



New South Wales

Statute Law (Miscellaneous Provisions) Act (No 2) 2010 No 119

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New South Wales

Statute Law (Miscellaneous Provisions) Act (No 2) 2010 No 119

Act No 119, 2010

An Act to repeal certain Acts and instruments 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 29 November 2010]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Statute Law (Miscellaneous Provisions) Act (No 2) 2010*.

2 Commencement

- (1) This Act commences on 7 January 2011, except as provided by this section.
- (2) The amendments made by the Schedules to this Act 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 7 January 2011.

3 Explanatory notes

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

Schedule 1 Minor amendments

1.1 Adoption Act 2000 No 75

[1] Section 91 Report required before order made for adoption of child

Omit “or a principal officer” from section 91 (2).

Insert instead “, or a principal officer (or delegate)”.

[2] Section 91 (6A)

Insert after section 91 (6):

- (6A) A principal officer of an accredited adoption service provider may delegate his or her function under subsection (2) to one or more employees of the accredited adoption service provider or of an affiliated foster care service, whom the principal officer considers to be appropriately qualified to exercise the function.

Commencement

The amendments commence on the date of assent to this Act.

Explanatory note

Currently, the Supreme Court may not make an adoption order for a child under 18 years of age without a written report about the adoption prepared by the Director-General, an approved assessor or a principal officer of an accredited adoption service provider. The proposed amendments to the *Adoption Act 2000* allow a principal officer of an accredited adoption service provider to delegate his or her function of preparing such a report to appropriately qualified employees of the service provider or of a foster care service affiliated with the service provider (consistent with the current power of the Director-General to delegate the Director-General's function of preparing such reports).

1.2 Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009 No 13

Schedule 3 Amendments relating to recommendations 23.3, 23.4 and 23.8

Omit Schedule 3.1 [18].

Explanatory note

The proposed amendment to the *Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009* repeals an uncommenced amendment to the *Commission for Children and Young People Act 1998* (**the 1998 Act**) that is consequential on other amendments that expressly designate the Ombudsman as the Convenor of the Child Death Review Team established under the 1998 Act.

The uncommenced amendment omits a provision of the 1998 Act that enables the Convenor to provide certain confidential information concerning the death of a child to the NSW Ombudsman. The uncommenced amendment is being repealed as it may unnecessarily limit the capacity of the Convenor to provide such information to the NSW Ombudsman as an agency.

1.3 Commission for Children and Young People Act 1998 No 146

Section 45O Appointment of expert advisers

Omit “by the Minister” from section 45O (2).

Insert instead “by the Convenor”.

Explanatory note

The proposed amendment to the *Commission for Children and Young People Act 1998* enables the Convenor of the Child Death Review Team established under the Act (rather than the Minister) to determine the remuneration and allowances to which a person appointed by the Convenor as an expert adviser is entitled. (The Act allows the Convenor to appoint expert advisers to advise the Child Death Review Team in the exercise of its functions.)

1.4 Community Relations Commission and Principles of Multiculturalism Act 2000 No 77

[1] Section 7 Membership and procedure of Commission

Omit “11 commissioners” from section 7 (1).

Insert instead “15 commissioners”.

[2] Schedule 2 Provisions relating to procedure of Commission

Insert “(excluding any commissioner who has been granted leave by the Commission)” after “time being” in clause 3.

Explanatory note

Item [1] of the proposed amendments to the *Community Relations Commission and Principles of Multiculturalism Act 2000* increases from 11 to 15 the maximum number of commissioners that may constitute the Community Relations Commission. Item [2] excludes from a majority of commissioners for the purposes of a quorum for a meeting of the Commission any commissioner granted leave by the Commission.

1.5 Community Services (Complaints, Reviews and Monitoring) Act 1993 No 2

[1] Section 43 Reports

Omit “preceding 2 years” and “period ending on 30 June 2010” from section 43 (1).

Insert instead “preceding 2 calendar years” and “period ending on 31 December 2009”, respectively.

[2] Section 43 (1A)

Insert “following the reporting period” after “30 June”.

[3] Section 43 (2) (b)

Omit “period covered by the report”. Insert instead “reporting period”.

Commencement

Items [1]–[3] are taken to have commenced on 1 July 2009 (being the date of commencement of Schedule 3.2 [3] to the *Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009*).

Explanatory note

Item [1] of the proposed amendments to the *Community Services (Complaints, Reviews and Monitoring) Act 1993 (the Act)* returns the basis of reporting of the NSW Ombudsman's work and activities under the Act in relation to child deaths, to calendar years rather than financial years (consistent with the basis of reporting of child deaths by the Child Death Review Team under the *Commission for Children and Young People Act 1998*). The proposed amendment is taken to have commenced on the date of commencement of the amendment that inserted the Ombudsman's current obligation to report biennially on a financial year basis (rather than annually on a calendar year basis, as was previously the case).

Item [2] makes an ancillary amendment to clarify the operation of a provision.

Item [3] makes wording in a provision consistent with that used in related provisions.

1.6 Community Welfare Act 1987 No 52

[1] Section 3 Definitions

Omit the definition of *Community Welfare Advisory Council* from section 3 (1).

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

Omit “the Community Welfare Advisory Council or”.

[3] Part 2, Division 2, heading

Omit “Councils”. Insert instead “Council”.

[4] Section 15 Community Welfare Advisory Council

Omit the section.

[5] Section 18 Assistance to council and committees

Omit “any council or committee” from section 18 (1).

Insert instead “the council or any committee”.

[6] Section 19 Reports

Omit “Each council and committee” from section 19 (1).

Insert instead “The council and each committee”.

[7] Section 78 Regulations

Omit “any council or committee” from section 78 (1) (a).

Insert instead “the council or any committee”.

[8] Schedules 1 and 2, headings

Omit “**certain councils**” wherever occurring. Insert instead “**council**”.

[9] Schedule 1, clauses 1 and 6–12 and Schedule 2, clauses 2–5, 7–9, 12 and 13

Omit “a council” wherever occurring. Insert instead “the council”.

[10] Schedule 1, clause 3

Omit the clause.

[11] Schedule 2, clause 1

Omit “a council or committee”. Insert instead “the council or a committee”.

[12] Schedule 2, clause 6

Omit the clause.

[13] Schedule 2, clauses 10 (1) and 11 (1)

Omit “A council” wherever occurring. Insert instead “The council”.

Explanatory note

Item [4] of the proposed amendments to the *Community Welfare Act 1987* omits a section that provides for the establishment of an advisory body (whose functions include advising the Minister on matters relating to community welfare and social development). The body has not been constituted for several years. Items [1]–[3] and [5]–[13] make consequential amendments.

1.7 Conveyancing Act 1919 No 6

Section 98 Facilitation of redemption in case of deceased, absent or unknown mortgagees

Omit “who that person is,” from section 98 (1).

Insert instead “who the person is, or if the person is dead and no personal representative has been or is likely to be appointed for the person or it is uncertain who the personal representative is,”.

Explanatory note

The proposed amendment to the *Conveyancing Act 1919* extends a provision that currently allows a court to determine the amount payable under a mortgage and arrange for its discharge if the mortgagee is out of jurisdiction, cannot be found or is

unknown or if it is uncertain who the mortgagee is, so that it also applies if the mortgagee is dead and is without a personal representative or is unlikely to have a personal representative or it is uncertain who the personal representative is.

1.8 Co-operative Housing and Starr-Bowkett Societies Act 1998 No 11

[1] Part 3 Societies

Omit Division 6.

[2] Section 177 Application of Corporations Act to winding-up of societies

Insert after section 177 (1) (c):

- (c1) a reference to the Court or the Court (within the meaning of section 58AA) in Division 2A of Part 5.7B is to be read as a reference to the Supreme Court,
- (c2) section 588FK is to be read as if the definition of ***PPSA security interest*** in section 588FK (4) read as follows and the note to the section were omitted:
PPSA security interest (short for Personal Property Securities Act security interest) means a security interest to which the *Personal Property Securities Act 2009* of the Commonwealth applies (including a transitional security interest within the meaning of that Act).
- (c3) section 588FL (1) (a) is to be read as if the following subparagraph were inserted after subparagraph (i):
“(ia) a certificate is issued by the Registrar under section 176 of the *Co-operative Housing and Starr-Bowkett Societies Act 1998* for the winding up of a society;”,
- (c4) the definition of ***critical time*** in section 588FL (7) is to be read as if the words “(as applied and modified by section 177 of the *Co-operative Housing and Starr-Bowkett Societies Act 1998*)” were inserted after “513B” in paragraph (a) of that definition,

[3] Schedule 5, heading

Omit “**and transitional**”. Insert instead “, **transitional and other**”.

[4] Schedule 5, clause 2

Omit “this Act.” from clause 2 (1). Insert instead:

this Act or any of the following Acts:

Statute Law (Miscellaneous Provisions) Act (No 2) 2010 (to the extent it amends this Act)

[5] Schedule 5, clause 2 (2) and (3)

Omit “this Act” wherever occurring. Insert instead “the Act concerned”.

[6] Schedule 5

Insert after Part 4:

**Part 5 Provisions consequent on enactment of
Statute Law (Miscellaneous Provisions)
Act (No 2) 2010**

7 Definitions

(1) In this Part:

amending Act means the *Statute Law (Miscellaneous Provisions) Act (No 2) 2010*.

applied charges registration provisions means the provisions of Chapter 2K of the Corporations Act (as applied by section 88 and modified by that section and the regulations immediately before the commencement time).

Charges Register means the Register of Co-operative Housing Society Charges kept under the applied charges registration provisions, and includes the information in the Register that is required to be kept during the transitional period under clause 12.

commencement time means the time when section 88 is repealed by the amending Act.

creditor, in relation to a charge, means the person who is the holder of the charge and, in the case of a charge constituted by the issue of a debenture or debentures, includes the trustee (if any) for the debenture holders.

debtor, in relation to a charge, means the person who has the debt or other liability that is secured by the charge.

existing charge means a charge created before the commencement time that was a charge to which the applied charges registration provisions applied (as in force before that time) when it was created.

matter includes act, omission, body, person and thing.

PPS Act means the *Personal Property Securities Act 2009* of the Commonwealth.

PPS Register means the Personal Property Securities Register established under the PPS Act.

PPS Registrar means the Registrar of Personal Property Securities under the PPS Act.

pre-transitional period means the period:

- (a) commencing at the migration time (within the meaning of the PPS Act) or such earlier time as may be prescribed by the regulations, and
- (b) ending at the commencement time.

transitional period means the period of 7 years commencing at the commencement time.

- (2) Clause 22A (References to charges and fixed and floating charges) of Schedule 1 to the *Personal Property Securities (Commonwealth Powers) Act 2009* does not apply in relation to a reference in this Part or in a provision of the applied charges registration provisions continued in effect by this Part.

8 Applied charges registration provisions cease to have effect at commencement time

- (1) The applied charges registration provisions cease to have effect at the commencement time, except as otherwise provided by this Part.
- (2) If a provision of the applied charges registration provisions (the *primary provision*) is continued in effect by this Part:
 - (a) any other provision of the applied charges registration provisions (a *related provision*) that is referred to in the primary provision is also continued in effect to the extent necessary for the purposes of the continued application of the primary provision, and
 - (b) any power to make regulations in respect of a matter that is conferred by the primary provision or a related provision is taken to include a power for the matter to be prescribed by regulations made under this Act after the commencement time.
- (3) The regulations under this Act as in force immediately before the commencement time continue to apply for the purposes of a primary provision or related provision that confers a

regulation-making power for a matter under the applied charges registration provisions until regulations provide otherwise.

9 Provision of information to the Commonwealth and other persons

- (1) The Registrar is specifically authorised to provide the Commonwealth, the PPS Registrar or any other officer of the Commonwealth with such information recorded in, or concerning the use of, the Charges Register as the Registrar considers appropriate in order to assist the Commonwealth in establishing the PPS Register.
- (2) Without limiting subclause (1), the Registrar is also specifically authorised to provide any of the following persons with such information recorded in the Charges Register as the Registrar considers appropriate in order to assist in verifying the accuracy of information recorded in the Charges Register for the purposes of data migration to the PPS Register:
 - (a) any person who is (or was) recorded in the Charges Register as a debtor or creditor,
 - (b) any person acting on behalf of such a debtor or creditor (or former debtor or creditor),
 - (c) any other person engaged by the Registrar to assist, or who is otherwise involved in assisting, in the migration of data from the Charges Register to the PPS Register.
- (3) The Registrar may provide the information that the Registrar is authorised to provide under this clause in whatever form (including by means of electronic data or in a form approved for the purposes of the PPS Act) as the Registrar considers appropriate.
- (4) Subject to subclause (5), the provisions of this clause prevail to the extent of any inconsistency with the provisions of this or any other Act or statutory rule.
- (5) The provisions of this clause are in addition to, and do not derogate from, the provisions of section 9A of the *Fair Trading Act 1987*.

