



New South Wales

# Statute Law (Miscellaneous Provisions) Act 1999 No 31

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New South Wales

## **Statute Law (Miscellaneous Provisions) Act 1999 No 31**

Act No 31, 1999

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An Act to repeal certain Acts and to amend certain other Acts in various respects, including for the purpose of effecting statute law revision; and to make certain savings. [Assented to 7 July 1999]

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

This Act is the *Statute Law (Miscellaneous Provisions) Act 1999*.

**2 Commencement**

- (1) This Act commences on the date of assent, except as provided by subsection (2).
- (2) The amendments made by Schedules 1, 2 and 3 commence on the day or days specified in those Schedules in relation to the amendments concerned. If a commencement day is not specified, the amendments commence on the date of assent.

**3 Amendments**

Each Act specified in Schedules 1–6 is amended as set out in those Schedules.

**4 Repeals**

Each Act, or provision of an Act, specified in Schedule 7 is repealed.

**5 General savings, transitional and other provisions**

Schedule 8 has effect.

**6 Explanatory notes**

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

## Schedule 1 Minor amendments

(Section 3)

### 1.1 Anti-Discrimination Act 1977 No 48

**[1] Section 72 Appointment of members**

Omit “one full-time member and 4 part-time members”.  
Insert instead “5 members (including a President)”.

**[2] Section 73 Term of office**

Omit “full-time member” from section 73 (a). Insert instead “President”.

**[3] Section 73 (b)**

Omit “a part-time member”. Insert instead “any other member”.

**[4] Section 75 Vacation of office**

Insert “full-time” before “President” in section 75 (b).

**[5] Section 76 Removal from office**

Omit “part-time member”.  
Insert instead “member (other than the President)”.

**[6] Section 79 Remuneration of members other than the President**

Omit “part-time member”. Insert instead “member (other than the President)”.

**[7] Section 80 President**

Omit section 80 (1). Insert instead:

(1) The President may be appointed on a full-time or part-time basis.

**[8] Section 80 (2)**

Omit “The President”.  
Insert instead “A President appointed on a full-time basis”.

**[9] Section 80 (3) and (3A)**

Insert after section 80 (2):

(3) A President appointed on a part-time basis is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him or her.

(3A) A person may hold office, and exercise functions, as President (whether full-time or part-time) even though the person also holds, and exercises the functions of, a judicial office or a statutory or other public office.

**[10] Section 82 Alternate members**

Omit “part-time member” from section 82 (1).  
Insert instead “member other than the President”.

**[11] Section 84 Preservation of rights of President who was previously public servant**

Omit “a full-time member” wherever occurring in section 84 (2), (3) and (4).  
Insert instead “the President”.

**[12] Section 84 (2)**

Omit “the full-time member” wherever occurring.  
Insert instead “the President”.

**[13] Section 84 (3)**

Omit “A full-time member”. Insert instead “A President”.

**[14] Section 84 (5)**

Omit “A full-time member”. Insert instead “The President”.

**Saving**

The amendments to the *Anti-Discrimination Act 1977* do not affect the appointment or tenure of any person who held office as President of the Anti-Discrimination Board immediately before the commencement of the amendments.

**Explanatory note**

The *Anti-Discrimination Act 1977* constitutes the Anti-Discrimination Board which has four part-time members and a President, who is required to devote the whole of his or her time to the duties of his or her office.

Item [6] of the proposed amendments removes the obligation on the President to devote the whole of his or her time to the duties of office and provides for either full-time or part-time appointment.

Item [8] of the proposed amendments removes any prohibition on a person holding the office of President at the same time that the person holds judicial or statutory office.

The remainder of the amendments make consequential amendments.

## **1.2 Associations Incorporation Act 1984 No 143**

### **Section 73 Regulations**

Insert after section 73 (1) (b1):

(b2) the waiver of fees in whole or in part, or

**Explanatory note**

The proposed amendment provides for the Governor to make regulations under the *Associations Incorporation Act 1984* for or with respect to the waiver of fees payable under the Act.

**1.3 City of Sydney Act 1988 No 48**

**[1] Section 14 Definitions**

Omit “subsections (1A) and (3)” from the definition of *ratepaying lessee* in section 14 (1) (b).

Insert instead “subsections (1A), (3) and (4)”.

**[2] Section 14 (3) (b)**

Omit “general manager of the City of Sydney”.

Insert instead “Electoral Commissioner”.

**[3] Section 14 (3) (b)**

Omit “general manager” where secondly occurring.

Insert instead “Electoral Commissioner”.

**Explanatory note**

The provisions of the *City of Sydney Act 1988* that deal with the conduct of elections for the City of Sydney were amended by the *Local Government Legislation Amendment (Elections) Act 1998*. One of those amendments (inserted in the committee stage of Parliament’s consideration of the Bill) provided for the Electoral Commissioner, rather than the general manager of the City of Sydney, to be responsible for the preparation of electoral rolls. However, section 14 (3) of the Act continues to provide for the general manager to choose between competing claimants for enrolment.

Items [2] and [3] of the proposed amendments provide for the Electoral Commissioner to exercise all functions relating to enrolment.

Item [1] of the proposed amendments corrects a cross-reference.

**1.4 Coal Mines Regulation Act 1982 No 67**

**[1] Section 79 District check inspector may act as check inspector**

Insert after section 79 (2):

- (3) For the purposes of conducting any examination or inspection under section 91, a district check inspector has the powers of a check inspector under section 73.

**[2] Sections 90 and 91**

Insert “district” before “check inspector” wherever occurring.



**Explanatory note**

Item [1] of the proposed amendments makes clear the powers of a district check inspector to conduct examinations and inspections when visiting a mine at which an accident or dangerous occurrence has taken place.

Item [2] of the proposed amendments makes consequential amendments.

**1.5 Community Land Development Act 1989 No 201**

**[1] Section 16 Taking on lease of additional association property**

Omit “Crown, and” from paragraph (b) of the definition of *land* in section 16 (5).

Insert instead “Crown.”.

**[2] Section 16 (5), definition of “land”**

Omit paragraph (c) of the definition.

**[3] Section 16 (5)**

Insert at the end of section 16 (5):

*lease* includes:

- (a) a sublease, and
- (b) a leasehold estate or interest acquired by transfer.

**[4] Section 17 Lease of certain association property**

Insert after section 17 (1):

(1A) A community association or precinct association may:

- (a) transfer a lease accepted or acquired by the association under section 16, if such a transfer is not prevented by the terms or conditions of the lease, or
- (b) grant by way of sublease, a lease of any or all of its estate or interest in land the subject of a lease so accepted or acquired, if such a grant is not prevented by the terms or conditions of the lease.

**[5] Section 17 (3)**

Insert “, transfer of a lease or sublease” after “lease”.

**[6] Section 22 Subdivision of neighbourhood lots and related neighbourhood property**

Omit “Supreme Court” from section 22 (3) (d).

Insert instead “Community Schemes Board”.

**[7] Section 23 Acquisition of additional neighbourhood property**

Omit “Crown, or” from paragraph (b) of the definition of *land* in section 23 (6).  
Insert instead “Crown.”.

**[8] Section 23 (6), definition of “land”**

Omit paragraph (c) of the definition.

**[9] Section 23 (6)**

Insert at the end of section 23 (6):

*lease* includes:

- (a) a sublease, and
- (b) a leasehold estate or interest acquired by transfer.

**[10] Section 24 Lease or transfer by neighbourhood association**

Insert after section 24 (1):

(1A) A neighbourhood association may, by unanimous resolution:

- (a) transfer a lease of land accepted or acquired by the association under section 23, if such a transfer is not prevented by the terms or conditions of the lease, or
- (b) grant by way of sublease, a lease of any or all of its estate or interest in land the subject of a lease so accepted or acquired, if such a grant is not prevented by the terms or conditions of the lease.

**[11] Section 24 (5)**

Insert “, sublease” after “lease”.

**[12] Section 40 Recording of certain orders**

Omit “a Community Schemes Board” from section 40 (1).  
Insert instead “the Community Schemes Board”.

**[13] Section 40 (5), definition of “certified”**

Omit paragraph (a) of the definition. Insert instead:

- (a) if the order is an order of the Community Schemes Board—certified by the Registrar appointed under section 109N of the *Community Land Management Act 1989*, or

**[14] Schedule 7 Conversion of neighbourhood lot to neighbourhood property**

Omit clause 4 (b). Insert instead:

- (b) the conversion must have been authorised by the Community Schemes Board.

**[15] Schedule 9 Additions to association property by lease or transfer**

Insert “(except where a leasehold interest is acquired by transfer of lease or sublease)” after “transferred” in clause 1 (a).

**[16] Schedule 10 Dealings with association property**

Insert “, sublease, or transfer of a lease” after “lease” in clause 1 (a).

**[17] Schedule 10, clause 3 (b)**

Omit the subclause. Insert instead:

- (b) the dealing has been authorised by the Community Schemes Board.

**Explanatory note**

**Lease of additional land by an association**

Section 16 of the *Community Land Development Act 1989* empowers a community association or a precinct association to add to its association property by registering a lease of land to it. Section 23 of the Act makes similar provision for neighbourhood associations.

Items [3] and [9] of the proposed amendments make it clear that an association can add to association property land that is sublet to the association. An association may also add to its association property by accepting a transfer or assignment of a lease.

Items [5] and [15] make consequential amendments.

**Lease of association property**

Section 17 of the Act empowers a community association or a precinct association to lease some of its association property. Section 24 of the Act enables a neighbourhood association to lease neighbourhood property.

Items [4] and [10] of the proposed amendments enable an association to transfer a lease of association property or to sublet land the subject of a lease to the association.

Items [11] and [16] make consequential amendments.

**Authorisation of acts during the initial period**

Section 23 of the *Community Land Management Act 1989* imposes restrictions on an association during the initial period for its related scheme, including restrictions on the conversion to association property of a neighbourhood lot and the subdivision of a neighbourhood lot within a scheme. Section 23 (4) of that Act provides that those restrictions may be waived, varied or extinguished by order of the Community Schemes Board.

Section 22 of, clause 4 (b) of Schedule 7 and clause 3 (b) of Schedule 10 to, the *Community Land Development Act 1989* incorrectly refer to the authorisation of a subdivision, conversion or dealing by the Supreme Court.

Items [6], [14] and [17] of the proposed amendments clarify that the authorisation is by the Community Schemes Board.

**Other amendments**

Items [1], [2], [7] and [8] of the proposed amendments omit redundant paragraphs of definitions. Item [12] updates a reference to the Community Schemes Board.

Item [13] updates a reference to the office holder responsible for the certification of orders made by the Community Schemes Board.

**1.6 Community Land Management Act 1989 No 202**

**[1] Section 14 Amendment of management statement**

Omit section 14 (4). Insert instead:

- (4) An amendment has no effect until it is registered.
- (5) Lodgment of an amendment cannot be accepted later than 2 months after the passing of the resolution making the amendment.

**[2] Section 64 Registrar to be satisfied mediation has been attempted before accepting application**

Omit “agree” from section 64 (2) (b).

Insert instead “agrees”.

**Explanatory note**

Section 13 of the *Community Land Management Act 1989* gives legal effect to the following categories of management statements:

- (a) a community management statement, which is a statement that is registered with a community plan as a statement of the by-laws and other particulars governing participation in the community scheme,
- (b) a neighbourhood management statement, which is a statement that is registered with a neighbourhood plan as a statement of the by-laws and other particulars governing participation in the neighbourhood scheme,
- (c) a precinct management statement, which is a statement that is registered with a precinct plan as a statement of the by-laws and other particulars governing participation in the precinct scheme.

Section 14 of the Act provides for the amendment of such management statements by resolution of the association. At present, section 14 (4) provides that an amendment to a management statement has no effect unless it is registered within 2 months of the resolution making the amendment.

Item [1] of the proposed amendments provides that an amendment to a management statement must be lodged for registration within 2 months after the resolution making the amendment, and takes effect on registration.

Item [2] of the proposed amendments corrects a grammatical error.

**1.7 Constitution Act 1902 No 32**

**Section 31A Absence of Speaker from New South Wales**

Omit “Chairman of Committees” wherever occurring.

Insert instead “Deputy Speaker”.

**Explanatory note**

Section 31A of the *Constitution Act 1902* provides for the Chairman of Committees of the Legislative Assembly to act in the place of the Speaker when he or she is absent from New South Wales.

The proposed amendment omits references to the Chairman of Committees and instead provides for the Deputy Speaker of the Legislative Assembly to act in the place of the Speaker.

**1.8 Consumer Claims Act 1998 No 162**

**[1] Schedule 1 Savings and transitional provisions**

Insert after clause 3 (1):

- (2) A consumer claims tribunal is abolished:
  - (a) when the member (who constitutes the tribunal) ceases, in accordance with a notice under clause 4, to hold office, or
  - (b) on 1 November 1999,whichever is earlier.

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

Insert at the end of clause 5:

- (2) This clause ceases to have effect on 1 November 1999.

**[3] Schedule 1, clause 5A**

Insert after clause 5:

**5A Pending proceedings after 1 November 1999**

- (1) If proceedings were instituted before the commencement of this Schedule but had not commenced to be heard by a consumer claims tribunal before 1 November 1999, the proceedings are taken to have been duly instituted in the Tribunal (as constituted, or reconstituted, in accordance with section 13 of the *Fair Trading Tribunal Act 1998*).
- (2) If a consumer claims tribunal had commenced to hear (but had not finally determined) a matter before 1 November 1999, the Tribunal (as constituted, or reconstituted, in accordance with section 13 of the *Fair Trading Tribunal Act 1998*) is to continue to hear and determine the matter.
- (3) For the purpose of subclauses (1) and (2):
  - (a) the Tribunal has and may exercise all the functions that the relevant consumer claims tribunal had immediately before its abolition, and

- (b) the provisions of any Act, statutory rule or other law that would have applied to or in respect of the proceedings had this Act not been enacted continue to apply.
- (4) For the purposes of proceedings heard under subclause (2), the Tribunal may have regard to any record of the proceedings before the relevant consumer claims tribunals, including a record of any evidence taken in the proceedings.

**[4] Schedule 1, clause 6**

Omit “this clause” from clause 6 (b). Insert instead “clause 5”.

**[5] Schedule 1, clause 6**

Omit “to be an order made by the Tribunal under the corresponding provision of this Act or the *Fair Trading Tribunal Act 1998* and may be enforced accordingly”.

Insert instead “, for the purpose only of its enforcement and not for the purpose of conferring any right of appeal or review, to be an order made by the Tribunal under the corresponding provision of this Act, the *Home Building Act 1989* or the *Fair Trading Tribunal Act 1998*”.

**Explanatory note**

The *Consumer Claims Act 1998* abolished consumer claims tribunals and conferred jurisdiction in respect of consumer claims on the Fair Trading Tribunal. Schedule 1 to the Act continues the existence of consumer claims tribunals, but only for the purpose of the exercise by the tribunals of their functions in relation to pending proceedings.

Items [1]–[3] of the proposed amendments provide that, from 1 November 1999, matters instituted in consumer claims tribunals, including part-heard matters, will be dealt with by the Fair Trading Tribunal.

Item [4] corrects a wrong cross-reference.

Item [5] makes it clear that no right of appeal or review is to be conferred in relation to orders made under the *Consumer Claims Tribunals Act 1987* before its repeal or orders made under transitional arrangements in relation to proceedings that were pending under that Act immediately before its repeal. Item [5] also recognises that it is appropriate for some orders of consumer claims tribunals having effect immediately before the repeal of the *Consumer Claims Tribunals Act 1987* and some orders made in proceedings that were pending on the repeal of that Act to have effect as orders under the *Home Building Act 1989*.

## **1.9 Contaminated Land Management Act 1997 No 140**

**[1] Section 17 Investigation order**

Insert after section 17 (1) (c):

- (d) the most appropriate means for undertaking remediation of the land.

**[2] Section 23 Remediation order**

Insert “or, at the discretion of the EPA, a plan recommended by the EPA or submitted by a site auditor accredited under Part 4” after “subsection (1) (b)” in section 23 (2).

**[3] Section 24 Details of remediation order**

Insert “, or prepare the plan required by the order” after “the remediation” wherever occurring in section 24 (3) (a) and (b).

**[4] Section 24 (3) (c)**

Insert “, or the preparation of the plan of remediation” after “remediation”.

**[5] Section 24 (3) (d)**

Insert “, or the plan of remediation,” after “remediation”.

**[6] Section 24 (3) (d)**

Insert “or plan” after “such a report”.

**[7] Section 24 (3) (e)**

Insert “or the plan of remediation” after “remediation”.

**[8] Section 36 Recovery of costs of investigation or remediation**

Insert “a reference to” after “includes” in section 36 (6).

**[9] Section 36 (6)**

Omit all words after “authority” where firstly occurring.

**[10] Section 36 (8)**

Omit “to be”. Insert instead “of”.

**[11] Section 36 (8)**

Omit “clause 33”. Insert instead “section 33 or 34”.

**[12] Section 47 Definitions**

Insert after paragraph (b) (iii) of the definition of *site audit* in section 47 (1):

- (iv) the suitability and appropriateness of a plan of remediation, a long-term management plan, a voluntary investigation proposal or a remediation proposal.

**[13] Section 53 Annual returns and other notifications**

Omit “not later than 21 days” from section 53 (1).

Insert instead “not more than 60 days and not less than 30 days”.

**Explanatory note**

**Investigation and remediation orders**

Part 3 of the *Contaminated Land Management Act 1997* provides for the investigation and remediation of contaminated land.

Section 17 of the Act empowers the EPA to issue investigation orders in relation to land declared to be an investigation area. Such an order requires a person to report on the nature and extent of the contamination of land, the nature and extent of the harm caused by the contamination and the risk that the contamination will cause such harm.

Item [1] of the proposed amendments enables an investigation order to require a person to report on the most appropriate means for remediation of the land.

Section 23 of the Act provides for the EPA to make remediation orders requiring a person to carry out specified remediation and other action or requiring the submission of a plan of remediation to the EPA.

Item [2] provides that a remediation order requiring a person to carry out specified remediation and other action may adopt, with or without modification, a report recommended by the EPA or by a site auditor. Such a report may have been submitted in relation to an earlier remediation order.

Items [3]–[7] include the preparation of a plan for remediation of land in a provision that lists examples of the kinds of action that may be required by a remediation order.

**Recovery of costs of contamination**

Section 36 of the Act allows a person to recover the costs of investigation or remediation of contaminated land from certain other persons responsible for the contamination.

Item [9] of the proposed amendments makes it clear that the section applies in all respects to any public authority.

Items [8] and [10] correct grammatical errors.

Item [11] provides for a person to recover the administrative costs charged by the EPA from the persons responsible for the contamination.

**Site audits**

Part 4 of the Act provides for the audit of investigation or remediation carried out in respect of the actual or possible contamination of land.

Item [12] of the proposed amendments includes within the scope of that Part an audit that is conducted for the purposes of determining the suitability and appropriateness of a plan of remediation, a long-term management plan, a voluntary investigation proposal or a remediation proposal.

Item [13] changes the period within which a site auditor is required to furnish the EPA with an annual return and other notifications regarding site audits commenced or completed by the auditor.



## 1.10 Contracts Review Act 1980 No 16

### [1] Section 4 Definitions

Omit paragraphs (d) and (e) of the definition of *Court* in section 4 (1).

Insert instead:

- (d) in accordance with section 89D of the *Home Building Act* 1989, and without affecting the jurisdictional limitations referred to in that section, the Fair Trading Tribunal.

### [2] Section 4 (1)

Insert in alphabetical order:

*Fair Trading Tribunal* means the Fair Trading Tribunal constituted under the *Fair Trading Tribunal Act 1998*.

#### Commencement

The amendments to the *Contracts Review Act 1980* are taken to have commenced on 1 March 1999, the date of commencement of section 79 of the *Fair Trading Tribunal Act 1998* (which repealed the *Commercial Tribunal Act 1984*).

#### Explanatory note

The proposed amendments update references to Tribunals.

## 1.11 Credit Act 1984 No 94

### [1] Section 81 Assignment of rights by credit provider

Insert “other than a credit provider” after “person” wherever occurring in section 81 (1) (a) and (b).

### [2] Section 147 Matters to be considered by Tribunal

Omit “contact” from section 147 (4). Insert instead “contract”.

### [3] Section 166A Evidence

Omit “another” from section 166A. Insert instead “other”.

#### Explanatory note

Section 81 of the *Credit Act 1984* prevents the assignment of certain rights by a credit provider unless the assignment is made bona fide by way of security in respect of a liability incurred by the assignor or is made with the consent of the Director-General of the Department of Fair Trading or the Fair Trading Tribunal.

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Item [1] of the proposed amendments makes it clear that a person, being a credit provider, can assign the whole or any part of the person's rights as a credit provider under a regulated contract to another credit provider without the need for the assignment to be made either by way of security or with the consent of the Director-General.

Items [2] and [3] of the proposed amendments correct typographical errors.

## **1.12 Environmental Planning and Assessment Act 1979 No 203**

### **[1] Section 108 Regulations respecting existing use**

Omit "section 88A" from section 108 (4). Insert instead "section 89".

### **[2] Sections 118B, 118C (3) (c), 118D (1) and (2), 118E (2), 118F (1), 118G, 118H, 118I (2), 118K (1) and 118L (1)**

Omit "council or the Minister" wherever occurring.  
Insert instead "council, the Minister or the Director".

### **[3] Section 118B Inspections and investigations**

Omit "the council's or the Minister's".  
Insert instead "the council's, the Minister's or the Director's".

### **[4] Section 118C Notice of entry**

Insert ", the Director" after "Minister" in section 118C (1).

### **[5] Section 118E Notification of use of force or urgent entry**

Omit "council or, if the person was authorised by the Minister under section 118C (3) or 118D (1), the Minister" from section 118E (1).  
Insert instead "council, Minister or Director (whichever authorised the person to enter the premises under section 118C (3) or 118D (1))".

### **[6] Section 121B What orders may be given by a consent authority?**

Omit "this Act, the *Local Government Act 1993* or the *Local Government Act 1919*" from Item 9 (a) in the Table to section 121B (1).  
Insert instead "this Act or the *Local Government Act 1993*".

#### **Explanatory note**

Section 118A of the *Environmental Planning and Assessment Act 1979* empowers a council, the Minister and the Director-General of the Department of Urban Affairs and Planning (called the "Director" in the Act) to authorise persons to enter premises for the purpose of enabling the council, the Minister or the Director-General to exercise the council's, the Minister's or the Director-General's powers under the Act. Although the Director-General has the same power to authorise a person to enter premises as a council or the Minister, the other provisions of Division 1A (Entry on to land and other powers) of Part 6 of the Act, which elaborate on the exercise of that power of entry, refer only to a person authorised by a council or the Minister.

Items [2]–[5] of the proposed amendments include references to the Director-General in other provisions, to give effect to the powers of entry that the Director-General may authorise.  
Item [1] of the proposed amendments corrects a cross-reference.  
Item [6] omits a reference to a repealed Act.

### 1.13 Fair Trading Tribunal Act 1998 No 161

**[1] Section 6 Fair Trading Tribunal**

Omit “*Property, Stock and Business Agents Act 1941*” and “*Retail Leases Act 1994*” from the note to section 6 (2).

**[2] Section 12 Divisions of the Tribunal**

Omit section 12 (1) (a) (vi) and (vii).

**[3] Schedule 4 Amendment of other Acts**

Omit Schedule 4.9 [2]. Insert instead:

**[2] Section 42A Review of commissions, fees etc**

Omit section 42A (4)–(13). Insert instead:

- (4) Without limiting the *Consumer Claims Act 1998*, the person served with the statement of claim in accordance with subsection (1) or the person receiving or obtaining an itemised account as provided in subsection (3) may, in accordance with section 6 of that Act, apply to the Tribunal for the determination of a consumer claim within the meaning of that Act in relation to:
- (a) the entitlement of the licensee to the whole or any part of the amount specified in the statement of claim or the itemised account, or
  - (b) whether the whole or any part of the amount is reasonable,
- or both.
- (5) Without limiting the *Consumer Claims Act 1998*, the Tribunal has jurisdiction to hear and determine any such consumer claim despite:
- (a) the terms or conditions of any agreement or contract entered into between the licensee and the applicant, and

- (b) the amount being more or less than the maximum amount (if any) of remuneration to which a licensee is entitled under this Act.
- (6) The regulations may make provision for or with respect to requiring the inclusion, in the manner prescribed by the regulations, in statements of claim or itemised accounts referred to in this section, of a notice, in a form approved by the Director-General, containing advice concerning remedies available under the *Consumer Claims Act 1998*.

**[4] Schedule 4.9 [4]**

Insert after Schedule 4.9 [3]:

**[4] Schedule 2 Savings and transitional provisions**

Insert after Part 5:

**Part 6 Provisions consequential on the Fair Trading Tribunal Act 1998**

**24 Proceedings under section 42A**

Proceedings instituted under section 42A but not determined before 1 March 1999 are to be determined in accordance with that section as in force when the proceedings are determined.

**25 Notice to be included in statements of claim or itemised accounts under section 42A**

Until 31 August 1999, a licensee must append to a statement of claim or itemised account under section 42A a notice in the form last approved under section 42A (4A).

**[5] Schedule 5 Savings, transitional and other provisions**

Insert at the end of clause 3:

- (2) A former body is abolished:
  - (a) when the last of its members ceases, in accordance with a notice under clause 4, to hold office, or
  - (b) on 1 November 1999,whichever is earlier.

**[6] Schedule 5, clause 5 (1A)**

Insert after clause 5 (1):

- (1A) Subclause (1) ceases to have effect on 1 November 1999.

**[7] Schedule 5, clause 5A**

Insert after clause 5:

**5A Pending proceedings after 1 November 1999**

- (1) If proceedings were instituted before the closure date but had not commenced to be heard by a former body before 1 November 1999, the proceedings are taken to have been duly instituted in the Tribunal (as constituted, or reconstituted, in accordance with section 13 of this Act).
- (2) If a former body had commenced to hear (but had not finally determined) a matter before 1 November 1999, the Tribunal (as constituted, or reconstituted, in accordance with section 13 of this Act) is to continue to hear and determine the matter.
- (3) For the purposes of subclauses (1) and (2):
  - (a) the Tribunal has and may exercise all the functions that the former body had immediately before its abolition, and
  - (b) the provisions of any Act, statutory rule or other law that would have applied to or in respect of the proceedings had this Act not been enacted continue to apply.
- (4) For the purposes of proceedings heard under subclause (2), the Tribunal may have regard to any record of the proceedings before the relevant former body, including a record of any evidence taken in the proceedings.

**Explanatory note****Pending proceedings**

The *Fair Trading Tribunal Act 1998* abolished the Commercial Tribunal, the Motor Vehicle Repairs Disputes Committee and disputes committees constituted under former section 34 of the *Motor Dealers Act 1974*. The Act conferred jurisdiction on the Fair Trading Tribunal in respect of most matters formerly dealt with by those bodies. Schedule 5 to the Act continues the existence of those former bodies, but only for the purpose of the exercise by them of their functions in relation to some pending proceedings.

Item [3] clarifies the position under the current law that a person who wishes to challenge the entitlement of a licensee under the *Property, Stock and Business Agents Act 1941* to any remuneration by way of commission, fee, gain or reward or any sum as reimbursement for expenses or charges, or who wishes to dispute the reasonableness of any such remuneration or sum, has a general consumer claim under the *Consumer Claims Act 1998* and has access to the Fair Trading Tribunal via the provisions of the *Consumer Claims Act 1998*. Item [3] also restores some of the provisions of section 42A of the *Property, Stock and Business Agents Act 1941* that were repealed by the *Fair Trading Tribunal Act 1998*.

Item [4] makes transitional provisions as a consequence of the amendment made by item [3]. Items [5]–[7] of the proposed amendments provide that, from 1 November 1999, matters commenced in the bodies abolished by the Act, including part-heard matters, will be dealt with by the Fair Trading Tribunal.

**Statute law revision**

Items [1] and [2] of the proposed amendments omit incorrect references to the *Property, Stock and Business Agents Act 1941* and the *Retail Leases Act 1994* as being Acts that confer jurisdiction, either directly or at all, on the Fair Trading Tribunal. The *Property, Stock and Business Agents Act 1941* creates a consumer claim that may be pursued before the Fair Trading Tribunal, but under the provisions of the *Consumer Claims Act 1998*. The *Retail Leases Act 1994* confers jurisdiction on the Administrative Decisions Tribunal.

**1.14 First State Superannuation Act 1992 No 100****[1] Section 9 Membership on making conversion election**

Insert at the end of section 9 (2):

However, the salary or wages so nominated cannot be lower than:

- (a) the monetary remuneration payable to the member at the time of the nomination, or
- (b) the maximum contribution base, within the meaning of the *Superannuation Guarantee (Administration) Act 1992* of the Commonwealth, applicable at that time,

whichever is the lower.

**[2] Part 3, divisions 2, 3, 4 and 5, heading**

Omit the heading.

