

Statute Law (Miscellaneous Provisions) Act (No 2) 2016 No 55

[2016-55]



New South Wales

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Note**
Amending provisions are subject to automatic repeal pursuant to sec 30C of the [Interpretation Act 1987 No 15](#) once the amendments have taken effect.

Authorisation

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New South Wales

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Statute Law (Miscellaneous Provisions) Act (No 2) 2016 No 55



New South Wales

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

1 Name of Act

This Act is the *Statute Law (Miscellaneous Provisions) Act (No 2) 2016*.

2 Commencement

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

3 Explanatory notes

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

Schedule 1 Minor amendments

1.1

(Repealed)

1.2 Annual Reports (Statutory Bodies) Regulation 2015

Clause 10 Report of operations to include comparison of investment performance

Omit “under the description “Hour-Glass Investment Facilities”” from clause 10 (2).

Explanatory note

The proposed amendment removes a reference to the name given to the investment facilities offered by the Treasury Corporation (formerly known as “Hour-Glass investment facilities”) against which a statutory body is required to compare the performance of its own investments.

1.3 Assisted Reproductive Technology Act 2007 No 69

Section 4 Definitions

Omit the definition of **approved** from section 4 (1). Insert instead:

approved form means a form approved by the Secretary.

Explanatory note

The proposed amendment makes references to the approval of forms under the [Assisted Reproductive Technology Act 2007](#) consistent with other legislation administered by the Minister for Health (such as the [Public Health Act 2010](#)).

1.4 Biosecurity Act 2015 No 24

[1] Section 7 General definitions

Omit “genus *Apis mellifera* L. or any other genus” from the definition of **bee**.

Insert instead “species *Apis mellifera* L. or any other species”.

[2] Schedule 7 Savings, transitional and other provisions

Omit clause 28 (2). Insert instead:

(2) The application:

(a) is to be in the form approved by the local control authority, and

(b) is to be accompanied by the fee approved by the local control authority, being a fee not exceeding the maximum amount (if any) prescribed by the regulations.

Explanatory note

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

Item [2] provides that a local control authority under the [Noxious Weeds Act 1993](#) (rather than the Secretary of the Department of Industry, Skills and Regional Development, as is currently the case) may determine the form in which a person may apply to the authority for a certificate relating to weed control notices (and certain other matters) as part of the transitional arrangements leading to the repeal of that Act by the [Biosecurity Act 2015](#).

1.5 Boarding Houses Act 2012 No 74

[1] Section 5 Meaning of “registrable boarding house”

Insert after section 5 (3) (p):

(p1) without limiting paragraph (p), premises used for accommodation that is provided by a registered provider of specialist disability accommodation for the purposes of the *National Disability Insurance Scheme Act 2013* of the Commonwealth,

[2] Section 37 Meaning of “an assisted boarding house”

Insert after section 37 (2) (o):

(o1) without limiting paragraph (o), premises used for accommodation that is provided by a registered provider of specialist disability accommodation for the purposes of the *National Disability Insurance Scheme Act 2013* of the Commonwealth,

Explanatory note

The proposed amendments make it clear that registered providers of specialist disability accommodation under the National Disability Insurance Scheme are excluded from the licensing and regulatory scheme established under the *Boarding Houses Act 2012* (including for boarding house accommodation for persons with additional needs). However, the registered providers of the accommodation are subject to a regulatory scheme under the *National Disability Insurance Scheme Act 2013* of the Commonwealth in relation to the provision of the accommodation.

1.6 Building and Construction Industry Security of Payment Act 1999 No 46

[1] Section 4 Definitions

Insert in alphabetical order in section 4 (1):

Secretary means:

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

[2] Sections 26A (2), 36 (1) and 36B (1) (b) and (2)

Omit “Director-General of the Department of Finance and Services” wherever occurring.

Insert instead “Secretary”.

Explanatory note

Item [1] of the proposed amendments confers on the Commissioner for Fair Trading, who is employed in the Department of Finance, Services and Innovation, functions under the *Building and Construction Industry Security of Payment Act 1999* that are currently conferred on the Secretary of that Department.

Item [2] updates references as a consequence of past administrative changes orders.

1.7 Building and Construction Industry Security of Payment

Regulation 2008

[1] Clauses 4 (definition of “approved ADI”), 7 (3), 11, 12 and 15-17

Omit “Chief Executive” wherever occurring. Insert instead “Secretary”.

[2] Clause 4 Definitions

Omit the definition of **Chief Executive**.

Explanatory note

The proposed amendments are consequent on the proposed amendments to the *Building and Construction Industry Security of Payment Act 1999* in this Schedule.

1.8 Energy and Utilities Administration Act 1987 No 103

[1] Section 3 Definitions

Omit the definition of **distribution network service provider** from section 3 (1).

Insert in alphabetical order:

licensed distributor means a person who is required to hold a distributor’s licence under the *Electricity Supply Act 1995*.

[2] Sections 34G, 34J, 34K and 34M

Omit “distribution network service provider” and “distribution network service providers” wherever occurring.

Insert instead “licensed distributor” and “licensed distributors”, respectively.

Explanatory note

The proposed amendments to the *Energy and Utilities Administration Act 1987* update terminology used in reference to electricity distributors as a consequence of amendments made to the *Electricity Supply Act 1995* by the *Statute Law (Miscellaneous Provisions) Act (No 2) 2014*. The proposed amendments ensure that the Minister for the Environment may continue to require persons who are required to hold a distributor’s licence (formerly a distribution network service provider’s licence) under the *Electricity Supply Act 1995* to contribute to the Climate Change Fund.

1.9 Fisheries Management Act 1994 No 38

[1] Section 91A Online registration of dealings

Omit “online trading system” and “**online trading system**” wherever occurring.

