



New South Wales

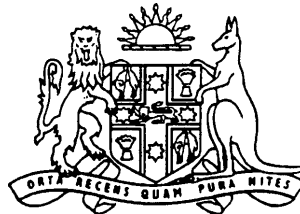
Regulatory Reduction Act 1996 No 107

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New South Wales

Regulatory Reduction Act 1996 No 107

Act No 107, 1996

An Act to reduce the level of regulation in New South Wales by abolishing certain licensing schemes and other requirements; for this purpose to amend certain Acts and Regulations; and for other purposes. [Assented to 2 December 1996]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Regulatory Reduction Act 1996*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Acts

Each Act specified in Schedule 1 is amended as set out in that Schedule.

4 Amendment of Regulations

Each Regulation (or set of Regulations) specified in Schedule 2 is amended as set out in that Schedule.

Schedule 1 Amendment of Acts

(Section 3)

1.1 Building Services Corporation Act 1989 No 147

[1] Section 3 Definitions

Omit paragraph (d) from the definition of *specialist work* in section 3 (1).

[2] Section 15 Unqualified roof plumbing work

Omit “roof plumbing work, refrigeration work or air-conditioning work”.

Insert instead “roof plumbing work”.

[3] Section 105 The Corporation

Omit “, electricity, refrigeration and air conditioning” from section 105 (2) (a).

Insert instead “and electricity”.

[4] Schedule 4 Savings and transitional provisions

Insert at the end of clause 2 (1):

Regulatory Reduction Act 1996, but only in relation to amendments made to this Act or the regulations

[5] Schedule 4, Part 4

Insert after clause 32:

**Part 4 Provisions consequent on enactment of
Regulatory Reduction Act 1996**

33 Preservation of entitlement in regard to certain work

- (1) Despite the other provisions of this Act, a person who, immediately before the commencement of Schedule 1.1 [1] to the *Regulatory Reduction Act 1996*, held a licence, supervisor certificate or registration certificate authorising the holder to contract to do, or to do, associated electrical work or associated work involving the use of a controlled substance within the meaning of the *Ozone Protection Act 1989* (being a licence or certificate that was in force), may continue to carry out the activity authorised by the licence or certificate while the licence or certificate remains in force.
- (2) In subclause (1):
 - (a) the expression *associated electrical work* has the meaning that it had in clause 9A (4), and
 - (b) the expression *associated work involving the use of a controlled substance within the meaning of the Ozone Protection Act 1989* has the meaning that *associated work* had in clause 9A (5),

of the *Building Services Corporation Regulation 1990* immediately before the repeal of clause 9A.

Explanatory note

The proposed amendments:

- (a) abolish the requirement that a person be appropriately licensed before contracting to provide airconditioning or refrigeration work, and
- (b) abolish the requirement that a person be appropriately authorised before carrying out airconditioning or refrigeration work, and
- (c) insert a savings provision, and
- (d) provide for the making of certain savings and transitional regulations.

The proposed amendments also make a consequential amendment.

**1.2 Commercial Agents and Private Inquiry Agents Act 1963
No 4**

[1] Section 1 A

Insert after section 1:

1 A Act ceases to apply to commercial agents

The provisions of this Act relating to commercial agents and subagents of commercial agents cease to have effect on the commencement of Schedule 1.2 [1] to the *Regulatory Reduction Act 1996*.

[2] Section 45

Insert after section 44:

45 Savings and transitional provisions

Schedule 2 has effect.

[3] Schedule 2

Insert after Schedule 1:

Schedule 2 Savings and transitional provisions

(Section 45)

1 Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

Regulatory Reduction Act 1996, but only in relation to the amendments made to this Act or the regulations

- (2) Any such provision may, if the regulations so provide, takes effect as from the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than its date of publication in the Gazette, the provision does not operate so as:
 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

Explanatory note

The proposed amendments deregulate the occupation of commercial agent. They also provide for the making of certain savings and transitional regulations.

1.3 Commercial Vessels Act 1979 No 41

[1] Section 5 Definitions

Omit paragraphs (a) and (b) of the definition of *certificate of competency* in section 5 (1).

[2] Section 19 Temporary permits

Omit section 19 (4).

[3] Section 19 (5)

Omit “or (4)” wherever occurring.

[4] Section 20 Conversion of temporary permit for certain vessels

Insert “or Territory” after “State” in section 20 (1).

[5] Section 22 Emergency suspension of permit

Omit “section 19 (2), (3) or (4),” from section 22 (1).
Insert instead “section 19 (2) or (3)”.

[6] Section 30J Temporary certificates

Omit the section.

