

Statute Law (Miscellaneous Provisions) Act 2018 No 25

[2018-25]



New South Wales

Status Information

Currency of version

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

Provisions in force

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

Notes—

- **Note**

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

Authorisation

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

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New South Wales

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Statute Law (Miscellaneous Provisions) Act 2018 No 25



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 2018*.

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 Schedules 1 and 5 to this Act commence on the day or days specified in those Schedules in relation to the amendments concerned. If a commencement day is not specified, the amendments commence in accordance with subsection (1).
- (3) Schedule 2 commences on 1 August 2018.
- (4) Schedule 4 commences on the date of assent to this Act.

3 Explanatory notes

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

Schedule 1 Minor amendments

1.1, 1.2

1.3 Children (Detention Centres) Act 1987 No 57

[1] Section 9A Certain persons not to be detained in detention centres

Insert “(to the extent the warrant continues in force after the repeal of that section by the *Crimes (Sentencing Procedure) Amendment (Sentencing Options) Act 2017*” after “bond”

in section 9A (2) (c).

[2] Section 9A (2) (e)

Insert “(to the extent the warrant continues in force after the repeal of that section by the *Crimes (Sentencing Procedure) Amendment (Sentencing Options) Act 2017*)” after “order”.

[3] Section 9A (2) (e1)

Insert after section 9A (2) (e):

(e1) a warrant issued under section 181 (1) (a) of the *Crimes (Administration of Sentences) Act 1999* in relation to an alleged failure to comply with a condition of an order referred to in that paragraph (to the extent the warrant continues in force after the substitution of section 181 (1) by the *Crimes (Sentencing Procedure) Amendment (Sentencing Options) Act 2017*), or

[4] Section 9A (2) (f)

Omit “181 (1) (a)”. Insert instead “181 (1)”.

[5] Section 9A (2) (f1)

Insert after section 9A (2) (f):

(f1) a warrant issued under section 107C or 108C of the *Crimes (Administration of Sentences) Act 1999* in relation to an alleged failure to comply with a condition of a community correction order or of a conditional release order, or

Commencement

The amendments to the *Children (Detention Centres) Act 1987* commence on a day or days to be appointed by proclamation.

Explanatory note

Items [1]-[3] of the proposed amendments make it clear that a person aged 18-21 is not to be detained in a detention centre under an existing warrant issued in relation to an alleged failure to comply with the conditions of a good behaviour bond, community service order, intensive correction order, home detention order or parole order, where the bond or order is issued or made before the commencement of the *Crimes (Sentencing Procedure) Amendment (Sentencing Options) Act 2017*.

Item [4] removes an unnecessary reference to a paragraph of section 181 (1) of the *Crimes (Administration of Sentences) Act 1999* (as amended by the *Crimes (Sentencing Procedure) Amendment (Sentencing Options) Act 2017*).

Item [5] provides that a person aged 18-21 is not to be detained in a detention centre under a warrant issued in relation to an alleged failure to comply with the conditions of a community correction order or conditional release order, where the order is made after the commencement of the *Crimes (Sentencing Procedure) Amendment (Sentencing Options) Act 2017*.

1.4 Crimes (Administration of Sentences) Act 1999 No 93

[1] Section 3 Interpretation

Omit “Part 3, 4, 4A or 5” and “Part 3, 4 or 4A” from the definition of **offender** in section 3 (1).

Insert instead “Part 3, 4A, 4B, 4C or 5” and “Part 3, 4A, 4B or 4C”, respectively.

[2] Section 232 Commissioner

Omit “Part 2, 3 or 4” from section 232 (1) (a1). Insert instead “Part 2 or 3”.

Commencement

The amendments to the *Crimes (Administration of Sentences) Act 1999* commence on a day or days to be appointed by proclamation.

Explanatory note

Item [1] of the proposed amendments updates the definition of **offender** for the purposes of the *Crimes (Administration of Sentences) Act 1999* to make it clear that the definition applies for the purposes of provisions dealing with the administration of community correction orders and conditional release orders that are to be inserted by the *Crimes (Sentencing Procedure) Amendment (Sentencing Options) Act 2017*. The amendment also omits a reference to repealed Part 4.

Item [2] omits a reference to repealed Part 4.

1.5 Crimes (Sentencing Procedure) Act 1999 No 92

Section 25B Definitions

Omit the definition of **sentence**. Insert instead:

sentence means a term of imprisonment, fine or the term of an intensive correction order, a community correction order or a conditional release order.

Commencement

The amendment to the *Crimes (Sentencing Procedure) Act 1999* commences or is taken to have commenced on the commencement of Schedule 1 to the *Crimes (Sentencing Procedure) Amendment (Sentencing Options) Act 2017*.

Explanatory note

The amendment updates a definition of **sentence** to reflect changes to sentencing options as a consequence of amendments made to the *Crimes (Sentencing Procedure) Act 1999* by the *Crimes (Sentencing Procedure) Amendment (Sentencing Options) Act 2017*.

