

**STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT  
(No. 3) 1988 No. 131**

NEW SOUTH WALES



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**STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT (No. 3) 1988**  
**No. 131**

NEW SOUTH WALES



**Act No. 131, 1988**

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 30 December 1988]

*Statute Law (Miscellaneous Provisions) (No. 3) 1988*

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

**Short title**

1. This Act may be cited as the Statute Law (Miscellaneous Provisions) Act (No. 3) 1988.

**Commencement**

2. (1) This Act commences on the date of assent, except as provided by this section.

(2) Schedules 1–3, 5–16 and 18–28 commence on a day or days to be appointed by proclamation.

(3) Schedule 17 shall be taken to have commenced on 25 May 1986.

(4) The provisions of Schedule 29 relating to the Conveyancing Act 1919 commence—

(a) on the date of assent to this Act; or

(b) on the commencement of the Strata Titles (Leasehold) Act 1986, whichever is the later.

**Amendments**

3. Each Act specified in Schedules 1–29 is amended as set out in those Schedules.

**Repeals**

4. Each Act specified in Schedule 30 is repealed.

**Savings, transitional and other provisions**

5. Schedule 31 has effect.

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**SCHEDULE 1—AMENDMENT OF CHILDREN (DETENTION CENTRES) ACT 1987 No. 57**

(Sec. 3)

**Section 23A (Escorted absences)—**

(1) Section 23A (1)—

Omit “A detainee may be absent from a detention centre by order in writing of the Director-General”, insert instead “Subject to the regulations, the Director-General may, by order in writing, permit a detainee to be absent from a detention centre”.

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**SCHEDULE 1—AMENDMENT OF CHILDREN (DETENTION CENTRES) ACT 1987 No. 57—*continued***

(2) Section 23A (4)—

After section 23A (3), insert:

(4) The regulations may make provision for or with respect to—

- (a) the circumstances in which an order may be made under this section; and
- (b) the conditions to be imposed on such an order; and
- (c) any other matter relevant to the making of such an order, including the purposes for which an order may be made.

**SCHEDULE 2—AMENDMENT OF CHIROPRACTIC ACT 1978 No. 132**

(Sec. 3)

Section 17—

Omit the section, insert instead:

**Removal from register**

17. The Board—

- (a) shall cause to be removed from the register the name of any person who has died; and
- (b) may cause to be removed from the register the name of any person who has requested that his or her name be so removed.

**SCHEDULE 3—AMENDMENT OF CONSTRUCTION SAFETY ACT 1912 No. 38**

(Sec. 3)

Section 21 (**Penalties and proceedings for offences**)—

(1) Section 21 (1)—

Omit “No proceedings for the recovery of any penalty imposed by or under this Act or the regulations shall be instituted without the authority of the Minister.”.

(2) Section 21 (1A)—

After section 21 (1), insert:

(1A) Proceedings for the recovery of any penalty imposed by or under this Act may be instituted only by an inspector or a person authorised by the Minister for the purposes of this section.

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**SCHEDULE 4—AMENDMENT OF CRIMINAL PROCEDURE ACT  
1986 No. 209**

(Sec. 3)

## Section 9—

Omit the section, insert instead:

**Listing for mention following committal for trial**

9. If, at the end of a period prescribed by the regulations for the purposes of this section (being a period that commenced to run when an accused person was committed for trial)—

(a) the Criminal Listing Director has not received a notice of readiness in respect of the proceedings that is accompanied by a draft indictment; and

(b) the matter has not been terminated,

the Criminal Listing Director shall arrange for the matter to be listed for mention before the Supreme Court or the District Court as soon as practicable.

**SCHEDULE 5—AMENDMENT OF DANGEROUS GOODS ACT 1975  
No. 68**

(Sec. 3)

(1) Section 3 (**Arrangement**)—

Omit the section.

(2) Section 4 (**Definitions**)—

Section 4, definition of “court”—

Omit “court of petty sessions constituted by a stipendiary magistrate”, insert instead “Local Court constituted by a Magistrate”.

(3) Section 6 (**Appointments**)—

Omit “Public Service Act 1902”, insert instead “Public Sector Management Act 1988”.

(4) Section 33 (**Proceedings for offences**)—

## (a) Section 33 (1) (a)—

After “prosecuted by”, insert “an inspector or by”.

## (b) Section 33 (1) (b)—

Omit “court of petty sessions”, insert instead “Local Court constituted by a Magistrate”.

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**SCHEDULE 5—AMENDMENT OF DANGEROUS GOODS ACT 1975**  
No. 68—*continued*

(5) Section 39 (**Disposal of forfeited property**)—

Section 39 (2)—

Omit “Consolidated Revenue Fund”, insert instead “Consolidated Fund”.

(6) Section 41 (**Regulations**)—

Section 41 (2)—

Omit “Scaffolding and Lifts Act 1912”, insert instead “Construction Safety Act 1912”.

**SCHEDULE 6—AMENDMENT OF DISABILITY SERVICES AND  
GUARDIANSHIP ACT 1987 No. 257**

(Sec. 3)

(1) Section 33 (**Definitions**)—

Section 33 (1)—

Omit the definition of “dental treatment”, insert instead:

“dental treatment” includes—

- (a) any dental procedure, operation or examination; and
- (b) any treatment, procedure, operation or examination that is declared by the regulations to be dental treatment for the purposes of this Part;

(2) Section 49 (**Constitution of the Board**)—

Section 49 (3) (a)—

Omit the paragraph, insert instead:

- (a) at least 3 shall be persons of whom each shall be—
  - (i) a barrister of not less than 5 years’ standing; or
  - (ii) a solicitor of not less than 7 years’ standing; or
  - (iii) a barrister or solicitor of less than 5 years’ or 7 years’ standing, respectively, where, at all times during a continuous period of not less than 7 years, the person was on the roll of solicitors when not on the roll of barristers and on the roll of barristers when not on the roll of solicitors;

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**SCHEDULE 7—AMENDMENT OF ELECTION FUNDING ACT 1981  
No. 78**

(Sec. 3)

**(1) Section 57 (Determination of credits to funds)—**

Section 57 (1), (2)—

Omit “day of the issue of the writs” wherever occurring, insert instead “day that is 3 days after the date of issue of the writs”.

