

Statute Law (Miscellaneous Provisions) Act 2017 No 22

[2017-22]



New South Wales

Status Information

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Provisions in force

Some, but not all, of the provisions displayed in this version of the legislation have 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 2017 No 22



New South Wales

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

1 Name of Act

This Act is the *Statute Law (Miscellaneous Provisions) Act 2017*.

2 Commencement

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

3 Explanatory notes

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

Schedule 1 Minor amendments

1.1-1.13

(Repealed)

1.14 NSW Lotteries (Authorised Transaction) Act 2009 No 60

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

Omit the section.

[2] Section 26A

Insert after section 26:

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

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

[3] Schedule 1 Interpretative provisions

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

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

Omit paragraph (e).

Commencement

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

Explanatory note

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

1.15-1.20

(Repealed)

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

[1] Sections 13 and 14

Omit the sections.

[2] Schedule 1 Interpretative provisions

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

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

Omit the definition.

[4] Schedule 6 Savings, transitional and other provisions

Insert after clause 2:

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

3 Definitions

In this Part:

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

4 Dissolution of Ministerial Holding Corporation

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

5 Abolition of fund for Ministerial Holding Corporation

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

Commencement

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

Explanatory note

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

1.22 Tow Truck Industry Act 1998 No 111

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

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

[2] Section 3 Definitions

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

Insert in alphabetical order:

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

Department means the Department of Finance, Services and Innovation.

Secretary means the Secretary of the Department.

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

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

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

Omit the Part.

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

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

[6] Section 38 Duplicate licence or drivers certificate

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

[7] Section 39 Register of licences and drivers certificates

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

[8] Part 3, Division 4, heading

Omit “RMS”. Insert instead “Secretary”.

[9] Section 41 Disciplinary action

Omit “, in its administrative capacity,” from section 41 (1).

[10] Section 43 Procedure for implementing disciplinary action

Omit “RMS’s” from section 43 (2). Insert instead “the Secretary’s”.

[11] Section 57 Tow Truck number-plates

Omit “RMS may issue distinctive number-plates for tow trucks that are” from section 57 (1).

Insert instead “Roads and Maritime Services may issue distinctive number-plates for tow

trucks that are, according to the advice of the Secretary,”.

[12] Section 80 Inquiries

Omit “it may” from section 80 (3). Insert instead “the Secretary may”.

[13] Section 92 Investment of money in Fund

Omit “RMS” from section 92 (b). Insert instead “the Department”.

[14] Section 93

Insert after section 92:

93 Delegation by Secretary

- (1) The Secretary may delegate to an authorised delegate any of the Secretary’s functions under this Act or the regulations, other than this power of delegation.
- (2) A delegate may sub-delegate to another authorised delegate any of the functions delegated by the Secretary if the delegate is authorised in writing to do so by the Secretary.
- (3) In this section:

authorised delegate means:

- (a) any person employed in the Department, or
- (b) any person, or any person belonging to a class of persons, prescribed by the regulations.

[15] Section 101 Evidence

Omit “Chief Executive of RMS, or by a member of staff of RMS authorised by the Chief Executive” from section 101 (2).

Insert instead “Secretary, or by an employee of the Department authorised by the Secretary”.

[16] Section 102 Service of documents

Omit section 102 (3).

[17] Section 102 (4)

Omit “or RMS”.

[18] Section 105 Regulations

Omit “made or information supplied by RMS” from section 105 (2) (i).

Insert instead “required or information supplied by the Secretary”.

[19] Section 107 Repeals

Omit the section.

[20] Section 2 Savings and transitional provisions

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

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

Existing authorised officers

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

Commencement

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

Explanatory note

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

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

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

Item [19] omits a redundant provision.

1.23 Tow Truck Industry Regulation 2008

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

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

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

occurring)

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

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

Omit the note.

Commencement

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

Explanatory note

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

1.24 Transport Administration Act 1988 No 109

[1] Section 3 Definitions

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

[2] Section 78 Payments into RMS Fund

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

Commencement

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

Explanatory note

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

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

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

1.25-1.33

(Repealed)

Schedule 2 Amendments by way of statute law revision

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

Section 26 (1) and (2)

Omit “Australian Securities Commission” wherever occurring.

