

**STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT  
(No. 2) 1986 No. 218**

NEW SOUTH WALES



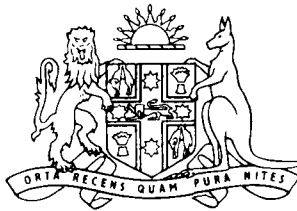
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**STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT (No. 2) 1986**  
**No. 218**

NEW SOUTH WALES



**Act No. 218, 1986**

An Act to repeal certain Acts and to amend certain other Acts in various respects and for the purpose of effecting statute law revision; and to make certain savings. [Assented to 23 December 1986]

*Statute Law (Miscellaneous Provisions) (No. 2) 1986*

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**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:

**Short title**

1. This Act may be cited as the "Statute Law (Miscellaneous Provisions) Act (No. 2) 1986".

**Commencement**

2. (1) Except as provided by this section, this Act shall commence on the date of assent to this Act.

(2) Section 3, in its application to a provision of a Schedule, shall commence, or be deemed to have commenced, on the day on which the provision commences.

(3) Schedule 3 shall be deemed to have commenced on 1 January 1986.

(4) The several provisions of Schedules 5 (1), 9, 15, 36, 39 (1) and (5), 40, 44 (3) and 45 shall commence on such day or days as may be appointed by the Governor and notified by proclamation published in the Gazette.

(5) Schedule 5 (2) shall, if the date of assent to this Act is earlier than the day appointed and notified under section 2 (2) of the Conveyancing (Covenants) Amendment Act 1986 for the commencement of Schedule 1 to that Act, commence on the day so appointed and notified.

(6) Part 2 of Schedule 28 shall, if the date of assent to this Act is earlier than the day appointed and notified under section 2 (3) of the National Parks and Wildlife (Amendment) Act 1983 for the commencement of Schedule 4 (9) to that Act, commence on the day so appointed and notified.

(7) Part 2 of Schedule 38 shall, if the date of assent to this Act is earlier than the day appointed and notified under section 2 (3) of the State Development and Industries Assistance (Amendment) Act 1986 for the commencement of Schedule 2 to that Act, commence on the day so appointed and notified.

(8) Schedule 45 shall be deemed to have commenced on 30 June 1985.

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**Amendments**

3. Each Act specified in Schedules 1–47 is amended in the manner set forth in those Schedules.

**Repeals**

4. (1) Each Act specified in Schedule 48 is repealed.

(2) So much of—

- (a) the Second Schedule to the Supreme Court Act 1970;
- (b) the Second Schedule to the Supreme Court (Amendment) Act 1972;
- (c) the Schedule to the Metric Conversion Act 1974;
- (d) Part 1 of Schedule 2 to the Miscellaneous Acts (Planning) Repeal and Amendment Act 1979;
- (e) Schedule 1 to the Miscellaneous Acts (Crown Land Titles) Amendment Act 1980; and
- (f) Schedule 1 to the Miscellaneous Acts (Public Finance and Audit) Repeal and Amendment Act 1983,

as relates to the Reclamation Act 1930, is repealed.

**Savings, transitional and other provisions**

5. Schedule 49 has effect.

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**SCHEDULE 1**

(Sec. 3)

**AMENDMENTS TO THE ANTI-DISCRIMINATION ACT 1977**

(1) Section 69A (2)—

Omit “Part” wherever occurring, insert instead “Act”.

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SCHEDULE 1—*continued*

AMENDMENTS TO THE ANTI-DISCRIMINATION ACT 1977—  
*continued*

(2) Section 108 (**Application of rules of evidence, etc.**)—

Section 108 (3)—

After section 108 (2), insert:

(3) The functions of the Tribunal that, pursuant to subsection (2), are required to be exercised by the judicial member presiding at a sitting of the Tribunal may be exercised by the judicial member sitting alone where the senior judicial member of the Tribunal is of the opinion that it is expedient that those functions be so exercised.

(3) Section 112 (2)—

Omit the subsection.

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SCHEDULE 2

(Sec. 3)

AMENDMENTS TO THE BILLS OF SALE ACT 1898

(1) Section 12A (**A bill of sale to have no effect as to certain household furniture unless consent of wife or husband of maker or giver endorsed thereon**)—

Omit the section.

(2) Schedule 4—

Omit the Schedule.

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SCHEDULE 3

(Sec. 3)

AMENDMENT TO THE BROKEN HILL WATER AND SEWERAGE  
ACT 1938

Section 83 (**Basis of rating**)—

Section 83 (3A)—

After section 83 (3), insert:

(3A) Notwithstanding subsection (1), the board may, in levying a rate under section 81 in respect of ratable land for the year commencing 1 January 1986, use a rating base factor determined in accordance with section 58D of the Valuation of Land Act 1916 and furnished with the valuation of the land value of that land.

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SCHEDULE 4

(Sec. 3)

AMENDMENT TO THE CHARITABLE COLLECTIONS ACT 1934

Section 2A (**Delegation by the Minister**)—

Section 2A (1)—

After "5.", insert "5B,".

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SCHEDULE 5

(Sec. 3)

AMENDMENTS TO THE CONVEYANCING ACT 1919

(1) Section 88B (**Creation of easements and restrictions as to user by plans**)—

(a) Section 88B (2) (d)—

Omit "as to user", insert instead "on the use of land or positive covenants".

SCHEDULE 5—*continued*AMENDMENTS TO THE CONVEYANCING ACT 1919—*continued*

- (b) Section 88B (3)—  
Omit “or restriction” where firstly occurring, insert instead “, restriction or positive covenant”.
- (c) Section 88B (3) (c)—  
Omit “restriction as to user” where firstly occurring, insert instead “any restriction on the use of land”.
- (d) Section 88B (3) (c), (d)—  
After “section” wherever occurring, insert “88D or”.
- (e) Section 88B (3) (d), (4)—  
Omit “as to user” wherever occurring, insert instead “on the use of land or positive covenant”.
- (f) Section 88B (3A)—  
Omit “or restriction as to user” wherever occurring, insert instead “, restriction on the use of land or positive covenant”.
- (2) Section 88G (as inserted by Act No. 70, 1986)—  
Section 88G (3)—  
After “application”, insert “and after payment of the prescribed fee”.

## SCHEDULE 6

(Sec. 3)

## AMENDMENTS TO THE CRIMES ACT 1900

- (1) Section 413C (**Documentary evidence of previous convictions**)—  
Section 413C (3) (a)—  
Omit “of the Central Fingerprint Bureau of the Police Department”, insert instead “, New South Wales Police Fingerprint Section”.



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*Statute Law (Miscellaneous Provisions) (No. 2) 1986*

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SCHEDULE 6—*continued*

AMENDMENTS TO THE CRIMES ACT 1900—*continued*

(2) Section 428x (**Mentally ill persons**)—

Section 428x (1)—

After “magistrate” where thirdly occurring, insert “(without derogating from any other order the magistrate may make in relation to the defendant, whether by way of adjournment, the granting of bail in accordance with the Bail Act 1978 or otherwise)”.

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SCHEDULE 7

(Sec. 3)

AMENDMENT TO THE DARLING HARBOUR AUTHORITY ACT  
1984

Section 18 (**Public roads within the Development Area**)—

Section 18 (3)—

After section 18 (2), insert:

(3) The Authority may, by notification published in the Gazette, open a road—

- (a) on controlled land or on land within the Development Area of which the Authority has exclusive possession; or
- (b) on any other land within the Development Area, with the consent of the person in whom that other land is vested,

as a public road.

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## SCHEDULE 8

(Sec. 3)

## AMENDMENTS TO THE DENTISTS ACT 1934

(1) Section 3 (**Interpretation**)—

Section 3 (1), definition of "Public hospital"—

After the definition of "President", insert:

"Public hospital" means—

- (a) a hospital or separate institution mentioned in the Second, Third or Fifth Schedule to the Public Hospitals Act 1929; or
- (b) a hospital under the control of an area health service constituted under the Area Health Services Act 1986.

## (2) Section 10 (1) (e), 10A (2)—

Omit "State hospital, mental hospital" wherever occurring.

(3) Section 12 (**Penalty for practice of dentistry by unregistered person**)—

## (a) Section 12 (3) (b1)—

After "Corporation", insert "or a public hospital".

## (b) Section 12 (3) (b3)—

Omit "hospitals or separate institutions mentioned in the Second, Third or Fifth Schedule to the Public Hospitals Act, 1929," insert instead "public hospitals".

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SCHEDULE 9

(Sec. 3)

## AMENDMENTS TO THE DISORDERLY HOUSES ACT 1943

(1) Section 3 (**Disorderly house—Declaration by Judge of Supreme Court**)—

## (a) Section 3 (1)—

Omit "the affidavit of".

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SCHEDULE 9—*continued*

AMENDMENTS TO THE DISORDERLY HOUSES ACT 1943—  
*continued*

(b) Section 3 (1)—

Omit “any judge of”.

(2) Section 4 (**Rescission of declaration**)—

(a) Section 4 (1)—

Omit “a judge of”.

(b) Section 4 (1)—

Omit “he thinks fit”, insert instead “the Court thinks fit”.

(c) Section 4 (1)—

Omit “him”, insert instead “it”.

(3) Section 15—

Omit the section, insert instead:

**Rules**

15. (1) Rules may be made under the Supreme Court Act 1970 for or with respect to any matters that by or under the provisions of this Act are required or permitted to be prescribed for carrying out or giving effect to those provisions.

(2) Subsection (1) does not limit the rule-making powers conferred by the Supreme Court Act 1970.

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## SCHEDULE 10

(Sec. 3)

## AMENDMENT TO THE EGG INDUSTRY ACT 1983

Section 4 (**Interpretation**)—

Section 4 (1), definition of “broiler breeder hen”—

Omit the definition, insert instead:

“broiler breeder hen” means a female domesticated fowl of the genus *Gallus* which is not—

- (a) a White Leghorn, an Australorp, a New Hampshire, a Rhode Island Red or a Langshan;
- (b) a cross between any of the breeds referred to in paragraph (a); or
- (c) a hen of a class specified in an order under subsection (2) that has taken effect under subsection (3),

being a fowl used for the purpose of producing broiler chickens;

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## SCHEDULE 11

(Sec. 3)

## AMENDMENTS TO THE ELECTRICITY DEVELOPMENT ACT 1945

(1) Section 13B (**Electricity supply authority to notify Authority of certain matters**)—

## (a) Section 13B (1)—

Omit “where”, insert instead “before”.