[7] Section 30K Certificates for service

Omit the section.

[8] Schedule 1 Savings and transitional provisions

Insert “**Part 1 Provisions consequent on enactment of this Act**”
before clause 1.

[9] Schedule 1, Part 2

Insert after clause 3:

Part 2 Regulations

4 Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

Regulatory Reduction Act 1996, but only in relation to amendments made to this Act or the regulations

- (2) Any such provision may, if the regulations so provide, take effect as from the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than its date of publication in the Gazette, the provision does not operate so as:
 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

Explanatory note

The proposed amendments:

- (a) repeal a provision providing for the issue of “temporary permits” authorising the use of certain vessels (and vessel engines) from outside New South Wales in New South Wales waters (the relevant section provides that the vessels and engines concerned are taken to have been issued with the requisite permit), and
- (b) repeal the provisions providing for the issue of temporary certificates of competency where full certification requirements have not been met and for the issue of certificates of competency based on relevant service (a transitional provision), and
- (c) make an amendment by way of statute law revision (item [4]), and
- (d) provide for the making of certain savings and transitional regulations.

The proposed amendments also make consequential amendments.

1.4 Construction Safety Act 1912 No 38

[1] Section 17A Riggers, powdermen and certain other tradespersons

Omit “, crane chaser, diver” wherever occurring.

[2] Section 17A

Omit “or crane chaser” wherever occurring.

[3] Section 17A

Omit “diver or” wherever occurring (except where occurring in subsection (5B)).

[4] Section 17A (5A) (a) (iii)

Omit “or crane chasers” wherever occurring.

[5] Section 17A (1A) (c) and (d), (1B) (b) (iii) and (iv) and (5A) (a) (ii) and (iv)

Omit “, as the case may be,” wherever occurring.

[6] Section 17A (5A) (a) (iv)

Omit “divers or” wherever occurring.

[7] Section 17A (5A) (b) (iv)

Omit “divers,” wherever occurring.

[8] Section 17A (6)

Omit the definitions of *crane chaser* and *diver*.

[9] Section 19 Act not to affect rights of person to recover damages

Omit “, crane chaser, diver” from section 19 (b).

[10] Section 22 Regulations

Omit “, crane chasers, divers” wherever occurring from section 22 (2) (f) and (g).

[11] Section 22 (2) (g1)

Omit the paragraph.

[12] Second Schedule Savings, transitional and other provisions

Insert at the end of clause 1 (1):

Regulatory Reduction Act 1996, but only in relation to amendments made to this Act or the regulations

Explanatory note

The proposed amendments:

- (a) abolish the requirements for persons who act as crane chasers and divers (as defined in section 17A of the *Construction Safety Act 1912*) to hold certificates of competency under that Act, and
- (b) provide for the making of certain savings and transitional regulations.

The proposed amendments also make consequential amendments.

1.5 Dairy Industry Act 1979 No 208

[1] Part 4, Division 4

Omit the heading to the Division. Insert instead “**Miscellaneous**”.

[2] Section 45 Definitions

Omit the definitions of *certificate* and *permit* from section 45 (1).

[3] Sections 46–51

Omit the sections.

[4] Section 52 Notice of milk etc delivered

Omit “by a person authorised by a certificate or permit to determine the grade or grades” from section 52 (1) (c).

[5] Section 52 (1) (d)

Omit “by a person authorised by a certificate or permit to test milk and cream”.

[6] Section 103 Regulations

Omit section 103 (1) (q) and (r).

[7] Section 103 (1) (s)

Omit “and permits” wherever occurring.

[8] Schedule 5 Savings and transitional provisions

Insert after clause 16:

Part 1 A Regulations

16A Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

Regulatory Reduction Act 1996, but only in relation to amendments made to this Act or the regulations

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

- (3) To the extent to which any such provision takes effect from a date that is earlier than its date of publication in the Gazette, the provision does not operate so as:
- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

Explanatory note

The proposed amendments repeal certain provisions relating to the grading of milk and cream and, in particular, abolish the requirements for certificates and permits:

- to determine the grade of milk
- to determine the grade of cream
- to test milk or cream.

The proposed amendments also repeal a provision enabling the making of regulations prohibiting persons from being employed in dairy produce factories as buttermakers or cheesemakers or in any other prescribed capacity unless they possess the prescribed qualifications and pass the prescribed examinations.

The proposed amendments provide for the making of certain savings and transitional regulations.

1.6 Dried Fruits Act 1939 No 7

[1] Section 24

Omit the section.

[2] Section 39 Regulations

Omit “the issue, renewal and revocation of licences of classers of dried fruits;” from section 39 (1) (e).

