First print



New South Wales

Better Regulation, Fair Trading and Other Legislation Amendment Bill 2024

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are to-

- (a) amend various Acts and regulations administered by the Minister for Better Regulation and Fair Trading, and
- (b) amend the *Liquor Act 2007* to continue provisions allowing local councils to encourage the use of outdoor space for dining and performances and repeal a related regulation.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act. **Clause 2** provides for the commencement of the proposed Act.

Schedule 1 Amendments relating to websites

Schedule 1 makes amendments to the following Acts to allow certain documents currently required to be published on a particular website to also be published by appropriate electronic means—

- (a) Biofuels Act 2007,
- (b) Charitable Fundraising Act 1991,
- (c) Community Gaming Act 2018,
- (d) Co-operative Housing and Starr-Bowkett Societies Act 1998,

- (e) Fair Trading Act 1987,
- (f) Funeral Funds Act 1979,
- (g) Pawnbrokers and Second-hand Dealers Act 1996.

Schedule 2 Amendments updating references to technology

Schedule 2 makes amendments to the following Acts and regulation to update references to outdated technologies, for example, videotape and computer diskettes—

- (a) Biofuels Act 2007,
- (b) *Conveyancers Licensing Regulation 2021*,
- (c) Co-operative Housing and Starr-Bowkett Societies Act 1998,
- (d) Fair Trading Act 1987,
- (e) Holiday Parks (Long-term Casual Occupation) Act 2002,
- (f) Pawnbrokers and Second-hand Dealers Act 1996,
- (g) Residential Tenancies Act 2010.

Schedule 3 Amendments relating to business days

Schedule 3 makes amendments to the following Acts and regulations to standardise the definition of *business day*—

- (a) Conveyancers Licensing Act 2003,
- (b) Co-operative Housing and Starr-Bowkett Societies Act 1998,
- (c) Motor Dealers and Repairers Act 2013,
- (d) Property and Stock Agents Act 2002,
- (e) Residential Tenancies Act 2010,
- (f) Residential Tenancies Regulation 2019,
- (g) Retirement Villages Act 1999,
- (h) Retirement Villages Regulation 2017,
- (i) Tow Truck Industry Regulation 2020.

Schedule 4 Amendments relating to public notice requirements

Schedule 4 makes amendments to the following Acts to remove outdated public notice requirements and update public notice requirements to be technology-neutral—

- (a) Funeral Funds Act 1979,
- (b) Property and Stock Agents Act 2002,
- (c) Storage Liens Act 1935.

Schedule 5 Amendments relating to electronic record keeping and sharing

Schedule 5 makes amendments to the following Acts and regulation to provide for electronic record keeping and sharing of documents—

- (a) Agricultural Tenancies Act 1990,
- (b) Associations Incorporation Act 2009,
- (c) Co-operative Housing and Starr-Bowkett Societies Act 1998,

- (d) Funeral Funds Act 1979,
- (e) Funeral Funds Regulation 2016.

Schedule 6 Amendments relating to service of documents

Schedule 6 makes amendments to the following Acts to allow for the service of documents by electronic means—

- (a) Agricultural Tenancies Act 1990,
- (b) Associations Incorporation Act 2009,
- (c) Biofuels Act 2007,
- (d) *Charitable Fundraising Act 1991*,
- (e) Coal Mine Subsidence Compensation Act 2017,
- (f) Community Gaming Act 2018,
- (g) Conveyancers Licensing Act 2003,
- (h) Co-operative Housing and Starr-Bowkett Societies Act 1998,
- (i) Fair Trading Act 1987,
- (j) Funeral Funds Act 1979,
- (k) Holiday Parks (Long-term Casual Occupation) Act 2002,
- (1) Motor Dealers and Repairers Act 2013,
- (m) Paintball Act 2018,
- (n) Pawnbrokers and Second-hand Dealers Act 1996,
- (o) Property and Stock Agents Act 2002,
- (p) Residential (Land Lease) Communities Act 2013,
- (q) Residential Tenancies Act 2010,
- (r) Retirement Villages Act 1999,
- (s) Storage Liens Act 1935,
- (t) Tow Truck Industry Act 1998,
- (u) Uncollected Goods Act 1995.

Schedule 7 Miscellaneous amendments

Schedule 7 makes miscellaneous minor amendments to the following Acts and regulations-

- (a) Associations Incorporation Act 2009,
- (b) Associations Incorporation Regulation 2022,
- (c) *Biofuels Act 2007*,
- (d) Biofuels Regulation 2022,
- (e) Co-operative Housing and Starr-Bowkett Societies Act 1998,
- (f) Funeral Funds Act 1979,
- (g) Motor Dealers and Repairers Amendment Act 2023,
- (h) Property and Stock Agents Act 2002,
- (i) Tow Truck Industry Act 1998.

Schedule 8 Amendments and repeal relating to outdoor space for dining and performance

Schedule 8.1[1] inserts proposed Part 12 into the *Liquor Act 2007* to continue provisions allowing local councils to encourage the use of outdoor space for dining and performances. The proposed part is in substantially the same form as provisions previously included in the *Liquor Act 2007* on a temporary basis as a COVID-19 related measure to encourage outdoor dining and performance.

Schedule 8.1[2] makes amendments of a savings and transitional nature consequent on the insertion of proposed Part 12.

Schedule 8.2 provides for the repeal of the *Liquor Amendment (Savings and Transitional Arrangements) Regulation 2023* consequent on the insertion of proposed Part 12.

First print

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New South Wales

Better Regulation, Fair Trading and Other Legislation Amendment Bill 2024

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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Better Regulation, Fair Trading and Other Legislation Amendment Bill 2024

No , 2024

A Bill for

An Act to amend various Acts and regulations administered by the Minister for Better Regulation and Fair Trading; and for other purposes.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

The	Legislature of New South Wales enacts—	1
1	Name of Act	2
	This Act is the Better Regulation, Fair Trading and Other Legislation Amendment Act 2024.	3 4
2	Commencement	5
	This Act commences on the date of assent to this Act.	6

Sch	nedule 1	Amendments relating to websites	1
1.1	Biofuels	Act 2007 No 23	2
	Section 10 operators	Registration of primary wholesalers, volume fuel retailers and other of service stations	3 4
	Omit section	on 10(2). Insert instead—	5
	(2)	The Secretary must make publicly available, on a NSW Government website or by other appropriate electronic means, a register containing the names and contact details of persons who are registered as volume fuel retailers.	6 7 8
1.2	Charitab	le Fundraising Act 1991 No 69	9
[1]	Section 25	S Notice of decision and reasons for decision	10
	Omit section	on 25S(2). Insert instead—	11
	(2)	The Secretary must make publicly available, on a NSW Government website or by other appropriate electronic means—	12 13
		(a) notice of a decision to accept an undertaking, and	14
		(b) the reasons for the decision.	15
[2]	Section 25V Withdrawal or variation of undertaking		
	Omit sectio	on 25V(3). Insert instead—	17
	(3)	The Secretary must make notice of the withdrawal or variation of an undertaking publicly available on a NSW Government website or by other appropriate electronic means.	18 19 20
1.3	Commur	nity Gaming Act 2018 No 60	21
[1]	Section 38	Notice of decision and reasons for decision	22
	Omit sectio	on 38(2). Insert instead—	23
	(2)	The Secretary must make publicly available, on a NSW Government website or by other appropriate electronic means—	24 25
		(a) notice of a decision to accept an undertaking, and	26
		(b) the reasons for the decision.	27
[2]	Section 41	Withdrawal or variation of undertaking	28
	Omit sectio	on 41(3). Insert instead—	29
	(3)	The Secretary must make notice of the withdrawal or variation of an undertaking publicly available on a NSW Government website or by other appropriate electronic means.	30 31 32
1.4	Co-opera	ative Housing and Starr-Bowkett Societies Act 1998 No 11	33
	Sections 6	6(3)(b), 68(5)(b) and 69(5)(b)	34
	Omit "that,	in the opinion of the Registrar, is appropriate" wherever occurring.	35
	Insert inste	ad ", or by other electronic means, appropriate in the Registrar's opinion".	36