10 Provisional registration functions

- (1) The Registrar may refuse to exercise a provisional registration function during the pre-transitional period.
- (2) In this clause:

provisional registration function means any function conferred or imposed on the Registrar by or under section 265 of the

Corporations Act (as applied by section 88 and modified by that section and the regulations immediately before the commencement time) concerning the provisional registration of a charge.

11 Lodgment of certain documents not required during pre-transitional period

Section 263 (1) (b) and (c), (2) and (4) (b)–(d) of the Corporations Act (as applied by section 88 and modified by that section and the regulations immediately before the commencement time) cease to apply during the pre-transitional period in respect of charges created during that period.

12 Maintenance of Charges Register

- (1) During the transitional period, the Registrar is to continue to keep, in the form of the Charges Register, the information contained in the Register immediately before the commencement time.
- (2) The Registrar may, whether before or during the transitional period, seek information from a person who is (or was) recorded in the Charges Register as a debtor or creditor in relation to a charge as to whether the debt or other liability the payment or discharge of which was secured by the charge has been paid or discharged in whole or in part or the property charged or part of that property has been released from the charge.
- (3) The Registrar may require the information sought under subclause (2) to be provided on or before a date specified by the Registrar.
- (4) The Registrar may treat a debt or other liability secured by a charge that is recorded in the Charges Register as having been paid or discharged if:
 - (a) the creditor does not provide information sought under subclause (2) on or before the date specified by the Registrar for the provision of the information, and
 - (b) the Registrar has given written notice to both the debtor and creditor of his or her intention to treat the debt or other liability as having been paid or discharged within 7 days of the notice being served.
- (5) The Registrar may amend the Charges Register:
 - (a) on the basis of information provided under this clause, and
 - (b) to omit information concerning a charge on the basis of subclause (4).

- (6) Section 274 of the Corporations Act (as applied by section 88 and modified by that section and the regulations immediately before the commencement time) continues to apply during the transitional period in relation to an existing charge.

13 Certificates of Charges Register

- (1) Section 272 of the Corporations Act (as applied by section 88 and modified by that section and the regulations immediately before the commencement time) continues to apply during the transitional period in relation to:
- (a) a certificate issued under that section before the commencement time, and
 - (b) an existing charge the particulars of which were entered in the Charges Register before the commencement time.
- (2) The regulations may make provision for or with respect to fees payable in relation to:
- (a) certificates (or copies of certificates) issued under section 272 of the Corporations Act (as continued in force by subclause (1)), and
 - (b) the provision of copies of documents during the transitional period relating to charges recorded in the Charges Register.

14 Inspection of charges documents

A person's rights under section 23 (1) in relation to documents kept by the Registrar relating to existing charges continue to be exercisable during the transitional period subject to the payment of any fees prescribed by the regulations for the purposes of that subsection.

15 Certain charges void against liquidator or administrator

- (1) Subject to this clause, if an existing charge is void under section 266 of the Corporations Act (as applied by section 88 and modified by that section and the regulations immediately before the commencement time), that section (other than section 266 (4)) is taken to continue to apply in relation to the charge.
- (2) The Supreme Court may, on such terms and conditions as seem to the Court just and expedient, by order, declare a current registrable charge not to be, and never to have been, void under section 266 of the Corporations Act (as applied by section 88 and

modified by that section and the regulations immediately before the commencement time) if:

- (a) before the commencement time, the charge is void under that section, and
- (b) an application:
 - (i) is, immediately before the commencement time, pending under section 266 (4) for an extension of the required period, and as at the commencement time, the Court had not made a decision in relation to the application, or
 - (ii) is made to the Court on or after the commencement time for an order under this clause, and
- (c) the Court is satisfied of the matters set out in section 266 (4) as in force immediately before the commencement time.

16 Enforcement of existing charges

- (1) Subject to Chapter 9 (Transitional provisions) of the PPS Act and subclause (2), existing charges continue on and from the commencement time to have the same priority as between each other as they would have had under this Act as in force immediately before the commencement time.
- (2) If an existing charge recorded in the Charges Register becomes a migrated security interest (within the meaning of the PPS Act), the date (if any) recorded in the PPS Register as the date on which the charge was originally registered is taken to be the date on which the charge was originally registered under this Act in the absence of evidence to the contrary.

17 Compensation not payable in respect of charges transitional matters

- (1) Compensation is not payable by or on behalf of:
 - (a) the State or an authority of the State, or
 - (b) an officer, employee or agent of the State,for an act or omission that is a charges transitional matter or that arises (directly or indirectly) from a charges transitional matter.
- (2) Subclause (1):
 - (a) applies only in respect of acts done or omitted to be done in good faith, and
 - (b) does not apply to acts or omissions that cause personal injury to a person or the death of a person.

- (3) In this clause:
charges transitional matter means any of the following:
- (a) the provision of information to the Commonwealth, the PPS Registrar, any other officer of the Commonwealth or any other person for the purpose of assisting the Commonwealth in establishing the PPS Register or of verifying the accuracy of information recorded in the Charges Register,
 - (b) the administration of this Part or the exercise of functions under this Part.
- compensation* includes damages and any other form of monetary compensation.

18 Savings and transitional regulations consequent on enactment of Commonwealth Act

The power conferred by clause 2 (1) to make regulations of a savings or transitional nature consequent on the enactment of the amending Act extends to the making of regulations of a savings or transitional nature consequent on the enactment of any of the following Commonwealth Acts to the extent that the enactment of the Commonwealth Act affects the operation of this Act:

- (a) the *Personal Property Securities Act 2009*,
- (b) the *Personal Property Securities (Corporations and Other Amendments) Act 2010*,
- (c) any other Commonwealth Act that amends the *Personal Property Securities Act 2009* or the *Corporations Act 2001*.

Commencement

The amendments (except for items [3]–[6]) commence on a day or days to be appointed by proclamation.

Items [3]–[6] of the amendments commence on the date of assent to this Act.

Explanatory note

The *Personal Property Securities Act 2009* of the Commonwealth (the **PPS Act**), on its commencement, will provide for the effect, registration and enforcement of security interests in personal property. Chapter 2K of the *Corporations Act 2001* of the Commonwealth (the **Corporations Act**) currently provides for the registration of company charges. Chapter 2K will be repealed by the *Personal Property Securities (Corporations and Other Amendments) Act 2010* of the Commonwealth (the **PPS amending Act**). Such charges will in the future be subject to the provisions of the PPS Act. As part of the transfer of company charges to the PPS Act regime, terminology relating to such charges will also be changed.

Currently, the *Co-operative Housing and Starr-Bowkett Societies Act 1998* (the **Act**) applies (with some modifications) the provisions of Chapter 2K of the Corporations Act to co-operative housing society charges (including by making provision for a Register

of Co-operative Housing Society Charges). These provisions will become outdated on the commencement of the PPS Act and the repeal of Chapter 2K of the Corporations Act.

Item [1] of the proposed amendments omits a Division of the Act relating to the registration of co-operative housing society charges.

Item [2] of the proposed amendments makes an amendment to the Act that is consequential on the amendments made to the Corporations Act by the PPS amending Act.

Item [4] of the proposed amendments enables the Governor to make regulations of a savings or transitional nature consequent on the enactment of the amendments made by the proposed Act. Item [5] of the proposed amendments makes a consequential amendment.

Item [6] of the proposed amendments enacts provisions of a savings and transitional nature consequent on the repeal of the provisions of the Act dealing with the registration of co-operative housing society charges. These provisions include provisions to confer powers on the Registrar under the Act:

- (a) to provide information to Commonwealth officers to assist in the establishment of the Personal Property Securities Register under the PPS Act, and
- (b) to clarify the accuracy of information recorded in the Register of Co-operative Housing Society Charges and to make amendments to the Register to improve its accuracy.

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

1.9 Co-operative Housing and Starr-Bowkett Societies Regulation 2005

[1] Clause 7 Inspection of documents

Insert “that were lodged before the repeal of section 88 of the Act” after “section 88 of the Act” in clause 7 (t).

[2] Part 5 Registration of charges

Omit the Part.

[3] Schedule 2 Fees

Omit items 9–14 (including the section reference in Column 2 and introductory wording in Column 3 before item 9).

Commencement

The amendments commence on a day or days to be appointed by proclamation.

Explanatory note

The proposed amendments to the *Co-operative Housing and Starr-Bowkett Societies Regulation 2005* are consequential on the amendments proposed to be made to the *Co-operative Housing and Starr-Bowkett Societies Act 1998* elsewhere in this Schedule.

1.10 Co-operatives Act 1992 No 18

[1] **Section 40 Lodgment of documents etc not to constitute constructive notice**

Omit section 40 (2).

[2] **Part 10 Funds, property etc**

Omit the heading of Division 3. Insert instead:

Division 3 Receivers and Managers

[3] **Section 278 Registration of charges**

Omit the section.

[4] **Section 343B Application of Corporations Act concerning insolvent co-operatives**

Insert after section 343B (b):

(b1) a reference to the Court or the Court (within the meaning of section 58AA) in Division 2A of Part 5.7B is to be read as a reference to the Supreme Court,

(b2) section 588FK is to be read as if the definition of **PPSA security interest** in section 588FK (4) read as follows and the note to the section were omitted:

PPSA security interest (short for Personal Property Securities Act security interest) means a security interest to which the *Personal Property Securities Act 2009* applies (including a transitional security interest within the meaning of that Act).

(b3) section 588FL (1) (a) is to be read as if the following subparagraph were inserted after subparagraph (i):

“(ia) a certificate is issued by the Registrar under section 324 of the *Co-operatives Act 1992* for the winding up of a co-operative;”,

(b4) the definition of **critical time** in section 588FL (7) is to be read as if the words “(as applied and modified by section 325 of the *Co-operatives Act 1992*)” were inserted after “513B” in paragraph (a) of that definition,

[5] **Schedule 3 Registration etc of charges**

Omit the Schedule.

[6] **Schedule 6, heading**

Omit “**and transitional**”. Insert instead “, **transitional and other**”.

[7] **Schedule 6, clause 2**

Insert at the end of clause 2 (1):

Statute Law (Miscellaneous Provisions) Act (No 2) 2010 (to the extent it amends this Act)

[8] **Schedule 6**

Insert after Part 5:

**Part 6 Provisions consequent on Statute Law
(Miscellaneous Provisions) Act (No 2) 2010**

43 Definitions

(1) In this Part:

amending Act means the *Statute Law (Miscellaneous Provisions) Act (No 2) 2010*.

Charges Register means the Register of Co-operative Charges referred to in clause 18 of Schedule 3 (as in force before its repeal by the amending Act), and includes the information in the Register that is required to be kept during the transitional period under clause 48 of this Schedule.

commencement time means the time when Schedule 3 to this Act is repealed by the amending Act.

creditor, in relation to a charge, means the person who is the holder of the charge and, in the case of a charge constituted by the issue of a debenture or debentures, includes the trustee (if any) for the debenture holders.

debtor, in relation to a charge, means the person who has the debt or other liability that is secured by the charge.

existing charge means a charge created before the commencement time that was a registrable charge within the meaning of clause 1 of Schedule 3 (as in force before that time) when it was created.

existing charges registration provisions means the provisions of section 278 and Schedule 3 (as in force immediately before the commencement time).

matter includes act, omission, body, person and thing.

PPS Act means the *Personal Property Securities Act 2009* of the Commonwealth.

PPS Register means the Personal Property Securities Register established under the PPS Act.

PPS Registrar means the Registrar of Personal Property Securities under the PPS Act.

pre-transitional period means the period:

- (a) commencing at the migration time (within the meaning of the PPS Act) or such earlier time as may be prescribed by the regulations, and
- (b) ending at the commencement time.

transitional period means the period of 7 years commencing at the commencement time.

- (2) Clause 22A (References to charges and fixed and floating charges) of Schedule 1 to the *Personal Property Securities (Commonwealth Powers) Act 2009* does not apply in relation to a reference in this Part or in a provision of the existing charges registration provisions continued in effect by this Part.

44 Existing charges registration provisions cease to have effect at commencement time

- (1) The existing charges registration provisions cease to have effect at the commencement time, except as otherwise provided by this Part.
- (2) If a provision of the existing charges registration provisions (the **primary provision**) is continued in effect by this Part:
 - (a) any other provision of the existing charges registration provisions (a **related provision**) that is referred to in the primary provision is also continued in effect to the extent necessary for the purposes of the continued application of the primary provision, and
 - (b) any power to make regulations in respect of a matter that is conferred by the primary provision or a related provision is taken to include a power for the matter to be prescribed by regulations made under this Act after the commencement time.
- (3) The regulations under this Act as in force immediately before the commencement time continue to apply for the purposes of a primary provision or related provision that confers a regulation-making power for a matter under the existing charges registration provisions until regulations provide otherwise.

