

Passed by both Houses



New South Wales

# Statute Law (Miscellaneous Provisions) Bill 2011

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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, , 2011*



New South Wales

## **Statute Law (Miscellaneous Provisions) Bill 2011**

Act No , 2011

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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.

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*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.*

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

**1 Name of Act**

This Act is the *Statute Law (Miscellaneous Provisions) Act 2011*.

**2 Commencement**

- (1) This Act commences on 8 July 2011 or the date of assent to this Act, whichever is the later.
- (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.

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## Schedule 1 Minor amendments

### 1.1 Adoption Act 2000 No 75

**[1] Section 91 Report required before order made for adoption of child**

Omit “, an approved assessor, or a principal officer (or delegate)” from section 91 (2).

Insert instead “or an authorised person”.

**[2] Section 91 (2A)**

Insert after section 91 (2):

- (2A) In this section, an *authorised person* means any of the following:
- (a) an approved assessor,
  - (b) the principal officer of an accredited adoption service provider (or delegate),
  - (c) the principal officer of a designated agency (or delegate).

**[3] Section 91 (5) (b)**

Omit “approved assessor or a principal officer”.

Insert instead “authorised person”.

**[4] Section 91 (6B)**

Insert after section 91 (6A):

- (6B) A principal officer of a designated agency may delegate his or her function under subsection (2) to one or more employees of the agency, whom the principal officer considers to be appropriately qualified to exercise the function.

**[5] Section 91 (7)**

Omit the subsection. Insert instead:

- (7) In this section:
- approved assessor* means a person, or a person of a class, approved by the Director-General from time to time, by order in writing, to provide a report to the Court for the purposes of this section.

*designated agency* has the same meaning as in section 139 of the *Children and Young Persons (Care and Protection) Act 1998*.

**Explanatory note**

The proposed amendments to the *Adoption Act 2000* allow the Supreme Court, when making an order for the adoption of a child under 18 years of age, to accept a report that has been prepared by the principal officer (or delegate of the principal officer) of any government agency or non-government agency organisation that is accredited to provide out-of-home care under the *Children and Young Persons (Care and Protection) Act 1998*.

**1.2 Associations Incorporation Act 2009 No 7**

**[1] Section 45 Lodgment of documents with Director-General**

Omit “The public officer of a” from section 45 (1). Insert instead “A”.

**[2] Section 49 Lodgment of summary with Director-General**

Omit “The public officer of a” from section 49 (1). Insert instead “A”.

**Explanatory note**

The proposed amendments to the *Associations Incorporation Act 2009* make an association under that Act responsible for lodging its financial reports. At present, this obligation falls on the public officer of the association.

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

**[1] Section 29 Protection of persons who make reports or provide certain information**

Omit “(including any appeal arising from those proceedings), other than the following” from section 29 (1) (d).

Insert instead “other than the following proceedings (and appeals arising from the following proceedings)”.

**[2] Section 37 Alternative dispute resolution**

Omit section 37 (2) and (3). Insert instead:

- (2) Participation in any such alternative dispute resolution is voluntary.
- (3) To avoid doubt, subsection (2) does not apply to any dispute resolution conducted by the Children’s Registrar of the Children’s Court, or ordered by the Children’s Court, under this Act.

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**[3] Section 220 Regulations relating to children's services**

Renumber paragraph (a) of section 220 (11) as (a1) and insert before that paragraph (as so renumbered):

- (a) a person who is a licensee or proposed licensee,

**Explanatory note**

Item [1] of the proposed amendments to the *Children and Young Persons (Care and Protection) Act 1998 (the Act)* makes it clear that a report relating to a child or young person that is admissible in proceedings specified in section 29 (1) (d) of the Act is also admissible in any appeal proceedings arising from those proceedings.

Item [2] revises a provision that states that participation in alternative dispute resolution services arranged by the Director-General under the Act is voluntary to make it clear that the provision does not apply to dispute resolution conducted by the Children's Registrar of the Children's Court, or ordered by the Children's Court, under the Act. The amendment also removes an obsolete reference to preliminary court conferences.

Item [3] allows regulations to be made regarding probity checks that may be conducted on a person who is a licensee or proposed licensee of a prescribed children's service under Part 3 of Chapter 12 of the Act. The Act already grants power to make regulations for probity checks in relation to persons involved in the control or management of a licensee or proposed licensee. This amendment will ensure that the regulations may make provision for the probity checks to be conducted in relation to natural persons who provide children's services.

**1.4 Election Funding, Expenditure and Disclosures Act 1981  
No 78**

**Section 97E Public funding of eligible parties for administrative expenditure**

Omit "elected at the State election" from section 97E (2) (b).

Insert instead "elected at a State election (including at a joint sitting to fill a vacancy in the Legislative Council)".

**Transitional**

The amendment to section 97E extends to payments from the Administration Fund in respect of expenditure incurred during the 2010 calendar year.

**Explanatory note**

The Act provides that annual payments for administrative expenditure are to be made from an Administration Fund to political parties with parliamentary representatives (***elected members***) based on the number of their elected members at the time an annual amount becomes payable. The amendment makes it clear that the number of elected members includes members at that time who were elected at a joint sitting of members of Parliament to fill a casual vacancy in the Legislative Council.

## **1.5 Fire Brigades Act 1989 No 192**

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

Omit “NSW Fire Brigades” from the definition of *Commissioner* in section 3 (1).

Insert instead “Fire and Rescue NSW”.

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

Omit the definition. Insert instead:

*Department* means Fire and Rescue NSW.

### **[3] Sections 65 and 78A**

Omit the sections.

### **[4] Schedule 4 Savings and transitional provisions**

Insert after Part 8:

## **Part 9 Provision relating to the Statute Law (Miscellaneous Provisions) Act 2011**

### **30 Continuation of Fire and Rescue NSW as Division of the Government Service**

The repeal of section 65 by the *Statute Law (Miscellaneous Provisions) Act 2011* does not affect the establishment of Fire and Rescue NSW as a Division of the Government Service under Chapter 4 of the *Public Sector Employment and Management Act 2002*.

#### **Explanatory note**

Items [1] and [2] of the proposed amendments to the *Fire Brigades Act 1989 (the Act)* update references to “NSW Fire Brigades” as a consequence of the change of name of that Department (by the *Public Sector Employment and Management (Fire and Rescue NSW) Order 2010*) to “Fire and Rescue NSW”.

Item [3] omits section 65 of the Act, which establishes “NSW Fire Brigades” as a Department, and item [4] makes it clear that the repeal of that provision does not affect the status of Fire and Rescue NSW as a Department.

Item [3] also omits a provision relating to temporary assignment of members of staff of Fire and Rescue NSW and members of permanent fire brigades to the former Police and Emergency Services NSW, which has since been abolished as a Division of the Government Service. Accordingly, the provision no longer has any operation.



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## 1.6 Police Act 1990 No 47

### [1] Section 39 Appointment to be made on merit

Omit “or an administrative officer” from section 39 (2) (a).

Insert instead “, an administrative officer or a temporary employee whose employment as such an employee falls within a continuous employment period of at least 2 years”.

### [2] Sections 39 (2A) (b), 66 (3) (b) and 82C (4) (b)

Omit “abilities, qualifications, experience, standard of work performance and personal qualities” wherever occurring.

Insert instead “qualifications, experience, standard of work performance and capabilities”.

### [3] Section 39A Eligibility lists

Omit “6 months” from section 39A (3). Insert instead “12 months”.

### [4] Section 82C Appointment on merit

Insert “or a temporary employee whose employment as such an employee falls within a continuous employment period of at least 2 years” after “officer” in section 82C (2) (a).

### [5] Section 82F Eligibility lists

Omit section 82F (3). Insert instead:

- (3) An eligibility list for a position remains current for 12 months after the list was created.

### [6] Section 82F (5) and (6)

Omit the subsections. Insert instead:

- (5) An eligibility list is applicable not only to the position in relation to which it was created (*the relevant position*) but also:
  - (a) to any other position within the NSW Police Force that the Commissioner determines the list should be applicable to on the basis that the other position is substantially the same as the relevant position, and
  - (b) to any other position in a Division of the Government Service that the Division Head for that Division determines the list should be applicable to on the basis that

the other position is substantially the same as the relevant position.

- (6) The Commissioner or a Division Head may make such a determination at any time during the currency of the eligibility list.

**[7] Section 82K**

Insert after section 82J:

**82K Appointment may be made to position pending vacation of position**

- (1) If a non-executive administrative officer (*the incumbent officer*) notifies the Commissioner in writing that the officer intends to resign or retire from the officer's position on a specified date, the Commissioner may, before the position becomes vacant, take action to recruit and appoint another person (*the new officer*) to the position.
- (2) The appointment of the new officer may, if the instrument of appointment so provides, take effect before the incumbent officer vacates the position.
- (3) In any such case, the incumbent officer and the new officer:
- (a) both hold the same position, and
  - (b) may jointly exercise the functions of the position.

**[8] Section 91A Appointment of long-term temporary employees to permanent positions**

Omit section 91A (2) (a). Insert instead:

- (a) the employee must, at some stage of the temporary employment, have been selected to perform duties at a grade that is the same as (or similar to) the grade of the position concerned (whether or not the duties of the position are substantially the same as the duties performed during the temporary employment),
- (a1) the employee was performing duties at that grade following some form of open competition that involved the selection of the employee as the person who, in the opinion of the Commissioner, had the greatest merit among the candidates concerned,

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**[9] Section 91A (2) (d)**

Omit “the relevant skills, qualifications, experience, work performance standards and personal qualities”.

Insert instead “the qualifications, experience, standard of work performance and capabilities”.

**[10] Section 91A (2) (e)**

Omit the paragraph.

**[11] Section 94 Requirements as to citizenship**

Insert after section 94 (4):

- (5) The Commissioner may exempt a non-executive administrative officer from the operation of this section in any case the Commissioner considers appropriate.

**[12] Section 95B Temporary assignment of staff to carry out work for Police and Emergency Services NSW**

Omit the section.

**[13] Schedule 4 Savings, transitional and other provisions**

Insert after Part 26:

**Part 27 Provision consequent on enactment of Statute Law (Miscellaneous Provisions) Act 2011**

**79 Existing eligibility lists**

The amendments made to sections 39A (3) and 82F (3) by the *Statute Law (Miscellaneous Provisions) Act 2011* extend to eligibility lists having effect immediately before the commencement of those amendments.

**Explanatory note**

Items [1]–[11] of the proposed amendments to the *Police Act 1990* make provisions relating to the employment of persons in the NSW Police Force consistent with the equivalent provisions for other public sector employees in the *Public Sector Employment and Management Act 2002*.

Items [1] and [4] enable long-term temporary employees (that is, employed for at least 2 years) to be appointed on merit to vacant executive positions and vacant non-executive administrative positions that have not been advertised.

Items [2] and [9] modify the criteria for determining merit by replacing references to a person’s abilities and personal qualities with a reference to the person’s capabilities.

Items [3] and [5] provide that an eligibility list for executive officers or non-executive administrative officers will remain current for 12 months instead of 6 months.

Item [6] provides that an eligibility list for non-executive administrative positions is also applicable to positions outside the NSW Police Force in a Division of the Government Service that the relevant Division Head determines the list should be applicable to, on the basis that the other position is substantially the same as the position for which the eligibility list was initially created.

Item [7] enables the Commissioner of Police to recruit and appoint a person as a non-executive administrative officer pending the vacation of the position by the incumbent officer.

Item [8] removes the requirement that the position to which a long-term temporary employee may be appointed must have substantially the same duties as those performed by the person as a temporary employee. Instead, the employee must have been performing duties at the same or similar grade to the position to which the employee is being appointed and must have been, at some stage during the temporary employment, selected on merit to perform duties at that grade. Item [10] is a consequential amendment.

Item [11] authorises the Commissioner of Police to exempt a non-executive administrative officer from the requirement that all members of the NSW Police Force must be an Australian citizen or a permanent Australian resident.

Item [12] omits a provision relating to temporary assignment of members of the NSW Police Force to the former Police and Emergency Services NSW, which has since been abolished as a Division of the Government Service. Accordingly, the provision no longer has any operation.

Item [13] is a transitional provision.

## 1.7 Police Integrity Commission Act 1996 No 28

### Section 124 Firearms and other police equipment

Omit section 124 (2). Insert instead:

- (2) Commission investigators, and Commission surveillance officers, who are seconded police officers or approved former police officers are exempt from the requirement under the *Weapons Prohibition Act 1998* to be authorised by a permit to possess or use handcuffs and body armour vests, but only when acting in their capacity as officers of the Commission.

#### Explanatory note

The proposed amendment to the *Police Integrity Commission Act 1996 (the Act)* replaces a provision that authorises (for the purposes of the now repealed *Prohibited Weapons Act 1989*) Commission investigators, and Commission surveillance officers, who are seconded police officers or approved former police officers to possess handcuffs and body armour vests when acting in their capacity as officers of the Commission. In doing so, the proposed amendment recasts the current provision (for more accurate expression and for consistency with the language of a like exemption in the Act) and updates the reference to the repealed Act.

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

### **[1] Section 22 Offence relating to terms of residential tenancy agreements**

Insert “, or landlord’s agent,” after “A landlord”.

### **[2] Section 33 Payment of rent by tenant**

Insert “, or landlord’s agent,” after “A landlord” wherever occurring in section 33 (2) and (3).

### **[3] Section 36 Rent receipts**

Insert after section 36 (3):

- (4) This section does not apply to the New South Wales Land and Housing Corporation or the Aboriginal Housing Office.

