

**STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT  
1994 No. 32**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendments
4. Repeals
5. General savings, transitional and other provisions
6. Explanatory notes

**SCHEDULE 1—MINOR AMENDMENTS**

Anatomy Act 1977 No. 126  
Compensation Court Act 1984 No. 89  
Crimes Act 1900 No. 40  
Crown Lands Act 1989 No. 6  
District Court Act 1973 No. 9  
Dividing Fences Act 1991 No. 72  
Dog Act 1966 No. 2  
Exhibited Animals Protection Act 1986 No. 123  
First State Superannuation Act 1992 No. 100  
Gaming and Betting Act 1912 No. 25  
Health Administration Act 1982 No. 135  
Human Tissue Act 1983 No. 164  
Impounding Act 1993 No. 31  
Jurisdiction of Courts (Cross-vesting) Act 1987 No. 125  
Local Courts (Civil Claims) Act 1970 No. 11  
Necropolis Act 1901 (1902 No. 20)  
New South Wales Institute of Psychiatry Act 1964 No. 44  
Noxious Weeds Act 1993 No. 11  
Passenger Transport Act 1990 No. 39  
Prisoners (Interstate Transfer) Act 1982 No. 104  
Prisons Act 1952 No. 9  
Privacy Committee Act 1975 No. 37

*Statute Law (Miscellaneous Provisions) Act 1994 No. 32*

---

Public Health Act 1991 No. 10  
Public Sector Executives Superannuation Act 1989 No. 106  
Rural Lands Protection Act 1989 No. 197  
St John's College Act (1857) (21 Vic.)  
Sancta Sophia College Incorporation Act 1929 No. 45  
Statute Law (Miscellaneous Provisions) Act (No. 3) 1989 No. 226  
Statute Law (Miscellaneous Provisions) Act (No. 2) 1993 No. 108  
Stock Medicines Act 1989 No. 182  
Strata Titles Act 1973 No. 68  
Strata Titles (Leasehold) Act 1986 No. 219  
Strata Titles (Leasehold Staged Development) Amendment Act 1993 No. 13  
Strata Titles (Staged Development) Amendment Act 1993 No. 12  
Supreme Court Act 1970 No. 52  
Teacher Housing Authority Act 1975 No. 27  
Vocational Education and Training Accreditation Act 1990 No. 120  
Water Supply Authorities Act 1987 No. 140  
SCHEDULE 2—AMENDMENTS BY WAY OF STATUTE LAW REVISION  
SCHEDULE 3—AMENDMENTS REPLACING GENDER-SPECIFIC LANGUAGE  
SCHEDULE 4—REPEALS  
SCHEDULE 5—GENERAL SAVINGS, TRANSITIONAL AND OTHER  
PROVISIONS

---

**STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT  
1994 No. 32**

NEW SOUTH WALES



**Act No. 32, 1994**

An Act to repeal certain Acts and to amend certain other Acts in various respects and for the purpose of effecting statute law revision; and to make certain savings. [Assented to 2 June 1994]

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

1. This Act may be cited as the Statute Law (Miscellaneous Provisions) Act 1994.

**Commencement**

2. This Act commences on the date of assent, except as provided in Schedules 1, 2 and 4.

**Amendments**

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

**Repeals**

4. Each Act specified in Schedule 4 is repealed.

**General savings, transitional and other provisions**

5. Schedule 5 has effect.

**Explanatory notes**

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

---

**SCHEDULE 1—MINOR AMENDMENTS**

(Sec. 3)

**ANATOMY ACT 1977 No, 126****AMENDMENT****Section 8B (Consent by coroner):**

From section 8B (5), omit "shall be confirmed in the prescribed manner", insert instead "is to be confirmed in writing as soon as practicable".

**COMMENCEMENT**

The amendment to the Anatomy Act 1977 commences on the date of assent to this Act.

**EXPLANATORY NOTE**

Under section 8B of the Act, a coroner may consent to the carrying out of an anatomical examination of the body of a person in respect of whose death the coroner has jurisdiction to hold an inquest under the Coroners Act 1980. If the consent is given orally, the coroner is currently required to confirm it "in the prescribed manner".

The proposed amendment specifies instead the way in which the confirmation is to be given (that is, in writing as soon as practicable).

Similar amendments to the Human Tissue Act 1983 are proposed to be made elsewhere in this Schedule.

---

### **COMPENSATION COURT ACT 1984 No. 89**

#### **AMENDMENTS**

(1) Section 42 (**Rule Committee**):

(a) From section 42 (1) (d) and (e), omit “practising” wherever occurring.

(b) After section 42 (2), insert:

(2A) In this section and section 42A:

“barrister” means a legal practitioner who holds a current practising certificate as a barrister;

“solicitor” means a legal practitioner who holds a current practising certificate as a solicitor.

(2) After section 42, insert:

**Deputies for barrister and solicitor members**

42A. (1) The Chief Judge may, from time to time, appoint to the Rule Committee:

(a) a barrister to be the deputy of the member appointed under section 42 (1) (d); and

(b) a solicitor to be the deputy of the member appointed under section 42 (1) (e),

and the Chief Judge may revoke any such appointment.

(2) In the absence of a member appointed under section 42 (1) (d) or (e), the member’s deputy:

(a) may, if available, act in the place of the member; and

(b) while so acting, has the functions of the member and is taken to be the member.

#### **COMMENCEMENT**

The amendments to the Compensation Court Act 1984 commence on the date of assent to this Act.

#### **EXPLANATORY NOTE**

**Consequential amendments** (item (1))

Item (1) of the proposed amendments is consequential on the way in which lawyers are described in the Legal Profession Reform Act 1993.

**Deputy members of Rule Committee (item (2))**

Item (2) of the proposed amendments permits the appointment of deputies to act in place of the barrister and solicitor members of the Compensation Court Rule Committee during the absence of those members.

Amendments similar to those proposed by items (1) and (2) are proposed to be made elsewhere in this Schedule in relation to the Rule Committees of certain other courts.

---

**CRIMES ACT 1900 No. 40****AMENDMENTS****(1) Section 309 (Unlawful access to data in computer):**

- (a) In section 309 (2) (b), before “obtain”, insert “dishonestly”.
- (b) In section 309 (2) (c), before “cause”, insert “dishonestly”.

**(2) Section 496 (Indictable offences punishable summarily without consent of the accused: larceny etc.):**

From section 496 (1) (c) (as inserted (as section 501 (1) (c)) by the Crimes (Procedure) Amendment Act 1987), omit “247”, insert instead “195”.

**COMMENCEMENT**

Item (1) of the amendments to the Crimes Act 1900 commences on the date of assent to this Act.

Item (2) of the amendments to the Crimes Act 1900 is taken to have commenced on 13 January 1988.

**EXPLANATORY NOTE****Access to data in a computer (item (1))**

At present, under section 309 (2) of the Act, it is an offence for a person to obtain access to a program or data stored in a computer with the intention of defrauding any person, obtaining a financial advantage for any person or causing loss or injury to any person.

Item (1) of the proposed amendments makes it explicit that there must be an element of dishonesty in the person’s intention to obtain the financial advantage, or cause the loss or injury, for the offence to be committed.

Item (1) creates split infinitives (“to dishonestly obtain” and “to dishonestly cause”). Split infinitives are no longer necessarily regarded as poor grammar as they can sometimes (as in these cases) assist clarity.

Item (1) of the proposed amendments is taken to have commenced on the commencement of the Act which inserted the provision in its current form.

**Correction of cross-reference (item (2))**

- The Crimes (Criminal Destruction and Damage) Amendment Act 1987 (No. 287) repealed section 247 of the Crimes Act 1900 and re-enacted it as section 195.
- It also made a consequential amendment to section 501 (1) (c), omitting “247” from that paragraph and inserting instead “195”.

*Statute Law (Miscellaneous Provisions) Act 1994 No. 32—Sch. 1*

---

- However, the Crimes (Procedure) Amendment Act 1987 (No. 289) replaced paragraph (c), restoring the reference to 247.
- Both the 1987 Acts commenced on 13 January 1988.
- Section 501 was subsequently renumbered as section 496 by the Crimes (Amendment) Act 1988.
- The view could be taken that Act No. 289 of 1987 overrides Act No. 287.
- The current reprint of the Crimes Act 1900 gives effect to the intention of Parliament by referring to “195” in section 496.

Item (2) of the proposed amendments removes any doubt that section 195 should be referred to in the section.

---

**CROWN LANDS ACT 1989 No. 6**

**AMENDMENT**

Section 111A:

After section 111, insert:

**Dissolution of trust—appointment of new trust**

111A. (1) If a new reserve trust is established, named and appointed under section 92 as trustee of any one or more specified reserves, or any one or more parts of a reserve, of which a dissolved trust was trustee, the provisions of section 125 (3) apply to the new reserve trust.

(2) However, those provisions do not apply in respect of any of the real or personal property of the dissolved trust that the Minister has, before the appointment of the new reserve trust, disposed of under section 111.

(3) For the purpose of those provisions:

(a) the trustee or trustees of the dissolved trust are called the former trustee; and

(b) the new reserve trust is called the new trustee.

(4) Those provisions apply:

(a) with such modifications as may be necessary or as the Minister may direct; and

(b) only in relation to an act, matter or thing concerning the former trustee in connection with the care, control and management of the reserve, or part of the reserve, of which the new trustee is trustee.

**COMMENCEMENT**

The amendment to the Crown Lands Act 1989 commences on a day to be appointed by proclamation.

**TRANSITIONAL**

Section 111A of the Crown Lands Act 1989 as inserted by this Act extends to a reserve trust dissolved before the commencement of that section. However, it does not operate to confer on any person a right to institute, or maintain, proceedings if such a right would otherwise be barred under the Limitation Act 1969.

**EXPLANATORY NOTE**

At present, section 111 of the Crown Lands Act 1989 empowers the Minister to dispose of the real and personal property of a reserve trust under the Act if the trust is dissolved.

The proposed amendment contemplates the appointment of a new reserve trust in place of the dissolved trust, and provides for the transfer of the property, rights and liabilities of the dissolved trust to the new trust. However, it does not affect the Minister's ability to dispose of the dissolved trust's property before the appointment of the new trust.

---

**DISTRICT COURT ACT 1973 No. 9****AMENDMENTS****(1) Section 18B (Composition of the Rule Committee):**

- (a) From section 18B (2) (c) and (d), omit "practising" wherever occurring.
- (b) After section 18B (8), insert:
  - (9) In this section and in section 18BA:
    - "**barrister**" means a legal practitioner who holds a current practising certificate as a barrister;
    - "**solicitor**" means a legal practitioner who holds a current practising certificate as a solicitor.

**(2) Section 18BA:**

After section 18B, insert:

**Deputies for barrister and solicitor members**

18BA. (1) The Chief Judge may, from time to time, appoint to the Rule Committee:

- (a) a barrister to be the deputy of the member appointed under section 18B (2) (c); and
- (b) a solicitor to be the deputy of the member appointed under section 18B (2) (d),

and the Chief Judge may revoke any such appointment.

*Statute Law (Miscellaneous Provisions) Act 1994 No. 32—Sch. I*

---

- (2) In the absence of a member appointed under section 18B (2) (c) or (d), the member's deputy:
- (a) may, if available, act in the place of the member; and
  - (b) while so acting, has the functions of the member and is taken to be the member.

**COMMENCEMENT**

The amendments to the District Court Act 1973 commence on the date of assent to this Act.

**EXPLANATORY NOTE**

**Consequential amendments (item (1))**

Item (1) of the proposed amendments is consequential on the way in which lawyers are described in the Legal Profession Reform Act 1993.

**Appointment of deputies for certain members (item (2))**

Item (2) of the proposed amendments permits the appointment of deputies to act in place of the barrister and solicitor members of the District Court Rule Committee during the absence of those members.

Amendments similar to those proposed by items (1) and (2) are proposed to be made elsewhere in this Schedule in relation to the Rule Committees of certain other courts.

---

**DIVIDING FENCES ACT 1991 No. 72**

**AMENDMENT**

**Section 13 (Jurisdiction of Local Court or local land board):**

In section 13 (5), after "1983", insert " , but only to the extent to which that Act provides for such proceedings to be so referred".

**COMMENCEMENT**

The amendment to the Dividing Fences Act 1991 commences on the date of assent to this Act.

**EXPLANATORY NOTE**

Section 13 (5) currently provides that a Local Court may refer the parties to proceedings under the Dividing Fences Act 1991 to an arbitrator within the meaning of the Arbitration (Civil Actions) Act 1983. The proposed amendment makes it clear that a Local Court can refer such proceedings to arbitrators only to the extent to which the Arbitration (Civil Actions) Act 1983 provides for such proceedings to be referred to arbitrators.

---

**DOG ACT 1966 No. 2**

## AMENDMENTS

(1) Section 4 (**Definitions**):

After section 4 (1), insert:

(1A) A reference in this Act to a prescribed form is, if the form is not prescribed by the regulations, a reference to:

- (a) the form (if any) approved by the Director-General of the Department of Local Government and Co-operatives for the purposes of the provision in relation to which the expression is used; or
- (b) if no form is approved by the Director-General, the form approved by the council for the purposes of the provision in relation to which the expression is used.

(2) Section 8 (**Control of dogs**):

Omit section 8 (5) and (5A).

(3) Section 11 (**Procedure after dog is seized**):

- (a) From section 11 (3), (5), (6) and (7) (a), omit “prescribed fees” wherever occurring, insert instead “fees”.
- (b) In section 11 (3), after “release of the dog”, insert “(being fees prescribed or determined under subsection (8A))”.
- (c) After section 11 (8), insert:
  - (8A) The fees for the release of a dog under this section are to be the fees prescribed by the regulations for the purposes of this section, or, if the regulations do not prescribe fees for those purposes:
    - (a) the fees (if any) determined by the Director-General of the Department of Local Government and Co-operatives; or
    - (b) if no fees have been determined by the Director-General, the fees determined by the council to which the dog has been delivered.

(4) Section 15 (**Loss of registration badge**):

- (a) From section 15, omit “the prescribed fee”, insert instead “the fee prescribed or determined under subsection (2)”.
- (b) At the end of section 15, insert:
  - (2) The fee for the issue of a registration badge under this section is to be the fee prescribed by the regulations for the purposes of this section, or, if the regulations do not prescribe a fee for those purposes:

- (a) the fee (if any) determined by the Director-General of the Department of Local Government and Co-operatives; or
- (b) if no fee has been determined by the Director-General, the fee determined by the council issuing the badge.

## (5) Section 22B:

After section 22A, insert:

**Proceedings for offences**

22B. (1) Proceedings for an offence under this Act that occurred in a public place may be instituted only:

- (a) if the offence occurred on prescribed land (including a public or other road) and is an offence under section 8 (1), 9 (2), 9B (3), 9C (3) or 21A (2)—by the administrator of the land or a person authorised by the administrator; or
- (b) if the offence occurred on prescribed land (including a public or other road) within the area of a council but is not an offence referred to in paragraph (a)—by the council or a person authorised by the council; or
- (c) if the offence occurred within the area of a council, but not on prescribed land—by the council or a person authorised by the council; or
- (d) in any case—by a police officer.

(2) In a prosecution for an offence against this Act instituted by a person purporting to be authorised under subsection (1), proof of that authorisation is not required until evidence is given to the contrary.

**COMMENCEMENT**

The amendments to the Dog Act 1966 commence on the date of assent to this Act.

**EXPLANATORY NOTE****Forms and fees (items (1), (3) and (4))**

Items (1), (3) and (4) of the proposed amendments provide for certain fees and for forms to be used under the Act to be determined in the same way as forms and fees are determined under the Local Government Act 1993. The fees concerned are those for the release of an impounded dog and for the replacement of a registration badge.

**Proceedings for offences (items (2) and (5))**

Item (5) of the proposed amendments removes any doubt as to who may institute proceedings for offences under the Act occurring in a public place. Item (2) of the proposed amendments makes a consequential amendment.

---

**EXHIBITED ANIMALS PROTECTION ACT 1986 No. 123****AMENDMENTS****(1) Section 6 (The advisory committee):**

Omit section 6 (4) (a) and (b), insert instead:

- (a) one is to be a person nominated by the Minister;
- (b) one is to be a person selected by the Minister from a panel of persons nominated by the board;

**(2) Sections 21 (Certificate of registered particulars) and 39 (Identification certificates):**

From sections 21 (2) and 39 (2), omit “in or to the effect of the prescribed form”, insert instead “in a form approved by the Director-General”.