Insert instead “online registration system” and “**online registration system**”, respectively.

[2] Schedule 1, clause 6

Omit “*Sagmariasus verreauxi*”. Insert instead “(*Sagmariasus verreauxi*)”.

Explanatory note

Item [1] of the proposed amendments changes terminology used in reference to the system for online registration of dealings in shares in a share management fishery (from “online trading system” to “online registration system”) to more accurately reflect the function of that system.

Item [2] inserts missing parentheses.

1.10 Food Act 2003 No 43

Section 106H Approval of registered training organisations to issue food safety supervisor certificates

Omit “*Vocational Education and Training Act 2005*” from section 106H (1).

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

Explanatory note

The proposed amendment updates a reference to an Act in a provision relating to food safety supervisor certificates to ensure that the Food Authority may continue to approve registered training organisations for the purposes of issuing the certificates.

1.11

(Repealed)

1.12 Holiday Parks (Long-term Casual Occupation) Act 2002 No 88

[1] Section 3 Definitions

Omit the definition of **Director-General** from section 3 (1). Insert in alphabetical order:

Secretary means:

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

[2] Sections 38-40

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

Explanatory note

Item [1] of the proposed amendments confers on the Commissioner for Fair Trading, who is employed in the Department of Finance, Services and Innovation, functions under the *Holiday Parks (Long-term Casual Occupation) Act 2002* that are currently

conferred on the Secretary of that Department.

Items [1] and [2] also update references as a consequence of the [Government Sector Employment Act 2013](#) and past administrative changes orders.

1.13

(Repealed)

1.14 Landlord and Tenant (Amendment) Act 1948 No 25

[1] Section 5AB Evidence of vacant possession

Omit “, in or to the effect of the prescribed form,” from section 5AB (1).

[2] Section 96 Regulations

Insert after section 96 (1):

(1A) Without limiting subsection (1), the regulations may make provision for or with respect to the waiver or refund of the whole or part of any fee payable under this Act.

Explanatory note

Item [1] of the proposed amendments removes the requirement that a signed statement regarding the date of a lessee’s entry into possession of premises for the purposes of the [Landlord and Tenant \(Amendment\) Act 1948](#) be in, or to the effect of, the form prescribed by the regulations under that Act. As a result, a lessee will be able to make the statement in a form other than as prescribed.

Item [2] enables the regulations under the [Landlord and Tenant \(Amendment\) Act 1948](#) to provide for the waiver or refund of fees payable under that Act.

1.15 Landlord and Tenant Regulation 2015

[1] Clause 4 Statement by lessee

Omit the clause.

[2] Schedule 1 Form for statement by lessee

Omit the Schedule.

Explanatory note

The proposed amendments are consequent on the proposed amendments to the [Landlord and Tenant \(Amendment\) Act 1948](#) in this Schedule.

1.16

(Repealed)

1.17 Mining Act 1992 No 29

Schedule 1B Further provisions relating to authorisations generally

Omit clause 12 (5) (b). Insert instead:

- (b) has, at the time notice is given to the holder of the authorisation under paragraph (a), invited the making of submissions to the decision-maker about the proposed variation and specified a deadline for the making of those submissions that is at least 28 days after the notice is given, and

Explanatory note

The proposed amendment makes it clear that the relevant decision-maker (being either the Minister for Industry, Resources and Energy or the Secretary of the Department of Industry, Skills and Regional Development) must invite submissions in relation to a proposed variation of certain conditions attaching to an authorisation at the same time as giving the holder of the authorisation notice of the draft variation, and that the deadline specified for making submissions must be at least 28 days after the notice is given.

1.18

(Repealed)

1.19 Pawnbrokers and Second-hand Dealers Act 1996 No 13

Section 17 Production of records

Omit section 17 (4). Insert instead:

- (4) An authorised officer who is not a police officer may, instead of requiring under this section that any goods or records be produced at a police station, require:
 - (a) the production of the goods or records at a place specified by the authorised officer, or
 - (b) that a copy of the records be sent to an address specified by the authorised officer.

Explanatory note

The proposed amendment provides that an authorised officer under the *Pawnbrokers and Second-hand Dealers Act 1996* (who is not a police officer) may, instead of requiring under the Act that goods or records be produced at a police station or office of the Department of Finance, Services and Innovation, require the goods to be produced at (or a copy of the records sent to) a place or address specified by the authorised officer.

1.20 Pawnbrokers and Second-hand Dealers Regulation 2015

Clause 17 Production of records at offices of Department

Omit the clause.

Explanatory note

The proposed amendment is consequent on the proposed amendment to the *Pawnbrokers and Second-hand Dealers Act 1996* in this Schedule.

1.21 Petroleum (Onshore) Act 1991 No 84

Schedule 1B Further provisions relating to petroleum titles generally

Omit clause 9 (4) (b). Insert instead:

- (b) has, at the time notice is given to the holder of the petroleum title under paragraph (a), invited the making of submissions to the Minister about the proposed variation and specified a deadline for the making of those submissions that is at least 28 days after the notice is given, and

Explanatory note

The proposed amendment makes it clear that the Minister for Industry, Resources and Energy must invite submissions in relation to a proposed variation of certain conditions attaching to a petroleum title at the same time as giving the holder of the petroleum title notice of the draft variation, and that the deadline specified for making submissions must be at least 28 days after the notice is given.

1.22 Public Authorities (Financial Arrangements) Act 1987 No 33

Schedule 4 Investment powers of authorities

Omit clause 2 (b). Insert instead:

- (b) investments in an investment facility of the Treasury Corporation made available to public authorities for investment of the authority's surplus funds,

Explanatory note

The proposed amendment changes terminology used in reference to investment facilities (formerly known as "Hour-Glass investment facilities") that the Treasury Corporation makes available to public authorities for the investment of their surplus funds.

