2)**
Omit "he" wherever occurring. Insert instead "the Minister".
- [4] **Sections 6 (3) and 33 and Schedule 2, clause 8**
Omit "he" wherever occurring. Insert instead "the person".
- [5] **Sections 10 (6), 22 and 26 (2) and Schedule 3, clause 2 (1) (b) and (c)**
Omit "his" wherever occurring. Insert instead "the person's".
- [6] **Sections 18 and 28 (2)**
Insert "or she" after "he" wherever occurring.
- [7] **Sections 18 (1), 24 (4), 25 (2) and 34 (a) (i) and Schedule 2, clauses 2 (4), 9 (1) (b), (c) and (f) and 10**
Insert "or her" after "his" wherever occurring.
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Schedule 3 Amendments replacing gender-specific language

- [8] **Sections 22, 25 (2) and 29 (8) and Schedule 3, clause 2 (1) (c) (ii)**
Omit "him" wherever occurring. Insert instead "the person".
- [9] **Section 24 (2)**
Omit "his being examined". Insert instead "an examination".
- [10] **Section 24 (3) (a) and (6)**
Omit "him" wherever occurring. Insert instead "the applicant".
- [11] **Section 24 (3) (b) and (6) and Schedule 2, clauses 4 and 8**
Omit "his" wherever occurring.
- [12] **Section 24 (3) and (4)**
Insert "or herself" after "himself" wherever occurring.
- [13] **Section 24 (3)**
Insert "or her" after "withdrawn his".
- [14] **Sections 24 (5) and 28 (1)**
Omit "he" wherever occurring. Insert instead "the applicant".
- [15] **Section 26 (1) definition of "child"**
Omit "his".
- [16] **Section 28 (1)**
Omit "him". Insert instead "the Public Trustee".
- [17] **Section 34 (a) and Schedule 2, clause 6 (1)**
Insert "or her" after "him" wherever occurring.
- [18] **Section 35**
Omit "its or his". Insert instead "the Committee or the person".
- [19] **Schedule 2, clause 5 (2)**
Omit "he". Insert instead "the officer".
- [20] **Schedule 2, clause 6 (1)**
Insert "or her" after "his" where firstly occurring.
- [21] **Schedule 2, clause 6 (1)**
Omit "his" where secondly occurring.
- [22] **Schedule 2, clauses 7 and 9 (1) (c)**
Omit "him" wherever occurring. Insert instead "the member".
- [23] **Schedule 2, clause 9 (1)**
Omit "his" where firstly occurring.
- [24] **Schedule 2, clause 9 (1)**
Omit "he" wherever occurring. Insert instead "the member".
- [25] **Schedule 2, clause 9 (2)**
Omit "him". Insert instead "the Governor".

3.36 State Development and Industries Assistance Act 1966 No 10

[1] Section 34I (1)

Omit "he". Insert instead "the Minister".

[2] Section 34I (1)

Insert "or her" after "his".

3.37 Sydney Cricket and Sports Ground Act 1978 No 72

[1] Sections 16 (2) and 26

Omit "him" wherever occurring. Insert instead "the Minister".

[2] Section 16 (2) and Schedule 1, clause 13 (13)

Omit "he" wherever occurring. Insert instead "the Minister".

[3] Section 19 (2) and Schedule 4, clause 8 (1) (d)

Omit "his" wherever occurring. Insert instead "the person's".

[4] Section 25 (2)

Omit "the receipt by him of the report".

Insert instead "the Minister receives the report".

[5] Section 26 (2) and Schedule 1, clauses 4 and 6 (1) (c) and (d)

Insert "or her" after "his" wherever occurring.

[6] Schedule 1, clauses 3, 6 (1) (d) and 13 (6)

Omit "him" wherever occurring. Insert instead "the member".

[7] Schedule 1, clause 6 (1)

Omit "his" where firstly occurring.

[8] Schedule 1, clauses 6 (1), 7 (2) and 13 (2), (6), (9) and (14)

Omit "he" wherever occurring. Insert instead "the member".

[9] Schedule 1, clause 6 (1) (g)

Omit "his" where firstly occurring. Insert instead "the".

[10] Schedule 1, clause 6 (1) (g)

Insert "or her" after "his" where secondly occurring.

[11] Schedule 1, clause 6 (2)

Omit "him". Insert instead "the Governor".

[12] Schedule 1, clause 7 (1) and (2)

Omit "his" where firstly occurring in the respective subclauses.

Insert instead "the member's".

[13] Schedule 1, clause 7 (1) and (2)

Insert "or her" after "his" where secondly occurring in the respective subclauses.

[14] Schedule 1, clauses 8, 8A and 10 (3)

Omit "Chairman" wherever occurring. Insert instead "Chairperson".

[15] Schedule 1, clause 13 (2) and (9)

Omit "his" wherever occurring. Insert instead "the member's".

Schedule 3 Amendments replacing gender-specific language

- [16] **Schedule 1, clause 13 (5) (a)**
Omit "he or any nominee of his".
Insert instead "the person or the person's nominee".
- [17] **Schedule 1, clause 13 (5) (b), (11) and (12)**
Omit "he" wherever occurring. Insert instead "the person".
- [18] **Schedule 1, clause 13 (5)**
Omit "his membership". Insert instead "that membership".
- [19] **Schedule 1, clause 13 (5)**
Omit "he" where thirdly occurring. Insert instead "the member".
- [20] **Schedule 1, clause 13 (8)**
Omit "married man and his wife". Insert instead "husband and wife".
- [21] **Schedule 1, clause 13 (12)**
Insert "or her" after "his" where firstly and thirdly occurring.
- [22] **Schedule 1, clause 13 (12)**
Omit "his" where secondly occurring. Insert instead "the".
- [23] **Schedule 4, clause 8 (1)**
Omit "him" wherever occurring. Insert instead "the person".
- 3.38 Sydney Market Authority Act 1968 No 11**
- [1] **Section 3 (1) definition of "wholesaler"**
Omit "his" from paragraph (b). Insert instead "the person's".
- [2] **Sections 12 (2) (a) and 43 (4)**
Omit "he" wherever occurring. Insert instead "the person".
- [3] **Section 12 (3)**
Omit "he" wherever occurring. Insert instead "the member".
- [4] **Section 15 (4) (b)**
Insert "or her" after "his".
- [5] **Section 43 (3)**
Omit "him". Insert instead "the person".
- 3.39 Sydney Opera House Trust Act 1961 No 9**
- [1] **Section 8 (1)**
Omit "his office" wherever occurring. Insert instead "office".
- [2] **Section 8 (1)**
Omit "he". Insert instead "the trustee".
- [3] **Section 8 (1) (b)**
Omit "his hand". Insert instead "the trustee's hand".
- [4] **Section 8 (1) (d)**
Omit "him". Insert instead "the trustee".