[3] Section 39 (1) (e)

Omit “the prohibition of the employment as classers of dried fruits of persons who are not licensed under this Act;”.

[4] Section 40 and Schedule 1

Insert after section 39:

40 Savings and transitional provisions

Schedule 1 has effect.

Schedule 1 Savings and transitional provisions

(Section 40)

1 Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

Regulatory Reduction Act 1996, but only in relation to amendments made to this Act or the regulations

- (2) Any such provision may, if the regulations so provide, take effect as from the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than its date of publication in the Gazette, the provision does not operate so as:
 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

Explanatory note

The proposed amendments:

- (a) abolish the requirement that classers of dried fruits be licensed, and
- (b) abolish the power of the Dried Fruits Board to appoint graders of dried fruits, and
- (c) provide for the making of certain savings and transitional regulations.

The proposed amendments also make a consequential amendment.

1.7 Motor Vehicle Repairs Act 1980 No 71

[1] Section 4 Definitions

Omit “or loss assessor’s certificate” from the definition of *certificate* in section 4 (1).

[2] Section 4 (1)

Omit the definitions of *loss assessor’s certificate* and *provisional loss assessor’s certificate*.

[3] Section 14 Committees of the Council

Omit “certification and” from section 14 (2).

[4] Part 3, Division 3

Omit the Division.

[5] Section 43 Grounds for action against holder of certificate

Omit “or provisional loss assessor’s certificate” from section 43 (d).

[6] Section 43 (e)

Omit the paragraph.

[7] Section 44 Manner of making complaint

Omit “(e)” from section 44 (1). Insert instead “(d)”.

[8] Section 74 Production of licences and certificates

Omit section 74 (3). The maximum penalty is not omitted.

[9] Section 78 Evidence

Omit “, a tradesman’s certificate in respect of any class of repair work or a loss assessor’s certificate” from section 78 (1).
Insert instead “or a tradesman’s certificate in respect of any class of repair work”.

[10] Section 78 (1)

Omit “, was doing repair work of that class or was doing loss assessor’s work”.
Insert instead “or was doing repair work of that class”.

[11] Section 78 (2)

Omit “, a tradesman’s certificate in respect of any class of repair work so specified or a loss assessor’s certificate”.
Insert instead “or a tradesman’s certificate in respect of any class of repair work so specified”.

[12] Section 90 and Schedule 5

Insert after section 89:

90 Savings and transitional provisions

Schedule 5 has effect.

[13] Schedule 5

Insert after Schedule 4:

Schedule 5 Savings and transitional provisions

(Section 90)

1 Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

Regulatory Reduction Act 1996, but only in relation to amendments made to this Act or the regulations

- (2) Any such provision may, if the regulations so provide, take effect as from the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than its date of publication in the Gazette, the provision does not operate so as:
- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

Explanatory note

The proposed amendments:

- (a) abolish the requirement for a motor vehicle loss assessor to hold a certificate as such, and
- (b) provide for the making of certain savings and transitional regulations.

The proposed amendments also make consequential amendments.

1.8 Motor Vehicle Sports (Public Safety) Act 1985 No 24

[1] Section 3 Definitions

Omit the definitions of *permit* and *recreation vehicle area*.

[2] Part 3

Omit the Part.

[3] Section 17 Regulations

Omit “and permits” from section 17 (1) (a) and (d) wherever occurring.

[4] Section 17 (1) (b)

Omit “and for permits”.

[5] Section 19 and Schedule 1

Insert after section 18:

19 Other savings and transitional provisions

Schedule 1 has effect.

Schedule 1 Savings and transitional provisions

(Section 19)

1 Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent of the enactment of the following Acts:

Regulatory Reduction Act 1996, but only in relation to the amendments made to this Act or the regulations

- (2) Any such provision may, if the regulations so provide, take effect as from the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than its date of publication in the Gazette, the provision does not operate so as:
 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

Explanatory note

The proposed amendments abolish the requirement for a recreation vehicle area permit (that is, a permit to hold a meeting for motor vehicle sport in a recreation vehicle area), and provide for the making of certain savings and transitional regulations.

The proposed amendments also make consequential amendments.

1.9 Occupational Health and Safety Act 1983 No 20

Section 27A Notification of certain proposed work

Omit section 27A (5).

Explanatory note

Section 27A (5) is a transitional provision preserving, until the regulations otherwise provide, the requirement under the repealed *Construction Safety Act 1912* to give notice of certain proposed work. The *Occupational Health and Safety (Asbestos Removal Work) Regulation 1996* and the *Occupational Health and Safety (Demolition Licensing) Regulation 1996*, together with item [3] of the amendments proposed to be made to the *Occupational Health and Safety (Administration) Regulation 1992* in Schedule 2, specify the kinds of work for which notice must be given. Section 27A (5) may, therefore, be omitted.