**(2) Section 73 (By-election Constituency Fund)—**

Section 73 (2), (3)—

Omit “day of the issue of the writ” wherever occurring, insert instead “day that is 3 days after the date of issue of the writ”.

**SCHEDULE 8—AMENDMENT OF EXHIBITED ANIMALS  
PROTECTION ACT 1986 No. 123**

(Sec. 3)

**Section 5 (Definitions)—****(1) Section 5 (1), definition of “premises”—**

Omit “built upon or not”, insert instead “or not wholly or partly built upon or covered by water”.

**(2) Section 5 (1), definition of “zoological park”—**

Omit “displayed, or kept for display, for educational, cultural, scientific or recreational purposes”, insert instead “exhibited or displayed, or kept for display, for any prescribed purpose”.

**SCHEDULE 9—AMENDMENT OF FACTORIES, SHOPS AND  
INDUSTRIES ACT 1962 No. 43**

(Sec. 3)

**Section 145 (Proceedings)—**

Section 145 (1) (a), (a1)—

Omit section 145 (1) (a), insert instead:

- (a) an inspector; or
- (a1) a person acting with the authority of the Minister; or



*Statute Law (Miscellaneous Provisions) (No. 3) 1988***SCHEDULE 10—AMENDMENT OF GEOGRAPHICAL NAMES ACT  
1966 No. 13**

(Sec. 3)

**Section 3 (Geographical Names Board)—**

## (1) Section 3 (2) (a)—

After “Surveyor-General”, insert “or, from time to time with the approval of the Surveyor-General, the person holding the office of Deputy Surveyor-General”.

## (2) Section 3 (3), (3A)—

Omit section 3 (3), insert instead:

(3) The Surveyor-General shall be the chairman of the board.

(3A) The person referred to in subsection (2) (b) or his or her nominee shall be the deputy chairman of the board.

## (3) Section 3 (12) (a)—

Omit “, being a member referred to in paragraph (b), (c) or (d) of subsection (2), has”, insert instead “has approved of another person acting, or”.

## (4) Section 3 (12) (a)—

Omit “act” where lastly occurring, insert instead “act,”.

**SCHEDULE 11—AMENDMENT OF INDUSTRIAL ARBITRATION  
ACT 1940 No. 2**

(Sec. 3)

## (1) Section 5 (Definitions)—

## (a) Section 5 (1)—

After the definition of “Repealed Acts”, insert:

“Secretary” means the Secretary of the Department of Industrial Relations and Employment.

## (b) Section 5 (1), definition of “Under Secretary”—

Omit the definition.

## (c) Section 5 (2) (b), definition of “Factory”—

Omit “section 3 of the Factories and Shops Act, 1912, as amended by subsequent Acts,”, insert instead “section 4 (1) of the Factories, Shops and Industries Act 1962,”.

## (d) Section 5 (2) (b), definition of “Factory”—

Omit “, as so amended”.

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SCHEDULE 11—AMENDMENT OF INDUSTRIAL ARBITRATION  
ACT 1940 No. 2—*continued*

(e) Section 5 (2) (b), definition of “Occupier”—

Omit “section 3 of the Factories and Shops Act, 1912, as amended by subsequent Acts”, insert instead “section 4 (1) of the Factories, Shops and Industries Act 1962”.

(2) Section 92A (**Certain payments may be made by cheque**)—

Section 92A (6)—

Omit the subsection.

(3) Section 92AA—

After section 92A, insert:

**Certain payments may be made by electronic funds transfer etc.**

92AA. (1) An employer required to make to a person in money a payment specified in section 92 (1) may make the payment by paying the amount into an account in the name of the person (or in the name of the person jointly with some other person) at a bank, permanent building society or credit union nominated by the person if—

- (a) the employer could have made the payment by cheque under section 92A and the person consents to payment being made in that manner; or
- (b) an industrial agreement, award or contract determination authorises the payment to be made in that manner; or
- (c) the person has entered an agreement with the employer providing for payment to be made in that manner.

(2) The payment may be made by a transfer of funds (including an electronic transfer) or by other means.

(3) This section has effect despite anything in this or any other Act.

(4) Section 92B (**Recovery of remuneration under contract of bailment or carriage**)—

(a) Section 92B (10)—

Omit “section 5 of the Audit Act, 1902”, insert instead “section 4 of the Public Finance and Audit Act 1983”.

(b) Section 92B (10)—

Omit “Under Secretary, Department of Industrial Relations and Technology”, insert instead “Secretary”.

