

Passed by both Houses



New South Wales

Customer Service Legislation Amendment Bill 2021

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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,*

, 2021



New South Wales

Customer Service Legislation Amendment Bill 2021

Act No _____, 2021

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

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

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

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

2 Commencement

- (1) This Act commences on the date of assent to this Act, except as provided by subsection (2).
- (2) Schedules 1.7 and 1.8[4] commence on the later of the following—
 - (a) 1 December 2021,
 - (b) the date of assent to this Act.

Schedule 1 Amendment of legislation

1.1 Casino Control Act 1992 No 15

[1] Section 89 Application of Liquor Act 2007

Insert after section 89(2)—

- (2A) To avoid doubt, the regulations may, in applying the specified provisions of the *Liquor Act 2007*, provide for the matters for which regulations may be made under the applied provisions of the *Liquor Act 2007*.

[2] Section 170 Regulations

Insert after section 170(3)—

- (4) The regulations may apply, adopt or incorporate the provisions of a document, as in force at a particular time or as in force from time to time.

1.2 Community Land Management Act 2021 No 7

[1] Section 238

Insert after section 237—

238 Regulation-making power for COVID-19 pandemic

- (1) The regulations under this Act may provide for the following matters for the purposes of responding to the public health emergency caused by the COVID-19 pandemic—
- (a) altered arrangements for convening an association meeting, including arrangements for the issue or service of notices and other documents in relation to the meeting,
 - (b) altered arrangements for the way voting may be conducted at an association meeting, including—
 - (i) the circumstances in which the altered arrangements for voting may apply, and
 - (ii) conditions that apply to the way the vote is exercised,
 - (c) an alternative to affixing the seal of the association, including any requirements for witnessing or attesting to the alternative way.
- (2) Regulations made under this section—
- (a) are not limited by the regulation-making power in this Act, and
 - (b) may override a provision of this Act.
- (3) Regulations made under this section expire on—
- (a) the day that is 6 months after its commencement, or
 - (b) the earlier day decided by Parliament by resolution of either House of Parliament.
- (4) This section is repealed on 30 September 2022.
- (5) In this section—
- association meeting** means—
- (a) a first annual general meeting of the association, or
 - (b) an annual general meeting of the association, other than the first annual general meeting, or

- (c) a special general meeting of the association, or
- (d) a meeting of the association committee of an association.

special general meeting, in relation to an association, means a meeting that is not the first annual general meeting of the association or an annual general meeting of the association.

1.3 Conveyancing Act 1919 No 6

[1] Section 38A Electronic form deeds

Omit “in accordance with this Part”.

[2] Section 38A(2)

Insert at the end of the section—

- (2) Section 38(5)(a) does not limit the application of this section to the execution of deeds by corporations.

1.4 Health Records and Information Privacy Act 2002 No 71

[1] Section 4 Definitions

Insert in alphabetical order in section 4(1)—

emergency has the same meaning as in the *State Emergency and Rescue Management Act 1989*.

stage, of an emergency, means a stage in relation to an emergency mentioned in the *State Emergency and Rescue Management Act 1989*, section 5.

[2] Schedule 1 Health Privacy Principles

Insert after clause 10(1)(b)—

(b1) Emergency

the use of the information for the secondary purpose meets the following conditions—

- (i) the secondary purpose is to assist in a stage of an emergency,
- (ii) the use of the information is reasonably necessary to assist in the stage of the emergency,
- (iii) it is impracticable or unreasonable for the organisation to seek the consent of the individual to whom the information relates to the use of the information for the secondary purpose, or

[3] Schedule 1, clause 11(1)(b1)

Insert after clause 11(1)(b)—

(b1) Emergency

the disclosure of the information for the secondary purpose meets the following conditions—

- (i) the secondary purpose is to assist in a stage of an emergency,
- (ii) the disclosure of the information is reasonably necessary to assist in the stage of the emergency,

- (iii) it is impracticable or unreasonable for the organisation to seek the consent of the individual to whom the information relates to the disclosure of the information for the secondary purpose, or

[4] Schedule 1, clause 16

Insert after clause 15—

16 Use and disclosure of health information in emergencies

If health information is used or disclosed under clause 10(1)(b1) or 11(1)(b1)—

- (a) the organisation must not hold the information for longer than 18 months, unless extenuating circumstances apply or consent has been obtained, and
- (b) if the organisation is a law enforcement agency—the agency must not use the information for the purpose of prosecuting an offence.