Insert instead “Australian Securities and Investments Commission”.

Explanatory note

The proposed amendment updates references to a renamed Commonwealth agency.

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

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

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

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

Explanatory note

The proposed amendment updates references to a renamed Act.

2.3 Biofuels (Registration) Order 2016

[1] Clause 3 (2)

Insert at the end of clause 3:

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

[2] Clause 4 (2)

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

[3] Clause 4 (4)

Renumber paragraph (g) as paragraph (f).

Explanatory note

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

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

Section 25

Omit “Australian Securities Commission”.

Insert instead “Australian Securities and Investments Commission”.

Explanatory note

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

2.5 Cemeteries and Crematoria Act 2013 No 105

Section 54 (1)

Insert “,” after “fee”.

Explanatory note

The proposed amendment inserts missing punctuation.

2.6 Children (Criminal Proceedings) Act 1987 No 55

Section 48W (n)

Omit “the the”. Insert instead “the”.

Explanatory note

The proposed amendment omits a duplicated word.

2.7 Duties Act 1997 No 123

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

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

[2] Schedule 2

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

Explanatory note

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

2.8 Election Funding, Expenditure and Disclosures Act 1981 No 78

[1] Schedule 1, clause 5 (2)

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

[2] Schedule 1, clause 5 (2)

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

Explanatory note

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

2.9 Electricity Network Assets (Authorised Transactions) Act 2015 No

5

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

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

Explanatory note

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

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

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

Insert “of” after “holder”.

Explanatory note

The proposed amendment inserts a missing word.

2.11 Fines Act 1996 No 99

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

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

Explanatory note

The proposed amendment updates a reference to a renamed Act.

2.12 Fire Brigades Act 1989 No 192

Section 44, definition of “State Revenue Commissioner”

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

Explanatory note

The proposed amendment omits redundant punctuation.

2.13 Forbes Local Environmental Plan 2013

Clause 4.1AA

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

Explanatory note

The proposed amendment corrects numbering.

2.14 Gambling (Two-up) Act 1998 No 115

Section 7 (2)

Omit "*Racing Administration Act 1998*". Insert instead "*Betting and Racing Act 1998*".

Explanatory note

The proposed amendment updates a reference to a renamed Act.

2.15 Gloucester Local Environmental Plan 2010

Land Use Table, Zone RU1, item 1

Omit "eco tourism". Insert instead "eco-tourism".

Explanatory note

The proposed amendment corrects terminology.

2.16 Greater Taree Local Environmental Plan 2010

Schedule 5, item I249

Omit "and Lot 16". Insert instead "; Lot 16".

Explanatory note

The proposed amendment corrects punctuation.

2.17 Hairdressers Act 2003 No 62

[1] Section 4 (2), paragraph (a) of definition of "authorised qualification"

Omit "(WRH30100) Certificate". Insert instead "Certificate".

[2] Section 4 (2), definition of "registered training organisation"

Omit "*Vocational Education and Training Act 2005*".

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

Explanatory note

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

2.18 Harness Racing Act 2009 No 20

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

Omit "*Racing Administration Act 1998*" wherever occurring.

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

Explanatory note

The proposed amendment updates references to a renamed Act.

2.19 Hemp Industry Act 2008 No 58

Section 5

Insert at the end of the section:

Note—

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

Explanatory note

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

2.20 Independent Commission Against Corruption Act 1988 No 35

Section 35 (4A)

Omit “the the”. Insert instead “the”.

Explanatory note

The proposed amendment omits a duplicated word.

2.21 Lake Macquarie Local Environmental Plan 2014

Schedule 5, Part 1, item 41

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

Explanatory note

The proposed amendment inserts missing punctuation.

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

Section 4 (2) (b)

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

Explanatory note

The proposed amendment updates a reference to a renamed Act.

2.23 Land Tax Management Act 1956 No 26

[1] Section 10 (1) (b)

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

Insert instead “*Rice Marketing Act 1983*”.

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

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

Insert instead “Place Management NSW”.

