



New South Wales

# Customer Service Legislation Amendment Bill 2021

## Explanatory note

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

## Overview of Bill

The object of this Bill is to amend legislation administered by the Minister for Customer Service and other Acts for related purposes.

This Bill amends the following legislation—

- (a) *Betting and Racing Act 1998* No 114,
- (b) *Casino Control Act 1992* No 15,
- (c) *Conveyancing Act 1919* No 6,
- (d) *Health Records and Information Privacy Act 2002* No 71,
- (e) *Home Building Act 1989* No 147,
- (f) *Independent Pricing and Regulatory Tribunal Act 1992* No 39,
- (g) *Land and Environment Court Act 1979* No 204,
- (h) *Liquor Act 2007* No 90,
- (i) *Liquor Regulation 2018*,
- (j) *Motor Accident Injuries Act 2017* No 10,
- (k) *Motor Accidents Compensation Act 1999* No 41,
- (l) *Music Festivals Act 2019* No 17,
- (m) *Personal Injury Commission Act 2020* No 18,
- (n) *Privacy and Personal Information Protection Act 1998* No 133,

- (o) *Real Property Act 1900* No 25,
- (p) *Registered Clubs Act 1976* No 31,
- (q) *Statutory and Other Offices Remuneration Act 1975* (1976 No 4),
- (r) *Totalizator Act 1997* No 45,
- (s) *Workplace Injury Management and Workers Compensation Act 1998* No 86.

## 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 Amendment of legislation

### 1.1 Betting and Racing Act 1998 No 114

**Schedule 1.1[1]** enables the regulations to require a sports controlling body to notify the Minister for Customer Service (the *Minister*) of a change in the sports controlling body's circumstances.

**Schedule 1.1[2]** enables the Minister, by order, to authorise the use of NSW race field information by a betting service provider or prescribed person. **Schedule 1.1[3]** enables the regulations to place certain limitations on the making of an order by the Minister.

### 1.2 Casino Control Act 1992 No 15

**Schedule 1.2[1]** clarifies that the regulations may, in applying specified provisions of the *Liquor Act 2007*, provide for the matters for which regulations may be made under the applied provisions of the *Liquor Act 2007*.

**Schedule 1.2[2]** enables the regulations to apply, adopt or incorporate the provisions of a document, as in force at a particular time or as in force from time to time.

### 1.3 Conveyancing Act 1919 No 6

**Schedule 1.3** clarifies that a deed executed by a corporation may be created in electronic form and electronically signed and attested.

### 1.4 Health Records and Information Privacy Act 2002 No 71

**Schedule 1.4** enables organisations that hold health information to use or disclose the information for a purpose other than the purpose for which it was collected if the use or disclosure is reasonably necessary to assist in a stage of an emergency.

### 1.5 Home Building Act 1989 No 147

**Schedule 1.5[3]** allows the Commissioner for Fair Trading to accept a written undertaking, relating to the carrying out of residential building work or specialist work, from the holder of a contractor licence, supervisor certificate or tradesperson certificate.

**Schedule 1.5[1] and [2]** provide that a contravention of an undertaking is grounds for taking disciplinary action against the holder.

**Schedule 1.5[4]** provides that a contravention of an undertaking is grounds for the Supreme Court to grant an injunction.

**Schedule 1.5[5]** enables regulations to be made in relation to undertakings.

### 1.6 Independent Pricing and Regulatory Tribunal Act 1992 No 39

**Schedule 1.6** enables the Independent Pricing and Regulatory Tribunal to correct minor, obvious, clerical and administrative errors in certain pricing determinations made in relation to monopoly services and fares for public passenger services.

### **1.7 Land and Environment Court Act 1979 No 204**

**Schedule 1.7** provides that appeals against a decision of a planning authority to refuse to amend a development contract under the *Community Land Development Act 2021* are Class 2 proceedings in the Land and Environment Court.

### **1.8 Liquor Act 2007 No 90**

**Schedule 1.8[4]** exempts certain applications for temporary and permanent changes to the boundary of outdoor parts of a licensed premises from consultation and fee requirements.

**Schedule 1.8[5]** extends the operation of certain special provisions relating to the COVID-19 pandemic by 12 months until 11 December 2022.

**Schedule 1.8[2]** omits an unnecessary definition, which will be inserted into the *Liquor Act 2007* by an uncommenced provision of the *Liquor Amendment (Night-time Economy) Act 2020*.