- [5] **Sections 8 (1) (d) and 9**
Insert "or her" after "his" wherever occurring.
- [6] **Section 8 (2)**
Omit "him". Insert instead "the Governor".
- [7] **Section 10 (2)**
Omit "he". Insert instead "the Chairperson".
- [8] **Section 12 (2)**
Omit "he". Insert instead "the person".
- [9] **Section 12 (4)**
Omit "him". Insert instead "the officer or employee".
- 3.40 Technical Education Trust Funds Act 1967 No 95**
- [1] **Section 5 (1)**
Omit "he". Insert instead "the Trustee".
- [2] **Section 5 (2) (a)**
Insert "or she" after "he".
- [3] **Section 5 (2) (b)**
Insert "or her" after "him".
- [4] **Section 5 (2)**
Omit "his".
- [5] **Section 9**
Omit "he". Insert instead "the person".

Schedule 4 Minor amendments consequent on enactment of Industrial Relations Act 1996

(Section 3)

Explanatory note

The amendments proposed to be made by this Schedule are consequential on the enactment of the *Industrial Relations Act 1996*.

4.1 Aberdare County Council (Dissolution) Act 1982 No 74

Section 15 Previous service and accrued leave of transferred servants

Omit "award or agreement made under the *Industrial Arbitration Act 1940*" from section 15 (1).

Insert instead "State industrial instrument".

4.2 Ambulance Services Act 1990 No 16

Section 15 Determination of conditions of employment of staff

Omit "*Industrial Relations Act 1991*" from the definition of *enterprise agreement* and *industrial matters* in section 15 (7).

Insert instead "*Industrial Relations Act 1996*".

4.3 Annual Holidays Act 1944 No 31

[1] Section 2 Interpretation

Omit the definitions of *Agreement* and *Award* from section 2 (1).
Insert instead:

Agreement means an enterprise agreement within the meaning of the *Industrial Relations Act 1996*.

Award means an award within the meaning of the *Industrial Relations Act 1996*.

[2] Section 2 (1) definition of "inspector" and sections 3 (4), 5 (1A), 13 (3) and 14

Omit "*Industrial Relations Act 1991*" wherever occurring.
Insert instead "*Industrial Relations Act 1996*".

[3] Sections 12 (1), (2) and (3), 13 (1) and 14 (d)

Omit "Industrial Court" wherever occurring.
Insert instead "Industrial Relations Commission in Court Session".

4.4 Associations Incorporation Act 1984 No 143

Section 7 Eligibility for incorporation

Omit section 7 (2) (d). Insert instead:

- (d) is an industrial organisation within the meaning of the *Industrial Relations Act 1996* that is a State organisation incorporated under that Act,

4.5 Attachment of Wages Limitation Act 1957 No 28

Section 10 Attachment of money due to employees of and contractors to certain employing authorities

Omit section 10 (4). Insert instead:

- (4) The amount that is to be ascertained in accordance with this subsection is to be ascertained by deducting \$8 from the basic wage in force under clause 15 of Schedule 4 to the *Industrial Relations Act 1996* immediately before the deduction under subsection (3) is made.

4.6 Bail Act 1978 No 161

[1] Section 4 Definitions

Omit paragraph (b2) of the definition of *court* in section 4 (1).
Insert instead:

(b2) the Industrial Relations Commission in Court Session,

[2] Section 4 (1) definition of "Industrial Court"

Omit the definition. Insert instead:

Industrial Relations Commission includes a judicial member of that Commission.

[3] Section 4 (1) definition of "Judge"

Omit ", Industrial Court or District Court".
Insert instead "or District Court, or a judicial member of the Industrial Relations Commission".

[4] Section 4 (1) definition of "magistrate"

Omit "*Industrial Arbitration Act 1940*".
Insert instead "*Industrial Relations Act 1996*".

[5] Part 4, Division 7, heading

Omit "Industrial Court".
Insert instead "Industrial Relations Commission".

[6] Sections 30B and 44 (5) and (6)

Omit "Industrial Court" wherever occurring.
Insert instead "Industrial Relations Commission in Court Session".

[7] Section 30B Power of Industrial Relations Commission to grant bail

Omit "that Court". Insert instead "the Commission".

[8] Section 45 Power of Supreme Court to review

Omit "Industrial Commission" from section 45 (1).

Insert instead "Industrial Relations Commission in Court Session".

4.7 Builders Labourers Federation (Special Provisions) Act 1986 No 17

Section 4 Eligibility of certain building industry employees for membership of certain organisations

Insert "or the *Industrial Relations Act 1996*" after "*Industrial Relations Act 1991*" in section 4 (6).

4.8 Building and Construction Industry Long Service Payments Act 1986 No 19

[1] Section 64 Proceedings for offences

Omit "*Industrial Relations Act 1991*" from section 64 (2).

Insert instead "*Industrial Relations Act 1996*".

[2] Section 64 (2)

Omit "Industrial Court".

Insert instead "Industrial Relations Commission in Court Session".

4.9 Casino Control Act 1992 No 15

Schedule 2 Provisions concerning staff of the Authority

Omit "*Industrial Relations Act 1991*" from clause 5.

Insert instead "*Industrial Relations Act 1996*".

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

[1] Section 23 Questions may be referred to Industrial Relations Commission in Court Session

Omit "Industrial Court of New South Wales" from section 23 (1).

Insert instead "Industrial Relations Commission in Court Session".

[2] Section 23 (2)

Omit the subsection.

[3] Sections 23 (3) and 29 (1) (b)

Omit "Industrial Court" wherever occurring.

Insert instead "Industrial Relations Commission in Court Session".

4.11 Compensation Court Act 1984 No 89

Section 11 Acting Judges

Insert "or the Industrial Relations Commission" after "Industrial Commission" in section 11 (6).

4.12 Construction Safety Act 1912 No 38

[1] Section 21 Penalties and proceedings for offences

Omit "Industrial Court" wherever occurring in section 21 (1AA) (b), (1B) and (3A).

Insert instead "Industrial Relations Commission in Court Session".

[2] Section 21 (1B)

Omit "*Industrial Relations Act 1991*".

Insert instead "*Industrial Relations Act 1996*".

4.13 Contracts Review Act 1980 No 16

Section 21 Application of Act to certain contracts of service and to existing contracts

Omit "an award or industrial agreement filed under the *Industrial Arbitration Act 1940*, an award made under the *Apprentices Act 1969*" from the definition of **award** in section 21 (2).

Insert instead "a State industrial instrument".

4.14 Dairy Industry Act 1979 No 208

Section 16 Employment of officers and employees

Omit "award or industrial agreement made or filed under the *Industrial Arbitration Act 1940*" from section 16 (3).

Insert instead "State industrial instrument".

4.15 Dangerous Goods Act 1975 No 68

[1] Section 33 Proceedings for offences

Omit "Industrial Court" wherever occurring in section 33 (1) (b), (1B) and (1C).

Insert instead "Industrial Relations Commission in Court Session".

[2] Section 33 (1C)

Omit "*Industrial Relations Act 1991*".

Insert instead "*Industrial Relations Act 1996*".

4.16 District Court Act 1973 No 9

Section 18 Acting Judges

Insert "or the Industrial Relations Commission" after "Industrial Commission" in section 18 (4).

4.17 Education (Ancillary Staff) Act 1987 No 240

[1] Section 33 Eligibility for appointment to Public Service

Omit "*Industrial Arbitration Act 1940*" from section 33 (2).

Insert instead "*Industrial Relations Act 1996*".

