



New South Wales

# Statute Law (Miscellaneous Provisions) Act 2023 No 7

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New South Wales

# Statute Law (Miscellaneous Provisions) Act 2023 No 7

Act No 7, 2023

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An Act 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 3 July 2023]

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

**1 Name of Act**

This Act is the *Statute Law (Miscellaneous Provisions) Act 2023*.

**2 Commencement**

This Act commences on 14 July 2023.

## Schedule 1 Minor amendments

### 1.1 Community Land Management Act 2021 No 7

**[1] Sections 188(4)(d) and 206, heading**

Omit “allocating” wherever occurring. Insert instead “replacing”.

**[2] Section 194, heading**

Omit “substituting”. Insert instead “replacing”.

**[3] Section 206(1)(a)**

Omit “allocating unit entitlements among lots in a”.

Insert instead “replacing the schedule of unit entitlements for a community scheme, precinct scheme or”.

**[4] Section 206(2)**

Omit the subsection. Insert instead—

- (2) The Registrar-General must make the recordings in the Register that are necessary to give effect to the order.

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

**[1] Section 4 Definitions**

Omit section 4(1), definition of *relevant Minister*. Insert instead—

*relevant Minister* means—

- (a) for a service provider that is a Public Service agency—the Minister to whom the agency is responsible, or
- (b) for a person or organisation authorised, licensed or funded by a Minister to provide a service—that Minister, or
- (c) otherwise—the Minister.

**[2] Sections 4(1), definition of “service provider”, paragraphs (c) and (d)**

Omit the paragraphs. Insert instead—

- (c) a person or organisation funded by the Minister or by a public service agency responsible to the Minister, or
- (d) a person or organisation authorised or licensed by the Minister or by a public service agency responsible to the Minister, or

**[3] Sections 5(1)(b) and (c), 28(2), definition of “relevant decision maker”, paragraph (a) and 45(4), definition of “relevant decision maker”, paragraph (a)**

Omit “the Attorney General, and Minister for the Prevention of Domestic Violence” wherever occurring.

Insert instead “the Minister”.

### 1.3 Contaminated Land Management Act 1997 No 140

**Schedule 2 Savings and transitional provisions**

Omit clause 5(d).

## 1.4 Conveyancers Licensing Act 2003 No 3

### [1] Section 80 Duties of auditors

Omit section 80(3).

### [2] Section 80A

Insert after section 80—

#### **80A Secretary must make information available to other auditors**

- (1) The Secretary must make a relevant document available for inspection by an auditor appointed to make an audit of the records and documents of a person who has been the subject of an earlier audit.
- (2) In this section—  
*audit* means an audit carried out for the purposes of this Division.  
*relevant document* means either of the following that relate to the person the subject of the audit—
  - (a) a report on an audit received under section 80(1),
  - (b) a notice given to the Secretary under section 77.

## 1.5 Criminal Procedure Act 1986 No 209

### **Schedule 1 Indictable offences triable summarily**

Omit “76AG(1)” from Schedule 1, Table 2, clause 10J. Insert instead “76AO”.

## 1.6 District Court Act 1973 No 9

### [1] Section 18 Acting Judges

Omit “Family Court of Australia” from section 18(4A).

Insert instead “Federal Circuit and Family Court of Australia (Division 1)”.

### [2] Section 51 Consent jurisdiction

Insert at the end of section 51(3)(b)—

, and

- (c) the jurisdictional limit of the Court in relation to an action commenced on or after 18 July 1997 but before 16 December 2022 is taken to be \$750,000.

### [3] Section 171 Criminal procedure rules

Omit section 171(2)(j). Insert instead—

- (j) prescribing the procedure for proceedings in the Court under the *Criminal Procedure Act 1986*, section 126 and the *Victims Rights and Support Act 2013*, Part 6,

## 1.7 Drug Misuse and Trafficking Act 1985 No 226

### **Schedule 1**

Omit “, other than in implant preparations for use in animals” wherever occurring.

## **1.8 Fisheries Management Act 1994 No 38**

### **[1] Section 103 Who may hold licence**

Omit section 103(2)(b).

### **[2] Section 127K Method for transferring charter fishing businesses and their components**

Omit “an approved form” from section 127K(3).

Insert instead “a form approved by the Secretary”.

## **1.9 Hemp Industry Act 2008 No 58**

### **[1] Section 3 Definitions**

Omit “or fibre” from section 3(1), definition of *low-THC hemp*.

Insert instead “, fibre or resin”.

### **[2] Section 5 Licence to cultivate or supply low-THC hemp**

Omit the second note to the section. Insert instead—

**Note—** See section 3 for the definition of *low-THC hemp*, which includes resins and other products derived from certain low-THC Cannabis plants.

## **1.10 Human Tissue Act 1983 No 164**

### **Section 34 Act does not prevent specified removals of tissue**

Omit section 34(1)(b5), (4) and (5).

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

### **Section 57 Regulations concerning special areas**

Omit section 57(1). Insert instead—

- (1) The regulations may make provision about special areas, including the following—
  - (a) charges or payments for the abstraction of water in a special area,
  - (b) the abstraction, use, pollution or contamination of water in a special area,
  - (c) the issue of approvals by the Secretary to engage in activities in a special area,
  - (d) the giving of directions by the Secretary in relation to engaging in activities in a special area.
- (1A) The Secretary may delegate the Secretary’s functions under regulations made under subsection (1)(c) or (d) to—
  - (a) an employee of the Department of Planning and Environment, or
  - (b) a person prescribed by the regulations.

