

Passed by both Houses



New South Wales

# Statute Law (Miscellaneous Provisions) Bill 2017

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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,*

*, 2017*



New South Wales

## **Statute Law (Miscellaneous Provisions) Bill 2017**

Act No , 2017

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An Act to repeal certain Acts 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 2017*.

**2 Commencement**

- (1) This Act commences 7 days after the date of assent to this Act, except as provided by this section.
- (2) The amendments made by Schedule 1 to this Act commence on the day or days specified in that Schedule in relation to the amendments concerned. If a commencement day is not specified, the amendments commence in accordance with subsection (1).
- (3) Schedules 2 and 3 commence on 7 July 2017.
- (4) Schedule 6 commences on the date of assent to this Act.

**3 Explanatory notes**

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

## Schedule 1 Minor amendments

### 1.1 Barangaroo Delivery Authority Act 2009 No 2

**[1] Whole Act (except where otherwise amended by this Subschedule)**

Omit “Barangaroo Headland Park” wherever occurring.

Insert instead “Barangaroo Reserve”.

**[2] Section 4 Definitions**

Omit the definition of *Barangaroo Headland Park* from section 4 (1). Insert instead:

*Barangaroo Reserve* means land identified as the Barangaroo Reserve on the Barangaroo Reserve and Public Domain Map.

**[3] Section 24 Regulation of Barangaroo Reserve and public domain**

Omit “the Sydney Harbour Foreshore Authority” and “*Sydney Harbour Foreshore Authority Act 1998*” wherever occurring.

Insert instead “Place Management NSW” and “*Place Management NSW Act 1998*”, respectively.

**[4] Section 24A**

Insert after section 24:

**24A Ministerial approval and consent**

The approval or consent of the Minister under this Division may be given generally or be limited to a particular case or class of cases and may be withdrawn at any time.

**[5] Schedule 1 Members and procedure of Board**

Omit “facsimile or other transmission of the information in the papers concerned” from clause 16 (5).

Insert instead “email or other electronic means”.

**Explanatory note**

Items [1] and [2] of the proposed amendments update references to the Barangaroo Headland Park in line with a decision of the Geographical Names Board of NSW to assign to the park the name of Barangaroo Reserve.

Item [3] updates references to the Sydney Harbour Foreshore Authority and the *Sydney Harbour Foreshore Authority Act 1998* as a consequence of the Sydney Harbour Foreshore Authority changing its name to Place Management NSW.

Item [4] makes it clear that any approval or consent given by the Premier in relation to certain ancillary functions of the Barangaroo Delivery Authority (including the power to grant easements over land vested in the Authority) may be given generally or may be limited to a particular case or class of cases.

Item [5] makes it clear that the Board of the Barangaroo Delivery Authority may circulate papers by email or any other electronic means for the purpose of transacting its business.

## 1.2 Biofuels Act 2007 No 23

### Section 24 Expert Panel

Omit section 24 (1) (a1). Insert instead:

- (a1) a person employed in the Department of Industry with expertise in regional industry development nominated by the Secretary of that Department,

#### Explanatory note

The proposed amendment updates a provision as a consequence of recent administrative changes to ensure that the membership of the Expert Panel (which advises the Minister on exemptions from minimum biofuels requirements) continues to include a person with regional industry development expertise who is employed in the Department of Industry.

## 1.3 Carers (Recognition) Act 2010 No 20

### [1] Section 7 Obligations of public sector agencies

Insert “carers or” before “bodies” in section 7 (2).

### [2] Section 11 Membership and procedure of Carers Advisory Council

Omit section 11 (1). Insert instead:

- (1) The Carers Advisory Council is to consist of persons appointed as members by the Minister who, in the opinion of the Minister, have relevant knowledge of and experience in matters relevant to carers (the *appointed members*).
- (1A) Of the appointed members of the Council, 1 is to be appointed as Chair of the Council and 1 is to be appointed as Deputy Chair of the Council.

### [3] Section 11 (2)

Omit “primary”.

### [4] Section 11 (3)

Omit the subsection.

### [5] Section 11 (4)

Insert “and ex-officio members” after “deputies of members”.

### [6] Section 11 (4)

Insert at the end of the subsection:

**Note.** Certain incidental powers to remove members are implied in the powers of appointment in this section (see section 47 of the *Interpretation Act 1987*).

### [7] Schedule 1

Omit the Schedule. Insert instead:

## Schedule 1 NSW Carers Charter

(Section 6)

### 1 Carers make a valuable contribution to the community

- (a) NSW recognises the valuable social and economic contribution that carers make to the community.

- (b) Carers should have the same rights, choices and opportunities as other Australians.
- (c) Carers' unique knowledge and experience should be acknowledged and recognised.
- (d) The relationship between carers and the people they care for should be respected.

## **2 Carers' health and well-being is important**

- (a) Carers should be supported to enjoy optimum health and well-being and to participate in family, social and community life, employment and education.
- (b) Carers should be supported to balance their caring role with other roles, such as work and education.

## **3 Carers are diverse and have individual needs within and beyond their caring role**

- (a) The diverse needs of carers should be acknowledged and recognised in policy, programs and service delivery, taking into consideration culture and language, age, disability, religion, socio-economic status, place of residence, gender identity and sexual orientation.
- (b) Aboriginal and Torres Strait Islander values, heritage and concepts of caring should be respected and valued.
- (c) The additional challenges faced by carers who live in rural and remote areas should be acknowledged and recognised.
- (d) Children and young people who are carers should be supported to reach their full potential.

## **4 Carers are partners in care**

- (a) The choices, views and needs of carers and of the people they care for should be taken into account in the assessment, planning, delivery and review of services provided to the people they care for.
- (b) Carers should be referred to, and assisted to access, appropriate supports and services.
- (c) Support for carers should be timely, responsive, appropriate and accessible.

### **Explanatory note**

Item [1] of the proposed amendments provides that public sector agencies must consult with such carers (or bodies representing carers) as the agency considers appropriate when developing policies that impact on carers. There is currently only a requirement to consult with bodies representing carers.

Item [2] removes the requirement that the membership of the Carers Advisory Council (which advises the Minister for Disability Services (*the Minister*) on matters relating to carers) include the Minister and other Ministers responsible for the provision of support services to carers. Instead, the Council is required to comprise persons who have relevant knowledge of and experience in matters relevant to carers (the *appointed members*). Item [2] also provides that the Minister must appoint 2 of the appointed members as Chair and Deputy Chair of the Council. Item [4] makes a consequential amendment to remove the requirement for co-chairing by members of the Council who are Ministers.

Item [3] provides that the majority of the members appointed to the Council must be persons who the Minister considers are carers, rather than primary carers.

Item [5] provides that the Minister may determine the procedure for the appointment of ex-officio members to the Council.

Item [6] inserts a note referring to certain incidental powers to remove members that are provided for in the *Interpretation Act 1987*.

Item [7] updates the NSW Carers Charter (which sets out principles for recognition of carers to be observed by public sector agencies) to reflect current terminology and social context.

The proposed amendments are in line with the recommendations of the *Report of the statutory review of the Carers (Recognition) Act 2010*, tabled in Parliament on 8 November 2016.

## 1.4 Charles Sturt University Act 1989 No 76

### [1] Section 19 Functions of Council

Insert after section 19 (1B) (e):

- (e1) without limiting paragraph (e), to enter into or participate in arrangements or transactions, or combinations of arrangements or transactions, to effect financial adjustments for the management of financial risks, and

### [2] Section 19 (1) (d)

Omit the paragraph. Insert instead:

- (d) obtain financial accommodation (including, without limitation, by the borrowing or raising of money) and do all things necessary or convenient to be done in connection with obtaining financial accommodation,

### [3] Section 21 Powers of Council relating to property

Insert “and may dispose of or otherwise deal with any other property of the University” after “University” in section 21 (2).

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

Insert after clause 51:

## Part 9 Provision consequent on enactment of Statute Law (Miscellaneous Provisions) Act 2017

### 52 Financial accommodation and risk management

An amendment made to this Act by the *Statute Law (Miscellaneous Provisions) Act 2017* does not affect the validity of any financial accommodation made by or on behalf of the University, any transaction or arrangement entered into or participated in to manage a financial risk, or any disposal or other dealing with property of the University, before the commencement of the amendment.

#### Explanatory note

The proposed amendments more clearly delineate the ambit of provisions of the *Charles Sturt University Act 1989 (the Act)* that confer powers on the Council of the University (**the Council**) with respect to the control and management of the financial affairs of the University and the acquisition and management of property. The powers concerned are exercisable by the Council subject to the duties imposed on the Council under Schedule 3 to the Act. Similar amendments are being made to university Acts in general.

Item [1] makes it clear that the existing power of the Council to oversee risk management and risk assessment across the University includes the power to effect financial adjustments for the management of financial risks.

Item [2] makes it clear that the Council may obtain any form of financial accommodation and do all things necessary or convenient to be done in connection with obtaining any financial accommodation.

Item [3] puts beyond doubt that the Council may dispose of personal property of the University by removing any implication from the specific reference to land in section 21 (2) of the Act that the Council may not (despite the broad powers conferred by section 21 (1) of the Act to dispose of any property in the name and on behalf of the University) dispose of personal property of the University.

Item [4] is a savings provision consequent on the proposed amendments.

## 1.5 Electricity Supply Act 1995 No 94

### [1] Section 142 Scheme Administrator may require surrender of certificates

Omit the Note to section 142 (3).

### [2] Section 143 Creation of certificate must be registered

Omit "Scheme Regulator" from section 143 (7). Insert instead "Scheme Administrator".

### [3] Section 156 Provision of information, documents and evidence

Omit "by the Chairperson of the Tribunal at any meeting of the Tribunal, acting as Scheme Regulator or Scheme Administrator," from section 156 (3) (b).

Insert instead "at any meeting of the Tribunal".

#### **Explanatory note**

Item [1] of the proposed amendments omits a note relating to orders requiring the surrender of energy savings certificates.

Item [2] provides that the Scheme Administrator for the energy savings scheme established by the *Electricity Supply Act 1995* (rather than the Scheme Regulator, as is currently the case) is responsible for publishing notice of the fees payable to the Scheme Administrator for applications for registration of the creation of an energy savings certificate.

Item [3] makes it clear that a requirement to answer a question of the Chairperson of the Independent Pricing and Regulatory Tribunal at any meeting of the Tribunal (when acting as Scheme Regulator or Scheme Administrator) extends to questions of any other member of the Tribunal.

## 1.6 Energy Services Corporations Act 1995 No 95

### [1] Schedule 1 Energy services corporations

Omit "TransGrid" from Part 1A.

### [2] Schedule 1, Part 2

Omit "Ausgrid".

#### **Explanatory note**

The proposed amendments remove redundant references to corporations constituted as energy services corporations by the *Energy Services Corporations Act 1995*. The corporations have ceased to be energy services corporations under that Act as a consequence of corporate conversion directions given by the Treasurer under the *Electricity Network Assets (Authorised Transactions) Act 2015* (in respect of TransGrid on 16 December 2015 and Ausgrid on 1 December 2016).

## 1.7 Environmental Planning and Assessment Act 1979 No 203

### **Section 94F Conditions requiring land or contributions for affordable housing**

Omit section 94F (6). Insert instead:

- (6) A condition is not to be imposed under this section in relation to development that is within a special contributions area (within the meaning of Division 6) if a determination under section 94EE that applies to the area identifies affordable housing as a class of infrastructure for which development contributions may be required in accordance with the determination.

#### **Explanatory note**

Currently, local affordable housing contributions under environmental planning instruments cannot be imposed in connection with proposed development on land that is within a special contributions area. The proposed amendment ensures that this exclusion of local contributions only applies if the Minister has made a determination in relation to that area that identifies affordable housing as a class of infrastructure for which special infrastructure contributions determined by the Minister may be required.



## **1.8 Fisheries Management Act 1994 No 38**

### **[1] Section 162 Permit area to be maintained in tidy condition**

Insert after section 162 (2):

- (2A) The Minister may, either on the application of the permit holder concerned or on the Minister's own initiative, vary or revoke a notice under subsection (2) by serving the variation or revocation, in writing, on the permit holder concerned.

### **[2] Section 162 (3) and (4)**

Omit "such a notice" wherever occurring. Insert instead "a notice under this section".

### **[3] Section 171 Improvements on an expired lease**

Omit section 171 (3). Insert instead:

- (3) The Minister may, within 1 year after the termination of a lease, require the former lessee to remove any such improvements within the period notified in writing to the former lessee.
- (3A) The Minister may, either on the application of the former lessee or on the Minister's own initiative, vary or revoke a notice under subsection (3) by serving the variation or revocation, in writing, on the former lessee.
- (3B) A former lessee who, without reasonable excuse, fails to comply with a notice under this section is guilty of an offence.  
Maximum penalty: 100 penalty units.

### **[4] Section 171 (4)**

Omit "under subsection (3)". Insert instead "under this section".

#### **Explanatory note**

Item [1] of the proposed amendments enables the Minister to vary or revoke a notice requiring the holder of an aquaculture permit to carry out work or remove things from land to maintain the permit area or certain other land in a tidy condition. Item [2] makes consequential amendments.

Item [3] enables the Minister to vary or revoke a notice requiring the former lessee of an aquaculture lease to remove certain improvements from the area to which the lease applied. The Minister is required to give notice in writing of any such variation or revocation to the former lessee. Item [4] makes a consequential amendment.

## **1.9 Funeral Funds Act 1979 No 106**

### **[1] Section 9 Delegation**

Omit "with the approval of the Minister and" from section 9 (1).

### **[2] Section 9 (2)**

Omit "Minister or the".

#### **Explanatory note**

Item [1] of the proposed amendments removes the requirement for Ministerial approval for the delegation of functions of the Commissioner for Fair Trading under the *Funeral Funds Act 1979* (in line with the Commissioner's powers of delegation under other Acts in the portfolio of the Minister for Innovation and Better Regulation). Item [2] makes a consequential amendment to remove the Minister's power to revoke a delegation of those functions.

## **1.10 Health Practitioner Regulation (Adoption of National Law) Act 2009 No 86**

### **Schedule 1 Modification of Health Practitioner Regulation National Law**

Omit “appointed by the Minister” from clause 2 of Schedule 5E in Schedule 1 [25].

Insert instead “appointed by the Council”.