### **[4] Section 42 Rent increases under fixed term agreements**

Omit section 42 (1) and (2). Insert instead:

- (1) The rent payable under a fixed term agreement for a fixed term of less than 2 years must not be increased during the fixed term unless the agreement specifies the increased rent or the method of calculating the increase.
- (2) The rent payable under a fixed term agreement for a fixed term of 2 years or more:
  - (a) must not be increased more than once in any period of 12 months, and
  - (b) may be increased whether or not the agreement specifies the increased rent or the method of calculating the increase.

### **[5] Section 89 Repayment of rent owing following issue of non-payment termination notice**

Insert after section 89 (5):

- (6) If the Tribunal makes a termination order as referred to in subsection (5), a warrant for possession may be issued as a result of that order, even if the tenant has paid all rent owing or complied with a repayment plan.

### **[6] Section 102 Termination of agreement or co-tenancies by Tribunal**

Insert “, in the order terminating the tenancy,” after “the Tribunal must” in section 102 (3).

**[7] Section 102 (3A)**

Insert after section 102 (3):

- (3A) Such an order is taken to be an order for possession of the residential premises in favour of the remaining tenant or co-tenants.

**Note.** Section 121 provides that a warrant for possession may be issued on the application of a person in whose favour an order for possession is made.

**[8] Section 110 Tenant may vacate at any time before termination date specified by landlord**

Insert after section 110 (2):

- (3) Subsection (2) does not affect the liability of a tenant under a fixed term agreement to pay rent in respect of a period after the tenant gives vacant possession of the residential premises and before the end of the fixed term, if the termination notice is given by the landlord in accordance with section 84.

**Explanatory note**

Items [1] and [2] of the proposed amendments to the *Residential Tenancies Act 2010 (the Act)* extend certain offences that apply to landlords so that they also apply to an agent of a landlord.

Item [3] creates an exemption for the New South Wales Land and Housing Corporation and the Aboriginal Housing Office from the requirements under section 36 relating to the issuing of rent receipts. This mirrors the previous exemption in the repealed *Residential Tenancies Act 1987*.

Item [4] changes a provision, which prevents rent being increased under a fixed term agreement lease unless the rent increase is specified in the agreement, so that the provision applies to an agreement for a term of less than 2 years (rather than a term of 2 years or less, as is currently the case). In addition, the requirement to specify, in an agreement for a fixed term of less than 2 years, the amount of a proposed increase in rent is replaced with a requirement to specify the increased rent (this ensures consistency between sections 41 and 42 of the Act).

Item [5] clarifies that if the Consumer, Trader and Tenancy Tribunal makes a termination order because it is satisfied that a tenant has frequently failed to pay rent owing, in accordance with section 89 (5), a warrant for possession may be issued, even if the tenant has paid all the rent owing or complied with a repayment plan.

Items [6] and [7] make it clear that an order made by the Consumer, Trader and Tenancy Tribunal to terminate the tenancy of a co-tenant under a residential tenancy agreement is taken to be an order for the possession of residential premises in favour of the remaining tenant or co-tenants. Accordingly, a warrant for possession may be issued in favour of the remaining tenant or co-tenants.

Item [8] transfers to the Act a provision in the *Residential Tenancies Regulation 2010*. The provision makes it clear that a tenant under a fixed term agreement who vacates premises before the end of a fixed term can be liable to pay rent for the balance of the fixed term.

## **1.9 Residential Tenancies Regulation 2010**

### **Clause 13 Effect of early vacation of residential premises**

Omit the clause.

#### **Explanatory note**

The proposed amendment to the *Residential Tenancies Regulation 2010* is consequential on the transfer by this Schedule of the provision concerned to the *Residential Tenancies Act 2010*.

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

### **Schedule 2 Public offices**

Omit the matter relating to Member of the Consumer, Trader and Tenancy Tribunal from Part 1 of the Schedule.

Insert instead:

Full-time member of the Consumer, Trader and Tenancy Tribunal (other than the Deputy Chairperson (Registry and Administration))

Part-time member of the Consumer, Trader and Tenancy Tribunal (other than the Deputy Chairperson (Registry and Administration))

#### **Commencement**

The amendment commences, or is taken to have commenced, on the commencement of Schedule 1 [18] and [19] to the *Consumer, Trader and Tenancy Tribunal Amendment Act 2008*.

#### **Explanatory note**

The proposed amendment to the *Statutory and Other Offices Remuneration Act 1975* allows the Statutory and Other Offices Remuneration Tribunal to determine the remuneration of part-time members of the Consumer, Trader and Tenancy Tribunal. The amendment is consequential on an amendment to the *Consumer, Trader and Tenancy Tribunal Act 2001* that provides for the remuneration of part-time members of the Tribunal to be determined in the same manner as for full-time members (that is, in accordance with the *Statutory and Other Offices Remuneration Act 1975*).

## **1.11 Water Management Act 2000 No 92**

### **[1] Section 292 Functions of water supply authority**

Insert after section 292 (2):

- (2A) A water supply authority must not exercise any function beyond its area of operations in such a way as to limit its capacity to exercise that function within that area.

**[2] Section 372B Interests and rights in metering equipment**

Insert after section 372B (2):

- (3) If a provision of the regulations provides that the Ministerial Corporation is the owner of specified metering equipment that it installs or replaces, the provision has effect despite anything contained in section 42 of the *Real Property Act 1900*.

**[3] Section 394 Service of documents**

Insert at the end of section 394 (1) (c):

, or

- (d) in any manner provided for by the regulations.

**Explanatory note**

Item [1] of the proposed amendments to the *Water Management Act 2000 (the Act)* transfers to the Act a provision currently in the *Water Management (Water Supply Authorities) Regulation 2004* concerning the exercise of functions by water supply authorities.

Item [2] transfers into the Act a provision that is currently in clause 108A of the *Water Management (General) Regulation 2004* for the sake of consistency with other comparable provisions in the Act (for example, sections 173, 232 and 355).

Item [3] confirms that the regulations may make provision for the service of documents in a manner other than provided for by the Act.

## **1.12 Water Management (General) Regulation 2004**

### **Clause 108A Metering equipment installed by Ministerial Corporation**

Omit clause 108A (4).

**Explanatory note**

The proposed amendment to the *Water Management (General) Regulation 2004* is consequential on the transfer by this Schedule of the provision concerned to the *Water Management Act 2000*.

## **1.13 Water Management (Water Supply Authorities) Regulation 2004**

### **Clause 9 Exercise of functions beyond area of operations**

Omit the clause.

**Explanatory note**

The proposed amendment to the *Water Management (Water Supply Authorities) Regulation 2004* is consequential on the transfer by this Schedule of the provision concerned to the *Water Management Act 2000*.



## 1.14 Wild Dog Destruction Act 1921 No 17

### [1] Section 3A The Wild Dog Destruction Board

Omit “three years” from section 3A (9).

Insert instead “the term specified in the instrument of appointment (not exceeding 3 years)”.

### [2] Section 3D Casual vacancy

Omit “residue of the predecessor’s term of office”.

Insert instead “term specified in the instrument of appointment (not exceeding 3 years)”.

### [3] Schedule 1

Insert after section 31:

## Schedule 1 Savings and transitional provisions

### Part 1 Provision consequent on enactment of Statute Law (Miscellaneous Provisions) Act 2011

#### 1 Terms of office of members of the Wild Dog Destruction Board

The amendments to this Act made by the *Statute Law (Miscellaneous Provisions) Act 2011* apply only to members of the Wild Dog Destruction Board appointed or reappointed after the commencement of those amendments.

#### Explanatory note

Item [1] of the proposed amendments to the *Wild Dog Destruction Act 1921* allows Wild Dog Destruction Board (**the Board**) members to be appointed or reappointed for a term of up to 3 years, rather than for a fixed term of 3 years as is currently the case.

Item [2] is a related amendment that allows a person appointed to a casual vacant office on the Board to hold office for a term of up to 3 years (as specified in the instrument of appointment), rather than for the residue of the predecessor’s term of office as is currently the case.

Item [3] applies the above amendments to members of the Board appointed or reappointed after the commencement of those amendments.

## **Schedule 2 Amendments by way of statute law revision**

### **2.1 Aboriginal Land Rights Regulation 2002**

#### **Clause 95 (3) (b)**

Omit “National Institute of Accountants”.

Insert instead “Institute of Public Accountants”.

#### **Explanatory note**

The proposed amendment updates a reference to a body.

### **2.2 Administrative Decisions Tribunal Regulation 2009**

#### **Clause 5 (i)**

Omit “section 64A”. Insert instead “section 79A”.

#### **Explanatory note**

The proposed amendment updates a cross-reference to a renumbered provision.

### **2.3 Anti-Discrimination Act 1977 No 48**

#### **Section 54 (3) (a)–(c)**

Omit the paragraphs.

#### **Explanatory note**

The proposed amendment omits references to repealed Acts and instruments.

### **2.4 Associations Incorporation Regulation 2010**

#### **Clause 3 (2)**

Insert “(except in Schedules 1 and 3)” after “this Regulation” where firstly occurring.

#### **Explanatory note**

The proposed amendment clarifies the operation of notes.

### **2.5 Baulkham Hills Local Environmental Plan 2005**

#### **Clause 63 (2)**

Omit “132kv”. Insert instead “132kV”.

#### **Explanatory note**

The proposed amendment corrects a typographical error.

## **2.6 Capital Debt Charges Act 1957 No 1**

### **Schedule**

Omit the matter relating to the Administrator of the Junee Water Supply.

#### **Explanatory note**

The proposed amendment removes redundant matter.

## **2.7 Coal Acquisition Legislation Repeal Act 2007 No 62**

### **[1] Section 4 (b)**

Omit the paragraph.

### **[2] Section 4 (c)**

Omit “, and the *Coal Ownership (Restitution) Regulation 2005* made under that Act”.

#### **Explanatory note**

The proposed amendments remove uncommenced provisions relating to a repealed Act and repealed regulations.

## **2.8 Commercial Agents and Private Inquiry Agents Regulation 2006**

### **[1] Clause 3 (1), paragraph (c) of the definition of “qualified accountant”**

Omit “National Institute of Accountants”.

Insert instead “Institute of Public Accountants”.

### **[2] Clause 3 (1), paragraph (c) of the definition of “qualified accountant”**

Omit “Public Practice Certificate”.

Insert instead “Professional Practice Certificate”.

#### **Explanatory note**

Item [1] of the proposed amendments updates a reference to a body.

Item [2] of the proposed amendments updates a reference to a certificate issued by that body.

## **2.9 Commercial Arbitration Act 2010 No 61**

### **Section 38**

Omit “Court”. Insert instead “court”.

#### **Explanatory note**

The proposed amendment corrects a typographical error.

## **2.10 Conveyancers Licensing Act 2003 No 3**

### **Section 137 (6)**

Omit “section 64A”. Insert instead “section 79A”.

#### **Explanatory note**

The proposed amendment updates a cross-reference to a renumbered provision.

## **2.11 Conveyancers Licensing Regulation 2006**

### **Clause 37 (1) (m)**

Omit “section 64A”. Insert instead “section 79A”.

#### **Explanatory note**

The proposed amendment updates a cross-reference to a renumbered provision.

## **2.12 Crimes at Sea Act 1998 No 173**

### **[1] Schedule 1, clause 14**

Omit “*Offshore Petroleum Act 2006*” wherever occurring.

Insert instead “*Offshore Petroleum and Greenhouse Gas Storage Act 2006*”.

### **[2] Schedule 1, clause 14 (2) (b)**

Omit “section 7 (2)”. Insert instead “section 8 (2)”.

### **[3] Schedule 1, clause 14 (4) (b)**

Omit “section 7 (1)”. Insert instead “section 8 (1)”.

#### **Explanatory note**

The proposed amendments update references to a renamed Commonwealth Act and renumbered provisions of that Act.

## **2.13 Election Funding, Expenditure and Disclosures Regulation 2009**

### **[1] Clause 36 (3) (c)**

Omit “National Institute of Accountants”.

Insert instead “Institute of Public Accountants”.

**[2] Clause 36 (3) (c)**

Omit “Public Practice Certificate”.

Insert instead “a Professional Practice Certificate”.

**Explanatory note**

Item [1] of the proposed amendments updates a reference to a body.

Item [2] of the proposed amendments updates a reference to a certificate issued by that body.

## **2.14 Environmental Planning and Assessment Act 1979 No 203**

**[1] Section 4 (1), definition of “public authority”**

Omit “*Public Sector Management Act 1988*” from paragraph (d).

Insert instead “*Public Sector Employment and Management Act 2002*”.

**[2] Section 96AB (6)**

Omit “section 97”. Insert instead “section 97AA”.

**Explanatory note**

Item [1] of the proposed amendments updates a reference to an Act.

Item [2] of the proposed amendments corrects a cross-reference.

## **2.15 Environmental Planning and Assessment Regulation 2000**

**[1] Clause 108 (1)**

Omit “2 days” wherever occurring. Insert instead “14 days”.

**[2] Clause 257**

Omit “section 82A (3) or section 96AB”. Insert instead “section 82A”.

**Explanatory note**

Item [1] of the proposed amendments updates cross-references to a period provided for in other provisions.

Item [2] of the proposed amendments omits a redundant cross-reference and updates a cross-reference to a repealed provision.

## **2.16 Fair Trading Act 1987 No 68**

**Section 8 (3)**

Omit “section 64A”. Insert instead “section 79A”.

