

Passed by both Houses



New South Wales

# Statute Law (Miscellaneous Provisions) Bill 2025

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*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

*Legislative Council*  
2025

*Clerk of the Parliaments*



New South Wales

# **Statute Law (Miscellaneous Provisions) Bill 2025**

Act No , 2025

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

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

**1 Name of Act**

This Act is the *Statute Law (Miscellaneous Provisions) Act 2025*.

**2 Commencement**

This Act commences as follows—

- (a) for Schedule 1.9[1]—on the later of the following—
  - (i) the commencement of the *Residential Tenancies Amendment Act 2024*, Schedule 1[1],
  - (ii) the date of assent to this Act,
- (b) for Schedule 1.9[2] and [3]—on the later of the following—
  - (i) the commencement of the *Residential Tenancies Amendment Act 2024*, Schedule 1[2],
  - (ii) the date of assent to this Act,
- (c) for Schedule 1.9[5]–[7]—on the later of the following—
  - (i) the commencement of the *Residential Tenancies Amendment Act 2024*, Schedule 1[9],
  - (ii) the date of assent to this Act,
- (d) for Schedule 2.8—on the later of the following—
  - (i) 1 July 2025,
  - (ii) the date of assent to this Act,
- (e) otherwise—on the date of assent to this Act.

**3 Explanatory notes**

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

## Schedule 1 Minor amendments

### 1.1 Animal Research Act 1985 No 123

#### Section 6 The Panel

Omit “administering the *Biosecurity Act 2015*” from section 6(2)(g).

#### Explanatory note

The proposed amendment provides for the Minister administering the *Animal Research Act 1985*, instead of the Minister administering the *Biosecurity Act 2015*, to nominate a member of the Animal Research Review Panel.

### 1.2 Biodiversity Conservation Act 2016 No 63

#### [1] Section 6.7 Minister may establish biodiversity assessment method

Insert “, amending or replacing” after “establishing” in section 6.7(3).

#### [2] Section 6.15 Certification of biodiversity assessment reports

Omit section 6.15(2), definition of *certify*.

#### Explanatory note

Item [1] of the proposed amendments adds references to amending or replacing a biodiversity assessment method, to reflect the intent of the section for the Minister to consider the prescribed criteria each time the method is established, amended or replaced.

Item [2] removes the unnecessary definition of *certify*, which retains its ordinary meaning for the purposes of the section.

### 1.3 Biosecurity Act 2015 No 24

#### [1] Section 48 Duration of emergency order

Omit section 48(2). Insert instead—

- (2) The Secretary may make an order to extend the period during which an emergency order remains in force for a further period of up to 6 months.

#### [2] Section 66 Duration of control order

Omit section 66(2). Insert instead—

- (2) The Minister may make an order to extend the period during which a control order has effect for a further period of up to 5 years.

#### Explanatory note

Item [1] of the proposed amendments clarifies that an emergency order declaring a biosecurity emergency may be extended for up to 6 months each time.

Item [2] clarifies that a control order establishing a control zone may be extended for up to 5 years each time.

### 1.4 Criminal Procedure Act 1986 No 209

#### Section 302 Ancillary orders

Omit “section 106 or 119 of this Act or section 578A of the *Crimes Act 1900*.” from section 302(2).

Insert instead—

the following—

- (a) section 280 or 280A,
- (b) the *Court Suppression and Non-publication Orders Act 2010*, section 7,

(c) the *Crimes Act 1900*, section 578A.

**Explanatory note**

The proposed amendment corrects cross-referencing errors.

## **1.5 Library Act 1939 No 40**

### **Section 10 Requirements as to services to be provided by local libraries**

Omit “prescribed fee” from section 10(4), definition of *charge*.

Insert instead “fee of not more than the amount prescribed”.

**Explanatory note**

The proposed amendment makes it clear that the regulations may prescribe a maximum fee for the late return of library material, or a maximum charge made for the loss of or damage to library material, rather than a specified fee.

## **1.6 Meat Industry (Meat Industry Levy) Regulation 2016**

### **[1] Clause 3 Definitions**

Omit clause 3(2).

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

Omit “(other than in Schedule 1)”.

### **[3] Clause 6 Changes in occupancy or ownership of land**

Omit clause 6(1).

### **[4] Clause 7 Applications for certificates of levies due and payable**

Omit clause 7(1).

### **[5] Clause 8 Certificates of levies due and payable**

Omit clause 8(1).

### **[6] Schedule 1 Forms**

Omit the schedule.

**Explanatory note**

The proposed amendments are consequential on the proposed amendments to the *Meat Industry Act 1978* in Schedule 1.7.