1.5 Home Building Act 1989 No 147

[1] Section 56 Grounds for taking disciplinary action against holder of a contractor licence

Insert after section 56(1)—

- (m) that the holder has contravened an undertaking accepted by the Secretary under section 115A.

[2] Section 57 Grounds for taking disciplinary action against holder of a supervisor or tradesperson certificate

Insert after section 57(g)—

- (h) that the holder has contravened an undertaking accepted by the Secretary under section 115A.

[3] Section 115A

Insert after section 115—

115A Undertakings

- (1) The Secretary may accept a written undertaking, relating to the carrying out of residential building work or specialist work, from the holder of an authority.
Note— Part 4, Division 2 provides that a contravention of an undertaking is grounds for taking disciplinary action against the holder. Section 138 provides that a contravention of an undertaking is grounds for the Supreme Court to grant an injunction.
- (2) Without limiting subsection (1), the Secretary may accept a written undertaking from the holder of an authority that the holder will do 1 or more of the following—
 - (a) refrain from conduct that contravenes this Act or the regulations,
 - (b) take action to prevent or remedy a contravention of this Act or the regulations,
 - (c) take action to resolve a building dispute,
 - (d) provide the Secretary with a rectification bond that the Secretary may claim or realise to ensure that—
 - (i) residential building work or specialist work is completed, or

- (ii) a defect in or damage to residential building work or specialist work is rectified,
 - (e) pay an amount into the Home Building Administration Fund under section 114 that the Secretary considers appropriate in the circumstances.
- (3) If an undertaking requires the holder of an authority to provide the Secretary with a rectification bond, the undertaking must include—
 - (a) the circumstances in which the rectification bond may be claimed or realised, and
 - (b) the procedure for claiming or realising the rectification bond.
- (4) In this section—
 - authority* has the same meaning as in Part 4, Division 2.
 - rectification bond* means a bank guarantee, bond or other form of security acceptable to the Secretary.

[4] Section 138 Supreme Court injunction

Insert at the end of section 138(1)(e)—

or

- (f) a contravention of an undertaking accepted by the Secretary under section 115A,

[5] Section 140 Regulations

Insert after section 140(2)(l)—

- (m) undertakings under section 115A.

1.6 Independent Pricing and Regulatory Tribunal Act 1992 No 39

Section 32

Insert after section 31—

32 Power to correct errors in certain determinations

- (1) The Tribunal may amend a relevant determination to correct a minor, obvious, clerical or administrative error—
 - (a) if the relevant determination has not been published—by submitting a further report to the relevant Minister, or
 - (b) if the relevant determination has been published—by publishing a notice (an *amendment notice*) in the Gazette.
- (2) If the Tribunal amends a relevant determination under subsection (1)(b), the amendment takes effect—
 - (a) on the day the amendment notice is published in the Gazette, or
 - (b) on a later day specified in the amendment notice.
- (3) The Tribunal must notify the relevant Minister of an amendment to a relevant determination under subsection (1)(b) as soon as practicable after publishing the amendment notice in the Gazette.
- (4) In this section—
 - correct* includes account for.
 - published*, in relation to a relevant determination, means—

- (a) for a determination under the *Passenger Transport Act 2014*, section 124—published on the Tribunal’s website, or
- (b) otherwise—published in the Gazette.

relevant determination means a determination reported under the following provisions—

- (a) this Act, section 11 or 12,
- (b) the *Water Industry Competition Act 2006*, section 52,
- (c) the *Passenger Transport Act 2014*, section 124.

relevant Minister means the Minister who received the report on the relevant determination.

