

Passed by both Houses



New South Wales

# Statute Law (Miscellaneous Provisions) Bill 2007

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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, , 2007*



New South Wales

## **Statute Law (Miscellaneous Provisions) Bill 2007**

Act No , 2007

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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 2007*.

**2 Commencement**

- (1) This Act commences on the date of assent, except as provided by this section.
- (2) The amendments made by Schedules 1–4 commence on the day or days specified in those Schedules in relation to the amendments concerned. If a commencement day is not specified, the amendments commence on the date of assent.

**3 Amendments**

The Acts and instruments specified in Schedules 1–4 are amended as set out in those Schedules.

**4 Repeals**

Each Act specified in Schedule 5 is, to the extent indicated in that Schedule, repealed.

**5 General savings, transitional and other provisions**

Schedule 6 has effect.

**6 Explanatory notes**

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

**7 Repeal of Act**

- (1) This Act is repealed on the day following the day on which all of the provisions of this Act have commenced.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

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## Schedule 1 Minor amendments

(Section 3)

### 1.1 Aboriginal Land Rights Act 1983 No 42

**[1] Section 118 Advisory committees**

Omit “time time” from section 118 (1). Insert instead “time to time”.

**[2] Section 120 Membership of New South Wales Aboriginal Land Council**

Omit “(other than the Chairperson of the Council)” from section 120 (2).

**[3] Section 217 Contents of investigator’s instrument of appointment**

Insert at the end of section 217:

- (2) The instrument may also contain provision for the payment to the investigator of remuneration in addition to the remuneration specified in the instrument. For example, the instrument could provide for the New South Wales Aboriginal Land Council to approve the payment of additional remuneration that it is satisfied is reasonable.

**[4] Section 224 Contents of administrator’s instrument of appointment**

Insert at the end of section 224:

- (2) The instrument may also contain provision for the payment to the administrator of remuneration in addition to the remuneration specified in the instrument. For example, the instrument could provide for the New South Wales Aboriginal Land Council to approve the payment of additional remuneration that it is satisfied is reasonable.

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

Insert after Part 7 of Schedule 4:

## Part 8 Statute Law (Miscellaneous Provisions) Act 2007

### 49 Remuneration of investigators and administrators

- (1) Each instrument of appointment of an investigator or administrator under Part 11 that was executed before the commencement of this clause is taken to include (and always to have included) provision to the effect that the New South Wales Aboriginal Land Council may approve the payment of additional

remuneration to the investigator or administrator that the Council is satisfied is reasonable.

- (2) An amount paid before the commencement of this clause as remuneration to an investigator or administrator appointed under Part 11, being an amount paid with the approval of the New South Wales Aboriginal Land Council in addition to the remuneration specified in the investigator's or administrator's instrument of appointment, is taken to be and always to have been validly paid as remuneration of the investigator or administrator.
- (3) Sections 217 (2) and 224 (2) extend to an instrument of appointment of an investigator or administrator under Part 11 that was executed before the commencement of this clause, with the result that a provision included in such an instrument that would have been valid had sections 217 (2) and 224 (2) been in force when the instrument was executed is taken to be and always to have been valid.

#### **Commencement**

Item [2] of the amendments to the *Aboriginal Land Rights Act 1983* is taken to have commenced on the commencement of Schedule 1 [47] to the *Aboriginal Land Rights Amendment Act 2006*.

#### **Explanatory note**

Item [1] of the proposed amendments to the *Aboriginal Land Rights Act 1983* (**the Act**) inserts a missing word.

Item [2] of the proposed amendments clarifies that the Chairperson of the New South Wales Aboriginal Land Council is to be full-time. Before section 120 of the Act was inserted by Schedule 1 [47] to the *Aboriginal Land Rights Amendment Act 2006*, the councillors of the New South Wales Aboriginal Land Council, including the Chairperson, were all full-time. The new section 120 (2) provided that the councillors were to be full-time but, inadvertently, did not make it clear that the Chairperson (who is to be elected from among those councillors) is also to be full-time.

Items [3] and [4] of the proposed amendments amend provisions of the Act that deal with the appointment of investigators and administrators of Aboriginal Land Councils to provide that the instrument of appointment of an investigator or administrator may include provision for the payment to the investigator or administrator of remuneration in addition to that specified in the instrument (for example, provision for the NSW Aboriginal Land Council to approve the payment of additional remuneration that the Council is satisfied is reasonable).

Item [5] of the proposed amendments enacts transitional provisions that extend the amendments to instruments of appointment executed before the commencement of the amendments (**existing instruments**), validates payments of additional remuneration made with the approval of the NSW Aboriginal Land Council and deems existing instruments to include a provision enabling the NSW Aboriginal Land Council to approve additional remuneration that the Council is satisfied is reasonable.

## **1.2 Aboriginal Land Rights Amendment Act 2006 No 111**

### **Schedule 1 Amendment of Aboriginal Land Rights Act 1983**

Omit proposed section 63 (6) from Schedule 1 [41]. Insert instead:

(6) The Registrar is to be the returning officer for an election.

#### **Explanatory note**

The proposed amendment to the *Aboriginal Land Rights Amendment Act 2006* makes the Registrar appointed under the *Aboriginal Land Rights Act 1983* the returning officer for elections of Board members of Local Aboriginal Land Councils instead of the Electoral Commissioner for New South Wales.

## **1.3 Agricultural Livestock (Disease Control Funding) Act 1998 No 139**

### **Sections 7 (2) (c) and 8 (3) (c)**

Omit “Rural Lands Protection Board Association” wherever occurring.

Insert instead “State Council of Rural Lands Protection Boards”.

#### **Explanatory note**

The proposed amendment to the *Agricultural Livestock (Disease Control Funding) Act 1998* replaces references in the Act to the defunct Rural Lands Protection Board Association with references to the State Council of Rural Lands Protection Boards.

## **1.4 Commission for Children and Young People Act 1998 No 146**

### **[1] Schedule 1, clauses 2, 3 (4)–(6) and 6 (5)**

Omit “Chairman” wherever occurring. Insert instead “Chair”.

### **[2] Schedule 1, clauses 2 and 3 (4)–(6)**

Omit “Vice-Chairman” wherever occurring.

Insert instead “Deputy Chair”.

#### **Explanatory note**

The proposed amendments to the *Commission for Children and Young People Act 1998* change the titles of the presiding officers of a parliamentary committee to ensure consistent titles are used across all parliamentary committees.

## 1.5 Community Land Development Act 1989 No 201

### [1] Schedule 1 Plans

Insert after clause 2 (1):

- (1A) The plan must be lodged with a separate document in the approved form that relates to the plan. The documents required to be lodged with a plan under subclause (2) are to be included with the separate document.

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

Omit “A plan”.

Insert instead “The separate document required to be lodged under subclause (1A) with a plan”.

### [3] Schedule 1, clause 2 (6A)

Omit the subclause.

#### Commencement

The amendments to the *Community Land Development Act 1989* commence on a day or days to be appointed by proclamation.

#### Explanatory note

The proposed amendments to the *Community Land Development Act 1989* (**the Act**) provide for a separate document in the approved form to be lodged with certain plans that are required to be registered and lodged with the Registrar-General under the Act. The amendments will enable all signatures and consents required for lodging those plans to be endorsed on, or included with, that separate document.

## 1.6 Community Land Management Act 1989 No 202

### [1] Section 3 Definitions

Omit “Minister” from the definition of *approved form* in section 3 (1).

Insert instead “Director-General”.

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

Omit the definition. Insert instead:

**Director-General** means:

- (a) the Commissioner for Fair Trading, Department of Commerce, or
- (b) if there is no such position in that Department, the Director-General of that Department.

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**[3] Section 39 Insurance against damage or destruction**

Omit section 39 (1A). Insert instead:

- (1A) Any such building or structure is to be insured for not less than:
- (a) the amount determined in accordance with the regulations, or
  - (b) if the regulations make no provision for determining the amount, the value of the building or structure indicated by the last valuation obtained for the building or structure in accordance with this Division.

**[4] Section 66 Mediation of disputes relating to community schemes**

Insert after section 66 (1):

- (1A) The application must be accompanied by the fee prescribed by the regulations.

**[5] Section 122 Regulations**

Insert after section 122 (1):

- (1A) In particular, the regulations may make provision for or with respect to fees payable under the Act, including the waiver or refund of the whole or any part of a fee.

**Explanatory note**

Item [1] of the proposed amendments to the *Community Land Management Act 1989* (**the Act**) requires forms under the Act to be approved by the Commissioner for Fair Trading, Department of Commerce rather than the Minister for Fair Trading.

Item [2] of the proposed amendments provides (in line with other consumer affairs legislation) for the Commissioner for Fair Trading, Department of Commerce to exercise the functions under the Act previously exercised by the Director-General of the Department of Fair Trading. However, if there is no position of Commissioner for Fair Trading within the Department of Commerce, the Director-General of that Department will exercise those functions.

Section 39 (1A) of the Act currently provides that a building or structure on the property of an association (within the meaning of the Act) is to be insured for at least the value of the building or structure indicated by the last valuation obtained for the building or structure.

Item [3] of the proposed amendments substitutes section 39 (1A) to provide that the value of insurance for the building or structure is to be at least the amount determined in accordance with the regulations or, if the regulations do not provide for the determination of such an amount, at least the value of the building or structure indicated by the last valuation obtained for the building or structure in accordance with Division 3 of Part 2 of the Act.

Item [4] of the proposed amendments provides that an application for the mediation of a dispute relating to a community scheme must be accompanied by the fee that is prescribed by the regulations in respect of the application.

Item [5] of the proposed amendments allows the making of regulations for or with respect to fees under the Act or the waiver or refund of any fee under the Act.

## **1.7 Companion Animals Act 1998 No 87**

### **[1] Section 36 Obligations of owner when notified of proposed dangerous dog declaration**

Insert “that is attached to the dog and is held by (or secured to) the person” after “leash” in section 36 (1) (a) (i).

### **[2] Section 36 (3) (a)**

Omit the paragraph. Insert instead:

- (a) the officer is satisfied that:
  - (i) the requirements of subsection (1) (a) have not been complied with in relation to the dog, or
  - (ii) the dog is not confined, tethered or restrained in such a way as to prevent the dog attacking or chasing a person lawfully at the property where the dog is ordinarily kept, or

### **[3] Section 36 (3A)**

Insert after section 36 (3):

- (3A) An authorised officer may seize a dog under subsection (3) (a) only during the period when subsection (1) (a) applies in respect of the dog.

### **[4] Section 36 (4) (a)**

Insert “in relation to the dog” after “complied with”.

### **[5] Section 36 (4) (a1)**

Insert after section 36 (4) (a):

- (a1) the dog is reasonably capable of being confined, tethered or restrained in such a way as to prevent the dog attacking or chasing a person lawfully at the property where the dog is ordinarily kept, and

### **[6] Section 38 Authorised officer to notify dog owner of decision and consequences**

Insert “if the dog attacks or bites a person or animal without provocation or” after “seized and destroyed” in section 38 (2) (c).

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**[7] Section 58B Obligations of owner when notified of proposed restricted dog declaration**

Omit section 58B (1). Insert instead:

- (1) If a notice is given under section 58A to the owner of a dog of an authorised officer's intention to declare the dog to be a restricted dog, the owner must:
  - (a) ensure that at all times when the dog is away from the property where it is ordinarily kept:
    - (i) it is under the effective control of some competent person by means of an adequate chain, cord or leash that is attached to the dog and is held by (or secured to) the person, and
    - (ii) it has a muzzle securely fixed on its mouth in such a manner as will prevent it from biting any person or animal, and
  - (b) register the dog (if it is not already registered) within 7 days after receiving the notice.

**Note.** Registration of a dog requires the dog to be microchipped.

Maximum penalty: 50 penalty units.

**[8] Section 58B (2)**

Omit "subsection (1) (a)". Insert instead "subsection (1) (a) (i)".

**[9] Section 58B (3)**

Omit "This section". Insert instead "Subsection (1) (a) only".

**[10] Section 58B (4) and (4A)**

Omit section 58B (4). Insert instead:

- (4) An authorised officer may seize a dog that is the subject of a proposed declaration if:
  - (a) the officer is satisfied that:
    - (i) the requirements of subsection (1) (a) have not been complied with in relation to the dog, or
    - (ii) the dog is not confined, tethered or restrained in such a way as to prevent the dog attacking or chasing a person lawfully at the property where the dog is ordinarily kept, or
  - (b) the dog has not been registered as required by subsection (1) (b).

- (4A) An authorised officer may seize a dog under subsection (4) (a) only during the period when subsection (1) (a) applies in respect of the dog.

**[11] Section 58B (5) (a)**

Omit the paragraph. Insert instead:

- (a) a claim for the dog cannot be made under section 64 unless an authorised officer is satisfied that:
- (i) the requirements of subsection (1) (a) are capable of being complied with in relation to the dog, and
  - (ii) the dog is reasonably capable of being confined, tethered or restrained in such a way as to prevent the dog attacking or chasing a person lawfully at the property where the dog is ordinarily kept, and
  - (iii) the dog has been registered,

**[12] Section 58G Power to seize and destroy dangerous or restricted dog in certain circumstances**

Omit section 58G (1). Insert instead:

**(1) Seizing dangerous or restricted dog that attacks**

An authorised officer may seize a dangerous or restricted dog if the dog attacks or bites a person or animal (other than vermin) without provocation.

**(1A) Seizing dangerous dog if certain control requirements not complied with**

An authorised officer may seize a dangerous dog if the requirements referred to in section 51 (1) (c), (c1) or (e) are not complied with in relation to the dog on at least 2 separate occasions over any period of 12 months (whether or not each occasion relates to the same requirement).

**Note.** See section 57 (4) for the power to seize a restricted dog for non-compliance with any of the control requirements under section 56.

**[13] Section 58G (2) and (4)**

Omit “subsection (1)” wherever occurring. Insert instead “this section”.

**[14] Section 58G (3)**

Omit “on the ground referred to in subsection (1) (b)”.

Insert instead “under subsection (1A)”.

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**[15] Section 63 Owner of seized or surrendered animal to be notified**

Insert after section 63 (1):

- (1A) When a surrendered animal (other than an animal surrendered by its owner) comes into the possession of a council pound, the person in charge of the pound is to give notice of the possession of the animal to the person who appears (from the best endeavours of the person in charge to establish who the owner is) to be the owner of the animal. Notice of possession need not be given if those best endeavours fail to establish the name and address of the owner of the animal.

**[16] Section 64 Unclaimed seized or surrendered animal may be sold or destroyed**

Omit section 64 (1). Insert instead:

- (1) If a seized animal (including an animal delivered to a council pound under section 63A) or a surrendered animal (other than an animal surrendered by its owner) has not been claimed, the council may sell or destroy the animal:
- (a) if notice under section 63 (1) or (1A) has been given—after the period of 14 days following the giving of the notice, or
- (b) if such a notice is not required to be given—after the animal has been held at the council pound for a period of 7 days.

**[17] Section 64 (2) and (5)**

Insert “or surrendered” after “seized” wherever occurring.

**[18] Section 64A**

Omit the section. Insert instead:

**64A Animals surrendered by owners may be sold or destroyed**

- (1) A council may at any time sell or destroy a surrendered animal if the animal was surrendered by its owner to the council pound.
- (2) Before destroying a surrendered animal as authorised by subsection (1), it is the duty of the council concerned to consider whether there is an alternative action to that of destroying the animal and (if practicable) to adopt any such alternative.
- (3) This section does not authorise a council to sell a dangerous or restricted dog.

**Explanatory note**

In general, the purpose of the proposed amendments to the *Companion Animals Act 1998 (the Act)* is to ensure that the provisions of the Act dealing with dangerous dogs and restricted dogs are consistent. Some of the amendments also restate existing provisions of the Act for the purposes of clarification.

At present under section 36 of the Act, if the owner of a dog is notified that a council officer intends to declare the dog to be dangerous, the owner must comply with certain interim control requirements, including ensuring that the dog is kept under effective control by means of a chain, cord or leash whenever it is away from the property where it is ordinarily kept. Item [1] of the proposed amendments makes it clear that the chain, cord or leash must be attached to the dog and held by, or secured to, a competent person who has control of the dog when it is away from its property.