1.23 Public Authorities (Financial Arrangements) Regulation 2013

[1] Schedule 2 Authorities having Part 2 investment powers

Omit "Port Kembla Port Corporation" and "Sydney Ports Corporation".

[2] Schedule 5 Authorities having additional investment powers

Omit "an Hour-Glass investment facility of the Treasury Corporation" from clause 1.

Insert instead "an investment facility of the Treasury Corporation made available to public authorities for investment of their surplus funds".

[3] Schedule 5, clause 18

Omit the clause.

Explanatory note

Item [2] of the proposed amendments changes terminology used in reference to investment facilities (formerly known as “Hour-Glass investment facilities”) that the Treasury Corporation makes available to public authorities for the investment of their surplus funds.

Item [1] removes references to bodies that have now been dissolved. Item [3] omits a redundant clause that specifies expired functions of one of those bodies.

1.24 Public Finance and Audit Regulation 2015

Clause 15 Prescribed investments

Omit “an Hour-Glass investment facility of the Treasury Corporation” from clause 15 (1) (i).

Insert instead “an investment facility of the Treasury Corporation made available to public authorities for investment of their surplus funds”.

Explanatory note

The proposed amendment changes terminology used in reference to investment facilities (formerly known as “Hour-Glass investment facilities”) that the Treasury Corporation makes available to public authorities for the investment of their surplus funds.

1.25 Public Health (Tobacco) Act 2008 No 94

[1] Section 58 Regulations

Insert “, e-cigarettes, e-cigarette accessories” after “tobacco products” wherever occurring in section 58 (1) (a), (c), (h), (j) and (k).

[2] Section 58 (1) (e) and (f)

Insert “, e-cigarettes, e-cigarette accessories” before “or non-tobacco smoking products” wherever occurring.

[3] Section 58 (1) (h)

Insert “or e-cigarette advertisements” after “tobacco advertisements”.

[4] Section 58 (4)

Insert after section 58 (3):

(4) In this section, ***e-cigarette advertisement*** has the same meaning as in section 15A.

Explanatory note

The proposed amendments extend to e-cigarettes, e-cigarette accessories and e-cigarette advertisements the regulation-making powers under the *Public Health (Tobacco) Act 2008* that currently apply to tobacco products and tobacco advertisements.

1.26 Real Property Act 1900 No 25

[1] Section 74B Lodgment of caveats against primary applications

Insert “(and, if that address is a box at a document exchange, an alternative address in Australia that is not such a box)” after “caveator” in section 74B (2) (b) (vi).

[2] Section 74F Lodgment of caveats against dealings, possessory applications, plans and applications for cancellation of easements or extinguishment of restrictive covenants

Insert “(and, if that address is a box at a document exchange, an alternative address in Australia that is not such a box)” after “caveator” in section 74F (5) (b) (viii).

Explanatory note

The proposed amendments require a caveat lodged under the *Real Property Act 1900* to specify an alternative address for service of notices on the caveator if the primary address for service is a document exchange address.

1.27 Residential Tenancies Act 2010 No 42

[1] Section 121 Enforcement of orders for possession

Omit “approved form” from section 121 (4).

Insert instead “form approved by the principal registrar of the Tribunal”.

[2] Section 159 Payment of bonds

Omit “person,” from section 159 (1). Insert instead “person”.

[3] Section 223 Service of notices or other documents

Omit section 223 (1) (c). Insert instead:

- (c) in the case of a Public Service agency—leaving it at, or by sending it by post to, any office of the Public Service agency addressed to the head of the Public Service agency.

Explanatory note

Item [1] of the proposed amendments requires a warrant for possession issued by the principal registrar of the Civil and Administrative Tribunal to be in the form approved by the registrar (rather than in the form approved by the Commissioner for Fair Trading, as is currently the case).

Item [3] removes facsimile transmission as a means by which a notice or other document required by the *Residential Tenancies Act 2010* may be served on a Public Service agency.

Item [2] removes unnecessary punctuation.

1.28, 1.29

(Repealed)

1.30 **Strata Schemes Management Act 2015 No 50**

Section 4 Definitions

Omit the definition of **Secretary** from section 4 (1). Insert instead:

Secretary means:

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

Explanatory note

The proposed amendment confers on the Commissioner for Fair Trading, who is employed in the Department of Finance, Services and Innovation, functions under the *Strata Schemes Management Act 2015* that are currently conferred on the Secretary of that Department.

1.31

(Repealed)

1.32 **Sydney Water Act 1994 No 88**

Schedule 5 Annual report of Corporation

Omit “under the description “Hour-Glass Investment Facilities”” from clause 4 (2).

Explanatory note

The proposed amendment removes a reference to the name given to the investment facilities offered by the Treasury Corporation (formerly known as “Hour-Glass investment facilities”) against which Sydney Water is required to compare the performance of its own investments.

1.33 **Western Sydney University Act 1997 No 116**

[1] Section 3 Definitions

Insert in alphabetical order in section 3 (1):

professional staff of the University means the staff of the University that is not the academic staff.

[2] Sections 12 (1) (e)-(g) and (10) and 40 (1) (ja)

Omit “general” wherever occurring. Insert instead “professional”.

[3] Section 12 Constitution of Board

Omit section 12 (11).

[4] Section 14 Deputy Chancellors

Omit “2 persons” from section 14 (1). Insert instead “one or more persons”.

