



New South Wales

Statute Law (Miscellaneous Provisions) Act (No 2) 1999 No 85

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New South Wales

Statute Law (Miscellaneous Provisions) Act (No 2) 1999 No 85

Act No 85, 1999

An Act to repeal certain Acts and to amend certain other Acts in various respects and for the purpose of effecting statute law revision; and to make certain savings.
[Assented to 3 December 1999]

The Legislature of New South Wales enacts:**1 Name of Act**

This Act is the *Statute Law (Miscellaneous Provisions) Act (No 2) 1999*.

2 Commencement

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

3 Amendments

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

4 Repeals

Each Act specified in Schedule 4 is, to the extent indicated in that Schedule, repealed.

5 General savings, transitional and other provisions

Schedule 5 has effect.

6 Explanatory notes

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

Schedule 1 Minor amendments

(Section 3)

1.1 Associations Incorporation Act 1984 No 143

[1] Schedule 2 Provisions relating to property, liabilities, etc, of incorporated associations

Insert “, to duty under the *Duties Act 1997*” after “duty” in clause 10.

[2] Schedule 2, clause 10 (2)

Insert at the end of the clause:

- (2) A dutiable transaction within the meaning of the *Duties Act 1997* that is not in writing and that occurs only for:
 - (a) a purpose ancillary to, or consequential on, the operation of this Schedule, or
 - (b) the purpose of giving effect to this Schedule,is not liable to duty under the *Duties Act 1997*.

Explanatory note

Clause 10 of Schedule 2 to the *Associations Incorporation Act 1984* exempts an association incorporated under the Act from liability for any stamp duty or to any fee or charge payable under any Act for registration of a document or instrument brought into existence for the purposes of the incorporation of the association under the Act. Item [1] of the proposed amendments extends the exemption to duty under the *Duties Act 1997*.

Under the *Duties Act 1997*, a transaction for which a liability for duty arises can occur without a document or instrument being brought into existence to effect the transaction. Item [2] of the proposed amendments makes it clear that the exemption from liability to pay duty under the *Duties Act 1997* extends to dutiable transactions that are not in writing.

1.2 Banana Industry Act 1987 No 66

Schedule 3 Savings, transitional and other provisions

Insert after clause 14 (4):

- (5) Despite clause 1 (2) of Schedule 1 and subclause (2) of this clause but subject to the other provisions of this Act, the regional member who assumed office on 30 July 1997 to represent the Nambucca Region holds that office until the end of 29 September 2000.

Explanatory note

In 1996, the *Banana Industry Act 1987* was amended to provide for the election of members to the Banana Industry Committee to represent a number of industry regions determined by the Minister administering the Act. Six regions were established and elections accordingly held for each region.

The election for the regional member for the Nambucca Region was uncontested with the result that the only candidate assumed office on 30 July 1997, earlier than the other regional members who assumed office on 30 September 1997 after ballots were held. The Minister determined the terms of office for the initial regional members so as to provide for two members to come up for election each year. The terms of office of the regional member for the Nambucca Region and one other regional member expire 3 years from the date of their election.

The proposed amendment extends the term of office of the regional member for the Nambucca Region from the end of 29 July 2000 to the end of 29 September 2000 to bring it into line with the expiration of the term of office of the other regional member due to vacate office next year.

1.3 Board of Adult and Community Education Act 1990 No 119

[1] Section 5 Membership of Board

Omit “9” from section 5 (1) (a). Insert instead “10”.

[2] Section 5 (1) (c)

Omit the paragraph.

[3] Section 5 (1) (d)

Omit “Department of Further Education, Training and Employment”.
Insert instead “Department of Education and Training”.

[4] Schedule 1 Provisions relating to members of Board

Omit “section 5 (1) (c)–(e)” from the definition of *ex-officio member* in clause 1.

Insert instead “section 5 (1) (d) or (e)”.

Transitional

If, on the commencement of the amendments to the *Board of Adult and Community Education Act 1990*, the membership of the Board of Adult and Community Education fails to comply with section 5 (1) (a) of the Act as so amended, there is for the purposes of clause 7 of Schedule 1 to the Act taken to be a vacancy in the office of the member in respect of which the failure exists.

Explanatory note

Item [1] of the proposed amendments increases (from 9 to 10) the number of community members on the Board of Adult and Community Education constituted under the *Board of Adult and Community Education Act 1990*.

Item [2] of the proposed amendments omits a provision so as to change the number of representatives of the Department of Education and Training on the Board from 2 to 1. The representative of the Department will be the Director-General of that Department. No change is made to section 5 (1) (b) which provides for a member to be appointed on the nomination of the TAFE Commission Board.

Item [3] of the proposed amendments updates a reference to a Department.

Item [4] of the proposed amendments makes a consequential amendment.

1.4 Board of Vocational Education and Training Act 1994 No 33

[1] Section 3 Definitions

Omit “section 5 (2) (d)” from the definition of *appointed member* in section 3 (1).

Insert instead “section 5 (2) (b)”.

[2] Section 5 Constitution of the Board

Omit section 5 (2) (a)–(d). Insert instead:

- (a) one is to be the Director-General of the Department of Education and Training, and
- (b) 8 are to be persons appointed by the Minister.

Commencement

The amendments to the *Board of Vocational Education and Training Act 1994* commence on 1 January 2000.

Explanatory note

Item [2] of the proposed amendments alters the constitution of the Board of Vocational Education and Training constituted under the *Board of Vocational Education and Training Act 1994* by providing that the 9 part-time members of the Board are to be the Director-General of the Department of Education and Training and 8 persons appointed by the Minister administering the Act. (Currently, the Board consists of 6 persons appointed by the Minister, the Managing Director of the TAFE Commission and (by operation of the *Public Sector Management (Department of Education and Training) Order (No 2) 1997*) 2 office holders in the Department of Education and Training.)

Item [1] of the proposed amendments makes a consequential amendment.

1.5 Charitable Trusts Act 1993 No 10

Section 6 Bringing of certain charitable trust proceedings to be authorised by Attorney General or by leave

Insert after section 6 (2):

- (2A) Any such authority or leave may also be given after charitable trust proceedings have been brought so as to enable the continuation of those proceedings.

Transitional

The amendment to the *Charitable Trusts Act 1993* extends to charitable trust proceedings within the meaning of section 5 of the Act commenced, but not determined, before the commencement of the amendment.

Explanatory note

Section 6 (1) of the *Charitable Trusts Act 1993* provides that proceedings involving the administration of a charitable trust must not be commenced unless they have been authorised by the Attorney General or the Supreme Court has given leave.

The proposed amendment provides that proceedings brought without that authority or leave may be continued once the necessary authority of the Attorney General or the leave of the Supreme Court is obtained.

1.6 Children (Detention Centres) Act 1987 No 57

[1] The whole Act (except section 3 (1), definition of “superintendent” and section 25 (4))

Omit “superintendent” wherever occurring.
Insert instead “centre manager”.

[2] Section 3 Definitions

Insert in alphabetical order in section 3 (1):

centre manager of a detention centre means the person for the time being in charge of the centre.

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

Omit “Department of Youth and Community Services”.
Insert instead “Department of Juvenile Justice”.

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

Omit the definition.

Explanatory Note

Item [2] of the proposed amendments inserts a definition of *centre manager* as a result of a change in the title (from “superintendent” to “centre manager”) of the person for the time being in charge of a detention centre.

Items [1] and [4] of the proposed amendments make consequential amendments.

Item [3] of the proposed amendments updates a reference to a Department.

1.7 Children (Interstate Transfer of Offenders) Act 1988 No 85

[1] Section 3 Definitions

Insert in alphabetical order:

Department means the Department of Juvenile Justice.

[2] Section 3, definition of “Director-General”

Omit “of Family and Community Services”.

[3] Sections 9 (2) (c) and 16

Omit “of Family and Community Services” wherever occurring.

[4] Section 14 Lawful custody for transit through New South Wales

Omit “superintendent” wherever occurring.
Insert instead “centre manager”.

Explanatory note

Item [1] of the proposed amendments inserts a definition of *Department* for the purposes of the Act.

Items [2] and [3] of the proposed amendments make consequential amendments.

Item [4] of the proposed amendments changes references in the Act to the person in charge of a detention centre from “superintendent” to “centre manager”. This amendment is consequential on amendments to the *Children (Detention Centres) Act 1987* made elsewhere in this Schedule.

1.8 Criminal Assets Recovery Act 1990 No 23

Section 32 Establishment and use of Proceeds Account

Insert “victims support programs,” after “law enforcement,” in section 32 (3) (d).

Explanatory Note

The proposed amendment enables money in the Confiscated Proceeds Account established under the *Criminal Assets Recovery Act 1990* to be applied towards victims support programs at the direction of the Treasurer in consultation with the Minister administering the Act. The Act provides for such money to be applied to (among other things) programs such as crime prevention programs and drug rehabilitation programs.

1.9 Crown Lands Act 1989 No 6

Section 155 Offences on public land

Omit “depasture” from section 155 (1) (c).
Insert instead “graze”.

Explanatory note

The proposed amendment replaces the word “depasture” with the more commonly used word “graze”.

1.10 Dams Safety Act 1978 No 96

Section 8 Members

Omit “Sydney Water Corporation referred to in the *Water Board (Corporatisation) Act 1994*” from section 8 (2) (b).

Insert instead “Sydney Catchment Authority constituted under the *Sydney Water Catchment Management Act 1998*”.

Transitional

The person holding office under section 8 (2) (b) of the *Dams Safety Act 1978* immediately before the commencement of the amendment to the paragraph is taken to have been nominated under the paragraph as so amended.

Explanatory note

Section 8 of the *Dams Safety Act 1978* provides for the membership of the Dams Safety Committee constituted under the Act. One of the 8 part-time members of the Committee is nominated by the Sydney Water Corporation.

The Sydney Catchment Authority was constituted by the *Sydney Water Catchment Management Act 1998* and, on 2 July 1999, ownership of a number of dams listed in Schedule 1 to the *Dams Safety Act 1978* and owned by the Sydney Water Corporation was transferred to the Sydney Catchment Authority by order of the Governor made under clause 2 of Schedule 3 to the *Sydney Water Catchment Management Act 1998*.

The proposed amendment reflects the change of ownership of those dams by providing for the member of the Dams Safety Committee currently nominated by the Sydney Water Corporation to be nominated by the Sydney Catchment Authority.

1.11 Electricity Supply Act 1995 No 94

[1] Section 43A Definitions

Insert in alphabetical order:

electricity network pricing determination means a determination of the distribution network service pricing in accordance with the National Electricity Code for the provision of electricity network services by a licensed electricity distributor.

[2] Section 43A, definition of “IPART electricity network pricing determination”

Omit the definition.

[3] Section 43B Pricing of electricity for non-franchise customers

Omit “maximum” from section 43B (1).

[4] Section 43B (1)

Omit “IPART”.

[5] Section 43B (2) and (3)

Omit section 43B (2). Insert instead:

- (2) An electricity network pricing determination increased in accordance with this section has effect under the National Electricity Code as if the determination included the increase.
- (3) An electricity network pricing determination that includes an amount determined by an order made as referred to in subsection (1) is not to be further increased in accordance with this section.

[6] Section 43E Operation of Division

Insert after section 43E (6):

- (6A) This Division does not apply to transmission services within the meaning of the National Electricity Code that are regulated under Chapters 6 and 9 of that Code.

[7] Section 43M Definitions

Omit the definitions of *Code* and *electricity transmission network services*.

[8] Section 43M, definition of “electricity network pricing determination”

Omit “Code for the provision of electricity transmission network services”.
Insert instead “National Electricity Code for the provision of electricity network services”.

[9] Section 43N Pricing of electricity for direct customers

Omit “electricity transmission network services” from section 43N (1).
Insert instead “electricity network services”.

[10] Section 43N (2)

Insert “National Electricity” before “Code”.

[11] Section 43P Operation of Division

Insert after section 43P (4):

- (4A) This Division does not apply to distribution services within the meaning of the National Electricity Code that are regulated under Chapters 6 and 9 of that Code.

[12] Section 99A Electricity network pricing determinations

Omit “IPART electricity network pricing determinations are to be made under the *Independent Pricing and Regulatory Tribunal Act 1992*”.

Insert instead “An electricity network pricing determination referred to in Division 4 of Part 4 or Division 2 of Part 4A is to be made under the National Electricity Code”.

[13] Section 106 Regulations

Insert after section 106 (1) (g1):

- (g2) the development and implementation by network operators of plans designed to ensure that their transmission or distribution systems are adequate for the demand placed on them and that the supply of electricity by those systems is of an appropriate quality and level of reliability,

[14] Schedule 2 Licences

Omit “at the end of the period of 3 years after the conditions are imposed” from clause 6 (8).

Insert instead “as soon as practicable after each occasion on which a report referred to in subclause (7) is tabled in the Legislative Assembly”.

[15] Schedule 2, clause 8

Insert after clause 8 (3):

- (4) Nothing in this clause prevents a licence from being cancelled at the request of its holder.

[16] Schedule 2, clause 9

Insert at the end of the clause:

- (2) This clause does not apply to action taken at the request of the holder of the licence.

[17] Schedule 3 Distribution districts

Omit “Energy South”, “Far West Energy”, “MetNorth Energy”, “MetSouth Energy”, “MidState Energy” and “NorthPower Energy”.

Insert instead “Great Southern Energy”, “Australian Inland Energy”, “EnergyAustralia”, “Integral Energy Australia”, “Advance Energy” and “NorthPower” respectively.

[18] Schedule 6 Savings, transitional and other provisions

Insert after Part 2:

Part 3 Miscellaneous

20 Existing licences

The amendments made to Schedule 2 to this Act by Schedule 1 to the *Statute Law (Miscellaneous Provisions) Act (No 2) 1999* extend to a licence in force immediately before the commencement of those amendments.

[19] Dictionary

Omit the definition of *electricity network services*.

[20] Dictionary

Insert in alphabetical order:

electricity network services means transmission services, and distribution services, within the meaning of the National Electricity Code that are regulated under Chapters 6 and 9 of that Code.

National Electricity Code means the *National Electricity Code*, as in force from time to time, referred to in the *National Electricity (NSW) Law*.

Commencement

Items [1]–[12], [19] and [20] of the amendments to the *Electricity Supply Act 1995* commence on a day or days to be appointed by proclamation.

Explanatory note

Pricing of electricity network services provided by licensed electricity distributors

The *Electricity Supply Amendment Act 1999* amended the *Electricity Supply Act 1995* to provide for the price for the provision of electricity network services by a transmission operator to be determined by the Australian Competition and Consumer Commission under the *National Electricity Code* rather than by the Independent Pricing and Regulatory Tribunal under the *Independent Pricing and Regulatory Tribunal Act 1992*.

Items [1]–[6], [12], [19] and [20] of the proposed amendments amend the *Electricity Supply Act 1995* in anticipation of arrangements that are proposed to come into effect on 1 February 2000 under which the price for the provision of electricity network services by a licensed electricity distributor will be determined by the Independent Pricing and Regulatory Tribunal under the *National Electricity Code* rather than under the *Independent Pricing and Regulatory Tribunal Act 1992* as is currently the case.

Items [7]–[11] of the proposed amendments make consequential amendments.

Regulations relating to network management plans

Section 106 (1) (g1) of the *Electricity Supply Act 1995* enables regulations to be made requiring network operators to develop and implement plans designed to ensure the safe operation of their transmission or distribution systems. Item [13] of the proposed amendments enables regulations to be made requiring network operators to develop and implement plans to ensure that their transmission or distribution systems are adequate for the demand placed on them and that the supply of electricity by those systems is of an appropriate quality and level of reliability.

Amendments relating to licences

Item [14] of the proposed amendments requires the Minister for Energy to review conditions imposed on holders of retail suppliers' licences relating to the environmental performance of the holders, including the condition requiring the holder of such a licence to develop strategies relating to the reduction of greenhouse gas emissions, as soon as practicable after each occasion on which the report on each audit required to be prepared by the Environment Protection Authority on the effectiveness of such strategies is tabled in the Legislative Assembly. (Currently the Act requires the review to be conducted 3 years after the conditions are imposed.)

Item [15] of the proposed amendments enables a licence to be cancelled at the request of its holder. Item [16] of the proposed amendments makes a consequential amendment.

Item [18] of the proposed amendments contains a provision of a transitional nature consequent on items [14]–[16].

Names of certain electricity distributors

Item [17] of the proposed amendments updates the names of certain electricity distributors.

1.12 Fair Trading Tribunal Act 1998 No 161

[1] Schedule 5 Savings, transitional and other provisions

Omit the definition of *closure date* from clause 2.

[2] Schedule 5, clauses 3 (1) and 5 (1) (a) and (2) (a)

Omit “its closure date” wherever occurring. Insert instead “1 March 1999”.

[3] Schedule 5, clause 4A

Insert after clause 4:

4A Appeals concerning BSC insurance decisions

- (1) The Tribunal has the jurisdiction that the Commercial Tribunal constituted under the *Commercial Tribunal Act 1984* had pursuant to clause 37 of Schedule 4 to the *Home Building Act 1989* immediately before 1 March 1999 in respect of decisions made (before or after that date) in relation to claims under BSC insurance within the meaning of that clause.
- (2) This clause is subject to clauses 5 and 5A.
- (3) The exercise, or purported exercise, on or after 1 March 1999 and before the commencement of this clause, by the Tribunal of the jurisdiction conferred by this clause is validated and taken, at the time it was exercised, or purported to be exercised, and at all times thereafter, to have been validly exercised.

[4] Schedule 5, clause 5A (1)

Omit “the closure date”. Insert instead “1 March 1999”.

Explanatory note

The *Fair Trading Tribunal Act 1998* commenced on 1 March 1999. It abolished a number of bodies, including the Commercial Tribunal, and conferred jurisdiction in respect of most of the matters formerly dealt with by those bodies on the Fair Trading Tribunal. However, savings provisions relating to the Commercial Tribunal enabled that Tribunal to continue to hear some matters.

