



New South Wales

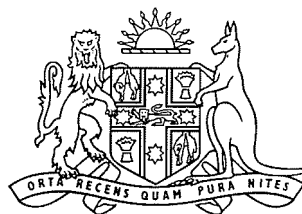
# Statute Law (Miscellaneous Provisions) Act (No 2) 2007 No 82

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New South Wales

## **Statute Law (Miscellaneous Provisions) Act (No 2) 2007 No 82**

Act No 82, 2007

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An Act to repeal certain Acts and to amend certain other Acts and instruments in various respects and for the purpose of effecting statute law revision; and to make certain savings. [Assented to 7 December 2007]

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

This Act is the *Statute Law (Miscellaneous Provisions) Act (No 2) 2007*.

**2 Commencement**

- (1) This Act commences on the date of assent, except as provided by this section.
- (2) The amendments made by Schedules 1–3 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**

The Acts and instruments specified in Schedules 1–4 are amended as set out in those Schedules.

**4 Repeals**

Each Act specified in Parts 1–3, and column 1 of Part 4, of Schedule 5 is repealed.

**5 General savings, transitional and other provisions**

Schedule 6 has effect.

**6 Explanatory notes**

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

**7 Repeal of provisions of Act**

- (1) Sections 3 and 4 and Schedules 1–5 are repealed on the day following the day on which all of the provisions of this Act have commenced.
- (2) The repeal of Schedules 1–5 does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by those Schedules.

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## Schedule 1 Minor amendments

(Section 3)

### 1.1 Contaminated Land Management Act 1997 No 140

#### Schedule 2 Savings and transitional provisions

Insert after clause 2:

##### 2A Reference to Board of Tick Control

A reference in this Act to “the use of a cattle dip site on the land under a program implemented in accordance with the recommendations or advice of the Board of Tick Control under Part 2 of the *Stock Diseases Act 1923*” is taken to be a reference to “the use of a cattle dip site on the land in relation to a treatment ordered under the *Stock Diseases Act 1923*”.

##### Explanatory note

The proposed amendment to the *Contaminated Land Management Act 1997* is consequential on the proposed abolition of the Board of Tick Control elsewhere in this Schedule.

### 1.2 Conveyancing Act 1919 No 6

#### [1] Section 7 (1), definition of “Licensed conveyancer”

Omit “*Conveyancers Licensing Act 1992*”.

Insert instead “*Conveyancers Licensing Act 2003*”.

#### [2] Section 64 Satisfaction of covenants to produce deeds

Omit “section 14 of the *Archives Act 1960*” from section 64 (2).

Insert instead “the *State Records Act 1998*”.

##### Explanatory note

Item [1] of the proposed amendments to the *Conveyancing Act 1919* (**the Act**) updates a reference to a repealed Act.

At present section 64 (2) of the Act enables the Registrar-General to destroy certain documents in the manner specified by section 14 of the *Archives Act 1960*. That Act has been repealed and replaced by the *State Records Act 1998*.

Item [2] of the proposed amendments makes it clear that the power of the Registrar-General to destroy documents under section 64 (2) of the Act is subject to the provisions of the *State Records Act 1998*.

### 1.3 Criminal Assets Recovery Act 1990 No 23

#### Section 4 Definitions

Omit paragraph (c) from the definition of *authorised officer* in section 4 (1).

Insert instead:

- (c) a person authorised in writing by the Commission, either generally or in a special case, to act as an authorised officer for the purposes of the provision in which the expression occurs.

#### Explanatory note

Currently, the definition of *authorised officer* in section 4 of the *Criminal Assets Recovery Act 1990 (the Act)* provides that the New South Wales Crime Commission may authorise a person in writing to act as an authorised officer under the Act. An authorised officer has various functions under the Act, however, the functions of an authorised officer authorised by the Commission are limited to the functions provided for by section 10 and Parts 4 and 4A of the Act.

The purpose of the proposed amendment is to provide that a person authorised by the Commission to act as an authorised officer for the purposes of any provision of the Act may carry out any of the functions of an authorised officer under that provision.

### 1.4 Crown Lands Act 1989 No 6

#### [1] Section 24A

Insert after section 24:

##### 24A Protection from personal liability

- (1) Any matter or thing done or omitted to be done by a person who is a Chairperson or member of a local land board does not, if the matter or thing was done or omitted in good faith for the purpose of exercising a function under this or any other Act, make the person personally liable to any action, claim or demand in respect of that matter or thing.
- (2) However, any such liability attaches instead to the Crown.

#### [2] Section 34A Special provisions relating to Minister's powers over Crown reserves

Insert after section 34A (7):

- (8) For the avoidance of any doubt, the power of the Minister to grant a relevant interest in respect of a Crown reserve under this section includes the power to enter into an agreement for such a relevant interest.

**[3] Section 97A Delegation of functions by reserve trust managers**

Insert at the end of the section:

- (2) Without limiting section 49 of the *Interpretation Act 1987*, a delegation by a reserve trust manager under subsection (1) may, with the approval of the Minister, be revoked by the reserve trust manager at any time.

**Explanatory note**

Item [1] of the proposed amendments to the *Crown Lands Act 1989 (the Act)* provides that Chairpersons and members of local land boards are protected from personal liability for their actions and omissions done in good faith for the purpose of exercising any of their functions under the Act or any other Act.

Item [2] of the proposed amendments makes it clear that the power of the Minister to grant certain interests (such as leases or licences) under section 34A of the Act in respect of a Crown reserve includes the power to enter into an agreement for such an interest.

Item [3] of the proposed amendments makes it clear that a delegation by a reserve trust manager can only be revoked with the Minister's approval.

**1.5 Crown Lands (Continued Tenures) Act 1989 No 7**

**Schedule 7 Purchase of land held under lease**

Omit clause 14 (1) of Part 1. Insert instead:

- (1) An applicant to purchase land comprised in a lease is liable, if a survey is necessary as a result of the purchase and the survey is carried out by the Crown, to pay to the Crown the cost of the survey as assessed by the Minister.

**Explanatory note**

The proposed amendment to the *Crown Lands (Continued Tenures) Act 1989* makes it clear that when a person purchases land comprised in a lease (being a perpetual lease, special lease or term lease under that Act) the person must, if a survey is carried out by the Crown (and only if a survey is carried out by the Crown), pay the cost of the survey as assessed by the Minister. At present, irrespective of whether a survey of the land has been carried out, a person purchasing land comprised in a lease is required to pay a survey fee to the Crown if a survey fee had not been paid in respect of the lease.

**1.6 Crown Lands (Continued Tenures) Regulation 2006**

**[1] Clause 15 Survey fee**

Omit the clause.

**[2] Schedule 1 Fees and deposits**

Omit item 10.

**Explanatory note**

The proposed amendments to the *Crown Lands (Continued Tenures) Regulation 2006* are consequential on the amendment to the *Crown Lands (Continued Tenures) Act 1989* contained elsewhere in this Schedule and remove redundant provisions relating to survey fees.

**1.7 Fair Trading Act 1987 No 68**

**[1] Section 44A Country of origin representations**

Omit “for an offence under” from section 44A (8).

Insert instead “for contravening”.

**[2] Schedule 4A Provisions relating to advisory councils**

Omit “14 days” from clause 15 (2). Insert instead “21 days”.

**Explanatory note**

Item [1] of the proposed amendments ensures consistency of expression between section 44A (8) and section 62 (1) of the *Fair Trading Act 1987 (the Act)*.

Item [2] of the proposed amendments to the Act extends the period within which an advisory council under that Act must send minutes of its meetings to the Minister for Fair Trading. The period is extended from 14 days to 21 days.

**1.8 Fines Act 1996 No 99**

**Schedule 1 Statutory provisions under which penalty notices issued**

Insert in alphabetical order:

*Hunter Water Act 1991*, section 31A

**Explanatory note**

The proposed amendment to the *Fines Act 1996* provides for the enforcement of penalty notices issued under section 31A of the *Hunter Water Act 1991* and is consequential on the insertion of that section by an amendment made elsewhere in this Schedule.

**1.9 Firearms Act 1996 No 46**

**[1] Section 12 Genuine reasons for having a licence**

Omit “Department of Land and Water Conservation” from the matter relating to the genuine reason of recreational hunting/vermin control in the Table to the section.

Insert instead “Department of Lands”.

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**[2] Section 12, Table**

Omit paragraph (c) of the matter relating to the genuine reason of animal welfare.

Insert instead:

- (c) a person who is employed in the Department of Primary Industries or the Rural Lands Protection Boards Division of the Government Service and who has responsibility for animal welfare, or

**[3] Section 30 General provisions relating to permits**

Omit “surrendered” from section 30 (6).

Insert instead “suspended”.

**[4] Sections 78 and 78A**

Omit the sections.

**[5] Section 80 Disposal of surrendered or seized firearms**

Omit section 80 (3).

**[6] Section 88 Regulations**

Omit section 88 (2) (b).

**Explanatory note**

Items [1] and [2] of the proposed amendments to the *Firearms Act 1996 (the Act)* update references to certain Divisions of the Government Service.

Item [3] of the proposed amendments to the Act corrects a reference to the surrender of a permit that should refer to the suspension of a permit.

Section 78 of the Act provides for the payment of compensation to persons who surrender a registered prohibited pistol or post-1946 pistol during the buyback period. The buyback period expired on 30 June 2004. Items [4]–[6] of the proposed amendments remove provisions relating to that buyback scheme that are no longer necessary because of its expiry.

## **1.10 Freedom of Information Regulation 2005**

### **Schedule 3 Public authorities**

Omit the matter relating to the Board of Tick Control from the list of bodies in Part 3.

**Explanatory note**

The proposed amendment to the *Freedom of Information Regulation 2005* is consequential on the proposed abolition of the Board of Tick Control elsewhere in this Schedule.



## **1.11 Government and Related Employees Appeal Tribunal Act 1980 No 39**

### **Schedule 4 Employing authorities**

Omit “Board of Tick Control.”.

#### **Explanatory note**

The proposed amendment to the *Government and Related Employees Appeal Tribunal Act 1980* is consequential on the proposed abolition of the Board of Tick Control elsewhere in this Schedule.

## **1.12 Growth Centres (Development Corporations) Act 1974 No 49**

### **Schedule 2 Provisions relating to the constitution and procedure of development corporations**

Insert after clause 10:

#### **10A Transaction of business outside meetings or by telephone**

- (1) The development corporation may, if it thinks fit, transact any of its business by the circulation of papers among all the members for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the corporation.
- (2) The development corporation may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.
- (3) For the purposes of:
  - (a) the approval of a resolution under subclause (1), or
  - (b) a meeting held in accordance with subclause (2),the Chairperson and each member have the same voting rights as they have at an ordinary meeting of the development corporation.
- (4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the development corporation.
- (5) Papers may be circulated among the members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.

**Explanatory note**

The proposed amendment to the *Growth Centres (Development Corporations) Act 1974* inserts a standard provision that permits a development corporation to conduct its business outside of meetings or by meetings at which members participate by telephone, closed-circuit television or by other means.

### **1.13 Home Building Act 1989 No 147**

**Schedule 1 Provisions relating to advisory bodies**

Omit “14 days” from clause 16 (2). Insert instead “21 days”.

**Explanatory note**

The proposed amendment to the *Home Building Act 1989* extends the period within which an advisory body under the Act must send minutes of its meetings to the Minister for Fair Trading. The period is extended from 14 days to 21 days.

### **1.14 Hunter Water Act 1991 No 53**

**[1] Section 31A**

Insert after section 31:

**31A 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 this Act or 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 the 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 of a class prescribed by the regulations for the purposes of this section.

**[2] Section 66 Provisions relating to subsidiaries**

Omit “Part 2 of”.

**[3] Section 66**

Omit “clause 1 (8)”. Insert instead “clause 3 (8)”.

**Explanatory note**

Item [1] of the proposed amendments to the *Hunter Water Act 1991* allows penalty notices (on-the-spot fines) to be issued in respect of offences against that Act or the regulations under that Act, but only if those offences are prescribed by regulations under that Act as penalty notice offences.

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

## **1.15 Local Government Act 1993 No 30**

**[1] Section 400J Establishment and constitution of Project Review Committee**

Omit section 400J (2) (c) and (d). Insert instead:

- (c) the Director-General of the Department of Premier and Cabinet (or an officer of that Department nominated by that Director-General),

**[2] Section 400J (e)**

Omit “Department of Infrastructure, Planning and Natural Resources”.

Insert instead “Department of Planning”.

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**[3] Section 433 Report of investigation**

Insert after section 433 (3):

- (4) Section 14B of the *Royal Commissions Act 1923* applies in relation to any report that the Minister wishes to lay before both Houses of Parliament in the same way as it applies to a report made by a commission under that Act.

**[4] Section 600 Rebates in respect of certain land vested in public bodies**

Omit “Corporation Corporation” from the definition of *public body* in section 600 (9).

Insert instead “Corporation”.

**Explanatory note**

The *Local Government Act 1993 (the Act)* requires 2 members of the Local Government Project Review Committee to be the Directors-General of the now merged Premier’s Department and the Cabinet Office (or their nominees). Item [1] of the proposed amendments replaces these 2 members with a single member (being the Director-General of the Department of Premier and Cabinet (or his or her nominee).

Item [2] of the proposed amendments updates a reference to a Department.

Section 430 of the Act enables the Director-General of the Department of Local Government to authorise an investigation of a local council. Section 433 of the Act requires the person who carried out the investigation to report to the Minister for Local Government and the Director-General on the results of the investigation and to send a copy of the report to the council concerned.

Current ministerial practice is to lay reports made pursuant to section 433 before both Houses of Parliament. Item [3] of the proposed amendments applies section 14B of the *Royal Commissions Act 1923* to such reports to enable this to be done when neither House of Parliament is sitting (as is provided for in relation to reports on public inquiries into local councils under section 740 of the Act).