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**SCHEDULE 11—AMENDMENT OF INDUSTRIAL ARBITRATION  
ACT 1940 No. 2—*continued***

- (5) Section 107 (**Powers of trade unions with regard to its funds**)—
- (a) Section 107 (1) (b)—  
Omit “court of petty sessions”, insert instead “Local Court”.
- (b) Section 107 (2)—  
Omit “Trade Union Act, 1881–1936,”, insert instead “Trade Union Act 1881”.
- (6) Sections 122 and 129B (2) (d)—  
Omit “Consolidated Revenue Fund” wherever occurring, insert instead “Consolidated Fund”.
- (7) Schedule 2—  
Omit “The Metropolitan Water Sewerage and Drainage Board.”, insert instead “Water Board.”.
- (8) Schedule 3—  
Part 1—  
Omit “The Amalgamated Metal Workers’ and Shipwrights Union”, insert instead “The Amalgamated Metal Workers’ Union”.
- (9) The whole Act (other than sections 5 (1) and 92B (10))—  
Omit “Under Secretary” wherever occurring, insert instead “Secretary”.

**SCHEDULE 12—AMENDMENT OF JURY ACT 1977 No. 18**

(Sec. 3)

- (1) Section 18 (**Sheriff may amend jury roll**)—  
Section 18 (2)—  
Omit the subsection.
- (2) Section 35 (**Period juror required to attend jury pool**)—  
Section 35 (1), (3)—  
Omit “judge” wherever occurring, insert instead “officer”.
- (3) Section 42—  
Omit the section, insert instead:  
**Peremptory challenges in criminal proceedings**  
42. (1) In any criminal proceedings—  
(a) each person prosecuted has 3 peremptory challenges without restriction; and

**SCHEDULE 12—AMENDMENT OF JURY ACT 1977 No. 18—**  
*continued*

(b) the Crown has 3 peremptory challenges without restriction for each person prosecuted.

(2) Any number of peremptory challenges may be made if the Crown and all the persons prosecuted agree to the challenges.

(3) Any such agreed peremptory challenge may be made even though all the peremptory challenges without restriction of any person prosecuted or the Crown have not been exhausted.

**(4) Section 72 (Payment for jury service)—**

Section 72 (1A)—

After section 72 (1), insert:

(1A) Subsection (1) does not entitle a person excused from attendance at a court, coronial inquest or jury pool under section 38 (1) (a) to payment for attendance at the court, coronial inquest or jury pool.

**SCHEDULE 13—AMENDMENT OF MOTOR TRAFFIC ACT 1909**  
**No. 5**

(Sec. 3)

**(1) Section 4A (Speed limits)—**

Section 4A (9)—

After section 4A (8), insert:

**(9) In this section—**

“ambulance vehicle” includes any motor vehicle used in the provision of ambulance services (as defined in the Ambulance Services Act 1976) and provided, conducted, operated or maintained by the Health Administration Corporation constituted by the Health Administration Act 1982.

**(2) Section 4C (Schemes to assist children to cross public streets with safety)—**

Section 4C (4)-(6)—

After “marked footcrossing” wherever occurring, insert “or children’s footcrossing”.

**SCHEDULE 14—AMENDMENT OF NURSES REGISTRATION ACT**  
**1953 No. 10**

(Sec. 3)

Section 16B—

After section 16A, insert:

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1953 No. 10—*continued*****When registration not required**

16B. A person who—

- (a) is registered as a nurse in any place in Australia other than New South Wales under a law providing for the registration of nurses; and
- (b) is employed in that place as a nurse at a recognised hospital or other institution at which medical care or treatment is provided; and
- (c) is required, in connection with that employment, to exercise any prescribed function relating to medical care or treatment within New South Wales for a period not exceeding 24 hours,

shall, during that period, be considered to be a registered nurse for the purposes of sections 23 (1), 25, 26 and 27.

**SCHEDULE 15—AMENDMENT OF OCCUPATIONAL HEALTH  
AND SAFETY ACT 1983 No. 20**

(Sec. 3)

**Section 48 (Authority to prosecute)—**

(1) Section 48 (1)—

Renumber paragraph (b) as paragraph (c).

(2) Section 48 (1) (b)—

After section 48 (1) (a), insert:

- (b) an inspector appointed pursuant to the Factories, Shops and Industries Act 1962; or

**SCHEDULE 16—AMENDMENT OF PERIODIC DETENTION OF  
PRISONERS ACT 1981 No. 18**

(Sec. 3)

(1) Section 4 (Definitions)—

(a) Section 4 (1), definition of “Commission”—

Omit the definition.

(b) Section 4 (1)—

After the definition of “detention period”, insert:

“Director-General” means the Director-General of Corrective Services;

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SCHEDULE 16—AMENDMENT OF PERIODIC DETENTION OF  
PRISONERS ACT 1981 No. 18—*continued*

- (c) Section 4 (1), definition of “court”—  
Omit “, a stipendiary magistrate and any justice or justices sitting in petty sessions”, insert instead “, Magistrate or a justice or justices sitting as a Local Court”.
- (2) Section 5A (**Application of section 5 in relation to domestic violence offences and summary offences**)—  
Section 5A (2)—  
After “18 months and”, insert “the offence is an offence under the Summary Offences Act 1988 or”.
- (3) Sections 9 (2), 10 (1), (3), (4), 11–14, 16, 17 (1), 19 (2) (c), (4), 21 (2) (b), (3)–(5), 22 (2), 23, 25 (1), 32 (3), (4), 33 (2) and 34 (1) (g)—  
Omit “Commission” wherever occurring, insert instead “Director-General”.
- (4) Section 10 (**Work etc.**)—  
(a) Section 10 (1)—  
Omit “his” wherever occurring, insert instead “the periodic detainee’s”.  
(b) Section 10 (4)—  
Omit “it” where firstly occurring, insert instead “the Director-General”.
- (5) Section 21 (**Reduction of remission for time spent on leave of absence etc.**)—  
Section 21 (3) and (4)—  
Omit “it” wherever occurring, insert instead “the Director-General”.
- (6) Section 22 (**Directions**)—  
Section 22 (1)—  
Omit “full-time members of the Commission”, insert instead “Director-General”.
- (7) Section 33 (**Offences**)—  
Section 33 (1)—  
Omit “\$1,000”, insert instead “10 penalty units”.
- (8) Section 34 (**Regulations**)—  
Section 34 (1A)—  
Omit “\$500”, insert instead “5 penalty units”.

