



New South Wales

# Statute Law (Miscellaneous Provisions) Act 1997 No 55

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New South Wales

## **Statute Law (Miscellaneous Provisions) Act 1997 No 55**

Act No 55, 1997

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An Act to repeal certain Acts and to amend certain other Acts and regulations in various respects and for the purpose of effecting statute law revision; and to make certain savings. [Assented to 2 July 1997]

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

**1 Name of Act**

This Act is the Statute Law (Miscellaneous Provisions) Act 1997.

**2 Commencement**

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

**3 Amendments**

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

**4 Repeals**

Each Act or provision of an Act specified in Schedule 5 is repealed.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.

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## Schedule 1 Minor amendments

(Section 3)

### 1.1 Bookmakers (Taxation) Act 1917 No 15

#### [1] Section 12 Payment of tax

Omit “7 days after the determination of the event or contingency in relation to which the tax becomes payable or within such other period as may be prescribed” from section 12 (2).

Insert instead “the prescribed payment period”.

#### [2] Section 12 (4)

Insert after section 12 (3):

(4) In this section:

*prescribed payment period* means:

- (a) in the case of a bet made with the bookmaker in relation to an event or contingency relating to a horse race or greyhound race, or of any bet back made by the bookmaker in relation to such an event or contingency, the prescribed period after the determination of the event or contingency, or
- (b) in the case of a bet made with the bookmaker in relation to an event or contingency relating to a sports betting event, or of any bet back made by the bookmaker in relation to such an event or contingency, the prescribed period after any such bet or bet back was made.

#### [3] Section 13 Bookmakers to keep records

Omit section 13 (2). Insert instead:

- (2) A bookmaker must forward to the Minister for Gaming and Racing:
  - (a) the original sheet of the written record prescribed by the regulations accompanied by a declaration of the bookmaker, verifying the correctness and accuracy of the entries, and

- (b) such other returns (if any) as are prescribed by the regulations, which must be verified in the same manner.
- (3) That record and those returns must be forwarded to the Minister:
  - (a) in the case of a bet made with the bookmaker in relation to an event or contingency relating to a horse race or greyhound race, or of any bet back made by the bookmaker in relation to such an event or contingency, within the prescribed period after the determination of the event or contingency, or
  - (b) in the case of a bet made with the bookmaker in relation to an event or contingency relating to a sports betting event, or of any bet back made by the bookmaker in relation to such an event or contingency, within the prescribed period after any such bet or bet back was made.

**Commencement**

The amendments to the *Bookmakers (Taxation) Act 1977* commence on a day to be appointed by proclamation.

**Explanatory note**

The *Racing Taxation (Betting Tax) Act 1952* imposes tax on bets made with bookmakers. The *Bookmakers (Taxation) Act 1977* makes provision for the collection of that tax.

Section 12 of the Act requires a bookmaker to pay the tax within 7 days after the determination of the event or contingency in relation to which the tax becomes payable, or within such other period as may be prescribed.

Section 13 of that Act requires a bookmaker to keep written records regarding the particulars of every bet made with the bookmaker and every bet back made by the bookmaker. These are required to be forwarded to the Minister for Gaming and Racing within the prescribed period *after* the determination of any event or contingency upon which the bet was made with the bookmaker.

At present, those sections apply to a bet made in relation to an event or contingency relating to a sports betting event in the same way as they apply to other bets. The proposed amendments will make it possible for the regulations to prescribe a time that occurs *before* the relevant sports betting event as the time by which tax, records and returns relating to the event must be forwarded to the Minister. The requirements relating to other bets will remain the same.

## **1.2 Community Land Development Act 1989 No 201**

### **Section 35 Creation, release and variation of easements or restrictions**

Insert “or varying” after “releasing” wherever occurring in section 35 (1) (c) and (d).

#### **Explanatory note**

Section 35 of the *Community Land Development Act 1989* empowers a community association to execute or accept a dealing creating or releasing an easement which benefits its community properly or the whole of the community parcel. The section makes similar provisions in respect of precinct associations and neighbourhood associations.

Since the enactment of the *Property Legislation Amendment (Easements) Act 1995*, the *Real Property Act 1900* sets out a procedure for the variation, by registration of a memorandum of registration, of an easement registered under that Act.

The proposed amendment to the *Community Land Development Act 1989* empowers an association to execute or accept dealings varying certain easements.

## **1.3 Conveyancing Act 1919 No 6**

### **[1] Section 88B Creation and release of easements, profits a prendre and restrictions on use of land by plans**

Insert “or profits à prendre” after “easements” in section 88B (2) (c1).

### **[2] Section 88B (3AA)**

Insert “or profit à prendre” after “easement” wherever occurring.

### **[3] Section 181B Construction of expression “party wall” in assurances of land**

Omit section 181B (2). Insert instead:

- (2) This section applies only to:
  - (a) assurances executed or made after the commencement of the *Conveyancing (Amendment) Act 1930* and before the commencement of section 88BB, and

- (b) assurances executed or made after the commencement of section 88BB but that assure land in a deposited plan that:
  - (i) shows a boundary of that land and other land in the plan as a party wall, and
  - (ii) was registered or recorded under Division 3 of Part 23 before the commencement of section 88BB.

**[4] Section 195D Signatures and consents**

Insert “or profit à prendre” after “easement” where secondly occurring in section 195D (1) (d).

**[5] Schedule 8 Construction of certain expressions**

Omit “lot burdened” where secondly occurring in clause 1 (a) of Part 11.

Insert instead “lot benefited”.

**Commencement**

The amendments to section 181B of, and Schedule 8 to, the *Conveyancing Act 1979* are taken to have commenced on 1 August 1996 (the date of commencement of section 88BB of that Act, which was inserted by the *Property Legislation Amendment (Easements) Act 1995*).

**Explanatory note**

**Release of profits à prendre**

At present, sections 88B and 195D of the *Conveyancing Act 1979* deal with the creation of easements and profits à prendre by registration of a plan.

The *Property Legislation Amendment (Easements) Act 1995* made provision for the release of easements on registration or recording of a plan under Division 3 of Part 23 of the *Conveyancing Act 1919*.

Items [1], [2] and [4] of the proposed amendments will ensure that profits à prendre are treated in the same manner as easements.

**Cross-easements for support**

Before the commencement of certain amendments made by the *Property Legislation Amendment (Easements) Act 1995*, section 181B of the *Conveyancing Act 1919* allowed for the creation of easements for the support of party walls by assurances of land. The 1995 Act inserted section 88BB which allows cross-easements for the support of party walls to be created by a more convenient method. Transitional provisions were made at the time so as to ensure that easements created by section 181B before the commencement of section 88BB were not affected by the new provision.



Item [3] of the proposed amendments will have the effect that a cross-easement under section 181B will still arise if, before the commencement of the relevant amendments (1 August 1996), steps had been taken that would, but for the amendments, have led to the creation of a cross-easement.

**Statute law revision**

Item (51 corrects a reference to the lot in favour of which domestic services are to be provided under an easement for services.

**1.4 Director of Public Prosecutions Act 1986 No 207**

**Section 15 Provisions relating to guidelines**

Omit section 15 (1) (b) (ii). Insert instead:

- (ii) the title of, and a brief description of any publication containing, each guideline furnished as in force at the end of that period.

**Transitional**

The amendment to the *Director of Public Prosecutions Act 1986* applies to the whole of the period to which the relevant report relates, regardless of the date of commencement of the amendment.

**Explanatory note**

The Director of Public Prosecutions has the power to furnish guidelines to the Commissioner of Police or any other person who conducts investigations in relation to offences, or institutes or conducts prosecutions for offences, with respect to the prosecution of indictable offences or prescribed summary offences. The Director is obliged to give a copy of each such guideline to the Attorney General and is also required to include in the annual report of the work and activities of the Director a copy of each guideline furnished during the period to which the report relates. At present, the Director is also required to include in every annual report a copy of each guideline furnished in previous years, as in force at the end of the relevant period.

The proposed amendment removes the obligation to publish in full those existing guidelines. The annual report may merely set out the titles of those guidelines that were published in full in previous reports and a brief description of the reports in which they were published.

**1.5 Eastern Gas Pipeline (Special Provisions) Act 1996  
No 126**

**Schedule 2 Areas added to Morton National Park**

Insert “and lying between portion 23 Parish of Coolumburra and portion 8 Parish of St George, between portion 6 Parish of Tianjara and Yarramunmun fire trail, and within the boundaries of that part of Morton National Park formerly comprising R53657 for public recreation” before “, not” in item 2.

**Explanatory note**

The *Eastern Gas Pipeline (Special Provisions) Act 1996* realigns land included in the Morton National Park so as to reflect the actual boundary of a road. When land was reserved as Morton National Park some land was excluded from the reservation for the purposes of the Braidwood to Nowra Road. However, the road that was actually built did not coincide exactly with the road corridor excluded from the reservation. Section 5 of the Act provides for land that was excluded from the original reservation of land as Morton National Park (for the purposes of the Braidwood to Nowra Road) but that is not currently used for the purposes of the road, to be added to the Morton National Park. That land is described in Schedule 2 (Areas added to Morton National Park).

The proposed amendment to the *Eastern Gas Pipeline (Special Provisions) Act 1996* amends the land description in Schedule 2 to the Act so as to make it clear that the land described there (which is to be added to the Morton National Park) includes only that part of the road corridor that runs through the Morton National Park, not the whole of the Braidwood to Nowra Road.

**1.6 Encroachment of Buildings Act 1922 No 23**

**Section 13 Registration**

Omit “as prescribed by regulation under the Conveyancing Act 1919” from section 13 (2).

**Explanatory note**

At present, section 13 of the *Encroachment of Buildings Act 1922* provides that a caveat may be lodged and an order registered where land under the provisions of the *Real Property Act 1900* is affected by an application or order in respect of an encroaching building. The section provides that an order may be registered under the *Real Property Act 1900*, as prescribed by regulation under the *Conveyancing Act 1919*.

All regulations in respect of dealings lodged under the *Real Property Act 1900* are now contained in the regulations under the *Real Property Act 1900*, rather than the *Conveyancing Act 1919*.

The proposed amendment omits the redundant reference to the *Conveyancing Act 1979*.

**1.7 Evidence Act 1995 No 25**

**[1] Section 102 The credibility rule**

Omit “Specific” from the note. Insert instead “Specific”.

**[2] Section 102, note**

Omit “, 104 and 107”. Insert instead “and 104”

**[3] Section 102, note**

Insert at the end of the note:

<sup>2</sup> Section 108A makes provision as to the admission of evidence that is relevant only to the credibility of a person who has made a previous representation.

**[4] Section 107 Exception: application of certain provisions to makers of representations**

Omit the section.

**[5] Section 108 Exception: re-establishing credibility**

Omit section 108 (2).

**[6] Section 108 (2), note**

Omit the note. Insert instead:

**Note.** The Commonwealth Act includes a subsection referring to section 105 of that Act.

**[7] Section 108A**

Insert after section 108:

**108A Admissibility of evidence of credibility of person who has made a previous representation**

- (1) If:
- (a) because of a provision of Part 3.2, the hearsay rule does not apply to evidence of a previous representation, and
  - (b) evidence of the representation has been admitted, and
  - (c) the person who made the representation has not been called, and will not be called, to give evidence in the proceeding,
- evidence that is relevant only to the credibility of the person who made the representation is not admissible unless the evidence has substantial probative value.
- (2) Without limiting the matters to which the court may have regard in deciding whether the evidence has substantial probative value, it is to have regard to:
- (a) whether the evidence tends to prove that the person who made the representation knowingly or recklessly made a false representation when the person was under an obligation to tell the truth, and
  - (b) the period that elapsed between the doing of the acts or the occurrence of the events to which the representation related and the making of the representation.

**[8] Section 120 Unrepresented parties**

Omit section 120 (2).

**[9] Section 128 Privilege in respect of self-incrimination in other proceedings**

Insert at the end of section 128 (7):

**Note.** This subsection differs from section 128 (7) of the Commonwealth Act. The Commonwealth provision refers to an “Australian Court” instead of a “NSW court”.

**[10] Section 128, notes**

Insert at the end of the notes:

<sup>3</sup> The Commonwealth Act includes subsections (10)–(13). The subsections give effect to certificates in relation to self-incriminating evidence under the NSW Act in proceedings in federal and ACT courts and in prosecutions for Commonwealth and ACT offences.

**[11] Section 154 Documents published by authority of Parliaments etc**

Omit the note.

**[12] Section 155 Evidence of official records**

Omit the notes. Insert instead:

**Note.** This section differs from section 155 of the Commonwealth Act. The Commonwealth provision refers to evidence of a “public record” of a State or Territory rather than evidence of a “public document” of a State or Territory.

**[13] Section 158 Evidence of certain public documents**

Omit the note.

**[14] Dictionary, Part 1**

Insert in alphabetical order:

*credibility* of a person who has made a representation that has been admitted in evidence means the credibility of the representation, and includes the person’s ability to observe or remember facts and events about which the person made the representation.

**[15] Dictionary, Part 1**

Insert after the definition of *government or official gazette*:

**Note.** The Commonwealth definition of this term differs from this definition.

**[16] Dictionary, Part 1**

Omit “saw or heard” from paragraph (a) of the definition of *identification evidence*.

Insert instead “saw, heard or otherwise perceived”.

**Commencement**

The amendments to the *Evidence Act 1995* commence on a day or days to be appointed by proclamation.

**Explanatory note**

**Admissibility of evidence relating to credibility**

Items [4], [7] and [14] clarify the admissibility of evidence that relates only to the credibility of a person whose prior statement has been admitted under a hearsay exception and who has not been called to give evidence.

The amendments are consistent with those made to the *Evidence Act 1995* of the Commonwealth by the *Law and Justice Legislation Amendment Act 1997* of the Commonwealth.

Item [4] repeals section 107, which is replaced by a new section 108A (inserted by item [7]).

Section 107 purports to create an exception to the credibility rule in section 102 of the Act. The credibility rule makes inadmissible evidence that is relevant only to the credibility of a witness. The purported exception to the credibility rule created by section 107 applies only where a person, who has made a prior statement that has been admitted under a hearsay exception in Part 3.2 of the Act, has not been called to give evidence. As a person to whom section 107 applies is not a witness, the credibility rule cannot apply to that person. Therefore section 107 creates an exception to a rule that does not apply in the first place.

New section 108A replaces section 107 to clarify the admissibility of evidence that relates only to the credibility of a person whose prior statement has been admitted under one of the exceptions to the hearsay rule and who is not called to give evidence.

New section 108A restores the generally understood meaning of section 107, namely that evidence relevant only to the credibility of such a person is admissible only to the extent that he or she could have been cross-examined on a matter relevant only to credit if he or she had given evidence as a witness. It achieves this result by providing that evidence relevant to his or her credibility is not admissible unless it has substantial probative value.

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The requirement that the evidence should have substantial probative value mirrors the requirement, under section 103 of the Act, that applies where a person has given evidence as a witness.

Item [14] inserts a definition of **credibility** of a person, a term used in new section 108A.

**Consequential amendments to notes and amendments by way of statute law revision**

Consequential amendments are made by items [1], [2], [5] and [6].

Items [3], [9], [10], [11], [12], [13] and [15] are amendments to include further explanatory notes relating to the new provisions and to achieve consistency with notes included in the *Evidence Act 1995* of the Commonwealth by the *Law and Justice Legislation Amendment Act 1997* of the Commonwealth.

Item [8] omits existing section 120 (2), which is unnecessary. Section 120 (2) extends the definition of **party**, for the purpose of unrepresented party privilege in section 120, to include a person who falls within some of the paragraphs of the definition of **client** in section 117 (1) of the Act. However, the extended meaning is not required because the term **party** is already defined in terms that include those paragraphs in section 117 (1).

Item [16] corrects a drafting inconsistency in the definition of **identification evidence**. The opening words of paragraph (a) of the definition refer to evidence of an assertion made by a person that a defendant resembles, “visually, aurally or otherwise”, another person while the closing words of the paragraph refer only to what the first-mentioned person “saw or heard”.

**1.8 Fertilizers Act 1985 No 5**

**[1] Sections 15 (1), 17, 18 (1), 19, 22, 25 (5), 27, 28, 31, 33 and 34**

Omit “20 penalty units” wherever occurring.  
Insert instead “50 penalty units”.

**[2] Sections 16 (1), 21 (1) and 26 (2)**

Omit “10 penalty units” wherever occurring.  
Insert instead “20 penalty units”.

**[3] Section 42 Regulations**

Omit “5 penalty units” from section 42 (3).  
Insert instead “20 penalty units”.

**Commencement**

The amendments to the *Fertilizers Act 1985* commence on a day or days to be appointed by proclamation.

**Explanatory note**

The *Fertilizers Act 1985* was amended by the *Fertilizers (Amendment) Act 1992*. Schedule 2 to that Act contains amendments that significantly increase the penalty for various offences under the Act. Those amendments are uncommenced.

The *Statute Law (Penalties) Act 1993* amended the same provisions of the *Fertilizers Act 1985* so as to convert existing monetary penalties to penalty unit amounts. As a result, the uncommenced amendments increasing the amount of penalties are unincorporable.

The proposed amendments re-enact the amendments made by Schedule 2 to the *Fertilizers (Amendment) Act 1992* so that, when they are commenced by proclamation, they will have the effect of increasing penalties in the manner approved by Parliament in 1992.

**1.9 Gas Supply Act 1996 No 38**

**Section 2 Commencement**

Insert at the end of the section:

- (2) Section 11 (2) (b) (ii) and (4) commences on 1 July 1999, or on such earlier date (occurring after the date of assent to the *Statute Law (Miscellaneous Provisions) Act 1997*) as may be appointed by proclamation under this subsection.

**Commencement**

The amendment to the *Gas Supply Act 1996* is taken to have commenced on 12 July 1996 (the date on which section 2 of the Act was proclaimed to commence).

**Saving of certain undertakings**

The amendment to the *Gas Supply Act 1996* does not invalidate any undertaking of a kind referred to in section 11 (4) of the Act entered into in compliance with a condition of a kind referred to in section 11 (2) (b) (ii) of the Act imposed by the Minister before the date of assent to this Act.

**Explanatory note**

The proposed amendment repeals the effect of a commencement proclamation. The provisions affected are described below.



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Section 11 of the *Gas Supply Act 1996* deals with the imposition of conditions on authorisations to operate distribution systems for the purpose of conveying natural gas, or to supply natural gas by means of a distribution system.

Section 11 (2) (b) (ii) empowers the Minister to impose conditions requiring the holder of the authorisation to exercise its functions under the Act in accordance with specified guidelines or subject to specified restrictions, including conditions as to the implementation of Government policy on community service obligations to tariff customers.

However, section 11 (4) provides that the Minister may not impose such a condition unless the Minister has entered into an undertaking, on behalf of the State, to indemnify the holder of the authorisation with respect to the costs incurred by the holder in complying with the requirements of the condition.

When the *Gas Supply Bill 1996* was introduced, the Minister for Energy indicated that the provision would not be commenced until the completion of a transitional period during which pensioner rebates would continue to be authorised by cross-subsidies.

The proposed amendment negates the effect of the proclamation that commenced section 11 (2) (b) (ii) and (4).

## 1.10 Industrial Relations Act 1996 No 17

### [1] Section 202, definition of “Federal Act” and sections 217 (4), 239 (3), 249 (2), 281, 282 (2), 283 (2) and 290 and the definition of “Australian Industrial Relations Commission” in the Dictionary

Omit “*Industrial Relations Act 1988* of the Commonwealth” wherever occurring.

Insert instead “*Workplace Relations Act 1996* of the Commonwealth”.

### [2] Section 348 Compulsory conference with respect to claims

Omit “by special leave” from section 348 (3).

#### Transitional

The amendment to section 348 of the *Industrial Relations Act 1996* does not apply to a claim for compensation in respect of a head contract of carriage terminated before the commencement of the amendment.

**Explanatory note**

**Claims for compensation under contracts of carriage**

Part 7 of Chapter 6 of the Industrial Relations Act 1996 provides for the making of claims for Compensation by carriers whose head contract of carriage has been terminated. Section 348 of the Act requires notification of any claim to be given within 28 days or such further period of up to 3 months as the President of the Industrial Relations Commission may allow by special leave.

Item [2] of the proposed amendments omits the present restriction (that an extension is allowed only by special leave). The proposed amendment would enable a matter to proceed without the need for a formal hearing of the application to extend the period for notification.

**References to Commonwealth Act**

The *Industrial Relations Act 1988* of the Commonwealth has been amended and is now called the *Workplace Relations Act 1996*. Item [1] of the proposed amendments updates references to the Commonwealth Act.

**1.11 Interpretation Act 1987 No 15**

**[1] Section 56 Penalty units**

Omit "\$100". Insert instead "\$110".

**[2] Section 56, note**

Insert at the end of section 56:

**Note.** The amendment made to this section by Schedule 1.11 [1] to the Statute Law (Miscellaneous Provisions) Act 1997 does not affect the penalty for an offence committed before the commencement of that amendment (see section 55).

**[3] Section 68 References to amended Acts and instruments**

Insert at the end of section 68 (4) (a) (vii):

and

(viii) the *Friendly Societies (NSW) Code*,

**Commencement**

The amendments to section 56 of the Interpretation Act 1987 commence on a day to be appointed by proclamation.

### **Explanatory note**

#### **Penalty units**

At present, section 56 of the *Interpretation Act 1987* provides that a reference in any Act or statutory rule to a number of penalty units is to be read as a reference to an amount of money equal to the amount obtained by multiplying \$100 by that number of penalty units. This means, for example, that if an Act sets out the maximum penalty for an offence as being “5 penalty units” the maximum penalty for that offence is currently \$500.

The amount represented by a penalty unit has not been increased since 1987, but prices (as measured by the Consumer Price Index) have increased by 45.3% since then.

Item [1] of the proposed amendments increases to \$110 the amount represented by each penalty unit. That means that a penalty of 5 penalty units would now refer to a penalty of \$550.

The increase in the level of penalties is consistent with recent amendments to Commonwealth legislation (see the *Crimes and Other Legislation Amendment Act 1997* of the Commonwealth, which amends the definition of penalty unit in section 4AA of the *Crimes Act 1974* of the Commonwealth).

Item [2] of the proposed amendments makes it clear that the increase will not affect the penalty for an offence committed before the increase takes effect.

#### **References to Friendly Societies Code**

Section 68 of the *Interpretation Act 1987* provides that a reference in an Act or instrument to some other amended Act or instrument extends to the other Act or instrument as in force for the time being.