**Schedule 1.8[1]** corrects a cross-reference and **Schedule 1.8[3]** corrects a typographical error.

### **1.9 Liquor Regulation 2018**

**Schedule 1.9** makes amendments that are consequential on the amendments in Schedule 1.8[4] and [5].

### **1.10 Motor Accident Injuries Act 2017 No 10**

**Schedule 1.10[1], [5] and [6]** make consistent terminology for a *person under legal incapacity*.

**Schedule 1.10[2]** allows the rules of the Personal Injury Commission to enable an application for the review of a merit review decision of a single merit reviewer to be made later than 28 days after the certificate of the reviewer's determination is issued.

**Schedule 1.10[3]** allows the President of the Personal Injury Commission to arrange for a medical assessor to assess a medical dispute under the *Motor Accident Injuries Act 2017* outside New South Wales in certain circumstances.

**Schedule 1.10[4]** allows the rules of the Personal Injury Commission to enable an application for the review of a medical assessment by a single medical assessor to be made later than 28 days after the original certificate for the assessment is issued.

### **1.11 Motor Accidents Compensation Act 1999 No 41**

**Schedule 1.11[1]** allows the President of the Personal Injury Commission to arrange for a medical assessor to assess a medical dispute under the *Motor Accidents Compensation Act 1999* outside New South Wales in certain circumstances.

**Schedule 1.11[2]** allows the rules of the Personal Injury Commission to enable an application for the review of a medical assessment by a single medical assessor to be made later than 28 days after the original certificate for the assessment is issued.

**Schedule 1.11[3]** omits a reference to a motor accident claim being exempt from assessment if the claim is of a kind specified in the Motor Accidents Claims Assessment Guidelines. The *Motor Accidents Compensation Regulation 2020* now specifies the kinds of claims that are exempt from assessment.

### **1.12 Music Festivals Act 2019 No 17**

**Schedule 1.12[2]** provides that anything done or omitted to be done by particular persons in the exercise of a function under the *Musical Festivals Act 2019*, or in the course of the administration of the Act, does not personally subject the persons to an action, liability, claim or demand if the thing was done or omitted to be done in good faith. **Schedule 1.12[1]** makes a consequential amendment.

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

**Schedule 1.13[1]** allows the President of the Personal Injury Commission to direct that proceedings under the *Personal Injury Commission Act 2020* be conducted outside New South Wales in certain circumstances.

**Schedule 1.13[2]** clarifies the arrangements for claims that are exempt from assessment in the Motor Accidents Division of the Personal Injury Commission by omitting a redundant provision.

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

**Schedule 1.14** exempts public sector agencies from compliance with the information protection principles set out in the *Privacy and Personal Information Protection Act 1998* if the collection, use or disclosure of personal information is reasonably necessary to assist in a stage of an emergency.

### **1.15 Real Property Act 1900 No 25**

**Schedule 1.15** inserts a missing word.

### **1.16 Registered Clubs Act 1976 No 31**

**Schedule 1.16[1]** requires a registered club to meet once a quarter instead of once a month. **Schedule 1.16[8]** makes a consequential amendment.

**Schedule 1.16[2]** removes the requirement for a registered club to charge an annual membership fee. **Schedule 1.16[6]** makes a consequential amendment.

**Schedule 1.16[3]** provides that the display of information about proposed members of a registered club is no longer required to include the addresses of the proposed members.

**Schedule 1.16[4]** requires that, if the rules of a registered club require ordinary members of the club to pay a membership fee, the rules must specify the amount of the fee.

**Schedule 1.16[5]** enables the regulations to set out a process for the approval of exceptions, by the Secretary of the Department of Customer Service (the *Secretary*), to the application of a provision preventing a person from being eligible for admission as a temporary member of a registered club located within 5 kilometres of their residence, unless the person satisfies certain criteria.

**Schedule 1.16[7]** inserts a regulation-making power to enable the Secretary to issue directions relating generally to the election of the governing body of a registered club and which members of the club are entitled to vote.

**Schedule 1.16[9]** enables a registered club to circulate papers and hold meetings by electronic means, and to allow persons entitled to vote at meetings to vote in person or by electronic means.

**Schedule 1.16[10]** removes a requirement that a registered club include a member's occupation on its register of members.

### **1.17 Statutory and Other Offices Remuneration Act 1975 (1976 No 4)**

**Schedule 1.17[2]** updates a reference to the Workers Compensation Independent Review Officer with a reference to the Independent Review Officer consequent on the enactment of the *Personal Injury Commission Act 2020*.

**Schedule 1.17[1]** clarifies that the remuneration of the Independent Review Officer, which is payable from the Workers Compensation Operational Fund under the *Workplace Injury Management and Workers Compensation Act 1998* and the Motor Accidents Operational Fund under the *Motor Accident Injuries Act 2017* and the *Motor Accidents Compensation Act 1999*, is not payable out of the Consolidated Fund.

