

Statute Law (Miscellaneous Provisions) Act (No 2) 2017 No 63

[2017-63]



New South Wales

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Provisions in force

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

Notes—

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

Authorisation

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New South Wales

Contents

Long title	3
1 Name of Act	3
2 Commencement	3
3 Explanatory notes	3
Schedule 1 (Repealed)	3
Schedule 2 Amendments relating to online publication of notices	3
Schedule 3 (Repealed)	5
Schedule 4 Amendments by way of statute law revision	5
Schedule 5 (Repealed)	21
Schedule 6 General savings, transitional and other provisions	21

Statute Law (Miscellaneous Provisions) Act (No 2) 2017 No 63



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 (No 2) 2017*.

2 Commencement

- (1) This Act commences 14 days after the date of assent to this Act, except as provided by this section.
- (2) The amendments made by the Schedules to this Act commence on the day or days specified in those Schedules in relation to the amendments concerned. If a commencement day is not specified, the amendments commence in accordance with subsection (1).
- (3) Schedules 2 and 4 commence on 14 January 2018.

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Schedule 1 (Repealed)

Schedule 2 Amendments relating to online publication of notices

2.1 Conveyancers Licensing Act 2003 No 3

Section 35 Advertisements include information about licensee

Insert “, and whether in print or on a publicly accessible website” after “otherwise”.

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

[1] Section 66 Alteration of rules by board of directors

Omit section 66 (3). Insert instead:

- (3) The notice may, with the prior written approval of the Registrar, be given by advertisement published:
 - (a) in a newspaper (whether published in print or on a publicly accessible website) having a circulation generally in the area in which the society operates, or
 - (b) on a publicly accessible website that, in the opinion of the Registrar, is appropriate to cause the notice to come to the attention of persons in the area in which the society operates.

[2] Section 68 Power of Registrar to require modification of rules

Omit section 68 (5). Insert instead:

- (5) The notice may, with the prior written approval of the Registrar, be given by advertisement published:
 - (a) in a newspaper (whether published in print or on a publicly accessible website) having a circulation generally in the area in which the society operates, or
 - (b) on a publicly accessible website that, in the opinion of the Registrar, is appropriate to cause the notice to come to the attention of persons in the area in which the society operates.

[3] Section 69 Power of Registrar to modify rules to facilitate transfer of engagements

Omit section 69 (5). Insert instead:

- (5) The notice may, with the prior written approval of the Registrar, be given by advertisement published:
 - (a) in a newspaper (whether published in print or on a publicly accessible website) having a circulation generally in the area in which the society operates, or
 - (b) on a publicly accessible website that, in the opinion of the Registrar, is appropriate to cause the notice to come to the attention of persons in the area in which the society operates.

[4] Sections 112 (2) and 115 (4)

Omit “circulating” wherever occurring.

Insert instead “(whether published in print or on a publicly accessible website) having a circulation”.

2.3 Electricity (Consumer Safety) Act 2004 No 4

Section 21 Prohibition of the sale of unsafe electrical articles

Insert “(whether published in print or on a publicly accessible website)” after “newspapers” in section 21 (5).

2.4 Funeral Funds Act 1979 No 106

Section 32 Schemes for transfer or amalgamation

Insert “(whether published in print or on a publicly accessible website)” after “newspapers” in section 32 (3) (b).

2.5 Home Building Act 1989 No 147

Section 133 Evidence of publication

Omit “newspaper office reply number” from section 133 (1) (b).

Insert instead “email address”.

Schedule 3 (Repealed)

Schedule 4 Amendments by way of statute law revision

4.1 Administrative Decisions Review Regulation 2014

Clause 5, Table

Omit “Roads and Maritime Services”.

Insert instead “the Secretary of the Department of Finance, Services and Innovation”.

Explanatory note

The proposed amendment updates a reference as a consequence of the transfer of functions under the [Tow Truck Industry Act 1998](#) from Roads and Maritime Services to the Secretary of the Department of Finance, Services and Innovation.

4.2 Anti-Discrimination Act 1977 No 48

[1] Section 4 (1), paragraph (a) of definition of “private educational authority”

Omit “[Education Reform Act 1990](#)”. Insert instead “[Education Act 1990](#)”.