Notice that was required to be given in relation to certain kinds of work (the erection of conveyors and certain commercial hoists, and the setting up of cranes) will no longer be required.

1.10 Security (Protection) Industry Act 1985 No 52

[1] Section 3 Definitions

Omit “section 8 (2), (3) or (4)” from the definition of *security activity* in section 3 (1).

Insert instead “section 8 (2) or (3)”.

[2] Section 8 Classes of licences

Omit “, a Class 2 licence or a Class 3 licence” from section 8 (1).

Insert instead “or a Class 2 licence”.

[3] Section 8 (2) (a) and (4)

Omit the paragraph and subsection.

[4] Section 33 Savings and transitional provisions

Omit section 33 (1). Insert instead:

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

this Act

Commercial Agents and Private Inquiry Agents (Amendment) Act 1985

Regulatory Reduction Act 1996, but only in relation to amendments made to this Act or the regulations

Explanatory note

The proposed amendments remove the requirement that persons who sell, install, repair or provide advice on security systems be licensed, and make consequential amendments.

The proposed amendments also provide for the making of certain savings and transitional regulations.

1.11 Stock (Artificial Breeding) Act 1985 No 196

[1] Section 3 Application of Act

Omit "(being, in the case of an employee who is also employed by other persons to carry out any artificial breeding procedure on stock, the holder of an appropriate certificate of competency)" from section 3 (2).

[2] Section 3 (2)

Omit "and that the owner or the employee (except where this subsection requires otherwise) is not the holder of a certificate of competency".

[3] Section 3 (4)

Omit the subsection.

[4] Section 3 (5)

Omit ", an approval or a certificate" .
Insert instead "or an approval".

[5] Section 4 Definitions

Omit the definitions of *certificate* and *certificate of competency* from section 4 (1).

[6] Part 2, heading

Omit ", approvals and certificates".
Insert instead "and approvals".

[7] Section 11

Omit the section. Insert instead:

11 Issue of supervisors' approvals

An approval authorising a person to supervise technical aspects of artificial breeding procedures at premises specified in the approval is not to be issued to any person other than a veterinary surgeon.

[8] Part 2, Division 3

Omit the Division.

[9] Part 2, Division 4

Omit the Division.

[10] Section 19 Definition

Omit “, an approval or a certificate”.
Insert instead “or an approval”.

[11] Section 20 Applications

Omit “, an approval or a certificate” from section 20 (4).
Insert instead “or an approval”.

[12] Section 30 Offences relating to licences and approvals

Omit “, approval or certificate” wherever occurring.
Insert instead “or approval”.

[13] Section 30

Omit “, an approval or a certificate” wherever occurring.
Insert instead “or approval”.

[14] Section 31 Offences relating to inspectors

Omit “, approval or certificate” from section 31 (1) (e) (i).
Insert instead “or approval”.

[15] Section 31 (1) (e)

Omit “certificate,”.

[16] Section 32 Powers of inspectors

Omit “, approval or certificate” from section 32 (1) (c).
Insert instead “or approval”.

[17] Section 37 Evidentiary provisions

Omit “a certificate,” and “certificate,” from section 37 (c) and (d)
wherever occurring.

[18] Section 41 Refund

Omit “or a certificate” and “or certificate” wherever occurring.

[19] Section 42 Regulations

Omit “, certificates” and “, certificate” from section 42 (1) (b), (c)
and (d) wherever occurring.

[20] Schedule 2 Matters for regulations

Omit “, approvals or certificates” from clause 2 (including the heading) wherever occurring.
Insert instead “or approvals”.

[21] Schedule 2, clause 2

Omit “, approval or certificate” wherever occurring.
Insert instead “or approval”.

[22] Schedule 2, clause 2 (f)

Omit “and provisional certificates”.

[23] Schedule 3 Savings and transitional provisions

Omit clause 6 (1). Insert instead:

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

 this Act

Regulatory Reduction Act 1996, but only in relation to amendments made to this Act or the regulations

Explanatory note

The proposed amendments abolish the requirements for:

- certificates of competency to carry out artificial breeding procedures in relation to stock,
- instructors' certificates to conduct courses of instruction in artificial breeding procedures in relation to stock,

and make consequential amendments. The proposed amendments also provide for the making of certain savings and transitional regulations.