Item [2] of the proposed amendments provides that during the time when the interim control requirements under section 36 of the Act apply in respect of a dog that is the subject of a proposed dangerous dog declaration, a council officer may seize the dog if it is not confined, tethered or restrained in such a way as to prevent it from attacking or chasing a person who is lawfully on the property where the dog is ordinarily kept. The amendment is consistent with the existing provisions of section 58B of the Act for seizing a dog that is subject to a proposed restricted dog declaration. Items [3]–[5] are consequential amendments.

Item [6] of the proposed amendments provides that if a council officer declares a dog to be dangerous, the notice advising the owner of the declaration and its consequences must indicate that the dog may be seized and destroyed under section 58G of the Act if it attacks or bites a person or animal without provocation.

At present under section 58B of the Act, if the owner of a dog is notified that a council officer intends to declare the dog to be a restricted dog, the owner must comply with interim control requirements (such as keeping the dog under effective control and muzzling it when it is away from its property). Item [7] of the proposed amendments requires the owner of the dog to also register the dog under the Act (if it is not already registered) within 7 days after receiving the notice. The same requirement currently applies under section 36 of the Act in relation to a proposed dangerous dog declaration.

Items [8]–[11] of the proposed amendments are consequential on the amendment made by item [7].

At present under section 58G of the Act, a council officer may seize a dangerous dog or a restricted dog if the dog attacks or bites a person or animal without provocation or if certain enclosure and muzzling requirements are not complied with on at least 2 separate occasions over a 12-month period. However, section 57 (4) of the Act also provides for a restricted dog to be seized if any of the control requirements (i.e. not just those relating to enclosures and muzzling) under section 56 of the Act are not complied with in relation to the dog on any occasion. Item [12] of the proposed amendments removes the overlap between sections 58G and 57 (4) of the Act when it comes to seizing restricted dogs for non-compliance with the control requirements. Items [13] and [14] are consequential amendments.

Items [15]–[17] of the proposed amendments provide that the existing procedures for notifying the owners of seized animals, and for selling or destroying seized animals after a certain period, will also apply in relation to animals that come into possession of a council pound otherwise than by being surrendered by their owners. In the case of an animal that is surrendered to a council pound by its owner, item [18] restates the existing provision that enables the council to sell or destroy the animal at any time.

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## 1.8 Constitution Act 1902 No 32

### Section 22G President

Omit “Chairman of Committees” from section 22G (7).

Insert instead “Chair of Committees”.

#### Explanatory note

The proposed amendment to the *Constitution Act 1902* updates a reference to an office consequent on changes to the Standing Orders of the Legislative Council.

## 1.9 Contaminated Land Management Act 1997 No 140

### Section 92A

Insert after section 92:

#### 92A Penalty notices

- (1) An authorised officer may serve a penalty notice on a person if it appears to the officer that the person has committed an offence against this Act or the regulations, being an offence prescribed by the regulations as a penalty notice offence.
- (2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court, the person can pay, within the time and to the person specified in the notice, the amount of the penalty prescribed by the regulations for the offence if dealt with under this section.
- (3) A penalty notice may be served personally or by post.
- (4) If the amount of penalty prescribed for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.
- (5) Payment under this section is not to be regarded as an admission of liability for the purpose of, and does not in any way affect or prejudice, any civil claim, action or proceeding arising out of the same occurrence.
- (6) The regulations may:
  - (a) prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence, and
  - (b) prescribe the amount of penalty payable for the offence if dealt with under this section, and
  - (c) prescribe different amounts of penalties for different offences or classes of offences.

- (7) The amount of a penalty prescribed under this section for an offence is not to exceed the maximum amount of penalty that could be imposed for the offence by a court.
- (8) 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.
- (9) In this section, *authorised officer* means a person of a class prescribed by the regulations who is authorised in writing by the Director-General as an authorised officer for the purposes of this section.

**Explanatory note**

The proposed amendment to the *Contaminated Land Management Act 1997* inserts a standard provision that allows penalty notices to be issued in respect of prescribed penalty notice offences under the Act.

### 1.10 Conveyancers Licensing Act 2003 No 3

**[1] Section 10 Disqualified persons**

Omit “a director or person concerned in the management of” wherever occurring in section 10 (2) (c) and (d) (ii) and (3B) (c).

Insert instead “concerned in the management of, or a director of”.

**[2] Section 10 (2) (d) (i)**

Omit “who at any time in the last 3 years, was a director or person concerned in the management of”.

Insert instead “who was, at any time in the last 3 years, concerned in the management of, or a director of”.

**[3] Section 10 (2) (d) (i)**

Omit “such a director or person”.

Insert instead “such a person or director”.

**Explanatory note**

The proposed amendments to the *Conveyancers Licensing Act 2003 (the Act)* clarify that a person who is or was a director of an externally-administered body corporate can be a disqualified person for the purposes of the Act whether or not he or she is or was also a person concerned in the management of the body corporate.

## 1.11 Conveyancing Act 1919 No 6

**[1] Section 195A Lodgment of plans and related documents with Registrar-General**

Insert “The plan must be lodged with a separate document in the approved form relating to the plan.” after “Division.” in section 195A (1).

**[2] Section 195D Signatures and consents**

Omit “unless the plan” from section 195D (1).

Insert instead “unless the separate document required to be lodged under section 195A with the plan”.

**[3] Section 195D (2A)**

Omit the subsection.

**[4] Section 195D (3)**

Omit “a particular plan, or to sign an approved form for signatures relating to a particular plan,”.

Insert instead “an approved form relating to a particular plan”.

**Commencement**

The amendments to the *Conveyancing Act 1919* commence on a day or days to be appointed by proclamation.

**Explanatory note**

The proposed amendments to the *Conveyancing Act 1919 (the Act)* provide for a separate document in the approved form to be lodged with any plan required to be registered and lodged with the Registrar-General under section 195A of the Act. The amendments will enable all signatures and consents required for lodging plans to be endorsed on that separate document.

## 1.12 Crimes at Sea Act 1998 No 173

**[1] Schedule 1 The Cooperative Scheme**

Omit the definition of *Area A of the Zone of Cooperation* from clause 1 (1).

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

Insert in alphabetical order:

*Joint Petroleum Development Area* has the same meaning as in the *Petroleum (Timor Sea Treaty) Act 2003* (Commonwealth).

- [3] Schedule 1, clauses 10 and 14 (3) (b) and (4) (a) (ii)**  
Omit “Area A of the Zone of Cooperation” wherever occurring.  
Insert instead “the Joint Petroleum Development Area”.
- [4] Schedule 1, clause 14**  
Omit “Schedule 2 to the *Petroleum (Submerged Lands) Act 1967*” wherever occurring.  
Insert instead “Schedule 1 to the *Offshore Petroleum Act 2006*”.
- [5] Schedule 1, clause 14 (2) (b)**  
Omit “subsection (7) of section 5A of the *Petroleum (Submerged Lands) Act 1967*”.  
Insert instead “section 7 (2) of the *Offshore Petroleum Act 2006*”.
- [6] Schedule 1, clause 14 (4) (b)**  
Omit “adjacent area”. Insert instead “offshore area”.
- [7] Schedule 1, clause 14 (4) (b)**  
Omit “subsection (3) of section 5A of the *Petroleum (Submerged Lands) Act 1967*”.  
Insert instead “section 7 (1) of the *Offshore Petroleum Act 2006*”.
- [8] Schedule 1, clause 14 (6)**  
Insert after clause 14 (5):
- (6) A reference in this clause to the area described in Schedule 1 to the *Offshore Petroleum Act 2006* (Commonwealth) in relation to a State or Territory is a reference to the scheduled area for that State or Territory within the meaning given by that Schedule.
- [9] Schedule 1, Appendix**  
Omit “Area A of the Zone of Cooperation” from the legend of the map.  
Insert instead “Joint Petroleum Development Area”.
- Commencement**  
Items [4]–[8] of the amendments to the *Crimes at Sea Act 1998* commence:
- (a) if Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth commences on or before the date of assent to this Act—on the date of assent to this Act, or

- 
- (b) if Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth commences after the date of assent to this Act—on the day on which that Chapter commences.

**Explanatory note**

Items [4]–[8] of the proposed amendments to the *Crimes at Sea Act 1998* are consequential on the repeal of the *Petroleum (Submerged Lands) Act 1967* of the Commonwealth and the commencement of the *Offshore Petroleum Act 2006* of the Commonwealth.

Items [1]–[3] and [9] of the proposed amendments are consequential on the repeal of the *Petroleum (Timor Gap Zone of Cooperation) Act 1990* of the Commonwealth and the enactment of the *Petroleum (Timor Sea Treaty) Act 2003* of the Commonwealth.

### 1.13 Criminal Procedure Act 1986 No 209

**Schedule 1 Indictable offences triable summarily**

Omit “(*Submerged Lands*)” from clause 23 of Table 1.

Insert instead “(*Offshore*)”.

**Commencement**

The amendment to the *Criminal Procedure Act 1986* commences:

- (a) if Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth commences on or before the date of assent to this Act—on the date of assent to this Act, or
- (b) if Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth commences after the date of assent to this Act—on the day on which that Chapter commences.

**Explanatory note**

The proposed amendment to the *Criminal Procedure Act 1986* is consequential on the proposed renaming of the *Petroleum (Submerged Lands) Act 1982* as the *Petroleum (Offshore) Act 1982* elsewhere in this Schedule.

### 1.14 Crown Lands Act 1989 No 6

**[1] Section 34A Special provisions relating to Minister’s powers over Crown reserves**

Insert after section 34A (6):

- (6A) Nothing in this section affects the operation of section 35.

**[2] Section 48 Restrictions on transfer of licences**

Insert after section 48 (2):

- (3) This section does not apply in relation to a licence authorising the use or occupation of Crown land for the purposes of constructing, operating or maintaining telecommunications infrastructure.

**Explanatory note**

Item [1] of the proposed amendments to the *Crown Lands Act 1989 (the Act)* makes it clear that when the Minister grants a lease, licence, permit or easement in respect of a Crown reserve the Minister will still be required to assess the land under Part 3 of the Act.

Section 48 of the Act currently provides that a licence granted by the Minister and authorising the use or occupation of Crown land for any purpose can only be transferred if the conditions of the licence permit the transfer and the licence is transferred to the owner or holder of land that benefits from the licence. Item [2] of the proposed amendments provides the restrictions imposed by section 48 in relation to the transfer of licences will not apply to a licence authorising the use or occupation of Crown land for the purposes of telecommunications infrastructure.

### **1.15 Crown Lands (Continued Tenures) Act 1989 No 7**

**Schedule 7, clause 15A (Payment of purchase price if application made on or after 1 July 2004)**

Insert after clause 15A (2):

- (2A) However, the Minister may allow the purchase price to be paid by instalments on any basis that the Minister determines is appropriate. This subclause extends to any application for purchase that is pending as at the commencement of this subclause.

**Explanatory note**

The proposed amendment to the *Crown Lands (Continued Tenures) Act 1989* allows the purchase price of land in respect of an application for purchase of land held under a lease under that Act (including pending applications) to be paid by instalments instead of in full.

### **1.16 Fines Act 1996 No 99**

**Schedule 1 Statutory provisions under which penalty notices issued**

Insert in alphabetical order:

*Contaminated Land Management Act 1997*, section 92A

**Explanatory note**

The proposed amendment to the *Fines Act 1996* provides for the enforcement of penalty notices issued under section 92A of the *Contaminated Land Management Act 1997* and is consequential on the insertion of that section by an amendment made elsewhere in this Schedule.

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

**[1] Section 197B Mining in aquatic reserve prohibited**

Omit “(Submerged Lands)” from section 197B (2).

Insert instead “(Offshore)”.

**[2] Section 215 Purpose of Division**

Omit “adverse affect”. Insert instead “adverse effect”.

**Commencement**

Item [1] of the amendments to the *Fisheries Management Act 1994* commences:

- (a) if Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth commences on or before the date of assent to this Act—on the date of assent to this Act, or
- (b) if Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth commences after the date of assent to this Act—on the day on which that Chapter commences.

**Explanatory note**

Item [1] of the proposed amendments to the *Fisheries Management Act 1994* is consequential on the proposed renaming of the *Petroleum (Submerged Lands) Act 1982* as the *Petroleum (Offshore) Act 1982* elsewhere in this Schedule.

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

**1.18 Freedom of Information Act 1989 No 5**

**[1] Section 8 Public offices**

Omit “chairman” from section 8 (3) (a) (iii). Insert instead “Chair”.

**[2] Section 15A Disclosure of government contracts with the private sector**

Omit “<https://tenders.nsw.gov.au>” from section 15A (7) (a).

Insert instead “<https://tenders.nsw.gov.au>”.

**Explanatory note**

Item [1] of the proposed amendments to the *Freedom of Information Act 1989* changes a reference to an office to ensure consistent titles are used across all parliamentary committees.

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

**1.19 Growth Centres (Development Corporations) Act 1974 No 49**

**[1] Section 3 Definitions**

Insert after section 3 (2):

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

**[2] Section 6 Provisions relating to constitution and procedure of development corporation**

Insert at the end of section 6 (1) (b):

, and

- (c) if a person is appointed under subsection (1A) (a) as the chief executive—the Director-General or, in the absence of the Director-General, a person nominated by the Director-General.

**[3] Schedule 2 Provisions relating to the constitution and procedure of development corporations**

Insert before clause 1:

**1A Application of Schedule to Director-General and nominee**

This Schedule (other than clause 9 (2)) applies to and in respect of a person who is a member of a development corporation under section 6 (1) (c) in the same way as this Schedule applies to and in respect of a chief executive.

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

Omit “appointed members”.

Insert instead “members appointed by the Governor”.

**Explanatory note**

Item [1] of the proposed amendments to the *Growth Centres (Development Corporations) Act 1974* clarifies the status of notes.

Item [2] of the proposed amendments provides for the Director-General of the Department of Planning (or a nominee of the Director-General in the Director-General’s absence) to be a member of a development corporation if a person other than the Director-General has been appointed by the Minister for Planning as the chief executive of the development corporation. In cases where a person is not appointed as the chief executive, the Director-General is the chief executive and therefore a member of the development corporation.

Item [3] of the proposed amendments provides that where the Director-General or person nominated by the Director-General does become such a member, the provisions of Schedule 2 (Provisions relating to the constitution and procedure of development corporations) apply to the Director-General or nominee in the same way that those provisions apply to a chief executive of a development corporation. For example, the Director-General or nominee is not entitled to remuneration and cannot preside at meetings of the development corporation. Also the provisions of Schedule 2 relating to terms of office, the application of the *Public Sector Employment and Management Act 2002*, vacation of office and filling of vacancies do not apply to the Director-General or nominee.

Item [4] of the proposed amendments clarifies that the Chairperson of a development corporation is to be one of the members appointed by the Governor.

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## 1.20 Health Care Complaints Act 1993 No 105

**[1] Sections 69, 70 (4)–(6) and 72 (8)**

Omit “Chairman” wherever occurring. Insert instead “Chair”.

**[2] Sections 69 and 70 (4)–(6)**

Omit “Vice-Chairman” wherever occurring.

Insert instead “Deputy Chair”.

**Explanatory note**

The proposed amendments to the *Health Care Complaints Act 1993* change the titles of the presiding officers of a parliamentary committee to ensure consistent titles are used across all parliamentary committees.

## 1.21 Home Building Act 1989 No 147

**[1] Section 3 Definitions**

Omit “It includes any work declared by the regulations to be roof plumbing work.” from the definition of *plumbing work* in section 3 (1).

**[2] Section 37**

Omit the section. Insert instead:

**37 Restrictions on certain authorities**

An endorsed contractor licence or a supervisor or tradesperson certificate does not authorise its holder to do or supervise specialist work merely because it authorises its holder to do or supervise residential building work.

**Explanatory note**

The proposed amendments to the *Home Building Act 1989 (the Act)* remove redundant references to roof plumbing work from the definition of *plumbing work* in section 3 (1) and from section 37 of the Act. The definitions of *residential building work* and *specialist work* in section 3 (1) of the Act fully address the relationship of roof plumbing work to plumbing work for the purposes of the Act.

## 1.22 Independent Commission Against Corruption Act 1988 No 35

**[1] Sections 67, 68 (4)–(6) and 70 (5)**

Omit “Chairman” wherever occurring. Insert instead “Chair”.

**[2] Sections 67 and 68 (4)–(6)**

Omit “Vice-Chairman” wherever occurring.

Insert instead “Deputy Chair”.