[2] Section 49ZYL (4)

Omit “[Education Reform Act 1990](#)”. Insert instead “[Education Act 1990](#)”.

Explanatory note

The proposed amendments update references to a renamed Act.

4.3 Betting and Racing Regulation 2012

Clause 15 (1) (b) (iii)

Omit “the Australian Racing Board”. Insert instead “Racing Australia Limited”.

Explanatory note

The proposed amendment updates a reference to a body consequent on a corporate merger.

4.4 Biofuels Act 2007 No 23

Section 24 (1) (a3)

Omit “Department of Industry, Skills and Regional Development”.

Insert instead “Department of Industry”.

Explanatory note

The proposed amendment updates the name of a Department.

4.5 Biosecurity Regulation 2017

Clauses 55 (2) and 61 (2) (a), notes

Omit “**Note 2**” wherever occurring. Insert instead “**Note**”.

Explanatory note

The proposed amendment corrects numbering.

4.6 Commercial Agents and Private Inquiry Agents Regulation 2017

Clause 17 (3), note

Omit “in such”. Insert instead “In such”.

Explanatory note

The proposed amendment corrects a grammatical error.

4.7 Commercial Arbitration Act 2010 No 61

Section 27H (1) (a)

Omit “and”. Insert instead “or”.

Explanatory note

The proposed amendment makes a correction to bring the text into line with the decision of the Supreme Court of Queensland in

Wilmar Sugar Pty Ltd v Burdekin District Cane Growers Ltd[2017] QSC 003.

4.8 Community Land Development Act 1989 No 201

Section 37 (7)

Omit “Chief Commissioner of Land Tax”.

Insert instead “Chief Commissioner of State Revenue”.

Explanatory note

The proposed amendment updates a reference to a tax officer responsible for the administration of taxation laws.

4.9 Community Land Management Act 1989 No 202

Section 78 (6)

Omit “Commissioner for Land Tax”.

Insert instead “Chief Commissioner of State Revenue”.

Explanatory note

The proposed amendment updates a reference to a tax officer responsible for the administration of taxation laws.

4.10 Contract Cleaning Industry (Portable Long Service Leave Scheme) Act 2010 No 122

Section 82 (1)

Omit “refuse”. Insert instead “refuses”.

Explanatory note

The proposed amendment corrects a typographical error.

4.11 Conveyancers Licensing Act 2003 No 3

Section 64 (3)

Omit “email, or by post”. Insert instead “email or by post”.

Explanatory note

The proposed amendment corrects punctuation.

4.12 Criminal Procedure Regulation 2017

[1] Schedule 3

Insert after paragraph (ad) in the matter relating to the Department of Finance, Services and Innovation:

(ad1) the *Tow Truck Industry Act 1998*,

[2] Schedule 3

Omit paragraph (c) from the matter relating to Roads and Maritime Services.

Explanatory note

Items [1] and [2] update references as a consequence of the transfer of functions under the *Tow Truck Industry Act 1998* from Roads and Maritime Services to the Secretary of the Department of Finance, Services and Innovation.

4.13 Dangerous Goods (Road and Rail Transport) Regulation 2014

Clause 204, paragraph (b) of definition of “vehicle”

Omit “*Road Transport (Vehicle Registration) Regulation 2007*”.

Insert instead “*Road Transport (Vehicle Registration) Regulation 2017*”.

Explanatory note

The proposed amendment updates a reference to a repealed regulation.

4.14 Driving Instructors Regulation 2016

Clause 11 (2) (e)

Omit “*Road Transport (Vehicle Registration) Regulation 2007*”.

Insert instead “*Road Transport (Vehicle Registration) Regulation 2017*”.

Explanatory note

The proposed amendment updates a reference to a repealed regulation.

4.15 Electricity (Consumer Safety) Regulation 2015

Clause 32 (3), note

Omit “Department of Trade and Investment, Regional Infrastructure and Services”.

Insert instead “Department of Planning and Environment”.

Explanatory note

The proposed amendment updates a reference to a Department.

4.16 Employment Protection Regulation 2017

Clause 3 (2)

Insert “(except in Schedule 2)” after “in this Regulation”.

Explanatory note

The proposed amendment clarifies the status of notes.

