



New South Wales

Statute Law (Miscellaneous Provisions) Act 1996 No 30

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New South Wales

Statute Law (Miscellaneous Provisions) Act 1996 No 30

Act No 30, 1996

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 21 June 1996]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Statute Law (Miscellaneous Provisions) Act 1996*.

2 Commencement

- (1) This Act commences on the date of assent, except as provided by subsections (2) and (3).
- (2) The amendments made by Schedule 1 commence on the dates specified in that Schedule in relation to the amendments concerned. If a commencement date is not specified, the amendments commence on the date of assent.
- (3) The amendments made by Schedule 3 commence on the date that is 3 months after the date of assent, or on such earlier day or days as may be appointed by proclamation.

3 Amendments

Each Act specified in Schedules 1–4 is amended as set out in those Schedules.

4 Repeals

Each Act specified in Schedule 5 is repealed.

5 General savings, transitional and other provisions

Schedule 6 has effect.

6 Explanatory notes

The matter appearing under the heading “Explanatory note” in any of the Schedules does not form part of this Act.

Schedule 1 Minor amendments

(Section3)

1.1 Anatomy Act 1977 No 126

Section 7 Inspectors

Omit section 7 (1). Insert instead:

- (1) The Minister may appoint any of the following people as an inspector for the purposes of this Act:
 - (a) an officer of the Department of Health,
 - (b) an employee of the Health Administration Corporation,
 - (c) an employee of an area health service constituted under the *Area Health Services Act 1986*,
 - (d) an employee of an incorporated hospital or separate institution within the meaning of the *Public Hospitals Act 1929*.

Explanatory note

The *Anatomy Act 1977* provides for the licensing, and inspection, of schools of anatomy.

At present, the Minister for Health is empowered to appoint officers of the Department of Health or employees of the Health Administration Corporation as inspectors for the purposes of the Act.

The proposed amendment will enable the Minister to also appoint employees of area health services or public hospitals.

1.2 Area Health Services Act 1986 No 50

Section 40

Insert after section 39:

40 Validation

- (1) This section applies to a person who, immediately before 1 August 1993, was the chief executive officer of the Wentworth Area Health Service, the Northern Sydney

Area Health Service, the Southern Sydney Area Health Service or the Eastern Sydney Area Health Service, who was not re-appointed as a chief executive officer on that date but who continued to carry out the duties of a chief executive officer until being re-appointed on 24 November 1994, with effect from 1 October 1994.

- (2) Any act, matter or thing done or omitted to be done between 1 August 1993 and 30 September 1994 by a person to whom this section applies, that would have validly been done or omitted if the person had been formally appointed as chief executive officer when it was done or omitted, is validated.

Explanatory note

The *Area Health Services Act 1986* provides for the appointment of chief executive officers of area health services by the Governor. The employment of chief executive officers is subject to Part 2A of the *Public Sector Management Act 1988*.

The proposed amendment validates the actions of four chief executive officers between 1 August 1993 and 30 September 1994. During that period each chief executive officer acted as the chief executive officer of the relevant area health service but was not properly appointed.

1.3 Australian Mutual Provident Society Act 1988 No 47

Section 13 Regulations

Insert after section 13 (2):

- (3) The *Subordinate Legislation Act 1989* does not apply to the regulations.

Explanatory note

The *Subordinate Legislation Act 1989* creates requirements regarding the making of statutory rules and provides for the staged repeal of statutory rules.

The proposed amendment will exclude regulations under the *Australian Mutual Provident Society Act 1988* from the operation of the *Subordinate Legislation Act 1989*. The same exclusion already applies to other autonomous and semi-autonomous non-Government bodies.

1.4 Bush Fires Act 1949 Ne 31

[1] Section 41B Other functions of Co-ordinating Committee

Omit section 41B (2) (f). Insert instead:

- (f) before 31 October in each year furnish a report to the Minister, for presentation to Parliament, as to its activities during the period of 12 months ending on 30 June in that year.

[2] Section 41B (2A)

Insert after section 41B (2):

- (2A) The requirements of subsection (2) (f) are taken to have been satisfied if a report as to the activities of the Co-ordinating Committee is included in the annual report required to be prepared by the Department by virtue of the *Annual Reports (Departments) Act 1985*, and the annual report is tabled in Parliament in accordance with that Act.

Transitional

The amendments to the *Bush Fires Act 1949* do not apply to the report required to be furnished by the Bush Fire Co-ordinating Committee in respect of the period ending on 31 March 1996. The annual report required to be furnished in respect of the period ending on 30 June 1996 need not include a report as to the Committee's activities in respect of the period between 1 July 1995 and 31 March 1996.

Explanatory note

The *Bush Fires Act 1949* constitutes the Bush Fire Co-ordinating Committee as a body corporate. At present, the Committee is required to prepare an annual report as to its activities. That report is prepared for the Minister for Emergency Services and is required to be tabled in Parliament.

The proposed amendments reconcile the reporting year of the Committee with that of the Department of Bush Fire Services, allowing the annual report of the Committee to be published with the annual report of the Department (which is required to be tabled in accordance with the *Annual Reports (Departments) Act 1985*).

1.5 Charitable Trusts Act 1993 No 10

Section 26 Effect on pending charitable trust proceedings

Insert at the end of section 26:

- (2) Despite subsection (1), the Court may make a referral under section 13 (2) of a matter in relation to proceedings relating to a trust that were commenced in the Court before 15 April 1994 (the date of commencement of this Act) as well as in relation to proceedings commenced after that date.

Commencement

The amendment to the *Charitable Trusts Act 1993* is taken to have commenced on 15 April 1994 (the date of commencement of the Act).

Explanatory note

The *Charitable Trusts Act 1993* authorises the Attorney General to establish schemes for the administration of charitable trusts. The Attorney General may take such action on application of all or any of the trustees, in accordance with a referral of the Supreme Court, or on the Attorney General's own initiative. At present, section 26 of the Act provides that charitable trust proceedings that were commenced in the Supreme Court before the Act commenced are not affected by the Act. That is, the Attorney General is unable to establish a scheme of administration of a charitable trust that has been the subject of Supreme Court proceedings that commenced before 15 April 1994 (the date of commencement of the Act).

The proposed amendment will empower the Supreme Court to refer a matter in relation to such proceedings to the Attorney General.

1.6 Chiropractors and Osteopaths Act 1991 No 7

[1] Section 18 Annual roll fee

Insert “(*the due date*)” after “each year” in section 18 (1).

[2] Section 18 (3)

Omit the subsection. Insert instead:

- (3) If a practitioner required by this section to pay a prescribed roll fee does not pay the fee for the following year on or before the due date, the Board is required to

notify the practitioner that if the fee is not paid on or before the day prescribed for the purposes of this subsection (*the final date*), the practitioner's name will be removed from the register.

[3] Section 18 (5)

Omit "due date". Insert instead "final date".

Commencement

The amendments to the *Chiropractors and Osteopaths Act 1991* commence on a day to be appointed by proclamation.

Transitional

If a practitioner has received a notice under section 18 (3) of the *Chiropractors and Osteopaths Act 1997* before the date of commencement of the amendments to that Act, the amendments to that Act do not apply in relation to the payment by that practitioner of the annual roll fee required by that notice.

Explanatory note

Part 3 of the *Chiropractors and Osteopaths Act 1991* regulates the registration of Chiropractors and osteopaths. At present, section 18 of the Act provides that failure to pay an annual roll fee on or before the prescribed date in each year will lead to the removal of the practitioner's name from the register. The Chiropractors and Osteopaths Registration Board usually sends out a reminder notice to a practitioner some time before the annual fee is due to be paid. The proposed amendments are intended to have the effect that, if the fee is not paid on or before the date set out in the first notice, a second and final notice will be sent requiring payment by a specified final date. Failure to pay by that final date will render the practitioner liable to removal from the register.

1.7 Classification (Publications, Films and Computer Games) Enforcement Act 1995 No 63

Section 51 Exemptions

Omit "does not apply" from section 51 (1) (b).

Insert instead "does not, to the extent and subject to any condition specified in the direction, apply".

Explanatory note

The *Classification (Publications, Films and Computer Games) Enforcement Act 1995* provides for the enforcement of a classification scheme for publications, films and computer games. At present, an approved organisation can make an application for a written direction that the Act, or a specified provision of the Act, does not apply to the organisation in relation to the exhibition of a specified film at a specified event (for instance, at a film festival).

The proposed amendment empowers the Director of the Classification Board to impose conditions on any direction granting an exemption in relation to the exhibition of a film at an event.

1.8 Commercial Tribunal Act 1984 No 98

[1] Section 4 Definitions

Omit the definition of *Commissioner* from section 4 (1).
Insert instead:

Commissioner means the Director-General of the Department of Fair Trading holding office as such under Part 2 of the *Public Sector Management Act 1988*.

[2] Section 4 (1) definition of “Deputy Registrar”

Insert in alphabetical order:

Deputy Registrar means the Deputy Registrar of the Tribunal.

[3] Section 8 Immunity of members, Registrar and Deputy Registrar

Omit “and the Registrar”.
Insert instead “the Registrar and Deputy Registrar,”.

[4] Section 8

Omit “Registrar under”.
Insert instead “Registrar or Deputy Registrar under”.

[5] Part 2, Division 2, heading

Omit “Registrar”.

Insert instead “Registrar, Deputy Registrar”.

[6] Section 17 Registrar, Deputy Registrar and staff of Tribunal

Insert “, a Deputy Registrar” after “Registrar” in section 17 (1).

[7] Section 17 (2A)

Insert after section 17 (2):

(2A) The Deputy Registrar has the functions conferred or imposed on the Deputy Registrar by or under this Act or by the Tribunal.

[8] Section 18 Jurisdiction and functions of Tribunal

Insert “, or the Deputy Registrar,” after “Registrar” wherever occurring in section 18 (5) and (7).

[9] Section 19 Proceedings before Tribunal

Insert “, or the Deputy Registrar,” after “Registrar” in section 19 (2A).

[10] Section 22 Notice and conduct of proceedings

Omit “or Registrar” from section 22 (1).

Insert instead “, Registrar or Deputy Registrar”.

[11] Section 22 (1A) and (1B)

Insert “or Deputy Registrar” after “Registrar” wherever occurring.

[12] Section 25 Summons and examination of witnesses

Insert “, or the Deputy Registrar,” after “Registrar” wherever occurring in section 25 (1) and (1A).

[13] Section 25 (1) and (1A)

Insert “or thing” after “record” wherever occurring.

[14] Section 27 Inspection and retention of records and things

Omit section 27 (1). Insert instead:

- (1) The Tribunal may inspect any record, statement or thing produced before it and:
 - (a) may retain any such record, statement or thing for such period as the Tribunal thinks necessary for the purposes of the proceedings in relation to which it was produced, and
 - (b) may make copies of any such record or statement or any part of the record or statement, and
 - (c) may take photographs of any such thing.

[15] Section 27 (2) and (3)

Insert “, or the Deputy Registrar,” after “Registrar” wherever occurring.

[16] Section 33 Orders for payment of money

Insert “, or the Deputy Registrar,” after “Registrar” in section 33 (2) (a).

[17] Section 34 Reasons for decision of Tribunal

Insert “, or the Deputy Registrar,” after “Registrar” in section 34 (1).

[18] Section 38 Rules of Tribunal

Insert “or Deputy Registrar” after “Registrar” where firstly occurring in section 38 (1) (c).

[19] Section 38 (1) (c)

Omit “or the Registrar”.
Insert instead “, the Registrar or the Deputy Registrar”.

[20] Section 38 (1) (d)

Insert “or Deputy Registrar” after “Registrar”.

Explanatory note

Functions of the Deputy Registrar

The *Commercial Tribunal Act 1984* confers certain functions on the Registrar of the Commercial Tribunal. During the absence or a vacancy in the office of the Registrar a member of staff holding office as the Deputy Registrar, or another officer, has the functions of the Registrar (see section 17 (3)).

Items [2]–[12] and [15]–[20] of the proposed amendments amend various provisions of the Act to confer all functions of the Registrar on the Deputy Registrar as well as the Registrar. Those functions can be exercised by the Registrar and Deputy Registrar simultaneously, that is, they do not require any absence or vacancy of office of the Registrar.

At present, the Chairman of the Tribunal can delegate to the Registrar any part of the jurisdiction of the Tribunal (see section 18 (5)). Item [8] allows part of the jurisdiction to also be delegated to the Deputy Registrar.

Summons to produce a thing

At present, section 25 of the *Commercial Tribunal Act 1984* provides for the Registrar of the Commercial Tribunal to issue a summons requiring a person named in the summons to attend the hearing and, at the time and place specified in the summons, to produce any record specified in the summons that is in the person’s possession or control.

Item [13] allows for the issue of a summons to produce a record or thing. This could include, for example, building materials, measuring instruments and pieces of equipment.

Item [14] makes a consequential amendment.

Statute law revision

Item [1] updates the definition of **Commissioner**. The statutory office of Commissioner of Consumer Affairs has been replaced by an office under the *Public Sector Management Act 1988*.

1.9 Community Services (Complaints, Appeals and Monitoring) Act 1993 No 2

[1] Section 4 Definitions

Omit the definition of *community welfare legislation*. Insert instead:

community welfare legislation means:

- (a) this Act, and
- (b) the *Home Care Service Act 1988*, and
- (c) any other Act administered by the Minister for Community Services within the Department of Community Services, and
- (d) any other Act administered by the Minister for Aged Services, or the Minister for Disability Services, within the Ageing and Disability Department, and
- (e) any instrument in force under any of those Acts.

[2] Section 4 definition of “Conciliation Division”

Insert in alphabetical order:

Conciliation Division means the Conciliation Division of the Commission constituted by section 80.

[3] Section 4 definitions of “Department”, “Director-General” and “Solution Facilitation Division”

Omit the definitions.

[4] Section 4 definition of “service provider”

Omit the definition. Insert instead:

service provider means:

- (a) the Department of Community Services, or

- (b) the Ageing and Disability Department, or
- (c) a person or organisation funded by the Minister for Community Services, the Minister for Aged Services or the Minister for Disability Services to provide a service, or
- (d) a person or organisation authorised by the Minister for Community Services, the Minister for Aged Services or the Minister for Disability Services to provide a service, or
- (e) the Home Care Service of New South Wales or a person or organisation funded by the Home Care Service to provide a service, or
- (f) a person or organisation that is covered by an arrangement (made after the commencement of this section) between the Minister for Community Services and a State or Commonwealth Minister, under which arrangement that State or Commonwealth Minister agrees to the person or organisation being a service provider for the purposes of this Act.

[5] Section 5 Administration of community welfare legislation

Omit section 5 (b) and (c). Insert instead:

- (b) inconsistent with the way in which those resources have been allocated by the Minister for Community Services, the Minister for Aged Services, the Minister for Disability Services, the Director-General of the Department of Community Services or the Director-General of the Ageing and Disability Department in accordance with Government policy, or
- (c) inconsistent with Government policy, as certified in writing by the Minister for Community Services, the Minister for Aged Services or the Minister for Disability Services and notified to the Tribunal, Commission or other person or body making the determination.

- [6] Sections 7 (1) and (2), 8 (1) (d), 10 (1), 11 (3), 63 (1), 78 (1) and (2), 79, 84 (5), 91 (1) and (3), 92 (2), (3) and (4), 99, 102, 103 (1) (c), (i) and (j), 107, 108 (b), 111, 112 and 126 (1)**

Omit “Minister” wherever occurring.
Insert instead “Minister for Community Services”.

- [7] Section 7 Appointment of Community Visitors**

Omit “Department” from section 7 (2) (d).
Insert instead “Department of Community Services, or the Ageing and Disability Department.”

- [8] Section 7 (3)**

Omit “2 years”. Insert instead “3 years”.

- [9] Section 7 (3)**

Omit “4 years”. Insert instead “6 years”.

- [10] Section 8 Functions of Community Visitors**

Insert after section 8 (3):

- (3A) On receiving a copy of any advice or report under subsection (1) (d), the Minister for Community Services must send a copy of the advice or report to:
- (a) the Minister for Aged Services, if the visitable service in relation to which the advice or report was given was provided by a person or organisation authorised or funded by the Minister for Aged Services to provide a service, or
 - (b) the Minister for Disability Services, if the visitable service in relation to which the advice or report was given was provided by a person or organisation authorised or funded by the Minister for Disability Services to provide a service.

[11] Section 8 (4) definition of “visitable service”

Omit “Department” from paragraph (a).
Insert instead “Department of Community Services, or the Ageing and Disability Department,”.

[12] Section 11 Review of situation of person in care

Insert after section 11 (3):

- (3A) On being informed of the results of a review, and being advised by the Commission, under subsection (3), the Minister for Community Services must send a copy of the results of the review and the advice to:
- (a) the Minister for Aged Services, if the person in relation to whom the review was carried out is an aged person and is in the care of the Ageing and Disability Department or of a person or organisation authorised or funded by the Minister for Aged Services to provide that care, or
 - (b) the Minister for Disability Services, if the person in relation to whom the review was carried out is a person with a disability and is in the care of the Ageing and Disability Department or of a person or organisation authorised or funded by the Minister for Disability Services to provide that care.

[13] Section 11 (4) (a)

Omit “Department”.
Insert instead “Department of Community Services, or the Ageing and Disability Department,”.

[14] Section 11 (6) definition of “child in care”

Omit “Director-General” wherever occurring in paragraphs (a) and (c) (ii).
Insert instead “Director-General of the Department of Community Services”.

[15] Section 11 (6) definition of “child in care”

Omit “Minister” from paragraph (c) (ii).
Insert instead “Minister for Community Services”.

[16] Section 11 (6) definition of “person in care”

Omit “Director-General”.
Insert instead “Director-General of the Department of Community Services, or the Director-General of the Ageing and Disability Department,”.

[17] Section 19

Omit the section. Insert instead:

19 Time for completion of assessment

- (1) The Commission is required to carry out its assessment of a complaint as soon as possible but not later than 28 days after receiving the complaint.
- (2) If the Commission requires the complainant to provide further particulars of the complaint, the Commission may, within 28 days of receiving the complaint, notify the complainant that those particulars are required on or before a specified date. In that case, the Commission then has another 28 days (from that specified date) to carry out the assessment.
- (3) If the Commission requires further particulars of the complaint from some other person, the Commission may, within 28 days after receiving the complaint, notify the complainant that the Commission requires more time to assess the complaint. If the complainant agrees, the Commission may notify the other person that those particulars are required on or before a specified date (agreed to by the complainant). The Commission then has another 28 days (from that date specified) to carry out the assessment.

[18] Section 21 In what circumstances can the Commission decline to entertain a complaint?

Insert “, trivial” after “vexatious” in section 21 (1) (b).

[19] Section 21 (1) (c)

Omit “is trivial or”.

[20] Section 26 Conciliators

Omit “solution facilitators” wherever occurring in section 26 (1) and (2).

Insert instead “conciliators”.

[21] The whole Act (except Schedule 2)

Omit “solution facilitator” wherever occurring.

Insert instead “conciliator”.

[22] Sections 27 and 28

Omit “Solution Facilitation Division” wherever occurring.

Insert instead “Conciliation Division”.

[23] Section 29, heading

Omit “Solution facilitation”. Insert instead “Conciliation”.

[24] Section 38 Report on completion of action

Omit “the Minister” where firstly occurring in section 38 (1) (b).

Insert instead “the Minister for Community Services”.

[25] Section 38 (2) (c)

Omit “the Minister” where firstly occurring.

Insert instead “the Minister for Community Services”.

[26] Section 38 (3)

Insert after section 38 (2):

- (3) On receiving a copy of a report under subsection (1) (b), the Minister for Community Services must send a copy of the report to:
 - (a) the Minister for Aged Services, if the service provider in relation to whom the complaint was made is the Ageing and Disability Department (and the service relates to the aged) or is a person or organisation authorised or funded by the Minister for Aged Services to provide a service, or
 - (b) the Minister for Disability Services, if the service provider in relation to whom the complaint was made is the Ageing and Disability Department (and the service relates to people with a disability) or is a person or organisation authorised or funded by the Minister for Disability Services to provide a service.

[27] Section 40 Appeals to Tribunal

Omit section 40 (1) (d). Insert instead:

- (d) against a decision that was made by a relevant decision maker and is of a class prescribed by the regulations for the purposes of this section, and

[28] Section 40 (1) (e)

Omit “other State Minister”.

Insert instead “State Minister (other than the Minister for Community Services, the Minister for Aged Services or the Minister for Disability Services)”.

[29] Section 40 (2A)

Insert after section 40 (2):

(2A) In this section:

relevant decision maker means the following:

- (a) the Minister for Community Services,

- (b) the Minister for Aged Services,
- (c) the Minister for Disability Services,
- (d) the Director-General of the Department of Community Services,
- (e) the Director-General of the Ageing and Disability Department,
- (f) the Commission,
- (g) a service provider.

[30] Section 47 Powers of Tribunal in relation to appeals

Omit “Minister” from section 47 (5).
Insert instead “relevant Minister”.

[31] Section 47 (6)

Insert after section 47 (5):

- (6) In this section:

relevant Minister means:

- (a) the Minister for Community Services, if the decision against which the appeal was made was made by the Minister for Community Services, the Director-General of the Department of Community Services or by a person or organisation authorised or funded by the Minister for Community Services to provide a service, or
- (b) the Minister for Aged Services, if the decision against which the appeal was made was made by the Minister for Aged Services, the Director-General of the Ageing and Disability Department (and the decision related to the provision of services to the aged) or by a person or organisation authorised or funded by the Minister for Aged Services to provide a service, or

- (c) the Minister for Disability Services, if the decision against which the appeal was made was made by the Minister for Disability Services, the Director-General of the Ageing and Disability Department (and the decision related to the provision of services to people with disabilities) or by a person or organisation authorised or funded by the Minister for Disability Services to provide a service, or
- (d) the Minister for Community Services, if the decision against which the appeal was made was made by the Home Care Service of New South Wales or by a person or organisation funded by the Home Care Service of New South Wales to provide a service.

[32] Section 75 Reports

Omit “Minister” where firstly occurring in section 75 (1).
Insert instead “Minister for Community Services”.

[33] Section 80 Investigation Division and Conciliation Division

Omit “Solution Facilitation Division”.
Insert instead “Conciliation Division”.

[34] Section 83 Functions of Commission

Omit “the Minister” from section 83 (1) (d).
Insert instead “the Minister for Community Services, the Minister for Aged Services or the Minister for Disability Services”.

[35] Section 83 (3)

Omit “the Minister, the Director-General”.
Insert instead “the Minister for Community Services, the Minister for Aged Services, the Minister for Disability Services, the Director-General of the Department of Community Services, the Director-General of the Ageing and Disability Department”.

[36] Section 83 (3A)

Insert after section 83 (3):

- (3A) If the Commission makes such recommendations in relation to a person or body other than the Minister for Community Services, the Commission must forward a copy of the recommendations to the Minister for Community Services.

[37] Section 107 Constitution of the Community Services Review Council

Omit section 107 (1) (b). Insert instead:

- (b) the Director-General of the Department of Community Services,
(b1) the Director-General of the Ageing and Disability Department,

[38] Section 113 Condition of provision of funds

Omit “the Minister within the Department”.

Insert instead “the Minister for Community Services within the Department of Community Services, or the Minister for Aged Services or the Minister for Disability Services within the Ageing and Disability Department.”.

[39] Section 114 Reasons to be given for certain decisions

Omit “the Minister, the Director-General, the Commission or a service provider” from section 114 (1).

Insert instead “a relevant decision maker”.

[40] Section 114 (3)

Insert after section 114 (2):

- (3) In this section:
relevant decision maker means the following:
(a) the Minister for Community Services,

- (b) the Minister for Aged Services,
- (c) the Minister for Disability Services,
- (d) the Director-General of the Department of Community Services,
- (e) the Director-General of the Ageing and Disability Department,
- (f) the Commission,
- (g) a service provider.

[41] Section 119 Exclusion of personal liability

Insert after section 119 (a):

- (a1) a Community Visitor, or

[42] Section 119

Insert “the Community Visitor,” after “subject the member of the Tribunal,”.

Transitional

The re-enactment of section 19 of the *Community Services (Complaints, Appeals and Monitoring) Act 1993* extends to an assessment commenced but not completed before the date of commencement of that amendment.