**[3] Section 104 Appointment of staff**

Omit “persons’ capacity” from section 104 (3) (b).

Insert instead “person’s capacity”.

**Explanatory note**

Items [1] and [2] of the proposed amendments to the *Independent Commission Against Corruption Act 1988* change the titles of the presiding officers of a parliamentary committee to ensure consistent titles are used across all parliamentary committees.

Item [3] of the proposed amendments corrects a typographical error.

## **1.23 Interpretation Act 1987 No 15**

### **Section 58 Definitions**

Omit “is described under the heading referring to the State in Schedule 2 to the” from the definition of *adjacent area in respect of the State*.

Insert instead “was described under the heading referring to the State in Schedule 2 to the repealed”.

### **Commencement**

The amendment to the *Interpretation Act 1987* commences:

- (a) if Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth commences on or before the date of assent to this Act—on the date of assent to this Act, or
- (b) if Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth commences after the date of assent to this Act—on the day on which that Chapter commences.

### **Explanatory note**

The proposed amendment to the *Interpretation Act 1987* is consequential on the repeal of the *Petroleum (Submerged Lands) Act 1967* of the Commonwealth and the commencement of the *Offshore Petroleum Act 2006* of the Commonwealth.

## **1.24 Legislation Review Act 1987 No 165**

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

Omit the definitions of *Chairman* and *Vice-Chairman* from section 3 (1).

Insert in alphabetical order:

*Chair* means the Chair of the Committee.

*Deputy Chair* means the Deputy Chair of the Committee.

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**[2] Sections 7, 8 (4)–(6) and 12 (5)**

Omit “Chairman” wherever occurring. Insert instead “Chair”.

**[3] Sections 7 and 8 (4)–(6)**

Omit “Vice-Chairman” wherever occurring.

Insert instead “Deputy Chair”.

**Explanatory note**

The proposed amendments to the *Legislation Review Act 1987* change the titles of the presiding officers of a parliamentary committee to ensure consistent titles are used across all parliamentary committees.

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

### **Section 633 Bathing (including nude bathing) and other water-based recreational activities**

Omit “*Marine Safety Act 1998*” from section 633 (4C).

Insert instead “*Ports and Maritime Administration Act 1995*”.

**Explanatory note**

The proposed amendment to the *Local Government Act 1993* replaces a reference in section 633 (4C) of that Act to a vessel within the meaning of the *Marine Safety Act 1998* with a reference to a vessel within the meaning of the *Ports and Maritime Administration Act 1995*. Both those Acts have a similar definition of **vessel**. However, the amendment will mean that the Minister for Ports and Waterways will be able to delegate his or her functions under that subsection to an authorised person. This is because section 27 (1) (b) of the *Ports and Maritime Administration Act 1995* permits the Minister to delegate any function conferred by or under any Act on the Minister in his or her capacity as the Minister administering the *Ports and Maritime Administration Act 1995*. No such power to delegate the Minister’s functions is contained in the *Marine Safety Act 1998*.

## **1.26 Marine Parks Act 1997 No 64**

### **Section 18 Mining in marine parks prohibited**

Omit “(*Submerged Lands*)” from section 18 (2).

Insert instead “(*Offshore*)”.

**Commencement**

The amendment to the *Marine Parks Act 1997* commences:

- (a) if Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth commences on or before the date of assent to this Act—on the date of assent to this Act, or
- (b) if Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth commences after the date of assent to this Act—on the day on which that Chapter commences.

**Explanatory note**

The proposed amendment to the *Marine Parks Act 1997* is consequential on the proposed renaming of the *Petroleum (Submerged Lands) Act 1982* as the *Petroleum (Offshore) Act 1982* elsewhere in this Schedule.

**1.27 Mining Act 1992 No 29**

**[1] Section 78 Inclusion of petroleum in mining lease**

Omit “(Submerged Lands)” from section 78 (4) (a).

Insert instead “(Offshore)”.

**[2] Section 186 Colliery holdings**

Omit “chief inspector of coal mines”.

Insert instead “Chief Inspector appointed under the *Coal Mine Health and Safety Act 2002*”.

**Commencement**

Item [1] of the amendments to the *Mining Act 1992* commences:

- (a) if Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth commences on or before the date of assent to this Act—on the date of assent to this Act, or
- (b) if Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth commences after the date of assent to this Act—on the day on which that Chapter commences.

**Explanatory note**

Item [1] of the proposed amendments to the *Mining Act 1992* is consequential on the proposed renaming of the *Petroleum (Submerged Lands) Act 1982* as the *Petroleum (Offshore) Act 1982* elsewhere in this Schedule.

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

**1.28 Motor Dealers Act 1974 No 52**

**[1] Section 10 Application to licences of Licensing and Registration (Uniform Procedures) Act 2002**

Omit section 10 (3) (b). Insert instead:

- (b) an application for restoration of a licence under section 10 of that Act may be made only in respect of a licence that is cancelled under section 20 (7) of this Act, and any such application may not be made more than 3 months after the date on which the licence is cancelled.

**[2] Section 12 Grounds on which application to be granted or refused**

Omit “or experience (if any)” from section 12 (4) (e).

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**[3] Section 20 Annual fee and annual statement**

Omit section 20 (7A) and (7B).

**Explanatory note**

Section 10 (3) (b) of the *Motor Dealers Act 1974 (the Act)* currently provides that an application for the restoration of a licence under the Act may not be made more than 3 months after the date on which the licence “expires”. However, section 19 (1) of the Act makes it clear that a licence does not expire, it continues in force until, pursuant to the provisions of the Act, it is surrendered or cancelled or ceases to have effect.

Item [1] of the proposed amendments clarifies the intended effect of section 10 (3) (b) by providing that a person may make an application for restoration of a licence under section 10 of the *Licensing and Registration (Uniform Procedures) Act 2002* only in respect of a licence that is cancelled under section 20 (7) of the Act (failure to pay an annual fee or lodge an annual statement). Any such application may not be made more than 3 months after the date on which the licence is cancelled.

Item [2] of the proposed amendments removes experience as a qualification for a director of a corporation that applies for a licence under the Act. Directors are now required to have prescribed qualifications or have sufficient knowledge or expertise to carry on a business pursuant to the authority that would be conferred by the licence if it were granted. This brings this requirement into line with the equivalent requirement for a natural person who applies for a licence.

Item [3] of the proposed amendments omits provisions consequential on the amendment made by item [1].

**1.29 National Parks and Wildlife Act 1974 No 80****Sections 39 (4), 41 (2), 47H (4), 47J (2) and 47MA (3)**

Omit “(Submerged Lands)” wherever occurring. Insert instead “(Offshore)”.

**Commencement**

The amendment to the *National Parks and Wildlife Act 1974* commences:

- (a) if Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth commences on or before the date of assent to this Act—on the date of assent to this Act, or
- (b) if Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth commences after the date of assent to this Act—on the day on which that Chapter commences.

**Explanatory note**

The proposed amendment to the *National Parks and Wildlife Act 1974* is consequential on the proposed renaming of the *Petroleum (Submerged Lands) Act 1982* as the *Petroleum (Offshore) Act 1982* elsewhere in this Schedule.

## 1.30 Occupational Health and Safety Act 2000 No 40

### [1] Section 4 Definitions

Omit “(*Submerged Lands*)” from paragraph (b) of the definition of *mining workplace* (as inserted by Schedule 2 [3] to the *Mine Health and Safety Act 2004*).

Insert instead “(*Offshore*)”.

### [2] Section 107A Time for instituting proceedings—special provision for work incident notification

Omit “*Coal Mines Regulation Act 1982* applies—to section 86” from section 107A (6) (b).

Insert instead “*Coal Mine Health and Safety Act 2002* applies—to section 110”.

#### Commencement

Item [1] of the amendments to the *Occupational Health and Safety Act 2000* commences:

- (a) if both Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth and Schedule 2 [3] to the *Mine Health and Safety Act 2004* commence on or before the date of assent to this Act—on the date of assent to this Act, or
- (b) if Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth commences after the date of assent to this Act and Schedule 2 [3] to the *Mine Health and Safety Act 2004* commences on or before the day on which that Chapter commences—on the day on which that Chapter commences, or
- (c) if Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth commences after the date of assent to this Act and Schedule 2 [3] to the *Mine Health and Safety Act 2004* commences after the day on which that Chapter commences—on the day on which Schedule 2 [3] to the *Mine Health and Safety Act 2004* commences.

#### Explanatory note

Item [1] of the proposed amendments to the *Occupational Health and Safety Act 2000* is consequential on the proposed renaming of the *Petroleum (Submerged Lands) Act 1982* as the *Petroleum (Offshore) Act 1982* elsewhere in this Schedule.

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

## 1.31 Occupational Health and Safety Regulation 2001

### Clause 82 Definitions

Omit “(*Submerged Lands*)” wherever occurring from the definitions of *pressure piping* and *pressure vessel*.

Insert instead “(*Offshore*)”.

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**Commencement**

The amendment to the *Occupational Health and Safety Regulation 2001* commences:

- (a) if Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth commences on or before the date of assent to this Act—on the date of assent to this Act, or
- (b) if Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth commences after the date of assent to this Act—on the day on which that Chapter commences.

**Explanatory note**

The proposed amendment to the *Occupational Health and Safety Regulation 2001* is consequential on the proposed renaming of the *Petroleum (Submerged Lands) Act 1982* as the *Petroleum (Offshore) Act 1982* elsewhere in this Schedule.

**1.32 Offshore Minerals Act 1999 No 42**

**[1] Section 3 Commonwealth–State agreement (the Offshore Constitutional Settlement)**

Omit “*Petroleum (Submerged Lands) Act 1967*” and “*Petroleum (Submerged Lands) Act 1982*” wherever occurring (including the notes).

Insert instead “*Offshore Petroleum Act 2006*” and “*Petroleum (Offshore) Act 1982*” respectively.

**[2] Section 35 Act does not apply to exploration for or recovery of petroleum**

Omit “*Petroleum (Submerged Lands) Act 1967*” and “*Petroleum (Submerged Lands) Act 1982*” from note 2.

Insert instead “*Offshore Petroleum Act 2006*” and “*Petroleum (Offshore) Act 1982*” respectively.

**Commencement**

The amendments to the *Offshore Minerals Act 1999* commence:

- (a) if Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth commences on or before the date of assent to this Act—on the date of assent to this Act, or
- (b) if Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth commences after the date of assent to this Act—on the day on which that Chapter commences.

**Explanatory note**

The proposed amendments to the *Offshore Minerals Act 1999* are consequential on:

- (a) the repeal of the *Petroleum (Submerged Lands) Act 1967* of the Commonwealth and the commencement of the *Offshore Petroleum Act 2006* of the Commonwealth, and
- (b) the proposed renaming of the *Petroleum (Submerged Lands) Act 1982* as the *Petroleum (Offshore) Act 1982* elsewhere in this Schedule.

### **1.33 Ombudsman Act 1974 No 68**

**[1] Sections 31E, 31F (4)–(6) and 31H (5)**

Omit “Chairperson” wherever occurring. Insert instead “Chair”.

**[2] Sections 31E and 31F (4)–(6)**

Omit “Vice-Chairperson” wherever occurring.

Insert instead “Deputy Chair”.

**Explanatory note**

The proposed amendments to the *Ombudsman Act 1974* change the titles of the presiding officers of a parliamentary committee to ensure consistent titles are used across all parliamentary committees.

### **1.34 Parliamentary Contributory Superannuation Act 1971 No 53**

**Section 19 Members’ superannuation benefit**

Omit “Chairman” from section 19 (4) (a) (ii). Insert instead “Chair”.

**Explanatory note**

The proposed amendment to the *Parliamentary Contributory Superannuation Act 1971* changes a reference to an office to ensure consistency with the *Parliamentary Remuneration Act 1989*.

### **1.35 Parliamentary Evidence Act 1901 No 43**

**[1] Sections 4 (2) and 10 (2)**

Omit “chairman” wherever occurring. Insert instead “Chair”.

**[2] Section 6 Expenses of witnesses**

Omit “Chairman” from section 6 (2). Insert instead “Chair”.

**Explanatory note**

The proposed amendments to the *Parliamentary Evidence Act 1901* change references to the presiding officers of a parliamentary committee to reflect the changes to the titles of those offices.

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

**[1] Schedule 1 Additional salaries and expense allowances**

Omit the matter relating to the Chairperson of the joint Committee on the Office of the Valuer-General from Part 2.

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

Omit “Chairman” and “Chairperson” wherever occurring.

Insert instead “Chair”.

**Explanatory note**

Item [1] of the proposed amendments to the *Parliamentary Remuneration Act 1989* omits a redundant reference to a Committee that no longer exists.

Item [2] of the proposed amendments changes references to certain presiding officers of parliamentary committees to reflect the changes to the titles of those offices made by proposed amendments elsewhere in this Schedule and to ensure that consistent titles are used across all parliamentary committees.

**1.37 Pesticides Act 1999 No 80**

**[1] Section 22 Fee**

Omit section 22 (3). Insert instead:

- (2A) No fee is payable in relation to the revocation or variation of a clean-up notice.
- (3) The Environment Protection Authority may, on the application of a person to whom subsection (2) applies, extend the time for payment of the fee.
- (3A) The Environment Protection Authority may waive payment of the whole or any part of the fee.

**[2] Section 27 Fee**

Omit section 27 (3). Insert instead:

- (2A) No fee is payable in relation to the revocation or variation of a prevention notice.
- (3) The Environment Protection Authority may, on the application of a person to whom subsection (2) applies, extend the time for payment of the fee.
- (3A) The Environment Protection Authority may waive payment of the whole or any part of the fee.

**Explanatory note**

The proposed amendments to the *Pesticides Act 1999* make it clear that a fee is not payable under sections 22 and 27 of that Act in respect of a revocation or variation of a clean-up notice or a prevention notice. The proposed amendments also permit the Environment Protection Authority to waive payment of the whole or any part of the fees in respect of those notices without an application being made for such a waiver.

## 1.38 Petroleum (Onshore) Act 1991 No 84

### Section 3 Definitions

Omit “(*Submerged Lands*)” from the definition of *onshore area* in section 3 (1).

Insert instead “(*Offshore*)”.

### Commencement

The amendment to the *Petroleum (Onshore) Act 1991* commences:

- (a) if Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth commences on or before the date of assent to this Act—on the date of assent to this Act, or
- (b) if Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth commences after the date of assent to this Act—on the day on which that Chapter commences.

### Explanatory note

The proposed amendment to the *Petroleum (Onshore) Act 1991* is consequential on the proposed renaming of the *Petroleum (Submerged Lands) Act 1982* as the *Petroleum (Offshore) Act 1982* elsewhere in this Schedule.

## 1.39 Petroleum (Submerged Lands) Act 1982 No 23

### [1] Section 1 Name of Act

Omit “(*Submerged Lands*)”. Insert instead “(*Offshore*)”.

### [2] Section 5 Definitions

Omit “*Petroleum (Submerged Lands) Act 1967*” from the definition of *the Commonwealth Act* in section 5 (1).

Insert instead “*Offshore Petroleum Act 2006*”.

### [3] Part 2, heading

Omit “*adjacent*”. Insert instead “*offshore*”.

### [4] Section 10

Omit the section. Insert instead:

#### 10 Definition

In this Part, the *Commonwealth offshore area* means the offshore area for New South Wales for the purposes of the Commonwealth Act.

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**[5] Sections 12, 13 and 14**

Omit “adjacent” wherever occurring. Insert instead “offshore”.

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

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

**Part Provisions consequent on enactment of  
Statute Law (Miscellaneous Provisions)  
Act 2007**

**Reference to Petroleum (Submerged Lands) Act 1982**

A reference in any other Act (other than the *Statute Law (Miscellaneous Provisions) Act 2007*), in any instrument made under another Act, or in any document of any kind, to the *Petroleum (Submerged Lands) Act 1982* of this State is to be read as a reference to the *Petroleum (Offshore) Act 1982*.

**Commencement**

The amendments to the *Petroleum (Submerged Lands) Act 1982* commence:

- (a) if Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth commences on or before the date of assent to this Act—on the date of assent to this Act, or
- (b) if Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth commences after the date of assent to this Act—on the day on which that Chapter commences.

**Explanatory note**

The proposed amendments to the *Petroleum (Submerged Lands) Act 1982*:

- (a) rename the *Petroleum (Submerged Lands) Act 1982* of New South Wales as the *Petroleum (Offshore) Act 1982*, and
- (b) make other amendments that are consequential on the repeal of the *Petroleum (Submerged Lands) Act 1967* of the Commonwealth and the commencement of the *Offshore Petroleum Act 2006* of the Commonwealth.