### **1.18 Totalizator Act 1997 No 45**

**Schedule 1.18[1]** enables the Minister for Customer Service to exclude a person, or a person belonging to a class of persons, from the definition of *key employee*.

**Schedule 1.18[2]** enables the regulations to apply, adopt or incorporate the provisions of a document, as in force at a particular time or as in force from time to time.

**1.19 Workplace Injury Management and Workers Compensation Act 1998 No 86**

**Schedule 1.19[1]** allows the President of the Personal Injury Commission to arrange for a medical assessor to assess a medical dispute under the *Workplace Injury Management and Workers Compensation Act 1998* outside New South Wales in certain circumstances.

**Schedule 1.19[2]** allows the rules of the Personal Injury Commission to enable a non-presidential Commission member's decision to be appealed later than 28 days after the decision is made.



New South Wales

# Customer Service Legislation Amendment Bill 2021

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New South Wales

# Customer Service Legislation Amendment Bill 2021

No. , 2021

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## A Bill for

An Act to amend legislation administered by the Minister for Customer Service and other Acts for related purposes.

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

1

**1 Name of Act**

2

This Act is the *Customer Service Legislation Amendment Act 2021*.

3

**2 Commencement**

4

(1) This Act commences on the date of assent to this Act, except as provided by subsection (2).

5

6

(2) Schedules 1.7 and 1.8[2] commence on the later of the following—

7

(a) 1 December 2021,

8

(b) the date of assent to this Act.

9



<b>Schedule 1</b>	<b>Amendment of legislation</b>	1
<b>1.1</b>	<b>Betting and Racing Act 1998 No 114</b>	2
<b>[1]</b>	<b>Section 17B Sports controlling body</b>	3
	Insert after section 17B(3)—	4
	(4) If required by the regulations, a sports controlling body must notify the Minister of a change in the sports controlling body's circumstances in accordance with the regulations.	5 6 7
<b>[2]</b>	<b>Section 33 Use of NSW race field information restricted</b>	8
	Insert at the end of section 33(1)(b)—	9
	, or	10
	(c) is authorised to do so by an order of the Minister.	11
<b>[3]</b>	<b>Section 33(1A)</b>	12
	Insert after section 33(1)—	13
	(1A) An order made by the Minister—	14
	(a) must be made in accordance with the regulations, and	15
	(b) may, subject to the regulations, limit uses of NSW race field information authorised by the regulations.	16 17
<b>1.2</b>	<b>Casino Control Act 1992 No 15</b>	18
<b>[1]</b>	<b>Section 89 Application of Liquor Act 2007</b>	19
	Insert after section 89(2)—	20
	(2A) To avoid doubt, the regulations may, in applying the specified provisions of the <i>Liquor Act 2007</i> , provide for the matters for which regulations may be made under the applied provisions of the <i>Liquor Act 2007</i> .	21 22 23
<b>[2]</b>	<b>Section 170 Regulations</b>	24
	Insert after section 170(3)—	25
	(4) The regulations may apply, adopt or incorporate the provisions of a document, as in force at a particular time or as in force from time to time.	26 27
<b>1.3</b>	<b>Conveyancing Act 1919 No 6</b>	28
<b>[1]</b>	<b>Section 38A Electronic form deeds</b>	29
	Omit "in accordance with this Part".	30
<b>[2]</b>	<b>Section 38A(2)</b>	31
	Insert at the end of the section—	32
	(2) Section 38(5)(a) does not limit the application of this section to the execution of deeds by corporations.	33 34