**[3] Schedule 2 Employees who are not full members of the Fund**

Omit “section 30A” from clause 1 (c). Insert instead “section 12”.

**[4] Dictionary**

Omit “section 30A” from paragraph (b) of the definition of *inactive member*.  
Insert instead “section 12”.

**Explanatory note**

Part 3B of the *Police Regulation (Superannuation) Act 1906* and Part 3B of the *Superannuation Act 1916* provide for employees to be offered the opportunity to receive a conversion benefit if they leave the superannuation schemes established under those Acts and become members of the First State Superannuation Fund established under the *First State Superannuation Act 1992*. Section 9 of the *First State Superannuation Act 1992* provides that, on an election taking effect under the relevant provisions, the person making the election is to be a full member of the First State Superannuation Fund. For that purpose, the salary or wages of an employee who is an executive officer is taken to be the salary nominated by the employee in the conversion election.

Item [1] of the proposed amendments provides that the amount nominated as salary cannot be less than the monetary remuneration payable to the member at the time of the nomination or the maximum contribution base under the *Superannuation Guarantee (Administration) Act 1992* of the Commonwealth, whichever is the lower.

Item [2] of the proposed amendments omits unnecessary headings.

Items [3] and [4] correct a cross-reference.

**1.15 Food Production (Safety) Act 1998 No 128**

**[1] Schedule 3 Amendment of Meat Industry Act 1978**

Omit “12 members” from section 47 (2) of the *Meat Industry Act 1978* (as proposed to be inserted by Schedule 3 [16]).  
Insert instead “13 members”.

**[2] Schedule 3 [16]**

Insert after section 47 (2) (i) of the *Meat Industry Act 1978* (as proposed to be inserted by Schedule 3 [16]):

, and

- (j) one, who is a member of a trade union, is to be a representative of consumers of abattoir meat and processed meat.

**Explanatory note**

The *Food Production (Safety) Act 1998* amends the *Meat Industry Act 1978* by establishing a Meat Industry Consultative Council, the functions of which include the provision of advice to the Minister on certain matters relating to the meat industry.

The proposed amendments provide for the appointment of a consumer representative to the Council.

## 1.16 Grain Marketing Act 1991 No 15

### [1] Section 4A

Insert after section 4:

#### 4A Delegation by Director-General

The Director-General may delegate to any person any of the Director-General's functions under this Act, other than:

- (a) any function of the Minister delegated to the Director-General under section 4, or
- (b) this power of delegation.

### [2] Section 12 Membership of the Consultative Committee

Omit section 12 (1) (b). Insert instead:

- (b) 1 member nominated by the Director-General and appointed by the Minister.

#### Explanatory note

The *Grain Marketing Act 1991* provides for the marketing of coarse grains and oilseeds.

Item [1] of the proposed amendments empowers the Director-General of the Department of Agriculture to delegate any of his or her functions under the Act.

Item [2] of the proposed amendments provides for a nominee of the Director-General, rather than the Director-General himself or herself, to be a member of the Grain Marketing Consultative Committee.

## 1.17 Growth Centres (Development Corporations) Act 1974 No 49

### [1] Section 3 Definitions

Omit the definition of *Managing Director* in section 3 (1).

### [2] Section 3 (1)

Insert in alphabetical order:

*Director-General* means the Director-General of the Department of Urban Affairs and Planning.

### [3] Section 3 (1), definition of "member"

Omit "Managing Director". Insert instead "Director-General".

### [4] The whole Act (except section 3)

Omit "Managing Director" and "Property Services Group" wherever occurring. Insert instead "Director-General" and "Department of Urban Affairs and Planning", respectively.



**[5] Section 6 Provisions relating to constitution and procedure of development corporation**

Insert after section 6 (1A):

- (1B) The Director-General may be represented at any meeting of a development corporation by a person nominated for the time being by the Director-General. In so representing the Director-General, the person nominated has and may exercise and perform the same powers, authorities, duties and functions as the Director-General has at any meeting of a development corporation (including voting rights), and is taken to be the Director-General.

**[6] Section 33 Misuse of information**

Omit “an officer or employee” from section 33 (6) (b).  
Insert instead “a member of staff”.

**[7] Schedule 2 Provisions relating to the constitution and procedure of development corporations**

Omit “the *Public Service Act 1902*” from clause 5.  
Insert instead “Part 2 of the *Public Sector Management Act 1988*”.

**Explanatory note**

Under the *Growth Centres (Development Corporations) Act 1974*, the Managing Director of the Property Services Group is a member of the development corporations constituted under the Act. By virtue of clause 14 (2) and (4) of the *Administrative Changes (Departments) Order 1995* and section 13 (4) of the *Environmental Planning and Assessment Act 1979*, references in the first-mentioned Act to the Managing Director and to the Property Services Group are to be read as references to the Director-General of the Department of Urban Affairs and Planning, and to that Department, respectively.

Item [5] of the proposed amendments allows the Director-General of the Department of Urban Affairs and Planning to be represented at any meetings of development corporations that he or she is unable to attend personally. Any such representative is to be nominated by the Director-General.

Items [1]–[4] and [6] of the proposed amendments recognise the construction of references concerning the Managing Director and the Property Services Group, and make consequential amendments.

Item [7] of the proposed amendments updates a reference to a repealed Act.

**1.18 Home Building Act 1989 No 147**

**Section 102 General requirements for insurance**

Omit “\$200,000, or such other amount as may be prescribed by the regulations, in relation to each dwelling to which the insurance relates” in section 102 (3).  
Insert instead “\$200,000 in relation to each dwelling to which the insurance relates, or such other amount as may be prescribed by the regulations”.

**Explanatory note**

Part 6 of the *Home Building Act 1989* imposes obligations regarding insurance of certain work, including residential building work done under contract (section 92), the supply of kit homes (section 93), owner-builder work (section 95) and residential building work done by a developer or done otherwise than under contract (section 96).

Section 102 of the Act provides that all contracts of insurance required to be entered into by or under Part 6 of the Act must provide for cover of not less than \$200,000, or such other amount as may be prescribed by the regulations, in relation to each dwelling to which the insurance relates.

The proposed amendment restates that obligation. Under the amended subsection the contract of insurance must provide for cover of not less than \$200,000 in relation to each dwelling to which the insurance relates, or such other amount as may be prescribed by the regulations. The amendment enables the existing power to make regulations to vary the standard \$200,000 insurance coverage for residential building work to be exercised in an appropriate case without the need for the varied amount to be multiplied by the number of dwellings in the building. Accordingly, in the case of the repair of common property such as a roof of a residential flat building, an amount of coverage can be prescribed that is not required to be artificially increased by being multiplied by the number of units within the building.

**1.19 Impounding Act 1993 No 31**

**[1] Section 20 Impounding authority to notify owner**

Insert “as soon as practicable after becoming aware of the name or address” after “item” in section 20 (3).

**[2] Section 39 Time limit for applications**

Omit “date of impounding” from section 39 (a).  
Insert instead “date on which impounding was notified”.

**[3] Section 39 (c)**

Insert after section 39 (b):

- , or
- (c) if notice of the impounding was not given within 28 days from the day on which the article was impounded, 28 days from the day on which the article was impounded.

**Explanatory note**

The *Impounding Act 1993* empowers an impounding officer to impound an article found in the officer's area of operations if the officer believes on reasonable grounds that the article has been abandoned or left unattended. Section 20 of the Act requires an impounding authority to make all reasonable inquiries in an effort to find out the name and address of the owner of an impounded item and then to notify the owner that the item has been impounded. A person can make an application to the Administrative Decisions Tribunal to review an impounding decision. Such an application must be made within 28 days from the date of impounding.

Item [1] of the proposed amendments requires notice of the impounding of an item to be given as soon as practicable after an impounding authority finds out the name and address of the owner.

Item [2] provides for the 28-day appeal period to run from the date that the owner is notified of the impounding of the item, rather than the date of impounding.

Item [3] retains the existing appeal period in cases where notice was not given.

## **1.20 Interpretation Act 1987 No 15**

### **[1] Section 69A**

Insert after section 69:

#### **69A Evidence of publication of Australian standards or other publications**

If an Act or statutory rule applies, adopts or incorporates by way of reference any publication, or any provision of a publication, of Standards Australia, any other body or any person expressly or impliedly identified in the Act or statutory rule, evidence of the publication or provision may be given in any proceedings:

- (a) by the production of a document purporting to be a copy of it and purporting to be published by or on behalf of Standards Australia or the other body or person concerned, or
- (b) by the production of a document purporting to be a copy of it and purporting to be printed by the Government Printer or by the authority of the Government of the Commonwealth, a State or a Territory.

### **[2] Section 80 Compliance with forms**

Insert after section 80 (2):

- (3) Without limiting the generality of subsections (1) and (2), in any form in an Act or statutory rule, a reference to a date that is presumed to be in the nineteenth or twentieth century may be construed as a reference to a date in the twenty-first century and the form may be altered accordingly.

**Explanatory note**

A publication may be applied, adopted or incorporated by reference into an Act or statutory rule. Section 69 of the *Interpretation Act 1987* provides for the interpretation of references to publications other than Acts or instruments.

Item [1] of the proposed amendments specifies how evidence of the publication may be given in any proceedings.

A number of New South Wales Acts and statutory rules contain forms that require a date to be inserted. In many instances the date is expressed as "...../...../19....." or as "on the .....day of.....19..".

Item [2] of the proposed amendments provides that a completed form will not be invalid if a date in the twenty-first century is inserted in place of a date in the nineteenth or twentieth century.

**1.21 Lake Illawarra Authority Act 1987 No 285**

**[1] Section 6 The Authority**

Omit "7" from section 6 (3).  
Insert instead "10".

**[2] Section 6 (4) (b1)–(b3)**

Insert after section 6 (4) (b):

- (b1) 1 member is to be appointed to represent NSW Fisheries,
- (b2) 1 member is to be appointed to represent the Department of Land and Water Conservation,
- (b3) 1 member is to be the Chairperson of the Illawarra Catchment Management Committee established under the *Catchment Management Act 1989*,

**[3] Section 7 Staff of the Authority**

Omit "Public Works Department" from section 7 (2).  
Insert instead "Department of Land and Water Conservation".

**[4] Schedule 4 Provisions relating to procedure of the Authority**

Omit "4" from clause 2. Insert instead "6".

**Explanatory note**

The Lake Illawarra Authority is a statutory corporation whose functions include carrying out the development works described in Schedule 2 to the *Lake Illawarra Authority Act 1987*.

Items [1], [2] and [4] of the proposed amendments alter the composition of the Authority, by providing for the appointment of 3 additional members, to represent NSW Fisheries, the Department of Land and Water Conservation and the Illawarra Catchment Management Committee.

Item [3] updates a reference to a Department.

## 1.22 Landlord and Tenant (Rental Bonds) Act 1977 No 44

### [1] Section 20 Rental Bond Interest Account

Omit “*Auctioneers and Agents Act 1941* and the Minister administering the *Residential Tenancies Act 1987*” from section 20 (2A).

Insert instead “*Property, Stock and Business Agents Act 1941* and the Minister administering the *Residential Tenancies Act 1987*, the *Residential Tribunal Act 1998* and the *Residential Parks Act 1998*”.

### [2] Section 20 (2A)

Insert “, the *Residential Tribunal Act 1998* and the *Residential Parks Act 1998*” after “1987” where secondly occurring.

#### Explanatory note

Section 20 of the *Landlord and Tenant (Rental Bonds) Act 1977* provides for contributions from the Rental Bond Interest Account to be used to pay half the costs of the administration of the *Residential Tenancies Act 1987*.

The proposed amendments provide for the costs and expenses of administering the *Residential Tribunal Act 1998* and the *Residential Parks Act 1998* to be payable out of the Account also. (Until the commencement of those Acts the matters with which they deal, the constitution and functions of the Residential Tenancies Tribunal and the regulation of park owners and residents of residential parks, were dealt with under the *Residential Tenancies Act 1987*.)

## 1.23 Marketing of Primary Products Act 1983 No 176

### [1] Section 5 Delegation by the Minister

Omit section 5 (2)–(6).

### [2] Section 5A

Insert after section 5:

#### 5A Delegation by Director-General

The Director-General may, by instrument in writing, delegate to any person any of the Director-General’s functions under this Act, other than:

- (a) any function of the Minister delegated to the Director-General under section 5, or
- (b) this power of delegation.

**[3] Section 131A**

Insert after section 131:

**131A Annual reports by Director-General**

- (1) As soon as practicable after 30 June, but on or before 31 December, in each year, the Director-General must prepare and forward to the Minister a report of:
  - (a) the Director-General's work and activities under this Act, and
  - (b) the activities of the authorities, and
  - (c) the operation and effect of any marketing orders, and
  - (d) such other matters or things as the Director-General thinks appropriate or as the Minister directs the Director-General to report on.
- (2) The Minister must cause each such report to be laid before both Houses of Parliament as soon as practicable after receiving the report.
- (3) A report under this section need not be separately prepared but may form part of the report prepared for the Department under the *Annual Reports (Departments) Act 1985*.

**Explanatory note**

The *Marketing of Primary Products Act 1983* provides for the marketing of certain primary products, including by the establishment of marketing boards in relation to certain of those products.

Item [2] of the proposed amendments empowers the Director-General of the Department of Agriculture to delegate any of his or her functions under the Act. Item [1] omits redundant provisions regarding the delegation of functions. (Section 49 of the *Interpretation Act 1987* makes provision regarding the conferral and exercise of a delegation.)

Item [3] of the proposed amendments imposes an obligation on the Director-General to prepare an annual report concerning the Director-General's work and activities under the Act.

**1.24 Meat Industry Amendment Act 1998 No 129**

**[1] Schedule 1 Amendments**

Omit "all the meat sold is sold by retail" from the definition of *retail meat premises* in section 4 (1) of the *Meat Industry Act 1978* (as proposed to be inserted by Schedule 1 [9]).

Insert instead "meat is sold by retail".

**[2] Schedule 1 [9]**

Insert “where, in any week during the preceding calendar year, more than one tonne of meat was sold by wholesale or” after “not being premises” in the definition of *retail meat premises* in section 4 (1) of the *Meat Industry Act 1978* (as proposed to be inserted by Schedule 1 [9]).

**[3] Schedule 1 [111]**

Insert after clause 15 of Schedule 2 to the *Meat Industry Act 1978* (as proposed to be inserted by Schedule 1 [111]):

## **Part 4 Liability**

### **16 Protection from liability**

No matter or thing done, and no contract entered into, by the Authority, and no matter or thing done by a member or by any person acting under the direction of the Board subjects a member or a person so acting personally to any action, liability, claim or demand if the matter or thing was done, or the contract was entered into, in good faith for the purposes of executing this Act.

#### **Explanatory note**

The *Meat Industry Amendment Act 1998* amends the *Meat Industry Act 1978* with respect to the Meat Industry Authority, licences, inspectors and the regulation and handling of meat.

#### **Definition of “retail meat premises”**

Items [1] and [2] of the proposed amendments amend the definition of *retail meat premises*, proposed to be inserted in the *Meat Industry Act 1978*, so as to include in the definition premises where no more than one tonne of meat is sold by wholesale in any week. (At present, the definition includes only premises where all the meat sold is sold by retail.) As a consequence, such premises will be able to function under the authority of a retailer’s licence under the Act, rather than a licence more appropriate to a processing plant.

#### **Membership of Meat Industry Authority**

Before its amendment, the *Meat Industry Act 1978* constituted the Meat Industry Authority, the Board of which included a representative of consumers of abattoir meat and processed meat. Under the Act the members of the Board were protected from personal liability in respect of things done, or contracts entered into, in good faith for the purpose of the execution of the Act. When the Act was amended the provisions concerning consumer representation and protection from liability were inadvertently omitted. (Those amendments are uncommenced.)

Item [3] of the proposed amendments restores the protection from liability of members of the Board of the Meat Industry Authority.

## **1.25 Mines Inspection Act 1901 No 75**

### **[1] Sections 32 and 81**

Omit “by this Act” wherever occurring. Insert instead “by or under this Act”.

### **[2] Section 41 Plans to be furnished**

Omit section 41 (6).

### **[3] Section 56 General rules**

Insert “or” at the end of section 56 (1) (c) (i), (ii) and (iii).

#### **Explanatory note**

Item [1] of the proposed amendments makes amendments consequential on amendments to the *Mines Inspection Act 1901* made by the *Mines Legislation Amendment (Mines Safety) Act 1998* (as proposed to be amended elsewhere in this Schedule).

Item [2] of the proposed amendments omits a spent provision.

Item [3] of the proposed amendments make consistent the use of conjunctions in a provision.

## **1.26 Mines Legislation Amendment (Mines Safety) Act 1998 No 122**

### **[1] Schedule 1 Amendment of Coal Mines Regulation Act 1982**

Insert “district” before “check inspector” in section 91 (6) of the *Coal Mines Regulation Act 1982* (as proposed to be inserted by Schedule 1 [34]).

### **[2] Schedule 1 [47]**

Omit “section 174 (1) (nnn)” from item [47].

Insert instead “section 174 (2) (nnn)”.

### **[3] Schedule 2 Amendment of Mines Inspection Act 1901**

Omit “owner or manager of a mine or other” from section 36A (1) (d) (ii) of the *Mines Inspection Act 1901* (as proposed to be inserted by Schedule 2 [9]).

Insert instead “owner, general manager or production manager of a mine or the owner or manager of another”.



**[4] Schedule 2 [9]**

Omit “manager” wherever occurring in sections 36A (1) (e) and 36B of the *Mines Inspection Act 1901* (as proposed to be inserted by Schedule 2 [9]).  
Insert instead “general manager”.

**[5] Schedule 2 [9]**

Omit “manager” where firstly occurring in section 36A (3) of the *Mines Inspection Act 1901* (as proposed to be inserted by Schedule 2 [9]).  
Insert instead “general manager or production manager”.

**[6] Schedule 2 [9]**

Omit “the manager” where secondly occurring in section 36A (3) of the *Mines Inspection Act 1901* (as proposed to be inserted by Schedule 2 [9]).  
Insert instead “that person”.

**[7] Schedule 2 [9]**

Omit “manager” from section 36A (4) of the *Mines Inspection Act 1901* (as proposed to be inserted by Schedule 2 [9]).  
Insert instead “general manager or production manager”.

**[8] Schedule 2 [19]**

Insert at the end of section 79 of the *Mines Inspection Act 1901* (as proposed to be inserted by Schedule 2 [19]):

In particular, the regulations may make provision for or with respect to the powers, authorities, duties and functions of inspectors, investigators and mine safety officers.

**Explanatory note**

Certain amendments made by the *Mines Inspection Amendment Act 1998* to the *Mines Inspection Act 1901* omitted the definition of **manager** of a mine and inserted definitions of **general manager** of a mine and **production manager** of a mine.

Consequently, items [3]–[7] of the proposed amendments replace references to the manager of a mine occurring in sections 36A and 36B (as proposed to be inserted in the *Mines Inspection Act 1901* by Schedule 2 [9] to the *Mines Legislation Amendment (Mines Safety) Act 1998*).

Item [8] of the proposed amendments makes it clear that regulations may be made relating to the powers, authorities, duties and functions of inspectors, investigators and mine safety officers. This amendment makes the *Mines Inspection Act 1901* (which deals with metalliferous mines) consistent in this regard with the *Coal Mines Regulation Act 1982* (which deals with coal mines), as proposed to be amended by Schedule 1 [47] to the *Mines Legislation Amendment (Mines Safety) Act 1998*.

Item [2] of the proposed amendments clarifies an incorporation direction.

Item [1] is consequential on the amendments made to the *Coal Mines Regulation Act 1982* elsewhere in this Schedule.

## 1.27 Motor Vehicle Repairs Act 1980 No 71

### [1] The whole Act

Omit “tradesmen”, “tradesmen’s”, “Tradesmen’s”, “tradesman”, “tradesman’s” and “Tradesman’s” wherever occurring.

Insert instead “tradespeople”, “tradespeople’s”, “Tradespeople’s”, “tradesperson”, “tradesperson’s” and “Tradesperson’s”.

### [2] Section 4 Definitions

Insert after the definition of *exempted person* in section 4 (1):

*exhaust repairer* means a person who repairs exhaust systems on motor vehicles but does not include a person who repairs any mechanical or electrical system or circuit or any electronic device associated with, or any component of the engine of, a motor vehicle.

### [3] Section 4 (1), definition of “radiator repairer”

Insert after the definition of *provisional tradesman’s certificate*:

*radiator repairer* means a person who repairs the radiators, heating equipment, thermostats or fuel tanks of motor vehicles.

### [4] Section 4 (1), definition of “relevant day”

Insert after paragraph (a):

(a1) in relation to repair work that consists of the work of an exhaust repairer—30 June 1987,

### [5] Section 4 (1), definition of “relevant day”

Insert before paragraph (b):

(a2) in relation to repair work that consists of the work of a radiator repairer—1 April 1992,

### [6] Section 4 (1), definition of “repair work”

Insert after paragraph (c):

(c1) an exhaust repairer,

### [7] Section 4 (1), definition of “repair work”

Insert after paragraph (h):

(h1) a radiator repairer,

**[8] Section 4 (4)**

Insert after section 4 (3):

- (4) Despite the definition of *radiator repairer* in subsection (1), a person who holds a licence or tradesperson's certificate in respect of the class of repair work of a panel beater, body maker, automotive electrician, motor mechanic or motor cycle mechanic is not a radiator repairer for the purposes of this Act merely because, in the course of that repair work, the person may be required to remove or replace a radiator, heating equipment, a thermostat or a fuel tank of a motor vehicle.

**[9] Schedule 5 Savings and transitional provisions**

Insert after clause 2:

**3 Provision consequent on enactment of Statute Law (Miscellaneous Provisions) Act 1999**

Any act, matter or thing done:

- (a) on or after 30 June 1987 in respect of the work of an exhaust repairer, or
- (b) on or after 1 April 1992 in respect of the work of a radiator repairer,

that would have been valid if the amendments made by the *Statute Law (Miscellaneous Provisions) Act 1999* to section 4 had been in force at the time that the act, matter or thing was done is validated.

**Explanatory note**

Since 30 June 1987, exhaust repairers have been prescribed tradesmen for the purposes of the definition of *repair work* in section 4 (1) of the *Motor Vehicle Repairs Act 1980*. That date should have been, but was not, prescribed as the relevant day in relation to repair work that consists of the work of an exhaust repairer.

Items [2], [4] and [6] of the proposed amendments cure this defect.

Since 1 April 1992, radiator repairers have been prescribed tradesmen for the purposes of the definition of *repair work* in section 4 (1) of the *Motor Vehicle Repairs Act 1980*. That date should have been, but was not, prescribed as the relevant day in relation to repair work that consists of the work of a radiator repairer.

Items [3], [5], [7] and [8] of the proposed amendments cure this defect.

Item [9] of the proposed amendments validates certain acts and other matters.

Item [1] of the proposed amendments replaces gender-specific language with gender-neutral language.

## 1.28 Murray Valley Citrus Marketing Act 1989 No 155

### Section 8A

Insert after section 8:

#### 8A Delegation by New South Wales Director

The New South Wales Director may, in writing, delegate to any person any of the New South Wales Director's functions under this Act, other than:

- (a) any function of the Minister delegated to the Director-General under section 8, or
- (b) this power of delegation.

#### Explanatory note

The *Murray Valley Citrus Marketing Act 1989* makes provision for a joint New South Wales and Victorian scheme for marketing citrus fruit. The object of the proposed amendment is to empower the Director-General of the Department of Agriculture (called the "New South Wales Director" in the Act) to delegate any of his or her functions under the Act.

## 1.29 Parliamentary Electorates and Elections Act 1912 No 41

### [1] Section 3 Definitions

Insert after section 3 (3):

- (4) Notes included in this Act are explanatory notes and do not form part of this Act.

### [2] Section 71 If no Speaker, Governor to issue writ

Omit the footnote to the section. Insert at the end of the section:

**Note.** Section 31A of the *Constitution Act 1902* provides that, during the absence from New South Wales of the Speaker, the Deputy Speaker of the Legislative Assembly is to act in his or her place and has and may exercise and perform all the powers, authorities, duties and functions of the Speaker, including those functions conferred under this section.

#### Explanatory note

Item [2] of the proposed amendments updates a reference to the person who is taken to have the powers of the Speaker of the Legislative Assembly when the Speaker is outside the State. The proposed amendment is consequential on an amendment to the *Constitution Act 1902* made elsewhere in this Schedule.

Item [1] of the proposed amendments explains the status of notes in the Act.

### **1.30 Pawnbrokers and Second-hand Dealers Act 1996 No 13**

#### **[1] Section 15 Evidence of identity and title of supplier of goods**

Omit “Before” from section 15 (1). Insert instead “On each occasion before”.

#### **[2] Section 36 Disciplinary action by Director-General**

Omit “Commercial Tribunal” from section 36 (5).  
Insert instead “Fair Trading Tribunal”.

##### **Commencement**

The amendment to section 36 of the *Pawnbrokers and Second-hand Dealers Act 1996* is taken to have commenced on 1 March 1999, the date of commencement of section 79 of the *Fair Trading Tribunal Act 1998* (which repealed the *Commercial Tribunal Act 1984*).

##### **Explanatory note**

Section 15 of the *Pawnbrokers and Second-hand Dealers Act 1996* provides that, before accepting any goods offered for sale or pawn, a licensee must obtain evidence of the identity of the person by whom the goods are being offered.

Item [1] of the proposed amendments makes it clear that a licensee is required to obtain evidence of identity from a customer every time the licensee accepts goods offered for sale or pawn by that customer.

Item [2] of the proposed amendments updates a reference to a Tribunal.

### **1.31 Pesticides Act 1978 No 57**

#### **[1] Section 7 Appointments**

Omit “Minister” wherever occurring in section 7 (2), (4) and (5).  
Insert instead “Environment Protection Authority”.

#### **[2] Section 16C Refusal to register**

Omit “Workers Compensation and Rehabilitation Authority” from section 16C (2) (c) (i).  
Insert instead “WorkCover Authority”.

#### **[3] Section 16C (2) (c) (ii)**

Omit “Director of the State Pollution Control Commission”.  
Insert instead “Director-General of the Environment Protection Authority”.

##### **Saving**

The amendment to section 7 of the *Pesticides Act 1978* does not affect the appointment of any person, as an analyst of pesticides or an inspector of pesticides, made before the commencement of the amendment.

**Explanatory note**

The *Pesticides Act 1978* provides for the appointment by the Minister for the Environment of analysts of pesticides and inspectors of pesticides.

Item [1] of the proposed amendments provides for such appointments to be made by the Environment Protection Authority.

Items [2] and [3] update references to offices.

### **1.32 Pipelines Act 1967 No 90**

#### **Section 61 Creation of easements in favour of permittees and licensees**

Insert at the end of section 61:

- (2) The provisions of section 88A of the *Conveyancing Act 1919* apply to and in respect of easements in favour of a permittee or licensee in the same manner as they apply to easements in favour of the Crown or of any public or local authority constituted by Act of Parliament. Section 88A (1B) of the *Conveyancing Act 1919* does not apply to any such easement in favour of a permittee or licensee.

**Explanatory note**

Section 61 of the *Pipelines Act 1967* provides for the creation of certain easements in favour of the holders of permits or licences under the Act. Section 88A of the *Conveyancing Act 1919* also provides for the creation of easements in gross in favour of certain authorities listed in the section, subject to certain restrictions set out in section 88A (1B).

The proposed amendment makes it clear that section 88A of the *Conveyancing Act 1919* applies to easements in gross in favour of a permittee or a licensee under the *Pipelines Act 1967* and that section 88A (1B) does not operate so as to restrict the creation of any such easement.

### **1.33 Police Offences Act 1901 No 5**

**[1] Section 1**

Omit the section. Insert instead:

**1 Name of Act**

This Act is the *Police (Special Provisions) Act 1901*.

**[2] Part 3 Offences in Sydney and in certain towns only (secs 42–99)**

Omit the Part.

**[3] Section 113 Appropriation of penalties recovered under ss 6 and 7**

Omit the section.

**[4] Second and Third Schedules**

Omit the Schedules.

**Explanatory note**

The *Police Offences Act 1901* consolidated various nineteenth-century Acts that dealt with certain summary offences. Part 3 of that Act contains a number of offences that are outdated or that are now dealt with in other legislation. For instance, section 70 provides that a person is liable to pay a maximum penalty of 4 dollars if, in any street or public place, the person beats or dusts any carpet or flies any kite.

Items [2] and [4] of the proposed amendments omit Part 3 and the Second and Third Schedules to the Act, which describe or list the City, areas and towns to which Part 3 applies. Item [1] of the proposed amendments changes the name of the Act, as a consequence of the repeal of the provisions containing offences.

Item [3] repeals a redundant provision.

**1.34 Privacy and Personal Information Protection Act 1998 No 133**

**[1] Section 53 Internal review by public sector agencies**

Omit “, subject to section 51 (1),” from section 53 (1).

