

**STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT
1989 No. 89**

NEW SOUTH WALES



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STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT 1989 No. 89

NEW SOUTH WALES



Act No. 89, 1989

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 13 June 1989]

Statute Law (Miscellaneous Provisions) 1989

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Statute Law (Miscellaneous Provisions) Act 1989.

Commencement

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

(2) The amendments to the following Acts set out in Schedule 1 commence on a day or days to be appointed by proclamation:

Co-operation Act 1923
Credit Union Act 1969
Fisheries and Oyster Farms Act 1935
Local Courts Act 1982
Local Courts (Civil Claims) Act 1970
Marketing of Primary Products Act 1983
National Parks and Wildlife Act 1974
Permanent Building Societies Act 1967

(3) The amendments to the Education and Public Instruction Act 1987 set out in Schedule 1 shall be taken to have commenced on 17 August 1987.

(4) The amendments to the Industrial Arbitration Act 1940 set out in Schedule 1 shall be taken to have commenced on 1 March 1989.

(5) The amendments to the Local Courts (Civil Claims) Act 1970 set out in Schedule 1 commence on 1 July 1989.

(6) The amendments to the Miscellaneous Acts (Education and Public Instruction) Repeal and Amendment Act 1987 set out in Schedule 1 shall be taken to have commenced on 17 February 1989.

(7) The amendments to the Rivers and Foreshores Improvement Act 1948 set out in Schedule 1 shall be taken to have commenced on 1 February 1989.

(8) The amendments to the Criminal Procedure Act 1986 set out in Schedule 2 commence on a day to be appointed by proclamation.

(9) The amendment to the Education (Ancillary Staff) Act 1987 set out in Schedule 2 shall be taken to have commenced on 29 January 1988.

(10) The amendment to the Trade Union (Amendment) Act 1986 set out in Schedule 2 shall be taken to have commenced on 19 December 1988.

Amendments

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

Repeals

4. Each Act specified in Schedule 3 is repealed.

Savings, transitional and other provisions

5. Schedule 4 has effect.
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SCHEDULE 1—MINOR AMENDMENTS

(Sec. 3)

Building and Construction Industry Long Service Payments Act 1986 No. 19—**Section 28 (Entitlement to long service payments)—**

- (a) Section 28 (1) (a)—
Omit “15”, insert instead “10”.
- (b) Section 28 (1) (b)—
Omit the paragraph.
- (c) Section 28 (4) (b)—
Omit “(b),”.

Children (Care and Protection) (Disability Services and Guardianship) Amendment Act 1987 No. 259—**Section 2 (Commencement)—**

Omit section 2 (2), insert instead:

(2) Items (3) and (4) of Schedule 1, and section 3 in its application to those items, commence on the commencement of Part 5 of the Disability Services and Guardianship Act 1987 or on such earlier day as may be appointed by proclamation.

(3) Item (8) of Schedule 1, and section 3 in its application to that item, commence on the commencement of Part 5 of the Disability Services and Guardianship Act 1987.

Coal Mining Act 1973 No. 81—**(1) Section 21A (Grant of authorisation to drill bore hole etc.)—**

Omit section 21A (3) (e) and (f), insert instead:

- (e) land within a special area within the meaning of the Water Board Act 1987, without the consent of the Water Board;
or
- (f) land within a special area within the meaning of the Hunter Water Board Act 1988, without the consent of the Hunter Water Board.

Statute Law (Miscellaneous Provisions) 1989

SCHEDULE 1—MINOR AMENDMENTS—*continued*

- (2) Sections 82E (Notification to Director of Planning and Dams Safety Committee), 82F (Procedure where objection etc. made under section 82E), 87 (Notice of application etc.), 88 (Granting of coal lease etc. if objection made under sec. 87)—

Omit “Environment and” wherever occurring.

- (3) Section 104 (Transfer of authorisation or concession to be approved by Minister)—

Omit section 104 (2B).

Compensation Court Act 1984 No. 89—

Section 25 (Examination de bene esse)—

Section 25 (1)—

After “authorise any”, insert “Judge,”.

Co-operation Act 1923 (1924 No. 1)—

Section 17B (Mortgages by minors)—

Omit the section.

Credit Union Act 1969 No. 8—

Section 41 (Minors as members)—

Omit section 41 (3) and (4).

Education and Public Instruction Act 1987 No. 62—

Section 45 (Acquisition and disposal of land)—

- (a) Section 45 (5) (b)—

After “sell”, insert “or exchange”.

- (b) Section 45 (5) (b), (c)—

After section 45 (5) (b), insert:

; and

- (c) grant easements and rights of way in respect of land acquired under this section.

- (c) Section 45 (7)—

After section 45 (6), insert:

(7) Land—

- (a) acquired under or for the purposes of the Public Instruction Act 1880; or

- (b) acquired under any other Act for those purposes; or

SCHEDULE 1—MINOR AMENDMENTS—*continued*

(c) held by the Crown in trust under the Public Instruction Act 1880,

shall be taken to have been acquired under this section.

Farm Produce Act 1983 No. 30—

Section 44 (**Proceedings for offences**)—

(a) Omit “court of petty sessions”, insert instead “Local Court”.

(b) Omit “stipendiary magistrate”, insert instead “Magistrate”.