Better Regulation, Fair Trading and Other Legislation Amendment Bill 2024 [NSW] Schedule 1 Amendments relating to websites

1.5	Fair Trading Act 1987 No 68	1
	Section 86B Register of undertakings	2
	Omit "available, free of charge, on a NSW Government website" from section 86B(3).	3
	Insert instead "publicly available, free of charge, on a NSW Government website or by other appropriate electronic means".	4 5
1.6	Funeral Funds Act 1979 No 106	6
	Section 49I Access to annual returns	7
	Insert "or by other appropriate electronic means" after "website" in section 49I(2).	8
1.7	Pawnbrokers and Second-hand Dealers Act 1996 No 13	9
	Section 4A Exemptions	10
	Omit "Secretary is to publish details of exemptions granted under this section on a publicly accessible website" from section $4A(3)$.	11 12
	Insert instead "Secretary must make details of the exemption publicly available on a NSW Government website or by other appropriate electronic means".	13 14

Sch	nedule 2 Amendments updating references to technology	1
2.1	Biofuels Act 2007 No 23	2
[1]	Schedule 2 Constitution and procedure of Expert Panel Insert "or other electronic means" after "telephone" in clause 13, heading.	3
[2]	Schedule 2, clause 13(2) Omit "telephone, closed-circuit television or other means,". Insert instead "telephone or other electronic means,".	5 6 7
2.2	Conveyancers Licensing Regulation 2021	8
[1]	Section 18 Electronic recordsOmit "on a computer disk or magnetic tape, or by other electronic means," from section 18(4)(f).Insert instead "by electronic means".	9 10 11 12
[2]	Section 18(4)(g) Omit "or disk".	13 14
2.3	Co-operative Housing and Starr-Bowkett Societies Act 1998 No 11	15
[1]	Section 201 Rules Omit "printed".	16 17
[2]	Schedule 1 General interpretative provisions Omit clause 13(1), definitions of <i>document</i> and <i>printed</i> .	18 19
2.4	Fair Trading Act 1987 No 68	20
[1]	Section 19 Powers of entry Omit ", videotape" from section 19(3)(e).	21 22
[2]	Section 80 Evidence as to publication Omit ", post office box number or newspaper office reply number" from section 80(1)(b). Insert instead "or post office box number".	23 24 25
[3]	Section 83 Evidence of standards etc Omit "printed".	26 27
2.5	Holiday Parks (Long-term Casual Occupation) Act 2002 No 88	28
[1]	Schedule 1 Terms that are taken to be in every occupation agreement Omit "or over the telephone" from clause 31(2). Insert instead ", over the telephone or by other electronic means".	29 30 31
[2]	Schedule 1, clause 42(2)(c) Omit "or faxed".	32 33

[3]	Schedule 1, clau	se 42(2)(e)	1
		f clause 42(2)(d)—	2
		, or	3
	(e)	emailed to an email address specified by the park owner or the park manager for the service of documents of that kind.	4 5
2.6	Pawnbrokers	and Second-hand Dealers Act 1996 No 13	6
	Section 17 Produ	uction of records	7
	Omit "on to com 17(5)(b).	nputer diskette or reduced to some other portable form" from section	8 9
	Insert instead "ele	ectronically or reduced to a portable form".	10
2.7	Residential Te	enancies Act 2010 No 42	11
[1]	Section 3 Definit	ions	12
	Omit section 3(1)	, definition of <i>record</i> .	13
[2]	Schedule 1 Mem	bership and procedure of Rental Bond Board	14
	Omit "etc" from a	clause 13, heading.	15
	Insert instead "or	other electronic means".	16
[3]	Schedule 1, clau	se 13(2)	17
	Omit "telephone,	closed-circuit television or other means,".	18
	Insert instead "tel	ephone or other electronic means,".	19

Scł	nedule 3	Amendments relating to business days	1
3.1	Conveya	ncers Licensing Act 2003 No 3	2
	Section 3 D	Definitions	3
	Omit the de	finition of <i>business day</i> . Insert in alphabetical order—	4
		business day means a day that is not—	5
		(a) a Saturday or Sunday, or	6
		(b) a public holiday or bank holiday throughout the State. <i>public holiday</i> means a day appointed under the <i>Public Holidays Act 2010</i> or another Act as a public holiday.	7 8 9
3.2	Co-opera	tive Housing and Starr-Bowkett Societies Act 1998 No 11	10
[1]	Schedule 1	General interpretative provisions	11
• •		13(1), definition of <i>business day</i> . Insert in alphabetical order—	12
		business day means a day that is not—	13
		(a) a Saturday or Sunday, or	14
		(b) a public holiday or bank holiday throughout the State.	15
		<i>public holiday</i> means a day appointed under the <i>Public Holidays Act 2010</i> or another Act as a public holiday.	16 17
[2]	Schedule 1	, clause 35(3)	18
		e place in which the thing is to be or may be done, the thing may be done on the ss day in the place".	19 20
	Insert instea	d ", the thing may be done on the next business day".	21
3.3	Motor De	alers and Repairers Act 2013 No 107	22
	Section 4 D	Definitions	23
	Omit section	n 4(1), definition of <i>business day</i> . Insert in alphabetical order—	24
		business day means a day that is not—	25
		(a) a Saturday or Sunday, or	26
		(b) a public holiday or bank holiday throughout the State.	27
		<i>public holiday</i> means a day appointed under the <i>Public Holidays Act 2010</i> or another Act as a public holiday.	28 29
3.4	Property	and Stock Agents Act 2002 No 66	30
	Section 3 D	Definitions	31
	Omit section	n 3(1), definition of <i>business day</i> . Insert in alphabetical order—	32
		business day means a day that is not—	33
		(a) a Saturday or Sunday, or	34
		(b) a public holiday or bank holiday throughout the State.	35
		<i>public holiday</i> means a day appointed under the <i>Public Holidays Act 2010</i> or another Act as a public holiday.	36 37