**[2] Schedule 1 Provisions relating to Privacy Commissioner**

Omit clause 2 (3). Insert instead:

- (3) The Privacy Commissioner may be appointed on a full-time or part-time basis.

**[3] Schedule 1, clause 3**

Omit “The Privacy Commissioner”.

Insert instead “A Privacy Commissioner appointed on a full-time basis”.

**[4] Schedule 1, clause 3 (2) and (3)**

Insert at the end of clause 3:

- (2) A Privacy Commissioner appointed on a part-time basis is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him or her.
- (3) A person may hold office, and exercise functions, as Privacy Commissioner (whether full-time or part-time) even though the person also holds, and exercises the functions of, a judicial office or a statutory or other public office.

**Saving**

The amendments to the *Privacy and Personal Information Protection Act 1998* do not affect the appointment or tenure of any person who held office as Privacy Commissioner immediately before the commencement of the amendments.

**Explanatory note**

Item [1] of the proposed amendments omits a redundant cross-reference. (The cross-reference referred to clause 51 of the *Privacy and Personal Information Protection Bill 1998*. That clause was omitted in the committee stage of Parliament's consideration of the Bill. Section 51 of the Act, as enacted is not relevant to the section proposed to be amended.)

Item [2] of the proposed amendments removes the requirement that the Privacy Commissioner be appointed on a full-time basis and provides for either full-time or part-time appointment. The amendment also inserts a provision that removes any prohibition on a person holding the office of Privacy Commissioner at the same time as the person holds judicial or statutory office.

Items [3] and [4] of the proposed amendments make consequential amendments.

**1.35 Property, Stock and Business Agents Act 1941 No 28**

**Section 63E Application of money for purposes of certain Acts**

Insert “, the *Residential Tribunal Act 1998* and the *Residential Parks Act 1998*” after “1987” wherever occurring in section 63E (1).

**Explanatory note**

Section 63E of the *Property, Stock and Business Agents Act 1941* provides for contributions from the Statutory Interest Account to be used to pay half the costs of the administration of the *Residential Tenancies Act 1987*.

The proposed amendment provides for the costs and expenses of administering the *Residential Tribunal Act 1998* and the *Residential Parks Act 1998* to be payable out of the Account also. (Until the commencement of those Acts the matters with which they deal, the constitution and functions of the Residential Tenancies Tribunal and the regulation of park owners and residents of residential parks, were dealt with under the *Residential Tenancies Act 1987*.)

**1.36 Protection of the Environment Administration Amendment (Environmental Education) Act 1998 No 167**

**[1] Schedule 1 Amendment of Protection of the Environment Administration Act 1991**

Omit so much of Schedule 1 [9] as inserts section 28 (8) and (9) into the *Protection of the Environment Administration Act 1991*.

**[2] Schedule 1 [15]**

Omit the item.

**Explanatory note**

The proposed amendments omit redundant (uncommenced) provisions proposed to be inserted into the *Protection of the Environment Administration Act 1991*, dealing with the election of the Chairperson of the New South Wales Council on Environmental Education. (The relevant provisions, proposed section 28 (1) and (2) of, and proposed clause 2 of Schedule 2 to, the *Protection of the Environment Administration Act 1991* provide for the appointment of the Chairperson of the Council by the Minister for the Environment.)



### **1.37 Protection of the Environment Operations Act 1997 No 156**

**[1] Section 57 Licence fees**

Insert after section 57 (6):

- (7) Nothing in this section precludes the regulations from requiring payment of the first or other specified licence fee in respect of a shorter or longer period than 12 months. In that case, a reference in this Act to an annual fee is to be construed accordingly.

**[2] Section 79 (5) (e)**

Omit “annual fee”. Insert instead “annual licence fee”.

**[3] Section 80 Surrender of licence**

Insert after section 80 (1):

- (1A) If an application for approval of the surrender of a licence has been made, the appropriate regulatory authority may, by notice in writing given to the applicant, require the applicant to supply to the appropriate regulatory authority such further information as the appropriate regulatory authority considers necessary and relevant to the application and specifies in the notice.

**[4] Section 80 (2)**

Omit the subsection.

**[5] Section 84 Date from which decision operates**

Omit section 84 (2) and (3). Insert instead:

- (2) A decision of the appropriate regulatory authority to vary, suspend or revoke a licence, or to approve the surrender of a licence subject to conditions, does not operate:
- (a) until the period within which an appeal under this Act can be lodged by the appropriate person against the decision has expired without an appeal being lodged, or
  - (b) if such an appeal is lodged within that period by the appropriate person, until the Land and Environment Court confirms the decision or the appeal is withdrawn, or
  - (c) until the appropriate person notifies the appropriate regulatory authority in writing that no appeal is to be made against the decision,

whichever first occurs.

- (3) A decision of the appropriate regulatory authority to approve the surrender of a licence without any condition operates from the time the authority notifies the licensee in writing of the decision.
- (4) In this section:  
*appropriate person*, in relation to a decision of a regulatory authority, means any person who has a right to appeal against the decision (see section 287).

**[6] Section 99**

Omit section 99. Insert instead:

**99 Commencement of operation of prevention notice or variation of prevention notice**

A prevention notice, or a variation of a prevention notice, does not operate:

- (a) until the period within which an appeal under this Act can be lodged against the notice or variation has expired without an appeal being lodged, or
- (b) if such an appeal is lodged within that period, until the Land and Environment Court confirms the notice or variation or the appeal is withdrawn, or
- (c) until the person who has the right to lodge such an appeal notifies the appropriate regulatory authority in writing that no appeal is to be made against the notice or variation,

whichever first occurs.

**[7] Section 109A**

Insert after section 109:

**109A Special provision relating to clean-up and prevention notices and related action**

- (1) This section applies if:
  - (a) a clean-up notice or prevention notice is issued under this Chapter, and
  - (b) a dispute arises as to whether the body that issued the notice was the appropriate regulatory authority in respect of the matter, and

- (c) the body that is in fact the appropriate regulatory authority is satisfied that the other body acted in good faith in issuing the notice and confirms the issue of the notice, in writing, to the person to whom the notice was issued.
- (2) In any such case, the notice is taken to be, and always to have been, a notice duly issued under this Chapter, and any action taken in respect of the notice before that confirmation is taken to be, and always to have been, action duly taken under this Chapter.

**[8] Section 143 Unlawful transporting of waste**

Insert “for that waste” after “facility” in section 143 (2).

**[9] Section 143 (3A)–(3C)**

Insert after section 143 (3):

**(3A) Defence—approved notice**

It is a defence in any proceedings for an offence under this section if the defendant establishes that:

- (a) an approved notice was, at the time of the alleged offence, given to the defendant by the owner or occupier of the place to which the waste was transported or was displayed at the place, and
- (b) the approved notice stated that the place could lawfully be used as a waste facility for the waste, and
- (c) the defendant had no reason to believe that the place could not lawfully be used as a waste facility for the waste.

(3B) However, it is not a defence in such proceedings for the defendant to establish that the defendant relied on the advice (other than advice in the form of an approved notice) given by the owner or occupier concerned to the effect that the place could, at the time of the alleged offence, be lawfully used as such a waste facility.

**(3C) Defence—waste not deposited**

It is a defence in any proceedings for an offence under this section if the defendant establishes that the waste transported by the defendant was not deposited by the defendant or any other person at the place to which it was transported.

**[10] Section 143 (4)**

Insert in alphabetical order:

*approved notice* means a notice, in a form approved by the EPA:

- (a) stating that the place to which the notice relates can lawfully be used as a waste facility for the waste specified in the notice, and
- (b) that contains a certification by the owner or occupier of the place that the statement is correct.

**[11] Section 144 (2)**

Omit “place to which the waste was transported”.  
Insert instead “land concerned”.

**[12] Section 186 Extension of Chapter to other environment protection legislation**

Omit “any Act or regulation repealed by this Act” from section 186 (c).  
Insert instead “any repealed provision of any Act or regulation amended or repealed by this Act”.

**[13] Section 212A**

Insert after section 212:

**212A Revocation or variation**

- (1) A notice given under this Chapter may be revoked or varied by a subsequent notice or notices.
- (2) A notice may be varied by modification of, or addition to, its terms and specifications.
- (3) Without limiting the above, a notice may be varied by extending the time for complying with the notice.
- (4) A notice may only be revoked or varied by the authority or person that gave it.

**[14] Schedule 2 Regulation-making powers**

Insert “(including requirements with respect to the emission of excessive air impurities, the fitting and operation of pollution control devices and the use of fuels)” after “regulations” in clause 4 (4).

**[15] Schedule 4 Amendment of other Acts**

Omit Schedule 4.1 [3]. Insert instead:

**[3] Schedule 6 Savings, transitional and other provisions**

Omit “*Clean Waters Act 1970*” from clause 12 (1).

Insert instead “*Protection of the Environment Operations Act 1997*”.

**[16] Schedule 5 Savings, transitional and other provisions**

Insert at the end of clause 10:

In this clause, a reference to a repealed Act or regulation includes a reference to a repealed provision of an Act or regulation.

**[17] Dictionary, definition of “non-scheduled activity”**

Insert “and is not scheduled development work” after “scheduled activity”.

**Explanatory note**

**Licence fees**

Section 57 of the *Protection of the Environment Operations Act 1997* requires the holder of a licence to pay an annual licence fee. Under load-based licensing the payment of the fee requires associated monitoring and reports with respect to the licence fee period. Under the Act the licensee may hold different licences for different activities at the same premises or different licences for the same activity at different premises and, accordingly, the licensee may hold licences with different licensing fee periods.

Item [1] of the proposed amendments is intended to avoid administrative inconvenience for the licensee and the regulatory authority by putting beyond doubt the power under the regulations to provide for the first or other licence fees to be payable for a period other than 12 months so as to enable a licensee who has a number of different licences to pay licence fees (and provide associated monitoring and reports) in respect of the same period.

**Requirement for further information regarding the surrender of a licence**

Section 80 of the Act provides for the surrender of a licence, with the approval of an appropriate regulatory authority. The regulatory authority may impose conditions on the surrender (which may include responsibilities for pollution control to which the licence was subject before surrender and which may continue to be necessary for a period after surrender). The authority may require the licensee to provide relevant information to enable a decision to be made as to whether any such conditions should be continued or other conditions imposed on surrender.

Item [3] of the proposed amendments empowers an appropriate regulatory authority to require information to support the application for surrender in the same way as it is currently authorised to require further information from an applicant for the issue, transfer or variation of a licence.

**Date from which decision operates**

The Act currently does not contain uniform provisions as to the date from which certain decisions of a regulatory authority operate. Items [4] and [5] make those provisions uniform, by providing that a decision to vary, suspend or revoke a licence, or to approve the surrender of a licence subject to conditions, does not take effect until the first of the following happens:

- (a) if no appeal is lodged within the appeal period—the appeal period expires (this currently does not apply to the approval of the surrender of a licence subject to conditions),
- (b) if an appeal is lodged—the Land and Environment Court confirms the decision or the appeal is withdrawn (this currently does not apply to the approval of the surrender of a licence subject to conditions),

- 
- (c) the licensee waives the appeal right (this currently only applies in the case of variations of licences).

**Date when variation of prevention notice takes effect**

Section 99 of the Act sets out when a notice to take specified preventive action (a prevention notice) takes effect. Section 110 of the Act provides for the variation of prevention notices.

Item [6] of the proposed amendments extends section 99 to the variation of prevention notices so that uniform provision is made as to the date that the issue or variation of a prevention notice takes effect.

**Special provision relating to validity of clean-up and prevention notices**

Chapter 4 of the Act makes provision for the issue of clean-up notices for pollution incidents and prevention notices to prevent activities being carried on in an environmentally unsatisfactory manner. The appropriate regulatory authority that may issue the notice depends on whether the activity to which the notice relates is or is not a scheduled activity. In some instances (such as waste activities) that decision depends on the nature of the substance and the level at which the activity is being carried on. Where action is required to be taken urgently to deal with a pollution incident or matter it may not be possible for an authority to determine conclusively in the time available whether or not the activity is a scheduled activity and therefore whether or not it is authorised to issue the notice.

Item [7] of the proposed amendments inserts proposed section 109A into the Act to enable a clean-up notice or prevention notice that is issued in good faith and in respect of which a dispute arises to be confirmed by the authority that is in fact the appropriate regulatory authority. After a notice is confirmed, action already taken will be valid and any future action with respect to the notice would be taken by the authority that is ultimately determined to be the appropriate regulatory authority.

**Defences to offence of transporting waste to place where it cannot be lawfully deposited**

Section 143 of the Act makes it an offence to transport waste to places where it cannot be lawfully deposited.

Item [9] of the proposed amendments inserts defences with respect to the offence in similar terms inserted last year by amendment to the existing provision that deals with this offence but which will be replaced by the offence in section 143 when the Act commences—see Act No 155 of 1998.

Item [10] makes a consequential amendment.

**Investigative powers—offences under repealed Acts**

Section 186 of the Act provides that the investigative powers under the Act may be exercised in respect of offences committed before the commencement of the Act under Acts and regulations repealed by the Act.

Item [12] amends section 186 to make it clear that the extension of those powers applies to offences committed under repealed provisions of an Act or regulation to deal with those cases in which the Act only repealed a part of an Act and not the whole Act.

**Notices requiring information or records—application, revocation and variation**

The investigative powers under the Act enable notices to be given requiring information or records.

Item [13] inserts proposed section 212A into the Act to ensure that notices issued to persons under Chapter 7 (Investigation) may be revoked or varied by subsequent notices. Similar provisions apply under sections 109 and 110 of the Act in respect of environment protection notices.

**Regulation-making power—use of vehicles**

Schedule 2 to the Act contains specific regulation-making powers relating to prohibiting or regulating the sale, use or operation of vehicles not complying with the Act or regulations. The Act and regulations contain provisions relating to vehicles emitting excessive air impurities, the fitting of anti-pollution devices on vehicles and the use of unleaded petrol in vehicles. A number of offences contained in the *Clean Air Act 1961*, which is to be repealed by the Act, that relate to the use or operation of vehicles contrary to those provisions, have been transferred to the regulations. The provisions were transferred under the specific regulation-making powers in the Act and under the special power in clause 11 of Schedule 5 to the Act that authorises transitional regulations for up to 3 years on any matter regulated under a repealed Act.

Item [14] amends the specific regulation-making powers in Schedule 2 so that transferred provisions relating to motor vehicles are clearly authorised and need not rely on the special transitional provision.

**Criminal and other proceedings—offences under repealed Acts**

Clause 10 of Schedule 5 to the Act provides that regulations may be made to apply the provisions of Chapter 8 of the Act relating to criminal and other proceedings to continuing proceedings under Act or regulations repealed by the Act.

Item [16] amends clause 10 to make it clear that the power to make regulations to extend those provisions applies to proceedings under repealed provisions of an Act or regulation to deal with those cases in which the Act only repealed a part of an Act and not the whole Act.

**Definition of “non-scheduled activity”**

The Dictionary to the Act defines *non-scheduled activity* as an activity that is not a scheduled activity, and which therefore is not required to be licensed. Scheduled activities and scheduled development work which is carried out to enable scheduled activities to be carried on require a licence from the EPA.

Item [17] amends the definition to make it clear that scheduled development work carried out to enable scheduled activities to be carried on is also excluded from the definition so that the work concerned remains the responsibility of the EPA as the appropriate regulatory authority.

**Minor statute law revision**

Items [2] and [8] of the proposed amendments insert omitted words.

Item [11] omits some unnecessary words in section 144 (2) of the Act.

Item [15] corrects an incorporating direction.

## 1.38 Radiation Control Act 1990 No 13

### Section 25 Proceedings for offences

Insert after section 25 (4):

- (5) Proceedings for an offence under this Act or the regulations may be commenced within but not later than 12 months after the date on which the offence is alleged to have been committed.

**Explanatory note**

Section 25 of the *Radiation Control Act 1990* makes provision for the conduct of proceedings for offences under the Act and the regulations made under the Act. Proceedings can be commenced in a Local Court or in the Supreme Court. Proceedings are generally commenced in a Local Court and, by virtue of section 56 of the *Justices Act 1902*, such proceedings may be commenced at any time within 6 months of the date of the alleged offence.

The proposed amendment provides for proceedings to be commenced no later than 12 months after the date on which the relevant offence is alleged to have been committed.

### 1.39 Real Property Act 1900 No 25

**[1] Section 46C Registrar-General may register as proprietor person who is entitled to land by operation of statute**

Insert “(made in the approved form)” after “request” in section 46C (1).

**[2] Section 74JA Lapse of caveat regarding extinguishment of restrictive covenant**

Omit “serve” from section 74JA (2). Insert instead “prepare for service”.

**[3] Section 74JA (3)**

Omit “such an application”.

Insert instead “an application under this section for preparation of a notice”.

**[4] Section 74JA (3)**

Insert “to the extent provided by that subsection” after “lapse”.

**[5] Section 74K Power of Supreme Court to extend operation of a caveat lodged under section 74F**

Omit “burdened by the restrictive covenant” from section 74K (6) (a).

Insert instead “to which the benefit of the restrictive covenant is appurtenant”.

**[6] Section 81C Registrar-General must reject invalid application without further consideration**

Insert “materials” after “building” in section 81C (1) (a).

**Explanatory note**

Section 46C of the *Real Property Act 1900* empowers the Registrar-General to record a change in ownership of real property resulting from a statutory vesting.

Item [1] of the proposed amendments requires any request for such a change to be made in the approved form.

Part 8A of the Act provides for the making of an application to extinguish a restrictive covenant and for the lodging of a caveat to prohibit the grant of such an application. Section 74JA of the Act provides that a person may apply to have the Registrar-General serve a lapsing notice on a caveator, to the effect that, unless the caveator obtains an order of the Supreme Court and lodges it with the Registrar-General before the expiry of 21 days after the date on which the notice is served, the caveat will lapse and the restrictive covenant will be extinguished.

Items [2]–[4] of the proposed amendments amend section 74JA to clarify the procedure for the lapsing of caveats.

Item [2] provides for the Registrar-General to merely prepare such a notice for service, rather than to actually serve it.



Item [3] clarifies a reference to an application.

Item [4] provides that the caveat will lapse only to the extent to which it would prohibit the extinguishment of the restrictive covenant.

Item [5] corrects an error in the description of a caveator who has a claim of substance in relation to a restrictive covenant.

Item [6] inserts an omitted word.

## 1.40 Registration of Interests in Goods Act 1986 No 37

### Section 11 Funding arrangements

Insert after section 11 (5) (b):

- (b1) any amount authorised by the head of the Department of Fair Trading, with the consent of the Minister, to be paid out of the account in payment of any costs and expenses incurred in the administration of this Act within that Department, and

#### Explanatory note

Section 11 of the *Registration of Interests in Goods Act 1986* establishes an account, called the Registration of Interests in Goods Account, into which are paid fees and charges paid under the Act and certain other amounts.

The proposed amendment provides for the payment out of the account of any amount necessary to meet the cost of administering the Act.

## 1.41 Residential Parks Act 1998 No 142

### [1] Section 3 Definitions

Omit the definition of *Park Disputes Committee* where secondly occurring in section 3 (1).

### [2] Section 27 Alterations and additions to moveable dwellings that belong to resident

Omit “or the *Environmental Planning and Assessment Act 1979*,” from section 27 (5).

Insert instead “the *Environmental Planning and Assessment Act 1979* or”.

### [3] Section 110 Notice of termination where agreement frustrated (cf RT Act s 60)

Insert “(other than a residential site agreement)” after “agreement” where firstly occurring in section 110 (1).

**[4] Section 140 Power of investigator to obtain information, documents and evidence** (cf RT Act s 119B)

Insert after section 140 (3):

Maximum penalty: 5 penalty units.

**[5] Schedule 2 Amendment of Residential Tenancies Act 1987**

Omit Schedule 2 [24].

**[6] Schedule 3 Amendment of other Acts**

Omit “section 91 (3)” from Schedule 3.4 [2]. Insert instead “section 91 (4)”.

**[7] Schedule 3.4 [2]**

Omit so much of the item as inserts Schedule 4.4A [4] and [5] in the *Residential Tribunal Act 1998*.

**Explanatory note**

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

Item [2] corrects a grammatical error.

Item [3] clarifies the application of a provision that is within Division 3 of Part 12 of the Act (which sets out the grounds for termination of a residential tenancy agreement that is not a residential site agreement).

Item [4] provides for a penalty for offences relating to the exercise of the power of an investigator to obtain information, documents and evidence. (The analogous offences in section 119B (3) of the *Residential Tenancies Act 1987*, on which section 140 of the *Residential Parks Act 1998* is based, are punishable by a maximum penalty of 5 penalty units).

Items [5] and [7] omit amendments that were made redundant by the enactment of the *Residential Tribunal Act 1998*, which was before Parliament at the same time as the *Residential Parks Act 1998*.

Item [6] corrects an incorporation direction.

**1.42 Residential Tribunal Act 1998 No 168**

**[1] Section 27 Procedure of Tribunal generally**

Omit section 27 (6).

**[2] Section 48 Costs**

Omit “section 33 (3) (c)” from section 48 (3) (a). Insert instead “section 33 (3)”.

**[3] Section 74 Extensions of time**

Omit “this Act” where secondly occurring in section 74 (1).

Insert instead “this Act or any other Act under which the Tribunal derives jurisdiction”.

**[4] Schedule 4 Amendment of certain Acts**

Omit “section 3” from Schedule 4.3 [1]. Insert instead “section 4”.

**[5] Schedule 4.5 [6]**

Omit the item. Insert instead:

**[6] Sections 83 (1) and (2) and 84**

Omit the subsections and section.

**[6] Schedule 4.6 [2]**

Omit “section 4”. Insert instead “section 3”.

**[7] Schedule 5 Savings, transitional and other provisions**

Insert after clause 6:

**7 Validation of certain regulation**

The *Residential Tribunal Regulation 1999* is validated to the extent of any invalidity and is taken to be valid from the date on which it commenced or purported to commence.

**Explanatory note**

**Extensions of time**

Section 74 of the *Residential Tribunal Act 1998* provides for the Residential Tribunal to extend the period of time for the doing of anything under the Act.

Item [3] of the proposed amendments provides for the Tribunal to extend the period of time for doing things under any other Act under which the Tribunal derives jurisdiction.

Item [1] omits a duplicated provision regarding extensions of time.

**Jurisdictions and functions of Tribunal**

Item [5] of the proposed amendment re-instates section 83 (3) of the *Residential Tenancies Act 1987*, which gives the Residential Tribunal jurisdiction in respect of a claim by a landlord or a tenant under a residential tenancy agreement in respect of a rental bond.

**Validation of regulation**

Item [7] validates, to the extent of any invalidity, the *Residential Tribunal Regulation 1999*.

**Statute law revision**

Item [2] of the proposed amendments omits a redundant cross-reference.

Items [4] and [6] correct incorporating directions.

### 1.43 Retail Leases Act 1994 No 46

#### [1] Section 63 Interpretation

Insert in alphabetical order in section 63 (1):

*party* or *former party* to a retail shop lease or former retail shop lease includes a person who is a guarantor or covenantor under a lease or former lease.

#### [2] Section 66 Mediation of disputes and other matters

Omit “Either or both” from section 66 (1). Insert instead “Any or all”.

#### [3] Section 70 Definitions

Insert after paragraph (a) (iii) of the definition of *retail tenancy claim*:

- (iv) a claim for the surrender of possession of specified premises,
- (v) a claim for assignment of rights under a lease or for a declaration that a lessor is not entitled to withhold consent to an assignment of the rights of a lessee,
- (vi) a claim for relief against forfeiture,
- (vii) a claim regarding the rectification of the lease,
- (viii) a claim regarding the invalidity of a lease for inconsistency with this Act or the regulations,
- (ix) a claim for a declaration of the rights, obligations and liabilities of the parties under a lease,
- (x) without limiting the generality of subparagraph (i), a claim for compensation under section 10,

#### [4] Section 71 Lodging of retail tenancy claims with Tribunal

Omit section 71 (3).

#### [5] Schedule 3 Savings and transitional provisions

Insert at the end of clause 10:

- (2) Despite subclause (1), the amendments made to Part 8 extend to apply in relation to:
  - (a) a retail shop lease or former lease that was entered into before the commencement of the amendments to Part 8, or under an option granted or agreement made before that commencement, and

- (b) a dispute that arose before the commencement of the amendments to Part 8 or that concerns a liability or obligation that arose before that commencement.

**Explanatory note**

**Dispute resolution**

Part 8 of the Act deals with the resolution of retail tenancy disputes.

Item [1] of the proposed amendments provides that, in Part 8, a reference to a party or former party to a retail shop lease or former retail shop lease includes a person who is a guarantor or covenantor under a lease or former lease.

Items [2] and [4] make consequential amendments.

Item [3] extends the definition of *retail tenancy claim* in section 70 of the Act so that it parallels the power of the Administrative Decisions Tribunal to make orders in relation to a retail tenancy claim.

**Application of 1998 amendments**

Item [5] puts it beyond doubt that the amendments to the Act that confer jurisdiction on the Administrative Decisions Tribunal (made by the *Retail Leases Amendment Act 1998*) apply to leases that existed before the commencement of the amendments.

#### 1.44 Rural Fires Act 1997 No 65

**[1] Section 17 Disbandment of rural fire brigades**

Omit “hearing” from section 17 (5). Insert instead “considering”.

**[2] Section 47 Membership and procedure of Bush Fire Co-ordinating Committee**

Omit “12” from section 47 (1). Insert instead “13”.

**[3] Section 47 (1) (m)**

Insert after section 47 (1) (l):

- (m) an officer of the Department of Land and Water Conservation nominated by the Director-General of the Department of Land and Water Conservation.

**[4] Dictionary**

Omit paragraph (b) (iii) from the definition of *owner* of land in the Dictionary.  
Insert instead:

- (iii) in the case of land that is the subject of a strata scheme under the *Strata Schemes (Freehold Development) Act 1973* or a leasehold strata scheme under the *Strata Schemes (Leasehold Development) Act 1986*, the owners corporation under that scheme, and

**Explanatory note**

Section 17 of the *Rural Fires Act 1997* provides that a rural fire brigade may be disbanded at any time by the person or body who formed it. Section 17 (3) creates a right to appeal in writing to the Minister against a decision to disband a brigade. Section 17 does not make any provision for the conduct of a formal hearing into an appeal. However, section 17 (5) provides for the Minister to confirm the disbandment or withdraw the notice “after hearing the appeal”.

Item [1] of the proposed amendments makes it clear that the Minister is not required to hold a formal hearing into an appeal.

Items [2] and [3] of the proposed amendments provide for the Director-General of the Department of Land and Water Conservation to nominate an officer of his or her Department to be a member of the Bush Fire Co-ordinating Committee.

Item [4] of the proposed amendments updates references to certain Acts.

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

**[1] Schedule 1 Public Offices**

Omit “Privacy Commissioner”. Insert instead:

Full-time Privacy Commissioner

**[2] Schedule 2 Public Offices**

Omit “President of the Anti-Discrimination Board”. Insert instead:

Full-time President of the Anti-Discrimination Board

**Saving**

Any determination made by the Statutory and Other Offices Remuneration Tribunal in relation to the President of the Anti-Discrimination Board, and in force immediately before the commencement of the amendment to Schedule 2 to the *Statutory and Other Offices Remuneration Act 1975*, is taken to be a determination in relation to a Full-time President of the Anti-Discrimination Board.

**Explanatory note**

The proposed amendments are consequential on the amendments to the *Anti-Discrimination Act 1977* and the *Privacy and Personal Information Protection Act 1998*, made elsewhere in this Schedule. Those amendments provide for the President of the Anti-Discrimination Board and the Privacy Commissioner to be appointed on either a full-time or a part-time basis.

**1.46 Strata Schemes (Freehold Development) Act 1973 No 68**

**[1] Section 8 Registration of strata plans**

Omit section 8 (4B)–(4D). Insert instead:

(4B) A plan intended to be registered as a strata plan must indicate in the relevant panel of the approved form:

- (a) that specified model by-laws prescribed by the regulations made under the *Strata Schemes Management Act 1996* are proposed to be adopted for the strata scheme and, if those model by-laws contain one or more alternative versions of

any by-law, that the specified version of that by-law is proposed to be adopted, or

(b) that other specified by-laws are proposed to be adopted for the scheme.

(4C) If a strata plan indicates that by-laws other than the model by-laws prescribed by the regulations made under the *Strata Schemes Management Act 1996* are proposed to be adopted for the strata scheme, the plan must be accompanied by the by-laws specified. The by-laws must be in the form approved under the *Real Property Act 1900* and must be signed by the persons required to sign the strata plan under section 16 (1).

(4D) The proposed by-laws for a strata scheme have no effect until the strata plan (and any proposed by-laws that are required to accompany it) are registered. However, registration does not operate to give effect to by-laws that have not been lawfully made.