Explanatory note

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

2.24 Liquor Act 2007 No 90

Section 36 (6) (a)

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

Explanatory note

The proposed amendment updates a reference to a renamed Act.

2.25 Liquor Regulation 2008

Clause 26 (2)

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

Explanatory note

The proposed amendment corrects typographical errors.

2.26 Local Government Act 1993 No 30

Section 650A (2) (c)

Omit “free”.

Explanatory note

The proposed amendment removes a redundant word.

2.27 Local Government (General) Regulation 2005

Clause 419 (1) (b)

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

Explanatory note

The proposed amendment corrects a cross-reference.

2.28 Mine Subsidence Compensation Act 1961 No 22

Section 13 (1AB) and (1AC)

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

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

Explanatory note

The proposed amendment updates references to a renamed Act.

2.29 Nambucca Local Environmental Plan 2010

Land Use Table, Zone R5, item 2

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

Explanatory note

The proposed amendment corrects terminology.

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

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

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

Explanatory note

The proposed amendment corrects references.

2.31 Parliamentary Remuneration Act 1989 No 160

Schedule 1

Omit the following:

Chair of the General Purpose Standing Committee No 1 of the Legislative Council

Chair of the General Purpose Standing Committee No 2 of the Legislative Council

Chair of the General Purpose Standing Committee No 3 of the Legislative Council

Chair of the General Purpose Standing Committee No 4 of the Legislative Council

Chair of the General Purpose Standing Committee No 5 of the Legislative Council

Chair of the General Purpose Standing Committee No 6 of the Legislative Council

Insert instead:

Chair of the Portfolio Committee No 1—Premier and Finance

Chair of the Portfolio Committee No 2—Health and Community Services

Chair of the Portfolio Committee No 3—Education

Chair of the Portfolio Committee No 4—Legal Affairs

Chair of the Portfolio Committee No 5—Industry and Transport

Chair of the Portfolio Committee No 6—Planning and Environment

Explanatory note

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

2.32 Photo Card Regulation 2014

Clause 3

Insert at the end of the clause:

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

Explanatory note

The proposed amendment clarifies the status of notes.

2.33 Place Management NSW Act 1998 No 170

Section 17 (2) and (3)

Omit “[Public Works Act 1912](#)” wherever occurring.

Insert instead “[Public Works and Procurement Act 1912](#)”.

Explanatory note

The proposed amendment updates references to a renamed Act.

2.34 Ports Assets (Authorised Transactions) Act 2012 No 101

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

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

Explanatory note

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

2.35 Protection of the Environment Operations Act 1997 No 156

Dictionary, definition of “marine authority”

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

Explanatory note

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

2.36 Social and Affordable Housing NSW Fund Act 2016 No 51

Section 3

Insert at the end of the section:

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

Explanatory note

The proposed amendment clarifies the status of notes.

2.37 State Environmental Planning Policy (Infrastructure) 2007

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

Insert “of” after “74E”.

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

Omit paragraphs (b) and (c).

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

Omit paragraph (b).

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

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

[5] Clause 121 (3)

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

Explanatory note

Item [1] of the proposed amendments inserts a missing word. Items [2] and [3] omit references relating to a proposed rail line, which have become redundant because the relevant rail line (the South West Rail Link) has been constructed. Item [4] inserts a missing hyphen. Item [5] corrects a cross-reference.

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

Section 4, definition of “SAA”

Omit the definition.

Explanatory note

The proposed amendment omits a redundant definition.

2.39 Sutherland Shire Local Environmental Plan 2015

Clause 6.14 (5)

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

Explanatory note

The proposed amendment corrects terminology.

2.40 Taxation Administration Act 1996 No 97

[1] Section 82 (b) (ii)

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

[2] Section 82 (k) (ii)

Insert “Archives and” after “State”.

Explanatory note

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

2.41 Teacher Accreditation Regulation 2015

[1] Clause 17 (1) (a)

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

[2] Clause 39 (4) (c)

Omit “office”. Insert instead “officer”.

Explanatory note

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

2.42 Thoroughbred Racing Act 1996 No 37

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

horse racing”)

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

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

Explanatory note

The proposed amendment updates references to a renamed Act.