**(3) Section 48 (Recovery of charges etc):**

From section 48, omit “the board”, insert instead “the Director-General”.

**COMMENCEMENT**

The amendments to the Exhibited Animals Protection Act 1986 commence on the date of assent to this Act.

**REPEAL**

Clause 21 of, and Schedule 5 to, the Exhibited Animals Protection Regulation 1989 are repealed on the date of assent to this Act.

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

These proposed amendments are consequential on the transfer of the administration of the Act to the Minister for Agriculture and the transfer of certain administrative functions under the Act from the Zoological Parks Board to the Director-General of the Department of Agriculture.

**Forms (item (2))**

At present, the regulations prescribe certain forms to be used under the Act. Item (2) of the proposed amendments repeals the requirement that particular certificates be in the prescribed form. The provisions of the Exhibited Animals Protection Regulation 1989 relating to the forms are also repealed.

---

**FIRST STATE SUPERANNUATION ACT 1992 No. 100****AMENDMENTS**

- (1) Section 67 (**Failure to provide information for payment of a benefit**):  
Omit section 67 (3).
- (2) Dictionary:  
Insert in alphabetical order:  
**untrue statement** includes:
- (a) a statement that is misleading in the form and context in which the statement appears; or
  - (b) a statement that is misleading because of the omission from the statement of matter that is material.

**COMMENCEMENT**

The amendments to the First State Superannuation Act 1992 commence on the date of assent to this Act.

**EXPLANATORY NOTE**

At present, the expression “untrue statement” is used in both section 28 and section 67 of the Act but is defined (in section 67 (3)) for the purposes of section 67 only. The proposed amendments ensure that the expression is defined for the purposes of the entire Act by removing the definition from section 67 and inserting it instead in the Dictionary to the Act.

---

**GAMING AND BETTING ACT 1912 No. 25****AMENDMENTS**

- Section 60 (Proceedings for offences):
- (a) In section 60 (2), after “15C,”, insert “17A,”.
  - (b) From section 60 (3), omit “6B or 15C”, insert instead “6B, 15C or 17A”.

**COMMENCEMENT**

The amendments to the Gaming and Betting Act 1912 commence on the date of assent to this Act.

**TRANSITIONAL**

Proceedings for an offence under section 17A of the Gaming and Betting Act 1912 that is alleged to have been committed on or after 1 January 1994 but before the date of assent to this Act are to be taken as if section 60 of that Act had not been amended by this Act.

**EXPLANATORY NOTE**

The Gaming and Betting (Amendment) Act 1993, among other things, increased the maximum penalties that can be imposed under section 17A (relating to prohibited amusement devices) to \$50,000 in the case of a corporation and, in any other case, \$10,000 or imprisonment for 12 months for a first offence and \$50,000 or imprisonment for 2 years for a second or subsequent offence.

That amending Act also inserted section 60 (4) in the Gaming and Betting Act 1912. That subsection gives statutory effect to the standing policy as to the maximum penalties that may be imposed by a Local Court in its summary jurisdiction (\$10,000 or imprisonment for 12 months). A consequence of section 60 (4) is that the maximum penalties contemplated by section 17A cannot be imposed, since the Gaming and Betting Act 1912 requires proceedings for offences under that section (among others) to be dealt with summarily by a Local Court.

The proposed amendment will enable proceedings for offences under section 17A to be prosecuted on indictment. This will allow the higher penalties to be imposed.

---

**HEALTH ADMINISTRATION ACT 1982 No. 135****AMENDMENT**

Schedule 3 (**Transfer of health employees**):

From clause 2 (4), omit “1994”. insert instead “1997”

**COMMENCEMENT**

The amendment to the Health Administration Act 1982 commences on the date of assent to this Act.

**EXPLANATORY NOTE**

Under clause 2 of Schedule 3 to the Act, the Governor may, on the recommendation of the Minister, by order published in the Gazette, transfer certain staff (for example, staff of the Department of Health or the Health Administration Corporation might be transferred to public hospitals, area health services or the Ambulance Service). However, such an order at present has no effect if published after 1 July 1994. This sunset provision has been extended on 3 previous occasions (most recently in 1991). The proposed amendment extends the transfer of staff provisions to 1 July 1997.

---

**HUMAN TISSUE ACT 1983 No. 164****AMENDMENTS**

Sections 25 and 30 (**Consent by coroner**):

From sections 25 (5) and 30 (5), omit “shall be confirmed in the prescribed manner” wherever occurring, insert instead “is to be confirmed in writing as soon as practicable”.

**COMMENCEMENT**

The amendments to the Human Tissue Act 1983 commence on the date of assent to this Act.

**EXPLANATORY NOTE**

Under section 25 of the Act, a coroner may consent to the removal of tissue from the body of a person in respect of whose death the coroner has jurisdiction to hold an inquest under the Coroners Act 1980. Under section 30, the coroner may consent to the carrying out of a post-mortem examination of such a body. If either consent is given orally, the coroner is currently required to confirm it “in the prescribed manner”.

The proposed amendments specify instead the way in which the confirmation is to be given (that is, in writing as soon as practicable).

A similar amendment to the Anatomy Act 1977 is proposed to be made elsewhere in this Schedule.

---

**IMPOUNDING ACT 1993 No. 31****AMENDMENTS**

Dictionary:

- (a) In the definition of “area of operations”, after the matter relating to the Darling Harbour Authority, insert:
- in the case of an impounding officer appointed by the Centennial Park and Moore Park Trust, Trust lands within the meaning of the Centennial Park and Moore Park Trust Act 1983;
- (b) In the definition of “impounding authority”, after the matter relating to the Darling Harbour Authority, insert:
- the Centennial Park and Moore Park Trust;

**COMMENCEMENT**

The amendments to the Impounding Act 1993 commence on a day to be appointed by proclamation.

**EXPLANATORY NOTE**

Item (b) of the proposed amendments makes the Centennial Park and Moore Park Trust an impounding authority for the purposes of the Act. Item (a) of the proposed amendments includes the lands vested in the Trust within the meaning of “area of operations” for those purposes. The effect of the amendments is that the Trust will be able to appoint impounding officers to impound certain animals and articles on Trust lands, as provided for by the Act.

---

**JURISDICTION OF COURTS (CROSS-VESTING) ACT 1987 No. 125****AMENDMENTS**Section 3 (**Definitions**):

- (a) From section 3 (l), omit the definition of “State”, insert instead:  
**“State” includes the Northern Territory and the Australian Capital Territory;**
- (b) From section 3 (l), omit the definition of “Territory”, insert instead:  
**“Territory”** does not include the Northern Territory or the Australian Capital Territory.

**COMMENCEMENT**

The amendments to the Jurisdiction of Courts (Cross-vesting) Act 1987 commence on the date of assent to this Act.

**EXPLANATORY NOTE**

The Jurisdiction of Courts (Cross-vesting) Act 1987 established a scheme for the cross-vesting of jurisdiction between Federal, State and Territory courts. The Act is complemented by reciprocal legislation that has been enacted in the Commonwealth and in each State and the Northern Territory.

The Australian Capital Territory recently enacted such reciprocal legislation. The proposed amendments are consequential on that enactment.

---

**LOCAL COURTS (CIVIL CLAIMS) ACT 1970 No. 11****AMENDMENTS**(1) Section 10B (**Composition of Rule Committee**):

- (a) From section 10B (2) (c) and (d), omit “practising” wherever occurring.
- (b) After section 10B (6), insert:
- (7) In this section and section 10BA:
- “barrister”** means a legal practitioner who holds a current practising certificate as a barrister;
- “solicitor”** means a legal practitioner who holds a current practising certificate as a solicitor.

## (2) Section 10BA:

After section 10B, insert:

**Deputies for barrister and solicitor members**

10BA. (1) The Chief Magistrate may, from time to time, appoint to the Rule Committee:

- (a) a barrister to be the deputy of the member appointed under section 10B (2) (c); and
- (b) a solicitor to be the deputy of the member appointed under section 10B (2) (d),

and the Chief Magistrate may revoke any such appointment.

(2) In the absence of a member appointed under section 10B (2) (c) or (d), the member's deputy:

- (a) may, if available, act in the place of the member; and
- (b) while so acting, has the functions of the member and is taken to be the member.

**COMMENCEMENT**

The amendments to the Local Courts (Civil Claims) Act 1970 commence on the date of assent to this Act.

**EXPLANATORY NOTE**

Consequential amendments (item (1))

Item (1) of the proposed amendments is consequential on the way in which lawyers are described in the Legal Profession Reform Act 1993.

Appointment of deputies for certain members (item (2))

Item (2) of the proposed amendments permits the appointment of deputies to act in place of the barrister and solicitor members of the Local Courts (Civil Claims) Rule Committee during the absence of those members.

Amendments similar to those proposed by items (1) and (2) are proposed to be made elsewhere in this Schedule in relation to the Rule Committees of certain other courts.

---

**NECROPOLIS ACT 1901 (1902 No. 20)****AMENDMENT****Section 36 (Delegation by Minister):**

Omit section 36 (1), insert instead:

(1) The Minister may delegate any of the Minister's functions under this Act (other than this power of delegation) to:

- (a) a public servant; or
- (b) a public or local authority; or
- (c) an employee of a public or local authority; or
- (d) a statutory officer.

**COMMENCEMENT**

The amendment to the Necropolis Act 1901 commences on the date of assent to this Act.

**EXPLANATORY NOTE**

At present, the Minister is empowered to delegate under the Act only to the holder of a public office prescribed by the regulations, and then only such functions as are so prescribed. The proposed amendment enables the delegation to be made without the need for regulations. It is consistent with the approach taken in the Local Government Act 1993 (section 744) and the Roads Act 1993 (section 252).

---

**NEW SOUTH WALES INSTITUTE OF PSYCHIATRY ACT  
1964 No. 44**

**AMENDMENTS**(1) Section 10 (**Vacation of office**):

- (a) From section 10 (1) (b), omit “Governor” insert instead “Minister”.
- (b) Omit section 10 (1) (c), insert instead:
  - (c) becomes a mentally incapacitated person;

(2) Section 11 (**Casual vacancy**):

From section 11 (2) (a), omit “member; or”, insert instead “member; and”.

**COMMENCEMENT**

The amendments to the New South Wales Institute of Psychiatry Act 1964 commence on the date of assent to this Act.

**TRANSITIONAL**

Section 11 of the New South Wales Institute of Psychiatry Act 1964, as amended by this Act, extends to an appointment made before the commencement of the amendment.

**EXPLANATORY NOTE****Vacation of office** (item (1))

Item (1) (a) of the proposed amendments allows a member of the Institute of Psychiatry to resign from office by writing to the Minister (rather than to the Governor, as at present). Item (1) (b) removes references to the repealed Mental Health Act 1958.

**Statute law revision** (item (2))

Item (2) of the proposed amendments corrects the conjunction linking paragraphs (a) and (b) of section 11 (2) since those paragraphs are cumulative, not alternatives.

---

**NOXIOUS WEEDS ACT 1993 No. 11****AMENDMENTS**

## (1) Section 15:

Omit the section, insert instead:

**Occupiers of land must notify local control authority of notifiable weeds**

15. An occupier of land (other than a local control authority) on which there is a notifiable weed must notify the local control authority for the land of that fact within 3 days after becoming aware that the notifiable weed is on the land.

Maximum penalty (for an occupier other than a public authority):  
20 penalty units.

(2) Section 28 (**Sale etc. of certain weed material prohibited**):

(a) From section 28 (1), omit “purchase any:”, insert instead “purchase:”.

(b) In section 28 (1) (a), before “notifiable”, insert “any”.

(c) After section 28 (2), insert:

(3) “Notifiable weed material”:

(a) in subsection (1) extends to the weed material of a weed that is a notifiable weed in any part of the State; and

(b) in subsection (2) is limited to the weed material of a weed that is a notifiable weed in that part of the State that includes the land that is relevant for the purposes of that subsection.

(3) Section 30 (**Scattering of certain weed material prohibited**):

At the end of section 30, insert:

(2) In this section, “notifiable weed material” is limited to the weed material of a weed that is a notifiable weed in that part of the State that includes the land that is relevant for the purposes of this section.

(4) Section 35 (**What are the local control authorities?**):

After section 35 (2), insert:

(3) The local control authority for land within Lord Howe Island is the Lord Howe Island Board.

**COMMENCEMENT**

The amendments to the Noxious Weeds Act 1993 commence on the date of assent to this Act.

**EXPLANATORY NOTE****Notification of notifiable weeds (item (1))**

At present, section 15 of the Act requires an occupier of land (other than a public authority or a local control authority) on which there is a notifiable weed to notify the local control authority of that fact within 24 hours of becoming aware that the notifiable weed is on the land. Occupiers who are public authorities have 3 days in which to make the notification.

Item (1) of the proposed amendments makes the 3-day notification period common to both private and public authority occupiers.

“Notifiable” weeds (items (2) and (3))

A noxious weed may be a notifiable weed in respect of the whole of the State or a part of the State. Items (2) and (3) of the proposed amendments make it clear that certain prohibitions relating to notifiable weed material do or do not extend to weed material of weeds that are notifiable only in a part of the State.

Local control authority (item (4))

Item (4) of the proposed amendments specifies the local control authority ~~€~~ Lord Howe Island for the purposes of the Act.

---

**PASSENGER TRANSPORT ACT 1990 No. 39****AMENDMENT****Section 52 (Appeals):**

In section 52 (1), after “accreditation”, insert “or authority”.

**COMMENCEMENT**

The amendment to the Passenger Transport Act 1990 commences on the date of assent to this Act.

**TRANSITIONAL**

Section 52 (1), as amended by this Act, extends to apply in respect of a variation, suspension or cancellation of an authority that took place Before the commencement of the amendment.

**EXPLANATORY NOTE**

Section 52 (1) of the Act allows an appeal to be made against the refusal of a person’s application for accreditation as an operator of a public passenger service or for authority to drive a public passenger vehicle. It also allows an appeal against a variation, suspension or cancellation of an accreditation, but does not expressly allow an appeal against a variation, suspension or cancellation of an authority, although section 52 (2) implies the existence of such a right.

The proposed amendment makes it clear that a person may appeal against a variation, suspension or cancellation of the person’s driver authority.

---

**PRISONERS (INTERSTATE TRANSFER) ACT 1982 No. 104****AMENDMENTS****Section 5 (Definitions):**

(a) From section 5 (1), omit the definition of “Australian Capital Territory”.

(b) From section 5 (1), omit the definitions of “corresponding Minister”, “joint prisoner”, “participating State”, “sentence of imprisonment”, “State” and “Territory”, insert instead in alphabetical order:

**“corresponding Minister”**, in relation to a participating State, means the Minister of that State who is responsible for the administration of the interstate law of that State;

**“joint prisoner”** means a person on whom both:

(a) any one of the following:

(i) a State sentence of imprisonment;

(ii) a State sentence of imprisonment as defined by an interstate law;

(iii) an ACT sentence of imprisonment as defined by the Prisoners (Interstate Transfer) Act 1993 of the Australian Capital Territory;

(iv) a Territory sentence of imprisonment as defined by the Prisoners (Interstate Transfer) Act 1983 of the Northern Territory; and

(b) a Commonwealth sentence of imprisonment,

have been imposed;

**“participating State”** means a State in which an interstate law is in force;

**“sentence of imprisonment”** means:

(a) a State sentence of imprisonment; or

(b) a State sentence of imprisonment as defined by an interstate law; or

(c) an ACT sentence of imprisonment as defined by the Prisoners (Interstate Transfer) Act 1993 of the Australian Capital Territory; or

(d) a Territory sentence of imprisonment as defined by the Prisoners (Interstate Transfer) Act 1983 of the Northern Territory; or

(e) where relevant, a Commonwealth sentence of imprisonment;

“**State**” includes the Australian Capital Territory and the Northern Territory;

“**Territory**” means the Territory of Norfolk Island, the Territory of Christmas Island, the Territory of the Cocos (Keeling) Islands or the Jervis Bay Territory;

(c) Omit section 5 (5), insert instead:

(5) In the case of a State other than the Australian Capital Territory or the Northern Territory, a reference in this Act to the Governor of a participating State includes a reference to any person exercising and performing all the powers and functions of the Governor of that State.