**Explanatory note**

The proposed amendment updates a cross-reference to a renumbered provision.

## 2.17 Gunning Local Environmental Plan 1997

### Clause 25 (3) (b) (iii)

Omit “identificataion”. Insert instead “identification”.

#### Explanatory note

The proposed amendment corrects a typographical error.

## 2.18 Health Care Complaints Act 1993 No 105

### Section 7 (1) (a)

Omit “section 10AM”. Insert instead “section 100”.

#### Commencement

The amendment commences, or is taken to have commenced, on the date of commencement of section 100 of the *Public Health Act 2010*.

#### Explanatory note

The proposed amendment updates a cross-reference.

## 2.19 Health Practitioner Regulation (New South Wales) Regulation 2010

### [1] Clause 21

Omit “authorised officer”. Insert instead “authorised person”.

### [2] Clause 24 (3) and (5)

Omit “this Law” wherever occurring. Insert instead “the Law”.

#### Commencement

Item [1] of the amendments is taken to have commenced on 1 July 2010.

#### Explanatory note

Item [1] of the amendments corrects a reference to a term used to describe a person authorised to exercise enforcement powers under the *Health Practitioner Regulation National Law (NSW)*.

Item [2] of the proposed amendments corrects typographical errors.

## 2.20 Health Services Act 1997 No 154

### Schedule 1

Omit “Bathhurst” and “Blaney”.

Insert instead “Bathurst” and “Blayney”, respectively.

#### Explanatory note

The proposed amendment corrects typographical errors.

## **2.21 Home Building Act 1989 No 147**

**[1] Section 22B (8), note**

Omit “Section 64A”. Insert instead “Section 79A”.

**[2] Section 61A (6)**

Omit “section 64A”. Insert instead “section 79A”.

**Explanatory note**

The proposed amendments update cross-references to a renumbered provision.

## **2.22 Justices of the Peace Regulation 2009**

**[1] Clause 8 (2) (a) and (b) and Schedule 1, clause 5**

Omit “Attorney General’s Department” wherever occurring.

Insert instead “Department of Attorney General and Justice”.

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

Omit “Attorney General’s Department’s”.

Insert instead “Department of Attorney General and Justice’s”.

**Explanatory note**

The proposed amendments update references to a Department.

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

**Section 17 (d)**

Insert “96,” after “95A,”.

**Commencement**

The amendment is taken to have commenced on the commencement of the *Courts and Other Legislation Amendment Act 2011*.

**Explanatory note**

The proposed amendment re-inserts into a provision a cross-reference to a section that was incorrectly omitted by a recent amendment updating cross-references in the provision.

## **2.24 Legal Aid Commission Act 1979 No 78**

**[1] Section 4 (1), definition of “practising certificate”**

Omit “issued under Part 3 of the *Legal Profession Act 1987*”.

Insert instead “granted under Part 2.4 of the *Legal Profession Act 2004*”.

**[2] Section 25 (4) (c)**

Omit “*Legal Profession Act 1987*”.

Insert instead “*Legal Profession Act 2004*”.

**[3] Section 52B (9)**

Omit “Part 10 of the *Legal Profession Act 1987*”.

Insert instead “Chapter 4 of the *Legal Profession Act 2004*”.

**[4] Section 63 (1) (a)**

Omit “Division 2 of Part 6 of the *Legal Profession Act 1987*”.

Insert instead “Division 7 of Part 3.1 of the *Legal Profession Act 2004*”.

**[5] Section 64A (4)**

Omit “Part 6 of the *Legal Profession Act 1987*”.

Insert instead “Part 3.1 of the *Legal Profession Act 2004*”.

**Explanatory note**

The proposed amendments update cross-references.

## **2.25 Legal Profession Act 2004 No 112**

**[1] Section 394 (6)**

Omit “in the Gazette”. Insert instead “on the NSW legislation website”.

**[2] Section 573 (2)**

Omit “section 606”. Insert instead “section 729A”.

**Explanatory note**

Item [1] of the proposed amendments provides for rules made by the costs assessors' rules committee to be published on the NSW legislation website instead of in the Gazette.

Item [2] of the proposed amendments updates a cross-reference.

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

**[1] Section 55 (3)**

Renumber the bullet point paragraphs consecutively starting from paragraph (a).



**[2] Schedule 6, item 5A**

Omit “the first bullet point paragraph of section 55 (3)”.

Insert instead “section 55 (3) (a)”.

**Explanatory note**

Item [1] of the proposed amendments updates numbering style in a provision.

Item [2] of the proposed amendments updates a cross-reference consequentially on the amendment made by item [1].

**2.27 Local Government (General) Regulation 2005**

**[1] Clause 163 (1A)**

Omit “the first bullet point paragraph of section 55 (3)”.

Insert instead “section 55 (3) (a)”.

**[2] Clause 163 (2)**

Omit “the final bullet point paragraph of section 55 (3)”.

Insert instead “section 55 (3) (n)”.

**Explanatory note**

Items [1] and [2] of the proposed amendments update cross-references and are consequential on the proposed amendments to the *Local Government Act 1993* made elsewhere in this Schedule.

Item [2] of the proposed amendments also corrects a cross-reference.

**2.28 Macquarie University By-law 2005**

**Clause 12**

Omit “as a member”. Insert instead “as members”.

**Explanatory note**

The proposed amendment corrects a typographical error.

**2.29 Marine Safety Act 1998 No 121**

**[1] Schedule 2, Part 1**

Omit “*Maritime Services (Amendment) Act 1981 No 76*” and “*Maritime Services (Amendment) Act 1984 No 101*”.

**[2] Schedule 2, Part 2**

Omit the matter relating to the *Justices Act 1902*.

**Explanatory note**

Item [1] of the proposed amendments omits references to Acts that are proposed to be repealed elsewhere in the proposed Act.

Item [2] of the proposed amendments removes redundant matter.

**2.30 Marine Safety (Commercial Vessels) Regulation 2010**

**[1] Clauses 17 (3), 19 (4) and 20 (3)**

Omit “floatation” wherever occurring. Insert instead “flotation”.

**[2] Clause 91 (1)**

Omit “the construction of”.

**Explanatory note**

Item [1] of the proposed amendments standardises the spelling of a word.

Item [2] of the proposed amendments omits redundant words.

**2.31 Marine Safety (General) Regulation 2009**

**Clause 5, note**

Omit “in force on the making of this Regulation”.

**Explanatory note**

The proposed amendment updates a note.

**2.32 Mining Act 1992 No 29**

**[1] Sections 218B (3) and 235F (3)**

Omit “the appropriate lodgment fee” wherever occurring.

Insert instead “the application fee prescribed by the regulations”.

**[2] Dictionary, definition of “appropriate lodgment fee”**

Omit the definition.

**Commencement**

Item [1] of the amendments commences, or is taken to have commenced, on the commencement of sections 218B and 235F of the *Mining Act 1992*, as inserted by Schedule 1.15 to the *Personal Property Securities Legislation Amendment Act 2010*.

**Explanatory note**

The *Mining Amendment Act 2008* amended the *Mining Act 1992* to provide that fees under that Act are to be prescribed by regulation instead of being determined by the Minister. Item [1] of the proposed amendments updates uncommenced provisions of the *Mining Act 1992* as a consequence of that change.

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Item [2] of the proposed amendments makes a consequential amendment to omit a definition that is no longer used in the *Mining Act 1992*.

### **2.33 National Gas (New South Wales) Act 2008 No 31**

#### **Section 9 (1), definitions of “adjacent area of another participating jurisdiction” and “adjacent area of this jurisdiction”**

Omit “section 7 of the *Offshore Petroleum Act 2006*” wherever occurring.

Insert instead “section 8 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*”.

#### **Explanatory note**

The proposed amendment updates references to a renumbered provision in a renamed Commonwealth Act.

### **2.34 Offshore Minerals Act 1999 No 42**

#### **Sections 3 (2) (a), note 4 and 35, note 2**

Omit “*Offshore Petroleum Act 2006*” wherever occurring.

Insert instead “*Offshore Petroleum and Greenhouse Gas Storage Act 2006*”.

#### **Explanatory note**

The proposed amendment updates references to a renamed Commonwealth Act.

### **2.35 Parramatta Local Environmental Plan 2001**

#### **Clause 16, zoning table**

Omit “Coloured orange” from item 2 of the matter relating to Development in the 10 Mixed Use Zone.

Insert instead “Coloured olive”.

#### **Explanatory note**

The proposed amendment updates a map reference.

### **2.36 Passenger Transport Regulation 2007**

#### **[1] Clause 3 (1), paragraph (c) of the definition of “qualified accountant”**

Omit “National Institute of Accountants”.

Insert instead “Institute of Public Accountants”.

**[2] Clause 3 (1), paragraph (c) of the definition of “qualified accountant”**

Omit “Public Practice Certificate”.

Insert instead “Professional Practice Certificate”.

**Explanatory note**

Item [1] of the proposed amendments updates a reference to a body.

Item [2] of the proposed amendments updates a reference to a certificate issued by that body.

**2.37 Petroleum (Offshore) Act 1982 No 23**

**Section 5 (1), definition of “the Commonwealth Act”**

Omit “*Offshore Petroleum Act 2006*”.

Insert instead “*Offshore Petroleum and Greenhouse Gas Storage Act 2006*”.

**Explanatory note**

The proposed amendment updates a reference to a renamed Commonwealth Act.

**2.38 Plantations and Reafforestation (Code) Regulation 2001**

**[1] Appendix, clause 64C (2) (c)**

Omit “to this clause”. Insert instead “to subclause (3)”.

**[2] Appendix, clause 64C (3)**

Omit “to this clause”. Insert instead “to this subclause”.

**[3] Appendix, Dictionary**

Omit “*Aboriginal place* (as defined in the *National Parks and Wildlife Act 1974*) means any place declared to be an Aboriginal place under section 84 of that Act (which allows places to be declared to be Aboriginal places if the Minister for the Environment thinks the place is or was of special significance with respect to Aboriginal culture).”.

**Explanatory note**

Items [1] and [2] of the proposed amendments correct cross-references.

Item [3] of the proposed amendments omits a duplicated definition.

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## 2.39 Prisoners (Interstate Transfer) Order 2010

### Clause 6

Insert at the end of the clause:

- (2) The Order made under the Act and published on 16 February 1996 in Gazette No 20 at page 596 is repealed.

### Explanatory note

The proposed amendment repeals an Order that is redundant because of the making of the *Prisoners (Interstate Transfer) Order 2010*.

## 2.40 Property, Stock and Business Agents Act 2002 No 66

### Section 196 (6)

Omit “section 64A”. Insert instead “section 79A”.

### Explanatory note

The proposed amendment updates a cross-reference to a renumbered provision.

## 2.41 Property, Stock and Business Agents Regulation 2003

### Clause 43 (1) (o)

Omit “section 64A”. Insert instead “section 79A”.

### Explanatory note

The proposed amendment updates a cross-reference to a renumbered provision.

## 2.42 Protection of the Environment Operations (General) Regulation 2009

### [1] Clause 84, definition of “non-pilotage vessel”

Omit “Part 6 of the *Ports and Maritime Administration Act 1995*” wherever occurring.

Insert instead “Division 3 of Part 6 of the *Marine Safety Act 1998*”.

### [2] Clause 84, definition of “non-pilotage vessel”

Omit “pilotage exemption certificate under the *Marine Pilotage Licensing Act 1971*” from paragraph (b).

Insert instead “marine pilotage exemption certificate under the *Marine Safety Act 1998*”.

### Explanatory note

Item [1] of the proposed amendments updates a cross-reference.

Item [2] of the proposed amendments updates a reference to a licence.

## **2.43 Public Health Act 2010 No 127**

### **Schedule 4.8 [1]**

Omit “Division 1 or 2”. Insert instead “Division 1 or 3”.

#### **Explanatory note**

The proposed amendment corrects a cross-reference.

## **2.44 Residential Parks Act 1998 No 142**

### **[1] Section 4, note**

Omit the note.

### **[2] The whole Act**

Omit “cf” references relating to the RT Act and the CRHPI Code wherever occurring after section headings.

### **[3] Section 154**

Omit the section.

#### **Explanatory note**

Item [1] of the proposed amendments omits an obsolete note.

Item [2] of the proposed amendments omits obsolete references.

Item [3] of the proposed amendments omits a section made redundant by section 81 of the *Consumer, Trader and Tenancy Tribunal Act 2001*.

## **2.45 Residential Tenancies Regulation 2010**

### **Clause 25 (2)**

Omit “a Streamline”. Insert instead “an Everyday Access”.

#### **Explanatory note**

The proposed amendment reflects the change of name of a bank account.

## **2.46 Retail Trading Act 2008 No 49**

### **Schedule 1**

Omit “dvd shops”. Insert instead “DVD shops”.

#### **Explanatory note**

The proposed amendment corrects an abbreviation.

## **2.47 Security Industry Regulation 2007**

### **Clause 14 (1) (a)**

Omit “National Institute of Accountants”.

Insert instead “Institute of Public Accountants”.

#### **Explanatory note**

The proposed amendment updates a reference to a body.

## **2.48 Singleton Local Environmental Plan 1996**

### **Clause 39A**

Renumber clause 39 where secondly occurring as clause 39A.

#### **Explanatory note**

The proposed amendment corrects duplicated numbering.

## **2.49 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

### **Clause 1.12 (2)**

Omit “is varied”. Insert instead “are varied”.

#### **Explanatory note**

The proposed amendment corrects a grammatical error.