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**SCHEDULE 16—AMENDMENT OF PERIODIC DETENTION OF PRISONERS ACT 1981 No. 18—*continued***

**(9) Schedule 2 (Savings and transitional provisions)—**

Clause 5—

Omit “Commission”, insert instead “Director-General”.

**SCHEDULE 17—AMENDMENT OF POISONS ACT 1966 No. 31**

(Sec. 3)

**Section 43B (Powers of detention and search)—**

Section 43B (3), (4)—

Omit “prohibited substance” wherever occurring, insert instead “prescribed restricted substance”.

**SCHEDULE 18—AMENDMENT OF PRISONS ACT 1952 No. 9**

(Sec. 3)

**(1) Section 4 (Definitions)—**

Section 4 (1), definition of “convicted prisoner”—

From paragraph (a), omit “kept in strict custody pursuant to section 23 (3) of the Mental Health Act 1958”, insert instead “detained in strict custody pursuant to section 428P (5) or 428ZB of the Crimes Act 1900”.

**(2) Sections 9 (2) and 30—**

Omit “Public Service Act 1979” wherever occurring, insert instead “Public Sector Management Act 1988”.

**(3) Section 18 (Private property)—**

Section 18 (1A)—

After section 18 (1), insert:

(1A) At any time before a prisoner is released from prison, the governor may, in accordance with the regulations, permit the prisoner to have possession of any property of the prisoner retained by the governor under this section.

**(4) Section 25 (Governor of prison may impose penalties for certain prison offences)—**

Section 25 (2) (c)—

Omit “the prisoner’s”, insert instead “a”.

**(5) Section 26B (Imposition of penalty by Visiting Justice)—**

Section 26B (1) (c)—

SCHEDULE 18—AMENDMENT OF PRISONS ACT 1952 No. 9—  
*continued*

Omit “the prisoner’s”, insert instead “a”.

- (6) Section 261 (**Offence for making false etc. statements**)—  
Omit “\$500”, insert instead “5 penalty units”.
- (7) Section 36 (**Harbouring escapee**)—  
Omit “\$5,000”, insert instead “50 penalty units”.
- (8) Sections 37 (1), 38 (1) and 50 (2)—  
Omit “\$1,000” wherever occurring, insert instead “10 penalty units”.
- (9) Section 61 (**Special provisions relating to certain recommendations of the Board**)—  
Section 61 (2) (b) (ii)—  
Omit “Stipendiary”.
- (10) Schedule 3 (**Provisions relating to the Director-General and Deputy Directors-General**)—  
Clause 8—  
Omit “Public Service Act 1979”, insert instead “Public Sector Management Act 1988 (other than Part 8)”.

SCHEDULE 19—AMENDMENT OF PUBLIC FINANCE AND AUDIT  
ACT 1983 No. 152

(Sec. 3)

Schedule 2 (**Statutory bodies**)—

Omit “West Scholarships Trustees.”.

SCHEDULE 20—AMENDMENT OF PUBLIC RESERVES  
MANAGEMENT FUND ACT 1987 No. 179

(Sec. 3)

- (1) Section 5 (**Payments into Public Reserves Management Fund**)—  
Section 5 (b)—  
After “public reserves”, insert “and for insurance in respect of damage to property, death or bodily injury for which trustees of public reserves could become liable”.
- (2) Section 6 (**Payments out of Public Reserves Management Fund**)—  
Section 6 (1) (c)—



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**SCHEDULE 20—AMENDMENT OF PUBLIC RESERVES  
MANAGEMENT FUND ACT 1987 No. 179—*continued***

After “public reserves”, insert “and for insurance in respect of damage to property, death or bodily injury for which trustees of public reserves could become liable”.

**(3) Section 7 (Insurance premiums)—**

Section 7 (1)—

After “public reserves”, insert “and for insurance in respect of damage to property, death or bodily injury for which the trustees could become liable”.

**SCHEDULE 21—AMENDMENT OF SEAMEN’S ACT 1898 No. 46**

(Sec. 3)

**Section 13 (How indentures to be executed and attested)—**

Section 13 (a)—

Omit “twelve”, insert instead “15”.

**SCHEDULE 22—AMENDMENT OF STOCK DISEASES ACT 1923  
No. 34**

(Sec. 3)

**Section 9 (Occupier etc. to give notice)—**

Section 9 (3A)—

After section 9 (3), insert:

(3A) If stock are on land which forms part of a holding (as defined in the Pastures Protection Act 1934) and the holding is situated in 2 or more pastures protection districts the land shall, for the purposes of subsection (3), be taken to be—

(a) in the district in which the greater part of the holding lies;  
or

(b) if the holding lies equally in each of the districts, in the district in which the main residence of the occupier of the holding is situated.

**SCHEDULE 23—AMENDMENT OF STRATA TITLES ACT 1973  
No. 68**

(Sec. 3)

**(1) Section 39 (Utility lots)—**

(a) Section 39 (1)—

Omit “user”, insert instead “the use”.