## **1.12 Law Enforcement (Powers and Responsibilities) Act 2002 No 103**

### **[1] Section 76AE Applications for digital evidence access orders by telephone**

Omit “subsection (5)” from section 76AE(5)(a).

Insert instead “subsection (4)(b)(ii)”.

**[2] Section 76AE(6)**

Omit “subsection (6)”. Insert instead “subsection (5)”.

**[3] Section 234 Proceedings for offences**

Omit “section”. Insert instead “sections 76AO, 80O and”.

**[4] Section 238 Regulations**

Insert “and” at the end of the section 238(3)(b).

### **1.13 Medicines, Poisons and Therapeutic Goods Act 2022 No 73**

**[1] Section 69 Offence—supplying or issuing prescriptions for therapeutic goods without approval**

Insert “or veterinary practitioner” after “health practitioner” in section 69(1).

**[2] Section 69(3)**

Insert at the end of section 69—

- (3) This section does not apply to a veterinary practitioner—
  - (a) acting under the direction of another veterinary practitioner who is authorised under an approval, or
  - (b) carrying out an activity authorised under Part 2.6.

### **1.14 Mental Health and Cognitive Impairment Forensic Provisions Act 2020 No 12**

**Section 96 Leave for forensic patients and correctional patients in emergencies or special circumstances**

Omit section 96(3). Insert instead—

- (3) The Secretary must not allow a patient to be absent from a mental health facility if, in the same or similar circumstances—
  - (a) for a forensic patient—the Tribunal has refused to make an order allowing the patient to be absent from a mental health facility, or
  - (b) for a correctional patient—the Commissioner of Corrective Services has refused to make an order allowing the patient to be absent from a mental health facility.

### **1.15 Pesticides Act 1999 No 80**

**[1] Section 38 Making of pesticide control order**

Omit “National Registration Authority” from section 38(2). Insert instead “APVMA”.

**[2] Section 38(6)**

Omit the subsection. Insert instead—

- (6) In this section—

*APVMA* has the same meaning as it has in *Agricultural and Veterinary Chemicals (New South Wales) Act 1994*.

## 1.16 Plantations and Reafforestation Act 1999 No 97

### [1] Section 7 Land excluded from operation of Act

Omit “Part 3 of the *Threatened Species Conservation Act 1995* or” from section 7(1)(i).

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

Insert after section 7(1)(k)—

- (l) land in a declared area of outstanding biodiversity value within the meaning of the *Biodiversity Conservation Act 2016*.

### [3] Section 15 Provisions relating to threatened species conservation

Omit “*National Parks and Wildlife Act 1974*” from section 15(5)(a).

Insert instead “*Biodiversity Conservation Act 2016*”.

### [4] Section 27 Content of Code

Omit section 27(2)(f). Insert instead—

- (f) The conservation of—
  - (i) threatened species, populations and ecological communities, and their habitats, and
  - (ii) critical habitats.
- (f1) The conservation of threatened species and threatened ecological communities, and their habitats, within the meaning of the *Biodiversity Conservation Act 2016*.

### [5] Section 27(3)

Insert after section 27(2)—

- (3) In subsection (2)(f)—
  - critical habitat* has the same meaning as in the *Fisheries Management Act 1994*, Part 7A.
  - habitat* has the same meaning as in the *Fisheries Management Act 1994*.
  - threatened species, populations and ecological communities* has the same meaning as in the *Fisheries Management Act 1994*, Part 7A.

### [6] Section 32 Meaning of unique or special wildlife values

Omit “species presumed extinct (within the meaning of the *Threatened Species Conservation Act 1995*)” from section 32(2)(a).

Insert instead “extinct species, within the meaning of the *Biodiversity Conservation Act 2016*”.

### [7] Section 34 Evaluation of impact on unique or special wildlife values

Omit “The Minister is to notify the Minister administering the *National Parks and Wildlife Act 1974* of those arrangements.” from section 34(1).

### [8] Section 34(1A)

Insert after section 34(1)—

- (1A) The Minister must notify the Minister administering the *Biodiversity Conservation Act 2016* of the arrangements made under subsection (1).



**[9] Section 48, heading**

Omit “**Threatened Species Conservation Act 1995**”.

Insert instead “**Biodiversity Conservation Act 2016**”.

**[10] Section 48(1)**

Omit the subsection. Insert instead—

- (1) A person carrying out plantation operations on an authorised plantation is exempt from the *Biodiversity Conservation Act 2016*, sections 2.1–2.4.

**[11] Section 48(3)**

Omit section 48(3) and (4). Insert instead—

- (3) The following orders must not be made to prevent or interfere with the carrying out of plantation operations on an authorised plantation—
- (a) a stop work order or interim protection order within the meaning of the *Biodiversity Conservation Act 2016*, Part 11,
  - (b) a stop work order under the *National Parks and Wildlife Act 1974*, Part 6A, Division 1,
  - (c) an interim protection order within the meaning of the *National Parks and Wildlife Act 1974*.

## **1.17 Plastic Reduction and Circular Economy Act 2021 No 31**

**[1] Section 7 Prohibited plastic items**

Omit section 7(1). Insert instead—

- (1) In this Act—
- prohibited plastic item* means a plastic item that is—
- (a) specified in Schedule 1, Part 1, or
  - (b) prescribed by the regulations.

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

Omit “A plastic item is taken to be unnecessary or problematic if”.