## **2.50 State Environmental Planning Policy (Infrastructure) 2007**

### **[1] Clause 10 (2) and (3)**

Omit the subclauses.

### **[2] Clause 113, definition of “telecommunications facility”**

Omit “point equipment” from paragraph (b).

Insert instead “point, equipment”.

#### **Explanatory note**

Item [1] of the proposed amendments removes redundant provisions relating to a repealed schedule.

Item [2] of the proposed amendments inserts missing punctuation.

## **2.51 State Environmental Planning Policy (Major Development) 2005**

### **Schedule 3, Part 28, clause 21**

Omit “this plan”. Insert instead “this Part”.

#### **Explanatory note**

The proposed amendment corrects a cross-reference.

## **2.52 State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011**

### **Clause 4 (1), definition of “NorBE Tool”**

Omit “Guidelines”. Insert instead “Guideline”.

#### **Explanatory note**

The proposed amendment corrects a typographical error.

## **2.53 Strata Schemes Management Act 1996 No 138**

### **Section 24 (d1)**

Omit “National Institute of Accountants”.

Insert instead “Institute of Public Accountants”.

#### **Explanatory note**

The proposed amendment updates a reference to a body.

## **2.54 Succession Act 2006 No 80**

### **Section 93 (1) (b), note**

Omit the note.

#### **Explanatory note**

The proposed amendment removes an inaccurate note.

## **2.55 Superannuation Act 1916 No 28**

### **Schedule 26**

Omit “Dame Edith Walker Convalescent Hospital for Men” from Part 1 of Schedule 26.

Insert instead “Dame Eadith Walker Convalescent Hospital for Men”.

#### **Explanatory note**

The proposed amendment corrects a typographical error.



## **2.56 Valuers Act 2003 No 4**

### **Section 24 (6)**

Omit “section 64A”. Insert instead “section 79A”.

#### **Explanatory note**

The proposed amendment updates a cross-reference to a renumbered provision.

## **2.57 Walker Trusts Act 1938 No 31**

### **Section 9A (3)**

Omit “section 11 (e) (ii)”. Insert instead “section 11 (ii)”.

#### **Explanatory note**

The proposed amendment corrects a cross-reference.

## **2.58 Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources 2011**

### **[1] Clause 23**

Insert “of” after “commencement”.

### **[2] Clause 54 (1) (b) (ii)**

Omit “the Australian Technical Standard 4747 as may be updated or replaced from time to time”.

Insert instead “Australian Technical Specification 4747, published by Standards Australia, as updated or replaced from time to time”.

#### **Explanatory note**

Item [1] of the proposed amendments inserts a missing word.

Item [2] of the proposed amendments clarifies a reference to a document.

## **2.59 Water Sharing Plan for the Karuah River Water Source 2003**

### **Clause 58 (2) (b)**

Insert “or” after “licence,”.

#### **Explanatory note**

The proposed amendment inserts a missing conjunction.

## **2.60 Water Sharing Plan for the Murrah-Wallaga Area Unregulated and Alluvial Water Sources 2010**

### **Clause 4 (1)**

Omit “(hereafter *these water sources*)” where secondly occurring.

#### **Explanatory note**

The proposed amendment omits duplicated words.

## **2.61 Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010**

### **Clause 76 (2) (i) (i)**

Insert “is” after “it”.

#### **Explanatory note**

The proposed amendment inserts a missing word.

## **2.62 Water Sharing Plan for the Towamba River Unregulated and Alluvial Water Sources 2010**

### **[1] Clause 42 (6) (a) (i)**

Omit “meters”. Insert instead “metres”.

### **[2] Clause 65 (a)**

Omit “this plan”. Insert instead “this Plan”.

### **[3] Clause 65 (d)**

Omit “registered map”. Insert instead “Registered Map”.

#### **Explanatory note**

The proposed amendments correct typographical errors.

## **2.63 Water Sharing Plan for the Tweed River Area Unregulated and Alluvial Water Sources 2010**

### **Clause 53 (3)**

Omit “satisfied the”. Insert instead “satisfied that”.

#### **Explanatory note**

The proposed amendment corrects a typographical error.

## **2.64 Workers Compensation Act 1987 No 70**

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

Omit “*Offshore Petroleum Act 2006*” wherever occurring.

Insert instead “*Offshore Petroleum and Greenhouse Gas Storage Act 2006*”.

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

Omit “section 7 (2)”. Insert instead “section 8 (2)”.

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

Omit “section 7 (1)”. Insert instead “section 8 (1)”.

**Explanatory note**

The proposed amendments update references to a renamed Commonwealth Act and renumbered provisions of that Act.

## **2.65 Workers Compensation Regulation 2010**

**Schedule 6, clause 15**

Omit “*Motor Accidents Compensation Regulation 2010*”.

Insert instead “*Motor Accidents Compensation Regulation 2005*”.

**Commencement**

The amendment is taken to have commenced on 1 February 2011.

**Explanatory note**

The proposed amendment corrects a cross-reference.

Schedule 3 Amendments transferring provisions, and other amendments consequential on repeals

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## **Schedule 3 Amendments transferring provisions, and other amendments consequential on repeals**

### **3.1 Baptist Churches of New South Wales Property Trust Act 1984 No 4**

#### **[1] Section 4 Definitions**

Omit section 4 (3). Insert instead:

- (3) The provisions of this Act, other than Schedule 4, do not affect the operation of Schedule 4 (Transferred provisions—*Saint Andrew's Cathedral Site Agreements and Central Baptist Church Act 1936*).

#### **[2] Schedule 4**

Insert after Schedule 3:

## **Schedule 4 Transferred provisions—Saint Andrew's Cathedral Site Agreements and Central Baptist Church Act 1936**

### **1 Definitions**

In this Schedule, unless the context or subject-matter otherwise indicates or requires:

***Baptist Union*** means the Baptist Union of New South Wales.

***repealed Act*** means the *Saint Andrew's Cathedral Site Agreements and Central Baptist Church Act 1936*.

***trustees*** means the trustees of the Central Baptist Church, Bathurst Street, Sydney, formerly known as the Bathurst Street Baptist Church.

### **2 Vesting of lands—trusts and conditions**

The lands vested in the trustees and more particularly described in the Third Schedule to the repealed Act (as in force immediately before its repeal) shall vest in the Baptist Union for an estate in fee simple and shall be held by the said corporation together with the building required by section 10 of that Act to be erected thereon, upon the trusts and subject to the provisions and conditions set out in the Fourth Schedule to that Act.

**3 Transferred provisions to which Interpretation Act 1987 applies**

Clauses 1 and 2 re-enact (with minor modifications) sections 8 and 9 of the repealed Act and are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

**3.2 Civil Liability Act 2002 No 22**

**Schedule 2**

Insert after Schedule 1:

**Schedule 2 Transferred provisions**

**1 Abolition of action for loss or deprivation of consortium**

- (1) A person is not liable for damages in tort on the ground that the negligence, or other act or omission, of the person caused loss or impairment of the consortium of a husband and wife.
- (2) Subclause (1) re-enacts section 3 (1) of the *Law Reform (Marital Consortium) Act 1984* and is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.

**2 Abolition of tort of maintenance (including champerty)**

- (1) The tort of maintenance (including champerty) is abolished.
- (2) This clause and clauses 5 and 6 of Schedule 3 to the *Crimes Act 1900* do not affect any rule of law as to the cases in which a contract is to be treated as contrary to public policy or as otherwise illegal, whether the contract was made before or after the commencement of the *Maintenance, Champerty and Barratry Abolition Act 1993*.
- (3) This clause re-enacts (with minor modification) sections 4 and 6 of the *Maintenance, Champerty and Barratry Abolition Act 1993* and is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.

**Note.** The crime of maintenance (including champerty) is also abolished. See Schedule 3 to the *Crimes Act 1900*.

### **3.3 Competition Policy Reform (New South Wales) Act 1995 No 8**

#### **Schedule 1**

Insert after section 45:

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

#### **1 Definition**

In this Schedule:

*Commonwealth Act* means the *Trade Practices Act 1974* of the Commonwealth.

#### **2 Existing authorisations**

- (1) If an authorisation granted under the Commonwealth Act is in force immediately before 21 July 1996, a corresponding authorisation is taken to have been also granted under the Competition Code.
- (2) Such a corresponding authorisation has the same effect for the purposes of the Competition Code as the firstmentioned authorisation has for the purposes of the Commonwealth Act, and may be amended, revoked or otherwise dealt with under the Competition Code.
- (3) This clause does not apply in relation to an authorisation granted under the Commonwealth Act if an authorisation in the same or substantially the same terms has already been granted as referred to in section 44 of this Act.

#### **3 Existing notifications**

- (1) If a notice given under section 93 of the Commonwealth Act is in force immediately before 21 July 1996, a corresponding notice is taken to have been also given under section 93 of the Competition Code.
- (2) Such a corresponding notice has the same effect for the purposes of the Competition Code as the firstmentioned notice has for the purposes of the Commonwealth Act, and may be withdrawn or otherwise dealt with under the Competition Code.
- (3) This clause does not apply in relation to a notice given under section 93 of the Commonwealth Act if a notice in the same or substantially the same terms has already been given as referred to in section 44 of this Act.

- (4) This clause applies to a notice given under section 93 (3) of the Commonwealth Act, as well as to a notice given under section 93 (1) of that Act.

**4 Transferred provisions to which Interpretation Act 1987 applies**

Clauses 1–3 re-enact (with minor modifications) clauses 2–4 of the *Competition Policy Reform (New South Wales) Savings and Transitional Regulation 1996* and are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

**3.4 Conversion of Cemeteries Act 1974 No 17**

**Schedule 3**

Insert after Schedule 2:

**Schedule 3 Transferred provisions relating to cemetery land**

**1 Gladesville Mental Hospital Cemetery Act 1960 No 45**

- (1) Subject to the provisions hereinafter contained, the Minister for Health (*the Minister*) may cause the remains of all persons buried in the lands described in Parts 1 and 2 of the Schedule to the *Gladesville Mental Hospital Cemetery Act 1960* (so far as such remains can by reasonable diligence be discovered or identified) together with all headstones, grave enclosures and other surface structures on such lands to be collected with due care and removed from such lands and shall cause any such remains so removed to be reverently reinterred and such headstones, grave enclosures and other surface structures to be re-erected in such cemetery as the Minister may determine.
- (2) The cost of such removal, reinterment and re-erection shall be borne by the Minister.
- (3) The Minister shall cause an advertisement of the Minister's intention to remove such remains, headstones, grave enclosures or other surface structures under the provisions of subclause (1), to be published 3 times at intervals of not less than 2 weeks in 1 or more newspapers circulating in the Metropolitan Area and no such remains, headstones, grave enclosures or other surface structures shall be so removed before the expiration of 3 months from publication of the last of such advertisements.
- (4) (a) At any time after publication of the first advertisement referred to in subclause (3) and before the expiration of

3 months from publication of the last of such advertisements, the representatives or any persons claiming to be the representatives of any person buried in the said lands may, at their own expense, remove the headstone, grave enclosure or other surface structure erected over the grave of such person, and may, at their own expense, and with the permission of the Director-General of the Department of Health, remove the remains of such person to such cemetery as they may desire.

- (b) Any such representatives or any such persons claiming to be such representatives shall give to the Minister for Health not less than 28 days' notice of their intention.
- (5) In this clause, a reference to the *Gladesville Mental Hospital Cemetery Act 1960* is a reference to that Act as in force immediately before its repeal.
- (6) Subclauses (1)–(5) re-enact (with minor modifications) section 3 of the *Gladesville Mental Hospital Cemetery Act 1960* and are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

**2 Methodist Church, Rockdale, Cemetery Act 1936 No 29**

- (1) The Trustees of the Methodist Church lands at Rockdale described in the First Part of the Schedule to the *Methodist Church, Rockdale, Cemetery Act 1936* (as in force immediately before its repeal) may remove any slab or tombstone erected on such lands and may re-erect such of those tombstone as are reasonably capable of re-erection on that portion of such lands as is described in the Second Part of that Schedule.
- (2) The said Trustees shall lay out and maintain upon the lands from which such slabs and tombstones have been so removed, gardens, lawns or grass plots.
- (3) Subclauses (1) and (2) re-enact (with minor modifications) section 2 (1) and (2) of the *Methodist Church, Rockdale, Cemetery Act 1936* and are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

**3 St. Andrew's Church of England, Mayfield, Cemetery Act 1957 No 39**

- (1) It shall be lawful for the Trustees of Church Property for the Diocese of Newcastle (hereinafter referred to as "the Trustees") or such persons as may be authorised by the Trustees to use the land described in the Schedule to the *St. Andrew's Church of*



*England, Mayfield, Cemetery Act 1957* (as in force immediately before its repeal) for the purposes of erecting and maintaining a hall, suitable monument and columbarium thereon and such other purposes of the Church of England as the Trustees may determine notwithstanding:

- (a) that the said land comprises a cemetery, and
  - (b) any trusts, conditions, encumbrances or dedications affecting the said land immediately before the commencement of that Act.
- (2) Subclause (1) re-enacts (with minor modifications) section 2 (1) of the *St. Andrew's Church of England, Mayfield, Cemetery Act 1957* and is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.