[2] Section 35 Attachment of remuneration

Omit section 35 (5). Insert instead:

- (5) The amount which is to be ascertained in accordance with this subsection is to be ascertained by deducting \$8 from the basic wage in force under clause 15 of Schedule 4 to the *Industrial Relations Act 1996* immediately before the deduction is made.

4.18 Employment Protection Act 1982 No 122

[1] Section 6A Industrial Relations Act 1996

Omit "*Industrial Relations Act 1991*" from section 6A (1).

Insert instead "*Industrial Relations Act 1996*".

[2] Section 6A (2) (a)

Omit "clause 16 of Schedule 2 to the *Industrial Relations Act 1991*".
Insert instead "clause 40 of Schedule 4 to the *Industrial Relations Act 1996*".

[3] Section 6A (2) (b)

Insert "enterprise" before "agreements" where secondly occurring.

4.19 Energy Administration Act 1987 No 103

[1] Section 28 Appointment of qualified person to investigate certain industrial matters

Omit the definition of *industrial matter* from section 28 (1).
Insert instead:

industrial matter has the same meaning as in the
Industrial Relations Act 1996.

[2] Section 28 (1) definition of "qualified person"

Omit "Industrial Commission".
Insert instead "Industrial Relations Commission".

4.20 Entertainment Industry Act 1989 No 230

[1] Section 46 Appeal to Industrial Relations Commission on point of law

Omit "*Industrial Arbitration Act 1940*" from section 46 (1).
Insert instead "*Industrial Relations Act 1996*".

[2] Section 46 (1)

Omit "Industrial Commission constituted by a judicial member sitting alone".

Insert instead "Full Bench of the Industrial Relations Commission in Court Session".

[3] Section 46 (2)

Omit "Industrial Commission" wherever occurring.

Insert instead "Industrial Relations Commission".

[4] Section 46 (3)

Omit the subsection.

4.21 Evidence on Commission Act 1995 No 26

[1] Section 4 Definitions

Omit paragraph (c) of the definition of *superior court*.

Insert instead:

- (c) the Industrial Relations Commission in Court Session, and

[2] Section 18 Definitions

Omit paragraph (c) of the definition of *superior court*. Insert instead:

- (c) the Industrial Relations Commission in Court Session, and

[3] Section 37 Regulations

Omit "Industrial Court" from section 37 (2).

Insert instead "Industrial Relations Commission".

4.22 Factories, Shops and Industries Act 1962 No 43

[1] Section 54 Employment of young persons at night

Omit "an award or industrial agreement made or filed under the *Industrial Arbitration Act 1940*" from section 54 (1).

Insert instead "a State industrial instrument".

[2] Section 74 (1) definition of "Inspector", section 104 definition of "Inspector" and section 145 (4)

Omit "*Industrial Relations Act 1991*" wherever occurring.

Insert instead "*Industrial Relations Act 1996*".

[3] Section 74 (1) definition of "State award"

Omit the definition. Insert instead:

State award means an award within the meaning of the *Industrial Relations Act 1996*.

[4] Sections 78A (10), 82 (2) (a), 109 (3) and 110 (2)

Omit "Industrial Commission of New South Wales" wherever occurring.

Insert instead "Industrial Relations Commission in Court Session".

[5] Section 78A (11) and (12)

Omit "Industrial Commission" wherever occurring.

Insert instead "Industrial Relations Commission".

[6] Sections 79A (1) and 145 (1) (a2) and (5)

Omit "*Industrial Arbitration Act 1940*" wherever occurring.

Insert instead "*Industrial Relations Act 1996*".

[7] Sections 82 (2) (b) and 111

Omit "*Industrial Arbitration Act 1940*, as amended by subsequent Acts" wherever occurring.

Insert instead "*Industrial Relations Act 1996*".

[8] Sections 101A and 114A

Omit "Section 745 of the *Industrial Relations Act 1991*" wherever occurring.

Insert instead "Section 389 of the *Industrial Relations Act 1996*".

[9] Section 104 Definitions

Omit "*Industrial Relations Act 1991* as amended by subsequent Acts" from the definition of *Apprentice*.

Insert instead "*Industrial and Commercial Training Act 1989*".

[10] Section 104 definition of "Trainee apprentice"

Omit "*Industrial Arbitration Act 1940*, as amended by subsequent Acts".

Insert instead "*Industrial and Commercial Training Act 1989*".

[11] Section 145 Proceedings

Omit section 145 (1) (b). Insert instead:

- (b) the person specified in a certificate issued by the Industrial Registrar under the *Industrial Relations Act 1996* as secretary of a union (but only in the case of a union the members of which are engaged in the industry concerned).

[12] Section 145 (3) (b), (3B) and (4)

Omit "Industrial Court" wherever occurring.

Insert instead "Industrial Relations Commission in Court Session".

4.23 Frustrated Contracts Act 1978 No 105

Section 6 Act does not apply to certain contracts

Omit section 6 (2) (e). Insert instead:

- (e) is an industrial organisation within the meaning of the *Industrial Relations Act 1996* that is a State organisation incorporated under that Act,

4.24 Government and Related Employees Appeal Tribunal Act 1980 No 39

[1] Section 4 Definitions

Omit paragraph (a) of the definition of *industrial union* in section 4 (1).

Insert instead:

- (a) an industrial organisation of employees within the meaning of the *Industrial Relations Act 1996*, and

[2] Section 4 (7)

Omit "*Industrial Arbitration Act 1940*".

Insert instead "*Industrial Relations Act 1996*".

4.25 Harness Racing Authority Act 1977 No 57

Section 17A Provisions relating to Tribunal

Omit the definition of *court* from section 17A (1).

Insert instead:

court includes the Industrial Relations Commission.

judge includes a judicial member of the Industrial Relations Commission.

4.26 Health Administration Act 1982 No 135

[1] Section 20C Functions of Medical Services Committee etc

Omit “industrial awards or industrial agreements and other than industrial matters within the meaning of the *Industrial Arbitration Act 1940*” from section 20C (1) (a).

Insert instead “State industrial instruments and other industrial matters within the meaning of the *Industrial Relations Act 1996*”.

[2] Schedule 3 Transfer of health employees

Omit “*Industrial Arbitration Act 1940*” from clause 10 (2).

Insert instead “*Industrial Relations Act 1996*”.

4.27 Independent Commission Against Corruption Act 1988 No 35

Section 104 Staff etc of Commission

Omit “*Industrial Arbitration Act 1940*” from section 104 (13).

Insert instead “*Industrial Relations Act 1996*”.

4.28 Industrial and Commercial Training Act 1989 No 77

[1] Section 4 Definitions

Omit the definition of *conciliation committee* from section 4 (1).

[2] Section 5 (b), section 71 (4) definition of “industrial organisation” and section 88 (6)

Omit “*Industrial Relations Act 1991*” wherever occurring.

Insert instead “*Industrial Relations Act 1996*”.

**4.29 Industrial Arbitration (Special Provisions) Act 1984
No 121**

Section 3 Cancellation of certain registration

Omit "*Industrial Relations Act 1991*" from section 3 (4).
Insert instead "*Industrial Relations Act 1996*".