1.6-1.24

(Repealed)

Schedule 2 Amendments relating to publication of notices

Explanatory note

The proposed amendments in this Schedule amend provisions of various Acts and Regulations that require notices to be published in newspapers. The amendments generally enable those notices to be published in a manner that persons required to publish them are satisfied is likely to bring them to the attention of the persons to whom they are directed (in most cases, members of the public). The proposed amendments will enable the publication of notices online where appropriate, including in newspapers that are available in a digital form.

2.1 Agricultural Industry Services Act 1998 No 45

[1] Section 19 Action on committee's proposal to wind up committee's affairs

Omit section 19 (1). Insert instead:

- (1) On receiving a notice of a proposal under section 18 (1) (c), the Minister must cause notice of the proposal to be given in a manner that the Minister is satisfied is likely to bring the notice of the proposal to the attention of the committee's constituents.

[2] Section 24 Levying of rates

Omit section 24 (1). Insert instead:

- (1) A committee levies a rate on a constituent by causing notice:
 - (a) to be served on the constituent, or
 - (b) to be published in a manner approved by the Minister having regard to the object of bringing notices of that kind to the attention of constituents.

[3] Section 45 Service of documents on persons

Omit "required" wherever occurring in section 45 (1) and (2).

Insert instead "authorised or required by this Act or the regulations".

[4] Section 45 (2A)

Insert after section 45 (2):

- (2A) Without limiting subsection (1) or (2), a document that is authorised or required by this Act or the regulations to be served on a person may be served on the person:
 - (a) by email to an email address specified by the person for the service of documents of that kind, or
 - (b) by any other method authorised by the regulations for the service of documents of that kind.

2.2 Callan Park (Special Provisions) Act 2002 No 139

[1] Section 6 Leases, licences and management agreements

Omit section 6 (6) (a). Insert instead:

- (a) cause notice of the proposal to grant the lease or licence or to enter the contract to be published in a manner that the Minister is satisfied is likely to bring the proposal to the attention of members of the public in the locality, and

[2] Section 6 (6) (c)

Omit the paragraph. Insert instead:

- (c) publish the reasons for the decision to grant consent in a manner that the Minister is satisfied is likely to bring the reasons to the attention of members of the public in the locality.

[3] Section 6 (6A)

Insert after section 6 (6):

- (6A) The notice of the proposal must include a summary of the main terms of the lease, licence or contract, together with details of any related proposal to deal in land located in Callan Park of which the Minister is aware.

2.3 Cemeteries and Crematoria Act 2013 No 105

[1] Section 52 Revocation of perpetual interment rights

Omit section 52 (4) (b). Insert instead:

- (b) published in the Gazette and in:
 - (i) a newspaper circulating throughout the State, or
 - (ii) a manner approved in writing by the Minister having regard to the object of bringing notices of that kind to the attention of the holders of the relevant interment rights or (where holders have died) any persons entitled to the relevant interment rights as the result of bequests or intestacy or as surviving joint holders.

[2] Section 52 (5)

Omit "(6)". Insert instead "(7)".

[3] Section 55 Re-use of interment sites and removal of memorials

Omit section 55 (2) (b). Insert instead:

- (b) the cemetery operator has given notice of its intention to re-use the interment site or remove the memorial in the Gazette and in:
 - (i) a newspaper circulating throughout the State, or
 - (ii) a manner approved in writing by the Minister having regard to the object of bringing notices of that kind to the attention of members of the public to whom the relevant proposals to re-use interment sites or remove memorials may be of interest, and

[4] Section 61 Cemetery operator may determine holder of interment right

Omit “and in a newspaper circulating throughout the State” from section 61 (4) (a) (ii).

[5] Section 61 (4) (a) (iia)

Insert after section 61 (4) (a) (ii):

- (iia) publishes a notice about its intention to make the decision in a newspaper circulating throughout the State or in a manner approved in writing by the Minister having regard to the object of bringing notices of that kind to the attention of persons who may hold the relevant interment rights for interment sites, and

[6] Section 88 Invitations for tenders

Omit “published in the Gazette and in a newspaper circulating throughout the State” from section 88 (1) (a).

Insert instead “that complies with the requirements in subsection (2)”.

[7] Section 88 (2) (a1)

Insert before section 88 (2) (a):

- (a1) be published in the Gazette and in:
 - (i) a newspaper circulating throughout the State, or
 - (ii) a manner approved in writing by the Minister having regard to the object of bringing notices of that kind to the attention of persons who may be interested in submitting tenders for the relevant contracts, and

[8] Schedule 4 Conversion of cemeteries

Omit clause 3 (2). Insert instead:

- (2) The council must give notice of the resolution:
 - (a) twice, at an interval of not less than 2 weeks, in a newspaper or newspapers published and circulating in the locality and twice, at an interval of not less than 2 weeks, in a newspaper or newspapers published in Sydney and circulating widely throughout New South Wales, or
 - (b) in a manner approved in writing by the Minister having regard to the object of bringing notices of that kind to the attention of members of the public in the relevant localities and elsewhere in the State to whom the relevant resolutions may be of interest.

2.4 Commons Management Act 1989 No 13

[1] Section 16 Trust not to enter into land transactions without the consent or authority of the Minister

Omit “in a newspaper which circulates in the area in which that land is located” from section 16 (6).