(SA) In the case of the Australian Capital Territory:

(a) the reference in section 28 (4) to the Governor of the participating State is a reference to the Governor-General; and

(b) the references in section 28 (5)(b) to the Governor of the participating State are references to the Governor-General or to the Executive within the meaning of the Australian Capital Territory (Self-Government) Act 1988 of the Commonwealth.

(5B) In the case of the Northern Territory, a reference in this Act to the Governor of a participating State (or of the participating State) is a reference to the Administrator of the Northern Territory, and includes a reference to any person exercising all the powers and functions of the Administrator.

(5C) A reference in this Act to the Governor-General includes a reference to any person exercising and performing all the powers and functions of the Governor-General.

#### **COMMENCEMENT**

The amendments to the Prisoners (Interstate Transfer) Act 1982 commence on a day to be appointed by proclamation.

#### **EXPLANATORY NOTE**

The proposed amendments are consequential on the enactment of the Prisoners (Interstate Transfer) Act 1993 of the Australian Capital Territory and on the participation that Territory (as a participating State) in the interstate transfer of prisoners scheme.

---

**PRISONS ACT 1952 No. 9****AMENDMENTS****(1) Section 4 (Definitions):**

From section 4 (1), omit the definition of “Director, Prison Medical Service”, insert in alphabetical order the following definitions;

“**Chief Executive Officer, Corrections Health Service**” means the person for the time being holding office as the Chief Executive Officer of the Corrections Health Service;

“**Corrections Health Service**” means the Corrections Health Service listed in the Second Schedule to the Public Hospitals Act 1929;

**(2) Section 9 (Medical officers):**

(a) From section 9 (6), omit “Director, Prison Medical Service”, insert instead “Chief Executive Officer, Corrections Health Service”.

(b) At the end of section 9 (6), insert “However, if the Chief Executive Officer is not a medical practitioner, the medical officer is subject to the control and direction of the most senior medical administrator in the Corrections Health Service.”.

**(3) Section 44 (Attendance of prisoner before court etc.):**

(a) From section 44 (3). omit “or a Registrar of the Supreme Court”, insert “, a Registrar or a Deputy Registrar of the Supreme Court or the Registrar of the Court of Appeal”.

(b) In the definition of “appropriate officer” in section 44 (3), after “Tribunal”, insert “or a person prescribed by the regulations for the purposes of this definition”.

**(4) Part 9 (Prisoners received from the Australian Capital Territory):**

(a) From Part 9, omit “Commonwealth Act” wherever occurring, insert instead “ACT Act”.

(b) From section 53 (1), omit “, ‘prison’ and ‘the Territory’ ”, insert instead “and ‘prison’ ”.

(c) In section 53 (1), insert the following definition in alphabetical order:

“**Territory**” means the Australian Capital Territory;

(d) Omit section 53 (2), insert instead:

(2) A reference in this Part to the ACT Act is a reference to the Removal of Prisoners Act 1968 of the Territory.

(e) After section 53, insert:

**Application of this Part**

53A. This Part does not apply to a person who is the subject of a direction by the Attorney-General of the Territory under section 6A of the ACT Act.

(f) Omit section 57 (2).

**COMMENCEMENT**

The amendments to the Prisons Act 1952 commence on a day or days to be appointed by proclamation.

**EXPLANATORY NOTE**

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

Items (1) and (2) (a) of the proposed amendments replace references to the “Director, Prison Medical Service” with references to the “Chief Executive officer, Corrections Health Service”.

The proposed amendments anticipate the renaming of the Prison Medical Service as the Corrections Health Service and its transfer from the Fifth Schedule (Hospitals conducted by the Minister) to the Public Hospitals Act 1929 to the Second Schedule (Incorporated Hospitals) to that Act. Commencement of the amendments will be delayed accordingly.

**Medical officers (item (2) (b))**

Item (2) (b) of the proposed amendments ensures that a medical officer is, in the exercise of his or her functions under the Act, subject to the control and direction of the Chief Executive Officer, Corrections Health Service or, if the Chief Executive Officer is not a medical practitioner, the most senior medical administrator in the Corrections Health Service.

**Making of orders (item (3))**

Item (3) of the proposed amendments is intended to enable a Deputy Registrar of the Supreme Court and the Registrar of the Court of Appeal to make an order requiring the attendance of a prisoner at court. Item (3) (a) would achieve this. However, the Victims Compensation (Amendment) Bill 1994 proposes to repeal and re-enact section 44 (3) of the Prisons Act 1952 in a way that would prevent item (3) (a) from operating. Accordingly, that item will be proclaimed to commence (and item (3) (b) will be repealed) only if the amendment proposed to be made by the Victims Compensation (Amendment) Bill 1994 is not enacted. If it is enacted, item (3) (a) will be repealed and item (3) (b) will be proclaimed to commence. That item will amend section 44 (3) (as amended by the Victims Compensation (Amendment) Act 1994) so as to allow additional persons, such as the Deputy Registrar of the Supreme Court and the Registrar of the Court of Appeal, to be prescribed as “appropriate officers” for the purposes of section 44.

**Consequential amendments** (item (4))

Item (4) of the proposed amendments makes amendments to Part 9 (Prisoners received from the Australian Capital Territory) that are consequential on the change in the status of the Removal of Prisoners (Australian Capital Territory) Act 1968 of the Commonwealth from a law of the Commonwealth to a law of the Australian Capital Territory (now cited as the Removal of Prisoners Act 1968 of that Territory) and the enactment of the Prisoners (Interstate Transfer) Act 1993 of that Territory. Certain spent validation provisions are also repealed, though the effect of these provisions is saved by section 30 (2) (c) of the Interpretation Act 1987.

---

**PRIVACY COMMITTEE ACT 1975 No. 37****AMENDMENTS****Section 17 (Annual report):**

- (a) From section 17 (1), omit “the thirty-first day of December” where firstly occurring, insert instead “30 June”.
- (b) From section 17 (1), omit “or, in the case of the first report, for the period from the day appointed and notified under section 2 (2) until the thirty-first day of December next following that commencement”.

**COMMENCEMENT**

The amendments to the Privacy Committee Act 1975 commence on the date of assent to this Act.

**TRANSITIONAL**

The requirements of section 17 (1) of the Privacy Committee Act 1975 before the amendments made to that section by this Act are taken to have been complied with in respect of the period 1 January 1993 to 31 December 1993 if the first report submitted under that section after that amendment includes a report of the work and activities of the Privacy Committee during that period.

**EXPLANATORY NOTE**

At present, section 17 of the Act requires the Privacy Committee to prepare and forward an annual report to the Minister as soon as practicable after 31 December in each year. The Committee’s financial year covers the period 1 July to 30 June. Item (a) of the proposed amendments has the effect of requiring the Committee’s annual report to be submitted as soon as practicable after the end of that year. This is similar to the requirements imposed on the statutory bodies that are subject to the Annual Reports (Statutory Bodies) Act 1984.

Item (b) of the proposed amendments repeals a part of section 17 (1) that is no longer of any effect.

---

**PUBLIC HEALTH ACT 1991 No. 10****AMENDMENTS****Section 82 (Regulations):**

- (a) Omit section 82 (2) (k), (l) and (m), insert instead:
- (k) the preparation rooms, equipment and apparatus in mortuaries, crematories and cemeteries, and any other matter relating to mortuaries, crematories and cemeteries that is for the protection of the health of the public;
  - (l) the inspection of mortuaries, crematories and cemeteries and of premises that may reasonably be suspected of being mortuaries, crematories or cemeteries;
  - (m) the records to be kept in relation to mortuaries, crematories and cemeteries, and the inspection of records (including the making of copies or extracts from such records by or for environmental health officers and the public), equipment and apparatus in mortuaries, crematories and cemeteries or premises that may reasonably be suspected of being mortuaries, crematories or cemeteries;
- (b) In section 82 (2) (q), after “cremations” where firstly occurring, insert “and burials”.

**COMMENCEMENT**

The amendments to the Public Health Act 1991 commence on a day or days to be appointed by proclamation.

**EXPLANATORY NOTE**

The proposed amendments will enable regulations to be made in respect of records to be kept in relation to the burial (and preparation for burial or cremation) of dead persons in the same way as they may now be made in relation to cremations. The amendments will also enable regulations to be made generally in relation to crematories and cemeteries (including the inspection of their premises and records). Regulations may already be made generally in relation to mortuaries.

**PUBLIC SECTOR EXECUTIVES SUPERANNUATION ACT  
1989 No. 106****AMENDMENTS****Section 50 (Benefit on termination of employment before early retirement age):**

- (a) In section 50 (4), after “benefit” where firstly occurring, insert “, including any interest paid by the Board,”.
- (b) In section 50 (6), after “benefit” where firstly occurring, insert “, including any interest paid by the Board,”.

*Statute Law (Miscellaneous Provisions) Act 1994 No. 32—Sch. 1*

---

**COMMENCEMENT**

The amendments to the Public Sector Executives Superannuation Act 1989 commence on the date of assent to this Act.

**EXPLANATORY NOTE**

The proposed amendments make it clear that interest paid by the Board on a benefit is to be taken into account in determining whether the amount paid exceeds the threshold above which a benefit must be preserved.

The amendments are consistent with current provisions in the State Authorities Non-contributory Superannuation Act 1987 and the State Authorities Superannuation Act 1987.

---

**RURAL LANDS PROTECTION ACT 1989 No. 197**

**AMENDMENT**

**Section 96 (Signs to be displayed when stock are walking or grazing on or near a road and drivers' responsibility):**

In section 96 (1), after “from the road”, insert “or stock warning signs are permanently displayed in accordance with the regulations”.

**COMMENCEMENT**

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

**EXPLANATORY NOTE**

The proposed amendment allows the making of regulations requiring the permanent display of stock warning signs.

---

**ST. JOHN'S COLLEGE ACT (1857) (21 VIC.)**

**AMENDMENTS**

(1) Section 5 (**Rector and vice-rector**):

- (a) In section 5, after “a duly approved priest”, insert “or a practising Roman Catholic lay person”.
- (b) At the end of section 5, insert “Where the rector is not a duly approved priest, the Council shall appoint a dean who shall be a duly approved priest and who shall have pastoral duties in relation to the College. The vice-rector may be the dean if the vice-rector is a duly approved priest.”.

## (2) Section 8A:

After section 8, insert:

**Term of office**

8A. As from 1 January 1995, a person elected as a fellow shall hold office for the term of five years from the date of the person's election or such other term as a by-law or rule made under section 10 may provide.

## (3) Section 16:

After section 15, insert:

**Appointment of Teaching and Research Fellows**

16. The Council shall have power by resolution to appoint a person as a teaching or research fellow of the College for such term and to perform such duties and to enjoy such privileges and emoluments as the Council may from time to time determine and direct provided that:

- (a) any person so appointed shall not be entitled to vote at any meeting of the Council or to attend any meeting of the Council except at the invitation of the Council; and
- (b) any person so appointed shall not be included in the number of fellows provided for in section 3 and the term "fellow" wherever occurring in this Act or in a by-law or rule made under this Act shall not in the absence of express provision include or refer to a person who is for the time being appointed as a teaching or research fellow.

**COMMENCEMENT**

The amendments to the St. John's College Act (1857) (21 Vic.) commence on the date of assent to this Act.

**EXPLANATORY NOTE****General**

The wording of the proposed amendments is not consistent with current legislative language. It has been adopted for consistency with the wording of the Act, which is a private Act dating from early in the second half of the nineteenth century.

**Rector no longer required to be a priest (item (1))**

At present, section 5 requires that the rector of St. John's College be a duly approved priest. It also makes provision for the appointment of a vice-rector. Item (1) (a) of the proposed amendments allows the appointment of a practising Roman Catholic lay person as rector. If the rector is not a duly approved priest, however, the Council is to appoint such a priest as dean of the College. (The vice-rector may be appointed as dean if the vice-rector is a duly approved priest.) Item (1) (b) of the proposed amendments makes provision for this.

**Term of office of fellows** (item (2))

At present, the Act makes no express provision for the term of office of a fellow of the College. Item (2) of the proposed amendments provides for a term of 5 years from the date of the fellow's election or for such other term as may be prescribed or stipulated in a by-law or rule.

**Appointment of teaching and research fellows** (item (3))

The Act presently makes no provision for the appointment, or status, of teaching and research fellows of the College. Item (3) of the proposed amendments makes provision as to these matters.

---

**SANCTA SOPHIA COLLEGE INCORPORATION ACT 1929 No. 45**  
**AMENDMENTS**
**(1) Section 2 (Definitions):**

From section 2, omit the definitions of "Laymen" and "laywomen".

**(2) Section 4 (Principal and councillors to constitute a council):**

Omit section 4 (1), insert instead:

(1) The body corporate is to consist of a principal and 15 councillors, of whom 3 are to be duly approved priests of the Roman Catholic Church in New South Wales.

**(3) Section 9 (Sancta Sophia Hall to be a college of and within the University):**

From section 9 (2), omit "with the exception, if thought fit by the council of the lectures on ethics, metaphysics, and modern history".

**(4) Section 12 (Votes and quorum at meetings):**

(a) From section 12 (2), omit "resident within fifty miles of Sydney".

(b) From section 12 (2), omit "one clerical and two lay", insert instead "6".

**COMMENCEMENT**

The amendments to the Sancta Sophia College Incorporation Act 1929 commence on the date of assent to this Act.

**EXPLANATORY NOTE****Councillors of the College** (item (2))

At present, section 4 of the Act provides that there are to be at least 18 (but no more than 20) members, apart from the Principal, of the body corporate called The Principal and Councillors of Sancta Sophia College, 6 being Roman Catholic priests, 9 being female members of the Roman Catholic laity and at least 3 (but not more than 5) being male members of that laity.

Item (2) of the proposed amendments reduces the membership to 15 (plus the Principal), only 3 of whom are now required to be clerics. The gender requirements relating to the other members of the council are abolished, as are the specifications concerning religious belief and practice.

**Attendance at lectures** (item (3))

Section 9 of the Act requires students at the College to attend University lectures. Item (3) of the proposed amendments removes the council's power to except attendance at lectures in certain subjects from that requirement.

**Council meetings** (item (4))

At present, if notice of a proposed meeting of the council has been given to all councillors resident within 50 miles of Sydney who are entitled to attend, the Principal together with one clerical and two lay members of the council constitute a quorum for the meeting.

Item (4) of the proposed amendments provides that the notice must have been given to all members entitled to attend, and increases the numbers required for a quorum to the Principal and six members.

**Consequential amendment** (item (1))

Item (1) of the proposed amendments repeals the definitions of "laymen" and "laywomen" since the terms will no longer be used in the Act.

---

**STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT (No. 3)  
1989 No. 226**

**AMENDMENT****Schedule 1 (Minor Amendments):**

From Schedule 1, omit the matter relating to the Trustee Act 1925.

**COMMENCEMENT**

The amendment to the Statute Law (Miscellaneous Provisions) Act (No. 3) 1989 commences on the date of assent to this Act.

**EXPLANATORY NOTE**

Investment securities authorised under section 14A (2) (m) of the Trustee Act 1925 are those issued by a company or body that has a prescribed credit rating from a prescribed credit rating organisation, or those having a prescribed credit rating from a prescribed credit rating organisation. Only 2 credit rating organisations are prescribed for the purposes of that paragraph. In 1989 they were Australian Ratings Pty Limited and Moody's Investors Service, Inc.

It was proposed that Standard and Poor's (Australia) Pty Limited would become a third credit rating organisation for the purposes of the Act. Accordingly, Schedule 1 of the Statute Law (Miscellaneous Provisions) Act (No. 3) 1989 proposed to amend section 14A (2) (m) so as to require prescribed credit ratings from 2 (that is, out of 3) prescribed credit rating organisations (rather than FROM 1 out of 2). The proposed amendment has not commenced.

There are still only 2 prescribed credit rating organisations, as Standard and Poor's (Australia) Pty Limited has acquired Australian Ratings Pty Limited. Accordingly, the amendment proposed to be made by the Statute Law (Miscellaneous Provisions) Act (No. 3) 1989 is no longer required.