The amendments to section 21 of the *Community Services (Complaints, Appeals and Monitoring) Act 1993* extend to a complaint made before the date of commencement of those amendments.

Explanatory note

Administrative arrangements

In May 1995 certain changes were made to the administration of certain community welfare legislation, including the *Community Services (Complaints, Appeals and Monitoring) Act 1993*. The Ageing and Disability Department was established as a department separate from the Department of Community Services. Three relevant Ministerial portfolios were created (Minister for Community Services, Minister for Aged Services and Minister for Disability Services).

The *Community Services (Complaints, Appeals and Monitoring) Act 1993* deals with the handling of complaints and appeals in respect of the provision of all types of community services, and provides for the monitoring of the provision of community services generally. As a result of the administrative changes, it is necessary that references to the “Minister” in the Act include the Minister for

Aged Services and the Minister for Disability Services, where appropriate, as well as the Minister for Community Services (who administers the Act). Similarly, as the conduct of both the Department of Community Services and the Ageing and Disability Department can be the subject of complaints, appeals and monitoring, the relevant references to “the Department” have to be construed as including both Departments.

Items [1], [3]–[7], [10]–[16], [24]–[32], [34]–[36] and [38]–[40] of the proposed amendments update the references to those Ministers and Departments (and to the relevant heads of those Departments) where appropriate. The Minister for Community Services continues to administer the Act, so references to “the Minister” in that administrative capacity are amended to refer to that Minister only. The amendments reflect certain provisions of the *Administrative Changes (Community Welfare Legislation) Order 1995*, which provided for certain references in the Act to be construed in a particular way.

Community Visitors

Part 2 of the Act provides for the appointment of Community Visitors who view the operations of a service, monitor the quality of services provided to residents and report on those matters to the Minister for Community Services and the Community Services Commission.

At present, Community Visitors are appointed for a maximum of 2 years and, if qualified, are eligible for reappointment for consecutive terms of office totalling no more than 4 years.

Items [8] and [9] extend the term of appointment to 3 years and the term of reappointment to a consecutive term of not more than 6 years.

At present, Community Visitors are not expressly entitled to immunity from personal liability in respect of acts done in good faith for the purpose of executing the Act (or any other Act).

Items [41] and [42] confer such immunity on Community Visitors.

Time frame for completion of assessment of complaint

At present, the Community Services Commission has 28 days in which to carry out an assessment of a complaint. If the Commission has requested that the complainant provide further information, the completion of an assessment must occur within 28 days after notice requiring more information is given. However, this ability to extend the time taken in completing an assessment does not apply if a request is made to a service provider to furnish additional information for the assessment of a complaint.

Item [17] extends the time frame for completion of an assessment, with the approval of the complainant, if the Commission considers that additional information is required from the service provider, or any other person, in order to complete the assessment.

The preliminary inquiry stage

When the Commission receives a complaint it is first required to assess the complaint for the purpose of deciding whether the complaint should be referred to the service provider (if possible) or should be the subject of alternative dispute

resolution, investigation or referral. After the assessment, the Commission may decline to entertain the complaint for any of the reasons set out in section 21. Items [18] and [19] of the proposed amendments amend those reasons to make it clear that the Commission may decline to entertain a complaint on the basis that it does not warrant alternative dispute resolution or investigation. This can be decided for reasons other than triviality. The fact that a complaint is trivial is a separate and distinct ground for declining to entertain it.

Alternative dispute resolution (solution facilitation/conciliation)

Division 3 of Part 4 of the Act provides for the handling of complaints against service providers by alternative dispute resolution. The people employed for that purpose are currently referred to in the Act as “solution facilitators” and the process itself as “solution facilitation”. In future, the terms “conciliator” and “conciliation” will be used.

Items [20], [21] and [23] of the proposed amendments amend various provisions of the Act to update all such references.

Items [2], [22] and [33] update references to the relevant Division of the Tribunal.

Community Services Review Council

Part 8 of the Act constitutes the Community Services Review Council to encourage the co-ordination of certain functions relating to the provision of community services and to provide the Minister with strategic advice.

Item [37] provides for both the Director-General of the Ageing and Disability Department and the Director-General of the Department of Community Services to be part-time members of the Council, so as to better reflect in the membership of that Council all aspects of community services dealt with by the Act. (The Director-General of the Department of Community Services is already a part-time member of the Council.)

1.10 Consumer Claims Tribunals Act 1987 No 206

[1] Section 3 Definitions

Insert in alphabetical order in section 3 (1):

approved, in relation to a form, means approved by the Minister.

[2] Section 3 (1) definition of “Commissioner”

Omit the definition. Insert instead:

Commissioner means the Director-General of the Department of Fair Trading holding office as such under Part 2 of the *Public Sector Management Act 1988*.

[3] Section 3 (1) definition of “consumer”

Omit paragraph (c). Insert instead:

- (c) a small proprietary company,

[4] Section 3 (3)

Omit the subsection. Insert instead:

- (3) In this Act, a reference to a foreign company, a recognised company or a small proprietary company is a reference to such a company as defined in section 9 of the *Corporations Law*.

[5] Section 13 Making a consumer claim

Omit “prescribed form” from section 13 (1).
Insert instead “approved form”.

[6] Section 13 (2)

Omit “prescribed”.

[7] Section 18 Continuity of tribunal

Omit “death, incapacity or removal from office” from section 18 (4).
Insert instead “incapacity or vacation of office”.

[8] Section 25 Rehearing of certain consumer claims

Omit “prescribed form” from section 25 (1).
Insert instead “approved form”.

[9] Section 36 Enforcement of other tribunal orders

Omit “prescribed form” from section 36 (4).
Insert instead “approved form”.

[10] Section 48 Regulations

Omit section 48 (1) (g).

Savings

A form prescribed under section 13, 25 or 36 of the *Consumer Claims Tribunals Act 1987* and in force immediately before the date of assent to the *Statute Law (Miscellaneous Provisions) Act 1996* is taken to be an approved form under the relevant provision of the Act, as amended by the *Statute Law (Miscellaneous Provisions) Act 1996*, until a form is approved under the relevant provision.

Explanatory note

Approved forms

At present, section 13 of the *Consumer Claims Tribunals Act 1987* requires a consumer who wishes to have a consumer claim heard and determined to lodge a claim in the form prescribed by the regulations.

An application to have a claim reheard (under section 25) and a notification that an order of the tribunal has not been complied with (under section 36 (4)), must also be in a form prescribed by the regulations.

Items [5], [6], [8] and [9] of the proposed amendments provide for the relevant forms to be approved by the Minister for Fair Trading rather than being prescribed by the regulations.

Item [1] inserts an appropriate definition of **approved** (in relation to a form).

Item [10] repeals the relevant regulation making power.

Small proprietary companies under the Corporations Law

The *Consumer Claims Tribunals Act 1987* constitutes consumer claims tribunals and confers on them the power to hear any consumer claim referred to them in accordance with the Act. A consumer claim is defined to mean certain claims made by a consumer that arise from a supply of goods or services by a supplier to the consumer. At present, **consumer** is defined to include an exempt proprietary company.

The *Corporations Law* has recently been amended to replace the distinction between exempt and non-exempt proprietary companies with a distinction between small and large proprietary companies.

Item [3] updates the definition of **consumer** so as to refer to a small proprietary company.

Item [4] makes a consequential amendment, and updates a reference to the *Companies (New South Wales) Code*.

Continuity of tribunal hearings

Section 18 of the Act provides that a tribunal hearing a claim must be constituted by the same referee throughout unless the hearing is interrupted by the death, incapacity or removal from office of the referee. However, it does not include all of the circumstances in which an office is vacated (listed in clause 6 of Schedule 1),

in particular, when an appointment expires and there is no re-appointment. Item [7] makes it clear that section 18 applies whenever a hearing is interrupted by the incapacity or vacation of office of a referee.

Statute law revision

Item [2] updates the definition of **Commissioner**. The statutory office of Commissioner of Consumer Affairs has been replaced by an office under the *Public Sector Management Act 1988*, but the Director-General of the Department of Fair Trading is referred to in the Act as “the Commissioner”.

1.11 Consumer Credit (New South Wales) Act 1995 No 7

[1] Section 9 Conferral of administrative functions

Omit “Commissioner for Consumer Affairs”.

Insert instead “Director-General of the Department of Fair Trading”.

[2] Section 11A

Insert after section 11:

11A Persons who may take proceedings

- (1) Proceedings for an offence against the *Consumer Credit (New South Wales) Code* or the *Consumer Credit (New South Wales) Regulations* may be taken and prosecuted only by a person acting with the authority of
 - (a) the Minister, or
 - (b) a prescribed officer.
- (2) An authority to prosecute purporting to have been signed by the Minister or a prescribed officer is evidence of that authority without proof of the signature of the Minister or the prescribed officer.
- (3) In proceedings for an offence against the *Consumer Credit (New South Wales) Code* or the *Consumer Credit (New South Wales) Regulations*, the informant may conduct his or her case personally, or by a legal practitioner, or by an agent authorised by the informant in writing.

Explanatory note

Proceedings for offences

The *Consumer Credit (New South Wales) Act 1995* (which is uncommenced) will regulate the provision of credit under new credit contracts by applying the *Consumer Credit (New South Wales) Code*. (The *Credit Act 1984* will continue to apply to credit contracts made before the commencement of the Act.)

Item [2] of the proposed amendments makes provision for proceedings for offences against the *Consumer Credit (New South Wales) Code* and the *Consumer Credit (New South Wales) Regulations* to be instituted and prosecuted only by a person acting with the authority of the Minister for Fair Trading or a prescribed officer.

The provision parallels an uncommenced provision of the *Credit Act 1984* in respect of the prosecution of offences against that Act. (See *Consumer Credit Administration Act 1995*, Schedule 1.1 [7].)

Statute law revision

Item [1] replaces an outdated reference to the Commissioner for Consumer Affairs. The statutory office of Commissioner for Consumer Affairs has been replaced by the office of Director-General of the Department of Fair Trading, under the *Public Sector Management Act 1988*.

1.12 Conveyancing Act 1919 No 6

[1] Section 89 Power of Court to modify or extinguish easements, profits à prendre and certain covenants

Omit “an easement or to a restriction” from section 89 (1).
Insert instead “an easement or a profit à prendre or to a restriction”.

[2] Section 89 (1), (2) and (3)

Omit “easement, restriction or obligation” wherever occurring.
Insert instead “easement, profit à prendre, restriction or obligation”.

[3] Section 89 (1) and (5)

Omit “entitled to the easement” wherever occurring.
Insert instead “entitled to the easement or profit à prendre”.

[4] Section 89 (1) (b)

Omit “land to which the easement”.
Insert instead “land to which the easement, the profit à prendre”.

[5] Section 89 (1) (b)

Omit “abandoned the easement”.

Insert instead “abandoned the easement or profit à prendre”.

[6] Section 89 (6)

Omit “easements and restrictions”.

Insert instead “easements, profits à prendre and restrictions”.

[7] Section 131 Costs and expenses

Omit “subsection (2) of section 129”.

Insert instead “section 129 (1)”.

[8] Section 157A Trustee or personal representative deemed entitled to sell and convey land resumed under statutory authority

Omit “section 14” from section 157A (3).

Insert instead “section 14A”.

Transitional provision

The amendments to section 89 of the *Conveyancing Act 1919* extend to profits a prendre existing at the commencement of the amendments.

Explanatory note

Profits à prendre

At present, section 89 of the *Conveyancing Act 1919* confers on the Supreme Court the power to modify or extinguish easements and certain restrictions or obligations arising under covenants. The section provides certain grounds on which the extinguishment or modification can be sought, including that the easement, restriction or obligation ought to be deemed obsolete by reason of change in the user of the land or the character of the neighbourhood or that the party entitled to the easement or the benefit of the restriction has agreed to the easement, restriction or obligation being modified or extinguished.

items [1]–[6] of the proposed amendments extend that power to include a power to modify or extinguish profits a prendre. (A profit à prendre is a right to take some product, such as fish or grass, or part of the soil, from someone else’s land.)

Statute law revision

item [7] corrects an incorrect cross-reference in relation to the forfeiture of a lease.

Item [8] corrects an incorrect cross-reference in relation to the authorised investment of funds.

1.13 Crown Lands Act 1989 No 6

Section 121 Liability of reserve trust, members and other persons

Insert “or omitted to be done” after “done” wherever occurring in section 121 (1).

Explanatory note

Section 121 of the *Crown Lands Act 1989* provides immunity from personal liability to members of a trust board, administrators and persons acting under the direction of a trust board or an administrator in the course of managing the affairs of a reserve trust. That immunity relates to any action, liability, claim or demand arising from any matter or thing done in good faith for the purposes of executing the *Crown Lands Act 1989* or any other Act.

The proposed amendment extends that immunity to include immunity from any action, liability, claim or demand arising from an omission by a reserve trust, a member of a trust board, an administrator or a person acting under the direction of a trust board or of an administrator.

1.14 Defamation Act 1974 No 18

[1] Section 17KA Matters arising under the Community Services (Complaints, Appeals and Monitoring) Act 1993

Omit “solution facilitator” from section 17KA (a).
Insert instead “conciliator”.

[2] Section 17KA (b)

Omit “any such facilitator”. Insert instead “a conciliator”.

Explanatory note

The *Community Services (Complaints, Appeals and Monitoring) Act 1993* makes provision for the handling of complaints in relation to the provision of community services, including by alternative dispute resolution. At present, people are employed for that purpose as “solution facilitators”. Such people will in the future be known as “conciliators”. (See the amendments to the *Community Services (Complaints, Appeals and Monitoring) Act 1993* proposed to be made elsewhere in this Schedule.)

The proposed amendments update references to solution facilitators in the provision of the *Defamation Act 1974* that confers a defence of absolute privilege in relation to matters arising under the *Community Services (Complaints, Appeals and Monitoring) Act 1993*.

1.15 District Court Act 1973 No 9

[1] Section 18 Acting Judges

Insert “(other than the *Statutory and Other Offices Remuneration Act 1975*)” after “Act” in section 18 (3).

[2] Section 18 (3B)

Insert after section 18 (3A):

(3B) The person so appointed is entitled to be paid remuneration in accordance with the *Statutory and Other Offices Remuneration Act 1975*. The remuneration payable to such a person is to be paid to the person so long as he or she continues to hold office.

[3] Section 85 Interest on judgment debt

Omit “, at the prescribed rate,” from section 85 (4).

Insert instead “, at the rate prescribed for the purposes of section 95 (1) of the *Supreme Court Act 1970*,”.

Commencement

The amendment to section 85 of the *District Court Act 1973* is taken to have commenced on 17 May 1996 (the date of commencement of Schedule 1.3 [9] to the *Courts Legislation Further Amendment Act 1995*, which inserted section 85 (4) of the *District Court Act 1973*).

Explanatory note

Remuneration of acting Judges

Section 18 of the *District Court Act 1973* provides for the appointment of acting Judges. That section provides that a person appointed as an acting Judge is, for the purposes of any other Act, deemed to be a Judge. The *Statutory and Other Offices Remuneration Tribunal* is empowered under the *Statutory and Other Offices Remuneration Act 1975* to make determinations regarding the remuneration of District Court Judges. Therefore, those determinations apply equally to acting District Court Judges.

An amendment to the *Statutory and Other Offices Remuneration Act 1975* proposed to be made elsewhere in this Schedule specifically provides for the Tribunal to make determinations regarding the remuneration of acting District Court Judges.

Item [2] of the proposed amendments inserts a statement in section 18 of the *District Court Act 1973* to make it clear that acting Judges are entitled to be paid remuneration determined in that manner for so long as they continue to hold office. (Section 15 of the Act makes an analogous provision in relation to Judges other than the Chief Judge.)

Item [1] makes a consequential amendment.

Interest on judgment debt

Section 85 of the *District Court Act 1973* provides for the payment of interest on a judgment debt. Generally, the interest is calculated from the date when the judgment debt came into being, or from a later date specified by the Court. However, in respect of that part of the judgment debt which is an order as to the payment of costs, the Court can order a party to pay interest on the other party's costs from the date on which the successful party actually paid the amount in respect of costs.

Item [3] makes it clear that the rate of interest in respect of such orders is the same rate as that payable on the rest of the judgment debt.

1.16 Electricity Supply Act 1995 No 94

[1] Section 76 Orders for payment operate as judgments

Omit “*Local Court (Civil Claims) Act 1970*” wherever occurring.
Insert instead “*Local Courts (Civil Claims) Act 1970*”.

[2] Section 83 Distribution districts of electricity distributors

Insert after section 83 (2):

- (3) A reference in Schedule 3 to a part of a local government area is (if that part is not described in that Schedule) a reference to such part of the local government area as is described by the regulations for the purposes of that reference.

[3] Section 92 Non-franchise customers

Omit “on order” from section 92 (3). Insert instead “an order”.

[4] Schedule 6 Savings, transitional and other provisions

Omit “so as to convey” from clause 16 (3) (a).
Insert instead “for the purpose of conveying”.

[5] Schedule 6, clause 16 (3) (a)

Omit “to, from and along TransGrid’s transmission system,”.

Commencement

The amendment to section 83 of the *Electricity Supply Act 1995* is taken to have commenced on 1 March 1996 (the date of commencement of section 83 of that Act).

Explanatory note

Distribution districts

Schedule 3 to the *Electricity Supply Act 1995* lists all electricity distributors and the distribution district of each distributor. The Schedule does this by reference to local government areas or parts of government areas.

Item [2] of the proposed amendments provides that where Schedule 3 includes a reference to part of a local government area, but does not describe that part, a regulation can be made describing the relevant part in detail. That description will have effect as if it were part of the description of the distribution district in Schedule 3.

Authority of electricity distributors

Clause 16 (3) (a) of Schedule 6 to the Act provides that each electricity distributor that was in existence on the date of commencement of the clause is taken to hold a network operator’s authorisation authorising it to operate its distribution system so as to convey electricity, for or on behalf of wholesale traders. That provision incorrectly states that the electricity must be conveyed to, from and along TransGrid’s transmission system.

Item [5] omits the redundant words from that (uncommenced) provision.

Item [4] makes the style of the provision consistent with other provisions of the Act dealing with authorisations.

Statute law revision

Item [1] corrects the citation of an Act.

Item [3] corrects a typographical error.

1.17 Energy Services Corporations Act 1995 No 95

[1] Schedule 2 Supplementary provisions concerning constitution and procedure

Insert after clause 2 (3):

- (3A) The board may, after consultation with the voting shareholders, fix the conditions of employment of the chief executive officer in so far as they are not fixed by or under any other Act or law.

[2] Schedule 2, clause 2 (6)

Insert “2,” after “clauses”.

[3] Schedule 2, clause 3 (5)

Omit the subclause. Insert instead:

- (5) Clause 5 of Schedule 9 to the *State Owned Corporations Act 1989* does not apply to an acting chief executive officer of an energy services corporation.

[4] Schedule 4 Amendment of other Acts and instruments

Omit Schedule 4.1.

[5] Schedule 4

Omit Schedule 4.8.

Explanatory note

Chief executive officers of energy services corporations

At present, the board of an energy services corporation may determine the remuneration of the corporation’s chief executive officer, but requires the approval of the Minister for Energy to fix the conditions of that officer’s employment.

Item [1] of the proposed amendments will enable the board to determine both the conditions of employment and the remuneration of the chief executive officer.

Item [2] removes the power of the Minister in this regard.

Acting chief executive officers

At present both the board and the Minister for Energy have the power to appoint an acting chief executive officer of an energy services corporation.

Item [3] will have the effect that such an appointment can be made only by the board.

Repeal of certain uncommenced provisions

Item [4] repeals an amendment to the *Attachment of Wages Limitation Act 1957*. That amendment omits Pacific Power from the Schedule of authorities to which that Act applies. The amendment was made in error and was never commenced.

Item [5] repeals an uncommenced amendment to the *Electricity Transmission Authority Act 1994*. The relevant amendment substitutes the definition of **electricity supply authority** and inserts definitions of two other terms that are used only in that definition. The only reference to an electricity supply authority in the Act has been repealed, so all three definitions are redundant.

1.18 Environmentally Hazardous Chemicals Act 1985 No 14

[1] Section 3 Definitions

Omit the definitions of *inventory*, *listed chemical* and *unlisted chemical* from section 3 (1).

[2] Section 7 Functions of the Committee

Omit “listed” from section 7 (1) (c).

[3] Part 3, Division 1 (sections 8 and 9)

Omit the Division.

[4] Section 12 Application for assessment of unlisted chemical

Omit the section.

[5] Sections 14 (2), 15 (2) and 17 (1) and (3)

Omit “listed or an unlisted” wherever occurring.

[6] Section 14 (2)

Omit “any such chemical”. Insert instead “a chemical”.

[7] Section 15 Authority to assess chemicals and activities

Omit “unlisted chemical or prohibited activity, as the case may be,” from section 15 (1).

Insert instead “prohibited activity”.

[8] Section 16 Request for further information

Omit “unlisted chemical or the prohibited activity, as the case may be,”.

Insert instead “prohibited activity”.

[9] Sections 17 (4) and 19 (1)

Omit “listed” wherever occurring.

[10] Section 18 Consideration of information and submissions from applicant

Omit “an unlisted chemical or of”.

[11] Section 20 Outcome of assessment

Omit “listed or unlisted” from section 20 (a).

[12] Section 27 Supply of certain later information by applicants for assessment

Omit section 27 (1). Insert instead:

- (1) Where any information about any chemical waste comes to the knowledge of a person who is or was an applicant under section 13 for assessment of a prescribed activity in relation to the waste, being information that contradicts or modifies any information furnished by the person in or in connection with the person’s application for assessment, the person must forthwith supply the Authority with particulars of the new information.

[13] Section 37 Order for assessment

Omit “unlisted chemical or the” from section 37 (1).

[14] Section 37 (2) (a)

Omit “unlisted chemical or”.

[15] Section 45 Powers of authorised officers

Omit “an unlisted chemical or” wherever occurring in section 45 (1) (g) and (h).

[16] Section 45 (2A)

Omit “an unlisted chemical,”.

Explanatory note

Section 8 of the *Environmentally Hazardous Chemicals Act 1985* provides for the compilation or adoption of an inventory of known chemicals. Such an inventory has been adopted.

In its original conception, the Act prohibited the manufacture, sale or industrial use of a chemical that was not listed in the inventory (section 9), and provided machinery for persons having an interest in avoiding these prohibitions to cause such a chemical to be listed, following assessment by the Authority to determine any environmental hazard that might be associated with the chemical concerned (section 12).

The scheme created by these provisions was, however, overtaken by the National Industrial Chemicals Notification and Assessment Scheme, a Commonwealth initiative undertaken in accordance with the *Industrial Chemicals (Notification and Assessment) Act 1989* of the Commonwealth, and the relevant provisions of the State Act were never commenced.

The proposed amendments abolish the requirement to maintain an inventory of chemicals, repeal related provisions and make other consequential amendments.

1.19 Fair Trading Act 1987 No 68

[1] Section 4 Definitions

Omit “Minister” from the definition of *investigator* in section 4 (1).
Insert instead “Commissioner”.

[2] Section 18 Office and identification of investigator

Omit “Minister” where firstly occurring in section 18 (1).
Insert instead “Commissioner”.

Transitional

The amendment to section 18 of the *Fair Trading Act 1987* does not affect the validity of any appointment made before the commencement of that amendment. Such an appointment is taken to have been made by the Director-General of the Department of Fair Trading.

Explanatory note

At present, section 18 of the *Fair Trading Act 1987* empowers the Minister for Fair Trading to appoint an officer as an investigator for the purposes of the Act and any other legislation administered by the Minister.

Item [2] of the proposed amendments provides for the Director-General of the Department of Fair Trading to make those appointments, rather than the Minister. (The Director-General is referred to in the Act as “the Commissioner”.)

Item [1] makes a consequential amendment.

**1.20 Independent Commission Against Corruption Act 1988
No 35**

[1] Section 72C Functions of Committee

Omit “31 July” from section 72C (5).
Insert instead “30 September”.

[2] Section 72E Functions

Omit “31 July” from section 72E (5).
Insert instead “30 September”.

Explanatory note

Section 72B of the *Independent Commission Against Corruption Act 1988* provides for the designation of a Committee of the Legislative Council to carry out certain functions. Those functions are set out in section 72C and include the preparation of a draft code of conduct for members of the Legislative Council. The Standing Committee on Parliamentary Privilege and Ethics has been designated for that purpose.