1.7 Land and Environment Court Act 1979 No 204

Section 18 Class 2—local government and miscellaneous appeals and applications

Insert after section 18(a3)—

- (b) appeals under the *Community Land Development Act 2021*, section 51,

1.8 Liquor Act 2007 No 90

[1] Section 4 Definitions

Omit “section 114M” from section 4(1), definition of *category 1 demerit offence*, paragraph (a)(xi).

Insert instead “section 114L”.

[2] Section 12A Extended hours for dedicated live music and performance venues

Omit section 12A(1). Insert instead—

- (1) This section applies to a dedicated live music and performance venue.

[3] Section 12A(2)

Omit “30”. Insert instead “60”.

[4] Section 12A Extended hours for dedicated live music and performance venues

Omit section 12A(5), definition of *dedicated live music and performance venue*.

[5] Section 20A Authorisation conferred by small bar licence

Omit “*house-make cocktails*” from section 20A(2).

Insert instead “*house-made cocktails*”.

[6] Sections 94A and 94B

Insert after section 94—

94A Boundaries of licensed premises—applications for temporary boundary changes for outdoor spaces

- (1) Section 94(3) and (4) do not apply to an application for a temporary change to the boundaries of licensed premises if the application meets the requirements set out in this section.
- (2) The applicant must be the owner, or the licensee, of premises to which 1 of the following licences relates—

- (a) hotel licence,
 - (b) club licence that relates to a registered club,
 - (c) small bar licence,
 - (d) on-premises licence that relates to a public entertainment venue,
 - (e) on-premises licence that relates to a restaurant,
 - (f) producer/wholesaler licence endorsed with a drink on-premises authorisation.
- (3) The application must relate to the following land (the *relevant land*)—
- (a) part of a footway that is—
 - (i) adjacent to the licensed premises, and
 - (ii) subject to an approval, or an application for approval, under the *Roads Act 1993*, section 125 to use the land for the purposes of food or drink premises in relation to the licensed premises,
 - (b) community land that is subject to an approval, or an application for approval, under the *Local Government Act 1993*, section 68 to engage in a trade or business on the land in relation to the licensed premises,
 - (c) part of a public road that is subject to consent, or an application for consent, under the *Roads Act 1993*, Part 9, Division 3 to erect a structure or carry out work in, on or over the land in relation to the licensed premises,
 - (d) a pathway, public open space, road or other premises that is subject to a decision by the local council under section 166 to temporarily allow use of the land for a purpose mentioned in section 166(1)(a) in relation to the licensed premises.
- (4) The application may only apply to the sale or supply of liquor on the relevant land—
- (a) between 10am and midnight, or
 - (b) a shorter period—
 - (i) determined in the approval or consent to use, or notice to allow the use of, the relevant land, or
 - (ii) authorised by the licensee's licence.
- (5) The application must not seek to increase the patron capacity of the licensed premises.
- (6) The change of boundary proposed in the application must be intended to incorporate the relevant land within the boundary of the premises.
- (7) In this section—
community land has the same meaning as in the *Local Government Act 1993*.
footway has the same meaning as in the *Roads Act 1993*.
public road has the same meaning as in the *Roads Act 1993*.

94B Boundaries of licensed premises—applications for permanent boundary changes for outdoor spaces

- (1) Section 94(3) does not apply to a proposed permanent change to the boundaries of licensed premises, whether on the Authority's own initiative or on application, if the change—

- (a) is substantially the same as a temporary change of boundary that is, or has been, in force following an application to which a relevant provision applies, and
 - (b) is not inconsistent with the requirements set out in the relevant provision in relation to the temporary change.
- (2) For the purposes of subsection (1)(b), if the relevant provision means the *Liquor Regulation 2018*, clause 130B, as in force immediately before its substitution by the *Customer Service Legislation Amendment Act 2021*, the requirement set out in the provision, subclause (7) does not apply.
- (3) In this section—
relevant provision means—
- (a) section 94A, or
 - (b) the *Liquor Regulation 2018*, clause 130B, as in force immediately before its substitution by the *Customer Service Legislation Amendment Act 2021*.