1.12 Veterinary Surgeons Act 1986 No 55

Section 44 Permitted practices for unregistered persons

Omit section 44 (1) (h). Insert instead:

- (h) carry out, in respect of cattle, sheep, goats, swine, deer, buffalo, poultry or any other animal prescribed by the regulations, any artificial breeding procedure (within the meaning of the *Stock (Artificial Breeding) Act 1985*) other than a procedure involving surgery,

Explanatory note

The proposed amendment abolishes the requirement that a person who is not a registered veterinary surgeon be the holder of a certificate of competency before being able to carry out any artificial breeding procedure. Provisions for these certificates are being removed from the *Stock (Artificial Breeding) Act 1985* by amendments proposed to be made elsewhere in this Schedule.

Schedule 2 Amendment of Regulations

(Section 4)

2.1 Building Services Corporation Regulation 1990

[1] Clause 9A

Omit the clause.

[2] Clause 15 Exemption relating to roof plumbing work

Omit “etc.” from clause 15.

Explanatory note

The proposed amendments are consequential on amendments proposed to be made to the *Building Services Corporation Act 1989* in Schedule 1.

2.2 Commercial Agents and Private Inquiry Agents Regulation 1995

[1] Clause 1 Name of Regulation

Omit “may be cited as the Commercial Agents and” from clause 1.
Insert instead “is the”.

[2] Clause 3 Definitions

Omit “a commercial agent” from the definition of *agent* in clause 3 (1).

[3] Clause 6

Omit the clause.

[4] Clause 9 Applications for licences: section 9

Omit “commercial agent’s or” from clause 9 (1) (a).

[5] Clause 9, Table

Omit the matter relating to Commercial agent’s licence.

[6] Clause 10 Prescribed experience: section 10

Omit clause 10 (1).

[7] Clauses 13, 15, 16 and 17

Omit the clauses.

[8] Schedule 1 Forms

Omit “*Commercial Agent’s” from Forms 3 and 4 wherever occurring.

[9] Schedule 1, Form 4

Omit “commercial/” wherever occurring.

[10] Schedule 1, Forms 6 and 7

Omit the Forms.

Explanatory note

The proposed amendments are consequential on the deregulation of the occupation of commercial agent effected by the amendments to the *Commercial Agents and Private Inquiry Agents Act 1963* proposed to be made in Schedule 1.

The proposed amendments also make an amendment by way of statute law revision (referring to the name of the Regulation in the current style).

2.3 Commercial Vessels (Certificates of Competency and Safety Manning) Regulation 1986

[1] Clause 4 Definitions

Omit paragraphs (a) and (b) of the definition of *certificate of competency* in clause 4 (1).

[2] Clause 9

Omit the clause.

[3] Clause 12 Revalidation of certificates of competency

Omit clause 12 (2) (a).

Explanatory note

The proposed amendments are consequential on amendments proposed to be made to the *Commercial Vessels Act 1979* in Schedule 1.

2.4 Construction Safety Regulations 1950

[1] Regulation 122 Basic requirements

Omit “crane chaser,” from Regulation 122 (18) (a).

[2] Part 14, heading

Omit “crane chasers, divers,”

[3] Regulation 159 Definitions

Omit “crane chaser, diver,” from the definitions of *applicant* and *permit* wherever occurring.

[4] Regulation 159E Supervision of permit holder

Omit regulation 159E (f) and (h).

[5] Regulation 161C

Omit the regulation.

[6] Regulation 161E

Omit the regulation.

[7] Regulation 161H Prescribed qualifications for certificates of competency issued after the commencement of the Occupational Health and Safety (Certificates of Competency) Regulation 1996

Omit “diver,” wherever occurring.

[8] Regulation 161I Exemption from requirements of sections 17 and 17A of the Act for holders of certificates of competency issued under the Occupational Health and Safety (Certificates of Competency) Regulation 1996

Omit “diver,”.

[9] Second Schedule, Forms 21, 33, 33A, 34 and 37

Omit the forms.

[10] Second Schedule, Form 23

Omit “; scaffolder’s or crane chaser’s” from the heading.
insert instead “or scaffolder’s”.

[11] Second Schedule, Form 23

Omit the matter relating to the additional particulars to be furnished by applicants for Crane Chaser's Certificate.

Explanatory note

The proposed amendments are consequential on amendments proposed to be made to the *Construction Safety Act 1912* in Schedule 1.

2.5 Dairy Industry Regulation 1995

[1] Clauses 12–17

Omit the clauses.

[2] Part 2, Division 4

Omit the Division.

[3] Clauses 24–26

Omit the clauses.

[4] Schedule 1 Forms

Omit Form 6.

Explanatory note

The proposed amendments abolish the requirements for buttermakers, cheesemakers and pasteuriser operators to hold certificates authorising them to make the butter or cheese or to pasteurise the milk.