Section 72D of the Act constitutes the Standing Ethics Committee of the Legislative Assembly, whose functions (set out in section 72E) include the preparation of a draft code of conduct for members of the Legislative Assembly.

Each committee is required to present the draft code of conduct to the relevant House of Parliament no later than 31 July 1996.

The proposed amendments extend that deadline to 30 September 1996.

1.21 Motor Dealers Act 1974 No 52

[1] Section 4 Definitions

Omit the definition of *Commissioner* from section 4 (1).

Insert instead:

Commissioner means the Director-General of the Department of Fair Trading holding office as such under Part 2 of the *Public Sector Management Act 1988*.

[2] Section 6 Performance of Commissioner's functions

Insert "(other than the power under this section)" after "Act" where firstly occurring in section 6 (1).

[3] Section 6 (1)

Omit "(other than the determination under section 35 of a dispute or the making of an order under section 36)".

[4] Section 6 (2)

Omit the subsection.

[5] Section 27 Obligations of dealer to repair defects

Omit "or has ceased to be a dealer" from section 27 (6).

Insert instead " , or that a person who was once a dealer has ceased to be a dealer".

[6] Section 29A Car market operator liable for loss incurred by purchaser of encumbered vehicle in certain circumstances

Omit "or has ceased to be a car market operator" from section 29A (3).

Insert instead " , or that a person who was once a car market operator has ceased to be a car market operator".

[7] Section 38A Definitions

Omit “his or her” wherever occurring in the definition of *property* in section 38A (1).

Insert instead “the holder’s or other person’s”.

[8] Section 56A Evidence as to certain matters relating to licences

Omit “purporting to be under the hand”.

Explanatory note

References to “the Commissioner”

Item [1] of the proposed amendments updates the definition of **Commissioner**. The statutory office of Commissioner for Consumer Affairs has been replaced by an office under the *Public Sector Management Act 1988*, but the Director-General of the Department of Fair Trading is referred to in the *Motor Dealers Act 1974* as “the Commissioner”.

Appointment of officers to exercise the Director-General’s functions

At present, section 6 of the *Motor Dealers Act 1974* provides for the Director-General to authorise an officer appointed and holding office under section 7 of the *Fair Trading Act 1987* to exercise certain functions of the Director-General. However, that power does not extend to allow the authorisation of an officer to determine a dispute or to make certain orders for the repair of defects. Only the Minister for Fair Trading can authorise an officer to exercise those functions.

Item [3] of the proposed amendments removes the distinction between those functions and the other functions of the Director-General. As a result, the Director-General is empowered to authorise an officer to exercise any of the Director-General’s functions.

Items [2] and [4] make consequential amendments.

Certificate evidence

Section 56A provides for a certificate regarding the holding of a licence and other matters to be admissible in evidence and to be prima facie evidence of the matters stated in the certificate. That certificate is required to be made under the hand of the Director-General.

Item [8] removes that requirement, so as to make it clear that the certificate is made by the Director-General in the exercise of a function that can be delegated.

Statute law revision

Items [5] and [6] clarify the meaning of two provisions.

Item [7] replaces certain gender-neutral language so as to clarify the meaning of a provision.

1.22 Motor Vehicles Taxation Act 1988 No 111

Section 3 Definitions

Omit “(other than an application for the transfer of registration)” from section 3 (2) (d).

Commencement

The amendment to the *Motor Vehicles Taxation Act 1988* commences on a day to be appointed by proclamation.

Explanatory note

The *Motor Vehicles Taxation Act 1988* provides for the imposition of motor vehicle tax on the registration of motor vehicles. Generally, the Act provides for a lower rate of tax if the relevant motor vehicle is used substantially for private purposes and in the opinion of the Roads and Traffic Authority its use for any other purpose is minimal.

At present, “private” treatment is applied to certain smaller motor vehicles owned and registered by the holder of a licence under the *Motor Dealers Act 1974*. A motor car, station waggon, caravan or small trailer ordinarily used for social or domestic purposes that is held for resale or exchange by a motor dealer (or is used for social or domestic purposes) is treated as if it were used substantially for private purposes and therefore attracts a lower rate of motor vehicle tax than it would if it were treated as a business vehicle. However, that private treatment applies only to a motor vehicle registered pursuant to an application made by the motor dealer and does not apply if the motor vehicle is registered pursuant to an application for the transfer of registration.

The proposed amendment removes the distinction between vehicles registered pursuant to a transfer and those otherwise registered and applies private treatment to all such vehicles.

1.23 Podiatrists Act 1989 No 23

Section 16 Consequence of misconduct or other wrongdoing

Omit “or an inquiry” from section 16 (1).

Insert instead “and an inquiry”.

Explanatory note

Part 4 of the *Podiatrists Act 1989* deals with complaints against registered podiatrists. When the Podiatrists Registration Board receives a complaint it must first notify the Health Care Complaints Commission of the complaint. In addition, the Board may determine that an inquiry be conducted in respect of a complaint either by the Board itself or by a Professional Standards Committee.

Section 16 of the Act sets out the action that the Board may take if it is satisfied that the subject-matter of a complaint against a registered podiatrist is proved. At present, section 16 (1) suggests that the Board can form that view after either an investigation conducted by the Health Care Complaints Commission or an inquiry conducted by the Board or a Professional Standards Committee. In fact, in every relevant case there will have been both an inquiry by the Health Care Complaints Commission (under the *Health Care Complaints Act 1993*) as a preliminary measure, and an inquiry by the Board or Professional Standards Committee (under the *Podiatrists Act 1989*).

The proposed amendment makes it clear that the inquiry by the Health Care Complaints Commission is not in itself sufficient grounds for disciplinary action to be taken in relation to a complaint.

1.24 Poisons Act 1966 No 31

Section 8 Poisons List

Insert “, as in force at a particular time or as in force from time to time” after “published standard” in section 8 (7).

Explanatory note

The *Poisons Act 1966* regulates, controls and prohibits the supply and use of poisons, restricted substances, drugs of addiction and certain dangerous drugs. For that purpose, section 8 of the Act establishes the Poisons List, which contains 8 Schedules into which the substances included in the list are classified.

The Poisons List may be amended by proclamation made on the recommendation of the Minister. At present, section 8 (7) provides that an amendment to the Poisons List may be made by applying, adopting or incorporating a standard published by the National Health and Medical Research Council or any other published standard. The Poisons List is predominantly based on and follows the national recommendations contained in the Standard for the Uniform Scheduling of Drugs and Poisons.

The proposed amendment will permit the application, adoption or incorporation of a published standard as in force at a particular time or as in force from time to time. This will eliminate the need to make a proclamation every time the published standard is amended. (However, the Minister for Health will retain the power to amend the Poisons List, including by departing from any published standard where the Minister considers it appropriate to do so.)

1.25 Property, Stock and Business Agents Act 1941 No 28

[1] Section 22A

Insert after section 22:

22A Phasing in of 3-year licences

- (1) Despite section 22, an applicant for a licence may elect to have a licence issued for a term of 1 year only.
- (2) Despite section 22, an applicant for the renewal of a licence may elect to renew the licence for a term of 1 year only.
- (3) This Act and the regulations apply to each issue of a licence or renewal of a licence pursuant to such an election as if
 - (a) the terms set out in section 22 (4) (a) and (b) and 23 (6) (a) (v) and (6A) were 1 year, and
 - (b) the fees and any other amounts payable in respect of each such licence or renewal were one-third of the amounts payable in respect of issuing or renewing the licence for a term of 3 years.
- (4) This section ceases to have effect on 1 March 1999.

[2] Schedule 2 Savings and transitional provisions

Omit clause 9.

[3] Schedule 2, Part 5

Insert after Part 4:

Part 5 Provision consequential on the Statute Law (Miscellaneous Provisions) Act 1996

23 Surrender of licence and grant of refund to certain persons

- (1) This clause applies to a person to whom a 3-year licence, or a 3-year renewal of a licence, was granted on or after

1 March 1996 and before the date of commencement of Schedule 1.25 to the *Statute Law (Miscellaneous Provisions) Act 1996*.

- (2) A person to whom this section applies may notify the Council in writing that the person wishes to surrender the licence in respect of the second and third years of the licence's operation and may deliver the licence to the Council.
- (3) If the Council receives such a notice and licence, the Council must:
 - (a) endorse on the licence the words "surrendered with respect to the second and third year of operation", and
 - (b) record in the register kept by the Council under section 30 (2) the fact that the licence has been surrendered to that extent, and
 - (c) issue a replacement licence in respect of the first year of the 3-year licence (that is, in respect of the period ending one year after the 3-year licence commenced), and
 - (d) refund to the licence holder two-thirds of the amounts payable in respect of issuing or renewing the 3-year licence.
- (4) This clause does not affect the rights of any person to surrender a licence completely under section 22 (4).
- (5) This clause ceases to have effect on the first anniversary of the commencement of Schedule 1.25 to the *Statute Law (Miscellaneous Provisions) Act 1996*.

Explanatory note

In 1992 the *Property, Stock and Business Agents Act 1941* was amended to provide that licences operate for a term of 3-years, with the fee payable in full at the time of application. Provision was made to phase in that scheme in respect of existing licensees so as to reduce any hardship to continuing licensees resulting from the introduction of the 3-year licensing period.

That is, since 1993 (when those amendments commenced) new entrants to the industry have had to pay for a 3-year licence at the time of application. Existing licensees have had the option of renewing their licences annually.

The proposed amendments extend the effect of the phasing-in period. New applicants for licences, as well as existing licence holders, will have the option of applying for the issue or renewal of a licence for a 1-year term. Fees associated with the issue and renewal of licences will be reduced accordingly. The option of a shorter licence will have effect only until 1 March 1999. (As the phasing-in period lapsed on 1 March 1996, provision is made for those people who took out 3-year licences to surrender the licence in respect of its second and third year of operation and to receive an appropriate refund.)

1.26 Psychologists Act 1989 No 51

Section 16 Consequence of misconduct or other wrongdoing

Omit “or an inquiry” from section 16 (1).
Insert instead “and an inquiry”.

Explanatory note

Part 4 of the *Psychologists Act 1989* deals with complaints against registered psychologists. When the Psychologists Registration Board receives a complaint it must first notify the Health Care Complaints Commission of the complaint. In addition, the Board may determine that an inquiry be conducted in respect of a complaint either by the Board or by a Professional Standards Committee.

Section 16 of the Act sets out the action that the Board may take if it is satisfied that the subject-matter of a complaint against a registered psychologist is proved. At present, section 16 (1) suggests that the Board can form that view after either an investigation conducted by the Health Care Complaints Commission or an inquiry conducted by the Board or a Professional Standards Committee. In fact, in every relevant case there will have been both an inquiry by the Health Care Complaints Commission (under the *Health Care Complaints Act 1993*) as a preliminary measure, and an inquiry by the Board or Professional Standards Committee (under the *Psychologists Act 1989*).

The proposed amendment makes it clear that the inquiry by the Health Care Complaints Commission is not in itself sufficient grounds for disciplinary action to be taken in relation to a complaint.

1.27 Roads Act 1993 No 33

Section 264A

Insert after section 264:

264A National road transport regulations

- (1) Without limiting the generality of section 264 or any other provision of this or any other Act authorising regulations to be made, regulations may be made under

this Act, for the State, for or with respect to any matters referred to in section 9 of the *Road Transport Reform (Vehicles and Traffic) Act 1993* of the Commonwealth.

- (2) Any such regulations may apply to a vehicle, animal or person on a road or road related area.
- (3) Any such regulations may make provision for a matter by applying, adopting or incorporating:
 - (a) any regulations as in force from time to time under the *Road Transport Reform (Vehicles and Traffic) Act 1993* of the Commonwealth, and
 - (b) any national standards as in force from time to time under the *Motor Vehicle Standards Act 1989* of the Commonwealth, and
 - (c) any other publication, as in force from time to time, relating to the construction, design or equipment of motor vehicles.
- (4) Any such regulations may:
 - (a) apply the provisions of section 235 to any offence created by those regulations or exempt any such offence from those provisions, and
 - (b) apply any provisions of the *Traffic Act 1909* or regulations made under that Act relating to the prosecution of offences or enforcement or relating to evidential matters to the exclusion of provisions of this Act or other regulations made under this Act relating to those matters.
- (5) Any such regulations may:
 - (a) confer any function on the Minister for the purposes of administering their provisions, and
 - (b) exempt or provide for the granting of exemptions from their provisions, either conditionally or unconditionally.

- (6) The Minister may declare, by notice published in the Gazette, that:
- (a) a specified area that is open to or used by the public is an area to which specified regulations apply, or
 - (b) this Act and the regulations, or specified provisions of this Act or the regulations, do not apply to a specified road or road related area.

Such a declaration has effect until it is revoked by a further notice published in the Gazette, or for the period specified in the regulations.

- (7) Without limiting any other power authorising the delegation of the Minister's functions, the Minister may delegate to any other person any function conferred on the Minister by or under this section other than this power of delegation.
- (8) A regulation may be made under this section even though it may be made under the *Traffic Act 1909*.
- (9) In this section:

motor vehicle means a vehicle that is built to be propelled by a motor that forms part of the vehicle.

road means an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles.

road related area means:

- (a) an area that divides a road, or
- (b) a footpath or nature strip adjacent to a road, or
- (c) an area that is open to the public and is designated for use by cyclists or animals, or
- (d) an area that is not a road and that is open to or used by the public for driving, riding or parking motor vehicles, or

- (e) any other area that is open to or used by the public and that has been declared, in accordance with subsection (6), to be an area to which specified regulations apply.

Commencement

The amendment to the *Roads Act 1993* commences on a day to be appointed by proclamation.

Explanatory note

Regulations relating to heavy vehicle registration are being developed that are to be applied on a uniform basis throughout Australia. The making of such regulations by the Governor will require re-arrangement of existing regulation-making powers to enable these vehicles to be regulated under a single Act.

For instance, the Governor presently has the power to make regulations under the *Traffic Act 1909* relating to the weights of the loads that may be carried on different kinds of vehicles and regulating the carrying of long, large, heavy or projecting articles on vehicles (see section 3 (1) (b) of that Act). The *Roads Act 1993* empowers the Governor to make regulations for the purpose of protecting roads from damage (section 264 (1) (d)). Without the proposed amendment, the implementation of the national regulations would require reliance on a combination of these powers.

The proposed amendment expands the relevant regulation-making powers in the *Roads Act 1993* so as to enable the Governor to make regulations under that Act corresponding with national regulations that are or can be made under the *Road Transport Reform (Vehicles and Traffic) Act 1993* of the Commonwealth. However, the proposed amendment will not affect any comparable power to make such regulations that may exist in the *Traffic Act 1909*.

1.28 State Owned Corporations Act 1989 No 134

Section 20B Change or removal of name of statutory SOC

Insert after section 20B (1):

- (1A) On the day on which a regulation under section 12 of the *Energy Services Corporations Act 1995* takes effect, this Act is amended by omitting from Schedule 5 the name of the energy services corporation whose name is being varied and by inserting instead the corporation's name as varied.

Explanatory note

Section 12 of the *Energy Services Corporations Act 1995* provides for the Governor to make regulations amending Schedule 1 (Energy services corporations) to the Act so as to vary the name of any of the energy service corporations listed in that Schedule. Those energy service corporations are also statutory state owned corporations, and are therefore listed in Schedule 5 to the *State Owned Corporations Act 1989*.

The proposed amendment will have the effect that, when the Governor makes a regulation under the *Energy Services Corporations Act 1995* varying the name of an energy service corporation, the entry for that corporation in Schedule 5 to the *State Owned Corporations Act 1989* will be taken to have been amended accordingly.

**1.29 Statute Law (Miscellaneous Provisions) Act (No 2) 1990
No 108**

Schedule 1 Minor amendments

Omit the matter relating to the *Environmental Restoration and Rehabilitation Trust Act 1990 No 24*.

Explanatory note

The *Environmental Restoration and Rehabilitation Trust Act 1990* constitutes the Environmental Restoration and Rehabilitation Trust and defines its objects and functions. The objects of the Trust were amended by the *Statute Law (Miscellaneous Provisions) Act (No 2) 1990*, but those amendments remain uncommenced.

Those amendments have since been superseded by amendments made to the same provision by the *Protection of the Environment Administration Act 1991*. The proposed amendment repeals the uncommenced amendments to the *Environmental Restoration and Rehabilitation Trust Act 1990*.

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

Schedule 1 Public offices

Insert at the end of Schedule 1:

Acting Judge of the Supreme Court or of the District court.

Explanatory note

The *Statutory and Other Offices Remuneration Act 1975* empowers the Statutory and Other Offices Remuneration Tribunal to make determinations relating to the remuneration of certain office holders. Remuneration payable to holders of offices set out in Schedule 1 by virtue of a determination is payable out of the Consolidated Fund.

The proposed amendment specifically includes acting Judges of the Supreme Court and the District Court in the list of public offices set out in Schedule 1. Accordingly, the Tribunal is empowered to make determinations relating to the holders of those offices, and their remuneration is able to be paid from the Consolidated Fund.

1.31 Stock Medicines Act 1989 No 182

Section 40B

Insert after section 40A:

40B Breach of withholding period specified on label

- (1) If stock of a food producing species has been treated with a stock medicine, or stock food treated with a stock medicine has been administered to such stock, a person must not:
 - (a) slaughter the stock for human consumption, or
 - (b) harvest the wool, fibre, milk or eggs of the stock for human consumption, or
 - (c) release the honey of the stock for human consumption,

before any withholding period that is specified in the instructions on the package of the stock medicine (or the label on the package) has expired.

Maximum penalty: 200 penalty units.

- (2) It is a defence to a prosecution for an offence against this section that:
 - (a) the person was not aware that the stock had been treated with a stock medicine or that stock food that had been treated with a stock medicine had been administered to the stock, or

-
- (b) the person acted in accordance with written instructions regarding a withholding period, given by the veterinary surgeon who prescribed the stock medicine, authorised the stock medicine to be supplied for the treatment of stock or authorised the treatment of the stock food, or
 - (c) there were instructions for the use of the stock medicine on the package or label at the time of the commission of the offence (whether or not those instructions specified a withholding period) and the person, at the time, did not know, and did not have reasonable grounds for suspecting, that those instructions were not (either wholly or partially) the instructions required to be on the package or label.

Explanatory note

The *Agricultural and Veterinary Chemicals (New South Wales) Act 1994* applies a national code with respect to agricultural and veterinary chemicals (the *Agvet Code*) as a law of New South Wales. The *Agvet Code* requires approval of labels for certain stock medicines and other products. Those labels must contain information about the withholding period after the use of the product. A withholding period is the minimum period that should elapse between the last administration of a stock medicine (including the feeding to the animal of stock food treated with a stock medicine) and the slaughter of the animal for human consumption, the harvesting from the animal of wool, fibre, milk or eggs or the release of honey from the animal for human consumption.

The *Stock Medicines Act 1989* makes provision regarding the registration and control of stock medicines. Section 39 regulates the use of a stock medicine contrary to a label on the stock medicine. The proposed amendment makes further provision regarding the use of a stock medicine contrary to the withholding period specified on a label by making it an offence to slaughter stock for human consumption or to harvest or release certain produce of stock before the end of the withholding period.

1.32 Strata Titles Act 1973 No 68

[1] Section 9 Subdivision of lots and common property

Omit section 9 (3) (c). Insert instead:

- (c) that floor plan is endorsed with a certificate given by a registered surveyor in the approved form certifying that each applicable requirement of Schedule 1A has been met (with the exception that

the certificate need not certify any matter relating to a lot boundary that was certified in the strata plan or a previous strata plan of subdivision), and

(c1) any location plan identifies any encroachment by the building (whether or not on to a public place), and

[2] Section 9 (3A) and (6)

Omit the subsections.

[3] Section 28QC Investigation of application for assistance

Omit “Commissioner for Consumer Affairs” from section 28QC (5).
Insert instead “Director-General of the Department of Fair Trading”.

[4] Section 28QE Application of Fair Trading Act 1987 to applications for assistance

Omit “Commissioner for Consumer Affairs” from section 28QE (c).
Insert instead “Director-General of the Department of Fair Trading”.

[5] Schedule 1A Requirements for strata plans

Omit “(Secs. 8, 8A)”. Insert instead “(Sections 8, 8A and 9)”.

Transitional

The amendments to section 9 of the *Strata Titles Act 1973* do not apply to a plan lodged for registration before the commencement of those amendments.

Explanatory note

Strata plans of subdivision

Section 8 of the *Strata Titles Act 1973* requires a plan intended to be registered as a strata plan to include a location plan. That plan must be endorsed with a certificate given by a registered surveyor in the approved form certifying that each applicable requirement of Schedule 1A has been met. (Schedule 1A lists requirements for strata plans.)

Section 8A provides for the subdivision of development lots by registration of a plan as a strata plan of subdivision. Similar requirements to those in section 8 apply, regarding the endorsement of the plan with a surveyor's certificate that Schedule 1A has been complied with.

Section 9 provides for the subdivision of lots (other than development lots) and common property. The requirements in respect of plans differ from those in sections 8 and 8A. Instead of referring to Schedule 1A, section 9 (3) (c) substantially repeats its provisions.

Item [1] of the proposed amendments rationalises the 3 provisions relating to plans, by including a reference to Schedule 1A in section 9.

Items [2] and [5] make consequential amendments.

Similar amendments to the *Strata Titles (Leasehold) Act 1986* are proposed to be made elsewhere in this Schedule.

Statute law revision

Items [3] and [4] replace outdated references to the Commissioner for Consumer Affairs. The statutory office of Commissioner for Consumer Affairs has been replaced by an office under the *Public Sector Management Act 1988*.

1.33 Strata Titles (Leasehold) Act 1986 No 219

[1] Section 11 Subdivision of lots and common property (1973 Act, section 9)

Omit section 11 (2) (c). Insert instead:

- (c) that floor plan is endorsed with a certificate given by a registered surveyor in the approved form certifying that each applicable requirement of Schedule 1A has been met (with the exception that the certificate need not certify any matter relating to a lot boundary that was certified in the strata plan or a previous strata plan of subdivision), and
- (c1) any location plan identifies any encroachment by the building (whether or not on to a public place).

[2] Section 11 (2A) and (6)

Omit the subsections.

[3] Section 57AC Investigation of application for assistance (1973 Act, section 28QC)

Omit “Commissioner for Consumer Affairs” from section 57AC (5).
Insert instead “Director-General of the Department of Fair Trading”.

[4] Section 57AE Application of Fair Trading Act 1987 to applications for assistance (1973 Act, section 28QE)

Omit “Commissioner for Consumer Affairs” from section 57AE (c).
Insert instead “Director-General of the Department of Fair Trading”.

[5] Section 137 Applications for legal assistance

Omit “Commissioner for Consumer Affairs” from section 137 (8).
Insert instead “Director-General of the Department of Fair Trading”.

[6] Schedule 1A Requirements for strata plans

Omit “(Secs. 7, 10)”. Insert instead “(Sections 7, 10 and 11)”.

Transitional

The amendments to section 11 of the *Strata Titles (Leasehold) Act 1986* do not apply to a plan lodged for registration before the commencement of those amendments.

Explanatory note

Strata plans of subdivision

Section 7 of the *Strata Titles (Leasehold) Act 1986* requires a plan intended to be registered as a strata plan to include a location plan. That plan must be endorsed with a certificate given by a registered surveyor in the approved form certifying that each applicable requirement of Schedule 1A has been met. (Schedule 1A lists requirements for strata plans.)

Section 10 provides for the subdivision of development lots by registration of a plan as a strata plan of subdivision. Similar requirements to those in section 7 apply regarding the endorsement of the plan with a surveyor’s certificate that Schedule 1A has been complied with.

Section 11 provides for the subdivision of lots (other than development lots) and common property. The requirements in respect of plans differ from those in sections 7 and 10. Instead of referring to Schedule 1A, section 11 (3) (c) substantially repeats its provisions.

item [1] of the proposed amendments rationalises the 3 provisions relating to plans, by including a reference to Schedule 1A in section 11.

items [2] and [6] make consequential amendments.

Similar amendments to the *Strata Titles Act 1973* are proposed to be made elsewhere in this Schedule.

Statute law revision

Items [3]–[5] replace outdated references to the Commissioner for Consumer Affairs. The statutory office of Commissioner for Consumer Affairs has been replaced by an office under the *Public Sector Management Act 1988*.