[7] Section 167 Repeal of Part

Omit “the day that is 12 months after the day it commences”.

Insert instead “11 December 2022”.

1.9 Liquor Regulation 2018

[1] Clause 130B

Omit the clause. Insert instead—

130B Exemption for certain temporary boundary changes—the Act, s 159(4)

- (1) The Act, section 94A extends to land as if it were relevant land if—
 - (a) the land is adjacent to food and drink premises, and
 - (b) the use of the land as an outdoor dining area associated with the food and drink premises is exempt development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, Part 2, Division 1, Subdivision 20B or 20C, and
 - (c) the proposed temporary change to the boundary of the licensed premises under the section will not continue past 30 April 2022.
- (2) Despite subclause (1), the Act, section 94(3) applies in relation to giving the Commissioner of Police a reasonable opportunity to make submissions and the taking of the submissions, if any, into consideration.
- (3) In this clause—
food and drink premises has the same meaning as in the standard instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006*.

[2] Clause 130C Exemptions for permanent boundary changes for outdoor spaces—the Act, s 159(4)

Omit the clause.

1.10 Motor Accident Injuries Act 2017 No 10

[1] Section 1.4 Definitions

Insert in alphabetical order in section 1.4(1)—

person under legal incapacity includes the following persons—

- (a) a child who is less than 18 years of age,
- (b) an involuntary patient or forensic patient within the meaning of the *Mental Health Act 2007*,
- (c) a person under guardianship within the meaning of the *Guardianship Act 1987*,
- (d) a protected person within the meaning of the *NSW Trustee and Guardian Act 2009*,
- (e) an incommunicate person, being a person with a physical or mental disability that prevents the person from receiving communications, or expressing the person's will, in relation to the person's property or affairs.

[2] Section 7.15 Review of merit review decision by review panel

Omit section 7.15(6). Insert instead—

- (6) An application under this section must be made within—
 - (a) 28 days after the parties to the merit review were issued with a certificate referred to in section 7.13(4) as to the merit reviewer's determination, or
 - (b) a longer period determined or allowed, whether generally or for the kind of proceedings, in accordance with the Commission rules.

[3] Section 7.20 Medical assessment procedures

Insert after section 7.20(2)—

- (2A) The President may arrange for a medical assessor to assess the dispute outside the State—
 - (a) if requested by a party to the dispute, or
 - (b) with the consent of the parties to the dispute.
- (2B) In deciding whether to make an arrangement under subsection (2A), the President must consider the following—
 - (a) the interests and wishes of the parties to the dispute,
 - (b) the nature and complexity of the dispute,
 - (c) if the arrangement is necessary for the timely and cost effective assessment of the dispute,
 - (d) other matters the President considers relevant.

[4] Section 7.26 Review of medical assessment by review panel

Omit section 7.26(10). Insert instead—

- (10) An application under this section must be made within—
 - (a) 28 days after the parties to the medical dispute were issued with the original certificate for the medical assessment for which the review is sought, or
 - (b) a longer period determined or allowed, whether generally or for the kind of proceedings, in accordance with the Commission rules.

[5] Section 7.47 Persons under legal incapacity

Omit the definition of *person under legal incapacity* from section 7.47(2).

[6] Section 8.10 Recovery of costs and expenses in relation to claims for statutory benefits

Omit “under a legal disability” from section 8.10(4)(a).

Insert instead “a person under legal incapacity”.