(c) At the end of section 44, insert:

(2) Any such proceedings may be commenced by information laid within 12 months after the time when the offence is alleged to have been committed.

Fisheries and Oyster Farms Act 1935 No. 58—

(1) Section 90 (**Licensing of oyster vendors**)—

Omit the section.

(2) Section 92A—

After section 92, insert:

Time within which information may be laid

92A. An information in respect of an offence against this Act or the regulations may be laid within 12 months after the time when the offence is alleged to have been committed.

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

Section 9 (**Acting Senior Chairperson**)—

Omit section 9 (1), insert instead:

(1) The Governor may appoint—

(a) a person qualified to be appointed as the Senior Chairperson; or

(b) a Chairperson,

to be Acting Senior Chairperson of the Tribunal during any vacancy in the office of Senior Chairperson or any illness or absence of the Senior Chairperson.

Industrial Arbitration Act 1940 No. 2—

(1) Sections 38A, 38M (1) and 53 (1)—

Omit “Conciliation and Arbitration Act 1904” wherever occurring, insert instead “Industrial Relations Act 1988”.

Statute Law (Miscellaneous Provisions) 1989

SCHEDULE 1—MINOR AMENDMENTS—*continued*

- (2) Sections 38A, 38C and 38I (1)—
 Omit “Australian Conciliation and Arbitration Commission” wherever occurring, insert instead “Australian Industrial Relations Commission”.
- (3) Section 53 (1), definition of “Commonwealth Conciliation and Arbitration Commission”—
 Omit “Commonwealth Conciliation and Arbitration Commission”, insert instead “Australian Industrial Relations Commission”.
- (4) Section 53 (1), definition of “Commonwealth decision”—
 Omit “Australian Conciliation and Arbitration Commission”, insert instead “Australian Industrial Relations Commission”.
- (5) Section 53 (1), definition of “Minimum wage”—
 Omit “Commonwealth Conciliation and Arbitration Commission”, insert instead “former Australian Conciliation and Arbitration Commission of the Commonwealth”.
- (6) Schedule 6 (**Savings and transitional provisions**)—
 At the end of the Schedule, insert:
Statute Law (Miscellaneous Provisions) Act 1989
Joint proceedings and reference of industrial matters to Australian Industrial Relations Commission
 5. (1) In this clause—
 “commencement” means the commencement of the Industrial Relations Act 1988 (other than section 7) of the Commonwealth;
 “former Commission” means the former Australian Conciliation and Arbitration Commission;
 “new Commission” means the Australian Industrial Relations Commission.
- (2) If a proceeding to which section 38J applied immediately before the commencement is, under the Industrial Relations (Consequential Provisions) Act 1988 of the Commonwealth, to be dealt with by the new Commission, any act done or decision made under the section before the commencement has effect after the commencement as if it had been done under the section as in force before the commencement.

SCHEDULE 1—MINOR AMENDMENTS—*continued*

(3) If, before the commencement—

(a) a matter had been referred under section 38k to a member of the former Commission; and

(b) the member had not investigated and dealt with the matter,

the President of the commission may request the President of the new Commission to nominate a member of the new Commission (who may, but need not be, the same person who, as a member of the former Commission, was investigating and dealing with the matter) to continue to investigate and deal with the matter.

(4) If, in accordance with a request under subclause (1), the President of the new Commission nominates a member of the new Commission to continue to investigate and deal with a matter—

(a) all things done before the commencement for the purposes of the member of the former Commission investigating and dealing with the matter shall be taken to have been done for the purposes of the member of the new Commission investigating and dealing with the matter; and

(b) the member of the new Commission shall have regard to any evidence or arguments presented in relation to the matter before the commencement.

Jury Act 1977 No. 18—

Schedule 2 (**Persons ineligible to serve as jurors**)—

After item 26, insert:

27. A member of the staff of the office of the Director of Public Prosecutions, and their spouses or de facto partners.

Local Courts Act 1982 No. 164—

(1) Section 17 (**Jurisdiction of Magistrates**)—

Section 17 (2)—

Omit “, 22 (3)”.

(2) Section 22—

Omit the section, insert instead:

Conditions of service, generally

22. The terms and conditions of service (including leave of absence) of Magistrates shall be as determined by the Minister after consultation with the Chief Magistrate.

Statute Law (Miscellaneous Provisions) 1989

SCHEDULE 1—MINOR AMENDMENTS—*continued*

- (3) Section 28 (**Regulations**)—
Omit section 28 (1) (a).

Local Courts (Civil Claims) Act 1970 No. 11—

Section 39 (**Interest on judgment debt**)—

Section 39 (2) (b)—

Omit “the rate prescribed for the purposes of section 95 (1) of the Supreme Court Act 1970”, insert instead “such rate as may be prescribed by the rules”.