## **1.7 Meat Industry Act 1978 No 54**

### **[1] Section 59D Liability where an estate or interest is transferred**

Omit “from the person the prescribed notice under section 59E (1)” from section 59D(1)(b).

Insert instead “notice under section 59E(1)”.

### **[2] Section 59D(2)**

Omit “the prescribed notice under section 59E (1) has been received by the Food Authority or its agent”.

Insert instead “the Food Authority or its agent has received the notice under section 59E(1)”.

**[3] Section 59E Notice of changes in occupancy or ownership of land**

Omit “the prescribed notice” from section 59E(1).

Insert instead “notice, in the form approved by the Food Authority,”.

**[4] Section 59F Liability of person becoming occupier or owner**

Omit “or to the effect of the prescribed form” wherever occurring in section 59F(4) and (5).

Insert instead “the form approved by the Food Authority”.

**Explanatory note**

Items [3] and [4] of the proposed amendments provide for the Food Authority to approve, rather than for the regulations to prescribe, the form of the following documents—

- (a) a notice given to the Authority when a person becomes or ceases to be the occupier or owner of land in relation to which a meat industry levy is payable,
- (b) a certificate from the Authority of the amount due or payable for a meat industry levy,
- (c) an application for a certificate referred to in paragraph (b).

Items [1] and [2] make consequential amendments.

## **1.8 Medicines, Poisons and Therapeutic Goods Act 2022 No 73**

**[1] Section 57 Wholesaler licences and obtain licences**

Insert after section 57(2)(a)(iii)—

- (iiia) a person providing ambulance transport who is exempt from the requirement to obtain the consent of the Health Secretary under the *Health Services Act 1977*, section 67E,

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

Insert after section 3(1)(c)—

- (ca) a person providing ambulance transport who is exempt from the requirement to obtain the consent of the Health Secretary under the *Health Services Act 1977*, section 67E,

**Explanatory note**

Item [1] of the proposed amendments provides that for an ambulance transport provider exempt from the requirement to obtain consent from the Health Secretary to provide ambulance transport, the Health Secretary may grant an obtain licence to authorise the provider to obtain wholesale supply of specified scheduled substances or other prescribed therapeutic goods. Item [2] makes a consequential amendment.

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

**[1] Section 14 Landlord’s obligation to ensure written residential tenancy agreement**

Omit section 14(3). Insert instead—

- (3) If a landlord fails to comply with this section, the landlord is not entitled to terminate the residential tenancy agreement on a ground set out in sections 87E–87M during the first 6 months of the tenancy.

**[2] Section 19 Prohibited terms**

Omit “, have the carpet” from section 19(2)(a).

**[3] Section 19(2)(a)(i) and (ii)**

Omit the subparagraphs. Insert instead—

- (i) have the carpet professionally cleaned or pay for the carpet to be professionally cleaned, or

- (ii) have the premises, or part of the premises, professionally fumigated or pay for the premises, or part of the premises, to be professionally fumigated,

**[4] Section 20 Mandatory terms may be varied for long term leases**

Omit “under a fixed term agreement for a fixed term of more than 2 years” from section 20(2)(b).

**[5] Section 73E Reasonable conditions of consent**

Omit “residential premises” from section 73E(2)(a).

**[6] Section 73E(2)(a)**

Omit “inside the premises”. Insert instead “kept inside at the residential premises”.

**[7] Section 73E(2)(b)**

Insert “at” after “kept inside”.

**Explanatory note**

Item [1] of the proposed amendments removes a prohibition on rent increases within the first 6 months of an unwritten residential tenancy agreement on the basis that this provision has been superseded by a prohibition on rent increases within the first 12 months under the *Residential Tenancies Act 2010*, section 41(1A)(a).

Items [2] and [3] clarify that the prohibition on requiring fumigation under a residential tenancy agreement applies to the entire premises, and not only to carpets in the premises, unless a term requiring fumigation is included as a reasonable condition for the keeping of a pet.

Item [4] replaces a redundant reference to a prohibition against more than one rent increase a year for fixed term agreements with a reference to the broader prohibition under the *Residential Tenancies Act 2010*, section 41(1A)(b) that applies to all residential tenancy agreements.

Items [5]–[7] clarify that certain references to keeping an animal inside residential premises do not include keeping the animal outdoors on the property of the residential premises.

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

**[1] Schedule 5 Further postponement of repeal of statutory rules**

Omit clauses 3 and 3A.