Item [3] of the proposed amendments clarifies the position concerning the jurisdiction of the Fair Trading Tribunal to hear appeals by claimants against decisions concerning two insurance schemes previously administered under the *Home Building Act 1989*. These were the BSC Comprehensive Insurance Scheme and the BSC Special Insurance Scheme. Before the constitution of the Fair Trading Tribunal, all appeals concerning these schemes were heard by the Commercial Tribunal. The Fair Trading Tribunal has been hearing appeals made since 1 March 1999. Appeals made before that date are to continue to be heard by the Commercial Tribunal until a final cut-off date of 1 November 1999. Item [3] confirms the jurisdiction of the Fair Trading Tribunal and validates the exercise of its jurisdiction since 1 March 1999.

Items [1], [2] and [4] of the proposed amendments make consequential amendments.

1.13 Fines Act 1996 No 99

Schedule 1 Statutory provisions under which penalty notices issued

Insert in alphabetical order:

Sydney Harbour Foreshore Authority Act 1998, section 43A

Explanatory note

The proposed amendment provides for the enforcement of penalty notices issued under the *Sydney Harbour Foreshore Authority Act 1998* and is consequential on the amendment made to that Act set out elsewhere in this Schedule providing for the issue of penalty notices.

1.14 Fisheries Management Act 1994 No 38

[1] Section 220D Amendment of lists

Insert “published in the Gazette” after “order” wherever occurring in section 220D (1) and (2).

[2] Schedule 7 Savings, transitional and other provisions

Insert after clause 23:

24 Saving of certain orders

An order made under section 220D before the commencement of the amendment made to that section by Schedule 1 to the *Statute Law (Miscellaneous Provisions) Act (No 2) 1999* is taken to have been made under the section as so amended.

Explanatory note

Item [1] of the proposed amendments makes it clear that an order of the Minister administering the Act to amend Schedules 4, 5 or 6 to the Act (which contain lists of endangered species, populations and ecological communities, vulnerable species and key threatening processes) is to be published in the Gazette.

Item [2] of the proposed amendments contains a provision of a savings nature consequent on item [1].

1.15 Guardianship Act 1987 No 257

[1] Section 3F Persons who are “parties” to proceedings under this Act

Insert “if the relationship between the person and the spouse is close and continuing,” at the end of section 3F (2) (c), (3) (c), (4) (d), 5 (c) and (7) (c).

[2] Section 14 Tribunal may make guardianship orders

Insert “if the relationship between the person and the spouse is close and continuing,” before “and” in section 14 (2) (a) (ii).

[3] Section 51A Fewer than 3 Tribunal members may deal with certain matters

Insert after section 51A (1) (b) (ii):

- (iia) the making of orders requiring and securing separate representation for a person in proceedings before it relating to the person,

[4] Schedule 3 Savings and transitional provisions

Insert after Part 2:

Part 3 Miscellaneous

8 Separate representation

The amendment made to section 51A by Schedule 1 to the *Statute Law (Miscellaneous Provisions) Act (No 2) 1999* extends to proceedings commenced, but not determined by the Tribunal, before the commencement of the amendment.

Explanatory note

Requirement for close and continuing relationship with spouse

Section 3F of the *Guardianship Act 1987* provides that the spouse of a person who is the subject of an application to the Tribunal is a party to proceedings in relation to the application. Item [1] of the proposed amendments provides that the spouse of such a person is a party to the proceedings only if the relationship between the spouse and the person is a close and continuing one.

The proposed amendment makes section 3F consistent with section 33A of the Act which provides that one of the persons who is authorised to give consent to the medical or dental treatment of an adult person who lacks the capacity to consent to their own medical and dental treatment is the spouse of the person if the relationship between the spouse and the person is a close and continuing one.

Section 14 of the Act requires the Guardianship Tribunal to take into account the views of the spouse of a person who is the subject of an application for a guardianship order. Item [2] of the proposed amendments will require the views of the spouse of the person to be taken into account only if the relationship between the spouse and the person concerned is a close and continuing one.

Additional matter that may be dealt with by fewer than 3 Tribunal members

Section 51A of the *Guardianship Act 1987* allows the Guardianship Tribunal to be constituted by fewer than 3 Tribunal members when dealing with certain matters, including procedural matters, such as, the granting of leave to appear in a proceeding before the Tribunal. Item [3] of the proposed amendments allows the Tribunal to be so constituted when appointing separate representation for a person in proceedings before the Tribunal.

Item [4] of the proposed amendments contains a provision of a transitional nature consequent on item [3].

1.16 Interpretation Act 1987 No 15

[1] Section 21 Meaning of commonly used words and expressions

Insert in alphabetical order in section 21 (1):

Standards Australia means Standards Australia International Limited (ACN 087 326 690), and includes a reference to the Standards Association of Australia as constituted before 1 July 1999.

[2] Section 69B

Insert after section 69A:

69B References to Standards Association of Australia

In any other Act or instrument, a reference to the Standards Association of Australia is a reference to Standards Australia (as defined in section 21).

[3] Section 80A

Insert after section 80:

80A Maximum monetary penalty Local Courts may impose in certain circumstances

If an Act:

- (a) provides that an offence under the Act may be dealt with summarily by a Local Court or, in the alternative, by another court, and
- (b) imposes a limit by reference solely to an amount of money (however expressed) on the penalty that a Local Court may impose when dealing with such an offence,

that limit, unless otherwise expressly provided by the Act, does not affect any non-monetary penalty that may be imposed by a Local Court for the offence.

Commencement

Items [1] and [2] of the amendments to the *Interpretation Act 1987* are taken to have commenced on 1 July 1999.

Explanatory Note

Standards Australia

The Standards Association of Australia was established as a corporate body by royal charter. On 1 July 1999, the body was registered as a company limited by guarantee under Part 5B.1 of the *Corporations Law*. Section 601BM (1) of the *Corporations Law* provides that registration

under that Part does not create a new legal entity or affect the body's existing property, rights or obligations.

Items [1] and [2] of the proposed amendments insert a definition of **Standards Australia** (the new name of the body) in section 21 (Meaning of commonly used words and expressions) of the Act and provide that references in Acts and instruments to the former name of the body will be read as references to the new name.

Maximum monetary penalty Local Courts may impose in certain circumstances

Item [3] of the proposed amendments makes it clear that, if an Act provides that an offence under the Act may be dealt with summarily by a Local Court, or in the alternative, by another court and the Act imposes a limit on the penalty that a Local Court may impose when dealing with such an offence by reference solely to an amount of money, that limit does not affect any other non-monetary penalty that the Local Court may impose for the offence (for example, any sentence of imprisonment or alternative sentence, such as a community service order, applicable to the offence).

1.17 Liquor Act 1982 No 147

[1] Section 4 Definitions

Omit the definition of *non-proprietary association* from section 4 (1).

Insert instead:

non-proprietary association means:

- (a) an incorporated or unincorporated body or association of persons (including a registered or unregistered club) that, by its constitution or any law that governs its activities:
 - (i) is required to apply its profits (if any) and other income to the promotion of its objects or to purposes provided for by any such law, and
 - (ii) is prohibited from paying dividends, or distributing profits or income, to its shareholders or members, or
- (b) a local council, or
- (c) the Darling Harbour Authority, or
- (d) the Sydney Harbour Foreshore Authority, or
- (e) any public authority declared by order of the Minister, published in the Gazette, to be a non-proprietary association for the purposes of this definition.

[2] Section 4 (7A)

Insert after section 4 (7):

- (7A) In this Act, a reference to the secretary of a non-proprietary association is a reference:
 - (a) in the case of a local council—to the general manager of the local council, or

- (b) in the case of a body referred to in paragraph (c), (d) or (e) of the definition of *non-proprietary association*—to the chief executive officer (however described) of the body.

Explanatory note

Currently, section 18 (5A) of the *Liquor Act 1982* enables persons to hold on-licences authorising them to sell liquor at functions on behalf of non-proprietary associations or in respect of trade fairs.

Item [1] of the proposed amendments amends the definition of *non-proprietary association* in the Act to omit the reference to a local consent authority and to include instead specific reference to local councils, the Darling Harbour Authority and the Sydney Harbour Foreshore Authority and to enable certain public authorities to be included in the definition by order of the Minister administering the Act published in the Gazette.

Item [2] of the proposed amendments makes a consequential amendment.

1.18 Macquarie University Act 1989 No 126

[1] Section 9 Constitution of Council

Insert “the following” after “comprise” in section 9 (5).

[2] Section 9 (5) (c) (i)

Omit “a student”. Insert instead “an undergraduate student”.

[3] Section 9 (5) (c) (iii)

Insert “the undergraduate” before “students”.

[4] Section 9 (5) (c) (iii)

Omit “and”.

[5] Section 9 (5) (c1)

Insert after section 9 (5) (c):

(c1) one person:

- (i) who is a postgraduate student of the University but who is not a member of the academic or non-academic staff of the University, and
- (ii) who has such qualifications as may be prescribed by the by-laws, and
- (iii) who is elected by the postgraduate students of the University in the manner prescribed by the by-laws,

[6] Section 9 (5) (d) (i)

Insert “or (c1) (ii)” after “(c) (ii)”.

[7] Schedule 1 Provisions relating to members and procedure of the Council

Omit “or (c)” from clause 1 (d). Insert instead “, (c) or (c1)”.

[8] Schedule 3 Savings and transitional provisions

Insert after clause 8:

8A Elected members

If, on the commencement of the amendments to section 9 made by Schedule 1 to the *Statute Law (Miscellaneous Provisions) Act (No 2) 1999*, the membership of the Council fails to comply with section 9 (5) as so amended, there is for the purposes of clause 3 (1) of Schedule 1 to this Act taken to be a vacancy in the office of the member in respect of which the failure exists.

Commencement

The amendments to the *Macquarie University Act 1989* commence on a day or days to be appointed by proclamation.

Explanatory note

Items [1]–[7] of the proposed amendments alter the composition of the Council of Macquarie University by increasing the number of student members from 1 to 2 and by providing that, of the 2 student members, one is to be an undergraduate elected by the undergraduate students and the other a postgraduate elected by the postgraduate students.

Item [8] contains a provision of a transitional nature consequent on items [1]–[7].

1.19 Meat Industry Act 1978 No 54

[1] Section 4 Definitions

Insert after section 4 (2):

- (3) In sections 28, 41, 41A, 42 and 74, a reference to a meat safety officer is to be read as a reference to:
 - (a) in the case of game meat for human consumption or processed meat made from game meat or that has game meat as an ingredient—a person approved in writing by the Authority to inspect game animals for human consumption, or
 - (b) in the case of game meat for use as animal food or processed animal food made from game meat or that has game meat as an ingredient—a person approved in writing by the Authority to inspect game animals for animal consumption.

[2] Section 41 Offences as to sale of meat

Omit “meat inspector” from section 41 (1A).
Insert instead “meat safety officer”.

[3] Section 41A Offences as to storage of meat

Omit “meat inspector and passed by the inspector” from section 41A (2).
Insert instead “meat safety officer and passed”.

[4] Section 74 Evidence

Omit “a licensing” from section 74 (1) (b) (i).
Insert instead “an”.

[5] Section 74 (1) (b) (i)

Omit “such”.

Explanatory Note

The *Meat Industry Amendment Act 1998* amended the *Meat Industry Act 1978* relating to inspection and processing of meat. Those amendments removed the distinction between meat inspectors and licensing inspectors so that both those positions are called inspectors. The amendments also transferred the routine inspection of meat from inspectors to meat safety officers appointed for abattoirs and, in the case of game meat, persons approved by the New South Wales Meat Industry Authority to inspect the game meat. However, certain references appear in the *Meat Industry Act 1978* to licensing inspectors and to the inspection of game meat by meat safety officers.

Items [1]–[3] of the proposed amendments replace references to meat inspectors with references to meat safety officers and ensure that those references are read, in the case of game meat, as references to persons approved by the New South Wales Meat Industry Authority to inspect game meat.

Items [4] and [5] of the proposed amendments change a reference to a licensing inspector so that it will now refer to an inspector.

1.20 National Parks and Wildlife Act 1974 No 80

[1] Section 5 Definitions

Insert “and the skin or any other part thereof” after “thereof” in the definition of *amphibian* in section 5 (1).

[2] Section 16 Ex-officio rangers

Omit “member of the police force” from section 16 (1).
Insert instead “police officer”.

[3] Section 47 Transfer of employees

Omit the section.

[4] Section 96 Locally unprotected fauna

Insert after section 96 (4):

- (5) Without affecting subsections (2) and (4), an order under subsection (1) may be subject to such conditions and restrictions as may be specified in the order.

[5] Section 158 Requirement for owner of motor vehicle and others to give information

Omit “place of abode” wherever occurring.

Insert instead “residential address”.

[6] Section 160 Penalty notice for certain offences

Omit the definition of *prescribed person* from section 160 (1).

Insert instead:

prescribed person means:

- (a) a police officer, or
- (b) an officer of the Service, or
- (c) a person, or a person belonging to a class of persons, prescribed for the purposes of this section.

[7] Section 163B Application of certain Acts

Insert “Division 2A (Orders) of Part 6 of the *Environmental Planning and Assessment Act 1979* and” before “Chapter 7”.

[8] Section 163B

Omit “does”. Insert instead “do”.

[9] Section 164 Powers of entry and seizure

Insert “, a police officer” after “Director-General” where firstly occurring in section 164 (5).

[10] Section 164 (5)

Insert “, police officer” after “Director-General” where thirdly occurring.

[11] Section 168 Disposal of property seized or delivered up

Omit section 168 (2) (b). Insert instead:

- (b) proceedings for an offence (being an offence on or after a conviction for which an order could be made under subsection (1) in respect of the property):

- (i) have not been commenced within 2 years after the seizure or delivering up of the property, or
- (ii) have been dismissed by a court,

[12] Section 168 (2)

Insert “(whether or not it is the court dismissing the proceedings in the case of property relating to proceedings referred to in paragraph (b) (ii))” after “in relation to the property”.

[13] Section 168 (4) (b)

Omit “subsection (2)”. Insert instead “subsection (2) (b) (i)”.

[14] Section 168 (4) (b)

Omit “that subsection”. Insert instead “that subparagraph”.

[15] Section 168 (4) (c)

Insert at the end of section 168 (4) (b):

, or

- (c) in the case of an application for an order under subsection (2) (b) (ii)—later than 1 month after the date on which the proceedings were dismissed.

[16] Section 172 Police officers

Omit “member of the police force”. Insert instead “police officer”.

[17] Section 172

Omit “such a member”. Insert instead “a police officer”.

[18] Section 174 Service of notices

Omit “place of abode or business” from section 174 (b).
Insert instead “residential or business address”.

[19] Section 179 Authority to take proceedings

Omit “member of the police force” from section 179 (1).
Insert instead “police officer”.

[20] Schedule 11 Unprotected fauna

Omit “**Birds**”.

Explanatory note

Definition of “amphibian”

Item [1] of the proposed amendments amends the definition of *amphibian* in section 5 of the *National Parks and Wildlife Act 1974* to make it clear that the term includes any part of an amphibian.

Locally protected fauna

Item [4] of the proposed amendments makes it clear that an order under section 96 of the Act (declaring certain protected fauna to be locally protected fauna) may be subject to such conditions and restrictions as may be specified in the order.

Issuing of penalty notices

Section 160 of the Act enables penalty notices (commonly referred to as “on-the-spot” fines) to be issued for certain offences under the Act by a “prescribed person” (defined in the Act as being a person, or a person belonging to a class of persons, prescribed by the regulations). Item [6] of the proposed amendments amends the definition of *prescribed person* in the section to include police officers and officers of the National Parks and Wildlife Service.

Powers of police officers

Section 164 (5) of the Act enables the Director-General of National Parks and Wildlife or persons duly authorised by the Director-General to obtain search warrants from authorised justices for the purposes of investigating suspected offences against the Act or the regulations. Item [9] of the proposed amendments enables police officers to obtain search warrants from authorised justices without having to be individually authorised by the Director-General. Item [10] of the proposed amendments makes a consequential amendment.

Disposal of property seized or delivered up

Section 168 of the Act deals with the circumstances in which a court may order that property seized or delivered up under the Act be disposed of by delivery of the property to a person specified in the court’s order. The circumstances include the case where legal proceedings for an offence in relation to the property have not been commenced within 2 years after the seizure or delivering up of the property. Item [11] of the proposed amendments enables a court to make such an order if proceedings for an offence against the Act or the regulations have been dismissed by a court.

Items [12]–[15] of the proposed amendments make consequential amendments.

Other amendments

Currently, the Act contains references to members of the police force. Section 21 of the *Interpretation Act 1987* contains a definition of *police officer*. Items [2], [16], [17] and [19] update the terminology used in the Act so that it is consistent with that definition.

Item [3] of the proposed amendments omits a provision that is no longer required because of the enactment of section 100A (Employer-sponsored transfers involving public authorities) of the *Public Sector Management Act 1988*.

Items [5] and [18] of the proposed amendments update references to “place of abode” with references to “residential address” and “place of abode or business” with a reference to “residential or business address” respectively for consistency with other provisions of the Act.

Item [7] of the proposed amendments updates a reference to certain provisions of an Act that have been transferred to another Act. Item [8] of the proposed amendments makes a consequential amendment.

Item [20] of the proposed amendments omits a subheading in a Schedule to the Act that is no longer required.

1.21 Police Integrity Commission Act 1996 No 28

[1] Section 5 Police misconduct

Omit “or disciplinary offence” from section 5 (2) (b).

[2] Section 5 (2) (b1)

Insert after section 5 (2) (b):

- (b1) misconduct in respect of which the Commissioner of Police may take action under Part 9 of the *Police Service Act 1990*,

[3] Section 14A Special audit of reform process

Omit “the period of three years” from section 14A (2).

Insert instead “a period of at least three years, and must be completed before the expiration of the period of four years,”.

[4] Section 14A (4)

Omit “end of the period of three years”.