## [2] Section 19 Acquisition of additional common property

Omit “or, in the case of a transfer of a lease or sub-lease, the registered lease referred to in the transfer or sub-lease” from section 19 (3) (a) (i).

### Saving

The amendment to section 8 of the *Strata Schemes (Freehold Development) Act 1973* does not affect the validity of any strata plan, or any by-laws for a strata scheme, registered before the commencement of the amendment.

### Explanatory note

#### By-laws for a strata scheme

Section 8 of the *Strata Schemes (Freehold Development) Act 1973* requires that when a strata plan is submitted for registration it must be accompanied by the proposed by-laws for the strata scheme.

Section 43 (3) of the *Strata Schemes Management Act 1996* provides for the regulations to prescribe model by-laws which may be adopted as the by-laws for a strata scheme. As with all regulations, those model by-laws would be published in the Gazette and would therefore be publicly available without the need to search the Register kept by the Registrar-General.

Item [1] of the proposed amendments provides that when any of the model by-laws are adopted as the by-laws for a strata scheme they are not required to accompany a strata plan lodged for registration. The strata plan is simply required to indicate that specified model by-laws have been adopted.

The amendments made to the *Strata Schemes Management Act 1996* elsewhere in this Schedule make it clear that when model by-laws have been adopted and noted on the registered strata plan those by-laws, as in force from time to time, are the by-laws for the strata scheme.

**Acquisition of additional common property**

Section 19 (3) (a) (i) of the *Strata Schemes (Freehold Development) Act 1973* requires a registered lease to be produced along with any transfer or sublease of it. It is no longer the practice of the Registrar-General to require an original lease to be produced where there are subsequent dealings with the leasehold estate, such as a transfer or sublease.

Item [2] of the proposed amendments removes the obligation to produce the registered lease in the case of a transfer of a lease or in the case of a sublease.

**1.47 Strata Schemes (Leasehold Development) Act 1986 No 219**

**Section 7 Registration of strata plans** (1973 Act, s 8)

Omit section 7 (2CB)–(2CD). Insert instead:

- (2CB) A plan intended to be registered as a strata plan must indicate in the relevant panel of the approved form:
- (a) that specified model by-laws prescribed by the regulations made under the *Strata Schemes Management Act 1996* are proposed to be adopted for the strata scheme and, if those model by-laws contain one or more alternative versions of any by-law, that the specified version of that by-law is proposed to be adopted, or
  - (b) that other specified by-laws are proposed to be adopted for the scheme.
- (2CC) If a strata plan indicates that by-laws other than the model by-laws prescribed by the regulations made under the *Strata Schemes Management Act 1996* are proposed to be adopted for the strata scheme, the plan must be accompanied by the by-laws specified. The by-laws must be in the form approved under the *Real Property Act 1900* and must be signed by the persons required to sign the strata plan under section 19 (1).
- (2CD) The proposed by-laws for a strata scheme have no effect until the strata plan (and any proposed by-laws that are required to accompany it) are registered. However, registration does not operate to give effect to by-laws that have not been lawfully made.

**Saving**

The amendment to the *Strata Schemes (Leasehold Development) Act 1986* does not affect the validity of any strata plan, or any by-laws for a strata scheme, registered before the commencement of the amendment.

**Explanatory note**

Section 7 (2CB) of the *Strata Schemes (Leasehold Development) Act 1986* requires that when a strata plan is submitted for registration it must be accompanied by the proposed by-laws for the strata scheme.



Section 43 (3) of the *Strata Schemes Management Act 1996* provides for the regulations to prescribe model by-laws which may be adopted as the by-laws for a strata scheme. As with all regulations, those model by-laws would be published in the Gazette and would therefore be publicly available without the need to search the Register kept by the Registrar-General.

The proposed amendment provides that when any of the model by-laws are adopted as the by-laws for a strata scheme they are not required to accompany a strata plan lodged for registration. The strata plan is simply required to indicate that specified model by-laws have been adopted.

The amendments made to the *Strata Schemes Management Act 1996* elsewhere in this Schedule make it clear that when model by-laws have been adopted and noted on the registered strata plan those by-laws, as in force from time to time, are the by-laws for the strata scheme.

## **1.48 Strata Schemes Management Act 1996 No 138**

### **[1] Chapter 2, Part 5 By-laws**

Insert “adopt model by-laws or” after “chooses,” in the Introductory note to the Part.

### **[2] Section 41 What by-laws apply to new strata schemes?**

Omit section 41 (2) (but not the note to section 41). Insert instead:

- (2) The by-laws in force for a strata scheme are the by-laws adopted by or lodged with the strata plan registered by the Registrar-General for the strata scheme, as in force at the date of lodgment, subject to any amendment, repeal or addition recorded by the Registrar-General under section 48.

### **[3] Section 222 Proceedings before Board**

Insert at the end of section 222:

- (2) For the purposes of subsection (1) (a), the jurisdictional limits imposed on the Residential Tribunal by section 85 (3) of the *Residential Tenancies Act 1987* do not apply to proceedings before the Board.
- (3) In this section, a reference to proceedings includes a reference to the whole of proceedings, from the time an application is made to the Board until the application has been finally determined.

#### **Explanatory note**

##### **By-laws**

Part 5 of Chapter 2 of the *Strata Schemes Management Act 1996* deals with by-laws for a strata scheme, governing such things as the behaviour of residents of the scheme and the use of common property.

Section 8 of the *Strata Schemes (Freehold Development) Act 1973* and section 7 of the *Strata Schemes (Leasehold Development) Act 1986* require that when a strata plan is submitted for registration it must be accompanied by the proposed by-laws for the strata scheme. Those by-laws are registered with the strata plan and could therefore be made available by the Registrar-

General to any interested person. Section 41 of the *Strata Schemes Management Act 1996* provides that the by-laws registered by the Registrar-General for a strata scheme are the by-laws in force for the strata scheme.

Section 43 (3) of the *Strata Schemes Management Act 1996* provides for the regulations to prescribe model by-laws which may be adopted as the by-laws for a strata scheme. As with all regulations, those model by-laws would be published in the Gazette and would therefore be publicly available without the need to search the Register kept by the Registrar-General.

Section 8 of the *Strata Schemes (Freehold Development) Act 1973* and section 7 of the *Strata Schemes (Leasehold Development) Act 1986* are amended elsewhere in this Schedule to provide that when any of the model by-laws are adopted as the by-laws for a strata scheme they do not need to be registered with the strata plan. The strata plan is simply required to indicate that specified model by-laws have been adopted.

Items [1] and [2] of the proposed amendments to the *Strata Schemes Management Act 1996* make it clear that when model by-laws have been adopted and noted on the registered strata plan those by-laws, as in force on the date on which the strata plan was lodged for registration, are the by-laws for the strata scheme.

#### **Proceedings before Board**

Section 222 of the Act provides that proceedings before the Strata Schemes Board are to be similar to proceedings applying in respect of the Residential Tribunal.

Item [3] of the proposed amendments makes it clear that the jurisdictional limit on the orders that can be made by the Residential Tribunal does not limit the orders that can be made by the Strata Schemes Board and that a reference to "proceedings before the Board" is not limited to the actual hearing of matters by the Board.

## **1.49 Subordinate Legislation Act 1989 No 146**

### **[1] Section 10 Staged repeal of statutory rules**

Insert after section 10 (7):

- (8) Despite subsection (1), the *Recreation Vehicles (General) Regulation 1985* is repealed on 1 October 1999.

### **[2] Section 11 Postponement of repeal in specific cases**

Omit "section 10 (3)–(7)" from section 11 (6).

Insert instead "section 10 (3)–(8)".

#### **Explanatory note**

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

Item [1] of the proposed amendments extends until 1 October 1999 the repeal of the *Recreation Vehicles (General) Regulation 1985*, which is due for staged repeal on 1 September 1999. Section 11 (3) of the Act has the effect that no further postponement is otherwise available.

Item [2] of the proposed amendments makes a consequential amendment.

**1.50 Superannuation Act 1916 No 28**

**[1] Section 1A Closure of Scheme to persons employed on or after 1.7.1985**

Omit “or” where secondly occurring in section 1A (3) (c).

**[2] Section 32C Refund or minimum benefit in certain cases where spouse dies**

Insert at the end of the section:

- (2) If an employee dies before retirement leaving a surviving spouse, and the surviving spouse dies, and there is no child of the employee or of the spouse in respect of whom pension is payable under this Act, there is payable to the employee’s personal representative or, where the employee has no personal representatives, to such person as STC may determine, an amount calculated by deducting from the minimum benefit payable in respect of the employee the total of all benefits paid as a consequence of the death of the employee to the spouse or any other person under this Act (including any instalments of pension).
- (3) In a case to which subsection (1) applies, STC may, if it considers it to be in the best interests of the child or children, make a payment in accordance with subsection (2) as if there were no child or children of the deceased, in which case no pension is payable under this Act in respect of the child or children and no amount is payable under subsection (1).
- (4) For the purposes of this section, the minimum benefit payable in respect of an employee is the amount that would have been payable if the employee had resigned, immediately before dying, from the service of the employee’s employer and elected under section 38B to take the benefit of section 38A.

**[3] Section 33A Variation of pension in certain circumstances**

Omit “, subject to subsections (3) and (4),” from section 33A (2).

**[4] Schedule 25 Savings and transitional provisions**

Omit the definition of *appointed day* from clause 17. Insert instead:

*appointed day* means 1 March 1999, the day on which Schedule 2.5 [16] to the amending Act commenced.

**Commencement**

The amendment to clause 17 of Schedule 25 of the *Superannuation Act 1916* is taken to have commenced on 1 March 1999, the date of commencement of the clause and of the amendments in respect of which Part 7 of Schedule 25 makes transitional provisions.

The other amendments to the *Superannuation Act 1916* commence on 1 July 1999.

**Transitional**

Section 32C (2), (3) and (4) of the *Superannuation Act 1916* do not apply to or in respect of an employee who died before the commencement of those subsections.

**Explanatory note**

Section 31A of the *Superannuation Act 1916* (as proposed to be inserted by the *Superannuation Legislation Further Amendment Act 1998*) provides for the payment of a minimum benefit in the case of a pensioner who dies. The minimum benefit is the amount to which the pensioner would have been entitled under section 38A of the Act, if he or she had elected to take the benefit of that section on ceasing to be employed, less any amounts of pension or other benefits paid to or in respect of the pensioner under the Act. The minimum benefit is payable if the pensioner dies without leaving a surviving spouse or child to whom a pension is payable under the Act or if the surviving spouse of the pensioner also dies (without having first exhausted the minimum benefit payable in respect of the pensioner).

Section 32A provides that, if an employee dies before retirement leaving a surviving spouse, and no children in respect of whom pension is payable under the Act, the spouse is, on commutation of that pension, entitled to at least a minimum benefit (being the section 38A benefit less any benefits already paid to or in respect of the pensioner).

Item [2] of the proposed amendment provides for a minimum benefit to be paid in respect of an employee who dies before retirement if the surviving spouse of the employee also dies (without having first exhausted the minimum benefit payable in respect of the employee).

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

Item [3] omits a redundant cross-reference.

Item [4] corrects a cross-reference (and specifies a proclaimed day).

**1.51 Superannuation Legislation Further Amendment Act 1998 No 144****[1] Schedule 2 Miscellaneous amendments**

Omit “section 63 (1)” from Schedule 2.1 [11]. Insert instead “section 63 (2)”.

**[2] Schedule 2.1 [25]**

Insert “and being an amount that is not less than the monetary remuneration payable to the member at the time of the nomination, or the maximum contribution base, within the meaning of the *Superannuation Guarantee (Administration) Act 1992* of the Commonwealth, applicable at that time, whichever is the lower” at the end of paragraph (b) of the definition of **salary or wages** as proposed to be inserted in the Dictionary to the *First State Superannuation Act 1992* by the item.

Statute Law (Miscellaneous Provisions) Act 1999 No 31

Schedule 1      Minor amendments

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**Explanatory note**

Item [1] of the proposed amendments corrects an incorporating direction.

Item [2] of the proposed amendment is consequential on the proposed amendment to section 9 of the *First State Superannuation Act 1992*, made elsewhere in this Schedule, which provides that the amount nominated as salary on an election cannot be less than the monetary remuneration payable to the member at the time of the nomination or the superannuation guarantee base or the maximum contribution base under the *Superannuation Guarantee (Administration) Act 1992* of the Commonwealth, whichever is the lower.

## **Schedule 2 Amendments by way of statute law revision**

(Section 3)

### **2.1 Agricultural Livestock (Disease Control Funding) Act 1998 No 139**

#### **Section 7 Standing Disease Control Advisory Committee**

Omit “compromise” from section 7 (2). Insert instead “comprise”.

**Explanatory note**

The proposed amendment corrects a typographical error.

### **2.2 Charles Sturt University Amendment Act 1998 No 117**

#### **Schedule 1 Amendments**

Insert “and Schedule 4” after “9” in Schedule 1 [1].

**Explanatory note**

The proposed amendment corrects an incorporation direction.

### **2.3 Classification (Publications, Films and Computer Games) Enforcement Act 1995 No 63**

#### **Section 6 Sale or public exhibition of unclassified, RC or X films prohibited**

Omit the note to the section.

**Explanatory note**

The proposed amendment omits a note that refers to the value of a penalty unit when the Act was enacted. (The value of a penalty unit has since been increased.)

### **2.4 Community Services (Complaints, Reviews and Monitoring) Act 1993 No 2**

#### **Section 19 Time for completion of assessment**

Omit “specifed” from section 19 (3). Insert instead “specified”.

**Explanatory note**

The proposed amendment corrects a typographical error.

## 2.5 Companion Animals Act 1998 No 87

### Section 23 Disqualification from owning dog

Omit “(a) an offence” where secondly occurring in section 23 (1).  
Insert instead “(b) an offence”.

#### Explanatory note

The proposed amendment renumbers a paragraph.

## 2.6 Consumer Credit (New South Wales) Act 1995 No 7

### Section 8 Conferral of judicial functions

Omit “Commercial Tribunal” wherever occurring in section 8 (1) (b) and (2).  
Insert instead “Fair Trading Tribunal”.

#### Commencement

The amendment to the *Consumer Credit (New South Wales) Act 1995* is taken to have commenced on 1 March 1999, the date of commencement of section 79 of the *Fair Trading Tribunal Act 1998* (which repealed the *Commercial Tribunal Act 1984*).

#### Explanatory note

The proposed amendment updates references to a Tribunal.

## 2.7 Conveyancers Licensing Act 1995 No 57

### Section 5 Disqualified persons

Omit “Commercial Tribunal” from section 5 (3).  
Insert instead “Administrative Decisions Tribunal”.

#### Commencement

The amendment to the *Conveyancers Licensing Act 1995* is taken to have commenced on 1 January 1999 (the date of commencement of Schedule 2.5 to the *Administrative Decisions Tribunal Legislation Amendment Act 1998*).

#### Explanatory note

The proposed amendment updates a reference to a Tribunal. (The *Administrative Decisions Tribunal Legislation Amendment Act 1998* conferred jurisdiction to review decisions under the *Conveyancers Licensing Act 1995* on the Administrative Decisions Tribunal. The proposed amendment updates a reference to the exercise of this jurisdiction.)

## 2.8 Co-operatives Act 1992 No 18

### [1] Section 294 Co-operative to keep register

Omit “is” from section 294 (1). Insert instead “are”.

- [2] **Section 311A Disclosure statement required** (cf Vic Act s 301)  
Omit “has” from section 311A (1). Insert instead “have”.
- [3] **Schedule 4 Receivers, and other controllers, of property of co-operatives**  
Omit “subclauses” from clause 14 (7) (a). Insert instead “subclause”.  
**Explanatory note**  
The proposed amendments correct grammatical errors.
- 2.9 Crimes at Sea Act 1998 No 173**
- [1] **Schedule 1, clause 1 Definitions**  
Omit “means the area outside the limits of the State described in Part 6 of this scheme as adjacent to the State” from the definition of *adjacent area* in clause 1 (1).  
Insert instead “has the meaning given by clause 14 of this Schedule”.
- [2] **Schedule 1, clause 1 (1)**  
Omit the definition of *Australia-Indonesia Zone of Cooperation*.  
Insert instead:  
*Area A of the Zone of Cooperation* has the same meaning as in the *Petroleum (Australia-Indonesia Zone of Cooperation) Act 1990* (Commonwealth).
- [3] **Schedule 1, clause 1 (1)**  
Insert after the definition of *Australian ship*:  
*baseline* for a State has the meaning given by clause 15 of this Schedule.
- [4] **Schedule 1, clause 1 (1), definition of “inner adjacent area”**  
Omit “a State,”. Insert instead “a State”.
- [5] **Schedule 1, clause 1 (1), definition of “inner adjacent area”**  
Omit “described in Part 6 of this scheme” wherever occurring.
- [6] **Schedule 1, clause 1 (1), definition of “intergovernmental agreement”**  
Insert “of this Schedule” after “clause 5”.



**[7] Schedule 1, clause 10**

Omit “**Australia-Indonesia**” from the heading to clause 10.  
Insert instead “**Area A of the**”.

**[8] Schedule 1, clause 10**

Omit “the Australia-Indonesia”. Insert instead “Area A of the”.

**Explanatory Note**

The *Crimes at Sea Act 1998* gives legal force (so far as it depends on the legislative power of the State) to a cooperative scheme to apply the criminal law of the States extraterritorially in the area adjacent to the coast of Australia.

Items [1] to [8] make minor drafting amendments to the *Crimes at Sea Act 1998* to ensure that it is identical in all substantial respects to the Act proposed to be introduced in the Commonwealth Parliament which, as part of the cooperative scheme, will be the corresponding Act of the Commonwealth Parliament.

**2.10 Criminal Appeal Act 1912 No 16**

**[1] Section 5AE Appeals from sentences imposed by the Drug Court**

Re-number section 5AE (as inserted by Schedule 1.3 [1] to the *Drug Court Act 1998*) as section 5AF.

**[2] Section 10 Time for appealing**

Omit “section 5AE”. Insert instead “section 5AF”.

**Explanatory note**

Item [1] of the proposed amendments renumbers a section.

Item [2] makes a consequential amendment to a cross-reference.

**2.11 Criminal Procedure Act 1986 No 209**

**Part 9A Summary disposal of indictable offences by Local Courts**

Insert “section” after “referred to in” in clause 30 of Table 1.

**Explanatory note**

The proposed amendment inserts a missing word.

**2.12 Electricity Supply Act 1995 No 94**

**[1] Schedule 6 Savings, transitional and other provisions**

Omit “Schedules 1 and 2 apply” from clause 16 (5).  
Insert instead “Schedule 2 applies”.

**[2] Schedule 6, clause 16 (5)**

Omit “they apply”. Insert instead “it applies”.

**[3] Schedule 6, clause 16 (5)**

Omit “those Schedules”. Insert instead “that Schedule”.

**[4] Schedule 6, clause 18**

Omit “Sections 8 and 98 do”. Insert instead “Section 98 does”.

**[5] Schedule 6, clause 18**

Omit “those sections”. Insert instead “that section”.

**Explanatory note**

The proposed amendments omit references to a repealed Schedule and section.

**2.13 Environmentally Hazardous Chemicals Act 1985 No 14**

**Schedule 1 Provisions relating to the Committee**

Omit clause 2 (i). Insert instead:

- (i) one shall be a person nominated by Australian Business Limited,

**Explanatory note**

The proposed amendment updates a reference to a body.

**2.14 Fertilisers Act 1985 No 5**

**[1] Long title**

Omit “fertilizers” wherever occurring. Insert instead “fertilisers”.

**[2] Section 7 Registration**

Omit “fertilizers” from section 7 (3) (c) (iii). Insert instead “fertilisers”.

**Explanatory note**

The proposed amendments update the spelling of a term.

**2.15 Fines Act 1996 No 99**

**[1] Section 85 Provisions relating to orders**

Insert “the” before “Department” where firstly occurring in section 85 (3).

**[2] Section 100 Time to pay**

Omit “driver’s licence” from the note to section 100 (5).  
Insert instead “driver licence”.

**[3] Schedule 3 Savings, transitional and other provisions**

Omit “driver’s licence” wherever occurring in clauses 2 (3) and 7.  
Insert instead “driver licence”.

**Explanatory note**

Item [1] of the proposed amendment corrects a grammatical error consisting of the omission of the definite article.

Items [2] and [3] update the terminology used in an Act.

**2.16 Forestry and National Park Estate Act 1998 No 163**

**Section 19 Public consultation on amendment or revocation of agreement**

Omit “amemdment” from section 19 (2) (c). Insert instead “amendment”.

**Explanatory note**

The proposed amendment corrects a typographical error.

**2.17 Greyhound Racing Authority Act 1985 No 119**

**[1] Section 25 Regulations**

Omit “section 9A or” wherever occurring in section 25 (5).  
Insert instead “section 9A”.

**[2] Schedule 1 Provisions relating to directors**

Omit “member’s” from clause 7 (1). Insert instead “director’s”.

**Explanatory note**

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

Item [2] updates a reference to an office holder.

**2.18 Harness Racing New South Wales Act 1977 No 57**

**[1] Schedule 1 Provisions relating to directors**

Omit “the member’s” from clause 9 (1). Insert instead “the director’s”.

**[2] Schedule 1, clause 9 (3)**

Omit “the Board”. Insert instead “The Board”.

**Explanatory note**

Item [1] of the proposed amendments updates a reference to an office holder.  
Item [2] corrects a typographical error.

**2.19 Interpretation Act 1987 No 15**

**[1] Section 68 References to amended Acts and instruments**

Omit “, and” where lastly occurring in section 68 (4) (a) (vii).

**[2] Section 68 (4) (a)**

Omit “(viii)” where firstly occurring. Insert instead “(viia)”.

**Explanatory note**

The proposed amendments renumber a subparagraph.

**2.20 Land and Environment Court Act 1979 No 204**

**[1] Section 17 Class 1—environmental planning and protection appeals**

Omit “121K” from section 17 (d). Insert instead “121ZK”.

**[2] Section 25A Application of Division**

Omit “section 103” from section 25A (3). Insert instead “section 102”.

**[3] Section 25C Orders for validity of development consents**

Omit “section 104” from section 25C (2). Insert instead “section 103”.

**[4] Section 36 Delegation to Commissioners**

Omit “assessors’ ” from section 36 (5). Insert instead “Commissioners’ ”.

**Explanatory note**

Items [1], [2] and [3] of the proposed amendments correct cross-references.  
Item [4] updates a reference to an office holder.

**2.21 Liquor Act 1982 No 147**

**[1] Section 4A Meaning of “close associate”**

Omit “sections 68, 105A and 105B” from section 4A (1).  
Insert instead “this Act”.

**[2] Section 45 Grounds of objection**

Omit “paragraphs (a), (a1) and (b)” from section 45 (1) (c).  
Insert instead “paragraphs (a) and (a1)”.

**[3] Section 45 (4)**

Omit “, (a2) or (b)”. Insert instead “or (a2)”.

**[4] Section 66 Interpretation**

Omit “112” from section 66 (1). Insert instead “125A”.

**[5] Section 68 Grounds for complaint**

Omit “section 101 (4)” from section 68 (1) (f) (iii).  
Insert instead “section 101 (4A)”.

**[6] Section 111B Procedure for grant of minors functions authority**

Omit “and” from section 111B (4).

**[7] Section 145 Proceedings for offences**

Omit “78A, 86, 86A,” from the Table to section 145.

**[8] Section 161 Authority to keep approved gaming devices**

Omit “, that” from section 161 (11).

**Explanatory note**

Items [6] and [8] of the proposed amendments omit redundant words.  
The other items correct cross-references.

**2.22 Local Government Act 1993 No 30**

**[1] Section 22 Other functions**

Omit the matter relating to the *Clean Air Act 1961*, the *Dog Act 1966*, the *Environmental Offences and Penalties Act 1989* and the *Noise Control Act 1975*.

Insert in alphabetical order:

<i>Companion Animals Act 1998</i>	companion animal registration and control
<i>Protection of the Environment Operations Act 1997</i>	pollution control

**[2] Section 47 Leases, licences and other estates in respect of community land—terms greater than 5 years**

Re-number section 47 (9) (as inserted by the *Local Government Amendment (Community Land Management) Act 1998*) as section 47 (8A).

**[3] Section 275 Who is disqualified from holding civic office?**

Omit “a court” from section 275 (4).  
Insert instead “the Administrative Decisions Tribunal”.

**[4] Section 275 (4)**

Omit “subsection (3)”. Insert instead “subsection (4)”.

**Commencement**

The amendment to section 22 of the *Local Government Act 1993* commences on 1 July 1999.

**Explanatory note**

Item [1] of the proposed amendments updates references to repealed Acts.

Item [2] renumbers a subsection.

Item [3] corrects a reference to the body that hears proceedings under section 329 of the *Local Government Act 1993*.

Item [4] corrects a cross-reference.

## **2.23 Mining Act 1992 No 29**

**[1] Section 32F Access arrangement required for prospecting operations under low-impact licences**

Omit “agreement” wherever occurring in section 32F (2).  
Insert instead “arrangement”.

**[2] Section 138 Application of Division**

Omit “access agreement” from section 138 (2).  
Insert instead “access arrangement”.

**[3] Section 138, note**

Omit “agreements”. Insert instead “arrangements”.

**Explanatory note**

The proposed amendments correct typographical errors.

## **2.24 National Parks and Wildlife Act 1974 No 80**

### **Section 108 Possessing 20 or more birds**

Re-number paragraph (c) of section 108 (as inserted by the *National Parks and Wildlife (Emu Licence) Amendment Act 1993*) as paragraph (d).

#### **Explanatory note**

The proposed amendment renumbers a paragraph.

## **2.25 Parliamentary Remuneration Act 1989 No 160**

### **Section 11 Annual determinations of additional entitlements**

Omit “Chief Justice” from section 11 (1).  
Insert instead “President”.

#### **Explanatory note**

The proposed amendment corrects a reference to the office-holder who issues directions regarding annual determinations.

## **2.26 Passenger Transport Act 1990 No 39**

### **Section 9B Conditions of accreditation**

Omit “(Appeals)” from section 9B (4).  
Insert instead “(Reviews by Administrative Decisions Tribunal)”.

#### **Explanatory note**

The proposed amendment updates a cross-reference to a Division.

## **2.27 Petroleum (Onshore) Act 1991 No 84**

### **[1] Section 45F Access arrangement required for prospecting operations under low-impact prospecting titles**

Omit “agreement” wherever occurring in section 45F (2).  
Insert instead “arrangement”.

### **[2] Section 69A Application of Part**

Omit “access agreement” from section 69A (2).  
Insert instead “access arrangement”.

**[3] Section 69A, note**

Omit “agreements”. Insert instead “arrangements”.

**Explanatory note**

The proposed amendments correct typographical errors.

**2.28 Pipelines Act 1967 No 90**

**Section 5C Constitution of pipeline committees**

Omit section 5C (2) (a)–(c). Insert instead:

- (a) one person nominated by the Director-General of the Department of Urban Affairs and Planning,
- (b) one person nominated by the Director-General of the Environment Protection Authority,
- (c) one person nominated by the Director-General of the Department of Local Government,

**Explanatory note**

The proposed amendment updates references to offices.

**2.29 Plant Diseases Act 1924 No 38**

**Section 21 Power to destroy plants in an abandoned orchard or nursery**

Omit section 21 (4) and (5) (as in force before the enactment of the *Administrative Decisions Legislation Amendment Act 1997*).

**Explanatory note**

The proposed amendment omits redundant matter relating to appeals to a Local Court from certain Ministerial decisions. (The *Administrative Decisions Legislation Amendment Act 1997* conferred jurisdiction of the Administrative Decisions Tribunal to review those decisions.)

**2.30 Ports Corporatisation and Waterways Management Act 1995 No 13**

**Section 3 Definitions**

Omit the note to the section.

**Explanatory note**

The proposed amendment omits a note that refers to the value of a penalty unit when the Act was enacted. (The value of a penalty unit has since been increased.)



## 2.31 Property, Stock and Business Agents Act 1941 No 28

### [1] Section 38B Inspection of records

Omit “a body corporate” from section 38B (1A).  
Insert instead “an owners corporation”.

### [2] Section 50K Definitions

Omit the definition of *body corporate*. Insert instead:

*owners corporation* means an owners corporation constituted under the *Strata Schemes Management Act 1996*.

### [3] Section 50L Production of certain instruments

Omit “a body corporate” from section 50L (b).  
Insert instead “an owners corporation”.

#### Explanatory note

The proposed amendments update references to an Act and to a body.

## 2.32 Public Authorities (Financial Arrangements) Act 1987 No 33

### Section 38 Exemption from duty

Insert “, or duty under the *Duties Act 1997*,” after “1920”.

#### Explanatory note

The proposed amendment updates a reference to the payment of duty.

## 2.33 Public Notaries Act 1997 No 98

### Section 3A

Insert after section 3:

#### 3A Notes

Notes included in this Act are explanatory notes and do not form part of this Act.