Item [4] of the proposed amendments removes a duplicate word.

**1.16 Parliamentary Electorates and Elections Amendment Act 2006 No 68**

**Schedule 19 Amendment of other legislation**

Omit Schedule 19.24.

**Explanatory note**

The proposed amendment to the *Parliamentary Electorates and Elections Amendment Act 2006* is consequential on the proposed abolition of the Board of Tick Control elsewhere in this Schedule.

## 1.17 Police Integrity Commission Act 1996 No 28

### [1] Section 141 Proceedings for offences

Omit “section 25” from section 141 (4) (a).

Insert instead “sections 25 and 26”.

### [2] Schedule 3 Savings, transitional and other provisions

Insert at the end of the Schedule with appropriate Part and clause numbering:

## **Part Provision consequent on enactment of Statute Law (Miscellaneous Provisions) Act (No 2) 2007**

### **Proceedings for offences**

Section 141, as amended by the *Statute Law (Miscellaneous Provisions) Act (No 2) 2007*, does not apply in respect of any alleged offence under section 26 that occurred before that section was so amended.

### **Explanatory note**

Proceedings for offences under the *Police Integrity Commission Act 1996 (the Act)* must generally be commenced not more than 6 months after the date of the alleged offence. However, section 141 (4) of the Act provides that proceedings for certain offences (including offences against section 25 of the Act) may be commenced within 3 years of the date of the alleged offence.

Section 26 of the Act provides that the Police Integrity Commission may require a person to attend a specified place for the purpose of producing a specified document or other thing in relation to an investigation it is conducting. This provision is similar to section 25 of the Act which deals with the Commission’s power to obtain information from a public authority or public official.

Item [1] of the proposed amendments provides that proceedings for an offence under section 26 of the Act may be commenced within 3 years after the commission of the alleged offence, which is consistent with the time for commencing proceedings in respect of an offence under section 25 of the Act. The rationale for extending the period for commencing proceedings for an offence under section 26 of the Act is that, as with proceedings under section 25 of the Act, commencement of proceedings before the Police Integrity Commission has completed an investigation can prejudice its further conduct of the investigation.

Item [2] of the proposed amendments is a transitional provision that makes it clear that the proposed amendment to section 141 does not apply in respect of alleged offences under section 26 that occurred prior to the commencement of the proposed amendments.

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## 1.18 Real Property Act 1900 No 25

### **Section 13K Conversions, purchases, extensions of term, subdivisions etc**

Omit “before taking any action to give effect to the sale or purchase” from section 13K (2A).

#### **Explanatory note**

At present under Part 4A of the *Crown Lands Act 1989*, the Minister can impose restrictions on use or public positive covenants in connection with the sale of Crown land. Any such restriction on use or covenant is imposed in connection with section 88D or section 88E of the *Conveyancing Act 1919*. Section 13K (2A) of the *Real Property Act 1900* requires the Registrar-General to record such restrictions or covenants on the relevant title before taking any action to give effect to the sale or purchase.

A restriction or covenant is imposed in accordance with section 88D in the case where the Crown land is still owned by the Crown. If the land is no longer held by the Crown, the restriction or covenant is imposed in accordance with section 88E. However, the Registrar-General does not, in the case of a section 88E restriction or covenant, have the opportunity to record the restriction or covenant on the relevant title because the sale of the land has already occurred.

The proposed amendment to the *Real Property Act 1900* will mean the Registrar-General can record restrictions on use or public positive covenants imposed in connection with the sale of Crown land regardless of whether the land is still owned by the Crown.

## 1.19 Residential Parks Act 1998 No 142

### **Section 88 Applications to Tribunal about new or amended park rules**

Omit section 88 (5) and (6).

#### **Explanatory note**

Section 88 (5) of the *Residential Parks Act 1998 (the Act)* requires that, if an application is made to the Consumer, Trader and Tenancy Tribunal (*the Tribunal*) to resolve a dispute in relation to new or amended residential park rules, the Tribunal must, within 30 days of receiving the application, give written notice of its decision. Section 88 (6) of the Act requires that the notice be given to the applicants and the park owner. Section 88 (5) originally applied to a Park Disputes Committee for each residential park. Such committees were abolished by the *Residential Parks Amendment (Statutory Review) Act 2005* and their functions transferred to the Tribunal.

Sections 28 and 49 of the *Consumer, Trader and Tenancy Tribunal Act 2001* contain specific provisions relating to the procedure of the Tribunal and the time within which notice of its decisions must be given. The proposed amendment repeals section 88 (5) and (6) of the *Residential Parks Act 1998* to make it clear that those specific provisions in the *Consumer, Trader and Tenancy Tribunal Act 2001* govern the proceedings of the Tribunal in relation to disputes about residential park rules.

## 1.20 Security Industry Act 1997 No 157

### [1] Section 7 Offence of carrying on unauthorised security activities

Omit “licence, and” from section 7 (1) (b).

Insert instead “licence.”

### [2] Section 7 (1) (c)

Omit the paragraph.

### [3] Section 16 Restrictions on granting licence—criminal and other related history

Omit section 16 (4).

#### Explanatory note

##### Amendments relating to employment of unlicensed persons

Section 7 (1) (c) of the *Security Industry Act 1997 (the Act)* currently provides that it is an offence for a person who is the holder of a master licence to employ or provide persons to carry on security activities unless each of the persons employed or provided is the holder of a licence under the Act.

Section 39 of the Act also provides that the holder of a master licence must not employ any person to carry on any security activity unless the person is the holder of a licence.

Item [2] of the proposed amendments omits section 7 (1) (c) of the Act to remove that offence on the basis that it is substantially the same as the offence under section 39 of the Act. Item [1] makes a consequential amendment.

##### Amendment relating to mandatory refusal of applications for master licences

Currently, section 16 (4) of the Act and clause 16 (1) (a) of the *Security Industry Regulation 2007* both provide mandatory grounds for the refusal of an application for a master licence in respect of bankrupt persons (either as an applicant or, in the case of an applicant that is a corporation, any person involved in the management of the corporation).

Under section 16 (4) of the Act, the Commissioner of Police must refuse to grant an application for a master licence if the Commissioner is of the opinion that the applicant (or, if the applicant is a corporation, any person who is a director or who is concerned in the management of the corporation) has been declared bankrupt within the period of 5 years before the date of the application.

Clause 16 (1) (a) of the *Security Industry Regulation 2007* also provides that the Commissioner must refuse to grant an application for a master licence if the applicant (or a close associate of the applicant, including a person holding office as a director, manager or other executive position or a person with power to participate in directional, managerial or executive decisions of the applicant) at any time in the 3 years before the application was made was an undischarged bankrupt or applied to take benefit of any law for the relief of bankrupt or insolvent debtors (unless the Commissioner is satisfied that the person took all reasonable steps to avoid the bankruptcy).

Item [3] of the proposed amendments omits section 16 (4) of the Act to remove this existing duplication in relation to the mandatory grounds for refusing applications for master licences by persons who are, or have been, bankrupt. The amendment will, in effect, reduce from 5 years to 3 years the period within which a person who has been declared bankrupt may be granted a master licence after being declared bankrupt.

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## **1.21 Stock Diseases Act 1923 No 34**

### **[1] Part 2 Board of Tick Control**

Omit the Part.

### **[2] Section 7 Powers of inspectors**

Omit “, the Chairperson of the Board of Tick Control” from section 7 (4).

### **[3] Section 18 Proceedings in default of compliance**

Omit “, the Chairperson of the Board of Tick Control” from section 18 (3).

### **[4] Schedule 1 Provisions relating to the members and procedure of the Board of Tick Control**

Omit the Schedule.

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

Insert at the end of the Schedule:

## **Part 7 Provisions consequent on enactment of the Statute Law (Miscellaneous Provisions) Act (No 2) 2007**

### **16 Abolition of Board of Tick Control**

- (1) The Board of Tick Control is abolished.
- (2) A person who ceases to hold office as a member of the Board of Tick Control because of its abolition is not entitled to any remuneration or compensation because of the loss of that office.

### **17 Approvals of Chairperson of the Board of Tick Control**

An approval given by the Chairperson of the Board of Tick Control under section 7 or 18 before the amendment of those sections by the *Statute Law (Miscellaneous Provisions) Act (No 2) 2007* is taken, on that amendment, to have been given by the Director-General.

#### **Explanatory note**

Part 2 of the *Stock Diseases Act 1923* establishes the Board of Tick Control and sets out the functions, members and procedure of the Board. The functions of the Board, as set out in that Part, are of an advisory nature only. Item [1] omits that Part.

Items [2]–[5] make other amendments as a consequence of the proposed abolition of the Board of Tick Control.



## **1.22 Stock Diseases Regulation 2004**

**[1] Clause 64 Nominations and elections for Board of Tick Control**

Omit the clause.

**[2] Schedule 2 Nominations and elections for Board of Tick Control**

Omit the Schedule.

**[3] Schedule 3 Forms**

Omit the Schedule.

**Explanatory note**

The proposed amendments to the *Stock Diseases Regulation 2004* are consequential on the proposed abolition of the Board of Tick Control elsewhere in this Schedule.

## **1.23 Succession Act 2006 No 80**

**[1] Section 6 How should a will be executed?**

Insert “or of the other person signing in the presence and at the direction of the testator” after “testator” in section 6 (2).

**[2] Section 11 When and how can a will be revoked?**

Omit section 11 (1) (a). Insert instead:

- (a) if the revocation (whether by a will or other means) is authorised by an order under section 16 or 18, or

**[3] Section 14 How a will may be altered**

Omit section 14 (2). Insert instead:

- (2) Subsection (1) does not apply to an alteration to a will made by or at the direction of the testator, or signed by the Registrar under section 23, if the words or effect of the will are no longer apparent because of the alteration.

**[4] Section 16 Court may authorise minor to make, alter or revoke a will**

Insert “or part of the will” after “revocation of the will” wherever occurring in section 16 (4).

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

Omit the subsection. Insert instead:

- (5) A will is not validly made, altered or revoked, in whole or in part, as authorised by an order under this section unless:
  - (a) in the case of the making or alteration of a will (in whole or in part)—the will or alteration is executed in accordance with the requirements of Part 2.1, and
  - (b) in the case of a revocation of a will (in whole or in part):
    - (i) if made by a will—the will is executed in accordance with the requirements of Part 2.1, and
    - (ii) if made by other means—is made in accordance with the requirements of the order, and
  - (c) in addition to the requirements of Part 2.1, one of the witnesses to the making or alteration of the will under this section is the Registrar, and
  - (d) the conditions of the authorisation (if any) are complied with.

**[6] Section 21 Hearing an application for an order**

Insert “under section 19” after “application” in section 21 (a).

**[7] Section 31 Effect of failure of a disposition**

Omit “extent, that” from section 31 (1). Insert instead “extent that”.

**[8] Section 35 Beneficiaries must survive testator by 30 days**

Insert “or, if that or another period for survival appears in the will, within the period appearing in the will,” after “testator’s death,” in section 35 (1).

**[9] Section 41 Dispositions not to fail because issue have died before testator**

Insert “or, if that or another period for survival appears in the will, for the period appearing in the will” after “30 days” in section 41 (1) (d).

**[10] Section 41 (2)**

Insert “or, if that or another period for survival appears in the will, for the period appearing in the will,” after “30 days”.

**[11] Section 41 (3)**

Omit the subsection. Insert instead:

- (3) Subsection (2) does not apply if a contrary intention appears in the will.

**[12] Section 41 (4)**

Omit the subsection.

**[13] Section 41 (5)**

Omit “subsection (3) (b)”. Insert instead “subsection (3)”.

**[14] Section 54 Persons entitled to inspect will of deceased person**

Omit “children” from section 54 (2) (c). Insert instead “issue”.

**[15] Schedule 1 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

*Statute Law (Miscellaneous Provisions) Act (No 2) 2007, to the extent that it amends this Act*

**[16] Schedule 1, clause 3**

Omit the clause. Insert instead:

**3 Transitional provisions**

- (1) Sections 4, 5, 6, 17, 19–26, 32, 35, 39, 41 and 42 apply to wills made on or after the commencement of this clause.
- (2) Despite subclause (1), section 41 (Dispositions not to fail because issue have died before testator) applies to a will made before the commencement of this clause if the testator has died on or after the death of the issue and the deaths occurred on or after the commencement.
- (3) Sections 7, 8, 10, 27–31, 33, 34, 36–38, 40, 43–54 apply to a will whenever made, if the testator dies on or after the commencement of this clause.
- (4) Sections 5, 11, 14 and 15 apply to the alteration, revocation or revival of a will on or after the commencement of this clause even if the will was made before the commencement.
- (5) The Court may make an order under section 16 or 18 with respect to the alteration or revocation of a will or part of a will even if the will was made before the commencement of this clause.

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- (6) The repealed provisions, as in force immediately before the commencement of this clause, continue to apply to wills made before the commencement, in so far as they are not affected by the operation of subclauses (7), (8) and (9) or by the operation of the sections specified in subclause (1), (2), (3) or (4).
  - (7) Section 9 (Persons who cannot act as witnesses to wills) extends to a document that alters or revokes a will and that is made on or after the commencement of this clause even if the will was made before the commencement.
  - (8) Section 12 (Effect of marriage on a will) extends to a will made before the commencement of this clause, in relation to a marriage solemnised on or after the commencement.
  - (9) Section 13 (What is the effect of divorce or an annulment on a will?) extends to a will made before the commencement of this clause, if the divorce or the annulment of the marriage occurs on or after the commencement.

**[17] Schedule 1, clause 5**

Omit the clause.

**[18] Schedule 2 Amendment of Wills, Probate and Administration Act 1898 No 13**

Insert “or, if that or another period for survival appears in the will, within the period appearing in the will (the *specified period*)” after “30 days” in proposed section 92A (1) (c) as to be inserted by item [7].