Item [3] of the proposed amendments will have the effect that section 68 applies to the construction of references in and to the *Friendly Societies (NSW) Code*.

## **1.12 Landlord and Tenant (Rental Bonds) Act 1977 No 44**

### **[1] Section 4 Definitions**

Insert in alphabetical order in section 4 (1):

*caravan* means any vehicle without motive power constructed or adapted for the purposes of habitation, and includes any such vehicle which is not fitted with wheels but which is so constructed that it is capable of being fitted with wheels.

**[2] Section 4 (1)**

Omit paragraph (c) of the definition of *residential premises*.  
Insert instead:

- (c) a caravan that is leased in a fixed position,

**Explanatory note**

At present, section 4 of the *Landlord and Tenant (Rental Bonds) Act 1977* includes in the definition of residential premises “a caravan within the meaning of section 31A of the *Landlord and Tenant (Amendment) Act 1948* that is leased in a fixed position”. Section 31A of that Act has been repealed. However, the principles of statutory interpretation have the effect that the provisions of the repealed section are kept in force for the purposes of interpreting the existing definition of residential premises.

The proposed amendments insert a definition of caravan that is consistent with the definition of that term in the repealed section. This removes the need to rely on repealed legislation.

**1.13 Law Foundation Act 1979 No 32**

**[1] Section 5 Objects of the Foundation**

Omit “and” from section 5 (f).

**[2] Section 5 (g) and (h)**

Omit section 5 (g). Insert instead:

- (g) to provide services to promote the legal rights of economically or socially disadvantaged people or groups of people and to improve access to the legal system for such people or groups of people, and
- (h) to provide access to legal information and legal services for economically or socially disadvantaged people or groups of people.

**[3] Section 6 Powers of the Foundation**

Omit “and” where secondly occurring in section 6 (c).

**[4] Section 6 (e)**

Insert at the end of section 6 (d):

, and

- (e) do anything incidental or conducive to the carrying out of any of the objects of the Foundation.

**Explanatory note**

The Law Foundation of New South Wales is a body corporate constituted by the *Law Foundation Act 1979*.

Item [2] of the proposed amendments makes it clear that the objects of the Foundation include the provision of services to promote the legal rights of, and to improve access to the legal system for, economically or socially disadvantaged people and the provision of access to legal information and legal services for such people. Item [1] makes a consequential amendment.

Item [4] of the amendments makes it clear that the Foundation has the power to do anything incidental or conducive to the carrying out of any of its objects. Item [3] makes a consequential amendment.

**1.14 Motor Accidents Act 1988 No 102**

**Section 73 Payment of interest**

Insert “or 79A” after “section 79” in section 73 (3).

**Transitional**

The amendment to the *Motor Accidents Act 1988* does not apply to claims for damages that were commenced as at the date on which the amendment commenced but were not settled or finally determined as at that date.

**Explanatory note**

Sections 79 and 79A of the *Motor Accidents Act 1988* set out the way damages for non-economic loss are to be determined. Section 79 applies only to motor accidents that occurred before midnight on 26 September 1995, section 79A applies only to motor accidents that occurred after that time.

Section 73 of the Act provides for the payment of interest on damages and prohibits the payment of interest on damages for non-economic loss awarded under section 79 (regarding accidents that occurred before midnight on 26 September 1995).

The proposed amendment updates that section, so that it also prohibits the payment of interest on damages for non-economic loss in respect of accidents to which section 79A applies (that is, accidents that occurred after midnight on 26 September 1995).

**1.15 National Parks and Wildlife Act 1974 No 80**

**[1] Section 5 Definitions**

Omit the definition of *pastures protection board* from section 5 (1).  
Insert in alphabetical order:

*rural lands protection board* means a rural lands protection board within the meaning of the *Rural Lands Protection Act 1989*.

**[2] Sections 40 (2), 53 (2), 58E (2) and 139 (2) (n)**

Omit “pastures protection board” wherever occurring.  
Insert instead “rural lands protection board”.

**[3] Sections 118A, 118C and 118D**

Insert after section 118A (3) (a), 118C (5) (a) and 118D (2) (a):

(a1) was the subject of a certificate issued under section 95 (2) of the *Threatened Species Conservation Act 1995*. or

**[4] Sections 118A (3) (c), 118C (5) (c) and 118D (2) (c)**

Omit “or the *State Emergency and Rescue Management Act 1989*” wherever occurring.

Insert instead “, the *State Emergency and Rescue Management Act 1989* or the *State Emergency Service Act 1989*”.

**[5] Section 179 Authority to take proceedings**

Omit “this Act or” from section 179 (1). Insert instead “, or”.

**[6] Section 179 (1)**

Omit “under the provisions of”. Insert instead “under.”.

**Explanatory note**

**Exemptions from certain offences**

Sections 11 8A, 118C and 11 8D of the *National Parks and Wildlife Act 1974* create offences relating to harming or picking threatened species, populations or ecological communities, damaging critical habitats or damaging the habitats of threatened species, populations or ecological communities. Each section sets out defences to those offences, which include holding a general licence under the *National Parks and Wildlife Act 1974* or the *Threatened Species Conservation Act 1995*.

Section 95 (2) of the *Threatened Species Conservation Act 1995* provides for the Director-General of National Parks and Wildlife to issue a certificate to the effect that proposed actions are not likely to significantly affect threatened species and that a licence under the *Threatened Species Conservation Act 1995* is therefore not required.

Item [3] of the proposed amendments provides defences to a prosecution for harming or picking a threatened species, population or ecological community, damaging a critical habitat or damaging the habitat of a threatened species, population or ecological community if the relevant actions were undertaken in reliance on such a certificate.

**Authority to take proceedings**

At present, section 179 of the *National Parks and Wildlife Act 1974* empowers a member of the police force or a person authorised by the Director-General to take legal proceedings for an offence against the *National Parks and Wildlife Act 1974*.

Item [5] of the proposed amendments will provide for authority to be given to such officers to take proceedings for offences under the *Threatened Species Conservation Act 1995* or the regulations made under that Act and for offences under the regulations made under the *National Parks and Wildlife Act 1974*.

**Statute law revision**

Items [1] and [2] of the proposed amendments update references to boards that are now known as “rural lands protection boards”.

Item [4] updates references to the Acts relevant to emergency services.

**1.16 Public Authorities (Financial Arrangements) Act 1987  
No 33**

**[1] Section 8 Power to obtain financial accommodation**

Insert after section 8 (4):

- (5) Without limiting subsection (4) (c), the Treasurer's approval may be subject to a condition that an agreement under which financial accommodation is obtained contains provisions in or to the effect of those referred to in section 8A.

**[2] Section 8A**

Insert after section 8:

**8A Special provisions relating to ownership of buildings, structures or other fixtures**

- (1) An agreement under which financial accommodation is obtained by an authority may contain provisions in or to the effect:
  - (a) that the ownership of specified buildings, structures or other fixtures is not vested in the owner of the land on which they are located, and
  - (b) that such specified buildings, structures or fixtures are chattels and not real property, and
  - (c) that such specified buildings, structures or fixtures can be transferred or leased to any person or otherwise dealt with in accordance with the terms and conditions of the Treasurer's approval of the financial accommodation.
- (2) Despite any Act or rule to the contrary, any such provision has effect for all purposes (and not only as between the parties to the agreement in which the provision is contained), but only if the Treasurer's approval to the obtaining of the financial accommodation was subject to a condition that the agreement contain the provision.



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**Validation**

Any approval given by the Treasurer under section 8 of the *Public Authorities (Financial Arrangements) Act 1987* that included a provision in or to the effect of a provision referred to in clause 55 of the *Public Authorities (Financial Arrangements) Regulation 1995* (as in force at the time the approval was given) is validated. Section 8A of the *Public Authorities (Financial Arrangements) Act 1987* is taken to have applied at all times to each agreement entered into in connection with any financial accommodation obtained pursuant to any such approval as if the provisions in such approval in or to the effect of those referred to in clause 55 of the *Public Authorities (Financial Arrangements) Regulation 1995* were contained in each such agreement with the approval of the Treasurer referred to in section 8A (2).

**Explanatory note**

Part 2 of the *Public Authorities (Financial Arrangements) Act 1987* relates to the obtaining of financial accommodation by public authorities. Section 8 of the Act empowers an authority (approved by the Governor to do so) to obtain financial accommodation within or outside Australia, in accordance with the written approval of the Treasurer on such terms as the Treasurer thinks fit. Section 8 (4) sets out some examples of the terms on which the Treasurer's approval may be given.

The proposed amendments to the *Public Authorities (Financial Arrangements) Act 1987* specify certain provisions that may be included in an agreement for the obtaining of financial accommodation, and provide for such provisions to have effect despite any Act or rule of law to the contrary. (The proposed amendment to the *Public Authorities (Financial Arrangements) Regulation 1995* made elsewhere in this Schedule omits an analogous provision that is presently included in the regulation, as a consequence of the proposed amendment to the Act.)

**1.17 Public Authorities (Financial Arrangements) Regulation 1995****Clause 55 Treasurer's approval to obtaining financial accommodation**

Omit the clause.

**Explanatory note**

The proposed amendment is consequential on the amendments made to the *Public Authorities (Financial Arrangements) Act 1987* elsewhere in this Schedule.

**1.18 Real Property Act 1900 No 25**

**[1] Section 17 Creation of folio for land that is the subject of a primary application**

Omit “section 12 (1) (h) or 12 (1A), gives notice of that intention the Registrar-General shall, in the notice,” from section 17 (1).  
Insert instead “section 12 (1) (hl) or 12 (1A), notice is given of that intention, that notice must”.

**[2] Section 47 Creation of easements etc**

Insert “or profit à prendre” after “easement” wherever occurring in section 47 (5A).

**[3] Section 74N Service of notices on caveators for purposes of Part**

Insert “registered” before “post” wherever occurring in section 74N (1) (b), (c) and (d).

**[4] Section 74N (4)**

Insert after section 74N (3):

- (4) To avoid doubt, section 77 of the *Interpretation Act 1987* does not apply to this section.

**Explanatory note**

**Powers of Registrar-General**

Item [1] of the proposed amendments updates a reference to the relevant provision of the *Real Property Act 1900* which empowers the Registrar-General to give notice, or to direct another person to give notice, of the intended exercise or performance of any power, authority, duty or function conferred or imposed by the Act. The proposed amendment also reflects the fact that the notice may have been given by a person other than the Registrar-General.

**Release of profits à prendre**

At present, section 47 of the *Real Property Act 1900* deals with the creation of profits à prendre in the same manner as the creation of easements. The *Property Legislation Amendment (Easements) Act 1995* amended that section to make provision for the variation of registered easements on registration of a memorandum of variation, but made no provision for the variation of a profit à prendre.

Item [2] of the proposed amendments will ensure that profits à prendre are able to be varied in the same manner as easements.

**Service of notices on caveators**

At present, section 74N of the *Real Property Act 1900* deals with the service of notice of the lapsing of a caveat. Such a notice may be sent by post.

Item [3] of the proposed amendments modifies that requirement so that, in such cases, the notice must be sent by registered post. Item [4] makes a consequential amendment.

**1.19 Roads Act 1993 No 33**

**Section 112 Weight restrictions on certain roads and bridges etc**

Insert after section 112 (1):

- (1A) Despite subsection (1) (a), the regulations may prescribe circumstances in which a notice displayed in accordance with that paragraph does not operate to prohibit a vehicle passing along or over a road, bridge or causeway.

**Commencement**

The amendment to the *Roads Act 1993* is taken to have commenced on 1 July 1996.

**Explanatory note**

Section 112 (1) (a) of the *Roads Act 1993* enables a roads authority to display notices on, or adjacent to, a public road or any bridge or causeway forming part of a public road that prohibit vehicles with a laden weight exceeding a specified maximum weight from passing along or over the road, bridge or causeway.

Before its repeal by the *Road Transport (Mass, Loading and Access) Regulation 1996*, clause 11 (4) of the *Roads (Weight of Loads on Roads other than Main Roads) Transitional Regulation 1993* (the **repealed Regulation**), which was formerly called *Ordinance No 30D* under the *Local Government Act 1979*, provided an exception that ensured that light thoroughfare notices did not prevent a person from driving a heavy vehicle along a road (or part of a road) to which the notice related if the destination of the vehicle lay on the road or part of a road.

The proposed amendment to the *Roads Act 1993* makes it clear that exceptions from the operation of section 112 (1) (a) of the Act of the kind previously provided by clause 11 (4) of the repealed Regulation can be prescribed by regulations made under the Act.

The proposed substitution of clause 40 of the *Road Transport (Mass, Loading and Access) Regulation 1996* made elsewhere in this Schedule inserts a similar exception to that contained in clause 11 (4) of the repealed Regulation and ensures that it applies to notices erected before, on or after the commencement of the new Regulation. That amendment also makes provision for the display of signs indicating absolute load limits for a bridge or road, which will always operate to prohibit a vehicle passing along or over the relevant road, bridge or causeway.

## **1.20 Road Transport (Mass, Loading and Access) Regulation 1996**

### **Clause 40**

Omit the clause. Insert instead:

#### **40 Loads on light traffic thoroughfares, bridges and roads**

- (1) For the purposes of section 112 of the Act, any notice that is required to be conspicuously displayed, must either:
  - (a) display the words “BRIDGE LOAD LIMIT” or “ROAD LOAD LIMIT”, or
  - (b) be in or similar to the form illustrated in Schedule 3.
- (2) A notice that displays the words “BRIDGE LOAD LIMIT” or “ROAD LOAD LIMIT” prohibits the passage, from a direction facing the notice, of a vehicle or combination if
  - (a) the total mass of the vehicle or combination exceeds the gross mass indicated by the sign, or
  - (b) the mass carried by an axle or axle group of the vehicle or combination exceeds the mass indicated by the sign for that kind of axle or axle group.
- (3) A notice of the kind illustrated in Schedule 3 prohibits the passage, from a direction facing the notice, of a vehicle or combination exceeding the total mass indicated by the notice.

- (4) A notice in or similar to the form illustrated in Schedule 3 (whether erected before or after the commencement of this Regulation) does not prohibit any person from driving a vehicle along or over a public road (or any bridge or causeway forming part of a public road) if the destination of the vehicle lies in or on the road (or bridge or causeway) and there is no alternative route by which to reach that destination.

**Commencement**

The amendment made to the *Road Transport (Mass, Loading and Access) Regulation 1996* is taken to have commenced on 1 July 1996.

**Explanatory note**

The proposed amendment is consequential on the amendment made to the *Roads Act 1993* elsewhere in this Schedule.

**1.21 Roman Catholic Church Communities' Lands Act 1942  
No 23**

**Section 19 Exemption from stamp duty**

Insert after section 19 (2):

- (3) Any other instrument to which the only parties are:
- (a) one or more bodies corporate created by this Act,  
or
  - (b) one or more bodies corporate created by this Act  
and one or more bodies corporate created by the  
*Roman Catholic Church Trust Property Act 1936*,

is exempt from stamp duty.

**Transitional provision**

The amendment to the *Roman Catholic Church Communities' Lands Act 1942* does not apply to an instrument executed before the date of commencement of the amendment.

**Explanatory note**

The *Roman Catholic Church Communities' Lands Act 1942* makes provision relating to real and personal property held on trust for or for the use, benefit or purposes of certain orders, congregations, communities and associations of the Roman Catholic Church in New South Wales.

Section 19 of the Act creates an exemption from stamp duty in respect of instruments executed only for the purpose of giving effect to section 8 of the Act (which vests all community land of a community in the relevant body corporate created by the Act) or for an ancillary purpose. An agreement for the sale, conveyance or demise of property is also exempted from stamp duty under that section if the parties are each either a body corporate created by the Act or a body corporate created by the *Roman Catholic Church Trust Property Act 1936*. The proposed amendment provides an exemption from stamp duty in relation to any other instrument between such parties. (An analogous amendment is made to the *Roman Catholic Church Trust Property Act 1936* elsewhere in this Schedule.)

## 1.22 Roman Catholic Church Trust Property Act 1936 No 24

### Section 16 Exemption from stamp duty

Insert after section 16 (2):

- (3) Any other instrument to which the only parties are:
  - (a) one or more bodies corporate created by this Act,  
or
  - (b) one or more bodies corporate created by this Act  
and one or more bodies corporate created by the  
*Roman Catholic Church Communities' Lands Act  
1942*,

is exempt from stamp duty.

#### Transitional provision

The amendment to the *Roman Catholic Church Trust Property Act 1936* does not apply to an instrument executed before the date of commencement of the amendment.

#### Explanatory note

The *Roman Catholic Church Trust Property Act 1936* makes provision relating to property held on trust for or for the use, benefit or purposes of the Roman Catholic Church in New South Wales.

Section 16 of the Act creates an exemption from stamp duty in respect of instruments executed only for the purpose of giving effect to section 8 of the Act (which vests all Church trust property within a diocese in the relevant body corporate created by the Act) or for an ancillary purpose. An agreement for the

sale, conveyance or demise of property is also exempted from duty under that section if the parties to the sale, conveyance or demise are all bodies corporate created by the Act or if the parties are each either a body corporate created by the Act or a body corporate created by the Roman Catholic Church *Communities' Lands Act 1942*.

The proposed amendment provides an exemption from stamp duty in relation to any other instrument between such parties. (An analogous amendment is made to the *Roman Catholic Church Communities' Lands Act 1942* elsewhere in this Schedule.)

### **1.23 Strata Schemes Management Act 1996 No 138**

#### **[1] The whole Act**

Omit “*Strata Titles (Freehold Development) Act 1973*” wherever occurring (except where otherwise omitted by this Schedule).  
Insert instead “*Strata Schemes (Freehold Development) Act 1973*”.

#### **[2] The whole Act**

Omit “*Strata Titles (Leasehold Development) Act 1986*” wherever occurring (except where otherwise omitted by this Schedule).  
Insert instead “*Strata Schemes (Leasehold Development) Act 1986*”.

#### **[3] Chapter 2, Part 5, Introductory note**

Insert “additional by-laws that may previously have been added to those by-laws and any” before “amendments”.

#### **[4] Section 42 What by-laws apply to old strata schemes?**

Insert “additional by-laws, or any” before “amendments” in section 42 (2).

#### **[5] Section 42 (2)**

Omit “by-laws” where thirdly occurring. Insert instead “by-laws,”.

**[6] Section 47 Can an owners corporation add to or amend the by-laws?**

Insert “adding to,” after “by-laws” where firstly occurring.

**[7] Section 68 What money can be paid out of the administrative fund?**

Omit “section 76 (1)” from section 68 (1) (a).  
Insert instead “section 75 (1)”.

**[8] Section 83 Owners corporation to insure building**

Insert “at least” before “the value” in section 83 (2).

**[9] Section 84 Responsibility of owners corporation to insure where strata scheme is for part only of building**

Insert “at least” before “the value” in section 84 (2).

**[10] Section 87 What other insurance must an owners corporation take out?**

Omit “claim” from section 87 (2).  
Insert instead “event in respect of which any claim or claims may be made”.

**[11] Section 162 Order appointing strata managing agent to exercise certain functions**

Insert “but only” before “if satisfied” in section 162 (3).

**[12] Section 192 Orders relating to costs**

Insert “or appeal” after “application” wherever occurring.



**[13] Section 192 (b)**

Insert “or appellant” after “applicant”.

**[14] Schedule 2 Meetings and procedure of owners corporation**

Insert “or” after “in person” in clause 10 (3) (a).

**[15] Schedule 4 Savings, transitional and other provisions**

Omit “An owners corporation” from clause 2.

Insert instead “A body corporate”.

**[16] Schedule 4, clause 2**

Insert “as an owners corporation” after “constituted” where secondly occurring.

**[17] Dictionary**

Omit “section 69 of the *Strata Titles (Freehold Development) Act 1973*” from paragraph (b) of the definition of *owner* of a lot in a freehold strata scheme.

Insert instead “section 98”.

**[18] Dictionary**

Omit “section 99 of the *Strata Titles (Leasehold Development) Act 1986*” from paragraph (b) of the definition of *owner* of a lot in a leasehold strata scheme.

Insert instead “section 98”.

**[19] Dictionary**

Omit “that Act” from paragraph (c) of the definition of *owner* of a lot in a leasehold strata scheme.

Insert instead “the *Strata Schemes (Leasehold Development) Act 1986*”.

**[20] Dictionary**

Omit “section 94” from the definition of *strata roll*.  
Insert instead “section 98”.

**Commencement**

The amendments to the *Strata Schemes Management Act 1996* commence, or are taken to have commenced, on the date of commencement of section 1 of that Act.

**Explanatory note**

**By-laws**

Section 42 of the *Strata Schemes Management Act 1996* provides that strata schemes in existence before the commencement of the section are to have the by-laws set out in Schedule 1 to the Act, together with amendments that may previously have been made to those by-laws by the relevant owners Corporation.

Items [3]-[5] of the proposed amendments make it clear that those by-laws include any additional by-laws made by the owners corporation in the past.

Item [6] makes it clear that an owners corporation is able to add to its by-laws as well as to amend them.

**Insurance**

Section 83 of the Act requires an owners corporation for a strata scheme for the whole of a building to insure the building and to keep the building insured. At present, section 83 (2) of the Act requires the building to be insured for the value of the building indicated by the last valuation obtained for the building.

Item [e] of the proposed amendments amends that subsection so that an owners corporation must insure its building to at least the amount of the last valuation, rather than to exactly the amount of the valuation. Item [g] makes an analogous amendment in respect of an owners corporation for a strata scheme for part only of the building.

Section 87 (2) of the Act requires an owners corporation to take out public liability insurance cover of at least \$1 0 million for each claim made. However, it is current insurance industry practice for an insurer to underwrite public liability insurance based on a maximum liability for any event that may arise during the currency of the policy.

Item [10] of the proposed amendments amends section 87 (2) so that the minimum cover required is \$10 million in relation to any one event.

**Costs in relation to appeals from an order of an Adjudicator**

Section 177 of the Act confers a right to appeal to the Strata Schemes Board against an order of an Adjudicator.

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Items [12] and [13] of the proposed amendments will empower the Board to make an order for payment of costs in relation to the determination of an appeal, but only on limited grounds. The Board has a similarly limited power to order the payment of costs in relation to an application made to it for an order (see section 192).