#### Explanatory note

The proposed amendment provides that notes in the *Public Notaries Act 1997* do not form part of the Act.

## 2.34 Public Sector Executives Superannuation Act 1989 No 106

### Section 40 When may an application relating to additional benefit cover be refused?

Insert “the” before “person thinks” in section 40 (2).

#### Explanatory note

The proposed amendment inserts an omitted word.

## 2.35 Registered Clubs Act 1976 No 31

### [1] Section 4 Definitions

Insert “or more” after “2” in the definition of *amalgamated club* in section 4 (1).

### [2] Section 30 Rules of registered clubs

Omit “AJC Principal Club” from section 30 (5A) (a).  
Insert instead “NSW Thoroughbred Racing Board”.

### [3] Section 65 Proceedings for offences arising under this Act

Omit “4AA,” and “106J, 106K, 106L, 106N, 106P,” from the Table to section 65.

#### Explanatory note

Item [1] of the proposed amendments inserts omitted words to make a definition consistent with the section to which it refers.

Item [2] updates a reference to a statutory body.

Item [3] omits redundant references to provisions creating offences.

## 2.36 Road Transport (Driver Licensing) Act 1998 No 99

### [1] Schedule 1 Amendment of Acts

Omit “drivers’ licences” from Schedule 1.13 [36].  
Insert instead “driver’s licences”.

### [2] Schedule 1.13 [44]

Omit “Section 11AE (1) (b) (i)”. Insert instead “Section 11AE (1) (b) (ii)”.

#### Explanatory note

The proposed amendments correct incorporation directions.

## **2.37 Rural Lands Protection Act 1998 No 143**

### **Schedule 6 Amendment of other Acts and instruments**

Omit “section 20 (cm)” from Schedule 6.13.

Insert instead “section 20 (1) (cm)”.

#### **Explanatory note**

The proposed amendment corrects an incorporation direction.

## **2.38 Soil Conservation Act 1938 No 10**

### **Section 20 Catchment area**

Omit “or (1A)” from section 20 (4) (a).

#### **Explanatory note**

The proposed amendment omits a redundant cross-reference.

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

### **Schedule 2 Public offices**

Omit the matter concerning the Chairperson and the Deputy Chairperson of the Commercial Tribunal of New South Wales.

#### **Explanatory note**

The proposed amendment omits redundant references to the holders of offices.

## **2.40 Stock Medicines Act 1989 No 182**

### **[1] Sections 13 (2) (c) (i) and 17 (3) (c) (i)**

Omit “Workers Compensation and Rehabilitation Authority” wherever occurring.

Insert instead “WorkCover Authority”.

### **[2] Sections 13 (2) (c) (ii) and 17 (3) (c) (ii)**

Omit “Director of the State Pollution Control Commission” wherever occurring.

Insert instead “Director-General of the Environment Protection Authority”.

#### **Explanatory note**

The proposed amendments update references to offices.

## 2.41 Threatened Species Conservation Act 1995 No 101

### [1] Schedule 1 Endangered species

Insert an asterisk before the entry for each of the following species of plants in Part 1:

Family	Species
Apiaceae	<i>Gingidia montana</i> (Forster & Forster f.) J. Wyndham Dawson
Apiaceae	<i>Trachymene saniculifolia</i> Stapf
Araucariaceae	<i>Wollemia nobilis</i> W. Jones, K. Hill & J. Allen
Asteraceae	<i>Calotis moorei</i> P. Short
Brassicaceae	<i>Irenepharsus trypherus</i> Hewson
Casuarinaceae	<i>Allocasuarina glareicola</i> L. Johnson
Davidsoniaceae	<i>Davidsonia pruriens</i> var. <i>jerseyana</i> Bailey
Elaeocarpaceae	<i>Elaeocarpus</i> sp. Rocky Creek (G. Read AQ 562114)
Epacridaceae	<i>Leucopogon confertus</i> Benth.
Epacridaceae	<i>Melichrus hirsutus</i> J.B. Williams ms
Euphorbiaceae	<i>Bertya ingramii</i> T. James
Fabaceae	<i>Acacia gordonii</i> (Tind.) Pedley
Fabaceae	<i>Acacia ruppii</i> Maiden & E. Betche
Fabaceae	<i>Indigofera efoliata</i> F. Muell.
Lamiaceae	<i>Plectranthus nitidus</i> P. Forst.
Lamiaceae	<i>Prostanthera</i> sp. Somersby (B.J. Conn 4024)
Lamiaceae	<i>Westringia kydrenis</i> Conn
Loranthaceae	<i>Amyema scandens</i> (Tieghem) Danser
Monimiaceae	<i>Daphnandra</i> sp. C Illawarra (R. Schodde 3475)
Myrtaceae	<i>Eucalyptus copulans</i> L. Johnson & K. Hill
Myrtaceae	<i>Eucalyptus imlayensis</i> Crisp & Brooker
Myrtaceae	<i>Eucalyptus pachycalyx</i> Maiden & Blakely
Myrtaceae	<i>Eucalyptus</i> sp. Howes Swamp Creek (M. Doherty 19/7/85, NSW 207054)
Myrtaceae	<i>Micromyrtus grandis</i> J.T. Hunter

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Myrtaceae	<i>Triplarina imbricata</i> (Sm.) A.R. Bean
Myrtaceae	<i>Triplarina nowraensis</i> A.R. Bean
Orchidaceae	<i>Caladenia arenaria</i> Fitzg.
Orchidaceae	<i>Diuris pedunculata</i> R. Br.
Orchidaceae	<i>Genoplesium plumosum</i> (Rupp) D.L. Jones & M.A. Clem.
Orchidaceae	<i>Microtis angusii</i> D.L. Jones
Orchidaceae	<i>Phaius tankervilleae</i> (Banks ex L'Her.) Blume
Orchidaceae	<i>Prasophyllum affine</i> Lindl.
Orchidaceae	<i>Pterostylis saxicola</i> D.L. Jones & M.A. Clem.
Orchidaceae	<i>Pterostylis</i> sp. Botany Bay (A. Bishop J221/1-13)
Poaceae	<i>Stipa wakoolica</i> Vickery, S.W.L. Jacobs & J. Everett
Podocarpaceae	<i>Microstrobos fitzgeraldii</i> (F. Muell.) J. Garden & L. Johnson
Proteaceae	<i>Grevillea acanthifolia</i> subsp. <i>paludosa</i> Makinson & Albrecht
Proteaceae	<i>Grevillea guthrieana</i> P. Olde & N. Marriott
Proteaceae	<i>Grevillea masonii</i> P. Olde & N. Marriott
Proteaceae	<i>Grevillea mollis</i> P. Olde & Molyneux
Proteaceae	<i>Grevillea molyneuxii</i> McGillivray
Proteaceae	<i>Grevillea obtusiflora</i> R. Br.
Proteaceae	<i>Grevillea rivularis</i> L. Johnson & McGillivray
Proteaceae	<i>Hakea</i> sp. B Kowmung River (M. Doherty 17-24)
Proteaceae	<i>Persoonia mollis</i> subsp. <i>maxima</i> Krauss & L. Johnson
Rutaceae	<i>Zieria covenyi</i> J.A. Armstrong ms
Rutaceae	<i>Zieria floydii</i> J.A. Armstrong ms
Rutaceae	<i>Zieria granulata</i> (F. Muell.) C. Moore ex Benth.
Rutaceae	<i>Zieria ingramii</i> J.A. Armstrong ms
Rutaceae	<i>Zieria lasiocaulis</i> J. A. Armstrong ms
Sterculiaceae	<i>Rulingia prostrata</i> Maiden & Betche
Thymelaeaceae	<i>Pimelea venosa</i> Threlfall

**[2] Schedule 1, Part 1**

Delete the asterisk appearing before the entry for the following species:

<b>Family</b>	<b>Species</b>
Asclepiadaceae	<i>Marsdenia longiloba</i> Benth.

**[3] Schedule 1, Part 3**

Insert an asterisk before the entry for the Cumberland Plain Woodland.

**[4] Schedule 1, Part 4**

Insert an asterisk before the entry for each of the following species of plants:

<b>Family</b>	<b>Species</b>
Euphorbiaceae	<i>Amperea xiphoclada</i> var. <i>pedicellata</i> R.F.J. Hend.
Lamiaceae	<i>Prostanthera marifolia</i> R. Br.
Orchidaceae	<i>Diuris bracteata</i> Fitzg.
Proteaceae	<i>Persoonia laxa</i> L. Johnson & P. Weston

**[5] Schedule 2 Vulnerable species**

Insert an asterisk before the entry for each of the following species of plant:

<b>Family</b>	<b>Species</b>
Asteliaceae	<i>Neostelia spectabilis</i> J.B. Williams
Asteraceae	<i>Euchiton nitidulus</i> (Hook. f.) A. Anderb.
Brassicaceae	<i>Lepidium aschersonii</i> Thell.
Casuarinaceae	<i>Allocasuarina simulans</i> L. Johnson
Corynocarpacea	<i>Corynocarpus rupestris</i> subsp. <i>rupestris</i> Guymer
Dilleniaceae	<i>Hibbertia marginata</i> Conn
Epacridaceae	<i>Epacris sparsa</i> R. Br.
Epacridaceae	<i>Styphelia perileuca</i> J. Powell
Ericaceae	<i>Gaultheria viridicarpa</i> subsp. <i>viridicarpa</i> J.B. Williams ms

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Euphorbiaceae	<i>Bertya</i> sp. A Cobar-Coolabah (Cunningham & Milthorpe s.n., 2/8/73)
Gentianaceae	<i>Gentiana wissmannii</i> J. Williams
Lamiaceae	<i>Prostanthera staurophylla</i> F. Muell.
Lamiaceae	<i>Prostanthera</i> sp. Bundjalung National Park (B.J. Conn 3471)
Myrtaceae	<i>Eucalyptus alligatrix</i> subsp. <i>miscella</i> Brooker, Slee & J.D. Briggs ms
Myrtaceae	<i>Eucalyptus caleyi</i> subsp. <i>ovendenii</i> L. Johnson & K. Hill
Myrtaceae	<i>Eucalyptus cannonii</i> R. Baker
Myrtaceae	<i>Homoranthus lunatus</i> Craven & S.R. Jones
Myrtaceae	<i>Homoranthus prolixus</i> Craven & S.R. Jones
Olacaceae	<i>Olax angulata</i> A.S. George
Orchidaceae	<i>Prasophyllum fuscum</i> R. Br.
Poaceae	<i>Arthraxon hispidus</i> (Thunb.) Makino
Proteaceae	<i>Grevillea banyabba</i> P. Olde & N. Marriott
Proteaceae	<i>Grevillea quadricauda</i> P. Olde & N. Marriott
Proteaceae	<i>Grevillea rhizomatosa</i> P. Olde & N. Marriott
Proteaceae	<i>Hakea fraseri</i> R. Br.
Proteaceae	<i>Hakea</i> sp. Manning River SF-Broken Bago SF (P. Hind 4662)
Proteaceae	<i>Persoonia bargoensis</i> P. Weston & L. Johnson
Rhamnaceae	<i>Pomaderris gilmourii</i> var. <i>cana</i> N. Walsh
Sapindaceae	<i>Dodonaea procumbens</i> F. Muell.
Scrophulaceae	<i>Euphrasia bowdeniae</i> W.R. Barker
Solanaceae	<i>Solanum karsense</i> Symon

**[6] Schedule 2**

Delete the asterisk appearing before the entry for each of the following species of plants:

<b>Family</b>	<b>Species</b>
Fabaceae	<i>Acacia clunies-rossiae</i> Maiden

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Myrtaceae	<i>Eucalyptus sturgissiana</i> L. Johnson & Blaxell
Myrtaceae	<i>Melaleuca groveana</i> Cheel & C. White
Sapotaceae	<i>Amorphospermum whitei</i> Aubrev.

**Explanatory note**

Schedule 1 to the *Threatened Species Conservation Act 1995* contains lists of endangered species, populations and ecological communities. Schedule 2 lists vulnerable species. Species that are listed in the analogous Schedules to the *Endangered Species Protection Act 1992* of the Commonwealth are marked with an asterisk. The Commonwealth Act has been amended. The proposed amendments insert or remove asterisks where appropriate.

**2.42 Treasury Corporation Act 1983 No 75**

**Section 11A Corporation not liable for duty**

Insert “or duty under the *Duties Act 1997*” after “1920”.

**Explanatory note**

The proposed amendment updates a reference to the payment of duty.

**2.43 Water Legislation Amendment (Drinking Water and Corporate Structure) Act 1998 No 145**

**Schedule 5 Consequential amendments**

Omit “Sections 5” and “section 5 (1)” from Schedule 5.18 [1].

Insert instead “Section 4” and “section 4 (1)”.

**Explanatory note**

The proposed amendment corrects references in a Schedule of consequential amendments.

**2.44 Workers Compensation Act 1987 No 70**

**Section 51 Exit payments by commutation of weekly payments** (cf former s 15)

Omit “injury.” from section 51 (3) (b). Insert instead “injury,”.

**Explanatory note**

The proposed amendment corrects a punctuation error.



## **Schedule 3 Amendments updating references to Acts**

(Section 3)

### **3.1 Anatomy Act 1977 No 126**

#### **Section 7 Inspectors**

Omit section 7 (1) (c) and (d). Insert instead:

- (c) an employee of a public health organisation within the meaning of the *Health Services Act 1997*.

### **3.2 Anglican Church of Australia Trust Property Act 1917 No 21**

#### **Section 45 New dioceses**

Omit “*Church of England Constitutions Act Amending Act of 1902*” from section 45 (1).

Insert instead “*Anglican Church of Australia Constitutions Act 1902*”.

### **3.3 Bail Act 1978 No 161**

#### **Section 4 Definitions**

Omit “*Liquor Act 1912*” from the definition of *magistrate* in section 4 (1).

Insert instead “*Liquor Act 1982*”.

### **3.4 Capital Debt Charges Act 1957 No 1**

#### **Schedule**

Omit “*State Development and Country Industries Assistance Act 1966*” wherever occurring in the First, Second and Third Columns.

Insert instead “*State Development and Industries Assistance Act 1966*”.

### **3.5 Companies (Application of Laws) Act 1981 No 122**

#### **Schedule 1**

Omit “*Strata Titles Act 1973*” from clause 26 (2).

Insert instead “*Strata Schemes (Freehold Development) Act 1973*”.

### **3.6 Dentists Act 1989 No 139**

#### **Section 3 Definitions**

Omit the definition of *public hospital* from section 3 (1). Insert instead:

*public hospital* has the same meaning as in the *Health Services Act 1997*.

### **3.7 Forestry Act 1916 No 55**

#### **Section 32B Hunting permits**

Omit “*Firearms and Dangerous Weapons Act 1973*” from section 32B (5).  
Insert instead “*Firearms Act 1996*, the *Weapons Prohibition Act 1998*”.

### **3.8 Government Guarantees Act 1934 No 57**

#### **Section 3A Guarantees for industrial purposes**

Omit “*State Development and Country Industries Assistance Act 1966*” from section 3A (1).  
Insert instead “*State Development and Industries Assistance Act 1966*”.

### **3.9 HomeFund Restructuring Act 1993 No 112**

#### **[1] Section 15 Other relief**

Omit “*Consumer Claims Tribunals Act 1987*” from section 15 (4).  
Insert instead “*Fair Trading Tribunal Act 1998*”.

#### **[2] Section 20 Suspension of limitation period**

Omit section 20 (1) (d). Insert instead:

(d) the *Fair Trading Tribunal Act 1998*.

#### **Commencement**

The amendments to the *HomeFund Restructuring Act 1993* are taken to have commenced on 1 March 1999, the date of commencement of section 18 of the *Consumer Claims Act 1998* (which repealed the *Consumer Claims Tribunals Act 1987*).

### **3.10 Inclosed Lands Protection Act 1901 No 33**

#### **Section 3 Definitions**

Omit the definition of *hospital* from section 3 (1). Insert instead:

*hospital* means any of the following:

- (a) a public hospital within the meaning of the *Health Services Act 1997*,
- (b) a private hospital within the meaning of the *Private Hospitals and Day Procedure Centres Act 1988*.

### **3.11 Industrial Relations Act 1996 No 17**

#### **Section 379 Small claims procedure**

Omit section 379 (6) (b). Insert instead:

- (b) represents an owners corporation constituted under the *Strata Schemes Management Act 1996* and is one of the proprietors or lessees constituting the owners corporation, or

### **3.12 Intoxicated Persons Act 1979 No 67**

#### **Section 3 Definitions**

Omit “school registered under the *Education and Public Instruction Act 1987*” from the definition of *school* in section 3 (1).

Insert instead “registered non-government school under the *Education Act 1990*”.

### **3.13 Landlord and Tenant Act 1899 No 18**

#### **Section 2AA No taking possession of dwelling-house without court sanction**

Omit “*Liquor Act 1912*” from section 2AA (1) (a).

Insert instead “*Liquor Act 1982*”.

### 3.14 Mental Health Act 1990 No 9

**[1] Section 228 Appointment of official visitors**

Omit “*Area Health Services Act 1986*” from paragraph (a) of the definition of *area health service* in section 228 (4).  
Insert instead “*Health Services Act 1997*”.

**[2] Section 228 (4), definition of “area health service”**

Omit paragraph (b). Insert instead:

- (b) Corrections Health Service.

### 3.15 Moratorium Act 1932 No 57

**Section 9 Limitation of rights of mortgagee**

Omit “*Liquor Act 1912*” from section 9 (1) (d).  
Insert instead “*Liquor Act 1982*”.

### 3.16 School Forest Areas Act 1936 No 20

**Section 2 Definitions**

Omit the definition of *School* from section 2 (1). Insert instead:

*School* means a government school within the meaning of the *Education Act 1990*.

### 3.17 Stamp Duties Act 1920 No 47

**Section 84EB Loan securities associated with certain consumer credit contracts**

Omit “*Strata Titles Act 1973*” from the definition of *private dwelling house* in section 84EB (5).  
Insert instead “*Strata Schemes Management Act 1996*”.

### 3.18 Teacher Housing Authority Act 1975 No 27

#### Section 4, definition of “Minister for Education” and sections 19 (3) (a) and 20 (1) (a)

Omit “*Education and Public Instruction Act 1987*” wherever occurring.  
Insert instead “*Education Act 1990*”.

### 3.19 Teaching Services Act 1980 No 23

#### Section 4 Definitions

Omit the definition of *public school* from section 4 (1). Insert instead:

*public school* means a government school within the meaning of the *Education Act 1990*.

### 3.20 Tourism New South Wales Act 1984 No 46

#### Section 23 Tourism Development Fund

Omit “*State Development and Country Industries Assistance Act 1966*” from section 23 (1) (a).  
Insert instead “*State Development and Industries Assistance Act 1966*”.

### 3.21 Transport Administration Act 1988 No 109

#### Section 104Q Local government approvals not required for light rail system

Omit the definition of *subdivision legislation* from section 104Q (3).  
Insert instead:

*subdivision legislation* means Part 4 of the *Environmental Planning and Assessment Act 1979*, the *Strata Schemes (Freehold Development) Act 1973*, the *Strata Schemes (Leasehold Development) Act 1986* or the *Community Land Development Act 1989*.

### **3.22 Valuation of Land Act 1916 No 2**

#### **Section 4 Definitions**

Omit “Division 6 of Part 4 of the *Strata Titles Act 1973* and Division 6 of Part 4 of the *Strata Titles (Leasehold) Act 1986*” from the note to the section.  
Insert instead “Part 4 of the *Strata Schemes (Freehold Development) Act 1973* and Part 4 of the *Strata Schemes (Leasehold Development) Act 1986*”.

### **3.23 Valuers Registration Act 1975 No 92**

#### **Section 4 Definitions**

Omit the definition of *licensed premises* from section 4 (1). Insert instead:  
*licensed premises* has the same meaning as in the *Liquor Act 1982*.

## **Schedule 4 Amendments updating references to courts and magistrates**

(Section 3)

### **4.1 Agricultural Scientific Collections Trust Act 1983 No 148**

#### **Section 22 Proceedings for offences**

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

### **4.2 Air Transport Act 1964 No 36**

#### **Section 12 Penalties and proceedings for offences against Act or regulations**

Omit “stipendiary magistrate” from section 12 (2).  
Insert instead “Local Court constituted by a Magistrate sitting alone”.

### **4.3 Anzac Memorial (Building) Act 1923 No 27**

#### **Section 9 By-laws**

Omit “court of petty sessions constituted by a stipendiary magistrate” from section 9 (3A).  
Insert instead “Local Court constituted by a Magistrate”.

### **4.4 Architects Act 1921 No 8**

#### **[1] Section 17 Removal from register**

Omit “by a court of petty sessions” from section 17 (7).

#### **[2] Section 17 (7)**

Omit “*Courts of Petty Sessions (Civil Claims) Act 1970*”.  
Insert instead “*Local Courts (Civil Claims) Act 1970*”.

#### **[3] Section 23C Proceedings for offences**

Omit “court of petty sessions held before a stipendiary magistrate”.  
Insert instead “Local Court constituted by a Magistrate”.

#### **4.5 Attachment of Wages Limitation Act 1957 No 28**

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

Omit “stipendiary magistrate or any two justices in petty sessions” from section 10 (8).

Insert instead “Local Court”.

#### **4.6 Bills of Sale Act 1898 No 10**

##### **Section 15 Regulations**

Omit “police or stipendiary magistrate or any two or more justices” from section 15 (4).

Insert instead “Local Court”.

#### **4.7 Broken Hill Abattoirs, Markets, and Cattle Sale-yards Act (1900)**

##### **[1] Section 18 Legal procedure**

Omit “police magistrate or any two justices in petty sessions”.

Insert instead “Local Court”.

##### **[2] Section 18**

Omit “any court or magistrate”. Insert instead “a Local Court”.

##### **[3] Section 18**

Omit “such court or magistrate”. Insert instead “such a Local Court”.

##### **[4] Section 18**

Omit “justices of the peace”. Insert instead “a Local Court”.

#### **4.8 Business Names Act 1962 No 11**

##### **[1] Section 14 Disability of persons in default**

Omit “in the case of a court of petty sessions by a stipendiary magistrate in chambers or by two or more justices sitting in petty sessions” from section 14 (2).

Insert instead “may be exercised by a Local Court”.



**[2] Section 28 Default penalty**

Omit “court of petty sessions held before a stipendiary magistrate” from section 28 (3).

Insert instead “Local Court constituted by a Magistrate sitting alone”.

**4.9 Camperdown Cemetery Act 1948 No 14**

**Section 4E Legal proceedings**

Omit “any stipendiary magistrate, or before any two justices at the court of petty sessions” from section 4E (1).

Insert instead “a Local Court”.

**4.10 Cattle Compensation Act 1951 No 26**

**Section 20 Proceedings for offences**

Omit “court of petty sessions constituted by a stipendiary magistrate” from section 20.

Insert instead “Local Court constituted by a Magistrate”.

**4.11 Centennial Park and Moore Park Trust Act 1983 No 145**

**Section 25 Proceedings for offences**

Omit “court of petty sessions constituted by a stipendiary magistrate” from section 25 (1).

Insert instead “Local Court constituted by a Magistrate”.

**4.12 Coastal Protection Act 1979 No 13**

**Section 59 Proceedings for offences**

Omit “court of petty sessions held before a stipendiary magistrate”.

Insert instead “Local Court constituted by a Magistrate”.

**4.13 Commercial Agents and Private Inquiry Agents Act 1963 No 4**

**[1] Section 12 Power of court to order commercial agent, private inquiry agent or subagent to be summoned under section 11**

Omit “court of petty sessions” from section 12 (4) (b).  
Insert instead “Local Court”.

**[2] Section 14 Appeal**

Omit “court of petty sessions”. Insert instead “Local Court”.

**4.14 Companies (Death Duties) Act 1901 No 30**

**Section 13 Recovery of penalties**

Omit “court of petty sessions”. Insert instead “Local Court”.

**4.15 Constitution Further Amendment (Referendum) Act 1930 No 2**

**Section 9 Duties of Electoral Commissioner upon receipt of writ**

Omit “court of petty sessions” from section 9 (c). Insert instead “Local Court”.

**4.16 Contracts Review Act 1980 No 16**

**Section 18 Offence**

Omit “court of petty sessions constituted by a stipendiary magistrate” from section 18 (2).  
Insert instead “Local Court constituted by a Magistrate”.

**4.17 Conveyancing Act 1919 No 6**

**Section 197 Official searches**

Omit “by a stipendiary magistrate sitting alone in petty sessions” from section 197 (8).  
Insert instead “before a Local Court constituted by a Magistrate sitting alone”.

#### **4.18 Country Industries (Pay-roll Tax Rebates) Act 1977 No 79**

##### **Section 13 Proceedings**

Omit “stipendiary magistrate sitting in petty sessions”.

Insert instead “Local Court constituted by a Magistrate sitting alone”.

#### **4.19 Credit Act 1984 No 94**

##### **[1] Section 5 Definitions**

Omit the definition of *court of petty sessions* from section 5 (1).

##### **[2] Section 6 Jurisdiction of courts and Tribunal**

Omit “court of petty sessions other than a court of petty sessions in respect of which an order under section 77 (3) of the *Courts of Petty Sessions (Civil Claims) Act 1970*” from section 6 (1) (c) (ii).

Insert instead “Local Court constituted by a Magistrate sitting alone, other than a Local Court in respect of which an order under section 77 (3) of the *Local Courts (Civil Claims) Act 1970*”.

#### **4.20 Crimes Act 1900 No 40**

##### **[1] Sections 357G (1) (b), (3), (4), (5), (6), (7) and (12) (b) and 414A (2) and (4)**

Omit “stipendiary magistrate” wherever occurring.

Insert instead “Magistrate”.

##### **[2] Sections 406 (1), 414A (7) (b) and 444 (1), (1A), (2), (4) and (5)**

Omit “magistrate” wherever occurring. Insert instead “Magistrate”.

##### **[3] Sections 527A, 527B, 527C (1), 545C (1) and (2), 546A, 546B (1), 546C, 547B (1) and 547C**

Omit “stipendiary magistrate” wherever occurring.

Insert instead “Local Court constituted by a Magistrate sitting alone”.

##### **[4] Section 549 Offenders may be summoned under existing Acts**

Omit “, whether a Police or Stipendiary Magistrate or not,”.

#### **4.21 Crimes Prevention Act 1916 No 80**

##### **Section 4 Penalty for offences**

Omit “stipendiary or police magistrate, or any two justices in petty sessions,”.  
Insert instead “Local Court”.

#### **4.22 Dairy Industry Act 1979 No 208**

##### **[1] Section 33 Corporation may refuse to issue certificate etc**

Omit “court of petty sessions held before a stipendiary magistrate” from section 33 (4).  
Insert instead “Local Court constituted by a Magistrate sitting alone”.

##### **[2] Section 35 Registration in respect of certain interstate activities**

Omit “court of petty sessions held before a stipendiary magistrate” from section 35 (3) (c).  
Insert instead “Local Court constituted by a Magistrate sitting alone”.

##### **[3] Section 35 (3) (c)**

Omit “court of petty sessions” where secondly and thirdly occurring.  
Insert instead “Local Court”.

##### **[4] Section 92 Proceedings for an offence generally**

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

#### **4.23 David Berry Hospital Act 1906 No 53**

##### **Section 10 Regulation of hospital**

Omit “any stipendiary or police magistrate, or any two justices of the peace in petty sessions”.  
Insert instead “a Local Court”.

#### **4.24 Dental Technicians Registration Act 1975 No 40**

##### **Section 31 Proceedings for offences**

Omit “court of petty sessions constituted by a stipendiary magistrate or any two justices” from section 31 (2).  
Insert instead “Local Court”.

#### **4.25 Discharged Servicemen’s Badges Act 1964 No 49**

##### **Section 4 Penalty and proceedings for offences**

Omit “stipendiary magistrate or two justices in petty sessions” from section 4 (2).  
Insert instead “Local Court”.

#### **4.26 Disorderly Houses Act 1943 No 6**

##### **Sections 13A Forfeiture or disposal of liquor, drug etc seized in disorderly houses and suspected premises**

Omit “Stipendiary or Police” wherever occurring in section 13A (2) and (3).

#### **4.27 Door-to-Door Sales Act 1967 No 36**

##### **Section 8 Recovery of penalties**

Omit “stipendiary magistrate or any two justices in petty sessions”.  
Insert instead “Local Court”.

#### **4.28 Drainage Act 1939 No 29**

##### **[1] Section 29 Roll of voters etc**

Omit “stipendiary or police magistrate” from section 29 (3).  
Insert instead “Magistrate”.

##### **[2] Section 29 (5)**

Omit “court of petty sessions”. Insert instead “Local Court”.

**4.29 Electricity (Pacific Power) Act 1950 No 22**

**Section 95 Recovery of penalties**

Omit “stipendiary magistrate or any two justices in petty sessions” from section 95 (1).

Insert instead “Local Court”.