#### **Explanatory note**

The proposed amendment modifies the Health Practitioner Regulation National Law (in its application as a law of New South Wales) to provide that the Chairperson of an Assessment Committee that deals with complaints about registered health practitioners in a health profession is to be appointed by the health professional Council for that health profession (rather than by the Minister for Health, as is currently the case). The amendment will make the provision dealing with the appointment of the Chairperson consistent with a provision dealing with the appointment of members of an Assessment Committee.

## **1.11 Law Enforcement (Controlled Operations) Act 1997 No 136**

### **Section 3 Definitions**

Omit paragraph (e) (iii) of the definition of *law enforcement agency* in section 3 (1).

Insert instead:

- (iii) the Commonwealth Department of Immigration and Border Protection.

#### **Explanatory note**

The proposed amendment updates a reference to the former Australian Customs Service to enable regulations under the *Law Enforcement (Controlled Operations) Act 1997* to prescribe the Commonwealth Department of Immigration and Border Protection as a law enforcement agency for the purposes of that Act. In 2009, the Australian Customs Service was renamed as the Australian Customs and Border Protection Service, and in 2015 it was integrated with the Commonwealth Department of Immigration and Border Protection. The functions formerly exercised by officers of the Australian Customs Service are now exercised by officers of that Department.

## **1.12 Macquarie University Act 1989 No 126**

### **[1] Section 16 Functions of Council**

Insert after section 16 (1B) (e):

- (e1) without limiting paragraph (e), to enter into or participate in arrangements or transactions, or combinations of arrangements or transactions, to effect financial adjustments for the management of financial risks, and

### **[2] Section 16 (1) (d)**

Omit the paragraph. Insert instead:

- (d) obtain financial accommodation (including, without limitation, by the borrowing or raising of money) and do all things necessary or convenient to be done in connection with obtaining financial accommodation,

### **[3] Section 18 Powers of Council relating to property**

Insert “and may dispose of or otherwise deal with any other property of the University” after “University” in section 18 (2).

**[4] Schedule 3 Savings and transitional provisions**

Insert after clause 16:

**17 Financial accommodation and risk management**

An amendment made to this Act by the *Statute Law (Miscellaneous Provisions) Act 2017* does not affect the validity of any financial accommodation made by or on behalf of the University, any transaction or arrangement entered into or participated in to manage a financial risk, or any disposal or other dealing with property of the University, before the commencement of the amendment.

**Explanatory note**

The proposed amendments more clearly delineate the ambit of provisions of the *Macquarie University Act 1989* that confer powers on the Council of the University with respect to the control and management of the financial affairs of the University and the acquisition and management of property. Similar amendments are being made to university Acts in general.

Each of the above amendments is explained in the explanatory note to Schedule 1.4 (*Charles Sturt University Act 1989* No 76) to this Act.

**1.13 Motor Dealers and Repairers Act 2013 No 107**

**[1] Section 187 Delegation**

Omit section 187 (a). Insert instead:

- (a) any person employed in the Department of Finance, Services and Innovation, or

**[2] Schedule 2 Savings, transitional and other provisions**

Insert at the end of the Schedule:

**Part 3 Provision consequent on enactment of Statute Law (Miscellaneous Provisions) Act 2017**

**14 Existing delegations**

The amendment made to section 187 by the *Statute Law (Miscellaneous Provisions) Act 2017* does not affect any delegation made under that section and in force immediately before the commencement of that amendment.

**Explanatory note**

Item [1] of the proposed amendments makes a change consequent on a recent amendment to the *Motor Dealers and Repairers Act 2013*, which transferred functions under that Act from the Secretary of the Department of Finance, Services and Innovation to the Commissioner for Fair Trading. The amendment will ensure that those functions can continue to be delegated to employees of the Department of Finance, Services and Innovation. Item [2] makes a consequential amendment to provide that the amendment does not affect any delegation made before the commencement of the amendment.

**1.14 NSW Lotteries (Authorised Transaction) Act 2009 No 60**

**[1] Section 11 Establishment of Lotteries Assets Ministerial Holding Corporation**

Omit the section.

**[2] Section 26A**

Insert after section 26:

**26A Provision consequent on enactment of Statute Law (Miscellaneous Provisions) Act 2017**

The Lotteries Assets Ministerial Holding Corporation (constituted under section 11 before its repeal by the *Statute Law (Miscellaneous Provisions) Act 2017*) is dissolved.

**[3] Schedule 1 Interpretative provisions**

Omit the definition of *Lotteries Assets Ministerial Holding Corporation* from clause 1.

**[4] Schedule 1, clause 1, definition of “public sector agency”**

Omit paragraph (e).

**Commencement**

The amendments to the *NSW Lotteries (Authorised Transaction) Act 2009* commence on 30 June 2017.

**Explanatory note**

Item [2] of the proposed amendments dissolves the Lotteries Assets Ministerial Holding Corporation, which has not exercised any functions under the *NSW Lotteries (Authorised Transaction) Act 2009* since it was established in connection with the transfer of the business of the New South Wales Lotteries Corporation to the private sector. Items [1], [3] and [4] make consequential amendments.

## **1.15 Pawnbrokers and Second-hand Dealers Act 1996 No 13**

**Section 39A**

Insert after section 39:

**39A Delegation**

The Secretary may delegate the exercise of any function of the Secretary under this Act (other than this power of delegation) to:

- (a) any person employed in the Department of Finance, Services and Innovation, or
- (b) any person, or any class of persons, authorised for the purposes of this section by the regulations.

**Explanatory note**

The proposed amendment will provide for a power to delegate the functions of the Commissioner for Fair Trading under the *Pawnbrokers and Second-hand Dealers Act 1996*. Currently, the Commissioner may delegate those functions only under a general power of delegation contained in section 8 of the *Fair Trading Act 1987*.

## **1.16 Protection of the Environment Administration Act 1991 No 60**

**Section 34A Environment Protection Authority Fund**

Omit “1990, and” from section 34A (3) (b) (vi). Insert instead:

1990,

- (vii) the *Waste Avoidance and Resource Recovery Act 2001*, and

**Explanatory note**

The proposed amendment provides that application and approval fees payable to the Environment Protection Authority in connection with the container deposit scheme established by the *Waste Avoidance and Resource Recovery Act 2001* are to be paid into the Environment Protection Authority Fund. This arrangement is consistent with the allocation to that Fund of fees payable under other legislation administered by the Authority.

## 1.17 Southern Cross University Act 1993 No 69

### [1] Section 16 Functions of Council

Insert after section 16 (1B) (e):

- (e1) without limiting paragraph (e), to enter into or participate in arrangements or transactions, or combinations of arrangements or transactions, to effect financial adjustments for the management of financial risks, and

### [2] Section 16 (1) (d)

Omit the paragraph. Insert instead:

- (d) obtain financial accommodation (including, without limitation, by the borrowing or raising of money) and do all things necessary or convenient to be done in connection with obtaining financial accommodation, and

### [3] Section 16 (1) (f)

Insert “and” at the end of the paragraph.

### [4] Section 18 Powers of Council relating to property

Insert “and may dispose of or otherwise deal with any other property of the University” after “University” in section 18 (2).

### [5] Schedule 3 Savings and transitional provisions

Insert after clause 43:

## Part 11 Provision consequent on enactment of Statute Law (Miscellaneous Provisions) Act 2017

### 44 Financial accommodation and risk management

An amendment made to this Act by the *Statute Law (Miscellaneous Provisions) Act 2017* does not affect the validity of any financial accommodation made by or on behalf of the University, any transaction or arrangement entered into or participated in to manage a financial risk, or any disposal or other dealing with property of the University, before the commencement of the amendment.

#### Explanatory note

The proposed amendments more clearly delineate the ambit of provisions of the *Southern Cross University Act 1993* that confer powers on the Council of the University with respect to the control and management of the financial affairs of the University and the acquisition and management of property. Similar amendments are being made to university Acts in general.

Each of the above amendments is explained in the explanatory note to Schedule 1.4 (*Charles Sturt University Act 1989* No 76) to this Act. Item [3] is an additional amendment, which corrects a list.

## 1.18 State Owned Corporations Act 1989 No 134

### Schedule 5 Statutory SOCs

Omit “Ausgrid”, “Superannuation Administration Corporation” and “TransGrid”.

#### Explanatory note

The proposed amendment removes redundant references to statutory State owned corporations. The corporations have ceased to be statutory State owned corporations for the purposes of the *State Owned Corporations Act 1989* as a consequence of corporate conversion directions given by the Treasurer under the *Electricity Network Assets (Authorised Transactions) Act 2015* and the

*Superannuation Administration Corporation (Pillar) (Authorised Transaction) Act 2016*. The directions were given in respect of TransGrid on 16 December 2015, Ausgrid on 1 December 2016 and Superannuation Administration Corporation on 1 December 2016.

## 1.19 Strata Schemes Development Act 2015 No 51

### Section 115 Readjustment of strata scheme for purposes of resumption

Insert “amending the existing schedule of unit entitlement or” before “substituting” in section 115 (4) (a).

#### Explanatory note

The proposed amendment makes it clear that the power of the Supreme Court to order the substitution of a strata scheme’s unit of entitlement in connection with the compulsory acquisition of land forming part of a strata scheme extends to an order for the amendment of the unit of entitlement.

## 1.20 Subordinate Legislation Act 1989 No 146

### Schedule 5 Further postponement of repeal of certain statutory rules

Insert after clause 6:

#### 7 Postponement of repeal of other statutory rules due for repeal in 2017

The following statutory rules remain in force until 1 September 2018, unless sooner repealed:

- (a) *Building Professionals Regulation 2007*,
- (b) *Commons Management Regulation 2006*,
- (c) *Community Land Development Regulation 2007*,
- (d) *Community Land Management Regulation 2007*,
- (e) *Crown Lands (Continued Tenures) Regulation 2006*,
- (f) *Crown Lands (General Reserves) By-law 2006*,
- (g) *Crown Lands Regulation 2006*,
- (h) *Environmental Planning and Assessment Regulation 2000*,
- (i) *Hay Irrigation Regulation 2007*,
- (j) *Local Government (General) Regulation 2005*,
- (k) *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*,
- (l) *Wentworth Irrigation Regulation 2007*.

#### Explanatory note

The proposed amendment keeps a number of statutory rules in force for a further period of 1 year after the date on which they would otherwise be repealed by the *Subordinate Legislation Act 1989*. However, any of the statutory rules may be repealed sooner by other legislation.

The proposed amendment is necessary as the statutory rules have each been postponed on at least 5 occasions and are due to be repealed by the *Subordinate Legislation Act 1989* on 1 September 2017.

Each of the statutory rules continues to be required and the repeal of each of the statutory rules is to be further postponed until 1 September 2018 for the following reasons:

- (a) The statutory review of the *Building Professionals Act 2005* has proposed new legislation to replace that Act with a new Act. It is therefore proposed to postpone the repeal of the *Building Professionals Regulation 2007* pending the enactment of that new legislation.
- (b) The *Community Land Development Act 1989* and the *Community Land Management Act 1989* are currently under review. It is considered that it would be premature to remake the *Community Land Development Regulation 2007* and the *Community Land Management Regulation 2007* at this time.

- (c) The *Crown Land Management Act 2016* will, on commencement, repeal the *Crown Lands (Continued Tenures) Regulation 2006*, the *Crown Lands (General Reserves) By-law 2006*, the *Crown Lands Regulation 2006*, the *Hay Irrigation Regulation 2007* and the *Wentworth Irrigation Regulation 2007* and the principal Acts under which they are made. It is therefore proposed to postpone the repeal of these regulations and the by-law pending the commencement of those repeals.
- (d) The *Commons Management Act 1989* and the *Commons Management Regulation 2006* are to be reviewed in light of the enactment of the new legal regime enacted under the *Crown Land Management Act 2016*. It is therefore proposed to postpone the repeal of the *Commons Management Regulation 2006* pending the conclusion of that review.
- (e) The *Environmental Planning and Assessment Act 1979* and its related legislation is under ongoing review. It is considered that it would be premature to remake the *Environmental Planning and Assessment Regulation 2000* until the results of the review are clear.
- (f) The *Local Government Act 1993* is currently under comprehensive review. It is considered that it would be premature to remake the *Local Government (General) Regulation 2005* before the conclusion of that review.
- (g) A review is being undertaken to determine whether the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* should be remade or replaced and whether to align it with the outcome of the current review of the *Local Government Act 1993*. It is considered that it would be premature to remake the Regulation before the conclusion of that review.

## **1.21 Superannuation Administration Corporation (Pillar) (Authorised Transaction) Act 2016 No 19**

### **[1] Sections 13 and 14**

Omit the sections.

### **[2] Schedule 1 Interpretative provisions**

Omit paragraph (d) of the definition of *public sector agency* in clause 1.

### **[3] Schedule 1, clause 1, definition of “Superannuation Administration Assets Ministerial Holding Corporation”**

Omit the definition.

### **[4] Schedule 6 Savings, transitional and other provisions**

Insert after clause 2:

## **Part 3 Provisions consequent on enactment of Statute Law (Miscellaneous Provisions) Act 2017**

### **3 Definitions**

In this Part:

*the amending Act* means the *Statute Law (Miscellaneous Provisions) Act 2017*.

### **4 Dissolution of Ministerial Holding Corporation**

The Superannuation Administration Assets Ministerial Holding Corporation (constituted under section 13 of this Act before its repeal by the amending Act) is dissolved.

## 5 Abolition of fund for Ministerial Holding Corporation

The Special Deposits Account fund for the Superannuation Administration Assets Ministerial Holding Corporation (established under section 14 of this Act before its repeal by the amending Act) is abolished.

### Commencement

The amendments to the *Superannuation Administration Corporation (Pillar) (Authorised Transaction) Act 2016* commence on 30 June 2017.

### Explanatory note

Item [4] of the proposed amendments dissolves the Superannuation Administration Assets Ministerial Holding Corporation (which has not exercised any functions under the *Superannuation Administration Corporation (Pillar) (Authorised Transaction) Act 2016* since it was established in connection with the transfer of the business of the Superannuation Administration Corporation to the private sector) and abolishes a redundant fund established under the Act for the holding corporation. Items [1]–[3] make consequential amendments.

## 1.22 Tow Truck Industry Act 1998 No 111

### [1] Whole Act (except where otherwise amended by this Subschedule)

Omit “RMS” wherever occurring. Insert instead “the Secretary”.