**Statute law revision**

Items [1] and [2] of the proposed amendments are consequential on the amendments made to section 1 of the *Strata Titles Act 1973* and the *Strata Titles (Leasehold) Act 1986* by the *Strata Schemes Management (Miscellaneous Amendments) Act 1996*, as amended by Schedule 2.18.

Items [1], [17], [18] and [20] correct incorrect cross-references. Item [19] makes a consequential amendment.

Item [11] amends the wording of a provision to make it clear that the unsatisfactory operation or non-operation of the management structure of a strata scheme is the only basis on which an Adjudicator may make an order appointing a strata managing agent.

Item [14] inserts an omitted word.

Item [15] updates a reference to an owners corporation. Item [16] makes a consequential amendment.

## **1.24 Strata Titles Act 1973 No 68**

### **[1] Section 7 Subdivision**

Omit “creation of easements,” from section 7 (3).

Insert instead “creation or release of easements, or the creation of”.

### **[2] Section 26 Creation or variation of easements, restrictions and positive covenants**

Insert “or varying” before “an easement” wherever occurring in section 26 (1) (c) and (d).

### **[3] Section 28R Requirement for strata management statement**

Omit section 28R (2) (a) (i). Insert instead:

- (i) the building concerned is erected on a lot in a community scheme, and

**[4] Section 28R (2) (a) (ii)**

Insert “and site” after “building”.

**[5] Section 37 Approval of proposed strata plans and strata plans of subdivision and of conversion of lots into common property**

Omit section 37 (1AA).

**[6] Schedule 4 Transitional and savings provisions**

Omit “This Act, as in force immediately before the commencement of Part 1 of Schedule 1 to the *Strata Titles (Staged Development) Amendment Act 1993*, applies” from clause 2 (1) of Part 3.

Insert instead “The amendments made to this Act by the *Strata Titles (Staged Development) Amendment Act 1993* do not apply”.

**[7] Schedule 4, Part 3, clauses 2 and 3**

Omit “that commencement” wherever occurring.

Insert instead “1 January 1995”.

**[8] Schedule 4, Part 3, clauses 2 (2) and 3**

Omit “*The Land and Environment Court Act 1979*, as in force immediately before the commencement of Schedule 2 to the *Strata Titles (Staged Development) Amendment Act 1993*, applies” wherever occurring.

Insert instead “The amendments made to the *Land and Environment Court Act 1979* by the *Strata Titles (Staged Development) Amendment Act 1993* do not apply”.

**Commencement**

The amendments to Schedule 4 of the *Strata Titles Act 1973* commence on 1 January 1995 (the date of commencement of Schedule 1 [23] to the *Strata Titles (Staged Development) Amendment Act 1993*).

**Explanatory note**

**Release and variation of easements**

Since the enactment of the *Property Legislation Amendment (Easements) Act 1995*, section 88B of the *Conveyancing Act 1919* sets out a procedure for the release of easements on registration or recording of a plan under Division 3 of Part 23 of that Act.

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Item [1] of the proposed amendments to the *Strata Titles Act 1973* updates section 7 (3) of the Act, which refers to the creation of easements under section 88B of the *Conveyancing Act 1919*, but not to the release of easements under that section.

*The Property Legislation Amendment (Easements) Act 1995* also provided for the variation of an easement registered under the *Real Property Act 1900*, by registration of a memorandum of variation.

Item [2] of the proposed amendments updates section 26 of the Act, which empowers a body corporate to accept a dealing creating or releasing an easement, so as to empower a body corporate to accept a dealing varying an easement.

#### **Part strata development within a community scheme**

Section 28R of the *Strata Titles Act 1973* prevents the Registrar-General from registering a plan as a strata plan creating a stratum parcel unless the Registrar-General also registers a strata management statement for the building and site concerned. As part strata development is permitted on a lot in a community scheme (see section 7 (2C)), section 28R allows the Registrar-General to dispense with compliance with the requirement for a strata management statement if the building concerned is to be erected on a community development lot, if part only of the building is to be subdivided by a strata plan, and if all of the remainder of the building and site concerned are to be community property.

Item [3] of the proposed amendments amends section 28R so that a strata scheme can be registered in respect of part only of a building erected on a lot in a community scheme (which includes development on a community development lot, a precinct development lot, community association property and precinct association property). As a result of the amendments, such a scheme can be registered only if the relevant building has been erected.

Item [4] makes the language of section 28R (2) (a) (ii) consistent with the rest of the section.

#### **Widening of a public road by strata plan**

Section 37 of the Act provides for a local council, on application, to approve of a proposed strata plan that does not include a development lot or lots if satisfied of certain matters. At present, section 37 (1AA) provides that if a proposed strata plan shows a dedication of land to widen an existing public road, the local council may include approval of the dedication in its certificate of approval. However, it is current practice for road widening to be shown on a deposited plan registered under the *Conveyancing Act 1919*, which occurs before the registration of a strata plan.

Item [5] of the proposed amendments omits section 37 (1AA), which is redundant.

#### **Staged strata schemes registered before 1 January 1995**

Items [6]–[8] clarify the application of transitional provisions relating to staged strata schemes.

**1.25 Strata Titles (Leasehold) Act 1986 No 219**

**[1] Section 6 Subdivision (1973 Act, s. 7)**

Omit “creation of easements,” from section 6 (4).  
Insert instead “creation or release of easements, or the creation of”.

**[2] Section 30 Creation or variation of easements, restrictions and positive covenants**

Insert “or varying” before “an easement” wherever occurring in section 30 (1) (c) and (d) and (5) (c) and (d).

**[3] Schedule 5 Transitional and savings provisions**

Omit “This Act, as in force immediately before the commencement of Part 1 of Schedule 1 to the *Strata Titles (Leasehold Staged Development) Amendment Act 1993*, applies” from clause 2 (1) of Part 2.

Insert instead “The amendments made to this Act by the *Strata Titles (Leasehold Staged Development) Amendment Act 1993* do not apply”.

**[4] Schedule 5, Part 2, clauses 2 and 3**

Omit “that commencement” wherever occurring.  
Insert instead “1 January 1995”.

**[5] Schedule 5, Part 2, clauses 2 (2) and 3**

Omit “The *Land and Environment Court Act 1979*, as in force immediately before the commencement of Schedule 2 to the *Strata Titles (Leasehold Staged Development) Amendment Act 1993*, applies,” wherever occurring.

Insert instead “The amendments made to the *Land and Environment Court Act 1979* by the *Strata Titles (Leasehold Staged Development) Amendment Act 1993* do not apply”.

**Commencement**

The amendments to Schedule 5 to the *Strata Titles (Leasehold) Act 1986* commence on 1 January 1995 (the date of commencement of Schedule 1 [23] to the *Strata Titles (Leasehold Staged Development) Amendment Act 1993*).

### **Explanatory note**

#### **Release and variation of easements**

Since the enactment of the *Property Legislation Amendment (Easements) Act 1995*, section 88B of the *Conveyancing Act 1979* sets out a procedure for the release of easements on registration or recording of a plan under Division 3 of Part 23 of that Act.

Item [1] of the proposed amendments to the *Strata Titles (Leasehold) Act 1986* updates section 6 (4) of that Act, which refers to the creation of easements under section 88B of the *Conveyancing Act 1979*, but not to the release of easements under that section.

The *Property Legislation Amendment (Easements) Act 1995* also provided for the variation of an easement registered under the *Real Property Act 1900*, by registration of a memorandum of variation.

Item [2] of the proposed amendments updates section 30 of the Act, which empowers a body corporate to accept a dealing creating or releasing an easement, so as to empower a body corporate to accept a dealing varying an easement.

#### **Staged strata schemes registered before 1 January 1995**

Items [3]–[5] clarify the application of transitional provisions relating to staged strata schemes.

## **1.26 Subordinate Legislation Act 1989 No 146**

### **[1] Section 10 Staged repeal of statutory rules**

Omit section 10 (3). Insert instead:

- (3) Despite subsection (1), the following regulations are repealed on 1 September 1998:
  - (a) the *Construction Safety Regulations 1950*,
  - (b) all regulations under the *Factories, Shops and Industries Act 1962* that are in force on the date of assent to the *Statute Law (Miscellaneous Provisions) Act 1997* except the *Hairdressing Regulation 1992* and the *Shops (Trading Hours) Regulation 1992*.

**[2] Section 11 Postponement of repeal in specific cases**

Omit “section 10 (3)” from section 11 (6).

Insert instead “section 10 (3) or (4)”.

**Explanatory note**

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 certain cases.

Item [1] of the proposed amendments extends until 1 September 1998, with no further power of postponement, the repeal of regulations that are due for repeal on 1 September 1997 under the *Subordinate Legislation Act 1989* and for which the maximum number of postponements has already been granted. The amendment also fixes 1 September 1998 as the date of repeal of certain other regulations relating to occupational health and safety, for which the maximum number of postponements has not been granted. No further postponements will be permissible in respect of those regulations. As a result all the relevant regulations will be due for repeal on the same date.

Item [2] of the proposed amendments updates a cross-reference.

**1.27 Teacher Housing Authority Act 1975 No 27**

**Section 37 Liability of Authority for rates**

Omit “(other than an ordinary rate made under the *Local Government Act 1993*)” from section 37 (1) (b).

**Validation**

Any payment of an ordinary rate made under the *Local Government Act 1993* made by the Teacher Housing Authority in respect of land vested in the Authority, and made between 1 July 1993 and the date of assent to this Act, is validated.

**Explanatory note**

Amendments made to the *Teacher Housing Authority Act 1975* as a consequence of the repeal and replacement of the greater part of the *Local Government Act 1979* by the *Local Government Act 1993* inadvertently changed the ratable status of land vested in the Teacher Housing Authority and on which a house is situated.

The proposed amendment will restore the former position.



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## 1.28 Threatened Species Conservation Act 1995 No 101

### [1] Schedule 1 Endangered species, populations and ecological communities

Omit the matter under the heading “Animals” in Part 1 of Schedule 1.

Insert instead:

#### Vertebrates

##### Amphibians

###### Hylidae

<i>Litoria aurea</i> (Lesson, 1829)	Green and Golden Bell Frog
<i>Litoria castanea</i> (Steindachner, 1867)	Yellow-spotted Tree Frog
<i>Litoria raniformis</i> (Keferstein, 1867)	Southern Bell Frog
* <i>Litoria spenceri</i> Dubois, 1984	Spotted Frog

###### Myobatrachidae

<i>Neobatrachus pictus</i> Peters, 1863	Painted Burrowing Frog
<i>Pseudophryne corroboree</i> Moore, 1953	Southern Corroboree Frog

#### Reptiles

##### Agamidae

<i>Tympanocryptis lineata</i> pinguicollis Mitchell, 1948	South-eastern Lined Earless Dragon
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##### Scincidae

<i>Anomalopus mackayi</i> Greer & Cogger, 1985	Five-clawed Worm-skink
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Statute Law (Miscellaneous Provisions) Act 1997 No 55

Schedule 1 Minor amendments

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*Egernia margaretae* Storr, 1968

*Eulamprus leuraensis* Wells & Wellington, 1984 Water skink

**Elapidae**

\**Hoplocephalus bungamides* (Schlegel, 1837) Broad-headed Snake

**Typhlopidae**

*Ramphotyphlops endoterus* (Waite, 1918)

**Birds**

**Megapodiidae**

\**Leipoa ocellata* Gould, 1840 Malleefowl

**Anatidae**

*Nettapus coromandelianus* (Gmelin, 1789) Cotton Pygmy-goose

**Diomedeidae**

*Diomedea exulans* Linnaeus, 1758 Wandering Albatross

**Accipitridae**

*Erythrotriorchis radiatus* (Latham, 1801) Red Goshawk

**Rallidae**

*Gallirallus sylvestris* (Sclater, 1869) Lord Howe Woodhen

**Otididae**

*Ardeotis australis* (Gray, 1829) Australian Bustard

**Tumicidae**

*Turnix melanogaster* (Gould, 1837) Black-breasted Button-quail

**Pedionomidae**

*Pedionomus torquatus* Gould, 1841 Plains-wanderer

**Burhinidae**

*Burhinus grallarius* (Latham, 1801) Bush Stone-curlew

*Esacus neglectus* Mathews, 1912 Beach Stone-curlew

**Charadriidae**

*Thinornis rubricollis* (Gmelin, 1789) Hooded Plover

**Laridae**

\**Sterna albifrons* Pallas, 1764 Little Tern

**Columbidae**

*Phaps histrionica* (Gould, 1841) Flock Bronzewing

*Geophaps scripta* (Temminck, 1821) Squatter Pigeon

**Psittacidae**

\**Cyclopsitta diophthalma coxeni* (Hombron & Jacquinot, 1841) Double-eyed Fig-parrot

*Polytelis anthopeplus* (Lear, 1831) Regent Parrot

**Maluridae**

*Amyfors textilis* (Dumont, 1824) Thick-billed Grasswren

**Pardalotidae**

*Dasyornis brachypterus* (Latham, 1801) Eastern Bristlebird

**Meliphagidae**

\**Xanthomyza phrygia* (Shaw, 1794) Regent Honeyeater

\**Manorina melanotis* (Wilson, 1911) Black-eared Miner

**Pachycephalidae**

*Pachycephala rufugularis* Gould, 1841 Red-lord Whistler

**Passeridae**

*Poephila cincta* (Gould, 1837) Black-boated Finch

**Mammals**

**Dasyuridae**

*Dasyurus viverrinus* (Shaw, 1800) Eastern Quoll

*Antechinornys laniger* (Gould, 1856) Kultarr

**Peramelidae**

*Isoodon obesulus* (Shaw, 1797) Southern Brown Bandicoot

**Vombatidae**

*Lasiornhinus latifrons* (Owen, 1845) Southern Hairy-nosed Wombat

**Burramyidae**

<i>Cercartetus concinnus</i> (Gould, 1845)	Western Pygmy Possum
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**Potoroidae**

* <i>Potorous longipes</i> Seebeck & Johnston, 1980	Long-footed Potoroo
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**Macropodidae**

<i>Macropus dorsalis</i> (Gray, 1837)	Black-striped Wallaby
<i>Petrogale xanthopus</i> Gray, 1855	Yellow-footed Rock-wallaby

**Muridae**

<i>Pseudomys apodemoides</i> Finlayson, 1932	Silky Mouse
<i>Pseudomys bolami</i> Troughton, 1932	Bolam's Mouse
<i>Pseudomys fumeus</i> Brazenor, 1934	Smoky Mouse
* <i>Pseudomys oralis</i> Thomas, 1921	Hastings River Mouse

**Marine mammals****Balaenopteridae**

* <i>Balaenoptera musculus musculus</i> (Linnaeus, 1758)	Blue Whale
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**Invertebrates**

**Molluscs**

**Bulimulidae**

*Placostylus bivaricosus* (Gaskoin, 1855) a land snail

**Camaenidae**

*Thersites mitchellae* (Cox, 1864) a land snail

**Arthropoda**

**Insecta**

**Lepidoptera**

**Castniidae**

*Synemon plana* Walker, 1854 The Golden Sun Moth

**Lycaenidae**

*Paralucia spinifera* Edwards and Common, 1978 The Bathurst Copper Butterfly

**Phasmatodea**

**Phasmatidae**

*Dryococelus australis* Montrouzier, 1855 Lord Howe Island Phasmid

**[2] Schedule 1, Part 1**

Omit “*Caesia parviflora* var. *minor* R.J.F. Hind.” from the matter under the subheading “Anthericaceae” under the heading “Plants”.  
Insert instead “*Caesia parviflora* var. *minor* R.J.F. Hend.”.

**[3] Schedule 1, Part 1**

Omit “*Wollemia noblei* W. Jones & K. Hill ms” from the matter under the subheading “Araucariaceae” under the heading “Plants”.  
Insert instead “*Wollemia nobilis* W. Jones, K. Hill & J. Allen”.

**[4] Schedule 1, Part 1**

Omit “*BaECKea camphorata* R. Br.” from the matter under the subheading “Myrtaceae” under the heading “Plants”.  
Insert instead “*Triplarina imbricata* (Sm.) A.R. Bean”.

**[5] Schedule 1, Part 1**

Insert “\*” before the description of each of the following species under the heading “Plants”.

*Ochrosia moorei* (F. Muell.) F. Muell. ex Benth.

*Epacris hamiltonii* Maiden & E. Betche

*Haloragodendron lucasii* (Maiden & E. Betche) Orch.

*Deyeuxia appressa* Vickery

*Zieria adenophora* Blakely

**[6] Schedule 1, Part 1**

Insert “*Triplarina nowraensis* A.R. Bean” in alphabetical order under the subheading “Myrtaceae” under the heading “Plants”.

**[7] Schedule 1, Part 1**

Insert “*Microtis angusii* D.L. Jones” in alphabetical order under the subheading “Orchidaceae” under the heading “Plants”.

**[8] Schedule 1, Part 1**

Omit "*Apatophyllum constublei* McGillivray" from the matter under the subheading "Celastraceae" under the heading "Plants".  
Insert instead "*\*Apatophyllum constublei* McGillivray".

**[9] Schedule 1, Part 1**

Omit "*Davidsonia pruriens* var. *jerseyana* Bailey" from the matter under the subheading "Davidsoniaceae" under the heading "Plants".  
Insert instead "*Davidsonia pruriens* var. *jerseyana* Bailey".

**[10] Schedule 1, Part 1**

Omit "*\*Davidsonia* sp. *A Mullumbimby-Currumbin Ck* (A.G. Floyd 1595)" from the matter under the subheading "Davidsoniaceae" under the heading "Plants".  
Insert instead "*\*Davidsonia* sp. *A Mullumbimby-Currumbin Ck* (A.G. Floyd 1595)".

**[11] Schedule 1, Part 1**

Omit "*Elaeocarpus* sp. *Rocky Creek* (G. Read AQ 5621 14)" from the matter under the subheading "Elaeocarpaceae" under the heading "Plants".  
Insert instead "*Elaeocarpus* sp. *Rocky Creek* (G. Read AQ 5621 14)".

**[12] Schedule 1, Part 1**

Omit "*Prostanthera* sp. *Somersby* (B.J. Conn 4024)" from the matter under the subheading "Lamiaceae" under the heading "Plants".  
Insert instead "*Prostanthera* sp. *Somersby* (B.J. Conn 4024)".

**Schedule 1, Part 1**

Omit "*\*Quassia* sp. *Mooney Creek* (J. Kin s.n., 1949)" from the matter under the subheading "Simaroubaceae" under the heading "Plants".  
Insert instead "*\*Quassia* sp. *Mooney Creek* (J. King s.n., 1949)".



**[14] Schedule 1, Part 2**

Insert the following matter:

**Animals**

**Vertebrates**

**Birds**

Spheniscidae

*Eudyptula minor* (Forster, 1781) Little Penguin at Manly Point

**Mammals**

Petauridae

*Petaurus norfolcensis* (Kerr, 1792) Squirrel Glider on Barrenjoey Peninsula, north of Bushrangers Hill

Peramelidae

*Perameles nasuta* Geoffroy, 1804 Long-nosed Bandicoot, North Head

**[15] Schedule 1, Part 4**

Omit the matter under the heading “Animals”. Insert instead:

**Vertebrates**

**Reptiles**

Elapidae

*Oxyuranus microlepidotus* (McCoy, 1879) Fierce Snake

**Birds****Rallidae**

\**Porphyrio albus* (Shaw, 1790) White Gallinule

**Columbidae**

\**Columba vitiensis godmanae* White-throated Pigeon (Lord Howe  
Matthews, 1915 Is. subsp.)

**Psittacidae**

\**Psephotus pulcherrimus* (Gould, 1845) Paradise Parrot

\**Cyanoramphus novaezelandiae subflavescens* Salvadori, 1891 Red-crowned Parakeet (Lord Howe  
Is. subsp.)

*Pezoporus occidentalis* Gould, 1861 Night Parrot

**Strigidae**

\**Ninox novaeseelandiae albaria* (Gmelin, 1788) Southern Boobook (Lord Howe Is.  
subsp.)

**Pardalotidae**

\**Gerygone insularis* Ramsay, 1879 Lord Howe Gerygone

**Dicruridae**

\**Rhipidura fuliginosa cervina* Ramsay, 1879 Grey Fantail (Lord Howe Is. subsp.)

**Passeridae**

*Neochmia ruficauda* (Gould, 1837) Star Finch

**Zosteropidae**

\**Zosterops strenuus* Gould, 1855 Robust White-eye

**Muscicapidae**

\**Turdus poliocephalus vinitinctus* (Gould, 1855) Island Thrush (Lord Howe Is.  
subsp.)

**Sturnidae**

\**Aplonis fusca hullianus* Gould, 1836 Tasman Starling (Lord Howe Is.  
subsp.)

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**Mammals**
**Dasyuridae**

<i>Dasyercus cristicauda</i> (Krefft, 1867)	Mulgara
<i>Dasyurus geoffroi</i> Gould, 1841	Western Quoll
<i>Phascogale calura</i> Gould, 1844	Red-tailed Phascogale

**Myrmecobiidae**

<i>Myrmecobius fasciatus</i> Waterhouse, 1836	Numbat
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**Peramelidae**

* <i>Chaeropus ecaudatus</i> (Ogilby, 1838)	Pig-footed Bandicoot
<i>Isodon auratus</i> (Ramsay, 1887)	Golden Bandicoot
<i>Perameles bougainville</i> Quoy & Gaimard, 1834	Western Barred Bandicoot
<i>Macrotis lagotis</i> (Reid, 1837)	Bilby

**Vombatidae**

<i>Lasiorhinus krefftii</i> (Owen, 1872)	Northern Hairy-nosed Wombat
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**Potoroidae**

<i>Bettongia gaimardi</i> (Desmarest, 1822)	Tasmanian Bettong
<i>Bettongia lesueur</i> (Quoy & Gaimard, 1824)	Burrowing Bettong
<i>Bettongia penicillata</i> Gray, 1837	Brush-tailed Bettong
<i>Bettongia tropica</i> Wakefield, 1967	Northern Bettong

**Macropodidae**

* <i>Lagorchestes leporides</i> (Gould, 1841)	Eastern Hare-wallaby
<i>Onychogalea fraenata</i> (Gould, 1841)	Bridled Nailtail Wallaby
* <i>Onychogalea lunata</i> (Gould, 1841)	Crescent Nailtail Wallaby

Vespertilionidae

*Nyctophilus howensis* McKean, Lord Howe Island Bat  
1973

Muridae

\**Conilurus albipes* (Lichtenstein, White-footed Tree-rat  
1829)  
\**Leporillus apicalis* (Gould, 1853) Lesser Stick-nest Rat  
*Leporillus conditor* (Sturt, 1848) Greater Stick-nest Rat  
*Notomys cervinus* (Gould, 1853) Fawn Hopping-mouse  
*Notomys fuscus* (Jones, 1925) Dusky Hopping-mouse  
\**Notomys longicaudatus* (Gould, Long-tailed Hopping-mouse  
1844)  
*Notomys mitchellii* (Ogilby, 1838) Mitchell's Hopping-mouse  
*Pseudomys australis* Gray, 1832 Plains Rat  
*Pseudomys desertor* Troughton, Desert Mouse  
1932  
\**Pseudomys gouldii* (Waterhouse, Gould's Mouse  
1839)

**[16] Schedule 1, Part 4**

Insert “\*” before “*Acanthocladium dockeri* F. Muell.” under the subheading “Asteraceae” under the heading “Plants”.