4.17

(Repealed)

4.18 Fines Act 1996 No 99

[1] Section 19 (1) (b1)

Omit “and issue”. Insert instead “and serve”.

[2] Section 19 (1) (c)

Omit “issued”. Insert instead “served”.

[3] Section 37

Omit “or penalty reminder notice had not been issued”.

Insert instead “had not been issued or penalty reminder notice had not been served”.

[4] Section 49 (8)

Omit “issue and”.

Explanatory note

The proposed amendments standardise terminology consequent on the enactment of the [Fines Amendment \(Electronic Penalty Notices\) Act 2016](#).

**4.19 Floodplain Management Plan for the Barwon-Darling Valley
Floodplain 2017**

[1] Clause 48 (2)

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

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

Omit “Sate”. Insert instead “State”.

[3] Appendix 3

Insert “the” before “[Floodway Network Map](#)”.

Explanatory note

Item [1] of the proposed amendments corrects numbering. Items [2] and [3] correct typographical errors.

4.20 Graffiti Control Act 2008 No 100

[1] Section 9B (5) (b)

Omit “State Debt Recovery Office”.

Insert instead “Commissioner of Fines Administration”.

[2] Section 13A, definition of “Authority”

Omit “the Roads and Traffic Authority”.

Insert instead “Roads and Maritime Services”.

[3] Section 13A, note to definition of “provisional licence period”

Omit “*Road Transport (Driver Licensing) Regulation 2008*”.

Insert instead “*Road Transport (Driver Licensing) Regulation 2017*”.

Explanatory note

Item [1] of the proposed amendments updates a reference consequent on the enactment of the *Fines Amendment Act 2013*. Item [2] updates a reference to a body consequent on the enactment of the *Transport Legislation Amendment Act 2011*. Item [3] updates a reference to a repealed regulation.

4.21 Heavy Vehicle (Adoption of National Law) Act 2013 No 42

[1] Schedule 1.1 [3], note to inserted definition of “Australian registration law”

Omit “*Road Transport (Vehicle Registration) Regulation 2007*”.

Insert instead “*Road Transport (Vehicle Registration) Regulation 2017*”.

[2] Schedule 2.1 [2], inserted section 79 (7A)

Omit “clause 124 of Schedule 2 to the *Road Transport (Vehicle Registration) Regulation 2007* of New South Wales”.

Insert instead “rule 114 of the Light Vehicle Standards Rules (within the meaning of the *Road Transport (Vehicle Registration) Regulation 2017* of New South Wales)”.

Explanatory note

The proposed amendments update references to a repealed regulation.

4.22 Heritage Act 1977 No 136

Section 123, paragraph (f) of definition of “rating or taxing authority”

Omit “Commissioner of Land Tax”.

Insert instead “Chief Commissioner of State Revenue”.

Explanatory note

The proposed amendment updates a reference to a tax officer responsible for the administration of taxation laws.

4.23 Inclosed Lands Protection Act 1901 No 33

Section 3 (1), paragraph (a) of definition of “prescribed premises”

Omit “*Education Reform Act 1990*”. Insert instead “*Education Act 1990*”.

Explanatory note

The proposed amendment updates a reference to a renamed Act.

4.24 Independent Commission Against Corruption Regulation 2017

Clause 20 (2)

Renumber paragraphs (c), (d), (a), (e) and (b) as paragraphs (a)–(e), respectively.

Explanatory note

The proposed amendment corrects numbering.

4.25 Independent Pricing and Regulatory Tribunal Act 1992 No 39

[1] Part 3, Division 1, heading

Omit “**and electricity costs determinations**”.

[2] Part 3, Division 5, heading

Omit “**and electricity costs determinations**”.

[3] Section 14B

Omit the section.

[4] Section 17 (1)

Omit “or for the purposes of section 11 (3)”.

Explanatory note

The proposed amendments are consequent on the repeal of a redundant provision by the *Statute Law (Miscellaneous Provisions) Act 2017*.

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

Schedule 2

Omit “*Royal Commission (Police Service) Act 1994*, section 15”.

Explanatory note

The proposed amendment removes a reference to a repealed Act.

4.27 Local Government Act 1993 No 30

Section 555 (1) (f)

Omit “*Education Reform Act 1990*”. Insert instead “*Education Act 1990*”.