Insert instead “completion of the audit”.

[5] Section 15 Other functions regarding evidence and information collected

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

- (b) to assemble evidence that may be used in:
 - (i) the investigation of a police complaint, or
 - (ii) deciding whether to take action under section 173 or 181D of the *Police Service Act 1990*,and to furnish any such evidence to the Minister, the Commissioner of Police or other appropriate authority in the State,

[6] Section 16 Provisions regarding assessments, opinions and recommendations

Insert “action under Part 9 of the *Police Service Act 1990* or” before “other disciplinary action” in section 16 (1) (b).

[7] Section 40 Privilege as regards answers, documents etc

Omit “is admissible in any disciplinary proceedings and in any proceedings under Division 1C of Part 9 of the *Police Service Act 1990* with respect to an order under section 181D of that Act” from section 40 (3).

Insert instead “may be used in deciding whether to make an order under section 173 or 181D of the *Police Service Act 1990* and is admissible in any proceedings under Division 1A or 1C of Part 9 of that Act and in any disciplinary proceedings”.

[8] Section 56 Secrecy

Omit “or disciplinary proceedings, instituted as a result of” from section 56 (3).
Insert instead “, disciplinary proceedings or proceedings under Division 1A or 1C of Part 9 of the *Police Service Act 1990*, arising out of”.

[9] Section 56 (4) (b)

Omit the paragraph. Insert instead:

- (b) for the purposes of:
 - (i) a prosecution, or
 - (ii) disciplinary proceedings, or
 - (iii) the making of an order under section 173 or 181D of the *Police Service Act 1990*, or
 - (iv) proceedings under Division 1A or 1C of Part 9 of that Act,arising out of an investigation conducted by the Commission in the exercise of its functions, or

[10] Section 97 Content of reports to Parliament

Insert “(including the making of an order under section 181D of the *Police Service Act 1990*)” after “action” in section 97 (2) (c).

[11] Section 97 (2) (d)

Insert after section 97 (2) (c):

- (d) the taking of reviewable action within the meaning of section 173 of the *Police Service Act 1990* against the person as a police officer.

[12] Section 99 Annual reports

Omit “or disciplinary action” from section 99 (2) (f).

Insert instead “, disciplinary action or the making of an order under section 173 or 181D of the *Police Service Act 1990*”.

[13] Schedule 1 Provisions relating to Commissioner

Omit clause 5 (1) and (2). Insert instead:

- (1) The Commissioner is entitled to be paid:
 - (a) remuneration in accordance with the *Statutory and Other Offices Remuneration Act 1975*, and
 - (b) such travelling and subsistence allowances as the Minister may from time to time determine.

[14] Schedule 3 Savings, transitional and other provisions

Insert after clause 2B (8):

- (8A) A reference in subclause (8) to disciplinary proceedings includes a reference to action under Part 9 of the *Police Service Act 1990*.

[15] Schedule 3, Part 5

Insert after Part 4:

Part 5 Provisions consequent on enactment of Schedule 1 to Statute Law (Miscellaneous Provisions) Act (No 2) 1999

10 Definitions

In this Part:

amendments means the amendments made to clause 5 of Schedule 1 to this Act by Schedule 1 to the *Statute Law (Miscellaneous Provisions) Act (No 2) 1999*.

relevant date means the date of commencement of the amendments.

11 Determination of remuneration of Commissioner

- (1) The amendments extend to a person who is the holder of the office of Commissioner immediately before the relevant date.
- (2) Until a determination is made under the *Statutory and Other Offices Remuneration Act 1975*, clause 5 of Schedule 1, as in force immediately before the relevant date, continues to apply to a person who is the holder of the office of Commissioner.

- (3) Any provision specifying the Commissioner's remuneration in the instrument of appointment, or any determination, under clause 5 of Schedule 1 (as in force immediately before the relevant date) that is applicable to the Commissioner ceases to have effect when a determination is first made under the *Statutory and Other Offices Remuneration Act 1975*.

Explanatory Note

The *Police Service Amendment (Complaints and Management Reform) Act 1998* amended the *Police Service Act 1990* in various respects including the replacement of the existing scheme for taking disciplinary action against police officers with a new scheme for dealing with police officers' misconduct and unsatisfactory performance.

Items [1], [2], [5]–[12] and [14] of the proposed amendments make consequential amendments to the *Police Integrity Commission Act 1996* by updating the terminology used in that Act as a result of the introduction of the new scheme.

Special audit of reform process

Item [3] of the proposed amendments extends by 12 months the time by which the 3-year special audit of the reform process within the Police Service (to be overseen by the Police Integrity Commission) must be carried out.

Item [4] of the proposed amendments makes a consequential amendment.

Determination of remuneration of Commissioner

Item [13] of the proposed amendments provides for the remuneration of the Commissioner for the Police Integrity Commission to be determined in accordance with the *Statutory and Other Offices Remuneration Act 1975* and for the Commissioner's travelling and subsistence allowances to be determined by the Minister administering the *Police Integrity Commission Act 1996*. Currently the Commissioner's remuneration (including travelling and subsistence allowances) is the remuneration specified in the Commissioner's instrument of appointment or such remuneration as may be afterwards determined by the Governor. The proposed amendment makes the determination of the Commissioner's remuneration consistent with that of the Commissioner for the New South Wales Crime Commission.

Item [15] of the proposed amendments contains provisions of a saving and transitional nature.

1.22 Residential Parks Act 1998 No 142

Section 102A

Insert after section 102:

102A Termination by resident on ground of breach of agreement (cf RT Act s 57)

- (1) A resident may give notice of termination of a residential site agreement to the park owner on the ground that the park owner has breached a term of the agreement.
- (2) A notice of termination given under this section must not specify a day earlier than 14 days after the day on which the notice is given as the day on which vacant possession of the residential premises will be delivered up to the park owner.

-
- (3) A notice of termination of a residential site agreement that creates a tenancy for a fixed term given under this section is not ineffective because the day specified as the day on which vacant possession of the residential premises will be delivered up to the park owner is earlier than the day the term ends.

Explanatory note

The *Residential Parks Act 1998* sets out the rights and obligations of residents and owners of residential parks. Before the Act commenced those rights and obligations were set out in the *Residential Tenancies Act 1987*, which dealt with all residential tenancies including those in flats, houses, caravan parks and manufactured home estates.

Generally the *Residential Parks Act 1998* affords residents under residential site agreements (that is, residents who install their own relocatable home or registrable moveable dwelling on a site owned by the park owner) greater rights than residents under other residential tenancy agreements, because of the more significant nature of their investment.

Part 12 of the *Residential Parks Act 1998* deals with termination of both types of residential tenancy agreements. That Part generally mirrors the provisions of the *Residential Tenancies Act 1987* relating to termination. Under section 57 of the 1987 Act, a tenant had the right to give notice of termination of a residential tenancy agreement (including a residential site agreement) to the landlord on the ground that the landlord had breached a term of the agreement. There is no analogous provision under the 1998 Act relating to a resident under a residential site agreement.

The object of the proposed amendment to the *Residential Parks Act 1998* is to empower a resident under a residential site agreement to give notice of termination on the ground of breach of agreement. In doing so, the amendment restores the right that such a resident had under the 1987 Act and puts the resident in the same position as residents under other types of residential tenancy agreements.

1.23 Southern Cross University Act 1993 No 69

[1] Section 7 University to collaborate with University of New South Wales

Omit the section.

[2] Section 10 Constitution of Council

Omit section 10 (4) (a). Insert instead:

- (a) 2 persons appointed by the Minister, being persons nominated by the Council, who are graduates of the University, and who the Minister considers to be appropriate for appointment, but who are not:
- (i) members of the staff of the University eligible to be elected as members of the Council in accordance with subsection (5) (a) or (b), or
 - (ii) persons who, within the 5 years immediately prior to appointment, had been members of the staff of the University who were eligible to be elected as members of the Council in accordance with subsection 5 (a) or (b), or

- (iii) students of the University eligible to be elected as members of the Council in accordance with subsection (5) (c), and

[3] Section 10 (7A)

Insert after section 10 (7):

- (7A) For the purposes of nominating the persons referred to in subsection (4) (a), the Council is to comprise the members referred to in subsections (2), (3), (4) (b) and (5).

[4] Schedule 3 Savings and transitional provisions

Insert after clause 29:

29A Appointed members

If, on the commencement of the amendments to section 10 made by Schedule 1 to the *Statute Law (Miscellaneous Provisions) Act (No 2) 1999*, the membership of the Council fails to comply with section 10 (4) as so amended, then, for the purposes of clause 3 (1) of Schedule 1 to this Act, there is taken to be a vacancy in the office of the member in respect of which the failure exists.

Commencement

The amendments to the *Southern Cross University Act 1993* commence on a day or days to be appointed by proclamation.

Explanatory note

Section 7 of the *Southern Cross University Act 1989* provides that the Southern Cross University (**SCU**) is to collaborate with the University of New South Wales in the development of academic programs to be offered by SCU until the Minister administering the Act otherwise directs. Item [1] of the proposed amendments repeals section 7 as a direction under the section was given on 25 October 1999 with effect from that date.

Item [2] of the proposed amendments alters the composition of the Council of SCU with respect to appointed members (as a consequence of the termination of the collaboration arrangement) by omitting the requirement that 2 persons, nominated by the Council of the University of New South Wales, be appointed by the Minister. The proposed amendment replaces that requirement with a requirement that the Minister appoint 2 persons who are graduates of SCU nominated for appointment by the Council of SCU. (Certain persons who are, or who were within the previous 5 years, eligible to be elected members of the Council will not be eligible to be appointed members.)

Item [3] of the proposed amendments makes a consequential amendment.

Item [4] of the proposed amendments contains a provision of a transitional nature consequent on the alteration of the composition of the Council.

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

Schedule 1 Public offices

Insert at the end of the Schedule:

Commissioner for the Police Integrity Commission

Explanatory Note

The proposed amendment enables the remuneration of the Commissioner for the Police Integrity Commission to be determined in accordance with the *Statutory and Other Offices Remuneration Act 1975* and is consequential on the amendments to the *Police Integrity Commission Act 1996* in respect of the Commissioner's remuneration set out elsewhere in this Schedule.

1.25 Stock Foods Act 1940 No 19

Section 3 Definitions

Insert "any substance that is intended to be fed to animals other than stock or" after "and does not include" in the definition of *stock food*.

Explanatory note

The definition of *stock food* in section 3 of the *Stock Foods Act 1940* adopts for consistency the definition of *stockfood* in the *Agricultural and Veterinary Chemicals Code Regulations 1995* of the Commonwealth. However, the adoption of that definition inadvertently extends the application of the Act to stock food fed to any animal rather than just to animals to which the Act applies (namely, animals belonging to food producing species).

The proposed amendment makes it clear that the definition does not include any substance that is intended to be fed to animals other than those to which the Act applies.

1.26 Sydney Harbour Foreshore Authority Act 1998 No 170

[1] Section 32 Rangers

Insert after section 32 (1):

- (1A) Rangers may include persons who are officers or employees of a body corporate providing services to the Authority under section 31 (4). Such persons are subject to the control and direction of the Chief Executive Officer while they are exercising the functions of a ranger.

[2] Section 43A

Insert after section 43:

43A Penalty notices

- (1) An authorised officer may serve a penalty notice on a person if it appears to the officer that the person has committed an offence against the regulations, being an offence prescribed by the regulations as a penalty notice offence.
- (2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court, the person can pay, within the time and to the person specified in the notice, the amount of penalty prescribed by the regulations for the offence if dealt with under this section.
- (3) A penalty notice may be served personally or by post.
- (4) If the amount of penalty prescribed for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.
- (5) Payment under this section is not to be regarded as an admission of liability for the purpose of, and does not in any way affect or prejudice, any civil claim, action or proceeding arising out of the same occurrence.
- (6) The regulations may:
 - (a) prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence, and
 - (b) prescribe the amount of penalty payable for the offence if dealt with under this section, and
 - (c) prescribe different amounts of penalties for different offences or classes of offences.
- (7) The amount of a penalty prescribed under this section for an offence is not to exceed the maximum amount of penalty that could be imposed for the offence by a court.
- (8) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (9) In this section, *authorised officer* means a person authorised in writing by the Authority as an authorised officer for the purposes of this section.

Explanatory note

Section 32 (1) of the *Sydney Harbour Foreshore Authority Act 1998* enables certain individuals to be appointed as rangers for the purposes of the Act. Item [1] of the proposed amendments makes it clear that individuals who are officers or employees of a body corporate that is engaged under section 31 of the Act to provide services to the Sydney Harbour Foreshore Authority may also be appointed as rangers. Such a person will be subject to the control and direction of the Chief Executive Officer of the Authority while exercising the functions of a ranger.

Item [2] of the proposed amendments enables penalty notices (commonly known as "on-the-spot" fines) to be issued for offences against regulations made under the Act.

1.27 University of Newcastle Act 1989 No 68

[1] Section 9 Constitution of Council

Insert "the following" after "comprise" in section 9 (5).

[2] Section 9 (5) (c) (i)

Omit "a student". Insert instead "an undergraduate student".

[3] Section 9 (5) (c) (iii)

Insert "the undergraduate" before "students".

[4] Section 9 (5) (c) (iii)

Omit "and".

[5] Section 9 (5) (c1)

Insert after section 9 (5) (c):

(c1) one person:

- (i) who is a postgraduate student of the University but who is not a member of the academic or non-academic staff of the University, and
- (ii) who has such qualifications as may be prescribed by the by-laws, and
- (iii) who is elected by the postgraduate students of the University in the manner prescribed by the by-laws,

[6] Section 9 (5) (d) (i)

Insert "or (c1) (ii)" after "(c) (ii)".

[7] Schedule 1 Provisions relating to members and procedure of the Council

Omit "or (c)" from clause 1 (d). Insert instead " , (c) or (c1)".

[8] Schedule 3 Savings and transitional provisions

Insert after clause 11:

12 Elected members

If, on the commencement of the amendments to section 9 made by Schedule 1 to the *Statute Law (Miscellaneous Provisions) Act (No 2) 1999*, the membership of the Council fails to comply with section 9 (5) as so amended, there is for the purposes of clause 3 (1) of Schedule 1 to this Act taken to be a vacancy in the office of the member in respect of which the failure exists.

Commencement

The amendments to the *University of Newcastle Act 1989* commence on a day or days to be appointed by proclamation.

Explanatory note

Items [1]–[7] of the proposed amendments alter the composition of the Council of the University of Newcastle by increasing the number of student members from 1 to 2 and by providing that, of the 2 student members, one is to be an undergraduate elected by the undergraduate students and the other a postgraduate elected by the postgraduate students.

Item [8] of the proposed amendments contains a provision of a transitional nature consequent on items [1]–[7].

1.28 Unlawful Gambling Act 1998 No 113

[1] Section 8 Offences relating to unlawful betting

Insert “by telephone or” after “made” in section 8 (3) (a).

[2] Section 51 Proceeding for offences

Insert “(1)” after “19” in section 51 (2).

Explanatory Note

It is currently an offence under section 8 (3) of the *Unlawful Gambling Act 1998* for a person to make a bet on any horse race, harness race or greyhound race if the bet is made electronically by means of the Internet, subscription TV or other on-line communication system and the bet is made with another person whom the person making the bet knows is not a legal bookmaker or is not a person who is authorised to conduct totalizator betting.

Item [1] of the proposed amendments makes it clear that the offence is meant to cover the making of a bet with such a person by means of all relevant forms of communications media, including the telephone. The proposed amendment will make the provision consistent with section 17 of the *Racing Administration Act 1998* which prohibits the conduct of unauthorised telephone or electronic betting activities by licensed bookmakers.

Section 51 (2) of the *Unlawful Gambling Act 1998* provides that a second or subsequent offence under certain provisions of the Act are to be prosecuted on indictment. Section 51 (2) currently refers to section 19 of that Act. Section 19 contains 2 offences, but it is only the offence under section 19 (1) that provides a penalty for a second or subsequent offence. The other offence under section 19 is not relevant in the context of section 51 (2). Item [2] of the proposed amendments rectifies the cross-reference to section 19 in section 51 (2) so that it refers to section 19 (1) only.

1.29 Waste Minimisation and Management Act 1995 No 102

[1] Sections 37A and 37B

Insert after section 37:

37A Preparation of IWRP to implement national measure

- (1) The Minister may decide that an IWRP is to be prepared by the EPA for an industry if the Minister is satisfied that the proposed IWRP will implement a national environment protection measure.
- (2) A draft IWRP prepared under this section may be prepared without the need to comply with sections 33–36.
- (3) Once the draft IWRP is prepared, the EPA is to submit it to the Minister for approval.
- (4) After the draft IWRP is referred to the Minister, the Minister may approve the plan (or may require changes to be made).
- (5) In this section, *national environment protection measure* has the same meaning as in the *Protection of the Environment Operations Act 1997*.

37B Content of IWRPs

An IWRP may adopt or incorporate, with or without modification, any document as in force at a particular time or from time to time.

Explanatory note

Proposed section 37A

The *National Environment Protection Council (New South Wales) Act 1995* gives effect to that part of the Intergovernmental Agreement on the Environment (to which New South Wales is a party) requiring the establishment of a body to determine national environment protection measures (measures which relate to ambient air or water quality and similar standards). These measures are made by the National Environment Protection Council established under the Act (after the Council has undertaken public consultation required by the Act with respect to such measures) and are to be implemented by parties to the Agreement.

Part 4 of the *Waste Minimisation and Management Act 1995* provides for the preparation of, and compliance with, industry waste reduction plans. Proposed section 37A of the Act will enable an industry waste reduction plan to be prepared by the Environment Protection Authority if the Minister administering the Act is satisfied that the plan will implement a national environment protection measure. (Section 22 (1) of the *Protection of the Environment Operations Act 1997* contains a similar provision in respect of protection of the environment policies made under that Act.)