Local Government Act 1919 No. 41—

- (1) Section 160AA (**Reduction of rates payable by certain classes of pensioners**)—

- (a) Section 160AA (1), definition of “eligible pensioner”—

Omit paragraph (a), insert instead:

- (a) (i) a person who is in receipt of a pension under Part IV or V, or an allowance under Part VI, of the Social Security Act 1947 of the Commonwealth;
- (ii) a person who is in receipt of a class B widow’s pension under Schedule 1B of the Social Security Act 1947 of the Commonwealth; or
- (iii) a person who is in receipt of a veteran’s service pension, a wife’s service pension or a carer’s service pension under Part III of the Veterans’ Entitlements Act 1986 of the Commonwealth,

and who is the holder of a pensioner health benefits card issued by the Commonwealth Department of Social Security;

- (b) Section 160AA (1), definition of “eligible pensioner”—

Omit from paragraph (b), “Part III of the Repatriation Act 1920, as amended by subsequent Acts, of the Parliament of the Commonwealth”, insert instead “Part II of the Veterans’ Entitlements Act 1986 of the Commonwealth or the Veterans’ Entitlements (Transitional Provisions and Consequential Amendments) Act 1986 of the Commonwealth”.

- (c) Section 160AA (1), definition of “eligible pensioner”—

Omit paragraph (c), insert instead:

- (c) a person who, under section 24 of the Veterans’ Entitlements Act 1986 of the Commonwealth, is in receipt of a special rate of pension,

*Statute Law (Miscellaneous Provisions) 1989*SCHEDULE 1—MINOR AMENDMENTS—*continued*(2) Section 160B (**Abandonment of rates—invalid and age pensioners**)—

Omit “Part III or Part IV or a benefit under Part IV^{AAA} of the Social Services Act 1947 as amended by subsequent Acts of the Parliament of the Commonwealth of Australia”, insert instead “Part IV or Part V or an allowance under Part VI of the Social Security Act 1947 of the Commonwealth or a class B widow’s pension under Schedule 1B of the Social Security Act 1947 of the Commonwealth”.

(3) Section 303 (**Ordinances**)—

(a) Section 303 (1) (r)—

Omit “(not exceeding twenty-five dollars)”.

(b) At the end of section 303, insert:

(3) An amount of a penalty prescribed under subsection (1) (r) shall not exceed any maximum penalty which could be imposed by a court for an offence under section 289B.

(4) Section 503 (**War expenditure**)—

Section 503 (1) (f1)—

Omit “Table A of the Third Schedule to the Repatriation Act 1920 of the Parliament of the Commonwealth of Australia or any Act amending the same”, insert instead “Part II of the Veterans’ Entitlements Act 1986 of the Commonwealth or section 4 of the Veterans’ Entitlements (Transitional Provisions and Consequential Amendments) Act 1986 of the Commonwealth”.

Marketing of Primary Products Act 1983 No. 176—(1) Section 4 (**Definitions**)—

From section 4 (1), omit the definition of “Director”, insert instead:

“Director” means the person appointed under the Public Sector Management Act 1988, or nominated by the Minister from members of staff employed under that Act, to be Director of Marketing in the Department of Agriculture and Fisheries;

(2) Section 47 (**Grades and wholesale prices of the commodity**)—

Section 47 (b)—

After “price at which”, insert “, and the terms and conditions of payment under which,”.

Statute Law (Miscellaneous Provisions) 1989

SCHEDULE 1—MINOR AMENDMENTS—*continued*

Meat Industry Act 1978 No. 54—

Section 78 (**By-laws**)—

Omit section 78 (2), insert instead:

(2) A by-law may create an offence punishable by a penalty not exceeding \$1,000.

Mining Act 1973 No. 42—

(1) Section 107 (**Transfer of authority to be approved by Minister**)—

Omit section 107 (2B).

(2) Sections 111E (**Notification of Director of Planning**), 111F (**Procedure where objection etc. made under sec. 111E**) and 113 (**Notice of application for mining leases to be sent to Government Departments**)—

Omit “Environment and” wherever occurring.

Miscellaneous Acts (Disability Services and Guardianship) Repeal and Amendment Act 1987 No. 262—

(1) Section 2 (**Commencement**)—

Section 2 (4)—

Omit “the Child Welfare Act 1939 and”.

(2) Schedule 1 (**Amendments**)—

Omit the provisions relating to the Child Welfare Act 1939.

Miscellaneous Acts (Education and Public Instruction) Repeal and Amendment Act 1987 No. 63—

Schedule 3 (**Savings and transitional provisions**)—

Clause 3 (**Registered schools**)—

(a) Clause 3 (1)—

After “certified” where secondly occurring, insert “or for a period of 30 months commencing on the appointed day, whichever is the longer”.

(b) Clause 3 (3)—

Omit “18”, insert instead “30”.

National Parks and Wildlife Act 1974 No. 80—

(1) Section 5 (**Definitions**)—

In section 5 (1), insert in alphabetical order:

“egg” includes any part of an egg or eggshell;

 SCHEDULE 1—MINOR AMENDMENTS—*continued*

(2) Section 109—

Omit the section, insert instead:

Unlawful liberation of animals

109. (1) A person shall not liberate, anywhere in New South Wales, any animal (other than a homing pigeon or a captured animal which is native to New South Wales) unless under and in accordance with a licence under section 127.

(2) A person shall not liberate, elsewhere than in the locality of capture, any captured animal which is native to New South Wales unless under and in accordance with a licence under section 127.

(3) Section 120 (**General licence**)—

(a) Section 120 (1) (a1)—

After section 120 (1) (a), insert:

(a1) to hold or to keep in possession or under control any protected fauna for any purpose mentioned in subparagraphs (i)–(iv) of paragraph (a);

(b) Section 120 (1) (c)—

After “obtained”, insert “, held, kept”.