**4.30 Fertilisers Act 1985 No 5**

**Section 35 Proceedings for offences**

Omit “court of petty sessions constituted by a stipendiary magistrate”.

Insert instead “Local Court constituted by a Magistrate sitting alone”.

**4.31 Fish River Water Supply Administration Act 1945 No 16**

**Section 18B Proceedings for offences**

Omit “stipendiary magistrate or two justices in petty sessions”.

Insert instead “Local Court”.

**4.32 Forestry Act 1916 No 55**

**[1] Section 43 Seizure and forfeiture of timber, products and forest materials**

Omit “court of petty sessions” from section 43 (2) (b) (ii).

Insert instead “Local Court”.

**[2] Section 46 Recovery of penalties etc**

Omit “stipendiary magistrate” from section 46 (1).

Insert instead “Local Court constituted by a Magistrate”.

**4.33 Frustrated Contracts Act 1978 No 105**

**Section 15 Adjustment by court**

Omit “court of petty sessions” from section 15 (8). Insert instead “Local Court”.

**4.34 Funeral Funds Act 1979 No 106**

**Section 91 Offences generally**

Omit “court of petty sessions held before a stipendiary magistrate” from section 91 (1).

Insert instead “Local Court constituted by a Magistrate”.

**4.35 Government and Related Employees Appeal Tribunal Act 1980 No 39**

**Section 44 Discovery of documents, attendance of witnesses etc**

Omit “court of petty sessions constituted by a stipendiary magistrate” from section 44 (2).

Insert instead “Local Court constituted by a Magistrate”.

**4.36 Growth Centres (Development Corporations) Act 1974 No 49**

**Section 40 Penalties**

Omit “stipendiary magistrate or any two justices of the peace in petty sessions” from section 40 (1).

Insert instead “Local Court”.

**4.37 Harness Racing New South Wales Act 1977 No 57**

**Section 25 Penalties**

Omit “court of petty sessions constituted by a stipendiary magistrate”.

Insert instead “Local Court constituted by a Magistrate”.

**4.38 Health Administration Act 1982 No 135**

**Section 24 Proceedings for offences**

Omit “court of petty sessions constituted by a stipendiary magistrate”.

Insert instead “Local Court constituted by a Magistrate”.

#### **4.39 Heritage Act 1977 No 136**

##### **Section 158 Proceedings for offences**

Omit “court of petty sessions held before a stipendiary magistrate” wherever occurring from sections 158 (1), (2) and (4).

Insert instead “Local Court constituted by a Magistrate”.

#### **4.40 Housing Act 1976 No 62**

##### **Section 33 Penalties**

Omit “court of petty sessions constituted by a stipendiary magistrate”.

Insert instead “Local Court constituted by a Magistrate”.

#### **4.41 Hunter Valley Flood Mitigation Act 1956 No 10**

##### **Section 54 Recovery of penalties**

Omit “any stipendiary magistrate or any two or more justices of the peace in petty sessions”.

Insert instead “a Local Court”.

#### **4.42 Inebriates Act 1912 No 24**

##### **[1] Sections 3 (1), 4 (2), 5 (1) and 11 (1)**

Omit “stipendiary magistrate” wherever occurring. Insert instead “Magistrate”.

##### **[2] Sections 3 (1), (1A), (3), 4 (2), 5 (2), 8, 18, 20 (2), 21, 22, 26 and 28 (ea) and (f)**

Omit “magistrate” wherever occurring. Insert instead “Magistrate”.

##### **[3] Section 32 Recovery of penalties**

Omit “any court of petty sessions”. Insert instead “a Local Court”.

##### **[4] Schedule 3**

Omit “Stipendiary (or Police)”.

##### **[5] Schedule 5**

Omit “Stipendiary”.



#### **4.43 Infants' Custody and Settlements Act 1899 No 39**

**[1] Section 4 Rules**

Omit "courts of petty sessions" from section 4 (3).  
Insert instead "a Local Court".

**[2] Section 4 (3)**

Omit "courts of quarter sessions". Insert instead "the District Court".

**[3] Sections 10A (1), (2) and (3) and 10B**

Omit "court of petty sessions" wherever occurring. Insert instead "Local Court".

**[4] Section 10A (1) (a)**

Omit "stipendiary magistrate". Insert instead "Magistrate".

**[5] Section 10A (2) (b)**

Omit "a court of quarter sessions". Insert instead "the District Court".

#### **4.44 Irrigation Act 1912 No 73**

**[1] Section 30 Recovery of penalties**

Omit "any stipendiary magistrate or two or more justices of the peace in petty sessions".  
Insert instead "a Local Court".

**[2] Section 31 Proceedings for offences**

Omit "court of petty sessions held before a stipendiary magistrate, or 2 or more justices of the peace," wherever occurring in section 31 (2) and (3).  
Insert instead "Local Court".

#### **4.45 Irrigation Areas (Reduction of Rents) Act 1974 No 83**

**Section 12 Offence**

Omit "stipendiary magistrate or any two justices of the peace in petty sessions" from section 12 (2).  
Insert instead "Local Court".

#### **4.46 Land Agents Act 1927 No 3**

##### **Section 4 Registration of land agents**

Omit “any two justices in petty sessions” from section 4 (2).  
Insert instead “a Local Court”.

#### **4.47 Land Development Contribution Management Act 1970 No 22**

##### **Section 78 Recovery of penalties**

Omit “court of petty sessions held before a stipendiary magistrate”.  
Insert instead “Local Court constituted by a Magistrate sitting alone”.

#### **4.48 Landlord and Tenant Act 1899 No 18**

##### **[1] Section 23 Possession of tenements may be recovered before Magistrate**

Omit “any two or more justices of the peace at the place where the petty sessions of the district in which such land is situated usually sit” from section 23 (1).

Insert instead “a Local Court at the place where the Local Court of the district in which such land is situated usually sits”.

##### **[2] Schedule E**

Omit “(the place where the petty sessions of the district in which the land in question is situated usually sit)”.

Insert instead “(the place where the Local Court of the district in which the land in question is situated usually sits)”.

##### **[3] Schedule E**

Omit “(being the place where the petty sessions of the said district usually sit)” wherever occurring.

Insert instead “(the place where the Local Court of the district in which the land in question is situated usually sits)”.

##### **[4] Schedule E**

Omit “clerk of the petty sessions of the justices of the peace”.  
Insert instead “Clerk of the Local Court”.

#### **4.49 Landlord and Tenant (Amendment) Act 1948 No 25**

**[1] Section 5A Parts 2, 3, 4 and 5 not to apply to certain premises**

Omit “clerk of petty sessions” wherever occurring in section 5A (1) (d) (ii) (a) and (b), (e) (ii) (b) (i) and (ii) and (10) (a) and (b) (ii).  
Insert instead “Clerk of the Local Court”.

**[2] Section 17A Fixing of rent of prescribed premises by agreement**

Omit “clerk of petty sessions” wherever occurring in section 17A (6) (b) (i) and (ii) and (10) (a) and (b) (ii).  
Insert instead “Clerk of the Local Court”.

**[3] Sections 44 (1) and 50 (2)**

Omit “Stipendiary Magistrate” wherever occurring. Insert instead “Magistrate”.

**[4] Section 82 Protection of sub-lessees**

Omit “clerk of petty sessions of the court” from section 82 (3) (b).  
Insert instead “Clerk of the Local Court”.

**[5] Section 82 (3) (c)**

Omit “clerk of petty sessions”. Insert instead “Clerk of the Local Court”.

**[6] Section 82 (3) (c)**

Omit “court”. Insert instead “Court”.

**[7] Section 88B Premises not to be sold in certain circumstances**

Omit “the court of petty sessions for the petty sessions”.  
Insert instead “a Local Court for the”.

**[8] Section 88B**

Omit “that court”. Insert instead “that Court”.

**[9] Section 111 Rental of farms by members of Forces etc**

Omit “court of petty sessions constituted by a stipendiary magistrate” from paragraph (a) of the definition of *the appropriate court* in section 111 (3).  
Insert instead “Local Court constituted by a Magistrate”.

#### **4.50 Law Reform (Miscellaneous Provisions) Act 1946 No 33**

**[1] Section 2 Special provisions in relation to certain actions of tort**

Omit “court of petty sessions exercising jurisdiction under the *Small Debts Recovery Act 1912*, as amended by subsequent Acts, by any stipendiary or police magistrate or” from section 2 (2).

Insert instead “Local Court exercising jurisdiction under the *Local Courts (Civil Claims) Act 1970*, by a Magistrate sitting alone or by”.

**[2] Section 4 Rules of court**

Omit “courts of petty sessions exercising jurisdiction under the *Courts of Petty Sessions (Civil Claims) Act 1970*” from section 4 (3) (b).

Insert instead “a Local Court exercising jurisdiction under the *Local Courts (Civil Claims) Act 1970*”.

#### **4.51 Lie Detectors Act 1983 No 62**

**Section 7 Penalties**

Omit “court of petty sessions constituted by a stipendiary magistrate” from section 7 (2).

Insert instead “Local Court constituted by a Magistrate”.

#### **4.52 Limitation Act 1969 No 31**

**Section 77 Rules of Court**

Omit “courts of petty sessions exercising jurisdiction under the *Courts of Petty Sessions (Civil Claims) Act 1970*” from section 77 (1) (b).

Insert instead “a Local Court exercising jurisdiction under the *Local Courts (Civil Claims) Act 1970*”.

#### **4.53 Liquor Act 1982 No 147**

**[1] Section 12 Procedure before Licensing Court**

Omit “court of petty sessions” wherever occurring from section 12 (1) (b) and (4).

Insert instead “Local Court”.

**[2] Sections 16 (3), 69 (3) and 99 (4)**

Omit “court of petty sessions having jurisdiction under the *Courts of Petty Sessions (Civil Claims) Act 1970*” wherever occurring.  
Insert instead “Local Court having jurisdiction under the *Local Courts (Civil Claims) Act 1970*”.

**[3] Sections 16 (3), 69 (3) and 99 (4)**

Omit “that court of petty sessions” wherever occurring.  
Insert instead “that Local Court”.

**[4] Section 17 Registrars of the court**

Omit “clerk of petty sessions” from section 17 (2).  
Insert instead “Clerk of the Local Court”.

**4.54 Loan Fund Companies Act 1976 No 94**

**Section 66 Proceedings for offences**

Omit “court of petty sessions constituted by a stipendiary magistrate sitting alone or 2 justices” from section 66 (a).  
Insert instead “Local Court”.

**4.55 Local Government and Other Authorities (Superannuation) Act 1927 No 35**

**Section 20 Regulations**

Omit “any two justices or a stipendiary magistrate” from section 20 (2).  
Insert instead “a Local Court constituted by a Magistrate sitting alone”.

**4.56 Lord Howe Island Act 1953 No 39**

**Section 37A Proceedings for offences**

Omit “court of petty sessions”. Insert instead “Local Court”.

#### **4.57 Marketing of Primary Products Act 1983 No 176**

##### **Section 156 Proceedings**

Omit “court of petty sessions constituted by a stipendiary magistrate” from section 156 (1).

Insert instead “Local Court constituted by a Magistrate”.

#### **4.58 Meat Industry Act 1978 No 54**

##### **[1] Section 76 Offences generally**

Omit “court of petty sessions held before a stipendiary magistrate” from section 76 (4).

Insert instead “Local Court constituted by a Magistrate”.

##### **[2] Section 76 (4A)**

Omit “court of petty sessions held before a magistrate”.

Insert instead “Local Court constituted by a Magistrate”.

##### **[3] Section 76 (4B)**

Omit “court of petty sessions held before a stipendiary magistrate”.

Insert instead “Local Court constituted by a Magistrate sitting alone”.

##### **[4] Section 76 (4B)**

Omit “the court”. Insert instead “the Court”.

#### **4.59 Mine Subsidence Compensation Act 1961 No 22**

##### **Section 17 Proceedings for offences etc**

Omit “court of petty sessions constituted by a stipendiary magistrate” from section 17 (1).

Insert instead “Local Court constituted by a Magistrate”.

#### **4.60 Minors (Property and Contracts) Act 1970 No 60**

##### **[1] Sections 27 (2), (3), (4) and (5), 40 (4) and (5), 41 (2) and (3) and 42 (1)**

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

##### **[2] Sections 27 (3) and 40 (4)**

Omit “stipendiary magistrate”. Insert instead “Magistrate”.

**[3] Section 27 (4) and (5)**

Omit “the court”. Insert instead “the Court”.

**[4] Section 51 Rules of court**

Omit “courts of petty sessions” from section 51 (6).  
Insert instead “a Local Court”.

**4.61 Moratorium Act 1932 No 57**

**[1] Section 29 Court**

Omit “court of petty sessions holden before a stipendiary or police magistrate” from section 29 (1) (c).  
Insert instead “Local Court constituted by a Magistrate sitting alone”.

**[2] Section 30 Jurisdiction of court—how exercised**

Omit “court of petty sessions, by a stipendiary or police magistrate” from section 30 (1).  
Insert instead “Local Court, by a Magistrate sitting alone”.

**[3] Section 30 (6)**

Omit “stipendiary or police magistrate”. Insert instead “Magistrate”.

**[4] Sections 30 (6) and 37 (1) (a)**

Omit “clerk of petty sessions” wherever occurring.  
Insert instead “Clerk of the Local Court”.

**[5] Sections 30 (7) and 47 (1)**

Omit “courts of petty sessions” wherever occurring.  
Insert instead “Local Courts”.

**[6] Section 31 Enforcement of orders**

Omit “court of petty sessions” from section 31 (4). Insert instead “Local Court”.

**[7] Section 31 (4)**

Omit “*Small Debts Recovery Act 1912*”.  
Insert instead “*Local Courts (Civil Claims) Act 1970*”.

**[8] Section 47 (1)**

Omit “stipendiary or police magistrates”. Insert instead “a Magistrate”.

#### **4.62 Motor Vehicle Repairs Act 1980 No 71**

##### **Section 87 Proceedings**

Omit “court of petty sessions constituted by a stipendiary magistrate” from section 87 (1) (b).

Insert instead “Local Court constituted by a Magistrate”.

#### **4.63 Motor Vehicles (Third Party Insurance) Act 1942 No 15**

##### **[1] Section 13 Appeal against refusal to issue or against cancellation of policy**

Omit “court of petty sessions” wherever occurring in section 13 (1), (2) and (4) (b).

Insert instead “Local Court”.

##### **[2] Section 41 General penalty**

Omit “stipendiary magistrate or any two justices in petty sessions” from section 41 (2).

Insert instead “Local Court”.

#### **4.64 New South Wales—Queensland Border Rivers Act 1947 No 10**

##### **Section 28 Recovery of penalties**

Omit “stipendiary or police magistrate or any two justices of the peace in petty sessions”.

Insert instead “Local Court”.

#### **4.65 Oaths Act 1900 No 20**

##### **[1] Section 3 Form and manner of taking oaths**

Omit “stipendiary magistrate” wherever occurring in section 3 (2A) (a) and (b).  
Insert instead “Magistrate”.

##### **[2] Section 9 District Court Judges and other judicial officers**

Omit “stipendiary magistrates” from section 9 (1). Insert instead “Magistrates”.



**[3] Section 21A Penalty for taking and receiving statutory declaration without authority**

Omit “stipendiary or police magistrate” from section 21A (3).  
Insert instead “Local Court constituted by a Magistrate sitting alone”.

**[4] Section 30 Untrue document purporting to be affidavit**

Omit “court of petty sessions constituted by a stipendiary magistrate” from section 30 (b).  
Insert instead “Local Court constituted by a Magistrate sitting alone”.

**4.66 Optometrists Act 1930 No 20**

**Section 18 Offences and penalties**

Omit “any stipendiary magistrate sitting in petty sessions”.  
Insert instead “a Local Court constituted by a Magistrate sitting alone”.

**4.67 Pathology Laboratories Accreditation Act 1981 No 51**

**Section 40 Proceedings for offences**

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

**4.68 Pesticides Act 1978 No 57**

**Sections 61 (2) and 67 (1)**

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

**4.69 Petroleum Products Subsidy Act 1965 No 1**

**Section 18 Recovery of penalties**

Omit “court of petty sessions held before a stipendiary magistrate”.  
Insert instead “Local Court constituted by a Magistrate”.

#### **4.70 Petroleum (Submerged Lands) Act 1982 No 23**

##### **Section 16 Jurisdiction of State Courts**

Omit “stipendiary magistrate” from section 16 (3). Insert instead “Magistrate”.

#### **4.71 Pharmacy Act 1964 No 48**

##### **Section 35 Penalties**

Omit “stipendiary magistrate or any two justices in petty sessions” from section 35 (3).

Insert instead “Local Court”.

#### **4.72 Police Offences Act 1901 No 5**

##### **[1] Sections 101, 102, 104, 105, 106 and 107**

Omit “Stipendiary Magistrate” wherever occurring. Insert instead “Magistrate”.

##### **[2] Section 106 Magistrates and Justices may discontinue services of special constables called out**

Omit “sitting in petty sessions in such city, town, or place”.

#### **4.73 Private Irrigation Districts Act 1973 No 47**

##### **Section 91 Proceedings for offences**

Omit “stipendiary magistrate sitting in petty sessions alone”.

Insert instead “Local Court constituted by a Magistrate sitting alone”.

#### **4.74 Property, Stock and Business Agents Act 1941 No 28**

##### **[1] Section 29A Disqualification of former licensees etc**

Omit “justice of the peace may summon a former licensee to appear before a court of petty sessions holden before a stipendiary magistrate” from section 29A (2).

Insert instead “justice may summon a former licensee to appear before a Local Court constituted by a Magistrate sitting alone”.

##### **[2] Section 29A (3)**

Omit “court of petty sessions”. Insert instead “Local Court”.

**[3] Section 57 Procedure**

Omit “clerk of the court of petty sessions” from section 57 (4F) (a).  
Insert instead “Clerk of the Local Court”.

**[4] Section 57 (7) (b)**

Omit “stipendiary magistrate”.  
Insert instead “Magistrate”.

**[5] Section 60 Cancellation of certificate of registration**

Omit “court of petty sessions holden before a stipendiary magistrate” from section 60 (1).  
Insert instead “Local Court constituted by a Magistrate sitting alone”.

**[6] Section 60 (2)**

Omit “court of petty sessions”. Insert instead “Local Court”.

**4.75 Protected Estates Act 1983 No 179**

**Sections 15, 16, 17, 19 (2), 20 (1), 21 (1) and 23**

Omit “stipendiary magistrate” wherever occurring. Insert instead “Magistrate”.

**4.76 Public Finance and Audit Act 1983 No 152**

**Section 63 Proceedings for offences**

Omit “court of petty sessions held before a stipendiary magistrate” from section 63 (1).  
Insert instead “Local Court constituted by a Magistrate”.

**4.77 Public Works Act 1912 No 45**

**Section 150 Penalty on persons omitting to fasten gates**

Omit “any stipendiary or police magistrate or any two justices” from section 150 (2).  
Insert instead “a Local Court”.

**4.78 Recreation Vehicles Act 1983 No 136**

**Section 42 Proceedings**

Omit “court of petty sessions constituted by a stipendiary magistrate”.  
Insert instead “Local Court constituted by a Magistrate sitting alone”.

**4.79 Road Obstructions (Special Provisions) Act 1979 No 9**

**Section 9 Proceedings**

Omit “court of petty sessions held before a stipendiary magistrate”.  
Insert instead “Local Court constituted by a Magistrate sitting alone”.

**4.80 Royal Botanic Gardens and Domain Trust Act 1980 No 19**

**Section 23 Proceedings for offences**

Omit “court of petty sessions constituted by a stipendiary magistrate” from section 23 (1).  
Insert instead “Local Court constituted by a Magistrate”.

**4.81 Rural Workers Accommodation Act 1969 No 34**

**[1] Section 17 Proceedings**

Omit “court of petty sessions holden before a stipendiary magistrate” from section 17 (1).  
Insert instead “Local Court constituted by a Magistrate sitting alone”.

**[2] Section 17 (2)**

Omit “magistrate”. Insert instead “Magistrate”.

**4.82 School Forest Areas Act 1936 No 20**

**[1] Section 20 Seizure and forfeiture of timber and products**

Omit “court of petty sessions” wherever occurring in section 20 (1) (b) and (2) (a) and (b).  
Insert instead “Local Court”.

**[2] Section 22 Recovery of penalties**

Omit “stipendiary or police magistrate, or any two justices in petty sessions”.  
Insert “Local Court”.

**4.83 Seeds Act 1982 No 14**

**Section 29 Proceedings for offences**

Omit “court of petty sessions held before a stipendiary magistrate”.  
Insert instead “Local Court constituted by a Magistrate”.

**4.84 Sheriff Act 1900 No 16**

**Section 8 Sheriff or deputy to attend Courts**

Omit “Courts of Quarter Sessions”. Insert instead “the District Court”.

**4.85 Small Business Development Corporation Act 1984 No 119**

**Section 19 Proceedings for offences**

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

**4.86 Special Commissions of Inquiry Act 1983 No 90**

**Section 33 Proceedings for offences**

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

**4.87 Sporting Injuries Insurance Act 1978 No 141**

**Section 32 Proceedings for offences**

Omit “court of petty sessions constituted by a stipendiary magistrate” from  
section 32 (1).  
Insert instead “Local Court constituted by a Magistrate”.

**4.88 State Coal Mines Act 1912 No 70**

**Section 22 Regulations**

Omit “stipendiary or police magistrate or before two justices”.  
Insert “Local Court”.

**4.89 State Sports Centre Trust Act 1984 No 68**

**Section 21 Proceedings for offences**

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

**4.90 Strata Schemes (Freehold Development) Act 1973 No 68**

**Section 157 Proceedings for offences**

Omit “court of petty sessions held before a stipendiary magistrate”.  
Insert instead “Local Court constituted by a Magistrate sitting alone”.

**4.91 Superannuation Act 1916 No 28**

**[1] Section 39 Desertion of spouse or child**

Omit “stipendiary magistrate” wherever occurring in section 39 (1) and (2).  
Insert instead “Magistrate”.

**[2] Section 39 (1) and (2)**

Omit “such magistrate” and “the magistrate” wherever occurring.  
Insert instead “such Magistrate” and “the Magistrate” respectively.

**4.92 Supreme Court Act 1970 No 52**

**[1] Section 53 Assignment of business**

Omit “court of petty sessions” from paragraph (b) of the definition of *prescribed tribunal* in section 53 (3C).  
Insert instead “Local Court”.

**[2] Section 53, definition of “prescribed tribunal”, paragraphs (b) and (c)**

Omit “stipendiary magistrate” wherever occurring. Insert instead “Magistrate”.

**4.93 Supreme Court (Summary Jurisdiction) Act 1967 No 72**

**Section 28A Termination of Local Court proceedings on commencement of proceedings under this Act**

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

**4.94 Survey Co-ordination Act 1949 No 27**

**[1] Section 20 Penalty for destruction etc of permanent marks**

Omit “court of petty sessions” from section 20 (2). Insert instead “Local Court”.

**[2] Section 20 (2)**

Omit “*Small Debts Recovery Act 1912*”.

Insert instead “*Local Courts (Civil Claims) Act 1970*”.

**[3] Section 21 Penalties**

Omit “court of petty sessions holden before a stipendiary magistrate”.

Insert instead “Local Court constituted by a Magistrate sitting alone”.

**4.95 Survey Marks Act 1902 No 56**

**Section 5 Recovery of penalties**

Omit “any two justices in petty sessions”. Insert instead “a Local Court”.

**4.96 Swine Compensation Act 1928 No 36**

**Section 18 Regulations**

Omit “stipendiary magistrate, or any two or more justices” from section 18 (3).

Insert “Local Court”.

**4.97 Sydney Cricket and Sports Ground Act 1978 No 72**

**Section 30 Recovery of penalties**

Omit “court of petty sessions constituted by a stipendiary magistrate”.

Insert instead “Local Court constituted by a Magistrate sitting alone”.

**4.98 Sydney Turf Club Act 1943 No 22**

**Section 23 Public notification of by-laws**

Omit “stipendiary magistrate” from section 23 (5).

Insert instead “Local Court constituted by a Magistrate sitting alone”.

**4.99 Teacher Housing Authority Act 1975 No 27**

**Section 35 Disclosure of information**

Omit “court of petty sessions constituted by a stipendiary magistrate”.

Insert instead “Local Court constituted by a Magistrate sitting alone”.

**4.100 Teaching Services Act 1980 No 23**

**Section 93 Attachment of salary or wages of officers and temporary employees**

Omit “court of petty sessions” from section 93 (7).

Insert instead “Local Court”.

**4.101 Theatres and Public Halls Act 1908 No 13**

**Section 33 Proceedings for offences against Act or regulations**

Omit “court of petty sessions constituted by a stipendiary magistrate”.

Insert instead “Local Court constituted by a Magistrate”.

**4.102 Tourism New South Wales Act 1984 No 46**

**Section 33 Proceedings for offences**

Omit “court of petty sessions constituted by a stipendiary magistrate”.

Insert instead “Local Court constituted by a Magistrate”.



#### **4.103 Transport Appeal Boards Act 1980 No 104**

**[1] Section 18 Discovery of documents, attendance of witnesses etc**

Omit “court of petty sessions constituted by a stipendiary magistrate” from section 18 (2).

Insert instead “Local Court constituted by a Magistrate”.

**[2] Section 33 Proceedings for offences**

Omit “court of petty sessions constituted by a stipendiary magistrate or any 2 justices of the peace”.

Insert instead “Local Court constituted by a Magistrate sitting alone”.

#### **4.104 Valuation of Land Act 1916 No 2**

**Section 80A Proceedings for recovery of penalties to be heard summarily**

Omit “court of petty sessions constituted by a stipendiary magistrate”.

Insert instead “Local Court constituted by a Magistrate”.

#### **4.105 Water Act 1912 No 44**

**[1] Section 4G Proceedings for offences**

Omit “court of petty sessions held before a stipendiary magistrate, or any 2 justices” from section 4G (2).

Insert instead “Local Court”.

**[2] Section 4G (3)**

Omit “court of petty sessions held before a stipendiary magistrate, or 2 justices”.

Insert instead “Local Court”.

**[3] Sections 12 (1) (b) and (2) (c), 20E (2) (c) and (d), 20K (3), 20L (1) and the definition of “prescribed tribunal” in 165 (1)**

Omit “stipendiary magistrate” wherever occurring.

Insert instead “Magistrate”.

**[4] Sections 45 and 55 (3) and (4)**

Omit “police magistrate” wherever occurring. Insert instead “Magistrate”.

**[5] Section 101 Notice of cleansing or repairing drains**

Omit “court of petty sessions” from section 101 (3).

Insert instead “Local Court”.

**4.106 Wills, Probate and Administration Act 1898 No 13**

**Section 98 District agents**

Omit “a Court of Petty Sessions is held”. Insert instead “there is a Local Court”.

**4.107 Workers’ Compensation (Dust Diseases) Act 1942 No 14**

**Section 8G Proceedings**

Omit “stipendiary magistrate” from section 8G (2).

Insert instead “Local Court constituted by a Magistrate sitting alone”.

**4.108 Workmen’s Compensation (Lead Poisoning—Broken Hill) Act 1922 No 31**

**Section 15 Regulations**

Omit “police or stipendiary magistrate or two or more justices” from section 15 (2).

Insert instead “Local Court”.

**4.109 Zoological Parks Board Act 1973 No 34**

**[1] Section 32 Recovery of penalty**

Omit “stipendiary magistrate sitting in petty sessions alone” from section 32 (1).

Insert instead “Local Court constituted by a Magistrate sitting alone”.

**[2] Section 33 Compensation for loss, damage or injury**

Omit “magistrate” wherever occurring in section 33 (1).

Insert instead “Magistrate”.

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(Section 3)

**5.1 Administration of Justice Act 1924 No 42**

**Part 3 Amendment of Acts**

Omit the Part.

**5.2 Administration of Justice Act 1968 No 3**

**Section 3 Division of Act**

Omit the section.

**5.3 Agricultural Scientific Collections Trust Act 1983 No 148**

**Section 3 Arrangement**

Omit the section.

**5.4 Anatomy Act 1977 No 126**

**Section 3 Arrangement**

Omit the section.

**5.5 Anglican Church of Australia Trust Property Act 1917 No 21**

**[1] Part 1A**

Insert before section 1:

**Part 1A Preliminary**

**[2] Section 1 Short title**

Omit all words following “1917”.

**5.6 Animals Act 1977 No 25**

**Section 2 Division of Act**

Omit the section.

**5.7 Architects Act 1921 No 8**

**Section 2 Arrangement**

Omit the section.

**5.8 Balranald Irrigation Act 1902 No 78**

**Section 1 Short title**

Omit all words following “1902”.

**5.9 Banks and Bank Holidays Act 1912 No 43**

**Section 1 Short title**

Omit all words following “1912”.

**5.10 Baptist Churches of New South Wales Property Trust Act 1984  
No 4**

**Section 3 Arrangement**

Omit the section.