**[19] Schedule 2 [7]**

Insert “, or the specified period,” after “30 days” in proposed section 92A (2).

**[20] Schedule 2 [7]**

Insert “, or the specified period” after “30 days” in proposed section 92A (6).

**[21] Schedule 2 [7]**

Omit “a person” and “the person” wherever occurring in proposed section 92A (5) and (6).

Insert instead “a survivor” and “the survivor”, respectively.

**[22] Schedule 3 Amendment of other Acts and regulation**

Insert after Schedule 3.5 [3]:

**[3A] Section 36B Contingent and future testamentary gifts to carry the intermediate income**

Omit the section.

**[23] Schedule 3.5 [6] and [7]**

Insert after Schedule 3.5 [5]:

**[6] Schedule 9 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

*Statute Law (Miscellaneous Provisions) Act (No 2) 2007*,  
to the extent that it amends this Act

**[7] Schedule 9**

Insert after Part 6:

**Part 7 Provision consequent on enactment of  
Statute Law (Miscellaneous  
Provisions) Act (No 2) 2007**

**13 Contingent and future testamentary gifts**

Section 36B (Contingent and future testamentary gifts to carry the intermediate income), as in force immediately before its repeal by the *Statute Law (Miscellaneous Provisions) Act (No 2) 2007*, continues to apply to wills and instruments that came into operation before the commencement of the *Conveyancing (Amendment) Act 1930* as if that section had not been repealed.

**Explanatory note**

Section 6 (1) of the *Succession Act 2006* (**the Act**) requires a will to be signed by the testator or by some other person in the presence of and at the direction of the testator. Item [1] of the proposed amendments makes it clear that the signature of a person signing in the presence and at the direction of the testator must be made with the intention of executing the will but that it is not essential that it be at the foot of the will.

Section 11 (1) (a) of the Act currently suggests that the only way to revoke the whole or part of a will by authority of an order under section 16 or 18 of the Act is by making another will. However, the Court may make an order authorising revocation to take place in other ways under those sections. Item [2] replaces section 11 (1) (a) and items [4] and [5] amend section 16 of the Act to make it clear that a will may be revoked in whole or in part by a will or by other means, if authorised by, and done in compliance with, such an order.

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Section 14 of the Act sets out the ways in which a will may be altered. Item [3] of the proposed amendments clarifies the section by setting out the circumstances in which section 14 (1) has no application.

Items [4]–[6] also make amendments to ensure consistency of expression in, and between, sections 16 and 18 of the Act.

Item [6] amends section 21 of the Act (which enables the Court to have regard to information given to the Court in support of an application) to make it clear that the information referred to is that specified in section 19.

Item [7] amends section 31 of the Act to correct a typographical error.

Items [9] and [10] amend section 41 of the Act which currently operates as an exception to the lapse rule contained in section 35 of the Act in circumstances where a beneficiary, who is the issue of the testator, fails to survive the testator for 30 days but leaves issue who do survive the testator for this period. The proposed amendment extends the exception to circumstances where a period of 30 days, or some other period for survival, appears in the will. Item [8] is a consequential amendment.

At present the exception does not apply if the original beneficiary does not fulfil a condition imposed on the original beneficiary in the will or a contrary intention appears in the will. Item [11] replaces section 41 (3) so that the exception will not apply if a contrary intention appears in the will. Item [13] makes a consequential amendment to section 41 (5). Item [12] omits section 41 (4) which currently indicates that a general requirement or condition that issue survive the testator or reach a specified age does not indicate such a contrary intention.

Item [14] amends section 54 of the Act to require the person having possession or control of the will of a deceased person to allow the issue (not only the children) of the deceased person to inspect or be given copies of the will.

Item [15] enables the making of savings and transitional regulations.

Items [16] and [17] replace transitional provisions concerning the application of provisions of the Act.

Items [18], [19] and [20] make amendments to new section 92A as to be inserted in the *Wills, Probate and Administration Act 1898* by Schedule 2 to the *Succession Act 2006* so that the section will be consistent with section 41 as proposed to be amended by items [9] and [10].

Item [21] amends new section 92A so that a defined term is used consistently in the section.

Item [22] repeals section 36B of the *Conveyancing Act 1919*. It has been replaced by section 34 of the *Succession Act 2006*. Item [23] provides for the making of savings and transitional regulations and continues the application of the repealed section to certain wills and instruments.

## 1.24 Western Lands Act 1901 No 70

### Section 9A

Insert after section 9:

#### 9A Protection from personal liability

- (1) Any matter or thing done or omitted to be done by a person who is the Chairperson or an appointed member of a local land board does not, if the matter or thing was done or omitted in good faith for the purpose of exercising a function under this or any other

Act, make the person personally liable to any action, claim or demand in respect of that matter or thing.

(2) However, any such liability attaches instead to the Crown.

**Explanatory note**

The proposed amendment to the *Western Lands Act 1901* (***the Act***) provides that the Chairperson and members of local land boards are protected from personal liability for their actions and omissions done in good faith for the purpose of exercising any of their functions under the Act or any other Act.

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

(Section 3)

### **2.1 Crimes Act 1900 No 40**

**[1] Section 545B (2), definition of “Intimidation”**

Omit “meaning, and”. Insert instead “meaning.”.

**[2] Section 545B (2), definition of “Injury”**

Omit “nature, and”. Insert instead “nature.”.

**Explanatory note**

Items [1] and [2] of the proposed amendments omit redundant words.

### **2.2 Criminal Procedure Regulation 2005**

**[1] Clause 3, definition of “Director-General”**

Omit “Attorney-General’s”. Insert instead “Attorney General’s”.

**[2] Schedule 4, clause 1**

Omit “In this Part:”. Insert instead “In this Schedule:”.

**Explanatory note**

Item [1] of the proposed amendments corrects a reference to a Minister.

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

### **2.3 Drug and Alcohol Treatment Act 2007 No 7**

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

Insert “(other than in Schedule 2)” after “in this Act”.

**[2] Schedule 2, notes, item 5**

Omit “within 7 days of the certificate being”.

Insert instead “as soon as practicable after the certificate is”.

**Explanatory note**

Item [1] of the proposed amendments clarifies the status of notes.

Item [2] of the proposed amendments corrects a note.



## 2.4 Duties Act 1997 No 123

### Section 218BA, note

Omit “mortgage duty is to be reduced by half on 1 January 2010 and abolished on 1 January 2011”.

Insert instead “mortgage duty is to be abolished on 1 July 2009”.

#### Explanatory note

The proposed amendment corrects a note.

## 2.5 Fair Trading Regulation 2007

### Clause 76

Insert “In this Division:” after the heading to the clause.

#### Explanatory note

The proposed amendment inserts missing words.

## 2.6 Fisheries Management (General) Regulation 2002

### Schedule 5, Part 3

Omit the Part. Insert instead:

#### **Part 3 Offences under Fisheries Management (Aquaculture) Regulation 2007**

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Clause 54 (1)	\$200
Clause 54 (5)	\$200
Clause 54 (6)	\$200
Clause 55 (4)	\$200
Clause 56 (6)	\$200

#### Explanatory note

The proposed amendment updates references to a repealed regulation.

## 2.7 Maitland Local Environmental Plan 1993

### Clause 52A (as inserted by Maitland Local Environmental Plan 1993 (Amendment No 96))

Renumber the clause as clause 52B.

#### Explanatory note

The proposed amendment corrects duplicate clause numbering.

## 2.8 Marine Parks Regulation 1999

### Schedule 1

Omit “*Fisheries Management (Aquaculture) Regulation 2002*” wherever occurring.

Insert instead “*Fisheries Management (Aquaculture) Regulation 2007*”.

#### Explanatory note

The proposed amendment updates references to a repealed regulation.

## 2.9 Mental Health Act 2007 No 8

### Section 4 (2)

Insert “(other than in Schedule 1)” after “in this Act”.

#### Explanatory note

The proposed amendment clarifies the status of notes.

## 2.10 Mental Health (Criminal Procedure) Act 1990 No 10

### [1] Section 3 (4)

Insert at the end of section 3:

(4) Notes included in this Act do not form part of this Act.

### [2] Schedule 1

Omit “(Section 41)”. Insert instead “(Section 78)”.

#### Commencement

Item [1] of the amendments to the *Mental Health (Criminal Procedure) Act 1990* commences, or is taken to commence, on the commencement of Schedule 7.7 [28] to the *Mental Health Act 2007*.

Item [2] of the amendments to the *Mental Health (Criminal Procedure) Act 1990* commences, or is taken to commence, on the commencement of Schedule 7.7 [30] to the *Mental Health Act 2007*.

#### Explanatory note

Item [1] of the proposed amendments clarifies the status of notes.

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

## 2.11 National Parks and Wildlife Act 1974 No 80

### Schedule 13, Part 2, Group 3

Omit “*Cyanthea*”. Insert instead “*Cyathea*”.

#### Explanatory note

The proposed amendment corrects a typographical error.

## 2.12 Native Vegetation Regulation 2005

### Clause 41 (2), definition of “Sydney Latitude”

Omit “33° 52’ 02.71 S”. Insert instead “33° 52’ 02.71”S”.

#### Explanatory note

The proposed amendment inserts missing units.

## 2.13 Public Sector Employment and Management (General) Regulation 1996

### Clause 100AA

Omit “paragraph (h)” wherever occurring. Insert instead “paragraph (g)”.

#### Explanatory note

The proposed amendment corrects cross-references.

## 2.14 Queanbeyan Local Environmental Plan 1998

### Schedule 1

Omit the definition of *relic* that refers to “Queanbeyan City”.

#### Explanatory note

The proposed amendment omits a superseded definition.

## 2.15 Road Transport (General) Act 2005 No 11

### Section 5 (1) (h)

Omit “regulation”. Insert instead “statutory rule”.

#### Explanatory note

The proposed amendment confirms that statutory rules form part of the road transport legislation.

## 2.16 Rural Fires Act 1997 No 65

### Section 100B (6), definition of “special fire protection purpose”

Omit paragraph (f). Insert instead:

- (f) seniors housing within the meaning of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*,

#### Explanatory note

The proposed amendment updates a cross-reference.

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## **2.17 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

### **Clause 27 (1)**

Omit “*Bushfire*”. Insert instead “*Bush Fire*”.

#### **Explanatory note**

The proposed amendment corrects a typographical error.

## **2.18 State Environmental Planning Policy (Major Projects) 2005**

### **[1] Schedule 6, Part 1, clause 1 (3), note**

Omit “Schedule 3.w” from the note to the subclause.

Insert instead “Schedule 3.”.

### **[2] Schedule 8, clause 1 (g)**

Renumber subparagraph (ii) where secondly occurring as subparagraph (iii).

#### **Explanatory note**

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

Item [2] of the proposed amendments corrects duplicate subparagraph numbering.

## **2.19 State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007**

### **Clauses 15 (3) (e) and 16 (3) (d)**

Omit “clause 18 of the *Standard Instrument (Local Environmental Plans) Order 2006*” wherever occurring.

Insert instead “clause 18 of the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*”.

#### **Explanatory note**

The proposed amendment clarifies a cross-reference.

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

### **Section 11 (6)**

Omit “10 (3)”. Insert instead “10 (4)”.

#### **Explanatory note**

The proposed amendment corrects a cross-reference.

## **2.21 Tallaganda Local Environmental Plan 1991**

### **Schedule 6, items 3 and 4**

Omit “(Amendment No 3)” wherever occurring.

Insert instead “(Amendment No 3) ’ ”.

#### **Explanatory note**

The proposed amendment inserts missing punctuation.

## **2.22 Trustee Companies Act 1964 No 6**

### **[1] Section 25 (b)**

Omit “Permanent Trustee Company Limited”.

Insert instead “Trust Company Fiduciary Services Limited”.

### **[2] Section 36A (1)**

Omit “J.P. Morgan Trust Australia Limited, the Permanent Trustee Company Limited”.

Insert instead “BNY Trust Company of Australia Limited, the Trust Company Fiduciary Services Limited”.

### **[3] Section 36B (2)**

Omit “Permanent Trustee Company Limited”.

Insert instead “Trust Company Fiduciary Services Limited”.

### **[4] Second Schedule**

Omit “Permanent Trustee Company Limited”.

Insert instead “Trust Company Fiduciary Services Limited”.

### **[5] Third Schedule, First Part**

Omit “Permanent Trustee Company Limited”.

Insert instead “Trust Company Fiduciary Services Limited”.

### **[6] Third Schedule, First Part**

Omit “J.P. Morgan Trust Australia Limited”.

Insert instead “BNY Trust Company of Australia Limited”.

#### **Explanatory note**

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

## **2.23 Trustee Companies Regulation 2005**

**[1] Clause 7 (2) (b)**

Omit “Permanent Trustee Company Limited”.

Insert instead “Trust Company Fiduciary Services Limited”.

**[2] Clause 7 (2) (e)**

Omit “J.P. Morgan Trust Australia Limited”.

Insert instead “BNY Trust Company of Australia Limited”.

**Explanatory note**

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

## **2.24 Water Industry Competition Act 2006 No 104**

**Section 49 (5)**

Omit “prescribed”. Insert instead “prescribe”.

**Explanatory note**

The proposed amendment corrects a typographical error.

## **2.25 Water Sharing Plan for the Paterson Regulated River Water Source 2007**

**[1] Clause 29 (1)**

Re-number paragraph (b) where secondly occurring as paragraph (c).

**[2] Clause 29 (1), note**

Omit “imit”. Insert instead “limit”.

**[3] Schedule 2**

Omit “hare” from the matter relating to Target 9b.

Insert instead “share”.

**Explanatory note**

Item [1] of the proposed amendments corrects duplicate paragraph numbering.

Items [2] and [3] of the proposed amendments correct typographical errors.

## **2.26 Western Sydney Parklands Act 2006 No 92**

### **Section 40**

Omit “section 38”. Insert instead “section 39”.