The amendment proposed to be made by this amendment repeals that uncommenced amendment.

---

**STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT (No. 2)  
1993 No. 108**

**AMENDMENTS**

Schedule 1 (**Minor Amendments**):

From the matter relating to the Tourism Commission Act 1984:

- (a) Omit “Tourism NSW” wherever occurring, insert instead “Tourism New South Wales”.
- (b) Omit “TOURISM NSW” wherever occurring, insert instead “TOURISM NEW SOUTH WALES”.
- (c) From item (3), omit “NSW”, insert instead “New South Wales”.
- (d) From item (4) (b), omit “ ‘Tourism NSW’ ”, insert instead “ ‘Tourism New South Wales’ ”.

**COMMENCEMENT**

The amendments to the Statute Law (Miscellaneous Provisions) Act (No. 2) 1993 commence on the date of assent to this Act.

**EXPLANATORY NOTE**

The proposed amendments change the name of the Tourism Commission of New South Wales to “Tourism New South Wales”. (Amendments included in the Statute Law (Miscellaneous Provisions) Act (No. 2) 1993 proposed to change the name to “Tourism NSW”. Those amendments are uncommenced as at the date of the introduction into Parliament of the Bill for this Act.)

**STOCK MEDICINES ACT 1989 No. 182**

**AMENDMENTS**

(1) Section 50 (**Powers of inspectors**):

- (a) In section 50 (1), after “may”, insert “, with or without assistance,”.
- (b) From section 50 (1) (e), omit “seize and remove”, insert instead “seize, or seize and remove,”.

(2) Section 50A (**Conditions of exercise by inspector of power of entry**):

In section 50A (4), after “or place” where firstly occurring, insert “(or by a person assisting such an inspector)”.

(3) Section 54 (**Inspector may require information**):

- (a) Renumber section 54 (1) (a) as section 54 (1) (a1).
- (b) Before section 54 (1) (a1), insert:
  - (a) to state his or her name and address; and

**COMMENCEMENT**

The amendments to the Stock Medicines Act 1989 commence on the date of assent to this Act.

**EXPLANATORY NOTE****Assistance to inspectors** (items (1) (a) and (2))

Item (1) (a) of the proposed amendments makes it clear that an inspector may obtain assistance in the exercise of his or her powers under section 50 of the Act.

Item (2) makes a consequential amendment.

**Inspector's power to seize certain substances and articles** (item (1) (b))

At present, under section 50 (1) (e) of the Act, a person appointed as an inspector for the purposes of the Act may, in certain circumstances, "seize and remove" certain substances and articles. Item (1) (b) of the proposed amendments makes it clear that the inspector is not obliged to remove a seized substance or article.

**Requirement to state name and address** (item (3))

Section 54 of the Act empowers inspectors to require certain information from buyers or sellers of stock medicine. Item (3) of the proposed amendments adds the name and address of the buyer or seller to the information that may be so required.

---

**STRATA TITLES ACT 1973 No. 68****AMENDMENTS**(1) Section 5 (**Definitions**):

After section 5 (1), insert:

(1A) For the purposes of this Act, land is contiguous to other land even if it is divided by, or separated from the other land by, a natural feature (such as a watercourse), a railway, a road, a public reserve or a drainage reserve.

(2) Section 7 (**Subdivision**):

Omit section 7 (1A).

(3) Section 18 (**Vesting of common property on registration of strata plan**):

After section 18 (5), insert:

(6) In this section (other than this subsection), "lease" does not include a lease granted to the provider of an electricity, telephone or telecommunication service that is required by that provider for the provision of the service. In relation to land the subject of such a lease, the lessor is taken to be the body corporate and the land leased is taken to be common property on registration of the plan or notice.

**COMMENCEMENT**

The amendments to the Strata Titles Act 1973 commence on a day or days to be appointed by proclamation.

**TRANSITIONAL**

The amendment made to section 18 of the Strata Titles Act 1973 by this Act extends to apply in respect of a strata plan, a strata plan of subdivision and a notice of conversion lodged for registration, but not registered, before the commencement of that amendment.

**EXPLANATORY NOTE****Meaning of “contiguous”** (items (1) and (2))

At present, section 7 (1A) of the Act specifies the circumstances in which land is “contiguous” to other land for the purposes of section 7. However, the word is not defined for the purposes of section 19 (2) or (3) (c) or 34 (a), where it also occurs. Item (1) of the proposed amendments ensures that it means the same thing throughout the Act.

Item (2) makes the consequential repeal of section 7 (1A).

Amendments similar to items (1) and (2) are proposed to be made to the Strata Titles (Leasehold) Act 1986 elsewhere in this Schedule.

**Continuation of certain leases** (item (3))

Section 18 provides that, on registration of a strata plan, a strata plan of subdivision creating common property or a notice of conversion converting any lot into common property, the common property concerned vests in the body corporate free of any mortgage, charge, covenant charge, lease, writ or caveat affecting the land immediately before the registration of the plan or notice. Certain leases, however, may be required for the provision of utility services to the land (e.g. a lease for an electricity substation). The effect of item (3) of the proposed amendments is to exempt such leases from extinguishment on that registration. The item also deals with the possibility that some (or all) of the land leased to a utility provider may, in the absence of the amendment, be part of a lot rather than common property. In such a case, the land concerned is taken to be common property and the lessor is taken to be the body corporate.

---

**STRATA TITLES (LEASEHOLD) ACT 1986 No. 219****AMENDMENTS**

- (1) Section 4 (Definitions (1973 Act, s. 5)):

After section 4 (7), insert:

(7A) For the purposes of this Act, land is contiguous to other land even if it is divided by, or separated from the other land by, a natural feature (such as a watercourse), a railway, a public road, a public reserve or a drainage reserve.

- (2) Section 6 (Subdivision (1973 Act, s. 7)):

Omit section 6 (1A).

**COMMENCEMENT**

The amendments to the Strata Titles (Leasehold) Act 1986 commence on a day or days to be appointed by proclamation.

**EXPLANATORY NOTE**

At present, section 6 (1A) of the Act specifies the circumstances in which land is “contiguous” to other land for the purposes of section 6. However, the word is not defined in section 22 (2) or 63 (a), where it also occurs. Item (1) of the proposed amendments ensures that it means the same thing throughout the Act.

Item (2) makes the consequential repeal of section 6 (1A).

Amendments similar to items (1) and (2) are proposed to be made to the Strata Titles Act 1973 elsewhere in this Schedule.

---

**STRATA TITLES (LEASEHOLD STAGED DEVELOPMENT)  
AMENDMENT ACT 1993 No. 13****AMENDMENT****Schedule 1 (Amendment of Strata Titles (Leasehold) Act 1986):**

**From proposed section 57 (1) (b) in item (6), omit “the development lot”, insert instead “the last remaining unsubdivided development lot”.**

**COMMENCEMENT**

The amendment to the Strata Titles (Leasehold Staged Development) Amendment Act 1993 commences on the date of assent to this Act.

**EXPLANATORY NOTE**

The proposed amendment is similar to an amendment proposed to be made to the Strata Titles (Staged Development) Amendment Act 1993 elsewhere in this Schedule. The Explanatory Note relating to that amendment is also relevant to this proposed amendment. (Proposed section 57 of the Strata Titles (Leasehold) Act 1986 is to the same effect as proposed section 28Q of the Strata Titles Act 1973.)

---

**STRATA TITLES (STAGED DEVELOPMENT) AMENDMENT ACT  
1993 No. 12****AMENDMENT****Schedule 1 (Amendment of Strata Titles Act 1973):**

**From proposed section 28Q (1) (b) in item (6), omit “the development lot”, insert instead “the last remaining unsubdivided development lot”.**

**COMMENCEMENT**

The amendment to the Strata Titles (Staged Development) Amendment Act 1993 commences on the date of assent to this Act.

**EXPLANATORY NOTE**

Division 2A of Part 2 of the Strata Titles Act 1973 is to be repealed and re-enacted by Schedule 1 (6) to the Strata Titles (Staged Development) Amendment Act 1993. At present, subsection (1) (b) of the proposed new section 28Q (which is included in the proposed new Division 2A) provides that a development scheme to which a strata development contract relates is concluded when a strata plan of subdivision is registered which subdivides “the development lot to which the contract relates” (or subdivides the residue of that development lot after excision of part of that lot in accordance with the contract). The contract concerned will have effect as an agreement under seal containing certain covenants. However, the contract will cease to have effect when the development scheme to which it relates is concluded.

A strata development contract can relate to more than one development lot. The proposed amendment makes it clear that the development scheme concerned is not concluded until the last remaining unsubdivided lot to which it relates is subdivided.

---

**SUPREME COURT ACT 1970 No. 52****AMENDMENTS****(1) Section 110A (Proceedings to which video link facilities apply):**

After section 110A (1), insert:

(1A) Subsection (1) does not apply unless the person in respect of whom the bail proceedings are being conducted is in custody, at the time of the hearing, at a place at which video link facilities are provided for use for the purposes of this Part.

**(2) Section 123 (Rule Committee):**

(a) From section 123 (1) (e), omit “practising” wherever occurring.

(b) After section 123 (2), insert:

(2A) In this section and in section 123A:

“**barrister**” means a legal practitioner who holds a current practising certificate as a barrister;

“**solicitor**” means a legal practitioner who holds a current practising certificate as a solicitor.

**(3) Section 123A:**

After section 123, insert:

**Deputies for barrister and solicitor members**

123A. (1) The Chief Justice may, from time to time, appoint to the Rule Committee:

(a) a barrister to be the deputy of the barrister member appointed under section 123 (1) (e); and

(b) a solicitor to be the deputy of the solicitor member appointed under section 123 (1) (e),

and the Chief Justice may revoke any such appointment.

*Statute Law (Miscellaneous Provisions) Act 1994 No. 32—Sch. I*

---

- (2) In the absence of a member appointed under section 123 (1) (e), the member's deputy:
- (a) may, if available, act in the place of the member; and
  - (b) while so acting, has the functions of the member and is taken to be the member.

**COMMENCEMENT**

The amendments to the Supreme Court Act 1970 commence on the date of assent to this Act.

**EXPLANATORY NOTE**

**Use of video link facilities in bail proceedings (item (1))**

The Supreme Court (Video Link) Amendment Act 1992 inserted Part 7A (sections 110A-110G) into the Act. The Part provides for the conduct of bail proceedings before the Supreme Court by means of video link facilities. The Minister's Second Reading Speech concerning the Bill for the Act makes it clear that the implementation of the scheme is to be subject to an initial "pilot program" of 2 years' duration. Because of that pilot program, item (1) of the proposed amendments limits the requirement for the use of video link facilities to proceedings concerning persons who are in custody at a place where such facilities are available.

**Consequential amendments (item (2))**

Item (2) of the proposed amendments is consequential on the way in which lawyers are described in the Legal Profession Reform Act 1993.

**Appointment of deputies for certain members (item (3))**

Item (3) of the proposed amendments permits the appointment of deputies to act in place of the barrister and solicitor members of the Supreme Court Rule Committee during the absence of those members.

Amendments similar to those proposed by items (2) and (3) are proposed to be made elsewhere in this Schedule in relation to the Rule Committees of certain other courts.

---

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

**AMENDMENTS**

**Section 7 (Appointment etc. of members):**

- (a) From section 7 (1) (a1), omit "Director, Property Policy Unit of the Ministry of Education, Youth and Women's Affairs", insert instead "Director, Properties, of the Department of School Education".
- (b) From section 7 (2) (c), omit "registered under the Trade Union Act 1881 or the Industrial Arbitration Act 1940", insert instead "registered or recognised under the Industrial Relations Act 1991".

**COMMENCEMENT**

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

**EXPLANATORY NOTE**

The proposed amendments update obsolete references. There is no longer a position called “Director, Property Policy Unit of the Ministry of Education, Youth and Women’s Affairs”, and the Trade Union Act 1881 and the Industrial Arbitration Act 1940 have been repealed.

---

**VOCATIONAL EDUCATION AND TRAINING ACCREDITATION  
ACT 1990 No. 120**

**AMENDMENT**

Section 29:  
Omit the section.

**COMMENCEMENT**

The amendment to the Vocational Education and Training Accreditation Act 1990 commences on the date of assent to this Act.

**EXPLANATORY NOTE**

At present, section 29 of the Act specifies the annual reporting requirements of the Vocational Education and Training Accreditation Board. However, as the Board is now listed in Schedule 2 (Statutory Bodies) to the Public Finance and Audit Act 1983, the reporting requirements it must meet are set by that Act and the Annual Reports (Statutory Bodies) Act 1984. Section 29 may, therefore, be repealed.

---

**WATER SUPPLY AUTHORITIES ACT 1987 No. 140**

**AMENDMENTS**(1) Section 44 (**Damage to works**):

In section 44, after “wilfully”, insert “(except in accordance with a written approval granted by an Authority)”.

(2) Schedule 4. (**Cobar Water Board**):

Omit clause 3 (2) (b) and (c), insert instead:

- (b) 1 is to be selected by the Minister from a panel of 2 persons nominated jointly by:
- (i) Peak Gold Mines Pty Limited; and
  - (ii) such other mining companies as the Minister determines;

(c) 1 is to be selected by the Minister from a panel of 2 persons nominated jointly by:

- (i) Pasminco Australia Limited; and
- (ii) such other mining companies as the Minister determines; and

(3) Schedule 6:

From clause 13, omit “any school registered under the Bursary Endowment Act 1912, or any certified school under the Public Instruction (Amendment) Act 1916”, insert instead “any registered non-government school under the Education Reform Act 1990”.

#### **COMMENCEMENT**

The amendments to the Water Supply Authorities Act 1987 commence on the date of assent to this Act.

#### **REPEAL**

Clause 5 of the Water Supply Authorities (Broken Hill—Catchment Areas) Regulation 1992 is repealed on the date of assent to this Act.

#### **TRANSITIONAL**

A member of the Cobar Water Board holding office pursuant to clause 3 (2) (b) or (c) of Schedule 4 to the Water Supply Authorities Act 1987 at the commencement of item (2) of the amendments made to that Act by this Act continues to hold office until the expiry of the member’s term of appointment.

#### **EXPLANATORY NOTE**

##### **Damage to works of water supply authorities (item (1))**

Section 44 of the Act provides that a “person shall not wilfully or negligently interfere with, destroy or damage a work or structure that belongs to, or is under the control and management of, [a Water Supply] Authority”. The proposed amendment to that section would allow a Water Supply Authority to give its approval to the “destruction” of a structure. If, for instance, a structure owned or under the control and management of a Water Supply Authority is considered to be obsolete or posing a danger, the proposed amendment would allow that Authority to give its approval to engage the services of a person to remove that structure.

Clause 5 (Destruction of property) of the Water Supply Authorities (Broken Hill—Catchment Areas) Regulation 1992 will be unnecessary on the amendment to section 44. Accordingly, it is proposed to repeal that clause.

##### **Members of Cobar Water Board (item (2))**

Clause 3 of Schedule 4 to the Act provides that certain part-time members of the Cobar Water Board are to be selected by the Minister administering the Act from a panel of 2 persons nominated jointly by certain listed mining companies and other mining companies as determined by that Minister. The proposed amendment amends references to the listed companies as a result of changes in mining operations.

##### **Statute law revision (item (3))**

Item (3) of the proposed amendments updates references to repealed Acts.

---

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

(Sec. 3)

**COMMUNITY LAND DEVELOPMENT ACT 1989 No. 201****AMENDMENT****Schedule 1 (Plans):**

From clause 2 (3), omit “the Survey Practice Regulations 1933”, insert instead “the Survey Practice Regulation 1990 (or any regulation amending or replacing that Regulation)”.

**COMMENCEMENT**

The amendment to the Community Land Development Act 1989 commences on the date of assent to this Act.

**EXPLANATORY NOTE**

The proposed amendment updates a cross-reference.

---

**DEFAMATION ACT 1974 No. 18****AMENDMENT****Section 17KA (Matters arising under the Community Services (Complaints, Appeals and Monitoring) Act 1993):**

From section 17KA (c), omit “act”, insert instead “Act”.

**COMMENCEMENT**

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

**EXPLANATORY NOTE**

The proposed amendment corrects a typographical error.