<b>1.4 Health Records and Information Privacy Act 2002 No 71</b>	1
<b>[1] Section 4 Definitions</b>	2
Insert in alphabetical order in section 4(1)—	3
<i>emergency</i> has the same meaning as in the <i>State Emergency and Rescue Management Act 1989</i> .	4
<i>stage</i> , of an emergency, means a stage in relation to an emergency mentioned in the <i>State Emergency and Rescue Management Act 1989</i> , section 5.	5
<b>[2] Schedule 1 Health Privacy Principles</b>	6
Insert after clause 10(1)(b)—	7
<b>(b1) Emergency</b>	8
the use of the information for the secondary purpose is reasonably necessary to assist in a stage of an emergency, or	9
<b>[3] Schedule 1, clause 11(1)(b1)</b>	10
Insert after clause 11(1)(b)—	11
<b>(b1) Emergency</b>	12
the disclosure of the information for the secondary purpose is reasonably necessary to assist in a stage of an emergency, or	13
<b>1.5 Home Building Act 1989 No 147</b>	14
<b>[1] Section 56 Grounds for taking disciplinary action against holder of a contractor licence</b>	15
Insert after section 56(1)—	16
(m) that the holder has contravened an undertaking accepted by the Secretary under section 115A.	17
<b>[2] Section 57 Grounds for taking disciplinary action against holder of a supervisor or tradesperson certificate</b>	18
Insert after section 57(g)—	19
(h) that the holder has contravened an undertaking accepted by the Secretary under section 115A.	20
<b>[3] Section 115A</b>	21
Insert after section 115—	22
<b>115A Undertakings</b>	23
(1) The Secretary may accept a written undertaking, relating to the carrying out of residential building work or specialist work, from the holder of an authority.	24
<b>Note—</b> Part 4, Division 2 provides that a contravention of an undertaking is grounds for taking disciplinary action against the holder. Section 138 provides that a contravention of an undertaking is grounds for the Supreme Court to grant an injunction.	25
(2) Without limiting subsection (1), the Secretary may accept a written undertaking from the holder of an authority that the holder will do 1 or more of the following—	26
(a) refrain from conduct that contravenes this Act or the regulations,	27
(b) take action to prevent or remedy a contravention of this Act or the regulations,	28

(c)	take action to resolve a building dispute,	1
(d)	provide the Secretary with a rectification bond that the Secretary may claim or realise to ensure that—	2
	(i) residential building work or specialist work is completed, or	3
	(ii) a defect in or damage to residential building work or specialist work is rectified,	4
(e)	pay an amount into the Home Building Administration Fund under section 114 that the Secretary considers appropriate in the circumstances.	5
(3)	If an undertaking requires the holder of an authority to provide the Secretary with a rectification bond, the undertaking must include—	6
	(a) the circumstances in which the rectification bond may be claimed or realised, and	7
	(b) the procedure for claiming or realising the rectification bond.	8
(4)	In this section—	9
	<i>authority</i> has the same meaning as in Part 4, Division 2.	10
	<i>rectification bond</i> means a bank guarantee, bond or other form of security acceptable to the Secretary.	11
<b>[4]</b>	<b>Section 138 Supreme Court injunction</b>	12
	Insert at the end of section 138(1)(e)—	13
	or	14
	(f) a contravention of an undertaking accepted by the Secretary under section 115A,	15
<b>[5]</b>	<b>Section 140 Regulations</b>	16
	Insert after section 140(2)(l)—	17
	(m) undertakings under section 115A.	18
<b>1.6</b>	<b>Independent Pricing and Regulatory Tribunal Act 1992 No 39</b>	19
	<b>Section 32</b>	20
	Insert after section 31—	21
	<b>32 Power to correct errors in certain determinations</b>	22
(1)	The Tribunal may amend a relevant determination to correct a minor, obvious, clerical or administrative error—	23
	(a) if the relevant determination has not been published—by submitting a further report to the relevant Minister, or	24
	(b) if the relevant determination has been published—by publishing a notice (an <i>amendment notice</i> ) in the Gazette.	25
(2)	If the Tribunal amends a relevant determination under subsection (1)(b), the amendment takes effect—	26
	(a) on the day the amendment notice is published in the Gazette, or	27
	(b) on a later day specified in the amendment notice.	28

(3)	The Tribunal must notify the relevant Minister of an amendment to a relevant determination under subsection (1)(b) as soon as practicable after publishing the amendment notice in the Gazette.	1 2 3
(4)	In this section—	4
	<i>correct</i> includes account for.	5
	<i>published</i> , in relation to a relevant determination, means—	6
(a)	for a determination under the <i>Passenger Transport Act 2014</i> , section 124—published on the Tribunal’s website, or	7 8
(b)	otherwise—published in the Gazette.	9
	<i>relevant determination</i> means a determination reported under the following provisions—	10 11
(a)	this Act, section 11 or 12,	12
(b)	the <i>Water Industry Competition Act 2006</i> , section 52,	13
(c)	the <i>Passenger Transport Act 2014</i> , section 124.	14
	<i>relevant Minister</i> means the Minister who received the report on the relevant determination.	15 16
<b>1.7</b>	<b>Land and Environment Court Act 1979 No 204</b>	17
	<b>Section 18 Class 2—local government and miscellaneous appeals and applications</b>	18
	Insert after section 18(a3)—	19
	(b) appeals under the <i>Community Land Development Act 2021</i> , section 51,	20
<b>1.8</b>	<b>Liquor Act 2007 No 90</b>	21
<b>[1]</b>	<b>Section 4 Definitions</b>	22
	Omit “section 114M” from section 4(1), definition of <i>category 1 demerit offence</i> , paragraph (a)(xi).	23 24
	Insert instead “section 114L”.	25
<b>[2]</b>	<b>Section 12A Extended hours for dedicated live music and performance venues</b>	26
	Omit section 12A(5), definition of <i>dedicated live music and performance venue</i> .	27
<b>[3]</b>	<b>Section 20A Authorisation conferred by small bar licence</b>	28
	Omit “ <i>house-make cocktails</i> ” from section 20A(2).	29
	Insert instead “ <i>house-made cocktails</i> ”.	30
<b>[4]</b>	<b>Sections 94A and 94B</b>	31
	Insert after section 94—	32
<b>94A</b>	<b>Boundaries of licensed premises—applications for temporary boundary changes for outdoor spaces</b>	33 34
(1)	Section 94(3) and (4) do not apply to an application for a temporary change to the boundaries of licensed premises if the application meets the requirements set out in this section.	35 36 37
(2)	The applicant must be the owner, or the licensee, of premises to which 1 of the following licences relates—	38 39