1.34 Subordinate Legislation Act 1989 No 146

[1] Section 10 Staged repeal of statutory rules

Insert after section 10 (2):

- (3) Despite subsection (1), the following regulations are repealed on 1 September 1997:
 - (a) the *Factories (Health and Safety) General Regulations 1913*,
 - (b) the *General Traffic Regulations 1916*,
 - (c) the *Motor Traffic Regulations 1935*,
 - (d) the *General Traffic (Pedestrian) Regulations 1937*.

[2] Section 11 Postponement of repeal in specific cases

Insert after section 11 (5):

- (6) This section does not apply to the regulations referred to in section 10 (3).

[3] Schedule 4 Excluded instruments

Insert after item 4:

- 4A Regulations under the *Australian Mutual Provident Society Act 1988*.

[4] Schedule 4, item 16A

Omit the item.

Explanatory note

Staged repeal of statutory rules

Part 3 of the *Subordinate Legislation Act 1989* provides for the staged repeal of statutory rules. Section 10 sets out the dates on which statutory rules are repealed and section 11 provides for the postponement of repeal in specific cases.

Items [1] and [2] of the proposed amendments extend until 1 September 1997, with no further power of postponement, the repeal of four regulations that are due for staged repeal on 1 September 1996 under the *Subordinate Legislation Act 1989* and for which the maximum number of postponements have already been granted.

Excluded instruments

Schedule 4 to the *Subordinate Legislation Act 1989* lists categories of statutory rules that are excluded from the operation of the Act. That is, the making of statutory rules listed in that Schedule is not subject to the requirements set out in Part 2 of the Act, and the statutory rules are not subject to staged repeal as provided for in Part 3 of the Act.

Item [3] of the proposed amendments excludes regulations under the *Australian Mutual Provident Society Act 1988* from the operation of the *Subordinate Legislation Act 1989* by including them in Schedule 4. The same exclusion applies to regulations under other Acts with respect to autonomous and semi-autonomous non-Government bodies.

Item [4] removes the reference to by-laws made under the *Women's College Act 1902* from Schedule 4. At present those by-laws are excluded from the operation of the *Subordinate Legislation Act 1989*, as they deal with essentially private matters. An amendment to the *Women's College Act 1902* proposed to be made elsewhere in this Schedule will have the effect that by-laws will be made by the Council of the Women's College and will not have to be submitted to the Governor for approval. Because by-laws will not require the Governor's approval, they will no longer be "statutory rules" within the meaning of the *Subordinate Legislation Act 1989* and their inclusion in the list of excluded instruments in Schedule 4 to that Act will be redundant.

1.35 Supreme Court Act 1970 No 52

[1] Section 37 Acting Judges

Insert after section 37 (3A):

- (3B) The person so appointed is entitled to be paid remuneration in accordance with the *Statutory and Other Offices Remuneration Act 1975*. The remuneration

payable to an acting Judge is to be paid to the acting Judge so long as his or her commission continues in force.

[2] Section 48 Assignment to the Court of Appeal

Omit “Disciplinary Tribunal” from paragraph (viii) of the definition of *specified tribunal* in section 48 (1) (a).

Insert instead “Legal Services Tribunal”.

[3] Section 95 Interest on debt under judgment or order

Insert “referred to in subsection (1)” after “prescribed rate” in section 95 (4).

Commencement

The amendment to section 95 of the *Supreme Court Act 1970* is taken to have commenced on 17 May 1996 (the date of commencement of Schedule 1.8 [4] to the *Courts Legislation Further Amendment Act 1995*, which inserted section 95 (4) of the *Supreme Court Act 1970*).

Explanatory note

Remuneration of acting Judges

Section 37 of the *Supreme Court Act 1970* provides for the appointment of acting Judges but makes no provision regarding their remuneration. The Statutory and Other Offices Remuneration Tribunal is empowered under the *Statutory and Other Offices Remuneration Act 1975* to make determinations regarding the remuneration of Judges of the Supreme Court but not acting Judges.

An amendment to the *Statutory and Other Offices Remuneration Act 1975* proposed to be made elsewhere in this Schedule provides for the Tribunal to make determinations regarding the remuneration of acting Judges of the Supreme Court.

Item [1] of the proposed amendments amends section 37 to make it clear that acting Judges of the Supreme Court are entitled to be paid remuneration for so long as their commissions continue in force. (Section 29 of the Act makes an analogous provision in relation to the Judges of the Supreme Court.) The amendment will apply equally to a person appointed as an acting Judge and acting Judge of Appeal.

Interest on judgment debt

Section 95 of the *Supreme Court Act 1970* provides for the payment of interest on a judgment debt. Generally, the interest is calculated from the date when the judgment debt came into being, or from a later date specified by the Court. However, in respect of that part of the judgment debt which is an order as to the payment of costs, the Court can order a party to pay interest on the other party's costs from the date on which the successful party actually paid the amount in respect of costs.

Item [3] of the proposed amendment clarifies that the rate of interest in respect of such orders is the same rate as that payable on the rest of the judgment debt.

Statute law revision

Item [2] updates a reference to the tribunal that deals with complaints against legal practitioners.

1.36 Sydney Cove Redevelopment Authority Act 1968 No 56

[1] Section 10 Vesting or purchase of certain land

Insert after section 10 (5):

- (6) The Governor may by proclamation amend the Act by adding to the Fifth Schedule a description of land that is, at the time of the making of the proclamation, in the Second or Third Schedule.

[2] Third Schedule

Insert “but excluding the land added to the Fifth Schedule by a proclamation under section 10 (6)” after “N.S.W.”.

Explanatory note

The *Sydney Cove Redevelopment Authority Act 1968* constitutes the Sydney Cove Redevelopment Authority, vests certain land in the Authority and provides for the acquisition by it of certain other land.

Certain land described in the Second Schedule, and land described in the Third Schedule, can be acquired by the Authority either by agreement or by compulsory acquisition. By contrast, the Authority can only acquire land described in the Fifth Schedule by agreement (see section 10 (5)).

The proposed amendments provide for the Governor (by proclamation) to effectively transfer land not already vested in the Authority (and described in either the Second or the Third Schedule to the Act) to the Fifth Schedule, so that it may be acquired only by agreement.

1.37 Trade Measurement Administration Act 1989 No 234

[1] Section 3 Definitions

Omit the definition of *Commissioner* from section 3 (1).
Insert instead:

Commissioner means the Director-General of the Department of Fair Trading holding office as such under Part 2 of the *Public Sector Management Act 1988*.

[2] Section 8 Inspectors' certificates of authority

Omit "Minister" wherever occurring.
Insert instead "Commissioner".

Saving

The amendment to section 8 of the *Trade Measurement Administration Act 1989* does not affect the validity of any certificate of authority issued before the commencement of that amendment. Such a certificate of authority is taken to have been issued by the Director-General of the Department of Fair Trading.

Explanatory note

Statute law revision

Item [1] of the proposed amendments updates the definition of Commissioner. The statutory office of Commissioner for Consumer Affairs has been replaced by an office under the *Public Sector Management Act 1988*, but the Director-General of the Department of Fair Trading is referred to in the Act as "the Commissioner".

Inspectors' certificates of authority

The *Trade Measurement Administration Act 1989* establishes a scheme for the administration of the *Trade Measurement Act 1989*. Among other things, the Act provides for the appointment of inspectors, and the control of their functions. Presently, the Act provides that the Minister for Fair Trading is to issue to each inspector a certificate of authority in the form determined by the Minister. Item [2] provides for the Director-General of the Department of Fair Trading to issue those certificates in the form determined by the Director-General.

1.38 Travel Agents Act 1986 No 5

[1] Section 3 Definitions

Omit the definition of *Commissioner* from section 3 (1).
Insert instead:

Commissioner means the Director-General of the Department of Fair Trading holding office as such under Part 2 of the *Public Sector Management Act 1988*.

[2] Section 53 Service of documents

Omit section 53 (1) (b). Insert instead:

- (b) where the person is a corporation:
 - (i) by delivering it to a person who is or apparently is concerned in the management of the corporation, or
 - (ii) by leaving it at the registered office of the corporation with a person apparently employed at that office, being a person who has or apparently has attained the age of 16 years, or
 - (iii) without limiting the other provisions of this paragraph, where the corporation is the holder of a licence, by leaving it at the address of the principal place of business of the licensee (as shown on the register of licensees) with a person apparently employed at that place of business, being a person who has or apparently has attained the age of 16 years, or
 - (iv) by sending it by prepaid post addressed to the corporation at that registered office or, where the corporation is the holder of a licence, the address of the principal place of business of the licensee (as shown on the register of licensees).

[3] Section 53 (2A)

Insert after section 53 (2):

(2A) In this section:

register of licensees means the Register kept in accordance with section 15.

[4] Section 54 Secrecy

Omit “*Consumer Protection Act 1969*” from section 54 (2).
Insert instead “*Fair Trading Act 1987*”.

Explanatory note

Service of documents

At present, section 53 of the *Travel Agents Act 1986* provides that, if a document or notice is required or permitted to be served on or given to a corporation, the document may be served by leaving it at or sending it by post to the registered office of the corporation.

Item [2] of the proposed amendments will allow service at a place of business, registered office or on a person who is or apparently is concerned in the corporation's management.

Item [3] makes a consequential amendment.

Statute law revision

Item [1] updates the definition of **Commissioner**. The statutory office of Commissioner for Consumer Affairs has been replaced by an office under the *Public Sector Management Act 1988*.

Item [4] updates a reference to a repealed Act.

1.39 Women's College Act 1902 No 71

Section 16 By-laws

Omit section 16 (2). Insert instead:

- (2) A by-law must be made under seal.
- (2A) A by-law must be sent to the Governor within 30 days of being made, for the purpose of being laid before both Houses of Parliament.

Savings

The amendment to the *Women's College Act 1902* does not affect the validity of any by-law made before the commencement of the amendment.

Explanatory note

The *Women's College Act 1902* consolidates Acts relating to the establishment of the Women's College within the University of Sydney and sets out the powers of the Council of the Women's College. The Council is empowered to make by-laws, which must be submitted to the Governor for approval.

The proposed amendment removes the Governor's power to approve or disapprove by-laws. Instead, the by-laws must be forwarded to the Governor for tabling in Parliament. (This is consistent with other legislation constituting residential colleges within the University of Sydney, including the *Sancta Sophia College Incorporation Act 1929*.)

Schedule 2 Amendments by way of statute law revision

(Section 3)

2.1 Adoption Information Amendment Act 1995 No 61

Schedule 1 Amendment of Adoption Information Act 1990

Omit “Principal Registrar” wherever occurring in Schedule 1.1 [1], [2], [4] and [7] and 1.11 [1].
Insert instead “Registrar”.

Explanatory note

The proposed amendment updates references to the office of Principal Registrar of Births, Deaths and Marriages. The name of that office has been changed to Registrar of Births, Deaths and Marriages.

2.2 Associations Incorporation Act 1984 No 143

Section 3 Definitions

Omit the definition of *Commissioner*. Insert instead:

Commissioner means the Director-General of the Department of Fair Trading holding office as such under Part 2 of the *Public Sector Management Act 1988*.

Explanatory note

The proposed amendment updates the definition of *Commissioner*. The statutory office of Commissioner for Consumer Affairs has been replaced by an office under the *Public Sector Management Act 1988*.

2.3 Business Names Act 1962 No 11

Section 4 Interpretation

Omit the definition of *Commissioner* from section 4 (1).

Insert instead:

Commissioner means the Director-General of the Department of Fair Trading holding office as such under Part 2 of the *Public Sector Management Act 1988*.

Explanatory note

The proposed amendment updates the definition of *Commissioner*. The statutory office of Commissioner for Consumer Affairs has been replaced by an office under the *Public Sector Management Act 1988*.

2.4 Community Welfare Act 1987 No 52

Section 42 Investment of Community Disaster Relief Fund

Omit “section 14” from section 42 (1). Insert instead “section 14A”.

Explanatory note

The proposed amendment corrects an out-of-date cross-reference relating to the authorised investment of funds.

2.5 Co-operatives Act 1992 No 18

[1] The whole Act

Omit “CCU’s” wherever occurring. Insert instead “CCUs”.

[2] Section 18 Meeting for proposed registration of association or federation

Insert “and” at the end of section 18 (b).

[3] Section 99 Basis on which Court makes orders

Omit “*oppressed members or members*” from section 99 (a).
Insert instead “*oppressed member or members*”.

[4] Section 135 Interest on deposits, debentures and CCUs

Omit “Part 7–12” from section 135 (7).
Insert instead “Part 7.12”.

[5] Section 220 Meaning of “officer”

Insert “or” at the end of paragraphs (b) and (f) of the definition of *officer*.

[6] Section 282 Dividends, bonuses and rebates from surplus

Insert “or” at the end of section 282 (1) (b) and (c).

Explanatory note

Item [1] of the proposed amendments removes a superfluous apostrophe.
Items [2], [5] and [6] insert omitted words.
Items [3] and [4] correct typographical errors.

2.6 Credit Act 1984 No 94

[1] Section 5 Definitions

Omit the definition of *Commissioner* from section 5 (1).
Insert instead:

Commissioner means the Director-General of the Department of Fair Trading holding office as such under Part 2 of the *Public Sector Management Act 1988*.

[2] Section 121 Advertisements offering credit

Omit “*Consumer Protection Act 1969*” from section 121 (7) (a).
Insert instead “*Fair Trading Act 1987*”.

Explanatory note

Item [1] of the proposed amendments updates the definition of Commissioner. The statutory office of Commissioner for Consumer Affairs has been replaced by an office under the *Public Sector Management Act 1988*.
Item [2] updates a reference to a repealed Act.

2.7 Credit (Finance Brokers) Act 1984 No 96

Section 4 Definitions

Omit the definition of *Commissioner* from section 4 (1).

Insert instead:

Commissioner means the Director-General of the Department of Fair Trading holding office as such under Part 2 of the *Public Sector Management Act 1988*.

Explanatory note

The proposed amendment updates the definition of *Commissioner*. The statutory office of Commissioner for Consumer Affairs has been replaced by an office under the *Public Sector Management Act 1988*.

2.8 Credit (Home Finance Contracts) Act 1984 No 97

Section 4 Definitions

Omit the definition of *Commissioner*. Insert instead:

Commissioner means the Director-General of the Department of Fair Trading holding office as such under Part 2 of the *Public Sector Management Act 1988*.

Explanatory note

The proposed amendment updates the definition of *Commissioner*. The statutory office of Commissioner for Consumer Affairs has been replaced by an office under the *Public Sector Management Act 1988*.

2.9 Credit (Rural Contracts) Act 1987 No 205

Section 3 Definitions

Omit the definition of *Commissioner*. Insert instead:

Commissioner means the Director-General of the Department of Fair Trading holding office as such under Part 2 of the *Public Sector Management Act 1988*.

Explanatory note

The proposed amendment updates the definition of **Commissioner**. The statutory office of Commissioner for Consumer Affairs has been replaced by an office under the *Public Sector Management Act 1988*.

2.10 Dentists Act 1989 No 139

Section 13 Annual roll fee

Omit “prescribed” from section 13 (4).

Explanatory note

The proposed amendment omits a superfluous word.

2.11 Electricity Safety Act 1945 (1946 No 13)

Section 21E Defective electrical articles

Omit “*Consumer Protection Act 1969*” from section 21E (11).
Insert instead “*Fair Trading Act 1987*”.

Explanatory note

The proposed amendment updates a reference to a repealed Act.

**2.12 Environmental Planning and Assessment Act 1979
No 203**

**[1] Section 77A Concurrence of or consultation with
Director-General of National Parks and Wildlife in certain cases**

Omit “concurrence” from section 77A (7).
Insert instead “concurrence”.

**[2] Section 112 Decision of determining authority in relation to
certain activities**

Insert “of” after “Part 6” in section 112 (1B).

Explanatory note

The proposed amendments correct typographical errors.

2.13 Forfeiture Act 1995 No 65

Section 3 Definitions

Omit “section 4” from the definition of *forfeiture modification order*.

Insert instead “section 5”.

Explanatory note

The proposed amendment corrects an incorrect cross-reference.

2.14 Health Administration Act 1982 No 135

[1] The whole Act (except section 4)

Omit “Secretary” wherever occurring.

Insert instead “Director-General”.

[2] Section 4 Definitions

Insert in alphabetical order in section 4 (1):

Director-General means the Director-General of the Department.

[3] Section 4 (1) definition of “Secretary”

Omit the definition.

Explanatory note

The proposed amendments replace outdated references to the Secretary of the Department of Health.

2.15 Independent Pricing and Regulatory Tribunal Act 1992 No 39

[1] Section 5 Establishment of Tribunal

Omit “a Independent” from section 5 (1).

Insert instead “an Independent”.

[2] Schedule 2 Provisions relating to members of Tribunal

Omit “by specified” from clause 3 (2). Insert instead “be specified”.

[3] Schedule 4 Savings and transitional provisions

Omit “statment” from clause 5. Insert instead “statement”.

Explanatory note

Item [1] of the proposed amendments corrects a grammatical error.

Items [2] and [3] replace misspelt words.

2.16 Landlord and Tenant (Rental Bonds) Act 1977 No 44

Section 6 Constitution and procedure of the Board

Omit “Commissioner for Consumer Affairs” from section 6 (1) (b).
Insert instead “Director-General of the Department of Fair Trading”.

Explanatory note

The proposed amendment updates a reference to the Commissioner for Consumer Affairs. The statutory office of Commissioner for Consumer Affairs has been replaced by an office under the *Public Sector Management Act 1988*.

2.17 Law Foundation Act 1979 No 32

Section 19 Investment

Omit “section 14 (2)”. Insert instead “section 14A”.

Explanatory note

The proposed amendment corrects an out-of-date cross-reference relating to the authorised investment of funds.

2.18 Motor Vehicle Repairs Act 1980 No 71

[1] Section 4 Definitions

Omit the definition of *Commissioner for Consumer Affairs* from section 4 (1).

Insert instead:

Director-General means the Director-General of the Department of Fair Trading holding office as such under Part 2 of the *Public Sector Management Act 1988*.

[2] Whole Act (except section 4)

Omit “Commissioner for Consumer Affairs” wherever occurring.
Insert instead “Director-General”.

[3] Section 67 Investment

Omit “section 14”. Insert instead “section 14A”.

Explanatory note

Item [1] of the proposed amendments updates the definition of *Commissioner for Consumer Affairs*. The statutory office of Commissioner for Consumer Affairs has been replaced by an office under the *Public Sector Management Act 1988*.

Item [2] replaces references to the Commissioner for Consumer Affairs.

Item [3] corrects an out-of-date cross-reference relating to the authorised investment of funds.

2.19 National Parks and Wildlife Act 1974 No 80

[1] Section 5 Definitions

Omit the first definition of *species* from section 5 (1).

[2] Section 21 Delegation

Insert “on” after “imposed” in section 21 (1).

[3] Section 91AA Director-General may make stop work order

Omit “*Threatened Species Conservation Act 1975*” from section 91AA (3) (a).

Insert instead “*Threatened Species Conservation Act 1995*”.

[4] Section 169 Impersonating, assaulting, resisting or obstructing an officer etc

Omit “*Threatened Species Act 1995*” wherever occurring in section 169 (2) and (3).

Insert instead “*Threatened Species Conservation Act 1995*”.

[5] Schedule 12, heading

Omit the heading.

Insert instead “Schedule 12 Threatened interstate fauna”.

Commencement

The amendments to the *National Parks and Wildlife Act 1974* are taken to have commenced on 1 January 1996 (the date of commencement of Schedule 4 to the *Threatened Species Conservation Act 1995*).

Explanatory note

Item [1] of the proposed amendments omits a superfluous definition. The *National Parks and Wildlife Act 1974* was amended by the *Threatened Species Conservation Act 1995* so as to include a broader definition of species (namely, the same definition as in the *Threatened Species Conservation Act 1995*). The existing definition (which is now redundant) was not omitted at that time.

Item [2] of the proposed amendments inserts a missing word.

Items [3] and [4] of the proposed amendments correct the citation of an Act.

Item [5] of the proposed amendments corrects the name of a Schedule.

2.20 Poisons Amendment (Therapeutic Goods) Act 1996 No 2

[1] Schedule 1 Amendment of Poisons Act 1966

Omit “(c)” from section 11(1) of the *Poisons Act 1966* as proposed to be inserted by Schedule 1 [12].

Insert instead “(a)”.

[2] Schedule 1

Omit “(d)” from section 11 (1) of the *Poisons Act 1966* as proposed to be inserted by Schedule 1 [12].

Insert instead “(b)”.

Explanatory note

The proposed amendments correct the paragraph numbering in a subsection.

2.21 Ports Corporatisation and Waterways Management Act 1995 No 13

Schedule 4 Amendment of Acts

Omit item [10] of Schedule 4.15. Insert instead:

[10] Section 13WA Information regarding harbour master’s directions etc

Omit “under section 13W” from section 13WA (2).

Explanatory note

The proposed amendment repeals an unincorporable amendment to the *Maritime Services Act 1935* and re-enacts that amendment in the correct form.

2.22 Public Sector Management Act 1988 No 33

Schedule 6 Attachment of wages or salary of officers etc of Public Service

Omit “section” from clause 2 (2). Insert instead “clause”.

Explanatory note

The proposed amendment amends an incorrect reference to a provision of Schedule 6 to the *Public Sector Management Act 1988*.

2.23 Registration of Interests in Goods Act 1986 No 37

Section 3 Definitions

Omit the definition of *Commissioner* from section 3 (1).

Insert instead:

Commissioner means the Director-General of the Department of Fair Trading holding office as such under Part 2 of the *Public Sector Management Act 1988*.

Explanatory note

The proposed amendment updates the definition of *Commissioner*. The statutory office of Commissioner for Consumer Affairs has been replaced by an office under the *Public Sector Management Act 1988*.

2.24 Rural Workers Accommodation Act 1969 No 34

[1] The whole Act (except section 3)

Omit “Under Secretary” wherever occurring.

Insert instead “Director-General”.

[2] Section 3 Definitions

Insert in alphabetical order in section 3 (1):

Director-General means the Director-General of the Department of Industrial Relations.

[3] Section 3 (1) definition of “approved”

Omit “Under Secretary”. Insert instead “Director-General”.

[4] Section 3 (1) definition of “Under Secretary”

Omit the definition.

[5] Section 8 Buildings not to be erected without approval

Omit “He” from section 8 (3) (a).
Insert instead “The Director-General”.

[6] Section 8 (3)

Omit “his” wherever occurring.
Insert instead “the Director-General’s”.

[7] Sections 8 (3) and 9 (1)

Omit “he” wherever occurring.
Insert instead “the Director-General”.

[8] The Schedule

Omit “he” wherever occurring in items (6) (ii), (7) and (37) (ii) of Part 1 and the proviso to item (2) of Part 3 of the Schedule.
Insert instead “the Director-General”.

Explanatory note

The proposed amendments replace outdated references to the Under Secretary of the Department of Industrial Relations.

2.25 Sporting Injuries Insurance Act 1978 No 141

Section 12 Investment

Omit “section 14 (2)”. Insert instead “section 14A”.

Explanatory note

The proposed amendment corrects an out-of-date cross-reference relating to the authorised investment of funds.

2.26 State Emergency and Rescue Management Act 1989 No 165

Schedule 1 Provisions relating to State Emergency Operations Controller

Insert “Emergency” after “Deputy State” in the definition of *Controller* in clause 1.

Explanatory note

The proposed amendment inserts a missing word.

2.27 Teacher Housing Authority Act 1975 No 27

[1] Schedule 2 Savings and transitional provisions

Insert “(Section 46)” after the heading to the Schedule.

[2] Schedule 2, clause 1 (3)

Omit “Subclause 1”. Insert instead “Subclause (1)”.

Explanatory note

Item [1] of the proposed amendments inserts a reference to the section of the *Teacher Housing Authority Act 1975* that gives effect to the Schedule of savings and transitional provisions.

Item [2] corrects a reference to a subclause of that Schedule.

2.28 Threatened Species Conservation Act 1995 No 101

[1] Section 110 Content of species impact statement

Omit section 110 (2) (e).

[2] Schedule 4 Amendment of National Parks and Wildlife Act 1974 No 80

Omit item [57]. Insert instead:

[57] Section 91D Duration of interim protection order

Omit “12 months”. Insert instead “2 years”.