## (b) Section 13B (1)—

Omit “, within 14 days after the date of the resolution bringing about the variation or, if there is no resolution, after the variation takes effect,”.

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SCHEDULE 11—*continued*

AMENDMENTS TO THE ELECTRICITY DEVELOPMENT ACT  
1945—*continued*

(c) Section 13B (1)—

Omit “terms of the variation”, insert instead “terms of the proposed variation”.

(d) Section 13B (1A)—

After section 13B (1), insert:

(1A) A variation shall not have effect before the expiration of 14 days after the Authority is notified of the terms of the variation.

(2) Section 14AAC (**Payment of premiums, etc.**)—

Section 14AAC (2)—

After “Account”, insert “or from any other money provided by Parliament for the purpose”.

(3) Section 14AAD (**Power of Minister to require electricity supply authority to contribute towards premium or additional premium paid under section 14AAC**)—

(a) Section 14AAD (1)—

Omit “paid” wherever occurring, insert instead “payable”.

(b) Section 14AAD (2)—

Omit “cost incurred”, insert instead “cost to be incurred”.

(c) Section 14AAD (3)—

Omit “paid” where firstly occurring, insert instead “payable”.

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## SCHEDULE 12

(Sec. 3)

## AMENDMENTS TO THE ENERGY AUTHORITY ACT 1976

(1) Section 31 (**Proclamation in respect of a form of energy**)—

## (a) Section 31 (3), (4)—

Omit “made” wherever occurring, insert instead “published”.

## (b) Section 31 (3)—

Omit “making”, insert instead “publication”.

(2) Section 32 (**Regulations in respect of emergencies**)—

## Section 32 (1A)—

After section 32 (1), insert:

(1A) Any such regulation may be made before the proclamation under the authority of which it is made has taken effect, but any such regulation shall not take effect before that proclamation has taken effect.

(3) Schedule 1, clause 4 (**Acting members**)—

## (a) Clause 4 (1)—

After “office of a”, insert “part-time”.

## (b) Clause 4 (1A)—

After clause 4 (1), insert:

(1A) The Minister may, from time to time, appoint a person to act in the office of General Manager during the illness or absence of the General Manager.

## (c) Clause 4 (3A)—

After clause 4 (3), insert:

(3A) The Minister may, for any cause which appears to the Minister sufficient, remove any person from the office to which the person was appointed under subclause (1A).

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SCHEDULE 12—*continued*

AMENDMENTS TO THE ENERGY AUTHORITY ACT 1976—  
*continued*

(4) Schedule 1, clause 14 (**Liability of members, etc.**)—

At the end of clause 14, insert:

(2) A reference in subclause (1) to a person acting under the direction of the Authority includes a reference to a member of a committee or a person authorised by the Authority under section 27 to examine, and report to the Authority on, any matter in connection with an inquiry.

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SCHEDULE 13

(Sec. 3)

AMENDMENTS TO THE ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT 1979

(1) Section 30 (**Consents and concurrences**)—

(a) Section 30 (4)—

After “may”, insert “, subject to the regulations,”.

(b) Section 30 (5)—

Omit the subsection.

(2) Section 84 (**Notice of applications respecting designated development**)—

Section 84 (1) (b), (c)—

Omit “, in such form as may be prescribed,” wherever occurring.

(3) Section 86 (**Inspection of development applications, etc.**)—

(a) Omit “referred to in section 84 (4)”, insert instead “specified in a notice under section 84 (1),”.

(b) After “development application”, insert “referred to in the notice”.

SCHEDULE 13—*continued*AMENDMENTS TO THE ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT 1979—*continued*(4) Section 87 (**Submissions in respect of development applications for designated development**)—

## (a) Section 87—

Omit “referred to in section 84 (4)” where firstly, thirdly and fourthly occurring, insert instead “specified in a notice under section 84 (1)”.

## (b) Section 87 (1)—

Omit “section 84 (4)” where secondly occurring, insert instead “the notice”.

(5) Section 88 (**Restrictions on determination by consent authority of development application for designated development**)—

## Section 88 (2) (a)—

Omit “referred to in section 84 (4)”, insert instead “specified in a notice under section 84 (1)”.

(6) Section 96 (**Circumstances in which consent is deemed to have been refused**)—

## Section 96 (1) (c) (ii)—

Omit “84 (4)”, insert instead “86”.

## (7) Section 104A—

Omit the section, insert instead:

**Validity of development consents**

104A. In the event that a council gives public notice in accordance with the regulations of a consent, the validity of the consent shall not be questioned in any legal proceedings except those commenced in the Court by any person at any time before the expiration of 3 months from the date on which public notice was so given.



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SCHEDULE 13—*continued*

AMENDMENTS TO THE ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT 1979—*continued*

(8) Section 108 (**Regulations respecting existing use**)—

(a) Section 108 (1) (a)—

Omit “and”.

(b) Section 108 (1) (b), (c)—

At the end of section 108 (1) (b), insert:

; and

(c) the enlargement or expansion or intensification of an existing use.

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SCHEDULE 14

(Sec. 3)

AMENDMENTS TO THE FACTORIES, SHOPS AND INDUSTRIES  
ACT 1962

(1) Section 2 (**Division into Parts and Divisions**)—

Omit the section.

(2) Part IV, heading—

Omit “, AND USE OF AUTOMATIC VENDING DEVICES”.

(3) Section 74 (**Definitions**)—

Section 74 (1), definition of “Close”—

Omit “, and in the case of an automatic vending device as defined by section 92 means close for the purposes of trade”.

(4) Part IV, Division 4 (**Automatic vending devices**)—

Omit the Division.

SCHEDULE 14—*continued*AMENDMENTS TO THE FACTORIES, SHOPS AND INDUSTRIES  
ACT 1962—*continued*

- (5) Section 102 (**Regulations**)—
- (a) Section 102 (c)—  
After “exhibited;”, insert “and”.
- (b) Section 102 (d)—  
Omit the paragraph.
- (6) Section 145A (**Failure to pay penalty, etc., is offence**)—  
Section 145A (1)—  
Omit “or section 94”.
- (7) Section 145B (**Payment of certain penalties enforceable as a debt**)—  
Omit “, section 94”.
- (8) Section 148 (**Evidentiary provisions**)—
- (a) Section 148 (1) (c)—  
Omit “notice; or”, insert instead “notice,”.
- (b) Section 148 (1) (d)—  
Omit the paragraph.
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## SCHEDULE 15

(Sec. 3)

AMENDMENTS TO THE FISHERIES AND OYSTER FARMS ACT  
1935

- (1) Section 27 (**Regulations as to lawful nets**)—  
Omit the section.

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SCHEDULE 15—*continued*

AMENDMENTS TO THE FISHERIES AND OYSTER FARMS ACT  
1935—*continued*

(2) Section 91A (Penalty notices for certain offences)—

Section 91A (6) (b)—

Omit “(not exceeding \$50)”.

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SCHEDULE 16

(Sec. 3)

AMENDMENTS TO THE FISHERIES AND OYSTER FARMS  
(AMENDMENT) ACT 1979

(1) Section 2 (3) (g)—

Omit the paragraph, insert instead:

Schedule 4 (19) and (20).

(2) Schedule 1 (2) (i)—

Omit the provision.

(3) Schedule 4 (21)—

Omit the provision.

(4) Schedule 10 (1) (u), (w)—

Omit the provisions.

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SCHEDULE 17

(Sec. 3)

AMENDMENTS TO THE FORESTRY ACT 1916

SCHEDULE 17—*continued*AMENDMENTS TO THE FORESTRY ACT 1916—*continued*(1) Section 11 (**Powers and duties of commission**)—

Section 11 (1D)—

After section 11 (1C), insert:

(1D) Subject to the terms and conditions of the agreement, the provisions of this Act apply to and in respect of any land which, in accordance with an agreement under subsection (1C), is under the control and silvicultural management of the commission as if the land were a State forest.

(2) Section 13 (**Expenditure**)—

Section 13 (3)—

Omit “\$150,000”, insert instead “\$200,000”.

(3) Section 35A (**Removal of unauthorised structures**)—

(a) Section 35A (2)—

After “flora reserve”, insert “, or a structure erected with lawful authority in a State forest, timber reserve or flora reserve where that authority has expired or been terminated for any reason,”.

(b) Section 35A (6)—

Omit the subsection.

(4) Section 43 (**Seizure and forfeiture of timber, products and forest materials**)—

(a) Section 43 (1) (b)—

After “forest materials” where secondly occurring, insert “and any article or thing that he has reason to believe has been used to so cut, remove or otherwise deal with that timber or those products or forest materials”.

(b) Section 43 (1) (b), (c)—

At the end of section 43 (1) (b), insert:

; and

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SCHEDULE 17—*continued*

AMENDMENTS TO THE FORESTRY ACT 1916—*continued*

(c) if the member or person has reason to believe that any timber, products or forest materials have been cut, removed, or otherwise dealt with contrary to the provisions of this Act or the regulations, may direct any person in possession of that timber or those products or forest materials to forthwith deliver the timber, products or forest materials to a specified place and may, on that delivery, seize that timber or those products or forest materials.

(c) Section 43 (1A)—

After section 43 (1), insert:

(1A) A person shall not fail to comply with a reasonable direction given under subsection (1) (c) or obstruct, hinder, prevent or interfere with a member of the police force or, on production of his or her authority, a person authorised in accordance with subsection (1) in the exercise or performance of any power, authority, duty or function conferred or imposed by this section on the person.

Penalty: \$500.

(d) Section 43 (2D)—

After “(1) (b)”, insert “or (c)”.

(e) Section 43 (3)—

After “forest materials”, insert “or any article or thing”.