**1.40 Petroleum (Submerged Lands) Regulation 2006**

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

Omit “(*Submerged Lands*)”. Insert instead “(*Offshore*)”.

**[2] Clause 3 Definition**

Omit “(*Submerged Lands*)” from the definition of *the Act* in clause 3 (1).

Insert instead “(*Offshore*)”.

**[3] Schedule 2 Form of instrument of transfer**

Omit “(Submerged Lands)”. Insert instead “(Offshore)”.

**Commencement**

The amendments to the *Petroleum (Submerged Lands) Regulation 2006* commence:

- (a) if Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth commences on or before the date of assent to this Act—on the date of assent to this Act, or
- (b) if Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth commences after the date of assent to this Act—on the day on which that Chapter commences.

**Explanatory note**

The proposed amendments to the *Petroleum (Submerged Lands) Regulation 2006* (which include an amendment renaming the Regulation) are consequential on the proposed renaming of the *Petroleum (Submerged Lands) Act 1982* as the *Petroleum (Offshore) Act 1982* elsewhere in this Schedule.

**1.41 Pipelines Act 1967 No 90**

**Section 3 Definitions**

Omit “(Submerged Lands)” from the definition of *pipeline* in section 3 (1).

Insert instead “(Offshore)”.

**Commencement**

The amendment to the *Pipelines Act 1967* commences:

- (a) if Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth commences on or before the date of assent to this Act—on the date of assent to this Act, or
- (b) if Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth commences after the date of assent to this Act—on the day on which that Chapter commences.

**Explanatory note**

The proposed amendment to the *Pipelines Act 1967* is consequential on the proposed renaming of the *Petroleum (Submerged Lands) Act 1982* as the *Petroleum (Offshore) Act 1982* elsewhere in this Schedule.

**1.42 Police Act 1990 No 47**

**Section 82E Transfer of non-executive administrative officers**

Omit “lowest” from section 82E (2) (b). Insert instead “lower”.

**Explanatory note**

Section 67 of the *Police Act 1990* was omitted by the *Police Amendment (Police Promotions) Act 2006* and replaced by section 82E. Section 67 of the *Police Act 1990* provided that the Commissioner may transfer a non-executive officer from one non-executive position to another. If the position to which the officer was transferred

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entitled its holder to a lower level of remuneration, the officer must have consented to the transfer at the lower level of remuneration. Section 82E of the *Police Act 1990* provides that the Commissioner may transfer a non-executive administrative officer from one non-executive administrative officer position to another non-executive administrative officer position or non-executive police officer position. If the position to which the officer is transferred entitles its holder to a lower level of remuneration, the officer must consent to the transfer at the lowest level of remuneration.

The proposed amendment changes the reference to “lowest” level of remuneration in section 82E in line with the repealed section 67 so that a transfer need not be made at the lowest level of remuneration for the position.

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

#### **Section 12 Certain procedures not to be performed on animals**

Insert in alphabetical order in section 12 (3):

*dock* the tail of an animal means to remove all or part of the tail of the animal (other than a part of the tail consisting only of fur, hair, feathers or the like) whether by surgical or other means.

#### **Explanatory note**

The proposed amendment to the *Prevention of Cruelty to Animals Act 1979* clarifies that the prohibition on docking an animal's tail extends to non-surgical means of docking a tail such as with a rubber band.

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

#### **[1] Section 8 Agents required to be licensed**

Insert “or a real estate agent's licence” after “manager's licence” in section 8 (1) (e).

#### **[2] Section 14 Eligibility for licence or certificate of registration**

Omit section 14 (2) (c). Insert instead:

(c) the corporation, and each officer (within the meaning of the Corporations Act) of the corporation, is not a disqualified person, and

#### **[3] Section 16 Disqualified persons**

Insert “or has failed to lodge a statutory declaration as required by section 113,” after “person under this Act,” in section 16 (1) (o).

#### **[4] Section 16 (1A) (c) and (d) (ii) and (2B) (c)**

Omit “a director or person concerned in the management of” wherever occurring.

Insert instead “concerned in the management of, or a director of,”.

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

Omit “who at any time in the last 3 years, was a director or person concerned in the management of”.

Insert instead “who was, at any time in the last 3 years, concerned in the management of, or a director of,”.

**[6] Section 16 (1A) (d) (i)**

Omit “such a director or person”.

Insert instead “such a person or director”.

**Explanatory note**

Item [1] of the proposed amendments to the *Property, Stock and Business Agents Act 2002 (the Act)* makes it clear that the holder of a real estate agent’s licence can carry on the business of an on-site residential property manager without the need to also hold an on-site residential property manager’s licence.

Item [2] of the proposed amendments amends section 14 (2) (c) of the Act to provide that a corporation will be ineligible to hold a corporation licence if it is a disqualified person or if any officer of the corporation is a disqualified person (currently a corporation is ineligible to hold a corporation licence only if an officer of the corporation is a disqualified person).

Item [3] of the proposed amendments provides that a person is a disqualified person for the purposes of the Act if the person has failed to lodge a statutory declaration as required by section 113 of the Act, unless the Director-General determines that in the circumstances that failure should not disqualify the person.

Items [4]–[6] of the proposed amendments clarify that a director of an externally-administered body corporate can be a disqualified person for the purposes of the Act whether or not he or she is also a person concerned in the management of the body corporate.

## **1.45 Public Finance and Audit Act 1983 No 152**

**[1] Section 33G Delegation of Auditor-General’s functions**

Omit “this Division”. Insert instead “this or any other Act”.

**[2] Section 48A Review of Audit Office**

Omit “Chairman” wherever occurring in section 48A (12) and (13).

Insert instead “Chair”.

**[3] Section 53 Definitions**

Omit the definitions of *Chairman* and *Vice-Chairman*.

Insert in alphabetical order:

*Chair* means the Chair of the Committee.

*Deputy Chair* means the Deputy Chair of the Committee.

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**[4] Sections 55, 56 (4)–(6) and 58 (6)**

Omit “Chairman” wherever occurring. Insert instead “Chair”.

**[5] Sections 55 and 56 (4)–(6)**

Omit “Vice-Chairman” wherever occurring.

Insert instead “Deputy Chair”.

**[6] Section 56 (4)**

Omit “as chairman for”. Insert instead “to chair”.

**Explanatory note**

At present under section 33G of the *Public Finance and Audit Act 1983*, the Auditor-General may delegate his or her employment related functions to a member of staff of the Audit Office. Item [1] of the proposed amendments extends this power of delegation to the Auditor-General’s audit related functions.

Items [2]–[6] of the proposed amendments to the *Public Finance and Audit Act 1983* change the titles of the presiding officers of a parliamentary committee to ensure consistent titles are used across all parliamentary committees.

**1.46 Public Works Act 1912 No 45**

**[1] Sections 14, 15 (1), 21 (b) and (d), 22, 25 (3), 29 (a) and 30**

Omit “chairperson” wherever occurring. Insert instead “Chair”.

**[2] Sections 14, 21 (b) and (d), 22 (1) and (2), 25 (3) and 30**

Omit “vice-chairperson” wherever occurring.

Insert instead “Deputy Chair”.

**[3] Sections 14 and 29 (a)**

Omit “chairperson’s” wherever occurring. Insert instead “Chair’s”.

**[4] Fourth Schedule**

Omit “Chairperson” wherever occurring. Insert instead “Chair”.

**[5] Fourth Schedule**

Omit “Vice-Chairperson” wherever occurring.

Insert instead “Deputy Chair”.

**Explanatory note**

The proposed amendments to the *Public Works Act 1912* change the titles of the presiding officers of a parliamentary committee to ensure consistent titles are used across all parliamentary committees.

## 1.47 Road Transport (Safety and Traffic Management) Act 1999 No 20

### [1] Section 6 Application of Commonwealth Acts Interpretation Act

Insert “(whether with or without modifications)” after “apply” in section 6 (1).

### [2] Section 57B Photographic evidence of public transport lane offences

Insert “or rules” after “regulations” wherever occurring in paragraph (c) of the definition of *public transport lane offence* in section 57B (1).

### [3] Schedule 1 Regulation-making powers

Insert after clause 9:

#### 10 Updating references to outdated or incorrect references to Australian Road Rules or Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999

- (1) The repeal or amendment of any reference to the *Australian Road Rules* or the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* (or a provision of those Rules or the Regulation) in any Act or statutory rule that is a reference that is (or will become) out of date or otherwise incorrect by reason of the repeal, amendment, renumbering, renaming or remaking of those Rules or the Regulation (or a provision of those Rules or the Regulation).

- (2) This clause expires on 1 September 2008.

**Note.** The *Australian Road Rules* were incorporated into the law of New South Wales by clause 6 of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* on and from 1 December 1999. Clause 6 provided that, subject to that Regulation, the *Australian Road Rules* were to be read with, and as if they formed part of, that Regulation.

#### Explanatory note

Clause 5 of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* (**the Regulation**) defines the *Australian Road Rules* to mean that part of the publication known as the *Australian Road Rules*, ISBN 0 7240 8874 1, published by the National Road Transport Commission on 19 October 1999 that comprises the road rules approved by the Australian Transport Council under the *National Road Transport Commission Act 1991* of the Commonwealth on 29 January 1999 (together with the amendments to those rules approved by the Council on 30 June 1999 and 11 October 1999).

This version of the *Australian Road Rules* is incorporated into the law of New South Wales by clause 6 of the Regulation. Clause 6 provides that, subject to that Regulation, the *Australian Road Rules* are to be read with, and as if they formed part of, the Regulation.

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The Roads and Traffic Authority is currently undertaking the task of consolidating all of the road rules applicable in New South Wales into a single set of Rules. This will involve, among other things, the repeal of those provisions of the Regulation that give effect to the *Australian Road Rules*. The intention is for all of the road rules to be set out in full instead of being incorporated into the law of New South Wales by reference (as is currently the case).

The amendments that are proposed to be made to the *Road Transport (Safety and Traffic Management) Act 1999* (**the Act**) will facilitate this process of consolidation.

Item [1] of the amendments confirms that regulations made under the Act may apply the provisions of the *Acts Interpretation Act 1901* of the Commonwealth to the interpretation of the Act or the regulations (or instruments made under them) either with or without modification.

Item [2] of the amendments confirms that offences against rules made under the Act may be prescribed as public transport lane offences for the purposes of section 57B of the Act.

Item [3] of the amendments enables regulations made under that Act to amend Acts and statutory rules for the purpose of updating or omitting references to the *Australian Road Rules* or the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*. The proposed new road rules regime will render many provisions in the New South Wales statute book out of date. The proposed regulation-making power will therefore enable these outdated references to be updated or omitted at the same time as the new road rules regime commences. The power to make such regulations will cease on 1 September 2008.

## **1.48 Strata Schemes (Freehold Development) Act 1973 No 68**

### **[1] Section 8 Registration of strata plans**

Omit “The location plan must include” from section 8 (2).

Insert instead “The plan must be lodged with a separate document in the approved form that includes”.

### **[2] Section 8 (2)**

Omit “The location plan must also”.

Insert instead “The document must also”.

### **[3] Section 8A Subdivision of development lot**

Omit “The location plan must include” from section 8A (3).

Insert instead “The plan must be lodged with a separate document in the approved form that includes”.

### **[4] Section 8A (3)**

Omit “The location plan must also”.

Insert instead “The document must also”.

**[5] Section 9 Subdivision of lots and common property**

Omit “any location plan” from section 9 (3) (c1).

Insert instead “it is lodged with a separate document in the approved form that”.

**[6] Section 12 Consolidation of lots**

Insert “The plan must be lodged with a separate document in the approved form relating to the plan.” after “consolidation.”.

**[7] Section 14 Alteration of building affecting lot boundary**

Insert after section 14 (1):

(1A) The plan must be lodged with a separate document in the approved form relating to the plan.

**[8] Section 16 Strata plans to be signed or consented to**

Omit “unless the plan” from section 16 (1).

Insert instead “unless the separate document required to be lodged under this Division with the plan”.

**[9] Section 16 (2A)**

Omit the subsection.

**[10] Section 16 (3)**

Omit “the plan”.

Insert instead “the separate document required to be lodged with the plan”.

**Commencement**

The amendments to the *Strata Schemes (Freehold Development) Act 1973* commence on a day or days to be appointed by proclamation.

**Explanatory note**

Items [1]–[5] of the proposed amendments to the *Strata Schemes (Freehold Development) Act 1973* require certain information currently included in a plan intended to be registered as a strata plan or a strata plan of subdivision to be included instead in a separate document lodged with the plan.

Items [6] and [7] of the proposed amendments provide for a separate document to be lodged with a strata plan of consolidation or a building alteration plan.

Items [8]–[10] of the proposed amendments will enable all signatures and consents required for lodging plans with the Registrar-General to be endorsed on those separate documents.

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## **1.49 Strata Schemes (Leasehold Development) Act 1986 No 219**

### **[1] Section 7 Registration of strata plans**

Omit “The location plan must include” from section 7 (2A).

Insert instead “The plan must be lodged with a separate document in the approved form that includes”.

### **[2] Section 7 (2A)**

Omit “The location plan must also”.

Insert instead “The document must also”.

### **[3] Section 10 Subdivision of development lot**

Omit “The location plan must include” from section 10 (3).

Insert instead “The plan must be lodged with a separate document in the approved form that includes”.

### **[4] Section 10 (3)**

Omit “The location plan must also”.

Insert instead “The document must also”.

### **[5] Section 11 Subdivision of lots and common property**

Omit “any location plan” from section 11 (2) (c1).

Insert instead “it is lodged with a separate document in the approved form that”.

### **[6] Section 15 Consolidation of lots**

Insert “The plan must be lodged with a separate document in the approved form relating to the plan.” after “consolidation.”.

### **[7] Section 17 Alteration of building affecting lot boundary**

Insert after section 17 (1):

(1A) The plan must be lodged with a separate document in the approved form relating to the plan.

### **[8] Section 19 Strata plans to be signed or consented to**

Omit “unless the plan” from section 19 (1).

Insert instead “unless the separate document required to be lodged under section 7 (2A) with the plan”.

**[9] Section 19 (3)**

Omit “unless the plan”.

Insert instead “unless the separate document required to be lodged under this Division with the plan”.

**[10] Section 19 (4A)**

Omit the subsection.

**[11] Section 19 (5)**

Omit “the plan”.

Insert instead “the separate document required to be lodged with the plan”.

**Commencement**

The amendments to the *Strata Schemes (Leasehold Development) Act 1986* commence on a day or days to be appointed by proclamation.

**Explanatory note**

Items [1]–[5] of the proposed amendments to the *Strata Schemes (Leasehold Development) Act 1986* require certain information currently included in a plan intended to be registered as a strata plan or a strata plan of subdivision to be included instead in a separate document lodged with the plan.

Items [6] and [7] of the proposed amendments provide for a separate document to be lodged with a strata plan of consolidation or a building alteration plan.

Items [8]–[11] of the proposed amendments will enable all signatures and consents required for lodging plans with the Registrar-General to be endorsed on those separate documents.

## **1.50 Subordinate Legislation Act 1989 No 146**

**[1] Section 10 Staged repeal of statutory rules**

Omit section 10 (3).

**[2] Section 10 (4)**

Omit “2007”. Insert instead “2008”.

**[3] Section 10 (4) (b1)**

Insert after section 10 (4) (b):

(b1) the *Parking Space Levy Regulation 1997*,

**Explanatory note**

The *Subordinate Legislation Act 1989 (the Act)* provides for the automatic repeal of statutory rules. The repeal takes effect on the fifth anniversary of the date on which the statutory rule was published (in the case of a statutory rule published on 1 September in any year) or on 1 September following the fifth anniversary of the date on which it was published (in any other case)—see section 10 (2) of the Act. Unless it is intended

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to allow the statutory rule to lapse, a statutory rule that is due for repeal under the Act is usually remade in advance of the repeal date.

Section 11 of the Act permits the repeal of a statutory rule to be postponed, by order of the Governor, for a period of one year. However, the repeal of a particular statutory rule cannot be postponed on more than five occasions.