(a)	hotel licence,	1
(b)	club licence that relates to a registered club,	2
(c)	small bar licence,	3
(d)	on-premises licence that relates to a public entertainment venue,	4
(e)	on-premises licence that relates to a restaurant,	5
(f)	producer/wholesaler licence endorsed with a drink on-premises authorisation.	6 7
(3)	The application must relate to the following land (the <i>relevant land</i> )—	8
(a)	part of a footway that is—	9
(i)	adjacent to the licensed premises, and	10
(ii)	subject to an approval, or an application for approval, under the <i>Roads Act 1993</i> , section 125 to use the land for the purposes of food or drink premises in relation to the licensed premises,	11 12 13
(b)	community land that is subject to an approval, or an application for approval, under the <i>Local Government Act 1993</i> , section 68 to engage in a trade or business on the land in relation to the licensed premises,	14 15 16
(c)	part of a public road that is subject to consent, or an application for consent, under the <i>Roads Act 1993</i> , Part 9, Division 3 to erect a structure or carry out work in, on or over the land in relation to the licensed premises,	17 18 19 20
(d)	a pathway, public open space, road or other premises that is subject to a decision by the local council under section 166 to temporarily allow use of the land for a purpose mentioned in section 166(1)(a) in relation to the licensed premises.	21 22 23 24
(4)	The application may only apply to the sale or supply of liquor on the relevant land—	25 26
(a)	between 10am and midnight, or	27
(b)	a shorter period—	28
(i)	determined in the approval or consent to use, or notice to allow the use of, the relevant land, or	29 30
(ii)	authorised by the licensee's licence.	31
(5)	The application must not seek to increase the patron capacity of the licensed premises.	32 33
(6)	The change of boundary proposed in the application must be intended to incorporate the relevant land within the boundary of the premises.	34 35
(7)	In this section—	36
	<i>community land</i> has the same meaning as in the <i>Local Government Act 1993</i> .	37
	<i>footway</i> has the same meaning as in the <i>Roads Act 1993</i> .	38
	<i>public road</i> has the same meaning as in the <i>Roads Act 1993</i> .	39
<b>94B</b>	<b>Boundaries of licensed premises—applications for permanent boundary changes for outdoor spaces</b>	40 41
(1)	Section 94(3) does not apply to a proposed permanent change to the boundaries of licensed premises, whether on the Authority's own initiative or on application, if the change—	42 43 44

(a)	is substantially the same as a temporary change of boundary that is, or has been, in force following an application to which a relevant provision applies, and	1 2 3
(b)	is not inconsistent with the requirements set out in the relevant provision in relation to the temporary change.	4 5
(2)	For the purposes of subsection (1)(b), if the relevant provision means the <i>Liquor Regulation 2018</i> , clause 130B, as in force immediately before its substitution by the <i>Customer Service Legislation Amendment Act 2021</i> , the requirement set out in the provision, subclause (7) does not apply.	6 7 8 9
(3)	In this section—	10
	<b>relevant provision</b> means—	11
(a)	section 94A, or	12
(b)	the <i>Liquor Regulation 2018</i> , clause 130B, as in force immediately before its substitution by the <i>Customer Service Legislation Amendment Act 2021</i> .	13 14 15
<b>[5]</b>	<b>Section 167 Repeal of Part</b>	16
	Omit “the day that is 12 months after the day it commences”.	17
	Insert instead “11 December 2022”.	18
<b>1.9</b>	<b>Liquor Regulation 2018</b>	19
<b>[1]</b>	<b>Clause 130B</b>	20
	Omit the clause. Insert instead—	21
<b>130B</b>	<b>Exemption for certain temporary boundary changes—the Act, s 159(4)</b>	22
(1)	The Act, section 94A extends to land as if it were relevant land if—	23
(a)	the land is adjacent to food and drink premises, and	24
(b)	the use of the land as an outdoor dining area associated with the food and drink premises is exempt development under <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> , Part 2, Division 1, Subdivision 20B or 20C, and	25 26 27 28
(c)	the proposed temporary change to the boundary of the licensed premises under the section will not continue past 30 April 2022.	29 30
(2)	Despite subclause (1), the Act, section 94(3) applies in relation to giving the Commissioner of Police a reasonable opportunity to make submissions and the taking of the submissions, if any, into consideration.	31 32 33
(3)	In this clause—	34
	<b>food and drink premises</b> has the same meaning as in the standard instrument set out in the <i>Standard Instrument (Local Environmental Plans) Order 2006</i> .	35 36
<b>[2]</b>	<b>Clause 130C Exemptions for permanent boundary changes for outdoor spaces—the Act, s 159(4)</b>	37 38
	Omit the clause.	39
<b>1.10</b>	<b>Motor Accident Injuries Act 2017 No 10</b>	40
<b>[1]</b>	<b>Section 1.4 Definitions</b>	41
	Insert in alphabetical order in section 1.4(1)—	42