4.30 Industrial Relations Act 1996 No 17

**[1] Section 382 Jurisdiction of Chief and other Industrial
Magistrates**

Omit "*Industrial Relations Act 1995*" from section 382 (1).
Insert instead "*Industrial Relations Act 1996*".

[2] Section 382 (1)

Insert after "Other industrial relations legislation.":

Entertainment Industry Act 1989

Industrial and Commercial Training Act 1989

[3] Section 382

Omit the note to the section.

[4] Schedule 5 Amendment of other Acts

Omit Schedule 5.4.

[5] Schedule 5

Omit Schedule 5.13 [2]. Insert instead:

[2] Second Schedule

Omit "*Industrial Relations Act 1991*" from clause (26) (b) of the
General Exemptions from Stamp Duty under Part 3.

Insert instead "*Industrial Relations Act 1996*".

4.31 Justices Act 1902 No 27

Section 100I Interpretation

Insert "*Employment Agents Act 1995*, section 29;" in alphabetical order in the list of Acts in paragraph (a) of the definition of *penalty notice* in section 100I (1).

4.32 Land and Environment Court Act 1979 No 204

Section 11 Acting Judges

Insert "or the Industrial Relations Commission" after "Industrial Commission" in section 11 (4).

4.33 Land Tax Management Act 1956 No 26

Section 10 Land exempted from tax

Omit "registered or recognised as such under the *Industrial Relations Act 1991*" from section 10 (1) (f) (iii).
Insert instead "within the meaning of the *Industrial Relations Act 1996*".

4.34 Liquor Act 1982 No 147

Section 67 Summons to show cause against taking of disciplinary action

Omit section 67 (1) (e) (i). Insert instead:

- (i) an industrial organisation of employees registered under the *Industrial Relations Act 1996*, or

4.35 Local Government Act 1993 No 30

Section 340 Industrial arbitration excluded

Omit "*Industrial Relations Act 1991*" wherever occurring in section 340 (2) and (4).

Insert instead "*Industrial Relations Act 1996*".

4.36 Long Service Leave Act 1955 No 38

[1] Section 3 Definitions

Omit "an agreement" from the definition of *agreement* in section 3 (1).

Insert instead "an enterprise agreement".

[2] Section 3 (1) definitions of "agreement", "award" and "inspector" and sections 3 (4), 5 (1) (b) and 14

Omit "*Industrial Relations Act 1991*" wherever occurring.

Insert instead "*Industrial Relations Act 1996*".

[3] Section 4 Long service leave

Omit "an award or agreement in force under the *Industrial Relations Act 1991*" from paragraph (i) of the definition of *service as an adult* in section 4 (2) (a1).

Insert instead "a State industrial instrument".

[4] Section 4 (11) (a1) (iii)

Omit "or by an award made pursuant to Division 8 of Part 2 of Chapter 2 (Sick leave) of the *Industrial Relations Act 1991*".

Insert instead "or by any obligation in relation to sick leave imposed on the employer by a State industrial instrument".

[5] Sections 5 (4) and 5A (3) (b)

Omit “industrial organisation registered under the *Industrial Relations Act 1991*” wherever occurring.

Insert instead “industrial organisation within the meaning of the *Industrial Relations Act 1996*”.

[6] Section 6 Savings as to powers etc

Omit “, or any member thereof, or on a conciliation committee by or under the *Industrial Relations Act 1991*”.

Insert instead “by or under the *Industrial Relations Act 1996*”.

[7] Section 6

Omit “or any member thereof or a conciliation committee” from the proviso to the section.

[8] Section 6

Omit “or industrial agreement” from the proviso to the section.

[9] Sections 11 (1) (b) and 12 (2)

Omit “registered under the *Industrial Relations Act 1991*” wherever occurring.

Insert instead “within the meaning of the *Industrial Relations Act 1996*”.

[10] Sections 12 (1) and 14 (c)

Omit “Industrial Court” wherever occurring.

Insert instead “Industrial Relations Commission in Court Session”.

4.37 Long Service Leave (Metalliferous Mining Industry) Act 1963 No 48

[1] Section 3 Definitions

Omit “an agreement” from the definition of *agreement* in section 3 (1).

Insert instead “an enterprise agreement”.

[2] Section 3 (1) definitions of “agreement”, “award” and “inspector” and sections 3 (3), 5 (1) (b) and 14

Omit “*Industrial Relations Act 1991*” wherever occurring.

Insert instead “*Industrial Relations Act 1996*”.

[3] Section 4 Long service leave

Omit “an award or agreement in force under the *Industrial Relations Act 1991*” from paragraph (i) of the definition of *service as an adult* in section 4 (2) (b).

Insert instead “a State industrial instrument”.

[4] Section 4 (11) (a) (i)

Omit “or by an award under Division 8 of Part 2 of Chapter 2 (Sick leave) of the *Industrial Relations Act 1991*”.

Insert instead “or by any obligation in relation to sick leave imposed on the employer by an award within the meaning of the *Industrial Relations Act 1996*”.

[5] Sections 5 (2) (d) (ii) and 5A (3) (b)

Omit “industrial organisation registered under the *Industrial Relations Act 1991*” wherever occurring.

Insert instead “industrial organisation of employees within the meaning of the *Industrial Relations Act 1996*”.

[6] Section 6 Savings as to powers etc

Omit “, or any member thereof, or on a conciliation committee by or under the *Industrial Relations Act 1991*”.

Insert instead “by or under the *Industrial Relations Act 1996*”.

[7] Section 6

Omit “or any member thereof or a conciliation committee” from the proviso to the section.

[8] Section 6

Omit “or industrial agreement” from the proviso to the section.

[9] Sections 11 (1) (b) and 12 (2)

Omit “registered under the *Industrial Relations Act 1991*” wherever occurring.

Insert instead “within the meaning of the *Industrial Relations Act 1996*”.

[10] Sections 12 (1) and 14 (c)

Omit “Industrial Court” wherever occurring.

Insert instead “Industrial Relations Commission in Court Session”.

4.38 Ombudsman Act 1974 No 68

Schedule 1 Excluded conduct of public authorities

Omit “Industrial Commission of New South Wales” from item 3 (a).

Insert instead “Industrial Relations Commission of New South Wales”.

4.39 Police Department (Transit Police) Act 1989 No 58

[1] Section 20 Conditions of employment

Omit section 20 (5).

[2] Section 31 Eligibility for appointment to Public Service

Omit "*Industrial Arbitration Act 1940*" from section 31 (2).
Insert instead "*Industrial Relations Act 1996*".

[3] Section 33 Attachment of remuneration

Omit section 33 (5). Insert instead:

- (5) The amount which, by virtue of subsection (4), is to be ascertained in accordance with this subsection must be ascertained by deducting \$8 from the basic wage in force under clause 15 of Schedule 4 to the *Industrial Relations Act 1996* before the deduction under subsection (3) is made.

4.40 Police Service Act 1990 No 47

[1] Sections 44 (2), 87 (2), 89 (1) and 218

Omit "*Industrial Relations Act 1991*" wherever occurring.
Insert instead "*Industrial Relations Act 1996*".