#### **Explanatory note**

The proposed amendment corrects a cross-reference.

## **2.27 Willoughby Local Environmental Plan 1995**

### **[1] Clause 13AA and the tables to clauses 14, 35, 42, 47 and 53**

Omit “**Explanatory note.**” wherever occurring. Insert instead “**Note.**”

### **[2] Clause 13AB Notes**

Omit “In this plan, the explanatory notes”.

Insert instead “Notes in this plan”.

#### **Explanatory note**

The proposed amendments clarify the status of notes.

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## Schedule 3      Amendments consequential on publication of Planning for Bush Fire Protection

(Section 3)

### Explanatory note

The amendments proposed in this Schedule update a number of environmental planning instruments to take into account the preparation in December 2006 of a new edition of *Planning for Bush Fire Protection* by the NSW Rural Fire Service in co-operation with the Department of Planning.

### 3.1 Bathurst Regional (Interim) Local Environmental Plan 2005

#### Clause 22 (3) (c)

Omit "*Planning for Bushfire Protection*, ISBN 0 9585987 89, produced by the NSW Rural Fire Service".

Insert instead "*Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006".

### 3.2 Bellingen Local Environmental Plan 2003

#### Dictionary, definition of "asset protection zone"

Omit "*Planning for Bushfire Protection* published in December 2001 by the NSW Rural Fire Service in collaboration with Planning NSW".

Insert instead "*Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006".

### 3.3 Blue Mountains Local Environmental Plan 2005

- [1] **Clauses 78 (2) and (3), 81 (2)–(4), 82 (2)–(4), 83 (3) (a), 86 and 117 (1) and Dictionary, definitions of "vegetation group 1", "vegetation group 2" and "vegetation group 3"**

Omit "*Bushfire*" wherever occurring. Insert instead "*Bush Fire*".

- [2] **Dictionary, definition of "Planning for Bushfire Protection"**

Omit the definition. Insert instead:

*Planning for Bush Fire Protection* means the document of that name, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006.



### **3.4 Camden Local Environmental Plan No 74—Harrington Park**

#### **Clause 37 (3) (b)**

Omit “*Planning for Bushfire Protection*, ISBN 0 9585987 8 9, produced by the NSW Rural Fire Service”.

Insert instead “*Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006”.

### **3.5 Camden Local Environmental Plan No 121—Spring Farm**

#### **Clause 18 (2)**

Omit “publication *Planning for Bushfire Protection* (December 2001) produced by the Department and the NSW Rural Fire Service”.

Insert instead “document entitled *Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006”.

### **3.6 Campbelltown (Urban Area) Local Environmental Plan 2002**

#### **[1] Clause 42A (1) (d) and (2)**

Omit “*Planning for Bushfire Protection*” wherever occurring.

Insert instead “*Planning for Bush Fire Protection*”.

#### **[2] Clause 42A (3), definition of “Planning for Bushfire Protection”**

Omit the definition. Insert instead:

***Planning for Bush Fire Protection*** means the document titled *Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006.

### **3.7 Central Darling Local Environmental Plan 2004**

#### **[1] Clause 28 (2)**

Omit “*Planning for Bushfire Protection*”.

Insert instead “*Planning for Bush Fire Protection*”.

**[2] Clause 28 (3), definition of “Planning for Bushfire Protection”**

Omit the definition. Insert instead:

*Planning for Bush Fire Protection* means the document titled *Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006.

**3.8 Cooma-Monaro Local Environmental Plan 1999—(Rural)**

**Clause 10 (2) (e)**

Omit “trees within a fuel free zone within the meaning of the document entitled *Planning for Bush Fire Protection*” published by the Department of Bush Fire Services”.

Insert instead “trees within an inner protection area within the meaning of the document entitled *Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006.”.

**3.9 Dungog Local Environmental Plan 2006**

**Clause 26 (3)**

Omit “*Planning for Bushfire Protection*, published by the NSW Rural Fire Service”.

Insert instead “*Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006”.

**3.10 Gilgandra Local Environmental Plan 2004**

**Clause 35 (1) (a)**

Omit “December 2001 publication *Planning for Bush Fire Protection* produced by the Department and the Rural Fire Service”.

Insert instead “document entitled *Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006”.

### 3.11 Great Lakes Local Environmental Plan 1996

#### Clause 10 (2) (e)

Omit “trees within a fuel free zone within the meaning of the document entitled “Planning for Bush Fire Protection” published by the Department of Bush Fire Services”.

Insert instead “trees within an inner protection area within the meaning of the document entitled *Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006.”.

### 3.12 Greater Metropolitan Regional Environmental Plan No 2— Georges River Catchment

#### Clause 11, table

Omit “*Planning for Bushfire Protection* prepared by the Department of Urban Affairs and Planning” from item 21 of the table.

Insert instead “entitled *Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006”.

### 3.13 Gunnedah Local Environmental Plan 1998

#### [1] Clause 6 (1), definition of “bushfire hazard reduction”

Omit the definition. Insert instead:

***bushfire hazard reduction*** means a reduction or modification (by controlled burning or mechanical or manual means) of material that constitutes a bushfire hazard in accordance with the document entitled *Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006.

#### [2] Clause 28 (4) (d)

Omit “the tree is in a fuel free zone (within the meaning of the document entitled ‘*Planning for Bushfire Protection*’ published by the Department of Rural Fire Services)”.

Insert instead “the tree is in an inner protection area within the meaning of the document entitled *Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006”.

### **3.14 Lake Macquarie Local Environmental Plan 2000—North Wallarah Peninsula**

#### **Clause 22 (3) (i)**

Omit “in a fuel free zone within the meaning of the document entitled *Planning for Bush Fire Protection* published by the Department of Bush Fire Services”.

Insert instead “in an inner protection area within the meaning of the document entitled *Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006”.

### **3.15 Lake Macquarie Local Environmental Plan 2004**

#### **[1] Clause 33 (3) (a)**

Omit “the guidelines provided by the latest edition of the publication *Planning for Bushfire Protection* approved by the Department and the Rural Fire Service”.

Insert instead “*Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006,”.

#### **[2] Clause 33 (3) (a), note**

Omit the note.

### **3.16 Liverpool Local Environmental Plan 1997**

#### **Clause 45C (4) (l)**

Omit “*Planning for Bushfire Protection 2001* as produced by the NSW Rural Fire Service”.

Insert instead “*Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006”.

### 3.17 Nambucca Local Environmental Plan 1995

#### Clause 48 (a)

Omit “*Planning for Bushfire Protection* published by the NSW Rural Fire Service in collaboration with Planning NSW in December 2001, or such Acts, regulations or documents as may replace these”.

Insert instead “*Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006”.

### 3.18 Penrith Local Environmental Plan 2002 (Villages of Mulgoa and Wallacia)

#### [1] Clause 20 (4) (b)

Omit “*Planning for Bushfire Protection*, produced by the NSW Rural Fire Service”.

Insert instead “*Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006”.

#### [2] Clause 20 (5) (a)

Omit the paragraph. Insert instead:

- (a) be satisfied that the development will be in accordance with *Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006, and

### 3.19 Port Stephens Local Environmental Plan 2000

#### Schedule 4

Omit “*Planning for Bushfire Protection* (published in December 2001 by the NSW Rural Fire Service in collaboration with the Department of Planning)” wherever occurring.

Insert instead “*Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006”.

### 3.20 Severn Local Environmental Plan 2002

#### Clause 42 (6) (d) (i)

Omit “that the tree was in a fuel free zone within the meaning of the document entitled *Planning for Bush Fire Protection* published by the Department of Bush Fire Services”.

Insert instead “that the tree was in an inner protection area within the meaning of the document entitled *Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006”.

### 3.21 Shellharbour Rural Local Environmental Plan 2004

#### [1] Clause 39 (2) (e)

Omit “*Planning for Bushfire Protection—2001*”.

Insert instead “*Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006”.

#### [2] Dictionary, definition of “asset protection zone”

Omit “*Planning for Bush Fire Protection—Guidelines*”.

Insert instead “*Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006”.

### 3.22 Shoalhaven Local Environmental Plan 1985

#### [1] Clause 11C (2) (k) (i)

Omit “‘*Planning for Bushfire Protection*’ guidelines published by the NSW Rural Fire Service”.

Insert instead “*Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006”.

**[2] Clause 28 (3) (a)**

Omit “*Planning for Bushfire Protection* (ISBN 0 9585987 8 9), prepared by Planning & Environment Services, NSW Rural Fire Service in co-operation with the Department of Planning (as it then was), and published in December 2001”.

Insert instead “*Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006”.

**3.23 Snowy River Local Environmental Plan 1997**

**Clause 44 (3) (d)**

Omit “in a fuel free zone within the meaning of the document entitled ‘*Planning for Bush Fire Protection*’ published by the Department of Bush Fire Services where the tree is of a size or species that represents a fire hazard in that fuel free zone”.

Insert instead “in an inner protection area within the meaning of the document entitled *Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006”.

**3.24 Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989)**

**Clause 34 (8) (c) (i)**

Omit “*Planning for Bushfire Protection* published in December 2001 by the NSW Rural Fire Service in collaboration with Planning NSW”.

Insert instead “*Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006”.

### 3.25 Sydney Regional Environmental Plan No 25—Orchard Hills

#### Schedule 2

Omit “*Planning for Bushfire Protection* (ISBN 0 9585987 8 9, published by Planning & Environment Services, NSW Rural Fire Service in co-operation with the former Department of Urban Affairs and Planning, and dated December 2001) have been met in the design and siting of all buildings on the site” from the matter relating to Lot 502, DP 866791 under the heading “**Wentworth Road**”.

Insert instead “*Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006, have been met”.

### 3.26 Tamworth Local Environmental Plan 1996

#### [1] Clause 17B (2)

Omit “*Planning for Bushfire Protection*”.

Insert instead “*Planning for Bush Fire Protection*”.

#### [2] Clause 17B (3), definition of “Planning for Bushfire Protection”

Omit the definition. Insert instead:

***Planning for Bush Fire Protection*** means the document titled *Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006.

### 3.27 Tweed Local Environmental Plan 2000

#### Clause 39A (3)

Omit “*Planning for Bushfire Protection*, prepared by Planning & Environment Services, NSW Rural Fire Service in co-operation with the then Department of Urban and Transport Planning, and dated December 2001”.

Insert instead “*Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006”.



### **3.28 Willoughby Local Environmental Plan 1995**

#### **Clause 13C (9) (d) (i)**

Omit “*Planning for Bushfire Protection*, ISBN 0 9585987 8 9, prepared by Planning & Environment Services, NSW Rural Fire Service in co-operation with the former Department of Urban Affairs and Planning, and dated December 2001”.

Insert instead “*Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006”.

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## Schedule 4 Amendments transferring provisions

(Section 3)

### 4.1 Border Railways Act 1922 No 16

#### Section 11

Insert after section 10:

#### 11 Repeal of Act does not affect operation of certain provisions

- (1) Despite the repeal of the *Border Railways (Grain Elevators) Amendment Act 1957*, sections 1 (2) and 2–6 of that Act continue to have effect and are taken to have been transferred to this Act.
- (2) Sections 1 (2) and 2–6 of the *Border Railways (Grain Elevators) Amendment Act 1957* are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

### 4.2 Environmental Planning and Assessment Act 1979 No 203

#### [1] Schedule 6 Savings, transitional and other provisions

Insert after clause 3:

### Part 2A Environmental Planning Legislation Amendment Act 1995

#### 3A Application of amendment

- (1) The amendment made by the amending Act extends to the consents granted by Port Stephens Shire Council on 7 June 1978 and 28 March 1979 to RZM (Newcastle) Limited in respect of mineral sandmining on land comprised in Mining Leases 594, 1226 and 744 despite the decision of the Land and Environment Court in *Paul Winn v Director-General of National Parks and Wildlife and RZM Pty Limited* (No 40209 of 1995).
- (2) Subclause (1) re-enacts (with minor modifications) section 4 of the amending Act. Subclause (1) is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.
- (3) In this clause:  
*amending Act* means the *Environmental Planning Legislation Amendment Act 1995*.

**[2] Schedule 6, Part 9A**

Insert after clause 37:

**Part 9A Environmental Planning and Assessment  
Amendment (Affordable Housing) Act 2000**

**37A Compensation**

- (1) To remove any doubt, the *Land Acquisition (Just Terms Compensation) Act 1991* does not apply to anything done or required to be done pursuant to a consent granted before or after 5 June 2000 (the commencement of the amending Act) in accordance with a provision referred to in section 7 (1) (a), (b) or (c) of the amending Act.
- (2) Subclause (1) re-enacts (with minor modifications) section 9 of the amending Act. Subclause (1) is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.
- (3) In this clause:  
*amending Act* means the *Environmental Planning and Assessment Amendment (Affordable Housing) Act 2000*.

**4.3 Farm Water Supplies Act 1946 No 22**

**Section 20**

Insert after section 19:

**20 Repeal of Act does not affect operation of savings and transitional provisions**

- (1) Despite the repeal of the *Farm Water Supplies (Transfer of Functions) Amendment Act 1986*, clauses 4, 5, 7 and 9 of Schedule 3 to that Act continue to have effect and are taken to have been transferred to this Act.
- (2) Clauses 4, 5, 7 and 9 of Schedule 3 to the *Farm Water Supplies (Transfer of Functions) Amendment Act 1986* are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

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#### 4.4 General Post Office (Approaches Improvement) Act 1889 53 Vic No 13

**Section 7**

Insert after section 6:

**7 Repeal of Acts does not affect operation of savings and transitional provisions**

- (1) Despite the repeal of the Acts listed in Column 1 of the Table to this subsection, the provisions listed in Column 2 continue to have effect and are taken to have been transferred to this Act.