45 Provision of information to the Commonwealth and other persons

- (1) The Registrar is specifically authorised to provide the Commonwealth, the PPS Registrar or any other officer of the Commonwealth with such information recorded in, or concerning the use of, the Charges Register as the Registrar considers appropriate in order to assist the Commonwealth in establishing the PPS Register.
- (2) Without limiting subclause (1), the Registrar is also specifically authorised to provide any of the following persons with such information recorded in the Charges Register as the Registrar considers appropriate in order to assist in verifying the accuracy of information recorded in the Charges Register for the purposes of data migration to the PPS Register:
 - (a) any person who is (or was) recorded in the Charges Register as a debtor or creditor,
 - (b) any person acting on behalf of such a debtor or creditor (or former debtor or creditor),
 - (c) any other person engaged by the Registrar to assist, or who is otherwise involved in assisting, in the migration of data from the Charges Register to the PPS Register.
- (3) The Registrar may provide the information that the Registrar is authorised to provide under this clause in whatever form (including by means of electronic data or in a form approved for the purposes of the PPS Act) as the Registrar considers appropriate.
- (4) Subject to subclause (5), the provisions of this clause prevail to the extent of any inconsistency with the provisions of this or any other Act or statutory rule.
- (5) The provisions of this clause are in addition to, and do not derogate from, the provisions of section 9A of the *Fair Trading Act 1987*.

46 Provisional registration functions

- (1) The Registrar may refuse to exercise a provisional registration function during the pre-transitional period.
- (2) In this clause:
provisional registration function means any function conferred or imposed on the Registrar by or under clause 20 or 21 of Schedule 3 (as in force before the commencement time).

47 Lodgment of certain documents not required during pre-transitional period

Clause 13 (2) and (3) of Schedule 3 cease to apply during the pre-transitional period in respect of charges created during that period.

48 Maintenance of Charges Register

- (1) During the transitional period, the Registrar is to continue to keep, in the form of the Charges Register, the information contained in the Register immediately before the commencement time.
- (2) The Registrar may, whether before or during the transitional period, seek information from a person who is (or was) recorded in the Charges Register as a debtor or creditor in relation to a charge as to whether the debt or other liability the payment or discharge of which was secured by the charge has been paid or discharged in whole or in part or the property charged or part of that property has been released from the charge.
- (3) The Registrar may require the information sought under subclause (2) to be provided on or before a date specified by the Registrar.
- (4) The Registrar may treat a debt or other liability secured by a charge that is recorded in the Charges Register as having been paid or discharged if:
 - (a) the creditor does not provide information sought under subclause (2) on or before the date specified by the Registrar for the provision of the information, and
 - (b) the Registrar has given written notice to both the debtor and creditor of his or her intention to treat the debt or other liability as having been paid or discharged within 7 days of the notice being served.
- (5) The Registrar may amend the Charges Register:
 - (a) on the basis of information provided under this clause, and
 - (b) to omit information concerning a charge on the basis of subclause (4).
- (6) Clause 43 of Schedule 3 continues to apply during the transitional period in relation to an existing charge.

49 Certificates of Charges Register

- (1) Clause 42 of Schedule 3 continues to apply during the transitional period in relation to:
 - (a) a certificate issued under that clause before the commencement time, and
 - (b) an existing charge the particulars of which were entered in the Charges Register before the commencement time.
- (2) The regulations may make provision for or with respect to fees payable in relation to:
 - (a) certificates (or copies of certificates) issued under clause 42 of Schedule 3 (as continued in force by subclause (1)), and
 - (b) the provision of copies of documents during the transitional period relating to charges recorded in the Charges Register.

50 Constructive notice based on lodgment of documents

Section 40 (2) continues to apply in relation to a document lodged under Division 3 (Charges) of Part 10 before the commencement time.

51 Inspection of charges documents

A person's rights under section 413A (1) (b) and (c) in relation to documents kept by the Registrar relating to existing charges continue to be exercisable during the transitional period subject to the payment of any fees prescribed for the purposes of those paragraphs.

52 Certain charges void against liquidator or administrator

- (1) Subject to this clause, if an existing charge is void under clause 27 or 28 of Schedule 3 immediately before the commencement time, Division 4 of Part 2 of Schedule 3 (other than clause 29) is taken to continue to apply in relation to the charge.
- (2) The Supreme Court may, on such terms and conditions as seem to the Court just and expedient, by order, declare an existing charge not to be, and never to have been, void under clause 27 or 28 of that Schedule, if:
 - (a) before the commencement time, the charge is void under clause 27 or 28, and

- (b) an application:
 - (i) is, immediately before the commencement time, pending under clause 29 of Schedule 3 for an extension of the required period, and as at the commencement time, the Court had not made a decision in relation to the application, or
 - (ii) is made to the Court on or after the commencement time for an order under this clause, and
- (c) the Court is satisfied of the matters set out in clause 29 of Schedule 3 as in force immediately before the commencement time.

53 Enforcement of existing charges

- (1) Subject to Chapter 9 (Transitional provisions) of the PPS Act and subclause (2), existing charges continue on and from the commencement time to have the same priority as between each other as they would have had under this Act as in force immediately before the commencement time.
- (2) If an existing charge recorded in the Charges Register becomes a migrated security interest (within the meaning of the PPS Act), the date (if any) recorded in the PPS Register as the date on which the charge was originally registered is taken to be the date on which the charge was originally registered under this Act in the absence of evidence to the contrary.

54 Compensation not payable in respect of charges transitional matters

- (1) Compensation is not payable by or on behalf of:
 - (a) the State or an authority of the State, or
 - (b) an officer, employee or agent of the State,for an act or omission that is a charges transitional matter or that arises (directly or indirectly) from a charges transitional matter.
- (2) Subclause (1):
 - (a) applies only in respect of acts done or omitted to be done in good faith, and
 - (b) does not apply to acts or omissions that cause personal injury to a person or the death of a person.

- (3) In this clause:
charges transitional matter means any of the following:
- (a) the provision of information to the Commonwealth, the PPS Registrar, any other officer of the Commonwealth or any other person for the purpose of assisting the Commonwealth in establishing the PPS Register or of verifying the accuracy of information recorded in the Charges Register,
 - (b) the administration of this Part or the exercise of functions under this Part.
- compensation* includes damages and any other form of monetary compensation.

55 Savings and transitional regulations consequent on enactment of Commonwealth Act

The power conferred by clause 2 (1) to make regulations of a savings or transitional nature consequent on the enactment of the amending Act extends to the making of regulations of a savings or transitional nature consequent on the enactment of any of the following Commonwealth Acts to the extent that the enactment of the Commonwealth Act affects the operation of this Act:

- (a) the *Personal Property Securities Act 2009*,
- (b) the *Personal Property Securities (Corporations and Other Amendments) Act 2010*,
- (c) any other Commonwealth Act that amends the *Personal Property Securities Act 2009* or the *Corporations Act 2001*.

Commencement

The amendments (except for items [6]–[8]) commence on a day or days to be appointed by proclamation.

Items [6]–[8] of the amendments commence on the date of assent to this Act.

Explanatory note

The *Personal Property Securities Act 2009* of the Commonwealth (the **PPS Act**), on its commencement, will provide for the effect, registration and enforcement of security interests in personal property. Chapter 2K of the *Corporations Act 2001* of the Commonwealth (the **Corporations Act**) currently provides for the registration of company charges. Chapter 2K will be repealed by the *Personal Property Securities (Corporations and Other Amendments) Act 2010* of the Commonwealth (the **PPS amending Act**). Such charges will in the future be subject to the provisions of the PPS Act. As part of the transfer of company charges to the PPS Act regime, terminology relating to such charges will also be changed.

Currently, the *Co-operatives Act 1992* (the **Act**) applies provisions based largely on Chapter 2K of the Corporations Act to co-operative charges (including by making provision for a Register of Co-operative Charges). These provisions will become

outdated on the commencement of the PPS Act and the repeal of Chapter 2K of the Corporations Act.

Items [3] and [5] of the proposed amendments omit provisions of the Act relating to the registration of co-operative charges. Items [1] and [2] of the proposed amendments make consequential amendments.

Item [4] of the proposed amendments makes an amendment to the Act that is consequential on the amendments made to the Corporations Act by the PPS amending Act.

Item [7] of the proposed amendments enables the Governor to make regulations of a savings or transitional nature consequent on the enactment of the amendments made by the proposed Act.

Item [8] of the proposed amendments enacts provisions of a savings and transitional nature consequent on the repeal of the provisions of the Act dealing with the registration of co-operative charges. These provisions include provisions to confer powers on the Registrar under the Act:

- (a) to provide information to Commonwealth officers to assist in the establishment of the Personal Property Securities Register under the PPS Act, and
- (b) to clarify the accuracy of information recorded in the Register of Co-operative Charges and to make amendments to the Register to improve its accuracy.

Item [6] of the proposed amendments makes a consequential amendment to a heading.

1.11 Co-operatives Regulation 2005

- [1] Clause 34 Application for registration of participating co-operative as foreign co-operative**
Omit clause 34 (3) (e).
- [2] Clause 35 Application for registration of non-participating co-operative as foreign co-operative**
Omit clause 35 (3) (h).
- [3] Clause 43 Inspection of Register**
Omit clause 43 (c) (ii).
- [4] Clause 43 (p)**
Omit “or under clause 44 of Schedule 3 to the Act”.
- [5] Clause 47 Charges required to be registered**
Omit the clause.
- [6] Clause 48 Inspection of register of charges**
Omit the clause.

[7] Clause 49 Copies of register of charges

Omit the clause.

[8] Clause 50 Request for certificate of particulars of charge

Omit the clause.

[9] Schedule 6 Fees

Omit items 80–87.

Commencement

The amendments commence on a day or days to be appointed by proclamation.

Explanatory note

The proposed amendments to the *Co-operatives Regulation 2005* are consequential on the amendments proposed to be made to the *Co-operatives Act 1992* elsewhere in this Schedule.

1.12 Environmental Planning and Assessment Act 1979 No 203

[1] Section 59 Making of local environmental plan by Minister

Omit “resubmitted to” from section 59 (4).

Insert instead “reconsidered by”.

[2] Section 82A Review of determination

Omit “section 116E” from section 82A (1) (d).

Insert instead “Division 4”.

[3] Section 106 Definition of “existing use”

Omit “Division 4A of Part 3 or” from section 106 (a).

[4] Section 109R Building, demolition and incidental work

Omit “work cannot be commenced to be carried out unless” and “the carrying out of the Crown building work commences” from section 109R (2).

Insert instead “work cannot be commenced unless” and “the Crown building work commences”, respectively.

[5] Section 118 Appointment of planning administrator, planning assessment panel or regional panel

Omit “under Part 3 or under” from section 118 (3) (b).

Insert instead “under Part 3, or under”.

Explanatory note

Item [1] of the proposed amendments to the *Environmental Planning and Assessment Act 1979 (the Act)* replaces a reference to proposed local environmental plans or matter in such plans being “resubmitted to” the Minister in certain circumstances with a reference to the plans or matter being “reconsidered by” the Minister, to avoid an incorrect implication that the plans or matter must necessarily be the subject of a further gateway determination under the Act before the Minister may reconsider them.

Item [2] replaces a cross-reference to a repealed provision of the Act with a reference to a current Division of the Act that provides for the same subject matter (being determination of applications for Crown development).

Item [3] omits a cross-reference to a repealed Division of the Act.

Item [4] omits superfluous wording.

Item [5] inserts a comma to avoid a false reading-on of text.

1.13 Fines Act 1996 No 99

Section 89A Service and notice of intensive correction order

Omit “form prescribed by the regulations” from section 89A (2).

Insert instead “approved form”.

Explanatory note

The proposed amendment replaces a requirement for a written notice of an intensive correction order under the *Fines Act 1996* to be in the form prescribed by the regulations with a requirement that it be in the form approved by the State Debt Recovery Office.

1.14 Gas Supply Act 1996 No 38

Section 83A Regulations as to gas appliances, gas and autogas installations, gasfitting and autogas work and gas meters

Insert after section 83A (g):

- (h) exemptions (or the granting of exemptions) relating to the matters in paragraphs (a)–(g).

Explanatory note

The proposed amendment to the *Gas Supply Act 1996* allows regulations to be made for or with respect to exemptions (or the granting of exemptions) from regulatory provisions made under the Act that deal with gas appliances, gas or autogas installations, gasfitting or autogas work or gas meters.