3.5	Residential Tenancies Act 2010 No 42	1
[1]	Section 3 Definitions	2
	Insert in alphabetical order in section 3(1)— business day means a day that is not— (a) a Saturday or Sunday, or	3 4 5
	(b) a public holiday or bank holiday throughout the State. <i>public holiday</i> means a day appointed under the <i>Public Holidays Act 2010</i> or another Act as a public holiday.	6 7 8
[2]	Section 162 Deposit of rental bonds	9
	Omit "working days" wherever occurring in section 162(3) and (4).	10
	Insert instead "business days".	11
3.6	Residential Tenancies Regulation 2019	12
[1]	Clause 3 Definitions	13
	Omit clause 3(1), definition of <i>business day</i> .	14
[2]	Schedule 1 Standard Form Agreement	15
	Omit "working days" wherever occurring in Schedule 1, matter relating to Rental bond , note.	16 17
	Insert instead "business days".	18
3.7	Retirement Villages Act 1999 No 81	19
[1]	Section 4 Definitions	20
	Insert in alphabetical order in section 4(1)—	21
	business day means a day that is not—	22
	(a) a Saturday or Sunday, or	23
	(b) a public holiday or bank holiday throughout the State. <i>public holiday</i> means a day appointed under the <i>Public Holidays Act 2010</i> or	24 25
	another Act as a public holiday.	26
[2]	Section 201 Service of documents	27
	Omit "working day" from section 201(3). Insert instead "business day".	28
3.8	Retirement Villages Regulation 2017	29
[1]	Schedule 3A Rules of Conduct for Operators of Retirement Villages	30
	Omit clause 3(1), definition of <i>working day</i> .	31
[2]	Schedule 3A, clauses 11(3), 23 and 27(3)(a)	32
	Omit "working days" wherever occurring in clause 11(3), 23 and 27(3)(a).	33
	Insert instead "business days".	34

3.9	Tow Truck Industry Regulation 2020	1
[1]	Clause 3 Definitions	2
	Insert in alphabetical order in clause 3(1)—	3
	business day means a day that is not—	4
	(a) a Saturday or Sunday, or	5
	(b) a public holiday or bank holiday throughout the State.	6
	<i>public holiday</i> means a day appointed under the <i>Public Holidays Act 2010</i> or another Act as a public holiday.	7 8
[2]	Clause 44 Definitions	9
	Omit the definition of <i>business day</i> .	10

Sch	edule 4	Amendments relating to public notice requirements	1 2
4.1	Funeral F	Funds Act 1979 No 106	3
	Section 32	Schemes for transfer or amalgamation	4
	Omit sectio	n 32(3)(b). Insert instead—	5
		(b) give notice of the application in a way directed by the Secretary,	6
4.2	Property	and Stock Agents Act 2002 No 66	7
	Section 17	6 Advertisements	8
	Omit sectio	n 176(2). Insert instead—	9
	(2)	The Secretary must make the notice publicly available—	10
		(a) on a NSW Government website, or	11
		(b) by other electronic means appropriate to bring the notice to the attention of persons likely to be affected by the notice.	12 13
4.3	Storage I	Liens Act 1935 No 19	14
[1]	Section 4 C	Charges covered by lien	15
	Omit ", and	for notice and advertisement of sale," from section 4(c).	16
[2]	Section 6 F	Power to sell goods	17
	Omit sectio	n 6(5) and (5A). Insert instead—	18
	(5)	The storer may sell the goods if the charges are not paid on or before the day mentioned in the notice.	19 20

Schedule 5		Amendments relating to electronic record keeping and sharing	1 2
5.1	Agricultura	al Tenancies Act 1990 No 64	3
	Section 13 A	ccounts	4
	Omit "inspect	at all reasonable times, after giving reasonable notice," from section 13(b).	5
	Insert instead	"receive, on request and within a reasonable period, a copy of".	6
5.2	Associatio	ns Incorporation Act 2009 No 7	7
[1]	Section 29 R	egister of committee members	8
	Insert after see	ction 29(2)—	9
	(2A) T	The register may be kept in physical or electronic form.	10
[2]	Section 29(3)		11
	Omit "The reg	gister". Insert instead "If the register is kept in physical form, the register".	12
[3]	Section 29(5)		13
	Omit the subs	ection.	14
[4]	Section 31 Di	isclosure of interests	15
	Omit "at all re	easonable hours" from section 31(3).	16
[5]	Section 31(4)		17
	Omit the subs	ection. Insert instead—	18
	(4) T	The book must be kept—	19
	((a) if the register of committee members is kept in physical form—in physical form at the same location as the register, or	20 21
	((b) if the register of committee members is kept in electronic form—in electronic form.	22 23
5.3	Co-operati	ve Housing and Starr-Bowkett Societies Act 1998 No 11	24
[1]	Section 112 N	Notice of meeting	25
	Omit section	112(3).	26
[2]	Section 112(5)	27
	Omit ", or a sj	pecial general meeting, or to display notice of an annual general meeting".	28
	Insert instead	"or a special general meeting".	29
[3]	Section 116	Minutes	30
	Omit section	116(2). Insert instead—	31
	S	f a member requests a copy of the minutes of a meeting of the members, the ociety must give the person a copy within 21 days of the request, free of harge.	32 33 34
		Maximum penalty—20 penalty units.	35

[4]	Section 12	20 Inspection	1
	Omit section	on 120(1) and (2). Insert instead—	2
	(1)	A society must make the following publicly available, free of charge, in hard copy at the society's registered office or on a website maintained by the society—	3 4 5
		(a) the rules of the society,	6
		(b) the last accounts of the society and the auditor's report on the accounts,	7
		(c) the last directors' report under section 134.	8
[5]	Section 13	9 Nomination of auditors	9
	Omit sectio	on 139(4). Insert instead—	10
	(4)	If the society receives notice of nomination of a person or firm as auditor, the society must give a copy of the notice of nomination to—	11 12
		(a) the person or firm nominated, and	13
		(b) each auditor of the society.	14
		Maximum penalty—20 penalty units.	15
	(5)	The copy of the notice of nomination must be given—	16
		(a) not less than 7 days before the meeting or adjourned meeting at which the person or firm is proposed to be appointed, or	17 18
		(b) when notice of the meeting or adjourned meeting is given.	19
[6]	Section 14	0 Removal and resignation of auditors	20
		layed by the society in a conspicuous place at the registered office and each other e society until the day of the meeting at which the resolution is to be considered" on $140(3)$.	21 22 23
	Insert inste will be con	ad "given to members at or before the meeting at which the special resolution sidered".	24 25
[7]	Section 14	l0(4) and (4A)	26
	Omit sectio	on 140(4). Insert instead—	27
	(4)	The society must comply with a request from the auditor that the representations be read out at the meeting.	28 29
		Maximum penalty—20 penalty units.	30
	(4A)	Subsection (4) does not affect any right of—	31
		(a) the auditor to be heard orally at the meeting, or (b) if the auditor is a firm, a member of the firm to be heard and be at the	32
		(b) if the auditor is a firm—a member of the firm to be heard orally at the meeting on the firm's behalf.	33 34
5.4	Funeral F	Funds Act 1979 No 106	35
[1]	Section 27	Documents to be available for inspection by contributors etc	36
		ll, at all reasonable hours when its office is open for business, produce for by any contributor or person having a pecuniary interest in the fund".	37 38
		ad "must make the following publicly available, free of charge, in hard copy at registered office or on a website maintained by the fund".	39 40

[2]	Section 88					
	Omi	t the se	ction. Insert instead—	2		
	88	Insp	ection of documents	3		
		(1)	The Secretary may make a return or document lodged with the Secretary under section 24 publicly available on a NSW Government website or by other appropriate electronic means.	4 5 6		
		(2)	A person with an interest in a return or document that has not been made publicly available may request a copy of the return or document from the Secretary.	7 8 9		
		(3)	On payment by the person of any fee prescribed by the regulations, the Secretary must give the person a copy of the return or document.	10 11		
5.5	Fun	eral F	Funds Regulation 2016	12		
[1]	Sche	edule 4	l Fees	13		
	Omi	t the m	atter relating to Part 1, item 10.	14		
[2]	Sche	edule 4	I, Part 1, item 11	15		
	Omi	t "88 (ł	b)". Insert instead "88(3)".	16		
[3]	Sche	edule 4	I, Part 1, item 11	17		
	Omi	t ", cer	tified to be a true copy".	18		