(4) Section 127—

Omit the section, insert instead:

Licence to liberate animals

127. An authorised officer may issue a licence authorising a person to liberate an animal anywhere, or in a specified locality or specified localities, within New South Wales.

(5) Schedule 7 (**The Council**)—

(a) Clause 1 (3) (f)—

Omit “National Parks Association of New South Wales”, insert instead “National Parks Association of N.S.W. Incorporated”.

(b) Clauses 3, 4—

Omit the clauses.

(6) Schedule 8 (**Advisory committees**)—

Omit clauses 6 and 7.

(7) Schedule 8A (**Marine Mammals Advisory Committee**)—

(a) Clause 4 (c)—

After “1983;”, insert “or”.

*Statute Law (Miscellaneous Provisions) 1989*SCHEDULE 1—MINOR AMENDMENTS—*continued*

- (b) Clause 4 (d)—
Omit “Minister; or”, insert instead “Minister.”.
- (c) Clause 4 (e)—
Omit the paragraph.
- (d) Clause 8—
Omit the clause.
- (8) Schedule 9A (**Management of state recreation areas by trustees**)—
 - (a) Clause 2 (7)—
Omit the subclause.
 - (b) Clause 5 (1) (f)—
Omit the paragraph.

Non-Indigenous Animals Act 1987 No. 166—

- Section 7 (**The advisory committee**)—
 - (a) Section 7 (3)—
Omit “10”, insert instead “11”.
 - (b) Section 7 (4) (h)—
Omit “and”.
 - (c) Section 7 (4) (i), (j)—
At the end of section 7 (4) (i), insert:
; and
(j) one shall be a member of the NSW Farmers’ Association
nominated by that Association.
 - (d) Schedule 2 (**Provisions relating to the procedure of the advisory committee**)—
Clause 2—
Omit “5”, insert instead “6”.

Permanent Building Societies Act 1967 No. 18—

- Section 8 (**Mortgages by minors**)—
Omit the section.

Poisons Act 1966 No. 31—

- (1) Section 17 (**Regulations under Part 3**)—
 - (a) Section 17 (1) (a)—
After “renewal”, insert “, suspension”.

SCHEDULE 1—MINOR AMENDMENTS—*continued*

(b) Section 17 (1) (a1)—

After section 17 (1) (a), insert:

- (a1) fixing the fees to be paid in respect of any licence issued or renewed under this Part;

(2) Section 24 (**Regulations under Div. 1 of Part 4**)—

Section 24 (2) (e)—

After “withdrawal”, insert “and suspension”.

Police Regulation (Allegations of Misconduct) Act 1978 No. 84—(1) Section 37 (**President of Tribunal**)—

(a) Section 37 (1) (b)—

Omit “or”.

(b) Section 37 (1) (c), (d)—

At the end of section 37 (1) (c), insert:

; or

- (d) a Judge of the District Court of New South Wales who shall be appointed on the nomination of the Chief Judge.

(c) Section 37 (3)—

After “Wales”, insert “or the District Court of New South Wales”.

(d) Section 37 (5)—

At the end of section 37, insert:

(5) Nothing in this Act prevents the Chief Justice of the Supreme Court of New South Wales or the Chief Judge of the District Court of New South Wales from being nominated and appointed as President.

(2) Section 46—

Omit the section, insert instead:

Sittings etc. of Tribunal

46. (1) The President shall arrange for sittings of the Tribunal and the allocation of its work.

(2) If the President is not the Chief Judge of the District Court of New South Wales, the President shall arrange for sittings and allocate work subject to consultation with the Chief Judge.

*Statute Law (Miscellaneous Provisions) 1989*SCHEDULE 1—MINOR AMENDMENTS—*continued***(3) Section 49 (Powers etc. of a Deputy Commissioner or Assistant Commissioner of Police)—**

- (a) Omit “section 4A”, insert instead “sections 4A (4) and 4D (1)”.
- (b) After “Deputy Commissioner of Police”, insert “or Assistant Commissioner of Police”.
- (c) After “this Act”, insert “other than section 26”.

Rivers and Foreshores Improvement Act 1948 No. 20—**(1) Section 2 (Definitions)—**

Omit the definition of “Bank”.

(2) Sections 5 (2), 6 (2) (d), 7 (2), 15 (4), 16 (5), (7), 18 (3), 19 (2), (3), (4) and 20—

Omit “Bank” wherever occurring, insert instead “Ministerial Corporation”.

(3) Section 24 (Provisions relating to the Bank)—

Omit the section.

Road Obstructions (Special Provisions) Act 1979 No. 9—**(1) Section 2A—**

After section 2, insert:

Operation of Act

2A. (1) This Act has effect only during any period specified in an order in force under subsection (2).

(2) The Governor, by order published in the Gazette, may, from time to time, declare that this Act shall have effect for such period, not exceeding 3 months, as is specified in the order, being a period commencing on the date of publication of the order or such later date as is specified in the order.

(3) This section remains in force at all times.

(2) Section 11 (Expiration of Act)—

Omit the section.

Road Obstructions (Special Provisions) Revival and Amendment Act 1979 No. 144—**(1) Section 2 (Operation of Act)—**

Omit the section.