[2] Section 16 (6A)

Insert after section 16 (6):

- (6A) The notice must be published in:
 - (a) a newspaper that circulates in the area in which the land concerned is located, or
 - (b) a manner approved in writing by the Minister having regard to the object of bringing notices of that kind to the attention of members of the public in the areas in which the relevant land is located.

[3] Section 26 Reference of certain draft management plans to the trust concerned

Omit section 26 (3) (b). Insert instead:

- (b) cause a copy of the plan, or a notice specifying the place at which the plan may be inspected, to be published in:
 - (i) a newspaper that circulates in the land district where the common concerned is located, or

- (ii) a manner that the Minister is satisfied is likely to bring the plan or notice to the attention of members of the public in the land district where the common concerned is located.

[4] Schedule 2 Provisions relating to the members of a trust board

Omit clause 7 (1) (a). Insert instead:

- (a) the board must, by notice that complies with the requirements in subclause (2), invite tenders for the proposed contract, and

[5] Schedule 2, clause 7 (2) (a1)

Insert before clause 7 (2) (a):

(a1) be published in:

- (i) a newspaper circulating in the land district in which the common concerned is located, or
- (ii) a manner approved in writing by the Minister having regard to the object of bringing notices of that kind to the attention of persons in the land districts in which the relevant commons are located who may be interested in submitting tenders for the relevant contracts, and

2.5 Dams Safety Act 2015 No 26

Section 38 Public nature of inquiries

Omit “newspapers” from section 38 (2). Insert instead “other manner”.

2.6 Electricity Supply Act 1995 No 94

Schedule 2 Licences

Omit “a daily newspaper circulating throughout the State” from clause 3 (1).

Insert instead “such other manner as the Minister is satisfied is likely to bring the notice to the attention of members of the public”.

2.7 Environmental Planning and Assessment Act 1979 No 203

Schedule 2 Provisions relating to planning bodies

Omit “newspapers” from clause 3 (2) (a). Insert instead “manner”.

2.8 Environmental Trust Act 1998 No 82

Section 13 Program for annual grants

Omit “newspaper circulating throughout the State” from section 13 (4).

Insert instead “manner that the Trust is satisfied is likely to bring the information to the attention of organisations and persons who may be interested in applying for grants”.

2.9 Fisheries Management Act 1994 No 38

[1] Section 46 Invitation for shares

Omit “, in a newspaper circulating throughout New South Wales and in such other publications as the Minister considers appropriate” from section 46 (2) (a).

Insert instead “and in such other manner as the Minister is satisfied is likely to bring the notice to the attention of eligible persons and members of the public generally”.

[2] Section 284 Public consultation procedure

Omit “newspaper circulating throughout the State and (if the matter relates to a particular area only) in a local newspaper circulating” from section 284 (2) (c).

Insert instead “manner that the person or body is satisfied is likely to bring the advertisement to the attention of members of the public generally and, if the matter relates to a particular area only, members of the public”.

2.10 Food Act 2003 No 43

Section 33 Manner of making orders

Omit section 33 (2). Insert instead:

- (2) Notice of an order addressed as referred to in subsection (1) (b) setting out the terms of the order and the persons to be bound by the order must, as soon as practicable after the order is made, be published:
 - (a) in such reasonably practicable manner as, in the opinion of the Food Authority, will be most likely to bring the order to the attention of the persons bound by it, and
 - (b) on the NSW legislation website if the order is addressed to a class of persons or to all persons.

2.11 Gas Supply Act 1996 No 38

Sections 8 (1) and 37 (1)

Omit “a daily newspaper circulating throughout New South Wales” wherever occurring.

Insert instead “such other manner as the Minister is satisfied is likely to bring the notice to the attention of members of the public”.

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

[1] Section 9 Notification of making an order

Omit section 9 (1) (a). Insert instead:

- (a) in a manner that the Minister is satisfied is likely to bring the notice to the attention of members of the public generally, and

[2] Section 9 (1) (c)

Omit the paragraph. Insert instead:

- (c) in the case of an exemption order that does not apply to the whole State, in a manner that the Minister is satisfied is likely to bring the notice to the attention of members of the public in the area in which the exemption order is to apply.

2.13 Heritage Act 1977 No 136

[1] Sections 28 (1) (d) and 29 (5) (c)

Omit “newspaper circulating” wherever occurring.

Insert instead “manner that the Minister or the council is satisfied is likely to bring the notice to the attention of members of the public”.

[2] Section 33 Procedure before recommendation for listing

Omit “at least one metropolitan newspaper and one local newspaper circulating in the precinct” from section 33 (1) (a) (ii).

Insert instead “a manner that the Heritage Council is satisfied is likely to bring the notice to the attention of affected owners or occupiers and of members of the public”.

[3] Section 33 (1) (b)

Omit “at least one newspaper circulating”.

Insert instead “a manner that the Heritage Council is satisfied is likely to bring the notice

to the attention of members of the public”.

[4] Section 33 (1) (c)

Omit “publication of the newspaper notice”.

Insert instead “notice under paragraph (a) (ii) or (b) was first published”.

