

Passed by both Houses



New South Wales

Statute Law (Miscellaneous Provisions) Bill (No 2) 2014

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2014*



New South Wales

Statute Law (Miscellaneous Provisions) Bill (No 2) 2014

Act No , 2014

An Act to repeal certain Acts and instruments and to amend certain other Acts and instruments in various respects and for the purpose of effecting statute law revision; and to make certain savings.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Statute Law (Miscellaneous Provisions) Act (No 2) 2014*.

2 Commencement

- (1) This Act commences on 8 January 2015.
- (2) However, the amendments made by the Schedules to this Act commence on the day or days specified in those Schedules in relation to the amendments concerned. If a commencement day is not specified, the amendments commence in accordance with subsection (1).

3 Explanatory notes

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

Schedule 1 Minor amendments

1.1 Bail Amendment Act 2014 No 52

Schedule 1 Amendment of Bail Act 2013 No 26

Omit “*Firearms Act 1996*” from proposed section 16B (1) (e) (i) in Schedule 1 [6].

Insert instead “*Weapons Prohibition Act 1998*”.

Explanatory note

The proposed amendment to the *Bail Amendment Act 2014* corrects a cross-reference in a provision that refers to offences involving the use of a military-style weapon. The *Firearms Act 1996*, which the provision mistakenly refers to, does not contain any such offences. The relevant offences are contained in the *Crimes Act 1900* (correctly referred to in the provision) and the *Weapons Prohibition Act 1998*.

1.2 Combat Sports Act 2013 No 96

[1] Section 45 Revocation of permits by Commissioner of Police

Omit “A police officer of the rank of Assistant Commissioner or above” from section 45 (1).

Insert instead “The Commissioner of Police”.

[2] Section 45 (1)

Omit “the officer”. Insert instead “the Commissioner”.

[3] Section 45 (2)

Omit “A police officer”. Insert instead “The Commissioner of Police”.

[4] Section 45 (3)

Omit “a police officer”. Insert instead “the Commissioner of Police”.

[5] Section 45 (3)

Omit “the police officer”. Insert instead “the Commissioner”.

[6] Section 68 Consultation required for licensed premises

Omit “Director-General of the Department of Trade and Investment”.

Insert instead “Secretary of the Department of Trade and Investment, Regional Infrastructure and Services”.

[7] Section 84 Appointment of combat sport inspectors and exercise of inspectorial powers by others

Omit “Director-General of the Department of Education and Communities” from section 84 (1).

Insert instead “Chief Executive of the Office of Sport”.

[8] Section 105 Penalty notices

Omit section 105 (10). Insert instead:

(10) In this section:

authorised officer means any of the following:

(a) a police officer,

- (b) a member of the Authority,
- (c) a person employed in the Office of Sport who is authorised in writing by the Chief Executive of that Office as an authorised officer for the purposes of this section.

Commencement

The amendments to the *Combat Sports Act 2013* commence, or are taken to have commenced, on the commencement of that Act.

Explanatory note

Item [1] of the proposed amendments to the *Combat Sports Act 2013* enables the Commissioner of Police to revoke a permit to hold a combat sport contest in certain circumstances, rather than (as is currently provided for) a police officer of the rank of Assistant Commissioner or above. The amendment will permit the Commissioner to delegate the power to revoke a permit to any police officer (under section 31 of the *Police Act 1990*). Items [2]–[5] make consequential amendments.

Item [8] ensures that police officers can issue penalty notices under the *Combat Sports Act 2013*, in addition to members of the Combat Sports Authority (as is currently provided for) and authorised staff of the Office of Sport (rather than, as is currently provided for, authorised staff of the Department of Education and Communities).

Item [6] corrects a reference to the head of a Department.

Item [7] replaces a reference to the head of the Department of Education and Communities with a reference to the Chief Executive of the Office of Sport.

1.3 Commercial Agents and Private Inquiry Agents Act 2004 No 70

Section 4 Definitions

Omit “section 50 of the *Australian Consumer Law (NSW)*” from paragraph (a) of the definition of *minor offence* in section 4 (1).

Insert instead “section 168 of the *Australian Consumer Law (NSW)*”.

Explanatory note

The proposed amendment to the *Commercial Agents and Private Inquiry Agents Act 2004* corrects a reference in a list of certain offences appearing in a definition of *minor offence*. Currently, the definition incorrectly refers to a prohibition on the unfair practices of harassment and coercion appearing in Part 3-1 of the *Australian Consumer Law (NSW) (ACL (NSW))*, rather than the associated offence appearing in Part 4-1 of the ACL (NSW). The proposed amendment corrects that error.

1.4 Conveyancers Licensing Act 2003 No 3

Section 79 Qualifications of auditors

Insert after section 79 (1) (a):

- (a1) is an authorised audit company within the meaning of the *Corporations Act*, or
- (a2) is a member of a professional accounting body within the meaning of the *Australian Securities and Investments Commission Act 2001* of the Commonwealth and holds a Public Practice Certificate or Certificate of Public Practice issued by the body, or

Explanatory note

The proposed amendment to the *Conveyancers Licensing Act 2003* enables audits of licensees' records to be carried out by authorised audit companies and members of professional accounting bodies who hold a Public Practice Certificate.

1.5 Criminal Procedure Act 1986 No 209

[1] Section 130A Pre-trial orders and orders made during trial bind trial Judge

Insert “or given” after “made” in section 130A (4).

[2] Section 130A (5)

Insert after section 130A (4):

- (5) To avoid doubt, this section extends to a ruling given on the admissibility of evidence.

Explanatory note

Item [2] of the proposed amendments to the *Criminal Procedure Act 1986* removes an uncertainty, raised by Simpson J in *JG v R* [2014] NSWCCA 138 as to whether section 130A of that Act applies to rulings on the admissibility of evidence. Item [1] makes a consequential amendment.

1.6 Electricity Supply Act 1995 No 94

[1] The whole Act (except Schedule 6)

Omit “distribution network service provider’s”, “distribution network service providers”, “distribution network service providers” and “distribution network service provider” wherever occurring.

Insert instead “distributor’s”, “distributors”, “distributors” and “distributor”, respectively.

[2] Section 15A (8B)

Omit “the provider”. Insert instead “the distributor”.

[3] Section 31 Customer may choose supplier and contractor

Insert “The regulations may make provision for or with respect to the payment of fees in connection with an application for accreditation or for renewal of accreditation.” after “services.” in section 31 (2).

[4] Sections 63K (1) and 91 (2) and Dictionary

Omit “the service provider” and “the service provider’s” wherever occurring.

Insert instead “the distributor” and “the distributor’s”, respectively.

[5] Section 191 Regulations

Omit “point of supply” from section 191 (1) (e1). Insert instead “connection point”.

[6] Section 191 (2A)

Omit “, Transport Infrastructure Development Corporation or Rail Infrastructure Corporation”.

Insert instead “or Transport for NSW”.

[7] Dictionary

Omit the definitions of *distribution network service provider*, *distribution network service provider's licence*, *point of supply* and *rail network electricity system*.

Insert in alphabetical order:

connection point, in relation to the premises of a customer or a class of customers, means the point of connection to an electrical installation supplying electricity to the premises, as determined in accordance with the regulations.

distributor means a person who owns or controls a distribution system.

distributor's licence means a licence referred to in section 14.

[8] Dictionary, definition of “distribution system”

Omit “point of supply” wherever occurring. Insert instead “connection point”.

[9] Dictionary, definition of “distribution system”

Insert “operated by Rail Corporation New South Wales or Transport for NSW” after “system” in paragraph (b).

Explanatory note

Item [3] of the proposed amendments to the *Electricity Supply Act 1995* allows the regulations under that Act to provide for payment of fees in connection with an application for accreditation, or for renewal of accreditation, to provide electrical or other services.

Items [1], [2], [4], [5], [7] and [8] revise terminology to align it with terms used in the *National Energy Retail Law (NSW)*.

Items [6] and [9] update references to the operators of the rail network electricity system.

1.7 Electricity Supply (General) Regulation 2014

[1] The whole Regulation

Omit “service provider” and “service provider’s” wherever occurring.

Insert instead “distributor” and “distributor’s”, respectively.

[2] Clause 3 Definitions

Omit the definition of *service provider* from clause 3 (1).

Explanatory note

The proposed amendments to the *Electricity Supply (General) Regulation 2014* revise terminology consequential on item [1] of the proposed amendments to the *Electricity Supply Act 1995* in this Schedule.