Proposed section 37B

Proposed section 37B of the *Waste Minimisation and Management Act 1995* will enable industry waste reduction plans to adopt or incorporate (with or without modification) documents as in force at a particular time or as in force from time to time. (Section 35 (d) of the *Protection of the Environment Operations Act 1997* contains a similar provision in respect of protection of the environment policies made under that Act.)

Schedule 2 Amendments by way of statute law revision

(Section 3)

2.1 Administrative Decisions Legislation Amendment Act 1997 No 77

[1] Schedule 5.7 (Amendments to Dairy Industry Act 1979)

Omit “the Corporation” wherever occurring in section 33 (3) of the *Dairy Industry Act 1979* (as proposed to be inserted by Schedule 5.7 [1]).
Insert instead “Safe Food”.

[2] Schedule 5.7 [3]

Omit “the Corporation” from section 37 (3) of the *Dairy Industry Act 1979* (as proposed to be inserted by Schedule 5.7[3]).
Insert instead “Safe Food”.

Explanatory note

The proposed amendments change references to the New South Wales Dairy Corporation (which has been dissolved) to references to the body that has taken over its functions.

2.2 Administrative Decisions Tribunal Act 1997 No 76

[1] Schedule 2 Composition and functions of Divisions

Insert “a” before “judicial” in clause 7 (2) (a) of Part 4.

[2] Schedule 2, Part 4, clause 7 (2) (b) and (c)

Insert “a” before “non-judicial” wherever occurring.

Explanatory note

The proposed amendments insert an omitted word.

2.3 Children and Young Persons (Care and Protection) Act 1998 No 157

Section 259 Proceedings for offences

Insert “monetary” after “maximum” wherever occurring in section 259 (3).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.4 Children (Community Service Orders) Act 1987 No 56

Section 3 Definitions

Omit “Department of Youth and Community Services” from the definition of *Department* in section 3 (1).

Insert instead “Department of Juvenile Justice”.

Explanatory note

The proposed amendment updates a reference to a Department.

2.5 Commercial Vessels Act 1979 No 41

Section 51A Proceedings for offences

Insert “monetary” after “maximum” wherever occurring in section 51A (2).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.6 Consumer Credit Administration Act 1995 No 69

Section 43 Disposal of proceedings for offence

Insert “monetary” after “maximum” wherever occurring in section 43 (3).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.7 Contaminated Land Management Act 1997 No 140

Section 92 Proceedings for other offences

Insert “monetary” after “maximum” in section 92 (2).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.8 Credit Act 1984 No 94

Section 159B Proceedings for offence

Insert “monetary” after “maximum” wherever occurring in section 159B (3).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.9 Crimes Act 1900 No 40

Part 14 Offences punishable by Justices and procedure before Justices generally

Omit “Division 1” where secondly occurring.
Insert instead “Division 2”.

Explanatory note

The proposed amendment renumbers a Division.

2.10 Criminal Procedure Act 1986 No 209

Part 9A, Table 1 Indictable offences that are to be dealt with summarily unless prosecuting authority or person charged elects otherwise

Insert “(1)” after “19” in item 24 in Part 4 of the Table.

Explanatory note

The proposed amendment corrects a cross-reference.

2.11 Dangerous Goods Act 1975 No 68

Section 33 Proceedings for offences

Insert “monetary” after “maximum” wherever occurring in section 33 (1A).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.12 Defamation Act 1974 No 18

Section 17KA Matters arising under the Community Services (Complaints, Reviews and Monitoring) Act 1993

Omit “*Community Services (Complaints, Appeals and Monitoring) Act 1993*” from section 17KA (a).

Insert instead “*Community Services (Complaints, Reviews and Monitoring) Act 1993*”.

Explanatory note

The proposed amendment updates a reference to an Act.

2.13 Duties Act 1997 No 123

[1] Schedule 1 Savings, transitional and other provisions

Re-number clause 15 (as inserted by the *Property (Relationships) Legislation Amendment Act 1999*) as clause 16.

[2] Schedule 1

Re-number Part 3 and clause 16 (as inserted by the *State Revenue Legislation Amendment Act 1999*) as Part 4 and clause 17, respectively.

Explanatory note

The proposed amendments re-number a Part and two clauses.

2.14 Election Funding Act 1981 No 78

Section 111 Proceedings for offences

Insert “monetary” after “maximum” wherever occurring in section 111 (2).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.15 Electricity Safety Act 1945 (1946 No 13)

Section 20 Definitions

Omit “the Standards Association of Australia” from paragraph (a) of the definition of *specification* in section 20 (1).

Insert instead “Standards Australia”.

Explanatory note

The proposed amendment updates a reference to the name of a body and is consequential on the amendments to the *Interpretation Act 1987* in relation to Standards Australia set out in Schedule 1.

2.16 Electricity Supply Act 1995 No 94

[1] Section 102 Proceedings for offences

Insert “monetary” after “maximum” in section 102 (4).

[2] Schedule 2 Licences

Omit “subsection (6)” from clause 6 (4) (a).

Insert instead “subclause (6)”.

[3] Schedule 2, clause 6 (5) (a)

Omit “to” where fourthly occurring. Insert instead “it”.

Explanatory note

Item [1] of the proposed amendments supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

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

Item [3] of the proposed amendments corrects a typographical error.

2.17 Environmental Planning and Assessment Act 1979 No 203

Section 127 Proceedings for offences

Insert “monetary” after “maximum” wherever occurring in section 127 (3).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.18 Environmentally Hazardous Chemicals Act 1985 No 14

Section 56 Proceedings for offences

Insert “monetary” after “maximum” wherever occurring in section 56 (5).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.19 Factories, Shops and Industries Act 1962 No 43

Section 145 Proceedings

Insert “monetary” after “maximum” wherever occurring in section 145 (3A).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.20 Fair Trading Act 1987 No 68

[1] Section 63 Disposal of proceedings for offence

Insert “monetary” after “maximum” wherever occurring in section 63 (5).

[2] Section 92 Regulations

Omit “the Standards Association of Australia” from section 92 (2).
Insert instead “Standards Australia”.

Explanatory note

Item [1] of the proposed amendments supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

Item [2] of the proposed amendments updates a reference to the name of a body and is consequential on the amendments to the *Interpretation Act 1987* in relation to Standards Australia set out in Schedule 1.

2.21 Fines Act 1996 No 99

Section 22 Persons who may issue and deal with penalty notices (appropriate officers)

Omit “Director of the Infringement Processing Bureau of the Police Service or a person employed in that Bureau and authorised by the Director” from section 22 (2) (b).

Insert instead “Manager, Infringement Processing Services of the Police Service or a person employed in the Infringement Processing Bureau of that Service and authorised by the Manager, Infringement Processing Services”.

Explanatory note

The proposed amendment updates a reference to an office.

2.22 Fisheries Management Act 1994 No 38

Section 277 Nature of proceedings for offences

Insert “monetary” after “maximum” in section 277 (2).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.23 Fluoridation of Public Water Supplies Act 1957 No 58

Section 4 Fluoridation of Public Water Supplies Advisory Committee

Omit “The New South Wales Branch of the Australian Medical Association” from section 4 (2) (b) (i).

Insert instead “the Australian Medical Association (NSW) Limited”.

Explanatory note

The proposed amendment updates a reference to the name of a body.

2.24 Food Production (Safety) Act 1998 No 128

Section 63 Proceedings for offences

Insert “monetary” after “maximum” wherever occurring in section 63 (2).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.25 Gas Industry Restructuring Act 1986 No 213

Section 138 Proceedings for offences

Insert “monetary” after “maximum” wherever occurring in section 138 (2).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.26 Gas Supply Act 1996 No 38

Section 81 Proceedings for offences

Insert “monetary” after “maximum” wherever occurring in section 81 (4).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.27 Health Administration Act 1982 No 135

Section 20B Establishment of Medical Services Committee

Omit “New South Wales Branch of the Australian Medical Association” from section 20B (2) (b) (i).

Insert instead “Australian Medical Association (NSW) Limited”.

Explanatory note

The proposed amendment updates a reference to the name of a body.

2.28 Health Services Act 1997 No 154

[1] Chapter 8 Visiting practitioners

Omit “The New South Wales Branch of the Australian Medical Association” from the Introduction to the Chapter.

Insert instead “the Australian Medical Association (NSW) Limited”.

[2] Dictionary

Omit “The New South Wales Branch of the Australian Medical Association” from the definition of *Association* in Part 1.

Insert instead “the Australian Medical Association (NSW) Limited”.

Explanatory note

The proposed amendments update a reference to the name of a body.

2.29 Hunter Water Act 1991 No 53

Section 34 Disposal of proceedings for offence

Insert “monetary” after “maximum” wherever occurring in section 34 (2).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.30 Irrigation Act 1912 No 73

Section 31 Proceedings for offences

Insert “monetary” after “maximum” wherever occurring in section 31 (3).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.31 Irrigation Corporations Act 1994 No 41

Section 94 Disposal of proceedings for offence

Insert “monetary” after “maximum” wherever occurring in section 94 (2).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.32 Liquor Act 1982 No 147

Section 97 Breath analysis equipment

Omit “the Standards Association of Australia” from section 97 (3).

Insert instead “Standards Australia”.

Explanatory note

The proposed amendment updates a reference to the name of a body and is consequential on the amendments to the *Interpretation Act 1987* in relation to Standards Australia set out in Schedule 1.

2.33 Local Government Act 1993 No 30

Section 263 Functions of the Boundaries Commission

Omit “subsection (2)” from section 263 (2B).

Insert instead “this section”.

Explanatory note

The proposed amendment corrects a cross-reference.

2.34 Marine Parks Act 1997 No 64

Section 39 Proceedings for offences

Insert “monetary” after “maximum” in section 39 (2).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.35 Meat Industry Act 1978 No 54

Section 76 Offences generally

Insert “monetary” after “maximum” wherever occurring in section 76 (4B).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.36 Meat Industry Amendment Act 1998 No 129

Schedule 1 Amendments

Omit Schedule 1 [101].

Explanatory Note

The amendment removes a provision of the *Meat Industry Amendment Act 1998* that amends the *Meat Industry Act 1978*. The provision cannot be properly incorporated because of other amendments made to the *Meat Industry Act 1978* and is unnecessary.

2.37 Medical Practice Act 1992 No 94

Section 130 Membership

Omit “The New South Wales Branch of the Australian Medical Association” from section 130 (2) (c).

Insert instead “the Australian Medical Association (NSW) Limited”.

Explanatory note

The proposed amendment updates a reference to the name of a body.

2.38 Mines Inspection Act 1901 No 75

Section 69 Proceedings for offences

Insert “monetary” after “maximum” wherever occurring in section 69 (2).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.39 Motor Accidents Act 1988 No 102

Section 78 Determination of economic loss

Omit “(c)” where secondly occurring. Insert instead “(d)”.

Explanatory note

The proposed amendment removes a duplication in paragraph numbering.

2.40 Motor Accidents Compensation Act 1999 No 41

[1] Section 45 Special requirements relating to MAA Medical Guidelines relating to impairment

Omit “only adopt the provisions of another publication” from section 45 (3).
Insert instead “adopt the provisions of another publication only”.

[2] Section 134 Maximum of amount of damages for non-economic loss

Omit “section 126” from section 134 (2).
Insert instead “section 146”.

[3] Section 151 Costs where claims assessment made

Omit “section 113” from section 151 (3).
Insert instead “section 111 (2)”.

[4] Section 208 Membership and procedure of Council

Omit “Australian Medical Association (NSW Branch)” from section 208 (1) (e).
Insert instead “Australian Medical Association (NSW) Limited”.

[5] Schedule 5 Savings, transitional and other provisions

Omit “MAC” from clause 11. Insert instead “MAA”.

Explanatory note

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

Items [2] and [3] of the proposed amendments correct cross-references.

Item [4] of the proposed amendments updates a reference to the name of a body.
Item [5] of the proposed amendments corrects a typographical error.

2.41 Motor Dealers Act 1974 No 52

Section 55 Proceedings

Insert “monetary” after “maximum” wherever occurring in section 55 (1B).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.42 Murray–Darling Basin Act 1992 No 65

Section 34 Proceedings for offences

Insert “monetary” after “maximum” wherever occurring in section 34 (2).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.43 Native Vegetation Conservation Act 1997 No 133

Section 64 Proceedings for offences

Insert “monetary” after “maximum” wherever occurring in section 64 (2).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.44 Optical Dispensers Act 1963 No 35

Section 6 The board

Omit “New South Wales Branch of the Australian Medical Association” from section 6 (2) (e).

Insert instead “Australian Medical Association (NSW) Limited”.

Explanatory note

The proposed amendment updates a reference to the name of a body.

2.45 Passenger Transport Act 1990 No 39

Section 60 Proceedings for offences

Insert “monetary” after “maximum” wherever occurring in section 60 (2).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.46 Pesticides Act 1978 No 57

Section 59 Proceedings for offences

Insert “monetary” after “maximum” wherever occurring in section 59 (1A).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.47 Physiotherapists Registration Act 1945 No 9

Section 13 Casual vacancies

Omit “subsection (1) of section 5” from section 13 (2) (a).
Insert instead “section 5 (2) (b)”.

Explanatory note

The proposed amendment updates a cross-reference.

2.48 Poisons and Therapeutic Goods Act 1966 No 31

[1] Section 6 Poisons Advisory Committee

Omit “Australian Medical Association, New South Wales Branch” from section 6 (3) (a).

Insert instead “Australian Medical Association (NSW) Limited”.

[2] Section 30 Medical Committee

Omit “Australian Medical Association, New South Wales Branch” wherever occurring in section 30 (2) (a) and (3).

Insert instead “Australian Medical Association (NSW) Limited”.

Explanatory note

The proposed amendments update references to the name of a body.

2.49 Private Hospitals and Day Procedure Centres Act 1988 No 123

Section 4 Constitution of Advisory Committee

Omit “New South Wales Branch of the Australian Medical Association” from section 4 (4) (c).

Insert instead “Australian Medical Association (NSW) Limited”.

Explanatory note

The proposed amendment updates a reference to the name of a body.

2.50 Protection of the Environment Operations Act 1997 No 156

Section 215 Proceedings for other offences

Insert “monetary” after “maximum” in section 215 (2).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.51 Public Health Act 1991 No 10

Section 61M Proceedings for offences

Insert “monetary” after “maximum” wherever occurring in section 61M (2).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.52 Registered Clubs Act 1976 No 31

Section 68 Breath analysis equipment

Omit “the Standards Association of Australia” from section 68 (3).

Insert instead “Standards Australia”.

Explanatory note

The proposed amendment updates a reference to the name of a body and is consequential on the amendments made to the *Interpretation Act 1987* in relation to Standards Australia set out in Schedule 1.

2.53 Residential Parks Act 1998 No 142

Section 148 Proceedings for offences

Insert “monetary” after “maximum” in section 148 (4).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.54 Residential Tenancies Act 1987 No 26

[1] Section 95 Tenancy Commissioner may represent tenant

Omit “section 94”.

Insert instead “section 33 of the *Residential Tribunal Act 1998*”.

[2] Section 124 Evidence and proceedings for offences

Omit “or 115” from section 124 (3).

[3] Section 124 (4)

Insert “monetary” after “maximum”.

[4] Section 125 Offences and penalties

Omit the matter relating to sections 115 and 116 (1) and (2) from section 125 (1).

Explanatory note

Item [1] of the proposed amendments updates a cross-reference to a repealed provision.

Items [2] and [4] of the proposed amendments repeal obsolete cross-references.

Item [3] of the proposed amendments supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.55 Revenue Laws (Reciprocal Powers) Act 1987 No 86

Section 19 Proceedings for offences

Insert “monetary” after “maximum” wherever occurring in section 19 (3).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.56 Rivers and Foreshores Improvement Act 1948 No 20

Section 26 Proceedings and penalties for offences

Insert “monetary” after “maximum” wherever occurring in section 26 (2).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.57 Road and Rail Transport (Dangerous Goods) Act 1997 No 113

Section 39 Proceedings for an offence

Insert “monetary” after “maximum” in section 39 (5).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.58 Rural Lands Protection Act 1998 No 143

Section 204 Proceedings for offences

Insert “monetary” after “maximum” in section 204 (3).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.59 Search Warrants Act 1985 No 37

Section 10 Definitions

Omit all the matter relating to the *Medical Practitioners Act 1938* from the definition of *search warrant*.

Insert instead:

section 125 of the *Medical Practice Act 1992*,

Explanatory note

The proposed amendment updates a reference to an Act.

2.60 Snowy Hydro Corporatisation Act 1997 No 99

Section 51 Proceedings for offences

Insert “monetary” after “maximum” wherever occurring in section 51 (2).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.61 Soil Conservation Act 1938 No 10

Section 29 Penalties

Insert “monetary” after “maximum” wherever occurring in section 29 (3).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.62 Statute Law (Miscellaneous Provisions) Act 1999 No 31

Schedule 2 Amendments by way of statute law revision

Omit “section” wherever occurring in Schedule 2.10 [2].

Explanatory note

The proposed amendment corrects an incorporation direction.

2.63 Stock (Chemical Residues) Act 1975 No 26

Section 15 Proceedings for offences

Insert “monetary” after “maximum” wherever occurring in section 15 (2).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.64 Stock Medicines Act 1989 No 182

Section 60 Proceedings for offences

Insert “monetary” after “maximum” wherever occurring in section 60 (2).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.65 Supreme Court Act 1970 No 52

Section 17 Criminal proceedings

Omit “registrar of the Criminal Division of the Court” from section 17 (2) (b) (ii).

Insert instead “Prothonotary”.

Explanatory note

The proposed amendment updates a reference to an officer of the Supreme Court. The Criminal Division of the Supreme Court was abolished by the *Courts Legislation Further Amendment Act 1998*. Proceedings that were assigned to the Criminal Division immediately before its abolition were, on that abolition, assigned to the Common Law Division (and proceedings that were then pending in the Criminal Division were taken to have been commenced in the Common Law Division). The registrar of the Common Law Division is called the Prothonotary.

