

Regulatory and Other Legislation (Amendments and Repeals) Act 2016 No 60

[2016-60]



New South Wales

Status Information

Currency of version

Historical version for 17 December 2016 to 30 January 2017 (accessed 3 May 2024 at 10:07)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

Some, but not all, of the provisions displayed in this version of the legislation have commenced.

Notes—

- **Note**

Amending Acts and 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

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Regulatory and Other Legislation (Amendments and Repeals) Act 2016 No 60



New South Wales

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Regulatory and Other Legislation (Amendments and Repeals) Act 2016 No 60



New South Wales

An Act to amend regulatory and other Acts and instruments; and to repeal certain Acts and instruments for the purpose of statute law revision.

1 Name of Act

This Act is the *Regulatory and Other Legislation (Amendments and Repeals) Act 2016*.

2 Commencement

- (1) This Act commences on the date of assent to this Act, except as otherwise provided by this section.
- (2) Schedules 1 and 2 (except for items [1], [2], [4], [6] and [8]–[16] of Schedule 2.4) and clause 1 of Schedule 3 commence on a day or days to be appointed by proclamation.

Schedule 1 (Repealed)

Schedule 2 Amendment of other Acts and regulations

2.1 Conveyancers Licensing Act 2003 No 3

[1] Section 17

Omit the section. Insert instead:

17 Duration

- (1) A licence has effect for the term specified in the licence (not exceeding 3 years) unless it is sooner cancelled.
- (2) The suspension of a licence does not affect the term of the licence.

[2] Schedule 1 Savings and transitional provisions

Insert at the end of clause 2 (1):

any other Act that amends this Act

[3] Schedule 1

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

Part Provision consequent on enactment of [Regulatory and Other Legislation \(Amendments and Repeals\) Act 2016](#)

Duration of licences

Section 17, as in force immediately before its substitution by the [Regulatory and Other Legislation \(Amendments and Repeals\) Act 2016](#), continues to have effect in relation to a licence in force immediately before that substitution.

2.2 Conveyancers Licensing Regulation 2015

[1] Clause 5A

Insert after clause 5:

5A Refund of application fees for certain 3-year licences

- (1) This clause applies to an application fee paid by or on behalf of a person who has surrendered a licence granted under the Act or has died, but only if the term of the licence was 3 years.
- (2) A person may apply to the Secretary for a refund of an application fee to which this clause applies if the person:
 - (a) paid the application fee, or
 - (b) is the legal representative of a deceased person who paid the application fee, or
 - (c) is applying for or on behalf of the person who paid the application fee.
- (3) A person who makes an application under subclause (2) is:
 - (a) if the surrender or death occurred not more than one year after the date of the grant, renewal or restoration of the licence—to be refunded two-thirds of the application fee (excluding the processing component) so paid, or
 - (b) if the surrender or death occurred more than one year but not more than 2 years after the date of the grant, renewal or restoration of the licence—to be refunded one-third of the application fee (excluding the processing component) so paid.

(4) In this clause:

application fee means any of the following:

- (a) an application fee for the grant of a new licence,
- (b) an application fee for the renewal of a licence,
- (c) an application fee for the restoration of a licence.

processing component of an application fee is the amount set out in Column 3 of Schedule 2 in relation to the fee.

[2] **Schedule 2 Fees**

Omit the table to the Schedule. Insert instead:

Item	Column 1	Column 2	Column 3
	Type of fee	Fixed component	Processing component
1	Application for grant of licence—1 year	\$229	\$209
2	Application for grant of licence—3 years	\$687	\$209
3	Application for renewal of licence—1 year	\$229	\$68
4	Application for renewal of licence—3 years	\$687	\$68
5	Application for restoration of licence—1 year	\$229	\$139
6	Application for restoration of licence—3 years	\$687	\$139
7	Application for replacement of licence	Nil	\$45

2.3 **Fair Trading Act 1987 No 68**

[1] **Section 58 Scheme for publication of service station fuel prices**

Insert after paragraph (e) of the definition of **prescribed fuel** in section 58 (6):

(e1) hydrogen,

[2] Section 58 (6), definition of “prescribed fuel”

Insert after paragraph (f) of the definition:

(g) electricity.

[3] Section 58 (6), definition of “service station”

Insert “by a person operating or controlling the operation of the building or place” after “prescribed fuel”.

[4] Section 58 (6), definition of “standard retail price”

Insert “(or, if the fuel is hydrogen or electricity, the price per kilogram or kilowatt hour)” after “litre”.

[5] Section 58 (7)

Insert after section 58 (6):

(7) A reference in this section to the fuelling of a motor vehicle includes a reference to the charging of a battery, or other energy storage device, used to power the motor of an electric motor vehicle.

2.4 Funeral Funds Act 1979 No 106

[1], [2] (Repealed)

[3] Section 11 Contributory funeral benefit business to be carried on only by companies registered under this Act

Insert after section 11 (2):

(3) A person is exempt from the application of subsection (1) if the person is a friendly society within the meaning of the [Life Insurance Act 1995](#) of the Commonwealth.