**[17] Schedule 2 Vulnerable species**

Omit the matter under the heading “Animals”. Insert instead:

**Vertebrates****Amphibians****Myobatrachidae**

<i>Assa darlingtoni</i> (Loveridge, 1933)	Pouched Frog
<i>Crinia tinnula</i> Straughan & Main, 1966	Wallum Froglet
<i>Heleioporus australiacus</i> (Shaw & Nodder, 1795)	Giant Burrowing Frog
<i>Mixophyes balbus</i> Straughan, 1968	Stuttering Frog
<i>Mixophyes fleayi</i> Corben & Ingram, 1987	Fleay’s Frog
<i>Mixophyes iteratus</i> Straughan, 1968	Giant Barred Frog
<i>Philoria kundagungan</i> (Ingram & Corben, 1975)	Mountain Frog
<i>Philoria loveridgei</i> Parker, 1940	Loveridge’s Frog
<i>Philoria sphagnicola</i> (Moore, 1958)	Sphagnum Frog
<i>Pseudophryne australis</i> (Gray, 1835)	Red-crowned Toadlet
<i>Pseudophryne pengilleyi</i> Wells and Wellington, 1985	Northern Corroboree Frog

**Hylidae**

<i>Litoria brevipalmata</i> Tyler, Martin & Watson, 1972	Green-thighed Frog
<i>Litoria olongburensis</i> Liem & Ingram, 1977	Olongurra Frog
<i>Litoria piperata</i> Tyler & Davies, 1985	Peppered Frog

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<i>Litoria subglandulosa</i> Tyler & Anstis, 1983	Glandular Frog
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### Reptiles

#### Cheloniidae

<i>Caretta caretta</i> (Linnaeus, 1758)	Loggerhead Turtle
* <i>Chelonia mydas</i> (Linnaeus, 1758)	Green Turtle

#### Dermochelyidae

* <i>Dermochelys coriacea</i> (Vandelli, 1761)	Leathery Turtle
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#### Chelidae

<i>Elseya</i> sp. (Namoi and Gwydir Rivers)	Namoi River Elseya
<i>Emydura macquarii</i> (Gray, 1830) (Bellinger River Form)	Bellinger River Emydura

#### Gekkonidae

<i>Christinus guentheri</i> (Boulenger, 1885)	Lord Howe Island Southern Gecko
<i>Underwoodisaurus sphyrurus</i> (Ogilby, 1892)	Border Thick-tailed Gecko

#### Pygopodidae

<i>Aprasia inaurita</i> Kluge, 1974	Mallee Worm Lizard
<i>Aprasia parapulchella</i> Kluge, 1974	Pink-tailed Legless Lizard
* <i>Delma impar</i> Fischer, 1882	Striped Legless Lizard

#### Varanidae

<i>Varanus rosenbergi</i> Mertens, 1957	Rosenberg's Goanna
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**Scincidae**

<i>Coeranoscincus reticulatus</i> (Gunther, 1873)	Three-toed Snake-tooth Skink
<i>Cyclodomorphus branchialis</i> (Gunther, 1867)	Gunther's Skink
<i>Pseudemoia lichenigera</i> (O'Shaughnessy, 1874)	Skink
<i>Tiquia multifasciata</i> Sternfeld, 1919	Centralian Blue-tongued Lizard
<i>Tiliqua occipitalis</i> (Peters, 1863)	Western Blue-tongued Lizard

**Boidae**

<i>Aspidites ramsayi</i> (Macleay, 1882)	Woma
<i>Liasis stimsoni</i> Smith, 1985	Stimson's Python

**Elapidae**

<i>Cacophis harriettae</i> Krefft, 1869	White-crowned Snake
<i>Demansia torquata</i> (Gunther, 1862)	Collared Whip Snake
<i>Echiopsis curta</i> (Schlegel, 1837)	Bardick
<i>Hoplocephalus bitorquatus</i> (Jan, 1859)	Pale-headed Snake
<i>Hoplocephalus stephensii</i> Krefft, 1869	Stephens' Banded Snake
<i>Simoselaps fasciolatus</i> (Gunther, 1872)	Narrow-banded Snake
<i>Suta flagellum</i> (McCoy, 1878)	Little Whip Snake

**Birds****Anseranatidae**

<i>Anseranas semipalmata</i> (Latham, 1798)	Magpie Goose
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Anatidae

<i>Oxyura australis</i> (Gould, 1836)	Blue-billed Duck
<i>Stictonena naevosa</i> (Gould, 1841)	Freckled Duck

Procellariidae

<i>Pterodroma solandri</i> (Gould, 1844)	Providence Petrel
<i>Pterodroma neglecta</i> (Schlegel, 1863)	Kermadec Petrel
<i>Pterodroma nigripennis</i> (Rothschild, 1893)	Black-winged Petrel
<i>Pterodroma leucoptera</i> (Gould, 1844)	Gould's Petrel
<i>Puffinus carneipes</i> Gould, 1844	Flesh-footed Shearwater
<i>Puffinus assimilis</i> Gould, 1838	Little Shearwater

Diomedidae

<i>Diomedea melanophris</i> Temminck, 1828	Black-browed Albatross
<i>Diomedea cauta</i> Gould, 1841	Shy Albatross
<i>Phoebetria fusca</i> (Hilsenberg, 1822)	Sooty Albatross

Hydrobatidae

<i>Fregetta grallaria</i> (Vieillot, 1817)	White-bellied Storm-petrel
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Phaethontidae

<i>Phaethon rubricauda</i> Boddaert, 1783	Red-tailed Tropicbird
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Sulidae

<i>Sula dactylatra</i> Lesson, 1831	Masked Booby
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**Areidae**

*Ixobrychus flavicollis* (Latham, 1790) Black Bittern

*Botaurus poiciloptilus* (Wagler, 1827) Australasian Bittern

**Ciconiidae**

*Ephippiorhynchus asiaticus* (Latham, 1790) Black-necked Stork

**Accipitridae**

*Pandion haliaetus* (Linnaeus, 1758) Osprey

*Lophoictinia isura* (Gould, 1838) Square-tailed Kite

*Hamirostra melanostemon* (Gould, 1841) Black-breasted Buzzard

**Falconidae**

*Falco hypoleucos* Gould, 1841 Grey Falcon

**Gruidae**

*Grus rubicunda* (Perry, 1810) Brolga

**Rallidae**

*Amauromis olivaceus* (Meyen, 1834) Bush-hen

**Scolopacidae**

*Limosa limosa* (Linnaeus, 1758) Black-tailed Godwit

*Xenus cinereus* (Guldenstadt, 1775) Terek Sandpiper

*Cafidris alba* (Pallas, 1764) Sanderling

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<i>Calidris tenuirostris</i> (Horsfield, 1821)	Great Knot
<i>Limicola falcinellus</i> (Pontoppidan, 1763)	Broad-billed Sandpiper

**Rostratulidae**

<i>Rostratula benghalensis</i> (Linnaeus, 1758)	Painted Snipe
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**Jacanidae**

<i>Irediparra gallinacea</i> (Temminck, 1828)	Comb-crested Jacana
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**Haematopodidae**

<i>Haematopus fuliginosus</i> Gould, 1845	Sooty Oystercatcher
<i>Haematopus longirostris</i> Vieillot, 1817	Pied Oystercatcher

**Charadriidae**

<i>Charadrius leschenaulti</i> Lesson, 1826	Greater Sand-plover
<i>Charadrius mongolus</i> Pallas, 1776	Lesser Sand-plover

**Laridae**

<i>Sterna fuscata</i> Linnaeus, 1766	Sooty Tern
<i>Procelsterna cerulea</i> (Bennett, 1840)	Grey Ternlet
<i>Gygis alba</i> (Spanman, 1786)	White Tern Columbidae
<i>Ptilinopus magnificus</i> (Temminck, 1821)	Wompoo Fruit-dove
<i>Ptilinopus regina</i> Swainson, 1825	Rose-crowned Fruit-dove
<i>Ptilinopus superbis</i> (Temminck, 1810)	Superb Fruit-dove

**Cacatuidae**

<i>Calyptorhynchus banksii</i> (Latham, 1790)	Red-tailed Black-Cockatoo
<i>Calyptorhynchus latharni</i> (Temminck, 1807)	Glossy Black-Cockatoo
<i>Cacatua leadbeateri</i> (Vigors, 1831)	Major Mitchell's Cockatoo

**Psittacidae**

<i>Glossopsitta potphyrocephala</i> (Diebichsen, 1837)	Purple-crowned Lorikeet
<i>Polytelis swainsonii</i> (Desmarest, 1826)	Superb Parrot
* <i>Lathamus discolor</i> (Shaw, 1790)	Swift Parrot
<i>Neophema pulchella</i> (Shaw, 1792)	Turquoise Parrot
<i>Neophema splendida</i> (Gould, 1841)	Scarlet-chested Parrot
<i>Pezoponrs wallicus</i> (Kerr, 1792)	Ground Parrot

**Strigidae**

<i>Ninox strenua</i> (Gould, 1838)	Powerful Owl
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**Tytonidae**

<i>Tyto capensis</i> (Smith, 1834)	Grass Owl
<i>Tyto novaehollandiae</i> (Stephens, 1826)	Masked Owl
<i>Tyto tenebricosa</i> (Gould, 1845)	Sooty Owl

**Podargidae**

<i>Podargus ocellatus</i> Quoy & Gaimard, 1830	Marbled Frogmouth
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**Halcyonidae**

*Todiramphus chloris* (Boddaert, 1783) Collared Kingfisher

**Menuridae**

*Menura alberti* Bonaparte, 1851 Albert's Lyrebird

**Atrichornithidae**

*Atrichornis rufescens* (Ramsay, 1867) Rufous Scrub-bird

**Maluridae**

*Stipiturus mullee* Campbell, 1908 Mallee Emu-wren

*Amytornis barbatus* Favaloro & McEvey, 1968 Grey Grasswren

*Amytornis striatus* (Gould, 1840) Striated Grasswren

**Pardalotidae**

*Hylacola cauta* Gould. 1843 Shy Heathwren

*Calamanthus fuliginosus* (Vigors & Horsfield, 1827) Striated Fieldwren

*Pyrholaemus brunneus* Gould, 1841 Redthroat

**Meliphagidae**

*Lichenostomus fasciolaris* (Gould, 1854) Mangrove Honeyeater

*Lichenostomus cratitius* (Gould, 1841) Purple-gaped Honeyeater

*Grantiella picta* (Gould, 1838) Painted Honeyeater

*Certhionyx variegatus* Lesson, 1830 Pied Honeyeater

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**Petroicidae**

*Petroica rodinogaster* (Drapiez, 1819) Pink Robin

*Drymodes brunneopygia* Gould, 1840 Southern Scrub-robin

**Pomatostomidae**

*Pomatosromus halli* Cowles, 1964 Hall's Babbler

**Cinclosomatidae**

*Cinclosoma castanotus* Gould, 1840 Chestnut Quail-thrush

**Pachycephalidae**

*Pachycephala olivacea* Vigors & Horsfield, 1827 Olive Whistler

*Pachycephala inornata* Gould, 1841 Gilbert's Whistler

*Pachycephala pectoralis* contempa (Latham, 1801) Golden Whistler (Lord Howe Is. subsp.)

**Dicruridae**

*Monurcha leucotis* Gould, 1851 White-eared Monarch

**Campephagidae**

*Coracina lineata* (Swainson, 1825) Barred Cuckoo-shrike

**Artamidae**

\**Strepera graculina crissalis* (Sharpe, 1877) Pied Currawong (Lord Howe Is. subsp.)

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Zosteropidae

*Zosterops lateralis tephropleura* Gould, 1855 Silvereye (Lord Howe Is. subsp.)

**Mammals**

Dasyuridae

*Dasyurus maculatus* (Kerr, 1792) Spotted-tailed Quoll  
*Phascogale tapoatafa* (Meyer, 1793) Brush-tailed Phascogale  
*Planigale maculata* (Gould, 1851) Common Planigale  
*Ningai yvonneae* Kitchener, Stoddart & Henry, 1983 Southern Ningai  
*Sminthopsis leucopus* (Gray, 1842) White-footed Dunnart  
*Sminthopsis macroura* (Gould, 1845) Stripe-faced Dunnart

Phascolarctidae

*Phascolarctos cinereus* (Goldfuss, 1817) Koala

Burramyidae

\**Burramys parvus* Broom, 1896 Mountain Pygmy-possum

Petauridae

*Petaurus australis* Shaw, 1791 Yellow-bellied Glider  
*Petaurus norfolcensis* (Kerr, 1792) Squirrel Glider

Potoroidae

*Aepyptymnus rufescens* (Gray, 1837) Rufous Bettong  
*Potorous tridactylus* (Kerr, 1792) Long-nosed Potoroo

**Macropodidae**

<i>Macropus parma</i> Waterhouse, 1845	Parma Wallaby
* <i>Petrogale penicillata</i> (Gray, 1825)	Brush-tailed Rock-wallaby
<i>Thylogale stigmatica</i> (Gould, 1860)	Red-legged Pademelon

**Pteropodidae**

<i>Syconycteris australis</i> (Peters, 1867)	Common Blossom-bat
<i>Nyctimene robinsoni</i> Thomas, 1904	Eastern Tube-nosed Bat
<i>Pteropus alecto</i> Temminck, 1837	Black Flying-fox

**Ernballonuridae**

<i>Saccolaimus flaviventris</i> (Peters, 1867)	Yellow-bellied Sheath-tail-bat
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**Molossidae**

<i>Mormopterus beccarii</i> Peters, 1881	Beccari's Freetail-bat
<i>Mormopterus norfolkensis</i> (Gray, 1839)	Eastern Freetail-bat

**Vespertilionidae**

<i>Kerivoula papuensis</i> Dobson, 1878	Golden-tipped Bat
<i>Miniopterus australis</i> (Tomes, 1858)	Little Bentwing-bat
<i>Miniopterus schreibersii</i> (Kuhl, 1817)	Common Bentwing-bat
<i>Nyctophilus bifax</i> Thomas, 1915	Eastern Long-eared Bat
<i>Nyctophilus timoriensis</i> (Geoffroy, 1806)	Greater Long-eared Bat

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<i>Chalinolobus dwyeri</i> Ryan, 1966	Large-eared Pied Bat
<i>Chalinolobus nigrogriseus</i> (Gould, 1856)	Hoary Wattled Bat
<i>Chalinolobus picatus</i> (Gould, 1852)	Little Pied Bat
<i>Falsistrellus tasmaniensis</i> (Gould, 1858)	Eastern False Pipistrelle
<i>Myotis adversus</i> (Horsfield, 1824)	Large-footed Myotis
<i>Scoteanax rueppellii</i> (Peters, 1866)	Greater Broad-nosed Bat
<i>Vespadelus baverstocki</i> (Kitchener, Jones & Caputi, 1987)	Inland Forest Bat
<i>Vespadelus trougtoni</i> (Kitchener, Jones & Caputi, 1987)	Eastern Cave Bat

### Muridae

<i>Leggadina forresti</i> (Thomas, 1906)	Forrest's Mouse
<i>Masracornys fuscus</i> Thomas, 1882	Broad-toothed Rat
<i>Pseudornys gracilicaudatus</i> (Gould, 1845)	Eastern Chestnut Mouse
<i>Pseudornys hermannsburgensis</i> (Waite, 1896)	Sandy Inland Mouse
* <i>Pseudomys pilligaensis</i> Fox & Briscoe, 1980	Pilliga Mouse
<i>Rattus villosissimus</i> (Waite, 1898)	Long-haired Rat

### Marine mammals

#### Physeteridae

<i>Physeter catodon</i> Linnaeus, 1758	Sperm Whale
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**Delphinidae**

<i>Sousa chinensis</i> (Osbeck, 1765)	Indo-Pacific Hump-backed Dolphin
<i>Stenella longirostris</i> (Gray, 1828)	Long-snouted Spinner Dolphin

**Balaenopteridae**

<i>Balaenoptera borealis</i> Lesson, 1828	Sei Whale
<i>Balaenoptera physalus</i> (Linnaeus, 1758)	Fin Whale
<i>Megaptera novaeangliae</i> (Borowski, 1781)	Humpback Whale

**Balaenidae**

<i>Eubalaena australis</i> (Desmoulins, 1822)	Southern Right Whale
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**[8] Schedule 2**

Insert “\*” before the descriptions of the following species under the heading “Plants”:

*Ammobium craspedioides* Benth.  
*Brachycome muelleroides* G. Davis  
*Brachycome papillosa* G. Davis  
*Calotis glandulosa* F. Muell.  
*Olearia cordata* Lander  
*Ozothamnus tessellatus* (Maiden & R. Baker) Anderberg  
*Picris evae* Lack  
*Rutidosia heterogama* Philipson  
*Rutidosia leiolepis* F. Muell.  
*Senecio garlandii* F. Muell. ex Belcher  
*Callitriche cyclocarpa* Hegelm.  
*Atriplex infrequens* Paul G. Wilson  
*Maireana cheelii* (R. Anderson) Paul G. Wilson  
*Corokia whiteana* L.S. Smith  
*Acrophyllum australe* (Cunn.) Hoogl.  
*Callitris oblonga* A. Rich. & Rich.

*Eleocharis obicis* L.A.S. Johnson & O.D. Evans  
*Budawwangia gnidioides* (Summerh.) Telford  
*Leucopogon exolasius* (F. Muell.) F. Muell. ex Benth.  
*Eriocaulon australasicum* (F. Muell.) Korn.  
*Baloghia mannorata* C. White  
*Fontainea australis* Jessup & Guymmer  
*Acacia bynoeana* Benth.  
*Acacia carnei* Maiden  
*Acacia clunies-rossiae* Maiden  
*Acacia constablei* Tind.  
*Acacia courtii* Tind. & Herscovitch  
*Acacia curranii* Maiden  
*Acacia flocktoniae* Maiden  
*Acacia georgensis* Tind.  
*Acacia phasmoides* J.H. Willis  
*Acacia pubescens* (Vent.) R. Br.  
*Bossiaea oligospetma* A. Lee  
*Desmodium acanthocladum* F. Muell.  
*Dillwynia tenuifolia* Sieber ex DC.  
*Kennedia retrorsa* Hemsley  
*Phyllota humifusa* Benth.  
*Pultenaea aristata* Sieber ex DC.  
*Pultenaea baeuerlenii* F. Muell.  
*Pultenaea campbellii* Maiden & E. Betche  
*Pultenaea glabra* Benth.  
*Pultenaea parrisiae* subsp. *parrisiae* J.D. Briggs & Crisp  
*Pultenaea stuartiana* Williamson  
*Sophora fraseri* Benth.  
*Swainsona murrayana* Wawra  
*Swainsona plagiotropis* F. Muell.  
*Swainsona pyrophila* J. Thompson  
*Gentiana bredboensis* L. Adams  
*Goodenia macbarronii* Carolin  
*Haloragis exalata* subsp. *exalata* F. Muell.  
*Haloragis exalata* subsp. *velutina* Orch.  
*Prostanthera cineolifera* R. Baker & H.G. Smith  
*Prostanthera cryptandroides* Cunn. ex Benth.  
*Prostanthera densa* A.A. Ham.  
*Prostanthera discolor* R. Baker  
*Prostanthera stricta* R. Baker

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*Westringia davidii* Conn  
*Cryptocarya foetida* R. Baker  
*Endiandra hayesii* Kosterm.  
*Owenia cepiodora* F. Muell.  
*Tinospora tinosporoides* (F. Muell.) Forman  
*Angophora robur* L. Johnson & K. Hill  
*Baeckea* sp. *Pyramids* (W.J. McDonald 357)  
*Eucalyptus aquatica* (Blakely) L. Johnson & K. Hill  
*Eucalyptus benthamii* Maiden & Cabbage  
*Eucalyptus camfieldii* Maiden  
*Eucalyptus glaucina* Blakely  
*Eucalyptus kartzoffiana* L. Johnson & Blaxell  
*Eucalyptus langleyi* L. Johnson & Blaxell  
*Eucalyptus mckieana* Blakely  
*Eucalyptus nicholii* Maiden & Blakely  
*Eucalyptus parramattensis* subsp. *decadens* L. Johnson & Blaxell  
*Eucalyptus parvula* L. Johnson & K. Hill  
*Eucalyptus pulverulenta* Sims  
*Eucalyptus pumila* Cabbage  
*Eucalyptus robertsonii* subsp. *hemisphaerica* L. Johnson & K. Hill  
*Eucalyptus rubida* subsp. *barbigerorum* L. Johnson & K. Hill  
*Eucalyptus rubida* subsp. *canobolensis* L. Johnson & K. Hill  
*Eucalyptus sturgissiana* L. Johnson & Blaxell  
*Eucalyptus tetrapleura* L. Johnson  
*Homoranthus darwinioides* (Maiden & E. Betche) Cheel  
*Kunzea carnagei* Maiden & E. Betche  
*Leptospermum deanei* J. Thompson  
*Leptospermum thompsonii* J. Thompson  
*Melaleuca groveana* Cheel & C. White  
*Micromyrtus blakelyi* J. Green  
*Micromyrtus minutiflora* (F. Muell.) Benth.  
*Syzygium hodgkinsoniae* (F. Muell.) L. Johnson  
*Syzygium moorei* (F. Muell.) L. Johnson  
*Syzygium paniculatum* Gaertner  
*Bulbophyllum globuliforme* Nicholls  
*Caladenia tessellata* Fitzg.