2.66 Sydney Water Act 1994 No 88

Section 53 Disposal of proceedings for offences

Insert “monetary” after “maximum” wherever occurring in section 53 (2).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.67 Sydney Water Catchment Management Act 1998 No 171

Section 68 Disposal of proceedings for offences

Insert “monetary” after “maximum” wherever occurring in section 68 (2).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.68 Taxation Administration Act 1996 No 97

Section 125 Proceedings for offences

Insert “monetary” after “maximum” wherever occurring in section 125 (3).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.69 Threatened Species Conservation Act 1995 No 101

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

Omit from under the subheading “Capparaceae” under the heading “Plants” in Part 1 of the Schedule the matter “*Capparis loranthifolia* var. *loranthifolia* Lindley”.

Insert instead “*Capparis loranthifolia* Lindley var. *loranthifolia*”.

[2] Schedule 1, Part 1, Plants

Omit from under the subheading “Convolvulaceae” the matter “*Ipomoea diamantinensis* J. Black”.

Insert instead “*Ipomoea diamantinensis* J. Black”.

[3] Schedule 1, Part 1, Plants

Omit from under the subheading “Euphorbiaceae” the matter “*Sauropus albiflorus* subsp. *microcladus* (Muell. Arg.) Airy Shaw”.

Insert instead “*Phyllanthus microcladus* Muell. Arg.”.

[4] Schedule 1, Part 1, Plants

Omit from under the subheading “Lamiaceae” the matter “**Prostanthera* sp. Somersby (B.J. Conn 4024)”.

Insert instead “**Prostanthera junonis* B.J. Conn”.

[5] Schedule 1, Part 1, Plants

Omit from under the subheading “Lamiaceae” the matter “*Westringia kydrenis* Conn”.

Insert instead “**Westringia kydrensis* Conn”.

[6] Schedule 1, Part 1, Plants

Omit from under the subheading “Myrtaceae” the matter “**Eucalyptus pachycalyx* Maiden & Blakely”.

Insert instead “**Eucalyptus pachycalyx* subsp. *banyabba* K.D. Hill”.

[7] Schedule 1, Part 1, Plants

Omit from under the subheading “Orchidaceae” the matter “**Phaius tankervilleae* (Banks ex L’Her.) Blume”.

Insert instead “**Phaius tankervilleae* (Banks ex L’Her.) Blume”.

[8] Schedule 1, Part 1, Plants

Insert in alphabetical order under the subheading “Rutaceae” the matter “**Leionema lachnaeoides* (A. Cunn.) Paul G. Wilson”.

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- [9] Schedule 1, Part 1, Plants**
Omit from under the subheading “Rutaceae” the matter “**Phebalium lachnaeoides* Cunn.”.
- [10] Schedule 1, Part 1, Plants**
Omit from under the subheading “Sapindaceae” the matter “*Dodonaea microzyga* var. *microzyga* F. Muell.”.
Insert instead “*Dodonaea microzyga* F. Muell. var. *microzyga*”.
- [11] Schedule 1, Part 1, Plants**
Omit from under the subheading “Thymelaeaceae” the matter “*Pimelea serpyllifolia* subsp. *serpyllifolia* R. Br.”.
Insert instead “*Pimelea serpyllifolia* R. Br. subsp. *serpyllifolia*”.
- [12] Schedule 1, Part 1, Plants**
Omit from under the subheading “Zamiaceae” the matter “*Macrozamia moorei* F. Muell.”.
Insert instead “*Macrozamia johnsonii* D.L. Jones & K. Hill”.
- [13] Schedule 1, Part 3 Endangered ecological communities**
Insert an asterisk before the entry relating to the Eastern Suburbs Banksia Scrub.
- [14] Schedule 1, Part 4 Species presumed extinct**
Omit from under the heading “Plants” the following matter:
Cyperaceae
‡*Eleocharis tetraquetra* Nees
- [15] Schedule 1, Part 4, Plants**
Omit from under the subheading “Rutaceae” the matter “*Eriostemon angustifolius* subsp. *angustifolius* Paul G. Wilson”.
- [16] Schedule 1, Part 4, Plants**
Insert in alphabetical order under the subheading “Rutaceae” the matter “*Philothea angustifolia* (Paul G. Wilson) Paul G. Wilson subsp. *angustifolia*”.
- [17] Schedule 1, Part 4, Plants**
Omit from under the subheading “Scrophulariaceae” the matter “**Euphrasia* sp. Tamworth (Rupp s.n., -/09/1904)”.
Insert instead “**Euphrasia ruptura* W.R. Barker”.

[18] Schedule 1, Part 4, Plants

Omit from under the subheading “Tremandraceae” the matter “*Tetratheca pilosa* subsp. *pilosa* Labill.”.

Insert instead “*Tetratheca pilosa* Labill. subsp. *pilosa*”.

[19] Schedule 2 Vulnerable species

Omit from under the subheading “Corynocarpaceae” under the heading “**Plants**” in the Schedule the matter “**Corynocarpus rupestris* subsp. *rupestris* Guymer”.

Insert instead “**Corynocarpus rupestris* Guymer subsp. *rupestris*”.

[20] Schedule 2, Plants

Omit from under the subheading “Ericaceae” the matter “**Gaultheria viridicarpa* subsp. *viridicarpa* J.B. Williams ms”.

Insert instead “**Gaultheria viridicarpa* J.B. Williams ms subsp. *viridicarpa*”.

[21] Schedule 2, Plants

Omit from under the subheading “Fabaceae” the matter “**Pultenaea parrisiae* subsp. *parrisiae* J.D. Briggs & Crisp”.

Insert instead “**Pultenaea parrisiae* J.D. Briggs & Crisp subsp. *parrisiae*”.

[22] Schedule 2, Plants

Omit from under the subheading “Haloragaceae” the matter “**Haloragis exalata* subsp. *exalata* F. Muell.”.

Insert instead “**Haloragis exalata* F. Muell. subsp. *exalata*”.

[23] Schedule 2, Plants

Omit from under the subheading “Lamiaceae” the matter “**Prostanthera* sp. Bundjalung National Park (B.J. Conn 3471)”.

Insert instead “**Prostanthera palustris* B.J. Conn”.

[24] Schedule 2, Plants

Omit from under the subheading “Myrtaceae” the matter “**Baেকেa* sp. Pyramids (W.J. McDonald 357)”.

Insert instead “**Babingtonia granitica* A.R. Bean”.

[25] Schedule 2, Plants

Insert in alphabetical order under the subheading “Myrtaceae” the matter “**Eucalyptus canobolensis* (L.A.S. Johnson & K.D. Hill) J.T. Hunter”.

[26] Schedule 2, Plants

Omit from under the subheading “Myrtaceae” the matter “**Eucalyptus rubida* subsp. *canobolensis* L. Johnson & K. Hill”.

[27] Schedule 2, Plants

Insert an asterisk before the following entry appearing under the subheading “Myrtaceae”:

Kunzea rupestris Blakely

[28] Schedule 2, Plants

Omit from under the subheading “Orchidaceae” the matter “**Caladenia tessellata* Fitzg.”.

Insert instead “**Caladenia tessellata* Fitzg.”.

[29] Schedule 2, Plants

Omit from under the subheading “Orchidaceae” the matter “**Diuris schaeffiana* Fitzg.”.

Insert instead “**Diuris sheaffiana* Fitzg.”.

[30] Schedule 2, Plants

Omit from under the subheading “Rutaceae” the following matter:

**Eriostemon ericifolius* Cunn. ex Benth.

**Phebalium ralstonii* (F. Muell.) Benth.

**Phebalium rhytidophyllum* Albrecht & N. Walsh

**Phebalium sympetalum* Paul G. Wilson

[31] Schedule 2, Plants

Insert in alphabetical order under the subheading “Rutaceae” the following matter:

**Leonema ralstonii* (F. Muell.) Paul G. Wilson

**Leonema sympetalum* (Paul G. Wilson) Paul G. Wilson

**Nematolepis rhytidophylla* (Alb. & N.G. Walsh) Paul G. Wilson

**Philotheca ericifolia* (A. Cunn. ex Benth.) Paul G. Wilson

Explanatory note

Schedule 1 to the *Threatened Species Conservation Act 1995* contains lists of endangered species, populations and ecological communities and species presumed extinct. Schedule 2 lists vulnerable species. Species that are listed in the analogous Schedules to the *Endangered Species Protection Act 1992* of the Commonwealth are marked with an asterisk. The Commonwealth Act has been amended. Items [13] and [27] of the proposed amendments insert an appropriate asterisk.

Items [1], [2], [5], [7], [10], [11], [18]–[22], [28] and [29] of the proposed amendments correct the name of a species.

Items [3], [6], [8], [9], [12], [15], [16], [30] and [31] of the proposed amendments reflect a change in the classification of a species.

Items [4], [17] and [23]–[26] of the proposed amendments arise out of the publication of the classification of a species.

Item [14] of the proposed amendments omits an entry for a plant in Part 4 (Species presumed extinct) of Schedule 1 to the Act as the plant has been inserted in Part 1 (Endangered species) of the Schedule (see Gazette No 79 of 9 July 1999 at page 4855).

2.70 Timber Marketing Act 1977 No 72

[1] Section 4 Definitions

Omit “the Standards Association of Australia” from the definition of *standard* in section 4 (1).

Insert instead “Standards Australia”.

[2] Section 26A Definitions

Omit “the Standards Association of Australia” from the definition of *Australian Standard*.

Insert instead “Standards Australia”.

Explanatory note

The proposed amendments update references to the name of a body and are consequential on the amendments to the *Interpretation Act 1987* in relation to Standards Australia set out in Schedule 1.

2.71 Transport Administration Act 1988 No 109

Section 78 Payments into Roads and Traffic Authority Fund

Omit “*Motor Vehicle Driving Instructors Act 1961*” from section 78 (1) (b) (ii).
Insert instead “*Driving Instructors Act 1992*”.

Explanatory note

The proposed amendment updates a reference to an Act.

2.72 Trustee Companies Act 1964 No 6

[1] Second Schedule

Omit “**National Mutual Trustees Limited**”.
Insert instead “**AXA Trustees Limited**”.

[2] Third Schedule, First Part

Omit “**Austrust Limited**”.
Insert instead “**Tower Trust Limited**”.

[3] Third Schedule, First Part

Omit “National Mutual Trustees Limited”.
Insert instead “AXA Trustees Limited”.

Explanatory note

The proposed amendments are consequential on the change of name of certain trustee companies.

2.73 Very Fast Train (Route Investigation) Act 1989 No 44

Section 21 Proceedings for offences

Insert “monetary” after “maximum” in section 21 (3).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.74 Waste Minimisation and Management Act 1995 No 102

[1] Section 73 Waste Planning and Management Fund

Omit “clause 72” from section 73 (3).
Insert instead “section 88 of the *Protection of the Environment Operations Act 1997*”.

[2] Section 73 (3)

Omit “controlled”.

Explanatory note

Item [1] of the proposed amendments updates a cross-reference.
Item [2] of the proposed amendments updates the terminology used in a provision that presently refers to “controlled waste facilities”. Such facilities are now licensed under the *Protection of the Environment Operations Act 1997* and referred to as “waste facilities”.

2.75 Water Act 1912 No 44

[1] Section 4G Proceedings for offences

Insert “monetary” after “maximum” wherever occurring in section 4G (3).

[2] Section 5 (1) (definition of “Local occupier”) and sections 11 (2), (2A) and (5), 13A (4), 18G (b), 20A (1A), (1B) and (2), 20CA (4) (d), 20E (2) (b1) and (b2), 170 (1) (a) and 173 (2) and (3)

Omit “proclaimed local area” wherever occurring.
Insert instead “declared local area”.

Explanatory note

Item [1] of the proposed amendments supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

Item [2] of the proposed amendments updates the terminology used in certain provisions of the *Water Act 1912*.

2.76 Water Supply Authorities Act 1987 No 140

Section 52 Disposal of proceedings for offence

Insert “monetary” after “maximum” wherever occurring in section 52 (2).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

2.77 Workplace Injury Management and Workers Compensation Act 1998 No 86

Section 245 Proceedings for offences

Insert “monetary” after “maximum” wherever occurring in section 245 (2).

Explanatory note

The proposed amendment supplements the amendment to the *Interpretation Act 1987* relating to the maximum monetary penalty Local Courts may impose set out in Schedule 1.

Schedule 3 Amendments transferring provisions

(Section 3)

3.1 Forestry Act 1916 No 55

[1] Third Schedule Savings, transitional and other provisions

Insert after the heading to the Schedule:

1 Forestry (Amendment) Act 1924

- (1) The powers, duties and authorities of the dissolved body corporate are vested in the corporation sole.
- (2) All real and personal property vested in the dissolved body corporate immediately before 8 April 1925 is transferred and vested in the corporation sole, subject to any trusts or equities affecting the property.
- (3) All liabilities of the dissolved body corporate may be pursued against the corporation sole or its successors.
- (4) A reference in any other Act, in any instrument made under any Act or in any document, to the dissolved body corporate is taken to be a reference to the corporation sole.
- (5) This clause is taken to have commenced on 8 April 1925 (the date of commencement of the amending Act).
- (6) Subclauses (1)–(4) re-enact (with minor modifications) section 5 (1)–(4) of the amending Act. Subclauses (1)–(4) are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.
- (7) In this clause:

amending Act means the *Forestry (Amendment) Act 1924*.

corporation sole means the corporation sole constituted under section 7.

dissolved body corporate means the body corporate dissolved by the amending Act.

2 Forestry (Amendment) Act 1978

- (1) A licence that confers authority with respect to the ringbarking or other killing or destruction of trees granted under a provision of this Act repealed by the amending Act, being a licence in force immediately before the date of repeal, is taken to be a clearing licence under section 27G.
- (2) A permit granted under a provision of this Act repealed by the amending Act, being a permit in force immediately before the date of repeal, is taken to be:
 - (a) where the permit confers authority to graze and water animals—a grazing permit under section 31 (1), or
 - (b) where the permit confers authority to occupy land—an occupation permit under section 31 (1A).
- (3) This clause is taken to have commenced on 1 July 1983 (the date of commencement of the amending Act).
- (4) Subclauses (1) and (2) re-enact (with minor modifications) section 5 of the amending Act. Subclauses (1) and (2) are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.
- (5) In this clause:
amending Act means the *Forestry (Amendment) Act 1978*.

[2] Third Schedule

Renumber the existing clause of the Schedule as clause 3.

Explanatory note

The proposed amendments insert in the Third Schedule (Savings, transitional and other provisions) to the *Forestry Act 1916* the substance of savings and transitional provisions (of possible ongoing effect) contained in the *Forestry (Amendment) Act 1924* and the *Forestry (Amendment) Act 1978*. The enactment of the amendments enables the repeal of those Acts by Schedule 4 to this Act. 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.

3.2 Housing Act 1912 No 7

Section 50 and Schedule 1

Insert after section 49:

50 Savings and transitional provisions

Schedule 1 has effect.

Schedule 1 Savings and transitional provisions

(Section 50)

1 Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:
Housing (Amendment) Act 1982
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than 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.
- (4) Subclauses (1)–(3), in their application to the *Housing (Amendment) Act 1982*, re-enact (with minor modifications) clause 13 of Schedule 4 to the *Housing (Amendment) Act 1982*. Subclauses (1)–(3) are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

2 Provision consequent on enactment of Housing (Amendment) Act 1982

- (1) On and from 20 February 1983, a reference in any other Act, in any instrument made under any Act or in any document of any kind, being a reference, or a reference to be construed as a reference, to the *Housing of the Unemployed Act 1934*, the *Housing Improvement Act 1936* or the *Housing Act 1941*, is taken to be a reference to this Act.
- (2) This clause is taken to have commenced on 20 February 1983 (the date of commencement of Schedule 4 to the amending Act).
- (3) Subclause (1) re-enacts (with minor modifications) clause 6 (b) of Schedule 4 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 *Housing (Amendment) Act 1982*.

Explanatory note

The proposed amendment inserts Schedule 1 (Savings and transitional provisions) into the *Housing Act 1912*. The Schedule includes the substance of savings and transitional provisions (of possible ongoing effect) contained in the *Housing (Amendment) Act 1982*. The enactment of the amendment enables the repeal of that Act by Schedule 4 to this Act. 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.

3.3 Housing Act 1985 No 163

Section 17 References to Corporation etc

Insert after section 17 (2):

- (3) On and from 20 February 1983, a reference in any other Act, in any instrument made under any Act or in any document of any kind, being a reference, or a reference to be construed as a reference, to:
 - (a) The Housing Commission of New South Wales, or
 - (b) the corporation constituted by section 3 of the *Housing Act 1912* as in force immediately before 20 February 1983, or
 - (c) the Homes for Unemployed Trust, or
 - (d) The Housing Improvement Board of New South Wales,is taken to be a reference to the Corporation.

- (4) Subclause (3) is taken to have commenced on 20 February 1983 (the date of commencement of Schedule 4 to the *Housing (Amendment) Act 1982*).
- (5) Subclause (3) re-enacts (with minor modifications) clause 6 (a) of Schedule 4 to the *Housing (Amendment) Act 1982*. Subclause (3) is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.

Explanatory note

The proposed amendment inserts into the *Housing Act 1985* the substance of a savings provision (of possible ongoing effect) contained in the *Housing (Amendment) Act 1982*. The enactment of the amendment enables the repeal of that Act by Schedule 4 to this Act. In accordance with section 30A of the *Interpretation Act 1987*, the transfer of the provision does not affect the operation (if any) or meaning of the provision.

3.4 Long Service Leave Act 1955 No 38

Section 16 and Schedule 1

Insert after section 15:

16 Savings and transitional provisions

Schedule 1 has effect.