[3] Schedule 4 [98]

Omit the item. Insert instead:

[98] Section 122 Game licences

Omit “take or kill” wherever occurring.

Insert instead “harm”.

Explanatory note

Item [1] of the proposed amendments omits a duplicated provision.

Item [2] corrects an incorrect cross-reference.

Items [2] and [3] repeal unincorporable amendments to the *National Parks and Wildlife Act 1974* and re-enact the amendments in the correct form.

2.29 Waste Minimisation and Management Act 1995 No 102

Section 43 Penalties for contravening regulations

Omit “*Environmental Offence and Penalties Act 1989*”.

Insert instead “*Environmental Offences and Penalties Act 1989*”.

Explanatory note

The proposed amendment corrects an incorrect citation.

2.30 Workcover Legislation Amendment Act 1995 No 89

Schedule 5 Amendment of Factories, Shops and Industries Act 1962

Omit item [5]. Insert instead:

[5] Section 144 (1) (e) (ii)

Omit “25”. Insert instead “50”.

Transitional

The amendment to the *WorkCover Legislation Amendment Act 1995* does not apply to an offence committed before the date of assent to this Act.

Explanatory note

The proposed amendment repeals an unincorporable amendment to the *Factories, Shops and Industries Act 1962* and re-enacts that amendment in the correct form.

Schedule 3 Amendments replacing gender-specific language

(Section 3)

Explanatory note

The amendments proposed to be made by this Schedule replace gender-specific language with gender-neutral language.

- 3.1 Anatomy Act 1977 No 126**
- [1] **Section 6 (4)**
Omit “his”. Insert instead “that person’s”.
- [2] **Sections 9, 10 (1) (b), 11 (1) , 12 (3) and 19 (2)**
Omit “he” wherever occurring. Insert instead “the holder”.
- [3] **Sections 10 (1) (a), 11 (1) and 12 (1), (3) and (4)**
Omit “his” wherever occurring. Insert instead “the holder’s”.
- [4] **Sections 10 (2), 11 (2) and (3), 12 (2) (c) and (4) and 19 (4)**
Omit “him” wherever occurring. Insert instead “the holder”.
- [5] **Sections 13 and 14 (1)**
Omit “his” wherever occurring. Insert instead “the person’s”.
- [6] **Section 13 (a)**
Omit “him”. Insert instead “the person”.
- [7] **Sections 13 (b) and 14 (3)**
Omit “he” wherever occurring. Insert instead “the person”.
- 3.2 Arbitration (Civil Actions) Act 1983 No 43**
- [1] **Section 5 (4) and (6) (a)**
Omit “his” wherever occurring. Insert instead “the person’s”.
- [2] **Section 5 (5)**
Omit “he”. Insert instead “the person”.
- [3] **Sections 5 (6) (a) and 14 (1) (e)**
Omit “him” wherever occurring. Insert instead “the person”.
- [4] **Sections 5 (7) and 15 (1)**
Omit “his” wherever occurring. Insert instead “the arbitrator’s”.
- [5] **Sections 5 (7), 9 (1) and 14 (1) (a) (i)**
Omit “he” wherever occurring. Insert instead “the arbitrator”.
- [6] **Section 9 (1)**
Insert “or her” after “his”.
- [7] **Section 12 (1) (b)**
Omit “he”. Insert instead “the witness”.

- [8] **Section 14 (2)**
Omit “remove himself from”. Insert instead “leave”.
- [9] **Sections 15 (1) and 16 (3)**
Omit “him” wherever occurring. Insert instead “the arbitrator”.
- [10] **Section 19 (3)**
Omit “his” wherever occurring. Insert instead “the informant’s”.
- [11] **Section 19 (3)**
Omit “himself” wherever occurring. Insert instead “alone”.
- 3.3 Attachment of Wages Limitation Act 1957 No 28**
- [1] **Section 10 (1)**
Omit “his”. Insert instead “the contractor’s”.
- [2] **Section 10 (2)**
Omit “him” where firstly occurring. Insert instead “the employer”.
- [3] **Section 10 (2)**
Omit “him” where secondly occurring. Insert instead “the judgment debtor”.
- [4] **Section 10 (3)**
Omit “his”. Insert instead “the employer’s”.
- [5] **Section 10 (9)**
Omit “his”. Insert instead “the employee’s or contractor’s”.
- [6] **Section 10 (11) (a)**
Omit “him” wherever occurring. Insert instead “the employer”.
- 3.4 Cattle Compensation Act 1951 No 26**
- [1] **Section 5 (1) (c)**
Insert “or her” after “his”.
- [2] **Sections 5 (1) (f) and 8 (5)**
Omit “his” wherever occurring. Insert instead “the owner’s”.
- [3] **Sections 8 (4) (b) and (5)**
Omit “he” wherever occurring. Insert instead “the owner”.
- [4] **Sections 8 (4A) and 16F (10)(b)**
Omit “he” wherever occurring. Insert instead “the Minister”.
- [5] **Sections 10, 16C (1) and 16D (1)**
Omit “him” wherever occurring. Insert instead “the person”.
- [6] **Sections 11, 16D (1) (b) (ii) and 16F (5)**
Omit “he” wherever occurring. Insert instead “the person”.
- [7] **Section 16C (3)**
Omit “him or them”. Insert instead “the person or persons”.

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- [8] Sections 16F (5) and 18 (1)**
Omit “his” wherever occurring. Insert instead “the person’s”.
- [9] Section 18 (1)**
Insert “or her” after “him”.
- [10] Section 18 (3) (b)**
Omit “chairman”. Insert instead “chairperson”.
- [11] Section 18 (3) (b)**
Insert “or she” after “he”.
- [12] Section 18A (9)**
Omit “he”. Insert instead “the delegate”.
- 3.5 Dangerous Goods Act 1975 No 68**
- [1] Section 9 (3)**
Omit “he”. Insert instead “the owner or occupier”.
- [2] Section 9 (3)**
Omit “his”. Insert instead “the owner’s or occupier’s”.
- [3] Sections 9 (4), 10 (2) (b) and (c), 11 (1), 17 (3) (b), 18, 19 (2) (b) and (c), 20, 21 (2) (b), 23, 24 (2), 25 (1) (b), 26 (2), 34 and 43 (2)**
Omit “he” wherever occurring. Insert instead “the person”.
- [4] Sections 10 (3) (b) and (c), 17 (4) (b) and (c), 19 (3) (b) and (c), 22 (b) and (c), 26 (1) and 30 (2)**
Insert “or her” after “his” wherever occurring.
- [5] Sections 25 (2) and 35 (1) and (2)**
Insert “or she” after “he” wherever occurring.
- [6] Sections 25 (3) and 35 (1)**
Omit “his” wherever occurring. Insert instead “the person’s”.
- [7] Section 31 (1) (a), (b), (c), (g), (i) and (j) and (2)**
Omit “he” wherever occurring. Insert instead “the inspector”.
- [8] Sections 31 (1) (b) and 32 (1) (a)**
Omit “his” wherever occurring. Insert instead “the inspector’s”.
- [9] Section 31 (1) (g) (ii) and (h) and (2)**
Omit “him” wherever occurring. Insert instead “the inspector”.
- [10] Sections 35 (1) and 44 (1)**
Omit “him” wherever occurring. Insert instead “the person”.
- [11] Section 35 (2)**
Omit “him”. Insert instead “the original defendant”.
- [12] Section 35 (3)**
Insert “or herself” after “himself”.
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- [13] Section 35 (3) (a)**
Omit “he”. Insert instead “the defendant”.
- [14] Section 35 (3) (a)**
Omit “him”. Insert instead “the defendant”.
- [15] Section 35 (3) (a)**
Omit “his”. Insert instead “the defendant’s”.
- [16] Section 36 (2)**
Omit “he” wherever occurring. Insert instead “the employer”.
- 3.6 Disorderly Houses Act 1943 No 6**
- [1] Section 4 (1) (a)**
Omit “he”. Insert instead “the owner or occupier”.
- [2] Section 7**
Omit “he” where firstly occurring. Insert instead “the person”.
- [3] Section 7**
Insert “or she” after “he” where secondly occurring.
- [4] Section 8**
Omit “he” where firstly occurring. Insert instead “the owner”.
- [5] Section 8**
Insert “or she” after “he” where secondly occurring.
- [6] Section 9**
Omit “he” where firstly occurring. Insert instead “the occupier”.
- [7] Section 9**
Insert “or she” after “he” where secondly occurring.
- [8] Section 10 (b)**
Omit “he”. Insert instead “the member”.
- [9] Sections 11 and 13A (1)**
Omit “him” wherever occurring. Insert instead “the member”.
- [10] Section 13A (1), (2) and (4)**
Omit “His Majesty” wherever occurring. Insert instead “the Crown”.
- [11] Section 13A (2)**
Omit “him” where firstly occurring. Insert instead “the person”.
- [12] Section 13A (2)**
Omit “him” where secondly and thirdly occurring. Insert instead “the Magistrate”.
- [13] Section 13A (2)**
Omit “he” wherever occurring. Insert instead “the Magistrate”.

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- 3.7 Dormant Funds Act 1942 No 25**
- [1] **Sections 5 (2), (5) and (6), 16 (3) and 16A (1) and (2)**
Omit “chairman” wherever occurring. Insert instead “chairperson”.
- [2] **Sections 7 (1) and 8 (1)**
Omit “him” wherever occurring. Insert instead “the Commissioner”.
- [3] **Sections 10 (1), 11 (1), 12 (1), 13 (2)(a) and (3)(a)**
Omit “he” wherever occurring. Insert instead “the Commissioner”.
- [4] **Section 10 (1)**
Insert “or her” after “his” where firstly occurring.
- [5] **Section 10 (1)**
Omit “under his hand”.
- [6] **Section 12 (2) and (5)**
Omit “to him” wherever occurring.
- [7] **Section 14 (1)**
Omit “him or them”. Insert instead “the Commissioner or the Charity Referees”.
- [8] **Section 19 (2) (c)**
Omit “he”. Insert instead “the person”.
- 3.8 Employment Protection Act 1982 No 122**
- [1] **Section 4 (1) definition of “employer”**
Insert “, herself” after “himself”.
- [2] **Sections 5 (1) and 7 (1)**
Omit “he” wherever occurring. Insert instead “the employer”.
- [3] **Sections 7 (2) (b) and 14 (1) (h)**
Omit “him” wherever occurring. Insert instead “the employee”.
- [4] **Sections 7 (2) (e) and (3), 8 (1) (a) (i) and (ii), 11 (3) and 22 (1) (a)**
Insert “or her” after “his” wherever occurring.
- [5] **Sections 7 (2) (f), 8 (3) (a) and 14 (1) (e)**
Omit “he” wherever occurring. Insert instead “the employee”.
- [6] **Sections 7 (6) (b) and 8 (3) (a)**
Omit “his” wherever occurring. Insert instead “the”.
- [7] **Section 8 (1)**
Omit “his” where lastly occurring. Insert instead “the”.
- [8] **Sections 10 and 11 (3)**
Omit “he” wherever occurring. Insert instead “the Registrar”.
- [9] **Section 14 (1) (e)**
Omit “him”.
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- [10] Section 14 (2) (a) (ii)**
Omit “him”. Insert instead “the employer”.
- [11] Section 19 (3) and (4)**
Omit the subsections. Insert instead:
- (3) In proceedings for an offence against this Act or the regulations, the prosecution case may be conducted:
 - (a) by the informant, or
 - (b) on behalf of the informant by a legal practitioner or public servant, or
 - (c) on behalf of the informant by an agent authorised in writing by the informant.
 - (4) In relation to a contravention or failure to comply with both sections 7 and 8 in connection with the termination or proposed termination of employment of a particular employee, the employer is, if punished in respect of one of those offences, not liable to be punished in respect of the other.
- [12] Section 22 (1)**
Insert “or she” after “he” wherever occurring.
- 3.9 Family Provision Act 1982 No 160**
- [1] Sections 4 (b), 18, 22 (1) (a) and (4), 31 (1) and 32 (2)**
Omit “he” wherever occurring. Insert instead “the person”.
- [2] Sections 6 (4) and 11 (1) (b)**
Omit “his” wherever occurring.
- [3] Section 6 (6)**
Insert “or herself” after “himself”.
- [4] Sections 9 (2), 22 (4) and (7), 31 (1), (2) and (3) and 32 (3), (4) and (5)**
Omit “his” wherever occurring. Insert instead “the person’s”.
- [5] Section 12 (2)**
Omit “he”. Insert instead “the trustee”.
- [6] Section 18**
Omit “by him”.
- [7] Section 20 (4)**
Insert “or her” after “his”.
- [8] Sections 23 and 26**
Omit “his death” wherever occurring. Insert instead “death”.
- [9] Section 23 (b) (i)**
Omit “his estate”. Insert instead “the deceased person’s estate”.

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- [10] **Section 35 (1)**
Omit “his”. Insert instead “the administrator’s”.
- [11] **Section 35**
Omit “he” wherever occurring. Insert instead “the administrator”.
- 3.10 Fish River Water Supply Administration Act 1945 No 16**
- [1] **Section 3 (3)**
Omit “under his hand”.
- [2] **Section 3 (3)**
Omit “upon him”. Insert instead “on the Administrator”.
- [3] **Sections 6 and 18 (2)**
Omit “him” wherever occurring. Insert instead “the Administrator”.
- [4] **Section 10 (2)**
Omit “he”. Insert instead “the Administrator”.
- [5] **Section 19 (1B)**
Omit “he”. Insert instead “the owner or occupier”.
- [6] **Section 19 (1B)**
Omit “him”. Insert instead “the owner or occupier”.
- 3.11 Fisheries Act 1935 No 58**
- [1] **Section 4 (1) definition of “Fisherman”**
Omit the definition. Insert instead in alphabetical order:
commercial fisher has the same meaning as it has in the *Fisheries Management Act 1994*.
- [2] **Section 38 (1)**
Omit “he” wherever occurring. Insert instead “the person”.
- [3] **Sections 38 (1) (a) (i), 40C (1), 44 (1) and 108A (b)**
Omit “his” wherever occurring. Insert instead “the person’s”.
- [4] **Sections 40B (2) (b) and (c) and 40D (1)**
Omit “fisherman” wherever occurring. Insert instead “commercial fisher”.
- [5] **Sections 40C (1) and 42 (4C)**
Omit “him” wherever occurring. Insert instead “the person”.
- [6] **Section 40E (2) (b)**
Omit “he”. Insert instead “the Minister”.
- [7] **Section 40E (4) (c)**
Omit “him”. Insert instead “the member, officer or employee”.
- [8] **Section 40E (4) (c)**
Omit “his possession or under his control”.
Insert instead “the possession or under the control of the member, officer or employee”.
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- [9] **Section 44 (1)**
Omit “chairman”. Insert instead “chairperson”.
- [10] **Section 44 (2)**
Omit “he”. Insert instead “the Governor”.
- [11] **Section 44 (2)**
Omit “his”. Insert instead “the Governor’s”.
- [12] **Section 44 (2)**
Omit “him”. Insert instead “the Governor”.
- [13] **Section 108A (c)**
Omit “with some person for him”.
Insert instead “for the person with some other person”.
- 3.12 Friendly Societies Dispensaries Enabling Act 1945 No 11**
- Section 2 (5)**
Omit “he”. Insert instead “the Minister”.
- 3.13 Habitual Criminals Act 1957 No 19**
- [1] **Section 2 (2) (b)**
Omit “he was”. Insert instead “the person was”.
- [2] **Section 2 (2) (b)**
Omit “to him”.
- [3] **Section 2 (2) (b) and (3) (a)**
Omit “he is” wherever occurring.
- [4] **Section 2 (3) (a)**
Omit “his name”. Insert instead “his or her name”.
- [5] **Section 2 (3) (a)**
Omit “his release”. Insert instead “release”.
- [6] **Section 2 (3) (a)**
Omit “his being so released”. Insert instead “release”.
- [7] **Section 2 (3) (b)**
Omit “him”. Insert instead “the Managing Secretary”.
- [8] **Section 4 (1) and (2)**
Omit “he” where firstly occurring.
- [9] **Section 4 (1) and (2)**
Omit “his” where firstly occurring.
- [10] **Section 4 (1) and (2)**
Omit “he” where secondly occurring. Insert instead “the person”.
- [11] **Section 4 (1) and (2)**
Omit “him” wherever occurring. Insert instead “the person”.

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- [12] **Section 4 (2)**
Insert “or her” after “his” where secondly occurring.
- [13] **Section 4 (4)**
Omit “his” wherever occurring.
- [14] **Sections 6 (2) and 8 (7)**
Omit “he” wherever occurring. Insert instead “the person”.
- [15] **Section 7 (1) and (2) (a)**
Omit “he” wherever occurring. Insert instead “the Governor”.
- [16] **Sections 7 (1) and 10 (1) (a)**
Omit “him” wherever occurring. Insert instead “the habitual criminal”.
- [17] **Section 7 (2) (c) and 10 (1) and (2)**
Omit “he” wherever occurring. Insert instead “the habitual criminal”.
- [18] **Section 8 (2), (4) and (5) (b)**
Insert “or she” after “he” wherever occurring.
- [19] **Section 8 (4)**
Omit “his”. Insert instead “the registrar’s”.
- [20] **Section 8 (5) (a) and (6)**
Insert “or her” after “him” wherever occurring.
- [21] **Section 8 (7)**
Omit “to him” wherever occurring.
- [22] **Section 10 (2)**
Omit “his”. Insert instead “the habitual criminal’s”.
- 3.14 Health Administration Act 1982 No 135**
- [1] **Sections 8 (1) and 20 (3)**
Omit “him” wherever occurring. Insert instead “the Director-General”.
- [2] **Section 8 (2) (j)**
Omit “his”. Insert instead “the Director-General’s”.
- [3] **Section 10 (1)**
Omit “his” where firstly occurring. Insert instead “the”.
- [4] **Sections 10 (1), 13 (1) and 21 (1)**
Omit “his or its” wherever occurring. Insert instead “their”.
- [5] **Section 11**
Omit “his”. Insert instead “the”.
- [6] **Sections 14 (2) and 21 (3) (a), Schedule 2, clause 10 (2) and Schedule 3, clause 5 (2) and (5)**
Omit “his” wherever occurring. Insert instead “the person’s”.

- [7] **Section 14 (5)**
Insert “or she” after “he”.
- [8] **Section 20 (4) and (6)**
Omit “he” wherever occurring. Insert instead “the Minister”.
- [9] **Section 20 (6), (7) and (8)**
Omit “chairman” wherever occurring. Insert instead “Chairperson”.
- [10] **Section 20 (8)**
Omit “him”. Insert instead “the Chairperson or member”.
- [11] **Section 21 (9), Schedule 2, clause 10 (3) and Schedule 3, clauses 1 (1) definition of “transition period” and (3), 5 (2) and (5) and 7 (2) and (3)**
Omit “he” wherever occurring. Insert instead “the person”.
- [12] **Section 28 (2)**
Omit “him”. Insert instead “the Minister”.
- [13] **Schedule 2, clause 2 (2) and (3)**
Omit “his” wherever occurring. Insert instead “the member’s”.
- [14] **Schedule 2, clause 2 (3)**
Omit “he” wherever occurring. Insert instead “the member”.
- [15] **Schedule 3, clause 3 (1)**
Insert “or herself” after “himself” wherever occurring.
- [16] **Schedule 3, clauses 5 (1), (3) and (4), 6 (1) and (3), 7 (1) and 8**
Omit “he” wherever occurring. Insert instead “the transferred employee”.
- [17] **Schedule 3, clause 5 (1), (3) and (4)**
Omit “him”. Insert instead “the transferred employee”.
- [18] **Schedule 3, clauses 5 (1), (3) and (4) and 6 (1) (b)**
Omit “his” wherever occurring. Insert instead “the transferred employee’s”.
- [19] **Schedule 3, clause 5 (2) and (5)**
Omit “him” wherever occurring. Insert instead “the person”.
- 3.15 Health Insurance Levies Act 1982 No 159**
- [1] **Sections 6A (2), 13 (1) and (2), 14 (2) and 22 (5)**
Omit “his” wherever occurring. Insert instead “the Chief Commissioner’s”.
- [2] **Sections 6A (4), 7 (4) and 24 (1) (b)**
Omit “his” wherever occurring. Insert instead “the person’s”.
- [3] **Sections 6A (10) and 7 (4)**
Omit “he” wherever occurring. Insert instead “the person”.
- [4] **Section 7 (2)**
Omit “his”. Insert instead “the inspector’s”.

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- [5] **Section 7 (2)**
Omit “he” wherever occurring. Insert instead “the inspector”.
- [6] **Section 7 (3) (a)**
Omit “him”. Insert instead “the inspector”.
- [7] **Sections 7 (5) and 8 (2)**
Omit “him” wherever occurring. Insert instead “the person”.
- [8] **Section 8 (3) (b)**
Omit “his”. Insert instead “the defendant’s”.
- [9] **Section 9**
Omit “him”. Insert instead “the person concerned”.
- [10] **Section 13 (2)**
Omit “he”. Insert instead “the Chief Commissioner”.
- [11] **Section 23 (1)**
Omit “he” where firstly occurring.
Insert instead “the director or person concerned”.
- [12] **Section 23 (1) (a)**
Omit “his”. Insert instead “the director’s or person’s”.
- [13] **Section 23 (1) (b) and (c)**
Omit “he” wherever occurring. Insert instead “the director or person”.
- [14] **Schedule 2, clause 2 (4) and (5)**
Omit “him” wherever occurring. Insert instead “the Australian Statistician”.
- 3.16 Intoxicated Persons Act 1979 No 67**
- [1] **Section 5 (1) (a) (ii)**
Insert “or herself” after “himself”.
- [2] **Section 5 (1) (a) (iii)**
Insert “or her” after “his” wherever occurring.
- [3] **Section 5 (2) (a) and (b)**
Omit “he” wherever occurring. Insert instead “the intoxicated person”.
- [4] **Section 5 (4)**
Omit “himself”. Insert instead “the intoxicated person”.
- [5] **Section 5 (5)**
Omit “his”.
- [6] **Section 6 (1)**
Omit “his”. Insert instead “the intoxicated person’s”.
- [7] **Section 6 (2)**
Omit “him”. Insert instead “the person”.
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- [8] Section 6 (2)**
Omit “he”. Insert instead “the person”.
- [9] Section 7 (1) (a)**
Omit “him”. Insert instead “the intoxicated person”.
- [10] Section 7 (1) (b)**
Omit “he”. Insert instead “the person so in charge”.
- [11] Section 7 (1) (b)**
Omit “him”. Insert instead “the person so in charge”.
- [12] Section 8**
Omit “him”.
Insert instead “the member, the authorised person, the person so engaged or any such other person”.
- 3.17 Irrigation Act 1912 No 73**
- [1] Section 11C (1)**
Omit “He”. Insert instead “The lessee”.
- [2] Section 11C (1)**
Omit “his”. Insert instead “the lessee’s”.
- [3] Section 11C (2)**
Omit “his”. Insert instead “the mortgagee’s”.
- [4] Section 11C (3) (a)**
Omit “him”. Insert instead “the mortgagee”.
- [5] Section 11C (3) (a)**
Omit “he”. Insert instead “the mortgagee”.
- [6] Section 11C (3) (c)**
Omit “his”. Insert instead “the purchaser’s”.
- [7] Section 11C (3) (d)**
Omit “him”. Insert instead “the purchaser”.
- [8] Section 11C (3) (f)**
Omit “he”. Insert instead “the lessee”.
- [9] Section 11E (3) (d)**
Omit “chairman”. Insert instead “chairperson”.
- [10] Section 12 (1) (a)**
Omit “his”. Insert instead “the person’s”.
- [11] Sections 12 (2) and (3), 13 (1) and 19B**
Omit “him” wherever occurring. Insert instead “the occupier”.
- [12] Sections 12 (2) and 19B**
Omit “he” wherever occurring. Insert instead “the occupier”.