[5] Section 23 Delegation

Insert at the end of the section:

- (2) If a function of the Board is delegated to the Vice-Chancellor in accordance with subsection (1) and the instrument of delegation authorises the sub-delegation of the function, the Vice-Chancellor may (subject to any condition to which the delegation is subject) sub-delegate the function to any person or body referred to in subsection (1).

[6] Schedule 1 Provisions relating to members and procedure of Board

Omit “and of committees constituted by the Board” from clause 7 (1).

[7] Schedule 1, clause 7 (2)

Omit “or a committee constituted by the Board”.

[8] Schedule 1, clause 7 (2A) and (2B)

Insert after clause 7 (2):

- (2A) At any meeting of a committee constituted by the Board, a Deputy Chancellor is to preside, and in the absence of any Deputy Chancellor, a member elected by and from the members present is to preside.

- (2B) However, the Chancellor is entitled (but is not required) to preside at any meeting of a committee constituted by the Board at which the Chancellor is present.

Explanatory note

Item [2] of the proposed amendments changes terminology used in reference to staff of the Western Sydney University other than academic staff. Items [1] and [3] make consequential amendments.

Item [4] enables the Board of Trustees of the Western Sydney University to elect any number of persons as Deputy Chancellors of the University (rather than 2 persons, as is currently the case).

Item [5] enables the Vice-Chancellor of the University to sub-delegate to certain persons and bodies certain functions delegated to the Vice-Chancellor by the Board of Trustees.

Item [8] requires a Deputy Chancellor or other elected member (rather than the Chancellor, as is currently the case) to preside at meetings of a committee constituted by the Board of Trustees (except where the Chancellor is present and chooses to preside). Items [6] and [7] make consequential amendments.

1.34 Work Health and Safety (Mines and Petroleum Sites) Act 2013 No 54

Section 28 Appointment of industry safety and health representatives

Omit section 28 (2). Insert instead:

- (2) The Minister may appoint a person as an industry safety and health representative if:
 - (a) the person is an eligible person, and
 - (b) the person is nominated by the Construction, Forestry, Mining and Energy Union (Mining and Energy Division).
- (2A) The Minister must appoint a person under subsection (2) if there are fewer than 4 persons currently appointed as industry safety and health representatives.

Explanatory note

The proposed amendment clarifies that the Minister may, but is not required to, appoint more than 4 industry safety and health representatives to exercise the functions of a health and safety representative under the *Work Health and Safety Act 2011* in relation to coal mines.

Schedule 2 Amendments relating to Australian Crime Commission

Explanatory note

The proposed amendments are consequent on the enactment of the *Australian Crime Commission Amendment (National Policing Information) Act 2016* of the Commonwealth. That Act extended the functions of the Australian Crime Commission to include functions (formerly exercised by the Commonwealth agency CrimTrac) relating to the provision of systems and services for the sharing of national policing information.

2.1 Child Protection (Offenders Prohibition Orders) Act 2004 No 46

Section 18 (3) (c)

Omit “CrimTrac”. Insert instead “the Australian Crime Commission”.

2.2 Child Protection (Offenders Prohibition Orders) Regulation 2013

Clause 8 (3) (c)

Omit “CrimTrac”. Insert instead “the Australian Crime Commission”.

2.3 Child Protection (Working with Children) Act 2012 No 51

Section 34 (1) (a)

Omit "CrimTrac". Insert instead "the Australian Crime Commission".

2.4 Crime Commission Act 2012 No 66

Section 78A (2) (e)

Omit "CrimTrac". Insert instead "the Australian Crime Commission".

2.5 Crimes (Forensic Procedures) Act 2000 No 59

[1] Section 95 (definition of "CrimTrac")

Omit the definition.

[2] Sections 95 (definition of "responsible authority") and 97 (1A) (c)

Omit "CrimTrac" wherever occurring. Insert instead "the Australian Crime Commission".

2.6 Criminal Records Regulation 2014

Clause 9 (d)

Omit "CrimTrac Agency". Insert instead "Australian Crime Commission".

2.7 Independent Commission Against Corruption Act 1988 No 35

Section 104C (2) (e)

Omit "CrimTrac". Insert instead "the Australian Crime Commission".

2.8 Police Act 1990 No 47

Section 96B (2) (e)

Omit "CrimTrac". Insert instead "the Australian Crime Commission".

2.9 Police Integrity Commission Act 1996 No 28

Section 136A (2) (e)

Omit "CrimTrac". Insert instead "the Australian Crime Commission".

2.10 Privacy Code of Practice (General) 2003

Clause 13 (a)

Omit "CrimTrac Agency". Insert instead "Australian Crime Commission".

Schedule 3 Amendments by way of statute law revision

3.1 Bellingen Local Environmental Plan 2010

Land Use Table, Zone RE2, item 4

Omit “Home-based child cares”. Insert instead “Home-based child care”.

Explanatory note

The proposed amendment corrects terminology.

3.2 Biofuels Act 2007 No 23

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

Omit the definition. Insert instead:

Department means the Department of Finance, Services and Innovation.

[2] Sections 18 (1), 29 (9) and 31 (a)

Omit “member of staff of” wherever occurring. Insert instead “person employed in”.

[3] Section 24 (1) (a5)

Omit the paragraph.

[4] Section 25 (1) (b)

Omit “a member of staff of”. Insert instead “employed in”.

Explanatory note

The proposed amendments update terminology and references as a consequence of the [Government Sector Employment Act 2013](#) and past administrative changes orders.

3.3 Cemeteries and Crematoria Act 2013 No 105

Section 28 (2) (b)

Omit “is”. Insert instead “are”.

Explanatory note

The proposed amendment corrects a grammatical error.

3.4 Co-operative Housing and Starr-Bowkett Societies Act 1998 No 11

Section 177 (1) (c2)

Omit “**inrest**”. Insert instead “**interest**”.