Explanatory note

The proposed amendment updates a reference to a renamed Act.

4.28 Marine Estate Management (Management Rules) Regulation 1999

[1] Clause 1.3 (1), definition of “permit”

Omit “*Marine Estate Management Regulation 2009*”.

Insert instead “*Marine Estate Management Regulation 2017*”.

[2] Clauses 1.16 (3), 1.19 (3), 1.22 (3) and 1.25 (3A), notes

Omit “clause 29 of the *Marine Estate Management Regulation 2009*” wherever occurring.

Insert instead “clause 27 of the *Marine Estate Management Regulation 2017*”.

Explanatory note

The proposed amendments update references to a repealed regulation.

4.29 Motor Accidents Compensation Regulation 2015

Clause 20 (i) (ii)

Omit “clause 76j (2) of the *Road Transport (Vehicle Registration) Regulation 2007*”.

Insert instead “clause 10 (2) of Schedule 4 to the *Road Transport (Vehicle Registration) Regulation 2017*”.

Explanatory note

The proposed amendment updates a reference to a repealed regulation.

4.30 Motor Dealers and Repairers Regulation 2014

Clause 35 (e)

Omit “*Road Transport (Vehicle Registration) Regulation 2007*”.

Insert instead “*Road Transport (Vehicle Registration) Regulation 2017*”.

Explanatory note

The proposed amendment updates a reference to a repealed regulation.

4.31 Motor Vehicles Taxation Act 1988 No 111

Section 3 (1), definition of “station wagon”

Omit “*Road Transport (Vehicle Registration) Regulation 2007*”.

Insert instead “*Road Transport (Vehicle Registration) Regulation 2017*”.

Explanatory note

The proposed amendment updates a reference to a repealed regulation.

4.32 Passenger Transport Regulation 2014

Clause 10 (4)

Omit “Opal Card”. Insert instead “Opal card”.

Explanatory note

The proposed amendment corrects a typographical error.

4.33 Pawnbrokers and Second-hand Dealers Regulation 2015

Clause 36 (1)

Omit “of in Part 1”. Insert instead “in Part 1”.

Explanatory note

The proposed amendment corrects a typographical error.

4.34 Petroleum (Onshore) Act 1991 No 84

Section 83D (1)

Omit “by the Minister”.

Explanatory note

The proposed amendment omits redundant matter.

4.35 Powers of Attorney Act 2003 No 53

Section 19 (2), paragraph (b) of definition of “prescribed witness”

Omit the paragraph. Insert instead:

(b) an Australian legal practitioner, or

Explanatory note

The proposed amendment updates terminology consequent on the enactment of the *Legal Profession Uniform Law Application Act 2014*.

4.36 Private Health Facilities Act 2007 No 9

Section 61 (1) (b) (ii)

Omit “corporate,”. Insert instead “corporate, or”.

Explanatory note

The proposed amendment inserts a missing conjunction.

4.37 Property, Stock and Business Agents Regulation 2014

[1] Schedule 14, clause 2 (a) and (b)

Omit “section 162 of the *Strata Schemes Management Act 1996*” wherever occurring.

Insert instead “section 237 of the *Strata Schemes Management Act 2015*”.

[2] Schedule 14, clause 5

Omit “30” and “*Strata Schemes Management Act 1996*” wherever occurring.

Insert instead “57 (1)” and “*Strata Schemes Management Act 2015*”, respectively.

Explanatory note

The proposed amendments update references to a repealed Act.

4.38 Public Authorities (Financial Arrangements) Regulation 2013

Schedule 2

Insert in alphabetical order:

NSW Trains

Residual Transport Corporation

Sydney Trains

Explanatory note

The proposed amendment updates the *Public Authorities (Financial Arrangements) Regulation 2013* to expressly include the names of certain transport entities that are deemed, by clause 1 of Schedule 2 to the *Transport Administration (General) Regulation 2013*, to be included in that Regulation.

4.39 Residential Tenancies Regulation 2010

[1] Schedule 1, clause 35

Omit “*Strata Schemes Management Act 1996*, the *Strata Schemes (Leasehold Development) Act 1986*”.