2.43 Totalizator Act 1997 No 45

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

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

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

Explanatory note

The proposed amendment updates references to a renamed Act.

2.44 Unlawful Gambling Act 1998 No 113

Sections 9 (2) (b) and 49

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

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

Explanatory note

The proposed amendment updates references to a renamed Act.

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

Explanatory note

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

3.1 Assisted Reproductive Technology Act 2007 No 69

Section 64

Omit the section. Insert instead:

64 Penalty notices

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

Note—

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

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

3.2 Associations Incorporation Act 2009 No 7

Section 93

Omit the section. Insert instead:

93 Penalty notices

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

Note—

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

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

3.3 Barangaroo Delivery Authority Act 2009 No 2

Section 45

Omit the section. Insert instead:

45 Penalty notices

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

Note—

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

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

3.4 Biofuels Act 2007 No 23

Section 29

Omit the section. Insert instead:

29 Penalty notices

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

Note—

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

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

3.5 Biosecurity Act 2015 No 24

[1] Section 303

Omit the section. Insert instead:

303 Penalty notices

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

Note—

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

- (4) The amount payable under a penalty notice issued under this section is the

amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).

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

[2] Schedule 8 Amendment of other legislation

Omit Schedule 8.16.

3.6 Boarding Houses Act 2012 No 74

Section 98

Omit the section. Insert instead:

98 Penalty notices

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

Note—

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

- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, **authorised officer** means:
- (a) a police officer, and
 - (b) in relation to an offence against a provision of Part 2 or regulations for that Part—a person who:
 - (i) is employed by a council or subject to its control or direction, and

- (ii) is an authorised person (within the meaning of the *Local Government Act 1993*) for the purposes of section 679 (Penalty notices for certain offences) of that Act, and
- (c) in relation to an offence against a provision of Part 4 or regulations for that Part—an enforcement officer within the meaning of that Part, and
- (d) a person (or a person belonging to a class) prescribed by the regulations for the purposes of this paragraph.

3.7 Building Professionals Act 2005 No 115

Section 92

Omit the section. Insert instead:

92 Penalty notices

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

Note—

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

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

3.8 Cemeteries and Crematoria Act 2013 No 105

Section 111

Omit the section. Insert instead:

111 Penalty notices

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

Note—

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

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

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

Section 259A

Omit the section. Insert instead:

259A Penalty notices

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

Note—

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

- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).

- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, **authorised officer** means:
 - (a) a police officer, or
 - (b) a person employed in the Department who is authorised in writing by the Secretary as an authorised officer for the purposes of this section, or
 - (c) a person employed in the Office of the Children’s Guardian who is authorised in writing by the Children’s Guardian as an authorised officer for the purposes of this section.

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

Section 61A

Omit the section. Insert instead:

61A Penalty notices

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

Note—

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

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

belonging to a class of persons specified in the regulations in relation to that offence.

3.11 Commercial Agents and Private Inquiry Agents Act 2004 No 70

Section 28

Omit the section. Insert instead:

28 Penalty notices

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

Note—

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

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

3.12 Companion Animals Act 1998 No 87

Section 92

Omit the section. Insert instead:

92 Penalty notices

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

Note—

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

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

3.13 Conveyancers Licensing Act 2003 No 3

Section 158

Omit the section. Insert instead:

158 Penalty notices

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

Note—

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

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

3.14 Court Security Act 2005 No 1

Section 29

Omit the section. Insert instead:

29 Penalty notices

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

Note—

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

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

3.15 Dams Safety Act 2015 No 26

Section 46

Omit the section. Insert instead:

46 Penalty notices

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

Note—

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

- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).

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

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

Section 48

Omit the section. Insert instead:

48 Penalty notices

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

Note—

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

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

3.17 Election Funding, Expenditure and Disclosures Act 1981 No 78

Section 111A

Omit the section. Insert instead:

111A Penalty notices

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

Note—

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

- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, **authorised officer** means an inspector within the meaning of section 110.