**Table**

<b>Column 1</b>	<b>Column 2</b>
<i>General Post Office (Approaches Improvement) Act Amendment Act 1892</i>	Sections 2 and 3 and First and Second Schedules
<i>General Post Office (Approaches Improvement) Act Further Amendment Act 1901</i>	Sections 4–7 and Schedules A–C

- (2) The provisions listed in Column 2 of the Table to subsection (1) are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

#### 4.5 Harness Racing Act 2002 No 39

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

Insert after clause 1:

**Part 1A Effect of repeal of Act**

**1A Repeal of Act does not affect operation of savings and transitional provision**

- (1) Despite the repeal of the *Trotting Authority (Amendment) Act 1981*, section 4 of that Act continues to have effect and is taken to have been transferred to this Act.
- (2) Section 4 of the *Trotting Authority (Amendment) Act 1981* is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.

## **4.6 Heritage Act 1977 No 136**

### **Schedule 1 Savings and transitional provisions**

Insert after clause 1:

### **Part 1AA Effect of repeal of Act**

#### **1AA Repeal of Act does not affect operation of savings and transitional provisions**

- (1) Despite the repeal of the *Heritage (Elizabeth Farm) Amendment Act 1985*, section 4 of, and clause 3 of Schedule 3 to, that Act continue to have effect and are taken to have been transferred to this Act.
- (2) Section 4 of, and clause 3 of Schedule 3 to, the *Heritage (Elizabeth Farm) Amendment Act 1985* are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

## **4.7 Law Reform (Miscellaneous Provisions) Act 1944 No 28**

### **Section 3**

Insert after Part 2:

#### **3 Repeal of Act does not affect operation of savings and transitional provision**

- (1) Despite the repeal of the *Law Reform (Miscellaneous Provisions) (De Facto Relationships) Amendment Act 1984*, section 4 of that Act continues to have effect and is taken to have been transferred to this Act.
- (2) Section 4 of the *Law Reform (Miscellaneous Provisions) (De Facto Relationships) Amendment Act 1984* is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.

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## 4.8 Local Government Act 1993 No 30

### Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts

Insert after clause 1:

### Part 1A Effect of repeal of certain Acts

#### 1A Repeal of Acts does not affect operation of savings, transitional and other provisions

- (1) Despite the repeal of the Acts listed in Column 1 of the Table to this subclause, the provisions listed in Column 2 continue to have effect and are taken to have been transferred to this Act.

#### Table

Column 1	Column 2
<i>Greater Newcastle (Amendment) Act 1940</i>	Sections 2–4
<i>Local Government (Amendment) Act 1951</i>	Sections 1 (2), 2–5 and 7 and Schedule
<i>Local Government (Further Amendment) Act 1948</i>	Section 6 (2)
<i>Local Government (Further Amendment) Act 1972</i>	Sections 17 and 18

- (2) The provisions listed in Column 2 of the Table to subclause (1) are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

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## 4.9 Local Government and Other Authorities (Superannuation) Act 1927 No 35

### Schedule H Savings and transitional provisions

Insert after clause 1:

### Part 1A Effect of repeal of certain Acts

#### 1A Repeal of Acts does not affect operation of savings, transitional and other provisions

- (1) Despite the repeal of the Acts listed in Column 1 of the Table to this subclause, the provisions listed in Column 2 continue to have effect and are taken to have been transferred to this Act.

**Table**

<b>Column 1</b>	<b>Column 2</b>
<i>Local Government and Other Authorities (Superannuation) Amendment Act 1983</i>	Section 4
<i>Local Government and Other Authorities (Superannuation) Amendment Act 1985</i>	Section 3
<i>Local Government (Superannuation) Amendment Act 1948</i>	Section 5
<i>University of Sydney (Certain Employees) Superannuation Act 1979</i>	Sections 5–7

- (2) The provisions listed in Column 2 of the Table to subclause (1) are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

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#### 4.10 Moore-street Improvement Act of 1890 54 Vic No 30

**Section 27**

Insert after section 26:

**27 Repeal of Act does not affect operation of savings and transitional provisions**

- (1) Despite the repeal of the *Moore-street Improvement Act Amendment Act of 1892*, sections 1, 3 and 4 of that Act continue to have effect and are taken to have been transferred to this Act.
- (2) Sections 1, 3 and 4 of the *Moore-street Improvement Act Amendment Act of 1892* are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

#### 4.11 New South Wales Retirement Benefits Act 1972 No 70

**Schedule 1 Savings and transitional provisions**

Insert after clause 1:

**2 Repeal of Acts does not affect operation of savings, transitional and other provisions**

- (1) Despite the repeal of the Acts listed in Column 1 of the Table to this subclause, the provisions listed in Column 2 continue to have effect and are taken to have been transferred to this Act.

**Table**

<b>Column 1</b>	<b>Column 2</b>
<i>New South Wales Retirement Benefits (Amendment) Act 1976</i>	Clauses 2, 3 and 7 of Schedule 6
<i>New South Wales Retirement Benefits (Amendment) Act 1979</i>	Sections 3, 5 and 6
<i>New South Wales Retirement Benefits (Further Amendment) Act 1983</i>	Clauses 2 and 3 of Schedule 2

- (2) The provisions listed in Column 2 of the Table to subclause (1) are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.



#### 4.12 Newcastle Agricultural, Horticultural, and Industrial Association Act of 1905

##### Section 5

Insert after section 4:

##### 5 Repeal of Act does not affect operation of certain provisions

- (1) Despite the repeal of the *Newcastle Agricultural, Horticultural, and Industrial Association (Extension) Act 1925*, section 2 of, and the Schedule to, that Act continue to have effect and are taken to have been transferred to this Act.
- (2) Section 2 of, and the Schedule to, the *Newcastle Agricultural, Horticultural, and Industrial Association (Extension) Act 1925* are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

#### 4.13 Parliamentary Contributory Superannuation Act 1971 No 53

##### Schedule 1 Savings, transitional and other provisions

Insert after clause 11:

##### 12 Repeal of Acts does not affect operation of savings and transitional provisions

- (1) Despite the repeal of the Acts listed in Column 1 of the Table to this subclause, the provisions listed in Column 2 continue to have effect and are taken to have been transferred to this Act.

**Table**

Column 1	Column 2
<i>Parliamentary Contributory Superannuation (Amendment) Act 1981</i>	Section 4
<i>Parliamentary Contributory Superannuation (Constitution) Amendment Act 1979</i>	Section 4
<i>Superannuation Legislation (Amendment) Act 1991</i>	Part 2 of Schedule 11

- (2) The provisions listed in Column 2 of the Table to subclause (1) are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

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## 4.14 Pipelines Act 1967 No 90

### Schedule 1 Savings, transitional and other provisions

Insert after clause 1:

## Part 1A Effect of repeal of Act

### 1A Repeal of Act does not affect operation of savings and transitional provisions

- (1) Despite the repeal of the *Pipelines (Amendment) Act 1974*, section 2 of that Act continues to have effect and is taken to have been transferred to this Act.
- (2) Section 2 of the *Pipelines (Amendment) Act 1974* is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.

## 4.15 Police Regulation (Superannuation) Act 1906 No 28

### Schedule 6 Savings and transitional provisions

Insert after clause 1:

## Part 1A Effect of repeal of certain Acts

### 1A Repeal of Acts does not affect operation of savings, transitional and other provisions

- (1) Despite the repeal of the Acts listed in Column 1 of the Table to this subclause, the provisions listed in Column 2 continue to have effect and are taken to have been transferred to this Act.

**Table**

Column 1	Column 2
<i>Police Regulation (Superannuation) Amendment Act 1974</i>	Section 4
<i>Police Regulation (Superannuation) Amendment Act 1981</i>	Section 5 (4)
<i>Police Regulation (Superannuation and Appeals) Amendment Act 1979</i>	Schedules 5 and 6

- (2) The provisions listed in Column 2 of the Table to subclause (1) are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

#### 4.16 Public Works Act 1912 No 45

##### Ninth Schedule Savings and transitional provisions

Insert after clause 2:

##### Effect of repeal of certain Acts

##### 3 Repeal of Acts does not affect operation of savings and transitional provisions

- (1) Despite the repeal of the Acts listed in Column 1 of the Table to this subclause, the provisions listed in Column 2 continue to have effect and are taken to have been transferred to this Act.

##### Table

Column 1	Column 2
<i>Broken Hill Water and Sewerage (Radium Hill) Amendment Act 1954</i>	Sections 3–8 and Schedule
<i>Warwick Farm Railway (Amendment) Act 1924</i>	Sections 2 and 3 and the Schedule

- (2) The provisions listed in Column 2 of the Table to subclause (1) are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

#### 4.17 Seat of Government Surrender Act 1909 No 14

##### Section 9

Insert after section 8:

##### 9 Repeal of Act does not affect operation of savings and transitional provision

- (1) Despite the repeal of the *Seat of Government Surrender (Amendment) Act 1923*, section 4 of, and the Schedule to, that Act continue to have effect and are taken to have been transferred to this Act.

- 
- (2) Section 4 of, and the Schedule to, the *Seat of Government Surrender (Amendment) Act 1923* are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

#### **4.18 Stamp Duties Act 1920 No 47**

##### **Tenth Schedule Savings, transitional and other provisions**

Insert after clause 1A:

#### **Part 1B Effect of repeal of Act**

##### **1B Repeal of Act does not affect operation of exemption**

- (1) Despite the repeal of the *Stamp Duties (Churches) Amendment Act 1977*, section 4 of that Act continues to have effect and is taken to have been transferred to this Act.
- (2) Section 4 of the *Stamp Duties (Churches) Amendment Act 1977* is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.

#### **4.19 Stanford Coal-mine Railway Act of 1900**

##### **Section 44**

Insert after section 43:

##### **44 Repeal of Act does not affect operation of savings and transitional provision**

- (1) Despite the repeal of the *Stanford Coal-mine Railway (Amendment) Act 1943*, sections 2–6 of that Act continue to have effect and are taken to have been transferred to this Act.
- (2) Sections 2–6 of the *Stanford Coal-mine Railway (Amendment) Act 1943* are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

#### **4.20 Superannuation Act 1916 No 28**

##### **[1] Schedule 25 Savings and transitional provisions**

Insert at the beginning of the list of Acts in clause 1 (1):

*Superannuation Legislation (Amendment) Act 1991*

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**[2] Schedule 25, Part 1A**

Insert after clause 1:

**Part 1A Effect of repeal of certain Acts**

**1A Repeal of Acts does not affect operation of savings and transitional provisions**

- (1) Despite the repeal of the Acts listed in Column 1 of the Table to this subclause, the provisions listed in Column 2 continue to have effect and are taken to have been transferred to this Act.

**Table**

<b>Column 1</b>	<b>Column 2</b>
<i>Superannuation (Amendment) Act 1935</i>	Sections 3 and 4
<i>Superannuation (Amendment) Act 1948</i>	Section 2 (3) and (4)
<i>Superannuation (Amendment) Act 1972</i>	Section 12

- (2) The provisions listed in Column 2 of the Table to subclause (1) are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

**4.21 Sydney Grammar School Act 1854**

**Section 15**

Insert after section 14:

**15 Repeal of Act does not affect operation of savings and transitional provisions**

- (1) Despite the repeal of the *Sydney Grammar School (Amendment) Act 1972*, sections 2 and 3 of that Act continue to have effect and are taken to have been transferred to this Act.
- (2) Sections 2 and 3 of the *Sydney Grammar School (Amendment) Act 1972* are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

## **4.22 Sydney Harbour Foreshore Authority Act 1998 No 170**

### **Schedule 5 Savings, transitional and other provisions**

Insert after clause 1:

### **Part 1A Effect of repeal of Act**

#### **1A Repeal of Act does not affect operation of savings, transitional and other provisions**

- (1) Despite the repeal of the *Sydney Cove Redevelopment Authority (Amendment and Validation) Act 1985*, sections 8–10 of that Act continue to have effect and are taken to have been transferred to this Act.
- (2) Sections 8–10 of the *Sydney Cove Redevelopment Authority (Amendment and Validation) Act 1985* are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

## **4.23 Teaching Service Act 1980 No 23**

### **Schedule 3 Savings and transitional provisions**

Insert after clause 2:

### **Part 1A Effect of repeal of Act**

#### **2A Repeal of Act does not affect operation of savings and transitional provisions**

- (1) Despite the repeal of the *Miscellaneous Acts (Education Commission) Repeal and Amendment Act 1980*, clauses 4–6 and 16 of Schedule 3 to that Act continue to have effect and are taken to have been transferred to this Act.
- (2) Clauses 4–6 and 16 of Schedule 3 to the *Miscellaneous Acts (Education Commission) Repeal and Amendment Act 1980* are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

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#### 4.24 Trustee Companies Act 1964 No 6

##### Section 38

Insert after section 37A:

##### **38 Repeal of Act does not affect operation of savings and transitional provisions**

- (1) Despite the repeal of the *Trustee Companies (Amendment) Act 1983*, sections 3–5 of that Act continue to have effect and are taken to have been transferred to this Act.
- (2) Sections 3–5 of the *Trustee Companies (Amendment) Act 1983* are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

#### 4.25 University of Sydney Act 1989 No 124

##### Schedule 3 Savings and transitional provisions

Insert after clause 10:

##### **10A Repeal of Acts does not affect operation of savings and transitional provisions**

- (1) Despite the repeal of the Acts listed in Column 1 of the Table to this subclause, the provisions listed in Column 2 continue to have effect and are taken to have been transferred to this Act.