Insert instead “The Minister must not recommend the making of a regulation to prescribe a prohibited plastic item unless”.

**[3] Schedule 1 Prohibited items and design standards**

Omit “sections 7(1)(b) and 8(3)”. Insert instead “sections 7(1) and 8(3)”.

## **1.18 Property and Stock Agents Act 2002 No 66**

**[1] Section 116 Duties of auditors**

Omit section 116(3).

**[2] Section 116A**

Insert after section 116—

**116A Secretary must make audit reports available to other auditors**

- (1) The Secretary must make an audit report about a person available for inspection by an auditor appointed to make a subsequent audit of the records and documents of the person.
- (2) In this section—  
*audit* means an audit carried out for the purposes of this Division.  
*audit report* means a report on an audit received under section 116(1).

**1.19 Protection of the Environment Operations Act 1997 No 156**

**[1] Section 6 Appropriate regulatory authority**

Omit “the Marine Parks Authority and certain other” from the note.  
Insert instead “certain”.

**[2] Section 167A False or misleading information**

Omit “gives” wherever occurring in section 167A(1) and (3). Insert instead “supplies”.

**[3] Section 287 Appeals regarding licence applications and licences**

Omit section 287(1). Insert instead—

- (1) The following persons aggrieved by a decision of the appropriate regulatory authority about a licence or licence application may, within the prescribed period, appeal the decision to the Land and Environment Court—
  - (a) for a licence—a person who has held the licence,
  - (b) for a licence application—the applicant.

**[4] Section 287(7)**

Insert after section 287(6)—

- (7) In this section—  
*prescribed period*, for a person, means—
  - (a) the period prescribed by the regulations, or
  - (b) if no period is prescribed—
    - (i) 21 days after the person is given notice of the decision of the appropriate regulatory authority, or
    - (ii) 21 days after the person’s licence application is taken to have been refused under subsection (3).

**1.20 Subordinate Legislation Act 1989 No 146**

**[1] Schedule 5 Further postponement of repeal of statutory rules**

Omit “*Poisons, Therapeutic Goods Act 1966*” from clause 1.  
Insert instead “*Poisons and Therapeutic Goods Act 1966*”.

**[2] Schedule 5**

Omit clause 3. Insert instead—

### 3 Postponement of repeal of statutory rules until 1 September 2024

The following statutory rules remain in force until 1 September 2024, unless sooner repealed—

- (a) *Boarding Houses Regulation 2013*,
- (b) *Explosives Regulation 2013*,
- (c) *Fiscal Responsibility Regulation 2013*,
- (d) *Heritage Regulation 2012*,
- (e) *Prevention of Cruelty to Animals Regulation 2012*,
- (f) *Public Interest Disclosures Regulation 2011*,
- (g) *Radiation Control Regulation 2013*,
- (h) *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013*,
- (i) *Veterinary Practice Regulation 2013*.

### 4 Postponement of repeal of Child Protection (Working with Children) Regulation 2013

The *Child Protection (Working with Children) Regulation 2013* remains in force until 1 September 2025, unless sooner repealed.

## 1.21 Victims Rights and Support Act 2013 No 37

### [1] Section 40 Time for making, and duration of, applications

Omit “clause 8 (2) (b) or (d) of the *Victims Rights and Support Regulation 2013*” from section 40(7).

Insert instead “the *Victims Rights and Support Regulation 2019*, clause 10(3)(b) or (d)”.

### [2] Section 113 Inadmissibility and use of certain evidence in subsequent legal proceedings

Insert after section 113(3)—

- (4) In this section—

***applicant*** means a person who has made an application for—

- (a) victims support under this Act, or
- (b) statutory compensation or payment for approved counselling services under the *Victims Support and Rehabilitation Act 1996*.

## **Schedule 2 Amendments by way of statute law revision— miscellaneous amendments**

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

#### **Section 132 Grounds for disqualification from office**

Re-number subparagraphs (a) and (b) as (i) and (ii) respectively in section 132(1)(f).

### **2.2 Casino Control Act 1992 No 15**

#### **[1] Section 37B Revocation of interim approval of controlled contract**

Omit “given” from section 37B(4). Insert instead “give”.

#### **[2] Section 42A Requirement for approval of close associate**

Insert “or” at the end of section 42A(2)(b).

#### **[3] Section 42K Requirement for exempt close associate to notify NICC of change in circumstances**

Omit “am” from section 42K(1). Insert instead “an”.

### **2.3 Child Protection (Working with Children) Regulation 2013**

#### **Clause 19A COVID-19 pandemic—repeal of special provisions**

Omit the clause.

### **2.4 Children and Young Persons (Care and Protection) Act 1998 No 157**

#### **[1] Section 93 General nature of proceedings**

Omit “and (2),” from section 93(3). Insert instead “and (2),”.

#### **[2] Section 245I Commonwealth and interstate agencies**

Omit sections 245I(a1) and (b). Insert instead—

(b) the Federal Circuit and Family Court of Australia,

### **2.5 Children (Community Service Orders) Act 1987 No 56**

#### **[1] Section 9A COVID-19 pandemic—availability of work**

Omit the section.

#### **[2] Section 14A COVID-19 pandemic—presentation for work**

Omit the section.

### **2.6 Children (Community Service Orders) Regulation 2020**

#### **Clause 16A COVID-19 pandemic—extension of prescribed period**

Omit the clause.

## **2.7 Children (Criminal Proceedings) Act 1987 No 55**

### **[1] Part 4A Youth conduct orders**

Omit the part.