---

**ELECTION FUNDING ACT 1981 No. 78****AMENDMENT****Section 87 (Political contributions that are to be disclosed):**

From section 87 (3), omit “contttribution”, insert instead “contribution”.

*Statute Law (Miscellaneous Provisions) Act 1994 No. 32—Sch. 2*

---

**COMMENCEMENT**

The amendment to the Election Funding Act 1981 commences on the date of assent to this Act.

**EXPLANATORY NOTE**

The proposed amendment corrects a typographical error.

---

**ELECTION FUNDING (AMENDMENT) ACT 1993 No. 104**

**AMENDMENT**

**Schedule 1 (Amendments):**

From item (17), omit “122”, insert instead “112”.

**COMMENCEMENT**

The amendment to the Election Funding (Amendment) Act 1993 commences on the date of assent to this Act.

**EXPLANATORY NOTE**

The proposed amendment corrects a typographical error.

---

**GEOGRAPHICAL NAMES ACT 1966 No. 13**

**AMENDMENT**

**Section 15 (Names in geographical manuscripts, tourist publications, maps and other publications):**

Omit section 15 (3), insert instead:

(3) Proceedings for an offence against this section are to be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

**COMMENCEMENT**

The amendment to the Geographical Names Act 1966 commences on the date of assent to this Act.

**EXPLANATORY NOTE**

The proposed amendment updates references in the Act.

---

**HEALTH CARE COMPLAINTS ACT 1993 No. 105****AMENDMENTS****Schedule 3 (Amendment of Acts):**

From the matter amending the Coroners Act 1980, omit “After section 23” and “23A”, insert instead “At the end of Division 1 of Part 4” and “23B”, respectively.

**COMMENCEMENT**

The amendments to the Health Care Complaints Act 1993 commence on the date of assent to this Act.

**EXPLANATORY NOTE**

The proposed amendments correct an incorporating direction and a section number.

---

**NURSES ACT 1991 No. 9****AMENDMENT****Schedule 3 (Savings and Transitional Provisions):**

From clause 18 (f), omit “practice”, insert instead “practise”.

**COMMENCEMENT**

The amendment to the Nurses Act 1991 commences on the date of assent to this Act.

**EXPLANATORY NOTE**

The proposed amendment corrects a grammatical error.

---

**PRISONS (AMENDMENT) ACT 1993 No. 89****AMENDMENT****Schedule 4 (Other Amendments to the Prisons Act 1952):**

Omit item (14) (a), insert instead:

- (a) In section 44 (1), after “coroner” where firstly occurring, insert “or appropriate officer”.
- (a1) From section 44 (1), omit “or coroner”, insert instead “, coroner or appropriate officer”.

**COMMENCEMENT**

The amendment to the Prisons (Amendment) Act 1993 commences on the date of assent to this Act.

**EXPLANATORY NOTE**

The proposed amendment clarifies an incorporating direction.

---

**SENTENCING ACT 1989 No. 87**

**AMENDMENT**

**Section 13A (Existing life sentences):**

From section 13A (9) (a), omit “to” where thirdly occurring.

**COMMENCEMENT**

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

**EXPLANATORY NOTE**

The proposed amendment omits a duplicated word.

---

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

**AMENDMENTS**

(1) **Section 2C (Employee over 55 years may contribute after election to preserve benefit after salary reduction):**

From section 2C (1), omit “Part 2 of Schedule 5”, insert instead “Part 3 of Schedule 5”.

(2) **Section 43 (Preserved benefit):**

From section 43 (3) (a) (i), omit “elected under subsection (5)”, insert instead “elected under subsection (1), or is taken under subsection (2A) to have elected,”.

(3) **Schedule 5 (Special Provisions for Preserving the Benefits of Certain Contributors):**

From clause 2, omit “section 43 (1) (b)”, insert instead “section 43(1)”.

**COMMENCEMENT**

The amendments to the State Authorities Superannuation Act 1987 commence on the date of assent to this Act.

**EXPLANATORY NOTE**

The proposed amendments correct incorrect cross-references.

---

**SUPERANNUATION ACT 1916 No. 28****AMENDMENTS****(1) Section 21AA (Limitations on elections under sec. 21A):**

From section 21AA (2) (b), omit “he”, insert instead “the spouse”.

**(2) Section 23BA (Retrospective salary increases):**

From section 23BA (3) (b), omit “his”, insert instead “the person’s”.

**COMMENCEMENT**

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

**EXPLANATORY NOTE**

The proposed amendments are consequential on amendments made by the Superannuation Legislation (Further Amendment) Act 1993.

---

**SUPERANNUATION ADMINISTRATION ACT 1991 No. 96****AMENDMENT****Section 9 (Board may appoint investment managers etc.):**

From section 9 (1A), omit “of” where thirdly occurring.

**COMMENCEMENT**

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

**EXPLANATORY NOTE**

The proposed amendment omits a superfluous word.

---

**SUPERANNUATION LEGISLATION (FURTHER AMENDMENT)  
ACT 1993 No. 111****AMENDMENT****Schedule 6 (Amendment of Superannuation Act 1916 No. 28):**

From item (48) (h), omit “to the contributor”, insert instead “to the contributor’s spouse”.

**COMMENCEMENT**

The amendment to the Superannuation Legislation (Further Amendment) Act 1993 commences on the date of assent to this Act.

**EXPLANATORY NOTE**

The Superannuation Legislation (Further Amendment) Act 1993 amended the Superannuation Act 1916 by, among other things, extending certain benefits payable to widows of male contributors to the superannuation scheme under that Act to widowers of female contributors. Schedule 6 (48) (h) changed a reference to “her” (meaning the widow) in section 51 (3) (b) of the Superannuation Act 1916 to “the contributor” instead of “the contributor’s spouse”.

The proposed amendment makes the appropriate correction.

---

**SCHEDULE 3—AMENDMENTS REPLACING GENDER-SPECIFIC LANGUAGE**

(Sec. 3)

**EXPLANATORY NOTE**

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

---

**ADOPTION OF CHILDREN ACT 1965 No. 23**

**AMENDMENTS**

(1) Sections 8, 12, 33, 38, 49, 51 and 68A:

In sections 8 (3), 12 (5), 33 (1), 38 (1)–(2A), 49 (2), 51 (1) and 68A (6) after “his” wherever occurring, insert “or her”.

(2) Section 11:

(a) From section 11 (1) (b), omit “his”, insert instead “the Director-General’s”.

(b) From section 11 (2), omit “him”, insert instead “the Director-General”.

(3) Section 13:

From section 13 (2), omit “he”, insert instead “the Director-General”.

(4) Section 18:

(a) From section 18 (1) (b) (i), omit “his or their”, insert instead “his or her, or their”.

(b) From section 18 (2) (b), omit “he”, insert instead “the person”.

(c) From section 18 (2) (b), omit “his”, insert instead “the person’s”.

- (5) Section 21:
- (a) From section 21 (2), omit “him”, insert instead “the Director-General”.
  - (b) From section 21 (2) (a), omit “his”, insert instead “the applicant’s”.
  - (c) From section 21 (3), omit “he”, insert instead “the person”.
  - (d) From section 21 (3), omit “his”, insert instead “the person’s”.
- (6) Section 31A:
- In section 31A (1), after “him”, insert “or her”.
- (7) Section 31B:
- From section 31B (b), omit “he”, insert instead “the person”.
- (8) Section 32:
- (a) From section 32 (1) (b), omit “he”, insert instead “the person”.
  - (b) In section 32 (1) (b), after “his”, insert “or her”.
  - (c) From section 32 (1) (c), omit “his”, insert instead “the person’s”.
  - (d) In section 32 (5) (a) (ii) and (b), after “he” wherever occurring, insert “or she”.
- (9) Section 34:
- (a) From section 34 (2A), omit “him”, insert instead “the Director-General”.
  - (b) From section 34 (2B), (3) and (4A)–(6), omit “he” wherever occurring, insert instead “the Director-General”.
  - (c) From section 34 (2C) (e), omit “him”, insert instead “the officer”.
  - (d) In section 34 (2C) (e) and (6), after “his” wherever occurring, insert “or her”.
- (10) Section 40:
- From section 40 (1) (b), omit “he”, insert instead “the trustee or personal representative”.
- (11) Section 55:
- In section 55, after “himself”, insert “or herself”.
- (12) Section 58:
- (a) In section 58, after “his”, insert “or her”.
  - (b) In section 58 (b), after “himself”, insert “or herself”.
- (13) Section 62:
- From section 62, omit “him”, insert instead “the nominated officer”.

## (14) Section 63:

From section 63, omit “he”, insert instead “the nominated officer”.

## (15) Section 68B:

- (a) From section 68B (2) (c) and (4), omit “he”, insert instead “the Director-General”.
- (b) From section 68B (2) omit “his”, insert instead “the adopted person’s”.
- (c) From section 68B (3), omit “him”, insert instead “the executor or administrator”.
- (d) From section 68B (4), omit “him”, insert instead “the Director-General”.

## (16) Section 71:

- (a) From section 71 (1), omit “him”, insert instead “the person”.
- (b) In section 71 (1), after “he”, insert “or she”.

## (17) Section 73:

From section 73 (1) (d), omit “him”, insert instead “the Director-General”.

---

**BILLS OF SALE ACT 1898 No. 10**

**AMENDMENTS**

## (1) Section 3:

- (a) From the definition of “Apparent possession”, omit “him” wherever occurring, insert instead “the person”.
- (b) From the definition of “Trader”, omit “him” where firstly occurring, insert instead “the person”.
- (c) From the definition of “Trader”, omit “him” where secondly occurring, insert instead “the company, holder or applicant”.
- (d) From the definition of “Trader’s bill of sale”, omit “he”, insert instead “the trader”.

## (2) Section 4:

From section 4 (2), omit “his”, insert instead “the debtor’s”.

## (3) Section 4A:

Omit “his”, insert instead “that person’s”.

- (4) Section 4C:
- (a) From section 4C (1) and (4), omit “him” wherever occurring, insert instead “the grantee or holder”.
  - (b) From section 4C (1), omit “he”, insert instead “the grantee or holder”.
  - (c) From section 4C (1), omit “his” where firstly occurring, insert instead “the grantee’s or holder’s”.
  - (d) From section 4C (1), omit “his” where secondly occurring, insert instead “the grantor’s”.
- (5) Section 5:
- From section 5 (1), omit “his”, insert instead “the grantee’s”.
- (6) Section 5A:
- (a) From section 5A (7), omit “him” where firstly occurring, insert instead “the fanner”.
  - (b) From section 5A (7), omit “him” where secondly occurring, insert instead “the company, holder or applicant”.
- (7) Section 5B:
- From section 5B (1) (a) and (4), omit “he” wherever occurring, insert instead “the trader”.
- (8) Section 5C:
- (a) From section 5C (2) (a) (ii), omit “he”, insert instead “the grantor”.
  - (b) From section 5C (2) (a) (iii) and (3), omit “he” wherever occurring, insert instead “the trader”.
- (9) Section 5I:
- (a) From section 5I (1) omit “he”, insert instead “the caveator”.
  - (b) From section 5I (2), omit “he”, insert instead “, the Registrar-General”.
- (10) Section 5J:
- (a) From section 5J (1), omit “his”, insert instead “the caveator’s”.
  - (b) From section 5J (2), omit “he”, insert instead “the Registrar-General”.
- (11) Section 5K:
- (a) Omit “he”, insert instead “the judge”.
  - (b) Omit “his” wherever occurring, insert instead “the caveator’s”.
  - (c) After “himself”, insert “or herself”.

*Statute Law (Miscellaneous Provisions) Act 1994 No. 32—Sch. 3*

---

- (12) Section 13:  
From section 13 (1) and (2) omit “him” wherever occurring, insert instead “the grantee”.
- (13) Section 13A:  
From section 13A (2), omit “him” and “he” wherever occurring, insert instead “the person”.

---

**CHILDREN (EQUALITY OF STATUS) ACT 1976 No. 97**

**AMENDMENTS**

- (1) Section 5:  
(a) From section 5 (1)(d), omit “he”, insert instead “the person”.  
(b) From section 5 (1) (d), omit “his”, insert instead “the person’s”.
- (2) Section 6:  
From section 6, omit “his”, insert instead “the child’s”.
- (3) Sections 7, 13 and 19:  
In sections 7 (2) (b), 13 (8), 19 (5) after “he” wherever occurring, insert “or she”.
- (4) Section 9:  
(a) In section 9 (1), after “his” where firstly occurring, insert “or her”.  
(b) From section 9 (1), omit “his” where secondly and thirdly occurring, insert instead “the child’s”.  
(c) From section 9 (1), omit “he” wherever occurring, insert instead “the child”.  
(d) In section 9 (2), after “his”, insert “or her”.  
(e) From section 9 (2), omit “he”, insert instead “the relative”.
- (5) Section 20:  
(a) From section 20 (1) and (2), omit “he” wherever occurring, insert instead “the person”.  
(b) From section 20 (4), omit “he”, insert instead “the party”.  
(c) From section 20 (4), omit “his”, insert instead “the party’s”.
- (6) Section 21:  
(a) From section 21 (1), (2) and (3). omit “him” wherever occurring, insert instead “the party”.  
(b) From section 21 (1) and (2), omit “his” wherever occurring, insert instead “the party’s”.  
(c) From section 21 (2), omit “he”, insert instead “the party”.
-

**CONTRACTORS' DEBTS ACT 1897 No. 29****AMENDMENTS**

- (1) Long title:  
Omit “Debts due to Workmen, Tradesmen”, insert instead “debts due to workers, tradespersons”.
- (2) Section 3:  
Omit “him”, insert instead “the plaintiff”.
- (3) Section 4:  
Omit “workman” and “his”, insert instead “worker” and “the worker’s” respectively.
- (4) Section 7:  
Omit “workman”, “tradesman” and “him”, insert instead “worker”, “tradesperson” and “the plaintiff” respectively.
- (5) Section 8:  
Omit “workman’s or tradesman’s” and “workman or tradesman”, insert instead “worker’s or tradesperson’s” and “worker or tradesperson” respectively.
- (6) Section 9:  
Omit “workman’s or tradesman’s”, “he”, “workman or tradesman” and “his”, insert instead “worker’s or tradesperson’s”, “the contractee”, “worker or tradesperson” and “the worker’s or tradesperson’s” respectively.
- (7) Section 10:  
Omit “workmen and tradesmen”, insert instead “workers and tradespersons”.
- (8) Section 11:  
Omit “workman or tradesman”, “his” and “him”, insert instead “worker or tradesperson”, “the worker’s or tradesperson’s” and “the contractee” respectively.
- (9) Section 12:  
Omit “him”, insert instead “the contractee”.
- (10) Section 13:  
Omit “workman or tradesman” and “him” wherever occurring, insert instead “worker or tradesperson” and “the worker or tradesperson” respectively.

- (11) Section 14:  
Omit “workman or tradesman” and “he takes”, insert instead “worker or tradesperson” and “taking” respectively.
- (12) Section 15:  
Omit “workman or tradesman” and “he”, insert instead “worker or tradesperson” and “the worker or tradesperson” respectively.
- (13) Section 16:  
Omit “The plaintiff in the event of his obtaining judgment against the defendant”, insert instead “If the plaintiff obtains judgment against the plaintiff, the plaintiff”.
- (14) Section 17:  
(a) Omit “workman” and “tradesman”, insert instead “worker” and “tradesperson” respectively.  
(b) Omit “him” and “he”, insert instead “the contractor”.  
(c) Omit “his”, insert instead “the”.
- (15) Section 18:  
(a) Omit “workmen”, “workman” and “tradesman”, insert instead “workers”, “worker” and “tradesperson” respectively.  
(b) Omit “he” and “him”, insert instead “the worker or tradesperson” and “the contractor” respectively.
- (16) Section 19:  
Omit “workman or tradesman” and “him”, insert instead “worker or tradesperson” and “the worker or tradesperson” respectively.
- (17) The Second Schedule:  
(a) Omit “him” wherever occurring, insert instead “(b)”.  
(b) Omit “he”, insert instead “the plaintiff”.
- (18) The Third and Fourth Schedules:  
Omit “workman or tradesman” wherever occurring, insert instead “worker or tradesperson”.
- (19) The Sixth Schedule:  
Omit “workman” and “tradesman”, insert instead “worker” and “tradesperson” respectively.
-

**COPYRIGHT ACT 1879 42 VIC. No. 20****AMENDMENTS**

## Section 7:

From section 7, omit “he” wherever occurring, insert instead “the publisher”.