<i>person under legal incapacity</i> includes the following persons—	1
(a) a child who is less than 18 years of age,	2
(b) an involuntary patient or forensic patient within the meaning of the <i>Mental Health Act 2007</i> ,	3 4
(c) a person under guardianship within the meaning of the <i>Guardianship Act 1987</i> ,	5 6
(d) a protected person within the meaning of the <i>NSW Trustee and Guardian Act 2009</i> ,	7 8
(e) an incommunicate person, being a person with a physical or mental disability that prevents the person from receiving communications, or expressing the person's will, in relation to the person's property or affairs.	9 10 11 12
<b>[2] Section 7.15 Review of merit review decision by review panel</b>	13
Omit section 7.15(6). Insert instead—	14
(6) An application under this section must be made within—	15
(a) 28 days after the parties to the merit review were issued with a certificate referred to in section 7.13(4) as to the merit reviewer's determination, or	16 17 18
(b) a longer period determined or allowed, whether generally or for the kind of proceedings, in accordance with the Commission rules.	19 20
<b>[3] Section 7.20 Medical assessment procedures</b>	21
Insert after section 7.20(2)—	22
(2A) The President may arrange for a medical assessor to assess the dispute outside the State—	23 24
(a) if requested by a party to the dispute, or	25
(b) with the consent of the parties to the dispute.	26
(2B) In deciding whether to make an arrangement under subsection (2A), the President must consider the following—	27 28
(a) the interests and wishes of the parties to the dispute,	29
(b) the nature and complexity of the dispute,	30
(c) if the arrangement is necessary for the timely and cost effective assessment of the dispute,	31 32
(d) other matters the President considers relevant.	33
<b>[4] Section 7.26 Review of medical assessment by review panel</b>	34
Omit section 7.26(10). Insert instead—	35
(10) An application under this section must be made within—	36
(a) 28 days after the parties to the medical dispute were issued with the original certificate for the medical assessment for which the review is sought, or	37 38 39
(b) a longer period determined or allowed, whether generally or for the kind of proceedings, in accordance with the Commission rules.	40 41
<b>[5] Section 7.47 Persons under legal incapacity</b>	42
Omit the definition of <i>person under legal incapacity</i> from section 7.47(2).	43

<b>[6] Section 8.10 Recovery of costs and expenses in relation to claims for statutory benefits</b>	1
Omit “under a legal disability” from section 8.10(4)(a).	2
Insert instead “a person under legal incapacity”.	3
<b>1.11 Motor Accidents Compensation Act 1999 No 41</b>	4
<b>[1] Section 60 Medical assessment procedures</b>	5
Insert after section 60(2)—	6
(3) The President may arrange for a medical assessor to assess the dispute outside the State—	7
(a) if requested by a party to the dispute, or	8
(b) with the consent of the parties to the dispute.	9
(4) In deciding whether to make an arrangement under subsection (3), the President must consider the following—	10
(a) the interests and wishes of the parties to the dispute,	11
(b) the nature and complexity of the dispute,	12
(c) if the arrangement is necessary for the timely and cost effective assessment of the dispute,	13
(d) other matters the President considers relevant.	14
<b>[2] Section 63 Review of medical assessment by review panel</b>	15
Omit section 63(7). Insert instead—	16
(7) An application under this section must be made within—	17
(a) 28 days after the parties to the medical dispute were issued with the original certificate for the medical assessment for which the review is sought, or	18
(b) a longer period determined or allowed, whether generally or for the kind of proceedings, in accordance with the Commission rules.	19
<b>[3] Section 92 Claims exempt from assessment</b>	20
Omit “Motor Accidents Claims Assessment Guidelines or” from section 92(1)(a).	21
<b>1.12 Music Festivals Act 2019 No 17</b>	22
<b>[1] Section 3 Definitions</b>	23
Insert in alphabetical order—	24
<i>exercise</i> a function includes perform a duty.	25
<i>function</i> includes a power, authority or duty.	26
<b>[2] Section 19A</b>	27
Insert before section 20—	28
<b>19A Protection from personal liability</b>	29
(1) A protected person is not personally subject to liability for anything done—	30
(a) in good faith, and	31