**4 St. Andrew's Presbyterian Church, Woonona, Cemetery Act 1966 No 6**

- (1) It shall be lawful for the Trustees or such persons as may be authorised by them to use the cemetery land as a rest park or for such other purposes of the Presbyterian Church of Australia in the State of New South Wales as the Trustees may determine, notwithstanding:
- (a) that, immediately before the commencement of the *St. Andrew's Presbyterian Church, Woonona, Cemetery Act 1966*, the cemetery land comprised a cemetery, and
  - (b) any trusts, conditions, encumbrances or dedications affecting the cemetery land immediately before the commencement of that Act.
- (2) Subclause (1) re-enacts (with minor modifications) section 3 of the *St. Andrew's Presbyterian Church, Woonona, Cemetery Act 1966* and is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.

**5 St. Anne's Church of England, Ryde, Act 1968 No 47**

- (1) It shall be lawful for the Trust or such persons as may be authorised by the Trust to use the cemetery land for the erection of extensions to St. Anne's Church of England at Ryde, and the construction of footpaths, driveways and car parking areas and such other purposes of the St. Anne's Church of England at Ryde, as the Trust may determine, notwithstanding:
- (a) that, immediately before the commencement of the *St. Anne's Church of England, Ryde, Act 1968*, the cemetery land comprised a cemetery, and

- (b) any trusts, conditions, encumbrances or dedications affecting the cemetery land immediately before the commencement of that Act.
- (2) Subclause (1) re-enacts (with minor modifications) section 4 of the *St. Anne's Church of England, Ryde, Act 1968* and is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.

**6 St. George's Church of England, Hurstville, Cemetery Act 1961  
No 63**

- (1) It shall be lawful for the Church of England Property Trust Diocese of Sydney (hereinafter referred to as *the Trust*) or such persons as may be authorised by the Trust to use such part of the land described in the Schedule to the *St. George's Church of England, Hurstville, Cemetery Act 1961* (as in force immediately before its repeal) as may be owned by the Trust and used as a cemetery (hereinafter referred to as *the said land*) for the purposes of erecting and maintaining a rectory and suitable monument thereon and such other purposes as may be declared by ordinance made under the *Anglican Church of Australia Trust Property Act 1917*, as amended by subsequent Acts, notwithstanding:
  - (a) that the said land comprises a cemetery, and
  - (b) any trusts, conditions, encumbrances or dedications affecting the said land immediately before the commencement of the *St. George's Church of England, Hurstville, Cemetery Act 1961*.
- (2) Subclause (1) re-enacts (with minor modifications) section 2 (1) of the *St. George's Church of England, Hurstville, Cemetery Act 1961* and is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.

**7 St. Peter's Church of England, Cook's River, Cemetery Act 1968  
No 48**

- (1) It shall be lawful for the Trust or such persons as may be authorised by the Trust to use the cemetery land for all or any of the following:
  - (a) a rest park,
  - (b) a garden area,
  - (c) a recreation area,

- (d) such other purposes as may be declared by ordinance made under the *Anglican Church of Australia Trust Property Act 1917*, as subsequently amended,

notwithstanding:

- (i) that, immediately before the commencement of the *St. Peter's Church of England, Cook's River, Cemetery Act 1968*, the cemetery land comprised a cemetery, and
- (ii) any trusts, conditions, encumbrances or dedications affecting the cemetery land immediately before the commencement of that Act.
- (2) Subclause (1) re-enacts (with minor modifications) section 3 of the *St. Peter's Church of England, Cook's River, Cemetery Act 1968* and is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.

### 3.5 Crimes Act 1900 No 40

#### Schedule 3 Abolished common law offences and rules

Insert after clause 4:

##### 5 Maintenance (including champerty)

- (1) The common law offence of maintenance (including champerty) is abolished.
- (2) Subclause (1) re-enacts section 3 of the *Maintenance, Champerty and Barratry Abolition Act 1993* and is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.

**Note.** The tort of maintenance (including champerty) is also abolished. See clause 2 of Schedule 2 to the *Civil Liability Act 2002*.

##### 6 Common barrator

- (1) The common law offence of being a common barrator is abolished.
- (2) Subclause (1) re-enacts section 4A of the *Maintenance, Champerty and Barratry Abolition Act 1993* and is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.

### **3.6 Environmental Planning and Assessment Act 1979 No 203**

#### **Schedule 7**

Insert after Schedule 6:

#### **Schedule 7 Transferred provisions**

##### **Part 1 Botany and Randwick Sites Development Act 1982**

###### **1 Bus depot**

- (1) The Minister may, by order published in the Gazette, declare that such land within the Municipality of Botany or the Municipality of Randwick or both as is specified or described in the order may be developed by the Urban Transit Authority, or by any other persons nominated in the order, for the purpose of a bus depot.
- (2) Notwithstanding anything in any planning instrument or in any other environmental planning instrument, the Urban Transit Authority, and any other persons nominated pursuant to subclause (1), or any of them, may carry out development for the purpose of a bus depot, without the necessity for consent under this Act being obtained therefor, on the land for the time being specified or described pursuant to subclause (1).
- (3) Subclauses (1) and (2) re-enact (with minor modifications) section 7 (1) and (2) of the *Botany and Randwick Sites Development Act 1982* and are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

### **3.7 Local Government and Other Authorities (Superannuation) Act 1927 No 35**

#### **Schedule H Savings and transitional provisions**

Insert in columns 1 and 2 of the Table in clause 1A (1):

*Local Government and Other  
Authorities (Superannuation)  
Amendment Act 1977*

Sections 6 and 7

### **3.8 Probate and Administration Act 1898 No 13**

#### **Section 54**

Insert after section 53:

#### **54 Transferred provision—Court may authorise business of intestate to be carried on**

- (1) Where any person has died intestate, as to any real or personal estate used by the deceased at the time of the deceased's death in any business, trade, or occupation, the Court may authorise the executor or administrator to postpone the realisation of the estate so used, or any part thereof, for such time as the Court thinks fit, and in the meantime to carry on the said business, trade, or occupation, and to use therein such estate or part thereof, subject to such conditions as the Court may think fit to impose.
- (2) Subsection (1) re-enacts (with minor modifications) section 5 of the *Administration (Validating) Act 1900* and is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.

### **3.9 Public Works Act 1912 No 45**

#### **[1] Section 91A**

Insert after section 91:

#### **91A Fences—transferred railway provisions**

##### **(1) Bungendore to Captain's Flat Railway Act 1930**

Notwithstanding the provisions of section 91, the Constructing Authority shall not be compelled, nor shall it be the duty of the said Authority, to make or maintain any fence along the line of railway described in the Schedule to the *Bungendore to Captain's Flat Railway Act 1930* (as in force immediately before its repeal) for the accommodation of any person or for any purpose whatsoever; but the said Authority may, in its discretion, make and maintain such fences in connection with the said line of railway as it may think fit.

##### **(2) Coonabarabran to Burren Junction Railway Act 1913**

Notwithstanding the provisions of section 91, the Constructing Authority shall not be compelled, nor shall it be the duty of the said authority to make or maintain any fence along the line of railway described in the Schedule to the *Coonabarabran to Burren Junction Railway Act 1913* (as in force immediately

before its repeal) for the accommodation of any person or for any purpose whatsoever; but the said Authority may, in his discretion, make and maintain such fences in connection with the said line of railway as he may think fit.

(3) **Newcastle Islands Development Scheme Railway Act 1966**

Notwithstanding the provisions of section 91, the Commissioner for Railways as constructing authority shall not be compelled nor shall it be the duty of the Commissioner for Railways as constructing authority to make or maintain, for the accommodation of any person or for any purpose whatsoever, any fence along that portion of the work described in the Schedule to the *Newcastle Islands Development Scheme Railway Act 1966* (as in force immediately before its repeal) extending from the northern bank of the South Channel of the Hunter River to the point adjacent to wharves to be constructed at Rotten Row; but the Commissioner for Railways may, in the Commissioner's discretion, make and maintain such fences in connection with that portion of the said work as the Commissioner may think fit.

(4) **Sandy Hollow, via Gulgong, to Maryvale Railway Act 1927**

Notwithstanding the provisions of section 91, the Constructing Authority shall not be compelled, nor shall it be the duty of the said Authority, to make or maintain any fence along the line of railway described in the Schedule to the *Sandy Hollow, via Gulgong, to Maryvale Railway Act 1927* (as in force immediately before its repeal) for the accommodation of any person or for any purpose whatsoever; but the said Authority may, in its discretion, make and maintain such fences in connection with the said line of railway as it may think fit.

(5) **Whittingham to Mount Thorley Railway Act 1975**

Notwithstanding the exclusion by subsection (3) of the *Whittingham to Mount Thorley Railway Act 1975* (as in force immediately before its repeal) of the provisions of section 91 (b) to and in respect of the scheduled work (within the meaning of that Act as in force immediately before its repeal), the Commission may in its discretion make and maintain such fences in connection with that scheduled work as it thinks fit.

(6) **Wyalong towards Condobolin Railway Act 1923**

Notwithstanding the provisions of section 91, the Constructing Authority shall not be compelled, nor shall it be the duty of the said Authority to make or maintain any fence along the line of railway described in the Schedule to the *Wyalong towards Condobolin Railway Act 1923* (as in force immediately before its

repeal) for the accommodation of any person or for any purpose whatsoever; but the said Authority may, in its discretion, make and maintain such fences in connection with the said line of railway as it may think fit.

- (7) Subsections (1)–(6), respectively, re-enact (with minor modifications) the following provisions and are transferred provisions to which section 30A of the *Interpretation Act 1987* applies:
- (a) section 6 of the *Bungendore to Captain’s Flat Railway Act 1930*,
  - (b) section 6 of the *Coonabarabran to Burren Junction Railway Act 1913*,
  - (c) section 8 of the *Newcastle Islands Development Scheme Railway Act 1966*,
  - (d) section 6 of the *Sandy Hollow, via Gulgong, to Maryvale Railway Act 1927*,
  - (e) section 5 (4) of the *Whittingham to Mount Thorley Railway Act 1975*,
  - (f) section 6 of the *Wyalong towards Condobolin Railway Act 1923*.

**[2] Ninth Schedule**

Omit the heading to the Ninth Schedule. Insert instead:

**Ninth Schedule Savings, transitional and other provisions**

Schedule 3 Amendments transferring provisions, and other amendments consequential on repeals

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**[3] Ninth Schedule**

Insert after clause 3:

**Transferred provisions—Railways**

**4 Maintenance of roads and bridges**

The provisions listed in the following Table are taken to have been transferred to this Act and to be transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

**Table**

<b>Column 1</b>	<b>Column 2</b>
<i>Great Northern Railway Deviation (Singleton to Nundah) Act 1951</i>	Section 6
<i>Newcastle Islands Development Scheme Railway Act 1966</i>	Section 7
<i>Railway Construction (East Hills to Campbelltown) Act 1983</i>	Section 10
<i>Sutherland to Cronulla Railway Act 1936</i>	Section 6
<i>Whittingham to Mount Thorley Railway Act 1975</i>	Section 10

**3.10 State Bank (Corporatisation) Act 1989 No 195**

**Schedule 1**

Insert after section 22:

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

**1 Corporation may act in own name or in name of State Bank**

- (1) On and from:
- (a) the commencement of the order under section 9 transferring the business undertaking of the State Bank to the Corporation, and
  - (b) the dissolution of the State Bank,
- the Corporation may, in connection with that business undertaking, act in its own name as the universal successor of the State Bank or (if necessary) act in the name of the State Bank.



- (2) Subclause (1) applies for all purposes, including for the purpose of the rules of private international law.
- (3) Without limiting subclause (1), the Corporation may act in the name of the State Bank if it is necessary to do so under the law of any country to perfect the transfer of any asset, right or liability comprised in the business undertaking or to take legal proceedings in connection with any such asset, right or liability.
- (4) For the purposes of this clause, the Corporation is authorised to use the seal of the State Bank.

**2 Preservation of full-time director's superannuation rights**

- (1) This clause applies to a full-time director of the Corporation who, immediately before becoming such a director:
  - (a) was a full-time director of the State Bank, or
  - (b) was an employee of the Corporation who, immediately before becoming such an employee, was an officer or employee of the State Bank.
- (2) A full-time director to whom this clause applies:
  - (a) may continue to contribute to any superannuation scheme to which he or she was a contributor immediately before becoming such a director, and
  - (b) is entitled to receive any payment, pension or gratuity accrued or accruing under the scheme,  
as if he or she had continued to be such a contributor during service as a full-time director with the Corporation.
- (3) Such service with the Corporation is to be taken to be service as an officer in his or her previous employment (under which the entitlement to contribute to the scheme arose) for the purposes of any law under which the full-time director continues to contribute to the scheme or by which an entitlement under the scheme is conferred.
- (4) The full-time director is to be regarded as an officer or employee, and the Corporation is to be regarded as the employer, for the purposes of the scheme.
- (5) This clause ceases to apply to the full-time director if he or she becomes a contributor to another superannuation scheme, but the director is not prevented from receiving a resignation benefit from the first superannuation scheme.

- (6) A full-time director is not entitled to claim, under both this clause and any Act, dual benefits of the same kind for the same period of service.
- (7) This clause applies to a full-time director referred to in subclause (1) (b) only if he or she was a contributor to the same superannuation scheme during the whole of the period during which he or she was an employee of the Corporation.
- (8) In this clause:  
*superannuation scheme* means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under an Act.