##### **Table**

<b>Column 1</b>	<b>Column 2</b>
<i>University Amendment (Exhibitioners' Fees) Act 1918</i>	Sections 1–3
<i>University Prizes and Medals Alteration Act 1917</i>	Section 2 and Schedule

- (2) The provisions listed in Column 2 of the Table to subclause (1) are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

## **4.26 Voluntary Workers (Soldiers' Holdings) Act 1917 No 25**

### **Section 12**

Insert after section 11:

#### **12 Repeal of Act does not affect operation of certain provisions**

- (1) Despite the repeal of the *Voluntary Workers (Soldiers' Holdings) Amendment Act 1974*, sections 4–8 of that Act continue to have effect and are taken to have been transferred to this Act.
- (2) Sections 4–8 of the *Voluntary Workers (Soldiers' Holdings) Amendment Act 1974* are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

## **4.27 Wentworth Irrigation Act 1890 54 Vic No 7**

### **Schedule 3 Savings and transitional provisions**

Insert after clause 1:

#### **Part 1A Effect of repeal of Act**

##### **1A Repeal of Act does not affect operation of certain provision**

- (1) Despite the repeal of the *Wentworth Irrigation (Amendment) Act 1979*, section 4 of that Act continues to have effect and is taken to have been transferred to this Act.
- (2) Section 4 of the *Wentworth Irrigation (Amendment) Act 1979* is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.

## **4.28 Western Lands Act 1901 No 70**

### **Schedule 3 Savings, transitional and other provisions**

Insert after clause 1AAA:

#### **Part 1AA Effect of repeal of Act**

##### **1AAB Repeal of Act does not affect operation of savings and transitional provisions**

- (1) Despite the repeal of the *Western Lands (Amendment) Act of 1905*, sections 11, 13–16, 27–29 and 33–40 of that Act continue to have effect and are taken to have been transferred to this Act.



- (2) Sections 11, 13–16, 27–29 and 33–40 of the *Western Lands (Amendment) Act of 1905* are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

#### **4.29 Workers Compensation Act 1987 No 70**

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

Insert after Part 18:

#### **Part 18AA Provisions consequent on enactment of Miscellaneous Acts (Workers' Compensation) Amendment Act 1984**

- 1 Repeal of Act does not affect operation of savings, transitional and other provisions**
- (1) Despite the repeal of the *Miscellaneous Acts (Workers' Compensation) Amendment Act 1984*, clauses 1–6 and 8–10 of Schedule 2 to that Act continue to have effect and are taken to have been transferred to this Act.
- (2) Clauses 1–6 and 8–10 of Schedule 2 to the *Miscellaneous Acts (Workers' Compensation) Amendment Act 1984* are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

#### **4.30 Young Men's Christian Association of Sydney Incorporation Act 1906**

##### **Section 13**

Insert after section 12:

- 13 Repeal of Act does not affect operation of savings and transitional provisions**
- (1) Despite the repeal of the *Young Men's Christian Association of Sydney Incorporation (Amendment) Act 1976*, sections 3 and 4 of that Act continue to have effect and are taken to have been transferred to this Act.
- (2) Sections 3 and 4 of the *Young Men's Christian Association of Sydney Incorporation (Amendment) Act 1976* are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

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## Schedule 5 Repeals

(Section 4)

### Part 1 Acts that are redundant

*Appropriation Act 2006 No 46*

*Appropriation (Budget Variations) Act 2006 No 22*

*Appropriation (Parliament) Act 2006 No 47*

*Appropriation (Special Offices) Act 2006 No 48*

*Conveyancing and Law of Property (Supplemental) Act 1901 No 37*

*Crown Lands (Validation of Revocations) Act 1983 No 55*

*Governor-General's Establishment Contribution Act 1900 No 78*

*King George V and King George VI Memorial Act 1953 No 26*

*National Oil Proprietary Limited Agreement Ratification Act 1937 No 2*

*Newcastle Tattersall's Club Act of 1945*

### Part 2 Acts that contain only amendments that are commenced

**Note.** Section 30 (2) (c) of the *Interpretation Act 1987* ensures that, when an Act is repealed, no amendment or validation made by the Act is affected.

*Residential Tenancies Amendment (Public Housing) Act 2004 No 66*

*Smoke-free Environment Amendment Act 2004 No 110*

*Statute Law (Miscellaneous Provisions) Act (No 2) 2004 No 91*

*Statute Law (Miscellaneous Provisions) Act 2005 No 64*

*Statute Law (Miscellaneous Provisions) Act (No 2) 2005 No 98*

*Workers Compensation Amendment (Insurance Reform) Act 2003 No 81*

### **Part 3 Acts that contain only commenced amendments and redundant savings, transitional and other provisions**

**Note.** Section 30 (2) (c) of the *Interpretation Act 1987* ensures that, when an Act is repealed, no amendment or validation made by the Act is affected. Section 30 (2) (d) ensures that, when an Act is repealed, the operation of any savings or transitional provision contained in the Act is not affected.

*Administration of Justice Act 1973* No 19  
*Architects (Amendment) Act 1983* No 25  
*Australian Oil Refining Pty. Limited Agreement Ratification (Amendment) Act 1961* No 35  
*Baptist Union Incorporation (Amendment) Act 1984* No 5  
*Bishop Tyrrell Trust (Amendment) Act 1939* No 27  
*Border Railways (Amendment) Act 1941* No 13  
*Camperdown Cemetery (Amendment) Act 1950* No 15  
*Camperdown Cemetery (Amendment) Act 1977* No 22  
*Centenary Celebration (Amendment) Act 1934* No 26  
*Centenary Celebration (Amendment) Act 1959* No 18  
*Centenary Celebration (Amendment) Act 1980* No 154  
*Coal and Oil Shale Mine Workers (Superannuation) Amendment Act 1978* No 28  
*Coal and Oil Shale Mine Workers (Superannuation) Amendment Act 1979* No 10  
*Coal Mining (Amendment) Act 1981* No 110  
*Companies (Amendment) Act 1971* No 61  
*Constitution (Amendment) Act 1992* No 106  
*Constitution Amendment Act 2000* No 30  
*Constitution Amendment (Legislative Council) Act 1932* (1933 No 2)  
*Constitution and Parliamentary Electorates and Elections (Amendment) Act 1978* No 75  
*Constitution (Consolidated Fund) Amendment Act 1982* No 95  
*Constitution (Legislative Council Compensation) Act 1979* No 11  
*Constitution (Legislative Council) Further Amendment Act 1991* No 61  
*Conveyancing (Amendment) Act 1976* No 84  
*Conveyancing (Amendment) Act 1984* No 20  
*Conveyancing (Amendment) Act 1985* No 142  
*Conveyancing (Passing of Risk) Amendment Act 1986* No 6  
*Conveyancing (Plan Registration) Amendment Act 1986* No 150  
*Conveyancing (Real Property Computer Register) Amendment Act 1979* No 171  
*Courts Legislation (Crown Appeals) Amendment Act 1994* No 56

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*Crimes (Amendment) Act 1988 No 81*  
*Crimes and Other Acts (Amendment) Act 1974 No 50*  
*Crimes (Bail) Amendment Act 1978 No 166*  
*Crimes (Compensation) Amendment Act 1984 No 70*  
*Crimes (Criminal Destruction and Damage) Amendment Act 1987 No 287*  
*Crimes (Domestic Violence) Amendment Act 1993 No 101*  
*Crimes (Identity of Offenders) Amendment Act 1992 No 19*  
*Crimes Legislation (Dangerous Articles) Amendment Act 1994 No 17*  
*Crimes (Mental Disorder) Amendment Act 1989 No 100*  
*Crimes (Procedure) Amendment Act 1983 No 170*  
*Crimes (Procedure) Amendment Act 1987 No 289*  
*District Court (Amendment) Act 1987 No 164*  
*District Court (Garnishee Proceedings) Amendment Act 1987 No 20*  
*District Court (Procedure) Amendment Act 1984 No 170*  
*Environmental Planning and Assessment (Amendment) Act 1985 No 228*  
*Financial Institutions (New South Wales) Amendment Act 1996 No 32*  
*Local Government and Other Authorities (Superannuation) Amendment Act 1979 No 7*  
*Local Government and Other Authorities (Superannuation) Amendment Act 1980 No 191*  
*Local Government (Consequential Provisions) Act 1993 No 32*  
*Miscellaneous Acts (Community Welfare) Repeal and Amendment Act 1987 No 58*  
*Miscellaneous Acts (Financial Accommodation) Amendment Act 1981 No 83*  
*Miscellaneous Acts (Public Finance and Audit) Repeal and Amendment Act 1983 No 153*  
*Motor Vehicles (Third Party Insurance) Amendment Act 1984 No 86*  
*Necropolis (Amendment) Act 1973 No 4*  
*New South Wales Retirement Benefits (Amendment) Act 1973 No 43*  
*New South Wales Retirement Benefits (Amendment) Act 1982 No 26*  
*New South Wales Retirement Benefits (Fund Closure) Amendment Act 1985 No 43*  
*Optical Dispensers (Amendment) Act 1987 No 276*  
*Parliamentary Contributory Superannuation (Amendment) Act 1979 No 132*  
*Parliamentary Electorates and Elections (Amendment) Act 1926 No 12*  
*Parliamentary Electorates and Elections (Amendment) Act 1928 No 55*  
*Parliamentary Electorates and Elections (Amendment) Act 1987 No 132*  
*Parliamentary Remuneration Further Amendment Act 1998 No 119*  
*Police Regulation (Superannuation) Amendment Act 1984 No 73*

*Police Regulation (Superannuation) Amendment Act 1987 No 220*  
*Police Regulation (Superannuation) (Workers Compensation) Amendment Act 1987 No 81*  
*Real Property (Amendment) Act 1970 No 23*  
*Real Property (Amendment) Act 1989 No 15*  
*Real Property (Caveats) Amendment Act 1986 No 167*  
*Real Property (Computer Register) Amendment Act 1979 No 164*  
*Real Property (Crown Land Titles) Amendment Act 1980 No 193*  
*Real Property (Further Amendment) Act 1987 No 280*  
*Registration of Births, Deaths and Marriages (Amendment) Act 1975 No 57*  
*Royal Botanic Gardens and Domain Trust Amendment Act 1996 No 20*  
*Simon University College (Amendment) Act 1989 No 88*  
*Stamp Duties (Administration) Amendment Act 1983 No 13*  
*Stamp Duties (Further Amendment) Act 1987 No 227*  
*State Development and Country Industries Assistance (Amendment) Act 1985 No 187*  
*Statute Law Revision Act 1937 No 35*  
*Strata Titles (Amendment) Act 1987 No 147*  
*Strata Titles (Leasehold) Amendment Act 1987 No 148*  
*Strata Titles (Real Property Computer Register) Amendment Act 1979 No 174*  
*Superannuation (Amendment) Act 1975 No 98*  
*Superannuation (Decimal Currency) Amendment Act 1965 No 37*  
*Superannuation (Retrenchment) Amendment Act 1987 No 40*  
*Superannuation (Solicitor General) Amendment Act 1979 No 58*  
*Supreme Court (Amendment) Act 1987 No 163*  
*Supreme Court (Commercial Division) Amendment Act 1985 No 28*  
*Sydney Turf Club (Amendment) Act 1974 No 26*  
*Transferred Officers Extended Leave (Amendment) Act 1963 No 52*  
*Transferred Officers Extended Leave (Amendment) Act 1973 No 33*  
*Trustee Companies (Amendment) Act 1989 No 42*  
*Trustee Companies (Further Amendment) Act 1982 No 173*  
*University and College Lands and Victoria Park (Amendment) Act 1937 No 36*  
*Valuation of Land (Amendment) Act 1984 No 120*

## Part 4 Acts that contain only commenced amendments and provisions being transferred to another Act by Schedule 4

**Note.** Section 30 (2) (c) of the *Interpretation Act 1987* ensures that, when an Act is repealed, no amendment or validation made by the Act is affected. Section 30A provides that, when a provision is transferred from an Act to another Act and an Act states that the provision is a transferred provision to which section 30A applies, the transfer does not affect the operation (if any) or meaning of the provision.

Column 1	Column 2
Name of Act being repealed	Act to which provisions being transferred by Schedule 4
<i>Border Railways (Grain Elevators) Amendment Act 1957</i> No 9	<i>Border Railways Act 1922</i>
<i>Broken Hill Water and Sewerage (Radium Hill) Amendment Act 1954</i> No 12	<i>Public Works Act 1912</i>
<i>Environmental Planning and Assessment Amendment (Affordable Housing) Act 2000</i> No 29	<i>Environmental Planning and Assessment Act 1979</i>
<i>Environmental Planning Legislation Amendment Act 1995</i> No 90	<i>Environmental Planning and Assessment Act 1979</i>
<i>Farm Water Supplies (Transfer of Functions) Amendment Act 1986</i> No 104	<i>Farm Water Supplies Act 1946</i>
<i>General Post Office (Approaches Improvement) Act Amendment Act 1892</i> 55 Vic No 11	<i>General Post Office (Approaches Improvement) Act 1889</i>
<i>General Post Office (Approaches Improvement) Act Further Amendment Act 1901</i> No 39	<i>General Post Office (Approaches Improvement) Act 1889</i>
<i>Greater Newcastle (Amendment) Act 1940</i> No 28	<i>Local Government Act 1993</i>
<i>Heritage (Elizabeth Farm) Amendment Act 1985</i> No 144	<i>Heritage Act 1977</i>
<i>Law Reform (Miscellaneous Provisions) (De Facto Relationships) Amendment Act 1984</i> No 150	<i>Law Reform (Miscellaneous Provisions) Act 1944</i>
<i>Local Government and Other Authorities (Superannuation) Amendment Act 1983</i> No 22	<i>Local Government and Other Authorities (Superannuation) Act 1927</i>