**[2] Schedule 5, clause 5**

Insert after clause 4—

**5 Postponement of repeal of statutory rules until 1 September 2026**

The following statutory rules remain in force until 1 September 2026, unless sooner repealed—

- (a) *Adoption Regulation 2015*,
- (b) *Boarding Houses Regulation 2013*,
- (c) *Child Protection (Working with Children) Regulation 2013*,
- (d) *Children (Detention Centres) Regulation 2015*,
- (e) *Combat Sports Regulation 2014*,
- (f) *Crimes (Administration of Sentences) Regulation 2014*,
- (g) *Electricity Supply (General) Regulation 2014*,
- (h) *Electricity Supply (Safety and Network Management) Regulation 2014*,
- (i) *Government Sector Employment Regulation 2014*,
- (j) *Heritage Regulation 2012*,

- (k) *Home Building Regulation 2014*,
- (l) *Lobbying of Government Officials (Lobbyists Code of Conduct) Regulation 2014*,
- (m) *Local Land Services Regulation 2014*,
- (n) *Lord Howe Island Regulation 2014*,
- (o) *Passenger Transport Regulation 2014*,
- (p) *Police Regulation 2015*,
- (q) *Protection of the Environment Operations (Waste) Regulation 2014*,
- (r) *Residential (Land Lease) Communities Regulation 2015*,
- (s) *Rice Marketing Regulation 2015*,
- (t) *Veterinary Practice Regulation 2013*.

**Explanatory note**

The proposed amendments postpone the date on which several regulations are automatically repealed by the *Subordinate Legislation Act 1989*. As the automatic repeal of each regulation has been postponed at least 5 times, the regulations cannot be further postponed by order under the *Subordinate Legislation Act 1989*, section 11.

The regulations are currently due to be repealed on 1 September 2025 but continue to be required. The repeal is proposed to be further postponed for the following reasons—

- (a) The Department of Communities and Justice is undertaking ongoing consideration of care and protection reforms that relate to the *Adoption Act 2000* and the *Adoption Regulation 2015*. It is therefore considered premature to remake the regulation.
- (b) A Bill is being prepared to repeal and replace the *Boarding Houses Act 2012*. The *Boarding Houses Regulation 2013* is required until the new Act and accompanying regulation commence.
- (c) The Office of the Children's Guardian is reviewing the *Child Protection (Working with Children) Act 2012*, with the release of a discussion paper planned for the first half of 2025, subject to the Minister's approval. It is therefore considered premature to remake the *Child Protection (Working with Children) Regulation 2013*.
- (d) The remake of the *Children (Detention Centres) Regulation 2015* is underway and postponement of the repeal is required to progress relevant amendments to the *Children (Detention Centres) Act 1987* in advance of the remake.
- (e) The remake of the *Combat Sports Regulation 2014* is underway and postponement of the repeal is required to provide sufficient time to remake the regulation following the commencement of significant amendments to the *Combat Sports Act 2013*.
- (f) A Bill is being prepared to amend the regulation-making powers in the *Crimes (Administration of Sentences) Act 1999*. It is therefore considered premature to remake the *Crimes (Administration of Sentences) Regulation 2014*.
- (g) Postponement of the *Electricity Supply (General) Regulation 2014* is required as amendments to the parent Act, the *Electricity Supply Act 1995*, are intended to be made in 2025 including amendments to the regulation-making powers. It is therefore considered premature to remake the regulation.
- (h) A Bill is being prepared to amend the regulation-making powers in the *Electricity Supply Act 1995*. It is therefore considered premature to remake the *Electricity Supply (Safety and Network Management) Regulation 2014*.
- (i) The Cabinet Office is reviewing the *Government Sector Employment Act 2013*. It is therefore considered premature to remake the *Government Sector Employment Regulation 2014* before any legislative amendments arising from the review are made.
- (j) Heritage NSW is undertaking a significant review of the *Heritage Act 1977*, which is likely to result in amendments to the regulation-making powers. It is therefore considered premature to remake the *Heritage Regulation 2012*.
- (k) A Bill is being prepared to repeal and replace the *Home Building Act 1989*. The *Home Building Regulation 2014* is required until the new Act and accompanying regulation commence.
- (l) The recommendations made by ICAC in relation to Operation Eclipse continue to be under active consideration within the Government. The remake of the regulation is to be considered as part of the process and it is therefore considered premature to remake the *Lobbying of Government Officials (Lobbyists Code of Conduct) Regulation 2014*.