(5) Section 45 (**False entries or returns**)—

Omit “four hundred dollars”, insert instead “\$500”.

(6) Section 46A (**Penalty notice for certain offences**)—

Section 46A (2) (d)—

Omit “not exceeding the prescribed amount,”.

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## SCHEDULE 18

(Sec. 3)

AMENDMENTS TO THE GROWTH CENTRES (DEVELOPMENT  
CORPORATIONS) ACT 1974

- (1) Section 2 (**Division of Act**)—  
Omit the section.
- (2) Section 3 (**Interpretation**)—
- (a) Section 3 (1), definition of “corporation”—  
Omit “corporation sole”, insert instead “Macarthur Development Corporation”.
- (b) Section 3 (1), definition of “corporation sole”—  
Omit the definition.
- (c) Section 3 (1), definition of “Macarthur Development Corporation”—  
After the definition of “local government area”, insert:  
“Macarthur Development Corporation” means the corporation constituted under section 23A;
- (3) Sections 3 (2), 23A (3), (4) (a), 23B, 33 (6) (ai), 34 (1), (8), (9), 39 (b)—  
Omit “corporation sole” wherever occurring, insert instead “Macarthur Development Corporation”.
- (4) Part IIIA, heading—  
Omit “CORPORATION SOLE”, insert instead “MACARTHUR DEVELOPMENT CORPORATION”.
- (5) Section 23A (**Constitution of Macarthur Development Corporation**)—
- (a) Section 23A (1)–(1B)—  
Omit section 23A (1), insert instead:
- (1) There is hereby constituted a corporation under the corporate name of the “Macarthur Development Corporation”.
- (1A) The affairs of the Macarthur Development Corporation shall be managed by the Director.

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SCHEDULE 18—*continued*

AMENDMENTS TO THE GROWTH CENTRES (DEVELOPMENT  
CORPORATIONS) ACT 1974—*continued*

(1B) Any act, matter or thing done in the name of, or on behalf of, the Macarthur Development Corporation by the Director, or with the authority of the Director, shall be deemed to have been done by the corporation.

(b) Section 23A (2)—

Omit “corporation sole” where firstly occurring, insert instead “Macarthur Development Corporation”.

(c) Section 23A (2) (e)—

Omit “sole”.

(6) Section 23C (**Establishment of committees by Macarthur Development Corporation**)—

(a) Section 23C (1)—

(i) Omit “corporation sole” where firstly occurring, insert instead “Macarthur Development Corporation”.

(ii) Omit “sole” where secondly and thirdly occurring.

(iii) Omit “corporation sole’s”, insert instead “corporation’s”.

(b) Section 23C (2)—

(i) Omit “corporation sole” where firstly occurring, insert instead “Macarthur Development Corporation”.

(ii) Omit “sole” where secondly, thirdly and fourthly occurring.

(7) Section 34 (**Disclosure of interest**)—

(a) Section 34 (12)—

Omit “corporation sole” where firstly occurring, insert instead “Macarthur Development Corporation”.

(b) Section 34 (12)—

Omit “sole” where secondly, thirdly and fourthly occurring.

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SCHEDULE 18—*continued*  
 AMENDMENTS TO THE GROWTH CENTRES (DEVELOPMENT  
 CORPORATIONS) ACT 1974—*continued*

## (8) Schedule 6—

After clause 1, insert:

**Change of name of corporation sole**

2. (1) The Macarthur Development Corporation is a continuation of, and the same legal entity as, the corporation sole with the corporate name “Director, Macarthur Growth Area”.

(2) A reference in any other Act or statutory instrument, or in any other instrument, or in any contract or agreement to the Director, Macarthur Growth Area shall be read as a reference to the Macarthur Development Corporation.

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SCHEDULE 19

(Sec. 3)

## AMENDMENT TO THE HEALTH INSURANCE LEVIES ACT 1982

Schedule 2, clause 4 (**Adjustment of prescribed rate**)—

Clause 4 (2)—

Omit the subclause, insert instead:

(2) Where the prescribed rate, after it is adjusted under subclause (1), includes a fraction of a cent—

- (a) which is not greater than one-half of one cent—that fraction shall be disregarded; and
  - (b) which is greater than one-half of one cent—that fraction shall be treated as one cent.
-



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## SCHEDULE 20

(Sec. 3)

## AMENDMENTS TO THE INDUSTRIAL ARBITRATION ACT 1940

**Section 88B (Regulation of certain contracts)—**

## (1) Section 88B (1) (a) (ii)—

At the end of section 88B (1) (a) (ii), insert “or”.

## (2) Section 88B (1) (d)—

Omit the paragraph.

## (3) Section 88B (1)—

Omit “or (d)”.

## (4) Section 88B (5), definition of “Hairdressing”—

Omit the definition.

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SCHEDULE 21

(Sec. 3)

## AMENDMENTS TO THE JUSTICES ACT 1902

## (1) Sections 100q–100r—

Omit the sections, insert instead:

**Application for annulment of enforcement order**

100q. (1) An application may be made by or on behalf of any person against whom an enforcement order has been made for annulment of the order.

(2) An application shall be made in writing, within 12 months after the making of the enforcement order, to the court in which the order was made and may be lodged with any Clerk of a Local Court.

SCHEDULE 21—*continued*AMENDMENTS TO THE JUSTICES ACT 1902—*continued*

(3) If an application is lodged with a Clerk of a Local Court other than the Clerk of the Local Court to which the application is being made, the Clerk with whom the application is lodged shall forward the application to the Clerk of the Local Court to which the application is being made.

**Reference of enforcement order by Minister**

100R. If the Minister, upon application made at any time by or on behalf of any person against whom an enforcement order has been made, is satisfied that any question or doubt has arisen as to the liability of the person for the penalty or other amount to which the order relates, the Minister may refer the matter to the court in which the order was made.

**Annulment of enforcement order following application or reference**

100s. (1) An application for annulment of an enforcement order or a reference from the Minister relating to an enforcement order shall be dealt with by the Clerk of the Local Court to which the application or reference was made.

(2) If the Clerk of a Local Court dealing with an application or reference is satisfied that there are proper grounds for doing so, the Clerk shall order that the enforcement order be annulled.

(3) The Clerk of the Local Court dealing with an application or reference shall give notice of his or her decision to all parties interested or concerned.

**Appeal**

100T. (1) A person aggrieved by the refusal of the Clerk of a Local Court to annul an enforcement order may, within the prescribed time, lodge an application in writing with the Clerk of that Local Court to have the matter dealt with by a Justice at that Local Court.

(2) The Clerk of the Local Court to which an application under this section is made shall, as soon as possible, give notice of the time and place of the hearing of the application to all parties interested or concerned.

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SCHEDULE 21—*continued*

AMENDMENTS TO THE JUSTICES ACT 1902—*continued*

(3) The hearing of the application may proceed notwithstanding any omission or error in a notice or its non-service, provided the Local Court is satisfied that the applicant and the parties interested and concerned had knowledge of the time and place of hearing and were not prejudiced by the omission, error or non-service.

(4) If, but for this subsection, the hearing of an application may not proceed merely because—

(a) the applicant was not served with a notice of the time and place of hearing of the application; and

(b) the Justice exercising jurisdiction under this section is not satisfied that—

(i) the applicant had knowledge of the time and place;  
or

(ii) where the Justice is satisfied that the applicant had that knowledge, the applicant would not be prejudiced by the non-service,

the hearing of the application may proceed if the Justice exercising jurisdiction under this section is satisfied that the applicant is avoiding service of the notice or cannot, after reasonable search and inquiry, be found.

(5) Notices of hearing and of all other notices authorised or required under this section to be given may be sent by post and, where any such notice is so sent, it shall be addressed—

(a) in the case of the applicant, to the address given in the application unless—

(i) the applicant has informed the Clerk of the Local Court, either in the application or otherwise, of some other address for the purpose, in which case it shall be sent to that address; or

SCHEDULE 21—*continued*AMENDMENTS TO THE JUSTICES ACT 1902—*continued*

(ii) no such address has been so given or notified, in which case it shall be sent to the address shown on the relevant penalty notice or, if the penalty notice was served by leaving it on, or attaching it to, a vehicle, to the address of the person who was (at the time the penalty notice was so served) the owner of the vehicle as shown in records kept in the Department of Motor Transport or in other prescribed records; or

(b) in any other case, to the address notified to the Clerk of the Local Court for that purpose by the person to whom the notice is to be given.

(6) If a Justice hearing an application is satisfied that there are proper grounds for doing so, the Justice may order that the enforcement order the subject of the application be annulled.

(7) The jurisdiction of a Local Court under this section shall not be exercised except by a Magistrate.

(2) Section 100v—

Omit the section, insert instead:

**Stay of order, etc.**

100v. The Clerk or Justice dealing with an application or reference may stay the enforcement of the order concerned subject to such terms and conditions as the Clerk or Justice thinks fit.

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## SCHEDULE 22

(Sec. 3)

## AMENDMENT TO THE LAW FOUNDATION ACT 1979

Schedule 1, clause 2A—

After clause 2, insert:

**Alternate members**

2A. (1) The Attorney General may, from time to time, appoint an alternate member to act in the office of a member referred to in clause 2 (2) (b), (c) or (d) during the illness or absence of the member, and the alternate member, while so acting, shall have and may perform all the functions of the member and shall be deemed to be an appointed member.

(2) An alternate member shall have the same qualification and be nominated in the same manner as the member for whom he or she is the alternate member.

(3) An alternate member shall, subject to this Act, hold office until the occurrence of a vacancy in the office of the member for whom he or she is the alternate member.

(4) An alternate member is entitled to be paid such travelling and subsistence allowances as the Board may from time to time determine in respect of the alternate member.

## SCHEDULE 23

(Sec. 3)

AMENDMENTS TO THE MARKETING OF PRIMARY PRODUCTS  
ACT 1983(1) Section 11 (**Constitution of board**)—

Section 11 (5)—

Omit “, after consultation with the Minister for Consumer Affairs”.

