

MISCELLANEOUS ACTS (ADMINISTRATIVE
CHANGES) AMENDMENT ACT.

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 65, 1975.

An Act to revise references in certain Acts to Ministers of the Crown and Government Departments; to simplify the manner in which Justices of the Peace are appointed; for these and other purposes to amend various Acts; and for purposes connected therewith. [Assented to, 23rd October, 1975.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1.

Miscellaneous Acts (Administrative Changes) Amendment.

No. 65, 1975
Short title.

1. This Act may be cited as the "Miscellaneous Acts (Administrative Changes) Amendment Act, 1975".

Commencement.

2. (1) Sections 1, 6, 8, 9 and 15 and this section shall commence on the date of assent to this Act.

(2) Sections 3, 4, 5, 7, 12 and 14 shall be deemed to have commenced on 3rd January, 1975.

(3) Sections 10, 11 and 13 shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment of Act No. 5, 1901.

3. The Police Offences Act, 1901, is amended—

Sec. 101.
(Police Magistrate and Justices may appoint special constables.)

(a) (i) by omitting from section 101 (1A) the words "Colonial Secretary" wherever occurring and by inserting instead the word "Minister";

(ii) by omitting from section 101 (3) the words "Colonial Secretary" and by inserting instead the word "Minister";

Sec. 106.
(Police Magistrates and Justices may discontinue the services of special constables called out.)

(b) by omitting from section 106 the words "Colonial Secretary" and by inserting instead the word "Minister".

Amendment of Act No. 34, 1901.

Sec. 15A.
(Delegation of Minister's powers.)

4. The Lotteries and Art Unions Act, 1901, is amended by omitting from section 15A (1) the words "Chief Secretary's Department" and by inserting instead the words "public service".

5.

Miscellaneous Acts (Administrative Changes) Amendment.

5. The Theatres and Public Halls Act, 1908, is No. 65, 1975 amended—

- (a) by omitting the definition of "Minister" in section 4;
Amendment of Act No. 13, 1908. Sec. 4. (Definitions.)
- (b) by omitting from section 26w (3) the words "person for the time being holding office or acting as the Under Secretary of the Chief Secretary's Department" and by inserting instead the word "Minister".
Sec. 26w. (Censor's certificate to be prima facie evidence.)

6. The Criminal Appeal Act, 1912, is amended by omitting from section 27 the words "Minister of Justice" and by inserting instead the words "Minister administering that section".
Amendment of Act No. 16, 1912. Sec. 27. (Section 463, Crimes Act amended.)

7. The Jury Act, 1912, is amended by omitting from section 5 (c) the words "Colonial Secretary,".
Amendment of Act No. 31, 1912. Sec. 5. (Exemptions.)

8. The Child Welfare Act, 1939, is amended—
- (a) by omitting from section 94 (1) the words "Minister of Justice" and by inserting instead the words "Minister administering the Prisons Act, 1952,";
Amendment of Act No. 17, 1939. Sec. 94. (Transfers from prisons to institutions.)
- (b) by omitting from section 94 (4) the words "Minister of Justice" and by inserting instead the words "Minister administering the Prisons Act, 1952".

9.

Miscellaneous Acts (Administrative Changes) Amendment.

No. 65, 1975 **9.** The Prisons Act, 1952, is amended by omitting from section 9 (1) the words "of Justice".

Amendment
of Act No.
9, 1952.

Sec. 9.
(Medical
officers.)

Amendment
of Act No.
78, 1970.

Sec. 6.
(Clean
Waters
Advisory
Committee.)

10. The Clean Waters Act, 1970, is amended—

(a) by omitting section 6 (2) (b) (ii) and by inserting instead the following subparagraph :—

(ii) one shall be a person experienced in fisheries nominated by the Minister administering the Fisheries and Oyster Farms Act, 1935;

(b) by omitting from section 6 (2) (b) (iii) the words "for Conservation" and by inserting instead the words "administering the Irrigation Act, 1912";

(c) by omitting from section 6 (2) (b) (iv) the word "Treasurer" and by inserting instead the words "Minister administering the Maritime Services Act, 1935".

Amendment
of Act No.
95, 1970. **11.** The State Pollution Control Commission Act, 1970, is amended—

Sec. 18.
(Technical
Advisory
Committee.)

(a) by omitting from section 18 (1) the word "sixteen" and by inserting instead the word "seventeen";

(b) by omitting section 18 (2) (b) and by inserting instead the following paragraph :—

(b) one shall be a person experienced in fisheries nominated by the Minister administering the Fisheries and Oyster Farms Act, 1935;

(c)

Miscellaneous Acts (Administrative Changes) Amendment.