1.11 Motor Accidents Compensation Act 1999 No 41

[1] Section 60 Medical assessment procedures

Insert after section 60(2)—

- (3) The President may arrange for a medical assessor to assess the dispute outside the State—
 - (a) if requested by a party to the dispute, or
 - (b) with the consent of the parties to the dispute.
- (4) In deciding whether to make an arrangement under subsection (3), the President must consider the following—
 - (a) the interests and wishes of the parties to the dispute,
 - (b) the nature and complexity of the dispute,
 - (c) if the arrangement is necessary for the timely and cost effective assessment of the dispute,
 - (d) other matters the President considers relevant.

[2] Section 63 Review of medical assessment by review panel

Omit section 63(7). Insert instead—

- (7) An application under this section must be made within—
 - (a) 28 days after the parties to the medical dispute were issued with the original certificate for the medical assessment for which the review is sought, or
 - (b) a longer period determined or allowed, whether generally or for the kind of proceedings, in accordance with the Commission rules.

[3] Section 92 Claims exempt from assessment

Omit “Motor Accidents Claims Assessment Guidelines or” from section 92(1)(a).

1.12 Music Festivals Act 2019 No 17

[1] Long title

Omit “high-risk”. Insert instead “subject”.

[2] Section 3 Definitions

Omit section 3, definition of *ambulance forward commander*.

Insert instead—

ambulance forward commander means the NSW Ambulance commander at an incident or emergency site or an event who is responsible for the command of all NSW Ambulance personnel at the site or event.

[3] Section 3 Definitions

Insert in alphabetical order—

exercise a function includes perform a duty.

function includes a power, authority or duty.

[4] Section 3, definition of “high-risk festival”

Omit the definition.

[5] Section 3

Insert in alphabetical order—

subject festival means a music festival that, under section 5, ILGA decides would be more appropriately delivered with an approved safety management plan.

[6] Sections 5, heading, (1), (2) and (2)(e), 6(1), (2) and (4)(a), 7, 8(1) and (1)(a), 9(1), 10(1), (2)(a) and (5), definition of *prescribed entity*, paragraph (f) and 11(1) and (2)

Omit “high-risk”, wherever occurring.

Insert instead “subject”, respectively.

[7] Section 6 Contents of safety management plans

Omit section 6(2)(b). Insert instead—

- (b) if the organiser has given ILGA notice, in the approved form and submitted using an approved electronic system, at least 90 days before the festival is to be held of the intention to hold the festival—at least 60 days before the festival is to be held, or
- (c) within the shorter period decided by ILGA.

[8] Section 6(5)

Insert after section 6(4)—

- (5) In this section—
approved means approved by ILGA.

[9] Section 10(5)(g)

Insert after section 10(5)(f)—

- (g) Ambulance Service of NSW.

[10] Section 19A

Insert before section 20—

19A Protection from personal liability

- (1) A protected person is not personally subject to liability for anything done—
 - (a) in good faith, and
 - (b) for the purpose of exercising a function conferred or imposed on the protected person under, or in the course of the administration of, this Act.
- (2) The liability instead attaches to the Crown.
- (3) In this section—
done includes omitted to be done.
liability means civil liability and includes action, claim or demand.
protected person means the following—

- (a) the Health Secretary,
- (b) the Secretary of the Department of Customer Service,
- (c) a Public Service employee within the meaning of the *Government Sector Employment Act 2013*,
- (d) a member of ILGA,
- (e) a consultant engaged by ILGA under the *Gaming and Liquor Administration Act 2007*, section 9,
- (f) a member of staff of the NSW Health Service,
- (g) a police officer.

[11] Section 20A

Insert after section 20—

20A Requirements relating to implementing outcomes of review of objectives of Act

- (1) The Minister must ensure all reasonable steps are taken, by 30 June 2022, to implement the following recommendations under the Review of the operation of the Music Festivals Act 2019—
 - (a) recommendation 5,
 - (b) recommendation 10,
 - (c) recommendation 12.
- (2) If a recommendation mentioned in subsection (1) has not been implemented by 30 June 2022, the Minister must, by 1 September 2022, prepare, and table in each House of Parliament, a report detailing the progress that has been made in implementing the recommendation.
- (3) In this section—
Review of the operation of the Music Festivals Act 2019 means the document of that title published by the NSW Government dated June 2020.