1.15 Health Practitioner Regulation (Adoption of National Law) Act 2009 No 86

- [1] **Schedule 1 Modification of Health Practitioner Regulation National Law**
Insert “, 152B” after “section 145E” in paragraph (c) of the definition of *protected report* in section 138 (1) in Schedule 1 [13].
- [2] **Schedule 1 [25]**
Insert at the end of Schedule 5A:

Part 3 Provision consequent on enactment of Statute Law (Miscellaneous Provisions) Act (No 2) 2010 [NSW]

29 Protected reports [NSW]

The amendment to the definition of *protected report* in section 138 (1) made by the *Statute Law (Miscellaneous Provisions) Act (No 2) 2010* applies to a report the subject of that amendment whether prepared before, on or after the commencement of that amendment.

Explanatory note

The effect of item [1] of the proposed amendments to the *Health Practitioner Regulation (Adoption of National Law) Act 2009* is to include as protected reports under the *Health Practitioner Regulation National Law (NSW) (the National Law (NSW))*, reports prepared under the National Law (NSW) about examinations of registered health practitioners believed to have an impairment that may detrimentally affect their capacity to practise their profession (*impaired practitioner reports*).

Under the National Law (NSW), protected reports may not be admitted or used in civil proceedings before a court without the consent of both the person giving, and the person the subject of, the report, and a person cannot be compelled to produce a protected report, or give evidence in relation to it, in such proceedings. Protected reports are also confidential information for the purposes of the National Law (NSW).

The proposed amendment will make the treatment of impaired practitioner reports consistent with that of reports about the examination of health profession students whose capacity to undertake clinical training is believed to be impaired (the latter currently being protected reports under the National Law (NSW)).

Item [2] inserts a consequential transitional provision.

1.16 Heritage Act 1977 No 136

- [1] **Section 118 Minimum standards of maintenance and repair**
Omit “building, work or relic” where firstly occurring.
Insert instead “building or work (other than a ruin) or a relic”.

[2] Section 118 (2)–(4)

Insert at the end of section 118:

- (2) The regulations may make provision for or with respect to minimum standards that may be listed on the State Heritage Register for the maintenance of a ruin or a moveable object that is listed on that Register, but those standards can only relate to the following matters:
 - (a) the protection of the ruin or moveable object from damage or destruction by fire,
 - (b) security (including fencing and surveillance measures to prevent vandalism),
 - (c) essential maintenance of a moveable object (being maintenance necessary to prevent serious or irreparable damage or deterioration).
- (3) Without limiting subsection (2), the regulations referred to in that subsection may make provision for or with respect to:
 - (a) the means by which the minimum standards may be listed, amended or revoked, and
 - (b) the enforcement of the minimum standards (including by extending the operation of sections 119, 120 and 121 and associated provisions, with any necessary modification, to the minimum standards).
- (4) In this section:

ruin means a building or work that is listed, and identified as a ruin, on the State Heritage Register.

[3] Schedule 1 Savings and transitional provisions

Insert at the end of clause 1 (1):

Statute Law (Miscellaneous Provisions) Act (No 2) 2010,
to the extent that it amends this Act

Explanatory note

Item [2] of the proposed amendments to the *Heritage Act 1977* (**the Act**) allows regulations under the Act to make provision for or with respect to minimum standards that may be listed on the State Heritage Register (**the Register**) for the maintenance of a ruin or moveable object that is listed on the Register.

These regulations may provide for the enforcement of such standards (including by extending the offence of failing to comply with minimum standards, extending the operation of provisions enabling the Heritage Council to order compliance with minimum standards and to take certain actions if owners fail to comply with such orders, and extending the operation of various sanctions against owners who fail to comply with such orders).

The proposed amendments insert a new scheme for the maintenance of moveable objects and ruins listed on the Register. The current scheme for the maintenance and repair of listed items does not apply to moveable objects (nor would it accommodate their diverse nature) and is inappropriate for ruins due to its requirement for repair.

Item [1] makes a consequential amendment.

Item [3] allows regulations of a savings or transitional nature to be made as a consequence of the amendments to the Act proposed to be made by this Act.

1.17 Independent Commission Against Corruption Act 1988 No 35

[1] Section 111E

Insert after section 111D:

111E Public authority response to corruption prevention recommendations of Commission

- (1) As soon as practicable after making a recommendation under section 13 (3) (b) for a specified public authority to take action to reduce the likelihood of corrupt conduct occurring, the Commission must furnish a copy of the recommendation to the authority and to the Minister for the authority.
- (2) The public authority must inform the Commission in writing within 3 months (or such longer period as the Commission may agree to in writing) after receiving the recommendation, whether it proposes to implement any plan of action in response to the recommendation and, if so, of the plan of action.
- (3) A public authority that informs the Commission of such a plan must provide a written report to the Commission of any progress in implementing the plan:
 - (a) 12 months after informing the Commission of the plan, and
 - (b) if the plan is not then fully implemented, 12 months after that.

[2] Schedule 1 Provisions relating to Commissioner and Assistant Commissioners

Omit “or an Assistant Commissioner” from clause 4 (1).

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

Insert after clause 4 (1):

- (1A) Subject to this Schedule, an Assistant Commissioner is to hold office for such term not exceeding 7 years as may be specified in the instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

[4] Schedule 1, clause 4 (3)

Omit “5 years”. Insert instead “7 years”.

[5] Schedule 4 Savings, transitional and other provisions

Insert at the end of the Schedule:

**Part 10 Provision consequent on enactment of
Statute Law (Miscellaneous Provisions)
Act (No 2) 2010**

29 Maximum period for which Assistant Commissioners may be appointed

Clause 4 (3) of Schedule 1, as amended by the *Statute Law (Miscellaneous Provisions) Act (No 2) 2010*, applies in relation to a term of office whether served before or after the commencement of the amendment.

Explanatory note

Item [1] of the proposed amendments to the *Independent Commission Against Corruption Act 1988 (the Act)* requires a public authority, within 3 months of receiving a copy of a recommendation of the Independent Commission Against Corruption (**the Commission**) to take action to reduce the likelihood of corrupt conduct occurring, to inform the Commission whether it proposes to implement any plan of action in response to the recommendation and, if so, of the plan of action. A public authority that informs the Commission of a plan of action must also inform the Commission of any progress that it makes in implementing the plan. (Item [1] implements a recommendation of the Committee on the Independent Commission Against Corruption (**the Joint Committee**, being a Joint Parliamentary Committee constituted under the Act) made in its Report No 3/54 – October 2008.)

Item [3] increases the maximum term of office of an Assistant Commissioner of the Commission from 5 years to 7 years and item [2] makes a consequential amendment. Item [4] increases the maximum period for which a person may hold office as an Assistant Commissioner from terms totalling not more than 5 years to terms totalling not more than 7 years. Item [5] inserts a consequential transitional provision. (Items [3] and [4] implement recommendations of the Joint Committee made in its Report No 9/54 – May 2010.)

1.18 Independent Pricing and Regulatory Tribunal Act 1992 No 39

Section 16A Passing through efficient costs in price determinations

Insert after section 16A (3):

- (3A) A portfolio Minister may give a direction to the Tribunal under this section only if:
 - (a) the portfolio Minister has consulted with the Tribunal on the proposed direction before giving the direction, and

- (b) the Minister administering this Act has approved the direction.

Explanatory note

The proposed amendment to the *Independent Pricing and Regulatory Tribunal Act 1992* requires consultation with the Independent Pricing and Regulatory Tribunal, and the approval of the Premier, before the portfolio Minister for a government agency may direct the Tribunal to include in a price determination applicable to the agency an amount or factor that represents the efficient cost of complying with a specified requirement imposed on the agency.

1.19 Institute of Sport Act 1995 No 52

[1] Section 6 Establishment of Board

Insert “no fewer than 5 and no more than” before “8 people” in section 6 (2) (a).

[2] Section 34 Review of Act

Omit the section.

[3] Schedule 1 Provisions relating to members and procedure of Board

Omit “Part 8 of the *Public Sector Management Act 1988*” from clause 5 (1) (d).

Insert instead “Chapter 5 of the *Public Sector Employment and Management Act 2002*”.

[4] Schedule 1, clause 8 (1)

Omit “Part 2 of the *Public Sector Management Act 1988*”.

Insert instead “Chapter 2 of the *Public Sector Employment and Management Act 2002*”.

[5] Schedule 1, clause 10

Omit “5 members”.

Insert instead “a majority of the members for the time being”.

[6] Schedule 1, clause 14

Omit the clause.

[7] Schedule 2

Insert after Schedule 1:

Schedule 2 Savings, transitional and other provisions

Part 1 Provision consequent on enactment of Statute Law (Miscellaneous Provisions) Act (No 2) 2010

1 Continuation of office of appointed members

The amendment to section 6 made by the *Statute Law (Miscellaneous Provisions) Act (No 2) 2010* does not affect the appointment of any appointed member of the Board holding office as such immediately before the commencement of that amendment. Any such member continues, subject to Schedule 1, to hold office for the balance of his or her term of office.

Explanatory note

Item [1] of the proposed amendments to the *Institute of Sport Act 1995* requires between 5 and 8 ministerial appointees to be on the Board of the Institute (rather than 8, as is currently the case).

Item [5] changes the quorum for a meeting of the Board of the Institute from 5 Board members to a majority of Board members consequent on item [1].

Items [2] and [6] omit spent provisions.

Items [3] and [4] update references to a repealed Act.

Item [7] inserts a savings and transitional provision consequent on item [1].

1.20 Law Enforcement and National Security (Assumed Identities) Act 2010 No 73

Section 31 Application of this Act to authorities under corresponding laws

Insert after section 31 (g):

- (h) section 34 (Identity of certain persons not to be disclosed in legal proceedings).

Explanatory note

The proposed amendment to the *Law Enforcement and National Security (Assumed Identities) Act 2010* allows a section of the Act that imposes restrictions on the disclosure in legal proceedings of the identity of a person in respect of whom an assumed identity authority granted under the Act is or was in force to apply in relation to the identity of a person in respect of whom such an authority granted under a corresponding law in another jurisdiction is or was in force.

1.21 Law Enforcement (Controlled Operations) Act 1997 No 136

Section 20S Mutual recognition of corresponding authorities

Insert after section 20S (h):

- (i) section 28 (Identity of certain participants not to be disclosed in legal proceedings).

Explanatory note

The proposed amendment to the *Law Enforcement (Controlled Operations) Act 1997* allows a section of the Act that imposes restrictions on the disclosure in legal proceedings of the identity of a person authorised under the Act to participate in an authorised operation to apply in relation to the identity of a person authorised under a corresponding law of another jurisdiction to participate in an authorised operation.

1.22 Licensing and Registration (Uniform Procedures) Act 2002 No 28

Schedule 3A Licences and registration to which Part 4A of Act applies

Omit the matter relating to the *Commercial Agents and Private Inquiry Agents Act 2004*.

Explanatory note

The proposed amendment to the *Licensing and Registration (Uniform Procedures) Act 2002 (the 2002 Act)* removes certain references to provisions of the *Commercial Agents and Private Inquiry Agents Act 2004 (the CAPIA Act)*, with the effect that provisions of the 2002 Act relating to identification photographs of applicants for specified licences and certificates of registration will no longer apply to identification photographs of applicants for operator licences under the CAPIA Act. The proposed amendment is made as a consequence of (and to avoid potential conflict with) amendments proposed to be made to the *Road Transport (Driver Licensing) Act 1998* elsewhere in this Schedule.

1.23 Mining Act 1992 No 29

[1] Section 266 Compensation arising under mineral claim

Omit “an amount” from section 266 (4) (c).

Insert instead “the amount (if any)”.

[2] Section 267 Compensation arising under opal prospecting licence

Omit “an amount” from section 267 (4) (c).

Insert instead “the amount (if any)”.

Explanatory note

Currently, the *Mining Act 1992 (the Act)* specifies that the holder of a mineral claim or an opal prospecting licence must pay into the Land and Environment Court an amount prescribed by or determined in accordance with the regulations before exercising any

right conferred by the claim or licence on any person's land. The proposed amendments remove the requirement to prescribe an amount for the purposes of the relevant sections of the Act.

1.24 Mining Regulation 2010

[1] Clause 46 Compensation arising under mineral claim

Omit the clause.

[2] Clause 53 Compensation arising under opal prospecting licence

Omit the clause.

Explanatory note

Currently, clauses 46 and 53 of the *Mining Regulation 2010* prescribe nil as the amount that the holder of a mineral claim or opal prospecting licence must pay into the Land and Environment Court before exercising any right conferred by the claim or licence on a person's land. The proposed amendments omit the clauses as a consequence of amendments to the *Mining Act 1992* that remove the requirement to prescribe a fee in the regulations under the relevant sections of that Act.