Schedule 1 Savings and transitional provisions

(Section 16)

1 Provision consequent on enactment of Long Service Leave (Amendment) Act 1985

- (1) For the purposes of:
 - (a) the application of section 4 (11) in respect of a period of service before 9 May 1985, and
 - (b) without affecting the generality of paragraph (a), any proceedings instituted before or after that date in relation to the long service leave entitlement of a worker in respect of a period of service before that date,section 4 (11) is to be construed as if it had not been amended by the amending Act.
- (2) Section 13 (2) and (4), as in force immediately before 4 May 1995, continues to apply to and in respect of any award or industrial agreement or right of a person to payment in respect of long service leave, as the case may be, to which those subsections

applied immediately before that date and to which those subsections, as amended by the amending Act, do not apply.

- (3) This clause is taken to have commenced on 9 May 1985 (the date of assent to the amending Act).
- (4) Subclauses (1) and (2) re-enact (with minor modifications) clauses 3 and 4 of Schedule 3 to the amending Act. Subclauses (1) and (2) are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.
- (5) In this clause:

amending Act means the *Long Service Leave (Amendment) Act 1985*.

Explanatory note

The proposed amendment inserts Schedule 1 (Savings and transitional provisions) into the *Long Service Leave Act 1955*. The Schedule includes the substance of savings and transitional provisions (of possible ongoing effect) contained in the *Long Service Leave (Amendment) Act 1985*. The enactment of the amendment enables the repeal of that Act by Schedule 4 to this Act. 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.

3.5 Lord Howe Island Act 1953 No 39

[1] Section 39

Insert after section 38:

39 Savings and transitional provisions

Schedule 2 has effect.

[2] Schedule 2

Insert after Schedule 1:

Schedule 2 Savings and transitional provisions

(Section 39)

1 Provision consequent on enactment of Lord Howe Island (Amendment) Act 1981

- (1) If, before 1 January 1982, a lease under section 21 devolved beneficially under the will, or on the intestacy, of a lineal ancestor on an Islander who was already a lessee under that section and the Minister, otherwise than pursuant to section 21 (7), suspended, or purported to suspend, the condition of residence applicable to the lease:

- (a) the suspension is taken to have been effected, and the conditions to which the suspension was made subject are taken to have been imposed, by order made by the Minister, and
 - (b) the suspension and conditions have, and are taken always to have had, the same effect as they would have had if section 23 (12), as amended by the amending Act, had been in force at the time of the suspension.
- (2) This clause is taken to have commenced on 1 January 1982 (the date of commencement of the amending Act).
 - (3) Subclause (1) re-enacts (with minor modifications) clause 10 of Schedule 8 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 *Lord Howe Island (Amendment) Act 1981*.

Explanatory note

The proposed amendments insert Schedule 2 (Savings and transitional provisions) into the *Lord Howe Island Act 1953*. The Schedule includes the substance of a savings provision (of possible ongoing effect) contained in the *Lord Howe Island (Amendment) Act 1981*. The enactment of the amendments enables the repeal of that Act by Schedule 4 to this Act. In accordance with section 30A of the *Interpretation Act 1987*, the transfer of the provision does not affect the operation (if any) or meaning of the provision.

3.6 National Parks and Wildlife Act 1974 No 80

Schedule 3 Savings, transitional and other provisions

Insert after clause 22:

22A Transitional provision consequent on enactment of National Parks and Wildlife Amendment (Game Birds Protection) Act 1995

- (1) In so far as:
 - (a) a licence in force under Division 2 of Part 9 immediately before 30 November 1995, or
 - (b) an authority in force under section 171 (1) immediately before that day,

has the effect of authorising its holder to take or kill game birds for sporting or recreational purposes, the licence or authority ceases to have that effect on that day. However, the licence or authority does not cease to authorise a sporting or recreational shooter from taking or killing game birds for any other specified lawful purpose.

- (2) This clause is taken to have commenced on 30 November 1995 (the date of assent to the amending Act).
- (3) Subclause (1) re-enacts (with minor modifications) section 4 (1) 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 *National Parks and Wildlife Amendment (Game Birds Protection) Act 1995*.

Explanatory note

The proposed amendment inserts in Schedule 3 (Savings, transitional and other provisions) to the *National Parks and Wildlife Act 1974* the substance of a transitional provision (of possible ongoing effect) contained in the *National Parks and Wildlife Amendment (Game Birds Protection) Act 1995*. The enactment of the amendment enables the repeal of that Act by Schedule 4 to this Act. In accordance with section 30A of the *Interpretation Act 1987*, the transfer of the provision does not affect the operation (if any) or meaning of the provision.

3.7 Petroleum (Submerged Lands) Act 1982 No 23

Schedule 4 Savings, transitional and other provisions

Insert in appropriate order:

Part 1A Provisions consequent on enactment of Petroleum (Submerged Lands) Further Amendment Act 1991

1A Petroleum (Submerged Lands) Further Amendment Act 1991

- (1) If:
 - (a) at the commencement of this clause, a nomination had been made under section 37, and
 - (b) at that commencement, a declaration had not been made under section 38 as a result of the making of the nomination,

sections 37, 38 or 39, as in force immediately before the commencement of this clause, continue to have effect in relation to that nomination and the block or blocks that would be affected by a declaration as if the amending Act had not been enacted.

- (2) A declaration made under section 38 as continued in force by subclause (1) has effect, and this Act, as amended by the amending Act, applies to the declaration, as if the declaration had been made under that section as amended by the amending Act.
- (3) A declaration in force under section 38 immediately before the commencement of this clause has effect after that commencement as if it were a declaration under section 38, as amended by the amending Act.
- (4) If:
 - (a) the permittee under a permit granted before the commencement of this clause applies under section 41, as amended by the amending Act, for a licence, and
 - (b) the location that includes the block or blocks to which the application relates was declared under section 38, as amended by the amending Act, and
 - (c) the location consists of not more than 8 blocks, and
 - (d) the Minister notifies the applicant in writing that, in the Minister's opinion, the number of blocks specified in the notification represents the maximum number of blocks that the applicant would have been entitled to have declared as a location instead of the block or blocks constituting the location referred to in paragraph (b) if the amending Act had not been enacted, and
 - (e) the number of blocks specified in the notification exceeds the number of blocks in the location referred to in paragraph (b),

section 41 (1), as amended by the amending Act, applies as if the firstmentioned location were constituted by the number of blocks specified in the notification referred to in paragraph (d).

- (5) If, when the first regulations made for the purposes of section 81 (4) (b), as amended by the amending Act, take effect, an application for approval of a dealing has been made but the Minister has neither approved nor refused to approve the dealing:
- (a) the Minister must give to the applicant written notice that the applicant is entitled to lodge an instrument for the purpose of section 81 (4) (b) in relation to the application, and
 - (b) the applicant may lodge an instrument for the purpose of section 81 (4) (b), and
 - (c) the application must not be dealt with by the Minister until after the end of 30 days after the day on which notice is given for the purpose of paragraph (a), and
 - (d) if the applicant lodges an instrument under paragraph (b)—the applicant must lodge with the instrument 2 copies of the instrument.
- (6) An instrument lodged under subclause (5) must be taken, for the purposes of section 81 (13), as amended by the amending Act, to have accompanied the application when the application was lodged.
- (7) This clause is taken to have commenced on 14 January 1992 (28 days after the date of assent to the amending Act).
- (8) Subclauses (1)–(6) re-enact (with minor modifications) Schedule 3 to the amending Act. Subclauses (1)–(6) are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.
- (9) In this clause:
amending Act means the *Petroleum (Submerged Lands) Further Amendment Act 1991*.

Explanatory note

The proposed amendment inserts in Schedule 4 (Savings, transitional and other provisions) to the *Petroleum (Submerged Lands) Act 1982* the substance of transitional provisions (of possible ongoing effect) contained in the *Petroleum (Submerged Lands) Further Amendment Act 1991*. The enactment of the amendment enables the repeal of that Act by Schedule 4 to this Act. 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.

3.8 Stock Diseases Act 1923 No 34

Schedule 2 Savings, transitional and other provisions

Insert after clause 1:

Part 1A Provision consequent on enactment of Statute Law (Miscellaneous Provisions) Act 1986

1A Savings provision

- (1) A person holding office as an inspector, or authorised to carry out any or all of the duties and exercise any or all of the powers of an inspector, under this Act, as in force immediately before the commencement of the amending provisions is taken to have been duly appointed as an inspector, or authorised to perform the duties and exercise the powers of an inspector, on that commencement under this Act, as amended by the amending provisions.
- (2) This clause is taken to have commenced on 1 May 1986 (the date of commencement of the amending provisions).
- (3) Subclause (1) re-enacts (with minor modifications) clause 4 of Schedule 24 to the *Statute Law (Miscellaneous Provisions) Act 1986*. Subclause (1) is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.
- (4) In this clause:
amending provisions means Schedule 18 to the *Statute Law (Miscellaneous Provisions) Act 1986*.

Part 1B Provision consequent on enactment of Stock Diseases (Board of Tick Control) Amendment Act 1988

1B Savings provisions

- (1) The repeal and re-enactment by the amending Act of Part 2 of this Act does not affect the continuity of employment of an inspector referred to in section 5 (10) (as in force immediately before that repeal and re-enactment).

- (2) Any right or interest, and any duty or obligation, that was, immediately before 7 October 1988, conferred or imposed on an inspector by virtue of section 5 (9) or (10) continues as if the amending Act had not been enacted.
- (3) This clause is taken to have commenced on 7 October 1988 (the date of commencement of the amending Act).
- (4) Subclauses (1) and (2) re-enact (with minor modifications) section 4 (2) and (3) of the amending Act. Subclauses (1) and (2) are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.
- (5) In this clause:
amending Act means the *Stock Diseases (Board of Tick Control) Amendment Act 1988*.

Explanatory note

The proposed amendment inserts in Schedule 2 (Savings and transitional provisions) to the *Stock Diseases Act 1923* the substance of savings provisions (of possible ongoing effect) contained in clause 4 of Schedule 24 to the *Statute Law (Miscellaneous Provisions) Act 1986* and in the *Stock Diseases (Board of Tick Control) Amendment Act 1988*. The enactment of the amendment enables the repeal of that Act by Schedule 4 to this Act. 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.

3.9 Workmen's Compensation (Lead Poisoning—Broken Hill) Act 1922 No 31

Section 17 and Schedule 1

Insert after section 16:

17 Savings and transitional provisions

Schedule 1 has effect.

Schedule 1 Savings and transitional provisions

(Section 17)

1 Transitional provision consequent on enactment of Workmen's Compensation (Lead Poisoning—Broken Hill) Amendment Act 1924

- (1) This Act is to be read as if the amendments made by section 2 of the amending Act had been enacted as part of this Act when it was first enacted.

- (2) This clause is taken to have commenced on 17 November 1924 (the date of assent to the amending Act).
- (3) Subclause (1) re-enacts (with minor modifications) section 2 (2) 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 *Workmen's Compensation (Lead Poisoning—Broken Hill) Amendment Act 1924*.

Explanatory note

The proposed amendment inserts Schedule 1 (Savings and transitional provisions) into the *Workmen's Compensation (Lead Poisoning—Broken Hill) Act 1922*. The Schedule includes the substance of a transitional provision (of possible ongoing effect) contained in the *Workmen's Compensation (Lead Poisoning—Broken Hill) Amendment Act 1924*. The enactment of the amendment enables the repeal of that Act by Schedule 4 to this Act. In accordance with section 30A of the *Interpretation Act 1987*, the transfer of the provision does not affect the operation (if any) or meaning of the provision.

Schedule 4 Repeals

(Section 4)

Name of Act	Extent of repeal
Aboriginal Land Rights Act 1983 No 42	Section 70 and Schedule 3
Accommodation Levy Act 1997 No 32	Section 16
Administration of Justice Act 1968 No 3	Sections 4, 8, 11 and 14
Adoption Information Act 1990 No 63	Section 43 and Schedule 1
Adoption Information Amendment Act 1995 No 61 ¹	Whole of Act
Agricultural and Veterinary Chemicals (New South Wales) Act 1994 No 53	Section 37 and Schedule 1
Air Transport Act 1964 No 36	Sections 14–16
Air Transport (Amendment) Act 1987 No 112 ²	Whole of Act
AJC Principal Club Amendment Act 1997 No 24 ¹	Whole of Act
Ambulance Services Act 1990 No 16	Section 32 and Schedule 2
Animal Research Amendment Act 1997 No 25 ¹	Whole of Act
Animals Act 1977 No 25	Section 12 and Schedule 2
Annual Holidays Amendment Act 1997 No 26 ¹	Whole of Act
Anti-Discrimination (Compulsory Retirement) Amendment Act 1990 No 99 ¹	Whole of Act
Appropriation Act 1997 No 31 ⁵	Whole of Act
Appropriation Act 1998 No 74 ⁵	Whole of Act
Appropriation (Parliament) Act 1997 No 33 ⁵	Whole of Act
Appropriation (Parliament) Act 1998 No 75 ⁵	Whole of Act
Appropriation (Refunds and Subsidies) Act 1997 No 108 ⁵	Whole of Act
Appropriation (Special Offices) Act 1997 No 34 ⁵	Whole of Act
Appropriation (Special Offices) Act 1998 No 76 ⁵	Whole of Act
Appropriation (1996–97 Budget Variations) Act 1997 No 35 ⁵	Whole of Act

Statute Law (Miscellaneous Provisions) Act (No 2) 1999 No 85

Repeals

Schedule 4

Appropriation (1997–98 Budget Variations) Act 1998 No 77 ⁵	Whole of Act
Appropriation (1997–98 Budget Variations) Act (No 2) 1998 No 135 ⁵	Whole of Act
Attachment of Wages Limitation Act 1957 No 28	Sections 6–8
Australian Mutual Provident Society (Demutualisation and Reconstruction) Act 1997 No 56	Section 34 and Schedule 1
Bail Amendment Act 1998 No 108 ⁴	Whole of Act
Banana Industry Act 1987 No 66	Section 34
Bank Mergers Act 1996 No 130	Section 9
Banking (Interpretation of References) Act 1959 No 32	Sections 2 and 5–7
Baptist Churches of New South Wales Property Trust (Amendment) Act 1992 No 76 ¹	Whole of Act
Bicentennial Park Trust Act 1987 No 29	Section 27
Births, Deaths and Marriages Registration Act 1995 No 62	Sections 65 and 66 and Schedules 1 and 2
Board of Vocational Education and Training Act 1994 No 33	Section 12 and Schedule 2
Bread Repeal Act 1996 No 3 ¹	Whole of Act
Broken Hill Trades Hall Site Extension Act 1915 No 42	Section 4
Building Services Corporation Legislation Amendment Act 1996 No 122 ¹	Whole of Act
Business Franchise Licences (Repeal) Act 1997 No 109	Section 4 and Schedule 1
Business Franchise Licences (Tobacco) Amendment Act 1996 No 119 ¹	Whole of Act
Casino Control Amendment Act 1997 No 137 ¹	Whole of Act
Catchment Management Act 1989 No 235	Sections 65–68 and 69 (a)
Cattle Compensation (Amendment) Act 1993 No 21 ²	Whole of Act
Centennial Park and Moore Park Trust (Royal Easter Show) Amendment Act 1993 No 43 ¹	Whole of Act
Charitable Fundraising Act 1991 No 69	Section 57 and Schedule 1

Statute Law (Miscellaneous Provisions) Act (No 2) 1999 No 85

Schedule 4 Repeals

Children (Interstate Transfer of Offenders) Act 1988 No 85	Section 23
Chiropractors and Osteopaths Act 1991 No 7	Section 66
City of Sydney Act 1988 No 48	Section 53 and Schedule 2
Civil Aviation (Carriers' Liability) Amendment Act 1996 No 70 ¹	Whole of Act
Classification (Publications, Films and Computer Games) Act 1995 No 63	Sections 66 and 67 and Schedules 2 and 3
Coal Acquisition (Amendment) Act 1990 No 20 ¹	Whole of Act
Coal Acquisition Amendment Act 1997 No 22 ¹	Whole of Act
Coal and Oil Shale Mine Workers (Superannuation) Amendment Act 1994 No 1 ²	Whole of Act
Coal Industry Amendment Act 1995 No 19 ¹	Whole of Act
Coal Ownership (Restitution) Act 1990 No 19	Section 10
Commonwealth Powers (Family Law—Children) Amendment Act 1996 No 60 ¹	Whole of Act
Community Services (Complaints, Reviews and Monitoring) Act 1993 No 2	Section 125 and Schedule 2
Companies and Securities Legislation (Amendment) Act 1989 No 131 ²	Whole of Act
Constitution and Parliamentary Electorates and Elections Amendment Act 1997 No 88 ²	Whole of Act
Consumer Credit Administration Act 1995 No 69	Section 50 and Schedule 1
Contaminated Land Management Act 1997 No 140	Section 114 and Schedule 1
Conveyancers Licensing Act 1995 No 57	Section 93 and Schedule 1
Conveyancing Act 1919 No 6	Section 204
Conveyancing Amendment Act 1997 No 17 ¹	Whole of Act
Coomealla Irrigation Area Deep Drainage (Repeal) Act 1979 No 162	Section 4
Co-operatives Act 1992 No 18	Section 445 and Schedule 7
Corporations (New South Wales) Act 1990 No 83	Section 98 and Schedule 1
Costs in Criminal Cases Act 1967 No 13	Section 7
Courts Legislation Amendment Act 1996 No 111 ¹	Whole of Act