1.13 Personal Injury Commission Act 2020 No 18

[1] Section 31 Constitution of Commission

Insert after section 31(4)—

- (5) The President may direct that proceedings be conducted outside the State—
 - (a) if requested by a party to the proceedings, or
 - (b) with the consent of the parties to the proceedings.
- (6) In deciding whether to make a direction under subsection (5), the President must consider the following—
 - (a) the interests and wishes of the parties to the proceedings,
 - (b) the nature and complexity of the proceedings,
 - (c) if the arrangement is necessary for the timely and cost effective conduct of the proceedings,
 - (d) other matters the President considers relevant.

[2] Schedule 4 Motor Accidents Division

Omit clause 5.

1.14 Privacy and Personal Information Protection Act 1998 No 133

Section 27D

Insert after section 27C—

27D Exemptions relating to emergency situations

- (1) A public sector agency is not required to comply with the information protection principles in relation to the collection, use or disclosure of personal information if—
 - (a) the collection, use or disclosure of the information is reasonably necessary to assist in a stage of an emergency, and
 - (b) the collection, use or disclosure is only for the purpose of assisting in the stage of the emergency, and
 - (c) it is impracticable or unreasonable to seek the consent of the individual to whom the information relates to the collection, use or disclosure for the purpose of assisting in the stage of the emergency.
- (2) In this section—

emergency has the same meaning as in the *State Emergency and Rescue Management Act 1989*.

stage, of an emergency, means a stage in relation to an emergency mentioned in the *State Emergency and Rescue Management Act 1989*, section 5.
- (3) If personal information is collected, used or disclosed under this section—
 - (a) the public sector agency must not hold the information for longer than 18 months, unless extenuating circumstances apply or consent has been obtained, and
 - (b) if the public sector agency is a law enforcement agency—the agency must not use the information for the purpose of a prosecuting an offence.

1.15 Real Property Act 1900 No 25

Schedule 3 Savings and transitional provisions

Insert “that” after “document” in clause 33(2)(a).

1.16 Registered Clubs Act 1976 No 31

[1] Section 30 Rules of registered clubs

Omit “month of the year” from section 30(1)(c). Insert instead “quarter”.

[2] Section 30(1)(j)

Omit the paragraph.

[3] Section 30(2)(a)

Omit “and addresses”.

[4] Section 30(2B)

Insert after section 30(2A)—

- (2B) If the rules of a registered club require ordinary members of the club to pay a membership fee, the rules must specify—

- (a) the amount of the fee, or
- (b) the procedure for determining the amount of the fee.

[5] Section 30(3C)

Omit “may create exceptions to subsection (3B).”.

Insert instead—

may—

- (a) prescribe exceptions to subsection (3B), or
- (b) provide for a process for the approval by the Secretary of an exception to the application of subsection (3B), including the imposition of conditions on an exception.

[6] Section 30(9)(c) and (d)

Omit “or” from the end of section 30(9)(c) and omit section 30(9)(d).

[7] Section 30(9B)

Insert after section 30(9A)—

- (9B) The regulations made under subsection (1)(a2) may require a registered club to comply with a direction of the Secretary relating generally to the election of the governing body of the club and which members are entitled to vote.

[8] Section 30(14)

Insert after section 30(13)—

- (14) In this section—

quarter means a period of 3 months ending on 31 March, 30 June, 30 September or 31 December.