[2] Section 86 Commissioner may enter into agreements

Omit "section 349 of the *Industrial Relations Act 1991*" from section 86 (2).
Insert instead "section 405 of the *Industrial Relations Act 1996*".

[3] Section 181B Dismissal of police officers—information arising out of Police Royal Commission

Omit “(*Industrial Relations Act 1991* not affected)” from section 181B (5).

Insert instead “(*Industrial Relations Act 1996* not affected)”.

[4] Section 181B (5)

Omit “Part 8 (Unfair Dismissals) of Chapter 3 of the *Industrial Relations Act 1991*”.

Insert instead “Part 6 (Unfair dismissals) of Chapter 2 of the *Industrial Relations Act 1996*”.

[5] Section 189 President of Police Tribunal and Deputy President

Omit section 189 (4) (b). Insert instead:

- (b) a judicial member of the Industrial Relations Commission nominated by the President of that Commission, or

[6] Section 189 (8)

Omit “Chief Judge of the Industrial Court”.

Insert instead “President of the Industrial Relations Commission”.

4.41 Public Sector Executives Superannuation Act 1989 No 106

Section 68 Appeals against FTC’s determinations in disputes

Omit “Industrial Commission” wherever occurring.

Insert instead “Industrial Relations Commission in Court Session”.

4.42 Public Sector Management Act 1988 No 33

[1] Schedule 5 Extended leave for officers etc of Public Service

Omit "*Industrial Arbitration Act 1940*" from clause 1 (5) (a) (ii).
Insert instead "*Industrial Relations Act 1996*".

[2] Schedule 5, clause 1 (5) (b)

Insert "or enterprise agreement" after "industrial agreement".

[3] Schedule 6 Attachment of wages or salary of officers etc of Public Service

Omit clause 2 (5). Insert instead:

- (5) The amount that is to be ascertained in accordance with this subclause is to be ascertained by deducting \$8 from the basic wage in force under clause 15 of Schedule 4 to the *Industrial Relations Act 1996* immediately before the deduction under subclause (3) is made.

4.43 Racing Appeals Tribunal Act 1983 No 199

Section 4 Definitions

Omit "Industrial Commission of New South Wales" from the definition of *court* in section 4 (1).

Insert instead "Industrial Relations Commission of New South Wales".

4.44 Restraints of Trade Act 1976 No 67

Section 3 Application of Act

Omit section 3 (3) (a). Insert instead:

- (a) section 304 of the *Industrial Relations Act 1996*,

4.45 Rural Lands Protection Act 1989 No 197

Section 22 District veterinarians (cf Act No 35, 1934, s 21)

Omit "*Industrial Relations Act 1991*" from section 22 (12).
Insert instead "*Industrial Relations Act 1996*".

4.46 Rural Workers Accommodation Act 1969 No 34

Section 17 Proceedings

Omit "secretary of an industrial union of employers or employees registered under the *Industrial Arbitration Act 1940*" from section 17 (3) (b).

Insert instead "secretary of an industrial organisation within the meaning of the *Industrial Relations Act 1996*".

4.47 Special Commissions of Inquiry Act 1983 No 90

Section 3 Definitions

Omit "Industrial Commission of New South Wales" from paragraph (b) of the definition of *Judge* in section 3 (1).

Insert instead "Industrial Relations Commission of New South Wales".

4.48 State Emergency and Rescue Management Act 1989 No 165

Section 60A Definitions

Omit "*Industrial Relations Act 1991*" from section 60A (2) wherever occurring.

Insert instead "*Industrial Relations Act 1996*".

4.49 State Owned Corporations Act 1989 No 134

Schedule 4 Provisions relating to certain staff

Omit "*Industrial Arbitration Act 1940*" from clause 5 (2).
Insert instead "*Industrial Relations Act 1996*".

4.50 State Sports Centre Trust Act 1984 No 68

Section 9 Power to appoint staff etc

Omit "award or industrial agreement in force under the *Industrial Arbitration Act 1940*" from section 9 (4).
Insert instead "State industrial instrument".

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

[1] Section 4 Definitions

Omit the definition of *wages decision* from section 4 (1).
Insert instead:

wages decision means a decision made by the Industrial Relations Commission under Part 3 of Chapter 2 of the *Industrial Relations Act 1996* of:

- (a) the amount, or
- (b) the method by which an amount may be determined,

by which the rates of wages in awards under that Act will be varied following a National decision or State decision under that Part.

[2] Section 20 Operation of determinations

Omit "*Industrial Arbitration Act 1940*" from section 20 (4) (c).
Insert instead "*Industrial Relations Act 1996*".

4.52 Suitors' Fund Act 1951 No 3

Section 6 Costs of certain appeals

Omit "Industrial Commission of New South Wales" wherever occurring in section 6 (1A) and (5).
Insert instead "Industrial Relations Commission of New South Wales".

4.53 Superannuation Act 1916 No 28

Section 3 Definitions

Omit "Industrial Commission of New South Wales" from the definition of *employee* in section 3 (1).
Insert instead "Industrial Relations Commission of New South Wales".

4.54 Superannuation Administration Act 1996 No 39

Schedule 3 Savings and transitional provisions

Omit clause 19 (2).

4.55 Supreme Court Act 1970 No 52

Section 37 Acting Judges

Insert "or of the Industrial Relations Commission" after "Industrial Commission" in section 37 (4).

4.56 Sydney Turf Club Act 1943 No 22

Section 11 Insurance, and payments out of funds

Omit "*Truck Act of 1900* and of section 92 of the *Industrial Arbitration Act 1940*" from section 11 (4).

Insert instead "section 117 of the *Industrial Relations Act 1996*".

4.57 Teacher Housing Authority Act 1975 No 27

Section 7 Appointment etc of members

Omit "or recognised under the *Industrial Relations Act 1991*" from section 7 (2) (c).

Insert instead "under the *Industrial Relations Act 1996*".

4.58 Teaching Services Act 1980 No 23

[1] Section 4 Definitions

Omit "has the meaning ascribed to that expression by section 5 (1) of the *Industrial Arbitration Act 1940*" from the definition of *industrial matters* in section 4 (1).

Insert instead "has the same meaning as in the *Industrial Relations Act 1996*".

[2] Sections 5 and 79 (4)

Omit "*Industrial Arbitration Act 1940*" wherever occurring.

Insert instead "*Industrial Relations Act 1996*".

[3] Section 28 Exercise of Secretary's functions in relation to industrial disputes

Omit "(whether or not the dispute is a question, dispute or difficulty of the nature referred to in section 25 (1) (a), (b) or (c) of the *Industrial Arbitration Act 1940*)".

[4] Section 28

Omit "*Industrial Arbitration Act 1940*" where secondly and thirdly occurring.

Insert instead "*Industrial Relations Act 1996*".

**4.59 Technical and Further Education Commission Act 1990
No 118**

Sections 16 (2) and 19 (1) and clause 10 (2) of Schedule 4

Omit "*Industrial Arbitration Act 1940*" wherever occurring.

Insert instead "*Industrial Relations Act 1996*".

4.60 Transport Administration Act 1988 No 109

[1] Schedule 5 Extended leave for staff of each authority

Omit "*Industrial Relations Act 1991*" from clause 3 (5) (a) (ii).