### **[2] Section 50 Act is generally subject to Bail Act 2013**

Omit “Subject to Part 4A, the”. Insert instead “The”.

## **2.8 Children (Detention Centres) Act 1987 No 57**

### **Section 110 Visits to detention centres during COVID-19 pandemic**

Omit the section.

## **2.9 Children (Detention Centres) Regulation 2015**

### **Clause 157 COVID-19 pandemic—extension of prescribed period**

Omit the clause.

## **2.10 Civil and Administrative Tribunal Act 2013 No 2**

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

Omit Part 5, Divisions 1–5, other than clause 31.

### **[2] Schedule 1, clause 31**

Omit “during the prescribed period”.

Insert instead “during the period starting on 25 March 2020 and ending on 26 March 2022 (the *prescribed period*)”.

## **2.11 Co-operative Schemes (Administrative Actions) Act 2001 No 45**

### **Section 3 Definitions**

Omit “, the Family Court of Australia or the Federal Circuit Court of Australia” from the definition of *Commonwealth authority*.

Insert instead “or the Federal Circuit and Family Court of Australia”.

## **2.12 Corporations (Administrative Actions) Act 2001 No 33**

### **Section 3 Definitions**

Omit “, the Family Court of Australia or the Federal Circuit Court of Australia” from the definition of *Commonwealth authority*.

Insert instead “or the Federal Circuit and Family Court of Australia”.

## **2.13 Court Security Regulation 2021**

### **Clause 7A COVID-19 pandemic—repeal of special provisions**

Omit the clause.

## **2.14 Crimes Act 1900 No 40**

### **Section 193E Alternative verdicts**

Omit “section 193BA(1) or (2)” from section 193E(1).

Insert instead “section 193BA(1) or (3)”.

## **2.15 Crimes (Administration of Sentences) Act 1999 No 93**

### **[1] Section 77 Attendance of inmates before courts and court officers**

Omit section 77(5), definition of *court*, paragraphs (c) and (d). Insert instead—  
(c) the Federal Circuit and Family Court of Australia,

### **[2] Part 15 Special provisions for COVID-19 pandemic**

Omit the part.

## **2.16 Crimes (Domestic and Personal Violence) Act 2007 No 80**

### **Section 29 Provisional order taken to be application for court order**

Omit section 29(4) and (5).

## **2.17 Crimes (Domestic and Personal Violence) Regulation 2019**

### **Clause 5A COVID-19 pandemic—extension of prescribed period**

Omit the clause.

## **2.18 Crimes (Sentencing Procedure) Act 1999 No 92**

### **Section 10 Dismissal of charges and conditional discharge of offender**

Omit “Part 4 of the *Victims Compensation Act 1996*” from section 10(4)(b).

Insert instead “the *Victims Rights and Support Act 2013*, Part 6”.

## **2.19 Criminal Procedure Act 1986 No 209**

### **[1] Section 200 When court may require prosecution to provide additional evidence**

Omit “Division 3 of Part 2 of Chapter 3” from section 200(2)(a).

Insert instead “Chapter 6, Part 3A”.

### **[2] Section 200(2)(a)**

Omit “under that Division”. Insert instead “under that part”.

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

Omit “Victims Services in the Department of Justice” from Schedule 2, clause 89(1).

Insert instead “The Department of Communities and Justice”.

## **2.20 Criminal Procedure Regulation 2017**

### **[1] Clause 110 Suspension or revocation of inclusion of children’s champions on panel**

Omit “Victims Services in the”. Insert instead “The”.

**[2] Clause 120 COVID-19 pandemic—repeal of special provisions**

Omit the clause.

**2.21 Crown Land Management Act 2016 No 58**

**Schedule 4 Purchaseable leases**

Omit “Family Court” from clause 24(5), definition of *transfer*, paragraph (f).

Insert instead “Federal Circuit and Family Court of Australia (Division 1)”.

**2.22 Drug Misuse and Trafficking Act 1985 No 226**

**Schedule 1**

Omit “0.125g” from Column 4 of the matters relating to  
N-Methyl-1-(3,4-methylenedioxyphenyl)-butanamine  
and  
N-Methyl-1-(3,4-methylenedioxyphenyl)-2-butanamine.

Insert instead “0.125kg”.

**2.23 Electronic Transactions (ECM Courts) Order 2005**

**Clause 3 Definitions**

Omit “Court” from clause 3(1), definition of *DCFA*. Insert instead “Case”.

**2.24 Electronic Transactions Regulation 2017**

**Clause 8B COVID-19 pandemic—repeal of special provisions**

Omit the clause.

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

**Section 4.17 Imposition of conditions**

Omit “section 97” from section 4.17(3). Insert instead “section 8.7”.

**2.26 Environmental Planning and Assessment Regulation 2021**

**[1] Section 137 Compliance with Building Code of Australia**

Omit “to to” from section 137(5). Insert instead “to”.

**[2] Schedule 3 Designated development**

Renumber paragraphs (i) and (ii) as (a) and (b) respectively in section 45(4A).

**2.27 Evidence (Audio and Audio Visual Links) Act 1998 No 105**

**Sections 22B and 22C**

Omit the sections.

**2.28 Evidence (Audio and Audio Visual Links) Regulation 2015**

**Clauses 4A and 4B**

Omit the clauses.

## **2.29 Government Sector Finance Act 2018 No 55**

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

Renumber clause 32 (Extension of deemed appropriation money) as clause 32A.