---

**DISTRICT COURT ACT 1973 No. 9****AMENDMENTS**

## (1) Section 4:

From the definition of “admitted set-off” in section 4 (1), omit “him”, insert instead “the plaintiff”.

## (2) Section 5:

From section 5 (3), omit “his”, insert instead “the Governor’s”.

## (3) Sections 13, 15, 92 and 199:

In sections 13 (5) and (7), 15 (2), 92 (5) (d) and 199 (3) (a), after “he” wherever occurring, insert “or she”.

## (4) Sections 13, 32, 50, 91, 97, 107, 109, 187, 188, 195 and 199:

In sections 13 (6), 32 (2A), 50 (a), 91 (4) (b), 97 (1), 107 (1) and (2) (c), 109 (1) (a) and (2), 187 (1) (b), 188 (1) (c), 195 and 199 (3) (b) and (5), after “his” wherever occurring, insert “or her”.

## (5) Section 15:

From section 15 (2), omit “him”, insert instead “the Judge”.

## (6) Sections 16 and 17:

From sections 16 (1) and 17 (1), omit “his duties” wherever occurring, insert instead “duty”.

## (7) Sections 18, 64, 65, 92, 104, 109 and 194:

From sections 18 (3), 64 (1) (b) and (3), 65 (3) (a) and (6), 92 (2), 104, 109 (9) and 194 (4) omit “his” wherever occurring, insert instead “the person’s”.

## (8) Section 43:

(a) In section 43 (1) (b) (i), after “himself”, insert “or herself”.

(b) From section 43 (4), omit “his” wherever occurring, insert instead “the employee’s”.

- (9) Sections 46, 137 and 141:  
From sections 46 (2) (b), 137 (b) and 141 (b), omit “him” wherever occurring, insert instead “the officer”.
- (10) Sections 47, 108 and 151:  
From sections 47 (1), 108 (1) and 151, omit “him” wherever occurring, insert instead “the registrar”.
- (11) Section 51:  
From section 51 (1), omit “his”, insert instead “the party’s”.
- (12) Section 63A:  
From section 63A (5), omit “him”, insert instead “the arbitrator”.
- (13) Sections 65, 66, 92, 94, 109, 154 and 185:  
From sections 65 (3) and (4), 66, 92 (2) (b) and (4), 94 (c), 109 (1) (a) and (b) and (10), 154 and 185 (3), omit “he” wherever occurring, insert instead “the person”.
- (14) Section 67:  
(a) From section 67 (1), omit “he”, insert instead “the Judge”.  
(b) From section 67 (2), omit “him”, insert instead “the custodian”.
- (15) Sections 67, 92 and 194:  
From sections 67 (1), 92 (2) and (5) (d) and 194 (4) omit “him” wherever occurring, insert instead “the person”.
- (16) Section 68:  
From section 68 (2) (h), omit “him”, insert instead “the party”.
- (17) Section 79:  
From section 79 (4), omit “he”, insert instead “the defendant”.
- (18) Section 91:  
From section 91 (4) (a), omit “him”, insert instead “the officer or former officer”.
- (19) Section 92:  
(a) From section 92 (4), omit “his affidavit”, insert instead “the judgment creditor’s affidavit”.  
(b) From section 92 (4), omit “his warrant”, insert instead “awarrant”.
- (20) Section 97:  
From section 97 (4), omit “he”, insert instead “the registrar”.

- (21) Section 100:  
From section 100 (1) and (2) (b), omit “his” wherever occurring, insert instead “the garnishee’s”.
- (22) Sections 100 and 105:  
From sections 100 (2) and 105 (1), omit “he” wherever occurring, insert instead “the garnishee”.
- (23) Sections 102 and 106:  
From sections 102 (1) and 106 (1), omit “he” wherever occurring, insert instead “the judgment creditor”.
- (24) Sections 102 and 105:  
From sections 102 (3) and 105 (2), omit “him” wherever Occurring, insert instead “the garnishee”.
- (25) Section 109:  
(a) From section 109 (2), omit “he causes”, insert instead “causing”.  
(b) From section 109 (2), omit “inform himself”, insert instead “ascertain”.  
(c) From section 109 (3), omit “he”, insert instead “the Sheriff or bailiff”.  
(d) From section 109 (3) and (4) (a), omit “him” wherever occurring, insert instead “the Sheriff or bailiff”.
- (26) Section 112:  
(a) From section 112 (3), omit “him” wherever occurring, insert instead “the issuing registrar”.  
(b) From section 112 (3) (c) (ii), omit “he”, insert instead “the judgment creditor”.  
(c) From section 112 (3), omit “he” where secondly occurring, insert instead “the issuing registrar”.  
(d) From section 112 (3), omit "his" insert instead “the issuing registrar’s”.
- (27) Section 114:  
(a) From section 114 (4) and (S), omit “he” wherever occurring, insert instead “the judgment debtor”.  
(b) From section 114 (4), omit “his” wherever Occurring, insert instead “the judgment debtor’s”.
- (28) Section 185:  
From section 185 (5), omit “widow”, insert instead “spouse”.

## (29) Section 196:

From section 196, omit “him”, insert instead “the barrister, solicitor or other person”.

## (30) Section 199:

From section 199 (3) (a), (b) and (c), omit “him” wherever occurring, insert instead “the contemnor”.

---

**ENERGY ADMINISTRATION ACT 1987 No. 103****AMENDMENTS**

## Sections 22 and 28:

From sections 22 (1) (a) and 28 (5) (a) and (6), omit “chairman” wherever occurring, insert instead “chairperson”.

---

**INFANTS’ CUSTODY AND SETTLEMENTS ACT 1899 No. 39****AMENDMENTS**

## (1) Section 3:

From the definition of “Parent” in section 3, omit “his custody”, insert instead “custody of the child”.

## (2) Section 4A:

From section 4A (2), omit “he”, insert instead “the minor”.

## (3) Section 6:

- (a) After “himself” in section 6 (b), insert “or herself”.
- (b) From section 6 (b), omit “his”, insert instead “the parent’s”.

## (4) Section 8:

- (a) After “his” in section 8 (b), insert “or her”.
- (b) From section 8, omit “he”, insert instead “the parent”.

## (5) Section 9:

From section 9 (2), omit “the exercise of his own”, insert instead “exercise”.

## (6) Section 10A:

From section 10A (4), omit “he” wherever occurring, insert instead “the person”.

---

**LAND AND ENVIRONMENT COURT ACT 1979 No. 204****AMENDMENTS**

- (1) Section 10:  
From section 10 (1), omit “his duties”, insert instead “duty”.
- (2) Sections 11 and 41:  
From sections 11 (3) and 41 (1) (b), omit “his” wherever occurring, insert instead “the person’s”.
- (3) Sections 12, 25 and 42:  
From sections 12 (2), 25 (2) and 42, omit “he” wherever occurring, insert instead “the person”.
- (4) Sections 12, 30 and 34:  
From sections 12 (3), 30 (2A) and 34 (3) (b) (i), omit “his” wherever occurring, insert instead “the assessor’s”.
- (5) Section 13:  
  - (a) From section 13 (1) and (3), omit “his” wherever occurring.
  - (b) From section 13 (5), omit “his” wherever occurring, insert instead “the acting assessor’s”.
- (6) Section 14:  
  - (a) From section 14 (1), omit “he” wherever occurring, insert instead “the assessor”.
  - (b) From section 14 (1), omit “him”, insert instead “the assessor”.
- (7) Section 22:  
From section 22, omit “him”, insert instead “that party”.
- (8) Section 25:  
From section 25 (1), omit “he”, insert instead “the claimant”.
- (9) Section 34:  
From section 34 (2), omit “him”, insert instead “the registrar”.
- (10) Section 36:  
  - (a) From section 36 (1) (a), omit “his”, insert instead “the Chief Judge’s”.
  - (b) From section 36 (4) (a), omit “he”, insert instead “the senior assessor”.
  - (c) From section 36 (5), omit “his or their”, insert instead “the assessor’s or the assessors’”.
  - (d) From section 36 (6) (b), omit “his”, insert instead “the”.
  - (e) From section 36 (7), omit “his”, insert instead “the Judge’s”.

- (11) Section 40:  
From section 40 (3), omit “his”, insert instead “the objector’s”.
- (12) Section 42:  
From section 42, omit “him” wherever occurring, insert instead “the person”.
- (13) Section 44:  
From section 44 (a), omit “him”, insert instead “the Judge”.
- (14) Section 45:  
(a) From section 45, omit “him”, insert instead “the defendant”.  
(b) From section 45, omit “he” wherever occurring, insert instead “the defendant”.
- (15) Section 47:  
(a) From section 47 (1) and (2), omit “his” wherever occurring, insert instead “the prosecutor’s”.  
(b) From section 47 (1) and (2), omit “he” wherever occurring, insert instead “the Judge”.
- (16) Section 48:  
(a) From section 48, omit “him”, insert instead “the defendant”.  
(b) From section 48, omit “his”, insert instead “the defendant’s”.
- (17) Section 49:  
From section 49, omit “his or their”, insert instead “the party’s or parties’ ”.
- (18) Section 52:  
From section 52 (1), omit “he”, insert instead “the Judge”,
- (19) Section 54:  
From section 54 (4), omit “he”, insert instead “that person”.
- (20) Section 69:  
From section 69 (3), omit “him”, insert instead “that party”.
- (21) Section 70:  
(a) From section 70 (1) and (2), omit “him” wherever occurring, insert instead “the vexatious litigant”.  
(b) From section 70 (4), omit “him”, insert instead “that person”.
- (22) Section 74:  
From section 74 (5), omit “him”, insert instead “that Judge”.

## (23) Schedule 1:

- (a) From clauses 1 (2) and 3, omit “his” wherever occurring, insert instead “the assessor’s”.
- (b) From clause 2 (b), omit “him”, insert instead “the assessor”.
- (c) From clause 7, omit “his office if he”, insert instead “office if the assessor”.
- (d) From clause 7 (b), omit “his office by writing under his hand”, insert instead “the office by instrument in writing”.
- (e) Omit clause 7 (c), insert instead:
  - (c) becomes a mentally incapacitated person; or
- (f) From clause 8 (2)–(4), omit “his” wherever occurring (except where occurring in the phrase “his appointment”), insert instead “the assessor’s”.
- (g) From clauses 8 (2) and (3) and 9, omit “his appointment” wherever occurring (except where firstly occurring), insert instead “being appointed”.
- (h) From clause 8 (2), omit “his appointment” where firstly occurring, insert instead “appointment”.
- (i) From clause 8 (2)–(4), omit “he” wherever occurring (except where occurring in clause 8 (2) (d)), insert instead “the assessor”.
- (j) From clause 8 (2) (d), omit “that he retain”, insert instead “for the retention of”.
- (k) From clause 8 (2) (d), omit “him”, insert instead “the person”.
- (l) From clause 8 (2) (e), (3) and (4), omit “him” wherever occurring, insert instead “the assessor”.
- (m) From clause 9 (2), omit “he” wherever occurring, insert instead “the person”.

---

**LIENS ON CROPS AND WOOL AND STOCK MORTGAGES  
ACT 1898 No. 7**

**AMENDMENTS**

- (1) Section 5:
  - (a) Omit “his” where firstly and thirdly occurring, insert instead “the lienor’s”.
  - (b) Omit “his” where secondly occurring, insert instead “the lienee’s”.
- (2) Sections 5, 6 and 7:
  - After “himself” wherever occurring, insert “or herself”.
- (3) Section 6:
  - Omit “him”, insert instead “the landlord”.

*Statute Law (Miscellaneous Provisions) Act 1994 No. 32—Sch. 3*

---

- (4) Sections 10 and 12:  
From sections 10 and 12 (2), omit “his” wherever occurring, insert instead “the lienee’s”.
- (5) Section 18:  
(a) Omit “his” where firstly and secondly occurring, insert instead “the person’s”.  
(b) Omit “his” where thirdly occurring, insert instead “the mortgagor’s”.  
(c) Omit “thereto, by writing under his hand at the foot of such receipt as aforesaid, has signified his”, insert instead “to the deed has, in writing at the foot of the receipt, signified the party’s”.
- (6) Second Schedule:  
(a) After “his”, insert “or her”.  
(b) After “he”, insert “or she”.  
(c) Omit “pay himself”, insert instead “deduct”.

---

**LOCAL COURTS ACT 1982 No. 164**

**AMENDMENTS**

- (1) Sections 4, 12, 23 and 24:  
From sections 4 (3) (b), 12 (3), 23 (4) and 24 (4), omit “he” wherever occurring, insert instead “the Magistrate”.
- (2) Section 10:  
From section 10 (2) (b) (ii), omit “he”, insert instead “the holder”.
- (3) Sections 10, 12, 16 and 25 and Schedule 1:  
From sections 10 (5) and (7), 12 (2), 16 (1) and 25 (1) and clause 4 (1) (c) of Schedule 1, omit “he” wherever occurring, insert instead “the person”.
- (4) Sections 10 and 25 and Schedule 1:  
From sections 10 (6) and 25 (1) and clause 4 (3), (4) (b) and (5) (b) of Schedule 1, omit “him” wherever occurring, insert instead “the person”.
- (5) Sections 12, 13, 16, 23 and 24:  
From sections 12 (4), 13 (1) (b), 16 (3), 23 (1) and (5) and 24 (3), omit “his” wherever occurring, insert instead “the Magistrate’s”.
- (6) Sections 13, 17 and 24:  
From sections 13 (1) (b), 17 (2) and 24, omit “him” wherever occurring, insert instead “the Magistrate”.

- (7) Section 13:  
From section 13 (4), omit “he is”.
- (8) Section 14:  
From section 14 (2), omit “he”, insert instead “the Chief Magistrate”.
- (9) Sections 14, 15 and 17:  
From sections 14 (3), 15 (4) and 17 (1) (a) and (2), omit “his office” wherever occurring, insert instead “the office”.
- (10) Section 15:  
(a) From section 15 (3), (7) and (9), omit “he” wherever occurring, insert instead “the Deputy Chief Magistrate”.  
(b) From section 15 (S), omit “his”.  
(c) From section 15 (8), omit “him”, insert instead “the Deputy Chief Magistrate”.
- (11) Section 20:  
Omit the section, insert instead:  
**Vacation of office**  
20. Subject to this and any other Act, a Magistrate is taken to have vacated the office of Magistrate if:  
(a) the Magistrate dies; or  
(b) the Magistrate resigns that office by instrument in writing served on the Minister, and the Governor accepts the resignation; or  
(c) after attaining the age of 60 years, the Magistrate, by instrument in writing served on the Minister, signifies a desire to retire from that office and the Governor consents to the retirement; or  
(d) by operation of section 16 (3), the Magistrate ceases to hold that office; or  
(e) the Magistrate retires from that office under a provision of any other Act under which the Magistrate may so retire; or  
(f) the Magistrate is a Magistrate who has limited tenure and the term of the Magistrate’s office specified in the Magistrate’s commission of appointment expires without the Magistrate’s having been appointed to hold the office of Magistrate on and from the day on which that term expires; or  
(g) the Magistrate is the holder of a prescribed office and the Magistrate ceases to hold the prescribed office without having been appointed to hold the office of Magistrate on and from the day on which the Magistrate ceases to hold the prescribed office.

## (12) Section 21:

Omit section 21 (1)–(3), insert instead:

(1) If a former Magistrate has vacated office by reason of section 20 (c) or (e), the Governor may, by notification published in the Gazette and with the written consent of the former Magistrate, reinstate the former Magistrate in the Magistrate's former office of Magistrate for a period (not being a period continuing past the date on which the former Magistrate will attain the age of 65 years) specified in the notification.

(2) During the period for which a former Magistrate is reinstated under subsection (1):

- (a) subject to this Act, the Magistrate is taken to be a Magistrate and to hold office as such;
- (b) section 16 does not apply to or in respect of the Magistrate;
- (c) if the Magistrate has vacated office under section 20 (e), the Magistrate is taken not to be an employee for the purposes of the Superannuation Act 1916 (except for section 94 of that Act).