[9] Section 30C

Insert after section 30B—

30C Meetings and voting

- (1) The rules of a registered club are taken to include the rules specified in subsection (3).
- (2) A rule of a registered club is void to the extent that it is inconsistent with a rule specified in subsection (3).
- (3) A registered club, or a governing body or committee of the club, may—
 - (a) distribute a notice of, or information about, a meeting or election of the registered club, governing body or committee by electronic means, and
 - (b) hold a meeting at which all or some persons attend by electronic means but only if a person who speaks at the meeting can be heard by the other persons attending, and
 - (c) allow a person entitled to vote at a meeting of the registered club, governing body or committee to vote in person or by electronic means.
- (4) Nothing in this section prevents the rules of a registered club from allowing a person entitled to vote at a meeting of the registered club, or a governing body or committee of the club, to vote by post.

[10] Section 31 Manner of keeping registers relating to members and guests

Omit section 31(1)(a). Insert instead—

- (a) section 30(2)(i) must include—
 - (i) the full name and address of each full member, and
 - (ii) if the rules of the registered club require the payment of a membership fee—the date on which the member last paid the fee.

1.17 Road Rules 2014

Rule 179 Stopping in a loading zone

Insert after rule 179(1)(c)(iii)—

Note— For example, a driver may stop in a loading zone to deliver music equipment at a venue.

1.18 Statutory and Other Offices Remuneration Act 1975 (1976 No 4)

[1] Section 11 Payment of remuneration to office holders

Insert after section 11(3)—

- (4) Subsection (3) does not apply to the office of Independent Review Officer under the *Personal Injury Commission Act 2020*.

Note— The remuneration of the Independent Review Officer under the *Personal Injury Commission Act 2020* is payable from the following funds—

- (a) the Workers Compensation Operational Fund under the *Workplace Injury Management and Workers Compensation Act 1998*,
- (b) the Motor Accidents Operational Fund under the *Motor Accident Injuries Act 2017* and the *Motor Accidents Compensation Act 1999*.

[2] Schedule 1 Public offices

Omit “Workers Compensation Independent Review Officer”.

Insert instead “Independent Review Officer under the *Personal Injury Commission Act 2020*”.

1.19 Strata Schemes Management Act 2015 No 50

[1] Section 271A Regulation-making power for COVID-19 pandemic

Omit “31 March 2022” from section 271A(5). Insert instead “30 September 2022”.

1.20 Totalizator Act 1997 No 45

[1] Section 5 Definitions

Insert “, other than a person, or a person belonging to a class of persons, who the Minister identifies, in accordance with the regulations, is not a key employee” after “totalizator” in section 5(1), definition of *key employee*.

[2] Section 117 Regulations

Insert after section 117(3)—

- (4) The regulations may apply, adopt or incorporate the provisions of a document, as in force at a particular time or as in force from time to time.

1.21 Workplace Injury Management and Workers Compensation Act 1998 No 86

[1] Section 4 Definitions

Insert after section 4(1), definition of *government employer*, paragraph (a)—

- (a1) a person exercising employer functions for the Crown or a government agency in relation to a worker, and

Example— The *Government Sector Employment Act 2013*, sections 26 and 31 provide for Secretaries of Departments and certain other heads of Public Service agencies to exercise the employer functions of the Government of New South Wales.

[2] Section 321 Referral of medical dispute for assessment

Insert after section 321(2)—

- (3) The President may arrange for a medical assessor to assess the dispute outside the State—
 - (a) if requested by a party to the dispute, or
 - (b) with the consent of the parties to the dispute.
- (4) In deciding whether to make an arrangement under subsection (3), the President must consider the following—
 - (a) the interests and wishes of the parties to the dispute,
 - (b) the nature and complexity of the dispute,
 - (c) if the arrangement is necessary for the timely and cost effective assessment of the dispute,
 - (d) other matters the President considers relevant.

[3] Section 352 Appeal against decision of Commission constituted by non-presidential member

Omit section 352(4). Insert instead—

- (4) The appeal must be made within—
 - (a) 28 days after the decision appealed against is made, or
 - (b) a longer period determined or allowed, whether generally or for the kind of proceedings, in accordance with the Commission rules.