Schedule 6		Amendments relating to service of documents							
6.1	Agr	icultu	iral T	enanc	ties Act 1990 No 64	2			
	Section 28								
	Omit the section. Insert instead—								
	28	Serv	ice of	docum	ents	5			
		(1)	A do	cument	that is authorised or required by this Act or the regulations to be person may be served by the following methods—	6 7			
			(a)		individual—by personal delivery to the person,	8			
			(b)		wing the document at the residential or business address of the n last known to the person serving the document,	9 10			
			(c)		ost to the address specified by the person for the service of nents of that kind,	11 12			
			(d)	by po	individual who has not specified an address for service by post— st to the residential or business address of the person last known person serving the document,	13 14 15			
			(e)	corpo	corporation—by post to the registered or other office of the ration or by leaving the document at the office with a person ently over the age of 16 years,	16 17 18			
			(f)		ail to an email address specified by the person for the service of ments of that kind,	19 20			
			(g)		ner electronic means to an address or location specified by the n for the service of documents of that kind,	21 22			
			(h)		other method authorised by the regulations for the service of nents of that kind.	23 24			
		(2)		of a co	his section affects the operation of a provision of a law or of the ourt authorising a document to be served on a person by another	25 26 27			
		(3)	In th	is sectio	on—	28			
			serve	e includ	es give or send.	29			
6.2	Ass	ociat	ions	Incorp	ooration Act 2009 No 7	30			
[1]	Sect	ions 1	1(6), 6	5 1A(3) , 1	74(4), 76(5) and 80(4)	31			
	Omit	t the su	bsecti	ons.		32			
[2]	Sect	ion 10	1 Serv	vice of o	documents	33			
	Omit	t sectio	n 101	(1). Inse	ert instead—	34			
		(1)			that is authorised or required by this Act or the regulations to be person may be served by the following methods—	35 36			
			(a)		association—	37			
				(i)	by personal delivery to the address specified by the association for the service of documents of that kind, or	38 39			
				(ii)	by personal delivery to the association's public officer or to 2 committee members of the association, or	40 41			

			(iii)	by post to the official address or another office of the association or by leaving it at the office with a person apparently over the age of 16 years,	1 2 3		
		(b)	for an	individual—by personal delivery to the person,	4		
		(c)		ost to the address specified by the person for the service of nents of that kind,	5 6		
		(d)	by po	individual who has not specified an address for service by post— st to the residential or business address of the person last known person serving the document,	7 8 9		
		(e)	corpo	corporation—by post to the registered or other office of the ration or by leaving the document at the office with a person ently over the age of 16 years,	10 11 12		
		(f)	by en docum	hail to an email address specified by the person for the service of nents of that kind,	13 14		
		(g)		her electronic means to an address or location specified by the n for the service of documents of that kind,	15 16		
		(h)		other method authorised by the regulations for the service of nents of that kind,	17 18		
		(i)	by an	other method as the Secretary may direct.	19		
Bio	fuels	Act 2	2007 N	lo 23	20		
Sect	ion 31	Α			21		
Inser	t after	sectio	n 31—		22		
314	Service of documents						
31A	Serv	ice of	docum	ients	23		
31A	Serv (1)	A do	cument	tents that is authorised or required by this Act or the regulations to be person may be served by the following methods—	23 24 25		
31A		A do	cument ed on a j	that is authorised or required by this Act or the regulations to be	24		
31A		A do serve	cument ed on a for an by pc	that is authorised or required by this Act or the regulations to be person may be served by the following methods—	24 25		
31A		A do serve (a)	for an by po docum for an by po docum for an by po	that is authorised or required by this Act or the regulations to be person may be served by the following methods— individual—by personal delivery to the person, ost to the address specified by the person for the service of	24 25 26 27		
31A		A do serve (a) (b)	for an by po docum for an by po to the for a corpo	that is authorised or required by this Act or the regulations to be person may be served by the following methods— individual—by personal delivery to the person, ost to the address specified by the person for the service of nents of that kind, individual who has not specified an address for service by post— st to the residential or business address of the person last known	24 25 26 27 28 29 30		
31A		A do serve (a) (b) (c)	for an by po docum for an by po to the for a corpo appare by em	that is authorised or required by this Act or the regulations to be person may be served by the following methods— individual—by personal delivery to the person, ost to the address specified by the person for the service of nents of that kind, individual who has not specified an address for service by post— st to the residential or business address of the person last known person serving the document, corporation—by post to the registered or other office of the ration or by leaving the document at the office with a person	24 25 26 27 28 29 30 31 32 33		
31A		A do serva (a) (b) (c) (d)	for an by po docum for an by po to the for a corpo appare by em docum by otl	that is authorised or required by this Act or the regulations to be person may be served by the following methods— individual—by personal delivery to the person, ost to the address specified by the person for the service of ments of that kind, individual who has not specified an address for service by post— st to the residential or business address of the person last known person serving the document, corporation—by post to the registered or other office of the ration or by leaving the document at the office with a person ently over the age of 16 years, mail to an email address specified by the person for the service of	24 25 26 27 28 29 30 31 32 33 34 35		
31A		A do serve (a) (b) (c) (d) (e)	for an by po docum for an by po docum for an by po to the for a corpo appar- by em docum by oth person by an	that is authorised or required by this Act or the regulations to be person may be served by the following methods— individual—by personal delivery to the person, ost to the address specified by the person for the service of nents of that kind, individual who has not specified an address for service by post— st to the residential or business address of the person last known person serving the document, corporation—by post to the registered or other office of the ration or by leaving the document at the office with a person ently over the age of 16 years, hail to an email address specified by the person for the service of ments of that kind,	24 25 26 27 28 29 30 31 32 33 34 35 36 37		
31A		A do serve (a) (b) (c) (d) (c) (d) (e) (f) (g) Noth	cument cd on a p for an by po docum for an by po to the for a corpo appar by em docum by oth person by an docum	that is authorised or required by this Act or the regulations to be person may be served by the following methods— individual—by personal delivery to the person, ost to the address specified by the person for the service of nents of that kind, individual who has not specified an address for service by post— st to the residential or business address of the person last known person serving the document, corporation—by post to the registered or other office of the ration or by leaving the document at the office with a person ently over the age of 16 years, hail to an email address specified by the person for the service of nents of that kind, her electronic means to an address or location specified by the n for the service of documents of that kind, nother method authorised by the regulations for the service of	24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39		
31A	(1)	A do serve (a) (b) (c) (d) (c) (d) (e) (f) (g) Noth rules meth In th	cument ed on a j for an by po docum for an by po to the for a corpo appard by em docum by oth person by an docum ing in t of a co	that is authorised or required by this Act or the regulations to be person may be served by the following methods— a individual—by personal delivery to the person, ost to the address specified by the person for the service of nents of that kind, individual who has not specified an address for service by post— st to the residential or business address of the person last known person serving the document, corporation—by post to the registered or other office of the ration or by leaving the document at the office with a person ently over the age of 16 years, hail to an email address specified by the person for the service of nents of that kind, her electronic means to an address or location specified by the n for the service of documents of that kind, nother method authorised by the regulations for the service of nents of that kind.	24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42		

6.3

[1]