### [2] Section 3 Definitions

Omit the definitions of *authorised officer* and *RMS* from section 3 (1).

Insert in alphabetical order:

*authorised officer* means a person employed in the Public Service or the Transport Service who is authorised in writing by the Secretary as an authorised officer for the purposes of this Act.

*Department* means the Department of Finance, Services and Innovation.

*Secretary* means the Secretary of the Department.

### [3] Sections 16, 18 (1) and (6), 19, 21 (1), 24, 26 (1) and (3A), 27, 30 (1), 33 (1) (where firstly occurring) and (4) (where firstly occurring), 34 (1) (where firstly occurring) and (5) (where firstly occurring), 35 (1), (2) (where firstly occurring) and (5), 37 (2) (where firstly and secondly occurring), 39 (1) and (4), 41 (6), 42 (1) (where firstly occurring) and (2) (where firstly occurring), 43 (2A) and (6), 77, 78 (1) (where firstly occurring), 80 (1), 84, 90 (3), 92 (where firstly occurring), 95 (1) (where firstly occurring) and 96

Omit “RMS” wherever occurring. Insert instead “The Secretary”.

### [4] Part 2 Functions of RMS in relation to tow truck industry

Omit the Part.

### [5] Section 33 Investigation of application for licence or drivers certificate

Omit “enable it” from section 33 (1). Insert instead “enable the Secretary”.

### [6] Section 38 Duplicate licence or drivers certificate

Omit “it may”. Insert instead “the Secretary may”.

### [7] Section 39 Register of licences and drivers certificates

Omit “it determines” from section 39 (1). Insert instead “the Secretary determines”.

### [8] Part 3, Division 4, heading

Omit “RMS”. Insert instead “Secretary”.



- [9] Section 41 Disciplinary action**  
Omit “, in its administrative capacity,” from section 41 (1).
- [10] Section 43 Procedure for implementing disciplinary action**  
Omit “RMS’s” from section 43 (2). Insert instead “the Secretary’s”.
- [11] Section 57 Tow Truck number-plates**  
Omit “RMS may issue distinctive number-plates for tow trucks that are” from section 57 (1).  
Insert instead “Roads and Maritime Services may issue distinctive number-plates for tow trucks that are, according to the advice of the Secretary,”.
- [12] Section 80 Inquiries**  
Omit “it may” from section 80 (3). Insert instead “the Secretary may”.
- [13] Section 92 Investment of money in Fund**  
Omit “RMS” from section 92 (b). Insert instead “the Department”.
- [14] Section 93**  
Insert after section 92:
- 93 Delegation by Secretary**
- (1) The Secretary may delegate to an authorised delegate any of the Secretary’s functions under this Act or the regulations, other than this power of delegation.
  - (2) A delegate may sub-delegate to another authorised delegate any of the functions delegated by the Secretary if the delegate is authorised in writing to do so by the Secretary.
  - (3) In this section:  
*authorised delegate* means:
    - (a) any person employed in the Department, or
    - (b) any person, or any person belonging to a class of persons, prescribed by the regulations.
- [15] Section 101 Evidence**  
Omit “Chief Executive of RMS, or by a member of staff of RMS authorised by the Chief Executive” from section 101 (2).  
Insert instead “Secretary, or by an employee of the Department authorised by the Secretary”.
- [16] Section 102 Service of documents**  
Omit section 102 (3).
- [17] Section 102 (4)**  
Omit “or RMS”.
- [18] Section 105 Regulations**  
Omit “made or information supplied by RMS” from section 105 (2) (i).  
Insert instead “required or information supplied by the Secretary”.

**[19] Section 107 Repeals**

Omit the section.

**[20] Section 2 Savings and transitional provisions**

Insert at the end of the Schedule, with appropriate Part and clause numbering:

**Part Provision consequent on enactment of Statute Law  
(Miscellaneous Provisions) Act 2017**

**Existing authorised officers**

- (1) A person who was, immediately before the commencement of this clause, authorised by Roads and Maritime Services as an authorised officer, is taken to have been authorised by the Secretary as an authorised officer.
- (2) An identification card issued to the person by Roads and Maritime Services under section 98 is taken to be an identification card issued by the Secretary.

**Commencement**

The amendments to the *Tow Truck Industry Act 1998* commence on 1 July 2017.

**Explanatory note**

Items [1]–[3], [6], [7] and [12] of the proposed amendments confer on the Secretary of the Department of Finance, Services and Innovation (**the Department**) functions under the *Tow Truck Industry Act 1998* (**the Act**) that are currently conferred on Roads and Maritime Services. Item [2] also enables the Secretary to authorise any person employed in the Public Service or the Transport Service as an authorised officer for the purposes of the Act. Items [5], [8]–[11], [13], [15]–[18] and [20] make consequential amendments.

Item [14] enables the Secretary of the Department to delegate and authorise the sub-delegation of the functions of the Secretary under the Act.

Item [4] makes a consequential amendment to remove a provision conferring on Transport for NSW certain functions under the Act (including the determination of certain regulatory policy, the making of reports, the provision of information to the public and the undertaking of research with respect to the tow truck industry).

Item [19] omits a redundant provision.

**1.23 Tow Truck Industry Regulation 2008**

**[1] Whole Regulation (except where otherwise amended by this Subschedule)**

Omit “RMS” wherever occurring. Insert instead “the Secretary”.

**[2] Clauses 6 (2), 8 (1), 10 (2), 15 (2), 17 (1), 21, 25D (where firstly occurring), 25E (1) and (3), 25G, 25K, 33 (1), 36 (2), 46 (1) (where firstly occurring) and 54 (3) (where firstly occurring)**

Omit “RMS” wherever occurring. Insert instead “The Secretary”.

**[3] Clause 55 Exemption relating to interstate tow truck drivers and operators**

Omit the note.

**Commencement**

The amendments to the *Tow Truck Industry Regulation 2008* commence on 1 July 2017.

**Explanatory note**

The proposed amendments are consequent on the proposed amendments to the *Tow Truck Industry Act 1998* in this Schedule.

## 1.24 Transport Administration Act 1988 No 109

### [1] Section 3 Definitions

Omit paragraph (f) of the definition of *transport legislation* in section 3 (1).

### [2] Section 78 Payments into RMS Fund

Omit section 78 (1) (b) (v).

#### Commencement

The amendments to the *Transport Administration Act 1988* commence on 1 July 2017.

#### Explanatory note

The proposed amendments are consequent on the proposed amendments to the *Tow Truck Industry Act 1998* in this Schedule.

Item [1] ensures that functions under or in connection with that Act are no longer conferred on Transport for NSW or Roads and Maritime Services.

Item [2] removes a redundant reference to money received by Roads and Maritime Services under that Act from a provision relating to the Roads and Maritime Services Fund.

## 1.25 University of New England Act 1993 No 68

### [1] Section 16 Functions of Council

Insert after section 16 (1B) (e):

- (e1) without limiting paragraph (e), to enter into or participate in arrangements or transactions, or combinations of arrangements or transactions, to effect financial adjustments for the management of financial risks, and

### [2] Section 16 (1) (d)

Omit the paragraph. Insert instead:

- (d) obtain financial accommodation (including, without limitation, by the borrowing or raising of money) and do all things necessary or convenient to be done in connection with obtaining financial accommodation, and

### [3] Section 16 (1) (f)

Insert “and” at the end of the paragraph.

### [4] Section 18 Powers of Council relating to property

Insert “and may dispose of or otherwise deal with any other property of the University” after “University” in section 18 (2).

### [5] Schedule 3 Savings and transitional provisions

Insert after clause 47:

## Part 11 Provision consequent on enactment of Statute Law (Miscellaneous Provisions) Act 2017

### 48 Financial accommodation and risk management

An amendment made to this Act by the *Statute Law (Miscellaneous Provisions) Act 2017* does not affect the validity of any financial accommodation made by or on behalf of the University, any transaction or arrangement entered into or participated in to manage a financial risk, or any

disposal or other dealing with property of the University, before the commencement of the amendment.

**Explanatory note**

The proposed amendments more clearly delineate the ambit of provisions of the *University of New England Act 1993* that confer powers on the Council of the University with respect to the control and management of the financial affairs of the University and the acquisition and management of property. Similar amendments are being made to university Acts in general.

Each of the above amendments is explained in the explanatory note to Schedule 1.4 (*Charles Sturt University Act 1989 No 76*) to this Act. Item [3] is an additional amendment, which corrects a list.

## **1.26 University of New South Wales Act 1989 No 125**

### **[1] Section 15 Functions of Council**

Insert after section 15 (1B) (e):

- (e1) without limiting paragraph (e), to enter into or participate in arrangements or transactions, or combinations of arrangements or transactions, to effect financial adjustments for the management of financial risks, and

### **[2] Section 15 (1) (d)**

Omit the paragraph. Insert instead:

- (d) obtain financial accommodation (including, without limitation, by the borrowing or raising of money) and do all things necessary or convenient to be done in connection with obtaining financial accommodation,

### **[3] Section 17 Powers of Council relating to property**

Insert “and may dispose of or otherwise deal with any other property of the University” after “University” in section 17 (2).

### **[4] Schedule 3 Savings and transitional provisions**

Insert after clause 16:

#### **17 Financial accommodation and risk management**

An amendment made to this Act by the *Statute Law (Miscellaneous Provisions) Act 2017* does not affect the validity of any financial accommodation made by or on behalf of the University, any transaction or arrangement entered into or participated in to manage a financial risk, or any disposal or other dealing with property of the University, before the commencement of the amendment.

**Explanatory note**

The proposed amendments more clearly delineate the ambit of provisions of the *University of New South Wales Act 1989* that confer powers on the Council of the University with respect to the control and management of the financial affairs of the University and the acquisition and management of property. Similar amendments are being made to university Acts in general.

Each of the above amendments is explained in the explanatory note to Schedule 1.4 (*Charles Sturt University Act 1989 No 76*) to this Act.

## 1.27 University of Newcastle Act 1989 No 68

### [1] Section 16 Functions of Council

Insert after section 16 (1B) (e):

- (e1) without limiting paragraph (e), to enter into or participate in arrangements or transactions, or combinations of arrangements or transactions, to effect financial adjustments for the management of financial risks, and

### [2] Section 16 (1) (d)

Omit the paragraph. Insert instead:

- (d) obtain financial accommodation (including, without limitation, by the borrowing or raising of money) and do all things necessary or convenient to be done in connection with obtaining financial accommodation,

### [3] Section 18 Powers of Council relating to property

Insert “and may dispose of or otherwise deal with any other property of the University” after “University” in section 18 (2).

### [4] Schedule 3 Savings and transitional provisions

Insert after clause 26:

## Part 7 Provision consequent on enactment of Statute Law (Miscellaneous Provisions) Act 2017

### 27 Financial accommodation and risk management

An amendment made to this Act by the *Statute Law (Miscellaneous Provisions) Act 2017* does not affect the validity of any financial accommodation made by or on behalf of the University, any transaction or arrangement entered into or participated in to manage a financial risk, or any disposal or other dealing with property of the University, before the commencement of the amendment.

#### Explanatory note

The proposed amendments more clearly delineate the ambit of provisions of the *University of Newcastle Act 1989* that confer powers on the Council of the University with respect to the control and management of the financial affairs of the University and the acquisition and management of property. Similar amendments are being made to university Acts in general.

Each of the above amendments is explained in the explanatory note to Schedule 1.4 (*Charles Sturt University Act 1989* No 76) to this Act.

## 1.28 University of Sydney Act 1989 No 124

### [1] Section 16 Functions of Senate

Insert after section 16 (1B) (e):

- (e1) without limiting paragraph (e), to enter into or participate in arrangements or transactions, or combinations of arrangements or transactions, to effect financial adjustments for the management of financial risks, and

**[2] Section 16 (1) (d)**

Omit the paragraph. Insert instead:

- (d) obtain financial accommodation (including, without limitation, by the borrowing or raising of money) and do all things necessary or convenient to be done in connection with obtaining financial accommodation,

**[3] Section 18 Powers of Senate relating to property**

Insert “and may dispose of or otherwise deal with any other property of the University” after “University” in section 18 (2).

**[4] Schedule 3 Savings and transitional provisions**

Insert after clause 18:

**19 Financial accommodation and risk management**

An amendment made to this Act by the *Statute Law (Miscellaneous Provisions) Act 2017* does not affect the validity of any financial accommodation made by or on behalf of the University, any transaction or arrangement entered into or participated in to manage a financial risk, or any disposal or other dealing with property of the University, before the commencement of the amendment.

**Explanatory note**

The proposed amendments more clearly delineate the ambit of provisions of the *University of Sydney Act 1989* that confer powers on the Senate of the University with respect to the control and management of the financial affairs of the University and the acquisition and management of property. Similar amendments are being made to university Acts in general.

Each of the above amendments is explained in the explanatory note to Schedule 1.4 (*Charles Sturt University Act 1989* No 76) to this Act.

## **1.29 University of Technology Sydney Act 1989 No 69**

**[1] Section 16 Functions of Council**

Insert after section 16 (1B) (e):

- (e1) without limiting paragraph (e), to enter into or participate in arrangements or transactions, or combinations of arrangements or transactions, to effect financial adjustments for the management of financial risks, and

**[2] Section 16 (1) (d)**

Omit the paragraph. Insert instead:

- (d) obtain financial accommodation (including, without limitation, by the borrowing or raising of money) and do all things necessary or convenient to be done in connection with obtaining financial accommodation,

**[3] Section 18 Powers of Council relating to property**

Insert “and may dispose of or otherwise deal with any other property of the University” after “University” in section 18 (2).

**[4] Schedule 3 Savings and transitional provisions**

Insert after clause 25:

**Part 7 Provision consequent on enactment of Statute Law (Miscellaneous Provisions) Act 2017**

**26 Financial accommodation and risk management**

An amendment made to this Act by the *Statute Law (Miscellaneous Provisions) Act 2017* does not affect the validity of any financial accommodation made by or on behalf of the University, any transaction or arrangement entered into or participated in to manage a financial risk, or any disposal or other dealing with property of the University, before the commencement of the amendment.

**Explanatory note**

The proposed amendments more clearly delineate the ambit of provisions of the *University of Technology Sydney Act 1989* that confer powers on the Council of the University with respect to the control and management of the financial affairs of the University and the acquisition and management of property. Similar amendments are being made to university Acts in general.