Insert instead “*Strata Schemes Management Act 2015*, the *Strata Schemes Development Act 2015*”.

[2] Schedule 1, clause 40

Omit “*Strata Schemes Management Act 1996*”.

Insert instead “*Strata Schemes Management Act 2015*”.

Explanatory note

The proposed amendments update references to repealed Acts.

4.40

(Repealed)

4.41 Retail Trading Act 2008 No 49

[1] Sections 3 (1) (definition of “Departmental website”) and 20 (a)

Omit “Department of Services, Technology and Administration” wherever occurring.

Insert instead “Department of Finance, Services and Innovation”.

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

Omit the definition. Insert in alphabetical order:

Secretary means the Secretary of the Department of Finance, Services and Innovation.

[3] Whole Act (except Schedule 2 and where otherwise amended by this Subschedule)

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

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

Explanatory note

The proposed amendments update references as a consequence of past administrative changes orders.

4.42 Roads Regulation 2008

Clause 83 (h)

Insert after clause 83 (g):

(h) Sydney Trains.

Explanatory note

The proposed amendment updates the *Roads Regulation 2008* to expressly include the name of a transport entity that is deemed, by clause 1 of Schedule 2 to the *Transport Administration (General) Regulation 2013*, to be included in that Regulation.

4.43 Rural Fires Act 1997 No 65

Section 101, paragraph (b) of definition of “rural fire brigade expenditure”

Omit “and”.

Explanatory note

The proposed amendment omits a redundant word.

4.44 Southern Cross University Act 1993 No 69

Section 22 (1)

Omit “*Education Reform Act 1990*”. Insert instead “*Education Act 1990*”.

Explanatory note

The proposed amendment updates a reference to a renamed Act.

4.45 Sporting Injuries Insurance Act 1978 No 141

Section 4 (1), definition of “school”

Omit “*Education Reform Act 1990*”. Insert instead “*Education Act 1990*”.

Explanatory note

The proposed amendment updates a reference to a renamed Act.

4.46 State Authorities Superannuation (Transport Officers’ Gratuity Scheme Transfer) (Savings and Transitional) Regulation 1989

Clause 9 (1) (i) and (j)

Insert after clause 9 (1) (h):

(i) NSW Trains,

(j) Sydney Trains.

Explanatory note

The proposed amendment updates the *State Authorities Superannuation (Transport Officers' Gratuity Scheme Transfer) (Savings and Transitional) Regulation 1989* to expressly include the names of certain transport entities that are deemed, by clause 1 of Schedule 2 to the *Transport Administration (General) Regulation 2013*, to be included in that Regulation.

4.47 State Environmental Planning Policy No 64—Advertising and Signage

[1] Clause 4 (1)

Insert in alphabetical order:

NSW Trains means NSW Trains constituted under the *Transport Administration Act 1988*.

Sydney Trains means Sydney Trains constituted under the *Transport Administration Act 1988*.

TfNSW means Transport for NSW constituted under the *Transport Administration Act 1988*.

[2] Clauses 12 (c) and 16 (1) (a)

Insert “, NSW Trains, Sydney Trains or TfNSW” after “RailCorp” wherever occurring.

[3] Clause 33 (1)

Omit “or RailCorp”. Insert instead “, RailCorp, NSW Trains, Sydney Trains or TfNSW”.

Explanatory note

The proposed amendments update *State Environmental Planning Policy No 64—Advertising and Signage* to expressly include the names of certain transport entities that are deemed, by clause 1 of Schedule 2 to the *Transport Administration (General) Regulation 2013*, to be included in that Policy.

4.48 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

Clause 5 (2)

Omit “that this”. Insert instead “that is”.

Explanatory note

The proposed amendment corrects a typographical error.

4.49 Strata Schemes Management Act 2015 No 50

[1] Section 128 (1)

Omit “in the office of the Registrar-General”. Insert instead “with the Registrar-General”.

[2] Section 236 (5)

Omit “a a”. Insert instead “a”.

[3] Section 236 (7)

Omit “in the Registrar-General’s office”. Insert instead “with the Registrar-General”.

Explanatory note

Items [1] and [3] of the proposed amendments update terminology consequent on the enactment of the [Land and Property Information NSW \(Authorised Transaction\) Act 2016](#). Item [2] omits a redundant word.