1.8 Electricity Supply (Safety and Network Management) Regulation 2014

[1] The whole Regulation

Omit “distribution network service provider” wherever occurring.

Insert instead “distributor”.

[2] Clause 17 Application for accreditation or renewal

Insert at the end of clause 17 (2) (c):

, and

(d) be accompanied by the fee (if any) for processing the application that is specified in the Scheme Rules.

[3] Clause 26 Scheme Rules

Insert after clause 26 (2) (c):

(c1) fees required for an application for, or renewal of, an accreditation,

[4] Clause 34 Object and application of this Part

Omit “distribution network service providers” from clause 34 (1).

Insert instead “distributors”.

[5] Clauses 36 (1), 39 (1) and 40

Omit “the provider” wherever occurring. Insert instead “the distributor”.

Explanatory note

Item [2] of the proposed amendments to the *Electricity Supply (Safety and Network Management) Regulation 2014 (the Regulation)* requires a fee to accompany an application for accreditation, or for renewal of accreditation, to provide electrical or other services if the Scheme Rules made under the Regulation specify a fee. Item [3] permits the Scheme Rules to prescribe the required fee. Items [2] and [3] are related to item [2] of the proposed amendments to the *Electricity Supply Act 1995* in this Schedule.

Items [1], [4] and [5] revise terminology consequential on item [1] of the proposed amendments to the *Electricity Supply Act 1995* in this Schedule.

1.9 Energy Services Corporations Act 1995 No 95

[1] Schedule 3 Transfer of staff, assets, rights and liabilities

Omit “and 16 of Schedule 5”. Insert instead “, 16 and 22 of Schedule 5”.

[2] Schedule 3, clause 1 (1)

Omit “or 16 of Schedule 5”. Insert instead “, 16 or 22 of Schedule 5”.

[3] Schedule 5 Savings, transitional and other provisions

Insert after clause 20:

Part 5 Provisions consequent on repeal of Pacific Power (Dissolution) Act 2003 by Statute Law (Miscellaneous Provisions) Act (No 2) 2014

21 Definition

In this Part:

former authority means the Residual Business Management Corporation constituted by the *Pacific Power (Dissolution) Act 2003*.

22 Dissolution of Residual Business Management Corporation

- (1) The former authority is dissolved.
- (2) The assets, rights and liabilities of the former authority immediately before its dissolution are transferred to the Crown by this clause.
- (3) Despite clause 4 of Schedule 3, the transfer of assets, rights and liabilities under this clause takes effect on 8 January 2015.
- (4) The SAS Trustee Corporation may, at the request of the Treasurer, debit all or part of the funds from an employer reserve of the former authority in an account established under section 81 of the *Superannuation Administration Act 1996* and credit that amount to an employer reserve of the Crown established under that section.

Explanatory note

Item [3] of the proposed amendments to the *Energy Services Corporations Act 1995* dissolves the Residual Business Management Corporation (**RBMC**) and transfers the assets, rights and liabilities of RBMC to the Crown. RBMC was constituted under the *Pacific Power (Dissolution) Act 2003* to manage the residual assets, rights and liabilities of the former Pacific Power. That Act is proposed to be repealed by Schedule 3.

Item [3] also enables funds held by the SAS Trustee Corporation for the purposes of the superannuation benefits of former employees of Pacific Power to be transferred from an employer reserve of RBMC to an employer reserve of the Crown.

Items [1] and [2] make consequential amendments. Other amendments to other Acts that are consequential on the dissolution of RBMC are proposed to be made in this Schedule.

1.10 Fair Trading Act 1987 No 68

Section 8 Delegation by Director-General

Omit section 8 (1) (c).

Explanatory note

The proposed amendment to the *Fair Trading Act 1987* omits a provision that allows the Commissioner for Fair Trading, Office of Finance and Services to delegate functions imposed under the *Home Building Act 1989*. The provision is redundant as the Commissioner already has, under section 122 of that Act, a power to delegate those functions.

1.11 First State Superannuation Act 1992 No 100

Schedule 1 Employers

Omit “Residual Business Management Corporation”.

Explanatory note

The proposed amendment to the *First State Superannuation Act 1992* is consequential on the dissolution of the Residual Business Management Corporation proposed to be effected by the amendments to the *Energy Services Corporations Act 1995* in this Schedule.

1.12 Health Administration Act 1982 No 135

Section 20L Definitions

Omit “health support services” from paragraph (d) of the definition of *relevant health services organisation*.

Insert instead “services”.

Explanatory note

The proposed amendment to the *Health Administration Act 1982* corrects terminology (replacing a reference to “health support services” provided by the Secretary of the Ministry of Health with the broader concept of “health services”) as a consequence of amendments made to the *Health Services Act 1997* in 2010. **Service** is defined in the section proposed to be amended to mean a health service, including any administrative or other service related to a health service.

1.13 Holiday Parks (Long-term Casual Occupation) Act 2002 No 88

Schedule 1 Terms that are taken to be in every occupation agreement

Omit “3 months” from clause 40 (2). Insert instead “90 days”.

Explanatory note

The proposed amendment to the *Holiday Parks (Long-term Casual Occupation) Act 2002* expresses the notice period for giving a notice of termination of an occupation agreement in days, rather than months, for consistency with other notice periods in that Act.

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

Section 6 Determination of applications

Omit “New South Wales Crime Commission Investigations Manager” from section 6 (4) (c).

Insert instead “an officer of the New South Wales Crime Commission who is designated by that Commission as a New South Wales Crime Commission Senior Investigator”.

Explanatory note

The proposed amendment to the *Law Enforcement and National Security (Assumed Identities) Act 2010* updates a reference to an officer of the New South Wales Crime Commission who may be appointed to supervise the acquisition or use of an assumed identity by an authorised civilian.

1.15 Motor Accidents Compensation Act 1999 No 41

Section 74 Form of notice of claim

Omit section 74 (4).

Explanatory note

The proposed amendment to the *Motor Accidents Compensation Act 1999* removes the requirement for a notice of a motor accident claim given to an insurer to be verified by statutory declaration.

The requirement for a statutory declaration in such circumstances is made redundant by section 307C of the *Crimes Act 1900*, which makes it an offence for a person to produce a false or misleading document in compliance with a law of the State (maximum penalty of 2 years' imprisonment or a fine of 200 penalty units, or both).

1.16 Motor Dealers and Repairers Act 2013 No 107

[1] Section 69 Limitation periods

Omit “**Unregisterable second-hand**” from the heading to section 69 (9).

Insert instead “**Second-hand**”.

[2] Section 69 (9)

Omit “that is of a design that makes it incapable of being registered in this State”.

Insert instead “(other than a motor cycle of a design that makes it incapable of being registered in this State)”.

Commencement

The amendments to the *Motor Dealers and Repairers Act 2013* commence, or are taken to have commenced, on the commencement of section 69 of that Act.

Explanatory note

Item [2] of the proposed amendments to the *Motor Dealers and Repairers Act 2013* (*the 2013 Act*) corrects a provision dealing with limitation periods that was incorrectly transcribed from the *Motor Dealers Act 1974* (*the 1974 Act*). (The 2013 Act is to replace the 1974 Act.) The amendment will ensure that motor dealers of certain second-hand motor cycles, other than motor cycles having a design that makes them incapable of being registered in New South Wales, are required to repair defects occurring within the applicable limitation period (instead of being required to repair defects only if the second-hand motor cycles concerned are incapable of being registered).

Item [1] corrects a heading.

1.17 Motor Dealers and Repairers Regulation 2014

Schedule 2 Forms

Omit “an unregisterable” from Section 3 of Form 7. Insert instead “a”.

Commencement

The amendment to the *Motor Dealers and Repairers Regulation 2014* commences, or is taken to have commenced, on the commencement of section 69 of the *Motor Dealers and Repairers Act 2013*.

Explanatory note

The proposed amendment to the *Motor Dealers and Repairers Regulation 2014* is consequential on the proposed amendment to section 69 (9) of the *Motor Dealers and Repairers Act 2013* in this Schedule.

1.18 Parents and Citizens Associations Incorporation Act 1976 No 50

[1] Section 23B Definitions

Insert in alphabetical order:

affiliate parents and citizens association means a parents and citizens association that is a member of the federation.

[2] Section 23G Eligibility of councillors and delegates

Omit “a parents” from section 23G (1) (b). Insert instead “an affiliate parents”.

[3] Section 23H Voting for councillors and delegates

Insert “affiliate” before “parents” wherever occurring.