Insert instead "*Industrial Relations Act 1996*".

[2] Schedule 5

Insert "or enterprise agreement" after "industrial agreement" in clause 3 (5) (b).

[3] Schedule 5

Insert ", enterprise agreement" after "industrial agreement" in clause 3 (5) (b).

4.61 Transport Appeal Boards Act 1980 No 104

Schedule 1 Members of a Board

Omit "industrial union of employees registered as such under the *Industrial Arbitration Act 1940*" from the definition of *industrial union* in clause 3.

Insert instead "industrial organisation of employees within the meaning of the *Industrial Relations Act 1996*".

4.62 Water Supply Authorities Act 1987 No 140

Schedule 5 Provisions relating to the members of an authority

Omit "industrial union registered as such under the *Industrial Arbitration Act 1940*" from clause 2 (5) (c).

Insert instead "industrial organisation of employees within the meaning of the *Industrial Relations Act 1996*".

4.63 Workers Compensation Act 1987 No 70

[1] Section 42 Current weekly wage rate (cf former s 9 (8)–(13))

Insert after paragraph (d) of the definition of *award* in section 42 (8):

- (e) (without limiting the above) includes a State industrial instrument,

[2] Section 42 (8) definition of "award"

Insert "or instrument" after "or other agreement".

[3] Section 43 Computation of average weekly earnings (cf former s 14)

Omit "basic wage for adult males or adult females, as the case may require, being the basic wage in force, within the meaning of Part 5 of the *Industrial Arbitration Act 1940*" from the definition of *basic wage* in section 43 (3).

Insert instead "basic wage in force under clause 15 of Schedule 4 to the *Industrial Relations Act 1996*".

[4] Section 43A Suitable employment

Omit "Part 7 of Chapter 3 of the *Industrial Relations Act 1991*" from section 43A (4) (b).

Insert instead "Part 7 of Chapter 2 of the *Industrial Relations Act 1996*".

[5] Section 161 Inspection of policies (cf former s 18A)

Omit “section 733 of the *Industrial Relations Act 1991*” from the definition of *representative* in section 161 (5).

Insert instead “Part 7 of Chapter 5 of the *Industrial Relations Act 1996*”.

[6] Section 161 (5) definition of “union”

Omit “registered or recognised as such under Chapter 5 of the *Industrial Relations Act 1991*”.

Insert instead “within the meaning of the *Industrial Relations Act 1996*”.

Schedule 5 Amendment transferring provisions

(Section 3)

Pay-roll Tax Act 1971 No 22

Schedule 6 Savings, transitional and other provisions

Insert after clause 1:

Part 1A Provision consequent on the enactment of the Pay-roll Tax (Amendment) Act 1988

1A Application of certain amendments to adjustment of pay-roll tax

- (1) Sections 11B, 11C, 16K and 16L, and clauses 5 and 6 of Schedule 1, as in force immediately before 1 July 1989, continue to have effect in relation to the adjustment of pay-roll tax for the financial year commencing on 1 July 1988, and earlier financial years, as if the amendments made by Schedule 3 to the amending Act had not been enacted.
- (2) This clause is taken to have commenced on 1 July 1989.
- (3) Subclause (1) re-enacts (with minor modifications) section 4 (2) of the amending Act. Subclause (1) is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.
- (4) In this clause, *amending Act* means the *Pay-roll Tax (Amendment) Act 1988*.

Part 1B Provision consequent on the enactment of the Pay-roll Tax (Amendment) Act 1989

1B Application of certain amendments to taxable wages comprising fringe benefits

- (1) Without affecting the liability of an employer to pay-roll tax, an employer is not required to specify taxable wages, comprising fringe benefits, in a return relating to the month of January, February or March 1990.

- (2) The taxable wages, comprising fringe benefits, to be specified in a return relating to the month of April, May or June 1990 are to be determined in accordance with this clause.
- (3) The amount of taxable wages, comprising fringe benefits, required to be specified in the return relating to the month of April 1990 is:
 - (a) the value of the fringe benefits paid or payable by the employer during the months of January, February, March and April 1990, or
 - (b) if the employer has made an election under subclause (4), the amount calculated in accordance with that subclause.
- (4) An employer who has paid or is liable to pay fringe benefits tax imposed by the *Fringe Benefits Tax Act 1986* of the Commonwealth in relation to each quarter during the year of tax (within the meaning of the *Fringe Benefits Tax Assessment Act 1986* of the Commonwealth) ending on 31 March 1990 may elect to include in the return relating to the month of April 1990 as the value of the fringe benefits paid or payable by the employer during that month one-third of the fringe benefits taxable amount, or that part of that amount as, in accordance with section 6 (as in force on 1 January 1990), comprises wages liable to pay-roll tax, for that year of tax ending on 31 March 1990.
- (5) The amount of taxable wages, comprising fringe benefits, required to be specified in a return relating to the month of May or June 1990 is:
 - (a) the value of the fringe benefits paid or payable by the employer during the relevant month, or
 - (b) if the employer has made an election under subclause (4), one-twelfth of the fringe benefits taxable amount, or that part of that amount as, in accordance with section 6 (as in force on 1 January 1990), comprises wages liable to pay-roll tax, for the year of tax ending on 31 March 1990, unless the employer is able to satisfy the Chief

Commissioner that the employer did not pay any fringe benefits during the month concerned.

- (6) An employer may not include in a return relating to the month of July 1990, or any subsequent month, as the value of fringe benefits paid or payable by the employer during that month an amount calculated in accordance with section 13A (2), as amended by the amending Act, unless the employer has made an election under that subsection which is in force under section 13A of the Act, as so amended.
- (7) This clause is taken to have commenced on 1 January 1990.
- (8) Subclauses (1)–(6) re-enact (with minor modifications) section 4 of the amending Act. Subclauses (1)–(6) are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.
- (9) In this section:

amending Act means the *Pay-roll Tax (Amendment) Act 1989*.

fringe benefits taxable amount has the same meaning as in the *Fringe Benefits Tax Assessment Act 1986* of the Commonwealth.

return means a return required to be furnished under section 13.

Explanatory note

The proposed amendment inserts in Schedule 6 (Savings, transitional and other provisions) to the *Pay-roll Tax Act 1971* the substance of transitional provisions (of possible on-going effect) contained in section 4 (2) of the *Pay-roll Tax (Amendment) Act 1988* and section 4 of the *Pay-roll Tax (Amendment) Act 1989*. The enactment of the amendment enables the repeal, by Schedule 6 to this Act, of those Acts. In accordance with section 30A of the *Interpretation Act 1987*, the transfer of the provisions does not affect the operation (if any) or meaning of the provisions.