Items [2] and [3] of the proposed amendments have the effect of keeping the *Day Procedure Centres Regulation 1996*, the *Liquor Regulation 1996*, the *Parking Space Levy Regulation 1997*, the *Private Hospitals Regulation 1996* and the *Registered Clubs Regulation 1996* in force for a further period of one year after the date on which they would otherwise be repealed by the Act. However, any of the Regulations may be sooner repealed by other legislation.

This is necessary as the Regulations have each been postponed on five occasions, and are now due to be repealed on 1 September 2007. However, proposed legislative reforms involving the repeal and re-enactment of the *Private Hospitals and Day Procedure Centres Act 1988* and the *Liquor Act 1982*, and extensive amendments to the *Registered Clubs Act 1976*, resulting from a National Competition Policy review of those 3 Acts and the NSW Summit on Alcohol Abuse 2003 will have a substantial impact on the matters dealt with by the Regulations made under those 3 Acts. In addition, a review is being undertaken of the *Parking Space Levy Act 1992* and this is likely to result in changes to that Act and the Regulation. In view of these matters, there seems little point in remaking the Regulations. On the other hand, it is desirable to keep the current regulatory schemes of the Regulations in place until such time as replacement provisions come into force under new or revised legislation.

Item [1] of the proposed amendments repeals a redundant subsection.

## 1.51 Threatened Species Conservation Act 1995 No 101

### [1] Section 127ZK Application for biobanking statement in respect of development

Omit “an approved form” from section 127ZK (2).

Insert instead “a form approved by the Director-General”.

### [2] Schedule 1 Endangered species, populations and ecological communities

Insert an asterisk before the following italicised entries (appearing under the following headings) in Part 1:

#### Animals

#### Vertebrates

#### Amphibians

##### Hylidae

*Litoria aurea* (Lesson, 1829)

Green and Golden Bell Frog

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*Litoria raniformis* (Keferstein, 1867) Southern Bell Frog

*Litoria verreauxii alpina* (Fry, 1915) Alpine Tree Frog

**Myobatrachidae**

*Mixophyes balbus* Straughan, 1968 Stuttering Frog

*Mixophyes fleayi* Corben & Ingram, 1987 Fleay's Barred Frog

**Reptiles**

**Scincidae**

*Anomalopus mackayi* Greer & Cogger, 1985 Five-clawed Worm-skink

**Elapidae**

*Hoplocephalus bungaroides* (Schlegel, 1837) Broad-headed Snake

**Birds**

**Megapodiidae**

*Leipoa ocellata* Gould, 1840 Malleefowl

**Diomedidae**

*Diomedea exulans* Linnaeus, 1758 Wandering Albatross

**Accipitridae**

*Erythrotriorchis radiatus* (Latham, 1801) Red Goshawk

**Turnicidae**

*Turnix melanogaster* (Gould, 1837) Black-breasted Button-quail

**Pedionomidae**

*Pedionomus torquatus* Gould, 1840 Plains-wanderer

**Columbidae**

<i>Geophaps scripta</i> (Temminck, 1821)	Squatter Pigeon
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**Psittacidae**

<i>Neophema chrysogaster</i> (Latham, 1790)	Orange-bellied Parrot
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<i>Polytelis anthopeplus monarchoides</i> Schodde, 1993	Regent Parrot (eastern subspecies)
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**Maluridae**

<i>Amytornis barbatus barbatus</i> , Favalaro & McEvey, 1968	Grey Grasswren
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<i>Amytornis textilis modestus</i> (North, 1902)	Thick-billed Grasswren (eastern subspecies)
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**Pachycephalidae**

<i>Pachycephala rufogularis</i> Gould, 1841	Red-lored Whistler
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**Passeridae**

<i>Poephila cincta cincta</i> (Gould, 1837)	Black-throated Finch (southern subspecies)
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**Mammals****Peramelidae**

<i>Isoodon obesulus obesulus</i> (Shaw, 1797)	Southern Brown Bandicoot (eastern)
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**Burramyidae**

<i>Burramys parvus</i> Broom, 1896	Mountain Pygmy-possum
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**Macropodidae**

<i>Petrogale xanthopus</i> Gray, 1855	Yellow-footed Rock-wallaby
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## **Invertebrates**

### **Molluscs**

#### Bulimulidae

*Placostylus bivaricosus* (Gaskoin, 1855) a land snail

#### Camaenidae

*Thersites mitchellae* (Cox, 1864) a land snail

## **Arthropoda**

### **Insecta**

#### **Lepidoptera**

#### Castniidae

*Synemon plana* Walker, 1854 Golden Sun Moth

#### Lycaenidae

*Paralucia spinifera* Edwards and Common, 1978 Bathurst Copper Butterfly

## **Phasmatodea**

#### Phasmatidae

*Dryococeus australis* Montrouzier, 1855 Lord Howe Island Phasmid

## **Plants**

#### Acanthaceae

*Xerothamnella parvifolia* C. White

**Asclepiadaceae**

*Marsdenia longiloba* Benth.

**Brassicaceae**

*Lepidium peregrinum* Thell.

*Lepidium pseudopapillosum* Thell.

**Convolvulaceae**

*Calystegia affinis* Endl.

**Cyperaceae**

*Cyperus semifertilis* S.T. Blake

**Eriocaulaceae**

*Eriocaulon australasicum* (F. Muell.) Korn.

**Fabaceae**

*Acacia bynoeana* Benth.

*Acacia macnuttiana* Maiden & Blakely

*Acacia pubifolia* Pedley

*Almaleea cambagei* (Maiden & E. Betcher) Crisp & P. Weston

*Pultenaea* sp. Genowlan Point (NSW 417813)

*Pultenaea parviflora* Sieber ex DC.

**Myrtaceae**

*Baeckea kandos* A.R. Bean

*Eucalyptus scoparia* Maiden

*Micromyrtus minutiflora* (F. Muell.) Benth.

Orchidaceae

*Caladenia concolor* Fitzg.

*Caladenia tessellata* Fitzg.

*Diuris aequalis* F. Muell. ex Fitzg.

Poaceae

*Austrostipa nullanulla* (J. Everett & S.W.L. Jacobs) S.W.L. Jacobs & J. Everett

*Plinthanthesis rodwayi* (C.E. Hubb) S.T. Blake

Proteaceae

*Eidothea hardeniana* P.H. Weston & R.M. Kooyman

*Persoonia bargoensis* P.H. Weston & L.A.S. Johnson

*Persoonia pauciflora* P.H. Weston

Rhamnaceae

*Pomaderris sericea* Wakef.

Rutaceae

*Phebalium glandulosum* subsp. *eglandulosum* (Blakely) Paul G. Wilson

*Zieria citriodora* J.A. Armstrong

*Zieria involucrata* R. Br. ex Benth.

**[3] Schedule 1, Part 3**

Insert an asterisk before the following entries:

Hunter Valley Weeping Myall Woodland of the Sydney Basin Bioregion (as described in the final determination of the Scientific Committee to list the ecological community)

Semi-evergreen Vine Thicket in the Brigalow Belt South and Nandewar Bioregions (as described in the final determination of the Scientific Committee to list the ecological community)

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Shale/Sandstone Transition Forest (as described in the final determination of the Scientific Committee to list the ecological community)

Sydney Turpentine-Ironbark Forest (as described in the final determination of the Scientific Committee to list the ecological community)

White Box Yellow Box Blakely's Red Gum Woodland (as described in the final determination of the Scientific Committee to list the ecological community)

**[4] Schedule 1, Part 4**

Insert an asterisk before the following italicised entries (appearing under the following headings):

**Animals**

**Vertebrates**

**Birds**

Psittacidae

*Pezoporus occidentalis* (Gould, 1861) Night Parrot

Passeridae

*Neochmia ruficauda* (Gould, 1837) Star Finch

**Mammals**

Dasyuridae

*Dasyercus cristicauda* (Krefft, 1867) Mulgara  
*Dasyurus geoffroii* Gould, 1841 Western Quoll  
*Phascogale calura* Gould, 1844 Red-tailed Phascogale

Myrmecobiidae

*Myrmecobius fasciatus* Waterhouse, 1836 Numbat

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**Peramelidae**

<i>Isoodon auratus auratus</i> (Ramsay, 1887)	Golden Bandicoot (mainland)
<i>Macrotis lagotis</i> (Reid, 1837)	Bilby

**Vombatidae**

<i>Lasiorhinus krefftii</i> (Owen, 1872)	Northern Hairy-nosed Wombat
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**Potoroidae**

<i>Bettongia gaimardi</i> (Desmarest, 1822)	Tasmanian Bettong
<i>Bettongia tropica</i> Wakefield, 1967	Northern Bettong

**Macropodidae**

<i>Onychogalea fraenata</i> (Gould, 1841)	Bridled Nailtail Wallaby
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**Vespertilionidae**

<i>Nyctophilus howensis</i> McKean, 1973	Lord Howe Island Bat
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**Muridae**

<i>Leporillus conditor</i> (Sturt, 1848)	Greater Stick-nest Rat
<i>Pseudomys australis</i> Gray, 1832	Plains Rat

**Plants**

**Acanthaceae**

<i>Rhaphidospora bonneyana</i> (F. Muell.) R. Barker
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**Asteraceae**

<i>Senecio behrianus</i> Sonder & F. Muell.
<i>Stemmacantha australis</i> (Gaudich.) Dittr.

Gyrostemonaceae

*Codonocarpus pyramidalis* (F. Muell.) F. Muell.

Orchidaceae

*Caladenia rosella* G.W. Carr

*Thelymitra epipactoides* F. Muell.

Rosaceae

*Aphanes pentamera* Rothm.

**[5] Schedule 2 Vulnerable species and ecological communities**

Insert an asterisk before the following italicised entries (appearing under the following headings) in Part 1:

**Animals**

**Vertebrates**

**Amphibians**

Hylidae

*Litoria littlejohni* A.W. White, Whitford & Mahony (1994) Littlejohn's Tree Frog

**Reptiles**

Chelidae

*Elseya belli* (Gray, 1844) Bell's Turtle

*Emydura macquarii* (Gray, 1830) (Bellinger River) Bellinger River Emydura

## Birds

### Diomedeidae

*Thalassarche cauta* (Gould, 1841) Black-browed Albatross

*Thalassarche melanophris* (Temminck, 1828) Shy Albatross

### Hydrobatidae

*Fregatta grallaria* (Vieillot, 1817) White-bellied Storm-petrel

## Mammals

### Dasyuridae

*Dasyurus maculatus* (Kerr, 1792) Spotted-tailed Quoll

### Potoroidae

*Potorous tridactylus* (Kerr, 1792) Long-nosed Potoroo

### Pteropodidae

*Pteropus poliocephalus* Temminck, 1825 Grey-headed Flying-fox

### Vespertilionidae

*Chalinolobus dwyeri* Ryan, 1966 Large-eared Pied Bat

## Marine mammals

### Balaenidae

*Eubalaena australis* (Desmoulins, 1822) Southern Right Whale

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## Plants

### Apocynaceae

*Parsonia dorrigoensis* J.B. Williams ms

### Proteaceae

*Grevillea molyneuxii* D.J. McGillivray

*Hakea archaeoides* W.R. Barker

### Rutaceae

*Boronia granitica* Maiden & E. Betche

## [6] Schedule 2, Part 1

Omit the heading, and all entries under the heading, “Procellariidae” (under the headings “Animals”, “Vertebrates” and “Birds”).

Insert instead:

### Procellariidae

* <i>Macronectes halli</i> Mathews, 1912	Northern Giant-petrel
* <i>Pterodroma neglecta neglecta</i> (Schlegel, 1863)	Kermadec Petrel (west Pacific subspecies)
<i>Pterodroma nigripennis</i> (Rothschild, 1893)	Black-winged Petrel
<i>Pterodroma solandri</i> (Gould, 1844)	Providence Petrel
<i>Puffinus assimilis</i> Gould, 1838	Little Shearwater
<i>Puffinus carneipes</i> Gould, 1844	Flesh-footed Shearwater

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

Omit the headings, and all entries under the headings, “Areidae” and “Accipitridae” (under the headings “Animals”, “Vertebrates” and “Birds”).

Insert instead:

**Areidae**

<i>Botaurus poiciloptilus</i> (Wagler, 1827)	Australasian Bittern
<i>Ixobrychus flavicollis</i> (Latham, 1790)	Black Bittern

**Accipitridae**

<i>Hamirostra melanosternon</i> (Gould, 1841)	Black-breasted Buzzard
<i>Lophoictinia isura</i> (Gould, 1838)	Square-tailed Kite
<i>Pandion haliaetus</i> (Linnaeus, 1758)	Osprey

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

Omit the heading, and all entries under the heading, “Scolopacidae” (under the headings “Animals”, “Vertebrates” and “Birds”).

Insert instead:

**Scolopacidae**

<i>Calidris alba</i> (Pallas, 1764)	Sanderling
<i>Calidris tenuirostris</i> (Horsfield, 1821)	Great Knot
<i>Limicola falcinellus</i> (Pontoppidan, 1763)	Broad-billed Sandpiper
<i>Limosa limosa</i> (Linnaeus, 1758)	Black-tailed Godwit
<i>Xenus cinereus</i> (Güldenstädt, 1775)	Terek Sandpiper

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

Omit the heading, and all entries under the heading, “Laridae” (under the headings “Animals”, “Vertebrates” and “Birds”).

Insert instead:

**Laridae**

<i>Gygis alba</i> (Sparman, 1786)	White Tern
<i>Procelsterna cerulea</i> (Bennett, 1840)	Grey Ternlet
<i>Sterna fuscata</i> Linnaeus, 1766	Sooty Tern

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

Omit the headings, and all entries under the headings, “Cacatuidae” and “Psittacidae” (under the headings “Animals”, “Vertebrates” and “Birds”).

Insert instead:

**Cacatuidae**

<i>Cacatua leadbeateri</i> (Vigors, 1831)	Major Mitchell’s Cockatoo
<i>Callocephalon fimbriatum</i> (Grant, 1803)	Gang-gang Cockatoo
<i>Calyptorhynchus banksii</i> (Latham, 1790)	Red-tailed Black-Cockatoo
<i>Calyptorhynchus lathami</i> (Temminck, 1807)	Glossy Black-Cockatoo

**Psittacidae**

<i>Glossopsitta porphyrocephala</i> (Dietrichsen, 1837)	Purple-crowned Lorikeet
<i>Neophema pulchella</i> (Shaw, 1792)	Turquoise Parrot
<i>Neophema splendida</i> (Gould, 1841)	Scarlet-chested Parrot
<i>Pezoporus wallicus wallicus</i> (Kerr, 1792)	Eastern Ground Parrot
* <i>Polytelis swainsonii</i> (Desmarest, 1826)	Superb Parrot

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

Omit the headings, and all entries under the headings, “Pardalotidae”, “Meliphagidae” and “Petroicidae” (under the headings “Animals”, “Vertebrates” and “Birds”).

Insert instead:

**Pardalotidae**

<i>Calamanthus fuliginosus</i> (Vigors & Horsfield, 1827)	Striated Fieldwren
<i>Hylacola cauta</i> Gould, 1843	Shy Heathwren
<i>Pyrrholaemus brunneus</i> Gould, 1841	Redthroat
<i>Pyrrholaemus saggitatus</i> (Latham, 1802)	Speckled Warbler

**Meliphagidae**

<i>Certhionyx variegatus</i> Lesson, 1830	Pied Honeyeater
<i>Grantiella picta</i> (Gould, 1838)	Painted Honeyeater
<i>Lichenostomus cratitius</i> (Gould, 1841)	Purple-gaped Honeyeater
<i>Lichenostomus fasciogularis</i> (Gould, 1854)	Mangrove Honeyeater
<i>Melithreptus gularis gularis</i> (Gould, 1837)	Black-chinned Honeyeater (eastern subspecies)

**Petroicidae**

<i>Drymodes brunneopygia</i> Gould, 1841	Southern Scrub-robin
<i>Melanodryas cucullata cucullata</i> (Latham, 1802)	Hooded Robin (south-eastern form)
<i>Petroica rodinogaster</i> (Drapiez, 1819)	Pink Robin

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

Omit the heading, and all entries under the heading, “Dasyuridae” (under the headings “Animals”, “Vertebrates” and “Mammals”).