Explanatory note

The proposed amendments to the *Parents and Citizens Associations Incorporation Act 1976* make it clear that:

- (a) a parents and citizens association of a school may vote in an election for the councillors and delegates of the Federation of Parents and Citizens Associations under Part 3A of that Act only if the association is admitted as a member of the Federation, and
- (b) a person is eligible to be elected as a councillor or delegate of the Federation only if the person is a member of such a parents and citizens association.

1.19 Parliamentary Contributory Superannuation Act 1971 No 53

Section 14 Trustees of the Fund

Omit section 14 (2). Insert instead:

- (2) A person holding office as trustee does not vacate that office on ceasing to be a member by reason of the dissolution or expiry of the Legislative Assembly, but continues in office until the Legislative Council or Legislative Assembly (as the case requires) appoints a successor.

Explanatory note

The proposed amendment to the *Parliamentary Contributory Superannuation Act 1971* enables the existing trustees of the Parliamentary Contributory Superannuation Fund who are appointed by the Legislative Council or Legislative Assembly to continue in office, despite ceasing to be members because of the dissolution or expiry of the Assembly before a State general election, until the Assembly or Council appoints a successor after the State general election.

The Parliamentary Remuneration Tribunal has, under section 4 of the *Parliamentary Contributory Superannuation Act 1971*, issued a certificate approving this Bill. Such a certificate is required before Parliament can deal with a Bill that amends that Act.

1.20 Parole Orders (Transfer) Act 1983 No 190

[1] Section 3 Definitions

Omit the definition of *corresponding law*. Insert instead:

corresponding law means a law of another State or Territory relating to the transfer of parole orders that corresponds (or substantially corresponds) to the provisions of this Act, and includes a law of another State or Territory declared by the Minister, by notice published in the Gazette, to be a corresponding law for the purposes of this Act.

[2] Section 15

Insert after section 14:

15 Confirmation of meaning of “corresponding law”

- (1) Anything done or omitted to be done under or for the purposes of this Act before the substitution of the definition of **corresponding law** in section 3 by the amending Act that would have been valid had the definition been in force when it was done or omitted to be done is (to the extent of any invalidity) taken to be, and always to have been, valid.
- (2) For the avoidance of doubt, it is declared that each of the following laws (while in force) has been a corresponding law for the purposes of this Act (including subsection (1)):
 - (a) the *Crimes (Sentence Administration) Act 2005* of the Australian Capital Territory,
 - (b) the *Parole Orders (Transfer) Act 1983* of the Australian Capital Territory (including when it was named the *Parole Orders (Transfer) Ordinance 1983*),
 - (c) the *Parole Orders (Transfer) Act* of the Northern Territory,
 - (d) the *Parole Orders (Transfer) Act 1984* of Queensland,
 - (e) the *Parole Orders (Transfer) Act 1983* of South Australia,
 - (f) the *Parole Orders (Transfer) Act 1983* of Tasmania,
 - (g) the *Parole Orders (Transfer) Act 1983* of Victoria,
 - (h) the *Parole Orders (Transfer) Act 1984* of Western Australia.
- (3) Any notice made for the purposes of the definition of **corresponding law** in section 3 before its substitution by the amending Act that was in force immediately before that substitution continues in force as a notice for the purposes of the substituted definition.
- (4) In this section:
amending Act means the *Statute Law (Miscellaneous Provisions) Act (No 2) 2014*.

Explanatory note

Item [1] of the proposed amendments to the *Parole Orders (Transfer) Act 1983* replaces the definition of **corresponding law** in the Act with a definition that provides for a law of another State or Territory that corresponds (or substantially corresponds) to the provisions of the Act to be treated as a corresponding law without the need for a notice to be published by the Minister declaring the law to be a corresponding law (as is currently the case).

Item [2] confirms the meaning that the term **corresponding law** has had since the enactment of the Act and, where necessary, validates anything done (or omitted to be done) by reference to that meaning.

1.21 Public Authorities (Financial Arrangements) Regulation 2013

Schedule 4 Authorities having Part 4 investment powers

Omit “Residual Business Management Corporation”.

Explanatory note

The proposed amendment to the *Public Authorities (Financial Arrangements) Regulation 2013* is consequential on the dissolution of the Residual Business Management Corporation proposed to be effected by the amendments to the *Energy Services Corporations Act 1995* in this Schedule.

1.22 Public Finance and Audit Act 1983 No 152

Schedule 2 Statutory bodies

Omit “Residual Business Management Corporation”.

Explanatory note

The proposed amendment to the *Public Finance and Audit Act 1983* is consequential on the dissolution of the Residual Business Management Corporation proposed to be effected by the amendments to the *Energy Services Corporations Act 1995* in this Schedule.

1.23 Residential (Land Lease) Communities Act 2013 No 97

[1] Section 4 Definitions

Insert in alphabetical order in section 4 (1):

disclosure statement means a disclosure statement provided in accordance with section 21.

[2] Section 118 Termination by operator

Omit “the operator’s agent” from section 118 (2).

Insert instead “a person acting on behalf of the operator”.

Explanatory note

Item [1] of the proposed amendments to the *Residential (Land Lease) Communities Act 2013* clarifies the meaning of “disclosure statement” (which is a term used in various provisions of the Act) by cross-referring to the provision of the Act that requires disclosure statements to be provided and describes their contents.

Item [2] broadens the operation of section 118 of the Act to allow employees and other persons authorised by the operator of a community under a site agreement to sign a termination notice terminating the agreement with a home owner.

1.24 Residential Tenancies Act 2010 No 42

[1] Section 95 Occupants remaining in residential premises

Insert after section 95 (3):

- (4) The Tribunal is not to make an order for possession of the residential premises if the tenant is prohibited by an apprehended violence order from having access to the residential premises while the occupant resides in the premises and the occupant has not had a reasonable opportunity to obtain a final apprehended violence order and to apply to the Tribunal for an order under section 79.

[2] Section 177 Constitution of Rental Bond Board

Omit section 177 (5) (including the note). Insert instead:

- (5) Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Board to exercise its functions.

Note. Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the Board makes use of) may be referred to as officers or employees, or members of staff, of the Board. Section 47A of the *Constitution Act 1902* precludes the Board from employing staff.

[3] Section 218 Limit on period of listing

Omit “national privacy principles” from section 218 (1) (a).

Insert instead “Australian Privacy Principles”.

[4] Section 218 (4)

Omit the subsection. Insert instead:

- (4) In this section:

Australian Privacy Principles has the same meaning as in the *Privacy Act 1988* of the Commonwealth.

[5] Schedule 1 Membership and procedure of Rental Bond Board

Omit clause 8 (1). Insert instead:

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to an appointed member.

Explanatory note

Item [1] of the proposed amendments to the *Residential Tenancies Act 2010* ensures that a landlord cannot obtain possession of residential premises after a tenant has vacated those premises if the remaining occupant has obtained an interim or other apprehended violence order against the tenant and has not had a reasonable opportunity to obtain a final apprehended violence order and to obtain an order from the Tribunal to be recognised as a tenant of the premises.

Items [2] and [5] update provisions as a consequence of the enactment of the *Government Sector Employment Act 2013*.

Items [3] and [4] update references to principles that have been renamed by a Commonwealth Act.

1.25 Security Industry Act 1997 No 157

[1] Section 11 Class 1 licences

Insert after section 11 (2):

- (3) A class 1A, class 1B, class 1C, class 1E or class 1F licence does not authorise the licensee to carry on a security activity with a dog.

[2] Section 12 Class 2 licences

Omit section 12 (1) (a) and (b). Insert instead:

- (a) class 2A—authorises the licensee:

- (i) to sell security methods or principles, and
(ii) to act as a consultant by identifying and analysing security risks and providing solutions and management strategies to minimise those security risks,

- (b) class 2B—authorises the licensee:

- (i) to sell, and provide advice in relation to, security equipment, and
(ii) to sell the services of persons to carry on any security activity, and

- (iii) to act as an agent for, or otherwise obtain contracts for, the supply of persons to carry on any security activity, the supply of any security equipment or the supply of any security activity, and
(iv) to broker any security activity by acting as an intermediary to negotiate and obtain any such activity for a person in return for a commission or financial benefit,

[3] Section 21 Grant and conditions of licence and renewal of licence

Omit “and nominate a place where the person is to collect the licence or renewed licence” from section 21 (1) (a).

[4] Section 21 (4)

Omit the subsection.

[5] Section 22 Form of licence

Omit section 22 (3). Insert instead:

- (3) A class 1 or class 2 licence must contain a recent photograph of the licensee and bear the signature of the licensee.
- (4) The Commissioner may determine that a master licence is to contain a recent photograph of the licensee or bear the signature of the licensee (or both).
- (5) A requirement under this section for a licence to contain a photograph is satisfied only if the licence contains a photograph obtained in accordance with arrangements determined by the Commissioner.