**SCHEDULE 23—AMENDMENT OF STRATA TITLES ACT 1973 No. 68—continued**

- (b) Section 39 (2)—  
Omit “user”, insert instead “use”.
- (2) Section 44 (**Recording of condition restricting use imposed by local council**)—  
Section 44 (1)—  
Omit “user”, insert instead “use”.
- (3) Section 70 (**Supply of certificates and information by body corporate**)—  
Section 70 (1)—  
Omit “proprietor or mortgagee” wherever occurring, insert instead “proprietor, mortgagee or covenant chargee”.
- (4) Section 126 (**Enforcement of restriction on use of utility lot**)—  
Omit “user” wherever occurring, insert instead “use”.

**SCHEDULE 24—AMENDMENT OF STRATA TITLES (LEASEHOLD) ACT 1986 No. 219**

(Sec. 3)

**Section 100 (Supply of certificates and information by body corporate (1973 Act, s. 70))—**

Section 100 (1)—

Omit “of a lease of that lot or by a person authorised in writing by such a lessee or mortgagee”, insert instead “or covenant chargee of a lease of that lot, or by a person authorised in writing by such a lessee, mortgagee or covenant chargee”.

**SCHEDULE 25—AMENDMENT OF TRUSTEE ACT 1925 No. 14**

(Sec. 3)

**Section 14E (Advisory committee)—**

(1) Section 14E (2) (a)—

After “Trustee;”, insert “and”.

(2) Section 14E (2) (c), (d)—

At the end of section 14E (2) (c), insert:

; and

(d) 2 persons appointed by the Attorney General who, in the opinion of the Attorney General, have experience relevant to the function of the Committee.

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**SCHEDULE 25—AMENDMENT OF TRUSTEE ACT 1925 No. 14—  
*continued***

(3) Section 14E (6)—

After section 14E (5), insert:

(6) The Committee may seek the advice of such persons as it sees fit on matters related to the function of the Committee.

**SCHEDULE 26—AMENDMENT OF UNIVERSITY OF  
TECHNOLOGY, SYDNEY ACT 1987 No. 283**

(Sec. 3)

Section 11 (**Constitution of Council**)—

Section 11 (4) (c)—

Omit the paragraph, insert instead:

(c) the person for the time being holding the office of—

- (i) presiding member of the Academic Board, if that person is not the Vice-Chancellor; or
- (ii) deputy presiding member of the Academic Board, if the presiding member is the Vice-Chancellor.

**SCHEDULE 27—AMENDMENT OF WEST SCHOLARSHIPS ACT  
1930 No. 19**

(Sec. 3)

Section 12—

Omit the section, insert instead:

**Audit of accounts**

12. (1) The West Scholarships Trustees shall cause to be kept proper accounts and records in relation to the Fund and the administration of the West Scholarship Scheme.

(2) The accounts and records of financial transactions of, or relating to, the Fund and the administration of the West Scholarship Scheme, and the records of, or relating to, assets of or in the custody of the West Scholarships Trustees, may, if a registered company auditor (within the meaning of the Companies (New South Wales) Code) is appointed by the Minister for the purpose, be inspected and audited by the auditor.

(3) The auditor shall report to the Minister as to the result of any such inspection and audit and as to such irregularities or other matters as in the judgment of the auditor call for special notice.

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**SCHEDULE 27—AMENDMENT OF WEST SCHOLARSHIPS ACT  
1930 No. 19—*continued***

(4) The West Scholarships Trustees shall pay the costs and expenses of any such inspection and audit.

**SCHEDULE 28—AMENDMENTS RELATING TO RECEIPT OF  
WATER RATES AND CHARGES**

(Sec. 3)

**Hay Irrigation Act 1902 No. 57—**

(1) **Section 20 (Commission may contract to supply water for a term of years)—**

Section 20 (4)—

Omit the subsection.

(2) **Section 27 (Power to fix rates)—**

(a) **Section 27 (5)—**

Omit “rates, rents, and moneys due under this Act for water supplied or otherwise”, insert instead “rents and money due under this Act other than rates and charges for water supply”.

(b) **Section 27 (8)—**

After section 27 (7), insert:

(8) Rates and charges for water supplied and land irrigated under this Act shall be paid to the Ministerial Corporation.

**Irrigation Act 1912 No. 73—**

**Section 15 (Rate or charge for water)—**

Section 15 (1)—

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

**State Bank Act 1981 No. 89—**

**Section 41 (Monthly transfers to agencies)—**

Section 41 (1), definition of “revenue moneys”—

Omit “rentals, interest, water rates and charges”, insert instead “rentals and interest”.

**Water Act 1912 No. 44—**

(1) **Section 130, definition of “Bank”—**

Omit the definition.

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**SCHEDULE 28—AMENDMENTS RELATING TO RECEIPT OF  
WATER RATES AND CHARGES—*continued***

- (2) **Section 139 (Assessment of rates and charges)—**  
     Section 139 (4)—  
     Omit “bank”, insert instead “Ministerial Corporation”.
- (3) **Section 143 (Liability for rates and charges for water)—**  
     Section 143 (1), (3)–(5)—  
     Omit “bank” wherever occurring, insert instead “Ministerial Corporation”.
- (4) **Section 150, definition of “Bank”—**  
     Omit the definition.
- (5) **Sections 157 (6), 159 (4), (5) and 161 (1)—**  
     Omit “Bank” wherever occurring, insert instead “Ministerial Corporation”.
- (6) **Section 163A (Provisions relating to the Bank)—**  
     Omit the section.