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Schedule 5 Repeals

<b>Column 1</b>	<b>Column 2</b>
<b>Name of Act being repealed</b>	<b>Act to which provisions being transferred by Schedule 4</b>
<i>Local Government and Other Authorities (Superannuation) Amendment Act 1985</i> No 179	<i>Local Government and Other Authorities (Superannuation) Act 1927</i>
<i>Local Government (Amendment) Act 1951</i> No 18	<i>Local Government Act 1993</i>
<i>Local Government (Further Amendment) Act 1948</i> No 44	<i>Local Government Act 1993</i>
<i>Local Government (Further Amendment) Act 1972</i> No 64	<i>Local Government Act 1993</i>
<i>Local Government (Superannuation) Amendment Act 1948</i> No 33	<i>Local Government and Other Authorities (Superannuation) Act 1927</i>
<i>Miscellaneous Acts (Education Commission) Repeal and Amendment Act 1980</i> No 24	<i>Teaching Service Act 1980</i>
<i>Miscellaneous Acts (Workers' Compensation) Amendment Act 1984</i> No 93	<i>Workers Compensation Act 1987</i>
<i>Moore-street Improvement Act Amendment Act of 1892</i> 55 Vic No 13	<i>Moore-street Improvement Act of 1890</i>
<i>New South Wales Retirement Benefits (Amendment) Act 1976</i> No 28	<i>New South Wales Retirement Benefits Act 1972</i>
<i>New South Wales Retirement Benefits (Amendment) Act 1979</i> No 124	<i>New South Wales Retirement Benefits Act 1972</i>
<i>New South Wales Retirement Benefits (Further Amendment) Act 1983</i> No 63	<i>New South Wales Retirement Benefits Act 1972</i>
<i>Newcastle Agricultural, Horticultural, and Industrial Association (Extension) Act 1925</i> No 20	<i>Newcastle Agricultural, Horticultural and Industrial Association Act of 1905</i>
<i>Parliamentary Contributory Superannuation (Amendment) Act 1981</i> No 86	<i>Parliamentary Contributory Superannuation Act 1971</i>
<i>Parliamentary Contributory Superannuation (Constitution) Amendment Act 1979</i> No 6	<i>Parliamentary Contributory Superannuation Act 1971</i>
<i>Pipelines (Amendment) Act 1974</i> No 2	<i>Pipelines Act 1967</i>
<i>Police Regulation (Superannuation) Amendment Act 1974</i> No 46	<i>Police Regulation (Superannuation) Act 1906</i>
<i>Police Regulation (Superannuation) Amendment Act 1981</i> No 24	<i>Police Regulation (Superannuation) Act 1906</i>

<b>Column 1</b>	<b>Column 2</b>
<b>Name of Act being repealed</b>	<b>Act to which provisions being transferred by Schedule 4</b>
<i>Police Regulation (Superannuation and Appeals) Amendment Act 1979 No 133</i>	<i>Police Regulation (Superannuation) Act 1906</i>
<i>Seat of Government Surrender (Amendment) Act 1923 No 31</i>	<i>Seat of Government Surrender Act 1909</i>
<i>Stamp Duties (Churches) Amendment Act 1977 No 92</i>	<i>Stamp Duties Act 1920</i>
<i>Stanford Coal-mine Railway (Amendment) Act 1943 No 35</i>	<i>Stanford Coal-mine Railway Act of 1900</i>
<i>Superannuation (Amendment) Act 1935 No 26</i>	<i>Superannuation Act 1916</i>
<i>Superannuation (Amendment) Act 1948 No 9</i>	<i>Superannuation Act 1916</i>
<i>Superannuation (Amendment) Act 1972 No 66</i>	<i>Superannuation Act 1916</i>
<i>Superannuation Legislation (Amendment) Act 1991 No 95</i>	<i>Parliamentary Contributory Superannuation Act 1971</i>
<i>Sydney Cove Redevelopment Authority (Amendment and Validation) Act 1985 No 194</i>	<i>Sydney Harbour Foreshore Authority Act 1998</i>
<i>Sydney Grammar School (Amendment) Act 1972 No 42</i>	<i>Sydney Grammar School Act 1854</i>
<i>Trotting Authority (Amendment) Act 1981 No 3</i>	<i>Harness Racing Act 2002</i>
<i>Trustee Companies (Amendment) Act 1983 No 82</i>	<i>Trustee Companies Act 1964</i>
<i>University Amendment (Exhibitioners' Fees) Act 1918 No 43</i>	<i>University of Sydney Act 1989</i>
<i>University of Sydney (Certain Employees) Superannuation Act 1979 No 190</i>	<i>Local Government and Other Authorities (Superannuation) Act 1927</i>
<i>University Prizes and Medals Alteration Act 1917 No 19</i>	<i>University of Sydney Act 1989</i>
<i>Voluntary Workers (Soldiers' Holdings) Amendment Act 1974 No 27</i>	<i>Voluntary Workers (Soldiers' Holdings) Act 1917</i>
<i>Warwick Farm Railway (Amendment) Act 1924 No 17</i>	<i>Public Works Act 1912</i>



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Schedule 5 Repeals

Column 1	Column 2
Name of Act being repealed	Act to which provisions being transferred by Schedule 4
<i>Wentworth Irrigation (Amendment) Act 1979</i> No 161	<i>Wentworth Irrigation Act 1890</i>
<i>Western Lands (Amendment) Act of 1905</i> No 38	<i>Western Lands Act 1901</i>
<i>Young Men's Christian Association of Sydney Incorporation (Amendment) Act 1976</i> No 60	<i>Young Men's Christian Association of Sydney Incorporation Act 1906</i>

**Explanatory note**

Part 1 repeals Acts that are redundant.

Part 2 repeals Acts that contain only amendments, or amendments and repeals, that have commenced.

Part 3 repeals Acts that contain only amendments, or amendments and repeals, that have commenced and savings, transitional or other provisions that are redundant.

Part 4 repeals Acts that contain only amendments that have commenced and savings, transitional or other provisions the operation of which is preserved by amendments proposed to be made by Schedule 4 to this Act.

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 being repealed are up-to-date on the Legislation Database maintained by the Parliamentary Counsel's Office and are available electronically ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)).

Section 30 (2) of the *Interpretation Act 1987* ensures that the following matters are not affected when an Act or statutory rule is amended or repealed:

- (a) the proof of any past act or thing,
- (b) any right, privilege, obligation or liability saved by the operation of the Act or statutory rule,
- (c) any amendment or validation made by the Act or statutory rule,
- (d) the operation of any savings or transitional provision contained in the Act or statutory rule.

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## Schedule 6      **General savings, transitional and other provisions**

(Section 5)

### **1    Effect of amendment of amending provisions**

- (1) An amendment made by Schedule 1 or 2 to an amending provision contained in an Act is, if the amending provision has commenced before the date of assent to this Act, taken to have effect as from the commencement of the amending provision (whether or not the amending provision has been repealed).
- (2) In this clause:  
*amending provision* means a provision of an Act 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.

#### **Explanatory note**

This clause ensures that certain amendments, including amendments correcting errors in 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 be taken to have commenced 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 an instrument, or
- (b) repeals and re-enacts (with or without modification) a provision of an Act or an instrument,

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 provided, vitiate any act done or decision made under the provision as in force before the amendment or repeal.

### **3 Application of Interpretation Act 1987 to amendments to statutory rules**

Sections 39, 40 and 41 of the *Interpretation Act 1987* do not apply to any amendments to statutory rules made by this Act.

#### **Explanatory note**

This clause makes it clear that certain provisions concerning the making, tabling and disallowance of statutory rules do not apply to amendments to statutory rules made by the proposed Act.

### **4 Effect of amendment on instruments**

- (1) Except where expressly provided to the contrary, any instrument made under an Act amended by this Act, that is in force immediately before the commencement of the amendment, is taken to have been made under the Act as amended.
- (2) The amendment of an instrument by this Act does not prevent its later amendment or repeal by another instrument.

#### **Explanatory note**

Subclause (1) ensures that, unless expressly provided, any instrument that is in force and made under a provision of an Act that is amended or substituted by the proposed Act will be taken to have been made under the Act as amended.

Subclause (2) ensures that the amendment of an instrument by the proposed Act does not prevent its later amendment or repeal by another instrument.

### **5 Revocation of repeal**

- (1) The Governor may by proclamation published in the Gazette revoke the repeal of any Act or instrument effected by this Act.
- (2) Any Act or instrument the subject of a proclamation under subclause (1) is taken not to be, and never to have been, repealed by this Act.
- (3) Subclause (2) does not operate in respect of any Act or instrument 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 publication in the Gazette of the proclamation under subclause (1) in respect of that Act or instrument, 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 publication of that proclamation.
- (4) A reference in this clause to an Act or instrument includes a reference to a provision of any Act or instrument.

#### **Explanatory note**

This clause enables the Governor, by proclamation, to revoke the repeal of any Act or instrument or the provision of any Act or instrument repealed by this Act. The Act or instrument or provision of an Act or instrument the subject of the revocation of repeal is taken not to be, and never to have been, repealed.

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**6 Regulations**

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

**Explanatory note**

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

## Notes

### **Index of Acts and instruments amended by Schedules 1–4**

*Bathurst Regional (Interim) Local Environmental Plan 2005*—Schedule 3  
*Bellingen Local Environmental Plan 2003*—Schedule 3  
*Blue Mountains Local Environmental Plan 2005*—Schedule 3  
*Border Railways Act 1922* No 16—Schedule 4  
*Camden Local Environmental Plan No 74—Harrington Park*—Schedule 3  
*Camden Local Environmental Plan No 121—Spring Farm*—Schedule 3  
*Campbelltown (Urban Area) Local Environmental Plan 2002*—Schedule 3  
*Central Darling Local Environmental Plan 2004*—Schedule 3  
*Contaminated Land Management Act 1997* No 140—Schedule 1  
*Conveyancing Act 1919* No 6—Schedule 1  
*Cooma-Monaro Local Environmental Plan 1999—(Rural)*—Schedule 3  
*Crimes Act 1900* No 40—Schedule 2  
*Criminal Assets Recovery Act 1990* No 23—Schedule 1  
*Criminal Procedure Regulation 2005*—Schedule 2  
*Crown Lands Act 1989* No 6—Schedule 1  
*Crown Lands (Continued Tenures) Act 1989* No 7—Schedule 1  
*Crown Lands (Continued Tenures) Regulation 2006*—Schedule 1  
*Drug and Alcohol Treatment Act 2007* No 7—Schedule 2  
*Dungog Local Environmental Plan 2006*—Schedule 3  
*Duties Act 1997* No 123—Schedule 2  
*Environmental Planning and Assessment Act 1979* No 203—Schedule 4  
*Fair Trading Act 1987* No 68—Schedule 1  
*Fair Trading Regulation 2007*—Schedule 2  
*Farm Water Supplies Act 1946* No 22—Schedule 4  
*Fines Act 1996* No 99—Schedule 1  
*Firearms Act 1996* No 46—Schedule 1  
*Fisheries Management (General) Regulation 2002*—Schedule 2  
*Freedom of Information Regulation 2005*—Schedule 1  
*General Post Office (Approaches Improvement) Act 1889* 53 Vic No 13—Schedule 4  
*Gilgandra Local Environmental Plan 2004*—Schedule 3  
*Government and Related Employees Appeal Tribunal Act 1980* No 39—Schedule 1  
*Great Lakes Local Environmental Plan 1996*—Schedule 3  
*Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment*—Schedule 3

*Growth Centres (Development Corporations) Act 1974* No 49—Schedule 1  
*Gunnedah Local Environmental Plan 1998*—Schedule 3  
*Harness Racing Act 2002* No 39—Schedule 4  
*Heritage Act 1977* No 136—Schedule 4  
*Home Building Act 1989* No 147—Schedule 1  
*Hunter Water Act 1991* No 53—Schedule 1  
*Lake Macquarie Local Environmental Plan 2000—North Wallarah Peninsula*—Schedule 3  
*Lake Macquarie Local Environmental Plan 2004*—Schedule 3  
*Law Reform (Miscellaneous Provisions) Act 1944* No 28—Schedule 4  
*Liverpool Local Environmental Plan 1997*—Schedule 3  
*Local Government Act 1993* No 30—Schedules 1 and 4  
*Local Government and Other Authorities (Superannuation) Act 1927* No 35—Schedule 4  
*Maitland Local Environmental Plan 1993*—Schedule 2  
*Marine Parks Regulation 1999*—Schedule 2  
*Mental Health Act 2007* No 8—Schedule 2  
*Mental Health (Criminal Procedure) Act 1990* No 10—Schedule 2  
*Moore-street Improvement Act of 1890* 54 Vic No 30—Schedule 4  
*Nambucca Local Environmental Plan 1995*—Schedule 3  
*National Parks and Wildlife Act 1974* No 80—Schedule 2  
*Native Vegetation Regulation 2005*—Schedule 2  
*New South Wales Retirement Benefits Act 1972* No 70—Schedule 4  
*Newcastle Agricultural, Horticultural, and Industrial Association Act of 1905*—Schedule 4  
*Parliamentary Contributory Superannuation Act 1971* No 53—Schedule 4  
*Parliamentary Electorates and Elections Amendment Act 2006* No 68—Schedule 1  
*Penrith Local Environmental Plan 2002 (Villages of Mulgoa and Wallacia)*—Schedule 3  
*Pipelines Act 1967* No 90—Schedule 4  
*Police Integrity Commission Act 1996* No 28—Schedule 1  
*Police Regulation (Superannuation) Act 1906* No 28—Schedule 4  
*Port Stephens Local Environmental Plan 2000*—Schedule 3  
*Public Sector Employment and Management (General) Regulation 1996*—Schedule 2  
*Public Works Act 1912* No 45—Schedule 4  
*Queanbeyan Local Environmental Plan 1998*—Schedule 2