[6] Section 23F

Insert after section 23E:

23F Special conditions—class 1A, 1B, 1C, 1E or 1F licensee not to use dog

It is a condition of every class 1A, class 1B, class 1C, class 1E or class 1F licence that the licensee must not carry on the security activity authorised by the licence with a dog.

[7] Section 24 Term of licence

Omit section 24 (1A). Insert instead:

- (1A) A class 1 or class 2 licence, other than a renewed licence, comes into force:
 - (a) on the day on which the licence is collected, or
 - (b) if the licence is posted to the licensee—4 working days after the latest photograph of the licensee was taken for the purpose of its reproduction on the licence.
- (1AA) A master licence, other than a renewed licence, comes into force on the date specified in the licence.

[8] Section 24 (3)

Omit the subsection.

[9] Section 29 Right to seek administrative review from Civil and Administrative Tribunal

Omit “(other than by operation of section 24 (3))” wherever occurring in section 29 (1) (a) and (a1).

[10] Section 47 Certificate and other evidence

Omit section 47 (1) (h). Insert instead:

- (h) that a penalty notice had been issued to a specified person for a specified offence against this Act or the regulations and that the amount of the penalty had or had not been paid on a specified day,

Explanatory note

Item [1] of the proposed amendments to the *Security Industry Act 1997* provides that a class 1A, class 1B, class 1C, class 1E or class 1F licence does not authorise the licensee to carry on a security activity with a dog. Item [6] is a related amendment, which makes it a condition of these classes of licence that the licensee does not carry on the security activity authorised by the licence with a dog.

Item [2] clarifies that the security activities that a class 2A or class 2B licence authorises include certain activities specified in the definition of **security activity** in the Act. In particular, the amendment

clarifies that the authority conferred by a class 2A licence includes selling security methods or principles and that the authority conferred by a class 2B licence includes acting as an agent, broker or intermediary in certain circumstances.

Items [3] and [4] omit provisions that require the Commissioner of Police to nominate a place where an applicant for a licence is to collect the licence, since it is the practice now for licences to be collected or posted. Items [8] and [9] make consequential amendments.

Item [5] requires class 1 and class 2 licences to contain a recent photograph of the licensee and bear the licensee's signature. Photographs and signatures can currently be required at the discretion of the Commissioner, whose practice is to require photographs and signatures for all class 1 and class 2 licences but not for master licences. Under the amended provision, the Commissioner retains the discretion to require a photograph or signature (or both) in the case of master licences.

Item [7] specifies when a licence (other than a renewed licence) comes into force, replacing a current provision stating that a licence comes into force on the day on which it is collected. In particular, the amendment provides that a master licence comes into force on the date specified in the licence, and that a class 1 or 2 licence comes into force on the day on which the licence is collected or (if the licence is posted to the licensee) 4 working days after the relevant photograph of the licensee was taken.

Item [10] enables certificate evidence to be given that a penalty notice had been issued to a specified person for a specified offence (rather than in respect of a licence, as at present, since penalty notices are not necessarily issued to licensees). The amendment also removes the requirement for the certificate to specify that the amount of the penalty had or had not been paid in the time specified by the penalty notice (to reflect the fact that a penalty notice may be paid after that time, for instance, after the person has been served with a penalty reminder notice or a penalty notice enforcement order).

1.26 Sporting Venues Authorities Act 2008 No 65

[1] Section 3 Definitions

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

[2] Section 9 Functions of State Sporting Venues Authority

Insert after section 9 (1) (c):

- (c1) to establish and manage community facilities and to establish and manage facilities for community and recreational purposes (whether or not on the authority's land),

[3] Section 9 (4)

Omit the subsection (including the note). Insert instead:

- (4) Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the State Sporting Venues Authority to exercise its functions.

Note. Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the State Sporting Venues Authority makes use of) may be referred to as officers or employees, or members of staff, of the State Sporting Venues Authority. Section 47A of the *Constitution Act 1902* precludes the State Sporting Venues Authority from employing staff.

[4] Section 21 Functions of regional sporting venues authorities

Insert after section 21 (1) (g):

- (h) to ensure that proper asset management plans are in place and are implemented for the authority's land.

[5] Section 21 (5)

Omit the subsection (including the note). Insert instead:

- (5) Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable a regional sporting venues authority to exercise its functions.

Note. Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services a regional sporting venues authority makes use of) may be referred to as officers or employees, or members of staff, of the regional sporting venues authority. Section 47A of the *Constitution Act 1902* precludes a regional sporting venues authority from employing staff.

[6] Section 37 Rangers

Omit section 37 (1). Insert instead:

- (1) The Chief Executive may appoint any of the following persons to be a ranger for the purposes of this Act:
- (a) a person employed in the Public Service under the *Government Sector Employment Act 2013*, or
 - (b) a person of a class prescribed by the regulations.

[7] Section 37 (3) and (4) (e)

Omit “Director-General” wherever occurring. Insert instead “Chief Executive”.

[8] Section 37 (6) and (7)

Insert after section 37 (5):

- (6) The Chief Executive may delegate the exercise of any function of the Chief Executive under this section (other than this power of delegation) to a person employed in the Office of Sport.
- (7) In this section:

Chief Executive means the Chief Executive of the Office of Sport.

[9] Schedule 2 Members and procedure of boards of management

Omit clause 9 (1). Insert instead:

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a member.

Explanatory note

Items [2] and [4] of the proposed amendments to the *Sporting Venues Authorities Act 2008* (the *Principal Act*) amend the functions of the State Sporting Venues Authority and each regional sporting venues authority (currently only Venues NSW) so as to ensure that the functions of those bodies are consistent.

Items [1], [3], [5], [6] and [9] update provisions as a consequence of the enactment of the *Government Sector Employment Act 2013*.

Item [6] also, as well as items [7] and [8], replaces references to the Director-General of the Department of Education and Communities with references to the Chief Executive of the Office of Sport to take account of the establishment of the Office of Sport and the transfer of parts of the Department of Education and Communities to that Office.

Item [8] also gives the Chief Executive of the Office of Sport a power to delegate the exercise of the Chief Executive's functions under section 37 of the Principal Act to a person employed in the Office of Sport. Those functions relate to the appointment of rangers under the Principal Act and the provision of identity cards to those rangers.

1.27 State Authorities Non-contributory Superannuation Act 1987 No 212

Schedule 1 Employers

Omit “Residual Business Management Corporation” from Part 1.

Explanatory note

The proposed amendment to the *State Authorities Non-contributory Superannuation Act 1987* is consequential on the dissolution of the Residual Business Management Corporation proposed to be effected by the amendments to the *Energy Services Corporations Act 1995* in this Schedule.

1.28 Superannuation Act 1916 No 28

Schedule 3 List of employers

Omit “Residual Business Management Corporation” from Part 1.

Explanatory note

The proposed amendment to the *Superannuation Act 1916* is consequential on the dissolution of the Residual Business Management Corporation proposed to be effected by the amendments to the *Energy Services Corporations Act 1995* in this Schedule.

1.29 Tattoo Parlours Act 2012 No 32

[1] The whole Act

Omit “Director-General” and “Director-General’s” wherever occurring.

Insert instead “Chief Executive” and “Chief Executive’s”, respectively.

[2] Section 3 Definitions

Omit the definition of *Director-General* from section 3 (1).

Insert in alphabetical order:

Chief Executive means:

- (a) the Commissioner for Fair Trading, Office of Finance and Services, or
- (b) if there is no such position in that office—the Chief Executive of the Office of Finance and Services.

[3] Section 17 Duration of licence

Insert after section 17 (4):

- (5) If an application for a new licence made by the holder of an existing licence is received by the Chief Executive no later than 28 days before the date on which the existing licence is due to expire, the existing licence is taken to continue in force until the application is determined by the Chief Executive.

Explanatory note

Items [1] and [2] of the proposed amendments to the *Tattoo Parlours Act 2012* update terminology as a consequence of the enactment of the *Government Sector Employment Act 2013*. Consequential amendments to the *Tattoo Parlours Regulation 2013* are contained in Schedule 2.

Item [3] provides that, if the holder of an existing licence applies for a new licence, the existing licence remains in force until the application is determined, so long as the application is lodged at least 28 days before the existing licence is due to expire.