1.25 Motor Vehicles Taxation Act 1988 No 111

[1] Section 3 Definitions

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

Insert in alphabetical order:

eligible pensioner means a person:

- (a) who is entitled to hold any of the following cards issued by the Commonwealth:
 - (i) a card known as a pensioner concession card,
 - (ii) a card known as a gold repatriation health card that is embossed with TPI, EDA, WAR WIDOW or WAR WIDOWER,
Note. TPI refers to totally and permanently incapacitated and EDA refers to extreme disablement adjustment.
 - (iii) a card prescribed by the regulations as being equivalent to any of those cards, or
- (b) who is entitled to receive, in respect of any injury or disease, a pension, or other amount, approved by the Authority that is payable under the *Veterans' Entitlements Act 1986* of the Commonwealth or the *Military Rehabilitation and Compensation Act 2004* of the Commonwealth, or

-
- (c) who is a war widow or war widower (within the meaning of section 5E of the *Veterans' Entitlements Act 1986* of the Commonwealth).

[2] Section 16 Vehicles totally exempt from tax

Omit "a pensioner" from section 16 (1) (d) (i).

Insert instead "an eligible pensioner".

[3] Section 16 (1) (d) (i) and (iii) and (2) (b) (ii)

Omit "pensioners" wherever occurring. Insert instead "eligible pensioners".

[4] Section 16 (1) (d) (iii) and (2) (b) (i)

Omit "pensioner" wherever occurring. Insert instead "eligible pensioner".

[5] Section 16 (2)

Omit "A pensioner". Insert instead "An eligible pensioner".

Commencement

The amendments commence, or are taken to have commenced, on 1 January 2011.

Explanatory note

The object of the proposed amendments is to simplify the circumstances in which a pensioner will be exempt from the need to pay tax on the registration of a motor vehicle. The main changes from the current pensioner exemption are as follows:

- (a) a person will now only need to prove that the person is entitled to hold a pensioner concession card rather than being required to actually hold the card (thereby allowing a person who has been given an interim card or voucher until his or her pensioner concession card is processed and issued to be entitled to the exemption),
- (b) additional cards will be accepted as evidence that a person is eligible to receive benefits as a member or former member of the Australian Defence Force, war widow or war widower (being a person who is covered by the *Veterans' Entitlements Act 1986* of the Commonwealth or the *Military Rehabilitation and Compensation Act 2004* of the Commonwealth),
- (c) the exemption for members or former members of the Defence Force who receive a pension, or other amount, approved by the RTA will now apply to a person if the person's entitlement arises:
 - (i) under the *Veterans' Entitlements Act 1986* of the Commonwealth or the *Military Rehabilitation and Compensation Act 2004* of the Commonwealth, rather than just under the first of those Acts, and
 - (ii) because of any injury or disease rather than being limited to a war-caused disability that seriously affects the person's powers of movement,
- (d) the exemption also extends to war widowers rather than only to war widows and will apply regardless of how old the person is (the present exemption does not apply to a widow over 60 unless she holds a pensioner concession card),
- (e) the requirement to hold a driver licence, or to otherwise satisfy the RTA of eligibility, before obtaining a pensioner exemption is removed.

1.26 Plant Diseases Act 1924 No 38

Sections 3 and 28B

Insert “bacterium, fungus, viroid,” after “kingdom,” in the definition of *Disease* in section 3 (1) and in section 28B (a), wherever occurring.

Explanatory note

The proposed amendments to the *Plant Diseases Act 1924* will extend the definition of *disease* in the Act to include any bacterium, fungus or viroid which causes an abnormal or unhealthy condition in plants and will also allow the Governor to declare by proclamation any bacterium, fungus or viroid which causes an abnormal or unhealthy condition in plants to be a disease for the purposes of the Act.

1.27 Public Sector Employment and Management Act 2002 No 43

Section 141 Delegation of functions of Board

Insert after section 141 (1):

- (1A) A delegate may subdelegate to an authorised person any function delegated under this section if the delegate is authorised by the terms of the delegation to do so.

Explanatory note

The proposed amendment to the *Public Sector Employment and Management Act 2002* will allow an authorised person (being a member of the State Contracts Control Board, a subcommittee of the Board, a member of staff of a Division of the Government Service, a statutory body, a statutory officer or any other person or body of persons approved by the Minister) to subdelegate to another authorised person any function delegated under the Act to the authorised person by the State Contracts Control Board.

1.28 Residential Tenancies Act 2010 No 42

[1] Section 8 Agreements to which Act does not apply

Omit “or to any moveable dwelling for which such an agreement is required” from section 8 (2).

[2] Section 33 Payment of rent by tenant

Omit the penalty provision at the end of the section.

Insert instead after subsections (2) and (3), respectively:

Maximum penalty: 10 penalty units.

[3] Section 36 Rent receipts

Omit “in person” from section 36 (2).

[4] Section 41 Rent increases

Omit section 41 (2). Insert instead:

- (2) This section extends to an increase in the rent payable under a residential tenancy agreement on renewal of the agreement as if the increase were an increase during the term of the agreement.

Note. Notice of a rent increase on renewal is required under subsection (1) before the lease is renewed.

[5] Section 130 Disposal of non-perishable goods (other than personal documents)

Omit “any occupation fee payable under this section” from section 130 (4).

Insert instead “an occupation fee calculated in accordance with section 132”.

[6] Section 209 Definitions

Insert in alphabetical order:

database operator means an entity that operates a residential tenancy database.

Explanatory note

Item [1] of the proposed amendments to the (uncommenced) *Residential Tenancies Act 2010 (the Act)* removes wording that makes an unnecessary distinction in describing a class of residential tenancy agreements (being those to which the *Residential Parks Act 1998* applies) that are excluded from the operation of the Act.

Item [2] makes it clear that the maximum penalty provided for in a section of the Act dealing with payment of rent by a tenant under a residential tenancy agreement applies only to a contravention of a landlord’s obligations under the section and, consistent with the *Residential Tenancies Act 1987*, not to a contravention of a tenant’s obligation under the section.

The effect of item [3] is to require a person who receives rent under a residential tenancy agreement by cheque to issue a rent receipt in accordance with the Act whether the rent is paid by cheque in person or by cheque sent by post (rather than only if it is paid by cheque in person, as is currently the case).

Item [4] makes it clear that a provision that requires prior notice to be given to a tenant of any increase in the rent payable under a residential tenancy agreement extends to a rent increase on the renewal of the agreement.

Item [5] replaces an incorrect reference to a section of the Act under which an occupation fee is payable (which makes no provision for such a fee) with a cross reference to a section of the Act that provides for the method for calculating such a fee.

Item [6] inserts a definition for the purposes of a Part of the Act dealing with residential tenancy databases.

1.29 Retirement Villages Act 1999 No 81

[1] Section 19 Information to be provided to prospective residents

Omit section 19 (1). Insert instead:

- (1) The Director-General may approve the content and form of information that the operator of a retirement village must provide to a prospective resident of the retirement village.

[2] Section 19 (2)

Omit “information in accordance with any such notice”.

Insert instead “the approved information in the approved form at or before the time the general inquiry document is provided to the prospective resident or person acting on behalf of the prospective resident”.

[3] Section 19 (3)

Omit “a notice may require the operator of a retirement village to provide information relating”.

Insert instead “the approved information may relate”.

[4] Section 24A Retirement village land to be recorded on Register

Omit the last sentence in section 24A (6).

Explanatory note

Currently, the *Retirement Villages Act 1999* (**the Act**) allows the Director-General to specify information that a retirement village operator must provide to prospective or existing village residents, but only by means of a written notice to each operator.

Item [1] of the proposed amendments to the Act allows the Director-General to specify such information by approving its content and form. Items [1] and [2] require the operator to provide the approved information in the approved form only to prospective residents, at or before the time the prospective resident is provided with a general inquiry document under the Act. Item [3] makes a consequential amendment.

Item [4] omits a requirement for a retirement village operator to provide the holder of a registered interest in land in the retirement village with a written statement of the effect of a Part of the Act that provides for the creation of a statutory charge over such land to secure certain entitlements of former village occupants. (Currently, the operator must provide the statement to the interest holder along with written notice that the retirement village land has been recorded as such in the relevant Register.)

1.30 Road Transport (Driver Licensing) Act 1998 No 99

[1] Section 39 Photographs to which this Part applies

Insert at the end of section 39 (c) (iii):

, and

- (d) photographs in the possession of the Authority that were taken or provided for the purpose of applications for the issue or renewal of an operator licence under the *Commercial Agents and Private Inquiry Agents Act 2004*.

[2] Section 40 Purposes for which photographs may be kept and used

Insert after section 40 (1) (a) (iii):

- (iv) an operator licence under the *Commercial Agents and Private Inquiry Agents Act 2004*,

[3] Section 41 Release of photographs prohibited

Insert after section 41 (1) (c) (i):

- (ii) in relation to an operator licence under the *Commercial Agents and Private Inquiry Agents Act 2004*, or

Explanatory note

The proposed amendments to the *Road Transport (Driver Licensing) Act 1998* apply certain restrictions on the RTA's use, retention and release of identification photographs that it stores in relation to applications for driver licences, "proof of age" cards and various other licences and permits, to identification photographs that it stores in relation to applications for operator licences under the *Commercial Agents and Private Inquiry Agents Act 2004*.

1.31 Strata Schemes (Freehold Development) Act 1973 No 68

Section 12 Consolidation of lots

Insert at the end of the section:

- (2) Section 88B of the *Conveyancing Act 1919* applies to a strata plan of consolidation in the same way as it applies to a strata plan or strata plan of subdivision under section 7 (3).

Explanatory note

The proposed amendment to the *Strata Schemes (Freehold Development) Act 1973* enables easements to be created or released or covenants to be created over lots in a strata scheme under the Act on registration of a strata plan providing for consolidation of the lots. Currently, this method of creating or releasing easements or covenants (that is, by registration of a plan) is only available in relation to registration of the original plan for a strata scheme or a plan to subdivide lots or common property in a strata scheme.

1.32 Strata Schemes (Leasehold Development) Act 1986 No 219

Section 15 Consolidation of lots

Insert at the end of the section:

- (2) Section 88B of the *Conveyancing Act 1919* applies to a strata plan of consolidation in the same way as it applies to a strata plan or strata plan of subdivision under section 6 (4).
- (3) Section 6 (5) extends to a strata plan of consolidation.

Explanatory note

The proposed amendment to the *Strata Schemes (Leasehold Development) Act 1986* enables easements to be created or released or covenants to be created over lots in a leasehold strata scheme under the Act on registration of a strata plan providing for consolidation of the lots. Currently, this method of creating or releasing easements or covenants (that is, by registration of a plan) is only available in relation to registration of the original plan for a leasehold strata scheme or a plan to subdivide lots or common property in a leasehold strata scheme.

A related ancillary provision in the Act is also extended to apply to strata plans providing for consolidation of lots.

1.33 Subordinate Legislation Act 1989 No 146

[1] Section 10A Certain statutory rules to remain in force

Omit section 10A (1) (b)–(e).

[2] Section 10A (1A)

Insert after section 10A (1):

- (1A) Despite the other provisions of this Part, the following statutory rules remain in force until 1 September 2012, unless sooner repealed:
 - (a) *Children and Young Persons (Care and Protection) Regulation 2000*,
 - (b) *Electricity Supply (General) Regulation 2001*,
 - (c) *Employment Protection Regulation 2001*,
 - (d) *Industrial Relations (General) Regulation 2001*,
 - (e) *Public Health (Microbial Control) Regulation 2000*,
 - (f) *Public Health (Skin Penetration) Regulation 2000*,
 - (g) *Public Health (Swimming Pools and Spa Pools) Regulation 2000*,

(h) *Road Transport (Safety and Traffic Management) Regulation 1999.*

Explanatory note

The proposed amendments to the *Subordinate Legislation Act 1989 (the Act)* have the effect of keeping a number of regulations in force for a further period of one year after the date on which they would otherwise be repealed by the Act. However, any of the Regulations may be repealed sooner by other legislation.

This is necessary as the regulations have each been postponed on at least 5 occasions, and are now due to be repealed by the Act on 1 September 2011.