**Water Administration Act 1986 No. 195—**

**Section 20 (Recovery of charges etc. by the Ministerial Corporation)—**

- (a) **Section 20—**  
     After “Corporation” where firstly occurring, insert “under this or any other Act”.
- (b) **Section 20 (2)—**  
     At the end of section 20, insert:  
         (2) A certificate of the Minister stating that a specified amount of money is payable to the Ministerial Corporation for water rates and charges by a named person is, in any proceedings, evidence of the matter stated.

**Wentworth Irrigation Act 1890 (54 Vic. No. 7)—**

- (1) **Section 23 (Ministerial Corporation may contract to supply water for a term of years)—**  
     Omit “bank”, insert instead “Ministerial Corporation”.
- (2) **Section 31 (Power to fix charges for water)—**  
     Omit “bank” wherever occurring, insert instead “Ministerial Corporation”.

*Statute Law (Miscellaneous Provisions) (No. 3) 1988***SCHEDULE 29—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW REVISION**

(Sec. 3)

**Adoption of Children Act 1965 No. 23—****Section 18 (Who may be adopted)—****Section 18 (1) (b) (ii)—**

Omit “or with the applicant”, insert instead “or of the applicant”.

**Commercial Agents and Private Inquiry Agents Act 1963 No. 4—****Section 44 (Regulations)—****Section 44 (4)—**

Omit the subsection.

**Community Service Orders Act 1979 No. 192—****(1) Section 3 (Definitions)—****(a) Section 3 (1), definition of “assigned officer”—**

Omit “Commission”, insert instead “Director-General”.

**(b) Section 3 (1), definition of “Commission”—**

Omit the definition.

**(c) Section 3 (1)—**

After the definition of “conviction”, insert:

“Director-General” means the Director-General of Corrective Services;

**(2) Sections 8, 18 (1) (a), 22 (1), 25 (1) (b), 26 (2) (b)—**

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

**(3) Sections 12 (2) (b), 13, 26E, 26F and 27 (1) (a) (iii)—**

Omit “Commission” wherever occurring, insert instead “Director-General”.

**(4) Section 25 (Conviction for breach—how dealt with)—****Section 25 (1) (a), (4) (a)—**

Omit “\$250” wherever occurring, insert instead “2.5 penalty units”.

**(5) Section 26F (Assignment of officer by the Director-General)—**

Omit “it”, insert instead “Director-General”.

**Conveyancing Act 1919 No. 6—****Section 66O (Contracting out)—****Section 66O (1), definition of “dwelling-house”—**

After “1973”, insert “or the Strata Titles (Leasehold) Act 1986”.

**Credit Act 1984 No. 94—****Section 172 (Penalty units)—**

Omit the section.

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SCHEDULE 29—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW  
REVISION—*continued*

**Credit (Administration) Act 1984 No. 95—**

**Section 46 (Penalty units)—**

Omit the section.

**Credit (Finance Brokers) Act 1984 No. 96—**

**Section 13 (Penalty units)—**

Omit the section.

**Credit (Home Finance Contracts) Act 1984 No. 97—**

**Section 9 (Penalty units)—**

Omit the section.

**Government and Related Employees Appeal Tribunal Act 1980 No. 39—**

**Schedule 1 (Provisions relating to the Offices of Senior Chairperson and Chairperson)—**

**Clause 10 (2)—**

Omit “him” wherever occurring, insert instead “the person”.

**Habitual Criminals Act 1957 No. 19—**

**(1) Section 2 (Repeal and savings)—**

**Section 2 (2) (d)—**

Omit “, as deemed to be amended by paragraph (c), in respect of proceedings referred to in the said paragraph (c)”.

**(2) Section 3 (Definitions)—**

**Section 3 (1), definition of “Judge”—**

Omit “Chairman of Quarter Sessions”, insert instead “the District Court”.

**(3) Section 4 (Judge may pronounce convicted person an habitual criminal)—**

**Section 4 (2)—**

Omit “stipendiary magistrate” wherever occurring, insert instead “Magistrate”.

**(4) Section 5 (Proof of previous conviction and imprisonment)—**

**(a) Section 5 (2) (a) (i)—**

Omit “any full-time member of the Corrective Services Commission of New South Wales”, insert instead “the Director-General of Corrective Services”.

**(b) Section 5 (2) (b) (i)—**

Omit “Comptroller-General of Prisons”, insert instead “Director-General of Corrective Services”.

**(5) Section 7 (Governor may direct habitual criminal’s release)—**

**Section 7 (1)—**

Omit “, as deemed to be amended by paragraph (c) of subsection (2) of section 2, in respect of proceedings referred to in the said paragraph (c),”.

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SCHEDULE 29—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW  
REVISION—*continued*

- (6) Section 8 (**Conditions under which offender may be arrested**)—
- (a) Section 8 (2) (a)–(c), (4) (a) (i)—  
Omit “stipendiary magistrate or any two justices in petty sessions” wherever occurring, insert instead “Magistrate or any 2 justices constituting a Local Court”.
- (b) Section 8 (2), (4) (b)—  
Omit “stipendiary magistrate or justices” wherever occurring, insert instead “Magistrate or justices”.
- (c) Section 8 (2)—  
Omit “at such Court of Quarter Sessions”, insert instead “the District Court”.
- (d) Section 8 (6)—  
Omit “court of petty sessions”, insert instead “Local Court”.
- (7) Section 10 (**When person ceases to be an habitual criminal**)—  
Omit “at a Court of Quarter Sessions”, insert instead “the District Court”.

**Land Sales Act 1964 No. 12—**

- (1) Section 1A (**Division of Act**)—  
Omit the section.
- (2) Section 26 (**Proceedings for offences**)—
- (a) Omit “court of petty sessions”, insert instead “Local Court”.
- (b) Omit “stipendiary magistrate”, insert instead “Magistrate”.