*Real Property Act 1900* No 25—Schedule 1  
*Residential Parks Act 1998* No 142—Schedule 1  
*Road Transport (General) Act 2005* No 11—Schedule 2  
*Rural Fires Act 1997* No 65—Schedule 2  
*Seat of Government Surrender Act 1909* No 14—Schedule 4  
*Security Industry Act 1997* No 157—Schedule 1  
*Severn Local Environmental Plan 2002*—Schedule 3  
*Shellharbour Rural Local Environmental Plan 2004*—Schedule 3  
*Shoalhaven Local Environmental Plan 1985*—Schedule 3  
*Snowy River Local Environmental Plan 1997*—Schedule 3  
*Stamp Duties Act 1920* No 47—Schedule 4  
*Stanford Coal-mine Railway Act of 1900*—Schedule 4  
*State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*—Schedule 2  
*State Environmental Planning Policy (Major Projects) 2005*—Schedule 2  
*State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*—Schedule 2  
*Stock Diseases Act 1923* No 34—Schedule 1  
*Stock Diseases Regulation 2004*—Schedule 1  
*Subordinate Legislation Act 1989* No 146—Schedule 2  
*Succession Act 2006* No 80—Schedule 1  
*Superannuation Act 1916* No 28—Schedule 4  
*Sydney Grammar School Act 1854*—Schedule 4  
*Sydney Harbour Foreshore Authority Act 1998* No 170—Schedule 4  
*Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989)*—Schedule 3  
*Sydney Regional Environmental Plan No 25—Orchard Hills*—Schedule 3  
*Tallaganda Local Environmental Plan 1991*—Schedule 2  
*Tamworth Local Environmental Plan 1996*—Schedule 3  
*Teaching Service Act 1980* No 23—Schedule 4  
*Trustee Companies Act 1964* No 6—Schedules 2 and 4  
*Trustee Companies Regulation 2005*—Schedule 2  
*Tweed Local Environmental Plan 2000*—Schedule 3  
*University of Sydney Act 1989* No 124—Schedule 4  
*Voluntary Workers (Soldiers' Holdings) Act 1917* No 25—Schedule 4  
*Water Industry Competition Act 2006* No 104—Schedule 2

*Water Sharing Plan for the Paterson Regulated River Water Source 2007—Schedule 2*

*Wentworth Irrigation Act 1890 54 Vic No 7—Schedule 4*

*Western Lands Act 1901 No 70—Schedules 1 and 4*

*Western Sydney Parklands Act 2006 No 92—Schedule 2*

*Willoughby Local Environmental Plan 1995—Schedules 2 and 3*

*Workers Compensation Act 1987 No 70—Schedule 4*

*Young Men's Christian Association of Sydney Incorporation Act 1906—Schedule 4*

### **Index of Acts repealed by Schedule 5**

*Administration of Justice Act 1973 No 19*

*Appropriation Act 2006 No 46*

*Appropriation (Budget Variations) Act 2006 No 22*

*Appropriation (Parliament) Act 2006 No 47*

*Appropriation (Special Offices) Act 2006 No 48*

*Architects (Amendment) Act 1983 No 25*

*Australian Oil Refining Pty. Limited Agreement Ratification (Amendment) Act 1961 No 35*

*Baptist Union Incorporation (Amendment) Act 1984 No 5*

*Bishop Tyrrell Trust (Amendment) Act 1939 No 27*

*Border Railways (Amendment) Act 1941 No 13*

*Border Railways (Grain Elevators) Amendment Act 1957 No 9*

*Broken Hill Water and Sewerage (Radium Hill) Amendment Act 1954 No 12*

*Camperdown Cemetery (Amendment) Act 1950 No 15*

*Camperdown Cemetery (Amendment) Act 1977 No 22*

*Centenary Celebration (Amendment) Act 1934 No 26*

*Centenary Celebration (Amendment) Act 1959 No 18*

*Centenary Celebration (Amendment) Act 1980 No 154*

*Coal and Oil Shale Mine Workers (Superannuation) Amendment Act 1978 No 28*

*Coal and Oil Shale Mine Workers (Superannuation) Amendment Act 1979 No 10*

*Coal Mining (Amendment) Act 1981 No 110*

*Companies (Amendment) Act 1971 No 61*

*Constitution (Amendment) Act 1992 No 106*

*Constitution Amendment Act 2000 No 30*

*Constitution Amendment (Legislative Council) Act 1932 (1933 No 2)*

*Constitution and Parliamentary Electorates and Elections (Amendment) Act 1978 No 75*



*Constitution (Consolidated Fund) Amendment Act 1982 No 95*  
*Constitution (Legislative Council Compensation) Act 1979 No 11*  
*Constitution (Legislative Council) Further Amendment Act 1991 No 61*  
*Conveyancing (Amendment) Act 1976 No 84*  
*Conveyancing (Amendment) Act 1984 No 20*  
*Conveyancing (Amendment) Act 1985 No 142*  
*Conveyancing and Law of Property (Supplemental) Act 1901 No 37*  
*Conveyancing (Passing of Risk) Amendment Act 1986 No 6*  
*Conveyancing (Plan Registration) Amendment Act 1986 No 150*  
*Conveyancing (Real Property Computer Register) Amendment Act 1979 No 171*  
*Courts Legislation (Crown Appeals) Amendment Act 1994 No 56*  
*Crimes (Amendment) Act 1988 No 81*  
*Crimes and Other Acts (Amendment) Act 1974 No 50*  
*Crimes (Bail) Amendment Act 1978 No 166*  
*Crimes (Compensation) Amendment Act 1984 No 70*  
*Crimes (Criminal Destruction and Damage) Amendment Act 1987 No 287*  
*Crimes (Domestic Violence) Amendment Act 1993 No 101*  
*Crimes (Identity of Offenders) Amendment Act 1992 No 19*  
*Crimes Legislation (Dangerous Articles) Amendment Act 1994 No 17*  
*Crimes (Mental Disorder) Amendment Act 1989 No 100*  
*Crimes (Procedure) Amendment Act 1983 No 170*  
*Crimes (Procedure) Amendment Act 1987 No 289*  
*Crown Lands (Validation of Revocations) Act 1983 No 55*  
*District Court (Amendment) Act 1987 No 164*  
*District Court (Garnishee Proceedings) Amendment Act 1987 No 20*  
*District Court (Procedure) Amendment Act 1984 No 170*  
*Environmental Planning and Assessment (Amendment) Act 1985 No 228*  
*Environmental Planning and Assessment Amendment (Affordable Housing) Act 2000 No 29*  
*Environmental Planning Legislation Amendment Act 1995 No 90*  
*Farm Water Supplies (Transfer of Functions) Amendment Act 1986 No 104*  
*Financial Institutions (New South Wales) Amendment Act 1996 No 32*  
*General Post Office (Approaches Improvement) Act Amendment Act 1892 55 Vic No 11*  
*General Post Office (Approaches Improvement) Act Further Amendment Act 1901 No 39*  
*Governor-General's Establishment Contribution Act 1900 No 78*

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*Greater Newcastle (Amendment) Act 1940 No 28*  
*Heritage (Elizabeth Farm) Amendment Act 1985 No 144*  
*King George V and King George VI Memorial Act 1953 No 26*  
*Law Reform (Miscellaneous Provisions) (De Facto Relationships) Amendment Act 1984 No 150*  
*Local Government (Amendment) Act 1951 No 18*  
*Local Government and Other Authorities (Superannuation) Amendment Act 1979 No 7*  
*Local Government and Other Authorities (Superannuation) Amendment Act 1980 No 191*  
*Local Government and Other Authorities (Superannuation) Amendment Act 1983 No 22*  
*Local Government and Other Authorities (Superannuation) Amendment Act 1985 No 179*  
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*Local Government (Further Amendment) Act 1948 No 44*  
*Local Government (Further Amendment) Act 1972 No 64*  
*Local Government (Superannuation) Amendment Act 1948 No 33*  
*Miscellaneous Acts (Community Welfare) Repeal and Amendment Act 1987 No 58*  
*Miscellaneous Acts (Education Commission) Repeal and Amendment Act 1980 No 24*  
*Miscellaneous Acts (Financial Accommodation) Amendment Act 1981 No 83*  
*Miscellaneous Acts (Public Finance and Audit) Repeal and Amendment Act 1983 No 153*  
*Miscellaneous Acts (Workers' Compensation) Amendment Act 1984 No 93*  
*Moore-street Improvement Act Amendment Act of 1892 55 Vic No 13*  
*Motor Vehicles (Third Party Insurance) Amendment Act 1984 No 86*  
*National Oil Proprietary Limited Agreement Ratification Act 1937 No 2*  
*Necropolis (Amendment) Act 1973 No 4*  
*New South Wales Retirement Benefits (Amendment) Act 1973 No 43*  
*New South Wales Retirement Benefits (Amendment) Act 1976 No 28*  
*New South Wales Retirement Benefits (Amendment) Act 1979 No 124*  
*New South Wales Retirement Benefits (Amendment) Act 1982 No 26*  
*New South Wales Retirement Benefits (Fund Closure) Amendment Act 1985 No 43*  
*New South Wales Retirement Benefits (Further Amendment) Act 1983 No 63*  
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*Optical Dispensers (Amendment) Act 1987 No 276*  
*Parliamentary Contributory Superannuation (Amendment) Act 1979 No 132*  
*Parliamentary Contributory Superannuation (Amendment) Act 1981 No 86*  
*Parliamentary Contributory Superannuation (Constitution) Amendment Act 1979 No 6*  
*Parliamentary Electorates and Elections (Amendment) Act 1926 No 12*  
*Parliamentary Electorates and Elections (Amendment) Act 1928 No 55*  
*Parliamentary Electorates and Elections (Amendment) Act 1987 No 132*  
*Parliamentary Remuneration Further Amendment Act 1998 No 119*  
*Pipelines (Amendment) Act 1974 No 2*  
*Police Regulation (Superannuation) Amendment Act 1974 No 46*  
*Police Regulation (Superannuation) Amendment Act 1981 No 24*  
*Police Regulation (Superannuation) Amendment Act 1984 No 73*  
*Police Regulation (Superannuation) Amendment Act 1987 No 220*  
*Police Regulation (Superannuation and Appeals) Amendment Act 1979 No 133*  
*Police Regulation (Superannuation) (Workers Compensation) Amendment Act 1987 No 81*  
*Real Property (Amendment) Act 1970 No 23*  
*Real Property (Amendment) Act 1989 No 15*  
*Real Property (Caveats) Amendment Act 1986 No 167*  
*Real Property (Computer Register) Amendment Act 1979 No 164*  
*Real Property (Crown Land Titles) Amendment Act 1980 No 193*  
*Real Property (Further Amendment) Act 1987 No 280*  
*Registration of Births, Deaths and Marriages (Amendment) Act 1975 No 57*  
*Residential Tenancies Amendment (Public Housing) Act 2004 No 66*  
*Royal Botanic Gardens and Domain Trust Amendment Act 1996 No 20*  
*Seat of Government Surrender (Amendment) Act 1923 No 31*  
*Simon University College (Amendment) Act 1989 No 88*  
*Smoke-free Environment Amendment Act 2004 No 110*  
*Stamp Duties (Administration) Amendment Act 1983 No 13*  
*Stamp Duties (Churches) Amendment Act 1977 No 92*  
*Stamp Duties (Further Amendment) Act 1987 No 227*  
*Stanford Coal-mine Railway (Amendment) Act 1943 No 35*  
*State Development and Country Industries Assistance (Amendment) Act 1985 No 187*  
*Statute Law (Miscellaneous Provisions) Act (No 2) 2004 No 91*  
*Statute Law (Miscellaneous Provisions) Act 2005 No 64*

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*Statute Law (Miscellaneous Provisions) Act (No 2) 2005 No 98*  
*Statute Law Revision Act 1937 No 35*  
*Strata Titles (Amendment) Act 1987 No 147*  
*Strata Titles (Leasehold) Amendment Act 1987 No 148*  
*Strata Titles (Real Property Computer Register) Amendment Act 1979 No 174*  
*Superannuation (Amendment) Act 1935 No 26*  
*Superannuation (Amendment) Act 1948 No 9*  
*Superannuation (Amendment) Act 1972 No 66*  
*Superannuation (Amendment) Act 1975 No 98*  
*Superannuation (Decimal Currency) Amendment Act 1965 No 37*  
*Superannuation Legislation (Amendment) Act 1991 No 95*  
*Superannuation (Retrenchment) Amendment Act 1987 No 40*  
*Superannuation (Solicitor General) Amendment Act 1979 No 58*  
*Supreme Court (Amendment) Act 1987 No 163*  
*Supreme Court (Commercial Division) Amendment Act 1985 No 28*  
*Sydney Cove Redevelopment Authority (Amendment and Validation) Act 1985 No 194*  
*Sydney Grammar School (Amendment) Act 1972 No 42*  
*Sydney Turf Club (Amendment) Act 1974 No 26*  
*Transferred Officers Extended Leave (Amendment) Act 1963 No 52*  
*Transferred Officers Extended Leave (Amendment) Act 1973 No 33*  
*Trotting Authority (Amendment) Act 1981 No 3*  
*Trustee Companies (Amendment) Act 1983 No 82*  
*Trustee Companies (Amendment) Act 1989 No 42*  
*Trustee Companies (Further Amendment) Act 1982 No 173*  
*University Amendment (Exhibitioners' Fees) Act 1918 No 43*  
*University and College Lands and Victoria Park (Amendment) Act 1937 No 36*  
*University of Sydney (Certain Employees) Superannuation Act 1979 No 190*  
*University Prizes and Medals Alteration Act 1917 No 19*  
*Valuation of Land (Amendment) Act 1984 No 120*  
*Voluntary Workers (Soldiers' Holdings) Amendment Act 1974 No 27*  
*Warwick Farm Railway (Amendment) Act 1924 No 17*

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*Wentworth Irrigation (Amendment) Act 1979* No 161

*Western Lands (Amendment) Act of 1905* No 38

*Workers Compensation Amendment (Insurance Reform) Act 2003* No 81

*Young Men's Christian Association of Sydney Incorporation (Amendment) Act 1976*  
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[Agreement in principle speech made in Legislative Assembly on 14 November 2007  
Second reading speech made in Legislative Council on 29 November 2007]

BY AUTHORITY