**3 Transferred provisions to which Interpretation Act 1987 applies**

Clauses 1 and 2 re-enact (with minor modifications) clauses 5 and 8 of the *State Bank (Corporatisation) Savings and Transitional Regulation 1990* and are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

**3.11 State Records Act 1998 No 17**

**Section 78A**

Insert after section 78:

**78A Transferred provision—Olympic Environmental Legacy Archive**

- (1) The Authority is to maintain the documents deposited under section 22 of the *Sydney 2000 Games Administration Act 2000* (as in force immediately before its repeal) as a discrete part of the State archives, under the name of “The Olympic Environmental Legacy Archive”.
- (2) This Act applies to and in respect of the documents deposited under that section as if those documents were State records no longer in use for official purposes within the meaning of this Act.
- (3) Subsections (1) and (2) re-enact (with minor modifications) section 23 of the *Sydney 2000 Games Administration Act 2000*. Subsections (1) and (2) are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

**3.12 Subordinate Legislation Act 1989 No 146**

**Schedule 4 Excluded instruments**

Omit item 26.

### **3.13 Superannuation Legislation Amendment (Family Law) Act 2003 No 77**

#### **Schedule 2 Amendment of Judges' Pensions Act 1953 No 41**

Omit the definitions of *First State Superannuation Fund* and *FTC* from proposed section 15A of the *Judges' Pensions Act 1953* No 41 in Schedule 2 [2].

Insert instead, respectively:

*First State Superannuation Fund* has the same meaning as *Fund* has in the *First State Superannuation Act 1992*.

*FTC* has the same meaning as in the *First State Superannuation Act 1992*.

### **3.14 Transport Administration Act 1988 No 109**

#### **Schedule 10**

Insert after Schedule 9:

#### **Schedule 10 Transferred provisions—Tocumwal Railway Extension Act 1906**

##### **1 Authority for construction and maintenance of line by Government of the State of Victoria**

The Government of the State of Victoria may construct and maintain a line of railway and other works incidental thereto from a point on the flood channel or flats of the river Murray to Tocumwal, in the State of New South Wales, a distance of approximately two miles (which said line is more fully described in Schedule Two to the 1906 Act), and for that purpose may occupy and use any land appropriated, resumed, or acquired by the Secretary for Public Works as provided by section 4 of the 1906 Act.

##### **2 Ratification of agreement**

The agreement, a copy of which is set out in Schedule One to the 1906 Act, is hereby ratified and confirmed.

**Note.** The agreement, entered into by the States of New South Wales and Victoria, contains provisions that may have ongoing effect. These provisions include clause 6, which provides that the State of Victoria is to bear the cost of maintaining and working both the line authorised to be extended from Victoria to Tocumwal, New South Wales and the Tocumwal bridge.

**3 Meaning of “1906 Act”**

In this Schedule, *the 1906 Act* means the *Tocumwal Railway Extension Act 1906* as in force immediately before its repeal.

**4 Transferred provisions to which Interpretation Act 1987 applies**

Clauses 1–3 re-enact (with minor modifications) sections 2 and 3 of the *Tocumwal Railway Extension Act 1906* and are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

**3.15 Trustee Act 1925 No 14**

**[1] Section 43 Maintenance and accumulation—instruments that came into operation on or after 1 March 1926**

Insert “by this Act” after “*Trustee Act 1898*” in section 43 (11).

**[2] Section 43 (11), note**

Insert after section 43 (11):

**Note.** This Act repealed all of the provisions of the *Trustee Act 1898 (the 1898 Act)*, other than section 1 (Name of Act) and section 18. The above subsection limited the ongoing application of section 18 of the 1898 Act to any instrument creating a trust where the instrument came into operation before 1 March 1926. Section 43A contains provisions transferred from section 18 of the 1898 Act by the *Statute Law (Miscellaneous Provisions) Act 2011*.

**[3] Section 43A**

Insert after section 43:

**43A Maintenance and accumulation—instruments that came into operation before 1 March 1926**

- (1) Subsections (2)–(5) re-enact (with minor modification) section 18 of the *Trustee Act 1898* and are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.
- (2) In all cases where any property is held by trustees in trust for an infant, either absolutely or contingently on his or her attaining the age of 21 years, or on the occurrence of any event previously to his or her attaining that age, such trustees may pay to the guardian (if any) of such infant, or may otherwise apply for or towards the maintenance or education of such infant, the whole or any part of the income to which such infant may be entitled in respect of such property, whether there be any other fund applicable to the same purpose or any other person bound by law to provide for such maintenance or education or not, and such trustees shall

accumulate all the residue of such income by way of compound interest by investing the same, and the resulting income thereof from time to time, in proper securities for the benefit of the person who shall ultimately become entitled to the property from which such accumulation has arisen:

- (3) Provided that such trustees may at any time apply the whole or any part of such accumulations as if the same were part of the income arising in the then current year.

**Note.** Subsections (2) and (3) re-enact section 18 (1) and (2) of the *Trustee Act 1898 (the 1898 Act)* and, as provided by subsection (1), are transferred provisions to which section 30A of the *Interpretation Act 1987* applies. They were transferred by the *Statute Law (Miscellaneous Provisions) Act 2011* to enable the repeal of the 1898 Act. On the commencement of this Act on 1 March 1926, those provisions were repealed by the Schedule to this Act, except to the extent provided by section 43 (11). As a result they applied only where the instrument creating the trust came into operation before that date.

- (4) The power conferred by subsection (2) extends to the payment, after the commencement of the *Minors (Property and Contracts) Act 1970*, of income to an infant who has reached the age of 18 years, but this section does not limit the generality of subsection (1).
- (5) This section does not affect such right as an infant may have in consequence of the *Minors (Property and Contracts) Act 1970*, upon reaching the age of 18 years or otherwise, to call for payment or transfer of property to which he or she is absolutely entitled.

### 3.16 Workers Compensation Act 1987 No 70

#### Schedule 6 Savings, transitional and other provisions

Insert after clause 6 of Part 19 of Schedule 6:

#### **7 Provision transferred from Workers' Compensation (Brucellosis) Act 1979**

- (1) Any certificate issued as referred to in a provision of the *Workers' Compensation (Brucellosis) Act 1979 (the 1979 Act)* and:
- (a) in force immediately before the date of the repeal of that provision effected by section 41 of the 1979 Act as in force before the commencement of the *Workers' Compensation (Brucellosis) Revival and Amendment Act 1986*, or

- (b) in force immediately before the date of the repeal of that provision effected by section 41 of the 1979 Act as in force after that commencement,

shall continue to have force and effect as if that repeal had not been effected.

**Note.** Parts 2–5 of the 1979 Act were repealed on 1 January 1985 by section 41 of that Act as originally enacted. Paragraph (a) saves relevant certificates in force immediately before that date.

Parts 2–5 of the 1979 Act were revived by the *Workers' Compensation (Brucellosis) Revival and Amendment Act 1986*. Those revived provisions were repealed on 1 July 1988. Paragraph (b) saves relevant certificates in force immediately before that date.

- (2) Subclause (1) re-enacts (with minor modification) section 39 (2) of the 1979 Act. Subclause (1) is a transferred provision to which section 30A of the *Interpretation Act 1987* applies.

**Note.** The transfer enabled the repeal of the 1979 Act by the *Statute Law (Miscellaneous Provisions) Act 2011*.

#### Explanatory note

Schedule 3.1–3.6, 3.8–3.11 and 3.14–3.16 insert the substance of provisions (of possible ongoing effect) of Acts and instruments repealed by clause 4 of Schedule 4 into various Acts. In accordance with section 30A of the *Interpretation Act 1987*, the transfer of the provisions does not affect the operation (if any) or meaning of the provisions. In particular:

- (a) section 5 of the *Administration (Validating) Act 1900* is transferred to the *Probate and Administration Act 1898*, and
- (b) section 7 (1) and (2) of the *Botany and Randwick Sites Development Act 1982* are transferred to the *Environmental Planning and Assessment Act 1979*, and
- (c) certain provisions of the following Acts are transferred to the *Public Works Act 1912*:
- (i) *Bungendore to Captain's Flat Railway Act 1930*,
  - (ii) *Coonabarabran to Burren Junction Railway Act 1913*,
  - (iii) *Great Northern Railway Deviation (Singleton to Nundah) Act 1951*,
  - (iv) *Newcastle Islands Development Scheme Railway Act 1966*,
  - (v) *Railway Construction (East Hills to Campbelltown) Act 1983*,
  - (vi) *Sandy Hollow, via Gulgong, to Maryvale Railway Act 1927*,
  - (vii) *Sutherland to Cronulla Railway Act 1936*,
  - (viii) *Whittingham to Mount Thorley Railway Act 1975*,
  - (ix) *Wyalong towards Condobolin Railway Act 1923*, and
- (d) clauses 2–4 of the *Competition Policy Reform (New South Wales) Savings and Transitional Regulation 1996* are transferred to the *Competition Policy Reform (New South Wales) Act 1995*, and
- (e) certain provisions of the following Acts are transferred to the *Conversion of Cemeteries Act 1974*:
- (i) *Gladesville Mental Hospital Cemetery Act 1960*,
  - (ii) *Methodist Church, Rockdale, Cemetery Act 1936*,
  - (iii) *St. Andrew's Church of England, Mayfield, Cemetery Act 1957*,

- (iv) *St. Andrew's Presbyterian Church, Woonona, Cemetery Act 1966,*
- (v) *St. Anne's Church of England, Ryde, Act 1968,*
- (vi) *St. George's Church of England, Hurstville, Cemetery Act 1961,*
- (vii) *St. Peter's Church of England, Cook's River, Cemetery Act 1968,* and
- (f) section 3 (1) of the *Law Reform (Marital Consortium) Act 1984* and sections 4 and 6 of the *Maintenance, Champerty and Barratry Abolition Act 1993* are transferred to the *Civil Liability Act 2002,* and
- (g) sections 3 and 4A of the *Maintenance, Champerty and Barratry Abolition Act 1993* are transferred to the *Crimes Act 1900,* and
- (h) sections 8 and 9 of the *Saint Andrew's Cathedral Site Agreements and Central Baptist Church Act 1936* are transferred to the *Baptist Churches of New South Wales Property Trust Act 1984,* and
- (i) clauses 5 and 8 of the *State Bank (Corporatisation) Savings and Transitional Regulation 1990* are transferred to the *State Bank (Corporatisation) Act 1989,* and
- (j) section 23 of the *Sydney 2000 Games Administration Act 2000* is transferred to the *State Records Act 1998,* and
- (k) sections 2 and 3 of the *Tocumwal Railway Extension Act 1906* are transferred to the *Transport Administration Act 1988,* and
- (l) section 18 of the *Trustee Act 1898* is transferred to the *Trustee Act 1925,* and
- (m) section 39 (2) of the *Workers' Compensation (Brucellosis) Act 1979* is transferred to the *Workers Compensation Act 1987.*

Schedule 3.7 enables the repeal of the *Local Government and Other Authorities (Superannuation) Amendment Act 1977 (the 1977 Act)* by clause 2 of Schedule 4. In particular, it amends the *Local Government and Other Authorities (Superannuation) Act 1927* to add savings provisions contained in the 1977 Act to a list of other provisions that are taken to be transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

Schedule 3.12 makes an amendment to the *Subordinate Legislation Act 1989* that is consequential on the repeal of the *Royal Blind Society (Corporate Conversion) Act 2003* by clause 1 of Schedule 4.

The amendment to the *Superannuation Legislation Amendment (Family Law) Act 2003 (the 2003 Act)* by Schedule 3.13 enables the repeal of the *First State Superannuation Legislation Amendment (Conversion) Act 2005 (the 2005 Act)* by clause 1 of Schedule 4. The 2005 Act contains only formal provisions and amendments to an uncommenced provision (section 15A of the *Judges' Pensions Act 1953*) that is inserted by the 2003 Act. The amendment transfers to the 2003 Act the substance of those amendments.