[5] Section 61 Public notice of certain applications

Omit “daily newspaper circulating throughout the State” from section 61 (1).

Insert instead “manner that the approval body is satisfied is likely to bring the notice to the attention of members of the public”.

[6] Section 61 (2)

Omit “published in the newspaper”. Insert instead “first published”.

2.14 Heritage Regulation 2012

[1] Clause 17 Procedure for listing of minimum standards on Register

Omit “at least one newspaper circulating” from clause 17 (3) (b).

Insert instead “a manner that the Heritage Council is satisfied will bring the notice to the attention of members of the public”.

[2] Clause 17 (3) (c)

Omit “publication of the newspaper notice”.

Insert instead “the notice was first published”.

2.15 Hunter Water Act 1991 No 53

[1] Section 38 Terms and conditions of customer contracts may be varied on 6 months’ notice

Omit “a daily newspaper circulating in the area of operations, a notice” from section 38 (1).

Insert instead “the Gazette or on the NSW legislation website, an order”.

[2] Section 38 (1)

Omit “at least 6 months, or a shorter period to which the Minister agrees, before the variation becomes effective”.

[3] Section 38 (1A)

Insert after section 38 (1):

(1A) Notice of the making of an order under this section must be published, at least 6 months before the variation becomes effective or within a shorter period approved by the Minister, in a manner that the Corporation is satisfied is likely to bring the notice to the attention of members of the public in the area of operations.

[4] Section 38 (2)

Omit “the notice” where firstly occurring. Insert instead “an order”.

[5] Section 38 (2)

Omit “notice” where secondly occurring. Insert instead “order”.

[6] Section 38 (3)

Omit “a notice” and “the notice”. Insert instead “an order” and “the order”, respectively.

2.16 Hunter Water Regulation 2015

[1] Clause 33 Restrictions on use of water

Omit “notice” from clause 33 (1).

Insert instead “order published on the NSW legislation website”.

[2] Clause 33 (2)

Omit “notice” wherever occurring. Insert instead “order”.

[3] Clause 33 (2) (a)

Omit the paragraph.

[4] Clause 33 (2A)

Insert after clause 33 (2):

(2A) Notice of the making of an order is to be given in such reasonably practicable manner as the Minister is satisfied is most likely to bring the order to the attention of members of the public in the area of operations of the Corporation or that part of the area to which the order applies.

[5] Clause 33 (3) and (4)

Omit “a notice” wherever occurring. Insert instead “an order”.

2.17 Landlord and Tenant (Amendment) Act 1948 No 25

[1] Section 59 Service of notices

Omit section 59 (3). Insert instead:

- (3) Where any notice or other document is required or permitted by this Part to be given to, or served upon, a person whose address is unknown, it may be given or served by publishing it in:
 - (a) the Gazette, and
 - (b) a daily newspaper circulating in the district in which the prescribed premises concerned are situated or in a manner approved in writing by the Secretary having regard to the object of bringing notices or documents of that kind to the attention of the relevant persons whose addresses are unknown.

[2] Section 62 Restriction on eviction

Omit section 62 (4A) (a) (ii). Insert instead:

- (ii) in any other case—by publishing the notice twice in a daily newspaper circulating in the district in which the premises are situated or by publishing the notice in a manner approved in writing by the Secretary for notices of that kind.

2.18 Local Government Act 1993 No 30

[1] Section 47 Leases, licences and other estates in respect of community land—terms greater than 5 years

Insert “(including on the council’s website)” after “proposal” in section 47 (1) (a).

[2] Section 47 (6)

Omit “newspaper” from the fourth bullet point. Insert instead “public”.

[3] Section 348 Advertising of staff positions

Omit section 348 (2).

[4] Section 410 Alternative use of money raised by special rates or charges

Omit section 410 (2) (b). Insert instead:

- (b) notice of the fact that the proposal was included in the operational plan adopted by the council for that year has been published in a manner that the council is satisfied is likely to bring the notice to the attention of members of the public in the area.

[5] Sections 644A (1), 644B (3) and 645 (1)

Omit “newspaper circulating” wherever occurring.

Insert instead “manner that the council is satisfied is likely to bring the notice to the attention of members of the public”.

[6] Section 707 Publication of notices in Gazette and elsewhere

Omit “any newspaper” and “a newspaper” from section 707 (1).

Insert instead “another manner” and “that other manner”, respectively.

[7] Section 710 Service of notices on persons

Omit section 710 (4) (b). Insert instead:

- (b) in any case where the land, building or premises are unoccupied and the owner or the owner’s address or place of residence is not known to the council, service by the council may be by advertisement in the approved form published in:
 - (i) a newspaper circulating in the area or part of the area in which the land, building or premises are situated that is published in print form at intervals not exceeding 26 days, or
 - (ii) a manner determined by the council having regard to the object of bringing notices to the attention of owners in cases of that kind, and

[8] Section 715 Notice of proposal to sell land

Omit section 715 (1) (a) and (b). Insert instead:

- (a) fix a time and place for the sale, and
- (b) give notice of the proposed sale by means of an advertisement published in the Gazette and in:
 - (i) a newspaper circulating in the area or part of the area in which the land is situated that is published in print form at intervals not exceeding 26 days, or
 - (ii) a manner that the council is satisfied is likely to bring the notice to the attention of persons who may be interested in purchasing the land, and

[9] Section 715 (1A)

Insert after section 715 (1):

- (1A) The time fixed for the sale must be no earlier than 3 months and no later than 6

months after the date on which an advertisement is first published in the manner determined by the council in accordance with this section.