- (m) The remake of the *Local Land Services Regulation 2014* is underway and postponement of the repeal is required to provide sufficient time to resolve certain issues that could alter or disrupt key Local Land Services functions and carry out an effective public consultation process.
- (n) The Lord Howe Island Board is undertaking a review of the board's policies and procedures which will identify any substantial amendments for the remake of the *Lord Howe Island Regulation 2014*. It is therefore considered premature to remake the regulation.
- (o) A review of the *Passenger Transport Act 2014* is proposed to be undertaken in 2025 and, depending on the outcomes of the review, the *Passenger Transport Regulation 2014* may need to be updated or replaced.
- (p) The remake of the *Police Regulation 2015* is underway and postponement of the repeal is required due to the length and complexity of the regulation.
- (q) The remake of the *Protection of the Environment Operations (Waste) Regulation 2014* is underway and postponement of the repeal is required due to the length and complexity of the regulation, which includes considering feedback from the current waste levy review that is not yet finalised.
- (r) The Department of Customer Service is currently implementing recommendations from a statutory review of the *Residential (Land Lease) Communities Act 2013*. Postponement of the repeal of the *Residential (Land Lease) Communities Regulation 2015* is required to provide sufficient time to implement further recommendations before the regulation is remade.
- (s) The *Rice Marketing Act 1983* will be repealed between 1 July 2026 and 1 October 2026. It is proposed that the *Rice Marketing Regulation 2015* will not be remade, as this regulation will be repealed along with the *Rice Marketing Act 1983*. However, it is necessary that the regulation continues in force until the *Rice Marketing Act 1983* is repealed.
- (t) A review of the veterinary practices regulatory framework has commenced in response to the NSW Parliamentary Inquiry Report into veterinary workforce shortage. It is considered premature to remake the *Veterinary Practice Regulation 2013* before the review is complete.

## 1.11 Transport Administration Act 1988 No 109

### Sections 36B(6) and 37B(6)

Omit the subsections, including the notes.

#### Explanatory note

The proposed amendment removes redundant references to directions given by the Transport Secretary under the former *Transport Administration (General) Regulation 2013* and removes notes referring to the directions. The directions were replaced by new directions in 2024.

## 1.12 Water Management Act 2000 No 92

### [1] Section 60 Rules of distribution applicable to making of available water determinations

Omit “While an order under section 49A is in force, the following rules of distribution apply to the making of an available water determination” from section 60(3).

Insert instead “While an order under section 49A in relation to a water management area or water source is in force, the following rules of distribution apply to the making of an available water determination in relation to the water management area or water source”.

### [2] Section 60(3A)

Omit “While an order under section 49B is in force, the following rules of distribution apply to the making of an available water determination”.

Insert instead “While an order under section 49B in relation to a water management area or water source is in force, the following rules of distribution apply to the making of an available water determination in relation to the water management area or water source”.

#### Explanatory note

Item [1] of the proposed amendments clarifies that when an order suspending the operation of a management plan is in force in relation to a particular water management area or water source, the

rules of distribution that apply to the making of an available water determination are revised only in relation to that water management area or water source.

Item [2] clarifies that when an order suspending the operation of a Basin management plan is in force in relation to a particular water management area or water source, the rules of distribution that apply to the making of an available water determination are revised only in relation to that water management area or water source.

## **Schedule 2 Statute law revision amendments**

### **2.1 Biodiversity Conservation Act 2016 No 63**

#### **Section 1.6 Definitions**

Omit “section 4.5 or” from the definition of *relevant authority*, paragraph (a).

Insert instead “section 4.5, or”.

#### **Explanatory note**

The proposed amendment corrects a punctuation error.

### **2.2 Crimes (Administration of Sentences) Amendment Act 2025 No 6**

#### **Schedule 1 Amendment of Crimes (Administration of Sentences) Act 1999 No 93**

Omit “centre.any” from Schedule 1[3], section 3(1), definition of *nominated officer*, paragraph (c)(ii).

Insert instead “centre, any”.

#### **Explanatory note**

The proposed amendment corrects a punctuation error.

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

#### **Section 7.22 Definitions**

Omit “7.30(1)” from the definition of *SBC Fund*. Insert instead “7.31”.

#### **Explanatory note**

The proposed amendment corrects a cross-referencing error.

### **2.4 Explosives Act 2003 No 39**

#### **Schedule 2 Exemptions**

Omit clause 2(4), definition of *emergency service*, paragraph (d). Insert instead—

(d) VRA Rescue NSW Limited (ABN 68 767 393 968),

#### **Explanatory note**

The proposed amendment updates a reference to the New South Wales Volunteer Rescue Association with a reference to VRA Rescue NSW Limited following a change of name of the organisation.