SCHEDULE 1—MINOR AMENDMENTS—*continued*

- (2) Section 3 (Revival of Act No. 9, 1979)—
Omit the section.

State Pollution Control Commission Act 1970 No. 95—

- Section 30c (Prosecutions in the name of the Commission)—
After “Act”, insert “or a regulation made under any such Act”.

Stock Diseases Act 1923 No. 34—

- Section 20 (Offences)—
(a) Section 20 (1) (a1)—
Omit “the provisions”, insert instead “a provision”.
(b) Section 20 (1) (j)—
After “land” where firstly occurring, insert “(including any stock saleyard or travelling stock reserve within the meaning of the Pastures Protection Act 1934)”.

Supreme Court Act 1970 No. 52—

- Section 37 (Acting Judges)—
(a) Section 37 (1)—
After “Judge”, insert “, or as a Judge and a Judge of Appeal.”.
(b) Section 37 (3)—
Omit “The person so appointed”, insert instead “A person appointed under this section”.
(c) Section 37 (3)—
After “Judge”, insert “and (if appointed to act as such) a Judge of Appeal”.
(d) After section 37 (5), insert:
(6) The provisions of section 36 (4) and (5) apply to an acting Judge who acts as a Judge of Appeal in the same way as they apply to a Judge who acts as an additional Judge of Appeal.

Traffic Act 1909 No. 5—

- Section 3 (Regulations)—
At the end of section 3, insert:
(7) The regulations may apply, adopt or incorporate any publication, as in force from time to time, relating to the construction, design or equipment of motor vehicles.

*Statute Law (Miscellaneous Provisions) 1989*SCHEDULE 1—MINOR AMENDMENTS—*continued***Transport Appeal Boards Act 1980 No. 104—****(1) Section 23 (Decision of a Board)—****(a) Section 23 (1)—**

Omit “A Board”, insert instead “Subject to subsection (1A), a Board”.

(b) Section 23 (1A)—

After section 23 (1), insert:

(1A) If a Board modifies the decision of an Authority in respect of disciplinary proceedings against an officer of the Authority, it may only impose as a substituted punishment—

(a) a fine; or

(b) a suspension or further suspension without pay.

(2) Section 24 (Appeal against a Board’s decision in certain cases)—**Section 24 (1)—**

Omit “Where, by its decision, a Board imposes punishment involving”, insert instead “If, as the result of a Board’s decision on an appeal, the punishment involves”.

Water Board Act 1987 No. 141—**(1) Section 23 (Exercise of certain functions in special areas)—****Section 23 (3) (a)—**

Before “not less”, insert “before the exercise of the functions,”.

(2) Section 66 (Regulations)—

At the end of section 66 , insert:

(7) A regulation may apply, adopt or incorporate any publication as in force from time to time.

Water Legislation (Repeal, Amendment and Savings) Act 1987 No. 143—**Schedule 3 (Savings and transitional provisions)—**

Omit clause 6 (3) (b), insert instead:

(b) on 31 December 1989,

Wild Dog Destruction Act 1921 No. 17—**Part 4, Division 4—**

After Division 3 of Part 4, insert:

Division 4—Stamp duty

20A. No stamp duty is payable under the Stamp Duties Act 1920 in respect of any conveyance of property to the board.

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

(Sec. 3)

Builders Licensing Act 1971 No. 16—Section 28 (**Inquiries—how held**)—

Section 28 (3A)—

Omit “or cause”.

Children (Care and Protection) Act 1987 No. 54—(1) Section 60 (**Removal of children without warrant**)—

Omit section 60 (3), insert instead:

(3) An authorised officer, or a member of the Police Force, who suspects a person is a child and who suspects on reasonable grounds—

(a) that the person is in need of care; and

(b) that the person—

(i) is or has recently been on any premises where prostitution or acts of child prostitution take place or where persons are employed for pornographic purposes; or

(ii) is or has recently been participating in an act of child prostitution in any place or is being or has recently been employed for pornographic purposes in any place,

may (without any authority other than that conferred by this subsection)—

(c) enter the premises or place (and any adjacent place, if the officer or member suspects on reasonable grounds that the person, having just left the premises or place, is in the adjacent place); and

(d) search for the person in the premises or place and in any such adjacent place; and

(e) remove the person from the premises or place or any such adjacent place.

(2) Section 60 (4)—

Omit “premises”, insert instead “any premises or place pursuant to this section”.

(3) Section 60 (6)—

Omit “the premises concerned”, insert instead “any premises or place entered pursuant to this section”.

Statute Law (Miscellaneous Provisions) 1989

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

(4) Section 60 (7), (8)—

After section 60 (6), insert:

(7) A person authorised to exercise powers by a subsection of this section may exercise any or all of the powers, as appropriate in the circumstances.

(8) In this section—

“act of child prostitution” has the same meaning as in section 91C of the Crimes Act 1900;

“place” means any place, whether or not a public place, and whether or not on premises;

“pornographic purposes” has the same meaning as in section 91G of the Crimes Act 1900.

City of Sydney Act 1988 No. 48—

Section 4 (**Definitions**)—

From the definition of “Planning Committee” in section 4 (1), omit “City”, insert instead “Sydney”.