(3) Subject to any other Act, while a person holds the office of Magistrate by reason of the publication of a notification under subsection (1), the person is taken to hold any other office specified in the notification, being an office that the person held:

- (a) when the person last held the office of Magistrate before the person's reinstatement; and
- (b) by reason of the person's being a Magistrate when the person was appointed to, or nominated for, that other office.

## (13) Section 25 and Schedule 1:

From section 25 (1) and clause 4 (3)–(5) of Schedule 1, omit "his" wherever occurring, insert instead "the person's".

## (14) Schedule 1:

- (a) From clause 5 (2) of Schedule 1, omit "his" wherever occurring, insert instead "the former Magistrate's".
  - (b) From clause 5 (2) of Schedule 1, omit "he" wherever occurring, insert instead "the former Magistrate".
-

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

- (1) Section 11:
  - (a) From section 11 (1) (b), omit “his”, insert instead “the party’s”.
  - (b) From section 11 (1) (b) and (2), omit “him” wherever occurring, insert instead “the party”.
  - (c) From section 11 (5), omit “his” wherever occurring, insert instead “the employee’s”.
- (2) Sections 14, 15, 41, 52, 59, 64, 67, 72 and 82:

In sections 14 (a), 15 (4) (a), 41 (1) and (2) (b), 52 (1), 59 (2), (3) and (6), 64 (1) (b), 67 (1), 72 (1) and (3) and 82, after “his” wherever occurring, insert “or her”.
- (3) Section 19:

From section 19 (1) (d), omit “his”, insert instead “the owner’s”.
- (4) Sections 20 and 72:

From sections 20 (2) and 72 (5) and (6), omit “him” wherever occurring, insert instead “the person”.
- (5) Sections 21B, 57 and 75:

From sections 21B (5), 57 and 75 (3), omit “him” wherever occurring, insert instead “the registrar”.
- (6) Section 21H:

From section 21H (5), omit “him”, insert instead “the arbitrator”.
- (7) Sections 41, 59 and 72:

From sections 41 (3), 59 (7) and 72 (2), (5), (6) and (9), omit “he” wherever occurring, insert instead “the person”.
- (8) Sections 41 and 56:

From sections 41 (6) and 56 (1), omit “he” wherever occurring, insert instead “the judgment creditor”.
- (9) Sections 42, 43A and 64:

From sections 42 (2), 43A (3) (c) and 64 (1), omit “him” wherever occurring, insert instead “the judgment debtor”.
- (10) Section 42:
  - (a) From section 42 (4), omit “his affidavit”, insert instead “the judgment creditor’s affidavit”.
  - (b) From section 42 (4), omit “his warrant”, insert instead “the warrant”.

- (11) Sections 42, 43A, 59, 72 and 82:  
In sections 42 (5) (d), 43A (3) (d), 59 (3) and (4), 72 (3) and 82, after “he” wherever occurring, insert “or she”.
- (12) Section 43A:  
(a) From section 43A (1), omit “him” where firstly occurring, insert instead “the registrar”.  
(b) From section 43A (1), omit “him” where secondly occurring, insert instead “the judgment debtor”.
- (13) Section 44:  
(a) From section 44 (1), omit “he” where firstly occurring, insert instead “the judgment debtor”.  
(b) From section 44 (1), omit “he” where secondly occurring, insert instead “the judgment creditor”.
- (14) Section 46:  
From section 46 (c), omit “he”, insert instead “the judgment debtor”.
- (15) Section 49:  
From section 47 (5), omit “he”, insert instead “the registrar”.
- (16) Section 48:  
From section 48 (2), omit “his application”, insert instead “the application”.
- (17) Sections 50 and 52:  
From sections 50 (1) and (2) (b) and 52 (3), omit “his” wherever occurring, insert instead “the garnishee’s”.
- (18) Sections 50, 52 and 55:  
From sections 50 (2), 52 (3) (d) and 55 (1), omit “he” wherever occurring, insert instead “the garnishee”.
- (19) Section 52:  
From section 52 (1), omit “he”, insert instead “the judgment creditor”.
- (20) Section 54:  
From section 54, omit “him”, insert instead “the garnishee”.
- (21) Section 59:  
(a) From section 59 (2), omit “he sells”, insert instead “selling”.  
(b) From section 59 (2), omit “inform himself”, insert instead “ascertain”.

*Statute Law (Miscellaneous Provisions) Act 1994 No. 32—Sch. 3*

---

- (22) Section 64:  
From section 64 (1), omit “his” where thirdly occurring, insert instead “the judgment debtor’s”.
- (23) Section 66:  
From section 66 (3), omit “him”, insert instead “the Sheriff or bailiff”.
- (24) Section 72:  
From section 72 (6) and (9), omit “his” wherever occurring, insert instead “the person’s”.
- (25) Section 78:  
From section 78, omit “him”, insert instead “the barrister, attorney or other person”.

---

**MONOPOLIES ACT 1923 No. 54**

**AMENDMENTS**

- (1) Section 10:  
From section 10 (1), omit “chairman”, insert instead “chairperson”.
- (2) Section 14:  
From section 14 (3), omit “him”, insert instead “the Attorney-General”.
- (3) Section 17:  
(a) From section 17 (1), omit “his”, insert instead “the person’s”.  
(b) From section 17 (1), omit “he”, insert instead “the person”.
- (4) Section 17A:  
(a) From section 17A, omit “his”, insert instead “the person’s”.  
(b) From section 17A, omit “him” wherever occurring, insert instead “the person”.
- (5) Section 18:  
From section 18 (1), omit “who is injured in his person or property”, insert instead “whose person or property is injured”.

---

**PARTNERSHIP ACT 1892 55 VIC. No. 12**

**AMENDMENTS**

- (1) Sections 2, 17 and 36:  
From sections 2 (3), 17 (1) and 36 (1), omit “he” wherever occurring, insert instead “the person”.

- (2) Section 2:
- (a) From section 2 (3), omit “him” wherever occurring, insert instead “the person”.
  - (b) In section 2 (3) (c), after “widow”, insert “, widower”.
- (3) Section 3:
- (a) Omit “his creditors”, insert instead “the person’s creditors”.
  - (b) Omit “his loan”, insert instead “the loan”.
- (4) Section 5:
- (a) Omit “his other”, insert instead “of the other”.
  - (b) Omit “his partners”, insert instead “the other partners”.
- (5) Sections 5, 7, 9, 12, 24, 30 and 42:
- From sections 5, 7, 9, 12, 24 (3) and (9), 30 and 42 (2), omit “he” wherever occurring, insert instead “the partner”.
- (6) Sections 5, 23, 24, 29, 30, 35 and 44:
- From sections 5, 23 (2), 24 (2) and (4), 29 (1), 30, 35 (d) and 44 (b), omit “him” wherever occurring, insert instead “the partner”.
- (7) Sections 9–14, 17, 26, 28, 31–33, 35, 37, 39 and 42:
- From sections 9, 10, 11 (a), 12, 13, 14 (2), 17 (2), 26 (1), 28, 31 (1), 32 (c), 33 (2), 35, 37, 39 and 42, omit “his” wherever occurring, insert instead “the partner’s”.
- (8) Sections 14 and 38:
- In section 14 (1) and 38, after “himself” wherever occurring, insert “or herself”.
- (9) Sections 17, 31 and 42:
- From sections 17 (3), 31 (2) and 42 (1), omit “himself” wherever occurring, insert instead “the partner”.
- (10) Section 22:
- Omit “his”, insert instead “the deceased partner’s”.
- (11) Section 35:
- From section 35 (d), omit “so conducts himself in matters relating to the partnership business”, insert instead “conducts himself or herself in matters relating to the partnership business so”.
- (12) Section 41:
- Omit “him” wherever occurring, insert instead “the party”.

## (13) Sections 54 and 70:

From sections 54 (2) (e) and 70 (1) (b) and (2), omit “his or her” wherever occurring, insert instead “the partner’s”.

## (14) Section 54:

From section 54 (2) (g), omit “he or she”, insert instead “the partner”.

---

**ROYAL COMMISSIONS ACT 1923 No. 29****AMENDMENTS**

## (1) The whole Act:

Omit “chairman” wherever occurring, insert instead “chairperson”.

## (2) Section 6:

From section 6, omit “his duty”, insert instead “the commissioner’s duty”.

## (3) Sections 7, 19, 20 and 23A:

- (a) From sections 7 (2) and (3) and 19 (1), omit “his” wherever occurring, insert instead “the person’s”.
- (b) From sections 7 (2), 20 and 23A (2), omit “him” wherever occurring, insert instead “the person”.
- (c) From sections 19 (1), 20 and 23A (2), omit “he” wherever occurring, insert instead “the person”.

## (4) Section 8:

- (a) From section 8, omit “writing under his hand”, insert instead “notice in writing”.
- (b) From section 8, omit “his custody”, insert instead “the person’s custody”.
- (c) From section 8, omit “he”, insert instead “the person”.

## (5) Sections 9, 10, 11, 16 and 17:

- (a) From sections 9 (2), 10, 11 (1) (c) and (2) (a) and 16 (2), omit “he” wherever occurring, insert instead “the witness”.
- (b) From sections 9 (2), 11 (1) (b), 16 (3) and 17 (1), omit “him” wherever occurring, insert instead “the witness”.

## (6) Section 10:

From section 10, omit “himself”.

## (7) Sections 11, 13 and 16:

From section 11 (1) (c), 13 (1) and 16 (1)–(3), omit “his” wherever occurring, insert instead “the witness’s”.

---

**SUPREME COURT ACT 1970 No. 52****AMENDMENTS**

## (1) Sections 14 and 114:

From sections 14 (2) (b) and 114 (2), omit “his” wherever occurring, insert instead “the master’s”.

## (2) Sections 16, 61, 70, 97 and 100:

From sections 16 (3) (b), 61 (3), 70, 97 (3) and 100, omit “him” wherever occurring, insert instead “the person”.

## (3) Sections 19, 70, 78, 79, 97 and 113:

From paragraph (b) of the definition of “registrar” in section 19 (1), and from sections 70, 78 (1) and (4) (b), 79, 97 (3) and 113 (2), omit “he” wherever occurring, insert instead “the person”.

## (4) Sections 28, 28A, 30, 31, 32, 33, 42, 111 and 124:

In sections 28 (2) and (4), 28A (6), 30 (1), 31 (2), (4) and (6), 32 (2), 33 (4), 42 (a), 111 (5) and 124 (1) (e) and (f) and (7), after “his” wherever occurring, insert “or her”.

## (5) Sections 28, 28A, 31, 33, 73 and 119:

In sections 28 (3), 28A (6), 31 (5), 33 (4), 73 and 119 (3), after “he” wherever occurring, insert “or she”.

## (6) Section 28A:

(a) From section 28A (2) (a), omit “he holds”, insert instead “holding”.

(b) From section 28A (2), omit “his” where firstly occurring, insert instead “the Chief Judge’s”.

(c) From section 28A (2), omit “his” where secondly occurring, insert instead “the Judge’s”.

## (7) Sections 28A, 29 and 36:

From sections 28A (7), 29 (2) and 36 (4), omit “his” wherever occurring, insert instead “the Judge’s”.

## (8) Section 29:

From section 29 (2), omit “him”, insert instead “the Judge”.

- (9) Sections 34, 35 and 36:  
From sections 34 (1), 35 (1) and 36 (1), omit “his duties” wherever occurring, insert instead “duty”.
- (10). Section 36:  
From section 36 (4) and (5), omit “he” wherever occurring, insert instead “the Judge”.
- (11) Sections 37, 78, 112 and 113:  
From sections 37 (3), 78 (4) (b), 112 (1) and 113 (2), omit “his” wherever occurring, insert instead “the person’s”.
- (12) Section 39:  
From section 39 (2A), omit “his”, insert instead “the Chief Judge’s”.
- (13) Sections 43 and 123:  
From sections 43 (2) and 123 (4) (a), omit “he” wherever occurring, insert instead “the Chief Justice”.
- (14) Section 72:  
From section 72 (2), omit “him” wherever occurring, insert instead “the prisoner or person”.
- (15) Section 84:  
(a) From section 84 (1) and (2), omit “him” wherever occurring, insert instead “the vexatious litigant”.  
(b) From section 84 (4), omit “him”, insert instead “that person”.
- (16) Section 87:  
From section 87 (4), omit “he”, insert instead “the defendant”.
- (17) Section 110:  
In section 110 (1), after “himself”, insert “or herself”.
- (18) Section 112:  
From section 112 (2) (b), omit “him”, insert instead “the master or acting master”.
- (19) Sections 113 and 114:  
(a) From sections 113 (3) and 114 (3), omit “him” wherever occurring, insert instead “the acting master”.  
(b) From sections 113 (3) and 114 (3), omit “his” wherever occurring, insert instead “the acting master’s”.

## (20) Section 114:

- (a) From section 114 (2) (a), omit “him” wherever occurring, insert instead “the master”.
- (b) From section 114 (2) (b), omit “he”, insert instead “the master”.
- (c) From section 114 (2) (b), omit “widow”, insert instead “spouse”.

## (21) Section 115:

- (a) Omit section 115 (1) (a), insert instead:
  - (a) resign from office by instrument in writing; or
- (b) From section 115 (3), omit “his”, insert instead “the acting master’s”.

## (22) Section 121:

From section 121 (2), omit “him”, insert instead “the officer”.

## (23) Section 123:

- (a) From section 123 (2) omit “in writing under his hand”, insert instead “by instrument in writing”.
- (b) From section 123 (3) omit “by writing under his hand”, insert instead “by instrument in writing”.

---

**WENTWORTH IRRIGATION ACT 1890 54 VIC. No. 7**

**AMENDMENTS**

## (1) Section 22A:

- (a) From section 22A (2) (b) (i), omit “him”, insert instead “the transferee or assignee”.
- (b) From section 22A (2) (b) (i), omit “he”, insert instead “the transferee or assignee”.
- (c) From section 22A (3) and (6), omit “him” wherever occurring, insert instead “the person”.
- (d) From section 22A (6), omit “he”, insert instead “the person”.
- (e) From section 22A (8), omit “his” where firstly and thirdly occurring, insert instead “the”.
- (f) From section 22A (8), omit “he”, insert instead “the mortgagee”.
- (g) From section 22A (8), omit “his” where secondly occurring.
- (h) From section 22A (8), omit “his” where fourthly occurring, insert instead “the mortgagee’s”.

## (2) Section 23:

Omit “him”, insert instead “that owner or occupier”.

- (3) Section 27:  
Omit “him”, insert instead “the person”.
- (4) Section 47:  
In section 47 (b), after “his”, insert “or her”.
- (5) Section 52:  
Omit “his”, insert instead “the person’s”.
- 

**WILLS, PROBATE AND ADMINISTRATION ACT 1898 No. 13****AMENDMENTS**

- (1) Section 5:  
 (a) Omit “his” where firstly, secondly and thirdly occurring, insert instead “the person’s”.  
 (b) Omit “his” where fourthly and fifthly occurring, insert instead “the testator’s”.  
 (c) Omit “he” where firstly occurring, insert instead “the person”.  
 (d) Omit “he” where secondly and thirdly occurring, insert instead “the testator”.
- (2) Sections 15, 25, 40A, 44, 45, 46, 46A, 47, 61F, 67, 75A and 93:  
From sections 15 (1), 25, 40A (1), 44 (1), 45, 46 (1), 46A (1), 47, 61F (1), 67 (2), 75A (1) and 93 (1) and (2), omit “his” wherever occurring, insert instead “the person’s”.
- (3) Sections 17, 20, 23, 32A, 32C, 46B, 69 and 75A:  
From sections 17 (3) (b) and (4), 20, 23, 32A (3), 32C, 46B, 69 and 75A (3), omit “his” wherever occurring, insert instead “the testator’s”.
- (4) Sections 17, 23 and 46B:  
From sections 17 (4), 23 and 46B, omit “he” wherever occurring, insert instead “the testator”.
- (5) Section 18A:  
From section 18A (1), omit “his or her” wherever occurring, insert instead “the person’s”.
- (6) Section 26:  
From section 26, omit “him”, insert instead “the trustee or executor”.