4.50 Summary Offences Act 1988 No 25

Section 3 (1), paragraph (a) of definition of “school”

Omit “[Education Reform Act 1990](#)”. Insert instead “[Education Act 1990](#)”.

Explanatory note

The proposed amendment updates a reference to a renamed Act.

4.51 Surveying and Spatial Information Act 2002 No 83

Section 9B (1) (a)

Omit “in the office of the Registrar-General”. Insert instead “with the Registrar-General”.

Explanatory note

The proposed amendment updates terminology consequent on the enactment of the [Land and Property Information NSW \(Authorised Transaction\) Act 2016](#).

4.52 Sydney Water Act 1994 No 88

Schedule 2, Part 1, item 11

Omit “[Education Reform Act 1990](#)”. Insert instead “[Education Act 1990](#)”.

Explanatory note

The proposed amendment updates a reference to a renamed Act.

4.53 Thoroughbred Racing Act 1996 No 37

Section 13 (2)

Omit “the Australian Racing Board”. Insert instead “Racing Australia Limited”.

Explanatory note

The proposed amendment updates a reference to a body consequent on a corporate merger.

4.54 Valuation of Land Act 1916 No 2

Section 14E (1) (b)

Omit “Chief Commissioner for Land Tax”.

Insert instead “Chief Commissioner of State Revenue”.

Explanatory note

The proposed amendment updates a reference to a tax officer responsible for the administration of taxation laws.

4.55 Water Management Act 2000 No 92

Schedule 1

Omit “*Coleambally Irrigation Limited*”.

Insert instead “*Coleambally Irrigation Co-operative Limited*”.

Explanatory note

The proposed amendment corrects a reference to the name of a corporation.

4.56 Water (Part 2—General) Regulation 1997

Clause 27

Insert after “Rail Corporation New South Wales”:

NSW Trains

Sydney Trains

Residual Transport Corporation

Explanatory note

The proposed amendment updates the *Water (Part 2—General) Regulation 1997* to expressly include the names of certain transport entities that are deemed, by clause 1 of Schedule 2 to the *Transport Administration (General) Regulation 2013*, to be included in that Regulation.

4.57 Water (Part 5—Bore Licences) Regulation 1995

Clause 8

Insert after “Rail Corporation New South Wales”:

NSW Trains

Sydney Trains

Residual Transport Corporation

Explanatory note

The proposed amendment updates the *Water (Part 5—Bore Licences) Regulation 1995* to expressly include the names of certain transport entities that are deemed, by clause 1 of Schedule 2 to the *Transport Administration (General) Regulation 2013*, to be included in that Regulation.

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

Clause 56 (5A)

Omit “Table B” wherever occurring. Insert instead “Table C”.

Explanatory note

The proposed amendment corrects a cross-reference.

4.59 Water Sharing Plan for the Hunter Regulated River Water Source 2016

Clause 62

Renumber subclause (3) as subclause (2).

Explanatory note

The proposed amendment corrects numbering.

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

[1] Clauses 27, 30 and 32, notes

Omit “licenced” wherever occurring. Insert instead “licensed”.

[2] Clause 31

Omit “that,”. Insert instead “that”.

[3] Clauses 39 (6) (a) and 70 (3)

Omit “licenced” wherever occurring. Insert instead “licensed”.

[4] Clause 44 (6)

Omit “subclause 3 (a)”. Insert instead “subclause (3) (a)”.

Explanatory note

Items [1] and [3] of the proposed amendments correct a spelling error. Items [2] and [4] correct typographical errors.

4.61 Water Sharing Plan for the Nambucca Unregulated and Alluvial Water Sources 2016

[1] Clause 43 (10)

Omit “does”. Insert instead “do”.

[2] Schedule 1

Omit “be from”. Insert instead “be taken from”.

Explanatory note

Item [1] of the proposed amendments correct a grammatical error. Item [2] inserts a missing word.

Schedule 5 (Repealed)

Schedule 6 General savings, transitional and other provisions

1 Effect of amendment of amending provisions

(1) An amendment made by Schedule 1 or 4 to an amending provision contained in an Act or instrument is, if the amending provision has commenced before the Schedule 1 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.