1.30 Transport Administration Act 1988 No 109

Section 70 Payments into RailCorp Fund

Omit “, or under section 95 of the *Rail Safety Act 2002* or under the *Passenger Transport Act 1990*, in connection with railway services operated by RailCorp” from section 70 (d).

Insert instead “or under the *Passenger Transport Act 1990*”.

Explanatory note

The proposed amendment to the *Transport Administration Act 1988* removes an existing limitation on the kinds of fines and penalties that RailCorp and its subsidiaries may retain. In particular, the fines and penalties need not relate to railway offences (as at present) but will extend to fines and penalties for all offences dealt with by transport officers of RailCorp or its subsidiaries (who deal with offences on all modes of public transport). The amendment also removes a reference to a repealed Act.

1.31 Warehousemen’s Liens Act 1935 No 19

[1] **Section 1 Name of Act**

Omit “*Warehousemen’s Liens Act 1935*”. Insert instead “*Storage Liens Act 1935*”.

[2] **Section 2 Definitions**

Omit “warehouseman” from the definition of **Goods**. Insert instead “storer”.

[3] **Section 2, definition of “Warehouseman”**

Omit the definition. Insert instead:

Storer means a person lawfully engaged in the business of storing goods as a bailee for hire.

[4] **Sections 3, 4, 5 (Notice of lien—goods deposited by person entrusted with possession) and 6–9A**

Omit “warehouseman” and “warehouseman’s” wherever occurring.

Insert instead “storer” and “storer’s”, respectively.

[5] **Sections 5 (2) (b) and 6 (4) (b)**

Omit “of the warehouse” wherever occurring.

[6] **Section 12**

Insert after section 11:

12 References to warehouseman’s lien

A reference in any other Act, in an instrument made under any Act, or in any other document, to a warehouseman’s lien is to be construed as a reference to a storer’s lien.

Explanatory note

The proposed amendments to the *Warehousemen’s Liens Act 1935* replace terminology with gender-neutral terminology that is more relevant to the storage industry the Act regulates.

1.32 Warehousemen’s Liens Regulation 2014

[1] **Clause 1 Name of Regulation**

Omit “*Warehousemen’s Liens Regulation 2014*”.

Insert instead “*Storage Liens Regulation 2014*”.

[2] Clause 3 Definition

Omit “*Warehousemen’s Liens Act 1935*” from the definition of *the Act*.

Insert instead “*Storage Liens Act 1935*”.

[3] Clause 5 Verification of statements of account

Omit “warehouseman” and “warehouseman’s” wherever occurring.

Insert instead “storer” and “storer’s”, respectively.

[4] Clause 6 Charges payable to the NSW Trustee and Guardian

Omit “*Warehousemen’s Liens Act 1935*” from clause 6 (2).

Insert instead “*Storage Liens Act 1935*”.

Explanatory note

The proposed amendments to the *Warehousemen’s Liens Regulation 2014* are consequential on the amendments proposed to be made to the *Warehousemen’s Liens Act 1935* by this Schedule.

Schedule 2 Amendments by way of statute law revision

2.1 Anti-Discrimination Act 1977 No 48

[1] Section 54 (3) (c1)

Omit the paragraph. Insert instead:

- (c1) the *Co-operatives (Adoption of National Law) Act 2012* and the *Co-operatives National Law (NSW)*,

[2] Section 57 (1) (a)

Omit “*Co-operatives Act 1992*”. Insert instead “*Co-operatives National Law (NSW)*”.

Explanatory note

The proposed amendments update references to a repealed Act.

2.2 Bail Regulation 2014

Clause 43 (b)

Omit “Police and”.

Explanatory note

The proposed amendment updates a reference to a Department.

2.3 Biofuels Act 2007 No 23

[1] The whole Act (except section 24 (1) (a3))

Omit “Director-General” and “Director-General’s” wherever occurring.

Insert instead “Secretary” and “Secretary’s”, respectively.

[2] Section 3 (1)

Omit the definition of *Director-General*. Insert in alphabetical order:

Secretary means the Secretary of the Department.

[3] Section 24 (1) (a5)

Omit the paragraph. Insert instead:

- (a5) the Chief Executive of the Office of Finance and Services or the Chief Executive’s nominee,

Explanatory note

The proposed amendments update terminology.

2.4 Biofuels Regulation 2007

The whole Regulation

Omit “Director-General” wherever occurring. Insert instead “Secretary”.

Explanatory note

The proposed amendment updates terminology.

2.5 Camden Local Environmental Plan 2010

Schedule 2, matter relating to Signage—business identification signs for businesses in business zones

Omit “facia” from subclause (1). Insert instead “fascia”.

Explanatory note

The proposed amendment corrects a spelling error.

2.6 Child Protection (International Measures) Act 2006 No 12

[1] The whole Act

Omit “Director-General” and “Director-General’s” wherever occurring.

Insert instead “Secretary” and “Secretary’s”, respectively.

[2] Section 5 (1), definition of “Department”

Insert “Family and” after “of”.

[3] Section 5 (1)

Omit the definition of *Director-General*. Insert in alphabetical order:

Secretary means the Secretary of the Department.

Explanatory note

The proposed amendments update terminology and a reference to a Department.

2.7 Community Housing Providers (Adoption of National Law) Act 2012 No 59

Section 25 (2)

Omit “and the *Co-operatives Act 1992*”.

Insert instead “, the *Co-operatives (Adoption of National Law) Act 2012* and the *Co-operatives National Law (NSW)*”.

Explanatory note

The proposed amendment updates a reference to a repealed Act.

2.8 Community Land Management Regulation 2007

Clause 9

Omit “23 (1) of the *Property, Stock and Business Agents Regulation 2003*”.

Insert instead “21 of the *Property, Stock and Business Agents Regulation 2014*”.

Explanatory note

The proposed amendment updates a cross-reference.

2.9 Community Welfare Act 1987 No 52

[1] The whole Act (except Schedule 4)

Omit “Director-General” and “Director-General’s” wherever occurring.

Insert instead “Secretary” and “Secretary’s”, respectively.

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

Omit “Youth”. Insert instead “Family”.

[3] Section 3 (1)

Omit the definition of *Director-General*. Insert in alphabetical order:

Secretary means the Secretary of the Department.

Explanatory note

The proposed amendments update terminology and a reference to a Department.

2.10 Conveyancers Licensing Act 2003 No 3

Section 34 (2) (b)

Omit “*Trade Practices Act 1974* of the Commonwealth, the *Fair Trading Act 1987*”.

Insert instead “*Competition and Consumer Act 2010* of the Commonwealth, the *Australian Consumer Law (NSW)*”.

Explanatory note

The proposed amendment updates references to renamed and applied laws.

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

Clause 25 (5)

Omit “an annual report as set out in Form 1 of Schedule 7 to the *Co-operatives Regulation 2005*”.

Insert instead “an annual report containing the returns (relevant to the association) that are required of a society under subclauses (1) and (2)”.

Explanatory note

The proposed amendment removes a reference to a repealed Regulation and substitutes a requirement that an annual report be in a different form. The amendment has the same effect as the relevant provision of clause 18 of the *Co-operatives (New South Wales) Regulation 2014*.

2.12 Corowa Local Environmental Plan 2012

Clause 4.1 (4A)

Omit “development”. Insert instead “development”.

Explanatory note

The proposed amendment corrects a spelling error.

2.13 Credit (Commonwealth Powers) Act 2010 No 6

Schedule 3, clause 3 (1)

Omit “available for inspection on the Department’s website” from the note.

Insert instead “set out in Schedule 8 to the repealed *Credit (Savings and Transitional) Regulation 1984*”.

Explanatory note

The proposed amendment updates a note.

2.14 Crimes (Domestic and Personal Violence) Act 2007 No 80

Sections 98A (definition of “central referral point”) and 98P

Omit “Police and” wherever occurring.

Explanatory note

The proposed amendment updates references to a Department.

2.15 Criminal Appeal Rules

Forms

Omit “*Criminal Procedure Act 1986*” where firstly occurring and “section 174 of the *Criminal Procedure Act 1986*” from Form XXIV.

Insert instead “*Crimes (Sentencing Procedure) Act 1999*” and “section 37 of the *Crimes (Sentencing Procedure) Act 1999*”, respectively.

Explanatory note

The proposed amendment updates references consequentially on an amendment made by the *Crimes Legislation Amendment Act 2014*.

2.16 Criminal Procedure Act 1986 No 209

Chapter 6, Part 3, heading

Omit “**Medical examinations**”. Insert instead “**Scientific examinations**”.

Explanatory note

The proposed amendment corrects terminology.