*Statute Law (Miscellaneous Provisions) Act 1994 No. 32—Sch. 3*

---

- (7) Section 32:
- (a) From section 32 (1), omit "his will", insert instead "the person's will".
  - (b) From section 32 (1), omit "his death", insert instead "the testator's death".
- (8) Sections 40A, 40B, 40C, 40D, 46A, 69, 75A, 93 and 150:  
From sections 40A (1), 40B (3), 40C (1) and (2), 40D (4), 46A (2), 69 (a), 75A (5), 93 (2) and 150 (2), omit "he" wherever occurring, insert instead "the person".
- (9) Section 40A:  
From section 40A (2), omit "that he is dead", insert instead "is deceased".
- (10) Sections 40B, 46A, 67, 71 and 75A:  
From sections 40B (3), 46A (2), 67 (2), 71 and 75A (1) and (6), omit "him" wherever occurring, insert instead "the person".
- (11) Section 40B:
- (a) From section 40B (4), omit "he" where firstly and secondly occurring, insert instead "the person".
  - (b) From section 40B (4), omit "he complies", insert instead "the executor or administrator complies"
- (12) Sections 40C and 40D:  
From sections 40C (2) and 40D (4), omit "himself" wherever occurring.
- (13) Section 40D:
- (a) From section 40D (2), omit "in him as such", insert instead "in the".
  - (b) From section 40D (2), omit "by him", insert instead "by the executor or administrator".
- (14) Sections 40D, 75A, 80 and 94:  
From sections 40D (2), 75A (2), 80 and 94 (1), omit "his" wherever occurring, insert instead "the executor's or administrator's".
- (15) Section 46:  
From section 46 (2), omit "could have done in his", insert instead "person could have done in the person's".
- (16) Sections 46C and 61:  
From sections 46C and 61, omit "his" wherever occurring, insert instead "the deceased person's".

- (17) Sections 46E, 61F, 75A, 84A, 90 and 97:  
From sections 46E, 61F (3), 75A (2), 84A (2), 90 and 97 (2), omit “him” wherever occurring, insert instead “the executor or administrator”.
- (18) Section 48:  
Omit “his”, insert instead “the executor’s”.
- (19) Sections 53 and 61B and Fourth Schedule:  
From sections 53 and 61B (12), and from clause 2 (3) of the Fourth Schedule, omit “him or her”, wherever occurring, insert instead “the husband or wife”.
- (20) Section 58:  
(a) From section 58 (2). omit “him” wherever occurring, insert instead “the allottee”.  
(b) From section 58 (5). omit “he”, insert instead “the Registrar-General”.
- (21) Section 59:  
Omit “his” wherever occurring, insert instead “the personal representative’s”.
- (22) Section 61A:  
(a) From the definition of “household chattels” in section 61A (2), omit “him” wherever occurring, insert instead “the intestate”.  
(b) From the definition of “household chattels” in section 61A (2), omit “he” wherever occurring, insert instead “the intestate”.
- (23) Sections 61A, 61C and 61D:  
From the definition of “household chattels” in section 61A (2), and from sections 61C (3) and 61D (1) (c), omit “his” wherever occurring, insert instead “the intestate’s”.
- (24) Section 61B:  
(a) From section 61B (3A) (a), omit “he or she”, insert instead “the intestate”.  
(b) From section 61B (5), omit “his”, insert instead “the intestate’s”.  
(c) From section 61B (12), omit “his or her”, insert instead “the husband’s or wife’s”.
- (25) Section 61D:  
Omit section 61D (1) (d), insert instead:  
(d) that dwelling-house was, at that time, occupied by the intestate and the intestate’s husband or wife or by the intestate’s husband or wife as their, or as the husband’s or wife’s, only or principal residence,

- (26) Sections 61F, 75A, 80, 92, 93, 94 and 97:  
From sections 61F (3), 75A (2), 80, 92 (2) and (3), 93 (1), 94 (1) and 97 (2), omit “he” wherever occurring, insert instead “the executor or administrator”.
- (27) Section 66:  
From section 66 (c), omit “his”, insert instead “the removed administrator’s”.
- (28) Section 72:  
(a) From section 72 (1), omit “some person”, insert instead “some other person”.  
(b) From section 72 (1), omit “him or her respectively”, insert instead “the person”.
- (29) Section 74:  
Omit “his”, insert instead “the appointed person”.
- (30) Sections 75A and 90:  
From sections 75A (2) and 90, omit “himself” wherever occurring, insert instead “the executor or administrator”.
- (31) Section 77:  
From section 77 (b), omit “he”, insert instead “the applicant”.
- (32) Section 79:  
(a) Omit “him as such”, insert instead “the person as”.  
(b) Omit “his”, insert instead “the special administrator’s”.
- (33) Section 81B:  
From section 81B (1), omit “him”, insert instead “the deceased”.
- (34) Section 82:  
From section 82 (3), omit “his debt”, insert instead “the debt concerned”.
- (35) Section 83:  
From section 83 (1), omit “him”, insert instead “the devisee”.
- (36) Section 85:  
(a) From section 85 (1), (1AA) and (1B), omit “his” wherever occurring, insert instead “the person’s”.  
(b) From section 85 (1A), omit “his”, insert instead “the trustee’s”.  
(c) From section 85 (2), omit “his accounts”, insert instead “the accounts concerned”.

## (37) Section 86:

- (a) From section 86 (1), omit “his executor”, insert instead “the deceased person’s executor”.
- (b) From section 86 (1), omit “his accounts”, insert instead “the accounts relating to the estate of the deceased person”.
- (c) From section 86 (1), omit “his pains”, insert instead “the executor’s, administrator’s or trustee’s pains”.
- (d) From section 86 (2), omit “his accounts”, insert instead “the accounts relating to the estate of the deceased person”.
- (e) From section 86 (3), omit “his” wherever occurring, insert instead “the executor’s, administrator’s or trustee’s”.

## (38) Sections 86 and 87:

From sections 86 (3) and 87 (2) and (3), omit “he” wherever occurring, insert instead “the executor, administrator or trustee”.

## (39) Section 81:

- (a) From section 87 (1) and (2), omit “his accounts” wherever occurring, insert instead “the accounts”.
- (b) From section 87 (1) omit “his neglect”, insert instead “the executor’s, administrator’s or trustee’s neglect”.
- (c) From section 87 (2), omit “notified, under subsection (1), of his neglect”, insert instead “so notified”.

## (40) Section 93:

- (a) From section 93 (1), omit “him” where firstly occurring, insert instead “the executor or administrator”.
- (b) From section 93 (1), omit “him” where secondly occurring, insert instead “the person”.

## (41) Section 102:

From section 102 (1), omit “him” wherever occurring, insert instead “the applicant”.

## (42) Section 103:

Omit “him”, insert instead “the district agent”.

## (43) Section 104:

- (a) From section 104 (1) (d), omit “with him”, insert instead “with the Registrar”.
- (b) From section 104 (1), omit “by him”, insert instead “by the district agent”.

## (44) Sections 105 and 106:

From sections 105 (1) and 106, omit “he” wherever occurring, insert instead “the Registrar.”.

## (45) Fourth Schedule:

- (a) From clauses 2 (3) and 6, omit “he or she” wherever occurring, insert instead “the husband or wife”.
- (b) From clause 5, omit “he”, insert instead “the administrator”.
- (c) From clause 6, omit “his or her”.

---

**SCHEDULE 4—REPEALS**

Sec.4)

Albury-Wodonga Development (Amendment) Act 1991 No. 29\*  
 Growth Centres (Development Corporations) Amendment Act 1992 No. 9\*  
 Dairy Industry (Amendment) Act 1992 No. 28\*  
 Motor Vehicles Taxation and Fees (Amendment) Act 1992 No. 30\*  
 Stock Diseases (Amendment) Act 1992 No. 66\*  
 Nurses (Amendment) Act 1992 No. 95\*  
 Crimes (Registration of Interstate Restraint Orders) Amendment Act 1993  
 No. 6\*  
 Dog (Amendment) Act 1993 No. 22\*  
 Crimes (Dogs) Amendment Act 1993 No. 23\*  
 Mines Inspection (Amendment) Act 1993 No. 35\*  
 Justices (Amendment) Act 1993 No. 45\*  
 Crimes (Common Nightwalkers) Amendment Act 1993 No. 52\*  
 Motor Vehicles Taxation (Further Amendment) Act 1993 No. 73\*  
 Justices (Courtesy Letters) Amendment Act 1993 No. 75\*  
 Sentencing (Amendment) Act 1993 No. 90\*  
 Fire Brigades (Amendment) Act 1993 No. 99\*  
 Dairy Industry (Amendment) Act 1993 No. 103\*

**Note:**

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

**COMMENCEMENT**

This Schedule commences on the date of assent to this Act.

**EXPLANATORY NOTE**

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

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

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

---

**SCHEDULE 5—GENERAL SAVINGS, TRANSITIONAL AND OTHER PROVISIONS**

(Sec. 5)

**Effect of amendment of mending provisions**

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

(2) In this clause:

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

- (a) the repeal or omission of matter contained in the amended Act without the insertion of any matter instead of the repealed or omitted matter; or
- (b) the omission of matter contained in the amended Act and the insertion of matter instead of the omitted matter; or
- (c) the insertion into the amended Act of matter, not being matter inserted instead of matter omitted from the Act,

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

**EXPLANATORY NOTE**

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

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

2. Except where it is expressly provided to the contrary, if this Act:
- (a) amends a provision of an Act; or
  - (b) repeals and re-enacts (with or without modification) a provision of an Act,

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

**EXPLANATORY NOTE**

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

**Approved Forms**

3. If, by an amendment made by this Act, a reference to a prescribed form is replaced by a reference to an approved form, a form prescribed under the relevant provision of the Act amended and in force immediately before the commencement of the amendment is taken to be an approved form under the relevant provision of the Act, as amended by this Act, until a form is approved under that provision.

**EXPLANATORY NOTE**

This clause ensures that, until a form is approved for use under a provision of an Act in accordance with an amendment made by this Act, the form previously prescribed for use under the provision may continue to be used.

**Amendments removing gender-specific language**

4. 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 flat 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 is included in the Reprints Act 1972 (section 11).

**Regulations**

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

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

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

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication; or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

**EXPLANATORY NOTE**

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

---

**NOTES**

**Index of Acts amended by Schedules 1, 2 and 3**

Adoption of Children Act 1965 No. 23—Sch. 3  
 Anatomy Act 1977 No. 126—Sch. 1  
 Bills of Sale Act 1898 No. 10—Sch. 3  
 Children (Equality of Status) Act 1976 No. 97—Sch. 3  
 Compensation Court Act 1984 No. 89—Sch. 1  
 Community Land Development Act 1989 No. 201—Sch. 2  
 Contractors' Debts Act 1897 No. 29—Sch. 3  
 Copyright Act 1879 42 Vic. No. 20—Sch. 3  
 Crimes Act 1900 No. 40—Sch. 1  
 Crown Lands Act 1989 No. 6—Sch. 1  
 Defamation Act 1974 No. 18—Sch. 2  
 District Court Act 1973 No. 9—Sch. 1, Sch. 3  
 Dividing Fences Act 1991 No. 72—Sch. 1  
 Dog Act 1966 No. 2—Sch. 1  
 Election Funding Act 1981 No. 78—Sch. 2  
 Election Funding (Amendment) Act 1993 No. 104—Sch. 2  
 Energy Administration Act 1987 No. 103—Sch. 3  
 Exhibited Animals Protection Act 1986 No. 123—Sch. 1  
 First State Superannuation Act 1992 No. 100—Sch. 1  
 Gaming and Betting Act 1912 No. 25—Sch. 1  
 Geographical Names Act 1966 No. 13—Sch. 2  
 Health Care Complaints Act 1993 No. 105—Sch. 2  
 Health Administration Act 1982 No. 135—Sch. 1  
 Human Tissue Act 1983 No. 164—Sch. 1

Impounding Act 1993 No. 31—Sch. 1  
 Infants' Custody and Settlements Act 1899 No. 39—Sch. 3  
 Jurisdiction of Courts (Cross-vesting) Act 1987 No. 125—Sch. 1  
 Land and Environment Court Act 1979 No. 204—Sch. 3  
 Liens on Crops and Wool and Stock Mortgages Act 1898 No. 7—Sch. 3  
 Local Courts Act 1982 No. 164—Sch. 3  
 Local Courts (Civil Claims) Act 1970 No. 11—Sch. 1, Sch. 3  
 Monopolies Act 1923 No. 54—Sch. 3  
 Necropolis Act 1901 (1902 No. 20)—Sch. 1  
 New South Wales Institute of Psychiatry Act 1964 No. 44—Sch. 1  
 Noxious Weeds Act 1993 No. 11—Sch. 1  
 Nurses Act 1991 No. 9—Sch. 2  
 Partnership Act 1892 55 Vic. No. 124—Sch. 3  
 Passenger Transport Act 1990 No. 39—Sch. 1  
 Prisoners (Interstate Transfer) Act 1982 No. 104—Sch. 1  
 Prisons Act 1952 No. 9—Sch. 1  
 Prisons (Amendment) Act 1993 No. 89—Sch. 2  
 Privacy Committee Act 1975 No. 37—Sch. 1  
 Public Health Act 1991 No. 10—Sch. 1  
 Public Sector Executives Superannuation Act 1989 No. 106—Sch. 1  
 Royal Commissions Act 1923 No. 29—Sch. 3  
 Rural Lands Protection Act 1989 No. 1974—Sch. 1  
 St. John's College Act (1857) (21 Vic.)—Sch. 1  
 Sancta Sophia College Incorporation Act 1929 No. 45—Sch. 1  
 State Authorities Superannuation Act 1987 No. 211—Sch. 2  
 Statute Law (Miscellaneous Provisions) Act (No. 3) 1989 No. 226—Sch. 1  
 Statute Law (Miscellaneous Provisions) Act (No. 2) 1993 No. 108—Sch. 1  
 Sentencing Act 1989 No. 87—Sch. 2  
 Stock Medicines Act 1989 No. 182—Sch. 1  
 Strata Titles Act 1973 No. 68—Sch. 1  
 Strata Titles (Leasehold) Act 1986 No. 219—Sch. 1  
 Strata Titles (Leasehold Staged Development) Amendment Act 1993 No. 13—  
   Sch. 1  
 Strata Titles (Staged Development) Amendment Act 1993 No. 12—Sch. 1  
 Superannuation Act 1916 No. 28—Sch. 2  
 Superannuation Administration Act 1991 No. 96—Sch. 2  
 Superannuation Legislation (Further Amendment) Act 1993 No. 111—Sch. 2  
 Supreme Court Act 1970 No. 52—Sch. 1, Sch. 3  
 Teacher Housing Authority Act 1975 No. 27—Sch. 1  
 Vocational Education and Training Accreditation Act 1990 No. 120—Sch. 1  
 Water Supply Authorities Act 1987 No. 140—Sch. 1  
 Wentworth Irrigation Act 1890 54 Vic. No. 7  
 Wills, Probate and Administration Act 1898 No. 13—Sch. 3

**Index of Acts repealed by Schedule 4**

Albury-Wodonga Development (Amendment) Act 1991 No. 29\*  
Crimes (Common Nightwalkers) Amendment Act 1993 No. 52\*  
Crimes (Dogs) Amendment Act 1993 No. 23\*  
Crimes (Registration of Interstate Restraint Orders) Amendment Act  
1993 No. 6\*  
Dairy Industry (Amendment) Act 1992 No. 28\*  
Dairy Industry (Amendment) Act 1993 No. 103\*  
Dog (Amendment) Act 1993 No. 22\*  
Fire Brigades (Amendment) Act 1993 No. 99\*  
Growth Centres (Development Corporations) Amendment Act 1992 No. 9\*  
Justices (Amendment) Act 1993 No. 45\*  
Justices (Courtesy Letters) Amendment Act 1993 No. 75\*  
Mines Inspection (Amendment) Act 1993 No. 35\*  
Motor Vehicles Taxation and Fees (Amendment) Act 1992 No. 30\*  
Motor Vehicles Taxation (Further Amendment) Act 1993 No. 73\*  
Nurses (Amendment) Act 1992 No. 95\*  
Sentencing (Amendment) Act 1993 No. 90\*  
Stock Diseases (Amendment) Act 1992 No. 66\*

---

[Minister's second reading speech made in—  
Legislative Assembly on 21 April 1994  
Legislative Council on 10 May 1994]