[2]	Schedule 2 Cons	titution and procedure of Expert Panel	1
	Omit "personally, purpose" from cla	by post or by email to an email address provided by the member for that use $5(1)(e)$.	2 3
6.4	Charitable Fu	ndraising Act 1991 No 69	4
	Section 54 Servio	ce of documents	5
	Insert after section	n 54(1)(e)—	6
	(e1)	by other electronic means to an address or location specified by the person for the service of documents of that kind,	7 8
6.5	Coal Mine Sub	osidence Compensation Act 2017 No 37	9
[1]	Section 58 Servio	ce of documents	10
	Insert after section	n 58(1)(e)—	11
	(e1)	by other electronic means to an address or location specified by the person for the service of documents of that kind,	12 13
[2]	Section 58(2)(c1)		14
	Insert after section	n 58(2)(c)—	15
	(c1)	by other electronic means to an address or location specified by the Chief Executive or the Secretary for the service of documents of that kind,	16 17 18
6.6	Community G	aming Act 2018 No 60	19
	Section 48 Servio	ce of documents	20
	Insert after section	n 48(1)(e)—	21
	(e1)	by other electronic means to an address or location specified by the person for the service of documents of that kind,	22 23
6.7	Conveyancers	s Licensing Act 2003 No 3	24
[1]	Section 167 Serv	rice of notices and directions	25
	Insert after section	n 167(2)(e)—	26
	(e1)	by other electronic means to an address or location specified by the person for the service of documents of that kind, or	27 28
[2]	Section 167(3)(d	1)	29
	Insert after section	n 167(3)(d)—	30
	(d1)	by other electronic means to an address or location specified by the corporation for the service of documents of that kind, or	31 32
6.8	Co-operative I	Housing and Starr-Bowkett Societies Act 1998 No 11	33
	Continue 440 Noti	ce of meeting	34
[1]	Section 112 Notic	•	
[1]		or by post" wherever occurring in section 112(1)(a) and (b).	35
[1] [2]			35 36
	Omit "personally Section 115 Spec		

[3]	Section 153 Application for registration of merger or transfer of engagements between societies of the same type							
	Omit "so that it will, in the ordinary course of post, reach each member who is entitled to vote on the special resolution not later than" from section 153(4).							
	Inser	t instea	ad "at l	least".		5		
[4]	Sche	dule 1	Gene	eral in	terpretative provisions	6		
	Omit	clause	es 36 a	nd 37.	Insert instead—	7		
	36	Serv	ice of	docur	nents	8		
		(1)			t that is authorised or required by this Act or the regulations to be person may be served by the following methods—	9 10		
			(a)	for a	n individual—by personal delivery to the person,	11		
			(b)		ost to the address specified by the person for the service of ments of that kind,	12 13		
			(c)	by p	n individual who has not specified an address for service by post— ost to the residential or business address of the person last known e person serving the document,	14 15 16		
			(d)	corp	a corporation—by post to the registered or other office of the oration or by leaving the document at the office with a person rently over the age of 16 years,	17 18 19		
			(e)		nail to an email address specified by the person for the service of ments of that kind,	20 21		
			(f)		ther electronic means to an address or location specified by the on for the service of documents of that kind,	22 23		
			(g)		nother method authorised by the regulations for the service of ments of that kind.	24 25		
		(2)		of a c	this clause affects the operation of a provision of a law or of the court authorising a document to be served on a person by another	26 27 28		
		(3)	In thi	is clau	se—	29		
			serve	inclu	des give or send.	30		
6.9	Fair	Trad	ing A	Act 19	987 No 68	31		
[1]	Secti	ion 88	Servi	ce of ı	notices etc	32		
	Inser	t after	section	n 88(1))(a)(v)—	33		
				(va)	by other electronic means to an address or location specified by the person for the service of notices or directions of that kind, or	34 35		
[2]	Secti	ion 88	(1)(b)(iva)		36		
	Inser	t after	section	n 88(1))(b)(iv)—	37		
				(iva)	by other electronic means to an address or location specified by the body corporate for the service of notices or directions of that kind, or	38 39 40		

6.10	0 Funeral Funds Act 1979 No 106						
[1]	Secti	ion 25	A Ann	ual report to be provided to contributors	2		
	Omit section 25A(2).						
[2]	Secti	ion 87			4		
	Omit	the se	ction.	Insert instead—	5		
	87	Serv	ice of	documents	6		
		(1)		cument that is authorised or required by this Act or the regulations to be ad on a person may be served by the following methods—	7 8		
			(a)	for an individual—by personal delivery to the person,	9		
			(b)	by post to the address specified by the person for the service of documents of that kind,	10 11		
			(c)	for an individual who has not specified an address for service by post— by post to the residential or business address of the person last known to the person serving the document,	12 13 14		
			(d)	for a corporation—by post to the registered or other office of the corporation or by leaving the document at the office with a person apparently over the age of 16 years,	15 16 17		
			(e)	by email to an email address specified by the person for the service of documents of that kind,	18 19		
			(f)	by other electronic means to an address or location specified by the person for the service of documents of that kind,	20 21		
			(g)	by another method authorised by the regulations for the service of documents of that kind.	22 23		
		(2)		ing in this section affects the operation of a provision of a law or of the of a court authorising a document to be served on a person by another od.	24 25 26		
		(3)	In thi	s section—	27		
			serve	includes give or send.	28		
6.11	Holi	day F	Parks	(Long-term Casual Occupation) Act 2002 No 88	29		
[1]	Secti	ion 23	Recei	pts for occupation fees and charges	30		
	Omit	"post"	' from	section 23(2). Insert instead "give".	31		
[2]	Sect	ion 47	Servi	ce of documents	32		
	Inser	t after	section	n 47(1)(c1)—	33		
			(c2)	by other electronic means to an address or location specified by the occupant for the service of documents of that kind, or	34 35		
[3]	Secti	ion 47	(2)(c2)		36		
	Inser	t after	section	n 47(2)(c1)—	37		
			(c2)	by other electronic means to an address or location specified by the park owner or park manager for the service of documents of that kind, or	38 39		
[4]	Sect	ion 47	(3)		40		
	Insert after section 47(2)—						

		(3)		ing in this section affects the operation of a provision of a law or of the of a court authorising a document to be served on a person by another nod.	1 2 3
[5]	Sect	ion 47	(5)		4
	Inser	rt after	section	n 47(4)—	5
		(5)		is section— e includes give or send.	6 7
6.12	2 Mot	or De	alers	and Repairers Act 2013 No 107	8
	Sect	ion 18	5 Serv	vice of documents	9
	Inser	rt after	section	n 185(1)(e)—	10
			(e1)	by other electronic means to an address or location specified by the person for the service of documents of that kind,	11 12
6.13	8 Paiı	ntball	Act 2	2018 No 44	13
	Sect	ion 72	Servi	ce of documents	14
	Inser	rt after	section	n 72(1)(e)—	15
			(e1)	by other electronic means to an address or location specified by the person for the service of documents of that kind,	16 17
6.14	Paw	nbro	kers	and Second-hand Dealers Act 1996 No 13	18
[1]	Sect	ion 31	A Noti	ice as to proceeds of sale	19
	Omi	t "send	by po	st to the last known address of" from section $31A(1)$.	20
	Inser	t inste	ad "giv	/e".	21
[2]	Sect	ion 42	A		22
	Inser	rt after	section	n 42—	23
	42A	Serv	ice of	documents	24
		(1)	A do serve	cument that is authorised or required by this Act or the regulations to be ed on a person may be served by the following methods—	25 26
			(a)	for an individual—by personal delivery to the person,	27
			(b)	by post to the address specified by the person for the service of documents of that kind,	28 29
			(c)	for an individual who has not specified an address for service by post— by post to the residential or business address of the person last known to the person serving the document,	30 31 32
			(d)	for a corporation—by post to the registered or other office of the corporation or by leaving the document at the office with a person apparently over the age of 16 years,	33 34 35
			(e)	by email to an email address specified by the person for the service of documents of that kind,	36 37
			(f)	by other electronic means to an address or location specified by the person for the service of documents of that kind,	38 39