[4] (Repealed)

[5] Section 34 Trustee under pre-arranged contract to be registered under this Act

Insert after section 34 (1):

(2) A person is exempt from the application of subsection (1) if:

(a) the person is a friendly society within the meaning of the [Life Insurance Act 1995](#) of the Commonwealth, or

- (b) the person is a Crown cemetery trust within the meaning of the *Cemeteries and Crematoria Act 2013*.

[6] (Repealed)

[7] Section 40 Payment of money and giving of consideration under pre-paid contract to pre-paid funeral fund

Insert after section 40 (3):

- (4) This section does not apply to a Crown cemetery trust that agrees to supply a funeral service under a pre-paid contract.

[8]-[16] (Repealed)

2.5 Pawnbrokers and Second-hand Dealers Act 1996 No 13

[1] Section 10

Omit the section. Insert instead:

10 Duration of licence

- (1) A licence has effect for the term specified in the licence (not exceeding 3 years) unless it is sooner cancelled.
- (2) The suspension of a licence does not affect the term of the licence.

[2] Section 43 Regulations

Insert after section 43 (1) (g):

- (g1) the waiver or refund of the whole or any part of a fee chargeable for any service provided by the Secretary under this Act or the regulations,

[3] Schedule 2 Savings and transitional provisions

Insert at the end of clause 2 (1):

any other Act that amends this Act

[4] Schedule 2

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

Part Provision consequent on enactment of *Regulatory and*

Other Legislation (Amendments and Repeals) Act 2016

Duration of licences

Section 10, as in force immediately before its substitution by the *Regulatory and Other Legislation (Amendments and Repeals) Act 2016*, continues to have effect in relation to a licence in force immediately before that substitution.

2.6 Pawnbrokers and Second-hand Dealers Regulation 2015

[1] Clause 8A

Insert after clause 8:

8A Refund of application fees for certain 3-year licences

- (1) This clause applies to an application fee paid by or on behalf of a person who has surrendered a licence granted under the Act or has died, but only if the term of the licence was 3 years.
- (2) A person may apply to the Secretary for a refund of an application fee to which this clause applies if the person:
 - (a) paid the application fee, or
 - (b) is the legal representative of a deceased person who paid the application fee, or
 - (c) is applying for or on behalf of the person who paid the application fee.
- (3) A person who makes an application under subclause (2) is:
 - (a) if the surrender or death occurred not more than one year after the date of the grant, renewal or restoration of the licence—to be refunded two-thirds of the application fee (excluding the processing component) so paid, or
 - (b) if the surrender or death occurred more than one year but not more than 2 years after the date of the grant, renewal or restoration of the licence—to be refunded one-third of the application fee (excluding the processing component) so paid.
- (4) In this clause:

application fee means any of the following:

 - (a) an application fee for the grant of a new licence,
 - (b) an application fee for the renewal of a licence,

(c) an application fee for the restoration of a licence.

processing component of an application fee is the amount set out in Column 3 of Schedule 3 in relation to the fee.

[2] Schedule 3

Omit the table to the Schedule. Insert instead:

Item	Column 1	Column 2	Column 3	Column 4
	Type of fee	Fixed component	Processing component	Total
1	Application for granting of licence—1 year	\$329	\$188	\$517
2	Application for granting of licence—3 years	\$987	\$188	\$1,175
3	Application for renewal of licence—1 year	\$329	\$44	\$373
4	Application for renewal of licence—3 years	\$987	\$44	\$1,031
5	Application for restoration of licence—1 year	\$329	\$90	\$419
6	Application for restoration of licence—3 years	\$987	\$90	\$1,077
7	Application for replacement of licence	Nil	\$45	\$45
8	Application for extract of register (per entry)	\$18	Nil	\$18

2.7 Residential Tenancies Act 2010 No 42

Section 159 Payment of bonds

Insert after section 159 (1):

(1A) A landlord, landlord's agent or any other person must not require or receive from a tenant a rental bond unless:

- (a) the landlord or landlord's agent is registered as a user of the online rental bond service established under section 157A, and

- (b) the tenant has been invited by the landlord or the landlord’s agent to provide an address that can be used to invite the tenant (using the online service) to use the online service to deposit the rental bond with the Secretary, and
- (c) if the tenant has provided such an address:
 - (i) the landlord or landlord’s agent has invited the tenant (using the online service) to use the online service to deposit the rental bond with the Secretary, and
 - (ii) the tenant has been given a reasonable opportunity to use the online service to deposit the rental bond with the Secretary or has declined the invitation.

Schedule 3 Repeals

1 Repeals by way of regulatory reform

The following Acts or instruments, or provisions of Acts or instruments, are repealed:

Act or instrument	Provisions repealed
<i>Architects Act 2003 No 89</i>	Section 36 (2)
<i>Architects Regulation 2012</i>	Clause 15
<i>Building Professionals Act 2005 No 115</i>	Section 21 (2) (c)
<i>Photo Card Act 2005 No 20</i>	Section 6 (1) (c) and (2)
<i>Road Transport (Driver Licensing) Regulation 2008</i>	Clause 47 (2)

2, 3 (Repealed)

Schedule 4 (Repealed)