[10] Dictionary

Omit the definition of *newspaper*.

2.19 Local Land Services Act 2013 No 51

[1] Section 71 Notice of closure

Omit “newspaper circulating generally” from section 71 (1).

Insert instead “manner that Local Land Services is satisfied is likely to bring the notice to the attention of members of the public”.

[2] Section 133 Public notice of proposal to make order

Omit section 133 (1). Insert instead:

- (1) The Minister is to cause notice of a proposal to make a pest control order applying to land to be published in a manner that the Minister is satisfied is likely to bring the notice to the attention of members of the public in the region in which the land is situated.

[3] Section 137

Omit the section. Insert instead:

137 Notice of making of order

The Minister is to cause a notice of the making of a pest control order to be published in a manner that the Minister is satisfied is likely to bring the notice to the attention of members of the public in the region in which the controlled land is situated.

[4] Section 144 When may eradication orders be given?

Omit “newspaper circulating generally” from section 144 (3).

Insert instead “manner that Local Land Services is satisfied is likely to bring the order to the attention of members of the public”.

[5] Schedule 5 Sale of land for unpaid money owing to Local Land Services

Omit clause 5 (1) (a) and (b). Insert instead:

- (a) fix a time and place for the sale, and
- (b) give notice of the proposed sale by means of an advertisement published in the Gazette and in such other manner as Local Land Services is satisfied is likely to bring the notice to the attention of persons who may be interested in purchasing the land, and

[6] Schedule 5, clause 5 (1A)

Insert after clause 5 (1):

- (1A) The time fixed for the sale must be no earlier than 3 months and no later than 6 months after the date on which an advertisement is first published in the manner determined by Local Land Services in accordance with this clause.

2.20 Local Land Services Regulation 2014

[1] Clause 68 Local Land Services not liable for injury attributable to diseased travelling stock

Omit “in a newspaper circulating generally in the region” from clause 68 (a).

Insert instead “, in a manner that Local Land Services is satisfied is likely to bring the notice to the attention of members of the public in the region,”.

[2] Clause 77 Notice of exemption or cancellation of exemption

Omit “a newspaper circulating generally” from clause 77 (1) (b).

Insert instead “the Gazette and in such other manner as Local Land Services is satisfied is likely to bring the notice to the attention of members of the public”.

[3] Clause 117 Consultation with landholders affected by proposed re-categorisation (s 60K (7))

Omit clause 117 (4) (a). Insert instead:

- (a) a notice must be published in a manner that the Environment Agency Head is satisfied is likely to bring the notice to the attention of:
 - (i) members of the public generally, or
 - (ii) if the re-categorisation relates only to one local government area—members of the public in that local government area,

[4] Schedule 1 Elections for members of local boards

Omit clause 12 (3) (a). Insert instead:

- (a) causing notice to be published in a manner approved in writing by Local Land Services having regard to the object of bringing notices of that kind to the attention of members of the public in the relevant regions, and

[5] Schedule 1, clause 35 (2) (b)

Omit the paragraph. Insert instead:

- (b) in a manner approved in writing by Local Land Services having regard to the object of bringing notices of that kind to the attention of members of the public in the relevant regions.

[6] Schedule 1, clause 49 (a)

Omit “one or more local newspapers that, individually or collectively, circulate generally throughout the region concerned”.

Insert instead “a manner approved in writing by Local Land Services having regard to the object of bringing notices of that kind to the attention of members of the public in the relevant regions”.

2.21 Marine Estate Management Act 2014 No 72

Section 79 Meaning of “diligent inquiry”

Omit section 79 (1) (c). Insert instead:

- (c) publishing a notice referred to in paragraph (b) in a manner approved by the relevant Ministers having regard to the object of bringing notices of that kind to the attention of persons who may be owners of the relevant land.

2.22 National Parks and Wildlife Act 1974 No 80

[1] Section 151F Public consultation regarding grant of leases and licences

Omit “newspaper circulating in the area in which the land is located and on the Office’s website” from section 151F (1) (a).

Insert instead “manner that the Minister is satisfied is likely to bring the notice to the attention of members of the public in the area in which the land is located, and also on the Office’s website,”.

[2] Section 151F (1) (b)

Omit “newspaper circulating throughout New South Wales, in a newspaper circulating in

the area in which the land is located and on the Office's website".

Insert instead "manner that the Minister is satisfied is likely to bring the notice to the attention of members of the public both generally and in the area in which the land is located, and also on the Office's website,".

[3] Section 151I Restrictions on grant of lease for residential accommodation

Omit "newspaper circulating throughout New South Wales" from section 151I (2) (a).

Insert instead "manner that the Minister is satisfied is likely to bring the notice to the attention of members of the public".