		(g)	by another method authorised by the regulations for the service of documents of that kind.	1 2
	(2)		ing in this section affects the operation of a provision of a law or of the of a court authorising a document to be served on a person by another od.	3 4 5
	(3)		s section—	6
		serve	includes give or send.	7
[3]	Section 43	Regul	ations	8
	Omit sectio	n 43(1)(h).	9
6.15	Property	and \$	Stock Agents Act 2002 No 66	10
[1]	Section 36	Revie	w of commission and fees	11
	Omit "perso	onally	or by post" from section 36(1).	12
[2]	Section 18	3 Acco	ounts examiner to report on accounts	13
	Omit "by po	ost" fro	om section 183(2).	14
[3]	Section 22	5 Serv	ice of notices	15
	Insert after	sectior	n 225(2)(e)—	16
		(e1)	by other electronic means to an address or location specified by the person for the service of notices or directions of that kind, or	17 18
[4]	Section 22	5(3)(d1	1)	19
	Insert after	sectior	n 225(3)(d)—	20
		(d1)	by other electronic means to an address or location specified by the corporation for the service of notices or directions of that kind, or	21 22
6.16	Resident	ial (L	and Lease) Communities Act 2013 No 97	23
[1]	Section 18	4 Serv	ice of notices and documents	24
	Insert "sent	" befoi	re "to an email address" in section 184(1)(e).	25
[2]	Section 18	4(1)(e1	l)	26
	Insert after	sectior	n 184(1)(e)—	27
		(e1)	if the person has agreed to notices or documents being given by other electronic means—sent to an electronic address or location provided by the person, or	28 29 30
[3]	Section 18	4(2)(c)		31
	Omit "subse	ection	(1)(e)". Insert instead "subsection (1)(e) or (e1)".	32
[4]	Section 18	4(2)(c)		33
	Omit "by er	nail".		34

6.17	Residential Te	enanc	ies Act 2010 No 42	1
[1]	Section 36 Rent	receip	ts	2
			ential premises or send it by email to an email address specified by of documents of that kind" from section 36(2).	3 4
	Insert instead "giv	ve the r	eceipt to the tenant".	5
[2]	Section 223 Serv	vice of	notices and other documents	6
	Insert after section	n 223(1	.)(a)(v)—	7
		(va)	sending it by other electronic means to an address or location specified by the person for the service of documents of that kind, or	8 9 10
[3]	Section 223(1)(b))(iia)		11
	Insert after section	n 223(1)(b)(ii)—	12
		(iia)	sending it by other electronic means to an address or location specified by the corporation for the service of documents of that kind, or	13 14 15
[4]	Section 223(1)(c))(iia)		16
	Insert after section	n 223(1	l)(c)(ii)—	17
		(iia)	sending it by other electronic means to an address or location specified by the agency for the service of documents of that kind, or	18 19 20
[5]	Schedule 1 Mem	bershi	p and procedure of Rental Bond Board	21
	Omit "personally	or by p	post" from clause 5(1)(e).	22
6.18	Retirement Vi	llages	s Act 1999 No 81	23
[1]	Section 20 Copie	es of c	ertain documents to be available	24
	Omit "(or, if requ	ested to	b do so, send by post)" from section $20(3)$.	25
[2]	Section 20(3)			26
	Omit "or send".			27
[3]	Section 201 Serv	vice of	documents	28
	Insert after section	n 201(1	l)(b1)—	29
	(b2)		her electronic means to an address or location specified by the ent for the service of documents of that kind, or	30 31
[4]	Section 201(2)(b	2)		32
	Insert after section	`		33
	(b2)		ther electronic means to an address or location specified by the ator for the service of documents of that kind, or	34 35
6.19	Storage Liens	Act '	1935 No 19	36
[1]	Sections 5(3), 6(3	3) and	7(2)	37
	Omit the subsection	ons.		38

[2]	Section 7 Notices							
	Omit	"but s	uch pr	ovisions have" from section 7(1).	2			
	Insert	instea	ad "but	t section 5, 6 or 10A has".	3			
[3]	Secti	on 7(1)		4			
	Omit	"that s	such p	rovisions have". Insert instead "that the section has".	5			
[4]	Secti	on 10/	Α		6			
	Insert	after s	sectior	n 10—	7			
	10A	Servi	ice of	documents	8			
		(1)		cument that is authorised or required by this Act or the regulations to be ad on a person may be served by the following methods—	9 10			
			(a)	for an individual—by personal delivery to the person,	11			
			(b)	by post to the address specified by the person for the service of documents of that kind,	12 13			
			(c)	for an individual who has not specified an address for service by post— by post to the residential or business address of the person last known to the person serving the document,	14 15 16			
			(d)	for a corporation—by post to the registered or other office of the corporation or by leaving the document at the office with a person apparently over the age of 16 years,	17 18 19			
			(e)	by email to an email address specified by the person for the service of documents of that kind,	20 21			
			(f)	by other electronic means to an address or location specified by the person for the service of documents of that kind,	22 23			
			(g)	by another method authorised by the regulations for the service of documents of that kind.	24 25			
		(2)		ing in this section affects the operation of a provision of a law or of the of a court authorising a document to be served on a person by another od.	26 27 28			
		(3)	In thi	is section—	29			
			serve	e includes give or send.	30			
6.20	Tow	Truc	k Ind	lustry Act 1998 No 111	31			
	Secti	on 102	2 Serv	rice of documents	32			
	Insert			n 102(1)(e)—	33			
			(e1)	by other electronic means to an address or location specified by the person for the service of documents of that kind,	34 35			
6.21	Unc	ollect	ted G	oods Act 1995 No 68	36			
	Secti	on 27			37			
	Omit	the see	ction.	Insert instead—	38			

27 Service of documents

(1)	A document that is authorised or required by this Act or the regulations to be
	served on a person may be served by the following methods—

- (a) for an individual—by personal delivery to the person,
- (b) by post to the address specified by the person for the service of documents of that kind,

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- (c) for an individual who has not specified an address for service by post by post to the residential or business address of the person last known to the person serving the document,
- (d) for a corporation—by post to the registered or other office of the corporation or by leaving the document at the office with a person apparently over the age of 16 years,
- (e) by email to an email address specified by the person for the service of documents of that kind,
- (f) by other electronic means to an address or location specified by the person for the service of documents of that kind,
- (g) by another method authorised by the regulations for the service of documents of that kind.
- (2) Nothing in this section affects the operation of a provision of a law or of the rules of a court authorising a document to be served on a person by another method.

(3) In this section serve includes give or send.