Each of the above amendments is explained in the explanatory note to Schedule 1.4 (*Charles Sturt University Act 1989* No 76) to this Act.

**1.30 University of Wollongong Act 1989 No 127**

**[1] Section 11**

Omit the section. Insert instead:

**11 Deputy Chancellors**

- (1) The Council must elect one or more of its members to be Deputy Chancellors of the University.
- (2) Whenever a vacancy in the office of a Deputy Chancellor occurs, the Council must elect one of its members to fill the vacancy. The Council is not required to do so if there is another Deputy Chancellor.
- (3) A Deputy Chancellor, unless he or she sooner resigns or is removed from office as a Deputy Chancellor or ceases to be a member of the Council, holds office for 2 years from the date of election and on the conditions (if any) that are prescribed by the by-laws.
- (4) In the absence of the Chancellor, or during a vacancy in the office of Chancellor or during the inability of the Chancellor to act, the Deputy Chancellor or (if more than one) a Deputy Chancellor appointed from time to time by the Council has all the functions of the Chancellor.
- (5) No more than one Deputy Chancellor may be appointed under this section at any one time to exercise the functions of the Chancellor.

**[2] Section 11A Removal from office of Chancellor or Deputy Chancellor**

Insert “a” before “Deputy Chancellor” wherever occurring in section 11A (1) and (3).

**[3] Section 11A (4)**

Omit “those offices”. Insert instead “the office of Chancellor or a Deputy Chancellor”.

**[4] Section 16 Functions of Council**

Insert after section 16 (1B) (e):

- (e1) without limiting paragraph (e), to enter into or participate in arrangements or transactions, or combinations of arrangements or transactions, to effect financial adjustments for the management of financial risks, and

**[5] Section 16 (1) (d)**

Omit the paragraph. Insert instead:

- (d) obtain financial accommodation (including, without limitation, by the borrowing or raising of money) and do all things necessary or convenient to be done in connection with obtaining financial accommodation,

**[6] Section 18 Powers of Council relating to property**

Insert “and may dispose of or otherwise deal with any other property of the University” after “University” in section 18 (2).

**[7] Section 28 By-laws**

Omit “the Deputy Chancellor” from section 28 (1) (i). Insert instead “a Deputy Chancellor”.

**[8] Schedule 1 Provisions relating to members and procedure of the Council**

Omit clause 7 (2). Insert instead:

- (2) At any meeting of the Council at which the Chancellor is not present:
  - (a) the Deputy Chancellor who has the functions of the Chancellor under section 11 (4), or
  - (b) if any such Deputy Chancellor is not present at the meeting—a member elected by and from the members present,  
is to preside at the meeting.

**[9] Schedule 3 Savings and transitional provisions**

Insert after clause 18:

**19 Financial accommodation and risk management**

An amendment made to this Act by the *Statute Law (Miscellaneous Provisions) Act 2017* does not affect the validity of any financial accommodation made by or on behalf of the University, any transaction or arrangement entered into or participated in to manage a financial risk, or any disposal or other dealing with property of the University, before the commencement of the amendment.

**Commencement**

Items [1]–[3], [7] and [8] of the amendments to the *University of Wollongong Act 1989* commence on the date of assent to this Act.

**Explanatory note**

Item [1] of the proposed amendments substitutes section 11 of the Act to enable the Council of the University of Wollongong to elect one or more persons as Deputy Chancellors of the University (rather than one person, as is currently the case) and to make consequential changes to the existing provision. Items [2], [3], [7] and [8] also make consequential amendments.

Items [4]–[6] more clearly delineate the ambit of provisions of the Act that confer powers on the Council with respect to control and management of the financial affairs of the University and the acquisition and management of property. Item [9] contains a consequential savings and transitional provision. Similar amendments are being made to university Acts in general. Each of the amendments



set out in items [4]–[6] and [9] is explained in the explanatory note to Schedule 1.4 (*Charles Sturt University Act 1989* No 76) to this Act.

### **1.31 University of Wollongong By-law 2005**

**[1] Part 2, heading**

Omit “**Deputy Chancellor**”. Insert instead “**Deputy Chancellors**”.

**[2] Clause 4 Election of Chancellor or Deputy Chancellors**

Insert “a” before “Deputy Chancellor”.

**[3] Clause 5 Nomination of Chancellor or Deputy Chancellors**

Insert “a” before “Deputy Chancellor”.

**[4] Clause 6 Authority**

Insert “a” before “Deputy Chancellor”.

**[5] Clause 16 Nomination procedures relating to appointed members**

Omit clause 16 (1) (b). Insert instead:

(b) at least one Deputy Chancellor,

**[6] Clause 16 (1A)**

Insert after clause 16 (1):

(1A) Despite subclause (1), the Committee may be differently constituted if the Council so determines.

**[7] Clauses 23 (a) and 30 (2)**

Omit “the Deputy Chancellor” wherever occurring. Insert instead “a Deputy Chancellor”.

**[8] Clause 29 Honorary Awards Committee**

Omit “a Ceremonial and” from clause 29 (1). Insert instead “an”.

**[9] Clause 29 (2)**

Omit “Ceremonial and”.

**Commencement**

The amendments to the *University of Wollongong By-law 2005* commence on the date of assent to this Act.

**Explanatory note**

Items [1]–[5] and [7] of the proposed amendments are consequent on a proposed amendment to the *University of Wollongong Act 1989* in this Schedule that enables the Council of the University of Wollongong to elect one or more persons as Deputy Chancellors of the University, rather than only one person.

Item [6] gives the Council a discretion to constitute the Council Nominations Committee differently from its constitution as provided for in the By-law.

Item [8] alters the name of a committee established by the Council and item [9] makes a consequential amendment.

### 1.32 Water Management Act 2000 No 92

**[1] Section 60D Taking water otherwise than by or from water supply work or extraction point nominated in access licence**

Omit “a nominated water supply work for that water source”.

Insert instead “a water supply work, or from an extraction point, that is nominated in an access licence”.

**[2] Section 71G Minister may require production or surrender of access licence certificate before recording matters in Access Register**

Insert at the end of the section:

- (2) The Minister may require the access licence certificate for an access licence to be surrendered to the Minister before the Minister records the surrender of the access licence to which that certificate relates in the Access Register.

**[3] Dictionary**

Omit the definition of *nominated water supply work*.

**Explanatory note**

Item [1] of the proposed amendments modifies a prohibition on taking water from a water source. Currently, water must not be taken from a water source unless it is taken by means of a water supply work nominated in an access licence for that water source. The amendment will modify the prohibition to enable a person to take water from a water source by means of any water supply work or extraction point nominated in an access licence (whether or not it is nominated for that water source). The amendment is consequent on changes made by the *Water Management Amendment Act 2014* (which enable the holder of an access licence to nominate for any water source a water supply point or extraction point from which water may be taken under the licence). Item [3] makes a consequential amendment.

Item [2] enables the Minister for Regional Water to require an access licence certificate for an access licence under that Act to be surrendered before recording the surrender of the access licence in the Water Access Licence Register.

### 1.33 Western Sydney University Act 1997 No 116

**[1] Section 22 Functions of Board**

Insert after section 22 (1B) (e):

- (e1) without limiting paragraph (e), to enter into or participate in arrangements or transactions, or combinations of arrangements or transactions, to effect financial adjustments for the management of financial risks, and

**[2] Section 22 (1) (e)**

Omit the paragraph. Insert instead:

- (e) obtain financial accommodation (including, without limitation, by the borrowing or raising of money) and do all things necessary or convenient to be done in connection with obtaining financial accommodation, and

**[3] Section 22 (1) (g)**

Insert “and” at the end of the paragraph.

**[4] Section 24 Powers of Board relating to property**

Insert “and may dispose of or otherwise deal with any other property of the University” after “University” in section 24 (2).

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

Insert after clause 35:

**Part 7 Provision consequent on enactment of Statute Law  
(Miscellaneous Provisions) Act 2017**

**36 Financial accommodation and risk management**

An amendment made to this Act by the *Statute Law (Miscellaneous Provisions) Act 2017* does not affect the validity of any financial accommodation made by or on behalf of the University, any transaction or arrangement entered into or participated in to manage a financial risk, or any disposal or other dealing with property of the University, before the commencement of the amendment.

**Explanatory note**

The proposed amendments more clearly delineate the ambit of provisions of the *Western Sydney University Act 1997* that confer powers on the Board of the University with respect to the control and management of the financial affairs of the University and the acquisition and management of property. Similar amendments are being made to university Acts in general.

Each of the above amendments is explained in the explanatory note to Schedule 1.4 (*Charles Sturt University Act 1989* No 76) to this Act. Item [3] is an additional amendment, which corrects a list.

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

### **2.1 Australia and New Zealand Banking Group Limited (NMRB) Act 1991 No 35**

#### **Section 26 (1) and (2)**

Omit “Australian Securities Commission” wherever occurring.

Insert instead “Australian Securities and Investments Commission”.

#### **Explanatory note**

The proposed amendment updates references to a renamed Commonwealth agency.

### **2.2 Australian Jockey and Sydney Turf Clubs Merger Act 2010 No 93**

#### **Sections 4 (1) (definition of “racecourse”), 12 (1) (paragraph (c) of the definition of “transferable regulatory authorisations”) and 40**

Omit “*Racing Administration Act 1998*” wherever occurring.

Insert instead “*Betting and Racing Act 1998*”.

#### **Explanatory note**

The proposed amendment updates references to a renamed Act.

### **2.3 Biofuels (Registration) Order 2016**

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

Insert at the end of clause 3:

(2) Notes included in this Order do not form part of this Order.

#### **[2] Clause 4 (2)**

Omit “Schedule 1 of” wherever occurring. Insert instead “Schedule 1 to”.

#### **[3] Clause 4 (4)**

Renumber paragraph (g) as paragraph (f).

#### **Explanatory note**

Item [1] of the proposed amendments clarifies the status of notes. Item [2] corrects a reference. Item [3] corrects numbering.

### **2.4 Canberra Advance Bank Limited (Merger) Act 1992 No 17**

#### **Section 25**

Omit “Australian Securities Commission”.

Insert instead “Australian Securities and Investments Commission”.

#### **Explanatory note**

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

### **2.5 Cemeteries and Crematoria Act 2013 No 105**

#### **Section 54 (1)**

Insert “,” after “fee”.

#### **Explanatory note**

The proposed amendment inserts missing punctuation.

## **2.6 Children (Criminal Proceedings) Act 1987 No 55**

### **Section 48W (n)**

Omit “the the”. Insert instead “the”.

#### **Explanatory note**

The proposed amendment omits a duplicated word.

## **2.7 Duties Act 1997 No 123**

### **[1] Sections 65 (9), 81 and 85 (1) (b)**

Insert “(*New Homes*)” after “*First Home Owner Grant*” wherever occurring.

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

Omit “Sydney Harbour Foreshore Authority”. Insert instead “Place Management NSW”.

#### **Explanatory note**

Item [1] of the proposed amendments updates references to a renamed Act. Item [2] updates a reference to a renamed statutory body.

## **2.8 Election Funding, Expenditure and Disclosures Act 1981 No 78**

### **[1] Schedule 1, clause 5 (2)**

Omit “25 cents”. Insert instead “56 cents”.

### **[2] Schedule 1, clause 5 (2)**

Omit “0.01 cent” wherever occurring. Insert instead “\$0.01”.

#### **Explanatory note**

Item [1] of the proposed amendments corrects a reference to an amount adjusted for inflation. Item [2] updates a reference to the rounding of an amount adjusted for inflation to reflect the practice of rounding off to a whole cent (rather than a fraction of a cent).

## **2.9 Electricity Network Assets (Authorised Transactions) Act 2015 No 5**

### **Section 3, paragraph (b) of definition of “associated electricity network land”**

Omit “Government Property NSW”. Insert instead “Property NSW”.

#### **Explanatory note**

The proposed amendment updates a reference to a renamed statutory body.

## **2.10 Fair Trading Amendment (Commercial Agents) Act 2016 No 52**

### **Schedule 1 [1], proposed section 60E (4) (g)**

Insert “of” after “holder”.

#### **Explanatory note**

The proposed amendment inserts a missing word.

## **2.11 Fines Act 1996 No 99**

### **Section 117A (1) (a2) (i)**

Insert “(*New Homes*)” after “*First Home Owner Grant*”.

#### **Explanatory note**

The proposed amendment updates a reference to a renamed Act.

## 2.12 Fire Brigades Act 1989 No 192

### Section 44, definition of “State Revenue Commissioner”

Omit “—means”. Insert instead “means”.

#### Explanatory note

The proposed amendment omits redundant punctuation.

## 2.13 Forbes Local Environmental Plan 2013

### Clause 4.1AA

Re-number clause 4.1AA (4) as clause 4.1AA (3A).

#### Explanatory note

The proposed amendment corrects numbering.

## 2.14 Gambling (Two-up) Act 1998 No 115

### Section 7 (2)

Omit “*Racing Administration Act 1998*”. Insert instead “*Betting and Racing Act 1998*”.

#### Explanatory note

The proposed amendment updates a reference to a renamed Act.

## 2.15 Gloucester Local Environmental Plan 2010

### Land Use Table, Zone RU1, item 1

Omit “eco tourism”. Insert instead “eco-tourism”.

#### Explanatory note

The proposed amendment corrects terminology.

## 2.16 Greater Taree Local Environmental Plan 2010

### Schedule 5, item I249

Omit “and Lot 16”. Insert instead “; Lot 16”.

#### Explanatory note

The proposed amendment corrects punctuation.

## 2.17 Hairdressers Act 2003 No 62

### [1] Section 4 (2), paragraph (a) of definition of “authorised qualification”

Omit “(WRH30100) Certificate”. Insert instead “Certificate”.

### [2] Section 4 (2), definition of “registered training organisation”

Omit “*Vocational Education and Training Act 2005*”.

Insert instead “*National Vocational Education and Training Regulator Act 2011* of the Commonwealth”.

#### Explanatory note

Item [1] of the proposed amendments removes a reference to an obsolete course code. Item [2] updates a reference to an Act.

## 2.18 Harness Racing Act 2009 No 20

### Sections 3 (1) (definition of “harness racing meeting”) and 19 (9) (definition of “racecourse licensed for harness racing”)

Omit “*Racing Administration Act 1998*” wherever occurring.

Insert instead “*Betting and Racing Act 1998*”.