2.17 Crown Lands Regulation 2006

Clause 43 (b) (ii)

Omit “*Associations Incorporation Act 1984*”.

Insert instead “*Associations Incorporation Act 2009*”.

Explanatory note

The proposed amendment updates a cross-reference.

2.18 Drug Misuse and Trafficking Act 1985 No 226

Schedule 1, matter relating to 4-Bromo-2,5-dimethoxyphenethylamine

Omit “0.08” from Column 2. Insert instead “0.08g”.

Explanatory note

The proposed amendment inserts a missing unit.

2.19 Electricity Supply Act 1995 No 94

[1] The whole Act (except Schedule 6)

Omit “Director-General” wherever occurring. Insert instead “Secretary”.

[2] Sections 43El (2) and 97HD (2)

Omit “Director-General or Deputy Director-General (General Counsel)” wherever occurring.

Insert instead “Secretary or General Counsel”.

[3] Section 160 (2)

Omit “Deputy Director-General (General Counsel)”. Insert instead “General Counsel”.

[4] Dictionary

Omit the definition of *Director-General*. Insert in alphabetical order:

Secretary means the Secretary of the Department.

Explanatory note

The proposed amendments update terminology.

2.20 Energy and Utilities Administration Act 1987 No 103

[1] The whole Act (except Schedule 2)

Omit “Director-General” and “Director-General’s” wherever occurring.

Insert instead “Secretary” and “Secretary’s”, respectively.

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

Omit “Energy, Utilities and Sustainability”.

Insert instead “Trade and Investment, Regional Infrastructure and Services”.

[3] Section 3 (1)

Omit the definition of *Director-General*. Insert in alphabetical order:

Secretary means the Secretary of the Department.

Explanatory note

The proposed amendments update terminology and a reference to a Department.

2.21 Environmental Planning and Assessment Amendment Act 2008 No 36

[1] Schedule 6

Insert after Schedule 5:

Schedule 6 Statute Law (Miscellaneous Provisions) Act (No 2) 2008—transferred provisions

[2] Schedule 6 (as inserted by item [1])

Transfer Schedules 1.8, 1.12, 2.10, 2.32, 2.35 and 2.39 (without the commencement provisions to those subschedules) to the *Statute Law (Miscellaneous Provisions) Act (No 2) 2008* as Schedules 6.1–6.6, respectively.

Explanatory note

The proposed amendments transfer uncommenced provisions consequent on amendments contained in the *Environmental Planning and Assessment Amendment Act 2008* and will enable the *Statute Law (Miscellaneous Provisions) Act (No 2) 2008* to be repealed by Schedule 3.

2.22 Evidence (Audio and Audio Visual Links) Regulation 2010

Clauses 5 and 6

Omit the clauses.

Explanatory note

The proposed amendment repeals spent provisions.

2.23 Firearms Act 1996 No 46

Section 71

Omit the note to the section. Insert instead:

Note. Parts 5 and 5A of the *Crimes Act 1900* contain offences relating to making, using and possessing false documents and the production of false and misleading documents.

Explanatory note

The proposed amendment updates a note.

2.24 Frustrated Contracts Act 1978 No 105

[1] **Section 6 (2) (b1)**

Insert after section 6 (2) (b):

(b1) a co-operative registered under the *Co-operatives National Law (NSW)*,

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

Omit “the *Co-operatives Act 1992*.”.

Explanatory note

The proposed amendments update references to a repealed Act.

2.25 Funeral Funds Act 1979 No 106

[1] **Section 34 (1) (a)**

Insert “or” after “fund.”.

[2] **Section 34 (1) (b)**

Omit “fund, or”. Insert instead “fund.”.

[3] **Sections 102 (3) and 119 (3)**

Omit “Sections 9 and 10 of the *Unclaimed Moneys Act 1917* shall apply to money paid to the Treasurer under subsection (2) in the same way as they apply” wherever occurring.

Insert instead “The *Unclaimed Money Act 1995* applies to money paid to the Treasurer under subsection (2) in the same way as it applies”.

Explanatory note

Items [1] and [2] of the proposed amendments clarify the operation of a list. Item [3] updates references to a repealed Act.

2.26 Gas Supply (Safety and Network Management) Regulation 2013

Clause 33 (1)

Omit “distribution network of a distribution network service provider”.

Insert instead “gas network of a network operator”.

Explanatory note

The proposed amendment corrects terminology.

2.27 Greater Taree Local Environmental Plan 2010

Schedule 5, Part 1, matters relating to the suburb of Mount George

Reorder the matters in appropriate address order.

Explanatory note

The proposed amendment corrects the alphabetical ordering of heritage items.

2.28 Health Services Regulation 2013

Clause 5 (1) (c)

Omit the paragraph. Insert instead:

- (c) the employment website <https://nswhealth.erecruit.com.au>.

Explanatory note

The proposed amendment corrects a reference.

2.29 Hunter Water Act 1991 No 53

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

Insert after paragraph (a):

- (a1) is not a co-operative within the meaning of the *Co-operatives National Law (NSW)*, and

[2] Section 3 (2), definition of “statutory body”

Omit “the *Co-operatives Act 1992* or” from paragraph (b).

Explanatory note

The proposed amendments update references to a repealed Act.

2.30 Impounding Act 1993 No 31

Section 16 (5)

Omit “or is” where secondly occurring.

Explanatory note

The proposed amendment removes redundant words.

2.31 Lake Macquarie Local Environmental Plan 2004

[1] Clause 15, Land use table

Omit “barbeque” from item 1 of the matter relating to Zone 6 (1). Insert instead “barbecue”.

[2] Dictionary, definition of “foreshore development”

Omit “barbeques”. Insert instead “barbecues”.

Explanatory note

The proposed amendments correct spelling errors.

2.32 Lake Macquarie Local Environmental Plan 2014

Clause 6.3 (5) (a)

Omit “movent”. Insert instead “movement”.

Explanatory note

The proposed amendment corrects a spelling error.

2.33 Land Tax Management Act 1956 No 26

Section 10 (1) (t)

Omit “*Co-operatives Act 1992*”. Insert instead “*Co-operatives National Law (NSW)*”.

Explanatory note

The proposed amendment updates a reference to a repealed Act.

2.34 Law Enforcement (Powers and Responsibilities) Act 2002 No 103

Schedule 2

Omit “*Co-operatives Act 1992*, section 381”.

Insert instead “*Co-operatives National Law (NSW)*, section 504 (and see section 11 of the *Co-operatives (Adoption of National Law) Act 2012*)”.

Explanatory note

The proposed amendment updates a reference to a repealed Act.

2.35 Leeton Local Environmental Plan 2014

Schedule 5, Part 2, note

Omit the note.

Explanatory note

The proposed amendment removes a redundant note.

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

Schedule 1

Omit the matter relating to the *Employment Agents Act 1996* and the *Travel Agents Act 1986*.

Explanatory note

The proposed amendment removes redundant matter.

2.37 Loan Fund Companies Act 1976 No 94

Section 7 (2)

Omit “section 372 of the *Co-operatives Act 1992*”.

Insert instead “section 492 of the *Co-operatives National Law (NSW)*”.

Explanatory note

The proposed amendment updates a reference to a repealed Act.

2.38 Lord Howe Island Act 1953 No 39

Section 4 (3) (d) and clause 6 (1) (f) of Schedule 1A

Omit “Environment and Conservation” wherever occurring.

Insert instead “Premier and Cabinet”.

Explanatory note

The proposed amendment updates references to a Department consequentially on the making of the *Administrative Arrangements (Administrative Changes—Miscellaneous Agencies) Order 2014*.

2.39 Macquarie University By-law 2005

[1] Clauses 7 and 11 (1)

Omit “student member” wherever occurring. Insert instead “elected (student) member”.

[2] Schedule 1, clause 4 (1) (b)

Omit “a student member”. Insert instead “an elected (student) member”.

Explanatory note

The proposed amendments revise terminology.

2.40 Maitland Local Environmental Plan 2011

Land Use Table, Zone B2, item 3

Omit “Information and education facilities;” and reinsert it in alphabetical order.

Explanatory note

The proposed amendment corrects alphabetical ordering.

2.41 Mine Safety (Cost Recovery) Act 2005 No 116

[1] The whole Act

Omit “Director-General” and “Director-General’s” wherever occurring.

Insert instead “Secretary” and “Secretary’s”, respectively.

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

Omit “Industry and Investment”.

Insert instead “Trade and Investment, Regional Infrastructure and Services”.