Explanatory note

The proposed amendment corrects a spelling error.

3.5 Crimes Act 1900 No 40

Section 578A (4) (c)

Omit “section 11”. Insert instead “section 15D”.

Explanatory note

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

3.6 Crimes (Domestic and Personal Violence) Act 2007 No 80

Section 28 (2)

Omit “personal apprehended violence order”.

Insert instead “apprehended personal violence order”.

Explanatory note

The proposed amendment corrects word order.

3.7 Criminal Procedure Act 1986 No 209

Section 287 (1)

Omit “section 112 or 113”. Insert instead “section 285 or 286”.

Explanatory note

The proposed amendment updates cross-references.

3.8 Duties Act 1997 No 123

Section 104ZK (1) (d)

Insert “or” after “a transfer,”.

Explanatory note

The proposed amendment inserts a missing word.

3.9 Environmental Planning and Assessment Act 1979 No 203

Section 75AA (1), definition of “regional plan”

Omit “a plan”. Insert instead “a regional plan”.

Explanatory note

The proposed amendment inserts a missing word.

3.10

(Repealed)

3.11 Environmental Planning and Assessment Regulation 2000

Clause 160A (b) and (c)

Omit the paragraphs.

Explanatory note

The proposed amendment removes references to bodies that have now been dissolved.

3.12 Fines Act 1996 No 99

Schedule 3, Part 14

Omit “**State Revenue Legislation Amendment Act 2016**”.

Insert instead “**Fines Amendment Act 2016**”.

Explanatory note

The proposed amendment corrects a citation.

3.13 Fisheries Management (General) Regulation 2010

[1] Schedule 7, Part 1

Omit the matter relating to section 197K (1) and (2).

[2] Schedule 7, Part 5

Omit the Part.

Explanatory note

The proposed amendments repeal redundant references to repealed provisions.

3.14 Floodplain Management Plan for the Gwydir Valley Floodplain 2016

[1] Clause 42

Omit “subclauses (5) (7)” from the note at the end of the clause.

Insert instead “subclauses (5)–(7)”.

[2] Clause 47 (2)

Renumber paragraphs (d) (where secondly occurring) and (e) as paragraphs (e) and (f), respectively.

[3] Clauses 50 and 51

Re-number paragraphs (1) and (2) wherever occurring as paragraphs (a) and (b), respectively.

Explanatory note

Item [1] of the proposed amendments inserts missing punctuation. Items [2] and [3] correct numbering.

3.15 Health Records and Information Privacy Act 2002 No 71

Schedule 1, clause 11 (1) (f) (ii)

Omit “disclosure”. Insert instead “information”.

Explanatory note

The proposed amendment corrects a reference.

3.16 Hunter Water Act 1991 No 53

Section 21 (4) (a)

Omit “the *Hunter Water Board (Corporatisation) Act 1991*”. Insert instead “this Act”.

Explanatory note

The proposed amendment updates a reference to a renamed Act.

3.17 Local Government Act 1993 No 30

[1] Section 6

Omit “Introductions to Chapters, notes”. Insert instead “Notes”.

[2] Chapters 1, 2, 4-13 and 15-18

Omit the introductory notes.

[3] Chapter 5, note

Omit “For other functions, see the Introduction to Chapter 6”.

Explanatory note

The proposed amendments remove unnecessary notes and references to those notes.

3.18 Local Government (General) Regulation 2005

[1] Schedule 11, Form 2

Insert “a” after “I am not” in item 6 in the Form of Consent.

[2] Schedule 11, Form 3

Insert “a” after “I am not” in item 5 in the Form of Consent.

Explanatory note

The proposed amendments insert a missing word.

3.19 Marine Pollution Act 2012 No 5

Section 247 (3), definition of “approved person”

Omit paragraph (c). Insert instead:

(c) the Newcastle Port Corporation or a member of staff of the Newcastle Port Corporation, or

Explanatory note

The proposed amendment removes references to bodies that have now been dissolved.

3.20 Marine Safety Act 1998 No 121

[1] Section 4 (1), definition of “Port Corporation”

Omit the definition.

[2] Section 71 (1)

Omit “a Port Corporation” wherever occurring.

Insert instead “the Port Authority of New South Wales”.

[3] Section 71 (1)

Omit “the Port Corporation” wherever occurring. Insert instead “that Authority”.

Explanatory note

The proposed amendments remove references to bodies that have now been dissolved.

3.21 Marine Safety Regulation 2016

[1] Clause 3 (1), definition of “Newcastle Port Corporation”

Omit the definition.

[2] Clauses 7 (1) (b), 28 (3) and 29 (2)

Omit “Newcastle Port Corporation” wherever occurring.

Insert instead “Port Authority of New South Wales”.

Explanatory note

Item [1] of the proposed amendments removes a redundant definition. Item [2] makes consequential amendments.

3.22 Mine Subsidence Compensation Act 1961 No 22

Section 4 (1), definition of “Department”

Omit the definition. Insert instead:

Department means the Department of Finance, Services and Innovation.

Explanatory note

The proposed amendment updates a reference to a Department as a consequence of past administrative changes orders.

3.23 Motor Dealers and Repairers Regulation 2014

Clause 9 (4), definition of “processing component”

Omit “2”. Insert instead “3”.

Explanatory note

The proposed amendment corrects a cross-reference.

3.24 Ports and Maritime Administration Act 1995 No 13

[1] Section 3 (1), definition of “Port Corporation”

Omit the definition. Insert instead:

Port Corporation means the Newcastle Port Corporation established under section 6 (known as the Port Authority of New South Wales).

[2] Section 6 (1)

Insert “(known as the Port Authority of New South Wales)” after “Corporation”.