3.18 Electricity Supply Act 1995 No 94

Section 187

Omit the section. Insert instead:

187 Penalty notices

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

Note—

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

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

- (b) a person employed in a government sector agency (within the meaning of the *Government Sector Employment Act 2013*) who is authorised in writing by the Minister to act as an enforcement officer for the purposes of this section.

3.19 Energy and Utilities Administration Act 1987 No 103

Section 46A

Omit the section. Insert instead:

46A Penalty notices

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

Note—

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

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

3.20 Entertainment Industry Act 2013 No 73

Section 35

Omit the section. Insert instead:

35 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the

officer that the person has committed a penalty notice offence.

- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.

Note—

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

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

3.21 Exhibited Animals Protection Act 1986 No 123

Section 46A

Omit the section. Insert instead:

46A Penalty notices

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

Note—

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

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

(6) In this section, **authorised officer** means:

- (a) an inspector (other than a member who is deemed to be an inspector under section 9 (2)), or
- (b) a person of a class prescribed by the regulations as a class of persons who may issue penalty notices under this section.

3.22 Explosives Act 2003 No 39

Section 34

Omit the section. Insert instead:

34 Penalty notices

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

Note—

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

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

3.23 Fair Trading Act 1987 No 68

Section 67

Omit the section. Insert instead:

67 Penalty notices

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

Note—

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

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

3.24 Firearms Act 1996 No 46

Section 85A

Omit the section. Insert instead:

85A Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act (other than an offence referred to in section 84 (2) or (3)) or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.

Note—

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

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

3.25 Fisheries Management Act 1994 No 38

Section 276

Omit the section. Insert instead:

276 Penalty notices

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

(3) The *Fines Act 1996* applies to a penalty notice issued under this section.

Note—

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

(4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).

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

(6) In this section, **authorised officer** means a police officer or, in relation to a particular offence, a person belonging to a class of persons specified in the regulations in relation to that offence.

3.26 Fisheries Management (General) Regulation 2010

Clause 348

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

3.27 Food Act 2003 No 43

Section 120

Omit the section. Insert instead:

120 Penalty notices

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

(2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.

(3) The *Fines Act 1996* applies to a penalty notice issued under this section.

Note—

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

(4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).

- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, **authorised officer** means a police officer, the Chief Executive Officer or an authorised officer as defined in section 4 (1).

3.28 Game and Feral Animal Control Act 2002 No 64

Section 57

Omit the section. Insert instead:

57 Penalty notices

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

Note—

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

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

3.29 Gaming and Liquor Administration Act 2007 No 91

Section 46

Omit the section. Insert instead:

46 Penalty notices

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

Note—

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

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

authorised officer means a police officer or an inspector.

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

Section 35

Omit the section. Insert instead:

35 Penalty notices

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

Note—

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

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

- (6) In this section:

authorised officer means:

- (a) an inspector, or
- (b) a person who is declared by the regulations to be an authorised officer for the purposes of this section or who belongs to a class of persons so declared.

3.31 Graffiti Control Act 2008 No 100

Section 16

Omit the section. Insert instead:

16 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed an offence against section 7 or 8 of this Act.
- (2) The *Fines Act 1996* applies to a penalty notice issued under this section.

Note—

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

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

(5) In this section, **authorised officer** means:

- (a) a police officer, or
- (b) a person of a class prescribed by the regulations as a class of persons who may issue penalty notices under this section.

3.32 Graffiti Control Regulation 2014

Clause 11

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

3.33 Hemp Industry Act 2008 No 58

Section 45

Omit the section. Insert instead:

45 Penalty notices

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

Note—

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

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

3.34 Home Building Act 1989 No 147

Section 138A

Omit the section. Insert instead:

138A Penalty notices

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

Note—

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

- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, **authorised officer** means:
 - (a) the Secretary, or
 - (b) a person authorised in writing by the Secretary as an authorised officer for the purposes of this section, or
 - (c) an investigator appointed under the *Fair Trading Act 1987*.

3.35 Hunter Water Act 1991 No 53

Section 31A

Omit the section. Insert instead:

31A Penalty notices

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

(2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.

(3) The *Fines Act 1996* applies to a penalty notice issued under this section.

Note—

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

(4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).