SCHEDULE 23—*continued*AMENDMENTS TO THE MARKETING OF PRIMARY PRODUCTS  
ACT 1983—*continued*(2) Section 49 (**Board may deal in other products, etc.**)—

Section 49 (3)—

After section 49 (2), insert:

(3) A board may not under this section deal with a primary product that is a commodity for which another board or committee is constituted, except with the consent of the other board or of the committee.

(3) Section 54 (**Miscellaneous functions**)—

(a) Section 54 (5) (a)—

Omit “in New South Wales”.

(b) Section 54 (5) (b)—

Omit “incorporated in New South Wales”.

(4) Section 62 (**Revesting of commodity if not accepted**)—

Omit “the commodity shall revest”, insert instead “that part of the commodity which the board refuses to accept or which is exempted shall revest”.

(5) Section 69 (**Constitution of committee**)—

Section 69 (5)—

Omit “, after consultation with the Minister for Consumer Affairs”.

(6) Section 110 (**Financial accommodation**)—

Section 110 (2)—

After “the board or committee,”, insert “or any other assets of the board or committee,”.

(7) Section 127 (**Annual meetings of authorities**)—

(a) Section 127 (1) (b)—

Omit “under section 125 and such other reports”.

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SCHEDULE 23—*continued*

AMENDMENTS TO THE MARKETING OF PRIMARY PRODUCTS  
ACT 1983—*continued*

- (b) Section 127 (2)—  
Omit “earlier”, insert instead “other”.
- (8) Schedule 2, clause 4 (3)—  
Omit “subsection”, insert instead “subclause”.

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SCHEDULE 24

(Sec. 3)

AMENDMENT TO THE MEAT INDUSTRY ACT 1978

Section 61—

Omit the section, insert instead:

**Financial year**

61. The financial year of—
- (a) the Authority—shall be the year ending on 30 June; and
  - (b) the Corporation—shall be the year ending on 31 March.

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SCHEDULE 25

(Sec. 3)

AMENDMENT TO THE MOTOR DEALERS ACT 1974

Section 49 (**Disclosures required in certain advertisements**)—

Section 49 (1)—

After “motor vehicle”, insert “or part of a motor vehicle”.

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SCHEDULE 26

(Sec. 3)

AMENDMENT TO THE MOTOR VEHICLE REPAIRS ACT 1980

Section 4 (**Interpretation**)—

Section 4 (1), definition of “inspector”—

Omit the definition, insert instead:

“inspector” means—

- (a) a member of staff of the Council appointed as an inspector of the Council under section 12 (1) or (2) (b); or
  - (b) a person of whose services the Council makes use under section 12 (2) (a) of this Act or any other Act appointed by the Council as an inspector.
- 

SCHEDULE 27

(Sec. 3)

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY INSURANCE) ACT 1942

(1) Section 5 (**Interpretation**)—

Section 5 (1), definition of “Registered”—

Omit the definition, insert instead:

“Registered” means—

- (a) registered under the Motor Traffic Act 1909, the Transport Act 1930 or the Recreation Vehicles Act 1983; or
- (b) registered in New South Wales under the Interstate Road Transport Act 1985 of the Commonwealth.



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SCHEDULE 27—*continued*

AMENDMENTS TO THE MOTOR VEHICLES (THIRD PARTY  
INSURANCE) ACT 1942—*continued*

(2) Section 10 (**Third-party policy**)—

Section 10 (5) (c)—

After “terminate”, insert “or the last day of the month in which that date occurs, whichever is the later”.

(3) Section 14B (**Exclusion of certain claims**)—

After “Wales”, insert “unless the motor vehicle was so registered under the Interstate Road Transport Act 1985 of the Commonwealth and there was in force in respect of that vehicle a third-party policy issued by the Government Insurance Office”.

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SCHEDULE 28

(Sec. 3)

AMENDMENTS TO THE NATIONAL PARKS AND WILDLIFE ACT  
1974

PART 1

AMENDMENTS TO COMMENCE ON ASSENT

(1) Section 5 (**Interpretation**)—

Section 5 (1), definition of “by-laws”—

Omit the definition.

(2) Section 19 (1)—

Omit “or the by-laws”.

(3) Sections 19 (2), 156, 159 (2)—

Omit “or by-law” wherever occurring.

(4) Section 21 (1)—

Omit “, the by-laws”.

SCHEDULE 28—*continued*AMENDMENTS TO THE NATIONAL PARKS AND WILDLIFE ACT  
1974—*continued*

- (5) Section 33 (**Reservation of parks and sites**)—
- (a) Section 33 (5) (a) (ii)—
- Omit “by-laws” where secondly occurring, insert instead “regulations”.
- (b) Section 33 (10)—
- Omit the subsection.
- (6) Section 47B (**Reservation of state recreation areas**)—
- (a) Section 47B (3) (b) (ii)—
- Omit “by-laws”, insert instead “regulations”.
- (b) Section 47B (9)—
- Omit the subsection.
- (7) Section 47D (3), (4)—
- After “by-laws” wherever occurring, insert “or regulations”.
- (8) Sections 138 (1) (b), 143, Part XIV—
- Omit “Act, the regulations or the by-laws” wherever occurring, insert instead “Act or the regulations”.
- (9) Sections 152, 155 (2), (2B), (2C), (3), 162 (2)—
- Omit “by-laws” wherever occurring, insert instead “regulations”.
- (10) Part XIII, heading—
- Omit “AND BY-LAWS”.
- (11) Section 154 (m)—
- Omit “Act, the regulations and the by-laws”, insert instead “Act and the regulations”.

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SCHEDULE 28—*continued*AMENDMENTS TO THE NATIONAL PARKS AND WILDLIFE ACT  
1974—*continued*(12) Section 155 (**Regulations relating to parks**)—

## (a) Section 155 (2A)—

Omit “by-law” where firstly and secondly occurring, insert instead “regulation”.

## (b) Section 155 (4)—

Omit “by-law”, insert instead “regulation”.

## (13) Section 159 (1), definition of “parking offence”—

Omit “or by-laws”.

## (14) Schedule 3, clause 20—

After clause 19, insert:

**Amendments made by the Statute Law (Miscellaneous Provisions)  
Act (No. 2) 1986**

20. (1) Any by-law made under this Act, or by-law, rule or regulation deemed to be a by-law made under this Act, and in force immediately before the date of assent to the Statute Law (Miscellaneous Provisions) Act (No. 2) 1986 shall on that date be deemed to be a regulation made under this Act.

(2) A reference in any other Act or statutory instrument, or in any other document, to a by-law made under this Act shall be read as a reference to a regulation made under this Act.

## (15) Schedule 9A—

## (a) Clause 3 (4)—

Omit “by-laws”, insert instead “regulations”.

## (b) Clauses 7 (1), 9 (1), 13—

Omit “by-law” wherever occurring, insert instead “regulation”.

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SCHEDULE 28—*continued*

AMENDMENTS TO THE NATIONAL PARKS AND WILDLIFE ACT  
1974—*continued*

PART 2

AMENDMENT TO COMMENCE ON COMMENCEMENT OF  
SCHEDULE 4 (9) TO THE NATIONAL PARKS AND WILDLIFE  
(AMENDMENT) ACT 1983

Section 160 (2) (as inserted by Act No. 183, 1983)—

Omit “Act, the regulations or the by-laws”, insert instead “Act or the regulations”.

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SCHEDULE 29

(Sec. 3)

AMENDMENTS TO THE OMBUDSMAN ACT 1974

(1) Section 5 (Interpretation)—

Section 5 (1), paragraph (g1) of the definition of “public authority”—

Omit the paragraph, insert instead:

(g1) any local government authority or any member or employee of a local government authority; and

(2) Section 10 (Delegation)—

(a) Section 10 (2) (c)—

At the end of section 10 (2) (c), insert “or”.

(b) Section 10 (2) (d)—

Omit the paragraph.

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## SCHEDULE 30

(Sec. 3)

## AMENDMENTS TO THE PAROLE ORDERS (TRANSFER) ACT 1983

(1) Section 6 (**Documents to accompany requests**)—

Section 6 (1) (b)—

Omit the paragraph, insert instead:

- (b) the judgment, order, direction, declaration or any other authority which authorised the imprisonment of the person to whom the parole order relates;

(2) Section 8 (**Registration**)—

(a) Section 8 (1) (b)—

Omit the paragraph, insert instead:

- (b) keeping the endorsed parole order in a register together with the original or a copy of the document sent by the designated authority under section 6 (1) (b);

(b) Section 8 (2) (a)—

Omit “judgment or order”, insert instead “document”.

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SCHEDULE 31

(Sec. 3)

## AMENDMENT TO THE POLICE BOARD ACT 1983

Section 7A (**Merit to be primary consideration**)—

Section 7A (1) (c)—

Before “diligence”, insert “integrity,”.

## SCHEDULE 32

(Sec. 3)

## AMENDMENTS TO THE PRISONS ACT 1952

Section 5A (**Long Bay Correctional Centre**)—

## (a) Section 5A (1)—

After “thereon”, insert “known as Long Bay Correctional Centre and”.

## (b) Section 5A (7)—

After section 5A (6), insert:

(7) A reference in any instrument or document of any kind (other than the map referred to in subsection (1)) to the Malabar Prison Complex shall be read as a reference to the Long Bay Correctional Centre.

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## SCHEDULE 33

(Sec. 3)

## AMENDMENTS TO THE PRIVACY COMMITTEE ACT 1975

(1) Section 4 (**Interpretation**)—

## (a) Definition of “appointed member”—

Omit “the Ombudsman or”.

## (b) Definition of “Ombudsman”—

Omit the definition.

(2) Section 5 (**Privacy Committee**)—

## Section 5 (3) (a)—

Omit the paragraph.

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## SCHEDULE 34

(Sec. 3)

## AMENDMENT TO THE PROBATION AND PAROLE ACT 1983

## Section 41—

Omit the section, insert instead:

**Revocation of parole order—remainder of sentence to be reduced by “clean street time”**

## 41. (1) In this section—

“clean street time”, in relation to a parole order which has been revoked, means the period commencing on the day on which the prisoner was released on parole pursuant to the parole order and ending on the day on which the parole order is, or is treated as having been, revoked.