*Cryptostylis hunteriana* Nicholls  
*Diuris aequalis* F. Muell. ex Fitzg.  
*Diuris praecox* D.L. Jones  
*Diuris venosa* Rupp  
*Phaius australis* F. Muell.  
*Prasophyllum morgani* Nicholls  
*Pterostylis cobarensis* M.A. Clem.  
*Pterostylis cucullata* R. Br.  
*Pterostylis pulchella* Messmer  
*Sarcophilus fitzgeraldii* F. Muell.  
*Sarcophilus hartmannii* F. Muell.  
*Sarcophilus weinthalii* (FM. Bailey) Dockrill  
*Amphibromus fluitans* Kirk  
*Bothriochloa biloba* S.T. Blake  
*Dichanthium setosum* S.T. Blake  
*Erythranthera pumila* (Kirk) Zotov  
*Plinthanthesis rodwayi* (C.E. Hubb.) S.T. Blake  
*Stipa metatoris* J. Everett & S.W.L. Jacobs  
*Persicaria elatior* (R. Br.) Sojak  
*Floydia praealta* (F. Muell.) L. Johnson & B. Briggs  
*Grevillea evansiana* McKee  
*Grevillea kennedyana* F. Muell.  
*Grevillea scortechinii subsp. sarmentosa* (Blakely & McKie) McGillivray  
*Grevillea shiressii* Blakely  
*Hakea trineura* F. Muell.  
*Hicksbeachia pinnatifolia* F. Muell.  
*Isopogon fletcheri* F. Muell.  
*Macadamia tetraphylla* L. Johnson  
*Persoonia acerosa* Sieber ex Schultes & Schultes f.  
*Persoonia glaucescens* Sieber ex Sprengel  
*Persoonia marginata* Cunn. ex R. Br.  
*Clematis fawcettii* F. Muell.  
*Ranunculus anemoneus* F. Muell.  
*Restio longipes* L.A.S Johnson & O.D. Evans  
*Pomaderris brunnea* Wakef.  
*Pomaderris pallida* Wakef.  
*Pomaderris parrisiae* N. Walsh  
*Asperula asthenes* Airy Shaw & Turrill  
*Boronia deanei* Maiden & E. Betche

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*Bosistoa selwynii* T. Hartley  
*Bosistoa transversa* J. Bailey & C. White  
*Correa baeuerlenii* F. Muell.  
*Eriostemon ericifolius* Cunn. ex Benth.  
*Phebalium ralstonii* (F. Muell.) Benth.  
*Phebalium rhytidophyllum* Albrecht & N. Walsh  
*Phebalium sympetalum* Paul G. Wilson  
*Zieria citriodora* J.A. Armstrong ms  
*Zieria involucrata* R. Br. ex Benth.  
*Zieria murphyi* Blakely  
*Zieria tuberculata* J.A. Armstrong unpub  
*Thesium australe* R. Br.  
*Amorphospennum whitei* Aubrev.  
*Euphrasia bella* ST. Blake  
*Lasiopetalum longistamineum* Maiden & Betche  
*Rulingia procumbens* Maiden & Betche  
*Cadellia pentastylis* F. Muell.  
*Symplocos baeuerlenii* R. Baker  
*Tetratheca glandulosa* Smith  
*Tetratheca juncea* Smith  
*Tasmannia glaucijolia* J. Williams  
*Tasmannia purpurascens* (Vick.) A.C. Smith

**[19] Schedule 2**

Omit “*Darwinia biflora* (Cheel) B. Briggs” from the matter under the subheading “*Myrtaceae*” under the heading “*Plants*”.  
Insert instead “\**Darwinia biflora* (Cheel) B. Briggs”.

**[20] Schedule 2**

Omit “*Diuris schaeffiana* Fitzg.” from the matter under the subheading “*Orchidaceae*” under the heading “*Plants*”.  
Insert instead “\**Diuris schaeffiana* Fitzg.”.

**Saving**

To avoid doubt, a notice of a final determination of the Scientific Committee published under section 24 of the *Threatened Species Conservation Act 1995* before the date of assent to this Act has the effect provided for in section 25 of the Act and a notice for provisional listing of a species in Schedule 1 to the Act published under section 33 of the Act before that date of assent has the effect set out in section 34 of the Act. The repeal and re-enactment of parts of Schedules 1

and 2 by the amendments to the *Threatened Species Conservation Act 1995* does not affect the operation of any such notice.

**Explanatory note**

Schedule 1 to the *Threatened Species Conservation Act 1995* is divided into 4 parts, and contains lists of endangered species, endangered populations, endangered ecological communities and species presumed extinct for the purpose of the Act.

Schedule 2 to the Act contains a list of vulnerable species for the purposes of the Act.

The proposed amendments to the Act update the descriptions of species in those Schedules, but do not alter the status of any species (that is, the amendments do not affect whether or not a species is endangered or vulnerable).

Items [1], [14], [15] and [17] of the proposed amendments replace parts of those Schedules so as to correct the common name, scientific name or author citation of certain species or to provide a common name for a species. The substitution of those parts also allows for species to be arranged in currently accepted taxonomic order.

Items [2], [8]–[13] and [19] correct the use of italics in the description of species. Items [3] and [20] correct the spelling and item [4] corrects the scientific name of a species.

Items [5], [16] and [18] correct the placement of asterisks alongside species (to indicate whether or not the species appears in the Schedules to the *Endangered Species Protection Act 1992* of the Commonwealth).

Items [6] and [7] of the proposed amendments (and some of the changes made by items [1], [14], [15] and [17]) specifically include in the Schedules those species that have been the subject of final determinations of the Scientific Committee published under section 24 of the Act, or notices of provisional listing published under section 33 of the Act. The publication of those notices has the effect of amending the corresponding Schedule to the Act. (See sections 25 and 34.) The purpose of the proposed amendments made here is to ensure that the relevant species are listed in the correct order in the Schedules, and with the correct scientific and common name.

## **1.29 Waste Minimisation and Management Act 1995 No 102**

### **Section 14 Directors of Waste Boards**

Insert “, unless the waste management region concerned is comprised of only 2 councils, in which case a constituent council may have 2 such representatives” after “employee)” in section 14 (6).

**Explanatory note**

The *Waste Minimisation and Management Act 1995* provides for the constitution of Waste Planning and Management Boards for each waste management region in the State. Section 14 (6) provides that a majority of the directors of a Waste Board must be councillors or employees of the constituent councils that make up the waste management region. However each constituent council is limited to having only one representative on the Board. This means that if a waste management region comprises only 2 constituent councils, the relevant councils cannot have a majority on the Board and at the same time comply with the obligation to have a general manager and community representative appointed to the Board.

The proposed amendment relaxes the limit on council representation in respect of those waste management regions that comprise only 2 constituent councils. Such councils will be allowed to have 2 representatives each.

**1.30 Water Board (Corporatisation) Act 1994 No 88**

**[1] Schedule 3 Board of Corporation**

Omit subclause (6A) (c). Insert instead:

- (c) one director, selected under subclause (6B),

**[2] Schedule 3**

Omit subclauses (6B)–(6D). Insert instead:

(6B) The director referred to in subclause (6A) (c) is to be appointed by the voting shareholders on the recommendation of a selection committee comprising:

- (a) 2 persons nominated by the voting shareholders, and
- (b) 2 persons nominated by the Labor Council of New South Wales,

being a person selected by the committee from a panel of 3 persons nominated by the Labor Council.

- (6C) The procedures for constituting a selection committee for the purposes of subclause (6B), for making nominations and for determining other matters relating to the selection process are to be determined by the regulations or (subject to the regulations) by the voting shareholders.
- (6D) Subclauses (6A)–(6C) have effect despite clause 3 (2) and (3) of Schedule 11 and the articles of association of the corporation may be altered accordingly.

**Commencement**

The amendments to the *Water Board (Corporatisation) Act 1994* commence, or are taken to have commenced, on 1 July 1997.

**Explanatory note**

The proposed amendments replace a requirement for the appointment of a staff director to the board of Sydney Water Corporation Limited with a requirement for the appointment of a director from nominees of the Labor Council. In effect, the amendment restores the position that applied in relation to the board of Sydney Water Corporation Limited before the enactment of the *State Owned Corporations Amendment Act 1995* and is similar to provisions and procedures applying with respect to the boards of statutory State owned corporations (such as those of the energy services corporations and New South Wales Lotteries Corporation).

## 1.31 Wilderness Act 1987 No 196

### Section 23 Dunphy Wilderness Fund

Omit “Wilderness Fund” from section 23 (1),  
Insert instead “Dunphy Wilderness Fund”.

**Savings**

The renaming of the Wilderness Fund as the Dunphy Wilderness Fund does not affect the validity of any payment into or out of the Fund before or after the commencement of the amendment to the *Wilderness Act 1987*.

**Explanatory note**

The *Wilderness Act 1987* provides for the identification of wilderness and the protection of wilderness areas in the State. Section 23 of the Act establishes a Special Deposits Account in the Treasury known as the Wilderness Fund, out of which are paid all amounts required to be paid under the Act.

The proposed amendment renames the Fund as the “Dunphy Wilderness Fund”.



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## **Schedule 2 Amendments by way of statute law revision**

(Section 3)

### **2.1 Broken Hill Trades Hall Site Act of 1898 No 31**

#### **Section 3 Trustees may make rules**

Omit “the *Trades Union Act 1881*”.

Insert instead “Chapter 5 of the *Industrial Relations Act 1996*”.

#### **Explanatory note**

The proposed amendment updates a reference to a repealed Act.

### **2.2 Broken Hill Trades Hall Site Extension Act 1915 No 42**

#### **Section 3 Trustees may make rules**

Omit “the *Trades Union Act, 1881*”.

Insert instead “Chapter 5 of the *Industrial Relations Act 1996*”.

#### **Explanatory note**

The proposed amendment updates a reference to a repealed Act.

### **2.3 Correctional Centres Act 1952 No 9**

#### **[1] Part 2, heading**

Omit “prisons”.

Insert instead “correctional complexes and correctional centres”.

#### **[2] Section 22D Interim directions by Review Council**

Omit “a inmate” from section 22D (6).

Insert instead “an inmate”.

**[3] Section 37 Trafficking**

Omit “menaing” from section 37 (1C).  
Insert instead “meaning”.

**[4] Section 50 Regulations**

Omit “prisoners” from section 50 (1) (d3).  
Insert instead “inmates”.

**[5] Schedule 5 Provisions relating to the members and procedure of the Review Council**

Omit “a a judicially” from clause 3 (2).  
Insert instead “a judicially”.

**Explanatory note**

Items [1] and [4] of the proposed amendments update terminology relating to correctional complexes, correctional centres and inmates.

Item [2] corrects a grammatical error.

Item [3] corrects a typographical error.

Item [5] omits a superfluous word.

**2.4 District Court Act 1973 No 9**

**Section 77 Questions of fact and law**

Omit “section 150 (1) (e) of the *Workers Compensation Act 1987*” from section 77 (5) (b).

Insert instead “section 1512 (1) (e) of the *Workers Compensation Act 1987*”.

**Explanatory note**

The proposed amendment corrects a cross-reference.

## **2.5 Electricity Safety Act 1945 (1946 No 13)**

### **[1] Section 19F Definitions**

Omit the definition of *traffic route*. Insert instead:

*traffic route* has the same meaning as in the *Traffic Act 1909*.

### **[2] Schedule 11 Savings, transitional and other provisions**

Omit “an” where firstly occurring in clause 21 (6).

#### **Explanatory note**

Item [1] of the proposed amendments restores a definition.

Item [2] omits a superfluous word.

## **2.6 Firearms Amendment Act 1996 No 135**

### **Schedule 1 Amendments**

Insert “a” before “carrier” in section 65 (4) of the *Firearms Act 1996*, as proposed to be inserted by item [56].

#### **Explanatory note**

The proposed amendment inserts an omitted word.

## **2.7 Harness Racing Legislation Amendment Act 1996 No 90**

### **Schedule 1 Amendment of Harness Racing Authority Act 1977**

Omit item [15] of Schedule 1. Insert instead:

#### **[15] Section 8 (2) (d) (ix)**

Omit “20 penalty units”. Insert instead “200 penalty units”.

#### **Explanatory note**

The proposed amendment corrects an incorporating direction.

## **2.8 Legal Profession Amendment (National Practising Certificates) Act 1996 No 113**

### **Schedule 1 Amendments relating to national practising certificates scheme**

Omit “and during” from section 213A (3) of the *Legal Profession Act 1987*, as proposed to be inserted by item [77].

Insert instead “or during”.

#### **Explanatory note**

The proposed amendment corrects a grammatical error.

## **2.9 Long Service Leave Act 1955 No 38**

### **Section 4 Long service leave**

Omit “*Industrial Relations Act 1988* of the Commonwealth” from section 4 (2) (a1) (i).

Insert instead “*Workplace Relations Act 1996* of the Commonwealth”.

#### **Explanatory note**

The proposed amendment updates a reference to a Commonwealth Act.

## **2.10 Long Service Leave (Metalliferous Mining Industry) Act 1963 No 48**

### **Section 4 Long service leave**

Omit “*Industrial Relations Act 1988* of the Commonwealth” from section 4 (2) (b) (i).

Insert instead “*Workplace Relations Act 1996* of the Commonwealth”.

#### **Explanatory note**

The proposed amendment updates a reference to a Commonwealth Act.

**2.11 Pawnbrokers and Second-hand Dealers Act 1996 No 13**

**[1] Section 16 Records**

Omit “Maximum penalty: 50 penalty units.” from section 16 (6).

**[2] Section 16**

Insert “Maximum penalty: 50 penalty units.” at the end of the section.

**Explanatory note**

The proposed amendments make it clear that the penalty presently referred to under section 16 (6) applies to all offences created by section 16.

**2.12 Pay-roll Tax Act 1971 No 22**

**Schedule 6 Savings, transitional and other provisions**

Omit “section” from clause 1B (9). Insert instead “clause”.

**Explanatory note**

The proposed amendment corrects a reference to a clause.

**2.13 Police Service Act 1990 No 47**

**[1] Section 139A Application of Division**

Omit “Commission” from section 139A (b).  
Insert instead “Commissioner”.

**[2] Section 162C Classification of complaints**

Omit “does fall” from section 162C (3).

Insert instead “does not fall”.

**Commencement**

The amendments to the *Police Service Act 1990* are taken to have commenced on 1 January 1997 (the date of commencement of Schedule 1 [5] to the *Police Legislation Amendment Act 1996*, which inserted the sections amended).

**Explanatory note**

Item [1] of the proposed amendments corrects a typographical error.  
Item [2] of the proposed amendments inserts an omitted word.

**2.14 Public Lotteries Act 1996 No 86**

**Schedule 1 Amendment of Acts**

Omit “(b)” from the matter proposed to be inserted by Schedule 1.5 [1].

Insert instead “(a)”.

**Explanatory note**

The proposed amendment corrects a typographical error.

**2.15 Sentencing Act 1989 No 87**

**Schedule 1 Provisions relating to members of the Board, Divisions of the Board and procedure**

Omit “a a judicially” from clause 3 (3). Insert instead “a judicially”.

**Explanatory note**

The proposed amendment omits a superfluous word.

**2.16 State Revenue Legislation (Miscellaneous Amendments) Act 1996 No 125**

**Schedule 1 Amendment of Stamp Duties Act 1920**

Omit “secondly” from item [20]. Insert instead “firstly”.

**Explanatory note**

The proposed amendment corrects an incorporating direction.

**2.17 Statute Law (Miscellaneous Provisions) Act (No 2) 1996  
No121**

**[1] Schedule 4 Minor amendments consequent on enactment of  
Industrial Relations Act 1996**

Omit “under” from Schedule 4.37 [4].  
Insert instead “made pursuant to”.

**[2] Schedule 4.60 [3]**

Omit the item. Insert instead:

**[3] Schedule 5**

Insert “, enterprise agreement” after “industrial agreement” where  
lastly occurring in clause 3 (5).

**Explanatory note**

The proposed amendments correct incorporating directions.

**2.18 Strata Schemes Management (Miscellaneous  
Amendments) Act 1996 No 139**

**[1] Schedules 1 and 2**

Omit “*Strata Titles (Freehold Development) Act 1973*” wherever  
occurring.  
Insert instead “*Strata Schemes (Freehold Development) Act 1973*”.

**[2] Schedules 1 and 2**

Omit “*Strata Titles (Leasehold Development) Act 1986*” wherever  
occurring.  
Insert instead “*Strata Schemes (Leasehold Development) Act 1986*”.

**[3] Schedule 1 [26]**

Omit proposed section 63 (1) (c) and (d) of the *Community Land Management Act 1989*. Insert instead:

- (c) be accompanied by the fee prescribed by the regulations.

**Explanatory note**

Items [1] and [2] of the proposed amendments amend the short title of the strata titles legislation so as to achieve consistency with the *Strata Schemes Management Act 1996*.

Item [3] omits a redundant provision.

**2.19 Superannuation (Axiom Funds Management Corporation) Act 1996 No 40**

**Section 65 Obligations during period following completion**

Omit “enforceability” where secondly occurring. Insert instead “alienability”.

**Explanatory note**

The proposed amendment corrects a typographical error.

**2.20 Supreme Court Act 1970 No 52**

**Section 89 Common law claims—special provisions**

Omit “section 150 (1) (e) of the *Workers Compensation Act 1987*” from section 89 (3) (b).

Insert instead “section 151Z (1) (e) of the *Workers Compensation Act 1987*”.

**Explanatory note**

The proposed amendment corrects a cross-reference.



## **2.21 Transport Administration Act 1988 No 109**

### **Section 97 Failure to pay train fare etc**

Omit the section.

#### **Commencement**

The amendment to the *Transport Administration Act 1988* commences on a day to be appointed by proclamation.

#### **Saving**

The repeal of section 97 of the *Transport Administration Act 1988* does not affect any prosecution commenced under that section.

#### **Explanatory note**

The proposed amendment omits a section which is duplicated in the *Rail Safety Act 1993* (see section 79A of that Act, as inserted by the *Transport Administration Amendment (Light Rail) Act 1996*).

## **2.22 Transport Administration Amendment (Light Rail) Act 1996 No 128**

### **Schedule 2 Amendment of other Acts**

Omit “section 6 (6) (c)” from Schedule 2.1.

Insert instead “section 611 (6) (c)”.

#### **Explanatory note**

The proposed amendment corrects an incorporating direction.

## **2.23 Water Supply Authorities Act 1987 No 140**

### **Schedule 3 Broken Hill Water Board**

Omit “subsection (1)” from clause 4 (2).

Insert instead “subclause (1)”.

#### **Explanatory note**

The proposed amendment corrects a reference to a subclause.

## **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 Aboriginal Land Rights Act 1983 No 42**

#### **Section 36(5)**

Omit “him”. Insert instead “the Crown Lands Minister”.

### **3.2 Business Names Act 1962 No 11**

#### **[1] Sections 4 (2), 5 (2) (a) (iv), 5A (1) (b) and (2), 12 (9) and (10), 14 (1), 20, 27 (1) (a) and (b) and 28 (1) and (2)**

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

#### **[2] Sections 4 (2) (e) and (g) and 12 (3)**

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

#### **[3] Sections 5 (2) (a), 5A (2), 15 (1) (a), 17 and 28 (2)**

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

#### **[4] Sections 5A (3) (b) and 7 (2)**

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

#### **[5] Section 7 (2)**

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

#### **[6] Section 9 (2)**

Omit “by him”.

#### **[7] Section 12 (4) and (7) (b) (i)**

Omit “his or their behalf” wherever occurring.  
Insert instead “behalf of the person or persons”.

#### **[8] Section 28 (2)**

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

### **3.3 Dog Act 1966 No 2**

#### **[1] Section 4 (l), definition of “administrator”**

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

#### **[2] Sections 4 (3), 11 (4) (c) and 14 (1) (a)**

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

#### **[3] Section 5 (1) (d1) and (d2)**

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

#### **[4] Sections 5 (1) (d2) and (3) and 19 (2)**

Omit “his” wherever occurring.

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- [5] **Section 5 (1) (d2)**  
Insert “or she” after “he”.
- [6] **Sections 5 (1A) (b), 14 (1A) (b) and 16 (4) (b)**  
Omit “he or it” wherever occurring. Insert instead “the person”.
- [7] **Sections 5 (1A), 14 (1A) and 16 (4) (b)**  
Omit “his or its” wherever occurring. Insert instead “the person”.
- [8] **Section 9B (4)**  
Omit “he”. Insert instead “the owner”.
- [9] **Section 11 (6)**  
Omit “he”. Insert instead “the claimant”.
- [10] **Section 12**  
Omit “he”. Insert instead “the occupier or person”.
- [11] **Section 16 (1) (a)**  
Omit “him”. Insert instead “the registration clerk”.
- [12] **Section 16 (3) (b)**  
Omit “his”. Insert instead “the person’s”.
- [13] **Section 16 (3) (c)**  
Insert “or herself” after “himself”.
- [14] **Sections 17A (1), (2), (2B) and (2C) and 20A**  
Omit “him” wherever occurring. Insert instead “the person”.
- [15] **Section 17A**  
Omit “he” wherever occurring. Insert instead “the person”.
- [16] **Section 17A (2A)**  
Omit “avail himself of”.
- 3.4 Election Funding Act 1981 No 78**
- [1] **Section 4 (l), definition of “Chairman”**  
Omit the definition. Insert instead:  
*Chairperson* means the Chairperson of the Authority.
- [2] **Section 4 (1), definition of “disposition of property” and sections 10 (2) and 33 (1) (a)**  
Omit “his” wherever occurring. Insert instead “the person’s”.
- [3] **Sections 7, 13 (1) (l), 15 (2), (3), (4) and (5), 16, 17 (3), 35 (3) and 115 (1)**  
Omit “Chairman” wherever occurring. Insert instead “Chairperson”.
- [4] **Sections 8 (4) and 13 (1) (b) (ii) and (m)**  
Insert “or she” after “he” wherever occurring.
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- [5] **Sections 9 (2) (a), 13 (1) (b) (i) and (c), 14 (l), 15 (5), 16 (2), 20, 41 (5), 46 (5), 49 (1) and (2) (b), 77 (6), 79, 110 (4) (a) and (5) and 115 (6)**  
Insert “or her” after “his” wherever occurring.
- [6] **Sections 9 (2), 11 and 14 (2)**  
Omit “he” wherever occurring. Insert instead “the person”.
- [7] **Section 13 (1)**  
Omit “vacated his office”. Insert instead “vacated office”.
- [8] **Section 13 (1) (a), (c)–(e), (g), (h), (j) and (k)**  
Omit “he” wherever occurring.  
Insert instead “the appointed member or alternate”.
- [9] **Section 13 (1) (b)**  
Omit “he” where firstly occurring.  
Insert instead “the appointed member or alternate”.
- [10] **Section 13 (1) (b) and Schedule 1, clause 2 (2)**  
Insert “or her” after “him” wherever occurring.
- [11] **Section 13 (1) (f)**  
Omit the paragraph. Insert instead:  

(f) if the appointed member or alternate resigns his or her office by instrument in writing addressed to the Minister,
- [12] **Section 15 (6)**  
Omit “his”. Insert instead “that member’s or alternate’s”.
- [13] **Section 33 (2) (b)**  
Omit “his”. Insert instead “the candidate’s”.
- [14] **Section 33 (2) (c)**  
Omit “he”. Insert instead “the candidate”.
- [15] **Sections 40 (1) and 41 (4)**  
Omit “he” wherever occurring. Insert instead “the party agent”.
- [16] **Sections 45 (1) and 46 (4) and (5)**  
Omit “he” wherever occurring. Insert instead “the official agent”.
- [17] **Sections 61 (2) (a) and (b) and 65 (2) (a)**  
Omit “he” wherever occurring. Insert instead “the candidate”.
- [18] **Sections 75 and 93 (1)**  
Omit “he” wherever occurring. Insert instead “the auditor”.
- [19] **Section 75 (d)**  
Omit “him”. Insert instead “the auditor”.
- [20] **Section 77 (6)**  
Omit “him”. Insert instead “the agent”.