[3] Section 3 (1)

Omit the definition of *Director-General*. Insert in alphabetical order:

Secretary means the Secretary of the Department.

Explanatory note

The proposed amendments update terminology and a reference to a Department.

2.42 Mine Safety (Cost Recovery) Regulation 2013

[1] The whole Regulation

Omit “Director-General” wherever occurring. Insert instead “Secretary”.

[2] Clause 4, note

Omit “the Department of Industry and Investment (now the Department of Trade and Investment, Regional Infrastructure and Services)”.

Insert instead “the Department of Trade and Investment, Regional Infrastructure and Services”.

Explanatory note

The proposed amendments update terminology and a reference to a Department.

2.43 Mine Subsidence Compensation Act 1961 No 22

[1] The whole Act

Omit “Director-General” wherever occurring. Insert instead “Secretary”.

[2] Section 4 (1), definition of “Department”

Omit “Industry and Investment”.

Insert instead “Trade and Investment, Regional Infrastructure and Services”.

[3] Section 4 (1)

Omit the definition of *Director-General*. Insert in alphabetical order:

Secretary means the Secretary of the Department.

Explanatory note

The proposed amendments update terminology and a reference to a Department.

2.44 Mining Amendment Act 2008 No 19

Schedule 1

Omit “Director-General” wherever occurring. Insert instead “Secretary”.

Explanatory note

The proposed amendment updates terminology.

2.45 Newcastle Local Environmental Plan 2012

Dictionary, definition of “Wickham Redevelopment Area Map”

Omit the definition.

Explanatory note

The proposed amendment omits a redundant definition.

2.46 Palerang Local Environmental Plan 2014

Clause 4.1A (5), definition of “resulting lot”

Omit “*Rural*” from paragraph (c). Insert instead “(*Rural*)”.

Explanatory note

The proposed amendment corrects a citation.

2.47 Passenger Transport Act 1990 No 39

Section 5A (1) (c)

Omit “*Co-operatives Act 1992*”. Insert instead “*Co-operatives National Law (NSW)*”.

Explanatory note

The proposed amendment updates a reference to a repealed Act.

2.48 Passenger Transport Regulation 2007

Clause 168 (2) (c) (ii)

Insert “or Division 9 of Part 3.3 of the *Co-operatives National Law (NSW)*” after “1992”.

Explanatory note

The proposed amendment supplements a reference to a repealed Act (which refers to all or some of the immediately preceding 5 years).

2.49 Personal Property Securities (Commonwealth Powers) Act 2009 No 35

Schedule 1, clause 23A (2) (p)

Omit “*Warehousemen’s Liens Act 1935*”. Insert instead “*Storage Liens Act 1935*”.

Explanatory note

The proposed amendment updates a reference to an Act proposed to be renamed in Schedule 1.

2.50 Petroleum (Onshore) Act 1991 No 84

[1] The whole Act (except Schedule 1)

Omit “Director-General” and “Director-General’s” wherever occurring.

Insert instead “Secretary” and “Secretary’s”, respectively.

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

Omit “Industry and Investment”.

Insert instead “Trade and Investment, Regional Infrastructure and Services”.

[3] Section 3 (1)

Omit the definition of *Director-General*. Insert in alphabetical order:

Secretary means the Secretary of the Department.

[4] Section 76 (4)

Omit “Director-General of National Parks and Wildlife”.

Insert instead “Chief Executive of the Office of Environment and Heritage”.

Explanatory note

The proposed amendments update terminology and a reference to a Department.

2.51 Petroleum (Onshore) Regulation 2007

The whole Regulation

Omit “Director-General” and “Director-General’s” wherever occurring.

Insert instead “Secretary” and “Secretary’s”, respectively.

Explanatory note

The proposed amendment updates terminology.

2.52 Pipelines Act 1967 No 90

[1] The whole Act

Omit “Director-General” and “Director-General’s” wherever occurring.

Insert instead “Secretary” and “Secretary’s”, respectively.

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

Omit “Energy, Utilities and Sustainability”.

Insert instead “Trade and Investment, Regional Infrastructure and Services”.

[3] Section 3 (1)

Omit the definition of *Director-General*. Insert in alphabetical order:

Secretary means the Secretary of the Department.

Explanatory note

The proposed amendments update terminology and a reference to a Department.

2.53 Pipelines Regulation 2013

[1] The whole Regulation

Omit “Director-General” and “Director-General’s” wherever occurring.

Insert instead “Secretary” and “Secretary’s”, respectively.

[2] Clause 3 (1), definitions of “Department” and “Director-General”

Omit the definitions.

Explanatory note

Item [1] of the proposed amendments updates terminology. Item [2] removes redundant definitions.

2.54 Prisoners (Interstate Transfer) Regulation 2014

Clause 3 (1), definition of “Department”

Omit “Police and”.

Explanatory note

The proposed amendment updates a reference to a Department.

2.55 Public Finance and Audit Act 1983 No 152

Schedule 3

Omit the matter relating to the Department of Police and Justice.

Insert in appropriate order in Columns 1 and 2, respectively:

Department of Justice

Secretary of the Department

Explanatory note

The proposed amendment updates a reference to a Department and terminology.

2.56 Registered Clubs Act 1976 No 31

[1] Sections 38 (2) (b) and (4) and 41 (1)

Omit “*Co-operatives Act 1992*” wherever occurring.

Insert instead “*Co-operatives National Law (NSW)*”.

[2] Section 38 (2) (b)

Omit “societies”. Insert instead “co-operatives”.

Explanatory note

The proposed amendments update terminology and references to a repealed Act.

2.57 Restraints of Trade Act 1976 No 67

Section 3 (3) (c)

Omit the paragraph. Insert instead:

(c) section 125 of the *Co-operatives National Law (NSW)*, or

Explanatory note

The proposed amendment updates a reference to a repealed Act.

2.58 Rice Marketing Act 1983 No 176

Section 133

Omit “societies registered under the *Co-operatives Act 1992*”.

Insert instead “co-operatives registered under the *Co-operatives National Law (NSW)*”.

Explanatory note

The proposed amendment updates a reference to a repealed Act.

2.59 Road Transport (General) Regulation 2013

Schedule 5

Omit “Rule 286; Rule 2” from the matter relating to the *Road Rules 2008*.

Insert instead “Rule 286; Rule 294”.

Explanatory note

The proposed amendment corrects a typographical error.

2.60 Rockdale Local Environmental Plan 2011

Land Use Table, Zone SP3, item 4

Omit “Wholesale supplies;”.

Explanatory note

The proposed amendment omits a duplicated entry.

2.61 Shoalhaven Local Environmental Plan 2014

[1] Clause 4.2B (3) (d) (iii)

Renumber clause 4.2B (3) (d) (ii) where secondly occurring as clause 4.2B (3) (d) (iii).

[2] Schedule 5, Part 1, Item no 112

Omit “(Lombardyc Poplar-9)”. Insert instead “(Lombardy Poplar-9)”.

Explanatory note

Item [1] of the proposed amendments corrects duplicated numbering. Item [2] corrects a spelling error.

2.62 Snowy Hydro Corporatisation Act 1997 No 99

Sections 32 (4) and 57 (6) (b)

Omit “Director-General of National Parks and Wildlife” wherever occurring.

Insert instead “Chief Executive of the Office of Environment and Heritage”.

Explanatory note

The proposed amendment updates terminology.

2.63 State Environmental Planning Policy (Sydney Region Growth Centres) 2006

Appendix 10, clause 6.8 (2) (c)

Omit “Special” wherever occurring.

Explanatory note

The proposed amendment corrects the name of a zone.

2.64 State Revenue and Other Legislation Amendment (Budget Measures) Act 2012 No 46

Schedule 6.1 [9]

Omit “Director-General” wherever occurring. Insert instead “Secretary”.

Explanatory note

The proposed amendment updates terminology and is consequential on the amendments to the *Petroleum (Onshore) Act 1991* proposed to be made in this Schedule.

2.65 Sydney Water Act 1994 No 88

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

Insert after paragraph (a):

- (a1) a co-operative within the meaning of the *Co-operatives National Law (NSW)*, or

[2] Section 3 (2), definition of “statutory body”

Omit “the *Co-operatives Act 1992* or” from paragraph (b).

Explanatory note

The proposed amendments update references to a repealed Act.

2.66 Sydney Water Catchment Management Act 1998 No 171

Section 3 (1), definition of “public authority”

Omit paragraph (b). Insert instead:

- (b) a co-operative within the meaning of the *Co-operatives National Law (NSW)*, or

Explanatory note

The proposed amendment updates a reference to a repealed Act.