Statute Law (Miscellaneous Provisions) Act (No 2) 1999 No 85

Repeals

Schedule 4

Courts Legislation (Contempt) Amendment Act 1991 No 71 ¹	Whole of Act
Courts Legislation Further Amendment Act 1995 No 88 ¹	Whole of Act
Courts Legislation Further Amendment Act 1997 No 141 ¹	Whole of Act
Crimes Amendment (Child Pornography) Act 1997 No 142 ¹	Whole of Act
Crimes Legislation Amendment Act 1997 No 85 ¹	Whole of Act
Criminal Assets Recovery Act 1990 No 23	Sections 68–70
Criminal Procedure Amendment (Sentencing Guidelines) Act 1998 No 159 ⁴	Whole of Act
Crown Lands (Amendment) Act 1932 No 69	Section 2 and Schedule
Crown Lands and Irrigation Legislation Amendment (Removal of Transfer Restrictions) Act 1997 No 111 ¹	Whole of Act
Crown Lands and Irrigation Legislation Amendment (Transfer Restrictions) Act 1997 No 67 ¹	Whole of Act
Crown Proceedings Act 1988 No 70	Section 11 and Schedule 1
Dangerous Goods Act 1975 No 68	Section 45 (1) and (2) and Schedules 1 and 2
Debits Tax Act 1990 No 112	Section 54 and Schedule 2
Decimal Currency Act 1965 No 33	Section 4 (1) and (2) and First Schedule
Defamation Act 1974 No 18	Section 5 and Schedule 1
Dental Technicians Registration Act 1975 No 40	Section 36
Disability Services Act 1993 No 3	Section 28 and Schedule 2
District Court Act 1973 No 9	Section 181 and Schedule 2
District Court Amendment Act 1997 No 58 ¹	Whole of Act
Dividing Fences Act 1991 No 72	Section 30 and Schedule 2
Drainage Act 1939 No 29	Section 2
Driving Instructors Act 1992 No 3	Section 62 and Schedule 2
Dust Diseases Tribunal Act 1989 No 63	Section 36

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Duties Act 1997 No 123	Section 315 and Schedule 2
Duties Amendment (Managed Investments) Act 1998 No 63 ⁴	Whole of Act
Education Act 1990 No 8	Section 132
Education Reform Amendment (Board Inspectors) Act 1997 No 7 ¹	Whole of Act
Education Reform Amendment (School Discipline) Act 1995 No 93 ¹	Whole of Act
Electricity Commission (Balmain Electric Light Company Purchase) Act 1950 No 40	Section 13
Electricity Commission (Transfer of Reticulation Works) Act 1957 No 43	Section 12
Electricity Legislation Amendment Act 1995 No 18 ¹	Whole of Act
Electricity Legislation Amendment (Wholesale Electricity Market) Act 1997 No 21 ¹	Whole of Act
Electricity Supply Amendment Act 1997 No 36 ¹	Whole of Act
Electricity Supply Amendment (Transmission Operator's Levy) Act 1998 No 78 ⁴	Whole of Act
Emergency Legislation Amendment (Offences) Act 1996 No 89 ¹	Whole of Act
Energy Legislation (Miscellaneous Amendments) Act 1994 No 82 ¹	Whole of Act
Energy Services Corporations Act 1995 No 95	Section 19 and Schedule 4
Entertainment Industry Act 1989 No 230	Section 66 and Schedule 4
Entertainment Industry (Interim Council) Amendment Act 1993 No 17 ¹	Whole of Act
Environmental Legislation Amendment (Enforcement) Act 1996 No 101 ¹	Whole of Act
Environmental Planning and Assessment Amendment Act 1997 No 152 ¹	Whole of Act
Environmental Planning and Assessment (Part 5) Amendment Act 1993 No 93 ¹	Whole of Act
Environmental Planning and Water Legislation Amendment Act 1996 No 31 ¹	Whole of Act

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Evidence (Children) Act 1997 No 143	Section 33 and Schedule 1
Evidence (Consequential and Other Provisions) Act 1995 No 27	Section 4 and Schedule 1
Exotic Diseases of Animals Act 1991 No 73	Sections 79 (1) and 80 and Schedule 1
Fair Trading Act 1987 No 68	Section 93
Fair Trading Legislation Amendment Act 1997 No 82 ¹	Whole of Act
Farm Debt Mediation Amendment Act 1996 No 106 ¹	Whole of Act
Farm Produce (Repeal) Act 1996 No 134	Section 3 and Schedule 1
Film Industry Amendment Act 1996 No 82 ¹	Whole of Act
Finances Adjustment (Further Provisions) Act 1932 No 64	Section 11
Financial Agreement Act 1994 No 71	Section 6 (1)
Financial Agreement (Amendment) Act 1976 No 35	Section 4
Financial Agreement (Decimal Currency) Act 1966 No 39	Section 3
Financial Institutions (Miscellaneous Amendments) Act 1996 No 24 ²	Whole of Act
Fines Act 1996 No 99	Section 130 and Schedule 2
Fines Amendment Act 1997 No 121 ¹	Whole of Act
Fines Amendment Act 1998 No 35 ⁴	Whole of Act
Fire Brigades Act 1989 No 192	Section 86 (2) and Schedule 3
Fire Brigades Amendment Act 1997 No 27 ¹	Whole of Act
Firearms Act 1996 No 46	Section 90 and Schedule 2
First State Superannuation Act 1992 No 100	Section 78 and Schedule 4
Fish Marketing Act 1994 No 37	Section 12 and Schedules 1 and 2
Fish Marketing Amendment (Deregulation) Act 1997 No 10 ¹	Whole of Act
Fisheries Management Act 1994 No 38	Section 292 and Schedule 8
Fisheries Management Amendment Act 1997 No 153 ¹	Whole of Act
Food Act 1989 No 231	Section 93 and Schedule 4

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Schedule 4 Repeals

Forestry (Amendment) Act 1924 No 67 ³	Whole of Act
Forestry (Amendment) Act 1978 No 101 ³	Whole of Act
Forestry, Conservation Authority of New South Wales and Other Acts (Amendment) Act 1972 No 61 ²	Whole of Act
Freedom of Information Act 1989 No 5	Sections 70 and 71
Gaming and Betting (Amendment) Act 1985 No 60 ²	Whole of Act
Gaming and Betting Amendment (Betting Auditoriums) Act 1996 No 66 ¹	Whole of Act
Gaming and Betting Amendment (Racing) Act 1995 No 51 ¹	Whole of Act
Gas Industry Restructuring Amendment (Customer Contracts) Act 1997 No 59 ¹	Whole of Act
Gas Supply Amendment Act 1997 No 104 ¹	Whole of Act
Geographical Names Act 1966 No 13	Section 20
Government Insurance Office (Privatisation) Act 1991 No 38	Section 19 and Schedule 2
Government Insurance Office (Privatisation) Amendment Act 1992 No 14 ¹	Whole of Act
Government Telecommunications Act 1991 No 77	Section 57 and Schedule 2
Grain Marketing Act 1991 No 15	Section 102 and Schedule 4
Guardianship (Amendment) Act 1993 No 26 ¹	Whole of Act
Guardianship Amendment Act 1997 No 49 ¹	Whole of Act
Guardianship Amendment Act 1998 No 7 ⁴	Whole of Act
Habitual Criminals Act 1957 No 19	Sections 11 and 12 (1)
Harness Racing Legislation Amendment Act 1996 No 90 ¹	Whole of Act
Health Legislation Amendment Act 1995 No 9 ¹	Whole of Act
Health Legislation Amendment Act 1997 No 87 ¹	Whole of Act
Health Services Act 1997 No 154	Section 139 and Schedule 6
Higher Education (Amalgamation) Act 1989 No 65	Section 46 and Schedule 1
Higher Education (Amalgamation) Amendment Act 1993 No 70 ¹	Whole of Act

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Home Building Act 1989 No 147	Section 143 and Schedule 5
Home Building Amendment Act 1998 No 56 ⁴	Whole of Act
Home Care Service Act 1988 No 6	Section 19
Home Purchase Assistance Authority Act 1993 No 15	Section 23 and Schedule 2
Home Purchase Assistance Authority (Amendment) Act 1993 No 92 ¹	Whole of Act
HomeFund Commissioner Act 1993 No 9	Section 45 and Schedule 2
HomeFund Restructuring Act 1993 No 112	Section 23 and Schedule 3
Horticultural Stock and Nurseries Act 1969 No 3	Section 24
Housing Act 1912 No 7	Section 47
Housing (Amendment) Act 1982 No 121	Whole of Act
Hunter Water Act 1991 No 53	Sections 4 (2) and 71 and Schedule 1
Impounding Act 1993 No 31	Sections 53 and 54
Inclosed Lands Protection Amendment Act 1997 No 97 ¹	Whole of Act
Independent Commission Against Corruption Act 1988 No 35	Sections 118–121
Independent Commission Against Corruption Amendment (Codes of Conduct) Act 1996 No 73 ¹	Whole of Act
Industrial Relations Act 1996 No 17	Section 410 and Schedule 5
Innovation Council Act 1996 No 77	Section 23 and Schedule 4
Institute of Sport Act 1995 No 52	Section 33 and Schedule 2
Internal Audit Bureau Act 1992 No 20	Section 22 and Schedule 2
Interpretation Act 1987 No 15	Section 81 and Schedule 1
Investigative Bodies Legislation Amendment Act 1997 No 60 ¹	Whole of Act
Judges' Pensions Act 1953 No 41	Section 13
Jury Act 1977 No 18	Section 78 and Schedules 5 and 7
Justices Amendment (Procedure) Act 1997 No 107 ¹	Whole of Act
Lake Illawarra Authority Act 1987 No 285	Section 34

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Schedule 4 Repeals

Land Acquisition (Charitable Institutions) Act 1946 No 55	Section 5
Land Acquisition (Just Terms Compensation) Act 1991 No 22	Section 75 and Schedule 1
Land Development Contribution Management Act 1970 No 22	Sections 79 and 80
Landlord and Tenant (Amendment) Act 1968 No 58 ²	Whole of Act
Law Reform (Law and Equity) Act 1972 No 28	Section 3 (2) and (3)
Law Reform (Miscellaneous Provisions) Act 1965 No 32	Sections 11, 22 and 27
Legal Aid Commission Amendment Act 1996 No 94 ¹	Whole of Act
Legal Aid Commission Amendment Act 1997 No 50 ¹	Whole of Act
Legal Profession Amendment (National Practising Certificates) Act 1996 No 113 ¹	Whole of Act
Legal Profession Reform Act 1993 No 87 ¹	Whole of Act
Library Act 1939 No 40	Section 16 (1)
Limitation Act 1969 No 31	Section 4 and Schedules 1–3
Limitation (Amendment) Act 1993 No 95 ¹	Whole of Act
Liquor and Registered Clubs Legislation Amendment (Monitoring and Links) Act 1997 No 44 ¹	Whole of Act
Liquor (Repeals and Savings) Act 1982 No 148	Section 5 and Schedule 2
Local Government Amendment Act 1996 No 69 ¹	Whole of Act
Local Government Amendment Act 1998 No 16 ⁴	Whole of Act
Local Government Amendment (Ecologically Sustainable Development) Act 1997 No 94 ¹	Whole of Act
Local Government Amendment (Meetings) Act 1998 No 39 ⁴	Whole of Act
Local Government (City of Sydney Boundaries) Act 1967 No 48	Section 32
Local Government (Further Amendment) Act 1980 No 141 ²	Whole of Act
Local Government Legislation (Miscellaneous Amendments) Act 1994 No 44 ¹	Whole of Act

Long Service Leave Act 1955 No 38	Section 13 (1)
Long Service Leave (Amendment) Act 1963 No 13 ²	Whole of Act
Long Service Leave (Amendment) Act 1985 No 54 ³	Whole of Act
Lord Howe Island (Amendment) Act 1981 No 50 ³	Whole of Act
Luna Park Site Amendment Act 1997 No 105 ¹	Whole of Act
Marine Parks Act 1997 No 64	Section 51 and Schedule 4
Marketing of Primary Products Amendment Act 1995 No 42 ¹	Whole of Act
Marketing of Primary Products Amendment (Marketing Orders) Act 1997 No 126 ¹	Whole of Act
Marketing of Primary Products Amendment (Rice Marketing Board) Act 1998 No 23 ⁴	Whole of Act
Marketing of Primary Products Amendment (Wine Grapes Marketing Board) Act 1997 No 125 ¹	Whole of Act
Medical Practice Act 1992 No 94	Sections 196 and 197
Mental Health Legislation Amendment Act 1997 No 28 ¹	Whole of Act
Mine Subsidence Compensation (Amendment) Act 1994 No 4 ¹	Whole of Act
Mines Rescue Act 1994 No 13	Section 54 and Schedule 4
Mining Act 1992 No 29	Section 390 and Schedule 5
Mining Legislation Amendment Act 1996 No 137 ¹	Whole of Act
Minors (Property and Contracts) Act 1970 No 60	Section 3 (1) and First Schedule
Miscellaneous Acts (Crown and Other Roads) Amendment Act 1990 No 55 ¹	Whole of Act
Motor Accidents (Amendment) Act 1994 No 27 ¹	Whole of Act
Motor Accidents Amendment (Board of Directors) Act 1997 No 91 ¹	Whole of Act
Motor Dealers Act 1974 No 52	Section 60
Motor Vehicles (Third Party Insurance) Act 1942 No 15	Section 28
Motor Vehicles (Third Party Insurance) Amendment Act 1993 No 16 ¹	Whole of Act

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Schedule 4 Repeals

Murrumbidgee Irrigation Areas Occupiers Relief Act 1934 No 52	Sections 13, 15, 16 and 18–20
National Electricity (New South Wales) Act 1997 No 20	Section 9 and Schedule 1
National Parks and Wildlife Act 1974 No 80	Section 4 (1) and (2) and Schedules 1 and 2
National Parks and Wildlife Amendment Act 1996 No 58 ¹	Whole of Act
National Parks and Wildlife Amendment (Abercrombie, Jenolan and Wombeyan Karst Conservation Reserves) Act 1997 No 2 ¹	Whole of Act
National Parks and Wildlife Amendment (Game Birds Protection) Act 1995 No 60 ³	Whole of Act
National Parks and Wildlife (Emu Licence) Amendment Act 1993 No 78 ¹	Whole of Act
National Trust of Australia (New South Wales) Act 1990 No 92	Section 40
Native Title (New South Wales) Act 1994 No 45	Section 107 and Schedule 1
Native Vegetation Conservation Act 1997 No 133	Section 69 and Schedule 5
New South Wales Cancer Council Act 1995 No 43	Section 19
New South Wales Crime Commission Amendment Act 1996 No 104 ¹	Whole of Act
New South Wales Lotteries Corporatisation Act 1996 No 85	Section 14 and Schedule 3
New South Wales—Queensland Border Rivers (Amendment) Act 1993 No 36 ¹	Whole of Act
New South Wales Retirement Benefits Act 1972 No 70	Sections 67 (1) and 68–71
Newcastle Gas Company Limited Act 1971 No 26 ¹	Whole of Act
Non-Indigenous Animals Act 1987 No 166	Sections 30 and 31
Non-Indigenous Animals Amendment Act 1996 No 23 ¹	Whole of Act
Notice of Action and Other Privileges Abolition Act 1977 No 19	Section 4 and Schedule 1
Noxious Weeds Act 1993 No 11	Section 75 and Schedule 3
NSW Grain Corporation Holdings Limited Act 1992 No 31	Section 10

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Oaths Amendment Act 1996 No 83 ¹	Whole of Act
Occupational Health and Safety Act 1983 No 20	Sections 36, 38, 40, 42 and 44 and Schedules 2–7
Olympic Co-ordination Authority Act 1995 No 10	Section 38 and Schedule 1
Ombudsman Act 1974 No 68	Section 40
Ozone Protection Act 1989 No 208	Sections 34–38
Parliamentary Committees Enabling Amendment Act 1997 No 71 ¹	Whole of Act
Parliamentary Precincts Act 1997 No 66	Section 31 and Schedule 3
Parliamentary Remuneration Act 1989 No 160	Section 20 and Schedule 3
Passenger Transport Act 1990 No 39	Section 65 and Schedule 4
Passenger Transport Amendment Act 1997 No 72 ¹	Whole of Act
Pawnbrokers and Second-hand Dealers Act 1996 No 13	Section 44 and Schedule 1
Perpetuities (Amendment) Act 1991 No 57 ¹	Whole of Act
Petroleum (Onshore) Act 1991 No 84	Section 141
Petroleum (Submerged Lands) Act 1982 No 23	Section 3 (2) and (3)
Petroleum (Submerged Lands) Further Amendment Act 1991 No 85 ³	Whole of Act
Poisons Amendment (Therapeutic Goods) Act 1996 No 2 ¹	Whole of Act
Poisons and Therapeutic Goods Act 1966 No 31	Sections 47 and 48
Police and Superannuation Legislation (Amendment) Act 1990 No 48 ¹	Whole of Act
Police Department (Transit Police) Act 1989 No 58	Sections 38–40
Police Integrity Commission Amendment Act 1998 No 64 ⁴	Whole of Act
Police Integrity Commission Amendment (Records) Act 1998 No 21 ⁴	Whole of Act
Police Legislation Amendment Act 1996 No 29 ¹	Whole of Act
Police Legislation Amendment (Protective Security Group) Act 1998 No 67 ⁴	Whole of Act

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Police Legislation Further Amendment Act 1996 No 108 ¹	Whole of Act
Police Service Amendment (Alcohol and Drug Testing) Act 1998 No 40 ⁴	Whole of Act
Police Service Amendment (Special Risk Benefit) Act 1998 No 103 ⁴	Whole of Act
Ports Corporatisation and Waterways Management Act 1995 No 13	Sections 8 (2) and 112 and Schedule 4
Presbyterian Church (Corporations) Act 1995 No 67	Sections 22 and 23
Pre-Trial Diversion of Offenders (Amendment) Act 1993 No 7 ¹	Whole of Act
Printing and Newspapers Act 1973 No 46	Section 7 (1) and Schedule
Private Irrigation Districts Act 1973 No 47	Section 95
Protected Disclosures Act 1994 No 92	Section 31 and Schedule 1
Protection of the Environment Administration Act 1991 No 60	Section 40 and Schedule 3
Protection of the Environment Operations Act 1997 No 156	Section 325 and Schedule 4
Public Authorities (Financial Arrangements) Amendment Act 1998 No 30 ⁴	Whole of Act
Public Defenders Act 1995 No 28	Section 21 and Schedule 2
Public Finance and Audit Amendment Act 1998 No 80 ⁴	Whole of Act
Public Finance and Audit Amendment (State Accounts) Act 1998 No 136 ⁴	Whole of Act
Public Health Amendment (Tobacco Advertising) Act 1997 No 129 ¹	Whole of Act
Public Hospitals (Hospitals Incorporation) Amendment Act 1983 (1984 No 1)	Whole of Act
Public Lotteries Act 1996 No 86	Section 85 and Schedule 1
Public Notaries Act 1997 No 98	Section 19 and Schedule 2
Public Sector Management Amendment Act 1995 No 36 ¹	Whole of Act