Insert instead:

**Dasyuridae**

* <i>Dasyurus maculatus</i> (Kerr, 1792)	Spotted-tailed Quoll
<i>Ningauai yvonneae</i> Kitchener, Stoddart & Henry, 1983	Southern Ningauai
<i>Phascogale tapoatafa</i> (Meyer, 1793)	Brush-tailed Phascogale
<i>Planigale maculata</i> (Gould, 1851)	Common Planigale
<i>Sminthopsis leucopus</i> (Gray, 1842)	White-footed Dunnart
<i>Sminthopsis macroura</i> (Gould, 1845)	Stripe-faced Dunnart

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

Omit the heading, and all entries under the heading, “Pteropodidae” (under the headings “Animals”, “Vertebrates” and “Mammals”).

Insert instead:

**Pteropodidae**

<i>Nyctimene robinsoni</i> Thomas, 1904	Eastern Tube-nosed Bat
<i>Pteropus alecto</i> Temminck, 1837	Black Flying-fox
* <i>Pteropus poliocephalus</i> Temminck, 1825	Grey-headed Flying-fox
<i>Syconycteris australis</i> (Peters, 1867)	Common Blossom-bat

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

Omit the heading, and all entries under the heading, “Vespertilionidae” (under the headings “Animals”, “Vertebrates” and “Mammals”).

Insert instead:

**Vespertilionidae**

* <i>Chalinolobus dwyeri</i> Ryan, 1966	Large-eared Pied Bat
<i>Chalinolobus nigrogriseus</i> (Gould, 1856)	Hoary Wattled Bat
<i>Chalinolobus picatus</i> (Gould, 1852)	Little Pied Bat
<i>Falsistrellus tasmaniensis</i> (Gould, 1858)	Eastern False Pipistrelle
<i>Kerivoula papuensis</i> Dobson, 1878	Golden-tipped Bat
<i>Miniopterus australis</i> (Tomes, 1858)	Little Bentwing-bat
<i>Miniopterus schreibersii oceanensis</i> Maeda, 1982	Eastern Bentwing-bat
<i>Myotis adversus</i> (Horsfield, 1824)	Large-footed Myotis
<i>Nyctophilus bifax</i> Thomas, 1915	Eastern Long-eared Bat
* <i>Nyctophilus timoriensis</i> (Geoffroy, 1806) (South-eastern form)	Greater Long-eared Bat
<i>Scoteanax rueppellii</i> (Peters, 1866)	Greater Broad-nosed Bat
<i>Vespadelus baverstocki</i> (Kitchener, Jones & Caputi, 1987)	Inland Forest Bat
<i>Vespadelus troughtoni</i> (Kitchener, Jones & Caputi, 1987)	Eastern Cave Bat

**Explanatory note**

Item [1] of the proposed amendments to the *Threatened Species Conservation Act 1995* (**the Act**) amends section 127ZK of the Act to clarify that an application for a biobanking statement under the Act must be made in a form approved by the Director-General of the Department of Environment and Climate Change.

Parts 1, 3 and 4 of Schedule 1 to the Act contain, respectively, lists of endangered species, endangered ecological communities and species presumed extinct. Part 1 of Schedule 2 to the Act contains lists of vulnerable species. Any endangered species, species presumed extinct or vulnerable species that is a listed threatened species under the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth, and any endangered ecological community that is listed as a

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threatened ecological community under that Act, is marked with an asterisk to show that it is considered to be threatened nationally.

Items [2]–[5] of the proposed amendments insert asterisks next to descriptions of species and communities in Parts 1, 3 and 4 of Schedule 1 and Part 1 of Schedule 2 to the Act to indicate their national status as threatened species and communities.

Items [6]–[14] of the proposed amendments rearrange the descriptions of species within certain families in Part 1 of Schedule 2 to the Act so that they appear in alphabetical order, no matter is added or deleted. Item [14] also corrects the common name listed for the bat species *Nyctophilus timoriensis* and inserts an asterisk next to the description of that species to indicate its national status as a threatened species.

## 1.52 Travel Agents Act 1986 No 5

### [1] Section 7A Application to licences of Licensing and Registration (Uniform Procedures) Act 2002

Omit section 7A (3) (b). Insert instead:

- (b) an application for restoration of a licence under section 10 of that Act may be made only in respect of a licence that is cancelled under section 17 (9) of this Act, and any such application may not be made more than 3 months after the date on which the licence is cancelled.

### [2] Section 17 Annual fee and annual statement

Omit section 17 (9A) and (9B).

#### Explanatory note

Section 7A (3) (b) of the *Travel Agents Act 1986 (the Act)* currently provides that an application for the restoration of a travel agent's licence may not be made more than 3 months after the date on which the licence "expires". However, section 16 (1) of the Act makes it clear that a licence does not expire, it continues in force until, pursuant to the provisions of the Act, it is surrendered or cancelled.

Item [1] of the proposed amendments clarifies the intended effect of section 7A (3) (b) by providing that a person may make an application for restoration of a licence under section 10 of the *Licensing and Registration (Uniform Procedures) Act 2002* only in respect of a licence that is cancelled under section 17 (9) of the Act (failure to pay a fee or lodge a statement). Any such application may not be made more than 3 months after the date on which the licence is cancelled.

Item [2] of the proposed amendments omits provisions consequential on the amendment made by item [1].

## 1.53 Valuation of Land Act 1916 No 2

### [1] Section 4 Definitions

Omit the definition of *Joint Committee* from section 4 (1).

### [2] Section 14I Valuing Crown lease restricted land

Omit "perpetual lease," from section 14I (2) (b).

**[3] Part 8 Parliamentary Joint Committee**

Omit the Part.

**Explanatory note**

Items [1] and [3] of the proposed amendments to the *Valuation of Land Act 1916* omit a redundant definition and an expired Part of the Act.

Item [2] of the proposed amendments removes an erroneous reference to perpetual leases in the definition of land that is ***Crown lease restricted***.

**1.54 Valuers Act 2003 No 4**

**Section 9 Disqualification from registration**

Omit “a director or person concerned in the management of” from section 9 (1) (b).

Insert instead “concerned in the management of, or a director of,”.

**Explanatory note**

The proposed amendment to the *Valuers Act 2003* makes it clear that a director of a corporation that is the subject of a winding-up order or for which a controller or administrator has been appointed can be a disqualified person for the purposes of the Act whether or not he or she is also a person concerned in the management of the corporation.

**1.55 Workers Compensation Act 1987 No 70**

**[1] Section 173B Redetermination of premium and payment of interest**

Omit “providing for interest)” from section 173B (1) (d).

Insert instead “providing for interest”.

**[2] Section 173B (1) (d)**

Omit “original premium.”. Insert instead “original premium).”.

**[3] Schedule 1 Adjacent areas**

Insert in alphabetical order in clause 1:

*Joint Petroleum Development Area* has the same meaning as in the *Petroleum (Timor Sea Treaty) Act 2003* of the Commonwealth.

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

Omit “Schedule 2 to the *Petroleum (Submerged Lands) Act 1967*” wherever occurring.

Insert instead “Schedule 1 to the *Offshore Petroleum Act 2006*”.

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

Omit “subsection (7) of section 5A of the *Petroleum (Submerged Lands) Act 1967*”.

Insert instead “section 7 (2) of the *Offshore Petroleum Act 2006*”.

**[6] Schedule 1, clause 2 (3) (b) and (4) (a) (ii)**

Omit “Area A of the Zone of Cooperation” wherever occurring.

Insert instead “the Joint Petroleum Development Area”.

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

Omit “adjacent area”. Insert instead “offshore area”.

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

Omit “subsection (3) of section 5A of the *Petroleum (Submerged Lands) Act 1967*”.

Insert instead “section 7 (1) of the *Offshore Petroleum Act 2006*”.

**[9] Schedule 1, clause 2 (6)**

Insert after clause 2 (5):

- (6) A reference in this clause to the area described in Schedule 1 to the *Offshore Petroleum Act 2006* of the Commonwealth in relation to a State or Territory is a reference to the scheduled area for that State or Territory within the meaning given by that Schedule.

**Commencement**

Items [4], [5] and [7]–[9] of the amendments to the *Workers Compensation Act 1987* commence:

- (a) if Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth commences on or before the date of assent to this Act—on the date of assent to this Act, or

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- (b) if Chapter 2 of the *Offshore Petroleum Act 2006* of the Commonwealth commences after the date of assent to this Act—on the day on which that Chapter commences.

**Explanatory note**

Items [1] and [2] of the proposed amendments to the *Workers Compensation Act 1987* correct typographical errors.

Items [4], [5] and [7]–[9] of the proposed amendments are consequential on the repeal of the *Petroleum (Submerged Lands) Act 1967* of the Commonwealth and the commencement of the *Offshore Petroleum Act 2006* of the Commonwealth.

Items [3] and [6] of the proposed amendments are consequential on the repeal of the *Petroleum (Timor Gap Zone of Cooperation) Act 1990* of the Commonwealth and the enactment of the *Petroleum (Timor Sea Treaty) Act 2003* of the Commonwealth.

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

(Section 3)

### **2.1     Art Gallery of New South Wales Act 1980 No 65**

#### **Section 4 (3)**

Insert after section 4 (2):

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

### **2.2     Australian Museum Trust Act 1975 No 95**

#### **Section 4 (2)**

Insert at the end of section 4:

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

### **2.3     Boxing and Wrestling Control Act 1986 No 11**

#### **Section 3 (5)**

Insert after section 3 (4):

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

### **2.4     Building and Construction Industry Long Service Payments Act 1986 No 19**

#### **Section 3 (8)**

Insert after section 3 (7):

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

## **2.5 Casino Control Act 1992 No 15**

### **Section 3 (3)**

Insert after section 3 (2):

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

## **2.6 Centennial Park and Moore Park Trust Act 1983 No 145**

### **Section 4 (3)**

Insert after section 4 (2):

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

## **2.7 Central Coast Water Corporation Act 2006 No 105**

### **Schedule 8, clause 7 (1)**

Omit “redundacy”. Insert instead “redundancy”.

#### **Explanatory note**

The proposed amendment corrects a typographical error.

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

### **Section 106A (5)**

Omit “*Community Services (Complaint, Reviews and Monitoring) Act 1993*”.

Insert instead “*Community Services (Complaints, Reviews and Monitoring) Act 1993*”.

#### **Explanatory note**

The proposed amendment corrects the citation of an Act.

## **2.9 Children’s Court Rule 2000**

### **[1] Clause 18A, note**

Omit “Regulation”. Insert instead “Rule”.

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**[2] Clause 20 (1)**

Omit “*Children (Care and Protection) Act 1998*”.

Insert instead “*Children and Young Persons (Care and Protection) Act 1998*”.

**Explanatory note**

Item [1] of the proposed amendments corrects a reference.

Item [2] of the proposed amendments corrects the citation of an Act.

**2.10 Coal Mine Health and Safety Act 2002 No 129**

**[1] Section 3, definition of “inflammable gas”**

Omit the definition. Insert in alphabetical order:

*flammable gas* means methane, carbon monoxide or hydrogen.

**[2] Sections 171 (1) (a), 193 (ac) and (ap) and 194**

Omit “inflammable” wherever occurring. Insert instead “flammable”.

**[3] Schedule 2.4 [2]**

Omit “section 4 (1) of the *Supreme Court (Summary Jurisdiction) Act 1967*”.

Insert instead “section 246 (1) of the *Criminal Procedure Act 1986*”.

**[4] Schedule 2.19 [4]**

Omit “**10 (2) (b)**”. Insert instead “**10 (2) (b2)**”

**Explanatory note**

Items [1] and [2] of the proposed amendments replace words to ensure consistency with related legislation.

Item [3] of the proposed amendments corrects a cross-reference.

Item [4] of the proposed amendments corrects an incorporation direction.

**2.11 Coal Mine Health and Safety Regulation 2006**

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

Omit “149 (1) (c)–(h)”.

Insert instead “paragraphs (c)–(h) of the definition of *licensable activity* in clause 149 (1)”.

**[2] Clause 3 (1), definition of “inflammable material”**

Omit the definition. Insert in alphabetical order:

*flammable material* includes a flammable gas, a flammable liquid and a flammable solid, as defined in the ADG Code as dangerous goods of class 2.1, class 3 and class 4.

- [3] **Clauses 3 (1), definition of “intrinsically safe”, 15 (1) (r) (ii) (A) and (v), 18 (1) (f), note, 19 (1) (k) (i), 21 (b) (ii), 28 (b) (iii) (B), 33, 36 (k), 67 (1) and (2), 92 (1), 93 (1) and (2), 111, 127 (1), (3) and (7) and Schedule 2, clause 9 (d)**

Omit “inflammable” wherever occurring. Insert instead “flammable”.

- [4] **Clauses 21, 74 and 92 (1)**

Omit “underground” wherever occurring. Insert instead “underground”.

- [5] **Clause 68 (1) (b)**

Omit “non-inflammable”. Insert instead “non-flammable”.

- [6] **Part 4, Division 3, Subdivision 6, heading**

Omit “**inflammable**”. Insert instead “**flammable**”.

**Explanatory note**

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

Items [2], [3], [5] and [6] of the proposed amendments replace words to ensure consistency with related legislation.

Item [4] of the proposed amendments corrects typographical errors.

## **2.12 Crimes (Appeal and Review) Act 2001 No 120**

### **Part 7, Division 1, note**

Omit the note.

**Explanatory note**

The proposed amendment omits a redundant note.

## **2.13 Drug Misuse and Trafficking Act 1985 No 226**

### **Section 39RA (5) (b)**

Omit “a the NSW Police Force”. Insert instead “a NSW Police Force”.

**Explanatory note**

The proposed amendment omits a redundant word.

## **2.14 Dust Diseases Tribunal Regulation 2007**

- [1] **Clause 2, definition of “corporation”**

Omit “*Corporations Law*”.

Insert instead “*Corporations Act 2001* of the Commonwealth”.

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**[2] Clauses 56 (1) (c) and 57 (2) (b) and (5)**

Insert “of Form 2” after “Part 8 (Apportionment of liability among defendants)” wherever occurring.

**[3] Clause 57 (7)**

Insert “of Form 2” after “Part 8”.

**Explanatory note**

Item [1] of the proposed amendments corrects the citation of an Act.

Items [2] and [3] of the proposed amendments correct references.

**2.15 Election Funding Act 1981 No 78**

**Section 4 (11)**

Insert after section 4 (10):

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

**Explanatory note**

The proposed amendment clarifies the status of notes.

**2.16 Environmental Planning and Assessment Act 1979 No 203**

**Schedule 6, clause 108 (4)**

Omit “[18] and [25]”. Insert instead “[21] and [29]”.

**Explanatory note**

The proposed amendment corrects a cross-reference.

**2.17 Environmental Planning and Assessment Amendment (Compliance Certificates) Regulation 2007**

**Schedule 1 [5], proposed clause 290**

Renumber the clause as clause 291.

**Explanatory note**

The proposed amendment corrects duplicated clause numbering.

**2.18 Environmental Planning and Assessment Regulation 2000**

**Clause 256A (1) and (1A)**

Omit “clause 245” wherever occurring. Insert instead “clause 245AA”.

**Explanatory note**

The proposed amendment corrects cross-references to a renumbered clause.

## **2.19 Film and Television Office Act 1988 No 18**

### **Section 3 (3)**

Insert after section 3 (2):

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

## **2.20 Forestry Act 1916 No 55**

### **Section 4 (2)**

Insert at the end of section 4:

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

## **2.21 Gas Supply (Gas Appliances) Regulation 2004**

### **Clause 18 (2) (c)**

Omit “clause 5 (2) (b)”. Insert instead “clause 5 (2) (a)”.

#### **Explanatory note**

The proposed amendment corrects an incorrect cross-reference.

## **2.22 Gosford Local Environmental Plan No 22**

### **Clause 116A**

Renumber the clause as clause 16A.

#### **Explanatory note**

The proposed amendment corrects the numbering of a provision.

## **2.23 Government Telecommunications Act 1991 No 77**

### **Section 3 (5)**

Insert after section 3 (4):

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

## **2.24 Great Lakes Local Environmental Plan 1996**

### **Clause 32, Table**

Omit “Forsters” from clause 5 (1). Insert instead “Forster”.

#### **Explanatory note**

The proposed amendment corrects a typographical error.