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## Schedule 4 Repeals

### 1 Repeal of redundant Acts, instruments and provisions

The following Acts and instruments, or provisions of Acts, are repealed:

<b>Act or instrument</b>	<b>Provisions repealed</b>
<i>Australian Iron &amp; Steel Limited Agreement Ratification Act 1936</i> No 36	Whole Act
<i>Bega Cemetery Act 1943</i> No 37	Whole Act
<i>Blue Mountains Land Development (Special Provisions) Act 1985</i> No 55	Whole Act
<i>Bungendore to Captain's Flat Railway Agreement Ratification Act 1937</i> No 25	Whole Act
<i>Business Franchise Licences (Repeal) Act 1997</i> No 109	Whole Act
<i>Campbelltown Presbyterian Cemetery Act 1984</i> No 19	Whole Act
<i>Canowindra to Gregra Railway Act 1924</i> No 54	Whole Act
<i>Carlingford Drainage Improvement (Land Exchange) Act 1992</i> No 68	Whole Act
<i>Chaffey Dam Act 1974</i> No 60	Whole Act
<i>Circular Quay Land Act 1890</i> 54 Vic No 24	Whole Act
<i>Clyde Waste Transfer Terminal (Special Provisions) Act 2003</i> No 88	Whole Act
<i>Coal Mining Industry Long Service Leave (Repeal) Act 1992</i> No 82	Whole Act
<i>Commonwealth and State Housing Agreement Act 1946</i> No 19	Whole Act
<i>Commonwealth and State Housing Agreement Act 1955</i> No 41	Whole Act
<i>Commonwealth Loans (Investment Enabling) Act 1915</i> No 63	Whole Act
<i>Competition Policy Reform (New South Wales) Regulation 2008</i>	Whole Regulation
<i>Constitutional Legislation (Repeal) Act 1985</i> No 110	Whole Act
<i>Conveyancing Act 1919</i> No 6	Section 155



<b>Act or instrument</b>	<b>Provisions repealed</b>
<i>Coomealla Irrigation Area Deep Drainage (Repeal) Act 1979 No 162</i>	Whole Act
<i>Country Towns Water and Sewerage (Reduction of Debts) Act 1922 No 27</i>	Whole Act
<i>Country Towns Water Supply and Sewerage (Debts) Act 1937 No 32</i>	Whole Act
<i>Darling Harbour Wharves Resumption Act 1900 No 10</i>	Whole Act
<i>Dartmouth Reservoir (Financial Agreement) Act 1970 No 30</i>	Whole Act
<i>Destitute Children's Society (Vesting) Act 1916 No 82</i>	Whole Act
<i>East Maitland Pasturage Reserve (Divesting) Act 1937 No 24</i>	Whole Act
<i>Evans Head Harbour Works Act 1960 No 44</i>	Whole Act
<i>Financial Agreement (Returned Soldiers Settlement) Ratification Act 1935 No 1</i>	Whole Act
<i>First State Superannuation Legislation Amendment (Conversion) Act 2005 No 91</i>	Whole Act
<i>Funeral Services Industry (Days of Operation) Repeal Act 2000 No 14</i>	Whole Act
<i>Gilgandra to Collie Railway Act 1915 No 47</i>	Whole Act
<i>Glen Innes to Inverell Railway Act 1950 No 7</i>	Whole Act
<i>Guyra to Dorrigo Railway Act 1928 No 15</i>	Whole Act
<i>Housing Agreement Act 1956 No 35</i>	Whole Act
<i>Housing Agreement Act 1961 No 39</i>	Whole Act
<i>Housing Agreement Act 1966 No 40</i>	Whole Act
<i>Housing Agreement Act 1973 No 57</i>	Whole Act
<i>Housing Agreement Act 1974 No 90</i>	Whole Act
<i>Housing Agreement Act 1978 No 149</i>	Whole Act
<i>Housing Agreement Act 1981 No 129</i>	Whole Act
<i>Housing Agreement Act 1985 No 32</i>	Whole Act
<i>Inverell to Ashford Railway Act 1927 No 27</i>	Whole Act
<i>Junee Water Supply Administration (Repeal) Act 1982 No 139</i>	Whole Act

<b>Act or instrument</b>	<b>Provisions repealed</b>
<i>Kooragang Coal Terminal (Special Provisions) Act 1997</i> No 138	Whole Act
<i>Lady Edith Carpenter Land Vesting Act 1937</i> No 6	Whole Act
<i>Law Courts Limited Act 1977</i> No 10	Whole Act
<i>Local Court (Savings and Transitional) Regulation 2009</i>	Whole Regulation
<i>Local Government Areas Amalgamation Act 1980</i> No 110	Whole Act
<i>Local Government (City of Sydney Boundaries) Act 1967</i> No 48	Whole Act
<i>Moore-street Improvement Act of 1890</i> 54 Vic No 30	Whole Act
<i>Moss Vale—Port Kembla Railway Agreement Ratification Act 1927</i> No 21	Whole Act
<i>New South Wales Investment Corporation (Sale) Act 1988</i> No 50	Whole Act
<i>Newcastle (Miscellaneous Lands) Act 1979</i> No 140	Whole Act
<i>Parliamentary Remuneration (Special Provisions) Act 1982</i> No 158	Whole Act
<i>Parramatta River (Ryde to Concord) Bridge Act 1931</i> No 9	Whole Act
<i>Police Powers (Drug Detection Trial) Act 2003</i> No 28	Whole Act
<i>Port Kembla Development (Special Provisions) Act 1997</i> No 40	Whole Act
<i>Public Servant Housing Authority (Dissolution) Act 1996</i> No 14	Whole Act
<i>Rand to Bull Plain Railway Act 1924</i> No 60	Whole Act
<i>Royal Blind Society (Corporate Conversion) Act 2003</i> No 64	Whole Act
<i>Royal Blind Society (Merger) Act 2005</i> No 87	Section 5
<i>St. Anne's Church of England (Ryde) Cemetery Act 1940</i> No 9	Whole Act
<i>South-west Tablelands Water Supply Administration (Repeal) Act 1997</i> No 114	Whole Act

<b>Act or instrument</b>	<b>Provisions repealed</b>
<i>Sports Drug Testing Act 1995</i> No 45	Whole Act
<i>State Environmental Planning (Permissible Mining) Act 1996</i> No 27	Whole Act
<i>Statute Law (Miscellaneous Provisions) Act 2009</i> No 56	Schedule 5
<i>Statute Law (Miscellaneous Provisions) Act 2010</i> No 59	Whole Act
<i>Statute Law (Miscellaneous Provisions) Act (No 2) 2008</i> No 114	Schedule 4
<i>Statute Law (Miscellaneous Provisions) Act (No 2) 2009</i> No 106	Schedule 6
<i>Subordinate Legislation (Repeal) Act 1985</i> No 232	Whole Act
<i>Summary Offences (Repeal) Act 1979</i> No 62	Whole Act
<i>Sydney to Melbourne Railway Standardisation Agreement Act 1958</i> No 48	Whole Act
<i>Thirlmere to Burragorang Railway Act 1951</i> No 28	Whole Act
<i>Tocumwal Railway Extension (Supplementary Agreement Ratification) Act 1978</i> No 71	Whole Act
<i>Totalizator Agency Board Privatisation Transitional Regulation 1998</i>	Whole Regulation
<i>Water Management (Private Water Trusts—General) Savings and Transitional Regulation 1995</i>	Whole Regulation

## **2 Repeal of amending Acts, instruments and provisions that have commenced**

The following Acts or instruments, or provisions of Acts or instruments, are repealed:

<b>Act</b>	<b>Provisions repealed</b>
<i>Combat Sports Act 2008</i> No 116	Section 76 and Schedule 2
<i>Conveyancers Licensing Act 2003</i> No 3	Section 170 and Schedule 2
<i>Drug and Alcohol Treatment Act 2007</i> No 7	Section 56 and Schedule 4

Statute Law (Miscellaneous Provisions) Bill 2011

Schedule 4 Repeals

<b>Act</b>	<b>Provisions repealed</b>
<i>Environmental Planning and Assessment Amendment Act 2008</i> No 36	Schedules 1, 2.1 [16], 4.1 [28] and [30], 5.1 [2], 5.2, 5.4 [4]–[7]
<i>Fisheries Management (Lobster Share Management Plan) Regulation 2000</i>	Clause 3
<i>Land Development Contribution Management Act 1970</i> No 22	Part 10
<i>Local Government and Other Authorities (Superannuation) Amendment Act 1977</i> No 46	Whole Act
<i>Local Government (Town and Country Planning) Amendment Act 1962</i> No 7	Whole Act
<i>Maritime Services (Amendment) Act 1981</i> No 76	Whole Act
<i>Maritime Services (Amendment) Act 1984</i> No 101	Whole Act
<i>Mining Amendment Act 2008</i> No 19	Schedules 1 [1]–[15], [17]–[19], [23]–[26], [29]–[31], [33], [34], [36], [39], [40], [43]–[50], [52], [53], [55], [59], [60], [63], [65]–[67], [72]–[77], [79], [80], [83], [84], [86], [87], [89]–[95], [100], [102]–[115], [119], [120], [123], [124], [126], [128]–[132], [135]–[137], [139], [140], [144]–[146], [150], [151], [153], [154], [156]–[158], [160]–[171], [173], [176], [179]–[181], [184]–[187], [189], [190], [192], [193], [195], [198], [201], [205]–[212], [214], [216], [219]–[221], [223], [224], [226], [227], [230], [236], [239], [241]–[243], [245], [246A], [246B], [251], [253], [254], [257], [259], [263], [264], [270]–[272], [274], [275], [281]–[284], 2.1–2.4 and 2.7
<i>National Parks and Wildlife (Adjustment of Areas) Act 2005</i> No 27	Section 9 and Schedule 3

<b>Act</b>	<b>Provisions repealed</b>
<i>Property, Stock and Business Agents Act 2002</i> No 66	Section 228 and Schedule 2
<i>Public Health (Tobacco) Act 2008</i> No 94	Schedule 2.1–2.3
<i>State Environmental Planning Policy (Affordable Rental Housing) Amendment 2011</i>	Whole Policy
<i>Statute Law (Miscellaneous Provisions) Act 2009</i> No 56	Schedules 1.13 [1]–[6], [8] and [9] and 2–4
<i>Statute Law (Miscellaneous Provisions) Act (No 2) 2008</i> No 114	Schedules 1.8 [7], 1.12 [1], [2] and [7]–[9], 2.32 [1] and 3
<i>Statute Law (Miscellaneous Provisions) Act (No 2) 2009</i> No 106	Schedules 2–5
<i>Superannuation Legislation Amendment (Family Law) Act 2003</i> No 77	Schedules 5–7 and 10–12

**3 Repeal of uncommenced Acts and provisions that cannot be commenced either because they amend Acts, instruments or provisions that have since been repealed or for other reasons**

The following Acts or provisions of Acts are repealed:

<b>Act</b>	<b>Provisions repealed</b>
<i>Coal Mine Health and Safety Amendment Act 2010</i> No 23	Schedule 3.5
<i>Environmental Planning and Assessment Amendment Act 2008</i> No 36	Schedule 5.3
<i>Superannuation Legislation Amendment (Family Law) Act 2003</i> No 77	Schedule 1
<i>WorkCover Legislation Amendment Act 1996</i> No 120	Whole Act
<i>Workers Compensation Legislation Amendment (Miscellaneous Provisions) Act 2005</i> No 113	Schedule 3.2

#### 4 Repeal of Acts and instruments whose provisions are transferred by Schedule 3

The following Acts and instruments are repealed:

<b>Act or instrument</b>	<b>Provisions repealed</b>
<i>Administration (Validating) Act 1900</i> No 38	Whole Act
<i>Botany and Randwick Sites Development Act 1982</i> No 99	Whole Act
<i>Bungendore to Captain's Flat Railway Act 1930</i> No 23	Whole Act
<i>Competition Policy Reform (New South Wales) Savings and Transitional Regulation 1996</i>	Whole Regulation
<i>Coonabarabran to Burren Junction Railway Act 1913</i> No 12	Whole Act
<i>Eastern Gas Pipeline (Special Provisions) Act 1996</i> No 126	Whole Act
<i>Gladesville Mental Hospital Cemetery Act 1960</i> No 45	Whole Act
<i>Great Northern Railway Deviation (Singleton to Nundah) Act 1951</i> No 37	Whole Act
<i>Law Reform (Marital Consortium) Act 1984</i> No 38	Whole Act
<i>Maintenance, Champerty and Barratry Abolition Act 1993</i> No 88	Whole Act
<i>Methodist Church, Rockdale, Cemetery Act 1936</i> No 29	Whole Act
<i>National Parks and Wildlife (Adjustment of Areas) Act 2001</i> No 49	Whole Act
<i>Newcastle Islands Development Scheme Railway Act 1966</i> No 28	Whole Act
<i>Railway Construction (East Hills to Campbelltown) Act 1983</i> No 111	Whole Act
<i>Saint Andrew's Cathedral Site Agreements and Central Baptist Church Act 1936</i> No 15	Whole Act
<i>St. Andrew's Church of England, Mayfield, Cemetery Act 1957</i> No 39	Whole Act
<i>St. Andrew's Presbyterian Church, Woonona, Cemetery Act 1966</i> No 6	Whole Act

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<b>Act or instrument</b>	<b>Provisions repealed</b>
<i>St. Anne's Church of England, Ryde, Act 1968</i> No 47	Whole Act
<i>St. George's Church of England, Hurstville, Cemetery Act 1961</i> No 63	Whole Act
<i>St. Peter's Church of England, Cook's River, Cemetery Act 1968</i> No 48	Whole Act
<i>Sandy Hollow, via Gulgong, to Maryvale Railway Act 1927</i> No 28	Whole Act
<i>State Bank (Corporatisation) Savings and Transitional Regulation 1990</i>	Whole Regulation
<i>Sutherland to Cronulla Railway Act 1936</i> No 39	Whole Act
<i>Sydney 2000 Games Administration Act 2000</i> No 81	Whole Act
<i>Tocumwal Railway Extension Act 1906</i> No 57	Whole Act
<i>Trustee Act 1898</i> No 4	Whole Act
<i>Whittingham to Mount Thorley Railway Act 1975</i> No 51	Whole Act
<i>Workers' Compensation (Brucellosis) Act 1979</i> No 116	Whole Act
<i>Wyalong towards Condobolin Railway Act 1923</i> No 47	Whole Act

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## Schedule 5 General savings, transitional and other provisions

### 1 Effect of amendment of amending provisions

- (1) An amendment made by Schedule 1, 2 or 3 to an amending provision contained in an Act or instrument is, if the amending provision has commenced before the Schedule 1, 2 or 3 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.



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### 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 instruments by this Act.

#### **Explanatory note**

The effect of this clause is to enable the Governor, by proclamation, to revoke the repeal of any Act or instrument or the provision of any Act or instrument repealed by this Act. The Act or instrument or provision of an Act or instrument 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.