**Law Reform (Miscellaneous Provisions) Act 1944 No. 28—**

- (1) Section 1 (**Short title**)—  
Section 1 (2)—  
Omit the subsection.
- (2) Section 2 (**Effect of death on certain causes of action**)—  
Section 2 (5)—  
Omit “Compensation to Relatives Act of 1897”, insert instead “Compensation to Relatives Act 1897”.

**Mental Health (Disability Services and Guardianship) Amendment Act 1987 No. 260—**

- (1) Section 2 (**Commencement**)—  
Section 2 (2A)—  
After section 2 (2), insert:
- (2A) The provisions of Schedule 1 (1A), and section 3 in its application to those provisions, shall commence on—
- (a) the commencement of Part 3 of the Disability Services and Guardianship Act 1987; or



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 SCHEDULE 29—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW  
 REVISION—*continued*

- (b) the commencement of Part 4 of the Mental Health Act 1983, whichever is the later.
- (2) Schedule 1 (**Amendments**)—
- (a) Schedule 1 (1)—  
 Omit the item, insert instead:
- (1) Section 4 (**Definitions**)—  
 Section 4 (1), definition of “intellectually handicapped person under guardianship”—  
 Omit the definition.
- (b) Schedule 1 (1A)—  
 After Schedule 1 (1), insert:
- (1A) Section 64 (**Admission upon own request**)—  
 Section 64 (1) (b)—  
 Omit “an intellectually handicapped person under guardianship”, insert instead “a person under guardianship within the meaning of Part 3 of the Disability Services and Guardianship Act 1987”.

**Parliamentary Contributory Superannuation Act 1971 No. 53—**

- (1) Section 11 (**Payments by Treasurer into the Fund**)—  
 Section 11 (3)—  
 Omit “Consolidated Revenue Fund”, insert instead “Consolidated Fund”.
- (2) Section 14 (**Trustees of the Fund**)—
- (a) Section 14 (1) (c) and (5)—  
 Omit “Secretary and Comptroller of Accounts, the Treasury” wherever occurring, insert instead “Secretary of the Treasury”.
- (b) Section 14 (2)—  
 Omit “Secretary and Comptroller of Accounts, the Treasury,”, insert instead “Secretary of the Treasury”.
- (c) Section 14 (3)—  
 Omit “Secretary and Comptroller of Accounts, the Treasury,” where firstly and secondly occurring, insert instead “Secretary of the Treasury”.
- (d) Section 14 (3)—  
 Omit “Secretary and Comptroller of Accounts, the Treasury” where lastly occurring, insert instead “Secretary of the Treasury”.
- (3) Section 17 (**Appointment of person to act in absence of Secretary of the Treasury**)—
- (a) Section 17—  
 Omit “Secretary and Comptroller of Accounts, the Treasury,” where firstly occurring, insert instead “Secretary of the Treasury”.
- (b) Section 17—  
 Omit “Secretary and Comptroller of Accounts, the Treasury” where secondly occurring, insert instead “Secretary of the Treasury”.

*Statute Law (Miscellaneous Provisions) (No. 3) 1988*SCHEDULE 29—AMENDMENT OF OTHER ACTS BY WAY OF STATUTE LAW  
REVISION—*continued***Plumbers, Gasfitters and Drainers Act 1979 No. 44—**Section 38 (**Inquiries—how held**)—

## Section 38 (4A)—

Omit “Board” wherever occurring, insert instead “Corporation”.

**Probation and Parole Act 1983 No. 194—**(1) Section 4 (**Definitions**)—

## (a) Section 4 (1), definition of “Commission”—

Omit the definition.

## (b) Section 4 (1)—

After the definition of “court”, insert:

“Director-General” means the Director-General of Corrective Services;

## (c) Section 4 (1), definition of “term of imprisonment”—

Omit paragraph (e), insert instead:

(e) detention in strict custody pursuant to section 428P (5) or 428ZB of the Crimes Act 1900.

## (2) Sections 8 (1A) and 47 (1) and (2)—

Omit “Commission” wherever occurring, insert instead “Director-General”.

(3) Section 18 (**Secretary to the Board**)—

Omit “Public Service Act 1979”, insert instead “Public Sector Management Act 1988”.

(4) Section 44 (**Disclosure of information**)—

## Section 44 (1)—

Omit “\$500”, insert instead “5 penalty units”.

(5) Section 46 (**Reports to the Minister**)—

## Section 46 (2) (b)—

Omit “keeping in strict custody in a prison of a person under section 23 (3) of the Mental Health Act 1958”, insert instead “detention in strict custody in a prison of a person under section 428P (5) or 428ZB of the Crimes Act 1900”.

(6) Section 47 (**Information concerning prisoners and parolees**)—

## (a) Section 47 (1) (d)—

Omit the paragraph, insert instead:

(d) who is being detained in strict custody in the prison under section 428P (5) or 428ZB of the Crimes Act 1900,

## (b) Section 47 (3)—

After “Director-General”, insert “of the Department of Family and Community Services”.

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REVISION—continued**

## (c) Section 47 (6)—

Omit the subsection, insert instead:

(6) In this section, a reference to the Director-General, in relation to a prisoner or person referred to in subsection (3), is a reference to the Director-General of the Department of Family and Community Services.

(7) Schedule 1 (**Provisions relating to the members of the Board, Divisions of the Board and procedure**)—

## (a) Clause 8 (1)—

Omit “Public Service Act 1979”, insert instead “Public Sector Management Act 1988 (other than Part 8)”.