Each of the regulations continues to be required and the repeal of each of the regulations is to be further postponed until 1 September 2012 for the following reasons:

- (a) The Department of Human Services is currently undertaking a review of the *Children and Young Persons (Care and Protection) Regulation 2000* which is not likely to be completed before 1 September 2011.
- (b) The Ministerial Council on Energy is currently undertaking a national energy market reform program which is expected to result in significant regulatory changes to areas that are dealt with by the *Electricity Supply (General) Regulation 2001*. It is therefore proposed to await these changes before remaking the regulation.
- (c) The Department of Services, Technology and Administration is proposing to undertake a full review of the *Industrial Relations Act 1996* and the *Employment Protection Act 1982* as a consequence of the operation of the *Fair Work Act 2009* of the Commonwealth and the referral of certain matters relating to industrial relations to the Commonwealth. In light of this it is considered to be premature to remake the *Employment Protection Regulation 2001* and the *Industrial Relations (General) Regulation 2001* before the outcome of that review is known.
- (d) The Department of Health is currently preparing a new Public Health Act which is to repeal and replace the *Public Health Act 1991*. The *Public Health (Microbial Control) Regulation 2000*, *Public Health (Skin Penetration) Regulation 2000* and the *Public Health (Swimming Pools and Spa Pools) Regulation 2000* will be repealed on the repeal of the *Public Health Act 1991*. It is therefore considered not to be a good use of resources to remake those regulations before that repeal.
- (e) The RTA is currently preparing to consolidate road transport legislation. As part of that consolidation the matters dealt with by the *Road Transport (Safety and Traffic Management) Regulation 1999* will be included in more general road transport regulation. It is therefore proposed to await that consolidation rather than remaking the regulation.

Schedule 2 Amendments by way of statute law revision

2.1 Aboriginal Land Rights Regulation 2002

Clause 100 (2)

Omit “Section 6 of the *Commercial Arbitration Act 1984*”.

Insert instead “Section 10 of the *Commercial Arbitration Act 2010*”.

Explanatory note

The proposed amendment updates a cross-reference.

2.2 Agricultural Tenancies Act 1990 No 64

Section 26K, note

Omit “*Commercial Arbitration Act 1984*”.

Insert instead “*Commercial Arbitration Act 2010*”.

Explanatory note

The proposed amendment updates a cross-reference.

2.3 Apprenticeship and Traineeship Regulation 2010

Clause 11 (1) (b), (2) (b) and (3) (b)

Omit “subpararaphs” wherever occurring. Insert instead “subparagraphs”.

Explanatory note

The proposed amendment corrects typographical errors.

2.4 Balranald Local Environmental Plan 2010

[1] Clause 6.6 (3), definition of “waterfront land”

Omit “bed or”. Insert instead “bed of”.

[2] Clause 6.6 (3), definition of “waterfront land”

Omit “high”. Insert instead “highest”.

Explanatory note

The proposed amendments correct typographical errors.

2.5 Bellinghen Local Environmental Plan 2010

Clause 4.2A (5)

Omit “suclauses”. Insert instead “subclauses”.

Explanatory note

The proposed amendment corrects a typographical error.

2.6 Building Professionals Act 2005 No 115

Section 34 (4)

Omit “subsection (2) (f)”. Insert instead “subsection (2) (g)”.

Explanatory note

The proposed amendment corrects a cross-reference.

2.7 Camden Local Environmental Plan 2010

Clause 4.2A

Renumber subclause (3) where secondly occurring as subclause (4).

Explanatory note

The proposed amendment corrects numbering.

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

Section 229 (1A)

Omit the penalty provision.

Explanatory note

The proposed amendment clarifies the operation of a penalty.

2.9 Children’s Court Rule 2000

Clause 30G (3), note

Omit “section 14M of”. Insert instead “clause 13 of Schedule 1 to”.

Explanatory note

The proposed amendment corrects a cross-reference.

2.10 Civil Procedure Act 2005 No 28

[1] Section 9 (4)

Omit “section 14B of”. Insert instead “clause 2 of Schedule 1 to”.

[2] Section 9 (4)

Omit “section 14C of”. Insert instead “clause 3 of Schedule 1 to”.

Explanatory note

The proposed amendments correct cross-references.

2.11 Coastal Protection and Other Legislation Amendment Act 2010 No 78

Schedule 3.2

Omit “section 79C (1) (iv)”. Insert instead “section 79C (1) (a) (iv)”.

Explanatory note

The proposed amendment corrects an incorporation direction.

2.12 Community Land Management Regulation 2007

Clause 20, note

Omit “*Consumer, Trader and Tenancy Tribunal Regulation 2002*”.

Insert instead “*Consumer, Trader and Tenancy Tribunal Regulation 2009*”.

Explanatory note

The proposed amendment updates a cross-reference.

2.13 Consumer, Trader and Tenancy Tribunal Regulation 2009

[1] Clause 36A

Omit “section 14B of”. Insert instead “clause 2 of Schedule 1 to”.

[2] Clause 36B (2) (b)

Omit “section 14E of”. Insert instead “clause 5 of Schedule 1 to”.

Explanatory note

The proposed amendments correct cross-references.

2.14 Coroners Act 2009 No 41

Section 104 (3)

Omit “section 14C of”. Insert instead “clause 3 of Schedule 1 to”.

Explanatory note

The proposed amendment corrects a cross-reference.

2.15 District Court Act 1973 No 9

[1] Section 161 (6B)

Omit “section 14B of”. Insert instead “clause 2 of Schedule 1 to”.

[2] Section 161 (6B)

Omit “section 14C of”. Insert instead “clause 3 of Schedule 1 to”.

Explanatory note

The proposed amendments correct cross-references.

2.16 Dust Diseases Tribunal Act 1989 No 63

[1] Section 33 (8)

Omit “section 14B of”. Insert instead “clause 2 of Schedule 1 to”.

[2] Section 33 (8)

Omit “section 14C of”. Insert instead “clause 3 of Schedule 1 to”.

Explanatory note

The proposed amendments correct cross-references.

2.17 Election Funding and Disclosures Act 1981 No 78

Section 95B (5), heading

Omit “**aggregation**”. Insert instead “**aggregation**”.

Explanatory note

The proposed amendment corrects a typographical error.

2.18 Electricity Supply Act 1995 No 94

[1] Section 65 (4)

Omit “Section 102”. Insert instead “Section 185”.

[2] Section 65 (4), note

Omit “section 102”. Insert instead “section 185”.

[3] Section 160 (1) (b) and (c)

Omit “a Cabinet document” wherever occurring.

Insert instead “Cabinet information”.

[4] Section 160 (2)

Omit “a document is a Cabinet document”.

Insert instead “information is Cabinet information”.

[5] Section 160 (3)

Omit the definition of *Cabinet document*. Insert instead:

Cabinet information means information that is Cabinet information under the *Government Information (Public Access) Act 2009*.

Explanatory note

Items [1] and [2] of the proposed amendments correct cross-references.

Items [3]–[5] of the proposed amendments update terminology.

2.19 Electronic Transactions (ECM Courts) Order 2005

Clause 7

Omit “section 14C of”. Insert instead “clause 3 of Schedule 1 to”.

Explanatory note

The proposed amendment corrects a cross-reference.

2.20 Electronic Transactions Regulation 2007

Clause 8 (3)

Omit “Part 2A of”. Insert instead “Schedule 1 to”.

Explanatory note

The proposed amendment corrects a cross-reference.

2.21 Firearms Act 1996 No 46

Section 30

Renumber subsection (8) where firstly occurring as subsection (7A).

Explanatory note

The proposed amendment corrects numbering.

2.22 Gunnedah Local Environmental Plan 1998

Schedule 3, Column 1

Omit “Rerserve”. Insert instead “Reserve”.

Explanatory note

The proposed amendment corrects a typographical error.

2.23 Health Practitioner Regulation (Adoption of National Law) Act 2009 No 86

Schedule 1 [13] section 138 (1), paragraph (b) of definition of “Minister”

Omit “Ministering”. Insert instead “Minister”.

Explanatory note

The proposed amendment corrects a typographical error.

2.24 Health Practitioner Regulation (New South Wales) Regulation 2010

Clause 17 (1) (b)

Omit “*Guardianship*”. Insert instead “*Guardian*”.

Explanatory note

The proposed amendment corrects a cross-reference.

2.25 Illawarra Regional Environmental Plan No 1

Clause 4

Omit “Municipality”. Insert instead “Municipality”.

Explanatory note

The proposed amendment corrects a typographical error.

2.26 Jury Regulation 2010

[1] Clause 5 (a)

Omit “assumed identity approval is in force under the *Law Enforcement and National Security (Assumed Identities) Act 1998*”.

Insert instead “authority is in force under the *Law Enforcement and National Security (Assumed Identities) Act 2010*”.

[2] Clause 5 (b)

Insert “authority was in force under the *Law Enforcement and National Security (Assumed Identities) Act 2010* or an” after “whom an”.

Explanatory note

The proposed amendments update cross-references.

2.27 Land and Environment Court Act 1979 No 204

[1] Section 74 (7)

Omit “section 14B of”. Insert instead “clause 2 of Schedule 1 to”.

[2] Section 74 (7)

Omit “section 14C of”. Insert instead “clause 3 of Schedule 1 to”.

Explanatory note

The proposed amendments correct cross-references.

2.28 Local Court Act 2007 No 93

[1] Section 42 (4)

Omit “section 14B of”. Insert instead “clause 2 of Schedule 1 to”.

[2] Section 42 (4)

Omit “section 14C of”. Insert instead “clause 3 of Schedule 1 to”.

Explanatory note

The proposed amendments correct cross-references.

2.29 Marine Safety (General) Regulation 2009

[1] Clause 76 (3)

Omit “Subclause (1)”. Insert instead “Subclause (2)”.

[2] Schedule 2, Rule 3 (m)

Omit “Grand”. Insert instead “Ground”.

[3] Schedule 2, Rule 23 (a) (ii)

Omit “and may”. Insert instead “but may”.

[4] Schedule 2, Rule 24 (a) (i)

Omit “stem”. Insert instead “stern”.

[5] Schedule 2, Rule 24 (d)

Omit “apply”. Insert instead “applies”.

[6] Schedule 2, Rule 24 (e) (iii)

Omit “where the length”. Insert instead “if the length”.

[7] Schedule 2, Rule 27 (b) (iv) and (d) (iii)

Omit “an” wherever occurring. Insert instead “at”.

Explanatory note

Item [1] of the proposed amendments corrects a cross-reference.

Items [2]–[7] of the proposed amendments correct typographical errors.

2.30 Nambucca Local Environmental Plan 2010

Schedule 3, Part 1, Strata subdivision

Omit “*State Environmental Planning Policy 71—Coastal Protection*” from subclause (2).

Insert instead “*State Environmental Planning Policy No 71—Coastal Protection*”.

Explanatory note

The proposed amendment corrects a typographical error.

2.31 National Park Estate (Riverina Red Gum Reservations) Act 2010 No 22

Schedule 4

Omit “*silvicultural*”. Insert instead “*silvicultural*”.

Explanatory note

The proposed amendment corrects a typographical error.

2.32 National Parks and Wildlife Regulation 2009

Schedule 3 Savings, transitional and other provisions

Re-number the Schedule as Schedule 4.

Explanatory note

The proposed amendment corrects numbering.

2.33 Petroleum (Onshore) Act 1991 No 84

Section 3 (1), definition of “landholder”

Omit the note to paragraph (g1).

Explanatory note

The proposed amendment omits a redundant note.

2.34 Protection of the Environment Operations (Clean Air) Regulation 2010

Clause 79

Omit “*Protection of the Environment (Clean Air) Regulation 2002*”.

Insert instead “*Protection of the Environment Operations (Clean Air) Regulation 2002*”.

Explanatory note

The proposed amendment corrects a cross-reference.

2.35 Radiation Control Amendment Act 2010 No 91

Schedule 1 [5], proposed section 8 (1)

Omit “caries”. Insert instead “carries”.

Explanatory note

The proposed amendment corrects a typographical error.

2.36 Real Property Act 1900 No 25

Section 4A (1)

Omit “Land and Property Management Authority”.

Insert instead “Department”.

Explanatory note

The proposed amendment updates a reference to a Department.

2.37 Road Transport (General) Act 2005 No 11

[1] Section 130 (1) (a)

Omit “an applicable road law or”.

[2] Section 130 (1) (a), note

Insert at the end of section 130 (1) (a):

Note. *Australian applicable road law* is defined in section 3 (1) to mean an applicable road law or a corresponding applicable road law.

Explanatory note

Item [1] of the proposed amendments omits redundant words.

Item [2] of the proposed amendments inserts a note to clarify the amendment made by item [1].

2.38 Road Transport (Vehicle Registration) Regulation 2007

Clause 57 (2) (a) (ii)

Omit “scheduled”.

Explanatory note

The proposed amendment omits a redundant word.

2.39 Supreme Court Act 1970 No 52

[1] Section 124 (10B)

Omit “section 14B of”. Insert instead “clause 2 of Schedule 1 to”.

[2] Section 124 (10B)

Omit “section 14C of”. Insert instead “clause 3 of Schedule 1 to”.

Explanatory note

The proposed amendments correct cross-references.

2.40 Transport Administration Act 1988 No 109

Schedule 6A, clause 12 (1A)

Omit “*Commercial Arbitration Act 1984*”.