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- [13] **Sections 13 (1) and 18 (2)**
Omit “his” wherever occurring. Insert instead “the occupier’s”.
- [14] **Sections 19H and 19I**
Insert “or her” after “his” wherever occurring.
- [15] **Section 22A (5) (c)**
Omit “him”. Insert instead “the Registrar-General”.
- [16] **Section 22A (5) (d)**
Omit “he”. Insert instead “the Registrar-General”.
- 3.18 Law Reform (Miscellaneous Provisions) Act 1944 No 28**
- [1] **Section 2 (1), (2) (d) and (4)**
Omit “him” wherever occurring. Insert instead “the person”.
- [2] **Section 2 (1), (2) and (4)**
Omit “his” wherever occurring. Insert instead “the person’s”.
- [3] **Section 2 (2) (a) (ii) and (4)**
Omit “he” wherever occurring. Insert instead “the person”.
- 3.19 Law Reform (Miscellaneous Provisions) Act 1946 No 33**
- [1] **Sections 2 (1) (b) and 3 (1)**
Omit “him” wherever occurring. Insert instead “the defendant”.
- [2] **Section 2 (1) (b)**
Omit “he”. Insert instead “the defendant”.
- [3] **Section 2 (1) (c)**
Omit “he” wherever occurring. Insert instead “the plaintiff”.
- [4] **Sections 3 and 6 (1)**
Omit “he” wherever occurring. Insert instead “the person”.
- [5] **Sections 3 (2) and 6 (1)**
Omit “his” wherever occurring. Insert instead “the person’s”.
- [6] **Section 5 (1) (c)**
Omit “him”. Insert instead “that person”.
- [7] **Section 6 (7)**
Omit “himself”. Insert instead “the insurer”.
- 3.20 Library Act 1939 No 40**
- [1] **Section 4B(10)**
Omit “he”. Insert instead “the person”.
- [2] **Section 5 (3)**
Omit “his”. Insert instead “the Minister’s”.

- [3] **Section 7A (4)**
Omit “his”. Insert instead “the State Librarian’s”.
- [4] **Section 11 (4)**
Omit “chairman” wherever occurring. Insert instead “chairperson”.
- [5] **Section 11 (4) and Schedule, clauses 2 (1), 3 (3), 4, 5 and 7**
Omit “his” wherever occurring. Insert instead “the member’s”.
- [6] **Schedule, clauses 2 (2) and 3 (4)**
Omit “he is” wherever occurring.
- [7] **Schedule, clause 6**
Omit “him”. Insert instead “the Governor”.
- [8] **Schedule, clause 7**
Omit “he”. Insert instead “the member”.
- [9] **Schedule, clause 7 (e)**
Omit “him”. Insert instead “the member”.
- 3.21 Long Service Leave (Metalliferous Mining Industry) Act 1963
No 48**
- [1] **Sections 3 (1) definition of “ordinary pay”, (2) and (2A), 4 (1), (2) (c), (3), (5), (7), (11), (12) and (13), 5 (1), (2) (c) (i), (ii) and (iii)**
Omit “his” wherever occurring. Insert instead “the worker’s”.
- [2] **Sections 3 (1), (2), (2A) and (28) and 4 (2) (c) and (12)**
Omit “him” wherever occurring. Insert instead “the worker”.
- [3] **Sections 3 (1) and 4 (2) (a) (i) (b), (11) (a) and (d), (12) and (13) (b) (ii), (c) (ii) and (e) and 5 (2) (c) (ii) and (iii)**
Omit “he” wherever occurring. Insert instead “the worker”.
- [4] **Sections 4 (11) (a) (i) and 10 (3) (a)**
Omit “him” wherever occurring. Insert instead “the employer”.
- [5] **Section 9 (1) (a)**
Omit “he”. Insert instead “the inspector”.
- [6] **Section 10 (2) (a) and (4)**
Omit “he” wherever occurring. Insert instead “the person”.
- [7] **Section 10 (2) (b)**
Omit “his”. Insert instead “the inspector’s”.
- [8] **Sections 10 (4) and 13 (2)**
Omit “his” wherever occurring. Insert instead “the person’s”.
- [9] **Section 11 (4)**
Insert “or her” after “his” wherever occurring.
- [10] **Section 11 (4)**
Omit “him”. Insert instead “the prosecutor”.
- [11] **Section 12 (2)**
Omit “him”. Insert instead “the secretary or officer”.

3.22 Lord Howe Island Act 1953 No 39

- [1] **Section 3 (1) definition of “Crown lands”**
Omit “Her Majesty”. Insert instead “the Crown”.
- [2] **Sections 3 (2) and 9 B**
Omit “his” wherever occurring. Insert instead “the person’s”.
- [3] **Section 4 (3A) and (10)**
Omit “chairman” wherever occurring. Insert instead “chairperson”.
- [4] **Section 4 (38) and (48)**
Omit “his” wherever occurring. Insert instead “the member’s”.
- [5] **Section 4 (4A)**
Omit “his” where firstly occurring.
- [6] **Section 4 (4A)**
Insert “or her” after “his” where secondly occurring.
- [7] **Section 4 (5)**
Insert “or her” after “his” where firstly occurring.
- [8] **Section 4 (5)**
Omit “his” where secondly occurring. Insert instead “the member’s”.
- [9] **Section 4 (5B)**
Omit “his” where firstly occurring. Insert instead “the office holder’s”.
- [10] **Section 4 (5B)**
Insert “or her” after “his” where secondly and thirdly occurring.
- [11] **Section 4 (5B)**
Omit “him” wherever occurring. Insert instead “the office holder”.
- [12] **Section 4 (10)**
Omit “vice-chairman” wherever occurring. Insert instead “vice-chairperson”.
- [13] **Section 4 (10) (c)**
Omit “his”. Insert instead “the chairperson’s”.
- [14] **Section 5**
Omit “his” where firstly occurring.
- [15] **Section 5**
Omit “he” wherever occurring. Insert instead “the member”.
- [16] **Sections 5 (1) (b), 21 (6), 22 (6), 23 (5), 23 (9), 23 (11) and 30 (3) (c)**
Insert “or her” after “his” wherever occurring.
- [17] **Section 5 (1) (c)**
Omit “him”. Insert instead “the member”.
- [18] **Sections 5 (1) (c), 20 (2) and 23 (4B) (b)**
Omit “his” wherever occurring.

- [19] **Section 5 (1) (f)**
Omit “his” where firstly occurring. Insert instead “from”.
- [20] **Section 5 (1) (f)**
Omit “under his hand”.
- [21] **Sections 5 (2) and 36A (3)**
Omit “him” wherever occurring. Insert instead “the Minister”.
- [22] **Sections 9B, 20 (2) (c), 23 (10) (b) and 33 (2)**
Omit “he” wherever occurring. Insert instead “the person”.
- [23] **Section 12 (2)**
Omit “he”. Insert instead “the Governor”.
- [24] **Section 12A (1)**
Omit “him” wherever occurring. Insert instead “the Islander”.
- [25] **Part 4, Division 1, heading**
Omit “Her Majesty”. Insert instead “Crown”.
- [26] **Sections 16, 17 and 33 (1)**
Omit “Her Majesty” wherever occurring. Insert instead “the Crown”.
- [27] **Section 21 (6), (7A) and (8)**
Omit “he” wherever occurring. Insert instead “the Minister”.
- [28] **Section 21 (7)**
Insert “or herself” after “himself”.
- [29] **Section 21 (10)**
Omit “he”. Insert instead “the lessee”.
- [30] **Sections 22 (6) and (7), 23 (3) and (7A) (d), 27 (6) and 31A (1)**
Omit “he” wherever occurring. Insert instead “the Minister”.
- [31] **Section 23 (1) (a)**
Omit “him”. Insert instead “the transferee”.
- [32] **Section 23 (3)**
Insert “or her” after “his” where firstly occurring.
- [33] **Section 23 (3)**
Omit “his” where secondly occurring.
- [34] **Section 23 (5)**
Omit “he”. Insert instead “the mortgagee”.
- [35] **Section 23 (7A) (d)**
Omit “his” where firstly and thirdly occurring.
- [36] **Section 23 (7A) (d)**
Insert “or her” after “his” where secondly occurring.
- [37] **Section 23 (13)**
Omit “him” wherever occurring. Insert instead “the child”.

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- [38] **Section 23 (13)**
Omit “he”. Insert instead “the child”.
- [39] **Section 34A (2)**
Omit “him”. Insert instead “the Treasurer”.
- 3.23 Maritime Services Act 1935 No 47**
- [1] **Sections 2 (1) definition of “Owner”, 13U (4) (b), 30A (1) and (2) (b) and 30F (1) (b)**
Omit “his” wherever occurring. Insert instead “the person’s”.
- [2] **Section 13E**
Omit “his”. Insert instead “the Minister’s”.
- [3] **Sections 13JG (1) and (4), 13T (3), (5) and (9) and 30C (6) definition of “Owner” (paragraph (b) (i))**
Omit “him” wherever occurring. Insert instead “the person”.
- [4] **Sections 13T (8), 13U (4) (b), 30A (2) (c), 30F (1) (b) and (2) and 34 (2)**
Omit “he” wherever occurring. Insert instead “the person”.
- [5] **Sections 13U (2) and (3), 30C (3) (a) (i) and (b) (i) and 30D (2) (b)**
Omit “him” wherever occurring. Insert instead “the owner”.
- [6] **Section 13U (4) (c)**
Omit “his”.
- [7] **Sections 13U (5) and 30F (1) (a)**
Insert “or her” after “his” wherever occurring.
- [8] **Section 13Z (3)**
Omit “him”. Insert instead “the Governor”.
- [9] **Section 30B (2)**
Insert “or her” after “him” wherever occurring.
- [10] **Section 30C (1) and (3)**
Omit “he” wherever occurring. Insert instead “the owner”.
- [11] **Section 30D (2) (b)**
Omit “his”. Insert instead “the owner’s”.
- [12] **Section 30F (1) (a)**
Insert “or she” after “he” wherever occurring.
- [13] **Section 30G (2)**
Omit “his” wherever occurring. Insert instead “the master’s”.
- [14] **Section 30G (2) (c) and (e)**
Omit “he” wherever occurring. Insert instead “the master”.
- [15] **Section 30G (2) (e)**
Omit “him” wherever occurring. Insert instead “the master”.
- [16] **Section 34 (5) (a)**
Omit “his”. Insert instead “the officer’s”.

- [17] **Section 38 (2A) (e)**
Omit “him”. Insert instead “the driver”.
- 3.24 Motor Vehicles (Third Party Insurance) Act 1942 No 15**
- [1] **Section 7 (4)**
Omit “he”. Insert instead “the defendant”.
- [2] **Section 18 (2)**
Omit “his so doing”.
Insert instead “the person signing all such warrants and authorities”.
- [3] **Section 37 (b)**
Omit “his”. Insert instead “that person’s”.
- 3.25 New South Wales Institute of Psychiatry Act 1964 No 44**
- [1] **Sections 5 (2) (a) and 9**
Omit “chairman” wherever occurring. Insert instead “chairperson”.
- [2] **Section 5 (3)**
Omit “he”. Insert instead “the person”.
- [3] **Sections 7 and 9 (3)**
Omit “his” wherever occurring. Insert instead “the member’s”.
- [4] **Section 8 (1)**
Omit “him”. Insert instead “the member”.
- [5] **Section 9, heading**
Omit “Chairman and deputy chairman”.
Insert instead “Chairperson and deputy chairperson”.
- [6] **Section 9 (1)**
Omit “he”. Insert instead “the chairperson”.
- [7] **Sections 9 (5), 10 (1) and 11 (2) (b)**
Insert “or her” after “his” wherever occurring.
- [8] **Section 10 (1)**
Omit “he” wherever occurring. Insert instead “the member”.
- [9] **Section 10 (2)**
Omit “him”. Insert instead “the Governor”.
- [10] **Section 12 (2) (c) and (3)**
Omit “he” wherever occurring. Insert instead “the alternate member”.
- [11] **Section 12 (2)**
Omit “he is” where firstly occurring.
- [12] **Section 14**
Omit “its or his”. Insert instead “the Institute’s or the member’s”.
- [13] **Section 24 (3)**
Omit “his”.

3.26 New South Wales—Queensland Border Rivers Act 1947 No 10

[1] Sections 13 and 19

Omit “his” wherever occurring.

[2] Section 18

Omit “him”. Insert instead “the claimant”.

[3] Section 21 (2)

Omit “his”. Insert instead “the holder’s”.

[4] Section 23

Omit “he”. Insert instead “the Governor”.

3.27 Occupational Health and Safety Act 1983 No 20

[1] Section 4 (1) definition of “self-employed person”

Omit “he himself employs”. Insert instead “employing”.

[2] Sections 4 (3) (a), 26 (1) (a) and 50 (1)

Insert “or she” after “he” wherever occurring.

[3] Sections 4 (3) (a), 19, 25 (2), 26 (1) and (3) (b) and 51 (2)

Insert “or her” after “his” wherever occurring.

[4] Sections 4 (3) (b), 23 (4) and 53 (b)

Omit “he” wherever occurring. Insert instead “the person”.

[5] Sections 15 (1), (2) (c) and (e), 16 (1) and 21

Omit “his” wherever occurring. Insert instead “the employer’s”.

[6] Section 15(2)

Omit “he”. Insert instead “the employer”.

[7] Sections 16 (2), 17 (1) and (2) and 18 (4), (7) (b) and (8) (b)

Omit “his” wherever occurring. Insert instead “the person’s”.

[8] Sections 17 (3), 18 (4) and (5) and 53

Omit “him” wherever occurring. Insert instead “the person”.

[9] Section 19 (b)

Omit “him”. Insert instead “the employer or that other person”.

[10] Section 23 (3) (b)

Omit “chairman”. Insert instead “presiding member”.

[11] Section 25 (2)

Omit “him”. Insert instead “the member”.

[12] Section 26 (1)

Omit “him”. Insert instead “an employee”.

3.28 Pathology Laboratories Accreditation Act 1981 No 51

[1] Section 4 (1) definition of “Chairman”

Omit the definition. Insert instead:

Chairperson means the Chairperson of the Board.

- [2] **Section 4 (5) (b)**
Omit “his”. Insert instead “that person’s”.
- [3] **Section 6 (2), Schedule 1, clauses 6 and 9 and Schedule 2, clause 3**
Omit “Chairman” wherever occurring. Insert instead “Chairperson”.
- [4] **Section 13 (3)**
Omit “his”. Insert instead “the”.
- [5] **Section 14 (4)**
Omit “his”. Insert instead “the applicant’s”.
- [6] **Section 16 (1)**
Omit “he is”.
- [7] **Section 27 (2) (a) and Schedule 1, clause 5**
Omit “him” wherever occurring. Insert instead “the holder”.
- [8] **Section 28 (2) (a)**
Omit “he”. Insert instead “the respondent”.
- [9] **Section 29 (2) (a)**
Omit “by himself”. Insert instead “in person”.
- [10] **Section 29 (2) (b) (i), (ii) and (v)**
Omit “it or he” wherever occurring. Insert instead “the Board or the delegate”.
- [11] **Section 29 (2) (b) (ii)**
Omit “inform itself or himself”. Insert instead “be informed”.
- [12] **Section 29 (4)**
Omit “he”. Insert instead “the delegate”.
- [13] **Section 29 (4)**
Omit “his”. Insert instead “the delegate’s”.
- [14] **Section 30 (1) and (3) (a)**
Omit “its or his” wherever occurring. Insert instead “the Board’s or delegate’s”.
- [15] **Section 30 (1) (b)**
Omit “his” wherever occurring. Insert instead “the person’s”.
- [16] **Section 30 (3)**
Omit “his reasonable”. Insert instead “the person’s reasonable”.
- [17] **Sections 30 (3), 36 and 37**
Omit “him” wherever occurring. Insert instead “the person”.
- [18] **Section 34 and Schedule 1, clause 9**
Omit “he” wherever occurring. Insert instead “the person”.
- [19] **Section 36**
Omit “his”. Insert instead “the person’s”.
- [20] **Section 38**
Omit “his”. Insert instead “the inspector’s”.

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- [21] **Section 39 (1)**
Omit “he” wherever occurring. Insert instead “the director or officer”.
- [22] **Section 39 (1) (a)**
Omit “his”. Insert instead “the director’s or officer’s”.
- [23] **Section 42 (6)**
Insert “or her” after “his”.
- [24] **Section 45 (1) (a) (i) and (iii)**
Omit “him” wherever occurring. Insert instead “the individual”.
- [25] **Section 45 (1) (a) (ii)**
Omit “his”. Insert instead “the individual’s”.
- [26] **Section 45 (1) (a) (ii)**
Omit “he”. Insert instead “the individual”.
- [27] **Schedule 1, clause 1 (2)**
Omit “he”. Insert instead “the Minister”.
- [28] **Schedule 1, clauses 3, 4 and 7 (1) and Schedule 2, clause 5 (1)**
Omit “his” wherever occurring. Insert instead “the member’s”.
- [29] **Schedule 1, clause 5**
Omit “his” wherever occurring. Insert instead “the holder’s”.
- [30] **Schedule 1, clauses 6 and 7 (1) (f)**
Omit “him” wherever occurring. Insert instead “the member”.
- [31] **Schedule 1, clauses 7 (1) (a)–(h) and 8 (1)**
Omit “he” wherever occurring. Insert instead “the member”.
- [32] **Schedule 1, clause 7 (2)**
Omit “him”. Insert instead “the Governor”.
- [33] **Schedule 1, clause 9 and Schedule 2, clause 3**
Omit “his” wherever occurring. Insert instead “the Chairperson’s”.
- [34] **Schedule 1, clause 10**
Omit “its or his”.
Insert instead “the Board’s, member’s, officer’s, employee’s or other person’s”.
- 3.29 Plant Diseases Act 1924 No 38**
- [1] **Section 4 (1) (a)**
Omit “his”. Insert instead “the Governor’s”.
- [2] **Section 7 (1)**
Omit “he”. Insert instead “the Minister”.
- [3] **Sections 12, 13(1B) (a) and (2) and 25A (1)**
Omit “he” wherever occurring. Insert instead “the inspector”.
- [4] **Sections 13 (1A) and 18A (6) and (9) (a)**
Omit “him” wherever occurring. Insert instead “the inspector”.

- [5] **Section 13 (1B)**
Omit “his”. Insert instead “the inspector’s”.
- [6] **Section 13 (2)**
Omit “him”. Insert instead “the owner or person in charge”.
- [7] **Sections 14 and 15**
Omit “him” wherever occurring. Insert instead “the owner or occupier”.
- [8] **Sections 18A (7) and 24 (1)**
Omit “he” wherever occurring. Insert instead “the person”.
- [9] **Sections 18A (7), 24 (1), 25A (1) and (2) (a) and 26 (1)**
Omit “his” wherever occurring. Insert instead “the person’s”.
- [10] **Section 24 (2)**
Omit “him”. Insert instead “the Chief, Division of Plant Industries”.
- [11] **Section 24 (3)**
Omit “he himself”. Insert instead “the inspector personally”.
- [12] **Sections 26 (1) (d) and (e), 27 and 29 (4)**
Omit “him” wherever occurring. Insert instead “the person”.
- [13] **Section 26 (1)**
Omit “himself”. Insert instead “personally”.
- [14] **Section 26 (3)**
Omit “himself, his servant”.
Insert instead “the accused personally, the accused’s servant”.
- 3.30 Rural Workers Accommodation Act 1969 No 34**
- [1] **Section 3 (1) definition of “landholder”**
Omit “his”. Insert instead “the owner’s”.
- [2] **Section 6 (1) and (2)**
Omit “him” wherever occurring. Insert instead “the worker”.
- [3] **Section 6 (2) and item (18) (viii) of Part 1 of the Schedule**
Omit “his” wherever occurring. Insert instead “the worker’s”.
- [4] **Section 6 (2) and item (18) (viii) of Part 1 of the Schedule**
Omit “he” wherever occurring. Insert instead “the worker”.
- [5] **Sections 7 (3) (a) and (b) and 8 (5)**
Omit “he” wherever occurring. Insert instead “the person”.
- [6] **Sections 7 (3) (a) and 15 (b) and (c)**
Omit “his” wherever occurring. Insert instead “the person’s”.
- [7] **Section 7 (3) (b)**
Omit “his” where firstly occurring. Insert instead “the tenant’s”.
- [8] **Section 7 (3) (b)**
Omit “his” where secondly occurring. Insert instead “the person’s”.

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- [9] Section 8 (3)**
Omit “He”. Insert instead “The Director-General”.
- [10] Section 8 (3)**
Omit “his” wherever occurring. Insert instead “the Director-General’s”.
- [11] Sections 8 (3) and 9 (1) and items (6) (ii), (7) and (37) (ii) of Part 1 and proviso to item (2) of Part 3 of the Schedule**
Omit “he” wherever occurring. Insert instead “the Director-General”.
- [12] Section 12 (1) (c)**
Omit “him”. Insert instead “the landholder”.
- [13] Section 12 (3) (b)**
Omit “he”. Insert instead “the Minister”.
- [14] Section 13 (2) (b) (i), (d) (ii) and (g)**
Omit “his” wherever occurring. Insert instead “the member’s”.
- [15] Section 13 (2) (b) (i), (c), (d) and (g)**
Omit “chairman” wherever occurring. Insert instead “chairperson”.
- [16] Section 13 (2) (g)**
Omit “he”. Insert instead “the deputy”.
- [17] Section 14 (1) (c)**
Omit “he”. Insert instead “the holder”.
- [18] Section 14 (2), (4) and (5) (b)**
Omit “his” wherever occurring. Insert instead “the inspector’s”.
- [19] Section 14 (3) (a) and (4)**
Omit “he” wherever occurring. Insert instead “the inspector”.
- [20] Section 14 (3) (b)**
Omit “him”. Insert instead “the inspector”.
- 3.31 School Forest Areas Act 1936 No 20**
- [1] Section 2 (1) definition of “Crown Lands”**
Omit “His Majesty”. Insert instead “the Crown”.
- [2] Section 4 (3)**
Omit “him”. Insert instead “the Minister”.
- [3] Section 6 (2) and (3)**
Omit “He” wherever occurring. Insert instead “That person”.
- [4] Sections 6 (2) and (3), 8 (2) and 21 (1) (a) and (2)**
Omit “his” wherever occurring. Insert instead “that person’s”.
- [5] Section 6 (2) and (3)**
Omit “he continues” wherever occurring. Insert instead “continuing”.
- [6] Sections 6 (2), 9 (2), (3) and (4), 17 (2) and 18 (c)**
Omit “chairman” wherever occurring. Insert instead “Chairperson”.

- [7] Sections 6 (3) and 9 (2), (3) and (4)**
Omit “deputy-chairman” wherever occurring.
Insert instead “deputy Chairperson”.
- [8] Sections 7 (1) and 8 (3)**
Omit “his” wherever occurring. Insert instead “the member’s”.
- [9] Section 8 (3)**
Insert “or she” after “he”.
- [10] Section 9 (3)**
Omit “his” where firstly occurring. Insert instead “the Chairperson’s”.
- [11] Section 9 (3)**
Omit “his” where secondly occurring. Insert instead “a”.
- [12] Section 9 (5)**
Omit “him” wherever occurring. Insert instead “that person”.
- [13] Section 11**
Omit “his”.
- [14] Section 18 (c)**
Omit “deputy Chairman”. Insert instead “deputy Chairperson”.
- [15] Section 18 (c)**
Omit “his”. Insert instead “the Chairperson’s”.
- [16] Section 19 (2)**
Omit “he”. Insert instead “the person”.
- [17] Section 20 (1) (b)**
Insert “or she” after “he”.
- [18] Section 20 (2) (a)**
Omit “him”. Insert instead “the firstmentioned person”.
- 3.32 South-west Tablelands Water Supply Administration Act 1941
No 36**
- [1] Section 3 (3)**
Omit “his”. Insert instead “the Administrator’s”.
- [2] Sections 3 (3), 6 and 16 (2)**
Omit “him” wherever occurring. Insert instead “the Administrator”.
- [3] Section 10 (2)**
Omit “he”. Insert instead “the Administrator”.
- 3.33 State Brickworks Act 1946 No 16**
Section 3 (3)
Omit “his”.