#### Explanatory note

The proposed amendment updates references to a renamed Act.

## 2.19 Hemp Industry Act 2008 No 58

### Section 5

Insert at the end of the section:

**Note.** See the *Narcotic Drugs Act 1967* of the Commonwealth for provisions relating to the regulation of the cultivation of cannabis (including low-THC hemp) for medicinal and related scientific purposes.

#### Explanatory note

The proposed amendment inserts a note referring to a Commonwealth Act that provides for the regulation of the cultivation of cannabis for medicinal and related scientific purposes.

## 2.20 Independent Commission Against Corruption Act 1988 No 35

### Section 35 (4A)

Omit “the the”. Insert instead “the”.

#### Explanatory note

The proposed amendment omits a duplicated word.

## 2.21 Lake Macquarie Local Environmental Plan 2014

### Schedule 5, Part 1, item 41

Omit “Almora Close 180”. Insert instead “Almora Close, 180”.

#### Explanatory note

The proposed amendment inserts missing punctuation.

## 2.22 Land Acquisition (Just Terms Compensation) Act 1991 No 22

### Section 4 (2) (b)

Omit “*Public Works Act 1912*”. Insert instead “*Public Works and Procurement Act 1912*”.

#### Explanatory note

The proposed amendment updates a reference to a renamed Act.

## 2.23 Land Tax Management Act 1956 No 26

### [1] Section 10 (1) (b)

Omit “*Marketing of Primary Products Act 1983*”.

Insert instead “*Rice Marketing Act 1983*”.

**[2] Section 10CA Taxation of land owned by Place Management NSW**

Omit “the Sydney Harbour Foreshore Authority” wherever occurring in section 10CA (1).

Insert instead “Place Management NSW”.

**Explanatory note**

Item [1] of the proposed amendments updates a reference to a renamed Act. Item [2] updates references to a renamed statutory body.

**2.24 Liquor Act 2007 No 90**

**Section 36 (6) (a)**

Omit “*Racing Administration Act 1998*”. Insert instead “*Betting and Racing Act 1998*”.

**Explanatory note**

The proposed amendment updates a reference to a renamed Act.

**2.25 Liquor Regulation 2008**

**Clause 26 (2)**

Omit “with 20 kms”. Insert instead “within 20 km”.

**Explanatory note**

The proposed amendment corrects typographical errors.

**2.26 Local Government Act 1993 No 30**

**Section 650A (2) (c)**

Omit “free”.

**Explanatory note**

The proposed amendment removes a redundant word.

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

**Clause 419 (1) (b)**

Omit “clause 121 (3A)”. Insert instead “clause 121 (3)”.

**Explanatory note**

The proposed amendment corrects a cross-reference.

**2.28 Mine Subsidence Compensation Act 1961 No 22**

**Section 13 (1AB) and (1AC)**

Omit “*Public Works Act 1912*” wherever occurring.

Insert instead “*Public Works and Procurement Act 1912*”.

**Explanatory note**

The proposed amendment updates references to a renamed Act.

**2.29 Nambucca Local Environmental Plan 2010**

**Land Use Table, Zone R5, item 2**

Omit “childcare”. Insert instead “child care”.

**Explanatory note**

The proposed amendment corrects terminology.



## **2.30 National Disability Insurance Scheme (NSW Enabling) Act 2013 No 104**

### **Schedule 2, clause 7 (1) and (2)**

Omit “transferor” wherever occurring. Insert instead “transferee”.

#### **Explanatory note**

The proposed amendment corrects references.

## **2.31 Parliamentary Remuneration Act 1989 No 160**

### **Schedule 1**

Omit the following:

Chair of the General Purpose Standing Committee No 1 of the Legislative Council  
Chair of the General Purpose Standing Committee No 2 of the Legislative Council  
Chair of the General Purpose Standing Committee No 3 of the Legislative Council  
Chair of the General Purpose Standing Committee No 4 of the Legislative Council  
Chair of the General Purpose Standing Committee No 5 of the Legislative Council  
Chair of the General Purpose Standing Committee No 6 of the Legislative Council

Insert instead:

Chair of the Portfolio Committee No 1—Premier and Finance  
Chair of the Portfolio Committee No 2—Health and Community Services  
Chair of the Portfolio Committee No 3—Education  
Chair of the Portfolio Committee No 4—Legal Affairs  
Chair of the Portfolio Committee No 5—Industry and Transport  
Chair of the Portfolio Committee No 6—Planning and Environment

#### **Explanatory note**

The proposed amendment updates references to the titles of certain recognised office holders under the *Parliamentary Remuneration Act 1989* in line with a resolution of the Legislative Council to rename certain committees of the Council.

## **2.32 Photo Card Regulation 2014**

### **Clause 3**

Insert at the end of the clause:

(2) Notes included in this Regulation do not form part of this Regulation.

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

### **2.33 Place Management NSW Act 1998 No 170**

#### **Section 17 (2) and (3)**

Omit “*Public Works Act 1912*” wherever occurring.

Insert instead “*Public Works and Procurement Act 1912*”.

#### **Explanatory note**

The proposed amendment updates references to a renamed Act.

### **2.34 Ports Assets (Authorised Transactions) Act 2012 No 101**

#### **Section 3, paragraph (b) of definition of “associated port land”**

Omit “State Property Authority”. Insert instead “Property NSW”.

#### **Explanatory note**

The proposed amendment updates a reference to a renamed statutory body.

### **2.35 Protection of the Environment Operations Act 1997 No 156**

#### **Dictionary, definition of “marine authority”**

Omit “the Maritime Authority of NSW”. Insert instead “Roads and Maritime Services”.

#### **Explanatory note**

The proposed amendment updates a reference to a statutory body as a consequence of the *Transport Legislation Amendment Act 2011*.

### **2.36 Social and Affordable Housing NSW Fund Act 2016 No 51**

#### **Section 3**

Insert at the end of the section:

- (2) Notes included in this Act do not form part of this Act.

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

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

#### **[1] Clause 48B (2) (c)**

Insert “of” after “74E”.

#### **[2] Clause 78 (1), definition of “Interim Rail Link Corridor”**

Omit paragraphs (b) and (c).

#### **[3] Clause 78 (1), definition of “rail corridors map”**

Omit paragraph (b).

#### **[4] Clause 113, definition of “ancillary facilities”, paragraph (i)**

Omit “anti climbing”. Insert instead “anti-climbing”.

#### **[5] Clause 121 (3)**

Omit “as defined by”. Insert instead “within the meaning of Schedule 1 to”.

#### **Explanatory note**

Item [1] of the proposed amendments inserts a missing word. Items [2] and [3] omit references relating to a proposed rail line, which have become redundant because the relevant rail line (the South West

Rail Link) has been constructed. Item [4] inserts a missing hyphen. Item [5] corrects a cross-reference.

## **2.38 Superannuation (Axiom Funds Management Corporation) Act 1996 No 40**

### **Section 4, definition of “SAA”**

Omit the definition.

#### **Explanatory note**

The proposed amendment omits a redundant definition.

## **2.39 Sutherland Shire Local Environmental Plan 2015**

### **Clause 6.14 (5)**

Omit “childcare centre”. Insert instead “child care centre”.

#### **Explanatory note**

The proposed amendment corrects terminology.

## **2.40 Taxation Administration Act 1996 No 97**

### **[1] Section 82 (b) (ii)**

Insert “(*New Homes*)” after “*First Home Owner Grant*”.

### **[2] Section 82 (k) (ii)**

Insert “Archives and” after “State”.

#### **Explanatory note**

Item [1] of the proposed amendments updates a reference to a renamed Act. Item [2] updates a reference to a renamed statutory body.

## **2.41 Teacher Accreditation Regulation 2015**

### **[1] Clause 17 (1) (a)**

Omit “President”. Insert instead “Chief Executive Officer”.

### **[2] Clause 39 (4) (c)**

Omit “office”. Insert instead “officer”.

#### **Explanatory note**

Item [1] of the proposed amendments updates a reference to an office holder. Item [2] corrects a typographical error.

## **2.42 Thoroughbred Racing Act 1996 No 37**

### **Section 14A (9) (definitions of “meeting for horse racing” and “racecourse licensed for horse racing”)**

Omit “*Racing Administration Act 1998*” wherever occurring.

Insert instead “*Betting and Racing Act 1998*”.

#### **Explanatory note**

The proposed amendment updates references to a renamed Act.

#### **2.43 Totalizator Act 1997 No 45**

**Sections 5 (1) (definitions of “authorised betting auditorium” and “racecourse”), 12 (1) (b), 13 (2) (b), 14 (1) (b) and 15 (1) (b) and clauses 11 (5) (c) and 21 of Schedule 2**

Omit “*Racing Administration Act 1998*” wherever occurring.

Insert instead “*Betting and Racing Act 1998*”.

**Explanatory note**

The proposed amendment updates references to a renamed Act.

#### **2.44 Unlawful Gambling Act 1998 No 113**

**Sections 9 (2) (b) and 49**

Omit “*Racing Administration Act 1998*” wherever occurring.

Insert instead “*Betting and Racing Act 1998*”.

**Explanatory note**

The proposed amendment updates references to a renamed Act.

## Schedule 3 Amendments consequent on enactment of Fines Amendment (Electronic Penalty Notices) Act 2016

### Explanatory note

The proposed amendments in this Schedule update the provisions of various Acts providing for the issue of penalty notices consequent on the enactment of the *Fines Amendment (Electronic Penalty Notices) Act 2016*. That Act amended the *Fines Act 1996* to consolidate and standardise provisions relating to penalty notices, including by transferring to the *Fines Act 1996* the substance of provisions found in specific sections of other Acts providing for the issue of penalty notices. The proposed amendments remove provisions of those sections of certain other Acts that are now duplicated in the *Fines Act 1996* and consolidate and standardise the remaining provisions of those sections (which provide for matters such as who may issue penalty notices, the offences for which penalty notices may be issued and the amount of penalty payable).

### 3.1 Assisted Reproductive Technology Act 2007 No 69

#### Section 64

Omit the section. Insert instead:

#### 64 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, *authorised officer* means:
  - (a) an inspector, or
  - (b) a person who is declared by the regulations to be an authorised officer for the purposes of this section or who belongs to a class of persons so declared.

### 3.2 Associations Incorporation Act 2009 No 7

#### Section 93

Omit the section. Insert instead:

#### 93 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.

- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

### 3.3 Barangaroo Delivery Authority Act 2009 No 2

#### Section 45

Omit the section. Insert instead:

#### 45 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, *authorised officer* means a person authorised in writing by the Authority as an authorised officer for the purposes of this section.

### 3.4 Biofuels Act 2007 No 23

#### Section 29

Omit the section. Insert instead:

#### 29 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.

- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, **authorised officer** means a person employed in the Department who is authorised in writing by the Secretary as an authorised officer for the purposes of this section.

### 3.5 Biosecurity Act 2015 No 24

#### [1] Section 303

Omit the section. Insert instead:

##### 303 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

#### [2] Schedule 8 Amendment of other legislation

Omit Schedule 8.16.

### 3.6 Boarding Houses Act 2012 No 74

#### Section 98

Omit the section. Insert instead:

##### 98 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.

- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, **authorised officer** means:
  - (a) a police officer, and
  - (b) in relation to an offence against a provision of Part 2 or regulations for that Part—a person who:
    - (i) is employed by a council or subject to its control or direction, and
    - (ii) is an authorised person (within the meaning of the *Local Government Act 1993*) for the purposes of section 679 (Penalty notices for certain offences) of that Act, and
  - (c) in relation to an offence against a provision of Part 4 or regulations for that Part—an enforcement officer within the meaning of that Part, and
  - (d) a person (or a person belonging to a class) prescribed by the regulations for the purposes of this paragraph.

### 3.7 Building Professionals Act 2005 No 115

#### Section 92

Omit the section. Insert instead:

#### 92 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.



- (6) In this section, *authorised officer* means a person authorised in writing by the Board as an authorised officer for the purposes of this section.

### 3.8 Cemeteries and Crematoria Act 2013 No 105

#### Section 111

Omit the section. Insert instead:

#### 111 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

### 3.9 Children and Young Persons (Care and Protection) Act 1998 No 157

#### Section 259A

Omit the section. Insert instead:

#### 259A Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, *authorised officer* means:
  - (a) a police officer, or

- (b) a person employed in the Department who is authorised in writing by the Secretary as an authorised officer for the purposes of this section, or
- (c) a person employed in the Office of the Children's Guardian who is authorised in writing by the Children's Guardian as an authorised officer for the purposes of this section.

### **3.10 Classification (Publications, Films and Computer Games) Enforcement Act 1995 No 63**

#### **Section 61A**

Omit the section. Insert instead:

#### **61A Penalty notices**

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section:  
*authorised officer* means, in relation to a particular offence, a person belonging to a class of persons specified in the regulations in relation to that offence.

### **3.11 Commercial Agents and Private Inquiry Agents Act 2004 No 70**

#### **Section 28**

Omit the section. Insert instead:

#### **28 Penalty notices**

- (1) An authorised inspector may issue a penalty notice to a person if it appears to the inspector that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.

- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

### 3.12 Companion Animals Act 1998 No 87

#### Section 92

Omit the section. Insert instead:

#### 92 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

### 3.13 Conveyancers Licensing Act 2003 No 3

#### Section 158

Omit the section. Insert instead:

#### 158 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).

- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, **authorised officer** means a person authorised in writing by the Secretary as an authorised officer for the purposes of this section.

### 3.14 Court Security Act 2005 No 1

#### Section 29

Omit the section. Insert instead:

#### 29 Penalty notices

- (1) A security officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

### 3.15 Dams Safety Act 2015 No 26

#### Section 46

Omit the section. Insert instead:

#### 46 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).

- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

### 3.16 Dangerous Goods (Road and Rail Transport) Act 2008 No 95

#### Section 48

Omit the section. Insert instead:

#### 48 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

### 3.17 Election Funding, Expenditure and Disclosures Act 1981 No 78

#### Section 111A

Omit the section. Insert instead:

#### 111A Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

- (6) In this section, *authorised officer* means an inspector within the meaning of section 110.

### 3.18 Electricity Supply Act 1995 No 94

#### Section 187

Omit the section. Insert instead:

#### 187 Penalty notices

- (1) An enforcement officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, *enforcement officer* means:
  - (a) a police officer, or
  - (b) a person employed in a government sector agency (within the meaning of the *Government Sector Employment Act 2013*) who is authorised in writing by the Minister to act as an enforcement officer for the purposes of this section.