The proposed amendments also make amendments consequential on those proposed to be made to the *Dairy Industry Act 1979* in Schedule 1.

2.6 Dried Fruits (General) Regulation 1993

[1] Clause 3 Definitions

Omit “the holder of a classer’s licence” from the definition of *classer* in clause 3 (1).

Insert instead “a person who classifies dried fruits”.

[2] Clause 3 (1) definition of “classer’s licence”

Omit the definition.

[3] Clause 31 Dried vine fruits to be delivered to classing room

Omit “licensed” from clause 31 (b).

[4] Clause 38 Classer to classify dried vine fruits

Omit “licensed” from clause 38.

[5] Clause 39

Omit the clause.

Explanatory note

The proposed amendments are consequential on amendments proposed to be made to the *Dried Fruits Act 1939* in Schedule 1.

2.7 Engine Drivers and Boiler Attendants Certification Regulations

[1] Regulation 2 Definitions

Omit the definition of *engine of first class requirements* and *refrigerating plant of first class requirements* from Regulation 2 (1).
Insert instead:

engine of first class requirements means engine to which a certificate of the first class is appropriate but to which a certificate of the second class is not appropriate.

[2] Regulation 2 (1)

Omit the definition of *engine of second class requirements* and *refrigerating plant of second class requirements* from Regulation 2 (1).
Insert instead:

engine of second class requirements means engine to which a certificate of the second class is appropriate.

[3] Regulation 2 (1)

Omit the definition of *refrigerating plant*.

[4] Regulation 2 (2)

Omit "Refrigerating plant."

[5] Regulation 4 Types of certificates

Omit from Regulation 4 (1) (a) the matter relating to Refrigeration engine driver's certificate of competency (first class) and Refrigeration engine driver's certificate of competency (second class).

[6] Regulation 5 Granting and issue of certificates

Omit Regulation 5 (5) (c).

[7] Regulation 5 (7) (a)

Omit “E4,”.

[8] Regulations 14 and 15

Omit the Regulations.

[9] Second Schedule

Omit Form E4.

[10] Third Schedule

Omit the matter relating to Refrigeration engine driver’s certificate of competency (first class) and Refrigeration engine driver’s certificate of competency (second class).

Explanatory note

The proposed amendments abolish the requirement for refrigeration engine drivers to have a certificate of competency and make consequential amendments.

2.8 Management of Waters and Waterside Lands Regulations—N.S.W.

[1] Regulation 4 Definitions

Omit “visiting small craft in respect of which a visiting small craft permit is in force” from the definition of *houseboat* in Regulation 4 (1).

Insert instead “visiting small craft (within the meaning of Regulation 34A)”.

[2] Regulation 4 (1)

Omit the definitions of *licensed structure*, *structure licence*, *visiting small craft*, *visiting small craft anchorage area* and *visiting small craft permit*.

[3] Regulation 27 Application

Omit “a structure licence,” from Regulation 27 (2).

[4] Regulation 27 (2)

Omit “or a visiting small craft permit”.

[5] Regulations 28–33

Omit the Regulations.

[6] Regulation 34A

Omit the Regulation. Insert instead:

34A Visiting small craft—exemption

- (1) Regulation 34 does not apply to or in respect of the occupation of any navigable waters by a visiting small craft.
- (2) In this Regulation, *visiting small craft* means a vessel:
 - (a) that is less than 25 metres long, and
 - (b) that is being used solely for pleasure or recreation and not in connection with any business or commercial transaction, and

- (c) the home port of which is a place at least 80 nautical miles from the navigable waters it is occupying, and
- (d) the usual residence of the master of which is at least 100 kilometres from those waters.

[7] Regulation 46 Fee for special attendance

Omit “a structure licence or”. Insert instead “an”.

[8] Regulation 47 Offences by holder of structure licence

Omit the Regulation.

[9] Regulations 50B–50D Visiting small craft permits

Omit the Regulations.

[10] Regulation 89 Load lines on lighters and barges

Omit the Regulation.

[11] Regulation 97 Mobile cranes on public wharves

Omit “is registered by the Board pursuant to these Regulations and” from Regulation 97 (1) (a).

[12] Regulation 97 (1) (a)

Omit “or the classification number specified in its certificate of registration”.

[13] Regulation 97 (1) (b) (ii)

Omit the subparagraph.

[14] Regulations 98–100

Omit the Regulations.