Insert instead “*Commercial Arbitration Act 2010*”.

Explanatory note

The proposed amendment updates a cross-reference.

2.41 Wagga Wagga Local Environmental Plan 2010

Dictionary, definition of “groundwater”

Omit “aquifier”. Insert instead “aquifer”.

Explanatory note

The proposed amendment corrects a typographical error.

2.42 Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010

[1] Clause 6 (1)

Omit “*Mooki Creek*”. Insert instead “*Mooki River*”.

[2] Clause 81, note

Omit “clause 83”. Insert instead “clause 81”.

Explanatory note

The proposed amendments correct typographical errors.

Schedule 3 On-line notification of the making of statutory instruments

3.1 Children (Detention Centres) Act 1987 No 57

Section 5 (1) and (4)

Omit “in the Gazette” wherever occurring.

Insert instead “on the NSW legislation website”.

3.2 Conveyancers Licensing Act 2003 No 3

Sections 9 (1) and 10 (4), definition of “corresponding law”

Omit “in the Gazette” wherever occurring.

Insert instead “on the NSW legislation website”.

3.3 Conveyancers Licensing Regulation 2006

Clause 6 (2) (a)

Omit “in the Gazette”. Insert instead “on the NSW legislation website”.

3.4 Crimes (Administration of Sentences) Act 1999 No 93

Section 28 (1)

Omit “in the Gazette”. Insert instead “on the NSW legislation website”.

3.5 Electronic Transactions Act 2000 No 8

[1] Schedule 1

Insert after clause 2 (2):

- (3) An order establishing an electronic case management system under this clause may be published on the NSW legislation website or in such other manner as determined by the Attorney General.

[2] Schedule 1

Omit “in the Gazette” from clause 3.

Insert instead “on the NSW legislation website”.

3.6 Energy and Utilities Administration Act 1987 No 103

[1] Sections 24 (2), 26 (5) and 34D (1)

Omit “in the Gazette” wherever occurring.

Insert instead “on the NSW legislation website”.

[2] Sections 25 (4) (a) and 27 (3) (a)

Insert “or on the NSW legislation website” after “Gazette” wherever occurring.

3.7 Environmental Planning and Assessment Act 1979 No 203

Section 118 (7), (7A) and (9)

Insert “or on the NSW legislation website” after “Gazette” wherever occurring.

3.8 Essential Services Act 1988 No 41

[1] Sections 4 (2) and (4) and 8 (1) and (4)

Omit “in the Gazette” wherever occurring.

Insert instead “on the NSW legislation website”.

[2] Sections 9 (4) (a), 10 (6) and 11 (3) (a)

Insert “or on the NSW legislation website” after “Gazette” wherever occurring.

3.9 Prisoners (Interstate Transfer) Act 1982 No 104

Section 6 (1)

Omit “in the Gazette”. Insert instead “on the NSW legislation website”.

3.10 Property, Stock and Business Agents Act 2002 No 66

Sections 15 (1) and 21 (2)

Omit “in the Gazette” wherever occurring.

Insert instead “on the NSW legislation website”.

3.11 Road Obstructions (Special Provisions) Act 1979 No 9

Sections 2A (2) and 10 (3)

Omit “in the Gazette” wherever occurring.

Insert instead “on the NSW legislation website”.

3.12 State Emergency and Rescue Management Act 1989 No 165

Section 34 (b)

Insert “or on the NSW legislation website” after “Gazette”.

3.13 Workplace Injury Management and Workers Compensation Act 1998 No 86

Section 30 (1A)

Omit the subsection. Insert instead:

- (1A) Before a WorkCover Guideline is published in the Gazette or a regulation (whether made under this Act or the 1987 Act) is published on the NSW legislation website, a copy of the Guideline or the regulation must be provided to the Council.

Explanatory note

This Schedule contains amendments that relate to the official notification of the making of certain statutory instruments on the NSW legislation website that is maintained by the Parliamentary Counsel. The amendments provide that certain statutory instruments such as orders and notices are required to be, or may be, published on the NSW legislation website instead of in the Gazette.

Schedule 4 Repeals

Part 1 Repeals

1 Repeal of redundant Acts, instruments and provisions

The following Acts and instruments, or provisions of Acts, are repealed:

Act or instrument	Provisions repealed
<i>Appropriation Act 2009</i> No 43	Whole Act
<i>Appropriation (Budget Variations) Act 2009</i> No 10	Whole Act
<i>Appropriation (Parliament) Act 2009</i> No 44	Whole Act
<i>Appropriation (Special Offices) Act 2009</i> No 45	Whole Act
<i>Coal Mines Regulation (Transitional Provisions) Regulation 1984</i>	Whole Regulation
<i>Duties (Marketable Securities) Order 1998</i>	Whole Order
<i>Government Insurance Office (Privatisation) Savings and Transitional Regulation 1992</i>	Whole Regulation
<i>Home Building Legislation Amendment Act 2001</i> No 51	Section 6

2 Repeal of amending provisions that have commenced

The following Acts, or provisions of Acts, are repealed:

Act	Provisions repealed
<i>Assisted Reproductive Technology Act 2007</i> No 69	Section 73 and Schedule 2
<i>Coroners Act 2009</i> No 41	Schedule 3 (Consequential amendment of Acts and Regulations)
<i>Marine Safety Act 1998</i> No 121	Schedule 3.4, 3.5, 3.6 and 3.7 [1], [2] and [14]
<i>Miscellaneous Acts (Coal Mines Regulation) Repeal and Amendment Act 1982</i> No 69	Whole Act
<i>Miscellaneous Acts (Planning) Repeal and Amendment Act 1979</i> No 205	Sections 4 and 5 and Schedules 1 and 2
<i>Police (Special Provisions) Act 1901</i> No 5	First Schedule

Act	Provisions repealed
<i>Private Health Facilities Act 2007</i> No 9	Section 67 and Schedule 5
<i>Sydney Water Catchment Management Act 1998</i> No 171	Section 72
<i>Workers Compensation Legislation Amendment Act 1995</i> No 30	Whole Act

3 Repeal of provisions that amend Acts or instruments that have since been repealed or superseded

The following Acts, or provisions of Acts, are repealed:

Act	Provisions repealed
<i>Children and Young Persons Legislation (Repeal and Amendment) Act 1998</i> No 158	Section 3 and Schedule 2.10
<i>Children (Care and Protection) (Personal and Family Violence) Amendment Act 1987</i> No 186	Whole Act
<i>Crimes (Sentencing Legislation) Amendment (Intensive Correction Orders) Act 2010</i> No 48	Whole Act
<i>Health Care Complaints Act 1993</i> No 105	Section 102 and Schedule 3
<i>Road Transport Legislation Amendment Act 2008</i> No 61	Schedule 2

4 Repeal of Acts whose provisions are transferred by Part 2

The following Acts are repealed:

Act	Provisions repealed
<i>National Parks and Wildlife (Adjustment of Areas) Act 2006</i> No 15	Whole Act
<i>National Parks and Wildlife (Broken Head Nature Reserve) Act 2010</i> No 12	Whole Act
<i>National Parks and Wildlife (Further Adjustment of Areas) Act 2005</i> No 60	Whole Act
<i>National Parks and Wildlife (Leacock Regional Park) Act 2008</i> No 20	Whole Act

5 Repeal of Residential Parks Amendment (Statutory Review) Act 2005 No 117

The *Residential Parks Amendment (Statutory Review) Act 2005* is repealed.

Explanatory note

Clause 5 repeals the *Residential Parks Amendment (Statutory Review) Act 2005 (the 2005 Act)* which contains only formal provisions, and uncommenced amendments relating to the payment of charges for gas under residential tenancy agreements to which the *Residential Parks Act 1998 (the 1998 Act)* applies. The uncommenced amendments were part of a raft of amendments made by the 2005 Act as a result of a ministerial review of the 1998 Act and have since been superseded by proposed national reforms in the area.

Part 2 Transfer of existing provisions to enable repeal of separate Acts

Amendment of National Parks and Wildlife Act 1974 No 80

Insert after Part 1 of Schedule 2 (Revocation of reservation or dedication of certain land):

Part 2 Revocations under the National Parks and Wildlife (Further Adjustment of Areas) Act 2005

3 Revocation in Illawarra Escarpment State Conservation Area

- (1) The reservation under this Act as state conservation area of land to which this clause applies, being part of Illawarra Escarpment State Conservation Area, is revoked.
- (2) This clause applies to land within Lot 2, DP 1083121 and those parts of Lot 31, DP 1083116 that were within Illawarra Escarpment State Conservation Area immediately before the commencement of section 3 of the *National Parks and Wildlife (Further Adjustment of Areas) Act 2005*.
- (3) On the revocation of the reservation as state conservation area of land to which this clause applies, that land:
 - (a) is vested in the Crown for an estate in fee simple, freed and discharged from all trusts, obligations, estates, interests and rights of way or other easements, and
 - (b) is subject to the *Crown Lands Act 1989*.

4 Revocation in Jerrawangala National Park and Morton National Park

- (1) The reservation under this Act as national park of land to which this clause applies, being part of Jerrawangala National Park and part of Morton National Park, is revoked.
- (2) This clause applies to the following land:
 - (a) land within Lots 31–33, DP 1075211,
 - (b) land within Lots 64–68, DP 1075869, Lots 100–111, DP 1078152 and Lots 11–32, DP 1080225.
- (3) On the revocation of the reservation as national park of land to which this clause applies, that land is vested in the Minister on behalf of the Crown for the purposes of Part 11 of this Act for an estate in fee simple, freed and discharged from all trusts, obligations, estates, interests, rights of way or other easements.
- (4) The Minister must not transfer under Part 11 of this Act:
 - (a) the whole or any part of land to which this clause applies, or
 - (b) any interest in that land,unless other land is first transferred into the national park estate as compensation for the excision of that land (being other land the Minister is satisfied is of equal or greater conservation value in terms of natural and cultural heritage).
- (5) For the purposes of subclause (4), the national park estate comprises land reserved under this Act or land acquired by the Minister under Part 11 of this Act for the purposes of its reservation under this Act.

5 Transferred provisions to which Interpretation Act 1987 applies

Clauses 3 and 4 re-enact (with minor modification) sections 3–5 of the *National Parks and Wildlife (Further Adjustment of Areas) Act 2005*. Clauses 3 and 4 are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

Part 3 Revocations under the National Parks and Wildlife (Adjustment of Areas) Act 2006

6 Revocation in Bargo State Conservation Area

The reservation under this Act as state conservation area of land within Lot 100, DP 1088254, being part of Bargo State Conservation Area, is revoked.

7 Reservation of certain Crown land as state conservation area or national park

- (1) The land shown coloured pink on the map catalogued Misc R 00105 in the Department of Environment, Climate Change and Water is reserved under this Act as Bargo River State Conservation Area.
- (2) Land within Lots 9 and 10, DP 753788 is reserved under this Act as part of Yengo National Park.

8 Transferred provisions to which Interpretation Act 1987 applies

Clauses 6 and 7 re-enact (with minor modification) sections 3 and 4 of the *National Parks and Wildlife (Adjustment of Areas) Act 2006*. Clauses 6 and 7 are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

Part 4 Revocations under the National Parks and Wildlife (Leacock Regional Park) Act 2008

9 Revocation in Leacock Regional Park

- (1) The reservation under this Act as regional park of land to which this clause applies, being part of Leacock Regional Park, is revoked.
- (2) This clause applies to an area of about 1,564 square metres, being Lot 2, DP 1123827.
- (3) On the revocation of the reservation as regional park of land to which this clause applies, that land is vested in the Minister on behalf of the Crown for the purposes of Part 11 of this Act for an estate in fee simple, freed and discharged from all trusts, obligations, estates, interests, rights of way or other easements.
- (4) In this clause, *Leacock Regional Park* means an area of about 34.3 hectares, being the land reserved as Leacock Regional Park by notices published in the following:
 - (a) Gazette No 97 of 5 September 1997 at page 7850,
 - (b) Gazette No 156 of 12 October 2001 at page 8586.

10 Transferred provisions to which Interpretation Act 1987 applies

Clause 9 re-enacts (with minor modification) sections 3 and 4 of the *National Parks and Wildlife (Leacock Regional Park) Act 2008*. Clause 9 is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.