2.67 Tattoo Parlours Regulation 2013

The whole Regulation

Omit “Director-General” wherever occurring. Insert instead “Chief Executive”.

Explanatory note

The proposed amendment updates terminology (and is consequential on amendments proposed to be made to the *Tattoo Parlours Act 2012* by Schedule 1).

2.68 Teaching Service Act 1980 No 23

Section 93T (2) (a) and (c)

Omit “a person” wherever occurring. Insert instead “an unauthorised person”.

Explanatory note

The proposed amendment inserts missing words.

2.69 Transport Administration Act 1988 No 109

Sections 3 (1) (paragraph (a) of the definition of “NSW rail access undertaking”) and 99C (1) and Schedules 6AA and 7

Omit “*Trade Practices Act 1974*” wherever occurring.

Insert instead “*Competition and Consumer Act 2010*”.

Explanatory note

The proposed amendment updates references to a Commonwealth Act.

2.70 Uncollected Goods Regulation 2011

Clause 4

Omit “*Warehousemen’s Liens Act 1935*”. Insert instead “*Storage Liens Act 1935*”.

Explanatory note

The proposed amendment updates a reference to an Act proposed to be renamed in Schedule 1.

2.71 Uniform Civil Procedure Rules 2005

[1] Schedule 8, Part 1

Insert in Columns 1 and 3 respectively after the matter relating to the *Co-operatives Act 1992*:

Co-operatives National Law (NSW) Equity

[2] Schedule 10, Part 1

Insert after the matter relating to the *Co-operatives Act 1992*:

Co-operatives (Adoption of National Law) Act 2012 and Co-operatives National Law (NSW)

Application of other rules of court

The provisions of the *Supreme Court (Corporations) Rules 1999* relating to applications under the *Corporations Act 2001* of the Commonwealth, so far as applicable and making such changes as it is necessary to make, apply to:

- (a) proceedings under the *Co-operatives (Adoption of National Law) Act 2012* or the *Co-operatives National Law (NSW)* commenced in the Supreme Court, and
 - (b) applications made under the *Co-operatives (Adoption of National Law) Act 2012* or the *Co-operatives National Law (NSW)* in those proceedings.

Explanatory note

The proposed amendments supplement references to a repealed Act.

2.72 Veterinary Practice Regulation 2013

[1] Clause 6

Omit “society”. Insert instead “body”.

[2] Clause 6 (a)

Omit “*Co-operatives Act 1992*”. Insert instead “*Co-operatives National Law (NSW)*”.

Explanatory note

The proposed amendments update terminology and a reference to a repealed Act.

2.73 Wagga Wagga Local Environmental Plan 2010

[1] Land Use Table, Zone RU3, item 3

Omit “1916”. Insert instead “2012”.

[2] Land Use Table, Zone RU4, item 4

Omit “Correction centres”. Insert instead “Correctional centres”.

Explanatory note

Item [1] of the proposed amendments updates a citation. Item [2] corrects a typographical error.

2.74 Warehousemen’s Liens Act 1935 No 19

Section 6 (4) (c)

Omit “itemized”. Insert instead “itemised”.

Explanatory note

The proposed amendment corrects spelling.

2.75 Water Management Act 2000 No 92

Dictionary, definition of “statutory body”

Omit “*Co-operatives Act 1992*” from paragraph (b).

Insert instead “*Co-operatives National Law (NSW)*”.

Explanatory note

The proposed amendment updates a reference to a repealed Act.

2.76 Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2011

[1] Schedule 1

Omit “*Registered Map*”.

Insert instead “*Plan Map*” and relocate the definition so that it is in alphabetical order.

[2] Appendix 3

Omit “*Registered Map*”. Insert instead “*Plan Map*”.

Explanatory note

The proposed amendments update references to a map.

2.77 Water Sharing Plan for the Namoi Unregulated and Alluvial Water Sources 2012

Appendix 5

Omit “Pox”. Insert instead “Box”.

Explanatory note

The proposed amendment corrects a typographical error.

2.78 Wool, Hide and Skin Dealers Act 2004 No 7

Section 5 (b)

Omit “co-operative society registered under the *Co-operatives Act 1992*”.

Insert instead “co-operative registered under the *Co-operatives National Law (NSW)*”.

Explanatory note

The proposed amendment updates a reference to a repealed Act.

2.79 Work Health and Safety Regulation 2011

Schedule 15, Table 15.2

Omit “Crude oil in remote locations that meet” from item 3.

Insert instead “Crude oil in remote locations that meets”.

Explanatory note

The proposed amendment corrects a grammatical error.

2.80 Wyong Local Environmental Plan 2013

Schedule 2

Omit “(When this Plan was made this Schedule was blank)”.

Explanatory note

The proposed amendment removes redundant text.

Schedule 3 Repeals

1 Repeal of redundant Acts

The following Acts are repealed:

- (a) *Appropriation Act 2013* No 48,
- (b) *Appropriation (Parliament) Act 2013* No 49,
- (c) *Constitution Amendment (Governor's Salary) Act 2003* No 66,
- (d) *Statute Law (Miscellaneous Provisions) Act 2009* No 56.

2 Repeal enabled by dissolution of Residual Business Management Corporation in Schedule 1

The *Pacific Power (Dissolution) Act 2003* No 17 is repealed.

Explanatory note

The repeal of the *Pacific Power (Dissolution) Act 2003* is enabled by the dissolution of the Residual Business Management Corporation (constituted under that Act) by proposed amendments to the *Energy Services Corporations Act 1995* in Schedule 1.

3 Repeals enabled by amendments in Schedule 2

- (1) The *Statute Law (Miscellaneous Provisions) Act (No 2) 2008* No 114 is repealed.
- (2) Clause 18 of the *Co-operatives (New South Wales) Regulation 2014* is repealed.

Explanatory note

The repeal of the *Statute Law (Miscellaneous Provisions) Act (No 2) 2008* is enabled by the proposed transfer to the *Environmental Planning and Assessment Amendment Act 2008* (by Schedule 2) of uncommenced provisions that are consequent on amendments contained in that Act.

The repeal of clause 18 of the *Co-operatives (New South Wales) Regulation 2014* (which generally provides for how references to the former *Co-operatives Act 1992* and a regulation under that Act are to be construed in specified Acts and regulations) is enabled by direct amendments proposed to be made to those Acts and regulations in Schedule 2.

4 Amendment of Marine Safety Act 1998 No 121

(1) Schedule 2, Part 1

Omit “*Navigation Act 1901* No 60”.

(2) Schedule 3.7 [3], [5], [6] and [8]

Omit the items.

Explanatory note

The proposed amendments repeal matter that is redundant because it relates to a repeal or amendments that have commenced.

Schedule 4 General savings, transitional and other provisions

1 Effect of amendment of amending provisions

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

Explanatory note

This clause ensures that certain amendments, including amendments correcting errors in technical provisions (for example, headings indicating the section to be amended or directions as to where a new section is to be inserted) and rectifying minor drafting errors (for example, corrections in numbering of provisions, correction or insertion of cross-references, omission of unnecessary matter or insertion of omitted matter), will be taken to have commenced on the date the amendments to which they relate commenced.

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

Except where it is expressly provided to the contrary, if this Act:

- (a) amends a provision of an Act or an instrument, or
 - (b) repeals and re-enacts (with or without modification) a provision of an Act or an instrument,
- any act done or decision made under the provision amended or repealed has effect after the amendment or repeal as if it had been done or made under the provision as so amended or repealed.

Explanatory note

This clause ensures that the amendment or repeal of a provision will not, unless expressly provided, vitiate any act done or decision made under the provision as in force before the amendment or repeal.

3 Effect of amendment on instruments

Except where expressly provided to the contrary, any instrument made under an Act amended by this Act, that is in force immediately before the commencement of the amendment, is taken to have been made under the Act as amended.

Explanatory note

This clause ensures that, unless expressly provided, any instrument that is in force and made under a provision of an Act that is amended or substituted by the proposed Act will be taken to have been made under the Act as amended.

4 Revocation of repeal

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

Explanatory note

The effect of this clause is to enable the Governor, by proclamation, to revoke the repeal by the proposed Act of any Act or any provision of an Act or instrument. The Act or provision the subject of the revocation of repeal is taken not to be, and never to have been, repealed.

5 Regulations

- (1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act.
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as:
 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

Explanatory note

This clause enables the making of regulations of a savings or transitional nature having a short term effect and relating to incidental matters arising out of the proposed Act with regard to which no specific, or sufficient, provision has been made in the proposed Act.