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- [21] **Section 77 (7)**  
Omit “he”. Insert instead “the agent”.
- [22] **Section 107 (4)**  
Omit “him”. Insert instead “the President”.
- [23] **Section 107 (5)**  
Omit “him”. Insert instead “the Speaker”.
- [24] **Section 110 (3) (c) and (5)**  
Omit “he” wherever occurring. Insert instead “the inspector”.
- [25] **Section 110 (4)**  
Omit “him” wherever occurring. Insert instead “the inspector”.
- 3.5 Funeral Funds Act 1979 No 106**
- [1] **Section 4 (1) paragraph (b) of definition of “contributor” and sections 8 (3), (4) and (5), 38 (1), 39 (1) (b) (i), 60 and 71 (1) (b)**  
Insert “or her” after “his” wherever occurring.
- [2] **Sections 4 (2) and (3), 8 (3), 11 (1) and (2), 19 (1) (b) and (2), 26 (2) (b) 36 (2), 49 (1), (2) (b) and (4), 53, 57 (4) (a) and (10), 93 (2) (b), 111 paragraph (b) of definition of “prescribed day” and sections 112, 115(1), 120(1) and 123 (2)**  
Omit “he” wherever occurring. Insert instead “the person”.
- [3] **Section 7 (4)**  
Omit “his”. Insert instead “the Deputy Registrar’s”.
- [4] **Sections 8 (3), 25 (3), 53 (1) (c), 57 (6) and (13), 111 paragraph (b) of definition of “prescribed day”, 112 (2), 114A, 114C (3) (b), 115 (1), 120 (1) and 123**  
Omit “him” wherever occurring. Insert instead “the person”.
- [5] **Section 8 (5)**  
Omit “him”. Insert instead “the inspector”.
- [6] **Sections 9 (1), 57 (9), 58 (1), 59 (c), 83, 88 and 105 (3)**  
Omit “his” wherever occurring. Insert instead “the Registrar’s”.
- [7] **Sections 13 (2) and 61 (1)**  
Omit “him” wherever occurring. Insert instead “the Minister”.
- [8] **Sections 13 (3), 14 (2), 15 (3), 16 (1), 32 (4), (5) and (6), 33 (2), 37 (2), 38 (2), 42 (5), 56, 57 (3), 58 (1), 59 (a) and (b), 63, 64, 69 (1) (d), 74 (d), 82, 978 (3) (c), 114C (3) (b) and 121 (2)**  
Omit “he” wherever occurring. Insert instead “the Registrar”.
- [9] **Sections 16 (1), 25 (1), 30 (1), 57 (11) and 88 (a)**  
Omit “him” wherever occurring. Insert instead “the Registrar”.
- [10] **Section 21 (1) (a)**  
Omit “his services”. Insert instead “the services of the director or officer”.
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- [11] **Sections 26 (3), 49 (l), 57 (4) (b) and (c) (i), 1148 (3) (b) and 118 (11)**  
Omit “his” wherever occurring. Insert instead “the person’s”.
- [12] **Sections 49 (1) and 93 (2) (a)**  
Insert “or she” after “he” wherever occurring.
- [13] **Section 49 (3) (c)**  
Omit “he”. Insert instead “the legal personal representative”.
- [14] **Section 54 (2) (c)**  
Omit “he”. Insert instead “the Registrar or inspector”.
- [15] **Section 58 (2), (4) and (6)**  
Omit “he” wherever occurring. Insert instead “the Minister”.
- [16] **Section 58 (2) (a)**  
Omit “his”. Insert instead “the Minister’s”.
- [17] **Section 62 (2)**  
Omit “he”. Insert instead “the defendant”.
- [18] **Sections 68 (2) (a), 69 (2) (a) and 80 (6)**  
Omit “his” wherever occurring. Insert instead “the administrator’s”.
- [19] **Section 68 (3) (a)**  
Omit “his” where firstly occurring. Insert instead “the administrator’s”.
- [20] **Sections 68 (3) (a) and 69 (3) (a)**  
Omit “his custody or under his control” wherever occurring.  
Insert instead “the custody or under the control of the administrator”.
- [21] **Sections 68 (3) (b), 69 (3) (b) and 70 (1)**  
Omit “him” wherever occurring. Insert instead “the administrator”.
- [22] **Sections 68 (3) (b) and (4) and 69 (3) (b)**  
Omit “he” wherever occurring. Insert instead “the administrator”.
- [23] **Section 68 (4)**  
Omit “chairman”. Insert instead “chairperson”.
- [24] **Section 69 (3) (a)**  
Omit “his” where firstly occurring. Insert instead “the administrator’s”.
- [25] **Section 71 (1)**  
Omit “shall be deemed to have vacated his office if”.  
Insert instead “vacates office as such if the administrator”.
- [26] **Section 71 (1) (a)-(e)**  
Omit “he” wherever occurring.
- [27] **Section 71 (1) (e)**  
Omit “his” where firstly occurring. Insert instead “the”.

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- [28] **Section 71 (1) (e)**  
Omit “writing under his hand”. Insert instead “instrument in writing”.
- [29] **Section 71 (1) (f)**  
Omit “his appointment is”. Insert instead “has his or her appointment”.
- [30] **Section 73 (1)**  
Omit “his” where firstly occurring. Insert instead “the administrator’s”.
- [31] **Section 73 (1)**  
Insert “the administrator’s” after “attributable to”.
- [32] **Section 73 (a)-(d)**  
Omit “his” wherever occurring.
- [33] **Section 85 (a)**  
Omit “him of his”. Insert instead “the Registrar or inspector of”.
- [34] **Section 85 (b)**  
Omit “him”. Insert instead “the Registrar or inspector”.
- [35] **Section 90 (1)**  
Omit “he” wherever occurring. Insert instead “the director or officer”.
- [36] **Section 90 (1) (a)**  
Omit “his”. Insert instead “the director’s or officer’s”.
- [37] **Section 93 (1) paragraph (b) of definition of “prescribed day” and sections 94, 98, 103 (l), 104 and 107 (2)**  
Omit “he” wherever occurring. Insert instead “the fund”.
- [38] **Section 93 (1) paragraph (b) of the definition of “prescribed day” and sections 103 (l), 104 and 105 (l)**  
Omit “his” wherever occurring. Insert instead “the fund’s”.
- [39] **Section 93 (2) (a)**  
Omit “his”.
- [40] **Sections 93 (2) (a) and 116 (1)**  
Insert “or her” after “him” wherever occurring.
- [41] **Section 105 (1)**  
Omit “him”. Insert instead “the fund”.
- [42] **Section 107 (1)**  
Omit “his” where firstly occurring. Insert instead “the fund’s”.
- [43] **Section 107 (1)**  
Omit “his” where secondly occurring. Insert instead “the”.
- [44] **Section 110 heading**  
Omit “his”.
- [45] **Sections 121 (3) and 123 (1)**  
Omit “his” wherever occurring. Insert instead “the”.
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**3.6 Growth Centres (Development Corporations) Act 1974 No 49**

**[1] Section 3 (1), definition of “Chairman”**

Omit the definition. Insert instead:

Chairperson, in relation to a development corporation, means the chairperson of the development corporation.

**[2] Section 11 (1)**

Omit “his”. Insert instead “the”.

**[3] Section 15 (1)**

Omit “to him”.

**[4] Section 16 (2) (b)**

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

**[5] Section 32 (2) and (3)**

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

**[6] Section 32 (2)**

Omit “himself make an inquiry”. Insert instead “make his or her own inquiry”.

**[7] Section 33 (1) and (2)**

Omit “his” wherever occurring.

**[8] Sections 33 (1) and (2) and 34 (2)**

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

**[9] Section 33 (1) (a) and (2) (a)**

Insert “or herself” after “himself” wherever occurring.

**[10] Section 34 (1) and Schedule 2, clause 6 (1)**

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

**[11] Sections 34 (1), 36 (6) and Schedule 2, clauses 6 (1) (c)-(e) and 7**

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

**[12] Section 34 (2) (a)**

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

**[13] Section 34 (3) (b)**

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

**[14] Section 34 (4)**

Omit “man and his wife”. Insert instead “couple”.

**[15] Section 34 (5)**

Omit “he or his” wherever occurring.

Insert instead “the member or the member’s”.

**[16] Section 34 (5)**

Omit “his interest”. Insert instead “the member’s interest”.

**[17] Section 34 (11) and Schedule 2, clause 4 (2)**

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



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**[18] Schedule 2, clauses 1 (l), 3 (l), 6 (1) (d) and (e), 9 (2), 10 (3) and (4)**

Omit "Chairman" wherever occurring. Insert instead "Chairperson".

**[19] Schedule 2, clauses 1 (l), 3 (1) and (2) and 5**

Omit "his" wherever occurring. Insert instead "the member's".

**[20] Schedule 2, clause 4 (3)**

Omit "his" wherever occurring. Insert instead "the holder's".

**[21] Schedule 2, clause 4 (3)**

Omit "him" wherever occurring. Insert instead "the holder".

**[22] Schedule 2, clause 6 (1)**

Omit "his office" wherever occurring. Insert instead "office".

**[23] Schedule 2, clause 6 (1) (b)**

Omit "his" wherever occurring. Insert instead "the member's".

**[24] Schedule 2, clauses 6 (1) (d) and (e)**

Omit "to him" wherever occurring.

**[25] Schedule 2, clause 6 (l) (h)**

Omit "his hand". Insert instead "the member's hand".

**[26] Schedule 2, clause 6 (2)**

Omit "him". Insert instead "the Governor".

**[27] Schedule 2, clause 9 (2)**

Omit "his". Insert instead "the Chairperson's".

**3.7 Hay Irrigation Act 1902 No 57**

**[1] Section 17A (2) (b) (i)**

Omit "him and that he".

Insert instead "the proposed transferee or assignee and that he or she".

**[2] Section 17A (6) (a)**

Insert "or "she after "he".

**[3] Section 17A (6) (a)**

Omit "him". Insert instead "the person".

**[4] Section 17A (8) (a) and (b)**

Omit "his mortgage". Insert instead "the mortgage".

**[5] Section 17A (8) (a)**

Omit "he". Insert instead "the mortgagee".

**[6] Section 17A (8) (a)**

Omit "his entering". Insert instead "entering".

**[7] Section 17A (8) (g)**

Omit "his". Insert instead "the mortgagee's".

- [8] **Section 19 (2) (b)**  
Insert “or her” after “his”.
- 3.8 Horticultural Stock and Nurseries Act 1969 No 3**
- [1] **Section 3, definition of “reseller”, sections 8 (4) (a) and (5), 13D (1), 13F, 13H (1) and 19 (2) (a)**  
Insert “or she” after “he” wherever occurring.
- [2] **Sections 6 (1), 13 (1) and 20 (3) (a)**  
Omit “his” wherever occurring. Insert instead “the Minister’s”.
- [3] **Sections 7, 9 (3) and 135 (3) (b) and (c)**  
Omit “he” wherever occurring. Insert instead “the person”.
- [4] **Sections 8 (4) and (5) and 9 (1)**  
Omit “he” wherever occurring. Insert instead “the Director-General”.
- [5] **Sections 8 (8) (b), 9 (3), (4) and (6) (a), 13D (2), 135 (3) (a) and 18**  
Insert “or her” after “his” wherever occurring.
- [6] **Section 9 (2C) and (2D)**  
Omit “his” wherever occurring. Insert instead “the”.
- [7] **Section 9 (6) (b)**  
Insert “or herself” after “himself”.
- [8] **Section 12 (1)**  
Omit “he”. Insert instead “the Minister”.
- [9] **Section 13B (3)**  
Omit “him”. Insert instead “the Minister”.
- [10] **Section 13G (1)**  
Omit “him” wherever occurring. Insert instead “the participant”.
- [11] **Section 16**  
Omit “he is”.
- [12] **Section 17 (1)**  
Omit “his”.
- [13] **Sections 17 (1) (a) and (g) and 18 (1)**  
Omit “he” wherever occurring. Insert instead “the inspector”.
- [14] **Section 17 (1) (f)**  
Omit “his possession or under his control” wherever occurring.  
Insert instead “his or her possession or control”.
- [15] **Section 17 (4) (b)**  
Omit “his”. Insert instead “the person’s”.
- [16] **Section 19 (2)**  
Omit “his”. Insert instead “the Director-General’s”.

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**3.9 Land Development Contribution Management Act 1970 No 22**

- [1] **Section 3 (l), definition of “trustee” and section 7 (3) (a)**  
Insert “or herself” after “himself” wherever occurring.
- [2] **Sections 7 (3) (j), (m) and (n), 48 (1) (a), 64 (2), 68 (1) (b) and 69 (1) and (5)**  
Omit “his” wherever occurring. Insert instead “the person’s”.
- [3] **Sections 16 (2) (a) and (f), 22 (l), 34 (1) (b), 53 (8), 60 (1) and 76**  
Omit “he” wherever occurring. Insert instead “the person”.
- [4] **Sections 19 (4) (a), 53 (g), 56 (3) (b), 58 (a), 59 (2), 65, 69 (6) and 70 (1)**  
Insert “or she” after “he” wherever occurring.
- [5] **Sections 22 (5), 24 (l), 29 (l), 30 (a) and (c), 33 (b), 35 (2), 47 (2), 53 (2), 59 (2), 60 (1) and (2), 65 and 70 (1)**  
Insert “or her” after “his” wherever occurring.
- [6] **Section 24A (2) and (3) (b)**  
Omit “notifying him” wherever occurring. Insert instead “stating”.
- [7] **Section 24A (2)**  
Omit “he”. Insert instead “the applicant”.
- [8] **Section 27 (c)**  
Omit “him”. Insert instead “the contributor”.
- [9] **Sections 29 (1) and 53 (9)**  
Omit “him” wherever occurring. Insert instead “the defendant”.
- [10] **Section 30**  
Omit “his lifetime by reason of his”.  
Insert instead “his or her lifetime by reason of”.
- [11] **Section 32 (1)**  
Omit “him from his”. Insert instead “the contributor from”.
- [12] **Section 32 (1)**  
Omit “his behalf”. Insert instead “the contributor’s behalf”.
- [13] **Section 32 (1) (a)**  
Omit “him as if he”. Insert instead “the lessee or occupier as if he or she”
- [14] **Section 32 (2)**  
Omit “him”. Insert instead “the lessee or occupier”.
- [15] **Sections 33 (a), 65 (a), (e), (f) and (g) and 70 (1)**  
Insert “or her” after “him” wherever occurring.
- [16] **Section 40 (2)**  
Omit “he or it” wherever occurring.  
Insert instead “the valuer-general or the Court”.
- [17] **Sections 42 (l), 44 (l) and 51 (1)**  
Omit “he” wherever occurring. Insert instead “the valuer-general”.

- [18] **Sections 42 (2) (a) and 46 (3) (c)**  
Omit “his records” wherever occurring.  
Insert instead “the valuer-general’s records”.
- [19] **Section 42 (2) (a)**  
Omit “his expense”. Insert instead “the owner’s expense”.
- [20] **Section 53 (2)**  
Omit “to him”.
- [21] **Section 53 (4) (b)**  
Omit “his possession or under his control”.  
Insert instead “the owner’s possession or control”.
- [22] **Sections 53 (6) and (7), 64 (l), 69 (3) and (4) (a) and 77**  
Omit “him” wherever occurring. Insert instead “the person”.
- [23] **Section 53 (8)**  
Omit “his”.
- [24] **Section 54 (4) (c)**  
Omit “he”. Insert instead “the Treasurer”.
- [25] **Section 58 (3)**  
Omit “by him”.
- [26] **Section 63 (4)**  
Omit “his”. Insert instead “the Premier’s”.
- [27] **Section 69(6)**  
Omit “him”. Insert instead “the defendant”.
- 3.10 Land Sales Act 1964 No 12**
- [1] **Section 2, definition of “Preliminary deposit”**  
Insert “or herself” after “himself”.
- [2] **Section 5 (1)**  
Omit “his” wherever occurring. Insert instead “the Minister’s”.
- [3] **Section 5 (1) (b)**  
Omit “he”. Insert instead “the Minister”.
- [4] **Section 5 (3)**  
Omit “his approval”. Insert instead “the approval”.
- [5] **Section 5 (3) and (4)**  
Omit “his appointment” wherever occurring.  
Insert instead “his or her appointment”.
- [6] **Section 7 (1) (b) (i)**  
Insert “or her” after “his”.
- [7] **Section 7 (1) (b) (ii)**  
Omit the subparagraph. Insert instead:

- (ii) contains a covenant binding the trustee that the trustee will, upon ceasing to be a trustee, transfer to the trustee appointed by the vendor under subparagraph (i), or by the Minister under section 5, any money held by the trustee or on the trustee's behalf, and any books of account kept by the trustee, in his or her capacity as such trustee,

- [8] **Sections 7 (1) (d) and (f) (ii) and (iii) and 18 and Fifth Schedule, Item 6 (b)**  
Omit "him" wherever occurring. Insert instead "the trustee".
- [9] **Sections 7 (1) (d) and (f) and 18**  
Omit "he" wherever occurring. Insert instead "the trustee".
- [10] **Section 7 (1) (d) (i)**  
Omit "has satisfied himself". Insert instead "is Satisfied".
- [11] **Section 7 (1) (e)**  
Omit "he will". Insert instead "the vendor will".
- [12] **Section 7 (1) (e)**  
Omit "he requires".  
Insert instead "the trustee or registered public accountant requires".
- [13] **Sections 7 (1) (f) (i) and 19**  
Omit "his" wherever occurring. Insert instead "the trustee's",
- [14] **Section 7 (2)**  
Omit "he". Insert instead "the trustee or registered public accountant".
- [15] **Sections 7 (2), 22 (b) and (d) and 23 (b)**  
Omit "his solicitor" wherever occurring. Insert instead "the purchaser's solicitor".
- [16] **Sections 9, 10 (l), 22 (b) and 23 (b)**  
Omit "his agent" wherever occurring. Insert instead "the vendor's agent"
- [17] **Sections 9 (2) (a) (i) and (b), 10 (2) (b), 14 (3) (b) and 27**  
Omit "him" wherever occurring. Insert instead "the purchaser".
- [18] **Sections 9 (2) (a) (i) and (b), 12 (4) and 15 and Fifth Schedule, item 2 (b)**  
Omit "he" wherever occurring. Insert instead "the vendor".
- [19] **Section 9 (2) (a) (i)**  
Omit "his client". Insert instead "the client of the solicitor or conveyancer"
- [20] **Sections 10 (2), 12 (2) (a) (i) and 14 (l), Fourth Schedule and Fifth Schedule, items 2, 6 (b) and 9**  
Omit "his" wherever occurring. Insert instead "the vendor's".
- [21] **Sections 12 (1) and 27 (a)**  
Omit "he" wherever occurring. Insert instead "the person".

- [22] **Section 12 (3)**  
Omit “his”. Insert instead “the person’s”.
- [23] **Sections 13 (1) (b), 14 (2) (b) and (3) and 20**  
Omit “his” wherever occurring. Insert instead “the purchaser’s”.
- [24] **Section 14 (2) (b)**  
Omit “to him”.
- [25] **Section 14 (2) (b)**  
Omit “informing him”. Insert instead “informing the vendor”.
- [26] **Section 15 (b), First Schedule, Third Schedule and Fifth Schedule, Item 5 (d)**  
Omit “him” wherever occurring. Insert instead “the vendor”.
- [27] **Sections 22 and 23**  
Omit “such vendor by himself or his agent” wherever occurring.  
Insert instead “the vendor or the vendor’s agent”.
- [28] **Sections 22 and 23**  
Omit “him or his” wherever occurring.  
Insert instead “the vendor or the vendor’s”.
- [29] **Section 25**  
Omit “he proves that he”.  
Insert instead “the director or person proves that the director or person”.
- 3.11 Land Tax Management Act 1956 No 26**
- [1] **Section 3 (1), definition of “Trustee”**  
Insert “or herself” after “himself”.
- [2] **Sections 3 (2) and (3) (b), 14 (1) and 31**  
Omit “his” wherever occurring. Insert instead “the person’s”.
- [3] **Sections 12 (2), 24, 34 (1) and 81 (3)**  
Omit “him” wherever occurring. Insert instead “the person”.
- [4] **Sections 12 (2), 31 and 50 (1) (b)**  
Omit “he” wherever occurring. Insert instead “the person”.
- [5] **Section 14 (1)**  
Omit “his”. Insert instead “the Commissioner’s”.
- [6] **Sections 22, 23 (1) (b), 24, 25, 27 (3), 46 (1) (a) and 64**  
Insert “or she” after “he” wherever occurring.
- [7] **Section 26 (1) (a)**  
Omit “he”. Insert instead “the purchaser”.
- [8] **Section 26 (1) (c)**  
Omit “he” wherever occurring. Insert instead “the vendor”.