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

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

3.36 Impounding Act 1993 No 31

Section 36

Omit the section. Insert instead:

36 Penalty notices

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

(2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.

(3) The *Fines Act 1996* applies to a penalty notice issued under this section.

Note—

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

(4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).

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

3.37 Inclosed Lands Protection Act 1901 No 33

Section 10

Omit the section. Insert instead:

10 Penalty notices

- (1) A police officer may issue a penalty notice to a person if it appears to the police officer that the person has committed an offence against this Act.
- (2) The *Fines Act 1996* applies to a penalty notice issued under this section.

Note—

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

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

3.38 Inclosed Lands Protection Regulation 2013

Clause 4

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

3.39 Industrial Relations Act 1996 No 17

Section 396

Omit the section. Insert instead:

396 Penalty notices

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

Note—

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

- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, **authorised officer** means an inspector appointed under this Act or the *Work Health and Safety Act 2011* or any other person of a class prescribed by the regulations.

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

Section 235

Omit the section. Insert instead:

235 Penalty notices

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

Note—

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

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

3.41 Legal Profession Uniform Law Application Act 2014 No 16

Section 165

Omit the section. Insert instead:

165 Penalty notices

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

Note—

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

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

3.42 Local Land Services Act 2013 No 51

Section 189

Omit the section. Insert instead:

189 Penalty notices

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

Note—

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

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

3.43 Lord Howe Island Act 1953 No 39

Section 37B

Omit the section. Insert instead:

37B Penalty notices

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

Note—

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

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

3.44 Major Events Act 2009 No 73

Section 73

Omit the section. Insert instead:

73 Penalty notices

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

Note—

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

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

3.45 Marine Safety Act 1998 No 121

Section 126

Omit the section. Insert instead:

126 Penalty notices

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

Note—

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

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

3.46 Marine Safety Regulation 2016

Clause 135 Penalty notice offences and penalties

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

Insert instead “section 126 (6)”.

3.47 Meat Industry Act 1978 No 54

Section 76A

Omit the section. Insert instead:

76A Penalty notices

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

(3) The *Fines Act 1996* applies to a penalty notice issued under this section.

Note—

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

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

3.48 Motor Dealers and Repairers Act 2013 No 107

Section 158

Omit the section. Insert instead:

158 Penalty notices

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

Note—

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

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

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

3.49 Motor Dealers and Repairers Regulation 2014

Clause 56 Penalty notice officers

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

3.50 Passenger Transport Act 2014 No 46

[1] Section 166

Omit the section. Insert instead:

166 Penalty notices

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

Note—

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

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

[2] Schedule 4 Amendment of Acts

Omit Schedule 4.2.

3.51 Pawnbrokers and Second-hand Dealers Act 1996 No 13

Section 26

Omit the section. Insert instead:

26 Penalty notices

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

Note—

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

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

3.52 Petroleum (Onshore) Act 1991 No 84

Section 125N

Omit the section. Insert instead:

125N Penalty notices

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

Note—

The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not

liable to any further proceedings for the alleged offence.

- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, **authorised officer** means a person employed in the Department who exercises functions under this Act or the *Mining Act 1992* authorised in writing by the Secretary as an authorised officer for the purposes of this section.

3.53 Photo Card Act 2005 No 20

Section 34

Omit the section. Insert instead:

34 Penalty notices

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

Note—

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

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

3.54 Place Management NSW Act 1998 No 170

Section 43A

Omit the section. Insert instead:

43A Penalty notices

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

Note—

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

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

3.55 Plantations and Reafforestation Act 1999 No 97

Section 62

Omit the section. Insert instead:

62 Penalty notices

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

Note—

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

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

3.56 Plumbing and Drainage Act 2011 No 59

Section 41

Omit the section. Insert instead:

41 Penalty notices

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

Note—

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

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

3.57 Ports and Maritime Administration Act 1995 No 13

Section 100

Omit the section. Insert instead:

100 Penalty notices

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

Note—

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

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

3.58 Ports and Maritime Administration Regulation 2012

Clause 70 Law enforcement officers

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

3.59 Prevention of Cruelty to Animals Act 1979 No 200

Section 33E

Omit the section. Insert instead:

33E Penalty notices

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

Note—

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

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

3.60 Property, Stock and Business Agents Act 2002 No 66

Section 216

Omit the section. Insert instead:

216 Penalty notices

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

Note—

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

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

authorised officer means a person authorised in writing by the Secretary as an authorised officer for the purposes of this section.