[4] Section 160D Notice to state interest in structure or contents

Omit section 160D (2) (b). Insert instead:

- (b) published in a manner determined in writing by the Minister having regard to the object of bringing notices of that kind to the attention of persons of the kind referred to in subsection (1).

2.23 Pesticides Act 1999 No 80

Section 38 Making of pesticide control order

Omit "newspapers and other publications" from section 38 (5). Insert instead "manner".

2.24 Pipelines Act 1967 No 90

[1] Section 13 Manner of making applications for licences

Omit section 13 (3). Insert instead:

- (3) Not less than 7 days before making an application under section 12, the applicant must cause a notification, setting out particulars of the proposed application, to be published in a manner approved in writing by the Minister having regard to the object of bringing notifications of that kind to the attention of members of the public.

[2] Section 13A Amendment of application for licence by inclusion or exclusion of lands

Omit section 13A (7). Insert instead:

- (7) Not less than 7 days before making a further application for a variation (other than a minor variation) of the area in respect of which the application is made by including additional lands in that area, the applicant must cause a notification,

setting out particulars of the proposed further application, to be published in a manner approved in writing by the Minister having regard to the object of bringing notifications of that kind to the attention of members of the public.

[3] Section 18 Variation of licence area

Omit section 18 (7). Insert instead:

- (7) Not less than 7 days before making an application under this section for a variation (other than a minor variation) of the licence area by including additional lands in that area, the applicant must cause a notification, setting out particulars of the proposed application, to be published in a manner approved in writing by the Minister having regard to the object of bringing notifications of that kind to the attention of members of the public.

[4] Sections 31 (2) (c) and 32 (2) (d)

Omit “newspapers” wherever occurring. Insert instead “manner”.

2.25 Plantations and Reafforestation Act 1999 No 97

Section 26 Public consultation

Omit “newspaper circulating throughout the State and in any local newspaper that the Minister considers appropriate” from section 26 (2) (c).

Insert instead “manner that the Minister is satisfied is likely to bring the advertisement to the attention of members of the public”.

2.26 Plantations and Reafforestation (Code) Regulation 2001

Appendix Plantations and Reafforestation Code

Omit clause 25 (3) (c). Insert instead:

- (c) before the draft schedule is exhibited, advertise the dates and places of exhibition and the period allowed for comment in a manner that the Minister is satisfied is likely to bring the advertisement to the attention of:
- (a) members of the public generally, and
 - (b) if the matter relates to a particular area only—members of the public in the particular area.

2.27 Protection of the Environment Operations Act 1997 No 156

[1] Section 15 EPA to give notice of intention to prepare draft PEP

Omit section 15 (2) (b) and (c). Insert instead:

- (b) also be published in a manner that the EPA is satisfied is likely to bring the notice to the attention of members of the public generally, and
- (c) if it is intended that the policy will specifically affect only a particular region of the State—also be published in a manner that the EPA is satisfied is likely to bring the notice to the attention of members of the public in that region.

[2] Section 17 Public consultation on draft PEP and impact statement

Omit section 17 (2) (b) and (c). Insert instead:

- (b) also be published in a manner that the EPA is satisfied is likely to bring the notice to the attention of members of the public generally, and
- (c) if it is intended that the policy will specifically affect only a particular region of the State—also be published in a manner that the EPA is satisfied is likely to bring the notice to the attention of members of the public in that region.

[3] Section 133 Prohibition by EPA of burning in open air or incinerators

Insert at the end of section 133 (4) (b):

, or

- (c) published, not later than on the eve of the day on which the order is to take effect, in such other reasonably practicable manner as the EPA is satisfied is most likely to bring the order to the attention of the persons to whom the order applies.

[4] Section 293A Alteration, suspension or termination of a scheme

Omit section 293A (2) (a). Insert instead:

- (a) cause notice of its intention to do so to be published in the Gazette and in such other manner as the EPA is satisfied is likely to bring the notice to the attention of the members of the public generally or in the locality in which the scheme operates, and

[5] Section 295C Regulations relating to tradeable emission schemes

Omit section 295C (5) (a). Insert instead:

- (a) cause notice of the review to be published in the Gazette and in such other manner as the Minister is satisfied is likely to bring the notice to the attention of members of the public generally or in the locality in which the scheme operates, and

[6] Section 295Q Regulations relating to green offsets

Omit section 295Q (6) (a). Insert instead:

- (a) cause notice of the review to be published in the Gazette and in such other manner as the Minister is satisfied is likely to bring the notice to the attention of members of the public generally or in the locality in which any relevant green offset scheme operates or relevant green offset works are located, and

[7] Section 308 Public register

Insert after section 308 (2) (h):

- (h1) in the case of the EPA—details of each order published under section 133,

2.28 Protection of the Environment Operations (Clean Air) Regulation 2010

Clause 13 Approval for certain fires or incinerators

Omit “a local newspaper circulating in the local government area” from clause 13 (2) (a).

Insert instead “the Gazette and in such other manner as the council is satisfied is likely to bring the notice to the attention of persons of that class”.

2.29 Protection of the Environment Operations (General) Regulation 2009

Clause 61 Emergency prohibition or regulation—safety of drinking water

Omit “publication of the notice in newspapers circulating in the area and” from clause 61 (4).