Schedule 6 Repeals

(Section 4)

Repeal of Acts

- Homing Pigeons Protection Act 1909 (1910 No 1)***
- Miners' Accident Relief (Repeal) Act 1916 No 46***
- Miners' Accident Relief (Supplemental) Act 1928 No 13***
- Miners' Accident Relief (Supplemental) Act 1953 No 36***
- Coal Industry (Amendment) Act 1957 No 49**
- Miners' Accident Relief (Supplemental) Act 1962 No 31***
- Miners' Accident Relief (Supplemental) Act 1966 No 15***
- Tobacco Leaf Stabilization Act 1967 No 34***
- Stamp Duties (Amendment) Act 1970 No 94**
- Stamp Duties (Amendment) Act 1971 No 75**
- Stamp Duties (Amendment) Act 1974 No 71**
- Centenary Celebration (Amendment) Act 1976 No 75***
- Pay-roll Tax (Amendment) Act 1976 No 86**
- Pay-roll Tax (Further Amendment) Act 1977 No 134**
- Pay-roll Tax (Amendment) Act 1978 No 111**
- Dairy Products (Repeal) Act 1979 No 21***
- Pay-roll Tax (Amendment) Act 1979 No 158**
- Stock Diseases (Amendment) Act 1980 No 20**
- Pay-roll Tax (Amendment) Act 1980 No 163**
- Forestry (Amendment) Act 1981 No 30**
- Finance (Greyhound-racing Taxation) Management (Amendment) Act 1981 No 71**
- Pay-roll Tax (Amendment) Act 1981 No 99**
- Pay-roll Tax (Administration) Amendment Act 1983 No 15**

Poultry Processing (Amendment) Act 1983 No 66**
Sunday Entertainment (Repeal) Act 1983 No 140***
Pay-roll Tax (Amendment) Act 1983 No 147**
Pay-roll Tax (Amendment) Act 1984 No 136**
Pay-roll Tax (Amendment) Act 1985 No 175**
Pay-roll Tax (Amendment) Act 1986 No 89**
Pay-roll Tax (Further Amendment) Act 1986 No 163**
Stamp Duties (Share Transfer) Amendment Act 1986 No 168**
Stamp Duties (Information Disclosure) Amendment Act 1987 No 87**
Pay-roll Tax (Information Disclosure) Amendment Act 1987 No 89**
Prickly Pear Act 1987 No 202***
Miscellaneous Acts (Children's Court and Criminal Proceedings)
Amendment Act 1987 No 273**
Housing (Validation of Resumptions) Act 1988 No 24***
Pay-roll Tax (Amendment) Act 1988 No 100*
Superannuation (Amendment) Act 1988 No 133**
Children (Criminal Proceedings) Amendment Act 1989 No 75**
Stamp Duties (Amendment) Act 1989 No 113**
Courts Legislation (Procedure) Amendment Act 1989 No 169**
Pay-roll Tax (Amendment) Act 1989 No 221*
Pay-roll Tax (Amendment) Act 1990 No 65**
Trustee Companies (Amendment) Act 1990 No 98**
Superannuation Legislation (Superannuation Guarantee Charge)
Amendment Act 1992 No 102**
Co-operatives (Amendment) Act 1992 No 107**
Superannuation Legislation (Miscellaneous Amendments) Act 1993
No 42**
Workers Compensation Legislation (Miscellaneous Amendments) Act 1994
No 6**

Workers Compensation Legislation (Amendment) Act 1994 No 10**

Property, Stock and Business Agents (Amendment) Act 1994 No 20**

Co-operatives Amendment Act 1995 No 41**

Stock Diseases Amendment Act 1995 No 46**

Veterinary Surgeons Amendment Act 1995 No 48**

Parliamentary Electorates and Elections Amendment (Method of Voting) Act 1995 No 54**

Notes

- * indicates repeal of an Act whose savings, transitional or other provisions of on-going effect are transferred to, or re-enacted in, the Principal Act (by Schedule 5 to this Act)
- ** indicates repeal of an 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 an 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,
- (d) the operation of any savings or transitional provision contained in the Act.

Schedule 7 General savings, transitional and other provisions

(Section 5)

1 Effect of amendment of amending provisions

(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 errors (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.

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

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

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

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.

3 Amendments removing gender-specific language

The amendments made to an Act by Schedule 3 are made for the purposes of replacing gender-specific language with gender-neutral language. The amendments contained in that Schedule do not affect the construction or meaning of any Act.

Explanatory note

This clause ensures that amendments that are made solely for the purposes of removing gender-specific language from an Act do not have any unintended consequences. A similar provision to clause 3 is included in the *Reprints Act 1972* (section 11).

4 Regulations

- (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 any 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.