3.61 Public Health Act 2010 No 127

Section 118

Omit the section. Insert instead:

118 Penalty notices

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

Note—

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

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

3.62 Public Health (Tobacco) Act 2008 No 94

Section 50

Omit the section. Insert instead:

50 Penalty notices

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

Note—

The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not

liable to any further proceedings for the alleged offence.

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

3.63 Residential (Land Lease) Communities Act 2013 No 97

Section 177

Omit the section. Insert instead:

177 Penalty notices

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

Note—

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

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

3.64 Residential Tenancies Act 2010 No 42

Section 203

Omit the section. Insert instead:

203 Penalty notices

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

Note—

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

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

3.65 Retirement Villages Act 1999 No 81

Section 184

Omit the section. Insert instead:

184 Penalty notices

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

Note—

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

- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the

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

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

3.66 Roads Act 1993 No 33

Section 243

Omit the section. Insert instead:

243 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed (or is, by virtue of section 244, guilty of) a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.

Note—

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

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

3.67 Rural Fires Act 1997 No 65

Section 131

Omit the section. Insert instead:

131 Penalty notices

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

Note—

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

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

3.68 Rural Fires Regulation 2013

[1] Clause 48

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

[2] Clause 48 (2)

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

3.69 Smoke-free Environment Act 2000 No 69

Section 20A

Omit the section. Insert instead:

20A Penalty notices

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

Note—

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

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

3.70 Sporting Venues Authorities Act 2008 No 65

Section 38

Omit the section. Insert instead:

38 Penalty notices

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

Note—

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

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

under, this or any other Act relating to proceedings that may be taken in respect of offences.

(6) In this section, **authorised officer** means a police officer or a ranger.

3.71 Sporting Venues (Invasions) Act 2003 No 44

Section 12

Omit sections 12 and 13. Insert instead:

12 Penalty notices

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

(2) The *Fines Act 1996* applies to a penalty notice issued under this section.

Note—

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

(3) The amount payable under a penalty notice issued under this section is:

(a) the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court), or

(b) if no amount is prescribed—\$500.

(4) This section does not affect a ban under Part 2, such a ban remaining in force notwithstanding the payment of an amount payable under this section.

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

3.72 Stock Medicines Act 1989 No 182

Section 60A

Omit the section. Insert instead:

60A Penalty notices

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

(2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.

(3) The *Fines Act 1996* applies to a penalty notice issued under this section.

Note—

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

(4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).

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

(6) In this section, **authorised officer** means a person authorised in writing by the Secretary of the Department of Industry as an authorised officer for the purposes of this section, and includes a police officer.

3.73 Strata Schemes Management Act 2015 No 50

Section 250

Omit the section. Insert instead:

250 Penalty notices

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

(2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.

(3) The *Fines Act 1996* applies to a penalty notice issued under this section.

Note—

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

(4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).

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

of offences.

- (6) In this section, **authorised officer** means a person employed in the Department of Finance, Services and Innovation authorised in writing by the Secretary as an authorised officer for the purposes of this section.

3.74 Swimming Pools Act 1992 No 49

Section 35

Omit the section. Insert instead:

35 Penalty notices

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

Note—

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

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

3.75 Sydney Cricket and Sports Ground Act 1978 No 72

Section 30A

Omit the section. Insert instead:

30A Penalty notices

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

(3) The *Fines Act 1996* applies to a penalty notice issued under this section.

Note—

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

(4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the by-laws (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).

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

(6) In this section, **authorised officer** means a person authorised by the Trust for the purposes of this section, a police officer or any other person of a class prescribed by the by-laws.

3.76 Sydney Olympic Park Authority Act 2001 No 57

Section 79

Omit the section. Insert instead:

79 Penalty notices

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

(2) A penalty notice offence is an offence against section 67, or an offence against the regulations, being an offence that is prescribed by the regulations as a penalty notice offence.