### 3.19 Energy and Utilities Administration Act 1987 No 103

#### Section 46A

Omit the section. Insert instead:

#### 46A Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding

the maximum amount of penalty that could be imposed for the offence by a court).

- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, *authorised officer* means a person authorised in writing by the Corporation or the Secretary as an authorised officer for the purposes of this section.

### 3.20 Entertainment Industry Act 2013 No 73

#### Section 35

Omit the section. Insert instead:

#### 35 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

### 3.21 Exhibited Animals Protection Act 1986 No 123

#### Section 46A

Omit the section. Insert instead:

#### 46A Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding

the maximum amount of penalty that could be imposed for the offence by a court).

- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, *authorised officer* means:
  - (a) an inspector (other than a member who is deemed to be an inspector under section 9 (2)), or
  - (b) a person of a class prescribed by the regulations as a class of persons who may issue penalty notices under this section.

### 3.22 Explosives Act 2003 No 39

#### Section 34

Omit the section. Insert instead:

#### 34 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, *authorised officer* means:
  - (a) an inspector, or
  - (b) a police officer, or
  - (c) a person belonging to a class of persons specified in the regulations.

### 3.23 Fair Trading Act 1987 No 68

#### Section 67

Omit the section. Insert instead:

#### 67 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.



- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) For the avoidance of doubt, a reference to any further proceedings for the alleged offence in section 22A (1) of the *Fines Act 1996* (being an offence against this Act or the regulations) includes a reference to any further proceedings under section 224 of the ACL for a contravention of a provision of the ACL that has the same elements as the elements for the alleged offence.
- (7) In this section, **authorised officer** means:
  - (a) the Secretary, or
  - (b) an investigator, or
  - (c) a person who is appointed in writing by the Secretary as an authorised officer for the purposes of this section.

### 3.24 Firearms Act 1996 No 46

#### Section 85A

Omit the section. Insert instead:

#### 85A Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act (other than an offence referred to in section 84 (2) or (3)) or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section:  
**authorised officer** means:
  - (a) a police officer, or

- (b) any other member of the NSW Police Force authorised in writing by the Commissioner for the purposes of this section.

### 3.25 Fisheries Management Act 1994 No 38

#### Section 276

Omit the section. Insert instead:

#### 276 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, *authorised officer* means a police officer or, in relation to a particular offence, a person belonging to a class of persons specified in the regulations in relation to that offence.

### 3.26 Fisheries Management (General) Regulation 2010

#### Clause 348

Omit “section 276 (9)” from clause 348 (3). Insert instead “section 276 (6)”.

### 3.27 Food Act 2003 No 43

#### Section 120

Omit the section. Insert instead:

#### 120 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.

- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, *authorised officer* means a police officer, the Chief Executive Officer or an authorised officer as defined in section 4 (1).

### 3.28 Game and Feral Animal Control Act 2002 No 64

#### Section 57

Omit the section. Insert instead:

#### 57 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section:  
*authorised officer* means:
  - (a) an inspector, or
  - (b) a person who is declared by the regulations to be an authorised officer for the purposes of this section or who belongs to a class of persons so declared.

### 3.29 Gaming and Liquor Administration Act 2007 No 91

#### Section 46

Omit the section. Insert instead:

#### 46 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.

- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section:  
**authorised officer** means a police officer or an inspector.

### 3.30 Gene Technology (GM Crop Moratorium) Act 2003 No 12

#### Section 35

Omit the section. Insert instead:

#### 35 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section:  
**authorised officer** means:
- (a) an inspector, or
  - (b) a person who is declared by the regulations to be an authorised officer for the purposes of this section or who belongs to a class of persons so declared.

### 3.31 Graffiti Control Act 2008 No 100

#### Section 16

Omit the section. Insert instead:

#### 16 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed an offence against section 7 or 8 of this Act.
- (2) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (3) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (4) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (5) In this section, *authorised officer* means:
  - (a) a police officer, or
  - (b) a person of a class prescribed by the regulations as a class of persons who may issue penalty notices under this section.

### 3.32 Graffiti Control Regulation 2014

#### Clause 11

Omit “section 16 (2)” from clause 11 (1). Insert instead “section 16 (3)”.

### 3.33 Hemp Industry Act 2008 No 58

#### Section 45

Omit the section. Insert instead:

#### 45 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).

- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section:  
*authorised officer* means a police officer or an inspector.

### 3.34 Home Building Act 1989 No 147

#### Section 138A

Omit the section. Insert instead:

#### 138A Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, *authorised officer* means:
  - (a) the Secretary, or
  - (b) a person authorised in writing by the Secretary as an authorised officer for the purposes of this section, or
  - (c) an investigator appointed under the *Fair Trading Act 1987*.

### 3.35 Hunter Water Act 1991 No 53

#### Section 31A

Omit the section. Insert instead:

#### 31A Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.

- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, *authorised officer* means a person of a class prescribed by the regulations for the purposes of this section.

### 3.36 Impounding Act 1993 No 31

#### Section 36

Omit the section. Insert instead:

#### 36 Penalty notices

- (1) An impounding officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

### 3.37 Inclosed Lands Protection Act 1901 No 33

#### Section 10

Omit the section. Insert instead:

#### 10 Penalty notices

- (1) A police officer may issue a penalty notice to a person if it appears to the police officer that the person has committed an offence against this Act.
- (2) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (3) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).

- (4) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

### 3.38 Inclosed Lands Protection Regulation 2013

#### Clause 4

Omit “section 10 (2) and (6)”. Insert instead “section 10 (3)”.

### 3.39 Industrial Relations Act 1996 No 17

#### Section 396

Omit the section. Insert instead:

#### 396 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, **authorised officer** means an inspector appointed under this Act or the *Work Health and Safety Act 2011* or any other person of a class prescribed by the regulations.

### 3.40 Law Enforcement (Powers and Responsibilities) Act 2002 No 103

#### Section 235

Omit the section. Insert instead:

#### 235 Penalty notices

- (1) A police officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.



- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

### 3.41 Legal Profession Uniform Law Application Act 2014 No 16

#### Section 165

Omit the section. Insert instead:

#### 165 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act, the local regulations or the *Legal Profession Uniform Law (NSW)* that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, *authorised officer* means a person who is designated by the local regulations as an authorised officer for the purposes of this section.

### 3.42 Local Land Services Act 2013 No 51

#### Section 189

Omit the section. Insert instead:

#### 189 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.

- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

### 3.43 Lord Howe Island Act 1953 No 39

#### Section 37B

Omit the section. Insert instead:

#### 37B Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, **authorised officer** means a member of staff of the Board who is authorised by the Board to exercise powers, authorities, duties and functions under this section, and includes a police officer.

### 3.44 Major Events Act 2009 No 73

#### Section 73

Omit the section. Insert instead:

#### 73 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.

- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, **authorised officer** means any of the following who have been authorised in writing by the responsible authority for the major event concerned for the purposes of this section:
  - (a) a police officer,
  - (b) an officer or employee of a government agency,
  - (c) a person, or a member of a class of persons, prescribed by the regulations for the purposes of this definition.

### 3.45 Marine Safety Act 1998 No 121

#### Section 126

Omit the section. Insert instead:

#### 126 Penalty notices

- (1) A law enforcement officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, **law enforcement officer** means a police officer or, in relation to a particular offence, a person belonging to a class of persons specified in the regulations in relation to that offence.

### 3.46 Marine Safety Regulation 2016

#### Clause 135 Penalty notice offences and penalties

Omit “section 126 (9)” wherever occurring in clause 135 (4) and (4A).

Insert instead “section 126 (6)”.

### 3.47 Meat Industry Act 1978 No 54

#### Section 76A

Omit the section. Insert instead:

#### 76A Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, *authorised officer* means:
  - (a) an inspector, or
  - (b) a member of the NSW Police Force.

### 3.48 Motor Dealers and Repairers Act 2013 No 107

#### Section 158

Omit the section. Insert instead:

#### 158 Penalty notices

- (1) A penalty notice officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

- (6) In this section, *penalty notice officer* means a person prescribed by the regulations for the purposes of this section.

### **3.49 Motor Dealers and Repairers Regulation 2014**

#### **Clause 56 Penalty notice officers**

Omit “section 158 (10)”. Insert instead “section 158 (6)”.

### **3.50 Passenger Transport Act 2014 No 46**

#### **[1] Section 166**

Omit the section. Insert instead:

#### **166 Penalty notices**

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section:  
*authorised officer* means:
  - (a) a police officer, or
  - (b) another authorised officer authorised in writing by TfNSW or RMS as an authorised officer for the purposes of this section.

#### **[2] Schedule 4 Amendment of Acts**

Omit Schedule 4.2.

### **3.51 Pawnbrokers and Second-hand Dealers Act 1996 No 13**

#### **Section 26**

Omit the section. Insert instead:

#### **26 Penalty notices**

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.

- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

### 3.52 Petroleum (Onshore) Act 1991 No 84

#### Section 125N

Omit the section. Insert instead:

#### 125N Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, *authorised officer* means a person employed in the Department who exercises functions under this Act or the *Mining Act 1992* authorised in writing by the Secretary as an authorised officer for the purposes of this section.

### 3.53 Photo Card Act 2005 No 20

#### Section 34

Omit the section. Insert instead:

#### 34 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.

- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

### 3.54 Place Management NSW Act 1998 No 170

#### Section 43A

Omit the section. Insert instead:

#### 43A Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, *authorised officer* means a person authorised in writing by Place Management NSW as an authorised officer for the purposes of this section.

### 3.55 Plantations and Reafforestation Act 1999 No 97

#### Section 62

Omit the section. Insert instead:

#### 62 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.

**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.

- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

### 3.56 Plumbing and Drainage Act 2011 No 59

#### Section 41

Omit the section. Insert instead:

#### 41 Penalty notices

- (1) An enforcement officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

### 3.57 Ports and Maritime Administration Act 1995 No 13

#### Section 100

Omit the section. Insert instead:

#### 100 Penalty notices

- (1) A law enforcement officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.



- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, *law enforcement officer* means a police officer or, in relation to a particular offence, a person belonging to a class of persons specified in the regulations in relation to that offence.

### **3.58 Ports and Maritime Administration Regulation 2012**

#### **Clause 70 Law enforcement officers**

Omit “section 100 (9)”. Insert instead “section 100 (6)”.

### **3.59 Prevention of Cruelty to Animals Act 1979 No 200**

#### **Section 33E**

Omit the section. Insert instead:

#### **33E Penalty notices**

- (1) An inspector (within the meaning of Division 2 of Part 2A) may issue a penalty notice to a person if it appears to the inspector that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

### **3.60 Property, Stock and Business Agents Act 2002 No 66**

#### **Section 216**

Omit the section. Insert instead:

#### **216 Penalty notices**

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.

- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section:  
**authorised officer** means a person authorised in writing by the Secretary as an authorised officer for the purposes of this section.

### 3.61 Public Health Act 2010 No 127

#### Section 118

Omit the section. Insert instead:

#### 118 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

### 3.62 Public Health (Tobacco) Act 2008 No 94

#### Section 50

Omit the section. Insert instead:

#### 50 Penalty notices

- (1) An inspector may issue a penalty notice to a person if it appears to the inspector that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.

**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.

- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, *inspector* includes a police officer.

### 3.63 Residential (Land Lease) Communities Act 2013 No 97

#### Section 177

Omit the section. Insert instead:

#### 177 Penalty notices

- (1) An investigator may issue a penalty notice to a person if it appears to the investigator that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

### 3.64 Residential Tenancies Act 2010 No 42

#### Section 203

Omit the section. Insert instead:

#### 203 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.

- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, *authorised officer* means a person authorised in writing by the Secretary as an authorised officer for the purposes of this section.

### 3.65 Retirement Villages Act 1999 No 81

#### Section 184

Omit the section. Insert instead:

#### 184 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, *authorised officer* means:
  - (a) the Secretary, or
  - (b) a person appointed in writing by the Secretary as an authorised officer for the purposes of this section, or
  - (c) an investigator.

### 3.66 Roads Act 1993 No 33

#### Section 243

Omit the section. Insert instead:

#### 243 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed (or is, by virtue of section 244, guilty of) a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.

- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

### 3.67 Rural Fires Act 1997 No 65

#### Section 131

Omit the section. Insert instead:

#### 131 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, *authorised officer* means, in relation to a particular offence, a person belonging to a class of persons specified in the regulations in relation to that offence.

### 3.68 Rural Fires Regulation 2013

#### [1] Clause 48

Omit “section 131 (6)” from clause 48 (1). Insert instead “section 131”.

#### [2] Clause 48 (2)

Omit “section 131 (9)”. Insert instead “section 131 (6)”.

### 3.69 Smoke-free Environment Act 2000 No 69

#### Section 20A

Omit the section. Insert instead:

#### **20A Penalty notices**

- (1) An inspector may issue a penalty notice to a person if it appears to the inspector that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

### **3.70 Sporting Venues Authorities Act 2008 No 65**

#### **Section 38**

Omit the section. Insert instead:

#### **38 Penalty notices**

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, *authorised officer* means a police officer or a ranger.

### **3.71 Sporting Venues (Invasions) Act 2003 No 44**

#### **Section 12**

Omit sections 12 and 13. Insert instead:

#### **12 Penalty notices**

- (1) A police officer may issue a penalty notice to a person if it appears to the officer that the person has committed an offence against a provision of Part 2.

- (2) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (3) The amount payable under a penalty notice issued under this section is:
  - (a) the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court), or
  - (b) if no amount is prescribed—\$500.
- (4) This section does not affect a ban under Part 2, such a ban remaining in force notwithstanding the payment of an amount payable under this section.
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

### 3.72 Stock Medicines Act 1989 No 182

#### Section 60A

Omit the section. Insert instead:

#### 60A Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, *authorised officer* means a person authorised in writing by the Secretary of the Department of Industry as an authorised officer for the purposes of this section, and includes a police officer.

### 3.73 Strata Schemes Management Act 2015 No 50

#### Section 250

Omit the section. Insert instead:

#### 250 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.

- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, *authorised officer* means a person employed in the Department of Finance, Services and Innovation authorised in writing by the Secretary as an authorised officer for the purposes of this section.