Explanatory note

The proposed amendments:

- (a) repeal a provision providing for the issue of “visiting small craft permits”, which authorise certain vessels from outside New South Wales to anchor in designated New South Wales waters otherwise than under the authority of an occupation licence (instead, the proposed amendments provide those craft with a general exemption from the requirement for that licence), and
- (b) abolish the requirement that a person hold a structure licence before erecting or using a structure above the bed of certain waters, and
- (c) repeal a provision relating to load lines on lighters and barges (the *Commercial Vessels Act 1979* deals with load lines), and
- (d) abolish the requirement that mobile cranes (which are defined to include fork lift trucks) be registered by the Minister before being brought onto, or used on, certain wharves.

The proposed amendments also make consequential amendments.

2.9 Motor Vehicle Repairs Regulation 1982

Clause 4 Fees

Omit clause 4 (3) (d).

Explanatory note

The proposed amendment is consequential on amendments proposed to be made to the *Motor Vehicle Repairs Act 1980* in Schedule 1.

2.10 Motor Vehicle Sports (Public Safety) Regulation 1994

[1] Part 3

Omit the Part.

[2] Clause 38 Contravention of conditions of licences

Omit clause 38 (2).

[3] Clause 38 (3)

Omit “or 12 (Contravention of conditions of permit)”.

[4] Clause 38 (3)

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

[5] Schedule 2

Omit the Schedule.

Explanatory note

The proposed amendments omit provisions relating to recreation vehicle area permits. The amendments are consequential on amendments proposed to be made to the *Motor Vehicle Sports (Public Safety) Act 1985* in Schedule 1.

2.11 Occupational Health and Safety (Asbestos Removal Work) Regulation 1996

Clause 18

Omit clause 18 (3).

Explanatory note

The proposed amendment is consequential on the amendment to the *Occupational Health and Safety Act 1983* proposed to be made in Schedule 1.

**2.12 Occupational Health and Safety (Administration)
Regulation 1992**

[1] Clause 2 Definitions

Insert after the definition of *the Act*:

Workcover means the Workcover Authority constituted
by the *Workcover Administration Act 1989*.

[2] Clause 2A

Insert after clause 2:

2A Notes

Notes in the text of this Regulation do not form part of
this Regulation.

[3] Clause 4

Insert after clause 3:

4 Notification of work: section 27A

- (1) The following kinds of work are prescribed as work for
which notice is required to be given to Workcover under
section 27A of the Act:
 - (a) construction work that involves the use of any
hoist, plant or scaffolding,
 - (b) the erection of any hoist, plant or scaffolding,
 - (c) construction work that involves the use of any
explosive,
 - (d) the erection or alteration of any escalator, lift or
moving walk.

(2) In this clause:

hoist has the same meaning as it has in the *Construction Safety Act 1912*, but does not include a commercial type hoist within the meaning of Regulation 138 of the *Construction Safety Regulations 1950*.

building work has the same meaning as it has in the *Construction Safety Act 1912*, but does not include building work carried out in connection with a dwelling-house where the work is carried out solely by the owner or occupier of the dwelling-house.

construction work has the same meaning as it has in the *Construction Safety Act 1912*, but does not include:

- (a) building work carried out in connection with a dwelling-house where the work is carried out solely by the owner or occupier of the dwelling-house, or
- (b) excavation work in relation to an excavation that has a depth of less than 1.5 metres, that has dimensions too small to allow a person to enter it or that comprises a grave for the burial of a deceased person.

escalator, excavation work, lift, moving walk and plant have the same meanings as they have in the *Construction Safety Act 1912*.

scaffolding has the same meaning as it has in the *Construction Safety Act 1912*, but does not include:

- (a) any structure used in connection with ships in dock or on slips,
- (b) any structure used in connection with the erection or demolition of stacks of timber, goods or materials,

- (c) any structure from which the maximum distance a person or object could fall is less than 1.8 metres.

Note. Asbestos removal work is prescribed for the purposes of section 27A of the Act by the *Occupational Health and Safety (Asbestos Removal Work) Regulation 1996*.

Demolition work is prescribed for the purposes of section 27A of the Act by the *Occupational Health and Safety (Demolition Licensing) Regulation 1996*.

Explanatory note

The proposed amendments prescribe certain kinds of work in respect of which notice is required to be given under the *Occupational Health and Safety Act 1983*, and make consequential amendments.

The explanatory note to the proposed amendment to the *Occupational Health and Safety Act 1983* is also relevant to these proposed amendments.

2.13 Security (Protection) Industry Regulation 1995

[1] Clause 3 Definitions

Omit the definition of *general security purposes* from clause 3.

[2] Clause 4

Omit the clause.

[3] Clause 5 Certain activities requiring licences: section 8

Omit clause 5 (1) (a).