Conveyancing Act 1919 No. 6—

Section 187 (**Orders affecting title to or use of etc. land**)—

Omit “user” wherever occurring, insert instead “use”.

Criminal Procedure Act 1986 No. 209—

(1) Sections 3A, 3B—

After section 3, insert:

Consequences of abolition of office of Clerk of the Peace

3A. (1) The registry functions of the abolished office of the Clerk of the Peace are the functions of the registrars and other officers of the Supreme Court or the District Court.

(2) Subsection (1) has effect subject to this Act and any other Act and, in particular, does not affect the functions of the Criminal Listing Director.

(3) A reference in any other Act, in any instrument made under any Act or in any other instrument of any kind to the Clerk of the Peace shall be read as a reference to such person or persons as may be prescribed.

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

Regulations

3B. The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Part 5, heading—

Omit the heading, insert instead:

PART 5—INSTITUTION OF PROCEEDINGS(3) Sections 17 (**Abolition of office of Clerk of the Peace**), 18 (**Regulations**)—

Omit the sections.

(4) Section 19 (**Correction of sentencing errors**)—

Renumber the section as section 24 and insert at the end of the Act.

(5) Part 7, heading—

Before section 24 (as renumbered), insert:

PART 7—CORRECTION OF SENTENCING ERRORS**District Court Act 1973 No. 9—**

(1) Section 183—

After section 182, insert:

References to “appointed place”

183. A reference in any other Act, in any instrument made under any Act or in any other instrument of any kind to an “appointed place” (being an appointed place within the meaning of Part 4 as in force immediately before the commencement of the District Court (Amendment) Act 1986) shall be read as a reference to a proclaimed place at which the court sits in its criminal jurisdiction.

(2) Section 192 (**Definitions**)—

Omit the definition of “appointed place”.

Education (Ancillary Staff) Act 1987 No. 240—Section 35 (**Attachment of remuneration**)—

Section 35 (11)—

Omit “debtor”, insert instead “creditor”.

Statute Law (Miscellaneous Provisions) 1989

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

Electricity Commission (Amendment) Act 1989 No. 3—

Schedule 1 (2)—

Omit “(1A) The persons nominated for appointment as commissioners must have such managerial, commercial or other qualifications as the Minister considers necessary to enable the Commission to carry out its functions.”, insert instead:

(b) After clause 2 (1), insert:

(1A) The persons nominated for appointment as commissioners must have such managerial, commercial or other qualifications as the Minister considers necessary to enable the Commission to carry out its functions.

Hunter Water Board Act 1988 No. 119—

Schedule 5 (Provisions relating to the members of the Forum)—

Clause 1 (1) (c)—

Omit “Employers Federation (Newcastle)”, insert instead “Employers Federation of NSW”.

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

(1) Section 2 (Commencement)—

Section 2 (2A)—

After “(1A)”, insert “and (1B)”.

(2) Schedule 1 (Amendments)—

After Schedule 1 (1A), insert:

(1B) Sections 66 (Informal patient under 16 years of age), 67 (Informal patient of 14 or 15 years of age)—

Omit “(other than an intellectually handicapped person under guardianship)” wherever occurring, insert instead “(other than a person under guardianship within the meaning of the Disability Services and Guardianship Act 1987)”.

Nursing Homes Act 1988 No. 124—

Schedule 1 (Provisions relating to Chairperson of Committees of Review)—

Schedule 1, clause 4 (1) (c)—

Omit “resident” wherever occurring, insert instead “patient”.

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

Soil Conservation Act 1938 No. 10—**Section 32 (Catchment Areas Protection Board)—****(a) Section 32 (1) (d)—**

Omit “Director-General, Department of Agriculture”, insert instead “Director-General of the Department of Agriculture and Fisheries”.

(b) Section 32 (1) (h1)—

Omit “Director of Environment and Planning, Department of Environment and Planning”, insert instead “Director of Planning, Department of Planning”.

State Roads Act 1986 No. 85—**(1) Schedule 1 (Repeals)—**

Omit “Local Government (Areas) Act 1948 No. 30—sections 37 and 48”, insert instead “Local Government (Areas) Act 1948 No. 30—sections 37 and 38”.

(2) Schedule 4 (Freeways)—

(a) From item 27, omit “northen”, insert instead “northern”.

(b) From item 32, omit “Woollomooloo”, insert instead “Woolloomooloo”.

Statute Law (Miscellaneous Provisions) Act (No. 3) 1988 No. 131—**Schedule 19 (Amendment of Public Finance and Audit Act 1983 No. 152)—**

Omit the Schedule.

Strata Titles (Leasehold) Act 1986 No. 219—**Section 99 (Strata roll)—**

Omit “(5) The body corporate shall”, insert instead “(7) The body corporate shall”.

Superannuation (Amendment) Act 1988 No. 133—**Schedule 2 (33)—**

Omit “The Commissioner for Main Roads”, insert instead “Roads and Traffic Authority of New South Wales”.

*Statute Law (Miscellaneous Provisions) 1989***SCHEDULE 2—AMENDMENTS BY WAY OF STATUTE LAW
REVISION—*continued*****Therapeutic Goods and Cosmetics Act 1972 No. 14—****Section 33 (Order that expenses be paid)—****(a) Section 33 (1)—**

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

(b) Section 33 (1) (a)—

Omit “court”, insert instead “Local Court”.