### 3.74 Swimming Pools Act 1992 No 49

#### Section 35

Omit the section. Insert instead:

#### 35 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount (not exceeding 5 penalty units) prescribed for the alleged offence by the regulations.
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

### 3.75 Sydney Cricket and Sports Ground Act 1978 No 72

#### Section 30A

Omit the section. Insert instead:

#### 30A Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the by-laws that is prescribed by the by-laws as a penalty notice offence.



- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the by-laws (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, **authorised officer** means a person authorised by the Trust for the purposes of this section, a police officer or any other person of a class prescribed by the by-laws.

### 3.76 Sydney Olympic Park Authority Act 2001 No 57

#### Section 79

Omit the section. Insert instead:

#### 79 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against section 67, or an offence against the regulations, being an offence that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, **authorised officer** means a person authorised in writing by the Authority as an authorised officer for the purposes of this section.

### 3.77 Sydney Water Act 1994 No 88

#### Section 50

Omit the section. Insert instead:

#### 50 Penalty notices

- (1) An authorised person may issue a penalty notice to a person if it appears to the authorised person that the person has committed a penalty notice offence.

- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, *authorised person* means a person appointed in writing by the Minister as an authorised person for the purposes of this section.

### 3.78 Tow Truck Industry Act 1998 No 111

#### Section 89

Omit the section. Insert instead:

#### 89 Penalty notices

- (1) An authorised officer or a police officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

### 3.79 Unlawful Gambling Act 1998 No 113

#### Section 52

Omit the section. Insert instead:

#### 52 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.

- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section:  
*authorised officer* means, in relation to a particular offence, a person belonging to a class of persons specified in the regulations in relation to that offence.

### 3.80 Unlawful Gambling Regulation 2016

#### Clause 4 Penalty notice offences

Omit “section 52 (9)” from clause 4 (2). Insert instead “section 52 (6)”.

### 3.81 Veterinary Practice Act 2003 No 87

#### Section 101

Omit the section. Insert instead:

#### 101 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, *authorised officer* means a person authorised in writing by the Board as an authorised officer for the purposes of this section or a police officer.

### 3.82 Water Industry Competition Act 2006 No 104

#### Section 82

Omit the section. Insert instead:

#### 82 Penalty notices

- (1) An authorised official may issue a penalty notice to a person if it appears to the official that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, *authorised official* means a person appointed in writing by the Minister as an authorised official for the purposes of this section.

### 3.83 Water NSW Act 2014 No 74

#### Section 102

Omit the section. Insert instead:

#### 102 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations, or an offence against another Act or regulations under another Act (being an offence committed within the Sydney catchment area), that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

### 3.84 Weapons Prohibition Act 1998 No 127

#### Section 42

Omit the section. Insert instead:

#### 42 Penalty notices

- (1) A police officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

### 3.85 Western Sydney Parklands Act 2006 No 92

#### Section 48

Omit the section. Insert instead:

#### 48 Penalty notices

- (1) A ranger may issue a penalty notice to a person if it appears to the ranger that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

### 3.86 Work Health and Safety Act 2011 No 10

#### Section 243

Omit the section. Insert instead:

**243 Penalty notices**

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding 20% of the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, ***authorised officer*** means a member of staff of the regulator authorised in writing by the regulator as an authorised officer for the purposes of this section.

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

**Section 246**

Omit the section. Insert instead:

**246 Penalty notices**

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the 1987 Act (or the regulations under those Acts) that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, ***authorised officer*** means a person declared by the regulations to be an authorised officer for the purposes of this section.

## **Schedule 4 Amendments consequent on administrative arrangements orders and enactment of Government Sector Employment Act 2013**

### **Explanatory note.**

The proposed amendments in this Schedule update terminology and references relating to Public Service agencies, heads of agencies and Public Service employees as a consequence of the *Government Sector Employment Act 2013*. The Schedule also includes other miscellaneous amendments that are consequent on the enactment of that Act and the making of past administrative changes orders.

### **4.1 Apprenticeship and Traineeship Act 2001 No 80**

#### **[1] Sections 4 (1), 59 (2) and 78 and clauses 2 and 5 of Schedule 1**

Omit “Director-General” and “Director-General’s” wherever occurring.  
Insert instead “Secretary” and “Secretary’s”, respectively.

#### **[2] Section 78 Delegation by Secretary**

Omit “any public servant employed within the Department”.  
Insert instead “any person employed in the Department”.

#### **[3] Dictionary, definitions of “Department” and “Director-General”**

Omit the definitions. Insert in alphabetical order:

*Department* means the Department of Industry.

*Secretary* means the Secretary of the Department.

### **4.2 Betting and Racing Act 1998 No 114**

#### **[1] Section 6 (2) (d)**

Omit “Department of Gaming and Racing”. Insert instead “Department of Industry”.

#### **[2] Sections 26G (1) and (2), 26GA and 26GB**

Omit “Director-General of the Department of Gaming and Racing” wherever occurring.  
Insert instead “Secretary of the Department of Industry”.

#### **[3] Section 26G (3)**

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

### **4.3 Boarding Houses Act 2012 No 74**

#### **[1] Whole Act (except Schedule 2 and where otherwise amended by this Subschedule)**

Omit “Director-General” and “Director-General’s” wherever occurring.  
Insert instead “Secretary” and “Secretary’s”, respectively.

#### **[2] Sections 4 (1) (paragraph (a) of definition of “Commissioner”), 7 (3), 15 (2) and 27 (2)**

Omit “Department of Finance and Services” wherever occurring.  
Insert instead “Department of Finance, Services and Innovation”.

**[3] Section 4 (1), paragraph (b) of definition of “Commissioner”**

Omit the paragraph. Insert instead:

- (b) if there is no person employed as Commissioner for Fair Trading—the Secretary of the Department of Finance, Services and Innovation.

**[4] Section 4 (1), definition of “Director-General”**

Omit the definition. Insert in alphabetical order:

*Secretary* means the Secretary of the Department of Family and Community Services.

**[5] Section 15 (2) and 85 (2)**

Omit “officer or” wherever occurring.

**4.4 Children (Education and Care Services National Law Application) Act 2010 No 104**

**[1] Section 5 (2) (d)**

Omit the paragraph. Insert instead:

- (d) the *Government Sector Employment Act 2013*.

**[2] Sections 9 and 10 (2)**

Omit “Director-General of the Department of Education and Communities” wherever occurring.

Insert instead “Secretary of the Department of Education”.

**[3] Section 14**

Omit “*Public Sector Employment and Management Act 2002* and the regulations”.

Insert instead “*Government Sector Employment Act 2013* and the regulations and rules”.

**4.5 Community Land Management Act 1989 No 202**

**[1] Whole Act (except where otherwise amended by this Subschedule)**

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

**[2] Section 3 (1), definition of “Director-General”**

Omit the definition. Insert in alphabetical order:

*Secretary* means:

- (a) the Commissioner for Fair Trading, Department of Finance, Services and Innovation, or
- (b) if there is no person employed as Commissioner for Fair Trading—the Secretary of the Department of Finance, Services and Innovation.

**[3] Section 97E (2) (b) and (c)**

Omit “Director-General of the Department of Fair Trading” wherever occurring.

Insert instead “Secretary of the Department of Finance, Services and Innovation”.



**[4] Section 97E (3)**

Omit “Director-General for payment into the Department of Fair Trading”.

Insert instead “Secretary for payment into the Department of Finance, Services and Innovation”.

**[5] Section 109D**

Omit the section. Insert instead:

**109D Staff**

Persons may be employed under the *Government Sector Employment Act 2013* to enable the Secretary to exercise the Secretary’s functions under this Act.

**[6] Section 109E**

Omit “and subject to the provisions of the *Public Sector Management Act 1988*”.

Insert instead “the *Government Sector Employment Act 2013*”.

**4.6 Criminal Appeal Act 1912 No 16**

**Section 4 (1)**

Omit “under Chapter 2 of the *Public Sector Employment and Management Act 2002*”.

Insert instead “in the Public Service under the *Government Sector Employment Act 2013*”.

**4.7 Defamation Act 2005 No 77**

**Schedule 1, clause 9 (1) (d)**

Omit the paragraph. Insert instead:

- (d) to a person employed in the Public Service under the *Government Sector Employment Act 2013* to assist in the execution or administration of the *Anti-Discrimination Act 1977*, or

**4.8 Destination NSW Act 2011 No 21**

**Section 7 (2) (d)**

Omit “Director-General of the Department of Trade and Investment, Regional Infrastructure and Services or a person nominated by the Director-General”.

Insert instead “Secretary of the Department of Industry or a person nominated by the Secretary”.

**4.9 Education Act 1990 No 8**

**[1] Section 26C (1) (b)**

Omit the paragraph. Insert instead:

- (b) the Department,

**[2] Section 26C (1) (f) and (g)**

Omit section 26C (1) (f)–(h1). Insert instead:

- (f) the Department of Family and Community Services,  
(g) the Department of Justice,

**[3] Section 26C (2) (c)**

Omit the paragraph. Insert instead:  
(c) the Department,

**4.10 Electricity Supply Act 1995 No 94**

**[1] Schedule 6, clause 71A (7), definition of “Code for Safe Meter Installation” and Dictionary (definition of “connection point”)**

Omit “Department of Industry, Skills and Regional Development” wherever occurring.  
Insert instead “Department of Planning and Environment”.

**[2] Dictionary, definition of “Department”**

Omit “Department of Trade and Investment, Regional Infrastructure and Services”.  
Insert instead “Department of Planning and Environment”.

**4.11 Electricity Supply (Corrosion Protection) Regulation 2014**

**Clause 3 (1), definition of “Secretary”**

Omit “Department of Trade and Investment, Regional Infrastructure and Services”.  
Insert instead “Department of Planning and Environment”.

**4.12 Energy and Utilities Administration Act 1987 No 103**

**Section 3 (1), definition of “Department”**

Omit “Department of Trade and Investment, Regional Infrastructure and Services”.  
Insert instead “Department of Planning and Environment”.

**4.13 Explosives Regulation 2013**

**Clauses 6, 102 and 103 (1) (note)**

Omit “Director-General of the Department of Trade and Investment, Regional Infrastructure and Services” wherever occurring.  
Insert instead “Secretary of the Department of Planning and Environment”.

**4.14 Fines Act 1996 No 99**

**[1] Section 11 (8)**

Omit “Department of Attorney General and Justice”.  
Insert instead “Department of Justice”.

**[2] Sections 19A (3) (paragraph (a) of definition of “guidelines”) and 22 (2) (b) (i)**

Omit “Department of Finance and Services” wherever occurring.  
Insert instead “Department of Finance, Services and Innovation”.

**[3] Section 80 (4) (b)**

Omit “Director-General of the Department of Juvenile Justice, whichever is appropriate, and is to be kept by the Commissioner or Director-General”.

Insert instead “Secretary of the Department of Justice, whichever is appropriate, and is to be kept by the Commissioner or Secretary”.

**[4] Section 99A, paragraph (a) of definition of “approved organisation”**

Omit the paragraph. Insert instead:

(a) the Secretary of the Department of Justice, or

**[5] Section 99A, paragraph (b) of definition of “approved organisation”**

Omit “Department of Attorney General and Justice to whom the Director-General”.

Insert instead “Department of Justice to whom the Secretary”.

**[6] Section 101A (1) (a)**

Omit the paragraph. Insert instead:

(a) the Secretary of the Department of Finance, Services and Innovation,  
and

**[7] Section 101A (1) (c)**

Omit the paragraph. Insert instead:

(c) the Secretary of the Department of Justice.

#### **4.15 Firearms Act 1996 No 46**

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

Omit “the Department of Corrective Services”.

Insert instead “Corrective Services NSW, Department of Justice”.

**[2] Section 12, Table**

Omit “of the National Parks and Wildlife Service, the Department of Lands” from the matter relating to the genuine reason of recreational hunting/vermin control.

Insert instead “or employee of the National Parks and Wildlife Service, the Department of Industry”.

**[3] Section 12, Table**

Omit “Primary Industries” from the matter relating to the genuine reason of animal welfare.

Insert instead “Industry”.

**[4] Section 81 (3) (b)**

Omit the paragraph. Insert instead:

(b) a Public Service employee, or

#### **4.16 Gaming Machine Tax Act 2001 No 72**

**[1] Section 17A (2)**

Omit “Director-General of the Department of Trade and Investment, Regional Infrastructure and Services”.

Insert instead “Secretary of the Department of Industry”.

**[2] Section 19 (1) (c)**

Omit “Director-General of the Department of Gaming and Racing (or a senior officer of the Department appointed by the Director-General)”.

Insert instead “Secretary of the Department of Industry (or a Public Service senior executive employed in the Department appointed by the Secretary)”.

**[3] Section 19 (1) (d) and (2)**

Omit “Gaming and” wherever occurring.

#### **4.17 Gaming Machines Act 2001 No 127**

**[1] Section 48 (5)**

Omit “the NSW Office of Liquor, Gaming and Racing, Department of Trade and Investment, Regional Infrastructure and Services”.

Insert instead “Liquor and Gaming NSW, Department of Industry”.

**[2] Section 204A (1)**

Omit “Department of Trade and Investment, Regional Infrastructure and Services”.

Insert instead “Department of Industry”.

#### **4.18 Gas Supply Act 1996 No 38**

**Dictionary, definition of “Department”**

Omit “Department of Trade and Investment, Regional Infrastructure and Services”.

Insert instead “Department of Planning and Environment”.

#### **4.19 Gas Supply (Safety and Network Management) Regulation 2013**

**[1] Whole Regulation (except where otherwise amended by this Subschedule)**

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

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

**[2] Clause 3 (1), definition of “Director-General”**

Omit the definition. Insert in alphabetical order:

*Secretary* means the Secretary of the Department.

#### **4.20 General Government Liability Management Fund Act 2002 No 60**

**Section 6 (2) (d)**

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

#### **4.21 Government Advertising Act 2011 No 35**

##### **Section 3 (1), definition of “Government agency”**

Omit paragraph (a). Insert instead:

- (a) a Public Service agency within the meaning of the *Government Sector Employment Act 2013*, or

#### **4.22 Health Administration Act 1982 No 135**

**[1] Section 8 (2) (g)**

Omit “Government Department”. Insert instead “Public Service agency”.