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- 3.34 Statute Law (Miscellaneous Provisions) Act 1995 No 16**
Schedule 3 Amendments replacing gender-specific language
Omit item [27] of Schedule 3.3. Insert instead:
[27] Section 1 2
Omit “his licence” wherever occurring (except where firstly occurring).
Insert instead “the licence”.
- 3.35 Statute Law (Miscellaneous Provisions) Act (No 2) 1995 No 9 9**
[1] Schedule 3 Amendments replacing gender-specific language
Omit item [2] of Schedule 3.1. Insert instead:
[2] Section 2 (1) definition of “worker”
Omit “salesman”. Insert instead “salesperson”.
- [2] Schedule 3.1 [3]**
Omit the item. Insert instead:
[3] Sections 2 (1) definition of “worker” and 11 (2) (a)
Omit “he” wherever occurring. Insert instead “the person”.
- [3] Schedule 3.8 [26]**
Omit the item. Insert instead:
[26] Schedule 1, clause 8 (2) (d)
Omit “his”. Insert instead “the person’s”.
- [4] Schedule 3.10 [7]**
Omit the item. Insert instead:
[7] Sections 9 (4) (a) and (b), 15 (1), 16 (2), 17 (1), 19 (5), 35 (3), 38 (1) and 48 (2)
Omit “he” wherever occurring. Insert instead “the registrar”.
- [5] Schedule 3.10 [36]**
Omit the item. Insert instead:
[36] Section 4 7
Omit “he” wherever occurring. Insert instead “the Minister”.
[37] Section 4 8 (1)
Omit “he” where firstly and secondly occurring. Insert instead “the Minister”.
[38] Section 4 8 (1)
Omit “he is”. Insert instead “the registrar is”.
- [6] Schedule 3.18 [5]**
Omit the item. Insert instead:
[5] Sections 21 (2), 26 (1), 31 (3), 32 (6) (b) and (7), 43 (2), 50 (1), 55 (3), 59 (1), 61, 69 (3), 72 (5), 93, 95 (2), 103 (3), 104 (1), 106 (2) (a), (b) and (d), 109, 111 (2), 113 (3), 114 and 122 (2)
Omit “he” wherever occurring. Insert instead “the Minister”.

- [7] Schedule 3.18 [7]**
Omit the item. Insert instead:
[7] Sections 22 (4), 23 (4), 24 (5), 26 (1) and (2), 28, 42 (2), 48 (7), 49 (1) (b) (i) and (3), 50 (1), (5) and (7) and 51
Omit “him” wherever occurring. Insert instead “the applicant”.
- [8] Schedule 3.18 [8A] and [8B]**
Insert after item [8] of Schedule 3.18:
[8A] Section 23 (3)
Omit “instrument on him”. Insert instead “instrument on the applicant”.
[8B] Section 23 (3)
Omit “served on him”. Insert instead “served on the Minister”.
- [9] Schedule 3.18 [12A] and [12B]**
Insert after item [12] of Schedule 3.18:
[12A] Section 27 (1)
Omit “him” where firstly, thirdly and fourthly occurring.
Insert instead “the applicant”.
[12B] Section 27 (1)
Omit “him” where secondly occurring. Insert instead “the Minister”.
- [10] Schedule 3.18 [29]**
Omit the item. Insert instead:
[29] Sections 62, 63 (1), 65 (4), 72 (3), 85 (2), 95 (2), 100 (2), 108 (2), 110 (1), 126 (3) and 131 (1)
Omit “him”. Insert instead “the person”.
- [11] Schedule 3.18 [34A]**
Insert after item [34] of Schedule 3.18:
[34A] Section 72 (4)
Omit “he”. Insert instead “the person”.
- [12] Schedule 3.18 [41]**
Omit the item. Insert instead:
[41] Section 106 (2) (c)
Omit “he wishes”.
Insert instead “the permittee, lessee, licensee or pipeline licensee or the person wishes”.
- 3.36 Suitors’ Fund Act 1951 No 3**
- [1] Sections 4 (1) and 6 (4) (b)**
Omit “him”. Insert instead “the Secretary”.
- [2] Sections 4 (4) and (5) and 6A (1A)**
Omit “his” wherever occurring. Insert instead “the Secretary’s”.
- [3] Sections 6 (2) (c) and (5A) (b) and 6B (1) (c) and (5) (b)**
Omit “him” wherever occurring. Insert instead “the respondent”.

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- [4] **Section 6 (4) (b)**
Omit “his” wherever occurring. Insert instead “the respondent’s”.
- [5] **Sections 6 (5A) and 6B (5)**
Omit “he” wherever occurring. Insert instead “the respondent”.
- [6] **Sections 6 (5A) (b) and 6B (5) (b)**
Omit “himself” wherever occurring.
- [7] **Section 6A (1)**
Omit “his” wherever occurring. Insert instead “the accused’s”.
- [8] **Section 6A (1A) (a)**
Omit “he”. Insert instead “the Secretary”.
- 3.37 Survey Co-ordination Act 1949 No 27**
- [1] **Section 2 definition of “Surveyor-General”**
Insert “or her” after “his”.
- [2] **Sections 4 (2), 8 (2), 11 (1) and (1A), 13, 15 (2) and 19**
Omit “he” wherever occurring. Insert instead “the Surveyor-General”.
- [3] **Sections 4 (2), 5, 6 (1), 8 (2) and 11 (4)**
Omit “him” wherever occurring. Insert instead “the Surveyor-General”.
- [4] **Section 7**
Omit “he”. Insert instead “the officer”.
- [5] **Section 9 (2)**
Omit “him”. Insert instead “the person”.
- [6] **Section 9 (2)**
Omit “his”. Insert instead “the person’s”.
- [7] **Section 14 (4)**
Omit “he” wherever occurring. Insert instead “the Minister”.
- [8] **Section 16 (1)**
Omit “him”. Insert instead “the surveyor”.
- 3.38 Teacher Housing Authority Act 1975 No 27**
- [1] **Sections 7 (1A) and (2) (d), 10 (7) and (8) and 18 (2) and (3)**
Omit “Chairman” wherever occurring. Insert instead “Chairperson”.
- [2] **Sections 7 (2) (d), 10 (2) and 11 (1) (a) and (d)–(j)**
Omit “he” wherever occurring. Insert instead “the member”.
- [3] **Sections 10 (1), (3) and (5) and 11 (1)**
Omit “his” wherever occurring. Insert instead “the member’s”.
- [4] **Section 10 (2)**
Insert “or her” after “his” where firstly occurring.
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- [5] **Section 10 (2)**
Omit “his” where secondly occurring. Insert instead “the”.
- [6] **Section 10 (3)**
Omit “he”. Insert instead “the person”.
- [7] **Section 10 (5A)**
Omit “his or her”. Insert instead “the person’s”.
- [8] **Sections 10 (6) and 11 (1) (d)**
Omit “him” wherever occurring. Insert instead “the member”.
- [9] **Section 10 (7)**
Omit “his”. Insert instead “the Chairperson’s”.
- [10] **Section 11 (2)**
Omit “him”. Insert instead “the Governor”.
- [11] **Section 18 (2)**
Omit “he”. Insert instead “the Chairperson”.
- [12] **Sections 19 (3) (a) and (c), 20 (1) (a) and (2) (a) and 23A (a) and (b)**
Omit “Her Majesty” wherever occurring. Insert instead “the Crown”.
- [13] **Section 23A, heading**
Omit “Her Majesty”. Insert instead “the Crown”.
- 3.39 Teaching Service Act 1980 No 23**
- [1] **Sections 28 and 56 (2) (b)**
Omit “him” wherever occurring. Insert instead “the person”.
- [2] **Sections 37 (2) and 39 (2)**
Omit “his” wherever occurring.
- [3] **Sections 37 (2), 39 (2), 60 (3), 85 (1) (a) (v), 87 (2) (a) and (b), 88 and 89 (3)**
Insert “or she” after “he” wherever occurring.
- [4] **Sections 38 (2), 40 (2) and 41 (5)**
Omit “of his” wherever occurring.
- [5] **Section 41 (1)**
Omit “on him”.
- [6] **Sections 41 (2) and 93 (3) (a)**
Omit “his” wherever occurring. Insert instead “the Director-General’s”.
- [7] **Section 41 (8)**
Omit “made by him”.
- [8] **Sections 45 (3) and 53 (4)**
Omit “he became” wherever occurring. Insert instead “becoming”.

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- [9] **Sections 45 (3) and 53 (4)**
Omit “he was” wherever occurring. Insert instead “the person was”.
- [10] **Sections 46 (2), 47 (1), 54 (2), 55 (1), 58 (6), 83 (e), 85 (1) (a) (iv), (b) (i) and (c), 89 (1) (e), (2) (a) and (3), 91 and 92 (1)**
Insert “or her” after “his” wherever occurring.
- [11] **Section 47 (1A)**
Omit “appointing him”. Insert instead “appointment”.
- [12] **Sections 47 (5) (b), 55 (5) (b), 56 (5), 64 (b) and 97 (3)**
Omit “his” wherever occurring. Insert instead “the person’s”.
- [13] **Sections 48 (1) and 56 (1)**
Omit “he” wherever occurring. Insert instead “the person”.
- [14] **Sections 48 (2) (a) and (b) and (6), 50 (5) (a) and (6), 56 (2) (a) and (b) and (6), 58 (5) (a), 73 (1) (a) and (b) (i) and (2) (a) and (b) and 87 (4) (a)**
Omit “his” wherever occurring. Insert instead “the”.
- [15] **Section 48 (2) (b)**
Omit “applicable to him”.
- [16] **Section 48 (5)**
Omit “his”. Insert instead “an”.
- [17] **Section 50 (1)**
Omit “Where the Director-General of Education is of the opinion that it is necessary to do so, he may”.
Insert instead “The Director-General of Education may, if of the opinion that it is necessary to do so,”.
- [18] **Sections 50 (1) and 58 (1)**
Insert “or she” after “he” wherever secondly occurring.
- [19] **Sections 51 (3) and 75**
Omit “he is” wherever occurring.
- [20] **Section 58 (1)**
Omit “Where the Director-General of Technical and Further Education is of the opinion that it is necessary to do so, he may”.
Insert instead “The Director-General of Technical and Further Education may, if of the opinion that it is necessary to do so,”.
- [21] **Sections 60 (1) (b), 65 (1) (a), 68 (1), 69 (1), 73 (1) (b) (ii), 75, 76 (1) (c) and (e), 78, 79 (1) (b) (ii) and 80**
Omit “his” wherever occurring. Insert instead “the officer’s”.
- [22] **Sections 60 (1) (b), 68 (1) (b), 73 (1) (b) (ii), 74, 78, 79 (3) and 80 (1)**
Omit “he” wherever occurring. Insert instead “the officer”.
- [23] **Sections 60 (1) (c), 68 (1) (a), 73 (1) (b) (i) and 78 (b)**
Omit “him” wherever occurring. Insert instead “the officer”.
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- [24] **Section 60 (2)**
Omit “his”. Insert instead “the teacher’s or member’s”.
- [25] **Section 66 (1)**
Omit “made by him”.
- [26] **Section 66 (2)**
Omit “have sent to him”. Insert instead “be sent”.
- [27] **Section 66 (2)**
Omit “him” where secondly occurring. Insert instead “the officer”.
- [28] **Sections 67 (3) and 68 (2)**
Omit “he” wherever occurring. Insert instead “the Director-General”.
- [29] **Section 70 (5)**
Omit “his”. Insert instead “the member’s”.
- [30] **Section 70 (7)**
Omit “to him” wherever occurring.
- [31] **Section 71 (1)**
Omit “he”. Insert instead “that Director-General”.
- [32] **Section 73 (1) (b)**
Omit “his” where firstly occurring. Insert instead “the”.
- [33] **Sections 76 (1) (a) and 87 (2)**
Omit “his” wherever firstly occurring.
- [34] **Sections 76 (1) (a), 85 (3) and 87 (2)**
Insert “or her” after “his” wherever secondly occurring.
- [35] **Section 85 (1)**
Insert “or she” after “he” where firstly occurring.
- [36] **Section 85 (1) (a)**
Omit “he” where firstly occurring.
- [37] **Sections 85 (1) (a) and (b) (i), 87 (2) and 90 (2)**
Insert “or her” after “him” wherever occurring.
- [38] **Section 85 (1) (b) (i)**
Omit “he” where firstly occurring. Insert instead “the Director-General”.
- [39] **Section 85 (1) (b) (i) and (ii)**
Insert “or she” after “he” where secondly and thirdly occurring.
- [40] **Section 85 (1) (b) (ii)**
Omit “he” where firstly occurring. Insert instead “the prescribed officer”.
- [41] **Section 85 (3)**
Omit “his” where firstly occurring. Insert instead “the”.
- [42] **Section 88**
Insert “or her” after “his” where firstly and secondly occurring.
- [43] **Section 88**
Omit “his” where thirdly to sixthly occurring. Insert instead “the”.

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- [44] Section 90 (1)**
Omit “him”. Insert instead “the officer or temporary employee”.
- [45] Section 90 (2)**
Omit “he”. Insert instead “the officer or temporary employee”.
- [46] Section 93 (2)**
Omit “upon him”.
- [47] Section 93 (2)**
Omit “him” where secondly occurring. Insert instead “the judgment debtor”.
- [48] Section 93 (10)**
Omit “him”. Insert instead “the accountant”.
- [49] Section 97 (2)**
Omit “reduction of his salary or of his”.
Insert instead “reduction in salary or of his or her”.
- 3.40 Theatres and Public Halls Act 1908 No 13**
- [1] Section 27 (1)**
Omit “whenever he is of”. Insert instead “if the Minister is of the”.
- [2] Section 27 (1)**
Omit “under his hand”.
- [3] Section 29 (1)**
Omit “he”. Insert instead “the member”.
- [4] Section 34**
Omit “he” wherever occurring. Insert instead “the person”.
- [5] Section 34**
Omit “his”. Insert instead “the person’s”.
- 3.41 Transferred Officers Extended Leave Act 1961 No 13**
- [1] Sections 3 and 4**
Omit the sections. Insert instead:

3 Method of reckoning service of certain employees in the public service of the State and of certain State authorities

- (1) Any person who is employed at, or at any time after, the commencement of this Act in the service of a State employer (in this section referred to as the “current employer”) shall be entitled, for the purpose of calculating the person’s entitlement to extended leave as an employee of the current employer, to have such of the prescribed periods, referred to in subsection (2), (3), (4), (4A) or (5), as are applicable to the person reckoned as service with the current employer.

- (2) Where:
- (a) a person referred to in subsection (1):
 - (i) has had, at any time before commencing service with the current employer, any continuous governmental service that was continuous with any subsequent service that the person had with a State employer, other than the current employer,
 - (ii) was under the age of sixty years when commencing such subsequent service,
 - (b) the person's service with that State employer was:
 - (i) a period of continuous service that was continuous with the service with the current employer, or
 - (ii) one of two or more periods of continuous service:
 - (a) each of which was continuous with another of them and was with a State employer, and
 - (b) one of which was continuous with the service with the current employer, and
 - (c) the person's service with the current employer is continuous service,

then the period of continuous governmental service, referred to in subparagraph (i) of paragraph (a), and the period, or two or more periods, of continuous service, referred to in subparagraph (i) or (ii) of paragraph (b), shall be prescribed periods for the purpose of subsection (1).

- (3) Where a person referred to in subsection (1):
- (a) has had, at any time before commencing service with the current employer, any continuous governmental service that was continuous with any subsequent service that the person had with a State employer, other than the current employer,
 - (b) was under the age of sixty years when commencing such subsequent service,
 - (c) is, under any Act, other than this Act, or under any regulation, by-law, award or industrial agreement, or by virtue of the conditions of the person's employment with the current employer, or by reason of any practice of the current employer, entitled, but is not entitled by virtue of the provisions of subsection (2), to have the person's service with the State employer referred to in paragraph (a) reckoned, for the purpose of calculating his or her entitlement to extended leave, as service with the current employer,

then the period of continuous governmental service, referred to in paragraph (a), shall be a prescribed period for the purpose of subsection (1).

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- (4) Where a person referred to in subsection (1):
- (a) is not entitled under subsection (2) to have any periods of service reckoned as prescribed periods for the purpose of subsection (1),
 - (b) has had any continuous governmental service that was continuous with the person's service with the current employer,
 - (c) was under the age of sixty years when commencing service with the current employer,
- and the person's service with the current employer is continuous service, then that period of continuous governmental service shall be a prescribed period for the purpose of subsection (1).
- (4A) Where a person referred to in subsection (1):
- (a) is, under any Act, other than this Act, or under any regulation, by-law, award or industrial agreement, or by virtue of the conditions of the person's employment with the current employer, or by reason of any practice of the current employer, entitled, but is not entitled by virtue of the provisions of subsection (4), to have any previous service with the employer who is the current employer reckoned, for the purpose of calculating his or her entitlement to extended leave, as service with the current employer,
 - (b) has had, before commencing that previous service, any continuous governmental service that was continuous with that previous service,
 - (c) was under the age of sixty years when commencing that previous service,
- then the period of continuous governmental service, referred to in paragraph (b), shall be a prescribed period for the purpose of subsection (1).
- (5) Where a person referred to in subsection (1) is entitled under the foregoing provisions of this section to have any period of service with an employer reckoned as a prescribed period for the purpose of subsection (1), any other period during which such person was employed by any employer shall be a prescribed period for the purpose of subsection (1) if such person was entitled, under any Act, other than this Act, or under any regulation, by-law, award or industrial agreement, or by virtue of the conditions of his or her employment with such firstmentioned employer, or by reason of any practice of such firstmentioned employer, to have that other period reckoned, for the purpose of calculating his or her entitlement to extended leave, as service with such firstmentioned employer.
- (6) No period of service or employment shall be reckoned as a prescribed period for the purpose of subsection (1) more than once.

- (7) Where a person referred to in subsection (1) has been granted by any of the person's employers and has taken:
- (a) any extended leave in respect of a period of service or employment which, but for this subsection, the person would have been entitled to have reckoned, for the purpose of calculating his or her entitlement to extended leave as an employee in the service of the current employer, as service with the current employer, or
 - (b) any other benefit in lieu of any such leave,
- the leave so granted and taken, or the leave in lieu of which the other benefit was so granted and taken, shall be deducted from any extended leave to which such person may become entitled in respect of the person's employment in the service of the current employer.
- (8) Where a person's current employer is a State employer referred to in paragraph (a) or (c) of the definition of *State employer* in subsection (1) of section 2 and that person has had service with another of those State employers, the provisions of this section do not apply so as to entitle that person to have reckoned, as service with the current employer, the person's service with the other of those State employers.

4 Qualifications on what amount to continuous periods of service and on the meaning of "continuous service" etc

- (1) (a) Subject to the provisions of subsection (2), a period of service (in this subsection referred to as "earlier service") of any person shall only be regarded, for the purposes of this Act, as being continuous with another period of service (in this subsection referred to as "later service") of that person where the person ceased employment in the earlier service (otherwise than by reason of his or her dismissal on any ground except retrenchment or reduction of work) and, on the working day next following so ceasing, commenced employment in the later service.
- For the purposes of this paragraph, no account shall be taken of any interval between the time when any such person ceased his or her employment in the earlier service and the time when the person commenced employment in the later service if such interval did not exceed two months and such person had, before ceasing to be employed in the earlier service, been accepted for employment in the later service.
- For the purpose of calculating the said period of two months no account shall be taken of any period during which such person was engaged in a full-time course of training under the Commonwealth Reconstruction Training Scheme.
- (b) Where the employer of a person in his or her earlier service furnishes to the employer of such person in his or her later service a certificate that such person's earlier service terminated by reason of the person's resignation being accepted:

- (i) after being required by such firstmentioned employer, for disciplinary reasons, to resign,
- (ii) as an alternative to being dismissed by such firstmentioned employer, or
- (iii) after being charged with an offence against discipline in the service of such firstmentioned employer, such charge not having been finally determined in favour of or against such person before the person's resignation was accepted,

such termination shall, for the purposes of paragraph (a) be deemed to be a dismissal, unless, in the case referred to in subparagraph (iii), such firstmentioned employer further certifies that such person's service with the firstmentioned employer was in that employer's opinion satisfactory.

- (2) Where a person has had a period of service with the armed forces of the Commonwealth that was during, or partly during, a period of war in which the naval, military or air forces of the Commonwealth were engaged, or was wholly or partly service of a kind or nature prescribed to be special service for the purposes of this subsection, that service shall only be regarded, for the purposes of this Act, as being continuous with another period of service with an employer where such person commenced employment in the service of that employer within twelve months after ceasing service with the armed forces of the Commonwealth.

For the purpose of calculating the said period of twelve months no account shall be taken of any period during which such person was engaged in a full-time course of training under the Commonwealth Reconstruction Training Scheme.

- (3) A person's service with any employer shall not be deemed not to be continuous service by reason only that:
- (a) such person was dismissed from the service of such employer because of retrenchment or reduction in work if, within twelve months after being so dismissed, the person was again employed by such employer, or
 - (b) such person ceased to be employed by such employer during any period during which such person was engaged in a full-time course of training under the Commonwealth Reconstruction Training Scheme,

but any period during which such person was not employed by such employer for the reason referred to in paragraph (a) or (b) shall not be, for the purposes of this Act, reckoned as service with such employer.

- (4) A reference in this section to a period during which a person was engaged in a full-time course of training under the Commonwealth Reconstruction Training Scheme shall be construed as a reference to a period commencing on the date on which that person first commenced to receive instruction in that training and ending on whichever of the following dates is the later:

- (a) the date on which such person last received such instruction, or
- (b) the date of publication of the result of any examination held at the end of the course in which such training was given and at which such person was a candidate.

3.42 Transport Appeal Boards Act 1980 No 104

[1] Section 4

Omit the definition of *Chairman*. Insert instead:

Chairperson means the Chairperson of Transport Appeal Boards appointed under section 5 (1).

[2] Section 4

Omit the definition of *Vice-Chairman*. Insert instead:

Vice-Chairperson means a Vice-Chairperson of Transport Appeal Boards appointed under section 6 (1).

[3] Sections 5, 6 (2), 7, 8, 11, 14 (2) (b), 18 (1), 31 and 32 (2) (b) and Schedule 1, clauses 3, 5, 7 and 8

Omit “Chairman” wherever occurring. Insert instead “Chairperson”.

[4] Sections 6, 7 (2), 8 and 31 and Schedule 2, clause 4, headings

Omit “Vice-Chairman” wherever occurring. Insert instead “Vice-Chairperson”.

[5] Sections 7, 8 and 31, headings

Omit “Chairman” wherever occurring. Insert instead “Chairperson”.

[6] Sections 6 (1), 7 (1) and 32 (2) (b)

Omit “Vice-Chairmen” wherever occurring. Insert instead “Vice-Chairpersons”.

[7] Sections 6 (1A) and (2), 7 (2), 8, 18 (1) and 31

Omit “Vice-Chairman” wherever occurring. Insert instead “Vice-Chairperson”.

[8] Section 7 (2)

Omit “his”. Insert instead “the person’s”.

[9] Sections 15, 20, 22, 24 (1) (d) and (e) and 30 (2)

Insert “or her” after “his” wherever occurring.

[10] Section 16 (2)

Omit “he”. Insert instead “the appellant or person”.

[11] Sections 18 (2) and 27

Omit “him” wherever occurring. Insert instead “the person”.

[12] Section 22 (2) and (3)

Insert “or she” after “he” wherever occurring.

[13] Section 24 (1) (d), (e) and (4) (b)

Omit “he” wherever occurring. Insert instead “the appellant”.

[14] Section 30 (1)

Omit “he” wherever occurring. Insert instead “the officer”.