[4] Clause 5 (2)

Omit “5 categories”. Insert instead “2 categories”.

[5] Clause 5, Table

Omit the matter relating to Categories C, D and E.

[6] Clause 6 Form of application for licence: section 9

Omit clause 6 (1) (c) and (2).

[7] Clauses 7 (1) (a), 10 and 15 (1)

Omit “or Class 3” wherever occurring.

[8] Clause 12 Fees

Omit the matter relating to Class 3 licences from the Table to clause 12.

[9] Clause 14 Uniforms and vehicle markings

Omit clause 14 (4).

[10] Schedule 2 Qualifications and experience required to hold licence

Omit from the Schedule the matter relating to:

- (a) Categories C, D and E of the matter relating to Class 1 licences, and
- (b) Class 3 licences.

Explanatory note

The proposed amendments are consequential on amendments proposed to be made to the *Security (Protection) Industry Act 1985* in Schedule 1.

2.14 Stock (Artificial Breeding) Regulation 1995

[1] Clause 3 Definitions

Omit the definition of *provisional certificate of competency*.

[2] Part 2, heading

Omit “ , approvals and certificates”. Insert instead “and approvals”.

[3] Part 2, Division 3

Omit the Division.

[4] Clause 10 Application forms: section 20

Omit clause 10 (b)–(e). Insert instead:

(b) the issue of a supervisor’s approval,

[5] Clause 20 Conduct of artificial breeding procedures

Omit “the holder of a certificate of competency” from clause 20. Insert instead “a person”.

[6] Clause 22 Storage of semen or ova on licensed premises

Omit the definition of *appropriate certificate of competency* from clause 22 (1).

[7] Clause 22 (1), definition of “licensed semen or ova”

Omit “or the holder of an appropriate certificate of competency”. Insert instead “(or under the control of the person who purchased the semen or ova directly from a licensed premises or from a veterinary surgeon)”.

[8] Schedule 2 Courses of instruction in artificial breeding procedures

Omit the Schedule.

[9] Schedule 3 Fees

Omit the matter relating to Certificate of competency, Instructor's certificate and Course approval certificate.

Explanatory note

The proposed amendments are consequential on amendments proposed to be made to the *Stock (Artificial Breeding) Act 1985* in Schedule 1.

2.15 Water Traffic Regulations—N.S.W.

[1] Regulation 2 Definitions

Omit the definitions of *holder of the permit for a vessel, holder of trade plates, locality permit, relevant permit plate, set of trade plates, trade article, trade plate* and *trader*.

[2] Regulation 12

Omit the Regulation.

[3] Regulation 13

Omit the Regulation. Insert instead:

13 Demonstration vessels not required to be registered

- (1) Regulation 11 (13) does not apply to the owner or master of a vessel that is in the charge of a trader and is being used for purposes connected with the manufacture, alteration, repair, testing, sale or demonstration of a commercial purpose of the vessel or of a trade article.

(2) In this Regulation:

trade article means an engine or component that forms part of or is used in, or is intended to form part of or to be used in, a vessel.

trader means a person who manufactures, alters, repairs, tests, sells, demonstrates for a commercial purpose, or otherwise deals in, vessels or trade articles, whether on the person's own behalf or as an employee or agent.

[4] Regulation 16 Misrepresentation of vessels, persons or areas

Omit Regulation 16 (4).

[5] Regulation 16 (5) (a)

Omit the paragraph.

[6] Regulation 17 Correction of false representations

Omit Regulation 17 (1) (ii) and (iii).

[7] Regulation 17 (2) (ii)

Omit the paragraph.

[8] Regulation 18 Unauthorised possession of documents

Omit “, licence or locality permit”. Insert instead “or licence”.

[9] Regulation 18

Insert “or” before “any registration plate”.

[10] Regulation 18

Omit “or any permit plate which does not relate to a vessel in his custody,”.

[11] Regulation 19 Penalties

Omit “, permit or trade plate”. Insert instead “or permit”.

[12] The First Schedule

Omit the Schedule.

[13] The Second Schedule

Omit the matter relating to Regulations 12 and 13.

Explanatory note

The proposed amendments:

- (a) abolish the “locality permits” currently required by certain vessels in the Hume Reservoir and the Yarrawonga Weir, and
- (b) repeal a provision providing for the issue of “trade plates”, which authorise the use of unregistered vessels for demonstration purposes (instead, the proposed amendments provide vessels used for those purposes with a general exemption from the requirement for registration).

The proposed amendments also make consequential amendments.

[Minister’s second reading speech made in—
Legislative Assembly on 30 October 1996
Legislative Council on 14 November 1996]