



New South Wales

Justice Legislation Amendment (Civil) Act 2025 No 13

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Justice Legislation Amendment (Civil) Act 2025 No 13

Act No 13, 2025

An Act to amend various Acts in the Communities and Justice portfolio. [Assented to 2 March 2025]

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Justice Legislation Amendment (Civil) Act 2025*.

2 Commencement

This Act commences on the date of assent to this Act.

3 Explanatory notes

An explanatory note in a schedule of this Act does not form part of this Act.

Schedule 1 Amendment of Births, Deaths and Marriages Registration Act 1995 No 62

[1] Section 4 Definitions

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

Registrar means a Public Service senior executive, within the meaning of the *Government Sector Employment Act 2013*, employed as the Registrar of Births, Deaths and Marriages.

[2] Section 7

Omit the section. Insert instead—

7 Registrar's staff

- (1) Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Registrar to exercise the Registrar's functions under this Act and the *Relationships Register Act 2010*.
- (2) The Registrar may engage persons under a contract to provide services to enable the Registrar to exercise the Registrar's functions under this Act and the *Relationships Register Act 2010*, including engaging persons through a labour hire arrangement.

[3] Section 8 Delegation

Omit section 8(3), definition of **authorised person**. Insert instead—

authorised person means the following—

- (a) a Public Service employee, within the meaning of the *Government Sector Employment Act 2013*,
- (b) a person engaged under a contract to provide services to enable the Registrar to exercise the Registrar's functions under this Act or the *Relationships Register Act 2010*, including a person engaged through a labour hire arrangement,
- (c) a person prescribed by the regulations.

Explanatory note

Item [2] of the proposed amendments enables the Registrar of Births, Deaths and Marriages (the **Registrar**) to engage persons under a contract to provide services to the Registrar. Item [3] authorises the Registrar to delegate certain functions to Public Service employees, certain persons engaged to provide services to the Registrar and persons prescribed by the regulations.

Items [1] and [2] remove references to the repealed *Public Sector Management Act 1988*.

Schedule 2 Amendment of Land and Environment Court Act 1979 No 204

Section 20 Class 4—environmental planning and protection, development contract and strata renewal plan civil enforcement

Insert after section 20(1)(cic)—

- (cid) proceedings under the *Protection of the Environment Operations Act 1997*, sections 296P and 296Q,

Explanatory note

The proposed amendment confers jurisdiction on the Land and Environment Court in relation to the forfeiture of chemical substances and containers of chemical substances to the Crown.

Schedule 3 Amendment of Legal Profession Uniform Law Application Act 2014 No 16

Section 166 Local regulations

Omit “services.” from section 166(2)(d). Insert instead—

services, and

- (e) enabling the designated tribunal to make a costs order under the *Legal Profession Uniform Law (NSW)*, section 303(1) or (2) in favour of a specified person, body or fund instead of the designated local regulatory authority, and
- (f) nominating a person, body or fund under the *Legal Profession Uniform Law (NSW)*, section 303(3)(b) or (4)(b) for the purposes of the section.

Explanatory note

The proposed amendment enables regulations to be made relating to costs orders made under the *Legal Profession Uniform Law (NSW)*, section 303.

Schedule 4 Amendment of Modern Slavery Act 2018 No 30

Section 19 Annual and other reports to Parliament

Insert after section 19(5)—

- (6) A report given to the Presiding Officer of a House of Parliament under this section, or section 22(3), must be laid before the House within 5 sitting days of the House after it is received by the Presiding Officer.
- (7) If the House is not sitting, a report under this section or section 22(3) may instead be given to the Clerk of the House.
- (8) A report given to the Clerk of a House under subsection (7)—
 - (a) is taken to have been given to the Presiding Officer of the House and laid before the House, and
 - (b) may be printed or published by the Clerk, and
 - (c) if printed or published by the Clerk—is taken to be a document printed or published by the House, and
 - (d) must be recorded, on the first sitting day of the House after the Clerk receives the report—
 - (i) for the Legislative Council—in the Minutes of the Proceedings of the Legislative Council, or
 - (ii) for the Legislative Assembly—in the Votes and Proceedings of the Legislative Assembly.

Explanatory note

The proposed amendment provides that a report of the Anti-Slavery Commissioner may be given to the Clerk of a House of Parliament instead of the Presiding Officer of the House if the House is not sitting.

Schedule 5 Amendment of Police Act 1990 No 47

Section 94 Requirements as to citizenship

Insert “, and includes a New Zealand citizen who holds a special category visa within the meaning of the *Migration Act 1958* of the Commonwealth, section 32” after “law” in section 94(3).

Explanatory note

The proposed amendment makes it clear that a New Zealand citizen who resides in Australia on a special category visa is eligible to be appointed as a member of the NSW Police Force.

Schedule 6 Amendment of Powers of Attorney Act 2003 No 53

Section 25 Recognition of enduring powers of attorney made in other States and Territories

Omit section 25(5). Insert instead—

- (5) In this section—
 - interstate enduring power of attorney*—
 - (a) means a power of attorney made by instrument in another State or Territory that, under the law of the State or Territory, has effect in the State or Territory as a valid power of attorney even if the principal loses capacity through mental incapacity after the execution of the instrument, and
 - (b) includes an instrument in the nature of an enduring power of attorney, however described.

Explanatory note

The proposed amendment makes it clear that an interstate enduring power of attorney includes an instrument made in another State or Territory in the nature of an enduring power of attorney, however described.

Schedule 7 Amendment of Status of Children Act 1996 No 76

Section 3 Definitions

Omit “holding office as such under Part 2 of the *Public Sector Management Act 1988*” from section 3(1), definition of ***Registrar***.

Explanatory note

The proposed amendment updates a reference to the Registrar of Births, Deaths and Marriages to remove a reference to the repealed *Public Sector Management Act 1988*.

[Second reading speech made in—

Legislative Assembly on 23 October 2024

Legislative Council on 13 February 2025]