(b)	for the purpose of exercising a function conferred or imposed on the protected person under, or in the course of the administration of, this Act.	1 2 3
(2)	The liability instead attaches to the Crown.	4
(3)	In this section— <i>done</i> includes omitted to be done. <i>liability</i> means civil liability and includes action, claim or demand. <i>protected person</i> means the following—	5 6 7 8
(a)	the Health Secretary,	9
(b)	the Secretary of the Department of Customer Service,	10
(c)	a Public Service employee within the meaning of the <i>Government Sector Employment Act 2013</i> ,	11 12
(d)	a member of ILGA,	13
(e)	a consultant engaged by ILGA under the <i>Gaming and Liquor Administration Act 2007</i> , section 9,	14 15
(f)	a member of staff of the NSW Health Service,	16
(g)	a police officer.	17
<b>1.13</b>	<b>Personal Injury Commission Act 2020 No 18</b>	18
<b>[1]</b>	<b>Section 31 Constitution of Commission</b>	19
	Insert after section 31(4)—	20
(5)	The President may direct that proceedings be conducted outside the State—	21
(a)	if requested by a party to the proceedings, or	22
(b)	with the consent of the parties to the proceedings.	23
(6)	In deciding whether to make a direction under subsection (5), the President must consider the following—	24 25
(a)	the interests and wishes of the parties to the proceedings,	26
(b)	the nature and complexity of the proceedings,	27
(c)	if the arrangement is necessary for the timely and cost effective conduct of the proceedings,	28 29
(d)	other matters the President considers relevant.	30
<b>[2]</b>	<b>Schedule 4 Motor Accidents Division</b>	31
	Omit clause 5.	32
<b>1.14</b>	<b>Privacy and Personal Information Protection Act 1998 No 133</b>	33
	<b>Section 27D</b>	34
	Insert after section 27C—	35
<b>27D</b>	<b>Exemptions relating to emergency situations</b>	36
(1)	A public sector agency is not required to comply with the information protection principles in relation to the collection, use or disclosure of personal information if the collection, use or disclosure of the information is reasonably necessary to assist in a stage of an emergency.	37 38 39 40

(2)	In this section—	1
	<i>emergency</i> has the same meaning as in the <i>State Emergency and Rescue Management Act 1989</i> .	2
	<i>stage</i> , of an emergency, means a stage in relation to an emergency mentioned in the <i>State Emergency and Rescue Management Act 1989</i> , section 5.	3
		4
		5
<b>1.15</b>	<b>Real Property Act 1900 No 25</b>	6
	<b>Schedule 3 Savings and transitional provisions</b>	7
	Insert “that” after “document” in clause 33(2)(a).	8
<b>1.16</b>	<b>Registered Clubs Act 1976 No 31</b>	9
<b>[1]</b>	<b>Section 30 Rules of registered clubs</b>	10
	Omit “month of the year” from section 30(1)(c). Insert instead “quarter”.	11
<b>[2]</b>	<b>Section 30(1)(j)</b>	12
	Omit the paragraph.	13
<b>[3]</b>	<b>Section 30(2)(a)</b>	14
	Omit “and addresses”.	15
<b>[4]</b>	<b>Section 30(2B)</b>	16
	Insert after section 30(2A)—	17
	(2B) If the rules of a registered club require ordinary members of the club to pay a membership fee, the rules must specify the amount of the fee.	18
		19
<b>[5]</b>	<b>Section 30(3C)</b>	20
	Omit “may create exceptions to subsection (3B).”.	21
	Insert instead—	22
	may—	23
	(a) prescribe exceptions to subsection (3B), or	24
	(b) provide for a process for the approval by the Secretary of an exception to the application of subsection (3B), including the imposition of conditions on an exception.	25
		26
		27
<b>[6]</b>	<b>Section 30(9)(c) and (d)</b>	28
	Omit “or” from the end of section 30(9)(c) and omit section 30(9)(d).	29
<b>[7]</b>	<b>Section 30(9B)</b>	30
	Insert after section 30(9A)—	31
	(9B) The regulations made under subsection (1)(a2) may require a registered club to comply with a direction of the Secretary relating generally to the election of the governing body of the club and which members are entitled to vote.	32
		33
		34
<b>[8]</b>	<b>Section 30(14)</b>	35
	Insert after section 30(13)—	36
	(14) In this section—	37