## **2.25 Historic Houses Act 1980 No 94**

### **Section 4 (4)**

Insert after section 4 (3):

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

## **2.26 Home Care Service Act 1988 No 6**

### **Section 3 (4)**

Insert after section 3 (3):

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

## **2.27 Independent Pricing and Regulatory Tribunal Act 1992 No 39**

### **Section 3 (3)**

Insert after section 3 (2):

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

## **2.28 Institute of Sport Act 1995 No 52**

### **Section 3 (2)**

Insert at the end of section 3:

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

## **2.29 Internal Audit Bureau Act 1992 No 20**

### **Section 3 (3)**

Insert after section 3 (2):

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

## **2.30 Landlord and Tenant (Rental Bonds) Act 1977 No 44**

### **Section 4 (4)**

Insert after section 4 (3):

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

## **2.31 Library Act 1939 No 40**

### **Section 2 (2)**

Insert at the end of section 2:

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

## **2.32 Lord Howe Island Act 1953 No 39**

### **Section 3 (3)**

Insert after section 3 (2):

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

## **2.33 Motor Vehicle Repairs Act 1980 No 71**

### **Section 4 (4)**

Insert after section 4 (3):

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

## **2.34 Mulwaree Local Environmental Plan 1995**

### **Clause 36 (2)**

Omit “the Sydney”. Insert instead “The Sydney”.

#### **Explanatory note**

The proposed amendment corrects a typographical error.

## **2.35 Museum of Applied Arts and Sciences Act 1945 No 31**

### **Section 2 (2)**

Insert at the end of section 2:

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

## **2.36 Natural Resources Commission Act 2003 No 102**

### **Section 4 (2)**

Insert at the end of section 4:

(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 New South Wales Institute of Psychiatry Act 1964 No 44**

### **Section 2 (2)**

Insert at the end of section 2:

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

## **2.38 Nurses and Midwives Amendment (Performance Assessment) Act 2004 No 100**

### **Schedule 1 [5]**

Omit “section 181 (4)”. Insert instead “section 56 (7)”.

#### **Explanatory note**

The proposed amendment corrects an incorporation direction.

## **2.39 Parramatta Park Trust Act 2001 No 17**

### **Section 29 (3) (a) (ii)**

Omit “the prescribed”. Insert instead “such an authorised”.

#### **Explanatory note**

The proposed amendment corrects a reference to an officer.

## **2.40 Parramatta Stadium Trust Act 1988 No 86**

### **Section 3 (3)**

Insert after section 3 (2):

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

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

### **Section 3 (3)**

Insert after section 3 (2):

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

## **2.42 Protection of the Environment Operations (Clean Air) Regulation 2002**

### **Clause 44**

Insert “*Act*” after “*Assessment*”.

#### **Explanatory note**

The proposed amendment corrects the citation of an Act.

## **2.43 Public Sector Employment and Management (Transport and Population Data Centre) Order 2007**

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

Omit “intrument”. Insert instead “instrument”.

#### **Explanatory note**

The proposed amendment corrects a typographical error.

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## **2.44 Redfern–Waterloo Authority Act 2004 No 107**

### **Section 4 (2)**

Insert at the end of section 4:

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

## **2.45 Royal Botanic Gardens and Domain Trust Act 1980 No 19**

### **Section 4 (3)**

Insert after section 4 (2):

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

## **2.46 Rural Assistance Act 1989 No 97**

### **Section 3 (3)**

Insert after section 3 (2):

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

## **2.47 Shoalhaven Local Environmental Plan 1985**

### **[1] Clause 20C, definition of “heritage item”**

Omit “building work, relic tree”. Insert instead “building, work, relic, tree”.

### **[2] Schedule 7, Part 1**

Omit “Cinnamomum” from the matter relating to Berry.

Insert instead “Cinnamomum”.

### **[3] Schedule 7, Part 1**

Omit “St Lukes” from the matter relating to Berry.

Insert instead “St Luke’s”.

**[4] Schedule 7, Part 1**

Omit “Applegarth—Dairy” from the matter relating to Milton.

Insert instead “Applegarth’—Dairy”.

**[5] Schedule 7, Part 1**

Omit “St Andrews” from the matter relating to Nowra.

Insert instead “St Andrew’s”.

**Explanatory note**

Items [1]–[5] of the proposed amendments correct typographical errors.

**2.48 Small Business Development Corporation Act 1984 No 119**

**Section 3 (3)**

Insert after section 3 (2):

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

**Explanatory note**

The proposed amendment clarifies the status of notes.

**2.49 Snowy River Rural Local Environmental Plan 2007**

**[1] Clause 16, Table**

Omit “Murrumbidgee” from item 1 (Locality objectives) of the matter relating to Locality 2.

Insert instead “Murrumbidgee”.

**[2] Clause 16, Table**

Re-number subparagraph (iii) of paragraph (b) in item 1 (Locality objectives) of the matter relating to Locality 7 as subparagraph (ii).

**[3] Clause 50 (1) and (2)**

Omit “Murrumbidgee” wherever occurring.

Insert instead “Murrumbidgee”.

**Explanatory note**

Items [1] and [3] of the proposed amendments correct typographical errors.

Item [2] of the proposed amendments corrects the numbering of a provision.

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## 2.50 State Sports Centre Trust Act 1984 No 68

### Section 3 (3)

Insert after section 3 (2):

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

#### Explanatory note

The proposed amendment clarifies the status of notes.

## 2.51 Surveying Act 2002 No 83

### [1] Section 9A (6) (b) (ii)

Omit “of Coal Mines”.

Insert instead “appointed under the *Coal Mine Health and Safety Act 2002*”.

### [2] Section 36 (3) (c)

Omit the paragraph.

#### Explanatory note

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

Item [2] of the proposed amendments removes a duplicate citation.

## 2.52 Sutherland Shire Local Environmental Plan 2006

### Schedule 6

Omit “Lommond” from item number Lf31 under the heading “**Burraneer**”.

Insert instead “Lomond”.

#### Explanatory note

The proposed amendment corrects a typographical error.

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

### Section 4 (3)

Insert after section 4 (2):

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

#### Explanatory note

The proposed amendment clarifies the status of notes.

## **2.54 Sydney Opera House Trust Act 1961 No 9**

### **Section 2 (2)**

Insert at the end of section 2:

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

## **2.55 Sydney Water Catchment Management Act 1998 No 171**

### **Section 3 (2)**

Insert at the end of section 3:

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

## **2.56 Teacher Housing Authority Act 1975 No 27**

### **Section 4 (2)**

Insert at the end of section 4:

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

## **2.57 Tourism New South Wales Act 1984 No 46**

### **Section 3 (3)**

Insert after section 3 (2):

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

## **2.58 Uniform Civil Procedure Rules 2005**

### **Rules 16.4 (3), 16.5 (2), 16.6 (2), 16.7 (2) and 39.3 (2)**

Omit “, as the case may be” wherever occurring in the notes to the rules.

#### **Explanatory note**

The proposed amendment removes redundant text.

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## **2.59 Water Sharing Plan for the Lower Gwydir Groundwater Source 2003**

### **[1] Clause 25C (3) (b)**

Re-number subparagraph (iii) where secondly occurring as subparagraph (iiia).

### **[2] Clause 29 (8)**

Omit “year, and”. Insert instead “year.”.

#### **Explanatory note**

Item [1] of the proposed amendments corrects duplicate numbering.

Item [2] of the proposed amendments removes a redundant word.

## **2.60 Western Sydney Parklands Act 2006 No 92**

### **Schedule 5.1**

Omit “section 47”. Insert instead “section 48”.

#### **Explanatory note**

The proposed amendment corrects a cross-reference.

## **2.61 Wild Dog Destruction Act 1921 No 17**

### **Section 3 (2)**

Insert at the end of section 3:

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

## **2.62 Wollondilly Local Environmental Plan 1991**

### **Schedule 1**

Insert “2” after “Lots 1 and” in item 3 of the matter relating to Camden.

#### **Explanatory note**

The proposed amendment inserts a missing number.

## **2.63 Wollongong City Centre Local Environmental Plan 2007**

### **Dictionary, definition of “coastal lake”**

Omit “*Policy 71*”. Insert instead “*Policy No 71*”.

#### **Explanatory note**

The proposed amendment corrects the citation of an instrument.

## **2.64 Wollongong Sportsground Act 1986 No 174**

### **Section 3 (3)**

Insert after section 3 (2):

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

## **2.65 Zoological Parks Board Act 1973 No 34**

### **Section 4 (2)**

Insert at the end of section 4:

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

#### **Explanatory note**

The proposed amendment clarifies the status of notes.

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## Schedule 3 Amendments consequential on the enactment of the Legal Profession Act 2004 No 112

(Section 3)

### Explanatory note

The *Legal Profession Act 2004* introduced new terms to distinguish between different types of lawyers. In particular, the Act introduced the concept of an **Australian lawyer** (a person who is admitted to the legal profession under the Act or a corresponding law) and an **Australian legal practitioner** (an Australian lawyer who holds a current local practising certificate or a current interstate practising certificate). The proposed amendments in Schedule 3 replace references in various Acts to a legal practitioner, interstate legal practitioner, solicitor, barrister or lawyer with the appropriate term for these positions following the enactment of the *Legal Profession Act 2004*. Currently, the meanings of **Australian legal practitioner** and **Australian lawyer** are set out in section 21 (1) of the *Interpretation Act 1987* for ease of reference in other Acts.

### 3.1 Growth Centres (Development Corporations) Act 1974 No 49

#### Section 33 (6) (e)

Omit “solicitor”. Insert instead “Australian legal practitioner”.

### 3.2 Guardianship Act 1987 No 257

#### [1] Section 5, definition of “eligible witness”

Omit paragraph (a) (i) and (ii) of the definition. Insert instead:

- (i) an Australian legal practitioner,

#### [2] Section 5, definition of “interstate legal practitioner”

Omit the definition.

#### [3] Section 60 (3)

Omit “a qualified interstate legal practitioner”.

Insert instead “an Australian legal practitioner”.

#### [4] Section 60 (5), definition of “qualified interstate legal practitioner”

Omit the definition.

#### [5] Section 58 (1)

Omit “a barrister, solicitor or agent”.

Insert instead “an Australian legal practitioner or an agent”.

### **3.3 Harness Racing Act 2002 No 39**

#### **Section 54 (2) (b)**

Omit “solicitor”. Insert instead “Australian legal practitioner”.

### **3.4 HomeFund Commissioner Act 1993 No 9**

#### **[1] Section 23 (2)**

Omit “a practising barrister or practising solicitor”.

Insert instead “an Australian legal practitioner”.

#### **[2] Section 25 (2) (b)**

Omit “lawyer”. Insert instead “Australian legal practitioner”.

#### **[3] Section 42A (3)**

Omit “a barrister or solicitor”. Insert instead “an Australian legal practitioner”.

### **3.5 Land Agents Act 1927 No 3**

#### **Section 2 (2)**

Omit “a barrister or solicitor of the Supreme Court of New South Wales”.

Insert instead “an Australian legal practitioner”.

### **3.6 Public Sector Employment and Management Act 2002 No 43**

#### **Section 159 (6)**

Omit “a legal practitioner”. Insert instead “an Australian legal practitioner”.

### **3.7 Public Trustee Act 1913 No 19**

#### **[1] Section 57**

Omit “practising solicitor”.

Insert instead “Australian legal practitioner (however described)”.

#### **[2] Section 57**

Omit “such solicitor” wherever occurring.

Insert instead “such Australian legal practitioner”.

### **3.8 Radiation Control Act 1990 No 13**

#### **Sections 20 (1) and 29 (2) (i)**

Omit “a legal practitioner” wherever occurring.

Insert instead “an Australian lawyer”.

### **3.9 Veterinary Practice Act 2003 No 87**

#### **Section 49 (3)**

Omit “a legal practitioner”. Insert instead “an Australian lawyer”.

## **Schedule 4 Amendments consequential on the enactment of the Police Amendment (Miscellaneous) Act 2006 No 94**

(Section 3)

### **Explanatory note**

The proposed amendments update references to NSW Police as a consequence of the enactment of the *Police Amendment (Miscellaneous) Act 2006* which renamed NSW Police as the NSW Police Force.

### **4.1 Annual Reports (Departments) Regulation 2005**

#### **Clause 3 (1), definition of “executive position”**

Omit “NSW Police” from paragraph (b) of the definition.

Insert instead “NSW Police Force”.

### **4.2 Annual Reports (Statutory Bodies) Regulation 2005**

#### **Clause 3 (1), definition of “executive position”**

Omit “NSW Police” from paragraph (b) of the definition.

Insert instead “NSW Police Force”.

### **4.3 Births, Deaths and Marriages Registration Regulation 2006**

#### **Clause 10 (1) (d) (i)**

Omit “NSW Police”. Insert instead “the NSW Police Force”.

### **4.4 Children (Detention Centres) Regulation 2005**

#### **Schedule 2, Form 2**

Omit “NSW Police”. Insert instead “the NSW Police Force”.

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

#### **Clauses 3 (1), definition of “Registry”, 19 (3) and (4) (a) and 30**

Omit “NSW Police” wherever occurring.

Insert instead “the NSW Police Force”.

**4.6 Confiscation of Proceeds of Crime Amendment Act 2005  
No 73**

**Schedule 1 [29], proposed section 31A (1)**

Omit “NSW Police”. Insert instead “the NSW Police Force”.

**4.7 Crimes (Administration of Sentences) Regulation 2001**

**Clause 28A**

Omit “NSW Police”. Insert instead “the NSW Police Force”.

**4.8 Crimes (Appeal and Review) Act 2001 No 120**

**Section 96 (1) and (2)**

Omit “NSW Police” wherever occurring.

Insert instead “the NSW Police Force”.

**4.9 Criminal Records Regulation 2004**

**Clauses 13 (1), 14 (1), 15 (1) and 16**

Omit “NSW Police” wherever occurring.

Insert instead “the NSW Police Force”.

**4.10 Director of Public Prosecutions Regulation 2005**

**Clause 5 (c) and Schedule 1, Form 1**

Omit “NSW Police” wherever occurring.

Insert instead “the NSW Police Force”.

**4.11 Drug Misuse and Trafficking Regulation 2006**

**Clauses 5, 12 and 13**

Omit “NSW Police” wherever occurring.

Insert instead “the NSW Police Force”.

**4.12 Education Legislation Amendment Act 2006 No 114**

**Schedule 1 [5], proposed section 26C (1) (i)**

Omit the paragraph. Insert instead:

- (i) the NSW Police Force,

#### **4.13 Explosives Regulation 2005**

##### **Clause 53 (2) (d)**

Omit the paragraph. Insert instead:

(d) the NSW Police Force,

#### **4.14 Firearms Regulation 2006**

##### **Clauses 7, 13 (2), 21 (1), 66 (7), 86 (1), 99 (1) (r) and 101 (1)**

Omit “NSW Police” wherever occurring.

Insert instead “the NSW Police Force”.

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

##### **Section 29 (2) (a)**

Omit “NSW Police”. Insert instead “the NSW Police Force”.

#### **4.16 Liquor Regulation 1996**

##### **Clauses 18E (1) (l) (i) and 18F (1) (c)**

Omit “NSW Police” wherever occurring.

Insert instead “the NSW Police Force”.

#### **4.17 Marine Parks Regulation 1999**

##### **[1] Schedule 1, Part 4, clause 1, definition of “regulatory authority”**

Omit paragraph (e) of the definition. Insert instead:

(e) the NSW Police Force,

##### **[2] Schedule 1, Part 5, clause 1 (1), definition of “regulatory authority”**

Omit paragraph (e) of the definition. Insert instead:

(e) the NSW Police Force,

#### **4.18 Mount Panorama Motor Racing Act 1989 No 108**

##### **Sections 10 (4) (b) and 12B (1)**

Omit “NSW Police” wherever occurring.

Insert instead “the NSW Police Force”.

#### **4.19 National Parks and Wildlife Regulation 2002**

##### **Clause 57A (3), definition of “law enforcement agency”**

Omit paragraph (a) of the definition. Insert instead:

- (a) the NSW Police Force,

#### **4.20 Occupational Health and Safety Regulation 2001**

##### **Clause 3 (1), definition of “emergency service”**

Omit paragraph (d) of the definition. Insert instead:

- (d) the NSW Police Force,

#### **4.21 Parliamentary Electorates and Elections Regulation 2001**

##### **Schedule 1, Form 9A**

Insert “Force” after “NSW Police”.

#### **4.22 Police Powers (Drug Detection Trial) Act 2003 No 28**

##### **Sections 17 (2) and 22 (2) (b)**

Omit “NSW Police” wherever occurring.