Insert instead “by means of”.

2.30 Rice Marketing Act 1983 No 176

[1] Section 31 Advertisement by Minister as to time for petition

Omit “and at least one newspaper circulating within the relevant area,” from section 31 (1).

Insert instead “, and in such other manner as the Minister is satisfied is likely to bring the notice to the attention of producers of the commodity,”.

[2] Section 57 Exemption by board

Omit section 57 (3). Insert instead:

- (3) The board may revoke any such exemption by notice in writing signed by the secretary or other authorised officer of the board. The notice:
 - (a) in the case of an exemption applying in relation to a specified producer or producers—is to be given to the producer or producers, or
 - (b) in any other case—is to be published in the Gazette and in such other manner as is approved by the Minister having regard to the object of bringing notices of that kind to the attention of any persons directly affected by the relevant revocations.

[3] Section 92 Exemptions

Omit section 92 (3). Insert instead:

- (3) The committee may revoke any such exemption by notice in writing signed by the secretary or other authorised officer of the committee. The notice:
 - (a) in the case of an exemption applying in relation to a particular producer or producers—is to be given to the producer or producers, or
 - (b) in any other case—is to be published in the Gazette and in such other manner as is approved by the Minister having regard to the object of bringing notices of that kind to the attention of any persons directly affected by the relevant revocations.

[4] Schedule 6 Special provisions relating to Rice Marketing Board

Omit clause 6 (3). Insert instead:

- (3) The Board is to grant any such extension by notice in writing signed by the secretary or other authorised officer of the Board. The notice:
 - (a) in the case of an exemption applying in relation to a particular producer or producers—is to be given to the producer or producers, or
 - (b) in any other case—is to be published in the Gazette and in such other manner as is approved by the Minister having regard to the object of bringing notices of that kind to the attention of any persons directly affected by the relevant

extensions.

2.31 Royal Botanic Gardens and Domain Trust Act 1980 No 19

Section 20A Power to grant certain longer-term leases

Omit section 20A (6) (a). Insert instead:

- (a) give public notice of a proposed lease by means of a notice published in a manner determined by the Trust, and

2.32 Snowy Hydro Corporatisation Act 1997 No 99

Section 27 Public consultation on review or variation of licence

Omit “newspaper circulating generally throughout the State” from section 27 (2) (d).

Insert instead “manner that the Corporation is satisfied is likely to bring the advertisement to the attention of members of the public”.

2.33 Soil Conservation Act 1938 No 10

Section 17 Areas of erosion hazard

Omit section 17 (1). Insert instead:

- (1) The Minister may give notice of a proposal that a tract of land should be notified as an area of erosion hazard if the Minister is of the opinion that the tract of land is subject to, or liable or likely to become liable to, erosion. Notice of the proposal is to be given:
 - (a) by publishing the notice in the Gazette, and
 - (b) in such other manner as the Minister is satisfied is likely to bring the notice to the attention of members of the public in the locality in which the land is situated to whom the proposal may be of interest.

2.34 Sydney Water Act 1994 No 88

[1] Section 27 Re-use of sewage effluent

Insert “(or in a manner that the Corporation is satisfied is likely to bring the notice to the attention of members of the public)” after “Wales” in section 27 (5) (b).

[2] Section 36 Public exhibition of memoranda of understanding

Insert “(or in a manner that the regulatory agency concerned is satisfied is likely to bring the notice to the attention of members of the public in the area of operations)” after

“operations” in section 36 (2).

[3] Section 36 (5)

Insert “(or in a manner that the regulatory agency that is a party to the memorandum of understanding is satisfied is likely to bring the notice to the attention of members of the public in the area of operations)” after “operations”.

[4] Section 100 Service of notices

Insert “or in a manner that is determined in writing by the Corporation having regard to the object of bringing advertisements of that kind to the attention of the relevant owners” after “premises” in section 100 (5) (a).

2.35 Very Fast Train (Route Investigation) Act 1989 No 44

Section 7 Applications for permits

Omit “published in a newspaper circulating throughout the State and in another newspaper circulating in the locality in which that land is situated” from section 7 (2).

Insert instead “given or published in a manner approved by the Minister having regard to the object of bringing notices of that kind to the attention of any persons who may be owners or occupiers of the relevant land”.

2.36 Waste Avoidance and Resource Recovery Act 2001 No 58

[1] Section 12 Development of waste strategies

Omit “daily newspaper circulating throughout the State” from section 12 (7) (a).

Insert instead “manner that the EPA is satisfied is likely to bring the notice to the attention of members of the public”.

[2] Section 18 Priorities with respect to the implementation of schemes

Omit section 18 (2). Insert instead:

- (2) The advertisement is to be published in a manner that the EPA is satisfied is likely to bring the advertisement to the attention of members of the public.

2.37 Water Act 1912 No 44

[1] Section 11 Notification of application for licence

Omit “to be advertised once in the Gazette and once in a newspaper published and circulating in the district where the work is or is proposed to be situated, a notice containing particulars of the application” from section 11 (1).