Trade Union (Amendment) Act 1986 No. 128—**Section 2 (Commencement)—****Section 2 (2)—**

Omit “day appointed and notified under section 2 (2) of”, insert instead “commencement of Schedule 1 (1) to”.

Zoological Parks Board Act 1973 No. 34—**Section 16 (Property)—****Section 16 (8)—**

Omit “section 38 (1) of the Interpretation Act, 1897”, insert instead “section 50 of the Interpretation Act 1987”.

SCHEDULE 3—REPEALS

(Sec. 4)

Bursary Endowment Act 1912 No. 14*

Transport (Division of Functions) Amendment Act 1957 No. 14

Motor Traffic, Transport and Main Roads (Amendment) Act 1971 No. 58

Landlord and Tenant (Rental Bonds) Amendment Act 1981 No. 9

Motor Vehicles (Taxation) Amendment Act 1981 No. 57

Prisoners (Interstate Transfer) (Probation and Parole) Amendment Act 1983 No. 198

Harness Racing Authority (Amendment) Act 1985 No. 36

Trotting Authority (Change of Names) Amendment Act 1985 No. 40

Transport Employees Retirement Benefits (Amendment) Act 1985 No. 44

National Parks and Wildlife (Amendment) Act 1985 No. 128

State Public Service Superannuation (Amendment) Act 1985 No. 154

Meat Industry (Amendment) Act 1985 No. 171

Ombudsman (Police Regulation) Amendment Act 1985 No. 213

Permanent Building Societies (Amendment) Act 1986 No. 32

Waste Disposal (Amendment) Act 1986 No. 42

Drug Misuse and Trafficking (Amendment) Act 1986 No. 47

Conveyancing (Covenants) Amendment Act 1986 No. 70

Permanent Building Societies (Co-operation) Amendment Act 1986 No. 108

National Parks and Wildlife (Marine Mammals Protection) Amendment Act 1986 No.

*Statute Law (Miscellaneous Provisions) 1989*SCHEDULE 3—REPEALS—*continued*

University and University Colleges (Amendment) Act 1986 No. 172
 Prisoners (Interstate Transfer) Amendment Act 1986 No. 187
 Drainage (Amendment) Act 1986 No. 201
 District Court (Amendment) Act 1986 No. 210
 Coal and Oil Shale Mine Workers (Superannuation) Amendment Act 1987 No. 13
 Permanent Building Societies (Amendment) Act 1987 No. 18
 Western Lands (Amendment) Act 1987 No. 25
 Inclosed Lands Protection (Amendment) Act 1987 No. 39
 State Public Service Superannuation (Retrenchment) Amendment Act 1987 No. 42
 Fisheries and Oyster Farms (Amendment) Act 1987 No. 67
 Workers' Compensation (Dust Diseases) Amendment Act 1987 No. 84
 University and University Colleges (Amendment) Act 1987 No. 115
 Ombudsman (Amendment) Act 1987 No. 136
 Probation and Parole (Parole Board) Amendment Act 1987 No. 137
 Drug Misuse and Trafficking (Amendment) Act 1987 No. 145
 Drug Misuse and Trafficking (Further Amendment) Act 1987 No. 156
 National Parks and Wildlife (Conservation Agreements) Amendment Act 1987 No. 158
 Landlord and Tenant (Rental Bonds) Amendment Act 1987 No. 170
 Ombudsman (Further Amendment) Act 1987 No. 172
 Probation and Parole (Serious Offences) Amendment Act 1987 No. 182
 Conveyancing (Sale of Land) Amendment Act 1987 No. 192
 Transport Employees Retirement Benefits (Amendment) Act 1987 No. 216
 State Public Service Superannuation (Amendment) Act 1987 No. 219
 District Court (Judges) Amendment Act 1987 No. 236
 Conveyancing (Forestry Rights) Amendment Act 1987 No. 242
 Supreme Court (Appeals) Amendment Act 1987 No. 250
 Permanent Building Societies (Further Amendment) Act 1987 No. 255
 Community Welfare (Disability Services and Guardianship) Amendment Act 1987 No. 258
 Community Welfare (Amendment) Act 1987 No. 267
 State Drug Crime Commission (Amendment) Act 1988 No. 1
 Adoption of Children (Amendment) Act 1988 No. 5
 Community Welfare (Amendment) Act 1988 No. 8
 Coal and Oil Shale Mine Workers (Superannuation) Amendment Act 1988 No. 21
 Drug Misuse and Trafficking (Further Amendment) Act 1988 No. 63

*indicates repeal of Act that is no longer of practical utility

SCHEDULE 4—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

(Sec. 5)

Effect of amendment of amending provisions

1. An amendment made by Schedule 2 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

Statute Law (Miscellaneous Provisions) 1989

SCHEDULE 4—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—
continued

(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 under Bursary Endowment Act 1912

3. The regulations made under the Bursary Endowment Act 1912 published in the Gazette on 28 March 1958 at p. 884, the Bursary Endowment (Registration of Schools) Regulation and the Bursaries (Granting and Holding) Regulation are repealed.

Regulations under Criminal Procedure Act 1986

4. Regulations made under sections 17 and 18 of the Criminal Procedure Act 1986 and in force immediately before the commencement of the amendments to that Act made by Schedule 2 shall be taken to have been made under sections 3A and 3B, respectively, of that Act, as amended by this Act.