## **2.30 Health Practitioner Regulation National Law Regulation 2018**

### **Clause 19 Miscellaneous modifications**

Omit “Federal Circuit Court of Australia” from clause 19(d)(iii).

Insert instead “Federal Circuit and Family Court of Australia (Division 2)”.

## **2.31 Interpretation Act 1987 No 15**

### **Section 21 Meanings of commonly used words and expressions**

Insert in alphabetical order in section 21(1)—

*Federal Circuit and Family Court of Australia* has the same meaning as in the *Federal Circuit and Family Court of Australia Act 2021* of the Commonwealth.

## **2.32 Jurisdiction of Courts (Cross-vesting) Act 1987 No 125**

### **[1] Preamble, sections 5(1) and (4)(a), 6A(2) and (3), 7(1), (2), (4)(a) and (6), 8(1)(b)(i) and 16(4)**

Omit “Family Court” wherever occurring.

Insert instead “Federal Circuit and Family Court of Australia”.

### **[2] Section 3 Definitions**

Omit section 3(1), definition of *Family Court*.

## **2.33 Law Enforcement Conduct Commission Act 2016 No 61**

### **Section 5 References to special legal qualifications**

Omit “Family Court of Australia” from section 5, note.

Insert instead “Federal Circuit and Family Court of Australia (Division 1)”.

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

### **[1] Section 52, heading**

Omit “sec 28”. Insert instead “EPA Act, s 31.6”.

### **[2] Section 52**

Omit “section 28” wherever occurring. Insert instead “section 3.16”.

## **2.35 Mining Act 1992 No 29**

### **Section 73 Rights under mining lease**

Renumber section 73(9) as section 73(3).



## **2.36 NSW Reconstruction Authority Act 2022 No 80**

### **[1] Section 10 Functions**

Omit “Minster” from section 10(1)(b)(i). Insert instead “Minister”.

### **[2] Section 45 Particular powers of Authority in relation to declarations**

Omit “by compulsory acquisition under” from section 45(a)(ii).

Insert instead “by compulsory process in accordance with”.

## **2.37 Oaths Act 1900 No 20**

### **[1] Section 21 Declarations in cases not specifically provided for**

Omit section 21(3), definition of *federal judicial officer*, paragraphs (b) and (c). Insert instead—

(b) a Judge of the Federal Circuit and Family Court of Australia.

### **[2] Section 34 Identification of person making statutory declaration or affidavit**

Omit section 34(4A)(a)(iii) and (iv). Insert instead—

(iii) the Federal Circuit and Family Court of Australia, or

## **2.38 Privacy and Personal Information Protection Act 1998 No 133**

### **Section 61A Annual report**

Insert “to” after “is” in section 61A(3).

## **2.39 Private Health Facilities Regulation 2017**

### **Clause 23A COVID-19 pandemic—repeal of special provisions**

Omit the clause.

## **2.40 Property (Relationships) Act 1984 No 147**

### **[1] Section 22, heading**

Omit “Family Court of Australia”.

Insert instead “Federal Circuit and Family Court of Australia (Division 1)”.

### **[2] Section 22**

Omit “Family Court of Australia” from section 22(1).

Insert instead “Federal Circuit and Family Court of Australia (Division 1)”.

## **2.41 Protection of the Environment Operations (Clean Air) Regulation 2022**

### **Section 123 Records for prescribed blended patrol**

Omit “(1)”.

## **2.42 Residential Tenancies Act 2010 No 42**

### **Section 186A Regulations may establish rental bond roll-over scheme**

Omit “not been not” from section 186A(2)(g)(i). Insert instead “not been”.

## **2.43 Retirement Villages Act 1999 No 81**

### **Section 197B Provision, sharing and publication of relevant village information**

Omit “resident right types” from section 197B(3), definition of *relevant village information*, paragraph (d).

Insert instead “residence right types”.

## **2.44 Road Transport (Vehicle Registration) Regulation 2017**

### **Clause 45 Suspension or cancellation of registration by TfNSW**

Omit “section 2.8.” from section 45(1)(d), note. Insert instead “section 2.8”.

## **2.45 Sheriff Act 2005 No 6**

### **Section 7C COVID-19 pandemic—powers when assisting in COVID-19 response**

Omit the section.

## **2.46 State Environmental Planning Policy (Precincts—Regional) 2021**

### **[1] Schedule 1E Complying development—Chapter 3**

Re-number section 20 (Construction safety) as section 21.

### **[2] Schedule 1E**

Re-number section 21 (Transport of hazardous materials, emergencies and safety management) as section 22.

## **2.47 Succession Act 2006 No 80**

### **[1] Section 13 What is the effect of divorce or an annulment on a will?**

Omit “Family Court of Australia” from section 13(6), definition of *annulment*, paragraph (a).

Insert instead “Federal Circuit and Family Court of Australia (Division 1)”.

### **[2] Section 13(6), definition of “divorce”, paragraph (b)**

Omit “Family Court of Australia”.

Insert instead “Federal Circuit and Family Court of Australia (Division 1)”.

## **2.48 Sydney Public Reserves (Public Safety) Act 2017 No 35**

### **Section 8 Seizure and removal of things to remove or remedy interference or unlawful occupation**

Omit “*Impounding Act 1993*” from section 8(5).

Insert instead “*Public Spaces (Unattended Property) Act 2021*”.