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Schedule 4

Public Sector Management Amendment Act 1998 No 65 ⁴	Whole of Act
Public Sector Management Amendment (Council on the Cost of Government) Act 1998 No 118 ⁴	Whole of Act
Public Servant Housing Authority (Dissolution) Act 1996 No 14	Section 13 and Schedule 1
Radiation Control Act 1990 No 13	Sections 41 and 42
Rail Safety Act 1993 No 50	Section 101 and Schedule 3
Registered Clubs Act 1976 No 31	Section 74 and Schedule 1
Registrar-General Act 1973 No 67	Section 6 and Schedule
Reprints Act 1972 No 48	Section 2 (2) and Schedule
Residential Tenancies Amendment Act 1998 No 60 ⁴	Whole of Act
Residential Tenancies Amendment (Social Housing) Act 1998 No 126 ⁴	Whole of Act
Revenue Laws (Reciprocal Powers) Act 1987 No 86	Section 22
Road Improvement (Special Funding) Amendment Act 1996 No 54 ¹	Whole of Act
Road Transport (Heavy Vehicles Registration Charges) Amendment Act 1997 No 118 ¹	Whole of Act
Road Transport (Vehicle Registration) Act 1997 No 119	Section 33 and Schedule 2
Roads Act 1993 No 33	Section 266 and Schedule 1
Royal Commission (Police Service) Amendment Act 1994 No 75 ¹	Whole of Act
Rural Assistance Amendment (Board Membership) Act 1996 No 62 ¹	Whole of Act
Rural Fires Act 1997 No 65	Section 138 and Schedule 4
Rural Lands Protection Amendment Act 1997 No 38 ¹	Whole of Act
Rural Reconstruction Act 1939 No 45	Sections 2 (3), 6 (1) and 7–9
Seat of Government Surrender (Amendment) Act 1923 No 31	Section 5
Security Industry Act 1997 No 157	Section 49 and Schedule 1
Southern Cross University Act 1993 No 69	Section 33

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Schedule 4 Repeals

Special Commissions of Inquiry Amendment Act 1997 No 84 ¹	Whole of Act
Sports Drug Testing Amendment Act 1997 No 100 ¹	Whole of Act
Sports Legislation (Amendment) Act 1994 No 63 ¹	Whole of Act
State Bank (Corporatisation) Act 1989 No 195	Section 23 and Schedule 1
State Bank (Privatisation) Act 1994 No 73	Sections 20 and 21 and Schedules 1 and 2
State Coal Mines (Amendment) Act 1948 No 41 ²	Whole of Act
State Coal Mines (Amendment) Act 1959 No 14 ²	Whole of Act
State Development and Industries Assistance Act 1966 No 10	Sections 36–38
State Emergency Legislation Amendment Act 1995 No 91 ¹	Whole of Act
State Emergency Service Act 1989 No 164	Sections 32–35
State Owned Corporations Act 1989 No 134	Section 37
State Revenue Legislation Amendment Act 1995 No 17 ²	Whole of Act
State Revenue Legislation Amendment Act 1996 No 34 ¹	Whole of Act
State Revenue Legislation Amendment Act 1997 No 37 ¹	Whole of Act
State Revenue Legislation (Further Amendment) Act 1994 No 72 ¹	Whole of Act
State Revenue Legislation Further Amendment Act 1995 No 98 ¹	Whole of Act
State Revenue Legislation Further Amendment Act 1996 No 55 ¹	Whole of Act
State Revenue Legislation Further Amendment Act 1997 No 41 ¹	Whole of Act
State Revenue Legislation (Miscellaneous Amendments) Act 1996 No 125 ¹	Whole of Act
State Sports Centre Trust Amendment Act 1996 No 9 ¹	Whole of Act
Status of Children Act 1996 No 76	Section 38 and Schedule 1
Statute Law (Miscellaneous Provisions) Act 1985 No 231	Sections 3–5 and Schedules 1–30

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Schedule 4

Statute Law (Miscellaneous Provisions) Act 1986 No 16 ³	Whole of Act
Statute Law (Miscellaneous Provisions) Act (No 2) 1986 No 218	Sections 3 and 4 (1) and (2) (a)–(e) and Schedules 1–48
Statute Law (Miscellaneous Provisions) Act (No 1) 1987 No 48	Sections 3 and 4 and Schedules 1–30, 31 (except in relation to the Supreme Court (Commercial Arbitration) Amendment Act 1984) and 32 (except in relation to the Companies Act 1961)
Statute Law (Miscellaneous Provisions) Act 1988 No 20	Sections 3 and 4 and Schedules 1–21
Statute Law (Miscellaneous Provisions) Act (No 2) 1988 No 92	Section 4 and Schedules 1, 2, 3 (1)–(5), (6) (b) and (c) and (7)–(10), 4–24, 26 and 27
Statute Law (Miscellaneous Provisions) Act (No 3) 1988 No 131	Sections 3 and 4 and Schedules 1–30
Statute Law (Miscellaneous Provisions) Act 1989 No 89	Sections 3 and 4 and Schedules 1–3
Statute Law (Miscellaneous Provisions) (No 2) Act 1989 No 132	Sections 3 and 4, the heading and the matter appearing under the heading “Amendment”, “Amendments”, “Commencement”, “Repeal of Regulations” or “Explanatory note” in Schedule 1 and all matter in Schedules 2 and 3

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Schedule 4 Repeals

Statute Law (Miscellaneous Provisions) Act (No 3) 1989 No 226	Section 4, the heading and the matter appearing under the heading "Amendment", "Amendments", "Commencement", "Repeal", "Repeal of regulations under Water Act 1912" or "Explanatory note" in Schedule 1 (except in relation to amendments to the Children (Care and Protection) Act 1987 and the Disability Services and Guardianship Act 1987) and all matter in Schedules 2 and 3
Statute Law (Miscellaneous Provisions) Act 1990 No 46	Sections 3 and 4, the heading and the matter appearing under the heading "Amendment", "Amendments", "Commencement" or "Explanatory note" in Schedule 1 and all matter in Schedules 2 and 3
Statute Law (Miscellaneous Provisions) Act (No 2) 1990 No 108	Sections 3 and 4, the heading and the matter appearing under the heading "Amendment", "Amendments", "Commencement", "Explanatory note", "Repeal of regulations" or "Repeal of Regulations" in Schedule 1 and all matter in Schedules 2 and 3
Statute Law (Miscellaneous Provisions) Act 1991 No 17	Sections 3 and 4, the heading and the matter appearing under the heading "Amendment", "Amendments", "Commencement", "Repeal of regulations", "Repeal of Swine Compensation Regulations" or "Explanatory note" in Schedule 1 and all matter in Schedules 2 and 3

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Repeals

Schedule 4

Statute Law (Miscellaneous Provisions) Act (No 2) 1991 No 94	Section 4, the heading and the matter appearing under the heading “AMENDMENT”, “AMENDMENTS”, “COMMENCEMENT”, “REPEAL OF REGULATIONS” or “EXPLANATORY NOTE” in Schedule 1 (except in relation to amendments to the Business Licences Act 1990 and the Wesley College Incorporation Act 1910) and all matter in Schedules 2 and 3
Statute Law (Miscellaneous Provisions) Act 1992 No 34	Sections 3 and 4, the heading and the matter appearing under the heading “AMENDMENT”, “AMENDMENTS”, “COMMENCEMENT”, “REPEAL OF REGULATIONS” or “EXPLANATORY NOTE” in Schedules 1 and 2 and all matter in Schedule 3
Statute Law (Miscellaneous Provisions) Act (No 2) 1992 No 57	Sections 3 and 4, the heading and the matter appearing under the heading “AMENDMENT”, “AMENDMENTS”, “COMMENCEMENT” or “EXPLANATORY NOTE” in Schedules 1 and 2 and all matter in Schedule 3
Statute Law (Miscellaneous Provisions) Act (No 3) 1992 No 111	Sections 3 and 4, the heading and the matter appearing under the heading “AMENDMENT”, “AMENDMENTS”, “COMMENCEMENT”, “REPEAL OF REGULATION” or “EXPLANATORY NOTE” in Schedules 1 and 2 and all matter in Schedule 3

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Statute Law (Miscellaneous Provisions) Act 1993 No 46	Sections 3 and 4, the heading and the matter appearing under the heading “AMENDMENT”, “AMENDMENTS”, “COMMENCEMENT”, “REPEAL” or “EXPLANATORY NOTE” in Schedule 1 and all matter in Schedules 2 and 3
Statute Law (Miscellaneous Provisions) Act (No 2) 1993 No 108	Sections 3 and 4, the heading and the matter appearing under the heading “AMENDMENT”, “AMENDMENTS”, “COMMENCEMENT” or “EXPLANATORY NOTE” in Schedule 1 and all matter in Schedules 2 and 3
Statute Law (Miscellaneous Provisions) Act 1994 No 32	Sections 3 and 4, the heading and the matter appearing under the heading “AMENDMENT”, “AMENDMENTS”, “COMMENCEMENT”, “REPEAL” or “EXPLANATORY NOTE” in Schedule 1 and all matter in Schedules 2, 3 and 4
Statute Law (Miscellaneous Provisions) Act (No 2) 1994 No 95	Sections 3 and 4, the heading and the matter appearing under the heading “AMENDMENT”, “AMENDMENTS”, “COMMENCEMENT” or “EXPLANATORY NOTE” in Schedule 1 and all matter in Schedules 2, 3 and 4
Statute Law (Miscellaneous Provisions) Act 1995 No 16	Sections 3 and 4, all amending matter and the heading and matter appearing under the heading “Commencement”, “Repeal” or “Explanatory note” in Schedule 1 and all matter in Schedules 2–5

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Schedule 4

Statute Law (Miscellaneous Provisions) Act (No 2) 1995 No 99	Sections 3 and 4 and Schedules 1–5
Statute Law (Miscellaneous Provisions) Act 1996 No 30	Sections 3 and 4, all amending matter and the heading and matter appearing under the heading “Commencement” or “Explanatory note” in Schedules 1 and 2 and all matter in Schedules 3–5
Statute Law (Miscellaneous Provisions) Act (No 2) 1996 No 121	Sections 3 and 4, all amending matter and the heading and the matter appearing under the heading “Commencement” or “Explanatory note” in Schedule 1 and all matter in Schedules 2–6
Statute Law (Miscellaneous Provisions) Act 1997 No 55	Sections 3 and 4, all amending matter and the heading and the matter appearing under the heading “Commencement” or “Explanatory note” in Schedule 1 and all matter in Schedules 2–5
Statute Law (Penalties) Act 1992 No 112 ¹	Whole of Act
Statute Law (Penalties) Act 1993 No 47 ¹	Whole of Act
Statute Law Revision (Local Government) Act 1995 No 11 ¹	Whole of Act
Statutory and Other Offices Remuneration Act 1975 (1976 No 4)	Sections 28 and 29 and Schedule 5
Stock (Artificial Breeding) Act 1985 No 196	Section 44
Stock (Chemical Residues) Amendment Act 1996 No 21 ¹	Whole of Act
Stock Diseases Amendment Act 1997 No 120 ¹	Whole of Act
Stock Diseases (Board of Tick Control) Amendment Act 1988 No 38 ³	Whole of Act
Stock Foods Amendment Act 1996 No 105 ¹	Whole of Act
Stock Medicines Act 1989 No 182	Section 68

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Schedule 4 Repeals

Strata Schemes (Freehold Development) Act 1973 No 68	Section 159 and Schedule 3
Strata Schemes Management (Miscellaneous Amendments) Act 1996 No 139 ¹	Whole of Act
Subordinate Legislation Act 1989 No 146	Section 15
Summary Offences Act 1988 No 25	Sections 36–39
Superannuation Administration Act 1996 No 39	Section 132 and Schedule 4
Superannuation Legislation (Amendment) Act 1992 No 35 ¹	Whole of Act
Superannuation Legislation Amendment Act 1996 No 92 ¹	Whole of Act
Superannuation Legislation Amendment Act 1997 No 42 ¹	Whole of Act
Superannuation Legislation (Further Amendment) Act 1993 No 111 ¹	Whole of Act
Superannuation Legislation Further Amendment Act 1997 No 149 ¹	Whole of Act
Supreme Court Act 1970 No 52	Section 7 and Second Schedule
Supreme Court (Amendment) Act 1994 No 14 ¹	Whole of Act
Supreme Court Procedure Act 1957 No 13	Sections 6, 8, 11 and 13 and First Schedule
Sustainable Energy Development Act 1995 No 96	Section 30 and Schedule 2
Swimming Pools Act 1992 No 49	Section 40 and Schedule 2
Sydney Cricket and Sports Ground Amendment Act 1997 No 93 ¹	Whole of Act
Sydney Market Authority (Dissolution) Act 1997 No 62	Section 24 and Schedule 1
Sydney Organising Committee for the Olympic Games Act 1993 No 67	Sections 66–68
Sydney Organising Committee for the Olympic Games Amendment Act 1997 No 103 ¹	Whole of Act
Sydney Water Act 1994 No 88	Sections 108–110 and Schedules 6–8
Taxation Administration (Consequential Amendments) Act 1996 No 98 ¹	Whole of Act

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Repeals

Schedule 4

Teacher Housing Authority Act 1975 No 27	Section 45 and Schedule 1
Technical and Further Education Commission Act 1990 No 118	Section 38 and Schedule 3
Telecommunications (Interception) (New South Wales) Amendment Act 1989 No 215 ¹	Whole of Act
Thoroughbred Racing Board Act 1996 No 37	Section 51 and Schedule 2
Threatened Species Conservation Act 1995 No 101	Sections 152–154 and Schedules 4–6
Timber Industry (Interim Protection) Amendment Act 1994 No 21 ¹	Whole of Act
Timber Industry (Interim Protection) Amendment Act 1995 No 74 ¹	Whole of Act
Timber Plantations (Harvest Guarantee) Act 1995 No 92	Sections 28 and 29
Totalizator Act 1997 No 45	Section 119 and Schedule 1
Totalizator Legislation Amendment Act 1997 No 151 ¹	Whole of Act
Trade Measurement Administration Act 1989 No 234	Sections 29 and 30
Trade Measurement (Amendment) Act 1994 No 7 ¹	Whole of Act
Transfer of Records Act 1923 No 14	Section 6
Transgender (Anti-Discrimination and Other Acts Amendment) Act 1996 No 22 ¹	Whole of Act
Transport Administration Amendment (Rail Corporatisation and Restructuring) Act 1996 No 56 ¹	Whole of Act
Transport Employees Retirement Benefits Act 1967 No 96	Sections 66–68
Trans-Tasman Mutual Recognition (New South Wales) Amendment Act 1997 No 101 ¹	Whole of Act
Trustee Amendment (Discretionary Investments) Act 1997 No 102 ¹	Whole of Act
Trustee Companies Amendment Act 1997 No 46 ¹	Whole of Act
Trustee Companies Amendment (Reserve Liabilities) Act 1998 No 37 ⁴	Whole of Act
Trustee Companies Further Amendment Act 1997 No 53 ¹	Whole of Act
Tuberculosis Act 1970 No 18	Section 4

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Schedule 4 Repeals

Unclaimed Money Act 1995 No 75	Section 52 and Schedule 1
Uranium Mining and Nuclear Facilities (Prohibitions) Act 1986 No 194	Sections 14 and 15
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Workmen's Compensation (Lead Poisoning—Broken Hill) Amendment Act 1924 No 26 ³	Whole of Act
Young Offenders Act 1997 No 54	Section 74 and Schedule 2
Zoological Parks Board Act 1973 No 34	Section 40 and Schedule 2

Key

- ¹ indicates repeal of an Act that was assented to at least 2 years ago and that contains only amendments
- ² indicates repeal of an Act that was assented to at least 2 years ago and that contains only amendments and spent provisions
- ³ indicates repeal of an amending Act whose savings, transitional or other provisions of ongoing effect are transferred to, or re-enacted in, the Principal Act (by Schedule 3 to this Act)

- ⁴ indicates repeal of a recent amending Act that contains no substantive provision that needs to be retained, where the amendments made by the Act have been incorporated in a paper reprint of the Act amended
- ⁵ indicates repeal of an Act that is no longer of practical utility

Explanatory note

The repeals are explained in detail in the Explanatory note relating to this Act. In relation to the repeal of amending Acts, it should be noted that the Acts are repealed simply to rationalise the legislation in force and that the repeals have no substantive effect on the amendments made by the Acts or any associated provisions. The Acts that were amended by the Acts or provisions being repealed are up-to-date on the Legislation Database maintained by the Parliamentary Counsel's Office and are available electronically.

Section 30 (2) of the *Interpretation Act 1987* ensures that, when an Act is amended or 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 5 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 certain amendments, including 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
- (b) repeals and re-enacts (with or without modification) a provision of an Act,

any act done or decision made under the provision amended or repealed has effect after the amendment or repeal as if it had been done or made under the provision as so amended or repealed.

Explanatory note

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

3 Effect of amendment on regulations

Except where expressly provided to the contrary, any regulation made under an Act amended by this Act, and in force immediately before the commencement of the amendment, is taken to have been made under the Act as amended.

Explanatory note

This clause ensures that, unless expressly provided, any regulation made under an Act amended by the proposed Act, and in force immediately before the commencement of the amendment, will be taken to have been made under the amended Act.

4 Regulations

- (1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act.
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
 - (a) to affect, in a manner prejudicial to any person (other than the State or 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.

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Legislative Assembly on 11 November 1999
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BY AUTHORITY