Sch	nedule 7	Miscellaneous amendments	1						
7.1	Associat	ions Incorporation Act 2009 No 7	2						
[1]	Section 6 Application for registration								
	Omit sectio	on 6(4). Insert instead—	4						
	(4)	An association's proposed official address must be an address within New South Wales, other than a post office box, at which documents can be served on the association by post.	5 6 7						
[2]	Section 13	Notification of change of official address	8						
	Omit sectio	on 13(3). Insert instead—	9						
	(3)	The new address must be an address within New South Wales, other than a post office box, at which documents can be served on the association by post.	10 11						
[3]	Section 29	Register of committee members	12						
	Omit "date	of birth and residential address," from section 29(2)(a).	13						
[4]	Section 34	Public officer	14						
	Omit "and	date of birth" from section 34(6)(a).	15						
[5]	Section 34	(6)(b) and (7)	16						
	Omit the pr	ovisions.	17						
[6]	Section 38	Voting generally	18						
	Omit "posta	al or electronic" from section 38(1)(b).	19						
	Insert instea	ad "postal, electronic or combined".	20						
[7]	Section 38	(2)	21						
	Omit "posta	al or electronic".	22						
[8]	Section 39	Voting on special resolutions	23						
	Omit "posta	al or electronic" from section 39(1)(b).	24						
	Insert instea	ad "postal, electronic or combined".	25						
[9]	Section 39	(3)	26						
	Omit "posta	al or electronic".	27						
[10]	Section 72	Application for cancellation	28						
	Omit sectio	on 72(4).	29						
[11]	Section 77	Distribution of assets	30						
	Omit "wind	ling up" wherever occurring in section 77(2)(a) and (b).	31						
	Insert instea	ad "finalisation".	32						
[12]	Schedule 1	I Matters to be addressed in association's constitution	33						
	Omit " Post	al and electronic" from clause 11, heading.	34						
	Insert instea	ad "Postal, electronic and combined".	35						

Better Regulation, Fair Trading and Other Legislation Amendment Bill 2024 [NSW] Schedule 7 Miscellaneous amendments

Sche	dule '	1, clause 11		1
Omit	"or el	ectronic". Ins	sert instead ", electronic or combined".	2
Sche	dule 2	2 Provisions	relating to association's assets, rights and liabilities	3
Omit	", tha	t is verified b	y statutory declaration" from clause 3(1).	4
Ass	ociat	ions Incor	poration Regulation 2022	5
Sect	ion 5 /	Application of	of Corporations legislation to associations	6
Omit	"post	al or electron	ic" wherever occurring in section 5(c).	7
Insert instead "postal, electronic or combined".				8
Sect	ion 11	, heading		9
Omit "postal or electronic". Insert instead "postal, electronic or combined".				10
Sect	ion 11			11
Omit	"post	al or electron	ic". Insert instead "postal, electronic or combined".	12
Sche	dule 2	2, heading		13
Omit	"post	al or electro	nic". Insert instead "postal, electronic or combined".	14
Sche	dule 2	2, section 5A	N	15
Inser	t after	section 5—		16
5A	Com	bined posta	l and electronic voting	17
	(1)			18 19
	(2)	specified in	sections 4(2) and 5(3) at least 14 days, or 21 days for a proposed	20 21 22
	(3)			23 24
	(4)	The membe	er may choose to vote by post or electronically.	25
	(5)	If the memb	per chooses to vote by post, section $4(3)$ –(5) apply.	26
	(6)	If the memb	per chooses to vote electronically, section 5(5) and (6) apply.	27
Sche	dule 2	2, section 7(1	1)	28
Inser	t "or b	oth," after "e	lectronic voting,".	29
Sche	dule 2	2, section 7(1	1)(a)	30
Omit	"cond	lucted by". In	sert instead "involving".	31
Schedule 2, section 7(1)(c)(iii)			32	
Inser	t at the	e end of section	on7(1)(c)(ii)—	33
			, or	34
		(iii)	for a combined postal and electronic ballot—counting the postal votes that are not rejected and reviewing the information and reports about the electronic ballot.	35 36 37
	Omit Sche Omit Ass Sect Omit Sect Omit Sche Inser 5A	Omit "or elSchedule 2Omit ", thatASSOCIATSection 5 /Omit "postInsert insteaSection 11Omit "postSection 11Omit "postSection 11Omit "postSchedule 2Omit "postSchedule 2Insert after5ACom(1)(2)(3)(4)(5)(6)Schedule 2Insert "or bSchedule 2Omit "condSchedule 2Omit "condSchedule 2Omit "condSchedule 2Omit "cond	Schedule 2 Provisions Omit ", that is verified b Associations Incor Section 5 Application of Omit "postal or electron Insert instead "postal, ele Section 11, heading Omit "postal or electron Schedule 2, heading Omit "postal or electron Schedule 2, section 5A Insert after section 5— 5A Combined posta (1) This section electronical (2) The return specified in special reso (3) If the ballot the member (4) The member (5) If the member (6) If the member (7) Omit "conducted by". In Schedule 2, section 7(7) Insert at the end of section	 Omit "or electronie". Insert instead ", electronic or combined". Schedule 2 Provisions relating to association's assets, rights and liabilities Omit ", that is verified by statutory declaration" from clause 3(1). Associations Incorporation Regulation 2022 Section 5 Application of Corporations legislation to associations Omit "postal or electronie" wherever occurring in section 5(c). Insert instead "postal, electronic or combined". Section 11, heading Omit "postal or electronie". Insert instead "postal, electronic or combined". Section 11 Omit "postal or electronie". Insert instead "postal, electronic or combined". Schedule 2, heading Omit "postal or electronic". Insert instead "postal, electronic or combined". Schedule 2, section 5A Insert after section 5— SA Combined postal and electronic voting (1) This section applies to a ballot to be conducted both by postal voting and electronically. (2) The returning officer must give each member entitled to vote the items specified in sections 4(2) and 5(3) at least 14 days, or 21 days for a proposed special resolution, before the date fixed for the closing of the ballot. (3) If the ballot is a secret ballot, the returning officer must ensure the identity of the member cannot be ascertained from the electronic ballot paper. (4) The member may choose to vote by post or electronically. (5) If the member chooses to vote by post, section 5(5) and (6) apply. Schedule 2, section 7(1)[Insert or both, "after "electronic voting.". Schedule 2, section 7(1)(c)(iii)— , or (iii) for a combined postal and electronic ballot—counting the postal votes that are not rejected and reviewing the information and

Better Regulation, Fair Trading and Other Legislation Amendment Bill 2024 [NSW] Schedule 7 Miscellaneous amendments

[9]	Schedule 2, section 8(b)	1
	Omit "postal ballot". Insert instead "ballot involving postal votes".	2
[10]	Schedule 2, section 8(c)	3
	Omit "an electronic ballot". Insert instead "a ballot involving electronic votes".	4
[11]	Schedule 3 Model constitution	5
	Omit "Postal or electronic" from clause 35, heading.	6
	Insert instead "Postal, electronic or combined".	7
[12]	Schedule 3, clause 35(1)	8
	Omit "postal or electronic". Insert instead "postal, electronic or combined".	9
7.3	Biofuels Act 2007 No 23	10
	Section 30 Regulations	11
	Insert after section 30(2)—	12
	(3) A regulation may apply, adopt or incorporate a publication as in force at a particular time or as in force from time to time.	13 14
7.4	Biofuels Regulation 2022	15
[1]	Section 4 Definition of "biofuel sustainability standard"—the Act, s 3	16
	Omit "(Version 3.0)" from section 4(a).	17
[2]	Section 4(a)	18
	Omit "in November 2016".	19
	Insert instead ", as in force from time to time".	20
[3]	Section 4(b)	21
	Omit the paragraph. Insert instead—	22
	(b) ISO 13065, <i>Sustainability criteria for bioenergy</i> , as in force from time to time.	23 24
7.5	Co-operative Housing and Starr-Bowkett Societies Act 1998 No 11	25
[1]	Sections 50(7) and 184(3)	26
	Omit the subsections.	27
[2]	Section 79 Fines payable by members	28
	Omit section 79(3)(b). Insert instead—	29
	(b) the member has been given a reasonable opportunity to do one of the following, at the member's choice, for the purpose of showing cause why the fine should not be imposed—	30 31 32
	(i) appear before the board in person, with or without witnesses,	33
	(ii) appear before the board by electronic means, with or without witnesses,	34 35
	(iii) send the board a written statement.	36