Insert instead “a notice containing particulars of the application to be advertised in the Gazette and in such other manner as the Ministerial Corporation is satisfied is likely to bring the notice to the attention of members of the public in the district where the work is or is proposed to be situated”.

[2] Sections 11 (6A) (a), 13A (4), 20A (2) and 20CA (4) (c)

Omit “once in the Gazette and once in a newspaper published and circulating” wherever occurring.

Insert instead “in the Gazette and in such other manner as the Ministerial Corporation is satisfied is likely to bring the holding of the inquiry to the attention of members of the public”.

[3] Section 18G Application for permit

Omit “once in the Gazette and once in a newspaper circulating in the district where the work is or will be situate”.

Insert instead “in accordance with subsection (2)”.

[4] Section 18G (2)

Insert at the end of section 18G:

(2) The notice is to be advertised:

(a) in the Gazette, and

(b) in such other manner as the Ministerial Corporation is satisfied is likely to bring the notice to the attention of members of the public in the district where the work is or will be situated.

[5] Section 20A Notification of application and reference to Secretary or Magistrate

Omit “to be published, once in the Gazette and once in a newspaper published and circulating in the district where the work is or is proposed to be situated, a notice giving particulars of the application” from section 20A (1).

Insert instead “a notice giving particulars of the application to be published in the Gazette and in such other manner as the Ministerial Corporation is satisfied is likely to bring the notice to the attention of members of the public in the district where the work is or is proposed to be situated”.

[6] Section 20E Amended authorities

Omit “to be published, once in the Gazette and once in a newspaper published and circulating in the district where the work is situated, a notice giving particulars of the

application” from section 20E (2) (b).

Insert instead “a notice giving particulars of the application to be published in the Gazette and in such other manner as the Ministerial Corporation is satisfied is likely to bring the notice to the attention of members of the public in the district where the work is situated”.

[7] Section 20Y Invalidation of applications for entitlements

Omit “and in a newspaper circulating in the district in which the water source is located” from section 20Y (1).

Insert instead “(and in such other manner as the Ministerial Corporation is satisfied is likely to bring the notice to the attention of members of the public in the district in which the water source is located)”.

[8] Section 20Z Power of Ministerial Corporation to reduce water allocations in time of shortage

Omit “and in a newspaper circulating in the district in which that water source is located” from section 20Z (1).

Insert instead “(and in such other manner as the Ministerial Corporation is satisfied is likely to bring the notice to the attention of members of the public in the district in which that water source is located)”.

[9] Section 20AI Application for transfer

Omit “newspaper circulating” from section 20AI (3C) (a).

Insert instead “manner that the Ministerial Corporation is satisfied is likely to bring that information to the attention of members of the public”.

[10] Section 22B Restriction or suspension of rights held under licences etc during periods of water shortage

Omit “a newspaper published and circulating” wherever occurring in section 22B (2) and (3).

Insert instead “such other manner as the Ministerial Corporation is satisfied is likely to bring those particulars to the attention of members of the public”.

[11] Section 113 Application for licence

Omit “to be advertised once in the Gazette and once in a public newspaper circulating in the neighbourhood where the bore or the site thereof is situate a notice” from section 113 (2).

Insert instead “a notice to be advertised in the Gazette (and in such other manner as the Ministerial Corporation is satisfied is likely to bring the notice to the attention of members

of the public in the neighbourhood where the bore or the site of the bore is situated)”).

[12] Section 113A Invalidation of applications for licences

Omit section 113A (3) (b). Insert instead:

- (b) in such other manner as the Ministerial Corporation is satisfied is likely to bring the order to the attention of members of the public in the district in which the water shortage zone is situated.

[13] Section 114 Inquiry

Omit “once in the Gazette and once in a public newspaper circulating” from section 114 (1).

Insert instead “in the Gazette and in such other manner as the Ministerial Corporation is satisfied is likely to bring those particulars to the attention of members of the public”.

[14] Section 117E Restriction or suspension of rights held under licences during periods of water shortage

Omit section 117E (4) (b). Insert instead:

- (b) such other manner as the Ministerial Corporation is satisfied is likely to bring the order to the attention of members of the public in the district in which the water shortage zone is situated.

[15] Section 117F Allocation of surplus

Omit section 117F (3) (b). Insert instead:

- (b) such other manner as the Ministerial Corporation is satisfied is likely to bring the order to the attention of members of the public in the district in which the water surplus zone is situated.

2.38 Water NSW Act 2014 No 74

[1] Section 23 Public exhibition of memoranda of understanding

Omit “newspaper circulating” wherever occurring in section 23 (2) and (5).

Insert instead “manner that the regulatory agency concerned is satisfied is likely to bring the notice to the attention of members of the public”.

[2] Section 52 Plans of management

Omit “newspaper circulating throughout New South Wales” from section 52 (2).

Insert instead “manner that the joint sponsors are satisfied is likely to bring the notice to the attention of members of the public”.

Schedules 3-6 (Repealed)

Schedule 7 General savings, transitional and other provisions

1 Effect of amendment of amending provisions

(1) An amendment made by Schedule 1 or 5 to an amending provision contained in an Act or instrument is, if the amending provision has commenced before the Schedule 1 or 5 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.