Regulations under Education and Public Instruction Act 1987

5. The Education and Public Instruction (Savings and Transitional Provisions) Regulation 1987 is, on the commencement of the amendments to the Education and Public Instruction Act 1987 made by Schedule 1, repealed.

Proceedings for offences under Farm Produce Act 1983 and Fisheries and Oyster Farms Act 1935

6. The amendments made by this Act to the Farm Produce Act 1983 and the Fisheries and Oyster Farms Act 1935 do not apply in respect of proceedings for offences committed before the commencement of the amendments.

Regulations under Fisheries and Oyster Farms Act 1935

7. Division 3 of Part 2 of the Fisheries and Oyster Farms (Oyster and Fish Farming) Regulation 1987 is, on the commencement of the repeal of section 90 of the Fisheries and Oyster Farms Act 1935 by Schedule 1, repealed.

Repeal consequent on amendment of Local Courts Act 1982

8. Clause 6 of, and Schedule 1 to, the Local Courts Regulation 1985 are, on the commencement of the amendments to the Local Courts Act 1970 made by Schedule 1, repealed.

Validation of certain general licences

9. A licence issued under section 120 of the National Parks and Wildlife Act 1974 and in force immediately before the commencement of the amendments made to that Act by Schedule 1 and which authorised a person to hold or to keep in possession or under control any protected fauna is validated.

Statute Law (Miscellaneous Provisions) 1989

SCHEDULE 4—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—
*continued***Licences to liberate animals**

10. A licence issued under section 127 of the National Parks and Wildlife Act 1974 and in force immediately before the commencement of the amendments made to that Act by Schedule 1 shall be taken to be a licence issued under section 127, as amended.

Non-Indigenous Animals Advisory Committee

11. Nothing in Schedule 1 affects the appointment of a member of the Non-Indigenous Animals Advisory Committee who was holding office immediately before the commencement of the amendments to the Non-Indigenous Animals Act 1987 made by that Schedule.

Unpaid water rates and charges etc.

12. Any water rates and charges, or any costs or contributions in respect of the construction of works, due and payable under a provision of the Rivers and Foreshores Improvement Act 1948 amended by Schedule 1 and which are unpaid at the commencement of the amendments to that Act shall, on that commencement, be payable to the Water Administration Ministerial Corporation (constituted by the Water Administration Act 1986) as if the amendment had been in force when the liability to make the payment was incurred.

Revival of Road Obstructions (Special Provisions) Act 1979

13. The Road Obstructions (Special Provisions) Act 1979 shall, for the purpose only of enabling it to be amended by Schedule 1, be taken to have effect on the date of assent to this Act.

Regulations

14. (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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Statute Law (Miscellaneous Provisions) 1989

NOTE

Alphabetical list of Acts repealed by Schedule 3

Adoption of Children (Amendment) Act 1988 No. 5
 Bursary Endowment Act 1912 No. 14
 Coal and Oil Shale Mine Workers (Superannuation) Amendment Act 1987 No. 13
 Coal and Oil Shale Mine Workers (Superannuation) Amendment Act 1988 No. 21
 Community Welfare (Amendment) Act 1987 No. 267
 Community Welfare (Amendment) Act 1988 No. 8
 Community Welfare (Disability Services and Guardianship) Amendment Act 1987 No. 258
 Conveyancing (Covenants) Amendment Act 1986 No. 70
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 Drug Misuse and Trafficking (Further Amendment) Act 1987 No. 156
 Drug Misuse and Trafficking (Further Amendment) Act 1988 No. 63
 Fisheries and Oyster Farms (Amendment) Act 1987 No. 67
 Harness Racing Authority (Amendment) Act 1985 No. 36
 Inclosed Lands Protection (Amendment) Act 1987 No. 39
 Landlord and Tenant (Rental Bonds) Amendment Act 1981 No. 9
 Landlord and Tenant (Rental Bonds) Amendment Act 1987 No. 170
 Meat Industry (Amendment) Act 1985 No. 171
 Motor Traffic, Transport and Main Roads (Amendment) Act 1971 No. 58
 Motor Vehicles (Taxation) Amendment Act 1981 No. 57
 National Parks and Wildlife (Amendment) Act 1985 No. 128
 National Parks and Wildlife (Conservation Agreements) Amendment Act 1987 No. 158
 National Parks and Wildlife (Marine Mammals Protection) Amendment Act 1986 No. 133
 Ombudsman (Amendment) Act 1987 No. 136
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 Prisoners (Interstate Transfer) Amendment Act 1986 No. 187
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 State Public Service Superannuation (Retrenchment) Amendment Act 1987 No. 42
 Supreme Court (Appeals) Amendment Act 1987 No. 250

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NOTE—*continued*

Transport (Division of Functions) Amendment Act 1957 No. 14
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University and University Colleges (Amendment) Act 1987 No. 115
Waste Disposal (Amendment) Act 1986 No. 42
Western Lands (Amendment) Act 1987 No. 25
Workers' Compensation (Dust Diseases) Amendment Act 1987 No. 84

[*Minister's second reading speech made in—
Legislative Assembly on 3 May 1989
Legislative Council on 23 May 1989*]