## (b) Clause 18 (2)—

Omit “\$500”, insert instead “5 penalty units”.

**Soil Conservation Act 1938 No. 10—**Section 4C (**Powers, authorities, duties and functions of Commissioner**)—

## Section 4C (o)—

Omit “and” where secondly occurring.

**State Public Service Superannuation Act 1985 No. 45—**Section 2 (**Commencement**)—

## Section 2 (2)—

Omit the subsection.

**University of New South Wales Act 1968 No. 37—**Section 8 (**The Council**)—

## Section 8 (4) (c)—

Omit “Chairman of the Professorial Board”, insert instead “President of the Academic Board”.

**SCHEDULE 30—REPEALS**

(Sec. 4)

Nurses Education Board Act 1973 No. 29

Legal Services Commission (Amendment) Act 1983 No. 46

Police Regulation (Allegations of Misconduct) Amendment Act 1984 No. 81

Suitors' Fund (Land and Environment Court) Amendment Act 1985 No. 64

Marketing of Primary Products (Amendment) Act 1985 No. 82

Legal Services Commission (Amendment) Act 1985 No. 86

Petroleum (Submerged Lands) Amendment Act 1985 No. 129

Police Regulation (Allegations of Misconduct) Amendment Act 1985 No. 212

Mining (Amendment) Act 1986 No. 14

Coal Mining (Amendment) Act 1986 No. 15

Petroleum (Submerged Lands) Amendment Act 1986 No. 59

Landlord and Tenant (Amendment) Act 1986 No. 61

Public Authorities Superannuation (Amendment) Act 1986 No. 74

Stock Foods and Medicines (Amendment) Act 1986 No. 122

**SCHEDULE 30—REPEALS—continued**

Historic Houses (Amendment) Act 1986 No. 126  
 Legal Aid Commission (Amendment) Act 1987 No. 9  
 Compensation Court (Amendment) Act 1987 No. 72  
 Justices (Prevention of Cruelty to Animals) Amendment Act 1987 No. 161  
 Public Authorities Superannuation (Amendment) Act 1987 No. 218  
 Police Regulation (Special Benefits) Amendment Act 1987 No. 221  
 Suitors' Fund (Amendment) Act 1987 No. 249  
 Justices (Penalty Defaults) Amendment Act 1987 No. 253

**SCHEDULE 31—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS**

(Sec. 5)

**Effect of amendment of amending provisions**

1. An amendment made by Schedule 29 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 taken to have taken effect as from the commencement of the amending provision.

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

2. 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 repealed.

**Regulations made under Criminal Procedure Act 1986**

3. A regulation made under section 9 of the Criminal Procedure Act 1986 and in force immediately before the commencement of Schedule 4 shall, on that commencement, be taken to have been made under section 9 of that Act, as amended by this Act.

**Water rates and charges unpaid at commencement of Schedule 28**

4. (1) Any water rates and charges due and payable under a provision of a Water Act amended by Schedule 28 and which are unpaid at the commencement of that Schedule shall, on that commencement, be payable to the Ministerial Corporation as if the amendment to the provision had been in force when the liability to make the payment was incurred.

(2) In this clause—

“Ministerial Corporation” means the Water Administration Ministerial Corporation constituted by the Water Administration Act 1986;

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SCHEDULE 31—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—  
*continued*

“Water Act” means the Hay Irrigation Act 1902, Irrigation Act 1912, Water Act 1912 and Wentworth Irrigation Act 1890.

**Validation of certain decisions of the Blue Mountains Area Health Board relating to The Queen Victoria Memorial Hospital**

5. Any act, matter or thing done after 1 October 1986 by the Blue Mountains Area Health Service that would have been validly done if The Queen Victoria Memorial Hospital at Wentworth Falls had been transferred to that area health service on that date is validated.

**Regulations**

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

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

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

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

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**NOTE**

**Alphabetical list of Acts repealed by Schedule 30**

Coal Mining (Amendment) Act 1986 No. 15  
 Compensation Court (Amendment) Act 1987 No. 72  
 Historic Houses (Amendment) Act 1986 No. 126  
 Justices (Penalty Defaults) Amendment Act 1987 No. 253  
 Justices (Prevention of Cruelty to Animals) Amendment Act 1987 No. 161  
 Landlord and Tenant (Amendment) Act 1986 No. 61  
 Legal Aid Commission (Amendment) Act 1987 No. 9  
 Legal Services Commission (Amendment) Act 1983 No. 46  
 Legal Services Commission (Amendment) Act 1985 No. 86  
 Marketing of Primary Products (Amendment) Act 1985 No. 82  
 Mining (Amendment) Act 1986 No. 14  
 Nurses Education Board Act 1973 No. 29  
 Petroleum (Submerged Lands) Amendment Act 1985 No. 129  
 Petroleum (Submerged Lands) Amendment Act 1986 No. 59

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**NOTE**—*continued*

Police Regulation (Allegations of Misconduct) Amendment Act 1984 No. 81  
Police Regulation (Allegations of Misconduct) Amendment Act 1985 No. 212  
Police Regulation (Special Benefits) Amendment Act 1987 No. 221  
Public Authorities Superannuation (Amendment) Act 1986 No. 74  
Public Authorities Superannuation (Amendment) Act 1987 No. 218  
Stock Foods and Medicines (Amendment) Act 1986 No. 122  
Suitors' Fund (Amendment) Act 1987 No. 249  
Suitors' Fund (Land and Environment Court) Amendment Act 1985 No. 64

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[*Minister's second reading speech made in—  
Legislative Assembly on 29 November 1988  
Legislative Council on 13 December 1988*]

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