[3] Sections 7 and 8

Omit the sections.

Explanatory note

Item [1] of the proposed amendments removes references to bodies that have now been dissolved. Item [3] omits sections that established those bodies. Item [2] makes a consequential amendment.

3.25 Ports and Maritime Administration Regulation 2012

[1] Clause 63 (2)

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

[2] Clause 65 (2)

Omit “Government”. Insert instead “Public”.

Explanatory note

The proposed amendments update terminology and references as a consequence of the [Government Sector Employment Act 2013](#).

3.26 Property, Stock and Business Agents Regulation 2014

[1] Clause 33A (1) (c)

Omit “section 108 of the [Strata Schemes Management Act 1996](#)”.

Insert instead “section 182 of the [Strata Schemes Management Act 2015](#)”.

[2] Clause 33A (1) (d)

Omit “section 109 of the [Strata Schemes Management Act 1996](#)”.

Insert instead “section 184 of the [Strata Schemes Management Act 2015](#)”.

Explanatory note

The proposed amendments update references to the [Strata Schemes Management Act 1996](#) (which is repealed on 30 November 2016) with references to the [Strata Schemes Management Act 2015](#).

3.27 Road Rules 2014

Clauses 267 (3A) and 267-1

Omit “seat belt” and “seat belts” wherever occurring.

Insert instead “seatbelt” and “seatbelts”, respectively.

Explanatory note

The proposed amendment corrects spelling errors.

3.28 Roads Act 1993 No 33

[1] Section 139F (1)

Omit “Department”. Insert instead “Office”.

[2] Sections 144A-144C and 260

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

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

Explanatory note

The proposed amendments update terminology and references as a consequence of the [Government Sector Employment Act 2013](#) and past administrative changes orders.

3.29 Rural Fires Act 1997 No 65

Section 59 (2)

Omit “provisions,”. Insert instead “provisions”.

Explanatory note

The proposed amendment corrects punctuation.

3.30 Shoalhaven Local Environmental Plan 2014

Clause 7.13 (2)

Omit “backpacker”. Insert instead “backpackers”.

Explanatory note

The proposed amendment corrects terminology.

3.31 State Environmental Planning Policy (Infrastructure) 2007

[1] Whole Policy (except clause 65 (2) (d))

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

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

[2] Whole Policy

Omit “Rural Small Holdings” wherever occurring.

Insert instead “Primary Production Small Lots”.

[3] Part 1, note

Omit “[Forestry Act 1916](#)”. Insert instead “[Forestry Act 2012](#)”.

[4] Clause 8 (2) (c)

Omit “[State Environmental Planning Policy \(Major Projects\) 2005](#)”.

Insert instead “[State Environmental Planning Policy \(State Significant Precincts\) 2005](#)”.

[5] Clause 16 (2) (a)

Omit “Department of Environment and Climate Change”.

Insert instead “Office of Environment and Heritage”.

[6] Clause 16 (2) (c)

Omit “*Fisheries Management Act 1994*—the Department of Environment and Climate Change”.

Insert instead “*Marine Estate Management Act 2014*—the Department of Industry, Skills and Regional Development”.

[7] Clauses 16 (2) (e), 68 (1) (a) and 70

Omit “the Maritime Authority of NSW” wherever occurring.

Insert instead “Roads and Maritime Services”.

[8] Clause 16, note

Omit “Department of Planning and Infrastructure”.

Insert instead “Department of Planning and Environment”.

[9] Clause 18 (1) (b) (ii)

Omit “State forest, flora reserve or timber reserve under the *Forestry Act 1916*”.

Insert instead “forestry area within the meaning of the *Forestry Act 2012*”.

[10] Clauses 31 (1) (b) (note), 32 (4), 44 (1) (note), 72 (i), 78 (1) (definitions of “rail corridor” and “rail corridors map”) and 122 (1) (definition of “depot site”)

Insert “and Environment” after “Planning” wherever occurring.

[11] Clauses 46 (definition of “emergency services organisation”, paragraph (b)) and 47 (2)

Omit “New South Wales Fire Brigades” wherever occurring.

Insert instead “Fire and Rescue NSW”.

[12] Clause 48B (2) (d)

Omit “the the”. Insert instead “the”.

[13] Part 3, Division 8, note

Omit “*Forestry and National Park Estate Act 1998* applies—see section 36”.

Insert instead “*Forestry Act 2012* applies—see section 69W”.

[14] Clause 65 (1) (b)

Omit “*Marine Parks Act 1997*”.

Insert instead “*Marine Estate Management Act 2014*”.

[15] Clause 70 (h) (ii)

Omit “the stormwater”. Insert instead “a stormwater”.

[16] Clause 71 (1)

Omit “port corporation”. Insert instead “Port Corporation”.

[17] Clause 86 (1) (b)

Omit “. or”. Insert instead “, or”.

[18] Clause 93, definition of “road infrastructure facilities”, paragraph (a)

Omit “*Road Transport (General) Act 2005*”. Insert instead “*Road Transport Act 2013*”.

[19] Clause 93, definition of “road infrastructure facilities”, paragraph (b)

Omit “RTA”. Insert instead “RMS”.

[20] Clause 93, definition of “RTA”

Omit the definition. Insert in alphabetical order:

RMS means Roads and Maritime Services constituted under the *Transport Administration Act 1988*.