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- [9] **Section 26 (1)**  
Omit “he is”. Insert instead “the Chief Commissioner is”.
- [10] **Sections 27 (3) and (4), 46 (1) and 64**  
Insert “or her” after “his” wherever occurring.
- [11] **Sections 27 (3), 46 (1) and 64**  
Insert “or her” after “him” wherever occurring.
- [12] **Sections 32 (1), 47 (2) and 51 (2)**  
Omit “he” wherever occurring. Insert instead “the Chief Commissioner”.
- [13] **Section 50 (3)**  
Omit “his” wherever occurring. Insert instead “the member’s”.
- [14] **Section 50 (3)**  
Omit “he” wherever occurring. Insert instead “the member”.
- [15] **Section 51 (2)**  
Omit “his”. Insert instead “the taxpayer’s”.
- [16] **Section 64**  
Insert “or she” after “He” wherever occurring.
- 3.12 Landlord and Tenant (Rental Bonds) Act 1977 No 44**  
**Schedule 1 Provisions relating to constitution and procedure of the Board**  
Omit “he” from clause I (6). Insert instead “the member”.
- 3.13 Law Foundation Act 1979 No 32**
- [1] **Section 3, definition of “Chairman”**  
Omit the definition. Insert instead:  
Chairperson means the Chairperson of the Board for the time being holding office under clause 5 of Schedule 1.
- [2] **Sections 9 and 11**  
Omit “him” wherever occurring. Insert instead “the Director”.
- [3] **Sections 10 (1) and 15 (3)**  
Omit “his” wherever occurring. Insert instead “the Director’s”.
- [4] **Section 12 (2)**  
Omit “he”. Insert instead “the Director”.
- [5] **Section 13**  
Omit “The Director shall be deemed to have vacated his office”.  
Insert instead “The office of Director becomes vacant if the Director”.
- [6] **Section 13 (a)–(e) and (g)**  
Omit “if he” wherever occurring.

- [7] **Section 13 (b) and (c) and Schedule 1, clause 8 (b) and (d)**  
Insert “or her” after “his” wherever occurring.
- [8] **Section 13 (f)**  
Omit “if he,”.
- [9] **Section 13 (f)**  
Omit “his”. Insert instead “the”.
- [10] **Section 14 (1)**  
Omit “his”.
- [11] **Section 14 (2) and (4)**  
Omit “his” wherever occurring. Insert instead “the person’s”.
- [12] **Section 22 (3)**  
Omit “the receipt by him of the report”. Insert instead “receiving the report”.
- [13] **Schedule 1, clause 2 (3) (a) and (5) (b)**  
Omit “him” wherever occurring. Insert instead “the Attorney General”.
- [14] **Schedule 1, clauses 4 (2) and 17**  
Omit “his” wherever occurring. Insert instead “the member’s”.
- [15] **Schedule 1, clauses 5 and 11 (3) and (4)**  
Omit “Chairman” wherever occurring. Insert instead “Chairperson”.
- [16] **Schedule 1, clause 6 (1)**  
Insert “a person who is” before “the holder”.
- [17] **Schedule 1, clause 6 (1)**  
Omit “his” where firstly occurring. Insert instead “the person’s”.
- [18] **Schedule 1, clause 6 (1)**  
Omit “his” where secondly occurring. Insert instead “the”.
- [19] **Schedule 1, clause 6 (1)**  
Omit “him”. Insert instead “the person”.
- [20] **Schedule 1, clauses 7 and 8 (c)**  
Omit “him” wherever occurring. Insert instead “the member”.
- [21] **Schedule 1, clause 8**  
Omit “An appointed member shall be deemed to have vacated his office”.  
Insert instead “The office of an appointed member becomes vacant if the member”.
- [22] **Schedule 1, clause 8 (a), (b) and (f)**  
Omit “if he” wherever occurring.
- [23] **Schedule 1, clause 8 (c)–(f)**  
Omit “if,” wherever occurring.
- [24] **Schedule 1, clause 8 (c)–(e)**  
Omit “he” wherever occurring.



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**[25] Schedule 1, clause 8 (f)**

Omit “he” where firstly occurring.

**[26] Schedule 1, clause 8 (g)**

Omit the paragraph. Insert instead:

(g) ceases to hold the qualification by virtue of which the member was nominated for appointment,

**[27] Schedule 1, clause 8 (h)**

Omit “upon the appointment of his successor”.

Insert instead “has a successor appointed”.

**[28] Schedule 1, clause 8 (l)**

Omit “if his membership of the Board is”.

Insert instead “has his or her membership of the Board”.

**[29] Schedule 1, clause 9**

Insert “or her” after “his” where firstly occurring.

**[30] Schedule 1, clause 9**

Omit “his” where secondly occurring. Insert instead “the”.

**[31] Schedule 1, clause 11 (3)**

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

**[32] Schedule 1, clause 13 (2)**

Omit “he”. Insert instead “the Attorney General”.

**[33] Schedule 1, clauses 15 and 16**

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

**[34] Schedule 1, clauses 15 and 16**

Omit “his” wherever occurring. Insert instead “the”.

**3.14 Law Reform Commission Act 1967 No 39**

**[1] Section 2, definition of “Chairman”**

Omit the definition. Insert instead:

Chairperson means the Chairperson of the Commission.

**[2] Section 2, definition of “Commissioner” and sections 3, 5, 10 (2) (a) and (b), 12 (1), (3) and (4), 12A (1) and (2), 12B (1) and 13 (4)**

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

**[3] Sections 3 (3) and (4) and 10 (2) (b)**

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

**[4] Sections 3 (4), 4 (1) and 8 (6)**

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

**[5] Sections 3A (1), 3B, 4 (2), 8 (5) and Schedule 1, clauses 2 (f) and (h), 3 (1) and 5**

Omit “his” wherever occurring.

- [6] **Section 3A (2)**  
Insert “or her” after “his” where firstly occurring.
- [7] **Section 3A (2)**  
Omit “his” where secondly occurring. Insert instead “the”.
- [8] **Section 4 (1)**  
Omit “a holder of judicial office”.  
Insert instead “a person who is the holder of judicial office”.
- [9] **Section 4 (2)**  
Omit “A holder of a judicial office”.  
Insert instead “A person who is the holder of a judicial office”.
- [10] **Section 4 (2) and Schedule 1, clause 5 (2)**  
Omit “he” wherever occurring. Insert instead “the person”.
- [11] **Section 8 (2)**  
Omit “him”. Insert instead “the part-time commissioner”.
- [12] **Section 8 (3)**  
Insert “a person who is” after “requiring”.
- [13] **Section 8 (3)**  
Omit “his” where firstly occurring. Insert instead “the person’s”.
- [14] **Section 8 (3)**  
Omit “his” where secondly and thirdly occurring. Insert instead “the”.
- [15] **Section 8 (3)**  
Omit “him” wherever occurring. Insert instead “the person”.
- [16] **Section 8 (6)**  
Omit “he”. Insert instead “the person”.
- [17] **Section 9 (2) (a)**  
Omit “his employment”. Insert instead “employment as a commissioner”.
- [18] **Section 9 (2) (b)**  
Omit “his”. Insert instead “the”.
- [19] **Section 9 (2) (c) and (2A)**  
Insert “or her” after “his” wherever occurring.
- [20] **Section 9 (2) (e) and Schedule 1, clauses 2 (f), (h) and (i) and 3**  
Omit “he” wherever occurring. Insert instead “the commissioner”.
- [21] **Sections 12 (3) and 12A (2)**  
Omit “he” wherever occurring. Insert instead “the chairperson”.
- [22] **Section 12A (1)**  
Insert “or herself” after “himself”.
- [23] **Schedule 1, clause 2**  
Insert “or her” after “his” where firstly occurring.

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- [24] **Schedule 1, clause 2**  
Omit “his” where secondly and fourthly occurring.
- [25] **Schedule 1, clause 2**  
Omit “he” where firstly and thirdly occurring. Insert instead “the person”.
- [26] **Schedule 1, clause 2**  
Omit “him” where firstly occurring. Insert instead “the person”.
- [27] **Schedule 1, clause 2**  
Omit “he” where secondly and fourthly occurring.  
Insert instead “the commissioner”.
- [28] **Schedule 1, clauses 2 (e) and 3**  
Omit “him” wherever occurring. Insert instead “the commissioner”.
- [29] **Schedule 1, clause 2 (i)**  
Omit “his”. Insert instead “the commissioner’s”.
- [30] **Schedule 1, clause 3 (2)**  
Omit “his” where firstly occurring.
- [31] **Schedule 1, clause 3 (2)**  
Insert “or her” after “his” where secondly occurring.
- 3.15 Marine Pilotage Licensing Act 1971 No 56**
- [1] **Section 4 (l), definition of “owner” and sections 12 (1) and (2), 36 (2) (b), 39, 43 (l), 45 (3) and 47 (3)**  
Insert “or her” after “his” wherever occurring.
- [2] **Section 4 (l), definition of “pilot” and sections 7 (1) (a), 12 (1) and 14 (1)**  
Omit “he” wherever occurring. Insert instead “the person”.
- [3] **Sections 6 (1) and 10 (4)**  
Omit “his” wherever occurring. Insert instead “the person’s”.
- [4] **Section 10 (2)**  
Omit “he”. Insert instead “that person”.
- [5] **Section 40 (1)**  
Omit “him” wherever occurring. Insert instead “the pilot or certificated person”.
- [6] **Section 43 (2) and section 50 (2), definition of “confidential report”**  
Insert “or she” after “he” wherever occurring.
- [7] **Section 44 (2)**  
Omit “his”.
- [8] **Sections 44 (1) (a) and 45 (1) and (4)**  
Omit “Chairman” wherever occurring. Insert instead “Chairperson”.
- [9] **Section 45 (6)**  
Omit “chairman”. Insert instead “chairperson”.

**[10] Section 50 (2), definition of “prescribed person”**

Omit “chairman” from paragraph (b) of the definition.  
Insert instead “chairperson”.

**[11] Section 50 (2), definition of “prescribed person”**

Omit “him” from paragraph (e) of the definition.  
Insert instead “the owner”.

**3.16 Mine Subsidence Compensation Act 1961 No 22**

**[1] Section 4, definition of “Proprietor”**

Insert “or she” after “he”.

**[2] Sections 5 (2) (a), (5) and (9), 8 and 15 (9)**

Omit “chairman” wherever occurring. Insert instead “chairperson”.

**[3] Sections 5 (3), (8), (9) and (10), 11 (6) and 16 (2) (a) and (c)**

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

**[4] Section 5 (9)**

Omit “absents himself”. Insert instead “is absent”.

**[5] Section 5 (9)**

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

**[6] Section 5 (10) and (12)**

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

**[7] Sections 11 (2), (3) (a), (4) and (9) and 14 (2)**

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

**[8] Sections 11 (3) (a) and 14 (1) (a)**

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

**[9] Section 12 (2) (a)**

Omit “he claims”. Insert instead “claimed”.

**[10] Section 14 (1) (b)**

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

**[11] Section 15 (5) (a)**

Omit “by him”.

**[12] Section 15 (7) and (8)**

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

**[13] Section 16 (1D)**

Omit “he may” wherever occurring.

**[14] Section 16 (2) (c)**

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

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### 3.17 National Parks and Wildlife Act 1974 No 80

- [1] **Sections 5 (l), definitions of “ex-officio ranger”, “fauna dealer” and “skin dealer” and sections 56 (1) (c) and (d) and (4), 57 (2), 70 (2) (a) and (b) and (4), 71 (1), 99 (3) (b), 101 (1) and (6), 108, 117 (1), (3) (b) and (6), 120 (1) (d), 130, 135 (1) and 171 (1) (c) and Schedule 3, clause 4**  
Omit “his” wherever occurring. Insert instead “the person’s”.
- [2] **Sections 5 (l), definitions of “fauna dealer” and “skin dealer” and sections 45 (3), 56 (3) and (4), 57 (4), 68 (4), 70 (3) and (4), 71 (2), 91, 98 (a), 99 (2), 100 (l), 102 (3), 103 (2), 104 (l), 105, 106 (3), 107, 110 (3), 112, 117 (3), 158 (4), 171 (2), 175 (l), 176 (3) and 177 (1) and Schedule 3, clauses 2 (l) and (3) and 4**  
Omit “he” wherever occurring. Insert instead “the person”.
- [3] **Sections 8 (3), (4), (7) (a)–(c), (8) and (g), 43 and 87 (l)**  
Omit “he” wherever occurring. Insert instead “the Director-General”.
- [4] **Sections 8 (9) and 171 (4)**  
Omit “his” wherever occurring. Insert instead “the Director-General’s”.
- [5] **Sections 8 (10), 46 (1) (e), 66 (2) and 75 (3)**  
Omit “him” wherever occurring. Insert instead “the Director-General”.
- [6] **Sections 16, 18 (2), 20, 47 (2) (b), (e) and (g), 164 (1) (a) and (b), 165 (1), 169 (2), 170 and 172**  
Insert “or her” after “his” wherever occurring.
- [7] **Section 17 (2)**  
Omit “his”. Insert instead “the honorary ranger’s”.
- [8] **Section 17 (2)**  
Omit “he” where firstly occurring. Insert instead “the honorary ranger”.
- [9] **Section 17 (2)**  
Insert “or she” after “he” where secondly occurring.
- [10] **Section 17 (3)**  
Omit “he” wherever occurring. Insert instead “the honorary ranger”.
- [11] **Section 17 (3)**  
Omit “his office by writing under his hand”.  
Insert instead “the office by instrument in writing”.
- [12] **Section 19 (1)**  
Omit “him”. Insert instead “an ex-officio ranger”.
- [13] **Section 20**  
Omit “him”. Insert instead “an honorary ranger”.
- [14] **Section 21 (5)**  
Omit “him”. Insert instead “that Minister or Director-General”.

- [15] **Section 21 (7)**  
Omit “him”. Insert instead “the delegate”.
- [16] **Section 21 (8)**  
Omit “he”. Insert instead “the delegate”.
- [17] **Sections 45 (3) (b), 56 (3) (b), 57 (4) (b), 70 (3) (b), 71 (2) (b), 98 (3) (b), 101 (6), 102 (2), 117 (3) (b) and (6), 121 (1) (b), 128 (3) (b), 130 and 159 (1) (b) (i)**  
Omit “him” wherever occurring. Insert instead “the person”.
- [18] **Sections 45 (4), 56 (5) and 57 (5)**  
Omit “him” wherever occurring. Insert instead “such a lessee or occupier”.
- [19] **Sections 47 (2) (b) and (d), 157 (l), 164 (1) (a) and 165 (1) and Schedule 7, clause 8 and Schedule 9, clause 6**  
Insert “or she” after “he” wherever occurring.
- [20] **Sections 47 (2) (d) and 165 (2)**  
Insert “or her” after “him” wherever occurring.
- [21] **Section 68 (4)**  
Insert “or her” after “his” where firstly, thirdly and lastly occurring.
- [22] **Section 68 (4)**  
Omit “his” where secondly occurring.
- [23] **Sections 70 (6) and 71 (3)**  
Omit “him” wherever occurring.  
Insert instead “such an owner, lessee or occupier”.
- [24] **Sections 75 (6) and (8), 76 (4), 80 (2) (a), 150 (3), 153 (1) and 183 (2) (c)**  
Omit “he” wherever occurring. Insert instead “the Minister”.
- [24] **Section 86**  
Omit “him” where firstly occurring. Insert instead “the Director-General”.
- [26] **Section 86**  
Omit “him” where secondly occurring. Insert instead “the person”.
- [27] **Section 89 (1)**  
Omit “he”. Insert instead “the Minister or the Director-General”.
- [28] **Section 90 (2) and (7)**  
Omit “his” wherever occurring.
- [29] **Sections 104 (1) (c) and 105 (c)**  
Insert “or herself” after “himself” wherever occurring.
- [30] **Section 117 (4)**  
Omit “his”. Insert instead “the defendant’s”.
- [31] **Section 133 (2)**  
Omit “he”. Insert instead “the authorised officer”.

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- [32] **Section 139 (2) (a)**  
Omit “his”. Insert instead “the Minister’s or the Director-General’s”.
- [33] **Section 140 (4), Schedule 3, clause 14 (1), Schedule 8, clause 2 (1) and Schedule 9, clause 3**  
Omit “him” wherever occurring. Insert instead “the Minister”.
- [34] **Section 150 (1) and (3)**  
Omit “his” wherever occurring. Insert instead “the Minister’s”.
- [35] **Section 157 (1)**  
Omit “his full name and his”. Insert instead “the person’s full name and”.
- [36] **Section 157 (2)**  
Omit “his driver’s licence and to state his full name and his”.  
Insert instead “his or her driver’s licence and to state his or her full name and”.
- [37] **Section 158 (1) (b)**  
Omit “his”. Insert instead “that other person’s”.
- [38] **Section 158 (3)**  
Omit “he”. Insert instead “the defendant”.
- [39] **Section 159 (2) and (4)**  
Omit “he” wherever occurring. Insert instead “the owner”.
- [40] **Section 159 (4) (a) (i) and (b) (i)**  
Omit “him” wherever occurring. Insert instead “the owner”.
- [41] **Section 163 (2)**  
Omit “he”. Insert instead “the officer”.
- [42] **Schedule 3, clause 2 (1)**  
Omit “instrument of his appointment”.  
Insert instead “person’s instrument of appointment”.
- [43] **Schedule 7, clause 2 (1) and Schedule 9, clause 2**  
Omit “instrument of his appointment” wherever occurring.  
Insert instead “member’s instrument of appointment”.
- [44] **Schedule 7, clause 5**  
Omit “him”. Insert instead “the Governor”.
- [45] **Schedule 7, clause 6, Schedule 8, clause 3 and Schedule 9, clause 4**  
Omit “his” wherever occurring. Insert instead “the member’s”.
- [46] **Schedule 7, clauses 6 and 7, Schedule 8, clause 3 and Schedule 9, clauses 4 and 5**  
Omit “he” wherever occurring. Insert instead “the member”.
- [47] **Schedule 7, clause 7 and Schedule 9, clause 5**  
Omit “his” wherever occurring. Insert instead “the”.

- [48] **Schedule 7, clauses 9–11 and 14**  
Omit “chairman” wherever occurring. Insert instead “chairperson”.
- [49] **Schedule 7, clause 9**  
Omit “he”. Insert instead “the chairperson”.
- [50] **Schedule 7, clause 14, Schedule 8, clause 10 and Schedule 9, clause 9**  
Omit “him” wherever occurring. Insert instead “the member”.
- 3.18 Pesticides Act 1978 No 57**
- [1] **Section 5 (7)**  
Omit “his”. Insert instead “the Minister’s”.
- [2] **Sections 8 (4), 19, 21 (2) and (3), 22 (2), 28, 30 (2), 31, 32, 33 (1), 34, 35 (1), 36, 38, 40 (6), 42 (1) and (2), 43, 44 (1) and (2), 48, 49, 71 (1) and 73 (4)**  
Omit “he” wherever occurring. Insert instead “the person”.
- [3] **Sections 12 (1) and 69 (3)**  
Omit “him” wherever occurring. Insert instead “the Registrar”.
- [4] **Sections 12 (1), 16, 17 (1), (2) and (3), 18 (1), (2) and (3), 21 (1) and (4), 24 (2), 27 (2) and (4), 65 (1) and 70 (4)**  
Omit “he” wherever occurring. Insert instead “the Registrar”.
- [5] **Section 12 (2)**  
Omit “him”. Insert instead “the applicant”.
- [6] **Section 12 (2)**  
Omit “his”. Insert instead “the”.
- [7] **Sections 18 (1), (2) and (3), 21 (4) and 75 (3)**  
Omit “his” wherever occurring. Insert instead “the Registrar’s”.
- [8] **Sections 19, 21 (a), 30 (2) and (a), 55 (1) and (2) and 71 (2)**  
Omit “his” wherever occurring. Insert instead “the person’s”.
- [9] **Sections 19, 32, 46 (1), 50 (5), 51 (5), 55 (2) and 75 (1)**  
Omit “him” wherever occurring. Insert instead “the person”.
- [10] **Sections 25, 39 (2), 54 and 63 (1)**  
Insert “or her” after “his” wherever occurring.
- [11] **Section 37 (a)**  
Omit “himself or another”. Insert instead “that or another person”.
- [12] **Section 39 (2)**  
Omit “he”. Insert instead “the officer, employee or person”.
- [13] **Section 40 (1)**  
Omit “he” wherever occurring. Insert instead “the defendant”.
- [14] **Section 40 (2) (d) and (5)**  
Omit “his” wherever occurring. Insert instead “the guarantor’s”.
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- [15] **Section 40 (3)**  
Omit “him”. Insert instead “the defendant”.
- [16] **Section 40 (3) (a)**  
Omit “he” where firstly occurring. Insert instead “the defendant”.
- [17] **Section 40 (3) (a)**  
Omit “he” where secondly occurring. Insert instead “the guarantor”.
- [18] **Section 40 (5)**  
Omit “he” wherever occurring. Insert instead “the guarantor”.
- [19] **Sections 50 (1), 52 (1), 53 (1) and (2) and 55 (1)**  
Omit “he” wherever occurring. Insert instead “the inspector”.
- [20] **Sections 51 (3) and 75 (2)**  
Omit “he” wherever occurring. Insert instead “the Minister”.
- [21] **Section 53 (1) (b)**  
Omit “his”. Insert instead “the inspector’s”.
- [22] **Section 53 (1)**  
Omit “him” wherever occurring. Insert instead “the inspector”.
- [23] **Section 53 (2)**  
Omit “granted him”. Insert instead “conferred on him or her”.
- [24] **Section 58 (4)**  
Insert “or herself” after “himself”.
- [25] **Sections 58 (4) and 63 (1)**  
Insert “or she” after “he” wherever occurring.
- [26] **Section 62 (1)**  
Omit “he” wherever occurring. Insert instead “the employer”.
- [27] **Section 62 (1)**  
Omit “his”. Insert instead “the employee”.
- [28] **Section 62 (1)**  
Omit “him”. Insert instead “the employee”.
- [29] **Section 64 (7)**  
Omit “his”. Insert instead “the delegate’s”.
- [30] **Section 69 (2)**  
Omit “his”. Insert instead “the analyst’s”.
- 3.19 Petroleum Products Subsidy Act 1965 No 1**
- [1] **Sections 6 (2) and 14 (2)**  
Omit “he” wherever occurring. Insert instead “the person”.
- [2] **Sections 8 (1), 13 (1) and 14 (1)**  
Omit “him”. Insert instead “the authorized officer”.
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- [3] **Sections 8 (1) and (3) and 13 (1)**  
Omit “he” wherever occurring. Insert instead “the officer”.
- [4] **Section 12 (2) and (3)**  
Omit “his” wherever occurring. Insert instead “the officer’s”.
- [5] **Section 13 (3)**  
Omit “him” wherever occurring. Insert instead “the person”.
- [6] **Section 13 (3)**  
Omit “his”. Insert instead “the person’s”.
- [7] **Section 14 (2)**  
Omit “him”.
- [8] **Section 16 (1)**  
Omit “his” wherever occurring. Insert instead “the Minister”.
- 3.20 Royal Botanic Gardens and Domain Trust Act 1980 No 19**
- [1] **Section 8 (8)**  
Omit “he”. Insert instead “the person”.
- [2] **Section 11 (2) and (3)**  
Omit “his” wherever occurring.
- [3] **Section 11 (3)**  
Omit “he”. Insert instead “the Governor”.
- [4] **Section 13 (2)**  
Omit “his”. Insert instead “the Director’s”.
- [5] **Schedule 1, clauses 1 (c), 4, 7 (c) and 8 (1)**  
Insert “or her” after “his” wherever occurring.
- [6] **Schedule 1, clause 2 (1)**  
Omit “his”. Insert instead “the trustee’s”.
- [7] **Schedule 1, clause 2 (2)**  
Omit “he is”.
- [8] **Schedule 1, clause 2 (3)**  
Omit “him”. Insert instead “the deputy”.
- [9] **Schedule 1, clauses 3 (1) and 8 (1)**  
Omit “he” wherever occurring. Insert instead “the trustee”.
- [10] **Schedule 1, clause 3 (1)**  
Omit “his” where firstly occurring. Insert instead “the”.
- [11] **Schedule 1, clause 3 (1)**  
Insert “or her” after “his” where secondly occurring.
- [12] **Schedule 1, clause 3 (1)**  
Omit “appointing him”. Insert instead “of appointment”.