### **2.5 Explosives Regulation 2024**

#### **Section 2 Commencement**

Omit “section10(2)” from the note. Insert instead “section 10(2)”.

#### **Explanatory note**

The proposed amendment inserts a missing space.

### **2.6 Heavy Vehicle (Adoption of National Law) Act 2013 No 42**

#### **[1] Schedule 1 Modification of Heavy Vehicle National Law as applying in New South Wales**

Omit Schedule 1.2[1C], proposed section 26I(3), definition of *emergency service*, paragraph (f).

Insert instead—

(f) VRA Rescue NSW Limited;

**[2] Schedule 1.2[8], proposed section 265(2), definition of “emergency service”, paragraph (f)**

Omit the paragraph. Insert instead—

(f) VRA Rescue NSW Limited;

**Explanatory note**

The proposed amendments update references to the New South Wales Volunteer Rescue Association with references to VRA Rescue NSW Limited following a change of name of the organisation.

## **2.7 Marine Pollution Regulation 2024**

### **Schedule 5 NSW sewage standards**

Omit “definition of NSW sewage standards”.

Insert instead “definition of “NSW sewage standards””.

**Explanatory note**

The proposed amendment corrects a punctuation error.

## **2.8 Mental Health Act 2007 No 8**

### **Schedule 1 Medical certificate as to examination or observation of person**

Insert in Note 1 under the heading **16 Certain words or conduct may not indicate mental illness or disorder**, after item (1)(d)—

- (d1) the person expresses or refuses or fails to express or has expressed or refused or failed to express a particular gender identity or gender expression,

**Explanatory note**

The proposed amendment makes a minor amendment to a form containing an excerpt of the *Mental Health Act 2007*, section 16, for accuracy.

## **2.9 Protection of the Environment Operations (Noise Control) Regulation 2017**

### **Clause 29 Exemptions for emergency-related vehicles**

Omit clause 29(a), definition of *emergency vehicle*, subparagraph (vi). Insert instead—

- (vi) VRA Rescue NSW Limited,

**Explanatory note**

The proposed amendment updates a reference to the New South Wales Volunteer Rescue Association with a reference to VRA Rescue NSW Limited following a change of name of the organisation.

## **2.10 Public Health (Tobacco) Amendment Act (No 2) 2024 No 87**

### **Schedule 1 Amendment of Public Health (Tobacco) Act 2008 No 94**

Omit “Schedule 1[8]” from Schedule 1[17], definition of *commencement*.

Insert instead “Schedule 1[9]”.

**Explanatory note**

The proposed amendment corrects a cross-referencing error.

## 2.11 Road Rules 2014

### Rule 78–1 NSW rule: Approaching or passing stationary emergency response vehicles

Omit rule 78–1(6), definition of *emergency response vehicle*, paragraph (a)(viii).

Insert instead—

(viii) VRA Rescue NSW Limited,

#### Explanatory note

The proposed amendment updates a reference to the New South Wales Volunteer Rescue Association with a reference to VRA Rescue NSW Limited following a change of name of the organisation.

## 2.12 Roads Regulation 2018

### Section 7 Procedure for naming roads

Omit section 7(6), definition of *relevant party*, paragraph (i). Insert instead—

(i) VRA Rescue NSW Limited,

#### Explanatory note

The proposed amendment updates a reference to the New South Wales Volunteer Rescue Association with a reference to VRA Rescue NSW Limited following a change of name of the organisation.

## 2.13 Rural Fires Act 1997 No 65

### Section 4 Definitions

Omit section 4, note, definition of *emergency services organisation*, paragraph (h).

Insert instead—

(h) VRA Rescue NSW Limited,

#### Explanatory note

The proposed amendment updates a reference to the New South Wales Volunteer Rescue Association with a reference to VRA Rescue NSW Limited following a change of name of the organisation.

## 2.14 State Authorities Non-contributory Superannuation Act 1987 No 212

### [1] Section 3 Definitions

Insert in alphabetical order in section 3(1)—

*Aware Super Fund* has the same meaning as *Fund* in the *Aware Super Act 1992*.

### [2] Section 3(1), definition of “First State Superannuation Fund”

Omit the definition.

### [3] Sections 20A(1) and (4), 26C, definition of “contributing employee”, paragraph (a), 26E(1), 26F(3), 26G(1), 26H(6) and 27AH, definition of “FTC”

Omit “*First State Superannuation Act 1992*” wherever occurring.

Insert instead “*Aware Super Act 1992*”.