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- [15] **Section 30 (1)**
Omit “himself”. Insert instead “the officer”.
- [16] **Schedule 1, clause 5 (1) (a)**
Omit “he” wherever occurring. Insert instead “the officer”.
- [17] **Schedule 1, clause 6 (a) and (b)**
Omit “he” wherever occurring. Insert instead “the person”.
- [18] **Schedule 1, clause 6 (b) and (c)**
Omit “his” wherever occurring. Insert instead “the person’s”.
- [19] **Schedule 1, clause 9**
Omit “him”. Insert instead “the secretary”.
- 3.43 Water Act 1912 No 44**
- [1] **Sections 7 (2) (c), 108 (2) and 110 (2)**
Omit “his” wherever occurring. Insert instead “the occupier’s”.
- [2] **Sections 7 (6), 22 (5) and 22B (9)**
Omit “him” wherever occurring. Insert instead “the occupier”.
- [3] **Sections 7 (7), 23, 55C (1) and (2), 122A, 139 (3) and (4), 147AC (5) and 159 (3) and (3A)**
Omit “he” wherever occurring. Insert instead “the person”.
- [4] **Sections 7 (7), 17, 21B (1), 136 (4) and 157 (4)**
Omit “him” wherever occurring. Insert instead “the person”.
- [5] **Section 10(1A)**
Omit “his”. Insert instead “the person”.
- [6] **Sections 11 (5) and 14 (2)**
Omit “him” wherever occurring. Insert instead “the applicant”.
- [7] **Sections 11 (5), 13A (4), 55C, 139 (3), (4) and (5), 147 (9) (a) and 159 (3), (3A) and (3B)**
Insert “or her” after “his” wherever occurring.
- [8] **Section 13A (1)**
Omit “he” wherever occurring. Insert instead “the occupier”.
- [9] **Section 13A (4)**
Omit “him”. Insert instead “the applicant, owner or occupier”.
- [10] **Section 13A (5) (a)**
Omit “he”. Insert instead “the applicant”.
- [11] **Section 13A (8)**
Omit “his”.
- [12] **Section 13AA (3)**
Omit “his”. Insert instead “the applicant’s”.
- [13] **Sections 13F, 17A (4) (c), 20CA (9), 20H (4) (c) and 20X (6) (c)**
Omit “his” wherever occurring. Insert instead “the holder’s”.
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- [14] Sections 14 (2A), 20CA (4) (j), 20CB (2) (a) and 120 (2)**
Omit “him” wherever occurring. Insert instead “the owner or occupier”.
- [15] Sections 17, 44, 45 and 162 (2)**
Omit “his” wherever occurring. Insert instead “the person’s”.
- [16] Sections 17B (1) (d), 20HA (1) (d) and 118A (4) (a)**
Omit “him” wherever occurring. Insert instead “the holder”.
- [17] Section 18G (b)**
Omit “he or it supports”. Insert instead “they support”.
- [18] Section 18G (b)**
Omit “objects”. Insert instead “object”.
- [19] Section 18G (b)**
Omit “he or it does”. Insert instead “they do”.
- [20] Section 18O**
Omit “him” wherever occurring. Insert instead “the permittee”.
- [21] Section 18O**
Omit “his”. Insert instead “the permittee’s”.
- [22] Sections 20A (2) and 20CA (4) (e) and (f) (i)**
Omit “its or his” wherever occurring. Insert instead “the board’s or Magistrate’s”.
- [23] Sections 21B (3) and 22 (5)**
Omit “himself” wherever occurring. Insert instead “that occupier”.
- [24] Sections 42 (3) and (4), 54 (3) (f) and 74 (1) (b)**
Omit “chairman” wherever occurring. Insert instead “chairperson”.
- [25] Section 47**
Omit “his”. Insert instead “the trustee’s”.
- [26] Section 53 (f) (iv)**
Omit “him”. Insert instead “the ratepayer”.
- [27] Sections 55 (3), 55D (2) (b) and (3), 100, 138A (7), 143 (4) (b) and (5) and 159 (5)**
Omit “he” wherever occurring. Insert instead “the owner”.
- [28] Section 55 (4)**
Omit “he” wherever occurring. Insert instead “the magistrate”.
- [29] Sections 55C (3), 139 (5) and 159 (3B)**
Omit “he” wherever occurring. Insert instead “ratable person”.
- [30] Sections 55D (2), 133 (2), 143 (1) and (4), 147AC (1) (a), 147B (1) and (3) and 154 (2)**
Omit “his” wherever occurring. Insert instead “the owner’s”.
- [31] Sections 55D (3) and (4), 143 (5) and (6), 147AC (2), 147D (2), 147E and 159 (5) and (6)**
Omit “him” wherever occurring. Insert instead “the owner”.

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- [32] Section 56**
Omit “he”. Insert instead “the ratepayer”.
- [33] Section 59 (2)**
Omit “his”. Insert instead “the Governor’s”.
- [34] Section 61 (1)**
Omit “his”. Insert instead “the ratepayer’s”.
- [35] Sections 118A (5) and 120 (1)**
Omit “his” wherever occurring. Insert instead “the”.
- [36] Section 147F (2)**
Omit “himself”. Insert instead “that person”.
- [37] Section 147F (2)**
Insert “or she” after “he” wherever occurring.
- [38] Sections 148 (7) and 163 (8)**
Omit “his” wherever occurring. Insert instead “the claimant’s”.
- [39] Sections 148 (7) and 163 (8)**
Omit “him” wherever occurring. Insert instead “the claimant”.
- 3.44 Workers’ Compensation (Dust Diseases) Act 1942 No 14**
- [1] Section 2 (5)**
Omit “he”. Insert instead “the worker”.
- [2] Sections 5 (1) and (2A), 6 (5) (b) and (d), 7 (1) and 8H (3)**
Omit “chairman” wherever occurring. Insert instead “chairperson”.
- [3] Sections 5 (1) (c) (ii) and 7 (1)**
Omit “his” wherever occurring. Insert instead “the member’s”.
- [4] Section 5 (2A)**
Omit “his” wherever occurring. Insert instead “the chairperson’s”.
- [5] Section 5 (2A)**
Omit “he”. Insert instead “the chairperson”.
- [6] Sections 5 (3) and 7 (6)**
Omit “him” wherever occurring. Insert instead “the member”.
- [7] Section 6 (7A) (c)**
Omit “he insured his liability”.
Insert instead “the self-insurer’s liability been insured”.
- [8] Sections 7 (1), 8, 8AA and 8B (1)**
Omit “he” wherever occurring. Insert instead “the person”.
- [9] Sections 8, 8A and 8AA (2) and (4)**
Omit “his” wherever occurring. Insert instead “the person’s”.
- [10] Section 8 (1) (c)**
Omit “himself”.

- [11] **Sections 8 (1) (c) and 8AA**
Omit “him” wherever occurring. Insert instead “the person”.
- [12] **Section 8AA (3)**
Omit “his total” wherever occurring. Insert instead “his or her total”.
- [13] **Section 8AA (3)**
Omit “his receiving”. Insert instead “receiving”.
- [14] **Section 8AA (3)**
Omit “his being”. Insert instead “being”.
- [15] **Section 8AA (3)**
Omit “his entitlement”. Insert instead “his or her entitlement”.
- [16] **Section 8B (2)**
Omit “his”. Insert instead “such person’s”.
- [17] **Section 8H (2)**
Omit “his”.
- [18] **Section 8H (2)**
Omit “he”. Insert instead “an inspector”.
- [19] **Section 9A**
Omit “himself or herself” wherever occurring.

Schedule 4 Amendments transferring provisions

(Section 3)

4.1 Bail Act 1978 No 161

[1] Schedule 1 Savings and transitional provisions

Insert after clause 4:

Part 1A Bail (Amendment) Act 1988

4A Definition

In this Part, *amending Act* means the *Bail (Amendment) Act 1988*.

4B Grant of bail and imposition of conditions

- (1) The amendments made to this Act by the amending Act apply only to offences alleged to have been committed after 21 August 1988 (the date of commencement of the amending Act).
- (2) This Act applies to offences alleged to have been committed before the commencement of an amendment effected by the amending Act as if the amendment had not been made.
- (3) This clause is taken to have commenced on 21 August 1988.
- (4) Subclauses (1) and (2) re-enact (with minor modification) section 4 of the amending Act. Subclauses (1) and (2) are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

Part 1B Bail (Further Amendment) Act 1988

4C Definition

In this Part, *amending Act* means the *Bail (Further Amendment) Act 1988*.

4D Presumptions in favour of bail

- (1) The amendments made to this Act by the amending Act apply to offences whether committed before or after 19 February 1989 (the date of commencement of the amending Act).
- (2) This clause is taken to have commenced on 19 February 1989.
- (3) Subclause (1) re-enacts (with minor modification) section 4 of the amending Act. Subclause (1) is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.

[2] Schedule 1, Parts 2A–2C

Insert after clause 5:

Part 2A Bail (Amendment) Act 1990

5A Definition

In this Part, *amending Act* means the *Bail (Amendment) Act 1990*.

5B Determinations as to grant of bail

- (1) The amendments made to this Act by the amending Act apply to a determination as to the grant of bail after 17 March 1991 (the date of commencement of the amending Act) even if the determination relates to an offence alleged to have been committed before 17 March 1991.
- (2) This clause is taken to have commenced on 17 March 1991.
- (3) Subclause (1) re-enacts (with minor modification) section 4 of the amending Act. Subclause (1) is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.

Part 2B Bail (Amendment) Act 1992

5C Definition

In this Part, *amending Act* means the *Bail (Amendment) Act 1992*.

5D Review of bail determinations

- (1) The amendment made to section 44 by the amending Act applies to a decision of the Supreme Court (however constituted) in relation to bail made before or after 24 May 1992 (the date of commencement of the amending Act).
- (2) This clause is taken to have commenced on 24 May 1992.
- (3) Subclause (1) re-enacts (with minor modification) section 4 of the amending Act. Subclause (1) is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.

Part 2C Bail (Domestic Violence) Amendment Act 1993

5E Definition

In this Part, *amending Act* means the *Bail (Domestic Violence) Amendment Act 1993*.

5F Determinations in relation to bail

- (1) The amendments made to this Act by the amending Act apply to determinations in relation to bail made after 19 December 1993 (the date of commencement of the amending Act) even if the determinations relate to offences committed or proceedings instituted before 19 December 1993.
- (2) This clause is taken to have commenced on 19 December 1993.

- (3) Subclause (1) re-enacts (with minor modification) section 4 of the amending Act. Subclause (1) is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.

Explanatory note

The proposed amendments insert in Schedule 1 (Savings and transitional provisions) to the *Bail Act 1978* the substance of transitional provisions (of possible on-going effect) contained in section 4 of each of the following Acts:

- *Bail (Amendment) Act 1988*
- *Bail (Further Amendment) Act 1988*
- *Bail (Amendment) Act 1990*
- *Bail (Amendment) Act 1992*
- *Bail (Domestic Violence) Amendment Act 1993*

The enactment of the amendments enables the repeal, by Schedule 5 to this Act, of those Acts. In accordance with section 30A of the *Interpretation Act 1987*, the transfer of the provisions does not affect the operation (if any) or meaning of the provisions.

4.2 Local Courts (Civil Claims) Act 1970 No 11

Schedule 2 Savings and transitional provisions

Insert before clause 1:

Part 1 Provisions consequent on enactment of Local Courts (Civil Claims) (Garnishee Proceedings) Amendment Act 1987

1A Definition

In this Part, *amending Act* means the *Local Courts (Civil Claims) (Garnishee Proceedings) Amendment Act 1987*.

1B Garnishee orders

- (1) The amendments effected to this Act by the amending Act do not apply to or in respect of a garnishee order made under section 47 before 1 January 1988 (the date of commencement of the amending Act).

- (2) Subject to subclause (1), this Act, as amended by the amending Act, applies to and in respect of a judgment debt arising before 1 January 1988 as well as to and in respect of a judgment debt arising after 1 January 1988.
- (3) This clause is taken to have commenced on 1 January 1988.
- (4) Subclauses (1) and (2) re-enact (with minor modification) section 4 of the amending Act. Subclauses (1) and (2) are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

Part 2 Provisions consequent on enactment of Local Courts (Civil Claims) Amendment Act 1987

1C Definition

In this Part, *amending Act* means the *Local Courts (Civil Claims) Amendment Act 1987*.

1D Savings and transitional provisions in rules

- (1) The rules may contain provisions of a savings or transitional nature consequent on the enactment of the amending Act.
- (2) A provision referred to in subclause (1) may, if the rules so provide, take effect as from the date of commencement of the relevant provision of the amending Act or a later day.
- (3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication therein, 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 therein.
- (4) This clause is taken to have commenced on 16 December 1987 (the date of assent to the amending Act).
- (5) Subclauses (1), (2) and (3) re-enact (with minor modification) section 4 of the amending Act (which is uncommenced).

Part 3 Provisions consequent on enactment of Local Courts (Civil Claims) Amendment Act 1990

1E Definition

In this Part, *amending Act* means the *Local Courts (Civil Claims) Amendment Act 1990*.

1F Application to certain actions

- (1) The amendments made to this Act by the amending Act do not apply to actions commenced in a Local Court before 1 September 1991 (the date of commencement of Schedule 1 (2) of the amending Act).
- (2) This clause is taken to have commenced on 1 September 1991.
- (3) Subclause (1) re-enacts (with minor modification) section 5 of the amending Act. Subclause (1) is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.

Part 4 Provisions consequent on enactment of Courts Legislation (Amendment) Act 1993

Explanatory note

The proposed amendment inserts in Schedule 2 (Savings and transitional provisions) to the *Local Courts (Civil Claims) Act 1970* the substance of transitional provisions (of possible on-going effect) contained in each of the following Acts:

-
- *Local Courts (Civil Claims) (Garnishee Proceedings) Amendment Act 1987* (section 4)
 - *Local Courts (Civil Claims) Amendment Act 1987* (section 4: uncommenced)
 - *Local Courts (Civil Claims) Amendment Act 1990* (section 5)

The enactment of the amendment enables the repeal, by Schedule 5 to this Act, of those Acts. In accordance with section 30A of the *Interpretation Act 1987*, the transfer of the provisions does not affect the operation (if any) or meaning of the provisions.

4.3 Western Lands Act 1901 No 70

Schedule C Savings, transitional and other provisions

Insert immediately after the heading to the Schedule:

Part 1A Provisions consequent on enactment of Western Lands (Amendment) Act 1934

1AA Definition

In this Part, *amending Act* means the *Western Lands (Amendment) Act 1934*.

1AB Construction of certain references

- (1) A reference in any Act, rule, regulation, by-law, order, proclamation, notification or instrument to the Western Land Board of New South Wales, the Western Lands Commissioners or the Commissioners (when used in reference to the Commissioners appointed under this Act) is taken to be a reference to the Commissioner appointed under this Act as amended by the amending Act.
- (2) This clause is taken to have commenced on 24 August 1934 (the date of commencement of the amending Act).
- (3) Subclause (1) re-enacts (with minor modification) section 4 (4) of the amending Act. Subclause (1) is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.

**Part 1B Provisions consequent on enactment of
Western Lands (Amendment) Act 1980**

1AC Definition

In this Part, *amending Act* means the *Western Lands (Amendment) Act 1980*.

1AD Construction of references to forms

- (1) A reference in any other Act, or in any by-law, regulation or ordinance or in any other instrument or document, whether of the same or of a different kind or nature, to a form prescribed under this Act, as in force before 26 March 1980 (the date of commencement of the amending Act), is to be construed as a reference to the corresponding form (if any) approved under this Act, as amended by the amending Act.
- (2) This clause is taken to have commenced on 26 March 1980.
- (3) Subclause (1) re-enacts (with minor modification) section 4 (2) of the amending Act. Subclause (1) is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.

**Part 1C Provisions consequent on enactment of
Western Lands (Amendment) Act 1989**

1AE Definition

In this Part, *amending Act* means the *Western Lands (Amendment) Act 1989*.

1AF Redeterminations of rent

- (1) This clause applies to a lease if
 - (a) before 20 April 1989 (the date of assent to the amending Act), the purpose of the lease was changed under section 18J of this Act and a redetermination of the rent of the lease following the change had not been finalised, or

- (b) on or after 20 April 1989 and before the next succeeding date for redetermination of the rent of the lease, the purpose of the lease is changed under section 18J of this Act.
- (2) If this clause applies to a lease, a redetermination resulting from the change of purpose is to be made on the basis prescribed by this Act, as in force at the time of the change, for land set apart or held for the new purpose.
- (3) This clause is taken to have commenced on 20 April 1989.
- (4) Subclauses (1) and (2) re-enact (with minor modification) clause 3 of Schedule 7 to the amending Act. Subclauses (1) and (2) are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

Explanatory note

The proposed amendment inserts in Schedule C (Savings, transitional and other provisions) to the *Western Lands Act 1907* the substance of transitional provisions (of possible on-going effect) contained in each of the following Acts:

- *Western Lands (Amendment) Act 1934*
- *Western Lands (Amendment) Act 1980*
- *Western Lands (Amendment) Act 1989*

The enactment of the amendment enables the repeal, by Schedule 5 to this Act, of those Acts. In accordance with section 30A of the *Interpretation Act 1987*, the transfer of the provisions does not affect the operation (if any) or meaning of the provisions.

Schedule 5 Repeals

(Section 4)

Repeal of Acts

Western Lands (Amendment) Act 1918 No 15**

Western Lands (Amendment) Act 1930 No 16**

Western Lands (Amendment) Act 1934 No 12*

Superannuation (Amendment) Act 1952 No 43**

Riverina Insurance Company Limited and Another Insurance Company Act 1971 No 20***

Forestry, Soil Conservation and Other Acts (Amendment) Act 1972 No 26**

Local Government (Amendment) Act 1972 No 30**

Western Lands (Amendment) Act 1972 No 55**

Northumberland Insurance Company Limited Act 1975 No 86***

Western Lands (Amendment) Act 1980 No 8*

Western Lands (Amendment) Act 1985 No 132**

Local Courts (Civil Claims) (Garnishee Proceedings) Amendment Act 1987 No 21*

Local Courts (Civil Claims) Amendment Act 1987 No 281*

Bail (Amendment) Act 1988 No 16*

Bail (Further Amendment) Act 1988 No 60*

Miscellaneous Acts (Motor Accidents) Amendment Act 1988 No 103**

Stamp Duties (Amendment) Act 1988 No 130**

Western Lands (Amendment) Act 1989 No 18*

Crimes (Life Sentences) Amendment Act 1989 No 218**

Crimes Legislation (Amendment) Act 1990 No 5**

Usury, Bills of Lading, and Written Memoranda (Repeal) Act 1990 No 7**

Miscellaneous Acts (Mental Health) Repeal and Amendment Act 1990 No 11**

Crimes (Public Justice) Amendment Act 1990 No 51**
Criminal Procedure Legislation (Amendment) Act 1990 No 74**
Bail (Amendment) Act 1990 No 81*
Local Government (Backpackers Hostels) Amendment Act 1990 No 89**
Stamp Duties (Miscellaneous Amendments) Act 1990 No 95**
Local Courts (Civil Claims) Amendment Act 1990 No 104*
Miscellaneous Acts (Public Health) Repeal and Amendment Act 1990
No 123**
Totalizator (Off-course Betting) Amendment Act 1991 No 33**
Road Improvement (Special Funding) Amendment Act 1991 No 43**
Criminal Legislation (Amendment) Act 1992 No 2**
Firearms Legislation (Amendment) Act 1992 No 13**
Bail (Amendment) Act 1992 No 16*
Pilotage (Amendment) Act 1992 No 41**
Road Improvement (Special Funding) Amendment Act 1992 No 75**
Coal and Oil Shale Mine Workers (Superannuation) Amendment Act 1992
No 81**
Treasury Corporation (Amendment) Act 1992 No 113**
Superannuation (Retired Magistrates) Amendment Act 1993 No 1**
Stock Medicines (Amendment) Act 1993 No 4**
Stock (Chemical Residues) Amendment Act 1993 No 5**
Ombudsman (Amendment) Act 1993 No 37**
Stamp Duties (Amendment) Act 1993 No 41**
Film and Video Tape Classification (Amendment) Act 1993 No 44**
Subordinate Legislation (Amendment) Act 1993 No 48**
Liquor (Taxation) Amendment Act 1993 No 55**
Registered Clubs (Taxation) Amendment Act 1993 No 56**
Parliamentary Appropriation Act 1993 No 60***
Road Improvement (Special Funding) Amendment Act 1993 No 63**

Crimes Legislation (Review of Convictions) Amendment Act 1993 No 64**
Courts Legislation (Amendment) Act 1993 No 80**
Bail (Domestic Violence) Amendment Act 1993 No 102*
Parliamentary Committees Enabling Act 1993 No 106***
Maritime Services (Offshore Boating) Amendment Act 1994 No 3**
Police Service (Complaints) Amendment Act 1994 No 9**
Crimes Legislation (Unsworn Evidence) Amendment Act 1994 No 26**
Justices (Fine Default) Amendment Act 1994 No 30**
Film and Video Tape Classification (Amendment) Act 1994 No 31**
Bush Fires (Further Amendment) Act 1994 No 34**
Fire Brigades (Amendment) Act 1994 No 36**
Rural Lands Protection (Amendment) Act 1994 No 55**
Appropriation Act 1994 No 66***
Road Improvement (Special Funding) Amendment Act 1994 No 70**
Crimes (Dangerous Driving Offences) Amendment Act 1994 No 78**
Crimes (Home Invasion) Amendment Act 1994 No 84**
Summary Offences and Other Legislation (Graffiti) Amendment Act 1994
No 90**
Fire Brigades Amendment (Contributions) Act 1995 No 6**
Road Improvement (Special Funding) Amendment Act 1995 No 15**
Corporations (New South Wales) Amendment Act 1995 No 20**
Liquor Amendment Act 1995 No 34**
Liquor Further Amendment Act 1995 No 70**
Road Improvement (Special Funding) Further Amendment Act 1995
No 86**

Notes

- * indicates repeal of an Act whose savings, transitional or other provisions of on-going effect are transferred to, or re-enacted in, the Principal Act (by Schedule 4 to this Act)
- ** indicates repeal of an amending Act the provisions of which have been included in a reprint and which contains no provision of substantive effect that needs to be retained, or which amends a repealed Act
- *** indicates repeal of an Act that is no longer of practical utility

Explanatory note

The repeals are explained in detail in the explanatory note relating to this Act. In relation to the repeal of amending Acts, it should be noted that the Acts are repealed simply to rationalise the legislation in force and that the repeals have no substantive effect on the amendments made by the Acts or any associated provisions.

Section 30 (2) of the *Interpretation Act 1987* ensures that, when an amending Act is repealed, no amendment made by the Act is affected. Section 30 (2) also ensures that the following matters are not affected:

- (a) the proof of any past act or thing,
- (b) any right, privilege, obligation or liability saved by the operation of the Act,
- (c) any validation made by the Act.

An amendment proposed to be made to section 30 (2) in Schedule 1 to this Act will also make it clear that the amendment or repeal of an Act or statutory rule does not affect the continuing operation (if any) of a provision of a savings or transitional nature that is contained in the Act or statutory rule.

Schedule 6 General savings, transitional and other provisions

(Section 5)

1 Effect of amendment of amending provisions

- (1) An amendment made by Schedule 1 or 2 to an amending provision contained in an Act is, if the amending provision has commenced before the date of assent to this Act, taken to have effect as from the commencement of the amending provision.
- (2) In this clause:

amending provision means a provision of an Act, or of any other instrument, being a provision that has commenced and that makes a direct amendment to an Act by:

- (a) the repeal or omission of matter contained in the amended Act without the insertion of any matter instead of the repealed or omitted matter, or
- (b) the omission of matter contained in the amended Act and the insertion of matter instead of the omitted matter, or
- (c) the insertion into the amended Act of matter, not being matter inserted instead of matter omitted from the Act,

whether the provision was enacted before or after the commencement of the *Reprints Act 1972*.

Explanatory note

This clause ensures that amendments correcting errors in the technical provisions (for example, headings indicating the section to be amended or directions as to where a new section is to be inserted) and rectifying minor drafting defects (for example, corrections in numbering of provisions, correction or insertion of cross-references, omission of unnecessary matter or insertion of omitted matter) will commence on the date the amendments to which they relate commenced.

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

Except where it is expressly provided to the contrary, if this Act:

- (a) amends a provision of an Act, or
- (b) repeals and re-enacts (with or without modification) 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.

Explanatory note

This clause ensures that the amendment or repeal of a provision will not, unless expressly otherwise provided, vitiate any act done or decision made under the provision as in force before the amendment or repeal.

3 Amendments removing gender-specific language

- (1) The amendments made to an Act by Schedule 3 are made for the purposes of replacing gender-specific language with gender-neutral language. The amendments contained in that Schedule do not affect the construction or meaning of any Act.
- (2) Without limiting the generality of subclause (1), the substitution of a provision of the *Transferred Officers Extended Leave Act 1961* by Schedule 3 does not affect any rights accrued or accruing under the provision before its omission.

Explanatory note

This clause ensures that amendments that are made solely for the purposes of removing gender-specific language from an Act do not have any unintended consequences. A similar provision to clause 3 is included in the *Reprints Act 1972* (section 11).

4 Regulations

- (1) The Governor may make regulations containing 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 any 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

This clause enables the making of regulations of a savings or transitional nature having a short term effect and relating to incidental matters arising out of the proposed Act with regard to which no specific, or sufficient, provision has been made in the Act.

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[Minister's second reading speech made in—
Legislative Assembly on 4 June 1996
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