## **2.49 Victims Rights and Support Regulation 2019**

### **[1] Clause 10 Primary victims**

Omit “loss of actual earnings” from clause 10(3)(a) and (b), wherever occurring.

Insert instead “actual loss of earnings”.

**[2] Clause 11 Parent, step-parent or guardian of primary victim**

Omit “loss of actual earnings” from clause 11(2)(a) and (b), wherever occurring.  
Insert instead “actual loss of earnings”.

**2.50 Voluntary Assisted Dying Act 2022 No 17**

**Schedule 1A Consequential amendment of other Acts**

Omit “section 42(1A)(b)” from Schedule 1A.1[2], section 49, proposed subsection (3A).  
Insert instead “section 42(3)(b)”.

**2.51 Water Management (General) Regulation 2018**

**Part 2 Access licences**

Re-number clause 23A as clause 23AA.

**2.52 Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 2012**

**Clause 71 General**

Re-number clause 71(2)(a)i.–iii. as clause 71(2)(a)(i)–(iii).

**2.53 Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2016**

**[1] Clause 4 Application of Plan**

Omit “the Act,” from section 4(2), note 1. Insert instead “the Act.”.

**[2] Clause 10 Economic objectives**

Omit “water- dependent” from clause 10(2)(b). Insert instead “water-dependent”.

**[3] Clause 10(6)(a)**

Omit “complied with”. Insert instead “complied with,”.

**[4] Clause 12 Social and cultural objectives**

Omit “new licences” from clause 12(6)(d). Insert instead “new licences,”.

**[5] Clause 13 Bulk access regime**

Omit “the the” from clause 13(2)(b). Insert instead “the”.

**[6] Part 4 Environmental water provisions**

Omit “sections” from Part 4, note. Insert instead “section”.

**[7] Clause 30 Assessment of compliance with the long-term average annual extraction limit**

Omit “extractionlimit” from clause 30(1). Insert instead “extraction limit”.

**[8] Clause 34 Action following non-compliance**

Omit “licences,” from section 34(5). Insert instead “licences.”.

- [9] **Part 7 Rules for granting access licences and water supply work approvals**  
Omit “theAct” from Part 7, note 1. Insert instead “the Act”.
- [10] **Clause 43, heading**  
Omit “flood-dependant”. Insert instead “flood-dependent”.
- [11] **Clause 43(5)**  
Omit “apply””. Insert instead “apply—”.
- [12] **Clause 54 Announcement of supplementary water event**  
Omit “Minster’s opinion” from clause 54(2)(c). Insert instead “Minister’s opinion,”.
- [13] **Clause 55 Taking of uncontrolled flows under floodplain harvesting (regulated river) access licences**  
Omit “theAct” from clause 55, note 1. Insert instead “the Act”.
- [14] **Clause 60 Assignment of rights dealings (within the water source or within a water management area)**  
Omit “determined.” from Table A wherever occurring. Insert instead “determined”.
- [15] **Clause 60**  
Renumber clause 60(5) as clause 60(4).
- [16] **Clause 62 Assignment of water allocations dealings**  
Omit “(1)”.
- [17] **Clause 67 General**  
Omit “2022”. Insert instead “2022”.
- [18] **Clause 74 Release rules for translucent sub-allowance water**  
Omit “subclauses (2),” from 74(6), note 2. Insert instead “subclauses (2)”.
- [19] **Clause 102 Other amendments (general)**  
Omit “Sources” from clause 102(3)(a). Insert instead “Sources,”.
- [20] **Dictionary**  
Omit “Plan” from the definition of *SDL adjustment amount*. Insert instead “Plan.”.
- 2.54 Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016**
- [1] **Clause 9 Economic objectives**  
Insert “of” after “Chapter 3” in clause 9(2)(a), note.
- [2] **Clause 17 Application**  
Omit “rights () and” from clause 17(1). Insert instead “rights and”.
- [3] **Clause 72 Maintenance of water supply**  
Omit “licence, and” from clause 72(5)(c). Insert instead “licence,”.

## **2.55 Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2016**

**[1] Clause 11 Social and cultural objectives**

Omit “(d) the” from clause 11(5)(d). Insert instead “the”.

**[2] Clause 39 Available water determinations for regulated river (general security) access licences**

Omit “(referred)” from clause 39(2)(g)(ii). Insert instead “referred”.

**[3] Clause 68 Priority of delivery for access licences and EWA water**

Omit “(EWA)” from clause 68(1)(c)(iv). Insert instead “EWA”.

**[4] Clause 77 General**

Omit “(1) For”. Insert instead “For”.

**[5] Dictionary**

Omit “relevant” from definition of *EWA*. Insert instead “relevant.”.

## Schedule 3 Amendments relating to interpretation

### 3.1 Interpretation Act 1987 No 15

#### [1] Section 3 Definitions

Insert after section 3(2)—

- (3) The Dictionary in Schedule 4 defines certain terms used in Acts and instruments.

#### [2] Section 21, heading

Omit the heading. Insert instead—

#### 21 References to Colony and punishments for offences

#### [3] Section 21(1)

Insert in alphabetical order—

***Ageing and Disability Commissioner*** means the Ageing and Disability Commissioner under the *Ageing and Disability Commissioner Act 2019*.

***Ambulance Service of NSW*** means the Ambulance Service of NSW under the *Health Services Act 1997*.

***Anti-Discrimination Board*** means the Anti-Discrimination Board under the *Anti-Discrimination Act 1977*.

***Auditor-General*** means the Auditor-General under the *Government Sector Audit Act 1983*.

***Chief Commissioner of State Revenue*** means the Chief Commissioner of State Revenue under the *Taxation Administration Act 1996*.