(2) If a parole order is revoked, the balance (as at the date of release on parole) of the term or terms of imprisonment to which the parole order relates shall, notwithstanding section 39, be reduced by clean street time.

(3) A term of imprisonment shall not, on the revocation of a parole order, be reduced by clean street time if it was imposed after the date of release on parole or if for any other reason it does not relate to the parole order.

## SCHEDULE 35

(Sec. 3)

AMENDMENTS TO THE PUBLIC AUTHORITIES  
SUPERANNUATION ACT 1985(1) Section 32 (**Preserved benefit**)—

## Section 32 (5)—

Range to the margin the words “together with interest thereon, from the exit date to the date of payment, at a rate determined by the Board.”.

SCHEDULE 35—*continued*  
 AMENDMENTS TO THE PUBLIC AUTHORITIES  
 SUPERANNUATION ACT 1985—*continued*

## (2) Schedule 3, Part 1—

Omit “The New South Wales Dairy Corporation.”.

(3) Schedule 6, clause 14 (**Calculation of adjustment percentage**)—

## (a) Clause 14 (2) (a)—

Omit “or” where lastly occurring.

## (b) Clause 14 (2) (b), (c)—

At the end of clause 14 (2) (b), insert:

; or

(c) a pension referred to in clause 11 (5)—shall be calculated as provided by subclause (3).

## (c) Clause 14 (3)—

Omit “subclause (2) (a)”, insert instead “subclause (2) (a) and (c)”.

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SCHEDULE 36

(Sec. 3)

AMENDMENTS TO THE REPRINTS ACT 1972

## (1) Section 9C—

After section 9B, insert:

**Amendment of Acts: the words “license” and “licenses”**

9C. (1) In any other Act, the word “license” or “licenses”, where used as a noun, is omitted and the word “licence” or “licences” inserted instead.

## (2) Subsection (1) does not apply to—

(a) an agreement set forth in an Act; or



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(b) an amending provision,

but does apply to an uncommenced amending provision.

(3) This section does not affect the validity or effect of any instrument granted or issued under an Act amended by this section.

(2) Section 13 (**Application of certain provisions of this Act to certain instruments**)—

Omit “7 and 9B”, insert instead “7, 9B and 9C”.

## SCHEDULE 37

(Sec. 3)

## AMENDMENT TO THE SEARCH WARRANTS ACT 1985

Section 24A—

After section 24, insert:

**Ministerial arrangements for things seized in connection with extra-territorial offences**

24A. (1) In this section—

“appropriate authority” means—

- (a) in relation to another State or a Territory of the Commonwealth (other than the Australian Capital Territory)—an authority exercising, in relation to the Police Force of that State or Territory, functions corresponding to those of the Commissioner of Police in relation to the police force of New South Wales; or

SCHEDULE 37—*continued*AMENDMENT TO THE SEARCH WARRANTS ACT 1985—*continued*

(b) in relation to the Australian Capital Territory—the Commissioner of the Australian Federal Police.

(2) The Minister may enter into arrangements with a Minister of another State or a Territory of the Commonwealth under which—

(a) things seized under this Act that may be relevant to the investigation of an offence against the law of that State or Territory—

(i) are to be transmitted to the appropriate authority in that State or Territory for the purposes of the investigation of, or proceedings in respect of, that offence; and

(ii) when no longer required for the purposes of any such investigation or proceedings, are (unless disposed of by order or direction of a court or Magistrate) to be returned to the Commissioner of Police; and

(b) things seized under the law of that other State or Territory that may be relevant to the investigation of an offence against the law of this State—

(i) are to be transmitted to the Commissioner of Police; and

(ii) when no longer required for the purposes of the investigation of an offence, or proceedings in respect of an offence, are (unless disposed of by order or direction of a court or Magistrate) to be returned to the appropriate authority in the State or Territory in which they were seized.

(3) This section has effect notwithstanding section 7 (3).

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## SCHEDULE 38

(Sec. 3)

AMENDMENTS TO THE STATE DEVELOPMENT AND  
INDUSTRIES ASSISTANCE ACT 1966

## PART 1—AMENDMENTS TO COMMENCE ON ASSENT

(1) Section 2 (**Arrangement**)—

Omit the section.

(2) Section 3 (**Interpretation**)—

## (a) Section 3 (1), definition of “Ministerial Corporation”—

Omit the definition, insert instead:

“Ministerial Corporation” means the corporation constituted under section 34H.

## (b) Section 3 (2A)—

After section 3 (2), insert:

(2A) In this Act—

(a) a reference to a function includes a reference to a power, authority and duty; and

(b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

(3) Section 8G (**Determination of applications for financial assistance**)—

Section 8G (6)—

Omit “Minister”, insert instead “Ministerial Corporation”.

(4) Section 32 (**Ministerial Corporation’s powers to have surveys, etc., carried out**)—

Omit “perform”, insert instead “exercise”.

(5) Section 34 (**Agreements or arrangements between the Ministerial Corporation and the State Bank**)—

Omit “perform any of the functions referred to in section 11 and exercising any of the powers conferred on that Corporation by this Part”, insert instead “exercise any of the functions referred to in section 11 and conferred on that Corporation by this Part”.

SCHEDULE 38—*continued*AMENDMENTS TO THE STATE DEVELOPMENT AND  
INDUSTRIES ASSISTANCE ACT 1966—*continued*(6) Section 34A (**Ministerial Corporation's powers to acquire land**)—

## (a) Section 34A (1) (c)—

After “for industries”, insert “and business undertakings”.

## (b) Section 34A (1) (c)—

After “such industries”, insert “and business undertakings”.

## (c) Section 34A (2)—

Omit the subsection.

(7) Section 34D (**Power of Ministerial Corporation to make roads, etc.**)—

## Section 34D (1) (a)—

After “industries”, insert “or business undertakings”.

## (8) Section 34F—

Omit the section, insert instead:

**Ministerial Corporation's powers to erect, alter or extend buildings  
for industries and business undertakings—**

34F. (1) The Ministerial Corporation may cause to be erected, on land acquired by that Corporation under this Part for the purpose referred to in—

(a) section 34A (1) (a)—buildings suitable for occupation for the purposes of a country industry; and

(b) section 34A (1) (c)—buildings suitable for occupation for the purposes of an industry or business undertaking other than a country industry.

(2) The Ministerial Corporation may cause any building erected on land acquired by that Corporation under this Part for the purpose referred to in—

(a) section 34A (1) (a)—to be altered or extended to make it suitable for occupation by a country industry; and

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SCHEDULE 38—*continued*

AMENDMENTS TO THE STATE DEVELOPMENT AND  
INDUSTRIES ASSISTANCE ACT 1966—*continued*

- (b) section 34A (1) (b)—to be altered or extended to make it suitable for occupation by an industry or business undertaking other than a country industry.
- (9) Section 34G (**Disposal of land by the Ministerial Corporation**)—
- (a) Omit “Minister” wherever occurring, insert instead “Ministerial Corporation”.
- (b) Section 34G (1)—
- Omit “he”, insert instead “that Corporation”.
- (c) Section 34G—
- Omit “him” wherever occurring, insert instead “that Corporation”.
- (10) Section 34H (**Constitution of Ministerial Corporation**)—
- Section 34H (1)–(1B)—
- Omit section 34H (1), insert instead:
- (1) For the purposes of Parts IIA, III and IIIA and this Part, there is constituted by this section a corporation under the corporate name of the “Ministerial Corporation for Industry”.
- (1A) The affairs of the Ministerial Corporation shall be managed by the Minister.
- (1B) Any act, matter or thing done in the name of, or on behalf of, the Ministerial Corporation by the Minister, or with the authority of the Minister, shall be deemed to have been done by the Ministerial Corporation.
- (11) Section 34J (**Publications**)—
- Omit “and powers”.

SCHEDULE 38—*continued*AMENDMENTS TO THE STATE DEVELOPMENT AND  
INDUSTRIES ASSISTANCE ACT 1966—*continued*

## (12) Section 34O—

After section 34N, insert:

**Delegation by Ministerial Corporation**

34O. (1) The Ministerial Corporation may delegate to a member of the staff of the Department of Industrial Development and Decentralisation the exercise of any of its functions, other than this power of delegation.

(2) A delegation under this section—

(a) shall be in writing;

(b) may be general or limited; and

(c) may be revoked, wholly or partly, by the Ministerial Corporation.

(3) A delegate is, in the exercise of a function delegated under this section, subject to such conditions as are specified in the instrument of delegation.

(4) A function delegated under this section, when exercised by the delegate, shall be deemed to have been exercised by the Ministerial Corporation.

(5) A delegation under this section does not prevent the exercise of a function by the Ministerial Corporation.

(6) A function purporting to have been exercised by a delegate under this section shall, until the contrary is proved, be deemed to have been duly exercised by a delegate under this section.

## (13) Section 39, Schedule 1—

After section 38, insert:

**Savings, transitional and other provisions**

39. Schedule 1 has effect.

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SCHEDULE 38—*continued*

AMENDMENTS TO THE STATE DEVELOPMENT AND  
INDUSTRIES ASSISTANCE ACT 1966—*continued*

SCHEDULE 1

(Sec. 39)

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

**Change of name of Ministerial Corporation**

1: (1) The Ministerial Corporation for Industry is a continuation of, and the same legal entity as, the corporation sole constituted under the name of "Ministerial Corporation for Industry and Decentralisation, Small Business and Technology".

(2) A reference in any other Act or statutory instrument, or in any other instrument or in any contract or agreement to the "Ministerial Corporation for Industry and Decentralisation, Small Business and Technology" shall be construed as a reference to the "Ministerial Corporation for Industry".

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PART 2—AMENDMENTS TO COMMENCE ON COMMENCEMENT  
OF SCHEDULE 2 OF STATE DEVELOPMENT AND INDUSTRIES  
ASSISTANCE (AMENDMENT) ACT 1986 .