	<i>quarter</i> means a period of 3 months ending on 31 March, 30 June, 30 September or 31 December.	1 2
<b>[9]</b>	<b>Section 30C</b>	3
	Insert after section 30B—	4
	<b>30C Meetings and voting</b>	5
	(1) The rules of a registered club are taken to include the rules specified in subsection (3).	6 7
	(2) A rule of a registered club is void to the extent that it is inconsistent with a rule specified in subsection (3).	8 9
	(3) A registered club, or a governing body or committee of the club, may—	10
	(a) distribute a notice of, or information about, a meeting or election of the registered club, governing body or committee by electronic means, and	11 12
	(b) hold a meeting at which all or some persons attend by electronic means but only if a person who speaks at the meeting can be heard by the other persons attending, and	13 14 15
	(c) allow a person entitled to vote at a meeting of the registered club, governing body or committee to vote in person or by electronic means.	16 17
	(4) Nothing in this section prevents the rules of a registered club from allowing a person entitled to vote at a meeting of the registered club, or a governing body or committee of the club, to vote by post.	18 19 20
<b>[10]</b>	<b>Section 31 Manner of keeping registers relating to members and guests</b>	21
	Omit section 31(1)(a). Insert instead—	22
	(a) section 30(2)(i) must include—	23
	(i) the full name and address of each full member, and	24
	(ii) if the rules of the registered club require the payment of a membership fee—the date on which the member last paid the fee.	25 26
	<b>1.17 Statutory and Other Offices Remuneration Act 1975 (1976 No 4)</b>	27
<b>[1]</b>	<b>Section 11 Payment of remuneration to office holders</b>	28
	Insert after section 11(3)—	29
	(4) Subsection (3) does not apply to the office of Independent Review Officer under the <i>Personal Injury Commission Act 2020</i> .	30 31
	<b>Note—</b> The remuneration of the Independent Review Officer under the <i>Personal Injury Commission Act 2020</i> is payable from the following funds—	32 33
	(a) the Workers Compensation Operational Fund under the <i>Workplace Injury Management and Workers Compensation Act 1998</i> ,	34 35
	(b) the Motor Accidents Operational Fund under the <i>Motor Accident Injuries Act 2017</i> and the <i>Motor Accidents Compensation Act 1999</i> .	36 37
<b>[2]</b>	<b>Schedule 1 Public offices</b>	38
	Omit “Workers Compensation Independent Review Officer”.	39
	Insert instead “Independent Review Officer under the <i>Personal Injury Commission Act 2020</i> ”.	40 41

<b>1.18 Totalizator Act 1997 No 45</b>	1
<b>[1] Section 5 Definitions</b>	2
Insert “, other than a person, or a person belonging to a class of persons, who the Minister identifies, in accordance with the regulations, is not a key employee” after “totalizator” in section 5(1), definition of <i>key employee</i> .	3 4 5
<b>[2] Section 117 Regulations</b>	6
Insert after section 117(3)—	7
(4) The regulations may apply, adopt or incorporate the provisions of a document, as in force at a particular time or as in force from time to time.	8 9
<b>1.19 Workplace Injury Management and Workers Compensation Act 1998 No 86</b>	10 11
<b>[1] Section 321 Referral of medical dispute for assessment</b>	12
Insert after section 321(2)—	13
(3) The President may arrange for a medical assessor to assess the dispute outside the State—	14 15
(a) if requested by a party to the dispute, or	16
(b) with the consent of the parties to the dispute.	17
(4) In deciding whether to make an arrangement under subsection (3), the President must consider the following—	18 19
(a) the interests and wishes of the parties to the dispute,	20
(b) the nature and complexity of the dispute,	21
(c) if the arrangement is necessary for the timely and cost effective assessment of the dispute,	22 23
(d) other matters the President considers relevant.	24
<b>[2] Section 352 Appeal against decision of Commission constituted by non-presidential member</b>	25 26
Omit section 352(4). Insert instead—	27
(4) The appeal must be made within—	28
(a) 28 days after the decision appealed against is made, or	29
(b) a longer period determined or allowed, whether generally or for the kind of proceedings, in accordance with the Commission rules.	30 31