***Children's Court*** means the Children's Court of New South Wales under the *Children's Court Act 1987*.

***Children's Guardian*** means the Children's Guardian under the *Children's Guardian Act 2019*.

***Civil and Administrative Tribunal*** means the Civil and Administrative Tribunal of New South Wales under the *Civil and Administrative Tribunal Act 2013*.

***Commissioner of Fire and Rescue NSW*** means the Commissioner under the *Fire and Rescue NSW Act 1989*.

***Commissioner of Police*** means the Commissioner of Police under the *Police Act 1990*.

***Court of Appeal*** means the Court of Appeal under the *Supreme Court Act 1970*, Part 2, Division 6.

***Court of Criminal Appeal*** means the Court of Criminal Appeal under the *Criminal Appeal Act 1912*.

***Crown Prosecutor*** means a Crown Prosecutor under the *Crown Prosecutors Act 1986*.

***Director of Public Prosecutions*** means the Director of Public Prosecutions under the *Director of Public Prosecutions Act 1986*.

***District Court*** means the District Court of New South Wales under the *District Court Act 1973*.

***Drug Court*** means the Drug Court of New South Wales under the *Drug Court Act 1998*.

**Dust Diseases Tribunal** means the Dust Diseases Tribunal of New South Wales under the *Dust Diseases Tribunal Act 1989*.

**Electoral Commissioner** means the Electoral Commissioner under the *Electoral Act 2017*.

**Health Care Complaints Commission** means the Health Care Complaints Commission under the *Health Care Complaints Act 1993*.

**ICAC** or **Independent Commission Against Corruption** means the Independent Commission Against Corruption under the *Independent Commission Against Corruption Act 1988*.

**Industrial Relations Commission** means the Industrial Relations Commission of New South Wales under the *Industrial Relations Act 1996*.

**Information Commissioner** means the Information Commissioner under the *Government Information (Information Commissioner) Act 2009*.

**Inspector of Custodial Services** means the Inspector of Custodial Services under the *Inspector of Custodial Services Act 2012*.

**Inspector of the Independent Commission Against Corruption** means the Inspector of the Independent Commission Against Corruption under the *Independent Commission Against Corruption Act 1988*.

**IPART** or **Independent Pricing and Regulatory Tribunal** means the Independent Pricing and Regulatory Tribunal of New South Wales under the *Independent Pricing and Regulatory Tribunal Act 1992*.

**Land and Environment Court** means the Land and Environment Court under the *Land and Environment Court Act 1979*.

**Law Enforcement Conduct Commission** means the Law Enforcement Conduct Commission under the *Law Enforcement Conduct Commission Act 2016*.

**Mental Health Review Tribunal** means the Mental Health Review Tribunal under the *Mental Health Act 2007*.

**New South Wales Crime Commission** means the New South Wales Crime Commission under the *Crime Commission Act 2012*.

**NICC** or **NSW Independent Casino Commission** means the NSW Independent Casino Commission under the *Casino Control Act 1992*.

**NSW Rural Fire Service** means the NSW Rural Fire Service under the *Rural Fires Act 1997*.

**NSW Trustee and Guardian** means the NSW Trustee and Guardian under the *NSW Trustee and Guardian Act 2009*.

**Ombudsman** means the Ombudsman under the *Ombudsman Act 1974*.

**Privacy Commissioner** means the Privacy Commissioner under the *Privacy and Personal Information Protection Act 1998*.

**Registrar of Births, Deaths and Marriages** means the Registrar under the *Births, Deaths and Marriages Registration Act 1995*.

**Service NSW** means Service NSW under the *Service NSW (One-stop Access to Government Services) Act 2013*.

**Sheriff** means the Sheriff under the *Sheriff Act 2005*.

**State Emergency Service** means the NSW State Emergency Service under the *State Emergency Service Act 1989*.

**Supreme Court** means the Supreme Court of New South Wales under the *Supreme Court Act 1970*.

**Surveyor-General** means the Surveyor-General under the *Surveying and Spatial Information Act 2002*.

*Valuer-General* means the Valuer-General under the *Valuation of Land Act 1916*.

**[4] Section 45B Definitions**

Omit the definition of *NSW legislation website*.

**[5] Section 69B References to Standards Association of Australia**

Omit the section.

**[6] Schedule 4 Dictionary**

Re-number section 21(1), as amended by Schedule 2.32 and this Schedule, item [3], as **Schedule 4 Dictionary** and relocate to after Schedule 3.

**3.2 AGL Corporate Conversion Act 2002 No 16**

**Section 4 Definitions**

Omit “Section 21 (1) of the” from section 4(1), definition of *instrument*, note.

Insert instead “The”.

**3.3 Building and Construction Industry Long Service Payments Act 1986 No 19**

**Section 58 Power of entry and inspection**

Omit “section 21 (1) of” from section 58(2A)(b).

**3.4 Community Gaming Act 2018 No 60**

**Section 4 Definitions**

Omit “, section 21” from section 4(1), definition of *body*, note.

**3.5 Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010 No 122**

**Section 91 Powers to inspect and seize things**

Omit “section 21 (1) of” from section 91(3)(b).

**3.6 Crimes (Administration of Sentences) Regulation 2014**

**Clause 174 Preservation of scenes of serious indictable offences and serious incidents**

Omit “Section 21 of the” from clause 174, note. Insert instead “The”.