Notes

Index of Acts and regulations amended by Schedules 1, 2, 3, 4 and 5

Aberdare County Council (Dissolution) Act 1982 No 74—Sch 4

Aboriginal Land Rights Act 1983 No 42—Sch 3

Air Transport Act 1964 No 36—Sch 3

Albury-Wodonga Development Act 1974 No 47—Sch 3

Ambulance Services Act 1990 No 16—Sch 4

Animals Act 1977 No 25—Sch 3

Annual Holidays Act 1944 No 31—Sch 4

Associations Incorporation Act 1984 No 143—Sch 2, Sch 4

Attachment of Wages Limitation Act 1957 No 28—Sch 2, Sch 4

Bail Act 1978 No 161—Sch 4

Bookmakers (Taxation) Act 1917 No 15—Sch 2

Broken Hill to South Australian Border Railway Agreement Act 1968 No 59—Sch 3

Builders Labourers Federation (Special Provisions) Act 1986 No 17—Sch 4

Building and Construction Industry Long Service Payments Act 1986 No 19—Sch 4

Business Franchise Licences (Petroleum Products) Act 1987 No 94—Sch 2

Business Licences Act 1990 No 72—Sch 2

Casino Control Act 1992 No 15—Sch 1, Sch 4

Chipping Norton Lake Authority Act 1977 No 38—Sch 3

Coal and Oil Shale Mine Workers (Superannuation) Act 1941 No 45—Sch 4

Community Land Development Act 1989 No 201—Sch 2

Compensation Court Act 1984 No 89—Sch 4

Compensation to Relatives Act 1897 No 31—Sch 3

Constitution Further Amendment (Referendum) Act 1930 No 2—Sch 3

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Constitution (Public Service) Amendment Act 1916 No 45—Sch 3
Construction Safety Act 1912 No 38—Sch 4
Contracts Review Act 1980 No 16—Sch 3, Sch 4
Conversion of Cemeteries Act 1974 No 17—Sch 3
Conveyancing Act 1919 No 6—Sch 2
Council of Law Reporting Act 1969 No 59—Sch 3
Country Industries (Pay-roll Tax Rebates) Act 1977 No 79—Sch 3
Credit (Finance Brokers) Act 1984 No 96—Sch 3
Crimes (Offences at Sea) Act 1980 No 145—Sch 3
Dairy Industry Act 1979 No 208—Sch 4
Dangerous Goods Act 1975 No 68—Sch 4
District Court Act 1973 No 9—Sch 4
Dog Act 1966 No 2—Sch 2
Domicile Act 1979 No 118—Sch 3
Drug Misuse and Trafficking Act 1985 No 226—Sch 1
Education (Ancillary Staff) Act 1987 No 240—Sch 4
Electricity Supply Act 1995 No 94—Sch 1
Employment Protection Act 1982 No 122—Sch 4
Encroachment of Buildings Act 1922 No 23—Sch 3
Energy Services Corporations Act 1995 No 95—Sch 1
Energy Administration Act 1987 No 103—Sch 4
Entertainment Industry Act 1989 No 230—Sch 4
Environmental Planning and Assessment Act 1979 No 203—Sch 2
Environmental Planning and Assessment Amendment Act 1996
No 44—Sch 2
Environmentally Hazardous Chemicals Act 1985 No 14—Sch 2
Evidence on Commission Act 1995 No 26—Sch 4
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Financial Institutions (Miscellaneous Amendments) Act 1996 No 24—Sch 2
First State Superannuation Act 1992 No 100—Sch 2
Freedom of Information Act 1989 No 5—Sch 1
Frustrated Contracts Act 1978 No 105—Sch 3, Sch 4
Gaming and Betting Act 1912 No 25—Sch 2
Government and Related Employees Appeal Tribunal Act 1980
No 39—Sch 2, Sch 4
Greyhound Racing Control Board Act 1985 No 119—Sch 1
Harness Racing Authority Act 1977 No 57—Sch 4
Health Administration Act 1982 No 135—Sch 4
Independent Commission Against Corruption Act 1988 No 35—Sch 4
Industrial and Commercial Training Act 1989 No 77—Sch 4
Industrial Arbitration (Special Provisions) Act 1984 No 121—Sch 4
Industrial Relations Act 1996 No 17—Sch 4
Institute of Rural Studies Act 1973 No 54—Sch 3
Interpretation Act 1987 No 15—Sch 1
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Justices Act 1902 No 27—Sch 4
Land and Environment Court Act 1979 No 204—Sch 4
Land Tax Management Act 1956 No 26—Sch 4
Landlord and Tenant (Rental Bonds) Act 1977 No 44—Sch 1, Sch 3
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Liquor Act 1982 No 147—Sch 4
Loan Fund Companies Act 1976 No 94—Sch 3
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Long Service Leave Act 1955 No 38—Sch 4

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- Long Service Leave (Metalliferous Mining Industry) Act 1963
No 48—Sch 4
- Lotteries and Art Unions Act 1901 No 34—Sch 2
- Mock Auctions Act 1973 No 17—Sch 3
- Motor Dealers Act 1974 No 52—Sch 2
- National Parks and Wildlife Act 1974 No 80—Sch 1
- New South Wales Retirement Benefits Act 1972 No 70—Sch 2
- Noxious Weeds Act 1993 No 11—Sch 1
- Ombudsman Act 1974 No 68—Sch 4
- Parents and Citizens Associations Incorporation Act 1976 No 50—Sch 3
- Pay-roll Tax Act 1971 No 22—Sch 5
- Poisons and Therapeutic Goods Act 1966 No 31—Sch 1
- Poisons and Therapeutic Goods Regulation 1994—Sch 1
- Police Department (Transit Police) Act 1989 No 58—Sch 4
- Police Regulation (Superannuation) Act 1906 No 28—Sch 1
- Police Service Act 1990 No 47—Sch 4
- Poultry Processing Act 1969 No 45—Sch 3
- Prevention of Cruelty to Animals Act 1979 No 200—Sch 3
- Printing and Newspapers Act 1973 No 46—Sch 3
- Prisons Amendment Act 1996 No 25—Sch 2
- Private Irrigation Districts Act 1973 No 47—Sch 3
- Public Authorities (Financial Arrangements) Act 1987 No 33—Sch 1
- Public Authorities (Financial Arrangements) Regulation 1995—Sch 1
- Public Authorities Superannuation Act 1985 No 41—Sch 2
- Public Finance and Audit Act 1983 No 152—Sch 2
- Public Sector Executives Superannuation Act 1989 No 106—Sch 2, Sch 4
- Public Sector Management Act 1988 No 33—Sch 2, Sch 4
- Racing Appeals Tribunal Act 1983 No 199—Sch 4

- Registrar-General Act 1973 No 67—Sch 3
- Reprints Act 1972 No 48—Sch 3
- Restraints of Trade Act 1976 No 67—Sch 4
- Road Obstructions (Special Provisions) Act 1979 No 9—Sch 3
- Royal Blind Society of New South Wales Act 1901 No 56—Sch 1
- Rural Lands Protection Act 1989 No 197—Sch 4
- Rural Workers Accommodation Act 1969 No 34—Sch 2, Sch 4
- Small Businesses' Loans Guarantee Act 1977 No 34—Sch 3
- Special Commissions of Inquiry Act 1983 No 90—Sch 4
- Sporting Bodies' Loans Guarantee Act 1977 No 3—Sch 3
- Sporting Injuries Insurance Act 1978 No 141—Sch 3
- State Authorities Non-contributory Superannuation Act 1987 No 212—Sch 1
- State Authorities Superannuation Act 1987 No 211—Sch 1
- State Development and Industries Assistance Act 1966 No 10—Sch 3
- State Emergency and Rescue Management Act 1989 No 165—Sch 4
- State Owned Corporations Act 1989 No 134—Sch 4
- State Sports Centre Trust Act 1984 No 68—Sch 4
- Statute Law (Miscellaneous Provisions) Act 1996 No 30—Sch 2
- Statutory and Other Offices Remuneration Act 1975 (1976 No 4)—Sch 1, Sch 4
- Stock (Chemical Residues) Amendment Act 1996 No 21—Sch 2
- Strata Titles Act 1973 No 68—Sch 2
- Strata Titles (Leasehold) Act 1986 No 219—Sch 2
- Subordinate Legislation Act 1989 No 146—Sch 1
- Suitors' Fund Act 1951 No 3—Sch 4
- Superannuation Act 1916 No 28—Sch 1, Sch 4
- Superannuation Administration Act 1996 No 39—Sch 1, Sch 4
- Superannuation Legislation (Amendment) Act 1992 No 35—Sch 2

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Sydney Cricket and Sports Ground Act 1978 No 72—Sch 3
Sydney Market Authority Act 1968 No 11—Sch 3
Sydney Opera House Trust Act 1961 No 9—Sch 3
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Transport Appeal Boards Act 1980 No 104—Sch 4
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Workers Compensation Act 1987 No 70—Sch 4

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Children (Criminal Proceedings) Amendment Act 1989 No 75
Coal Industry (Amendment) Act 1957 No 49
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No 71

Forestry (Amendment) Act 1981 No 30

Homing Pigeons Protection Act 1909 (1910 No 1)

Housing (Validation of Resumptions) Act 1988 No 24

Miners' Accident Relief (Repeal) Act 1916 No 46

Miners' Accident Relief (Supplemental) Act 1928 No 13

Miners' Accident Relief (Supplemental) Act 1953 No 36

Miners' Accident Relief (Supplemental) Act 1962 No 31

Miners' Accident Relief (Supplemental) Act 1966 No 15

Miscellaneous Acts (Children's Court and Criminal Proceedings)
Amendment Act 1987 No 273

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Pay-roll Tax (Administration) Amendment Act 1983 No 15

Pay-roll Tax (Amendment) Act 1976 No 86

Pay-roll Tax (Amendment) Act 1978 No 111

Pay-roll Tax (Amendment) Act 1979 No 158

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No 6

[Minister's second reading speech made in—
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Legislative Council on 27 November 1996]

BY AUTHORITY