(3) The *Fines Act 1996* applies to a penalty notice issued under this section.

Note—

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

(4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).

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

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

3.77 Sydney Water Act 1994 No 88

Section 50

Omit the section. Insert instead:

50 Penalty notices

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

Note—

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

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

3.78 Tow Truck Industry Act 1998 No 111

Section 89

Omit the section. Insert instead:

89 Penalty notices

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

(3) The *Fines Act 1996* applies to a penalty notice issued under this section.

Note—

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

(4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).

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

3.79 Unlawful Gambling Act 1998 No 113

Section 52

Omit the section. Insert instead:

52 Penalty notices

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

(2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.

(3) The *Fines Act 1996* applies to a penalty notice issued under this section.

Note—

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

(4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).

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

(6) In this section:

authorised officer means, in relation to a particular offence, a person belonging to a class of persons specified in the regulations in relation to that offence.

3.80 Unlawful Gambling Regulation 2016

Clause 4 Penalty notice offences

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

3.81 Veterinary Practice Act 2003 No 87

Section 101

Omit the section. Insert instead:

101 Penalty notices

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

Note—

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

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

3.82 Water Industry Competition Act 2006 No 104

Section 82

Omit the section. Insert instead:

82 Penalty notices

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

(2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.

(3) The *Fines Act 1996* applies to a penalty notice issued under this section.

Note—

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

(4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).

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

(6) In this section, **authorised official** means a person appointed in writing by the Minister as an authorised official for the purposes of this section.

3.83 Water NSW Act 2014 No 74

Section 102

Omit the section. Insert instead:

102 Penalty notices

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

(2) A penalty notice offence is an offence against this Act or the regulations, or an offence against another Act or regulations under another Act (being an offence committed within the Sydney catchment area), that is prescribed by the regulations as a penalty notice offence.

(3) The *Fines Act 1996* applies to a penalty notice issued under this section.

Note—

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

(4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).

(5) This section does not limit the operation of any other provision of, or made

under, this or any other Act relating to proceedings that may be taken in respect of offences.

3.84 Weapons Prohibition Act 1998 No 127

Section 42

Omit the section. Insert instead:

42 Penalty notices

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

Note—

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

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

3.85 Western Sydney Parklands Act 2006 No 92

Section 48

Omit the section. Insert instead:

48 Penalty notices

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

Note—

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

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

3.86 Work Health and Safety Act 2011 No 10

Section 243

Omit the section. Insert instead:

243 Penalty notices

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

Note—

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

- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding 20% of the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section, **authorised officer** means a member of staff of the regulator authorised in writing by the regulator as an authorised officer for the purposes of this section.

3.87 Workplace Injury Management and Workers Compensation Act

1998 No 86

Section 246

Omit the section. Insert instead:

246 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the 1987 Act (or the regulations under those Acts) that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.

Note—

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

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

Schedules 4, 5 (Repealed)

Schedule 6 General savings, transitional and other provisions

1 Effect of amendment of amending provisions

- (1) An amendment made by Schedule 1, 2, 3 or 4 to an amending provision contained in an Act or instrument is, if the amending provision has commenced before the Schedule 1, 2, 3 or 4 amendment concerned, taken to have effect as from the commencement of the amending provision (whether or not the amending provision has been repealed).
- (2) In this clause:

amending provision means a provision of an Act or instrument that makes a direct

amendment to an Act or instrument by:

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

Explanatory note

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

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

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

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

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

Explanatory note

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

3 Effect of amendment on instruments

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

Explanatory note

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

4 Revocation of repeal

Section 29A of the *Interpretation Act 1987* applies to the repeal of Acts or instruments, or provisions of Acts or instruments, by this Act.

Explanatory note

The effect of this clause is to enable the Governor, by proclamation, to revoke the repeal of any Act or

instrument, or any provision of any Act or instrument, by the proposed Act. The Act or provision the subject of the revocation of repeal is taken not to be, and never to have been, repealed.

5 Regulations

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

Explanatory note

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