(1) Section 5 (as inserted by Act No. 83, 1986)—

Section 5 (3)—

Omit "performance", insert instead "exercise".

(2) Section 7 (as inserted by Act No. 83, 1986)—

(a) Section 7 (1), (3), (5)—

Omit "performance or" wherever occurring.

(b) Section 7 (1) (b)—

Omit "or powers".

(c) Section 7 (3), (4), (5), (6)—

Omit "or power" wherever occurring.

SCHEDULE 38—*continued*AMENDMENTS TO THE STATE DEVELOPMENT AND  
INDUSTRIES ASSISTANCE ACT 1966—*continued*

## (d) Section 7 (4), (6)—

Omit “performed or” wherever occurring.

## (3) Section 8 (as inserted by Act No. 83, 1986)—

## Section 8 (1)—

Omit “perform its functions and to exercise its powers”, insert instead “exercise its functions”.

## (4) Section 8A (as inserted by Act No. 83, 1986)—

Omit “performance of its functions or the exercise of its powers”, insert instead “exercise of its functions”.

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SCHEDULE 39

(Sec. 3)

## AMENDMENTS TO THE STRATA TITLES ACT 1973

(1) Section 7 (**Subdivision**)—

## Section 7 (3)—

Omit “or restrictions as to user”, insert instead “, restrictions on the use of land or positive covenants”.

(2) Section 10 (**Unit entitlement of lots created by subdivision of lots only**)—

## Section 10 (1)—

Omit “referred to in section 5 (7) (a) or 9 (1)”, insert instead “altering the boundaries of one or more lots so as to create only two or more different lots, other than a plan referred to in section 8A (1).”.



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SCHEDULE 39—*continued*

AMENDMENTS TO THE STRATA TITLES ACT 1973—*continued*

(3) Section 11 (**Unit entitlement of lots in subdivisions involving common property**)—

Omit “referred to in section 5 (7) (b), (c) or (d) or 9 (1)”, insert instead “, other than a plan referred to in section 8A (1) or 10 (1).”.

(4) Section 28 (**Effect of dealings under this Division**)—

Section 28 (4) (b)—

Omit the paragraph, insert instead:

- (b) except where a certificate under this paragraph or section 9 (3) (d) or 13 (2) (b) has been previously lodged in the office of the Registrar-General or a certified or office copy of the minute of an order made under section 67 authorising the registration of the dealing is so lodged, certifying that the resolution referred to in paragraph (a) was passed after the expiration of the initial period.

(5) Section 28A (**Approval of development statement**)—

(a) Section 28A (1)—

Omit the subsection, insert instead:

(1) Where the development proposed in an application for development consent lodged with a consent authority includes—

- (a) the registration of a strata plan; and  
(b) the subsequent subdivision, by a strata plan of subdivision, of a lot in the strata plan,

the development consent shall not be given by the consent authority unless—

- (c) the development application is accompanied by a proposed development statement; and  
(d) no part of the lot intended for subsequent subdivision is superimposed on any part of another lot in the strata plan.

SCHEDULE 39—*continued*AMENDMENTS TO THE STRATA TITLES ACT 1973—*continued*

- (b) Section 28A (3)—  
Omit “comprise” where firstly occurring, insert instead “be comprised of”.
- (c) Section 28A (3) (a)—  
Omit “comprise” where firstly occurring, insert instead “consist of”.
- (6) Section 28B (**Registration of development statement**)—  
Section 28B (2) (c)—  
Omit “development authority”, insert instead “consent authority”.
- (7) Section 28I (**Termination of development scheme**)—  
(a) Section 28I (1) (e)—  
After “mortgagee”, insert “and covenant chargee”.
- (b) Section 28I (2) (b)—  
Omit “mortgagee or enrolled mortgagee”, insert instead “or enrolled mortgagee or covenant chargee”.
- (8) Section 28P (**Resolution for application by body corporate**)—  
(a) Section 28P (2)—  
Omit “proxy or mortgagee”, insert instead “mortgagee, covenant chargee or proxy”.
- (b) Section 28P (2)—  
Omit “mortgagee or as a”, insert instead “a mortgagee, covenant chargee or”.
- (9) Section 32 (**Readjustment of strata scheme for purposes of resumption**)—  
Section 32 (4) (d)—  
After “charge”, insert “, covenant charge”.

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SCHEDULE 39—*continued*

AMENDMENTS TO THE STRATA TITLES ACT 1973—*continued*

- (10) Section 62 (10) (a)—  
Omit “court of petty sessions” wherever occurring, insert instead “Local Court”.
- (11) Section 68 (**Duties of body corporate**)—  
Section 68 (1) (h)—  
Omit “the prescribed”, insert instead “prescribed”.
- (12) Section 78 (**Managing agent**)—  
Section 78 (1A) (c)—  
Omit the paragraph, insert instead:  
(c) a determination under section 68 (1) (j) or (k) (including such a determination made pursuant to section 68 (4A)),  
or to levy contributions under section 68 (1) (p).
- (13) Section 95 (**Land tax**)—  
Section 95 (6) (c) (ii)—  
Omit “discretionary”, insert instead “special”.
- (14) Section 105 (1B)—  
Omit “Courts of Petty Sessions”, insert instead “Local Courts”.
- (15) Section 113A (**Commissioner may make certain by-laws**)—  
Section 113A (1)—  
After “proprietor”, insert “for an order”.
- (16) Section 142 (4) (a)—  
Omit “Courts of Petty Sessions”, insert instead “Local Courts”.
- (17) Section 146 (**Other rights and remedies not affected by this Act**)—  
Section 146 (1)—  
Omit “or mortgagee”, insert instead “, mortgagee or chargee”.
-

## SCHEDULE 40

(Sec. 3)

AMENDMENT TO THE SYDNEY CRICKET AND SPORTS  
GROUND ACT 1978Schedule 1 (Provisions relating to constitution and procedure of the  
Trust)—

Clauses 8, 8A—

Omit clause 8, insert instead:

**Chairman and Deputy Chairman of Trust**

8. (1) Of the members, one shall, in and by the relevant instrument of appointment as such a member, or by another instrument executed by the Governor, be appointed as Chairman and one shall be so appointed as Deputy Chairman.

(2) The Governor may remove a member from the office of Chairman or Deputy Chairman.

(3) A person who is a member and Chairman or Deputy Chairman shall be deemed to have vacated office as Chairman or Deputy Chairman if the person—

- (a) is removed from that office by the Governor under subclause (2);
- (b) resigns that office by instrument in writing addressed to the Minister; or
- (c) ceases to be a member.

(4) The Governor may, from time to time, appoint a member to act in the office of Chairman or Deputy Chairman during the illness or absence of the Chairman or Deputy Chairman, and the member, while so acting, shall have and may exercise all the functions of the Chairman or Deputy Chairman and shall be deemed to be the Chairman or Deputy Chairman.

(5) The Governor may remove any person from an office to which the person was appointed under this clause.

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SCHEDULE 40—*continued*

AMENDMENT TO THE SYDNEY CRICKET AND SPORTS  
GROUND ACT 1978—*continued*

(6) For the purposes of this clause, a vacancy in the office of the Chairman or Deputy Chairman shall be deemed to be an absence from the office of the Chairman or Deputy Chairman.

**Extension of office of Chairman**

8A. The person holding office as Chairman immediately before 31 December 1987 does not cease to be a member only because of attaining the age of 70 years and may, notwithstanding clause 6, continue to hold office as a member and as Chairman for a period of 3 months after the day on which the person attains that age.

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SCHEDULE 41

(Sec. 3)

AMENDMENTS TO THE SYDNEY HARBOUR TRUST ACT 1900

Section 49 (**Contracts by the board, how to be entered into**)—

(1) Section 49 (2)—

After “contract”, insert “for the supply of articles or goods”.

(2) Section 49 (2)—

Omit “four thousand dollars”, insert instead “\$10,000”.

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SCHEDULE 42

(Sec. 3)

AMENDMENT TO THE TRANSPORT ACT 1930

**Section 132A (Gratuities payable to non-contributors)—**

**Section 132A (8)—**

After section 132A (7), insert:

(8) For the purposes of the calculation of the gratuity payable to an officer under the provisions of this section, salary or wages payable to the officer immediately prior to retirement or death includes any allowance payable to the officer for not less than 6 months in aggregate during the period of 12 months immediately prior to the officer's retirement or death.

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SCHEDULE 43

(Sec. 3)

AMENDMENTS TO THE VENEREAL DISEASES ACT 1918

**Section 22 (Keepers of disorderly houses)—**

- (1) Omit "female", insert instead "person".
- (2) Omit "he", insert instead "the offender".

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SCHEDULE 44

(Sec. 3)

AMENDMENTS TO THE WESTERN LANDS ACT 1901

*Statute Law (Miscellaneous Provisions) (No. 2) 1986*SCHEDULE 44—*continued*AMENDMENTS TO THE WESTERN LANDS ACT 1901—*continued*

## (1) Section 8A—

After section 8, insert:

**Delegation by Commissioner**

8A. (1) The Commissioner may delegate to an officer of the Department of Lands the exercise of any of the Commissioner's functions, other than this power of delegation.

(2) A delegation under this section—

(a) shall be in writing;

(b) may be general or limited; and

(c) may be revoked, wholly or partly, by the Commissioner.

(3) A delegate is, in the exercise of a function delegated under this section, subject to such conditions as are specified in the instrument of delegation.

(4) A function delegated under this section, when exercised by the delegate, shall be deemed to have been exercised by the Commissioner.

(5) A delegation under this section does not prevent the exercise of a function by the Commissioner.

(6) A function purporting to have been exercised by a delegate under this section shall, until the contrary is proved, be deemed to have been duly exercised by a delegate under this section.

(7) In this section—

(a) a reference to a function includes a reference to a power, authority and duty; and

(b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

(2) Section 18DB (**Clearing licences**)—

(a) Section 18DB (5)—

After "licence", insert "and for extension of the period a clearing licence remains in force".