Better Regulation, Fair Trading and Other Legislation Amendment Bill 2024 [NSW] Schedule 7 Miscellaneous amendments

[3]	Section 204 Entries	1		
	Omit "statutory declaration of the secretary".	2		
	Insert instead "the secretary of the body".	3		
[4]	Schedule 1 General interpretative provisions	4		
	Omit clause 13(1), definition of <i>statutory declaration</i> .	5		
[5]	Schedule 1, clause 28(9)	6		
	Omit the subclause.	7		
7.6	Funeral Funds Act 1979 No 106	8		
	Section 27 Documents to be available for inspection by contributors etc	9		
	Omit section 27(e).	10		
7.7	Motor Dealers and Repairers Amendment Act 2023 No 28	11		
[1]	Schedule 1 Amendment of Motor Dealers and Repairers Act 2013 No 107			
	Omit "a judgment or order of a court" from Schedule 1[56], proposed section 169(3)(a1).	13		
	Insert instead "a judgment, order or other decision of a court or tribunal".	14		
[2]	Schedule 1[56]	15		
	Omit "judgment or order" wherever occurring in proposed section 169(3)(a1)(i) and (ii).	16		
	Insert instead "judgment, order or other decision".	17		
7.8	Property and Stock Agents Act 2002 No 66	18		
	Section 192 Disciplinary action	19		
	Insert ", either permanently or for a specified period" after "licensee" in section 192(1)(i).	20		
7.9	Tow Truck Industry Act 1998 No 111	21		
	Section 34 The Secretary may require further information in relation to application	22		
	Omit ", verified by statutory declaration," from section 34(1)(a).	23		

Schedule 8		le 8	Amendments and repeal relating to outdoor space for dining and performance	
8.1	Liqu	or A	t 2007 No 90	
[1]	Part	12		4
	Inser	t after]	Part 11—	5
	Par	t 12	Outdoor dining and performance	6
	164	Purp	ose	
		(1)	The purpose of this part is to allow local councils to encourage the temporary use of outdoor space for dining and performance.	8 9
		(2)	This part operates in addition to the <i>Roads Act 1993</i> , Part 9, Division 1, which also provides for the use of roads for food or drink premises.	10 11
		(3)	However, to the extent of any inconsistency between this part and the <i>Roads Act 1993</i> , Part 9, Division 1, this part prevails.	12 13
	165	Defin	itions	14
			In this part—	15
			<i>area</i> , for a local council, means the area for which the local council is constituted.	16 17
			classified road has the same meaning as in the Roads Act 1993.	18
			footway has the same meaning as in the Roads Act 1993.	19
			local council means a council under the Local Government Act 1993.	20
			public open space has the same meaning as in the Roads Act 1993.	21
			roads authority has the same meaning as in the Roads Act 1993.	22
			<i>Transport for NSW</i> has the same meaning as in the <i>Transport Administration Act 1988</i> .	23 24
			unclassified road has the same meaning as in the Roads Act 1993.	25
	166	Loca	I councils may allow use of outdoor space for dining and performance	26
		(1)	A local council may decide, by notice published on the local council's website—	27 28
			(a) to temporarily allow the use of a footway or public open space associated with the following to be used as an outdoor dining area, an extension of foyer space or a performance space—	29 30
			(i) licensed premises or other lawful food and drink premises,	31 32
			(ii) entertainment, arts or cultural venues, or	33
			(b) to temporarily allow parking spaces within the local council's area to be used as an outdoor dining area, an extension of foyer space or a	34 35
			performance space, or	36
			 (c) to temporarily close an unclassified road for which the local council is the roads authority for use as an outdoor dining area, an extension of foyer space or a performance space, or 	37 38 39
			(d) to temporarily close a classified road, with the concurrence of Transport	40
			for NSW, for use as an outdoor dining area, an extension of foyer space or a performance space, or	41 42

	(e)		ily vary a development consent or a development consent allow outdoor performance.	1 2	
(2)	prem exem	Ea local council allows the use of footways, public open space, roads or other remises for a purpose mentioned in subsection (1), the use is taken to be keept development for the purposes of <i>State Environmental Planning Policy Exempt and Complying Development Codes</i>) 2008.			
(3)	(3) A local council may make a decision referred to in subsection (1) only if council has—			7 8	
	(a)	given the Minister at least 7 days notice that the council wants to allow outdoor dining and performance and invited the Minister to respond to the proposal, and			
	(b)	given 7 days	s notice of its intention to make the decision—	12	
			ublishing a notice about the proposed decision on the cil's website, and	13 14	
		(ii) to the	following persons—	15	
		(A)	if the proposed decision relates to licensed premises—the Authority and the Commissioner of Police,	16 17	
		(B)	if the proposed decision relates to an unclassified road for which the council is the roads authority—the Commissioner of Police and Transport for NSW,	18 19 20	
		(C)	if the proposed decision relates to a classified road—the Commissioner of Police and Transport for NSW, and Transport for NSW has agreed to the road closure.	21 22 23	
(4)	A dee	A decision referred to in subsection (1)—			
	(a)		subject to a provision of an Act, regulation or other that provides for noise attenuation for licensed premises or ses, and	25 26 27	
	(b)		or the <i>Roads Act 1993</i> , sections 126 and 127 as if it were an anted under that Act, section 125, and	28 29	
	(c)	Administrat made under	espite any provision of the <i>Roads Act 1993</i> , the <i>Transport</i> <i>ion Act 1988</i> or another Act, or a regulation or instrument r an Act, that requires local councils to submit traffic t plans or consult with local traffic committees.	30 31 32 33	
Schedule 1	Savir	igs and trans	sitional provisions	34	
		-	e, with appropriate part and clause numbering—	35	
Part			onsequent on enactment of Better	36	
			Fair Trading and Other Legislation	37	
	Am	enament	Act 2024	38	
Appli	plication of Part 12			39	
(1)	have Bette been	been validly r Regulation,	omitted to be done during the relevant period that would done or omitted to be done had Part 12, as inserted by the <i>Fair Trading and Other Legislation Amendment Act 2024</i> , ken to have been, and always to have been, validly done or c.	40 41 42 43 44	
(2)		s clause— ant period me	eans the period—	45 46	

[2]

	 (a) starting on 11 December 2023, and (b) ending on the date of assent to the Better Regulation, Fair Trading and Other Legislation Amendment Act 2024. 	1 2 3		
8.2	Amendment of Liquor Regulation 2018			
	Section 132B Outdoor dining and performances			
	Omit the section.	6		