[21] Clauses 100 (1), (2) (a) and (3)–(5), 102 (1), 103 (2) (a) and (3) and 104 (3) (a) and (b) (i) and (4) and Schedule 3, heading

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

Explanatory note

Item [1] of the proposed amendments updates the name of the head of a Department as a consequence of the *Government Sector Employment Act 2013*. Item [2] updates terminology as a consequence of *Standard Instrument (Local Environmental Plans) Amendment Order 2011*. Items [3], [9] and [13] update references and terminology as a consequence of the *Forestry Act 2012*. Item [4] updates a reference to an instrument that has been renamed. Items [5], [8], [10] and [11] update references to Public Service agencies as a consequence of past administrative changes orders. Item [6] updates a reference to an Act as a consequence of the *Marine Estate Management Act 2014* and a reference to a Department as a consequence of past administrative changes orders. Items [7] and [19]–[21] update references to a NSW Government agency. Item [12] removes a duplicated word. Items [14] and [18] update references to repealed Acts. Item [15] corrects grammar. Item [16] corrects terminology. Item [17] corrects punctuation.

3.32 State Environmental Planning Policy No 65—Design Quality of

Residential Apartment Development

Clause 30 (3) (b)

Omit “clause”. Insert instead “section”.

Explanatory note

The proposed amendment corrects a cross-reference.

3.33 State Environmental Planning Policy (Integration and Repeals) 2016

Clause 4 (d)

Omit “*Narrendera*”. Insert instead “*Narrandera*”.

Explanatory note

The proposed amendment corrects a spelling error.

3.34 Supreme Court Rules 1970

Part 78, rule 12, note

Omit “UCRP”. Insert instead “UCPR”.

Explanatory note

The proposed amendment corrects a typographical error.

3.35 University of New South Wales By-law 2005

Clauses 11 and 12

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

Explanatory note

The proposed amendment removes repeated words.

3.36 University of Sydney Act 1989 No 124

Schedule 3, clause 18 (5)

Omit “section 9 (2)”. Insert instead “section 9 (1) (b)”.

Explanatory note

The proposed amendment corrects a cross-reference.

3.37 Water Sharing Plan for the Brunswick Unregulated and Alluvial

Water Sources 2016

[1] Clause 44, Table B

Omit “Cass”. Insert instead “Class”.

[2] Dictionary, definition of “Year 1 of this Plan”

Omit “X Month”. Insert instead “1 July”.

Explanatory note

Item [1] of the proposed amendments corrects a spelling error. Item [2] corrects a date.

3.38 Water Sharing Plan for the Castlereagh River Unregulated and Alluvial Water Sources 2011

Clause 55 (1) (c)

Omit “meters”. Insert instead “metres”.

Explanatory note

The proposed amendment corrects a spelling error.

3.39 Water Sharing Plan for the Clarence River Unregulated and Alluvial Water Sources 2016

[1] Clause 44, Table B

Omit “equal to the” wherever occurring. Insert instead “equal to”.

[2] Clause 44, Table B

Omit “More 8”. Insert instead “More than 8”.

[3] Clause 44, Table B, notes

Omit “93th”. Insert instead “93rd”.

[4] Clause 45 (21)

Omit “with at”. Insert instead “with a”.

[5] Clause 53 (2)

Renumber paragraphs (e) (where secondly occurring) and (f) as paragraphs (f) and (g), respectively.

[6] Dictionary, definition of “Year 1 of this Plan”

Omit “X Month”. Insert instead “1 July”.

Explanatory note

Items [1]-[4] of the proposed amendments correct typographical errors. Item [5] corrects numbering. Item [6] corrects a date.

3.40 Water Sharing Plan for the Clyde River Unregulated and Alluvial Water Sources 2016

[1] Clause 12 (h)

Omit “extent of”. Insert instead “extent”.

[2] Clause 56 (1) (b)

Omit “an local”. Insert instead “a local”.

[3] Clause 56 (3) (p) (i)

Insert “if” before “it”.

[4] Clause 73 (6) (d)

Omit “water supply or”. Insert instead “water supply” or”.

Explanatory note

The proposed amendments correct typographical errors.

3.41 Water Sharing Plan for the Deua River Unregulated and Alluvial Water Sources 2016

Clause 43 (1) (c) (i)

Omit “mesures”. Insert instead “measures”.

Explanatory note

The proposed amendment corrects a spelling error.

3.42 Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2011

[1] Clause 56, Table C

Omit “Auhority’s” wherever occurring. Insert instead “Authority’s”.

[2] Clause 59 (3) (i)

Renumber subparagraph (ii) where secondly occurring as subparagraph (iii).

Explanatory note

Item [1] of the proposed amendments corrects spelling errors. Item [2] corrects numbering.

3.43 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Clause 41 (1)

Omit “GDE0X_Version 1”. Insert instead “GDE012_Version 1”.

Explanatory note

The proposed amendment corrects a reference to a map.

3.44 Water Sharing Plan for the Lachlan Regulated River Water Source 2016

[1] Clause 16 (2)

Omit “by the”. Insert instead “by”.

[2] Clause 26 (9) (d)

Omit “are”. Insert instead “is”.

[3] Clause 33 (2)

Omit “meaing”. Insert instead “meaning”.

[4] Clause 34 (2)

Omit “licneces”. Insert instead “licences”.

[5] Clause 56, notes

Omit “56”. Insert instead “clause”.

[6] Appendix 1

Omit “Lachlan Lachlan”. Insert instead “Lachlan”.

Explanatory note

Item [1] of the proposed amendments omits a redundant word. Item [2] corrects grammar. Items [3] and [4] correct spelling errors. Item [5] corrects a reference. Item [6] omits a duplicated word.

3.45 Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

Clause 75 (2) (b)

Re-number subparagraph (vii) where secondly occurring as subparagraph (viii).

Explanatory note

The proposed amendment corrects numbering.

3.46 Water Sharing Plan for the Macleay Unregulated and Alluvial Water Sources 2016

Dictionary, definition of “Year 1 of this Plan”

Omit “X Month”. Insert instead “1 July”.