SCHEDULE 44—*continued*AMENDMENTS TO THE WESTERN LANDS ACT 1901—*continued*

## (b) Section 18DB (8)—

Omit the subsection, insert instead:

(8) A clearing licence remains in force—

(a) for such period as the Commissioner may specify in the licence; or

(b) where the Commissioner, on application for extension of that period, specifies in writing a longer period, for the period so specified,

unless sooner cancelled or surrendered.

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## SCHEDULE 45

(Sec. 3)

## AMENDMENT TO THE WORKERS' COMPENSATION ACT 1926

Section 30AD (**Prohibited practices**)—

Section 30AD (3)—

Omit the subsection, insert instead:

(3) Subsection (2) does not apply in respect of—

(a) a policy—

(i) issued by the Government Insurance Office to a government department or administrative office; or

(ii) of a class declared by the regulations to be exempt from the operation of that subsection; or

(b) a policy to which an order under section 30AB applies, being a policy for which a premium is calculated in the manner fixed by the order.

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*Statute Law (Miscellaneous Provisions) (No. 2) 1986*

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## SCHEDULE 46

(Sec. 3)

## AMENDMENTS RELATING TO CALCULATION OF INTEREST ON SPECIAL DEPOSITS ACCOUNTS

**Fish River Water Supply Administration Act 1945 No. 16—****Section 13 (Renewal Reserve Account)—**

## Section 13 (3)—

Omit the subsection, insert instead:

(3) The Renewal Reserve Account shall be credited with interest on the credit balance as the Treasurer determines.

**Government Railways Act 1912 No. 30—****Section 112 (Government Railways Superannuation Account)—**

## Section 112 (3)—

Omit the subsection, insert instead:

(3) Interest on the credit balance of the Government Railways Superannuation Account shall be paid out of the Consolidated Fund into that account as the Treasurer directs at such rates as may be determined by the Treasurer and the board.

**New South Wales Government Engineering and Shipbuilding Undertaking Act 1943 No. 19—****Section 9 (Depreciation Reserve Account)—**

## Section 9 (3)—

Omit the subsection, insert instead:

(3) The Working Account shall be credited with interest on the credit balance of the Depreciation Reserve Account as the Treasurer determines.

**South-west Tablelands Water Supply Administration Act 1941 No. 36—****Section 13 (South-west Tablelands Water Supply Renewal Reserve Account)—**

## Section 13 (3)—

Omit the subsection, insert instead:

(3) The Renewal Reserve Account shall be credited with interest as the Treasurer determines.

*Statute Law (Miscellaneous Provisions) (No. 2) 1986*

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SCHEDULE 46—*continued*

AMENDMENTS RELATING TO CALCULATION OF INTEREST ON SPECIAL DEPOSITS ACCOUNTS—*continued*

**State Brickworks Act 1946 No. 16—**

**Section 6 (Depreciation Reserve Account)—**

Section 6 (3)—

Omit the subsection, insert instead:

(3) The Working Account shall be credited with interest on the credit balance of the Depreciation Reserve Account as the Treasurer determines.

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SCHEDULE 47

(Sec. 3)

AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE LAW REVISION

**Animal Research Act 1985 No. 123—**

**Section 54 (Impersonation, etc., of inspectors)—**

At the end of the section, insert:

Penalty: \$2,000.

**Arbitration (Civil Actions) Act 1983 No. 43—**

(1) Section 16 (1)—

Omit "Division 6", insert instead "Division 9A".

(2) Section 16 (1)—

Omit "(section 122 (4) excepted)", insert instead "(section 148B (2) excepted)".

**Auctioneers and Agents (Amendment) Act 1986 No. 63—**

**Section 4—**

After "as the Minister", insert "administering the Auctioneers and Agents Act 1941".

*Statute Law (Miscellaneous Provisions) (No. 2) 1986*SCHEDULE 47—*continued*AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE LAW REVISION—  
*continued***Bush Fires Act 1949 No. 31—**

## Section 38—

Omit the section, insert instead:

**Distribution of annual report**

38. As soon as practicable after the annual report which includes the financial statements prepared in accordance with Division 3 of Part III of the Public Finance and Audit Act 1983 relating to the Fund has been laid before both Houses of Parliament or transmitted to the Clerk of the Parliaments and the Clerk of the Legislative Assembly, the Minister shall furnish to each council and each insurance company contributing to the Fund a copy of the annual report.

**Business Franchise Licences (Tobacco) Act 1975 No. 63—**

## (1) Section 2 (Division of Act)—

Omit the section.

## (2) Schedule 1, heading—

Omit "FOR WHOLESALE TOBACCO MERCHANTS' LICENCES".

**Coal and Oil Shale Mine Workers (Superannuation) Act 1941 No. 45—**

## (1) Section 15 (3) (d)—

Omit "Australian", insert instead "Australasian".

## (2) (a) Section 32 (6) (a)—

Omit "Combined Colliery Proprietors'", insert instead "Coal".

## (b) Section 32 (6) (b)—

Omit "Australian Coal and Oil", insert instead "Australasian Coal and".

## (c) Section 32 (6) (d)—

Omit "and Shipwrights'".

**Coal Mines Regulation Act 1982 No. 67—**

## Section 134 (1) (a)—

Omit "of" where thirdly occurring.

**Commercial Agents and Private Inquiry Agents Act 1963 No. 4—**

## (1) Section 10 (2)—

Omit "local court", insert instead "Local Court".

*Statute Law (Miscellaneous Provisions) (No. 2) 1986*

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SCHEDULE 47—*continued*

AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE LAW REVISION—  
*continued*

(2) Sections 10 (10), 37 (1)—

Omit “court of petty sessions” wherever occurring, insert instead “Local Court”.

**Commercial Agents and Private Inquiry Agents (Amendment) Act 1985 No. 53—**

Schedule 1, item 28—

From clause 12 (3) of Schedule 1 to be inserted in the Principal Act omit “section”, insert instead “clause”.

**Commercial Arbitration Act 1984 No. 160—**

Section 3 (6)—

Omit “Proceedings”, insert instead “Actions”.

**Crimes (Confiscation of Profits) Act 1985 No. 181—**

Section 27 (4)—

Omit “III”, insert instead “II”.

**District Court Act 1973 No. 9—**

Section 63 (1) (a)—

Omit “or” where lastly occurring, insert instead “and”.

**Futures Industry (Application of Laws) Act 1986 No. 66—**

(1) Schedule 8, clause 2—

Omit “41”, insert instead “46”.

(2) Schedule 8, clause 3—

Omit “43”, insert instead “48”.

(3) Schedule 8, clause 4 (2)—

Omit “48”, insert instead “54”.

(4) Schedule 8, clause 5 (1)—

Omit “50”, insert instead “57”.

(5) Schedule 8, clause 5 (2)—

Omit “50 (2)”, insert instead “57 (2)”.

(6) Schedule 8, clause 6—

Omit “51”, insert instead “58”.

*Statute Law (Miscellaneous Provisions) (No. 2) 1986*SCHEDULE 47—*continued*AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE LAW REVISION—  
*continued*

## (7) Schedule 8, clause 7—

Omit “53”, insert instead “59 (2)”.

**Gaming and Betting Act 1912 No. 25—**

## (1) Section 3—

- (a) From the definition of “Race-meeting”, omit “trotting contests”, insert instead “harness racing”.
- (b) From the definition of “Sports”, omit “trotting races”, insert instead “harness racing”.
- (c) From the definition of “Trotting trial meeting”, omit “Trotting”, insert instead “Harness racing”.
- (d) From the definition of “Trotting trial meeting”, omit “trotting races or contests”, insert instead “harness racing”.

## (2) Section 7—

- (a) Omit “trotting races” where firstly occurring, insert instead “harness racing”.

## (b) Section 7—

Omit “the penalty”, insert instead “a penalty”.

## (3) Sections 7, 51—

Omit “trotting trial” wherever occurring, insert instead “harness racing trial”.

## (4) Sections 7, 51 (5), (5AA), 53D (1)—

Omit “trotting races or contests” wherever occurring, insert instead “harness racing”.

## (5) Sections 47A, 47B, 47C, 53, 53A—

Omit “trotting” wherever occurring, insert instead “harness racing”.

## (6) Sections 47G, 51, 52—

Omit “trotting contests” wherever occurring, insert instead “harness racing”.

## (7) Section 54—

Omit “trotting-races or contests” wherever occurring, insert instead “harness racing”.

*Statute Law (Miscellaneous Provisions) (No. 2) 1986*SCHEDULE 47—*continued*AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE LAW REVISION—  
*continued***Higher Education Act 1975 No. 47—****Section 8 (Remuneration, etc., of member of Board)—**

## Section 8 (1)—

Omit the subsection, insert instead:

- (1) A full-time member of the Board is entitled to be paid—
  - (a) remuneration in accordance with the Statutory and Other Offices Remuneration Act 1975; and
  - (b) such travelling and subsistence allowances as the Minister may from time to time determine in respect of the member.

**Housing Act 1912 No. 7—**

## (1) Section 40F—

## (a) Section 40F (3)—

Omit "Corporation" where firstly occurring, insert instead "Director of Housing holding office as such under the Public Service Act 1979".

## (b) Section 40F (3)—

Omit ", and the Chairman of the Corporation shall have the powers of a chairman".

## (c) Section 40F (3)—

Omit "Corporation" where lastly occurring, insert instead "Director".

## (2) Section 43—

## (a) Section 43 (3)—

Omit "": the amount of such costs; if not paid on demand, shall be levied by distress, and upon application to any justice for that purpose he shall issue his warrant accordingly".

## (b) Section 43 (3A)—

After section 43 (3), insert:

(3A) Any costs due to the Corporation under subsection (3) may be recovered by the Corporation as a debt in a court of competent jurisdiction.

## (3) Section 46—

Omit "they think", insert instead "it thinks".

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SCHEDULE 47—*continued*

AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE LAW REVISION—  
*continued*

(4) Section 49 (2)—

Omit “stipendiary magistrate or any two justices in petty sessions”, insert instead “Magistrate or any 2 justices constituting a Local Court”.

**Landlord and Tenant (Rental Bonds) Amendment Act 1986 No. 62—**

Section 4—

After “as the Minister”, insert “administering the Landlord and Tenant (Rental Bonds) Act 1977”.