**[2] Section 13A (3A)**

Omit the subsection. Insert instead:

- (3A) For the purposes of section 60 (1) of the *Government Sector Employment Act 2013*, the Corporation is taken to be the statutory body in respect of which persons are employed under Part 4 of that Act to enable a health professional council referred to in Schedule 2A to exercise its functions. Accordingly, the Corporation is authorised to pay out of an account under this section any employment-related costs that the Corporation is directed to pay under section 60 (1) of that Act.

**[3] Section 20C (1) and Schedule 4, clause 10 (2)**

Omit “officers” wherever occurring. Insert instead “employees”.

#### **4.23 Higher Education Act 2001 No 102**

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

Omit the definitions. Insert in alphabetical order:

- Department* means the Department of Education.  
*Secretary* means the Secretary of the Department.

**[2] Whole Act (except where otherwise amended by this Subschedule)**

Omit “Director-General” and “Director-General’s” wherever occurring.  
Insert instead “Secretary” and “Secretary’s”, respectively.

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

##### **Sections 48D (1), 114 (1), 119 (b), 128 (1) (a) and 131**

Omit “Office of Finance and Services” wherever occurring.

Insert instead “Department of Finance, Services and Innovation”.

#### **4.25 Mine and Petroleum Site Safety (Cost Recovery) Act 2005 No 116**

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

Omit “Department of Industry, Skills and Regional Development”.

Insert instead “Department of Planning and Environment”.

#### **4.26 Mine Safety (Cost Recovery) Regulation 2013**

**Clause 4, note**

Omit “Department of Trade and Investment, Regional Infrastructure and Services” wherever occurring.

Insert instead “Department of Planning and Environment”.

#### **4.27 Mining Act 1992 No 29**

**Dictionary, definition of “Department”**

Omit “Department of Industry, Skills and Regional Development”.

Insert instead “Department of Planning and Environment”.

#### **4.28 Offshore Minerals Regulation 2013**

**[1] Clause 4 (a)**

Omit “Department of Trade and Investment, Regional Infrastructure and Services”.

Insert instead “Department of Planning and Environment”.

**[2] Clause 4 (a)**

Omit “another Division of the Government Service”.

Insert instead “another Public Service agency (within the meaning of the *Government Sector Employment Act 2013*)”.

**[3] Clause 5, definition of “delegate”**

Omit the definition. Insert instead:

*delegate* means an employee or agent of the Department of Planning and Environment who is authorised by the Secretary of that Department to conduct a drawing of lots under this Part.

#### **4.29 Parents and Citizens Associations Incorporation Act 1976 No 50**

**Section 3 (1), definition of “Department”**

Omit “and Communities”.

#### **4.30 Parliamentary Remuneration Act 1989 No 160**

**Section 6B (5)**

Omit “member of the Government Service (other than a benefit that is only available to executive officers within the meaning of Part 3.1 of the *Public Sector Employment and Management Act 2002*)”.

Insert instead “Public Service employee (other than a benefit that is only available to Public Service senior executives within the meaning of the *Government Sector Employment Act 2013*)”.

#### **4.31 Partnership Act 1892 No 12**

**[1] Section 49, paragraph (a) of definition of “Registrar”**

Omit “Department of Finance and Services”.

Insert instead “Department of Finance, Services and Innovation”.

**[2] Section 49, paragraph (b) of definition of “Registrar”**

Omit the paragraph. Insert instead:

- (b) if there is no person employed as Commissioner for Fair Trading—the Secretary of the Department of Finance, Services and Innovation.

#### **4.32 Petroleum (Onshore) Act 1991 No 84**

**Section 3 (1), definition of “Department”**

Omit “Department of Industry, Skills and Regional Development”.

Insert instead “Department of Planning and Environment”.

#### **4.33 Pipelines Act 1967 No 90**

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

Omit “Department of Trade and Investment, Regional Infrastructure and Services”.

Insert instead “Department of Planning and Environment”.

**[2] Section 4 (4), paragraph (a) of the definition of “authorised person”**

Omit “member of staff of a Department of the Public Service”.

Insert instead “Public Service employee”.

#### **4.34 Plumbing and Drainage Act 2011 No 59**

**[1] Section 3 (1), paragraph (a) of definition of “plumbing regulator”**

Omit “Department of Finance and Services”.

Insert instead “Department of Finance, Services and Innovation”.

**[2] Section 3 (1), paragraph (b) of definition of “plumbing regulator”**

Omit the paragraph. Insert instead:

- (b) if there is no person employed as Commissioner for Fair Trading—the Secretary of the Department of Finance, Services and Innovation.

#### **4.35 Public Works and Procurement Act 1912 No 45**

**[1] Section 165 (1) (a) and (2)**

Omit “and Services” wherever occurring. Insert instead “, Services and Innovation”.

**[2] Section 165 (1) (b)**

Omit “Departments” wherever occurring. Insert instead “agencies”.

#### **4.36 Radiation Control Act 1990 No 13**

##### **Section 5A (2) and (2A) (a)**

Omit “Department of Industry, Skills and Regional Development” wherever occurring.  
Insert instead “Department of Planning and Environment”.

#### **4.37 Radiation Control Regulation 2013**

##### **Clause 47 Exercise of certain functions by Secretary of Department of Planning and Environment**

Omit “Director-General of the Department of Trade and Investment, Regional Infrastructure and Services” wherever occurring in clause 47 (3) and (4).  
Insert instead “Secretary of the Department of Planning and Environment”.

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

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

Omit “Land and Property Management Authority”.  
Insert instead “Department of Finance, Services and Innovation”.

##### **[2] Sections 13F (1) (c) and 13KA (1) (c)**

Omit “Department of Industry and Investment” wherever occurring.  
Insert instead “Department of Industry”.

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

##### **[1] Whole Act (except where otherwise amended by this Subschedule)**

Omit “Director-General” and “Director-General’s” wherever occurring.  
Insert instead “Secretary” and “Secretary’s” respectively.

##### **[2] Section 4 (1), definition of “Director-General”**

Omit the definition. Insert in alphabetical order:

*Secretary* means the Secretary of the Department of Industry.

#### **4.40 Residential (Land Lease) Communities Act 2013 No 97**

##### **[1] Sections 4 (1), paragraph (a) of definition of “Commissioner”, and 20 (2)**

Omit “Department of Finance and Services” wherever occurring.  
Insert instead “Department of Finance, Services and Innovation”.

##### **[2] Section 4 (1), paragraph (b) of definition of “Commissioner”**

Omit the paragraph. Insert instead:

- (b) if there is no person employed as Commissioner for Fair Trading—the Secretary of the Department of Finance, Services and Innovation.



#### **4.41 Roads Act 1993 No 33**

##### **Section 149 (2) and (3)**

Omit “Director of Planning” wherever occurring.

Insert instead “Secretary of the Department of Planning and Environment”.

#### **4.42 Service NSW (One-stop Access to Government Services) Act 2013 No 39**

##### **Section 3 (1), definition of “Government agency”**

Omit paragraph (b). Insert instead:

- (b) a Public Service agency within the meaning of the *Government Sector Employment Act 2013*, or

#### **4.43 Sheriff Act 2005 No 6**

##### **[1] Section 3 (1), definitions of “Sheriff” and “sheriff’s officer”**

Omit the definitions. Insert in alphabetical order:

*Sheriff* means the person employed in the Public Service as Sheriff.

*sheriff’s officer* means a person employed in the Public Service as a sheriff’s officer.

##### **[2] Section 3 (1), definition of “Sheriff’s alternate”**

Omit “Director-General of the Attorney General’s Department”.

Insert instead “Secretary of the Department of Justice”.

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

Omit the paragraph. Insert instead:

- (b) to any person employed in the Department of Justice, or

##### **[4] Section 12, including the note**

Omit “Director-General” and “Department of Finance and Services” wherever occurring.

Insert instead “Secretary” and “Department of Finance, Services and Innovation”, respectively.

#### **4.44 Supreme Court Act 1970 No 52**

##### **[1] Section 113**

Omit “*Public Sector Employment and Management Act 2002*” wherever occurring.

Insert instead “*Government Sector Employment Act 2013*”.

##### **[2] Section 113 (2)**

Omit “an officer”. Insert instead “a Public Service employee”.

##### **[3] Section 120**

Omit “under Chapter 2 of the *Public Sector Employment and Management Act 2002*”.

Insert instead “in the Public Service under the *Government Sector Employment Act 2013*”.

**[4] Section 120A (4), definition of “court officer”**

Omit “a member of staff of the Attorney General’s Department” from paragraph (b).  
Insert instead “an employee of the Department of Justice who is”.

**4.45 Taxation Administration Act 1996 No 97**

**[1] Section 65**

Omit “appointed under Part 2 of the *Public Sector Management Act 1988*”.  
Insert instead “employed under the *Government Sector Employment Act 2013*”.

**[2] Section 82 (k) (vi)**

Omit “a member of the Public Service”. Insert instead “a Public Service employee”.

**[3] Section 82 (k) (ix)**

Omit “the Head of a Department of the Public Service”.  
Insert instead “the head of a Public Service agency within the meaning of the *Government Sector Employment Act 2013*”.

**[4] Section 82 (k) (xi) and (xia)**

Omit the subparagraphs. Insert instead:  
(xi) the Secretary of the Department of Education,  
(xia) the Secretary of the Department of Industry,

**[5] Section 82 (k) (xiii)**

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

**4.46 Teaching Service Act 1980 No 23**

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

Omit “and Training”.

**[2] Section 79 (2)**

Omit “Schedule 3A to the *Public Sector Employment and Management Act 2002*” wherever occurring.  
Insert instead “Schedule 2 to the *Government Sector Employment Regulation 2014*”.

**4.47 Technical and Further Education Commission Act 1990 No 118**

**[1] Section 8 (3) and (4) (a1)**

Omit “public servant employed in the Department of Education and Training” wherever occurring.  
Insert instead “person employed in the Department of Industry”.

**[2] Section 11 (2) (b)**

Omit “a senior public servant employed in the Department of Education and Training”.  
Insert instead “a Public Service senior executive employed in the Department of Industry”.

**[3] Section 11 (2) (e)**

Omit “Minister for School Education and Youth Affairs”.

Insert instead “Minister for Education”.

**[4] Section 11 (3)**

Omit “the senior public servant employed in the Department of Education and Training”.

Insert instead “the Public Service senior executive employed in the Department of Industry”.

**4.48 Technical Education Trust Funds Act 1967 No 95**

**Sections 6B (1) (b) and (2), 6C (2) and (3) and 6E**

Omit “Director-General of the Department of Education and Training” wherever occurring.

Insert instead “Secretary of the Department of Industry”.

**4.49 Totalizator Act 1997 No 45**

**Section 70B (6)**

Omit “Department of Justice”. Insert instead “Department of Industry”.

**4.50 Vocational Education and Training (Commonwealth Powers) Act 2010 No 131**

**[1] Schedule 3, clause 5**

Omit “The Director-General of the Department of Education and Training”.

Insert instead “The Secretary of the Department of Industry”.

**[2] Schedule 3, clause 5**

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

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

**4.51 Waste Recycling and Processing Corporation (Authorised Transaction) Act 2010 No 8**

**[1] Sections 7, 16 (2) and 20 (2) and clauses 3 (3) and 5 (2) and (3) of Schedule 5**

Omit “Minister for Finance and Services” wherever occurring.

Insert instead “Minister for Finance, Services and Property”.

**[2] Section 20 (2)**

Omit “Director-General of the Department of Finance and Services”.

Insert instead “Secretary of the Department of Finance, Services and Innovation”.

**4.52 Work Health and Safety Act 2011 No 10**

**Section 4, paragraph (b) of definition of “member of staff”**

Omit “Department of Industry, Skills and Regional Development”.

Insert instead “Department of Planning and Environment”.

#### **4.53 Work Health and Safety (Mines and Petroleum Sites) Act 2013 No 54**

##### **Section 5 (1), definition of “Department”**

Omit “Department of Industry, Skills and Regional Development”.

Insert instead “Department of Planning and Environment”.

#### **4.54 Work Health and Safety (Mines and Petroleum Sites) Regulation 2014**

##### **Schedule 10, clause 13 (2)**

Omit “Department of Trade and Investment, Regional Infrastructure and Services”.

Insert instead “Department of Planning and Environment”.

## Schedule 5 Repeals

### 1 Repeal of redundant Act and provisions

The following Act and provisions of an Act or instrument are repealed:

<b>Act or instrument</b>	<b>Provisions repealed</b>
<i>Independent Pricing and Regulatory Tribunal Act 1992</i> No 39	Sections 11 (3) and 15 (4)
<i>Passenger Transport Regulation 2014</i>	Clauses 5 and 6 (2)
<i>Statute Law (Miscellaneous Provisions) Act (No 2)</i> 2016 No 55	Whole Act

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### 2 Repeal of amending Act and provisions that have commenced

The following Act or provisions of an Act are repealed:

<b>Act</b>	<b>Provisions repealed</b>
<i>Marine Safety Act 1998</i> No 121	Schedule 2
<i>Water Management Amendment Act 2008</i> No 73	Whole Act

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### 3 Repeal of amending provisions that have been superseded

The following provisions of Acts are repealed:

<b>Act</b>	<b>Provisions repealed</b>
<i>Fisheries Management Amendment Act 2015</i> No 59	Schedule 2
<i>Law Enforcement Conduct Commission Act 2016</i> No 61	Schedule 6.23

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## Schedule 6 General savings, transitional and other provisions

### 1 Effect of amendment of amending provisions

- (1) An amendment made by Schedule 1, 2, 3 or 4 to an amending provision contained in an Act or instrument is, if the amending provision has commenced before the Schedule 1, 2, 3 or 4 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 an amendment made by the proposed Act to a repealing or amending provision of an Act or instrument will (if the repealing or amending provision commences before the amendment made by the proposed Act) be taken to have commenced on the date the repealing or amending provision commences.

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

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

- (a) amends a provision of an Act or an instrument, or
- (b) repeals and re-enacts (with or without modification) a provision of an Act or an instrument,

any act done or decision made under the provision amended or repealed has effect after the amendment or repeal as if it had been done or made under the provision as so amended or repealed.

#### Explanatory note

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

### 3 Effect of amendment on instruments

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

#### Explanatory note

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

### 4 Revocation of repeal

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

#### Explanatory note

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

## **5 Regulations**

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

### **Explanatory note**

This clause enables the making of regulations of a savings or transitional nature relating to incidental matters arising out of the proposed Act.