## Notes

### Index of Acts or instruments amended by Schedules 1–3

- Aboriginal Land Rights Regulation 2002*—Schedule 2
- Administrative Decisions Tribunal Regulation 2009*—Schedule 2
- Adoption Act 2000* No 75—Schedule 1
- Anti-Discrimination Act 1977* No 48—Schedule 2
- Associations Incorporation Act 2009* No 7—Schedule 1
- Associations Incorporation Regulation 2010*—Schedule 2
- Baptist Churches of New South Wales Property Trust Act 1984* No 4—Schedule 3
- Baulkham Hills Local Environmental Plan 2005*—Schedule 2
- Capital Debt Charges Act 1957* No 1—Schedule 2
- Children and Young Persons (Care and Protection) Act 1998* No 157—Schedule 1
- Civil Liability Act 2002* No 22—Schedule 3
- Coal Acquisition Legislation Repeal Act 2007* No 62—Schedule 2
- Commercial Agents and Private Inquiry Agents Regulation 2006*—Schedule 2
- Commercial Arbitration Act 2010* No 61—Schedule 2
- Competition Policy Reform (New South Wales) Act 1995* No 8—Schedule 3
- Conversion of Cemeteries Act 1974* No 17—Schedule 3
- Conveyancers Licensing Act 2003* No 3—Schedule 2
- Conveyancers Licensing Regulation 2006*—Schedule 2
- Crimes Act 1900* No 40—Schedule 3
- Crimes at Sea Act 1998* No 173—Schedule 2
- Election Funding, Expenditure and Disclosures Act 1981* No 78—Schedule 1
- Election Funding, Expenditure and Disclosures Regulation 2009*—Schedule 2
- Environmental Planning and Assessment Act 1979* No 203—Schedules 2 and 3
- Environmental Planning and Assessment Regulation 2000*—Schedule 2
- Fair Trading Act 1987* No 68—Schedule 2
- Fire Brigades Act 1989* No 192—Schedule 1
- Gunning Local Environmental Plan 1997*—Schedule 2
- Health Care Complaints Act 1993* No 105—Schedule 2
- Health Practitioner Regulation (New South Wales) Regulation 2010*—Schedule 2
- Health Services Act 1997* No 154—Schedule 2
- Home Building Act 1989* No 147—Schedule 2
- Justices of the Peace Regulation 2009*—Schedule 2
- Land and Environment Court Act 1979* No 204—Schedule 2

*Legal Aid Commission Act 1979* No 78—Schedule 2  
*Legal Profession Act 2004* No 112—Schedule 2  
*Local Government Act 1993* No 30—Schedule 2  
*Local Government and Other Authorities (Superannuation) Act 1927* No 35—  
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*Local Government (General) Regulation 2005*—Schedule 2  
*Macquarie University By-law 2005*—Schedule 2  
*Marine Safety Act 1998* No 121—Schedule 2  
*Marine Safety (Commercial Vessels) Regulation 2010*—Schedule 2  
*Marine Safety (General) Regulation 2009*—Schedule 2  
*Mining Act 1992* No 29—Schedule 2  
*National Gas (New South Wales) Act 2008* No 31—Schedule 2  
*Offshore Minerals Act 1999* No 42—Schedule 2  
*Parramatta Local Environmental Plan 2001*—Schedule 2  
*Passenger Transport Regulation 2007*—Schedule 2  
*Petroleum (Offshore) Act 1982* No 23—Schedule 2  
*Plantations and Reafforestation (Code) Regulation 2001*—Schedule 2  
*Police Act 1990* No 47—Schedule 1  
*Police Integrity Commission Act 1996* No 28—Schedule 1  
*Prisoners (Interstate Transfer) Order 2010*—Schedule 2  
*Probate and Administration Act 1898* No 13—Schedule 3  
*Property, Stock and Business Agents Act 2002* No 66—Schedule 2  
*Property, Stock and Business Agents Regulation 2003*—Schedule 2  
*Protection of the Environment Operations (General) Regulation 2009*—Schedule 2  
*Public Health Act 2010* No 127—Schedule 2  
*Public Works Act 1912* No 45—Schedule 3  
*Residential Parks Act 1998* No 142—Schedule 2  
*Residential Tenancies Act 2010* No 42—Schedule 1  
*Residential Tenancies Regulation 2010*—Schedules 1 and 2  
*Retail Trading Act 2008* No 49—Schedule 2  
*Security Industry Regulation 2007*—Schedule 2  
*Singleton Local Environmental Plan 1996*—Schedule 2  
*State Bank (Corporatisation) Act 1989* No 195—Schedule 3  
*State Environmental Planning Policy (Exempt and Complying Development Codes)*  
2008—Schedule 2  
*State Environmental Planning Policy (Infrastructure) 2007*—Schedule 2  
*State Environmental Planning Policy (Major Development) 2005*—Schedule 2

*State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011—Schedule 2*

*State Records Act 1998 No 17—Schedule 3*

*Statutory and Other Offices Remuneration Act 1975 (1976 No 4)—Schedule 1*

*Strata Schemes Management Act 1996 No 138—Schedule 2*

*Subordinate Legislation Act 1989 No 146—Schedule 3*

*Succession Act 2006 No 80—Schedule 2*

*Superannuation Act 1916 No 28—Schedule 2*

*Superannuation Legislation Amendment (Family Law) Act 2003 No 77—Schedule 3*

*Transport Administration Act 1988 No 109—Schedule 3*

*Trustee Act 1925 No 14—Schedule 3*

*Valuers Act 2003 No 4—Schedule 2*

*Walker Trusts Act 1938 No 31—Schedule 2*

*Water Management Act 2000 No 92—Schedule 1*

*Water Management (General) Regulation 2004—Schedule 1*

*Water Management (Water Supply Authorities) Regulation 2004—Schedule 1*

*Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources 2011—Schedule 2*

*Water Sharing Plan for the Karuah River Water Source 2003—Schedule 2*

*Water Sharing Plan for the Murrumbidgee Area Unregulated and Alluvial Water Sources 2010—Schedule 2*

*Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010—Schedule 2*

*Water Sharing Plan for the Towamba River Unregulated and Alluvial Water Sources 2010—Schedule 2*

*Water Sharing Plan for the Tweed River Area Unregulated and Alluvial Water Sources 2010—Schedule 2*

*Wild Dog Destruction Act 1921 No 17—Schedule 1*

*Workers Compensation Act 1987 No 70—Schedules 2 and 3*

*Workers Compensation Regulation 2010—Schedule 2*

#### **Index of Acts or instruments wholly repealed by Schedule 4**

*Administration (Validating) Act 1900 No 38*

*Australian Iron & Steel Limited Agreement Ratification Act 1936 No 36*

*Bega Cemetery Act 1943 No 37*

*Blue Mountains Land Development (Special Provisions) Act 1985 No 55*

*Botany and Randwick Sites Development Act 1982 No 99*

*Bungendore to Captain's Flat Railway Act 1930 No 23*

*Bungendore to Captain's Flat Railway Agreement Ratification Act 1937* No 25  
*Business Franchise Licences (Repeal) Act 1997* No 109  
*Campbelltown Presbyterian Cemetery Act 1984* No 19  
*Canowindra to Gregra Railway Act 1924* No 54  
*Carlingford Drainage Improvement (Land Exchange) Act 1992* No 68  
*Chaffey Dam Act 1974* No 60  
*Circular Quay Land Act 1890* 54 Vic No 24  
*Clyde Waste Transfer Terminal (Special Provisions) Act 2003* No 88  
*Coal Mining Industry Long Service Leave (Repeal) Act 1992* No 82  
*Commonwealth and State Housing Agreement Act 1946* No 19  
*Commonwealth and State Housing Agreement Act 1955* No 41  
*Commonwealth Loans (Investment Enabling) Act 1915* No 63  
*Competition Policy Reform (New South Wales) Regulation 2008*  
*Competition Policy Reform (New South Wales) Savings and Transitional Regulation 1996*  
*Constitutional Legislation (Repeal) Act 1985* No 110  
*Coomealla Irrigation Area Deep Drainage (Repeal) Act 1979* No 162  
*Coonabarabran to Burren Junction Railway Act 1913* No 12  
*Country Towns Water and Sewerage (Reduction of Debts) Act 1922* No 27  
*Country Towns Water Supply and Sewerage (Debts) Act 1937* No 32  
*Darling Harbour Wharves Resumption Act 1900* No 10  
*Dartmouth Reservoir (Financial Agreement) Act 1970* No 30  
*Destitute Children's Society (Vesting) Act 1916* No 82  
*East Maitland Pasturage Reserve (Divesting) Act 1937* No 24  
*Eastern Gas Pipeline (Special Provisions) Act 1996* No 126  
*Evans Head Harbour Works Act 1960* No 44  
*Financial Agreement (Returned Soldiers Settlement) Ratification Act 1935* No 1  
*First State Superannuation Legislation Amendment (Conversion) Act 2005* No 91  
*Funeral Services Industry (Days of Operation) Repeal Act 2000* No 14  
*Gilgandra to Collie Railway Act 1915* No 47  
*Gladesville Mental Hospital Cemetery Act 1960* No 45  
*Glen Innes to Inverell Railway Act 1950* No 7  
*Great Northern Railway Deviation (Singleton to Nundah) Act 1951* No 37  
*Guyra to Dorrigo Railway Act 1928* No 15  
*Housing Agreement Act 1956* No 35  
*Housing Agreement Act 1961* No 39

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*Housing Agreement Act 1966* No 40  
*Housing Agreement Act 1973* No 57  
*Housing Agreement Act 1974* No 90  
*Housing Agreement Act 1978* No 149  
*Housing Agreement Act 1981* No 129  
*Housing Agreement Act 1985* No 32  
*Inverell to Ashford Railway Act 1927* No 27  
*Junee Water Supply Administration (Repeal) Act 1982* No 139  
*Kooragang Coal Terminal (Special Provisions) Act 1997* No 138  
*Lady Edith Carpenter Land Vesting Act 1937* No 6  
*Law Courts Limited Act 1977* No 10  
*Law Reform (Marital Consortium) Act 1984* No 38  
*Local Court (Savings and Transitional) Regulation 2009*  
*Local Government and Other Authorities (Superannuation) Amendment Act 1977*  
No 46  
*Local Government Areas Amalgamation Act 1980* No 110  
*Local Government (City of Sydney Boundaries) Act 1967* No 48  
*Local Government (Town and Country Planning) Amendment Act 1962* No 7  
*Maintenance, Champerty and Barratry Abolition Act 1993* No 88  
*Maritime Services (Amendment) Act 1981* No 76  
*Maritime Services (Amendment) Act 1984* No 101  
*Methodist Church, Rockdale, Cemetery Act 1936* No 29  
*Moore-street Improvement Act of 1890* 54 Vic No 30  
*Moss Vale—Port Kembla Railway Agreement Ratification Act 1927* No 21  
*National Parks and Wildlife (Adjustment of Areas) Act 2001* No 49  
*New South Wales Investment Corporation (Sale) Act 1988* No 50  
*Newcastle Islands Development Scheme Railway Act 1966* No 28  
*Newcastle (Miscellaneous Lands) Act 1979* No 140  
*Parliamentary Remuneration (Special Provisions) Act 1982* No 158  
*Parramatta River (Ryde to Concord) Bridge Act 1931* No 9  
*Police Powers (Drug Detection Trial) Act 2003* No 28  
*Port Kembla Development (Special Provisions) Act 1997* No 40  
*Public Servant Housing Authority (Dissolution) Act 1996* No 14  
*Railway Construction (East Hills to Campbelltown) Act 1983* No 111  
*Rand to Bull Plain Railway Act 1924* No 60  
*Royal Blind Society (Corporate Conversion) Act 2003* No 64

*Saint Andrew's Cathedral Site Agreements and Central Baptist Church Act 1936*  
No 15

*St. Andrew's Church of England, Mayfield, Cemetery Act 1957* No 39

*St. Andrew's Presbyterian Church, Woonona, Cemetery Act 1966* No 6

*St. Anne's Church of England, Ryde, Act 1968* No 47

*St. Anne's Church of England (Ryde) Cemetery Act 1940* No 9

*St. George's Church of England, Hurstville, Cemetery Act 1961* No 63

*St. Peter's Church of England, Cook's River, Cemetery Act 1968* No 48

*Sandy Hollow, via Gulgong, to Maryvale Railway Act 1927* No 28

*South-west Tablelands Water Supply Administration (Repeal) Act 1997* No 114

*Sports Drug Testing Act 1995* No 45

*State Bank (Corporatisation) Savings and Transitional Regulation 1990*

*State Environmental Planning (Permissible Mining) Act 1996* No 27

*State Environmental Planning Policy (Affordable Rental Housing) Amendment 2011*

*Statute Law (Miscellaneous Provisions) Act 2010* No 59

*Subordinate Legislation (Repeal) Act 1985* No 232

*Summary Offences (Repeal) Act 1979* No 62

*Sutherland to Cronulla Railway Act 1936* No 39

*Sydney 2000 Games Administration Act 2000* No 81

*Sydney to Melbourne Railway Standardisation Agreement Act 1958* No 48

*Thirlmere to Burragorang Railway Act 1951* No 28

*Tocumwal Railway Extension Act 1906* No 57

*Tocumwal Railway Extension (Supplementary Agreement Ratification) Act 1978*  
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*Totalizator Agency Board Privatisation Transitional Regulation 1998*

*Trustee Act 1898* No 4

*Water Management (Private Water Trusts—General) Savings and Transitional  
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*Whittingham to Mount Thorley Railway Act 1975* No 51

*WorkCover Legislation Amendment Act 1996* No 120

*Workers' Compensation (Brucellosis) Act 1979* No 116

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#### **Index of Acts and instruments partly repealed by Schedule 4**

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*Combat Sports Act 2008* No 116

*Conveyancers Licensing Act 2003* No 3

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*Conveyancing Act 1919* No 6  
*Drug and Alcohol Treatment Act 2007* No 7  
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