Part 5 Revocations under the National Parks and Wildlife (Broken Head Nature Reserve) Act 2010

11 Revocation in Broken Head Nature Reserve

- (1) The reservation under this Act as nature reserve of land to which this clause applies, being part of Broken Head Nature Reserve, is revoked.
- (2) This clause applies to an area of about 981 square metres of Broken Head Nature Reserve, being Lot 4, DP 1139721.
- (3) On the revocation of the reservation as nature reserve of land to which this clause applies, that land is vested in the Minister on behalf of the Crown for the purposes of Part 11 of this Act for an estate in fee simple, freed and discharged from all trusts, obligations, estates, interests, rights of way or other easements.
- (4) In this clause, *Broken Head Nature Reserve* means an area of about 98 hectares, being the land reserved as Broken Head Nature Reserve by notices published in the following:
 - (a) Gazette No 119 of 27 September 1974 at page 3843 (as amended by an erratum published in Gazette No 149 of 13 December 1974 at page 4884),
 - (b) Gazette No 166 of 7 November 1980 at page 5732,
 - (c) Gazette No 38 of 6 March 1981 at page 1301,
 - (d) Gazette No 46 of 26 March 1982 at page 1281,
 - (e) Gazette No 60 of 27 April 1984 at page 2227,
 - (f) Gazette No 145 of 12 October 1984 at page 4989,
 - (g) Gazette No 52 of 11 March 1988 at page 1528,
 - (h) Gazette No 164 of 23 December 2005 at pages 11512–11516.

12 Transferred provisions to which Interpretation Act 1987 applies

Clause 11 re-enacts (with minor modification) sections 3 and 4 of the *National Parks and Wildlife (Broken Head Nature Reserve) Act 2010*. Clause 11 is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.

Explanatory note

The proposed amendment inserts into Schedule 2 (Revocation of reservation or dedication of certain land) to the *National Parks and Wildlife Act 1974* the substance of provisions (of possible ongoing effect) contained in the following Acts:

- (a) *National Parks and Wildlife (Further Adjustment of Areas) Act 2005*,

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- (b) *National Parks and Wildlife (Adjustment of Areas) Act 2006,*
 - (c) *National Parks and Wildlife (Leacock Regional Park) Act 2008,*
 - (d) *National Parks and Wildlife (Broken Head Nature Reserve) Act 2010.*

In accordance with section 30A of the *Interpretation Act 1987*, the transfer of the provisions does not affect the operation (if any) or meaning of the provisions. The transfer of the provisions enables the repeal, by clause 4 of Part 1, of those Acts.

Part 3 Amendment of Interpretation Act 1987 No 15 in relation to restoration of repealed Acts and instruments

Section 29A

Insert after section 29:

29A Revocation of repeal of Acts and instruments

- (1) The Governor may, by proclamation published on the NSW legislation website, revoke the repeal of an Act or instrument if the revocation of the repeal is authorised by this section. In that case, the Act or instrument is taken not to be, and never to have been, repealed.
- (2) The revocation of the repeal of an Act or instrument is authorised only if, at the time of the repeal, the Act or instrument effecting the repeal:
 - (a) stated that this section applied to the repeal or otherwise authorised the Governor to revoke the repeal, or
 - (b) described the repeal (in a heading or otherwise) as the repeal of redundant, spent or unnecessary Acts or instruments.
- (3) The revocation of the repeal of an Act or instrument under this section 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 revocation of the repeal, 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 revocation of the repeal.

Explanatory note

The proposed amendment to the *Interpretation Act 1987* inserts proposed section 29A to enable the Governor, by proclamation, to revoke the repeal of any Act or instrument and restore its operation if the Act or instrument effecting the repeal so provides. The proposed section replaces a similar provision previously contained in Statute Law

Statute Law (Miscellaneous Provisions) Act (No 2) 2010 No 119

Schedule 4 Repeals

(Miscellaneous Provisions) Acts (that enabled revocation of repeals effected by those Acts). The proposed section applies to the repeal of a portion of an Act or instrument by virtue of section 5 (3) of the *Interpretation Act 1987*.

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

1 **Effect of amendment of amending provisions**

- (1) An amendment made by Schedule 1 or 2 to an amending provision contained in an Act or instrument is, if the amending provision has commenced before the Schedule 1 or 2 amendment concerned, 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 or instrument that makes a direct amendment to an Act or instrument by:
 - (a) the repeal or omission of matter contained in the amended Act or instrument without the insertion of any matter instead of the repealed or omitted matter, or
 - (b) the omission of matter contained in the amended Act or instrument and the insertion of matter instead of the omitted matter, or
 - (c) the insertion into the amended Act or instrument of matter, not being matter inserted instead of matter omitted from the Act or instrument.

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 Effect of amendment on instruments

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.

Explanatory note

This clause 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.

4 Revocation of repeal

Section 29A of the *Interpretation Act 1987* applies to the repeal of Acts or instruments by this Act.

Explanatory note

The effect of this clause is to enable 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.

5 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 on the NSW legislation website, 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

- Aboriginal Land Rights Regulation 2002*—Schedule 2
Adoption Act 2000 No 75—Schedule 1
Agricultural Tenancies Act 1990 No 64—Schedule 2
Apprenticeship and Traineeship Regulation 2010—Schedule 2
Assisted Reproductive Technology Act 2007 No 69—Schedule 4
Balranald Local Environmental Plan 2010—Schedule 2
Bellingen Local Environmental Plan 2010—Schedule 2
Building Professionals Act 2005 No 115—Schedule 2
Camden Local Environmental Plan 2010—Schedule 2
Children and Young Persons (Care and Protection) Act 1998 No 157—Schedule 2
Children and Young Persons Legislation (Repeal and Amendment) Act 1998 No 158—Schedule 4
Children (Detention Centres) Act 1987 No 57—Schedule 3
Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009 No 13—Schedule 1
Children’s Court Rule 2000—Schedule 2
Civil Procedure Act 2005 No 28—Schedule 2
Coastal Protection and Other Legislation Amendment Act 2010 No 78—Schedule 2
Commission for Children and Young People Act 1998 No 146—Schedule 1
Community Land Management Regulation 2007—Schedule 2
Community Relations Commission and Principles of Multiculturalism Act 2000 No 77—Schedule 1
Community Services (Complaints, Reviews and Monitoring) Act 1993 No 2—Schedule 1
Community Welfare Act 1987 No 52—Schedule 1
Consumer, Trader and Tenancy Tribunal Regulation 2009—Schedule 2
Conveyancers Licensing Act 2003 No 3—Schedule 3
Conveyancers Licensing Regulation 2006—Schedule 3
Conveyancing Act 1919 No 6—Schedule 1
Co-operative Housing and Starr-Bowkett Societies Act 1998 No 11—Schedule 1
Co-operative Housing and Starr-Bowkett Societies Regulation 2005—Schedule 1
Co-operatives Act 1992 No 18—Schedule 1
Co-operatives Regulation 2005—Schedule 1
Coroners Act 2009 No 41—Schedules 2 and 4

Crimes (Administration of Sentences) Act 1999 No 93—Schedule 3
District Court Act 1973 No 9—Schedule 2
Dust Diseases Tribunal Act 1989 No 63—Schedule 2
Election Funding and Disclosures Act 1981 No 78—Schedule 2
Electricity Supply Act 1995 No 94—Schedule 2
Electronic Transactions Act 2000 No 8—Schedule 3
Electronic Transactions (ECM Courts) Order 2005—Schedule 2
Electronic Transactions Regulation 2007—Schedule 2
Energy and Utilities Administration Act 1987 No 103—Schedule 3
Environmental Planning and Assessment Act 1979 No 203—Schedules 1 and 3
Essential Services Act 1988 No 41—Schedule 3
Fines Act 1996 No 99—Schedule 1
Firearms Act 1996 No 46—Schedule 2
Gas Supply Act 1996 No 38—Schedule 1
Gunnedah Local Environmental Plan 1998—Schedule 2
Health Care Complaints Act 1993 No 105—Schedule 4
Health Practitioner Regulation (Adoption of National Law) Act 2009 No 86—Schedules 1 and 2
Health Practitioner Regulation (New South Wales) Regulation 2010—Schedule 2
Heritage Act 1977 No 136—Schedule 1
Home Building Legislation Amendment Act 2001 No 51—Schedule 4
Illawarra Regional Environmental Plan No 1—Schedule 2
Independent Commission Against Corruption Act 1988 No 35—Schedule 1
Independent Pricing and Regulatory Tribunal Act 1992 No 39—Schedule 1
Institute of Sport Act 1995 No 52—Schedule 1
Interpretation Act 1987 No 15—Schedule 4
Jury Regulation 2010—Schedule 2
Land and Environment Court Act 1979 No 204—Schedule 2
Law Enforcement and National Security (Assumed Identities) Act 2010 No 73—Schedule 1
Law Enforcement (Controlled Operations) Act 1997 No 136—Schedule 1
Licensing and Registration (Uniform Procedures) Act 2002 No 28—Schedule 1
Local Court Act 2007 No 93—Schedule 2
Marine Safety Act 1998 No 121—Schedule 4
Marine Safety (General) Regulation 2009—Schedule 2
Mining Act 1992 No 29—Schedule 1
Mining Regulation 2010—Schedule 1

Notes

Miscellaneous Acts (Planning) Repeal and Amendment Act 1979 No 205—
Schedule 4

Motor Vehicles Taxation Act 1988 No 111—Schedule 1

Nambucca Local Environmental Plan 2010—Schedule 2

National Park Estate (Riverina Red Gum Reservations) Act 2010 No 22—Schedule 2

National Parks and Wildlife Act 1974 No 80—Schedule 4

National Parks and Wildlife Regulation 2009—Schedule 2

Petroleum (Onshore) Act 1991 No 84—Schedule 2

Plant Diseases Act 1924 No 38—Schedule 1

Police (Special Provisions) Act 1901 No 5—Schedule 4

Prisoners (Interstate Transfer) Act 1982 No 104—Schedule 3

Private Health Facilities Act 2007 No 9—Schedule 4

Property, Stock and Business Agents Act 2002 No 66—Schedule 3

Protection of the Environment Operations (Clean Air) Regulation 2010—Schedule 2

Public Sector Employment and Management Act 2002 No 43—Schedule 1

Radiation Control Amendment Act 2010 No 91—Schedule 2

Real Property Act 1900 No 25—Schedule 2

Residential Tenancies Act 2010 No 42—Schedule 1

Retirement Villages Act 1999 No 81—Schedule 1

Road Obstructions (Special Provisions) Act 1979 No 9—Schedule 3

Road Transport (Driver Licensing) Act 1998 No 99—Schedule 1

Road Transport (General) Act 2005 No 11—Schedule 2

Road Transport Legislation Amendment Act 2008 No 61—Schedule 4

Road Transport (Vehicle Registration) Regulation 2007—Schedule 2

State Emergency and Rescue Management Act 1989 No 165—Schedule 3

Strata Schemes (Freehold Development) Act 1973 No 68—Schedule 1

Strata Schemes (Leasehold Development) Act 1986 No 219—Schedule 1

Subordinate Legislation Act 1989 No 146—Schedule 1

Supreme Court Act 1970 No 52—Schedule 2

Sydney Water Catchment Management Act 1998 No 171—Schedule 4

Transport Administration Act 1988 No 109—Schedule 2

Wagga Wagga Local Environmental Plan 2010—Schedule 2

*Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and
Fractured Rock Water Sources 2010*—Schedule 2

Workplace Injury Management and Workers Compensation Act 1998 No 86—
Schedule 3

Index of Acts and instruments wholly repealed by Schedules 1 and 4

Appropriation Act 2009 No 43—Schedule 4

Appropriation (Budget Variations) Act 2009 No 10—Schedule 4

Appropriation (Parliament) Act 2009 No 44—Schedule 4

Appropriation (Special Offices) Act 2009 No 45—Schedule 4

Children (Care and Protection) (Personal and Family Violence) Amendment Act 1987 No 186—Schedule 4

Coal Mines Regulation (Transitional Provisions) Regulation 1984—Schedule 4

Crimes (Sentencing Legislation) Amendment (Intensive Correction Orders) Act 2010 No 48—Schedule 4

Duties (Marketable Securities) Order 1998—Schedule 4

Government Insurance Office (Privatisation) Savings and Transitional Regulation 1992—Schedule 4

Miscellaneous Acts (Coal Mines Regulation) Repeal and Amendment Act 1982 No 69—Schedule 4

National Parks and Wildlife (Adjustment of Areas) Act 2006 No 15—Schedule 4

National Parks and Wildlife (Broken Head Nature Reserve) Act 2010 No 12—Schedule 4

National Parks and Wildlife (Further Adjustment of Areas) Act 2005 No 60—Schedule 4

National Parks and Wildlife (Leacock Regional Park) Act 2008 No 20—Schedule 4

Residential Parks Amendment (Statutory Review) Act 2005 No 117—Schedule 4

Workers Compensation Legislation Amendment Act 1995 No 30—Schedule 4

[Agreement in principle speech made in Legislative Assembly on 24 November 2010

Second reading speech made in Legislative Council on 25 November 2010]

BY AUTHORITY