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- [13] **Schedule 1, clause 6**  
Omit “him”. Insert instead “the Governor”.
- [14] **Schedule 1, clause 7**  
Omit “A trustee shall be deemed to have vacated his office if he”.  
Insert instead “The office of a trustee becomes vacant if the trustee”.
- [15] **Schedule 1, clause 7 (b)**  
Omit “his” where firstly occurring. Insert instead “the”.
- [16] **Schedule 1, clause 7 (b)**  
Omit “writing under his hand”. Insert instead “an instrument in writing”.
- [17] **Schedule 1, clause 7 (e)**  
Omit “him”. Insert instead “the trustee”.
- [18] **Schedule 1, clause 7 (e)**  
Omit “his”. Insert instead “the”.
- [19] **Schedule 1, clause 8 (2), (3) and (4)**  
Omit “Chairman” wherever occurring. Insert instead “Chairperson”.
- [20] **Schedule 1, clause 8 (3)**  
Omit “his”. Insert instead “a”.
- [21] **Schedule 1, clause 8 (3)**  
Omit “he”. Insert instead “the chairperson”.
- [22] **Schedule 1, clause 8 (4) (b)**  
Omit “chairman”. Insert instead “chairperson”.
- [23] **Schedule 1, clause 9 (2)**  
Omit “he”. Insert instead “the Minister”.
- 3.21 Seeds Act 1982 No 14**
- [1] **Sections 6 (d) and 20**  
Omit “he” wherever occurring. Insert instead “the defendant”.
- [2] **Sections 10 and 16**  
Omit “he” wherever occurring. Insert instead “the Director-General”.
- [3] **Section 10**  
Omit “him”. Insert instead “the person”.
- [4] **Sections 11 (1), 12 (2) and 27 (2)**  
Omit “he” wherever occurring. Insert instead “the person”.
- [5] **Section 12 (2) (b)**  
Omit “him”. Insert instead “the person”.
- [6] **Section 17 (b)**  
Insert “or her” after “his”.
- [7] **Sections 22 (d) and 28**  
Omit “him” wherever occurring. Insert instead “the inspector”.

- [8] **Section 23**  
Insert “or she” after “he”.
- [9] **Sections 24 and 25 (1) (a) and (c)**  
Omit “his” wherever occurring. Insert instead “the inspector’s”.
- [10] **Section 25 (1) (a)**  
Omit “he”. Insert instead “the owner”.
- [11] **Sections 25 (2) and 26 (1)**  
Omit “he” wherever occurring. Insert instead “the inspector”.
- [12] **Section 26 (2)**  
Omit “by him”. Insert instead “by him or her”.
- [13] **Section 26 (2)**  
Omit “to him”.
- 3.22 Solicitor General Act 1969 No 80**
- [1] **Section 1 (2), definition of “Solicitor General” and sections 2 (1) and 6 (4) (c)**  
Omit “his” wherever occurring. Insert instead “the Solicitor General’s”
- [2] **Section 2 (3)**  
Omit “him”. Insert instead “the Solicitor General”.
- [3] **Sections 2 (5) and 6 (2) (d), (e) and (f)**  
Omit “his office” wherever occurring. Insert instead “office”.
- [4] **Section 2 (5)**  
Omit “he” wherever occurring. Insert instead “the Solicitor General”.
- [5] **Section 2 (5) (b)**  
Omit “his creditors”. Insert instead “his or her creditors”.
- [6] **Section 2 (5) (b)**  
Omit “his remuneration or of his estate”.  
Insert instead “his or her remuneration or estate”.
- [7] **Section 2 (5) (d)**  
Omit “his hand”. Insert instead “his or her hand”.
- [8] **Sections 2 (5) (f), 3 (1) (b) and 6 (3) (a)**  
Insert “or her” after “his” wherever occurring.
- [9] **Section 2 (7)**  
Omit “he”. Insert instead “the person”.
- [10] **Section 6 (2) (e)**  
Omit “his vacation”. Insert instead “that vacation”.
- [11] **Section 6 (3) (a)**  
Insert “or she” after “he”.

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**3.23 Stock (Chemical Residues) Act 1975 No 26****[1] Section 3, definition of “stock”**

Omit “man” from paragraph (b). Insert instead “people”.

**[2] Sections 5 (1) (a), (d) (i) and (e) (i) and 7 (2)**

Omit “on him” wherever occurring.

**[3] Sections 5 (1) (f) and 7 (2)**

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

**[4] Sections 5 (1) (f) and 13**

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

**[5] Section 5 (2) (a)**

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

**[6] Sections 5 (2) (c), 6A (1), 7 (4) (b) and 8 (5) (b)**

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

**[7] Sections 5 (4) and 6A (2)**

Omit “his” wherever occurring.

**[8] Section 6 (1)**

Omit “he”. Insert instead “that the inspector”.

**[9] Sections 6 (1) (a) and (2) and 7 (4) (a)**

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

**[10] Sections 7 (4), 8 (5) and 12 (3)**

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

**[11] Section 9 (1)**

Omit “him”. Insert instead “the owner or person”.

**[12] Section 11 (1) and (2)**

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

**[13] Section 11 (3) and (4)**

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

**[14] Section 14 (1) (a)**

Insert “or she” after “he”.

**[15] Section 14 (1)**

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

**3.24 Trustee Companies Act 1964 No 6****[1] Sections 2 (2) (d) and 35**

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

**[2] Section 2 (2) (d)**

Omit “him”. Insert instead “that person”.

**[3] Section 6 (1) (a)**

Omit “himself”. Insert instead “that person”.

- [4] Section 6 (1) (b)**  
Omit “himself”.
- [5] Sections 14, 15, 19C (1), 20A (2) and 33 (2)**  
Insert “or her” after “his” wherever occurring.
- [6] Section 18 (5)**  
Omit “his”. Insert instead “the testator’s”.
- [7] Section 19C (1) (a)**  
Omit “he”. Insert instead “the officer”.
- [8] Section 22 (2)**  
Omit “him” wherever occurring. Insert instead “the person”.
- [9] Section 33 (1)**  
Omit “his”. Insert instead “the settlor’s or testator’s”.
- [10] Section 35**  
Omit “his”. Insert instead “the person’s”.
- [11] Section 35**  
Omit “him”. Insert instead “the person”.
- [12] Second Schedule**  
Omit “him” wherever occurring. Insert instead “the member”.

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## Schedule 4 Amendments transferring provisions

(Section 3)

### Aboriginal Land Rights Act 1983No 42

#### [1] Schedule 4 Savings, transitional and other provisions

Insert after Part 2:

#### Part 2A Provision consequent on the enactment of the Aboriginal Land Rights (Amendment) Act 1986

##### 9A Funding of acquisition of certain land

- (1) Where, as at 2 May 1986 (the date of assent to the amending Act), land was being acquired by a Local Aboriginal Land Council with money or other financial assistance provided by a Regional Aboriginal Land Council, the Regional Aboriginal Land Council may, notwithstanding the provisions of this Act, as amended by the amending Act, continue to provide that money or financial assistance and the Local Aboriginal Land Council may continue to acquire and complete the acquisition of that land.
- (2) This clause is taken to have commenced on 2 May 1986.
- (3) Subclause (1) re-enacts (with minor modifications) clause 1 of Schedule 2 to the amending Act. Subclause (1) is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.
- (4) In this clause:

*amending Act* means the *Aboriginal Land Rights (Amendment) Act 1986*.

**[2] Schedule 4, Part 3A**

Insert after Part 3:

**Part 3A Provision consequent on the enactment of the Aboriginal Land Rights (Revival of Financial Provision) Act 1990**

**15A Saving of certain directions**

- (1) Any directions given by the Minister under section 33A (as inserted by the *Aboriginal Land Rights (Amendment) Act 1986*) that were in force immediately before 2 May 1990 are to be taken to be directions given by the Minister under that section (as revived by the amending Act).
- (2) This clause is taken to have commenced on 22 June 1990.
- (3) Subclause (1) re-enacts (with minor modifications) section 4 of the amending Act. Subclause (1) is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.
- (4) In this clause:

*amending Act* means the *Aboriginal Land Rights (Revival of Financial Provision) Act 1990*.

**Explanatory note**

The proposed amendments insert in Schedule 4 (Savings, transitional and other provisions) to the *Aboriginal Land Rights Act 1983* the substance of transitional provisions (of possible on-going effect) contained in clause 1 of Schedule 2 to the *Aboriginal Land Rights (Amendment) Act 1986* and section 4 of the *Aboriginal Land Rights (Revival of Financial Provision) Act 1990*. 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.



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## Schedule 5 Repeals

(Section 4)

### Repeal of Acts or parts of Acts

Landlord and Tenant (Amendment) Act 1932 No 67\*\*\*

Aboriginal Land Rights (Amendment) Act 1986 No 18\*\*

Local Government (General Revision) Amendment Act 1986 No 159—  
Schedule 6 (7) only\*\*\*\*

WorkCover Legislation (Amendment) Act 1989 No 121\*

Workers Compensation (Amendment) Act 1989 No 214\*

Food Act 1989 No 231 — items (2) and (3) of the provisions of Schedule 4  
relating to the Local Government Act 1919 only\*\*\*\*

Aboriginal Land Rights (Revival of Financial Provision) Act 1990 No 32\*\*

Miscellaneous Acts (Crown and Other Roads) Amendment Act 1990 No  
55 — item (2) of amendments to the Land and Environment Court Act 1979  
and amendments to the Valuation of Land Act 1916 only\*\*\*\*

Fertilizers (Amendment) Act 1992 No 8 — Schedule 2 only\*\*\*\*

Police Service (Volunteer Police) Amendment Act 1992 No 54\*\*\*\*

State Revenue Legislation (Further Amendment) 1992 No 86\*

Electricity (Amendment) Act 1993 No 24\*

Commonwealth Powers (Poultry Processing) Act 1993 No 100\*\*\*\*

Occupational Health and Safety Legislation (Amendment) Act 1994 No 5

Energy Legislation (Miscellaneous Amendments) Act 1994 No 82—  
Schedule 1 (3), Schedule 1 (4) (to the extent that it inserts proposed section  
6FA into the Electricity Act 1945) and Schedule 5 only\*\*\*\*

Registered Clubs Amendment Act 1995 No 37\*

Commercial Tribunal Legislation Amendment Act 1995 No 40\*

Stock Medicines Amendment Act 1995 No 47\*

Fair Trading Amendment Act 1995 No 58\*

Police Service Amendment Act 1995 No 77\*

Electricity Supply Act 1995 No 94—clause 16 (3) and (4) of Schedule 6 only\*\*\*\*

Energy Services Corporations Act 1995 No 95—so much of Schedule 4.6 [4] as would repeal section 6B of the Electricity Act 1945 only\*\*\*\*

State Revenue Legislation Further Amendment Act 1995 No 98—Schedule 7 [20] only\*\*\*\*

Public Health Amendment Act 1996 No 1\*

Roads Amendment (Street Vending) Act 1996 No 8\*

Casino Control Amendment (Cheques) Act 1996 No 10\*

Sydney Organising Committee for the Olympic Games Amendment Act 1996 No 26\*

Public Health Amendment (Tobacco) Act 1996 No 33\*

Liquor and Registered Clubs Legislation Amendment Act 1996 No 41\*

Liquor and Registered Clubs Legislation Amendment (Enforcement) Act 1996 No 42\*

Liquor and Registered Clubs Legislation Amendment (Minors' Entertainment) Act 1996 No 43\*

Sydney Organising Committee for the Olympic Games Further Amendment Act 1996 No 63\*

Police Service Amendment (Commissioned Officers) Act 1996 No 91 \*

Trustee Amendment Act 1996 No 100\*

Listening Devices Amendment Act 1996 No 118\*

**Notes**

- \* 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 amending 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 Act that is no longer of practical utility
- \*\*\*\* indicates repeal of an Act or part of an Act that is uncommenced

**Explanatory note**

The repeals are explained in detail in the explanatory note relating to this Act. In relation to the repeal of amending Acts that are fully commenced, 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,
- (d) the operation of any savings or transitional provision contained in the Act.

## 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 errors (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 regulation, or
- (b) repeals and re-enacts (with or without modification) a provision of an Act or regulation,

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**

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.

**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.

**4 Revocation of repeal**

The *Public Finance and Audit (Auditor-General) Amendment Act 1991* is taken not to be, and never to have been, repealed by the *Statute Law (Miscellaneous Provisions) Act 1995*.

**5 Commencement of part of an Act**

The uncommenced part of Schedule 3 [29] to the WorkCover Legislation Amendment Act 1995 is commenced.

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

**Explanatory note**

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.

## Notes

### **Index of Acts and regulations amended by Schedules 1, 2, 3 and 4**

Aboriginal Land Rights Act 1983 No 42—Sch 3, Sch 4  
Bookmakers (Taxation) Act 1917 No 15—Sch 1  
Broken Hill Trades Hall Site Act of 1898 No 31—Sch 2  
Broken Hill Trades Hall Site Extension Act 1915 No 42—Sch 2  
Business Names Act 1962 No 11—Sch 3  
Community Land Development Act 1989 No 201—Sch 1  
Conveyancing Act 1919 No 6—Sch 1  
Correctional Centres Act 1952 No 9—Sch 2  
Director of Public Prosecutions Act 1986 No 207—Sch 1  
District Court Act 1973 No 9—Sch 2  
Dog Act 1966 No 2—Sch 3  
Eastern Gas Pipeline (Special Provisions) Act 1996 No 126—Sch 1  
Election Funding Act 1981 No 78—Sch 3  
Electricity Safety Act 1945 (1946 No 13)—Sch 2  
Encroachment of Buildings Act 1922 No 23—Sch 1  
Evidence Act 1995 No 25—Sch 1  
Fertilizers Act 1985 No 5—Sch 1  
Firearms Amendment Act 1996 No 135—Sch 2  
Funeral Funds Act 1979 No 106—Sch 3  
Gas Supply Act 1996 No 38—Sch 1  
Growth Centres (Development Corporations) Act 1974 No 49—Sch 3  
Harness Racing Legislation Amendment Act 1996 No 90—Sch 2  
Hay Imigation Act 1902 No 57—Sch 3  
Horticultural Stock and Nurseries Act 1969 No 3—Sch 3

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Industrial Relations Act 1996 No 17—Sch 1  
Interpretation Act 1987 No 15—Sch 1  
Land Development Contribution Management Act 1970 No 22—ch 3  
Land Sales Act 1964 No 12—Sch 3  
Land Tax Management Act 1956 No 26—Sch 3  
Landlord and Tenant (Rental Bonds) Act 1977 No 44—Sch 1, Sch 3  
Law Foundation Act 1979 No 32—Sch 1, Sch 3  
Law Reform Commission Act 1967 No 39—Sch 3  
Legal Profession Amendment (National Practising Certificates) Act 1996 No 113—Sch 2  
Long Service Leave Act 1955 No 38—Sch 2  
Long Service Leave (Metalliferous Mining Industry) Act 1963 No 48—Sch 2  
Marine Pilotage Licensing Act 1971 No 56—Sch 3  
Mine Subsidence Compensation Act 1961 No 22—Sch 3  
Motor Accidents Act 1988 No 102—Sch 1  
National Parks and Wildlife Act 1974 No 80—Sch 1, Sch 3  
Pawnbrokers and Second-hand Dealers Act 1996 No 13—Sch 2  
Pay-roll Tax Act 1971 No 22—Sch 2  
Pesticides Act 1978 No 57—Sch 3  
Petroleum Products Subsidy Act 1965 No 1—Sch 3  
Police Service Act 1990 No 47—Sch 2  
Public Authorities (Financial Arrangements) Act 1987 No 33—Sch 1  
Public Authorities (Financial Arrangements) Regulation 1995—Sch 1  
Public Lotteries Act 1996 No 86—Sch 2  
Real Property Act 1900 No 25—Sch 1  
Road Transport (Mass, Loading and Access) Regulation 1996—Sch 1  
Roads Act 1993 No 33—Sch 1  
Roman Catholic Church Communities' Lands Act 1942 No 23—Sch 1



Roman Catholic Church Trust Property Act 1936 No 24—Sch 1  
Royal Botanic Gardens and Domain Trust Act 1980 No 19—Sch 3  
Sea-carriage of Goods (State) Act 1921 No 5—Sch 3  
Seeds Act 1982 No 14—Sch 3  
Sentencing Act 1989 No 87—Sch 2  
Solicitor General Act 1969 No 80—Sch 3  
State Revenue Legislation (Miscellaneous Amendments) Act 1996 No 125—Sch 2  
Statute Law (Miscellaneous Provisions) Act (No 2) 1996 No 121—Sch 2  
Stock (Chemical Residues) Act 1975 No 26—Sch 3  
Strata Schemes Management Act 1996 No 138—Sch 1  
Strata Schemes Management (Miscellaneous Amendments) Act 1996 No 139—Sch 2  
Strata Titles Act 1973 No 68—Sch 1  
Strata Titles (Leasehold) Act 1986 No 219—Sch 1  
Subordinate Legislation Act 1989 No 146—Sch 1  
Superannuation (Axiom Funds Management Corporation) Act 1996 No 40—Sch 2  
Supreme Court Act 1970 No 52—Sch 2  
Teacher Housing Authority Act 1975 No 27—Sch 1  
Threatened Species Conservation Act 1995 No 101—Sch 1  
Transport Administration Act 1988 No 109—Sch 2  
Transport Administration Amendment (Light Rail) Act 1996 No 128—Sch 2  
Trustee Companies Act 1964 No 6—Sch 3  
Waste Minimisation and Management Act 1995 No 102—Sch 1  
Water Board (Corporatisation) Act 1994 No 88—Sch 1  
Water Supply Authorities Act 1987 No 14—Sch 2  
Wilderness Act 1987 No 196—Sch 1

**Index of Acts repealed by Schedule 5**

Aboriginal Land Rights (Amendment) Act 1986 No 18

Aboriginal Land Rights (Revival of Financial Provision) Act 1990 No 32

Casino Control Amendment (Cheques) Act 1996 No 10

Commercial Tribunal Legislation Amendment Act 1995 No 40

Commonwealth Powers (Poultry Processing) Act 1993 No 100

Electricity (Amendment) Act 1993 No 24

Electricity Supply Act 1995 No 94—clause 16 (3) and (4) of Schedule 6 only

Energy Legislation (Miscellaneous Amendments) Act 1994 No 82—Schedule 1 (3), Schedule 1 (4) (to the extent that it inserts proposed section 6FA into the Electricity Act 1945) and Schedule 5 only

Energy Services Corporations Act 1995 No 95—so much of Schedule 4.6 [4] as would repeal section 6B of the Electricity Act 1945 only

Fair Trading Amendment Act 1995 No 58

Fertilizers (Amendment) Act 1992 No 8—Schedule 2 only

Food Act 1989 No 231—items (2) and (3) of the provisions of Schedule 4 relating to the Local Government Act 1919 only

Landlord and Tenant (Amendment) Act 1932 No 67

Liquor and Registered Clubs Legislation Amendment Act 1996 No 41

Liquor and Registered Clubs Legislation Amendment (Enforcement) Act 1996 No 42

Liquor and Registered Clubs Legislation Amendment (Minors' Entertainment) Act 1996 No 43

Listening Devices Amendment Act 1996 No 118

Local Government (General Revision) Amendment Act 1986 No 159—Schedule 6 (7) only

Miscellaneous Acts (Crown and Other Roads) Amendment Act 1990 No 55—item (2) of amendments to the Land and Environment Court Act 1979 and amendments to the Valuation of Land Act 1916 only

Occupational Health and Safety Legislation (Amendment) Act 1994 No 5

Police Service Amendment Act 1995 No 77

Police Service Amendment (Commissioned Officers) Act 1996 No 91  
Police Service (Volunteer Police) Amendment Act 1992 No 54  
Public Health Amendment Act 1996 No 1  
Public Health Amendment (Tobacco) Act 1996 No 33  
Registered Clubs Amendment Act 1995 No 37  
Roads Amendment (Street Vending) Act 1996 No 8  
State Revenue Legislation (Further Amendment) Act 1992 No 86  
State Revenue Legislation Further Amendment Act 1995 No 98—Schedule  
7 [20] only  
Stock Medicines Amendment Act 1995 No 47  
Sydney Organising Committee for the Olympic Games Amendment Act  
1996 No 26  
Sydney Organising Committee for the Olympic Games Further Amendment  
Act 1996 No 63  
Trustee Amendment Act 1996 No 100  
WorkCover Legislation (Amendment) Act 1989 No 121  
Workers Compensation (Amendment) Act 1989 No 214  
[Minister's second reading speech made in—  
Legislative Assembly on 28 May 1997  
Legislative Council on 25 June 1997]