**5.11 Botany Cemetery and Crematorium Act 1972 No 6**

**Section 2 Division of Act**

Omit the section.

**5.12 Cabramatta Park Act 1922 No 35**

**[1] Section 2, heading**

Insert “Registration of transfer of land” as the heading to the section.

**[2] Section 3, heading**

Insert “Use of transferred land as a park” as the heading to the section.

**5.13 Chipping Norton Lake Authority Act 1977 No 38**

**Section 5 Arrangement**

Omit the section.

**5.14 Churches of Christ in New South Wales Incorporation Act 1947 No 2**

**Section 1 Short title and commencement**

Omit section 1 (3).

**5.15 Coastal Protection Act 1979 No 13**

**Section 3 Arrangement**

Omit the section.

**5.16 Companies (Application of Laws) Act 1981 No 122**

**Section 3 Arrangement**

Omit the section.

**5.17 Companies (Death Duties) Act 1901 No 30**

**The whole Act**

Omit each heading that is not a section heading, a Schedule heading or a Column heading.

**5.18 Companies (Transfer of Domicile) Act 1968 No 15**

**Section 2 Division of Act**

Omit the section.

**5.19 Constitution Further Amendment (Referendum) Act 1930 No 2**

**Section 2 Division into Parts**

Omit the section.

**5.20 Contracts Review Act 1980 No 16**

**Section 3 Arrangement**

Omit the section.

**5.21 Conversion of Cemeteries Act 1974 No 17**

**Section 3 Division of Act**

Omit the section.

**5.22 Conveyancing Act 1919 No 6**

**[1] Part 1A**

Insert before section 1:

**Part 1A Preliminary**

**[2] Part 4, Division 1A**

Insert before section 52:

**Division 1A Application of Part**

**[3] Part 6, Division 1A**

Insert before section 69:

**Division 1A Application of Part**

**[4] Part 6, headings**

Omit each heading that is not a Division heading or a section heading.

**[5] Part 8, Division 1A**

Insert before section 116:

**Division 1A Application of Part**

**[6] Part 15, headings**

Omit each heading that is not a section heading.

**5.23 Conveyancing and Law of Property Act 1898 No 17**

**[1] The whole Act**

Omit each heading that is not a Part heading, a section heading, a Schedule heading or a Column heading.

**[2] Part 1A**

Insert before section 1:

**Part 1A Preliminary**

**[3] Section 1 Short title**

Omit all words following “1898” in section 1 (1).

**5.24 Conveyancing and Law of Property (Supplemental) Act 1901 No 37**

**[1] Part 1A**

Insert before section 1:

**Part 1A Name of Act**

**[2] Section 1 Name of Act**

Omit all words following “1898”.

**5.25 Coroners Act 1980 No 27**

**[1] Schedule 3 Savings and transitional provisions**

Insert “Appointment as coroner or deputy coroner” as the heading to clause 1.

**[2] Schedule 3, clause 2**  
Insert “Pending proceedings” as the heading.

**[3] Schedule 3, clause 3**  
Insert “Warrants of commitment or recognizances” as the heading.

**[4] Schedule 3, clause 5**  
Insert “Depositions” as the heading.

## **5.26 Country Industries (Pay-roll Tax Rebates) Act 1977 No 79**

### **Section 3 Arrangement**

Omit the section.

## **5.27 Crimes Act 1900 No 40**

**[1] Part 4, Chapter 2, Division 1, heading**  
Omit the heading. Insert instead:

### **Subdivision 1 Interpretation**

**[2] Part 4, Chapter 2, Division 2, heading**  
Omit the heading. Insert instead:

### **Subdivision 2 Crimes against property generally**

**[3] Part 4, Chapter 2, Division 3, heading**  
Omit the heading. Insert instead:

### **Subdivision 3 Crimes relating to particular kinds of property**

**[4] The whole Act**  
Omit “CHAPTER” wherever occurring. Insert instead “Division”.

**[5] The whole Act**  
Omit “Chapter” wherever occurring. Insert instead “Division”.



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**[6] Part 14, Division 1A**

Insert before section 475C:

**Division 1 Interpretation**

**[7] Section 501**

Omit all matter regarding the repealed section, including the matter regarding the section replacing it.

**5.28 Crimes Prevention Act 1916 No 80**

**The whole Act**

Omit each heading that is not a section heading.

**5.29 Criminal Appeal Act 1912 No 16**

**Section 1 Name of Act**

Omit all words following “1912”.

**5.30 Criminal Procedure Amendment (Indictable Offences) Act 1995 No 22**

**Schedule 2 Consequential amendment of other Acts**

Omit “Chapter” wherever occurring in Schedule 2.3 [5] and [6].  
Insert instead “Division”.

**5.31 Dairy Industry Act 1979 No 208**

**[1] Schedule 5 Savings and transitional provisions**

Omit from Part 2 each heading that is not a Part heading or a clause heading.

**[2] Schedule 5, Part 2**

Insert before clause 17:

**Division 1 Provisions consequent on enactment of Dairy Industry (Amendment) Act 1989**

**[3] Schedule 5, Part 2**

Insert before clause 18:

**Division 2 Provisions consequent on enactment of Dairy  
Industry (Corporations) Amendment Act 1992**

**5.32 David Berry Hospital Act 1906 No 53**

**The whole Act**

Omit each heading that is not a section heading or a Schedule heading.

**5.33 Dental Technicians Registration Act 1975 No 40**

**Section 3 Division of Act**

Omit the section.

**5.34 Destitute Children's Society (Vesting) Act 1916 No 82**

**The whole Act**

Omit each heading that is not a section heading or a Schedule heading.

**5.35 Drainage Act 1939 No 29**

**Section 1 Name of Act and commencement**

Omit all words following "1939" in section 1 (1).

**5.36 Employment Protection Act 1982 No 122**

**Section 3 Arrangement**

Omit the section.

**5.37 Encroachment of Buildings Act 1922 No 23**

**The whole Act**

Omit each heading that is not a section heading, a Schedule heading or a clause heading.

**5.38 Exotic Diseases of Animals Act 1991 No 73**

**Dictionary of terms used in this Act, heading**

Omit "OF TERMS USED IN THIS ACT".

**5.39 Family Provision Act 1982 No 160**

**Section 3 Arrangement**

Omit the section.

**5.40 Fish River Water Supply Administration Act 1945 No 16**

**Section 1 Short title**

Omit section 1 (2).

**5.41 Forestry Act 1916 No 55**

**[1] The whole Act**

Omit each heading that is not a Part heading, a Division heading, a section heading, a Schedule heading or a clause heading.

**[2] Part 1A**

Insert before section 1:

**Part 1A Preliminary**

**5.42 Frustrated Contracts Act 1978 No 105**

**Section 3 Arrangement**

Omit the section.

**5.43 Funeral Funds Act 1979 No 106**

**Section 3 Arrangement**

Omit the section.

**5.44 Glen Davis Act 1939 No 38**

**Section 1 Short title and commencement**

Omit section 1 (4).

**5.45 Horticultural Stock and Nurseries Act 1969 No 3**

**Section 2 Division of Act**

Omit the section.

**5.46 Imperial Acts Application Act 1969 No 30**

**Section 3 Division into Parts and Divisions**

Omit the section.

**5.47 Impounding Act 1993 No 31**

**Dictionary of expressions used in this Act, heading**

Omit "OF EXPRESSIONS USED IN THIS ACT".

**5.48 Inebriates Act 1912 No 24**

**[1] The whole Act**

Omit each heading that is not a section heading, a Schedule heading or a heading in a Schedule.

- [2] Part 1**  
Insert before section 1:

**Part 1 Preliminary**

- [3] Part 2**  
Insert before section 3:

**Part 2 Applications to commit inebriates**

- [4] Part 3**  
Insert before section 11:

**Part 3 Convicted inebriates**

- [5] Part 4**  
Insert before section 14:

**Part 4 General and supplemental**

**5.49 Infants' Custody and Settlements Act 1899 No 39**

- [1] Part 1A**  
Insert before section 1:

**Part 1A Preliminary**

- [2] Section 1 Short title**  
Omit section 1 (2).

**5.50 Inscribed Stock (Issue and Renewals) Act 1912 No 51**

- [1] The whole Act**  
Omit each heading that is not a section heading.

- [2] **Part 1**  
Insert before section 1:

## **Part 1 Preliminary**

- [3] **Part 2**  
Insert before section 3:

## **Part 2 Issue of stock for loans**

- [4] **Part 3**  
Insert before section 4:

## **Part 3 Conversion of debentures and stock**

- [5] **Part 4**  
Insert before section 7A:

## **Part 4 Issue of Treasury Bills**

- [6] **Part 5**  
Insert before section 8:

## **Part 5 Issue and inscription of stock**

- [7] **Part 6**  
Insert before section 15:

## **Part 6 Penalties**

- [8] **Part 7**  
Insert before section 16:

## **Part 7 Savings**

**5.51 Insurance Act 1902 No 49**

**Section 1 Short title**

Omit all words following “1902”.

**5.52 Interest Reduction Act 1931 No 44**

**Section 1 Short title and commencement**

Omit section 1 (3).

**5.53 Irrigation, Water and Rivers and Foreshores Improvement (Amendment) Act 1955 No 12**

**Section 1 Short title**

Omit section 1 (2)–(5).

**5.54 Judgment Creditors’ Remedies Act 1901 No 8**

**Section 1 Short title**

Omit all words following “1901”.

**5.55 Land Agents Act 1927 No 3**

**[1] The whole Act**

Omit each heading that is not a section heading.

**[2] Part 1**

Insert before section 1:

**Part 1 Preliminary**

**[3] Part 2**

Insert before section 4:

**Part 2 Registration**

**[4] Part 3**

Insert before section 8:

**Part 3 Taxation of bill of land agent**

**[5] Part 4**

Insert before section 10:

**Part 4 Orders**

**[6] Part 5**

Insert before section 12:

**Part 5 Rules**

**5.56 Land Development Contribution Management Act 1970 No 22**

**Section 2 Division of Act**

Omit the section.

**5.57 Land Sales Act 1964 No 12**

**[1] Fifth Schedule**

Omit “paragraph 6 (a)” from paragraph 3. Insert instead “paragraph 6 (1)”.

**[2] Fifth Schedule, paragraph 6**

Renumber subparagraphs (a)–(c) as (1)–(3).

**[3] Fifth Schedule, paragraph 8**

Omit “paragraph 6 (a)”. Insert instead “paragraph 6 (1)”.



**5.58 Land Tax Management Act 1956 No 26**

**[1] Schedule 2 Savings and transitional provisions**

Insert before clause 1A:

**Part 1 Preliminary**

**[2] Schedule 2**

Omit each heading that is not a Part heading or a clause heading.

**[3] Schedule 2, Part 2**

Insert before clause 2:

**Part 2 Provisions consequent on enactment of Land Tax Management (Amendment) Act 1988**

**[4] Schedule 2, Part 3**

Insert before clause 9:

**Part 3 Provisions consequent on enactment of Land Tax Management (Amendment) Act 1989**

**[5] Schedule 2, Part 4**

Insert before clause 10:

**Part 4 Provisions consequent on enactment of Land Tax (Amendment) Act 1990 and Land Tax Management (Amendment) Act 1990**

**[6] Schedule 2, Part 5**

Insert before clause 14:

**Part 5 Provisions consequent on enactment of Land Tax Management (Further Amendment) Act 1990**

**[7] Schedule 2, Part 6**

Insert before clause 16:

**Part 6 Provisions consequent on enactment of  
Stamp Duties (Miscellaneous Amendments)  
Act 1990**

**[8] Schedule 2, Part 7**

Insert before clause 17:

**Part 7 Provisions consequent on enactment of Land  
Tax Management (Amendment) Act 1991**

**[9] Schedule 2, Part 8**

Insert before clause 18:

**Part 8 Provisions consequent on enactment of Land  
Tax Management (Amendment) Act 1992**

**[10] Schedule 2, Part 9**

Insert before clause 23:

**Part 9 Provisions consequent on enactment of State  
Revenue Legislation (Amendment) Act 1994**

**[11] Schedule 2, Part 10**

Insert before clause 24:

**Part 10 Provisions consequent on enactment of  
State Revenue Legislation Further  
Amendment Act 1997**

**5.59 Landlord and Tenant Act 1899 No 18**

**Part 1A**

Insert before section 1:

**Part 1A Preliminary**

**5.60 Law Reform (Miscellaneous Provisions) Act 1946 No 33**

**Section 1 Short title**

Omit section 1 (2).

**5.61 Liens on Crops and Wool and Stock Mortgages Act 1898 No 7**

**[1] Part 1**

Insert before section 1:

**Part 1 Preliminary**

**[2] Part 1 Repeal**

Omit the heading.

**5.62 Limitation Act 1969 No 31**

**Section 3 Division**

Omit the section.

**5.63 Loan Fund Companies Act 1976 No 94**

**Section 3 Division of Act**

Omit the section.

**5.64 Local Courts Act 1982 No 164**

**Section 3 Arrangement**

Omit the section.

**5.65 Local Government (Areas) Act 1948 No 30**

**Section 2 Division into Parts**

Omit the section.

**5.66 Local Government (City of Sydney Boundaries) Act 1967 No 48**

**Section 2 Division of Act**

Omit the section.

**5.67 Lord Howe Island Act 1953 No 39**

**Section 2 Division into Parts**

Omit the section.

**5.68 Lutheran Church of Australia (New South Wales District)  
Property Trust Act 1982 No 101**

**Section 3 Arrangement**

Omit the section.

**5.69 Matrimonial Causes Act 1899 No 14**

**[1] The whole Act**

Omit each heading that is not a Part heading, a section heading, a Schedule heading or a Column heading.

**[2] Section 1 Short title**

Omit all words following “1899”.

**[3] Section 6, heading**  
Omit the heading. Insert instead “**Applications by petition**”.

**[4] Part 4, Division 1**  
Insert before section 12:

**Division 1      Dissolution on petition by husband**

**[5] Part 4, Division 2**  
Insert before section 14:

**Division 2      Dissolution on petition by wife**

**[6] Part 4, Division 3**  
Insert before section 17:

**Division 3      Hearing of petition**

**[7] Part 4, Division 4**  
Insert before section 18:

**Division 4      Dismissal of petition**

**[8] Part 4, Division 5**  
Insert before section 19:

**Division 5      When decree to be pronounced**

**[9] Part 4, Division 6**  
Insert before section 21:

**Division 6      Decrees nisi**

**[10] Part 4, Division 7**  
Insert before section 22:

**Division 7      Decrees absolute**

**[11] Part 4, Division 8**

Insert before section 24:

**Division 8 Co-respondents**

**[12] Part 4, Division 9**

Insert before section 25:

**Division 9 Relief given to respondent**

**[13] Part 4, Division 10**

Insert before section 26:

**Division 10 Questions to be fully argued**

**[14] Part 4, Division 11**

Insert before section 27:

**Division 11 Re-marriage**

**[15] Part 7, Division 1**

Insert before section 31:

**Division 1 Separation on petition by husband or wife**

**[16] Part 7, Division 2**

Insert before section 33:

**Division 2 Decrees**

**[17] Section 82, heading**

Omit the heading.

Insert instead “**Appeal to Full Court from decree or order of Court**”.

**[18] Section 83, heading**

Omit the heading.

Insert instead “**Appeal to Court from decision of Registrar**”.

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**[19] Section 84, heading**

Omit the heading. Insert instead “**Who may apply for a new trial?**”.

**[20] Section 85, heading**

Omit the heading.  
Insert instead “**How special verdict and special case stated?**”.

**5.70 Mining Act 1992 No 29**

**Dictionary of words and expressions, heading**

Omit “of words and expressions”.

**5.71 Minors (Property and Contracts) Act 1970 No 60**

**Section 2 Division into Parts**

Omit the section.

**5.72 Monopolies Act 1923 No 54**

**Section 2 Division of Act**

Omit the section.

**5.73 Moratorium Act 1932 No 57**

**Section 1 Short title**

Omit all words following “1932”.

**5.74 Motor Vehicle Repairs Act 1980 No 71**

**Section 3 Arrangement**

Omit the section.

**5.75 Murrumbidgee Irrigation Areas Occupiers Relief Act 1934 No 52**

**Section 2 Division into Parts**

Omit the section.

**5.76 New South Wales—Queensland Border Rivers Act 1947 No 10**

**The whole Act**

Omit each heading that is not a section heading, a Schedule heading or a heading in a Schedule.

**5.77 New South Wales Retirement Benefits Act 1972 No 70**

**Section 1 Short title**

Omit section 1 (2).

**5.78 Noxious Weeds Act 1993 No 11**

**Dictionary of words and expressions, heading**

Omit “of words and expressions”.

**5.79 Ombudsman Act 1974 No 68**

**Section 3 Division of Act**

Omit the section.

**5.80 Optometrists Act 1930 No 20**

**Section 3 Arrangement**

Omit the section.

**5.81 Parliamentary Electorates and Elections Act 1912 No 41**

**[1] Part 4 Officers and enrolment**

Omit each heading that is not a section heading.



**[2] Part 4, Division 1**

Insert after the heading to Part 4:

**Division 1 Districts and subdivisions**

**[3] Part 4, Division 2**

Insert before section 25:

**Division 2 Officers**

**[4] Part 4, Division 3**

Insert before section 26:

**Division 3 Rolls**

**[5] Part 4, Division 4**

Insert before section 32:

**Division 4 Enrolment**

**[6] Part 4, Division 5**

Insert before section 42:

**Division 5 Objections**

**[7] Part 4, Division 6**

Insert before section 48:

**Division 6 Appeals**

**[8] Part 4, Division 7**

Insert before section 50:

**Division 7 Copy of roll for election**

**[9] Part 4, Division 8**

Insert before section 51:

**Division 8 Miscellaneous**

**5.82 Pathology Laboratories Accreditation Act 1981 No 51**

**Section 3 Arrangement**

Omit the section.

**5.83 Port Kembla Inner Harbour Construction and Agreement  
Ratification Act 1955 No 43**

**Section 1 Short title**

Omit section 1 (2).

**5.84 Private Irrigation Districts Act 1973 No 47**

**Section 3 Division of Act**

Omit the section.

**5.85 Protected Estates Act 1983 No 179**

**Section 3 Arrangement**

Omit the section.

**5.86 Public Authorities (Financial Arrangements) Act 1987 No 33**

**Schedule 4 Investment powers of authorities**

Omit all headings in the Schedule.

**5.87 Public Trustee Act 1913 No 19**

**[1] Section 2 Arrangement**

Omit the section.

**[2] Parts 2, 3 and 4**

Omit each heading that is not a Part heading or a section heading.

**[3] Part 3, Division 1**

Insert before section 12:

**Division 1      General**

**[4] Part 3, Division 2**

Insert before section 13:

**Division 2      Public Trustee as trustee**

**[5] Part 3, Division 3**

Insert before section 18:

**Division 3      Public Trustee as executor or administrator**

**[6] Part 3, Division 4**

Insert after section 18A:

**Division 4      Public Trustee as collector under an order to collect**

**[7] Part 3, Division 5**

Insert before section 34:

**Division 5      Special powers of Public Trustee**

**[8] Part 3, Division 6**

Insert before section 36:

**Division 6      Investments**

**[9] Part 3, Division 7**

Insert before section 38:

**Division 7      Accounts**

**[10] Part 3, Division 8**

Insert before section 43:

**Division 8 Shares and stock**

**[11] Part 3, Division 9**

Insert before section 43A:

**Division 9 Entitlement to costs in certain cases**

**[12] Part 3, Division 10**

Insert before section 44:

**Division 10 Protection to Public Trustee**

**5.88 Racing Appeals Tribunal Act 1983 No 199**

**Section 3 Arrangement**

Omit the section.

**5.89 Rail Safety Act 1993 No 50**

**Dictionary of words and expressions, heading**

Omit “OF WORDS AND EXPRESSIONS”.

**5.90 Returned and Services League of Australia (New South Wales Branch) Incorporation Act 1935 No 39**

**[1] Section 4 Rights, liabilities, property and other provisions relating to League**

Omit “The Schedule to this Act”. Insert instead “Schedule 1”.

**[2] Schedule 1**

Omit the heading to the Schedule. Insert instead:

**Schedule 1 The Returned and Services League of Australia (New South Wales Branch)**

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**[3] Schedule 1, Part 1**

Omit the heading “Rights, Liabilities and Property”.  
Insert instead “**Part 1 Rights, liabilities and property**”.

**[4] Schedule 1, Part 2**

Omit the heading “Common Seal”. Insert instead “**Part 2 Common seal**”.

**[5] Schedule 1, Part 3**

Omit the heading “Notices”. Insert instead “**Part 3 Notices**”.

**[6] Schedule 1, Part 4**

Omit the heading “Constitution and Amendments thereof to be Registered”.  
Insert instead “**Part 4 Constitution and amendments to be registered**”.

**[7] Schedule 1, Part 5**

Omit the heading “Office”. Insert instead “**Part 5 Office**”.

**[8] Schedule 1, Part 6**

Omit the heading “Savings”. Insert instead “**Part 6 Savings**”.

**5.91 Royal Botanic Gardens and Domain Trust Act 1980 No 19**

**Section 3 Arrangement**

Omit the section.

**5.92 Royal North Shore Hospital of Sydney Act 1910 No 20**

**[1] The whole Act**

Omit each heading that is not a section heading or a Schedule heading.

**[2] Part 1**

Insert before section 1:

**Part 1 Preliminary**

- [3] Part 2**  
Insert before section 4:

## **Part 2 The institution**

- [4] Part 3**  
Insert before section 8:

## **Part 3 Board of directors**

- [5] Part 4**  
Insert before section 25:

## **Part 4 Miscellaneous**

### **5.93 Rural Reconstruction Act 1939 No 45**

- Section 1 Short title**  
Omit section 1 (4).

### **5.94 Rural Workers Accommodation Act 1969 No 34**

- [1] The Schedule**  
Insert “The following provisions apply:” before clause (3) (i) of Part 1.
- [2] The Schedule, Part 1**  
Insert “The following provisions apply:” before clause (6) (i).
- [3] The Schedule, Part 1**  
Insert “The following provisions apply:” before clause (9) (i).
- [4] The Schedule, Part 1**  
Insert “The following provisions apply:” before clause (12) (i).
- [5] The Schedule, Part 1**  
Insert “The following provisions apply:” before clause (13) (i).

- [6] The Schedule, Part 1**  
Insert “The following provisions apply:” before clause (16) (i).
- [7] The Schedule, Part 1**  
Insert “The following provisions apply:” before clause (17) (i).
- [8] The Schedule, Part 1**  
Insert “The following provisions apply:” before clause (18) (i).
- [9] The Schedule, Part 1**  
Insert “The following provisions apply:” before clause (21) (i).
- [10] The Schedule, Part 1**  
Insert “The following provisions apply:” before clause (25) (i).
- [11] The Schedule, Part 1**  
Insert “The following provisions apply:” before clause (26) (i).
- [12] The Schedule, Part 1**  
Insert “The following provisions apply:” before clause (29) (i).
- [13] The Schedule, Part 1**  
Insert “The following provisions apply:” before clause (33) (i).
- [14] The Schedule, Part 1**  
Insert “The following provisions apply:” before clause (36) (i).
- [15] The Schedule, Part 1**  
Insert “The following provisions apply:” before clause (37) (i).
- [16] The Schedule, Part 2**  
Insert “**Application of certain provisions of Part 1.**” before “The provisions” in clause (1).
- [17] The Schedule, Part 2**  
Insert “The following provisions apply:” before clause (5) (i).

**5.95 Sale of Goods Act 1923 No 1**

**[1] The whole Act**

Omit each heading that is not a Part heading, a section heading, a Schedule heading, a clause heading or a heading in a table.

**[2] Section 2 Arrangement**

Omit the section.

**5.96 School Forest Areas Act 1936 No 20**

**Section 1 Short title**

Omit section 1 (2).

**5.97 Securities Industry (Application of Laws) Act 1981 No 61**

**Section 3 Division into Parts**

Omit the section.

**5.98 Special Commissions of Inquiry Act 1983 No 90**

**Section 2 Arrangement**

Omit the section.

**5.99 Sporting Injuries Insurance Act 1978 No 141**

**Section 3 Arrangement**

Omit the section.

**5.100 Stamp Duties Act 1920 No 47**

**[1] Second Schedule Stamp duties and exemptions**

Insert after the heading to the Schedule:

**Part 1 Stamp duty payable**



**[2] Second Schedule, Part 2**

Omit the heading “**GENERAL EXEMPTIONS FROM STAMP DUTY UNDER PART 3**”.

Insert instead:

**Part 2 General exemptions from stamp duty under Part 3**

**5.101 State Coal Mines Act 1912 No 70**

**[1] The whole Act**

Omit each heading that is not a section heading, a Schedule heading or a clause heading.

**[2] Part 1**

Insert before section 1:

**Part 1 Preliminary**

**[3] Part 2**

Insert before section 2:

**Part 2 Setting apart and acquisition of land**

**[4] Part 3**

Insert before section 11:

**Part 3 Establishment and management of State coal mines**

**[5] Second Schedule**

Insert “The following provisions apply:” before clause 4 (a).

**[6] Second Schedule**

Insert “The following provisions apply:” before clause 8 (a).

**[7] Second Schedule**

Insert “The following provisions apply:” before clause 9 (a).

**[8] Second Schedule**

Insert “The following provisions apply:” before clause 11 (a).

**[9] Second Schedule**

Insert “The following provisions apply:” before clause 12 (a).

**5.102 Surveyors Act 1929 No 3**

**[1] Section 2 Arrangement**

Omit the section.

**[2] Parts 4 and 5, headings**

Omit each heading that is not a Part heading or a section heading.

**[3] Part 4, Division 1**

Insert before section 10:

**Division 1 Preliminary**

**[4] Part 4, Division 2**

Insert before section 12:

**Division 2 Powers and duties of surveyors**

**[5] Part 4, Division 3**

Insert before section 14:

**Division 3 Charges against surveyors**

**[6] Part 5, Division 1**

Insert before section 17:

**Division 1 General**

**[7] Part 5, Division 2**

Insert before section 26:

**Division 2 Taxation of bill of surveyor**

**5.103 Swimming Pools Act 1992 No 49**

**Dictionary of words and expressions, heading**

Omit “OF WORDS AND EXPRESSIONS”.

**5.104 Swine Compensation Act 1928 No 36**

**Section 2 Division into Parts**

Omit the section.

**5.105 Sydney Turf Club Act 1943 No 22**

**[1] First Schedule Regulations for the Sydney Turf Club**

Insert “The following provisions apply:” before clause 1 (a).

**[2] First Schedule**

Insert “The following provisions apply:” before clause 5 (a).

**[3] First Schedule**

Insert “The following provisions apply:” before clause 8A (a).

**[4] First Schedule**

Insert “The following provisions apply:” before clause 16 (a).

**5.106 Testator’s Family Maintenance and Guardianship of Infants Act 1916 No 41**

**[1] The whole Act**

Omit each heading that is not a section heading.

**[2] Part 1**

Insert before section 1:

**Part 1 Preliminary**

**[3] Part 2**

Insert before section 3:

**Part 2 Testator's family maintenance**

**[4] Part 3**

Insert before section 13:

**Part 3 Guardianship of minors**

**[5] Part 4**

Insert before section 22:

**Part 4 General**

**5.107 Transport Appeal Boards Act 1980 No 104**

**Section 3 Arrangement**

Omit the section.

**5.108 Transport Employees Retirement Benefits Act 1967 No 96**

**Section 2 Division of Act**

Omit the section.

**5.109 Trustee Act 1898 No 4**

**[1] The whole Act**

Omit each heading that is not a Part heading, a section heading or a Schedule heading.

**[2] Part 1A**

Insert before section 1:

**Part 1A Preliminary**

**[3] Section 1 Short title**

Omit all words following “1898”.

**5.110 Trustee Act 1925 No 14**

**[1] The whole Act**

Omit each heading that is not a Part heading, a Division heading, a section heading, a Schedule heading, a clause heading or a Column heading.

**[2] Part 1A**

Insert before section 1:

**Part 1A Preliminary**

**[3] Section 2 Arrangement**

Omit the section.

**5.111 Uniting Church in Australia Act 1977 No 47**

**[1] Section 3 Division of Act**

Omit the section.

**[2] Schedule 4 Provisions affecting particular instruments, etc.**

Insert “Amendment of Memorandum or Articles of Association” as the heading to clause 5.

**5.112 Victims Compensation Act 1996 No 115**

**Schedule 1 Compensable injuries**

Insert “The following provisions apply:” before clause 9 (a).

**5.113 Western Lands Act 1901 No 70**

**Schedule C Savings, transitional and other provisions**

Omit the heading to the matter relating to the *Western Lands (Crown Lands) Amendment Act 1989* before clause 1.

Insert instead:

**Part 1D Provisions consequent on enactment of  
Western Lands (Crown Lands) Amendment  
Act 1989**

**5.114 Wills, Probate and Administration Act 1898 No 13**

**Part 1AA**

Insert before section 1:

**Part 1AA Preliminary**

**5.115 Workers’ Compensation (Brucellosis) Act 1979 No 116**

**Section 3 Arrangement**

Omit the section.