### [4] Sections 24(2)(a) and (b), 26I(2), 27AD(2) and (4), 27AH, definition of “complying superannuation fund”, paragraph (b), 27AJ(5) and Schedule 2(d)

Omit “*First State Superannuation Fund*” wherever occurring.

Insert instead “Aware Super Fund”.

**Explanatory note**

The proposed amendments update references to the First State Superannuation Fund with references to the Aware Super Fund following a change of name of the fund.

## **2.15 State Authorities Non-contributory Superannuation Regulation 2020**

### **Clauses 15(4)(d) and 16(2)(b)**

Omit “First State Superannuation Fund” wherever occurring.

Insert instead “Aware Super Fund”.

**Explanatory note**

The proposed amendment updates references to the First State Superannuation Fund with references to the Aware Super Fund following a change of name of the fund.

## **2.16 Surveying and Spatial Information Regulation 2024**

### **[1] Section 11 Measurement equipment and methods**

Insert “of length” after “measurement” in section 11(3)(a).

### **[2] Section 55 Permanent survey marks**

Omit “permanent survey within” from section 55(1)(a).

Insert instead “permanent survey mark within”.

### **[3] Schedule 9 Dictionary**

Omit “section 22” from the definition of *accurate AHD value*. Insert instead “section 23”.

**Explanatory note**

Items [1] and [2] of the proposed amendments insert missing words. Item [3] corrects a cross-reference.

## **2.17 Sydney Olympic Park Authority Act 2001 No 57**

### **Section 4 Definitions**

Omit “Office of Sport” from section 4(1), definition of *Chief Executive*.

Insert instead “Sydney Olympic Park Authority”.

**Explanatory note**

The proposed amendment updates a reference following machinery of government changes.

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

### **[1] Schedule 12 Amendment of management plans or orders**

Omit “longitude 150.669724” from clause 42(3).

Insert instead “longitude 150.697240”.

### **[2] Schedule 12, clause 42(4)**

Omit “latitude -30.900503 and longitude 150.513171”.

Insert instead “latitude -30.878622, longitude 150.491625”.

**Explanatory note**

Item [1] of the proposed amendments corrects an error in the inclusion of the Manilla River in the Upper Namoi Regulated River Water Source.

Item [2] corrects an error in the inclusion of the Namoi River in the Lower Namoi Regulated River Water Source.

## 2.19 Work Health and Safety Act 2011 No 10

### Section 108 Prohibition of coercion or inducement

Omit section 108(4), definition of *emergency services worker*, paragraph (f).

Insert instead—

- (f) VRA Rescue NSW Limited,

#### Explanatory note

The proposed amendment updates a reference to the New South Wales Volunteer Rescue Association with a reference to VRA Rescue NSW Limited following a change of name of the organisation.

## 2.20 Work Health and Safety Regulation 2017

### [1] Clause 5 Definitions

Omit clause 5(1), definition of *emergency service organisation*, paragraph (f).

Insert instead—

- (f) VRA Rescue NSW Limited,

### [2] Clause 5(1), definition of “emergency service worker”, paragraph (f)

Omit the paragraph. Insert instead—

- (f) VRA Rescue NSW Limited,

#### Explanatory note

The proposed amendments update references to the New South Wales Volunteer Rescue Association with references to VRA Rescue NSW Limited following a change of name of the organisation.

## 2.21 Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987 No 83

### Section 23 Definitions

Omit “the New South Wales Volunteer Rescue Association” from section 23, definition of *rescue association worker*, paragraph (a).

Insert instead “VRA Rescue NSW Limited”.

#### Explanatory note

The proposed amendment updates references to the New South Wales Volunteer Rescue Association with references to VRA Rescue NSW Limited following a change of name of the organisation.

## **Schedule 3 Amendments relating to definition of “business day”**

### **3.1 Children and Young Persons (Care and Protection) Regulation 2022**

#### **Section 6 Access to records relating to Aboriginal persons and Torres Strait Islanders—the Act, s 14(5)**

Omit section 6(8).

##### **Explanatory note**

The proposed amendment omits a definition of **business day** that is unnecessary because the term is defined in the *Interpretation Act 1987*.

### **3.2 Co-operative Housing and Starr-Bowkett Societies Act 1998 No 11**

#### **Schedule 1 General interpretative provisions**

Omit clause 13(1), definition of **business day**.

##### **Explanatory note**

The proposed amendment omits a definition of **business day** that is unnecessary because the term is defined in the *Interpretation Act 1987*.

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

#### **Section 3 Definitions**

Omit the definition of **business day**.

##### **Explanatory note**

The proposed amendment omits a definition of **business day** that is unnecessary because the term is defined in the *Interpretation Act 1987*.