**3.7 Crimes (Serious Crime Prevention Orders) Act 2016 No 15**

**Section 10 Dissolution of partnerships**

Omit “section 21 (1) of” from section 10(1), note.

**3.8 Energy and Utilities Administration Act 1987 No 103**

**Schedule 3 Coal Market Price Emergency**

Omit “, section 21” from Schedule 3, clause 16(8), note.



### **3.9 Entertainment Industry Act 2013 No 73**

#### **Section 43 Civil penalty for breaches**

Omit “Section 21 of the” from section 43, note. Insert instead “The”.

### **3.10 Government Sector Finance Act 2018 No 55**

#### **Sections 2.1(1), note and 6.2(1), note**

Omit “Section 21 (1) of the” wherever occurring. Insert instead “The”.

### **3.11 Health Care Complaints Act 1993 No 105**

#### **Section 4 Definitions**

Omit “Section 21(1) of the” from section 4, definition of *relevant health organisation*, note.

Insert instead “The”.

### **3.12 Health Care Liability Act 2001 No 42**

#### **Section 4 Definitions**

Omit section 4(1), definition of *health care provider*, note.

### **3.13 Health Services Act 1997 No 154**

#### **Section 103 Appeal rights**

Omit “Section 21(1) of the” from section 103(2), note. Insert instead “The”.

### **3.14 Industrial Relations Act 1996 No 17**

#### **Section 357 Civil penalty for breach of industrial instruments**

Omit “Section 21 of the” from section 357(1), note. Insert instead “The”.

### **3.15 James Hardie (Civil Liability) Act 2005 No 106**

#### **Section 6 Act to bind State and other jurisdictions**

Omit “Section 21 (1) of the” from section 6(1), note. Insert instead “The”.

### **3.16 James Hardie Former Subsidiaries (Winding up and Administration) Act 2005 No 105**

#### **Section 7 Act to bind State and other jurisdictions**

Omit “Section 21 (1) of the” from section 7(1), note. Insert instead “The”.

### **3.17 Law Enforcement Conduct Commission Act 2016 No 61**

#### **Section 114 Commission may monitor conduct of critical incident investigation**

Omit “Section 21 of the” from section 114(3)(d), note. Insert instead “The”.

### **3.18 Marine Safety Act 1998 No 121**

**Schedule 1A, clauses 2(1), note and 3(1), note**

Omit “section 21 of” wherever occurring.

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

**Section 45 What dealings can a council have in community land?**

Omit “, section 21(1)” from section 45(3), note.

### **3.20 National Parks and Wildlife Act 1974 No 80**

**Section 82A Meanings of “carbon sequestration” and “carbon sequestration right”**

Omit “, section 21(1)” from section 82A(3), note.

### **3.21 Personal Injury Commission Act 2020 No 18**

**Section 20 Commission rules**

Omit “section 21 of” from section 20(1), note.

### **3.22 Protection of the Environment Operations Act 1997 No 156**

**Section 253 Restraint of breaches of an Act or statutory rules that harm the environment**

Omit “section 21 of” from section 253(1), note

### **3.23 Public Interest Disclosures Act 2022 No 14**

**Section 6 Legal personality and responsibilities of agency head**

Omit “, section 21(1)” from section 6(1), note.

### **3.24 Residential (Land Lease) Communities Act 2013 No 97**

**Section 114 Operator to hold money in trust**

Omit “, section 21,” from section 114, note.

### **3.25 Road Transport Act 2013 No 18**

**[1] Section 14 General relationship with other laws**

Omit “section 21(1) of” from section 14, note.

**[2] Sections 18(1), note, 19(1), note, 45, note, 134(1), note and 143(10), note**

Omit “section 21 of” wherever occurring.

### **3.26 State Debt Recovery Act 2018 No 11**

**Section 11 Debt recovery action cannot be taken against minors**

Omit “Section 21 (1) of the” from section 11, note. Insert instead “The”.

### **3.27 Succession Act 2006 No 80**

**[1] Section 3 Definitions**

Omit “that it is given by section 21 of” from section 3(1), definition of *document*, paragraph (a).

Insert instead “as it has in”.

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

Omit “Section 21 of the” from section 14, note. Insert instead “The”.

### **3.28 Superannuation Administration Act 1996 No 39**

**Schedule 2A Conversion of FSS Trustee Corporation into proprietary company**

Omit “Section 21 (1) of the” from Schedule 2A, clause 1(1), definition of *instrument*, note.

Insert instead “The”.

### **3.29 Water Management (General) Regulation 2018**

**Clauses 244(2B), note and 244A(2), note**

Omit “Section 21 of the” wherever occurring. Insert instead “The”.

## **Schedule 4    General savings, transitional and other provisions**

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

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

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

Unless 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,

an 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 amended or repealed.

### **3    Effect of amendment on instruments**

Unless expressly provided to the contrary, an 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.

### **4    Revocation of repeal**

The *Interpretation Act 1987*, section 29A applies to the repeal of Acts or instruments, or provisions of Acts or instruments, by this Act.

### **5    Regulations**

- (1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act.
- (2) The provisions 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 the provisions take effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate—
  - (a) to affect, in a way prejudicial to a person, other than the State or an authority of the State, the rights of the person existing before the date of its publication, or

- (b) to impose liabilities on a 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.

[Second reading speech made in—  
Legislative Council on 25 May 2023  
Legislative Assembly on 21 June 2023]