Insert instead “the NSW Police Force”.

#### **4.23 Police Superannuation Regulation 2005**

##### **Clause 20, definition of “Police Medical Officer”**

Omit “NSW Police”. Insert instead “the NSW Police Force”.

#### **4.24 Privacy Code of Practice (General) 2003**

##### **[1] Clause 12 (1), definition of “NSW Police”**

Omit the definition. Insert instead:

*NSW Police Force* has the same meaning as in the *Police Act 1990*.

##### **[2] Clause 13 (a)**

Omit “NSW Police”. Insert instead “the NSW Police Force”.

#### **4.25 Road Transport (Driver Licensing) Regulation 1999**

##### **Clause 60 (1), Note**

Omit “NSW Police”. Insert instead “the NSW Police Force”.

#### **4.26 Rural Fires Regulation 2002**

##### **[1] Clause 15 (b) (iv)**

Omit the subparagraph. Insert instead:

(iv) the NSW Police Force,

##### **[2] Clause 42 (2) (d)**

Omit “NSW Police”. Insert instead “the NSW Police Force”.

#### **4.27 Security Industry Amendment Act 2005 No 63**

##### **Schedule 1 [25], [27], [29], [33], [58] and [75]**

Omit “NSW Police” wherever occurring.

Insert instead “the NSW Police Force”.

#### **4.28 Security Industry Regulation 1998**

##### **Clauses 6 and 16 (2)**

Omit “NSW Police Service” wherever occurring.

Insert instead “NSW Police Force”.

#### **4.29 Sheriff Regulation 2005**

##### **Clause 3A**

Omit “NSW Police”. Insert instead “the NSW Police Force”.

#### **4.30 State Authorities Superannuation Regulation 2005**

##### **Clause 30C**

Omit “NSW Police”. Insert instead “the NSW Police Force”.

#### **4.31 State Environmental Planning Policy (Major Projects) 2005**

##### **Schedule 3, clause 6 (2) (d)**

Omit “NSW Police”. Insert instead “the NSW Police Force”.

**4.32 State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development**

**Clause 15 (2) (m) (iv)**

Omit “NSW Police”. Insert instead “the NSW Police Force”.

**4.33 Workers Compensation Regulation 2003**

**Schedule 6, Part A, clause 17 (a)**

Insert “Force” after “NSW Police”.

**4.34 World Youth Day Act 2006 No 106**

**Sections 3 (1), definition of “government agency”, 4 (b), 11 (3) (d) and 12 (2) (b), (c) and (h)**

Omit “NSW Police” wherever occurring.

Insert instead “the NSW Police Force”.

**4.35 Young Offenders Regulation 2004**

**Clauses 14 (2) and 15 (2)**

Omit “NSW Police” wherever occurring.

Insert instead “the NSW Police Force”.

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## Schedule 5 Repeals

(Section 4)

Name of Act	Extent of repeal
Aboriginal Land Rights Amendment Act 2006 No 111	Schedule 1 [2], [4], [5], [9]–[17], [32], [35], [45], [46], [49]–[51], [53]–[79], [81], [83], [96]–[102], [104], [109]–[113], [116]–[118], [125], [129], [130], [132], [134], [135], [138] and [140] <sup>2</sup>
Anglican Clergy Provident Fund (Sydney) Act 1908	Whole Act <sup>3</sup>
Appropriation Act 2005 No 38	Whole Act <sup>3</sup>
Building Legislation Amendment (Quality of Construction) Act 2002 No 134	Sections 3 and 5 <sup>2</sup>
Building Professionals Act 2005 No 115	Section 96 and Schedule 3 <sup>2</sup>
Children and Young Persons (Care and Protection) Amendment Act 2005 No 93	Whole Act <sup>1</sup>
Children (Criminal Proceedings) Amendment (Adult Detainees) Act 2001 No 123	Whole Act <sup>3</sup>
Commission for Children and Young People Amendment Act 2005 No 108	Whole Act <sup>1</sup>
Crimes (Administration of Sentences) Amendment Act 2002 No 36	Whole Act <sup>1</sup>
Crimes Amendment (Apprehended Violence) Act 2006 No 73	Whole Act <sup>1</sup>
Crimes and Courts Legislation Amendment Act 2006 No 107	Schedule 1.1–1.10, 1.11 [1]–[19], [22] and [23], 1.13–1.23 <sup>2</sup>
Education Legislation Amendment Act 2006 No 114	Sections 4–6 and Schedules 1 [1]–[4] and [6]–[14] and 2–4 <sup>2</sup>
Environmental Planning Legislation Amendment Act 2006 No 123	Section 4 and Schedules 1 [1]–[8], [10]–[14], [16]–[19], [21], [22], [24]–[30], [32]–[43] and [47]–[57], 2 and 3.1 and 3.2 <sup>2</sup>
Fair Trading Amendment Act 2006 No 62	Section 4 and Schedules 1 [1]–[16] and [20]–[22] and 2 <sup>2</sup>

<b>Name of Act</b>	<b>Extent of repeal</b>
Firearms Amendment (Good Behaviour Bonds) Act 2006 No 82	Whole Act <sup>1</sup>
First State Superannuation Legislation Amendment (Conversion) Act 2005 No 91	Section 5 and Schedule 3.1–3.3, 3.5, 3.6 [1]–[6], 3.7–3.10, 3.11 [1]–[6], 3.12 [1]–[6] and [8]–[11], 3.13 [1]–[7] and 3.14–3.16 <sup>2</sup>
Fisheries Management Amendment Act 2006 No 18	Schedule 1 [6], [7], [9], [12], [13], [17], [18] and [22]–[27] <sup>2</sup>
Freedom of Information Amendment (Open Government—Disclosure of Contracts) Act 2006 No 115	Whole Act <sup>1</sup>
Interpretation Amendment Act 2006 No 43	Section 5 and Schedule 1 [1], [2], [5], [11] and [12] <sup>2</sup>
James Hardie Former Subsidiaries (Winding up and Administration) Act 2005 No 105	Section 72 and Schedule 2 <sup>2</sup>
Law Enforcement (Powers and Responsibilities) Act 2002 No 103	Section 240 and Schedule 4 <sup>2</sup>
Legal Profession Further Amendment Act 2006 No 116	Schedule 1 <sup>2</sup>
Motor Accidents Compensation Amendment Act 2006 No 17	Section 4 and Schedules 1 [1]–[6], [8]–[11] and [13]–[33] and 2 <sup>2</sup>
Nurses and Midwives Amendment (Performance Assessment) Act 2004 No 100	Whole Act <sup>1</sup>
Parliamentary Contributory Superannuation Amendment (Criminal Charges and Convictions) Act 2006 No 93	Whole Act <sup>1</sup>
Parliamentary Electorates and Elections Amendment Act 2006 No 68	Schedules 1–4, 5 [1] and [2], 6–14, 16–18 and 19.6, 19.12, 19.20, 19.21 and 19.25 <sup>2</sup>
Property Legislation Amendment Act 2005 No 68	Whole Act <sup>1</sup>
Property, Stock and Business Agents Amendment Act 2006 No 4	Whole Act <sup>1</sup>
Protection of the Environment Operations Amendment Act 2005 No 96	Whole Act <sup>1</sup>
Racing Legislation Amendment Act 2006 No 91	Schedule 1.1 and 1.3 <sup>2</sup>
Registered Clubs Amendment Act 2006 No 103	Schedule 1 [16]–[26], [34]–[37], [44]–[48] and [53] <sup>2</sup>
Rural Lands Protection Amendment Act 2006 No 118	Section 3 and Schedules 1 and 2.1 [2] and 2.2 <sup>2</sup>

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Schedule 5 Repeals

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Name of Act	Extent of repeal
Security Industry Amendment Act 2005 No 63	Schedule 1 [5]–[7] and [80] <sup>2</sup>
State Revenue and Other Legislation Amendment (Budget Measures) Act 2006 No 50	Section 4 and Schedules 1–5 and 6.4–6.7 <sup>2</sup>
Stock Diseases Amendment (Artificial Breeding) Act 2004 No 35	Section 4 and Schedule 2 <sup>2</sup>
Stock Medicines Amendment Act 2004 No 89	Section 4 and Schedule 2 <sup>2</sup>
Sydney University Settlement Incorporation Amendment Act 2005 No 30	Whole Act <sup>1</sup>
Trees (Disputes Between Neighbours) Act 2006 No 126	Section 22 and Schedule 2 <sup>2</sup>
Workers Compensation Legislation Amendment (Miscellaneous Provisions) Act 2005 No 113	Sections 3, 4 and 7 and Schedules 1, 2, 3.1 [1]–[10] and [12]–[29] and 3.2 [2]–[4] <sup>2</sup>

**Key**

- 1 indicates repeal of a whole Act that contains only amendments, or amendments and repeals, that have commenced and provisions that are redundant
- 2 indicates repeal of those provisions of an Act that contain only amendments, or amendments and repeals, that have commenced or are redundant
- 3 indicates repeal of an Act that is redundant

**Explanatory note**

The repeals are explained in detail in the Explanatory note relating to this Act. In relation to the repeal of amending Acts, it should be noted that the Acts are repealed simply to rationalise the legislation in force and that the repeals have no substantive effect on the amendments made by the Acts or any associated provisions. The Acts that were amended by the Acts being repealed are up-to-date on the Legislation Database maintained by the Parliamentary Counsel's Office and are available electronically.

Section 30 (2) of the *Interpretation Act 1987* ensures that, when an Act is amended or repealed, no amendment made by the Act is affected. Section 30 (2) of that Act also ensures that the following matters are not affected:

- (a) the proof of any past act or thing,
- (b) any right, privilege, obligation or liability saved by the operation of the Act,
- (c) any amendment or validation made by the Act,
- (d) the operation of any savings or transitional provision contained in the Act.

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## Schedule 6      **General savings, transitional and other provisions**

(Section 5)

### **1    Effect of amendment of amending provisions**

- (1) An amendment made by Schedule 1, 2 or 4 to an amending provision contained in an Act is, if the amending provision has commenced before the date of assent to this Act, 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 that makes a direct amendment to an Act by:
  - (a) the repeal or omission of matter contained in the amended Act without the insertion of any matter instead of the repealed or omitted matter, or
  - (b) the omission of matter contained in the amended Act and the insertion of matter instead of the omitted matter, or
  - (c) the insertion into the amended Act of matter, not being matter inserted instead of matter omitted from the Act.

#### **Explanatory note**

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

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

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

- (a) amends a provision of an Act or an instrument, or
- (b) repeals and re-enacts (with or without modification) a provision of an Act or an instrument,

any act done or decision made under the provision amended or repealed has effect after the amendment or repeal as if it had been done or made under the provision as so amended or repealed.

#### **Explanatory note**

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

### **3 Application of Interpretation Act 1987 to amendments to statutory rules**

Sections 39, 40 and 41 of the *Interpretation Act 1987* do not apply to any amendments to statutory rules made by this Act.

#### **Explanatory note**

This clause makes it clear that certain provisions concerning the making, tabling and disallowance of statutory rules do not apply to amendments to statutory rules made by the proposed Act.

### **4 Effect of amendment on instruments**

- (1) 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.
- (2) The amendment of an instrument by this Act does not prevent its later amendment or repeal by another instrument.

#### **Explanatory note**

Subclause (1) 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.

Subclause (2) ensures that the amendment of an instrument by the proposed Act does not prevent its later amendment or repeal by another instrument.

### **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 in the Gazette, the provision does not operate so as:
  - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
  - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

#### **Explanatory note**

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

## Notes

### Index of Acts and instruments amended by Schedules 1–4

*Aboriginal Land Rights Act 1983* No 42—Schedule 1  
*Aboriginal Land Rights Amendment Act 2006* No 111—Schedule 1  
*Agricultural Livestock (Disease Control Funding) Act 1998* No 139—Schedule 1  
*Annual Reports (Departments) Regulation 2005*—Schedule 4  
*Annual Reports (Statutory Bodies) Regulation 2005*—Schedule 4  
*Art Gallery of New South Wales Act 1980* No 65—Schedule 2  
*Australian Museum Trust Act 1975* No 95—Schedule 2  
*Births, Deaths and Marriages Registration Regulation 2006*—Schedule 4  
*Boxing and Wrestling Control Act 1986* No 11—Schedule 2  
*Building and Construction Industry Long Service Payments Act 1986* No 19—Schedule 2  
*Casino Control Act 1992* No 15—Schedule 2  
*Centennial Park and Moore Park Trust Act 1983* No 145—Schedule 2  
*Central Coast Water Corporation Act 2006* No 105—Schedule 2  
*Children and Young Persons (Care and Protection) Act 1998* No 157—Schedule 2  
*Children (Detention Centres) Regulation 2005*—Schedule 4  
*Children’s Court Rule 2000*—Schedule 2  
*Coal Mine Health and Safety Act 2002* No 129—Schedule 2  
*Coal Mine Health and Safety Regulation 2006*—Schedule 2  
*Commercial Agents and Private Inquiry Agents Regulation 2006*—Schedule 4  
*Commission for Children and Young People Act 1998* No 146—Schedule 1  
*Community Land Development Act 1989* No 201—Schedule 1  
*Community Land Management Act 1989* No 202—Schedule 1  
*Companion Animals Act 1998* No 87—Schedule 1  
*Confiscation of Proceeds of Crime Amendment Act 2005* No 73—Schedule 4  
*Constitution Act 1902* No 32—Schedule 1  
*Contaminated Land Management Act 1997* No 140—Schedule 1  
*Conveyancers Licensing Act 2003* No 3—Schedule 1  
*Conveyancing Act 1919* No 6—Schedule 1  
*Crimes (Administration of Sentences) Regulation 2001*—Schedule 4  
*Crimes (Appeal and Review) Act 2001* No 120—Schedules 2 and 4  
*Crimes at Sea Act 1998* No 173—Schedule 1  
*Criminal Procedure Act 1986* No 209—Schedule 1  
*Criminal Records Regulation 2004*—Schedule 4  
*Crown Lands Act 1989* No 6—Schedule 1  
*Crown Lands (Continued Tenures) Act 1989* No 7—Schedule 1  
*Director of Public Prosecutions Regulation 2005*—Schedule 4  
*Drug Misuse and Trafficking Act 1985* No 226—Schedule 2  
*Drug Misuse and Trafficking Regulation 2006*—Schedule 4  
*Dust Diseases Tribunal Regulation 2007*—Schedule 2  
*Education Legislation Amendment Act 2006* No 114—Schedule 4  
*Election Funding Act 1981* No 78—Schedule 2

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*Environmental Planning and Assessment Act 1979* No 203—Schedule 2  
*Environmental Planning and Assessment Amendment (Compliance Certificates) Regulation 2007*—Schedule 2  
*Environmental Planning and Assessment Regulation 2000*—Schedule 2  
*Explosives Regulation 2005*—Schedule 4  
*Film and Television Office Act 1988* No 18—Schedule 2  
*Fines Act 1996* No 99—Schedule 1  
*Firearms Regulation 2006*—Schedule 4  
*Fisheries Management Act 1994* No 38—Schedule 1  
*Forestry Act 1916* No 55—Schedule 2  
*Freedom of Information Act 1989* No 5—Schedule 1  
*Gas Supply (Gas Appliances) Regulation 2004*—Schedule 2  
*Gosford Local Environmental Plan No 22*—Schedule 2  
*Government Telecommunications Act 1991* No 77—Schedule 2  
*Great Lakes Local Environmental Plan 1996*—Schedule 2  
*Growth Centres (Development Corporations) Act 1974* No 49—Schedules 1 and 3  
*Guardianship Act 1987* No 257—Schedule 3  
*Harness Racing Act 2002* No 39—Schedule 3  
*Health Care Complaints Act 1993* No 105—Schedule 1  
*Historic Houses Act 1980* No 94—Schedule 2  
*Home Building Act 1989* No 147—Schedule 1  
*Home Care Service Act 1988* No 6—Schedule 2  
*HomeFund Commissioner Act 1993* No 9—Schedule 3  
*Independent Commission Against Corruption Act 1988* No 35—Schedule 1  
*Independent Pricing and Regulatory Tribunal Act 1992* No 39—Schedule 2  
*Institute of Sport Act 1995* No 52—Schedule 2  
*Internal Audit Bureau Act 1992* No 20—Schedule 2  
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*Land Agents Act 1927* No 3—Schedule 3  
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