**5.116 Zoological Parks Board Act 1973 No 34**

**Section 3 Division of Act**

Omit the section.

## **Schedule 6 Amendments replacing gender-specific language in the Justices Act 1902**

(Section 3)

- [1] **Sections 3 (3), 20, 23, 24, 25, 28 (1), 31 (1) and (2) (b), 34 (1) (b), 36 (2) and (3), 39 (1), 41 (1A), (1B) (b), (4) (i) (b) and 5 (i), 43 (1), 49A, 50 (1A) (b), 51A (4), 54, 56 (2), 59, 60 (1), 63 (1) and (2) (a), 66 (1) and (2) (b), 68 (b), 69 (1) (b) (ii), 70 (2) and (3), 74, 78 (3), 96A, 97 (1A) (b), 98 (1), 135 (1), 136 (1), 137 (a), 140, 141 (3), 143 (1) (c), 153A (1) and (2) (a) and 154 (3) (a)**

Insert “or her” after “his” wherever occurring.

- [2] **Section 19**

Omit “his”.

- [3] **Section 25 (2) (a)**

Omit “him”. Insert instead “the gaoler”.

- [4] **Sections 25 (2) (a), 28 (1), 42 (1), 49A (2) (a), 51A (4), 52, 63 (1), 66 (2), 96 (1), 96A (2) (a) and 153A (1) (a)**

Omit “he” wherever occurring. Insert instead “the person”.

- [5] **Section 25 (2) (b)**

Omit “him” where firstly and fourthly occurring. Insert instead “the person”.

- [6] **Section 25 (2) (b)**

Omit “him” where secondly and thirdly occurring. Insert instead “the Justice”.

- [7] **Section 25 (2) (b)**

Omit “he”. Insert instead “that Justice”.

- [8] **Sections 28 (1), 29 (1) (e), 31 (2), 41 (1), 42 (1), 43 (1), 49A (2), 51A (4) (b), 64 (1) (e), 66 (2), 96A (2) and 153A (1) (b) and (2) (a)**

Omit “him” wherever occurring. Insert instead “the person”.

- [9] Sections 34 (1) (b) and 35 (1)**  
Omit “him” wherever occurring. Insert instead “the defendant”.
- [10] Sections 34 (1), 35 (2) and 39 (2)**  
Omit “him or them” wherever occurring. Insert instead “the Justice or Justices”.
- [11] Sections 35 (2) and 41 (4) (i) (b)**  
Omit “he” wherever occurring. Insert instead “the defendant”.
- [12] Sections 36 (1), (2), (3) and (5), 50 (1A) (b), 51A (1) (d) (i), 63 (1), 69 (1), 70 (1), (2) and (3), 78 (2), 97 (1A) (b), 141 (3) and 144**  
Insert “or her” after “him” wherever occurring.
- [13] Sections 36 (1), 49A (1), 51A (1) (d) (ii) and (7), 56 (2), 68 (b) and (c), 70 (1), 78, 96A (1), 136 (1), 137, 140 (2), 141 (2), 144 and 153A (1A)**  
Insert “or she” after “he” wherever occurring.
- [14] Sections 36 (2) and (3) and 70 (2) and (3)**  
Insert “or herself” after “himself” wherever occurring.
- [15] Sections 41 (1A), 49 (1), 49A (3), 65 (3), 74, 86 (1) and 96A (3)**  
Omit “he or they” wherever occurring. Insert instead “the Justice or Justices”.
- [16] Sections 41 (4), (5) and (7) and 78 (1)**  
Omit “him” wherever occurring. Insert instead “the defendant”.
- [17] Section 41 (5) (i)**  
Omit “he” where firstly occurring. Insert instead “the defendant”.
- [18] Section 41 (5) (i)**  
Insert “or she” after “he” where lastly occurring.



- [19] Sections 41 (5) (i) and 68 (c)**  
Insert “or herself” after “himself” wherever occurring.
- [20] Section 49 (1)**  
Insert “or she” after “he” where secondly occurring.
- [21] Section 49 (5)**  
Insert “or her” after “his” where firstly occurring.
- [22] Sections 49 (5), 68 (a), 96 (5) and 153 (1B)**  
Omit “his or their” wherever occurring.  
Insert instead “the Justice’s or Justices’ ”.
- [23] Section 68 (c)**  
Omit “or his”. Insert instead “or by his or her”.
- [24] Section 70 (5)**  
Omit “him”. Insert instead “the witness”.
- [25] Section 76 (1)**  
Omit “his or their”. Insert instead “his, her or their”.
- [26] Section 81 (1)**  
Omit “him” wherever occurring. Insert instead “the clerk”.
- [27] Section 96 (5)**  
Omit “upon his”. Insert instead “on the person’s”.
- [28] Sections 135 (1), 136 (1), 137 (a), 140 and 153A (3) (c)**  
Omit “him” wherever occurring. Insert instead “the Justice”.
- [29] Sections 141 (3) and 143 (1)**  
Omit “he” wherever occurring. Insert instead “the plaintiff”.
- [30] Section 153 (1)**  
Omit “upon his” wherever occurring. Insert instead “on the person’s”.

**[31] Section 153 (1)**

Omit “his” where lastly occurring.

**[32] Section 153 (1B)**

Insert “or her” after “his” where secondly occurring.

**[33] Section 153A (3) (a)**

Omit “he”. Insert instead “the Justice”.

## Schedule 7 Repeals

(Section 4)

Juvenile Migrants Act 1926 No 8\*\*\*\*

Sydney Corporation (Amendment) Act 1934 No 9\*\*

The King's School Council (Amendment) Act 1963 No 24\*

Public Hospitals (Amendment) Act 1976 No 95\*\*\*\*\*

Sancta Sophia College Incorporation (Amendment) Act 1978 No 58\*

Walker Trusts (Amendment) Act 1983 No 207\*

Public Hospitals (Amendment) Act 1983 (1984 No 2)\*\*\*\*\*

Miscellaneous Acts (Credit) Repeal and Amendment Act 1984 No 100\*

Statute Law (Miscellaneous Amendments) Act 1984 No 153\*

Statute Law (Miscellaneous Provisions) Act (No 2) 1987 No 209\*

Miscellaneous Acts (Crown Lands) Amendment Act 1989 No 9\*

Corporate Affairs Commission (Auditors and Liquidators) Amendment Act 1989 No 35\*

Fair Trading (Amendment) Act 1990 No 85\*\*\*\*\*

Liquor (Amendment) Act 1993 No 28\*\*\*\*\*

Registered Clubs (Amendment) Act 1993 No 29\*\*\*\*\*

Health Legislation (Miscellaneous Amendments) Act 1994 No 19\*\*

Parliamentary Committees Legislation Amendment Act 1995 No 3\*\*

Courts Legislation Amendment Act 1995 No 21\*\*

Standard Time Amendment Act 1995 No 31\*\*

Disorderly Houses Amendment Act 1995 No 53\*\*

Government Pricing Tribunal Amendment Act 1995 No 97\*\*

Children (Community Service Orders) Amendment (Maximum Hours) Act 1996 No 35\*\*

Residential Tenancies Amendment Act 1996 No 79\*\*

Community Land Development Amendment Act 1996 No 80\*\*

Local Government Amendment (Nude Bathing) Act 1996 No 133\*\*

Marketing of Primary Products Amendment Act 1996 No 136\*\*

Parliamentary Committees Enabling Act 1996 No 143\*\*\*

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Local Government Amendment (Cudgegong Abattoir) Act 1997 No 1\*\*  
Sentencing Amendment (Transitional) Act 1997 No 8\*\*  
Police Service Amendment Act 1997 No 23\*\*  
Local Government Amendment Act 1997 No 61\*\*  
New South Wales Cancer Council Amendment Act 1997 No 69\*\*  
Noxious Weeds Amendment Act 1997 No 70\*\*  
Registered Clubs and Liquor Legislation Amendment Act 1997 No 73\*\*  
Real Property and Conveyancing Amendment Act 1997 No 95\*\*  
Justices Amendment (Briefs of Evidence) Act 1997 No 96\*\*  
Evidence Amendment (Confidential Communications) Act 1997 No 122\*\*  
WorkCover Legislation Amendment Act 1997 No 134\*\*  
Crimes Legislation Further Amendment Act 1997 No 135\*\*  
Local Government Amendment (Open Meetings) Act 1997 No 145\*\*  
Summary Offences Amendment Act 1997 No 148\*\*  
Liquor and Registered Clubs Legislation Amendment Act 1997 No 155 (only so much of Schedule 2 [7] as would insert section 23AB (3) and (4) of the Liquor Act 1982)\*\*\*\*  
Marketing of Primary Products (Murray Valley Wine Grape Industry) Special Provisions Act 1998 No 22\*\*\*

**Notes**

- \* indicates repeal of an amending Act enacted at least 10 years ago (the provisions of which have not all been included in a reprint) but which contains no provision of substantive effect that needs to be retained
- \*\* indicates repeal of an amending Act the provisions of which have been included in a reprint and which contains no provision of substantive effect that needs to be retained, or which amends a repealed Act
- \*\*\* indicates repeal of an Act that is no longer of practical utility
- \*\*\*\* indicates repeal of an Act or part of an Act that is uncommenced

**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. The Acts that were amended by the Acts being repealed are up-to-date on the Legislation Database maintained by the Parliamentary Counsel's Office and are available electronically.

Statute Law (Miscellaneous Provisions) Act 1999 No 31

Schedule 7      Repeals

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

- (a) the proof of any past act or thing,
- (b) any right, privilege, obligation or liability saved by the operation of the Act,
- (c) any validation made by the Act,
- (d) the operation of any savings or transitional provision contained in the Act.

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## Schedule 8 General savings, transitional and other provisions

(Section 5)

### 1 Effect of amendment of amending provisions

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

- (2) In this clause:

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

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

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

**Explanatory note**

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

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

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

- (a) amends a provision of an Act, or
- (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.

**3 Effect of amendment on regulations**

Except where expressly provided to the contrary, any regulation made under an Act amended by this Act, and in force immediately before the commencement of the amendment, is taken to have been made under the Act as amended.

**Explanatory note**

This clause ensures that, unless expressly provided, any regulation made under an Act amended by the proposed Act, and in force immediately before the commencement of the amendment, will be taken to have been made under the amended Act.

**4 Amendments removing gender-specific language**

The amendments made to the *Justices Act 1902* by Schedule 6 are made for the purpose of replacing gender-specific language with gender-neutral language. The amendments contained in that Schedule do not affect the construction or meaning of the Act.

**Explanatory note**

This clause ensures that amendments that are made solely for the purpose of removing gender-specific language from the *Justices Act 1902* do not have any unintended consequences.

**5 Regulations**

- (1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act.
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
  - (a) to affect, in a manner prejudicial to any person (other than the State or 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 1–6

- Administration of Justice Act 1924 No 42—Schedule 5
- Administration of Justice Act 1968 No 3—Schedule 5
- Agricultural Livestock (Disease Control Funding) Act 1998 No 139—Schedule 2
- Agricultural Scientific Collections Trust Act 1983 No 148—Schedules 4 and 5
- Air Transport Act 1964 No 36—Schedule 4
- Anatomy Act 1977 No 126—Schedules 3 and 5
- Anglican Church of Australia Trust Property Act 1917 No 21—Schedules 3 and 5
- Animals Act 1977 No 25—Schedule 5
- Anti-Discrimination Act 1977 No 48—Schedule 1
- Anzac Memorial (Building) Act 1923 No 27—Schedule 4
- Architects Act 1921 No 8—Schedules 4 and 5
- Associations Incorporation Act 1984 No 143—Schedule 1
- Attachment of Wages Limitation Act 1957 No 28—Schedule 4
- Bail Act 1978 No 161—Schedule 3
- Balranald Irrigation Act 1902 No 78—Schedule 5
- Banks and Bank Holidays Act 1912 No 43—Schedule 5
- Baptist Churches of New South Wales Property Trust Act 1984 No 4—Schedule 5
- Bills of Sale Act 1898 No 10—Schedule 4
- Botany Cemetery and Crematorium Act 1972 No 6—Schedule 5
- Broken Hill Abattoirs, Markets, and Cattle Sale-yards Act (1900)—Schedule 4
- Business Names Act 1962 No 11—Schedule 4
- Cabramatta Park Act 1922 No 35—Schedule 5
- Camperdown Cemetery Act 1948 No 14—Schedule 4
- Capital Debt Charges Act 1957 No 1—Schedule 3
- Cattle Compensation Act 1951 No 26—Schedule 4
- Centennial Park and Moore Park Trust Act 1983 No 145—Schedule 4
- Charles Sturt University Amendment Act 1998 No 117—Schedule 2
- Chipping Norton Lake Authority Act 1977 No 38—Schedule 5



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Churches of Christ in New South Wales Incorporation Act 1947 No 2—Schedule 5  
City of Sydney Act 1988 No 48—Schedule 1  
Classification (Publications, Films and Computer Games) Enforcement Act 1995  
No 63—Schedule 2  
Coal Mines Regulation Act 1982 No 67—Schedule 1  
Coastal Protection Act 1979 No 13—Schedules 4 and 5  
Commercial Agents and Private Inquiry Agents Act 1963 No 4—Schedule 4  
Community Land Development Act 1989 No 201—Schedule 1  
Community Land Management Act 1989 No 202—Schedule 1  
Community Services (Complaints, Reviews and Monitoring) Act 1993  
No 2—Schedule 2  
Companies (Application of Laws) Act 1981 No 122—Schedules 3 and 5  
Companies (Death Duties) Act 1901 No 30—Schedules 4 and 5  
Companies (Transfer of Domicile) Act 1968 No 15—Schedule 5  
Companion Animals Act 1998 No 87—Schedule 2  
Constitution Act 1902 No 32—Schedule 1  
Constitution Further Amendment (Referendum) Act 1930 No 2—Schedules 4 and 5  
Consumer Claims Act 1998 No 162—Schedule 1  
Consumer Credit (New South Wales) Act 1995 No 7—Schedule 2  
Contaminated Land Management Act 1997 No 140—Schedule 1  
Contracts Review Act 1980 No 16—Schedules 1, 4 and 5  
Conversion of Cemeteries Act 1974 No 17—Schedule 5  
Conveyancers Licensing Act 1995 No 57—Schedule 2  
Conveyancing Act 1919 No 6—Schedules 4 and 5  
Conveyancing and Law of Property Act 1898 No 17—Schedule 5  
Conveyancing and Law of Property (Supplemental) Act 1901 No 37—Schedule 5  
Co-operatives Act 1992 No 18—Schedule 2  
Coroners Act 1980 No 27—Schedule 5  
Country Industries (Pay-roll Tax Rebates) Act 1977 No 79—Schedules 4 and 5  
Credit Act 1984 No 94—Schedules 1 and 4  
Crimes Act 1900 No 40—Schedules 4 and 5

Crimes at Sea Act 1998 No 173—Schedule 2  
Crimes Prevention Act 1916 No 80—Schedules 4 and 5  
Criminal Appeal Act 1912 No 16—Schedules 2 and 5  
Criminal Procedure Act 1986 No 209—Schedule 2  
Criminal Procedure Amendment (Indictable Offences) Act 1995 No 22—Schedule 5  
Dairy Industry Act 1979 No 208—Schedules 4 and 5  
David Berry Hospital Act 1906 No 53—Schedules 4 and 5  
Dental Technicians Registration Act 1975 No 40—Schedules 4 and 5  
Dentists Act 1989 No 139—Schedule 3  
Destitute Children’s Society (Vesting) Act 1916 No 82—Schedule 5  
Discharged Servicemen’s Badges Act 1964 No 49—Schedule 4  
Disorderly Houses Act 1943 No 6—Schedule 4  
Door-to-Door Sales Act 1967 No 36—Schedule 4  
Drainage Act 1939 No 29—Schedules 4 and 5  
Electricity (Pacific Power) Act 1950 No 22—Schedule 4  
Electricity Supply Act 1995 No 94—Schedule 2  
Employment Protection Act 1982 No 122—Schedule 5  
Encroachment of Buildings Act 1922 No 23—Schedule 5  
Environmental Planning and Assessment Act 1979 No 203—Schedule 1  
Environmentally Hazardous Chemicals Act 1985 No 14—Schedule 2  
Exotic Diseases of Animals Act 1991 No 73—Schedule 5  
Fair Trading Tribunal Act 1998 No 161—Schedule 1  
Family Provision Act 1982 No 160—Schedule 5  
Fertilisers Act 1985 No 5—Schedules 2 and 4  
Fines Act 1996 No 99—Schedule 2  
First State Superannuation Act 1992 No 100—Schedule 1  
Fish River Water Supply Administration Act 1945 No 16—Schedules 4 and 5  
Food Production (Safety) Act 1998 No 128—Schedule 1  
Forestry Act 1916 No 55—Schedules 3, 4 and 5  
Forestry and National Park Estate Act 1998 No 163—Schedule 2  
Frustrated Contracts Act 1978 No 105—Schedules 4 and 5

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Funeral Funds Act 1979 No 106—Schedules 4 and 5  
Glen Davis Act 1939 No 38—Schedule 5  
Government and Related Employees Appeal Tribunal Act 1980 No 39—Schedule 4  
Government Guarantees Act 1934 No 57—Schedule 3  
Grain Marketing Act 1991 No 15—Schedule 1  
Greyhound Racing Authority Act 1985 No 119—Schedule 2  
Growth Centres (Development Corporations) Act 1974 No 49—Schedules 1 and 4  
Harness Racing New South Wales Act 1977 No 57—Schedules 2 and 4  
Health Administration Act 1982 No 135—Schedule 4  
Heritage Act 1977 No 136—Schedule 4  
Home Building Act 1989 No 147—Schedule 1  
HomeFund Restructuring Act 1993 No 112—Schedule 3  
Horticultural Stock and Nurseries Act 1969 No 3—Schedule 5  
Housing Act 1976 No 62—Schedule 4  
Hunter Valley Flood Mitigation Act 1956 No 10—Schedule 4  
Imperial Acts Application Act 1969 No 30—Schedule 5  
Impounding Act 1993 No 31—Schedules 1 and 5  
Inclosed Lands Protection Act 1901 No 33—Schedule 3  
Industrial Relations Act 1996 No 17—Schedule 3  
Inebriates Act 1912 No 24—Schedules 4 and 5  
Infants' Custody and Settlements Act 1899 No 39—Schedules 4 and 5  
Inscribed Stock (Issue and Renewals) Act 1912 No 51—Schedule 5  
Insurance Act 1902 No 49—Schedule 5  
Interest Reduction Act 1931 No 44—Schedule 5  
Interpretation Act 1987 No 15—Schedules 1 and 2  
Intoxicated Persons Act 1979 No 67—Schedule 3  
Irrigation Act 1912 No 73—Schedule 4  
Irrigation Areas (Reduction of Rents) Act 1974 No 83—Schedule 4  
Irrigation, Water and Rivers and Foreshores Improvement (Amendment) Act 1955  
No 12—Schedule 5  
Judgment Creditors' Remedies Act 1901 No 8—Schedule 5

Justices Act 1902 No 27—Schedule 6  
Lake Illawarra Authority Act 1987 No 285—Schedule 1  
Land Agents Act 1927 No 3—Schedules 4 and 5  
Land and Environment Court Act 1979 No 204—Schedule 2  
Land Development Contribution Management Act 1970 No 22—Schedules 4 and 5  
Land Sales Act 1964 No 12—Schedule 5  
Land Tax Management Act 1956 No 26—Schedule 5  
Landlord and Tenant Act 1899 No 18—Schedules 3, 4 and 5  
Landlord and Tenant (Amendment) Act 1948 No 25—Schedule 4  
Landlord and Tenant (Rental Bonds) Act 1977 No 44—Schedule 1  
Law Reform (Miscellaneous Provisions) Act 1946 No 33—Schedules 4 and 5  
Lie Detectors Act 1983 No 62—Schedule 4  
Liens on Crops and Wool and Stock Mortgages Act 1898 No 7—Schedule 5  
Limitation Act 1969 No 31—Schedules 4 and 5  
Liquor Act 1982 No 147—Schedules 2 and 4  
Loan Fund Companies Act 1976 No 94—Schedules 4 and 5  
Local Courts Act 1982 No 164—Schedule 5  
Local Government Act 1993 No 30—Schedule 2  
Local Government and Other Authorities (Superannuation) Act 1927  
No 35—Schedule 4  
Local Government (Areas) Act 1948 No 30—Schedule 5  
Local Government (City of Sydney Boundaries) Act 1967 No 48—Schedule 5  
Lord Howe Island Act 1953 No 39—Schedules 4 and 5  
Lutheran Church of Australia (New South Wales District) Property Trust Act 1982  
No 101—Schedule 5  
Marketing of Primary Products Act 1983 No 176—Schedules 1 and 4  
Matrimonial Causes Act 1899 No 14—Schedule 5  
Meat Industry Act 1978 No 54—Schedule 4  
Meat Industry Amendment Act 1998 No 129—Schedule 1  
Mental Health Act 1990 No 9—Schedule 3  
Mine Subsidence Compensation Act 1961 No 22—Schedule 4

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Mines Inspection Act 1901 No 75—Schedule 1  
Mines Legislation Amendment (Mines Safety) Act 1998 No 122—Schedule 1  
Mining Act 1992 No 29—Schedules 2 and 5  
Minors (Property and Contracts) Act 1970 No 60—Schedules 4 and 5  
Monopolies Act 1923 No 54—Schedule 5  
Moratorium Act 1932 No 57—Schedules 3, 4 and 5  
Motor Vehicle Repairs Act 1980 No 71—Schedules 1, 4 and 5  
Motor Vehicles (Third Party Insurance) Act 1942 No 15—Schedule 4  
Murray Valley Citrus Marketing Act 1989 No 155—Schedule 1  
Murrumbidgee Irrigation Areas Occupiers Relief Act 1934 No 52—Schedule 5  
National Parks and Wildlife Act 1974 No 80—Schedule 2  
New South Wales—Queensland Border Rivers Act 1947 No 10—Schedules 4 and 5  
New South Wales Retirement Benefits Act 1972 No 70—Schedule 5  
Noxious Weeds Act 1993 No 11—Schedule 5  
Oaths Act 1900 No 20—Schedule 4  
Ombudsman Act 1974 No 68—Schedule 5  
Optometrists Act 1930 No 20—Schedules 4 and 5  
Parliamentary Electorates and Elections Act 1912 No 41—Schedules 1 and 5  
Parliamentary Remuneration Act 1989 No 160—Schedule 2  
Passenger Transport Act 1990 No 39—Schedule 2  
Pathology Laboratories Accreditation Act 1981 No 51—Schedules 4 and 5  
Pawnbrokers and Second-hand Dealers Act 1996 No 13—Schedule 1  
Pesticides Act 1978 No 57—Schedules 1 and 4  
Petroleum (Onshore) Act 1991 No 84—Schedule 2  
Petroleum Products Subsidy Act 1965 No 1—Schedule 4  
Petroleum (Submerged Lands) Act 1982 No 23—Schedule 4  
Pharmacy Act 1964 No 48—Schedule 4  
Pipelines Act 1967 No 90—Schedules 1 and 2  
Plant Diseases Act 1924 No 38—Schedule 2  
Police Offences Act 1901 No 5—Schedules 1 and 4

Port Kembla Inner Harbour Construction and Agreement Ratification Act 1955 No 43—Schedule 5

Ports Corporatisation and Waterways Management Act 1995 No 13—Schedule 2

Privacy and Personal Information Protection Act 1998 No 133—Schedule 1

Private Irrigation Districts Act 1973 No 47—Schedules 4 and 5

Property, Stock and Business Agents Act 1941 No 28—Schedules 1, 2 and 4

Protected Estates Act 1983 No 179—Schedules 4 and 5

Protection of the Environment Administration Amendment (Environmental Education) Act 1998 No 167—Schedule 1

Protection of the Environment Operations Act 1997 No 156—Schedule 1

Public Authorities (Financial Arrangements) Act 1987 No 33—Schedules 2 and 5

Public Finance and Audit Act 1983 No 152—Schedule 4

Public Notaries Act 1997 No 98—Schedule 2

Public Sector Executives Superannuation Act 1989 No 106—Schedule 2

Public Trustee Act 1913 No 19—Schedule 5

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Rail Safety Act 1993 No 50—Schedule 5

Radiation Control Act 1990 No 13—Schedule 1

Real Property Act 1900 No 25—Schedule 1

Recreation Vehicles Act 1983 No 136—Schedule 4

Registered Clubs Act 1976 No 31—Schedule 2

Registration of Interests in Goods Act 1986 No 37—Schedule 1

Residential Parks Act 1998 No 142—Schedule 1

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Retail Leases Act 1994 No 46—Schedule 1

Returned and Services League of Australia (New South Wales Branch) Incorporation Act 1935 No 39—Schedule 5

Road Obstructions (Special Provisions) Act 1979 No 9—Schedule 4

Road Transport (Driver Licensing) Act 1998 No 99—Schedule 2

Royal Botanic Gardens and Domain Trust Act 1980 No 19—Schedules 4 and 5

Royal North Shore Hospital of Sydney Act 1910 No 20—Schedule 5

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Rural Fires Act 1997 No 65—Schedule 1  
Rural Lands Protection Act 1998 No 143—Schedule 2  
Rural Reconstruction Act 1939 No 45—Schedule 5  
Rural Workers Accommodation Act 1969 No 34—Schedules 4 and 5  
Sale of Goods Act 1923 No 1—Schedule 5  
School Forest Areas Act 1936 No 20—Schedules 3, 4 and 5  
Securities Industry (Application of Laws) Act 1981 No 61—Schedule 5  
Seeds Act 1982 No 14—Schedule 4  
Sheriff Act 1900 No 16—Schedule 4  
Small Business Development Corporation Act 1984 No 119—Schedule 4  
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Special Commissions of Inquiry Act 1983 No 90—Schedules 4 and 5  
Sporting Injuries Insurance Act 1978 No 141—Schedules 4 and 5  
Stamp Duties Act 1920 No 47—Schedules 3 and 5  
State Coal Mines Act 1912 No 70—Schedules 4 and 5  
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Statutory and Other Offices Remuneration Act 1975 (1976 No 4)—Schedules 1 and 2  
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Supreme Court Act 1970 No 52—Schedule 4  
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Survey Co-ordination Act 1949 No 27—Schedule 4  
Survey Marks Act 1902 No 56—Schedule 4  
Surveyors Act 1929 No 3—Schedule 5  
Swimming Pools Act 1992 No 49—Schedule 5

Swine Compensation Act 1928 No 36—Schedules 4 and 5  
Sydney Cricket and Sports Ground Act 1978 No 72—Schedule 4  
Sydney Turf Club Act 1943 No 22—Schedules 4 and 5  
Teacher Housing Authority Act 1975 No 27—Schedules 3 and 4  
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Testator's Family Maintenance and Guardianship of Infants Act 1916  
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Theatres and Public Halls Act 1908 No 13—Schedule 4  
Threatened Species Conservation Act 1995 No 101—Schedule 2  
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Transport Administration Act 1988 No 109—Schedule 3  
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Treasury Corporation Act 1983 No 75—Schedule 2  
Trustee Act 1898 No 4—Schedule 5  
Trustee Act 1925 No 14—Schedule 5  
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Victims Compensation Act 1996 No 115—Schedule 5  
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Water Legislation Amendment (Drinking Water and Corporate Structure) Act 1998  
No 45—Schedule 2  
Western Lands Act 1901 No 70—Schedule 5  
Wills, Probate and Administration Act 1898 No 13—Schedules 4 and 5  
Workers Compensation Act 1987 No 70—Schedule 2  
Workers' Compensation (Brucellosis) Act 1979 No 116—Schedule 5  
Workers' Compensation (Dust Diseases) Act 1942 No 14—Schedule 4  
Workmen's Compensation (Lead Poisoning—Broken Hill) Act 1922  
No 31—Schedule 4  
Zoological Parks Board Act 1973 No 34—Schedules 4 and 5



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Children (Community Service Orders) Amendment (Maximum Hours) Act 1996 No 35

Community Land Development Amendment Act 1996 No 80

Corporate Affairs Commission (Auditors and Liquidators) Amendment Act 1989 No 35

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Miscellaneous Acts (Credit) Repeal and Amendment Act 1984 No 100

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New South Wales Cancer Council Amendment Act 1997 No 69

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Sentencing Amendment (Transitional) Act 1997 No 8  
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Summary Offences Amendment Act 1997 No 148  
Sydney Corporation (Amendment) Act 1934 No 9  
The King's School Council (Amendment) Act 1963 No 24  
Walker Trusts (Amendment) Act 1983 No 207  
WorkCover Legislation Amendment Act 1997 No 134

[Minister's second reading speech made in—  
Legislative Assembly on 23 June 1999  
Legislative Council on 1 July 1999]

BY AUTHORITY

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