Explanatory note

The proposed amendment corrects a date.

3.47 Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2016

Appendix 1, heading

Omit “**River Water Source**”. Insert instead “**Rivers Water Source**”.

Explanatory note

The proposed amendment corrects a reference.

3.48 Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016

[1] Clause 4 (3)

Renumber paragraphs (b) (where secondly occurring) and (c) as paragraphs (c) and (d), respectively.

[2] Clause 32 (4) (a) (ii)

Omit “at at”. Insert instead “at”.

[3] Clause 66

Omit “Plan” wherever occurring. Insert instead “Part”.

[4] Clause 75 (1) (c) (i)

Omit “201”. Insert instead “2012”.

[5] Appendix 1, paragraph (o)

Omit “junction”. Insert instead “junction”.

Explanatory note

Item [1] of the proposed amendments corrects numbering. Item [2] omits a duplicated word. Items [3] and [4] correct references. Item [5] corrects spelling.

3.49 Water Sharing Plan for the Murrumbidgee Unregulated and

Alluvial Water Sources 2012

[1] Schedule 1

Omit “meters” from the matter relating to Yanga Lake. Insert instead “metres”.

[2] Schedule 1A

Omit “This clause”. Insert instead “This Schedule”.

Explanatory note

Item [1] of the proposed amendments corrects a spelling error. Item [2] corrects a reference.

3.50 Water Sharing Plan for the Namoi Unregulated and Alluvial Water Sources 2012

Clause 29 (2)

Renumber paragraph (g) as paragraph (f).

Explanatory note

The proposed amendment corrects numbering.

3.51 Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2016

[1] Clause 27 (1) (a), note

Omit “licences”. Insert instead “licences,”.

[2] Clause 36

Renumber subclause (3) where secondly occurring as subclause (4).

[3] Clause 54 (5) (a)

Omit “, and” where secondly occurring.

Explanatory note

Item [1] of the proposed amendments inserts missing punctuation. Item [2] corrects numbering. Item [3] omits duplicated matter.

3.52 Water Sharing Plan for the North Coast Coastal Sands Groundwater Sources 2016

[1] Clause 4 (4), notes

Omit “types aquifers”. Insert instead “types of aquifers”.

[2] Dictionary, definition of “sand formation”

Omit “of made”. Insert instead “made of”.

Explanatory note

Item [1] of the proposed amendments inserts a missing word. Item [2] corrects word order.

3.53 Water Sharing Plan for the Snowy Genoa Unregulated and Alluvial Water Sources 2016

[1] Clauses 20 (e) and 25 (e)

Omit “Burrungbugge” wherever occurring. Insert instead “Burrungubugge”.

[2] Dictionary, definition of “Year 1 of this Plan”

Omit “X Month”. Insert instead “1 July”.

Explanatory note

Item [1] of the proposed amendments corrects spelling errors. Item [2] corrects a date.

3.54 Water Sharing Plan for the Tuross River Unregulated and Alluvial Water Sources 2016

[1] Clause 30, note

Omit “under 8C”. Insert instead “under section 8C”.

[2] Clause 36 (2)

Omit “first water”. Insert instead “first water year”.

Explanatory note

Item [1] of the proposed amendments corrects a cross-reference. Item [2] inserts a missing word.

3.55 Work Health and Safety Act 2011 No 10

[1] Section 112 (3) (a)

Insert “or” at the end of the paragraph.

[2] Section 112 (3) (b)

Insert “or” at the end of the paragraph.

[3] Section 112 (3) (c) (ii)

Insert “or” at the end of the subparagraph.

[4] Section 223 (1), Table

Omit “seized thing” from the matter relating to item 5.

Insert instead “seized things”.

[5] Section 236 (1) (a) (i)

Omit “and” where secondly occurring.

[6] Section 268 (2) (b) (i) and (ii)

Omit “firstmentioned” wherever occurring. Insert instead “first-mentioned”.

Explanatory note

The proposed amendments correct typographical and grammatical errors.

Schedule 4 General savings, transitional and other provisions

1 Effect of amendment of amending provisions

(1) An amendment made by Schedule 1 or 3 to an amending provision contained in an Act or instrument is, if the amending provision has commenced before the Schedule 1 or 3 amendment concerned, taken to have effect as from the commencement of the amending provision (whether or not the amending provision has been repealed).

(2) In this clause:

amending provision means a provision of an Act or instrument that makes a direct amendment to an Act or instrument by:

- (a) the repeal or omission of matter contained in the amended Act or instrument without the insertion of any matter instead of the repealed or omitted matter, or
- (b) the omission of matter contained in the amended Act or instrument and the insertion of matter instead of the omitted matter, or
- (c) the insertion into the amended Act or instrument of matter, not being matter inserted instead of matter omitted from the Act or instrument.

Explanatory note

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

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

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

- (a) amends a provision of an Act or an instrument, or

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

any act done or decision made under the provision amended or repealed has effect after the amendment or repeal as if it had been done or made under the provision as so amended or repealed.

Explanatory note

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

3 Effect of amendment on instruments

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

Explanatory note

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

4 Revocation of repeal

Section 29A of the [Interpretation Act 1987](#) applies to the repeal of Acts or instruments, or provisions of Acts or instruments, by this Act.

Explanatory note

The effect of this clause is to enable the Governor, by proclamation, to revoke the repeal of any Act or instrument, or any provision of any Act or instrument, by the proposed Act. The Act or provision the subject of the revocation of repeal is taken not to be, and never to have been, repealed.

5 Regulations

- (1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act.
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as:
 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its

publication.

Explanatory note

This clause enables the making of regulations of a savings or transitional nature relating to incidental matters arising out of the proposed Act.