**Local Government (Movable Dwellings) Amendment Act 1986 No. 21—**

Schedule 1 (2)—

Omit “After Division 5, insert:”, insert instead “After Division 5A, insert:”.

**Mental Health Act 1983 No. 178—**

(1) (a) Schedule 2, clause 3A—

After clause 3, insert:

**Duties of full-time members**

3A. A full-time member shall devote the whole of his or her time to the duties of the office of member, except as permitted by this Act or except with the consent of the Minister.

(b) Schedule 2, clause 4 (**Remuneration**)—

(i) Schedule 2, clause 4 (1)—

Omit “and a Deputy President” where firstly occurring, insert instead “, a Deputy President and a full-time member, other than the President or a Deputy President,”.

(ii) Schedule 2, clause 4 (1) (b)—

Omit “President and a Deputy President, respectively”, insert instead “member”.

(iii) Schedule 2, clause 4 (2)—

Omit “A member, other than the President or a Deputy President,”, insert instead “A part-time member”.

*Statute Law (Miscellaneous Provisions) (No. 2) 1986*

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SCHEDULE 47—*continued*

AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE LAW REVISION—  
*continued*

(c) Schedule 2, clause 7 (Vacation of office)—

Schedule 2, clause 7 (e1)—

After clause 7 (e), insert:

(e1) being a full-time member, engages in any paid employment outside the duties of the office of member, except with the consent of the Minister;

(2) Schedule 3, Note 1—

(a) After "hospital" where secondly occurring, insert ", prison or other place".

(b) Omit "85", insert instead "88".

(c) Omit "sexual preference, sexual orientation", insert instead "sexual preference or sexual orientation".

(d) Before "physiological", insert "serious and permanent".

(e) Omit "on a number of occasions".

**Motor Traffic Act 1909 No. 5—**

Section 10A (1) (b) (ii)—

Omit "8 (1)", insert instead "8 (2)".

**Pawnbrokers (Amendment) Act 1985 No. 10—**

(1) Section 5—

Omit the section.

(2) Schedule 2—

Omit the Schedule.

**Police Regulation (Superannuation) Act 1906 No. 28—**

Schedule 1, clause 1 (1), definition of "eligibility date"—

After "applies", insert "is payable".

**Public Servant Housing Authority Act 1975 No. 38—**

(1) Section 7 (1) (c)—

Omit "Chairman of The Housing Commission of New South Wales", insert instead "Director of Housing under the Public Service Act 1979".

(2) Section 8—

Section 8 (6)—

Omit the subsection.



*Statute Law (Miscellaneous Provisions) (No. 2) 1986*

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SCHEDULE 47—*continued*

AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE LAW REVISION—  
*continued*

**Registered Clubs (Amendment) Act 1986 No. 78—**

Schedule 1 (1) (a)—

Omit “address”, insert instead “amalgamated club”.

**Registration of Interests in Goods Act 1986 No. 37—**

Section 20 (3)—

Omit “subsection (1)”, insert instead “subsection (2)”.

**Stamp Duties Act 1920 No. 47—**

Second Schedule—

From paragraph (7) appearing under the heading “TRANSFER OF SHARES” omit “or an intestacy”, insert instead “on an intestacy”.

**State Development and Country Industries Assistance (Amendment) Act 1985 No. 187—**

Schedule 3 (13) (c), (d)—

After “34” wherever occurring, insert “A”.

**State Development and Industries Assistance (Amendment) Act 1986 No. 83—**

Schedule 7, clause 4 (4)—

After “Minister” wherever occurring, insert “administering the Principal Act”.

**State Roads Act 1986 No. 85—**

Schedule 1, matter relating to Attachment of Wages Limitation Act 1957 No. 28—

Omit “(Limitation)”, insert instead “Limitation”.

**Statute Law (Miscellaneous Provisions) Act 1986 No. 16—**

Schedule 23, item (8) (d) of the matter relating to the Workers’ Compensation Act 1926—

Omit “of sections”, insert instead “and sections”.

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

(1) Part 1 of Schedule 2—

After “Deputy President of the Mental Health Review Tribunal.”, insert:

Full-time member of the Mental Health Review Tribunal, other than the President or Deputy President.

*Statute Law (Miscellaneous Provisions) (No. 2) 1986*SCHEDULE 47—*continued*AMENDMENTS TO OTHER ACTS BY WAY OF STATUTE LAW REVISION—  
*continued*

## (2) Part 2 of Schedule 3—

Omit "Member of the Mental Health Review Tribunal, other than the President and a Deputy President."

**Superannuation (Further Amendment) Act 1985 No. 155—**

## Schedule 2 (1) (c)—

After "and", insert "where secondly occurring".

**Supreme Court Act 1970 No. 52—**

## Section 124 (2) (a)—

Omit "or" where lastly occurring, insert instead "and".

**Valuers Registration Act 1975 No. 92—**

## Section 30 (4)—

Omit "section 13 (1) (a)", insert instead "section 14 (b), 15 (1) (b) (i) or 15A (b) (i)".

## SCHEDULE 48

(Sec. 4)

## REPEALS

Reclamation Act 1930 No. 37

Miscellaneous Acts (Deputy Commissioners of Police) Amendment Act 1981 No. 121

Statutory and Other Offices Remuneration (Local Courts) Amendment Act 1982 No. 167

Statutory and Other Offices Remuneration (Egg Industry) Amendment Act 1983 No. 58

Statutory and Other Offices Remuneration (Metropolitan Water Sewerage and Drainage Board) Amendment Act 1983 No. 85

Clean Waters (Licences and Approvals) Amendment Act 1983 No. 95

Statutory and Other Offices Remuneration (Public Authorities Superannuation Board) Amendment Act 1983 No. 108

Statutory and Other Offices Remuneration (Dairy Corporation) Amendment Act 1983 No. 158

Anatomy (Human Tissue) Amendment Act 1983 No. 165

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*Statute Law (Miscellaneous Provisions) (No. 2) 1986*

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SCHEDULE 48—*continued*REPEALS—*continued*

- Real Property (Conversion of Title) Amendment Act 1984 No. 25
- Dairy Industry (Amendment) Act 1984 No. 27
- Coal and Oil Shale Mine Workers (Superannuation) Amendment Act 1984 No. 32
- Statutory and Other Offices Remuneration (Tourism Commission) Amendment Act 1984 No. 50
- Supreme Court (Solicitors' Remuneration) Amendment Act 1984 No. 54
- Police Regulation (Superannuation) (Election) Amendment Act 1984 No. 83
- Statutory and Other Offices Remuneration (Commercial Tribunal) Amendment Act 1984 No. 99
- Statutory and Other Offices Remuneration (Maritime Services Board) Amendment Act 1984 No. 102
- Statutory and Other Offices Remuneration (New Darling Harbour Authority) Amendment Act 1984 No. 104
- Coal and Oil Shale Mine Workers (Superannuation) Further Amendment Act 1984 No. 116
- Strata Titles (Land Tax) Amendment Act 1984 No. 131
- Local Courts (Amendment) Act 1984 No. 142
- Canned Fruits Marketing (Amendment) Act 1984 No. 146
- Statutory and Other Offices Remuneration (State Public Service Superannuation Board) Amendment Act 1985 No. 49
- Statutory and Other Offices Remuneration (Legal Services Commission) Amendment Act 1985 No. 87
- Statutory and Other Offices Remuneration (Board of Fire Commissioners) Amendment Act 1985 No. 108
- Statutory and Other Offices Remuneration (Sydney Market Authority) Amendment Act 1985 No. 138
- Statutory and Other Offices Remuneration (Commissioners of Inquiry) Amendment Act 1985 No. 230
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## SCHEDULE 49

(Sec. 5)

## SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

**Savings relating to repealed enactments**

1. The repeal by this Act of any enactment does not affect—
  - (a) the proof of any past act or thing;
  - (b) the continuity, or status as a legal entity, of any body;
  - (c) any duty, obligation, liability, benefit, privilege or right saved by the operation of the enactment; or
  - (d) any amendment or validation made by the enactment.

**Interpretation Act 1897**

2. The savings contained in this Schedule do not limit any saving in the Interpretation Act 1897.

**Effect of amendment of amending provisions**

3. An amendment made by Schedule 47 to an amending provision (as defined by the Reprints Act 1972) contained in an Act shall, if the amending provision has commenced before the date of assent to this Act, be deemed to have taken effect as from the commencement of the amending provision.

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

4. Except where it is expressly provided to the contrary, where this Act—
  - (a) amends a provision of an Act; or
  - (b) repeals and re-enacts (with or without modifications) 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 re-enacted.

**Amendment of the Disorderly Houses Act 1943**

5. (1) The amendment of the Disorderly Houses Act 1943 by this Act does not, unless the Supreme Court otherwise orders, affect the taking or completion of any step in relation to legal proceedings which have been commenced before the commencement of Schedule 9 to this Act.  
(2) The Court may make orders under this clause on application by a party or of its own motion.

**Amendment of the Environmental Planning and Assessment Act 1979**

6. Section 104A of the Environmental Planning and Assessment Act 1979, as amended by this Act, does not apply to or in respect of a development consent in relation to the validity of which legal proceedings have been commenced before the date of assent to this Act.

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*Statute Law (Miscellaneous Provisions) (No. 2) 1986*

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SCHEDULE 49—*continued*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued***Amendment of the Meat Industry Act 1978**

7. The financial year which, immediately before the date of assent to this Act, was the financial year in relation to accounts prepared by the Homebush Abattoir Corporation, being accounts required to be prepared by the Public Finance and Audit Act 1983, shall continue to be the financial year in relation to which those accounts are prepared.

**Regulations**

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

(2) A provision made under subclause (1) may take effect as from the date of assent to this Act or a later date.

(3) To the extent to which a provision referred to in subclause (1) 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 in the Gazette; 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 in the Gazette.

(4) A provision made under subclause (1) shall, if the regulations expressly so provide, have effect notwithstanding the other clauses of this Schedule.

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