(c) by omitting section 18 (2) (g) and by inserting No. 65, 1975 instead the following paragraphs :—

(g) one shall be an officer of The Water Conservation and Irrigation Commission nominated by the Minister administering the Irrigation Act, 1912;

(g1) one shall be an officer of the Forestry Commission of New South Wales nominated by the Minister administering the Forestry Act, 1916;

(d) by omitting from section 18 (2) (h) the words “for Lands” and by inserting instead the words “administering the National Parks and Wildlife Act, 1974”.

12. The Explosives (Amendment) Act, 1974, is amended— Amendment of Act No. 77, 1974.

(a) by omitting section 3 (b) (ix) and by inserting Sec. 3. instead the following subparagraph :— (Amendment of Act No. 41, 1905.)

(ix) by omitting the definition of “Superintendent” in section 7 and by inserting instead the following definition :—

“Superintendent” means chief inspector within the meaning of the Inflammable Liquid Act, 1915.

(b) by omitting section 5 (b) and (c) and by inserting Sec. 5. instead the following paragraphs :— (Further amendment of Act No. 41, 1905.)

(b) by omitting from section 41 (b) (ii) the words “of the explosives department”;

(c)

*Miscellaneous Acts (Administrative Changes) Amendment.*No. 65, 1975

- (c) (i) by omitting from section 42 (a) the words "of the explosives department" where firstly occurring and by inserting instead the word "or";
- (ii) by omitting from section 42 (a) the words "such superintendent" and by inserting instead the words "the superintendent";
- (iii) by omitting from section 42 (a) the words "of the explosives department" where secondly occurring.

Amendment
of Act No.
30, 1969.
Sec. 29.

13. The Imperial Acts Application Act, 1969, is amended by omitting section 29 and by inserting instead the following section :—

Appointment
of Justices
of the Peace.

29. (1) The Governor may issue a commission of the peace for the State.

(2) A commission may be revoked by a subsequent commission.

(3) A commission—

- (a) shall be under the Public Seal of the State;
- (b) shall be addressed generally, and not by name, to all such persons as may from time to time hold office as Justices of the Peace for the State; and
- (c) shall have the same effect as it would have had if it had been issued by the Governor before the date of assent to this Act to each such Justice of the Peace by name.

(4)

Miscellaneous Acts (Administrative Changes) Amendment.

(4) The Governor may appoint Justices of the Peace for the State. No. 65, 1975

14. A reference to the Chief Secretary or the Chief Secretary's Department in the regulations made under the Lotteries and Art Unions Act, 1901, Prevention of Cruelty to Animals Act, 1901, Theatres and Public Halls Act, 1908, Fire Brigades Act, 1909, Charitable Collections Act, 1934, and Cinematograph Films Act, 1935, shall be construed as a reference to the Minister for Services or the Department of Services, respectively. References to Chief Secretary and Chief Secretary's Department in regulations under certain Acts.

15. (1) A person who is an officer of the Department of Services and was given a delegation before 3rd January, 1975, pursuant to section 15A (1) of the Lotteries and Art Unions Act, 1901, or the regulations thereunder in his capacity as an officer of the Chief Secretary's Department shall, whether or not that delegation was revoked before that date, be deemed to have been given that delegation on that date pursuant to section 15A (1) of the Lotteries and Art Unions Act, 1901, or the regulations thereunder, as the case may be, as amended by this Act. Savings and transitional provisions.

(2) The persons referred to in—

- (a) section 6 (2) (b) (ii), (iii) and (iv) of the Clean Waters Act, 1970, and holding office immediately before the commencement of section 10 as a member of the Clean Waters Advisory Committee; and
- (b) section 18 (2) (b) and (g) of the State Pollution Control Commission Act, 1970, and holding office immediately before the commencement of section 11 as a member of the Technical Advisory Committee,

cease, upon the commencement of section 10 or 11, as the case may be, to hold those offices.

(3)

Miscellaneous Acts (Administrative Changes) Amendment.

No. 65, 1975

(3) A member of the Clean Waters Advisory Committee referred to in section 6 (2) (b) (ii), (iii) or (iv) of the Clean Waters Act, 1970, as amended by section 10, and holding office after the commencement of section 10 and before 1st July, 1977, shall, subject to that Act as so amended—

(a) hold office until (and including) 30th June, 1977;
and

(b) be eligible for re-appointment.

(4) A member of the Technical Advisory Committee referred to in section 18 (2) (b), (g) or (g1) of the State Pollution Control Commission Act, 1970, as amended by section 11, and holding office after the commencement of section 11 and before 29th July, 1977, shall, subject to that Act as so amended—

(a) hold office until (and including) 28th July, 1977;
and

(b) be eligible for re-appointment.

(5) Any person holding office as a Justice of the Peace immediately before the appointed day by virtue of a commission of the peace shall, on and from that day, hold that office as if appointed in accordance with section 29 of the Imperial Acts Application Act, 1969, as amended by this Act.

(6) The appointed day for the purposes of subsection (5) is the day on which the Governor issues a commission of the peace under section 29 (1) of the Imperial Acts Application Act, 1969, as amended by this Act.