### **3.4 Conveyancing Act 1919 No 6**

#### **[1] Sections 66P(1), definition of “business day” and 66Z(1), definition of “business day”**

Omit the definitions.

#### **[2] Section 170 Service of notices**

Omit section 170(5).

##### **Explanatory note**

The proposed amendments omit definitions of **business day** that are unnecessary because the term is defined in the *Interpretation Act 1987*.

### **3.5 Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021**

#### **[1] Sections 26–28, 50(5) and 51(5)**

Omit “working days” wherever occurring. Insert instead “business days”.

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

Omit the definition of **working day**.

##### **Explanatory note**

The proposed amendments replace references to “working days” with references to “business days” for consistency with other legislation.



### **3.6 Motor Dealers and Repairers Act 2013 No 107**

#### **Section 4 Definitions**

Omit section 4(1), definition of *business day*.

#### **Explanatory note**

The proposed amendment omits a definition of *business day* that is unnecessary because the term is defined in the *Interpretation Act 1987*.

### **3.7 Property and Stock Agents Act 2002 No 66**

#### **Section 3 Definitions**

Omit section 3(1), definitions of *business day*.

#### **Explanatory note**

The proposed amendment omits definitions of *business day* that are unnecessary because the term is defined in the *Interpretation Act 1987*.

### **3.8 Real Property Act 1900 No 25**

#### **Section 3 Definitions**

Omit section 3(1)(a), definition of *Business day*.

#### **Explanatory note**

The proposed amendment omits a definition of *Business day* that is unnecessary because the term is defined in the *Interpretation Act 1987*.

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

#### **Section 3 Definitions**

Omit section 3(1), definition of *business day*.

#### **Explanatory note**

The proposed amendment omits a definition of *business day* that is unnecessary because the term is defined in the *Interpretation Act 1987*.

### **3.10 Retail Leases Act 1994 No 46**

#### **Section 3 Definitions**

Omit section 3(1), definition of *business day*.

#### **Explanatory note**

The proposed amendment omits a definition of *business day* that is unnecessary because the term is defined in the *Interpretation Act 1987*.

### **3.11 Retirement Villages Act 1999 No 81**

#### **Section 4 Definitions**

Omit section 4(1), definition of *business day*.

#### **Explanatory note**

The proposed amendment omits a definition of *business day* that is unnecessary because the term is defined in the *Interpretation Act 1987*.

### **3.12 Surveillance Devices Act 2007 No 64**

#### **Section 4 Definitions**

Omit section 4(1), definition of *business day*.

**Explanatory note**

The proposed amendment omits a definition of **business day** that is unnecessary because the term is defined in the *Interpretation Act 1987*.

### **3.13 Tattoo Industry Act 2012 No 32**

**Section 3 Definitions**

Omit section 3(1), definition of **business day**.

**Explanatory note**

The proposed amendment omits a definition of **business day** that is unnecessary because the term is defined in the *Interpretation Act 1987*.

### **3.14 Tow Truck Industry Regulation 2020**

**Clause 3 Definitions**

Omit clause 3(1), definition of **business day**.

**Explanatory note**

The proposed amendment omits a definition of **business day** that is unnecessary because the term is defined in the *Interpretation Act 1987*.

### **3.15 Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulation 2017**

**Clause 30 Payment of refund amounts**

Omit clause 30(3).

**Explanatory note**

The proposed amendment omits a definition of **business day** that is unnecessary because the term is defined in the *Interpretation Act 1987*.

### **3.16 Water Industry Competition (General) Regulation 2024**

**Section 3 Definitions**

Omit section 3(1), definition of **business day**.

**Explanatory note**

The proposed amendment omits a definition of **business day** that is unnecessary because the term is defined in the *Interpretation Act 1987*.

## **Schedule 4      Amendment of legislation containing references to the Judicial Commission**

### **4.1 Crimes Act 1900 No 40**

**[1] Section 54I Coercive Control Implementation and Evaluation Taskforce**

Omit “of NSW” from section 54I(6), note.

**[2] Sections 322(2), definition of “reasonable excuse”, paragraph (a)(ii) and 326(4), definition of “reasonable excuse”, paragraph (a)(ii)**

Omit “of New South Wales” wherever occurring.

**Explanatory note**

The proposed amendments shorten references to the Judicial Commission for consistency with the *Judicial Officers Act 1986*, section 51.

### **4.2 Crimes (Sentencing Procedure) Act 1999 No 92**

**Section 100J Functions of Sentencing Council**

Omit “of New South Wales” from section 100J(4).

**Explanatory note**

The proposed amendment shortens a reference to the Judicial Commission for consistency with the *Judicial Officers Act 1986*, section 51.

### **4.3 Government Information (Public Access) Act 2009 No 52**

**Schedule 2 Excluded information of particular agencies**

Omit “of New South Wales” from clause 2.

**Explanatory note**

The proposed amendment shortens a reference to the Judicial Commission for consistency with the *Judicial Officers Act 1986*, section 51.

### **4.4 Government Information (Public Access) Regulation 2018**

**Clause 6 Additional open access information of certain agencies**

Omit “of New South Wales” from clause 6(3)(d).

**Explanatory note**

The proposed amendment shortens a reference to the Judicial Commission for consistency with the *Judicial Officers Act 1986*, section 51.

### **4.5 Government Sector Employment Act 2013 No 40**

**Section 5 Persons to whom Act does not apply**

Omit “of New South Wales” from section 5(1)(f).

**Explanatory note**

The proposed amendment shortens a reference to the Judicial Commission for consistency with the *Judicial Officers Act 1986*, section 51.

### **4.6 Government Sector Finance Act 2018 No 55**

**Sections 2.5(1)(c), 2.7(2)(f) and 2.9(2)(e)**

Omit “of New South Wales” wherever occurring.

**Explanatory note**

The proposed amendment shortens references to the Judicial Commission for consistency with the *Judicial Officers Act 1986*, section 51.

#### **4.7 Government Sector Finance Regulation 2024**

**Section 25**

Omit “of New South Wales” wherever occurring.

**Explanatory note**

The proposed amendment shortens references to the Judicial Commission for consistency with the *Judicial Officers Act 1986*, section 51.

#### **4.8 Payroll Tax Act 2007 No 21**

**Schedule 2 NSW specific provisions**

Omit “of NSW” from clause 15(1).

**Explanatory note**

The proposed amendment shortens a reference to the Judicial Commission for consistency with the *Judicial Officers Act 1986*, section 51.

#### **4.9 State Authorities Non-contributory Superannuation Act 1987 No 212**

**Schedule 1 Employers**

Omit “Judicial Commission of New South Wales” from Part 1.

Insert instead “Judicial Commission”.

**Explanatory note**

The proposed amendment shortens a reference to the Judicial Commission for consistency with the *Judicial Officers Act 1986*, section 51.

#### **4.10 State Authorities Superannuation Act 1987 No 211**

**Schedule 1 Employers**

Omit “Judicial Commission of New South Wales” from Part 1.

Insert instead “Judicial Commission”.

**Explanatory note**

The proposed amendment shortens a reference to the Judicial Commission for consistency with the *Judicial Officers Act 1986*, section 51.

#### **4.11 State Public Service Superannuation Act 1985 No 45**

**Schedule 3 Employers**

Omit “Judicial Commission of New South Wales”. Insert instead “Judicial Commission”.

**Explanatory note**

The proposed amendment shortens a reference to the Judicial Commission for consistency with the *Judicial Officers Act 1986*, section 51.

#### **4.12 Superannuation Act 1916 No 28**

**Schedule 3, Part 1 and Schedule 26, Part 1**

Omit “Judicial Commission of New South Wales” wherever occurring.

Insert instead “Judicial Commission”.

**Explanatory note**

The proposed amendment shortens references to the Judicial Commission for consistency with the *Judicial Officers Act 1986*, section 51.

## Schedule 5      General savings, transitional and other provisions

### 1      Effect of amendment of amending provisions

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

#### Explanatory note

This section ensures that an amendment made by the proposed Act to a repealing or amending provision of an Act or instrument will, if the repealing or amending provision commences before the amendment made by the proposed Act, be taken to have commenced on the date the repealing or amending provision commences.

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

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

- (a) amends a provision of an Act or an instrument, or
  - (b) repeals and re-enacts, with or without modification, a provision of an Act or an instrument,
- an 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 amended or repealed.

#### Explanatory note

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

### 3      Effect of amendment on instruments

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

#### Explanatory note

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

### 4      Revocation of repeal

The *Interpretation Act 1987*, section 29A applies to the repeal of Acts or instruments, or provisions of Acts or instruments, by this Act or a previous Statute Law Act.

#### Explanatory note

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

## **5 Regulations**

- (1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act.
- (2) A 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 a provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate to—
  - (a) affect, in a manner prejudicial to a 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) impose liabilities on a 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 section enables the making of regulations of a savings or transitional nature relating to incidental matters arising out of the proposed Act.